Memorandum to the City of Markham Committee of Adjustment February 15, 2024

File:	A/123/23
Address:	221 The Meadows Avenue, Markham
Applicant:	Nguyen The Phuong & Trac Thank Kiet
Agent:	In Roads Consultants (Ida Evangelista)
Hearing Date:	Wednesday, February 21, 2024

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following requirements "Residential Two (R2)" Exception *190*465 of By-law 177-96, as amended, as it relates to a proposed coach house. The variance request is to permit:

a) <u>By-law 177-96, 6.3.1.2:</u>

a setback from the main building of 5.8m (19.02 ft), whereas the by-law requires a minimum of 6.0m (19.7 ft);

b) <u>By-law 177-96, Section 6.3.1.7(a):</u>

a garage lot coverage of 19.71 percent (67.64m²), whereas the by-law permits a maximum lot coverage of 15 percent (51.47m²);

c) <u>By-law 177-96, Section 7.190.2(c)(ii)</u>: a side yard setback of 0.1m (0.3 ft), whereas the by-law requires a minimum setback of 0.3m (0.9 ft); and

By-law 28-97, Section 3.0, Table A: Two (2) parking spaces whereas the by-law requires three (3) parking spaces

BACKGROUND

Property Description

The 343.30 m² (3695.25 ft²) Subject Property is located on the south side of The Meadows Avenue, north of Highway 7 and west of Cornell Centre Boulevard. The property is located within an established residential neighbourhood comprised of a mix two-storey detached dwellings also containing attached and detached garages accessed by rear laneways. There are several examples of coach houses situated above the garages in the surrounding area. There is an existing single detached dwelling and detached garage on the property, which according to assessment records was constructed in 2013.

Proposal

The applicant is proposing an addition to the existing garage to accommodate three vehicles, as well as construct a coach house on the second storey (refer to Appendix "B" – Plans).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18) Section 8.2.3.3 of the Official Plan designates the Subject Lands "Residential Low Rise", which provides for low rise housing forms including coach houses located above a garage on a laneway.

Zoning By-law 177-96 as amended

The subject property is zoned R2*190*465 under By-law 177-96, as amended, which permits single detached dwellings containing private garages on lots accessed by lanes. Exceptions *190*465 include additional site-specific development standards for the property that do not impact the subject variance request. The proposed development does not comply with the By-law requirement with respect to the reduced setback from the main building, the garage lot coverage, and the side yard setback.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the <u>initial</u> variances required for the proposed development. The applicant submitted revised drawings on November 16, 2022. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is 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:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, 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

The Applicant is requesting a minimum side yard setback of 0.1 m (0.3 ft) for the west portion of the proposed coach house, whereas the by-law requires a minimum side yard setback of 0.3m (0.9 ft) from the side lot line.

The requested variance will allow the construction of an additional enclosed parking garage and stairway access which extends the coach house addition on the second storey. The property line to the west of the proposed development abuts an existing transformer which results in an irregular lot configuration and limits the allowable buildable area. North of the transformer, the proposed development complies with the minimum side yard setback for the west portion. There will be approximately 0.85 m (2.78 ft) of space between the existing transformer and the proposed development. Engineering staff have reviewed the application and have no concern with the variance respecting drainage. Given the irregular lot configuration due to the existing transformer abutting the west portion of the proposed development. Staff have no concerns with the requested variance.

Reduction in Minimum Setback from the Main Building

The Applicant is requesting relief to permit a minimum setback of 5.8m (19.02 ft) from the main building, whereas the By-law requires a minimum setback of 6m (19.7 ft) from the main building. This represents a reduction of 0.2m (0.65 ft).

Initially, the applicant requested a minimum setback of 4.8m (15.75 ft). Staff had concerns regarding the overall massing of the garage and the coach house, as well as the reduction

of the private amenity space between the main building and the proposed development. The applicant revised the proposal to request the variance noted above. Staff are satisfied with the revisions and are of the opinion that there are no anticipated adverse impacts to the abutting properties and are satisfied with the requested variance.

Increase in Maximum Garage Lot Coverage

The applicant is requesting relief for a maximum garage lot coverage of 19.71 percent (67.64m²), whereas the By-law permits a maximum garage lot coverage of 15 percent (51.47m²).

The requested variance will allow the construction of an additional enclosed parking garage which extends the coach house addition on the second storey. The proposed development shows a garage door which could provide access into the rear yard, and the applicant and owner should be aware that parking in the rear yard between the main building and the detached garage is not permitted. The mechanical room and the stairway access to the second storey of the coach house addition is included in the requested garage lot coverage. The surrounding neighborhood is currently experiencing a transformation, with the conversion of some existing 2-car detached garages into 3-car detached garages featuring coach house units on the second storey. There are approximately 4 properties situated on The Meadows Avenue that contain 3-car detached garages with coach house units.

Staff believe that the proposed garage lot coverage aligns well with the ongoing development in the neighborhood. Staff have no concerns regarding the requested variance and find that the size of the proposed development is generally compatible with the street.

Accessory Dwellings/ Secondary Suites

Fire and Emergency Services Department has no objections provided the secondary suite is registered with the City and complies with Building and Fire Codes. Should this application be approved, the applicant will be required to obtain a building permit which ensures the secondary suite will be in compliance with Building Code and Fire Code regulations, and will be required to register their second suite with the Fire Department prior to the occupancy of the unit.

EXTERNAL AGENCIES

Alectra Utilities Comments – August 21, 2023

Alectra Utilities reviewed the proposed minor variance application and have no objections to its approval, subject to the following comments (Appendix "D").

PUBLIC INPUT SUMMARY

As of February 15, 2024 the City received 9 letters expressing support for the proposed development. 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 zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please refer to Appendix "C" for conditions to be attached to any approval of this application.

APPENDICIES

Appendix "A" – Aerial Photo Appendix "B" – Plans Appendix "C" - A/123/23 Conditions of Approval Appendix "D" – Alectra Utilities Comments and Conditions

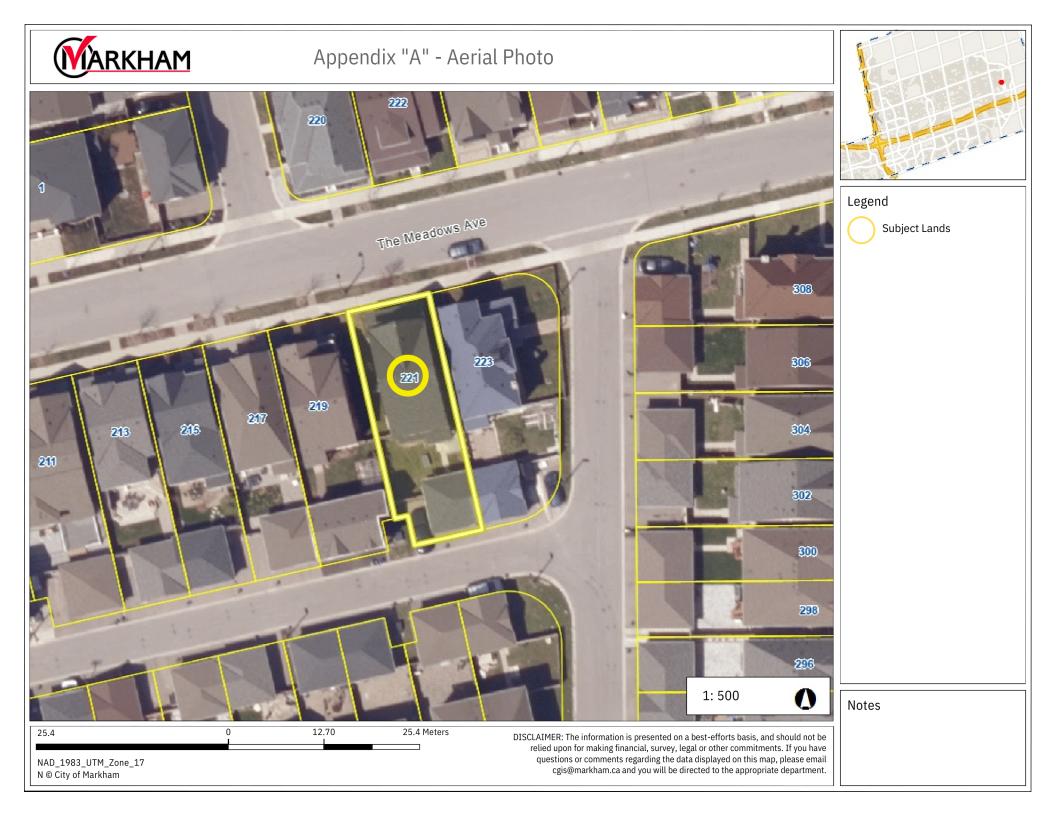
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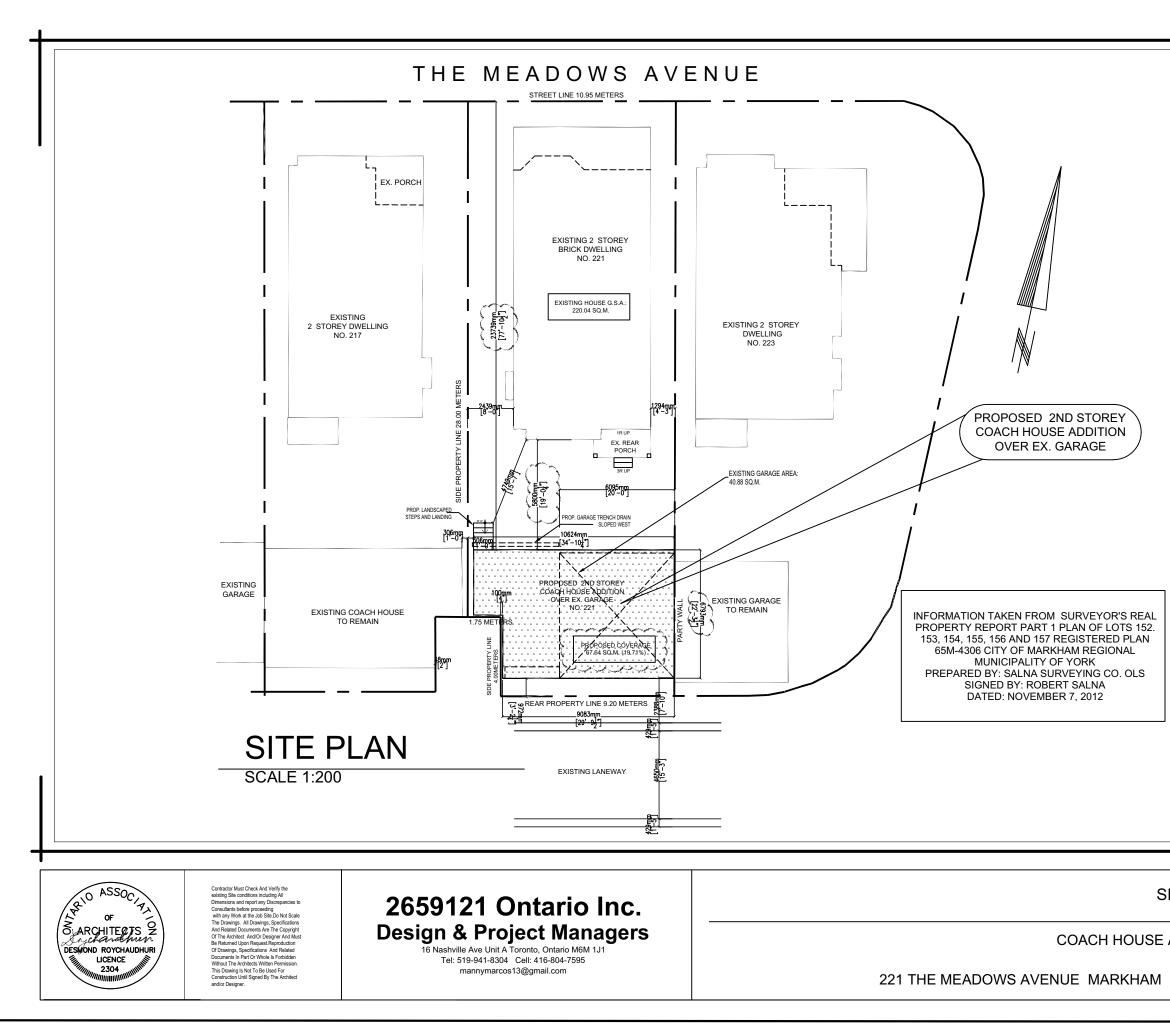
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Trisha Sridharan, Development Technician, Planning and Urban Design Department

REVIEWED BY:

Stacia Muradali, Development Manager, East District





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LIST	OF DRAWINGS
A-1	COVER SHEET
A-2	SITE PLAN
A-3	EXISTING GARAGE PLAN
A-4	EXISTING ROOF PLAN
A-5	EXISTING SOUTH ELEVATION
A-6	EXISTING WEST ELEVATION
A-7	EXISTING NORTH ELEVATION
A-8	PROPOSED GROUND FLOOR PLAN
A-8	PROPOSED SECOND FLOOR PLAN
A-10	PROPOSED ROOF PLAN
A-11	PROPOSED SOUTH ELEVATION
A-12	PROPOSED NORTH ELEVATION
A-13	PROPOSED WEST ELEVATION
A-14	PROPOSED EAST ELEVATION

A-14 PROPOSED EAST ELEVATION

SITE STATISTICS			
LEVELS	EXISTING	PROPOSED	REMARKS
	SQ. M.	SQ. M.	
GROUND FLOOR AREA	104.27	N/A	
SECOND FLOOR AREA	115.77	N/A	
TOTAL (GFA)	220.04 (EXISTING HOUSE)	and the second se	~
GROUND GARAGE AREA	40.88 (EX. GARAGE)	26.76	}
SECOND LEVEL AREA (COACH HOUSE)	NA	67.64	>
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TOTAL (GFA)	40.88 (EXISTING GARAGE)	(94.40 SQ.M (COACH HOUSE)	
		Annon marine	an an
LOT AREA : 343.40 SQ. MET	ERS EXISTING		
LOT FRONTAGE: 10.95 METE	ERS EXISTING		
HOUSE GROSS SQUARE ARI	EA: 220.04 SQ.M		
	<u>f</u>		
LOT COVERAGE: HOUSE (12	2.51 SQ.M (35.67%) + COACH	HOUSE 67.64 SQ.M (19	.71%) = TOTAL 55.38%
COACH HOUSE BUILDING HE	EIGHT: 8.435 METERS	بحرياهم المراجر الجرياهما بحراجر المحاري المراجر المراجر المحرر المحر	فسجريا جراعي الاستجر المستحر المستحر بالحور الحور الحرار

GARAGE - COACH HOUSE SETBACKS	EXISTING METERS	PROPOSED METERS	REMARKS
SETBACK: NORTH	23.93 (STREET LINE)	23.73(STREET LINE)	
SETBACK: SOUTH	0.97	0.97	
SETBACK: EAST	0	0	
SETBACK: WEST	3.15	0.15	



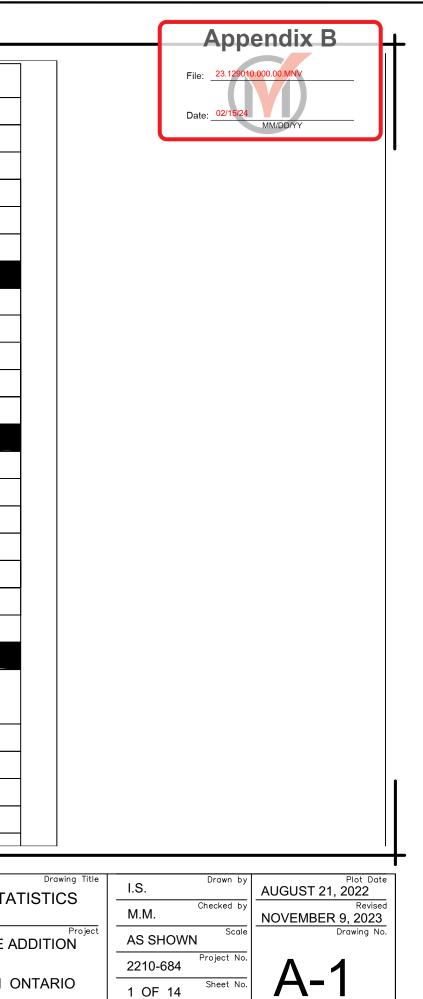
Contractor Must Check And Verify the existing Site conditions including All Dimensions and report any Discrepancies to Consultants before proceeding with any Work at the Job Site Do Not Scale The Drawing, Sectifications And Related Documents Are The Copyright OT The Architect And/Or Designer And Must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

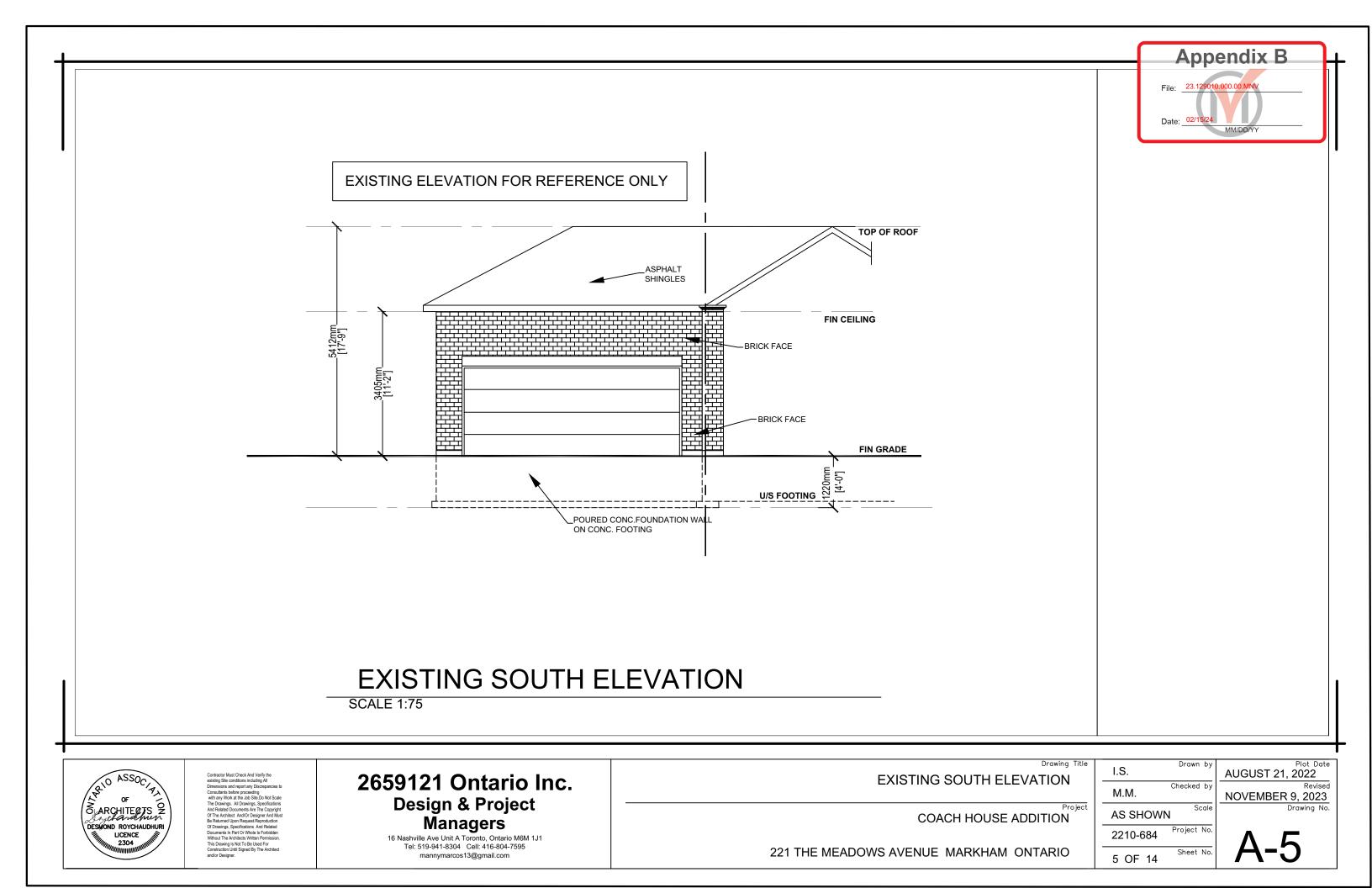
2659121 Ontario Inc.

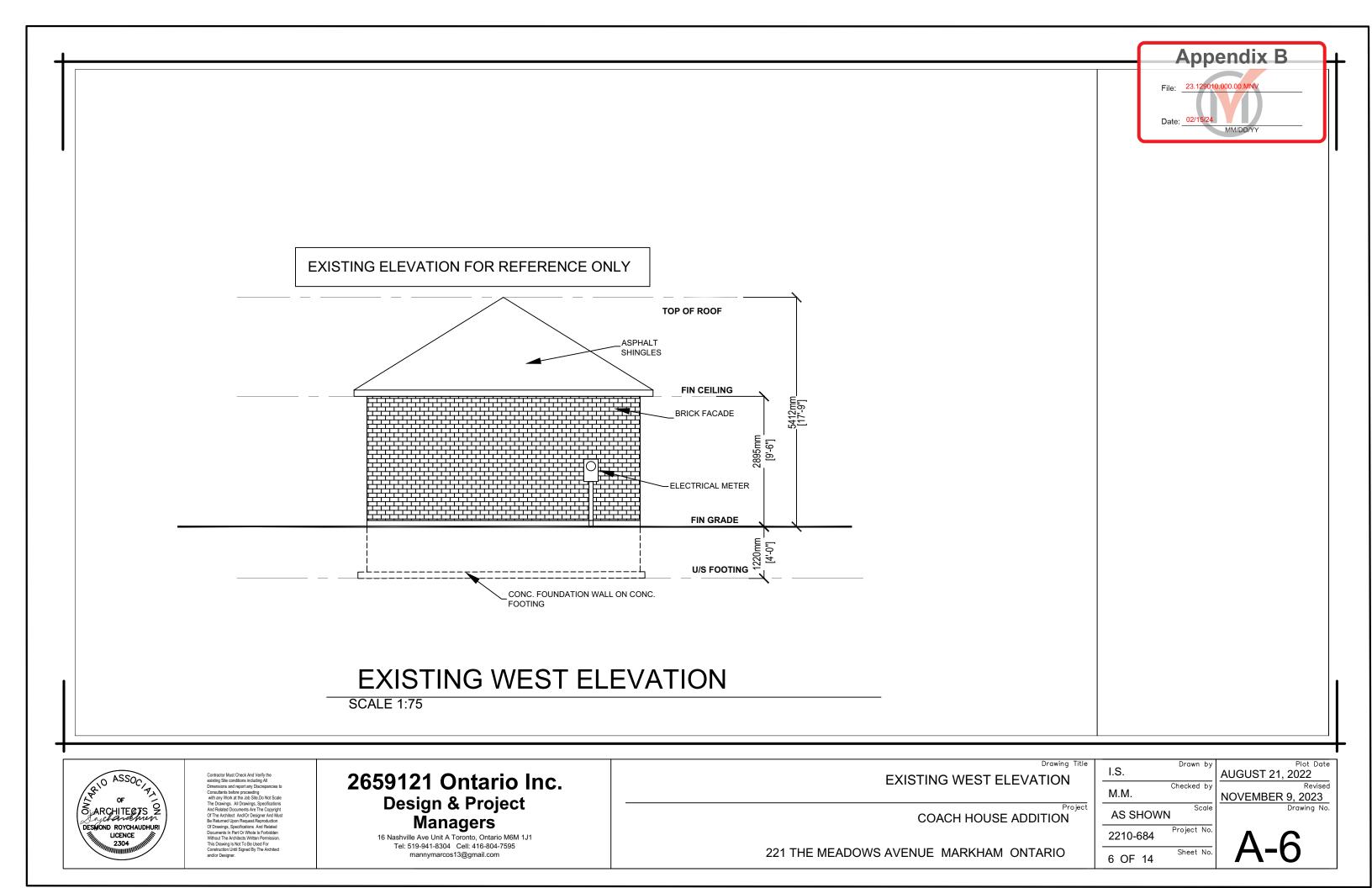
Design & Project Managers 16 Nashville Ave Unit A Toronto, Ontario M6M 1J1 Tel: 519-941-8304 Cell: 416-804-7595 mannymarcos13@gmail.com COVER SHEET & SITE STATISTICS

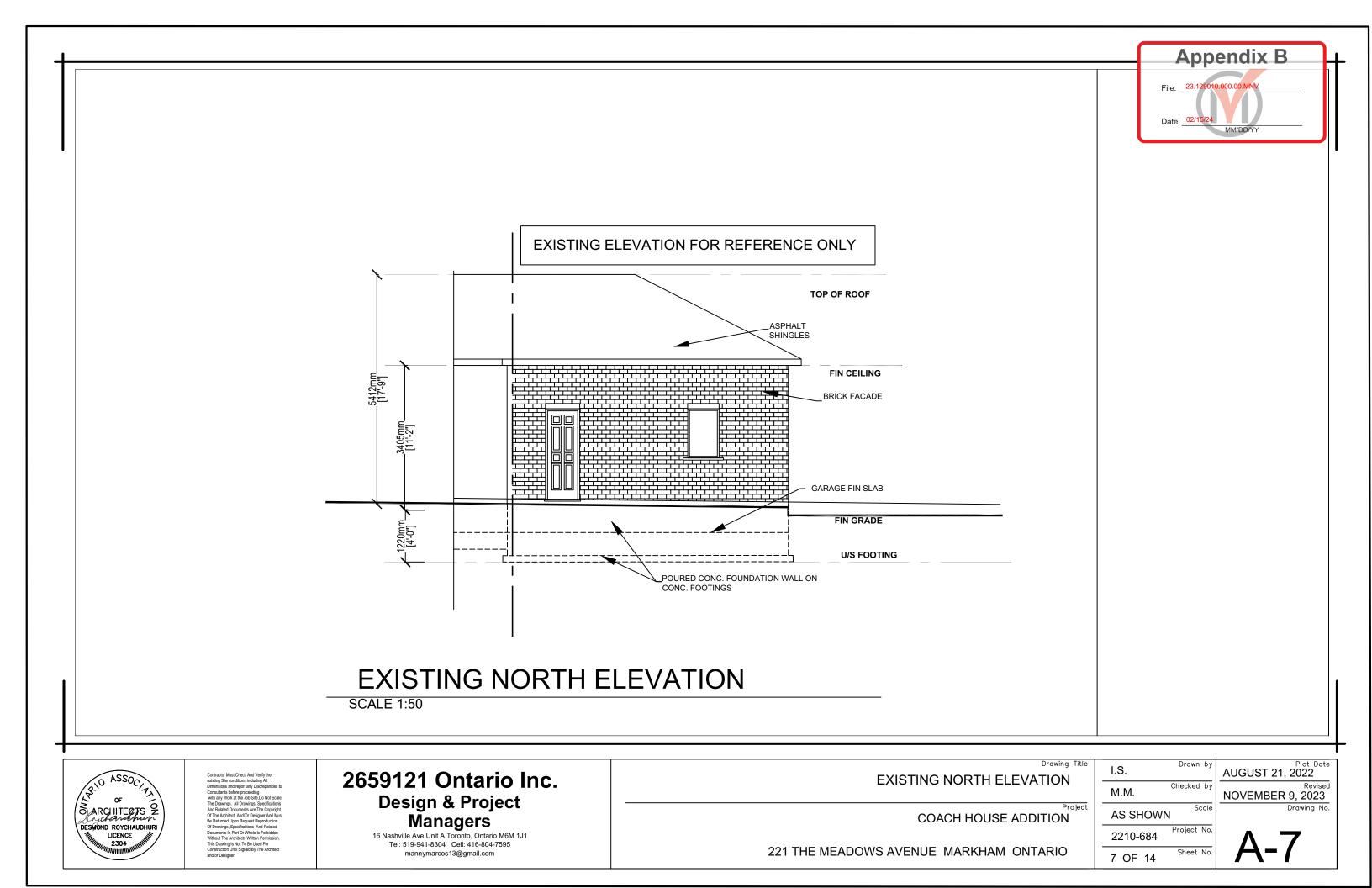
COACH HOUSE ADDITION

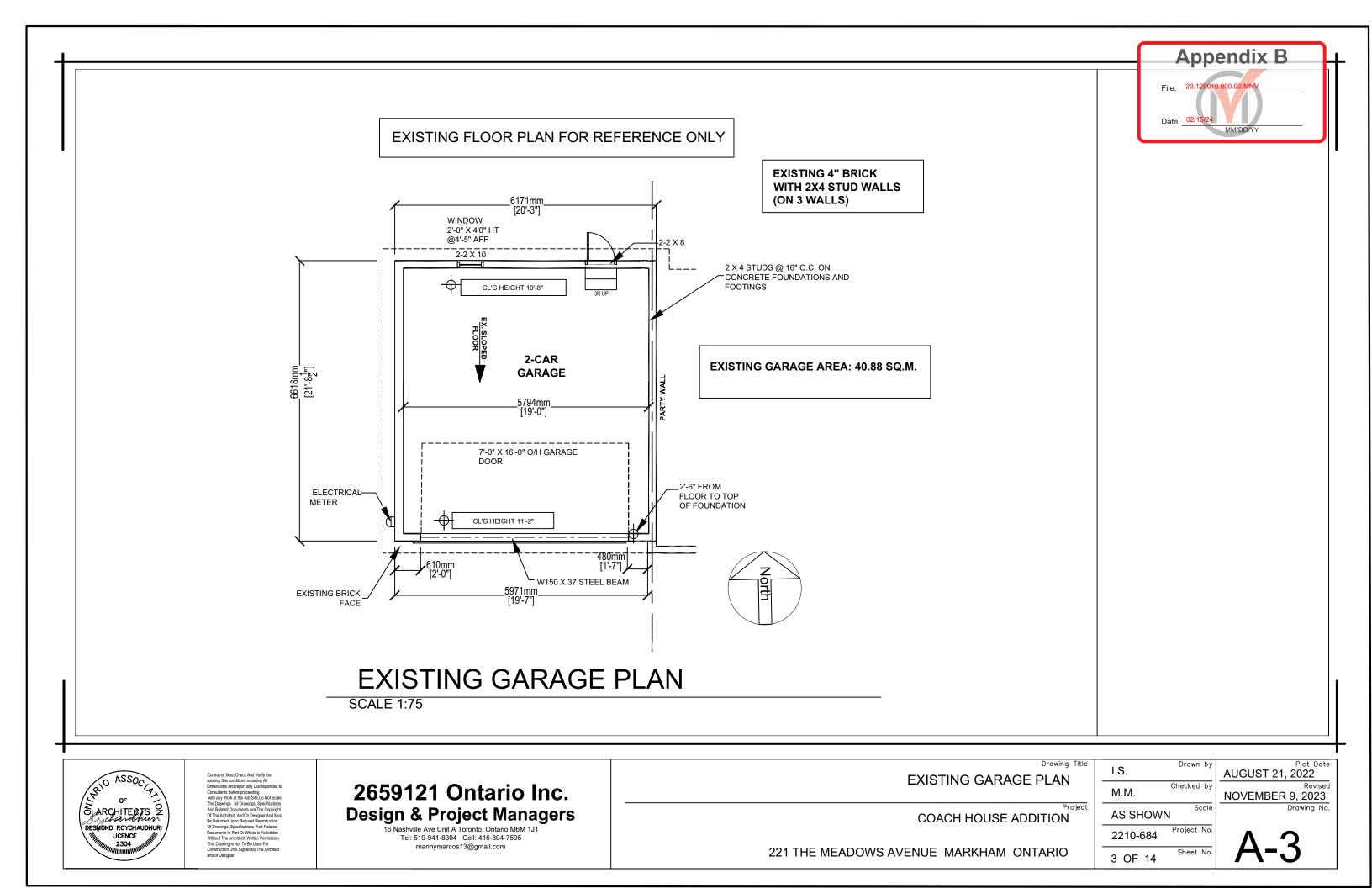
221 THE MEADOWS AVENUE MARKHAM ONTARIO

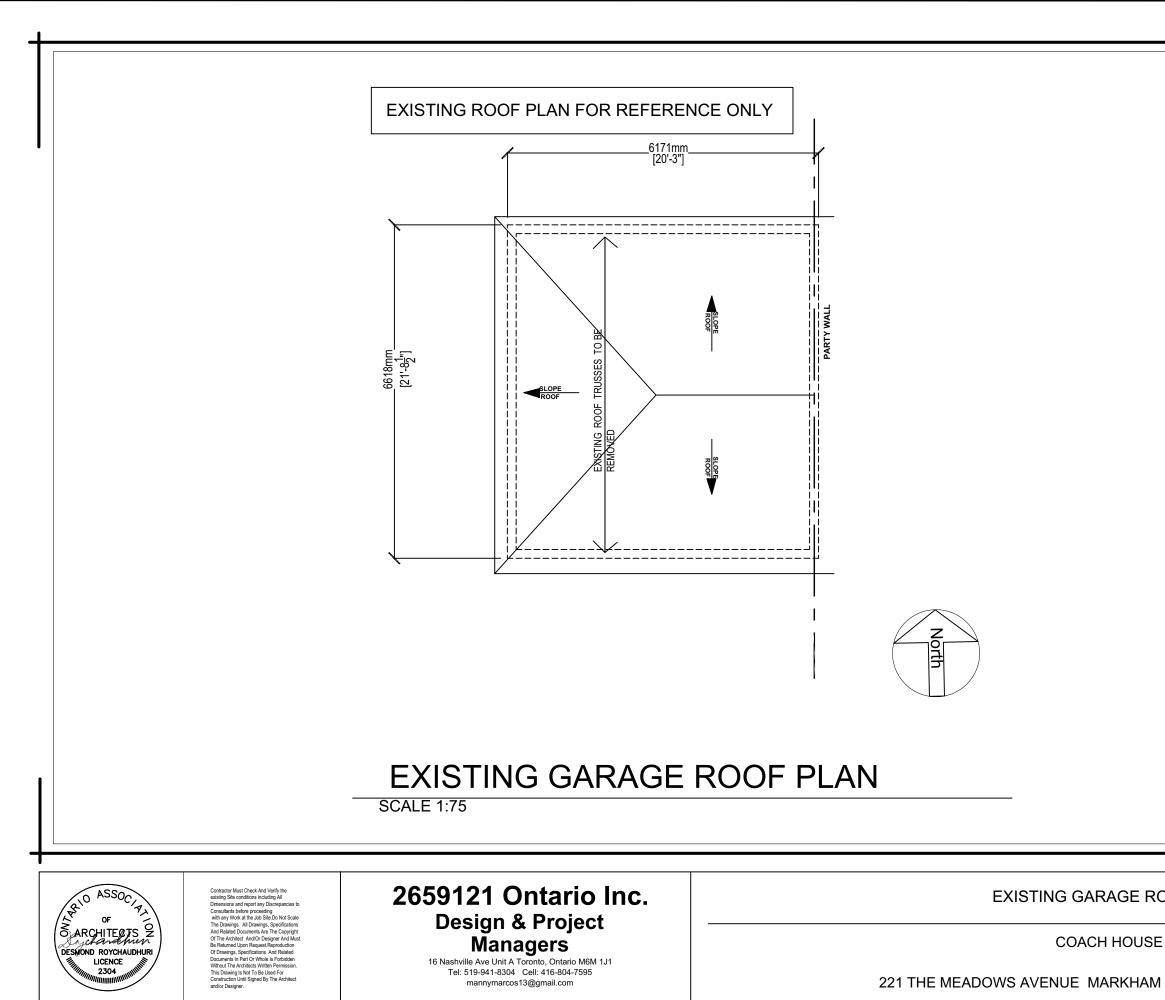




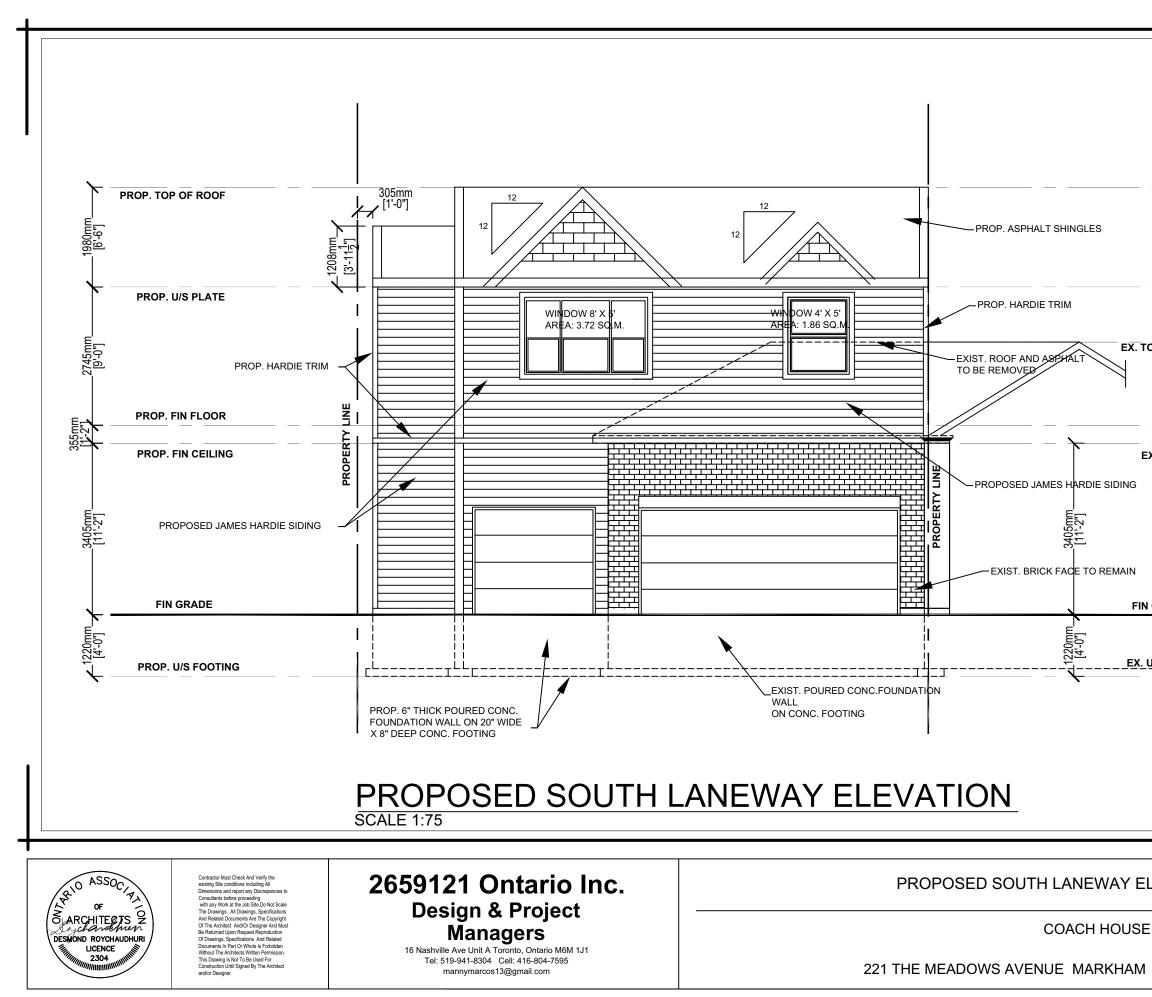




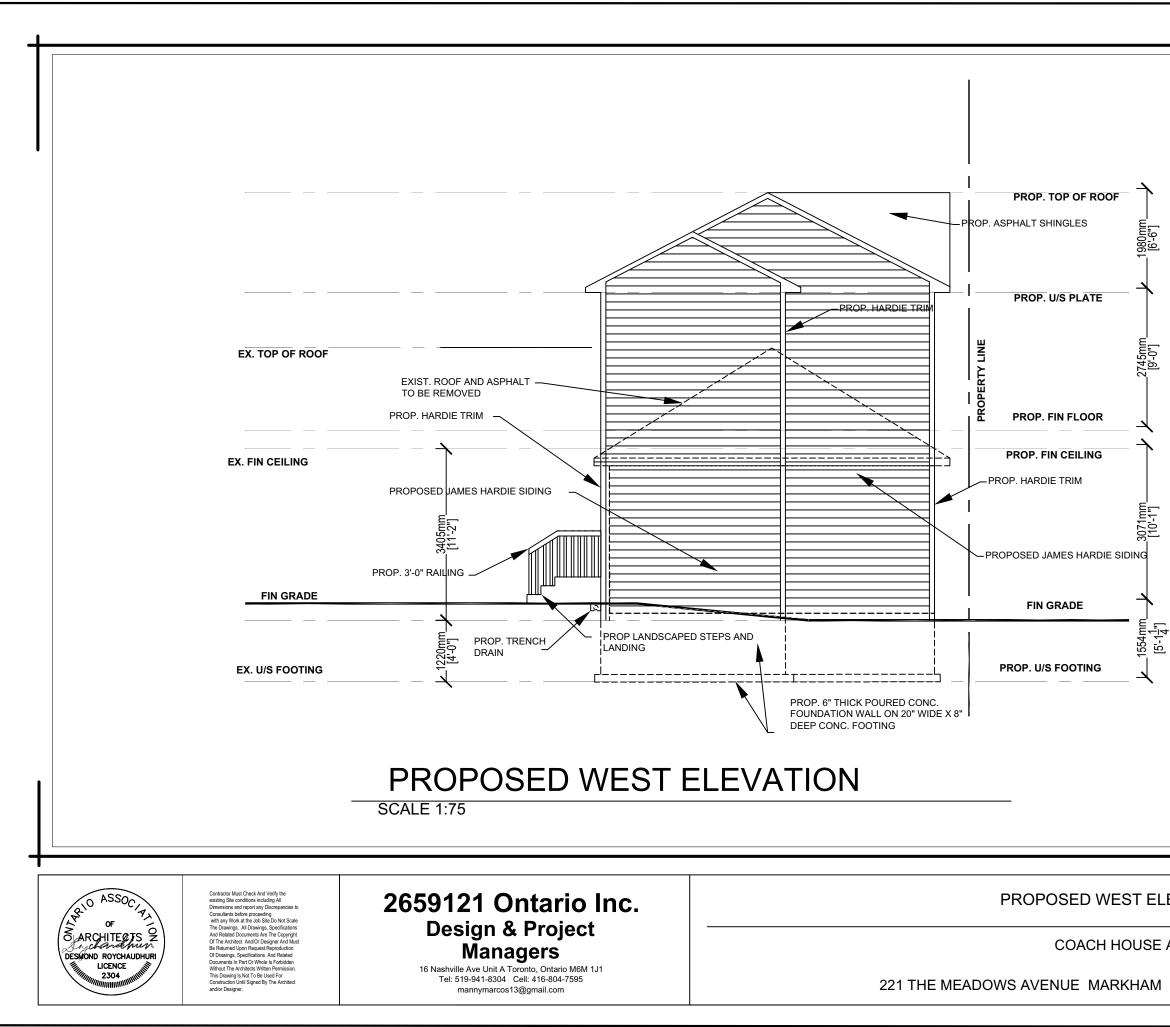




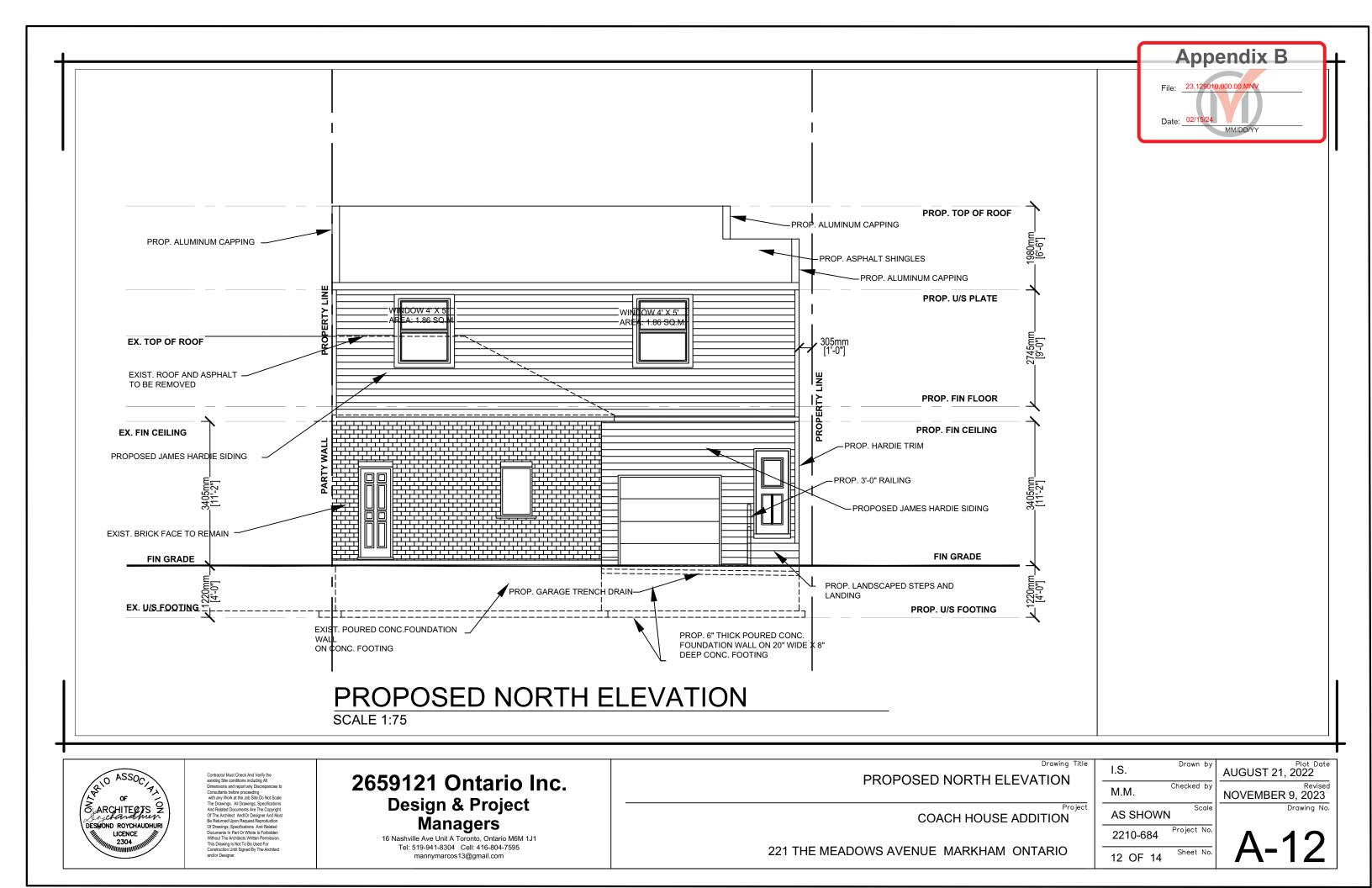
	Appendix B	
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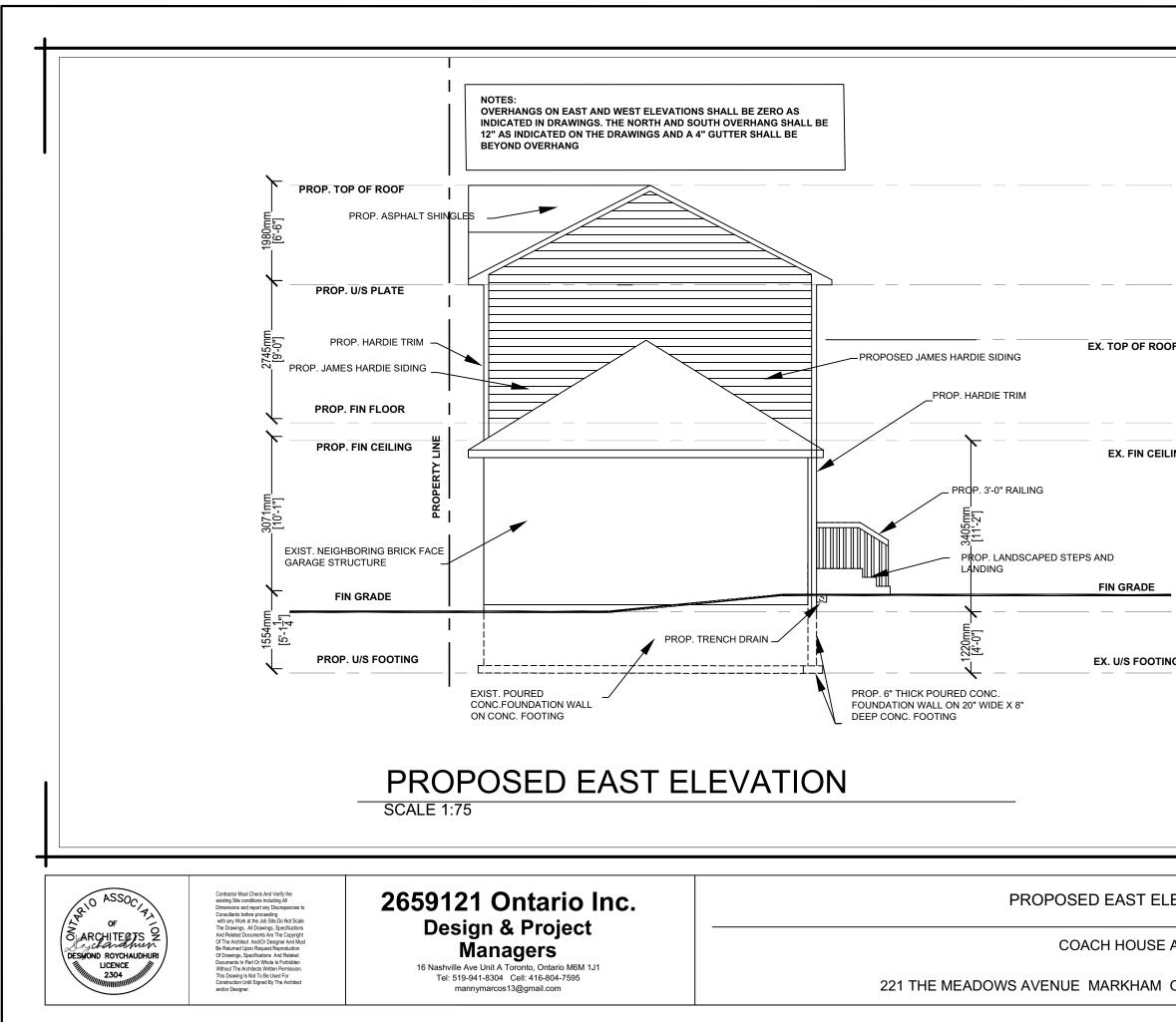


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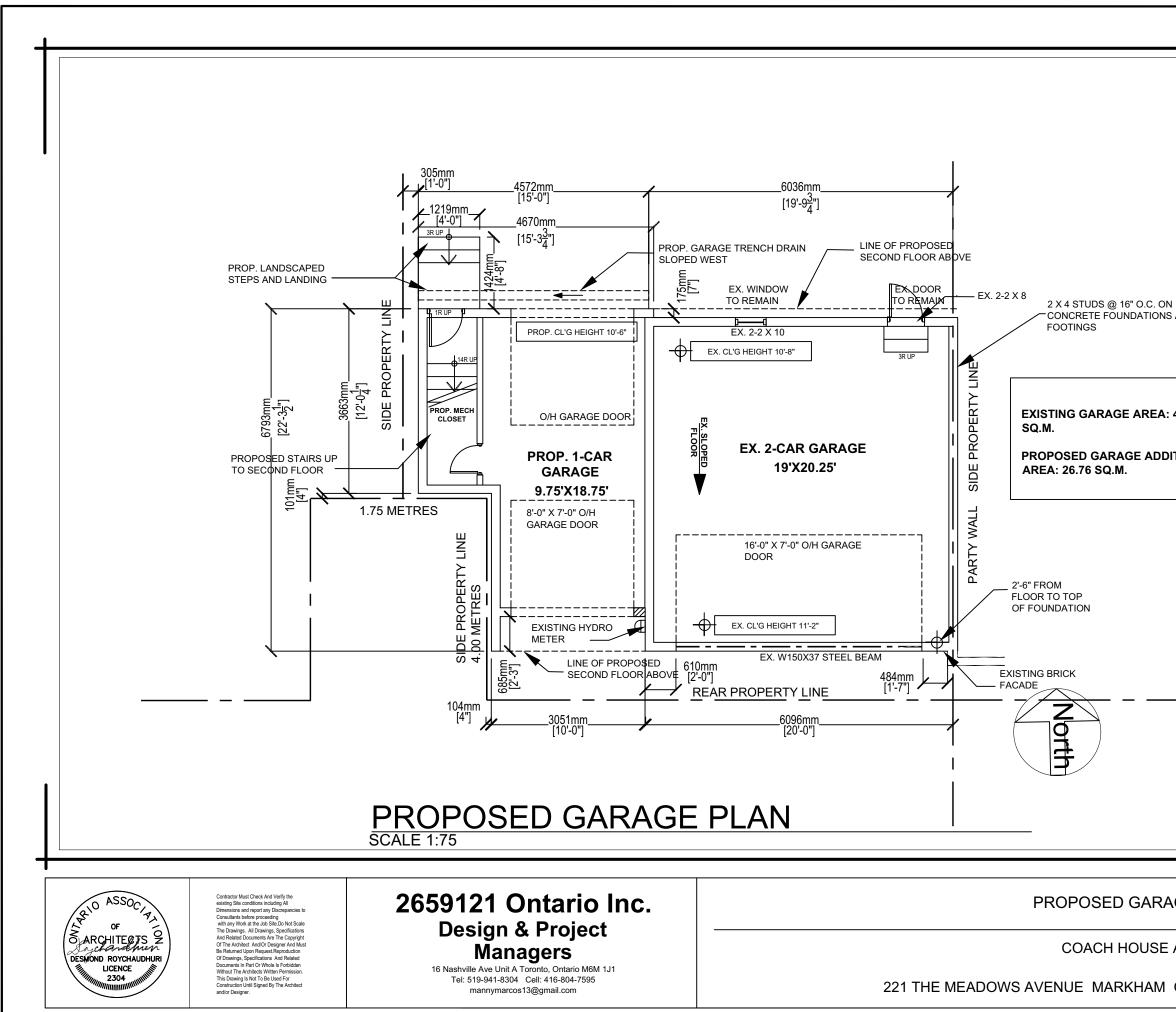


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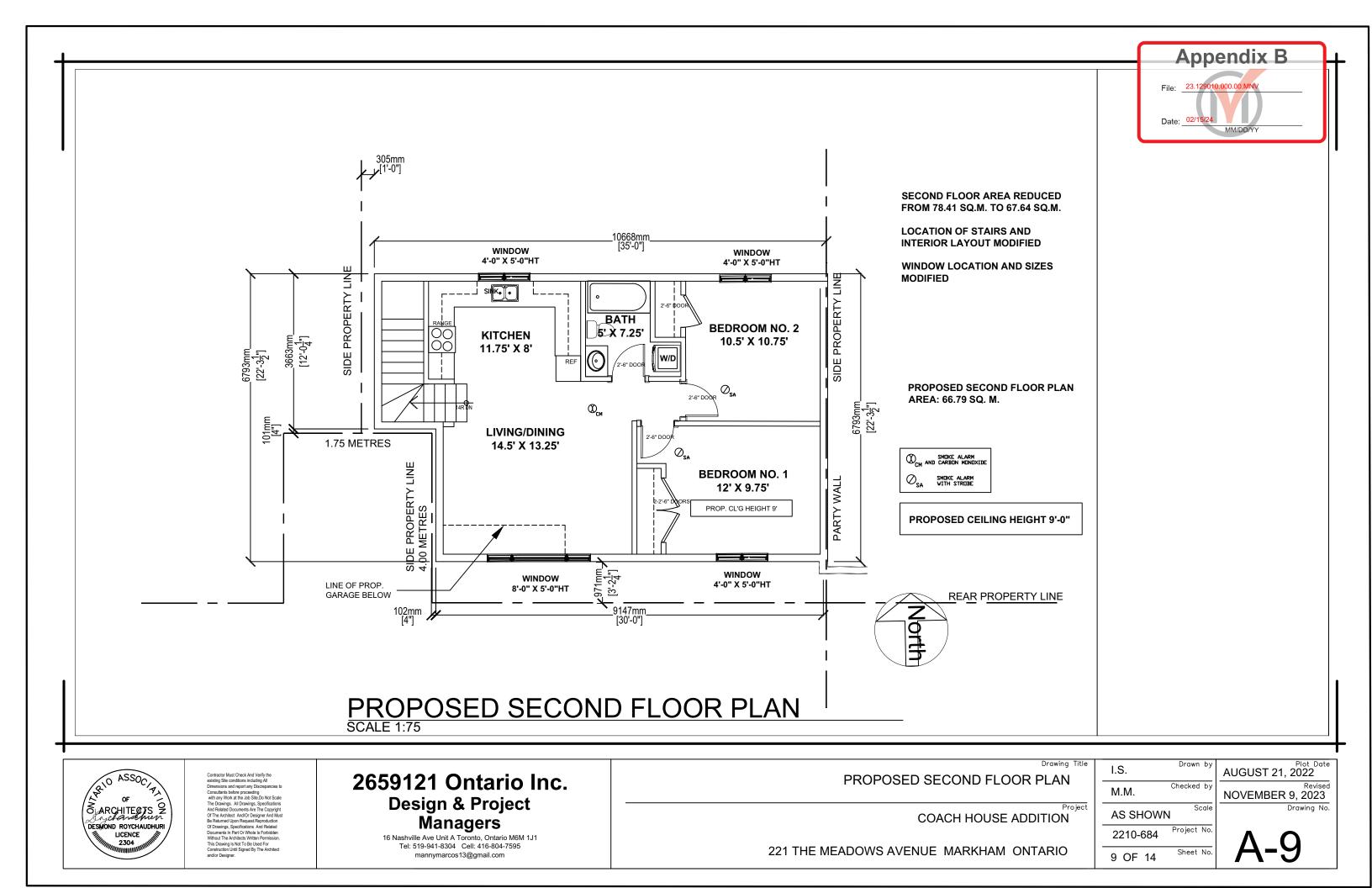


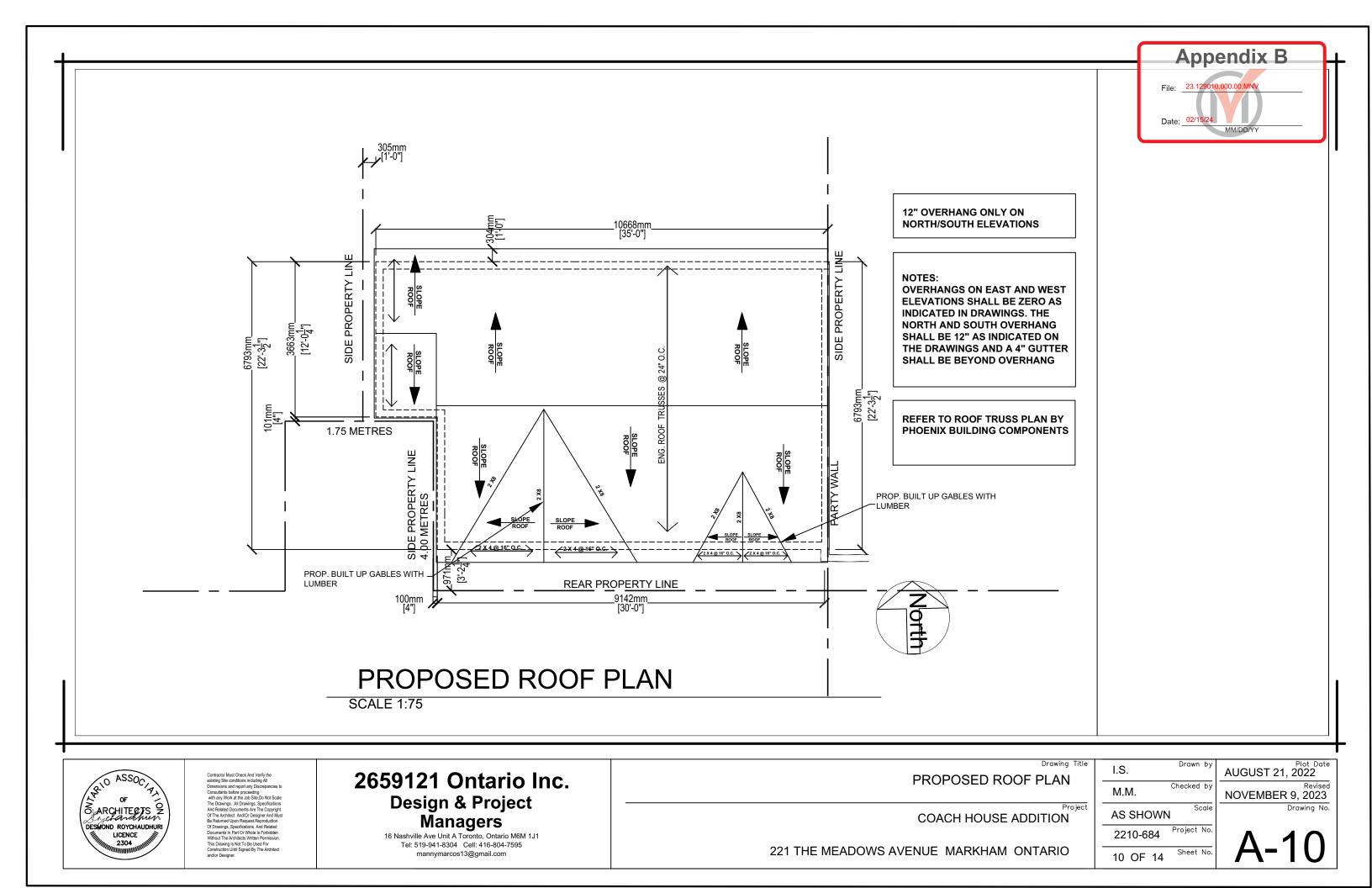


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ONTARIO	2210-684 Project No. 8 OF 14 Sheet No.
	8 OF 14 Sheet No.





APPENDIX "C" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/123/23

- 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 variance "c" shall apply only to the west side yard portion containing the existing transformer; and

CONDITIONS PREPARED BY:

Tendhenn

Trisha Sridharan, Development Technician, Planning and Urban Design Department



Discover the possibilities

Date: August 21st 2023

- Attention: Shawna Houser
- **RE:** Request for Comments
- File No.: A123-23
- Applicant: Nguyen The & Trac Thank & Phuong & Kiet
- Location 221 The Meadows Avenue



Discover the possibilities

COMMENTS:

We have reviewed the proposed Variance Application and have no comments or objections to its approval.



We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).

We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Stephen Cranley, C.E.T Supervisor, Distribution Design, ICI & Layouts (North) *Phone*: 1-877-963-6900 ext. 31297 *E-mail*: <u>stephen.cranley@alectrautilities.com</u> **Mitchell Penner**

Supervisor, Distribution Design-Subdivisions *Phone*: 416-302-6215 *Email:* <u>Mitchell.Penner@alectrautilities.com</u>



Construction Standard 03—1

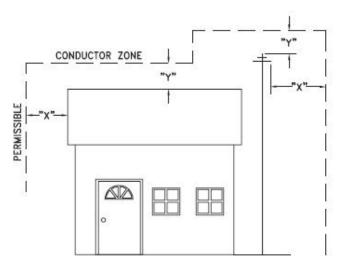
		SYSTEM	VOLTAGE	
LOCATION OF WIRES, CABLES OR CONDUCTORS	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV T(27.6/16kV (SEE NOTE 1)	44kV
	MINIMUM	VERTICAL CLE	ARANCES (SEE	NOTE 2)
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO <u>VEHICLES</u>	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO <u>PEDESTRIANS</u> AND <u>BICYCLES</u> ONLY	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT RAILWAY CROSSINGS	730cm	730cm	760cm	810cm
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Construction Standard



ERMISSIBLE



VOLTAGE	MINIMUM HORIZONTAL CLEARNACE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0-600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

NOTES

- 1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
- 2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
- THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
- 4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
- IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
- 6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
- 7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-06 (TABLE-9).

MINIMUM VERTICAL & HORIZONTAL CLEARANCES OF CONDUCTORS FROM BUILDINGS OR OTHER PERMANENT STRUCTURES (CONDUCTORS NOT ATTACHED TO BUILDINGS)

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 CONVERSION TABLE

 METRIC
 IMPERIAL (APPROX)

 480em
 16°-0°

 300em
 10°-0°

 250em
 8°-4°

 100em
 3°-4°

Certificate of Approval This construction Standard meets the safety requirements of Section 4 of Regulation 22/04 Debhie Dadwani, P.Eng. Name Date P.Eng. Approval By: <u>D. Dadwani</u> 89/2010 8127521 AH,