

Memorandum to the City of Markham Committee of Adjustment

February 9, 2021

File: A/137/20
Address: 10 Bittersweet Street – Markham, ON
Applicant: Nigel Gibson
Agent: Ekp Designs Inc.
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 (R2*190) Zone” requirements of By-law 177-96, as amended, as they relate to a proposed expansion to the existing garage and coach house. The applicant is requesting the following variances to permit:

a) By-law 177-96, Section 3.0, Table A:

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

b) By-law 177-96, Section 6.3.1.7 a):

a detached garage and habitable floor area above to have a maximum lot coverage of 22.58%, whereas the By-law permits a maximum lot coverage of 15.0%.

BACKGROUND

Property Description

The subject property has a frontage of approximately 11.0 m (36.08 ft) and lot area of approximately 352.0 m² (3,788.90 ft²), located on the west side of Bittersweet Street, north of White’s Hill Avenue, east of Bur Oak Avenue in the Cornell community. The subject property is developed with a two-storey single detached dwelling and a two-storey detached garage. The detached garage is accessed by a public lane at the rear of the property, and provides parking for three vehicles. It also contains an accessory coach house dwelling unit above the garage.

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 coach house dwelling unit. To facilitate the expansion, the applicant is requesting increases to the maximum lot coverage for detached garages, and a reduction to the minimum parking requirement.

The expansion of the coach house unit is cantilevered over the south side of the garage to provide a covered patio. Staff note that this area could potentially be used as parking for a small vehicle, but since this area only has a width 2.48 m (8.14 ft) it is not considered a legal parking space by the City of Markham’s Parking Standards By-law 28-97, which requires a minimum width of 2.75 m (9.02 ft). 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 zoned Residential Two Exception 190 (R2*190) 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 building setbacks for the dwelling and detached garage. The proposed development does not comply with the By-law requirement with respect to maximum lot coverage for detached private garages.

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 which also requested variances to reduce the interior side yard setback, and permit an encroachment of architectural features into the same side yard. Staff requested that the application be revised so that the proposed development complies with the required side yard setback requirements. Consequently, the applicant submitted revised plans on January 26, 2021 and is now only requesting the two variances noted above.

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 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.

Increase in Maximum Lot Coverage

The applicant is requesting a maximum lot coverage of 22.58% for a detached private garage, whereas the By-law permits a maximum lot coverage of 15.0% for a detached

private garage. This provision is applicable to lots with a lot frontage of 9.75 m (31.99 ft) or greater.

If approved, the proposed variance will permit an increase to the maximum lot coverage by approximately 7.58%, which equates to expanding the permitted footprint of the detached private garage by approximately 26.69 m² (287.29 ft²).

As previously noted, the applicant has provided staff with revised plans which now comply with all setbacks, including rear and side yard setbacks. 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 that a sufficient rear yard amenity will 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 main building. Staff are of the opinion that the requested increase is appropriate, and do not object to the variance.

Reduction in 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. Therefore, the applicant is requesting a variance to permit a reduction of one parking space.

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

PUBLIC INPUT SUMMARY

No written submissions were received as of February 9, 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/137/20

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.
3. That the owner submit, if required by the Chief Building Official, a third-party report prepared by an architect or professional engineer licensed in the Province of Ontario, to assess compliance of existing construction with the provisions of the Ontario Building Code, and in particular relating to the change of use from a dwelling containing a single suite to a dwelling containing more than one suite.

CONDITIONS PREPARED BY:



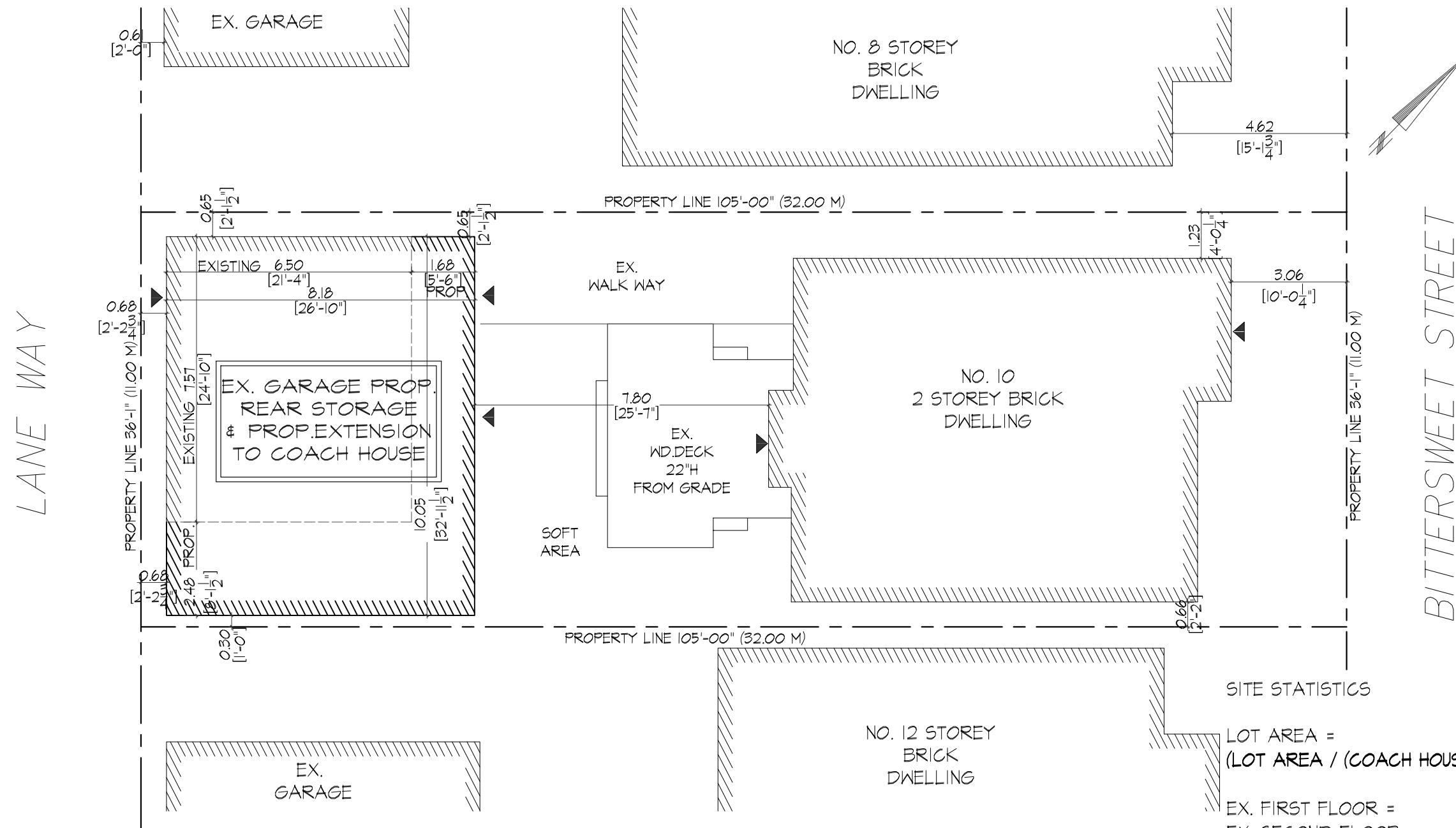
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/137/20

Appendix B

File: 20.135842.000.00.MNV

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



1
A1 **SITE PLAN**
SCALE : 3/32" = 1'-0"

SITE STATISTICS

LOT AREA =	3789.02 SQ FT [352.00 SQ M]
(LOT AREA / (COACH HOUSE COVERAGE- STAIRCASE))	=352/(82.20-2.71)=79.49 M ² 22.58%
EX. FIRST FLOOR =	1109.25 SQ. FT [103.05 SQ. M]
EX. SECOND FLOOR=	1109.25 SQ. FT [103.05 SQ.M]
EX. DETACHED GARAGE=	529.60 SQ. FT [49.20 SQ.M]
PROP.EXTEND GARAGE =	132.35 SQ.FT [18.6 SQ.M]
EX.COACH HOUSE=	529.60 SQ. FT [49.20 SQ.M]
PROP.COACH HOUSE=	354.40 SQ.FT [32.92 SQ.M]
REAR YARD AREA =	2029.37 SQ.FT [188.52 SQ.M]

EKP DESIGNS INC.
537 ROGERS ROAD
TORONTO , ONTARIO
M6E-1B4
TEL. No. 416-658-6737
CELL No. 416-723-6983
EMAIL: ekpdesigns@outlook.com

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No.	REVISIONS	DATE

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents:

QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.4.3(5) Division C of the Ontario Building Code.

EDDIE PERES 37296
NAME SIGNATURE BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7. Division C of the Ontario Building Code.

EKP DESIGNS INC. 38281
FIRM NAME BCIN

PROJECT EX. GARAGE PROP. REAR STORAGE & PROP.EXTENSION TO COACH HOUSE 10 BITTERSWEET STREET CITY OF MARKHAM		
DRAWING NAME SITE PLAN		
DESIGNED BY EKP	DRAWN BY EKP	APPROVED BY EKP
PROJECT No. 2020-132	DATE OCT. 2020	SCALE AS SHOWN
FILE: 2020	DRAWING NO. A1	

LEGEND:

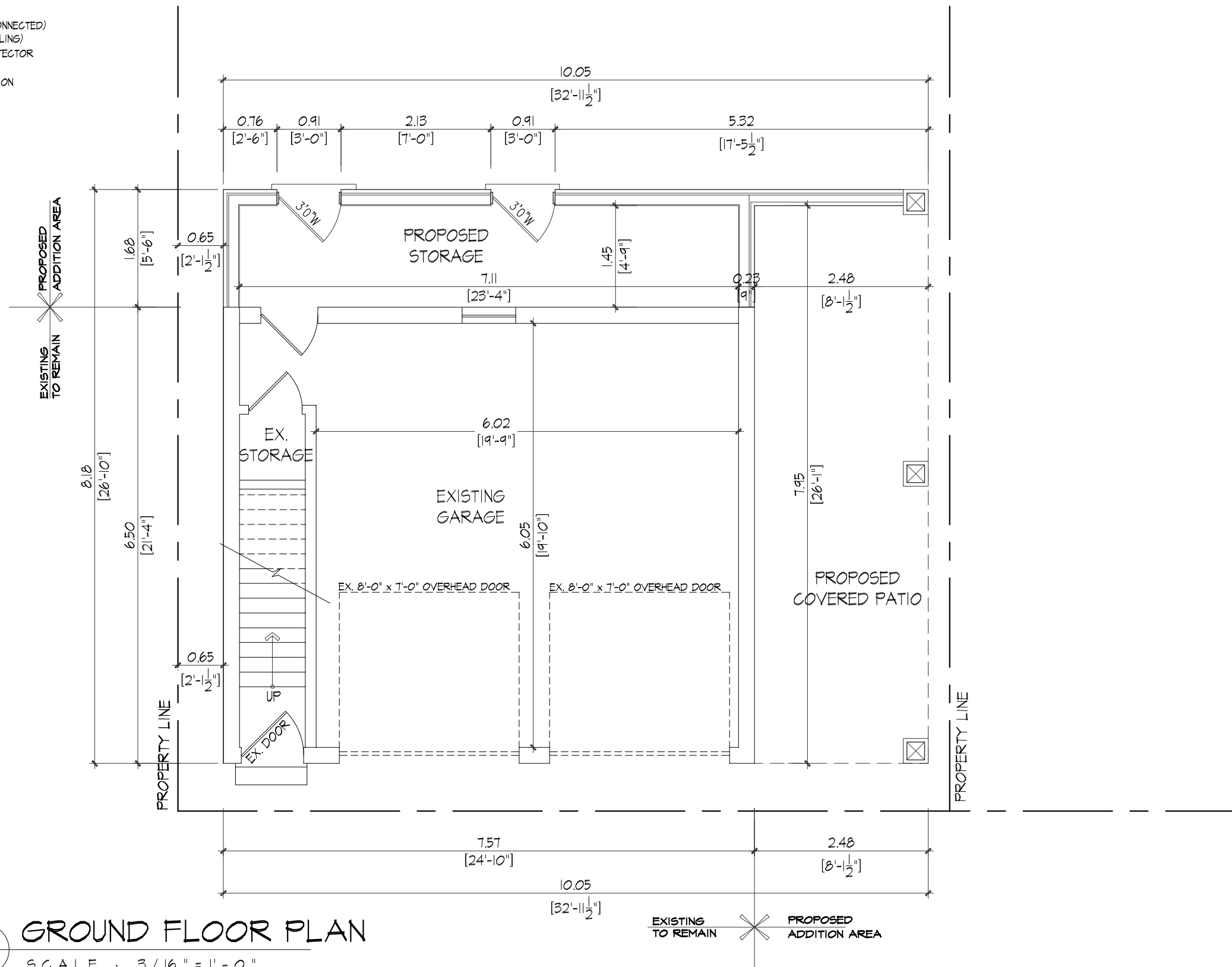
- SA SMOKE ALARM (INTERCONNECTED)
(STROBE-VISUAL SIGNALING)
- C.M.D. CARBON MONOXIDE DETECTOR
- M.V. MECHANICAL VENTILATION
- S.B. SOLID WOOD BEARING
MIN. WIDTH OF BEAM
- P.L. POINT LOAD

Appendix B

File: 20.135842.000.00.MNV

Date: 02/11/21

MM/DD/YY



GROUND FLOOR PLAN

SCALE : 3/16" = 1'-0"

EKP DESIGNS INC.
 537 ROGERS ROAD
 TORONTO, ONTARIO
 M6E-1B4
 TEL. No. 416-658-6737
 CELL No. 416-723-6983
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 NAME SIGNATURE BCIN

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 FIRM NAME BCIN

PROJECT
 EX. GARAGE PROP. REAR STORAGE & PROP. EXTENSION TO COACH HOUSE
 10 BITTERSWEET STREET
 CITY OF MARKHAM

DRAWING NAME
 GROUND FLOOR PLAN

DESIGNED BY EKP	DRAWN BY P.R	APPROVED BY EKP
PROJECT No. 2020-132	DATE OCT. 2020	SCALE AS SHOWN
FILE 2020	DRAWING NO. A2	

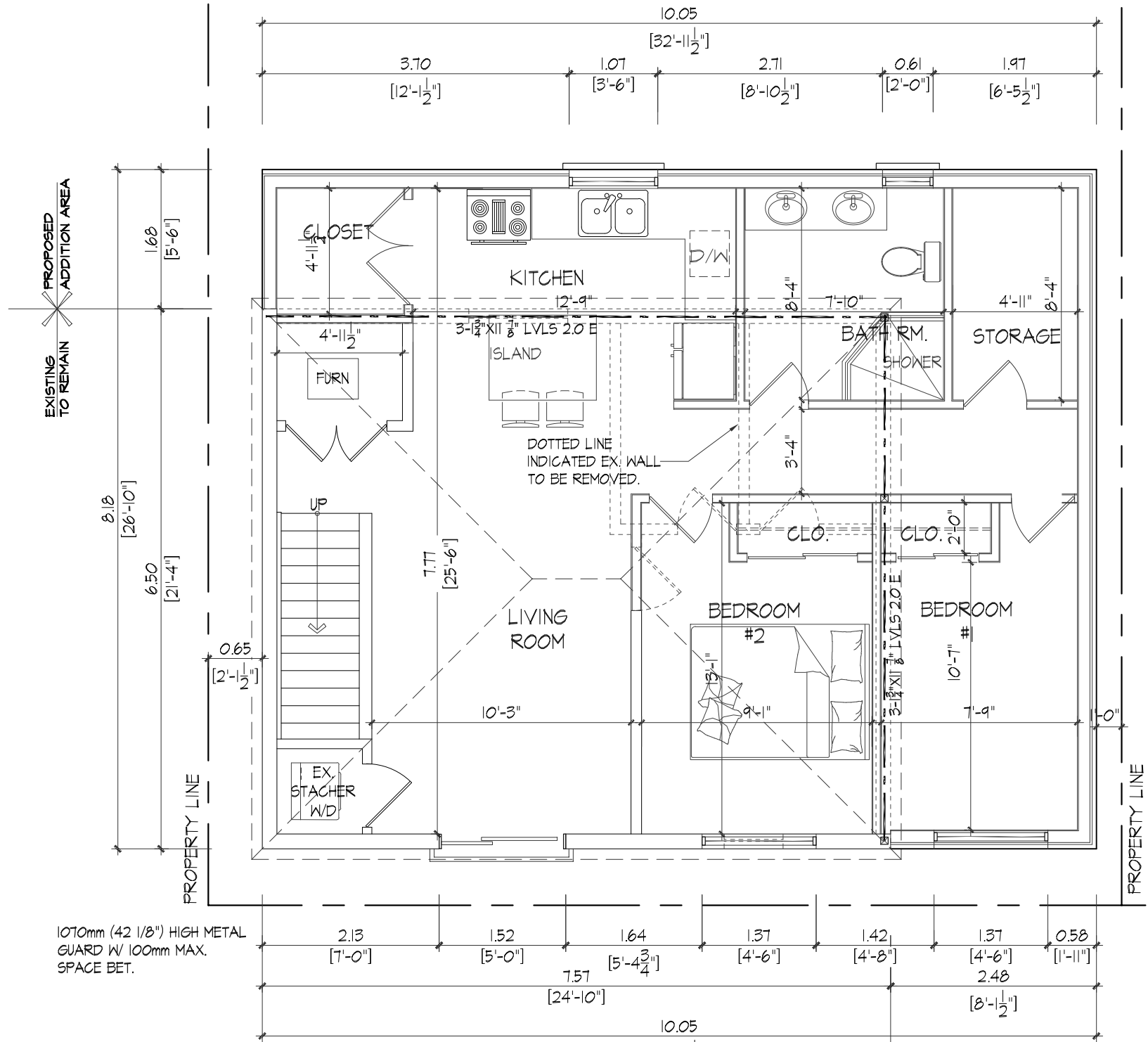
LEGEND:

- S.A. SMOKE ALARM (INTERCONNECTED) (STROBE-VISUAL SIGNALING)
- C.M.D. CARBON MONOXIDE DETECTOR
- M.V. MECHANICAL VENTILATION
- S.B. SOLID WOOD BEARING MIN. WIDTH OF BEAM
- P.L. POINT LOAD

Appendix B

File: 20.135842.000.00.MNV

Date: 02/11/21
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1
A3
SECOND FLOOR PLAN
 SCALE : 3/16" = 1'-0"

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 537 ROGERS ROAD
 TORONTO, ONTARIO
 M6E-1B4
 TEL. No. 416-658-6737
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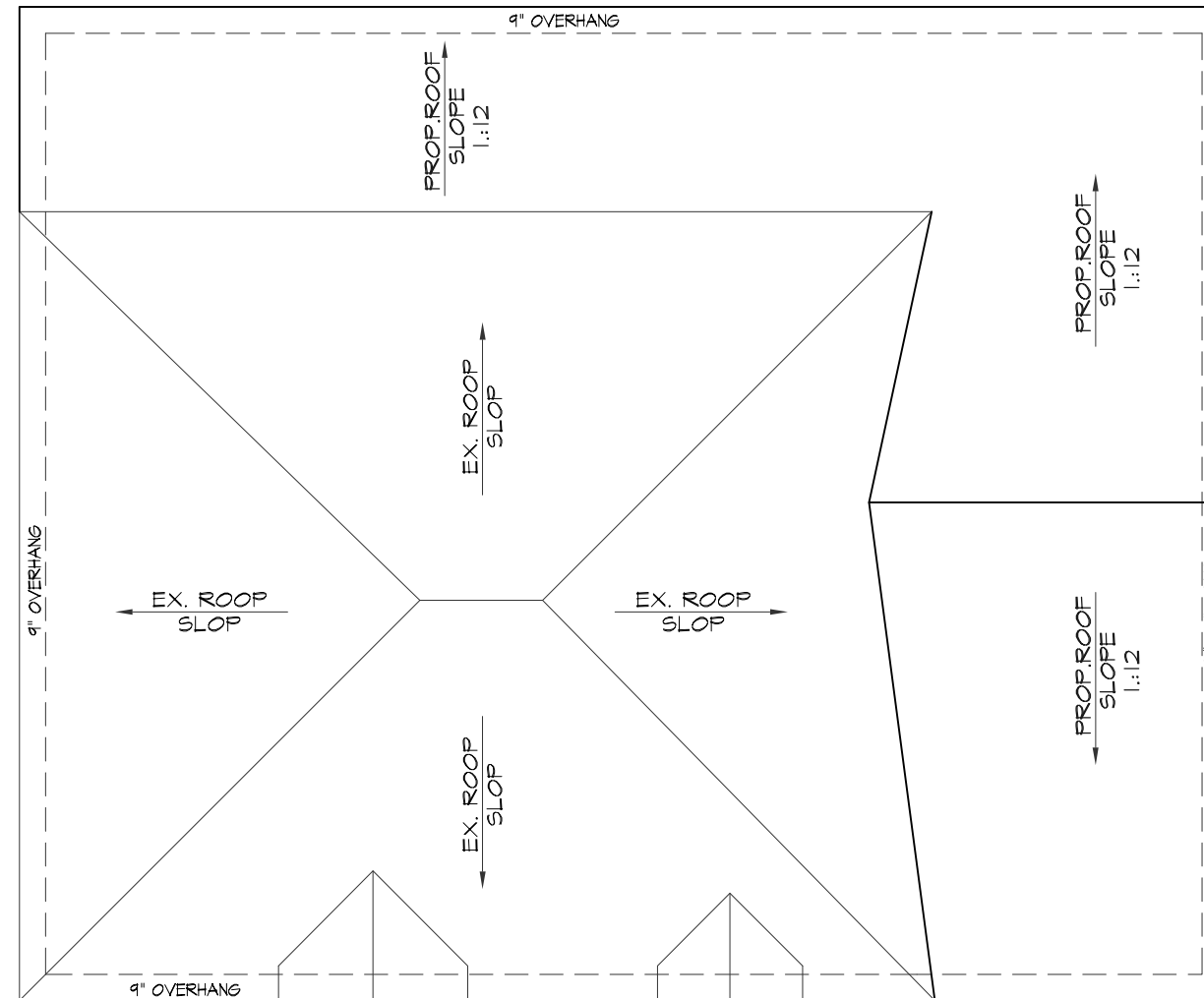
EKP DESIGNS INC. 38281
 FIRM NAME BCIN

PROJECT EX. GARAGE PROP. REAR STORAGE & PROP. EXTENSION TO COACH HOUSE 10 BITTERSWEET STREET CITY OF MARKHAM		
DRAWING NAME SECOND FLOOR PLAN		
DESIGNED BY EKP	DRAWN BY P.R.	APPROVED BY EKP
PROJECT No. 2020-132	DATE OCT. 2020	SCALE AS SHOWN
FILE 2020	DRAWING NO. A3	

Appendix B

File: 20.135842.000.00.MNV

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



1
A4
ROOF PLAN
SCALE : 3/16" = 1'-0"

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537 ROGERS ROAD
TORONTO , ONTARIO
M6E-1B4
TEL. No. 416-658-6737
CELL No. 416-723-6983
EMAIL: ekpdesigns@outlook.com

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FIRM NAME BCIN

PROJECT
EX. GARAGE PROP. REAR STORAGE & PROP. EXTENSION TO COACH HOUSE
10 BITTERSWEET STREET
CITY OF MARKHAM

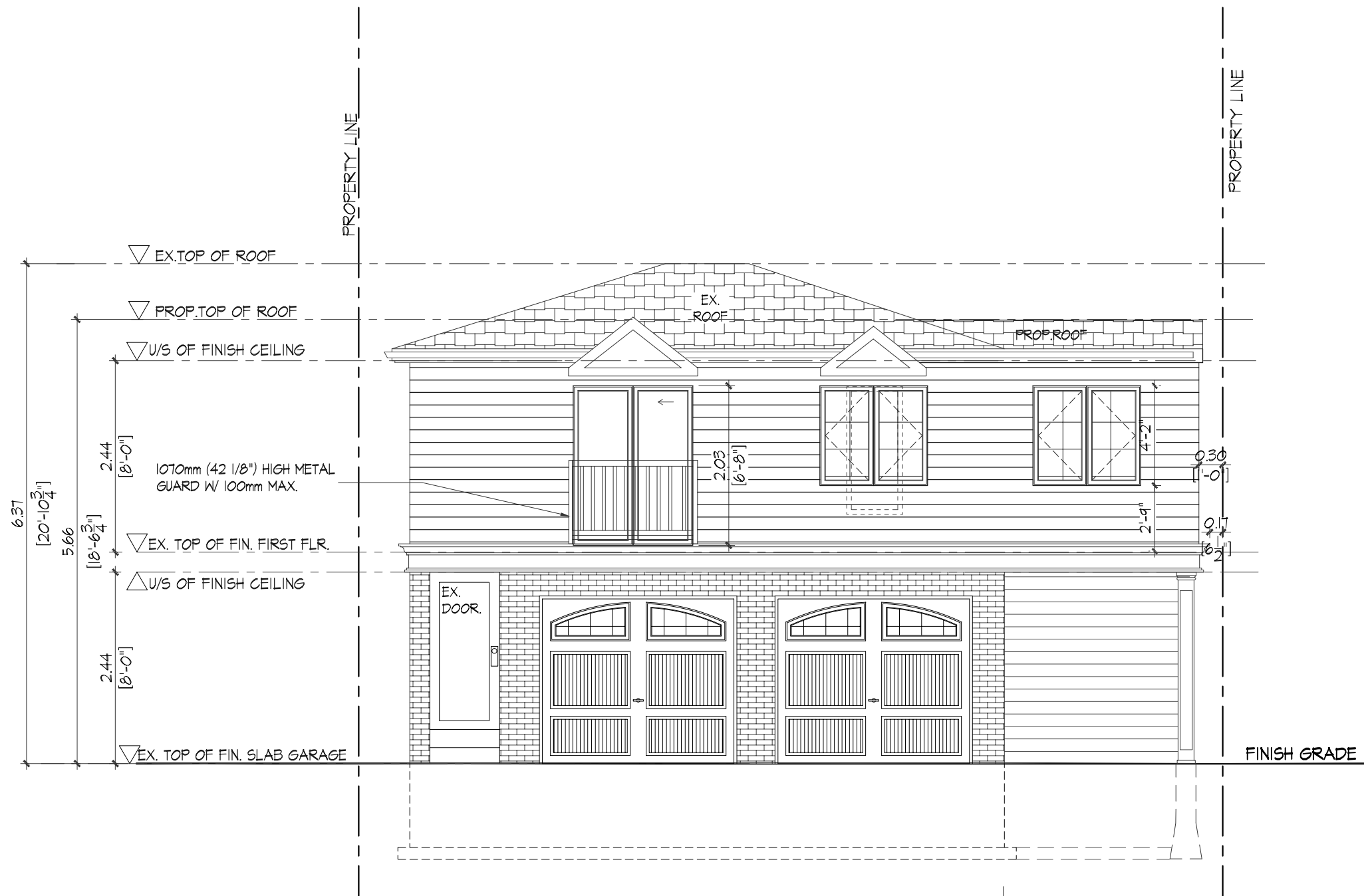
DRAWING NAME
ROOF PLAN

DESIGNED BY EKP	DRAWN BY P.R	APPROVED BY EKP
PROJECT No. 2020-132	DATE OCT. 2020	SCALE AS SHOWN
FILE: 2020		DRAWING NO. A4

Appendix B

File: 20.135842.000.00.MNV

Date: 02/11/21
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⊕ A5 FRONT (WEST) ELEVATION
SCALE : 3/16" = 1'-0"

EXISTING TO REMAIN ✕ PROPOSED ADDITION AREA

EKP DESIGNS INC.

537 ROGERS ROAD
TORONTO, ONTARIO
M6E-1B4
TEL. No. 416-658-6737
CELL No. 416-723-6983
EMAIL: ekpdesigns@outlook.com

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NAME SIGNATURE BCIN

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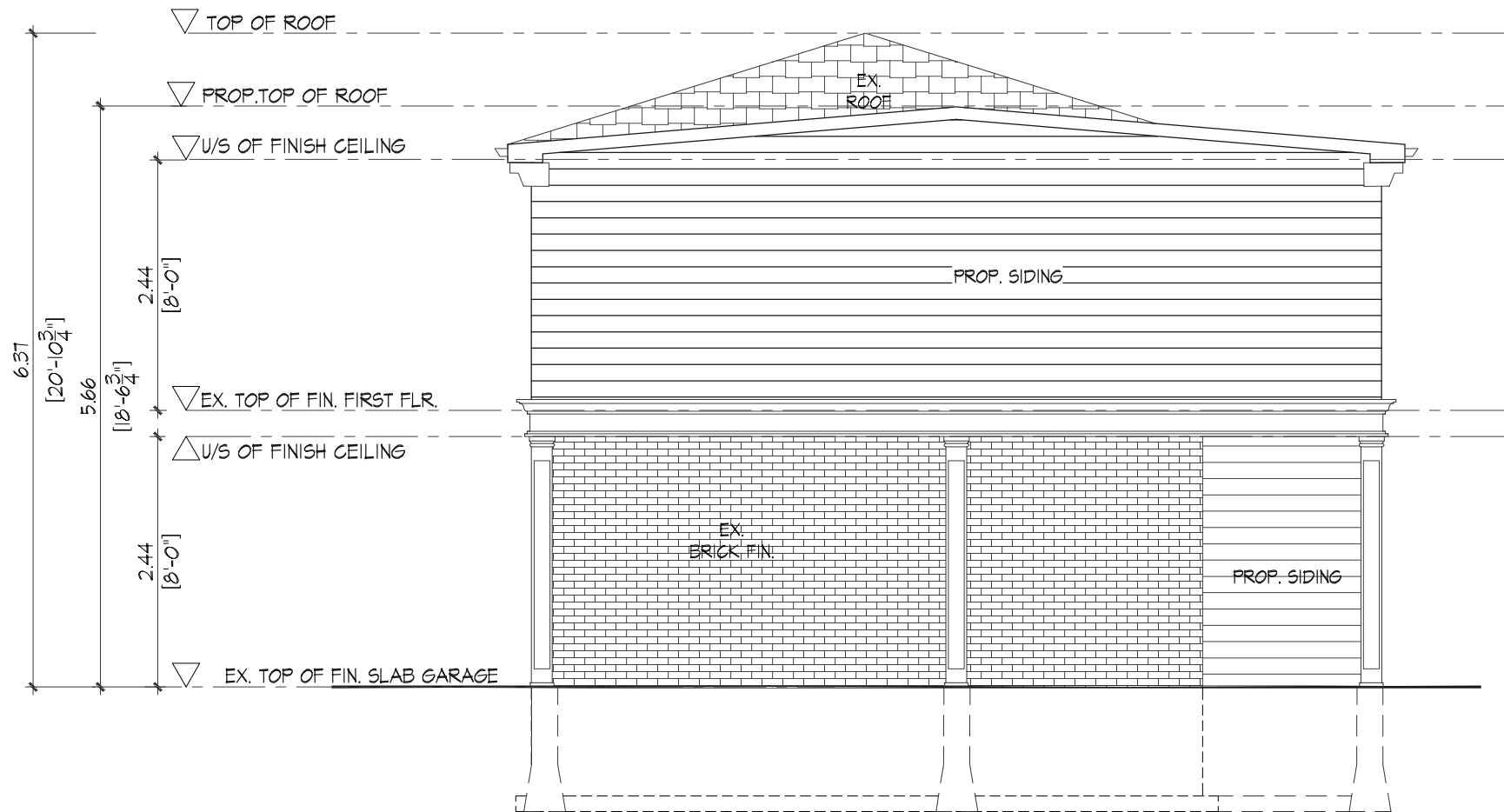
EKP DESIGNS INC. 38281
FIRM NAME BCIN

PROJECT EX. GARAGE PROP. REAR STORAGE & PROP. EXTENSION TO COACH HOUSE 10 BITTERSWEET STREET CITY OF MARKHAM		
DRAWING NAME FRONT ELEVATION		
DESIGNED BY EKP	DRAWN BY P.R	APPROVED BY EKP
PROJECT No. 2020-132	DATE OCT. 2020	SCALE AS SHOWN
FILE: 2020	DRAWING NO. A5	

Appendix B

File: 20.135842.000.00.MNV

Date: 02/11/21
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1 SIDE (NORTH) ELEVATION
A6 SCALE : 3/16" = 1'-0"

EXISTING TO REMAIN ✕ PROPOSED ADDITION AREA

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537 ROGERS ROAD
TORONTO, ONTARIO
M6E-1B4
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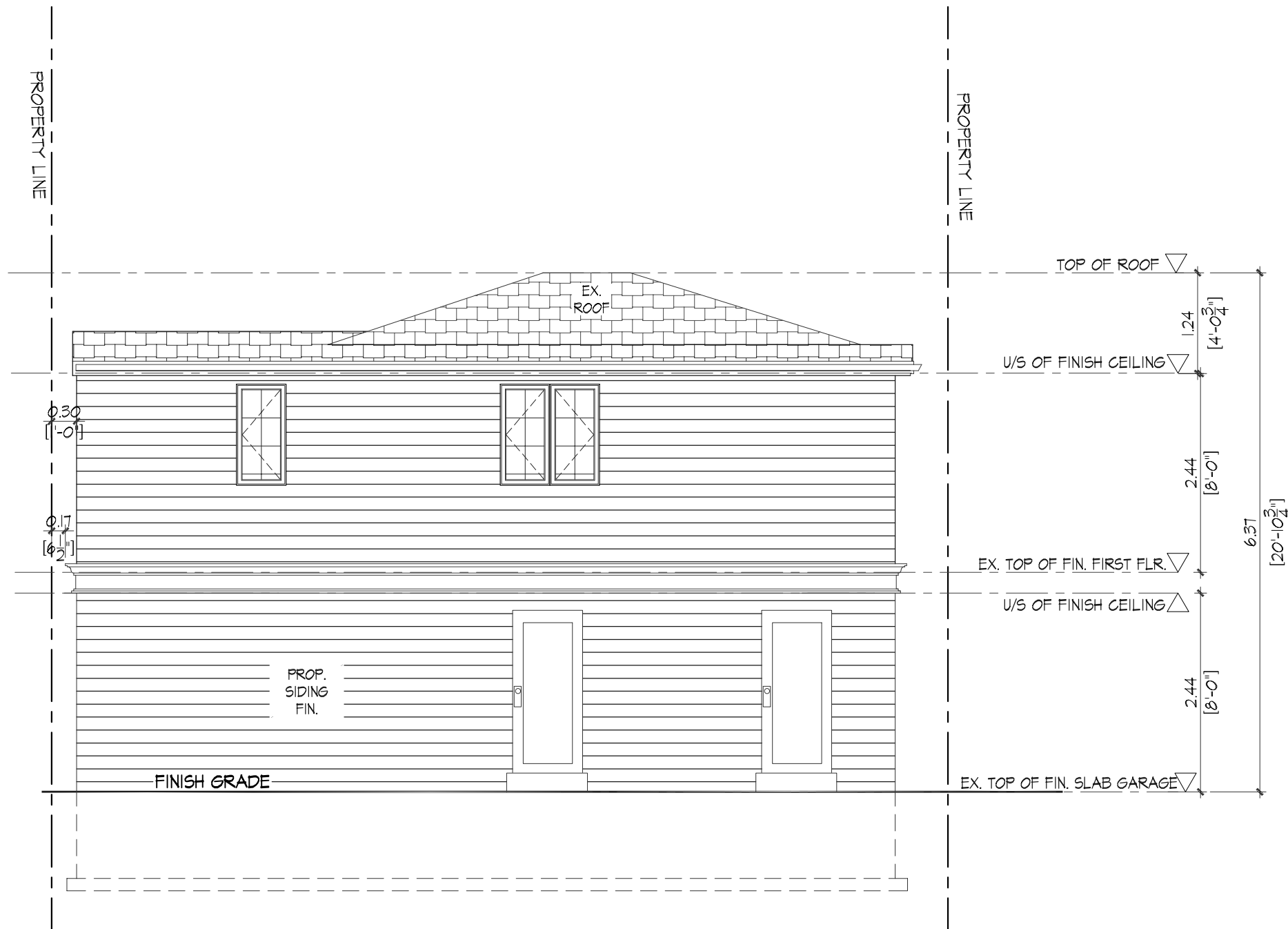
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FIRM NAME BCIN

PROJECT EX. GARAGE PROP. REAR STORAGE & PROP. EXTENSION TO COACH HOUSE 10 BITTERSWEET STREET CITY OF MARKHAM		
DRAWING NAME SIDE ELEVATION		
DESIGNED BY EKP	DRAWN BY P.R	APPROVED BY EKP
PROJECT No. 2020-132	DATE OCT. 2020	SCALE AS SHOWN
FILE: 2020	DRAWING NO. A6	

Appendix B

File: 20.135842.000.00.MNV

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1 REAR (EAST) ELEVATION
A7 SCALE : 3/16" = 1'-0"

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537 ROGERS ROAD
TORONTO, ONTARIO
M6E-1B4
TEL. No. 416-658-6737
CELL No. 416-723-6983
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NAME SIGNATURE BCIN

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EKP DESIGNS INC. 38281
FIRM NAME BCIN

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EX. GARAGE PROP. REAR STORAGE & PROP. EXTENSION TO COACH HOUSE
10 BITTERSWEET STREET
CITY OF MARKHAM

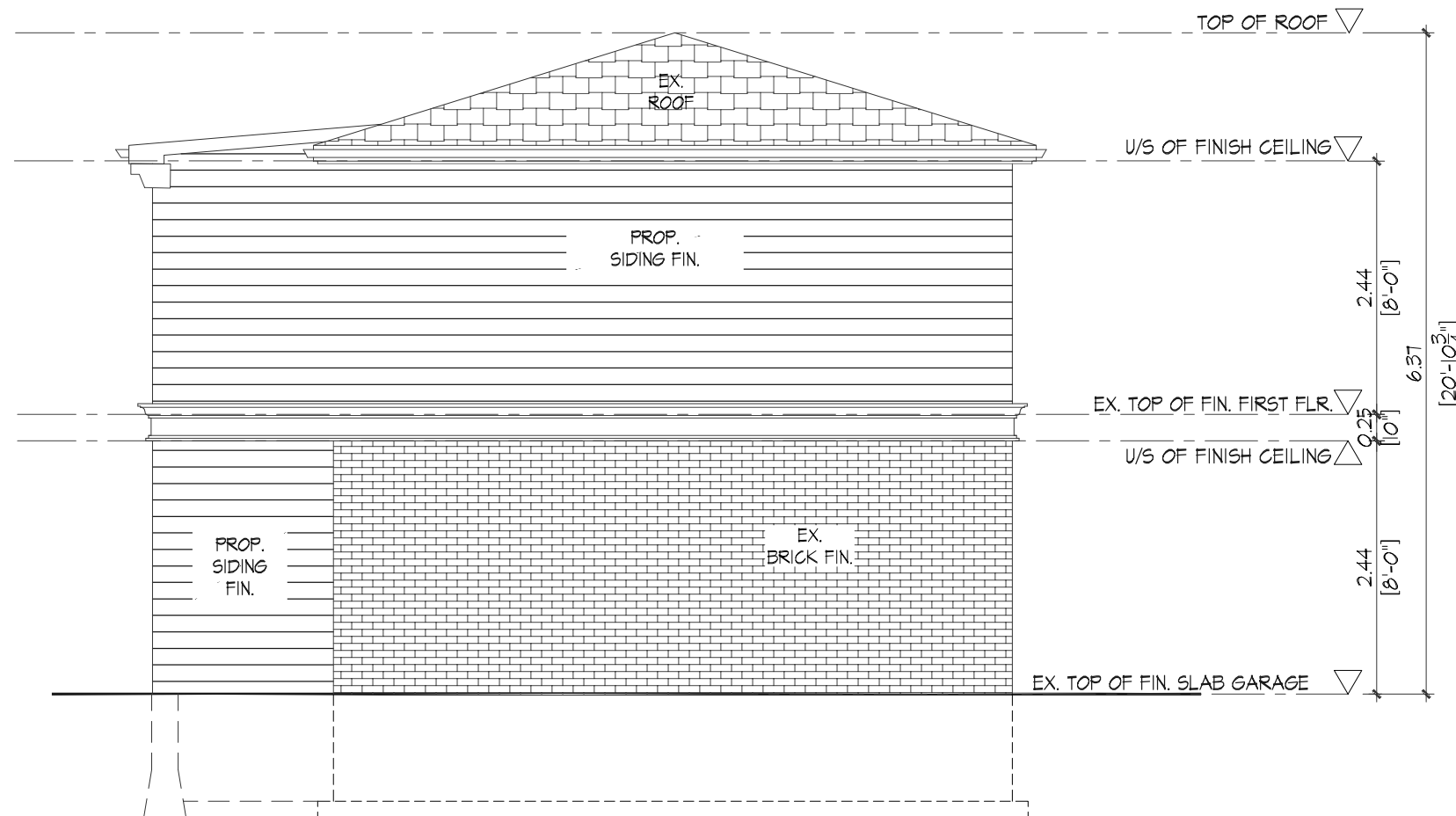
DRAWING NAME
REAR ELEVATION

DESIGNED BY EKP	DRAWN BY P.R	APPROVED BY EKP
PROJECT No. 2020-132	DATE OCT. 2020	SCALE AS SHOWN
FILE: 2020	DRAWING NO. A7	

Appendix B

File: 20.135842.000.00.MNV

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PROPOSED ADDITION AREA ✕ EXISTING TO REMAIN

1 SIDE (SOUTH) ELEVATION
A8 SCALE : 3/16" = 1'-0"

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537 ROGERS ROAD
TORONTO, ONTARIO
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NAME SIGNATURE BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7. Division C of the Ontario Building Code.

EKP DESIGNS INC. 38281
FIRM NAME BCIN

PROJECT EX. GARAGE PROP. REAR STORAGE & PROP. EXTENSION TO COACH HOUSE 10 BITTERSWEET STREET CITY OF MARKHAM		
DRAWING NAME SIDE ELEVATION		
DESIGNED BY EKP	DRAWN BY P.R	APPROVED BY EKP
PROJECT No. 2020-132	DATE OCT. 2020	SCALE AS SHOWN
FILE: 2020		DRAWING NO. A8