

Memorandum to the City of Markham Committee of Adjustment

August 31, 2018

File: B/09/18
Address: 28 Aileen Road, Thornhill
Applicant: Shiyang Tan
Agent: Gregory Design Group (Russ Gregory)
Hearing Date: Wednesday September 12, 2018

The following comments are provided on behalf of the West Team:

The applicant is requesting provisional consent to sever and convey a parcel of land with an approximate lot area of 697.3 m² (7,506 ft²) and frontage of 15.92 m (52 ft) (Part 1), while retaining a lot with approximate lot area of 697.3 m² (7,506 ft²) and frontage of 15.92 m (52 ft) (Part 2) (see Appendix 'B'). The applicant proposes to construct two-storey single detached dwellings on both the retained and conveyed lands.

The purpose of this application is to apply for a lapsed consent approved by the Committee of Adjustment on April 05, 2017 (see Appendix 'C'). The proposed lots will be subject to the development standards of the R8 'Eight Density – Single Family Residential' zone in By-law 151-75. Staff comments remain (see Appendix 'D').

PUBLIC INPUT SUMMARY

No written submissions were received as of August 31, 2018. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

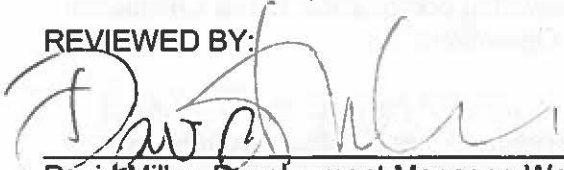
Planning staff have reviewed the proposal within the context of the criteria in Sections 51 (24) and 45 (1) of the *Planning Act* and the Residential Infill Development Criteria in the City's Official Plan, and have no objection to the proposed severance. Staff recommend that the Committee consider public input in reaching a decision.

Please see Appendix "A" for conditions to be attached to any approval of this application

PREPARED BY:


Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:


David Miller, Development Manager, West District
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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/09/18

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/09/18, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
4. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
5. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate.
6. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
7. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations;
8. That the proposed building elevations/addition be designed and constructed in conformity with the requirements of Markham's Bird Friendly Guidelines 2014, and that architectural plans be submitted to the City demonstrating compliance, to the satisfaction of the Tree Preservation Technician or Director of Operations.
9. Submission of an Appraisal Report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot shown as Part 1 on the draft reference plan submitted with the application; to be reviewed and approved by the City; payment of cash-in-lieu of parkland dedication in accordance with By-law 195-90, as amended, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate.

10. Respecting the proposed new residential lot shown as Part 1 on the draft reference plan submitted with the application; and subject to review and approval of this report, payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate
11. The Owner must submit certification from their solicitor indicating whether there are any existing easements or restrictive covenants affecting the subject land, to the satisfaction of the Director of Engineering or designate;
12. The Owner submits certification/drawings from the Owner's Engineering Consultant to identify all existing (water, sanitary and storm) services (if any) for the property and confirm whether these existing service lateral pipes will be reused or abandoned. The applicant must be advised that all abandoned service lateral pipes must be removed or capped to the City's satisfaction;
13. The Owner shall submit for review, a functional servicing drawing indicating how individual water and sewer services are to be provided for each separate parcel of land. The existing service connections for the retained parcel should not cross the proposed severed property. The functional servicing drawing must be stamped, signed and dated by a qualified professional engineer, landscape architect, or surveyor to the satisfaction of the Director of Engineering or designate;
14. The Owner must submit for review, a functional grading drawing indicating whether any existing backyard catch basin or drainage swales within the existing land will be impacted by this proposal. The drawing shall show general grading of the site including major overland flow routes within the lots. The functional grading drawing must be stamped, signed and dated by a qualified professional engineer;
15. The Owner shall enter into a Development Agreement with the City to the satisfaction of the Director of Planning and Urban Design, the City Solicitor, and the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - a) To provide notice to all future owners that the Lands may not be connected to municipal services (water system, sewage system and/or drainage system); that an application to the City and payment for such connection, shall be required prior to the issuance of and as a condition of a building permit; and that the service connections shall be installed by the City;
 - b) Payment of all applicable fees in accordance with the City's fee by-law;
 - c) Erection and inspection by City staff of tree protection fencing, in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - d) Planting of any required replacement trees in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;

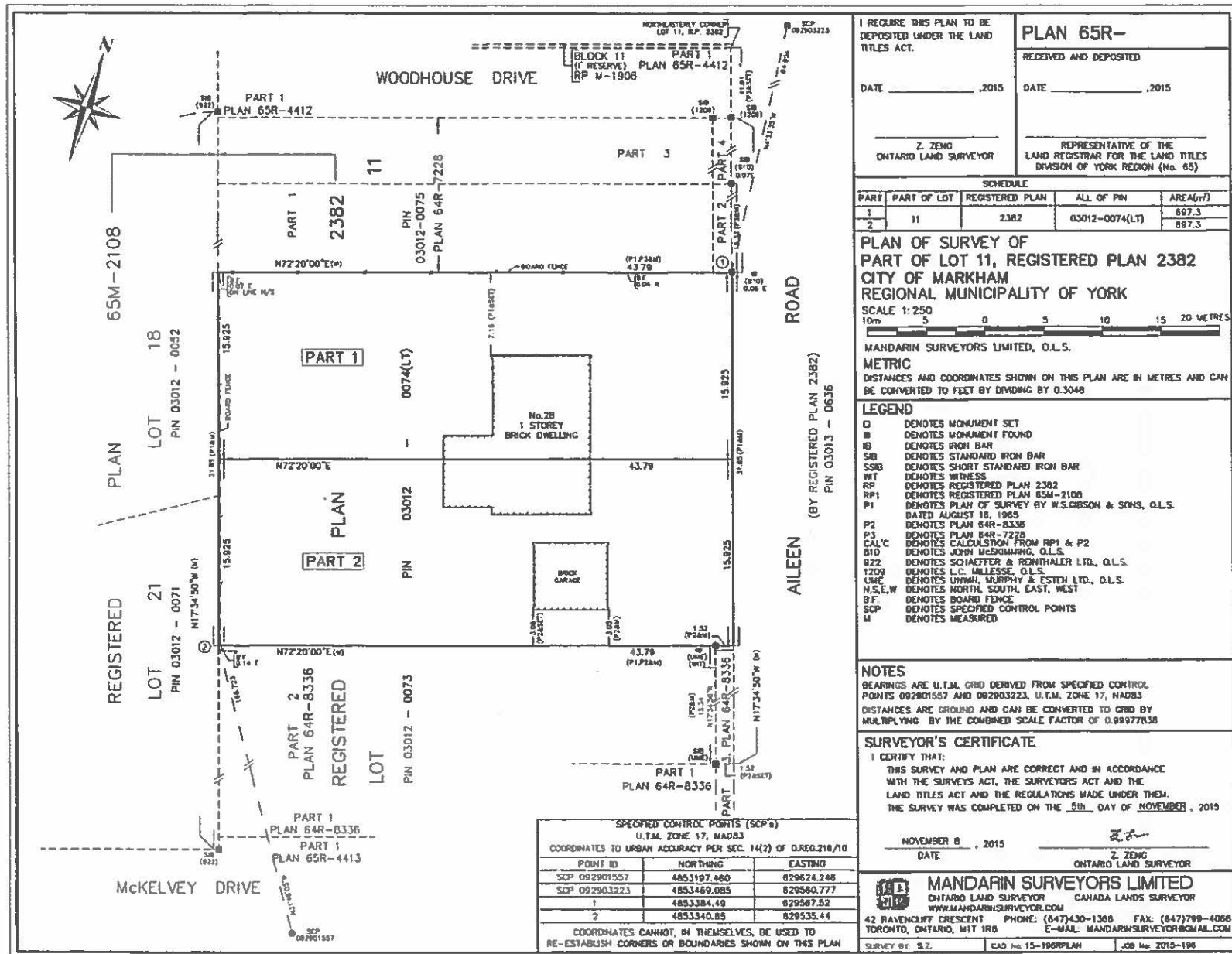
- e) Submission of securities respecting any works to be provided in accordance with the Development Agreement; and,
- f) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate.

16. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects





COMMITTEE OF ADJUSTMENT

NOTICE THAT DECISION IS FINAL AND BINDING

APPLICATION: B/29/16

IN THE MATTER of Section 53 of the Planning Act, R.S.O. 1990, c.P.13 -
and

IN THE MATTER of an application filed by: Shiyong Tan.

**RE: 28 Aileen Road Thornhill
 PLAN 2382 PT LOT 11**

The appeal period for the decision of the Committee of Adjustment in the above matter has expired.

Please be advised that the decision of the Committee to **approve** the application is now final and binding.

This Final and Binding Notice does not indicate that conditions of approval have been satisfied. Please contact the Secretary-Treasurer of the Committee of Adjustment to determine if the conditions of approval have been met, before the issuance of building permit. It is the responsibility of the applicant to ensure that all conditions have been satisfied.

Hearing date: Wednesday, April 5, 2017

Last date for appealing decision: Thursday, April 27, 2017

Dated at the Town of Markham: Friday, April 28, 2017

A handwritten signature in black ink that reads 'Rosanna Punit'.

Rosanna Punit, B.A. (Hons)
Secretary-Treasurer
Committee of Adjustment
Email: Rpunit@markham.ca

Copies of this Notice sent to:
Shiyong Tan
Russ Gregory, Planner

David Miller, West Manager
Daniel Brutto, Planner
Greg Nelson, Zoning and Compliance
Building Inspection
File copy

Memorandum to the City of Markham Committee of Adjustment
March 28, 2017

File: B/29/16
Address: 28 Aileen Road, Markham
Applicant: Shiying Tam
Agent: The Gregory Design Group (Russ Gregory)
Hearing Date: April 5, 2017

The following comments are provided on behalf of the West Team:

PROPOSAL

The applicant is requesting provisional consent to sever and convey a parcel of land with an approximate area of 697.3 m² (7,506 ft²) and lot frontage of 15.92 m (52 ft) (Part 1), while retaining a lot with an approximate area of 697.3 m² (7,506 ft²) and lot frontage of .92 m (52 ft) (Part 2) (see Appendix A – Draft Reference Plan).

The purpose of the application is to create a new residential development lot. The applicant proposes to construct two-storey single detached dwellings on both the retained and conveyed lands (see Appendix B – Siting Plan).

BACKGROUND

Property Description

28 Aileen Road (the "subject property") is located north of John Street, east of Bayview Avenue. The subject property has an area of approximately 0.13 hectares (0.32 acres) and a frontage of 31.85 metres.

The subject property contains a one-storey single detached dwelling with a detached garage. Mature vegetation is located within the front and rear yards (see Appendix C – Aerial Photo).

The subject lands are located within an established low-rise residential community constructed circa 1990. Abutting the subject property to the north, west and south are two-storey single detached dwellings. On the east side of Aileen Road are two-storey single detached dwellings.

2014 Official Plan as partially approved on October 30, 2015 and May 26, 2016 (2014 Official Plan)

The subject property is designated "Residential Low Rise" in the 2014 Official Plan. The "Residential Low Rise" designation provides for single detached dwellings and was brought into force through the Ontario Municipal Board Order issued on May 26, 2016. The 2014 Official Plan contains development criteria (Section 8.2.3.5) regarding infill development to ensure it respects and reflects the existing pattern and character of adjacent development.

Zoning By-law 151-75

The subject lands are zoned "Eighth Density – Single Family Residential (R8)" by By-law 151-75, as amended, which permits one single family detached dwelling per lot.

COMMENTS/DISCUSSION

In June 2016 a zoning by-law amendment to remove the Hold (H) provision from the zoning of the subject property in order to facilitate the severance proposal was approved by Council.

The proposed lots will be subject to the development standards of the R8 zone in By-law 151-75. Both the retained and conveyed parcels exceed the minimum lot frontage and area requirements under the zoning by-law. The siting plan submitted appears to comply with the applicable development standards.

Staff note a Tree Assessment and Preservation Plan has been submitted to the City in response to Staffs' request to explore opportunities to preserve the mature vegetation on the subject property. As a condition of approval the Tree Assessment and Preservation Plan will be reviewed and approved by the City.

PUBLIC INPUT SUMMARY

One written submission in support and one written submission opposed to the application have been received as of March 28, 2017.

CONCLUSION


Staff note the proposal exceeds the minimum lot frontage and area requirements and is consistent with the established lot fabric in the area. Staff have had regard for the criteria in Section 51 (24) of the Planning Act for reviewing severance applications and do not object to its approval. It is recommended that the Committee consider public input in reaching a decision. Please see Appendix 'D' for conditions to be attached to any approval of this application.

PREPARED BY:



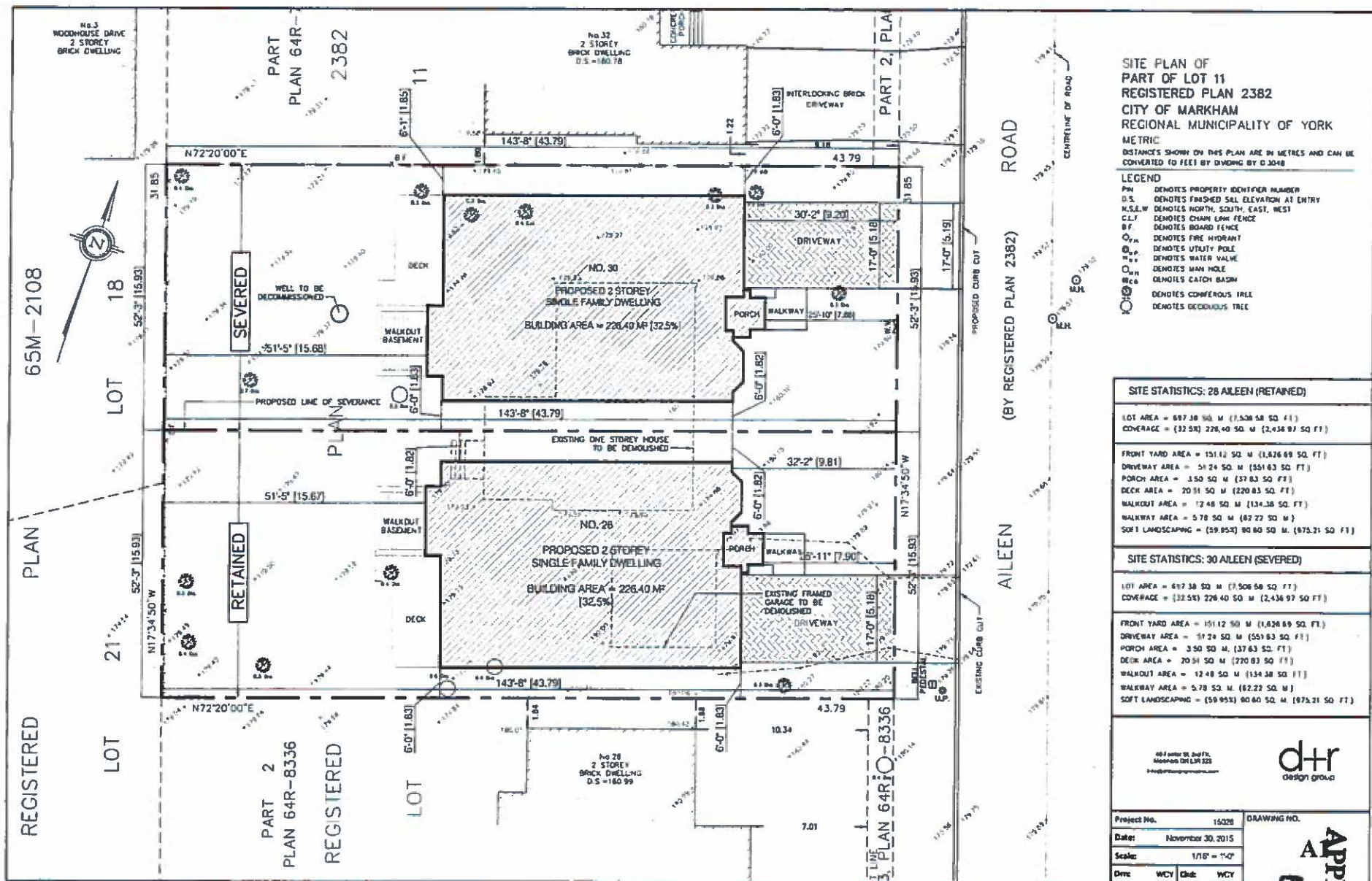
Daniel Brutto, Planner, West District

REVIEWED BY:



Dave Miller, Manager, West District

- Appendix A – Draft Reference Plan
- Appendix B – Siting Plan
- Appendix C – Aerial Photo
- Appendix D – Conditions of Approval



Aerial Photo



APPENDIX

D

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE B/29/16

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled;
2. Submission to the Secretary-Treasurer of the required transfers to effect the severance applied for under File B/29/16, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject lands, which conforms substantially to the application as submitted;
4. Payment of the required Conveyance Fee for the creation of a residential lot per City of Markham Fee By-law 211-83, as amended;
5. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his/her satisfaction of, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
6. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Director of Planning and Urban Design or their designate;
7. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
8. Submission of an Appraisal Report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot shown as Part 1 on the draft reference plan submitted with the application; to be reviewed and approved by the City; payment of cash-in-lieu of parkland dedication in accordance with By-law 195-90. As amended. And that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design of designate;
9. respecting the proposed new residential lot shown as Part 1 on the draft reference plan submitted with the application; and subject to review and approval of this report, payment of cash-in-lieu of Parkland Dedication in accordance with


By-law 195-90, as amended, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;

10. The Owner must submit certification from their solicitor indicating whether there are any existing easements or restrictive covenants affecting the subject land, to the satisfaction of the Director of Engineering or designate;
11. The Owner submits certification/drawings from the Owner's Engineering Consultant to identify all existing (water, sanitary and storm) services (if any) for the property and confirm whether these existing service lateral pipes will be reused or abandoned. The applicant must be advised that all abandoned service lateral pipes must be removed or capped to the City's satisfaction;
12. The Owner shall submit for review, a functional servicing drawing indicating how individual water and sewer services are to be provided for each separate parcel of land. The existing service connections for the retained parcel should not cross the proposed severed property. The functional servicing drawing must be stamped, signed and dated by a qualified professional engineer, landscape architect, or surveyor to the satisfaction of the Director of Engineering or designate;
13. The Owner must submit for review, a functional grading drawing indicating whether any existing backyard catch basin or drainage swales within the existing land will be impacted by this proposal. The drawing shall show general grading of the site including major overland flow routes within the lots. The functional grading drawing must be stamped, signed and dated by a qualified professional engineer;
14. The Owner shall enter into a Development Agreement with the City to the satisfaction of the Director of Planning and Urban Design, the City Solicitor, and the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - a) To provide notice to all future owners that the Lands may not be connected to municipal services (water system, sewage system and/or drainage system); that an application to the City and payment for, such connection, shall be required prior to the issuance of and as a condition of a building permit; and that the service connections shall be installed by the City;
 - b) Payment of all applicable fees in accordance with the City's fee by-law;

- c) Erection and inspection by City staff of tree protection fencing, in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
- d) Planting of any required replacement trees in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
- e) Submission of securities respecting any works to be provided in accordance with the Development Agreement; and,
- f) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate.

15. Fulfillment of conditions #1-14 within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

CONDITIONS PREPARED BY:



Daniel Brutto, Planner, West District