

# Memorandum to the City of Markham Committee of Adjustment

February 11, 2022

**File(s):** B/015/21 and B/029/01  
**Address:** 2968 Elgin Mills Road East  
**Owner:** Ebrahim Torabi  
**Agent:** Alexander Planning Inc. (Deborah Alexander)  
**Hearing Date:** Wednesday, February 16, 2022

The following comments are provided on behalf of the West Team on the Owner's request for provisional consent for the following applications:

## **B/015/21**

- a) sever and convey a parcel of land with an approximate area of 473.8 m<sup>2</sup> (5,099.94 ft<sup>2</sup>) and an approximate lot frontage of 17.43 m (57.18 ft) (Parts 2 and 9);
- b) retain a parcel of land with an approximate area of 1,463.0 m<sup>2</sup> (15,747.60 ft<sup>2</sup>) and an approximate lot frontage of 26.52 m (87.01 ft) (Parts 1, 3, 4, 5, 6, 7, and 8).

The purpose of this application is to produce a total of three semi-detached residential lots. The retained parcel will then be further divided to create individual lots for each unit and the common element laneway. This application is related to consent application B/029/21.

## **B/029/21**

- a) sever and convey a parcel of land with an approximate area of 414.70 square metres (4,463.79 square feet) and an approximate lot frontage of 13.80 metres (45.28 feet) (Parts 3 and 8);
- b) retain a parcel of land with an approximate area of 1,048.30 square metres (11,283.80 square feet) and an approximate lot frontage of 14.53 metres (47.67 feet) (Parts 1,4,5,6, &7).

This application is related to consent application B/015/21. The purpose of this application is to further divide the subject lands to create an additional three lots for the development of semi-detached dwellings.

## **BACKGROUND**

The subject lands has an area of 0.2 ha (0.5 ac) and a frontage of approximately 46 m (150 ft) on Elgin Mills Road East and is located on the north side of Elgin Mills Road East, between Duke of York Street and Victoria Square Boulevard (the "Subject Lands"). The Subject lands contain an existing single detached dwelling that will be demolished for development to proceed.

Three single detached dwellings, built in 2010, are located north of the Subject Lands. Victoria Square Park and Community Centre are located to the south, across Elgin Mills Road East. Single detached dwellings are located to the east and lane-based townhouses are located to the west of the Subject Lands in the Cathedral community.

## **Proposal**

The purpose and effect of the severances is to divide the existing lot into three (3) individual lots for semi-detached residential development on the Subject Lands. The three (3) lots will be further divided to produce semi-detached lots for semi-detached dwelling units and a common element private lane (collectively, the "Proposal"). Vehicular access will be provided via the proposed private lane that will connect to public lane at the rear of the property (See Figure 1 – Endorsed Site Plan).

## **Official Plan and Zoning**

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

Official Plan 2014 designates the Subject Lands "Residential – Low Rise", which permits low rise housing forms, where Section 8.2.3.5 outlines the development criteria for the 'Residential – Low Rise' designation with respect to height, massing, and setbacks. This criteria ensure that the Proposal is appropriate for the Subject Lands and generally consistent with the zoning requirements for adjacent properties and properties along the same street.

The Subject Lands are also subject to the Area and Site Specific Policies for the Cathedral District under Section 9.5 of the Official Plan. These policies are intended to protect and preserve the integrity of the historic hamlet of Victoria Square to ensure all new development is planned is compatible with uses, building forms and scale, appropriate to the historic features and residential character of the former hamlet. Site-specific policy 9.5.9.5 permits semi-detached dwellings on the Subject Lands.

## Zoning By-Law 177-96

By-law 177-96, as amended, zones the Subject Lands Residential Two R2\*554, which permits up to six (6) semi-detached dwellings on the Subject Lands.

## **COMMENTS**

Staff is currently reviewing a Site Plan application (File SC 14 109571) to facilitate the Proposal on the Subject Lands, which staff endorsed in February, 2021 (see Appendix 'B'). Staff further notes that the Proposal was reviewed through a site-specific Official Plan and Zoning By-law amendment application process (File OP/ZA 14 109571).

In lieu of an application for Draft Plan of Subdivision Approval, and following construction of the basement foundation walls for the semi-detached dwellings, the Owner must submit additional consent applications to further subdivide these lots in half. This will allow for separate conveyances of all six (6) proposed semi-detached dwellings.

A Draft Plan of Condominium Approval application will be required to establish the common elements of the Proposal that includes the private lane and any associated features. These common element features will be tied to the future free hold semi-detached dwelling lots.

The Owner has demonstrated that six (6) semi-detached dwellings can be accommodated in compliance with the above noted zoning by-law.

## Development Engineering Comments

The Engineering requirements for the proposed residential development will be secured through the Site Plan Agreement process.

Parkland Dedication

The parkland dedication requirements for the proposed residential development will be secured through the Site Plan Agreement process.

Urban Design Comments

Urban Design staff has no comments on the proposed consent and their requirements will be addressed through the Site Plan Agreement process.

York Region Comments

York Region completed its review of the above consent application and has no objections provided that adequate water supply and sewage capacity has been allocated for the proposed new lots.

**Zoning Preliminary Review Not Undertaken**

The Owner has not completed a Zoning Preliminary Review (“ZPR”) for the subject application. However, the onus is on the Owner to ensure that, prior to final Site Plan Approval, that this proposal complies with the applicable zone requirements.

**PUBLIC INPUT SUMMARY**

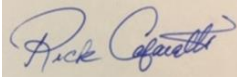
No written submission were received as of February 11, 2021. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on any comments received at the meeting.

**CONCLUSION**

In concluding that the Proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the *Planning Act* and recommend approval.

Please see Appendix “A” for conditions to be attached to any approval of this application.

PREPARED BY:



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

REVIEWED BY:



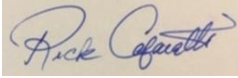
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Stephen Lue, MCIP, RPP, Acting Senior Development Manager

## **APPENDIX “A”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/015/21 and B/029/21**

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/015/21 and B/029/21, 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 Site Plan 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 Site Plan 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 Site Plan Agreement on title to the Lands. The Site Plan Agreement shall specifically provide for matters including, but not limited to:
  - i) Conveyance of an easement across the Subject Lands, in favour of the City of Markham, to allow for the extension of existing municipal services for the both proposed development and for future development on adjacent properties to the East;
  - ii) Payment of all applicable fees in accordance with the City's fee by-law;
  - iii) Submission of securities respecting any works to be provided in accordance with the Site Plan Agreement;
  - iv) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the Site Plan Agreement;
6. That the Owner satisfies the requirements of York Region, financial or otherwise, as indicated in their letter to the Committee of Adjustment dated February 9, 2022, 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.
7. 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:

A handwritten signature in blue ink on a light brown rectangular background. The signature reads "Rick Cefaratti" in a cursive script.

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Rick Cefaratti MCIP, RPP, Senior Planner, West District

# Appendix 'B'

