

Memorandum to the City of Markham Committee of Adjustment

June 28, 2022

File: A/077/22
Address: 11 Spring Meadow Avenue – Markham, ON
Applicant: Au Shu Kwan and Wang Yu
Agent: Vin Engineering Inc. (Sunil Shah)
Hearing Date: July 6, 2022

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

a) Section 6.3.1.6:

a maximum height of 7.0 m (22.97 ft), whereas the By-law permits a maximum height of 4.50 m (14.76 ft);

b) Section 6.3.1.1:

an interior side yard setback of 0.62 m (2.03 ft), whereas the By-Law requires a minimum side yard setback of 1.20 m (3.94 ft); and

c) Section 6.3.1.7(b):

a maximum lot coverage of 21.62%, whereas the By-law permits a maximum lot coverage of 18.0%.

PROPERTY DESCRIPTION

The 260.69 m² (2,806.04 ft²) subject property is located on the south side of Spring Meadow Avenue, north of Settlement Park Avenue, east of 9th Line, and west of Bur Oak Avenue. The property has an approximate lot frontage of 8.01 m (26.28 ft), and is currently developed with a two-storey single detached dwelling. Parking areas are provided via an existing detached one-storey two-car garage, and an abutting parking pad east of the garage. Vehicular access to the property is accessed via a public lane at the rear of the property. The garage shares a common wall with the neighbouring property, municipally known as 9 Spring Meadow Avenue.

The property is located within the Cornell community, which is predominantly comprised of low rise housing forms. Cornell is primarily a lane-based community, in which vehicular access and parking is provided via rear lanes and garages, with several examples of accessory coach house dwellings located above private garages. In close proximity to the property are parks, educational and health institutions, the Cornell Community Centre, and commercial uses along Cornell Park Avenue and Bur Oak Avenue.

PROPOSAL

To facilitate the construction of the new coach house, the applicant is requesting associated variances noted above. If approved, the coach house would have a height of 7.0 m (22.97 ft).

OFFICIAL PLAN AND ZONING

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

The subject property is designated “Residential Low Rise”, which provides for low rise housing forms.

Zoning By-Law 177-96

The subject property is zoned “Residential Two Exception (R2*5) Zone” under By-law 177-96, as amended, which permits low rise housing forms, including single detached dwellings. As it relates to the proposed development, Exception *5 permits one accessory dwelling unit which can be in the form of a coach house, subject to meeting the applicable development standards. The proposed development does not comply with the By-law requirements, with respect to the maximum height, minimum interior side yard setback, and maximum lot coverage.

ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN

The owner has completed a ZPR on April 21, 2022 to confirm the variances required for the proposed development.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, 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.

Increase in Maximum Building Height

The applicant is requesting a maximum building height of 7.0 m (22.97 ft), whereas the By-law permits a maximum building height of 4.50 m (14.76 ft). This is an increase of 2.23 m (7.32 ft).

An accessory dwelling unit associated with a single detached dwelling unit is permitted by the zoning, provided it is not located in the main building. The subject property shares access to a public lane with other residential properties along Spring Meadow Avenue (north side of the lane), and The Meadows Avenue (south side of the lane). According to City records, the majority of the properties along the south side of the shared laneway have lot frontages that are 9.75 m (31.99 ft) or greater, which would be permitted to have a detached private garage (with coach houses) to be constructed up to a maximum height of 8.0 m (26.25 ft).

The applicant is requesting a variance that would allow a coach house to be constructed on the property with a height that is lesser than the permitted height of up to 8.0 m (26.25 ft) for other properties along the laneway. The requested variance would allow for a coach house that is representative of a lower height for lots with a lot frontage of less than 9.75 m (31.99 ft), and staff are of the opinion that this is consistent with other coach house developments on similar sized lots within the Cornell community. The increase in height would also help facilitate the development of a coach house which staff consider to be desirable, and consistent with policies supporting secondary suites found under Sections

[4.1.2.6](#) and [8.13.8](#) of the Official Plan. Staff are of the opinion that the requested variance maintains the general intent and purpose of the Official Plan, and Zoning By-law.

Reduced Side Yard Setback (Two-Storey Portion)

The applicant is requesting a minimum side yard setback of 0.62 m (2.03 ft), whereas the By-Law requires a minimum side yard setback of 1.20 m (3.94 ft). This is a reduction of 0.58 m (1.90 ft).

Engineering staff have reviewed the application and have not identified any concerns with respect to drainage. Additionally, the second-storey portion would be clear of the principal door entry to the coach house. The proposed variance, which is attributable to a pinch point in the lot and only applies to a small portion of the coach house, would in the opinion of staff, have minimal visual impacts from the laneway, when contrasting with a coach house that complies with the side yard setback at the pinch point. Staff have no objections to the requested variance.

Increase in Maximum Lot Coverage

The applicant is requesting a maximum lot coverage of 21.07%, whereas the By-law permits a maximum lot coverage of 18.0% on a lot with a lot frontage of less than 9.75 m (31.99 ft).

The requested variance would permit an increase of 3.07% to the maximum lot coverage, which equates to expanding the permitted footprint of the detached private garage (and habitable floor area above) by approximately 8.01 m² (86.22 ft²). The requested lot coverage can be accommodated on the lot, while complying with the minimum separation distance of 6.0 m (19.69 ft) between the detached private garage and main building, which ensures that sufficient amenity area will be maintained in the rear yard.

Fire and Emergency Services

Fire and Emergency Services has indicated no objections provided that:

- a 1.20 m (3.94 ft) clear path of travel extending from the curb of Spring Meadow Avenue to the principal entrance of the accessory apartment is provided and left unobstructed at all times of the year; and
- new municipal addressing is provided for the buildings.

The existing detached dwelling has a westerly side yard setback of 1.24 m (4.07 ft), and Planning staff therefore recommend that a 1.20 m (3.94 ft) clear path of travel to the principal entrance of the coach house be secured through a condition adopted by the Committee. Should this application be approved, the applicant will be required to obtain a building permit which ensures the coach house will be in compliance with Building Code and Fire Code regulations, and will be required to register their second suite with the Fire Department prior to the occupancy of the unit.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 28, 2022. Additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

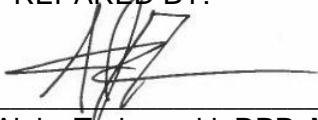
Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the variance request meets the four tests. Staff recommend that the Committee consider public input, and the subsequent conditions of approval in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, RPP, MCIP
Planner, Zoning and Special Projects

REVIEWED BY:



Carlson Tsang, RPP, MCIP
Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/077/22

1. That the variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed 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 that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
3. That a minimum 1.20 m (3.94 ft) clear path of travel is provided from the curb of Spring Meadow Avenue to the principal entrance of the accessory apartment, and will be maintained and left unobstructed at all times.

CONDITIONS PREPARED BY:



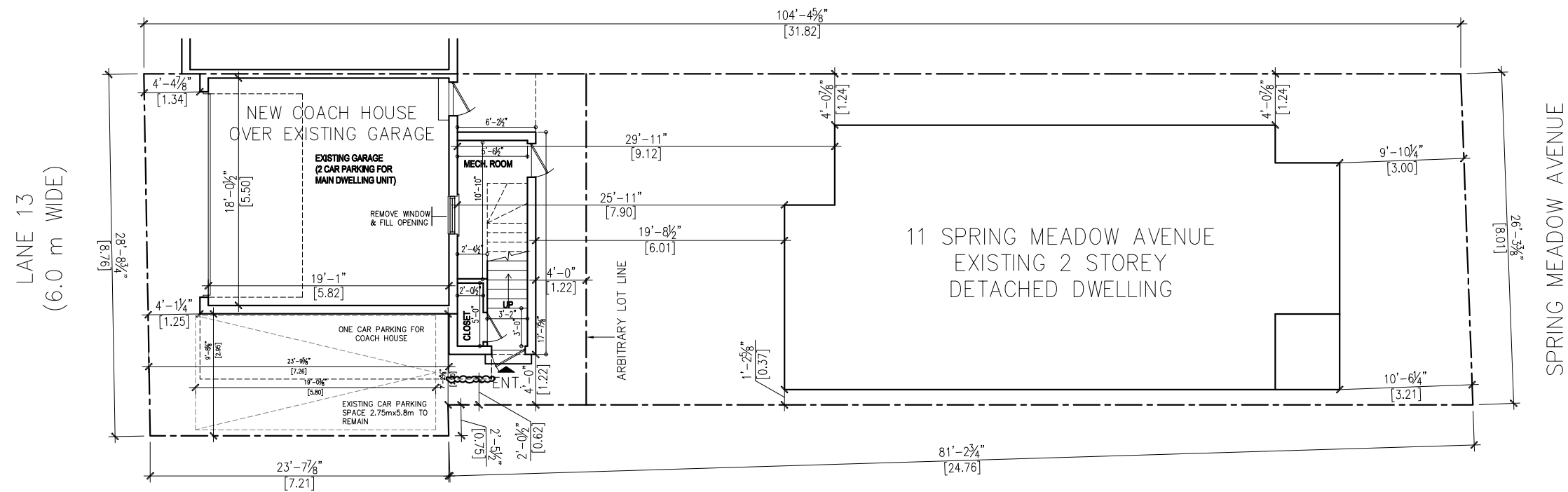
Aleks Todorovski, RPP, MCIP
Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/077/22

Appendix B

File: 22.117930.000.00.MNV

Date: 06/29/22
MM/DD/YY



SITE PLAN

DESIGN CONSULTANTS	ENGINEERING CONSULTANTS
VIN ENGINEERING INC. MITALI@VINGCINC.COM 365.998.8673	VIN ENGINEERING INC. 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

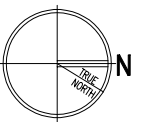
- IT IS ACCESSORY TO SINGLE DETACHED, SEMI DETACHED OR TOWNHOUSE DWELLING UNIT ON THE SAME LOT,
- IT IS LOCATED ABOVE A PRIVATE GARAGE IN EITHER THE MAIN BUILDING OR AN ACCESSORY BUILDING ON THE SAME LOT, EXCEPTING THAT STAIRWAY PROVIDING ACCESS TO THE ACCESSORY DWELLING UNIT MAY EXTEND DOWN TO GRADE; 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	: 260.69 SM
LOT FRONTAGE	: 8.01 M
COACH HOUSE LOT AREA	: 260.69 SM
COACH HOUSE FOOTPRINT	: 59.22 SM
STAIRCASE AREA	: 4.30 SM
LOT COVERAGE (%)	
COACH HOUSE	: 21.07 %

1	MARCH 10, 2022	ISSUED FOR BUILDING PERMIT
No	Date	Revisions
DRAWN BY : MP		DATE : MARCH 10, 2022
CHECKED BY : SS		SCALE : 3/16" = 1'-0"
PROJECT:		
PROPOSED COACH HOUSE 11 SPRING MEADOW AVENUE, MARKHAM, ON L6B 1B5		

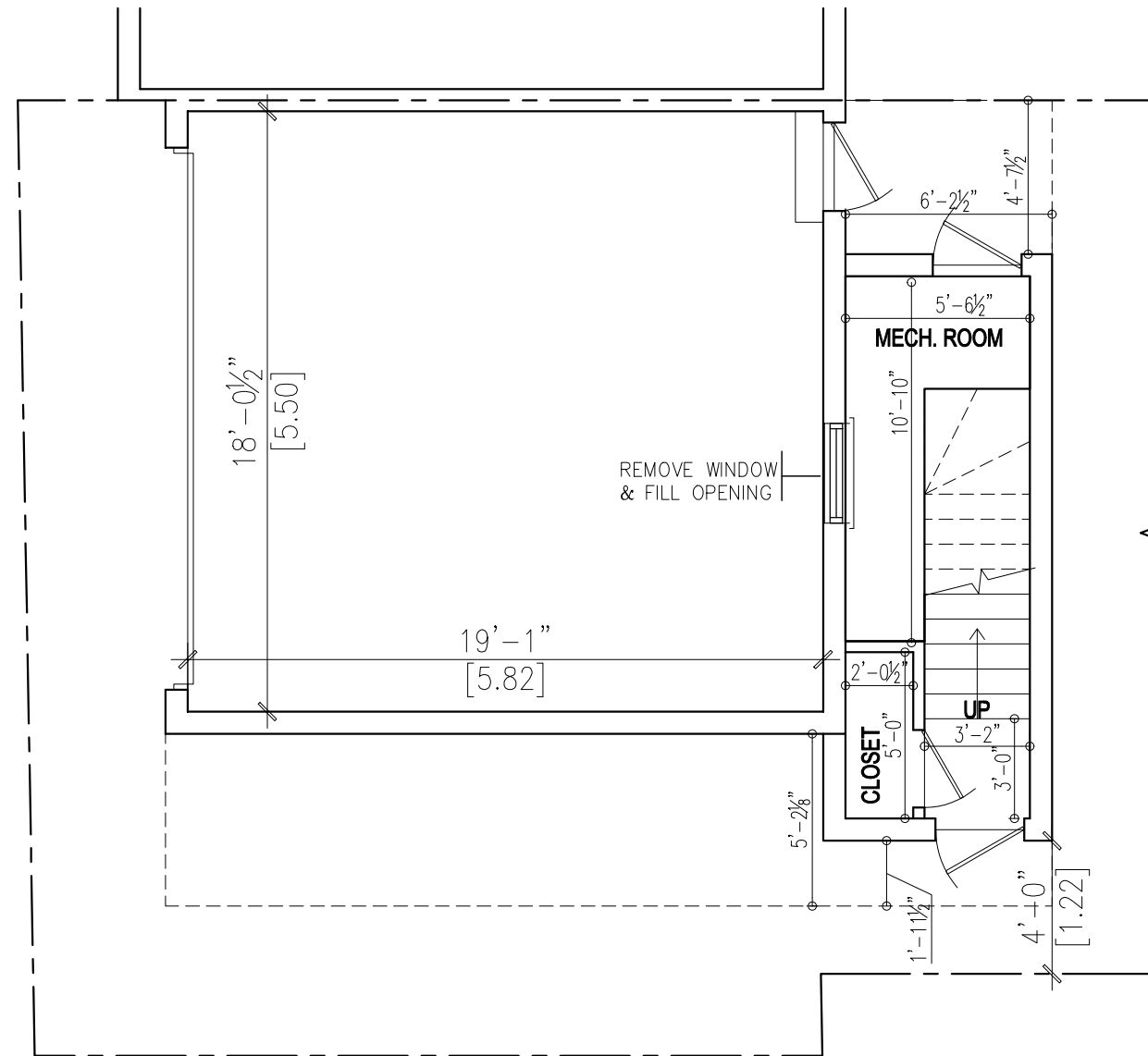


DRAWING TITLE :	A-01
SITE PLAN	

Appendix B

File: 22.117930.000.00.MNV

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FIRST FLOOR PLAN

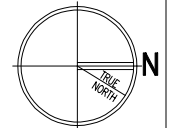
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VIN ENGINEERING INC.
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No	Date	Revisions
1	MARCH 09, 2022	ISSUED FOR BUILDING PERMIT

DRAWN BY: MP **DATE:** MARCH 09, 2022
CHECKED BY: SS **SCALE:** 3/16" = 1'-0"



PROJECT:
PROPOSED COACH HOUSE ABOVE GARAGE
11 SPRING MEADOW AVENUE,
MARKHAM, ON L6B 1B5



DRAWING TITLE :

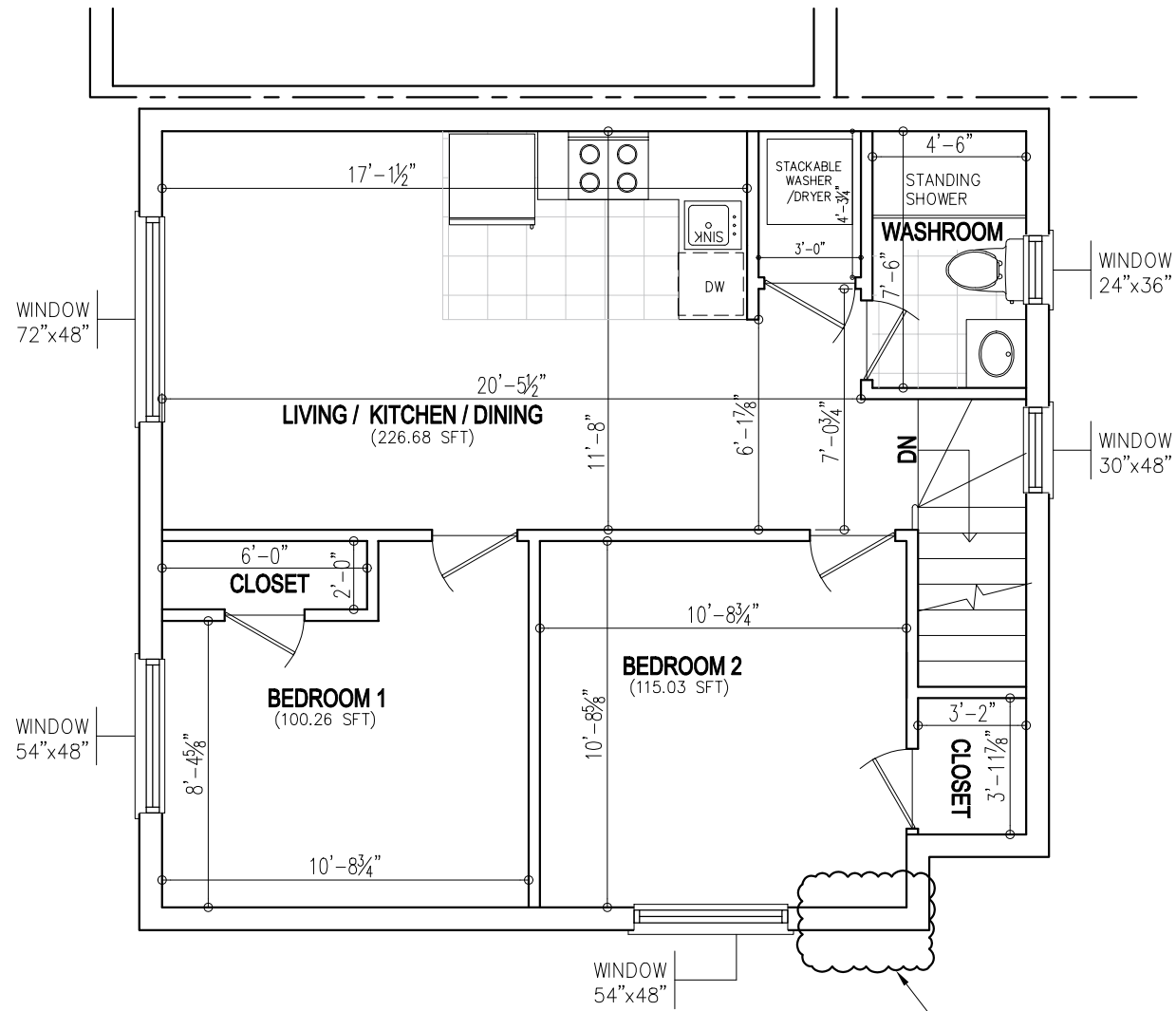
FIRST FLOOR PLAN

A-02

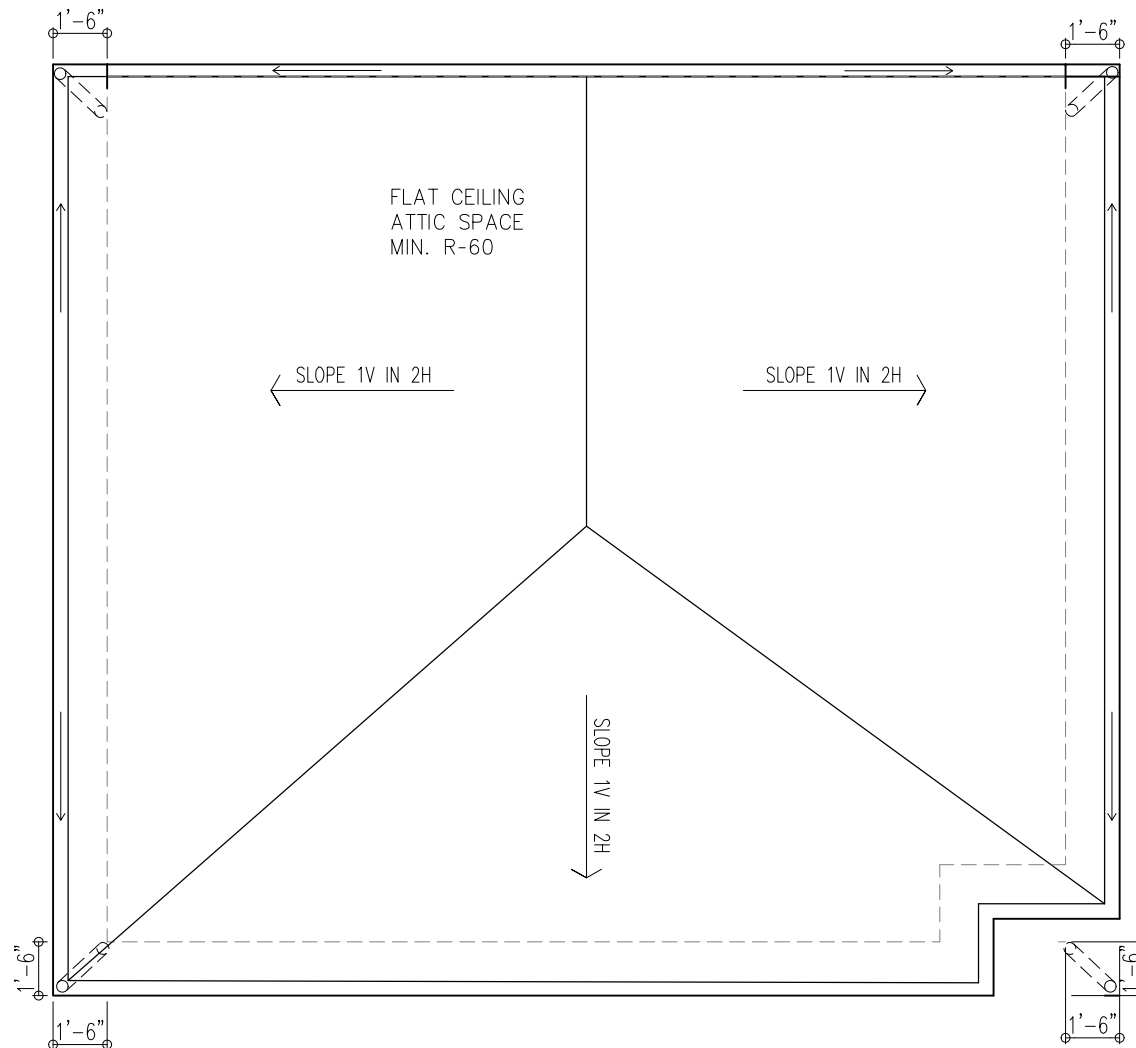
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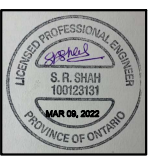
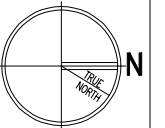
SECOND FLOOR PLAN



ROOF PLAN

ONLY IN CLOUDED 3'-6" WE ARE NOT GETTING 4'-0" MARGING.
 FOR REST OF COMPONENT WE HAVE MARGIN OF 4'-0".

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DRAWING TITLE :			



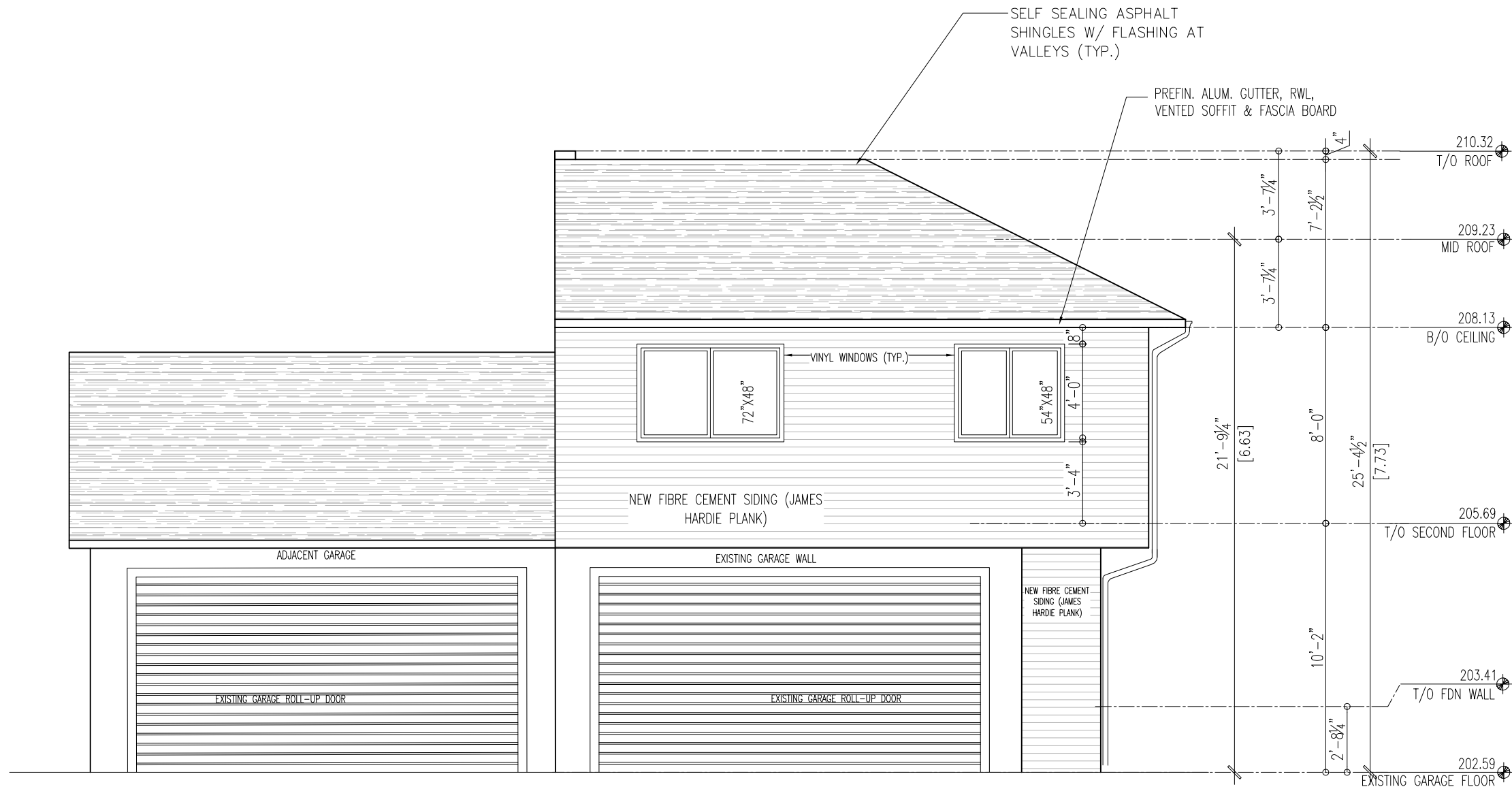
SECOND FLOOR PLAN

A-03

Appendix B

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SOUTH ELEVATION

NOTE : EXISTING GRADE LEVEL TO ROOF PEAK SHOULD NOT BE MORE THAN 8.00 M (26'-3")

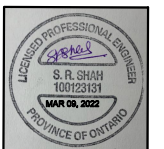
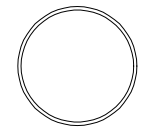
UNPROTECTED OPENING CALCULATION

LIMITING DISTANCE : 4.34 M (14'-2⁷/₈"")
 WALL AREA : 36.82 SM (396.30 SF)
 OPENINGS ALLOWED : 10.31 SM (28.00%)
 OPENING PROPOSED : 3.90 SM (42.00 SF) (10.60%)

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11 SPRING MEADOW AVENUE,
MARKHAM, ON L6B 1B5

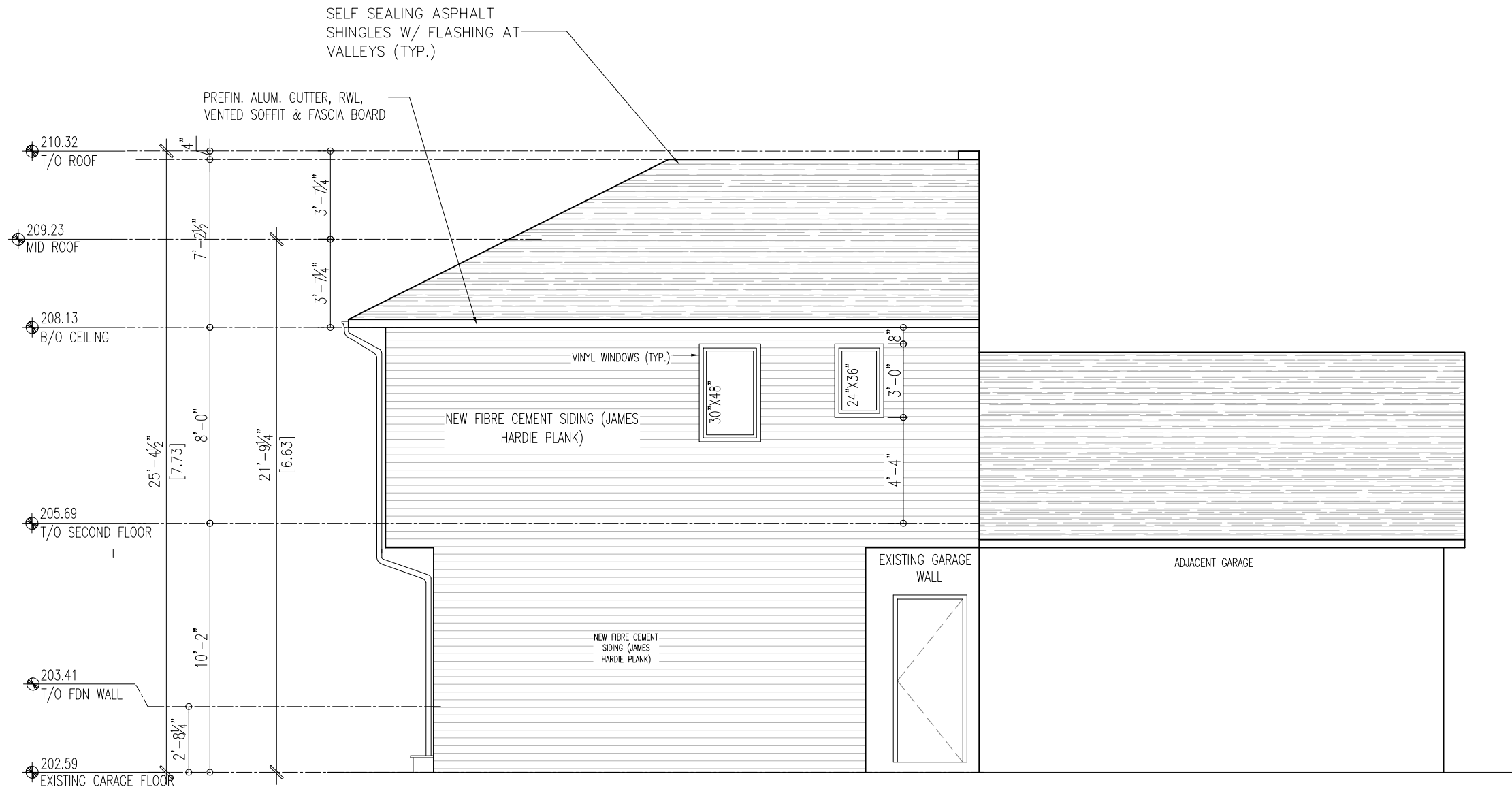


DRAWING TITLE :	SOUTH ELEVATION
	A-04

Appendix B

File: 22.117930.000.00.MNV

Date: 06/29/22
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NORTH ELEVATION

NOTE : EXISTING GRADE LEVEL TO ROOF PEAK SHOULD NOT BE MORE THAN 8.00 M (26'-3")

UNPROTECTED OPENING CALCULATION

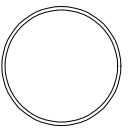
LIMITING DISTANCE : 1.22 M (4'-0")
 WALL AREA : 35.64 SM (383.62 SF)
 OPENINGS ALLOWED : 2.50 SM (7%)
 OPENING PROPOSED : 1.34 SM (14.40 SF) (3.75%)

DESIGN CONSULTANTS ENGINEERING CONSULTANTS

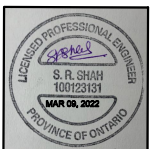
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PROJECT:
PROPOSED COACH HOUSE ABOVE GARAGE
11 SPRING MEADOW AVENUE,
MARKHAM, ON L6B 1B5



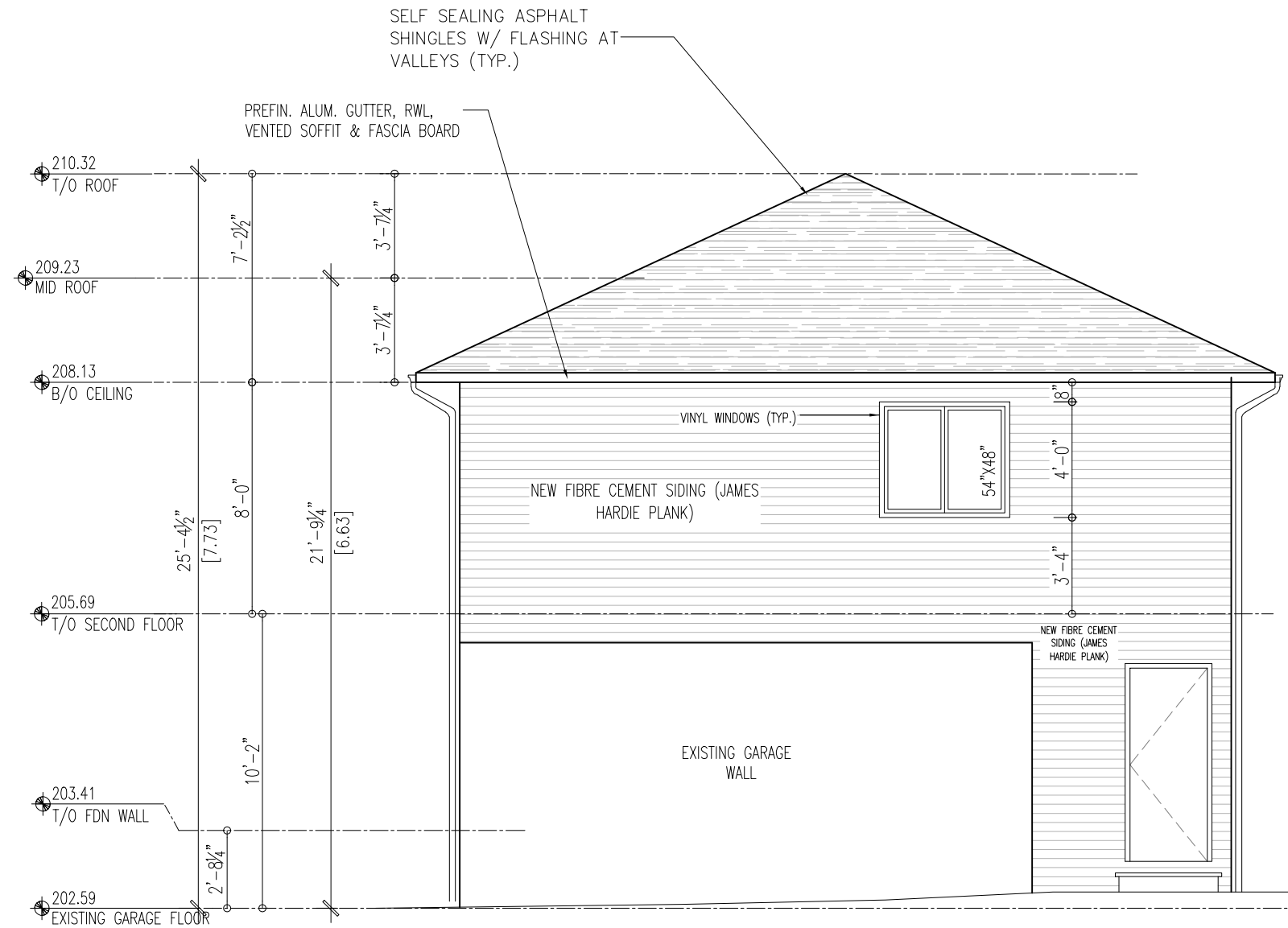
DRAWING TITLE :
NORTH ELEVATION

A-05

Appendix B

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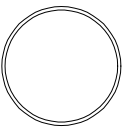


EAST ELEVATION

NOTE : EXISTING GRADE LEVEL TO ROOF PEAK SHOULD NOT BE MORE THAN 8.00 M (26'-3")

UNPROTECTED OPENING CALCULATION	
LIMITING DISTANCE	: 1.22M (4'-0")
WALL AREA	: 28.16 SM (303.16 SF)
OPENINGS ALLOWED	: 1.97 SM (7.00%)
OPENING PROPOSED	: 1.51 SM (16.20 SF) (5.34%)

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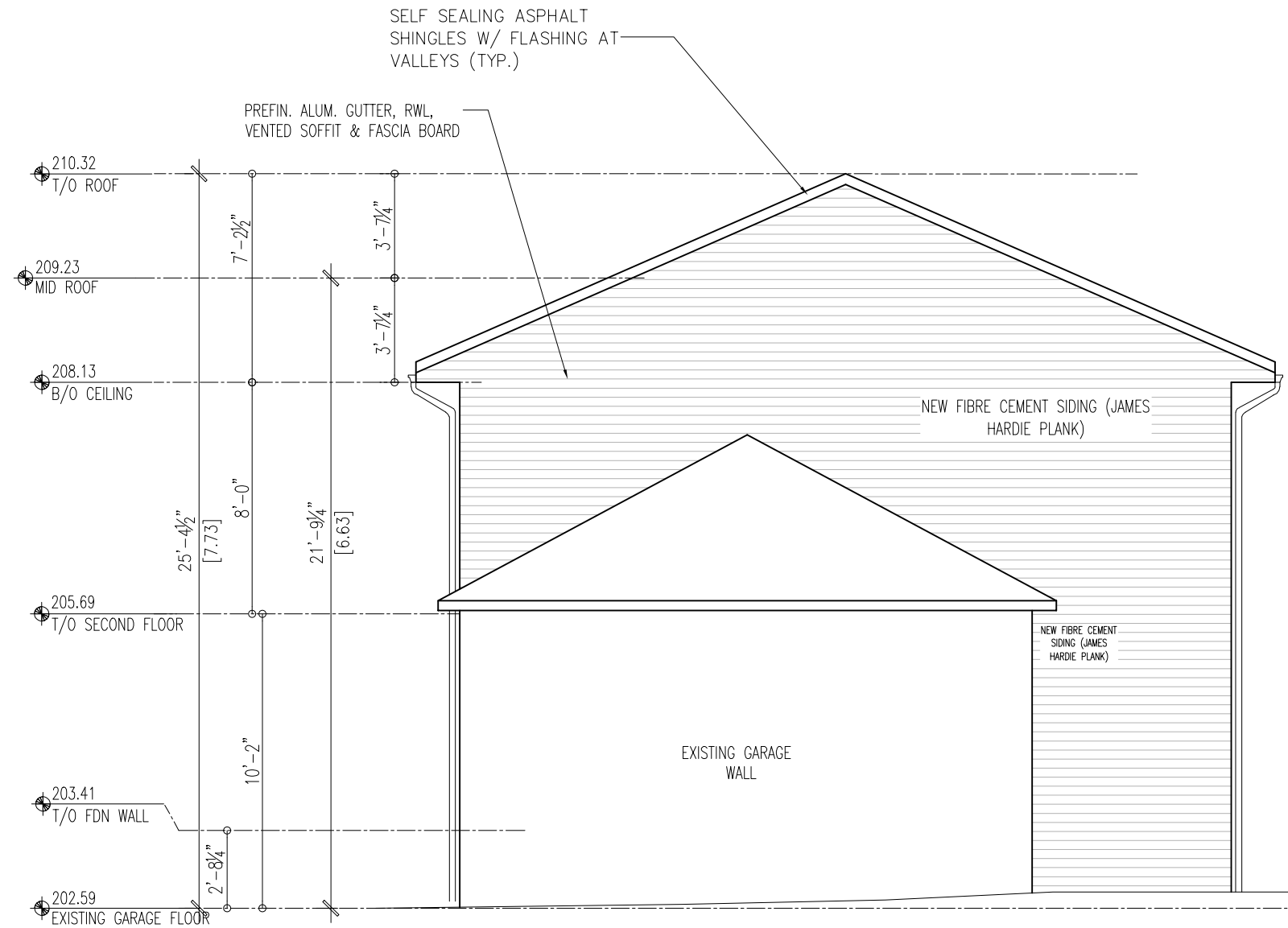


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	A-06

Appendix B

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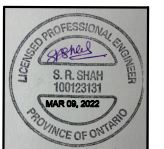
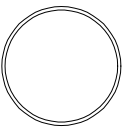
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WEST ELEVATION

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DRAWING TITLE :
WEST ELEVATION

A-07