

Memorandum to the City of Markham Committee of Adjustment

April 14, 2022

File: A/198/21
Address: 142 Riverlands Avenue – Markham, ON
Applicant: Sylvia Pinto
Agent: Epic Designs Inc. (Marco Vieira)
Hearing Date: April 20, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential Two Exception *5 (R2*5) Zone” requirements under By-law 177-96, as amended, as they relate to the legalization of a roof cover. The variances requested are to permit:

a) By-law 177-96, Section 7.5.2 (a):

a minimum setback of 0 m from the interior side lot line, whereas the By-law only permits a minimum setback of 0 m where a private garage shares a common wall with another private garage; and

b) By-law 177-96, Section 7.5.2 (b):

a maximum of six private garages on abutting lots to share common walls or common roofs, whereas the By-law permits a maximum of four private garages to share common walls.

PROPERTY DESCRIPTION

The subject property is within the Cornell community, located on the north side of Riverlands Avenue, east of Country Glen Road, south of Cornell Park Avenue, and west of Bur Oak Avenue. The Cornell community is primarily a residential lane based community in which vehicular access, and parking is provided via rear lanes and garages. The property is developed with a two-storey townhouse dwelling, and a one-storey detached garage that shares a common wall with the neighbouring property to the west, municipally known as 140 Riverlands Avenue. Abutting the garage wall to the east is a paved area covered by an existing roof above, which is the subject of these requested variances (Appendix “A”).

PROPOSAL

Through request of the above noted variances, the applicant seeks to permit the existing roof located above the paved area, which extends between the garage walls on the subject property and the neighbouring property to the east (144 Riverlands Avenue).

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 various low rise housing forms. The land use objective for the Cornell district is to develop a complete and integrated community based on principles of new urbanism. Compact urban development, and compatible building types, achieved through appropriate scale, massing and relationship to each other is the general community vision.

Zoning By-Law 177-96

The subject property is zoned “Residential Two Exception *5 (R2*5) Zone” under By-law 177-96, as amended, which permits various low rise housing forms, including townhouse dwellings. The proposed development does not comply with the site specific zoning requirements with respect to the minimum setback from the interior side lot line for a detached private garage on a lot having a lot frontage of 6.0 m (19.69 ft) or less, and maximum number of private garages on abutting lots permitted to share common walls.

ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN

The owner confirmed that a ZPR has not been conducted. However, the applicant has received comments from the building department through their permit process 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 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.

Reduced Side Yard Setback, and Increase in Maximum Common Walls/Roofs

Staff conducted a site visit on March 1, 2022, and observed a variation in private garages that are either separate from, or abut one another along the lane. This variation similarly exists along other laneways within the Cornell community. Where a common wall is shared, the site specific zoning permits a 0 m buildable lot line for up to four garages on abutting lots. In this case, a garage wall owned by the neighbour at 144 Riverlands Avenue is setback 0 m from the side lot line that is shared with the subject property. The applicant seeks the requested variances to permit a roof that abuts the neighbouring garage wall, which:

- would permit a maximum of six private garages to share common walls/roofs, setback 0 m from the side lot line;
- could create a potential physical encumbrance to the abutting property owner;
- could have undesirable community wide implications if similar variances are applied for; and
- could detract from the character and design vision of the neighbourhood which is intended by the specific By-law provisions.

PUBLIC INPUT SUMMARY

Four written submissions were received as of April 14, 2022 citing no objections to the requested variances. 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 do not meet the four tests. 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:



Aleks Todorovski, Planner, Zoning and Special Projects

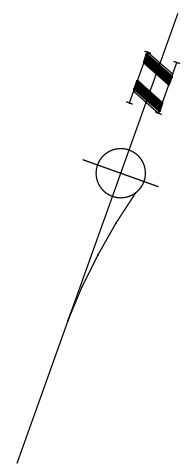
REVIEWED BY:



Stacia Muradali, Development Manager, East District

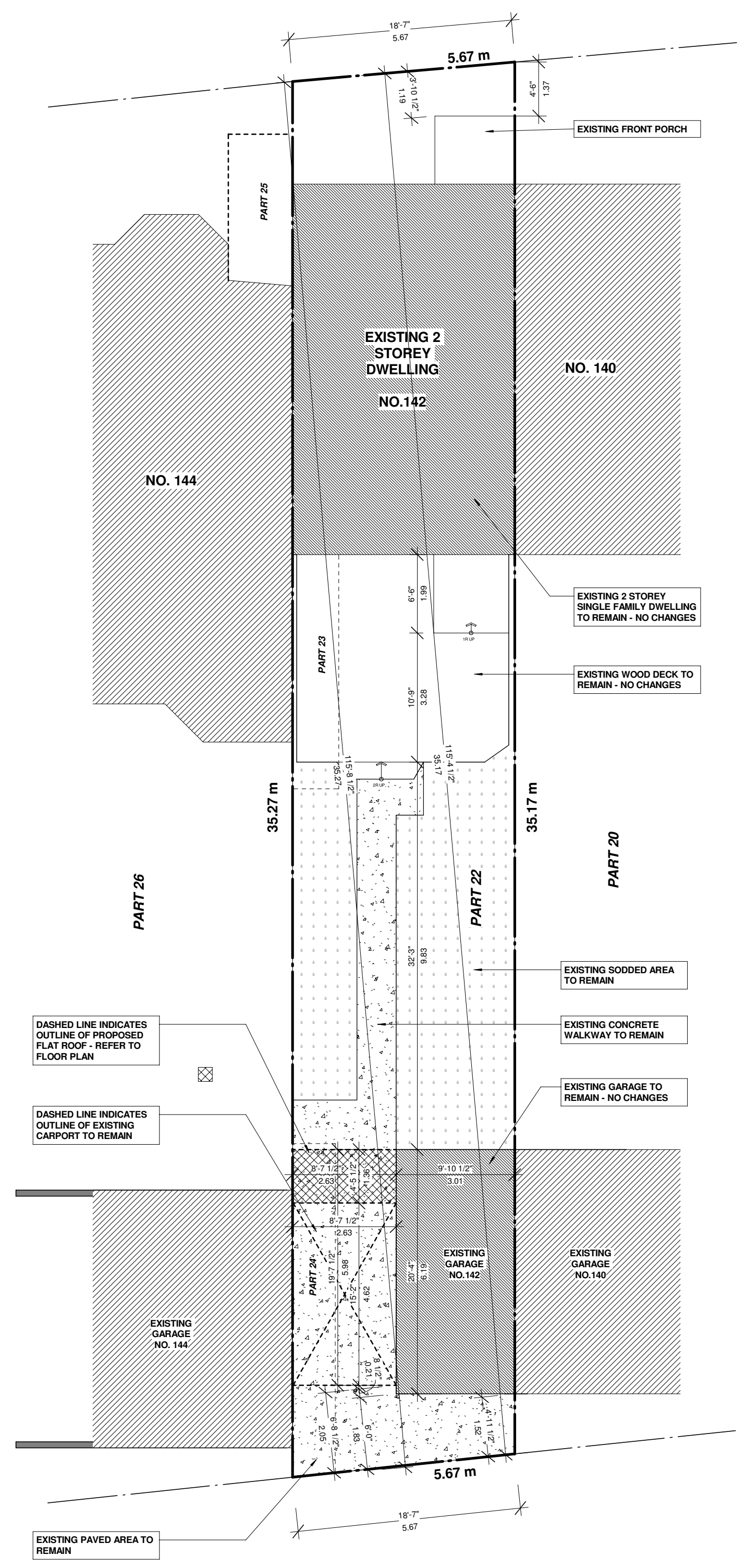
APPENDIX "A"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/198/21

INFORMATION TAKEN FROM:
 SURVEYORS REAL PROPERTY REPORT
 PART 1
 BLOCKS 35 AND 36
 REGISTERED PLAN 65M- 3236
 TOWN OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK
 CREATED BY: J. D. BARNES LTD.
 JULY, 26 1999



RIVELANDS AVENUE

(DEDICATED BY REGISTERED PLAN 65M-32361)



DASHED LINE INDICATES
 OUTLINE OF PROPOSED
 FLAT ROOF - REFER TO
 FLOOR PLAN

DASHED LINE INDICATES
 OUTLINE OF EXISTING
 CARPORT TO REMAIN

EXISTING FRONT PORCH

EXISTING 2 STOREY
 SINGLE FAMILY DWELLING
 TO REMAIN - NO CHANGES

EXISTING WOOD DECK TO
 REMAIN - NO CHANGES

EXISTING SODDED AREA
 TO REMAIN

EXISTING CONCRETE
 WALKWAY TO REMAIN

EXISTING GARAGE TO
 REMAIN - NO CHANGES

EXISTING PAVED AREA TO
 REMAIN

LANE Q

(DEDICATED BY REGISTERED PLAN 65M-32361)

Appendix B

File: 21-147520-000-00.MNV

Date: 04/20/22

1 SITE PLAN
 A100 1 : 100

epic
 designs inc.

257 DUNRAVEN DRIVE
 TORONTO, ONTARIO. M6M - 1H8
 TEL: (416) 564 - 2435
 WWW.EPICDESIGNSINC.CA

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

QUALIFICATION INFORMATION
 Required unless design is exempt under 3.2.4.3(3) Division C of the building code

MARCO VIEIRA
 NAME SIGNATURE 25562 BCIN

REGISTRATION INFORMATION
 Required unless design is exempt under 3.2.4.1. Division C of the building code

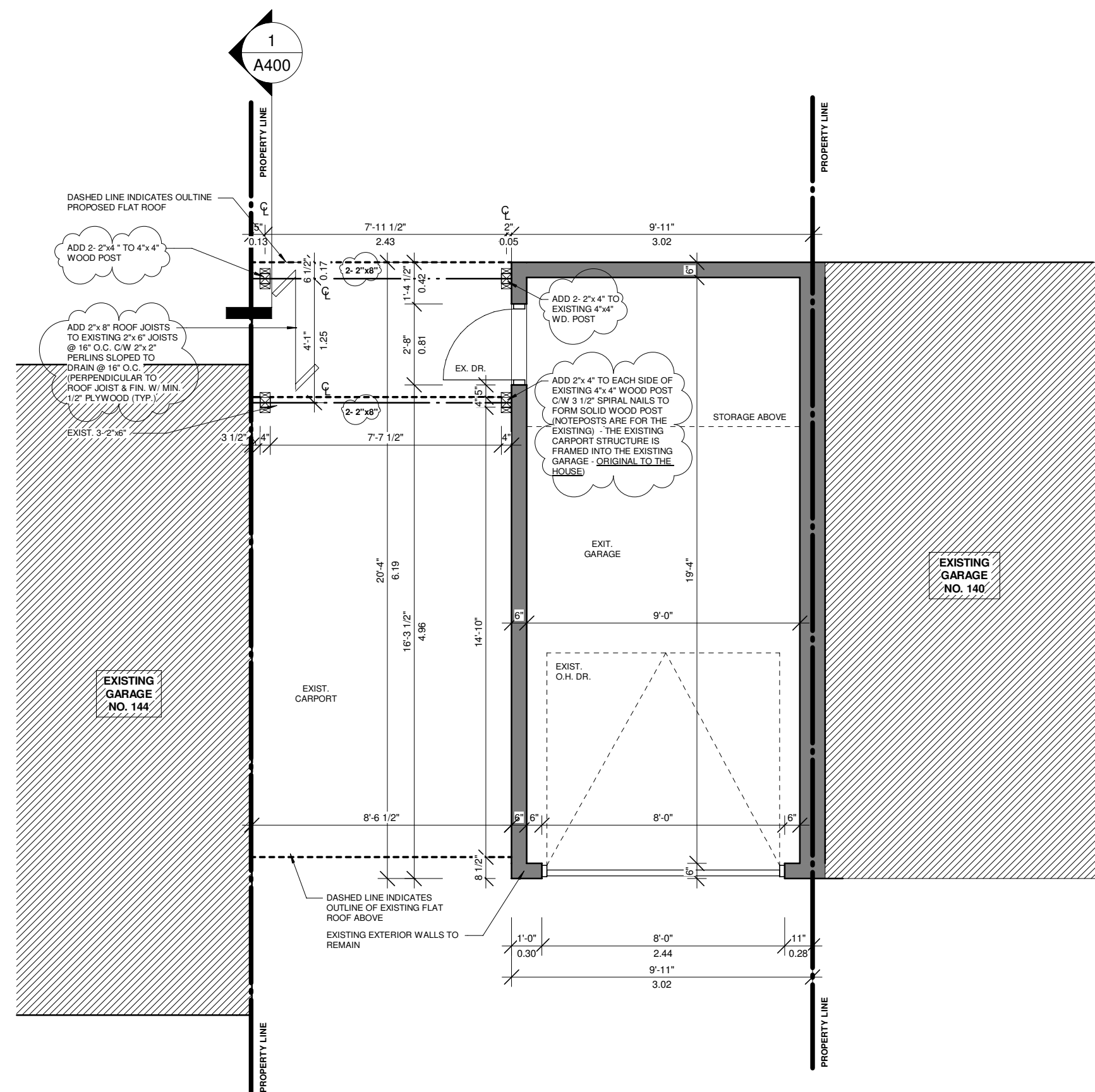
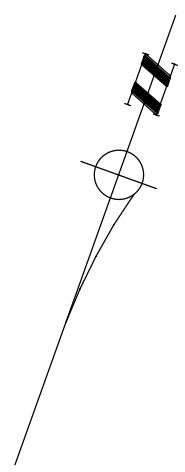
EPIC DESIGNS INC. 20718 BCIN
 FIRM NAME

DO NOT SCALE DRAWINGS
 CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT OMISSIONS OR DISCREPANCIES TO EPIC DESIGNS INC. BEFORE PROCEEDING WITH WORK.

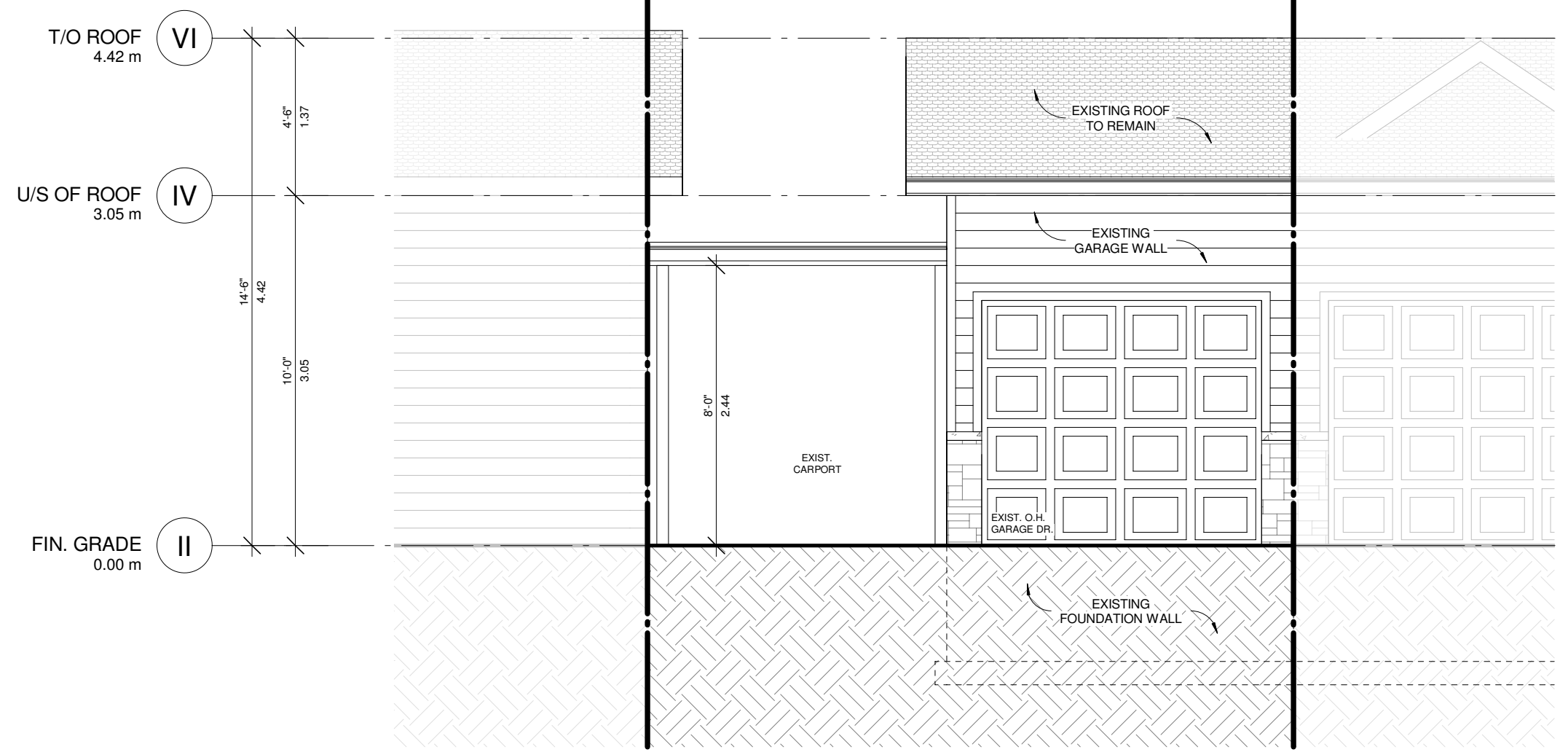
ALL PRINTS SPECIFICATIONS ARE THE PROPERTY OF EPIC INC. AND SHALL NOT BE COPIED, IN PART OR WHOLE PRIOR WRITTEN PERMISSION

PROJECT:
 PROPOSED FLAT ROOF OVER GARAGE DOOR (EXISTING CARPORT AND GARAGE TO REMAIN AND LEGALIZED) @ 142 RIVERLANDS AVENUE

DRAWING SITE PLAN	
SCALE: 1 : 100	DRAWN BY: P. SANTOS
DATE: SEPT 2021	APPROVED BY: M.V.
PROJECT No. 2021-60	DRAWING No. A100



1 1ST FLOOR
A200 1/4" = 1'-0"



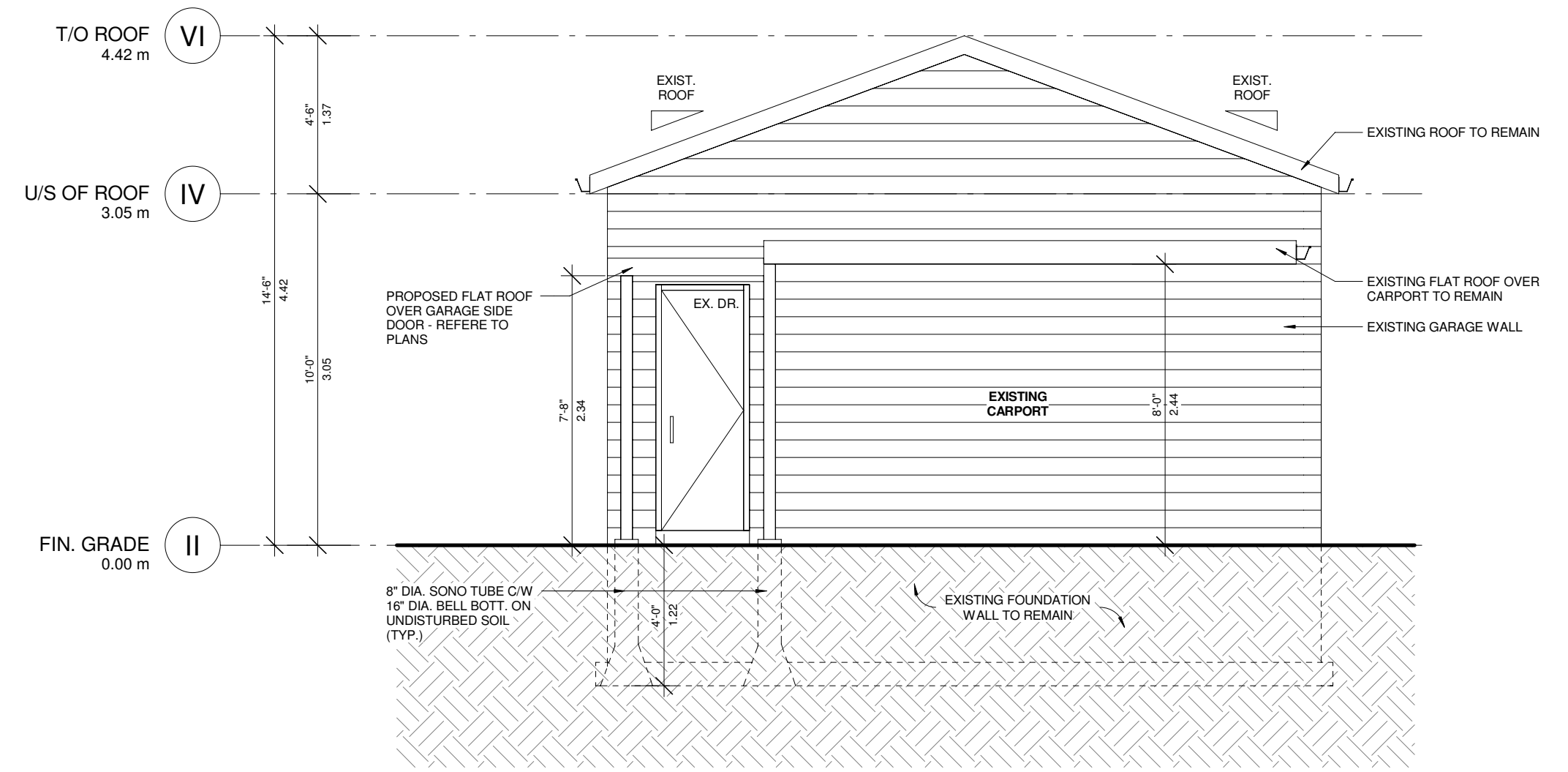
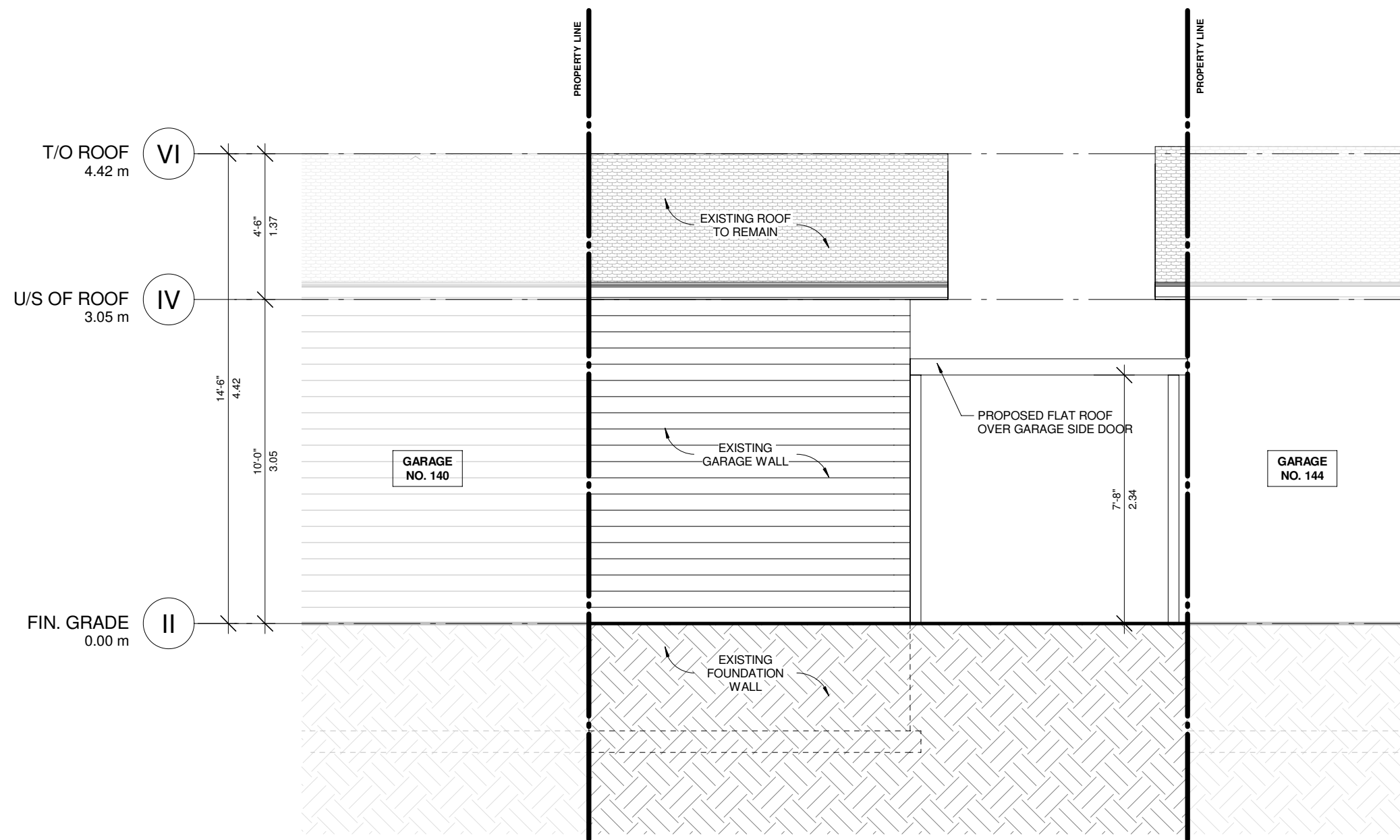
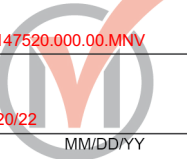
2 NORTH ELEVATION
A200 1/4" = 1'-0"

<p>epic designs inc.</p> <p>257 DUNRAVEN DRIVE TORONTO, ONTARIO. M6M - 1H8 TEL: (416) 564 - 2435 WWW.EPICDESIGNSINC.CA</p>	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	DO NOT SCALE DRAWINGS CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT OMISSIONS OR DISCREPANCIES TO EPIC DESIGNS INC. BEFORE PROCEEDING WITH WORK. ALL PRINTS SPECIFICATIONS ARE THE PROPERTY OF EPIC INC. AND SHALL NOT BE COPIED, IN PART OR WHOLE PRIOR WRITTEN PERMISSION PROJECT: PROPOSED FLAT ROOF OVER GARAGE DOOR (EXISTING CARPORT AND GARAGE TO REMAIN AND LEGALIZED) @ 142 RIVERLANDS AVENUE	DRAWING GARAGE FLOOR PLAN AND NORTH ELEVATION		
	QUALIFICATION INFORMATION Required unless design is exempt under 3.2.4.3(5) Division C of the building code		SCALE: 1/4" = 1'-0"		DRAWN BY: P. SANTOS
	MARCO VIEIRA NAME 25562 BCIN		DATE: SEPT' 2021		APPROVED BY M.V.
	REGISTRATION INFORMATION Required unless design is exempt under 3.2.4.1. Division C of the building code EPIC DESIGNS INC. 50718 FIRM NAME BCIN		PROJECT No. 2021-60		DRAWING No. A200

Appendix B

File: 21-147520-000.00.MNV

Date: 04/20/22



1 SOUTH ELEVATION
A300 1/4" = 1'-0"

2 SIDE (EAST)
A300 1/4" = 1'-0"

<p>257 DUNRAVEN DRIVE TORONTO, ONTARIO. M6M - 1H8 TEL: (416) 564 - 2435 WWW.EPICDESIGNSINC.CA</p>	<p>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</p>	<p>DO NOT SCALE DRAWINGS CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT OMISSIONS OR DISCREPANCIES TO EPIC DESIGNS INC. BEFORE PROCEEDING WITH WORK.</p>	DRAWING ELEVATIONS		
	<p>QUALIFICATION INFORMATION Required unless design is exempt under 3.2.4.3(5) Division C of the building code</p> <p>MARCO VIEIRA NAME SIGNATURE 25562 BCIN</p>	<p>ALL PRINTS SPECIFICATIONS ARE THE PROPERTY OF EPIC INC. AND SHALL NOT BE COPIED, IN PART OR WHOLE PRIOR WRITTEN PERMISSION</p>	SCALE: 1/4" = 1'-0"	DRAWN BY: P. SANTOS	
	<p>REGISTRATION INFORMATION Required unless design is exempt under 3.2.4.1. Division C of the building code</p> <p>EPIC DESIGNS INC. FIRM NAME 30718 BCIN</p>	<p>PROJECT: PROPOSED FLAT ROOF OVER GARAGE DOOR (EXISTING CARPORT AND GARAGE TO REMAIN AND LEGALIZED) @ 142 RIVERLANDS AVENUE</p>	DATE: SEPT 2021	APPROVED BY: M.V.	
			PROJECT No. 2021-60	DRAWING No. A300	