

Memorandum to the City of Markham Committee of Adjustment
May 1, 2024

File: A/029/24
Address: 142 White's Hill Avenue, Markham
Agent: Vin Engineering Inc
Hearing Date: Wednesday, May 15, 2024

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

The Applicant is requesting relief from the following Residential Three – Exception 5 (R3*5) zone requirements of By-law 177-96, as amended, as they relate to a proposed coach house dwelling unit above a detached garage. The requested variances are to permit:

- a) **By-Law 28-98, Section 3, Table A:**
two (2) parking spaces, whereas the by-law requires three (3) parking spaces;
- b) **By-Law 177-96, Section 6.3.1.6:**
a detached private garage with a height of 6.34 metres, whereas the by-law permits a maximum height of 4.5 metres; and
- c) **By-Law 177-96, Section 6.6.2.1 (a)(ii):**
a porch encroachment of 3.1 metres into the rear yard setback, whereas the by-law permits a maximum encroachment of 3 metres.

BACKGROUND

Property Description

The 247.71 m² (2,663.74 ft²) Subject Lands are located on the north side of White's Hill Avenue, east of Walkerville Road, and west of Bur Oak Avenue (refer to Appendix "A" – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of two-storey detached dwellings and row townhouses. The community is lane-based, in which motor vehicle access and parking is provided on rear public rear lanes detached garages or parking pads. There is an existing two-storey semi-detached dwelling on the Subject Lands which, according to assessment records, was constructed in 2008. There is also an existing two-car garage, detached from the principle dwelling but attached to the abutting garage at 144 White's Hill Avenue.

Proposal

The Applicant is proposing to construct a new coach house dwelling unit above an existing detached garage with a gross floor area of 47.53 m² (511.61 ft²), as shown in Appendix "B".

Provincial Policies

More Homes, More Choice Act, 2019

The *More Homes, More Choice Act, 2019, S.O. 2019, c. 9* – (Bill 108), received Royal Assent on June 6, 2019 and portions were proclaimed on September 3, 2019. The proclaimed portions of Bill 108 amended the *Planning Act, R.S.O. 1990, c. P.13, as amended*, to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse (townhouse) dwellings, as well as permitting a residential unit in ancillary structures to a detached, semi-detached, or rowhouse dwelling. Under this legislation, “second suites” or “secondary suites” are now referred to as “additional residential units”, and the terms are used synonymously in this memorandum.

Provincial Policy Statement, 2020

Section 1.4.3 of the *Provincial Policy Statement, 2020*, requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet the affordable housing needs of current and future residents. Amongst other means, this can be achieved by permitting and facilitating residential intensification, including additional residential units, and redevelopment by accommodating a significant supply and range of housing options through intensification and redevelopment while taking into account existing building stock.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan, 2019)

Section 2.1.4 (c) of the *Growth Plan, 2019* requires municipalities to provide a diverse range and mix of housing options including second units to support complete communities.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Subject Lands are designated “Residential Low Rise”, which permits low rise housing forms including semi-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.

Zoning By-Law 177-96, as amended

The Subject Lands are zoned R3*5 under By-law 177-96, as amended. The R3 zone permits a variety of low-rise housing types, including semi-detached dwellings. Exception 5 (Section 7.5 of the By-law) permits one accessory dwelling unit, providing it is not within the main dwelling (i.e. it is permitted above the detached garage). Section 6.3 of the By-law provides development standards for detached private garages accessed by lanes.

The By-law permits a maximum detached garage height of 8.0 metres (26.2 feet) on lots with a frontage of 9.75 metres (32 feet) or more, and a maximum of 4.5 metres (14.8 feet) on lots with a frontage less than 9.75 metres. Consequently, the Applicant has submitted a variance request to permit an increased height for

a detached private garage, which is required since the Subject Lands has a frontage of 7.39 metres.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a Zoning Preliminary Review (ZPR) on April 4, 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.

Reduced Parking Spaces

Parking Standards By-law 28-97 requires two parking spaces be provided for the principal dwelling unit, plus one additional space for an accessory dwelling unit or secondary suite. The existing two-car garage currently provide a total 2 parking spaces. There is insufficient room to accommodate a third parking space in conformity with the Zoning By-law on the Subject Lands.

Staff do not have concern with the requested variance to not require a parking space for the accessory unit. Staff note that any perceived parking concern for not requiring a third space may be “self-regulating”, as the unit would only be of interest to a tenant that does not require a parking space, in the event that both parking spaces are required for use by the owner of the dwelling. The Owner should be cognizant that overnight parking is not permitted on this street, and could be subject to by-law infractions for any illegal parking.

Increase in Maximum Building Height

The Applicant is requesting relief to permit a maximum building height of 6.34 metres (20.80 feet), whereas the By-law permits a maximum building height of 4.5 metres (14.76 feet). This is an increase of approximately 1.84 metres (6 feet). The increased building height is to accommodate the second story coach house addition above the existing detached two-car garage.

Staff are of the opinion that the requested variance is consistent with other coach house developments in the community. The development of an additional residential unit is considered desirable by Staff, and are consistent with sections 4.1.2.6 and 8.13.8 of the Official Plan. Staff are of the opinion that the proposed height increase will not result in a dwelling and garage/coach house that is incompatible or out of character with its surrounding context and have no concerns with the requested variance.

Increased Maximum Porch Encroachment Variance

The Applicant is requesting relief to permit a maximum porch encroachment of 3.1 metres, whereas the By-law permits a maximum porch encroachment of 3 metres in the required rear yard setback. This relates to a covered patio, which since covered and attached to the dwelling, is interpreted as a 'porch' by the Zoning Section of the Building Standards Department. Staff are of the opinion that the proposed porch encroachment will not impact abutting properties, and does not impact onsite private amenity space, and therefore have no concern with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 8, 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 request variances meet 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 Agent 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 "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



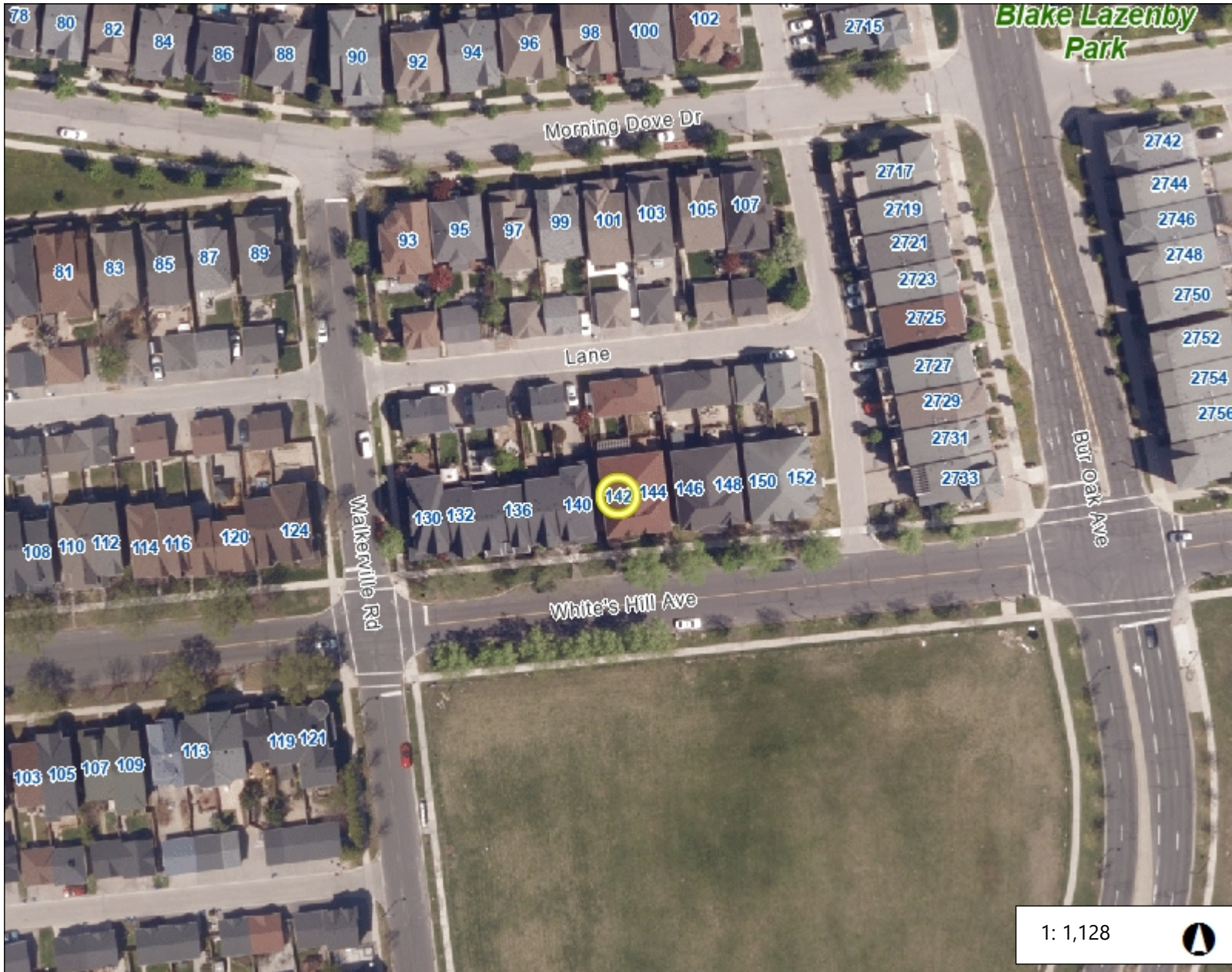
Stephen Corr, Senior Planner, East District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/029/24 Conditions of Approval



Legend

Aerial 2023

- Red: Band_1
- Green: Band_2
- Blue: Band_3

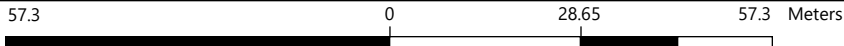
Parcel

- Park Facility

Parks

- Under Development
- <all other values>

1: 1,128

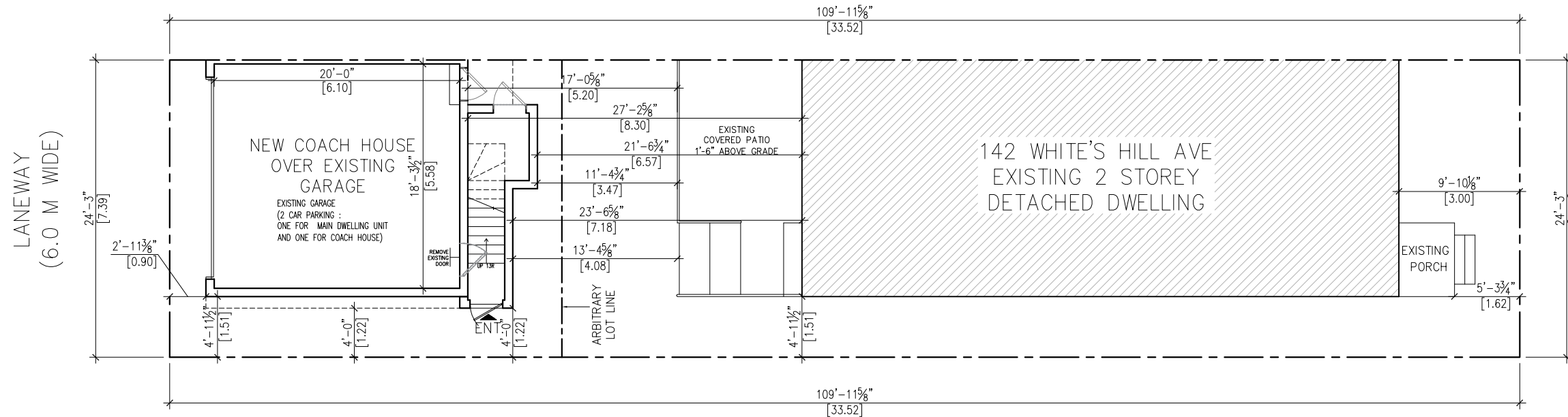


Notes

Appendix B

File: 24.166750.000.00.MNV

Date: 5/10/2024
MM/DD/YY



SITE PLAN

WHITE'S HILL AVE

DESIGN CONSULTANTS	ENGINEERING CONSULTANTS
VIN ENGINEERING INC. MITALI@VINGCINC.COM 365.998.8673	VIN ENGINEERING INC. SUNILS@VINGCINC.COM 416.270.3933

ZONING INFORMATION:

530 COUNTRY GLEN ROAD IS ZONED R2*190*210 UNDER BY-LAW 177-96 AS AMENDED. THE PROPOSED USE OF COACH HOUSE IS PERMITTED UNDER SECTION 7 : EXCEPTIONS.

IN ADDITIONAL PERMITTED USE (7.5.1), ONE ACCESSORY DWELLING UNIT IS PERMITTED ON A LOT PROVIDED THAT

- IT IS ACCESSORY TO SINGLE DETACHED, SEMI DETACHED OR TOWNHOUSE DWELLING UNIT ON THE SAME LOT,
- IT IS LOCATED ABOVE A PRIVATE GARAGE IN EITHER THE MAIN BUILDING OR AN ACCESSORY BUILDING ON THE SAME LOT, EXCEPTING THAT STAIRWAY PROVIDING ACCESS TO THE ACCESSORY DWELLING UNIT MAY EXTEND DOWN TO GRADE; AND,
- THE REQUIRED PARKING SPACE IS INDEPENDENTLY ACCESSIBLE FROM THE PARKING SPACES OF THE MAIN DWELLING UNIT ON THE LOT.

(ALL THE ABOVE CONDITIONS ARE MET IN THE PROPOSAL.)

SITE STATISTICS:

LOT AREA : 247.71 SM
LOT FRONTAGE : 7.39 M

COACH HOUSE LOT AREA : 247.71 SM
COACH HOUSE FOOTPRINT : 47.53 SM
STAIRCASE AREA : 3.55 SM

LOT COVERAGE (%) :
COACH HOUSE : 17.75 %

1 APRIL 04, 2024 ISSUED FOR BUILDING PERMIT		
No	Date	
DRAWN BY : MP		DATE : APR 04, 2024
CHECKED BY : SS		SCALE : 3/16" : 1'-0"
PROJECT:		
<p>PROPOSED COACH HOUSE ABOVE GARAGE</p> <p>142 WHITE'S HILL AVE, MARKHAM ON L6B 1C7</p>		

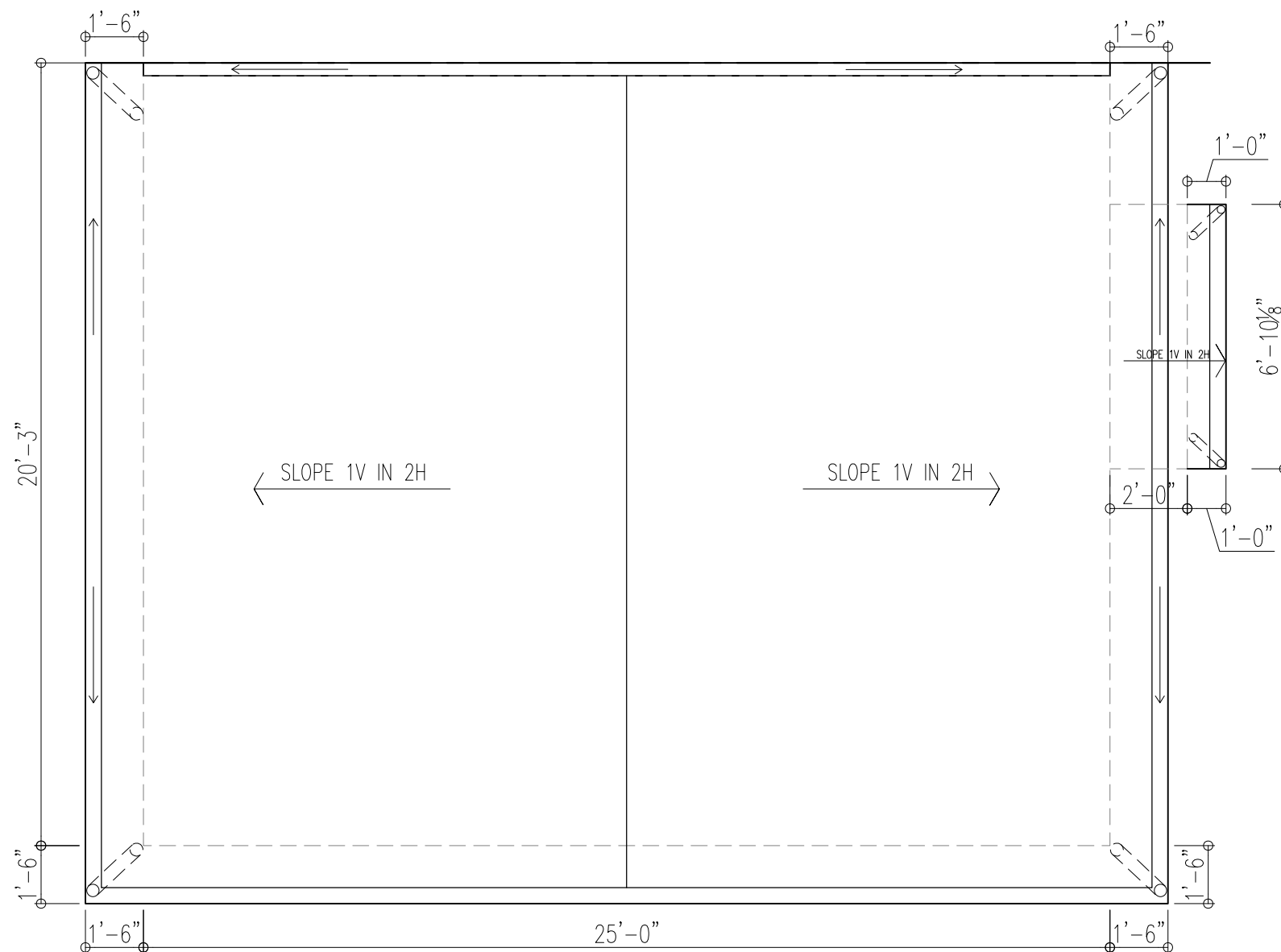
DRAWING TITLE : **SITE PLAN**

A-01

Appendix B

File: 24.166750.000.00.MNV

Date: 5/10/2024
MM/DD/YY



SECOND FLOOR PLAN

ENGINEERING CONSULTANTS

VIN ENGINEERING INC.
MITALI@VINGCINC.COM
365.998.8673

No	Date	Revisions
1	APR 04, 2024	ISSUED FOR BUILDING PERMIT

DRAWN BY: MP **DATE:** APR 04, 2024

CHECKED BY: SS **SCALE:** 1/4" = 1'-0"

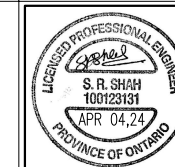
PROJECT:

PROPOSED COACH HOUSE ABOVE GARAGE

142 WHITE'S HILL AVE,
MARKHAM ON L6B 1C7

DRAWING TITLE :

ROOF PLAN

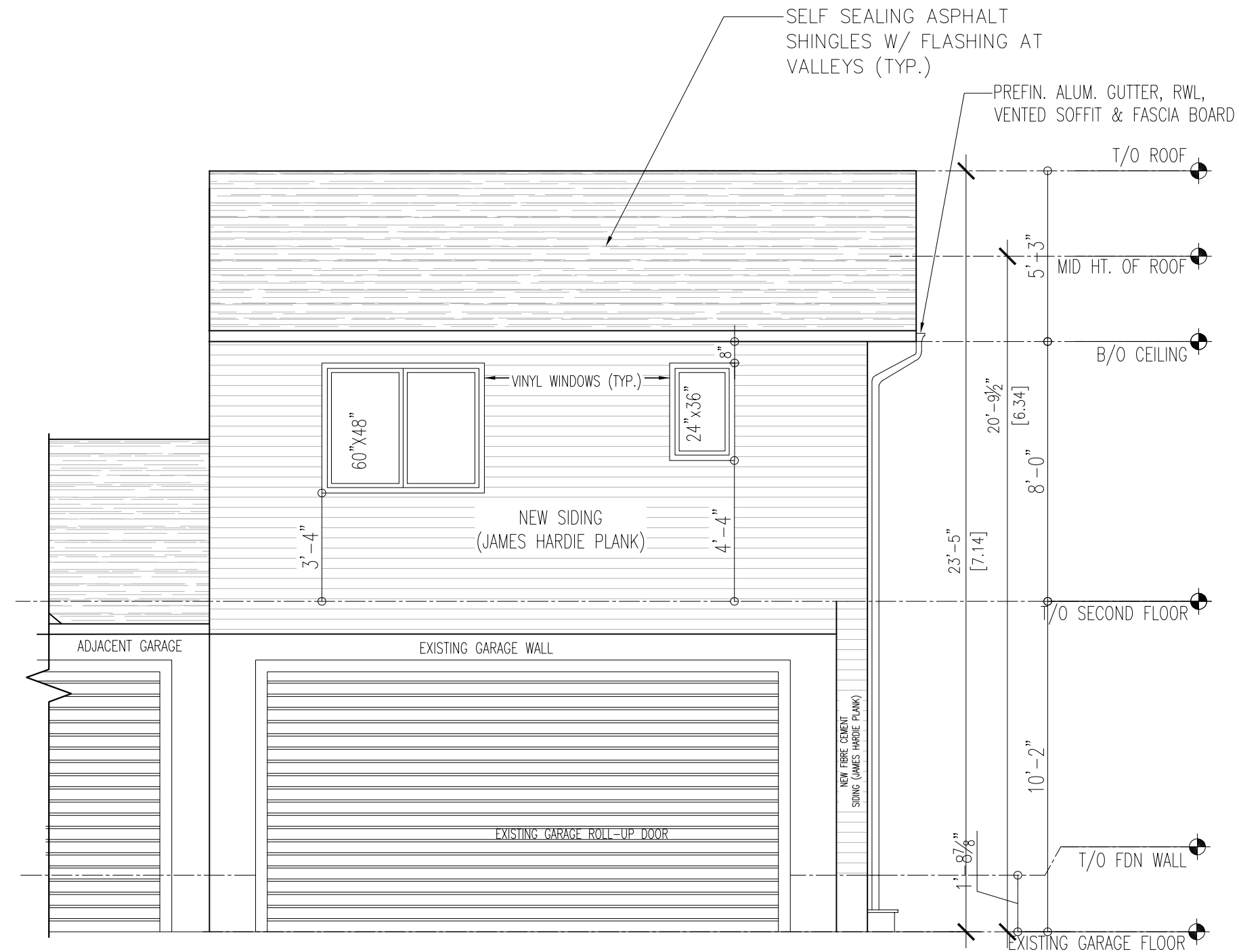


A-04

Appendix B

File: 24.166750.000.00.MNV

Date: 5/10/2024
MM/DD/YY



FRONT ELEVATION

ENGINEERING CONSULTANTS

VIN ENGINEERING INC.
MITALI@VINGCINC.COM
365.998.8673

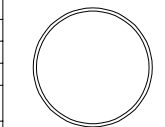
No	Date	Revisions
1	APR 04, 2024	ISSUED FOR BUILDING PERMIT

DRAWN BY: MP **DATE:** APR 04, 2024
CHECKED BY: SS **SCALE:** 1/4" = 1'-0"

PROJECT:

PROPOSED COACH HOUSE ABOVE GARAGE
142 WHITE'S HILL AVE,
MARKHAM ON L6B 1C7

DRAWING TITLE :
FRONT ELEVATION

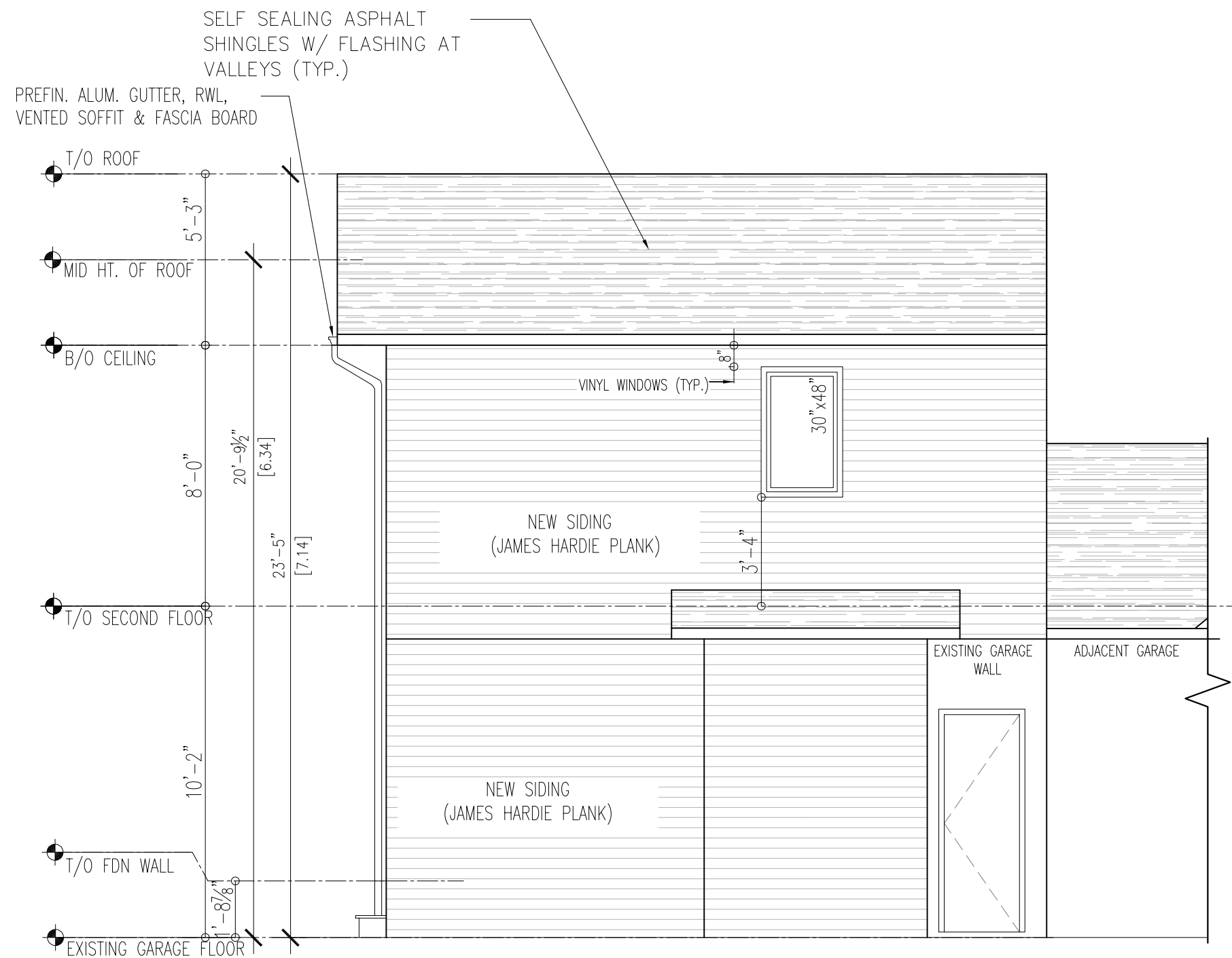


A-05

Appendix B

File: 24.166750.000.00.MNV

Date: 5/10/2024
MM/DD/YY

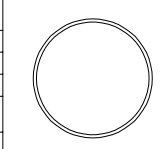


REAR ELEVATION

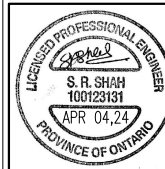
ENGINEERING CONSULTANTS

VIN ENGINEERING INC.
MITALI@VINGCINC.COM
365.998.8673

1	APR 04, 2024	ISSUED FOR BUILDING PERMIT
No	Date	Revisions
DRAWN BY: MP		DATE: APR 04, 2024
CHECKED BY:SS		SCALE: 1/4": 1'-0"



PROJECT:
PROPOSED COACH HOUSE ABOVE GARAGE
142 WHITE'S HILL AVE,
MARKHAM ON L6B 1C7



DRAWING TITLE :
REAR ELEVATION

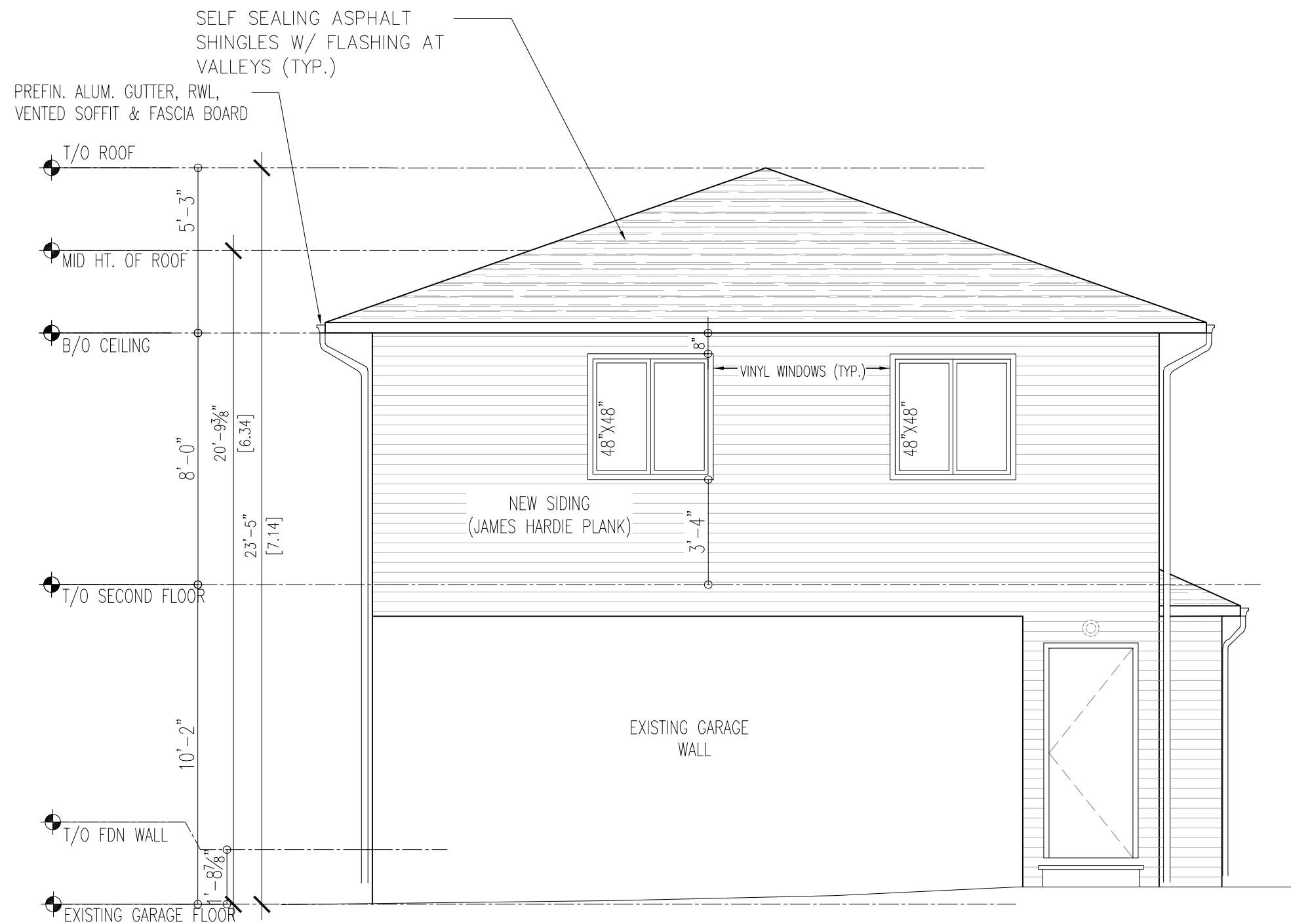
A-06

Appendix B

File: 24.166750.000.00.MNV

Date: 5/10/2024

MM/DD/YY

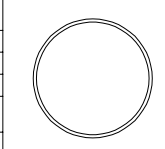


RIGHT SIDE ELEVATION

ENGINEERING CONSULTANTS

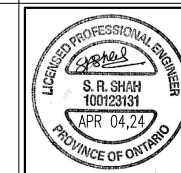
VIN ENGINEERING INC.
MITALI@VINGCINC.COM
365.998.8673

1	APR 04, 2024	ISSUED FOR BUILDING PERMIT
No	Date	Revisions
DRAWN BY:	MP	DATE: APR 04, 2024
CHECKED BY:	SS	SCALE: 1/4" = 1'-0"



PROJECT:

PROPOSED COACH HOUSE ABOVE GARAGE
142 WHITE'S HILL AVE,
MARKHAM ON L6B 1C7



DRAWING TITLE :

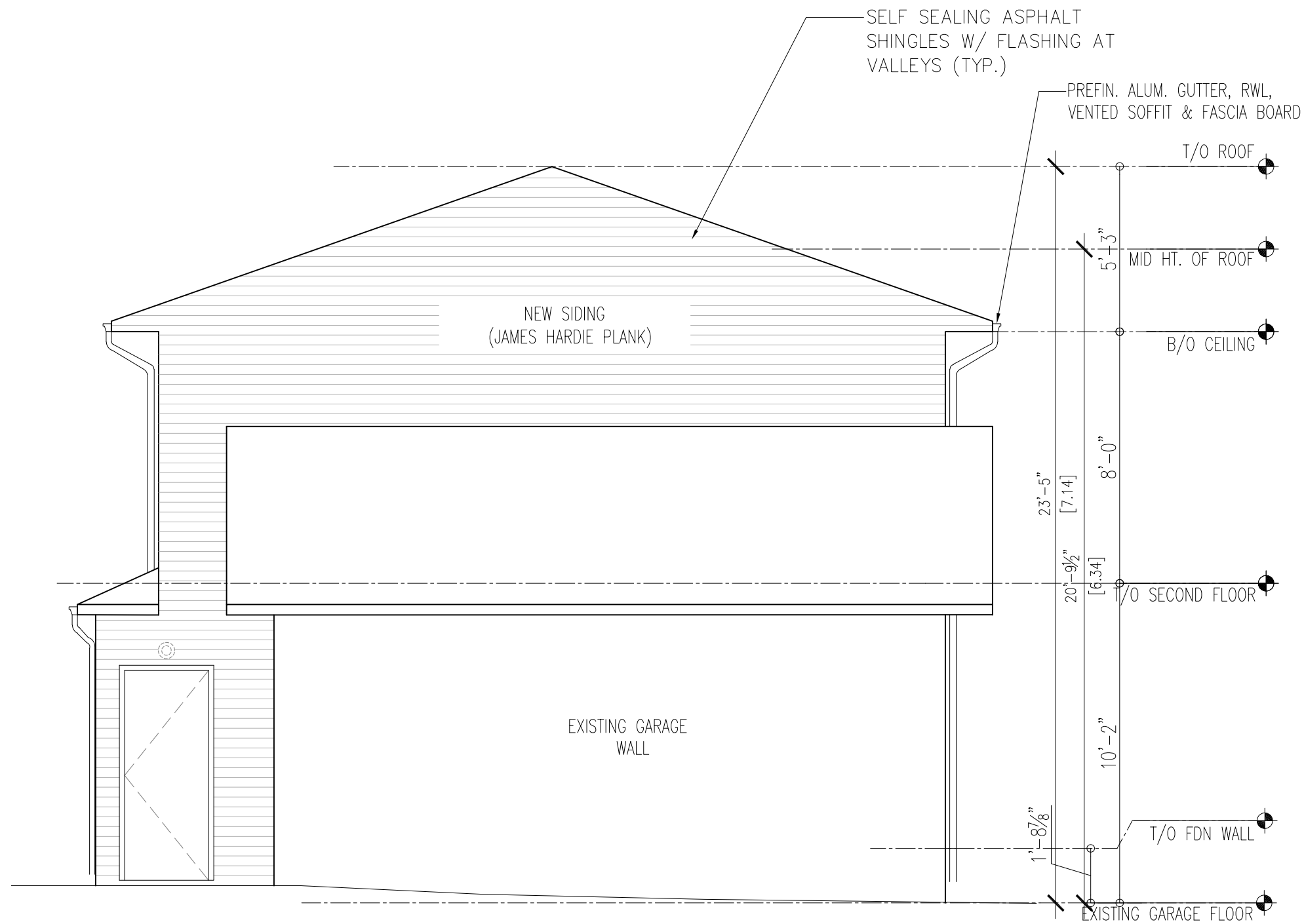
RIGHT SIDE ELEVATION

A-07

Appendix B

File: 24.166750.000.00.MNV

Date: 5/10/2024
MM/DD/YY

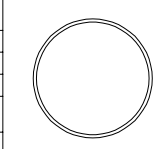


LEFT SIDE ELEVATION

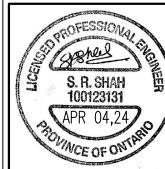
ENGINEERING CONSULTANTS

VIN ENGINEERING INC.
MITALI@VINGCINC.COM
365.998.8673

1	APR 04, 2024	ISSUED FOR BUILDING PERMIT
No	Date	Revisions
DRAWN BY: MP		DATE: APR 04, 2024
CHECKED BY: SS		SCALE: 1/4" = 1'-0"



PROJECT:
PROPOSED COACH HOUSE ABOVE GARAGE
142 WHITE'S HILL AVE,
MARKHAM ON L6B 1C7



DRAWING TITLE :
LEFT SIDE ELEVATION

A-08

Appendix B

File: 24.166750.000.00.MNV

Date: 5/10/2024
MM/DD/YY



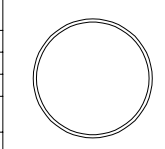
**REAR ELEVATION
(HOUSE)**

ENGINEERING CONSULTANTS

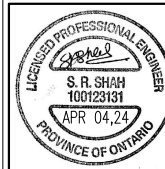
VIN ENGINEERING INC.
MITALI@VINGCINC.COM
365.998.8673

No	Date	Revisions
1	APR 04, 2024	ISSUED FOR BUILDING PERMIT

DRAWN BY: MP **DATE:** APR 04, 2024
CHECKED BY: SS **SCALE:** 1/4" = 1'-0"



PROJECT:
PROPOSED COACH HOUSE ABOVE GARAGE
142 WHITE'S HILL AVE,
MARKHAM ON L6B 1C7



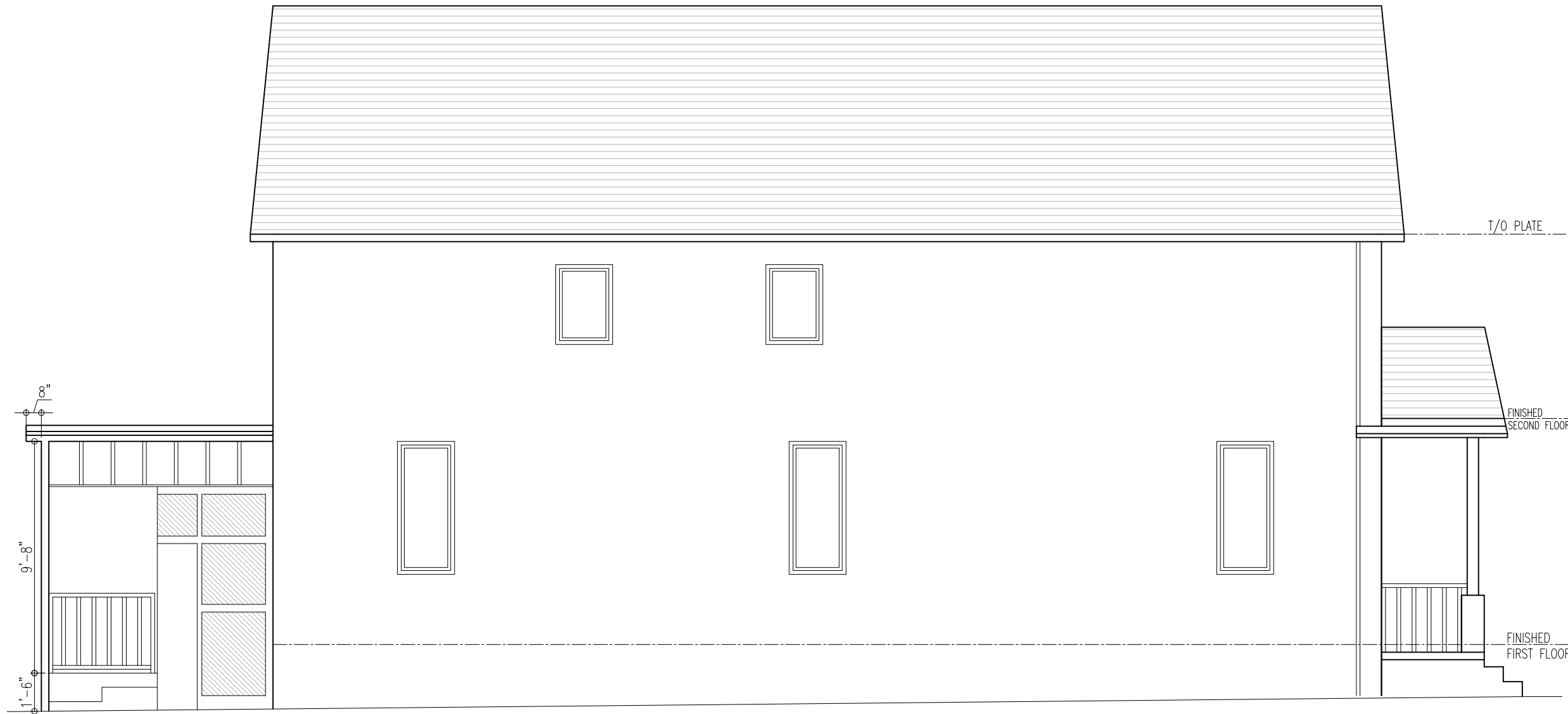
DRAWING TITLE :
**REAR ELEVATION
(HOUSE)**

A-09

Appendix B

File: 24.166750.000.00.MNV

Date: 5/10/2024
MM/DD/YY



**SIDE ELEVATION
(HOUSE)**

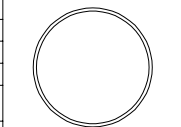
ENGINEERING CONSULTANTS

VIN ENGINEERING INC.
MITALI@VINGCINC.COM
365.998.8673

No	Date	Revisions
1	APR 04, 2024	ISSUED FOR BUILDING PERMIT

DRAWN BY : MP **DATE :** APR 04,2024
CHECKED BY :SS **SCALE :** 3/16" : 1'-0"

PROJECT:
PROPOSED COACH HOUSE ABOVE GARAGE
142 WHITE'S HILL AVE,
MARKHAM ON L6B 1C7



DRAWING TITLE :
**SIDE ELEVATION
(HOUSE)**

A-10

PART 1: PLAN OF PART OF BLOCK 126
 REGISTERED PLAN 65M-3295
 AND PART OF LOT 15 CONCESSION 9

Date: 5/10/2024

TOWN OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 (GEOGRAPHIC TOWNSHIP OF MARKHAM)



SCALE 1:250

C. STANCIU, O.L.S.

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

© COPYRIGHT 2008
 THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT IN WHOLE OR IN PART WITHOUT THE EXPRESS PERMISSION OF ROWAN - STANCIU, LTD., O.L.S. IS STRICTLY PROHIBITED.

PART 2: REPORT
 THIS REPORT WAS PREPARED FOR BROADMOOR HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

BOUNDARIES
 BLOCK 126, REGISTERED PLAN 65M-3295 AND PART OF LOT 15, CONCESSION 9.

TITLE SEARCH INDICATES
 NO REGISTERED EASEMENTS OR RIGHT-OF-WAYS ON TITLE.

REMARKS
 NOTE THE POSITION OF THE FENCE ALONG THE WESTERLY LIMIT OF BLOCK 126.

BEARING NOTE
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF WHITE'S HILL AVENUE SHOWN ON REGISTERED PLAN 65M-3295 AS HAVING A BEARING OF N85°20'20"E.

LEGEND

□	DENOTES	SURVEY MONUMENT SET
■	"	SURVEY MONUMENT FOUND
IB	"	IRON BAR
SIB	"	STANDARD IRON BAR
RP	"	REGISTERED PLAN 65M-3295
P	"	PLAN 65R-30255
P1	"	PLAN 65R-28443
P2	"	PLAN 65R-22880
JOB	"	J. D. BARNES, O.L.S.
MMH	"	MARSHALL MACKLIN MONAGHAN ONTARIO LTD., O.L.S.
1715	"	CHRISTIAN STANCIU, O.L.S.
N,S,E,W	"	NORTH, SOUTH, EAST, WEST
MEAS	"	MEASURED
WT	"	WITNESS
NTS	"	NOT TO SCALE
CP	"	CONCRETE PORCH
D.U.C.	"	DWELLING UNDER CONSTRUCTION
G.U.C.	"	GARAGE UNDER CONSTRUCTION

SURVEYOR'S CERTIFICATE

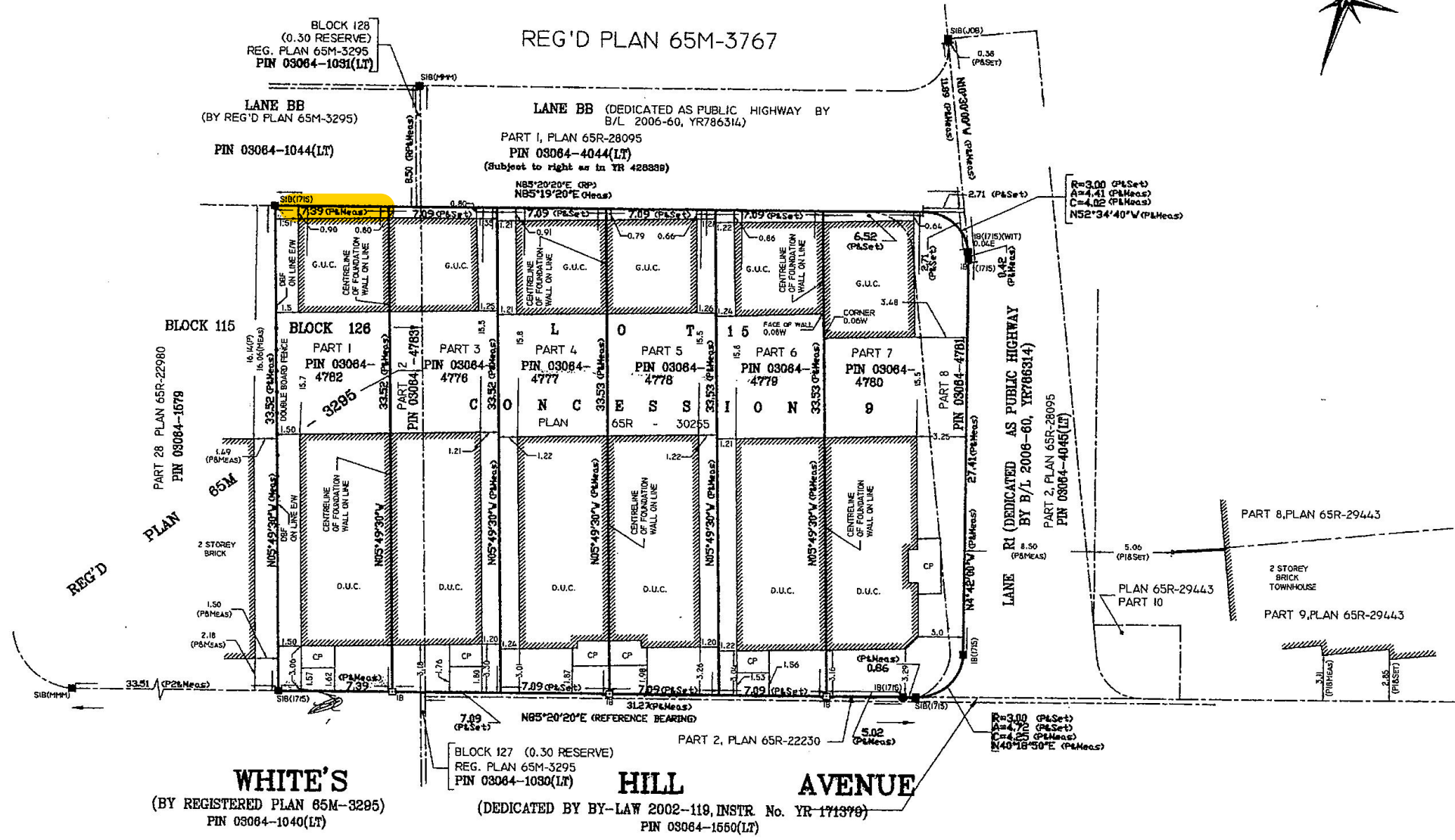
I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 24th DAY OF MARCH, 2008.

DATE APRIL 08, 2008
 M. PEARSON
 ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
 1691026

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR. In accordance with Regulation 1026, Section 29(3).

ROWAN-STANCIU LTD
 ONTARIO LAND SURVEYORS
 24 Lorne Avenue, Richmond Hill, L4C 1C1
 Tel. (905) 780-0227 Fax. (905) 508-0239



APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/029/24

1. The variances apply only to the proposed development as long as it remains; and
2. That the variances apply only to the proposed development, in substantial conformity with the 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 their satisfaction.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read "Hussnain Mohammad". The signature is written in a cursive style with a large initial "H".

Hussnain Mohammad, Planner 1, Development Facilitation Office