

Memorandum to the City of Markham Committee of Adjustment

May 15, 2025

File: A/150/24
Address: 15 Frank Ash St, Markham
Applicant: Eden Engineering & Design Inc. (Albert Yerushalmi)
Hearing Date: Wednesday, May 28, 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, to permit:

- a) **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
- b) **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

The application was previously deferred at the April 2, 2025 Committee of Adjustment hearing for the applicant to address the Committee's concern over the massing of the proposed coach house. (Refer to Minutes – Appendix "D").

COMMENTS

On May 7, 2025, the applicant had revised the Minor Variance Application and also submitted updated drawings in response to the Committee's concern over the massing and scale of the proposed coach house. The Applicant has reduced the width of the Coach house from 9.47m (31.07 ft) to 5.82 m (19.09 ft), representing a reduction of 3.65m (11.98 ft). The previous variance request related to roof dormers has also been removed.

Staff remain of the opinion that the requested variances are minor in nature as the requested variances are not affected by the changes to the proposed coach house. The proposed coach house will not adversely impact the character of the neighborhood and there is still sufficient amenity space between the coach house and the main building.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 15, 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

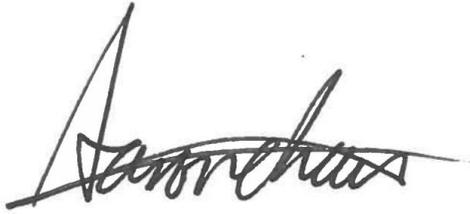
Appendix "A" – A/150/24 Conditions of Approval

Appendix "B" – Drawings

Appendix "C" – Staff Report Dated April 2 2025

Appendix "D" – Minutes Extract

PREPARED BY:



Aaron Chau, Planner I, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

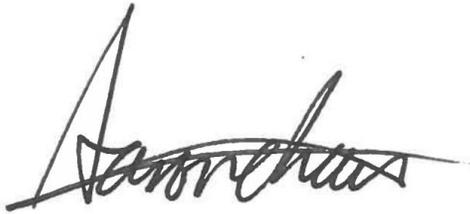
File Path: Amanda\File\ 24 199863 \Documents\District Team Comments Memo

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 May 7, 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 in a cursive style.

Aaron Chau, Planner I, East District

Appendix B

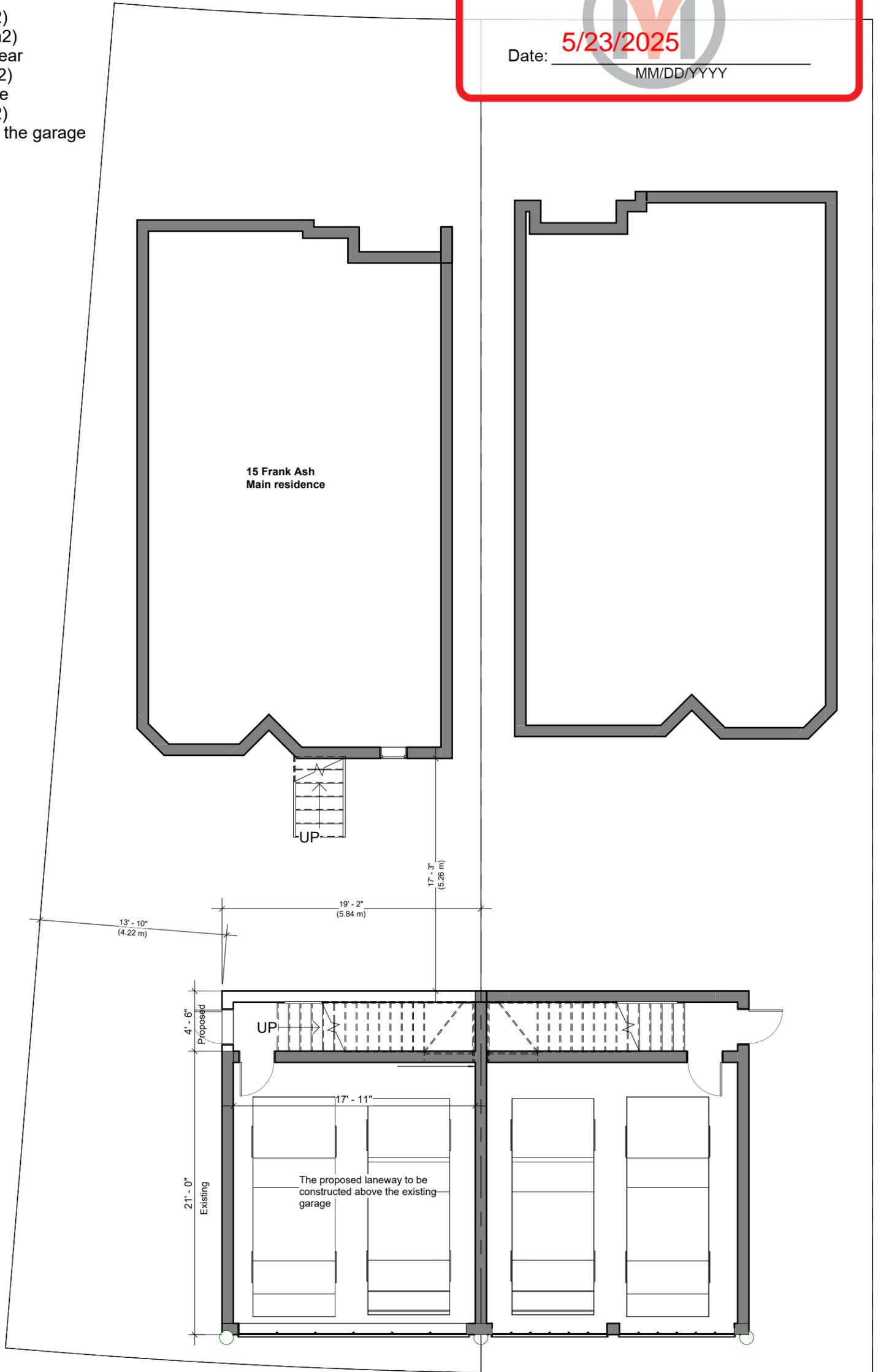


Frank Ash File: 24.19863.000.00.MNV

Date: **5/23/2025**
MM/DD/YYYY

Site stats:

Lot area: 3,129 ft² (290.7m²)
 Garage area: 393 ft² (36.5m²)
 Addition of staircase to the rear of the garage: 96 ft² (8.92m²)
 Proposed second floor above the garage: 489 ft² (45.4 m²)
 Height of the addition above the garage from the grade: 7.24 m



Berryman Lane

① Site plan
1 : 100

Drawn By	Date	Revision
	26.4.2025	Revision in the design to submit to the COA
Checked By	AY	
Project issue Date	4.9.2023	

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



Eden Engineering & Design Inc.
 Consulting Engineers

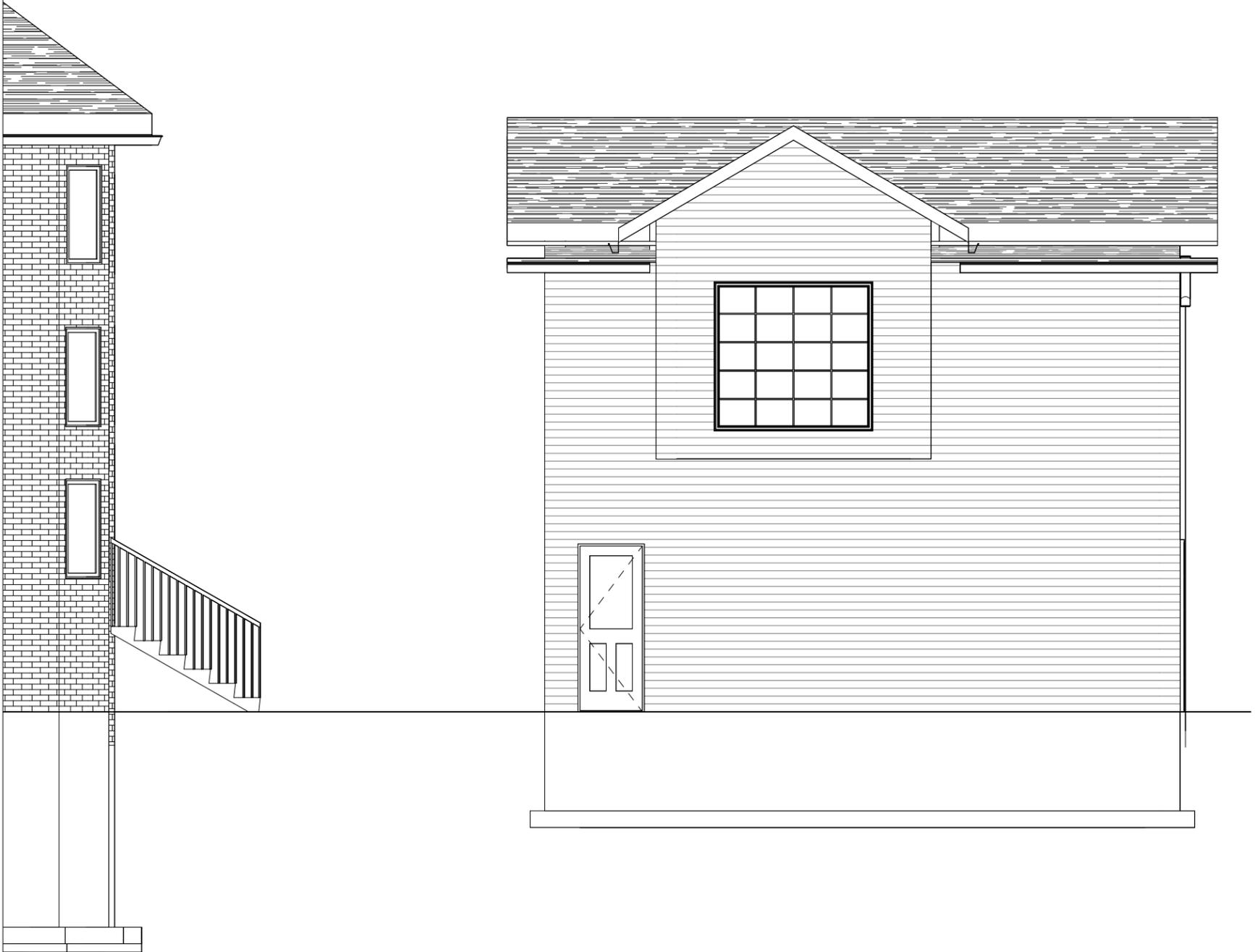
34 Pheasant Valley Ct.
 Markham, ON L3T2H1
 Tel : 416-876-0957
 Fax : 905-248-3595
 E-mail : info@edenengineering.ca

15 Frank Ash St.
Markham, ON.

Appendix B

File: 24.199863.000.00.MNV _____

Date: **5/23/2025** _____
MM/DD/YYYY



① West
3/16" = 1'-0"

Drawn By	Date	Revision	
		Date	Revision
	26.4.2025		Revision in the design to submit to the COA
Checked By	AY		
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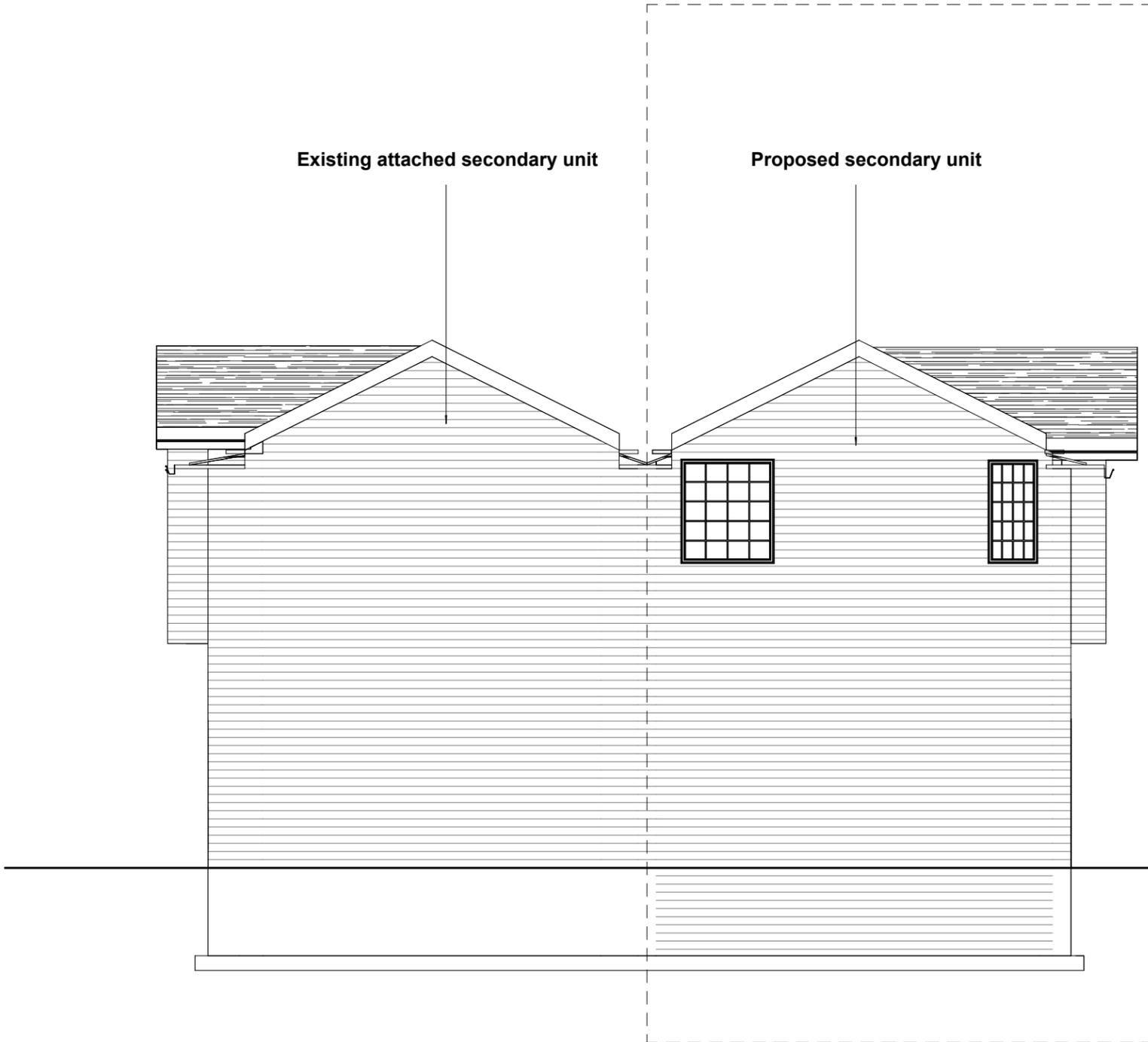
Appendix B

File: 24.19863.000.00.MNV

Date: 5/23/2025
MM/DD/YYYY

Existing attached secondary unit

Proposed secondary unit



① North
1 : 75

Drawn By		Date	Revision	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		 <p>Eden Engineering & Design Inc. Consulting Engineers</p> <p>34 Pheasant Valley Ct. Markham, ON L3T2H1 Tel : 416-876-0957 Fax : 905-248-3595 E-mail : info@edenengineering.ca</p>	15 Frank Ash St. Markham, ON.
		26.4.2025	Revision in the design to submit to the COA				
Checked By	AY						
Project issue Date	4.9.2023						

Appendix B

File: _____

Date: **5/23/2025**
MM/DD/YYYY



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Checked By	AY							
Project issue date	18.6.2024							

Appendix B

File: 24.19863.000.00.MNV

Date: 5/23/2025
MM/DD/YYYY

Proposed secondary unit

Existing attached secondary unit



① South
1 : 75

Drawn By	Date	Revision
	26.4.2025	Revision in the design to submit to the COA
Checked By	AY	
Project issue Date	4.9.2023	

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15 Frank Ash St.
Markham, ON.

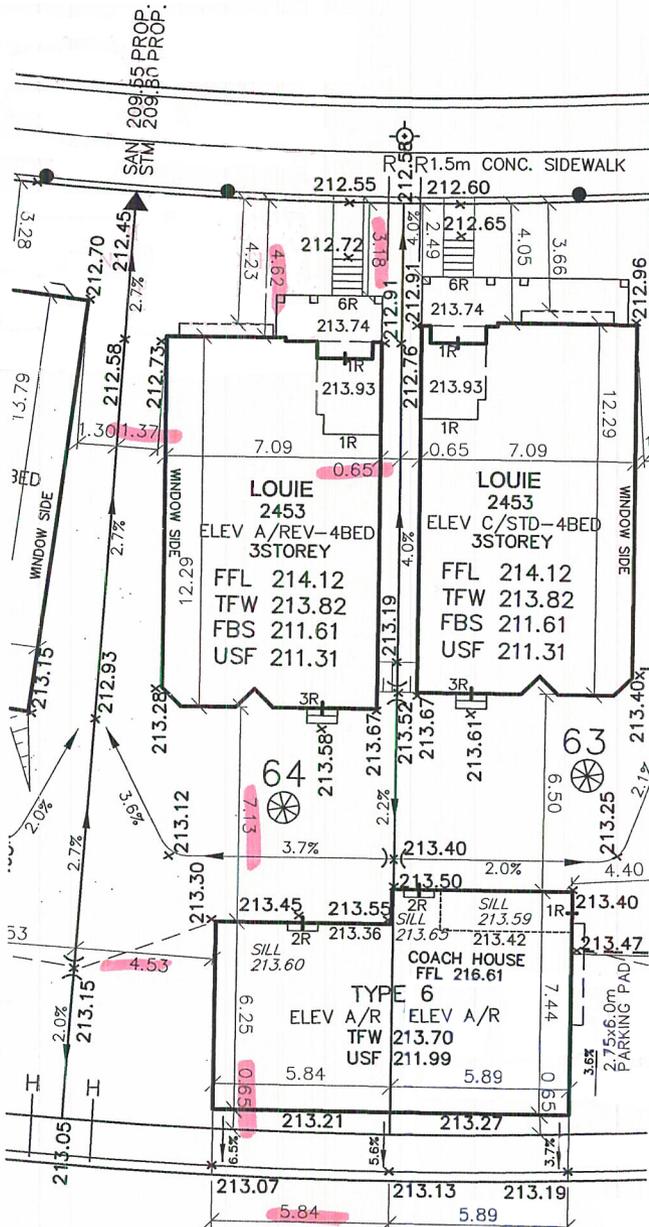
FRANK ASH STREET

Appendix B

File: _____

Date: **5/23/2025**

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
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- ⊕ STREET LIGHT PEDESTAL
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- WATER SERVICE
- ▽ STORM & SANITARY CONNECTION
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- ⊕ BELL PEDESTAL
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- CATCH BASIN
- EXTERIOR DOOR LOCATION
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- W.O.D WALK OUT DECK
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- ⊕ REVERSE PLAN
- DOWNSPOUT
- ⊕ ENGINEERED FILL
- ⊕ STREET SIGN
- H HYDRO/GAS SERVICE CONNECTION TO LOTS
- R ROGERS TAIL
- ⊕ HYDRO METER
- ④ HYDRO/GAS/BELL/ROGERS SERVICE CONNECTION TO LOT

BERRYMAN LANE

Appendix C

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

File: _____
Date: **5/23/2025**
MM/DD/YYYY

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.

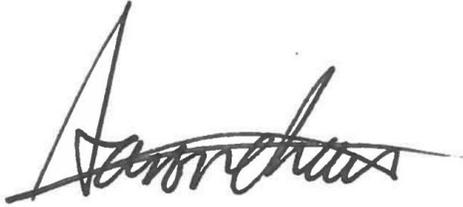
Please refer to Appendix "A" for conditions to be attached to any approval of this application.

APPENDICIES

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

Appendix "B" – Plans

PREPARED BY:



Aaron Chau, Planner I, East District

REVIEWED BY:



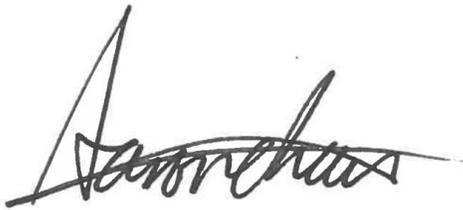
Stacia Muradali, Development Manager, East District

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

File: 24.199863.000.00.MNV

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

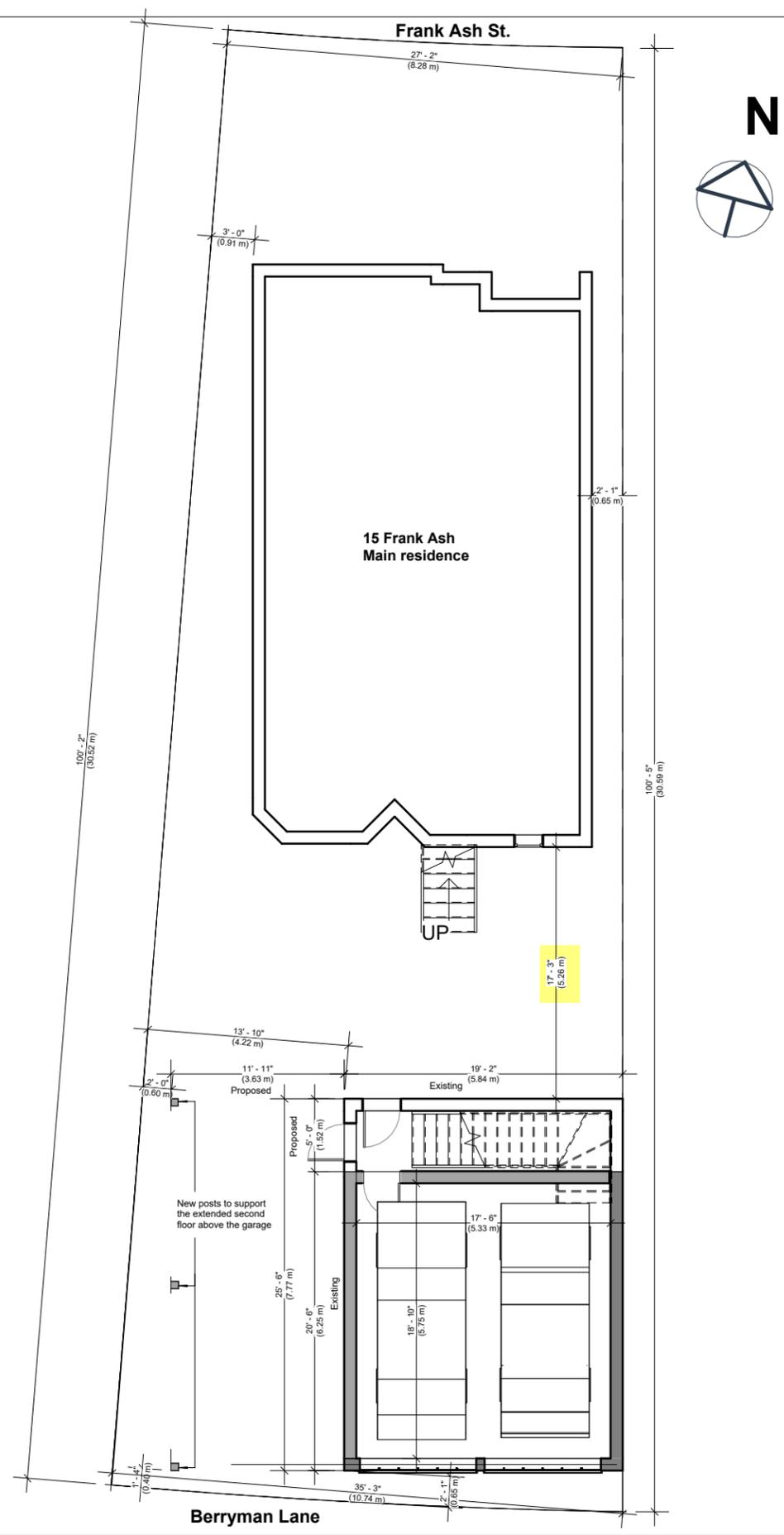
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Consulting Engineers

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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:

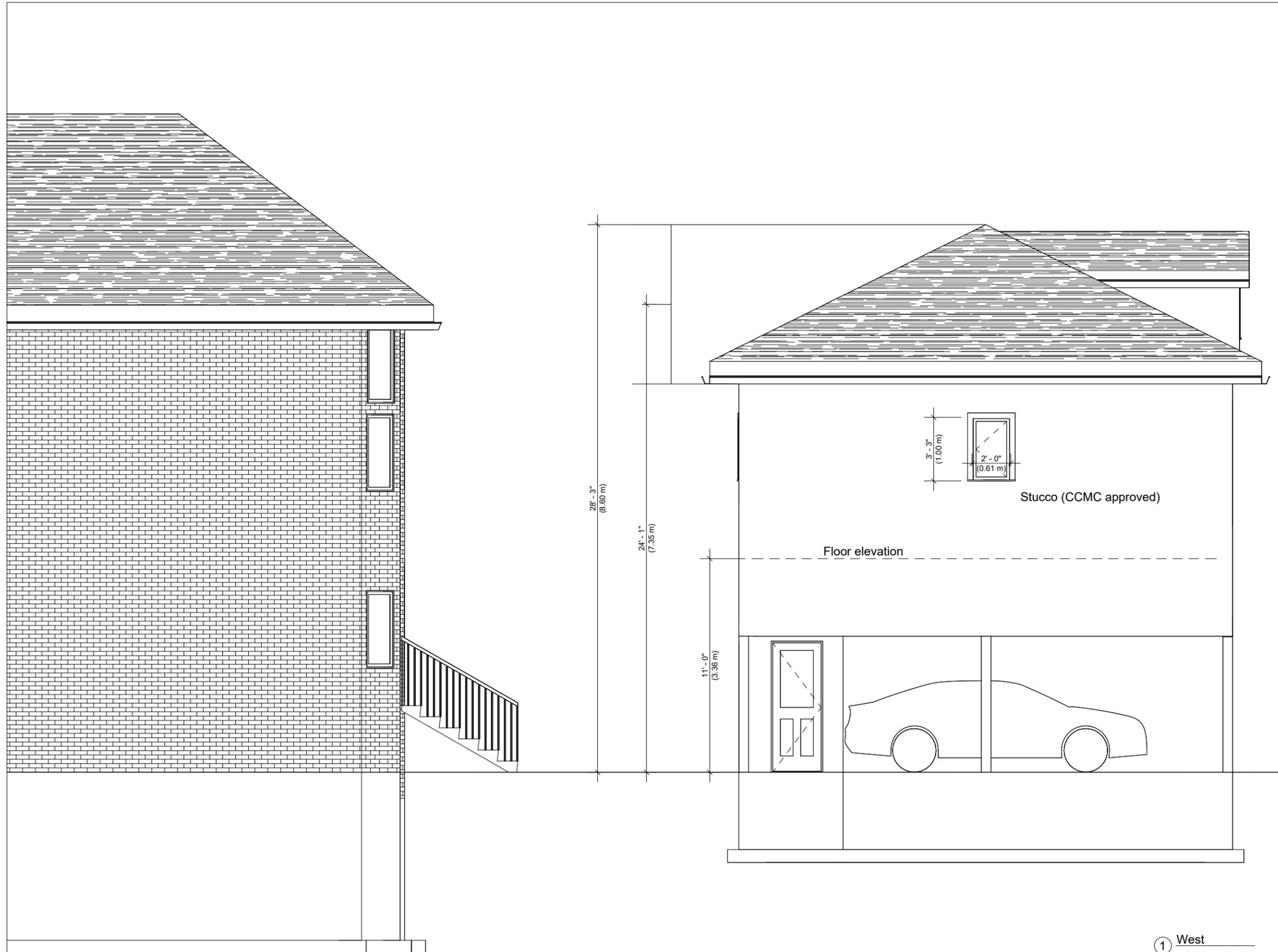
- Lot area: 3,129 ft²
- Garage area: 393 ft²
- Addition of staircase to the rear of the garage: 96 ft²
- Proposed second floor above the garage: 793 ft²
- Height of the addition above the garage from the grade: 28'-3" (8.61 m) 24'-1" (7.34) to the mid-point
- Total coverage 54.3%

① Site plan
1 : 125

Appendix B

File: 24.199863.000.00.MNV

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



① West
3/16" = 1'-0"

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15 Frank Ash St.
Markham, ON.



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Consulting Engineers

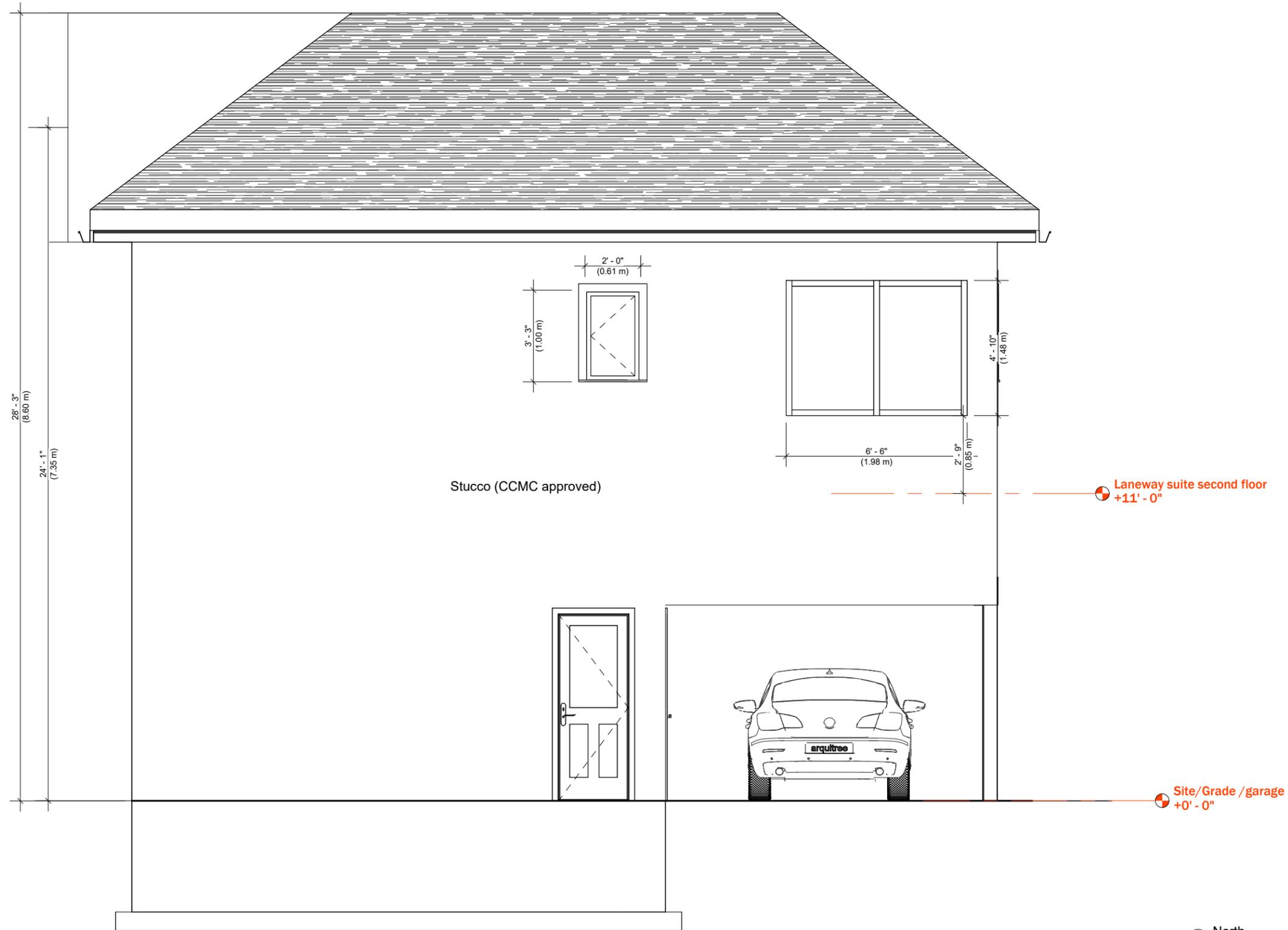
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Drawn By	
Checked By	AY
Project issue date	18.6.2024

Appendix B

File: 24.199863.000.00.MNV

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



① North
1/4" = 1'-0"

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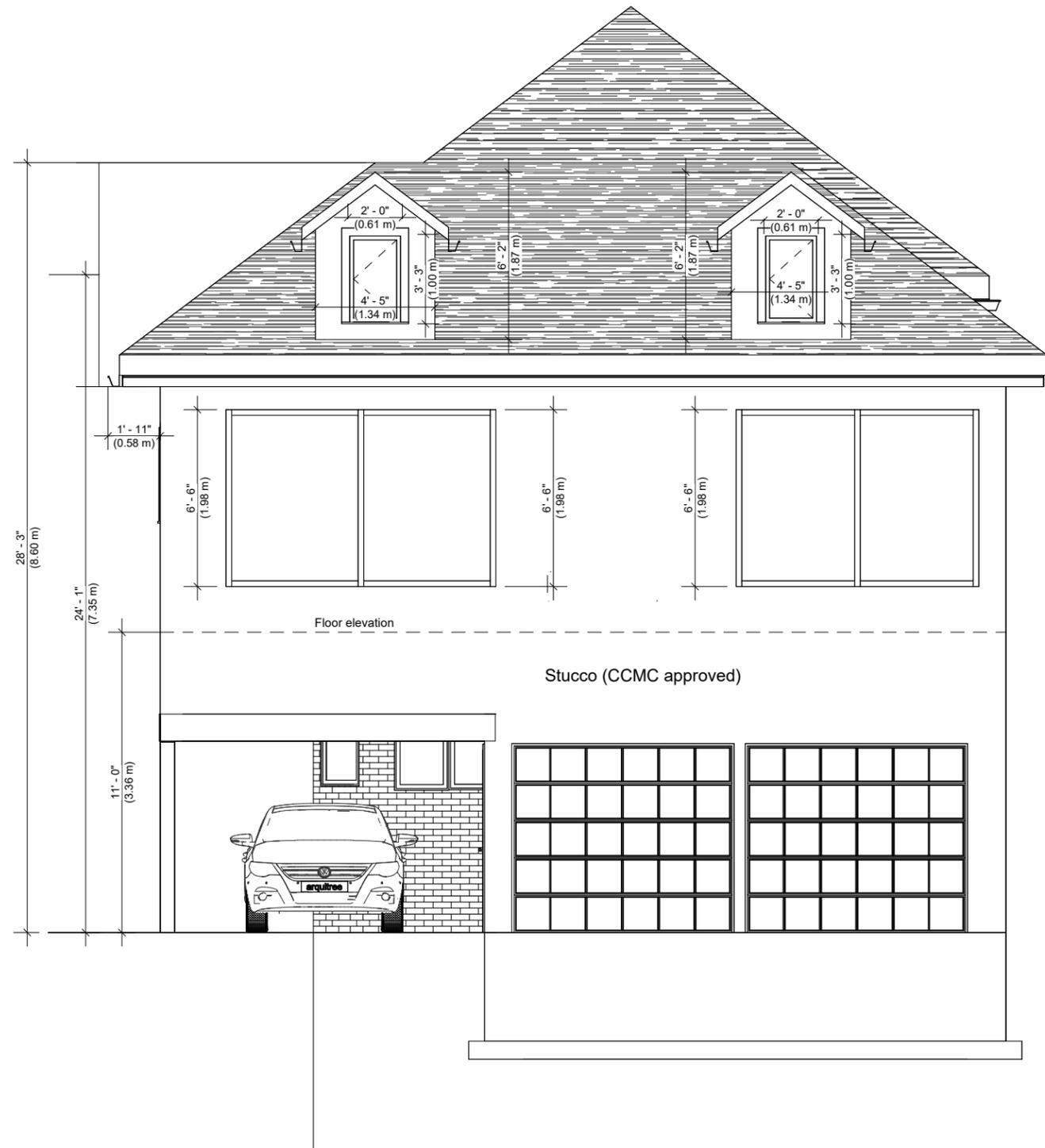


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Checked By	AY							
Project issue date	18.6.2024							

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File: 24.199863.000.00.MNV

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



Site/Grade /garage
+0' - 0"

① South
3/16" = 1'-0"

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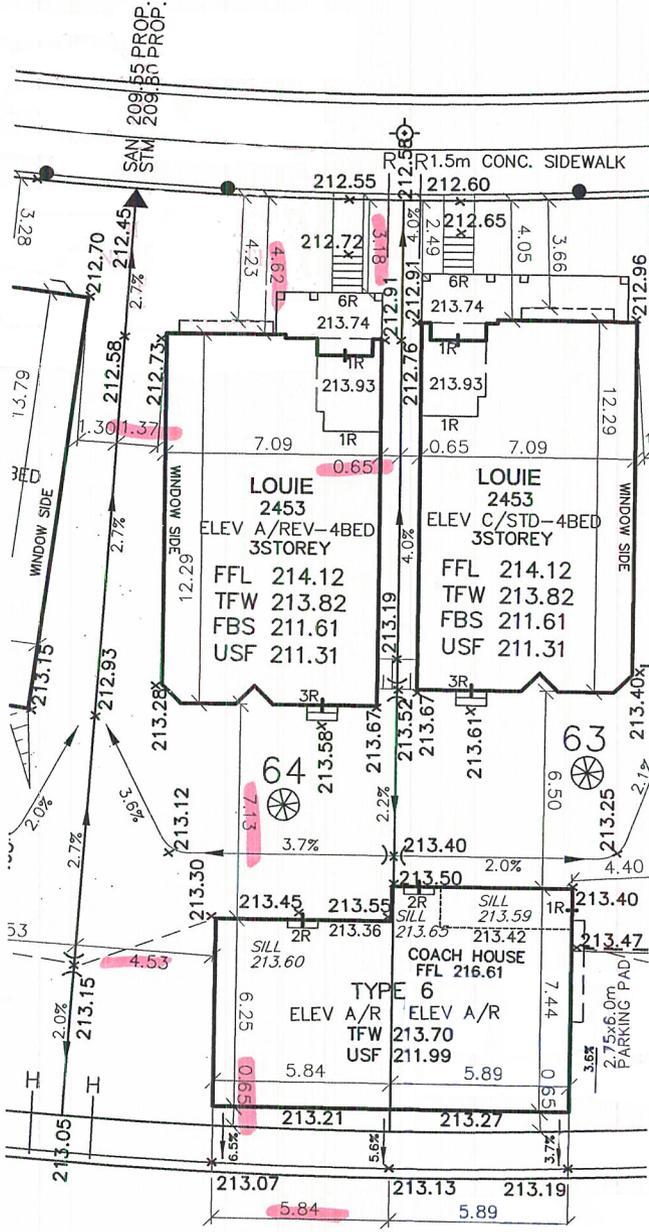
FRANK ASH STREET

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LEGEND

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- × 286.0 PROPOSED GRADE
- DIRECTION OF FLOW
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- FSL FINISHED SECOND FLOOR LEVEL
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- R ROGERS TAIL
- ⊙ HYDRO METER
- ④ HYDRO/GAS/BELL/ROGERS SERVICE CONNECTION TO LOT

BERRYMAN LANE

with determining if it was desirable for the community. Considering the circumstances and the community's input, Member Prasad did not consider the proposal suitable for the area, expressing that the requested variance was, from a public interest point of view, undesirable for the appropriate development or use of the land, relative to the neighbouring lands.

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Member Reingold expressed that the proposed building felt like a primary residence rather than what was envisioned as a garden suite. Member Reingold indicated that impacts to adjacent properties, including changes to the water table, reduced privacy, and safety concerns, could be precedent-setting for the area. Member Reingold did not support the application, indicating the proposal represented development incompatible with the surrounding area by introducing a two-story residential building too deep into the lot and further from the property line than was intended or was reasonable. The requested variance was not minor because it created unacceptable adverse impacts on abutting properties and the neighbourhood in general, increasing potential health and safety risks for the residents.

Member Yan appreciated the applicant's reduction of the previous design, noting that there appeared to be a gap in the standards related to the size of garden homes. Member Yan noted that the use was permitted and that the applicant had revised the plans to meet the development standards. Noting a mechanical solution to provide fire safety through a sprinkler system had been added as a condition, Member Yan supported the application indicating it met the four tests of the *Planning Act*.

The Chair asked how the proposal met the standards for a garden home.

Greg Whitfield gave an explanation of the development standards for garden homes.

Member Prasad motioned to deny the application.

Moved by: Arun Prasad
Seconded by: Jeamie Reingold
Opposed: Sally Yan

THAT Application No. **A/088/24** be **denied**.

Resolution Carried

5.2. A/150/24

Agent Name: Eden Engineering & Design Inc. (Albert Yerushalmi)
15 Frank Ash Street, Markham
PLAN 65M4479 LOT 64 65R37177 PARTS 38, 39 AND 40

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

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;

as it related to the proposed coach house dwelling.

The agent, Albert Yerushalmi, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Stephen Choi and Chuan Ling Li, adjacent neighbours, expressed that the proposed coach house would impact neighbouring properties through increased shadowing of the rear yards, the sense of space of the driveways with support pillars immediately adjacent to the parking pad, visually unpleasant barriers, and create property maintenance issues for snow clearing and roof drainage onto adjacent properties. They did not feel the property was large enough to propose a coach house development of this size.

Sam Lee, a rear neighbour, opposed the development, particularly the extension of the coach house to cantilever over the parking pad. Sam expressed that the size and scope of the project were unreasonable for maintaining the neighbourhood's consistency and aesthetics. Sam indicated that the visual massing proposed was not in line with the surrounding community character, was a substantial increase in size from other coach houses, and would impact the streetscape and pedestrians. The proposal would not allow for adequate light and openness for adjacent properties and would reduce the overall livability of the area for residents.

Liz Brown, Committee of Adjustment representative for the Markham Village Sherwood Forest Residents Association, indicated that only the second floor was counted in the floor space calculation; however, the carport below added massing and visual impact.

Member Yan noted that this was a smaller lot that did not meet the minimum lot frontage for a coach house and felt that while there are other examples on the street, it may not be a good fit for this property.

The Chair noted that the adjacent coach house was over the two bays of the garage, which was typical of the area. However, this proposal was considerably larger as it extended over the parking pad and is not a direct comparison. When the neighbourhood was planned, it had lots on which coach houses were contemplated. Per the by-law, not all lots were considered suitable for coach houses.

The agent requested a deferral.

The Chair requested that when the applicant returned to the Committee, they provide additional details of how the proposed coach house would interact with the existing coach house on the adjacent property.

Member Prasad motioned to defer.

Moved by: Arun Prasad

Seconded by: Sally Yan

THAT Application No. **A/150/24** be **deferred** sine die.

Resolution Carried

6. NEW BUSINESS:

6.1 A/016/25

Agent Name: API Development Consultants Inc. (Natalia Garavito)
8330 Woodbine Avenue, Markham
PLAN 3940 LOTS 14 & 15 PLAN 65M2326 BLK 19 PLAN 65M2073 LOT 19

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 5.2.5 A):**
61 parking spaces with a minimum length of 5.5 metres, whereas the by-law requires a minimum length of 5.8 metres;
- b) **By-law 2024-19, Section 5.8.1:**
a minimum of one loading space, whereas the by-law requires a minimum of four loading spaces;
- c) **By-law 2024-19, Section 8.3.1.2 (G):**
a maximum building height of 48 metres above average grade, whereas the by-law permits a maximum building height of 46 metres above average grade;