

Memorandum to the City of Markham Committee of Adjustment

September 10, 2021

File: B/003/21
Address: 45 Sciberras Road – Markham, ON
Applicant: William Xue
Agent: Prohome Consulting Inc. (Shahramb (Sean) Khatibzadeh)
Hearing Date: September 22, 2021

The following comments are provided on behalf of the Central District Team. The purpose of this application is to create one new residential lot. The applicant is requesting provisional consent to:

- a) retain a parcel of land with an approximate lot frontage of 15.24 m (50.0 ft), and an approximate lot area of 898.40 m² (9,670.30 ft²) (Part 1); and
- b) sever and convey a parcel of land with an approximate lot frontage of 15.24 m (50.0 ft), and an approximate lot area of 898.40 m² (9,670.30 ft²) (Part 2).

BACKGROUND

Property Description

The 1,796.80 m² (19,340.60 ft²) subject property is located on the east side of Sciberras Road, north of Highway 7 East, south of Fred Varley Drive, and west of Main Street Unionville, in the Unionville community. There is an existing one-storey single detached dwelling on the property, which has an attached garage. An accessory structure (shed) is located in the rear yard. Mature trees and vegetation exist throughout the property.

Lots fronting onto Sciberras Road contain one and two-storey single detached dwellings and range in terms of residential lot sizes and frontages. The surrounding area contains low rise residential built forms, which includes a mix of one and two-storey single detached dwellings, parks and various commercial uses along Highway 7 East. Rowhouse (townhouse) developments accessible from Sciberras Road are located closer to Highway 7 East.

Proposal

The applicant proposes to sever the existing residential lot to facilitate the creation of one new additional residential lot. Both lots would have equal lot frontages of 15.24 m (50.0 ft), and lot areas of 898.40 m² (9,671.05 ft²). The applicant is also proposing to demolish the existing one-storey detached dwelling to construct two new two-storey single detached dwellings, one on the retained lot (Part 1, the north parcel), and the other on the severed lot (Part 2, the south parcel) (see Appendix "C").

Zoning Preliminary Review (ZPR) Undertaken

The applicant submitted a ZPR completed on May 25, 2021 which notes that further information is required to determine whether there would be any non-compliances with respect to the building plans submitted at the time. The applicant has not submitted a

variance application, and staff's review of this application is therefore limited to the proposed severance.

COMMENTS

Official Plan 2014 (partially approved on November 24/17, and updated on April 19/18

The subject property is designated "Residential Low Rise", which provides for low rise housing forms including single detached dwellings. Where severances are proposed, Section 10.3.2 of the Official Plan outlines a set of criteria for provisional consents to be granted, and staff are of the opinion that the proposed development:

- would result in the creation of three or fewer lots, and a plan of subdivision is not required;
- is within the Unionville community which has adequate servicing, and no extension of municipal services, or infrastructure is required, aside from the need to provide for new service connections to each lot and disconnecting any unused service connections;
- fronts onto Sciberras Road, which is a public street;
- will not restrict the development of adjacent lands;
- conforms with the size requirements of the Zoning By-law, and is compatible;
- would not adversely impact or affect any potential cultural heritage resources; and
- conforms to the relevant policies of the Official Plan.

Zoning By-law 11-72

The subject property is zoned "Fourth Density Single Family Residential (R4)" under By-law 11-72, as amended, which permits one single detached dwelling per lot, requiring that lots have a:

- minimum lot frontage of 15.24 m (50.0 ft); and
- minimum lot area of 580.64 m² (6,250.0 ft²).

The proposed residential lots would comply with the applicable lot area and frontage requirements.

Engineering Comments

Engineering staff confirm that municipal services are available to service the proposed severance application, noting that the applicant will be required to submit a separate site servicing and grading plan for review and approval at the building permit stage. The applicant will also be required to make satisfactory arrangements with the City's Engineering Department as it relates to municipal inspections for the installation of the proposed sanitary, storm, and water main service connections to service the newly created lot, and disconnect any unused service connections. Engineering staff do not have any objections to the approval of the consent application, subject to the conditions listed in Appendix "A".

Urban Design Comments

As noted, the subject property contains mature vegetation. The applicant submitted an Arborist Report and Tree Assessment and Preservation Plan (TAPP), which shows that a total of 17 trees would be removed as a result of the proposed construction. The applicant

is not requesting any variances associated with this application for the construction of the future dwellings, and would be required to apply for, and obtain, tree permits from the City for any proposed injury or removal of trees with a trunk diameter at breast height (DBH) of 20 cm (7.87 in), or more. If approved, the submitted TAPP will be reviewed through the Residential Infill Grading and Servicing (RGS) process. The Urban Design section does not have any objections to the approval of the severance application, subject to the conditions listed in Appendix "A", which requires payment of cash-in-lieu (CIL) of parkland dedication, and submission of an appraisal report.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 10, 2021. It is noted that information may be received after the writing of this 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 Section 53 of *Planning Act*, and are in support of the proposed development. The proposed severance complies with the By-law, and Planning staff are of the opinion that the proposed application to sever is consistent with the policies of the Official Plan for each lot. Planning staff recommend that any approval of this application be subject to the conditions provided in Appendix "A" to this report, and that the Committee considers public input in reaching a decision.

APPENDICES

Appendix "A": Conditions of Approval

Appendix "B": Plan of Survey

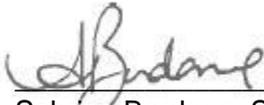
Appendix "C": Site Plan [Part 1 (45 B) and Part 2 (45A)]

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/003/21

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/003/21, 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 reference plan showing the subject lands, 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) Review and approval of an Arborist Report and Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
 - iii) Erection and inspection of tree protection fencing by City staff, in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - iv) Planting of any required replacement trees, and payment of replacement fees in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - v) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
 - vi) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement.
 - vii) 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;
 - viii) 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; and

- ix) Prior to final approval of the Consent, necessary permits pursuant to the Ontario Building Code (OBC) shall be obtained, and internal sewer and water systems are to be constructed in order to provide separate and independent plumbing systems for each of the severed and retained parcels.
6. That the Owner provides confirmation from an Ontario Land Surveyor that the severed and retained parcels in their final configuration, meet all requirements of the applicable zoning by-law, including any development standards for buildings and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Zoning Supervisor, or their designate.
 7. That the existing dwelling on the retained lot be partially or fully demolished, if required, to comply with all applicable Zoning By-law requirements, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Chief Building Official or designate.
 8. Fulfillment of all of the above conditions within one year of the date that notice of the decision was given under Section 50(17) or 50(24) of the *Planning Act*.

CONDITONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLAN OF SURVEY

TOPOGRAPHIC SURVEY OF
 PART OF LOT 11
 CONCESSION 5
 AND
 PART OF BLOCK A
 REGISTERED PLAN 2886
 CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 SCALE 1 : 200



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METRIC

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

ELEVATION NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED
 TO THE CITY OF MARKHAM BENCHMARK No.428
 HAVING AN ELEVATION OF 175.319 METRES.

LEGEND

- | | | |
|--------|---------|-----------------------|
| MH | DENOTES | MANHOLE |
| FH | | FIRE HYDRANT |
| PWF | | POST AND WIRE FENCE |
| GM | | GAS METER |
| TELBOX | | TELEPHONE BOX |
| UP | | UTILITY POLE |
| DS | | DOOR SILL |
| CR | | CENTERLINE |
| HM | | HYDRO METER |
| O/H | | OVERHEAD |
| SWI | | INTERLOCKING PAVEMENT |
| RWBR | | BRICK RETAINING WALL |
| INST. | | INSTRUMENT |
| ○ | | DECIDUOUS TREE |
| ⊙ | | CONIFEROUS TREE |
| ⊛ | | BUSH |

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN
 WERE COMPLETED ON THE 1ST DAY OF FEBRUARY, 2021.

FEBRUARY 12, 2021
 DATE

ALEX MARTON
 ONTARIO LAND SURVEYOR

ALEX MARTON LIMITED
 ONTARIO LAND SURVEYORS
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 WEBSITE: www.amsurveying.ca

PARTY CHIEF: P.C.	FILE NAME: 2021-034.DWG
DRAWN : A.K.	PLOT SCALE: 1:200
CHECKED : A.M.	PROJECT No. 2021-034

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE
 USED FOR MORTGAGE OR TRANSACTION PURPOSES.



APPENDIX "C"
SITE PLAN [PART 1 (45B) AND PART 2 (45A)]

Appendix B

File: 21-116608-000-00-CSNT

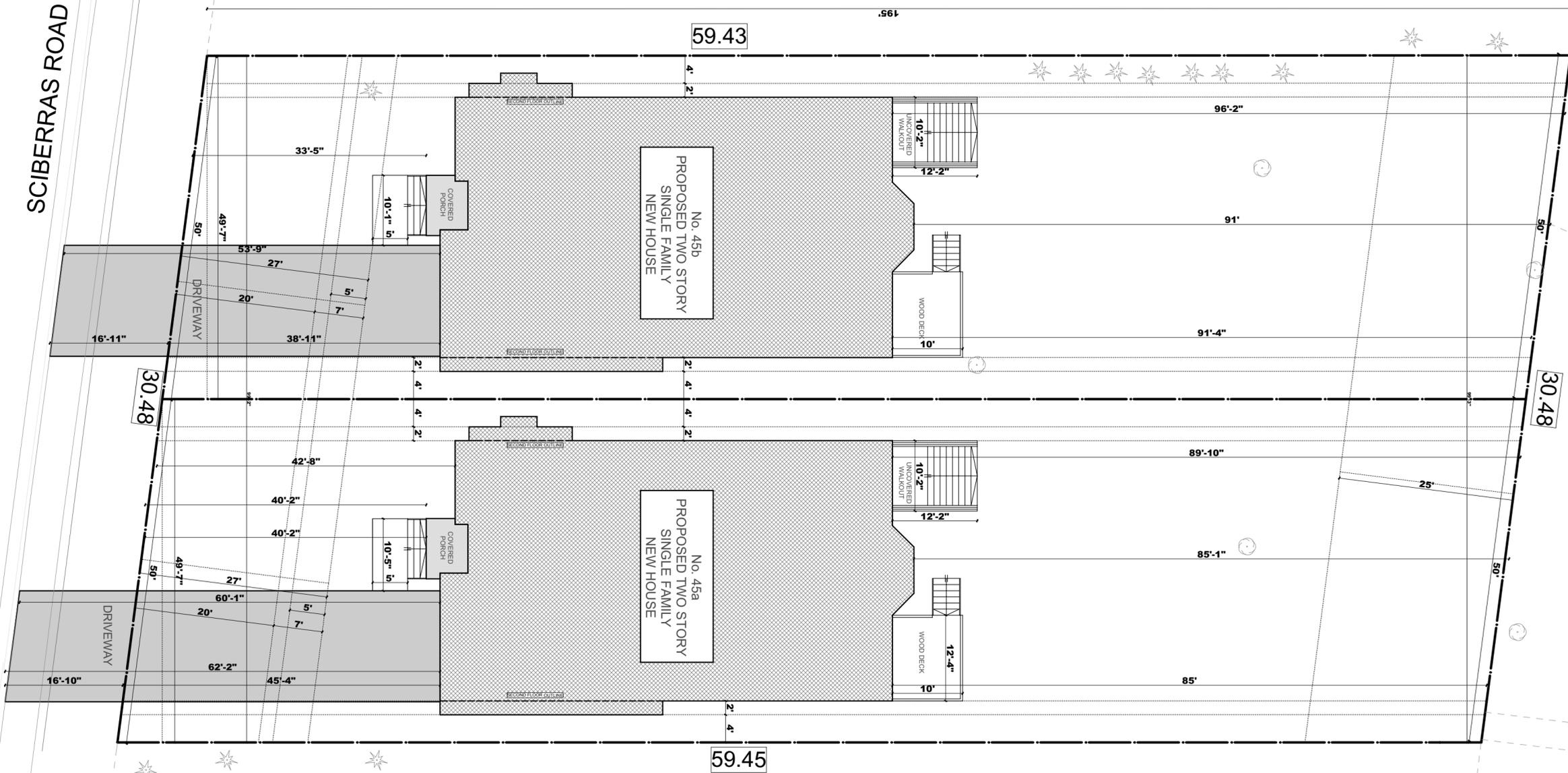
Date: 09/16/21

MM/DD/YY

LOT AREA: 9670 SQ FT/898.40 SQ M		LOT COVERAGE: 2549 SQ FT / 236.81 SQ M				
GFA	GR FLOOR EXCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	TOTAL GFA NOT INCLUDING CELLAR	%
TOTAL	2079FT ² /193.15 M ²	2370FT ² /220.18 M ²	2148FT ² /199.56 M ²	423 FT ² /39.30M ²	4449FT ² /413.33 M ²	26.36%

**1 STOREY
BRICK
BUILDING
No. 51**

SCIBERRAS ROAD



DATE: APR:2021	ISSUED FOR: FOR COA	THE UNDERSIGN HAVE REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER.	DRAWN BY: V.E	SCALE: 1:150	DRAWING TITLE: SITE PLAN	A.00
				FOR STRUCTURE ONLY	LAST MODIFIED ON: JULY 16, 2021	