# Memorandum to the City of Markham Committee of Adjustment

November 08, 2018

File:

A/151/18

Address:

6 Houghton Blvd, Markham

Applicant:

Katrina Hannan

Agent: Hearing Date: SDG Design (Stefano Di Giulio) Wednesday November 14, 2018

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

The applicant is requesting relief from the following requirements of By-law 1229, R1, as amended:

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

a maximum Net Floor Area Ratio of 47.46 percent, whereas the By-law permits a maximum Net Floor Area Ratio of 45 percent;

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

a maximum building height of 10.29 m, whereas the By-law permits a maximum building height of 9.8 m;

# c) Infill By-law 99-90, Section 1.2 (iii):

a maximum building depth of 25.52 m, whereas the By-law permits a maximum building depth of 16.8 m;

# d) Section 11.1:

a minimum front yard setback of 21 ft, whereas the By-law requires a minimum front yard setback of 25 ft;

## e) Section 11.1:

a minimum rear yard setback of 23 ft 10.75 in, whereas the By-law requires a minimum rear yard setback of 25 ft;

# f) Infill By-law 99-90, Section 1.2 (iv):

a maximum garage projection of 13.2 m, whereas the By-law permits a maximum garage projection of 2.1 m;

as they relate to a proposed residential dwelling.

#### BACKGROUND

## **Property Description**

The 1,103 m² (11,873 ft²) subject property is located on the north side of Houghton Boulevard, north of Highway 7 East and east of Main Street Markham North. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Houghton Boulevard is a short street curving into Alma Walker Way which is characterized by newer infill homes. Houghton Boulevard has dwellings on varying lot sizes, five of which are located on on the north side of Houghton Boulevard and three on the south side (one of which is addressed on Albert Street). There is an existing one-storey detached 171.87 m² (1,850 ft²) dwelling on the property, which according to assessment records was constructed in 1957. To the north of the property is an existing business/office building as well as other single family homes.

#### **Proposal**

The applicant is proposing to construct a two-storey detached 386.14 m² (4,156.43 ft²) dwelling with an attached 3 car garage which includes an unfinished 35.48 m² (382 ft²) second storey. The proposed gross floor area for the ground floor is approximately 311.04 m² (3,348 ft²) and the proposed gross floor area for the second floor is approximately 96.25 m² (1,036 ft²).

## 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. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

#### Zoning By-Law 1229

The subject property is zoned "One Family Detached Dwellings (R1)" in By-law 1229, as amended, which permits a single detached dwelling. The proposed development does not comply with the by-law with respect to minimum front yard setback and minimum rear yard setback.

#### 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 Net Floor Area Ratio, maximum building height, maximum building depth and, maximum garage projection.

## 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, "great efforts have been made by owners to have the design of their new custom home stay within the zoning bylaw requirements. This new custom home has a colonial Craftsman Farmhouse style and has a L-shaped design with the 1-1/2 storey garage building attached at the front of the home at its east side, via a single storey link building off the main dwelling. The second floor footprint of the home is small at 1,169 sf, keeping true to the style, and allows the home to be stepped back at all sides. In addition, the rear 1-storey portions of the home and front covered porch further assist in stepping back the massing of the home and allow for the living of the home to translate outdoors and enjoy the mature yard. It is with the configuration of this "L-shaped" layout that the home seeks relief from the bylaw with regards to its Building depth c/w Garage projection distance, and minor relief is needed regarding Building Height, Front and Rear yard setbacks and the GFA set at 47.46%. The placement of the home at the street front lines up with the neighbouring homes to its west, and the home's forward garage building designed with an 1-1/2 storey height compliments the neighbouring 1-storey structures to the east.

## **Zoning Preliminary Review Undertaken**

The applicant submitted an *incomplete* Zoning Preliminary Review which confirms some of variances required for the proposed development. It is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the

proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

#### 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 Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 47.5 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 407.23 m² (4,384 ft²), whereas the By-law permits a dwelling with a maximum floor area of 386.14 m² (4,156.25 ft²). This represents an increase of approximately 21.08 m² (227 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. 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). Excluding the space associated with the stairs, no other open to below area on the second floor which is excluded from the gross floor area calculation under the by-law. Staff are of the opinion that the proposed floor area ratio is minor in nature.

## Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.29 m (33.75 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 0.49 m (1.61 ft).

The By-law calculates building height using the vertical distance of 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 0.01 m (0.03 ft) above the crown of road. Staff are of the opinion that the proposed building height is generally in line with what the by-law permits.

## **Proposed 3 Car Garage Building**

The applicant is proposing a new two storey detached dwelling with an attached three car garage projecting in front of the main dwelling. The requested variances listed below can be attributed to the design of the proposed house, especially the proposed garage projection.

#### Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 25.52 m (83.73 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 8.72 m (28.61 ft). Staff are of the opinion that the requested variance is not minor in nature and is not appropriate.

#### Reduction in Front and Rear Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 21 ft (6.4 m), whereas the By-law requires a minimum front yard setback of 25 ft (7.6 m). This is the setback from the proposed garage and, represents a reduction of approximately 4 ft (1.22 m) from what they By-law permits. The variance for a reduction of the front yard setback is attributable mainly to the proposed garage. The front wall of the proposed dwelling provides a setback of approximately 57 ft (17.37 m) from the front property line.

The applicant is also requesting relief to permit a minimum rear yard setback of 23.89 ft (7.28 m), whereas the By-law requires a minimum rear yard setback of 25 ft (7.62 m). This represents a reduction of approximately 1.11 ft (0.34 m). The variance is attributable to the minor rear projection at the north-west corner of the proposed dwelling, however, the *main* rear wall of the proposed house complies with the minimum rear yard setback requirement.

#### Increase in Maximum Garage Projection

The applicant is requesting a maximum garage projection of 13.2 m (43.30 ft) into the front yard, whereas the By-law permits a maximum garage projection of 2.1 m (6.89 ft). This represents an increase of approximately 11.1 m (36.42 ft).

The proposed dwelling is designed in an L shape with a three car garage and second storey above the three car garage, which projects further than the main wall of the dwelling. The requested variances are largely attributable to the front garage, which adds approximately 13.2 m (43.35 ft) to the proposed main dwelling. The design and location of the proposed dwelling is not generally consistent with neighbouring properties.

The setback of the proposed garage with the unfinished second storey storage above is generally consistent with the front yard setback to the property to its west however, the proposed garage will be significantly closer to the front lot line than the main dwelling on property to its east. Along Houghton Boulevard, there is one other dwelling where the garage projects further than the main dwelling. City records indicate that no variances were applied for to facilitate this. The proposed garage with the unfinished second storey storage above will project significantly further than the main dwelling.

The proposed *main* dwelling is significantly set back from the front lot line in relation to the property to its west. According to the drawings submitted by the applicant, the proposed *main* dwelling will be behind the rear wall of the existing dwelling to its west. Compared to the front yard setback of the property to its east, the proposed *main* dwelling is generally consistent.

While there are existing residential dwellings with an "L" shape design the requested variances and resultant dwelling are a departure from the intent of the Official Plan and Zoning By-law. The requested variances create a cumulative impact on the street and result in a dwelling where the prominent feature is the three car garage with a second storey. City records indicate that no other property along the street has applied for variances to this scale to allow increase in garage projections, increase in building depth and reduction of front and rear yard setbacks. It is the opinion of Staff that the requested variances and resultant projection are not desirable and not in keeping with the intent of the by-law.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 08, 2018 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 as it is currently proposed for maximum building depth, minimum front yard setback, minimum rear yard setback and, maximum garage projection do not meet the four test of the Planning Act.

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.

PREPARED BY:

Zoning and Special Projects Agsa Malik, Planner

**REVIEWED BY** 

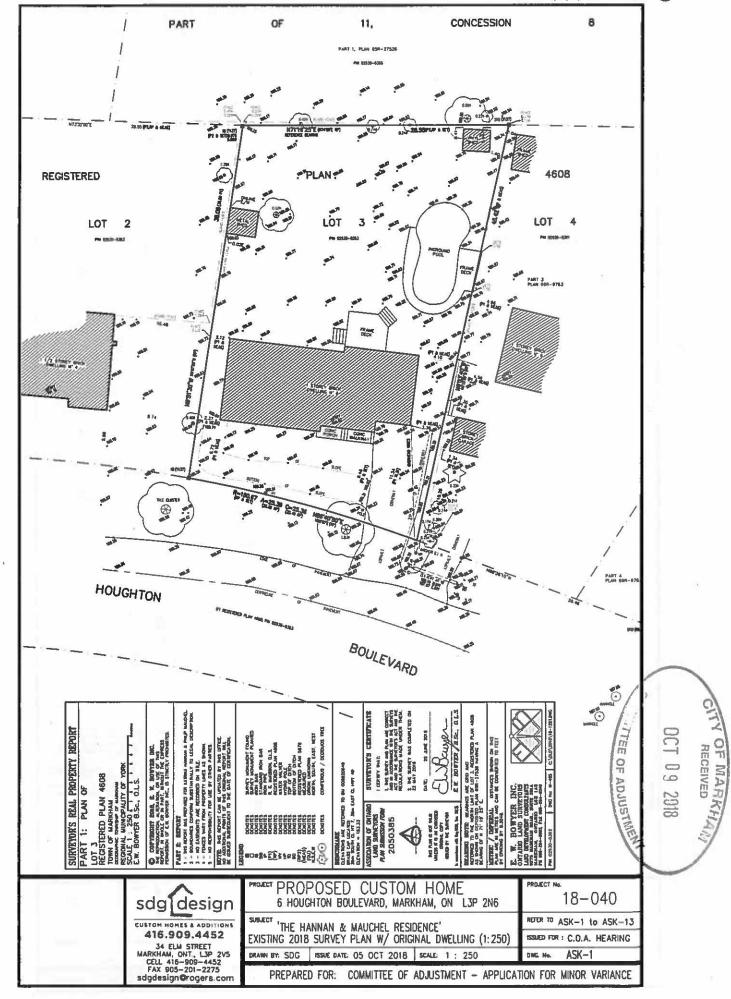
Stacia Muradali, Senior Planner, East District
File Path: Amanda\File\ 18/252490 \Documents\District Team Comments Memo

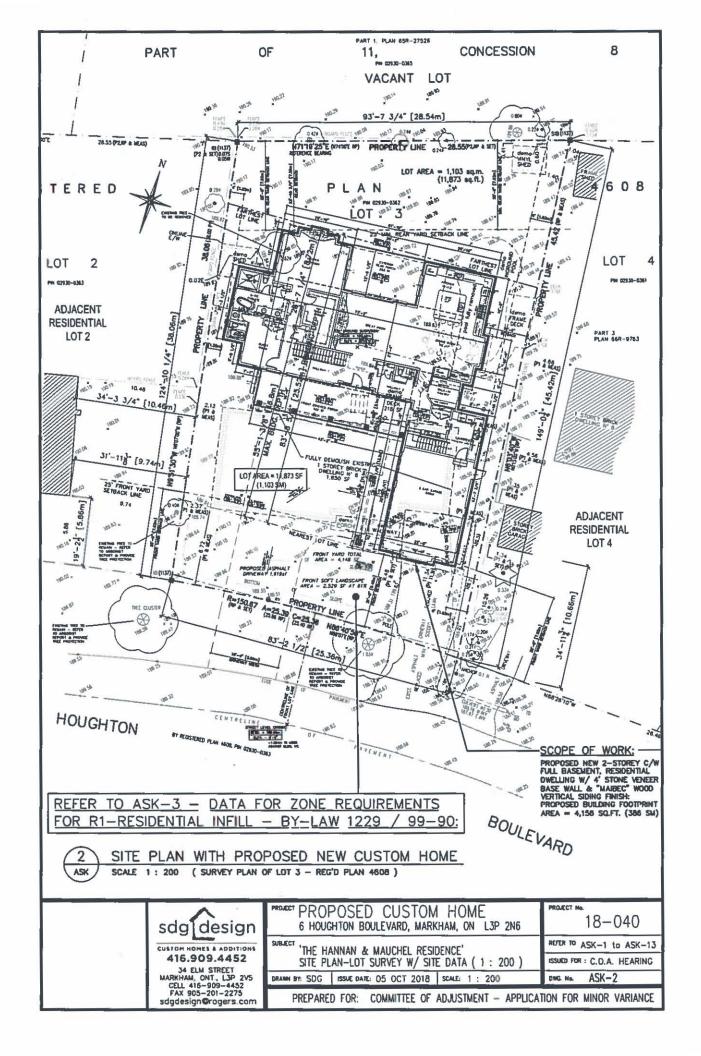
# APPENDIX "A" CONDITIONS TO BE ATTACHED TO FILE A/151/18 IF COMMITTEE CHOOSES TO APPROVE

- 1. That the front and rear porches, and garage canopy remain unenclosed;
- 2. The variances apply only to the proposed development as long as it remains;
- 3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report received by the City of Markham on October 09, 2018 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.
- 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:

Agsa Malik, Planner, Zoning and Special Projects





#### DATA FOR ZONE REQUIREMENTS FOR R1-RESIDENTIAL INFILL - By-law 1229/99-90:

- i) ACTUAL LOT AREA = IRREGULAR 83.21 FT. LOT FRONTAGE X 149.02 FT. LOT DEPTH => 11,873 SQ.FT. (1,103 SM)
- ii) MAX. FLOOR AREA RATIO SHALL BE 45% OF NET LOT AREA CALCULATED AS FOLLOWS: NET LOT AREA = 6,600 SQ.FT. + 1/2 (ACTUAL LOT AREA 6,600 SQ.FT) 6,600 SQ.FT. + 1/2 (11,873 SQ.FT. 6,600 SQ.FT) 6,600 SQ.FT. + 1/2 (5,273 SQ.FT) 6,600 SQ.FT. + 2,636.5 SQ.FT)

NET LOT AREA = 9,236.5 SQ.FT.
THUS, ALLOWED MAX. FLOOR AREA RATIO = 45% OF 9,236.5 SQ.FT. => 4,156.4 SQ.FT.

- HI) AREA OF PROPOSED FRONT COVERED PORCH 422 SQ.FT. w/ 24 SQ.FT. OF STEPS = 446 SQ.FT. (42.7 SQ.M.)

  IV) AREA OF PROPOSED REAR COVERED PORCH = 253 SQ.FT. (23.5 SQ.M.)

  V) PROPOSED GROUND LEVEL GROSS FLOOR AREA = 3,348 SQ.FT. (311 SQ.M.)

  NOIE: INCLUDES GFA OF 680 SQ.FT. 3 CAR GARAGE BUILDING

  VI) PROPOSED EXTERIOR ROOF CANOPY AT GARAGE = 133 SQ.FT. (12.4 SQ.M.)

  VII) PROPOSED SECOND LEVEL GROSS FLOOR AREA = 1,036 SQ.FT. = (96 SQ.M.)

- viii) MAX. LOT COVERAGE SHALL BE 35% OF THE ACTUAL LOT AREA AT 11,873 SQ.FT. = 4,156 SQ.FT. DWELLING'S TOTAL LOT COVERAGE AREA = 4,156 SQ.FT. (386 SQ.M.) 4,156 SQ.FT. OF DWELLING COVERAGE AREA DIVIDED BY ACTUAL LOT AREA OF 11,873 SQ.FT. = 35% LOT COVERAGE IS THE MAX. ALLOWABLE LOT COVERAGE OF 35% AND COMPUES WITH THE ZONING BY-LAW.
- ix) DWELLING'S PROPOSED TOTAL GROSS FLOOR AREA (GFA) = GROUND LEVEL GFA + SECOND LEVEL GFA (GROUND LEVEL GFA 3,348 SQ.FT. + SECOND LEVEL GFA 1,035 SQ.FT.) = 4,384 SQ.FT.

  THUS, 4,384 SQ.FT. DIVIDED BY 9,236.5 SQ.FT. (NET LOT AREA) EQUALS 47.46% AND EXCEEDS THE ALLOWABLE MAX.
  FLOOR AREA RATIO SET AT 45% ( OR 4,156.4 SQ.FT. ) AND DOES NOT CONFORM WITH ZONING BY-LAW REQUIREMENT.
  NOTE: MINOR VARIANCE REQUIRE RELIEF OF 2.46% (226 SQ.FT.) OF ADDITIONAL GROSS FLOOR AREA
- x) PROPOSED 2-STDREY DWELLING HAS BEEN DESIGNED WITH THE BUILDING HEIGHT AT ITS ROOF PEAK MEASURED VERTICALLY AT 33'-9" (10.29m) FROM THE EXISTING STREET CROWN AT GEOD. +188.96m (ELEV. 5'-0") AND EXCEEDS THE ALLOWABLE 9.8m (32'-2") MAXIMUM BUILDING HEIGHT BY 1'-7" (0.49m), THUS NOT CONFORMING WITH THE ZONING BY-LAW REQUIREMENT.

  NOTE: BUILDING HEIGHT MEASURED FROM THE CROWN OF THE STREET WHICH IS 5'-0" (1.54m) BELOW THE GROUND SUBFLOOR ELEVATION SET AT + 0'-0" or GEOD. +190.48m. NOTE: MINOR VARIANCE REQUIRE RELIEF OF 0.49m (1'-7") ADDITIONAL BUILDING HEIGHT
- xi) DWELLING'S PROPOSED BUILDING DEPTH HAS BEEN DESIGNED WITH A BUILDING DEPTH OF 83"-8 5/8" (25.52m), MEASURED TO THE REAR NORTH-EAST CORNER OF THE PROPOSED 1-STOREY DWELLING (FARTHEST LOT LINE), AND DOES NOT CONFORM WITH THE ZONING BY-LAW REQUIREMENT OF THE MAXIMUM BUILDING DEPTH SET AT 16.8m (55"-1 3/8").

  NOTE: THE 16" DEEP CHIMNEY-BREAST AT THE REAR NORTH-WEST CORNER OF THE DWELLING HAS NOT BEEN ADDED TO THE BUILDING DEPTH MEASUREMENT AS IT IS LESS THAN THE ALLOWABLE 18" CHOROACHMENT DISTANCE INTO THE REQUIRED REAR YARD SETBACK NOTE: MINOR VARIANCE REQUIRE RELIEF OF 8.72m (28"-7 1/4") ADDITIONAL BUILDING DEPTH ADDITIONAL BUILDING DEPTH RESULTS FROM "L-SHAPED" FRONT YARD DESIGN POSITION OF THE GARAGE BUILDING.

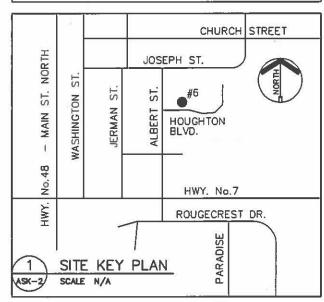
- xii) DWELLING'S PROPOSED FRONT YARD SETBACK HAS BEEN DESIGNED AT 21'-0". AND DOES NOT CONFORM WITH THE ZONING BY-LAW REQUIREMENT OF THE MINIMUM FRONT YARD SETBACK OF 25'-0". NOTE: MINOR VARIANCE - REQUIRE RELIEF OF 4'-0" FRONT YARD ENCROACHMENT
- xiii) DWELLING'S PROPOSED REAR YARD SETBACK HAS BEEN DESIGNED AT 23'-10 3/4", AND DOES NOT CONFORM WITH THE ZONING BY-LAW REQUIREMENT OF THE MINIMUM REAR YARD SETBACK OF 25'-0". NOTE: MINOR VARIANCE REQUIRE RELIEF OF 1'-1 1/4" (0.34m) REAR YARD ENCROACHMENT
- xiv) PROPOSED FRONT YARD 'L-SHAPED' GARAGE DESIGN CREATES A GARAGE PROJECTION OF 13.2m BEYOND THE DWELLING'S MAIN WALL AND EXCEEDS THE MAXIMUM 2.1m PERMITTED BY AMENDING BY-LAW 99-90 1.2(Iv),

  NOTE: MINOR VARIANCE REQUIRE RELIEF OF 11.1m (36'-5 5/8') ADDITIONAL GARAGE PROJECTION

   ADDITIONAL PROJECTION DEPTH RESULTS FROM "L-SHAPED" FRONT YARD DESIGN POSITION OF THE GARAGE BUILDING.

SIE 5	TATISTICS FOR No. 6 HOUGHTON BOULEVARD		
70 - 50	CALCULATION NOTES	PROPOSED FLOOR AREA	TOTAL FLOOR AREA
FRONT PORCH	- NGT INCLUDED IN GFA CALCULATION	422 SQ.FT.	422 SQ.FT.
FRONT PORCH STEPS	- NOT IN LOT COVERAGE OR GFA	24 SQ.FT.	24 SQ.FT.
REAR PORCH	- NOT INCLUDED IN GFA CALCULATION	253 SQ.FT.	253 SQ.FT.
GARAGE ROOF CANOPY	- NOT INCLUDED IN GFA CALCULATION	133 SQ.FT.	133 SQ.FT.
3 CAR GARAGE GFA	N/A	680 SQ.FT,	680 SQ.FT.
GROUND - FLOOR VOID	REDUCES GRND FLR GFA CALCULATION	0 SQ.FT.	0 SQ.FT.
GROUND FLOOR GFA	N/A	2,668 SQ.FT.	2,668 SQ.FT
GROUND FLOOR TOTAL GFA	N/A	3,348 SQ.FT.	3,348 SQ.FT
SECOND FLOOR AREA	N/A	1,169 SQ.FT.	1,169 SQ.FT.
SECOND - FLOOR VOIDS	GFA CALCULATION	133 SQ.FT.	133 SQ.FT.
SECOND FLOOR GFA	N/A	1,036 SQ.FT.	1,036 SQ.FT.
Unfinished 2nd flæ stor.	N/A	382 SQ.FT,	382 SQ.FT.
LOT AREA	IRREGULAR 83.2	21' X 149.02' = '	l 11,873 SQ.FT.
LOT COVERAG	€ 4,156 SQ.F	T. / 11,873 SQ.I	FT. = 35.0 %

	N DATA FOR ZONING REVIEW: YARD TOTAL AREA = 4,148 SF (385.4 SM)	
	YARD HARD LANDSCAPING - 1,619 SF (150.4 SW) - EQUALS 39% of Front Y	arc
	YARD SODDED & SOFT LANDSCAPING - 2,529 SF (235 SM) - EQUALS 61% of	
ront Ya		
- REAR	YARD TOTAL AREA = 3,312 SF (308 SM)	
- REAR	YARD SODDED & SOFT LANDSCAPING = 3,312 SF (308 SM) AT 100%	
	NO REAR YARD HARD LANDSCAPING (No additional walkways or paties propose	d)
	1 5 0 17/2	





416.909.4452

34 ELM STREET MARKHAM, ONT., L3P 2VS CELL 415-909-4452 FAX 905-201-2275

sdgdesign@rogers.com

PROPOSED CUSTOM HOME 6 HOUGHTON BOULEVARD, MARKHAM, ON L3P 2N6

18-040 REFER TO ASK-1 to ASK-13

PROJECT No.

SUBJECT THE HANNAN & MAUCHEL RESIDENCE SITE DATA PER BY-LAW 1229/99-90 ZONE REQUIREMENTS

ISSUED FOR: C.O.A. HEARING ASK-3

DRAWN BY: SDG ISSUE DATE: 05 OCT 2018 SCALE: AS NOTED

PREPARED FOR: COMMITTEE OF ADJUSTMENT - APPLICATION FOR MINOR VARIANCE

