

Memorandum to the City of Markham Committee of Adjustment

May 19, 2022

File: A/037/22
Address: 31 Hamilton Hall Drive – Markham, ON
Applicant: Theepan Yoganathan
Agent: Building Experts Canada (Edgar Labuac)
Hearing Date: May 25, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential One – (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:

a) Infill By-law 99-90, Section 1.2 (i):

a maximum height of 9.96 m (32.68 ft), whereas the By-law permits a maximum height of 9.80 m (32.15 ft); and

b) Infill By-law 99-90, Section 1.2 (vi):

a maximum floor area ratio of 48.85%, whereas the By-law permits a maximum floor area ratio of 45.0%.

PROPERTY DESCRIPTION

The 683.35 m² (7,355.51 ft²) subject property is located on the south side of Hamilton Hall Drive, north of Highway 7 East, east of Markham Main Street North, and west of Wooten Way North. The property is developed with a two-storey single detached dwelling, with mature vegetation throughout. The property is located within an established residential neighbourhood generally comprised of a mix of low rise dwellings. There are examples of newer dwellings developed as infill developments in the vicinity of the subject property.

PROPOSAL

The applicant is proposing to demolish the existing dwelling, and construct a new two-storey detached dwelling with a ground floor area of 163.41 m² (1,758.93 ft²), and a second floor area of 152.82 m² (1,644.94 ft²) for a total gross floor area of 316.23 m² (3,403.87 ft²). The dwelling would also have height of 9.96 m (21.68 ft).

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. Infill development is required to meet the general intent of the Official Plan with respect to height, massing, and setbacks to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties, and properties along the street, while accommodating a diversity of building styles. Regard shall also be had for the retention of existing trees and vegetation, as well as the width of proposed garages and driveways.

Zoning By-Law 1229

The subject property is zoned “Residential One – (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot.

Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will generally maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, floor area ratio, height, and number of storeys. The proposed development does not comply with the Infill By-law requirements with respect to maximum height, and maximum floor area ratio.

ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN

The owner has completed a ZPR on March 4, 2022 to confirm the variances required for the proposed development.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (the "Committee"):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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 a maximum building height of 9.96 m (32.68 ft), whereas the By-law permits a maximum building height of 9.80 m (32.15 ft). This is an increase of 0.16 m (or approximately 6.0 in). Staff are of the opinion that the increase is modest and minor in nature. Staff have no objections.

Increase in Maximum Floor Area Ratio

The applicant is requesting a maximum floor area ratio of 48.85%, whereas the By-law permits a maximum floor area ratio of 45.0%. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of 316.23 m² (3,403.87 ft²), whereas the By-law permits a dwelling with a maximum floor area of 291.72 m² (3,140.0 ft²). This is an increase of 24.51 m² (263.82 ft²).

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. With exception to a minor height increase, the building layout meets all other zoning provisions that establishes the prescribed building envelope, and assists in ensuring that the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. Staff are satisfied that the requested variance is appropriate for the lot, and maintains the general intent of the By-law.

Tree Protection and Compensation

Staff recommend that the tree related conditions be adopted with any approval of this application, to ensure that the applicant installs the appropriate tree protection barriers, and provides compensation the City, if necessary. It is also noted that property owners are required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height of 20.0 cm (7.87 in), or more.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 19, 2022. Additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

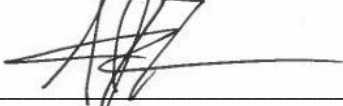
Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the requested variances meet the four tests. Staff recommend that the Committee consider public input and the subsequent conditions of approval in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/037/22

1. That the variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, 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 Director of Planning and Urban Design, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, 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 Director of Planning and Urban Design, or their designate.
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:



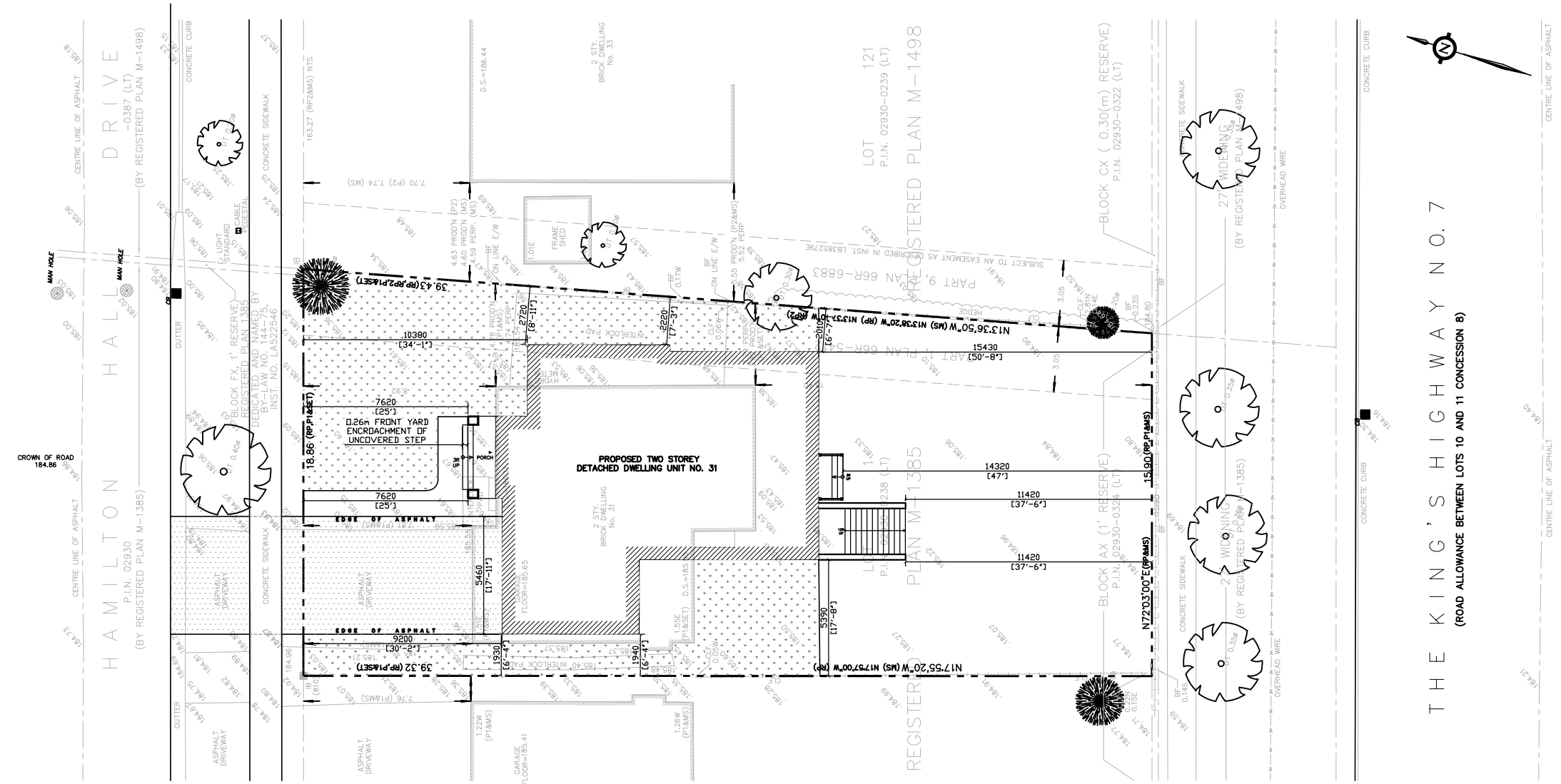
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/037/22

Appendix B

File: 22.113436.000.00.MNV

Date: 05/20/22
MM/DD/YY



1 SITE PLAN
A-1 SCALE = 1:250

SITE STATISTICS	
LEGAL DESCRIPTION	REGISTERED PLAN M-1385, LOT 1
LOT AREA	683.35m ² (7355.51ft ²)
LOT FRONTAGE	18.86m
LOT DEPTH	39.37m
MIN. LOT AREA	613m ² (6600ft ²)
NET LOT AREA	613m ² + 1/2(683.35m ² -613m ²) = 648.17(6976.84ft ²)

	PROPOSED BUILDING		
	MAXIMUM	PROPOSED	VARIANCE REQUIRED
LOT COVERAGE	35%	26.63%	NO
LOT COVERAGE AREA	231.17m ² (2488.29ft ²)	181.99m ² (1958.92ft ²)	NO
BUILDING HEIGHT	9.8m	9.97m	YES
BUILDING DEPTH	16.8m	14.99m	NO
GROSS FLOOR AREA	291.67m ² (3139.50ft ²)	316.23m ² (3403.87ft ²)	YES
NET FLOOR AREA RATIO	45%	48.78%	YES

	SITE SETBACKS		
	MIN. REQUIRED	PROPOSED	VARIANCE REQUIRED
FRONT YARD(NORTH)	25'0" (7.62m)	25'0"(7.62m)	NO
REAR YARD(SOUTH)	25'0" (7.62m)	37'6" (11.42m)	NO
EAST SIDE YARD	6'0" (1.82m)	6'7" (2.01m)	NO
WEST SIDE YARD	6'0" (1.82m)	6'3" (1.93m)	NO

LEGEND:	DESCRIPTION:
	PRESUMED PROPERTY LINE
	GRASSED AREA
	ASPHALT DRIVEWAY
	BUILDING ENTRANCE/EXIT

LAND & BUILDING EXPERTS
570 Alden Rd., Unit 6, Markham, ON. L3R 8N5
(647) 340-8649 landbuildexp@gmail.com

DO NOT SCALE DRAWINGS.
The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify the Designer/Engineer of any variations from the supplied drawings and information before proceeding with the work. Construction must conform to all applicable codes and requirements of authorities having jurisdiction.
All drawings are the property of Land & Building Experts. and must not be reproduced without written consent.
All measurements are in mm unless otherwise noted.

ZONING COMPLIANCE REVIEW		DATE
1.		02/01/2022
NO.	ISSUED FOR	DATE

PROJECT INFO:
31 HAMILTON HALL DR,
CITY OF MARKHAM, ON, L3P 2P1

PROJECT NAME:
PROPOSED 2 STOREY
SINGLE FAMILY DWELLING

DRAWING TITLE:
SITE PLAN

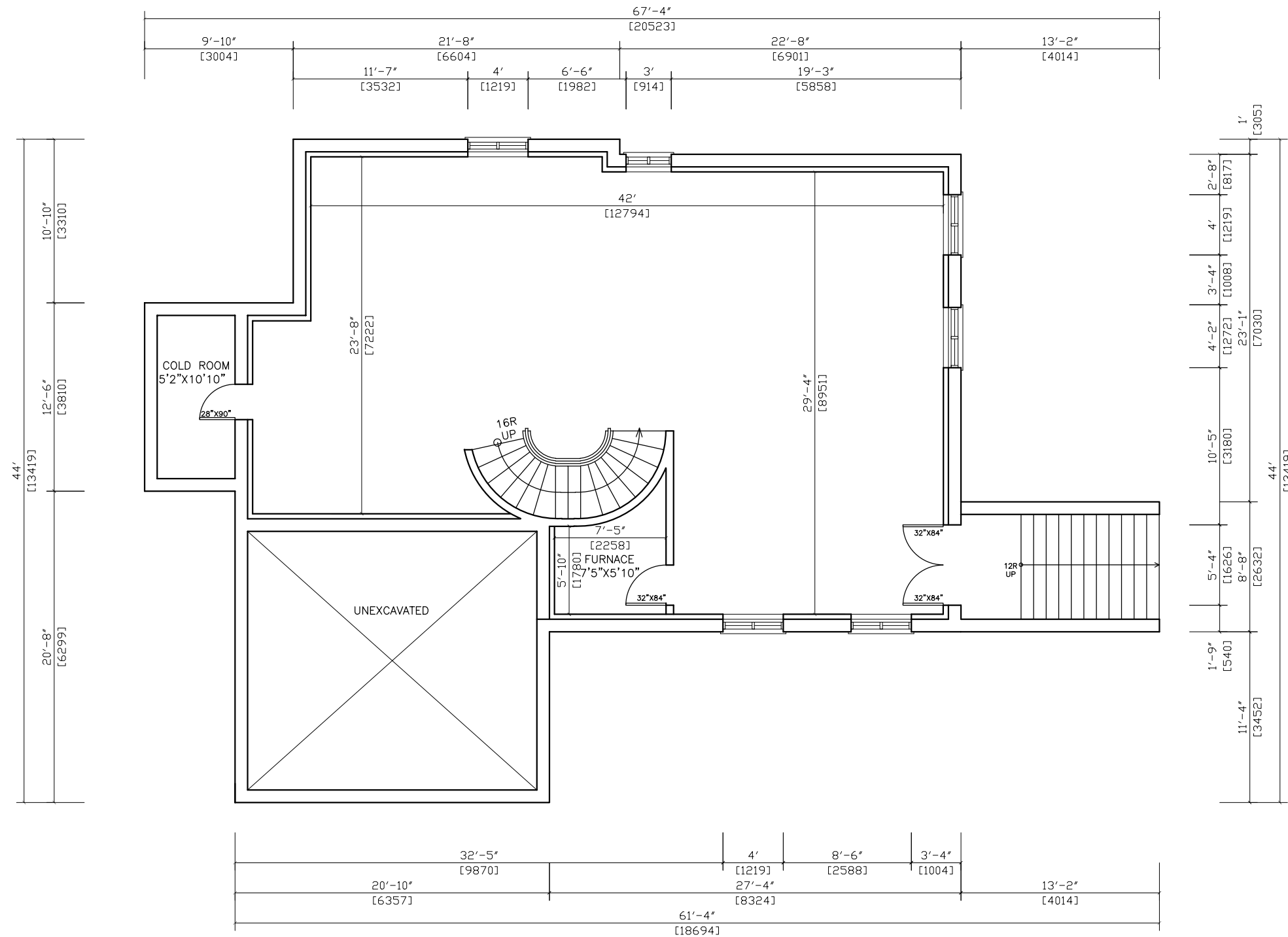
SCALE AS INDICATED
DRAWN BY: S.K.
CHECKED BY: E.L.

DWG. NO.
A-0

Appendix B

File: 22.113436.000.00.MNV

Date: 05/20/22
MM/DD/YY



1 BASEMENT FLOOR PLAN
A-03 SCALE = 1:100

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1.	ZONING COMPLIANCE REVIEW	02/01/2022

PROJECT INFO:
**31 HAMILTON HALL DR,
CITY OF MARKHAM, ON, L3P 2P1**

PROJECT NAME:
**PROPOSED 2 STOREY
SINGLE FAMILY DWELLING**

DRAWING TITLE:
BASEMENT FLOOR PLAN

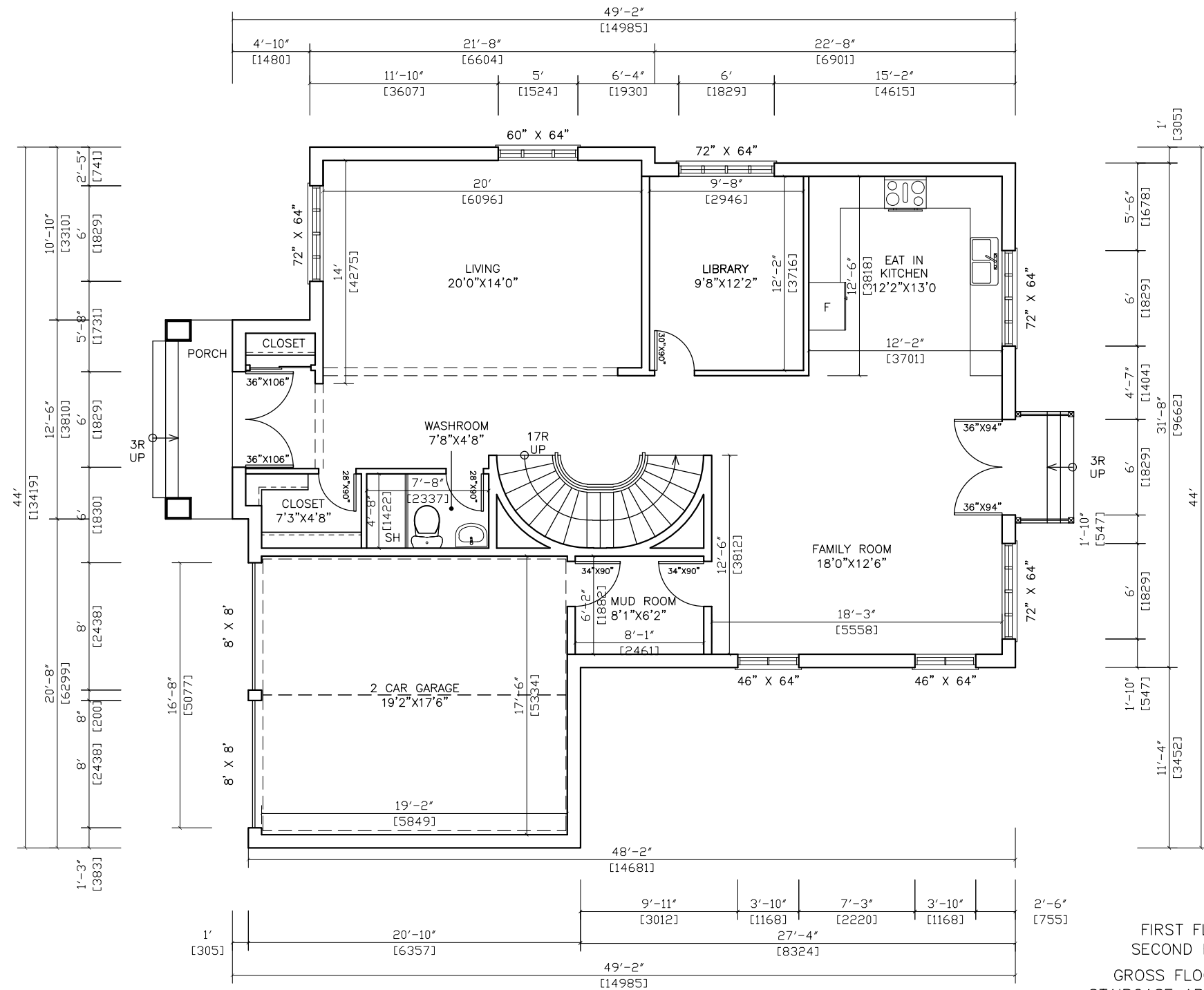
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DRAWN BY: S.K.
CHECKED BY: E.L.
PROJECT NO.:

DWG. NO.
A-03

Appendix B

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FIRST FLOOR AREA - 163.41m²(1759ft²)
 SECOND FLOOR AREA - 159.88m²(1721ft²)
 GROSS FLOOR AREA (EXCLUDING SECOND FLOOR STAIRCASE AREA) = 163.41m² + 159.88m² - 7.06m²
 = 316.23 m² (3403.87ft²)

1 FIRST FLOOR PLAN
 A-01 SCALE = 1:100

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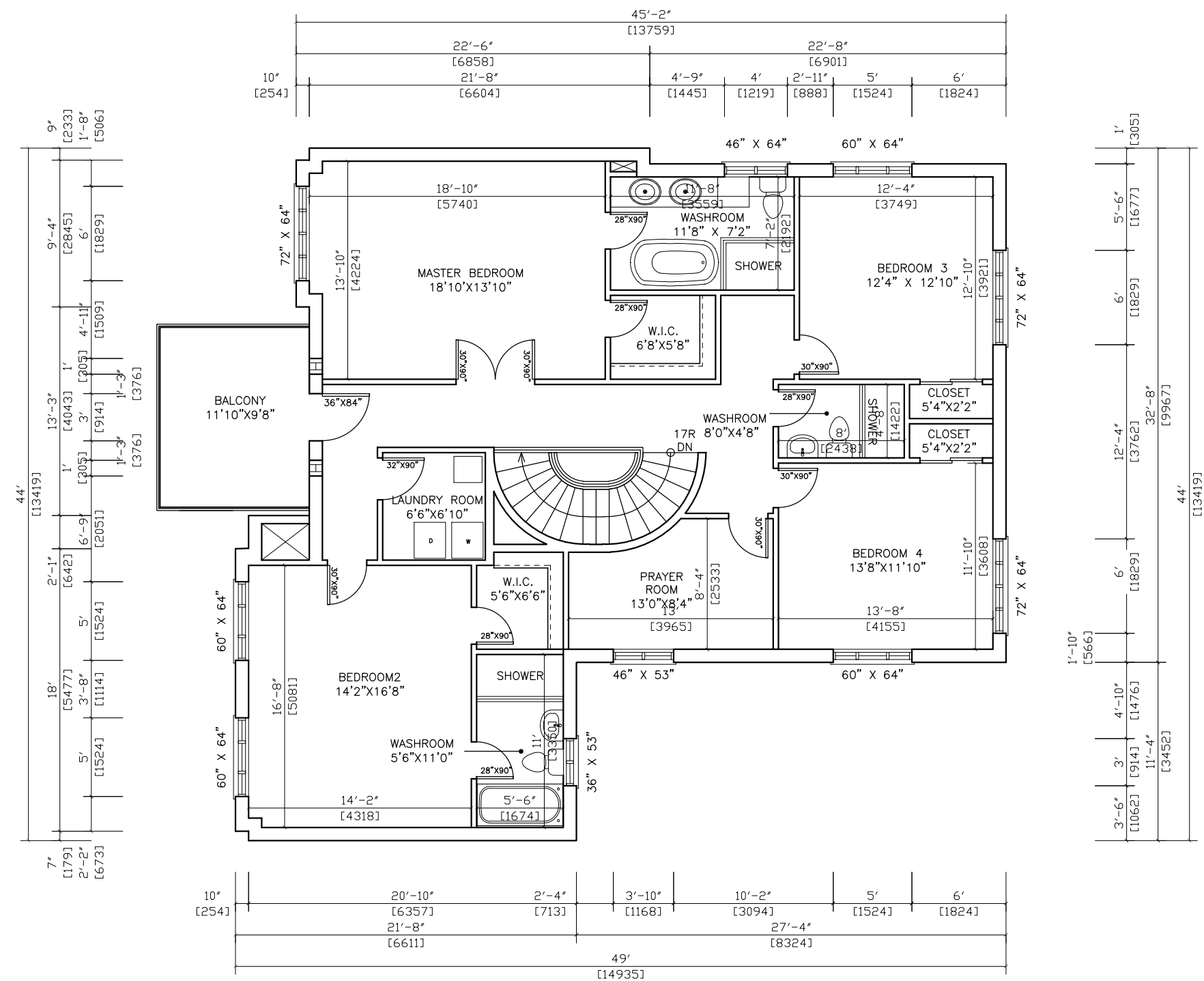
PROJECT INFO:
**31 HAMILTON HALL DR,
 CITY OF MARKHAM, ON, L3P 2P1**
 PROJECT NAME:
**PROPOSED 2 STOREY
 SINGLE FAMILY DWELLING**

DRAWING TITLE:
FIRST FLOOR PLAN
 SCALE AS INDICATED
 DRAWN BY: S.K.
 CHECKED BY: E.L.
 PROJECT NO.:
A-01

Appendix B

File: 22.113436.000.00.MNV

Date: 05/20/22
MM/DD/YY



1 SECOND FLOOR PLAN
A-02 SCALE = 1:100

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PROJECT INFO:
**31 HAMILTON HALL DR,
CITY OF MARKHAM, ON, L3P 2P1**

PROJECT NAME:
**PROPOSED 2 STOREY
SINGLE FAMILY DWELLING**

DRAWING TITLE:
SECOND FLOOR PLAN

SCALE AS INDICATED
DRAWN BY: S.K.
CHECKED BY: E.L.
PROJECT NO.:

DWG. NO.
A-02

Appendix B

File: 22.113436.000.00.MNV

Date: 05/20/22
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1 FRONT ELEVATION
A-05 SCALE = 1:100

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CITY OF MARKHAM, ON, L3P 2P1**

PROJECT NAME:
**PROPOSED 2 STOREY
SINGLE FAMILY DWELLING**

DRAWING TITLE:
FRONT ELEVATION

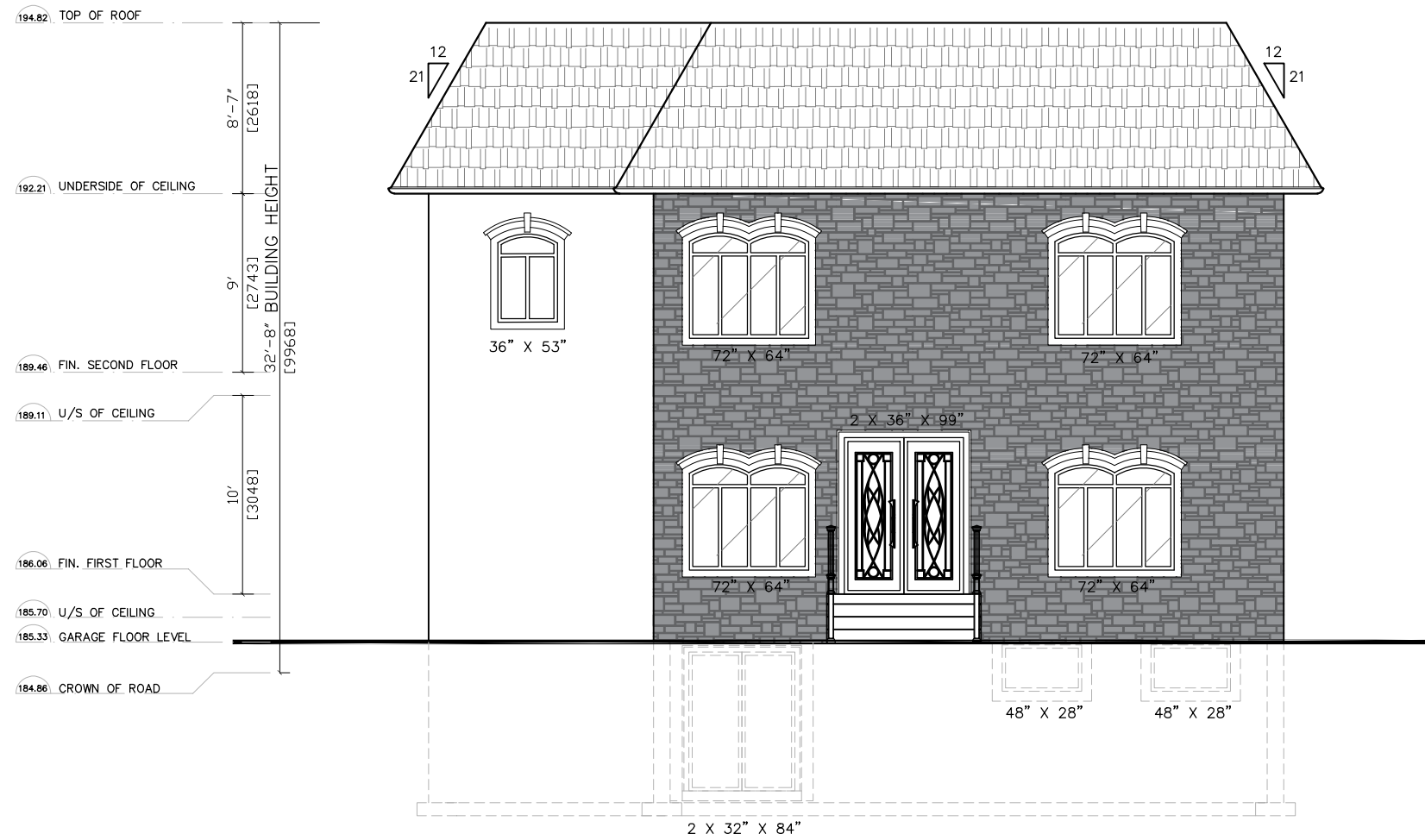
SCALE AS INDICATED
DRAWN BY: S.K.
CHECKED BY: E.L.
PROJECT NO.:

DWG. NO.
A-05

Appendix B

File: 22.113436.000.00.MNV

Date: 05/20/22
MM/DD/YY



1 REAR ELEVATION
A-08 SCALE = 1:100

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PROJECT INFO:
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PROJECT NAME:
**PROPOSED 2 STOREY
SINGLE FAMILY DWELLING**

DRAWING TITLE:
REAR ELEVATION

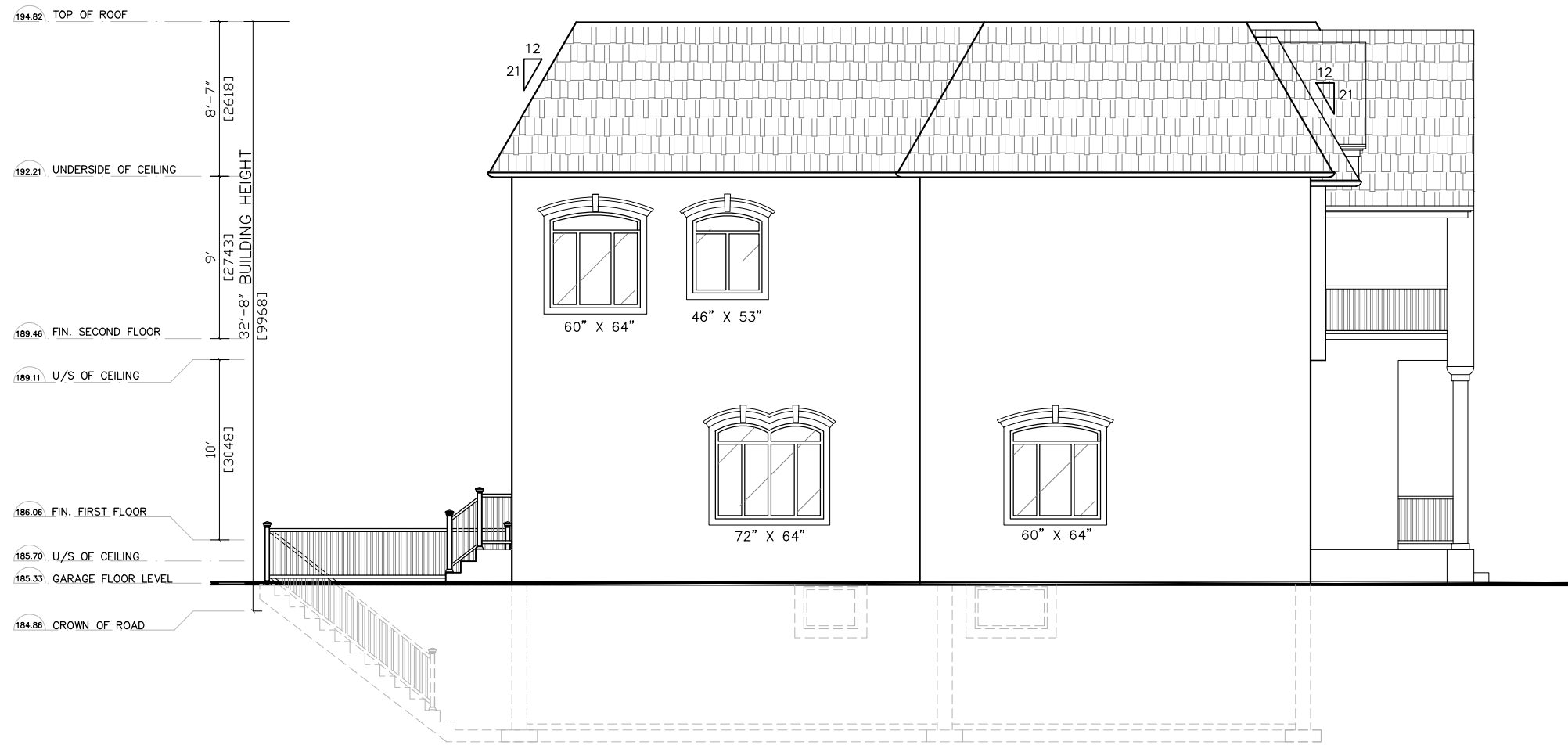
SCALE AS INDICATED
DRAWN BY: S.K.
CHECKED BY: E.L.
PROJECT NO.:

DWG. NO.
A-08

Appendix B

File: 22.113436.000.00.MNV

Date: 05/20/22
MM/DD/YY



1 EAST SIDE ELEVATION
A-06 SCALE = 1:100

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PROJECT NAME:
**PROPOSED 2 STOREY
SINGLE FAMILY DWELLING**

DRAWING TITLE:
EAST SIDE ELEVATION

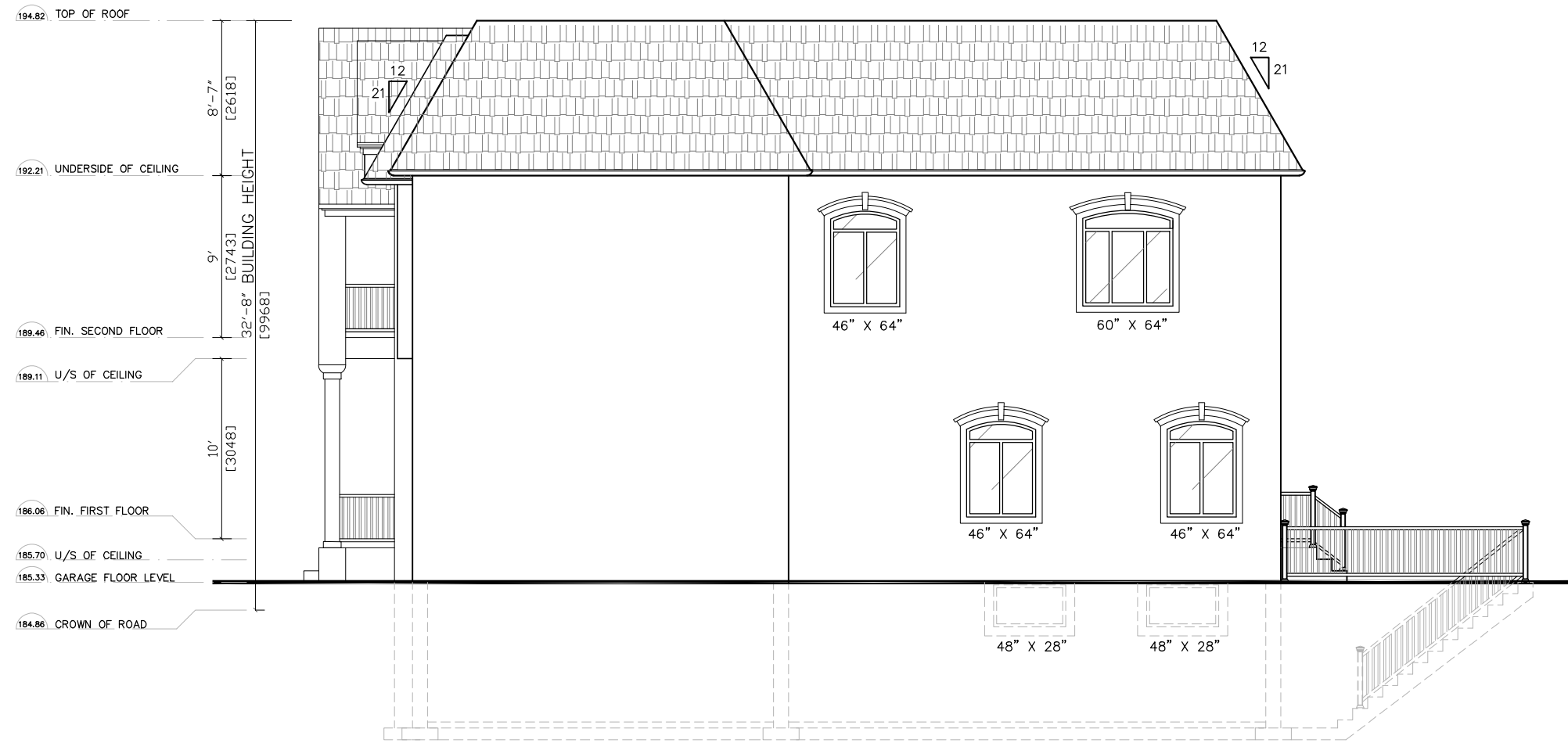
SCALE AS INDICATED
DRAWN BY: S.K.
CHECKED BY: E.L.
PROJECT NO.:

DWG. NO.
A-06

Appendix B

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1 WEST SIDE ELEVATION
A-07 SCALE = 1:100

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PROJECT NAME:

**PROPOSED 2 STOREY
SINGLE FAMILY DWELLING**

DRAWING TITLE:

WEST SIDE ELEVATION

SCALE AS INDICATED

DRAWN BY: S.K.

CHECKED BY: E.L.

PROJECT NO.:

DWG. NO.

A-07