

Memorandum to the City of Markham Committee of Adjustment
January 25, 2019

File: B/25/18
Address: 27 Hughson Dr Markham
Applicant: Ulisse Torelli & Rosemary Torelli
Agent: Marcus Gagliardi
Hearing Date: Wednesday, February 06, 2019

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

Consent Application B/25/18

The applicant is requesting provisional consent to:

- a) Sever and convey a parcel of land with a lot frontage of 16.34 m and an approximate lot area of 698 m² (Part 1);
- b) Retain a parcel of land with a lot frontage of 16.34 m and an approximate lot area of 698 m² (Part 2).

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

BACKGROUND

Property Description

The 1,396 m² subject property is located on the north side of Highway 7 East, east of Woodbine Avenue. The surrounding area consists of one and two storey detached dwellings on larger lots (Appendix "B"). The property contains an existing one-storey detached dwelling with an attached single car garage and a storage shed. Mature vegetation surrounds the east and west perimeter of the property and is a predominant characteristic of the neighbourhood.

Proposal

The applicant is proposing to sever and convey a parcel of land with an approximate lot frontage of 16.34 m, and an approximate lot area of 698 m², while retaining a parcel of land with an approximate lot frontage of 16.34 m, and an approximate lot area of 698 m², to facilitate the development of two residential lots (Appendix "C"). The existing one-storey residential dwelling and shed on the site will be demolished as part of the proposed development. New dwelling units are not yet proposed as part of this application, however the Owner intends to construct two single detached dwellings that comply with the applicable zoning standards once the property is severed.

Official Plan and Zoning

Official Plan 2014 (partially approved on Nov. 24/17, and further updated on April 09/18)

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. Infill development is required to meet the general intent of the 2014 Official Plan with respect to 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 and properties along the same street.

The two proposed dwellings conform to the Residential Low Rise criteria in the City of Markham's Official Plan.

Zoning By-law

The subject property is zoned "Third Density – Single Family Residential" (R3*2) within By-law 221-81, as amended by By-law 2012-13, which permits single family dwellings.

OMB Order Relating to By-law 2012-13

On August 8, 2012, the Ontario Municipal Board (OMB) issued a decision as it relates to appeals in connection with a By-law (By-law 2012-13) enacted by the City of Markham. The purpose of the By-law is to introduce a series of zoning standards to the subdivision in which the subject lands are situated, so that redevelopment can proceed subject to updated standards. As it relates to lot division, the By-law provides a performance standard for minimum lot frontage set out as 50% of the lot frontage of a lot of record existing on the date of the passing of the by-law amendment, as well as a standard for minimum lot area, also set at 50% of a lot of record existing on the date of the passing of the by-law amendment.

The conveyed development lot (Part 1), and the retained development lot (Part 2), comply with amending By-law 2012-13.

COMMENTS

Consent Application B/25/18

The proposed development lots, as outlined in the draft reference plan (Appendix "C"), comply with the minimum 50% lot frontage and lot area of a lot of record existing provision established in amending zoning By-law 2012-13, as it relates to lot creation. Staff note that the neighbourhood is experiencing a transition towards new residential homes on newly created lots, and that the lots proposed as part of this application will be compatible with other recently created lots in the neighbourhood and zoning criteria for lot area and frontage.

Notwithstanding, the City's Engineering department advises that in conjunction with the building permits for each 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 by the City's Operations department through the Residential Infill Grading and Servicing process.

PUBLIC INPUT SUMMARY

No written submissions related to this application have been received as of January 25, 2019. 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

In concluding that the proposal is appropriate, Staff have had regard for the criteria in Section 51 (24) of the Planning Act and have no objection to the proposed consent application (B/25/18). Furthermore, Staff are of the opinion that the consent requested will not result in the development of dwellings that are incompatible with the surrounding context.

Please see Appendices "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

Appendices

Appendix "A" – Conditions of Approval (B/25/18)

Appendix "B" – Location & Zoning Map

Appendix "C" – Draft Reference Plan

Appendix "D" – Legal Survey

File Path: Amanda\File\18 258807\Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/25/18

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 File B/25/18, 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. That the Owner submits a Tree Assessment and Preservation Plan prepared by a qualified Arborist in accordance with the City's Streetscape Manual (2009), as amended from time to time to the satisfaction of the Director of Planning and Urban Design, or their designate.
5. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree protection fencing is erected in accordance with the City's Streetscape Manual (2009), as amended from time to time and inspected to the satisfaction of the Director of Planning and Urban Design, or their designate.
6. That subject to the review and approval of a Tree Assessment and Preservation Plan, tree replacements are provided and/or tree replacement fees area paid to the City, if required by the Director of Planning and Urban Design, or their designate.
7. 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.
8. Confirmation that there are no existing easements registered on title in favour of the City that will be impacted by the proposed severance, to the satisfaction of the director of Engineering or his designate.

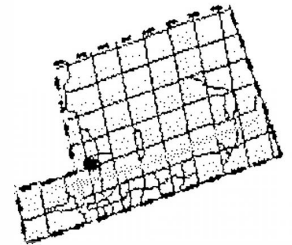
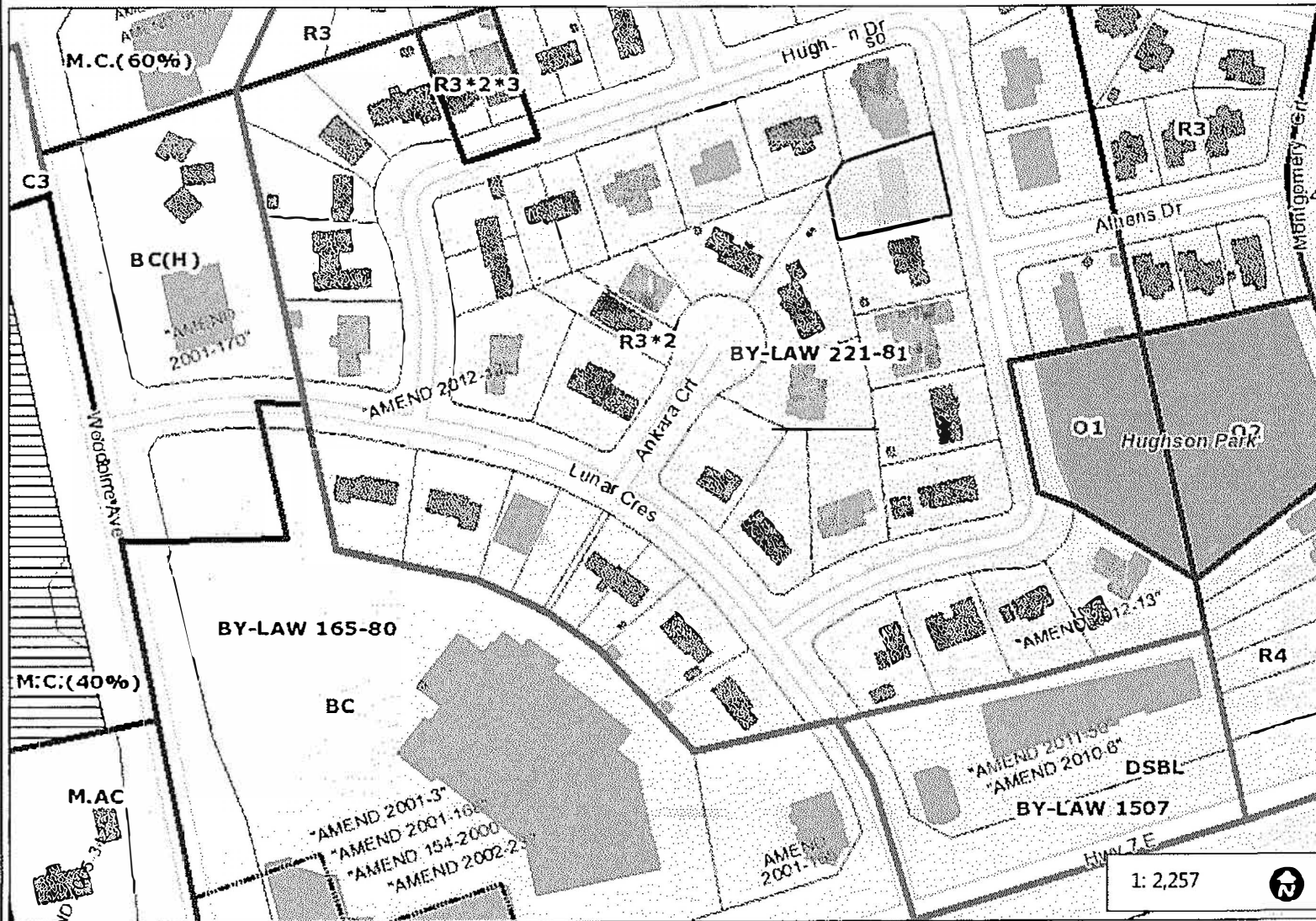
9. Submission of a functional servicing plan to demonstrate how individual water and sewer services will be provided for the severed lot (Part 1), to the satisfaction of the Director of Engineering or his designate.
10. Submission of a functional grading plan to demonstrate that the proposed grades will be compatible with the existing grades, to the satisfaction of the Director of Engineering or his designate.
11. That 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. Siting of buildings, garages/driveways, lot grading and servicing plans as they relate to preservation of vegetation and replacement plantings, subject to review and approval by the Director of Planning and Urban Design;
 - b. 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;
 - c. Submission of cost estimate(s) respecting any landscape works required and Urban Design fees in accordance with the City's fee by-law;
 - d. Payment of any applicable processing fees as identified by the City; and,
 - e. 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.

12. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended.
13. 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.
14. 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:



Luis Juarez, Planner, Central District



Legend

-  Site SP Boundary
-  Road Attributes
-  Parent By-laws
-  Zoning Designations
-  Zoning and Official Plan
-  Site Plan Application
-  Site Plan Agreement
-  Subdivision Application
-  Subdivision Agreement
-  Building Footprints
-  Ponds
-  Creeks
-  Rivers
-  Parcel (MPAC)
-  Park Facilities

1: 2,257



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

Notes

4556

HUGHSON DRIVE
(BY REGISTERED PLAN 4556)
PIN 03045 - 0230

LOT 37 #
LOT 38
LOT 38
24.10 (W)
24.34 (W)
24.34 (W)
24.34 (W)

2400 MIDLAND AVENUE #121 PHONE: (647)430-1586 FAX: (647)799-4068
TORONTO, ONTARIO, M1S 1X7 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: 52.	CAD No: 18-311RPLAN	JOB No: 2018-311
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APPENDIX D

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2061650

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
IN ACCORDANCE WITH
REGULATION 1225, SECTION 29(3)



HUGHSON DRIVE
(BY REGISTERED PLAN 4556)

4556

SURVEYOR'S REAL PROPERTY REPORT PART 1 - PLAN OF LOT 34 REGISTERED PLAN 4556 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK

SCALE 1:250

MANDARIN SURVEYORS LIMITED, O.L.S. ©

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- ▨ DENOTES STANDARD IRON BAR
- ▧ DENOTES IRON BAR
- ▩ DENOTES IRON PIPE
- DENOTES REGISTERED PLAN 4556
- P1 DENOTES PLAN OF SURVEY BY R. P. LEEPER, O.L.S.
DATED JUNE 29, 1955
- P2 DENOTES PLAN OF SURVEY BY R. G. MCKIBBON LTD., O.L.S.
DATED JUNE 20, 2005
- P3 DENOTES PLAN OF SURVEY BY W.S. GIBSON & SONS, O.L.S.
DATED JULY 4, 1955
- PN DENOTES PROPERTY IDENTIFIER NUMBER
- M DENOTES MEASURED
- N.S.E.W DENOTES NORTH, SOUTH, EAST, WEST
- B.F. DENOTES BOARD FENCE
- 1157 DENOTES R. G. MCKIBBON LTD., O.L.S.
- W.S.G. DENOTES W.S. GIBSON & SONS, O.L.S.
- OU DENOTES ORIGIN UNKNOWN
- NI DENOTES NOT IDENTIFIABLE
- STU DENOTES TIE TO STUCCO
- D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
- N.S.E.W DENOTES NORTH, SOUTH, EAST, WEST
- ONW DENOTES OVERHEAD WIRE
- U.P. DENOTES UTILITY POLE
- W.V. DENOTES WATER VALVE
- M.H. DENOTES MAN HOLE
- C.B. DENOTES CATCH BASIN
- S.B. DENOTES BELL BOX
- DENOTES CONIFEROUS TREE
- DENOTES DECIDUOUS TREE

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.

BEARINGS ARE U.T.M. GRID DERIVED FROM SPECIFIED CONTROL
POINTS 082143019 AND 082143021, U.T.M. ZONE 17, MAG83

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETTIC AND ARE REFERRED TO THE CITY
OF MARKHAM BENCHMARK NO.002143019, HAVING AN ELEVATION OF 163.268 M.
BRASS TABLET SET IN CONCRETE SIDEWALK 18.5 METRES WEST SIDE OF
CENTRELINE OF WOODBINE AVENUE AND 33.5 METRES NORTH SIDE OF
CENTRELINE OF HIGHWAY 7.

PART 2 (SURVEY REPORT)

1. REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: NONE.
2. ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND
THE NORTHERLY, SOUTHERLY AND WESTERLY LIMITS OF THE SUBJECT
PROPERTY.
3. THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

THIS REPORT WAS PREPARED FOR TORELLI, ROSEMARY AND THE UNDERSIGNED
ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE
REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 1st DAY OF OCTOBER, 2018

OCTOBER 28, 2018
DATE

Z. ZENG
ONTARIO LAND SURVEYOR

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ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR
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SURVEY BY: S.Z. CAD No: 18-3115RPN JOB No: 2018-311

HUGHSON DRIVE
(BY REGISTERED PLAN 4556)