

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

September 14, 2021

**File:** B/007/21 & B/008/21  
**Address:** 5430 16<sup>th</sup> Ave and 5440 16<sup>th</sup> Ave, Markham  
**Applicant:** Groundswell Urban Planners (Nour Bedas)  
**Agent:** Groundswell Urban Planners (Nour Bedas)  
**Hearing Date:** Wednesday September 22, 2021

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

B/007/21- 5430 16<sup>th</sup> Avenue

The applicant is requesting provisional consent to establish a) an access easement over Part 1, Plan 65R-39410 in favour of 5440 16<sup>th</sup> Avenue.

B/008/21- 5440 16<sup>th</sup> Avenue

The applicant is requesting provisional consent to establish a) an access easement over Part 2, Plan 65R-39410 in favour of 5430 16<sup>th</sup> Avenue, and b) a servicing easement over Part 1, Plan 65R-38299 in favour of 5430 16<sup>th</sup> Avenue.

## **BACKGROUND**

The subject lands are located at the north-east corner of 16<sup>th</sup> Avenue and Alexander Lawrie Avenue, between McCowan Road and Markham Road. 5430 16<sup>th</sup> Avenue was severed [approved by the Local Planning Appeal Tribunal (LPAT) on January 23<sup>rd</sup>, 2019] from 5440 16<sup>th</sup> Avenue which contains an existing place of worship (The Bridge Markham Community Church) ("the Bridge"), which will remain.

The Bridge which is currently located on 5440 16<sup>th</sup> Avenue has a site plan application under review (SC 18 178765) to facilitate an addition to the existing place of worship. The site plan application was endorsed and the site plan agreement is close to being executed.

Andrin Wismer Homes currently has applications for Draft Plan of Subdivision and Site Plan approval under review for 5430 16<sup>th</sup> Avenue to allow residential development consisting of 68 townhouses and 10 semi-detached dwellings within a common element condominium. A Zoning By-law amendment was recently approved to permit the proposed development. The Draft Plan of Subdivision application has been approved and is close to being registered. The site plan application has been endorsed and the agreement will be executed once the aforementioned subdivision has been registered.

## **Official Plan and Zoning**

The subject lands are designated "Residential Low Rise" in the City's 2014 Official Plan (as partially approved by the OMB on November 24<sup>th</sup>, 2017 and further updated on April 9<sup>th</sup>, 2018) (the "2014 Official Plan"). The "Residential Low Rise" designation contemplates residential development, as well as local convenience land uses (eg. day care centre, place of worship, convenience retail and personal service shops and public schools) to serve the residential neighbourhoods.

5440 16<sup>th</sup> Avenue is zoned "Open Space Two \*428 (OS2\*428)" which permits a place of worship and associated day nurseries. 5430 16<sup>th</sup> Avenue is zoned "Residential Two \*629 (R2\*629)" which permits the proposed development.

## **COMMENTS**

A number of easements were identified through the development applications review process for both the Bridge development and the Andrin Wismer Homes residential development to facilitate appropriate servicing and access as set out below.

### *Servicing easement*

A private storm sewer to serve 5430 16<sup>th</sup> Avenue (Andrin Wismer Homes) will be located on the Bridge property. As a result, a 5 metre wide (16 feet) easement to accommodate the private storm sewer and overland flow will need to be conveyed over Part 1, 65R-38299 from the Bridge in favour of Andrin prior to issuance of site plan approval.

### *Access easements*

Reciprocal access easements, including fire and emergency service access routes, are required for both the Bridge and Andrin Wismer Homes lands to allow each other access over their respective driveways. The Bridge is required to convey an access easement over Part 2, 65R-39410, in favour of Andrin to allow emergency access onto 16<sup>th</sup> Avenue. Andrin Wismer Homes will in turn convey an access easement over Part 1, 65R-39410 in favour of the Bridge to allow emergency access as well as general vehicular access to Alexander Lawrie Avenue. These access easements need to be conveyed prior to final site plan approval for both proposed developments.

## **CONCLUSION**

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act.

Planning staff recommend that B/007/21 and B/008/21 applications be approved subject to the following conditions:

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

PREPARED BY:



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Stacia Muradali, Development Manager

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/007/21 & B/008/21**

1. Submission to the Secretary-Treasurer of the required transfers to effect the easements applied for under Files B/007/21 and B/008/21 in duplicate, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
2. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject easements, which conform substantially to the application as submitted.
3. 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.