

Memorandum to the City of Markham Committee of Adjustment

May 31, 2021

File: A/055/21
Address: 55 Albert Lewis Street – Markham, ON
Applicant: Forest Hill Homes (Eddie Lee)
Agent: N/A
Hearing Date: June 9, 2021

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

The applicant is requesting relief from the following “Residential Two Exception (R2*190*192*514)” requirements under By-law 177-96, as amended, as they relate to a proposed detached dwelling and coach house:

a) By-law 177-96, Section 5, Table B2 (Part 1) E:

a minimum side yard setback (abutting laneway) of 0.60 m required, whereas the By-law requires a 1.20 m side yard setback (abutting the laneway); and

b) By-law 28-97, Sec. 6.1.2(a):

a third parking space for an accessory apartment with dimensions of 2.69 m (8.83 ft) x 5.80 m (19.03 ft), whereas the By-law requires a third parking space for an accessory apartment to have dimensions of 2.75 m (9.02 ft) x 5.80 m (19.03 ft).

BACKGROUND

Property Description

The 281.50 m² (3,030.04 ft²) subject property is located on the east side of 55 Albert Lewis Street, north of Riverlands Avenue, south of 16th Avenue, and west of Donald Cousens Parkway. The subject property is irregularly shaped which is partly due to the notch that abuts the north-easterly corner of the lot (Appendix “B”), and the angled side lot line which abuts a lane. The property is located in the Cornell community, which is a residential neighbourhood comprised of a mix of low rise housing forms including detached, semi-detached, and townhouse dwellings. Cornell is primarily a lane-based community, in which vehicular access and parking is provided via rear lanes and garages and along public streets. Accessory dwellings in the form of coach houses located above private garages are permitted in some areas of the Cornell community.

Staff conducted a site visit of the subject property on May 10, 2021, and note that construction of the new detached dwelling has commenced. Notwithstanding the start of construction, staff’s assessment of a minor variance application is based on whether the development as proposed meets the four tests under Section 45(1) of the *Planning Act, R.S.O. 1990, c. P.13, as amended*. In the event that the application is denied, the applicant would be required to appropriately address any non-compliances with the By-law for the site.

Proposal

To facilitate the development of one new single detached dwelling with an attached garage and coach house above, the applicant is proposing a reduced side yard setback along the

north side, and a parking pad with a reduced width to meet the requirement of three parking spaces on site.

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.

Zoning By-Law 177-96

The subject property is zoned “Residential Two Exception (R2*190*192*514)” under By-law 177-96, as amended, which permits various low rise housing forms including a single detached dwelling. Amongst other development standards, Exception *190 permits a coach house above a private garage, subject to meeting specific criteria. Exceptions *192 and *514 include other development standards for the subject property. The proposed development does not comply with the By-law with respect to the minimum side yard setback requirement.

Parking By-law 28-97

The proposed development also does not comply with the requirement of the Parking By-law with respect to the minimum size required for an unenclosed parking space.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant has confirmed that a ZPR has not been conducted. However, the applicant has received comments from the building department through their permit process to confirm the variances required for the proposed development.

COMMENTS

Section 45(1) of 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.

Reduced Side Yard Setback

The applicant is requesting a minimum side yard setback of 0.60 m (1.97 ft), whereas the By-law requires a minimum side yard setback of 1.20 m (3.94 ft) and 0.30 m (0.98 ft) for lots with frontages of less than 11.60 m (38.08 ft). This is a reduction of 0.60 m (1.97 ft).

While the new dwelling could be constructed to comply with the side yard setback requirements, it is noted that the requested variance would only apply to a portion of the northerly side wall, and is attributable to a pinch point created by the angled lot line. The majority of the northerly side wall would comply with the required side yard setback, and staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law, and would not adversely impact the pattern of the streetscape established by zoning requirements.

Reduced Parking Width

The applicant is requesting a parking pad with a minimum width of 2.69 m (8.83 ft), whereas the By-law requires a minimum width of 2.75 m (9.02 ft) for unenclosed parking spaces. This is a reduction of 0.06 m (0.20 ft).

To meet the requirement of three parking spaces where an accessory dwelling unit (coach house) is proposed, the applicant is proposing a parking pad adjacent to and north of the private garage and coach house above (Appendix "B"). Approval of this variance would allow for the minimum requirement of three parking spaces to be met. Staff are of the opinion that the proposed reduction to the width of the parking pad would be of minimal impact.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 31, 2021. 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, and are of the opinion that the variances requested meets the four tests of the *Planning Act*. 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 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:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/055/21

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:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/055/21

Appendix B

File: 21.118577.000.00.MNV

Date: 06/04/21
MM/DD/YY

LOT GRADING

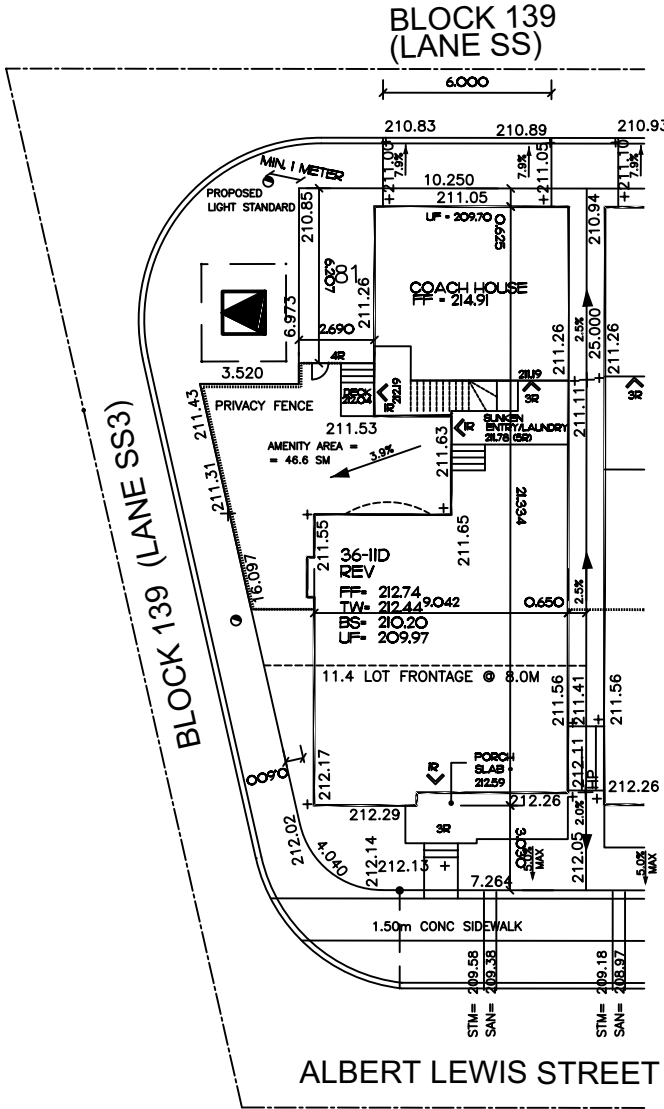


REVIEWED ☐
REVIEWED AS MODIFIED ☐
REVISE AND RE-SUBMIT FOR REVIEW ☐
NOT REVIEWED ☐

This review by the undersigned is for the sole purpose of ascertaining conformance with the general grading concept, but no approval is given or responsibility assumed by the undersigned for correctness of dimensions or details or conformity to zoning by-law, which remain the responsibility of the architect.
Builder to verify lateral elevations prior to digging foundation.

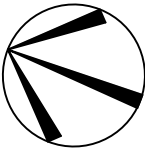
Date _____ By _____

LEGEND	
GM →	GAS METER
FFE	FINISHED FLOOR ELEVATION
TFW	TOP OF FOUNDATION WALL
TBS	TOP OF BASEMENT SLAB
USF	UNDERSIDE FOOTING
USFR(REAR)	UNDERSIDE FOOTING REAR
USFG	UNDERSIDE FOOTING GARAGE
TEF	TOP OF ENGINEERED FILL
R	NUMBER OF RISERS
WOD	WALKOUT DECK
LOB	LOOK OUT BASEMENT
WOB	WALKOUT BASEMENT
REV	REV PLAN
STD	STANDARD PLAN
▷	DOOR LOCATION
⊠	BELL VAULT
⊠	CALBE TV
⊠	CATCH BASIN
⊠	DOUBLE CATCH BASIN
⊠	ENGINEERED FILL
⊠	HYDRANT
⊠	STREET LIGHT
⊠	WATER VALVE
⊠	MAIL BOX
⊠	TRANSFORMER
⊠	WATER CONNECTION
⊠	STORM + SAN. CONNECTION (2 LOTS)
⊠	STORM + SAN. CONNECTION (1 LOT)
⊠	A/C CONDENSER
⊠	ROOF DOWNSPOUT TO SPLASH PAD
⊠	SWALE DIRECTION
⊠	CHAIN LINK FENCE
⊠	PRIVACY FENCE
⊠	SOUND BARRIER
⊠	FOOTING TO BE EXTENDED TO 1.25 (MIN) BELOW GRADE
⊠	MAX 3:1 SLOPE



NOTES:
"DOWNSPOUTS TO DISCHARGE ONTO GROUND VIA SPLASH PAD" ALL DOWNSPOUTS TO BE AT REAR OF UNITS. "BASE CURB ELEVATION TO BE CHECKED VS. GARAGE SLAB ELEVATION TO ENSURE ADEQUATE DRIVEWAY GRADE BEFORE CONSTRUCTING GARAGE" FOR DETAILS OF THE PRIVACY FENCE REFER TO THE DRAWINGS.
BUILDER TO CONFIRM SERVICE CONNECTION INVERTS PRIOR TO CONSTRUCTION
BUILDER TO ENSURE WATER BOX IS ACCESSIBLE AND OPERATIONAL AT ALL TIMES

NOTE:
BUILDER TO VERIFY LOCATION OF ALL HYDRANTS, STREET LIGHTS, TRANSFORMERS AND OTHER SERVICES. IF MIN DIMENSIONS ARE NOT MAINTAINED BUILDER IS TO RELOCATE AT HIS OWN EXPENSE
DRAWN BY: JP
DATE: AUGUST 2020
SCALE: 1 : 250
LOT NUMBER: LOT 81



JAMES PIGGOTT
Residential Design Consultant
3A King Street South, Suite 4
Cookstown Ont. L0L 1L0
(705) 458 8433

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.
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5. OF DIVISION C OF THE
JAMES PIGGOTT 25146
NAME SIGNATURE
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE
JAMES PIGGOTT 34700
FIRM NAME

CLIENT
FOREST HILL HOMES
PROJECT/LOCATION
CORNELL – PHASE 7
MARKHAM, ONTARIO
DRAWING
SITE GRADING PLAN

BUILDING STATISTICS	
REG. PLAN No	65M-4544
ZONE	R2 * 190 * 192
LOT NUMBER	81
No. OF STOREYS	2
MEAN HEIGHT (m)	7.64M

REVISIONS		
NO	DATE	
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-

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Cookstown Ont. L0L 1L0
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2700 Dufferin St. Unit 34
Toronto, Ont. M6B 4J3

DRAWN BY: JP	DATE: APRIL 2021
CHECKED BY:	DATE:
SCALE: 3/16" = 1'-0"	

UNIT TYPE:
36-11 CORNER LOT 81

PROJECT NO.:	DWG NO.:
	A1

FILE NAME:
36-11P corner lot 81.dwg



LATEST DWG

6/12/2020

GFA= 2971 SF EL 'D'

COV= 1804 SF EL 'D'

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REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.3 OF DIVISION C OF THE BUILDING CODE

JAMES PIGGOTT

NAME

25146

BCIN

QUALIFICATIONS INFORMATION

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4 OF DIVISION C OF THE BUILDING CODE

JAMES PIGGOTT

FIRM NAME

34700

BCIN

3	-	-
2	6/12/2020	TOWN OF MARK-HAMS COMMENTS
1	7/10/2020	CAN DESIGN STRUCT COMMENTS
NO	DATE	DESCRIPTION

REVISIONS

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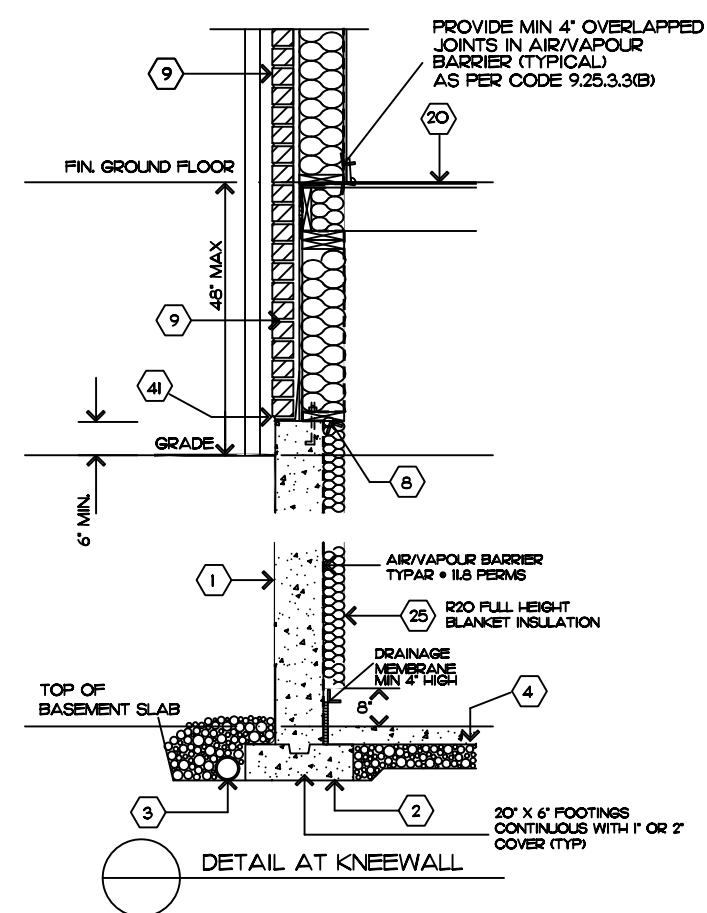
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CHECKED BY:	DATE:
SCALE: 3/16" = 1'-0"	

UNIT TYPE:

36-11 CORNER LOT 81

PROJECT NO.:	DWG NO.:
	A22

FILE NAME:
36-11P corner lot 81.dwg



REVISIONS

REVISIONS

Appendix B

File: 21-118577.000.00.MNV

Date: 06/04/21 MM/DD/YYYY

GENERAL NOTES:
CONTRACTOR WILL CHECK AND VERIFY ALL DIMENSIONS AND CHECK ALL CONDITIONS ON THE JOB BEFORE PROCEEDING WITH WORK. ALL DISCREPANCIES TO BE REPORTED TO THE DESIGN CONSULTANT BEFORE PROCEEDING WITH THE WORK.

LATEST APPROVED DRAWINGS ONLY TO BE USED FOR CONSTRUCTION.
DRAWINGS NOT TO BE SCALED.

James Piggott
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FOREST HILL HOMES

2700 Dufferin St. Unit 34
Toronto, Ont. M6B 4J3

PROJECT CO-ORDINATOR
J PIGGOTT

DRAWN BY: JP	DATE: APRIL 2021
CHECKED BY:	DATE:
SCALE: 3/16" = 1'-0"	

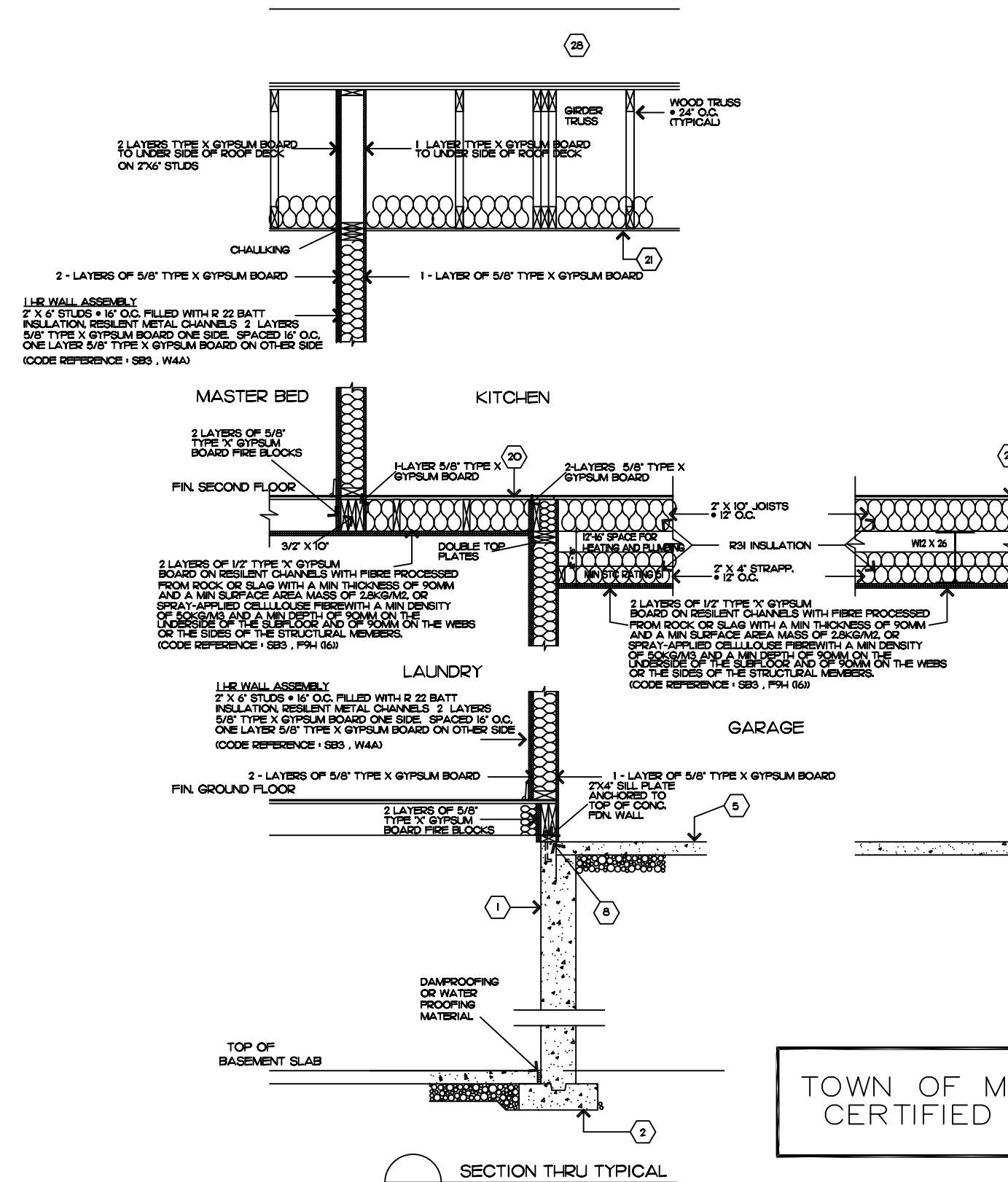
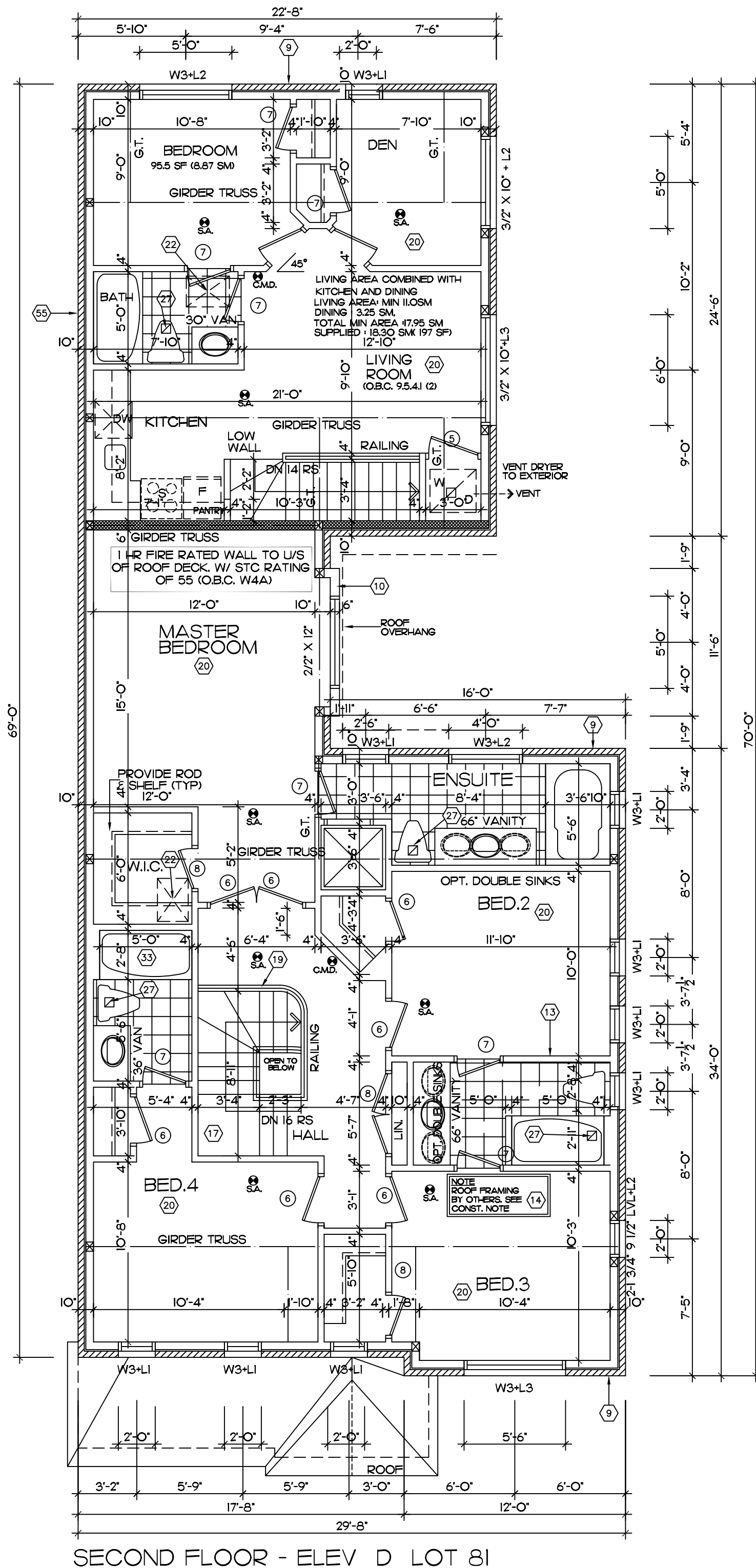
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CORNEL

UNIT TYPE:
36-11 CORNER LOT 81

SHEET NAME:
PLANS

PROJECT NO.:	DWG NO.:
	A3

FILE NAME:
36-11P corner lot 81.dwg



**TOWN OF MARKHAM
CERTIFIED MODEL**

LATEST DWG

6/12/2020

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QUALIFICATIONS INFORMATION
JAMES PIGGOTT 25146 BCIN

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE BUILDING CODE

REGISTRATION INFORMATION
JAMES PIGGOTT 34700 BCIN

3	-	-
2	6/12/2020	TOWN OF MARKHAM COMMENTS
1	7/10/2020	CAN DESIGN STRUCT COMMENTS
NO	DATE	DESCRIPTION

REVISIONS

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DRAWN BY: JP	DATE: APRIL 2021
CHECKED BY:	DATE:
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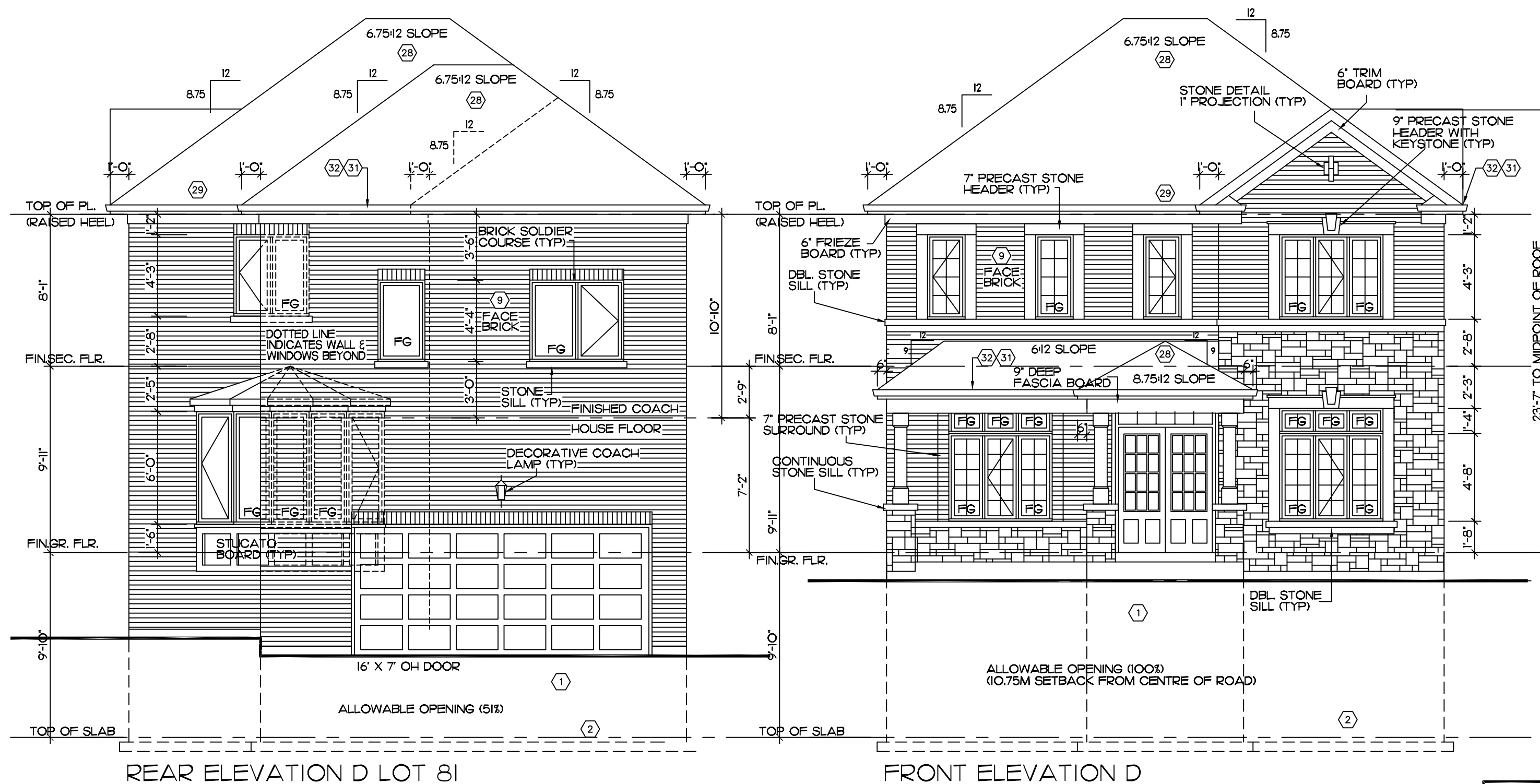
PROJECT NAME:
CORNEL

UNIT TYPE:
36-11 CORNER LOT 81

SHEET NAME:
ELEVATIONS

PROJECT NO.:
A4

FILE NAME:
36-11e corner lot 81 .dwg



TOWN OF MARKHAM
CERTIFIED MODEL

LATEST DWG
6/12/2020

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JAMES PIGGOTT
NAME SIGNATURE 25146 BCIN

REGISTRATION INFORMATION
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE BUILDING CODE

JAMES PIGGOTT
FIRM NAME 34700 BCIN

2	-	-
1	6/12/2020	TOWN OF MARKHAM COMMENTS
NO	DATE	DESCRIPTION

REVISIONS

Appendix B

File: 21-118577-000.00.MW

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PROJECT CO-ORDINATOR
J PIGGOTT

DRAWN BY: JP	DATE: APRIL 2021
CHECKED BY:	DATE:
SCALE: 3/16" = 1'-0"	

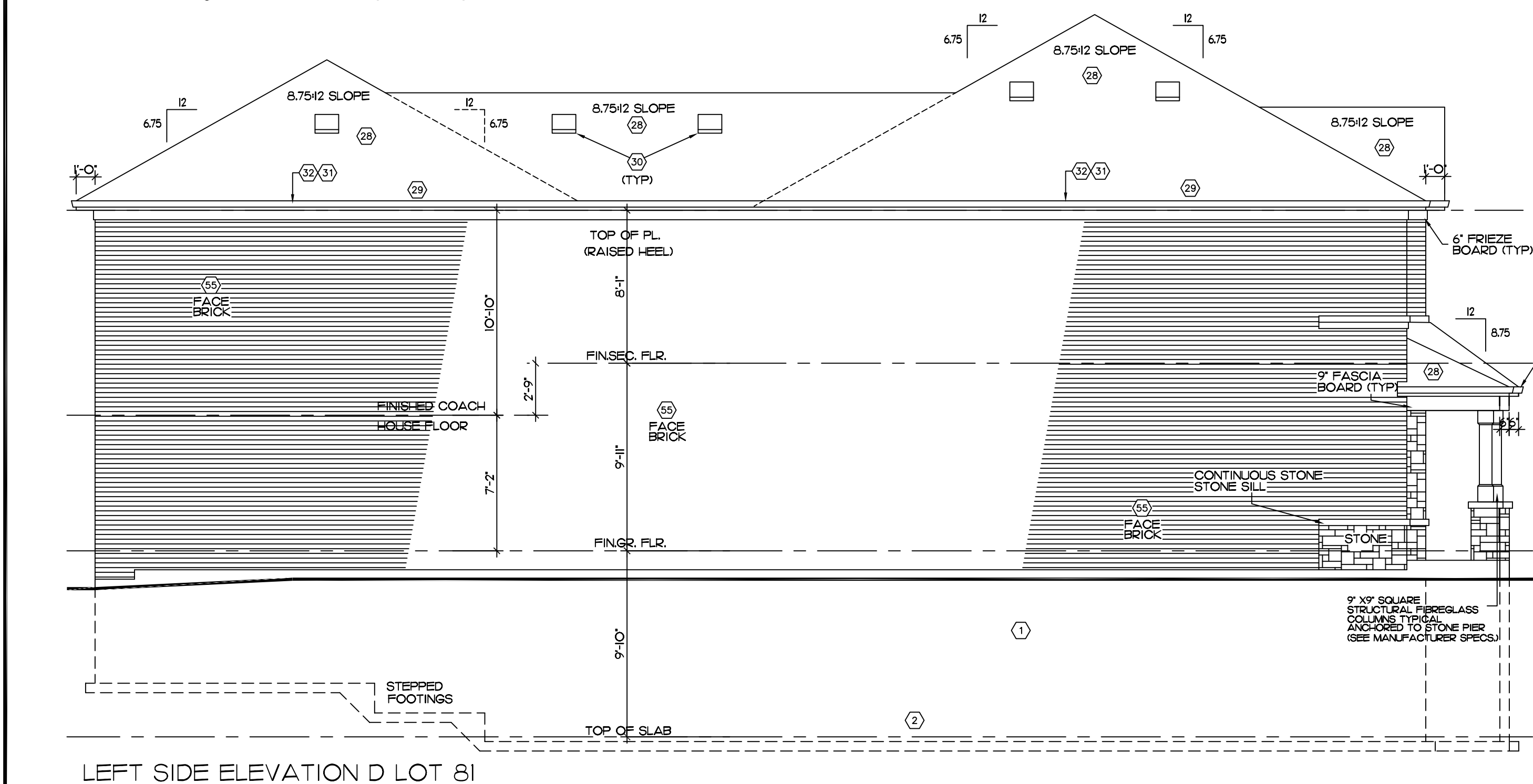
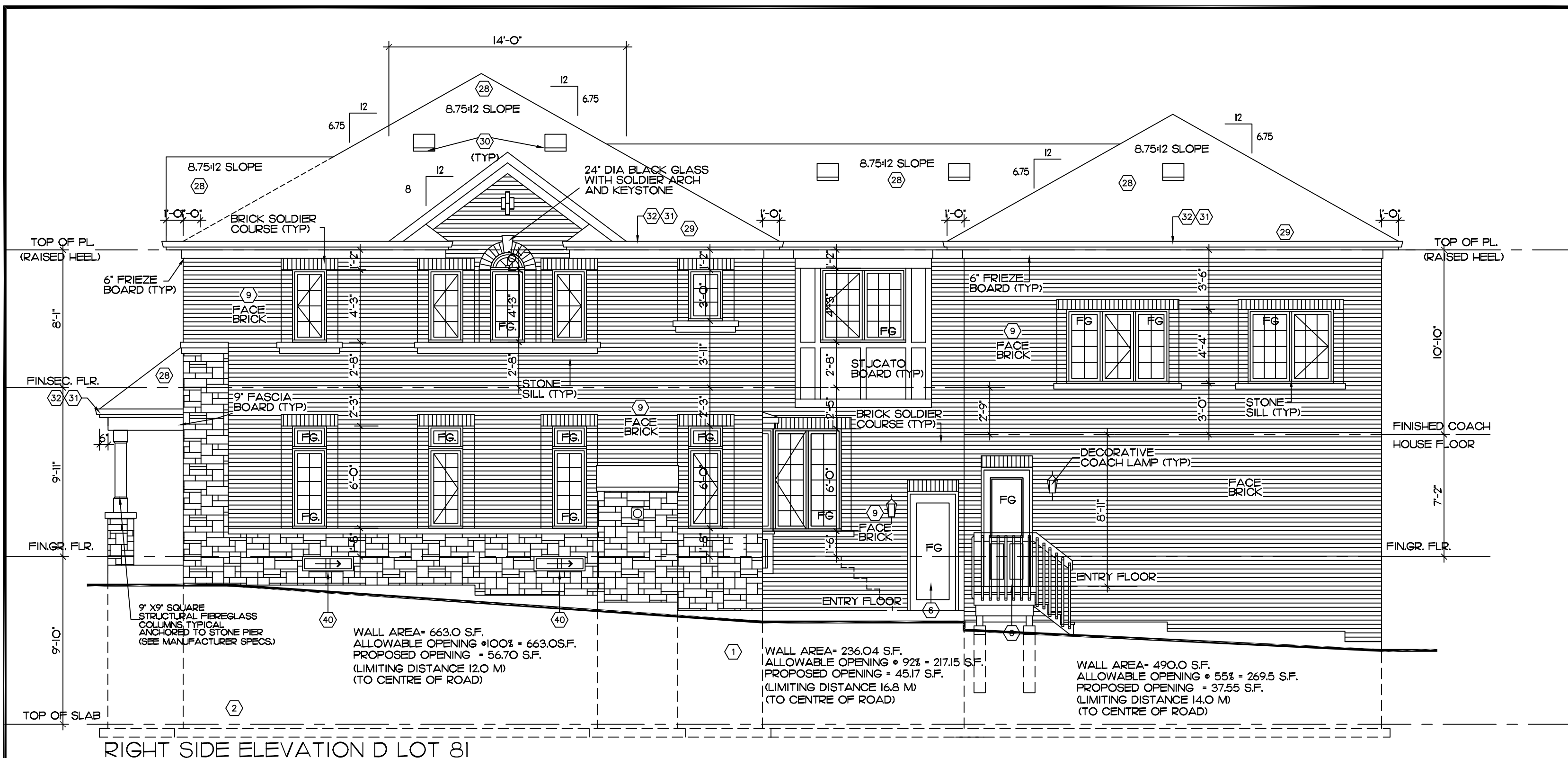
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CORNEL

UNIT TYPE:
36-11 CORNER LOT 81

SHEET NAME:
SIDE ELEVATIONS D

PROJECT NO.:	DWG NO.:
	A5

FILE NAME:
3611e corner lot 81.dwg



**TOWN OF MARKHAM
CERTIFIED MODEL**

LATEST DWG		6/12/2020
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NAME	SIGNATURE	25146 BCIN
REGISTRATION INFORMATION		
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE BUILDING CODE	JAMES PIGGOTT	
BUILDING CODE	FIRM NAME	34700 BCIN
2	-	-
1	6/12/2020	TOWN OF MARKHAM COMMENTS
NO	DATE	DESCRIPTION
REVISIONS		