

Memorandum to the City of Markham Committee of Adjustment

May 30, 2022

File: A/054/22
Address: 72 Innisvale Drive – Markham, ON
Applicant: Roger Johnson and Murene Yvonne Cassie
Agent: Vin Engineering Inc (Sunil Shah)
Hearing Date: June 8, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential Two Exception *190*210 (R2*190*210) Zone” requirements under By-law 177-96, as amended, as they relate to a proposed coach house (accessory dwelling unit above the existing garage). The variances requested are to permit:

a) By-law 28-97, Section 3.0:

two parking spaces, whereas the By-law requires a minimum of three parking spaces; and

b) By-law 177, Section 6.3.1.2:

a minimum setback of 4.66 m (15.29 ft) from the main building, whereas the By-law requires a minimum setback of 6.0 m (19.69 ft) from the main building.

PROPERTY DESCRIPTION

The subject property is located on the west side of Innisvale Drive, north of 16th Avenue, east of 9th Line, and south of Northvale Road. The property is developed with a two-storey semi-detached dwelling, and a one-storey detached garage that shares a common wall with the neighbouring garage at 70 Innisvale Drive. The garage is accessed by a public lane at the rear of the property, and provides parking for two vehicles.

The property is located within the Cornell community, in which vehicular access and parking is provided to residential properties via rear lanes and garages. The community also contains examples of accessory dwelling units in the form of coach houses. In proximity to the property are parks, schools, and accessible transit options.

PROPOSAL

To facilitate the development of a coach house, the applicant is requesting reductions in the number of parking spaces, and the minimum setback from the main building.

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.

Zoning By-Law 177-96

The subject property is zoned “Residential Two Exception *190*210 (R2*190*210) Zone” under By-law 177-96, as amended, which permits semi-detached dwellings. Exception *190 also permits one accessory dwelling unit above a detached garage, provided it is:

- accessory to a semi-detached 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 stairways providing access to the accessory dwelling unit may extend down to grade; and
- the required parking space is independently accessible from the parking spaces for the main dwelling unit on the lot.

Parking Standards By-law 28-97 (the “Parking By-law”)

The proposed development also does not comply with the Parking By-law requirement with respect to the minimum number of parking spaces.

ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN

The owner has completed a ZPR on March 3, 2022 to confirm the variances required for the proposed development.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P. 13, as amended* states that four tests must be met in order for a variance to be granted by the Committee:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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.

Reduction in Setback from Main Building

The applicant is requesting a minimum setback of 4.66 m (15.29 ft) from the main building, whereas the By-law requires a minimum setback of 6.0 m (19.69 ft) from the main building to a detached private garage and any storey above the first storey of a detached private garage. This is a reduction of 1.34 m (4.40 ft).

The requested variance would apply to a one-storey mechanical room, which has a width of approximately 0.91 m (3.0 ft) and is considered a component of the detached garage. Staff are of the opinion that the mechanical room is limited in width, and would allow for adequate amenity space in the rear yard to be maintained as it does not extend across the entire width of the amenity area. Staff are satisfied that the requested variance is minor in nature, and in keeping with the general intent and purpose of the By-law.

Reduction in Number of Parking Spaces

The Parking By-law requires that two parking spaces be provided for a semi-detached dwelling unit, plus one additional parking space for an accessory dwelling unit. The site is developed with a two-car garage, which can accommodate up to two enclosed parking spaces. The applicant is requesting a reduction of one parking space.

Approval of this parking reduction would allow for the development of the construction of the proposed coach house. The City of Markham is committed to promoting affordable and shared housing opportunities. Accessory dwelling units (which includes coach houses), help the City increase the availability of affordable housing forms and support its affordable housing target required by the Province. Staff are of the opinion that the proposed parking reduction may be considered “self regulating”, as the accessory dwelling unit would only be of interest to an occupant that does not require a parking space, in the

event that both parking spaces are required for use by the owner of the dwelling. Additionally, the property is within proximity to accessible transit routes located at the nearby intersection of 16th Avenue and 9th Line. Staff are of the opinion that the requested variance maintains the general intent and purpose of the By-law, and is minor in nature.

The applicant should be aware that overnight parking is not permitted on residential streets in Markham, unless a permit or exemption is obtained through the City's [Overnight Street Parking Request](#).

PUBLIC INPUT SUMMARY

No written submissions were received as of May 30, 2022. Additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

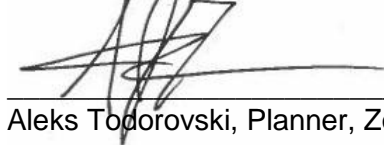
Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the requested variances meet the four tests. Staff recommend that the Committee consider public input and the subsequent conditions of approval in reaching a decision. The onus is ultimately on the applicant to demonstrate 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:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



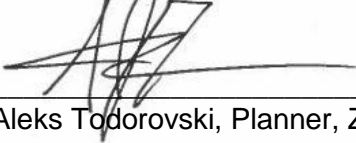
Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/054/22

1. The variances apply only to the proposed development for as long as it remains.
2. That the variances apply on to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receives written confirmation from the Director of Planning and Urban Design that this condition has been fulfilled to their satisfaction.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', is written over a horizontal line.

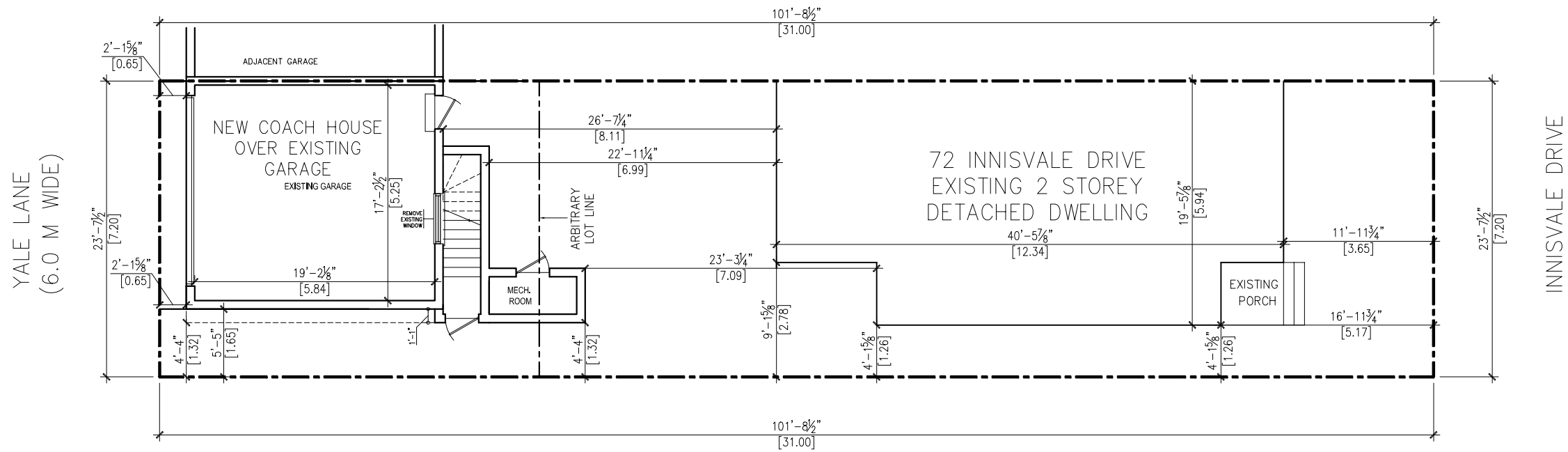
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/054/22

Appendix B

File: 22.114614.000.00.MNV

Date: 06/02/22
MM/DD/YY



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.)

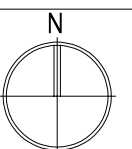
SITE STATISTICS:

LOT AREA : 223.20 SM
LOT FRONTAGE : 7.20 M

COACH HOUSE
LOT AREA : 223.20 SM
COACH HOUSE
FOOTPRINT : 46.64 SM
STAIRCASE AREA : 3.55 SM

LOT COVERAGE (%)
COACH HOUSE : 19.30 %

2	FEB 16, 2022	ISSUED FOR BUILDING PERMIT
1	JAN 28, 2022	ISSUED FOR BUILDING PERMIT
No	Date	Revisions
DRAWN BY : MP		DATE : JAN 28, 2022
CHECKED BY :SS		SCALE: 3/16": 1'-0"



PROJECT:
PROPOSED COACH HOUSE ABOVE GARAGE
72 INNISVALE DRIVE
MARKHAM ON L6B 1C6



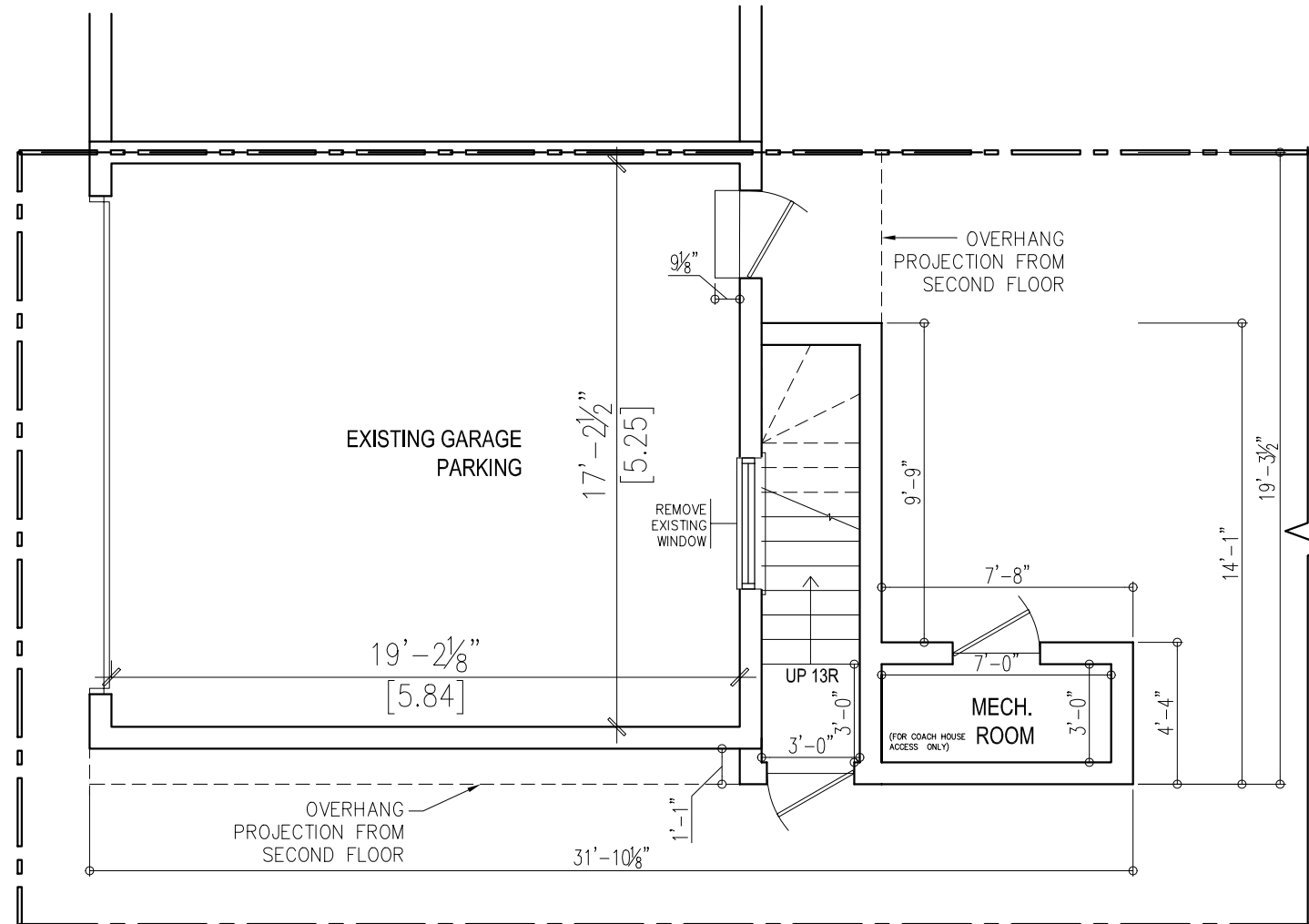
DRAWING TITLE :
SITE PLAN

A-01

Appendix B

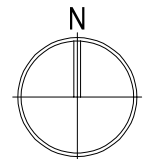
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FIRST FLOOR PLAN

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PROJECT:			
PROPOSED COACH HOUSE ABOVE GARAGE 72 INNISVALE DRIVE MARKHAM ON L6B 1G6			

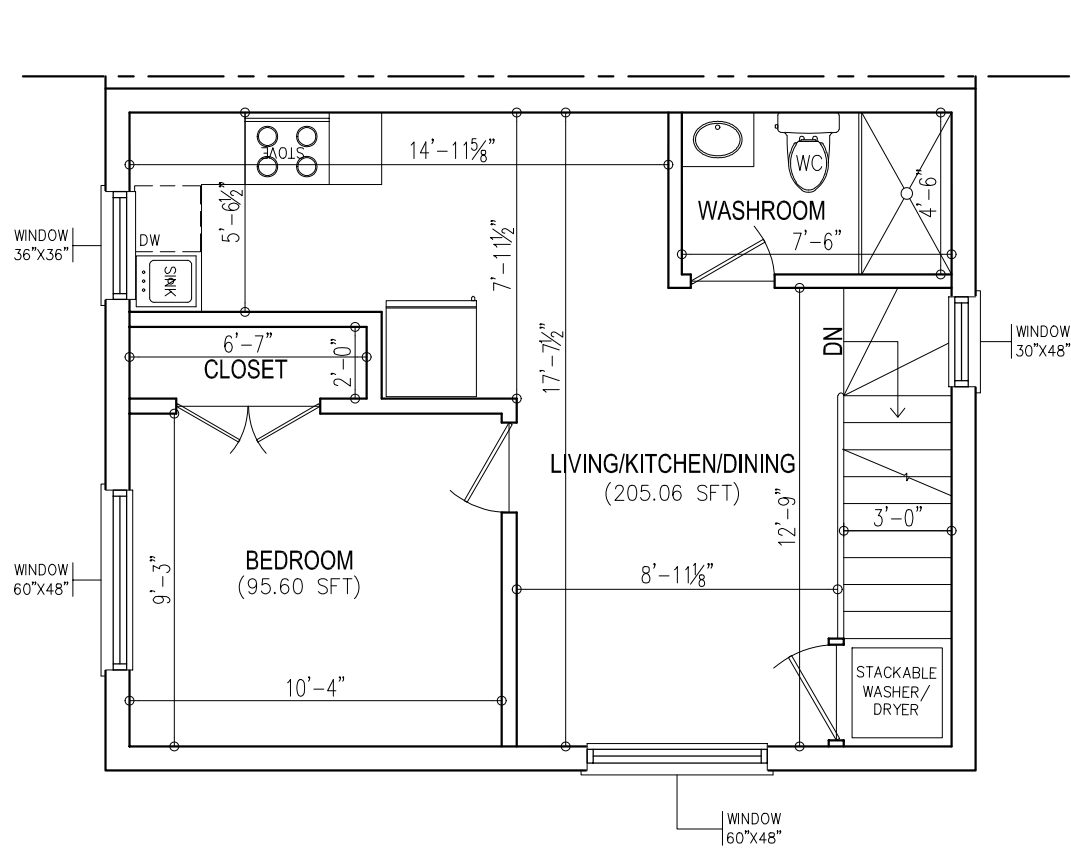
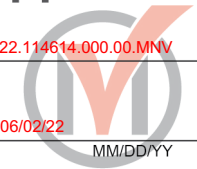


DRAWING TITLE :	A-02
FIRST FLOOR PLAN	

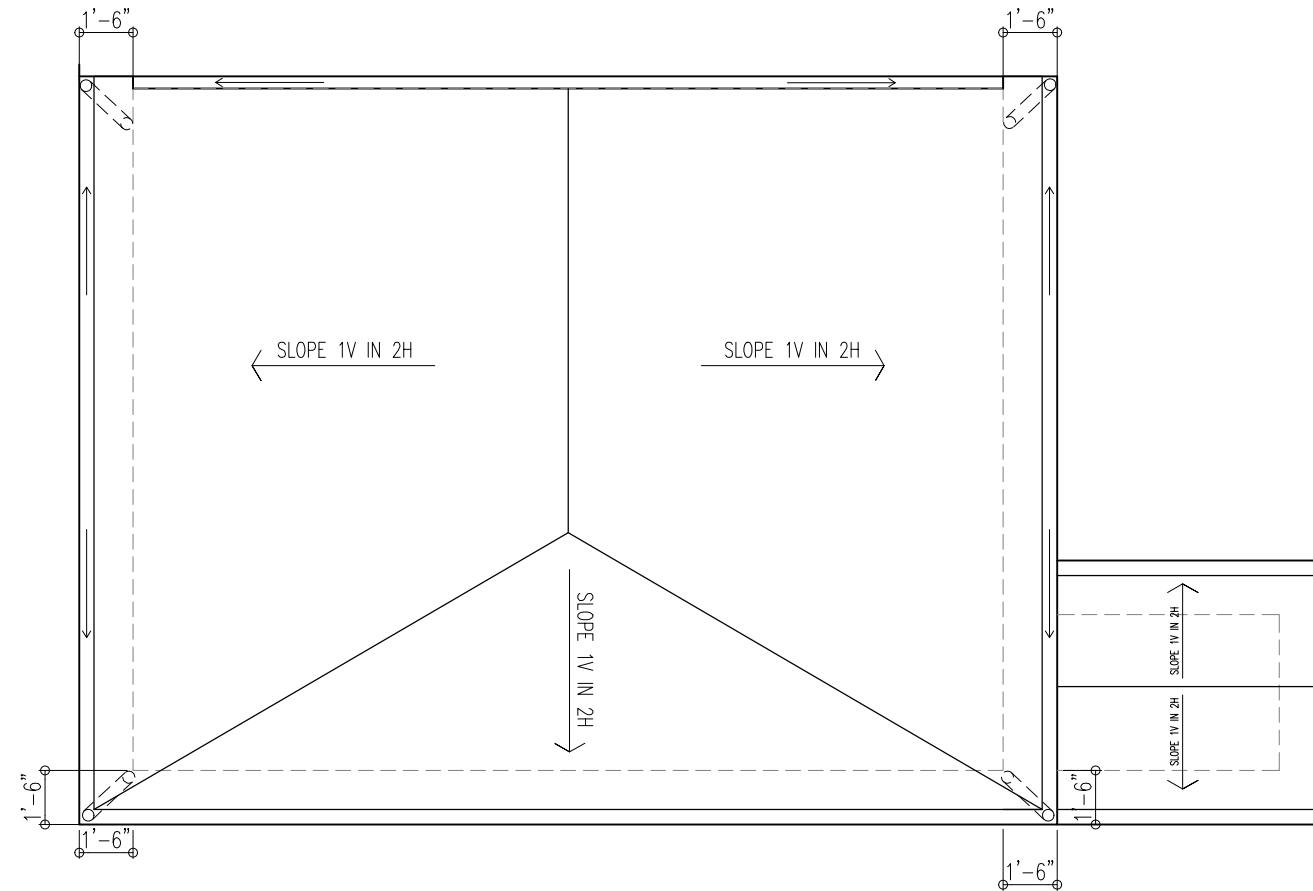
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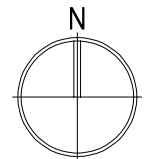
SECOND FLOOR PLAN



ROOF PLAN

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 72 INNISVALE DRIVE
 MARKHAM ON L6B 1G6

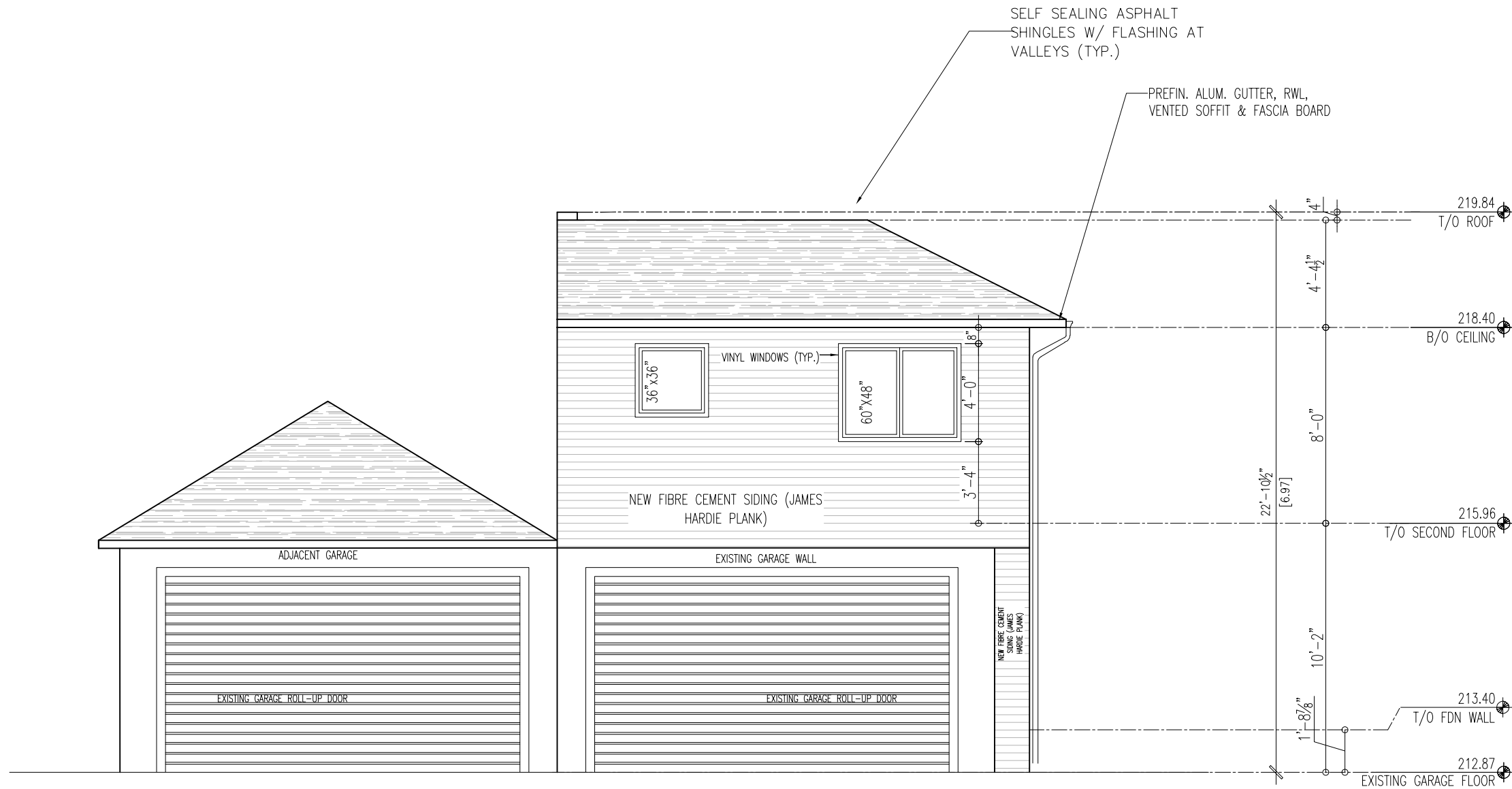


DRAWING TITLE :	A-03
SECOND FLOOR PLAN	

Appendix B

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WEST ELEVATION

NOTE : EXISTING GRADE LEVEL TO ROOF PEAK SHOULD NOT BE MORE THAN 8.00 M (26'-3")

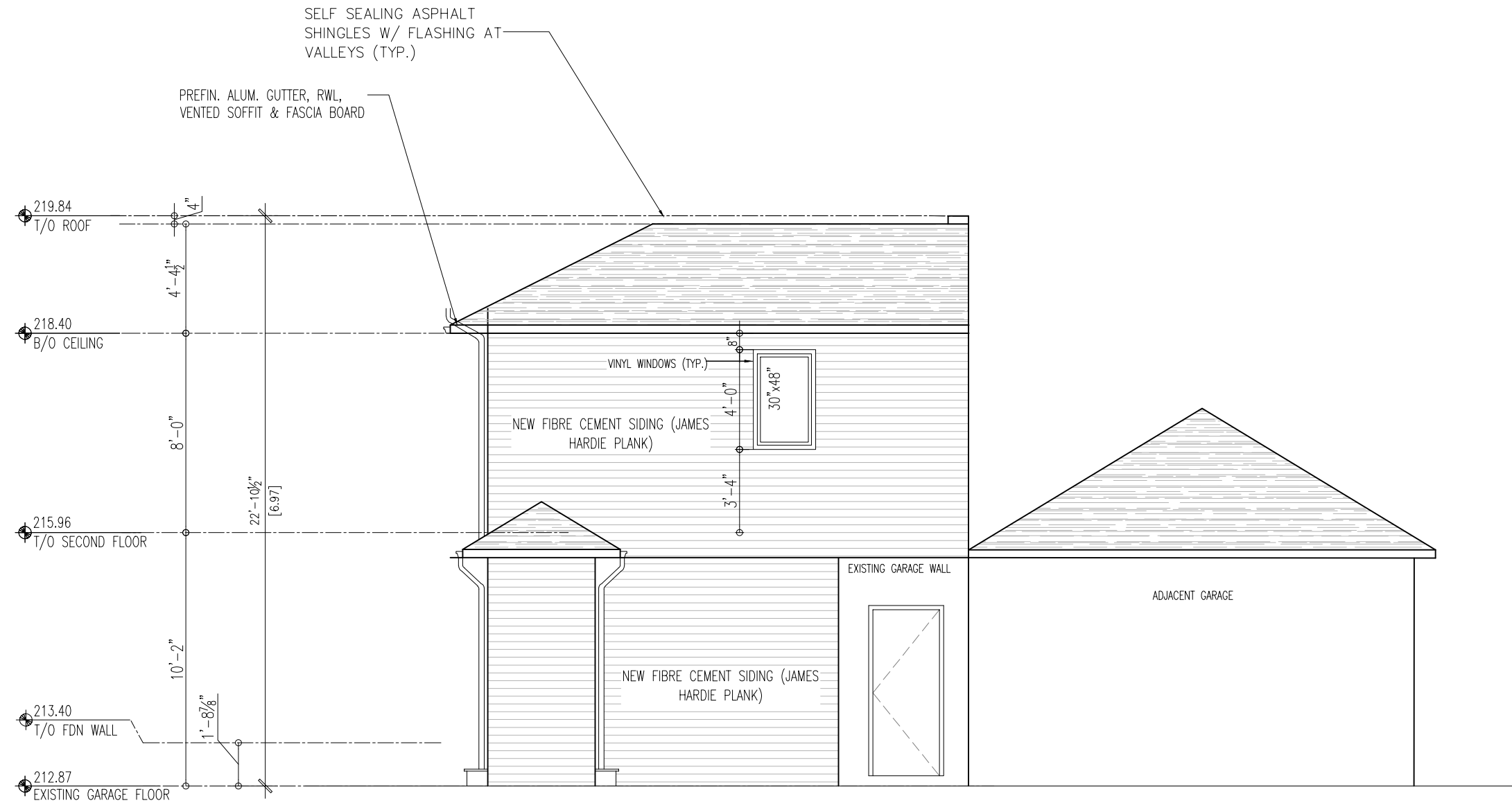
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		PROPOSED COACH HOUSE ABOVE GARAGE 72 INNISVALE DRIVE MARKHAM ON L6B 1G6	

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WEST ELEVATION	

Appendix B

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EAST ELEVATION

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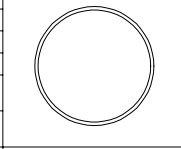
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72 INNISVALE DRIVE
MARKHAM ON L6B 1G6



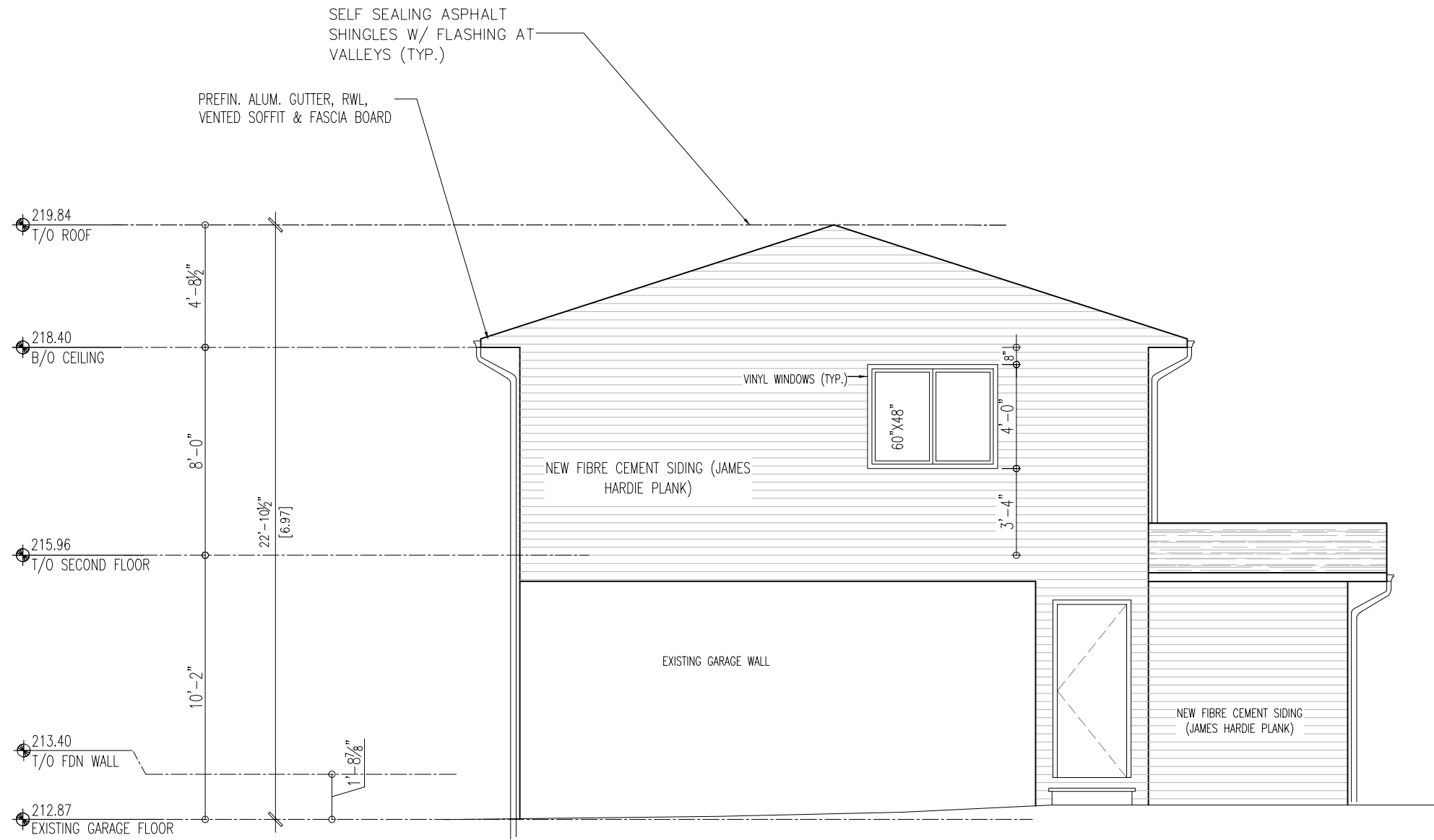
DRAWING TITLE :
EAST ELEVATION

A-05

Appendix B

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NORTH ELEVATION

NOTE : EXISTING GRADE LEVEL TO ROOF PEAK SHOULD NOT BE MORE THAN 8.00 M (26'-3")

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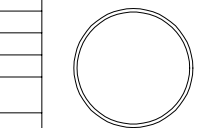
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PROJECT:

PROPOSED COACH HOUSE ABOVE GARAGE
72 INNISVALE DRIVE
MARKHAM ON L6B 1G6

DRAWING TITLE :

NORTH ELEVATION

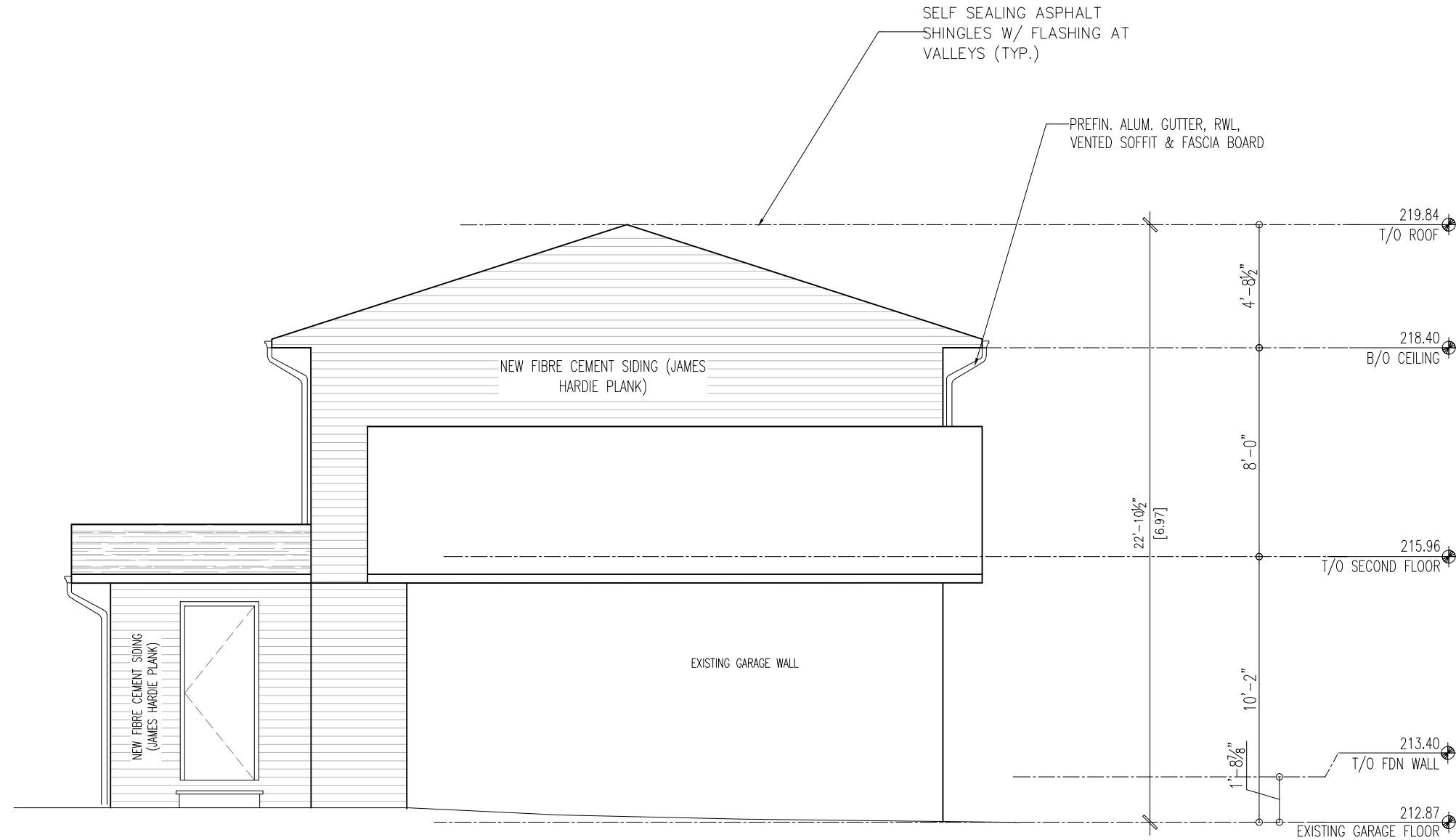


A-06

Appendix B

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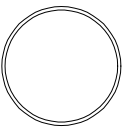


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SOUTH ELEVATION

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MARKHAM ON L6B 1G6



DRAWING TITLE :

SOUTH ELEVATION

A-07