Memorandum to the City of Markham Committee of Adjustment

January 8, 2021

File: A/123/20

Address: 4 Calafia St – Markham, ON

Applicant: Slavisa Garaca

Agent: N/A

Hearing Date: January 20, 2021

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following "Residential Two Exception (R2*190)" zone requirements of By-law 177-96, as amended, as they relate to a proposed accessory coach house dwelling above an existing detached garage, to permit:

a) By-law 177-96, Sec. 6.3.1.2:

a detached private garage and any storey above the first storey of a detached private garage to be setback a minimum of 5.23 m (17.16 ft) from the main building, whereas the By-law requires a detached private garage and any storey above the first storey for a detached private garage to be setback a minimum of 6.0 m (19.69 ft) from the main building on a lot;

b) By-law 177-96, Sec. 6.3.1.7 b):

a maximum lot coverage of 20.60% for a detached private garage, whereas the By-law permits a maximum lot coverage of 18.0% for a detached private garage; and

c) By-law 28-97, Sec. 3.0 Table A:

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

BACKGROUND

Property Description

The 232.0 m² (2,497.23 ft²) subject property is located on the west side of Calafia Street, north of Morning Dove Drive, east of 9th Line, and south of 16th Avenue. The property is developed with a two-storey semi-detached dwelling, and a detached one-storey single car garage at the rear of the property which accesses public lane. The detached garage shares a common wall with the abutting garage to the north at 6 Calafia Street, and a parking pad is located on the south side of the garage.

The property is located within an established residential neighbourhood in Cornell which contains a mix of low rise housing forms including two-storey single detached, semi-detached, and townhouse dwellings. Cornell is a lane-based community, in which vehicular access and parking is provided via rear lanes and garages, with several examples of accessory coach house dwellings above private garages.

Proposal

The applicant is proposing to construct a coach house above the existing one-storey detached garage on the subject property. The stairs to access the coach house will be located within the required 6.0 m (19.69 ft) setback between the existing main dwelling and detached garage, which requires a variance to reduce the minimum setback between the two buildings. The proposed addition requires a variance to permit an increased

maximum lot coverage for detached garages. The proposed development also will expand the existing garage by enclosing the area currently occupied as a parking pad. Two parking spaces will be provided within the garage. The applicant is not proposing a third parking space for the site, and is requesting a reduction of one parking space.

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.

Zoning By-Law 177-96, as amended

The subject property is zoned "Residential Two Exception 190 (R2*190)" under By-law 177-96, as amended, which permits various low rise housing forms, including semi-detached dwellings. Exception 190 permits one accessory dwelling unit above a detached private garage, among other area specific development standards. The proposed development does not comply with the minimum setback form the main building, and maximum lot coverage.

Parking Standards By-law 28-97, as amended

The proposed development does not comply with the Parking Standards By-law 28-97, as amended, with respect to minimum parking space requirements. Further discussion relating to the proposed parking variance is provided in the comments section below.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant has confirmed that a ZPR has not been conducted. However, the applicant has received comments from the building department through their building permit review for this proposed development 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 ("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 5.23 m (17.16 ft) between the main building and the detached private garage, whereas the By-law requires a minimum setback of 6.0 m (19.69 ft). This is a reduction of approximately 0.77 m (2.53 ft).

The intent of the By-law provision to maintain a 6.0 m (19.69 ft) separation between the main dwelling and detached private garage is to ensure an appropriate rear yard amenity space is provided between the two buildings. The requested variance is attributable to the stairs which access the second-storey coach house. Staff are of the opinion that approval of the requested variance will still maintain sufficient rear yard amenity space, and is therefore appropriate for the subject lands.

<u>Increase in Maximum Lot Coverage for Detached Private Garages</u>

The applicant is requesting a maximum lot coverage of 20.60% for a detached private garage, whereas the By-law permits a maximum lot coverage of 18.0% for a detached private garage on a lot with a lot frontage less than 9.75 m (31.99 ft). The subject property has a frontage of 7.25 m (23.79 ft). This proposed variance will permit an increase to the maximum lot coverage of approximately 2.60%, which equates to expanding the permitted footprint of the detached private garage by approximately 6.03 m² (64.91 ft²). Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and mass of the detached private garage and do not object to the variance.

Parking Reduction

The Parking By-law requires two parking spaces for the semi-detached dwelling, and one additional parking space for the proposed accessory coach house dwelling. The applicant is proposing two parking spaces within the garage. A parking pad is proposed to the south of the detached garage and does not meet the size requirements for a parking space. The applicant is therefore requesting a reduction of one parking space.

Staff are of the opinion that the proposed parking reduction may be considered self-regulating, as the secondary suite would be of interest to an occupant that does not require a parking space in the event that both parking spaces are being used. 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 By-law Licensing and Enforcement Department. Staff do not object to the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 8, 2021. 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 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.

APPENDICES

Appendix "A" – Conditions of Approval Appendix "B" - Plans

PREPARED/BY:

Aleks Todorovski, Planner, Zoning and

Special Projects

REVIEWED BY;

Stephen Corr, Senior Planner, East

District

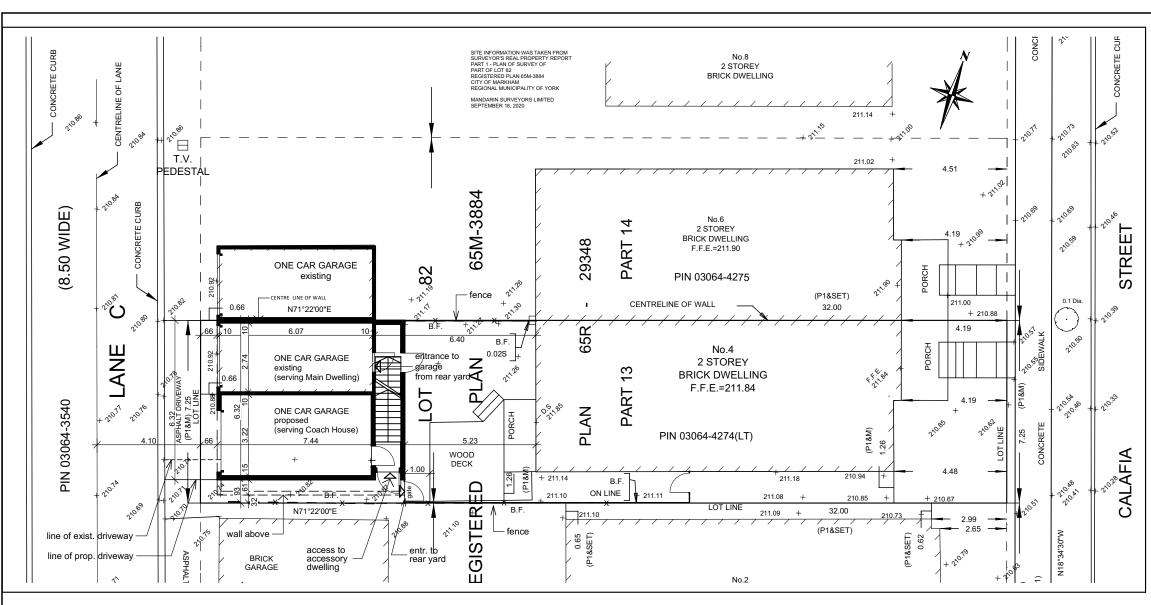
APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/123/20

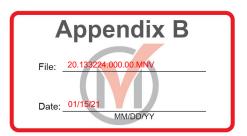
- 1. The variances apply only to the proposed development as long as it remains;
- 2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;

CONDITIONS PREPARED BY:

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B" PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/123/20





STATISTICS (DETACHED GARAGES & ACCESSORY DWELLING ABOVE)

SETBACKS	MINIMUM	PROPOSED	
REAR YARD	0.60 m	0.66 m (exist.)	
SIDE YARD - South	0.30 m	0.31 m	
SIDE YARD - North	0.00 m (exist.)	0.00 m (exist.)	
DWELLING	MAXIMUM	PROPOSED	
LENGTH	m	7.44 m	
HEIGHT	8.00 m	7.84 m	

FLOOR AREA CALCULATION

FLOOR	EXISTING	PROPOSED
GARAGE	18.49 m2	TROTOSED
GARAGE (prop.)		21.19 m2
SECOND FLOOR		51.59 m2
(Accessory Dwelling)		
FLOOR AREA - Garages	18.49 m2	39.68 m2
FLOOR AREA –		51.59 m2
(Accessory Dwelling)		
DWELLINGS	EXISTING	PROPOSED
COVERAGE	104.18 m2 (44.91)%	137.06 m2 (59%)
FSI	171.38 m2 (0.74)	222.97 m2 (0.96)

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER. QUALIFICATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1. OF DIVISION C OF THE ONTARIO BUILDING CODE.

TATJANAPEJOVIC CVIJOVIC BCIN 30454 Signature:

QUALIFICATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.1. OF DIVISION C OF THE ONTARIO BUILDING CODE. SYNTHESIS HOMES INC. BCIN 35021

A0.3

SYNTHESIS HOMES 42 DENVER CRES.	PROPOSED COACH HOUSE & Additional 1 Car Garage Space	SITE PLAN (w/updated survey)	
TORONTO, ON, M2J 1G8	-1.4.C-1-CCI	SCALE:	1:150
T.416-855-1882 F.416-492-0181	at 4 Calafia St., Markham, On	DRAWN BY:	T. PEJOVIC
E. synthesis_homes@bell.net	markitani, on	DATE:	Sept. 30/2020
NOTE: CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK AND REPORT ALL DISCREPANCIES TO THE SYNTHESIS HOMES BEFORE COMMENCING WORK. CONSTRUCTION MUST CONFORM TO ALL APLICABLE CODES, REQUIREMENTS AND BY-LAWS OF AUTHORITIES HAVING JURISDICTION.	CLIENT: Mr. Slavisa Garaca &	SHEET 3 C	OF 18 ΛΩ 3

Ms. Irena Garaca

SITE PLAN

4 Calafia St., Markham, On

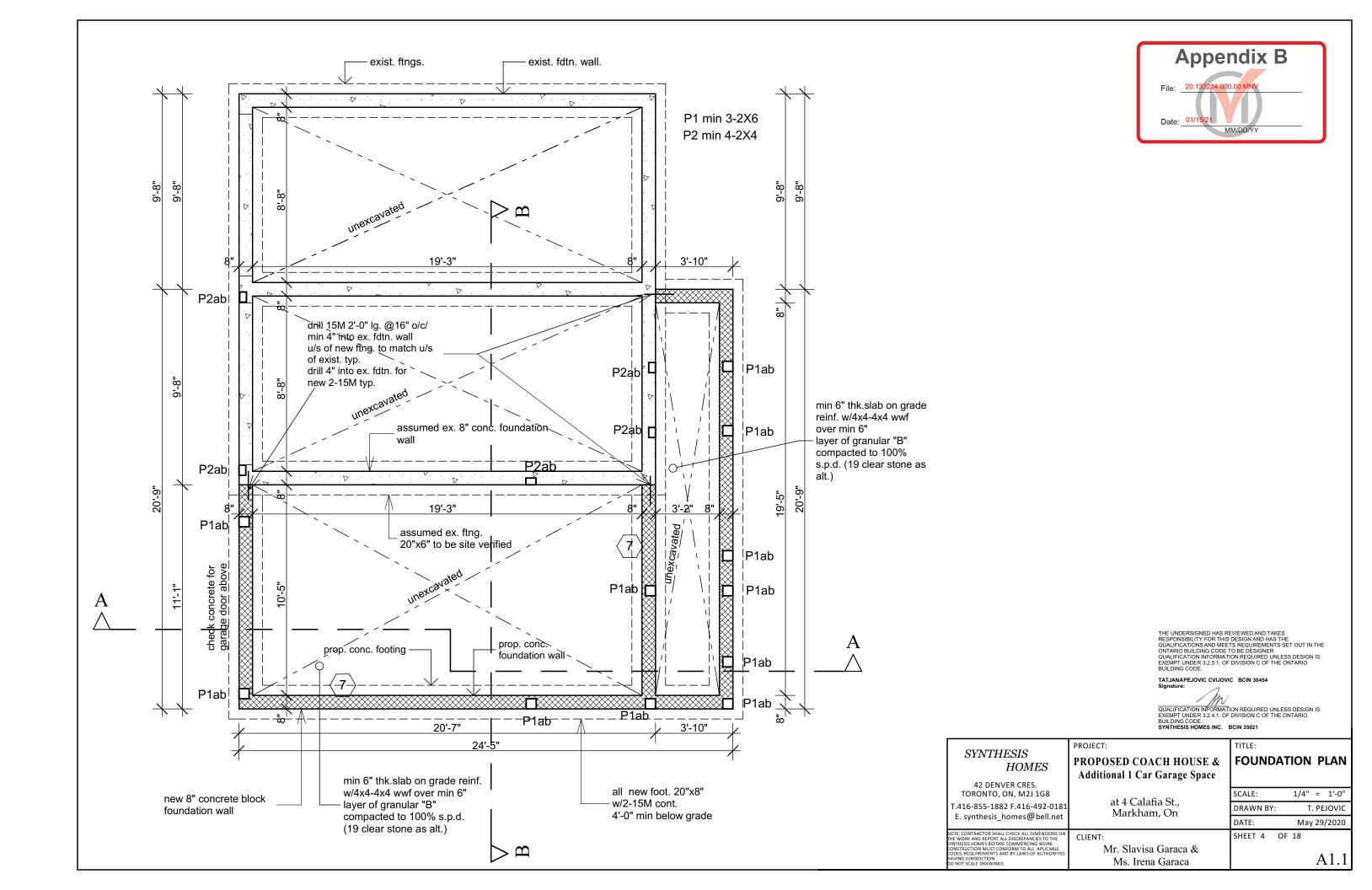
STATISTICS

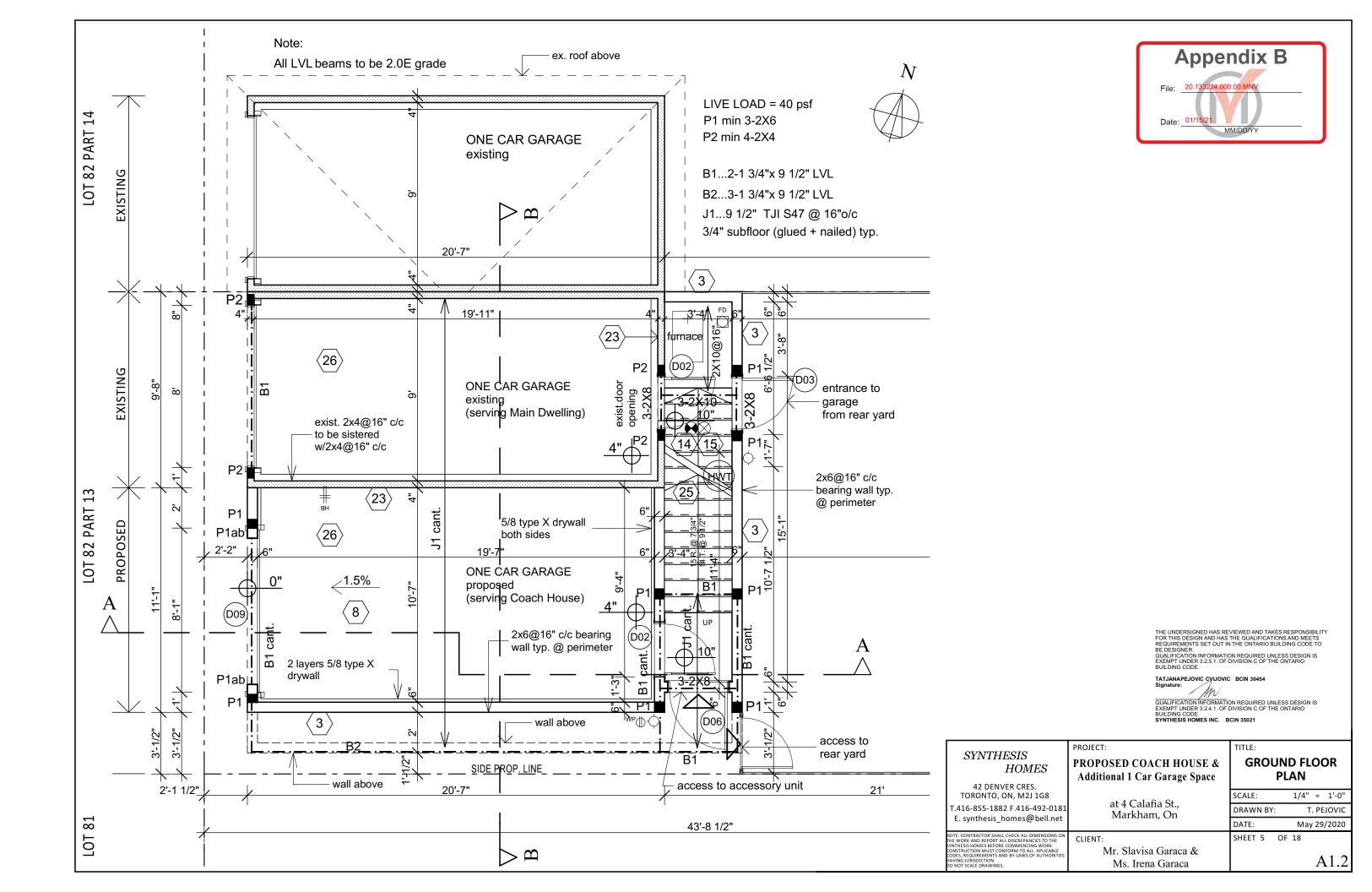
Existing - TWO STOREY SEMI-DETACHED HOUSE Proposed - ACCESSORY UNIT & SECOND DETACHED GARAGE

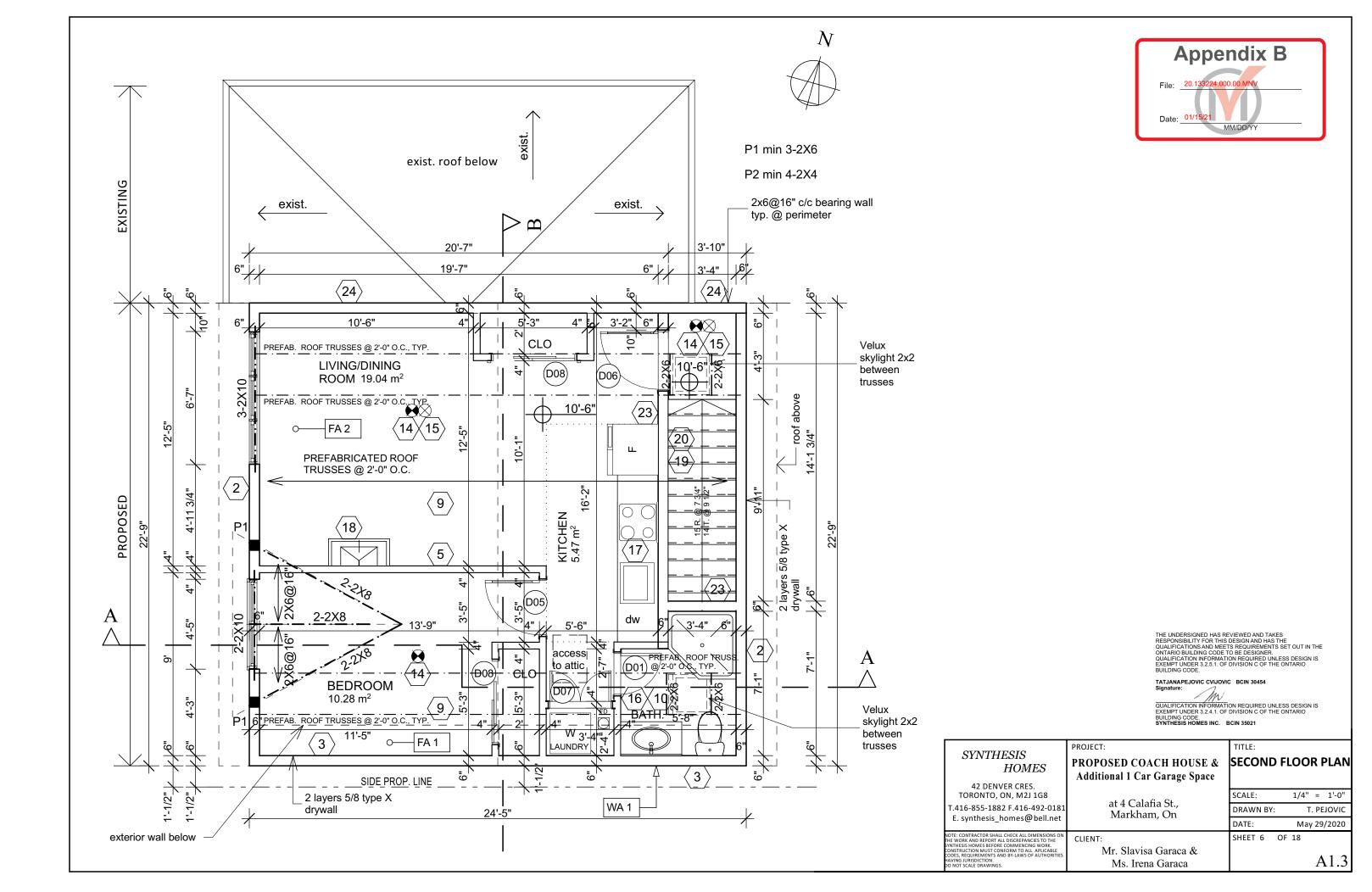
LOT	EXISTING
SITE AREA	232 m2
FRONTAGE	7.25 m

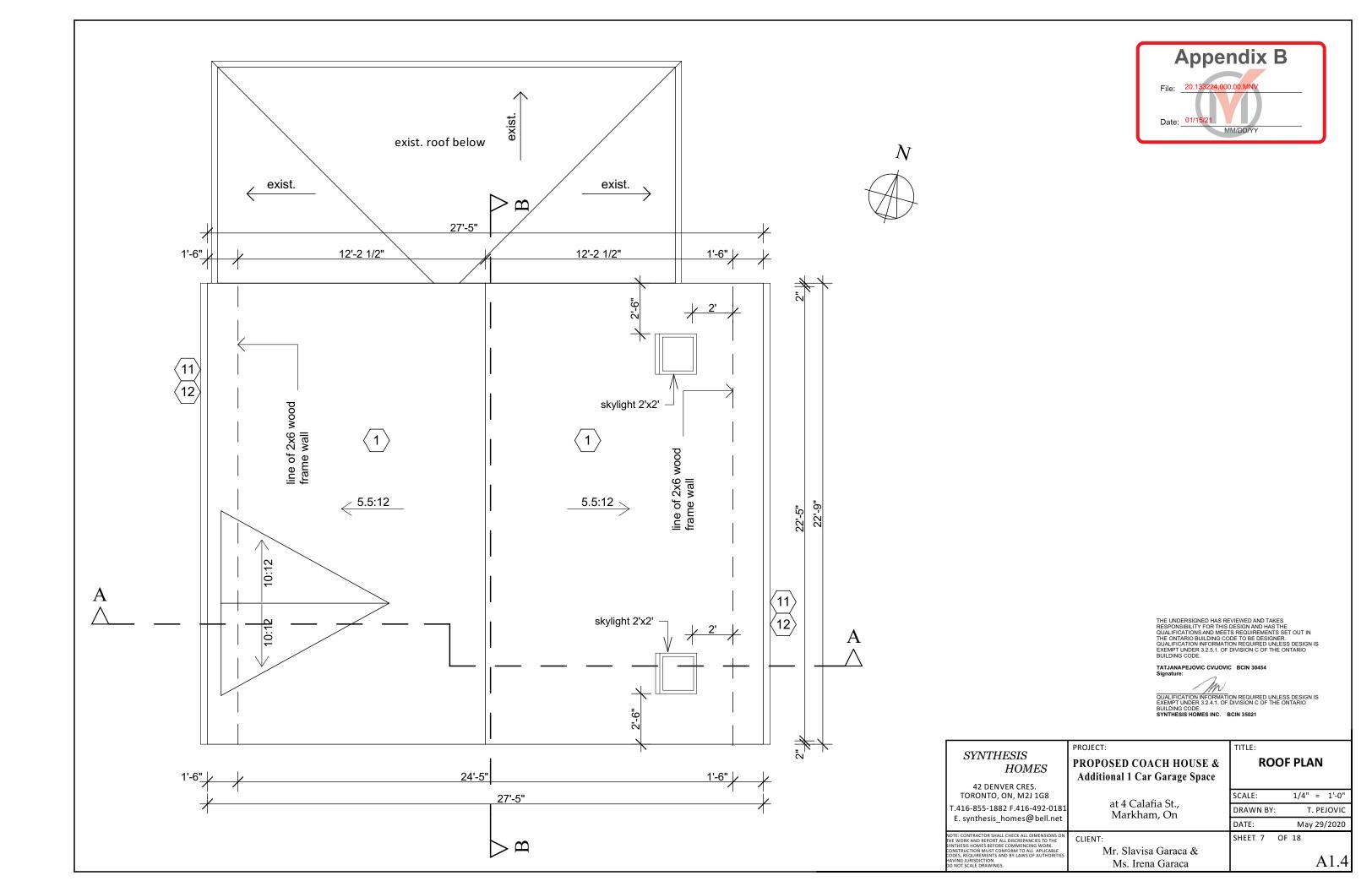
FLOOR AREA CALCULATION - SEMI-DETACHED DWELLING - Existing

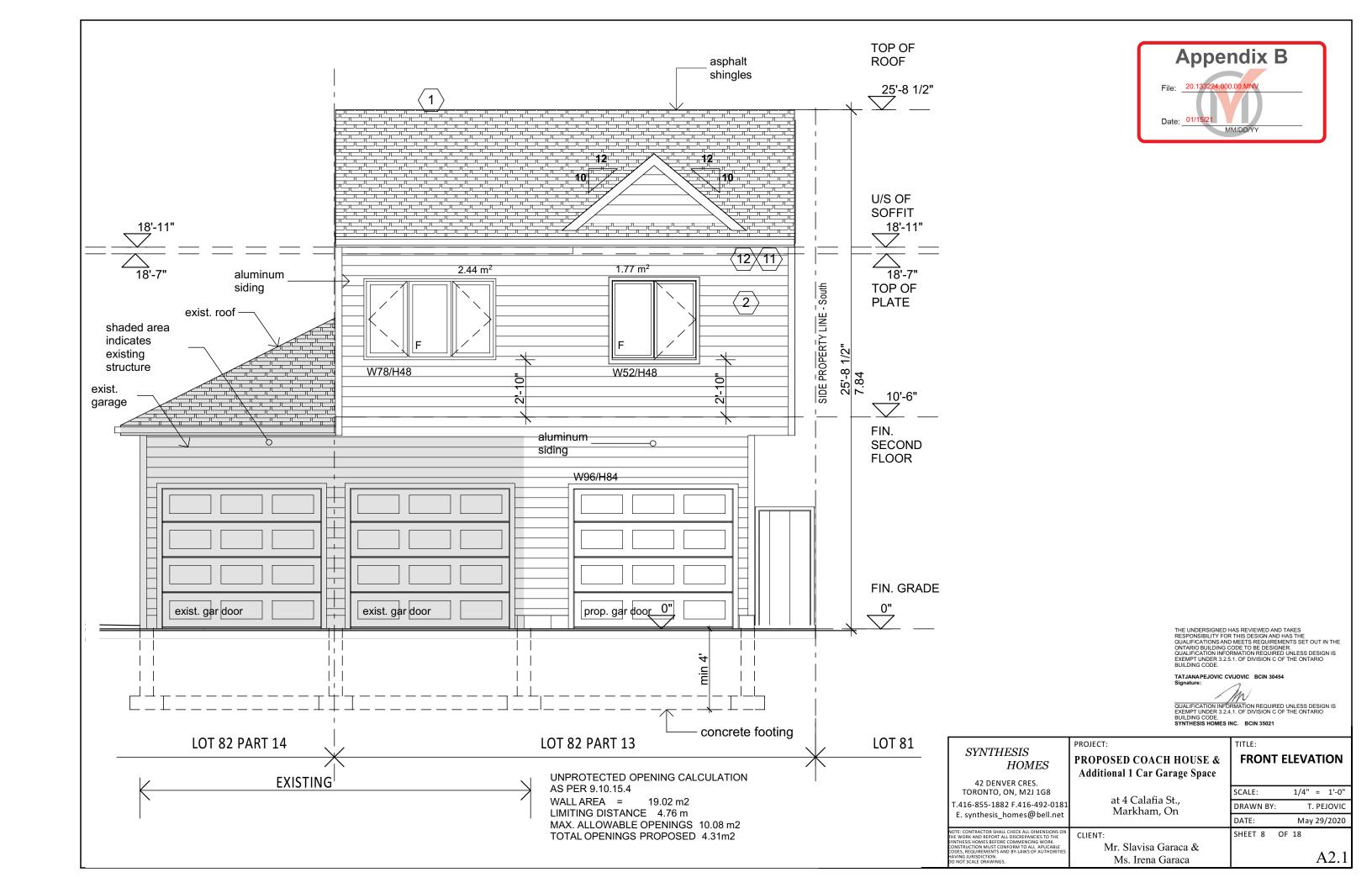
FLOOR	EXISTING
GROUND FLOOR	85.69 m2
SECOND FLOOR	85.69 m2
BASEMENT	m2
FLOOR AREA	171.38 m2

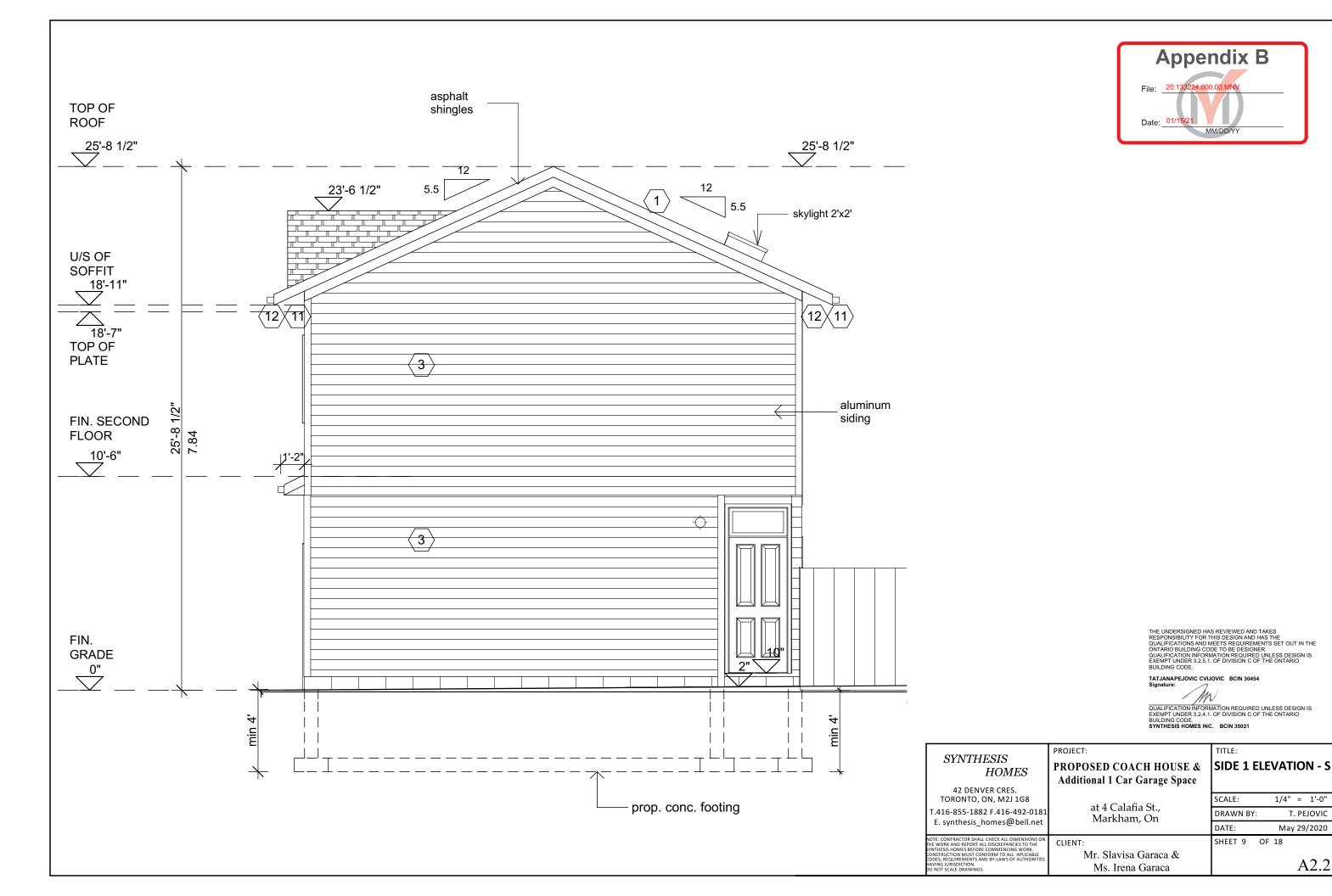










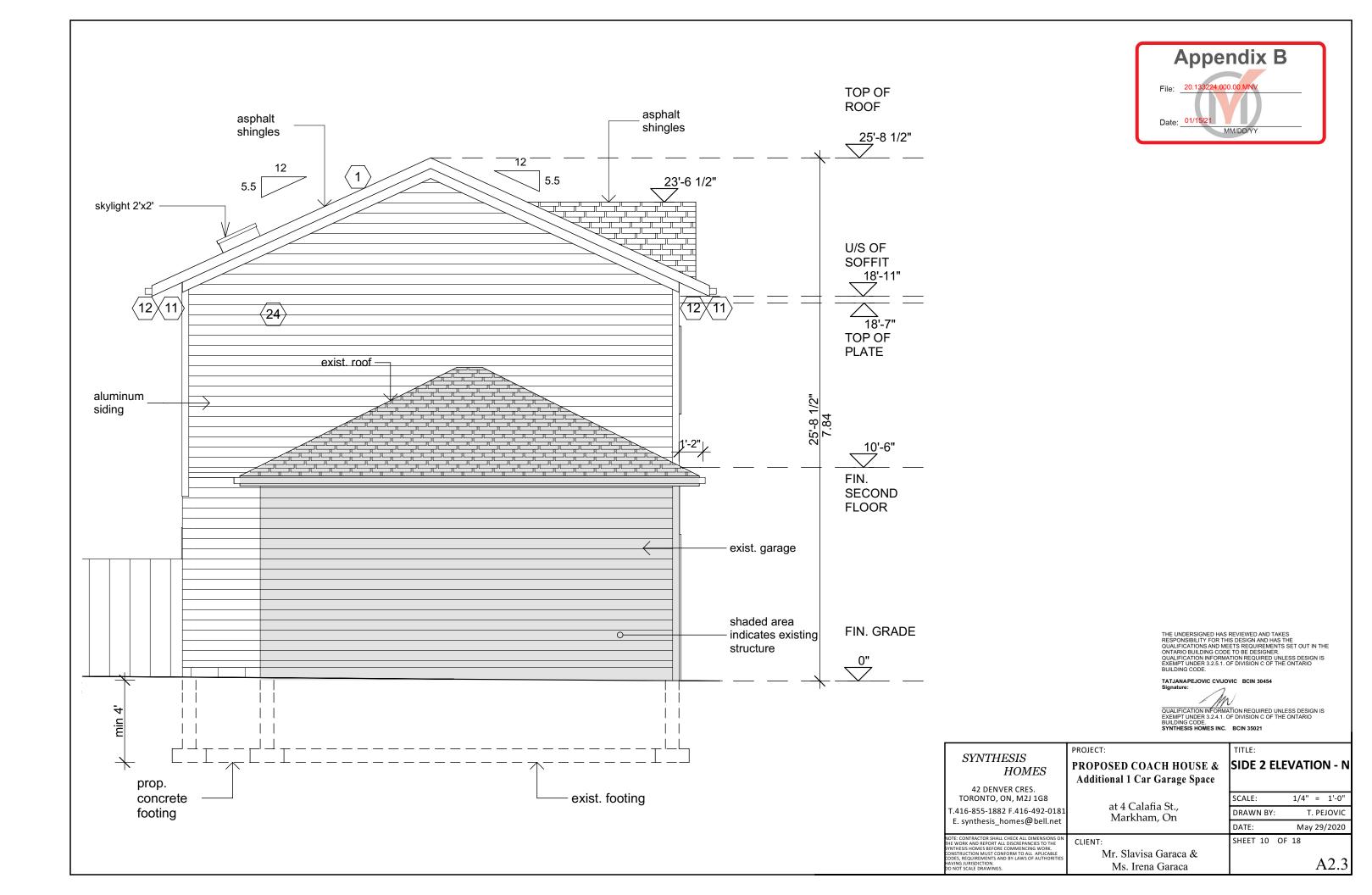


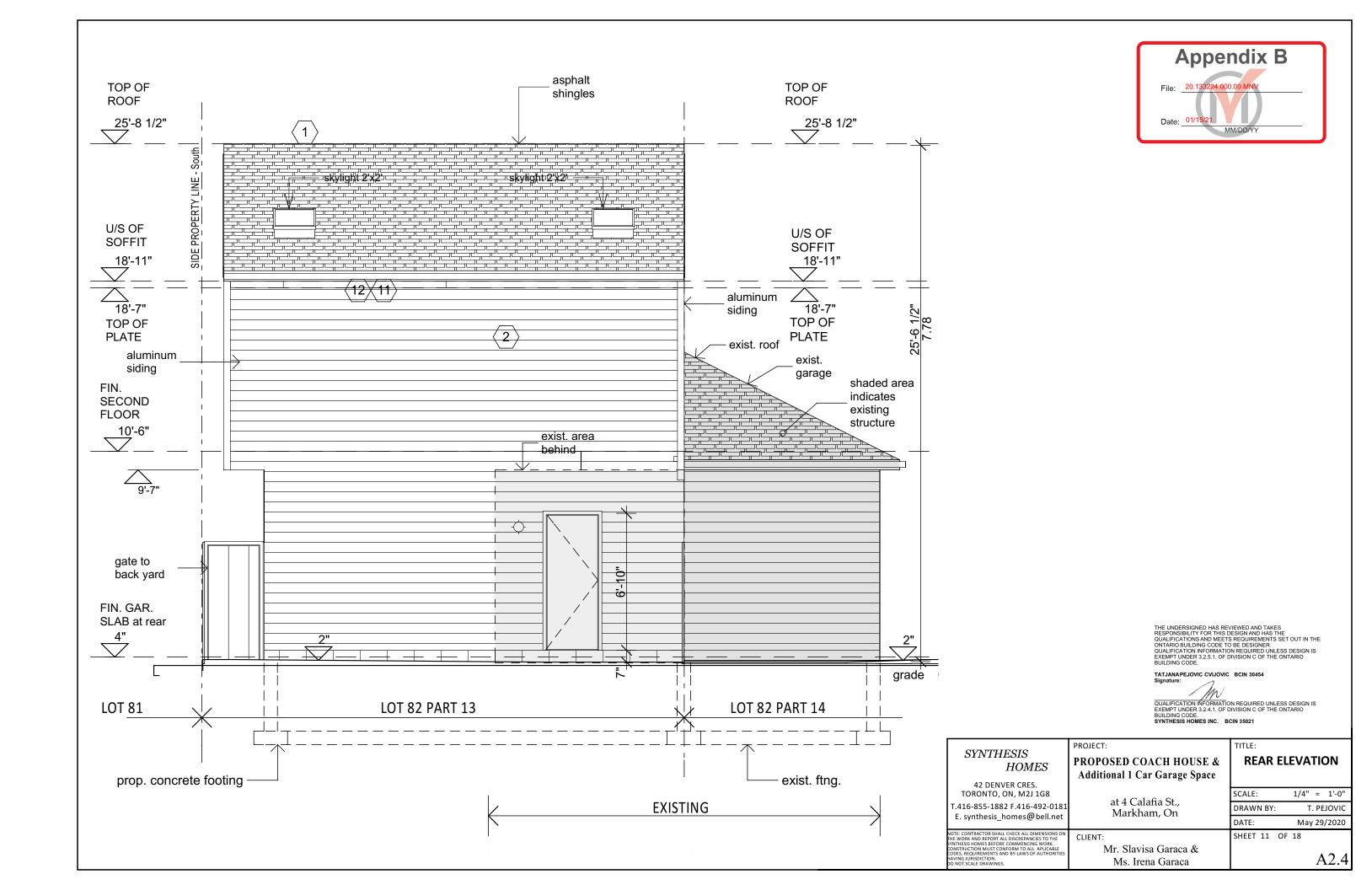
1/4" = 1'-0"

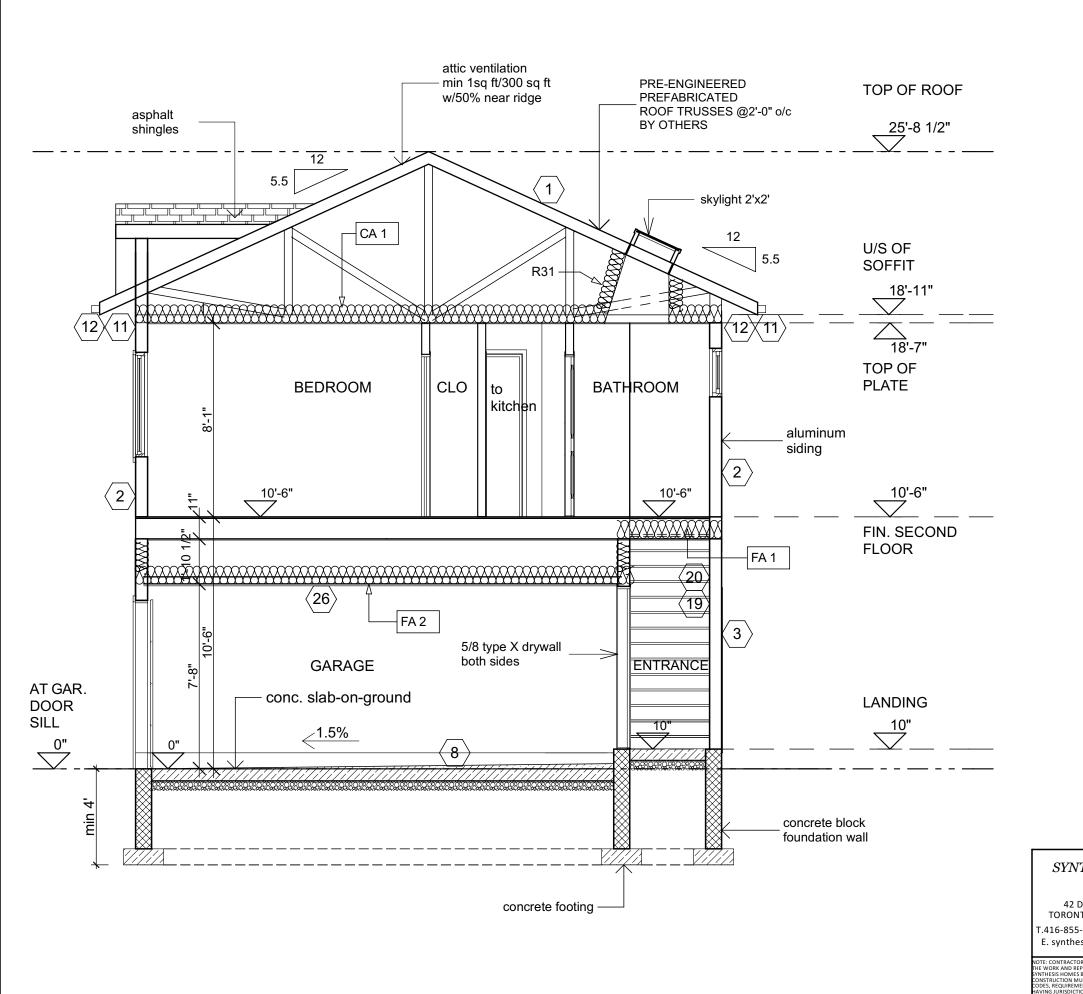
T. PEJOVIC

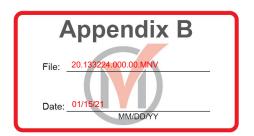
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May 29/2020









THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER. QUALIFICATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1. OF DIVISION C OF THE ONTARIO BUILDING CODE.

TATJANAPEJOVIC CVIJOVIC BCIN 30454

QUALIFICATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.1. OF DIVISION C OF THE ONTARIO BUILDING CODE.

SYNTHESIS HOMES INC. BCIN 35021

SYNTHESIS HOMES 42 DENVER CRES. TORONTO, ON, M2J 1G8 T.416-855-1882 F.416-492-0181 E. synthesis_homes@bell.net	PROPOSED COACH HOUSE & Additional 1 Car Garage Space	BUILDING SECTION A -A	
	at 4 Calafia St., Markham, On	SCALE:	1/4" = 1'-0'
		DRAWN BY: DATE:	T. PEJOVIO May 29/2020
IOTE: CONTRACTOR SHALL CHECK ALL DIMENSIONS ON HE WORK AND REPORT ALL DISCREPANCIES TO THE YNTHESIS HOMES BEFORE COMMENCING WORK. ONSTRUCTION MUST CONFORM TO ALL APLICABLE CODES, REQUIREMENTS AND BY-LAWS OF AUTHORITIES IAVING JURISDICTION ON TOT SCALE DRAWINGS.	CLIENT: Mr. Slavisa Garaca & Ms. Irena Garaca	SHEET 12 OF	A3.

