

Memorandum to the City of Markham Committee of Adjustment

October 2, 2024

File: A/081/24
Address: 59 Robert Eaton Avenue, Markham
Applicant: RDA Designs (Dilpreet Singh)
Hearing Date: Wednesday, October 9, 2024

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

The Applicant is requesting relief from the “Residential Two – With Exemption 589 (R2-589)” zone requirements under By-law 177-96, as amended, as it relates to a proposed basement dwelling unit. The variances requested are to permit:

- a) **By-law 177-96, Section 5.1, Table B2(e)**: a minimum interior side yard setback of 0.34 metres, whereas the by-law requires a minimum interior side yard setback of 1.2 metres;
- b) **By-law 28-97, Section 3, Table A**: a minimum of two (2) parking spaces, whereas the by-law requires a minimum of three (3) parking spaces;

BACKGROUND

Property Description

The 210 m² (2,260 ft²) Subject Lands are located south of Robert Eaton Avenue, east of Joelco Drive, west of Gohn Drive and north of Jinnah Drive (refer to Appendix “A”). The property is located within a residential neighbourhood comprised of two-storey row townhouses and single detached dwellings.

There is an existing 168.32 m² (1,811.78 ft²) two-storey detached dwelling on the Subject Lands, which according to assessment records, was constructed in 2024.

Proposal

The Applicant is proposing to construct a new basement dwelling unit with a gross floor area of 64.83 m² (697.82 ft²), as shown in Appendix “B”.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Official Plan designates the Subject Lands “Residential Low Rise”, which provides for low-rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing, and setbacks. These criteria are established to ensure that infill developments are appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a

“Residential Low Rise” area, which includes variances, development is required to meet the general intent of the above noted development criteria. In addition, regard shall be had for the retention of existing trees and vegetation. Planning Staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 177-96, as amended

The Subject Lands are zoned “Residential Two – With Exemption 589 (R2-589)” zone requirements of By-law 177-96, as amended, as it relates to a proposed basement dwelling unit. The proposed development does not comply with By-law 177-96 with respect to the minimum interior side yard setback.

Parking Standards By-law 28-97

The proposed secondary suite also does not comply with the standard of the Parking By-law 28-97 with respect to with respect to the minimum number of parking spaces required with the addition of the basement dwelling unit.

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the Applicant has received comments from the building department through their permit process (HP 23 148317) 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.

Reduction in Side Yard Setback

The Applicant is requesting relief to permit a minimum interior side yard setback of 0.34 metres, whereas the by-law requires a minimum setback of 1.2 metres. This represents a reduction of approximately 0.86 metres. The variance is primarily required to accommodate the proposed side entrance for a basement dwelling unit and the permeable paver landing.

Engineering and Fire Staff note no concerns regarding safety and drainage.

Staff are of the opinion that the proposed reduction in the side yard setback is minor in nature, has no adverse impact on surrounding properties.

Reduction in Parking Space

Parking Standards By-law 28-97 requires two parking spaces be provided for the principle dwelling unit, plus one additional space for an accessory dwelling unit or secondary suite. The existing single-car garage and driveway currently provide a total of 2 parking spaces.

Requiring an additional parking space will result in changes to the property, such as reduced soft landscaping and increased hard surface area within the front yard; both of which are likely to detract from the visual appearance of the property and have a negative impact on the streetscape. Furthermore, this will reduce the amount of soft surface area that currently provides for the infiltration of rain water, which is an important part of good stormwater management practices.

Staff are of the opinion that to ensure the second suite remains inconspicuous from the street, and that the character of the dwelling and neighbourhood does not change, no additional parking should be required. Staff are also of the opinion that the parking issue may be considered “self-regulating”, as the unit would only be of interest to a tenant that does not require a parking space, in the event that both parking spaces are required for use by the owner of the dwelling. It is noted that no overnight parking is permitted on this street, and violators would be ticketed nightly.

PUBLIC INPUT SUMMARY

One written submission in support of the application were received as of October 2, 2024. 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 request variances meet 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.

PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office

REVIEWED BY:



Stacia Muradali, MCIP RPP, Development Manager, East District

APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/081/24 Conditions of Approval



Legend

Aerial 2023

- Red: Band_1
- Green: Band_2
- Blue: Band_3

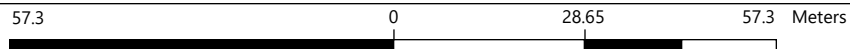
Parcel

- Park Facility

Parks

- Under Development
- <all other values>

1: 1,128

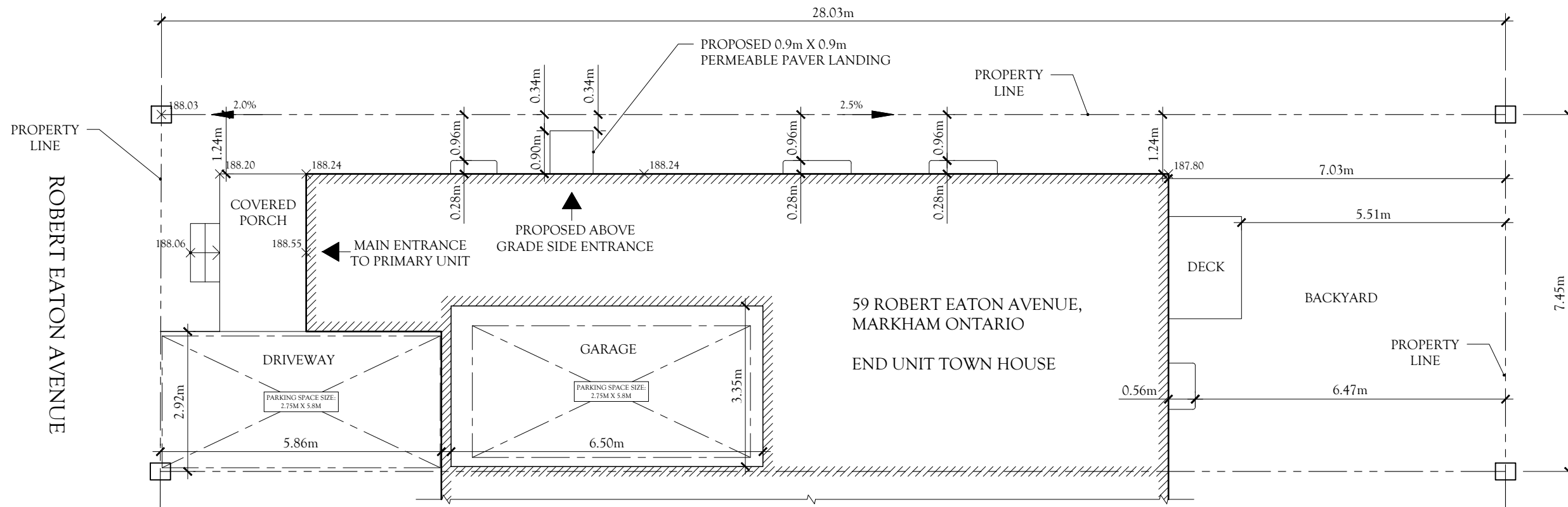


Notes

Appendix B

File: 24.184295.000.00.MNV

Date: 10/4/2024
MM/DD/YYYY



1 SITE PLAN
A101 / SCALE: 1:100

SITE STATISTICS	
•	EXISTING MAIN FLOOR AREA: 70.43m ²
•	EXISTING SECOND FLOOR AREA: 97.89m ²
•	PROPOSED BASEMENT SECOND UNIT AREA: 64.83m ²
•	PARKING SPACES REQUIRED: 2 SPACES
•	PARKING SPACES PROVIDED: 1 SPACE INSIDE GARAGE 1 SPACES ON DRIVEWAY

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION - REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF DIVISION "C" OF THE ONTARIO BUILDING CODE

NAME: RAFAEL MARTINS

SIGNATURE: *Rafael Martins*

BCIN: 112 144

 **RDA Designs**
647-574-0220 / 647-518-3376
www.rdarchdesigns.com
rdarch.designs@gmail.com

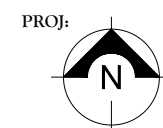
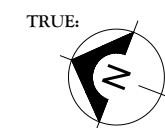
PROJECT TITLE:
59 ROBERT EATON AVENUE

DRAWING TITLE:
SITE PLAN

SCALE: 1:100	DATE: 2024/07/17
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DESIGNED BY: SINGH D. MARTINS R.	REVISION: 0
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PROJECT NO. 1	SHEET NO. A101
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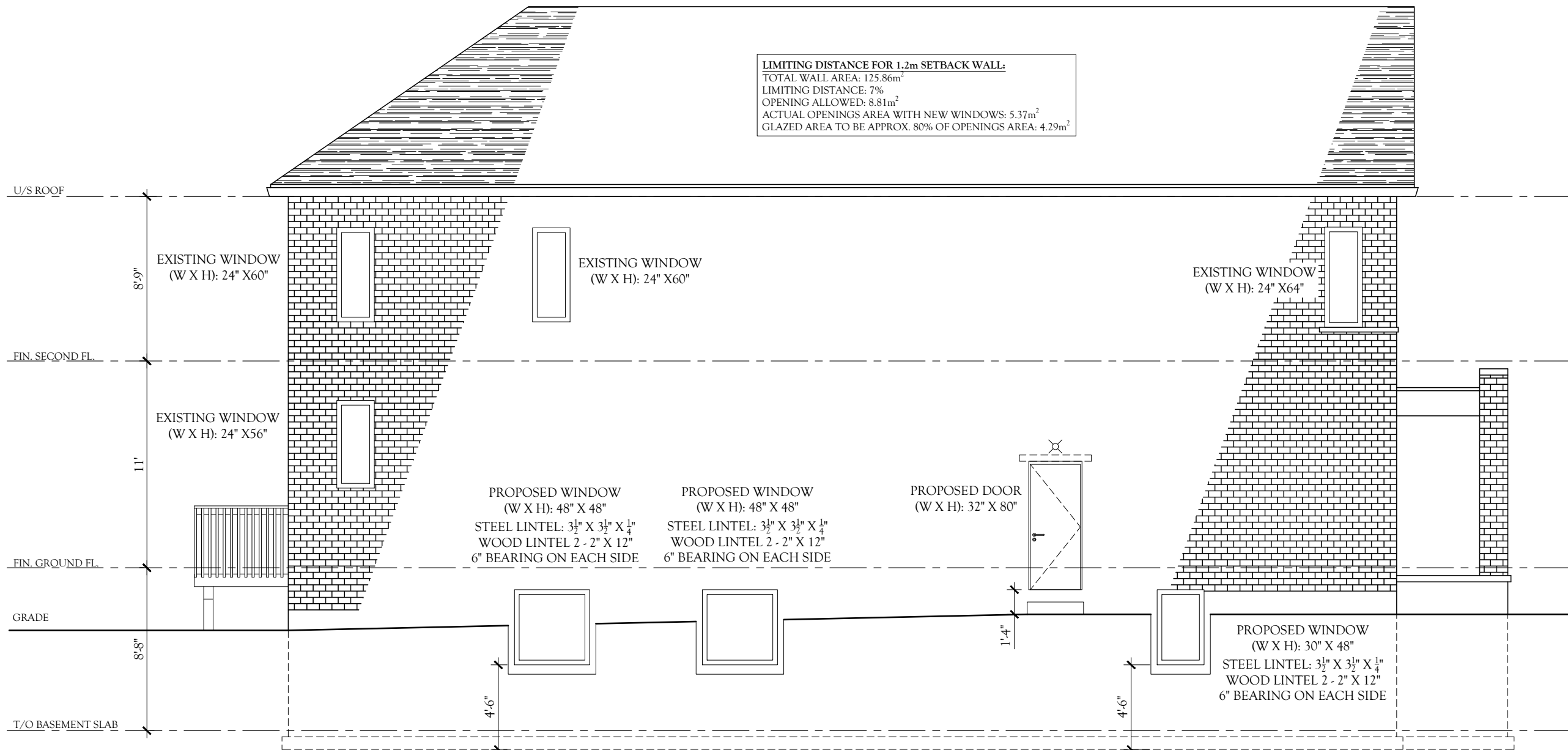


Appendix B

File: 24.184295.000.00.MNV

Date: 10/4/2024
MM/DD/YYYY

LIMITING DISTANCE FOR 1.2m SETBACK WALL:
 TOTAL WALL AREA: 125.86m²
 LIMITING DISTANCE: 7%
 OPENING ALLOWED: 8.81m²
 ACTUAL OPENINGS AREA WITH NEW WINDOWS: 5.37m²
 GLAZED AREA TO BE APPROX. 80% OF OPENINGS AREA: 4.29m²



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION - REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF DIVISION "C" OF THE ONTARIO BUILDING CODE

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 SIGNATURE: *Rafael Martins*
 BCIN: 112 144

RDA Designs
 647-574-0220 / 647-518-3376
 www.rdarchdesigns.com
 rdarch.designs@gmail.com

PROJECT TITLE:
 59 ROBERT EATON AVENUE

DRAWING TITLE:
 LEFT ELEVATION

SCALE: 1:75
 DATE: 2023/12/06

DESIGNED BY: SINGH D. MARTINS R.
 REVISION: 0

PROJECT NO. 1
 SHEET NO. A201

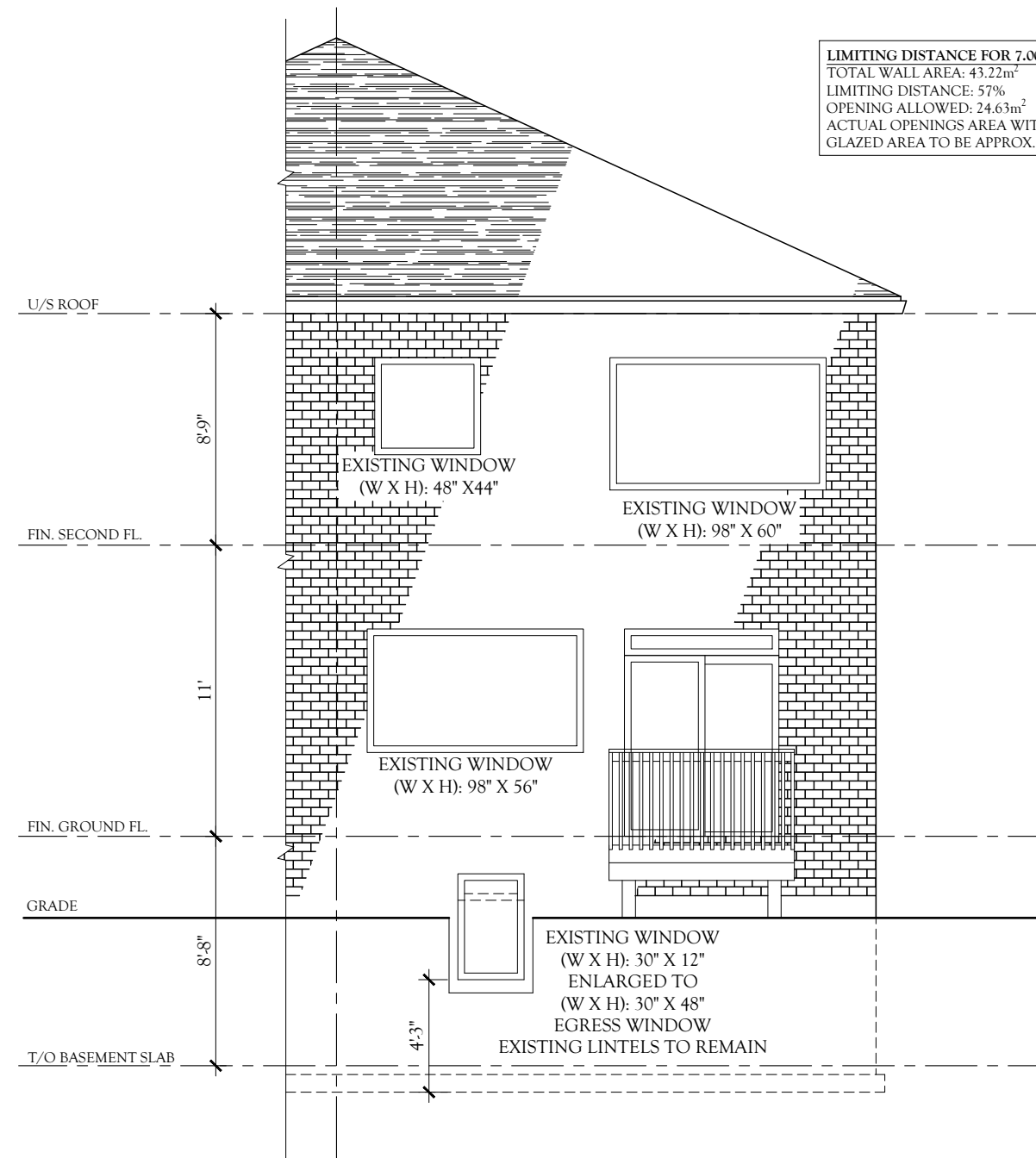
1 LEFT ELEVATION
 A201 SCALE: 1:75

Appendix B

File: 24.184295.000.00.MNV

Date: 10/4/2024
MM/DD/YYYY

LIMITING DISTANCE FOR 7.00m SETBACK WALL:
 TOTAL WALL AREA: 43.22m²
 LIMITING DISTANCE: 57%
 OPENING ALLOWED: 24.63m²
 ACTUAL OPENINGS AREA WITH NEW WINDOWS: 13.32m²
 GLAZED AREA TO BE APPROX. 80% OF OPENINGS AREA: 10.66m²



1 REAR ELEVATION
A202 SCALE: 1:75

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QUALIFICATION INFORMATION - REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF DIVISION "C" OF THE ONTARIO BUILDING CODE

NAME: RAFAEL MARTINS
 SIGNATURE: *Rafael Martins*
 BCIN: 112 144

RDA Designs
 647-574-0220 / 647-518-3376
 www.rdarchdesigns.com
 rdarch.designs@gmail.com

PROJECT TITLE:
 59 ROBERT EATON AVENUE

DRAWING TITLE:
 REAR ELEVATION

SCALE: 1:75	DATE: 2023/12/06
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DESIGNED BY: SINGH D. MARTINS R.	REVISION: 0
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PROJECT NO. 1	SHEET NO. A202
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APPENDIX “C” – A/081/24 Conditions of Approval

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/081/24

1. The variances apply only to the proposed development as long as it remains; and
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix “B” to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction.
3. That the side yard setback applies only to the proposed stair landing and not the main wall of the dwelling.

CONDITIONS PREPARED BY:



Hussnain Mohammad, Planner 1, Development Facilitation Office