

# Memorandum to the City of Markham Committee of Adjustment

January 5<sup>th</sup>, 2018

**File:** A/151/17  
**Address:** 31 Castle Rock Court, Markham  
**Applicant:** Vidya Thakur  
**Agent:** Shekar Thakur  
**Hearing Date:** Wednesday January 24, 2018

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of By-law 90-81: R9, as amended, to permit:

**a) Section 5.2.1:**

a secondary suite in the basement, whereas the By-law permits no more than one single detached dwelling on one lot.

## Property Description

The 215.5 m<sup>2</sup> (2,319.62 ft<sup>2</sup>) subject property is located on a new residential street, which is located east of Markham Road and south of Denison street at the south east corner of Eastvale Drive and Eason Street. Surrounding land uses include single detached dwellings to the north and west, wood lot to the south, and Eastvale Park to the east. There is an existing 402.73 m<sup>2</sup> (4,334.94 ft<sup>2</sup>) two-storey detached dwelling on the property, which according to assessment record was constructed in 2016. The property currently provides a total of four parking spaces, two in the double-car garage and two on the driveway.

## Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposed secondary suite would have direct and separate access provided by an existing door on the west side of the building. No changes are being proposed to the property or to the exterior of the dwelling.

## Provincial Policies

### Strong Communities through Affordable Housing Act - Province of Ontario

In 2011, the Strong Communities through Affordable Housing Act amended various section of the Ontario 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
- 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**

2014 Official Plan (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17)

The 2014 Official Plan designates the subject property "Residential – Low Rise", which provides for low rise housing forms including town house 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 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 zoning 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: The building type in which the secondary suite is contained;

- a) The percentage of the floor area of the building type devoted to the secondary suite;
- b) The number of dwelling units permitted on the same lot
- c) The size of the secondary suite;
- d) The applicable parking standards; and
- e) The external appearance of the main dwelling

### Zoning By-law

The subject property is zoned R9 under By-law 90-81, as amended, which does not permit a secondary suite.

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant on the application form, *"By-law only allows one single family to occupy the house."*

### **Zoning Preliminary Review Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Consequently, 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 variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

### **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

Engineering staff confirmed that the existing sanitary sewer system has adequate capacity to accommodate the secondary suite and the 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.

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 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 January 5<sup>th</sup>, 2018. 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**

Staff have no objection to the variance request. The proposal supports the City's goal of promoting affordable and share housing opportunities and is consistent with the general policies of the 2014 Official Plan, including the provision of a mix of housing alternatives and affordable housing opportunities.

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 tests of the Planning Act required for the granting of minor variances.

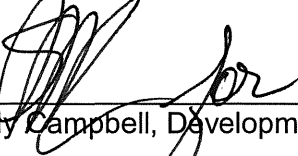
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:



Sally Campbell, Development Manager, East District

File Path: Amanda\Files\17 179753 \Documents\District Team Comments Memo

## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/151/17**

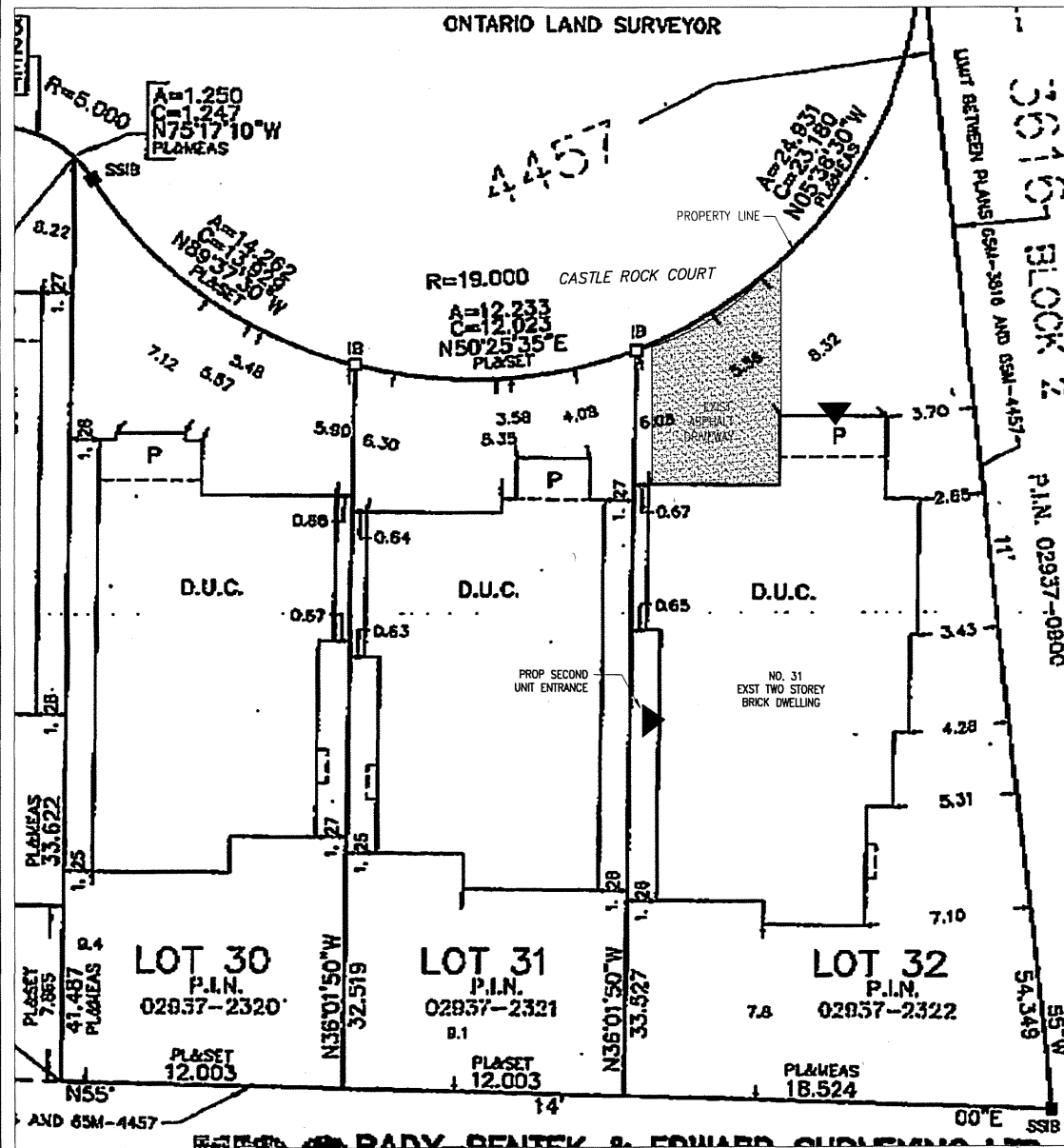
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report and dated October 14, 2017, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. That, if required by the Chief Building Official, the owner submit 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.
4. That the Owner register the home as a two-unit house with the City of Markham Fire & Emergency Services Department, and satisfy any and all conditions for registration, to the satisfaction of the Fire Chief.

CONDITIONS PREPARED BY:



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Carlson Tsang, Planner, Zoning and Special Projects



LEGAL DESCRIPTION  
BUILDING LOCATION SURVEY ON  
LOTS 30, 31, 32 65M 4457  
(GEOGRAPHIC TOWNSHIP OF MARKHAM)  
CITY OF MARKHAM  
REGIONAL MUNICIPALITY OF YORK

SITE STATISTICS  
AREA OF LOT : 397.0SM  
BUILDING COVERAGE: SAME  
BUILDING GFA:  
BASEMENT: 120.0SM  
GROUND FLOOR (INCLUDING GARAGE) :161.0M  
2ND FLOOR 149.00SM  
TOTAL 361.6SM

General Notes

RELEASED FOR BUILDING PERMIT

\* CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK SITE AND REPORT DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING.  
\* ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF CONSULTANTS AND MUST BE RETURNED AT THE COMPLETION OF WORK.  
\* THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY THE CONSULTANT.  
\* DRAWINGS ARE NOT TO BE SCALED.

LEGENDS:-

Existing Walls  
New Partitions or  
Finished walls  
Partitions to be removed

ONTARIO ASSOCIATION  
OF  
ARCHITECTS  
GABRIELA LOPEZ FORTE  
LICENCE  
5773

No.	Revision/Issue	Date

Firm Name and Address

MARKHAM  
HIGH TECH INC / ARCHITECTS  
50 Peter Street  
Markham, ON L3P 2A6

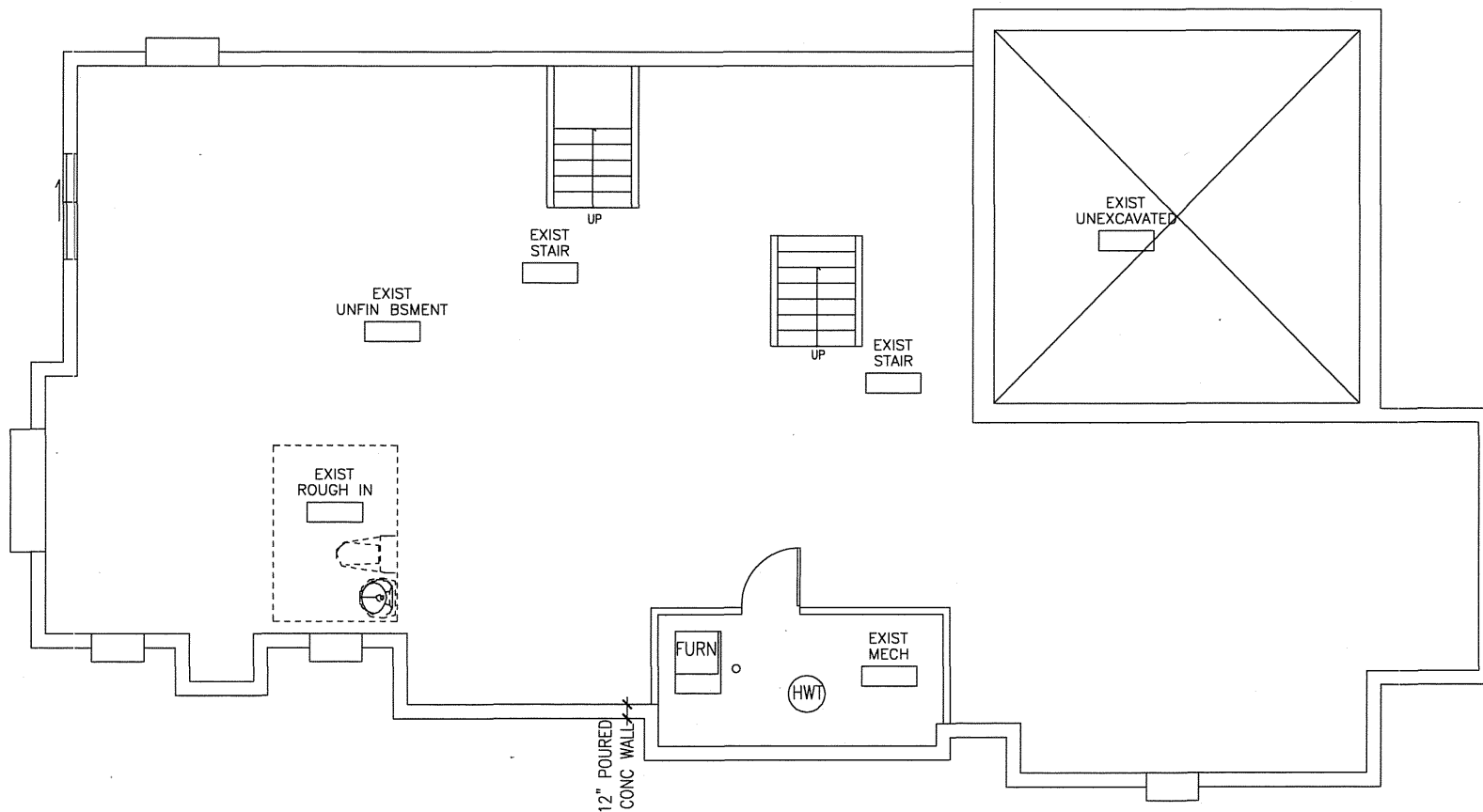
Project Name and Address

PROP BASEMENT UNIT  
31 Castle Rock Crt  
Markham, ON

Drawing Title

EXIST SITE PLAN

Project	Sheet
RESIDENCE	
Date	14/10/2017
Scale	1/16" = 1'



# 1 A1-0 EXISTING BASEMENT PLAN SCALE: 3/16"=1'-0"



### GENERAL NOTES

1. ALL EXISTING FINISHES TO REMAIN UNLESS INDICATED OTHERWISE.
2. ALL EXISTING STRUCTURAL, MECHANICAL, AND ELECTRICAL TO REMAIN UNLESS INDICATED OTHERWISE.
3. EXISTING SHOWN AS GREY (TYP.)
4. ALL DEMOLITION LINES ARE DASHED

### General Notes

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#### LEGENDS:-

- Existing Walls
- New Partitions or
- Finished walls
- Partitions to be removed



1	ISSUED FOR COA	10/17
No.	Revision/Issue	Date

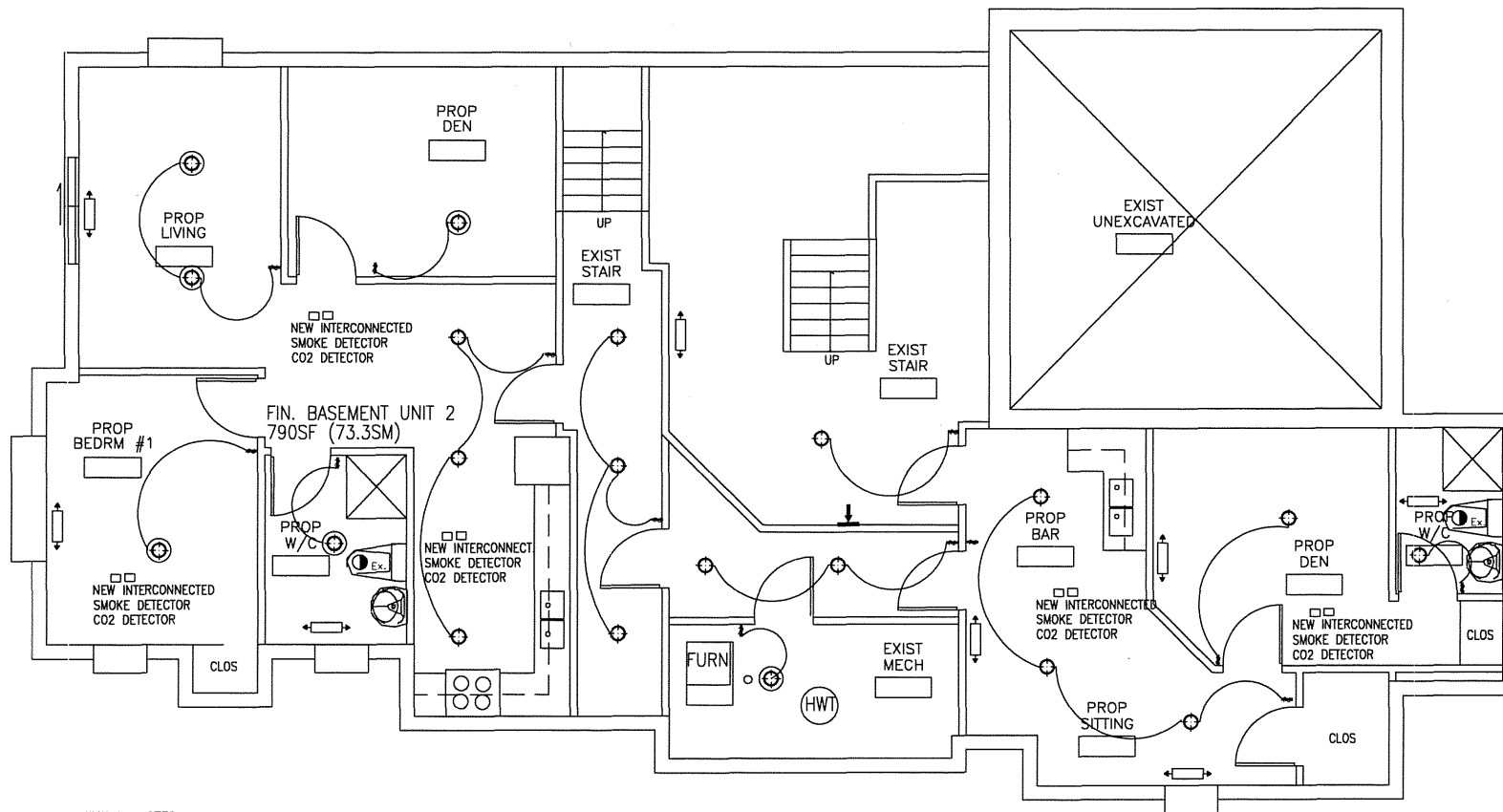
Firm Name and Address  
**MARKHAM**  
HIGH TECH INC / ARCHITECTS  
50 Peter Street  
Markham, ON L3P 2A6

Project Name and Address  
**PROP BASEMENT UNIT**  
31 Castle Rock Crt  
Markham ON

Drawing Title  
**EXIST BASEMENT PLAN**

Project <b>RESIDENCE</b>	Sheet
Date 14/10/2017	<b>A 101</b>
Scale 3/16" = 1'	





#### GENERAL NOTES

1. ALL EXISTING FINISHES TO REMAIN UNLESS INDICATED OTHERWISE.
2. ALL EXISTING STRUCTURAL, MECHANICAL, AND ELECTRICAL TO REMAIN UNLESS INDICATED OTHERWISE.
3. EXISTING SHOWN AS GREY (TYP.)
4. NON-RENOVATED AREAS SHOWN GREY/HATCHED (TYP.)
5. ALL EXISTING REGISTERS ARE LOCATED ON THE FLOOR SEE LEGEND

#### CONSTRUCTION KEY NOTES

1. NEW INTERIOR FINISHES (TYP.)
2. CEILING: NEW 1.0HR FRR ACHIEVED. SEE NOTES.
3. FIRE DAMPERS IN ALL DUCTS BETWEEN BASEMENT AND TOP FLOORS
4. NEW 1HR FRR AROUND THE MECHANICAL ROOM
5. APPLY FIRE RESISTANCE RATING TYPICAL TO UNDERSIDE OF MAIN STAIRFIRE DAMPERS IN ALL DUCTS BETWEEN BASEMENT AND TOP FLOORS. A DUCT SMOKE DETECTOR SHALL BE INSTALLED IN SUPPLY AND RETURN AIR DUCT SYSTEM WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR.
6. EXHAUST FANS IN WASHROOMS TO HAVE MIN 50CFM AND 5" Ø TO OUTDOOR.



## PROPOSED BASEMENT REFLECTED CEILING PLAN

SCALE: 3/16"=1'-0"

#### General Notes

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#### LEGENDS:-

- Existing Walls
- New Partitions or
- Finished walls
- Partitions to be removed
- Light
- Emergency Light
- Switch
- 3-Way Switch
- Supply Air Outlet
- Return Air Inlet Low Level
- wall type Supply
- Air Outlet located Low Level of wall
- Return Air Inlet
- Roof Type



No.	Revision/Issue	Date

#### Firm Name and Address

**MARKHAM**  
HIGH TECH INC / ARCHITECTS  
50 Peter Street  
Markham, ON L3P 2A6

#### Project Name and Address

**PROP BASEMENT UNIT**  
31 Castle Rock Crt  
Markham ON

#### Drawing Title

**PROP RCP (BSMNT)  
PLAN**

#### Project

SIMON RESIDENCE

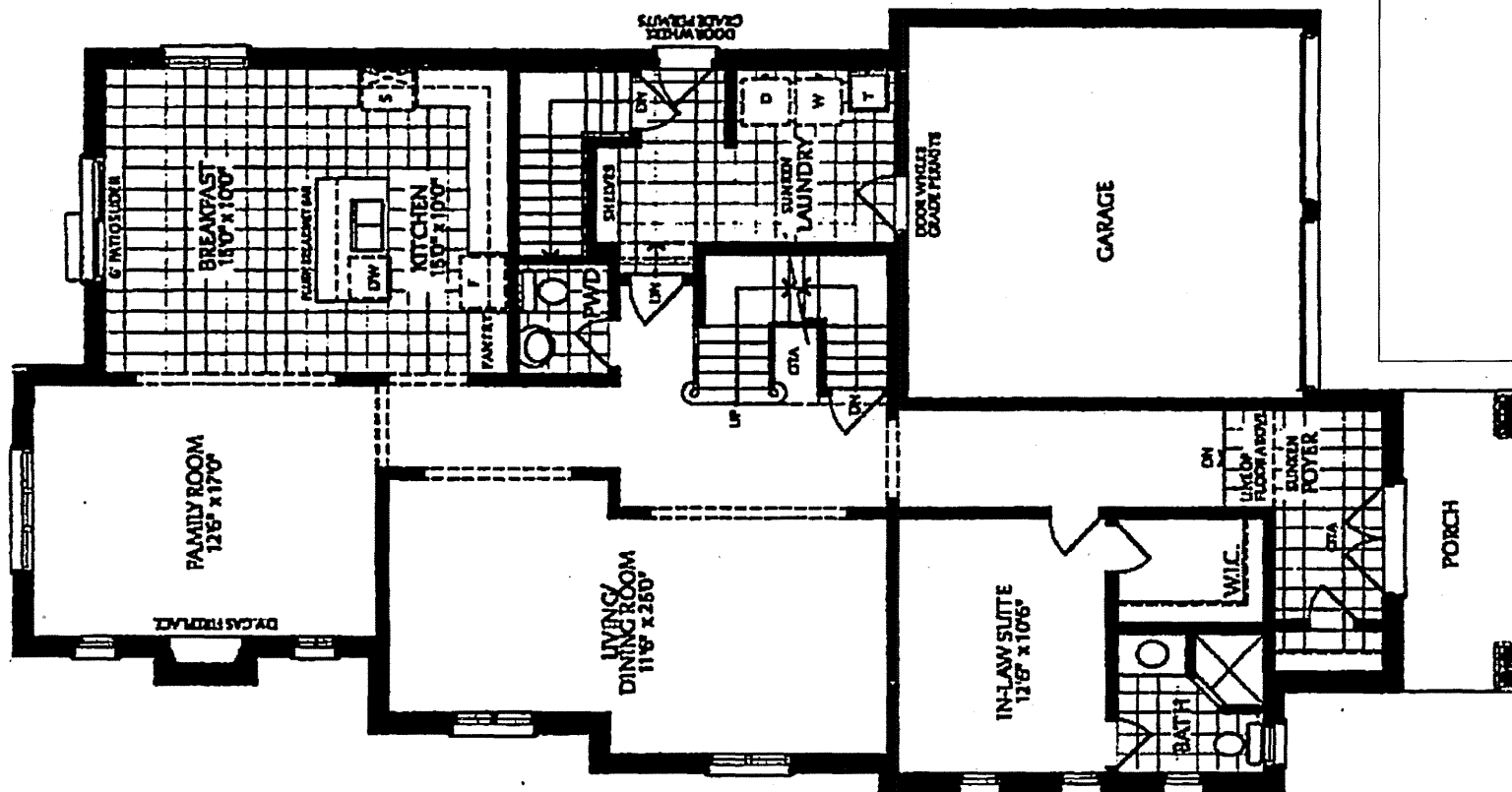
Date 14/10/2017

Scale 3/16" = 1'

#### Sheet

A 102





1  
A1-0

# EXIST GROUND FLOOR PLAN

SCALE: 3/16"=1'-0"



## General Notes

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### LEGENDS:-

- Existing Walls
- New Partitions or
- Finished walls
- Partitions to be removed



1	ISSUED FOR COA	10/17
No.	Revision/Issue	Date

### Firm Name and Address

**MARKHAM**  
HIGH TECH INC / ARCHITECTS  
50 Peter Street  
Markham, ON L3P 2A6

### Project Name and Address

**PROP BASEMENT UNIT**  
31 Castle Rock Crt,  
Markham ON

### Drawing Title

**EXIST GROUND PLAN**

Project	Residence	Sheet
Date	16/10/2017	A 103
Scale	3/16" = 1'	

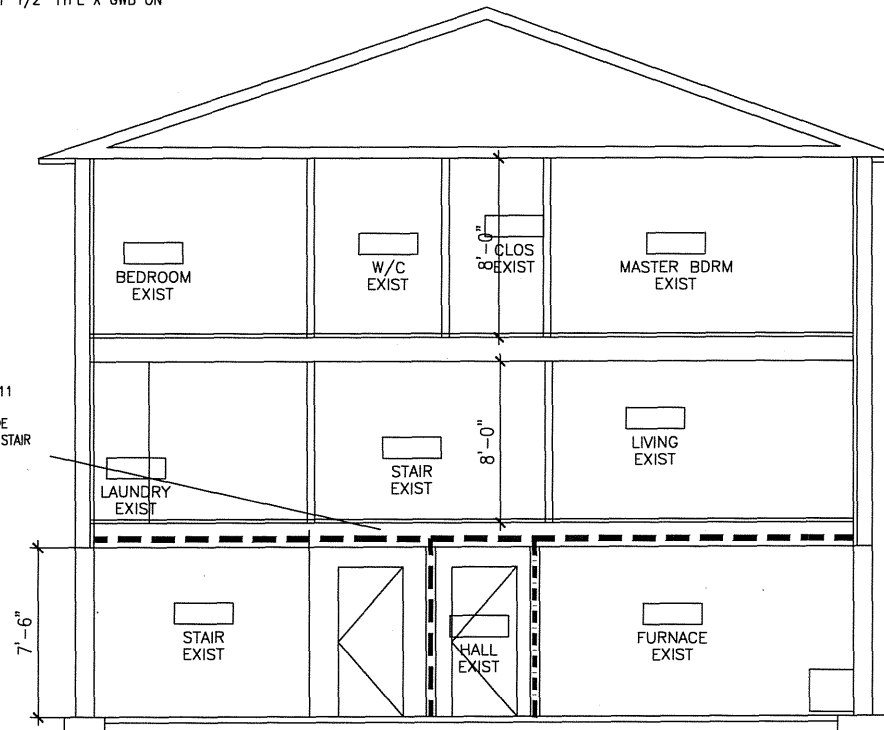
OPT. FIRST FLOOR

# GENERAL NOTES

1. EXISTING SHOWN AS GREY (TYP.)
2. NON-RENOVATED AREAS SHOWN GREY/HATCHED (TYP.)
3. NO CHANGE TO MAIN FLOOR

MECHANICAL WALL  
NEW 30 MIN FIRE RATED WALL WITH  
SINGLE LAYER OF 1/2" TYPE X GWB ON  
EACH SIDE

CEILING IS TO HAVE A FRR  
RATING OF 15MIN AS PER OBC PART 11  
C147, 1 LAYERS  
OF 1/2" TYPE X GWB ON CEILING SIDE  
AS WELL AS UNDERNEATH THE EXIST. STAIR



1 CROSS SECTION THROUGH BASEMENT UNIT & TOP UNIT  
A104 SCALE: 3/16" = 1'-0"

## General Notes

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- New Partitions or
- Finished walls
- Partitions to be removed



1	ISSUED FOR COA	0/17
No.	Revision/Issue	Date

#### Firm Name and Address

**MARKHAM**  
HIGH TECH INC / ARCHITECTS  
50 Peter Street  
Markham, ON L3P 2A6

#### Project Name and Address

**PROP BASEMENT UNIT**  
31 Castle Rock Cr,  
Markham ON

#### Drawing Title

**EXIST GROUND PLAN**

Project <b>SIMON RESIDENCE</b>	Sheet <b>A 104</b>
Date 14/10/2017	
Scale 3 / 16" = 1'	