

Memorandum to the City of Markham Committee of Adjustment

September 23, 2022

File: A/129/22
Address: 5 Horsetail Street, Markham
Applicant: Vin Engineering Inc (Sunil Shah)
Agent: Vin Engineering Inc (Sunil Shah)
Hearing Date: Wednesday, October 5, 2022

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential Two*190 (R2*190)” under By-law 177-96, as amended, as it relates to a proposed coach house above the existing detached garage. The variances requested are to permit:

a) Section 6.3.1.2:

a private garage to be set back from the main building 5.63 metres, whereas the By-law requires 6.0 metres, and

b) Section 6.3.1.7 (a):

a maximum lot coverage of a detached private garage to be 17.90 percent, whereas the By-law permits a maximum lot coverage of 15 percent.

BACKGROUND

Property Description

The 385.01 m² (4,144.21ft²) subject property is located on the east side of Horsetail Street, south of 16th Avenue and east of Bur Oak Avenue. The property is located within an established residential neighbourhood comprised of two-storey detached dwellings.

The property is developed with a two-storey detached dwelling and a detached one-storey garage. There is one tree located in the boulevard along the front property line.

Proposal

The applicant is proposing to construct a coach house above the existing detached garage which will have an approximate floor area of 72.27 m² (777.90 ft²).

The applicant is requesting variances to the setback from the main building and lot coverage for the proposed private garage to facilitate the development of a proposed coach house.

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.

Zoning By-Law 177-96

The subject property is zoned "Residential Two*190 (R2*190), as amended, which permits low rise housing forms including single detached dwellings. Exception *190 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 lot coverage and setback from the main building.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on June 22, 2022 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Lot Coverage

The applicant is requesting relief to the maximum lot coverage for a detached private garage to be 17.90 percent, whereas the By-law permits a maximum lot coverage of 15 percent.

The requested variance would permit an increase of approximately 2.9% to the maximum lot coverage to facilitate the development of habitable space above the existing detached private garage. Staff are of the opinion that the proposed increase in lot coverage will not significantly add to the scale and massing of the detached private garage and do not object to the variance.

Reduction in Setback from the Main Building

The applicant is requesting a minimum setback of 5.63 metres from the main building, whereas the By-law requires 6.0 metres from the main building to a detached private garage. This represents a reduction of 0.37 metres.

The requested variance would apply to a one-storey mechanical room, which has a width of approximately 1.1 m (3.6 ft) and is considered a component of the detached garage. Staff are of the opinion that the mechanical room is limited in width, and would allow for adequate amenity space in the rear yard to be maintained as it does not extend across the entire width of the amenity area. Staff are satisfied that the requested variance is minor in nature, and in keeping with the general intent and purpose of the By-law.

Fire and Emergency Services Comments

Fire and Emergency Services Department has no objections that the Owner registers the accessory apartment with Markham Fire and Emergency Services. Should this application be approved, the applicant will be required to obtain a building permit which ensures the accessory apartment 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 September 23, 2022. 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 variances requested 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.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/129/22

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 the Owner register the home as a two-unit house with the City of Markham Fire & Emergency Services Department, and satisfy any and all conditions for registration, to the satisfaction of the Fire Chief; and
4. That the owner submit, if required by the Chief Building Official, a third-party report prepared by an architect or professional engineer licensed in the Province of Ontario, to assess compliance of existing construction with the provisions of the Ontario Building Code, and in particular relating to the change of use from a dwelling containing a single suite to a dwelling containing more than one suite.

CONDITIONS PREPARED BY:



Brashanthe Manoharan, Planner II, East District

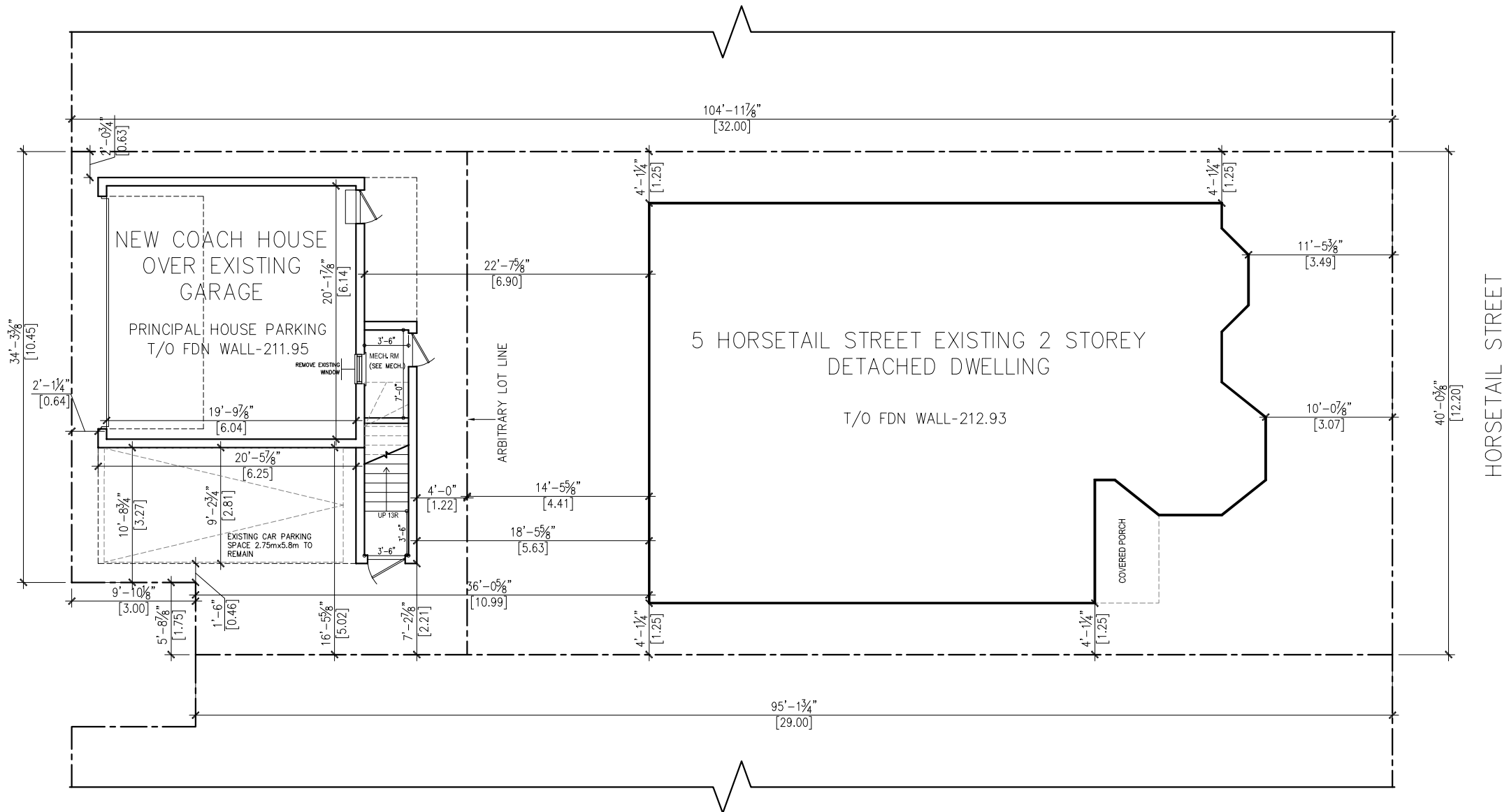
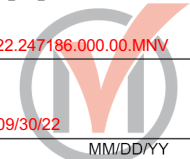
APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/129/22

Appendix B

File: 22.247186.000.00.MNV

Date: 09/30/22
MM/DD/YY



SITE PLAN

ZONING INFORMATION:

5 HORSETAIL STREET IS ZONED R2*190 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 STATATICS:

LOT AREA : 385.15 SM
LOT FRONTAGE : 12.20 M

COACH HOUSE
LOT AREA : 385.15 SM
COACH HOUSE
FOOTPRINT : 72.27 SM
STAIRCASE AREA : 3.33 SM

LOT COVERAGE (%)
COACH HOUSE : 17.90 %

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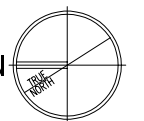
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No	Date	Revisions
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CHECKED BY : SS		SCALE : 3/16" = 1'-0"

PROJECT:

PROPOSED COACH HOUSE
5 HORSETAIL ST
MARKHAM, ON L6B 1K2

DRAWING TITLE :

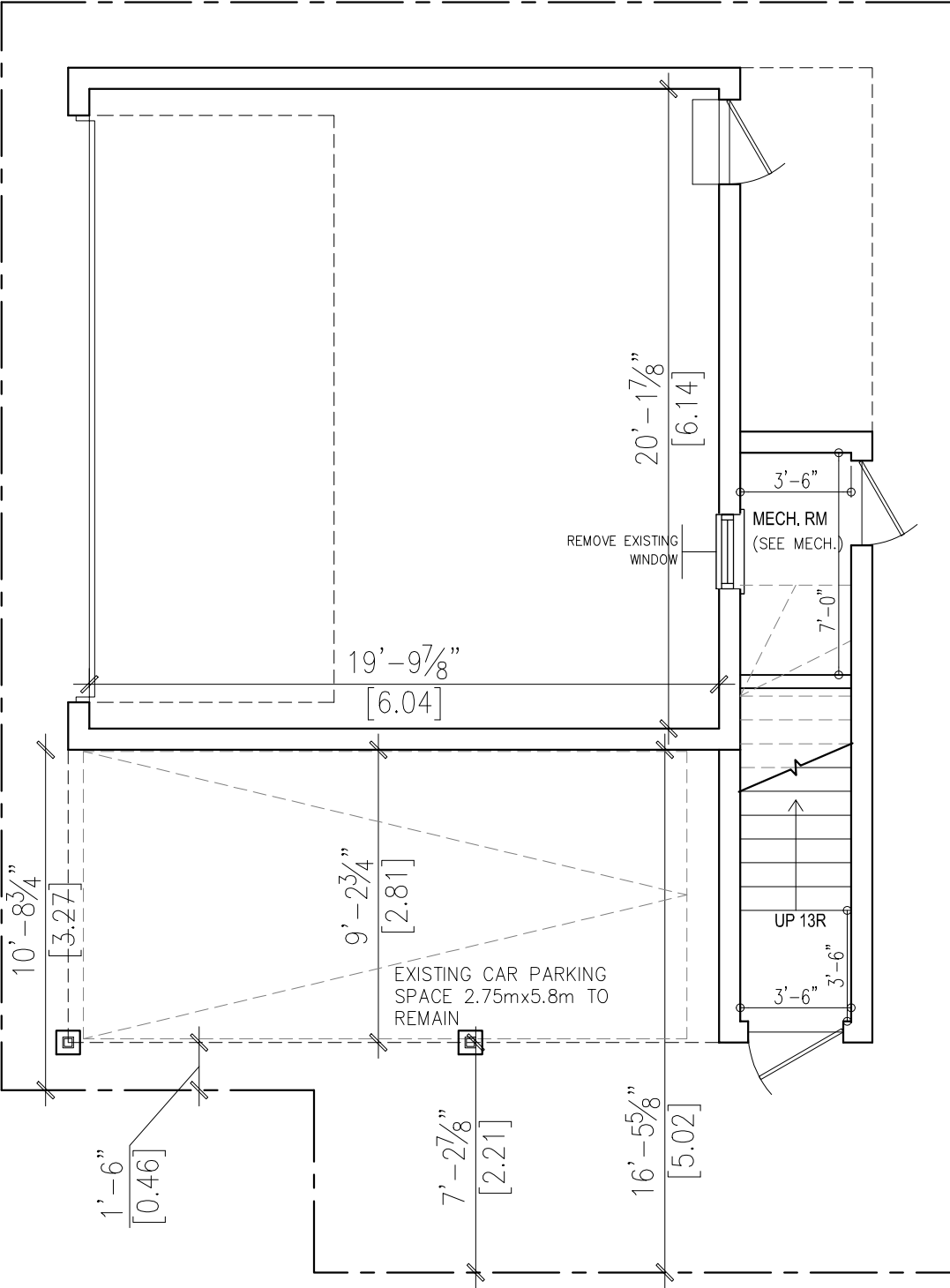
SITE PLAN



A-01

Appendix B

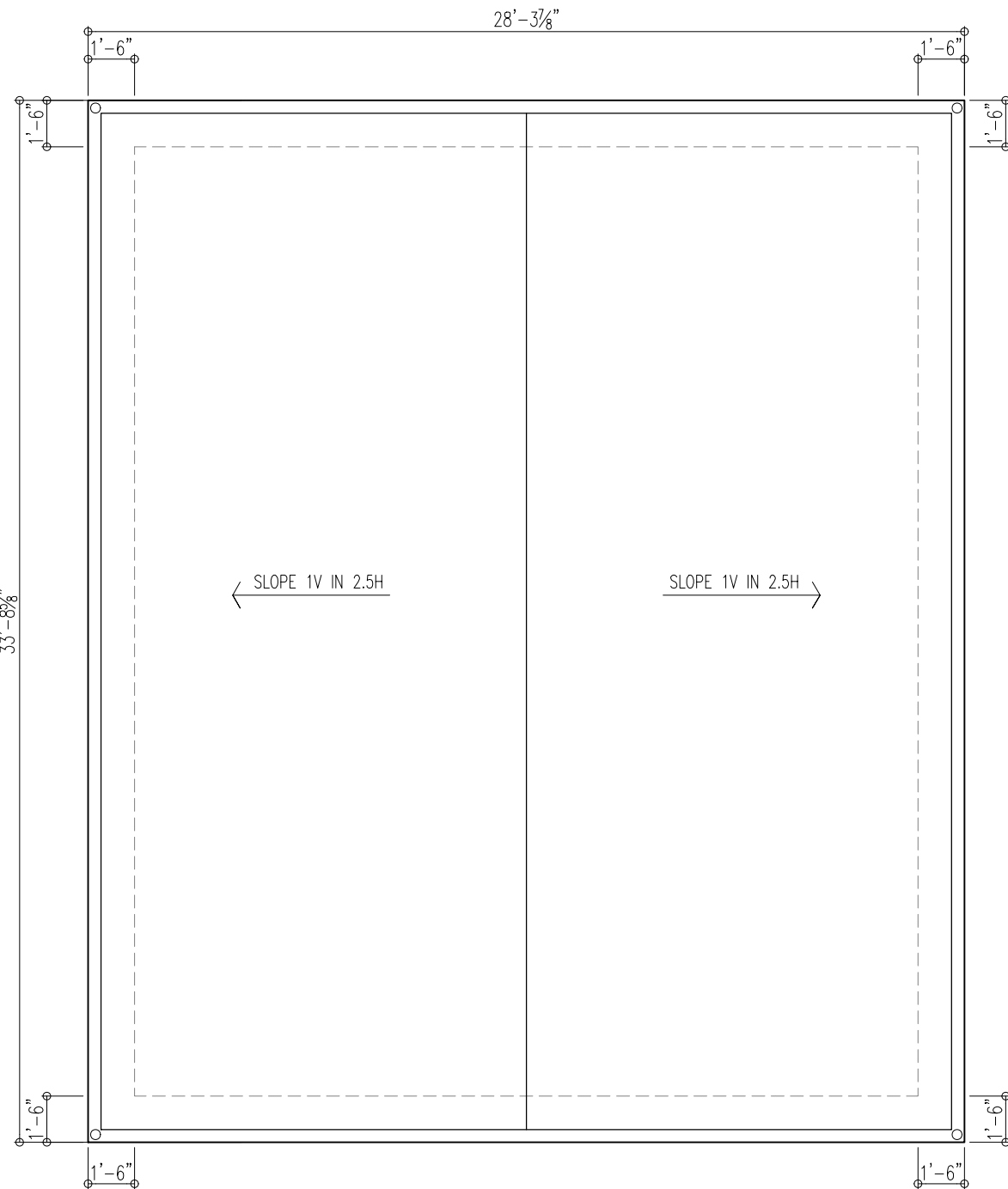
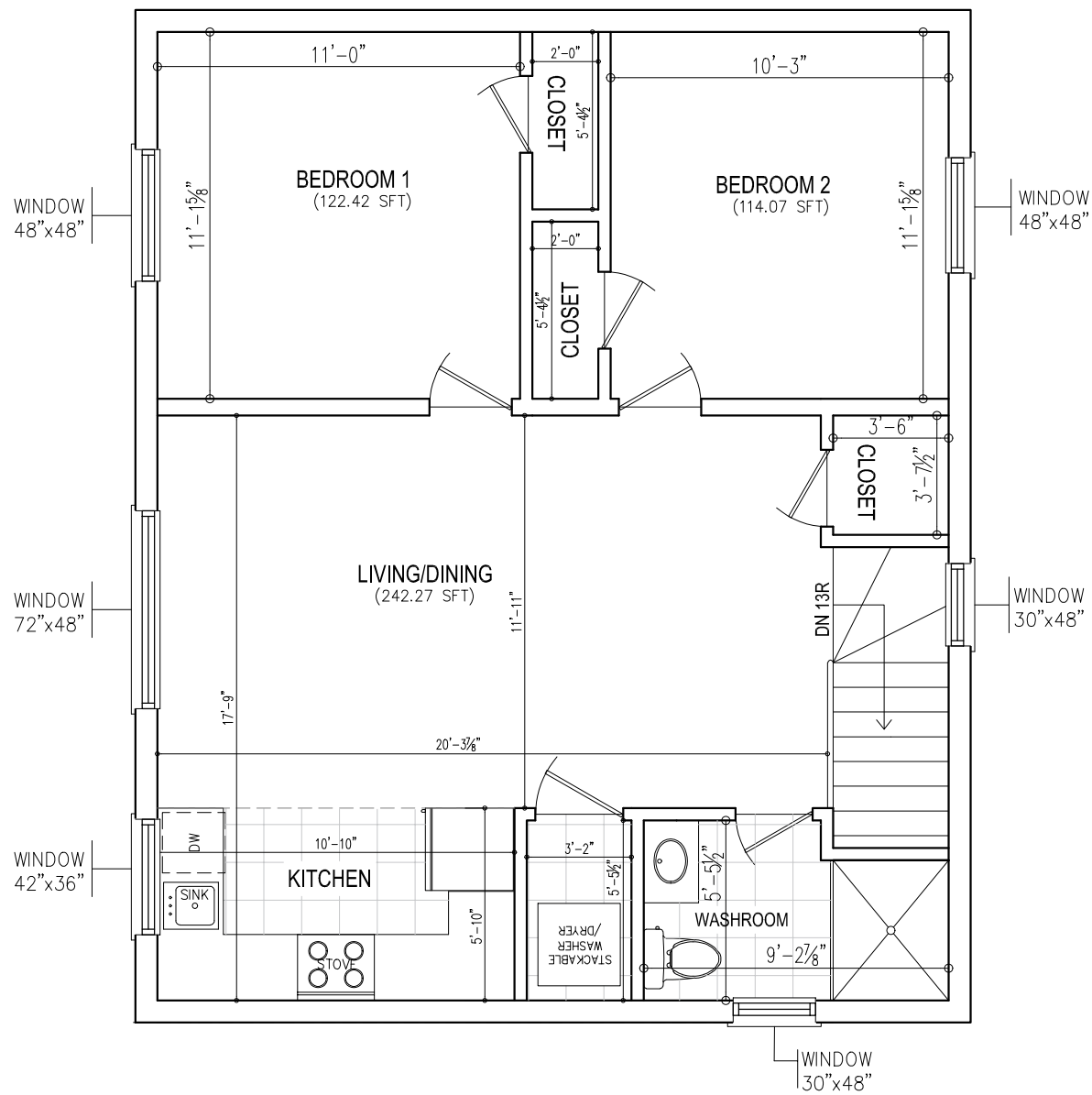
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FIRST FLOOR PLAN

- ⊕ SMOKE ALARM
INSTALL SMOKE ALARM IN EVERY DWELLING UNIT AND COMMON AREAS PER OBC 9.10.19. ENSURE THEY ARE WIRED AND INTERCONNECTED FOR THE ENTIRE BUILDING AND HAVE A VISUAL SIGN
- ⊗ CARBON MONOXIDE DETECTOR
HARD WIRE CONNECTED CARBON MONOXIDE DETECTORAS PER CAN/CSA-6.19

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CHECKED BY : SS		SCALE : 3/16": 1'-0"	
PROJECT:		PROPOSED COACH HOUSE ABOVE GARAGE 5 HORSETAIL ST, MARKHAM, ON L6B 1K2	
DRAWING TITLE :		SECOND FLOOR PLAN	
		A-02	



Appendix B

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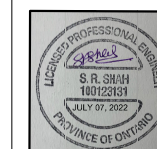
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PROJECT:

PROPOSED COACH HOUSE ABOVE GARAGE
5 HORSETAIL ST,
MARKHAM, ON L6B 1K2

DRAWING TITLE :

SECOND FLOOR
PLAN

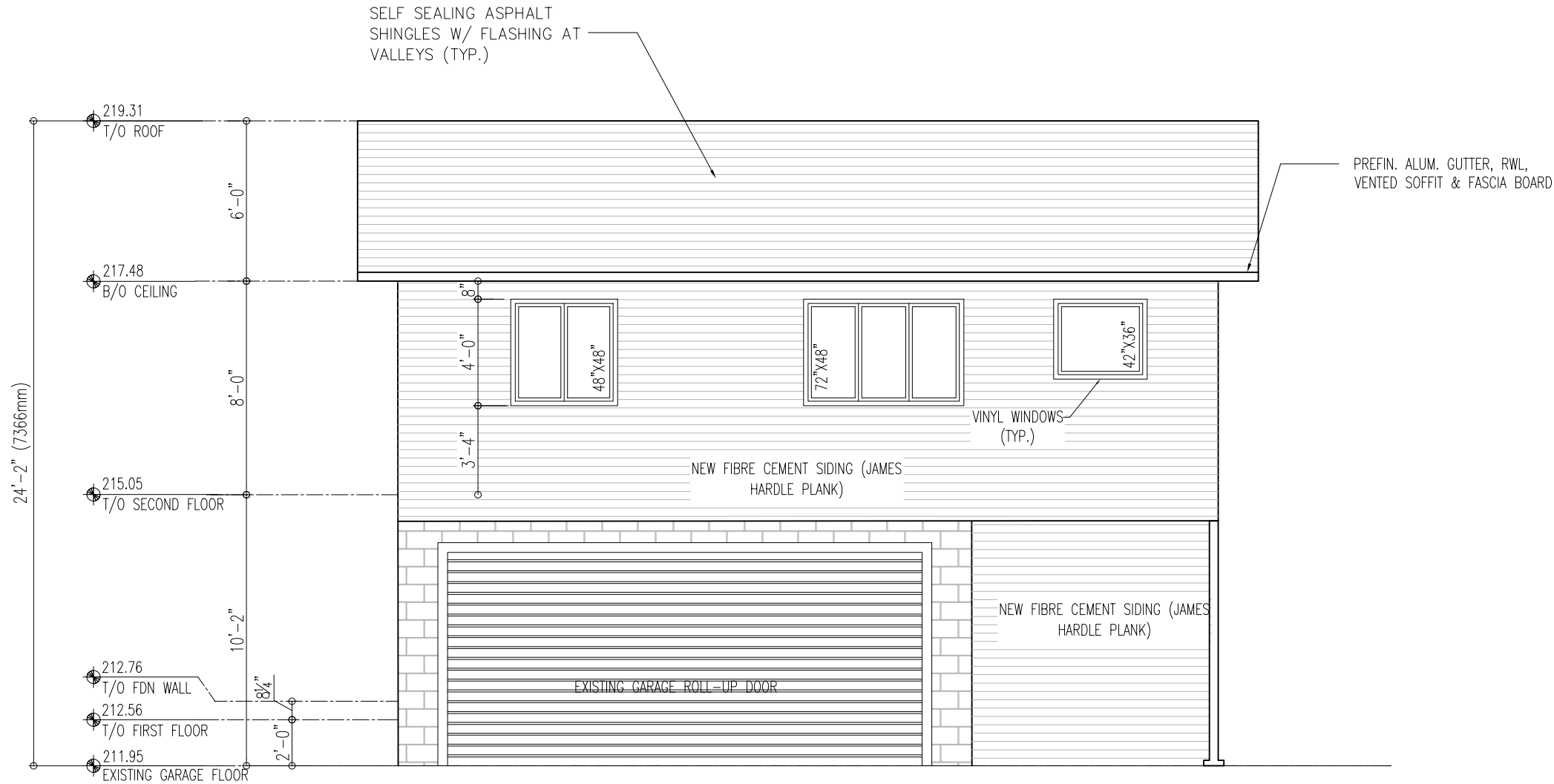


A-03

Appendix B

File: 22.247186.000.00.MNV

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NORTH ELEVATION

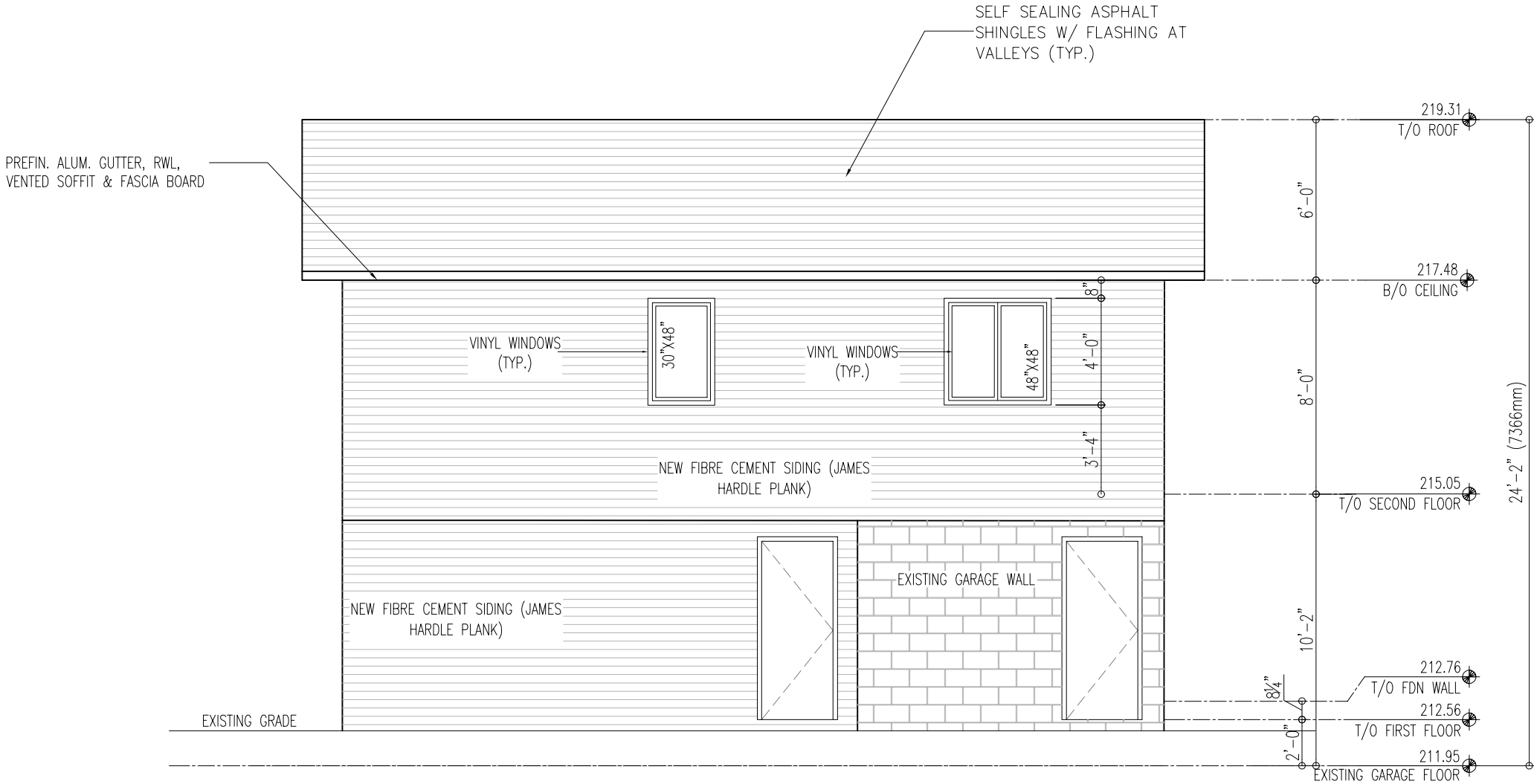
UNPROTECTED OPENING CALCULATION	
LIMITING DISTANCE	: 3.64 M (11'-11 ⁵ / ₁₆ ")
WALL AREA	: 43.95 SM (473.08 SF)
OPENINGS ALLOWED	: 10.76 SM (24.48%)
OPENING PROPOSED	: 4.22 SM (45.45 SF) (9.60%)

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PROJECT:							
PROPOSED COACH HOUSE ABOVE GARAGE 5 HORSETAIL ST, MARKHAM, ON L6B 1K2							

DRAWING TITLE :	A-04
NORTH ELEVATION	

Appendix B

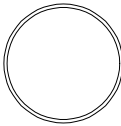
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SOUTH ELEVATION

UNPROTECTED OPENING CALCULATION

LIMITING DISTANCE : 1.22 M (4'-0")
WALL AREA : 39.71 SM (427.45 SF)
OPENINGS ALLOWED : 2.78 SM (7%)
OPENING PROPOSED : 2.17 SM (23.40 SF) (5.46%)

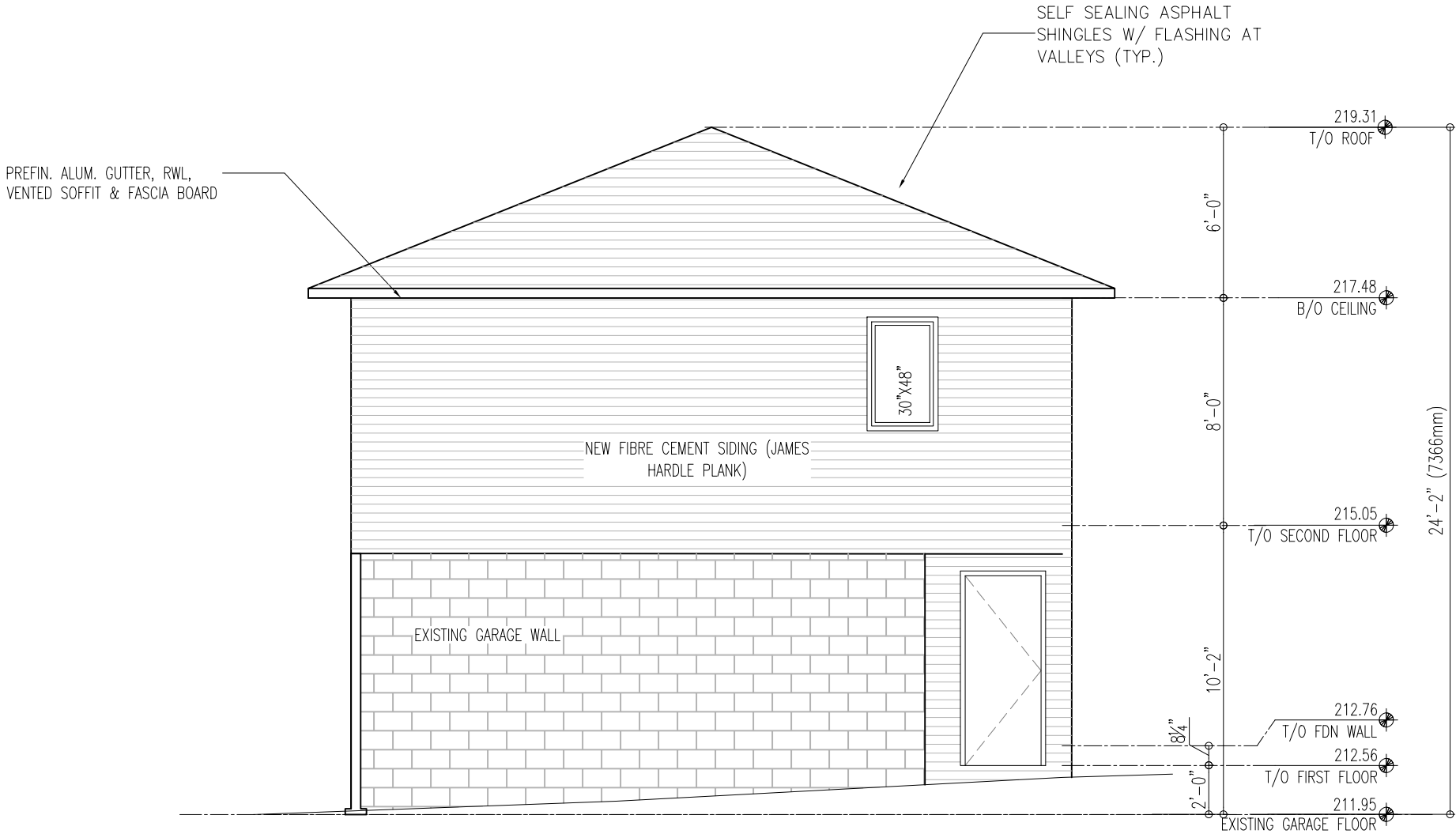
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PROJECT:						
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DRAWING TITLE :
SOUTH ELEVATION

A-05

Appendix B

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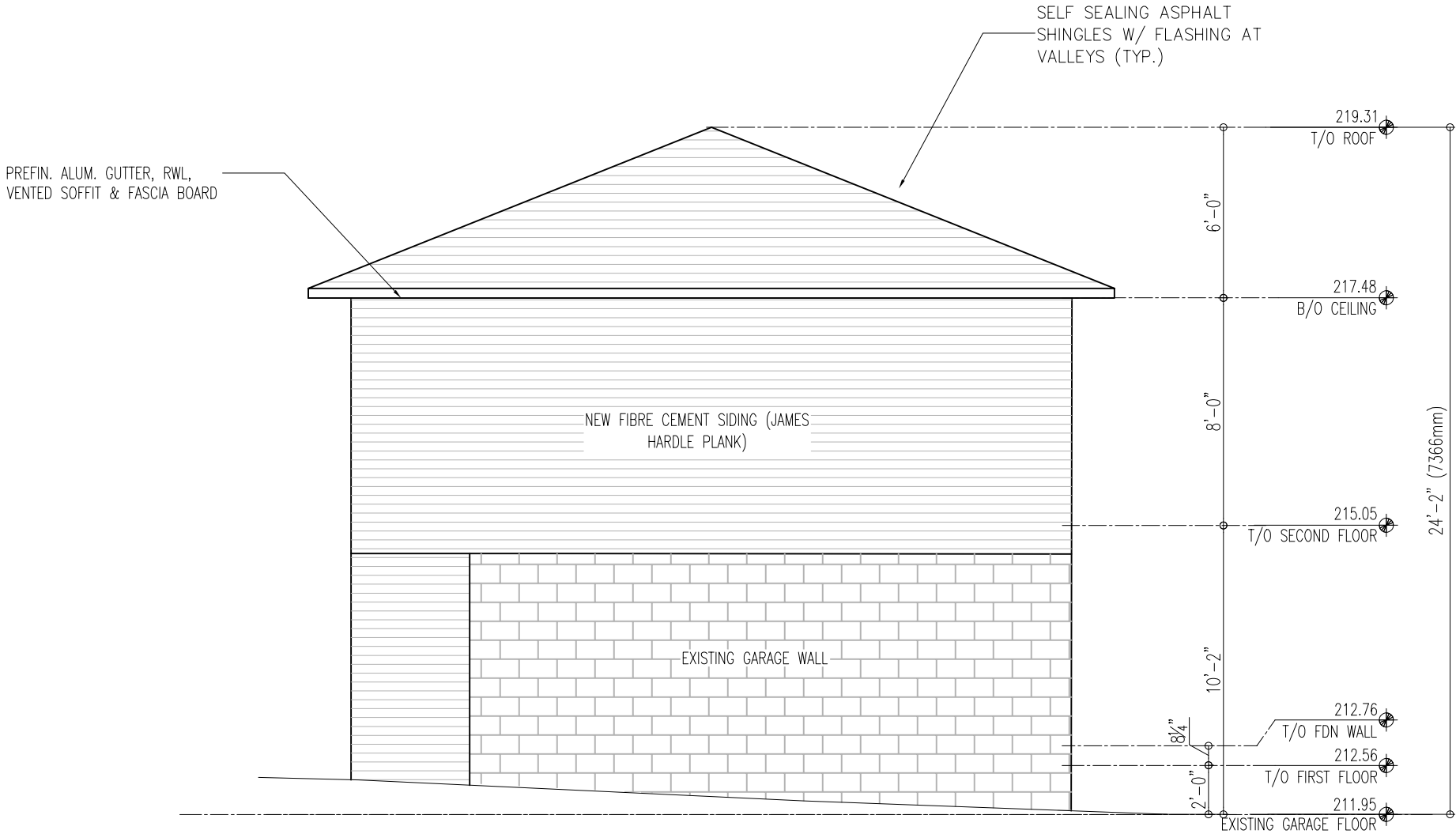
WEST ELEVATION

UNPROTECTED OPENING CALCULATION	
LIMITING DISTANCE	: 2.21 M (7'-2 7/8")
WALL AREA	: 24.98 SM (268.86 SF)
OPENINGS ALLOWED	: 3.37 SM (13.5%)
OPENING PROPOSED	: 0.84 SM (9.00 SF) (3.36%)

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Date				Revisions	
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CHECKED BY : SS		SCALE : 3/16": 1'-0"			
PROJECT:					
PROPOSED COACH HOUSE ABOVE GARAGE 5 HORSETAIL ST, MARKHAM, ON L6B 1K2					
DRAWING TITLE :					
WEST ELEVATION					
		A-07			

Appendix B

File: 22.247186.000.00.MNV
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EAST ELEVATION

UNPROTECTED OPENING CALCULATION

LIMITING DISTANCE : 0.63 M (2'-0¹³/₁₆"")
WALL AREA : 38.16 SM (410.72 SF)
OPENINGS ALLOWED : 0.00 SM (0%)
OPENING PROPOSED : 0.00 SM (0.0 SF) (0%)

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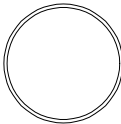
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5 HORSETAIL ST,
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DRAWING TITLE :

EAST ELEVATION



A-06