Memorandum to the City of Markham Committee of Adjustment February 18, 2020

File:	A/011/20
Address:	12 Bittersweet St – Markham, ON
Applicant:	Ho Lim Ng & Alice Cheung
Agent:	Vin Engineering Inc.
Hearing Date:	Wednesday March 04, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the Residential Two Exception (R2*190) Zone requirements of Bylaw 177-96, as amended, as it relates to a proposed coach house over an existing detached garage:

a) <u>Section 6.3.1.2:</u>

To permit a detached private garage and any storey above to be setback a minimum of 5.69 m from the main building, whereas the By-law requires a minimum setback of 6.0 m.

BACKGROUND

Property Description

The 358.40 m² (3,857.79 ft²) subject property is located on the west side of Bittersweet Street, north of White's Hill Avenue, east of Bur Oak Avenue, south of 16th Avenue, and west of Cornell Centre Boulevard. The subject property has a two-storey single detached dwelling with a one-storey detached garage located in the rear of the property, which is accessed by a City owned lane. The property is located within an established residential neighbourhood generally comprised of a mix of two-storey single detached, semi-detached, and townhouse dwellings situated on lane-based properties which provide access to detached private garages. There are several examples where an existing accessory dwelling unit is located above detached and attached private garages within the vicinity of the subject site.

Proposal

The applicant is proposing to construct an accessory dwelling unit over the existing detached garage. The proposed stairs to access the accessory unit encroach into the required 6.0 m setback between the main dwelling and detached garage which is the purpose of the variance application.

Official Plan and Zoning

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

The subject property is designated "Residential Low Rise", which provides for low rise housing forms such as single detached, semi-detached, townhouse dwellings and small multi-plex buildings. It also permits a "coach house" (i.e. a second residential unit) above a garage on a laneway.

Zoning By-Law 177-96

The subject property is zoned Residential Two Exception (R2*190) under By-law 177-96, as amended, which permits low rise housing forms, including single detached dwellings. Exception 190 permits one accessory dwelling unit above a detached or attached private garage, and provides other area specific development standards including building

setbacks. The proposed development does not comply with the minimum setback requirement of 6.0m between the main building and detached private garage.

Applicant's Stated Reason for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is because, *"the by-law requires a minimum setback of 6.0 m, whereas 5.69 m is being proposed".*

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a ZPR on January 22, 2020 to confirm the variance 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 Setback from Main Building

The applicant is requesting a minimum setback of 5.69 m (18.67 ft) for stairs accessing an accessory unit above a detached private garage, whereas the By-law requires a minimum setback of 6.0 m (19.69 ft) between the main dwelling and detached private garage. This is a reduction of 0.31 m (1.02 ft). Staff have no concerns with respect to this requested variance.

There is an existing fence located north of the private garage where a parking space is being proposed. The applicant confirmed that the fence fronting onto the rear laneway will be removed to provide parking access. Staff recommend approval of the application.

Accessory Dwelling Unit

Should this application be approved, the applicant will be required to obtain a building permit which ensures the proposed development will be in compliance with Building Code and Fire Code regulations, and will be required to register the accessory dwelling unit with the Fire Department prior to the occupancy of the unit.

PUBLIC INPUT SUMMARY

No written submissions were received as of February 18, 2020. 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.

APPENDICES Appendix "A" – Conditions List Appendix "B" – Plans

PREPARED BY:

Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:

in

Stephen Corr, Senior Planner, East District

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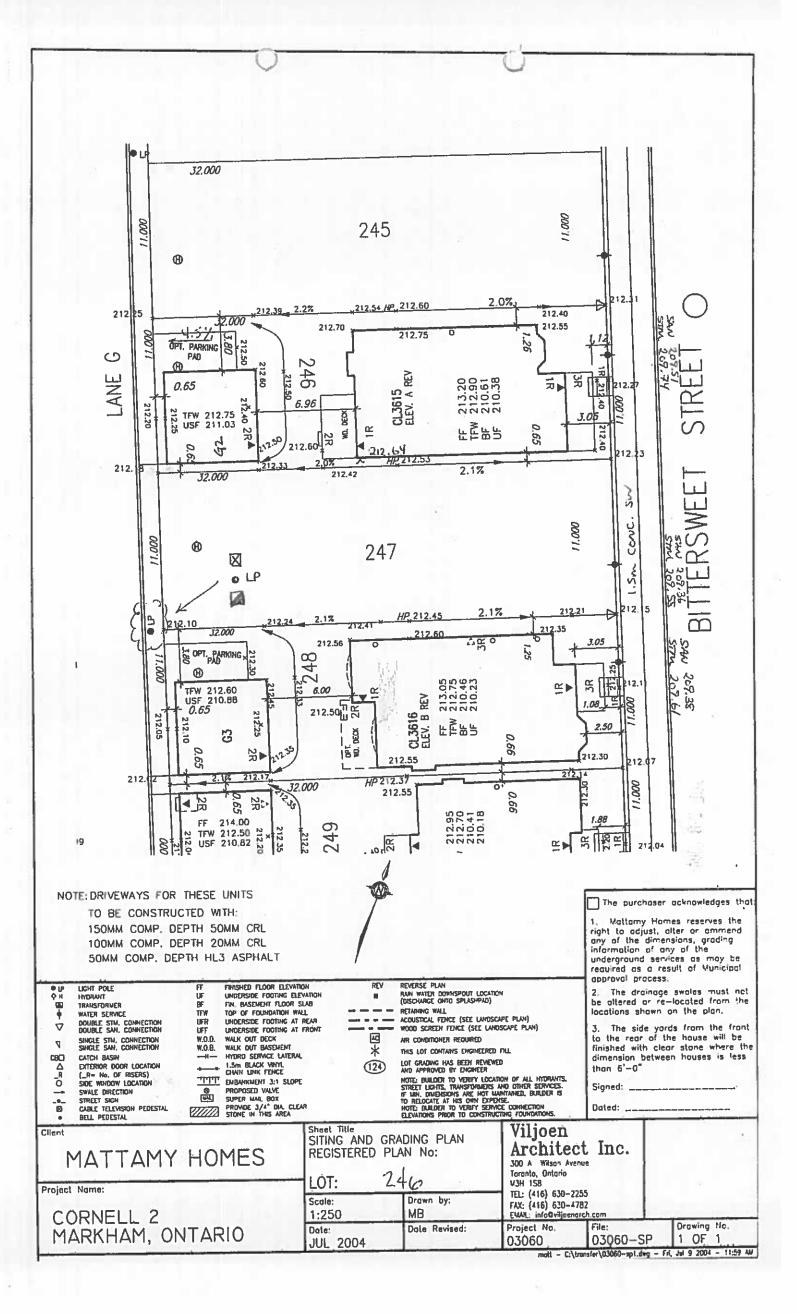
APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/011/20

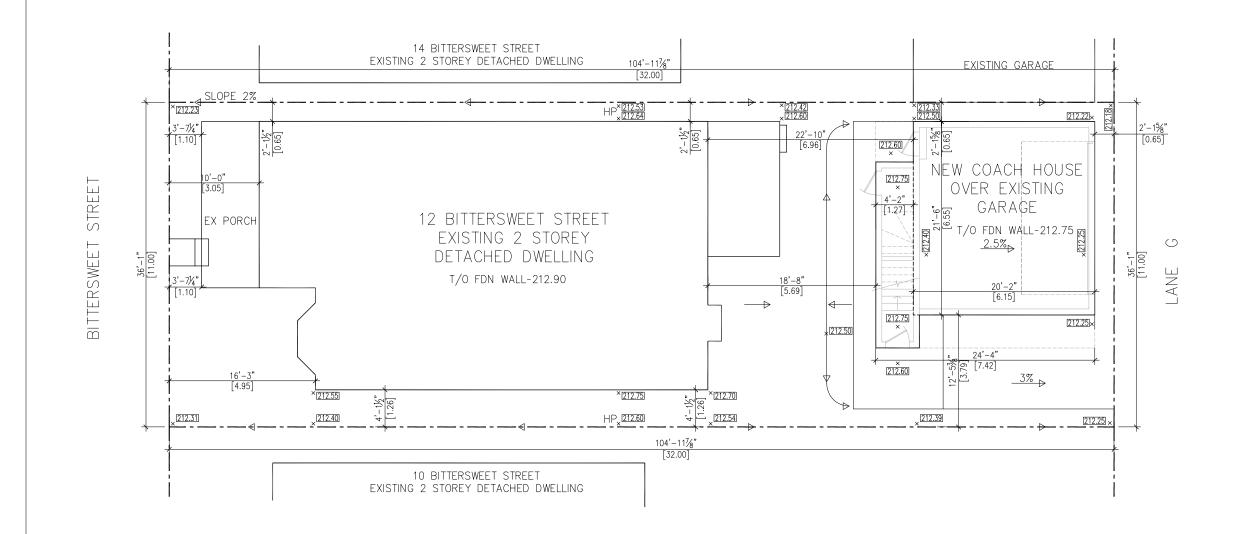
- 1. The variances apply only to the proposed development as long as it remains.
- 2. That the variances apply only to the subject development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report and received by the City of Markham on January 27, 2020, and that the 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:

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B" PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/011/20





ZONING INFORMATION:	SITE STATATICS:
12 BITTERSWEET STREET IS ZONED R2*190 UNDER BY-LAW 177-96 AS	LOT AREA : 351.95 SM
AMENDED. THE PROPOSED USE OF COACH HOUSE IS PERMITTED UNDER SECTION 7 : EXCEPTIONS.	LOT FRONTAGE : 11.00 M
IN ADDITIONAL PERMITTED USE (7.5.1), ONE ACCESSORY DWELLING UNIT IS	PRINCIPAL HOUSE (GFA)
PERMITTED ON A LOT PROVIDED THAT	LEVEL 1 : 129.89 SM
	LEVEL 2 : 127.74 SM
 IT IS ACCESSORY TO SINGLE DETACHED, SEMI DETACHED OR TOWNHOUSE DWELLING UNIT ON THE SAME LOT, 	TOTAL : 257.63 SM
– IT IS LOCATED ABOVE A PRIVATE GARAGE IN EITHER THE MAIN BUILDING	COACH HOUSE (GFA)
OR AN ACCESSORY BUILDING ON THE SAME LOT, EXCEPTING THAT	LEVEL 1 : 08.23 SM
STAIRWAY PROVIDING ACCESS TO THE ACCESSORY DWELLING UNIT MAY	LEVEL 2 : 56.89 SM
EXTEND DOWN TO GRADE; AND,	TOTAL : 65.12 SM
- THE REQUIRED PARKING SPACE IS INDEPENDENTLY ACCESSIBLE FROM THE PARKING SPACES OF THE MAIN DWELLING UNIT ON THE LOT.	
THE FARMING SPACES OF THE MAIN DWELLING UNIT ON THE LOT.	LOT COVERAGE (%)
	PRINCIPAL HOUSE : 36.91 %
	COACH HOUSE : 16.16 % TOTAL : 53.07 %
(ALL THE ABOVE CONDITIONS ARE MET IN THE PROPOSAL.)	IUTAL . 33.07 %

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SITE PLAN			\-01
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GENERAL NOTES:

(UNLESS OTHERWISE NOTED)

- 1. ALL CONSTRUCTION TO BE IN ACCORADANCE WITH THE ONTARIO BUILDING CODE (REGULATION 3321/12 AS AMENDED, EFFECTIVE 2014) MUNICIPAL BY-LAWS PLANS AND SPECIFICATIONS.
- 2. CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE OWNERS REPRESENTATIVE PRIOR TO PROCEEDING WITH RELATED WORK.
- THE CONTRACTOR SHALL GET ALL PROPOSED FINISH MATERIALS APPROVED BY .3. THE OWNER IN WRITING PRIOR TO USE.
- 4. CONTRACTOR SHALL PROVIDE SHOP DRAWINGS AND ANY OTHER DOCUMENTATION REQUIRED FOR APPROVAL BY OWNER/OWNER'S REPRESENTATIVE PRIOR TO COMMENCING WITH RELATED CONSTRUCTION.
- MAINTAIN ALL EXISTING CONDITIONS WHICH ARE DESIGNATED TO REMAIN AND PROVIDE THE NECESSARY PROTECTION DUE TO CONSTRUCTION OR INCLEMENT WEATHER DURING CONSTRUCTION.
- CONTRACTOR SHALL REFER TO THE NOTES ON MECHANICAL, ELECTIRCAL PLUMBING AND STRUCTURAL DRAWINGS.
- CONTRACTOR SHALL READ ARCHITECTURAL DRAWINGS AND SPECIFICATIONS IN 7. CONJUNCTION WITH ALL STRUCTURAL MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS. IN CASE OF ANY DISCREPANCIES REPORT TO OWNER OR OWNER'S REPRESENTATIVE BEFORE PROCEEDING WITH THE CONSTRUCTION WORK.

OI SITE WORK

- RAIN WATER LEADERS TO BE BROUGHT DOWN TO GRADE AND EXTENDED 1. HORIZONTALLY 1200MM MINIMUM TO 400 x 400 x 50 THICK PRECAST CONCRETE SPLASH PADS AT EACH LOCATION. SPLASH PADS SET TO DRAIN AWAY FROM FOUNDTAION. ALTERANATELY DRAIN ALL RAIN WATER LEADERS TO APPROVED DRY WELL AS INSTRUCTED BY AUTHORITIES HAVING JURISDICTION
- 2. PROTECT ALL EXISTING TREES AND SHRUBS WITH SOLID HORDING SPACED AROUND ENTIRE TREE TRUNK. DO NOT CUT TRIM OR PRUNE ANY PLANTS LOCATED ON MUNICIPAL PROPERTY EXCEPT AS DIRECTED IN WRITING BY AUTHORITIES HAVING JURISDICTION.

(02) EXCAVATION AND BACKFILLING AND LOT GRADING

- 1. EXCAVATION TO BE UNDERTAKEN IN SUCH A MANNER AS TO PREVENT DAMAGE TO EXISTING STRUCTURES, ADJACENT PROPERTIES AND UTILITIES.
- 2. TOPSOIL AND ORGANIC MATERIAL IN AREAS UNDER PROPOSED CONSTUCTION AND SHALL BE REPLACED WITH APPROVED GRANULAR MATERIAL OR PRE ENGINEERED FILL.
- 3. REFER TO STRUCTURAL DRAWINGS NOTES FOR FURTHER NOTES ON EXCAVATION AND BACKFILLING.
- 4. THE LOT GRADING SHALL BE AS PER THE LEVELS SHOWN ON THE SITE PLAN DRAWING, ENSURING DRAINAGE OF THE SITE. SODDING AND PAVING TO BE AS PER SITE PLAN.

O3 DAMP PROOFING AND DRAINAGE

- 1. ALL EXTERIOR SURFACES OF ALL EXTERIOR WALL ENCLOSING OCCUPIED SPACE AND CRAWL SPACES TO BE DAMP PROOFED.
- 2. MASONRY FOUNDATION WALLS TO BE PARGED WITH 6MM CEMENT MORTAR AND BEVELED OVER TOP OF FOOTINGS.
- 3. PROVIDE 100MM DIAMETER WEEPING TILE OF PERFORATED PLASTIC COVERED C/W SEDIMENT SLEEVE. LAY WEEPERS LEVEL AND FLAT ON UNDISTURBED SOIL MATCHING ELEVATION OF EXISTING WEEPING TILE ADJACENT TO EXISTING OR NEW FOOTINGS. CONNECT NEW WEEPING TILE TO EXISTING WITH TRANSITION SLEEVES.
- 4. WEEPERS TO BE COVERD WITH MINIMUM DEPTH OF 300MM WITH 19MM CLEAR CRUSHED LIMESTONES.
- SITE GRADING TO SLOPE AWAY FROM BUILDING AND NOT ADVERSELY 5. EFFECT ADJACENT PROPERTIES. ALL ADJACENT DRAINAGE PATTERNS TO AND FROM OTHER PROPERTIES TO BE MAINTAINED.

FOOTING AND FOUNDATIONS

- 1. ALL FOOTINGS AND FOUNDATIONS SHALL BE AS PER STRUCTURAL DRAWINGS AND NOTES.
- 2. DAMP PROOFING OF 2 COATS BITUMINOUS EMULSION SHALL BE APPLIED TO EXTERIOR OF ALL FOUNDATIONS WALLS BELOW GRADE. DAMP PROOFING TO EXTEND MINIMUM 150MM ABOVE FINISHED GRADE.
- 3. A DRAINAGE LAYER CONSISTING OF 19MM THICK HIGH DENSITY MINERAL FIBER INSULATION SHALL BE PLACED ON EXTERIOR FACE OF FOUNDATION WALLS EXTENDING FROM TOP OF FOOTINGS TO 150MM ABOVE FINISHED GRADE
- 4. CONCRETE SLABS ON GRADE TO BE PLACE ON MINIMUM 150MM GRANULAR BASE COMPECTED TO 95% MODIFIED PROCTER DENSITY AND SET ON UNDISTURBED SOIL WITH COMPRESIVE STRENGTH OF 120Pa.
- 5. INSIDE FACE OF CONCRETE FOUNATION WALLS TO BE COVERED WITH #15 BITUMINOUS IMPREGNATED PAPER WHERE IN CONTACT WITH WOOD FRAMING MEMBERS.

05 WOOD FRAME CONSTRUCTION

- 1. ALL LUMBER TO BE NO 1 STRUCTURAL AND IDENTIFIED AS SUCH WITH APPROVING BODY STAMP. ALL PRE-ENGINEERED MEMBERS TO BE APPROVED BY A CERTIFIED PROFESSIONAL ENGINEER.
- MOISTURE CONTENT FOR IN FRAMING MAXIMUM 19%.
- WOOD MEMBERS IN CONTACT WITH CONCRETE OR MASONRY TO BE SET 3. ON 6 MIL POLYVINYL BARRIER.
- 4. ALL EXTERIOR WOOD FRAMING SHALL BE AS SHOWN ON THE DRAWINGS, AND TO A MINIMUM OF 13MM PLYWOOD/DENSGLASS GOLD SHEATHING ON 38x140MM STUD WALLS AT 400 C/C.
- ALL INTERIORS STUD WALLS TO BE AS SHOWN ON THE DRAWINGS, AND TO A MINIMUM OF 13MM GYPSUM WALL BOARD ON BOTH SIDE OF 38x89MM WOOD STUDS AT 400MM O.C. UNLESS OTHERWISE NOTED.
- PROVIDE CONTINUOUS 38MM BOTTOM PLATE AND DOUBLE TOP PLATE, 6. 2x38MM, AT ALL STUD WALL CONSTRUCTION.
- 7. ALL FLOOR JOIST SPACED AS IDENTIFIED ON DRAWINGS AND HAVE 40MM END BEARING.
- JOIST TO NAILED TO CONTINUOUS SILL PLATE SET TO FOUNDTATION WITH 13MM DIA. GALVANIZED 150MM LONG THREADED ANCHOR BOLTS FIXED WITH 38MM WASHER AND NUT AT 125MM SPACING.
- 9. DOUBLE ALL HEADER AND TRIMMER JOIST.
- 10. DOUBLE ALL JOIST UNDER NON-LOAD BEARING WALLS.
- 11. PROVIDE 25x25 CROSS BRACING AT 125MM C/C BETWEEN ALL CONVENTIONAL WOOD JOIST.
- 12. ALL CONVENTIONAL HIP AND VALLEY RAFTERS TO BE 38MM DEEPER THAN SUPPORTED RAFTER DEPTHS.
- 13. PROVIDE 38 X 64 COLLAR TIES TOGETHER.
- 14. ALL ROOF SHEATHING TO BE MINIMUM 13MM THICK WITH-CLIPS AT 305MM SPACING ON UNSUPPORTED EDGES.
- 15. HOLES REQUIRED IN JOIST TO BE PLACED ALONG THE MIDDLE OF JOIST DEPTH AND NO GREATER THAN $1\!\!\!/_4$ THE JOISTDEPTH IN SIZE. NO NOTCHES OF HOLES TO BE MADE IN JOIST WITHIN 400MM OF JOIST ENDS.
- 16. HOLES IN STUD WALLS TO BE NO GREATER THAN 38MM PLACED IN CENTRE OF STUD.
- 17. ENGINEERED ROOF TRUSSES AND OTHER MEMBERS CAN BE CUT, DRILLED ON NOTCHES ONLY AS DIRECTED BY THE PROFESSIONAL ENGINEER THAT CERTIFIED SUCH TRUSSES.
- 18. ROOFING SHEATHING TO BE FASTENED WITH APPROVED ROOFING NAILS 38MM DEEP AT 305MM O.C. AND AT 150MM O.C. ON LONG EDGES.

06 THERMAL AND MOISTURE PROTECTION

- 1. ALL ASPHALT SHINGLES TO BE MINIMUM 240# WEIGHT
- 2. ALL ROOF SHINGLES TO BE FASTENED WITH MINIMUI NAILSPER SHINGLE.
- EVAES PROTECTION COMMENCING ALONG EVAES THROUGH 3. TYPE M OR ROLL ROOFING SHALL EXTEND A MINIMUM ROOF FROM INSIDE FACE OF EXTERIOR WALLS. EV SHALL BE LAID WITH A MINIMUM 100MM HEAD CEMENTED TOGETHERR WITH APPROVED SEALANT OR SEALING COMPOSITE SHEATHING.
- 4. VALLEYS TO BE PROVIDED TWO LAYERS OF APPROVED AND VLLEY FLASHING TO BE MINIMUM 610MM WID SHEET METAL
- 5 PROVIDE PRE-FINISHED STEP FLASHING AND COUNTE INTERSECTION OF SHINGLED ROOFS WITH VERTICAL WALL OTHERWISE.
- SHEET METAL FLASHING SHALL CONSIST OF 12GA PRE-6. FLASHING OR 2 OZ COPPER FABRIC FLASHING WHERE N
- ENERGY EFFICIENCY OF DWELLING AS PER ZONE1 THERMAL PERFORMANCE REQUIREMENTS FOR HEATING AFUE OF 90% MINIMUM.
- 8. MINIMUM THERMAL INSULATION LEVELS FOR THERMAL ENVELOPS AS PER COMPLIANCE PACKAGE - TABLE 3 SB-12 AND AS FOLLOWS. R50
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- EXTERIOR WALLS
- EXPOSED FLOOR WINDOWS AND GLASS DOOR U-VALUE
- SPACE HEATING EQUIPMENT ٠
 - MIN. AUFE 94% HEAT RECOVERY VENTILATOR MIN. SRE 70%

R31

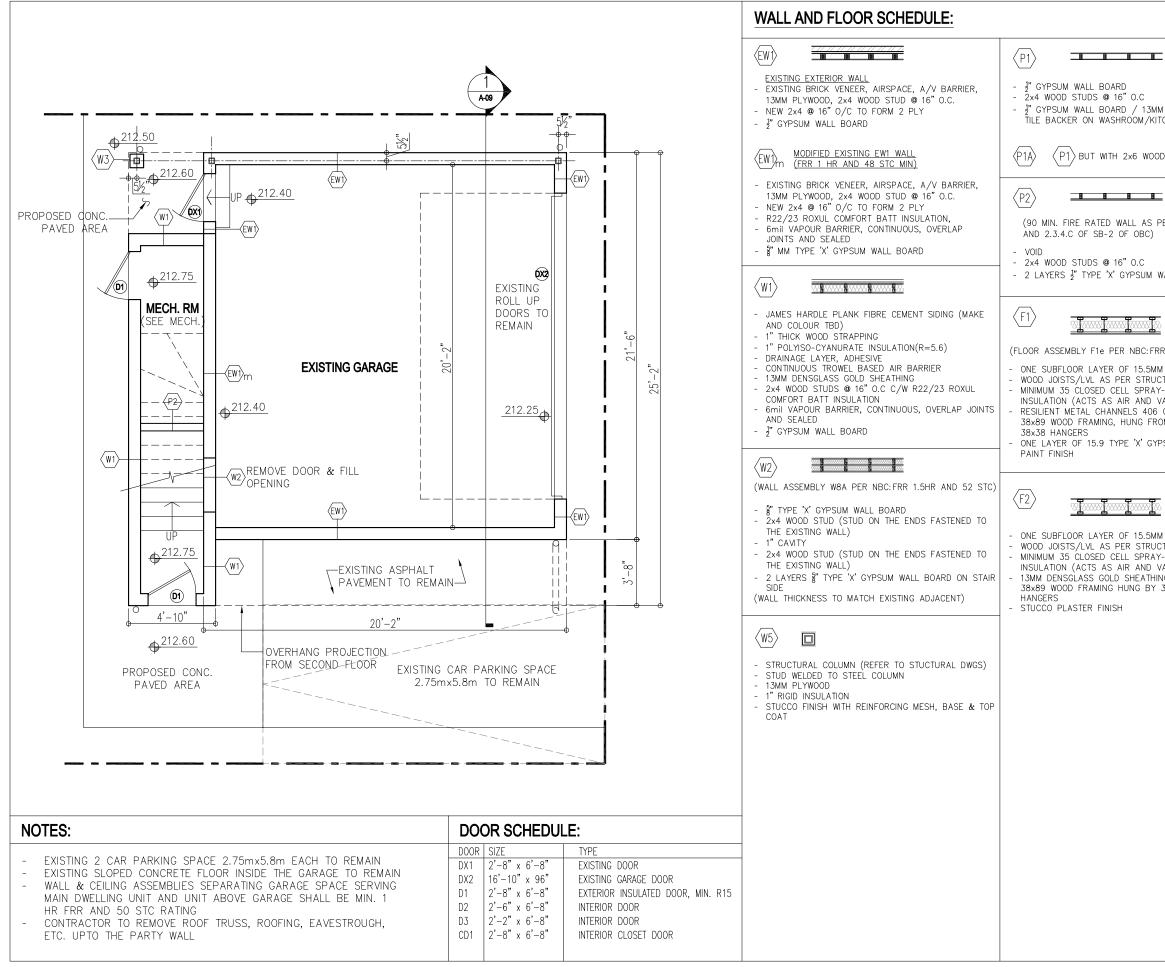
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- DOMESTIC WATER HEATER MIN FF 0.80
- 9. ALL INSULATION TO BE PROTECTED WITH MINIMUM 13M WALL BOARD.
- 10. DUCTS PASSING THROUGH UNHEATED SPACE SHALL BE WITH DUCT TAPE AND/OR SEALANT.
- 11. CAULK ALL EXTERIOR WALLS AT FRAMES OF DOORS, WIN OPENINGS, VENTS, LOUVERS AND OUTLETS.
- 12. WEATHER STRIP ALL EXTERIOR DOORS, DOORS TO WINDOWS AND ATTIC ACCESS HATCH.
- 13. WALLS AND CEILING OF GARAGE SHALL BE CLAD WITH 13MM EXTERIOR GRADE PLYWOOD OR GYPSUM BOARD WITH EDGES OF OUTER LAYER LAPPED OVER INNER 300MM.
- 14. ALL JOINTS IN GYPSUM BOARD PROVIDING GAS PROOF AND DWELLING TO BE TAPED AND SEALED WITH 2 CC BOARD COMPOUND.
- 15. ALL PENETRATIONS THROUGH GAS PROOFED WALLS SHA WITH APPROVED ACRYLIC BASED SEALANT.

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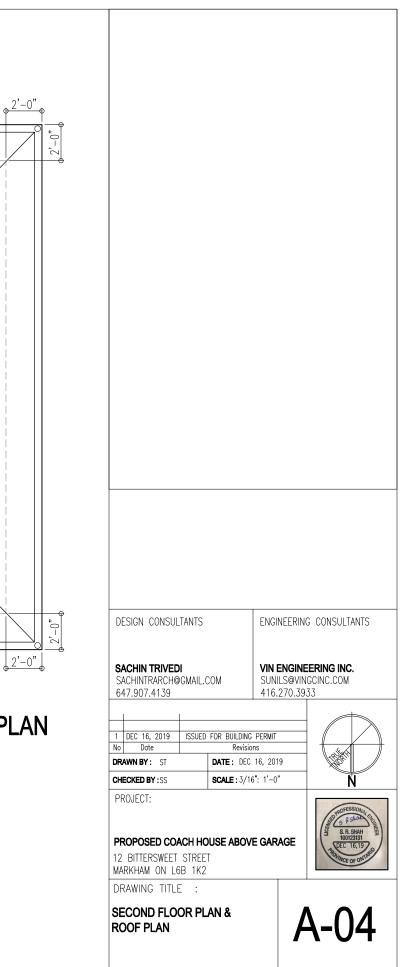


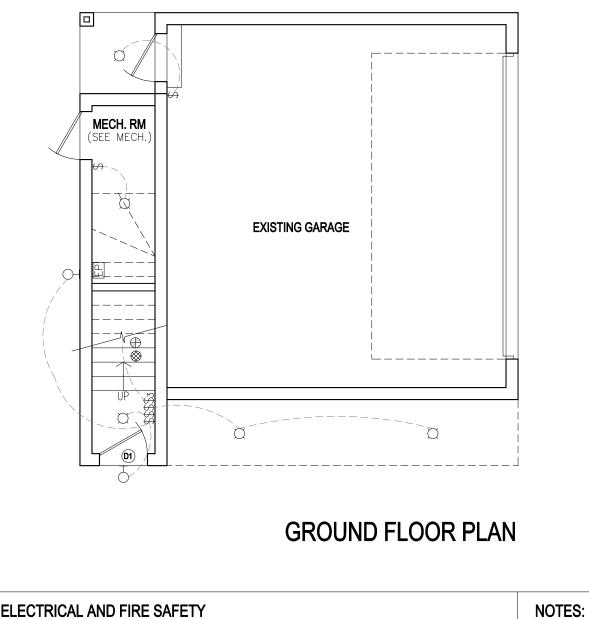
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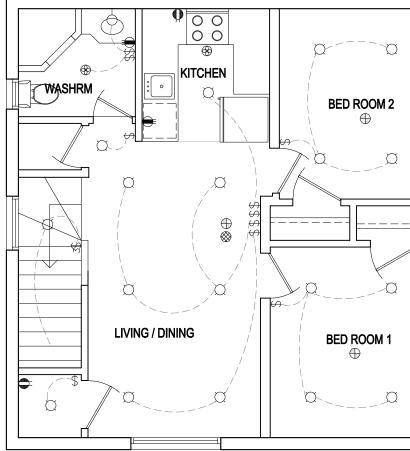
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SECOND FLOOR PLAN

ROOF PLAN





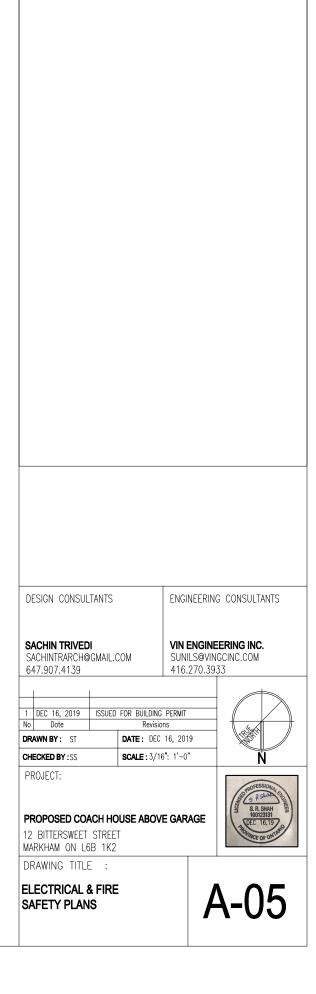


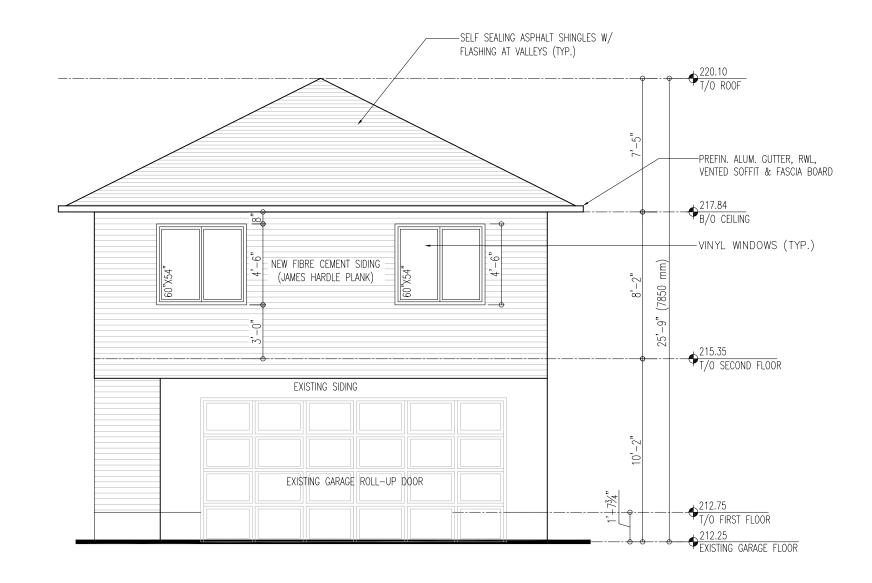
SECOND FLOOR PLAN

ELECTRICAL AND FIRE SAFETY

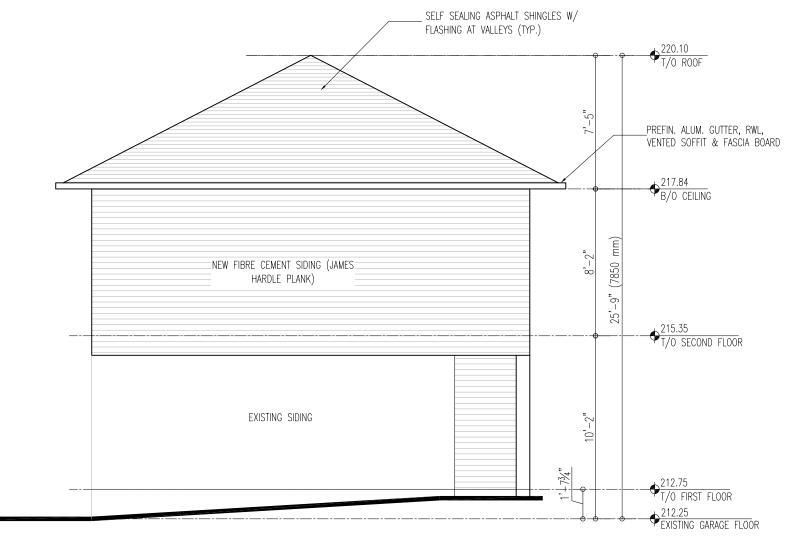
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		 THE NEW 120/240V 10, 3W 125AMP, 24 CIRCUIT PANEL TO BE INSTALLED UNDER STAIRCASE OF NEW COACH HOUSE ADDITION. CONTRACTOR TO PROVIDE 60A FEEDERS, DISCONNECT PANEL AS REQUIRED, UPGRADE EXISTING PANEL IF REQUIRED AS PER E.S.A. CONTRACTOR TO GET ALL CLEARENCE, APPROVALS AND PERMITS NEEDED FOR INSTALLATION AND CERTIFICATION OF APPROVAL AFTER THE INSTALLATION FROM E.S.A.



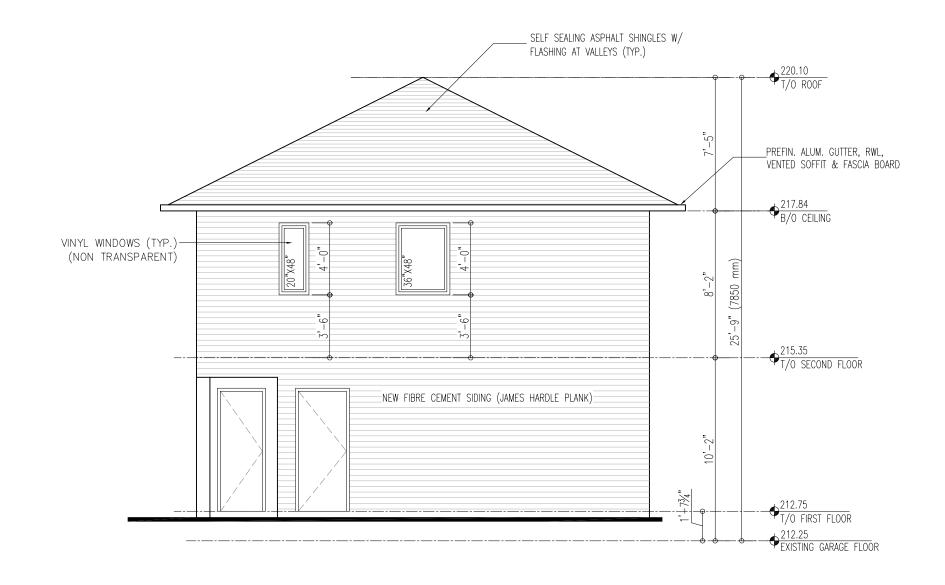




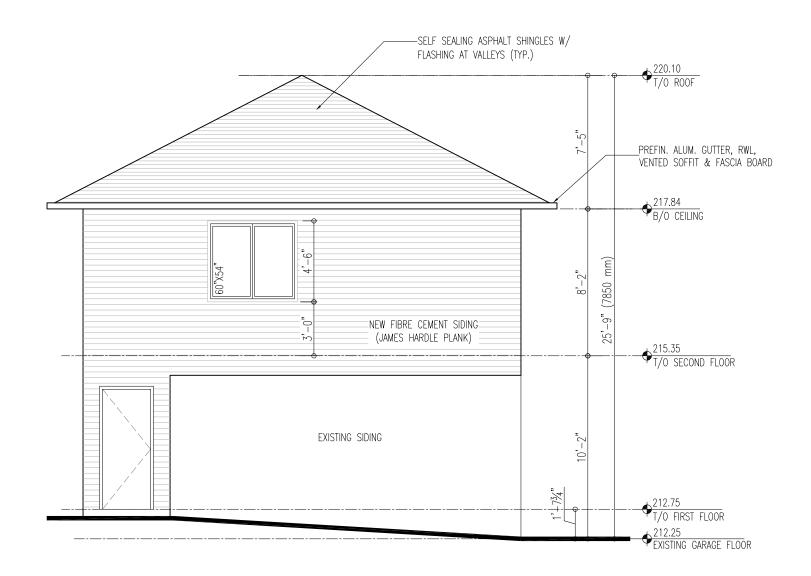
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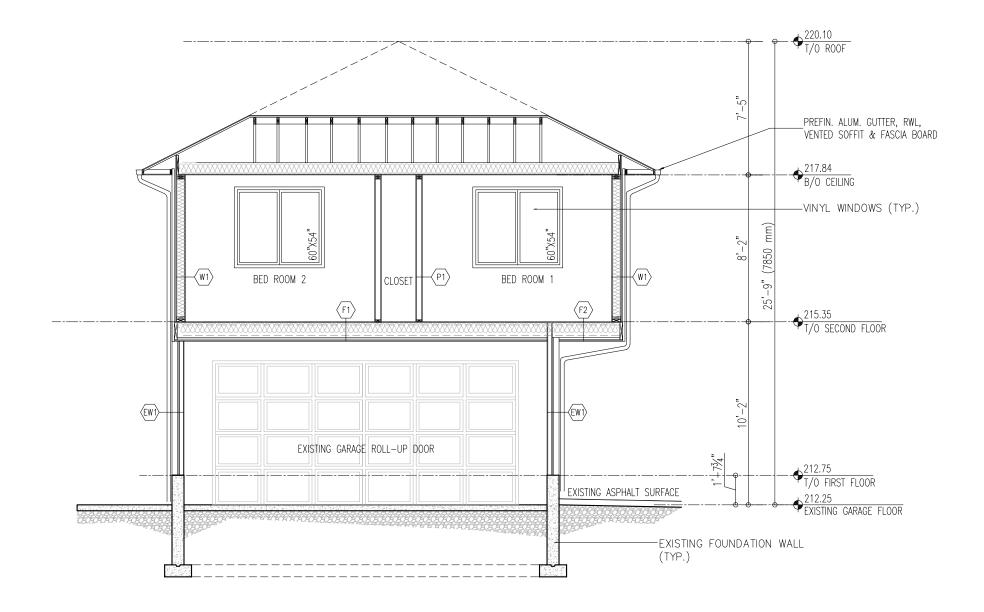
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DESIGN CONSULTAN	TS	ENGINEERIN	IG CONSULTANTS
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SACHINTRARCH@GMA	NL.COM	SUNILS@VII	NGCINC.COM
647.907.4139		416.270.39	933
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