

Memorandum to the City of Markham Committee of Adjustment

July 05, 2022

File: A/066/22
Address: 26 Honeybourne Crescent, Markham
Applicant: Ali Shamaila Nawaz
Agent: Paar Design Inc. (Nikol Paar)
Hearing Date: Wednesday July 20, 2022

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential One – (R1)” zone requirements under By-law 1229, as amended by By-law 99-90, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

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

A maximum building depth of 18.04 m, whereas the By-law permits a maximum building depth of 16.8 m;

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

A maximum building height of 10.11 m, whereas the By-law permits a maximum building height of 9.8 metres;

c) By-law 99-90, Section 1.2(iv):

A maximum floor area ratio of 52.9 percent, whereas the By-law permits a maximum of 45 percent.

BACKGROUND

Property Description

The 762.96 m² (8212.43 ft²) subject property, which is irregular in shape, is located on the west side of Honeybourne Crescent, north of Highway 7 and west of Main Street Markham North. There is an existing detached bungalow with a gross floor area of approximately 153 m² (1646.88 ft²) on the subject property, which according to assessment records was constructed in 1958. Several mature trees are located in the front and rear yard. Dwellings on Honeybourne Crescent primarily consists of detached bungalows constructed in the 1950's with some redevelopment occurring on the street. Particularly, the greater surrounding area is undergoing a transition with redevelopment occurring with larger, newer homes being constructed.

Proposal

The applicant is proposing to demolish the existing dwelling and construct a two-storey detached dwelling with an attached garage. The total GFA of the proposed dwelling is 363.70 m² (3914.87 ft²), with 198.37 m² (2135.24 ft²) on the ground floor and 165.33 (1779.60 ft²) on the second floor.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential – Low Rise” designation with respect to height, massing, and setbacks. This criteria is established to ensure that infill development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard shall also be had for the retention of existing trees and vegetation.

Zoning By-Law 1229

The subject property is zoned R1-Single Detached Dwelling under By-law 1229, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law with respect to the maximum height permitted for a dwelling.

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 building depth and maximum floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on April 1, 2022 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 Building Depth

The applicant is requesting relief from the By-law to permit a maximum building depth of 18.04 m (59.19 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.11 ft). This represents an increase of approximately 1.24 m (4.07 ft), which is an increase of approximately 7.4%.

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line. Given the configuration of the lot, which is located on a bend in the road the building depth is measured on an angle through the proposed building.

The building depth, when measured between the front and rear wall, excluding the front covered porch, is 16.36 m (53.67 ft), which meets the by-law requirement. Given the variance is in part attributed to the unique configuration of the subject lot and considering how building depth is measured, staff are of the opinion that the proposed increase in building depth is in keeping with the general intent of the zoning by-law.

Increase in Maximum Building Height

The applicant is requesting relief from the By-law to permit a maximum building height of 10.11 m (33.17 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.31 m (1.02 ft), which is an increase of approximately 3.2%.

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. The height variance is in part attributed to the fact that the centreline (crown) of the street is approximately 0.6 m (1.97 ft) lower than the proposed grade of the lot at the front of the proposed dwelling. The building height, when measured from the average grade of the lot to the top of the roof is 9.51 m (31.20 ft), which complies with the by-law requirement. Staff are of the opinion that the proposed increase in building height is in keeping with the general intent of the zoning by-law.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 52.9 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The proposed increase in floor area ratio will facilitate the construction of a two-storey dwelling with a gross floor area of 363.70 m² (3914.87 ft²) whereas the By-law permits a dwelling with a maximum floor area of 309.63 m² (3332.86 ft²). This represents an increase of 53.51 m² (575.98 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).

The subject property is located within an established residential area that consists of predominately modest sized one-storey detached dwellings. However, the area is beginning to experience a gradual transition towards larger, predominately two-storey detached dwellings. Although the proposed dwelling is larger than the existing dwellings originally developed in the 1950s, the site layout meets all setback requirements, which assist in ensuring adequate separation between dwellings and retention of soft landscape areas, are maintained. Furthermore, the proposed dwelling is within the maximum lot coverage requirement which ensures the resultant built form will be in keeping with the intended scale of development for the neighbourhood. Considering the overall design of the proposed dwelling and its relationship with the adjacent homes, staff are of the opinion that the proposed increase in Floor Area Ratio will not result in any significant impact on the character of the neighbourhood.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 7, 2022. 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 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.

APPENDICES

Appendix “A” - Conditions of Approval

Appendix “B” - Plans

PREPARED BY:



Justin Mott, Planner I, East District

REVIEWED BY:

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

• Rectangular Snip

Stacia Muradali, Development Manager, East District

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE B/066/22

Part A: Standard Minor Variance Conditions

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 plan(s) attached as ‘Appendix B’ to this Staff Report and received by the City of Markham on April 7, 2022, 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.

CONDITIONS PREPARED BY:

A handwritten signature in black ink that reads "Justin Mott". The signature is written in a cursive, flowing style.

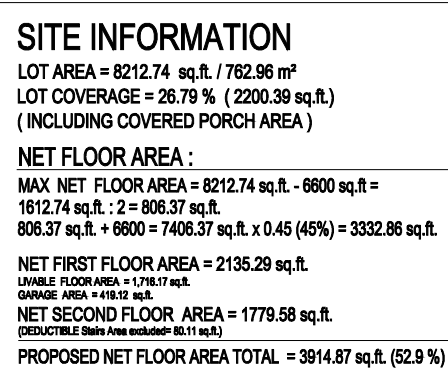
Justin Mott, Planner I, East District

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE B/066/22

2.116530.000.00.MNV
7/14/22
MM/DD/YY



Date: 07/14/22



| | |
|---------------------|---|
| STATISTICS | PROPOSED |
| LOT COVERAGE | 26.79 % 2200.39 sq.ft. (INCLUDING PORCH AREA) |
| SETBACKS (M.) | PROPOSED |
| FRONT | 7.62 m |
| SIDE (INT.) NORTH | 1.84 m |
| SIDE (INT.) SOUTH | 1.83 m |
| REAR | 13.82 m |
| BUILDING HEIGHT | 10.11 m |

| SETBACKS (M.) | PROPOSED |
|---------------------|----------|
| FRONT | 7.62 m |
| SIDE (INT.) NORTH | 1.84 m |
| SIDE (INT.) SOUTH | 1.83 m |
| REAR | 13.82 m |
| BUILDING HEIGHT | 10.11 m |

| MARK | DATE | DESCRIPTION | |
|------|------------|---|--|
| 1. | 16 02 2022 | ISSUED FOR ZONING REVIEW | |
| 2. | 20 03 2022 | <ul style="list-style-type: none"> LOT FRONTAGE DRIVEWAY SETBACK FRONT STEP ENCROACHMENT BUILDING DEPTH | |

| | | | |
|---|----------------------|--|--|
| DESIGN The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer. Qualification Information Required unless design is exempted under Division C-3.2.5.1. of the 2006 Ontario Building Code | | PROJECT : No. 26 HONEYBOURNE CRESCENT CITY OF MARKHAM 2 STOREY DWELLING | |
| Zoran Paar  | 24546 BCIN / BCQN | DRW : SITE PLAN | |
| Registration Information Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code PAAR Architecture and Interior Design Inc.  | | 31765 BCIN / BCQN | |
| Firm Name | | | |

| | | | |
|---|---|--------------------------|--------------------|
|  <p>www.paardesign.com</p> | <p>PAAR DESIGN INC.</p> <p>22 BLUE FOREST DR. TORONTO ON M3H 4W2</p> <p>p: 416 630 2106 www.paardesign.com info.paardesign.com</p> | <p>scale 1/16"=1'-0"</p> | <p>A0.1</p> |
|---|---|--------------------------|--------------------|

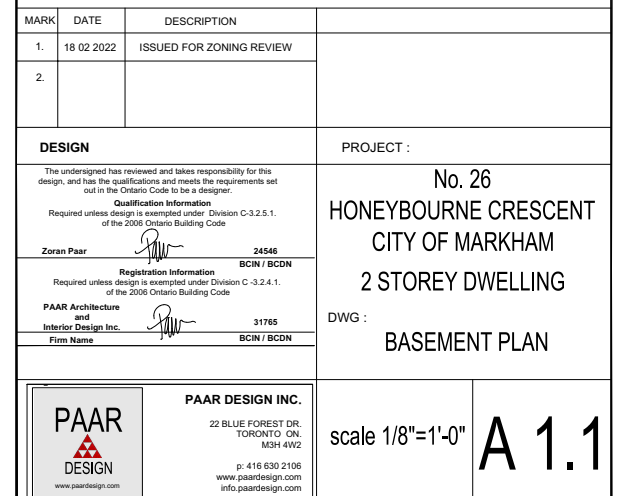
scale 1/16"=1'-0" **A0.1**

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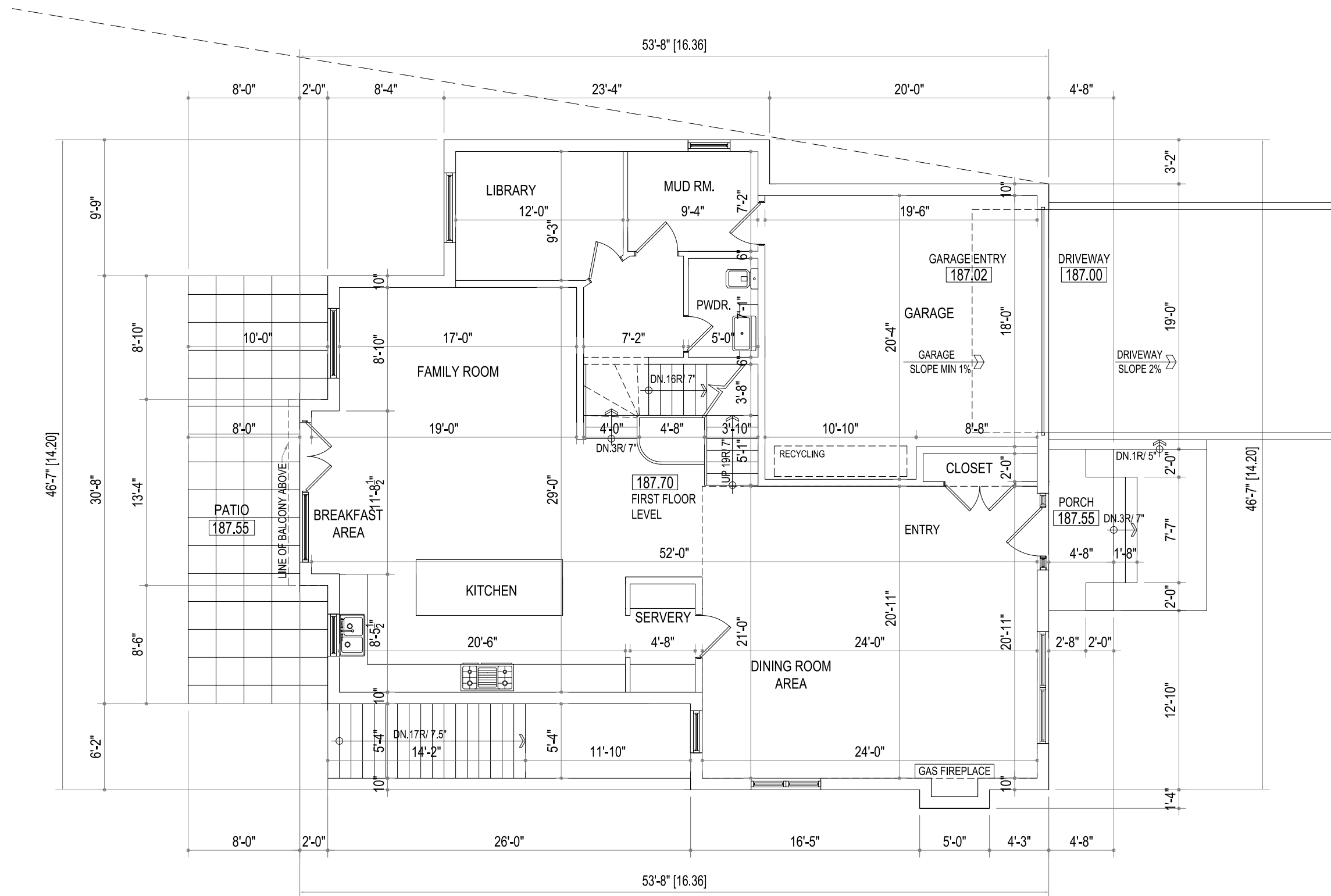
Date: 07/14/22
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Appendix B

File: 22.116530.000.00.MNV

Date: 07/14/22
MM/DD/YY

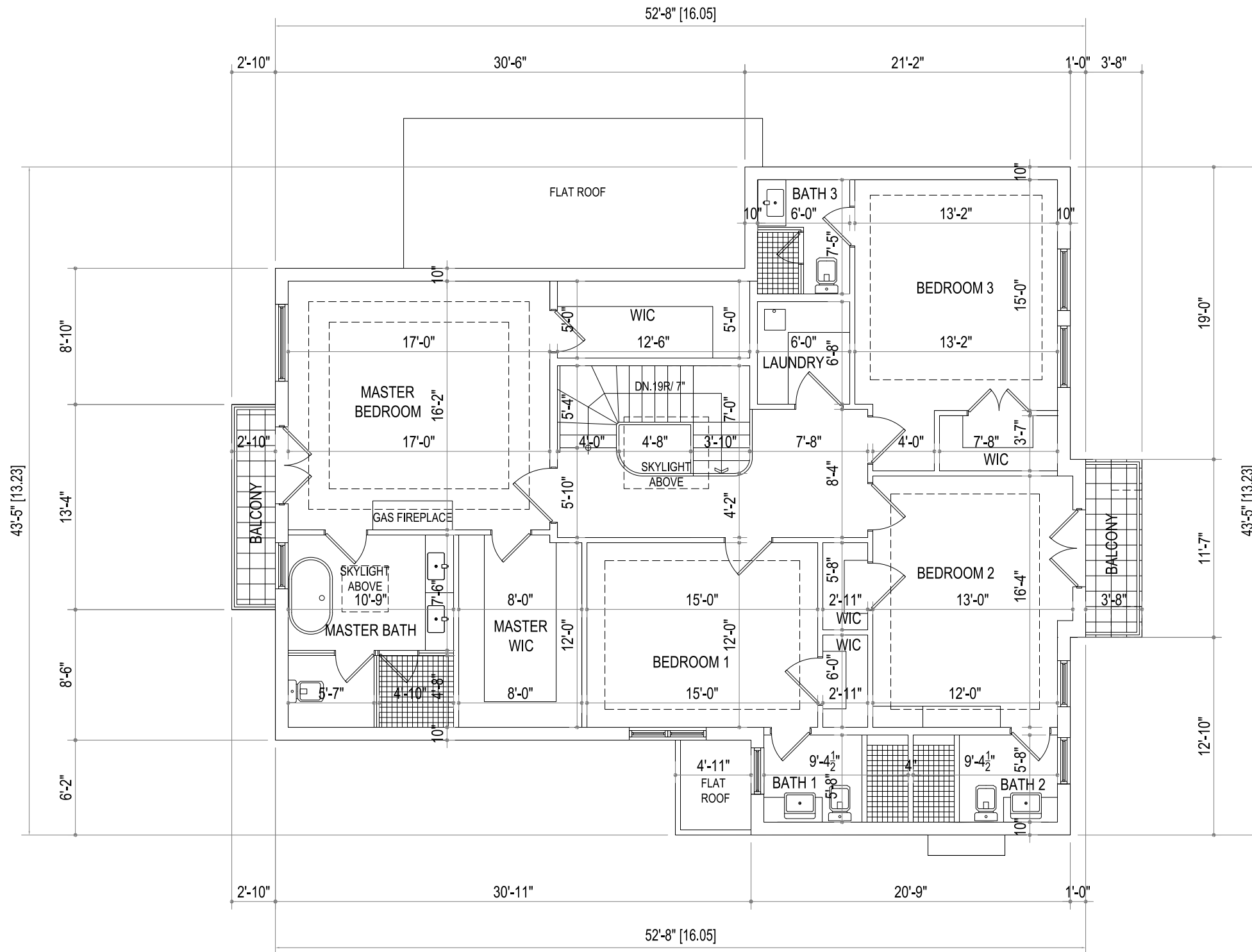


| MARK | DATE | DESCRIPTION | | |
|---|------------|--------------------------|--|--|
| 1. | 18 02 2022 | ISSUED FOR ZONING REVIEW | | |
| 2. | | | | |
| DESIGN <small>The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Code to be a designer. Qualification Information Required unless design is exempted under Division C-3.2.5.1. of the 2006 Ontario Building Code</small> | | | PROJECT : No. 26 HONEYBOURNE CRESCENT CITY OF MARKHAM 2 STOREY DWELLING | |
| <small>Registration Information Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code</small> Zoran Paar 24546 BCIN / BCDN PAAR Architecture and Interior Design Inc. 31765 BCIN / BCDN Firm Name | | | DWG : FIRST FLOOR PLAN | |
| www.paardesign.com | | | scale 1/8"=1'-0" A 1.2 | |

Appendix B

File: 22.116530.000.00.MNV

Date: 07/14/22
MM/DD/YY

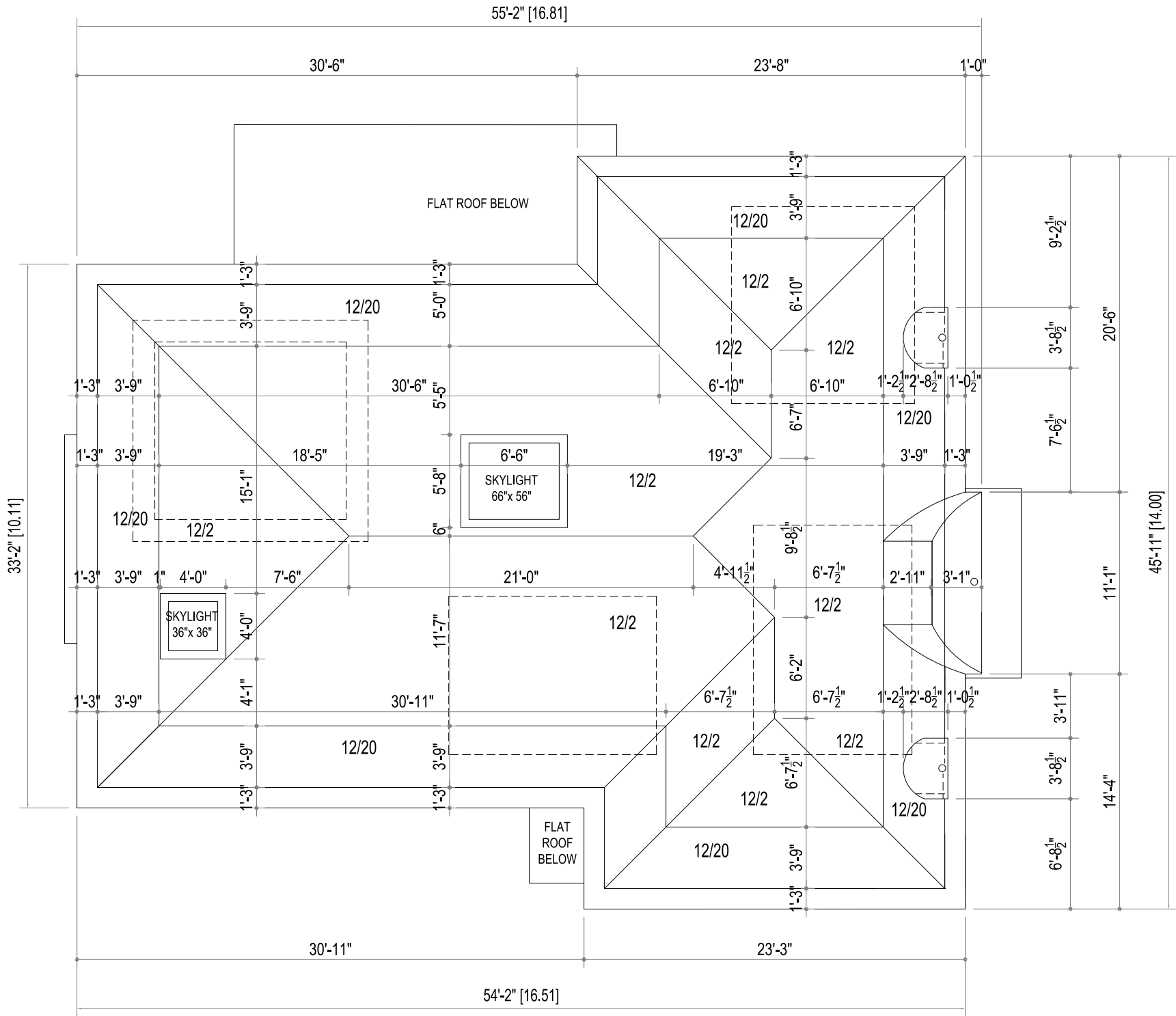


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| <small>Zoran Paar</small> <small>Registration Information Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code</small> <small>PAAR Architecture and Interior Design Inc.</small> <small>Firm Name</small> | | | <small>24546</small> BCIN / BCDN <small>31765</small> BCIN / BCDN | |
| <small>www.paardesign.com</small> | | | <small>PAAR DESIGN INC.</small> 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p: 416 630 2106 www.paardesign.com info.paardesign.com | |
| | | | scale 1/8"=1'-0" | A 1.3 |

Appendix B

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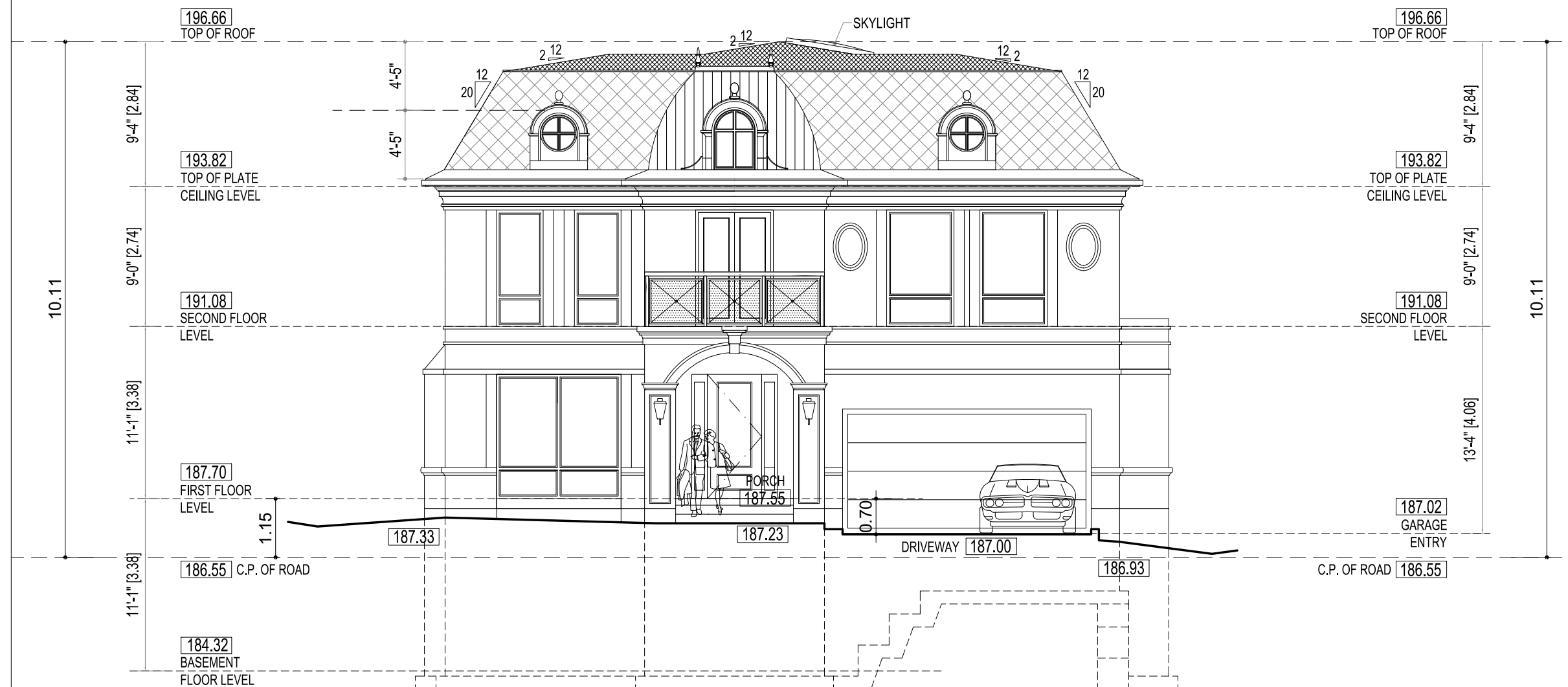
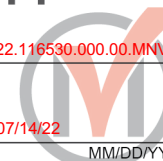


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| 1. | 18 02 2022 | ISSUED FOR ZONING REVIEW | | |
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| DESIGN | | | PROJECT : | |
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| Zoran Paar Registration Information Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code | | | DWG : | |
| PAAR Architecture and Interior Design Inc. Firm Name | | | ROOF PLAN | |
| PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 630 2106 www.paardesign.com info.paardesign.com | | | scale 1/8"=1'-0" | A 1.4 |

Appendix B

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MM/DD/YY

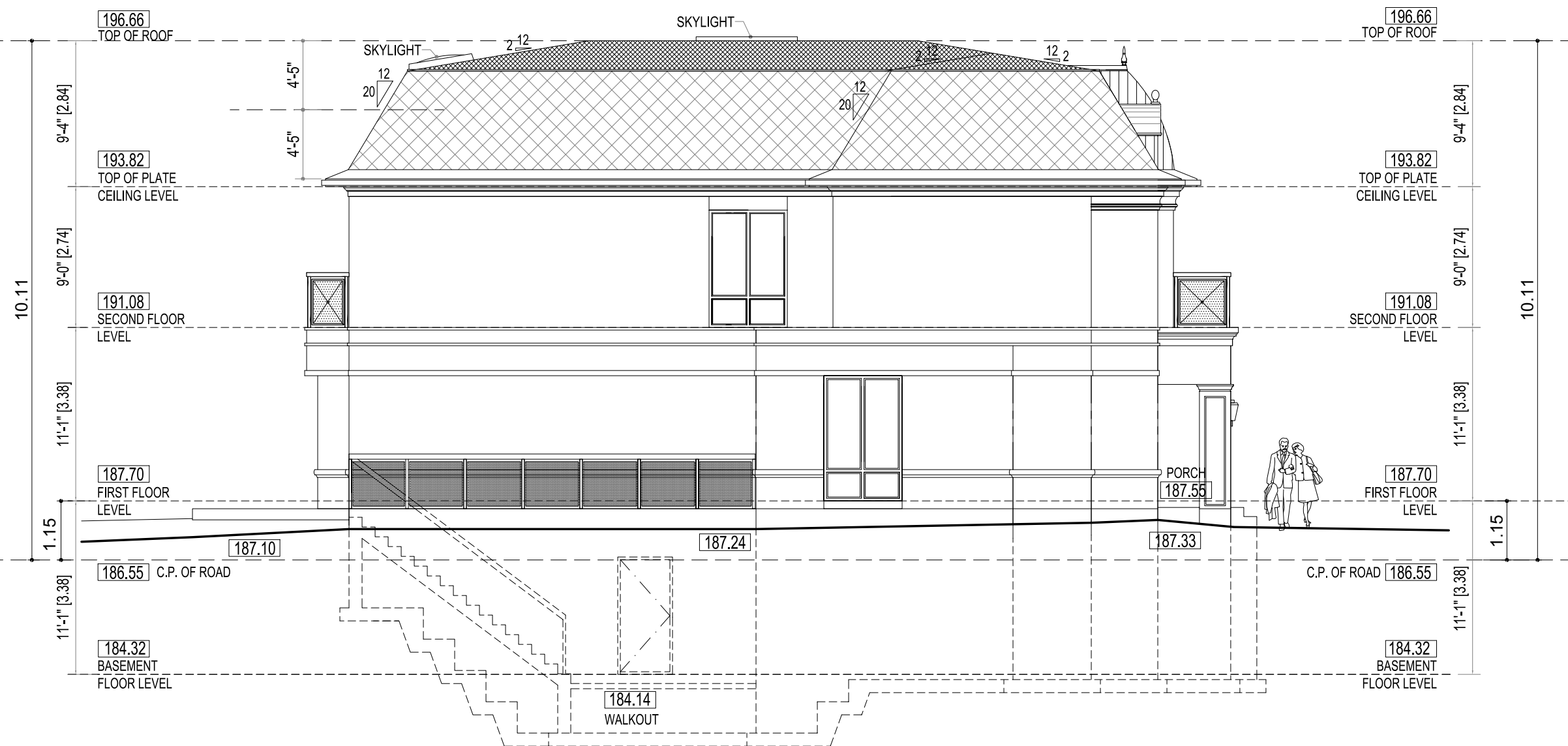


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| <small>Registration Information Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code</small> Zoran Paar 24546 BCIN / BCDN PAAR Architecture and Interior Design Inc. 31765 BCIN / BCDN Firm Name | | | DWG : FRONT/ EAST ELEVATION | |
| PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 630 2106 www.paardesign.com info.paardesign.com | | | scale 1/8"=1'-0" | A 2.1 |

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| PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 630 2106 www.paardesign.com info.paardesign.com | | | scale 1/8"=1'-0" | A 2.2 |

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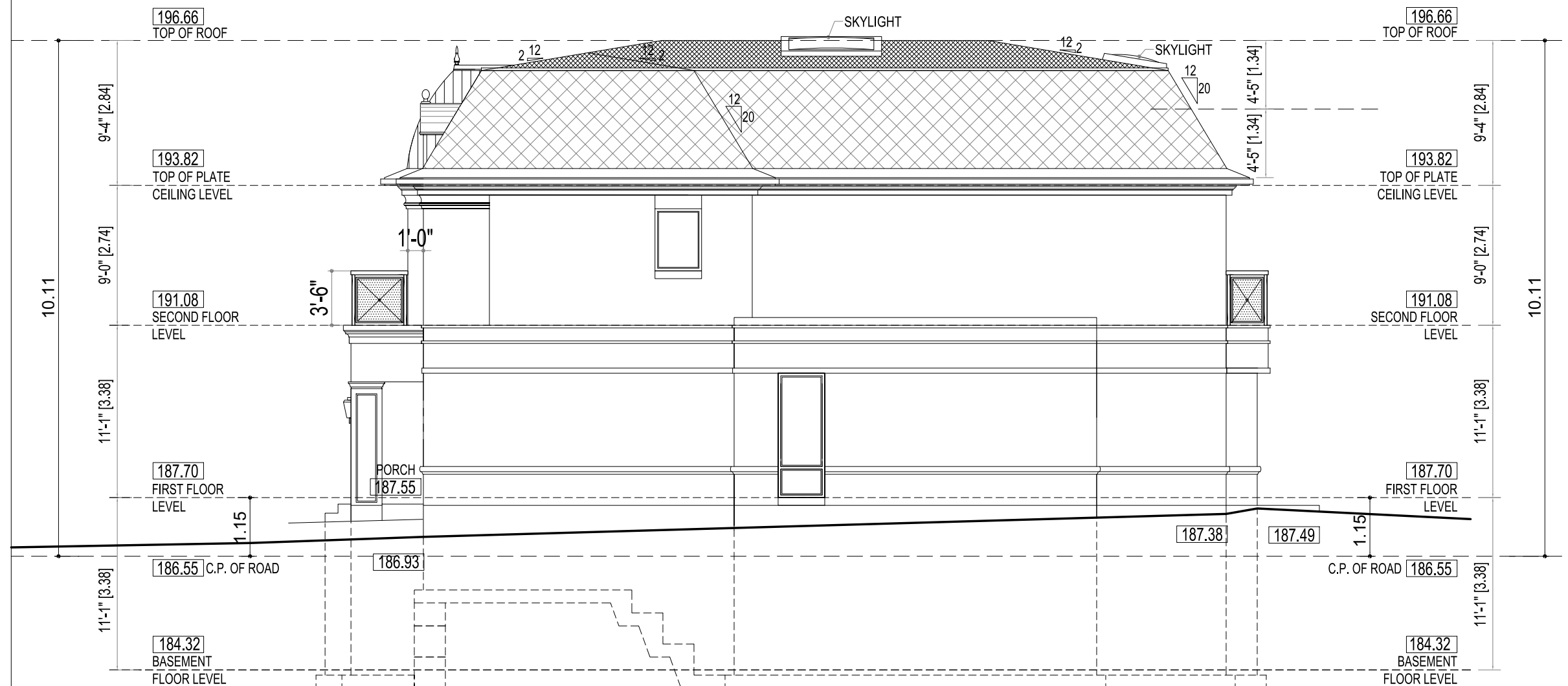



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|  PAAR DESIGN INC. 22 BLUE FOREST DR. TORONTO ON. M3H 4W2 p. 416 630 2106 www.paardesign.com info.paardesign.com | | | scale 1/8"=1'-0" | A 2.3 |

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| <small>Zoran Paar</small> <small>Registration Information</small> <small>Required unless design is exempted under Division C-3.2.4.1. of the 2006 Ontario Building Code</small> | | | No. 26 HONEYBOURNE CRESCENT CITY OF MARKHAM 2 STOREY DWELLING | |
| <small>PAAR Architecture and Interior Design Inc.</small> <small>Firm Name</small> | | | DWG : SIDE/ NORTH ELEVATION | |
|  <small>PAAR DESIGN INC.</small> <small>22 BLUE FOREST DR.</small> <small>TORONTO ON.</small> <small>M3H 4W2</small> <small>p. 416 630 2106</small> <small>www.paardesign.com</small> <small>info.paardesign.com</small> | | | scale 1/8"=1'-0" | A 2.4 |

SURVEYOR'S REAL PROPERTY
PART 1 – PLAN OF SURVEY AND
PLAN OF TOPOGRAPHY OF

LOT 104 REGISTERED PLAN 4949 CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK

SCALE 1:200

10m 5 0 10 METRES

THAM SURVEYING LIMITED, O.L.S. ©

METRICDISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048**PART 2 (SURVEY REPORT)**

1. REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: PART OF LOT 104, REGISTERED PLAN 4949, SUBJECT TO AN EASEMENT AS SET OUT IN INSTRUMENT No. VM6689.
2. THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.
3. THIS PLAN SHOULD BE READ IN CONJUNCTION WITH A SURVEY REPORT DATED AUGUST 16th, 2021.

THIS REPORT WAS PREPARED FOR SHAMAILA NAWAZ KHAN
AND ALI MIAN AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY
FOR ITS USE BY OTHER PARTIES.

LEGEND

- DENOTES MONUMENT FOUND
- IP DENOTES IRON PIPE
- ORP DENOTES OBSERVED REFERENCE POINTS
- PL DENOTES REGISTERED PLAN 4949
- PL1 DENOTES PLAN OF SURVEY SHOWING LOCATION OF BUILDINGS BY JAMES H. BURD, O.L.S., DATED JUNE 3rd, 1959 (PROJECT No. 58-107).
- PL2 DENOTES SKETCH OF SURVEY BY W. S. GIBSON & SONS, O.L.S., DATED MAY 12th, 1958 (REFERENCE No. 35, 4949.Y.)
- D DENOTES INSTRUMENT No. VM6689
- D1 DENOTES INSTRUMENT No. VM8997
- (WSG&S) DENOTES W. S. GIBSON & SONS, O.L.S.
- NAD DENOTES NORTH AMERICAN DATUM
- CSRS DENOTES CANADIAN SPATIAL REFERENCE SYSTEM
- UTM DENOTES UNIVERSAL TRANSVERSE MERCATOR
- MEAS DENOTES MEASURED
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- FS DENOTES FINISHED SILL ELEVATION AT ENTRANCE
- TOB DENOTES TOP OF BANK
- BF DENOTES BOARD FENCE
- OHW DENOTES OVERHEAD WIRE
- CVT DENOTES CULVERT CENTRELINE (TOP OF OPENING)
- CVZ DENOTES CULVERT INVERT ELEVATION
- CTO.15# DENOTES CONIFEROUS TREE AND DIAMETER
- CTO.10# DENOTES DECIDUOUS TREE AND DIAMETER
- MHW DENOTES MAINTENANCE HOLE WATER
- MH DENOTES MAINTENANCE HOLE
- MHSTM DENOTES MAINTENANCE HOLE STORM
- EBX DENOTES ELECTRICAL BOX
- UPLS DENOTES UTILITY POLE WITH LIGHT STANDARD
- UP DENOTES UTILITY POLE
- GW DENOTES GUY WIRE
- X DENOTES FENCE
- W DENOTES OVERHEAD WIRE

BENCHMARK NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK No. M-33-023, HAVING AN ELEVATION OF 188.836 METRES. BRASS TABLET SET IN WEST WALL OF JAMES ROBINSON PUBLIC SCHOOL AT SOUTHWEST CORNER. TABLET IS 24.24 METRES EAST OF THE CENTRELINE OF GALSORTHY DRIVE, 45.3 METRES NORTH OF THE CENTRELINE OF ROBINSON STREET, 2.3 METRES NORTH OF THE SOUTHWEST CORNER OF SCHOOL BUILDING, 0.8 METRES BELOW BRICK AND 0.74 METRES ABOVE GRADE.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 13th DAY OF AUGUST, 2021

AUGUST 16th, 2021
DATET. SHAMAILA NAWAZ KHAN
ONTARIO LAND SURVEYOR

THAM SURVEYING LIMITED
ONTARIO LAND SURVEYORS
www.thamsurvey.ca

8888 KEELE STREET, UNIT 7 PHONE: 905-761-6521 FAX: 905-761-6523
VAUGHAN, ONTARIO, L4K 2N2 1-855-761-6521

DRAWN BY: M.N. CHECKED BY: TH.S. CAD NUMBER: 21-123SRPR-TP JOB NUMBER: 21-123

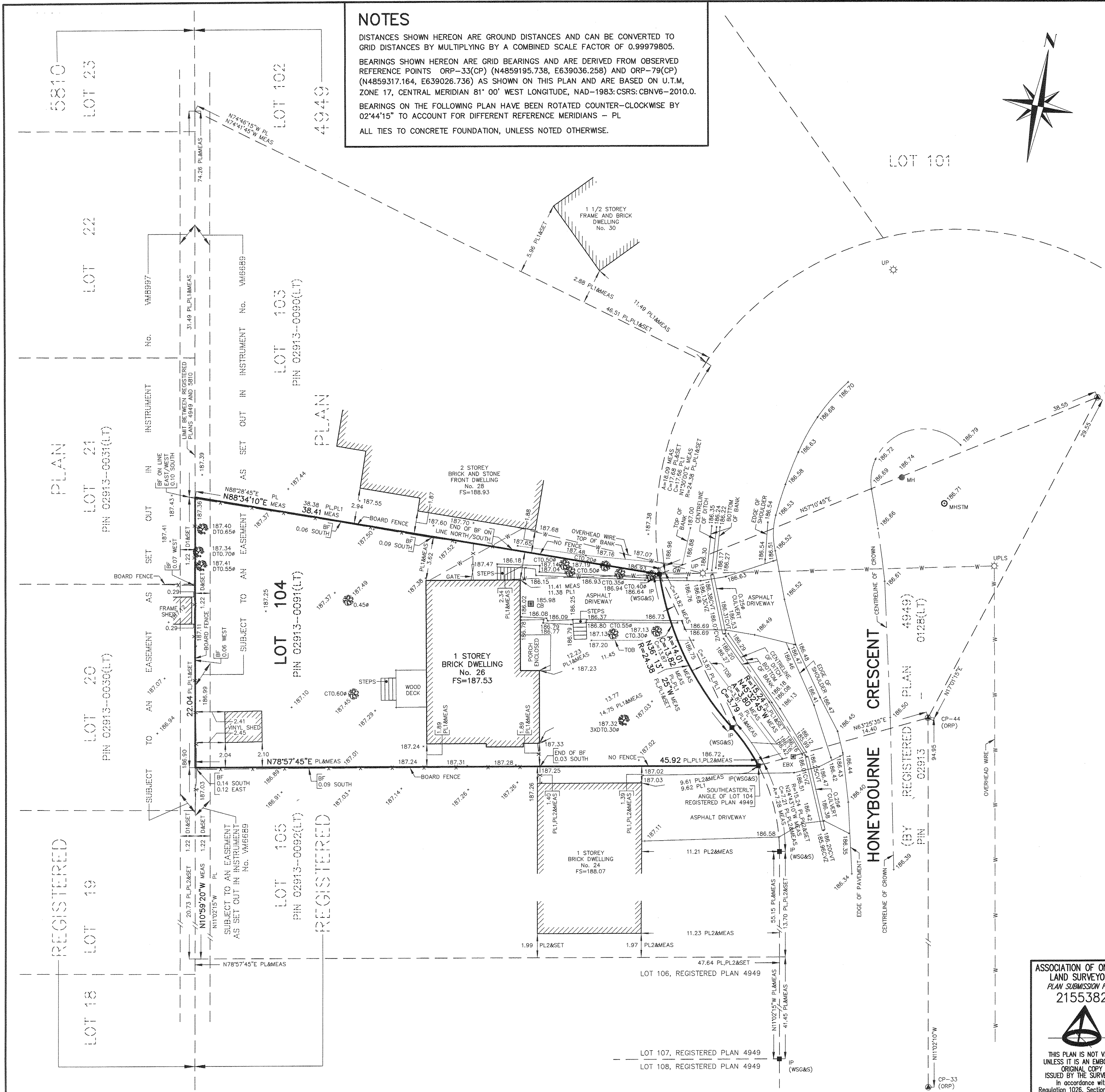
NOTES

DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99979805.

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE POINTS ORP-33(CP) (N4859195.738, E639036.258) AND ORP-79(CP) (N4859317.164, E639026.736) AS SHOWN ON THIS PLAN AND ARE BASED ON U.T.M., ZONE 17, CENTRAL MERIDIAN 81° 00' WEST LONGITUDE, NAD-1983:CSRS:CBNV6-2010.0.

BEARINGS ON THE FOLLOWING PLAN HAVE BEEN ROTATED COUNTER-CLOCKWISE BY 02°44'15" TO ACCOUNT FOR DIFFERENT REFERENCE MERIDIANS - PL

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.



ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2155382



THIS PLAN IS NOT VALID
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In accordance with
Regulation 1026, Section 29(3).

LOT 106, REGISTERED PLAN 4949

LOT 107, REGISTERED PLAN 4949

LOT 108, REGISTERED PLAN 4949