

Memorandum to the City of Markham Committee of Adjustment

November 25, 2020

File: A/107/20
Address: 16 Peony Street – Markham, ON
Applicant: Naipaul Sheosankar
Agent: Vin Engineering Inc.
Hearing Date: December 2, 2020

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

The applicant is requesting relief from the “Residential Two Exception *190 (R2*190)” zone requirements under By-law 177-96, as amended, as they relate to a proposed coach house above a detached garage, to permit:

a) By-law 177-96, Sec. 6.3.1.2:

A detached private garage and any storey above the first storey of a detached private garage to be setback 4.755 m (15.60 ft) from the main building on a lot, whereas the By-law requires a detached private garage and any storey above the first storey for a detached private garage to be setback a minimum of 6.0 m (29.69 ft) from the main building on a lot; and

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

A maximum lot coverage of 17.46% for a detached private garage, whereas the By-law permits a maximum lot coverage of 15.0% for a detached private garage on a lot with a lot frontage of 9.75 m (32.0 ft) or greater.

BACKGROUND

Property Description

The 370.85 m² (3,991.80 ft²) subject property is located on the west side of Peony Street, north of Morning Dove Drive, east of Country Glen Road, and south of 16th Avenue. The property is developed with a two-storey single detached dwelling, and a one-storey detached private garage at the rear of the property which accesses a City owned public lane. The property is located within a residential neighbourhood which contains a mix of one and two-storey detached, semi-detached, and townhouse dwellings on lane-based properties. There are several examples of coach houses situated above detached and attached garages located along laneways in the area.

Proposal

The applicant is proposing an addition to the existing detached private garage to include an unenclosed car port on its north side and to construct a coach house above the existing one-storey detached garage on the subject property which would have an approximate building footprint of 64.65 m² (695.89 ft²). The stairs to provide access to the second-storey coach house are proposed on the east of the detached garage, within the rear yard, and encroach into the required setback between the existing main dwelling and detached private garage. The applicant is requesting variances to reduce the minimum setback between buildings on the lot, and increase the maximum lot coverage for the private garage and coach house.

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 single detached dwellings. This designation also permits a coach house above a garage on a laneway.

Zoning By-Law 177-96, as amended

The subject property is zoned “Residential Two Exception *190 (R2*190)” under By-law 177-96, as amended, which permits various low rise housing forms, including single detached dwellings. Exception *190 also permits one accessory dwelling unit above a detached private garage. The proposed development does not comply with the minimum setback between buildings on the lot, and the maximum lot coverage for the private garage and coach house.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on November 4, 2020 to confirm the variances 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 Setback from Main Building

The applicant is requesting a minimum setback of 4.755 m (15.60 ft) between the main building and the detached private garage, whereas the By-law requires a minimum setback of 6.0 m (19.69 ft). This is a reduction of approximately 1.25 m (4.10 ft).

The intent of the By-law provision to maintain a 6.0 m (19.69 ft) separation between the main dwelling and detached private garage is to ensure an appropriate rear yard amenity space is provided between the two buildings. The proposed rear yard setback of 4.755 m (15.60 ft) is attributable to a portion of the dwelling which projects into the rear yard. Staff are of the opinion that sufficient rear yard amenity space would be maintained with this proposal and do not object to this variance.

Increase in Maximum Lot Coverage

The applicant is requesting a maximum lot coverage of 17.46% for a detached private garage or a maximum floor area of 64.75 m² (696.96 ft²), whereas the By-law permits a maximum lot coverage of 15.0% for a detached private garage on a lot with a lot frontage of 9.75 m (31.99 ft) or greater, or a maximum floor area of 55.63 m² (598.80 ft²) on this lot. This is an increase of 2.46% or approximately 9.12 m² (98.16 ft²) in lot coverage.

Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale or adversely impact abutting properties, and therefore do not object to this variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 25, 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.

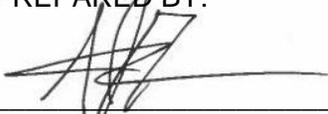
Please see Appendix "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix "A" – Conditions of Approval

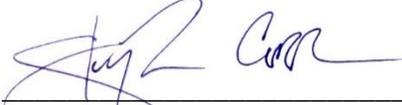
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



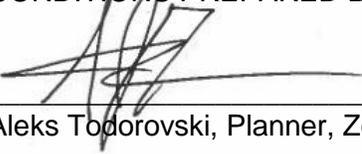
Stephen Corr, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/107/20

1. The variances apply only to the proposed development for 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:



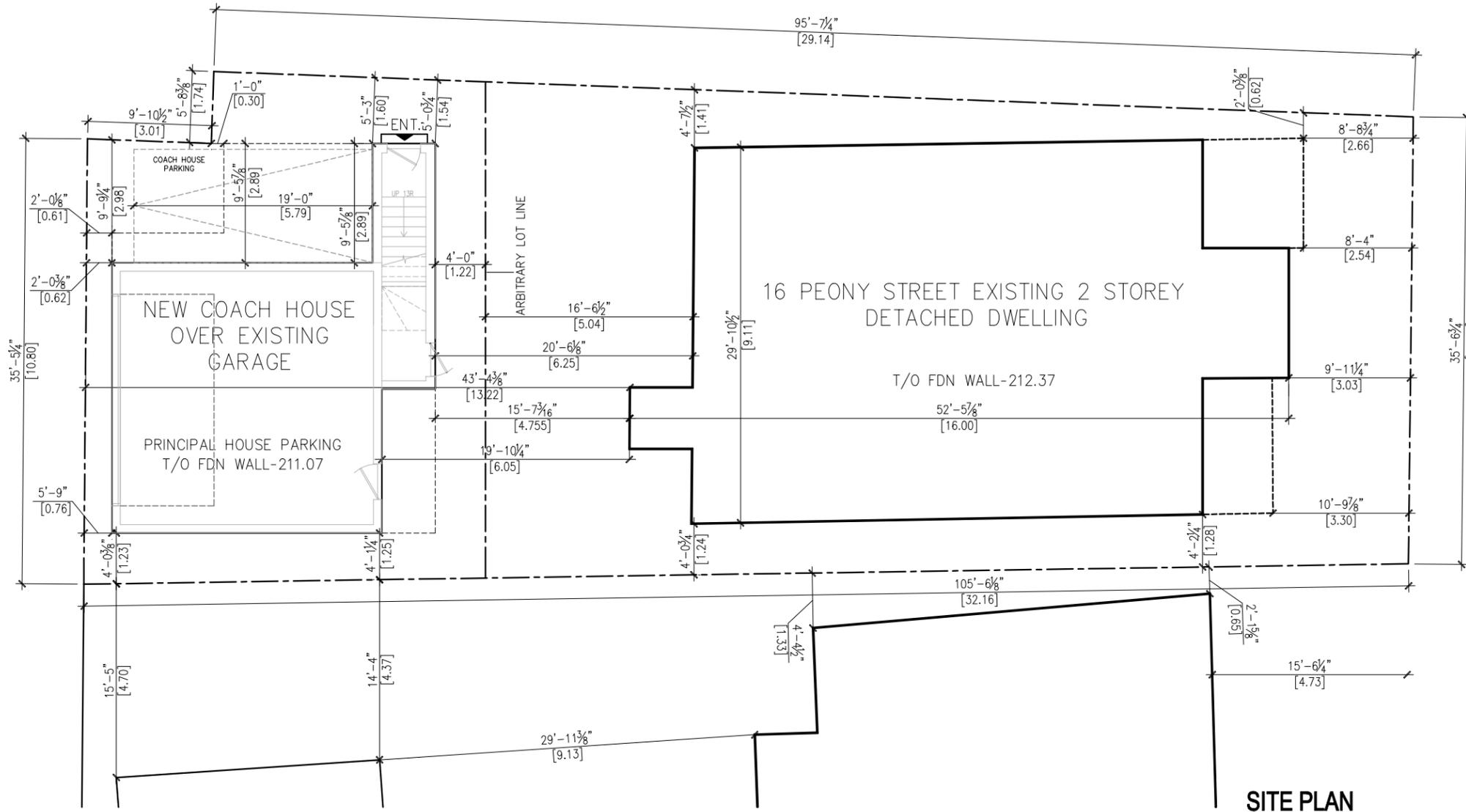
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/107/20

Appendix B

File: 20.130689.000.00.MNV

Date: 11/26/20
MM/DD/YY



SITE PLAN

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

ZONING INFORMATION:

16 PEONY STREET IS ZONED R2*190*465 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 : 370.85 SM
LOT FRONTAGE : 10.84 M

PRINCIPAL HOUSE (GFA)
LEVEL 1 : 134.75 SM
LEVEL 2 : 117.75 SM
TOTAL : 252.5 SM

COACH HOUSE
LOT AREA : 370.85 SM
COACH HOUSE FOOTPRINT : 68.23 SM
STAIRCASE AREA : 3.58 SM

LOT COVERAGE (%)
PRINCIPAL HOUSE : 36.33 %
COACH HOUSE : 17.43 %
TOTAL : 53.93 %

1 SEP 28, 2020 ISSUED FOR BUILDING PERMIT		
No	Date	
DRAWN BY: MP		DATE: SEP 28 2020
CHECKED BY: SS		SCALE: 3/16" = 1'-0"
PROJECT:		
PROPOSED COACH HOUSE 16 Peony Street MARKHAM ON L6B 1K9		
		

DRAWING TITLE :

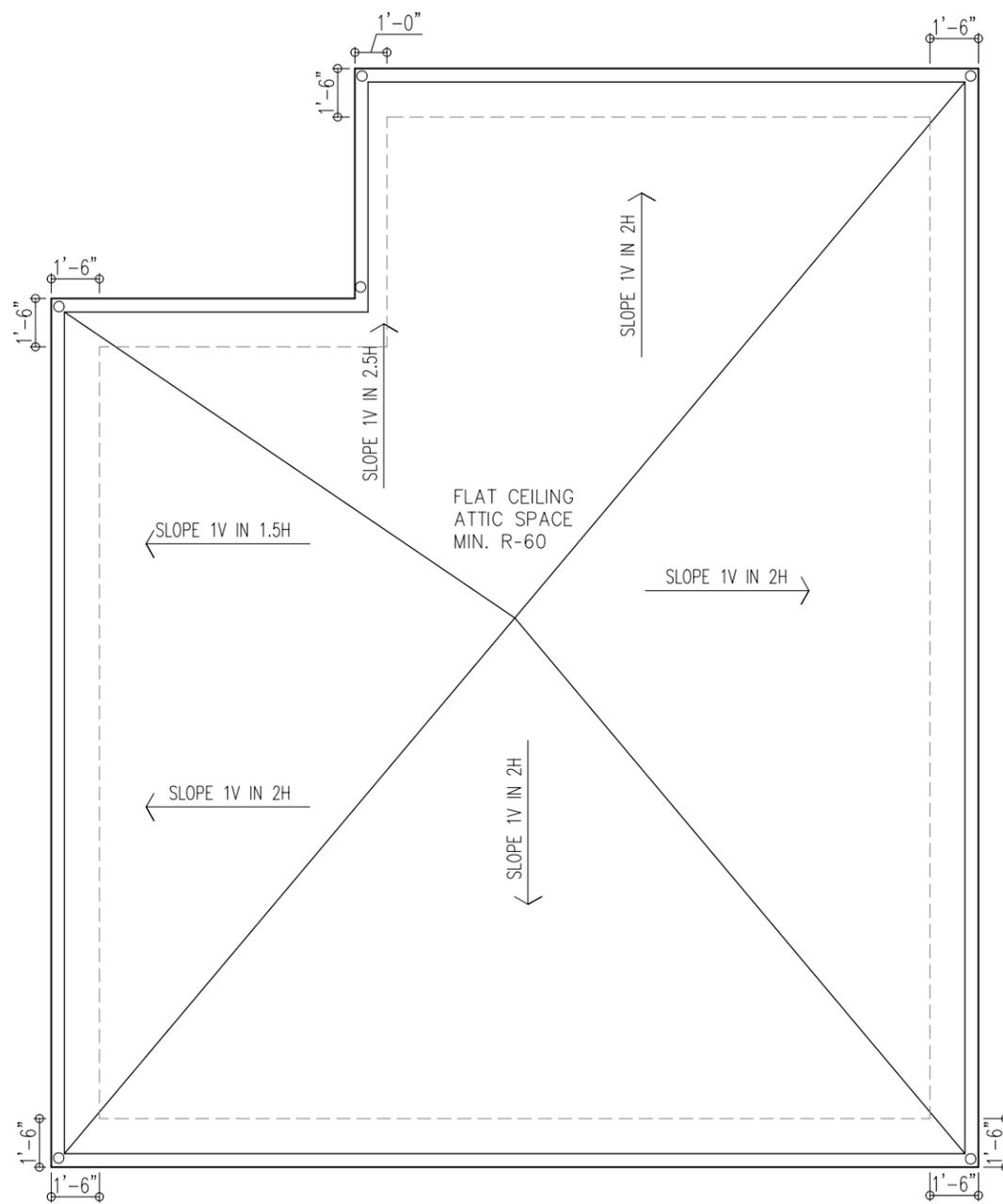
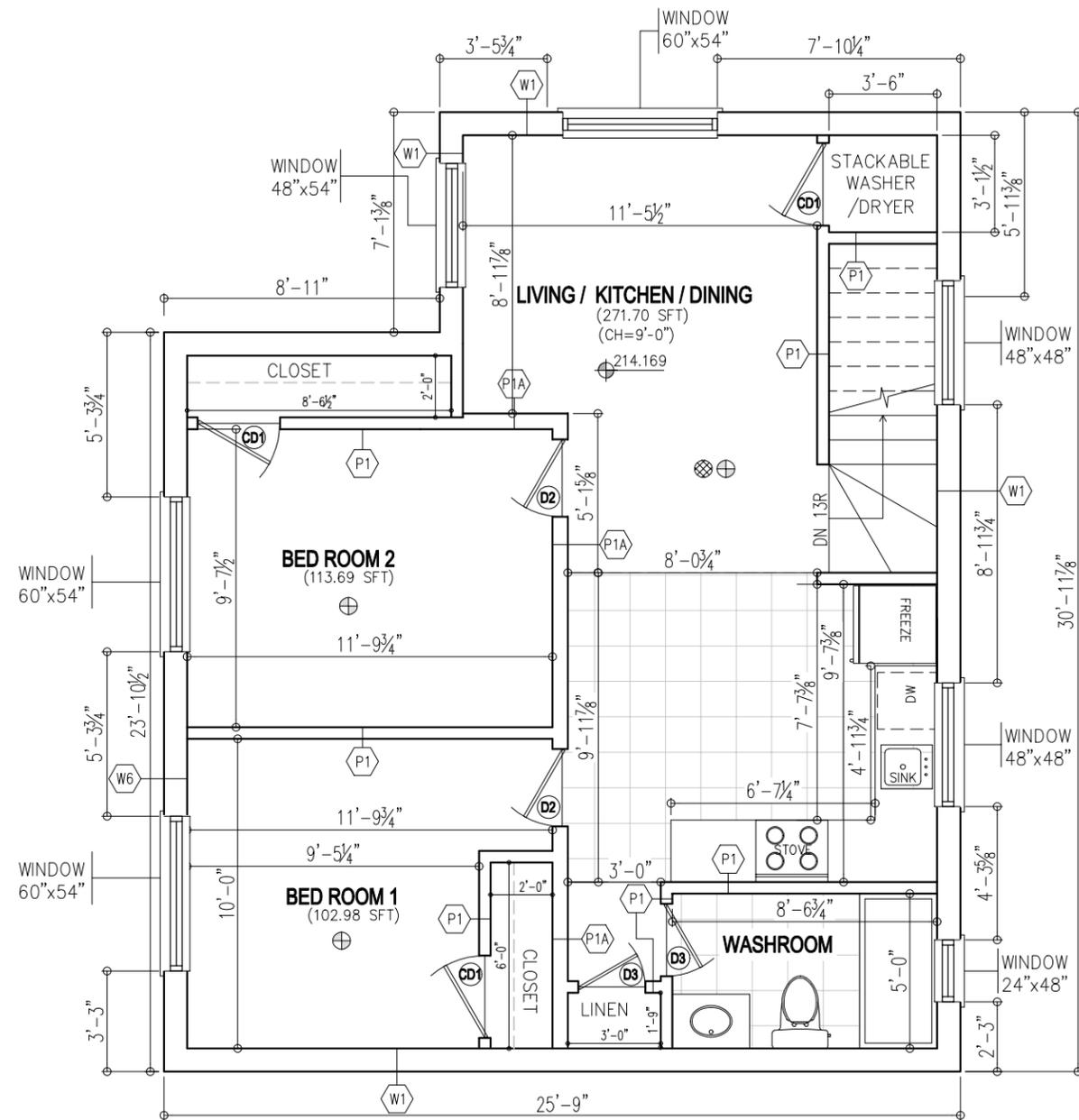
SITE PLAN

A-01

Appendix B

File: 20.130689.000.00.MNV

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SECOND FLOOR PLAN

ROOF PLAN

⊕ SMOKE ALARM
INSTALL SMOKE ALARM IN EVERY DWELLING UNIT AND COMMON AREAS PER OBC 9.10.19. ENSURE THEY ARE WIRED AND INTERCONNECTED FOR THE ENTIRE BUILDING AND HAVE A VISUAL SIGN

⊗ CARBON MONOXIDE DETECTOR
HARD WIRE CONNECTED CARBON MONOXIDE DETECTORAS PER CAN/CSA-6.19

DESIGN CONSULTANTS: VIN ENGINEERING INC.
SUNILS@VINGCINC.COM
416.270.3933

ENGINEERING CONSULTANTS:

No	Date	Revisions
1	SEP 28, 2020	ISSUED FOR BUILDING PERMIT

DRAWN BY: MP DATE: SEP 28, 2020
CHECKED BY: SS SCALE: 3/16", 1'-0"



PROJECT:
PROPOSED COACH HOUSE ABOVE GARAGE
16 PEONY ST
MARKHAM ON L6B 1K9



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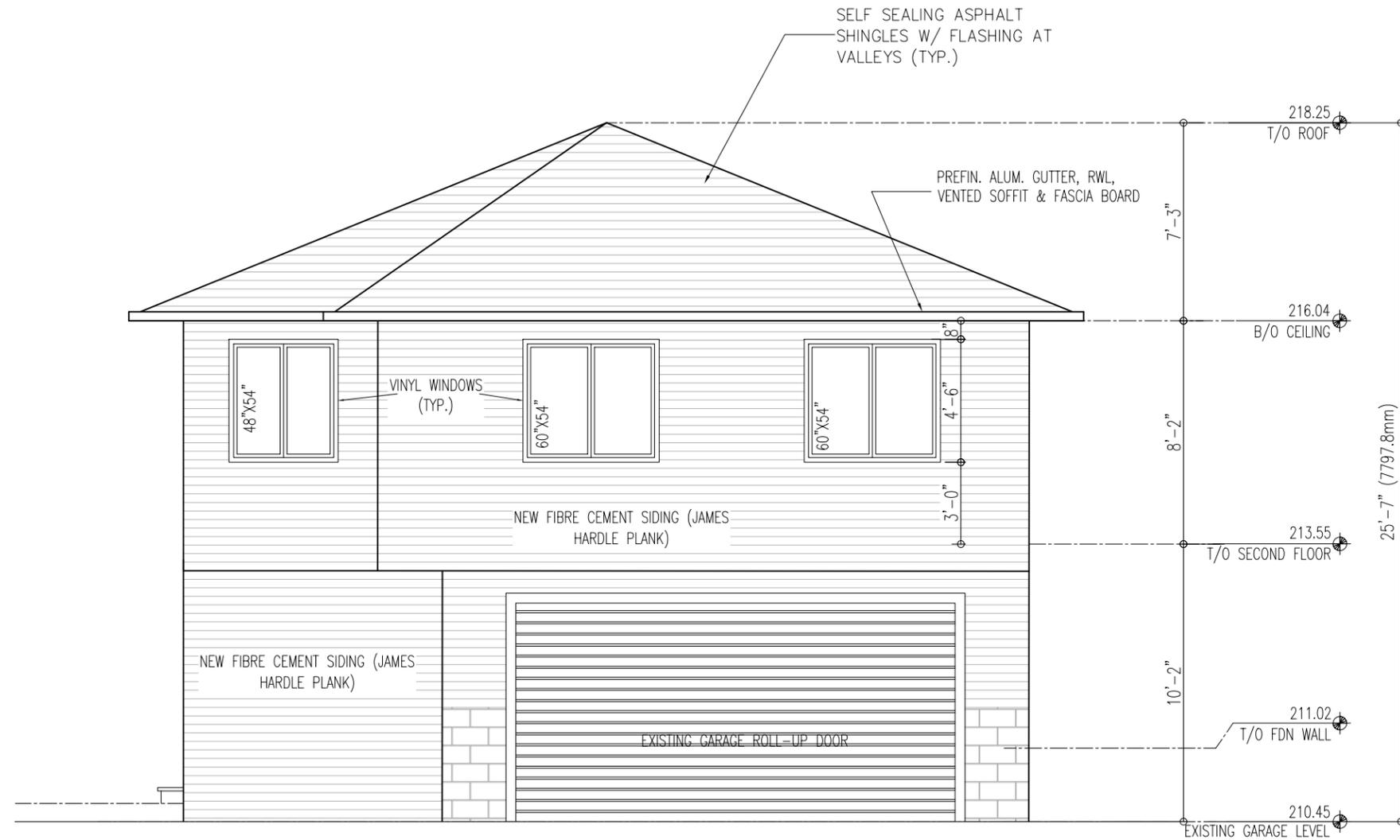
SECOND FLOOR PLAN & ROOF PLAN

A-04

Appendix B

File: 20.130689.000.00.MNV

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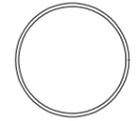
WEST ELEVATION

NOTE : EXISTING GRADE LEVEL TO ROOF PEAK SHOULD NOT BE MORE THAN 8.00 M (26'-3")

UNPROTECTED OPENING CALCULATION
FACING STREET

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1	SEP 28, 2020	ISSUED FOR BUILDING PERMIT
No	Date	Revisions
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CHECKED BY: SS		SCALE: 3/16"; 1'-0"



PROJECT:
PROPOSED COACH HOUSE ABOVE GARAGE
16 PEONY ST
MARKHAM ON L6B 1K9

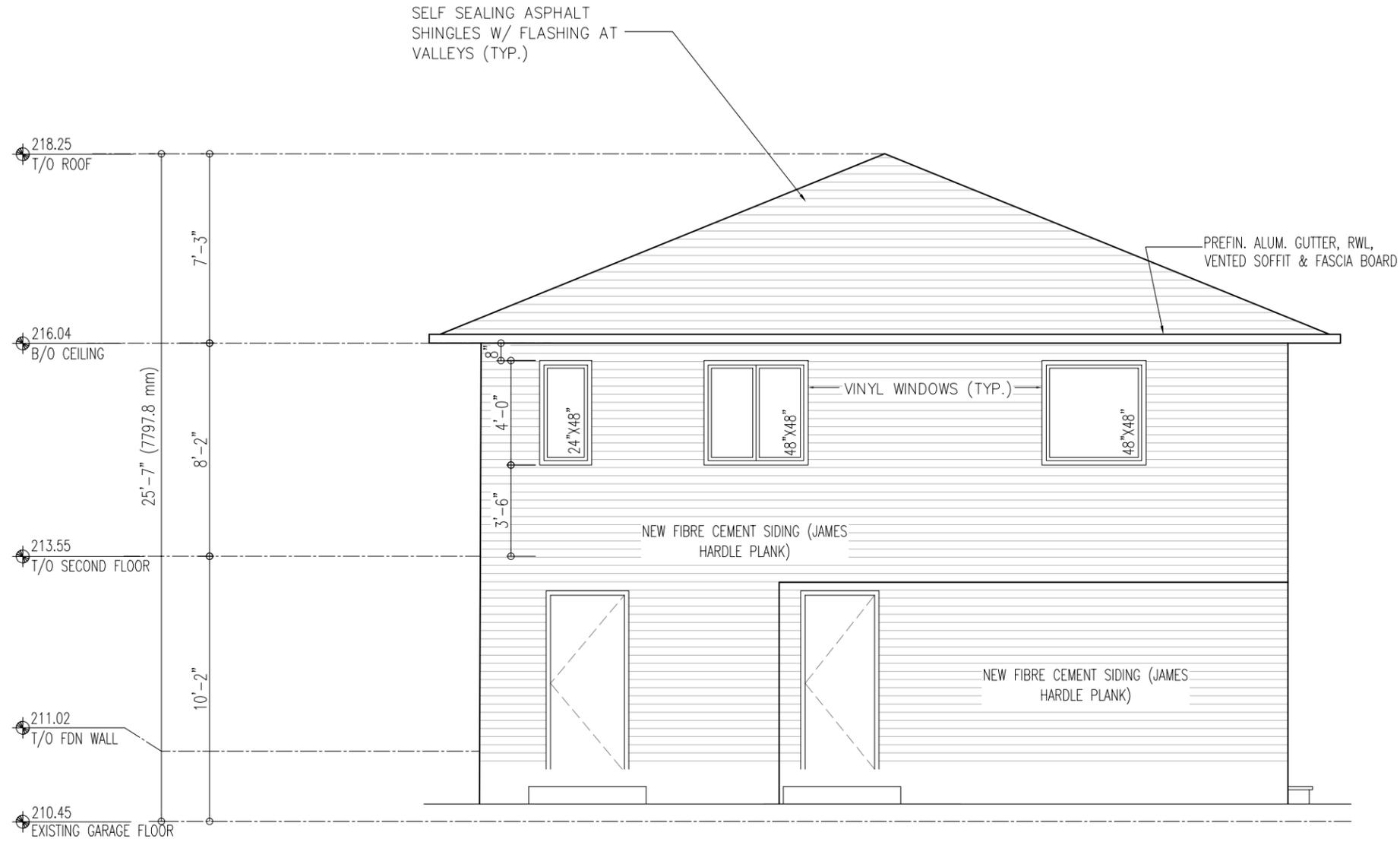


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Appendix B

File: 20.130689.000.00.MNV

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EAST ELEVATION

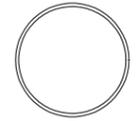
NOTE : EXISTING GRADE LEVEL TO ROOF PEAK SHOULD NOT BE MORE THAN 8.00 M (26'-3")

UNPROTECTED OPENING CALCULATION

LIMITING DISTANCE	: 1.20 M (4'-0")
WALL AREA	: 52.1 SM (560.79 SF)
OPENINGS ALLOWED	: 3.65 SM (7%)
OPENING PROPOSED	: 3.34 SM (36.00 SF) (6.42%)

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PROJECT:
PROPOSED COACH HOUSE ABOVE GARAGE
16 PEONY ST
MARKHAM ON L6B 1K9

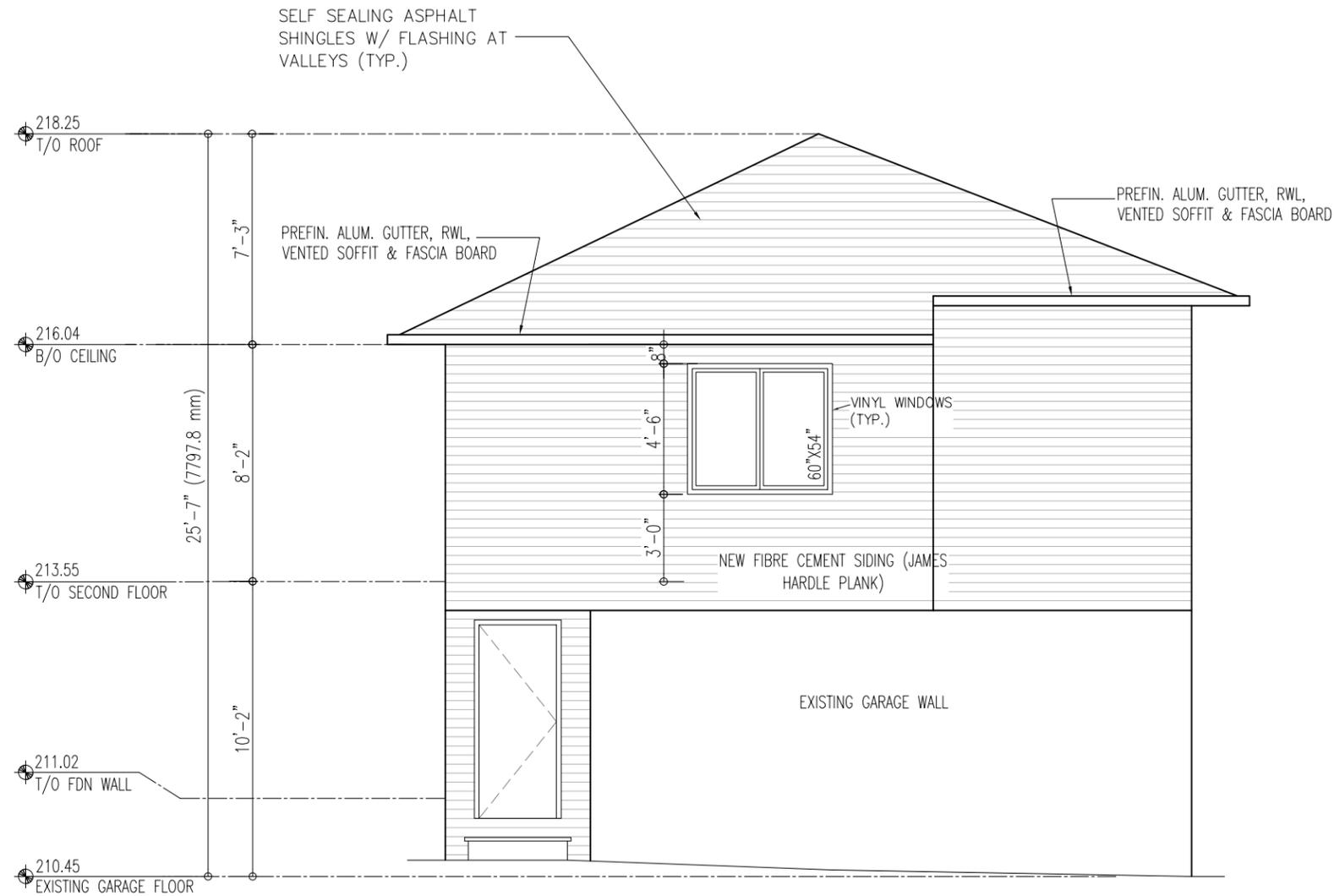


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EAST ELEVATION	

Appendix B

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NORTH ELEVATION

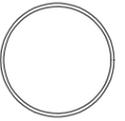
NOTE : EXISTING GRADE LEVEL TO ROOF PEAK SHOULD NOT BE MORE THAN 8.00 M (26'-3")

UNPROTECTED OPENING CALCULATION

LIMITING DISTANCE : 1.54 M (5'-0³/₄"")
 WALL AREA : 44.08 SM (474.52 SF)
 OPENINGS ALLOWED : 3.53 SM (8%)
 OPENING PROPOSED : 1.88 SM (20.25 SF) (4.27%)

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PROJECT:
PROPOSED COACH HOUSE ABOVE GARAGE
 16 PEONY ST
 MARKHAM ON L6B 1K9



DRAWING TITLE :

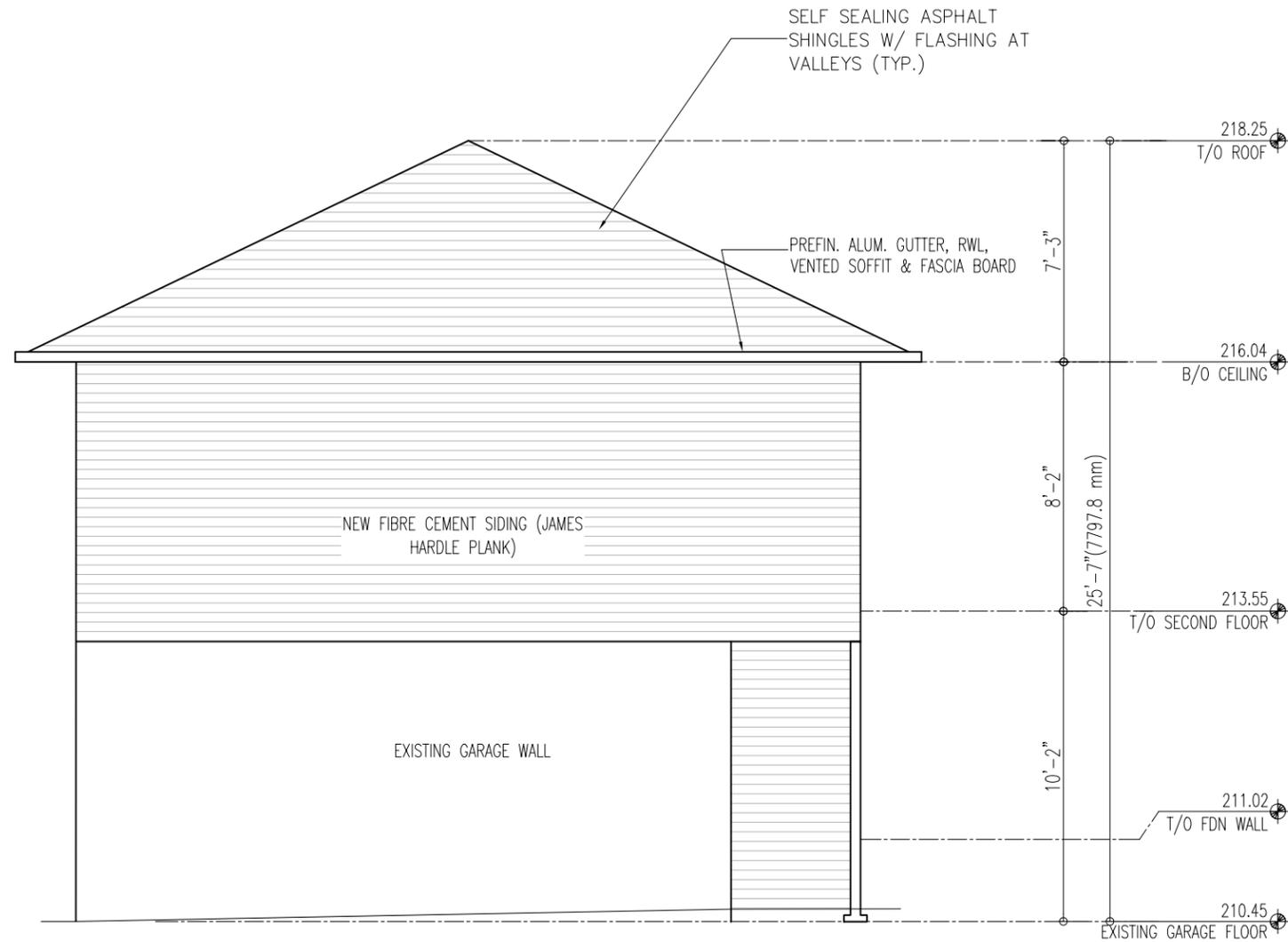
NORTH ELEVATION

A-08

Appendix B

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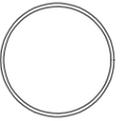
SOUTH ELEVATION

NOTE : EXISTING GRADE LEVEL TO ROOF PEAK SHOULD NOT BE MORE THAN 8.00 M (26'-3")

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	VIN ENGINEERING INC. SUNILS@VINGCINC.COM 416.270.3933

No	Date	Revisions
1	SEP 28, 2020	ISSUED FOR BUILDING PERMIT

DRAWN BY: MP DATE: SEP 28, 2020
 CHECKED BY: SS SCALE: 3/16", 1'-0"



PROJECT:
PROPOSED COACH HOUSE ABOVE GARAGE
 16 PEONY ST
 MARKHAM ON L6B 1K9



DRAWING TITLE :
SOUTH ELEVATION **A-09**