

# Memorandum to the City of Markham Committee of Adjustment

October 13, 2020

**File:** A/026/20  
**Address:** 98 Ramona Blvd – Markham, ON  
**Applicant:** Fahd & Ayesha Naqui  
**Agent:** Penguin Basements Ltd.  
**Hearing Date:** Wednesday October 21, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of the “Residential (R1)” zone under By-law 1229, as amended, to permit:

**a) Section 6.1:**

one secondary dwelling unit in the basement, whereas only one single detached dwelling is permitted.

## **BACKGROUND**

### **Property Description**

The 681.95 m<sup>2</sup> (7,340.50 ft<sup>2</sup>) subject property is located on the north side of Ramona Boulevard, east of Paramount Road, and west of Wooten Way North. There is an existing single detached dwelling on the property. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property.

### **Proposal**

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposal includes new egress windows along the east and north side (rear) of the building. The proposed secondary suite would also have direct independent access through an existing below-grade door and stairs in the rear yard. No other changes are being proposed to the exterior of the dwelling or the 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* to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse dwellings, as well as permitting a residential unit in ancillary structures to a detached, semi-detached, or rowhouse dwelling. Under this legislation, “second suites” are now referred to as “additional residential units”, and the terms are used synonymously in this memorandum.

#### *Provincial Policy Statement, 2020*

Section 1.4.3 of the *Provincial Policy Statement, 2020*, 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, 2019 (Growth Plan, 2019)*

Section 2.1.4 (c) of the *Growth Plan, 2019* requires municipalities to provide a diverse range and mix of housing option including second units to support complete communities.

**Official Plan and Zoning**

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

The City's 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 1229**

The subject property is zoned "Residential (R1)" under By-law 1229, as amended, which permits one single detached dwelling per lot. Consequently, the applicant has submitted an application requesting a variance to permit a secondary suite within the basement of the existing dwelling.

**Zoning Preliminary Review (ZPR) Undertaken**

The applicant has completed a ZPR on April 7, 2020 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 Suites

The City's Fire and Emergency Services Department has no objections to the proposed secondary suite, provided that it is registered with the City and complies with Building and Fire Code regulations. 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 and Fire Code regulations, and will be required to register their second suite with the Fire Department prior to any 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 affordable housing targets 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.

## PUBLIC INPUT SUMMARY

No written submissions were received as of October 13, 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.

## 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 recommend its approval. 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 of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

**APPENDIX "A"****CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/026/20**

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 batch stamped 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; and
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.

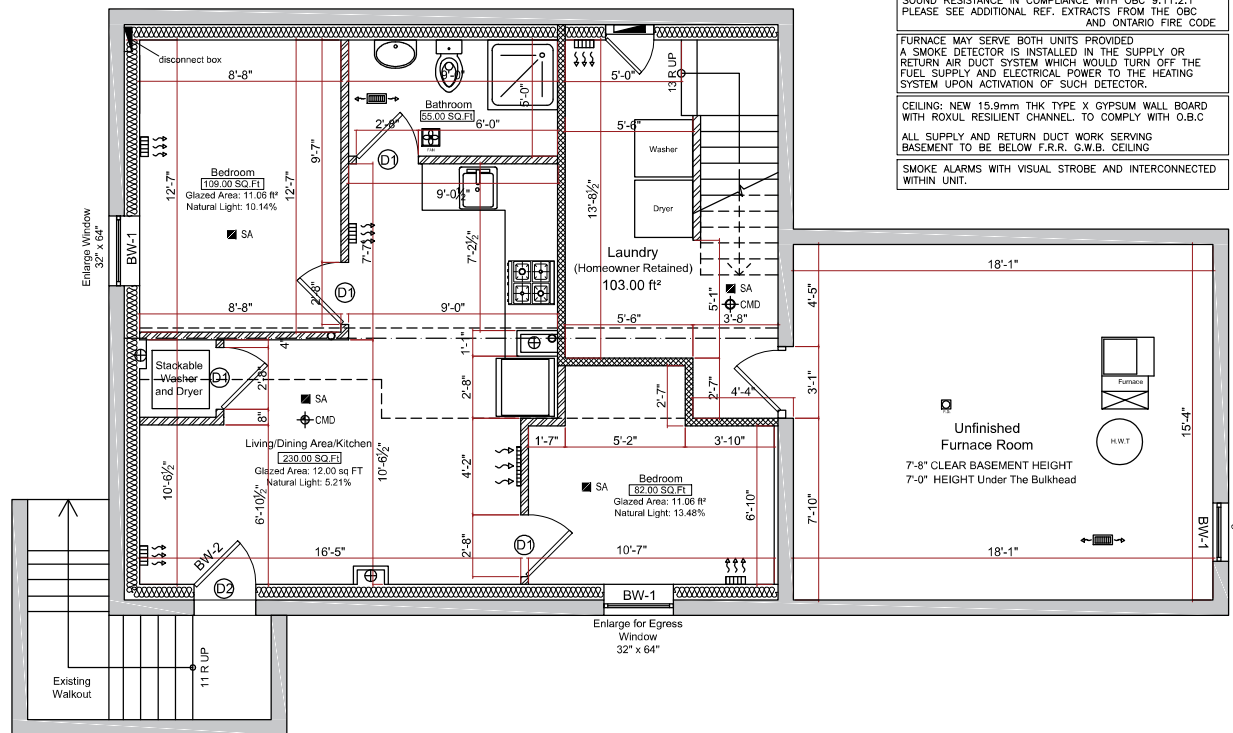
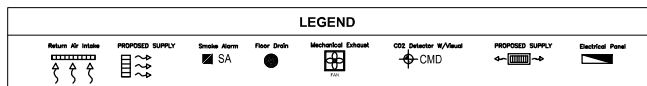
CONDITIONS PREPARED BY:

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/026/20**



WALL (W3) & CEILING ASSEMBLY NOT INCLUDING FURNACE ROOM CEILING AS PER TABLE 1 & 2 IN MMAH SUPPLEMENTARY STANDARD SB-3;  
CEILING ASSEMBLY #: F10a (1 H F.R.R) (51 STC)  
WALL ASSEMBLY#: S10a& ROCKWOOL SAFE'N'SOUND  
- 2"x4" STEEL STUD SPACED 24" O.C  
- 65 mm THICK ABSORPTIVE (STC)  
- 5/8" TYPE "X" GYPSUM BOARD  
- 3" ROCKWOOL SAFE'N'SOUND  
SOUND RESISTANCE IN COMPLIANCE WITH OBC 9.11.2.1 PLEASE SEE ADDITIONAL REF. EXTRACTS FROM THE OBC AND ONTARIO FIRE CODE

FURNACE MAY SERVE BOTH UNITS PROVIDED A SMOKE DETECTOR IS INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR.

CEILING: NEW 15.9mm THK TYPE X GYPSUM WALL BOARD WITH ROXUL RESILIENT CHANNEL TO COMPLY WITH O.B.C  
ALL SUPPLY AND RETURN DUCT WORK SERVING BASEMENT TO BE BELOW F.R.R. C.W.B. CEILING

SMOKE ALARMS WITH VISUAL STROBE AND INTERCONNECTED WITHIN UNIT.

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Construction must conform to all applicable codes and requirements of authorities having jurisdiction.

The contractor working from drawings not specifically marked 'For Construction' must assume full responsibility and bear costs for any corrections or damages resulting from his work.



## Appendix B

File: 20.109.190.000.00.MNV

Date: 10/14/20

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be designer.

QUALIFICATION INFORMATION- Required unless design is exempt under 3.2.5.1 of Division "C" of the Ontario Building Code

Jonathan Reece 103797  
Name SIGNATURE BCIN

QUALIFICATION INFORMATION- Required unless design is exempt under 3.2.5.1 of Division "C" of the Ontario Building Code

Penguin Plan 106807827  
Name BCIN

PROJECT ADDRESS : 98 Ramona Blvd  
Markham, ON, L3P 2K4

DRAWING :  
PROPOSED BASEMENT FLOOR PLAN

DESIGNER :  
Jonathan Reece

VERSION :  
2

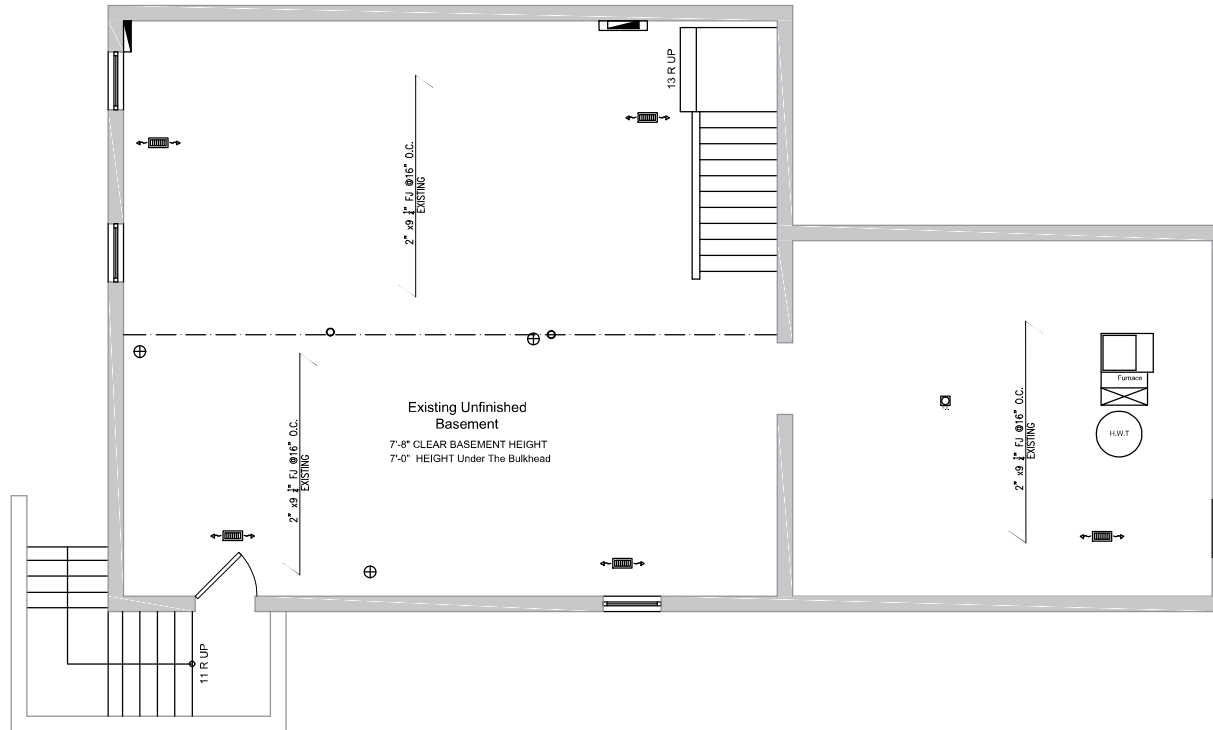
DATE : FEB 17, 2020

SHEET NO.

SCALE :  $\frac{3}{16}" = 1'-0"$

**P-1**

LEGEND							
Return Air Intake	PROPOSED SUPPLY	Smoke Alarm	Floor Drain	Mechanical Exhaust	CO2 Detector R/Wall	PROPOSED SUPPLY	Electrical Panel



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 Name SIGNATURE BCIN

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Penguin Plan 106807827  
 Name BCIN

PROJECT ADDRESS : 98 Ramona Blvd  
 Markham, ON, L3P 2K4

DRAWING :  
 EXISTING BASEMENT FLOOR PLAN

DESIGNER :  
 Jonathan Reece

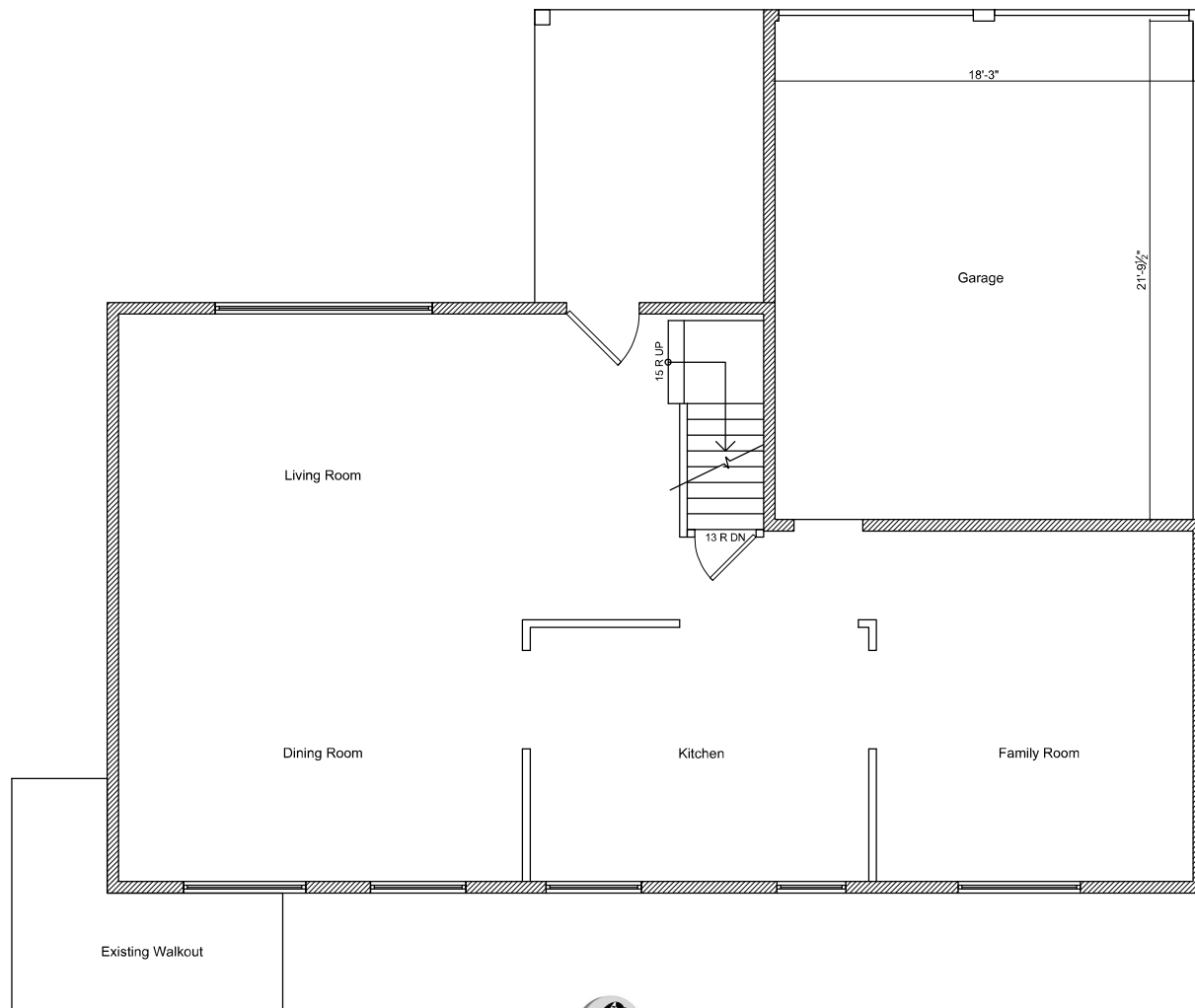
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DATE : FEB 17, 2020

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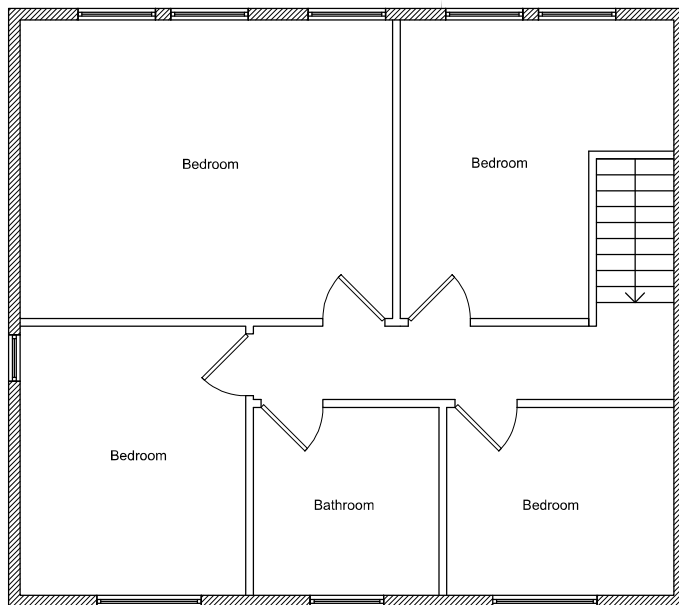
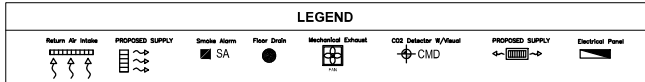
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**P-2**



P-3





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Name SIGNATURE BCIN

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Penguin Plan 106807827  
Name BCIN

PROJECT ADDRESS : 98 Ramona Blvd  
Markham, ON, L3P 2K4

DRAWING :  
SECOND FLOOR PLAN

DESIGNER :  
Jonathan Reece

VERSION :  
2

DATE : FEB 17, 2020

SCALE :  $\frac{3}{16}$  = 1':0"

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**P-4**

# LEGEND



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Penguin Plan 106807827  
Name BCIN

PROJECT ADDRESS : 98 Ramona Blvd  
Markham, ON, L3P 2K4

DRAWING :  
SOUTH ELEVATION

DESIGNER :  
Jonathan Reece

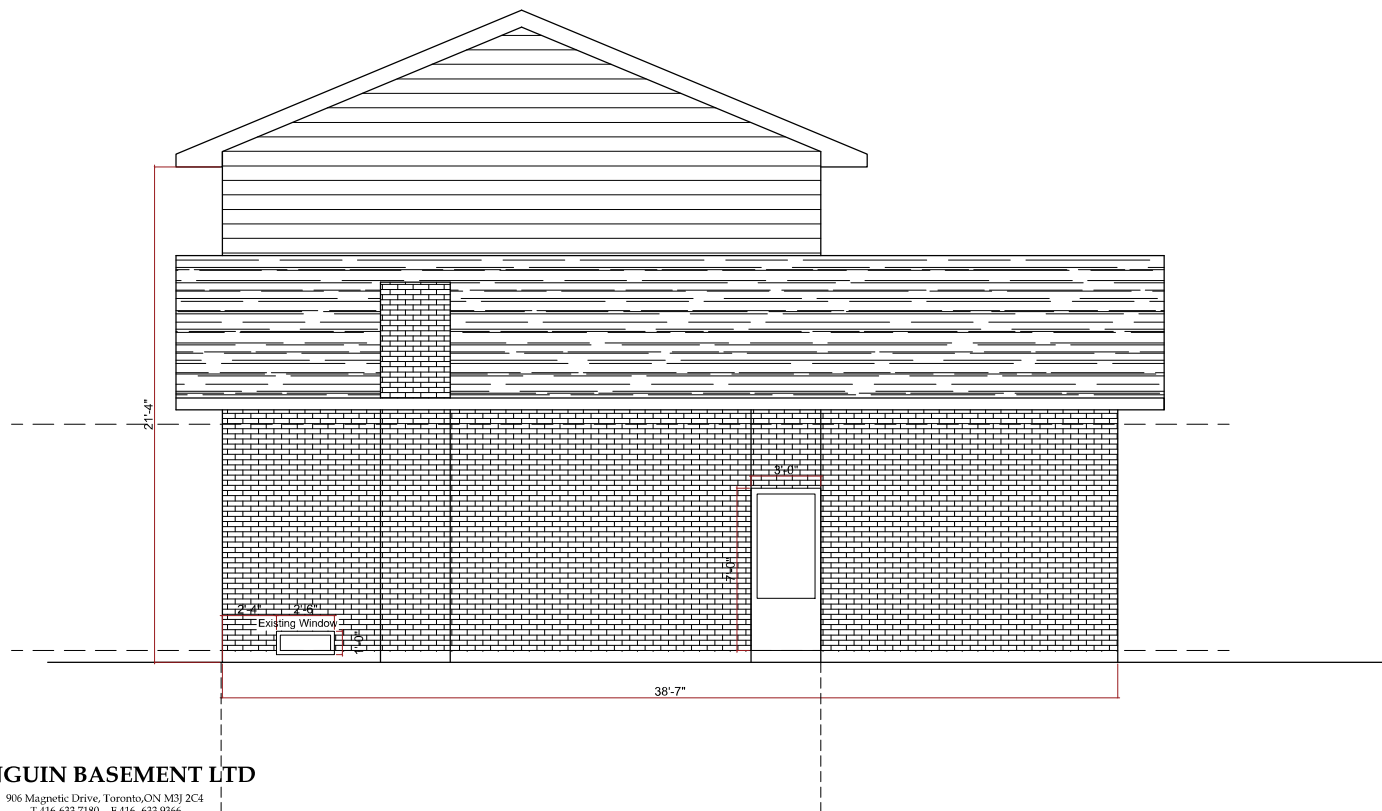
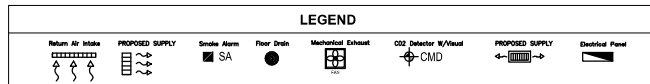
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DATE : FEB 17, 2020

SCALE :  $\frac{3}{16} = 1':0"$

SHEET NO.

P-7



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Jonathan Reece 103797  
Name SIGNATURE BCIN

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Penguin Plan 106807827  
Name BCIN

PROJECT ADDRESS : 98 Ramona Blvd  
Markham, ON, L3P 2K4

DRAWING :  
WEST ELEVATION

DESIGNER :  
Jonathan Reece

VERSION :  
2

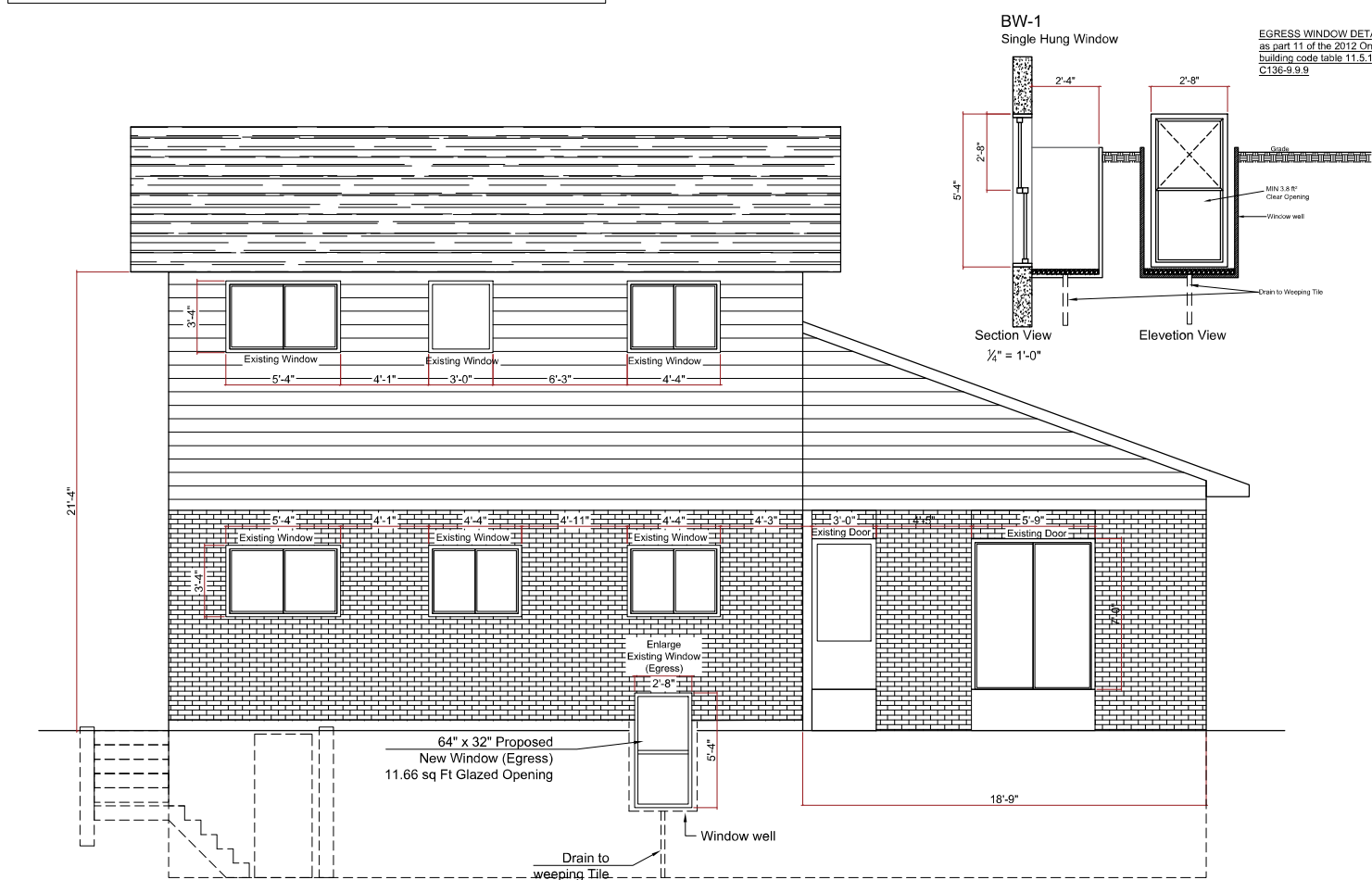
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SCALE :  $\frac{3}{16} = 1':0"$

SHEET NO.

**P-6**

LEGEND							
Return Air Intake	PROPOSED SUPPLY	Smoke Alarm	Floor Drain	Mechanical Exhaust	CO2 Detector R/Alarm	PROPOSED SUPPLY	Electrical Panel



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Date: 10/14/20

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Jonathan Reece	103797
Name	SIGNATURE BCIN
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Penguin Plan	106807827
Name	BCIN
PROJECT ADDRESS : 98 Ramona Blvd Markham, ON, L3P 2K4	
DRAWING : NORTH ELEVATION	
DESIGNER : Jonathan Reece	
VERSION : 2	
DATE : FEB 17, 2020	SHEET NO.
SCALE : $\frac{3}{16} = 1':0"$	<b>P-5</b>

## Appendix B

File: 20.109190.000.MNV

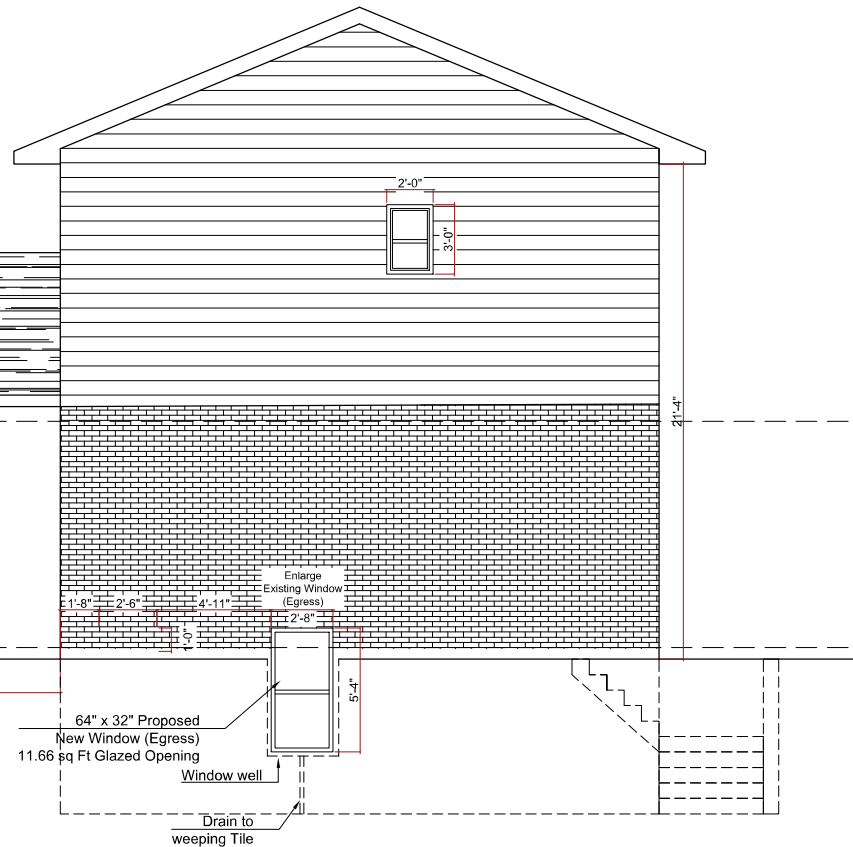
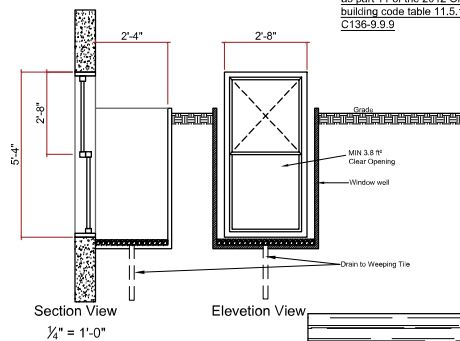
Date: 10/14/20  
MM/DD/YY

### LEGEND



BW-1  
Single Hung Window

EGRESS WINDOW DETAIL  
as part 11 of the 2012 Ontario  
building code table 11.5.1.1.c  
C136-9.9.9



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Jonathan Reece 103797  
Name SIGNATURE BCIN

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Penguin Plan 106807827  
Name BCIN

PROJECT ADDRESS : 98 Ramona Blvd  
Markham, ON, L3P 2K4

DRAWING :  
EAST ELEVATION

DESIGNER :  
Jonathan Reece

VERSION :  
2

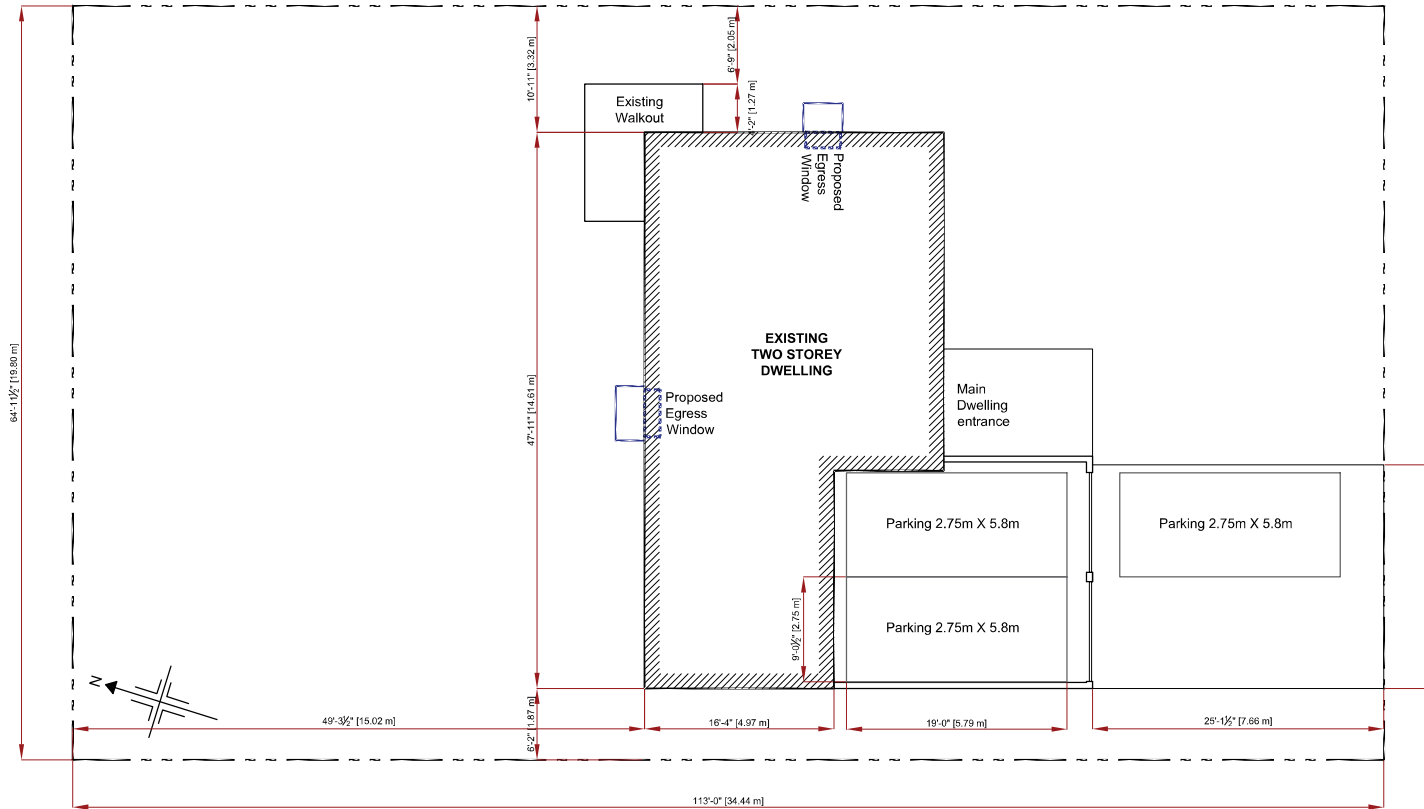
DATE : FEB 17, 2020

SCALE :  $\frac{3}{16} = 1':0"$

SHEET NO.

**P-8**

LEGEND							
Return Air Intake	PROPOSED SUPPLY	Smoke Alarm	Floor Drain	Mechanical Exhaust	CO2 Detector B/Nostr	PROPOSED SUPPLY	Electrical Panel



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THE GROSS FLOOR AREA (GFA) = 2350 SQ FT (218 SQ METER)  
THE SECOND UNIT AREA = 474 SQ FT (44 SQ METER) (20.18%)

## Appendix B

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Name SIGNATURE BCIN

QUALIFICATION INFORMATION- Required unless design is exempt under 3.2.5.1 of Division "C" of the Ontario Building Code

Penguin Plan 106807827  
Name BCIN

PROJECT ADDRESS : 98 Ramona Blvd  
Markham, ON, L3P 2K4

DRAWING :  
SITE PLAN

DESIGNER :  
Jonathan Reece

VERSION :  
2

DATE : FEB 17, 2020

SCALE :  $\frac{3}{32}" = 1'-0"$

SHEET NO.

P-9