

Memorandum to the City of Markham Committee of Adjustment

February 25, 2025

File: B/034/24
Address: Highway 48, Markham
Applicant: Bousfields Inc. (Ashley Paton)
Agent: Bousfields Inc. (Ashley Paton)
Hearing Date: Wednesday, March 5, 2025

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

The Applicant is requesting provisional consent to:

B/034/24 – Highway 48

- a) **sever and convey a parcel of land** with an approximate lot frontage of 54.3 metres and an approximate lot area of 3,212.4 square metres (Parts 2 to 6); and
- b) **retain a parcel of land** with an approximate lot frontage of 38.326 metres and an approximate lot area of 33,236.9 square metres (Part 1 and remainder of PIN 03726-0061).

The purpose of this application is to sever the subject lands to facilitate the transfer of ownership of the proposed public 'Street A'. The application is associated with Ministry Zoning Order (O. Reg. 172/20) and a subsequent draft approved Plan of Subdivision application PLAN 20 134853.

BACKGROUND

Property Description

The Subject Lands are located on the west side of Highway 48, north of the 19th Avenue and Highway 48 intersection, directly south of the City of Markham and Town of Whitchurch-Stouffville municipal boundary (refer to Appendix “B” – Aerial Photo). The property is currently vacant. Surrounding land uses are primarily agricultural.

History of Applications

On April 24, 2020, the Minister issued Zoning Order O. Reg 172/20 for approximately 12 hectares of land, consisting of:

- 3.37 hectares on lands located in the City of Markham (11621 Highway 48), and
- 8.53 hectares on the lands north of these lands located in Town of Whitchurch-Stouffville (11776 Highway 48)

As it relates to the Subject Lands that are within the City of Markham, the MZO has applied “Residential Three (R3)” and “Residential Four (R4)” from By-law 177-96, as amended, as well as Parking Standards from By-law 28-97, as amended with site-specific exceptions.

Following the MZO, a Draft Plan of Subdivision was submitted to the City and was draft approved with conditions on February 23, 2022. The approved Draft Plan of Subdivision as shown in Appendix “C”, provides for a total of seven blocks: two development blocks (Blocks 1 and 2), a public park block (Block 4), two open space blocks (Blocks 5 and 6),

and a future road allowance block (Block 7). Block 3 will be added to the Town of Whitchurch-Stouffville's approved Draft Plan of Subdivision.

Parts 2 to 6 form part of a future highway referred to as "Street A", as illustrated on Appendix "C". Street "A" is located within the Town of Whitchurch-Stouffville, with the exception of Parts 2 to 6 which are located within the City of Markham. The City of Markham has been working with the Town of Whitchurch-Stouffville on the finalization of a boundary road agreement for the maintenance and repair of Street "A", including that part of Street "A" located on Parts 2 to 6. This agreement will be executed prior to Parts 2 to 6 being dedicated as a public highway.

Proposal

The Applicant is proposing a severance for the creation of "Street A" over Parts 2 to 6 for the continuation of the proposed public street from the Whitchurch-Stouffville subdivision to the Markham Subdivision, connecting to Highway 48. "Street A" will be dedicated as a public road and will provide the primary access for both subdivisions in the City of Markham and the Town of Whitchurch -Stouffville subdivisions referenced above. This Application will also facilitate the transfer of ownership of Parts 2 to 6 from 2394202 Ontario Inc. to Kingsmen (Stouffville) Inc. Appendices "D" and "E" illustrate the severed and retained lots.

The City's Draft Plan of Subdivision includes a portion of "Street A" that will connect from Highway 48 to the approved Draft Plan of Subdivision in Whitchurch-Stouffville to the north. The remnant parcel (Part 1 on Appendix "E"), which is located on the north side of "Street A" will be added to the Town of Whitchurch-Stouffville's approved Draft Plan of Subdivision in the future, which is further ahead in the process and requires the road for access.

Official Plan and Zoning

The Official Plan designates the Subject Lands "Countryside" in the City's 2014 Official Plan (as partially approved on November 24th, 2017 and further updated on April 9th, 2018), which provides for agricultural uses and farming activities. The approved MZO permits residential development on the Subject Lands. The MZO supersedes the City's 2014 Official Plan and as a result an amendment to the City's Official Plan is not required.

The MZO also permits development of the Subject Lands by zoning the Lands "Residential Three (R3)" and "Residential Four (R4)" from By-law 177-96, as amended, with site-specific exceptions permitting semi-detached, duplex, triplex, fourplex, and apartment dwellings.

COMMENTS

The requested severance will facilitate the construction of "Street A" in order to provide access for both proposed developments in Markham and Stouffville land. Kingsmen (Stouffville) Inc. will take ownership of Parts 2 to 6 for construction of "Street A" because their subdivision to the north in the Town of Whitchurch-Stouffville is preceding faster than the subdivision in the City of Markham. It is the opinion of Staff that the proposed severance has regard for matters of the public interest and is appropriate.

To ensure that the conditions from the Draft Plan of Subdivision that relate directly to the construction of the road are satisfied, Staff are requiring that the new Owner of Parts 2 to 6 enter into a Subdivision agreement for Parts 2 to 6. The Subdivision agreement will deal

with the construction of that part of "Street A" on Parts 2 to 6 and the dedication of Parts 2 to 6 to the City of Markham. This will ensure that the Owner can proceed with the construction of "Street A" in a timely manner, in conjunction with the lands to the north, and that the City is able to collect securities, insurance, etc.

Further, until such time that Part 1 of Appendix "E" is added to the lands to the north, Staff are requiring that the current Owner of the lands provide a written commitment to the City that the lands will be continued to be maintained, as reflected in Appendix "C".

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 objections to the proposed consent, subject to conditions outlined in Appendix "C".

Staff recommend that the Committee consider public input in reaching a decision should any be provided.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager

- Appendix "B" – Aerial Photo
- Appendix "C" – Draft Plan of Subdivision
- Appendix "D" – Severance Sketch
- Appendix "E" – Draft Reference Plan

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/034/24

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 and easements applied for under Files B/034/24 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 lands and easements which conforms substantially to the application as submitted in Appendix “E”;
4. That the Owner shall to enter into a Subdivision Agreement with the City for Parts 2 to 6 for the severed lands applied for under File B/034/24 to address matters including but limited to the construction of the road, technical matters related to Engineering and Transportation, Ministry of Transportation (MTO) matters, Cash-in-lieu of Parkland, and tree protection and preservation matters.
5. That the Owner covenants and agrees to convey a 0.3m reserve on the Draft Reference Plan submitted as “Appendix E” to the City and acknowledges and agrees that this reserve shall not be dedicated by the City as part of the public road until such time the conditions of the Subdivision Agreement are satisfied.
6. Submission of a written letter that Part 1 on the Draft Reference Plan submitted with File B/034/24 will be maintained by the current Owner until such time that Part 1 is added to the subdivision to the north in the Town of Whitchurch-Stouffville, all to the satisfaction of the Director of Planning or designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning.
7. The Owner acknowledges and agrees that whenever a turning lane is added at intersection(s), more ROW should be provided to accommodate it and ensure no encroachment on boulevard space(s) and boulevard softscape area(s), to the satisfaction of the City’s Director of Planning and Urban Design.

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:

BM

Brashanthe Manoharan, Planner II, East District

Appendix B

File: 24.200339.000.00.CSNT

Date: 3/3/2025
MM/DD/YYYY



Town of Whitchurch-Stouffville

City of Markham

Hwy 48

Dickson Hill Rd

19th Ave


19th Ave

Mill Race Cr

AERIAL PHOTO (2024)

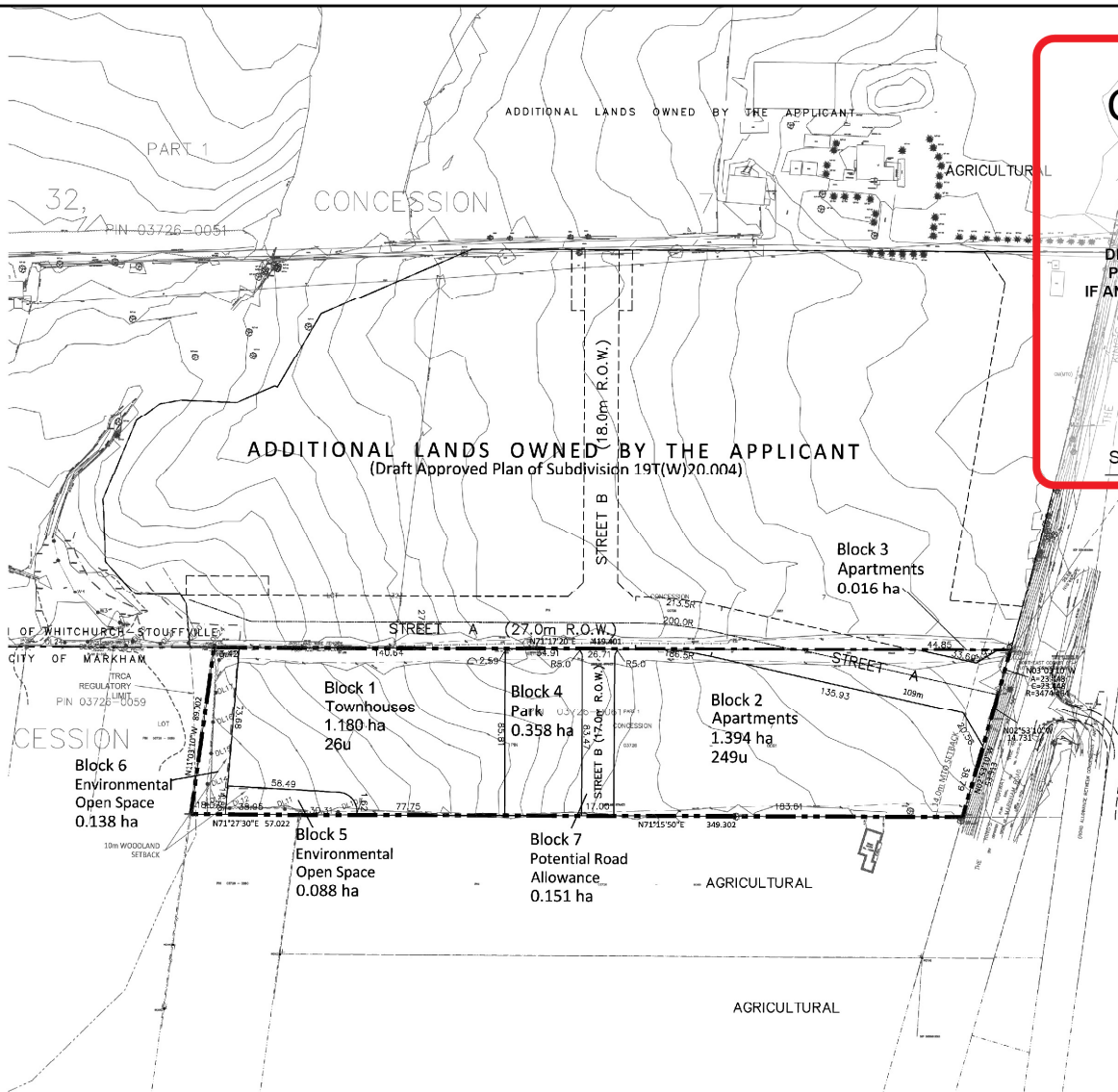
ADDRESS: 11621 Highway 48

FILE No. B/034/24

 SUBJECT LANDS



Y:\Geomatics\New Operation\2025 Agenda\B\B03424\Report Figures.mxd



Appendix C

File: 24.200339.000.00.CSNT

Date: 3/3/2025

DRAFT APPROVED

DRAFT PLAN APPROVED UNDER SECTION 51 OF THE PLANNING ACT AND SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN THE DRAFT PLAN APPROVAL MEMO FOR THE FILE BELOW.

File: 20:134853.000.00.PLAN

Date: 02/23/22

Senior Development Manager (or their designate)

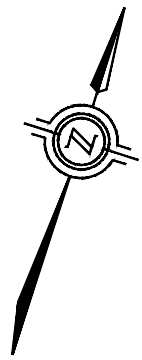
DRAFT PLAN OF SUBDIVISION

APPLICANT: FLATO Developments Inc. (Shakir Rehmatullah) c/o Bousfields Inc.
Highway 48

FILE No. PLAN 20 134853



Q:\Geomatics\New Operation\2021 Agenda\PLAN\PLAN20_134853\Report Figures.mxd

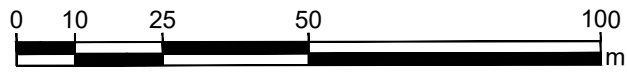
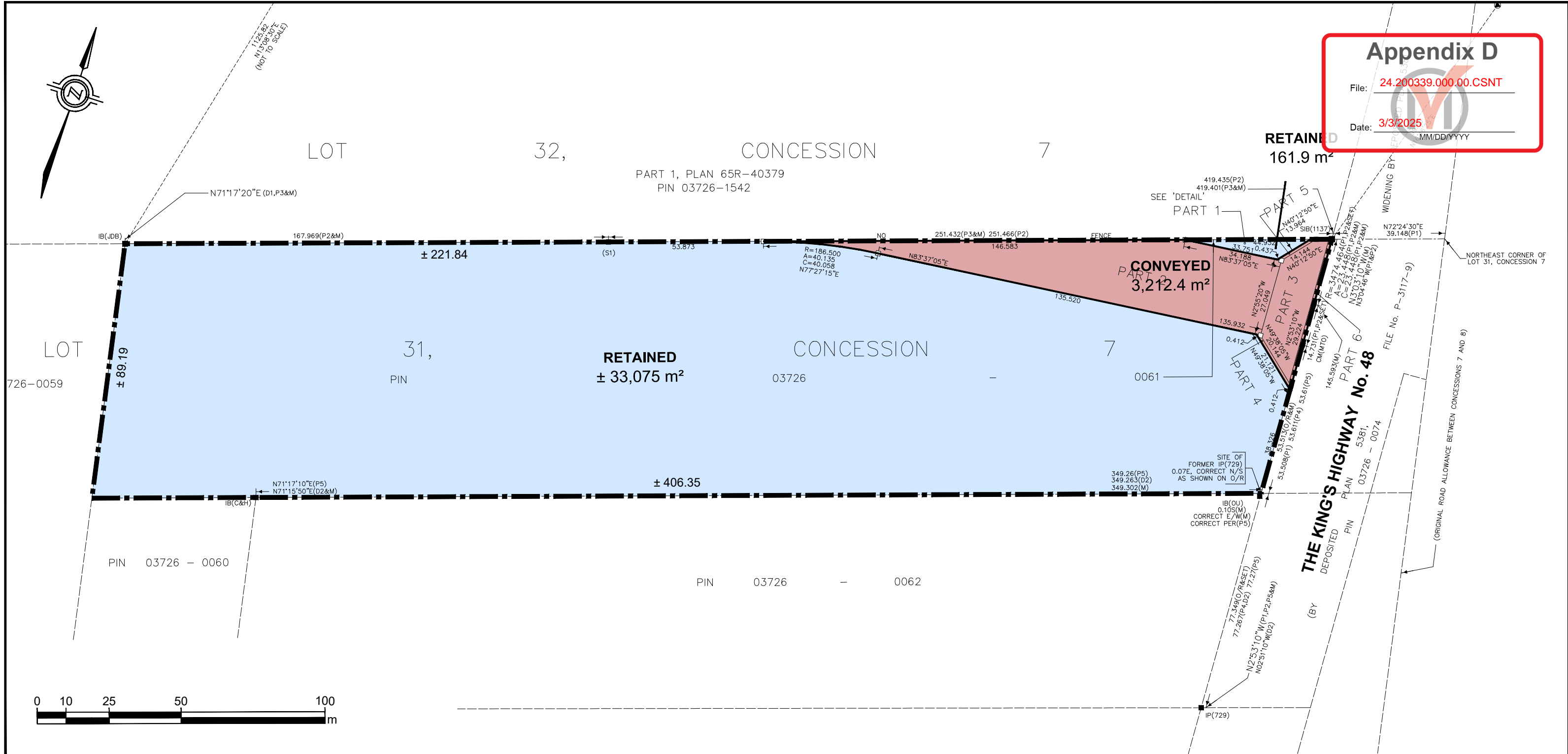


Appendix D

File: **24.200339.000.00.CSNT**

Date: **3/3/2025**

MM/DD/YYYY



SEVERANCE PLAN: Part of Lot 31, Concession 7, City of Markham, Regional Municipality of York

Retained	= 0.016 ha
Retained	= 3.308 ha
Conveyed	= 0.321 ha
TOTAL	= 3.645 ha (approx)

Appendix E

File: 24.200339.000.00.CSNT

PLAN 65R-

RECEIVED AND DEPOSITED Date: 3/3/2025

MM/DD/YYYY

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE _____, 2024.

DAN DZALDOV
ONTARIO LAND SURVEYOR

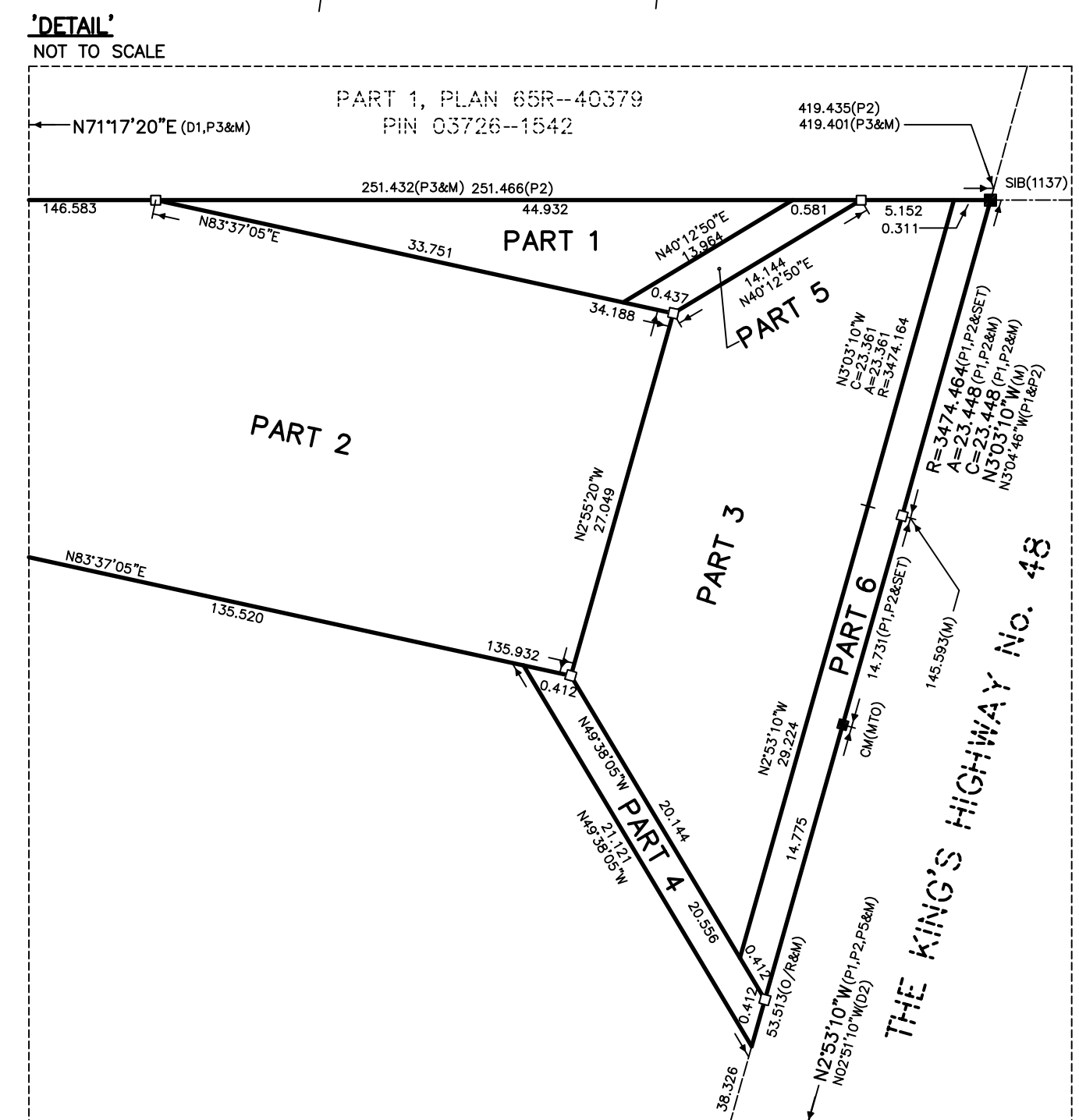
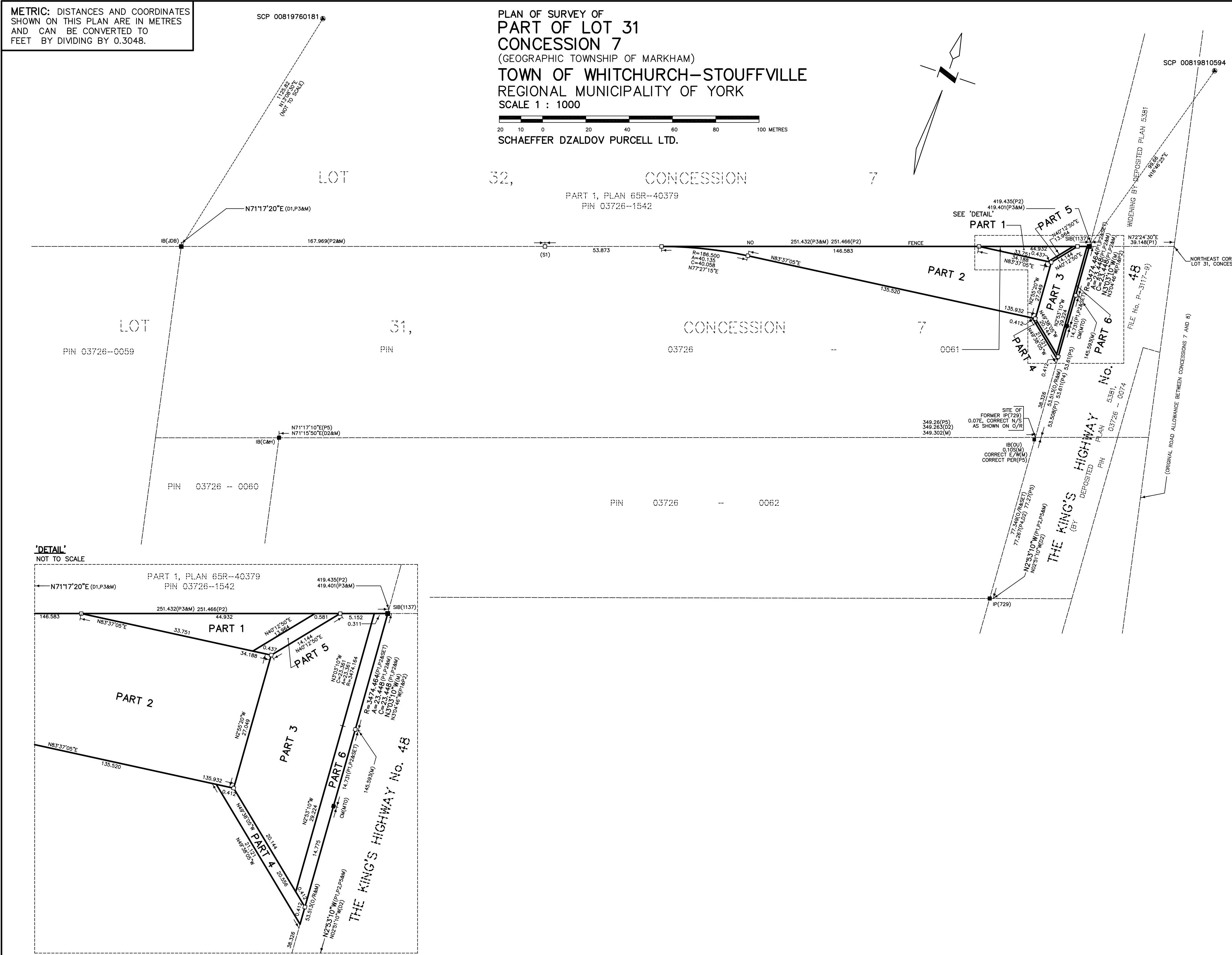
REPRESENTATIVE FOR LAND REGISTRAR FOR THE
LAND TITLES DIVISION OF YORK REGION No. 65

SCHEDULE

PART	LOT	CONCESSION	PIN	AREA (m ²)
1				161.9
2				2583.0
3	PART OF 31	7	PART OF 03726-0061	603.2
4				6.2
5				4.2
6				15.8

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

PLAN OF SURVEY OF
**PART OF LOT 31
CONCESSION 7**
(GEOGRAPHIC TOWNSHIP OF MARKHAM)
TOWN OF WHITCHURCH-STOUFFVILLE
REGIONAL MUNICIPALITY OF YORK
SCALE 1 : 1000
SCHAEFFER DZALDOV PURCELL LTD.



NOTES

- DENOTES PLANTED MONUMENT
- FOUND MONUMENT
- SSIB SHORT STANDARD IRON BAR
- SIB STANDARD IRON BAR
- IBB IRON BAR
- IPB IRON PIPE
- CM CONCRETE MONUMENT
- 1137 R.G. MCKIBBON, O.L.S.
- MTO MINISTRY OF TRANSPORTATION
- 922 SCHAEFFER DZALDOV PURCELL LTD.
- 729 D.H. BLACK, O.L.S.
- JDB J.D. BARNES LIMITED
- D1 INST. No. R527519
- P1 INST. No. R473623
- P2 PLAN 5381 (MTO FILE No. P-3117-9)
- P3 PLAN OF SURVEY BY R.G. MCKIBBON LIMITED, DATED AUGUST 31, 1994
- P4 PLAN 65R-40379
- P5 PLAN OF SURVEY BY D.H. BLACK, O.L.S., DATED APRIL 24, 1961
- S1 SRPR BY DELPH JENKINS NORTH, DATED MAY 3, 2019 (JOB No. 19224-1)
- S1 PLANTED SSIB IN SITE OF IB(1137), FOUND JANUARY 13, 2014
- O/R AND DECEMBER 3, 2021
- O/R OLD RECORDS OF SCHAEFFER DZALDOV BENNETT LTD. RELATING TO JOB No. 13-309-01

FOR BEARING COMPARISONS A ROTATION OF 2°05'10" COUNTER-CLOCKWISE WAS APPLIED TO BEARING ON (D2) TO CONVERT TO GRID.
FOR BEARING COMPARISONS A ROTATION OF 1°10'40" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON (P1) AND (P2) TO CONVERT TO GRID.
FOR BEARING COMPARISONS A ROTATION OF 1°01'50" COUNTER-CLOCKWISE WAS APPLIED TO BEARING ON (P5) TO CONVERT TO GRID.
PARTS 4, 5 AND 6 HAVE BEEN EXAGGERATED FOR CLARITY PURPOSES.
ALL PLANTED MONUMENTS ARE SSIB'S.

BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS 00819810594 AND 00819760181, UTM ZONE 17, NAD83 (ORIGINAL).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999794.

POINT ID.	NORTHING	EASTING
SCP 00819810594	4867793.737	638178.147
SCP 00819760181	4868659.897	638008.165

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 30TH DAY OF SEPTEMBER, 2024.

DATE : _____ DAN DZALDOV
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER _____

SCHAEFFER DZALDOV PURCELL LTD.
ONTARIO LAND SURVEYORS
64 JARDIN DRIVE CONCORD, ONTARIO L4K 3P3 TEL.(416)987-0101
CALC. SL | DRAWN: ACAD/LW | CHECKED: RMCK | SCALE 1:1000 | JOB NO. 14-078-16-01A
PLOT SIZE: 18X30 DECEMBER 9, 2024