

Memorandum to the City of Markham Committee of Adjustment

June 9, 2020

File: A/015/20
Address: 123 Lawrence Pilkington Ave – Markham, ON
Applicant: Sidra Chishti
Agent: N/A
Hearing Date: Tuesday June 23, 2020

The following comments are provided on behalf of the East District Team. The applicant is requesting relief from the Residential Two (R2) Exception (*190*465) Zone requirements of By-law 177-96, as amended, to permit:

a) Table A1:

an accessory basement apartment, whereas an accessory basement apartment is not permitted.

BACKGROUND

Property Description

The 277.5 m² (2,986.99 ft²) subject property fronts onto Pat Wheeler Park, and is located on the south side of Lawrence Pilkington Avenue, east of Bur Oak Avenue and northwest of Cornell Centre Boulevard in the Cornell community. The property is developed with a two-storey semi-detached dwelling, and a one-storey semi-detached private garage (which is detached from the primary detached dwelling, but attached to the abutting garage at 125 Lawrence Pilkington Avenue). Vehicular access and parking to the subject property is provided via a public lane at the rear. The surrounding area is comprised of a mix of two-storey single detached, semi-detached, and townhouse dwellings situated on lane-based properties. Lane based low rise housing is a common housing form in the Cornell community.

Proposal

The applicant is proposing an accessory dwelling unit in the basement of the existing dwelling unit. The applicant is proposing walk-up stairs that would project from the rear of the dwelling which would provide for direct and separate access to the basement apartment.

Provincial Policies

Strong Communities through Affordable Housing Act - Province of Ontario

In 2011, the *Strong Communities through Affordable Housing Act* amended various sections of the *Planning Act* to facilitate the creation of second units by:

- Requiring municipalities to establish Official Plan policies and Zoning By-law provisions allowing secondary units in detached, semi-detached and row houses, as well as in ancillary structures; and
- Providing authority for the Minister of Municipal Affairs and Housing to make regulations authorizing the use of, and prescribing standards for, second units.

Under the *Strong Communities through Affordable Housing Act*, “Second Units” also known as secondary suites are defined as “self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings.”

Official Plan and Zoning

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

The 2014 Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including semi-detached dwellings. The definition of a “Secondary Suite” in the 2014 Official Plan is,

“a second residential unit in a detached house, semi-detached house or rowhouse [townhouse] 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 8.13.8 states that it is the policy of Council that in considering an application to amend the By-law to permit the establishment of a secondary suite where provided for in the 2014 Official Plan, that 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.

As part of the City initiated zoning by-law consolidation project, Council recently considered the issue of second suites within the City. On May 29, 2018, Council resolved not to permit second suites as of right in any single detached, semi-detached, or townhouse dwelling.

Zoning By-Law 177-96

The subject property is zoned Residential Two (R2) Exception (*190*465) under By-law 177-96, as amended, which permits one (1) of the following dwelling types per lot: single detached, semi-detached, duplex, triplex, fourplex, or townhouse.

Exception (*190) also permits one (1) accessory dwelling unit on a lot where an existing single detached, semi-detached, or townhouse dwelling exists, provided that it is located above an attached or detached garage, amongst meeting other criteria. The basement apartment does not comply with the By-law due to the proposed basement location within the main dwelling unit, requiring this minor variance application to permit a basement apartment.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on September 16, 2019 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

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. Staff are of the opinion that the proposed basement apartment meets the definition of a secondary suite, is fully contained within the primary dwelling unit, provides for adequate parking, and therefore do not have any concerns with the proposed variance.

Fire and Emergency Services Department have no objections provided the secondary suite is registered with the City and complies with Building and Fire Codes. Should the 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.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 9, 2020. 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.

APPLICATION PROCESSING

This application was initially scheduled to be heard on March 18, 2020; however, this hearing date was scheduled prior to the Province of Ontario's decision to suspend *Planning Act* timelines for the consideration of a consent and minor variance application, as well as any appeal of an application to the Local Planning Appeal Tribunal (LPAT).

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22, 2020, the procedural requirements (e.g. sending of notices, hearing of applications, eligibility for appeals to LPAT, etc.) of *Planning Act* applications shall proceed as they did prior to the declaration of the emergency. Revisions to the initial memorandum include an update on matters relating to application processing.

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 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

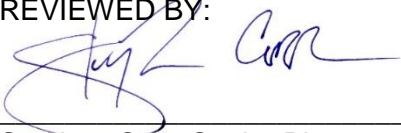
Appendix "B" – Plans

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

REVIEWED BY:

A handwritten signature in blue ink, appearing to be 'Stephen Corr', written over a horizontal line.

Stephen Corr, Senior Planner, East District

File Path: Amanda\File\ 20 107735 \Documents\District Team Comments Memo

APPENDIX "A"**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/015/20**

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 plans attached as Appendix "B" to this Staff Report and received by the City of Markham on January 30, 2020, 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.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read '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/015/20

LIST OF DRAWINGS		
Sr.No.	DESCRIPTION	DWG#
1	GENERAL NOTES	G-01
2	SITE LAYOUT PLAN	A-01
3	EXISTING UNFINISHED BASEMENT PLAN	A-02
4	NEW BASEMENT APARTMENT PLAN	A-03
5	EXISTING GROUND FLOOR PLAN	A-04
6	EXISTING SECOND FLOOR PLAN	A-05
7	NEW / EXISTING FRONT SIDE ELEVATION	A-06
8	NEW / EXISTING RIGHT SIDE ELEVATION	A-07
9	NEW / EXISTING REAR SIDE ELEVATION	A-08

The undersigned has reviewed and takes responsibility for this design, and has the qualification and meet the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

Qualification Information

Required unless design in exempt under Div. C - 3.2.5.1. of the building code

Haroon Malik

Signature

102742

BCIN

Registration Information

Required unless design in exempt under Div. C - 3.2.4.1. of the building code

weDesignBuild Inc.

Firm Name

111001

BCIN

GENERAL NOTES

- ALL WORK ACCORDING TO ONTARIO BUILDING CODE 2012 AND CITY OF MARKHAM BY-LAWS AND STANDARDS
- ALL DIMENSIONS AND LOCATIONS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION.
- ALL WOOD USED IN THE CONSTRUCTION SHALL BE SPF NO.1 OR NO.2
- MINIMUM BEARING OF STEEL LINTELS 150 MM.
- MINIMUM BEARING OF WOOD BEAM / LINTELS 90 MM
- MINIMUM BEARING OF WOOD JOISTS 40MM
- VERIFY EXISTING SUPPORT SYSTEM, INCLUDING FOUNDATIONS, FOR LOADS IMPOSED BY THE PROPOSED CONSTRUCTION
- PROVIDE ALL BRACING, SHORING AND NEEDLING NECESSARY FOR THE SAFE EXECUTION OF THIS WORK
- INFORM CITY OF ALL INSPECTION AHEAD OF TIME AND AT EACH STAGE OF CONSTRUCTION

- 1

FOUNDATION WALL INSULATION
EXISTING FOUNDATION WALL, EXISTING OR NEW MOISTURE BARRIER, 2 BY 4 STUDS @ 16" O.C., R12 INSULATION, 6 MIL POLYETHYLENE V.B., ½" GYPSUM DRYWALL JOINTS TAPED, SEALED AND PAINTED
- 2

INTERNAL WALLS
EXISTING OR NEW WOOD FRAMED WALL CONSISTING OF 2 BY 4 WOOD STUDS @ 16" O.C. WITH 1/2" DRY WALL ON BOTH SIDES, JOINTS TAPED AND SEALED. WATER RESISTANT GWB ON BATHROOMS' WALLS.
PROVIDE 5⁄8" TYPE X DRYWALL ON INSIDE OF THE WALLS OF FURNACE ROOM AND BOTH FACES OF THE WALLS SEPARATING FINISHED BASEMENT FROM THE PRINCIPAL RESIDENCE
- 3

NEW CEILING
PROVIDE CEILING ASSEMBLY WITH FIRE RATING OF 30 MINUTES AND SOUND TRANSMISSION CLASS (STC) OF 50. ASSEMBLY SHALL CONSIST OF PLOYWOOD SUB FLOOR, AIR SPACE, TWO LAYERS OF ROXUL SAFE 'n' SOUND, RESILIENT CHANNELS @ 24" O.C. AND 5⁄8" THICK TYPE 'X' GYPSUM BOARD
- 3A

NEW CEILING
PROVIDE CEILING ASSEMBLY WITH FIRE RATING OF 30 MINUTES AND SOUND TRANSMISSION CLASS (STC) OF 50. ASSEMBLY SHALL CONSIST OF PLOYWOOD SUB FLOOR, AIR SPACE, TWO LAYERS OF ROXUL SAFE 'n' SOUND, RESILIENT CHANNELS @ 24" O.C. AND 5⁄8" THICK TYPE 'X' GYPSUM BOARD, R-31
- 4

20 MIN. RATED DOOR WITH SELF CLOSING DEVICE FOR FURNACE ROOM AND BETWEEN FINISHED BASEMENT AND BASEMENT AREA WHICH IS PART OF PRINCIPAL RESIDENCE
- 5

EXISTING DUCT WORK LOCATED IN THE CEILING SHALL BE RELOCATED SO THAT THE DIRECTION OF THE HEAT FLOW IS TOWARDS THE FLOOR
- 6

MECHANICAL VENTILATION
5 L/S EXHAUST FANS IN KITCHEN AND WASHROOM AND 37.5 L.S FOR PRINCIPAL EXHAUST
- 7












INTERCONNECTED AND WIRED SMOKE + STROBE (VISUAL SIGNALING DEVICE) ALARMS ONE AT EACH BEDROOM AND ONE IN COMMON FLOOR AREA INCLUDING BASEMENT - AS PER OBC 9.10.19
- 8

INTERCONNECTED AND WIRED CARBON MONOXIDE DETECTOR AS PER CAN/CSA-6.19
- 9

FOR ALL ELECTRICAL WORK AND PERMIT CONTACT ELECTRICAL SAFETY AUTHORITY

LEDGEND

ELECTRICAL & MECHANICAL

3 OR 4 WAY SWITCH INSTALL AT 3'-3"ABOVE FINISH FLOOR 3 DENOTES 3-WAY SWITCH SPECIFICATION GRADE WHITE, WITH WHITE COVER PLATE4 DENOTES 4-WAY SWITCH SHALL BE INSTALLED AT THE ENDS OF EACH STAIRWAYS		EXHAUST FAN	
		FD: FLOOR DRAIN	
		SPRINKLER	
15A, 120V DUPLEX RECEPTACLE SPECIFICATION GRADE, WHITE C/W WHITE COVER PLATE GFI- GROUND FAULT TYPE WP- WEATHERPROOF COVER C - ABOVE COUNTER		SD: SMOKE DETECTOR + STROBE: (VISUAL SIGNALING DEVICE)	
		CO: CARBON MONOXIDE DETECTOR	
DUCT-TYPE SMOKE DETECTOR TO BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM SERVING THE ENTIRE BUILDING THAT MUST TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION		LIGHT	
		EMERGENCY LIGHT	
		RECEPTACLE 50A, 208V. STOVE OR DRYER OUTLET.	

SCHEDULES

ROOM FINISH SCHEDULE

ROOM NO.	ROOM NAME	FLOOR		BASE		WALLS		CEILING		HEIGHT	REMARKS
		MATERIAL	FINISH	MATERIAL	FINISH	MATERIAL	FINISH	MATERIAL	FINISH		
BASEMENT FLOOR											
1	LIVING/DINING	WOOD	STAIN	VINYL		DRYWALL	PAINT	DRYWALL	PAINT	2337 MM	
2	BEDROOMS (2 NOS.)	WOOD	STAIN	VINYL		DRYWALL	PAINT	DRYWALL	PAINT	2337 MM	
3	W.I.C. / CLOSET / STORE	WOOD	STAIN	VINYL		DRYWALL	PAINT	DRYWALL	PAINT	2337 MM	
4	BATH	CERAMIC		VINYL		DRYWALL	PAINT	DRYWALL	PAINT	2337 MM	
5	UTILITY / FURNACE	CONC.		VINYL		DRYWALL	PAINT	DRYWALL	PAINT	2337 MM	
6	KITCHEN	CERAMIC		VINYL		DRYWALL	PAINT	DRYWALL	PAINT	2337 MM	
7	LAUNDRY	CERAMIC		VINYL		DRYWALL	PAINT	DRYWALL	PAINT	2337 MM	

DOOR SCHEDULE

1- ALL INTERIOR DOORS ARE SLAB DOOR 1-3⁄8 TH. HOLLOW CORE. THE SIZES ARE MENTIONED ON THE FLOOR PLAN. THE HEIGHT OF ALL DOORS IS 80" UNLESS OTHERWISE MENTIONED ON PLANS.
2- EGRESS DOOR - NEW BELOW GRADE EXTERIOR TYPE STEEL DOOR PROVIDES ACCESS TO THE OUTSIDE

WINDOW SCHEDULE

ONE WINDOW PER FLOOR TO HAVE AN UNOBSTRUCTED OPEN PORTION W/A MIN. AREA OF 0.35m2 W/ NO DIMENSION LESS THAN 380mm & MAXIMUM SILL HEIGHT OF1 M ABOVE FLOOR WINDOW SIZES HAVE BEEN PROVIDED ON THE FLOOR PLANS SEE NOTE-1 ON BASEMENT FLOOR PLAN

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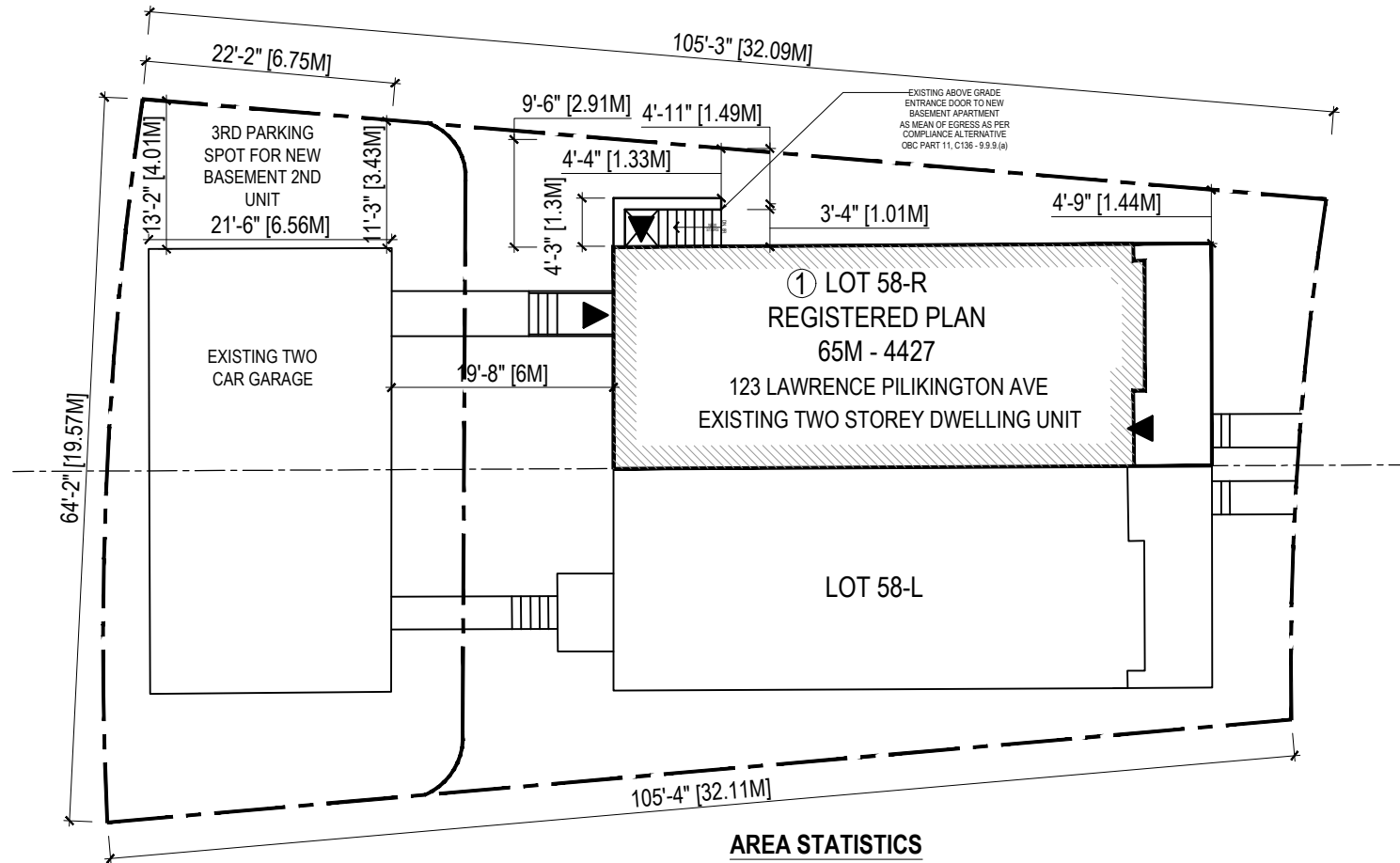
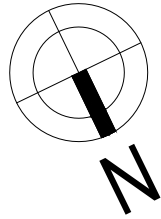
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weDesignBuild Inc.

Firm Name

111001

BCIN



SITE PLAN SCOPE OF WORK

SCALE : $\frac{1}{16}$ " = 1'-0"

CHANGE OF USE TO NEW BASEMENT APARTMENT
WITH TWO ENLARGED WINDOW & WALKOUT STAIR
FROM BACK YARD

AREA STATISTICS


GROSS FLOOR AREA CALCULATIONS

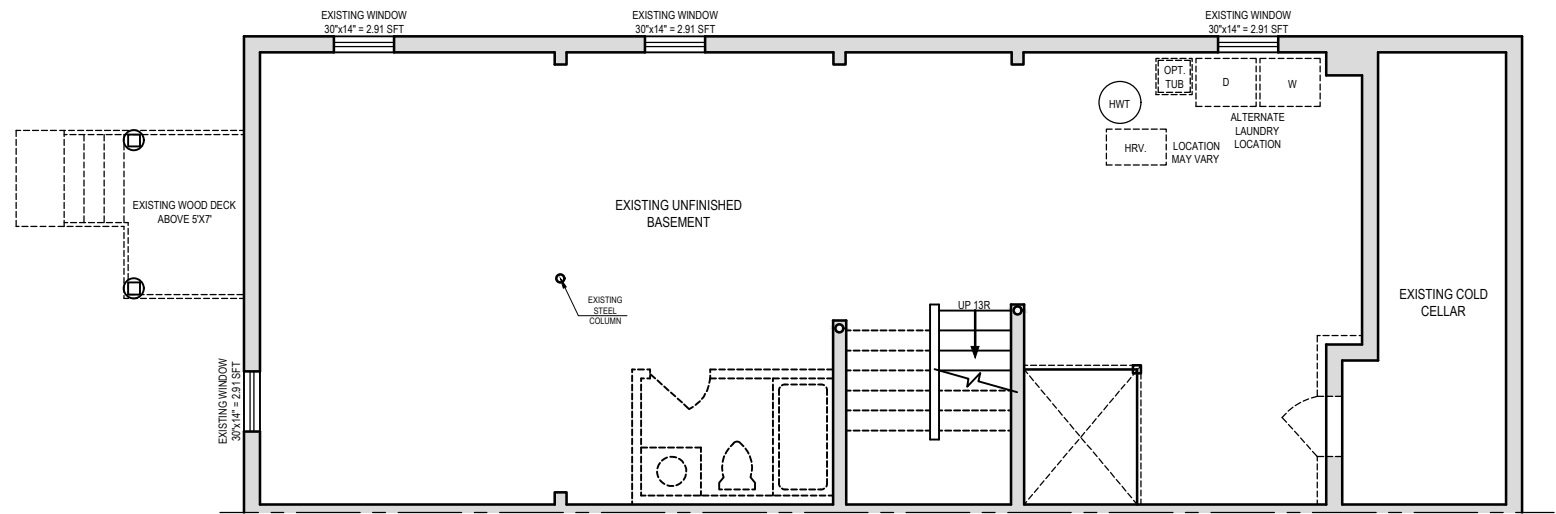
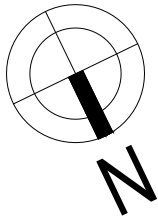
A- PRINCIPAL RESIDENCE	
EXISTING GROUND FLOOR AREA:	86.07 M ²
EXISTING SECOND FLOOR AREA:	86.07 M ²
TOTAL AREA:	172.14 M ²
B- BASEMENT	
NEW BASEMENT APARTMENT GFA:	76.49 M ²

BASEMENT APARTMENT GFA IS 44.43 % OF
PRINCIPAL RESIDENCE GFA

▲ ENTRANCE / EGRESS

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Haroon Malik	Signature	102742
Name	Signature	BCIN
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weDesignBuild Inc.	Firm Name	111001
		BCIN

DESIGNER	PROJECT	DRAWING TITLE	DRAWN BY	DATE	DRAWING NO.
 1310 STEELES AVE E, UNIT 6 BRAMPTON ON L6T 1A2 +1 (647) 770-3230 info@wedesignbuild.ca www.wedesignbuild.ca	123 LAWRENCE PILKINGTON AVE - MARKHAM	BASEMENT APARTMENT	MN	2020-01-21	A-01
			CHECKED BY	SCALE	
			HM	1/16" = 1'-0"	



EXISTING UNFINISHED BASEMENT PLAN
SCALE : $\frac{1}{8}'' = 1'-0''$

EXISTING WALLS

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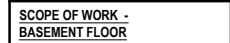
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			CHECKED BY	SCALE	
			HM	1/8" = 1'-0"	



**PLEASE SEE DRAWING NO. G-01
FOR GENERAL NOTES AND
SCHEDULES**

1 PROVIDE 125x90x8
(mm) STEEL LINTEL
FOR 90MM BRICK
VENEER AND 2-38x238
(mm) WOOD LINTEL
SPF NO. 1 OR 2.
TACBOC DWG. G02b
FOR REFERENCE

MINIMUM BEARING OF
STEEL LINTEL = 150MM,
6 INCH

**NEW WALKOUT STAIR
FOR BASEMENT APARTMENT**




SCALE : $\frac{1}{8}" = 1'-0"$

GROSS FLOOR AREA : 823 SFT. / 76.49 M²

CEILING HEIGHT = 7'-8"

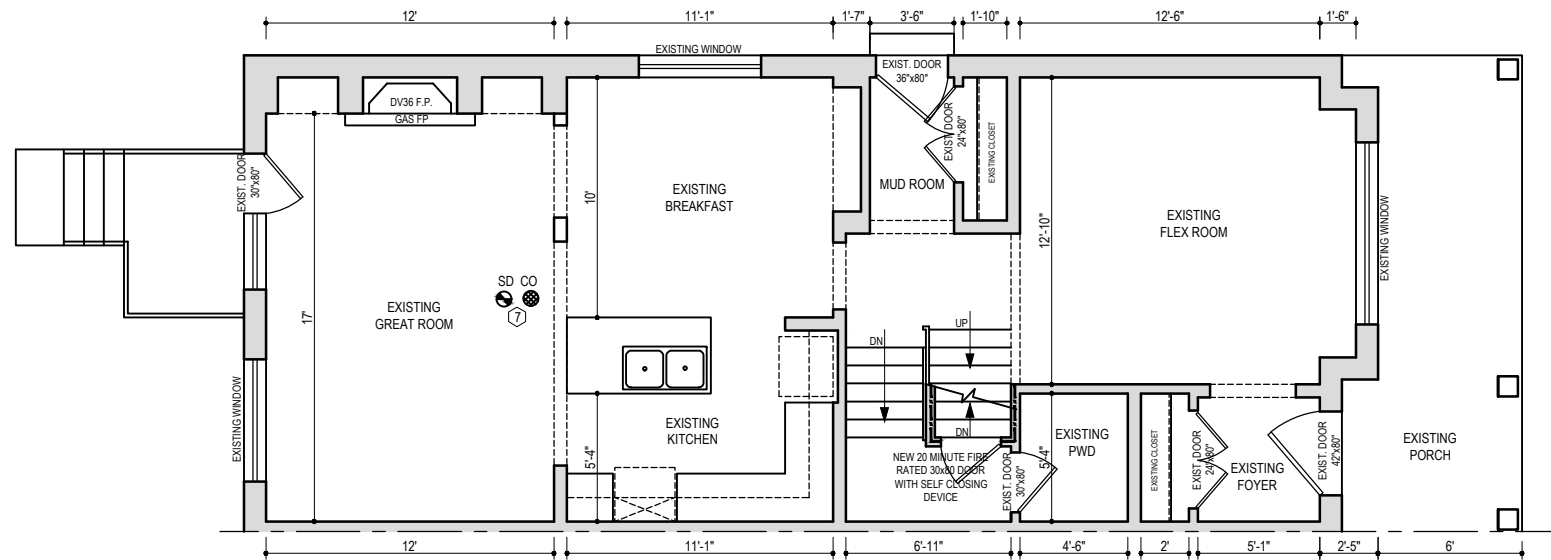
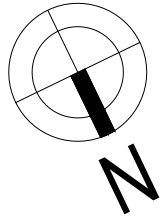
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EXISTING GROUND FLOOR PLAN

SCALE : $\frac{1}{8}'' = 1'-0''$

EXISTING GROUND FLOOR AREA : 926 SFT. / 86.07 M²

CEILING HEIGHT = 9'-1"

- EXISTING WALLS
- PROVIDE $\frac{5}{8}''$ TYPE X DRYWALL ON NEW OR EXISTING WALL
- NEW WALLS

PLEASE SEE DRAWING NO. G-01 FOR GENERAL NOTES AND SCHEDULES

7 INTERCONNECTED AND WIRED SMOKE ALARMS AT EACH FLOOR INCLUDING FINISHED BASEMENT - AS PER OBC 9.10.19. WITH VISUAL SIGNALING DEVICE

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Name Signature BCIN

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weDesignBuild Inc. 111001
Firm Name BCIN

DESIGNER



1310 STEELES AVE E, UNIT 6
BRAMPTON ON L6T 1A2
+1 (647) 770-3230
info@wedesignbuild.ca
www.wedesignbuild.ca

PROJECT

123 LAWRENCE
PILKINGTON AVE - MARKHAM

DRAWING TITLE

BASEMENT
APARTMENT

DRAWN BY

MN

DATE

2020-01-21

DRAWING NO.

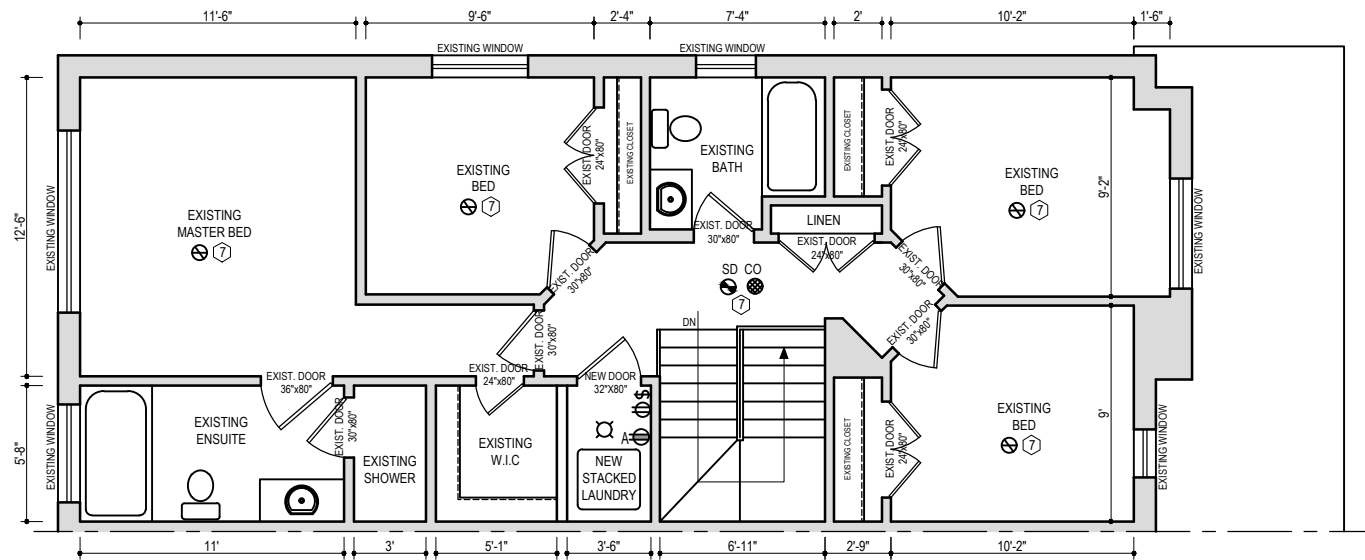
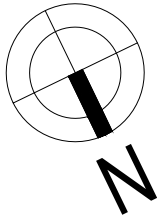
CHECKED BY

HM

SCALE

1/8" = 1'-0"

A-04



NEW / EXISTING SECOND FLOOR PLAN
SCALE : $\frac{1}{8}" = 1'-0"$
EXISTING SECOND FLOOR AREA : 926 SFT. / 86.07 M²
CEILING HEIGHT = 9'-1"

PLEASE SEE DRAWING NO. G-01
FOR GENERAL NOTES AND
SCHEDULES

7 INTERCONNECTED AND
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AT EACH FLOOR
INCLUDING FINISHED
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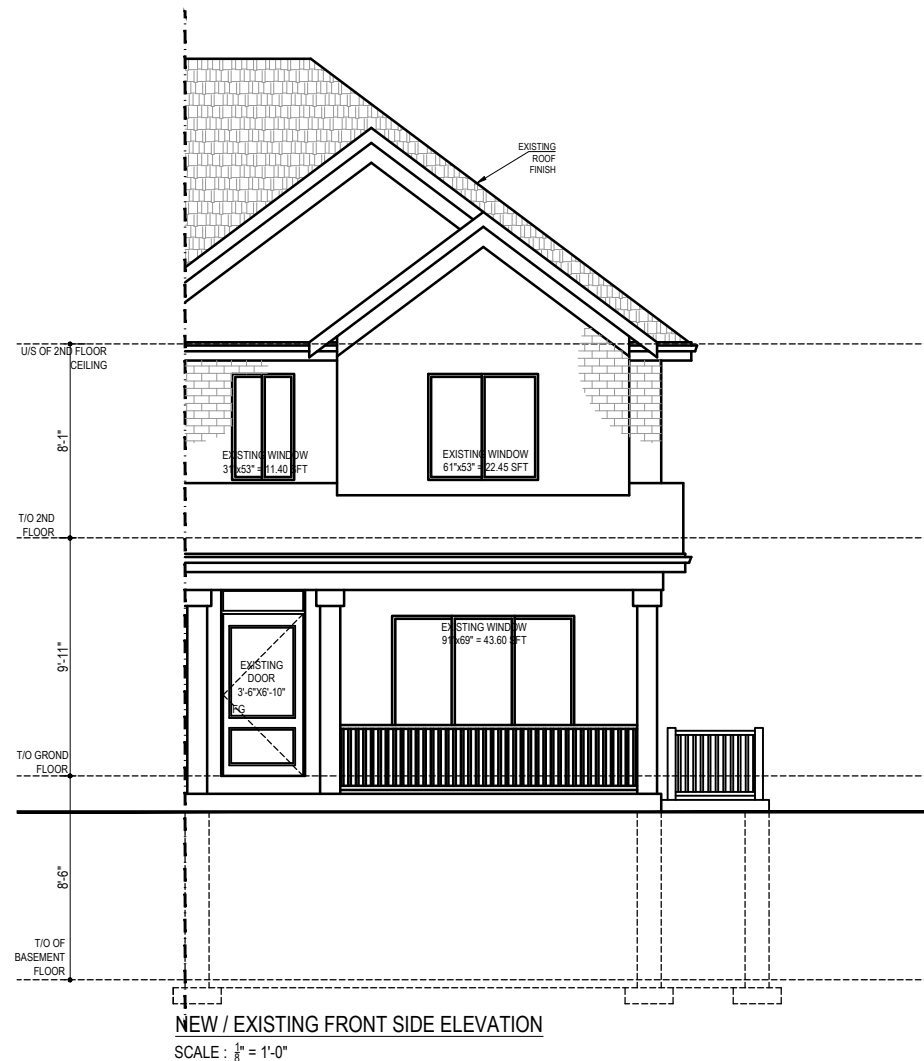
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Haroon Malik 102742
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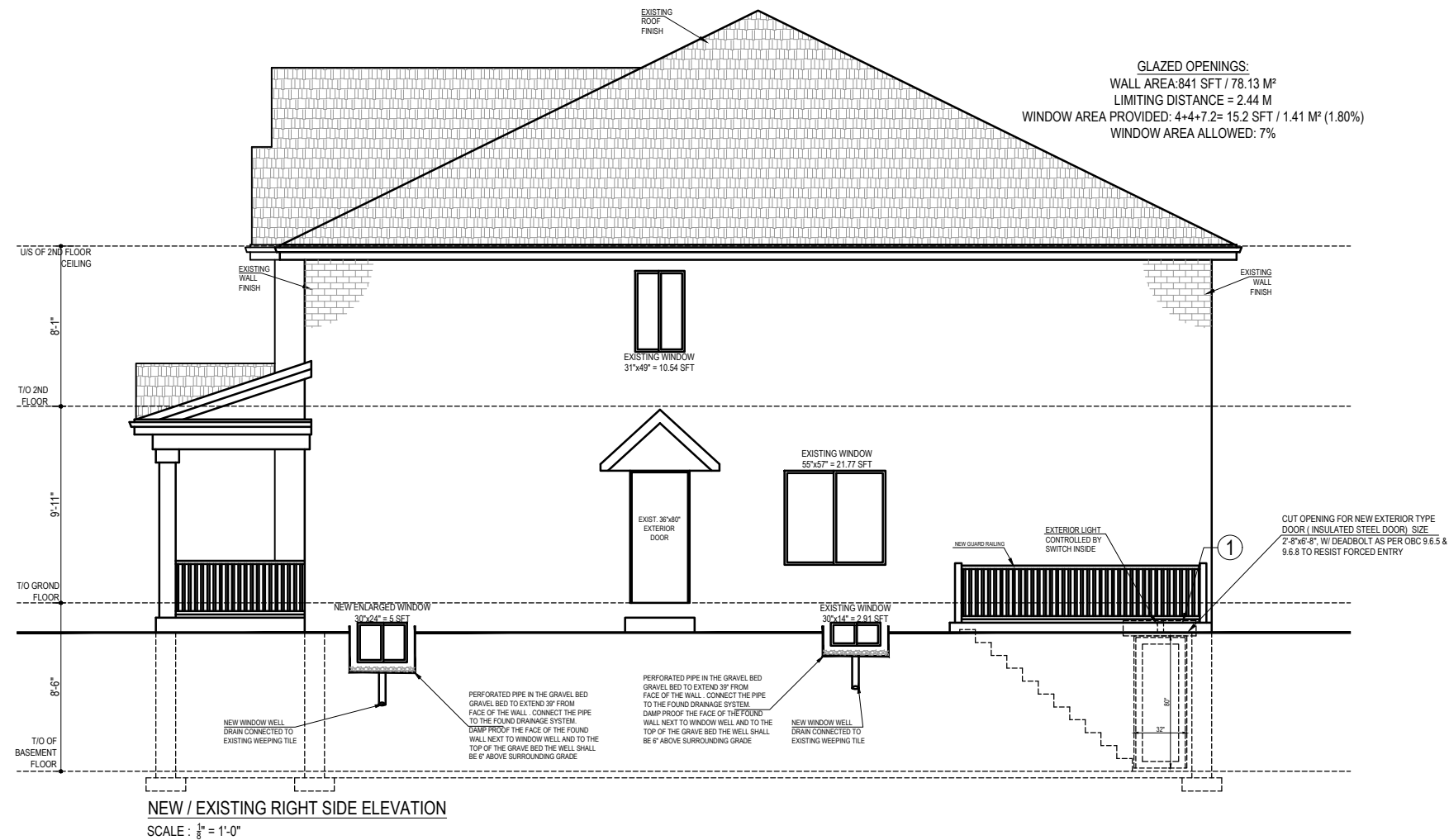
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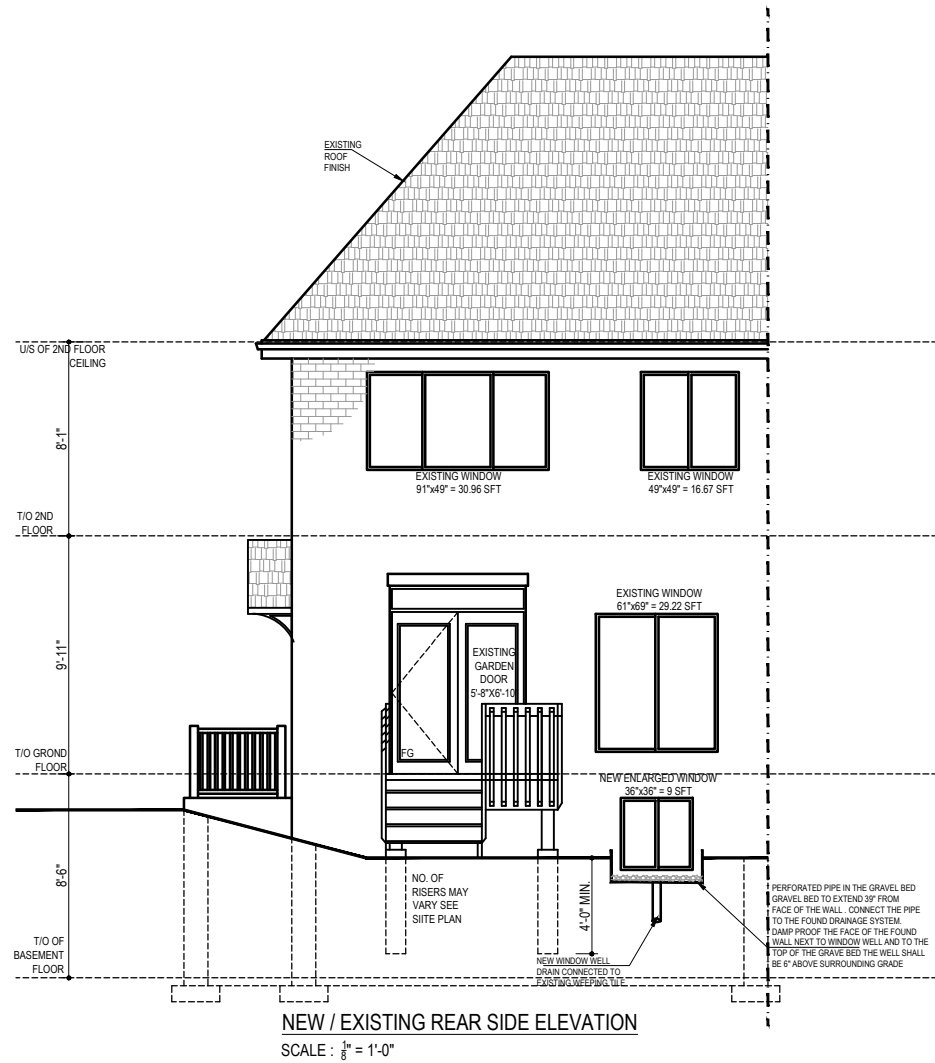
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Firm Name		BCIN

DESIGNER	PROJECT	DRAWING TITLE	DRAWN BY	DATE	DRAWING NO.
 <p>1310 STEELES AVE E, UNIT 6 BRAMPTON ON L6T 1A2 +1 (647) 770-3230 info@wedesignbuild.ca www.wedesignbuild.ca</p>	123 LAWRENCE PILKINGTON AVE - MARKHAM	BASEMENT APARTMENT	MN	2020-01-21	A-07
			CHECKED BY	SCALE	
			HM	1/8" = 1'-0"	




The undersigned has reviewed and takes responsibility for this design, and has the qualification and meet the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

Qualification Information
Required unless design in exempt under Div. C - 3.2.5.1. of the building code

Haroon Malik 102742
Name Signature BCIN

Registration Information
Required unless design in exempt under Div. C - 3.2.4.1. of the building code

weDesignBuild Inc. 111001
Firm Name BCIN

DESIGNER	PROJECT	DRAWING TITLE	DRAWN BY	DATE	DRAWING NO.
 <p>1310 STEELES AVE E, UNIT 6 BRAMPTON ON L6T 1A2 +1 (647) 770-3230 info@wedesignbuild.ca www.wedesignbuild.ca</p>	123 LAWRENCE PILKINGTON AVE - MARKHAM	BASEMENT APARTMENT	MN	2020-01-21	A-08
			CHECKED BY	SCALE	
			HM	1/8" = 1'-0"	