

Memorandum to the City of Markham Committee of Adjustment
May 25, 2023

File: B/010/23
Address: 4 Sabiston Drive, Markham
Applicant: Quilei Xue
Agent: JKO Planning Services Inc. (Jim Kotsopoulos)
Hearing Date: Wednesday, May 31, 2023

The following comments are provided on behalf of the Central District Team. The Applicant is requesting provisional consent to:

- a) sever and convey a parcel of land (Part 1) with an approximate lot frontage of 19.30 metres (63.32 feet) and an approximate lot area of 1,014 m² (10,914.61 ft²); and
- b) retain a parcel of land (Part 2) with an approximate lot frontage of 19.30 metres (63.32 feet) and an approximate lot area of 1,014.20 m² (10,916.76 ft²).

The purpose of the Consent application (the “Application”) is to facilitate the severance of the Subject Lands, which are currently functioning as a single parcel, municipally addressed as 4 Sabiston Drive, for the purposes of establishing one (1) new residential lot.

BACKGROUND

Property Description

The 2,028 m² (21,829.21 ft²) Subject Lands are located west of Sabiston Drive, east of Oakcrest Avenue, and generally south of Highway 7 (refer to Appendix ‘A’ – Aerial Photo).

The Subject Lands are located within an established residential neighbourhood comprised of a mix of one and two-storey single detached dwellings. The Oakcrest/Sabiston community, is undergoing a transition with several properties having received rezoning approvals to facilitate severances. There is an existing 329.88 m² (3,550.80 ft²) two-storey detached dwelling on the Subject Lands which was constructed in 1952, according to assessment records. Mature vegetation exists on the property including several large mature trees within the front, and rear yards.

Proposal

The Applicant is proposing to sever the existing residential lot into two (2) new lots (refer to Appendix “B” – Draft Reference Plan). The conveyed lot (Part 1) will have an approximate lot frontage of 19.30 metres (63.32 feet) and an approximate lot area of 1,014 m² (10,914.61 ft²). The retained lot (Part 2) will have an approximate lot frontage of 19.30 metres (63.32 feet) and an approximate lot area of 1,014.20 m² (10,916.76 ft²).

In addition to the proposed severance, the Applicant is intending to demolish the existing two-storey detached dwelling and construct two new two-storey detached dwellings; one on the conveyed lot and the other on the retained lot in the future.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9/18)

The Official Plan designates the Subject Lands “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, in addition to the criteria of Section 51(24) of the *Planning Act, R.S.O. 1990, c. P.13*. The following applies, and staff are of the opinion that the proposed development:

- Would result in the creation of fewer than three lots, and a plan of subdivision is therefore not necessary;
- 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 a public street;
- Will not restrict the development of adjacent lands;
- Conforms with the size requirements of the Zoning By-law,
- Would not adversely impact or affect any potential cultural heritage resources; and
- Conforms to the relevant policies of the Official Plan.

The 2014 Official Plan includes an area-specific policy for portions of Oakcrest Avenue, Sabiston Drive and River Bend Road. Area and Site Specific Policy 9.19.2 states the following:

That Council may consider a zoning by-law amendment to permit a consent (severance) to create one additional lot generally equal to one half of the area and frontage of the lots from the original plans of subdivision. Where such consents are permitted, the lot frontages and lot areas of the proposed new lots shall be deemed consistent with the emerging lot sizes on the street where the property is located.

Staff are satisfied the Proposed Development conforms to the 2014 Official Plan as the “Residential Low Rise” designation permits single detached dwellings, the proposed lots respect the existing lot pattern of the area and the emerging lot sizes on the street.

Zoning By-law 122-72, as amended

The Subject Lands are zoned “Hold Single Family Residential [(H)R3]” under By-law 122-72, as amended, which permits one single detached dwelling per lot with a minimum lot frontage of 18.29 metres (60 feet) and a minimum lot area of 696.78 m² (7,500 ft²). By-law 2023-32 establishes site-specific zone provisions that relate to building footprint and massing. A Holding (H) provision also applies to the Subject Lands. The Holding (H) provision will be lifted by Council once confirmation is received that a consent to sever has been issued by the Secretary-Treasurer for the Committee of Adjustment in accordance with subsection 53(42) of the *Planning Act*.

Engineering Comments

Engineering Staff advise that both water and sewer services on the retained and conveyed parcels must have individual and separate connections. 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 building permit. Upon making an application for building permit, the Owner must make satisfactory arrangements with the City’s Engineering Department - Municipal Inspections for the installation of the proposed sanitary, storm and watermain service connections to service the newly created lot and disconnect any unused service connections.

Urban Design Comments

Staff advise that property owners are required to apply for, and obtain, a Tree Permit from the City for any proposed injury to, or removal of, any trees on site, including City of Markham street trees in accordance with the City’s Tree Preservation By-Law 2008-96 and conditions of a Tree Permit. The Applicant is further advised that the construction of a new dwelling would be subject to a future Residential Infill and Grading Application Process, which would require review and approval of a Tree Assessment and Preservation Plan, erection of required tree protection fencing, and appropriate tree removal compensation via replacement trees and/or cash-in-lieu payment.

Regional Municipality of York Comments

The Regional Municipality of York has reviewed the application, and comments that the adequate water supply and sewage capacity servicing allocation for the new lot be confirmed. Staff recommend that this comment be addressed through adopting the associated condition of approval as detailed in Appendix “C”.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 15, 2023. 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

In concluding that the proposal is appropriate, Staff have had regard for the criteria in Section 51(24) of the *Planning Act*, and support the proposed development. Planning Staff recognize there is a variation between the sizes and frontages of lots within the surrounding area, and are of the opinion that the proposed application for provisional consent is consistent with the policies of the Official Plan, and complies with the zoning requirements for each provisional lot.

Staff recommend that approval of this application be subject to the conditions of approval provided in Appendix "C", including that the applicant enter into a Development Agreement with the City. Staff recommend that the Committee consider public input in reaching a decision.

PREPARED BY:



Hussnain Mohammad, Planner 1, Zoning and Special Projects

REVIEWED BY:



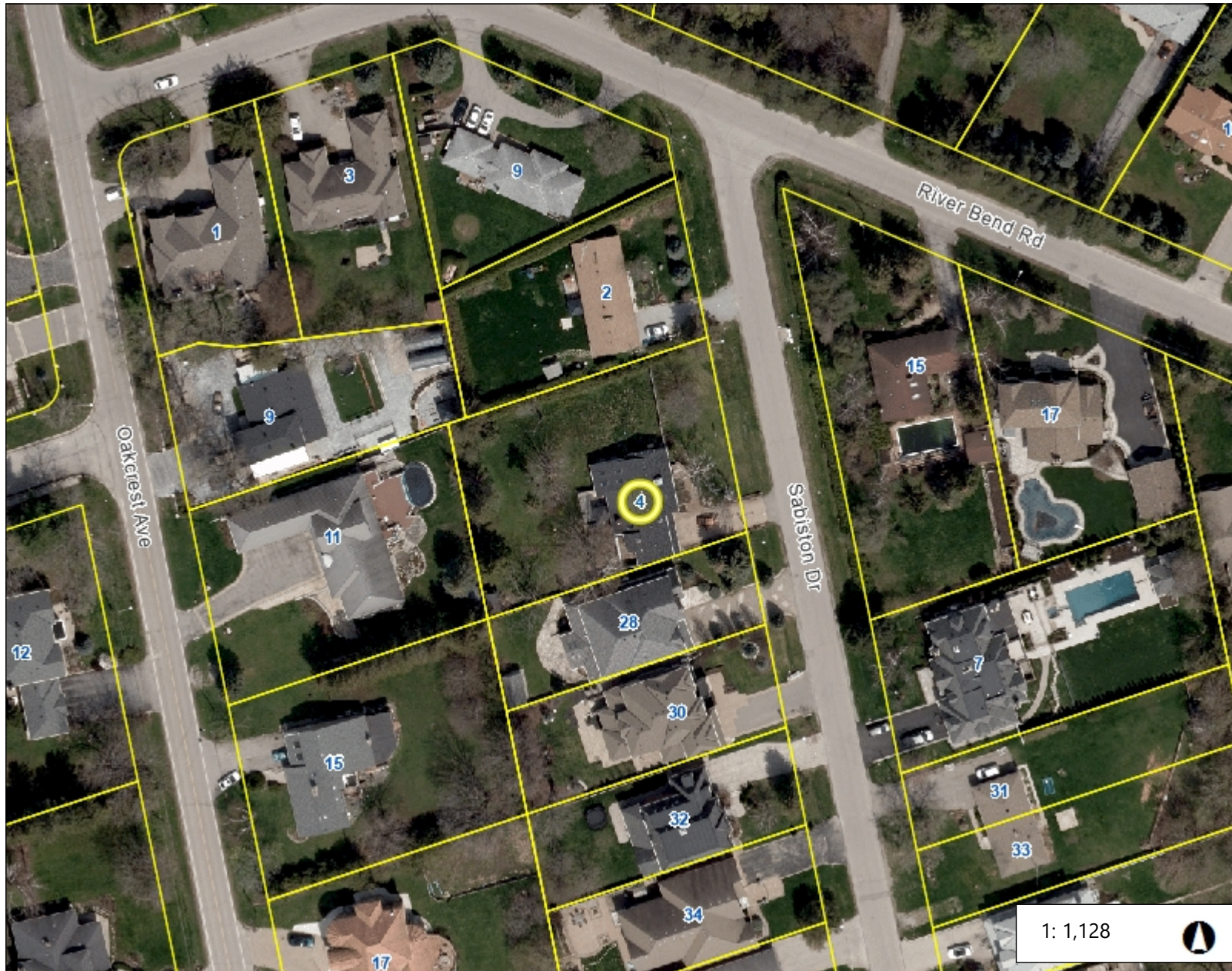
Elizabeth Martelluzzi, MCIP RPP, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – B/010/23 Conditions of Approval



Legend

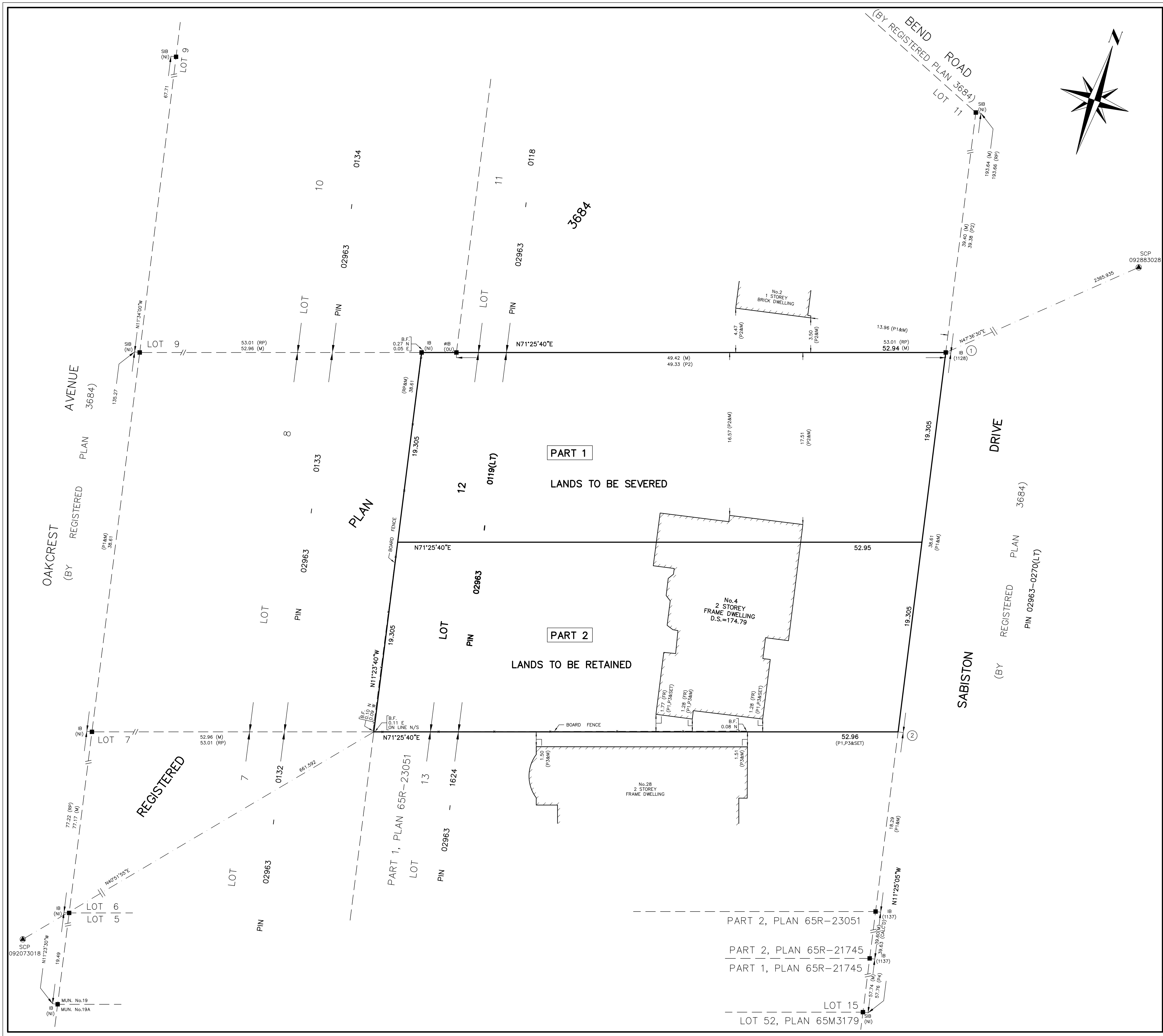
Parcel Overlay

1: 1,128



Notes

57.3 0 28.65 57.3 Meters



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

PLAN 65R-

RECEIVED AND DEPOSITED

DATE _____, 2023 DATE _____, 2023

Z. ZENG
ONTARIO LAND SURVEYOR

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 ²)
1	12	3684	02963-0119(LT)	1014.0
2				1014.2

PLAN OF SURVEY OF LOT 12, REGISTERED PLAN 3684 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK

SCALE 1:200

10m 5 0 10 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 STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - RP DENOTES REGISTERED PLAN 3684
 - P1 DENOTES PLAN 65R-23051
 - P2 DENOTES PLAN OF SURVEY BY DAVID HORWOOD LTD., O.L.S. DATED JUNE 15, 1964
 - P3 DENOTES PLAN OF SURVEY BY DAVID HORWOOD LTD., O.L.S. DATED MARCH 11, 2008
 - P4 DENOTES PLAN 65R-21745
 - PIN DENOTES PROPERTY IDENTIFIER NUMBER
 - M DENOTES MEASURED
 - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
 - B.F. DENOTES BOARD FENCE
 - 1128 DENOTES DAVID HORWOOD LTD., O.L.S.
 - 1137 DENOTES R.C. McRIBBON LTD., O.L.S.
 - OU DENOTES ORIGIN UNKNOWN
 - NI DENOTES NOT IDENTIFIABLE
 - FR DENOTES THE TAKEN FROM FRAME
 - W.R.W. DENOTES WOOD RETAINING WALL
 - SCP DENOTES SPECIFIED CONTROL POINTS
 - CALC'D DENOTES CALCULATED BY P1 & P4

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 092073018	4857447.544	636588.152
SCP 092883028	4859597.272	638810.499
1	4858002.48	637063.48
2	4857964.64	637071.12
3	4857947.78	637020.93

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

NOTES

BEARINGS ARE U.T.M. GRID DERIVED FROM SPECIFIED CONTROL POINTS 092073018 AND 092883028, U.T.M. ZONE 17, NAD83

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99980394

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 13th DAY OF OCTOBER, 2020

MARCH 21, 2023

DATE

Z. ZENG
ONTARIO LAND SURVEYOR

MANDARIN SURVEYORS LIMITED
 ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR
 WWW.MANDARINSURVEYOR.COM
 2400 MIDLAND AVENUE #121 PHONE: (647)430-1366 FAX: (647)799-4068
 TORONTO, ONTARIO, M1S 1X7 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: S.Z. CAD No: 20-332RPLAN JOB No: 2020-332



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

PLAN 65R-

RECEIVED AND DEPOSITED

DATE _____, 2023

Z. ZENG
ONTARIO LAND SURVEYOR

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 ²)
1	12	3684	02963-0119(LT)	1014.0
2				1014.2

PLAN OF SURVEY OF LOT 12, REGISTERED PLAN 3684 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK

SCALE 1:200

10m 5 0 10 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 STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - RP DENOTES REGISTERED PLAN 3684
 - P1 DENOTES PLAN 65R-23051
 - P2 DENOTES PLAN OF SURVEY BY DAVID HORWOOD LTD., O.L.S. DATED JUNE 15, 1964
 - P3 DENOTES PLAN OF SURVEY BY DAVID HORWOOD LTD., O.L.S. DATED MARCH 11, 2008
 - P4 DENOTES PLAN 65R-21745
 - PIN DENOTES PROPERTY IDENTIFIER NUMBER
 - M DENOTES MEASURED
 - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
 - B.F. DENOTES BOARD FENCE
 - 1128 DENOTES DAVID HORWOOD LTD., O.L.S.
 - 1137 DENOTES R.C. McRIBBON LTD., O.L.S.
 - OU DENOTES ORIGIN UNKNOWN
 - NI DENOTES NOT IDENTIFIABLE
 - FR DENOTES THE TAKEN FROM FRAME
 - W.R.W. DENOTES WOOD RETAINING WALL
 - SCP DENOTES SPECIFIED CONTROL POINTS
 - CALC'D DENOTES CALCULATED BY P1& P4

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 092073018	4857447.544	636588.152
SCP 092883028	4859597.272	638810.499
1	4858002.48	637063.48
2	4857964.64	637071.12
3	4857947.78	637020.93

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

NOTES

BEARINGS ARE U.T.M. GRID DERIVED FROM SPECIFIED CONTROL POINTS 092073018 AND 092883028, U.T.M. ZONE 17, NAD83

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99980394

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 13th DAY OF OCTOBER, 2020

MARCH 21, 2023

DATE

Z. ZENG
ONTARIO LAND SURVEYOR

MANDARIN SURVEYORS LIMITED
 ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR
 WWW.MANDARINSURVEYOR.COM
 2400 MIDLAND AVENUE #121 PHONE: (647)430-1366 FAX: (647)799-4068
 TORONTO, ONTARIO, M1S 1X7 E-MAIL: MANDARINSURVEYOR@GMAIL.COM

SURVEY BY: S.Z. CAD No: 20-332RPLAN JOB No: 2020-332

APPENDIX “C” – B/010/23 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/010/23

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/010/23, 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 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) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
 - iii) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement. The applicant shall submit 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;
 - iv) 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.

6. That the Applicant satisfies that water and wastewater servicing capacity is available to service this application as provided by the Regional Municipality of York in their comments to the Applicant, 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. Prior to final approval, the Region’s Planning and Economic Development Branch shall certify that the above condition(s) has/have been met to its satisfaction. York Region requests a copy of the Notice of Decision be emailed to developmentservices@york.ca if/when it becomes available.
7. 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:



Hussnain Mohammad, Planner 1, Zoning and Special Projects