

# Memorandum to the City of Markham Committee of Adjustment

November 12, 2021

**File:** B/014/21  
**Address:** 68 Sprucewood Drive – Markham, ON (Thornhill)  
**Applicant:** Reza Razzagh  
**Agent:** Ezed Architects (Sanaz Nouri)  
**Hearing Date:** November 24, 2021

The following comments are provided on behalf of the West District team. 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 929.03 m<sup>2</sup> (10,000.0 ft<sup>2</sup>); 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 929.03 m<sup>2</sup> (10,000.0 ft<sup>2</sup>).

## BACKGROUND

The Committee of Adjustment (the “Committee”) previously granted provisional consent on the subject property for a severance application (B/01/19) on June 26, 2019 to facilitate the creation of one new residential lot. Staff comments were provided in a memorandum to the Committee dated June 18, 2019, with the approved lot frontages and areas noted in the Staff Report (Appendix “C”). In these comments, staff noted that the proposed severance would result in two residential lots that would comply with the minimum lot frontage and lot area requirements of 50.0 ft (15.24 m), and 6,250.0 ft<sup>2</sup> (580.64 m<sup>2</sup>), respectively. The file history shows that the majority of the conditions of approval were not cleared within one year of the approval date, and in accordance with Section 53(43) of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, the consent lapsed.

## Property Description

The 1,858.06 m<sup>2</sup> (20,000.0 ft<sup>2</sup>) subject property is located on the west side of Sprucewood Drive, north of the CN railway corridor, and south of the Don Valley Park. There is an existing one-storey detached dwelling on the property which straddles the proposed severance line.

The subject property has an approximate depth of 60.96 m (200.0 ft) and is located within an established residential neighbourhood comprised of a mix of one and two-storey semi-detached and single detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists throughout the property.

## Proposal

The applicant has submitted a new consent application (B/014/21), requesting that the Committee grants approval of the severance to facilitate the creation of one new additional lot with the same lot frontages and areas as previously proposed.

## Official Plan and Zoning

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

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 necessary;
- is within the Thornhill community which has adequate servicing, and no extension of municipal services, or infrastructure is required;
- fronts onto Sprucewood Drive, which is a public street;
- will not restrict the development of adjacent lands;
- is permitted by the size and frontage requirements of the Zoning By-law;
- is a property identified by the Regional Municipality of York as having archaeological potential; and
- is generally consistent with the relevant policies of the Official Plan.

#### Zoning By-Law 2237

The subject property is zoned “Fourth Density Single Family Residential – (R4)” under By-law 2237, as amended, which permits one singled detached dwelling on properties that have a minimum lot frontage of 50.0 ft (15.24 m), and a minimum lot area 6,250.0 ft<sup>2</sup> (580.64 m<sup>2</sup>).

#### **Zoning Preliminary Review (ZPR) Undertaken**

A ZPR completed on September 23, 2021 confirms that the severed and retained lots would comply with the applicable zone standards under By-law 2237, as amended.

#### **COMMENTS**

Zoning By-law 2237 is currently in effect, and the proposed severance would allow for two residential lots with frontages and areas that would comply with the minimum requirements of the “Fourth Density Single Family Residential – (R4)” zone. According to the conceptual plans submitted, the applicant has demonstrated that one singled detached dwelling per lot can be accommodated. Subject to implementation of the conditions attached as Appendix “A”, staff are in support of the severance application.

#### Engineering Comments

The owner will be required to submit a site servicing and grading plan for review and acceptance by the City at the Building permit stage, and must make satisfactory arrangements with the City’s Engineering staff for the installation of 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

Urban Design staff do not have any objection to the severance application, subject to implementation of the conditions listed in Appendix “A”, which requires payment of cash-in-lieu (CIL) parkland dedication, and submission of an appraisal report.

#### Tree Compensation & Preservation

As the proposed development is to facilitate the future construction of infill dwellings on the property, staff note that the applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees, which have a diameter at breast height (DBH) of 20.0 cm (7.87 in), or more. To ensure that the applicant installs

the appropriate tree protection and compensation where required, staff recommend that the tree related conditions detailed in Appendix "A" be adopted.

#### CN Rail Requirements

As the subject property is in close proximity to the rail corridor, CN Rail has provided comments on this application encouraging the municipality to pursue the implementation of appropriate mitigation measures for the construction of any future dwellings on the properties. CN Rail also requires the owner to grant an environmental easement for operational noise and vibration emissions, to be registered against the subject property in favour of CN Rail, along with including a warning clause relating to noise and vibration in any development agreements, offers to purchase, and agreements of Purchase and Sale or Lease. Staff recommend that these measures be implemented through a development agreement to the satisfaction of CN Rail, as detailed in Appendix "A".

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 12, 2021. It is noted that additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

#### **CONCLUSION**

In determining its appropriateness, staff have had regard for Section 53 of the *Planning Act*, and have concluded that the proposed severance applications would create lots that are consistent with Provincial and City policies, complies with the minimum requirements of the local Zoning By-law, and is compatible with other lots in the area. 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" – Draft Reference Plan

Appendix "C" – Staff Report (B/01/19): June 18, 2019

Appendix "D" – CN Rail Comments: September 29, 2021

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Maty Caputo, Development Manager, West District

## **APPENDIX “A”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE B/014/21**

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/014/21/, 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 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) 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, 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.
  - ix) Immediate notification to the Ministry of Heritage, Sport, Tourism and Culture Industries should archaeological remains be found on the property during construction activities.
  - x) Immediate notification to the Ministry of Tourism, Culture and Sport and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations if human remains are encountered during construction activities.
  - xi) Implementation of any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. Should previously unknown or unassessed archaeological resources be uncovered during development, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to undertake archaeological fieldwork, in compliance with Section 48(1). Any person discovering human remains must immediately notify the police or coroner and the Registrar of Cemeteries, Ministry of Government Services.
  - xii) Mitigation measures relating to the design and construction of future dwellings, as recommended by CN Rail.
  - xiii) An appropriate warning clause relating to noise and vibration in any development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling within 300.0 m (984.25 ft) of the rail right-of-way.
  - xiv) To grant CN Rail an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN Rail.
6. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures,

and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate; and

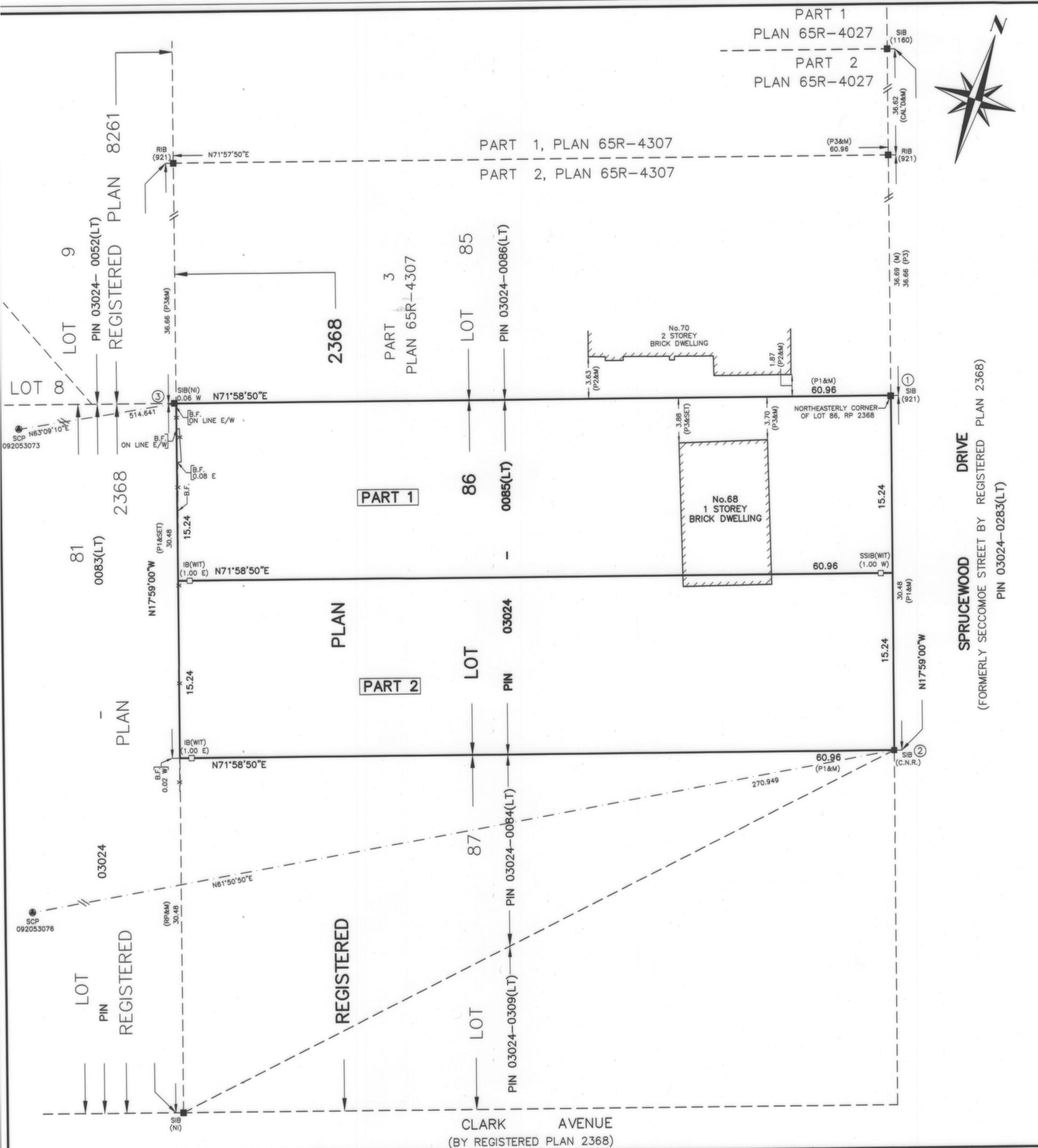
7. Fulfillment of all of the above conditions within one year of the date that notice of the decision was given under Section 50(17) or 50(24) of the *Planning Act*.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to be 'Aleks Todorovski', written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**DRAFT REFERENCE PLAN**



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

DATE January 30, 2020

Z. ZENG  
ONTARIO LAND SURVEYOR

PLAN 65R-4027  
PART 1  
PART 2

RECEIVED AND DEPOSITED  
File: 21-13714-000.00.CSNT  
Date: 11/18/21  
MM/DD/YY

*C. Boyle*  
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION (No. 65)

SCHEDULE				
PART	ALL OF LOT	REGISTERED PLAN	ALL OF PIN	AREA(m <sup>2</sup> )
1	86	2368	03024-0085(LT)	929.0
2				929.0

PLAN OF SURVEY OF  
LOT 86, REGISTERED PLAN 2368  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK

SCALE 1:250  
10m 5 0 5 10 15 20 METRES

MANDARIN SURVEYORS LIMITED, O.L.S.

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

- LEGEND**
- DENOTES MONUMENT SET
  - DENOTES MONUMENT FOUND
  - IB DENOTES IRON BAR
  - SIB DENOTES STANDARD IRON BAR
  - SSIB DENOTES SHORT STANDARD IRON BAR
  - RIB DENOTES ROUND IRON BAR
  - WIT DENOTES WITNESS
  - RP DENOTES REGISTERED PLAN 2368
  - P1 DENOTES PLAN OF SURVEY BY W.S. WINTERS, O.L.S. DATED JULY 14, 1955
  - P2 DENOTES PLAN OF SURVEY BY P. SALNA, O.L.S. DATED OCTOBER 26, 1981
  - P3 DENOTES PLAN 65R-4307
  - P4 DENOTES PLAN 65R-4027
  - CAL'C DENOTES CALCULATED BY P3 & P4
  - 921 DENOTES P. SALNA COMPANY LTD., O.L.S.
  - 1160 DENOTES ROBERT N. CLARKE, O.L.S.
  - C.N.R. DENOTES CANADIAN NATIONAL RAILWAYS
  - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
  - B.F. DENOTES BOARD FENCE
  - M DENOTES MEASURED
  - SCP DENOTES SPECIFIED CONTROL POINTS
  - WIT DENOTES WITNESS

**NOTES**

BEARINGS ARE U.T.M. GRID DERIVED FROM SPECIFIED CONTROL POINTS 092053073 AND 092053076, U.T.M. ZONE 17, NAD83

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99977717

SPECIFIED CONTROL POINTS (SCP's)  
U.T.M. ZONE 17, NAD83  
COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG.216/10

POINT ID	NORTHING	EASTING
SCP 092053073	4851969.098	627856.116
SCP 092053076	4852063.511	628143.693
1	4852220.31	628373.13
2	4852191.32	628382.53
3	4852201.45	628315.17

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

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 30th DAY OF JANUARY, 2020

DATE January 30, 2020

Z. ZENG  
ONTARIO LAND SURVEYOR

**MANDARIN SURVEYORS LIMITED**  
ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR  
WWW.MANDARINSURVEYOR.COM

42 RAVENCLIFF CRESCENT PHONE: (647)430-1366 FAX: (647)799-4068  
TORONTO, ONTARIO, M1T 1R8 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: S.Z. CAD No: 17-364RPLAN JOB No: 2017-364

**APPENDIX "C"**  
**STAFF REPORT (B/01/19): JUNE 18, 2019**

# Memorandum to the City of Markham Committee of Adjustment

June 18<sup>th</sup>, 2019

**File:** B/01/19  
**Address:** 68 Sprucewood Dr, Thornhill  
**Applicant:** Li Yiqiu  
**Agent:** TAES Architects Inc. (Shenshu Zhang)  
**Hearing Date:** Wednesday June 26<sup>th</sup>, 2019

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

## B/01/19

The applicant is requesting provisional consent to:

- a) retain a parcel of land with approximate lot frontage of 15.24 m and approximate lot area of 929.03 sq. m (Part 1); and
- b) sever and convey a parcel of land with approximate lot frontage of 15.24 m and approximate lot area of 929.03 sq. m (Part 2).

The purpose of this application is to create a new residential lot.

## BACKGROUND

### Property Description

The 1,858.06 m<sup>2</sup> (19,999.99 ft<sup>2</sup>) subject property is located on the west side of Sprucewood Drive, North of Clark Avenue and east of Johnson Street. Sprucewood Drive is a 13 lot residential street with a mix one and two-storey detached dwellings. To the south of the subject property is CN rail.

### Proposal

The applicant proposes to sever the existing residential lot into two (2) parcels. The retained parcel (Part 1) will have a lot area of 9,999.99 ft<sup>2</sup> (929.03 m<sup>2</sup>) and a lot frontage of 15.24 m (50 ft). The conveyed parcel (Part 2) will have a lot area of 9,999.99 ft<sup>2</sup> (929.03 m<sup>2</sup>) and a lot frontage of 15.24 m (50 ft). The lot frontages and lot areas for both the retained (Part 1) and conveyed (Part 2) parcels comply with the By-law requirement for minimum lot frontage of 50 ft (15.24 m) and minimum lot area of 6,250 ft<sup>2</sup> (580.64 m<sup>2</sup>). The applicant has provided conceptual plans, to demonstrate that two new lots could be built in compliance with the applicable by-law. The plans could change, and may not be constructed as shown on the proposed new parcels of land if the severance is approved. The applicant has not applied for any minor variances on the proposed lots.

### Official Plan and Zoning

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 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.

#### Zoning By-Law 2237

The property is zoned "R4" – Single Detached Residential by By-law 2237, as amended. Both conveyed and retained lots comply with the minimum lot area and lot frontage requirement.

#### **Zoning Preliminary Review Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. It is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

#### Proposed Severances

The applicant is proposing to sever the existing parcel into two parcels. The retained parcel (Part 1) will have a lot area of 9,999.99 ft<sup>2</sup> (929.03 m<sup>2</sup>) and a lot frontage of 15.24 m (50 ft). The conveyed parcel (Part 2) will have a lot area of 9,999.99 ft<sup>2</sup> (929.03 m<sup>2</sup>) and a lot frontage of 15.24 m (50 ft). According to the plans submitted with this application, the proposed retained and conveyed lots provide for the minimum lot frontage requirement of 50ft (15.24 m) and minimum lot area of 6,250 ft<sup>2</sup> (580.64 m<sup>2</sup>). The proposed lots will be generally consistent with the existing lotting pattern along Sprucewood Drive. With the exception of one lot with a frontage of 37.5 ft (11.43 m) and one lot with a frontage of 128.67 ft (39.22 m), majority of the homes along Sprucewood Avenue range in frontages between 52.23 ft (15.92 m) and 60.00 ft (18.3 m).

#### Engineering Comments

The City's Engineering Department advises that both the retained and conveyed parcels must be provided with its own individual water and sewer services, if the proposed severance is approved. In conjunction with the building permit applications for each individual lot, the Owner will be required to submit a separate site servicing plan for review and approval by the City. At such time, the Owner will also be required to submit an application for the installation and decommissioning of service connections. The connections will be installed by the City at the Owner's expense to be secured through a Development Agreement.

#### Urban Design Comments

Subject to the review and approval of the tree assessment and preservation plan, tree placement and/or compensation are to be provided to the City, to the satisfaction of the Director of Planning and Urban Design or designate prior to site work, if the proposed severance is approved. All the trees proposed to be retained must be protected by tree protection fencing in accordance with the requirements outlined in the City's Streetscape Manual (2009), as amended. In addition, the applicant will be required to satisfy Parkland Dedication through a contribution in the form of cash-in-lieu, calculated based on an acceptable land appraisal. All the above requirements will also be secured through a Development Agreement which is a condition of approval should the severance be approved.

#### **EXTERNAL AGENCIES**

CN Rail provided comments on this application on January 22<sup>nd</sup>, 2019 (Appendix C), requiring mitigation measures be implemented to attenuate the impact generated by the railway located

south of the property. Staff recommend that the development agreement include provisions to satisfy CN Rail's requirements prior to the issuance of a building permit.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of June 18<sup>th</sup>, 2019. 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**

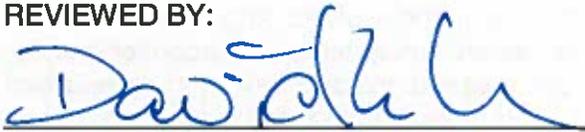
Planning staff have reviewed the proposal within the context of the criteria in Sections 51 (24) of the Planning Act R.S.O. 1990, c. P.13, as amended. Staff recommend that the proposed severance (B/01/19) be approved subject to the conditions in Appendix 'A'. The onus is ultimately on the applicant to demonstrate why the proposed severance should be granted.

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

PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner

REVIEWED BY:

  
\_\_\_\_\_  
David Miller, Development Manager  
File Path: Amanda\File\19 110393\Documents\District Team Comments Memo

## **APPENDIX "A"**

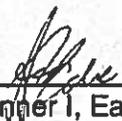
### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/01/19**

1. Submission of a 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 the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
2. 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;
3. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/01/19, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
4. 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;
5. 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 shown as Part 2 on the draft reference plan submitted with the application; to be reviewed and approved by the City; payment of cash-in-lieu of parkland dedication in accordance with By-law 2237, as amended, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
6. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended;
7. The Owner will be required to submit a site servicing and grading plan for review and acceptance by the City upon making an application for a building permit;
8. Upon making an application for a building permit, the Owner must make satisfactory arrangements with the City's Engineering Department - Municipal Inspections for the installation of the proposed sanitary and watermain service connections to service the newly created lot and disconnect any unused service connections;
9. The Owner shall enter into a Development Agreement with the City to the satisfaction of the Director of Planning and Urban Design, the City Solicitor, and 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:

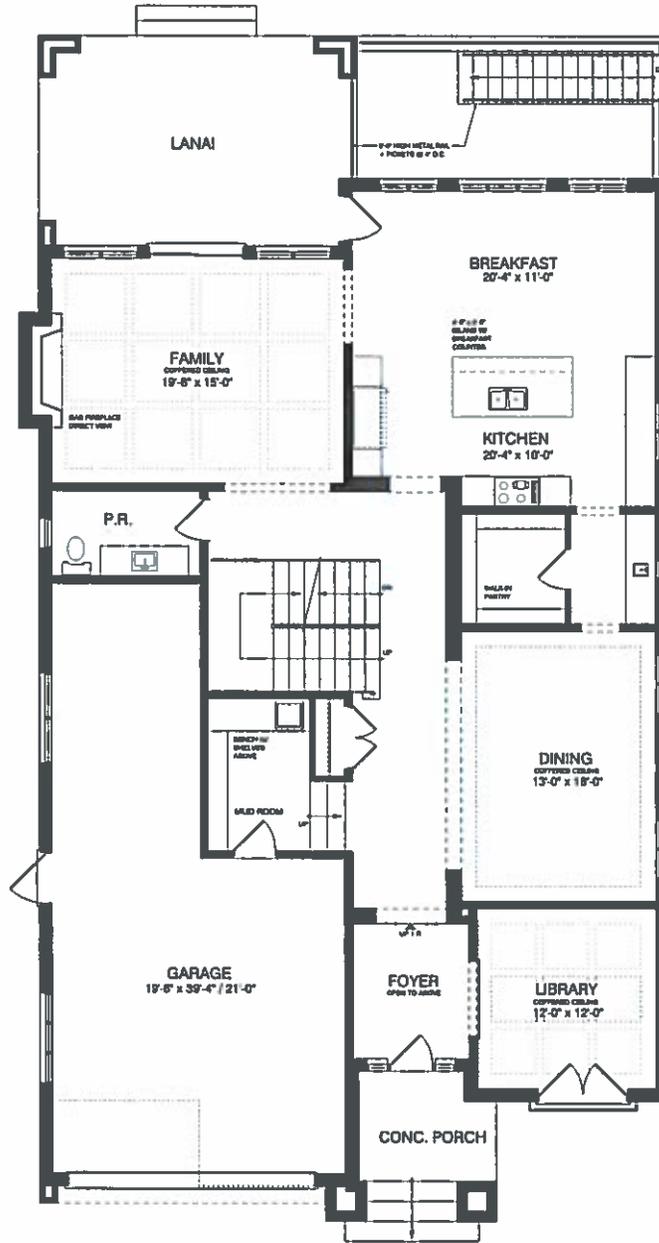
- i) Payment of all applicable fees in accordance with the City's fee by-law;
- ii) Erection and inspection by City staff of tree protection fencing, in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
- iii) Planting of any required replacement 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) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate;
- vi) 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.
- vii) That any building or structure on Part 2, be at least 30 m from the CN Rail right-of-way;
- viii) That a qualified professional confirm that the dwellings are designed to meet Ontario NPC 300 guidelines; and
- ix) That a qualified professional confirm that the dwellings meet and comply with Ontario NPC 300 guidelines.

10. Confirm that there are no existing easements registered on title in favour of the City that will be impacted by the proposed severance;
11. Provide confirmation that any and all existing services for the Retained Lot do not traverse the severed lot
12. Provide a functional servicing plan to show how individual water and sewer services will be provided for the Severed Lot;
13. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate; and
14. 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:

  
 \_\_\_\_\_  
 Aqsa Malik, Planner I, East District





**FIRST FLOOR PLAN**  
 FLOOR AREA - 1950 SQ. FT. (INCL. OPEN AREA)

TWO-STORY  
 MODEL  
 'MAPLE GROVE ESTATE'



FOR  
 ANIX  
 DEVELOPMENTS  
 42 & 44 MAPLE GROVE AVE  
 RICHMOND HILL, ON.

**DERO**  
 BUILDING  
 DESIGNS  
 20 Wertheim Crt. U13  
 Richmond Hill, Ontario  
 L4B 3A8

T 905 889 8434  
 F 905 889 8435

info@derodesigns.com  
 www.derodesigns.com



**SECOND FLOOR PLAN**  
 FLOOR AREA - 2630 SQ. FT. (INCL. OPEN AREA)

**TWO-STORY  
 MODEL  
 'MAPLE GROVE ESTATE'**



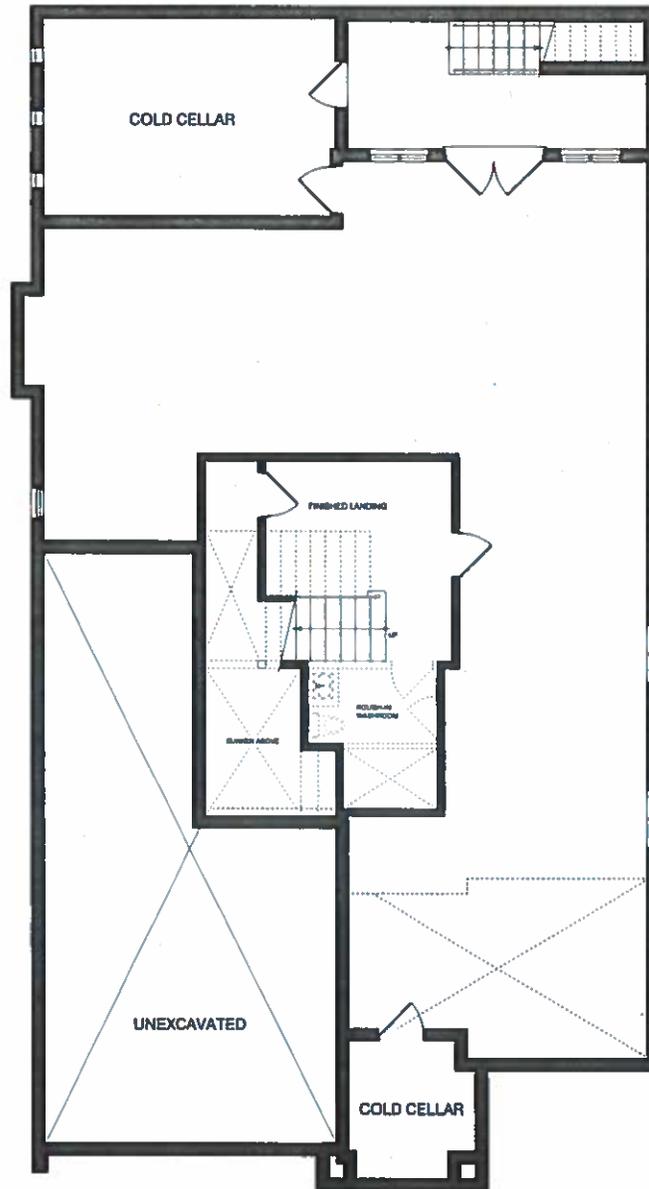
FOR  
**ANIX  
 DEVELOPMENTS**  
 42 & 44 MAPLE GROVE AVE  
 RICHMOND HILL, ON.



20 Wertheim Crt. U13  
 Richmond Hill, Ontario  
 L4B 3A8

T 905 889 8434  
 F 905 889 8435

info@derodesigns.com  
 www.derodesigns.com



**BASEMENT PLAN**

**TWO-STOREY  
MODEL  
'MAPLE GROVE ESTATE'**

**FOR  
ANIX  
DEVELOPMENTS  
42 & 44 MAPLE GROVE AVE  
RICHMOND HILL, ON.**



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FRONT ELEVATION 'ALICIA'

TWO-STOREY  
MODEL  
'MAPLE GROVE ESTATE'



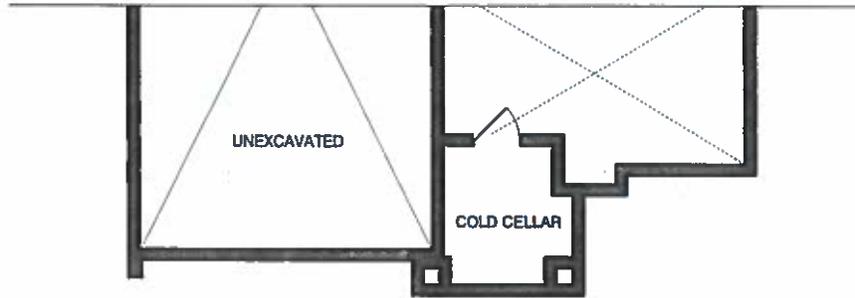
FOR  
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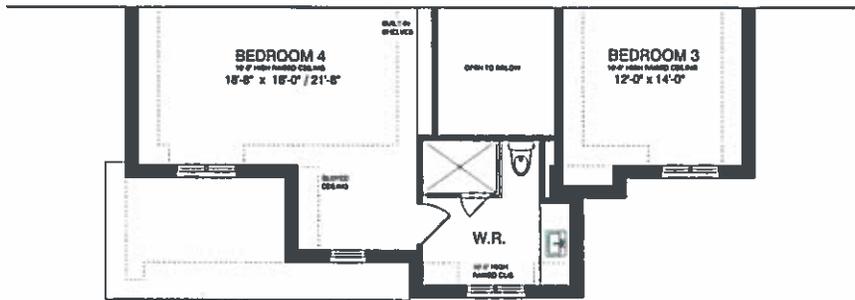
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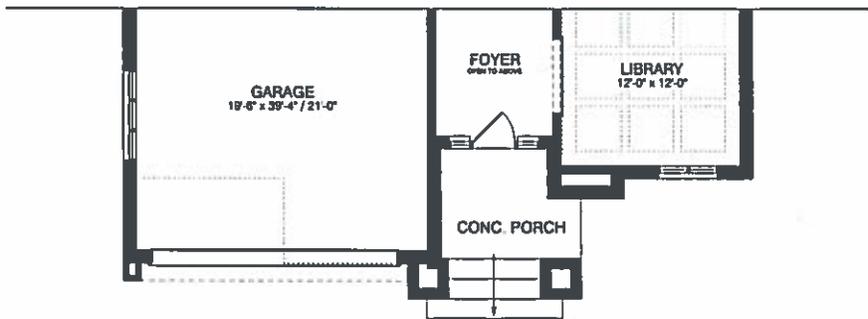
**PARTIAL BASEMENT PLAN FOR ELEV. 'OLIVIA'**

NOTE - PARTIAL PLANS TO BE READ IN CONJUNCTION W/COMPLETE PLANS



**PARTIAL SECOND FLOOR PLAN FOR ELEV. 'OLIVIA'**

NOTE - PARTIAL PLANS TO BE READ IN CONJUNCTION W/COMPLETE PLANS



**PARTIAL FIRST FLOOR PLAN FOR ELEV. 'OLIVIA'**

NOTE - PARTIAL PLANS TO BE READ IN CONJUNCTION W/COMPLETE PLANS

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**FRONT ELEVATION 'OLIVIA'**

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**From:** [Proximity](#)  
**To:** [Leung, Melissa](#)  
**Subject:** RE: B/01/19 - 68 Sprucewood Drive - Consent - REVISED COMMENTS FROM CN RAIL  
**Date:** Tuesday, January 22, 2019 4:49:36 PM  
**Attachments:** [image004.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image007.jpg](#)

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Good afternoon Melissa,

I would like to revise the comments I previously sent on this application. I have made an error when reviewing the address.

CN's standard setback for residential units from the right-of-way is 30 meters. The separation from the property line to the ROW is approximately 24 meters. We would then request that the building have an additional 6 meter setback for safety reasons. CN would request to be circulated on the site plan when it is available to confirm the setback from the rail ROW.

CN normally requires a noise and vibration study for properties this close to the ROW, however there is some flexibility with such a small project. We would request that the City require sufficient building materials and windows to create a living environment that meets the Ontario NPC-300 Guidelines. We would also ask that the architect/building designer is required to design the structures in recognition of the vibrations from the passing rail traffic. This may include foundation and structural elements.

Given the residential nature of the neighbourhood, CN does not object to the consent. However, we do expect appropriate setbacks and design elements to protect the future residents from undue noise and vibrations.

Please let me know if you have any questions.

Regards

Susanne

**Susanne Glenn-Rigny, MCIP, RPP, OUQ**  
Agente principale/Senior Officer  
Planification et développement communautaires/  
Community Planning and Development  
 Affaires juridiques/Law Department  
935, rue de La Gauchetière Ouest  
15e étage  
Montréal (Québec) H3B 2M9  
Téléphone: (514) 399-7844  
Télécopieur: (514) 399-4296  
Cell (514) 919-7844  
Email: [susanne.glenn-rigny@cn.ca](mailto:susanne.glenn-rigny@cn.ca)

**Precision Railroading:** Doing it well and always improving

---

**From:** Leung, Melissa <MelissaLeung@markham.ca>  
**Sent:** Monday, January 21, 2019 9:45 AM  
**To:** Miller, David <dmiller@markham.ca>; Malik, Aqsa <AMalik@markham.ca>; Larbi, Michael <mlarbi@markham.ca>; Wimmer, Elizabeth <ewimmer@markham.ca>  
**Cc:** Lee, John <JohnLee@markham.ca>; Kowaleski, Rachael <RKowaleski@markham.ca>; Wong, Patrick <PatrickWong@markham.ca>; Duoba, Lilli <lduoba@markham.ca>; Development Services <developmentsservices@york.ca>; Engineering Admin <engineeringadmin@powerstream.ca>; rowcentre@bell.ca; Development.Coordinator@Metrolinx.com; Proximity <proximity@cn.ca>; Leung, Justin <JLeung@markham.ca>; Bond, Wendy <wbond@markham.ca>; Roberts, Bradley <BRoberts@markham.ca>; Building Special Investigations <BuildingSpecialInvestigations@markham.ca>  
**Subject:** B/01/19 - 68 Sprucewood Drive - Consent

Good Morning,

Please review the attached plans and supporting documents for 68 Sprucewood Drive (B/01/19) Consent application.

Thank you,

**Melissa Leung**, BES  
Committee of Adjustment Technician

Planning & Urban Design, Development Services Commission  
City of Markham | 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3  
T: 905 477.7000 ext. 2392 E: [melissa.leung@markham.ca](mailto:melissa.leung@markham.ca)



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*This e-mail contains information that may be privileged and/or confidential. If you are not the intended recipient, any disclosure, distribution, copying or any other use of this e-mail or the information contained herein or attached hereto is strictly prohibited and may be unlawful. If you have received this e-mail in error, please notify this sender immediately and delete this e-mail without reading, printing, copying or forwarding it to anyone. Thank you for your co-operation.*

**APPENDIX "D"**  
**CN RAIL COMMENTS: SEPTEMBER 29, 2021**

## Department Review Status Report

**Project Name:** 21.137114.000.00.CSNT

**Workflow Started:** 09/07/2021 9:31 AM

**Report Generated:** 11/18/2021 05:39 PM

Reviewer	Reviewer Comments
CN Rail Reviewer	CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval: 1- The Owner shall enter into an Agreement with CN stipulating how CN's concerns with regards to noise mitigation measures will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement. 2. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way." 3. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN. Thank you and do not hesitate to CN Proximity with any questions. Best regards