

Memorandum to the City of Markham Committee of Adjustment

June 30, 2021

File: A/073/21
Address: 19 Spring Meadow Avenue – Markham, ON
Applicant: Shan Hongchao
Agent: Vin Engineering Inc. (Sunil Shah)
Hearing Date: July 7, 2021

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 under By-law 177-96, as amended, as they relate to a proposed coach house above a detached garage. The variances requested are to permit:

a) By-law 177-96, Section 6.3.1.6:

a maximum height of 6.73 m (22.08 ft) to the mid-point of the roof, whereas the By law permits a maximum height of 4.50 m (14.76 ft); and

b) By-law 177-96, Section 6.3.1.7 (b):

a maximum lot coverage of 20.45%, 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).

BACKGROUND

Property Description

The 264.69 m² (2,849.10 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 a lot frontage of 8.01 m (26.28 ft), and is currently developed with a two-storey single detached dwelling, and a detached one-storey two-car garage which is accessed by a public lane at the rear of the property. The garage shares a common wall with the neighbouring property at 17 Spring Meadow Avenue. A third parking space (parking pad) is located east of the garage.

The property is located within the Cornell community, which is a residential neighbourhood comprised of a mix of low rise housing forms including detached, semi-detached, and townhouse dwellings. 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 above the existing one-storey detached garage on the subject property, the applicant is requesting increases to the maximum height, and coverage as permitted by the By-law.

Official Plan and Zoning

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

The Official Plan designates the subject property “Residential Low Rise” which provides for low rise housing forms.

Zoning By-Law 177-96

The subject property is zoned “Residential Two Exception *5 (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.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on May 17, 2021 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 6.73 m (22.08 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).

The By-law calculates building height using the vertical distance of a building or structure measured from the established grade of such building or structure to the mean level between the eaves and ridge of a gabled, hip, or gambrel roof, or other typed of pitched roof. 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. Approval of the proposed variance would facilitate the construction of a secondary suite in the form of a coach house. 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 for a coach house to be constructed on the property with a height that is lesser than other properties along the laneway which have a permitted height of up to 8.0 m (26.25 ft). Staff are of the opinion that 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 that is consistent with other coach house developments on similar sized lots within the Cornell community, therefore maintaining the general intent and purpose of the By-law. The increase in height would also help facilitate the development of a coach house which staff consider to be desirable, and aligned with policies for development of secondary suites found under Sections 4.1.2.6 and 8.13.8 of the Official Plan.

Increase in Maximum Lot Coverage

The applicant is requesting a maximum lot coverage of 20.45%, 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 2.45% to the maximum lot coverage which equates to expanding the permitted footprint of the detached private garage (and habitable floor area above) by approximately 6.49 m² (69.80 ft²). The requested lot coverage can be accommodated on the lot, while complying with all relevant setback requirements, including the minimum separation 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;
- new municipal addressing is provided for the buildings; and
- the garage and accessory apartment areas are equipped with a sprinkler system.

The existing detached dwelling has a westerly side yard setback of 1.25 m (4.10 ft), and Planning staff therefore recommend that the clear path of travel be secured through a condition adopted by the Committee in the event of approval. It is noted however, that a sprinkler system cannot be secured through a condition of approval. 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. The applicant is encouraged to contact Fire Services prior to registration of the unit.

PUBLIC INPUT SUMMARY

One written submission was received as of June 30, 2021, citing the following concerns that the proposed development:

- would add to traffic within the area;
- would result in reduced privacy of neighbouring properties; and
- would negatively impact sight lines for neighbouring properties; and
- may not be necessary, not complimentary, nor be appropriate for the neighbourhood.

Staff do not object to the development proposal for the reasons detailed above.

It is noted that 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 requested variances meet the four tests. 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 of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



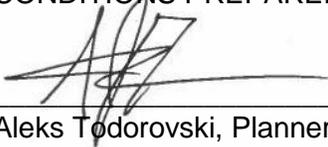
Carlson Tsang, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/073/21

1. The variances apply only to the proposed development 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 from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
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:

A handwritten signature in black ink, appearing to be 'Aleks Todorovski', written over a horizontal line.

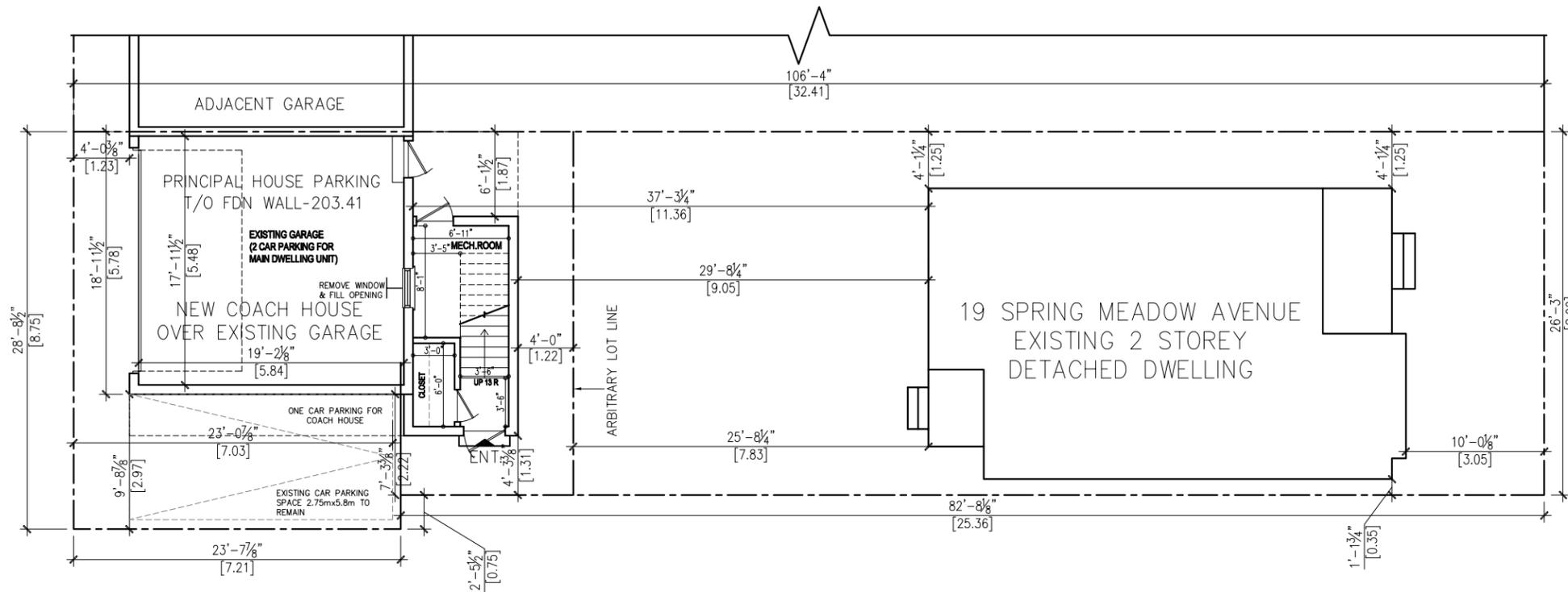
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/073/21

Appendix B

File: 21.122332.000.00.MNV

Date: 07/02/21
MM/DD/YY



SITE PLAN

DESIGN CONSULTANTS

ENGINEERING CONSULTANTS

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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 : 264.69 SM
LOT FRONTAGE : 8.00 M

COACH HOUSE
LOT AREA : 264.69 SM
COACH HOUSE
FOOTPRINT : 58.48 SM
STAIRCASE AREA : 4.35 SM

LOT COVERAGE (%)
COACH HOUSE : 20.45 %

1	APRIL 26, 2021	ISSUED FOR BUILDING PERMIT
No	Date	Revisions

DRAWN BY : MP

DATE : APRIL 26, 2021

CHECKED BY : SS

SCALE : 3/16" = 1'-0"



PROJECT:

PROPOSED COACH HOUSE
19 SPRING MEADOW AVENUE,
MARKHAM, ON L6B 1B5



DRAWING TITLE :

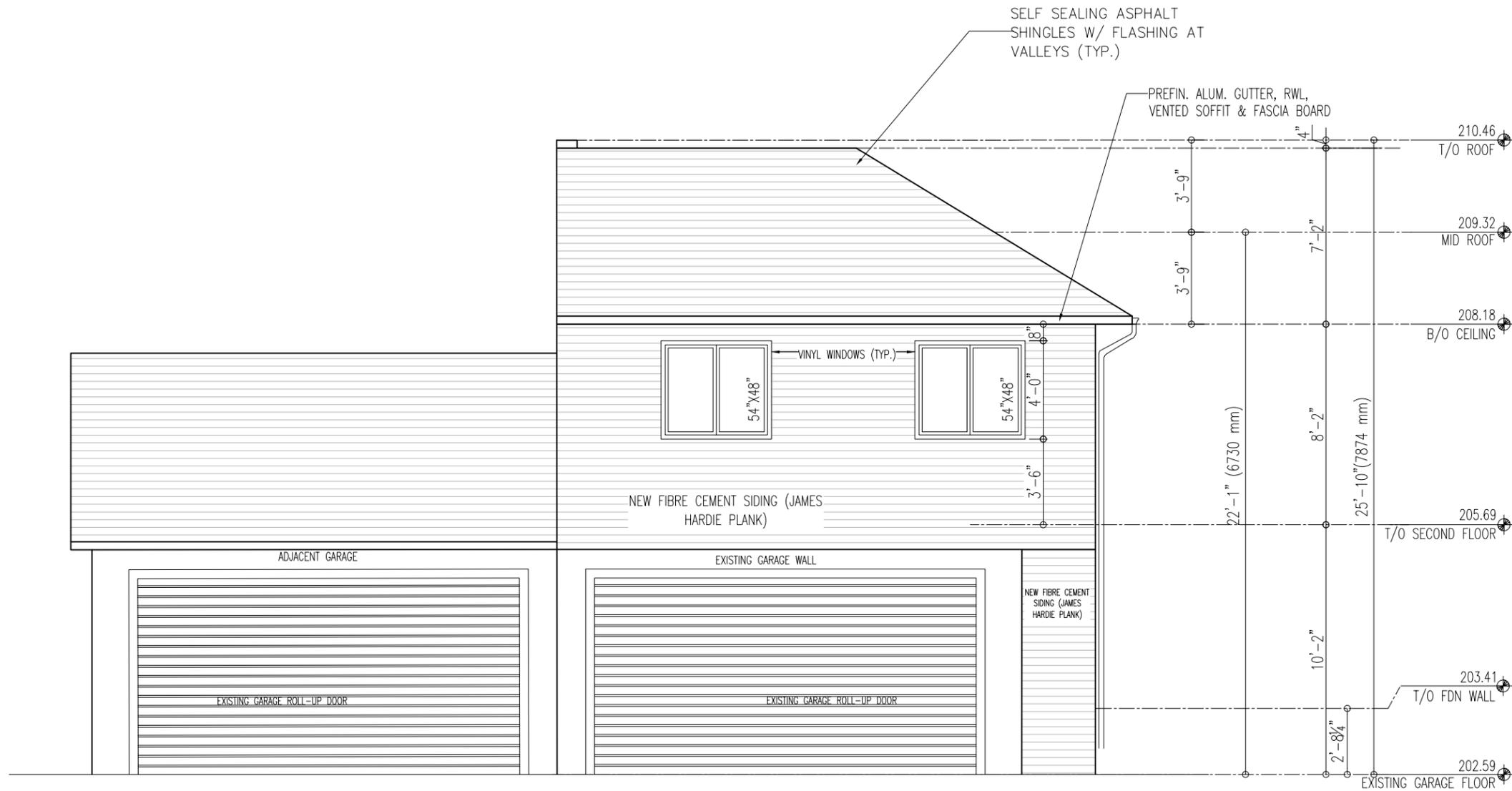
SITE PLAN

A-01

Appendix B

File: 21.122332.000.00.MNV

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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 : 4.23 M (13'-10⁹/₁₆")
 WALL AREA : 34.85 SM (375.10 SF)
 OPENINGS ALLOWED : 9.758 SM (28.00%)
 OPENING PROPOSED : 3.01 SM (32.40 SF) (8.63%)

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No	Date	Revisions
DRAWN BY : MP		DATE : APRIL 26, 2021
CHECKED BY : SS		SCALE : 3/16"; 1'-0"

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

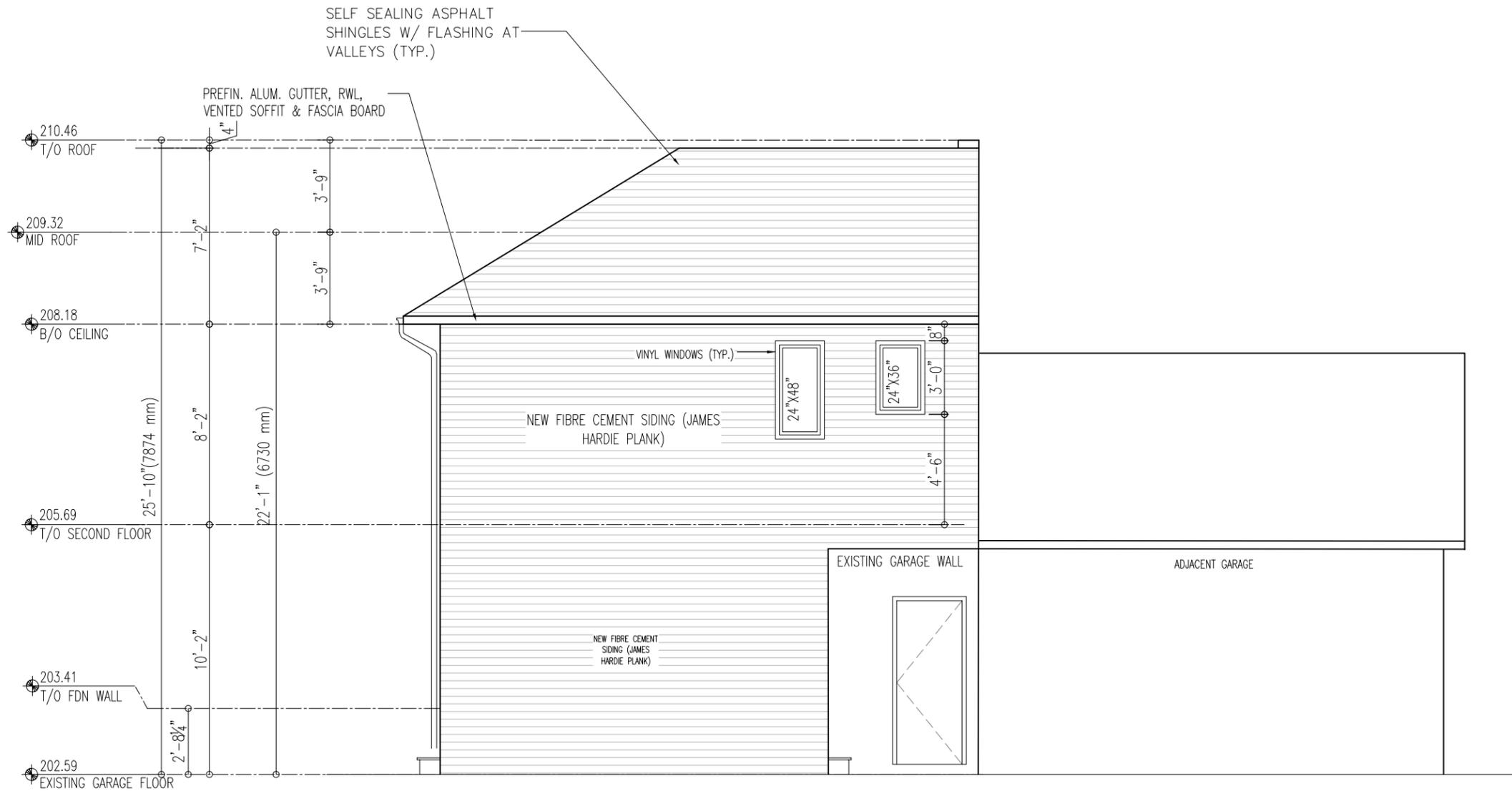


DRAWING TITLE :	SOUTH ELEVATION
	A-04

Appendix B

File: 21.122332.000.00.MNV

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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 : 9.05 M (29'-8⁵/₁₆"")
 WALL AREA : 32.15 SM (346.10 SF)
 OPENINGS ALLOWED : 32.15 SM (100%)
 OPENING PROPOSED : 1.17 SM (12.60 SF) (3.64%)

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



DRAWING TITLE :

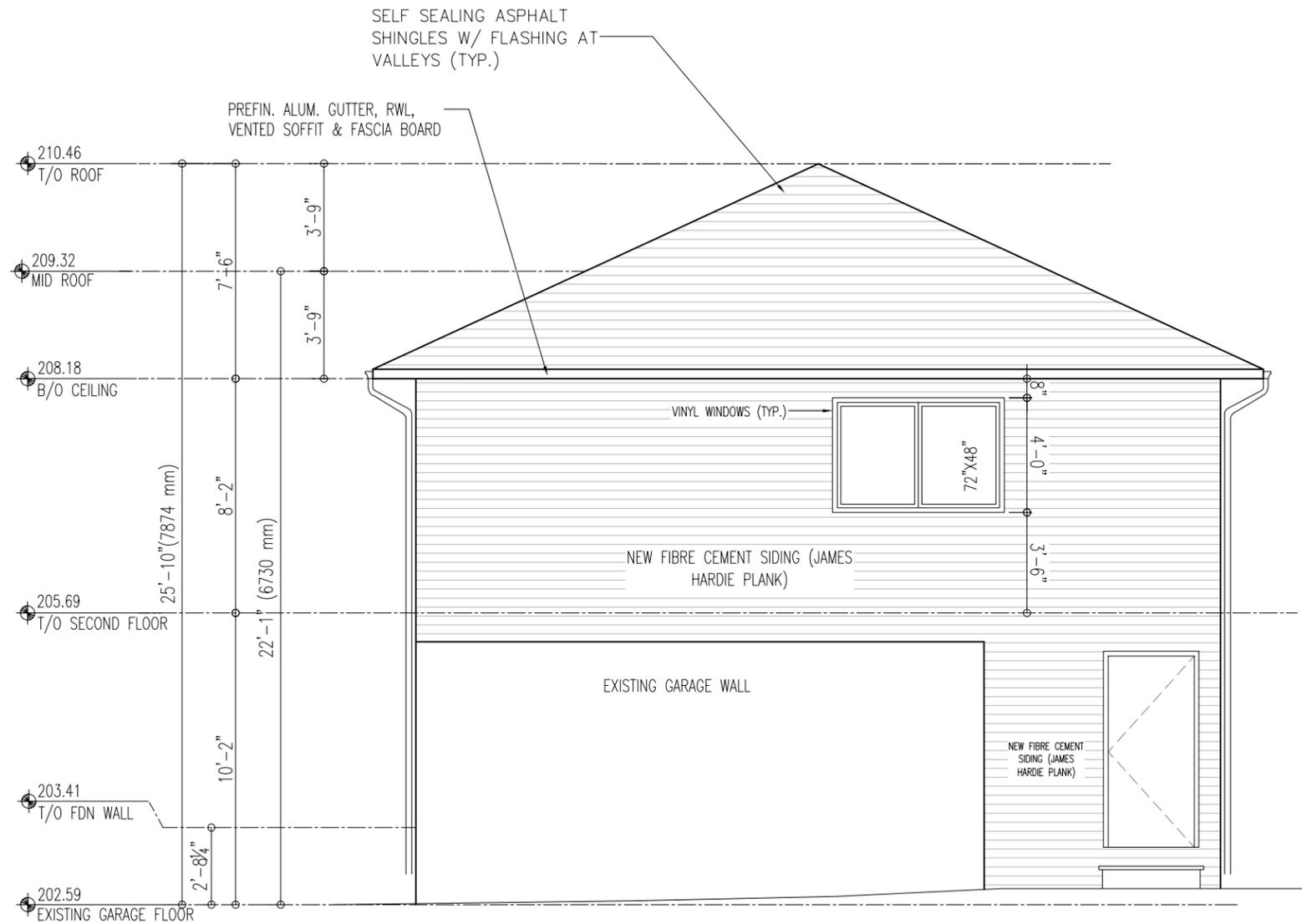
NORTH ELEVATION

A-05

Appendix B

File: 21.122332.000.00.MNV

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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

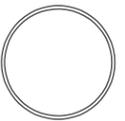
LIMITING DISTANCE : 1.31M (4'-3⁹/₁₆"
 WALL AREA : 30.51 SM (328.43 SF)
 OPENINGS ALLOWED : 2.24 SM (7.33%)
 OPENING PROPOSED : 2.00 SM (21.60 SF) (6.58%)

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



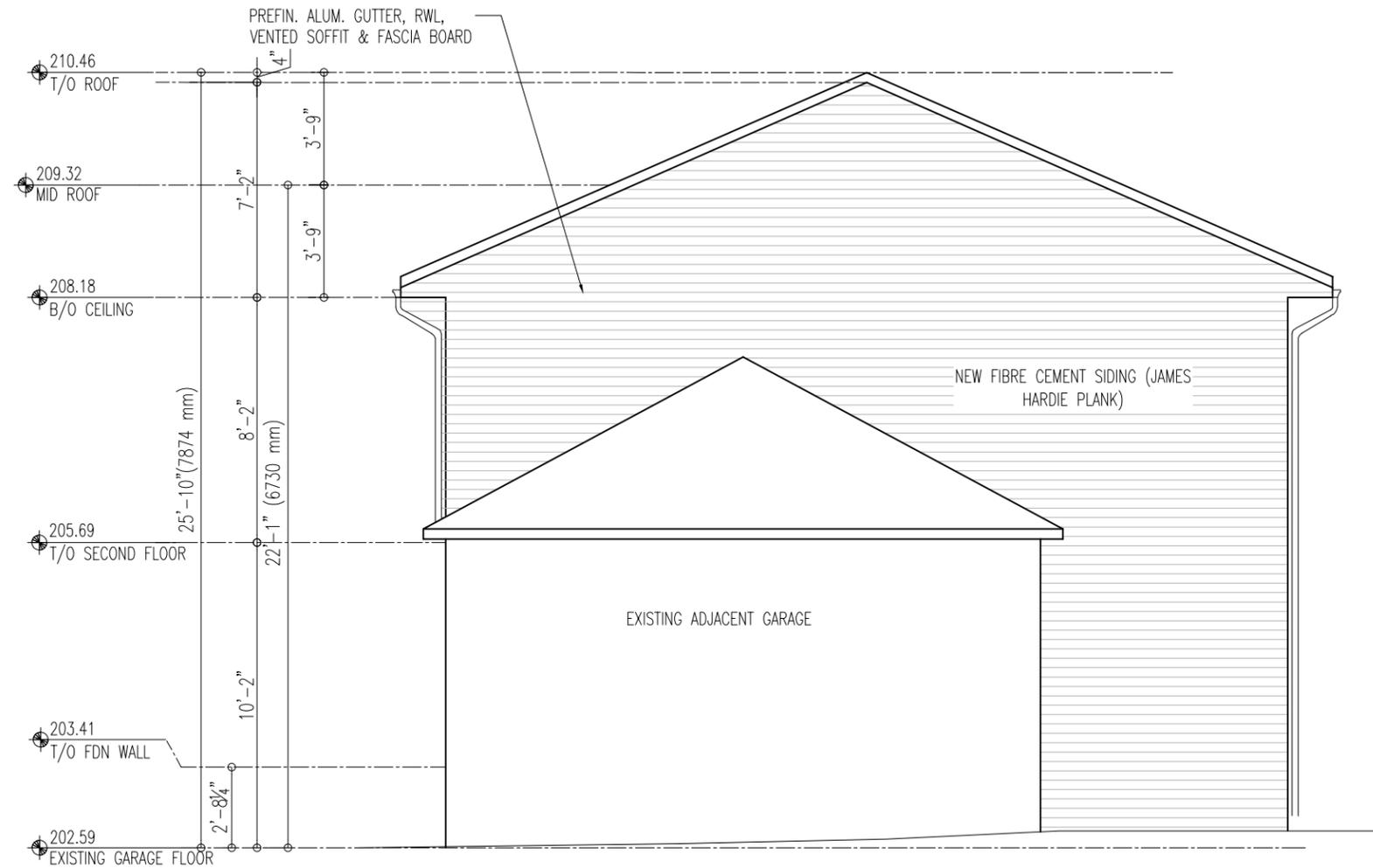
DRAWING TITLE :
EAST ELEVATION

A-06

Appendix B

File: 21.122332.000.00.MNV

Date: 07/02/21
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WEST ELEVATION

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

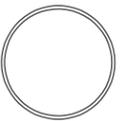
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CHECKED BY: SS **SCALE:** 3/16"; 1'-0"



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



DRAWING TITLE :
WEST ELEVATION

A-07