

# Memorandum to the City of Markham Committee of Adjustment

August 24, 2018

**File:** A/56/18  
**Address:** 209 Donald Sim Avenue, Markham  
**Applicant:** Sanjivkumar Satishchandra Bhatt  
**Agent:** Architheque (Hitesh Khatri)  
**Hearing Date:** Wednesday August 29, 2018

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:

- a) **Section 6.3.1.2:**  
a minimum setback of 5 m between the detached private garage and the main building on the lot, whereas the By-law requires detached private garages and any storey above the first storey of a detached private garage to be set back a minimum of 6 m from the main building on the lot;
- b) **Section 6.3.1.7:**  
a maximum lot coverage of 20 percent for a detached private garage with coach house above, whereas the By-law permits detached private garages to have a maximum lot coverage of 15 percent, if the lot has a frontage of 9.75 m or greater;

as they relate to a proposed coach house addition above an existing detached garage.

## BACKGROUND

### Property Description

The 314.24 m<sup>2</sup> (3382.45 ft<sup>2</sup>) subject property is located on the south side of Donald Sim Avenue, west of Cornell Centre Boulevard within the Cornell community. The property is located within an established residential neighbourhood with a mix of single-detached and semi-detached homes. There is an existing 2-storey detached dwelling on the property with a detached garage, which according to assessment records was constructed in 2015.

### Proposal

The applicant is proposing to construct a one-storey coach house addition above the existing detached garage (See Appendix B) with a staircase on the northerly portion of the garage to access the proposed coach house.

### Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24/17, and further updated on April 9/18)

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. In considering applications for development approval in a 'Residential Low Rise' area, which includes variances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood. 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

The subject property is zoned 'Residential Two Zone' R2\*190\*465 under By-law 177-96 as amended, which permits a range of dwelling types including single-detached dwellings, semi-detached dwellings and, townhouse dwellings. Exception 190 relates to an additional permitted use in the form of one (1) accessory dwelling unit. Exception 465 relates to a porch encroachment into the required setback area between the detached private garage and the main building on the lot provided and is not applicable. The proposed development does not comply with the by-law with respect to the setback between the detached private garage and the main dwelling, and lot coverage.

### **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 "A staircase on the side-yard would compromise the parking space and the only option is to have the stair between the garage and the main building. The garage, by itself has a coverage of ~13%. An increase in the coverage percentage is required to fit in staircase, utilities services and to make the coach house layout functional and usable."

### **Zoning Preliminary Review Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. It is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

### **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 Lot Coverage**

The applicant is requesting relief for a maximum lot coverage of 20 percent, whereas the By-law permits a lot coverage of 15 percent. The proposed addition includes a staircase and space for utilities and services including the Furnace and Heat Recovery Ventilator (HRV), which adds approximately 12.69 m<sup>2</sup> (136.60 ft<sup>2</sup>) to the overall building area. Excluding this, the building with the second storey overhang has a lot coverage of approximately 16 percent. Staff are of the opinion that the increase in lot coverage will not significantly add to the scale and massing of the dwelling.

### **Reduction in Setback**

The applicant is requesting relief to permit a setback of 16.4 ft (5.0 m), whereas the By-law requires detached private garages and any storey above the first storey of a detached private garage to have a minimum setback of 19.6 ft (6.0 m). This represents a reduction of approximately 3.3 ft (1.0 m). The variance is attributed to the proposed addition. The reduction of the proposed rear yard setback, and ultimately private rear yard amenity space is considered to be minor. Staff have no objection to the requested variance.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of August 24<sup>th</sup>, 2018. 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



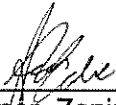
\_\_\_\_\_  
Stacia Muradali, Senior Planner, East District

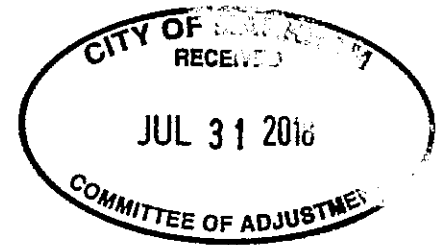
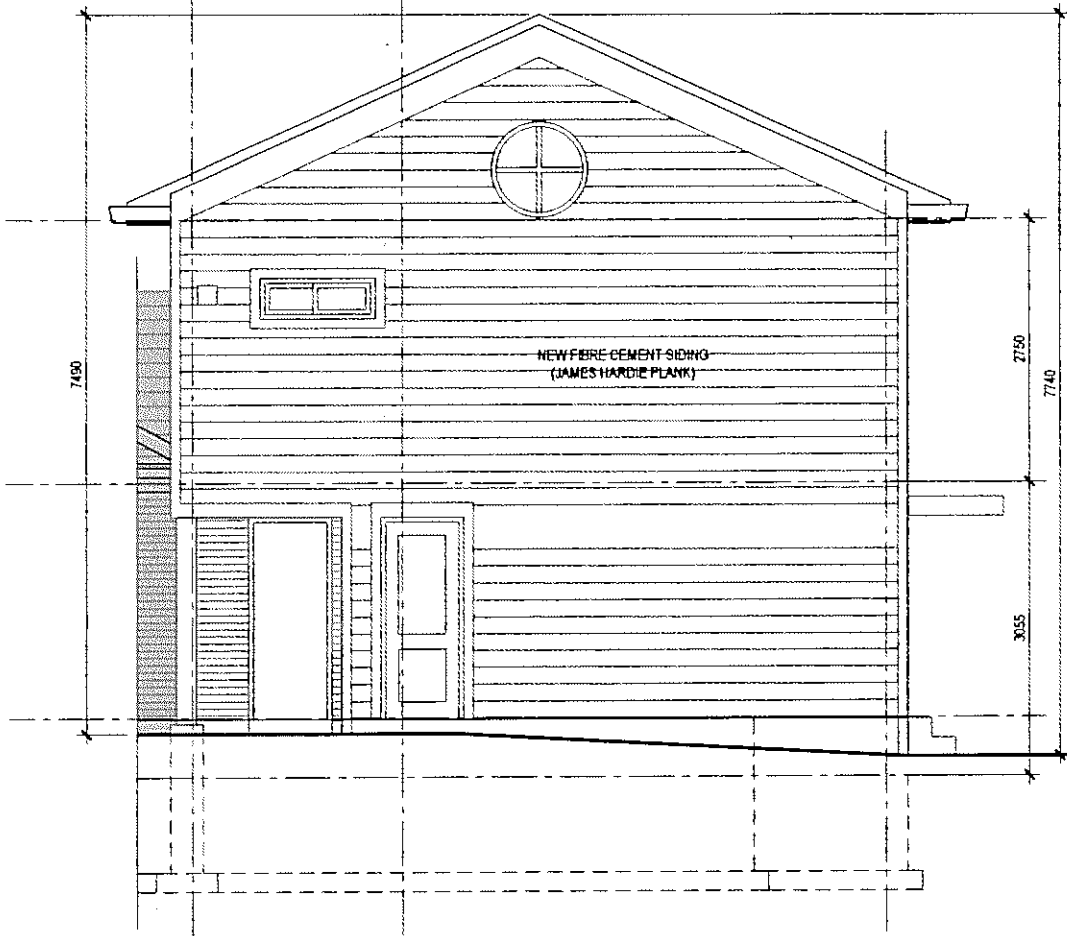
File Path: Amanda\File\ 18 231155 \Documents\District Team Comments Memo

**APPENDIX "A"**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/56/18**

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 B' to this Staff Report and received by the City of Markham on July 31<sup>st</sup> 2018, 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:

  
\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects



1 NORTH ELEVATION  
A-7C 1:50



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COACH HOUSE  
ADDITION OVER GARAGE  
209 DONALD SM AVENUE  
MARKHAM, ON L6B 0Z1

DRAWING TITLE:  
NORTH ELEVATION - BACKYARD SIDE

REVISED AND ISSUED FOR MINOR VARIANCE - A-5618

PROJECT NO. 1715

DRAWN BY: HRK

CHECKED BY: HRK

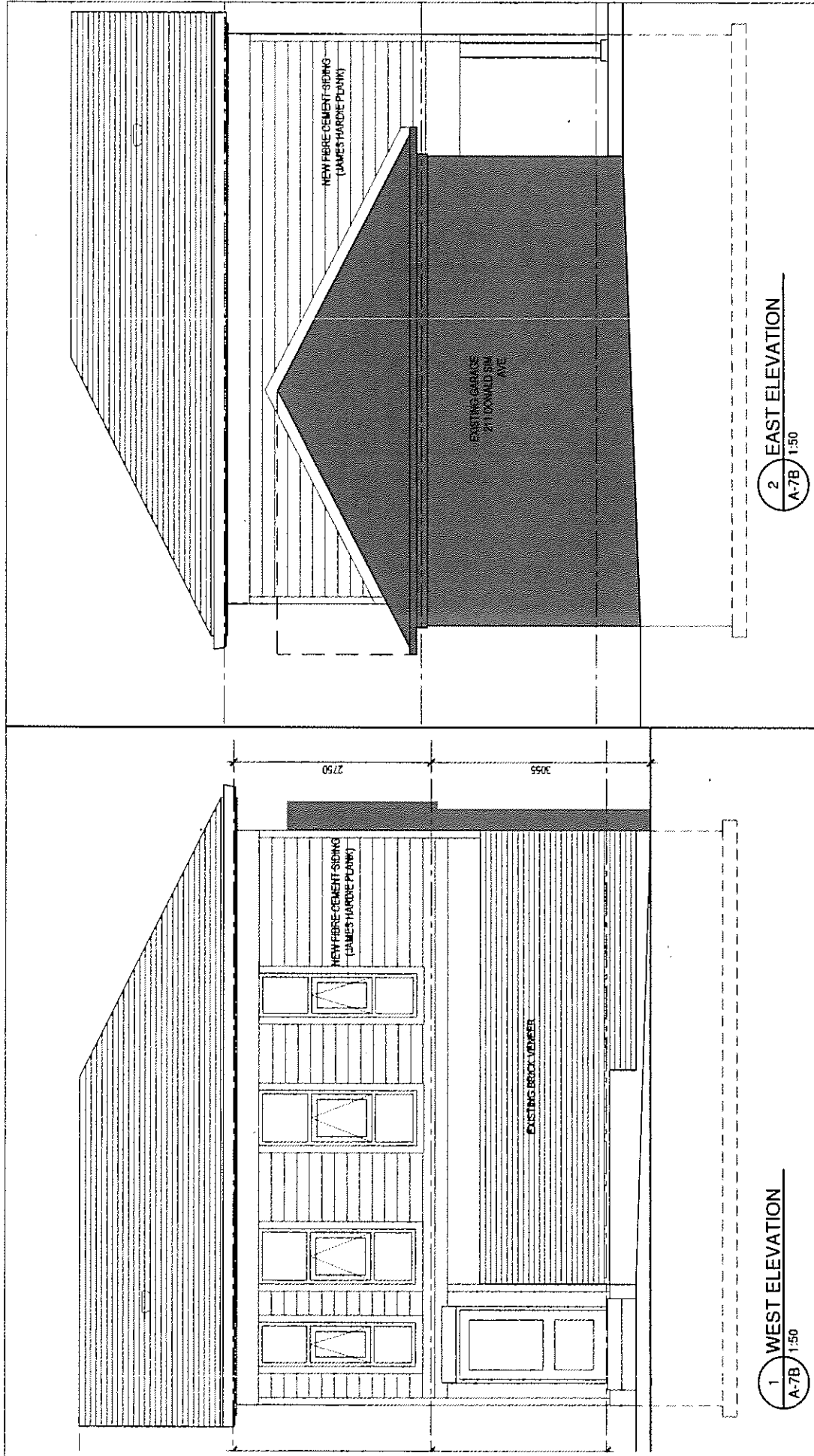
DATE: NOV 2017

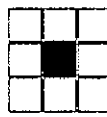

SCALE: 1:50

ISSUE DATE: JULY 27 2018

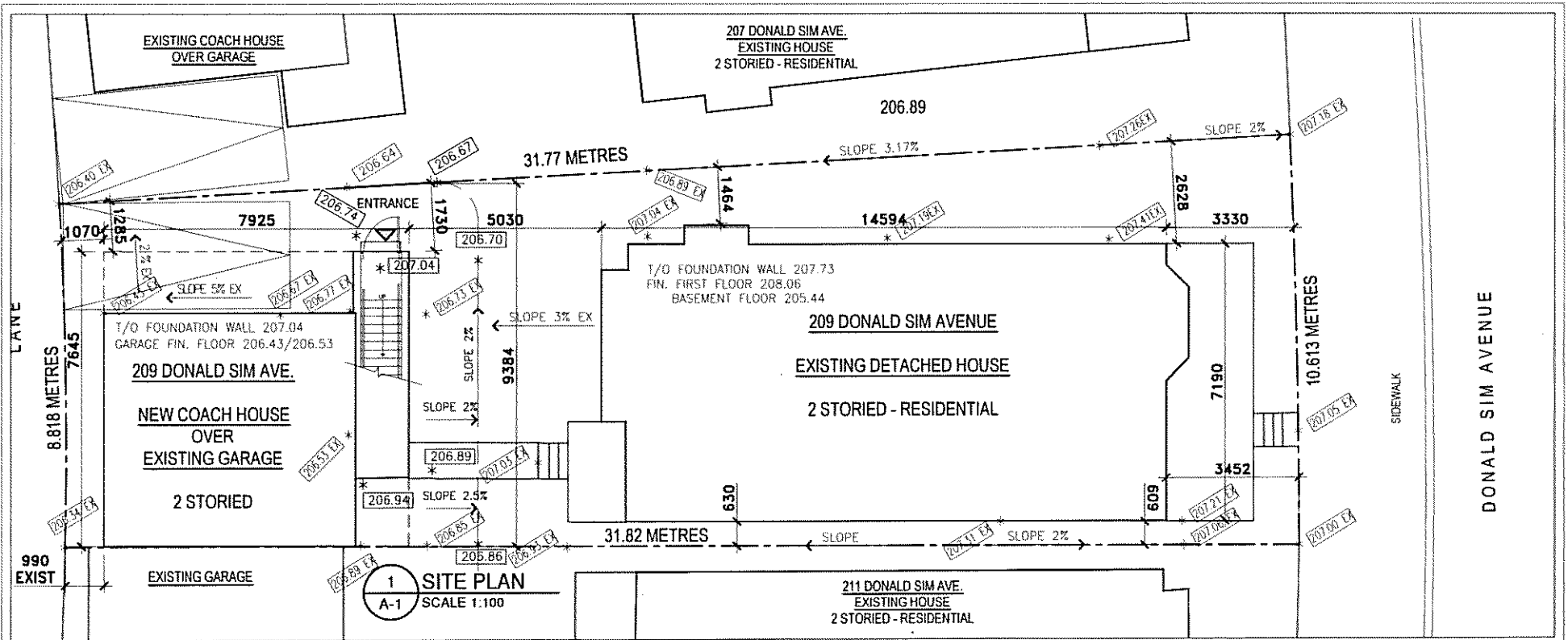
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A-7C



	<b>ARCHITheque</b> Architectural and Interior Design Services 18 Spira Hillway Toronto, Ontario M2H 3A2 Tel (647) 712-1565 architheque@hotmail.com		PROJECT NO. 1715 DRAWN BY: HRK CHECKED BY: HRK	DATE: NOV 2017 SCALE: 1:50
			COACH HOUSE ADDITION OVER GARAGE 208 DONALD SQ AVENUE WARRINGTON ON L9B 0Z1 DRAWING TITLE: WEST AND EAST ELEVATIONS	ISSUE DATE: JULY 27 2018 DRAWING NO. <b>A-7B</b>

REVISED AND ISSUED FOR MINOR VARIANCE - A-5616



1 SITE PLAN  
A-1  
SCALE 1:100

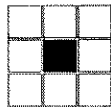
**ZONING INFORMATION**

209 DONALD SIM AVENUE IS ZONED R2\*190\*465 UNDER BY-LAW 177-96 AS AMENDED. THE PROPOSED USE OF COACH HOUSE IS PERMITTED UNDER ADDITIONAL STANDARDS, CORNELL 98Y LAW 2003-257, JULY 8/03)

- IN ADDITIONAL PERMITTED USE, ONE ACCESSORY DWELLING UNIT IS PERMITTED ON A LOT PROVIDED
- IT IS ACCESSORY TO SINGLE DETACHED, SEMI DETACHED OR TOWNHOUSE DWELLING UNIT ON THE SAME LOT,
  - IT IS LOCATED ABOVE A PRIVATE GARAGE IN EITHER THE MAIN BUILDING OR AN ACCESSORY BUILDING ON THE SAME LOT, EXCEPTING THAT STAIRWAY PROVIDING ACCESS TO THE ACCESSORY DWELLING UNIT MAY EXTEND TO GRADE AND,
  - THE REQUIRED PARKING SPACE IS INDEPENDENTLY ACCESSIBLE FROM THE PARKING SPACES OF THE MAIN DWELLING UNIT ON THE LOT
- (ALL THE ABOVE CONDITIONS ARE MET IN THE PROPOSAL)

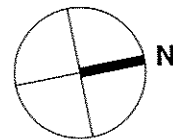
- FURTHER ZONING STANDARD REQUIREMENTS:  
OUTDOOR AMENITY SPACE TO BE PROVIDED AND SHALL BE SUBJECT TO THE FOLLOWING REGULATIONS:
- THE OUTDOOR AMENITY SPACE SHALL HAVE MINIMUM AREA OF 40 M<sup>2</sup> AND MINIMUM DIMENSION OF 7.0M ON ONE SIDE (MET IN THE PROPOSAL 44 M<sup>2</sup> AND 9.35M)
  - NO PART OF THE AMENITY SPACE SHALL BE LOCATED FURTHER THAN 15M FROM REAR LOT LINE (NO CHANGES MADE TO THE EXISTING AMENITY SPACE - COMPLIES)
  - BALCONIES AND ROOFED PORCHES SHALL NOT ENCR OACH IN THE OUTDOOR AMENITY SPACE (COMPLIES)
  - DECK AND ASSOCIATED STAIRS MAY ENCR OACH INTO THE OUTDOOR AMENITY SPACE (COMPLIES)

- FURTHER SPECIFIC ZONE STANDARDS THAT APPLY TO CARPORTS AND PRIVATE GARAGES AND TO THE HABITABLE FLOOR AREA THAT MAY BE LOCATED ABOVE PRIVATE GARAGE:
- MINIMUM SETBACK REQUIRED FROM REAR LOT LINE IS 0.60M (COMPLIES WITH 0.65M)
  - MINIMUM SETBACK REQUIRED FROM INTERIOR SIDE LOT LINE WHERE CARPORT OR PRIVATE GARAGE (WITH OR WITHOUT HABITABLE AREA ABOVE) SHARES A COMMON WALL ON ABUTTING LOT IS TO BE 0.0M (COMPLIES)
  - MINIMUM SETBACK REQUIRED FROM AN INTERIOR OR EXTERIOR SIDE LOT LINE IS 0.30M (COMPLIES WITH 1.285M WHERE NOT SHARING COMMON WALL)
  - MAXIMUM HEIGHT OF THE DETACHED PRIVATE GARAGE IS 8.0M (COMPLIES - HEIGHT LESS THAN 8.0M)
  - EAVES AND ROOF OVERHANGS MAY ENCR OACH INTO ANY REQUIRED SETBACK AREA OR YARD UP TO THE LOT LINE (COMPLIES)



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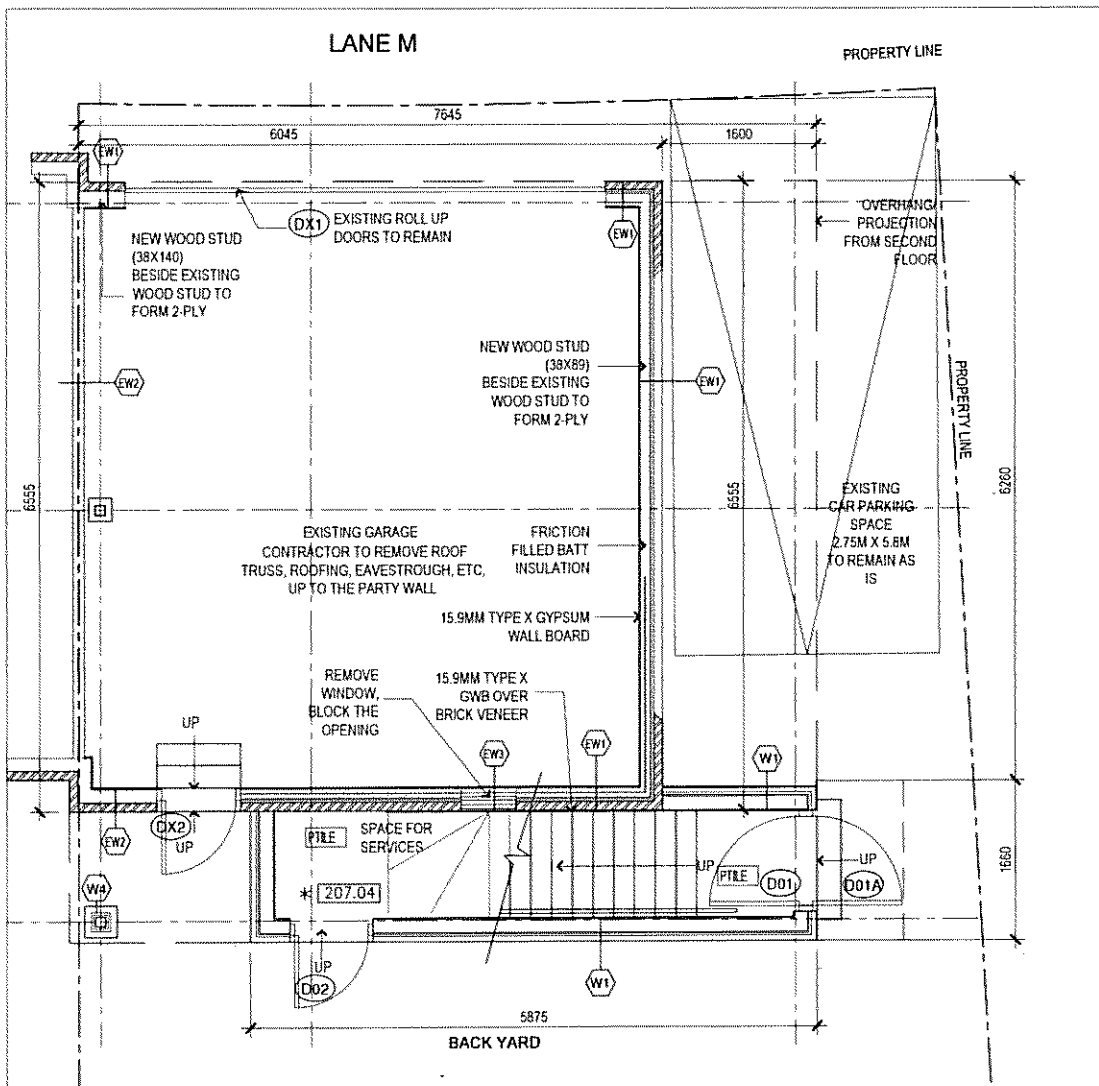
**COACH HOUSE  
ADDITION OVER GARAGE**  
209 DONALD SIM AVENUE  
MARKHAM, ON L6B 0E1  
DRAWING TITLE:  
**SITE PLAN  
ZONING INFORMATION**

REVISED AND ISSUED FOR MINOR VARIANCE - A5618

PROJECT NO. 1715	DATE: NOV 2017
DRAWN BY: ADK	SCALE: 1:100
CHECKED BY: HRK	ISSUE DATE: JULY 27 2019

DRAWING NO.  
**A-1**



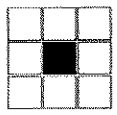


### WALL & PARTITION SCHEDULE

- EW1**
  - EXISTING WALL
  - (BRICK VENEER, AIRSPACE, AV BARRIER, 13MM PLYWOOD, 38X89 WOOD STUDS @ 400MM O C)
  - NEW 38X89 WOOD STUD (TO FORM 2 PLY 38x89)
  - R 22/23 ROXUL COMFORT BATT INSULATION, 6mm VAPOUR BARRIER, CONTRAJOUS, OVERLAP JOINTS AND SEALED
  - 15.9MM TYPE X GYPSUM WALL BOARD
- EW2**
  - EXISTING PARTY WALL
  - 18 MM TYPE X GYPSUM WALL BOARD
  - 38X140 WOOD STUDS @ 610 MM O C / CWR 22/23 ROXUL
  - 18MM TYPE X GYPSUM WALL BOARD
- EW3**
  - 15.9MM TYPE X GYPSUM WALL BOARD
  - 38X89 WOOD STUD (STUD ON THE ENDS FASTENED TO THE EXISTING WALL)
  - SPACE
  - 38X89 WOOD STUD (STUD ON THE ENDS FASTENED TO THE EXISTING WALL)
  - 2 X 15.9MM TYPE X GYPSUM WALL BOARD ON STAIR SIDE
  - (WALL THICKNESS TO MATCH EXISTING ADJACENT)
  - (WALL ASSEMBLY WBA AS PER 5B-2 HAS FRR 1.5 HR AND 52 STC)
- EW4**
  - JAMES HARDIE PLANK (MAKE AND COLOUR TBD)
  - 25 THICK WOOD STRAPPING
  - 25MM CONTRAJOUS RIGID INSULATION
  - DRAINAGE LAYER, ADHESIVE
  - CONTRAJOUS TROVEL BASED AIR BARRIER
  - 13MM DENSGLASS GOLD SHEATHING
  - 38X140 WOOD STUDS @ 400MM O C / CWR 22/23 ROXUL COMFORT BATT INSULATION, 6mm VAPOUR BARRIER, CONTRAJOUS, OVERLAP JOINTS AND SEALED
  - 13MM GYPSUM WALL BOARD
- EW5**
  - 15.9 MM GYPSUM WALL BOARD OVER BRICK VENEER FOR EXTERIOR WALL OPENING INTO FIRST FLOOR OF COACH HOUSE
  - FRR 1 HR AND 48 STC MIN. AS PER CLAY BRICK ASSOCIATION OF CANADA
- W1**
  - 13MM GYPSUM WALL BOARD
  - 38 X 89 WOOD STUDS @ 400MM O C / CWR ECO-TOUCH QUIET ZONE PINK BATT INSULATION FROM OWEN CORNING, 13MM GYPSUM WALL BOARD / 13MM DENS-SHIELD TILE BACKER ON WASHROOM SIDE
- W2**
  - NOT USED
- W2A**
  - NOT USED
- W3**
  - 18 MM TYPE X GYPSUM WALL BOARD
  - RESILIENT METAL CHANNEL AT 406MM O C
  - 6mm VAPOUR BARRIER, CONTRAJOUS, OVERLAP JOINTS AND SEALED
  - 38X140 WOOD STUDS @ 610 MM O C / CWR 22/23 ROXUL COMFORT BATT INSULATION, 18MM TYPE X GYPSUM WALL BOARD, WHERE POSSIBLE
  - (WALL ASSEMBLY W3B FROM TABLE 2, 5B-3, FRR 1 HOUR AND 48 STC)
- W4**
  - STRUCTURAL COLUMN (REFER STRUCTURAL DRAWINGS)
  - SHELF ANGLE WELDED TO STEEL COLUMN
  - 25MM RIGID INSULATION
  - BRICK VENEER
- W5**
  - NOT USED
- P1**
  - 13MM GYPSUM WALL BOARD
  - 38 X 89 WOOD STUDS @ 400MM O C / CWR ECO-TOUCH QUIET ZONE PINK BATT INSULATION FROM OWEN CORNING, 13MM GYPSUM WALL BOARD / 13MM DENS-SHIELD TILE BACKER ON WASHROOM SIDE
- P2**
  - 13MM GYPSUM WALL BOARD
  - 38 X 89 WOOD STUDS @ 400MM O C
  - 13MM GYPSUM WALL BOARD / 13MM DENS-SHIELD TILE BACKER ON WASHROOM SIDE
- P3**
  - 13MM GYPSUM WALL BOARD
  - 38 X 84 WOOD STUDS @ 400MM O C
  - 13MM GYPSUM WALL BOARD / 13MM DENS-SHIELD TILE BACKER ON WASHROOM SIDE
- P4**
  - VOID
  - 38 X 84 WOOD STUDS @ 400MM O C
  - 13MM GYPSUM WALL BOARD / 13MM DENS-SHIELD TILE BACKER ON WASHROOM SIDE

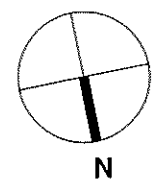
**1** FIRST FLOOR PLAN  
**A-3** SCALE 1:50

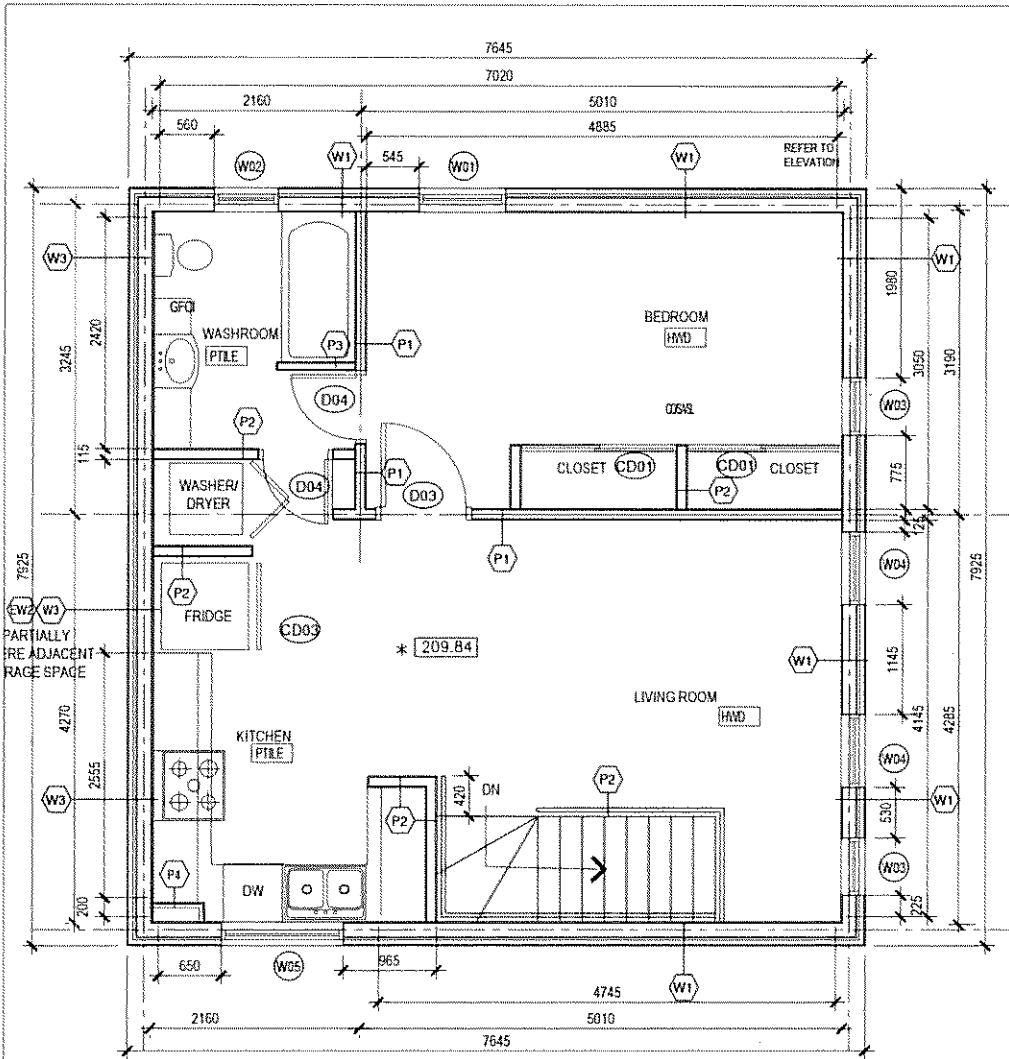
<b>COACH HOUSE</b> ADDITION OVER GARAGE 209 DONALD SIM AVENUE MARKHAM, ON L6B 0Z1 DRAWING TITLE: <b>FIRST FLOOR PLAN</b> SHOWING EXISTING GARAGE AND STAIR TO SECOND FLOOR REVISED AND ISSUED FOR MINOR VARIANCE - A-55/19	PROJECT NO. 1715	DATE: NOV 2017
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	CHECKED BY: HRK	ISSUE DATE: JULY 27 2018
	DRAWING NO.	<b>A-3</b>



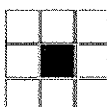
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Tel (647) 712 1565 architheque@hotmail.com



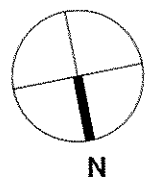


1 SECOND FLOOR PLAN  
A-4 SCALE 1:50



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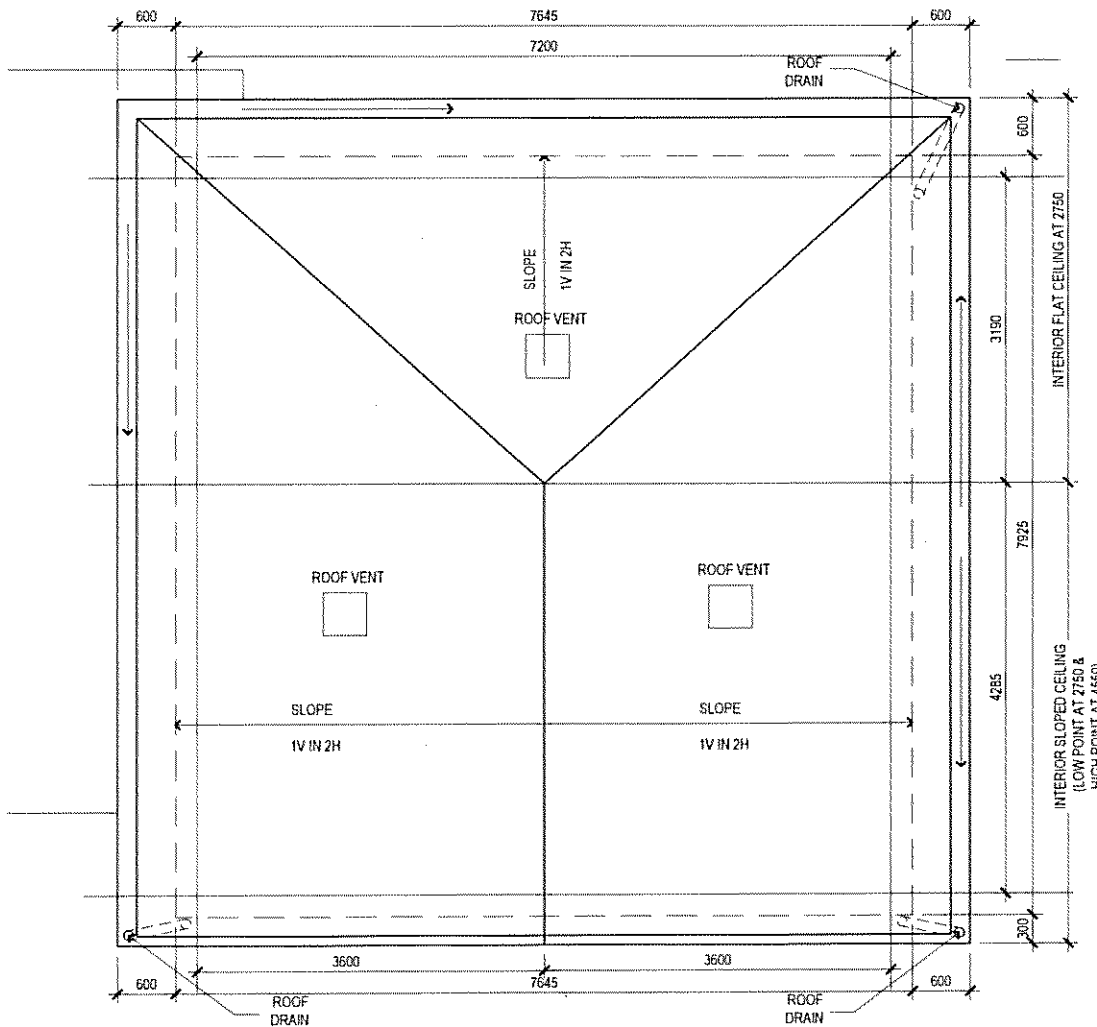
COACH HOUSE  
ADDITION OVER GARAGE  
209 DONALD SIM AVENUE  
MARKHAM, ON L6B 0Z1

PROJECT NO. 1715	DATE: NOV 2017
DRAWN BY: HRK	SCALE: 1:50
CHECKED BY: HRK	ISSUE DATE: JULY 27 2018

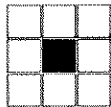
DRAWING TITLE:  
SECOND FLOOR PLAN  
SHOWING PROPOSED COACH HOUSE

DRAWING NO.  
**A-4**

REVISED AND ISSUED FOR MINOR VARIANCE - A5518

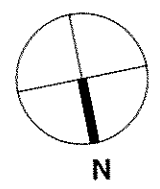


1 ROOF PLAN  
A-6 SCALE 1:50



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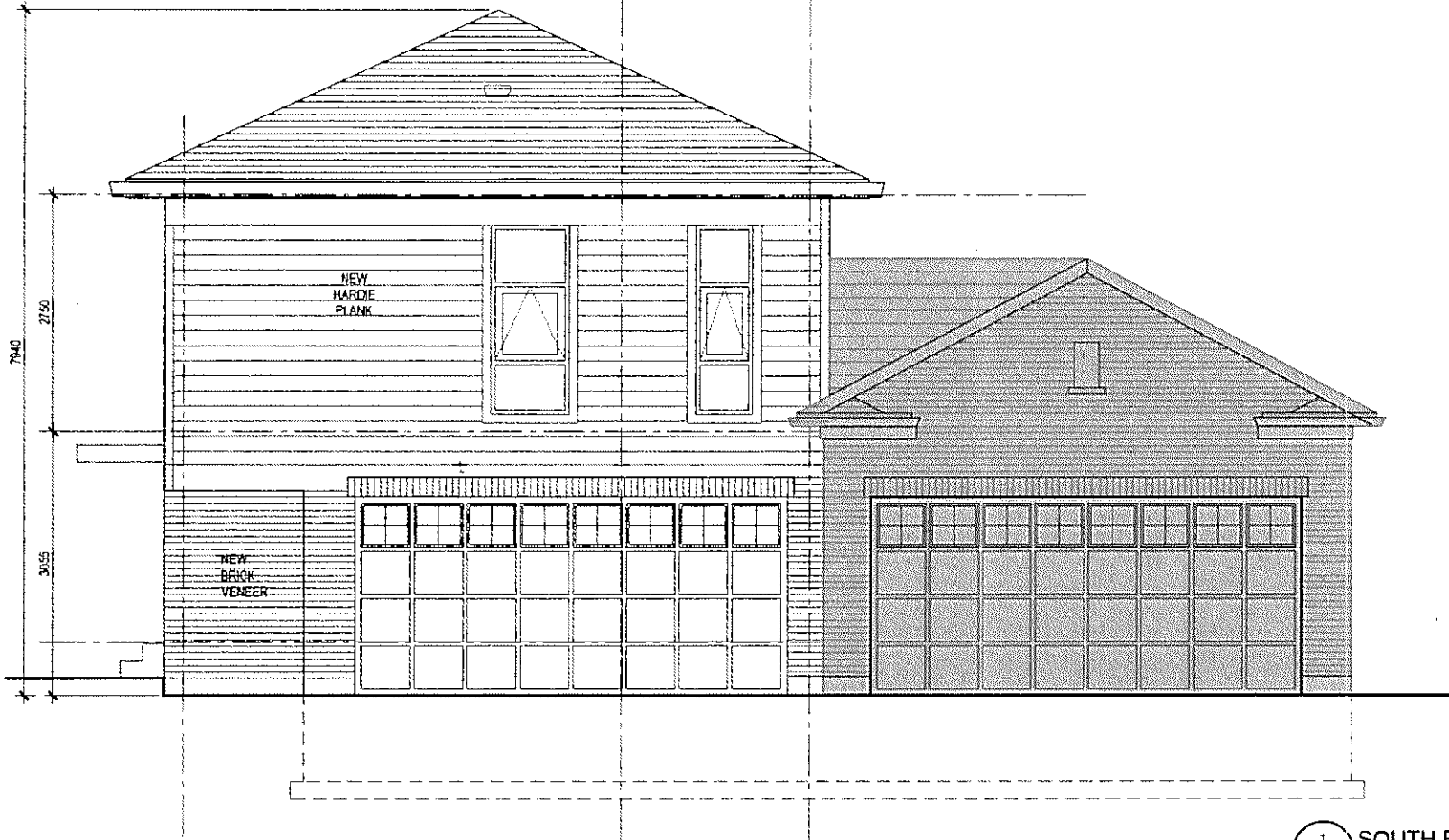
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COACH HOUSE  
ADDITION OVER GARAGE  
299 DONALD SIM AVENUE  
MARKHAM, ON L6B 0Z1  
DRAWING TITLE:  
ROOF PLAN

REVISED AND ISSUED FOR MINOR VARIANCE - A/5/18

PROJECT NO. 1715	DATE: NOV 2017
DRAWN BY: HRK	SCALE: 1:50
CHECKED BY: HRK	ISSUE DATE: JULY 19 2018
DRAWING NO. A-6	



1 SOUTH ELEVATION  
A-7A 1:50



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COACH HOUSE  
ADDITION OVER GARAGE

209 DONALD SIM AVENUE  
MARRHAM ON L6B 0Z1

DRAWING TITLE:  
ELEVATION (FROM LANE M)  
SOUTH ELEVATION

REVISED AND ISSUED FOR MINOR VARIANCE - A-5618

PROJECT NO. 1715  
DRAWN BY: HRK  
CHECKED BY: HRK

DATE: NOV 2017  
SCALE: 1:50  
ISSUE DATE: JULY 27 2018

DRAWING NO.  
A-7A