

# Memorandum to the City of Markham Committee of Adjustment

March 18, 2019

**File:** A/17/19  
**Address:** 28 Honeybourne Cres, Markham  
**Applicant:** 2453999 Ontario Inc (Spartan Luxury Homes Inc.)  
**Agent:** Tai Architect Inc (Ken Tai)  
**Hearing Date:** Wednesday March 27, 2019

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(i):**  
a maximum building height of 10.68 metres, whereas the By-law permits a maximum building height of 9.8 metres;
- b) **Infill By-law 99-90, Section 1.2(vi):**  
a maximum Floor Area Ratio of 49.8 percent, whereas the By-law permits a maximum Floor Area Ratio of 45 percent;

as they relate to a proposed residential dwelling.

## BACKGROUND

### Property Description

The 974.62 m<sup>2</sup> (10,490.75 ft<sup>2</sup>) subject property is located on the west side of Honeybourne Crescent, north of Highway 7 and west of Main Street Markham north. There is an existing one-storey detached 132.7 m<sup>2</sup> (1,428 ft<sup>2</sup>) dwelling located on the property, which according to assessment records was constructed in 1958. Mature vegetation exists across the rear of the property.

### Proposal

The applicant is proposing to construct a new two-storey detached dwelling with an attached garage with a room above and, a rear uncovered deck.

### 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 R1 – "Residential" under By-law 1229, as amended, which permits a single detached 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 Height and maximum Floor Area Ratio.

### **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, *"Due to the Max. Building Height is measured from the crown of the street to the highest point of the roof, the rear portion of the building roof is exceeded the permitted height. The crown of the street is almost 1m lower than the average grade of the building. We would like to ask the Max Building Height of 10.68 m to keep the proportion of the building. The Proposed Total GFA (including garage) is 4,258 sqft (Net Lot Area x 49.80%) which exceeds the permitted total GFA (including garage) 3,845 sqft (Net Lot Area x 45%) by 413 sqft (38.37sq.m.)"*.

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

The owner has completed a Zoning Preliminary Review (ZPR) on February 25, 2019, to confirm the variances required for the proposed development.

### **COMMENTS**

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

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

The applicant is requesting relief to permit a floor area ratio of 49.8 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 395.57 m<sup>2</sup> (4,258 ft<sup>2</sup>), whereas the By-law permits a dwelling with a maximum floor area of 357.44 m<sup>2</sup> (3,847.50 ft<sup>2</sup>). This represents an increase of approximately 38.13 m<sup>2</sup> (410.43 ft<sup>2</sup>).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area. While the proposed dwelling is larger than existing dwellings originally developed in the 1950s, it will maintain all setbacks, exceeding the required rear yard setback. The proposed dwelling will also be well under the permitted lot coverage of 35 percent with a proposal of approximately 23.46 percent. Staff are of the opinion that the proposed floor area ratio is minor in nature and, will not result in demonstrable adverse impacts on neighbouring homes or the character of the street.

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

The applicant is requesting relief to permit a maximum building height of 10.68 m (35.04 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of 0.88 m (2.89 ft).

The height is in part attributable to the fact that the grade height of the centreline (crown) of the street is lower than the proposed average grade of the property. The proposed dwelling will be taller than many of the existing one-storey detached homes on the street. However, the variance applies largely to the rear portion of the house while the front portion of the proposed dwelling is under the permitted max building height. Given this, Staff are of the opinion that the proposed building height is minor in nature and in keeping with the general intent of the zoning by-law.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of March 18, 2019. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

**CONCLUSION**

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the Planning Act. 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:


  
\_\_\_\_\_  
Stacia Muradali, Senior Planner, East District  
File Path: Amanda\File\ 19 113377 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/17/19**

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on *February 27, 2019*, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. that the 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. 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;
5. 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:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

**BENCHMARK NOTE**

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE CITY OF MARKHAM BENCHMARK HM-M-33-023 HAVING AN ELEVATION OF 186.86 M. BRASS TABLE SET IN WEST WALL OF JAMES ROBINSON PUBLIC SCHOOL AT SOUTHWEST CORNER. TABLE IS 24.2 M EAST OF THE CENTRELINE OF GALSORTHY DRIVE, 45.3 M NORTH OF THE CENTRELINE OF ROBINSON STREET, 3.3 M NORTH OF THE SOUTHWEST CORNER OF SCHOOL BUILDING, 0.8 M BELOW BRICK AND 0.74 M ABOVE GRADE.

**SURVEYOR'S REAL PROPERTY REPORT**

PART 1 - PLAN OF  
**LOT 103**  
**REGISTERED PLAN 4949**  
**CITY OF MARKHAM**  
**REGIONAL MUNICIPALITY OF YORK**

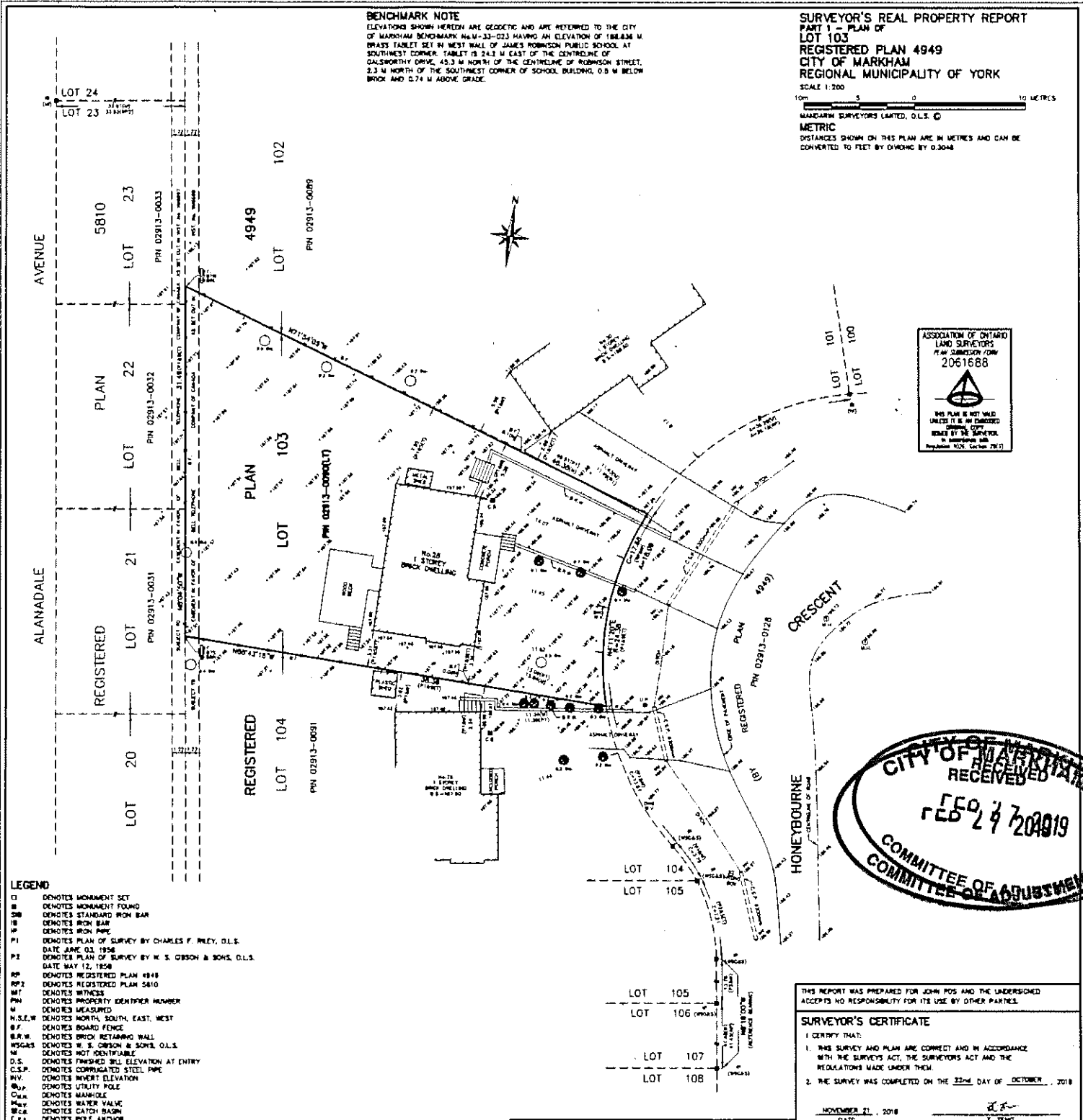
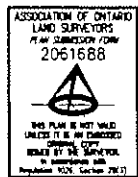
SCALE 1:200



MANDARIN SURVEYORS LIMITED, O.L.S. ©

**METRIC**

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

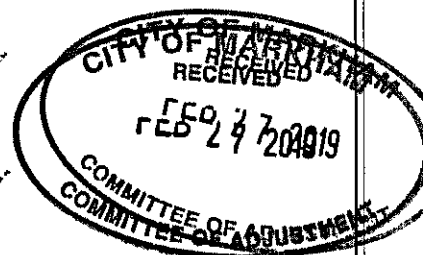


- LEGEND**
- DENOTES MONUMENT SET
  - DENOTES MONUMENT FOUND
  - ▣ DENOTES STANDARD IRON BAR
  - ▤ DENOTES IRON BAR
  - ▥ DENOTES IRON PIPE
  - PLAN DENOTES PLAN OF SURVEY BY CHARLES F. RILEY, O.L.S. DATE JAN. 03, 1956
  - PLAN DENOTES PLAN OF SURVEY BY W. S. ORSON & SONS, O.L.S. DATE MAY 12, 1956
  - RP DENOTES REGISTERED PLAN 4949
  - RP2 DENOTES REGISTERED PLAN 5810
  - WT DENOTES WITNESS
  - PI DENOTES PROPERTY IDENTIFIER NUMBER
  - M DENOTES MEASURED
  - N, S, E, W DENOTES NORTH, SOUTH, EAST, WEST
  - BR DENOTES BRICK BOARD FENCE
  - B.R.W. DENOTES BRICK RETAINING WALL
  - W.S.C.S. DENOTES W. S. ORSON & SONS, O.L.S.
  - NI DENOTES NOT IDENTIFIABLE
  - D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
  - C.S.P. DENOTES CORRUGATED STEEL PIPE
  - INV. DENOTES INVERT ELEVATION
  - U.P. DENOTES UTILITY POLE
  - M.H. DENOTES MANHOLE
  - W.V. DENOTES WATER VALVE
  - C.B. DENOTES CATCH BASIN
  - P.A. DENOTES PILE ANCHOR
  - DENOTES CONIFEROUS TREE
  - DENOTES DECIDUOUS TREE

ALL TIES TO CONCRETE FOUNDATION, UNLESS NOTED OTHERWISE.  
 BEARINGS SHOWN HEREON ARE ASTROMETRIC AND ARE REFERRED TO THE MASTERY OF HONEYBOURNE CRESCENT AS SHOWN ON REGISTERED PLAN 4948 HAVING A BEARING OF N8°18'00"

**PART 2 (SURVEY REPORT)**

- REGISTERED EASEMENTS AND/OR RIGHT OF WAYS, SUBJECT TO AN EASEMENT IN FAVOR OF BELL CANADA AS IN WEST 146 NUMBER.
- ADDITIONAL COMMENTS: NOTE THE LOCATION OF THE FENCES AROUND THE NORTHERLY, SOUTHERLY AND WESTERLY LIMITS OF THE SUBJECT PROPERTY.
- THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.



THIS REPORT WAS PREPARED FOR JOHN POS AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 22nd DAY OF OCTOBER, 2018

NOVEMBER 21, 2018 DATE  
 T. ZENG ONTARIO LAND SURVEYOR

**MANDARIN SURVEYORS LIMITED**  
 ONTARIO LAND SURVEYOR CANADA LANDS SURVEYOR  
 WWW.MANDARINSURVEYOR.COM  
 2400 MIDLAND AVE., #211 PHONE: (847)430-1346 FAX: (847)788-4088  
 SCARBOROUGH, ONTARIO, M1S 1T7 E-MAIL: MANDARINSURVEYOR@GMAIL.COM  
 SURVEY BY: E.Z. 1240 14th 13-21459776 JAN 04 2008-214

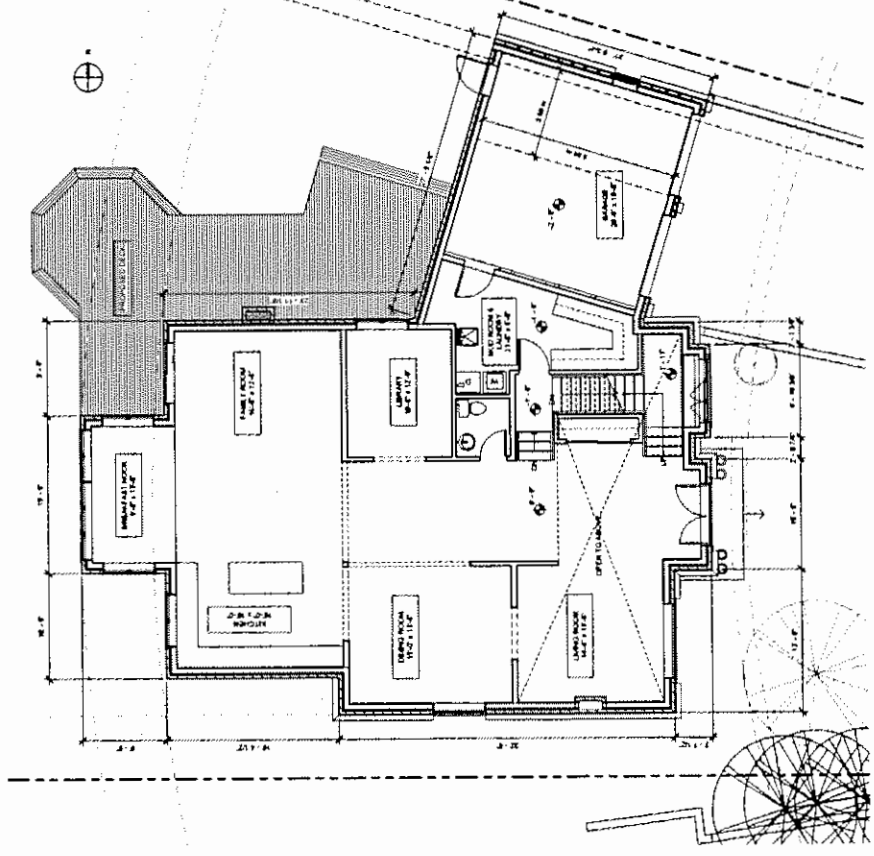
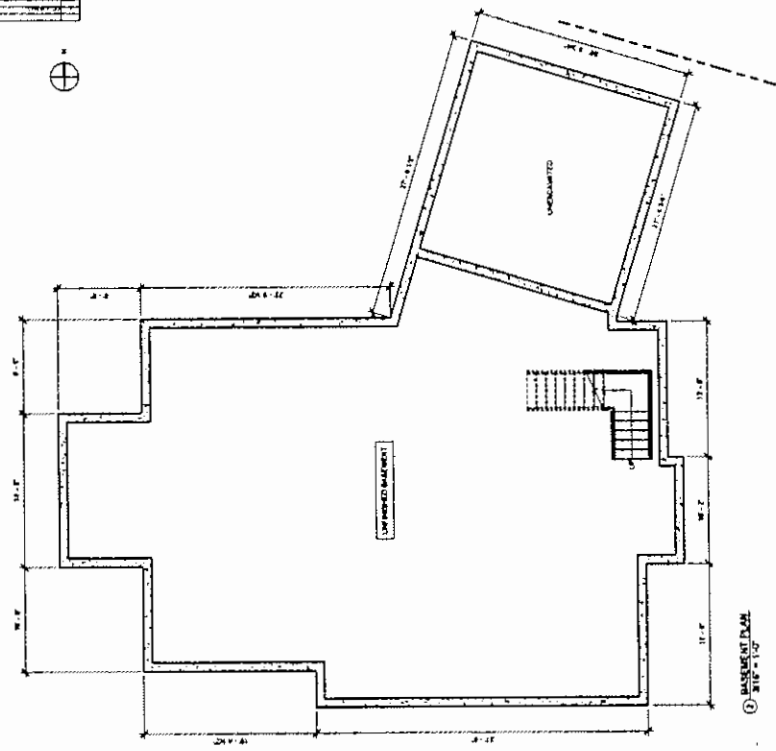


NEW 2-STORY DETACHED HOUSE  
 MARKHAM, ON  
**28 HONEYBOURNE**

FOR ALLIED  
 7

ZONING  
 REVIEW

CONTRACTOR'S SEAL	
DATE	BY
PROJECT NO.	DATE
PROJECT NAME	SCALE
FLOOR PLANS	
<b>A1.1</b>	



**CITY OF MARKHAM**  
 RECEIVED  
**1<sup>ST</sup> 27 2019**  
 COMMITTEE OF ADJUSTMENT

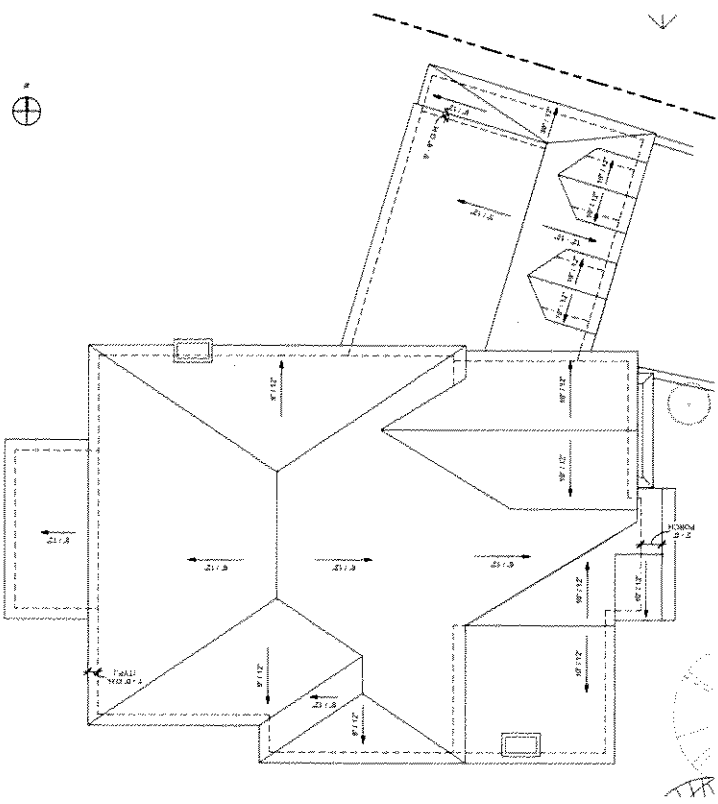
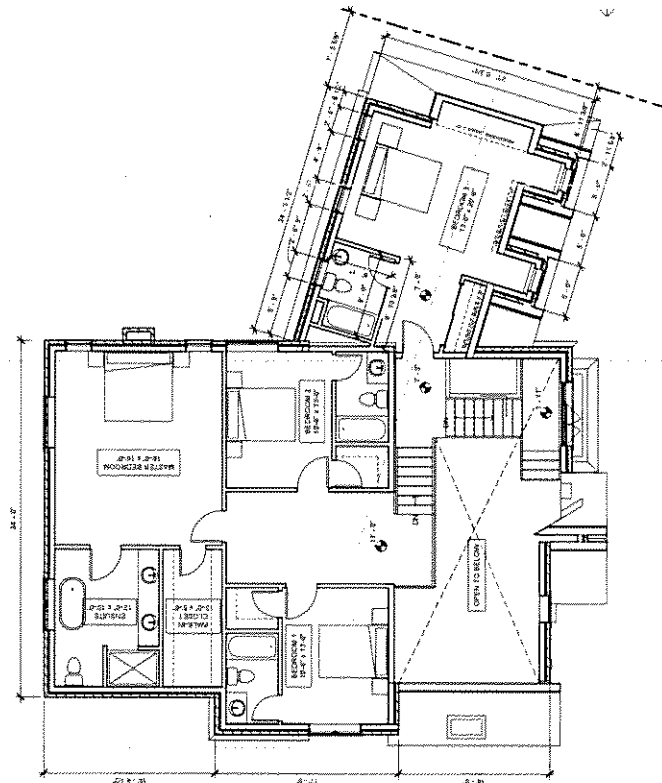
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BY	11/11/19
SCALE	1/8" = 1'-0"
PROJECT	28 HONEYBOURNE
CLIENT	MARKHAM ON

ZONING REVIEW



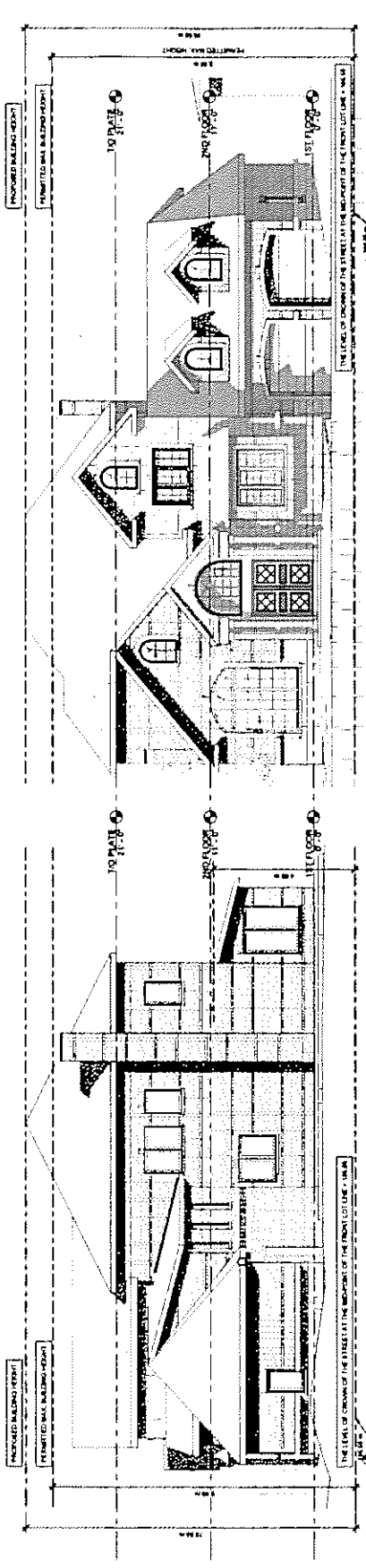
28 HONEYBOURNE  
NEW 2-STORY DETACHED HOUSE  
MARKHAM ON

NO.	DESCRIPTION	DATE	BY

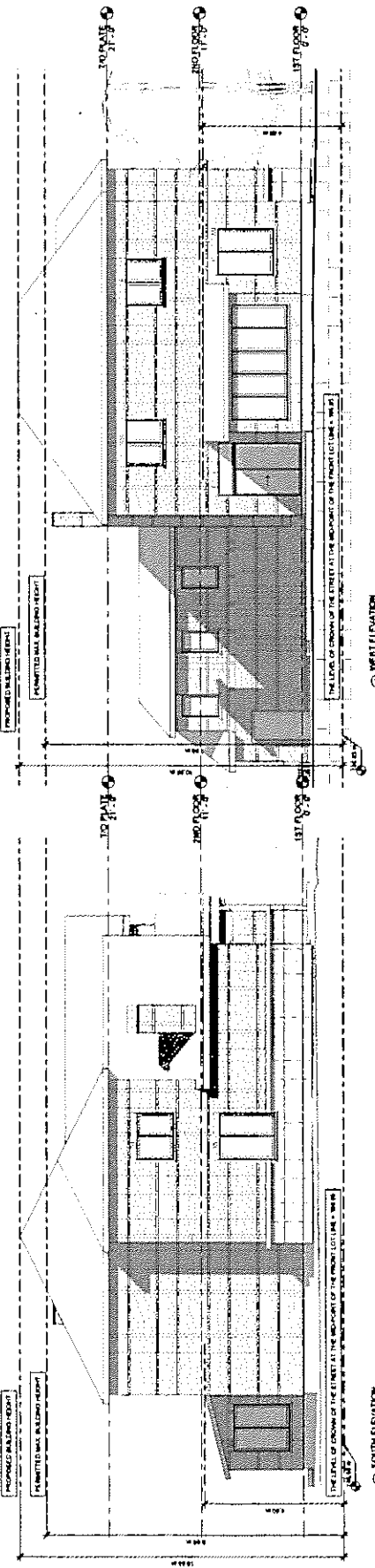


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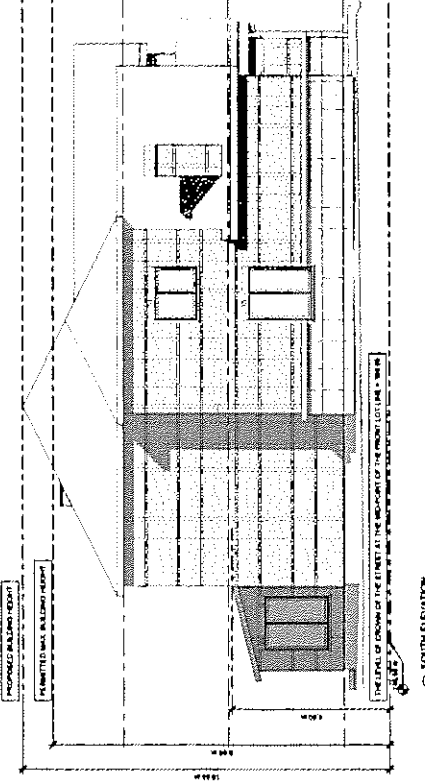
NO.	DESCRIPTION	DATE



① EAST ELEVATION (FRONT)  
 3/16" = 1'-0"



② WEST ELEVATION  
 3/16" = 1'-0"



③ SOUTH ELEVATION  
 3/16" = 1'-0"

SK-1

DATE: 01/11/11

PROJECT: 28 HONEYBOURNE

CLIENT: [REDACTED]

CONTRACT NO: [REDACTED]

SCALE: 1/4" = 1'-0"

DATE: 01/11/11

BY: [REDACTED]

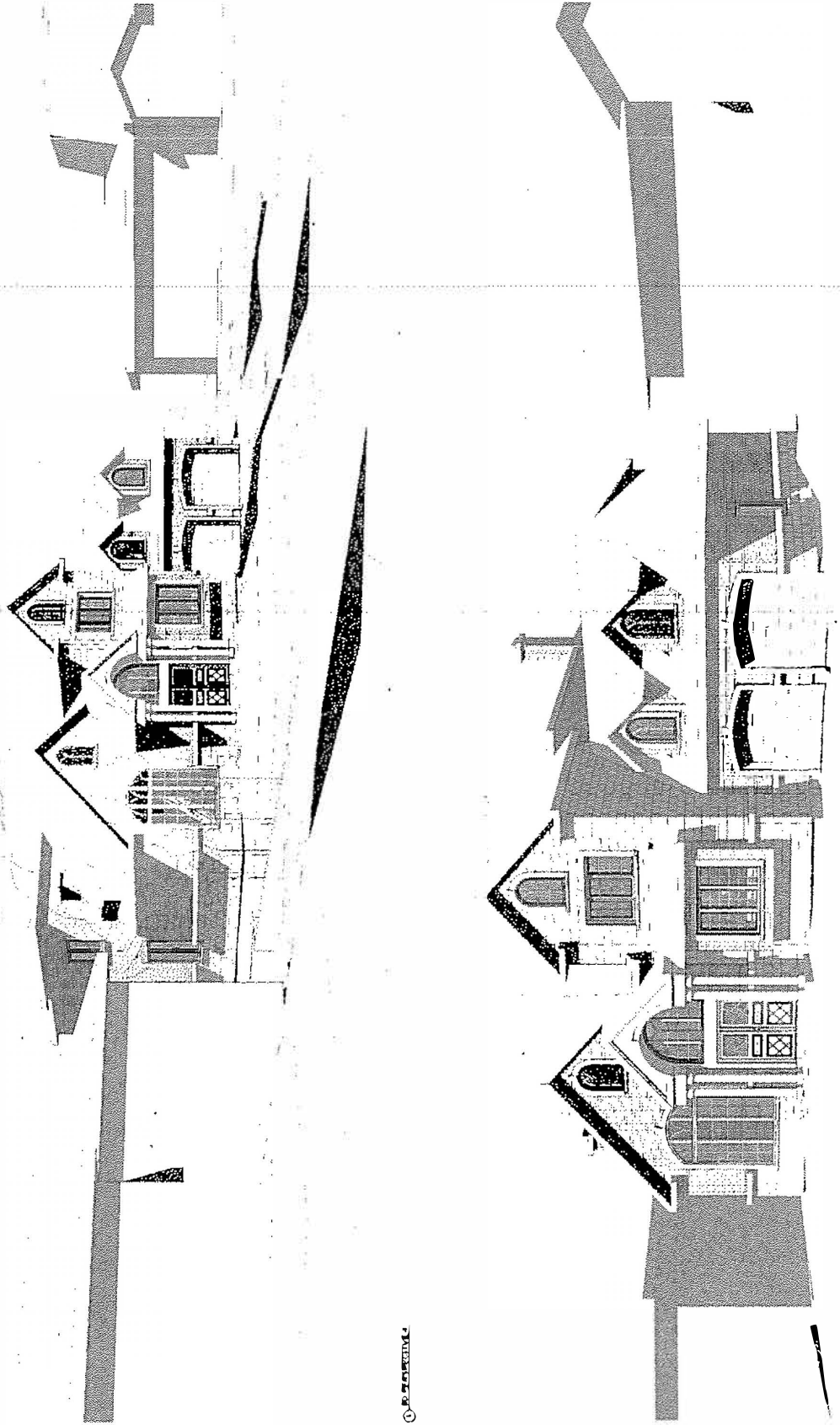
CHECKED: [REDACTED]

DATE: 01/11/11

ZONING REVIEW



MARKHAM, ON  
NEW 2-STORY DETACHED HOUSE  
28 HONEYBOURNE



① EAST PERSPECTIVE

② SOUTH PERSPECTIVE

NO.	DESCRIPTION	DATE