

# Memorandum to the City of Markham Committee of Adjustment

February 12, 2020

**File:** B/001/20  
**Address:** 19 Parkway Ave Markham  
**Applicant:** The Incumbent and Churchwardens of Grace Church  
Markham  
**Agent:** John Zipay  
**Hearing Date:** Wednesday March 04, 2020

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

B/001/20

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with an approximate lot frontage of 8.45m on Parkway Avenue and 7.15m on Town Crier Lane, and an approximate lot area of 26.84m<sup>2</sup> (Parts 1 & 2);
- b) retain a parcel of land with an approximate lot frontage of 78.08m on Parkway Avenue and 62.47m on Town Crier Lane, and an approximate lot area of 13,837.16 m<sup>2</sup>.

As it relates to an institutional property that is the subject of the consent application B/001/20.

The purpose of this application is to sever a 26.84m<sup>2</sup> parcel of land located at the northeast portion of the subject property (19 Parkway Avenue), so that it can be conveyed and added to the abutting property to the east (7 Town Crier Lane). The severed parcel is proposed to be added to the abutting property to expand a driveway entrance onto Parkway Avenue in support of a proposed residential development currently under review by the City (Draft Approved Plan of Subdivision SU 16 175583 and Site Plan Control Application SC 16 175583).

## BACKGROUND

### Property Description

The subject property is located in the Markham Village Heritage Conservation District and is occupied by Grace Anglican Church. The property is approximately 3.43 acres in area and has a frontage of approximately 86.53m (283 ft.) on Parkway Avenue to the north, and a frontage of approximately 69.62m (228 ft.) on Town Crier Lane to the east (See Location Map Figure 1).

### Proposal

The applicant proposes to sever a piece of land of approximately 26.8m<sup>2</sup> (288 ft<sup>2</sup>) having a frontage of approximately 8.45m (27 ft.) on Parkway Avenue and 7.15m (23 ft.) on Town Crier Lane. This land is to be conveyed to the adjacent property to the east at 7 Town Crier Lane to expand the property in order to permit the turning radius required by the City

to allow Waste Management and Emergency Vehicles to service a planned development of 11 new single detached dwellings at 7 Town Crier Lane (See proposed severance Figure 2). The proposed residential development at 7 Town Crier Lane is the subject of Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications OP/ZA/SU 16 175583 that have already been approved by the City (See Site Plan of Proposed Development at 7 Town Crier Lane Figure 3). The associated Site Plan application SC 16 175583 is currently being reviewed by the City. The owner of 7 Town Crier Lane is attempting to clear the conditions of Draft Plan Approval including a conditions which states, "*Prior to final approval of the draft plan, the Owner shall acquire from Grace Anglican Church, or subsequent owner, the additional 26.84 square metres of land required to complete Town Crier Lane road intersection with Parkway Avenue, to the satisfaction of the City (Commissioner of Development Services).*"

### **Official Plan and Zoning**

#### **Official Plan 2014**

The subject property is designated 'Residential – Low Rise', which provides for low rise housing forms and places of worship. In considering applications for development approval in a 'Residential Low Rise' area, which includes severances and infill development, the proposed severance is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan with respect to lot frontage and lot area to ensure that the development is appropriate for the site, and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In this case, the purpose of the consent is to convey additional lands to an adjacent lot, while ensuring that the retained lot is not smaller than what is permitted in the By-law.

Section 4.5.3.10 of the Official Plan contains Cultural Heritage Policies related to Development Approvals requiring the evaluation of each land severance and variance proposal that directly affects a cultural heritage resource itself and adjacent lands on its own merits and its compatibility with the heritage policies of this Plan and the objectives and policies of any applicable heritage conservation district plan. This shall include the preservation of the existing lot fabric or historical pattern of lot development on the specific street or in the immediate neighbourhood where it contributes to the uniqueness, and forms part of the historical character of the area.

The proposed severance has no impact on any cultural heritage resources, and does not impact the heritage character of the Markham Village Heritage Conservation District.

#### **Zoning By-law 1229**

The property is zoned I 'Institutional' under By-law 1229, as amended. The (I) Zone designation requires a Minimum Lot Frontage of 25m, and a Minimum Lot Area of 900m<sup>2</sup> whereas the frontage and lot area of the proposed retained lot will be 78.8m and 13,837m<sup>2</sup> respectively.

#### **Markham Village Heritage Conservation District Plan**

The Markham Village Heritage Conservation District Plan contains no policies or guidelines regarding severances, but does refer to the importance of integrating new development with adjoining natural areas and the existing streetscape. The proposed severance will have no impact on the existing Parkway Avenue Streetscape.

## COMMENTS

### Urban Design and Engineering

The City's Urban Design Section and Engineering Department have provided no comments on the application.

### Heritage Planning

Due to the hearing of the Committee of Adjustment being scheduled prior to the next meeting of Heritage Markham on March 11, 2020, the proposed severance has been reviewed by the City's Manager of Heritage Planning using his delegated approval as per By-law 2007-67, and there is no objection to the severance from a heritage perspective.

### **PUBLIC INPUT SUMMARY**

No written submission were received as of February 28, 2020. 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.

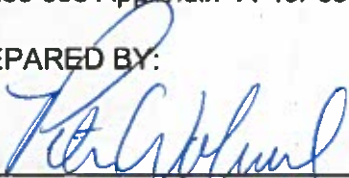
### **CONCLUSION**

The proposed severance and conveyance of land has already been contemplated and approved in principal through the Official Plan, Zoning By-law Amendment and Draft Plan of Subdivision applications OP/ZA/SU 16 175583 that have been reviewed and approved by the City for the proposed residential development of 11 new single detached homes on the abutting property at 7 Town Crier Lane.

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act.

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

PREPARED BY:



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Peter Wokral, Senior Heritage Planner

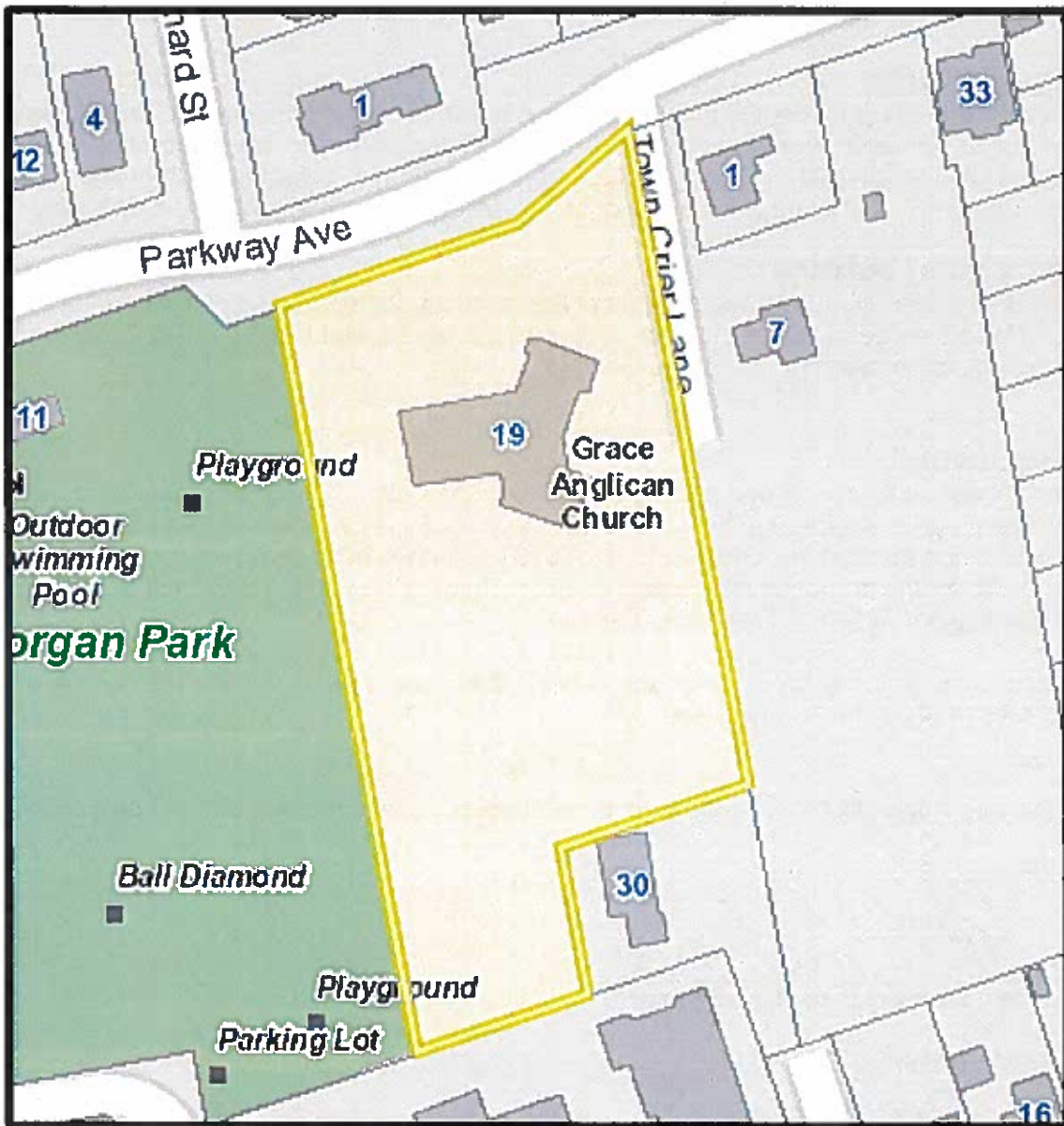
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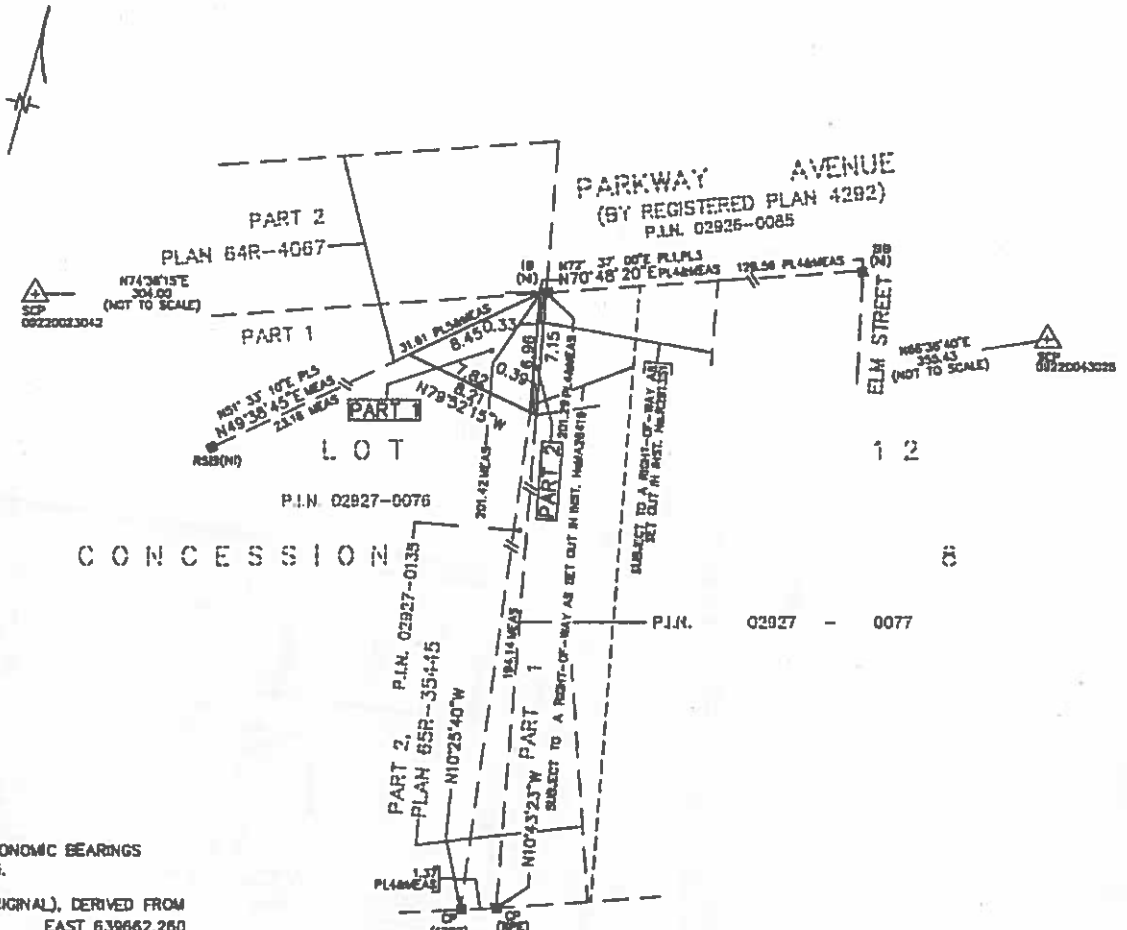
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Regan Hutcheson, Manager of Heritage Planning

FIGURE 1- LOCATION MAP



**FIGURE 2- PROPOSED SEVERENCE**



ARE WITH ASTRONOMIC BEARINGS  
2, PL3 AND PL5.

17, NAD83 (ORIGINAL), DERIVED FROM  
 TH 4860167.082 EAST 639662.260  
 TH 4860381.693 EAST 640282.957

7, NAD83 (ORIGINAL), TO URBAN ACCURACY PER  
 AND CANNOT, IN THEMSELVES, BE USED TO  
 UNDARIES SHOWN ON THIS PLAN.

CAN BE CONVERTED TO GRID BY MULTIPLYING BY  
 0.999821.

MAPLE STREET  
 (BY REGISTERED PLAN 180)



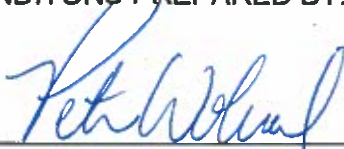


**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/001/20**

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/001/20, 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. Subsection 50(3) or 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
5. Submission of a Solicitor's Certificate certifying that upon registration of the required transfers to effect the severance applied for under Files B/001/20, title to Part(s) 1 and 2\_ on the Draft Reference Plan submitted with File B/001/20 will merge with title to the lands to the east municipally known as 7 Town Crier Lane and legally described as Concession 8 Part Lot 12, all to the satisfaction of the Director of Planning and Urban Design or designate.

CONDITONS PREPARED BY:



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Peter Wokral, Senior Heritage Planner