

# Memorandum to the City of Markham Committee of Adjustment

March 28, 2018

**File:** A/28/18  
**Address:** 73 Olivewood Drive, Markham  
**Applicant:** Gia Dang  
**Agent:** YEJ Studio and Consulting (Amr Robah)  
**Hearing Date:** Wednesday April 11, 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 - RSD4, as amended:

**a) Section 5.2.1:**

a secondary suite in the basement, whereas the By-law permits no more than one dwelling unit on a lot, as it relates to a proposed basement apartment.

## **Property Description**

The 289 m<sup>2</sup> (3,110.77 ft<sup>2</sup>) subject property is located on the east side of Olivewood Drive, north of Steeles Avenue and east of Middlefield Road. The property backs onto a commercial plaza. There is an existing 187.48 m<sup>2</sup> (2,018 ft<sup>2</sup>) two-storey detached dwelling on the subject property. The property currently provides a total of four parking spaces (two on the driveway and two in the attached double-car garage).

## **Proposal**

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The second unit exits through the basement of the main unit, using a second stairwell, and a portion of the garage for egress (Appendix B). No changes are being proposed to the exterior of the dwelling or the property.

## **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, Nov 24/17)

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 RSD4 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, *“The By-law doesn’t allow for a basement second unit.”*

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

The owner has confirmed that 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 second unit. 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 application(s) may be required to address the non-compliance.

#### **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.

Driveway Setback

Staff note that the driveway currently provides a setback of 0 m from the south side property line, whereas the by-law requires a minimum driveway setback of 1.2 m (4 ft). According to the City's records, the driveway was widened after the passing of the Parking Standard By-law and therefore does not have legal non-conforming status. The applicant will be required to reconfigure the driveway to comply with by-law requirement or reapply to the Committee of Adjustment for a driveway setback reduction prior to the issuance of a building permit.

The applicant has indicated that there are no stairs in front of the entrance inside of the garage that will inhibit the required parking space within the garage. Any revisions or modifications to this area during the permit process would require a minimum of two parking spaces to be maintained within the garage.

**PUBLIC INPUT SUMMARY**

As of March 28<sup>th</sup>, 2018, no written submissions were received since the application was re-circulated. 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 variances relating to secondary suite. The secondary suite supports the City's goal of promoting affordable and shared 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.

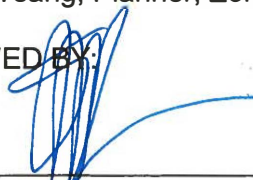
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



\_\_\_\_\_  
Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:



\_\_\_\_\_  
Stacia Muradali, Senior Planner, East District

File Path: Amanda\file\18 225070 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/28/18**

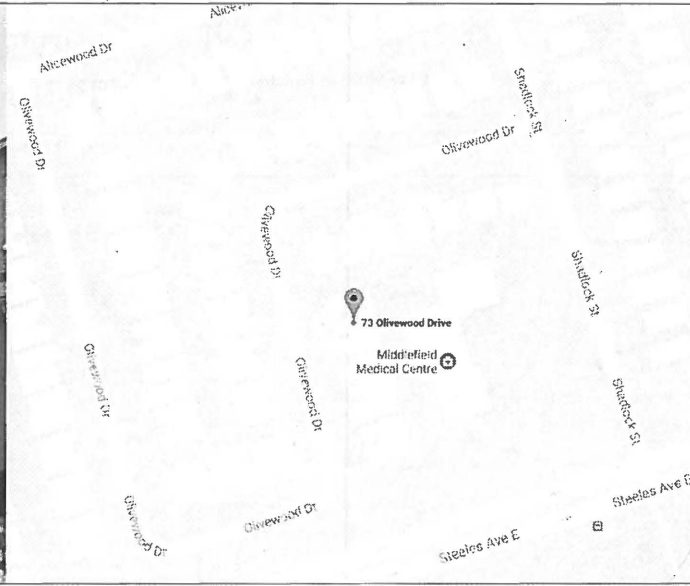
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
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



INDEX	
Number	Sheet Name
A-00	COVER PAGE
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A-04	EXT. MAIN FLOOR
A-05	EXT. SECOND FLOOR
A-06	PROP. BASEMENT
A-07	PROP. MAIN FLOOR
A-08	PROP. SECOND FLOOR

BASEMENT SECOND UNIT  
**GIA DANG**  
 73 OLIVEWOOD DR.  
 MARKHAM, ON

PROJECT TEAM	
DESIGNING:	DANIEL MUNAR
CHECKING:	AMR ROBAH
ENGINEERING:	AMR ROBAH
DETAILED:	DANIEL MUNAR

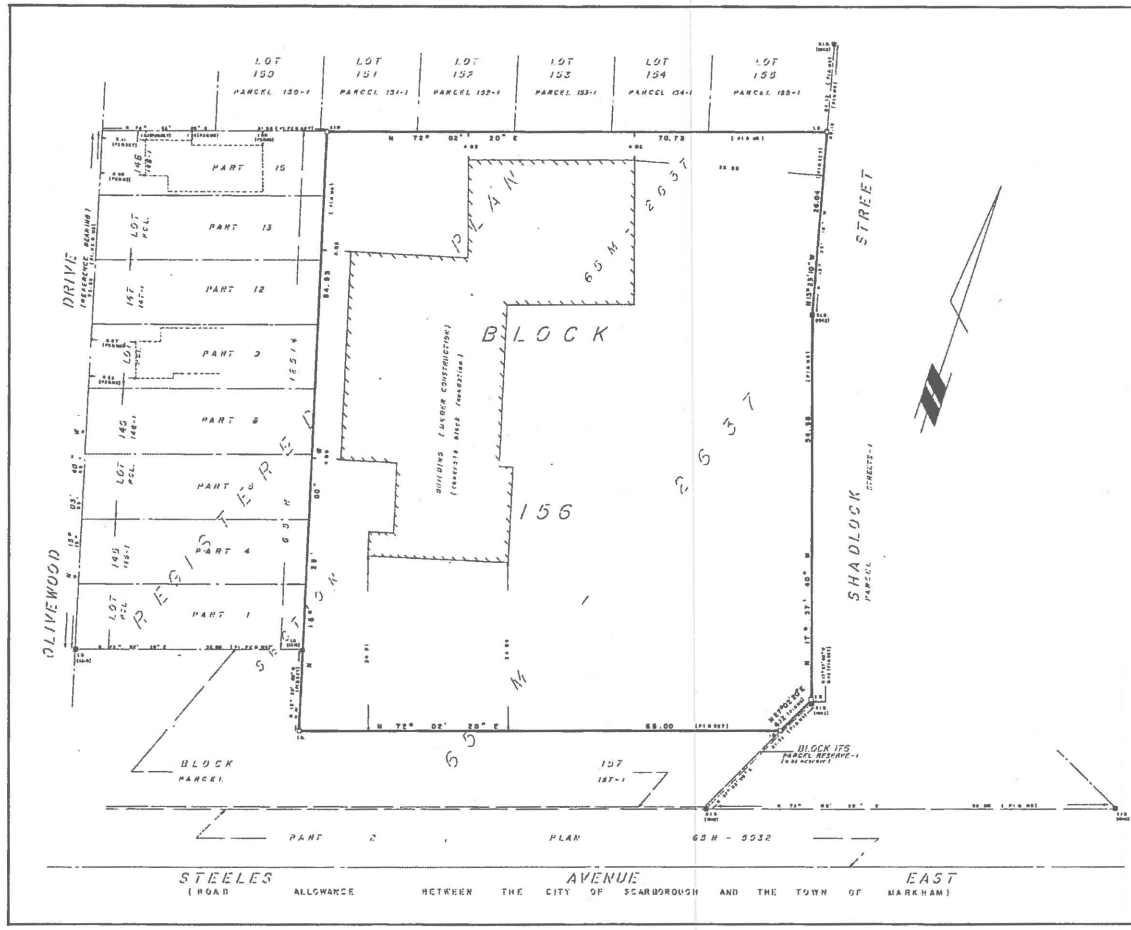
**Y. E. J STUDIO**  
 AND CONSULTING INC.  
 T:647-784-4375 E:INFO@YEJSTUDIO.COM

**73 OLIVEWOOD DR,  
 MARKHAM, ON**

THE UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN & HAS THE QUALIFICATIONS MEETS THE REQUIREMENTS SET OUT IN THE O.B.C TO BE A DESIGNER

AMR ROBAH *[Signature]* 42582  
 NAME BCIN

COVER PAGE		
Project number	RES-20160968	<b>A-00</b>
Date	01.12.2017	
Drawn by	Author	
Checked by	Checker	
		Scale



PLAN OF SURVEY OF  
**BLOCK 156**  
 REGISTERED PLAN 65M-2637  
 TOWN OF MARKHAM  
 THE REGIONAL MUNICIPALITY  
 OF YORK

SCALE = 1:300  
 P. J. THORPE, O.L.S. - 1989

"METRIC"  
 DISTANCES SHOWN HEREON ARE IN METRES AND  
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTES  
 BEARINGS SHOWN HEREON ARE ASTRONOMIC, REFERRED TO THE  
 EASTERLY LIMIT OF OLIVEWOOD DRIVE AS SHOWN ON REGISTERED  
 PLAN 65M-2637, HAVING A BEARING OF N 15° 03' 40" W  
 S.I.S. DENOTES STANDARD IRON BAR  
 S.B. DENOTES IRON BAR  
 S. DENOTES SURVEY MONUMENT PLANTED  
 P.I. DENOTES REGISTERED PLAN 65M-2637  
 M. DENOTES REGISTERED PLAN 65M-1224  
 1042 DENOTES S.E. EDWARDS, O.L.S.  
 1342 DENOTES JOSEPH MATH-PARFEL, O.L.S.

SURVEYOR'S CERTIFICATE  
 I CERTIFY THAT  
 THE FIELD WORK REPRESENTED BY THIS PLAN WAS  
 COMPLETED ON THE 26TH DAY OF SEPTEMBER, 1989

SEPTEMBER 26, 1989 P. J. Thorpe  
 DATE P. J. THORPE  
 ONTARIO LAND SURVEYOR

P. J. THORPE SURVEYING LTD.  
 12 ALBERT ROAD NORTH, CALEDON EAST, ONTARIO L9N 1E9  
 (416) 284-1700  
 DRAWN BY P. Dwyer CHECKED BY P.E. STEALS 1:300 REP. NO. 22-224

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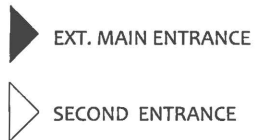
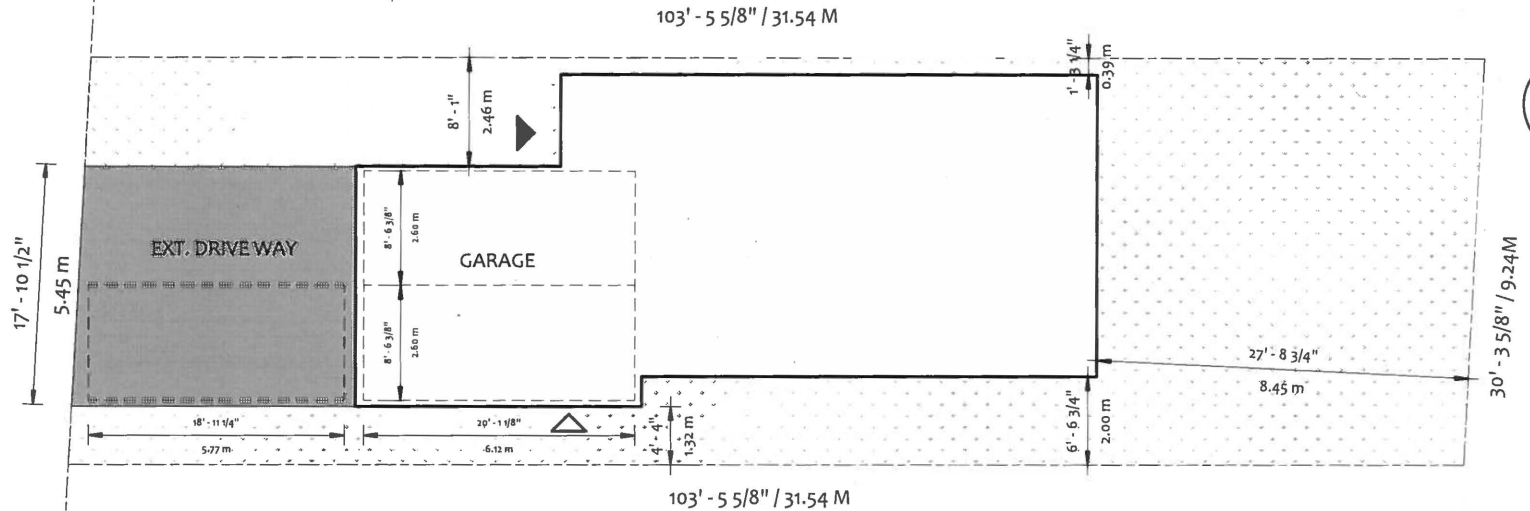
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 NAME BCIN

**SURVEY**

Project number	RES-20160968	<b>A-01</b>
Date	01.12.2017	
Drawn by		
Checked by	Scale	

OLIVEWOOD DR.



SPACE	AREA	
	SQFT	SQM
MAIN FLOOR (UNIT 1)	990	91.9
SECOND FLOOR (UNIT 1)	634	58.9
BASEMENT (UNIT 2)	357	33.2
COMMON AREA	292	27.1
TOTAL BUILDING AREA	2273	211.1

FLOOR AREAS	
Name	Area
STORAGE	17 SF
LAUNDRY	25 SF
HALLWAY	94 SF
STAIRS	35 SF
STORAGE ROOM	67 SF
BEDROOM	112 SF
FAMILY ROOM	109 SF
WASHROOM	41 SF
KITCHEN	41 SF
FURNACE ROOM	53 SF
HALLWAY	39 SF
CLOSET	14 SF
BASEMENT: 12	649 SF

FLOOR AREAS	
Name	Area
FAMILY ROOM	227 SF
GARAGE	309 SF
KITCHEN/ DINING ROOM	203 SF
HALLWAY	136 SF
ENTRY	44 SF
CLOSET	7 SF
POWDER ROOM	25 SF
STAIRS	40 SF
MAIN FLOOR: 8	990 SF

FLOOR AREAS	
Name	Area
CLOSET	31 SF
HALLWAY	97 SF
WASHROOM	48 SF
CLOSET	33 SF
BEDROOM	173 SF
BEDROOM	102 SF
CLOSET	7 SF
CLOSET	4 SF
CLOSET	7 SF
BEDROOM	131 SF
B/ SECOND FLOOR: 10	634 SF
Total Spaces & Areas: 30	2273 SF

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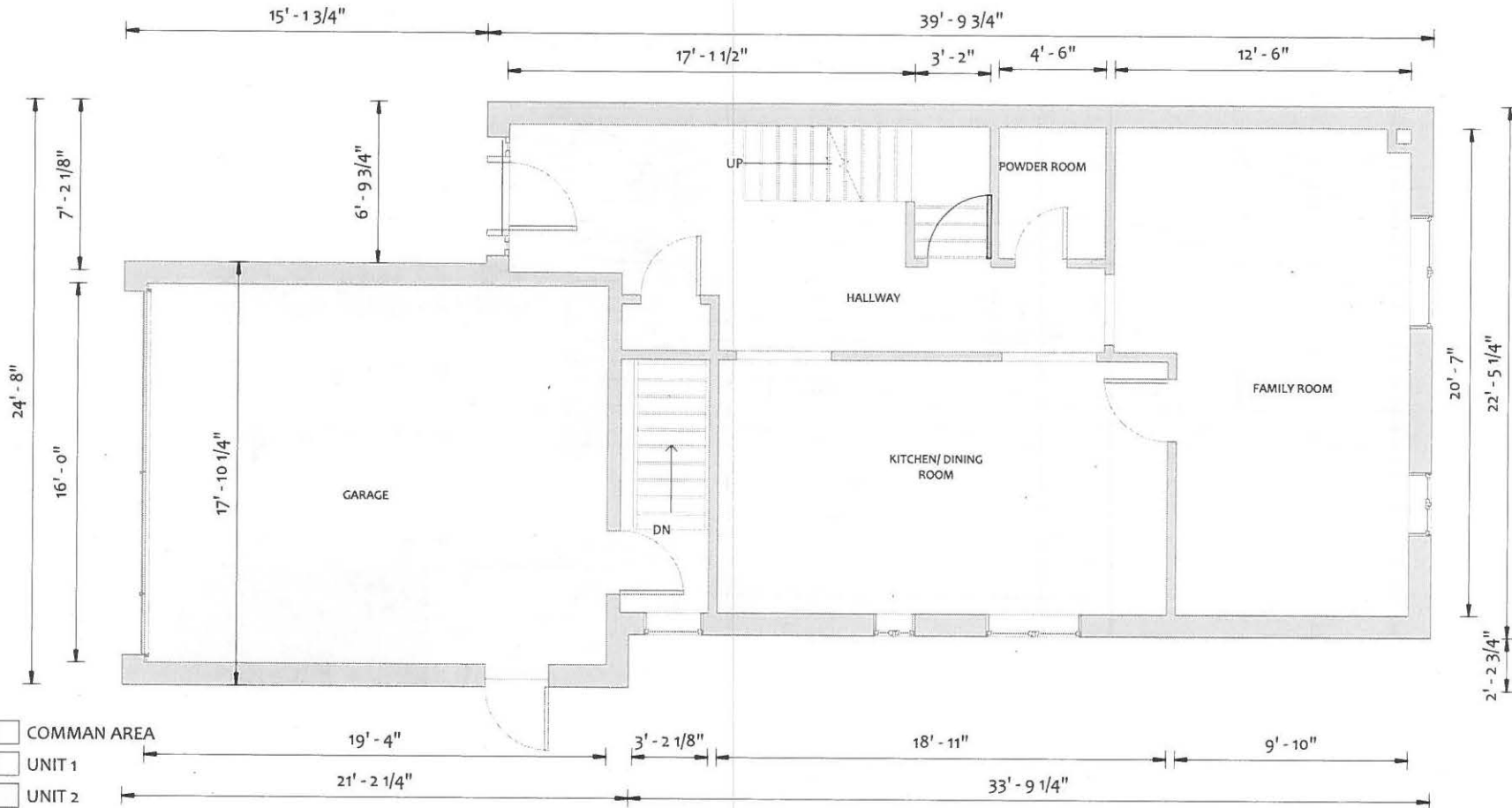
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NAME BCIN

**SITE PLAN**

Project number	RES-20160968	<b>A-02</b>
Date	01.12.2017	
Drawn by	AHMAD ELK.	
Checked by	AMR ROBAH	
		Scale As indicated



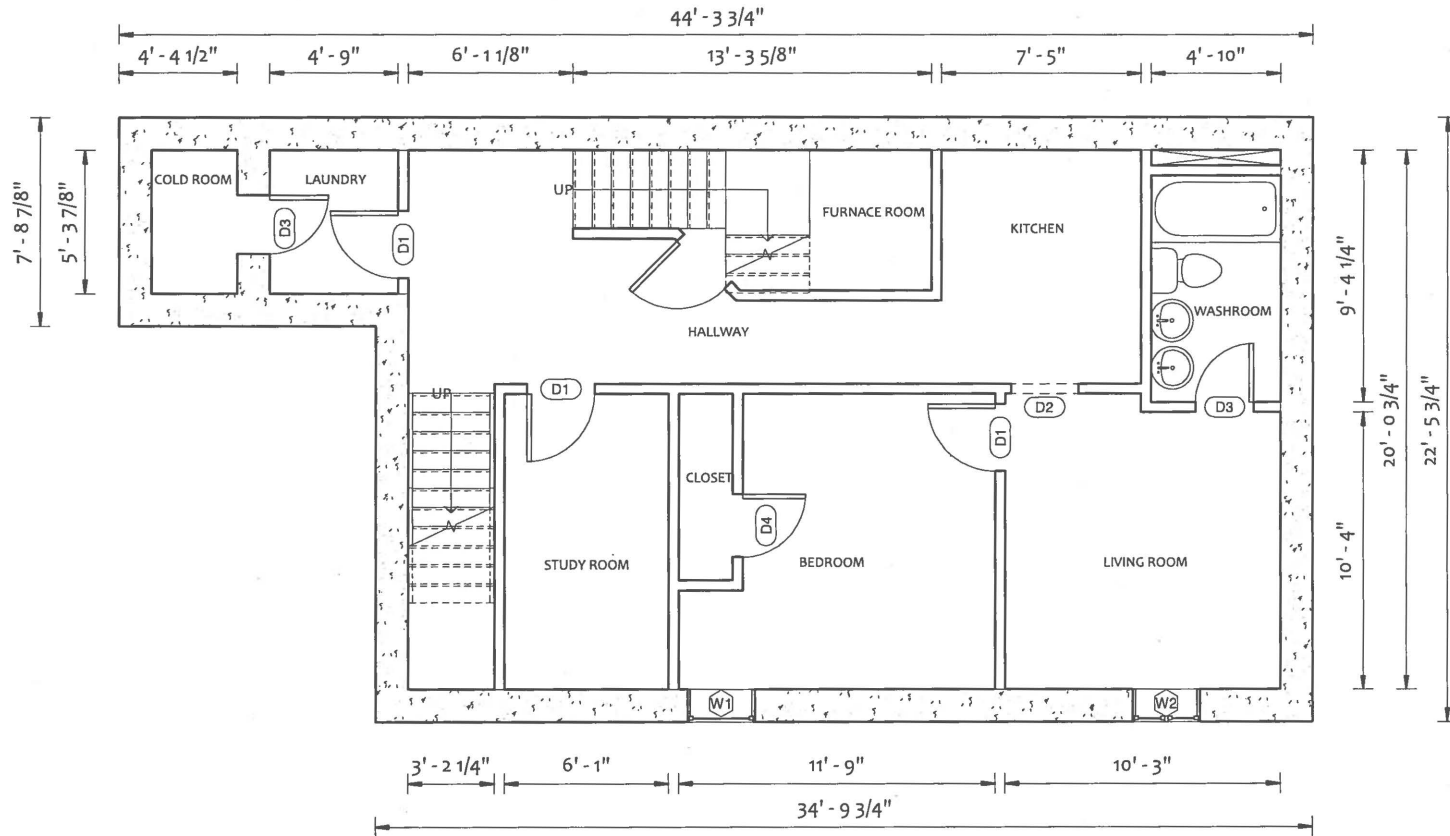
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AMR ROBAH 42582  
NAME BCIN

<b>PROP. MAIN FLOOR</b>		<b>A-07</b>
Project number	RES-20160968	
Date	01.12.2017	
Drawn by	AHMAD ELK.	
Checked by	AMR ROBAH	Scale 1/4" = 1'-0"



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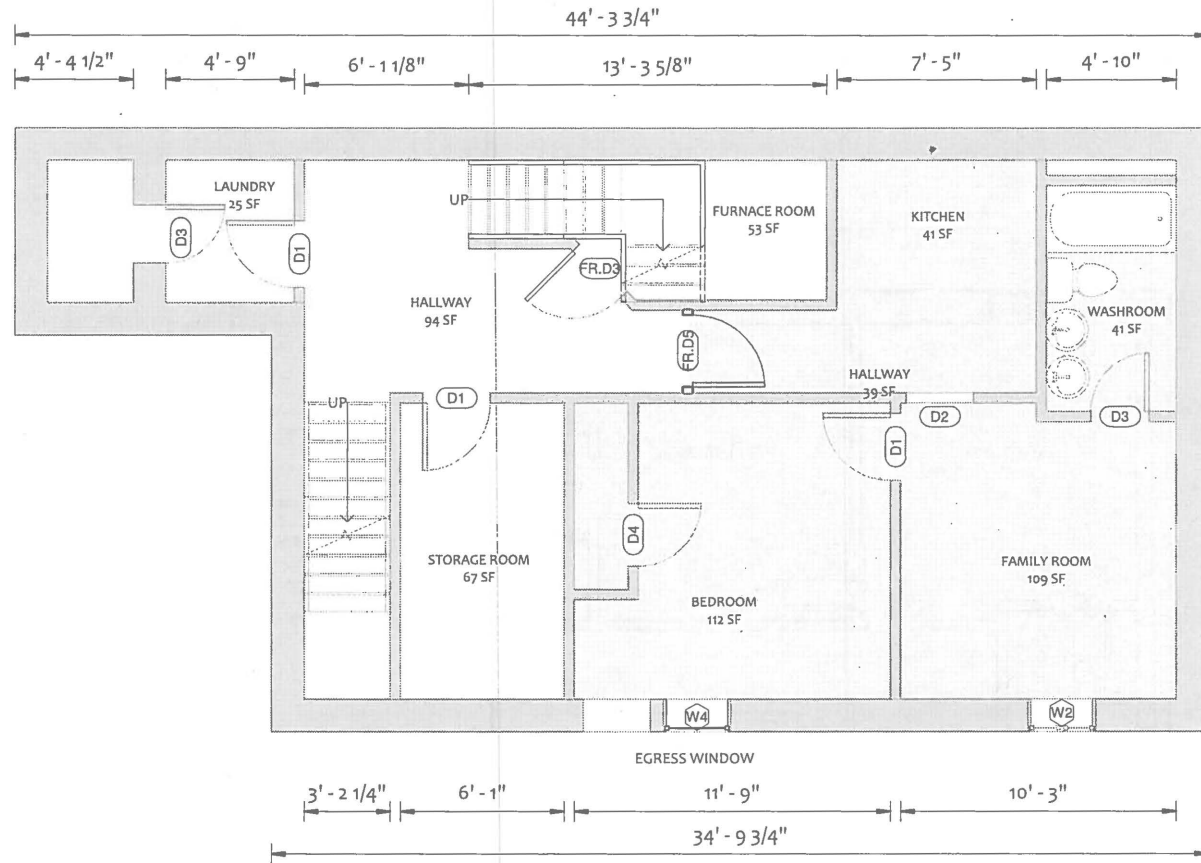
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AMR ROBAH  
NAME

42582  
BCIN

<b>EXT. BASEMENT</b>		<b>A-03</b>
Project number	RES-20160968	
Date	01.12.2017	
Drawn by	AHMAD ELK.	
Checked by	AMR ROBAH	Scale 1/4" = 1'-0"



- COMMON AREA
- UNIT 1
- UNIT 2

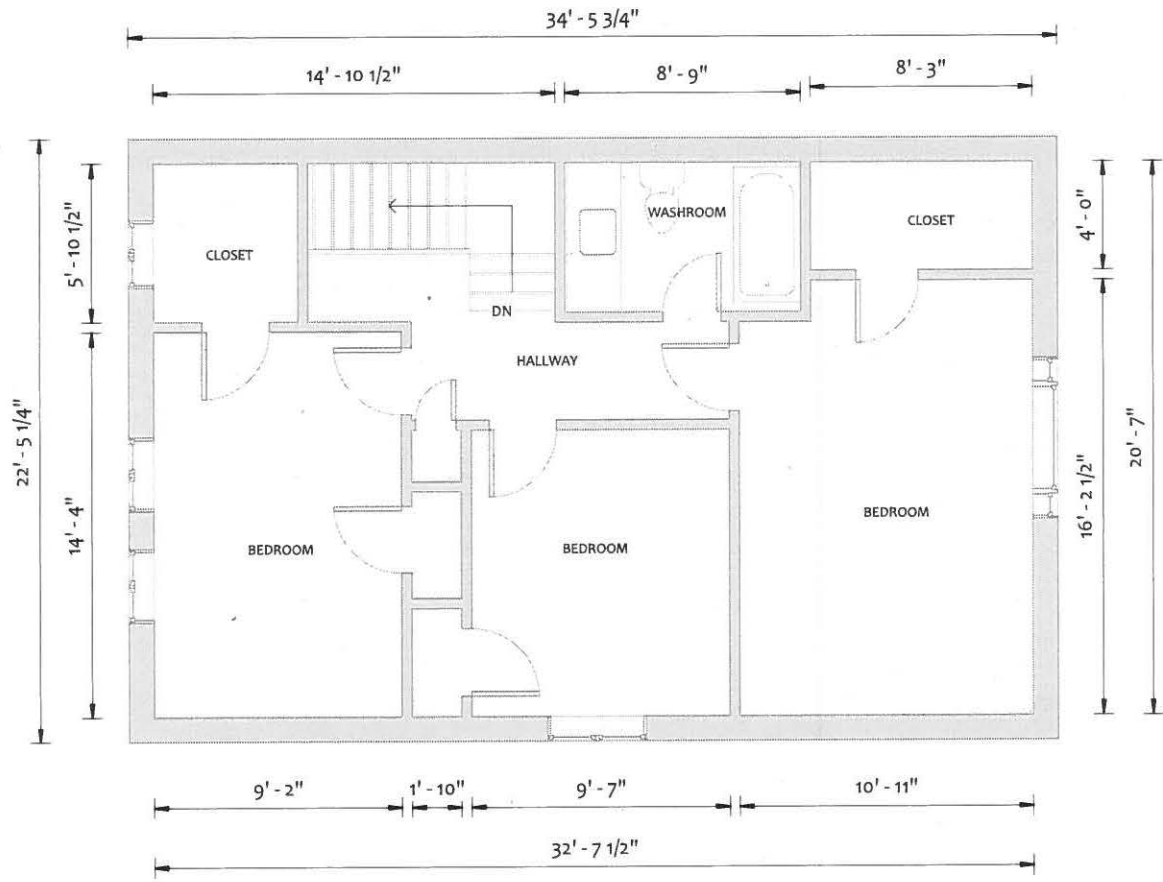
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NAME BCIN

<b>PROP. BASEMENT</b>		<b>A-06</b>
Project number	RES-20160968	
Date	01.12.2017	
Drawn by	AHMAD ELK.	
Checked by	AMR ROBAH	Scale 1/4" = 1'-0"



- COMMON AREA
- UNIT 1
- UNIT 2

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 NAME BCIN

<b>PROP. SECOND FLOOR</b>		<b>A-08</b>
Project number	RES-20160968	
Date	01.12.2017	
Drawn by	AHMAD ELK.	
Checked by	AMR ROBAH	Scale 1/4" = 1'-0"