




MEMORANDUM

FROM: Jim Baird, Commissioner of Development Services 

TO: Kimberley Kitteringham, Town Clerk

PREPARED BY: Michael Fry, Planner, Central Team

DATE: June 26, 2012

RE: **Hold Removal**
93 Helen Avenue, South Unionville
Planning File: ZA 12 117413

The subject property has draft plan approval to allow for 6 residential lots, as well as blocks for a new public road and a future park (Figure 1). Three of the draft-approved lots front onto Helen Avenue and the remaining three will front onto the new public street to align opposite Peshawar Avenue (Figure 2). However, the extension of this road is subject to the development of the adjacent lands to the east at 103 Helen Avenue. To date, the subdivision agreement to secure the delivery of the road and park block has not been executed.

Two of the draft-approved lots fronting onto Helen Avenue have been severed through the Committee of Adjustment. The third Helen Avenue lot (the subject lot) was retained for the purpose of providing street frontage to the remainder of the property. Since this time, the owner has acquired the adjacent property to the east (103 Helen Avenue) and has merged the two properties. The owner is now seeking draft plan approval for 103 Helen Avenue which will provide for 6 lots, the road and a future park block. The application for 103 Helen Avenue was the subject of a report to Development Services Committee on June 12, 2012 and will be the subject of a future public meeting, likely in September, 2012.

In the interim, the owner has requested that the Hold (H) provision be lifted on the one remaining draft-approved lot fronting onto Helen Avenue. This lot has a width of 10.48m (34.4 ft.), a depth of 33.93m (111.3 ft.), a lot area of 352 m² (3800 sq. ft.) and is currently vacant. The owner has made an application to the Committee of Adjustment to sever the lot, which is tentatively scheduled to be heard on July 18, 2012, with the intention of constructing a new detached dwelling.

The subject property is zoned Residential Two - R2*31(H). The Hold provision requires that prior to the lifting of the Hold, the owner will execute a subdivision agreement and construct the new public road.

As the subject lands and the adjacent lands have merged on title, the owner intends to enter into one subdivision agreement for both plans of subdivision which would address the delivery of the park and road extension, and the balance of the lands would still be subject to the Hold provisions.

As such, the lifting of the Hold (H) for this one lot with frontage on Helen Avenue, will not compromise the future construction of the new public street and delivery of the parkland, and would allow the construction of 1 dwelling unit in the interim.

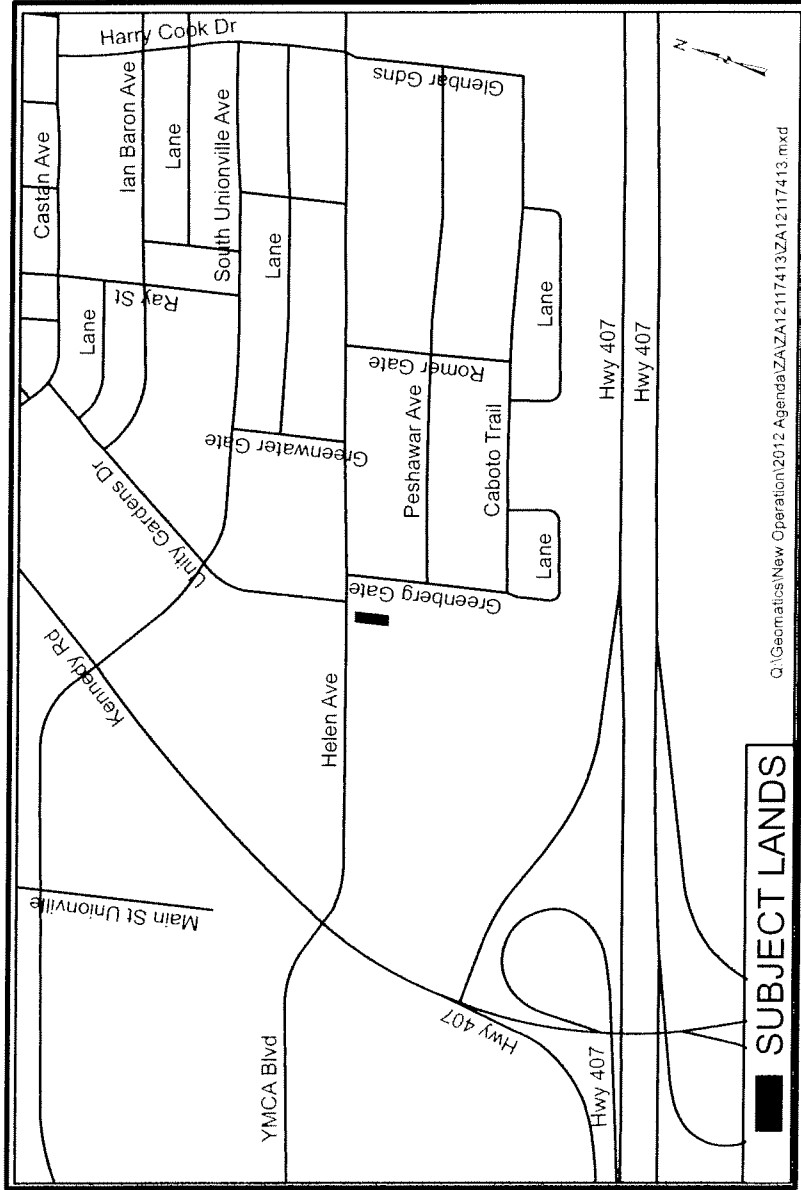
It is recommended that the zoning by-law amendment to lift the Hold provision for this one lot be enacted.

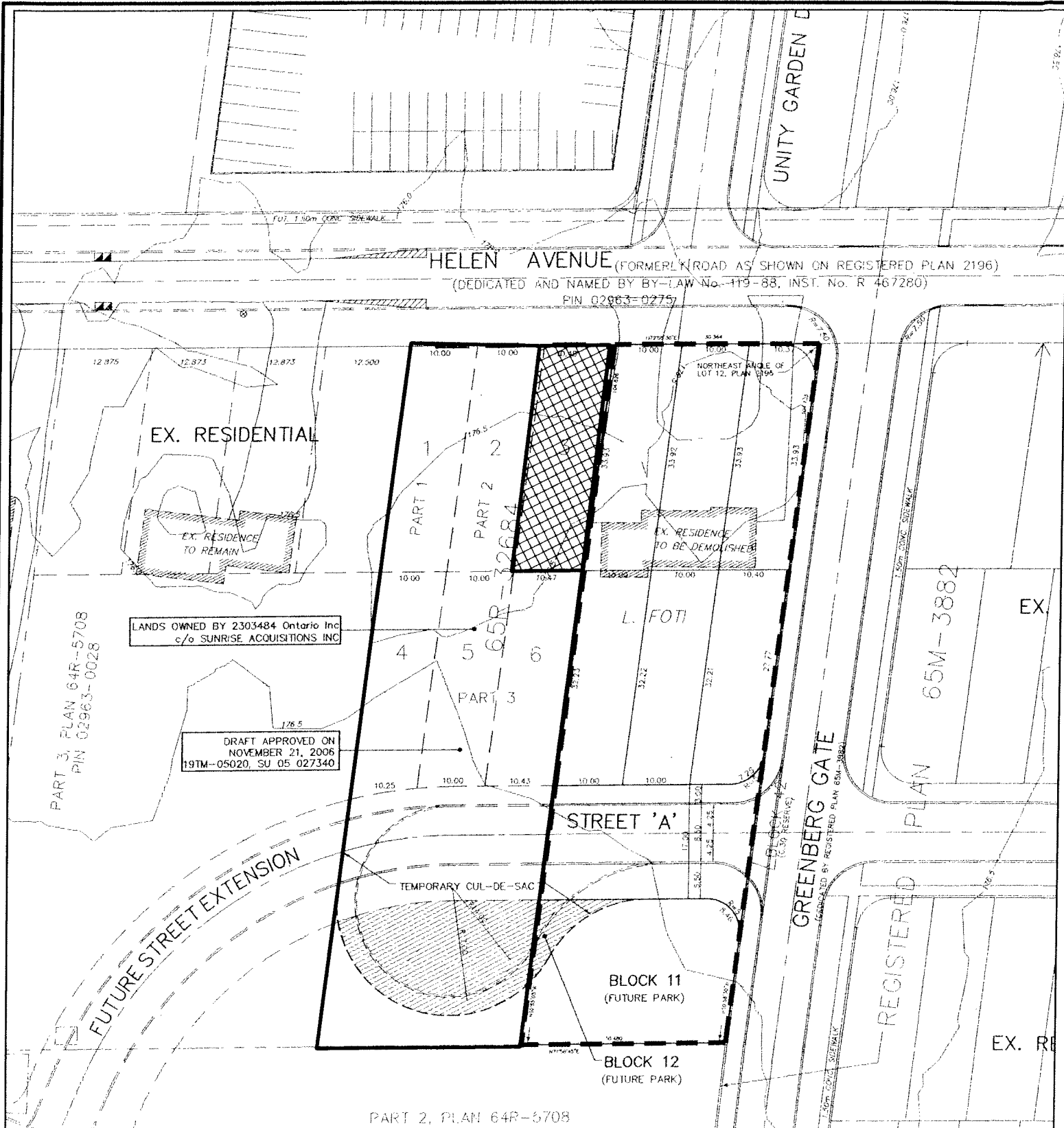
ATTACHMENTS:

Figure 1 – Location Map

Figure 2 – Draft Subdivision Plan

Appendix “A” – Draft By-law Amendment





DRAFT PLAN SUBDIVISION

APPLICANT: SUNRISE ACQUISITIONS

PT. LT.12, PLAN 2196, PT.3 RP. 65R32684

 SUBJECT LANDS

FILE No. ZA.12117413 (MF)

DATE: 06/18/2012



BY-LAW 2012-***

A By-law to amend Zoning By-law 177-96, as amended.
(To remove a Holding provision)

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

- 1.0 By-law 177-96, as amended, be and the same is hereby further amended as follows:
- 1.1 By rezoning the lands outlined on Schedule 'A' hereto from
- | | |
|---------------------------|----------|
| Residential Two*31 (Hold) | R2*31(H) |
| To | |
| Residential Two*31 | R2*31 |
- 2.0 All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS ____ DAY OF _____, 2012.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



EXPLANATORY NOTE

BY-LAW 2012-***

A By-law to amend By-law 177-96, as amended

**93 Helen Avenue
PART 3, PLAN 65R-32684**

Lands Affected

The proposed by-law amendment applies to Lot 3 of the draft-approved subdivision plan for 93 Helen Avenue, which makes up part of PART 3, PLAN 65R-32684.

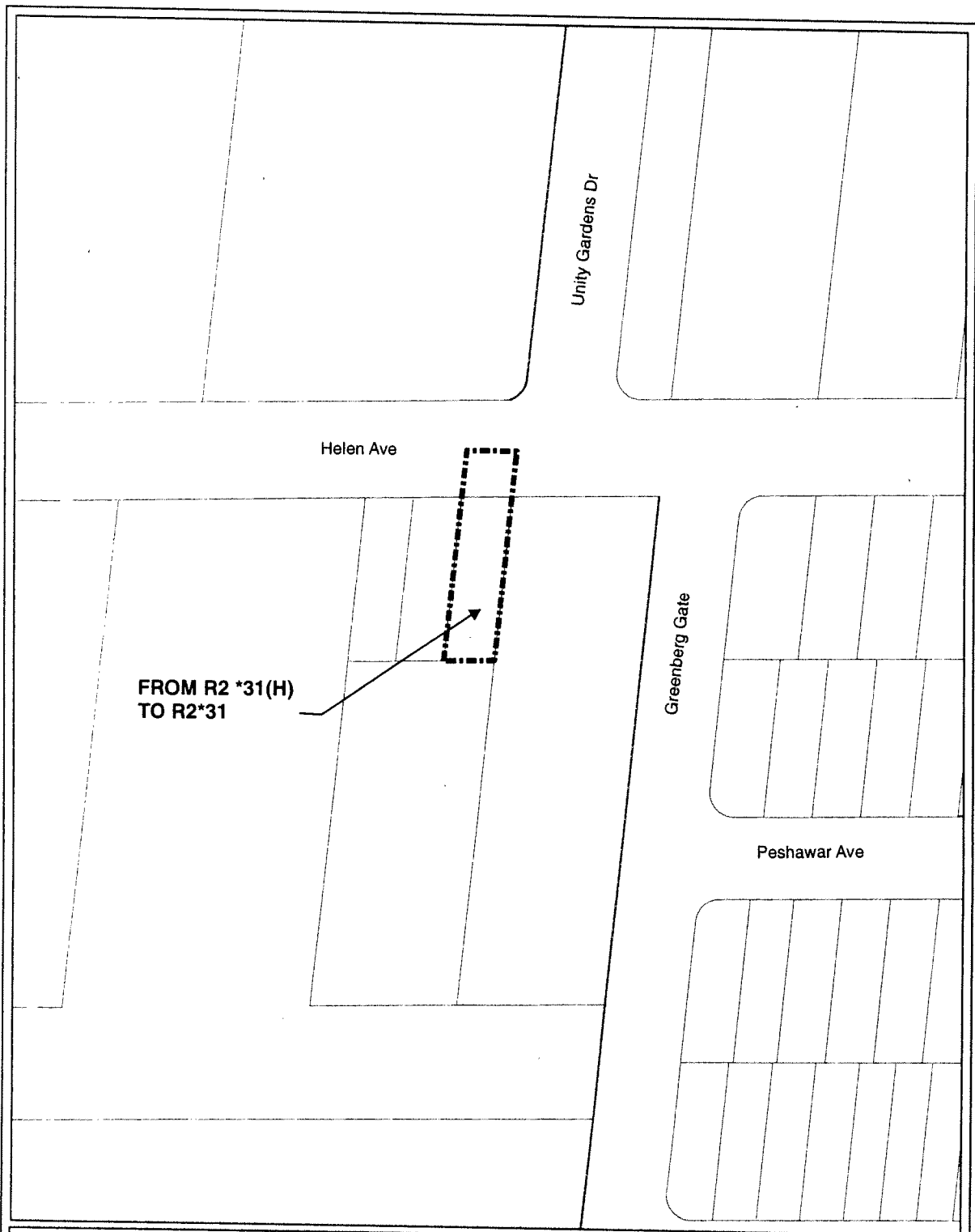
Existing Zoning

The lands subject to this by-law are presently zoned "Residential Two*31 (Hold) [R2*31(H)]" under By-law 177-96, as amended. The Hold (H) provision requires that prior to the lifting of the Hold (H), the owner will execute a subdivision agreement and construct the new public road.





Purpose and Effect

The purpose of this by-law is to lift the Hold (H) on the subject lands. Since the subdivision containing the subject lands have now merged with lands to the east, the conditions of the Hold removal can be addressed through a subdivision agreement for the remainder of the merged property, which will also provide for the construction of the new public road.

The effect of this by-law is to permit the construction of a detached dwelling fronting onto Helen Avenue.



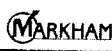
BY-LAW SCHEDULE 'A' TO AMEND BY-LAW 177-96

-  BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
-  RESIDENTIAL TWO
-  HOLDING PROVISION
-  EXCEPTION SECTION NUMBER

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BY-LAW AMENDMENT No. PASSED

..... (MAYOR) (CLERK)

 MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW Checked By: MF

DATE: 06/10/2012