

## **Memorandum to the City of Markham Committee of Adjustment**

August 26, 2020

**File:** B/009/20  
**Address:** 185 Bullock Drive, Markham  
**Applicant:** The Cupri Management Corporation Inc.  
**Agent:** Dillon Consulting Limited  
**Hearing Date:** Wednesday September 16, 2020

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

The Applicant is requesting provisional consent to establish a storm-water easement, including maintenance, repair and replacement of an existing storm drainage pipe over Part 1, Reference Plan 65R-38891 in favour of the adjacent property to the west at 189 Bullock Drive.

### **BACKGROUND**

#### **Property Description**

The 1.24 ha (3.06 ac) subject property, municipally known as 185 Bullock Drive, is located on the south side of Bullock Drive and east of McCowan Road. It is developed with a one-storey multi-unit industrial building containing several automobile service shops.

Surrounding land uses include:

- Existing Commercial and light industrial uses to the north, across Bullock Drive;
- An existing storm water channel abutting the site to the east and existing industrial uses further east along Bullock Drive and Laidlaw Boulevard;
- Existing industrial uses to the south along Heritage Road; and
- An existing industrial building to the west at 189 Bullock Drive, and commercial uses further west along McCowan Road.

#### **Proposal and Comments**

Cupri Management Corporation Inc. is requesting provisional consent to establish a storm-water easement, including for maintenance, repair and replacement of an existing storm drainage pipe in favour of the adjacent property to the west at 189 Bullock Drive. The requested easement is identified as Part 1, Reference Plan 65R-38891, and is located at the rear of the subject property.

An existing storm drainage pipe is situated below grade where the easement is proposed, which allows storm water to flow from the rear of 189 Bullock Drive through the subject property at 185 Bullock Drive, and to the channel east of the site. Figure 1 shows the proposed easement which has an approximate area of 410 m<sup>2</sup> (4413 ft<sup>2</sup>). Figure 2 shows an aerial photo of the site and approximate easement location, in relation to 189 Bullock Drive to the west and channel to the east.

The requested easement will allow for this storm water drainage configuration to continue, and have it legally registered on title of the subject lands. Registration of this easement was requested by City staff through the review of a site plan application on 189 Bullock Drive to repurpose the existing industrial building as a commercial self storage facility (File SC 18 108697). This site plan application has been endorsed, and is expected to be approved in Q3 2020. Consequently, staff have no objection to approval of the consent application to establish the storm water easement, subject to the conditions recommended in Appendix 'A'.

Toronto Region Conservation Authority (TRCA) Comments

As noted, a channel abuts the east of the subject property. Accordingly, a portion of the subject lands are within the TRCA's regulated area as the site appears to be partially within the erosion hazard of a valley corridor and adjacent to a Regulatory flood plain associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, a permit from the TRCA is required prior to any works commencing on the subject property. In a letter dated September 2, 2020, the TRCA advised that they do not have any fundamental objections to the proposed consent, subject to the condition that the TRCA application review fees are submitted to the conservation authority. This has been included as a condition in Appendix 'A'.

PREPARED BY:



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Stephen Corr, Senior Planner

REVIEWED BY:



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Stacia Muradali, Acting Manager, East District

File Path: Amanda\File\20 116419\Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/009/20**

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of the required transfers to effect the easement applied for under Files B/009/20, in duplicate, identifying 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. Submission of a Clearance letter by the Toronto Conservation Authority (TRCA) to the Committee of Adjustment Secretary Treasurer advising that the review fee of \$1400.00, as requested in the letter dated September 2, 2020 have been paid to the satisfaction of the TRCA.
5. 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.

Conditions Prepared By:

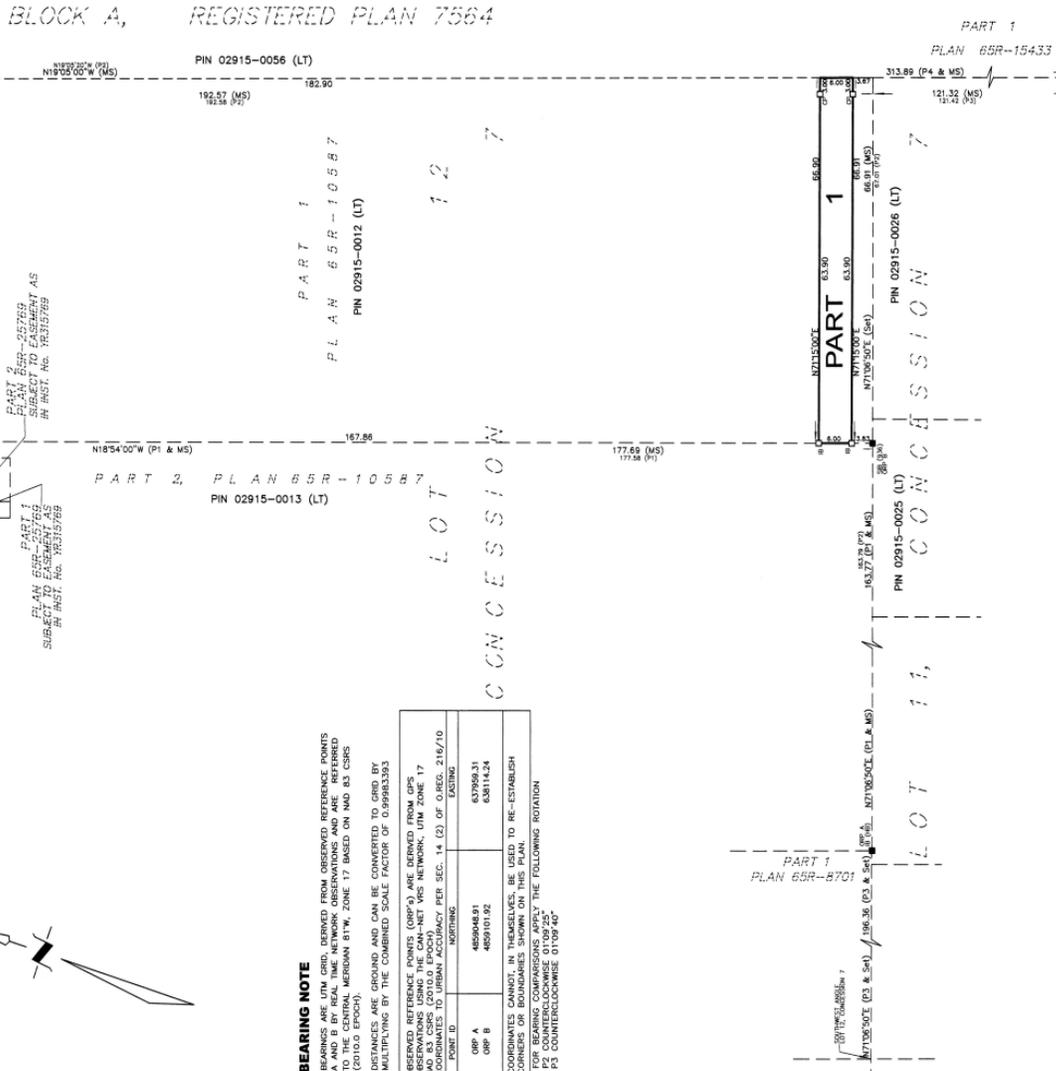
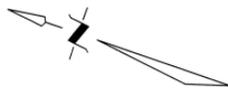
A handwritten signature in blue ink, appearing to read "Stephen Corr". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke at the end.

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Stephen Corr, Senior Planner, East District

Figure 1

**BULLOCK DRIVE**  
DEDICATED AND NAMED AS A PUBLIC HIGHWAY BY BY-LAW No. 1266, INST. No. 19915874  
PIN 02908-0534 (LT)



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.  
DATE: MARCH 13, 2020  
"Y. BHOJATIAN"  
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION (No. 68)  
RODNEY H. GEYER  
ONTARIO LAND SURVEYOR

PLAN 65R-38871  
RECEIVED AND DEPOSITED:  
DATE: APR 15, 2020

SCHEDULE		PIN	
PART	LOT/BLOCK	CONCESSION	PART OF PIN
1	12	7	02915-0012 (LT)

PLAN OF SURVEY OF PART OF LOT 12 CONCESSION 7 (GEOGRAPHIC TOWNSHIP OF MARKHAM) CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK  
SCALE 1:500  
RODNEY GEYER  
ONTARIO LAND SURVEYOR INC.



**METRIC NOTE**  
ALL DIMENSIONS SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**LEGEND**  
P1 DENOTES PLAN OF SURVEY BY RODNEY H. GEYER, O.L.S. INC. DATED APRIL 1, 2019  
P2 DENOTES PLAN 65R-10587 REGISTERED APRIL 1, 2019  
P3 DENOTES REGISTERED PLAN 7564  
P4 DENOTES SURVEY MONUMENT FOUND  
D DENOTES SURVEY MONUMENT SET  
IB DENOTES IRON BAR  
M DENOTES METAL MARKER  
MS DENOTES METAL STRAP  
(MS) DENOTES METAL STRAP MEASURED  
(O) DENOTES ORIGIN UNKNOWN  
(O) DENOTES ORIGIN UNKNOWN  
(O.348) DENOTES O.L.S.'S

**BEARING NOTE**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN 81W, ZONE 17 BASED ON NAD 83 CSRS COORDINATES. DISTANCES ARE OBSERVED AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99983393  
OBSERVED REFERENCE POINTS (ORP'S) ARE DERIVED FROM GPS OBSERVATIONS AT THE SURVEY STATION AND THE REFERENCE POINTS (RP) NAD 83 CSRS (2010.0 EPOCH) COORDINATES TO UTM ACCURACY PER SEC. 14 (2) OF O.G. 216/10 (2010) (2010.0 EPOCH)  
P1 DENOTES PLAN OF SURVEY BY THE FOLLOWING ROTATION  
P2 COUNTERCLOCKWISE 0109'40"

FORMER	ORP A	ORP B
489948.91	637989.31	637989.31
489101.92	638114.24	638114.24

COORDINATES CANNOT IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.  
P2 COUNTERCLOCKWISE 0109'40"

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS THEREUNDER.  
2. THE SURVEY WAS COMPLETED ON THE 4th DAY OF MARCH, 2020.

DATE: MARCH 13, 2020  
RODNEY H. GEYER  
ONTARIO LAND SURVEYOR

RODNEY GEYER  
ONTARIO LAND SURVEYOR INC.  
1000 SHEPPARD AVENUE EAST  
ALTON, ONTARIO L9R 1E8  
PHONE (705) 634-0411  
rgeyer@rodneygeyer.com



Figure 2



Storm Channel

Subject Site  
No. 185

No. 189

Bullock Drive

McCowan  
Road