

Memorandum to the City of Markham Committee of Adjustment

February 7, 2022

File: A/174/21
Address: 15 Karen Miles Crescent – Markham, ON
Applicant: Xing Lin
Agent: LHW Engineering (Lihang Wang)
Hearing Date: February 16, 2022

The following comments are provided on behalf of the East District team.

The applicant is requesting relief from the following “First Density – Street Townhouse Residential (RST1)” zone requirements under By-Law 90-81, as amended, to permit:

a) By-law 90-81, Section 5.2.6:

a door providing access to the interior of a dwelling to be located 0.60 m (1.97 ft) from the interior side lot line, whereas the By-law requires that a door providing access to the interior of a street townhouse dwelling to be located a minimum of 1.20 m (3.94 ft) from the interior side lot line.

PROPERTY DESCRIPTION

The subject property is located on the south side of Karen Miles Crescent, north of Steeles Avenue East, east of McCowan Road, and west of Middlefield Road. According to City records, a townhouse dwelling unit occupies the subject property. While the dwelling appears to be single detached above grade, the dwelling unit is commonly linked below grade at the foundation to the units occupying adjacent properties. The property is located within a residential neighbourhood, which predominantly contains two-storey dwellings.

PROPOSAL

The applicant proposes to recognize the existing location of the door that currently accesses the cellar of the dwelling along the west side.

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 including townhouse dwellings.

Zoning By-Law 90-81, as amended

The subject property is zoned “First Density – Street Townhouse Residential (RST1)” under By-law 90-81, as amended, which permits street townhouse dwellings. The variance relates to Amending By-law 2016-123, which requires doors accessing a side yard to be setback a minimum distance of 1.20 m (3.94 ft). The Amending By-law was passed on November 1, 2016 and requires that this minimum distance for any door access located within an interior side yard also applies to street townhouse dwellings regulated under By-law 90-81. Therefore, the existing location of the door opening does not comply with this By-law requirement.

ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN

The applicant has confirmed that a ZPR has not been completed. However, the applicant has received comments from the building department through their permit process to confirm the variance 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 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.

Door Location

As previously stated, the Amending By-law requires doors accessing an interior side yard to maintain a minimum distance of 1.20 m (3.94 ft), whereas the applicant requests a reduction to permit a side door to be setback a minimum distance of 0.60 m (1.97 ft) from the interior side lot line. This is a reduction of 0.60 m (1.97 ft) from the By-law requirement.

The intent of the required setback to a door is to ensure that:

- a side door does not swing onto adjacent property; and
- those accessing a dwelling will not trespass onto adjacent property.

Side yard setbacks of 0.60 m (1.97 ft) are provided on both sides of the house. Staff are of the opinion that the side yard setback on the west side which is already minimal, will be further encumbered by a side door. It is difficult for staff to advise that the requested variance is minor in nature, and would result in a desirable condition that makes for an appropriate use of the land and building.

Staff note that the existing door swings internal to the dwelling. Should the variance be approved, the applicant would need to demonstrate compliance with the Ontario Building Code (OBC) to obtain a building permit. Should the Committee resolve to deny this variance, the applicant would be required to remove the existing side entrance.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 7, 2022. It is noted that additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

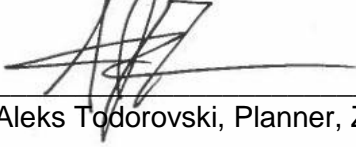
CONCLUSION

Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the variance request does not meet the four tests and recommend the application be denied. Staff recommend that the Committee consider public input 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" – Plans

PREPARED BY:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:

A handwritten signature in blue ink, featuring a circular loop at the top and a long, sweeping horizontal stroke that curves upwards at the end.

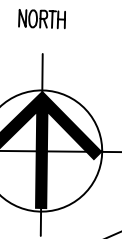
Stacia Muradali, Development Manager, East District

APPENDIX "A"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/174/21

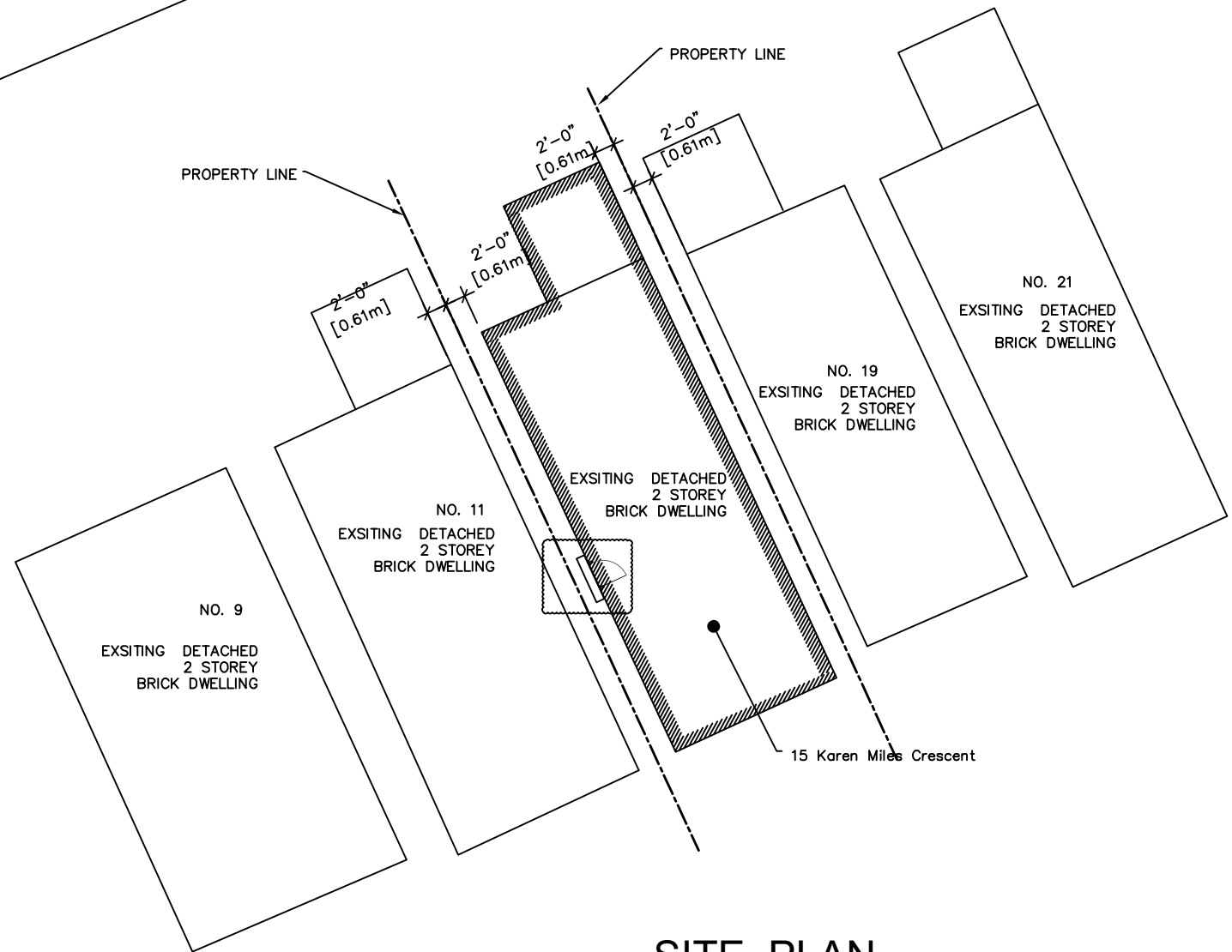
Appendix B

File: 21.143741.000.00.MNV

Date: 02/15/22
MM/DD/YY



Karen Miles Crescent



SITE PLAN

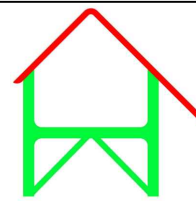
1:200

NOTE: SITE PLAN FOR REFERENCE ONLY

SITE STATISTICS	
ZONE LOT AREA:	NO CHANGE
EXISTING COVERAGE:	NO CHANGE
BUILDING AREA:	NO CHANGE
GROSS FLOOR AREA	
ALLOWABLE COVERAGE:	
SETBACKS (TO LOT LINES):	
	PROPOSED
FRONT:	NO CHANGE
SIDE (E):	NO CHANGE
SIDE (W):	NO CHANGE
REAR:	NO CHANGE

SCOPE OF WORK:
SIDE DOOR ALTERATION

LHW ENGINEERING LTD.
Unit 405, 2347 Kennedy Rd
TORONTO, ON M1T 3T8
T: 416-299-8837
LHW.Engineering@gmail.com



No.	Revision / Issue	Date
1	Issued for B.P.	08/Sept/2021
2	Issued for CofA	02/Nov./2021

PROJ. TITLE
**ALTERATION -
15 Karen Miles Crescent
Markham Ontario L5R 0V5**

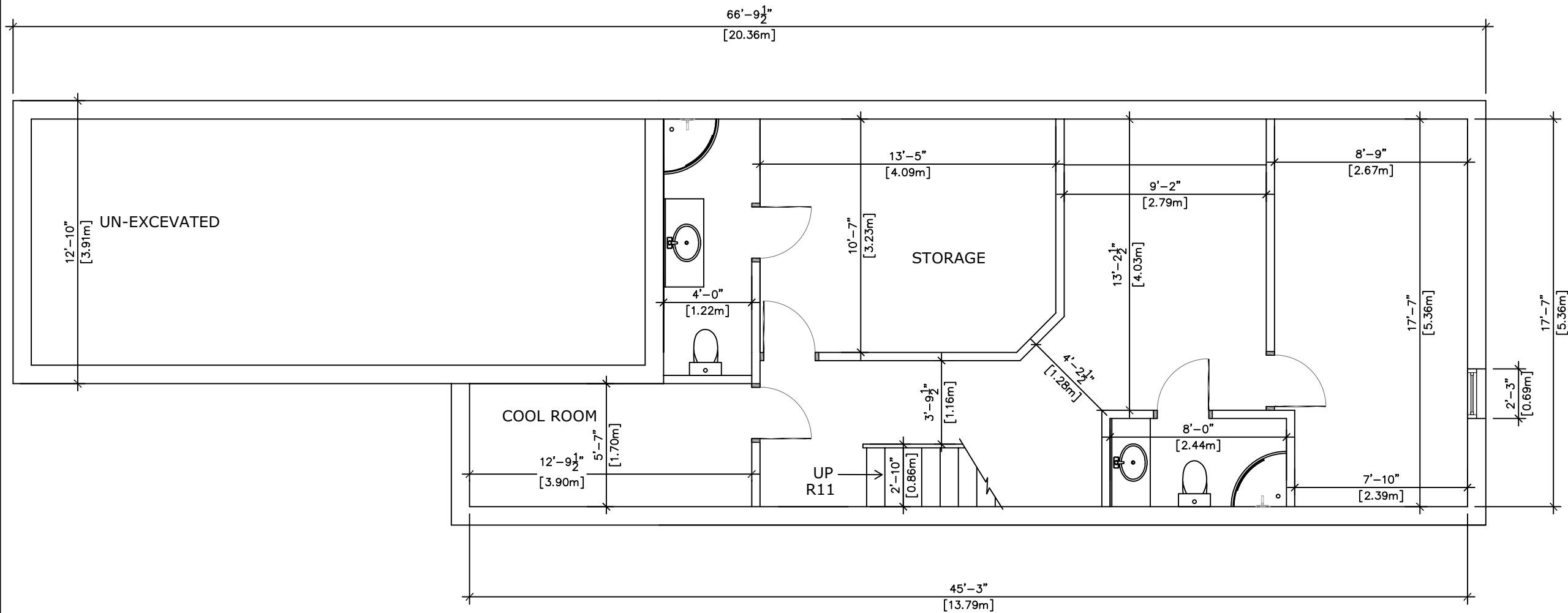
DWG. TITLE
SITE PLAN

DATE 08 Sept, 2021	DRAWN BY JL
SCALE AS SHOWN	CHECKED BY BW
PROJ. NO 210901	DWG. NO A0

Appendix B

File: 21.143741.000.00.MNV

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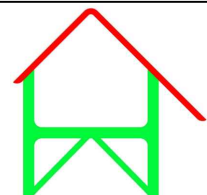
NOTE: NO CHANGE TO EX. FLOOR LAYOUT

EXISTING BASEMENT FLOOR PLAN

scale: 1:60

LHW ENGINEERING LTD.

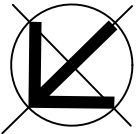
Unit 405, 2347 Kennedy Rd
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1	Issued for B.P.	08/Sept/2021
2	Issued for CofA	02/Nov./2021

PROJ. TITLE	ALTERATION - 15 Karen Miles Crescent Markham Ontario L5R 0V5
DWG. TITLE	EX. BASEMENT FLOOR PLAN

DATE	08 Sept, 2021	DRAWN BY	JL
SCALE	AS SHOWN	CHECKED BY	BW
PROJ. NO	210901	DWG. NO	A1



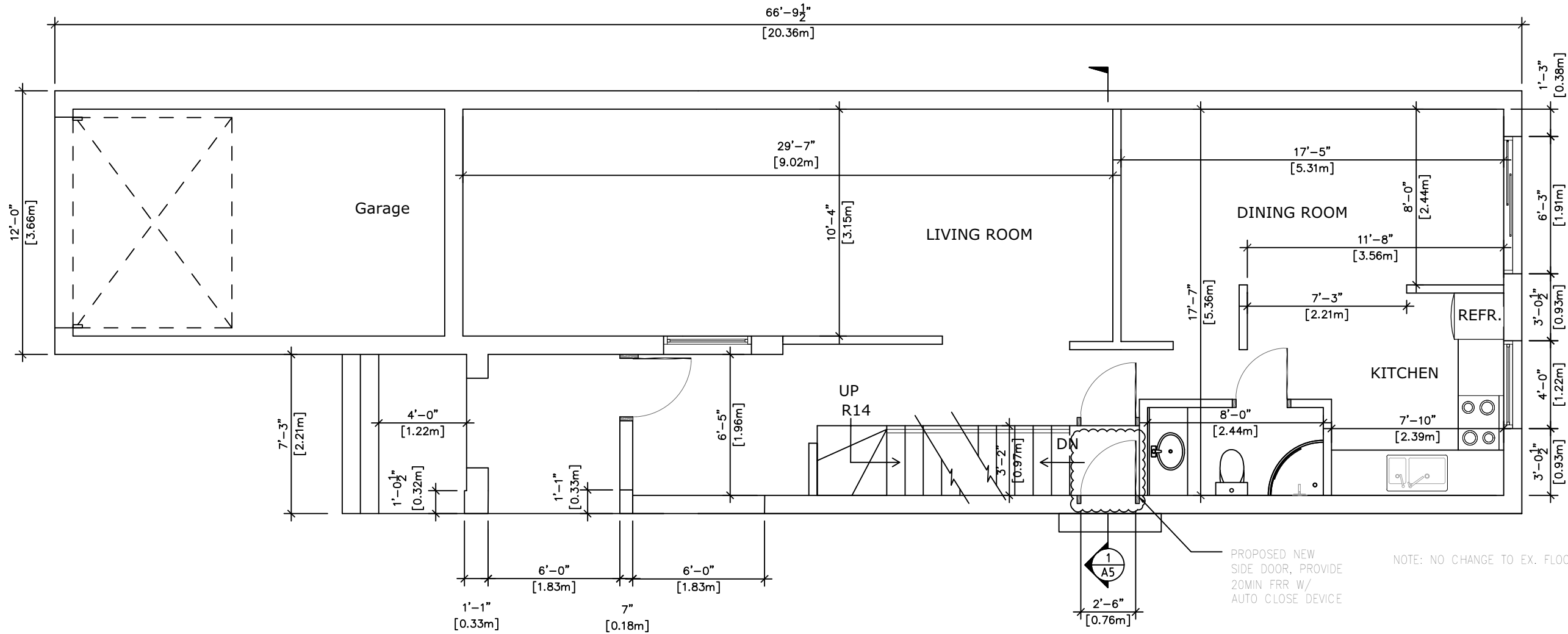
NORTH

Appendix B

File: 21.143741.000.00.MNV

Date: 02/15/22

MM/DD/YY



PROPOSED GROUND FLOOR PLAN

scale: 1:60

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 LHW.Engineering@gmail.com



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**ALTERATION -
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 Markham Ontario L5R 0V5**

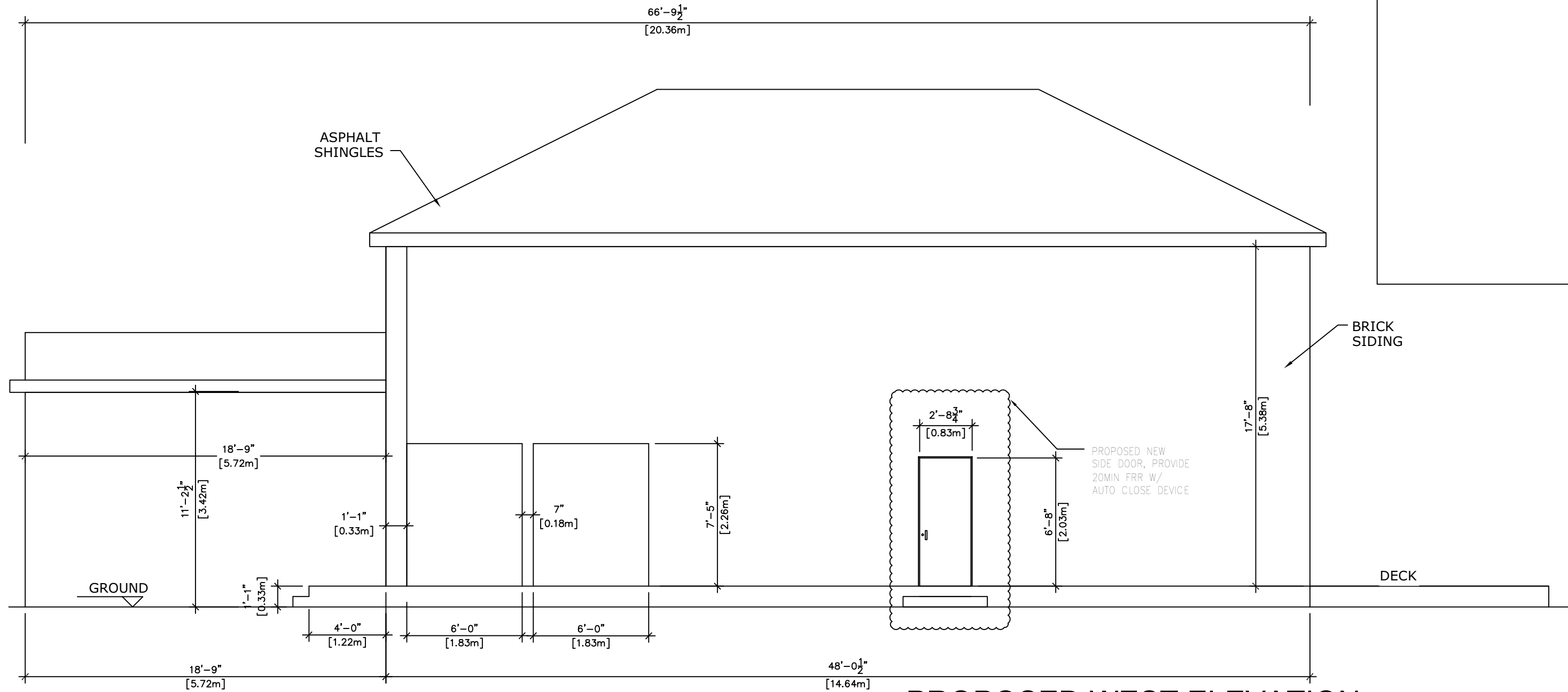
DWG. TITLE
PROPOSED GROUND FLOOR PLAN

DATE 08 Sept, 2021	DRAWN BY JL
SCALE AS SHOWN	CHECKED BY BW
PROJ. NO 210901	DWG. NO A2

Appendix B

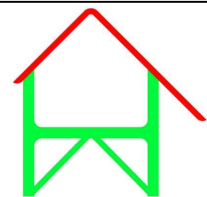
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PROPOSED WEST ELEVATION scale: 1:60

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PROJ. TITLE	ALTERATION - 15 Karen Miles Crescent Markham Ontario L5R 0V5
DWG. TITLE	PROPOSED WEST SIDE ELEVATION

DATE	08 Sept, 2021	DRAWN BY	JL
SCALE	AS SHOWN	CHECKED BY	BW
PROJ. NO	210901	DWG. NO	A4