

Memorandum to the City of Markham Committee of Adjustment

March 31, 2025

File: A/002/25
Address: 78 Lahore Cres, Markham
Applicant: Noble Prime Solution Ltd. (Pavneet Kaur)
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, Residential Established Neighbourhood Low Rise (RES-ENLR), as amended, as it relates to a proposed additional residential unit in the basement:

a) By-law 2024-19, Section 4.8.8(f):

a rear yard stair encroachment of 2.75 metres, whereas the by-law permits a maximum stair encroachment of 2.0 metres into the required rear yard; and

b) By-law 2024-19, Section 4.9.9(d):

an unobstructed path of travel to an additional dwelling unit of 0.91 metres, whereas the by-law requires a minimum clear path of travel of 1.20 metres.

BACKGROUND

Property Description

The 239.95 m² (2582.81 ft²) subject property is located on the east side of Lahore Crescent, south of 14th Avenue and east of Markham Road. The property is located in an established residential neighbourhood comprised of two-storey single detached dwellings. There is an existing two-storey detached single on the property, which according to assessment records was constructed in 2008. Mature vegetation exists on the property including two mature trees and shrubs in the front yard.

Proposal

The applicant is proposing a separate basement walkout access in the rear yard to the additional basement dwelling unit (secondary suite). The proposed additional basement dwelling unit would have direct and separate access provided by a basement walkout located in the rear yard. The Proposed Development is shown in 'Appendix C'. To facilitate this proposal the Owner is requesting variance to permit the basement stairs to encroach within the required rear yard, and to permit a reduced travel path in the side yard, due to encroachments of egress window wells and a gas meter. The applicant had originally requested a side yard setback of 0.66 metres, and subsequently revised their request after Notice of Hearing had been served to 0.91 metres to provide a greater unobstructed path of travel. Staff note that the north side yard setback measured to the main building is 1.22 metres.

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)

The Official Plan designates the subject property ‘Residential Low Rise’, which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the 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 ‘RES-ENLR – Residential Established Neighbourhood Low Rise’ under By-law 2024-19, as amended, which permits Detached dwellings. The proposed development does not comply with the minimum side yard setback and rear yard encroachment requirements.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their permit process (24.197009 HP) 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.

Rear Yard Encroachment Variance

The applicant is requesting a rear yard stair encroachment of 2.75 metres, whereas the by-law permits a maximum stair encroachment of 2.0 metres into the required rear yard. This variance is a minimal rear yard encroachment applicable to the basement walkout stairs only, which will not impact abutting properties and which will result in sufficient amenity space remaining. Staff have no concern with this requested variance.

Unobstructed Path of Travel Variance

The applicant is requesting an unobstructed path of travel of 0.91 metres to an additional dwelling unit, whereas the by-law requires a minimum clear path of travel of 1.20 metres. As noted, the existing side yard setback of the dwelling is 1.22 metres. The requested reduction is specific to accommodate the gas meter and egress window wells within the north side yard. However, as this by-law provision is for safety and the side yard setback on the south side is minimal, staff cannot support the proposed variance.

PUBLIC INPUT SUMMARY

No written submissions were 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 for rear yard encroachment meets the four tests however, the variance to reduce the travel path to a secondary dwelling unit is not supported. With this consideration, Planning Staff recommends the application for partial approval and 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.

APPENDICES

Appendix "A" – Conditions
Appendix "B" – Aerial Photo
Appendix "C" – Plans

PREPARED BY:



Michelle Chen, Development Technician, Planning and Urban Design Department

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

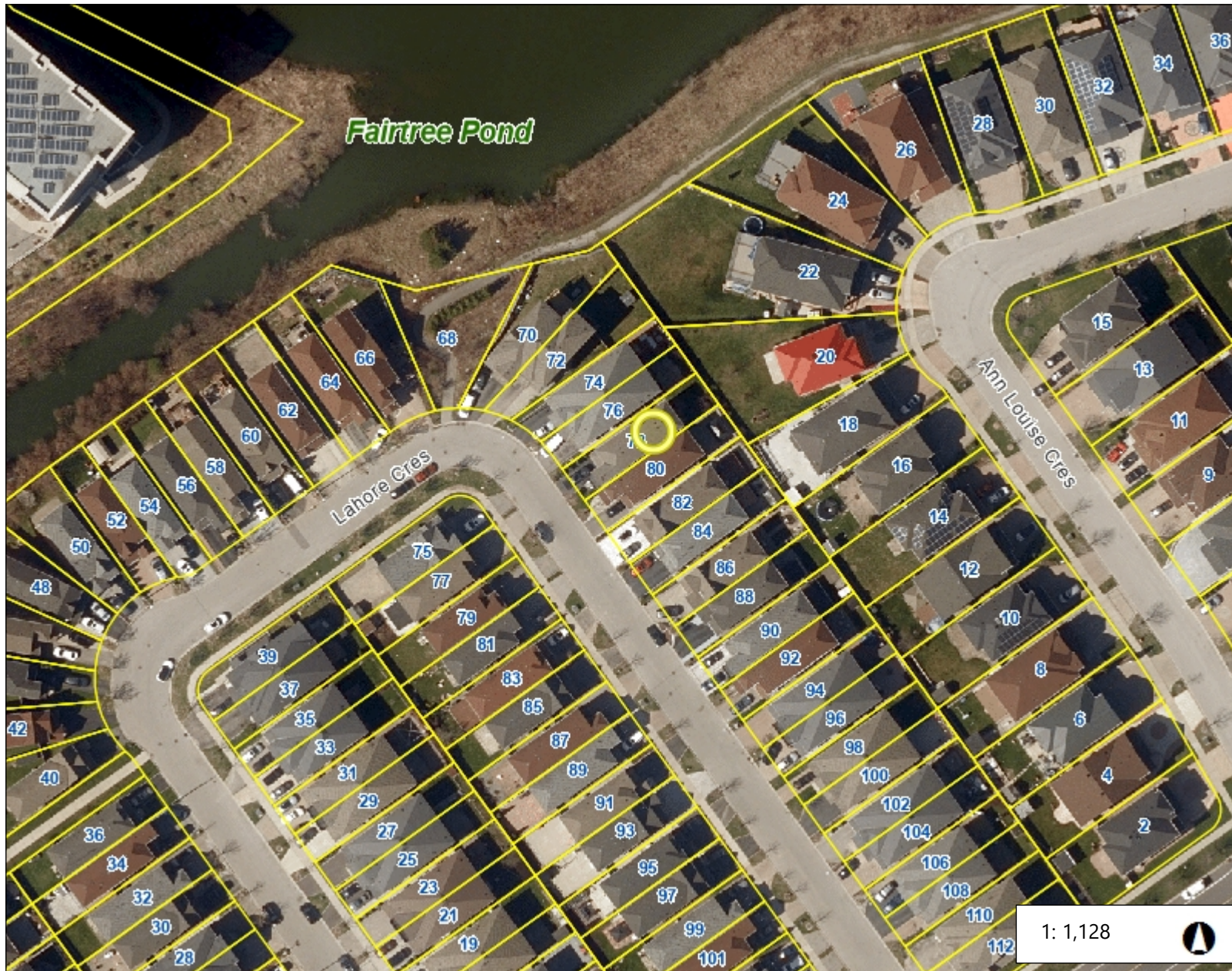
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/002/25

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 C' to this Staff Report and received by the City of Markham on March 26, 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:



Michelle Chen, Development Technician, Planning and Urban Design Department



Legend

- Subject Lands

1: 1,128

57.3 0 28.65 57.3 Meters

Notes

78 LAHORE CRES
2 STOREY DETACHED HOUSE

- PROPOSED**
- SECOND DWELLING UNIT IN BASEMENT
 - ONE(1) ENLARGED EGRESS WINDOW IN BASEMENT
 - TWO(2) NEW WINDOWS IN BASEMENT
 - BELOW GRADE ENTRANCE

MINOR VARIANCE

-TO PERMIT A REAR YARD ENCROACHMENT OF A STAIR OF 2.75m,
WHEREAS BY-LAW PERMITS A MAXIMUM ENCROACHMENT OF 2.0m INTO
THE REQUIRED REAR YARD;

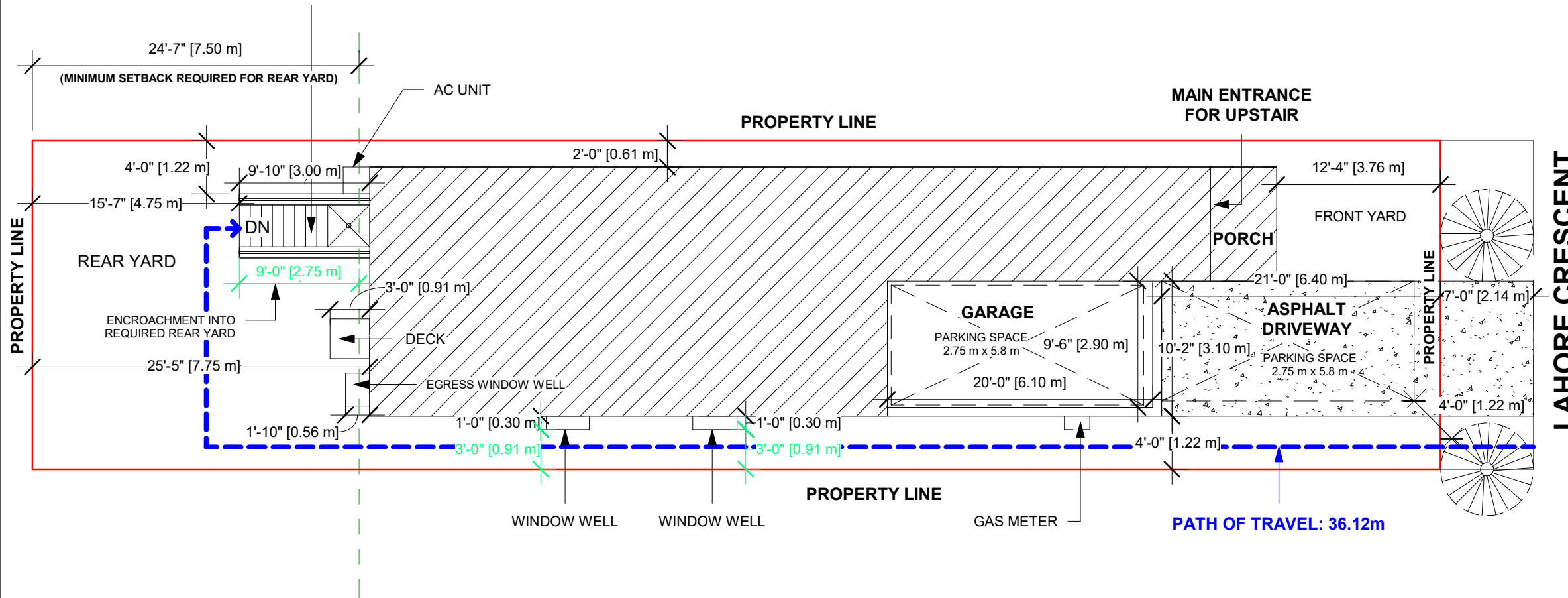
-TO PERMIT AN UNOBSTRUCTED PATH OF TRAVEL TO AN ADDITIONAL
DWELLING UNIT OF 0.91m, WHERE AS THE BY-LAW REQUIRES A MINIMUM
1.2m OF CLEAR PATH OF TRAVEL.

Appendix C

File: 25.108771.000.00.MNV

Date: 4/1/2025
MM/DD/YYYY

**PROPOSED BELOW GRADE ENTRANCE AS
PRIMARY ENTRY & EXIT FOR SECOND
DWELLING UNIT IN BASEMET**



The undersigned has reviewed and taken responsibility for this design and has qualifications and meet the requirements set out in the Ontario Building Code to be a designer

QUALIFICATION INFORMATION
(Required unless design is exempted under 3.2.5 Division C of OBC)

DESIGNER	BCIN
Tanvir Rai	103482

Tanvir Rai

FIRM	BCIN
Noble Prime Solutions Ltd	118716

THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND MUST NOTIFY THE DESIGNER/ENGINEER OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

ADDRESS:
78 LAHORE CRES,
MARKHAM, ON

NOBLE PRIME SOLUTIONS LTD
2131 WILLIAMS PARKWAY
UNIT 19,
BRAMPTON, ON.
info@nobleltd.ca
(437) 888 1800

SITE PLAN

DRAWN BY: KR CHECKED BY: TR
PROJECT NUMBER: 24R-30978

JAN 09/25

01	ISSUED FOR VARIANCE	JAN 09/25
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DATE: JAN 09/25 DWG No: A-1
SCALE: 1 : 115