



Memorandum to the City of Markham Committee of Adjustment

November 21, 2019

File: A/131/19 to A/141/19 (Inclusive)
Address: 271, 337 to 343 and 347 to 357 William Forster Road,
Markham
Applicant: Forest Hill Homes
Hearing Date: Wednesday December 11, 2019

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the Residential Two - Exceptions *190*192*514 (R2*190*192*514) zone requirements of By-law 177-96, as amended, to permit:

- a) 2 parking spaces, whereas the By-law requires a minimum of 2 parking spaces for the principal dwelling and 1 parking space for an accessory apartment unit. (Parking Standards By-law 28-97, as amended, Section 3, Table A).

This variance has been submitted for eleven (11) properties, municipally known as 271, 337 to 343 and 347 to 357 William Forster Road. The purpose of the variance is to reduce onsite parking requirements on each of these properties, by requiring zero parking for proposed accessory dwelling units, which are permitted as of right above attached garages.

BACKGROUND

Property Description

The eleven (11) subject properties are located on the east side of William Forster Road, west of Cornell Rouge Boulevard and north of Rustle Woods Avenue in the Cornell community (See Figure 1). The properties are lane based, in which vehicle access is provided via a public lane at the rear.

Each subject property is developed as a two-storey dwelling with an attached two-car garage adjacent to the rear lane. Interior living space is located above the attached garage on 2nd floor in each of the buildings. While the homes appear to be single detached dwellings from William Forster Road, the rear garages are attached to adjacent garages, and the homes are therefore considered 'semi-detached' under the zoning by-law.

Surrounding land uses include a mix of two-storey single and semi-detached dwellings to the north, east and south. Vacant lands to the west, across William Forster Road, will be developed as the Cornell community park. The west side of William Forster has been designed to accommodate on-street lay-by parking to serve the community.



Proposal

Forest Hill Homes is proposing to reconfigure interior space of each of the existing subject dwellings to provide secondary suites (accessory units) above the attached garages. This will include an internal separation between the proposed secondary suite and the remainder of the dwelling and separate independent accesses. To facilitate this, Forest Hill Homes has submitted 11 variance applications requesting that parking not be required for the accessory units.

Official Plan and Zoning

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

The subject properties are designated “Residential – Low Rise”, which provides for low rise housing forms including single detached, semi-detached and townhouse dwellings.

Zoning By-Law 177-96, as amended

The subject properties are zoned Residential Two – Exceptions *190*192*514 (R2*190*192*514) under By-law 177-96, as amended, which permits a range of low rise housing, including single detached, semi-detached dwellings and townhouse dwellings. Exceptions *190*192*514 provide area specific zone standards dependent on the unit type or lot configuration.

Exception *190, as outlined in Section 7.190.1 of By-law 177-96, as amended, states “One (1) accessory dwelling unit is permitted on a lot provided that:

- i) it is accessory to a single detached, semi-detached or townhouse dwelling on the same lot;
- ii) it is located above a private garage in either the main building or an accessory building on the same lot, excepting that stairways providing access to the accessory dwelling unit may extend down to grade; and
- iii) the required parking space is independently accessible from the parking spaces for the main dwelling unit on the lot.”

Parking Standards By-law 28-97

The proposed secondary suites are permitted in accordance with the above criteria. Notwithstanding that accessory units are permitted, Parking Standards By-law 28-97, as amended, requires an additional parking space for an accessory unit.

Zoning Preliminary Review (ZPR) Not Undertaken

A Zoning Preliminary Review (ZPR) has not been conducted. It is the owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance applications may be required to address any non-compliance.

COMMENTS

Variances are assessed in accordance with Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13. This section outlines Powers of the Committee of Adjustment 'to authorize minor variance[s] from the provisions of the [zoning] by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained'.

The proposed eleven (11) accessory units are permitted as of right, but Parking Standards By-law requires one additional parking space for an accessory dwelling unit or secondary suite. Insufficient space exists on each of the subject properties to provide parking pads to accommodate the parking space required for the proposed accessory units.

Staff support the proposed accessory units as a means of promoting affordable, shared and rental housing opportunities. Accessory units assist in diversifying the overall housing type and stock, and provide support for the City to achieve affordable housing targets required by the Province. Staff are of the opinion that this outweighs the need to require parking for such housing, particularly in instances where small-scale accessory units are proposed.

While the zoning permits accessory units as of right, the Owner should be aware that prior to occupancy, the secondary suites must be built in accordance with the Ontario Building Code and registered as a two-unit house with the City of Markham Fire & Emergency Services Department.

Staff are recommending conditions of approval requiring warning clauses be inserted into Purchase and Sale Agreements advising future home buyers that:

- i) Additional parking is not provided onsite for the accessory units;
- ii) Where permitted, on-street parking is not provided for any exclusive use of the subject property; and
- iii) Overnight parking is not allowed unless specifically exempted or a parking permit has been issued by the City of Markham By-law and Enforcement and Regulatory Services Department.

In such circumstances, parking may be considered "self-regulating", as the accessory unit would only be of interest to a tenant not requiring parking, in the event that both parking spaces in the garage are being used.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 21, 019. 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 is appropriate for the each of the subject properties. 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 criteria of the Planning Act required for the granting of variances.

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

PREPARED BY:

A handwritten signature in blue ink, appearing to read 'Stephen Corr'.

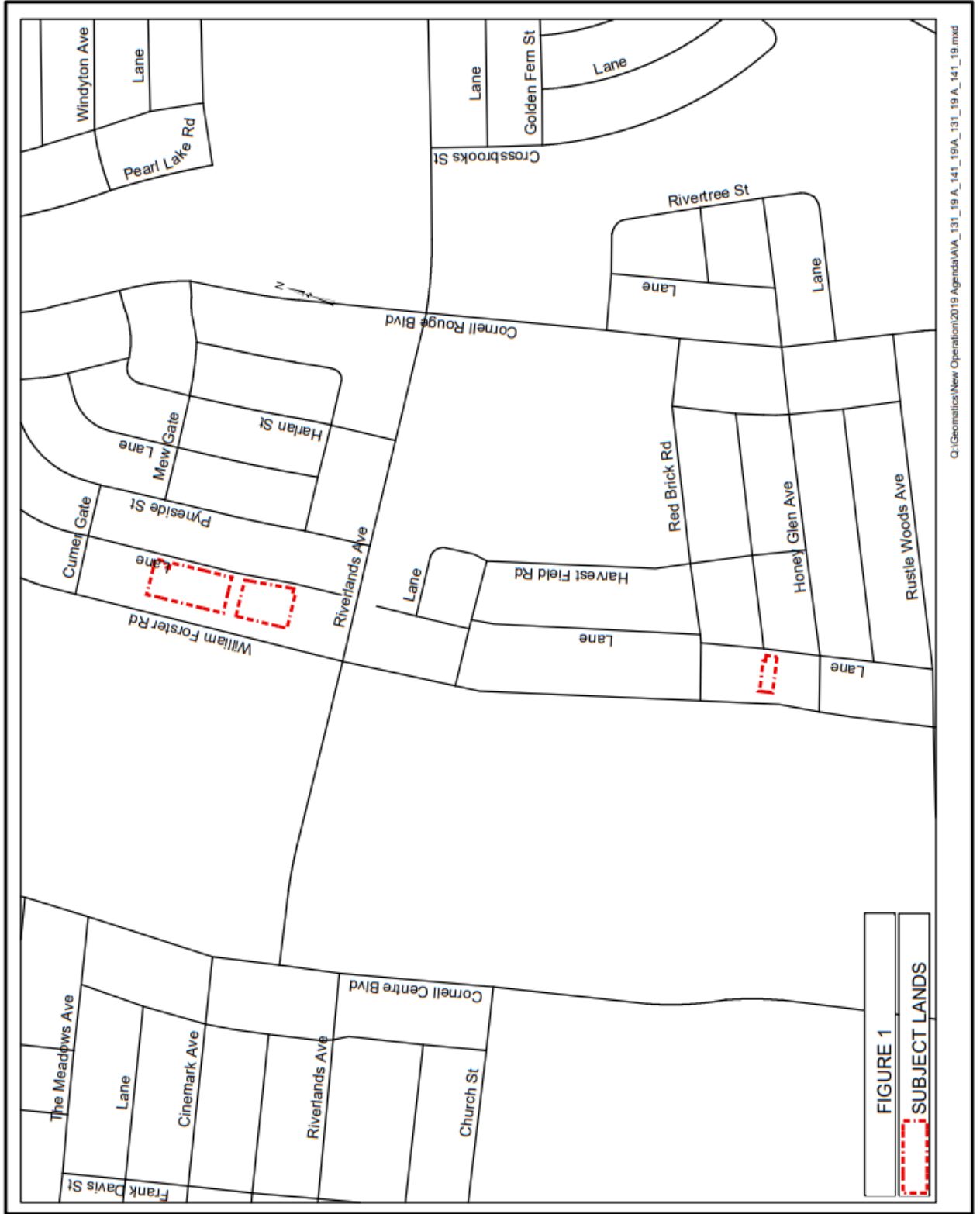
Stephen Corr, Senior Planner, East District

REVIEWED BY:

A handwritten signature in blue ink, appearing to read 'Sally Campbell'.

Sally Campbell, Development Manager, East District

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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/131/19

1. The variances apply only to the proposed development as long as it remains;
2. That the Owner insert the following warning clauses into purchase and sale agreements, to the satisfaction of the Director of Planning and Urban Design, or his designate, advising home purchasers that:
 - i) City of Markham Parking Standards By-law 28-97, as amended, requires two parking spaces per dwelling and additional parking is not provided onsite to accommodate an accessory unit permitted by Variance A/_____/19 on file with the City of Markham Committee of Adjustment;
 - ii) Where permitted, on-street parking is not provided for any exclusive use of the subject property; and
 - iii) Overnight parking is not allowed in the City of Markham unless specifically exempted or a parking permit has been issued by the City of Markham By-law and Enforcement and Regulatory Services Department.
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:

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Stephen Corr, Senior Planner, East District