Memorandum to the City of Markham Committee of Adjustment

June 22, 2020

File: A/031/20

Address: 7683 9th Line – Markham, ON

Applicant: Sean Young & Novelette Witter Young

Agent: Vanle Architect Inc. Hearing Date: Thursday July 2, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the Single Family Rural Residential – (RRH) zone requirements of By-law 194-82, as amended, as they relate to a proposed two-storey single detached dwelling on the subject property. The proposed variances are as follows:

a) Section 7.2 (b):

a minimum lot area of 1,800.28 m^2 (0.45 Ac), whereas the By-law requires 2,040.0 m^2 (0.50 Ac);

b) Section 4.5.1 (a):

a minimum setback of 25.18 m (82.61 ft) to the centre line of 9th line, whereas the By-law permits no part of any Building or Structure to be within 36.50 m (119.75 ft) of the centre line of 9th line;

c) Section 7.2 (c):

a minimum (north) side yard setback of 2.80 m (9.19 ft), whereas the Bylaw requires a minimum side yard setback of 3.0 m (9.84 ft); and

d) <u>Section 6.1:</u>

a Second Dwelling Unit, whereas the By-law permits no more than one (1) Single Detached Dwelling on one (1) lot.

BACKGROUND

Property Description

The 1,800.28 m² (0.45 Ac) subject property is located on the east side of 9th Line, north of Donald Cousens Parkway, and south of 14th Avenue. There is an existing one-storey detached dwelling located on the property with a pool in the rear yard, which was constructed in 1954 according to assessment records. Mature vegetation exists across the property including several mature trees in the front and rear yards. The street is undergoing a transition with newer dwellings being developed as infill developments.

Proposal

The applicant is proposing to demolish the existing one-storey detached dwelling, and construct a new two-storey detached dwelling with a triple car garage. The proposed dwelling has a gross floor area of approximately 566.28 m² (6,095.39 ft²). The site plan shows the existing pool in the rear yard will remain.

The applicant is also requesting a variance to permit a two-bedroom secondary suite on the second floor of the proposed dwelling. The primary dwelling is accessed by the main doors entry at the front of the building. The proposed second-storey secondary suite would have separate access provided via a separate entry at the front 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* to require Official Plans to contain policies providing for two residential units in detached, semi-detached and row houses, as well as permitting a residential unit in ancillary structures to a detached house, semi-detached house or rowhouse. 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

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

The subject property is designated "Residential Low Rise", which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the "Residential Low Rise" designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a "Residential Low Rise" area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

The 2014 Official Plan (Section 4.1.2.6) contains policies to support further diversification of the housing stock and rental housing tenure by permitting secondary suites within existing and new permitted 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.

As previously mentioned, the City's Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms including single detached dwellings, and secondary suites in accordance with Section 8.13.8. A "Secondary Suite" in the 2014 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 8.13.8 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."

Zoning By-Law 194-82

The subject property is zoned Single Family Rural Residential (RRH) under By-law 194-82, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirements with respect to the minimum lot area, minimum setback to the centre line of 9th Line, and minimum side yard setback along the north side. The proposed secondary suite also does not comply with the By-law requirement of only one dwelling unit on the lot.

Applicant's Stated Reasons for Not Complying with Zoning

According to the information provided by the applicant, the reasons for not complying with zoning are:

- 1. "to be compatible with other houses;
- 2. to match existing new rebuild houses; and
- 3. to accommodate an ailing mother."

Zoning Preliminary Review (ZPR) Undertaken

The applicant confirmed that a ZPR has not been conducted. However, the applicant has received comments from the building department through their permit process 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.

Reduction in Minimum Lot Area

The applicant is requesting a minimum lot area of 1800.28 m² (0.45 Ac), whereas the Bylaw requires a minimum lot area of 2,040.0 m² (0.5 Ac). According to the City's records, the subject lot was created prior to the passing of the applicable Zoning By-law. The requested variance will legalize the existing lot size and staff have no concerns.

Reduction in Minimum Setback to Centre Line of 9th Line

The applicant is requesting a minimum setback of 25.18 m (82.61 ft) from the centre line of 9th Line to the front wall of the building, whereas the By-law requires a minimum setback of 36.50 m (119.75 ft) from the centre line of 9th Line to any part of a building or structure. This is a reduction of approximately 11.32 m (37.14 ft).

The intent of the minimum setback from the centre line of 9th Line was to maintain an opportunity for the potential widening of 9th Line, which was previously an arterial road owned and operated by the Regional Municipality of York. This section of 9th Line has been downloaded to the City, and there are no plans for the future widening of 9th Line along this section. The proposed dwelling will comply with the minimum front yard setback of 7.50 m (24.61 ft). Staff have no concerns with the requested variance.

Reduction in Side Yard Setback

The applicant is requesting a minimum side yard setback of 2.80 m (9.19 ft) along the north property line, whereas the By-law requires a minimum side yard setback of 3.0 m (9.84 ft). This is a reduction of 0.20 m (0.66 ft).

The applicant is proposing that the main wall of the building along the northern side be setback 3.12 m (10.24 ft) which complies with the By-law requirement. The proposed setback is attributable to a fireplace encroachment, and boxed window bay within the required side yard which have approximate widths of 1.52 m (5.0 ft) and 2.90 m (9.51 ft), respectively. Staff are of the opinion that the proposed setback will not adversely impact the character of the neighbourhood, and do not object to the variance.

Secondary Suites

The City's Fire and Emergency Services Department has no objections provided the proposed 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 to ensure the secondary suite is 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 provides support to achieve its affordable housing target required by the Province. 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 have no objections to the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 22, 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 April 1, 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 of Approval Appendix "B" – Plans

PREPARED BY:

Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:

Stephen Corr, Senior Planner, East District

File Path: Amanda\File\ 20 109579 \Documents\District Team Comments Memo

APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/031/20

- 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 February 27, 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.
- 3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Director of Operations that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
- 4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site in accordance with the City's Streetscape Manual, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.
- 5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:

Aleks Todorovski, Planner, Zoning and Special Projects

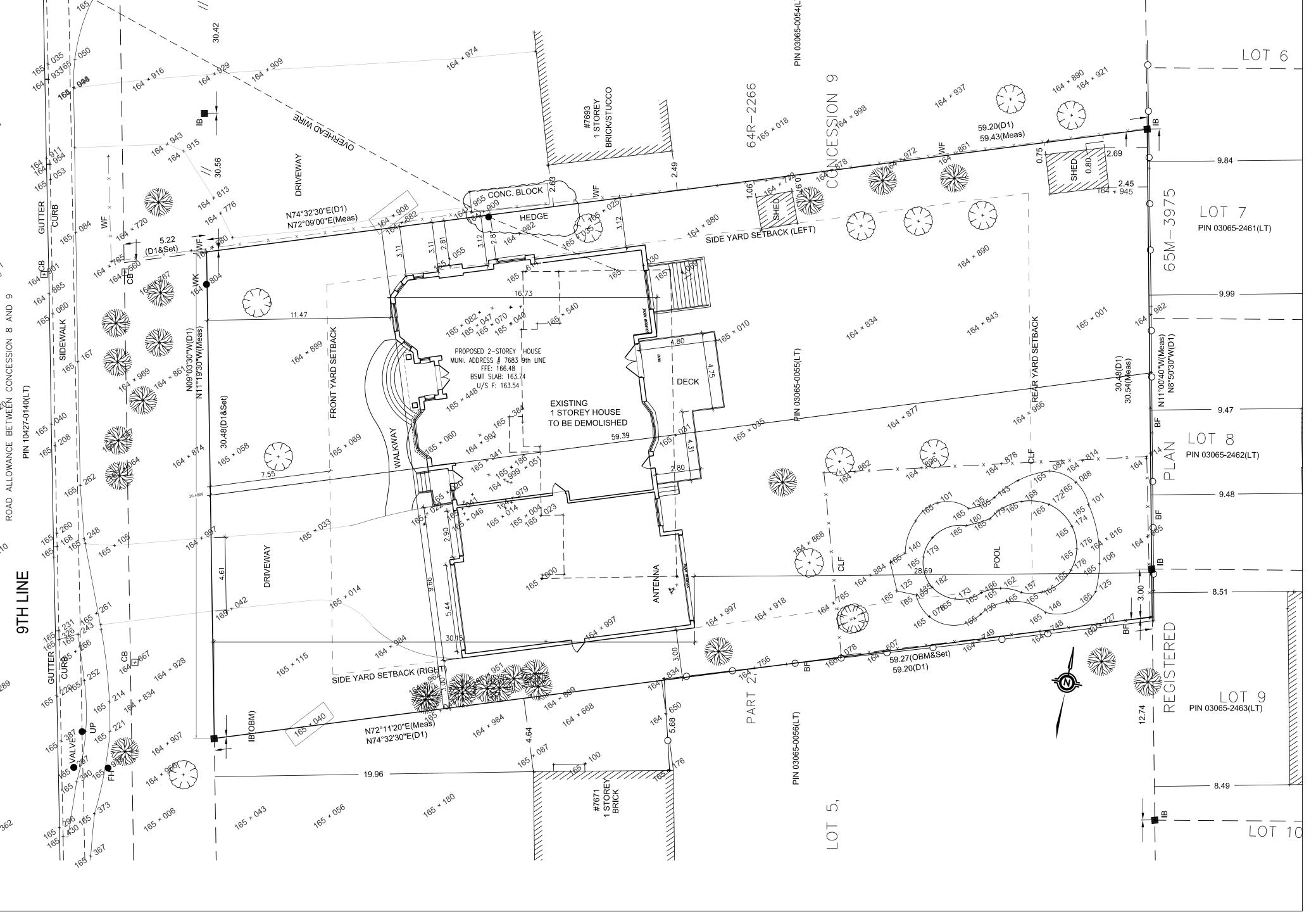
APPENDIX "B" PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/031/20

7683 NINTH LINE	REQ'D	PROP'D
ESTABLISHED GRADE	_	164.97M
LOT AREA		1800.38M²
LOT DEPTH		59.39M
LOT FRONTAGE		30.48M
FRONT YARD SETBACK	7.5M	7.55M
SIDE YARD SETBACK (LEFT)	3M	3.11M
SIDE YARD SETBACK (RIGHT)	ЗМ	3.00M
REAR YARD SETBACK	7.5M	29.69M

7683	3 NINTH LINE	REQ'D	PROP'D
	REAR YARD AREA		920.24M²
REAR	DECK/PATIO/TERRACE AREA		35.37M²
YARD	GRASS/PLANTING AREA		873.59M²
	STEPS AREA		11.28M²
VEHICLE (ENTRANCE WIDTH AT MAIN WALL		9.66M
	BUILDING DEPTH		30.15M
	BUILDING LENGTH		16.73M

7683	NINTH LINE	REQ'D	PROP'D
	FRONT YARD AREA		387.27M²
	DRIVEWAY AREA		75.47M²
	DRIVEWAY WIDTH		4.61M
FRONT YARD	FRONT PORCH AREA		9.64M²
	WALKWAY AREA		15.18M²
	GRASS/PLANTING AREA		281.81M²
	STEPS AREA		5.17M²

7683 NINTH LINE	REQ'D	PROP'D
BUILDING HEIGHT	MAX 10.5M	8.59M
MAIN WALL HEIGHT		6.55M
STOREYS		2
HEIGHT OF FIRST FLOOR ABOVE EST. GRADE		0.91M
LOT COVERAGE		353.76M² (19.65%)
TOTAL FLOOR AREA		566.28M ² (EXCL. GAR. & BSMT.)
* AS PER ZONING BYLAW 194-	82 -SECTION	4.10



SB-12 ENERGY EFFICIENCY	DESIG	N M	4TRIX	
PRESCRIPTIVE COMPLIANCE SB-12 (SECTION 2.1.1)			
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EXPOSED FLOOR	R3	31	R.	31
WALLS ABOVE GRADE	22 + 5	ci	22 + 5	ci
BASEMENT WALLS	20	ci	20	ci
BELOW GRADE SLAB ENTIRE SURFACE > 600mm BELOW GRADE	N/A	4	N/	A
EDGE OF BELOW GRADE SLAB < 600mm BELOW GRADE	R1	0	R1	0
HEATED SLAB < 600mm BELOW GRADE	R1	0	R1	0
CONC. SLAB < 600mm BELOW GRADE	R1	0	R1	0
WINDOWS/SLIDING GLASS DOORS (MAX U-VALUE OR MIN. ER)	0.28	25	0.28	25
SKYLIGHTS (MAX. U-VALUE)	0.4	19	0.4	49
APPLIANCE EFFICIENCY				
SPACE HEATING EQUIP. (AFUE%)	90	%	90	1%
HRV EFFICIENCY (%)				_

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13 PERMITTED CONSTRUCTION	11	WATER SEF	RVICE SUPPL	_Y IS ADEQU	ATE	[☐ YES 🏖] NO		3.2.4.		
ACTUAL CONSTRUCTION	12	HIGH BUILD	DING (HIGH-	RISE)		[☐ YES 🄀	1 NO		3.2.5.7.		
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	18	REQUIRED FIRE RESISTANCE RATING (FRR) SPATIAL SE WALL FRONT REAR LEFT RIGHT NOTES 1. PROFE 2. LOCATIO	EPARATION AREA OF EBF (m2) 128.06 125.89 111.54 107.38 ESSIONAL EN	HORIZONTA FRR (HOUI FLOORS ROOF MEZZANINE FRR OF SUPPORTIN FLOORS ROOF MEZZANINE - CONSTRUC (m)	N. N	DOT REQ. OT REQ. A EXTERIOR WALLS PERMITTED MAX % OF OPENINGS NOT REQ. NOT REQ. 10% (11.5m2) 10% (10.74m2) ET REQUIRED. BY OTHERS. FIRE HYDE	PROPOSED % OF OPENINGS - 9.7% (10.9m2) 8.8% (9.5m2)	FRR (HOURS) NOT REQ. NOT REQ.	DITION LISTED DESIGN OR DESCRIPTION NOT REQ. NOT REQ.	3.3.1.2. & 9.2.2.203.2.1.4. 3.2.3. NON COMB CONSTR	.83 & COMB.	9.10.1.3.(4) 9.10.8. 9.10.9. 9.10.15. COMB CONSTR YES YES YES OBC REFERE

.EG	END	•

THREE-MEMBER SOLID WOOD BEARING

28) DOOR NUMBER

SIAMMESE FIRE HOSE 3 WALL TYPE

3 REVISION

779.33 FINISHED FLOOR

 $\mathbf{I} \stackrel{\underline{F},\underline{A}}{=} \mathbf{I}$ flat arch

M.C. MEDICINE CABINET CONCRETE BLOCK WALL

DOUBLE HEIGHT VOLUME WALL.

FIRE RATED WALL

P.T. PRESSURE TREATED LUMBER

G.T. GIRDER TRUSS

DJ DOUBLE JOIST

TJ TRIPLE JOIST

LVL LAMINATED VERTICAL LUMBER

POINT LOAD FROM ABOVE

(39.) SPECIFICATION NUMBER (SEE SPEC. SHEET)

Revision comments MAR.25/19 JL FOR PERMIT APP. APR.03/19 JL

Contractor must verify all dimensions on the job and report any discrepancy to the architect before proceeding with the work. All drawings and specifications are instruments of service and the property of the architect which must be returned at the completion of the work.



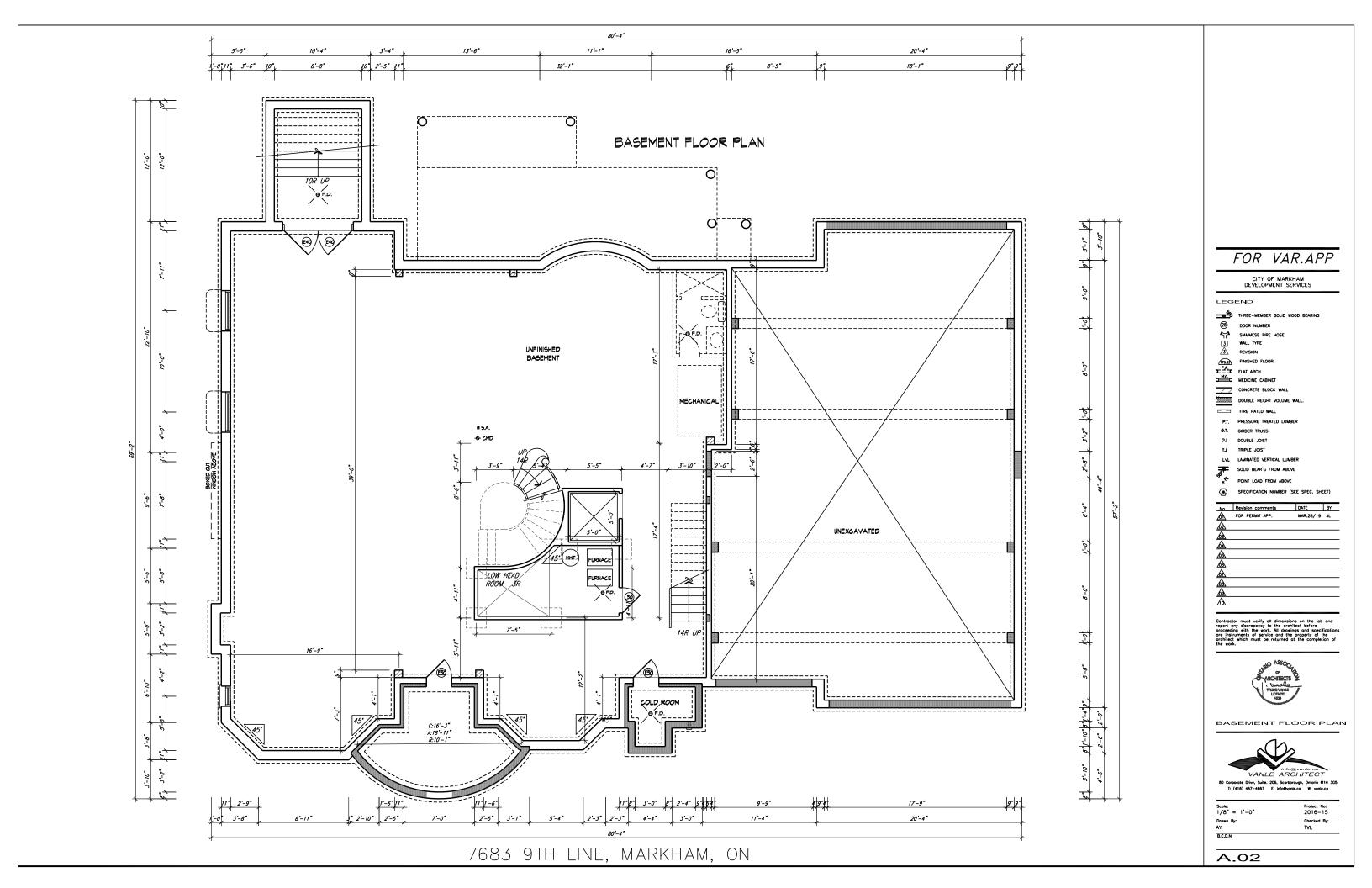
SITE PLAN

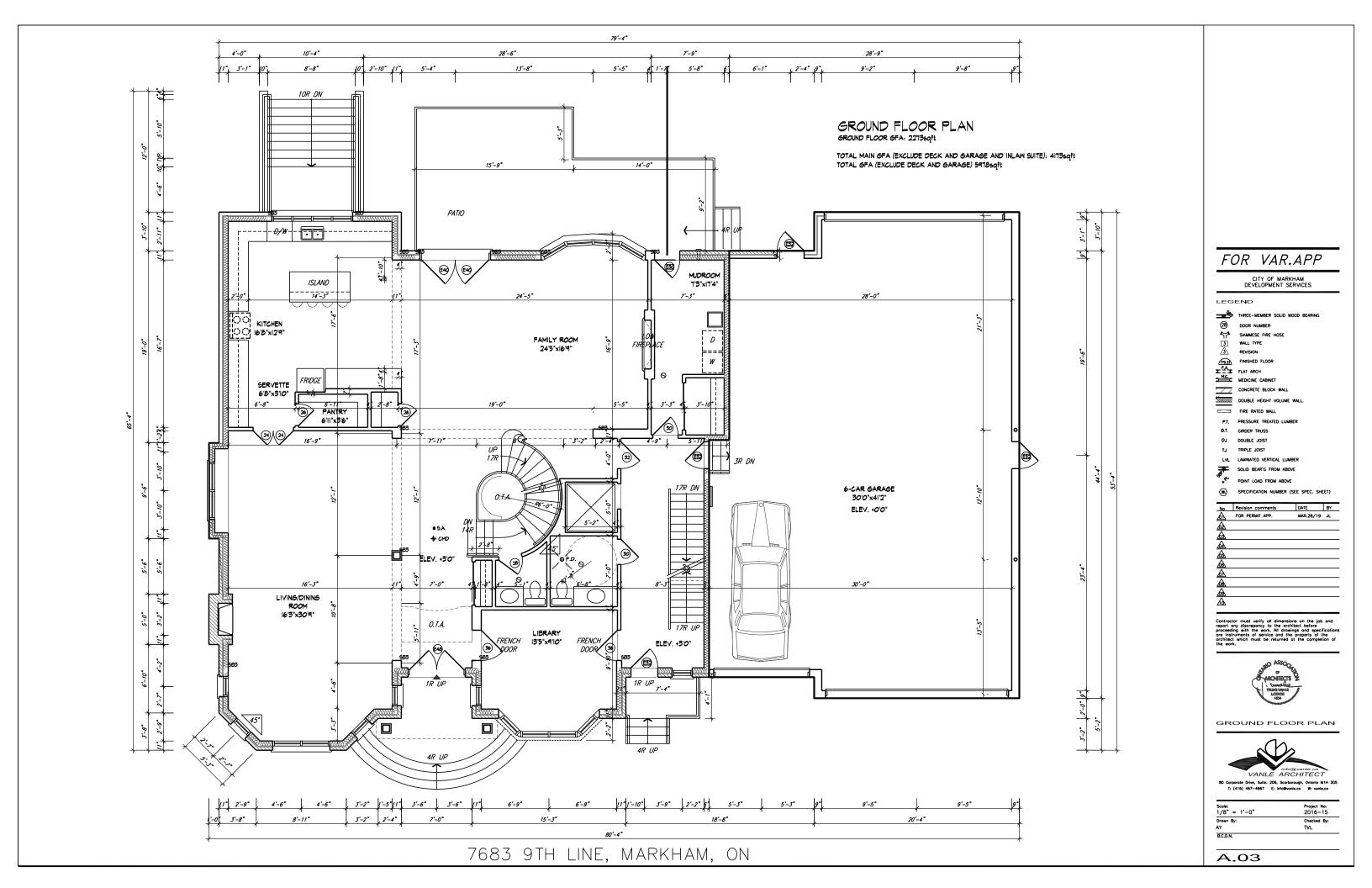


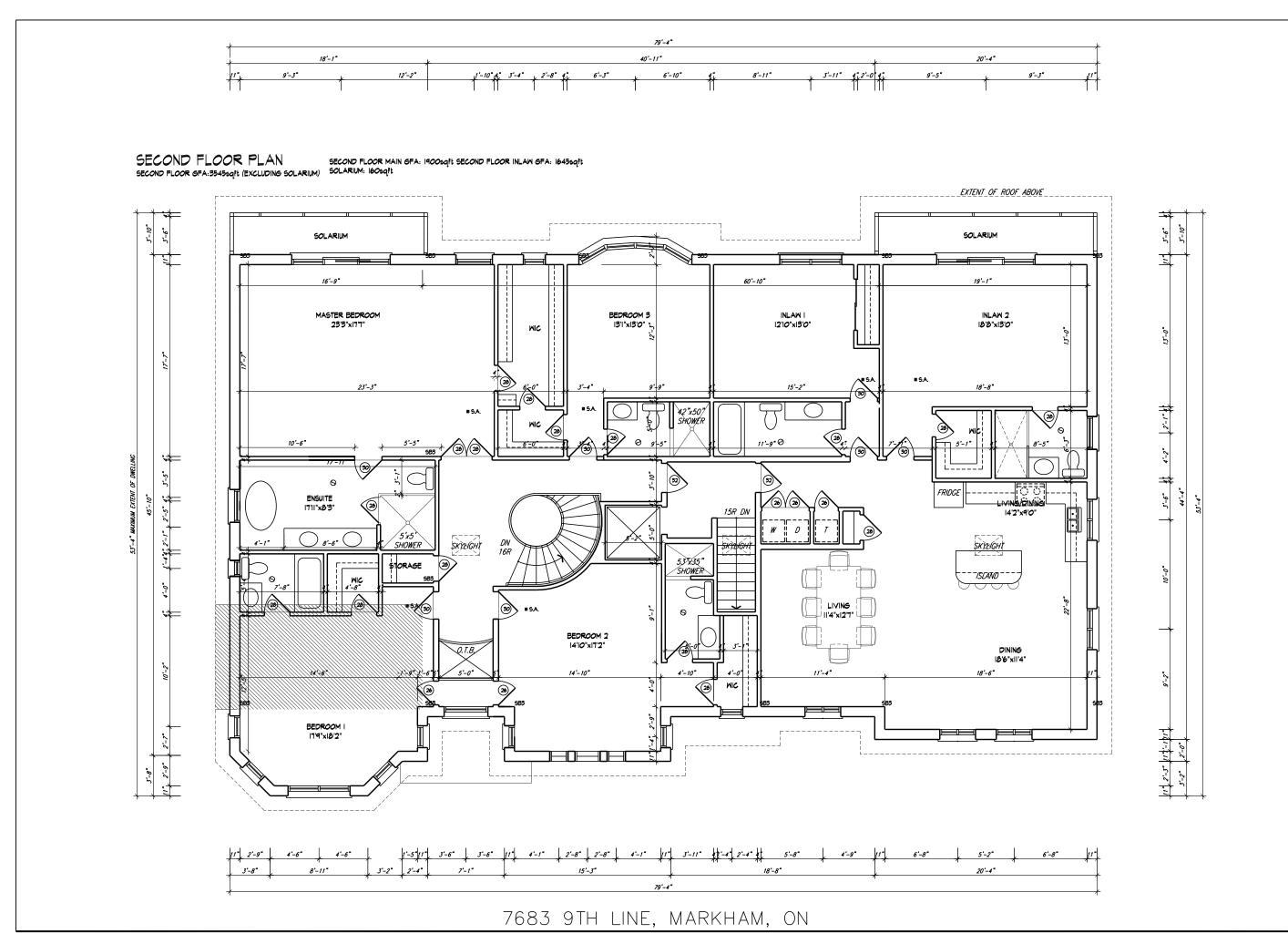
80 Corporate Drive, Suite. 206, Scarborough, Ontario M1H 3G5 T: (416) 467-4667 E: info@vanle.ca W: vanle.ca

Project No: 2017-05 Checked By: TVL 3794

7683 9TH LINE, MARKHAM, ON







CITY OF MARKHAM DEVELOPMENT SERVICES

THREE-MEMBER SOLID WOOD BEARING

779.33) FINISHED FLOOF

MC. MEDICINE CABINET

CONCRETE BLOCK WALL

6.T. GIRDER TRUSS

SOLID BEAR'S FROM ABOVE

No	Revision comments	DATE	BY
ℯ	FOR PERMIT APP.	MAR.28/19	JL
<u>&</u>			
<u>63</u>			
<u>&</u>			
<u> 68</u>			
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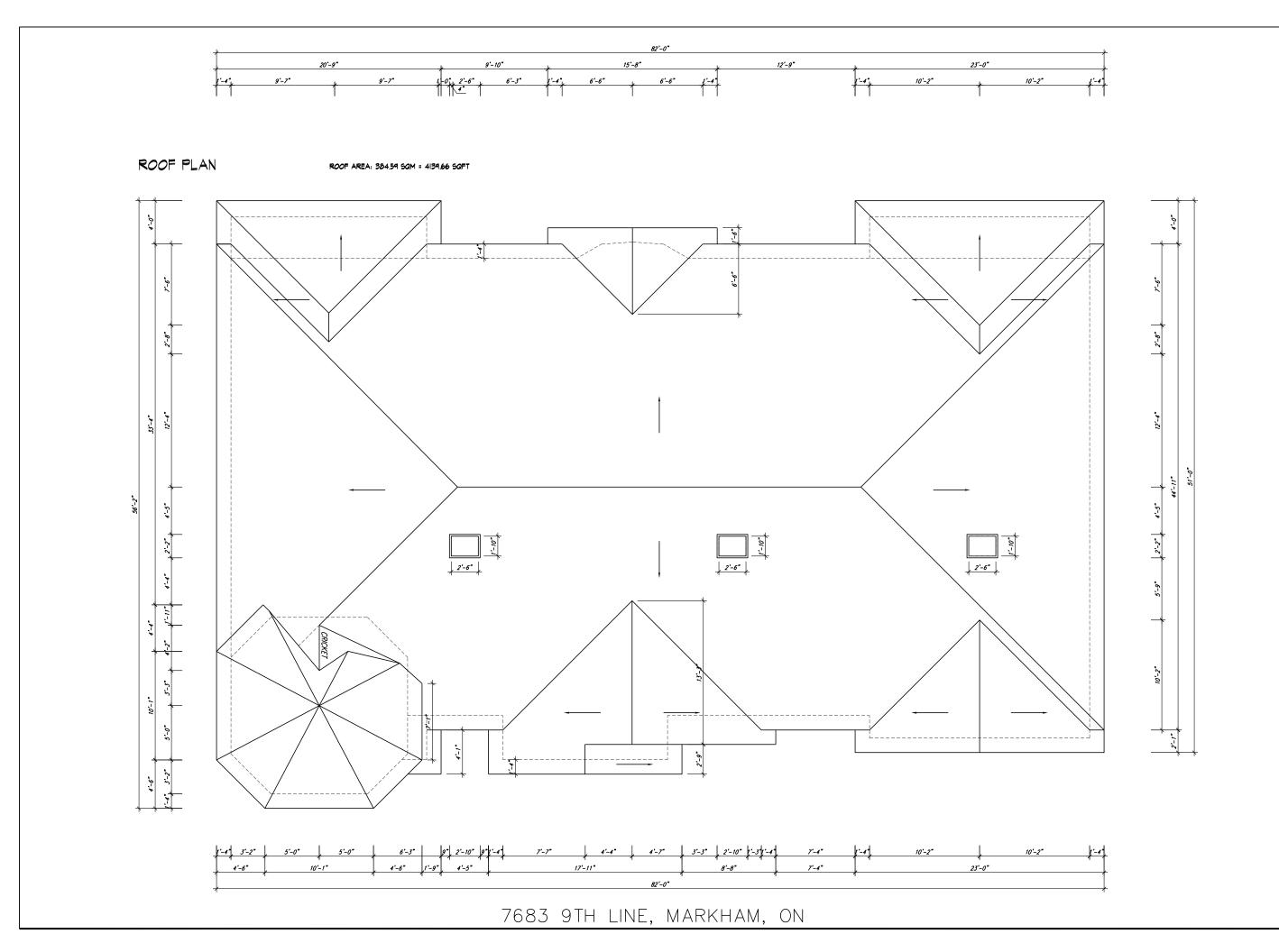
SECOND FLOOR PLAN



80 Corporate Drive, Suite. 206, Scorborough, Ontario M1H 3C5 T: (416) 467-4667 E: info@vanle.ca W: vanle.ca

Scale: 1/8" = 1'-0"	Project No: 2016-15
Drawn By:	Checked By:
AY	TVL

A.04



CITY OF MARKHAM DEVELOPMENT SERVICES

3 3

THREE-MEMBER SOLID WOOD BEARING

DOOR NUMBER
SIAMMESE FIRE HOSE

WALL TYPE

FINISHED FLOOR

FAT FLAT ARCH

MC. MEDICINE CABINET

CONCRETE BLOCK WALL

DOUBLE HEIGHT VOLUME WALL.

6.T. GIRDER TRUSS

SOLID BEAR'G FROM ABOVE

POINT LOAD FROM ABOVE

No	Revision comments	DATE	BY
₩	FOR PERMIT APP.	MAR.28/19	JL
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64			
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69			
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Scale: 1/8" = 1'-0"	Project No: 2016-15
Drown By:	Checked By
•	TVL

A.05



CITY OF MARKHAM DEVELOPMENT SERVICES

LEGEND

THREE-MEMBER SOLID WOOD BEARING

28) DOOR NUMBER

SIAMMESE FIRE HOS
 WALL TYPE

REVISION

FINISHED FLOOR

MEDICINE CABINET

CONCRETE BLOCK WALL

TIPE PATED WALL

P.T. PRESSURE TREATED

6.T. GIRDER TRUSS

DJ DOUBLE JO

LVL LAMINATED VERTICAL LUN

SOLID BEAR'G FROM ABO

POINT LOAD FROM ABOV

SPECIFICATION NUMBER (SEE SPE

NO Revision comments DATE BY

AT FOR PERMIT APP. MAR.28/19 JL

AT APP. MAR.28/19 JL

AT APP. MAR.28/19 JL

AT APP. MAR.28/19 JL

Contractor must verify all dimensions on the job and eport any discrepancy to the architect before proceeding with the work. All drowings and specification are instruments of service and the property of the prohitect which must be returned at the completion of the work.



WEST ELEVATION



VANLE ARCHITECT

80 Corporate Drive, Suite. 206, Scorborough, Ontorio MIH 305

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AY	TVL



CITY OF MARKHAM DEVELOPMENT SERVICES

THREE-MEMBER SOLID WOOD BEARING

DOOR NUMBER
SIAMMESE FIRE HOSE

WALL TYPE

FINISHED FLOOR

MC. MEDICINE CABINET

CONCRETE BLOCK WALL

DOUBLE HEIGHT VOLUME WALL.

6.T. GIRDER TRUSS DJ DOUBLE JOIST

SOLID BEAR'G FROM ABOVE

POINT LOAD FROM ABOVE



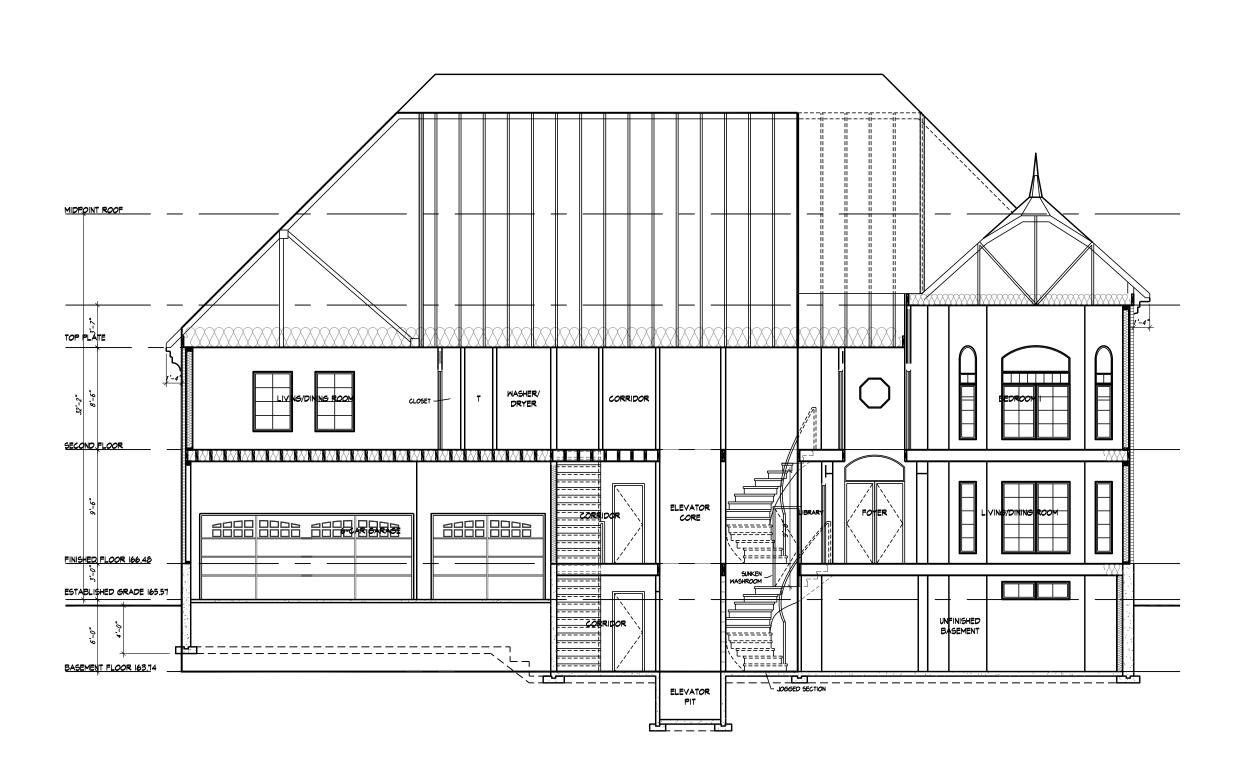
EAST ELEVATION



Scole: 1/8" = 1'-0"	Project No: 2016-15
Drown By:	Checked By
AY	TVL







THREE-MEMBER SOLID WOOD BEARING

28 DOOR NUMBER
SIAMMESE FIRE

WALL TYPE

FINISHED FLOOR

MC. MEDICINE CABINET

CONCRETE BLOCK WALL

DOUBLE HEIGHT VOLUME WALL.

6.T. GIRDER TRUSS

PJ DOUBLE JOIST

SOLID BEAR'G FROM ABOVE

POINT LOAD FROM ABOVE

No	Revision comments	DATE	BY
<u>6</u> 1	FOR PERMIT APP.	MAR.28/19	JL
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<u> 66</u>			
<u>6</u> 3			
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EAST SECTION PLAN



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1/8" = 1'-0"	2016-15
Drawn By:	Checked By
AY	TVL