

Memorandum to the City of Markham Committee of Adjustment

May 14, 2021

File: A/041/21
Address: 44 Colchester Street – Markham, ON
Applicant: Ion Rada & Irina Rada
Agent: Vin Engineering Inc.
Hearing Date: May 26, 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 under By-law 177-96, as amended, as it relates to a proposed coach house above a detached garage. The variance requested is to permit:

a) By-law 177-96, Sec. 6.3.1.7(a):

a maximum lot coverage of 17.70% for a detached private garage and habitable floor area above, whereas the By-law permits a maximum lot coverage 15.0% for a detached private garage and habitable floor area above, on a lot with a lot frontage of 9.75 m (31.99 ft) or greater.

BACKGROUND

Property Description

The 402.54 m² (4,332.91 ft²) subject property is a lane based lot which is located at the northwest corner of Colchester Street and Nuthatch Lane, east of Bur Oak Avenue, south of 16th Avenue, and west of Black Creek Drive. The property is developed with a two-storey single detached dwelling, and a detached one-storey two-car garage. There is one city owned tree, located within the municipal boulevard along Colchester Street.

The property is located in the Cornell community, which is a residential neighbourhood that contains a mix of low rise housing forms including 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 located above private garages. In close proximity to the property are the Blake Lazenby Park, and live-work units with at grade commercial uses which front onto Bur Oak Avenue.

Proposal

The applicant is proposing to construct a new coach house above the existing one-storey detached garage on the subject property, with an unenclosed carport located at the ground level in order to provide for the minimum parking requirement of three parking spaces. The proposed coach house would have a floor area of approximately 72.39 m² (779.17 ft²) as shown in the attached plans (Appendix “B”).

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

Zoning By-Law 177-96

The subject property is zoned “Residential Two Exception *190 (R2*190) Zone” 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 private garage, in addition to other area specific development standards. The proposed development does not comply with the By-law requirement with respect to the maximum lot coverage for a detached private garage and habitable floor area above.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on April 9, 2021 to confirm the variance 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.

Increase in Maximum Lot Coverage

The applicant is requesting a maximum lot coverage of 17.70% for a detached private garage and habitable floor area above, whereas the By-law permits a maximum lot coverage of 15.0% for a detached private garage and habitable floor area above. The proposed variance would permit an increase to the maximum lot coverage by 2.70%, which equates to expanding the permitted lot coverage of the detached private garage and habitable floor area above by approximately 8.74 m² (94.08 ft²).

The zoning for the property permits a coach house. The proposed increase to the maximum lot coverage can be accommodated on the lot, while complying with all relevant setback requirements, including the minimum separation requirement of 6.0 m (29.69 ft) between the detached garage and main building which ensures that sufficient rear yard amenity area will be provided on the subject property. Staff are of the opinion that the proposed development is appropriate for the lot, and do not object to the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 14, 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 objections. 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*.

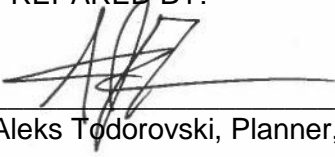
required for the granting of minor variances. Please see Appendix "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix "A" – Conditions of Approval

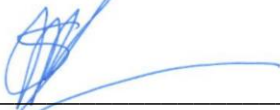
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/041/21

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:



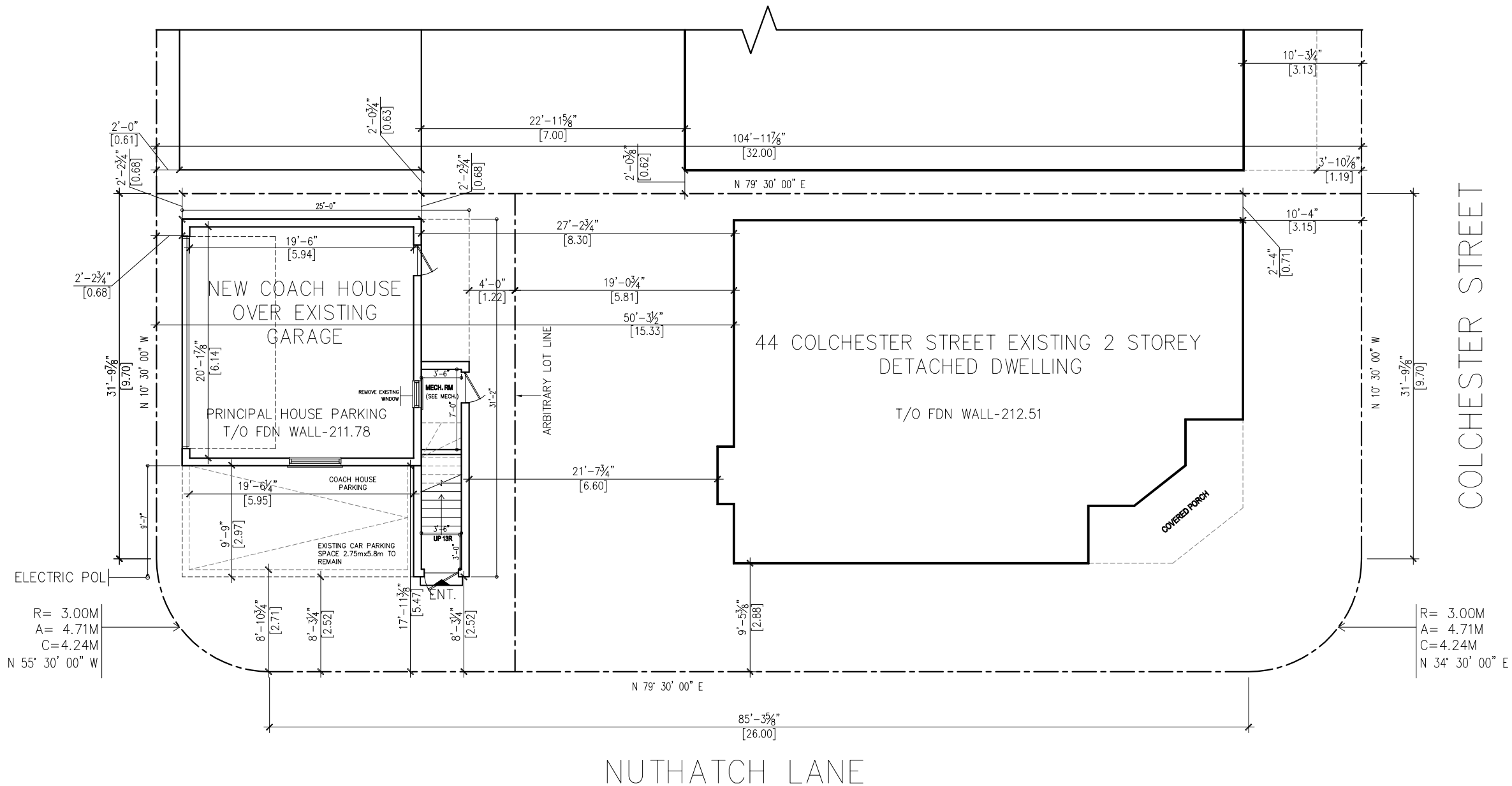
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/041/21

Appendix B

File: 21.115490.000.00.MNV

Date: 05/21/21
MM/DD/YY



SITE PLAN

DESIGN CONSULTANTS	ENGINEERING CONSULTANTS
VIN ENGINEERING INC. MITALI@VINGCINC.COM 365.998.8673	VIN ENGINEERING INC. SUNILS@VINGCINC.COM 416.270.3933

ZONING INFORMATION:

44 COLCHESTER STREET IS ZONED R2*190 UNDER BY-LAW 177-96 AS AMENDED. THE PROPOSED USE OF COACH HOUSE IS PERMITTED UNDER SECTION 7 : EXCEPTIONS.

IN ADDITIONAL PERMITTED USE (7.5.1), ONE ACCESSORY DWELLING UNIT IS PERMITTED ON A LOT PROVIDED THAT

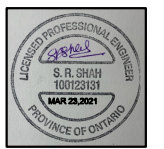
- IT IS ACCESSORY TO SINGLE DETACHED, SEMI DETACHED OR TOWNHOUSE DWELLING UNIT ON THE SAME LOT,
- IT IS LOCATED ABOVE A PRIVATE GARAGE IN EITHER THE MAIN BUILDING OR AN ACCESSORY BUILDING ON THE SAME LOT, EXCEPTING THAT STAIRWAY PROVIDING ACCESS TO THE ACCESSORY DWELLING UNIT MAY EXTEND DOWN TO GRADE; AND,
- THE REQUIRED PARKING SPACE IS INDEPENDENTLY ACCESSIBLE FROM THE PARKING SPACES OF THE MAIN DWELLING UNIT ON THE LOT.

(ALL THE ABOVE CONDITIONS ARE MET IN THE PROPOSAL.)

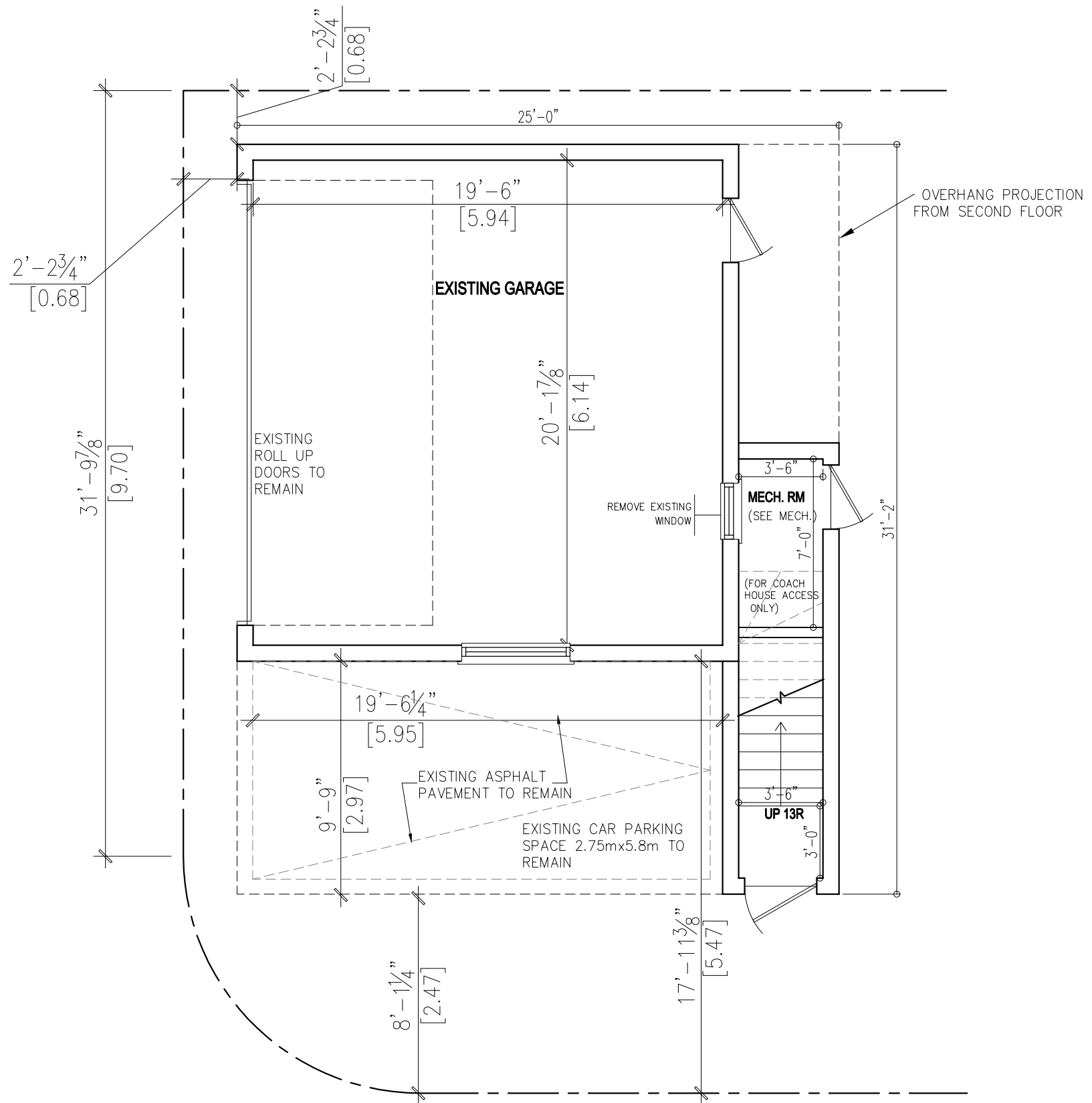
SITE STATISTICS:

LOT AREA	: 402.54 SM
LOT FRONTAGE	: 9.70 M
COACH HOUSE LOT AREA	: 402.54 SM
COACH HOUSE FOOTPRINT	: 72.38 SM
STAIRCASE AREA	: 3.25 SM
LOT COVERAGE (%)	
COACH HOUSE	: 17.17 %

1 MARCH 23, 2021 ISSUED FOR BUILDING PERMIT		N ↑
No	Date	
DRAWN BY : MP		DATE : MARCH 23, 2021
CHECKED BY : SS		SCALE : 3/16" = 1'-0"
PROJECT:		
PROPOSED COACH HOUSE 44 COLCHESTER ST MARKHAM, ON L6B 1K4		
DRAWING TITLE : SITE PLAN		



A-01



FIRST FLOOR PLAN

Appendix B

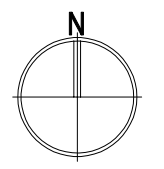
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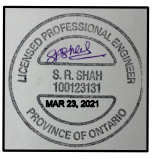
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PROJECT:

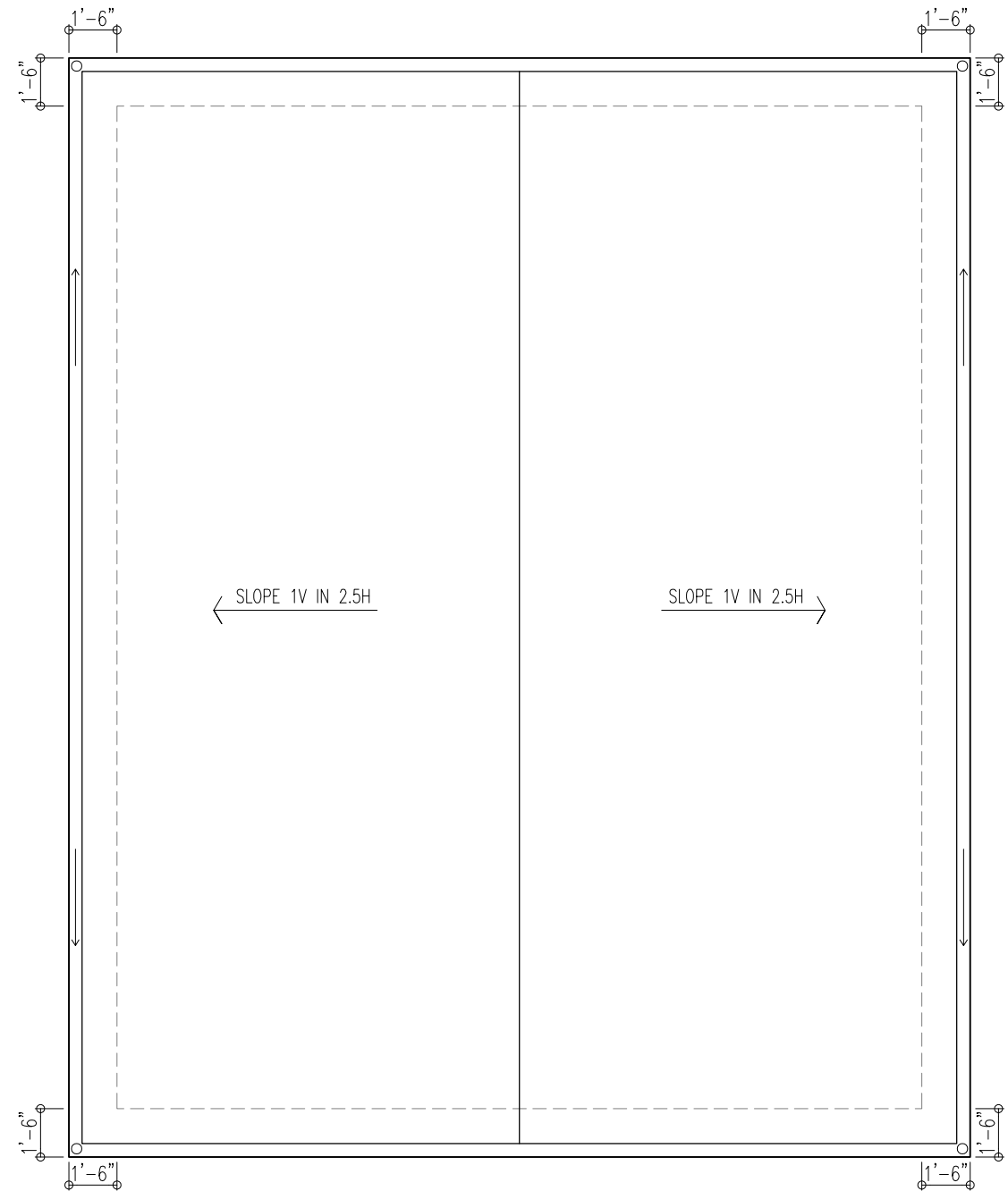
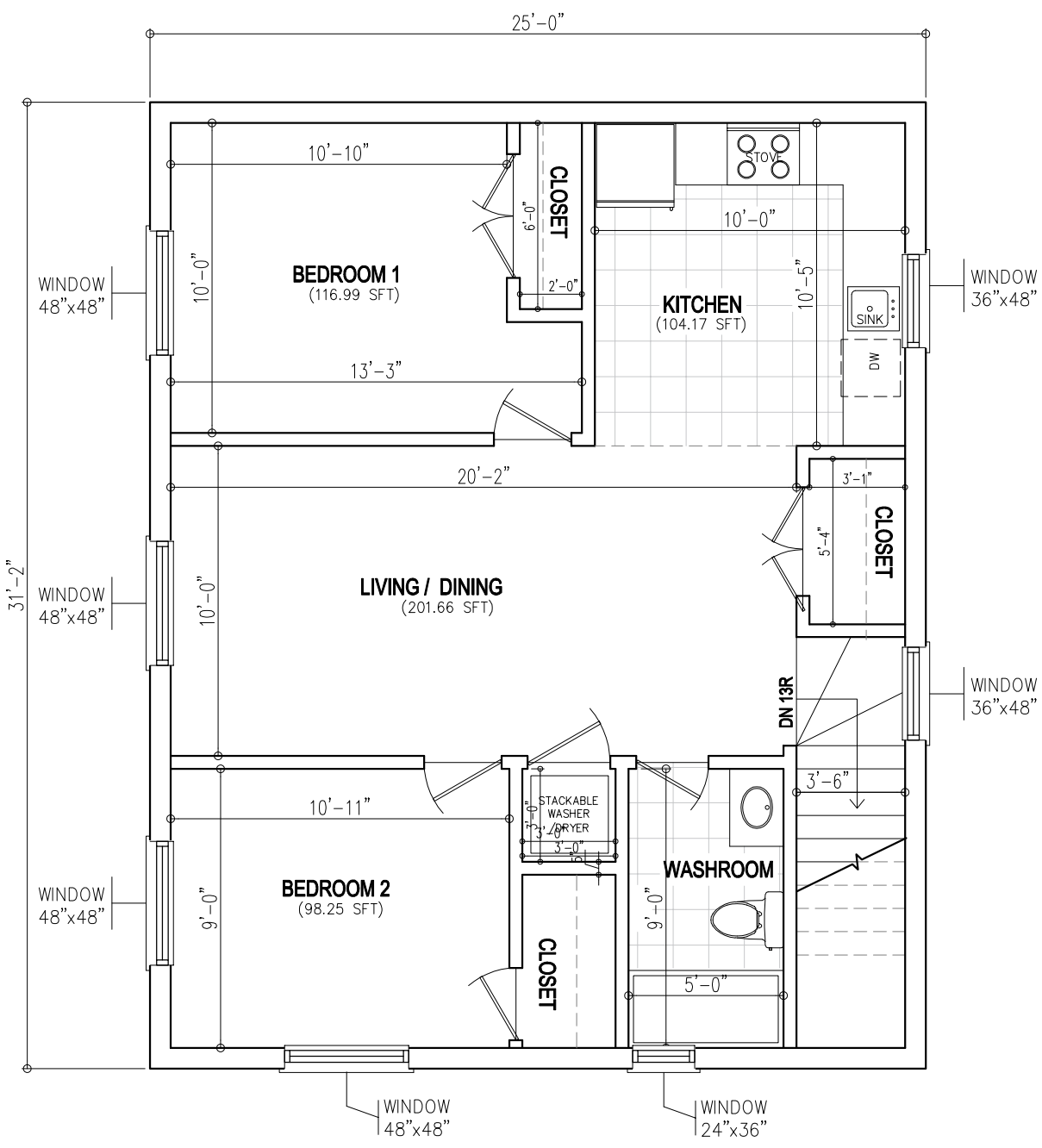
PROPOSED COACH HOUSE ABOVE GARAGE
44 COLCHESTER ST,
MARKHAM, ON L6B 1K4



DRAWING TITLE :	A-02
FIRST FLOOR PLAN	

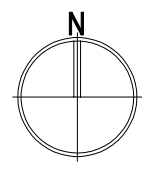
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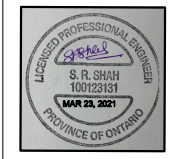


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PROJECT:
PROPOSED COACH HOUSE ABOVE GARAGE
 44 COLCHESTER ST,
 MARKHAM, ON L6B 1K4



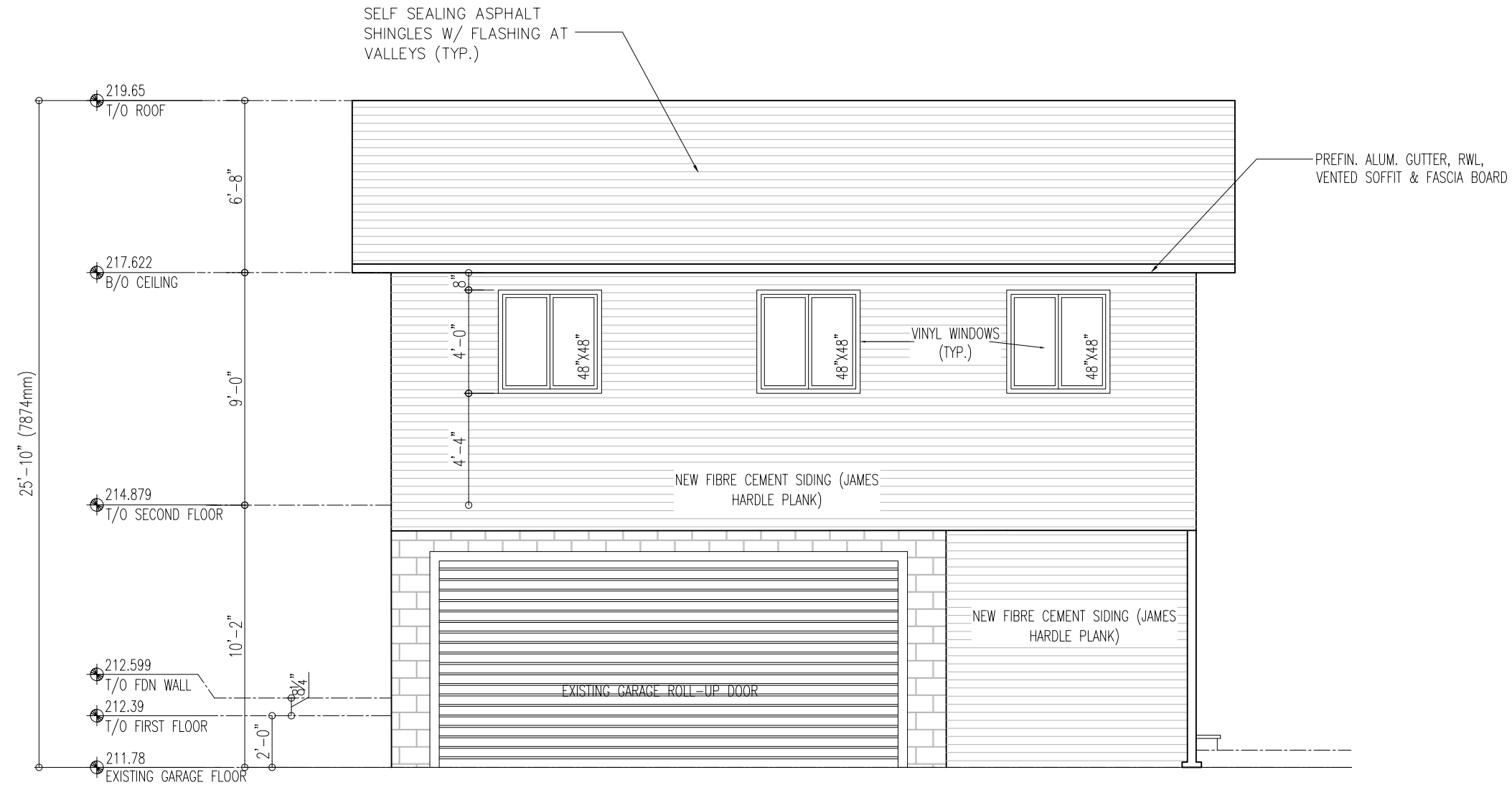
DRAWING TITLE :
SECOND FLOOR PLAN

A-03

Appendix B

File: 21.115490.000.00.MNV

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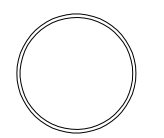
WEST ELEVATION

UNPROTECTED OPENING CALCULATION
FACING STREET

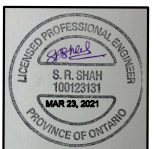
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PROPOSED COACH HOUSE ABOVE GARAGE
44 COLCHESTER ST,
MARKHAM, ON L6B 1K4

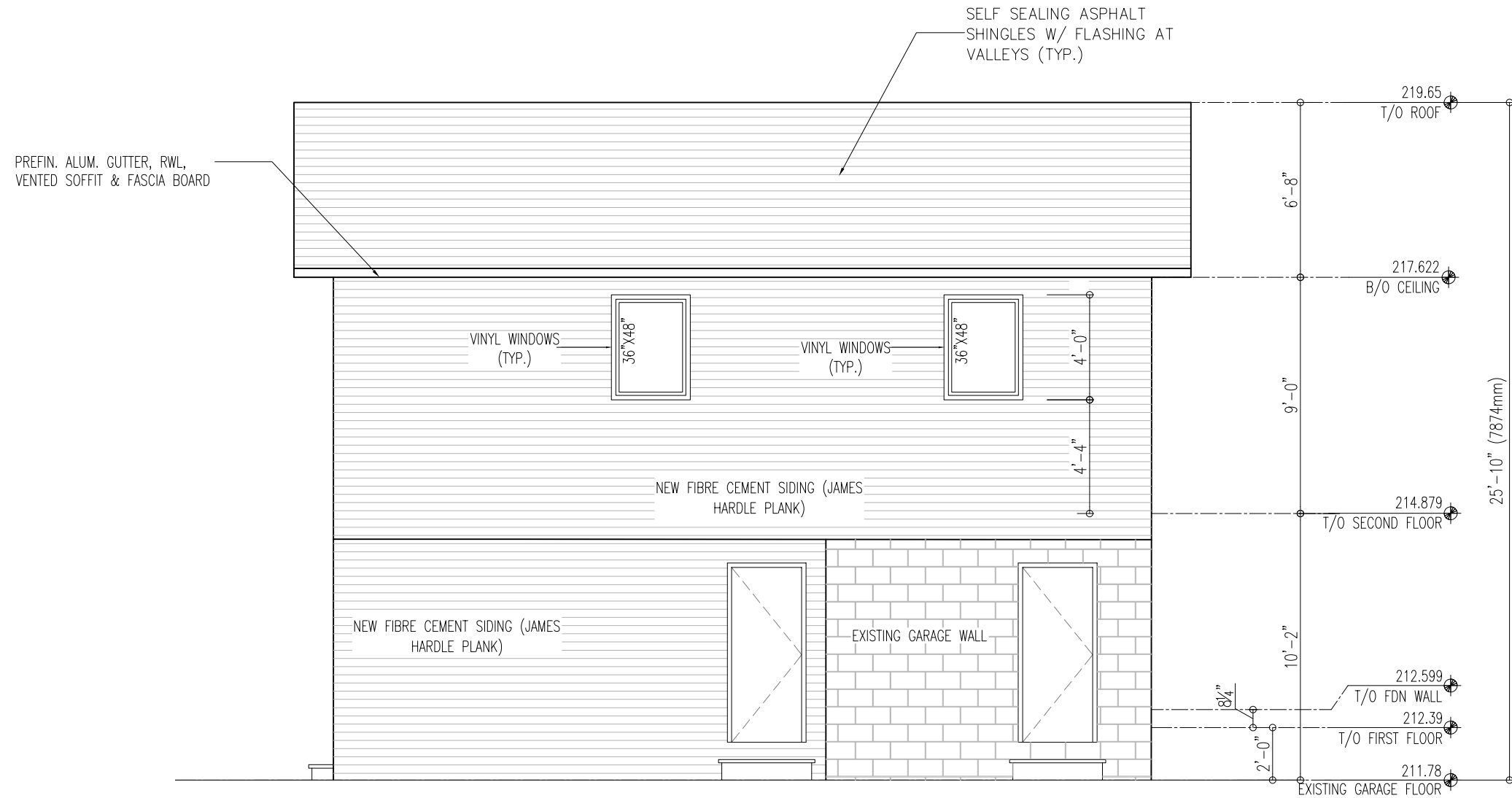


DRAWING TITLE :
WEST ELEVATION

A-04

Appendix B

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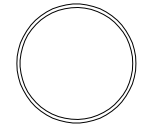
EAST ELEVATION

UNPROTECTED OPENING CALCULATION	
LIMITING DISTANCE	: 1.22 M (4'-0")
WALL AREA	: 44.84 SM (482.73 SF)
OPENINGS ALLOWED	: 3.14 SM (7%)
OPENING PROPOSED	: 2.00 SM (21.60 SF) (4.47%)

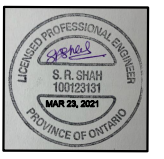
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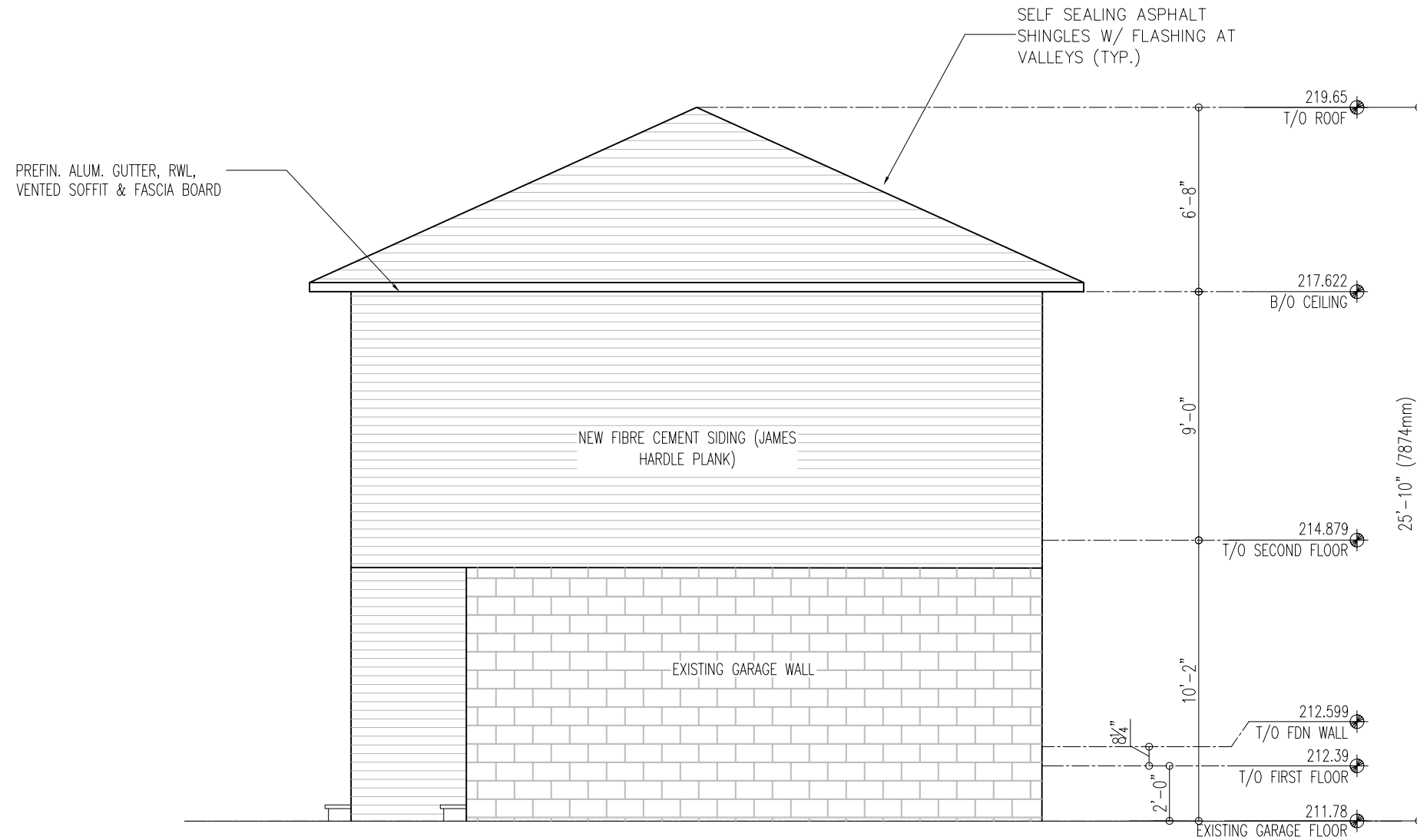


DRAWING TITLE :	EAST ELEVATION
	A-05

Appendix B

File: 21.115490.000.00.MNV

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NORTH ELEVATION

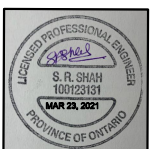
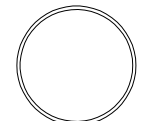
UNPROTECTED OPENING CALCULATION

LIMITING DISTANCE : 0.68 M (2'-2³/₄"")
 WALL AREA : 40.95 SM (440.74 SF)
 OPENINGS ALLOWED : 0.00 SM (0%)
 OPENING PROPOSED : 0.00 SM (0.0 SF) (0%)

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DRAWING TITLE :

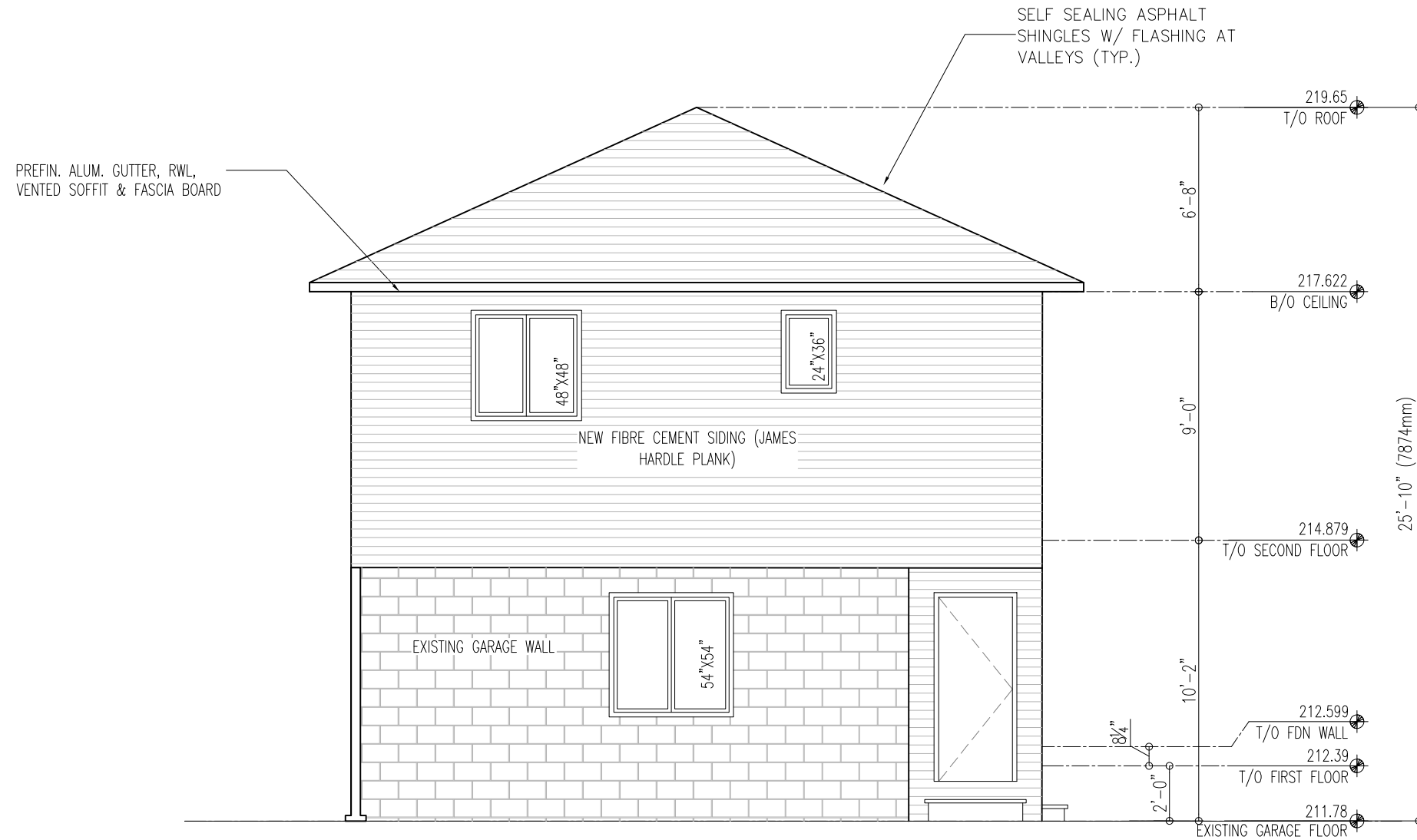
NORTH ELEVATION

A-06

Appendix B

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SOUTH ELEVATION

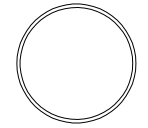
UNPROTECTED OPENING CALCULATION	
LIMITING DISTANCE	: 2.52 M (8'-3 1/4")
WALL AREA	: 27.34 SM (294.25 SF)
OPENINGS ALLOWED	: 4.37 SM (16%)
OPENING PROPOSED	: 1.84 SM (19.80 SF) (6.73%)

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DRAWING TITLE :	SOUTH ELEVATION
	A-07