

Memorandum to the City of Markham Committee of Adjustment

January 22, 2020

File: A/159/19
Address: 1 Beech St Markham
Applicant: 1901642 Ontario Inc. (Mario Colangelo)
Agent: (none)
Hearing Date: Wednesday February 05, 2020

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

The applicant is requesting relief from the following requirements of By-law 1229, as amended; to permit:

- a) **Parking By-law 28-97, Section 3.0, Table A:** zero (0) additional parking spaces for the accessory basement dwelling unit, whereas the By-law requires one (1) additional parking spaces per accessory dwelling unit.

as it relates to a proposed basement apartment. This application is also related to minor variance application A/35/19 to permit a secondary dwelling unit, which was approved by the Committee of Adjustment on May 8, 2019. The parking variance was not identified at that time.

BACKGROUND

Property Description

The subject property is located on the north side of Beech Street just west of the intersection of Main Street North, in a residential neighbourhood of the Markham Village Heritage Conservation District. The property is occupied by one half of a semi-detached dwelling that was constructed in the year 2000 as part of a larger multi-residential development approved by the Ontario Municipal Board (O.M.B.) (See Figure 2-Photograph of the existing dwelling). Surrounding uses include single detached dwellings both in residential and limited office use, and a GO-Train commuter parking lot across the street to the south (See Figure 1-Location Map).

Proposal

In May of 2019, the Committee of Adjustment approved a variance application for the same property by the same applicant to legalize an existing second residential unit in the basement of the dwelling. Unfortunately, the parking variance was not identified at that time, but is required to permit the existing site conditions.

Applicant's Stated Reason for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, *"Current zoning only allows one dwelling unit"*.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the City's Building Department through their permit process 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:

- 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.

Parking Reduction

The site currently provides a total of two parking spaces. The existing use of the property including the second dwelling unit creates a parking requirement of 3 spaces. The garage provides one of the required parking spaces, but the dimensions of the existing driveway are not great enough to provide two parking spaces that meet the dimensions required by the By-law, even though two cars can, and have been parked in the driveway for several years with no known issues.

Engineering and Urban Design

The City's Engineering Department had no objections to the variance identified in the application and the City's Urban Design Section provided no comments on the application.

Heritage Markham

The Heritage Markham Committee reviewed the requested variance on January 8, 2020 and had no objection from a heritage perspective to the approval of the variance (see Appendix "B").

PUBLIC INPUT SUMMARY

No written submissions were received as of January 22, 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.

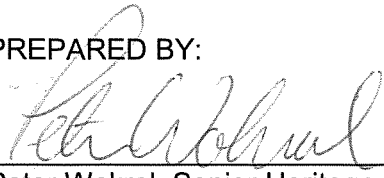
CONCLUSION

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.

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

PREPARED BY:



Peter Wokral, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

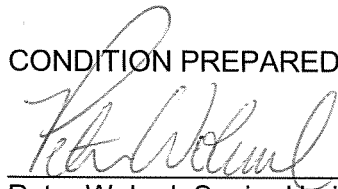
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APPENDIX "A"

CONDITION TO BE ATTACHED TO ANY APPROVAL OF FILE A/159/19

1. That the variance apply only to the development as long as it remains;

CONDITION PREPARED BY:

A handwritten signature in dark ink, appearing to read 'Peter Wokral', is written over a horizontal line.

Peter Wokral, Senior Heritage Planner

APPENDIX "B"

HERITAGE MARKHAM EXTRACT

DATE: January 17, 2020

TO: R. Hutcheson, Manager of Heritage Planning
P. Wokral, Senior Planner

EXTRACT CONTAINING ITEM #6.1 OF THE FIRST HERITAGE MARKHAM
COMMITTEE MEETING HELD ON JANUARY 8, 2020.

**6.1 COMMITTEE OF ADJUSTMENT VARIANCE APPLICATION
1 BEECH STREET (16.11)
FILE NUMBER: A 159 19**

Extracts:

R. Hutcheson, Manager of Heritage Planning
P. Wokral, Senior Planner

Peter Wokral, Senior Heritage Planner, addressed the Committee and summarized the details outlined in the memo.

Recommendation:

That Heritage Markham has no objection from a heritage perspective to the requested variance to permit (0) additional parking spaces for the existing accessory dwelling unit at 1 Beech Street.

Carried

FIGURE 1- LOCATION MAP

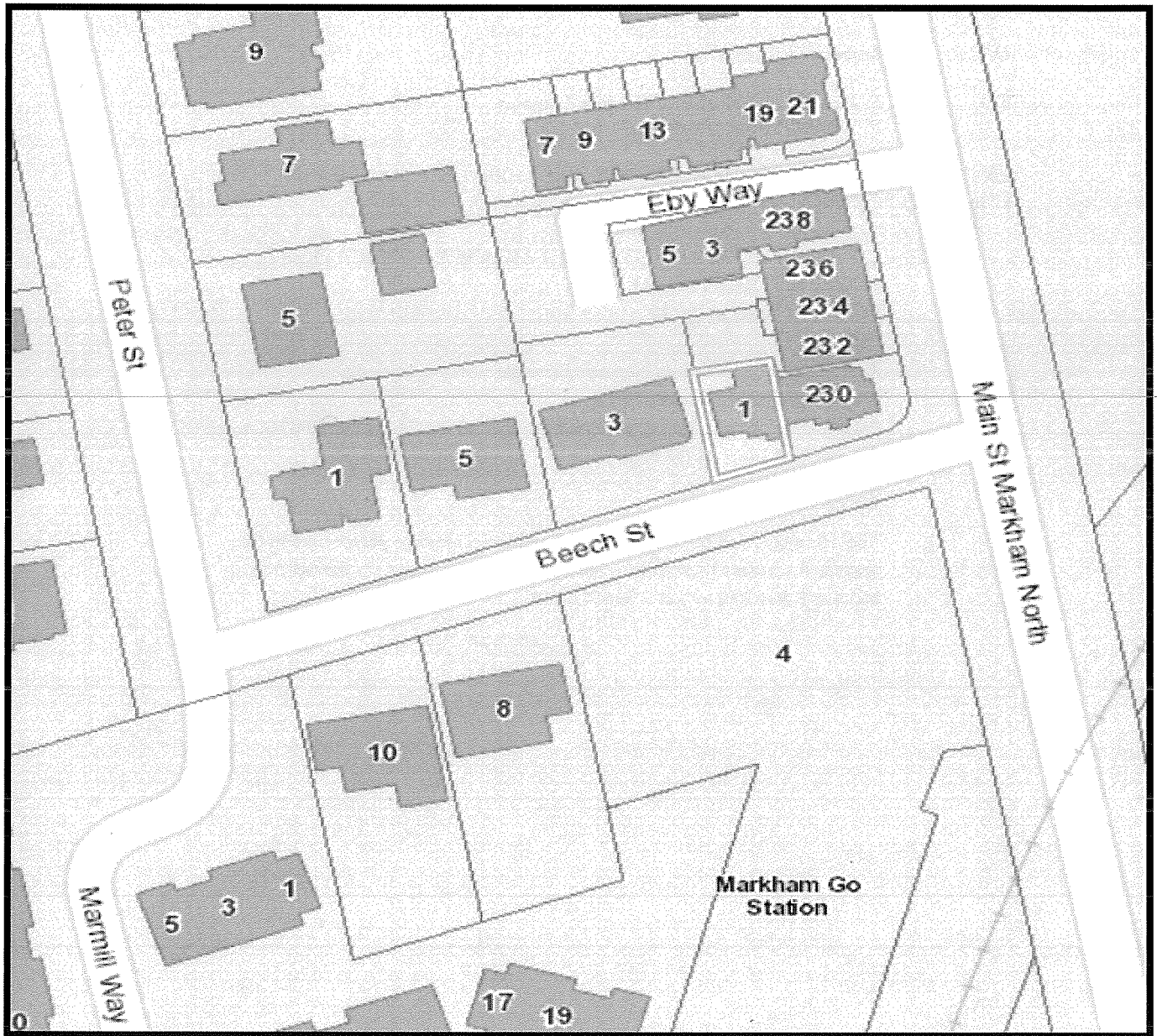


FIGURE 2- PHOTOGRPAH OF EXISTING SEMI-DETACHED DWELLING

