

# Memorandum to the City of Markham Committee of Adjustment

February 27, 2024

**File:** B/002/24  
**Address:** 38 Dove Lane, Thornhill  
**Applicant:** Agathom Co (Ziju Xian)  
**Hearing Date:** May 1, 2024

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

Pursuant to the provisions of Section 53 of the Planning Act, R.S.O. 1990, cP.13, as amended, and Ontario Regulation No. 197/96, the Applicant is requesting provisional consent to:

- a) **Sever and convey** a parcel of land (Part 2) with an approximate lot frontage of 19.12 metres and an approximate lot area of 923 square metres; and
- b) **Retain** a parcel of land (Part 1) with an approximate lot frontage of 20.71 metres and an approximate lot area of 1159.8 square metres.

The purpose of the Consent application (the "Application") is to facilitate the severance of the subject lands, which are currently functioning as a single parcel municipally addressed as 38 Dove Lane, for the purposes of establishing one (1) new residential lot. The applicant does not have any plans for future development on the severed parcel (Part 2). The retained parcel (Part 1) will remain undeveloped.

## BACKGROUND

### Property Description

The 2,082.90 m<sup>2</sup> (22,420.15 ft<sup>2</sup>) subject lands are located on the west side of Dove Lane, south of John Street and east of Henderson Avenue. (Refer to Appendix 'B' – Aerial Photo)

The Subject Lands, measuring 39.82 m (130.64 ft) in frontage, are situated within an established residential neighborhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill. There is an existing two-storey single detached dwelling on the Subject Lands, which according to assessment records, was constructed in 1956. The subject property is located outside of the Thornhill-Markham Heritage Conservation District.

### Proposal

The Applicant is proposing to sever the existing residential lot into two residential lots (refer to Appendix 'C' – Draft Reference Plan). The retained lot (Part 1) will have a lot area of 1,159.80 m<sup>2</sup> (12,483.98 ft<sup>2</sup>), a lot depth of 55.59 m (182.38 ft) and a lot frontage of 20.71 m (67.95 ft). The conveyed lot (Part 2) will have a lot area of 923 m<sup>2</sup> (9,935.09 ft<sup>2</sup>), a lot depth of 56.17 m (184.29 ft), and a lot frontage 19.12 m (62.73 ft). The proposed severance will facilitate the creation of one new residential lot (Part 2). Both the severed parcel (Part 2) and the retained parcel (Part 1) will remain undeveloped for the time being.

## COMMENTS

Official Plan 2014 (Partially approved on November 24/17, and updated on April 9/18)

The 2014 Official Plan designates the Subject Lands “Residential Low Rise”, which provides for low rise housing forms, including single detached dwellings. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for “Residential Low Rise” designation to ensure infill development respects and reflects the existing pattern and character of the surrounding neighborhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation. Section 10.3.2.4 of the Official Plan outlines criteria for provisional consents which include but are not limited to:

- a. The lot(s) can be adequately serviced;
- b. No extension, improvement or assumption of municipal services, public streets, or new street allowance is required;
- c. The lot(s) will have frontage on a public street;
- d. The lot(s) will not restrict the ultimate development of adjacent lands;
- e. The size and shape of the lot(s) conform with the requirements of the zoning by-law, is appropriate to the use proposed and is compatible with adjacent lots

Engineering staff note that the lots have adequate servicing and does not require the extension of municipal services, public streets or infrastructure. Staff are of the opinion that the proposed severance complies with all the intents of the 2014 Official Plan, and that the proposed severed and retained lots will be compatible with the lot pattern of the existing neighborhood.

### Zoning By-Law 2237, as amended

The Subject Lands are zoned “Third Density Single Family Residential” (R3) under Zoning By-Law 2237, as amended, which permits one single detached dwelling per lot. This zone category requires lots to have a minimum frontage of 18.29 m (60 ft) and a lot area of 696.77 m<sup>2</sup> (7,500 ft<sup>2</sup>). Provided below is a table that summarizes the requirements of the Zoning By-Law and the statistics of the Proposed Lots. (Refer to Table 1)

Municipal Address	Required Lot Frontage	Proposed Lot Frontage	Required Lot Area	Proposed Lot Area
38 Dove Lane (Part 1)	18.29 m (60 ft)	20.71 m (67.95 ft)	696.77 m <sup>2</sup> (7,500 ft <sup>2</sup> )	1,159.80 m <sup>2</sup> (12,483.98 ft <sup>2</sup> )
38 Dove Lane (Part 2)		19.12 m (62.73 ft)		923.00 m <sup>2</sup> (9,935.09 ft <sup>2</sup> )

*Table 1 – Proposed Severance Application for 38 Dove Lane*

The proposed lots will comply with and exceed the minimum requirements set out by By-Law 2237, as amended. Consequently, Staff do not have any objections to the proposal.

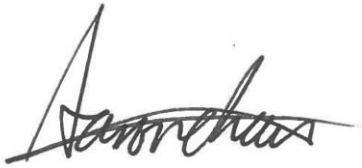
## PUBLIC INPUT SUMMARY

As of April 23 2024, the City received 4 letters of support for the proposed Consent to Sever Application. 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. Staff note that the proposed severance will create lots that exceed zoning requirements. The lots will compliment the existing lot pattern and will not negatively impact the existing neighborhood. Staff recommend the approval of this application to be subject to the conditions provided in Appendix "A", including that the applicant enter into a Development Agreement with the City. Staff recommend that the Committee consider public input in reaching a decision.

PREPARED BY:



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Aaron Chau, Planner I

REVIEWED BY:



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Rick Cefaratti, MCIP, RPP, Senior Planner, West District

**APPENDICIES**

- Appendix "A" – B/002/24 Conditions of Approval
- Appendix "B" – Aerial Photo
- Appendix "C" – Draft Reference Plan
- Appendix "D" – Survey


## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/002/24**

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/038/23 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 a deposited reference plan showing the subject land, which conforms substantially to the application as submitted in Appendix "H"
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. That the Owner confirm that:
  - a. No existing easements registered on title that will be impacted by the proposed severance;
6. The Owner shall provide a functional servicing plan to show how individual water and sewer services will be provided for the Severed Lot, to the satisfaction of the Director of Engineering;
7. The Owner shall provide 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;
8. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Tree Assessment and Preservation Plan (TAPP) Requirements (June 2019), through the future Residential Infill Grading & Servicing (RIGS) TREE Permit process prior to the issuance of building permit;
9. That tree replacements be provided and/or tree replacement fees be paid to the City where required, in accordance with the City's accepted Tree Assessment Preservation Plan (TAPP), through the Residential Infill Grading & Servicing (RIGS) TREE Permit process;
10. That prior to the commencement of construction, demolition and/or issuance of building permit, tree protection be erected and maintained around all trees on site, including City of Markham street trees, in accordance with the City's Tree Preservation By-Law 2008-96 and Conditions of a TREE Permit, to be inspected by City Staff;

11. The Owner shall enter into a Development Agreement with the City to the satisfaction of the City Solicitor, Director of Planning and Urban Design, Director of Operations, and/or 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. Submission of securities respecting any works to be provided in accordance with the Development Agreement;
  - c. Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement. The applicant shall submit 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, to be reviewed and approved by the City;
  - d. 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.
  - e. Submit site servicing, grading, utility, and erosion and sediment control plan, to the satisfaction of the Director of Engineering;
  - f. Construct the required servicing, grading, and utilities for this development to the satisfaction of the Director of Engineering;
  - g. To construct and/or implement any required excavation, removal, relocation, restoration and/or implement of any above or below ground municipal services or utilities that may be necessary for this development, to the satisfaction of the Director of Engineering;
  - h. 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, to be reviewed and approved by the city;
12. That the Applicant satisfies that water and wastewater servicing capacity is available to service this application as provided by the Regional Municipality of York in their comments to the Applicant, 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. Prior to final approval, the Region's Planning and Economic Development Branch shall certify that the above condition(s) has/have been met to its satisfaction. York Region requests a copy of the Notice of Decision be emailed to [developmentservices@york.ca](mailto:developmentservices@york.ca) if/when it becomes available; and,
13. Fulfillment of all of the above conditions within two years of the date that notice of the decision was given under Section 53(17) or 53(24) of the *Planning Act, R.S.O. 1990, c.P.13, as amended*.

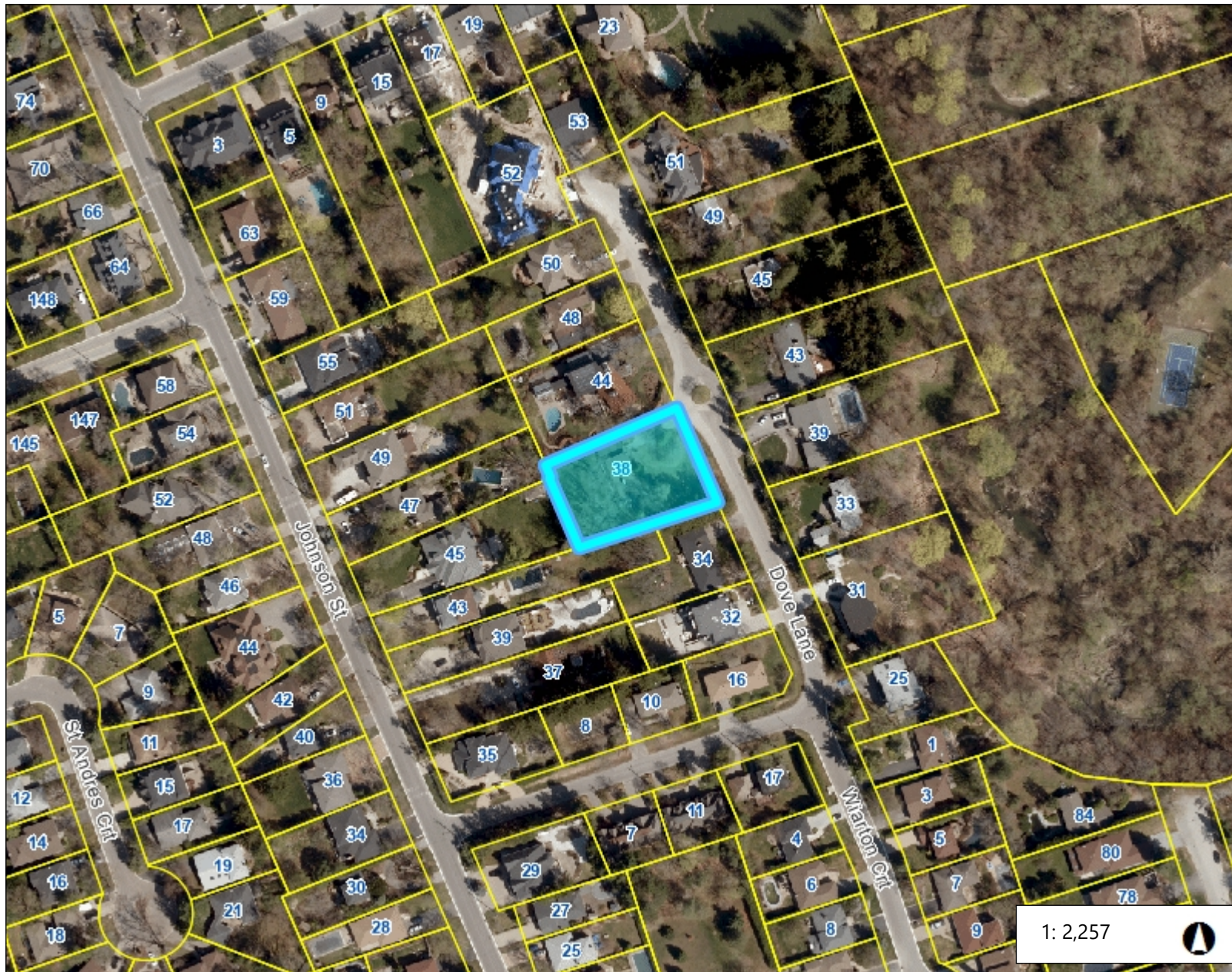
CONDITONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written in a cursive style.

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Aaron Chau, Planner I

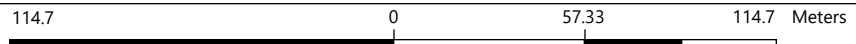




**Legend**

- Parcel Overlay
- Aerial 2023**
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- Parcel**
- Park Facility
- Parks**
- Under Development
- <all other values>

1: 2,257



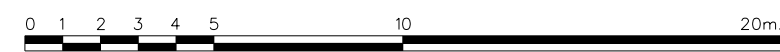
DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be directed to the appropriate department.

Notes

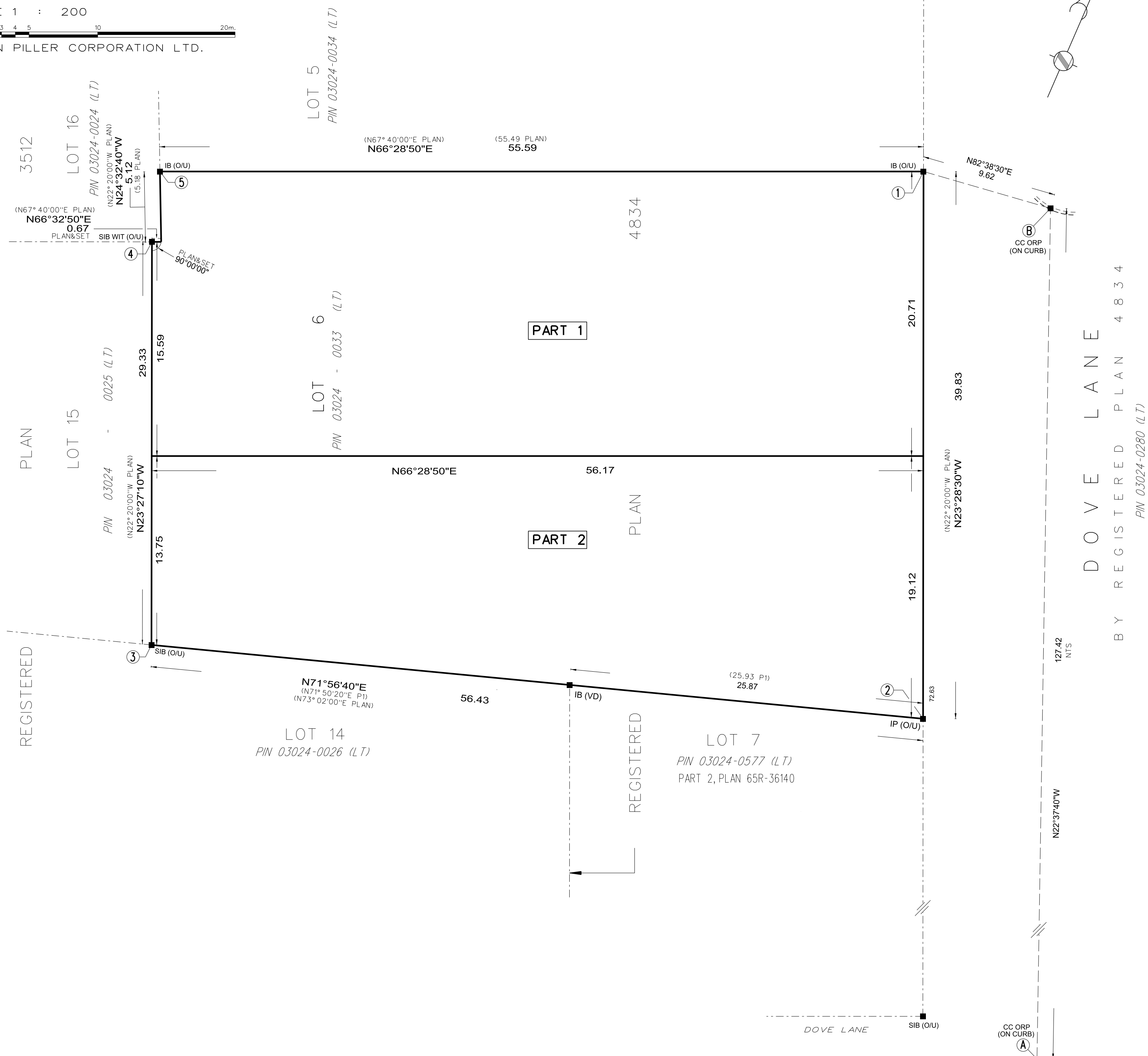


PLAN OF SURVEY OF  
**LOT 6**  
**REGISTERED PLAN 4834**  
**CITY OF MARKHAM**  
 REGIONAL MUNICIPALITY OF YORK  
 SCALE 1 : 200  
 AKSAN PILLER CORPORATION LTD.

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



AKSAN PILLER CORPORATION LTD.



PLAN 66R-  
**Appendix C**  
 RECEIVED AND DEPOSITED:  
 DATE: File: 24.161400.000.00.CSNT  
 Date: 4/25/2024  
 HELMUT PILLER REPRESENTATIVE FOR LAND REGISTRAR  
 Ontario Land Surveyor OF TORONTO No. 66

**SCHEDULE**

PART	LOT	PLAN	PIN	AREA (m <sup>2</sup> .)
1	ALL OF LOT 6	4834	ALL OF PIN 03024-0033 (LT)	1,159.8
2				923.0

- LEGEND:**
- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT PLANTED
  - IB DENOTES IRON BAR
  - SIB DENOTES STANDARD IRON BAR
  - SSIB DENOTES SHORT STANDARD IRON BAR
  - CC DENOTES CUT CROSS
  - CP DENOTES CONCRETE PIN
  - IP DENOTES IRON PIPE
  - WIT DENOTES WITNESS MONUMENT
  - O/U DENOTES ORIGIN UNKNOWN
  - PLAN DENOTES REGISTERED PLAN 4834
  - N DENOTES NORTH
  - S DENOTES SOUTH
  - E DENOTES EAST
  - W DENOTES WEST
  - VD DENOTES V. DOSEN, O.L.S. (PLAN 65R-36140)

**BEARING NOTE:**  
 BEARINGS ARE UTM GRID, DERIVED FROM GNSS OBSERVATIONS, USING A REAL TIME KINEMATIC SERVICE, ON MONUMENTS A & B, SHOWN HEREON, HAVING A BEARING OF N22° 37'40" W, AND ARE REFERED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° 00' WEST LONGITUDE) NAD83 (CSRS) (2010).

**NOTES:**  
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999.

POINT ID	NORTHING	EASTING
A ORP	4852347.35	628215.37
B ORP	4852464.96	628166.35
1	4852463.73	628156.81
2	4852427.20	628172.67
3	4852409.71	628119.02
4	4852436.61	628107.35
5	4852441.54	628105.84

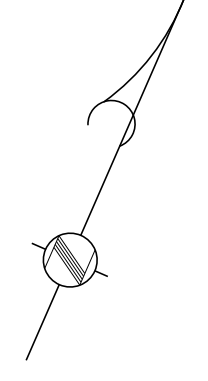
COORDINATES ARE TO URBAN ACCURACY AS IN SEC. 14(2) OF O.REG. 216/10, AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

JANUARY 23, 2024  
 DATE  
  
 HELMUT PILLER  
 Ontario Land Surveyor

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER \_\_\_\_\_

**AKSAN PILLER CORPORATION LTD**  
 ONTARIO LAND SURVEYORS  
 943 MT PLEASANT ROAD, TORONTO, ONTARIO, M4P 2L7  
 (T) 416-488-1174 (F) 416-488-7843 (E) ap@apsurveys.ca www.apsurveys.ca  
 CALC.: MU DRAWN: MFA CHECKED: HP  
 REFERENCE No. : 23-20-14995-RPLAN

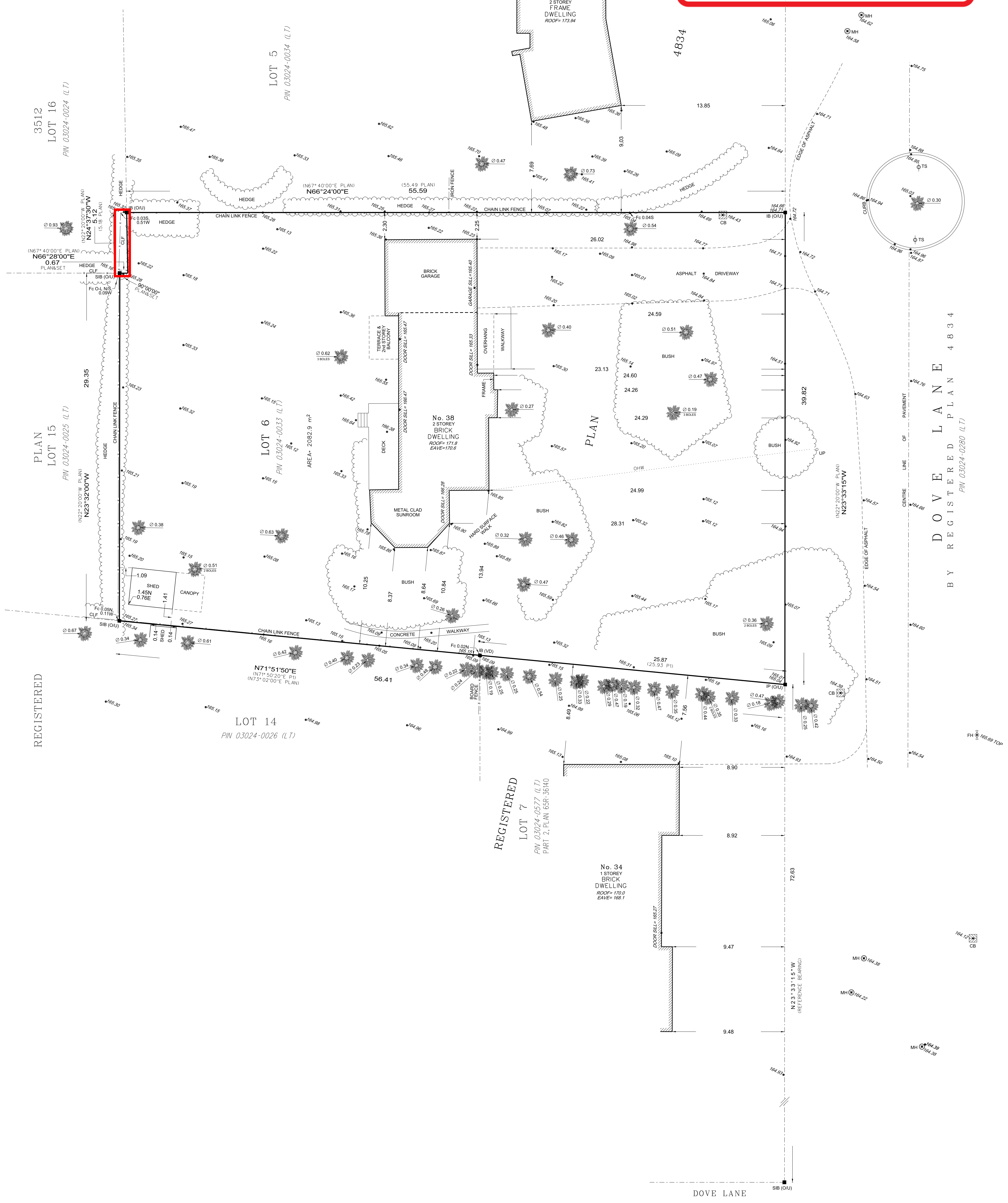




# Appendix D

File: **24.161400.000.00.CSNT**

Date: **4/25/2024**  
MM/DD/YY



**SURVEYOR'S REAL PROPERTY REPORT**  
**PART 1**  
**PLAN OF LOT 6**  
**REGISTERED PLAN 4834**  
**CITY OF MARKHAM**  
REGIONAL MUNICIPALITY OF YORK

SCALE 1:150

AKSAN PILLER CORPORATION LTD.

**PART 2:**  
PREPARED FOR  
LOCATION OF THE BUILDING  
CLEAR  
UTILITY BUILDINGS:  
DECKS:  
SWIMMING POOLS:  
EXISTING FENCES:

2611497 ONTARIO INC.  
WHOLLY ON THE PROPERTY,  
AS SHOWN ON PART 1,  
NONE.  
GENERALLY ALONG THE PROPERTY  
LINES, WITH DEVIATIONS AS SHOWN  
ON PART 1,  
THE CHAIN LINK FENCE AT THE NORTHWEST  
CORNER OF THE PROPERTY EXTENDS INTO  
THE ADJOINING PROPERTY.  
NONE RECITED IN THE LAST  
REGISTERED INSTRUMENT.  
THE LAST INSTRUMENT R634375 RECITES  
A "RESERVE" WHICH IS NO LONGER VALID.  
DOVELANE HAS BEEN EXTENDED,  
AS SHOWN ON PART 1.

**EASEMENTS:**

**DRIVEWAY:**

**CAUTION:**  
TREE CALIPERS ARE NOT TO ARBORIST STANDARDS  
AND ARE DEFINED AT 1.4m ABOVE GRADE AT TREE  
FOR ARBORIST CALIPER REFER TO ARBORIST REPORT.

**LEGEND:**

■	DENOTES	MONUMENT FOUND
□	DENOTES	MONUMENT PLANTED
CC	DENOTES	CUT CROSS
CP	DENOTES	CONCRETE PIN
IB	DENOTES	IRON BAR
IP	DENOTES	IRON PIN
SSIB	DENOTES	SHORT STANDARD IRON BAR
SIB	DENOTES	STANDARD IRON BAR
WI	DENOTES	WITNESS MONUMENT
Q/U	DENOTES	ORIGIN UNKNOWN
N	DENOTES	NORTH
S	DENOTES	SOUTH
E	DENOTES	EAST
W	DENOTES	WEST
FC	DENOTES	CHAIN LINK FENCE
CLF	DENOTES	BOARD FENCE
BF	DENOTES	BOARD FENCE
MH	DENOTES	MANHOLE
CB	DENOTES	CATCH BASIN
TS	DENOTES	TRAFFIC SIGN
MH	DENOTES	MANHOLE
UP	DENOTES	UTILITY POLE
OHW	DENOTES	OVERHEAD WIRES
FH	DENOTES	FIRE HYDRANT
DI	DENOTES	DI
VD	DENOTES	V.D. SOEN, C.L.S. (PLAN 65R-36140)

**PLAN**  
P1 DENOTES REGISTERED PLAN 4834  
DENOTES PLAN 65R-36140

**0.50** DENOTES TREE TRUNK DIAMETER

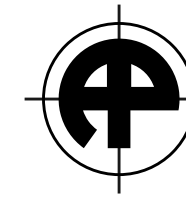
**BEARING NOTE:**  
BEARINGS ARE REFERRED TO THE WESTERLY LIMIT OF  
DOVE LANE AS SHOWN ON PLAN 65R-36140  
HAVING AN ASTRONOMIC BEARING OF N23°33'15"W

**ELEVATIONS NOTE:**  
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED  
FROM THE CITY OF TORONTO BENCH MARK M-02-007,  
ELEVATION - 167.338 m.

**SURVEYOR'S CERTIFICATE:**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES  
ACT AND THE REGULATIONS MADE UNDER THEM;  
2. THE SURVEY WAS COMPLETED ON THE 18th DAY  
OF AUGUST, 2023

AUGUST 28, 2023  
DATE

*Aksan Piller*  
AKSAN PILLER  
Ontario Land Surveyor



**AKSAN PILLER CORPORATION LTD.**  
ONTARIO LAND SURVEYORS  
943 MT PLEASANT ROAD, TORONTO, ONTARIO, M4P 2L7  
(416) 488-1174 (E) info@apsurveyors.ca (W) www.apsurveyors.ca  
DRAWN: LF CHECKED: HP  
reference number: 23-24-14995-00