

Memorandum to the City of Markham Committee of Adjustment

June 25, 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, July 10, 2024

The following comments are provided on behalf of the East Team. 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 6.2.1(b):**
the projection above the maximum outside wall height of 2.69 metres, whereas the by-law permits a maximum projection of 1 metre;
- b) **By-law 2024-19, Section 6.3.2.2(c):**
the main building coverage for the storey above the first storey to be 23.73 percent, whereas the by-law permits a maximum main building coverage of 20 percent;
- c) **By-law 2024-19, Section 6.3.2.2(a):**
a minimum lot frontage of 18.29 metres, whereas the by-law requires a minimum of 23 metres; and
- d) **By-law 2024-19, Section 6.3.2.2(e):**
a maximum distance of the main building from the established building line for the storey above the first storey of 16.34 metres, whereas the by-law permits a maximum of 14.5 metres for any storey above the first from the established building line;

By-law 1229

- a) **By-law 1229, Section 1.2(vi):**
a maximum Floor Area Ratio of 49.68 percent, whereas the by-law permits a maximum Floor Area Ratio of 45 percent

BACKGROUND

This application was deferred by the Committee of Adjustment (the “Committee”) at the June 5, 2024, hearing, for the applicant to address the Committee’s concern over cumulative impacts of the combined variances (Refer to Minutes - Appendix “D”). In revising the proposal, the applicant has reduced the requested lot coverage, and floor area ratio. They have also eliminated variances related to the second floor established building line and the combined interior side yard setback. The requested lot frontage and outside wall height as identified in the May 28, 2024 Staff Report remains the same (Appendix “C”).

COMMENTS

On June 24, 2024, the Applicant submitted revised drawings reducing the floor area by 28.12 m² (302.68 ft²), to now propose a floor area ratio of 49.68%. The applicant has also reduced the requested second floor building coverage variance from 25.05%, proposing a maximum second floor building coverage of 23.73%. Lastly, the second-floor established building line has also been reduced to 16.34 m (53.60 ft). The owner has completed a Zoning Preliminary Review (ZPR) on June 21, 2024, to confirm the variances required for the proposed development.

The Applicant is requesting relief for a main building coverage for the second-storey of 23.73 percent, whereas the by-law permits a maximum second-storey coverage of 20 percent of the lot area. The area of the second floor with reduction for the previous submission was 180.2 m² (1,939.65ft²), which has now been reduced to 170.6 m² (1,836.32 ft²). Staff remain of the opinion that the second storey maintains a recessed design and is in keeping with the intent of the by-law.

The Applicant is requesting relief to permit a maximum distance of the main building from the established building line for any storey above the first storey of 16.34 m (53.60 ft), whereas the by-law permits a maximum distance of 14.5 m (47.57 ft) for any storey above the first from the established building line. As previously stated, the intent of this provision is to achieve a uniform appearance along the street by maintaining a consistent alignment of the second storey. Staff are satisfied that this distance maintains the intent of the by-law and does not disrupt the established building line.

The revised floor area ratio variance will facilitate the construction of a two-storey detached dwelling with an approximate total net floor area of 316.6 m² (3,407.85 ft²). This is an increase of 16.80 m² (180.83 ft²) above the maximum permitted floor area ratio of 45%. The proposed dwelling layout complies with the required front, side, and rear yard setback provisions, which ensures appropriate separation from the street and adjacent homes, thereby ensuring that the proposed dwelling will be in keeping with the intended scale of residential infill developments for the neighbourhood. Further, the second storey is recessed, which provides articulation to the elevations that minimizes the massing on the streetscape.

PUBLIC INPUT SUMMARY

No additional written submissions were received as of July 2, 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

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.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stephen Corr, Senior Planner, East District – For:
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.

CONDITIONS PREPARED BY:



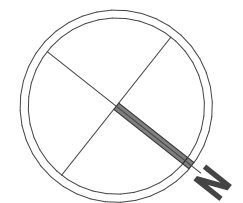
Brashanthe Manoharan, Planner II, East District

Appendix B

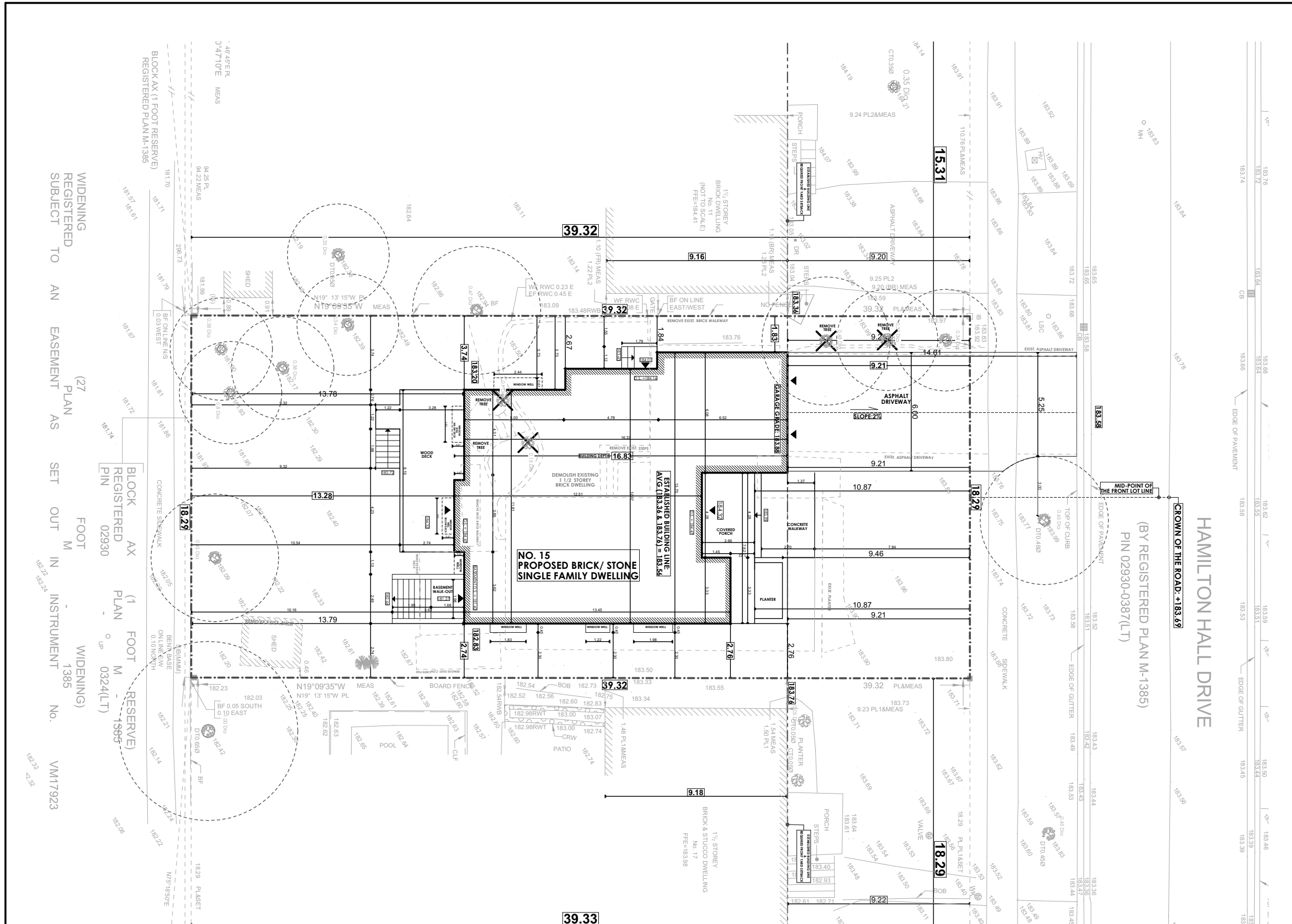
File: 24.166740.000.00.MNV

Date: 7/3/2024

MM/DD/YY



NOTES:-



WIDENING REGISTERED PLAN (27) SUBJECT TO AN EASEMENT AS SET OUT IN INSTRUMENT No. VM17923
 BLOCK AX (1 FOOT RESERVE) REGISTERED PLAN PIN 02930
 BLOCK AX (1 FOOT RESERVE) REGISTERED PLAN PIN 0324(LT)
 BLOCK AX (1 FOOT RESERVE) REGISTERED PLAN M-1385

ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY UNLESS APPROVED BY THE CITY AND MUST NOT BE USED FOR ANY CONSTRUCTION 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.
 DESIGN, DRAWINGS & SPECIFICATIONS ARE ALL PROPERTY OF MEMAR UNDER COPY RIGHT ACT AND MUST NOT BE USED FOR ANY OTHER PROJECT AND/OR BY ANY OTHER PERSON INCLUDING ORIGINAL CLIENT WITHOUT WRITTEN PERMISSION.

DATE:	ISSUED FOR:
2024-06-12	FOR COA APPLICATION

DRAWING TITLE:	SITE PLAN
PROJECT TITLE/ADDRESS:	15 HAMILTON HALL DR MARKHAM, ON L3P 3L5

DRAWN BY	P.F.
CHKD BY	M.A.

SCALE:	1:200
LAST MODIFIED ON:	June 12, 2024



"Memar Architects Inc."
 2323 Yonge St, Unit 503
 Toronto, ON, M4P 2C9
 T: 416-551-5764

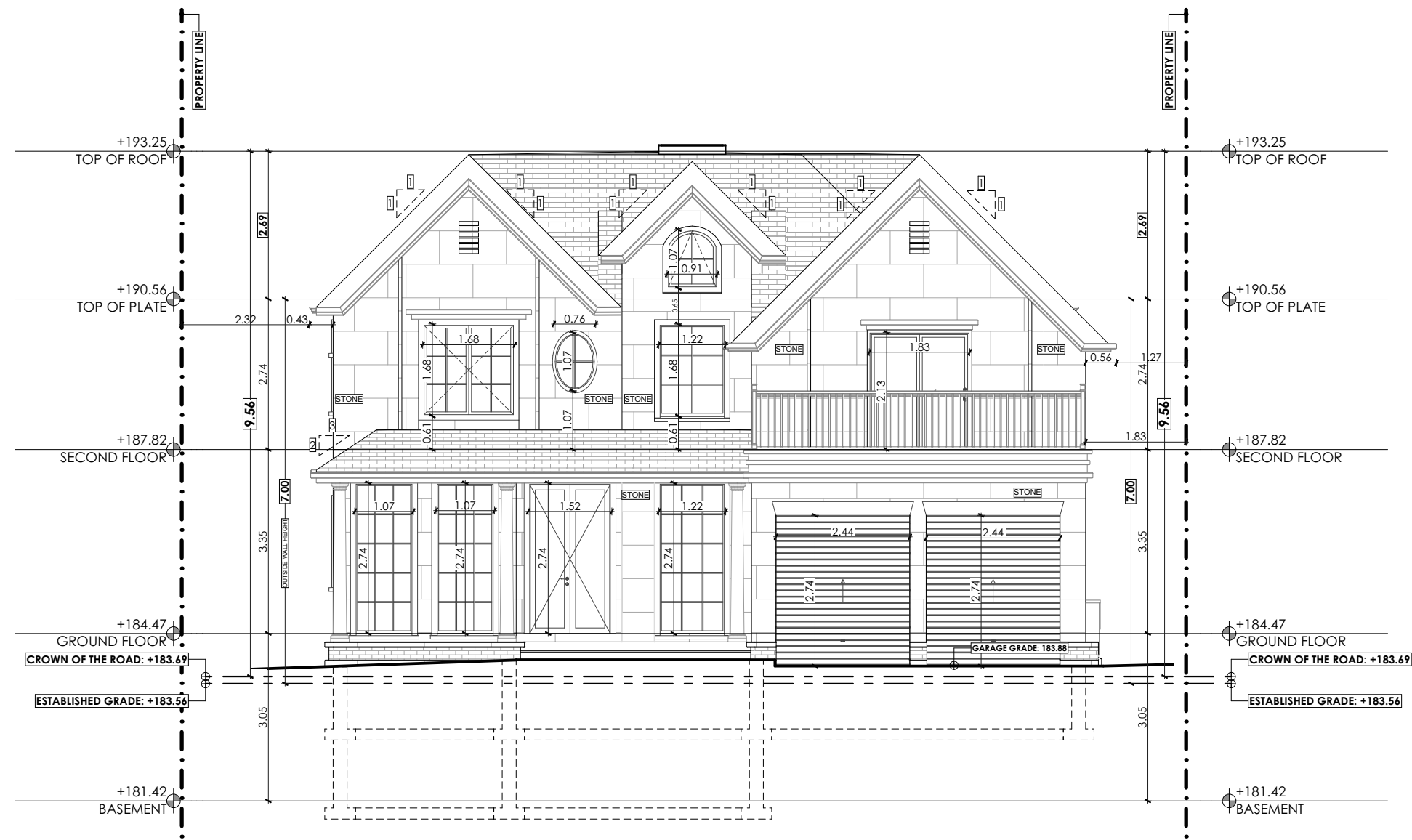


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Appendix B

File: 24.166740.000.00.MNV

Date: 7/3/2024
MM/DD/YY



NOTES:-

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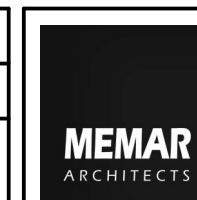
DATE:	ISSUED FOR:
2024-06-12	FOR COA APPLICATION

DRAWING TITLE:	NORTH ELEVATION
PROJECT TITLE/ADDRESS:	15 HAMILTON HALL DR MARKHAM, ON L3P 3L5

--

DRAWN BY	P.F.
CHKD BY	M.A.

SCALE:	1:100
LAST MODIFIED ON:	June 12, 2024



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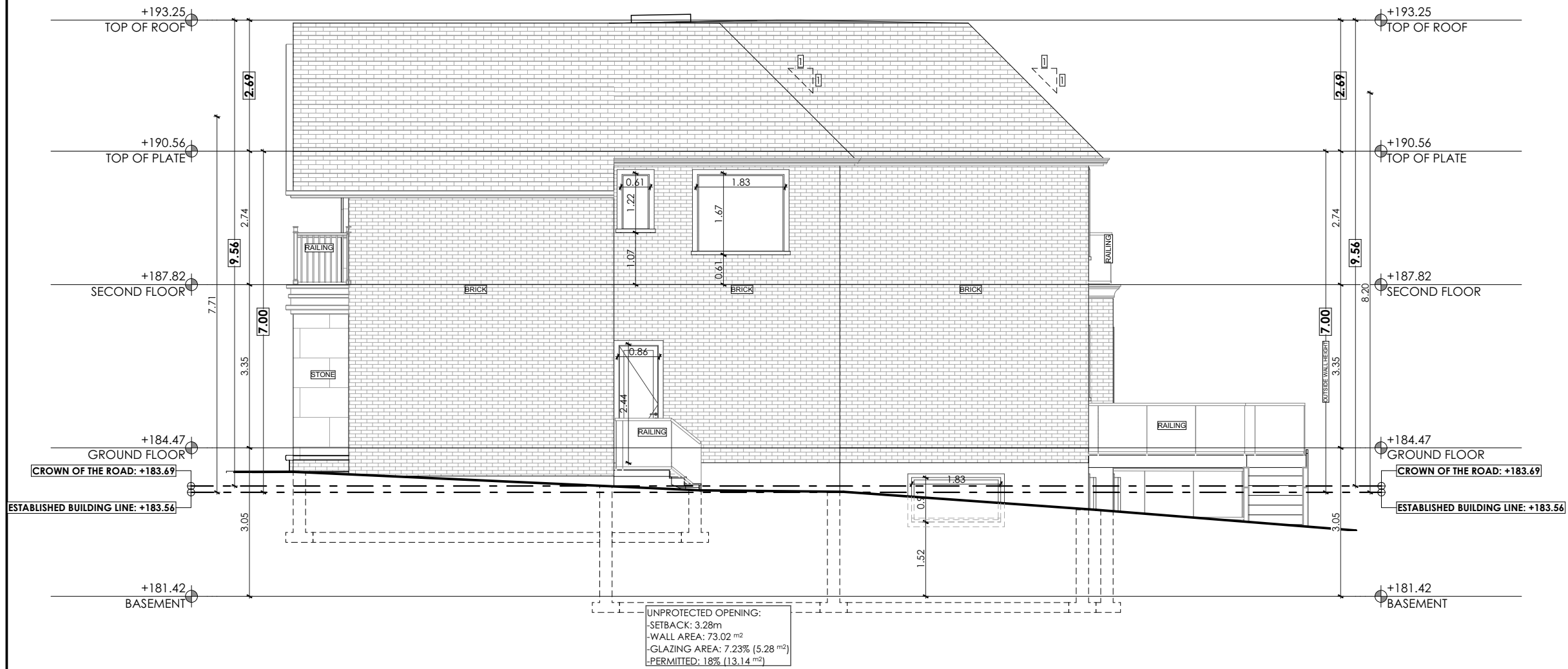


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Appendix B

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MM/DD/YY



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DATE:	ISSUED FOR:
2024-06-12	FOR COA APPLICATION

DRAWING TITLE:	WEST ELEVATION
PROJECT TITLE/ADDRESS:	15 HAMILTON HALL DR MARKHAM, ON L3P 3L5

--

DRAWN BY	P.F.
CHKD BY	M.A.

SCALE:	1:100
LAST MODIFIED ON:	June 12, 2024



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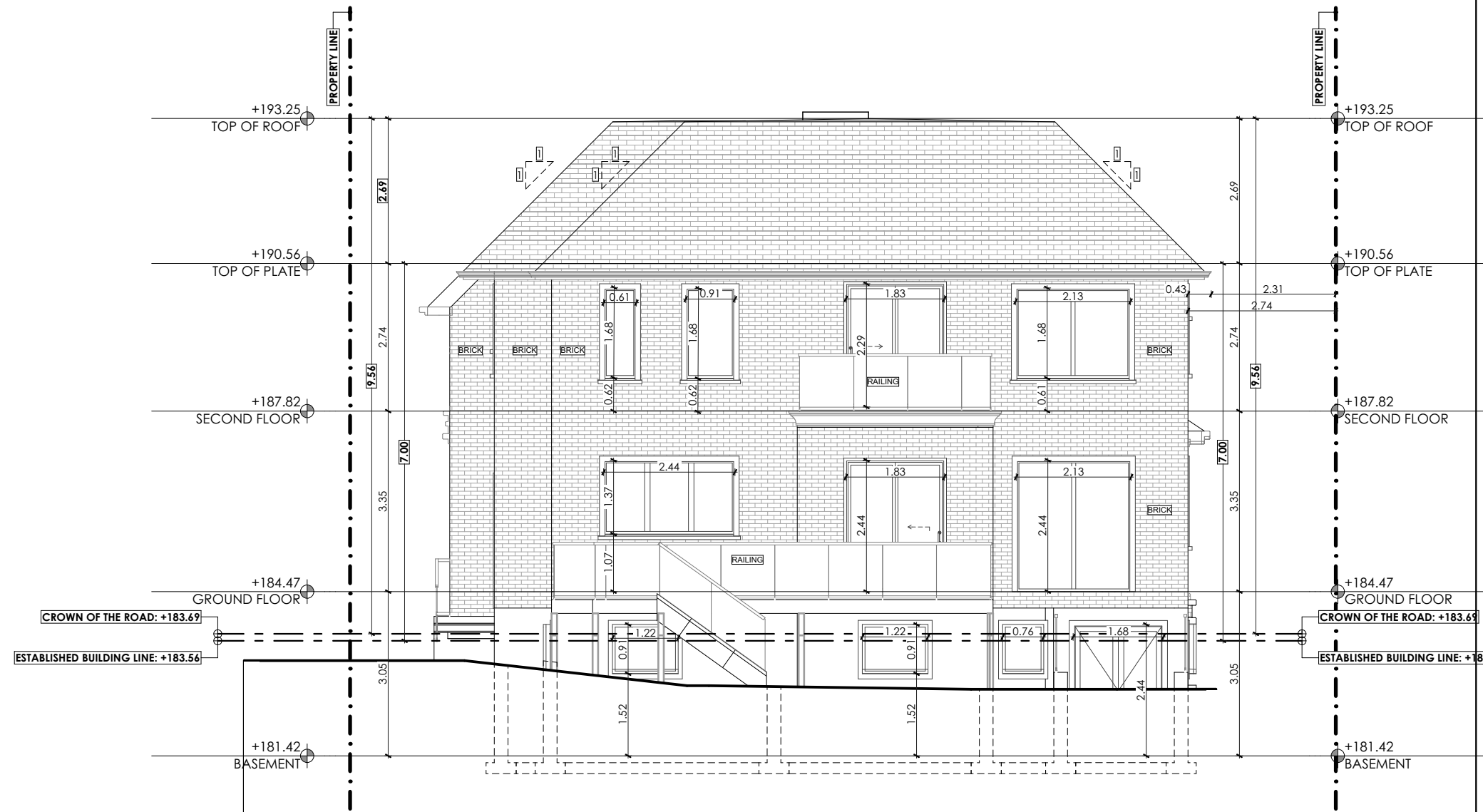


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Appendix B

File: 24.166740.000.00.MNV

Date: 7/3/2024
MM/DD/YY



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DATE:	ISSUED FOR:
2024-06-12	FOR COA APPLICATION

DRAWING TITLE:
SOUTH ELEVATION
PROJECT TITLE/ADDRESS:
15 HAMILTON HALL DR MARKHAM, ON L3P 3L5

--

DRAWN BY
P.F.
CHKD BY
M.A.

SCALE:
1:100
LAST MODIFIED ON:
June 12, 2024



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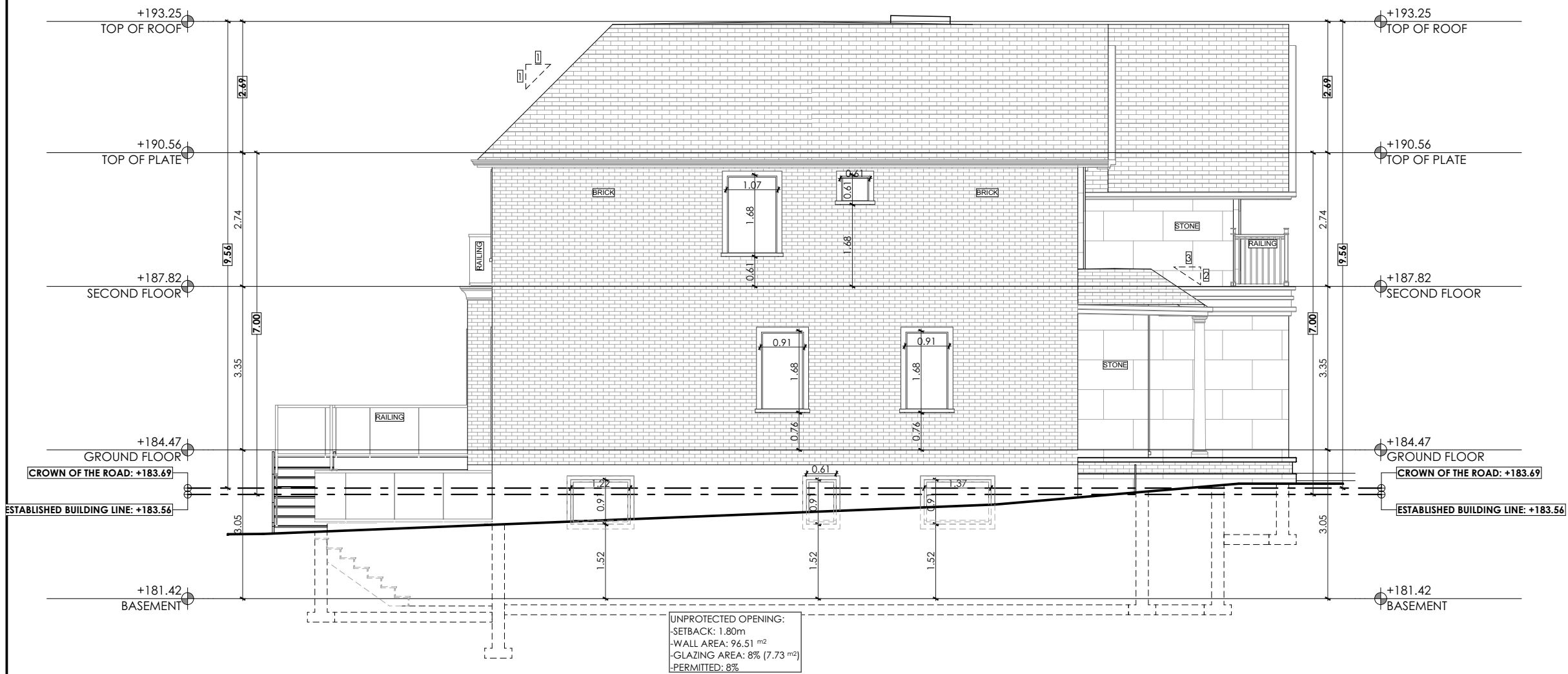


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Appendix B

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Date: 7/3/2024
MM/DD/YY



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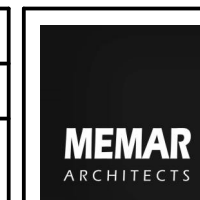
DATE:	ISSUED FOR:
2024-06-12	FOR COA APPLICATION

DRAWING TITLE:	EAST ELEVATION
PROJECT TITLE/ADDRESS:	15 HAMILTON HALL DR MARKHAM, ON L3P 3L5

--

DRAWN BY	P.F.
CHKD BY	M.A.

SCALE:	1:100
LAST MODIFIED ON:	June 12, 2024



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A.11

Appendix C

File: 24.166740.000.00.MNV

Date: 7/3/2024
MM/DD/YY

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 by-law 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 (RES-ENLR) Zone:

Increase in Main Building Coverage (second storey)

The applicant is requesting relief for a 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. 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 maintaining 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 dispropotinate 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

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.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:


© Municipality of Mississauga

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.

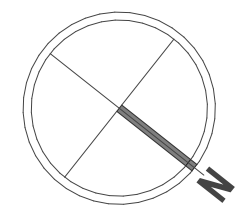
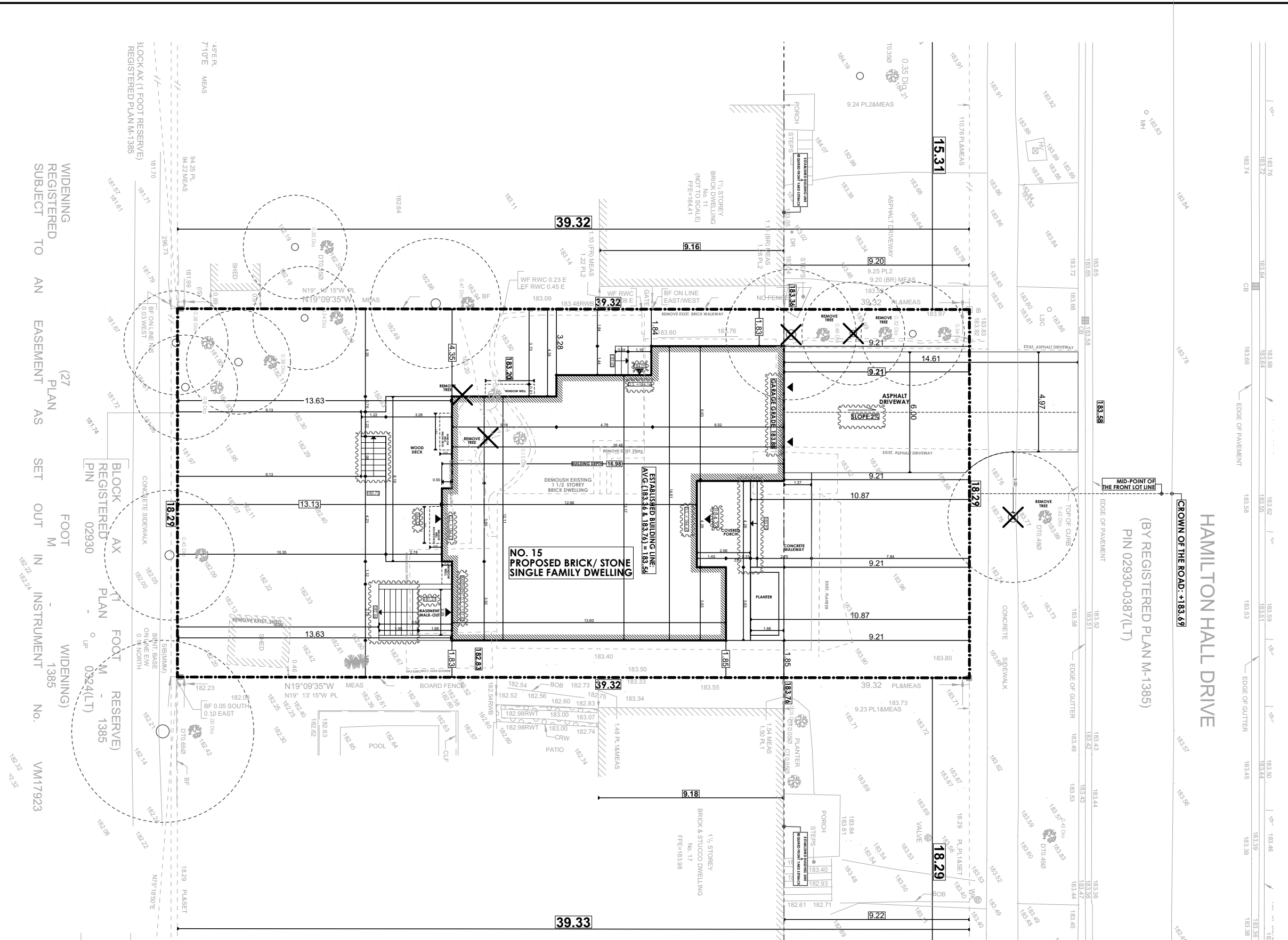
CONDITIONS PREPARED BY:



Brashanthe Manoharan, Planner II, East District

Appendix B

File: 24.166740.000.00.MNV
 Date: 5/30/2024
 MM/DD/YY



NOTES:-

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

DRAWING TITLE:	SITE PLAN
PROJECT TITLE/ADDRESS:	15 HAMILTON HALL DR MARKHAM, ON L3P 3L5

DRAWN BY	P.F.
CHKD BY	M.A.

SCALE:	1:200
LAST MODIFIED ON:	April 30, 2024



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 T: 416-551-5764

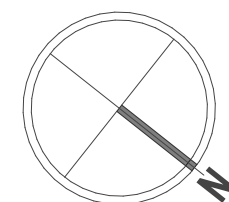
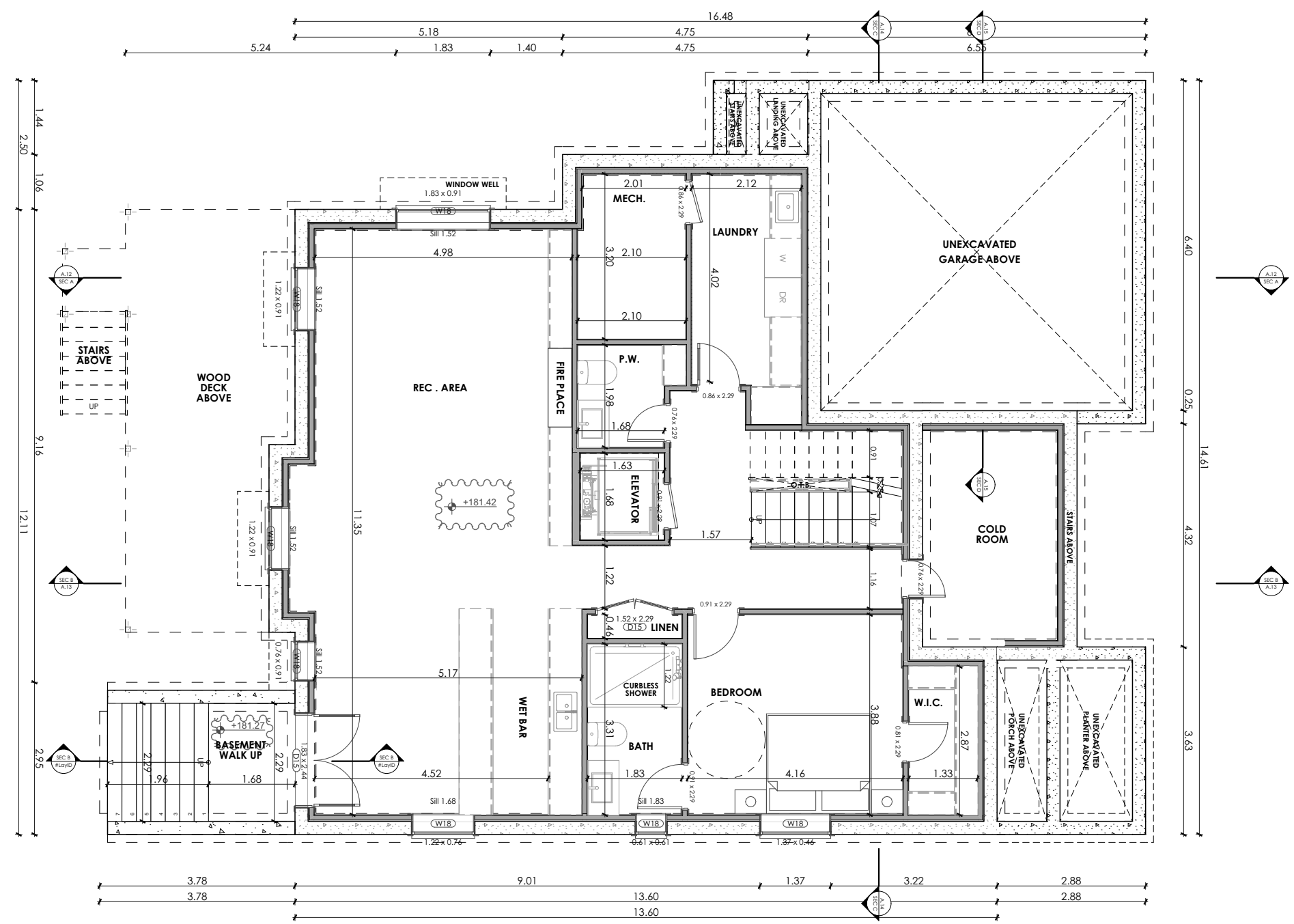


A.01

Appendix B

File: 24.166740.000.00.MNV

Date: 5/30/2024
MM/DD/YY



NOTES:-

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

DRAWING TITLE:	BASEMENT
PROJECT TITLE/ADDRESS:	15 HAMILTON HALL DR MARKHAM, ON L3P 3L5

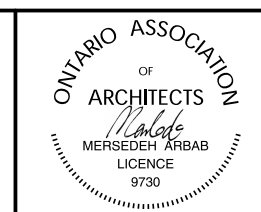
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DRAWN BY	P.F.
CHKD BY	M.A.

SCALE:	1:100
LAST MODIFIED ON:	April 30, 2024



"Memar Architects Inc."
2323 Yonge St, Unit 503
Toronto, ON, M4P 2C9
T: 416-551-5764

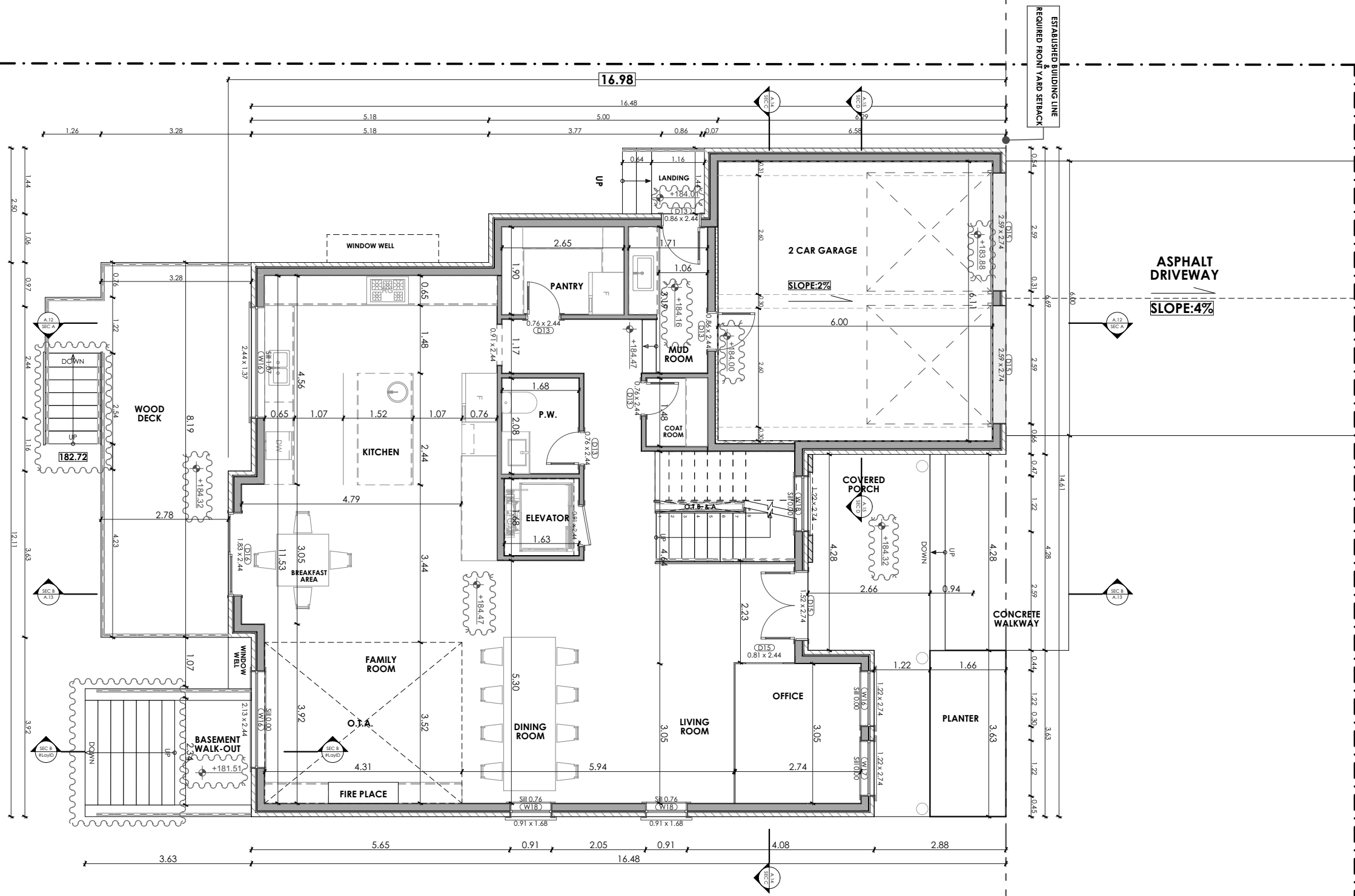


A.04

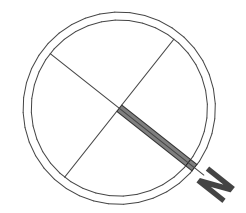
Appendix B

File: 24.166740.000.00.MNV

Date: 5/30/2024
MM/DD/YY



ASPHALT DRIVEWAY
SLOPE:4%



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

DRAWING TITLE:	GROUND FLOOR
PROJECT TITLE/ADDRESS:	15 HAMILTON HALL DR MARKHAM, ON L3P 3L5

DRAWN BY	P.F.
CHKD BY	M.A.

SCALE:	1:100
LAST MODIFIED ON:	April 30, 2024



"Memar Architects Inc."
2323 Yonge St, Unit 503
Toronto, ON, M4P 2C9
T: 416-551-5764

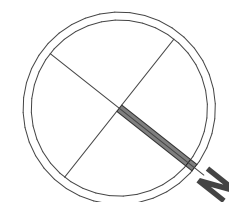


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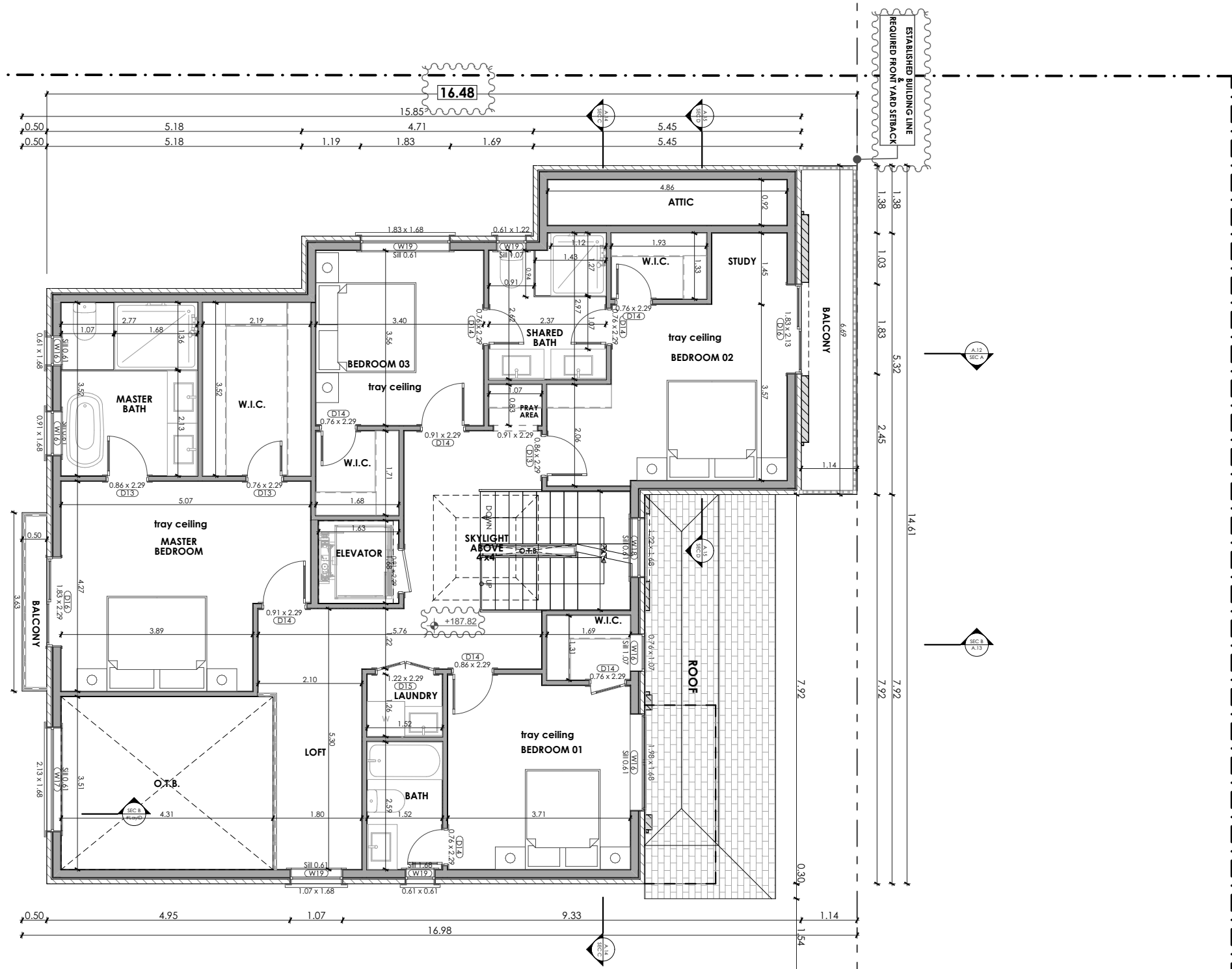
Appendix B

File: 24.166740.000.00.MNV

Date: 5/30/2024
MM/DD/YY



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

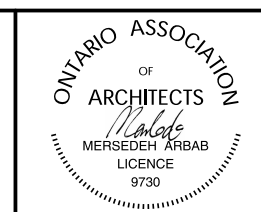
DRAWING TITLE:	SECOND FLOOR
PROJECT TITLE/ADDRESS:	15 HAMILTON HALL DR MARKHAM, ON L3P 3L5

DRAWN BY	P.F.
CHKD BY	M.A.

SCALE:	1:100
LAST MODIFIED ON:	April 30, 2024



"Memar Architects Inc."
2323 Yonge St, Unit 503
Toronto, ON, M4P 2C9
T: 416-551-5764

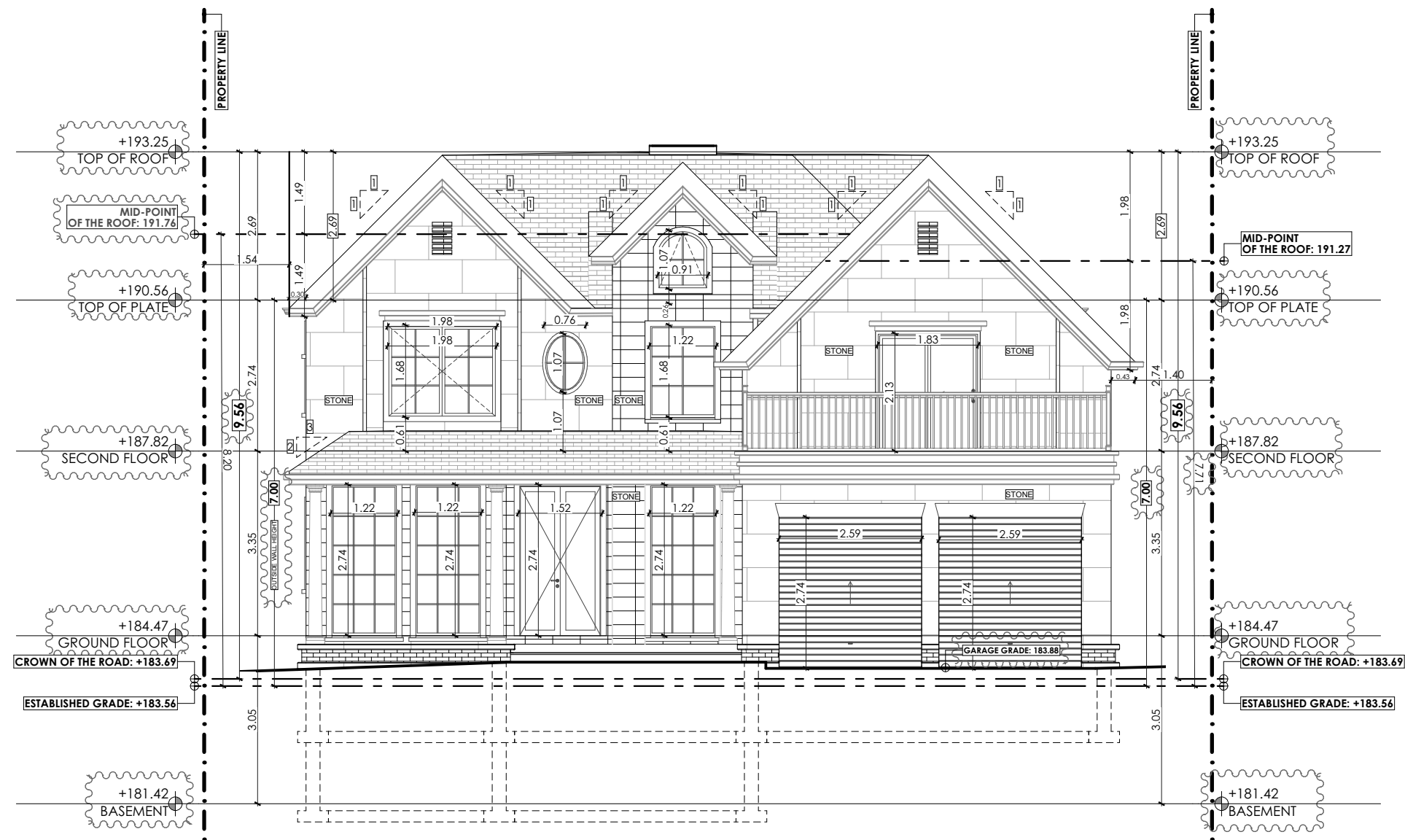


A.06

Appendix B

File: 24.166740.000.00.MNV

Date: 5/30/2024
MM/DD/YY



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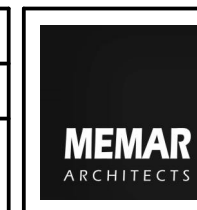
DATE:	ISSUED FOR:
2024-04-30	FOR ZONING REVIEW APPLICATION

DRAWING TITLE:	NORTH ELEVATION
PROJECT TITLE/ADDRESS:	15 HAMILTON HALL DR MARKHAM, ON L3P 3L5

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DRAWN BY	P.F.
CHKD BY	M.A.

SCALE:	1:100
LAST MODIFIED ON:	April 30, 2024



"Memar Architects Inc."
2323 Yonge St, Unit 503
Toronto, ON, M4P 2C9
T: 416-551-5764

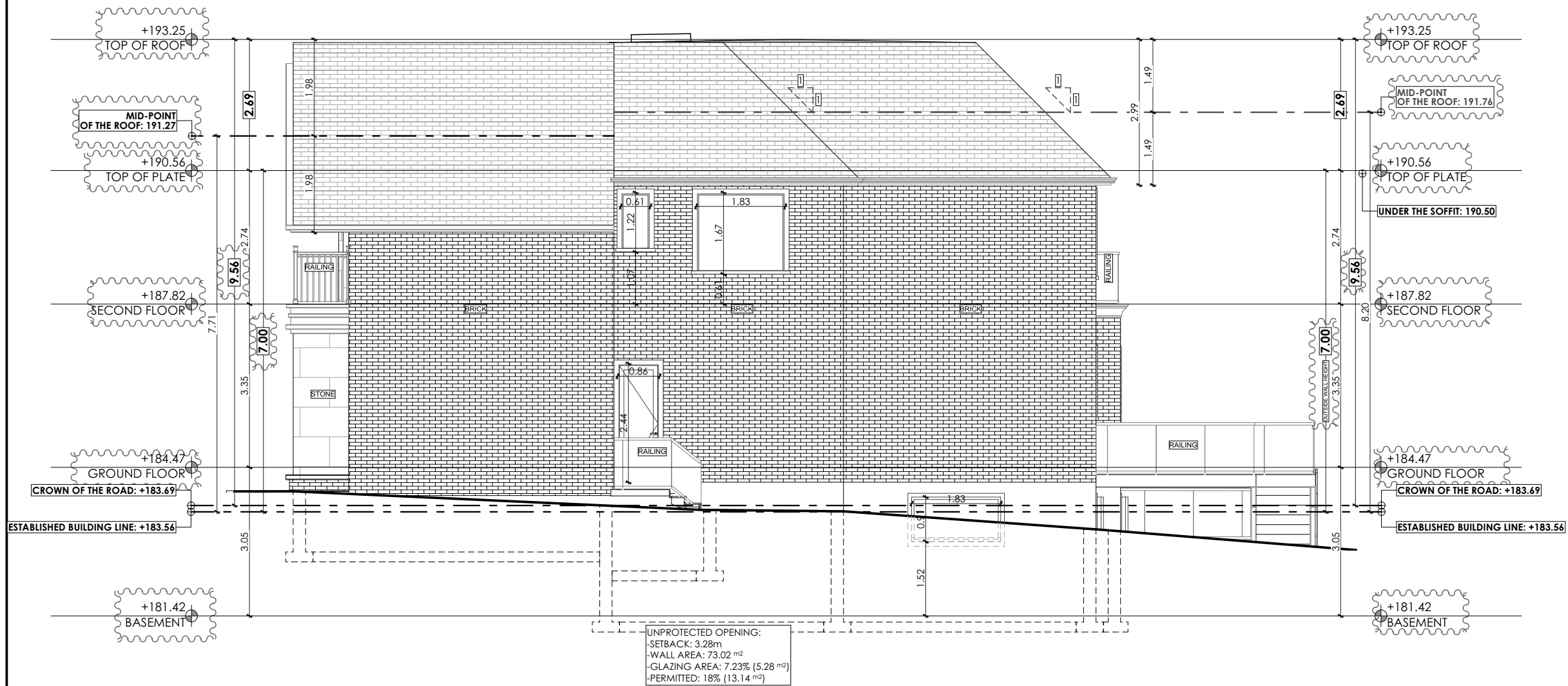


A.08

Appendix B

File: 24.166740.000.00.MNV

Date: 5/30/2024
MM/DD/YY



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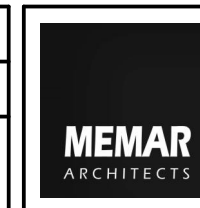
DATE:	ISSUED FOR:
2024-04-30	FOR ZONING REVIEW APPLICATION

DRAWING TITLE:	WEST ELEVATION
PROJECT TITLE/ADDRESS:	15 HAMILTON HALL DR MARKHAM, ON L3P 3L5

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DRAWN BY	P.F.
CHKD BY	M.A.

SCALE:	1:100
LAST MODIFIED ON:	April 30, 2024



"Memar Architects Inc."
2323 Yonge St, Unit 503
Toronto, ON, M4P 2C9
T: 416-551-5764

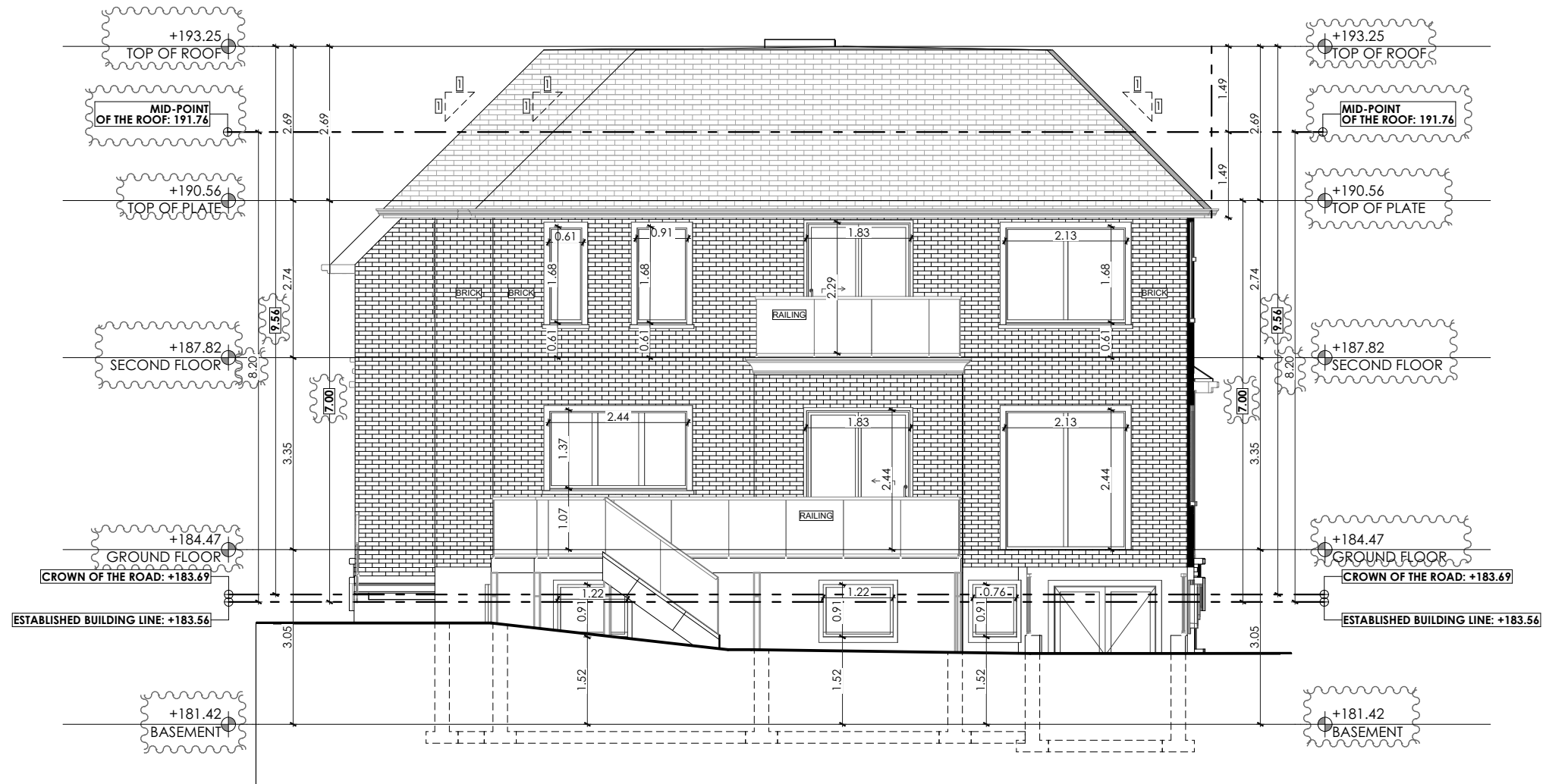


A.09

Appendix B

File: 24.166740.000.00.MNV

Date: 5/30/2024
MM/DD/YY



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

DRAWING TITLE:	SOUTH ELEVATION
PROJECT TITLE/ADDRESS:	15 HAMILTON HALL DR MARKHAM, ON L3P 3L5

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DRAWN BY	P.F.
CHKD BY	M.A.

SCALE:	1:100
LAST MODIFIED ON:	April 30, 2024



"Memar Architects Inc."
2323 Yonge St, Unit 503
Toronto, ON, M4P 2C9
T: 416-551-5764

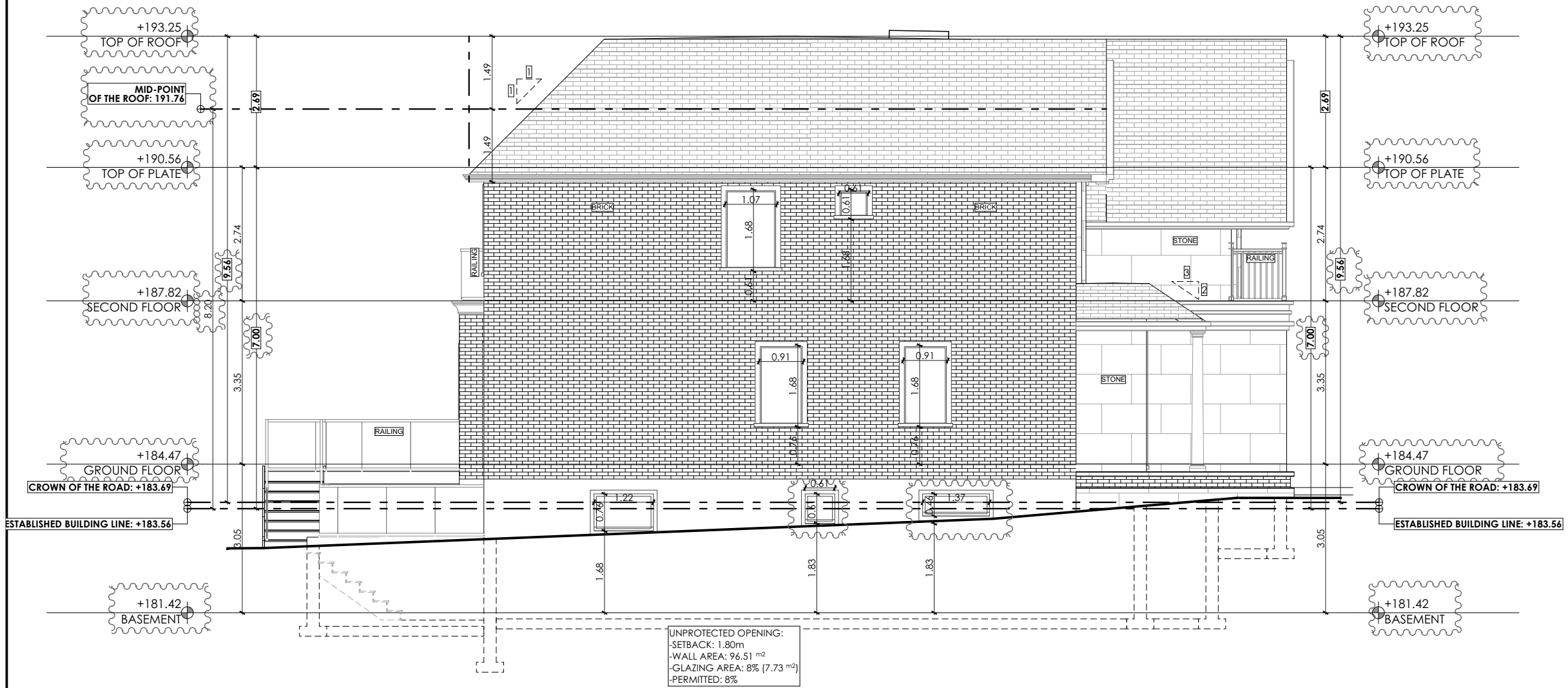


A.10

Appendix B

File: 24.166740.000.00.MNV

Date: 5/30/2024
MM/DD/YY



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

DRAWING TITLE:
EAST ELEVATION
PROJECT TITLE/ADDRESS:
15 HAMILTON HALL DR MARKHAM, ON L3P 3L5

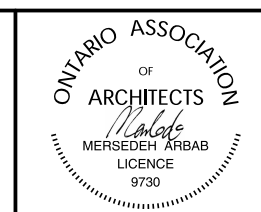
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DRAWN BY:
P.F.
CHKD BY:
M.A.

SCALE:
1:100
LAST MODIFIED ON:
April 30, 2024



"Memar Architects Inc."
2323 Yonge St, Unit 503
Toronto, ON, M4P 2C9
T: 416-551-5764



A.11



CITY OF MARKHAM
Virtual Meeting

June 5, 2024
7:00 pm

COMMITTEE OF ADJUSTMENT

Minutes

The 9th regular meeting of the Committee of Adjustment for the year 2024 was held at the time and virtual space above with the following people present:

Arrival Time

Gregory Knight Chair	7:00 pm
Arun Prasad	7:00 pm
Jeamie Reingold	7:00 pm
Sally Yan	7:00 pm
Patrick Sampson	7:00 pm

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment

Regrets

1. Disclosure of Pecuniary Interest

None

2. Minutes: May 15, 2024

THAT the minutes of Meeting No. 8, of the City of Markham Committee of Adjustment, held May 15, 2024 respectively, be:

- a) Approved on June 5, 2024.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

Carried

3. New Business

3.1 B/009/24

Agent Name: RJ Forhan and Associates Inc. (Bart Ryan)
3975 Elgin Mills Road, Markham
CON 5 PT LTS 24 & 25 65R19400 PT 2

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 347.4 metres and an approximate lot area of 17.9 hectares (Part 1); and
- b) **retain** a parcel of land with an approximate lot frontage of 758.4 metres and an approximate lot area of 33.8 hectares (Parts 2, 3, 4).

The purpose of this application was to sever the Subject Lands to facilitate the creation of one (1) new development lot.

The agent, Peter Gross, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Sampson confirmed with the applicant that the lands had the potential for future development.

Member Yan supported the application indicating that the severed and retained lands complied with the City of Markham Official Plan, Zoning By-law and Provincial Policy Statements and met the requirements for consent in the *Planning Act*.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **B/009/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

Applications B/025/22, and A/015/24 were heard concurrently with the discussion recorded under B/025/22.

3.2 B/025/22

Agent Name: Bousfields Inc. (Kate Cooper)
9390 Woodbine Avenue, Markham
YORK REGION CONDOMINIUM PLAN 1415

The applicant was requesting provisional consent to:

- a) **sever and convey** a parcel of land with an approximate lot frontage of 119 metres and an approximate lot area of 1.94 ha (Parts 1 to 14);
- b) **retain** a parcel of land with an approximate lot frontage of 59 metres and an approximate lot area of 0.45 ha (Parts 15 to 26);
- c) **establish an easement** over Parts 2, 3, 4, 11, 12, and 13 in favour of the Retained Lands (Parts 15 to 26) for the purpose of access;
- d) **establish an easement** over Parts 18, 21, and 22 in favour of the Severed Lands (Parts 1 to 14) for the purpose of access;
- e) **establish an easement** over Parts 2, 3, 4, 10, 11, 12, 13, 17, 18, 21, 22, 23, 24, 25, and 26 in favour of York Region Condominium Corporation 1415 (King Square Mall) for the purpose of access;

The purpose of this application was to sever the subject lands to facilitate the development of one townhouse block (severed lands) and one future condominium block (retained lands).

This application was related to Minor Variance application A/015/24 which was reviewed concurrently.

The agent, Kate Cooper, appeared on behalf of the application.

Member Prasad had concerns regarding parking and access to the retained lands and did not support the application.

The Chair indicated that the severed lands would continue the planned development of the lands and bring improvements to the community.

Member Reingold supported the application, noting that the consent would facilitate the development of previously approved plans.

Member Yan expressed their support for the application, citing the extensive history of planning applications and approvals for both the retained and severed lots. They also highlighted the minor nature of the variances, which would facilitate the final stages of

the development. In addition, Member Yan noted the applicant's additional studies, planning justification, and staff support for the application and expressed that completion of the development would bring positive changes to the area.

Member Sampson supported the application.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Patrick Sampson
Opposed: Arun Prasad

The majority of the Committee approved the application.

THAT Application No. **B/025/22** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.2 A/015/24

Agent Name: Bousfields Inc. (Kate Cooper)
9390 Woodbine Avenue, Markham
YORK REGION CONDOMINIUM PLAN 1415

The applicant was requesting relief from the requirements of By-law 165-80, as amended, to permit:

- a) **Parking By-law 28-97, Section 3.0 (Table B) Non-Residential Uses:**
a total of 84 parking spaces to be provided on the neighbouring adjacent lot, whereas the by-law requires all parking spaces to be provided on the same lot;
- b) **Parking By-law 28-97, Section 3.0 (Table B) Non-Residential Uses:**
a minimum of 995 parking spaces, whereas the by-law requires a minimum of 1020 parking spaces;
- c) **By-law 165-80, Section 5.2 (d)(ii):**
a minimum interior side yard setback of 0 metres, whereas the by-law requires a minimum interior side yard setback of 6.9 metres;
- d) **By-law 165-80, Section 5.2 (d) (iii):**
a minimum rear yard setback of 9.6 metres, whereas the by-law requires a minimum rear yard setback of 12.0 metres; and
- e) **By-law 165-80, Section 2:**

Woodbine Avenue to continue as the front lot line, whereas the by-law considers the front lot line to be the shorter boundary line abutting the street;

as it related to an existing shopping centre.

This application was related to Consent application B/025/22 which was reviewed concurrently.

The agent, Kate Cooper, appeared on behalf of the application.

Member Reingold motioned for approval with conditions.

Moved by: Jeamie Reingold
Seconded by: Sally Yan
Opposed: Arun Prasad

The majority of the Committee approved the application.

THAT Application No. **A/015/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.4 A/034/24

Agent Name: Harper Dell & Associates Inc. (Nicholas Dell)
8199 Yonge Street, Thornhill
PLAN 4184 PT LOTS 1-3

The applicant was requesting relief from the requirements of By-law 2150 & 2024-19, as amended, to permit:

a) By-law 2024-19, Section 5.1 c):

117 parking spaces whereas the by-law requires a minimum of 126 parking spaces;

as it related to a change of use to a proposed restaurant.

The agent, Nick Dell, appeared on behalf of the application.

Member Sampson agreed with the staff report's recommendations and considered the requests minor.

Member Reingold supported the application and motioned for approval with conditions.

Moved by: Jeamie Reingold

Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/034/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.5 A/030/24

**Agent Name: Malone Given Parsons Ltd (Elyse Holwell)
120 South Town Centre Boulevard, Markham
PL 65M2668 PT BLK 4 65R18508 PTS 2 & 4**

The applicant was requesting relief from the requirements of By-law 165-80, as amended, to permit:

- a) **By-law 165-80, Section 6.4.1(b):**
a day care centre, whereas the by-law does not permit this use; and
- b) **By-law 165-80, Section 4.5.1(a)(ii):**
one (1) loading space on the subject lands, whereas the by-law requires two (2) loading spaces;

as it related to a child care centre.

The agent, Jack Wong, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Member Reingold supported the application, stating that daycare facilities were needed in the area and that they were compatible with the intention of OPA 21.

Member Yan expressed that daycare uses were very much needed for Markham Centre; however, the site required a traffic circulation plan to ensure student safety.

Greg Whitfield confirmed that the conditions listed in the staff report would include site safety measures for fencing, bollards, and designated drop-off and pick-up areas to the satisfaction of the Director of Planning and Urban Design.

Jack Wong indicated that a traffic circulation plan, both internal and external, for the site would be submitted to satisfy the conditions of the minor variance.

The Chair noted that the site had the flexibility to implement safety measures.

Member Yan was satisfied that the applicant had considered the needed expertise and requirements for a successful daycare and supported the application, motioning for approval with conditions.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application No. **A/030/2** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.6 A/195/23

Agent Name: Azita Hasheminejad
15 Billy Joel Crescent, Markham
PLAN 5879 LOT 8

The applicant was requesting relief from the requirements of By-law 1229, as amended, to permit:

- a) **By-law 142-95, Section 2.2(b)(ii):**
a deck to project 5.29 metres, whereas the by-law permits a maximum projection of 3 metres; and
- b) **By-law 1229, Table 11.1:**
a platform to have an encroachment of 24 inches into a required side yard, whereas the by-law permits a maximum encroachment of 18 inches into a required side yard;

as it related to a constructed deck.

The owners appeared on behalf of the application, explaining the history of the deck and swim spa construction.

The Committee received one written piece of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, clarified some application details.

Member Sampson supported the application, stating the request was minor in the context of a ravine property.

Member Prasad supported the request.

Member Yan agreed that the requests were minor and adjacent properties would not be significantly impacted.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Arun Prasad

The Committee unanimously approved the application.

THAT Application No. **A/186/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.7 A/037/24

Agent Name: Artruction Design Consultants Inc. (Purvi Shah)
71 Lyndhurst Drive, Thornhill
PLAN 65M2315 LOT 28

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2.2 c):**
a main building coverage for the second storey of 27.6 percent (1,511 square feet), whereas the by-law permits a maximum second-storey coverage of 20 percent (1,095 square feet) of the lot area;

as it related to a proposed second-storey addition to an existing two-storey residential dwelling.

The agent, Purvi Shah, appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke on the application as it was the first application for variances under the new Comprehensive Zoning By-law in the RES-ENLR zoning, which applied to established neighbourhoods in Thornhill, Unionville and Markham Village. Elizabeth disagreed with the staff report and spoke about maintaining the integrity of the provisions of By-law 2024-19.

Member Reingold supported the application and considered it a respectful transitional design that mitigated the scale and massing of the proposal.

Member Prasad agreed with their colleague and supported the application.

Member Sampson expressed that the request was not minor.

Member Yan noted that the addition would not alter the side yard setbacks or the building footprint and would not have significant impacts and supported the application.

The Chair spoke about the public process that had arrived at the zoning standards in By-law 2024-19 and was concerned about setting precedence. The Chair considered the proposal to have considerable massing that would result in impacts to the streetscape.

Member Prasad motioned for approval with conditions.

Moved by: Arun Prasad
Seconded by: Sally Yan
Opposed: Greg Knight
Patrick Sampson

The majority Committee approved the application.

THAT Application No. **A/037/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

3.8 A/028/24

Agent Name: Memar Architects Inc. (Lucy Mar Guzman)
15 Hamilton Hall Drive, Markham
PLAN M1385 LOT 9

The applicant was requesting relief from the requirements of By-law 1229 & 2024-19, as amended, 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 by-law permits a projection above the maximum outside wall height of 1m; and

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

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

By-law 1229

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;

as it related to a proposed two-storey residential dwelling.

The agent, Sean Toussi, appeared on behalf of the application. Sean indicated that their firm had designed the home while navigating the new standards in By-law 2024-19 and balancing the client's requests and accessibility needs.

The Committee received one written piece of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, indicated that four of the variances requested increased the massing, which was too much for the size of the lot. The request exceeded By-law 1229 by a significant amount, and the number of requests under By-law 2024-19 highlighted that all the parts work together to limit how infill housing was constructed. Elizabeth indicated the decision made on the first few applications was vital to the integrity of By-law 2024-19.

Member Sampson indicated that the requests for variances under By-law 2024-19 were significant, noting that the Committee did not support floor area ratio variances this large under By-law 1229 and recommended that the applicant reduce the overall building massing.

Member Reingold was concerned about the requested reduced side yard setbacks, indicating it limited greenspace and changed the streetscape and the neighbourhood's character.

Member Yan expressed that the proposed house was oversized for the smaller lot and agreed with their colleagues that the size of the house needed to be reduced and the side yard setbacks needed to be increased to limit impacts on the neighbours and streetscape.

The Chair agreed with the Committee members that the proposed massing of the house would significantly alter the streetscape, which was emphasized by the reduced side yards and height. And that the homeowner's needs could be achieved by reconfiguring the spaces and shape to reduce the house's size while utilizing the property's depth.

Sean Toussi requested a deferral of the application.

Member Yan motioned for deferral.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

THAT Application No. **A/028/24** be **deferred** sine die.

Resolution Carried

3.9 A/035/24

Agent Name: Mehdy Ajvand
56 Ladyslipper Court, Thornhill
PL M1095 LT 13

The applicant was requesting relief from the requirements of By-laws 1767 & 2024-19, as amended to permit:

By-law 2024-19

- a) **By-law 2024-19, Section 6.3.2.2 I):**
a west side yard setback of 1.54 metres, whereas the by-law requires a minimum of 1.8 metres and a combined interior side yard on both sides of 3.37 metres, whereas the by-law requires combined interior side yard setbacks on both sides of 4.0 metres;
- b) **By-law 2024-19, Section 6.3.2.2 c):**
a main building coverage for the second storey of 25.5 percent (2,707 square feet), whereas the by-law permits a maximum second-storey coverage of 20 percent (2,120 square feet) of the lot area;

- 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 18.29 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 4.8.9.2 a)i):**
a 1.2 metre landscape strip width made up of soft landscaping abutting the east interior side lot line, whereas the by-law requires a 1.5 metre landscape strip width made up of soft landscaping abutting interior side lot lines; and
- e) **By-law 2024-19, Section 4.8.9.1 a):**
26.4 square metres (17.4 percent) hard landscaping in the front yard, whereas the by-law permits a maximum of 15 percent (22.8 metres square) of hard landscaping in the front yard;

By-law 1767

- a) **By-law 1767, Section 18 (i)(d):**
a minimum west interior side yard setback of 1.54 metres, whereas the by-law requires a minimum side yard setback of 1.8 metres on each side;
- b) **By-law 1767, Amending By-law 100-90, Section 1.2 (iii):**
a maximum building depth of 22.93 metres, whereas the by-law permits a maximum building depth of 16.8 metres;
- c) **By-law 1767, Section 9(i):**
a front yard architectural feature/eaves/canopy encroachment of 36 inches, whereas the by-law permits a maximum encroachment of 18 inches into the required yard; and
- d) **By-law 1767, Amending By-law 100-90, Section 1.2 (vii):**
a floor area ratio of 53.4 percent (4,919 square feet), whereas the by-law permits a maximum floor area ratio of 50 percent (4,525 square feet);

as it related to a proposed two-storey residential dwelling.

The agent, Noushin Mozaffari, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, noted that the applicant was requesting multiple variances under By-law 2024-19.

Member Sampson indicated that the requested variances were not minor and the current proposal required too many variances which resulted in cumulative impacts. Member Sampson recommended that the applicant review the design to reduce the number of variances requested as well as their scale.

Member Reingold commented on the quality of the design; however, felt the design emphasized the size of the house and accentuated the imposing scale and massing. Member Reingold indicated that the size coupled with the requested reduced softscaping in the side yard and increased hardscaping in the front was not desirable development of the lot. Member Reingold recommended the applicant consider how the depth of the lot could be utilized to mitigate impacts and increase compatibility with the existing neighbourhood.

Member Yan agreed with their colleagues that the proposal was overly large and the requested variances needed to be reduced, noting the proposal would be one of the first new infill development along a street with sizeable homes. Member Yan did not support any reductions in the side yards and indicated that the applicant needed to seek opportunities in the lot configuration to reduce the variances.

The Chair indicated the lot was large, not oddly shaped, and did not have any irregularities that required mitigation. Based on the comments of the Committee members the Chair recommended deferral to allow the applicant to consider different configurations of the design to lower the variance requests and reduce the impact on the streetscape.

The agent Noushin Mozaffari requested a deferral.

Member Prasad motioned for deferral.

Moved by: Arun Prasad
Seconded by: Patrick Sampson

THAT Application No. **A/035/24** be **deferred** sine die.

Resolution Carried

4.0 Other Business

4.1 Appointment of Vice Chair

Resulting from the resignation of Tom Gutfreund from the Committee of Adjustment, the Committee needed to appoint a Vice Chair as per Section 4.1 of the Committee of Adjustment Procedural By-law.

The Chair motioned to appoint Jeamie Reingold, Sally Yan, Arun Prasad, and Patrick Sampson as Co-Vice Chairs for the duration of their appointments to the Committee of Adjustment.

Moved by: Greg Knight
Seconded by: Patrick Sampson

CARRIED

4.2 Appointment of Assistant Secretary-Treasurer

Staff requested the appointment of Erin O'Sullivan, Committee of Adjustment Development Technician, as Assistant Secretary-Treasurer to act in the absence of Shawna Houser, Secretary-Treasurer Committee of Adjustment or Greg Whitfield, Supervisor Committee of Adjustment, to carry out the duties of the Secretary-Treasurer, Committee of Adjustment.

Patrick Sampson motioned to appoint Erin O'Sullivan as Assistant Secretary-Treasurer, Committee of Adjustment.

Moved by: Patrick Sampson
Seconded by: Arun Prasad

CARRIED

4.3 Committee Membership

Greg Whitfield notified the Committee that Kelvin Kwok had resigned from the Committee effective May 27, 2024. Greg thanked Kelvin for their volunteer service to the City of Markham and its residents.

5.0 Adjournment

Moved by: Patrick Sampson
Seconded by: Arun Prasad

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:25 pm, and the next regular meeting would be held on June 19, 2024.

CARRIED



Secretary-Treasurer,
Committee of Adjustment



Chair