

# Memorandum to the City of Markham Committee of Adjustment

November 6, 2020

**File:** A/079/20  
**Address:** 15 Bellcroft Lane – Markham, ON  
**Applicant:** Tracy Ng  
**Agent:** KCCL Architect Inc.  
**Hearing Date:** November 18, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the “Residential Two Exceptions \*235 & \*241 (R2\*235\*241)” zone under By-law 177-96, as amended (“the By-law”), as it relates to a proposed coach house above a detached garage on the property. The applicant is requesting the following variance to permit:

**a) By-law 28-97, Section 3:**

two parking spaces, whereas the By-law requires minimum of three parking spaces.

## **BACKGROUND**

### **Property Description**

The 363.25 m<sup>2</sup> (3,909.99 ft<sup>2</sup>) subject property is located on the south side of Bellcroft Lane, north of Highway 407, east of 9<sup>th</sup> Line, and south of Kenilworth Gate. The property is developed with a two-storey single detached dwelling which fronts onto an open space area and storm water management pond along the north side of Highway 407. It is also developed with a one-storey detached private garage at the rear of the property which accesses Bellcroft Lane (a City owned public lane). The property is located within a residential neighbourhood which contains a mix of two-storey single detached, semi-detached, and townhouse dwellings on lane-based properties. There are several examples of coach houses situated above detached garages located along laneways in the area.

### **Proposal**

The applicant is proposing to expand the existing one-storey detached garage, and construct a second-storey accessory coach house dwelling unit above it. Where accessory dwelling units are proposed, the City of Markham’s Parking Standards By-law 28-97 (“the Parking By-law”), as amended, requires one additional parking space be provided, in addition to the two parking spaces required for the principle dwelling unit. The applicant is requesting a parking reduction to permit two parking spaces, whereas the By-law would require three parking spaces as it relates to the proposed accessory coach house dwelling unit.

### **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 including a coach house above a lane based garage.

### Zoning By-Law 177-96

The subject property is zoned “Residential Two Exceptions \*235 & \*241 (R2\*235\*241)” under the By-law, which permits low rise residential forms including: single detached,

semi-detached, duplex, triplex, fourplex, or townhouse dwellings. Exception \*241 permits one accessory dwelling unit on a lot located above a detached private garage. Although the proposed coach house is permitted, a variance is required to permit reduced parking for this unit.

### **Zoning Preliminary Review (ZPR) Undertaken**

The applicant completed a ZPR on July 29, 2020 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.

### **Reduction in Parking Spaces**

The Parking By-law requires two parking spaces for the principal detached dwelling unit and one additional parking space for an accessory coach house dwelling unit. The applicant is proposing to expand the detached garage as shown in Appendix “B”, which would allow for interior stairs to access the proposed coach house on the second floor, while ensuring that the minimum size requirements for the proposed parking spaces are met. Enclosed parking spaces are required to have a minimum width of 2.60 m and length of 5.80 m each.

The proposed expansion of the garage will result in a west side yard setback of 0.60 m (2.0 ft), which is adjacent to an existing hydro transformer situated on City property as part of the lane right-of-way. Accordingly, insufficient room exists on the property to provide an additional parking space for the proposed coach house dwelling unit. Staff are of the opinion that the proposed parking reduction would be “self-regulating” as the unit would only be of interest to an occupant that does not require a parking space. The applicant should be aware that parking is not permitted on the laneway, and violators would be subject to financial penalties for any illegal parking. Staff do not anticipate any adverse impacts with respect to the proposed reduction.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of November 6, 2020. 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

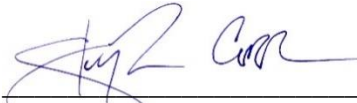
PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



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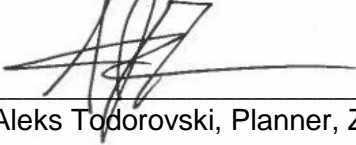
Stephen Corr, Senior Planner, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/079/20**

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.

CONDITIONS PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/079/20**

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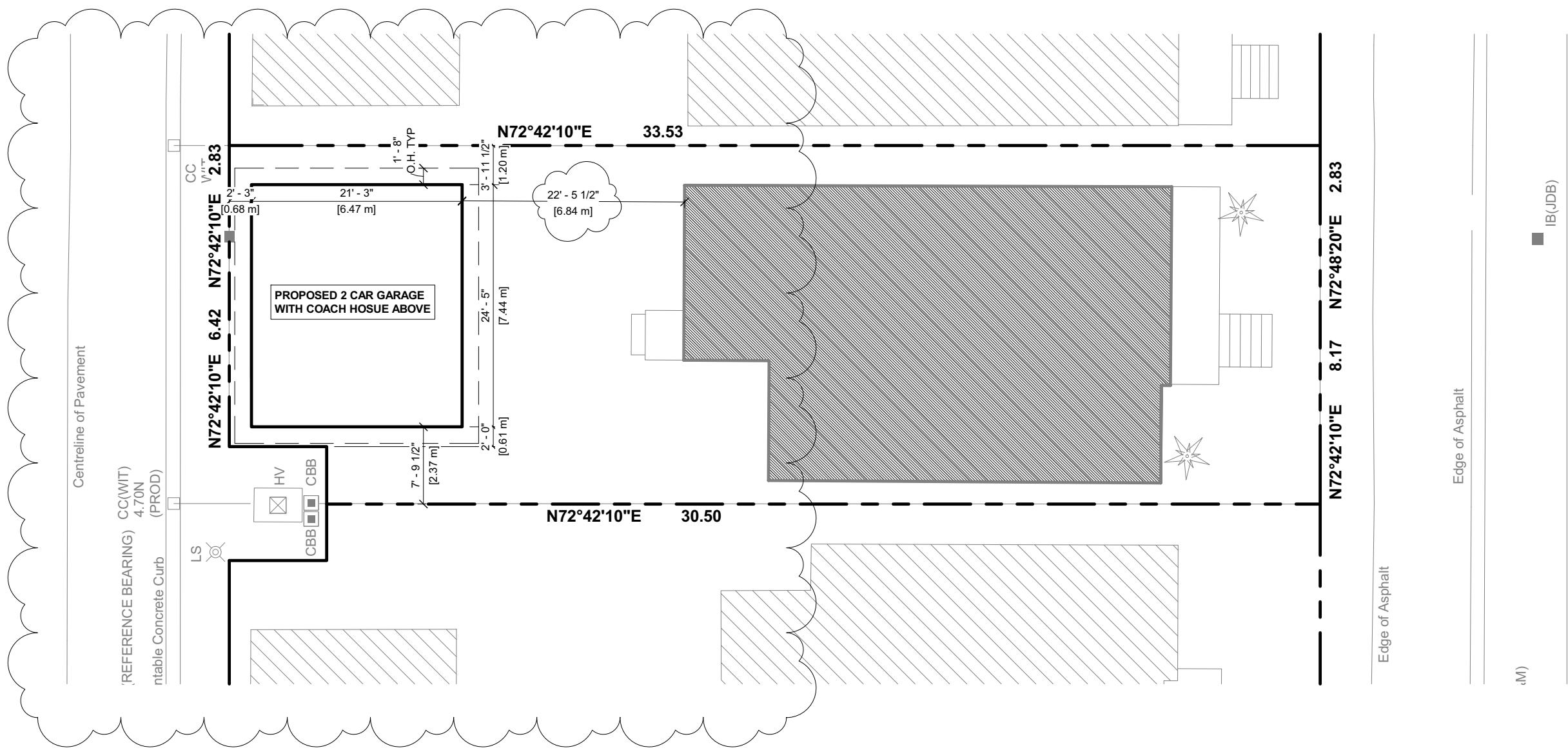
REFERENCE FROM SURVEY INFORMATION PREPARED BY: LAWRENCE O. ERTL OF ERTL SURVEYORS			
SURVEY DATED: DECEMBER 27TH 2018			
ZONE STANDARD - DETACHED PRIVATE GARAGES			
LOT AREA = 363.25 M.SQ	EXISTING	PERMITTED	PROPOSED
SIDEYARD SETBACK	0.65m	0.3m	1.20m/ 0.61m
HEIGHT	3.90m	8m	6.6m
LOT COVERAGE	10.3%	20%	13.2 %

Appendix B

File: 20.122208.000.00.MNV

Date: 11/12/20

MM/DD/YY



**1 SITE PLAN**  
1 : 150

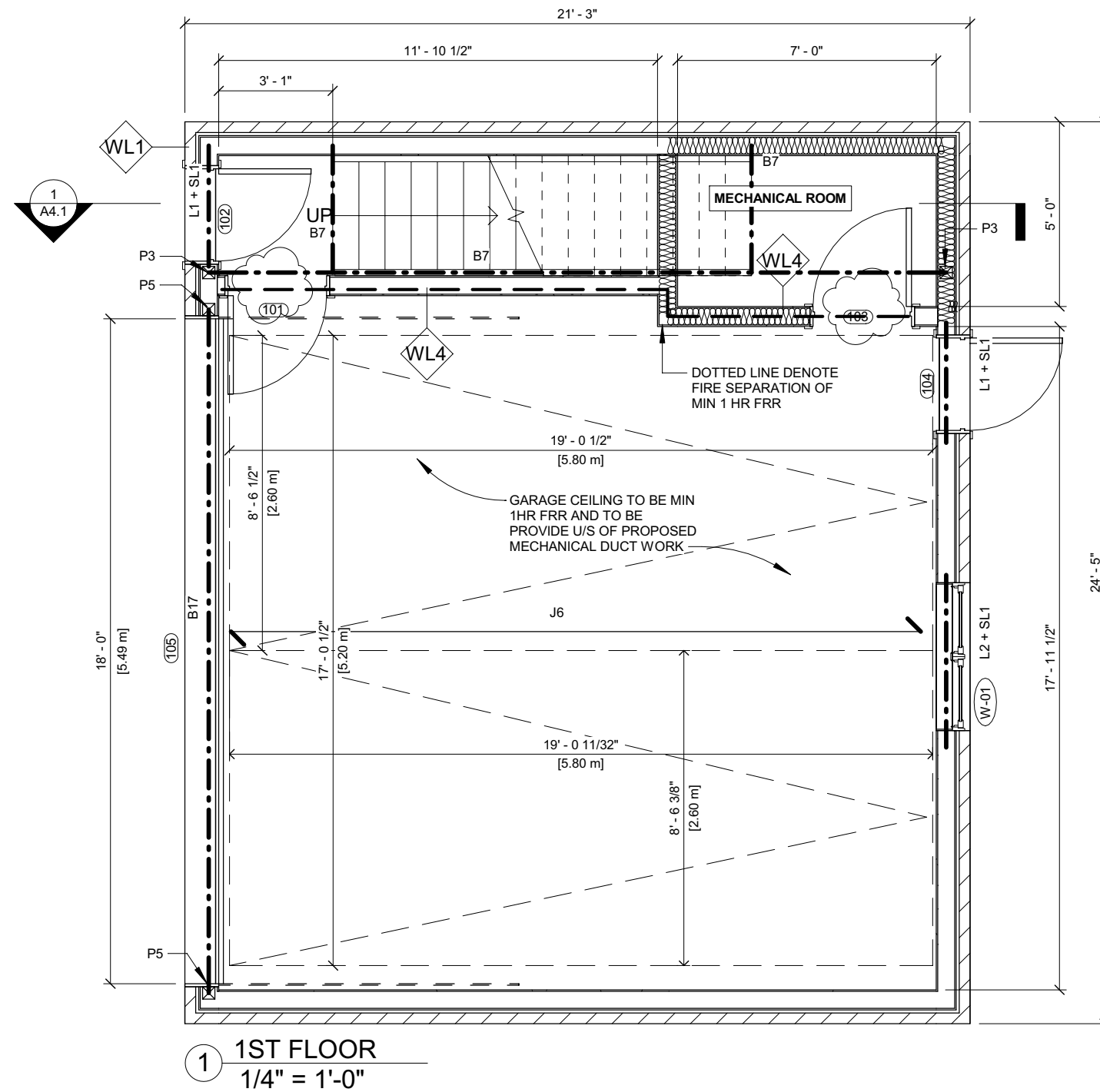


**KCCL Architect Inc.**  
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mobile: 416-602-9616 e-mail: info@kcclarchitect.ca

PROPOSED LANEWAY HOUSE AT REAR YARD  
**15 BELLCROFT LANE**

CONTRACTOR SHALL CHECK DIMENSIONS	DRAWING NAME
Drawn by <b>KL</b>	<b>SITE PLAN</b>
Date <b>2020-07-16</b>	SHEET NUMBER
Scale <b>As indicated</b>	<b>A0.3</b>
Project Number <b>20007</b>	

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**Appendix B**

File: 20.122208.000.00.MNV

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MM/DD/YY

**PSONIC INC**  
PROJECT MANAGEMENT

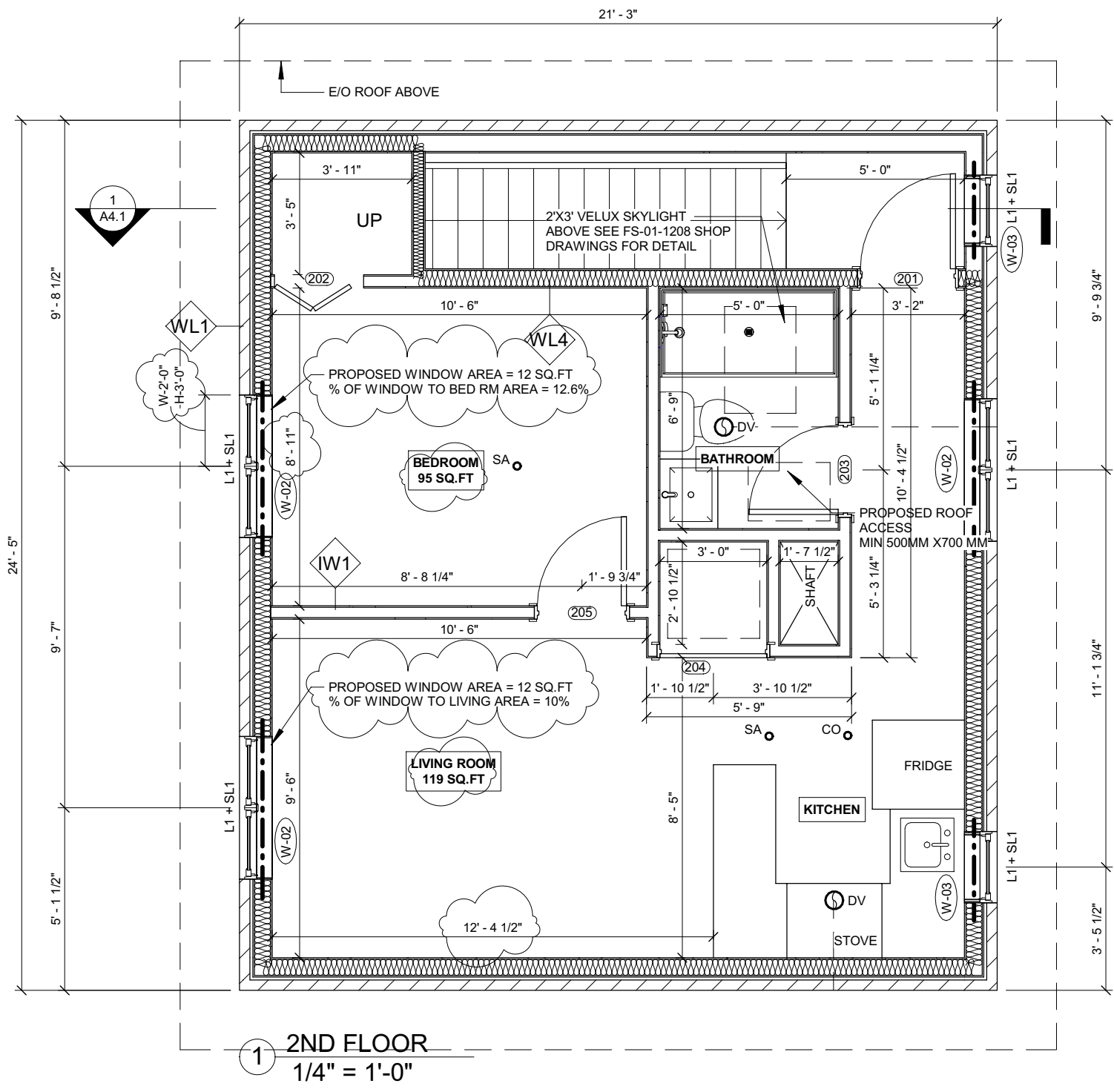
**KCCL Architect Inc.**  
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mobile: 416-602-9616 e-mail: info@kcclarchitect.ca

PROPOSED LANEWAY HOUSE AT REAR YARD  
**15 BELLCROFT LANE**

CONTRACTOR SHALL CHECK DIMENSIONS	DRAWING NAME
Drawn by <b>Author</b>	<b>PROPOSED 1ST FLR PLAN</b>
Date <b>2020-11-08</b>	SHEET NUMBER
Scale <b>1/4" = 1'-0"</b>	<b>A2.1</b>
Project Number <b>20007</b>	



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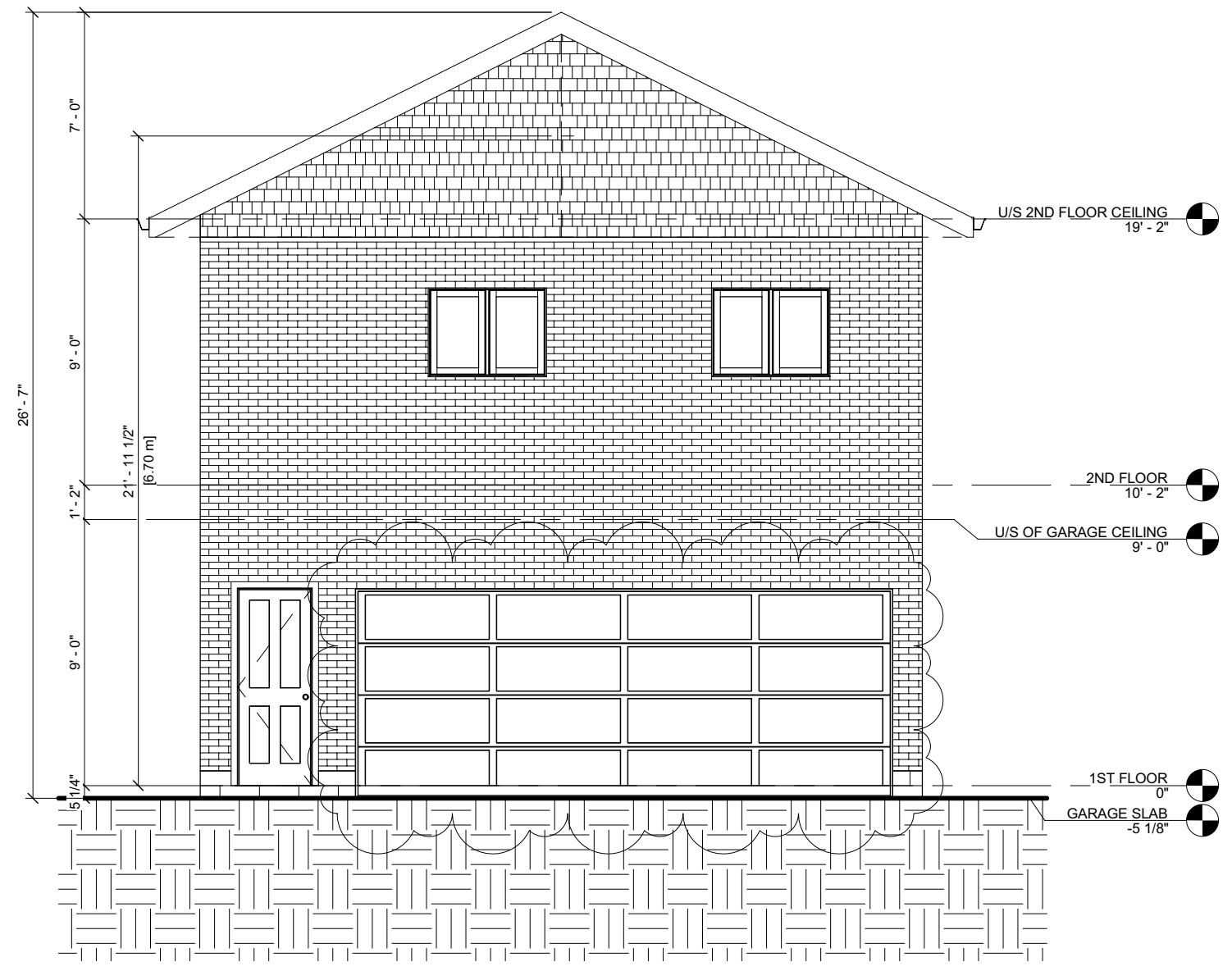
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PROPOSED LANEWAY HOUSE AT REAR YARD  
**15 BELLCROFT LANE**

CONTRACTOR SHALL CHECK DIMENSIONS	DRAWING NAME
Drawn by <b>Author</b>	<b>PROPOSED 2ND FLR PLAN</b>
Date <b>2020-07-16</b>	SHEET NUMBER
Scale <b>1/4" = 1'-0"</b>	<b>A2.2</b>
Project Number <b>20007</b>	



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1 PROPOSED NORTH ELEVATION  
3/16" = 1'-0"

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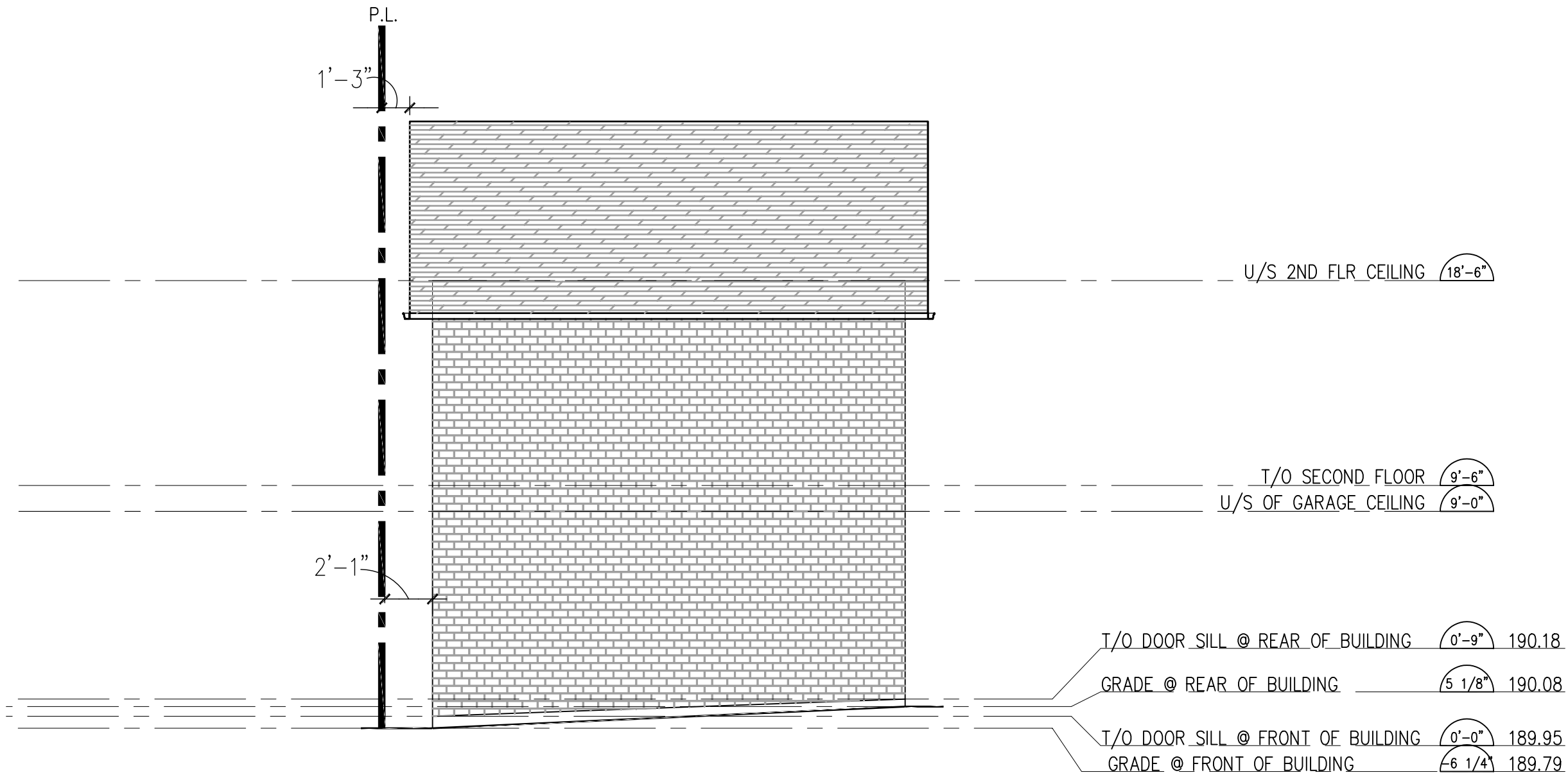
PROPOSED LANEWAY HOUSE AT REAR YARD  
**15 BELLCROFT LANE**

CONTRACTOR SHALL CHECK DIMENSIONS		DRAWING NAME <b>PROPOSED NORTH ELEVATION</b>
Drawn by	<b>Author</b>	
Date	<b>2020-11-08</b>	SHEET NUMBER <b>A3.0</b>
Scale	<b>3/16" = 1'-0"</b>	
Project Number	<b>20007</b>	

**Appendix B**

File: 20.122208.000.00.MNV

Date: 11/12/20  
MM/DD/YY



**PROPOSED EAST ELEVATION**

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

1  
A3.1

**15 BELLCROFT**  
Markham, ON L6B 0N7

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**ONTARIO ASSOCIATION OF ARCHITECTS**  
2019-08-27  
LANG CHENG  
LICENCE  
8139

no.	issued / revised	date
01	Issued for Permit	2019-08-27
project no:	19-08	
scale:	AS NOTED	
drawn by:	LC	
reviewed by:	LC	

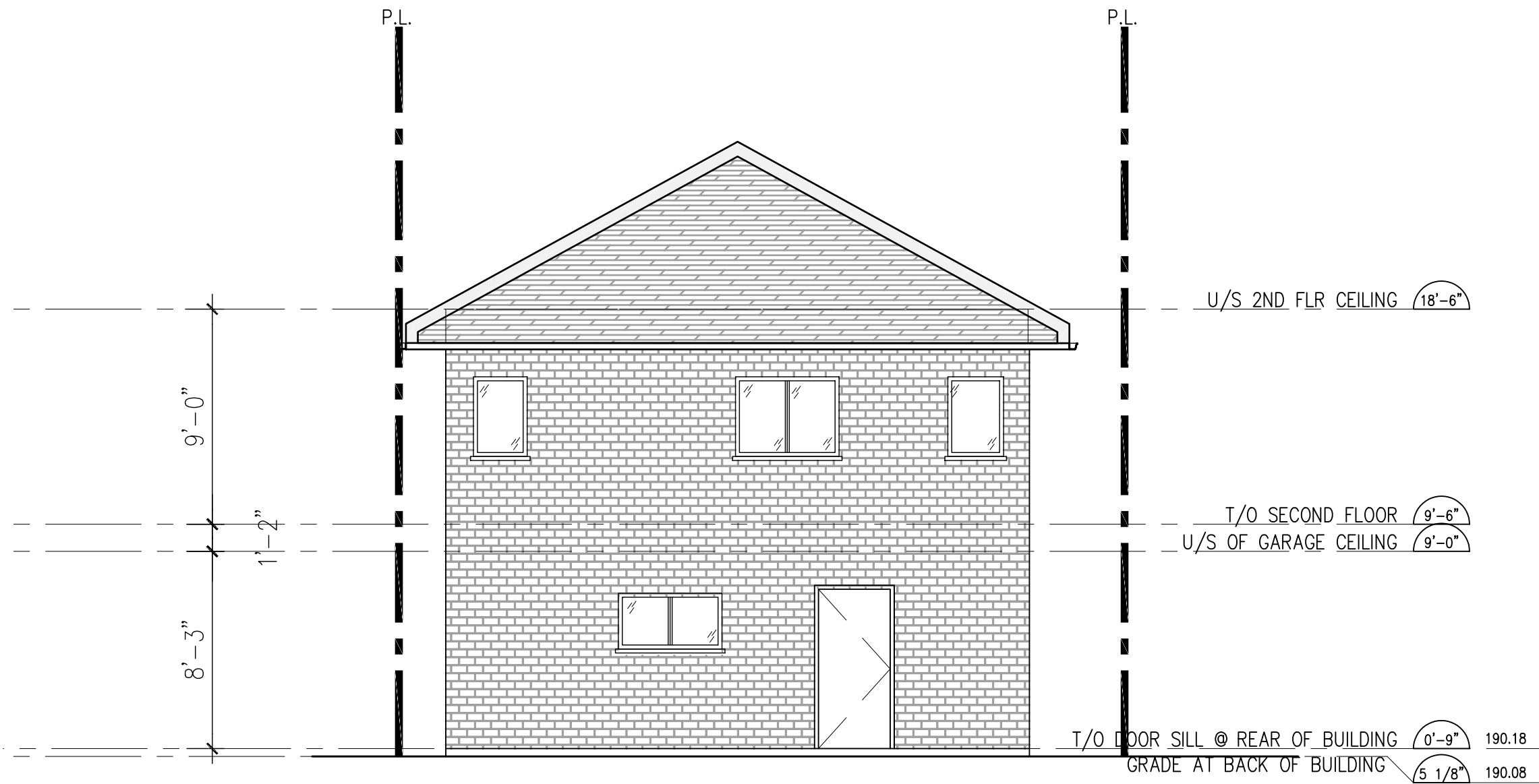
N  
PROPOSED ELEVATIONS

**A3.1**

**Appendix B**

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PROPOSED SOUTH ELEVATION 1  
SCALE = 3/16"=1'-0" A3.2

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project no:	19-08
scale:	AS NOTED
drawn by:	LC
reviewed by:	LC

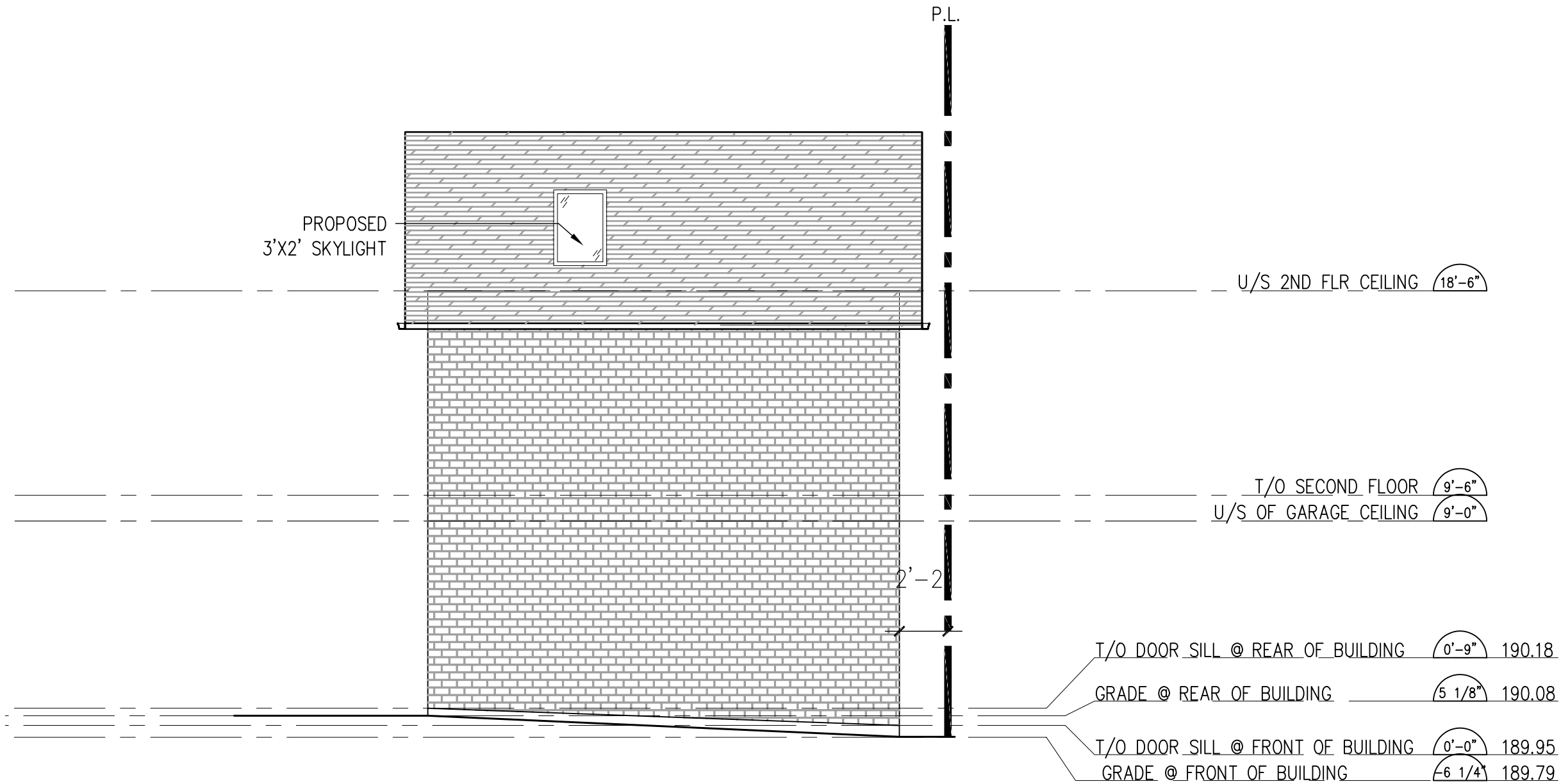
**N**  
PROPOSED ELEVATIONS

**A3.1**

**Appendix B**

File: 20.122208.000.00.MNV

Date: 11/12/20  
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**PROPOSED WEST ELEVATION**

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

1  
A3.3

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project no:	19-08	
scale:	AS NOTED	
drawn by:	LC	
reviewed by:	LC	



PROPOSED ELEVATIONS

**A3.3**