

# Memorandum to the City of Markham Committee of Adjustment

June 8, 2022

**File:** B/013/21  
**Address:** 7739 9th Line – Markham, Ontario  
**Applicant:** Memar Architects Inc. (Lucy Mar Guzman)  
**Agent:** Memar Architects Inc. (Lucy Mar Guzman)  
**Hearing Date:** June 8, 2022

The following comments are provided on behalf of the East Team. The applicant requests provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 30.24 (99.21 ft.) and approximate lot area of 753 sq. m (8,105.22 sq. ft.) (Part 3); and
- b) retain a parcel of land with an approximate lot frontage of 26.66 (87.47 ft.) and approximate lot area of 1,027.90 sq. m (11,064.22 sq. ft.) (Part 2).

The purpose of this application is to create a new residential lot. This application is related to Zoning By-law Amendment application PLAN 19 126535.

## BACKGROUND

### Property Description

The subject lands, municipally known as 7739 9<sup>th</sup> Line are located in the Box Grove Community at the southeast corner of 9<sup>th</sup> Line and 14<sup>th</sup> Avenue, fronting 14<sup>th</sup> Avenue (See Appendix “A”). The surrounding area is an established residential neighbourhood, comprised of a mix of one and two-storey detached dwellings.

The subject property has an area of approximately 0.20 ha (0.51 ac) and a lot frontage of approximately 19.87 m (65.18 ft.). The subject lands, which are developed with an existing two-storey detached dwelling circa 1890, are designated under Part IV of the Ontario Heritage Act as a property of cultural heritage value or significance. There is an existing pool and frame shed on the property, as well as mature vegetation.

### History of application

In 2019, the Applicant submitted a Zoning By-law Amendment to facilitate a future severance of the subject lands into two lots. In June 2021, site specific By-law 2021-43, which amended Parent By-law 194-82, added site-specific development standards for the existing Heritage dwelling on the retained parcel. Site specific By-law 2021-44, was also enacted to rezone the rear portion of the lot into By-law 177-96 and, to facilitate the creation of a new lot and the construction of a new single-detached dwelling. The current application implements these amendments by creating the new lot.

### Proposal

The applicant is proposing to sever and convey a parcel of land with a lot frontage of 30.24 m (99.21 ft.) and lot area of 753 sq. m (8,105.22 sq.ft) (Part 3) (See Appendix “B”) while retaining a parcel of land with a lot frontage of 26.66 m (87.47 ft.) and lot area of 1,027.90 sq. m (11,064.22 sq.ft) (Part 2) (See Appendix “B”).

## **COMMENTS**

Official Plan 2014 (partially approved on Nov 24/17, and further updated on April 9/18)

The subject property is designated “Residential Low Rise”, which provides for low rise housing forms including single detached and semi detached dwellings. In considering applications for development approval in a ‘Residential Low Rise’ area, which includes severances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan. Specifically, the section requires that:

- Proposed new lot(s) have lot area(s) and lot frontage(s) consistent with the size of existing lots on both sides of the street;
- That proposed new building(s) have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street; and,
- Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Planning staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

### Zoning By-law 194-82

The lands are zoned “RRH” Rural Residential Zone under By-law 194-82, as amended, which permits single detached dwellings. The subject lands are also subject to the site specific development standards of amending By-law 2021-43 (identified above), which created site-specific development standards to permit the existing detached dwelling on site.

### Zoning By-law 177-96

The lands are zoned “R1-F30\*683” Residential One under By-law 177-96, as amended. The subject lands are also subject to the site specific development standards of amending By-law 2021-44 (identified above); incorporating the lands into the designated area of By-law 177-96, as amended.

Both zoning designations are a result of a related Zoning By-law Amendment application (PLAN 19 126535) which was enacted by Council on June 29, 2021. Both lots comply with the minimum lot area and frontage requirements of amending By-laws 2021-43 and 2021-44. Additional details on the Zoning By-law Amendment application are provided in the Comments section below.

## **Comments**

### Engineering Department Comments

The Engineering Department advises the Owner that in conjunction with the future building permit for the individual lot, the Owner will be required to:

- i) submit a site servicing and grading plan for review and acceptance by the City; and,
- ii) 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.

The Engineering Department has reviewed the proposed severance application and has no objections to its approval, subject to the conditions listed in Appendix "C".

#### Planning Comments

As noted above, the surrounding area is comprised predominantly of one and two-storey single detached dwellings, which includes heritage dwellings constructed in the mid 1800s and newer dwellings along 9th Line, 14th Avenue and in the Legacy subdivision to the west and Boxgrove subdivision to the east. The proposed lots are comparable in area and frontage to those within the surrounding area. The applicant is intending to preserve the existing heritage dwelling on the subject lands. The zoning by-law amendment application specifically examined the appropriateness of the proposed development standards to facilitate the future severance. Staff are of the opinion that the proposed application implements the recently passed by-law amendments, which are compatible with the surrounding existing neighbourhood context and represents good planning.

#### The Regional Municipality of York Comments

The Region of York has provided their conditions, which are included in Appendix "D".

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June 2<sup>nd</sup>, 2022.

#### **CONCLUSION**

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act. Staff recommend that the Committee consider public input, and the subsequent conditions of approval in reaching a decision.

#### **APPENDICES**

Appendix "A" - Aerial Photo

Appendix "B" - Plans

Appendix "C" - Conditions of Approval

Appendix "D" - The Regional Municipality of York Conditions

PREPARED BY:



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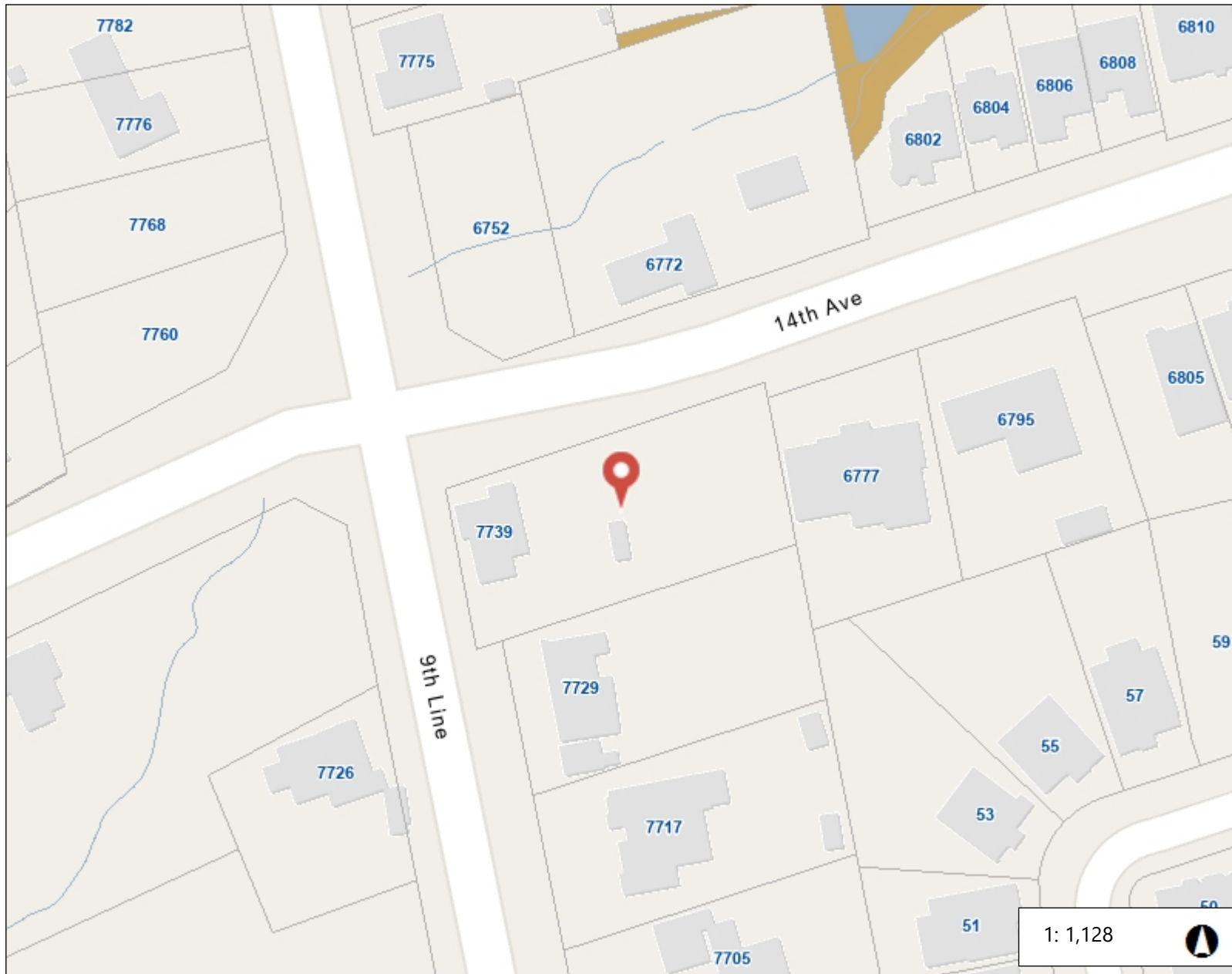
Justin Mott, Planner I, East District

REVIEWED BY:



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Stacia Muradali, Development Manager, East District



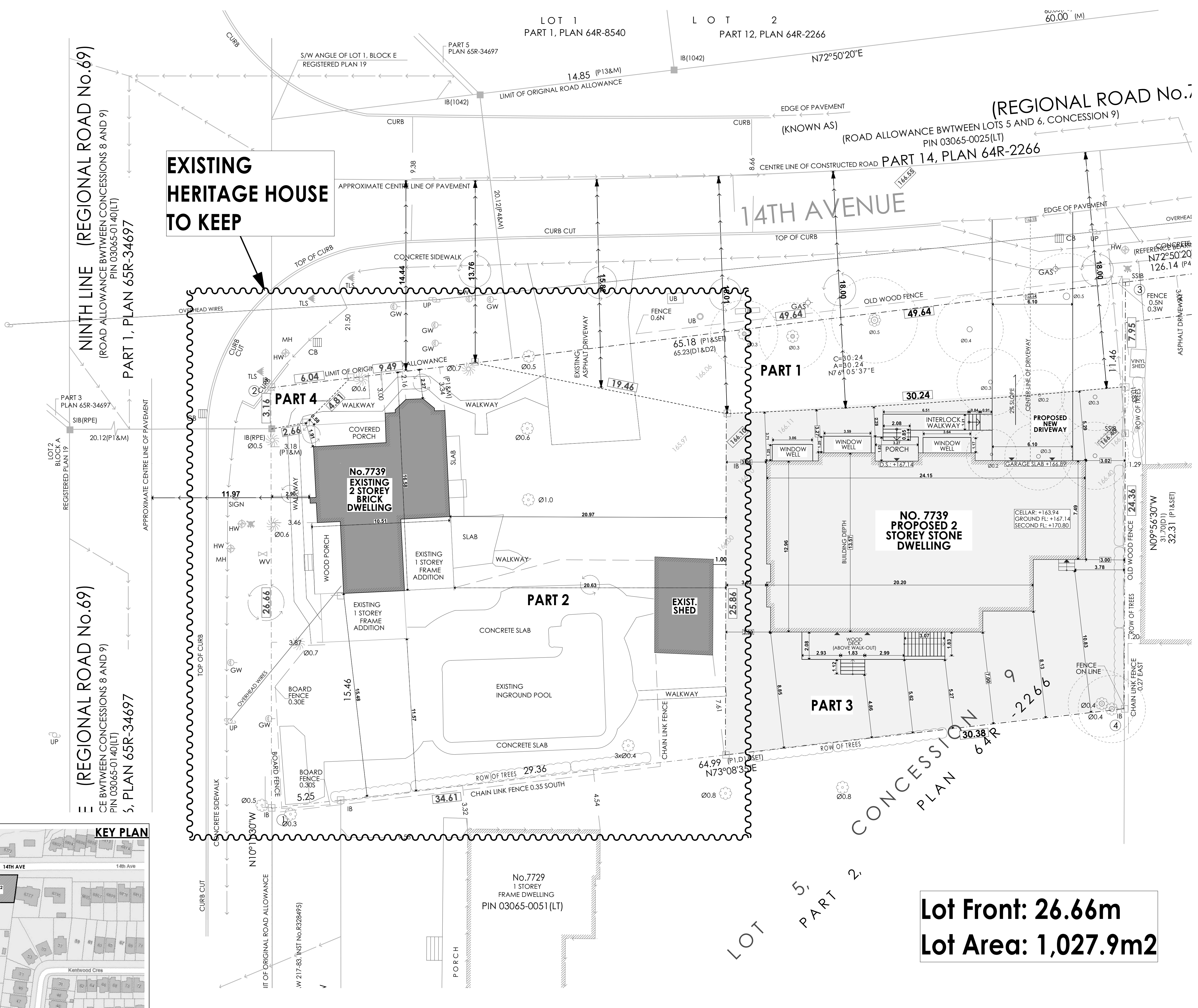
Legend

- Parcel
- Park Facility
- Parks
  - Under Development
  - <all other values>

Notes

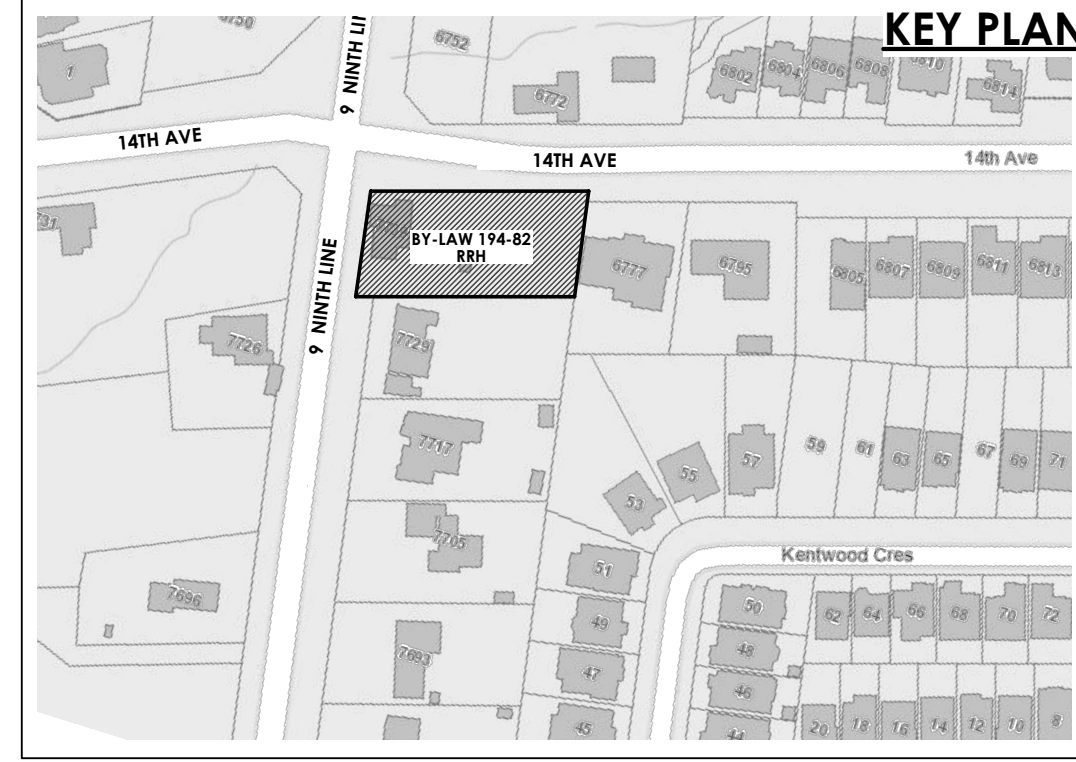
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**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF B/013/21**

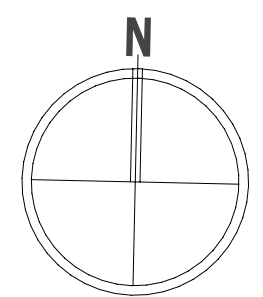


**EXISTING HERITAGE HOUSE TO KEEP**

**Lot Front: 26.66m**  
**Lot Area: 1,027.9m<sup>2</sup>**



**KEY PLAN**



**NOTE:**  
 - NO CHANGE TO EXISTING FOOT PRINT  
 - NO CHANGE TO EXISTING LANDSCAPE



ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY DRAWINGS UNTIL THEY ARE APPROVED BY THE CITY AND MUST NOT BE USED FOR ANY CONSTRUCTION BEFORE ISSUANCE OF PERMIT.  
 CONTRACTOR MUST VERIFY ALL DIMENSIONS/SPECS AND AS-BUILT INFORMATION INCLUDING STRUCTURAL AND MECHANICAL PRIOR TO COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO MEMAR. DESIGN, DRAWINGS & SPECIFICATIONS ARE ALL PROPERTY OF MEMAR AND MUST NOT BE USED FOR ANY OTHER PROJECT WITHOUT WRITTEN PERMISSION.

DATE	ISSUED FOR:
11/12/2021	ZONING REVIEW

PROJECT TITLE/ADDRESS:  
**1739 NINTH LINE MARKHAM, ON L6B 1A8**

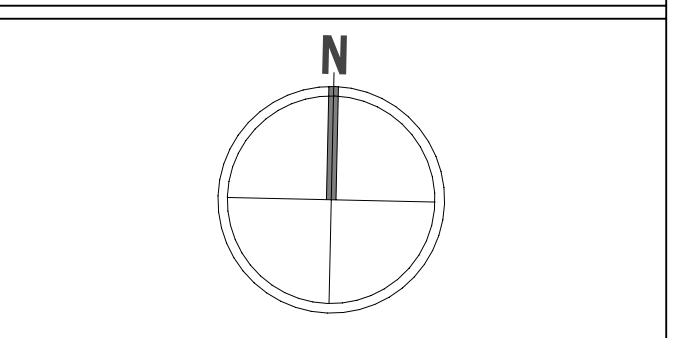
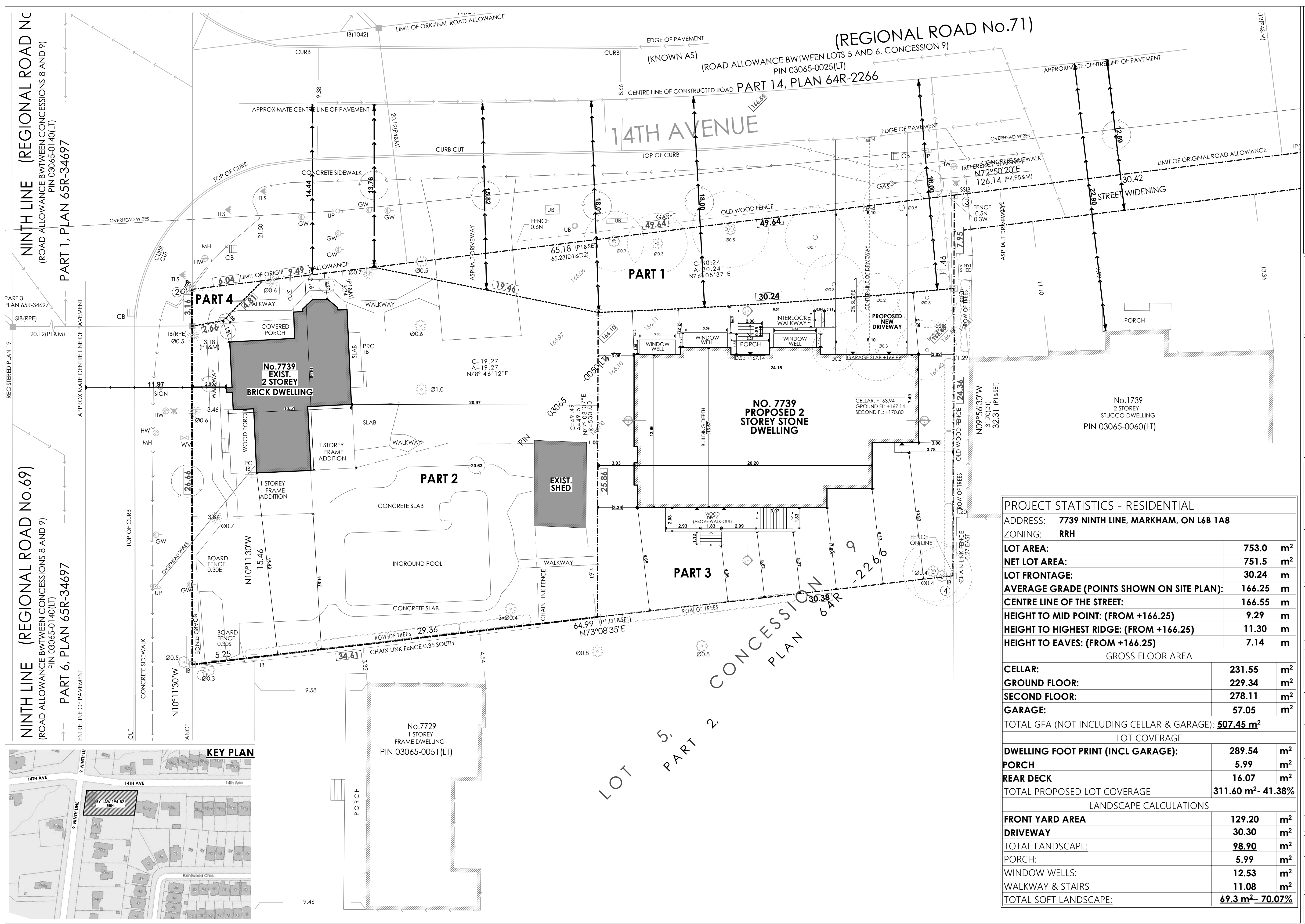
DRAWING TITLE:  
**SITE PLAN**

SCALE: 1:150, 1:2.25

DRAWN BY	CHKD BY
S.A.	S.T.

LAST MODIFIED ON:  
 Friday, November 12, 2021

**A.02**



NOTES:

**MEMAR ARCHITECTS**  
 "Memor Architects Inc."  
 2323 Yonge St. Unit 503  
 Toronto, ON, M4P 2C9  
 T: 416-551-5764

**ONTARIO ASSOCIATION OF ARCHITECTS**  
 2200 KENNEDY ROAD  
 SUITE 1000  
 MARKHAM, ONTARIO  
 L3R 9W7

ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY DRAWINGS UNTIL THEY ARE APPROVED BY THE CITY AND MUST NOT BE USED FOR ANY CONSTRUCTION BEFORE ISSUANCE OF PERMIT.  
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DATE	ISSUED FOR:
2021-10-22	ZONING REVIEW

PROJECT TITLE/ADDRESS: **7739 NINTH LINE MARKHAM, ON L6B 1A8**

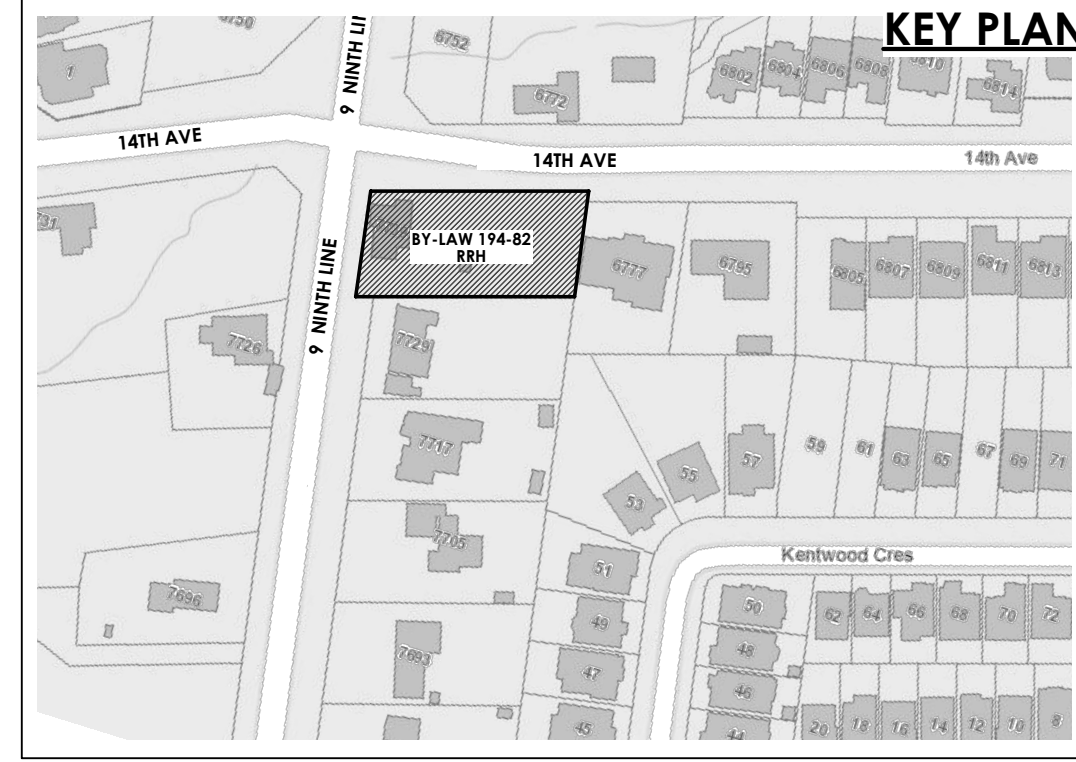
DRAWING TITLE: **SITE PLAN**

DRAWN BY	CHKD BY
S.A.	S.T.

LAST MODIFIED ON:  
 October 22, 2021

**A.03**

PROJECT STATISTICS - RESIDENTIAL	
ADDRESS:	<b>7739 NINTH LINE, MARKHAM, ON L6B 1A8</b>
ZONING:	<b>RRH</b>
LOT AREA:	<b>753.0 m<sup>2</sup></b>
NET LOT AREA:	<b>751.5 m<sup>2</sup></b>
LOT FRONTAGE:	<b>30.24 m</b>
AVERAGE GRADE (POINTS SHOWN ON SITE PLAN):	<b>166.25 m</b>
CENTRE LINE OF THE STREET:	<b>166.55 m</b>
HEIGHT TO MID POINT: (FROM +166.25)	<b>9.29 m</b>
HEIGHT TO HIGHEST RIDGE: (FROM +166.25)	<b>11.30 m</b>
HEIGHT TO EAVES: (FROM +166.25)	<b>7.14 m</b>
GROSS FLOOR AREA	
CELLAR:	<b>231.55 m<sup>2</sup></b>
GROUND FLOOR:	<b>229.34 m<sup>2</sup></b>
SECOND FLOOR:	<b>278.11 m<sup>2</sup></b>
GARAGE:	<b>57.05 m<sup>2</sup></b>
TOTAL GFA (NOT INCLUDING CELLAR & GARAGE):	<b>507.45 m<sup>2</sup></b>
LOT COVERAGE	
DWELLING FOOT PRINT (INCL GARAGE):	<b>289.54 m<sup>2</sup></b>
PORCH:	<b>5.99 m<sup>2</sup></b>
REAR DECK:	<b>16.07 m<sup>2</sup></b>
TOTAL PROPOSED LOT COVERAGE:	<b>311.60 m<sup>2</sup> - 41.38%</b>
LANDSCAPE CALCULATIONS	
FRONT YARD AREA:	<b>129.20 m<sup>2</sup></b>
DRIVEWAY:	<b>30.30 m<sup>2</sup></b>
TOTAL LANDSCAPE:	<b>98.90 m<sup>2</sup></b>
PORCH:	<b>5.99 m<sup>2</sup></b>
WINDOW WELLS:	<b>12.53 m<sup>2</sup></b>
WALKWAY & STAIRS:	<b>11.08 m<sup>2</sup></b>
TOTAL SOFT LANDSCAPE:	<b>69.3 m<sup>2</sup> - 70.07%</b>



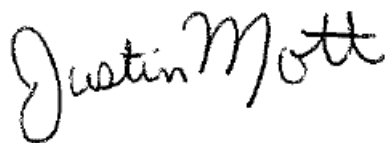
**APPENDIX “C”**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/013/21**

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/013/21, 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. 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:
  - i) Payment of all applicable fees in accordance with the City’s fee by-law;
  - ii) 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;
  - iii) Planting of any required replacement trees in accordance with the City’s Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
  - iv) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
  - v) 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)’, to the satisfaction of the Director of Operations, or their designate, through the Residential Infill Grading & Servicing (RGS) TREE Permit process prior to issuance of building permit;
  - vi) 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 staff to the satisfaction of the Director of Operations, or their designate;
  - vii) That tree replacement by provided and/or tree replacement fees be paid to the City where required, in accordance with the City’s Tree Assessment and Preservation Plan, through the Residential Infill Grading & Servicing (RGS) TREE Permit process, due at Lot Grading & Security Release 1 month post construction;
  - viii) 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;
- ix) 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;
  - x) Satisfactory arrangements are to be made with Engineering Department for the installation of sanitary sewer and provide financial security, submission of engineering and inspections fees, provide insurance, as required, to satisfaction of the Director of Engineering;
  - xi) To pay for and construct any improvements to the municipal infrastructure in connection with Functional servicing Report, as accepted by the Director of Engineering, should it be determined that improvements to such infrastructure is required to support this development;
  - xii) Prior to final approval of the Consent, the Owner shall obtain necessary permits pursuant to the Ontario Building Code and shall construct the internal sewer and water systems in order to provide separate and independent plumbing system for each of the severed and retained parcels.
6. That owner agrees to the Designation of the existing heritage dwelling on the retained lot (PART 2) under Part IV of the Ontario Heritage Act; and The owner agrees to enter into a Heritage Conservation Easement Agreement with the City for the existing Heritage Dwelling located on the retained lot (PART 2)
7. That the applicant satisfies the requirements of *The Regional Municipality of York*, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix C to this Staff Report, to the satisfaction of *The Regional Municipality of York*, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of *The Regional Municipality of York*.
8. 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*.

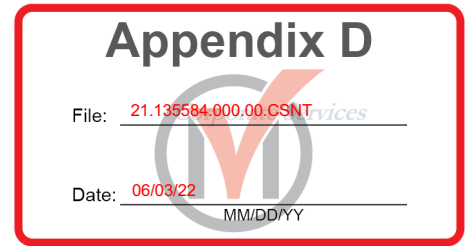
CONDITONS PREPARED BY:



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Justin Mott, Planner I, East District

**APPENDIX "D"**  
**THE REGIONAL MUNICIPALITY OF YORK CONDITIONS TO BE ATTACHED TO ANY**  
**APPROVAL OF B/013/21**



File No. 21.135584.000.00.CSNT (CONS.22.M.0035)

May 11, 2022

Justin Mott  
Committee of Adjustment  
City of Markham  
101 Town Centre Boulevard  
Markham, ON  
L3R 9W3

**RE: Consent Application: 21.135584.000.00.CSNT (CONS.22.M.0035)  
Indrajit Chakraborty & Ujjaini Sircar  
7739 Ninth Line  
City of Markham**

The Regional Municipality of York ("Region") has completed its review of the above noted consent application to create one new residential lot. The property is municipally known as 7739 Ninth Line and has frontage on both Ninth Line and 14<sup>th</sup> Avenue.

The site is designated "Urban" on Map 1 of the York Region Official Plan – 2010 (YROP-2010). There is currently a single-family Heritage dwelling on the site.

The property abuts 14<sup>th</sup> Avenue which is a Regional Road as identified on Map 12 of the YROP-2010. The Region is protecting for a 43 metre(s) right-of-way along the frontage of this section of 14<sup>th</sup> Avenue for the purpose of a road widening as per Section 7.2.49 of the YROP-2010.

Water Resources has no comments on this application, while it is in a Source Protection Area the proposed application does not trigger any Source Protection requirements

The Region has no objection to the consent application subject to the following conditions being satisfied:

1. The Owner shall convey the following lands, Parts 1 and 4 on the reference plan to The Regional Municipality of York, free of all costs and encumbrances:
  - sufficient property to provide a tapered road widening along 14<sup>th</sup> Avenue established as Parts 1 and 4 on the reference plan.
2. 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 the Region.
3. 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.

4. The Owner shall be responsible for all costs associated with the preparation and delivery of the following: a draft and deposited 65Rplan, Phase One ESA, any subsequent environmental work, reports or other documentation, reliance, and the Owner's certified written statement.
5. This application is subject to York Region's development applications processing fees as identified in By-law No. 2010-15. The review fee for Consent to Sever is \$1,100. The Review and approval of the Environmental Site Assessment Report fee is \$1,800. All payments shall be in the form of a cheque and made payable to "The Regional Municipality of York" and forwarded to Community Planning + Development Services. Development application fees are subject to annual adjustments and increases. Any unpaid fees, regardless of the year the application is submitted, will be subject to current fee requirements.
6. The City of Markham shall confirm that water and wastewater servicing allocation is available for the proposed new lot.
7. Prior to final approval, the Planning and Economic Development Branch shall certify that Conditions 1-6 have been met to its satisfaction.

Access to any Regional Road needs to be approved by the Region. The access arrangement for the future development fronting 14<sup>th</sup> Avenue shall comply with the Regional Official Plan and be consistent with the recommendations of the Region's Access Guidelines (November 2020).

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 Gabrielle Hurst at extension 71538 or through electronic mail at [gabrielle.hurst@york.ca](mailto:gabrielle.hurst@york.ca)

Regards,

*Gabrielle Hurst*

Gabrielle Hurst, MCIP, RPP, Associate Planner  
Programs and Process Improvement, Planning and Economic Development Branch

Attachment 1