

# Memorandum to the City of Markham Committee of Adjustment

August 11, 2023

**File:** A/140/23  
**Address:** 70 Spring Meadow Ave Markham  
**Applicant:** Pradeep & Shilpa Pradhan  
**Agent:** Vin Engineering Inc  
**Hearing Date:** Wednesday, August 30, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following Residential Two – Exception 5 (R2\*5) zone requirements of By-law 177-96, as amended, as they relate to a proposed coach house dwelling unit above a detached garage. The requested variances are to permit:

**By-law 177-66, Section 6.3.1.6:** a maximum height of 6.4 metres (21 ft) for a detached private garage, whereas the By-law permits a maximum height of 4.5 metres (14.8 m) for a detached private garage.

## BACKGROUND

### Property Description

The Subject Property, having an approximate area of 355 m<sup>2</sup> (3,821 ft<sup>2</sup>) and approximate frontage of 9.33 m (30.61 ft), is located on the north side of Spring Meadow Road, south of Cornell Park Avenue, and in the Cornell community. There is an existing detached dwelling and detached two-car garage on the subject property. The property is located within an established residential neighbourhood comprised of a mix two-storey low rise dwellings. Cornell is characterized as a lane-based community, with vehicle access and parking provided via municipally owned rear lanes to detached private garages and/or parking pads. Some of the detached garages in the surrounding area also have coach house dwelling units on the 2<sup>nd</sup> floor.

### Proposal

The applicant is proposing to alter the existing detached garage, siting it further from the public lane by approximately 1.5 m (5.0 ft), and adding a 2<sup>nd</sup> storey addition for a coach house dwelling unit. An existing parking pad on the east side of the garage will be maintained, to providing a total of three parking spaces. (Refer to Appendix 'B').

### Official Plan and Zoning

Official Plan 2014 (partially approved on Nov 24, 2017, updated on April 9, 2018)

The Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms including single detached dwellings.

### Zoning By-Law 117-96 ('The By-law')

The subject property is zoned R2\*5 under By-law 117-96, as amended. The R2 zone permits a variety of low rise housing types, including detached dwellings. Exception 5 (Section 7.5 of the By-law) permits one accessory dwelling unit. Section 6.3 of the By-law provides development standards for detached private garages accessed by lanes. The By-law permits a maximum detached garage height of 8.0 m (26.2 ft) on lots with a frontage of 9.75 m (32 ft) or more, but a maximum of 4.5 m (14.8 ft) on lots with a frontage less than 9.75 m. Consequently the applicant has submitted a variance request to permit an increased height for a detached private garage, which is required since the subject property has a frontage of 9.33 m.

### **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) on July 31, 2013 to confirm the variances required for the proposed development.

### **COMMENTS**

Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended provides criteria for the Committee of Adjustment to “authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the Committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.”

The Applicant is requesting a maximum height of 6.4 metres (21 ft) for a detached private garage, whereas the By-law permits a maximum height of 4.5 metres (14.8 m) for a detached private garage. This is an increase of 1.9 m (6.2 ft). Staff have no concern with the requested variance and opine that the criteria of the Planning Act is satisfied

Staff do not anticipate any negative impact from the proposed increase in detached garage height. Staff have considered that the proposed coach house dwelling unit is permitted by the By-law, that the proposed garage alteration and addition is compliant with all other By-law requirements, and that the variance is required solely because the subject property has a frontage of 9.33 m, compared to 9.75 m wide lots allowing garage heights of 8.0 m.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of August 11, 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 satisfied the criteria 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 relief from the requirements of the zoning by-law should be granted, and how criteria of the Planning Act for the granting variances is satisfied. Please refer to Appendix “A” for conditions to be attached to any approval of this application.

PREPARED BY:



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Stephen Corr, Senior Planner II, East District

REVIEWED BY:



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Carlson Tsang, Senior Planner, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/140/23**

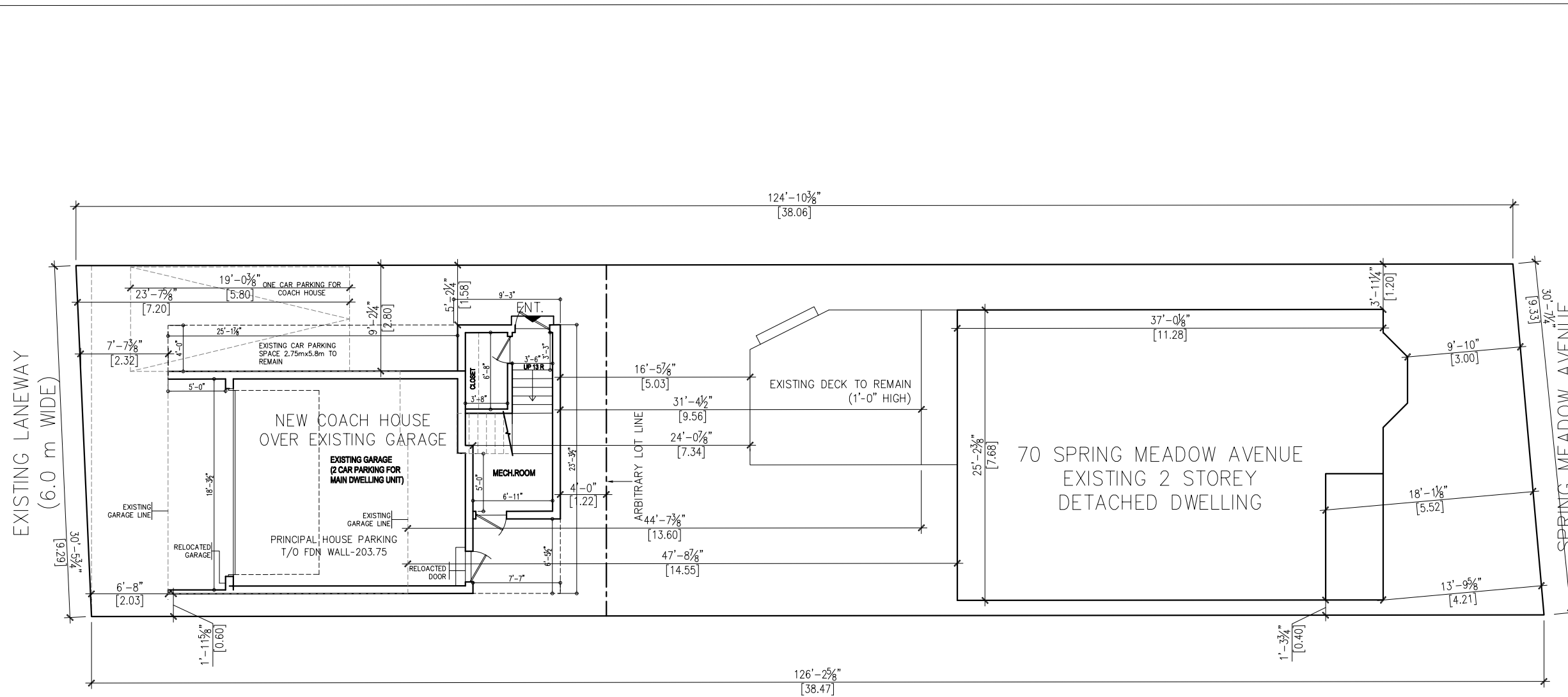
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on July 18, 2023, and that the Secretary-Treasurer 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:



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Stephen Corr, Senior Planner II, East District



**SITE PLAN**

DESIGN CONSULTANTS	ENGINEERING CONSULTANTS
<b>VIN ENGINEERING INC.</b> MITALI@VINGCINC.COM 365.998.8673	<b>VIN ENGINEERING INC.</b> SUNILS@VINGCINC.COM 416.270.3933

**ZONING INFORMATION:**  
 19 SPRING MEADOW AVENUE IS ZONED R2\*5 UNDER BY-LAW 177-96 AS AMENDED. THE PROPOSED USE OF COACH HOUSE IS PERMITTED UNDER SECTION 7 : EXCEPTIONS.  
 IN ADDITIONAL PERMITTED USE (7.5.1), ONE ACCESSORY DWELLING UNIT IS PERMITTED ON A LOT PROVIDED THAT

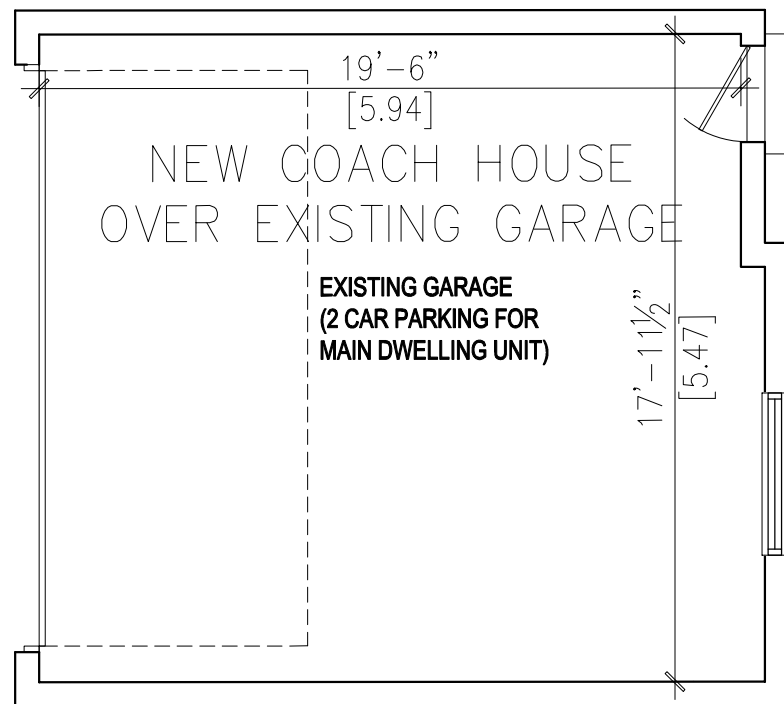
- IT IS ACCESSORY TO SINGLE DETACHED, SEMI DETACHED OR TOWNHOUSE DWELLING UNIT ON THE SAME LOT,
- IT IS LOCATED ABOVE A PRIVATE GARAGE IN EITHER THE MAIN BUILDING OR AN ACCESSORY BUILDING ON THE SAME LOT, EXCEPTING THAT STAIRWAY PROVIDING ACCESS TO THE ACCESSORY DWELLING UNIT MAY EXTEND DOWN TO GRADE; 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.)

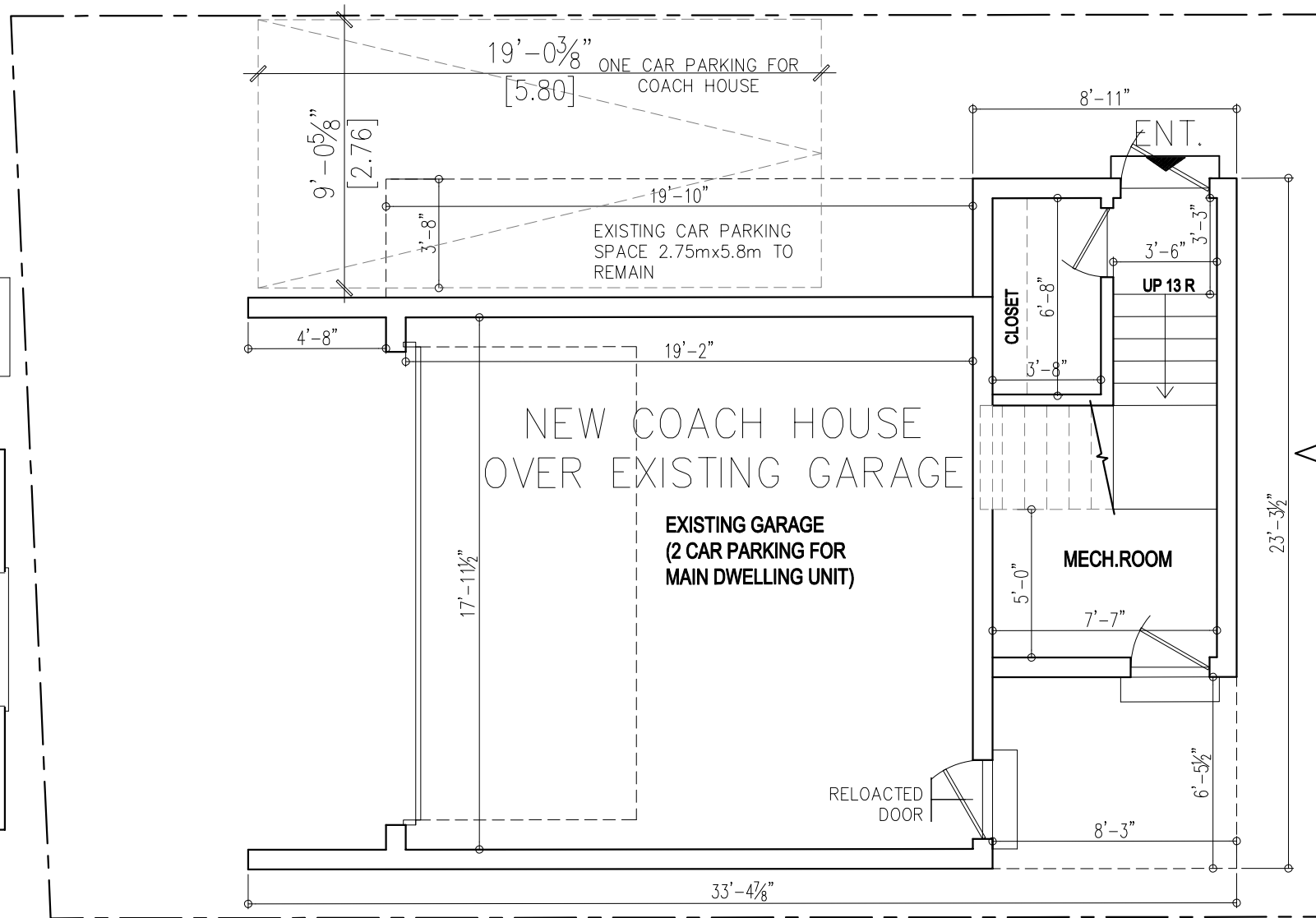
**SITE STATISTICS:**

LOT AREA	: 355.13 SM
LOT FRONTAGE	: 9.33 M
COACH HOUSE LOT AREA	: 355.13 SM
COACH HOUSE FOOTPRINT	: 62.21 SM
STAIRCASE AREA	: 4.87 SM
LOT COVERAGE (%)	
COACH HOUSE	: 16.14 %

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<b>DRAWN BY:</b> MP <b>DATE:</b> MAY 25, 2023 <b>CHECKED BY:</b> SS <b>SCALE:</b> 3/16" = 1'-0"								
PROJECT: <b>PROPOSED COACH HOUSE</b> 70 SPRING MEADOW AVENUE, MARKHAM, ON L6B 1B6								
DRAWING TITLE : <b>SITE PLAN</b>								
		A-01						



**EXISTING FIRST FLOOR PLAN**



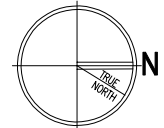
**PROPOSED FIRST FLOOR PLAN**

**NOTES:**

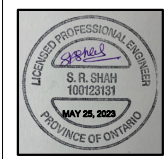
- EXISTING 2 CAR PARKING SPACE 2.75m x 5.8m EACH TO REMAIN
- EXISTING SLOPED CONCRETE FLOOR INSIDE THE GARAGE TO REMAIN
- WALL & CEILING ASSEMBLIES SEPARATING GARAGE SPACE SERVING MAIN DWELLING UNIT AND UNIT ABOVE GARAGE SHALL BE MIN. 1 HR FRR AND 50 STC RATING
- CONTRACTOR TO REMOVE ROOF TRUSS, ROOFING, EAVESTROUGH, ETC. UPTO THE PARTY WALL

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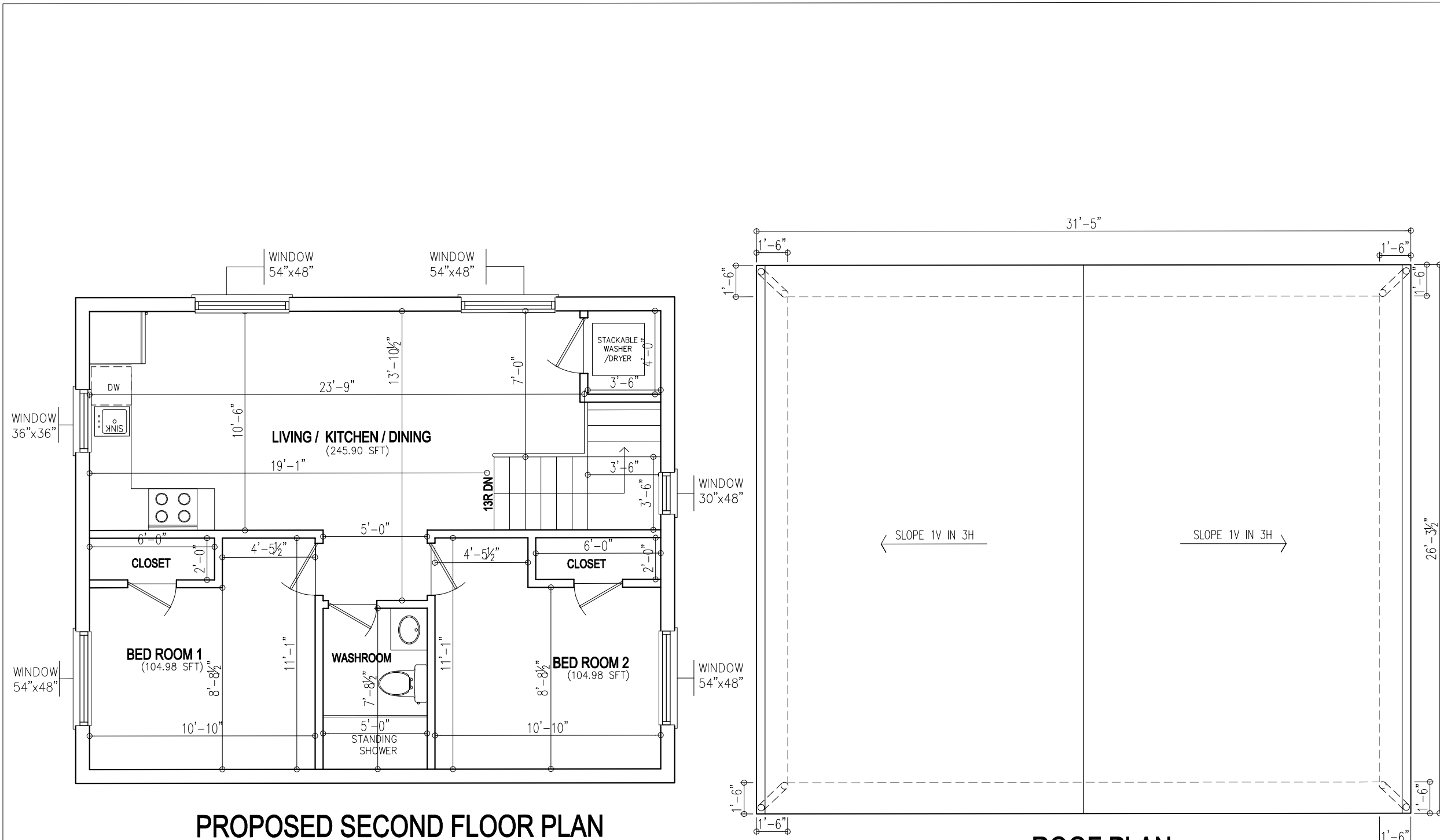
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PROJECT:  
**PROPOSED COACH HOUSE ABOVE GARAGE**  
70 SPRING MEADOW AVENUE,  
MARKHAM, ON L6B 1B6



DRAWING TITLE :	<b>FIRST FLOOR PLAN</b>
	<b>A-02</b>



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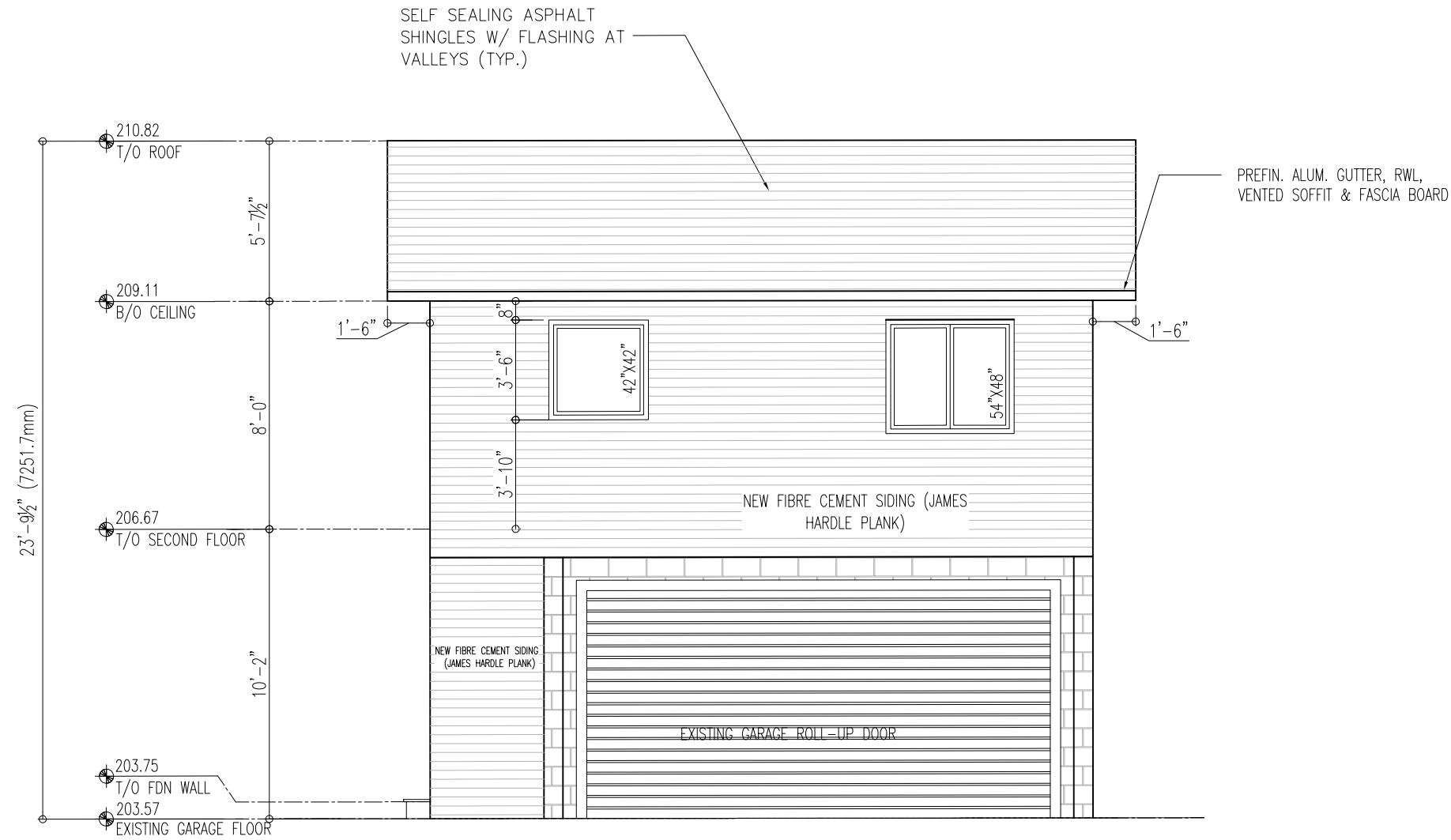
PROJECT:

**PROPOSED COACH HOUSE ABOVE GARAGE**  
70 SPRING MEADOW AVENUE,  
MARKHAM, ON L6B 1B6

DRAWING TITLE :

**SECOND FLOOR PLAN & ROOF PLAN**

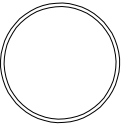
**A-03**



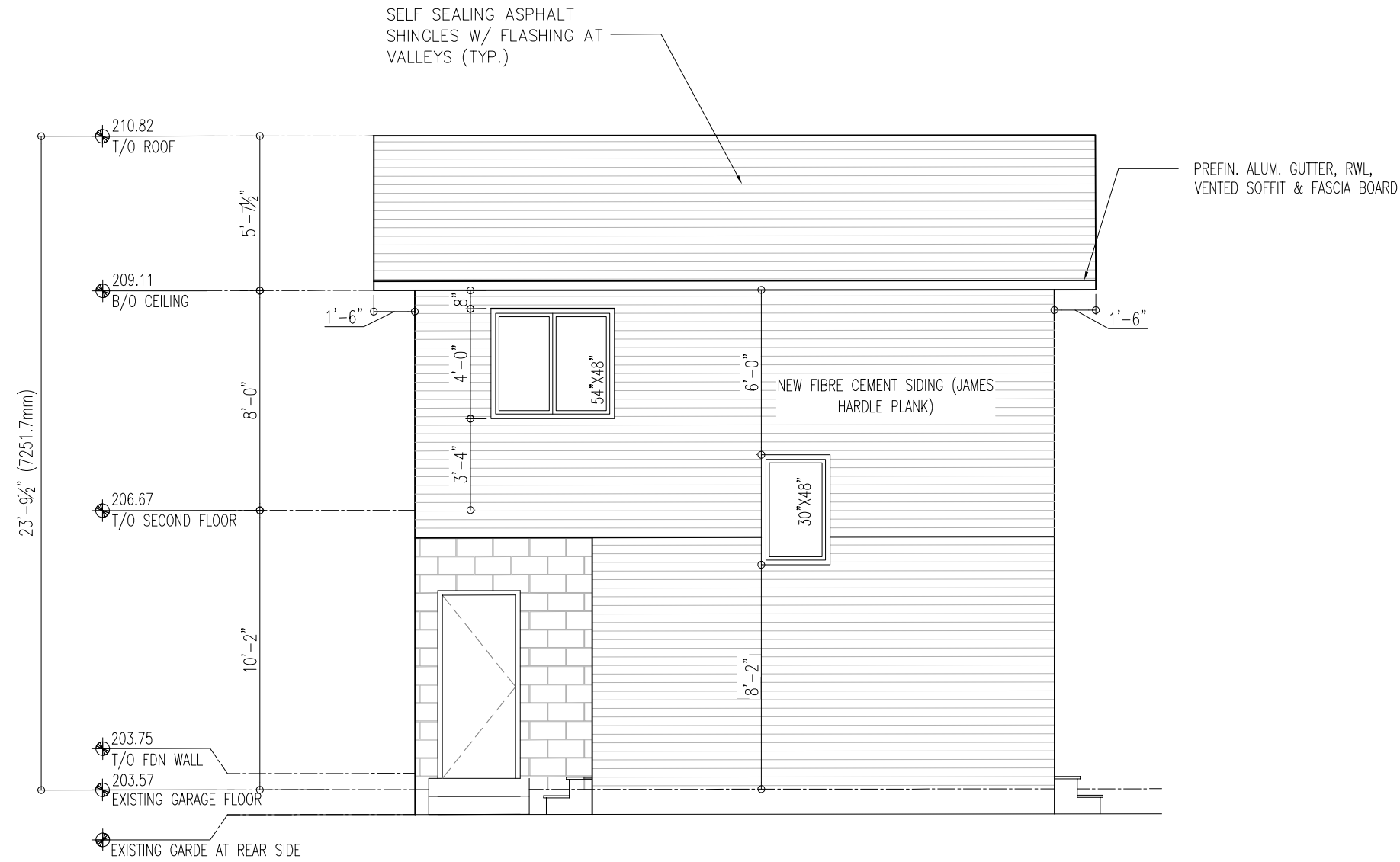
**FRONT ELEVATION**

UNPROTECTED OPENING CALCULATION	
LIMITING DISTANCE	: 5.32 M (17'-5 <sup>7</sup> / <sub>16</sub> " )
WALL AREA	: 33.13 SM (386.57 SF)
OPENINGS ALLOWED	: 18.55 SM (56%)
OPENING PROPOSED	: 2.53 SM (27.23 SF) (7.64%)

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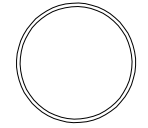
DRAWING TITLE :	<b>FRONT ELEVATION</b>
	<b>A-04</b>



### REAR ELEVATION

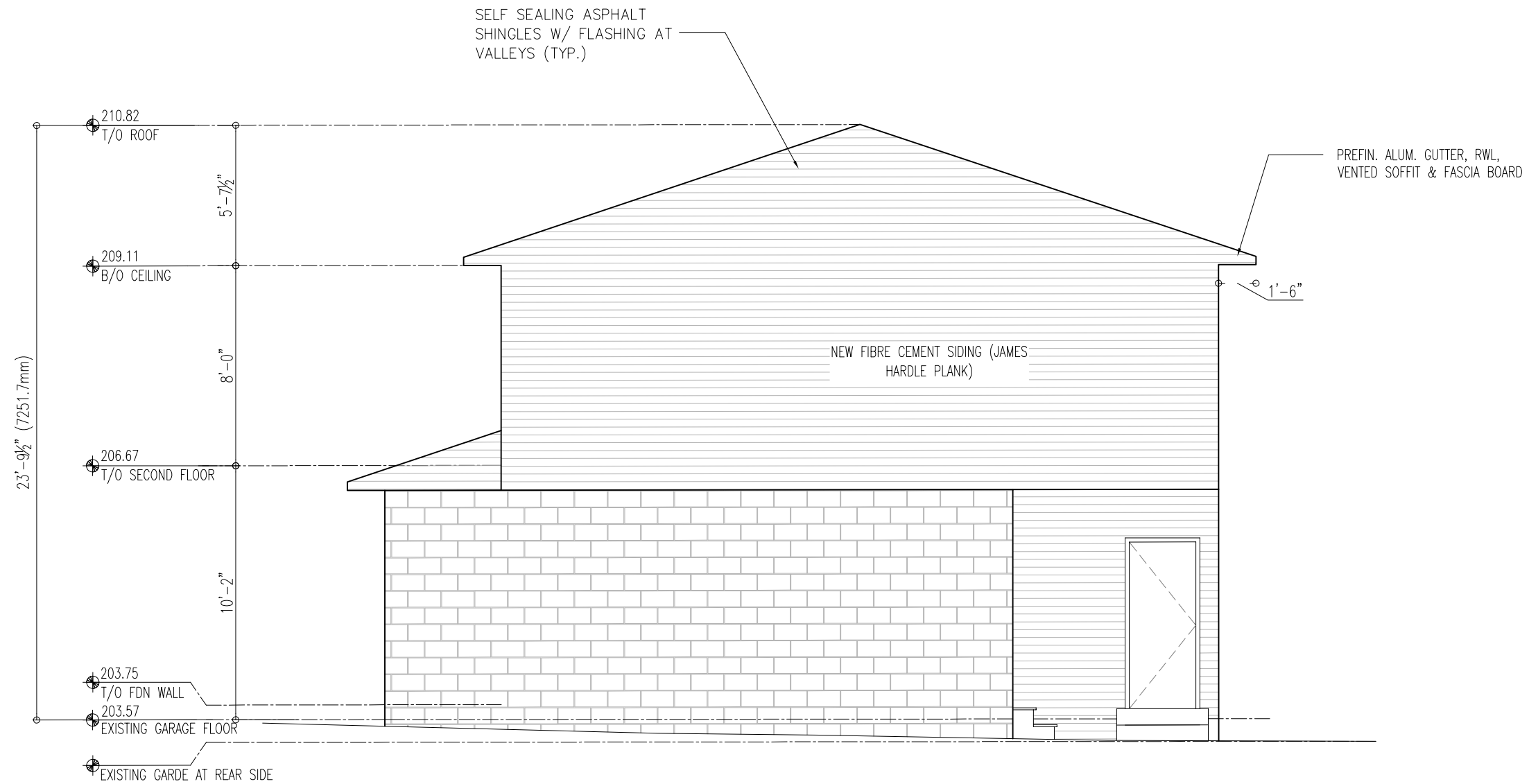
UNPROTECTED OPENING CALCULATION	
LIMITING DISTANCE	: 1.22 M (4'-0")
WALL AREA	: 35.25 SM (379.43 SF)
OPENINGS ALLOWED	: 2.47 SM (7%)
OPENING PROPOSED	: 2.34 SM (25.20 SF) (6.63%)

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DRAWING TITLE :	<b>REAR ELEVATION</b>
	<b>A-05</b>





### RIGHT SIDE ELEVATION

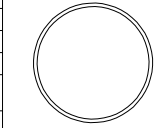
UNPROTECTED OPENING CALCULATION	
LIMITING DISTANCE	: 0.35 M (1'-1 3/4")
WALL AREA	: 47.57 SM (512.04 SF)
OPENINGS ALLOWED	: 0.00 SM (0.00%)
OPENING PROPOSED	: 0.00 SM (0.00 SF) (0.00%)

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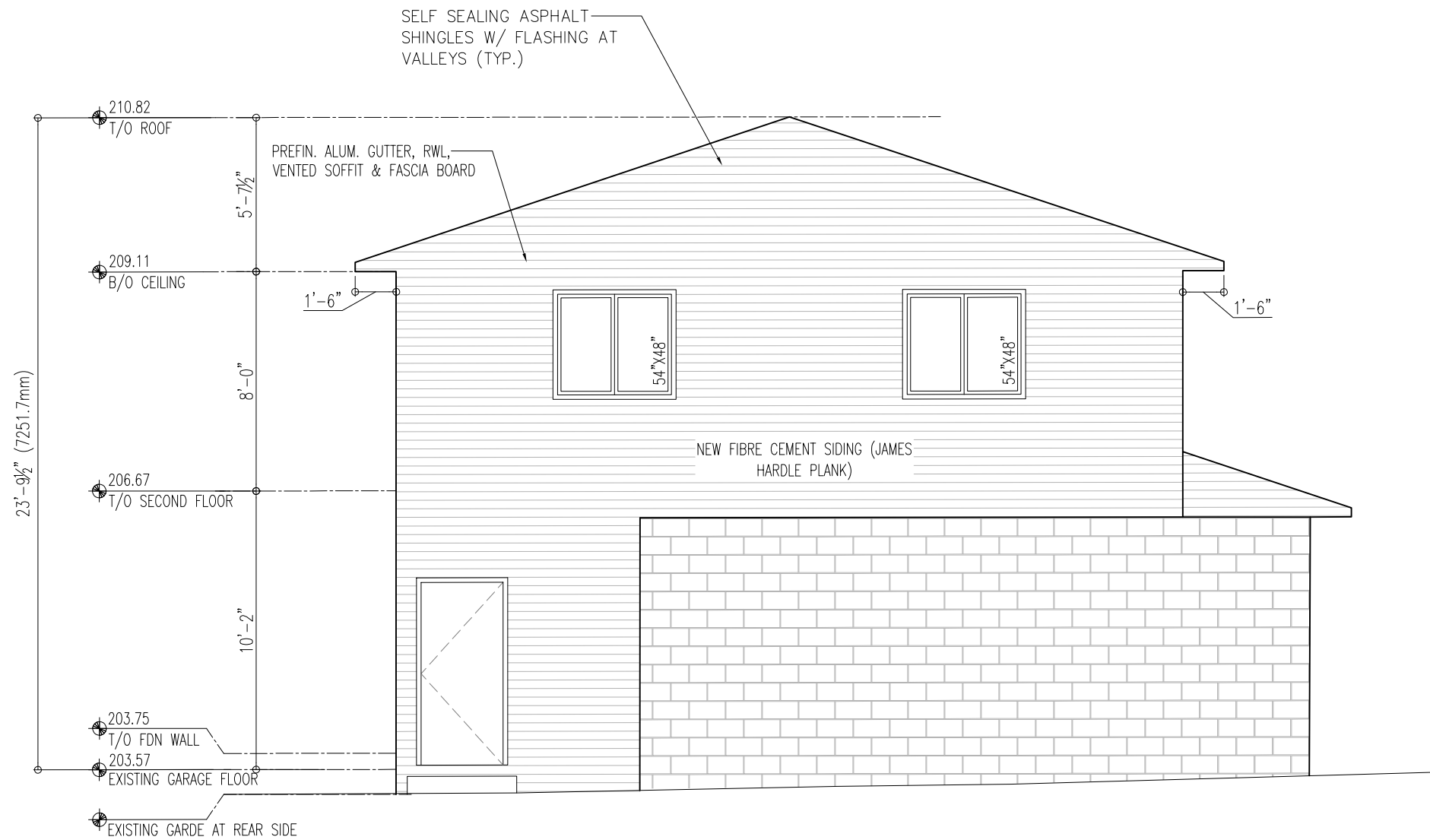
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PROJECT:

**PROPOSED COACH HOUSE ABOVE GARAGE**  
70 SPRING MEADOW AVENUE,  
MARKHAM, ON L6B 1B6



DRAWING TITLE :	<b>RIGHT SIDE ELEVATION</b>
	<b>A-06</b>



LEFT SIDE ELEVATION

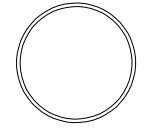
UNPROTECTED OPENING CALCULATION	
LIMITING DISTANCE	: 1.58 M (5'-2 1/4")
WALL AREA	: 32.32 SM (347.85 SF)
OPENINGS ALLOWED	: 3.55 SM (11.00%)
OPENING PROPOSED	: 1.50 SM (16.20 SF) (4.65%)

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PROJECT:

**PROPOSED COACH HOUSE ABOVE GARAGE**  
70 SPRING MEADOW AVENUE,  
MARKHAM, ON L6B 1B6



DRAWING TITLE :	<b>LEFT SIDE ELEVATION</b>
	<b>A-07</b>