

Memorandum to the City of Markham Committee of Adjustment

June 11, 2020

File: A/027/20
Address: 32 Daffodil Avenue, Thornhill
Applicant: Zhi Hong Liu
Agent: Bijan Homes Limited
Hearing Date: Tuesday, June 25th, 2020

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

The applicant is requesting relief from the following requirements of the Third Density Special Residential (SR3) zone by By-law 1767, as amended by Infill By-law 100-90, to permit:

a) Infill By-law 100-90, Section 1.2 (iii):

a maximum building depth of 23.03 m, whereas the By-law permits a maximum building depth of 16.8 m; and,

b) Infill By-law 100-90, Section 1.2 (i):

a maximum building height of 10.15 m, whereas the By-law permits a maximum building height of 9.8 m;

as it relates to a proposed two-storey dwelling.

BACKGROUND

Property Description

The 1,660.25 m² (17,870.4 ft²) subject property is a corner lot located on the north-west corner of Daffodil Avenue and Laureleaf Road, on the north side of Steeles Avenue, east of Bayview Avenue. There is an existing one-storey detached dwelling on the property, which according to assessment records, was constructed in 1963. Vehicular access to the subject property is from Daffodil Avenue which is deemed the exterior side yard.

The property is located within an established residential neighbourhood comprised primarily of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer two-storey dwellings being developed as infill developments. Mature vegetation exists along the periphery of the property which is a predominant characteristic of the neighbourhood.

Proposal

The applicant is proposing to demolish the existing dwelling and constructing a new 704.48 m² (7,583 ft²) two-storey detached dwelling (See Appendix B). The proposed dwelling contains a three car garage with vehicular access remaining from Daffodil Avenue. If approved, several trees are proposed to be removed as a result of the development and proposed access.

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. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the 'Residential – Low Rise' designation with respect to height, massing and setbacks. This criteria is established 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 considering applications for development approval in a 'Residential Low Rise' area, which includes variances, infill development is required to meet the general intent of these development criteria. 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.

Residential Infill Zoning By-law 100-90

The subject property is also subject to the Residential Infill Zoning By-law 100-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to building height and building depth.

Applicant's Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with the provisions of the zoning by-law is, *"32 Daffodil is a corner lot and frontage is at Laureleaf Road which is blocked by many private and City owned trees. The postal address is 32 Daffodil Ave and the existing house is facing Daffodil Ave. We are forced to rotate the proposed dwelling toward Daffodil Ave which cause an increase in building length. For Variation b, the extra height is required since crown of the road is high and therefore main floor elevation has to be higher."*

Zoning Preliminary Review (ZPR) 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.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.15 m (33.30 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.35 m (1.15 ft), or 3.57%.

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface.

It is the opinion of staff that the proposed building height fits in with recent developments in the community and is generally consistent with other new infill residential developments in the area.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 23.03 m (75.56 ft), whereas the By-law permits a maximum building depth of 16.80 m (55.12 ft). This represents an increase of approximately 6.23 m (20.44 ft), or 37.08%.

By definition, the lot line abutting Laureleaf Road is considered the front lot line and the lot line abutting Daffodil Avenue is considered the exterior side yard. This is noteworthy as both the existing one storey dwelling and the proposed two-storey dwelling are accessed by and addressed as Daffodil Avenue, the exterior side yard.

However, building depth is measured based on the shortest distance between two lines, both parallel to the front lot line (Laureleaf Road), one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line.

The proposed width of the building from the point of the dwelling nearest Daffodil Avenue, to the other passing through the point of the dwelling farthest from Laureleaf Road is approximately 19.38 m (63.58 ft), which includes a 2.08 m (6.82 ft) circular projection on the north side of the dwelling. The main component of the building, excluding the circular projection, has a width of approximately 17.3 m (56.76 ft). Given that the proposed orientation of the dwelling, in which the main front entrance and vehicular access is from Daffodil Avenue, Staff are of the opinion that the proposed width of the dwelling can be interpreted as the building depth and is generally consistent with surrounding dwellings.

EXTERNAL AGENCIES

Metrolinx

Metrolinx provided comments on this application on March 6, 2020 (Appendix C), indicating that they did not object to the application, subject to the following conditions:

- Submission of a letter of intent stipulating that the owner will insert a warning clause into any development agreements, offers to purchase and agreements of Purchase and Sale for the subject lands, regarding the potential expansion or alterations to rail facilities within 300 m of the site; and
- That the owner is required to enter into an environmental easement with Metrolinx for operational emissions, to be registered on title.

Staff note that a development or site plan agreement with the City is not required for the proposed development on the subject lands. Staff recommend that any decision to approve the variance be conditional upon the Owner corresponding with Metrolinx with respect to conditions provided in Appendix 'A.'

PUBLIC INPUT SUMMARY

No written submissions were received as of June 11, 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.

APPLICATION PROCESSING

This application was initially scheduled to be heard on March 18, 2020; however, this hearing date was scheduled prior to the Province of Ontario's decision to suspend *Planning Act* timelines for the consideration of a consent and minor variance application, as well as any appeal of an

application to the Local Planning Appeal Tribunal. The City and the Committee of Adjustment have the discretion to continue the processing of applications, so long as the procedural requirements of the *Planning Act* can be met (e.g. sending of notices, holding electronic or written public hearings, etc.). Revisions to the initial report include an update on matters related to application processing. At the time of this update to the initial staff memorandum, matters respecting finalization of approvals and appeals are still being resolved. The City's Clerk, Legal Services and Development Services are working together to address the mandatory requirements and any technical issues that arise as a result of the emergency.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

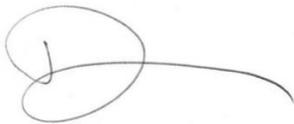
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Development Technician

REVIEWED BY:



David Miller, Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/027/20

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and recommended by the City of Markham on March 9, 2020, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. 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;
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations;
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations.
6. Submission of a letter of intent to Metrolinx stipulating that the owner will insert the following warning clause in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way:

Warning: Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their 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). Metrolinx will not be responsible for any complaints or claims

arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

7. The Owner shall contact Metrolinx with regards to an environmental easement for operational emissions, registered on title against the subject residential dwelling in favour of Metrolinx.

CONDITIONS PREPARED BY:



Melissa Leung, Development Technician



32 DAFFODIL AVENUE

LOT 35
 REGISTERED PLAN M-899
CITY OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

STATISTICS - MARKHAM ZONING INFORMATION
 ZONE **SR3** -THIRD DENSITY SPECIAL RESIDENTIAL ZONE UNDER BY-LAW 1767

	ZONING BY-LAW (REQUIRED)	PROVIDED
✓	LOT AREA	17870.4 SQ.FT (1660.25 M2)
✓	NET LOT AREA	16435.2 SQ.FT (1526.88 M2)
✓	FLOOR AREA RATIO	46.14 % OF NET FLOOR AREA
✓	FRONT YARD SETBACK	30'-6" AS PER MIN SETBACK OF 52 LAURELEAF ROAD
✓	SIDE SETBACK	12'-6"
✓	FLANKAGE SETBACK	23'-7"
✓	REAR SETBACK	73'-7"
★	MAX. BUILDING LENGTH	23.03 M (75'-7")
★	MAX. BUILDING DEPTH	23.03 M (75'-7")
★	MAXIMUM HEIGHT	9.95 M + 0.20 M (ROOF SLOPE)

FLOORS COVERAGE

FLOORS	COVERAGE	COVERAGE (EXCLUDING GARAGE)
GROUND FLOOR	372 M2 (4005 S.F.) =24.36 %	315.5 M2 (3396 S.F.)
SECOND FLOOR	332.4 M2 (3578 S.F.) =21.78 %	332.4 M2 (3578 S.F.)
TOTAL GR. & 2ND. FL.	704.4 M2 (7583 S.F.) =46.14 %	647.9 M2 (7583 S.F.)

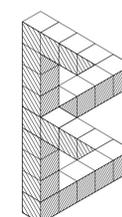
CELLAR AREA	303 M2 (3262 S.F.)
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REQUESTED VARIANCES TO THE ZONING BY-LAW SR3 -THIRD DENSITY SPECIAL RESIDENTIAL ZONE UNDER BY-LAW 1767

- MAX.BUILDING LENGTH ★ ① THE MAXIMUM BUILDING LENGTH PERMITTED IS 16.8 M. PROPOSED BUILDING LENGTH IS 23.03 M DUE TO DWELLING ROTATION FRONTAGE IS BLOCKED BY LARGE TREES.
- MAX.BUILDING DEPTH ★ ② THE MINIMUM BUILDING DEPTH PERMITTED 16.8 M. PROPOSED BUILDING DEPTH IS 23.03 M. DUE TO DWELLING ROTATION FRONTAGE IS BLOCKED BY LARGE TREES.
- MAXIMUM HEIGHT ★ ③ MAXIMUM BUILDING HEIGHT FOR DETACHED SINGLE DWELLING IS 9.8 M PROPOSED BUILDING HEIGHT IS 9.95 +0.20 M (ROOF SLOPE)

List of Drawings

- A0-00 COVER SHEET
- A1-01 PROPOSED HOUSE LOCATION PLAN
- A1-02 PROPOSED SITE PLAN
- A1-03 BASEMENT (CELLAR) FLOOR PLAN
- A1-04 GROUND FLOOR PLAN
- A1-05 SECOND FLOOR PLAN
- A1-06 ROOF PLAN
- A1-07 NORTH & SOUTH ELEVATIONS
- A1-08 EAST & WEST ELEVATIONS

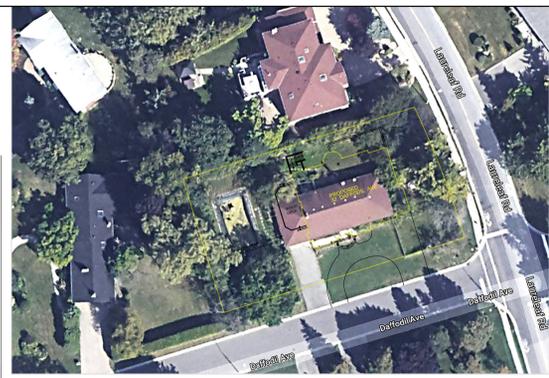
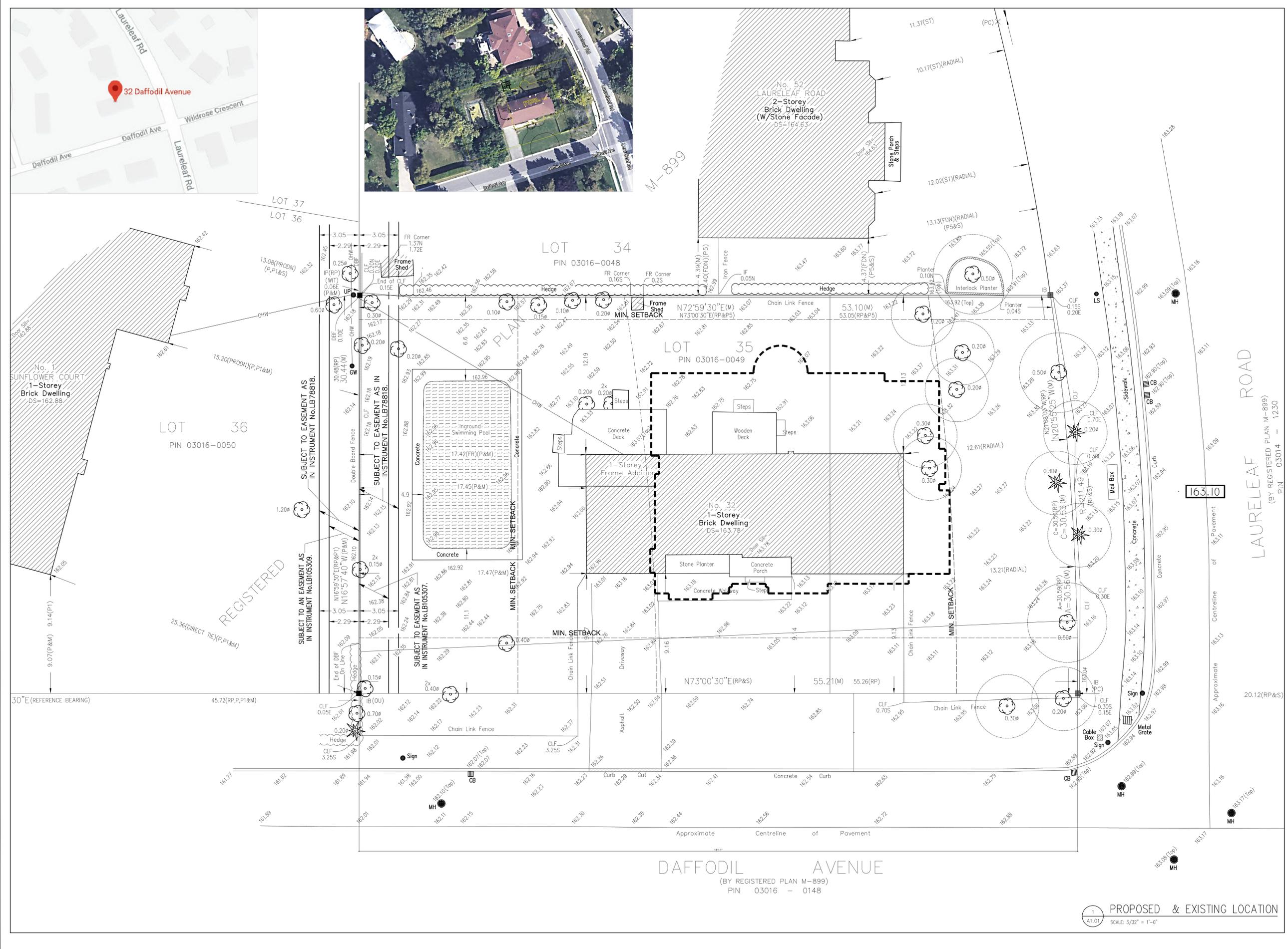


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LAURELEAF ROAD (BY REGISTERED PLAN M-899) PIN 03014 - 1230

DAFFODIL AVENUE (BY REGISTERED PLAN M-899) PIN 03016 - 0148

PROPOSED & EXISTING LOCATION SCALE: 3/32" = 1'-0"

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Table with 4 columns: No., DESCRIPTION, DATE, CHG. Rows 1-6 are empty.

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PROJECT TITLE: 32 DAFFODIL AVENUE CITY OF MARKHAM

DWG. TITLE: PROPOSED HOUSE VS EXISTING HOUSE

Table with 2 columns: Field Name and Value. Fields include DESIGN (B.J.), DRAWN (M.C.), DATE (FEB. 2020), CHECKED (B.J.), SCALE (3/32" = 1'-0"), DWG. NO., and PROJ. NO. (1099-A0064).



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PROJECT TITLE
**32 DAFFODIL AVENUE
 CITY OF MARKHAM**

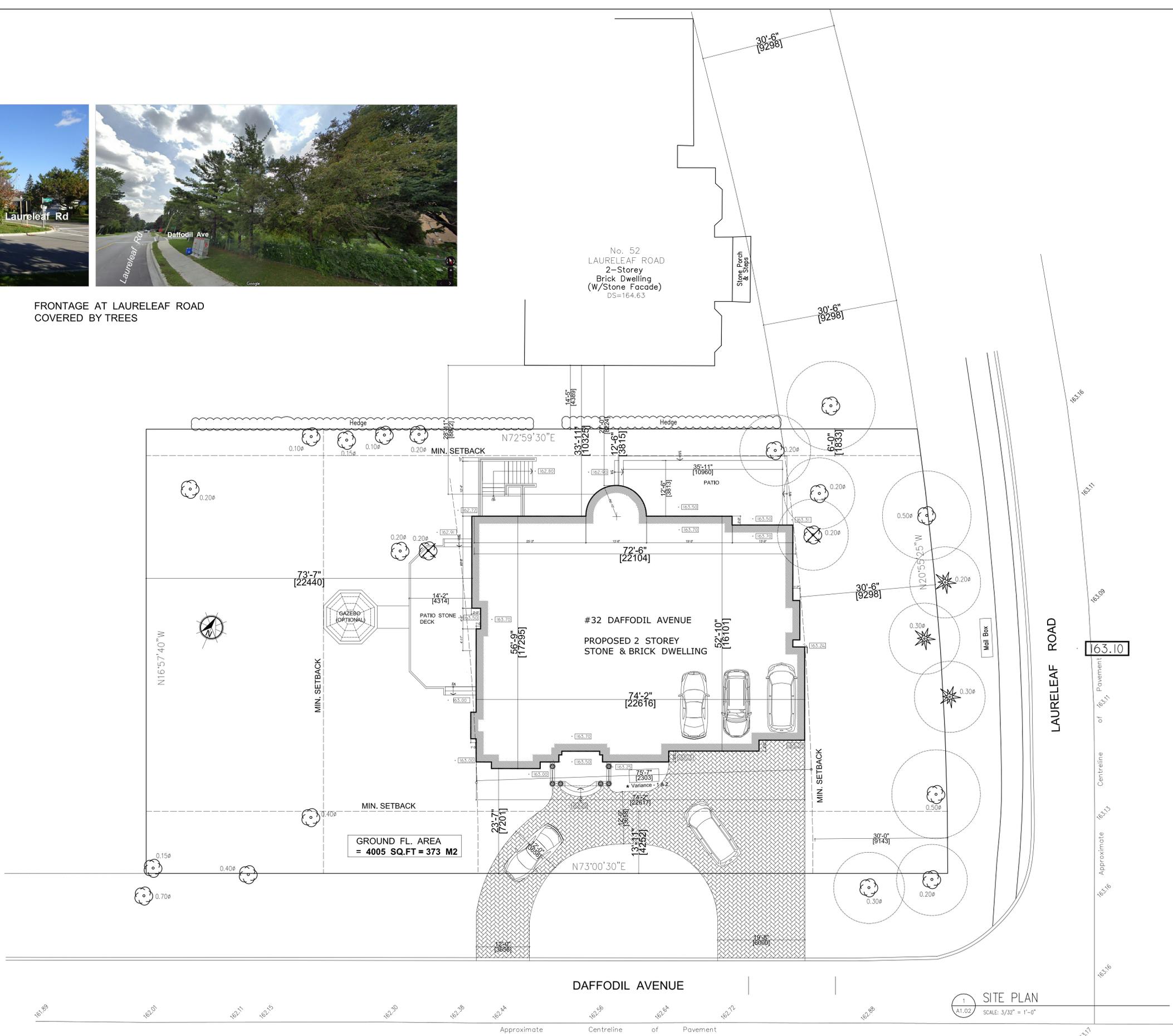
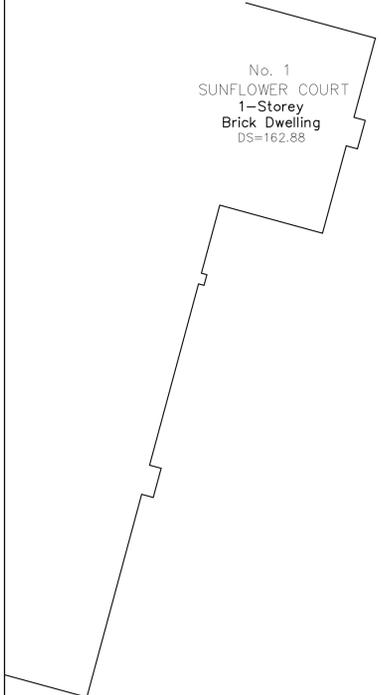
DWG. TITLE
SITE PLAN

DESIGN	B.J.	DWG. NO.
DRAWN	M.C.	
DATE	FEB. 2020	DWG. NO.
CHECKED	B.J.	
SCALE	3/32" = 1'-0"	DWG. NO.
PROJ. NO.	1099-A0064	

A1-02



FRONTAGE AT LAURELEAF ROAD COVERED BY TREES



1 SITE PLAN
 SCALE: 3/32" = 1'-0"



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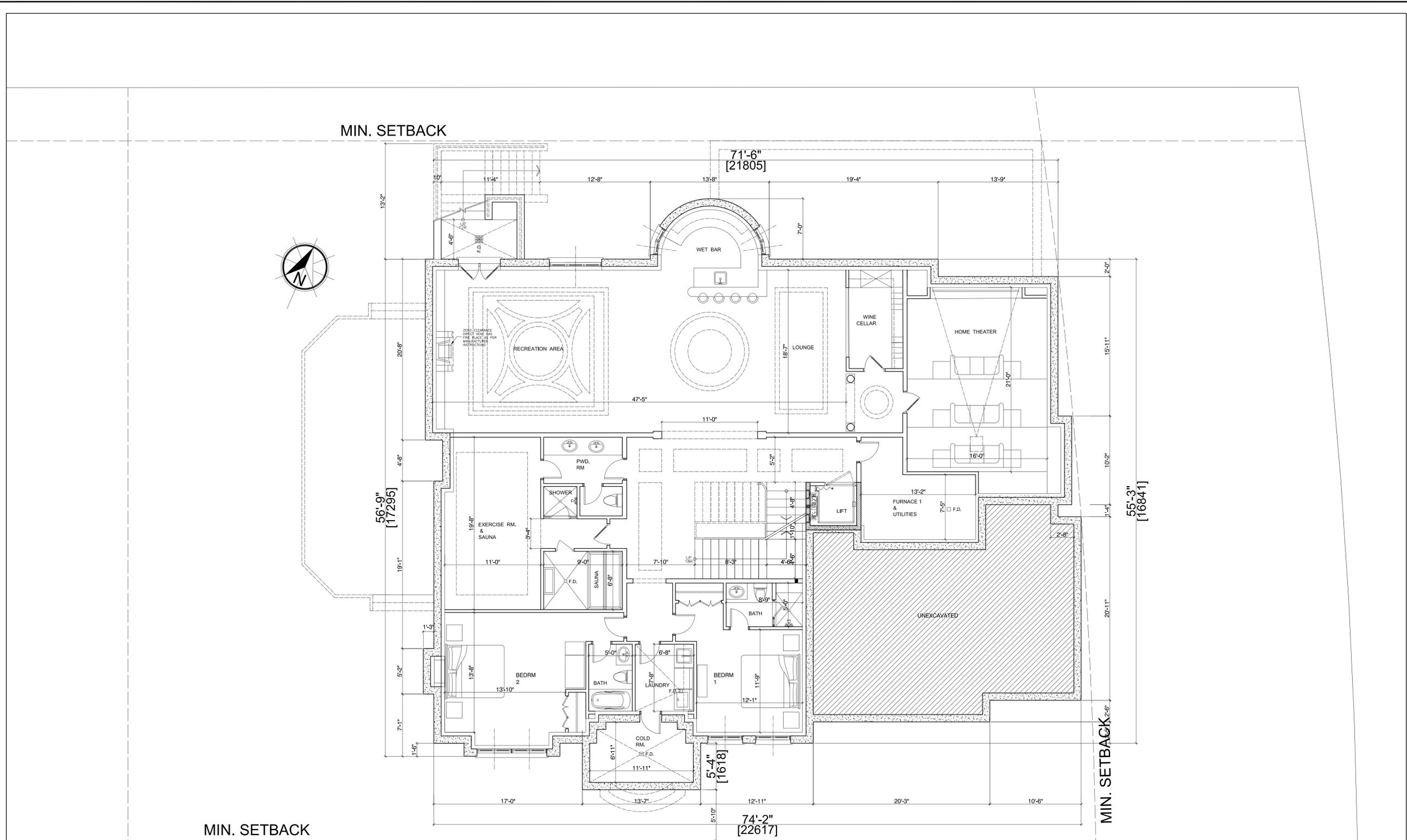
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PROJECT TITLE
**32 DAFFODIL AVENUE
 CITY OF MARKHAM**

DWG. TITLE
**BASEMENT FLOOR PLAN
 (CELLAR)**

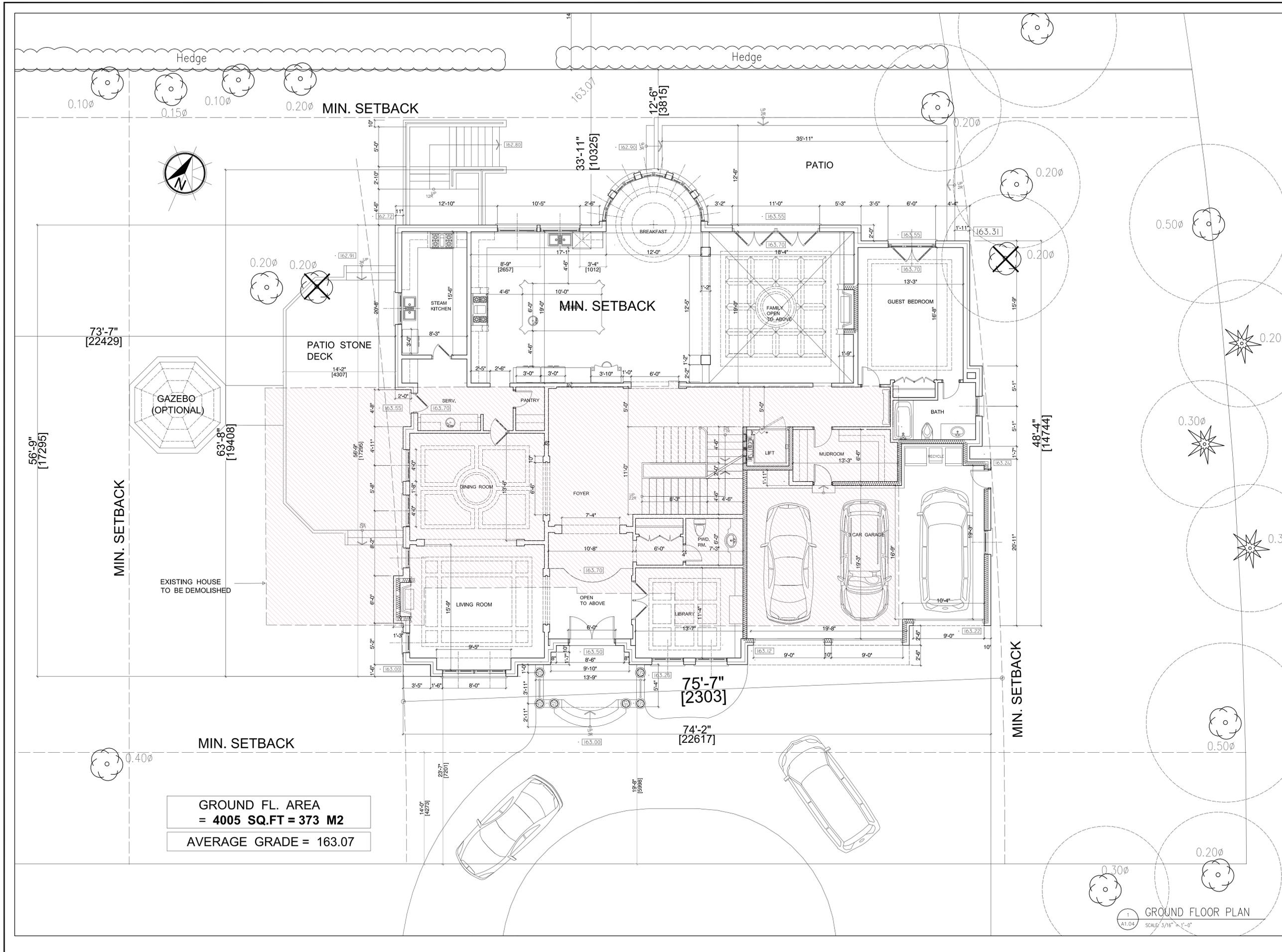
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DATE	FEB. 2020	
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PROJ. NO.	1099-A0064	A1-03



BASEMENT (CELLAR) FLOOR PLAN

AREA
 = 3262 SQ.FT

1 BASEMENT (CELLAR) PLAN
 A1.03 SCALE: 3/16" = 1'-0"



GROUND FL. AREA
= 4005 SQ.FT = 373 M2
AVERAGE GRADE = 163.07

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PROJECT TITLE
**32 DAFFODIL AVENUE
CITY OF MARKHAM**

DWG. TITLE
GROUND FLOOR PLAN

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DATE	FEB. 2020	
CHECKED	B.J.	
SCALE	3/16" = 1'-0"	
PROJ. NO.	1099-A0064	

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A1.04 SCALE: 3/16" = 1'-0"
GROUND FLOOR PLAN



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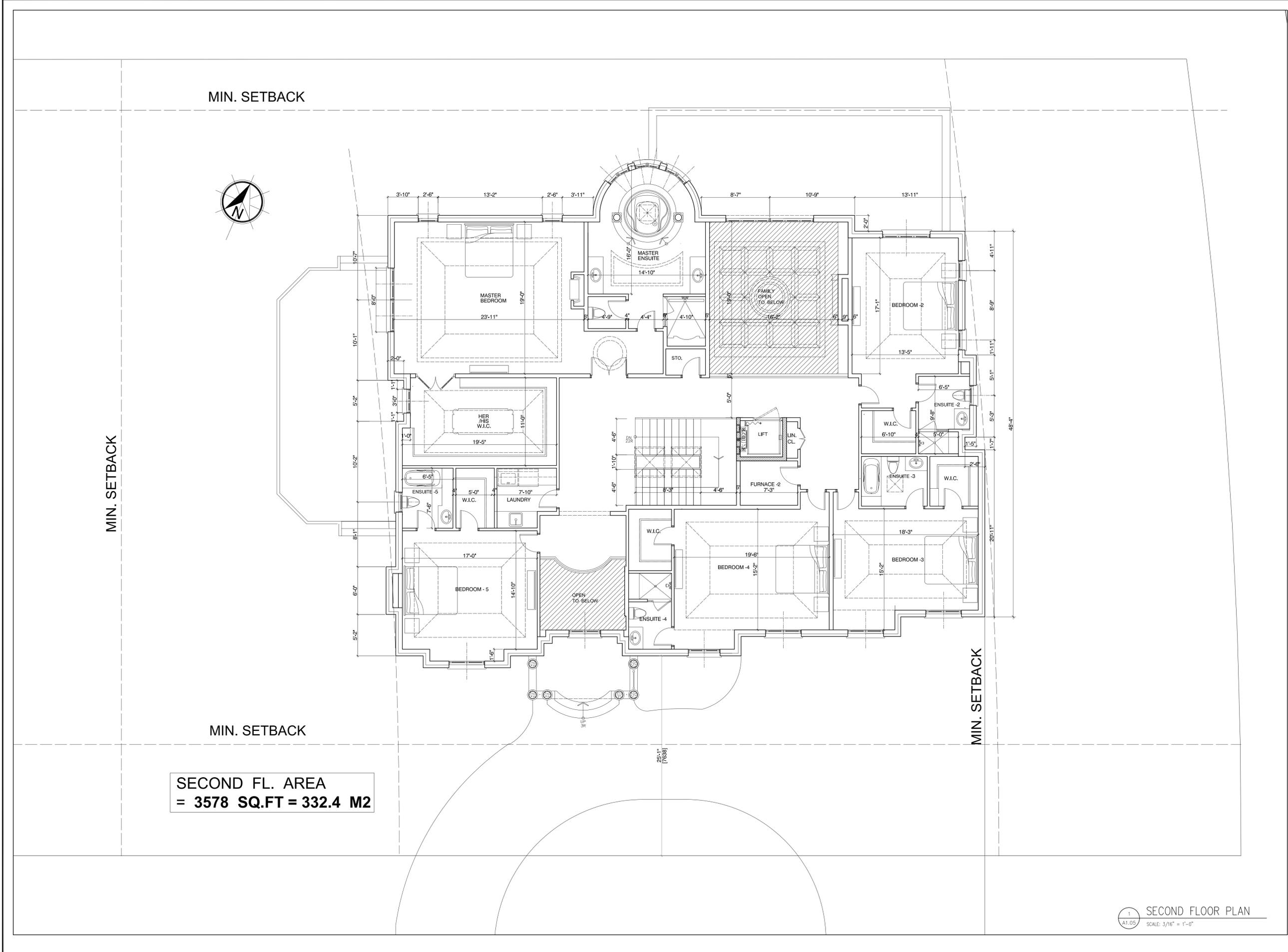
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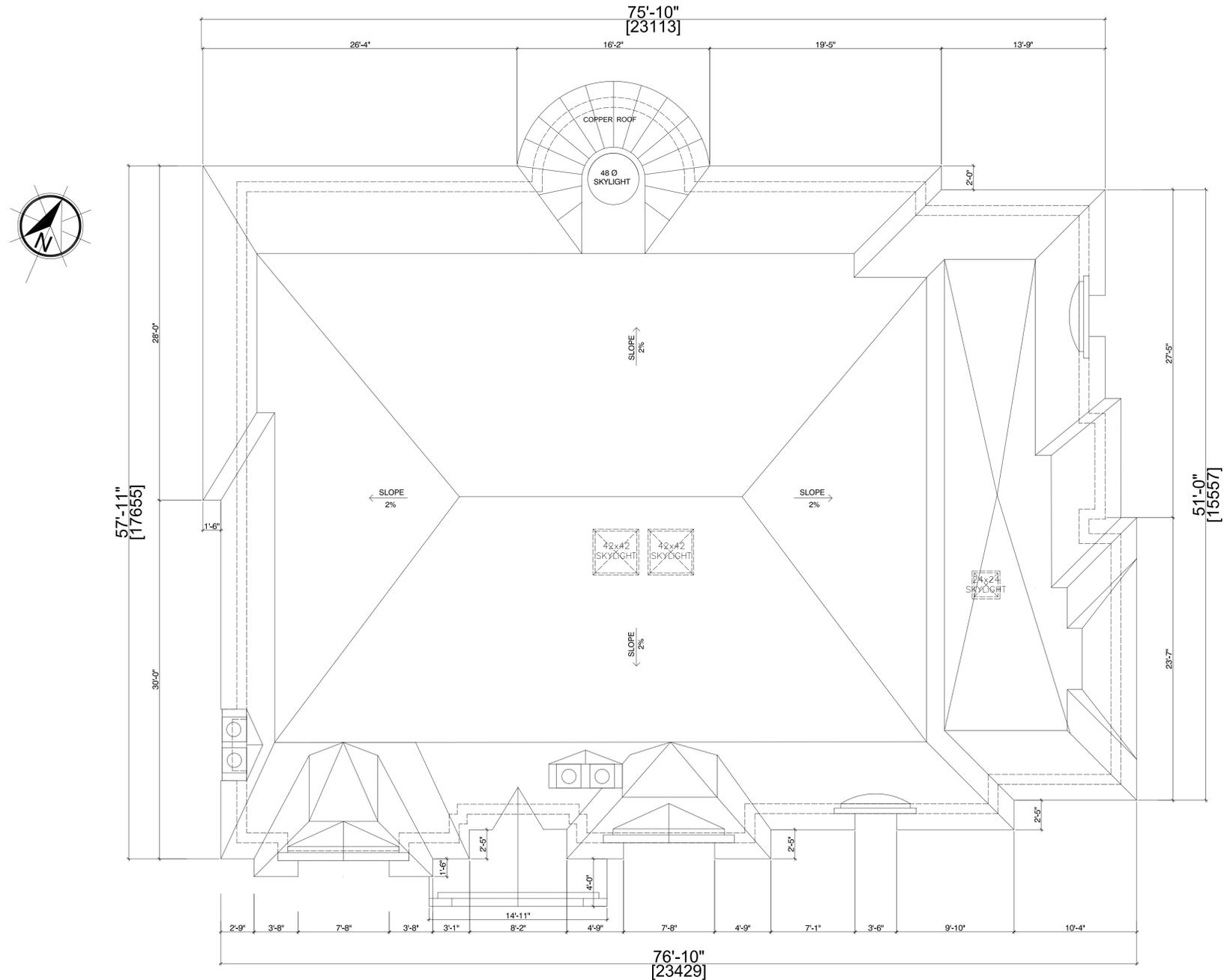
PROJECT TITLE
32 DAFFODIL AVENUE
 CITY OF MARKHAM

DWG. TITLE
SECOND FLOOR PLAN

DESIGN	B.J.	DWG. NO.
DRAWN	M.C.	
DATE	FEB. 2020	PROJ. NO. 1099-A0064
CHECKED	B.J.	
SCALE	3/16" = 1'-0"	A1-05



1 SECOND FLOOR PLAN
 A1.05 SCALE: 3/16" = 1'-0"



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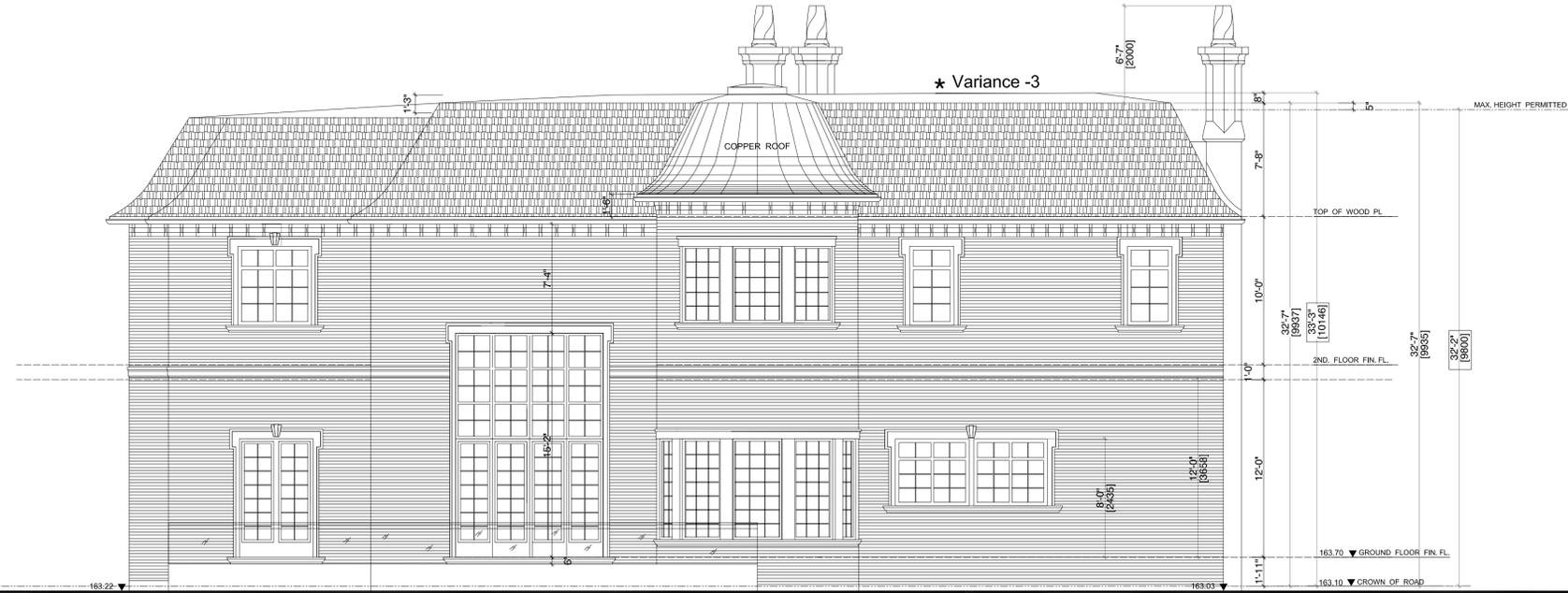
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PROJECT TITLE
**32 DAFFODIL AVENUE
 CITY OF MARKHAM**

DWG. TITLE
ROOF PLAN

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PROJ. NO.	1099-A0064	

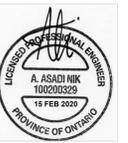
1 ROOF PLAN
 A1.06 SCALE: 3/16" = 1'-0"



SIDE ELEVATION (NORTH)



SOUTH ELEVATION DAFOODIL AVENUE



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No.	DESCRIPTION	DATE	CHKD
6			
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Bijan HOMES Ltd.
 506 Blythwood Road
 Toronto, ON, M4N 1B2
 Phone : (416) 527-5175
 Fax : (416) 485-2109
 Email : bjamj@yahoo.com

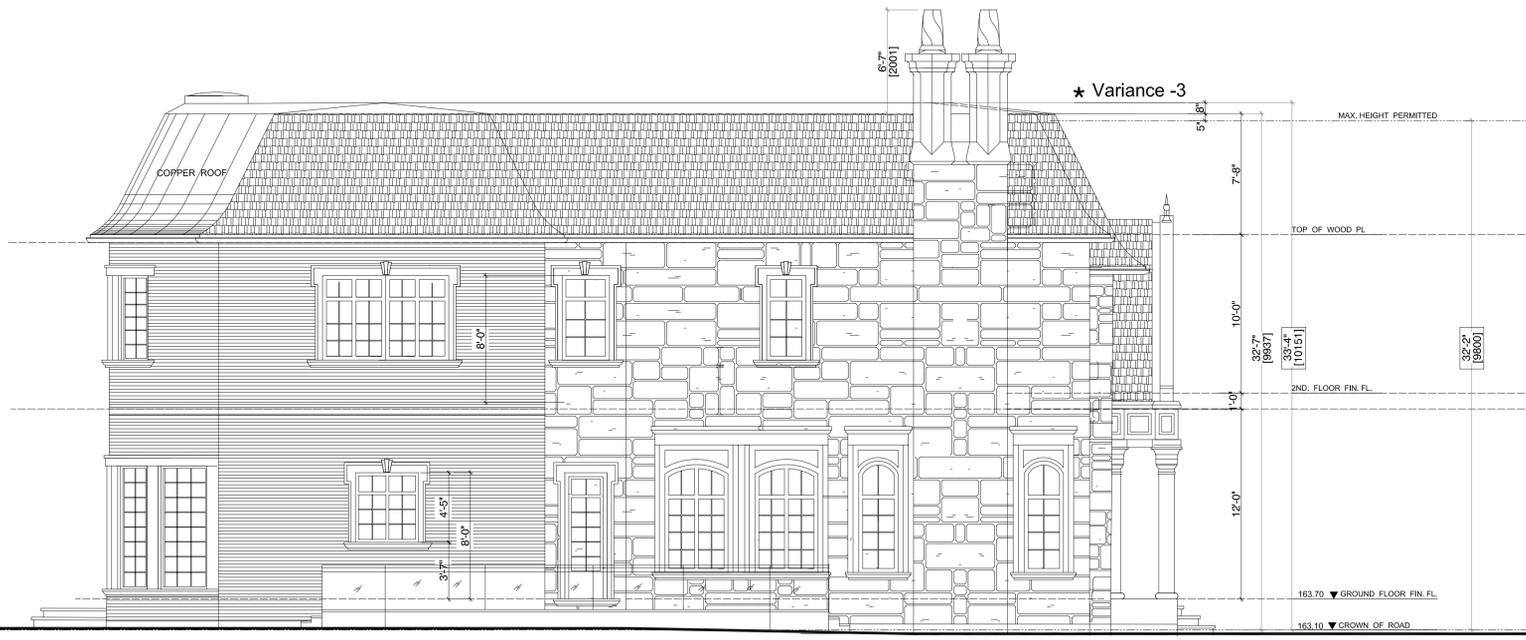
In collaboration with:
CGG
 AGA ENGINEERING INC.
 5000 Yonge St. Suite 1901
 Toronto, ON, M2N 7E9
 Phone : (416) 880-0352
 Email : info@agaengineering.ca

PROJECT TITLE
32 DAFFODIL AVENUE
CITY OF MARKHAM

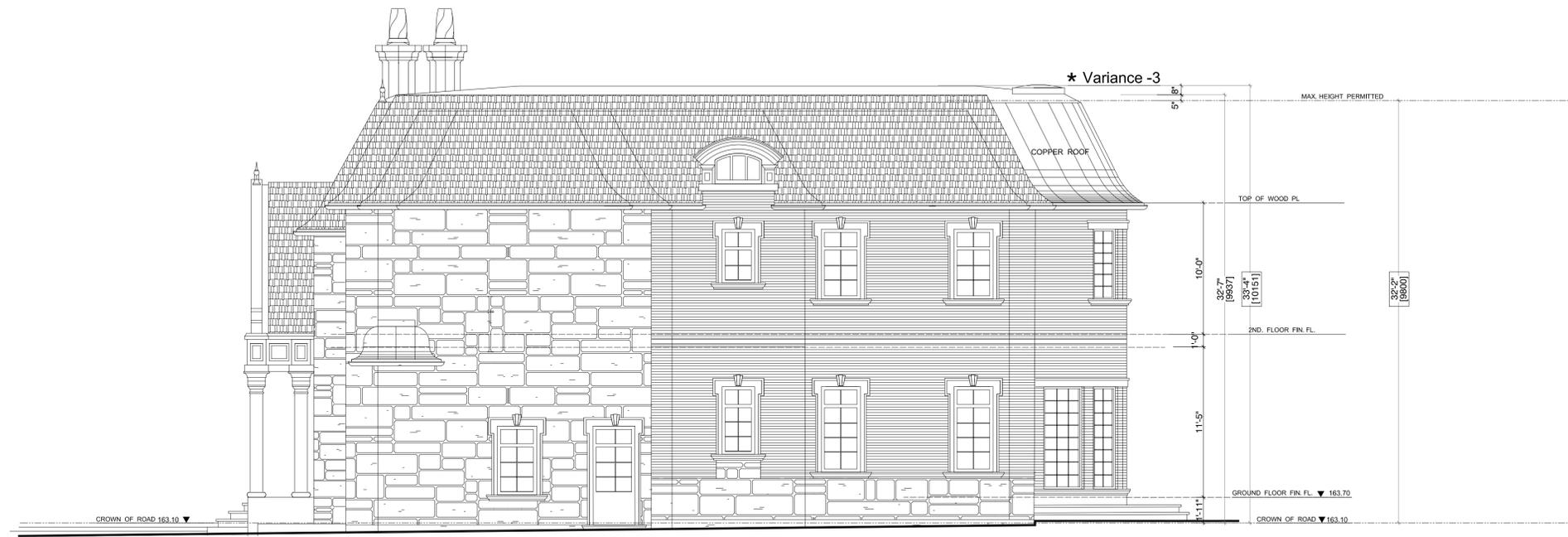
DWG. TITLE
NORTH & SOUTH ELEVATIONS

DESIGN	B.J.	DWG. NO. A1-07
DRAWN	M.C.	
DATE	FEB. 2020	
CHECKED	B.J.	
SCALE	3/16" = 1'-0"	
PROJ. NO.	1099-A0064	

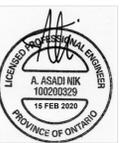
1 NORTH & SOUTH ELEVATIONS
 A1.07 SCALE: 3/16" = 1'-0"



EAST ELEVATION
LAURELEAF ROAD



EAST ELEVATION
(REAR)



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No.	DESCRIPTION	DATE	CHKD
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Email : info@agaengineering.ca

PROJECT TITLE
**32 DAFFODIL AVENUE
CITY OF MARKHAM**

DWG. TITLE
**BASEMENT FLOOR PLAN
(CELLAR)**

DESIGN	B.J.	DWG. NO. A1-08
DRAWN	M.C.	
DATE	FEB. 2020	
CHECKED	B.J.	
SCALE	3/16" = 1'-0"	
PROJ. NO.	1099-A0064	

1 EAST & WEST ELEVATIONS
A1.08 SCALE: 3/16" = 1'-0"

Leung, Melissa

From: Terri Cowan <Terri.Cowan@metrolinx.com>
Sent: Friday, March 6, 2020 4:36 PM
To: Leung, Justin
Cc: Committee of Adjustment; Brandon Gaffoor
Subject: 32 Daffodil Avenue, Markham - Metrolinx Comments
Attachments: Metrolinx Environmental Easement 2019.pdf

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

Hello Brad,

Further to the Notice of Hearing for 32 Daffodil Avenue, Markham for the meeting scheduled on March 18th, 2020, I note the subject site is within 300 metres of Metrolinx's Bala Subdivision which carries Richmond Hill GO Train service, I further note that the subject application is to accommodate a residential development. We have no objections to the variance application and my comments below are regarding the forthcoming site plan application;

*Prior to the issuance of Site Plan Approval, the Owner shall provide confirmation to Metrolinx that the following warning clause is inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way:

Warning: Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their 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). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

*Prior to the issuance of Site Plan Approval, the Owner shall grant Metrolinx an Environmental Easement for operational emissions, registered on title against the subject residential dwelling in favour of Metrolinx. I have attached our Environmental Easement language as a reference.

Should you have any questions, please reach out to myself.

Thank you,

Terri Cowan

Third Party Projects Officer

Third Party Projects Review | Capital Projects Group

Metrolinx | 20 Bay Street, Suite 600 | Toronto, Ontario | M5J 2W3

T: 416-202-3903 C: 416-358-1595



Form of Easement

WHEREAS the Transferor is the owner of those lands legally described [insert legal description] (the "**Easement Lands**");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting or releasing thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "**Operational Emissions**").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.