

Memorandum to the City of Markham Committee of Adjustment
October 1, 2018

File: B/11/18
Address: 4671 14th Ave Markham
Applicant: Noble Homes Corporation (Ivan Zhong)
Agent: Archwell Design Inc. (Steven Duong)
Hearing Date: Wednesday October 10, 2018

The following comments are provided on behalf of the Central Team in support of the proposal:

The applicant is requesting provisional consent to:

- a) Sever and convey a parcel of land with approximate lot frontage of 15.59 m and approximate lot area of 842.5 m² (Part 2); and,
- b) Retain a parcel of land with approximate lot frontage of 15.59 m and approximate lot area of 842.36 m² (Part 1).

The purpose of this application is to create a new residential lot.

BACKGROUND

Property Description

The subject property is located on the south side of 14th Avenue, east of Kennedy Road and is municipally known as 4671 14th Avenue (Appendix C). The subject lands contain a one-storey, single detached dwelling constructed in 1965. The subject property has an area of approximately 0.177 ha (0.437 ac), and has a 31.4 m (103 ft) frontage along 14th Avenue (Appendix D).

The subject property is located within the Milliken neighbourhood, and is surrounded by low density residential development comprised of single-detached dwellings. Mature vegetation is a predominant feature of the property and of the surrounding area.

Proposal

The applicant proposes to demolish the existing one-storey, single-detached dwelling, and construct two, two-storey dwellings, of approximately 502 m² (5,400 ft²), on each of the proposed lots (Appendix F). To facilitate the development of the new dwellings, the applicant is proposing to sever and convey a parcel of land with an approximate lot frontage of 15.59 m (51 ft), and lot area of 842.5 m² (9,069 ft²), and retain a parcel of land with an approximate lot frontage of 15.59 m (51 ft), and lot area of 842.36 m² (9,067 ft²). Additionally, the applicant proposes to convey 90.14 m² (970 ft²) along the property's 14th Avenue frontage to the Region of York for future public highway purposes.

COMMENTS

Official Plan & Zoning

New Official Plan 2014 (partially approved on Oct 30, 2015, and May 26, 2016)

The subject lands are designated "Residential – Low Rise" in the 2014 Official Plan, which provides for a variety of grade related, low density housing forms, including single detached dwellings as proposed.

This type of infill development is required to meet the general intent of the 2014 Official Plan with respect to lot frontage, lot area, height, massing, and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties along the same street. Regard shall also be had for retention of existing trees and vegetation, and the width of proposed garages and driveways. Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-law 193-81

The subject property is zoned "Suburban Residential Second Density" (SUR 2) under By-law 193-81, as amended, which typically permits single family residential dwellings on lots with a minimum frontage of 30 m (98 ft), and a minimum lot area of 0.2 ha (0.5 ac).

However, a site specific zoning by-law amendment (By-law 2018-125 – Appendix D) was passed on September 12, 2018 to facilitate the severance and future construction of the two proposed single-detached dwellings. The by-law amendment includes special zone provisions including minimum lot frontages of 15 m (49.2 ft), minimum lot areas of 0.08 ha (0.19 ac), and permission for a hammerhead driveway extension to provide vehicular access onto 14th Avenue. Staff note that the appeal period for By-law 2018-125 ends on October 11, 2018, and as a result, a condition of severance is that the zoning by-law amendment be enacted in full force and effect.

Discussion

The proposed lots comply with the provisions of By-law Amendment 2018-125. The draft reference plan submitted in support of this application (Appendix F), appears to comply with the applicable development standards set out in this by-law.

The City's Engineering department advises that in conjunction with the building permits for reach individual lot, the Owner will be required to submit a separate site servicing and grading plan for review and approval by the City. At such time, the Owner must also make satisfactory arrangements with the City's Engineering Department - Municipal Inspections for the installation of the proposed sanitary, storm and watermain service connections to service the newly created lot and disconnect any unused service connection.

Urban Design Staff have reviewed the application and have no comments. Tree related issues including but not limited to the preservation and removal of trees, fencing, and compensation, will be dealt with at the building permit stage through the City's Operations department.

PUBLIC INPUT SUMMARY

One written submission opposed to the application has been received as of October 2, 2018. Concerns cited in the written submission include the proposal's incompatibility with the lot fabric that currently exists on this portion of 14th Avenue, and increased traffic.

CONCLUSION

Staff note that the proposal meets the development standards that were implemented in a recently adopted site specific by-law. In concluding that the proposal is appropriate, 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. As a condition of severance approval, the Owner is required to provide cash-in-lieu of parkland based on the creation of one additional lot. It is recommended 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:



Luis Juarez, Planner, Central District

REVIEWED BY:



Richard Kendall, Development Manager

Appendix A – Conditions of Approval
Appendix B – York Region Conditions
Appendix C – Aerial Photo
Appendix D – Zoning By-law Amendment 2018-125
Appendix E – Existing Survey
Appendix F – Draft Reference Plan

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/11/18

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/11/18, 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. 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 2 on the draft reference plan (Appendix F) 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;
5. Subsection 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
6. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended;
7. That Zoning By-law Amendment 2018-125 be enacted in full force and effect;
8. That the applicant satisfies the requirements of York Region, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix B to this Staff Report, to the satisfaction of the York Region, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of York Region;
9. Make satisfactory arrangements with the Director of Engineering or his or her designate to confirm that there are no existing easements registered on title in favour of the City that will be impacted by the proposed severance;

10. 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. Payment of all applicable fees in accordance with the City's fee by-law;
- b. 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;
- c. Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (The "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City; and,

11. 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:

Juarez

Luis Juarez, Planner, Central District



Corporate Services

File No.: B/11/18

September 19, 2018

Justin Leung
Secretary-Treasurer, Committee of Adjustment
City of Markham
101 Town Centre Blvd.
Markham, ON,
L3R 9W3

RE: Consent Application B/11/18
Submitted by: Noblee Homes Corporation
4671 14th Avenue
City of Markham

The Regional Municipality of York has completed its review of the above noted consent application B/11/18. The subject site is municipally known as 4671 14th Avenue and is located on the south side of 14th Avenue, east of Kennedy Road, in the City of Markham.

The site is designated as Urban on Map 1 of the York Region Official Plan 2010 (YROP-2010). Further the Region is protecting for a 43 metre(s) right-of-way along the frontage of this section of 14th Avenue for the purpose of a road widening as per Section 7.2.49 of the YROP-2010.

The Region has no comment with respect to the consent application subject to the following conditions:

1. The Region requests that the City of Markham confirm through email that adequate water supply and sewage capacity has been allocated for the proposed lot(s).
2. The Owner is advised that a 900 mm diameter watermain is located within the 14th Avenue Right of Way in the vicinity of the subject site. Integrity of the watermain shall be protected at all times during construction activities related to the proposed development. The owner shall contact Frank Badinski via email at frank.badinski@york.ca two weeks prior to any construction within the 14th Avenue Right of Way.
3. The Owner understands and agrees that any proposed access to 14th Avenue shall be provided at the sole discretion of the Region and at a location also determined by the Region on the existing or newly created lots of the subject lands. Such access (if allowed) is subject

to detailed design and the Region will not be responsible for any cost associated with the access. Please contact permits@york.ca for inquiries for permitting accesses on regional roads (new development access) for existing development access please contact the Development Review Engineer.

4. Prior to final approval, the Owner shall convey the following lands to York Region for public highway purposes free of all costs and encumbrances, to the satisfaction of the Regional Solicitor:
 - a. A widening across the full frontage of the site where it abuts 14th Avenue of sufficient width to provide a minimum of 21.5 metres from the centre of construction of 14th Avenue
5. The Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of these lands to York Region.
6. The Owner shall arrange for the preparation, review and deposit on title of a reference plan describing the lands to be conveyed to the Region, as described above, to the satisfaction of the Regional Planning and Economic Development Branch.
7. The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste

of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

8. This application is subject to York Region's development applications processing fee in accordance with (By-law 2010-15). The review fee for Consent to Sever is \$810. The fee for Review and Approval of Environmental Site Assessment Report fee is \$1,500. These fees are required to proceed with the review.

The owner shall provide the Region with a cheque made payable to "The Regional Municipality of York" and forwarded to the Development Review Coordinator, Planning and Economic Development Branch.

9. Prior to final approval, the Planning and Economic Development Branch shall certify that Conditions 1-8 have been met to its satisfaction.

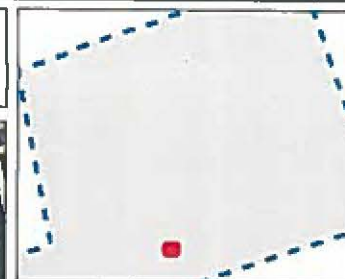
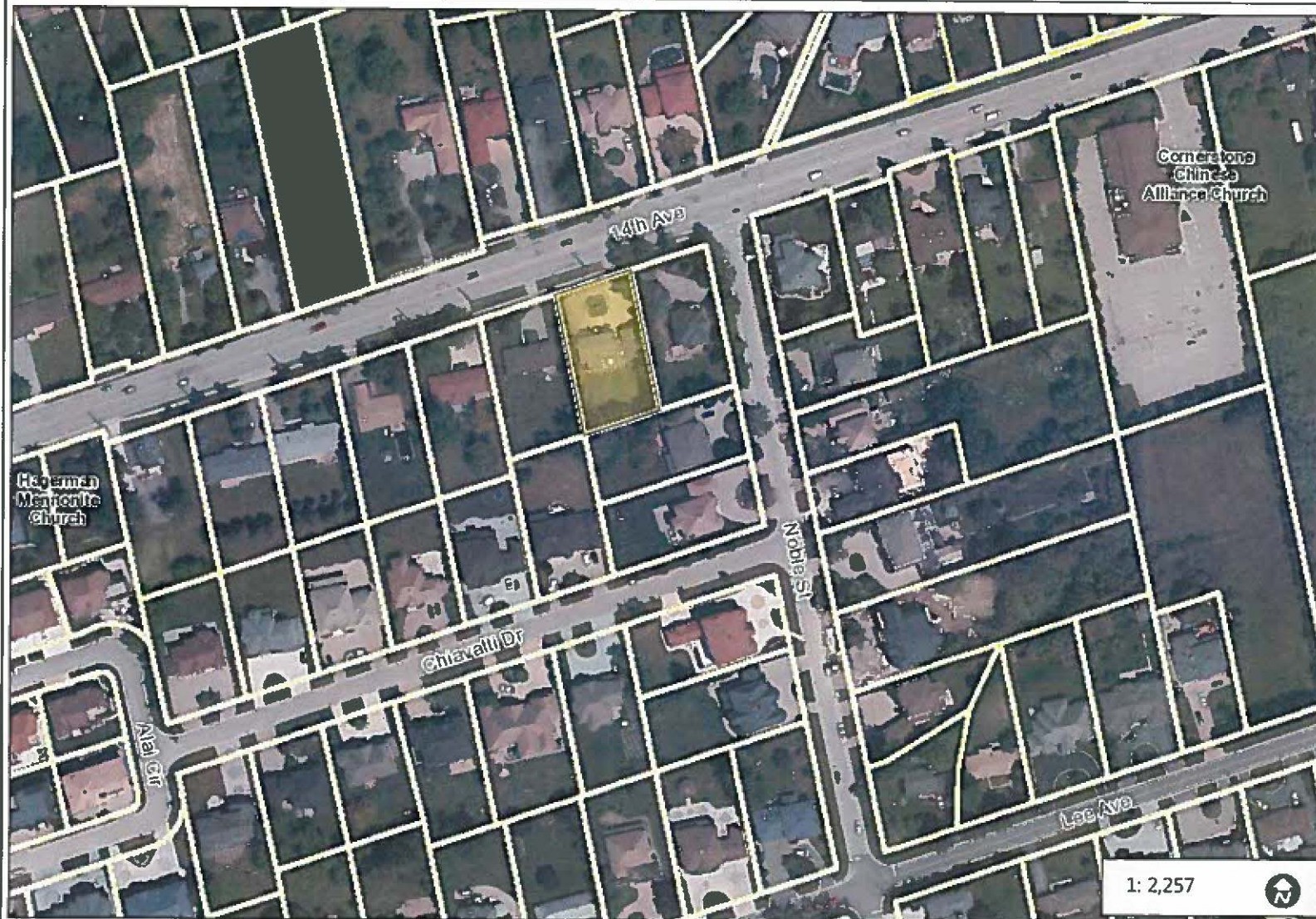
With respect to the conditions above, we request a copy of the Notice of Decision when it becomes available.

Should you have any questions regarding the above, please contact Planner on File Gabrielle Hurst at extension 71538 or through electronic mail at gabrielle.hurst@york.ca

Regards,



Gabrielle Hurst, Associate Planner, Programs and Process Improvement,
Planning and Economic Development Branch, Regional Municipality of York



Legend

- Road Attributes
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities

Notes

114.7 0 57.33 114.7 Meters

NAD 1983 UTM Zone 17N
City of Markham

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 2,257





By-law 2018-125

A By-law to amend By-law 193-81, as amended

The Council of the Corporation of the City of Markham hereby enacts as follows:

1. By-law 193-81, as amended, is hereby further amended as it applies to the lands outlined in Schedule 'A' as follows:

- 1.1 By adding the following subsection to Section 7- EXCEPTIONS to the lands outlined on Schedule 'A' attached hereto

"7.27 Noble Homes Corporation
4671 14th Avenue

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted on Schedule 'A' to this by-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

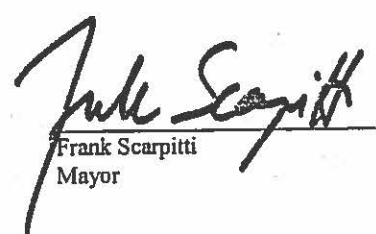
7.27.1 **Special Zone Provisions**

The following special zone provisions shall apply:

- a) Minimum LOT FRONTAGE – 15 m
- b) Minimum LOT AREA – 0.08 ha
- c) Minimum SIDE YARD – 1.9 m on one side and 1.25 m on the other side
- d) Maximum LOT COVERAGE – 35%
- e) Minimum SETBACK to the centre line of any arterial road or Provincial Highway – 31 m
- f) A *driveway* shall include a hammerhead extension for vehicular access to 14th Avenue subject to the following requirements:
 - i) Maximum width of the hammerhead extension of the *driveway* – 2.4 m
 - ii) Maximum length of a hammerhead extension perpendicular from the *driveway* – 3.2 m
 - iii) Maximum *driveway* width including a hammerhead extension – 9.55 m;
 - iv) Minimum setback of a hammerhead extension from the *front lot line* – 3.6 m
 - v) *Interior side yard* setback for a *driveway* – 0 m

Read a first, second and third time and passed on September 12, 2018.


Kimberley K. McInerney
City Clerk


Frank Scarpitti
Mayor

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PART

DRIVER

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ART 5, I

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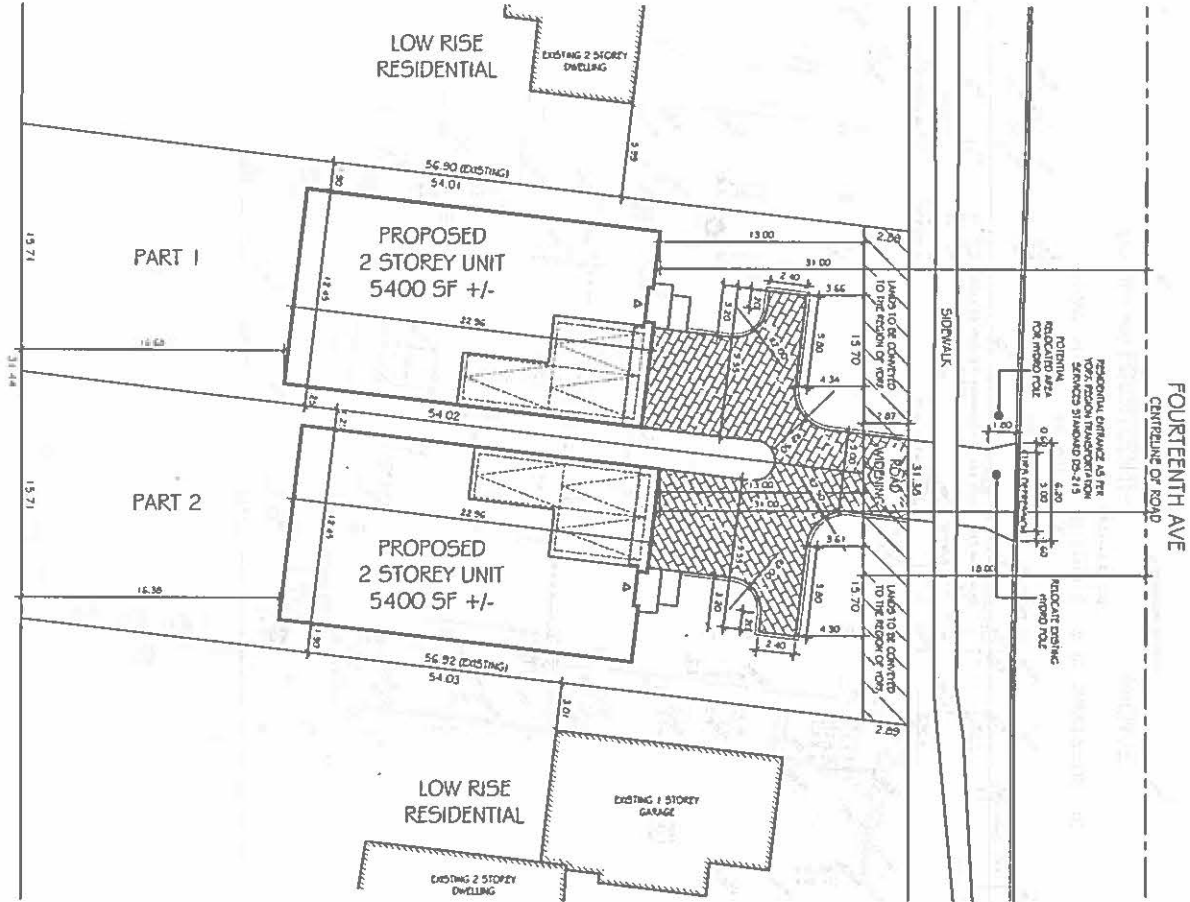
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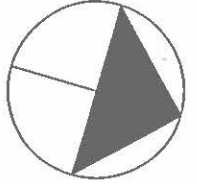
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THIS PLAN IS 100%
UNLESS IT IS AMENDED
BY THE BOARD OF DIRECTORS
AND IS NOT TO BE
REVIEWED BY THE
COURTS



PROPOSED LOT SEVERANCE 4671 FOURTEENTH AVE, MARKHAM, ON			
ZONE REQUIREMENT (SUR 2 by-law 193-01)	REQUIRED	PROPOSED	PROPOSED
		PART 1	PART 2
MINIMUM LOT FRONTAGE	30 m	15.59 m	15.59 m
MAXIMUM HEIGHT	11 m	11.00 m	11.00 m
ROAD WIDENING AREA	-		90.14 m ²
TOTAL LOT AREA (W/O ROAD WIDENING)	-		1684.86 m ²
MINIMUM LOT AREA	2000 m ²	842.36 m ²	842.50 m ²
MAXIMUM LOT COVERAGE	25 %	34.11 %	34.10 %
FLOOR AREA RATIO	-	0.60	0.60
MINIMUM FRONT YARD	0 m	13.00 m	13.00 m
MINIMUM REAR YARD	0 m	16.68 m	16.38 m
MINIMUM SIDE YARD	3 m	1.9 m + 1.25 m	1.9 m + 1.25 m
SETBACK FROM CENTRELINE OF ROAD	36 m	31.00 m	31.00 m
LANDSCAPED AREA		455.03 m ² (54.02%)	456.20 m ² (54.15%)



#	REVISION	DATE	DRA
1	SEVERANCE APPLICATION	AUG 27/15	SD



8333 Kennedy Road, Unit 2017
Markham, Ontario, L3R 1J5
www.archwelldesign.com

PROJECT	14th AVE
LOCATION	MARSHAM, CN
DRAWING	SITE PLAN
SCALE	1:300
PAGE	1 OF 1