

Memorandum to the City of Markham Committee of Adjustment

February 10, 2021

File: A/128/20
Address: 209 The Meadows Avenue – Markham, ON
Applicant: Jason Viegas
Agent: In Roads Consultants
Hearing Date: February 17, 2021

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential Two Exception 190 & 465 (R2*190*465)” requirements under By-law 177-96, as amended, as they relate to a proposed second-storey coach house over an existing detached garage. The variances requested are to permit:

a) Parking By-law 28-97, Section 3.0 Table A:

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

b) Section 6.3.1.7:

a maximum lot coverage of 21.51%, whereas the By-law permits a maximum lot coverage of 15.0% for a detached private garage and habitable floor area above; and

c) Section 7.190.2 c) ii):

a minimum setback of 0.05 m (0.16 ft) to the east interior side lot line, whereas the By-law requires a minimum setback of 0.30 m (0.98 ft).

NOTE: The applicant initially applied for the three variances as shown in the Notice of Hearing to facilitate the proposed development (see Appendix “C”). Staff had concerns with the initial request, particularly the 0.05 m (0.16 ft) side yard setbacks proposed to both adjacent residential properties. In response, the applicant revised the proposal with the plans attached as Appendix “B”, and is requesting the variances noted above.

This revision was received after the Notice of Hearing was circulated to members of the public.

BACKGROUND

Property Description

The 357.03 m² (3,843.04 ft²) subject property is located on the south side of The Meadows Avenue, north of Riverlands Avenue, east of Bur Oak Avenue, and west of Cornell Centre Boulevard. The subject property is developed with a two-storey single detached dwelling and a one-storey detached garage. The detached garage is accessed by a public lane at the rear of the property, and provides parking for two vehicles.

The property is located within an established lane based residential neighbourhood comprised of two-storey single detached, semi-detached and townhouse dwellings. There are several examples of accessory dwelling units located above detached and attached private garages within the surrounding area.

Proposal

The applicant is proposing to expand the existing garage and construct a coach house dwelling unit above. To facilitate the expansion, the applicant is requesting a reduction to the minimum parking requirement, increase to the maximum lot coverage for a detached private garage, and a reduction to the minimum side yard setback adjacent to a hydro transformer notch.

The expansion of the coach house unit is cantilevered over the east side of the garage to provide for a covered and unenclosed area, which the applicant identifies as a “carport”. This area could potentially accommodate parking for a small vehicle however, since it has a width of less than 2.75 m (9.02 ft) (the minimum width of an unenclosed parking space required by the City of Markham Parking Standards By-law 28-97), it is not considered a legal parking space. Therefore, a parking variance is required.

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, and permits coach houses above a lane based detached garage.

Zoning By-Law 177-96

The subject property is zoned “Residential Two Exception 190 & 465 (R2*190*465)” under By-law 177-96, as amended, which permits low rise housing forms, including single detached dwellings. Exception 190 permits one accessory dwelling unit above a detached or attached private garage, and provides other area specific development standards including a minimum interior side yard setback requirement of 0.30 m (0.98 ft) for a detached private garage, amongst other building setbacks for the dwelling and detached garage. Exception 465 relates to porch provisions which are not specifically applicable to this development. The proposed development does not comply with the By-law requirement with respect to the minimum interior side yard setback, and maximum lot coverage for a detached private garage and habitable floor area above.

Parking Standards By-law 28-97

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

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR to confirm the initial variances required for the proposed development. As noted, the application was revised to address staff comments that the proposed development complies with the minimum side yard setback requirements.

The applicant has not completed a second ZPR for the revised plans. It is the applicant’s responsibility to ensure that the application has accurately identified all the variances to the By-law required for the proposed development. If the variances requested in this application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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, 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 to Minimum Parking

The Parking By-law requires two parking spaces for the single detached dwelling, and one additional parking space for an accessory coach house dwelling. The applicant is proposing two parking spaces on the subject property within the garage. Therefore, the applicant is requesting a variance to permit a reduction of one required parking space.

Staff are of the opinion that a reduction in parking may be considered self-regulating, as the secondary suite could 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 subject property. It is noted that no overnight parking is permitted on the street or lane, and violators would be ticketed nightly.

Reduction to Minimum Side Yard Setback

The applicant is requesting a minimum setback of 0.05 m (0.16 ft) to the east interior side lot line, whereas the By-law requires a minimum setback of 0.30 m (0.98 ft). This is a reduction of 0.25 m (0.82 ft). This variance applies only to the interior side yard that is adjacent to a hydro transformer notch. The proposed garage addition and coach house comply with the side yard setback where it is adjacent to the abutting residential lot.

Staff are of the opinion that the requested variance would not adversely impact the abutting hydro transformer, and do not object to the request. Staff recommend that the Committee adopt the conditions of approval provided in Appendix "A" which will ensure that the variance applies only to the innermost easterly side lot line as shown in the plans (Appendix "B").

Increase in Maximum Lot Coverage

The applicant is requesting a maximum lot coverage of 21.51%, whereas the By-law permits a maximum lot coverage of 15.0% for a detached private garage and habitable floor area above. This provision is applicable to lots with a lot frontage of 9.75 m (31.99 ft) or greater.

The proposed variance will permit an increase to the maximum lot coverage by approximately 6.51%, which equates to expanding the permitted lot coverage of the detached private garage by approximately 23.24 m² (250.15 ft²).

As previously noted, the applicant has provided staff with revised plans which complies with the front, rear, and side yard setbacks, save and except for where it abuts the hydro transformer notch. The proposed development also complies with the minimum separation requirement of 6.0 m (19.69 ft) between the detached garage and main building to ensure sufficient rear yard amenity will still be provided on the subject property. Staff also note that the lot coverage requirement is applicable only to the detached garage and that there

are no other lot coverage requirements for the dwelling. Accordingly, staff do not object to the variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 10, 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

Appendix "C" – Notice of Hearing

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/128/20

1. The variances apply only to the subject 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

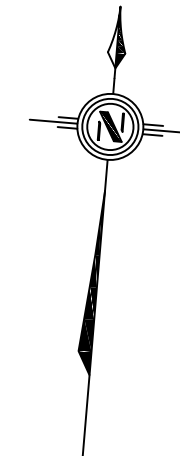
APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/128/20

Appendix B

File: 20.134600.000.00.MNV

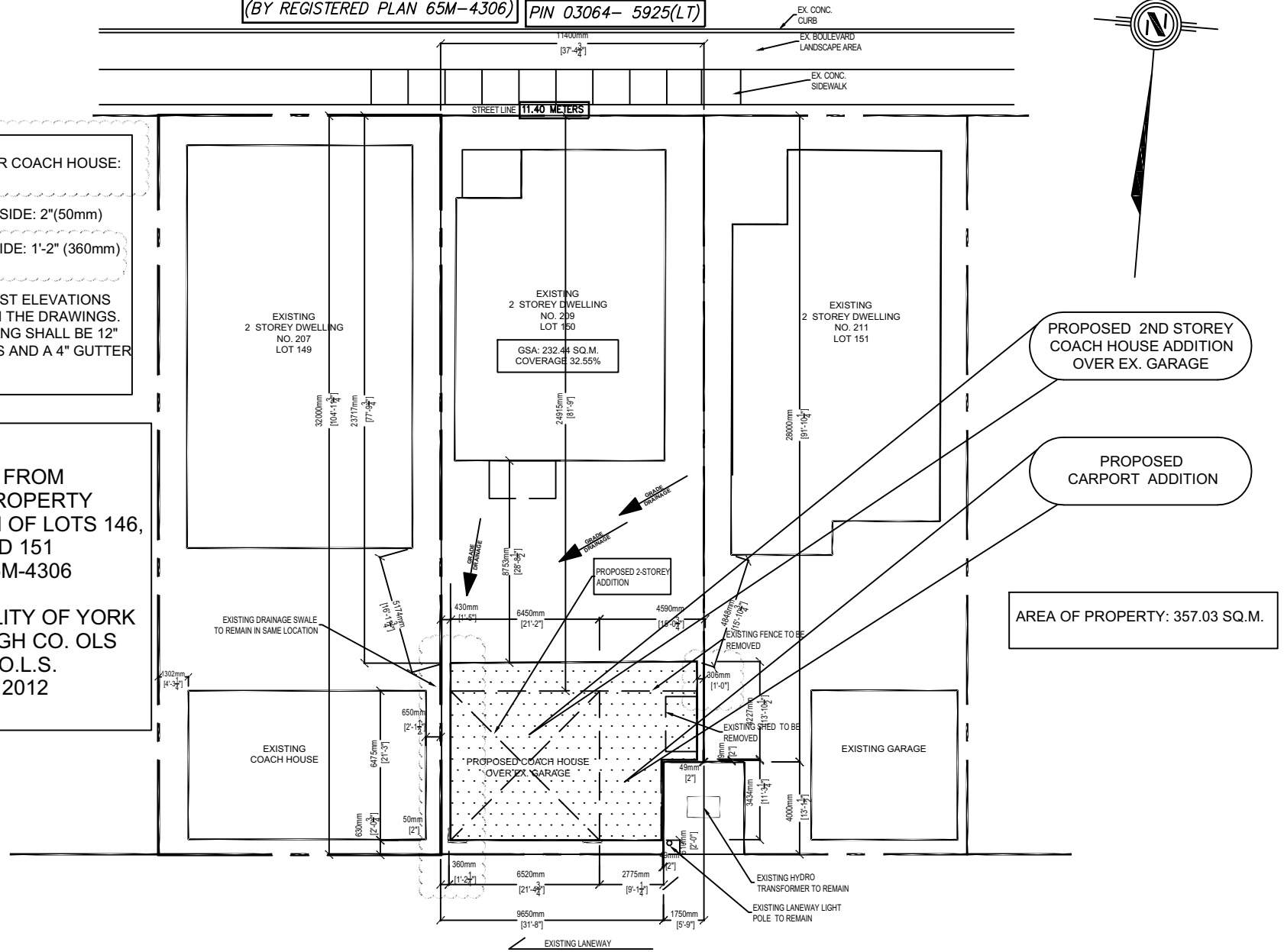
Date: 02/11/21
MM/DD/YY

THE MEADOWS AVENUE
(BY REGISTERED PLAN 65M-4306) PIN 03064- 5925(LT)



NOTES:
 1-PROPOSED LOT COVERAGE FOR COACH HOUSE:
 21.51% (76.81 SQ. M.)
 2-PROPOSED SETBACK ON EAST SIDE: 2"(50mm)
 PROPOSED SETBACK ON WEST SIDE: 1'-2" (360mm)
 3- OVERHANGS ON EAST AND WEST ELEVATIONS
 SHALL BE ZERO AS INDICATED IN THE DRAWINGS.
 THE NORTH AND SOUTH OVERHANG SHALL BE 12"
 AS INDICATED ON THE DRAWINGS AND A 4" GUTTER
 SHALL BE BEYOND OVERHANG

INFORMATION TAKEN FROM
 SURVEYOR'S REAL PROPERTY
 REPORT PART 1 PLAN OF LOTS 146,
 147, 148, 149, 150, AND 151
 REGISTERED PLAN 65M-4306
 TOWN OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 PREPARED BY: T. SINGH CO. OLS
 SIGNED BY: T. SINGH O.L.S.
 DATED: OCTOBER 12, 2012



AREA OF PROPERTY: 357.03 SQ.M.

SITE PLAN

SCALE 1:50

Contractor Must Check And Verify the existing Site conditions including All Dimensions and report any Discrepancies to Consultants before proceeding with any Work at the Job Site. Do Not Scale The Drawings. All Drawings, Specifications And Related Documents Are The Copyright Of The Architect. And/Or Designer And Must Be Returned Upon Request. Reproduction Of Drawings, Specifications, And Related Documents In Part Or Whole Is Forbidden Without The Architects Written Permission. This Drawing Is Not To Be Used For Construction Until Signed By The Architect and/or Designer.

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 marnymarcos13@gmail.com

Drawing Title
SITE PLAN

Project
COACH HOUSE ADDITION

209 THE MEADOWS AVENUE MARKHAM ONTARIO

T.M.	Drawn by	Plot Date
M.M.	Checked by	Revised
AS SHOWN	Scale	Drawing No.
2012-653	Project No.	A-2
2 OF 14	Sheet No.	

AUGUST 11, 2020

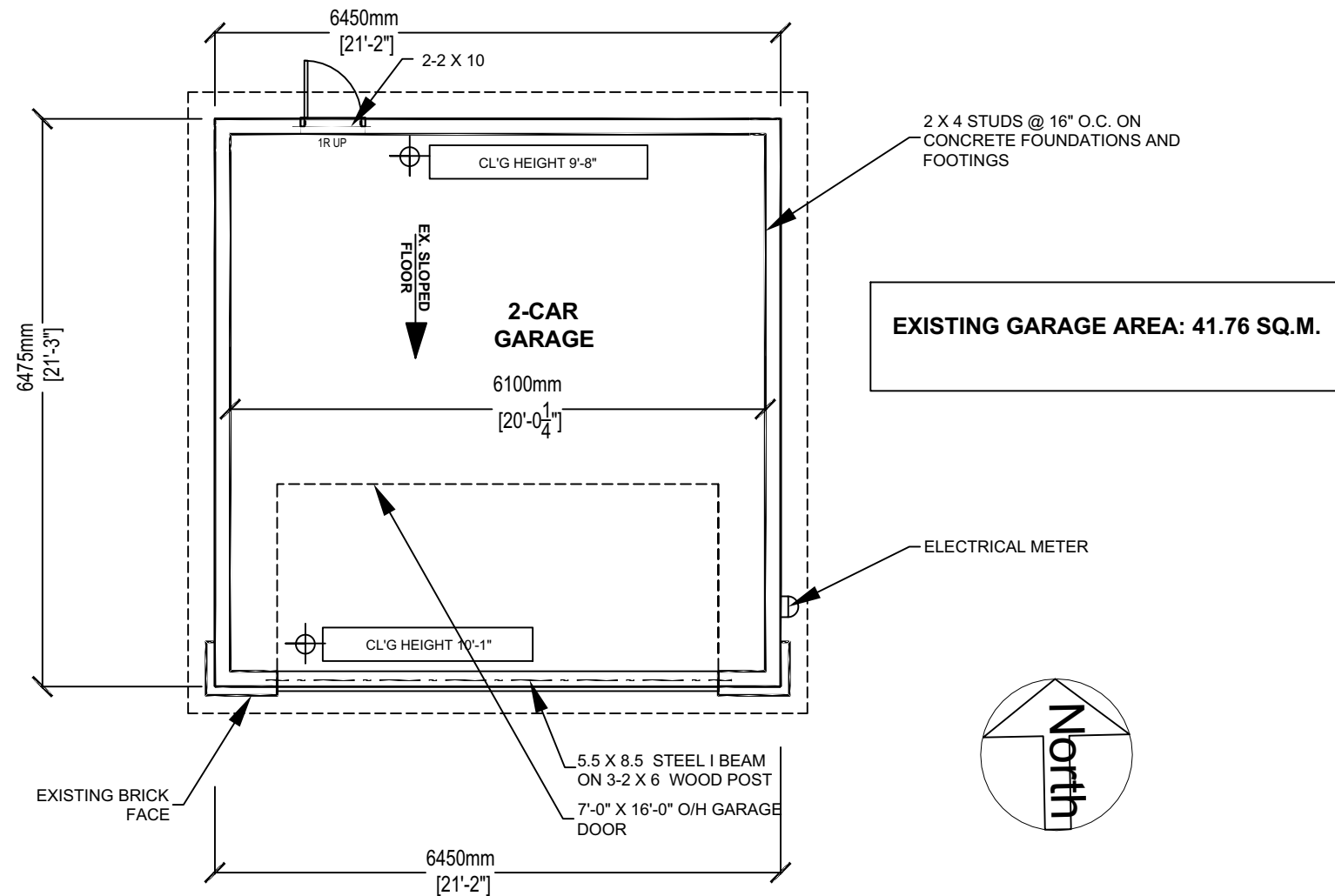
JANUARY 25, 2021

Appendix B

File: 20.134600.000.00.MNV

Date: 02/11/21
MM/DD/YY

EXISTING FLOOR PLAN FOR REFERENCE ONLY



EXISTING GARAGE AREA: 41.76 SQ.M.

EXISTING GARAGE PLAN

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Drawing Title
EXISTING GARAGE PLAN

Project
COACH HOUSE ADDITION

209 THE MEADOWS AVENUE MARKHAM ONTARIO

T.M.	Drawn by
M.M.	Checked by
AS SHOWN	Scale
2012-653	Project No.
3 OF 14	Sheet No.

AUGUST 11, 2020	Plot Date
	Revised
	Drawing No.

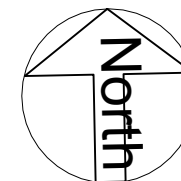
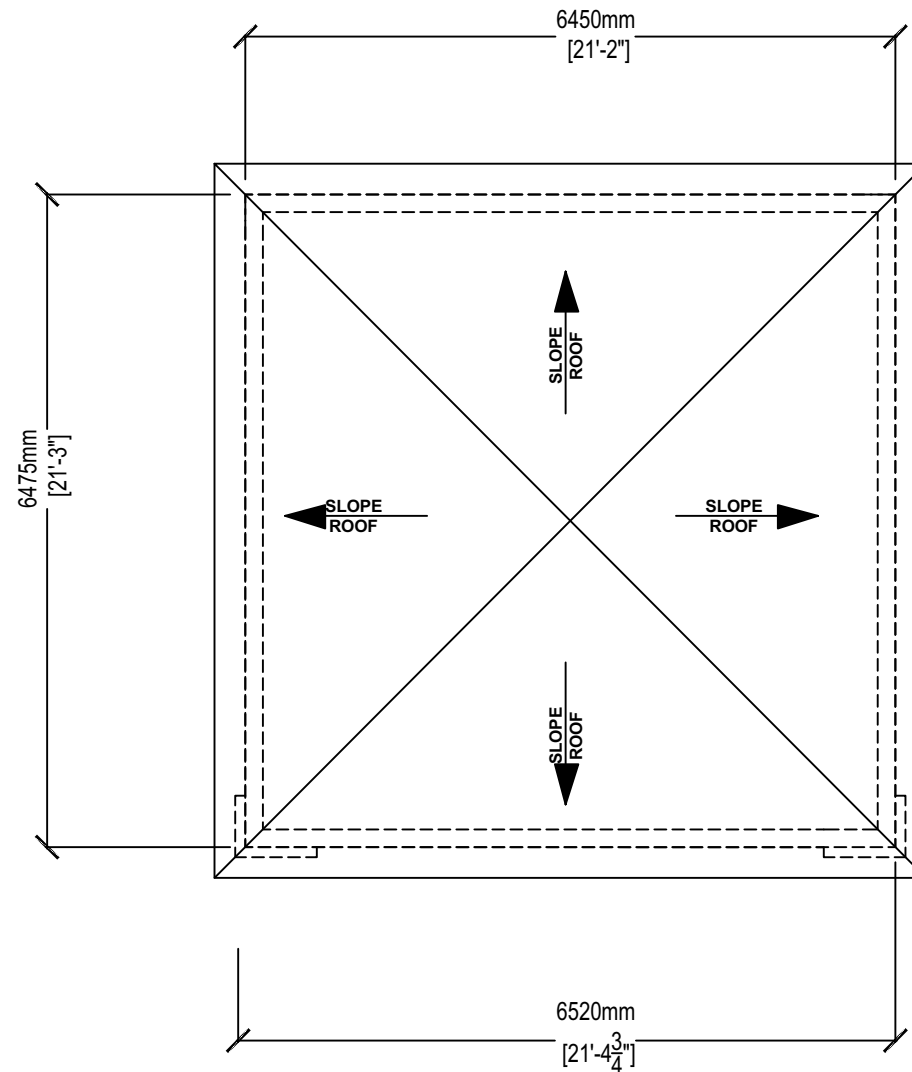
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Appendix B

File: 20.134600.000.00.MNV

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EXISTING ROOF PLAN FOR REFERENCE ONLY



EXISTING ROOF PLAN

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Drawing Title
EXISTING ROOF PLAN

Project
COACH HOUSE ADDITION

209 THE MEADOWS AVENUE MARKHAM ONTARIO

T.M.	Drawn by
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2012-653	Project No.
4 OF 14	Sheet No.

AUGUST 11, 2020	Plot Date
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	Drawing No.

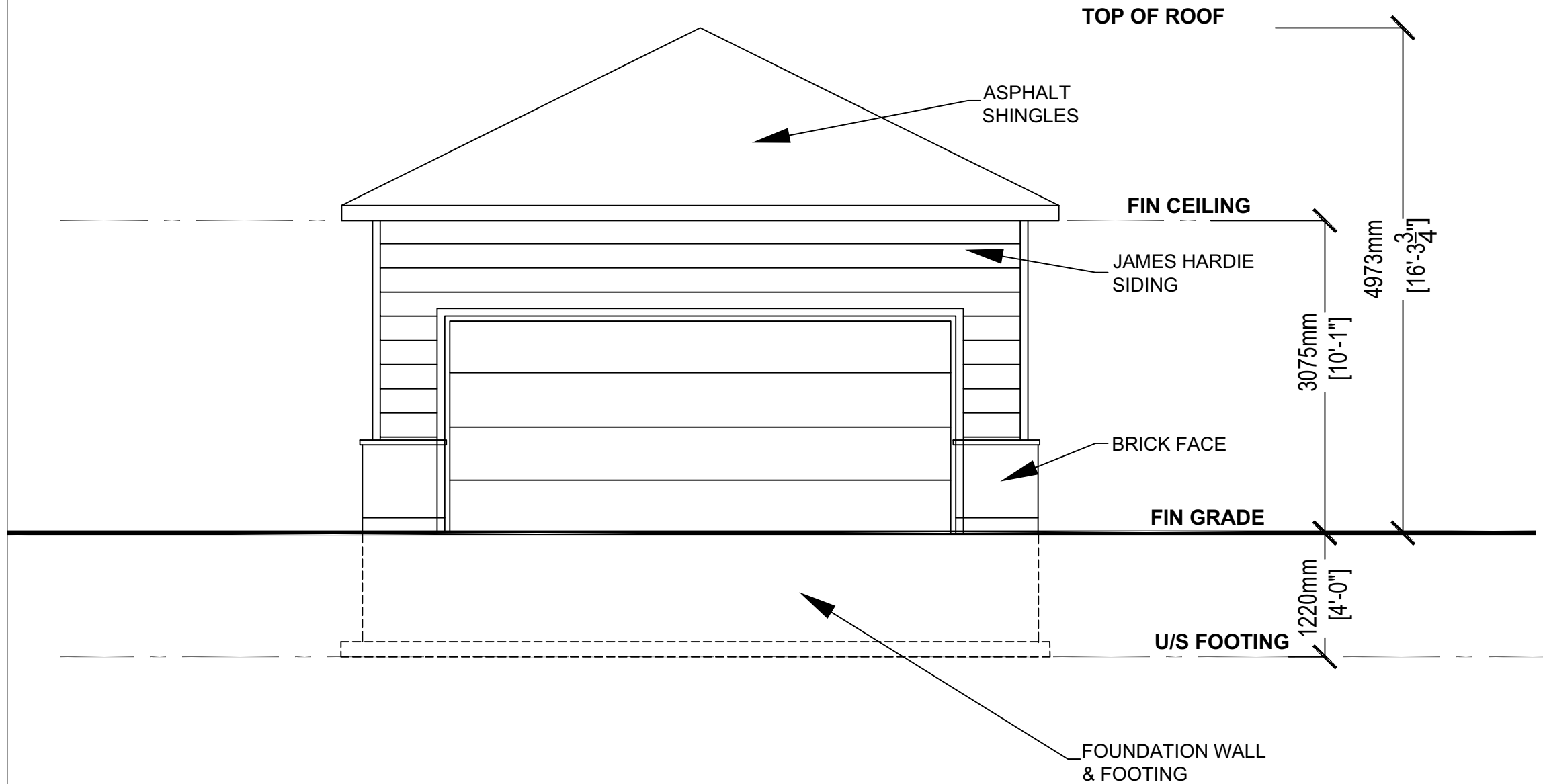
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Appendix B

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Date: 02/11/21
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EXISTING ELEVATION FOR REFERENCE ONLY



EXISTING SOUTH ELEVATION

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Drawing Title
EXISTING SOUTH ELEVATION

Project
COACH HOUSE ADDITION

209 THE MEADOWS AVENUE MARKHAM ONTARIO

T.M.	Drawn by
M.M.	Checked by
AS SHOWN	Scale
2012-653	Project No.
5 OF 14	Sheet No.

AUGUST 11, 2020	Plot Date
	Revised
	Drawing No.

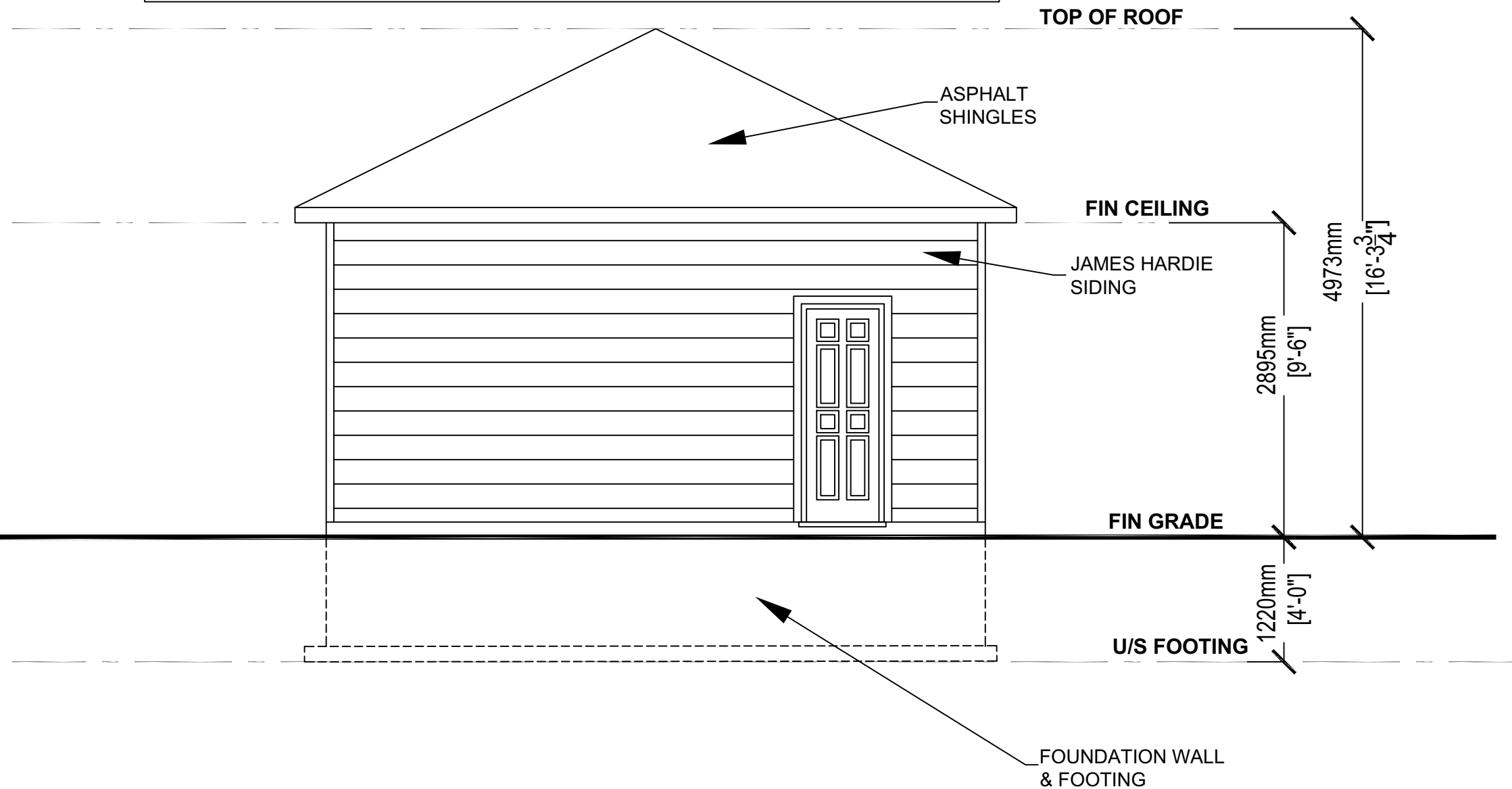
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Appendix B

File: 20.134600.000.00.MNV

Date: 02/11/21
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EXISTING ELEVATION FOR REFERENCE ONLY



EXISTING NORTH ELEVATION

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Drawing Title
EXISTING NORTH ELEVATION

Project
COACH HOUSE ADDITION

209 THE MEADOWS AVENUE MARKHAM ONTARIO

T.M.	Drawn by
M.M.	Checked by
AS SHOWN	Scale
2012-653	Project No.
6 OF 14	Sheet No.

AUGUST 11, 2020	Plot Date
	Revised
	Drawing No.

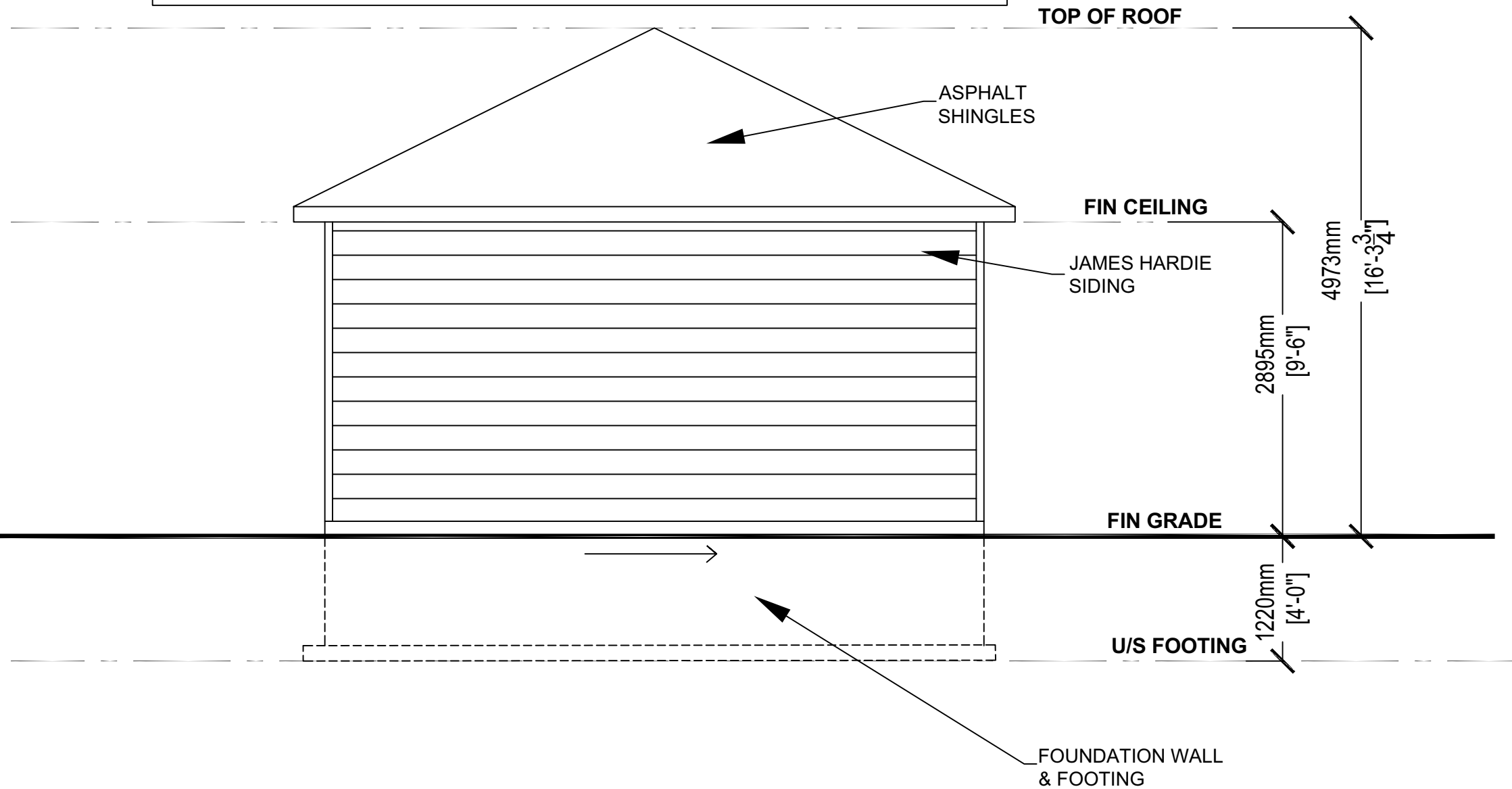
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Appendix B

File: 20.134600.000.00.MNV

Date: 02/11/21
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EXISTING ELEVATION FOR REFERENCE ONLY



EXISTING EAST/WEST ELEVATIONS

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EXISTING EAST/WEST ELEVATIONS

COACH HOUSE ADDITION

209 THE MEADOWS AVENUE MARKHAM ONTARIO

Drawing Title

Project

T.M.

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2012-653

7 OF 14

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Project No.

Sheet No.

Plot Date
AUGUST 11, 2020

Revised

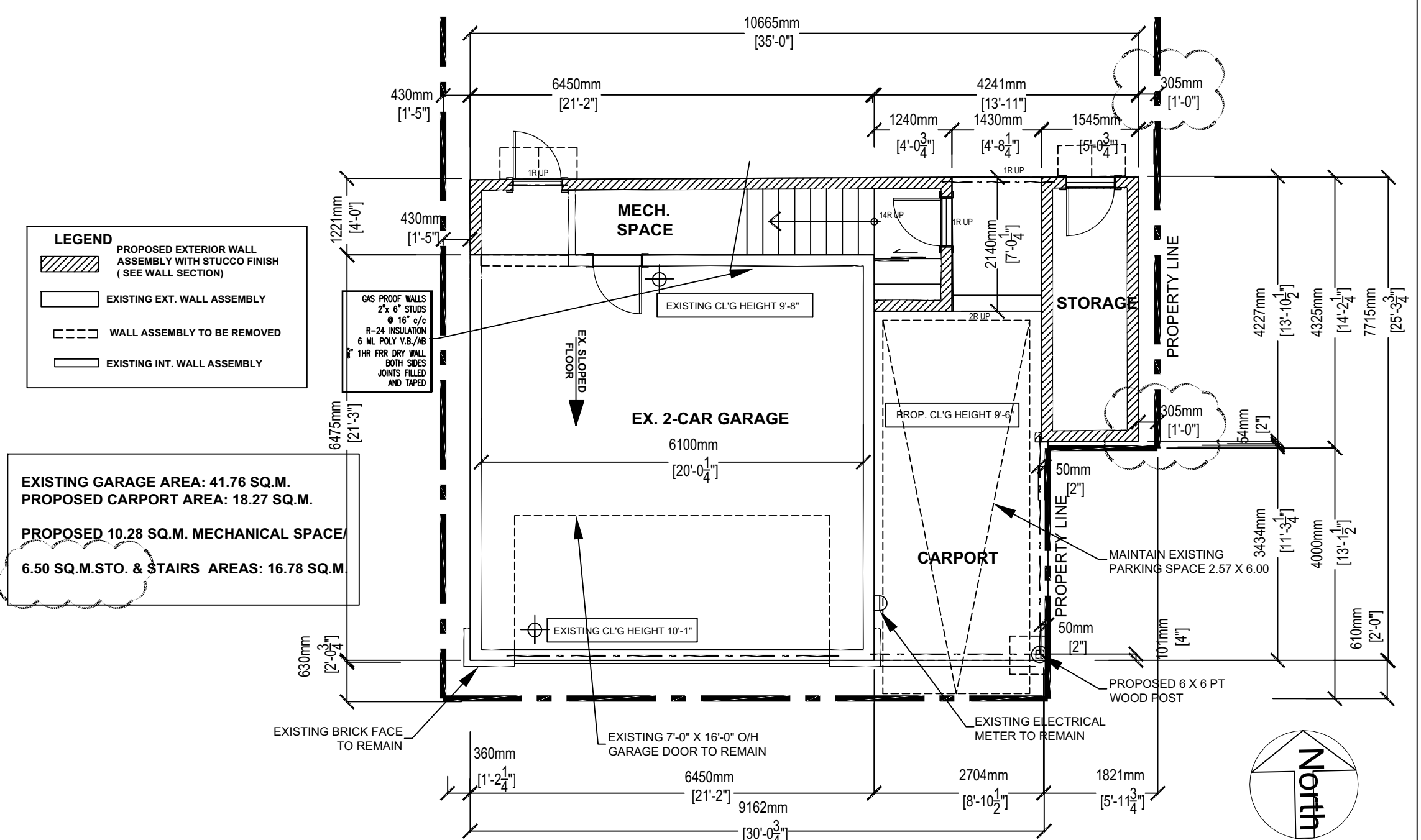
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A-7

Appendix B

File: 20.134600.000.00.MNV

Date: 02/11/21
MM/DD/YY



PROPOSED GROUND FLOOR PLAN

SCALE 1:75

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PROPOSED SECOND FLOOR PLAN
COACH HOUSE ADDITION
209 THE MEADOWS AVENUE MARKHAM ONTARIO

T.M.	Drawn by	Plot Date
M.M.	Checked by	Revised
AS SHOWN	Scale	Drawing No.
2012-653	Project No.	
8 OF 14	Sheet No.	

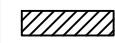
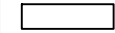
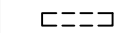
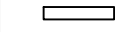
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Appendix B

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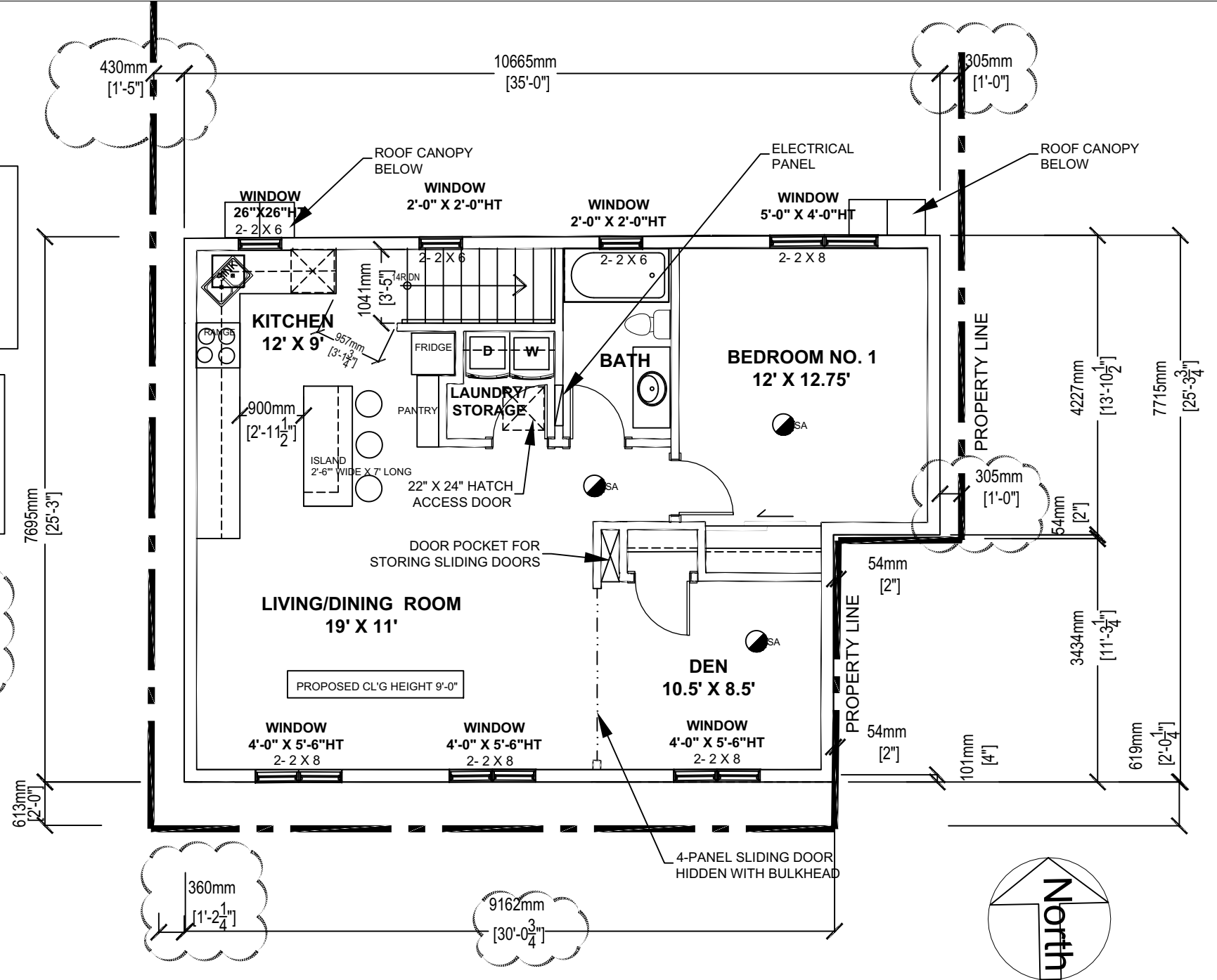
Date: 02/11/21
MM/DD/YY

LEGEND

-  PROPOSED EXTERIOR WALL ASSEMBLY WITH STUCCO FINISH (SEE WALL SECTION)
-  EXISTING EXT. WALL ASSEMBLY
-  WALL ASSEMBLY TO BE REMOVED
-  EXISTING INT. WALL ASSEMBLY

-  SMOKE ALARM WITH STROBE
-  SMOKE ALARM & CARBON MONOXIDE

PROPOSED GARAGE FLOOR PLAN AREA: 76.81 SQ.M.



PROPOSED SECOND FLOOR PLAN

SCALE 1:75

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Drawing Title: **PROPOSED SECOND FLOOR PLAN**
 Project: **COACH HOUSE ADDITION**

209 THE MEADOWS AVENUE MARKHAM ONTARIO

T.M.	Drawn by	AUGUST 11, 2020	Plot Date
M.M.	Checked by	JANUARY 25, 2021	Revised
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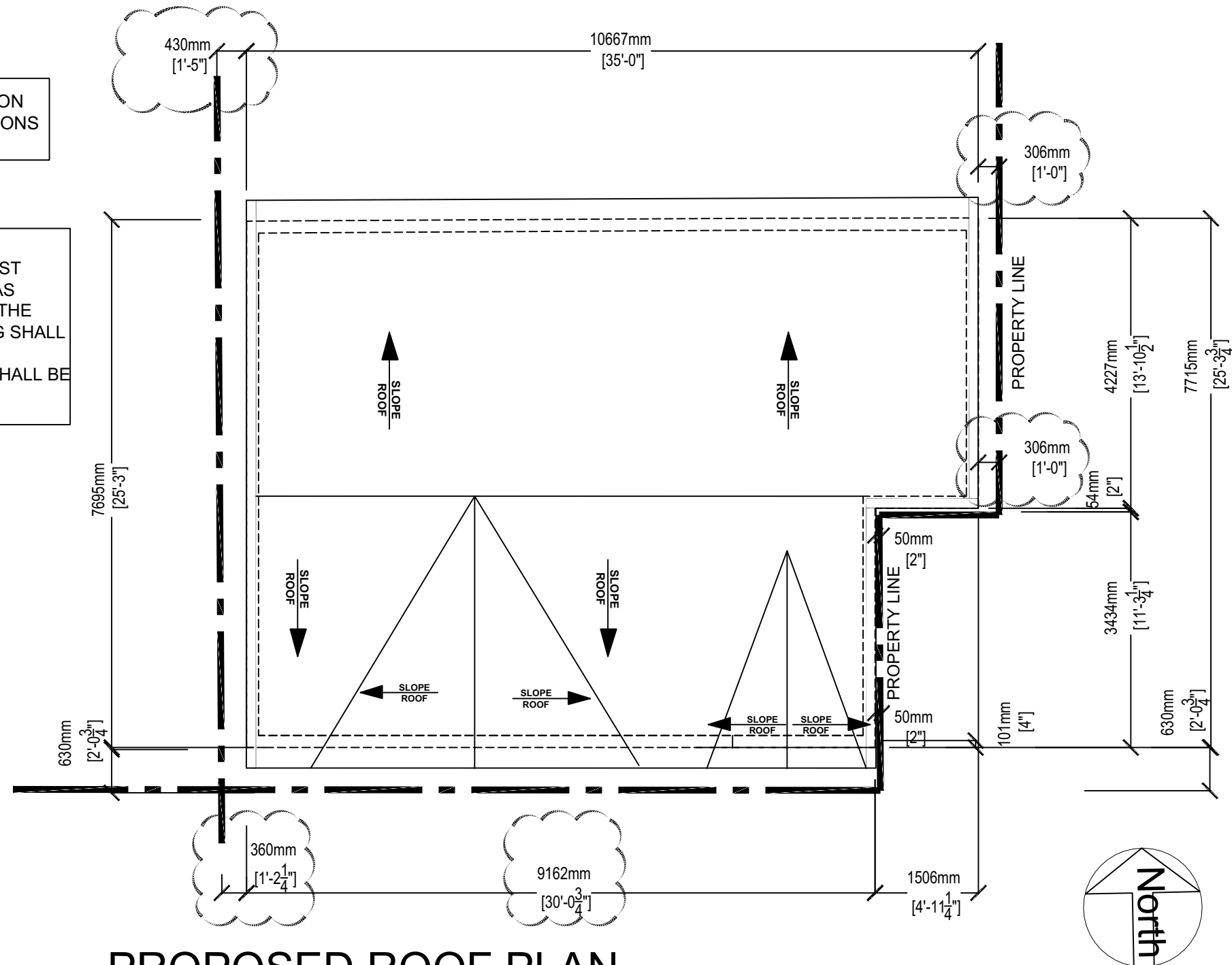
Appendix B

File: 20.134600.000.00.MNV

Date: 02/11/21
MM/DD/YY

12" OVERHANG ONLY ON NORTH/SOUTH ELEVATIONS

NOTES:
OVERHANGS ON EAST AND WEST ELEVATIONS SHALL BE ZERO AS INDICATED IN THE DRAWINGS. THE NORTH AND SOUTH OVERHANG SHALL BE 12" AS INDICATED ON THE DRAWINGS AND A 4" GUTTER SHALL BE BEYOND OVERHANG



PROPOSED ROOF PLAN

SCALE 1:75

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Drawing Title
PROPOSED ROOF PLAN

Project
COACH HOUSE ADDITION

209 THE MEADOWS AVENUE MARKHAM ONTARIO

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M.M.	Checked by
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10 OF 14	Sheet No.

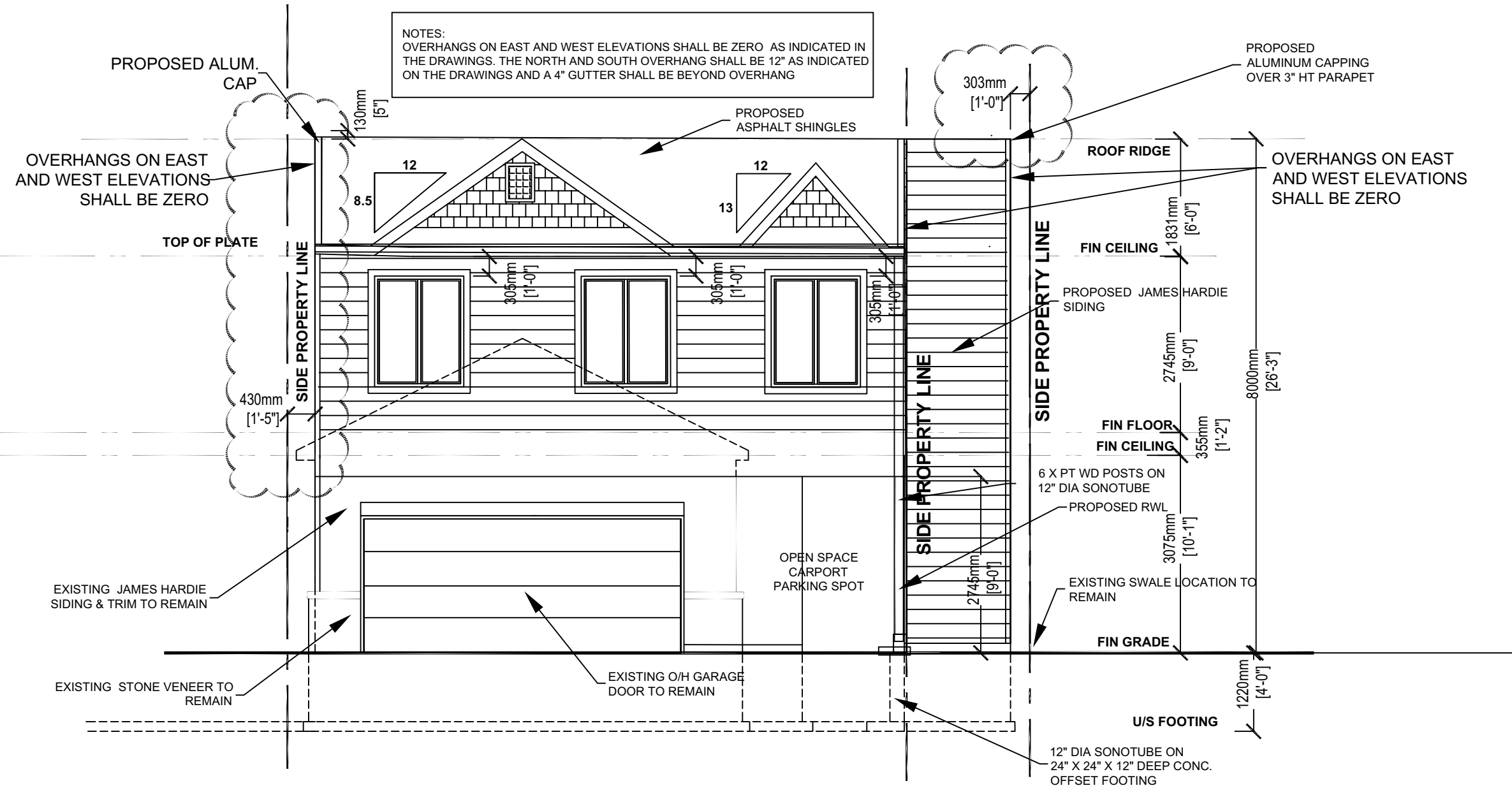
AUGUST 11, 2020	Plot Date
JANUARY 25, 2021	Revised
	Drawing No.

A-10

Appendix B

File: 20.134600.000.00.MNV

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PROPOSED SOUTH ELEVATION

SCALE 1:75

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Drawing Title
PROPOSED SOUTH ELEVATION
 Project
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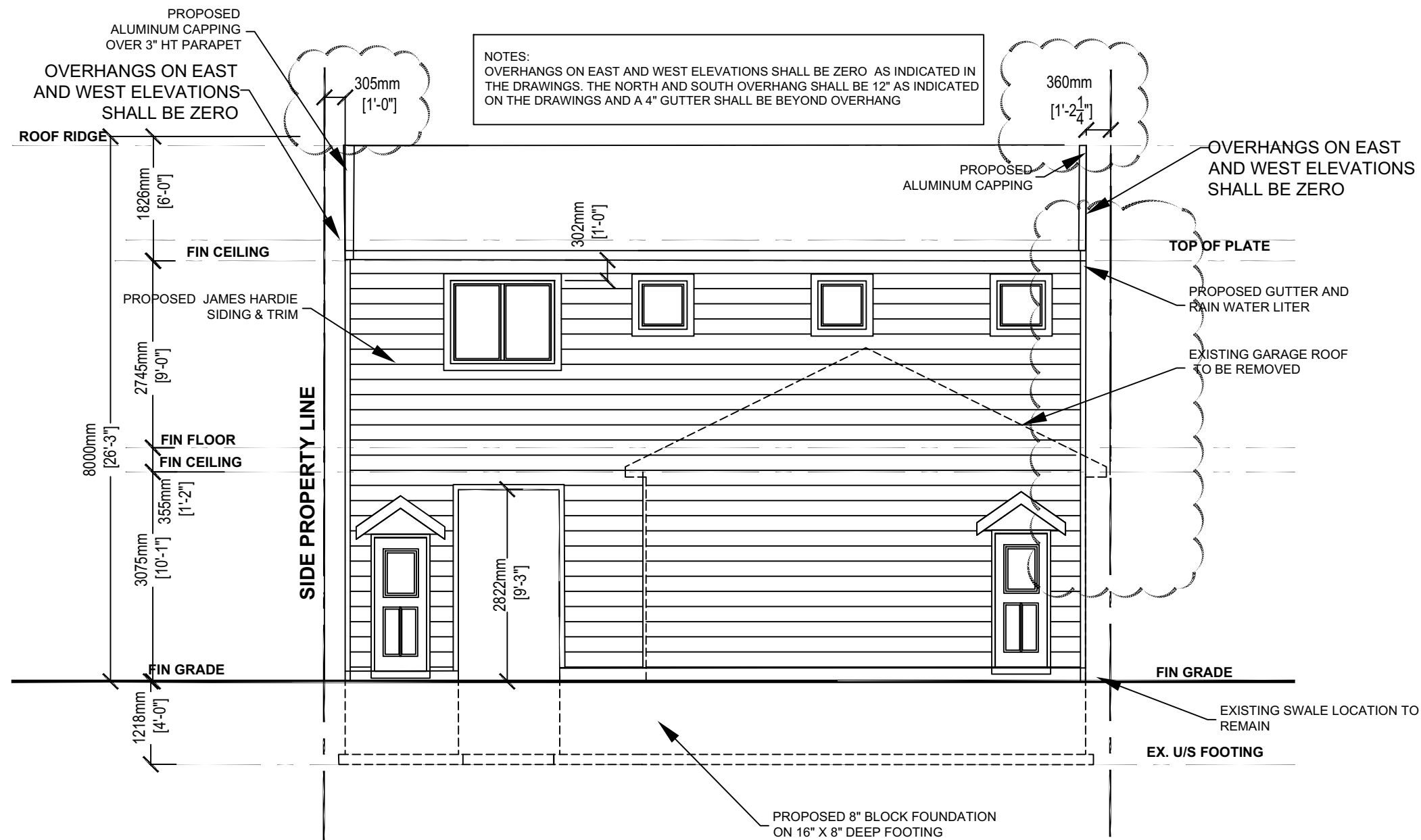
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Appendix B

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PROPOSED NORTH ELEVATION

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mannymarcos13@gmail.com

PROPOSED NORTH ELEVATION

COACH HOUSE ADDITION

209 THE MEADOWS AVENUE MARKHAM ONTARIO

T.M.	Drawn by	AUGUST 11, 2020	Plot Date
M.M.	Checked by	JANUARY 25, 2021	Revised
AS SHOWN	Scale		Drawing No.
2012-653	Project No.		
12 OF 14	Sheet No.		

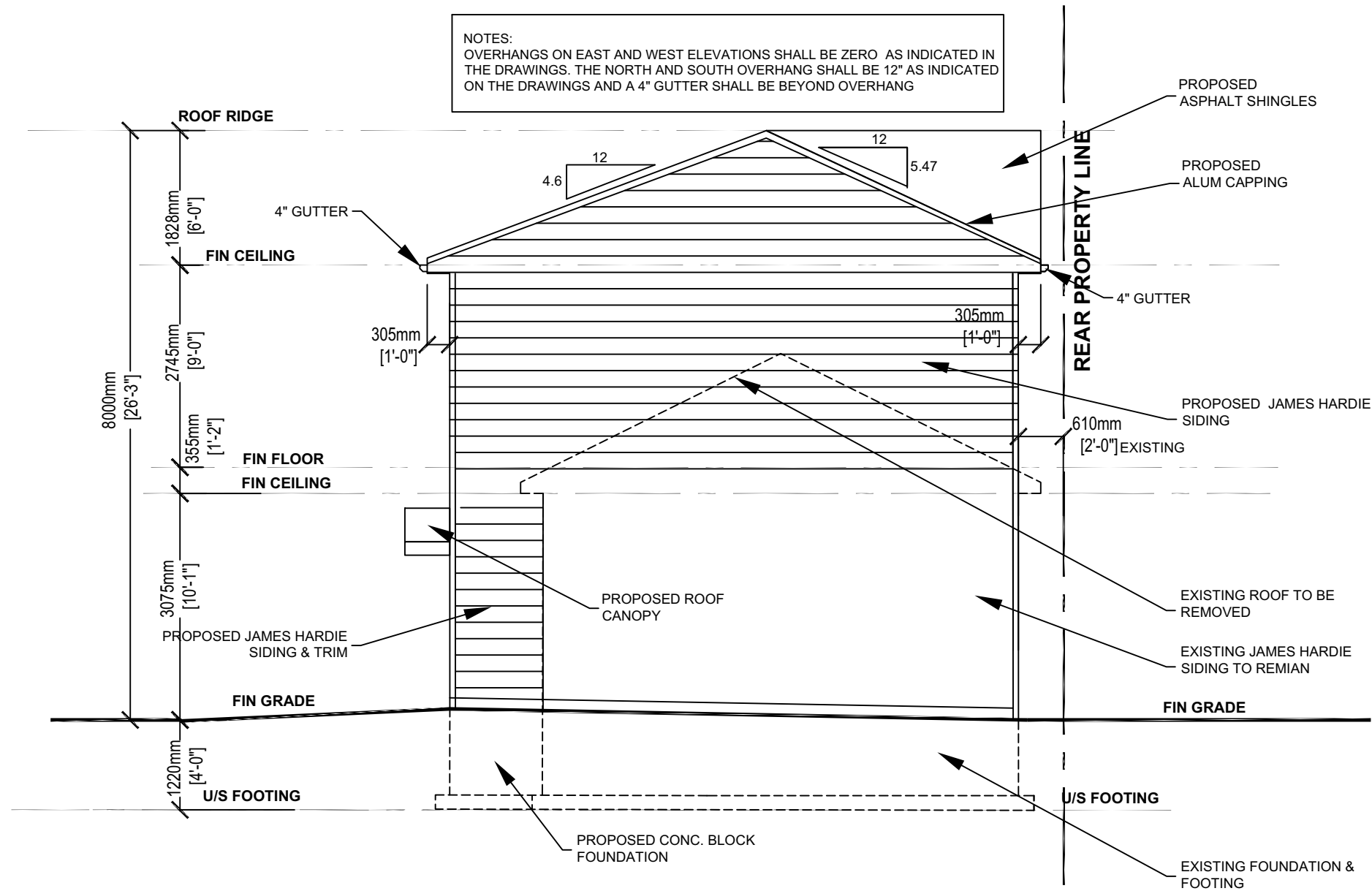
A-12

Appendix B

File: 20.134600.000.00.MNV

Date: 02/11/21
MM/DD/YY

NOTES:
OVERHANGS ON EAST AND WEST ELEVATIONS SHALL BE ZERO AS INDICATED IN THE DRAWINGS. THE NORTH AND SOUTH OVERHANG SHALL BE 12" AS INDICATED ON THE DRAWINGS AND A 4" GUTTER SHALL BE BEYOND OVERHANG



PROPOSED WEST ELEVATION

SCALE 1:75

Contractor Must Check And Verify the existing Site conditions including All Dimensions and report any Discrepancies to Consultants before proceeding with any Work at the Job Site. Do Not Scale The Drawings. All Drawings, Specifications And Related Documents Are The Copyright Of The Architect And/Or Designer And Must Be Returned Upon Request. Reproduction Of Drawings, Specifications And Related Documents In Part Or Whole Is Forbidden Without The Architects Written Permission. This Drawing Is Not To Be Used For Construction Until Signed By The Architect and/or Designer.

2659121 Ontario Inc.
Design & Project Managers

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PROPOSED WEST ELEVATION

COACH HOUSE ADDITION

209 THE MEADOWS AVENUE MARKHAM ONTARIO

Drawing Title

Project

T.M.

M.M.

AS SHOWN

2012-653

13 OF 14

Drawn by

Checked by

Scale

Project No.

Sheet No.

AUGUST 11, 2020

DECEMBER 3, 2020

Revised

Plot Date

Drawing No.

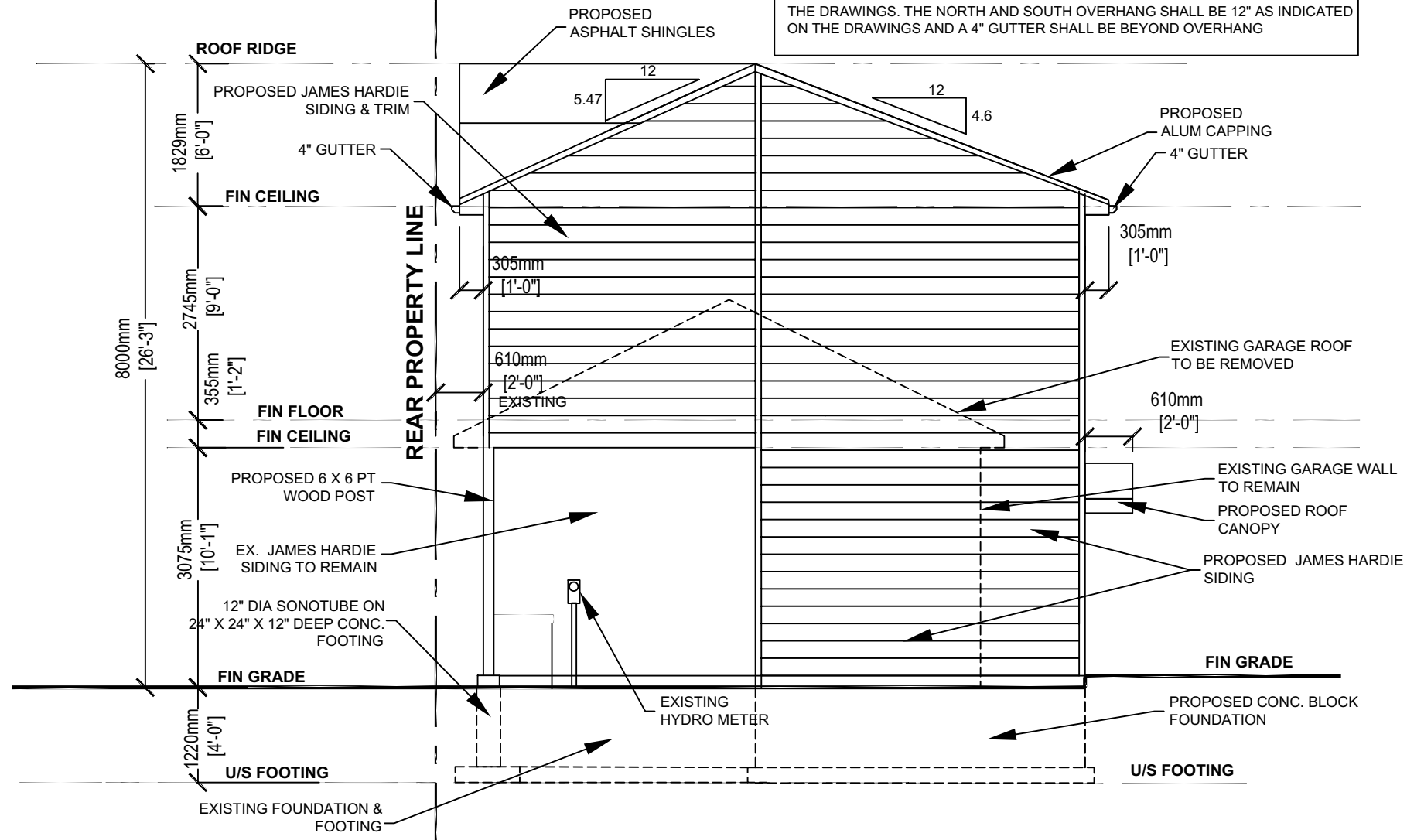
A-13

Appendix B

File: 20.134600.000.00.MNV

Date: 02/11/21
MM/DD/YY

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PROPOSED EAST ELEVATION

SCALE 1:75

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PROPOSED EAST ELEVATION

COACH HOUSE ADDITION

209 THE MEADOWS AVENUE MARKHAM ONTARIO

T.M.	Drawn by	AUGUST 11, 2020	Plot Date
M.M.	Checked by	JANUARY 25, 2021	Revised
AS SHOWN	Scale		Drawing No.
2012-653	Project No.		
14 OF 14	Sheet No.		

A-14

APPENDIX "C"
NOTICE OF HEARING



COMMITTEE OF ADJUSTMENT

MEETING DATE AND TIME: Wednesday, February 17, 2021 at 7:00 p.m.

LOCATION: The Civic Centre is closed to the public. The Public Meeting will be held digitally. Participants or attendees are required to email the COA@markham.ca for more information on how to participate.

File Number: A/128/20
Owner(s): Jason Viegas
Agent: In Roads Consultants
Property Address: 209 The Meadows Avenue, Markham
Legal Description: PLAN 65M4306 LOT 150
Zoning: By-law 177-96 as amended; R2*190*465
Ward: 5

PURPOSE OF THE APPLICATION:

The applicant is requesting relief from the requirements of By-law 177-96, as amended to permit:

- a) **Parking By-law 28-97, Section 3.0 Table A:**
2 parking spaces, whereas the By-law requires 3 parking spaces;

- b) **Section 6.3.1.7:**
a lot coverage of 21.73 percent, whereas the By-law permits a maximum lot coverage of 15 percent for detached private garages and habitable floor area above;

- c) **Section 7.190.2 c) ii):**
a minimum setback of 0.05 m to the east and west interior side lot lines, whereas the By-law requires a minimum setback of 0.3 metres;

as it relates to a proposed carport addition and 2nd storey coach house over the existing detached garage.

NOTICE REQUIREMENTS FOR LANDLORDS & CONDOMINIUM CORPORATIONS

A copy of this notice **must be posted** by the owner of any land that contains seven or more residential units in a location that is visible to all of the residents.

THE COMMITTEE OF ADJUSTMENT AND MINOR VARIANCES

The role of the Committee of Adjustment is to offer flexibility in dealing with minor adjustments to Zoning By-law permissions. The Committee of Adjustment forms its opinions through its detailed review of all material filed with an application, letters received, deputations made at the public hearing and results of site inspections.

The Committee of Adjustment, after hearing the applicant and every other person who desires to be heard in respect to this application may approve, refuse, modify or otherwise alter the application at the hearing without further notice provided.

MAKING YOUR VIEWS KNOWN

This notice has been mailed to you, as required by the *Planning Act*, to ensure that you are provided an opportunity make your views known by either:

- **Attending the Digital Public Hearing** and/or
- **Delivering a Letter in Person or by Mail or Email to the Undersigned**

* Under **The Municipal Freedom of Information Act:** *personal information collected in response to this planning notice will be used to assist City staff and Council to process this application and will be a part of the public record*

Do note that written comments must be received by the undersigned no later than 4:00 p.m. two (2) days before the hearing.

TO VIEW THE MATERIALS IN THE APPLICATION FILE

Materials will be posted on the link below prior to the scheduled meeting date:

<https://www.markham.ca/wps/portal/home/business/planning/committeeofadjustment/agendas-minutes-staff-reports>

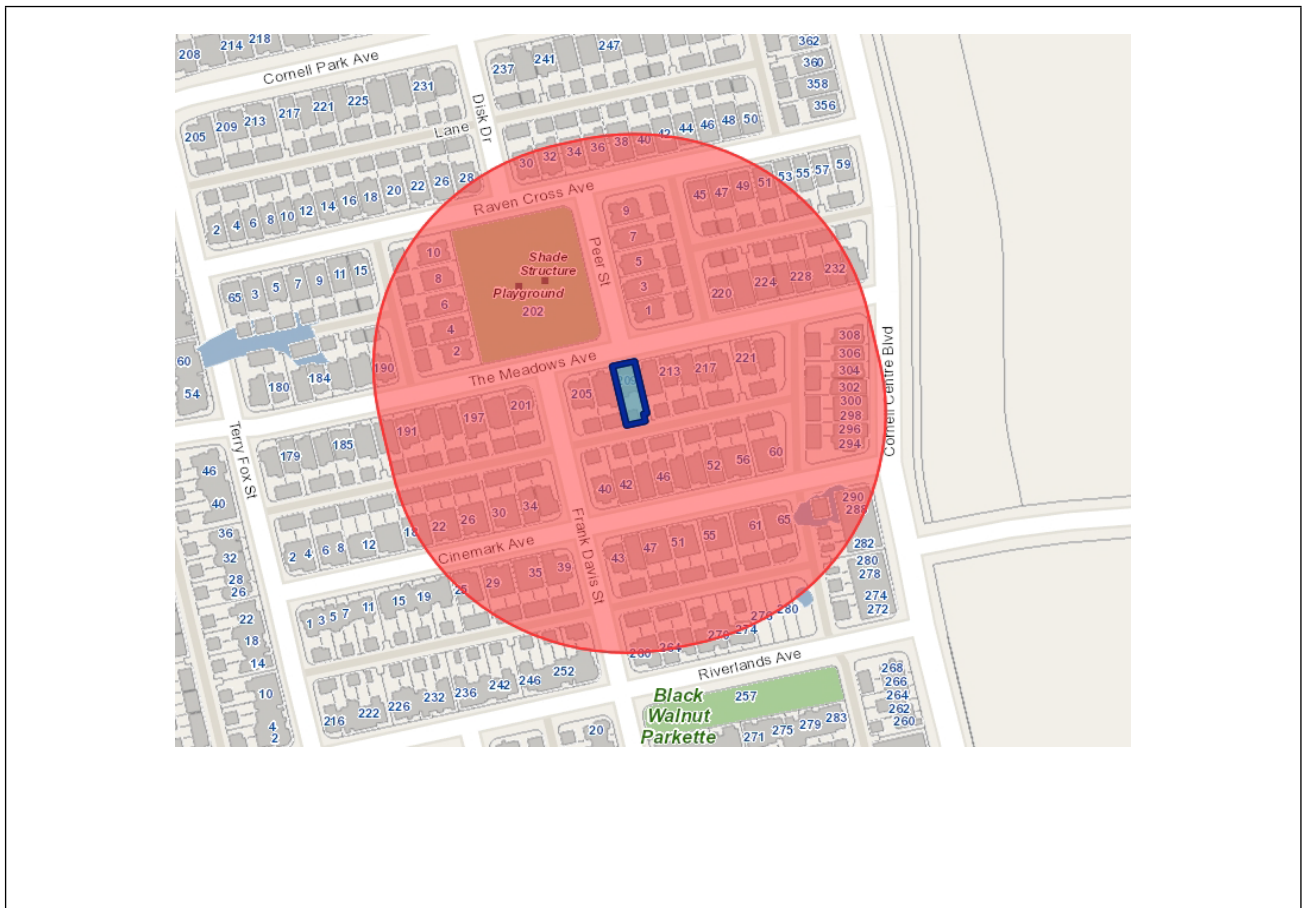
NOTICE OF DECISION and LOCAL PLANNING APPEAL TRIBUNAL PROCEEDINGS

Any person wishing to comment on this application but who is unable to attend the hearing may send a signed, written submission to the Secretary Treasurer prior to the hearing. A submission received prior to the hearing is not considered a notice of appeal.

A copy of the decision will be sent to the applicant and agent. Any other person or agency wishing to receive a copy of the decision or any notice of relevant Local Planning Appeal Tribunal hearings must submit a written request for a copy of the decision, or you will be not entitled to receive notice of any further proceedings.

IMPORTANT NOTICE TO OWNERS AND/OR AGENTS:

The applicant or representative for the applicant **MUST** appear at the hearing in support of the application, failing which this application may be dismissed.



Justin Leung, MES (PI), ACST (A) MCIP RPP
Secretary-Treasurer
Committee of Adjustment

City of Markham
101 Town Centre Boulevard
Markham, Ontario L3R 9W3

For more information about this matter, contact:
(tel) 905.475.4721 (fax) 905.479.7768 COA@markham.ca