

Memorandum to the City of Markham Committee of Adjustment

January 10, 2022

File: A/137/21
Address: 10 Middleton Court – Markham, ON
Applicant: Mai Wou
Agent: Wei Mao
Hearing Date: January 19, 2022

The following comments are provided on behalf of the Central District team. The applicant is requesting relief from the following “Eighth Density – Single Family Residential (R8)” zone requirement under By-law 250-77, as amended, to permit:

a) **By-law 250-77, Sec. 6.1:**

one accessory dwelling unit, whereas the by-law permits no more than one single detached dwelling on one lot.

PROPERTY DESCRIPTION

The subject property is located on the west side of Middleton Court, which is situated east of Warden Avenue and north of Steeles Avenue. The property contains a two-storey split level home, with an attached two-car garage. The property is located within a residential neighbourhood comprised of a mix of low rise housing forms, in close proximity to local park space, and a mix of commercial and employment uses along Warden Avenue.

PROPOSAL

The applicant is requesting permission for a secondary suite to be located in the existing dwelling. The secondary suite would have direct and separate access along the north side of the building.

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.

Provincial Policy Statement, 2020 (PPS)

Section 1.4.3 of the *PPS*, requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet the affordable housing needs of current and future residents. Amongst other means, this can be achieved by permitting and facilitating residential intensification, including additional residential units, and redevelopment by accommodating a significant supply and range of housing options through intensification and redevelopment while taking into account existing building stock.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan)
Sections 2.2.1.4 (c), and 2.2.6 a) i. of the *Growth Plan* requires municipalities to provide a diverse range and mix of housing options including second units to support complete communities.

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. The Official Plan also contains criteria for the establishment of secondary suites in Section 8.13.8 which states:

“That in considering an application to amend the Zoning By-law to permit the establishment of a secondary suite where provided for in this Plan, Council shall be satisfied that an appropriate set of development standards are provided for in the Zoning By-law including:

- a) the building type in which the secondary suite is contained;*
- b) the percentage of the floor area of the building type devoted to the secondary suite;*
- c) the number of dwelling units permitted on the same lot;*
- d) the size of the secondary suite;*
- e) the applicable parking standards; and,*
- f) the external appearance of the main dwelling.”*

A “Secondary Suite” in the Official Plan is defined as:

“...a second residential unit in a detached house, semi-detached house or rowhouse that consists of one or more rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons.”

Section 4.1.2.6 of the Official Plan contains policies to support further diversification of the housing stock and rental housing tenure by permitting secondary suites within existing and new single detached, semi-detached and rowhouse dwellings in accordance with Section 3.5.22 of the Regional Official Plan and subject to appropriate zoning, development criteria, and standards.

Zoning By-Law 250-77

The subject property is zoned “Eighth Density – Single Family Residential (R8)” under By-law 250-77, as amended, which permits one single detached dwelling per lot.

ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN

The applicant confirmed that a ZPR was not conducted. However, the applicant has received comments from the City’s Building Department through their building permit process (HP 21 129305) to confirm the variance 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 (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.

Secondary Suite

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 Official Plan for the establishment of a secondary suite, and support its approval.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 10, 2022. 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 variance request meets the four tests. Staff recommend that the Committee consider public input, and the subsequent conditions of approval in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/137/21

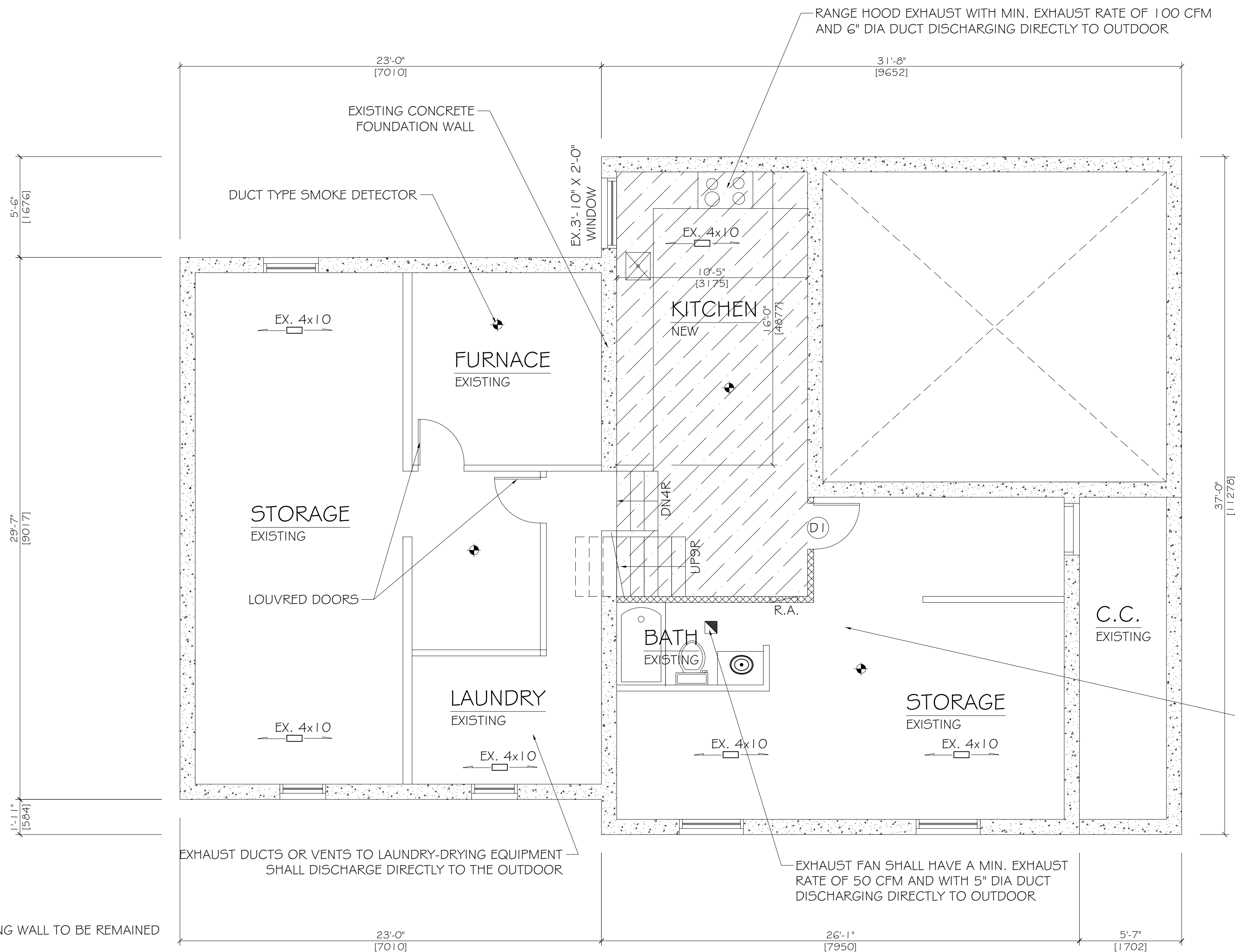
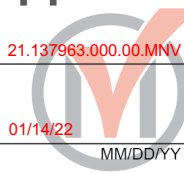
1. The variance applies only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. That 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:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/137/21



SUPPLY AND RETURN AIR GRILLES IN HABITABLE FINISHED BASEMENT MUST BE LOCATED ON LOW WALLS WITH 6" ABOVE FINISHED FLOOR LEVEL

SECOND UNIT WORKING AREA ON BASEMENT FLOOR = 22.4 M²

BASEMENT FLOOR AREA = 1504 SF = 139.8 M²

LEGEND

- (1) EXISTING WALL TO BE REMAINED
- (2) REQUIRED FIRE RATED WALL WITH 5/8" TYPE 'X' GYPSUM BD. ON ANY SIDE
- (3) PROPOSED 2ND UNIT AREA
- (4) SMOKE OR CO DETECTOR
- (5) EXHAUST FAN REQUIRED VENTING TO OUTDOORS
- (6) SUPPLY AIR GRILL
- (7) RETURN AIR GRILL

BASEMENT FLOOR PLAN

SCALE 1/4" = 1'-0"

PROJECT: 10 MIDDLETON COURT, MARKHAM	
TITLE: BASEMENT FLOOR	
DESIGNER:	DRAWING NO: A-2
SCALE:	
DATE: NOV 2021	



LEGEND

- (1) EXISTING WALL TO BE REMAINED
- (2) REQUIRED FIRE RATED WALL WITH 5/8" TYPE 'X' GYPSUM BD. ON ANY SIDE
- (3) PROPOSED 2ND UNIT AREA
- (4) SMOKE OR CO DETECTOR
- (5) EXHAUST FAN REQUIRED VENTING TO OUTDOORS
- (6) SUPPLY AIR GRILL
- (7) RETURN AIR GRILL

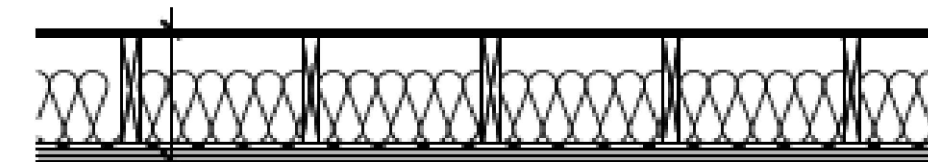
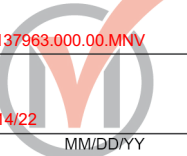
NOTE:
NO CHANGE TO EXISTING HVAC AND PLUMBING SYSTEM
ON THIS FLOOR

EX. SECOND FLOOR

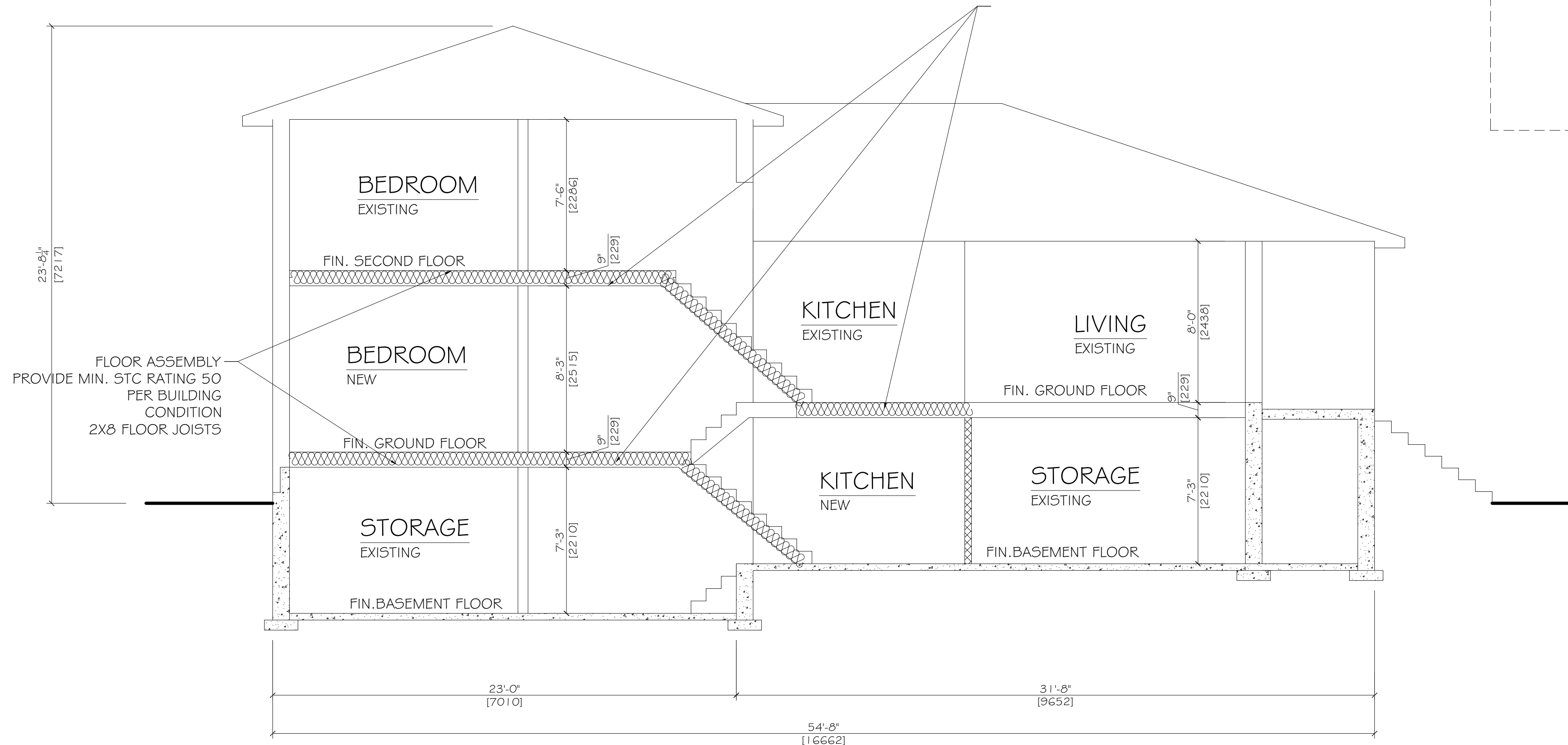
SCALE 1/4" = 1'-0"

SECOND FLOOR AREA = 705 SF = 65.53 M²

PROJECT: 10 MIDDLETON COURT, MARKHAM	
TITLE: EX. SECOND FLOOR	
DESIGNER:	DRAWING NO: A-4
SCALE:	
DATE: NOV 2021	



15.5mm PLYWOOD, OSB, OR
WAFFERBOARD SUBFLOOR
WOOD JOISTS OR WOOD I-JOISTS
SPACED NOT MORE THAN 610mm O.C.
ABSORPTIVE MATERIAL IN CAVITY
RESILIENT CHANNELS @ 610mm O.C.
2 LAYERS 12.7mm TYPE 'X' GYPSUM BOARD



SECTION 'A'

SCALE 1/4" = 1'-0"

PROJECT: 10 MIDDLETON COURT, MARKHAM	
TITLE: SECTION 'A'	
DESIGNER:	DRAWING NO:
SCALE:	A-5
DATE: NOV 2021	