

Memorandum to the City of Markham Committee of Adjustment

November 13, 2023

File: A/122/23
Address: 141 Cornell Park Ave, Markham
Applicant: Alphyn Homes Inc (Sean Baradaran)
Owner: Yuen Ting Alice Poon
Hearing Date: Wednesday, December 13, 2023

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

The applicant is requesting relief from the following requirements of By-law 177-96, as amended, as it relates to a proposed coach house, to permit:

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

a height of 7.53 metres, whereas the by-law requires a maximum of 6.75 metres for a detached private garage on a lot intersecting two lanes

b) **By-law 177, Section 96:**

a minimum distance to the rear lot line of 0 metres, whereas the by-law requires 0.6 metres;

BACKGROUND

Property Description

The 361.44 m² (3890.51 ft²) subject property is located on the south side of Cornell Park Avenue, East of Ninth Line and West of Bur Oak Avenue. The subject property is located within an established residential neighbourhood comprised of a two-storey detached, semi-detached and townhouse dwellings with laneway garages. Mature vegetation exists across the property. There is an existing townhouse dwelling on the property, which according to assessment records was constructed in 1998.

The subject property is located within the Cornell community, which is primarily a lane-based community, in which parking and traffic access are provided through the rear laneways and garages. Coach houses, located above the laneway garages, serving as additional living units are a common feature of the Cornell community.

Proposal

The applicant is proposing to construct a new coach house above the existing one-storey detached two-car garage on the subject property. The applicant is requesting increases to the maximum height, and the reduction of the rear lot line.

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)

Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the “Residential Low Rise” designation to ensure infill development respects and reflects the existing pattern and character of the surrounding neighbourhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

Zoning By-Law BY-LAW 177-96

The subject property is zoned “Residential Three Exception *5 (R3*5) under By-law 177-96, as amended, which permits semi-detached dwellings, duplex dwellings, triplex dwellings, fourplex dwellings, townhouse dwellings, multiple dwellings, apartment dwellings and home occupations. Exception *5 permits one accessory dwelling unit which must not be located in the main building on the lot, and can be in the form of a coach house.

Applicant’s Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, the existing garage is built closer to the property line than what was devised in the by-law. The increase in height is to accommodate the roof line and slope so that it is in conformity with neighboring roof lines.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on April 13 2022 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.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 7.53 m (24.70 ft), whereas the By-law permits a maximum building height of 6.75 m (22.15 ft). This represents an increase of 0.78 m (2.56 ft). The By-law calculates building height using the vertical distance of a building or structure measured between the level of the crown of the street and highest point of the roof surface.

The increased building height is to accommodate the second story coach house addition above the existing detached two-car garage. The applicant stated that the requested variance is to ensure the roof line conforms to neighboring properties.

Staff are of the opinion that the requested variance is consistent with other coach house developments in the Cornell community. The development of an additional residential unit is considered desirable by staff, and are consistent with sections 4.1.2.6 and 8.13.8 of the Official Plan. Staff are of the opinion that the requested variance to permit an increase in building height is minor in nature and meets the general intent and purpose of the Official Plan and Zoning By-law.

Reduction in Front and Rear Yard Setback

The applicant is requesting relief to permit a minimum distance to the rear lot line of 0 ft (0 m) whereas the By-law requires a minimum distance to the rear lot line of 2 ft (0.6 m). This represents a reduction of approximately 2 ft (0.6 m). The variance is entirely attributed to the detached two-car garage in the rear of the property.

Upon review, staff determined that although a building permit for the structure was issued, the existing garage is closer to the lot line than allowed by the zoning by-law hence the need of the variance request. In addition, City zoning staff note the garage is considered an existing condition as the structure was built in the wrong location, resulting in the need of a minor variance to rectify this condition. Staff opine that as this is an existing condition and does not negatively affect the immediate surroundings, it meets the four tests for minor variance.

PUBLIC INPUT SUMMARY

As of December 05 2023 the City received 1 letter of support for this application. 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.

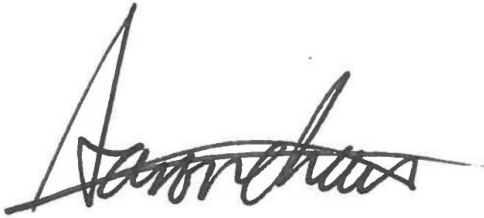
APPENDICIES

Appendix "A" – A/122/23 Conditions of Approval

Appendix "B" – Aerial Photo

Appendix "C" – Plans

PREPARED BY:



Aaron Chau, Planner I, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

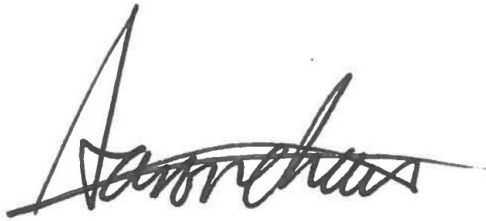
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APPENDIX "A"

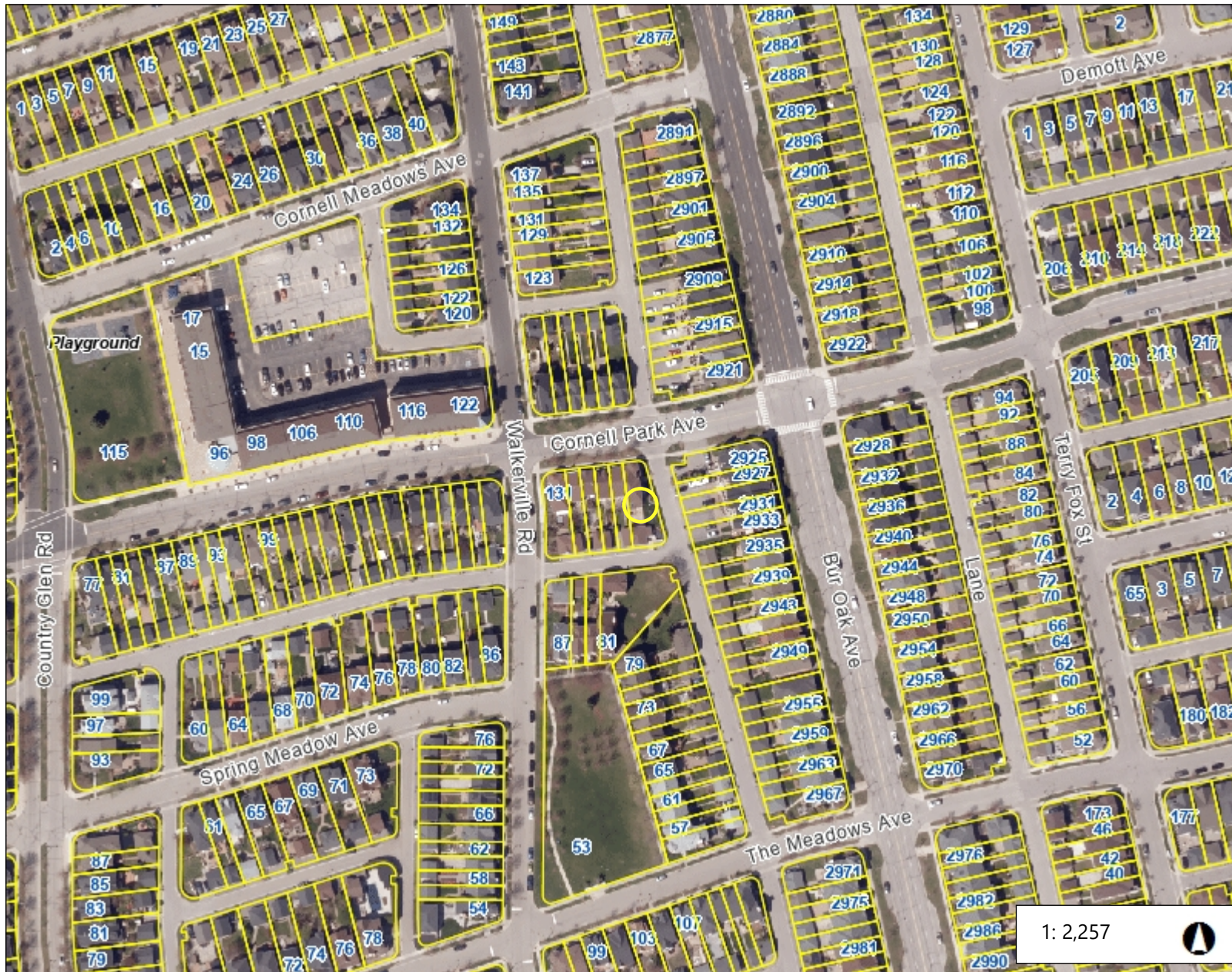
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/122/23

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 plan(s) attached as 'Appendix C' to this Staff Report and received by the City of Markham on July 3 2023, 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:

A handwritten signature in black ink, appearing to read 'Aaron Chau', written in a cursive style.

Aaron Chau, Planner I, Planning and Urban Design Department

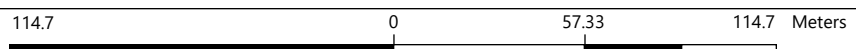


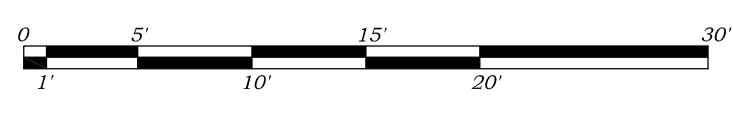
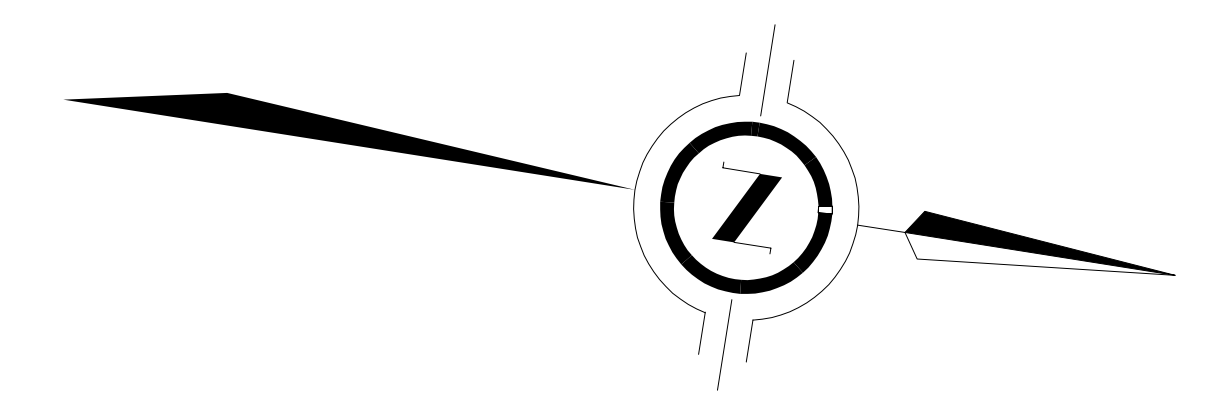
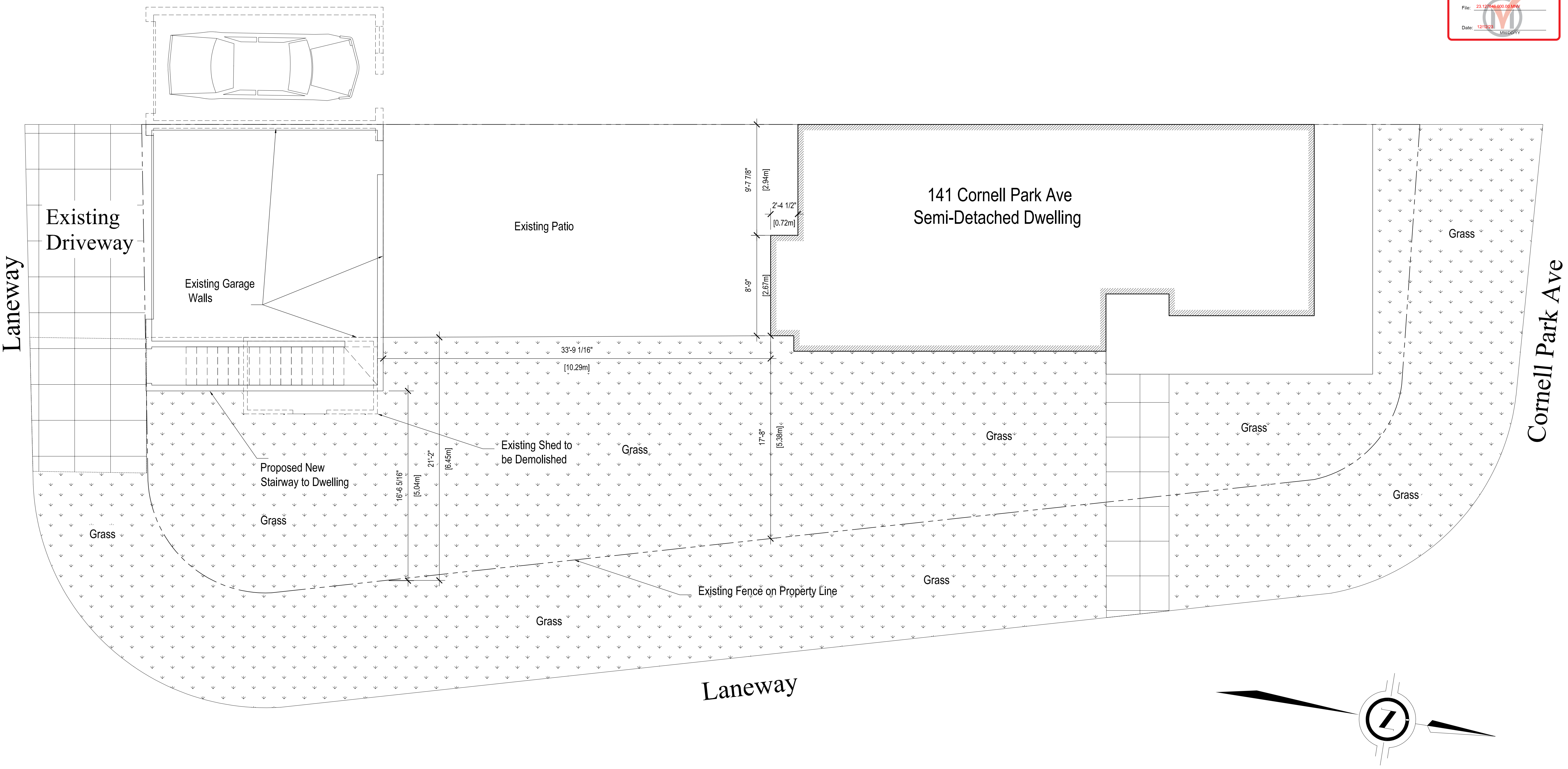
Legend



- Subject Lands - 141 Cornell Park Avenue

Notes

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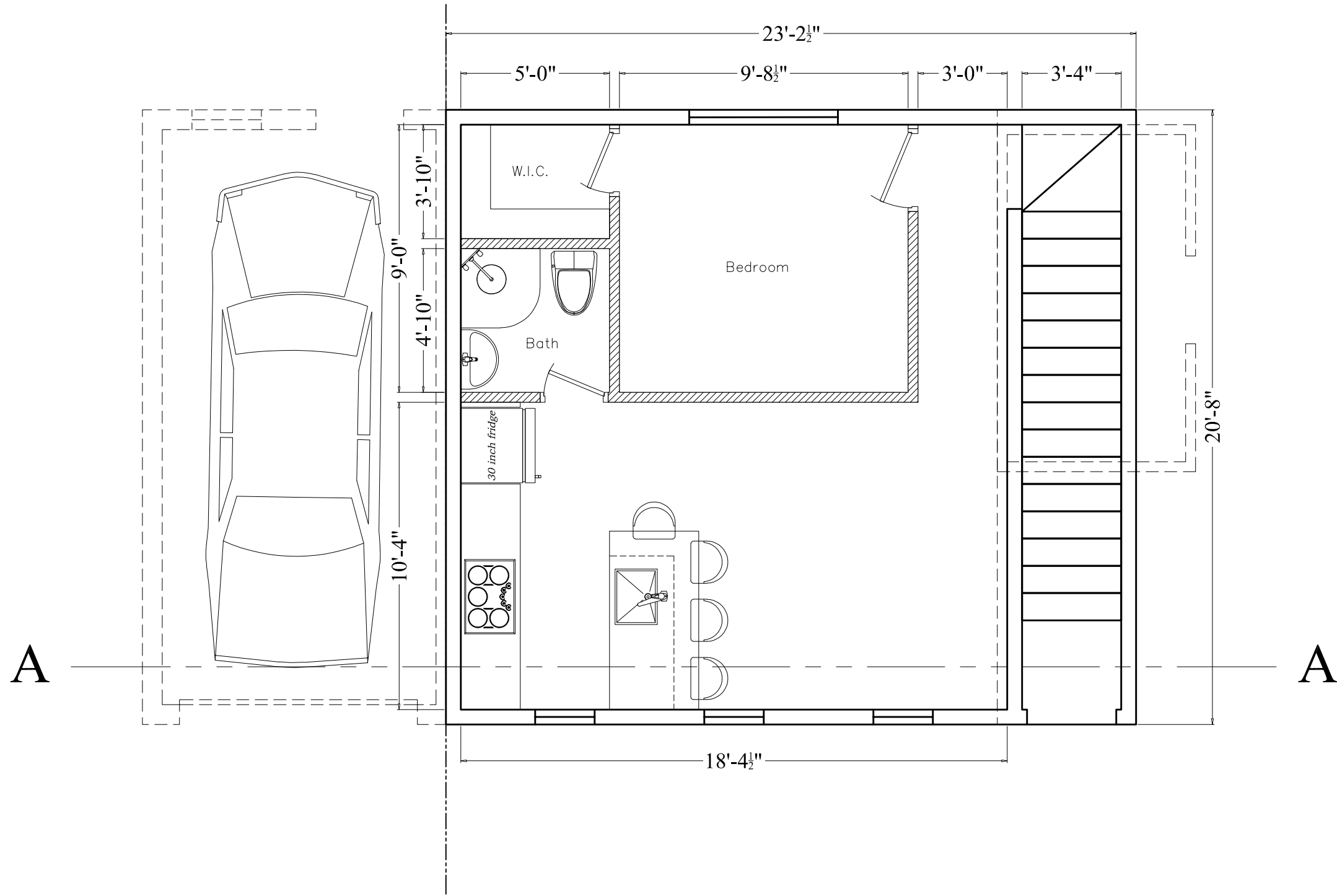


 Design: Sean Baradaran 416 737 8607	Alphyn Homes Inc. #16, 230 Don park Rd, Markham, Ontario, L3R 2P7 416 737 8607 sean@alphynhomes.ca	141 Cornell Park Ave Markham, Ontario, L6B 1B6 Proposed Addition	<table border="1"> <thead> <tr> <th>NO</th> <th>DATE</th> <th>REVISIONS, ISSUES</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Nov 27, 2022</td> <td>Permit Application Version</td> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO	DATE	REVISIONS, ISSUES	1	Nov 27, 2022	Permit Application Version																 Scale: 1 : 50 Site
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Appendix C

File: 23.127846.000.00.MNV

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Proposed New Dwelling



Design:

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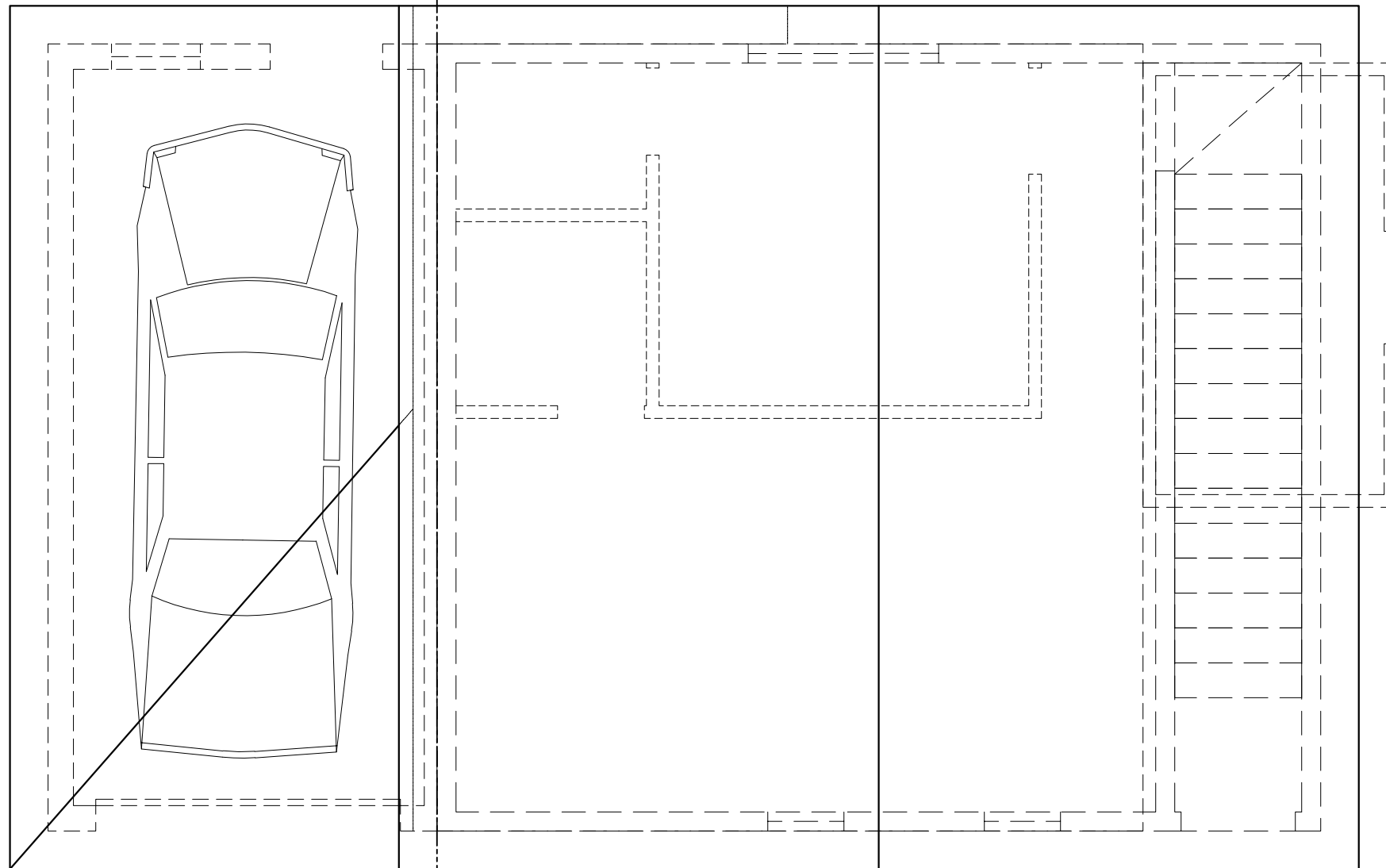
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Appendix C

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Proposed New Roof Plan



Design:

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Proposed North Elevation



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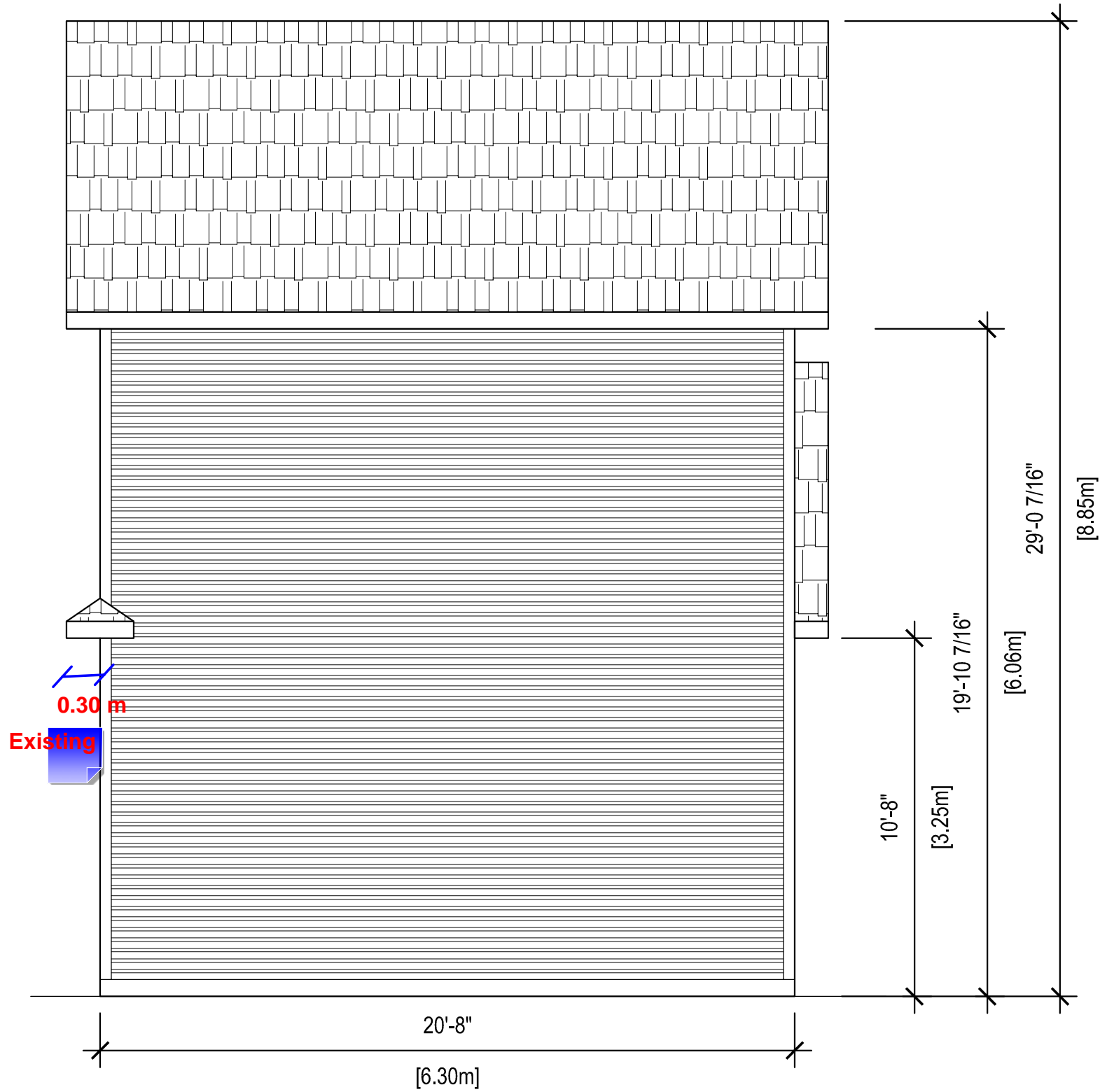
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Proposed East Elevation



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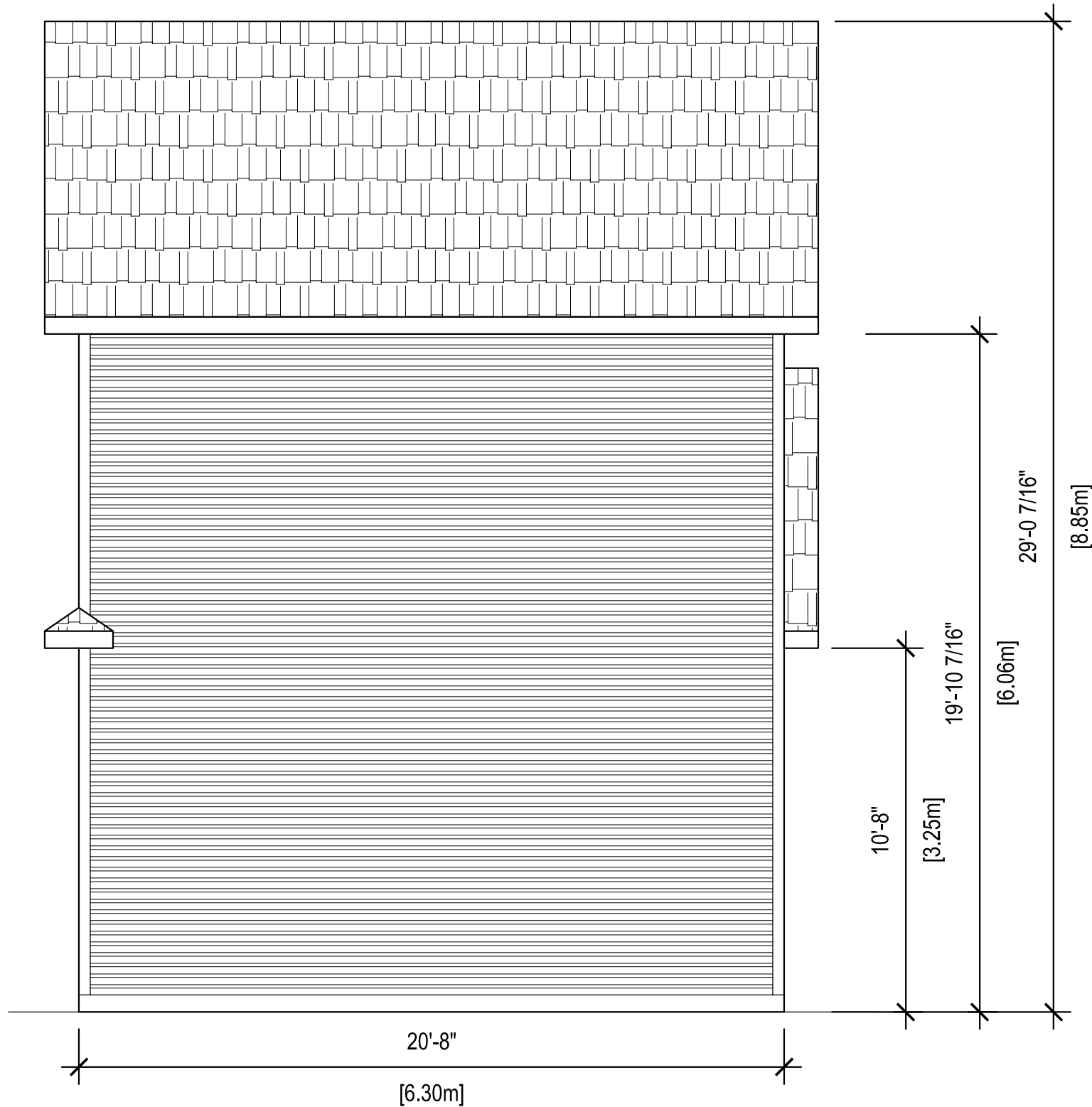
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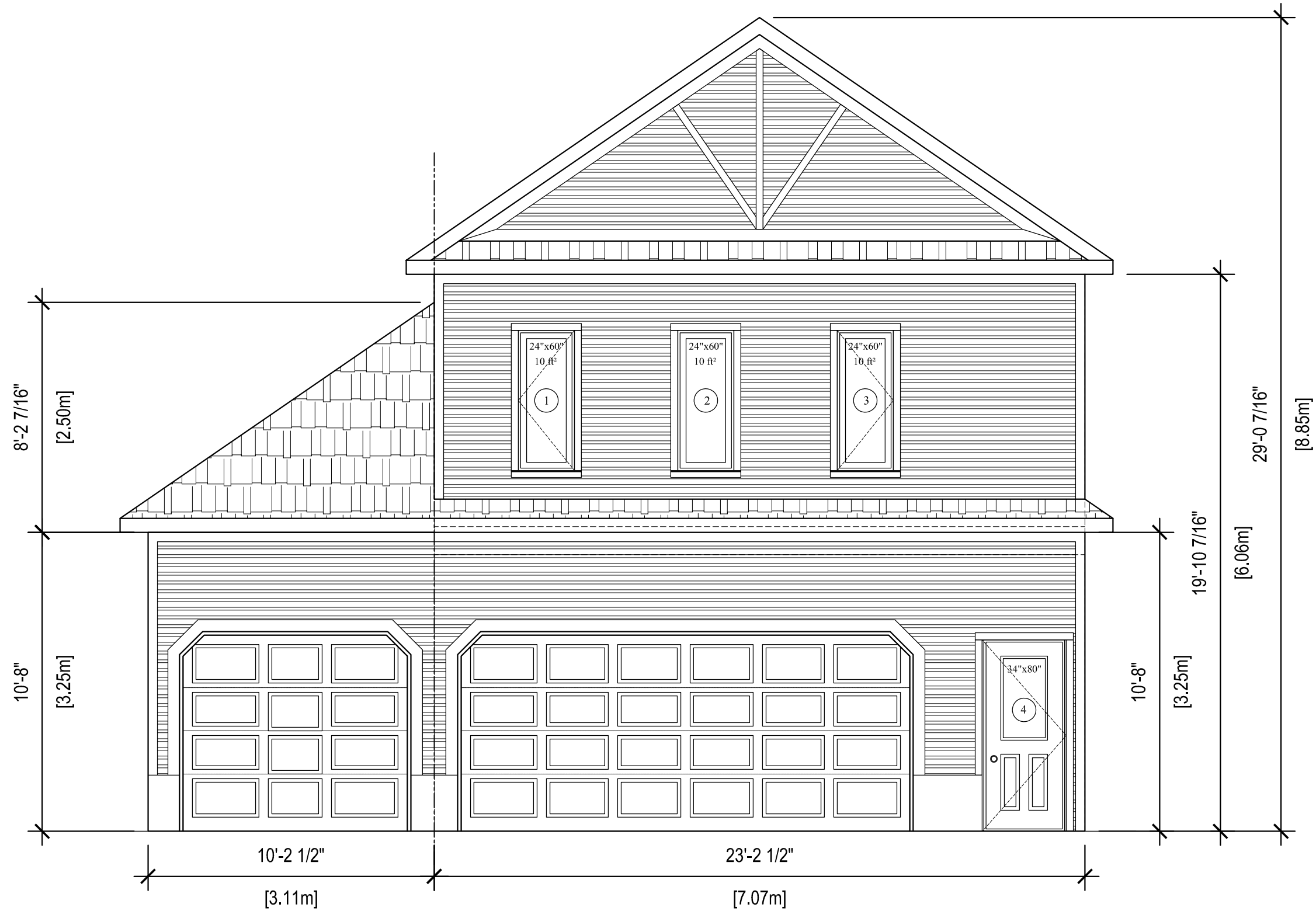
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Proposed South Elevation

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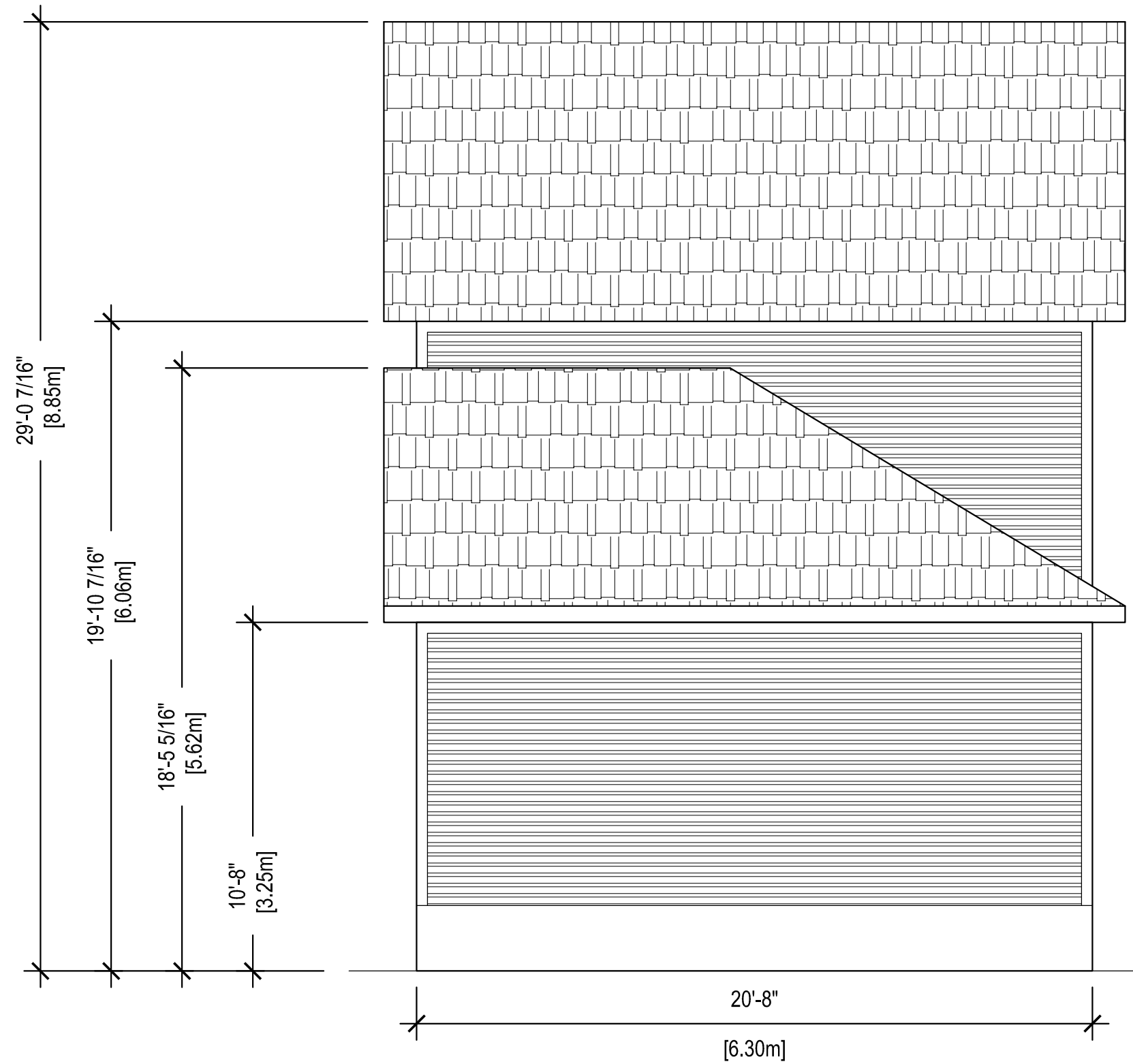
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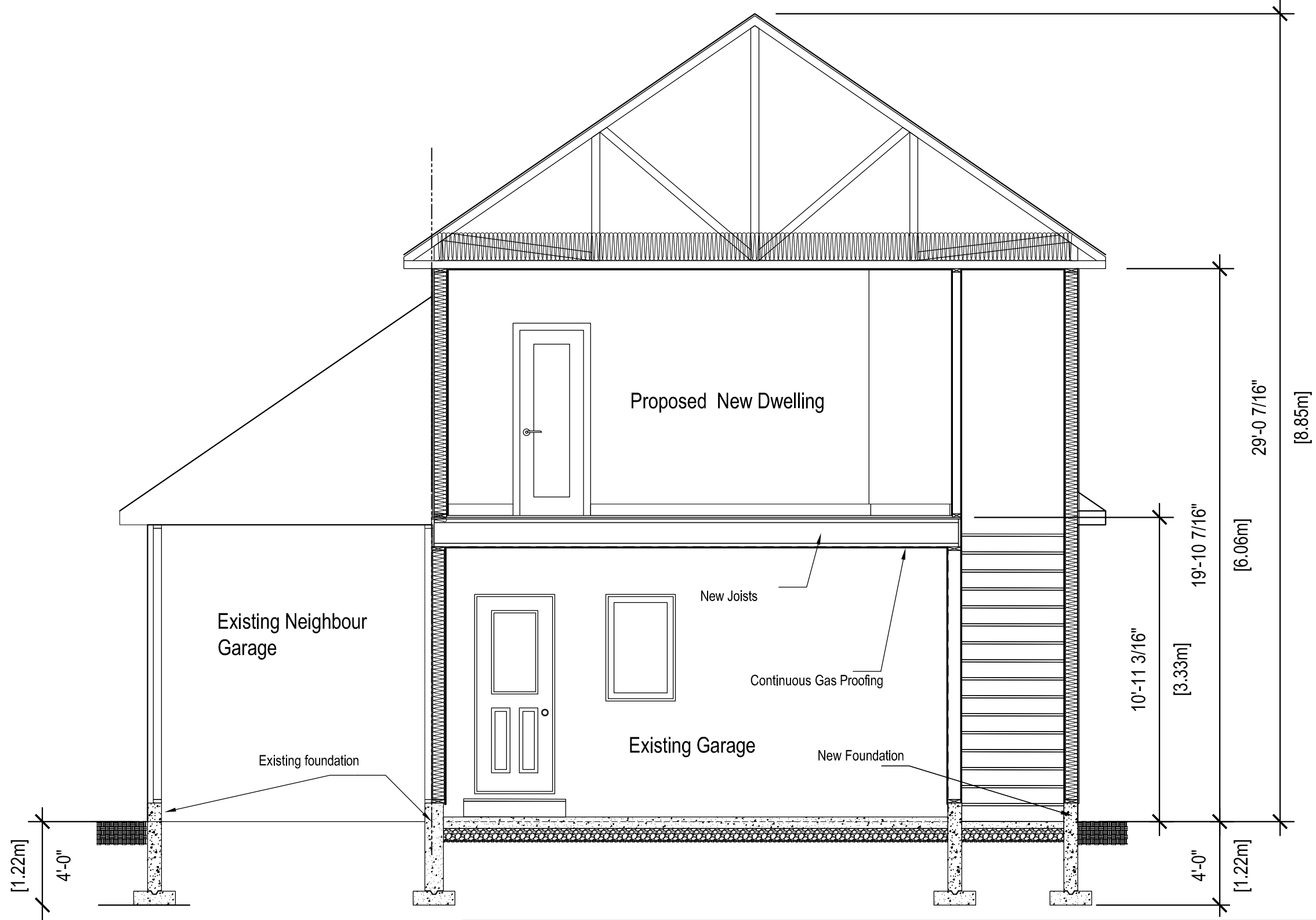


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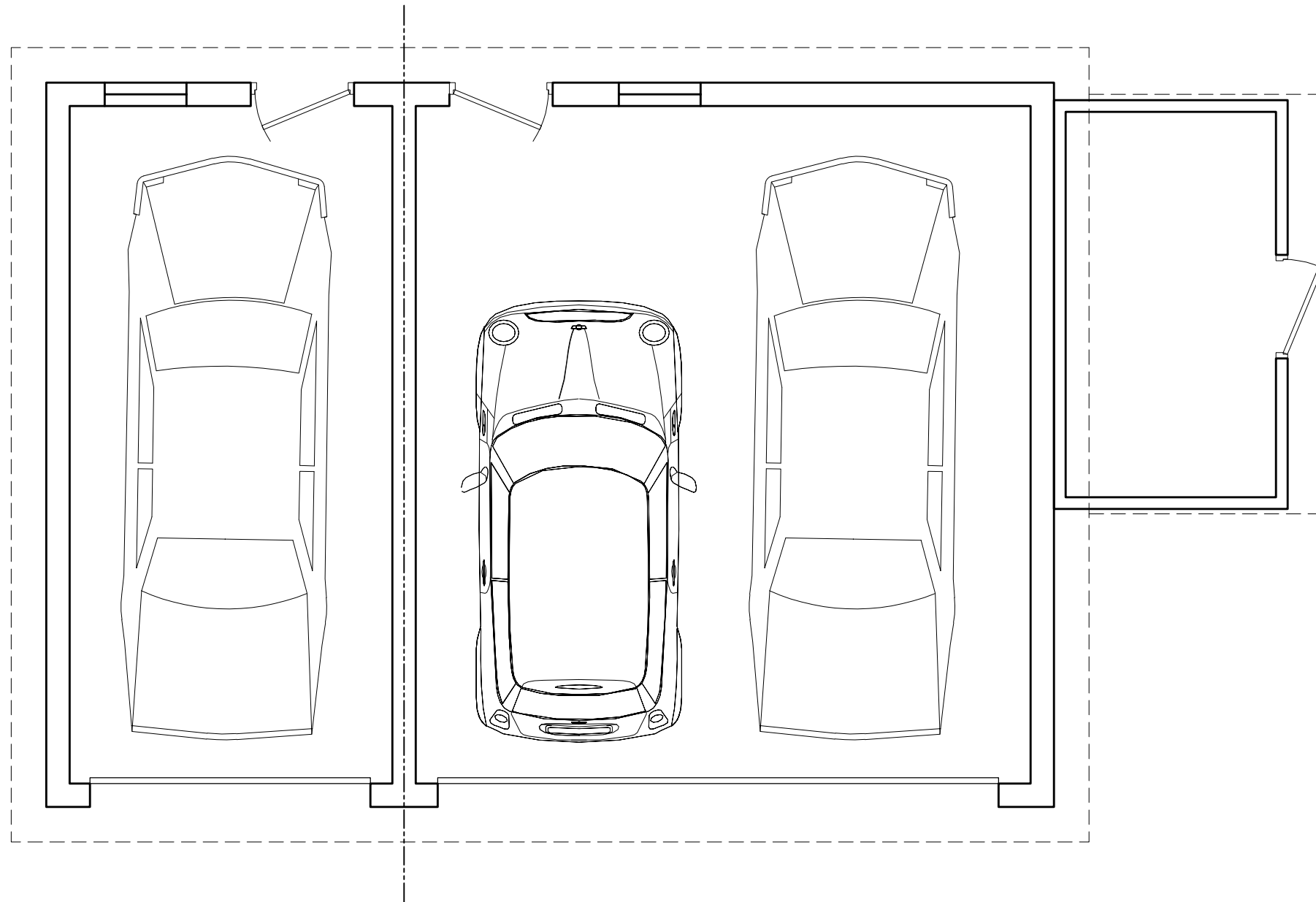
Section A - A

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Existing Garage plan



Design:

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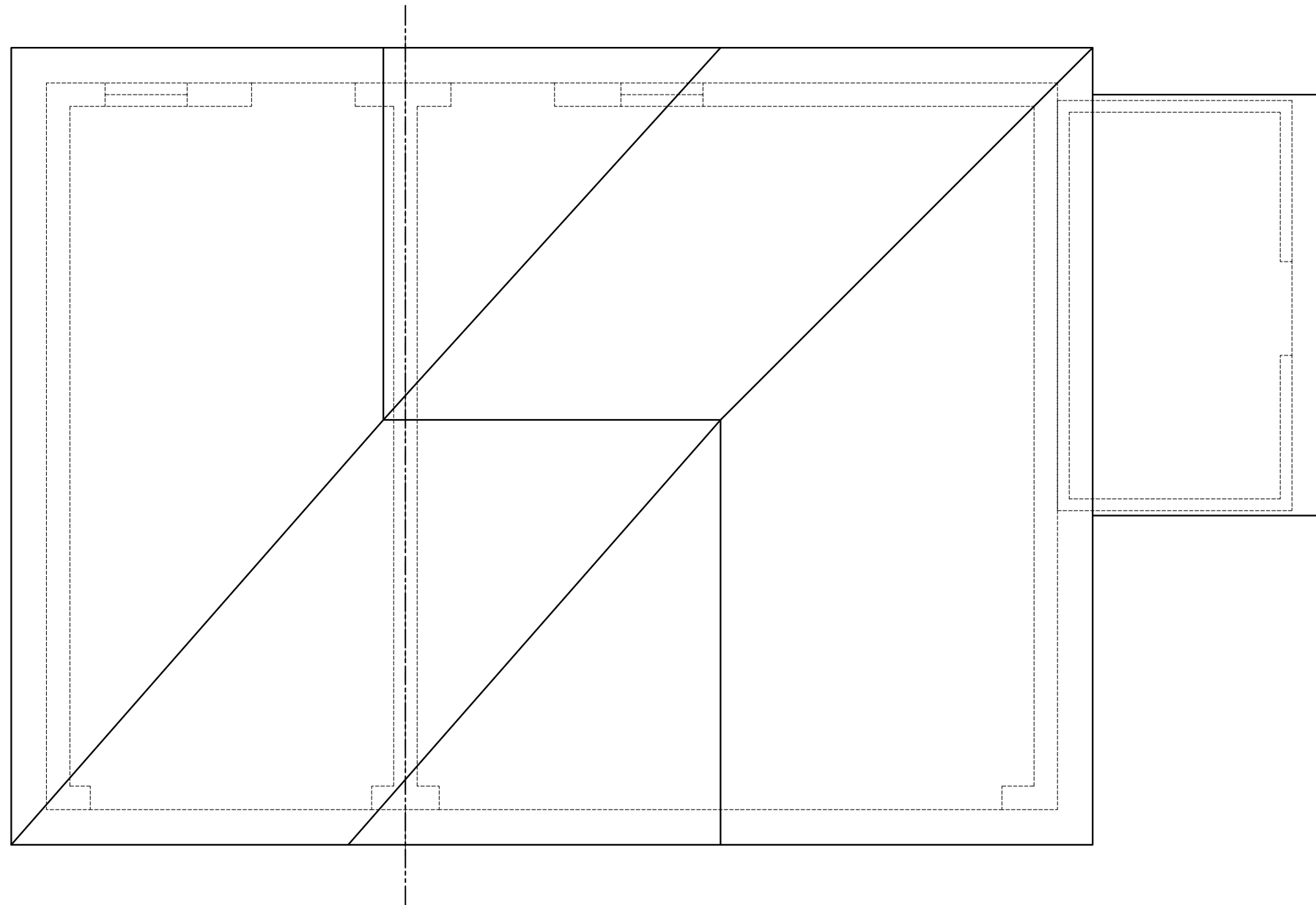
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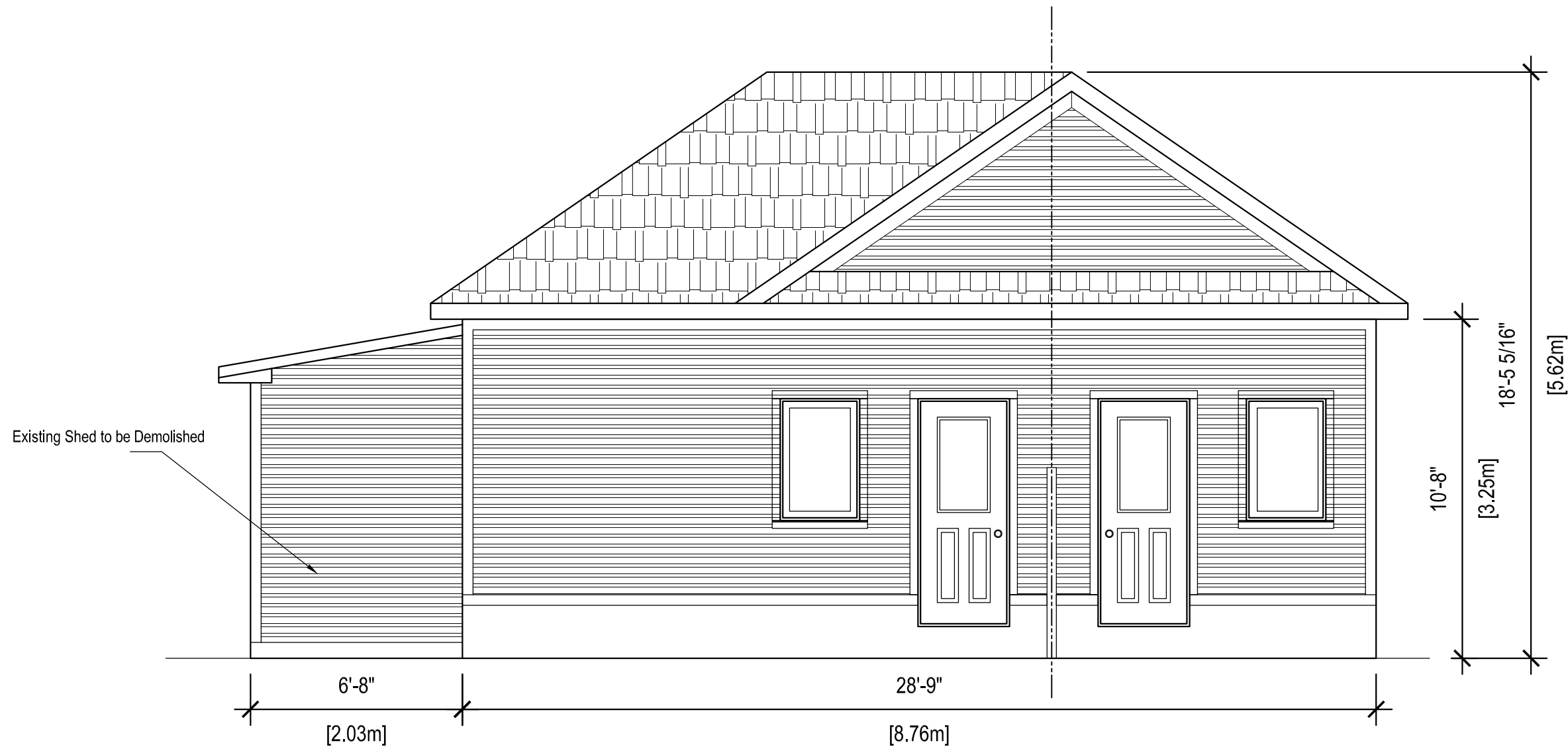
Existing Roof Plan

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Existing North Elevation



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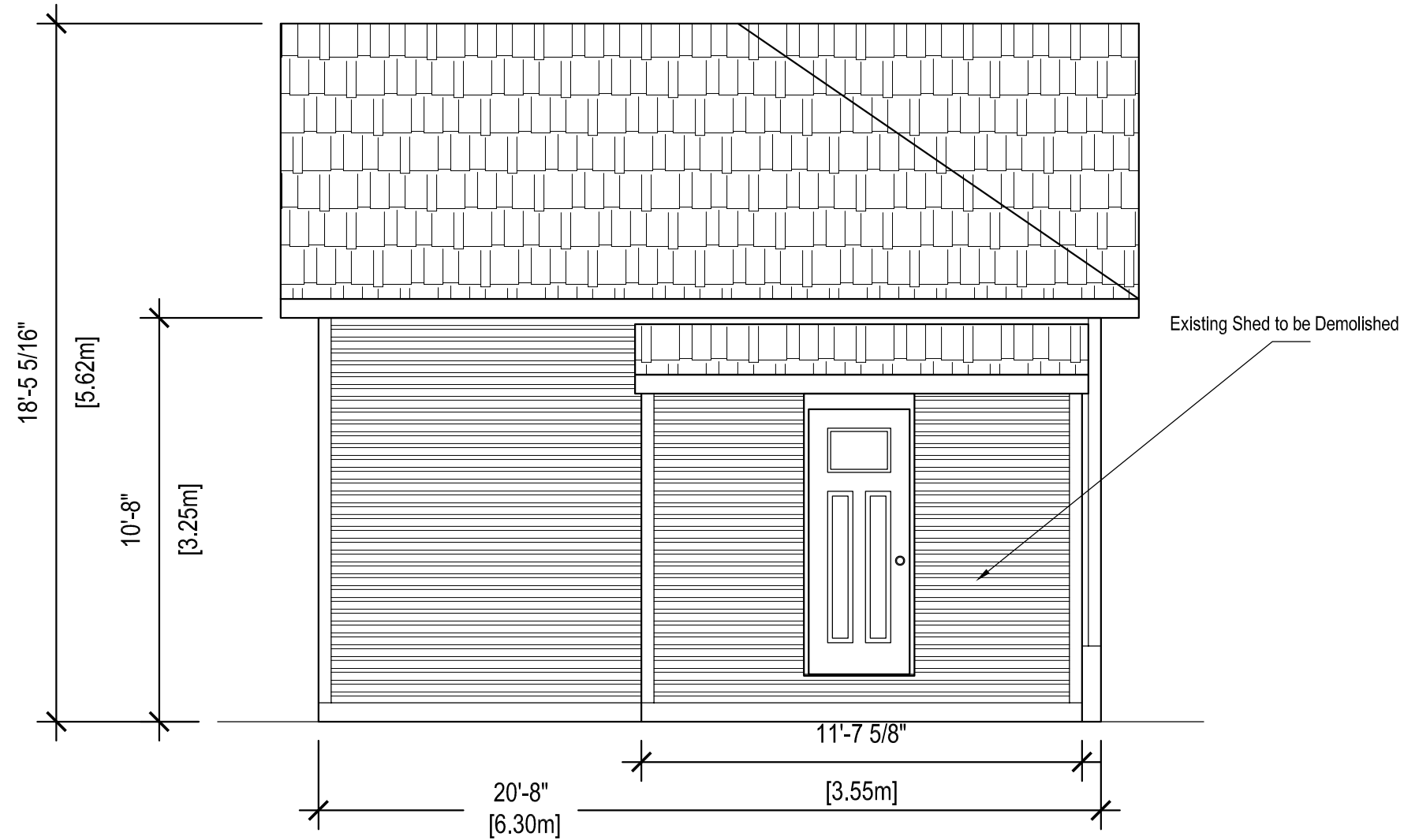
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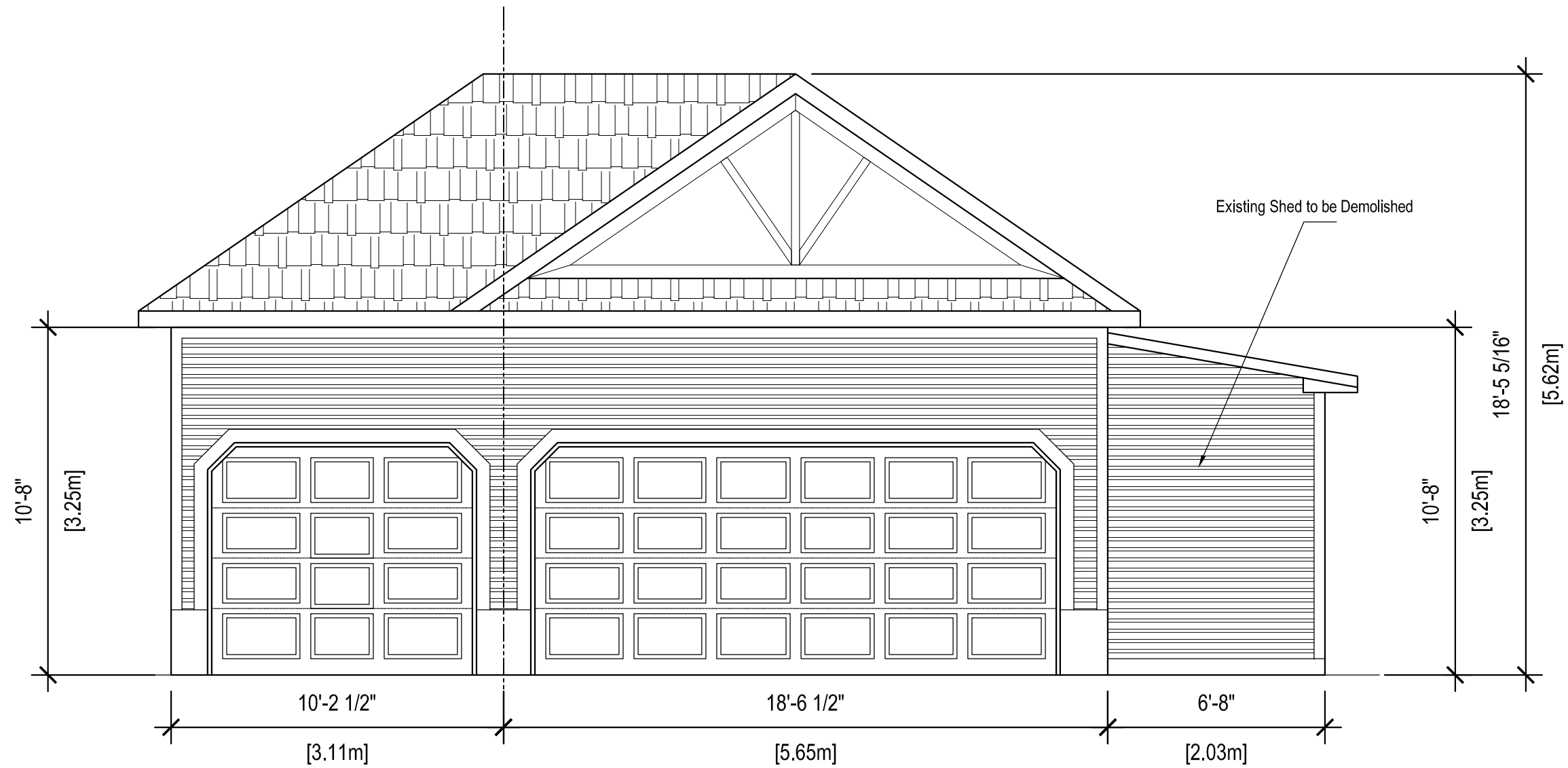
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Existing South Elevation



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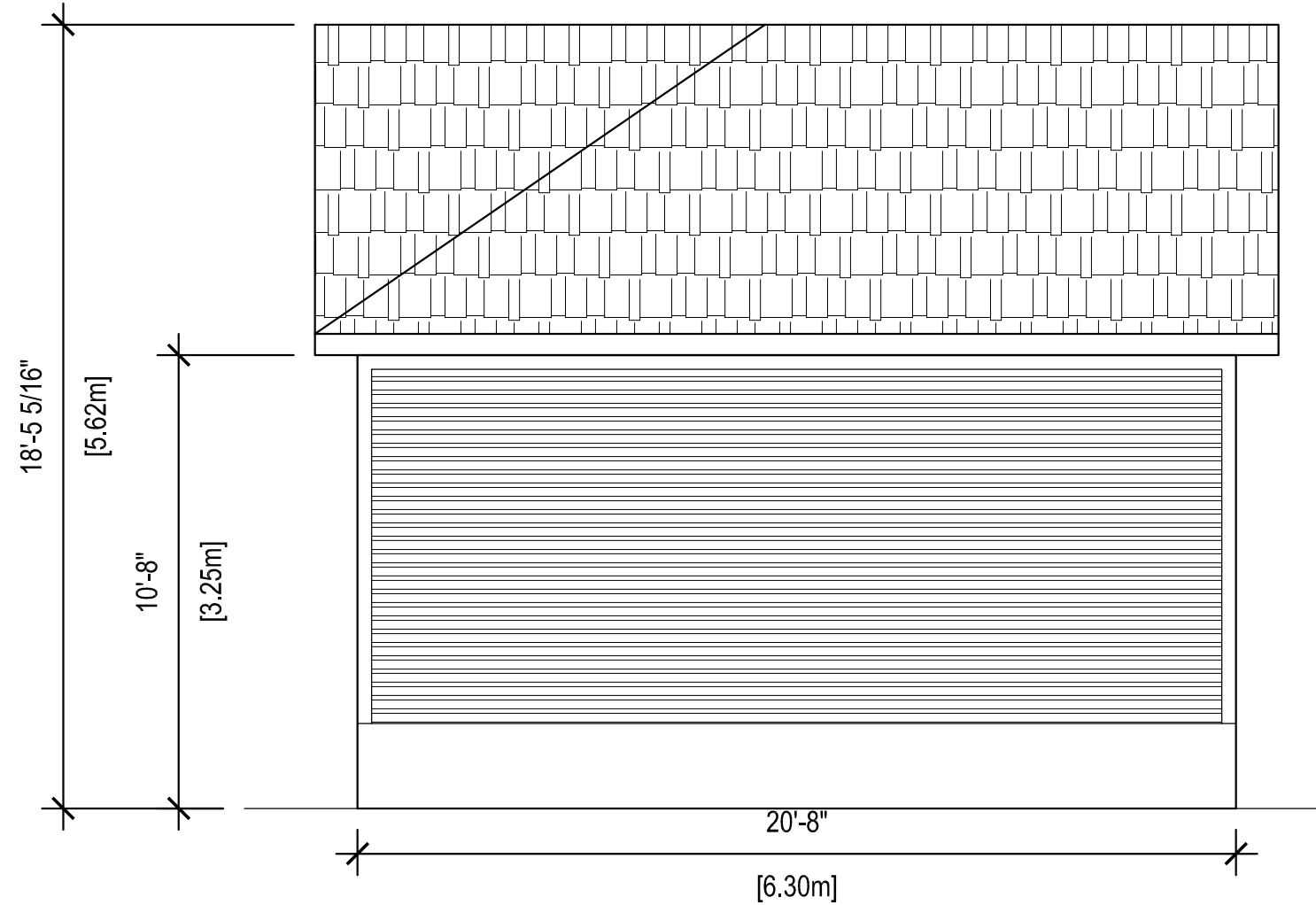
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