

Memorandum to the City of Markham Committee of Adjustment

March 31, 2023

File: A/011/23
Address: 30 Toulouse Court, Markham
Applicant: Yan Zhu
Agent: LHW Engineering (Lihang Wang)
Hearing Date: Wednesday, April 5, 2023

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

The applicant is requesting relief from the following requirements "Residential Two Exception *190*210*344 of By-law 177-96, as amended, as it relates to a proposed coach house:

a) By-law 177-96, Section 6.3.1.2:

a detached garage to be setback 5.45 metres from the main building, whereas the By-law requires 6 metres.

BACKGROUND

Property Description

The 272.08 m² (2,928.64 ft²) subject property is located on the west side of Toulouse Court, South of Donald Cousens Parkway and east of 9th Line. The property is located within an established residential neighbourhood comprised of a mix of semi-detached and two-storey detached dwellings also containing coach houses at the rear laneway garages.

There is an existing detached garage on the property, which according to assessment records was constructed in 2013. The existing detached garage also serves as parking spaces for both 30 & 32 Toulouse Court.

Proposal

The applicant is requesting a setback variance to support the construction of an enclosed stairway for a proposed coach house located at the rear laneway garage.

Provincial Policies

More Homes, More Choice Act, 2019

The *More Homes, More Choice Act, 2019*, S.O. 2019, c. 9 – (Bill 108), received Royal Assent on June 6, 2019 and portions were proclaimed on September 3, 2019. The proclaimed portions of Bill 108 amended the *Planning Act, R.S.O. 1990, c. P.13, as amended*, to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse (townhouse) dwellings, as well as permitting a residential unit in ancillary structures to a detached, semi-detached, or rowhouse dwelling. Under this legislation, "second suites" or "secondary suites" are now referred to as "additional residential units", and the terms are used synonymously in this memorandum.

Provincial Policy Statement, 2020

Section 1.4.3 of the *Provincial Policy Statement, 2020*, requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet the affordable housing needs of current and future residents. Amongst other means, this can be achieved by permitting and facilitating residential intensification, including additional residential units, and redevelopment by accommodating a significant supply and range of housing options through intensification and redevelopment while taking into account existing building stock.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan, 2019)

Section 2.1.4 (c) of the *Growth Plan, 2019* requires municipalities to provide a diverse range and mix of housing options including second units to support complete communities.

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 single detached dwellings. The Official Plan also contains criteria for the establishment of secondary suites in Section 8.13.8 which states: *“That in considering an application to amend the Zoning By-law to permit the establishment of a secondary suite where provided for in this Plan, Council shall be satisfied that an appropriate set of development standards are provided for in the Zoning By-law including:*

- a) the building type in which the secondary suite is contained;*
- b) the percentage of the floor area of the building type devoted to the secondary suite;*
- c) the number of dwelling units permitted on the same lot;*
- d) the size of the secondary suite;*
- e) the applicable parking standards; and,*
- f) the external appearance of the main dwelling.”*

A “Secondary Suite” in the Official Plan is defined as:

“...a second residential unit in a detached house, semi-detached house or rowhouse that consists of one or more rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons.”

Section 4.1.2.6 of the Official Plan contains policies to support further diversification of the housing stock and rental housing tenure by permitting secondary suites within existing and new single detached, semi-detached and rowhouse dwellings in accordance with Section 3.5.22 of the Regional Official Plan and subject to appropriate zoning, development criteria, and standards.

Zoning By-Law 177-96

The subject property is zoned R2*190*210*344 under By-law 177-96, as amended, which permits single detached dwellings. Exceptions *190*210*344 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.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on February 7, 2023 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 of Rear Yard Setback from Main Building

The applicant is requesting relief to permit a detached garage to be setback 17.88 ft (5.45 m) from the main building, whereas the By-law requires a setback of 19.69 ft (6 m). The variance request allows the construction of an enclosed stairway access to the proposed coach to be accessible on the second storey of the existing detached garage. Staff are of the opinion that there are no anticipated adverse impacts to the abutting properties and have no concerns with the requested variance.

The City of Markham is committed to promoting affordable and shared housing opportunities. Secondary suites help the City increase the availability of affordable housing forms and provide support to achieve its affordable housing target required by the Province. Planning staff are of the opinion that the application meets the criteria under Section 8.13.8 of the 2014 Official Plan for the establishment of a secondary suite and therefore have no objections.

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.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 31 2023. 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 "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix "A" – Conditions of Approval
Appendix "B" - Plans

PREPARED BY:



Trisha Sridharan, Development Technician, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

File Path: Amanda\File\ 23 112105 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/011/23

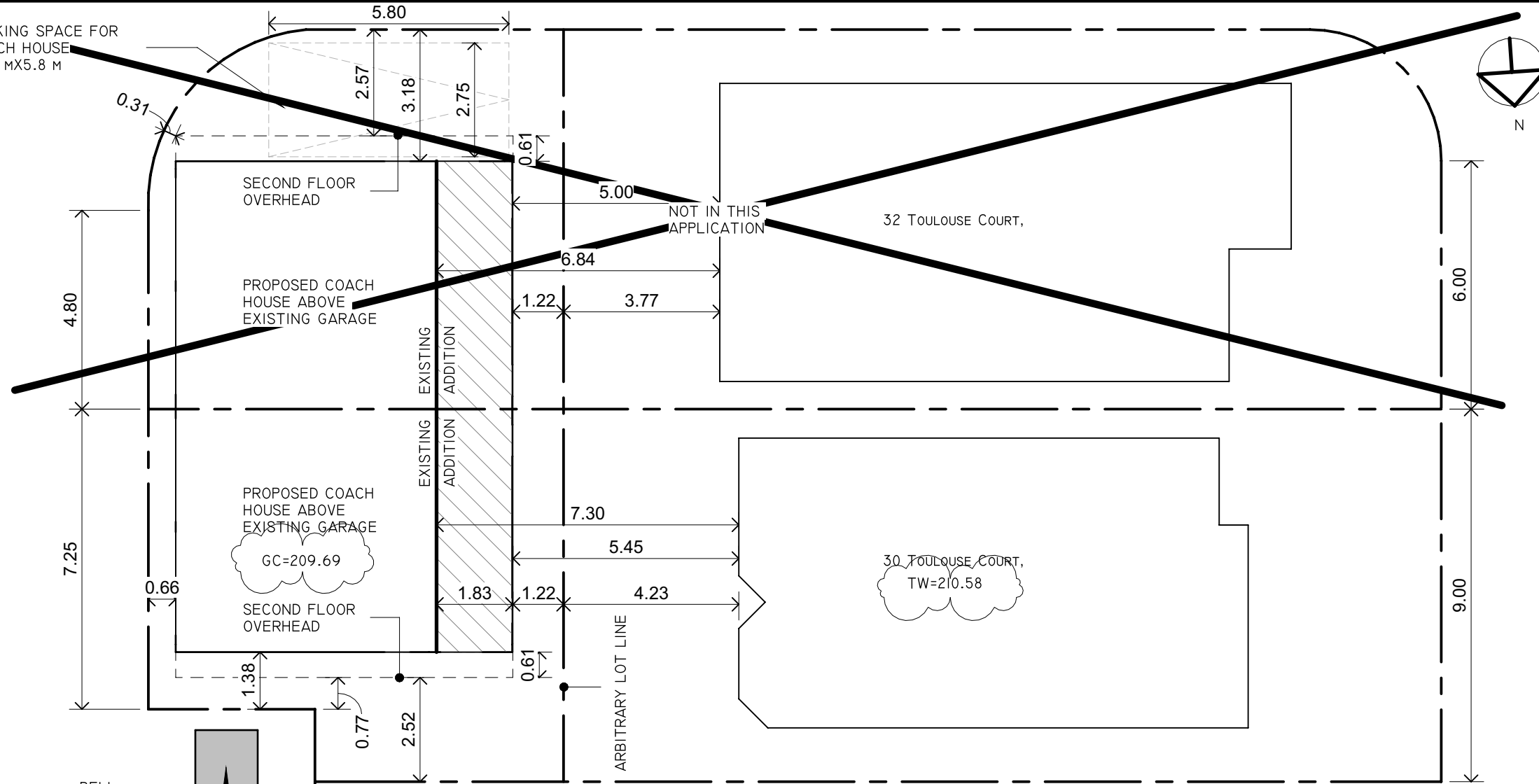
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix B to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:



Trisha Sridharan, Development Technician, Zoning and Special Projects

PARKING SPACE FOR COACH HOUSE
2.75 MX5.8 M



Appendix B

File: 23.112105.000.00.MNV

Date: 03/31/23
MM/DD/YY

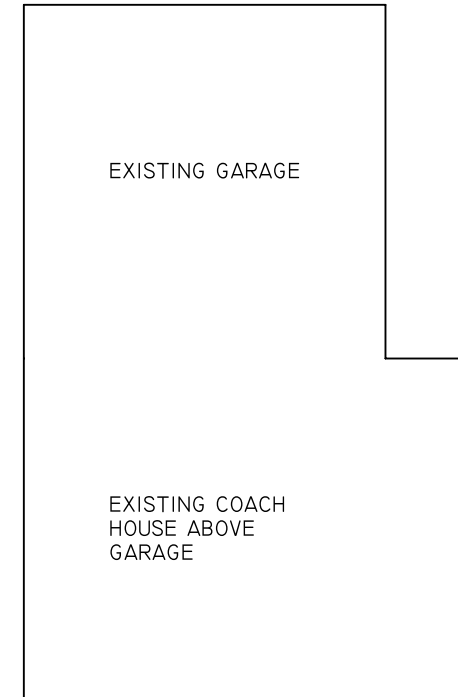
THE SCOPE OF WORK
1. NEW COACH HOUSE ABOVE THE EXISTING LANEWAY GARAGE FOR 30 TOULOUSE CRT. AND 32 TOULOUSE CRT.

SITE STATISTIC (32 TOULOUSE CRT.)			
ZONING	R2*190*210*340	LOT NO.	27
PLAN NO.	65M-4345	LOT AREA	280.4 M ²
LOT FRONTAGE	6.00 M	LOT DEPTH	31.0 M
ACCESSORY DWELLING AREA	48.8 M ²	LOT COVERAGE	17.4%
	EXISTING	PROPOSED	
STOREY	1	2	
HEIGHT	4.5 M	6.98 M	
SETBACK			
	EXISTING	PROPOSED	
FRONT (EAST)	0.52	0.31	
SIDE (NORTH)	0	0	
SIDE (SOUTH)	3.18	2.57	
REAR (FROM MAIN DWELLING)	6.84	5.00	

SITE STATISTIC (30 TOULOUSE CRT.)			
ZONING	R2*190*210*340	LOT NO.	28
PLAN NO.	65M-4345	LOT AREA	274.0 M ²
LOT FRONTAGE	9.00 M	LOT DEPTH	31.0 M
ACCESSORY DWELLING AREA	47.8 M ²	LOT COVERAGE	17.5%
	EXISTING	PROPOSED	
STOREY	1	2	
HEIGHT	4.5 M	6.92 M	
SETBACK			
	EXISTING	PROPOSED	
FRONT (EAST)	0.66	0.66	
SIDE (NORTH)	1.38	0.77	
SIDE (SOUTH)	0	0	
REAR (WEST)	7.30	5.45	

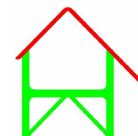
Sheet List	
Sheet Number	Sheet Name

A1.0	SITE PLAN
A1.1	PROPOSED MAIN FLOOR PLAN
A1.2	PROPOSED SECOND FLOOR
A1.3	PROPOSED ROOF
A2.1	PROPOSED FRONT ELEVATION
A2.2	PROPOSED REAR ELEVATION
A2.3	PROPOSED NORTH ELEVATION
A2.4	PROPOSED SOUTH ELEVATION
A3.1	SECTION
A4.0	SURVEY

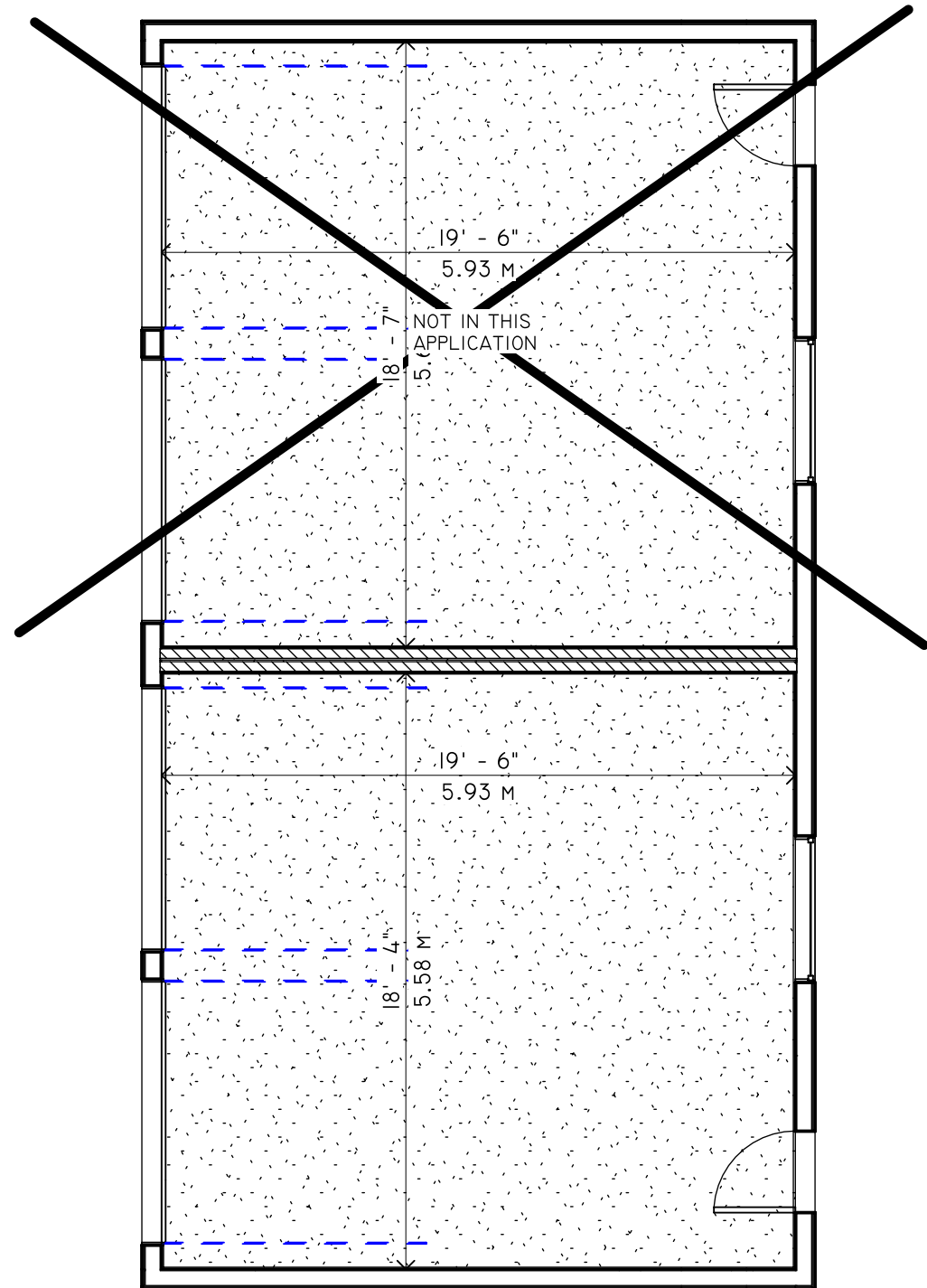


LHW ENGINEERING LTD.

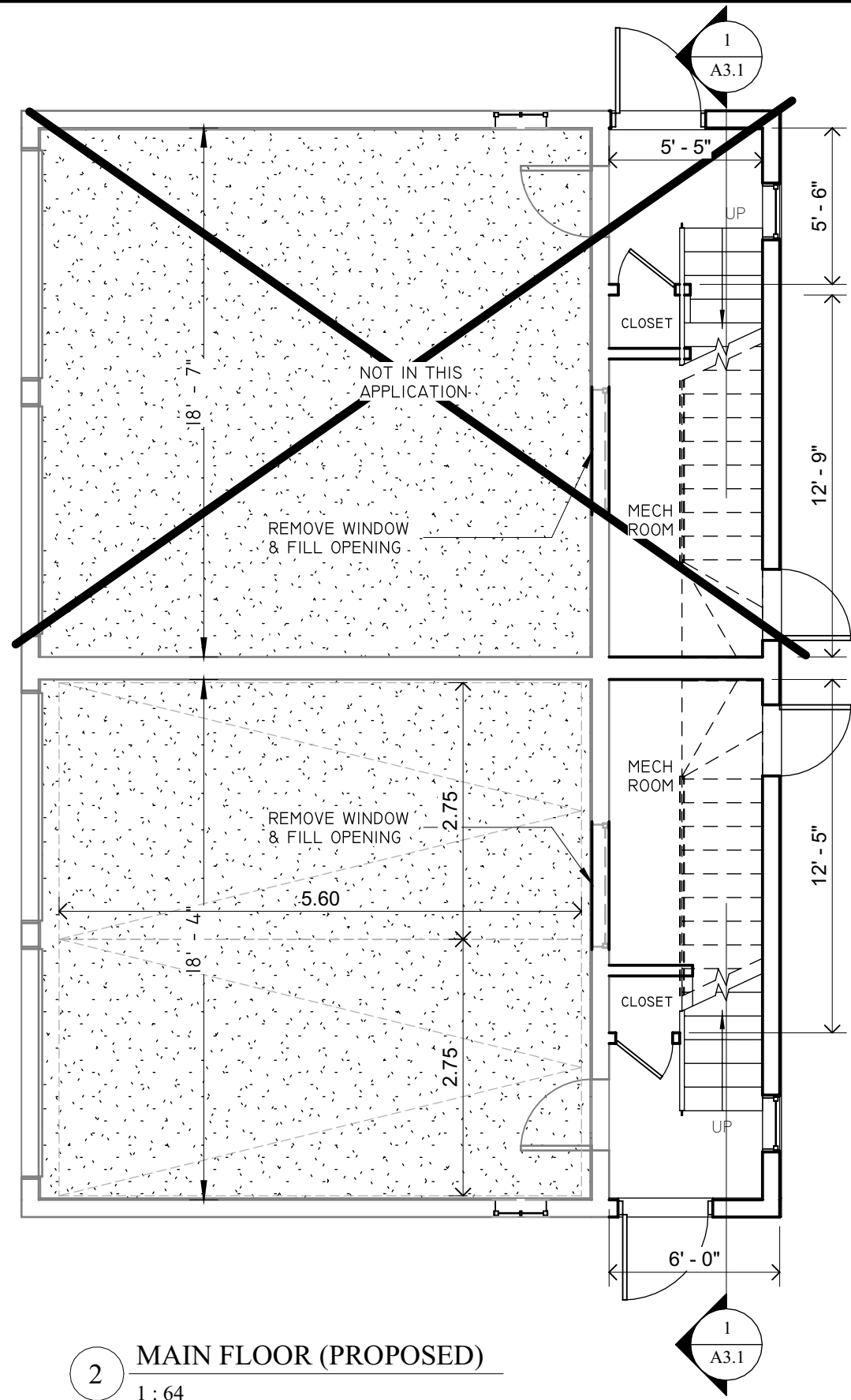
Unit 405, 2347 Kennedy Rd
Toronto, ON M1T 3T8
T: 416-299-8837
LHW.ENGINEERING@GMAIL.COM



No.	Description	Date	PROJECT TITLE	Date	Drawn By
1	SEND TO CLIENT FOR REVIEW	2022/11/14	32 Toulouse Ct, Markham, ON L6B 1J5	11/14/2022	AY
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			PROJECT ADDRESS	Proj. No.	DWG. No.
			30 & 32 Toulouse Ct	221106	A1.0



1 MAIN FLOOR (EXISTING)
1 : 64



2 MAIN FLOOR (PROPOSED)
1 : 64

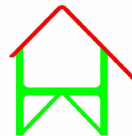
Appendix B

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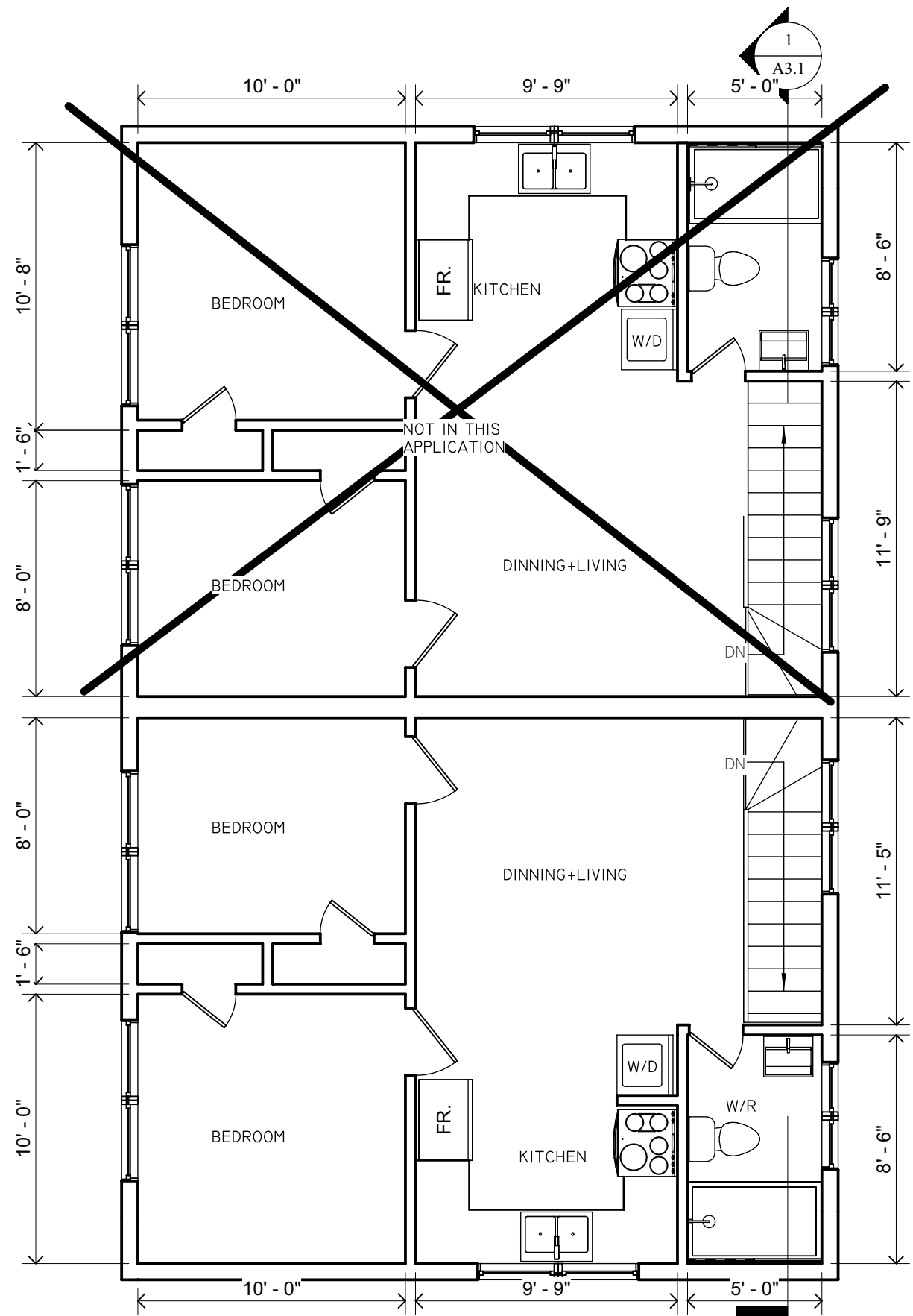


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			30 & 32 Toulouse Ct	221106	A1.1

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1 SECOND FLOOR (PROPOSED)
1 : 64

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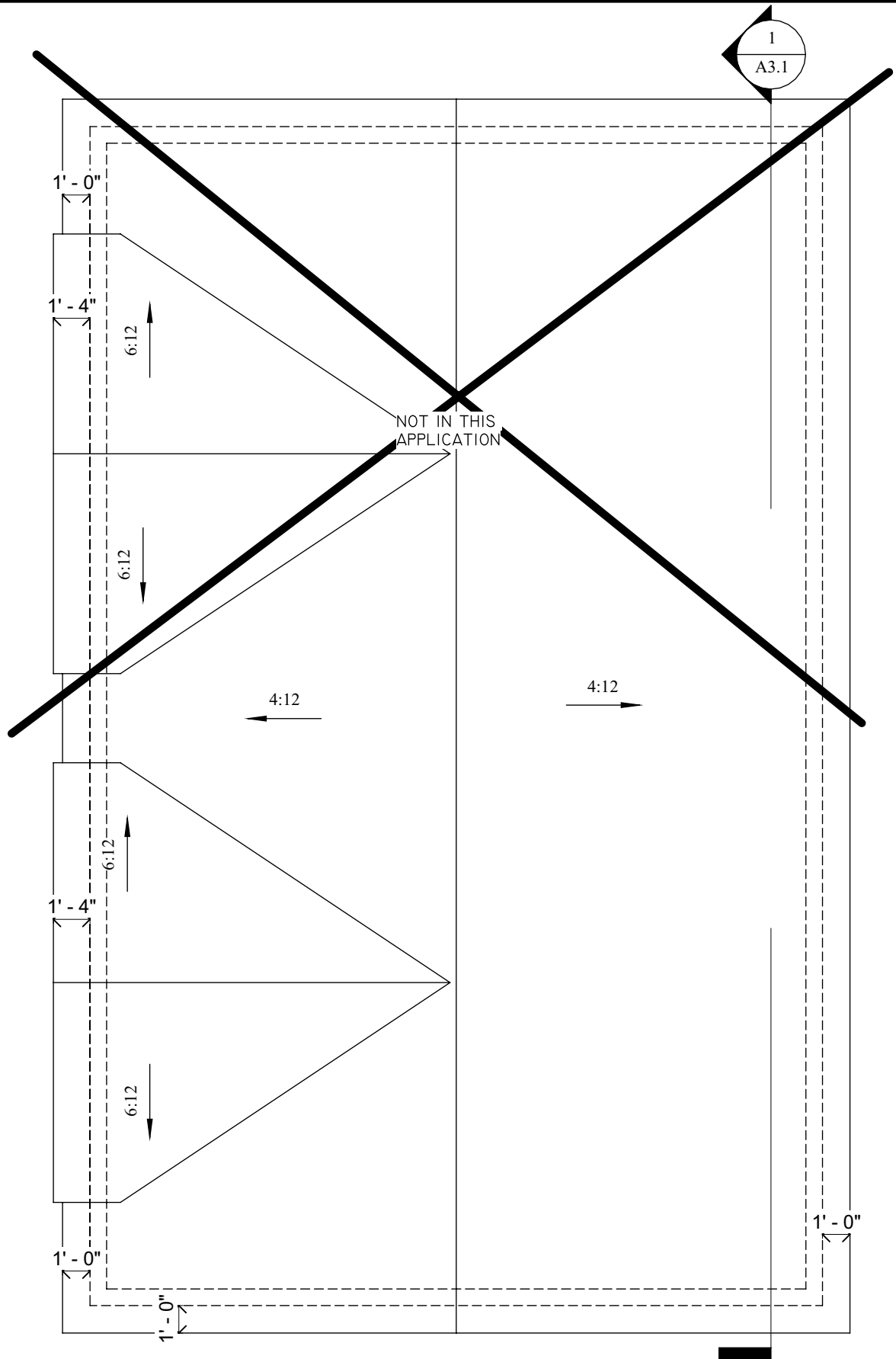


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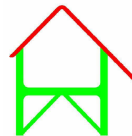
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1 ROOF PLAN (PROPOSED)
1 : 64

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No.	Description	Date	PROJECT TITLE	Date	Drawn By
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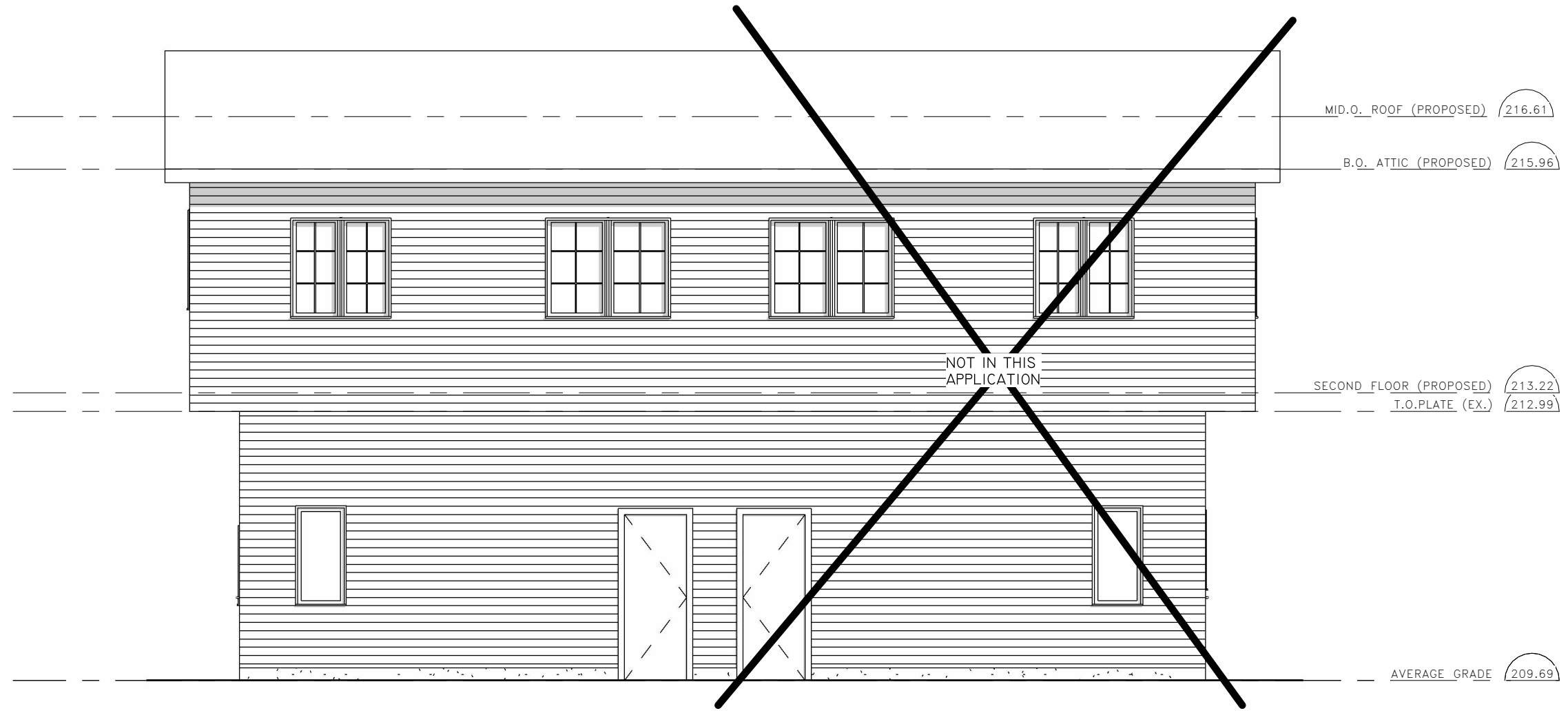
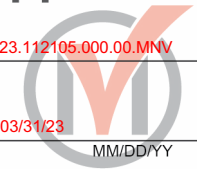
1 FRONT ELEVATION
1 : 64

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1 REAR ELEVATION
1 : 64

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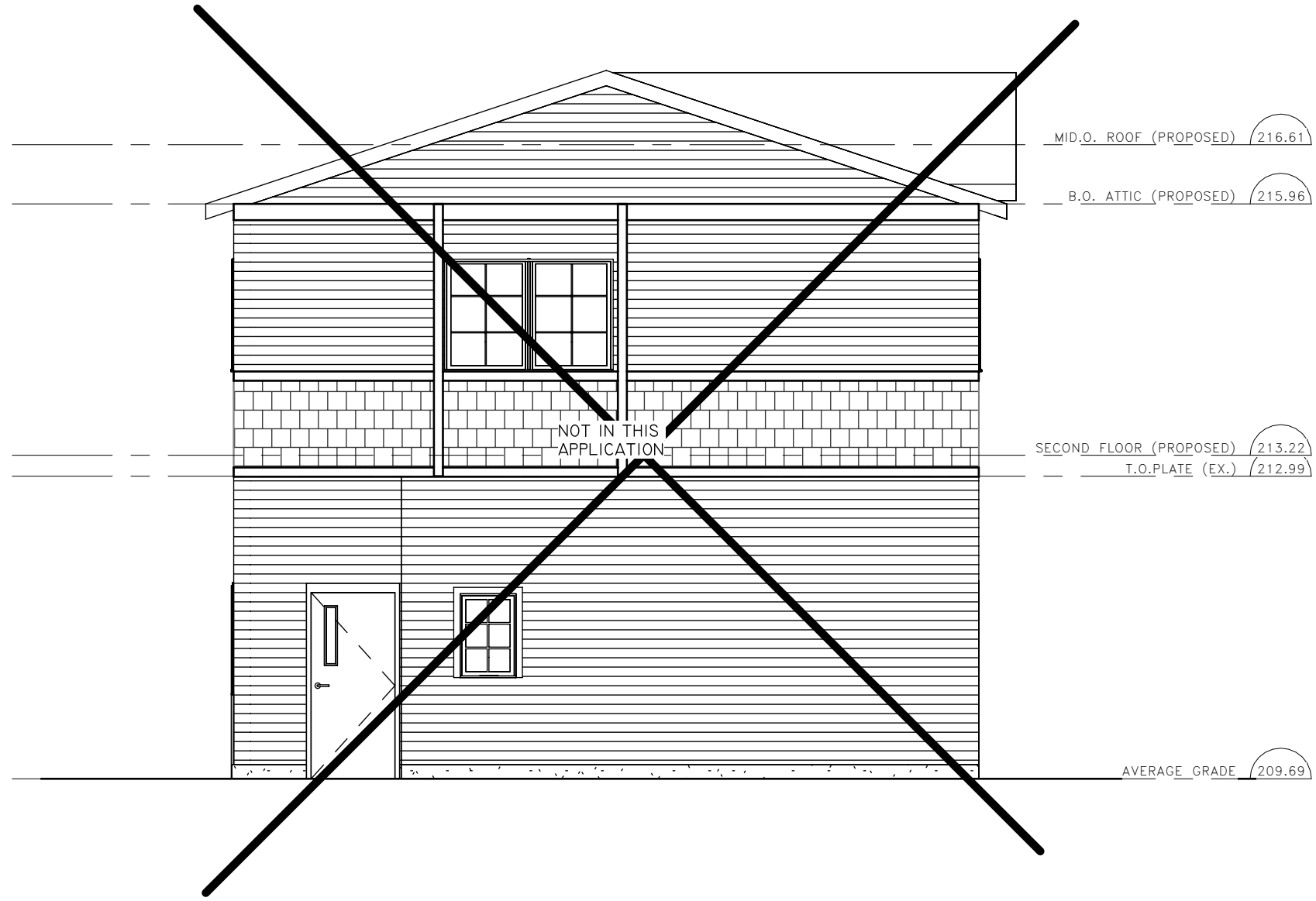
1 NORTH ELEVATION
1 : 64

LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM		No.	Description	Date	PROJECT TITLE	Date	Drawn By
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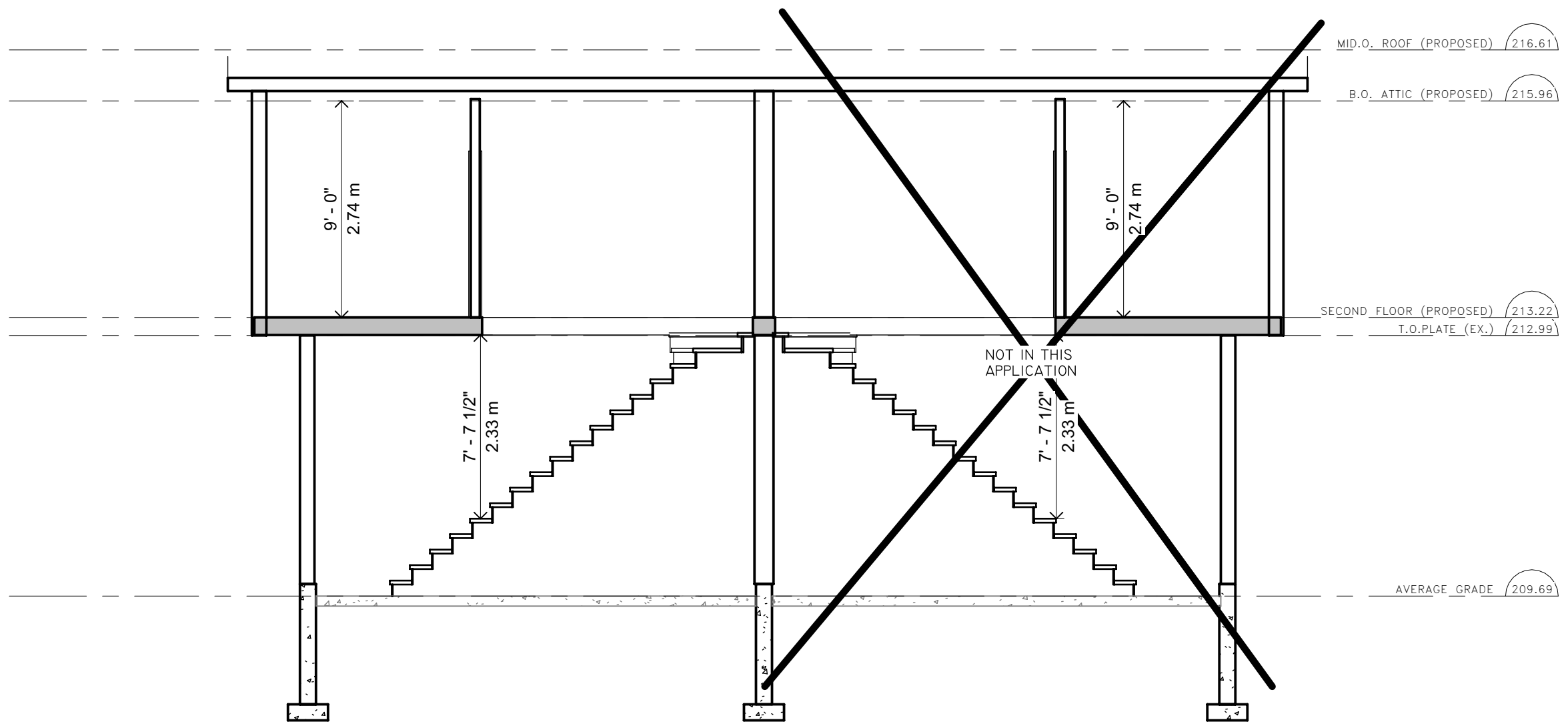
1 SOUTH ELEVATION
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LHW ENGINEERING LTD. Unit 405, 2347 Kennedy Rd Toronto, ON M1T 3T8 T: 416-299-8837 LHW.ENGINEERING@GMAIL.COM		No.	Description	Date	PROJECT TITLE	Date	Drawn By
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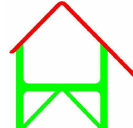
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1 CROSS SECTION
1 : 64

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