Memorandum to the City of Markham Committee of Adjustment

May 28, 2024

File: A/028/24

Address: 15 Hamilton Hall Drive, Markham

Applicant: Memar Architects Inc (Lucy Mar Guzman)
Agent: Memar Architects Inc (Lucy Mar Guzman)

Hearing Date: Wednesday June 5, 2024

On January 31, 2024, City of Markham Council enacted Comprehensive Zoning By-law 2024-19. As By-law 2024-19 is currently under appeal with the Ontario Land Tribunal (OLT), any Applications under Section 45 of The *Planning Act* that do not benefit from the transition clauses under Section 1.7 of By-law 2024-19 must comply with By-law 2024-19 and any previous By-laws in effect. As such, the Applicant is requesting relief from the following "Residential — Established Neighbourhood Low Rise (RES-ENLR) zone requirements under Comprehensive Zoning By-law 2024-19 and "Residential 1 (R1)" zone requirements under By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling. The variances requested are to permit:

By-law 2024-19:

a) By-law 2024-19, Section 6.3.2.2(c):

the main building coverage for the second-storey of 25.05 percent, whereas the by-law permits a maximum second-storey coverage of 20 percent of the lot area;

b) By-law 2024-19, Section 6.3.2.2(i):

a combined interior side yard setback of 3.66 metres, whereas the by-law requires a minimum combined interior side yard setback of 4.57 metres;

c) By-law 2024-19, Section 6.3.2.2 (e):

a maximum distance of the main building from the established building line for any storey above the first storey of 16.48 metres, whereas the by-law permits a maximum distance of 14.5 metres for any storey above the first from the established building line;

d) By-law 2024-19, Section 6.2.1(b):

the projection above the maximum outside wall height of 2.69m, whereas the bylaw permits a projection above the maximum outside wall height of 1m; and

e) By-law 2024-19m, Section 6.3.2.2(a):

a lot frontage of 18.29m, whereas the by-law requires a minimum lot frontage of 23m;

By-law 1229, as amended:

a) By-law 1229, Section 1.2(vi):

a maximum Floor Area Ratio of 51.75 percent, whereas the by-law permits a maximum Floor Area Ratio of 45 percent.

BACKGROUND

Property Description

The 718.83 m² (7,737.42 ft²) subject property is located on the south side of Hamilton Hall Drive, north of Highway 7 East and west of Wootten Way North. The property is located within an established residential neighbourhood comprised of a mix of one-storey and split-level detached dwellings.

The property currently contains a one-and-a half storey detached dwelling with an integral garage. Mature vegetation exists on the property including large mature trees in the front and side yards, as well as trees in the rear yard.

Proposal

The applicant is proposing to demolish the existing dwelling to construct a new two-storey detached dwelling with an integral two-car garage. The proposed dwelling will have an approximate floor area of 344.72.83 m² (3,710.63 ft²).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and 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 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, and the width of proposed garages and driveways.

Comprehensive Zoning By-law 2024-19

The subject property is zoned "Residential – Established Neighbourhood Low Rise (RES-ENLR) under Comprehensive Zoning By-law 2024-19, which permits one single detached dwelling per lot. The proposed dwelling does not comply with the main building coverage for the second-storey, combined interior side yard setback, distance of the main building from the established building line for the second-storey, projection above maximum wall height, and lot frontage.

Zoning By-Law 1229

The subject property is zoned "Residential 1 (R1)" under By-law 1229, as amended, which permits one single detached dwelling per lot. The proposed dwelling does not comply with the Floor Area Ratio By-law requirement.

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

According to the information provided by the applicant, the reason for not complying with Zoning is:

"We required a slightly larger residence to ensure comprehensive accessibility throughout, featuring wider corridors, bigger bathrooms, an elevator and expanded openings. This was necessary to accommodate the learning disability and accessibility needs of the owner's child, in addition to catering to elderly parents. Some variances are existing conditions like lot frontage. The house being 24cm

shorter than required by-law and compliant with the main wall height make the massing of the house more settled in the neighborhood. The remaining variances are minor and stem from our intentional design decisions to avoid a boxy structure, incorporating setbacks from both the front and side property lines. The client opted to custom build because after considerable efforts, they were unable to find a resale home that could address the specific needs of the family in their current circumstances and growing needs. This is a significant and substantial investment to create a forever home."

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on May 13, 2024 to confirm the variances required for the proposed development.

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.

The applicant is requesting relief from the following requirements of Comprehensive Zoning By-law 2024-19 "Residential – Established Neighbourhood Low Rise (RESENLR) Zone:

Increase in Main Building Coverage (second storey)

The applicant is requesting relief for a main building coverage for the secondstorey of 25.05 percent, whereas the by-law permits a maximum second-storey coverage of 20 percent of the lot area. The additional coverage is to accommodate accessibility needs of a family member, providing necessary space for corridors and elevator shafts. Standard width for the hallways is not sufficient for these needs. Further, the proposed second storey maintains a recessed design, ensuring a proportional design relative to the lot size without it being an out-of-scale development. Staff are satisfied that the request in increase of the second storey coverage is appropriate and in keeping with the intent of the by-law.

Reduction in Interior Side Yard Setback

The applicant is requesting a combined interior side yard setback of 3.66 metres, whereas the by-law requires a minimum combined interior side yard setback of 4.57 metres, which is equivalent to 25 percent of the lot width.

The proposed east and west side yard setback is 1.83 m (6 ft), which complies with the requirements of By-law 1229, as amended. Staff note that the west side yard setback increases to 4.35 m (14.27 ft), which Staff consider adequate space between the abutting property to the west. Staff are satisfied that the requested combined interior side yard will continue to provide sufficient space between abutting properties while maintaining the neighbourhood's uniform streetscape. As

such, the requested variance does not represent a significant deviation from the intent of the by-law and is considered compatible.

Maximum Distance of the Main Building from the Established Building Line

The applicant is requesting a maximum distance of the main building from the established building line for any storey above the first storey of 16.48 metres, whereas the by-law permits a maximum distance of 14.5 metres for any storey above the first from the established building line. The intent of regulating the maximum distance of the main building from the established building line for any storey above the first storey is to achieve a uniform appearance along the street by maintainining a consistent alignment of the second storey. The distance of the second storey is approximately 1.14 m (3.74 ft) from the established building line, which staff consider appropriate. Staff are of the opinion that the projection of the proposed second storey applies to a relatively minor component of the dwelling (integral garage portion) while the second floor of the main building is set back approximately 11.94 m (39.17 ft) from the front property line and 4.32 m (14.17 ft) from the established building line. Further, staff are satisfied that as the second floor does not project past the first storey, that the established building line is not disrupted, thereby eliminating any overlook into the adjacent properties while achieving a proportional building design. As such, staff are satisfied that the requested variance meets the general intent and purposed of the Zoning By-law.

Projection above the maximum outside wall height

The applicant is requesting a projection above the maximum outside wall height of 2.69 m, whereas the by-law permits a projection above the maximum outside wall height of 1 m. By limiting projections above the maximum outside wall height, it ensures that buildings have a consistent heights and to prevent roofs to appear disproportinate and/or top-heavy. The proposed outside wall height is 7.0 m (22.96 ft), with a projection of 2.69 m (8.82 ft) from the top of plate. Staff note that the proposed height from the crown of the road is 9.56 m (31.36 ft), while the By-law permits a maximum height of 9.8 m (32.15 ft). Staff are satisfied that the requested projection maintains a scale that is considered appropriate for the neighbourhood and does not present adverse impacts to the streetscape.

Reduction in Minimum Lot Frontage

The applicant is requesting a variance to permit a lot frontage of 18.29 m, whereas the by-law requires a minimum lot frontage of 23 m. According to the City's records, the subject property was created prior to the passing of Comprehensive Zoning By-law 2024-19. The requested variance is intended to legalize an existing site condition. Staff have no concerns with the requested variance as no changes are being proposed to the lot frontage.

The applicant is requesting relief from the following requirements of "Residential 1 (R1)" zone requirements under By-law 1229, as amended:

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a Floor Area Ratio of 51.75 percent, whereas the by-law permits a maximum Floor Area Ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 344.72.83 m² (3,710.63 ft²), whereas the By-law permits a dwelling with a maximum floor area of 299.80 m² (3,227.08 ft²). This represents an increase of approximately 44.92 m² (483.51 ft²). Staff note that the Floor Area Ratio provision has been removed from Comprehensive Zoning By-law 2024-19.

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling, since it does not include "open to below" areas that may exist within the dwelling (e.g. two-storey foyers, atriums and/or stairs). Staff are of the opinion that the proposed increase in floor area ratio will not significantly add to the scale and massing of the dwelling, will not result in an overdevelopment of the site, and have no concerns.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 29, 2024. 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

PREPARED BY:

REVIEWED BY:

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 variances requested to Comprehensive Zoning By-law 2024-19 and By-law 1229, as amended, 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

ZM.	
Brashanthe Manoharan, Planner II, East Distric	t

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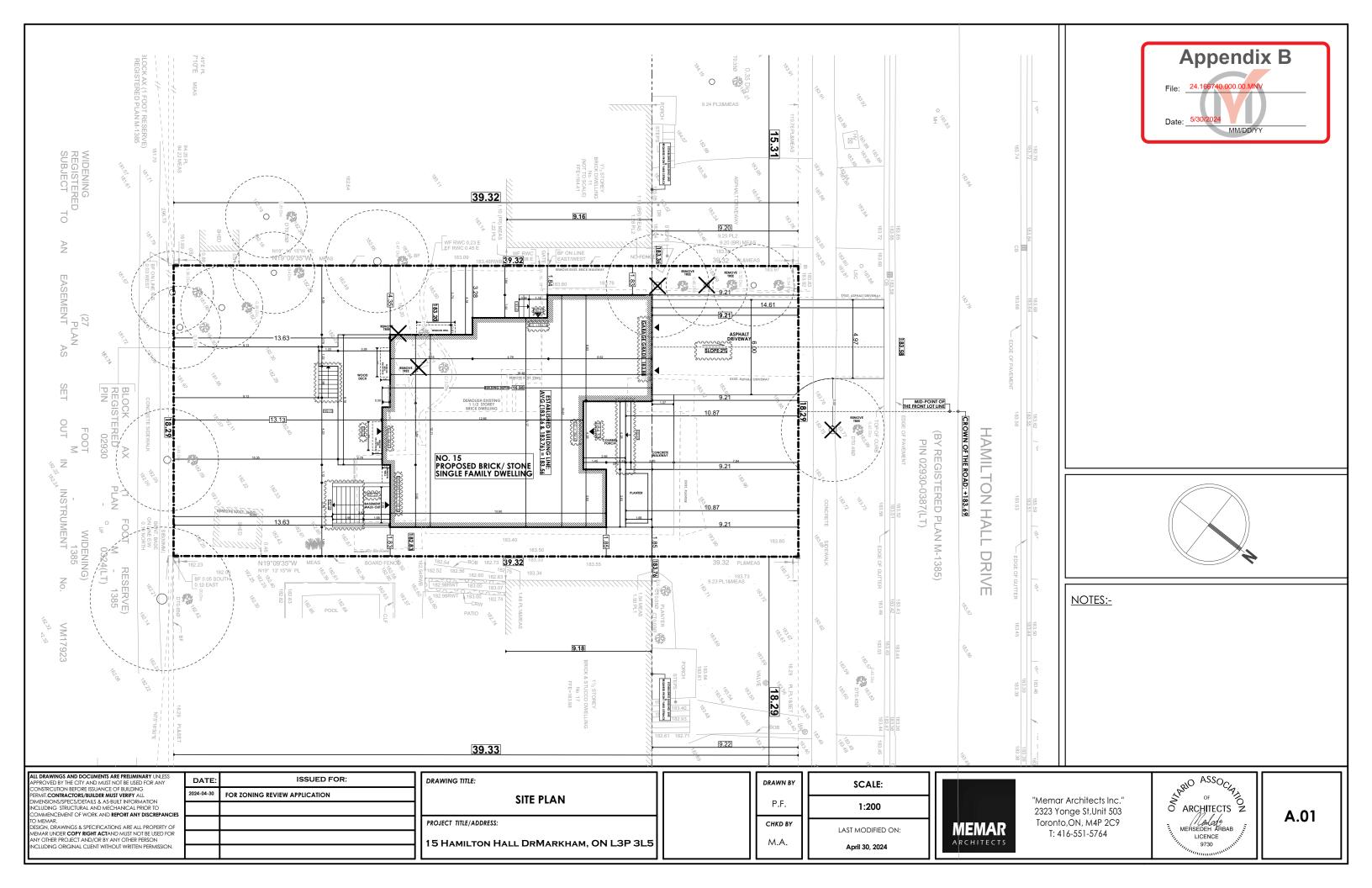
Stacia Muradali, Development Manager, East District APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/028/24

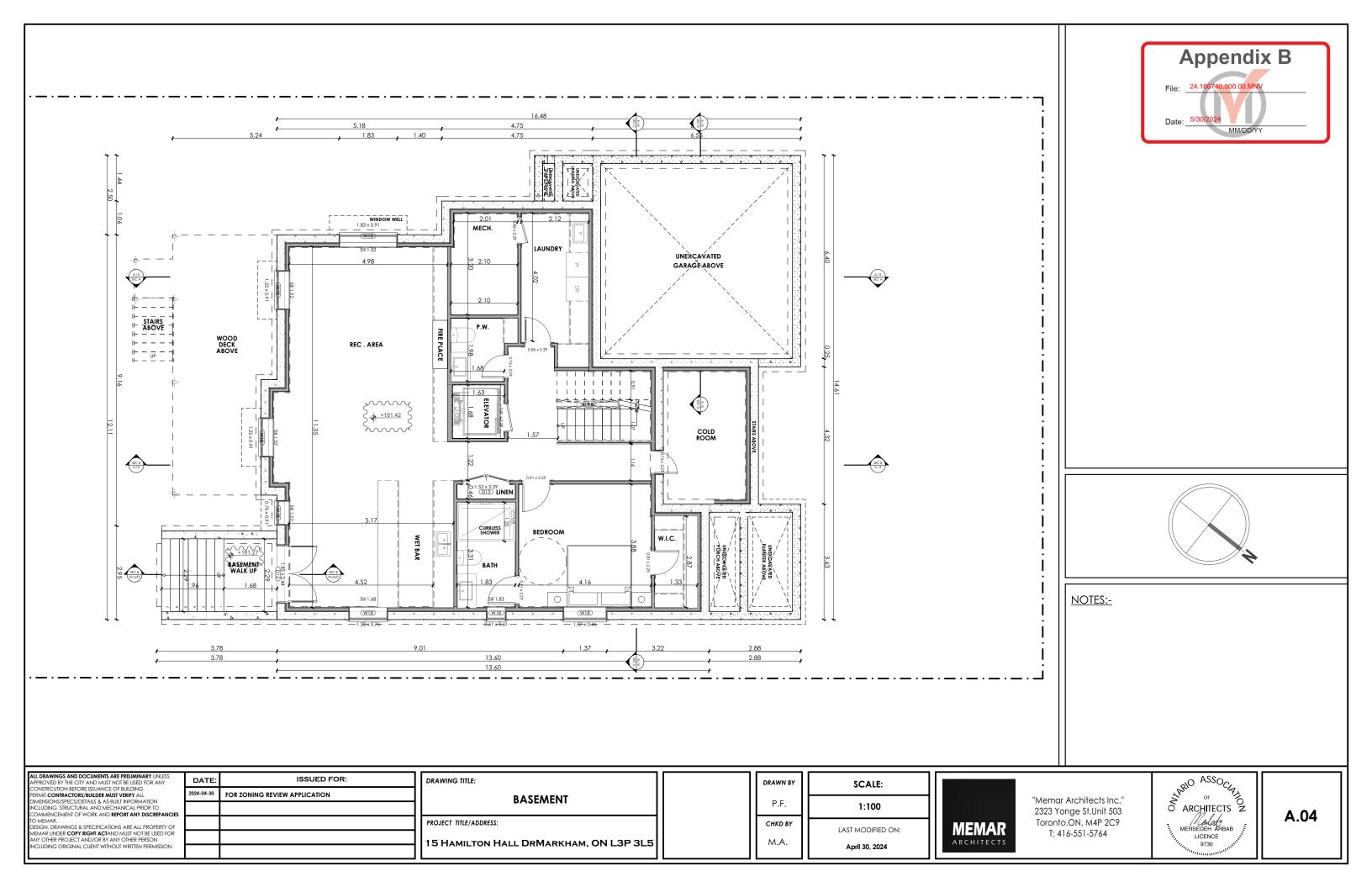
- 1. The variances apply only to the proposed development for as long as it remains.
- 2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix B to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to his or her satisfaction.

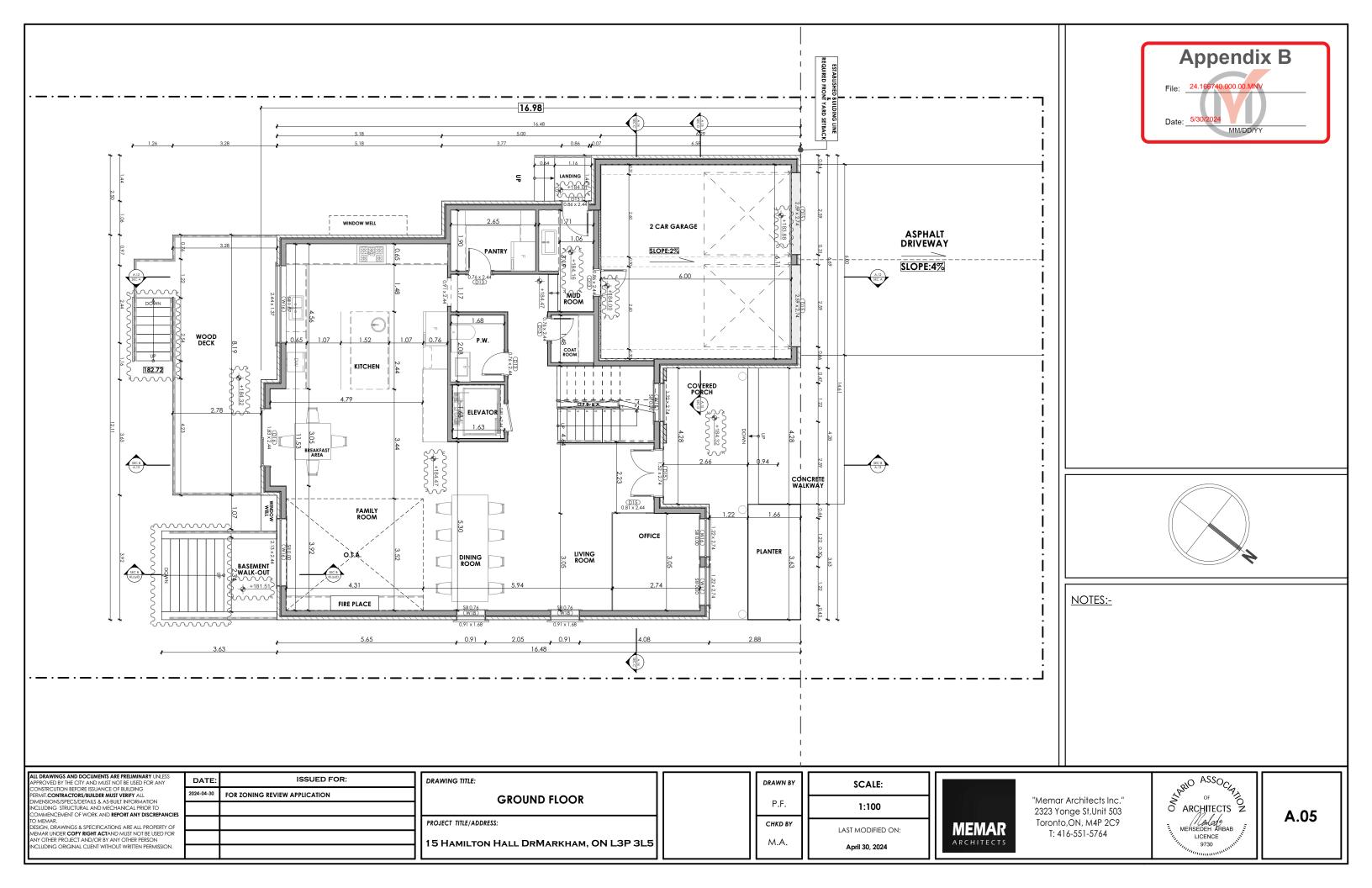
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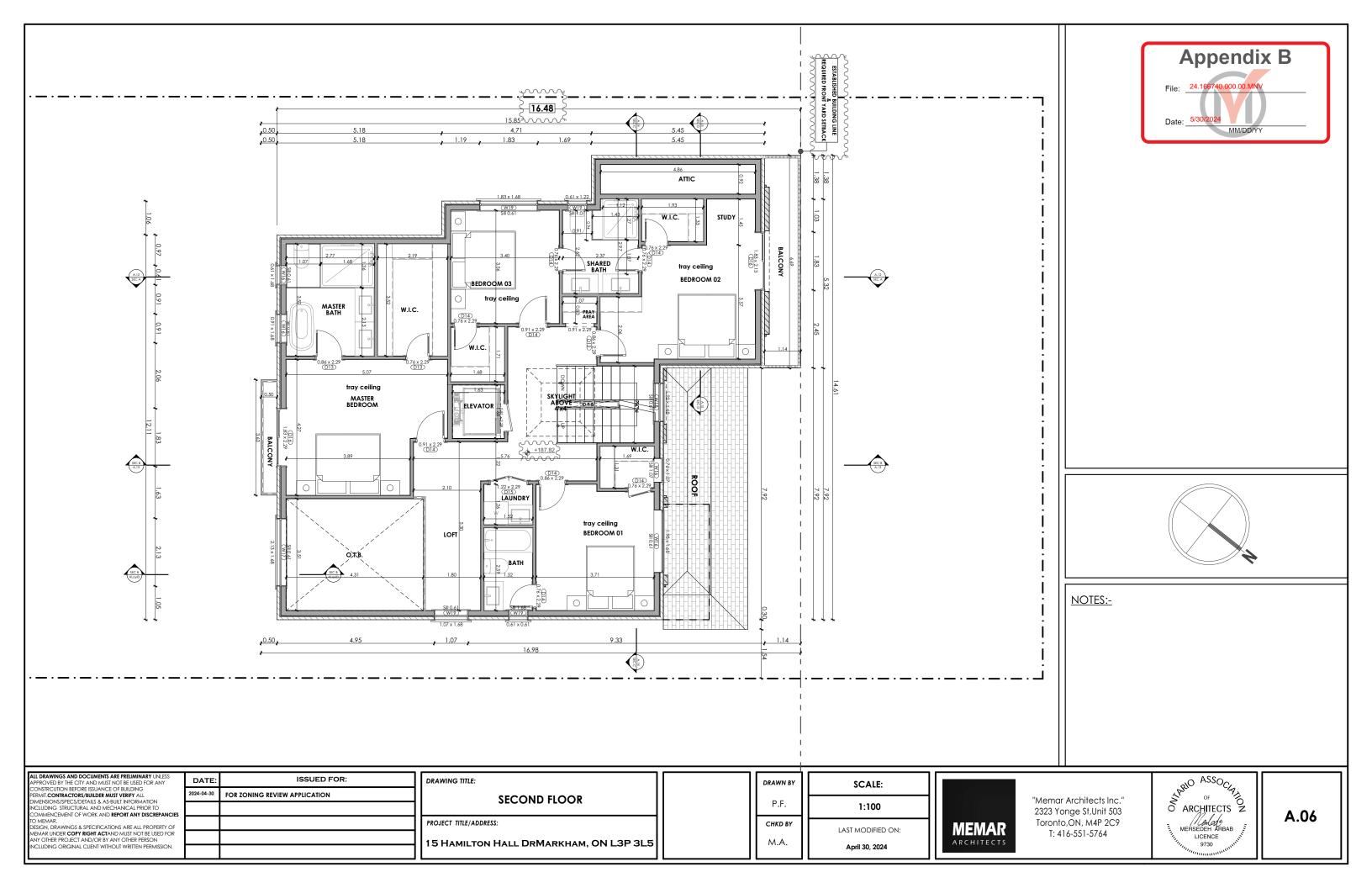
Brashanthe Manoharan, Planner II, East District

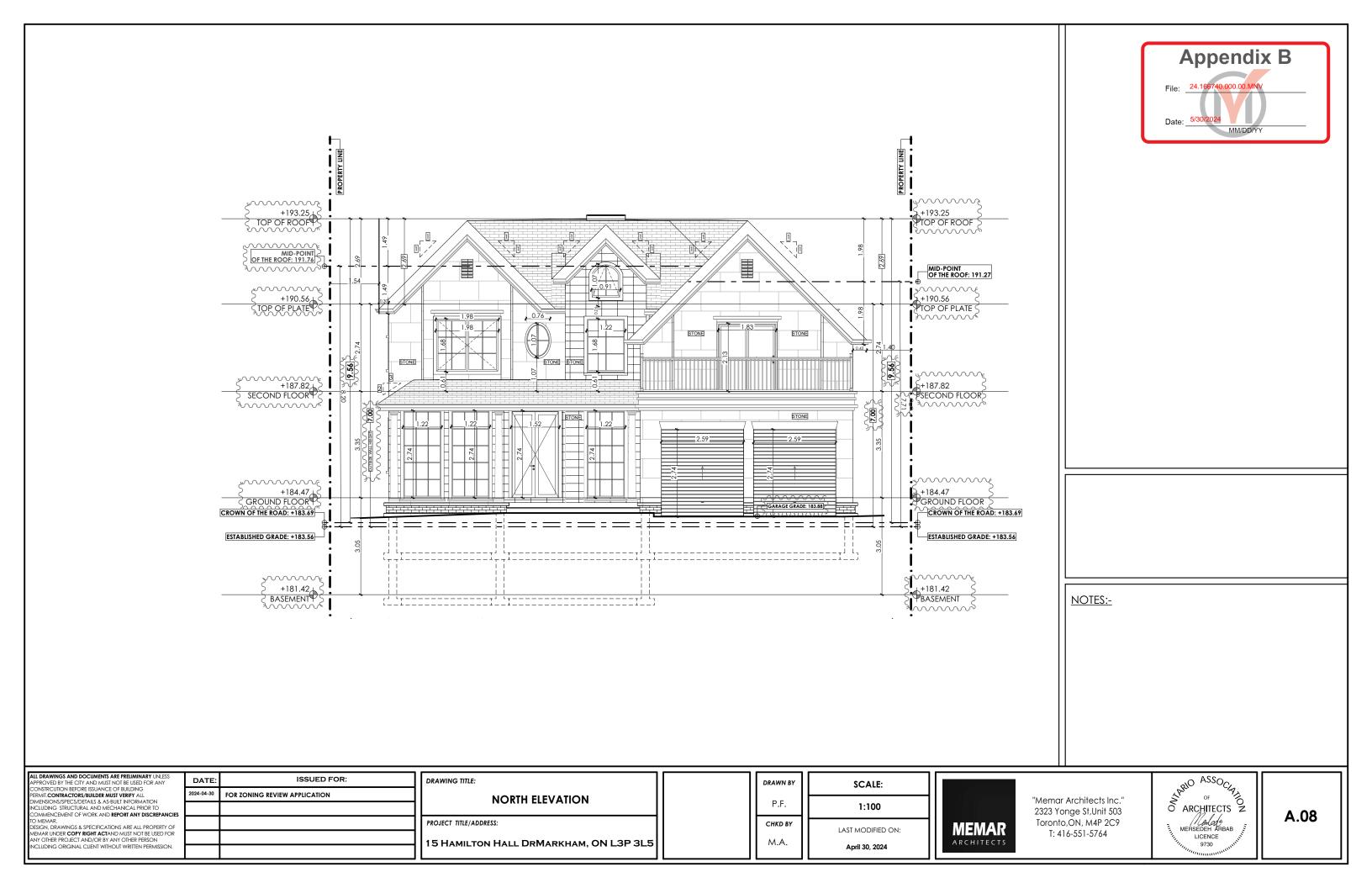
CONDITIONS PREPARED BY:

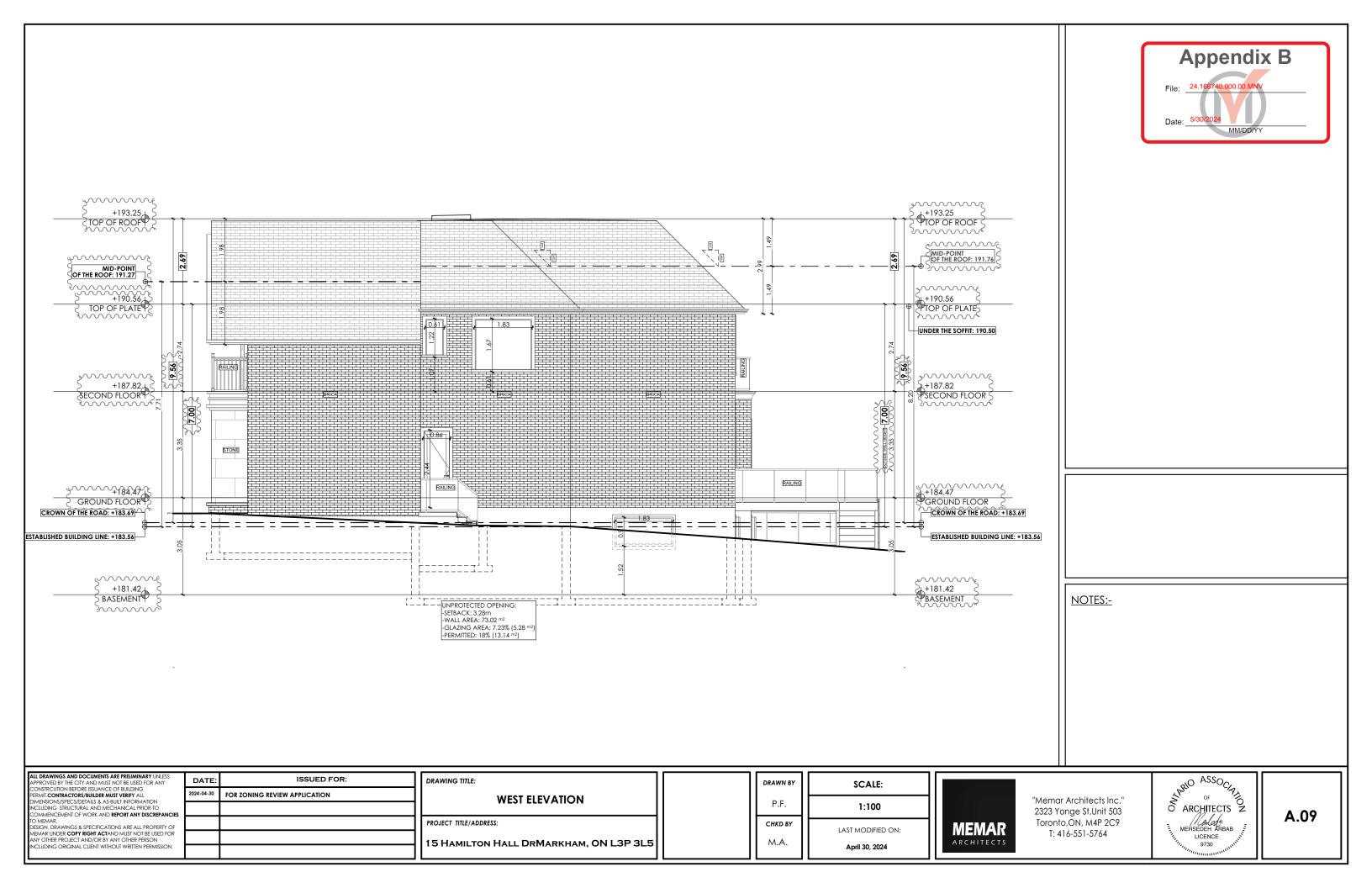


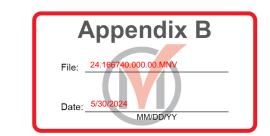


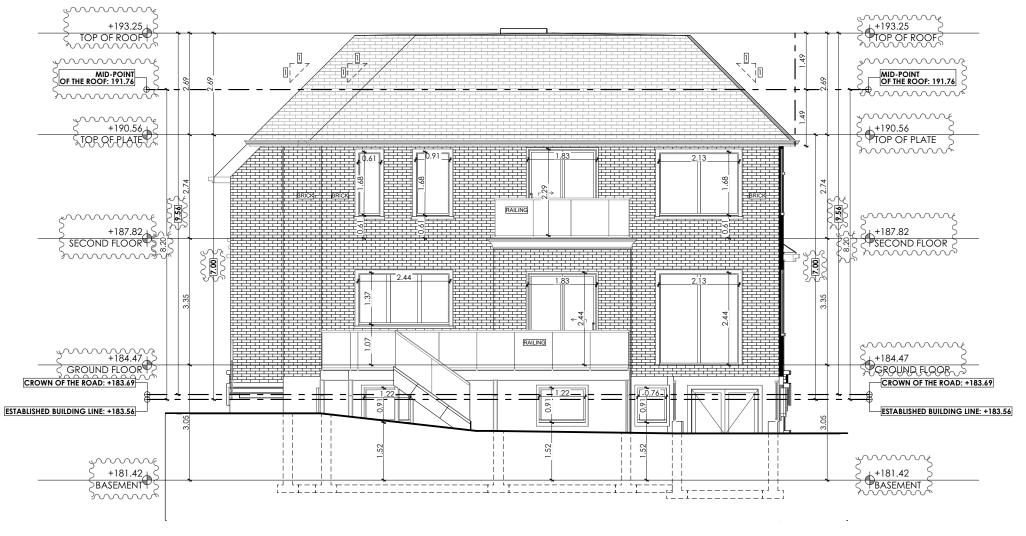












NOTES:-

П	ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY UNLESS
	APPROVED BY THE CITY AND MUST NOT BE USED FOR ANY
	CONSTRCUTION BEFORE ISSUANCE OF BUILDING
	PERMIT.CONTRACTORS/BUILDER MUST VERIFY ALL
	DIMENSIONS/SPECS/DETAILS & AS-BUILT INFORMATION
	INCLUDING STRUCTURAL AND MECHANICAL PRIOR TO
	COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES
	TO MEMAR.
П	DESIGN, DRAWINGS & SPECIFICATIONS ARE ALL PROPERTY OF

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ANY OTHER PROJECT AND/OR BY ANY OTHER PERSON
INCLUDING ORIGINAL CLIENT WITHOUT WRITTEN PERSON.

DATE:	ISSUED FOR:
2024-04-30	FOR ZONING REVIEW APPLICATION
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DRAWING TITLE:

SOUTH ELEVATION

PROJECT TITLE/ADDRESS:

15 HAMILTON HALL DRMARKHAM, ON L3P 3L5



SCALE:

1:100

LAST MODIFIED ON:

April 30, 2024



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