

Memorandum to the City of Markham Committee of Adjustment

March 19, 2025

File: A/150/24
Address: 15 Frank Ash St, Markham
Applicant: Eden Engineering & Design Inc. (Albert Yerushalmi)
Hearing Date: Wednesday, April 2, 2025

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

The applicant is requesting relief from the following requirements of By-law 2024-19, RES-LR4, as amended, as it relates to a proposed coach house dwelling:

- a) **By-law 2024-19, Section 6.2.1(d):**
a roof containing dormers which occupy 42.61 percent of the width of the roof length, whereas the by-law permits a maximum of 35 percent;
- b) **By-law 2024-19, Section 4.9.12(c):**
a coach house dwelling on a lot that has a lot frontage of 8.28 metres; whereas the by-law requires a minimum lot frontage of 9.75 metres; and
- c) **By-law 2024-19, Section 4.9.12(d):**
a coach house dwelling to be setback 5.26 metres from the main building on the lot, whereas the by-law requires a minimum setback from the main building of 6 metres

BACKGROUND

Property Description

The 290.69 m² (3,129 ft²) subject property is located on the south side of Frank Ash Street, North of 16th Avenue and East of Bur Oak Avenue. The property is located within the established residential neighbourhood of Upper Cornell, and is comprised of two-storey detached and townhouse dwellings.

There is an existing detached dwelling on the property, which according to assessment records was constructed in 2017.

Proposal

The applicant is proposing to construct a new coach house above the existing one-storey detached two-car garage on the subject property.

Provincial Policies

More Homes, More Choice Act, 2019

The *More Homes, More Choice Act, 2019*, S.O. 2019, c. 9 – (Bill 108), received Royal Assent on June 6, 2019 and portions were proclaimed on September 3, 2019. The proclaimed portions of Bill 108 amended the *Planning Act, R.S.O. 1990, c. P.13, as amended*, to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse (townhouse) dwellings, as well as permitting a residential unit in ancillary structures to a detached, semi-detached, or rowhouse dwelling. Under this legislation, “second suites” or “secondary suites” are now referred to as “additional residential units”, and the terms are used synonymously in this memorandum.

Official Plan and Zoning

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

Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the “Residential Low Rise” designation to ensure infill development respects and reflects the existing pattern and character of the surrounding neighborhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

Zoning By-Law 2024-19

The subject property is zoned Residential Low Rise Four (RES-LR4) under By-law 2024-19, as amended, which permits Detached, Semi-Detached and Coach houses, in addition to Home child care, Home Occupation and Shared housing-small scale uses.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on August 16, 2024 to confirm the variances 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.

Secondary Suites

Fire and Emergency Services Department has no objections provided the secondary suite is registered with the City and complies with Building and Fire Codes. Should this application be approved, the applicant will be required to obtain a building permit which ensures the secondary suite 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.

The City of Markham is committed to promoting affordable and shared housing opportunities. Secondary suites help the City increase the availability of affordable housing forms and provide support to achieve its affordable housing target required by the Province. Planning staff are of the opinion that the application meets the criteria under Section 8.13.8 of the 2014 Official Plan for the establishment of a secondary suite and therefore have no objections.

Increased Roof Dormers

The applicant is requesting relief to permit a roof containing dormers which occupy 42.61 percent of the width of the roof length, whereas the by-law permits a maximum of 35 percent. This represents an approximately 7.61 percent increase.

Part 3.0 of Zoning By-Law 2024-19, as amended, define Dormer as “a roofed structure often containing a window, set vertically that projects from a sloped roof”. Staff note that the proposed coach house is similar to the existing coach houses that are present throughout the neighborhood. As such, staff opine that the requested variance to permit wider roof dormers is in keeping with the characteristics of the existing neighborhood, and will not pose a negative impact on the surrounding areas.

Permit coach house dwelling a reduced minimum lot frontage

The applicant is requesting a variance to permit a coach house dwelling on a lot with a frontage of 8.28 m (27.17 ft), whereas the by-law requires a lot frontage of 9.75 m (32 ft) for a coach house dwelling on a lot. Staff note that the subject property is pie-shaped, with a narrower front and a wider rear. The increased frontage along the rear laneway creates a sense of openness and reduces potential impacts on neighboring properties. Given these site characteristics, staff have no concerns with the requested variance.

Reduced Coach House Dwelling Setback

The applicant is requesting relief to permit a setback from the main building of 5.26 m (17.25 ft), whereas the By-law requires a setback of 6 m (19.69 ft). The variance is entirely attributable to the location of an existing two-car detached garage. Staff note adequate outdoor amenity space remains and have no concerns with the requested variance.

PUBLIC INPUT SUMMARY

One written submission was received as of March 26 2025. 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.

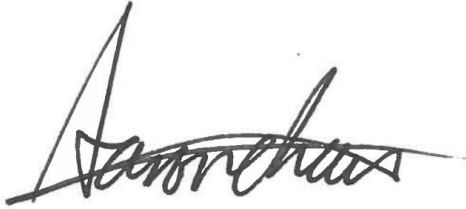
Please refer to Appendix "A" for conditions to be attached to any approval of this application.

APPENDICIES

Appendix "A" – A/150/24 Conditions of Approval

Appendix "B" – Plans

PREPARED BY:

A handwritten signature in black ink, appearing to read "Aaron Chau". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aaron Chau, Planner I, East District

REVIEWED BY:

A handwritten signature in black ink, appearing to read "Stacia Muradali". The signature is very stylized and abstract, with a long horizontal stroke extending to the right.

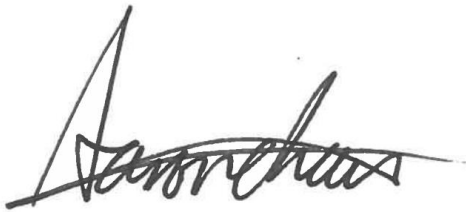
Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/150/24

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 March 14 2025 and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;

CONDITIONS PREPARED BY:

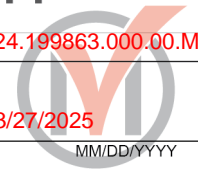
A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, East District

Appendix B

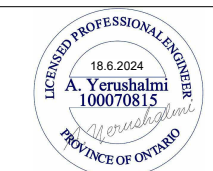
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Date: 3/27/2025
MM/DD/YYYY



Contractor to check and verify all dimensions and conditions on the job and report discrepancies to the designer before proceeding with the works. This drawing is the property of "Eden Engineering & Design" and any use of it should have the designer consent. Drawings are not to be scaled

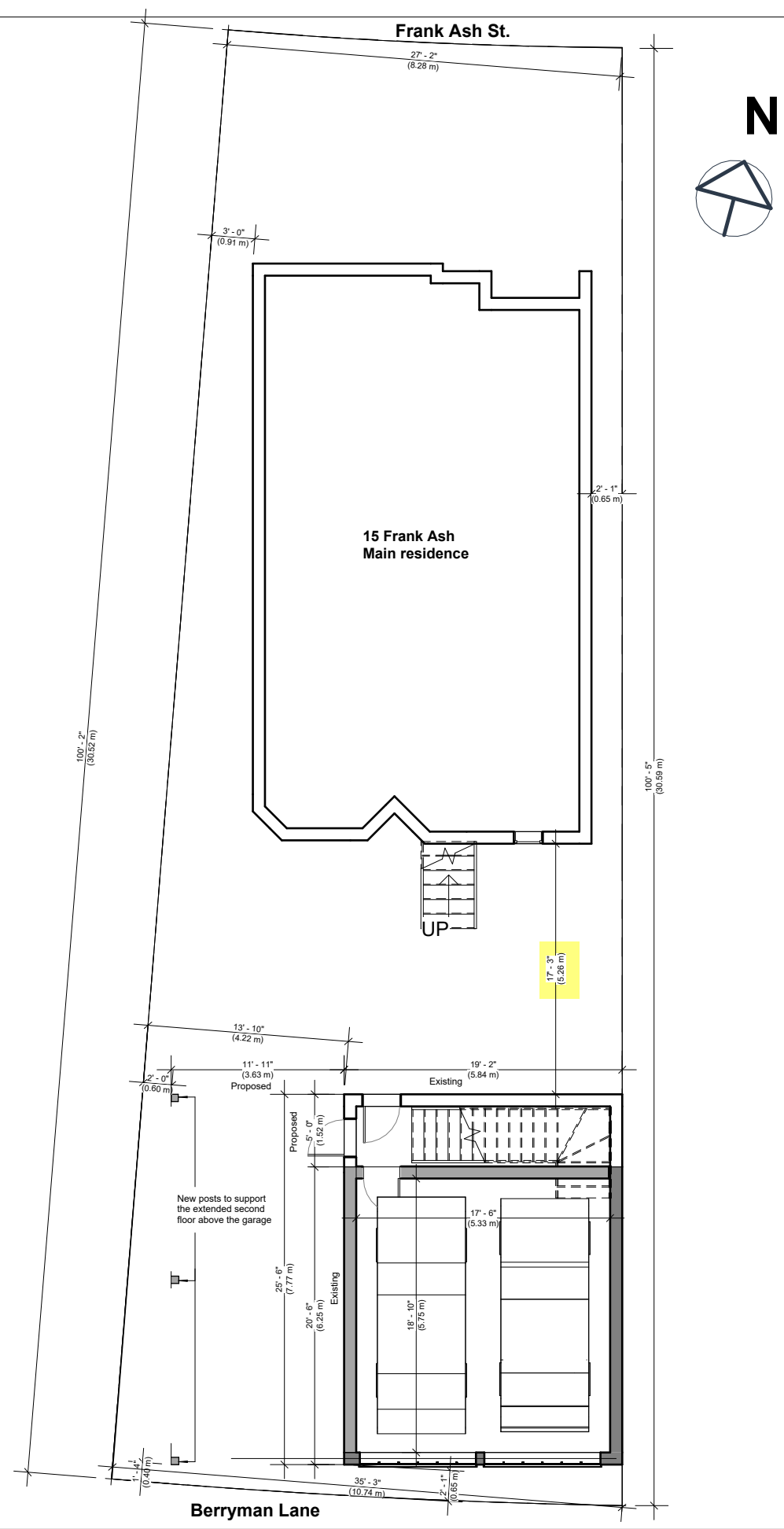
15 Frank Ash St.
Markham, ON.



Eden Engineering & Design Inc.
Consulting Engineers

34 Pheasant Valley Ct.
Markham, ON L3T2H1
Tel : 416-876-0957
Fax : 905-248-3595
E-mail : info@edenengineering.ca

Drawn By	
Checked By	AY
Project issue date	18.6.2024



Site stats:

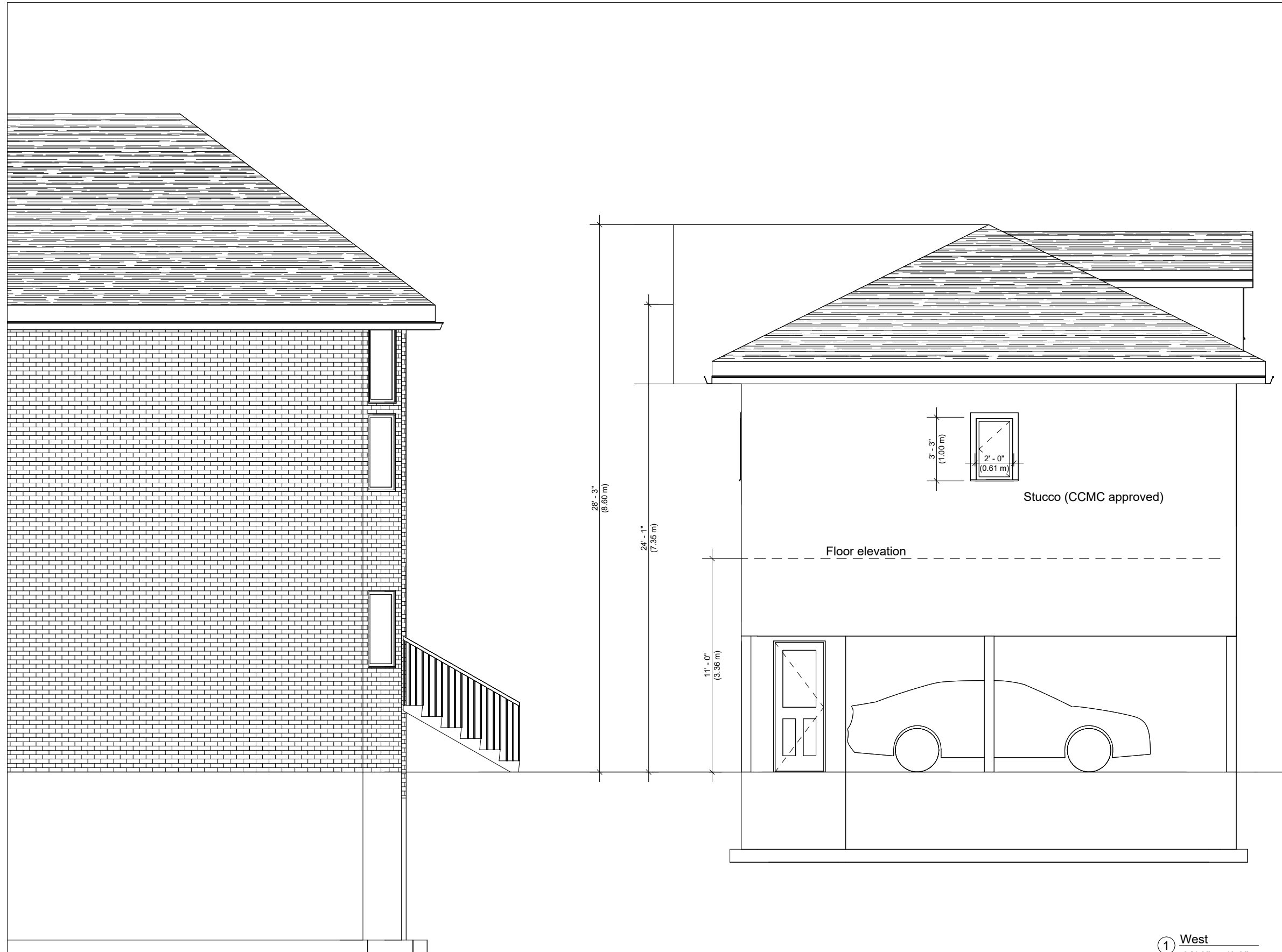
- Lot area: 3,129 ft²
- Garage area: 393 ft²
- Addition of staircase to the rear of the garage: 96 ft²
- Proposed second floor above the garage: 793 ft²
- Height of the addition above the garage from the grade: 28'-3" (8.61 m) 24'-1" (7.34) to the mid-point
- Total coverage 54.3%

① Site plan
1 : 125

Appendix B

File: 24.199863.000.00.MNV

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① West
3/16" = 1'-0"

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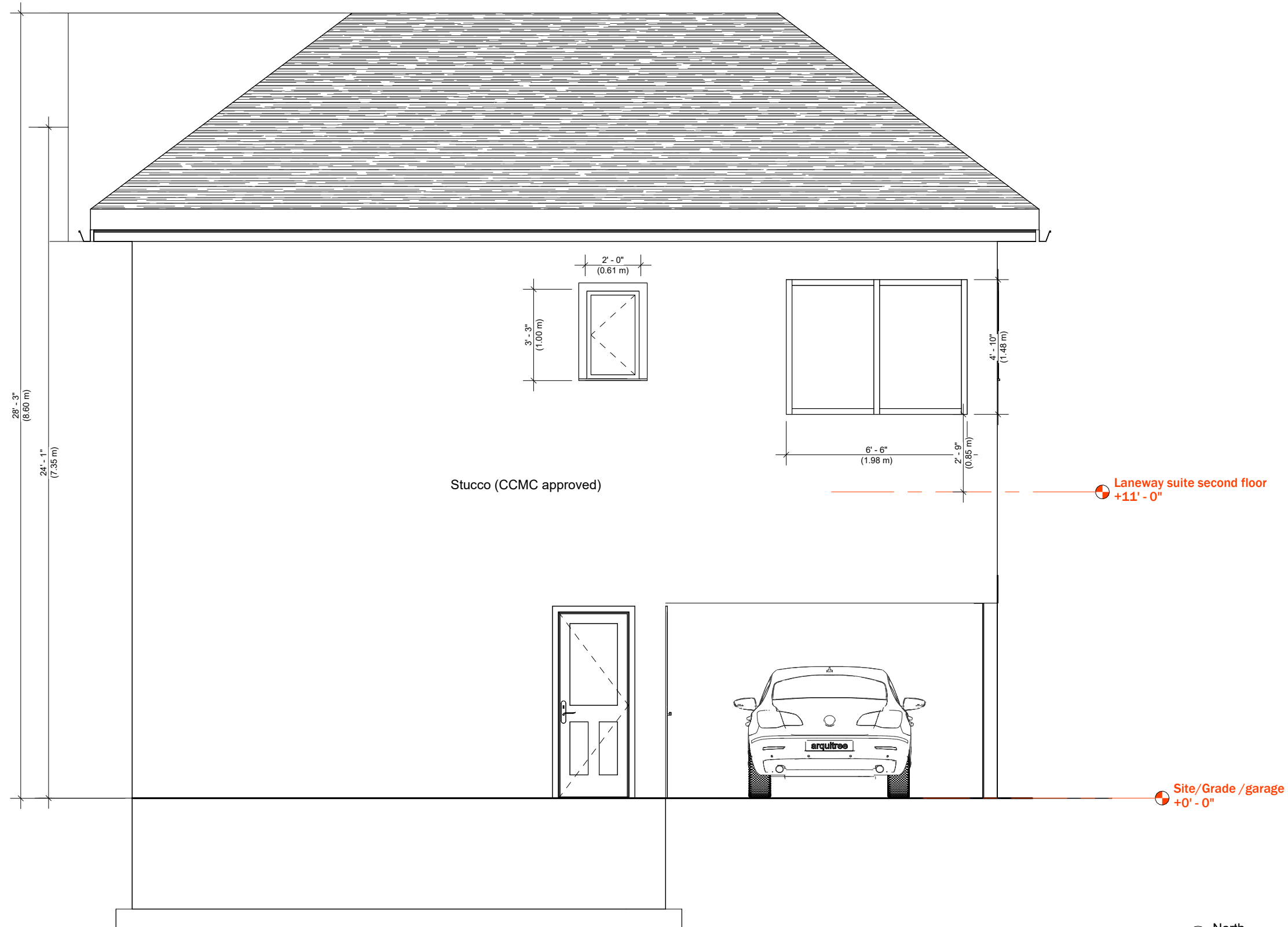
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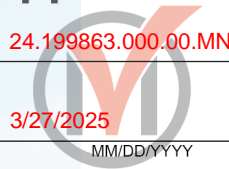
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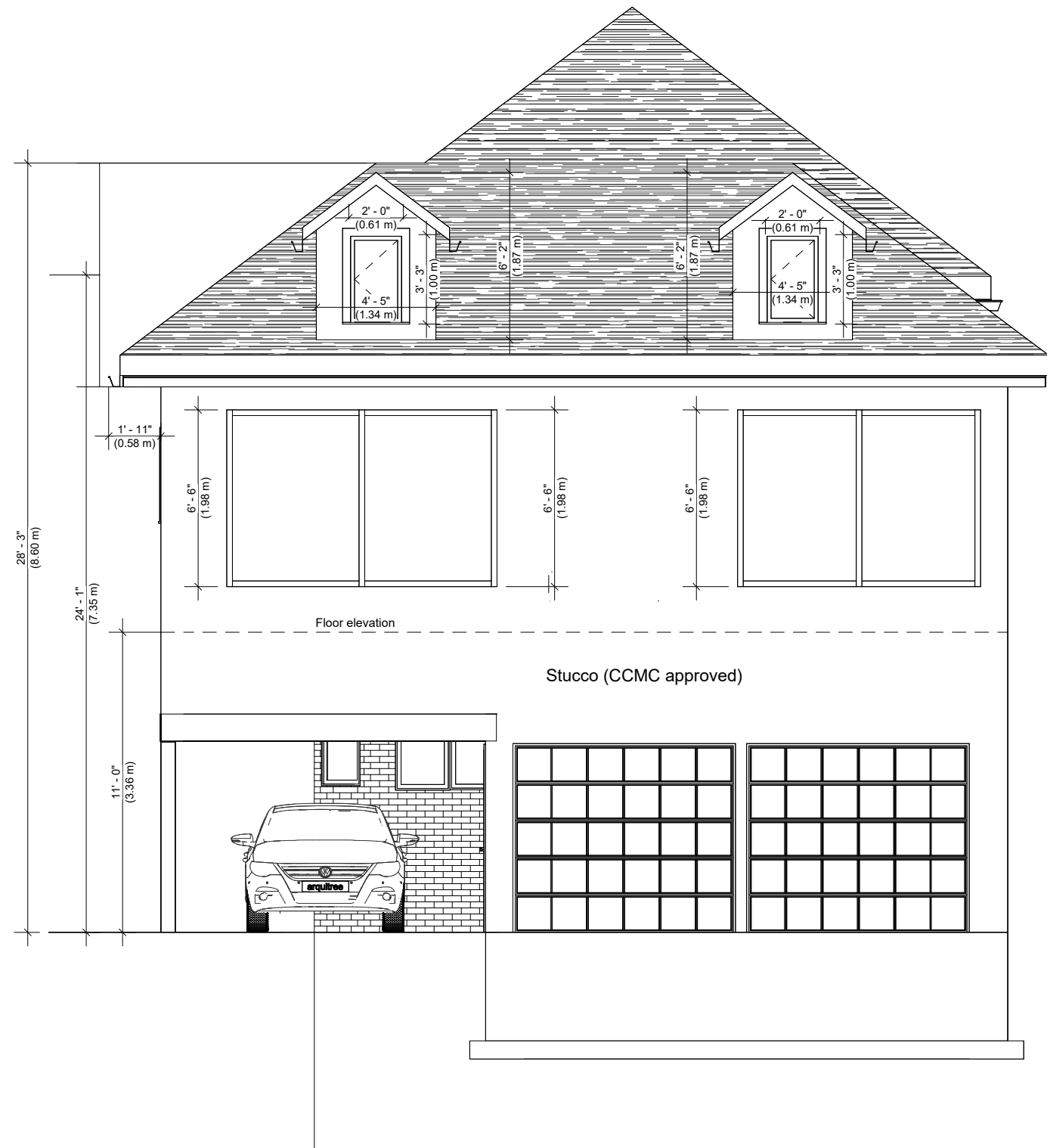


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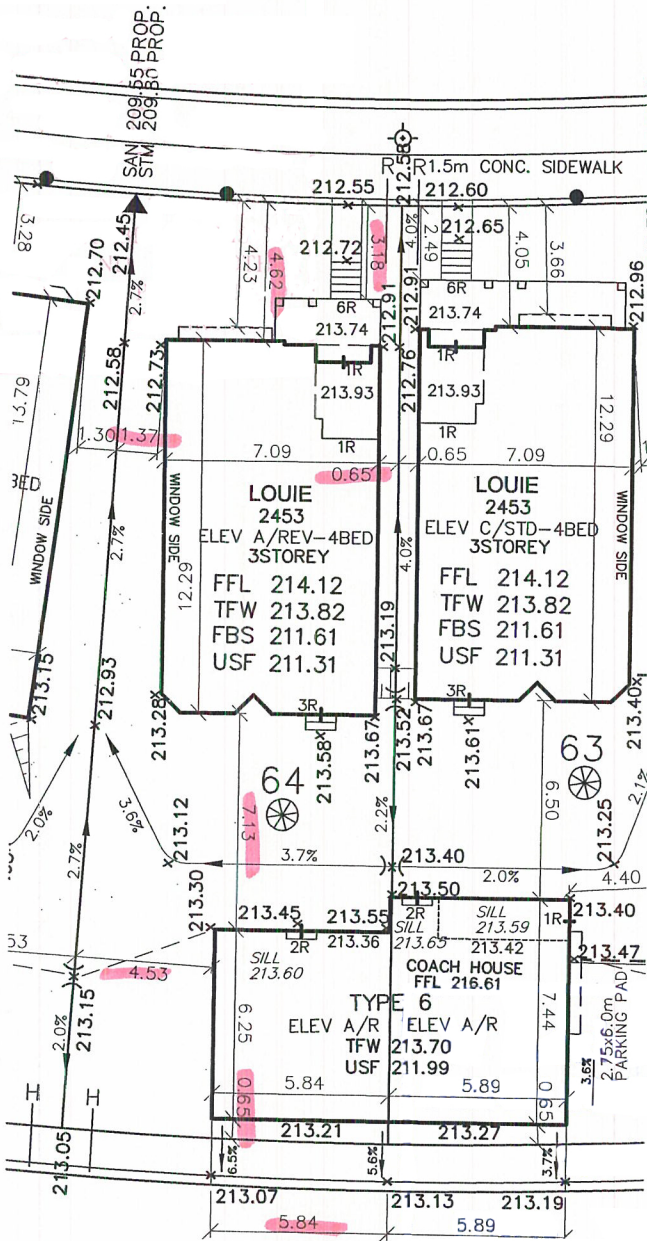
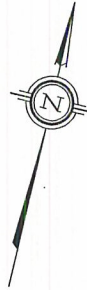
FRANK ASH STREET

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MM/DD/YYYY



LEGEND

- 286.0 PROPOSED GRADES
- ⊙ LOT CORNER
- × 286.0 PROPOSED GRADE
- DIRECTION OF FLOW
- FFE FINISHED FLOOR ENTRY
- FSL FINISHED SECOND FLOOR LEVEL
- FFL FINISHED FLOOR LEVEL
- FFL.CH FINISHED FLOOR LEVEL COACH HOUSE
- TFW TOP OF FOUNDATION WALL
- FFER/F FINISHED FLOOR ENTRY REAR/FRONT
- USFR/F UNDERSIDE OF FOOTINGS REAR/FRONT
- FBS FINISHED BASEMENT SLAB
- SL STREET LIGHT
- RB TRAFALGAR LIGHT POLE WITH ROGERS & BELL PEDESTAL
- ⊕ STREET LIGHT PEDESTAL
- ⊕ HYDRANT
- ⊕ TRANSFORMER
- ⊕ VALVE CHAMBER
- WATER SERVICE
- ▽ STORM & SANITARY CONNECTION
- ⊕ CABLE TV PEDESTAL
- ⊕ BELL PEDESTAL
- ⊕ BELL FLUSH TO GRADE PEDESTAL
- CATCH BASIN
- EXTERIOR DOOR LOCATION
- SWALE DIRECTION
- W.O.D WALK OUT DECK
- W.O.B WALK OUT BASEMENT
- ⊕ R REVERSE PLAN
- DOWNSPOUT
- ⊕ ENGINEERED FILL
- ⊕ STREET SIGN
- H HYDRO/GAS SERVICE CONNECTION TO LOTS
- R ROGERS TAIL
- ⊕ (H) HYDRO METER
- (4) HYDRO/GAS/BELL/ROGERS SERVICE CONNECTION TO LOT

BERRYMAN LANE