

# Memorandum to the City of Markham Committee of Adjustment

November 25, 2019

**File:** A/128/19  
**Address:** 8 Hamilton Hall Drive, Markham  
**Applicant:** Jia Ling Ru  
**Agent:** CZC Building Consultants Ltd.  
**Hearing Date:** Wednesday December 11, 2019

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

The applicant is requesting relief from the following Residential One (R1) zone requirements of By-law 1229, as amended, as they relate to a proposed two-storey detached dwelling:

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

to permit a maximum Net Floor Area of 52.96 percent, whereas the By-law permits a maximum Net Floor Area of 45 percent;

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

to permit a maximum building height of 11.1 metres, whereas the By-law permits a maximum building height of 9.8 metres.

## BACKGROUND

### Property Description

The 614.99 m<sup>2</sup> (6,619.65 ft<sup>2</sup>) subject property is located on the north side of Hamilton Hall Drive, which is north of Highway 7 East, south of Church Street and west of Wooten Way North. There is an existing two-storey detached dwelling on the property which according to assessment records was constructed in 1972. Mature vegetation exists across the property, including mature trees in the front and rear yard.

The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. While there are a few examples of newer infill housing, the surrounding community context can be described as generally stable and predominantly comprised of modestly sized homes constructed in the early 1970s. An adjacent pedestrian walkway is located west of the subject property which connects Hamilton Hall Drive to Pringle Avenue, to the north.

### Proposal

The applicant is proposing to demolish the existing dwelling and to construct a two-storey single detached dwelling on the subject property. The proposed dwelling is 325.25 m<sup>2</sup> (3,500.92 ft<sup>2</sup>), which includes an attached two-car garage.

### Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and further 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 2014 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, including 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, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

#### 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 maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to Maximum Floor Area Ratio, and Maximum Height.

#### **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,

*“**Maximum Net Floor Area Ratio:** Due to the size of the family and planned spaces for future children, the owners would like to request larger family common areas, as well as individual spaces for each family member. Parking is included in the FSI calculations, and this further reduced the amount of habitable space for the family. The building does not exceed the allowed coverage area and setback requirements. The requested space will not affect the visual presentation of the neighbourhood.*

***Maximum Building Height:** The requested variance is to achieve a comfortable ceiling height for each floor; however, due to the property being situated much higher than that of it’s neighbours with an established grade of 1.2m above the centre of the road it is difficult to provide a comfortable ceiling height intended for newer single detached dwellings.”*

#### **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) on October 3, 2019 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.

### **Increase in Maximum Net Floor Area Ratio**

The applicant is requesting a floor area ratio of 52.96 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 net floor area of 325.25 m<sup>2</sup> (3,500.92 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 276.33 m<sup>2</sup> (2,974.42 ft<sup>2</sup>). This is an increase of 48.92 m<sup>2</sup> (526.5 ft<sup>2</sup>), or 7.96 percent.

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area, and it is not a definitive measure of the mass of the dwelling, since it does not include “open to below” areas that exist within the dwelling (ex. see second storey area above foyer & living space area, and stairs). It is noted that the proposed dwelling includes approximately 30.47 m<sup>2</sup> (328 ft<sup>2</sup>) of ‘open to below’ on the second floor above the living room and foyer. If this was considered as interior space, the resulting dwelling within the same proposed building envelope would have a total net floor area of 355.7 m<sup>2</sup> (3828.92 ft<sup>2</sup>) and a net floor area ratio of 57.9 percent.

As noted, the surrounding community can be described as generally stable, consisting predominantly of modestly sized homes originally built in the 1970s. Staff are of the opinion that the proposed net floor area ratio and resulting building mass does not maintain the character of the surrounding context, and therefore does not maintain the intent of the infill zoning by-law.

### **Increase in Maximum Building Height**

The applicant is requesting a maximum building height of 11.1 m (36.42 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This is an increase of 1.3 m (4.27 ft).

The By-law calculates building height using the vertical distance of a building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 1.2 m (3.93 ft) above the crown of road.

The neighbourhood consists of a mix of one and two-storey single detached dwellings. This includes two existing one-storey dwellings on the east and west sides of the subject property. Staff are of the opinion that the requested height should be reduced to provide a better transition between the proposed development and established community character.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 25, 2019. 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**

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 variance request does not meet the four tests of the *Planning Act*. As noted staff have concerns that the proposed floor area ratio does not maintain the established character of the community, which is generally stable. Staff also are of the opinion that the proposed building height should be reduced. Should the Committee of Adjustment feel it appropriate to defer the

application, staff will work with the applicant to reduce the overall scale, mass and height of the proposed dwelling.

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.

While Planning Staff do not recommend approval of the application as applied for, should the Committee of Adjustment feel it appropriate to approve the application, either as applied for, or amended, please see Appendix "A" for conditions to be attached to any approval of this application.

## **APPENDICES**

Appendix "A" – Conditions List

Appendix "B" – Plans

PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



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Stephen Corr, Senior Planner, East District

## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/128/19**

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plans attached as 'Appendix B' to this Staff Report and received by the City of Markham on November 12, 2019, 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. That the owner implement and maintain all of the works required in accordance with the conditions of this variance;
4. 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 City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan;
5. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.
6. That tree replacements be provided and/or tree replacement fees be paid to the City 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 Tree Preservation Technician or Director of Operations;

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', is written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX “B”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/128/19**

M-1385

LOT 102

P.I.N. 02930-0277 (LT)



TOPOGRAPHIC SURVEY OF  
LOT 124  
REGISTERED PLAN M-1385  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK

SCALE 1 : 200



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METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES  
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO TOWN OF MARKHAM BENCHMARK No. 322 (M-39-006) HAVING AN ELEVATION OF 186.211 METRES.

## LEGEND

GM	DENOTES	GAS METER
CR	"	CENTERLINE ROAD
DS	"	DOOR SILL
RWS	"	STONE RETAINING WALL
HM	"	HYDRO METER
SWI	"	PAVED INTERLOCKING
PIN	"	PROPERTY IDENTIFIER NUMBER
ø	"	DIAMETER
293.05	"	ELEVATION ON THE GROUND
	"	DECIDUOUS TREE
	"	CONIFEROUS TREE
	"	BUSH

## SURVEYOR'S CERTIFICATE

I CERTIFY THAT:  
THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN  
WERE COMPLETED ON THE 24TH DAY OF JUNE , 2019.

    JUNE 28, 2019      
DATE

  
ALEX MARTON  
ONTARIO LAND SURVEYOR

183.96  
O  
MH

183.88  
O  
MH


HAMILTON HALL DRIVE

(DEDICATED BY REGISTERED PLAN M-1385)

P.I.N. 02930-0387 (LT)

### CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE  
USED FOR MORTGAGE OR TRANSACTION PURPOSES.

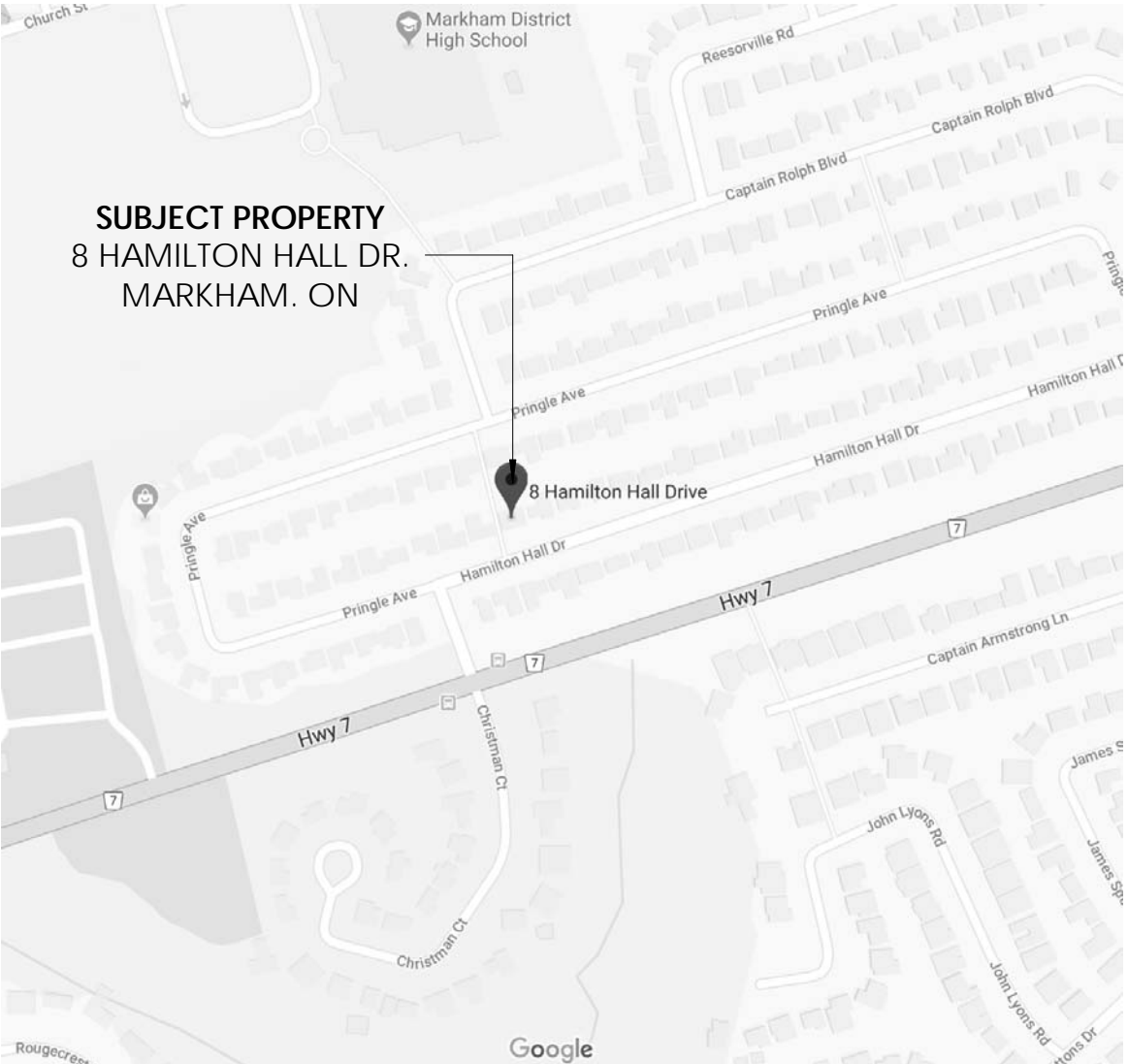


**ALEX MARKOV LIMITED**  
**ONTARIO LAND SURVEYORS**  
 160 APPLEWOOD CRESCENT, UNIT 8,  
 CONCORD, ONTARIO, L4K 4H2  
 PHONE: 905-879-9889 FAX: 905-879-0770  
 E-MAIL: alex@amsurveying.ca  
 WEBSITE: www.amsurveying.ca

PARTY CHIEF: F.V.W.	FILE NAME: 2019-125.DWG
DRAWN : F.V.W.	PLOT SCALE: 1:200
CHECKED : A.M.	PROJECT No. 2019-125

<div>PROJECT DESCRIPTION</div> <div>RESIDENTIAL: NEW DETACHED HOUSE</div> <div>LEGAL DESCRIPTION</div> <div>LOT 124</div> <div>REGISTERED PLAN M-1385</div> <div>CITY OF MARKHAM</div> <div>REGIONAL MUNICIPALITY OF YORK</div> <div>BUILDING ADDRESS</div> <div>8 HAMILTON HALL DR.</div> <div>MARKHAM ON</div> <div>L3P 2P4</div> <div>ZONING</div> <div>R1 - RESIDENTIAL   BY-LAW 1229</div> <div>AS AMENDED BY 99-90</div> <div>LOT FRONTAGE</div> <div>18.34M</div> <div>LOT DEPTH</div> <div>33.62M</div>	SITE STATISTICS			BUILDING SETBACK					
		REQUIRED	PROPOSED	VARIANCE REQ'D			REQUIRED	PROPOSED	VARIANCE REQ'D
	LOT AREA	MIN. 6,600 SQ.FT	6,619.65 SQ.FT.	NO	FRONT	[SOUTH]	MIN. 25FT [7.62M]	25' - 5" [7.75M]	NO
	LOT COVERAGE	MAX. 2,316.65 [35.00%]	2,310.06 [34.89%]	NO	REAR	[NORTH]	MIN. 25FT [7.62M]	26' - 3" [8.00M]	NO
	LOT FRONTAGE	MIN. 60 FT [18.28M]	60.17 FT [18.34M]	NO	SIDE A	[EAST] 1 STOREY	MIN. 4FT [1.21M]	- - [- -M]	NO
	GROUND FLOOR AREA	1200.00 SQ.FT	2,094.22 SQ.FT.	- - -			2 STOREY	MIN. 6FT [1.82M]	6' - 0" [1.82M]
	SECOND FLOOR AREA	1200.00 SQ.FT	1,406.70 SQ.FT.	- - -	SIDE B	[WEST] 1 STOREY	MIN. 4FT [1.21M]	4' - 0" [1.22M]	NO
	NET FLOOR AREA RATIO	MAX. 2,974.42 SQ.FT [45.00%]	3500.92 SQ.FT. [52.96%]	YES [7.96%]			2 STOREY	MIN. 6FT [1.82M]	6' - 1 1/2" [1.87M]
	NO. OF STOREYS	MAX. 2 STOREYS	2 STOREYS	NO			REQUIRED	PROPOSED	VARIANCE REQ'D
	BUILDING HEIGHT	MAX. 32.15 FT [9.8M]	36' - 5" [11.1M]	YES	FRONT YARD LANDSCAPING		- - -	1125.35 SQ.FT [- -%]	NO
BUILDING HEIGHT FLAT ROOF	MAX. 26.25 FT [8.0M]	N/A	NO	BACK YARD LANDSCAPING		- - -	2088.13 SQ.FT [- -%]	NO	
BUILDING DEPTH	MAX. 55.12 FT [16.8M]	44' - 1 1/2" [13.45M]	NO			MAXIUMUM	PROPOSED	VARIANCE REQ'D	
GARAGE PROJECTION	MAX. 6.89 FT [2.1M]	0' - 4 3/4" [0.12M]	NO	EAST ELEVATION OPENING		WALL 975.69 SQ.FT [7%]	26.47 SQ.FT [2.71%]	NO	
GARAGE WIDTH	MAX. 25.26 FT [7.7M]	18' - 6" [5.64M]	NO	WEST ELEVATION OPENING		WALL 990.14 SQ.FT [8%]	65.90 SQ.FT [6.66%]	NO	

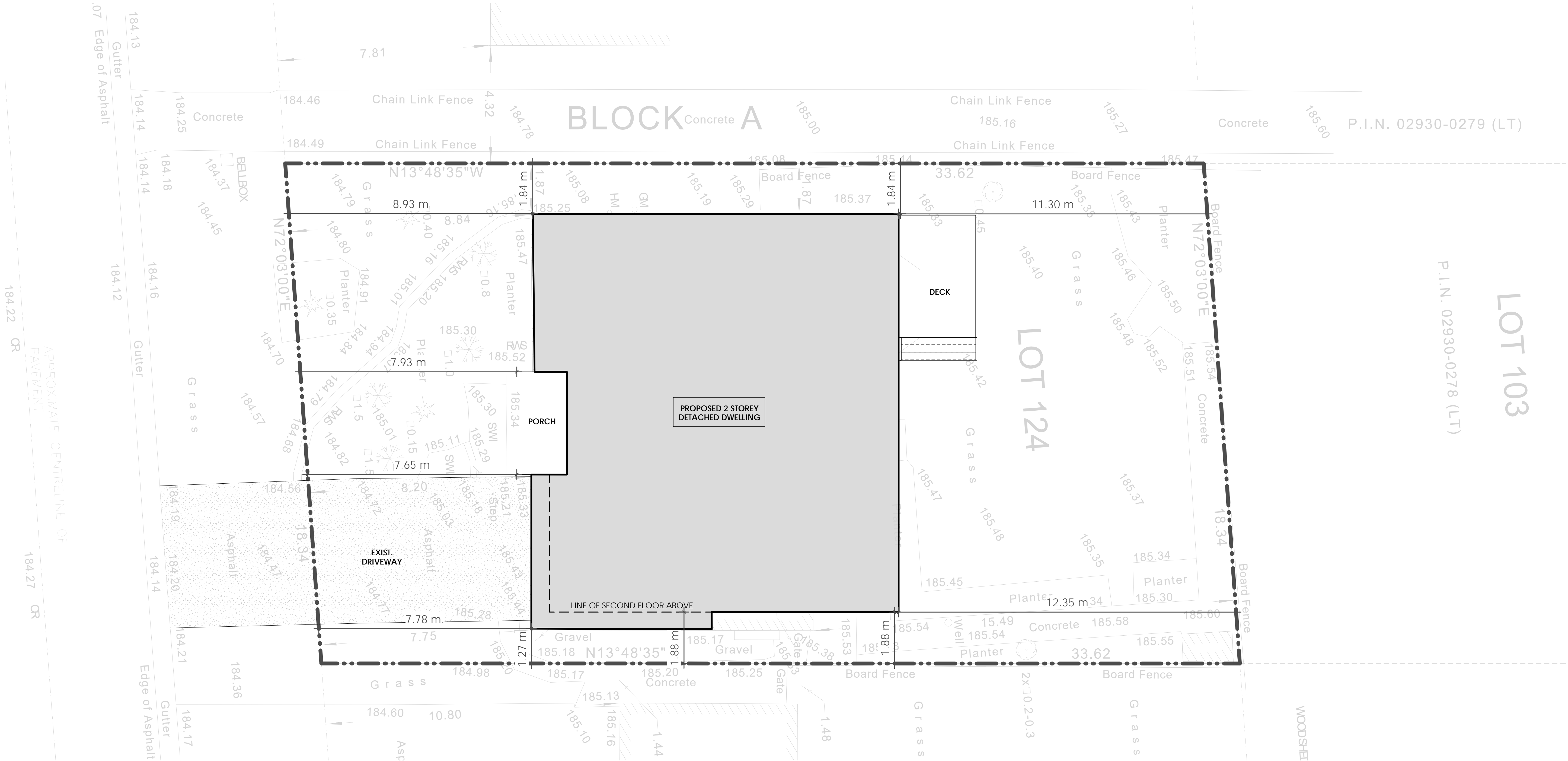
**SUBJECT PROPERTY**  
8 HAMILTON HALL DR.  
MARKHAM, ON



Legend	
	EXISTING DOOR
	NEW DOOR
	EXISTING WALL TO REMAIN
	EXISTING WALL TO REMOVE
	PROPOSED WALL

DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPENCIES TO ENGINEER & DESIGNER BEFORE PROCEEDING WITH THE WORKS. DIMENSIONS ARE CLEAR TO THE FACE OF COLUMNS AND PARTITIONS UNLESS INDICATED OTHERWISE.

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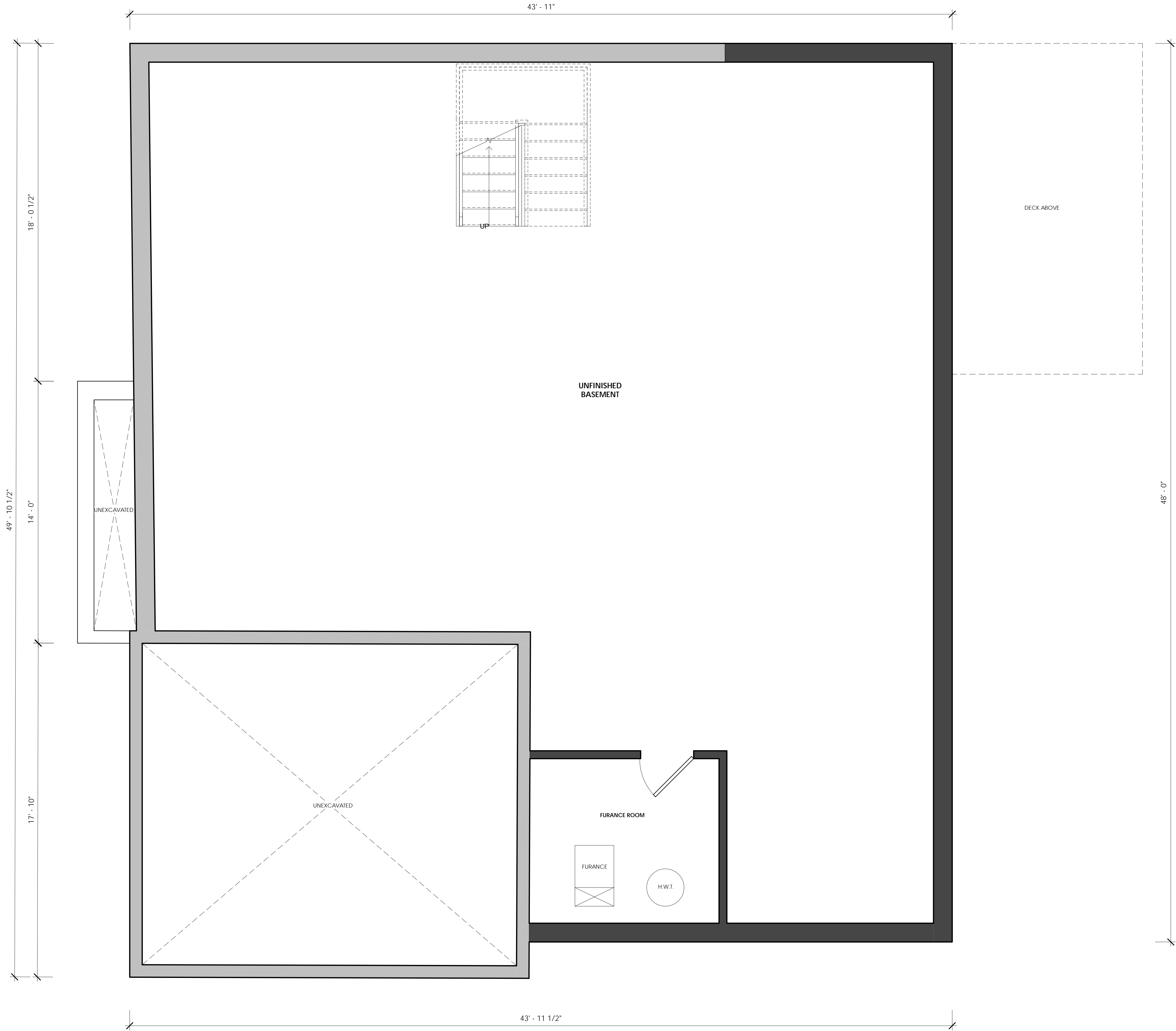


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1	Issued for Zoning Review	Jul 2019
No.	REVISION	DATE
Project Address		
8 Hamilton Hall Dr. Markham		
Drawing Name		
Site Plan		
Project number		036
Date		July 2019
Drawn by		HZ
Check by		RC
Scale		1 : 75
Page No.		










**BASEMENT PLAN**

3/8" = 1'-0"

**Legend**

-  EXISTING DOOR
-  NEW DOOR
-  EXISTING WALL TO REMAIN
-  EXISTING WALL TO REMOVE
-  PROPOSED WALL

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Project Address  
**8 Hamilton Hall Dr. Markham**

Drawing Name	
<b>Basement Plan</b>	
Project number	036
Date	July 2019
Drawn by	HZ
Check by	RC
Scale	3/8" = 1'-0"
Page No.	



GROUND FLOOR PLAN - 2,094.22 SQ.FT.

3/8" = 1'-0"

**Legend**

EXISTING DOOR NEW DOOR

EXISTING WALL TO REMAIN

EXISTING WALL TO REMOVE

PROPOSED WALL

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Drawing Name  
Ground Floor Plan

Project number 036

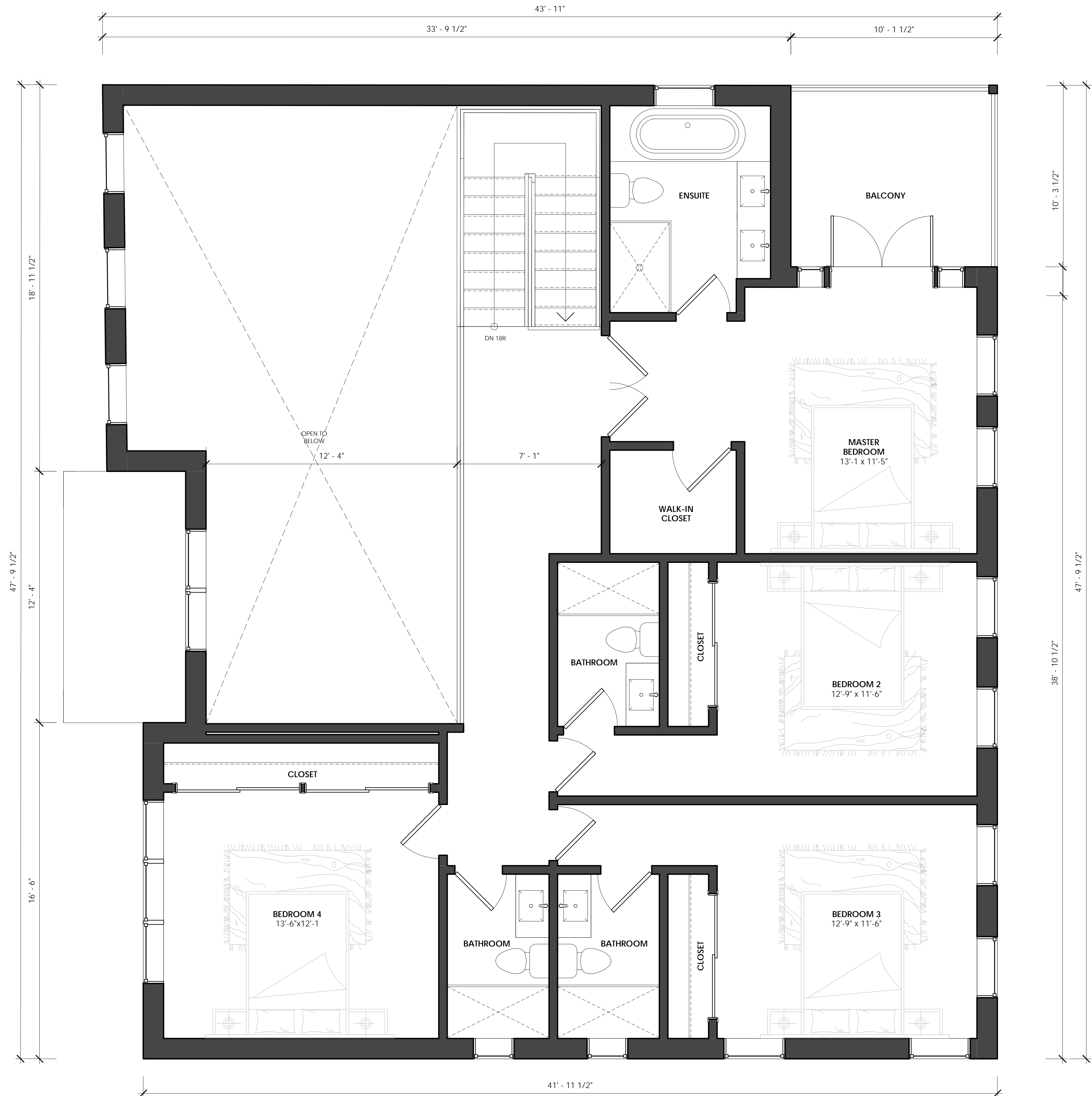
Date July 2019

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Page No.



SECOND FLOOR PLAN - 1,406.70 SQ.FT.  
3/8" = 1'-0"

**Legend**

EXISTING DOOR

NEW DOOR

EXISTING WALL TO REMAIN

EXISTING WALL TO REMOVE

PROPOSED WALL

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Project Address		
8 Hamilton Hall Dr. Markham		
Drawing Name		
Second Floor Plan		
Project number		036
Date		July 2019
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Check by		RC
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Page No.		



SOUTH ELEVATION

3/8" = 1'-0"

Legend

- EXISTING DOOR
- NEW DOOR
- EXISTING WALL TO REMAIN
- EXISTING WALL TO REMOVE
- PROPOSED WALL

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Project Address  
8 Hamilton Hall Dr. Markham

Drawing Name

South Elevation

Project number 036

Date July 2019

Drawn by HZ

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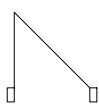
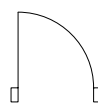

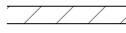
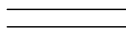
Page No.



NORTH ELEVATION

3/8" = 1'-0"

Legend

-  EXISTING DOOR
-  NEW DOOR
-  EXISTING WALL TO REMAIN
-  EXISTING WALL TO REMOVE
-  PROPOSED WALL

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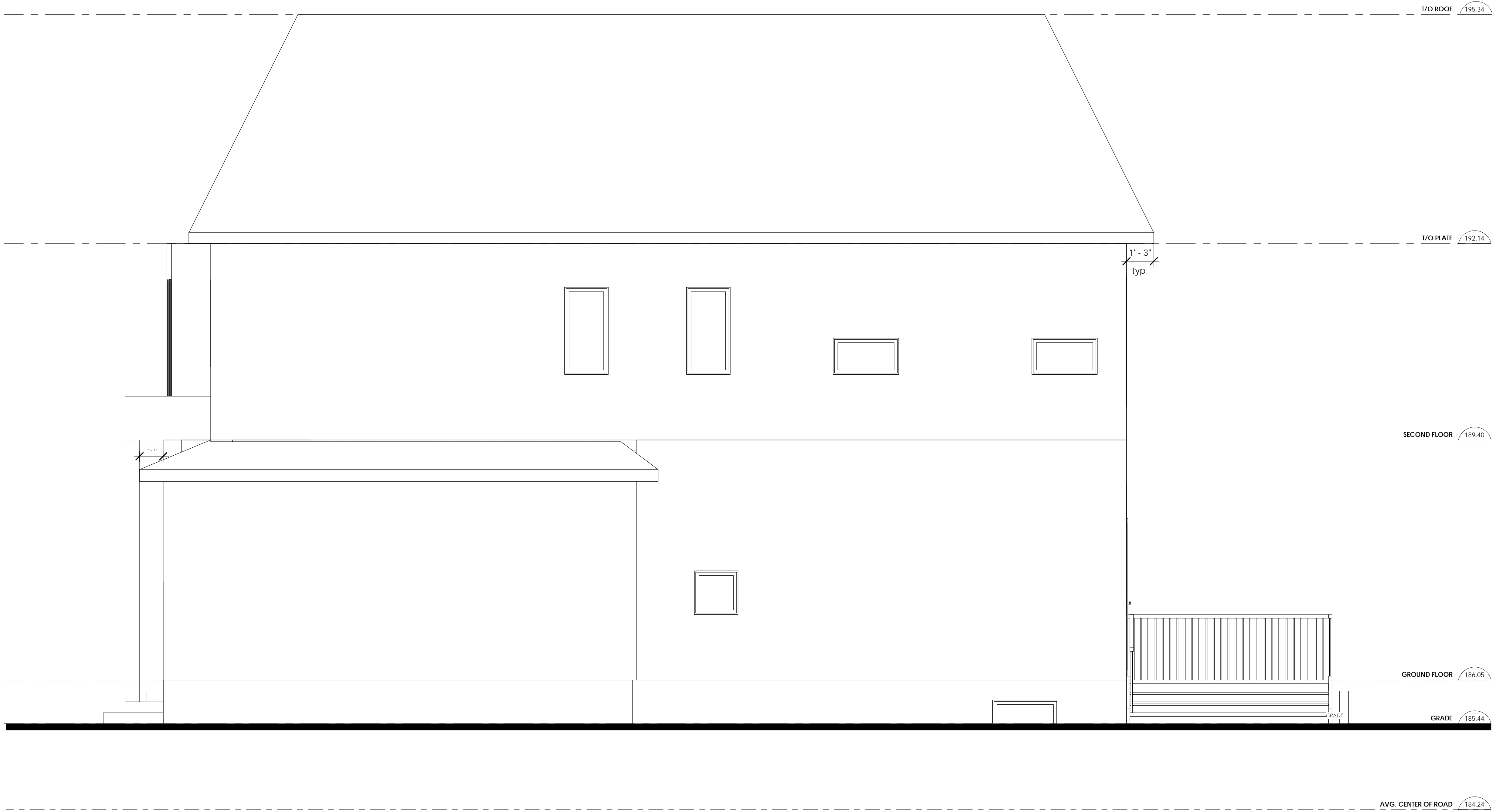
1	Issued for Zoning Review	Jul 2019
No.	REVISION	DATE

Project Address  
8 Hamilton Hall Dr. Markham

Drawing Name

North Elevation

Project number	036
Date	July 2019
Drawn by	HZ
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Page No.	



EAST ELEVATION

3/8" = 1'-0"

Legend

- EXISTING DOOR
- NEW DOOR
- EXISTING WALL TO REMAIN
- EXISTING WALL TO REMOVE
- PROPOSED WALL

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Project Address  
8 Hamilton Hall Dr. Markham

Drawing Name

East Elevation

Project number	036
Date	July 2019
Drawn by	HZ
Check by	RC
Scale	3/8" = 1'-0"
Page No.	



WEST ELEVATION

3/8" = 1'-0"

**Legend**

EXISTING DOOR

NEW DOOR

EXISTING WALL TO REMAIN

EXISTING WALL TO REMOVE

PROPOSED WALL

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Project Address  
8 Hamilton Hall Dr. Markham

Drawing Name

West Elevation

Project number036

DateJuly 2019

Drawn byHZ

Check byRC

Scale3/8" = 1'-0"

Page No.