

Memorandum to the City of Markham Committee of Adjustment

June 26, 2018

File: A/57/18
Address: 334 Highglen Ave, Markham
Applicant: Jianbo Gao & Qiushi Wang
Agent: Henry He
Hearing Date: Wednesday July 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, as amended:

- a) **Section 5.2.1:**
a second dwelling unit, whereas the By-law permits no more than one single detached dwelling on one lot;
- b) **Parking By-law 28-97, Section 6.1.1 (b)**
A maximum of two (2) required parking spaces within the required front yard; whereas the by-law permits no more than one (1) required parking space within the required front yard;

as they relate to an existing basement apartment.

BACKGROUND

Property Description

The 461.177 m² (4970.45 ft²) subject property is located on the north side of Highglen Ave, east of McCowan Rd. The property is developed with a 130.02 m² (2476 ft²) two-storey detached dwelling, which according to assessment records was constructed in 2000. The property currently provides a total of 3 parking spaces, 1 in the garage and 2 on the driveway. The surrounding area is an established residential neighbourhood, comprised of a mix of one and two-storey detached dwellings.

Proposal

The applicant is seeking to legalize an existing secondary suite that occupies the entire basement of the existing dwelling. The proposed secondary suite would have direct and separate access provided by an existing door on the east side of the building. 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 Nov 24/17, and further updated on April 9/18)

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

As part of the City initiated zoning by-law consolidation project, Council recently considered the issue of second suites within the City. On May 29th, 2018, Council voted not to permit second suites as of right in any single detached, semi-detached, or townhouse dwelling.

Zoning By-law 90-81

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

Parking Standards By-law 28-97

The proposed secondary suite also does not comply with the standard of the Parking By-law 28-97 with respect to the number of required parking spaces permitted within the required front yard. Further details of the parking requirement is provided in the comment section below.

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

According to the information provided by the applicant on the application form, *"1 – Section 5.2.1., by-law 90-81: to permit a Second Dwelling Unit; whereas the by-law permits no more than one Single Detached Dwelling on the lot. 2 – To comply with the Growth Plan Policy. 3 – To utilize the high-value property. 4 – To provide the affordable housing.*

Zoning Preliminary Review Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) 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.

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.

Reduced Parking Spaces

Parking Standards By-law 28-97 requires two parking spaces be provided for the principal dwelling unit, plus one additional space for an accessory dwelling unit or secondary suite. The existing double-car garage and driveway currently provide a total 3 parking spaces; two parking spaces within the front yard and 1 parking space within the garage. The applicant is proposing a maximum of 2 required parking spaces within the required front yard whereas the by-law permits no more than 1 required parking space within the required front yard. The additional parking space in the required front yard will create no adverse impacts and Staff are of the opinion that the variance is appropriate for the lot.

PUBLIC INPUT SUMMARY

As of June 26, 2018 the City received 1 letter expressing support for the application. 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 have no objection. Staff have no objection to the variance to permit a secondary suite as it supports the City's goal of promoting affordable housing opportunities and is in line with the general policies of the 2014 Official Plan including the provision of a mix of housing alternatives and affordable housing opportunities. 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 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:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Senior Planner, East District
File Path: Amanda\File\ 16-231777 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/57/18

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 as 'Appendix B' to this Staff Report and dated *May 08, 2018* 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 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.
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.

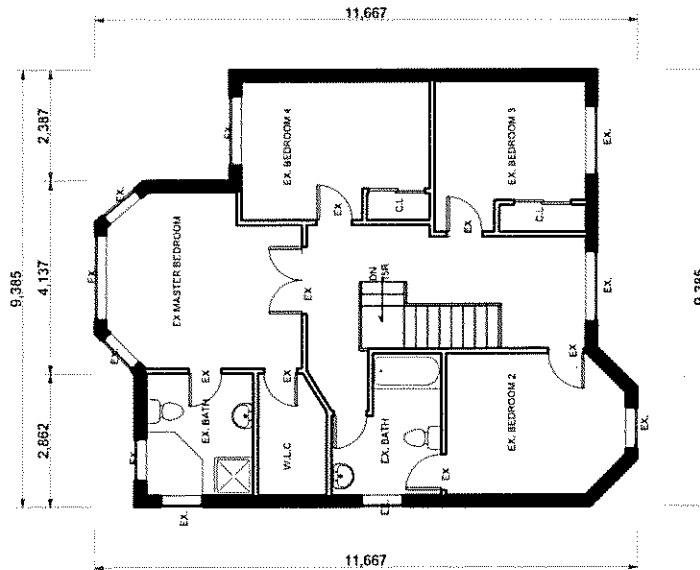
CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

APPENDIX B

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1 LEVEL 2 FLOOR PLAN
1:100

SECOND FLOOR AREA 92.3 m2



TW CONSULTANTS
17A BARBERRY PL. NORTH YORK, ON M2K 3E2
Ph: +1 647 556 8882 E-mail: info@sntconsultants.ca

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 design the work shown on the attached documents.
Qualification Information
Required unless design is exempt under Div. C - 3.2.5.1. of the building code

TWU 46379

Design Firm Signature Firm BCIN

(Revision)

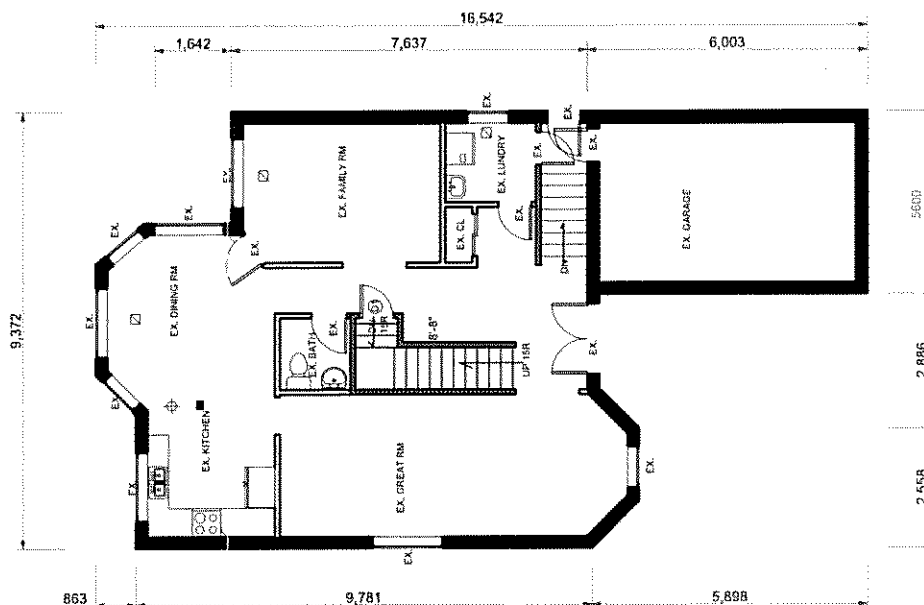
Date

EXISTING SECOND FLOOR

Project Address:
PROPOSED CONSTRUCTION AT
- 334 HIGHGLEN AVE. MARKHAM

Designed T.W.	Checked T.W.	JOB NO.	Drawing No.
Drawn E.C.	Signature	—	E-3
Date			

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1

EXISTING GROUND FLOOR PLAN

1:100

GROUND FLOOR AREA 109.2m2



TW CONSULTANTS

17A BARBERRY PL. NORTH YORK, ON M2K 3E2

Ph: +1 647 558 8582 E-mail: info@twconsultants.ca

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 design the work shown on the attached documents.

Qualification Information

Required unless design is exempt under Div. C - 3.2.5.1. of the building code

TWU

46379

Design Firm

Signature

Firm BCIN

Revision

Date

EXISTING GROUND FLOOR

Project Address:

PROPOSED CONSTRUCTION AT
- 334 HIGHGLEN AVE. MARKHAM

Designed: T.W

Drawn: E.C

Date

Checked: T.W

Signature:

JOB NO.

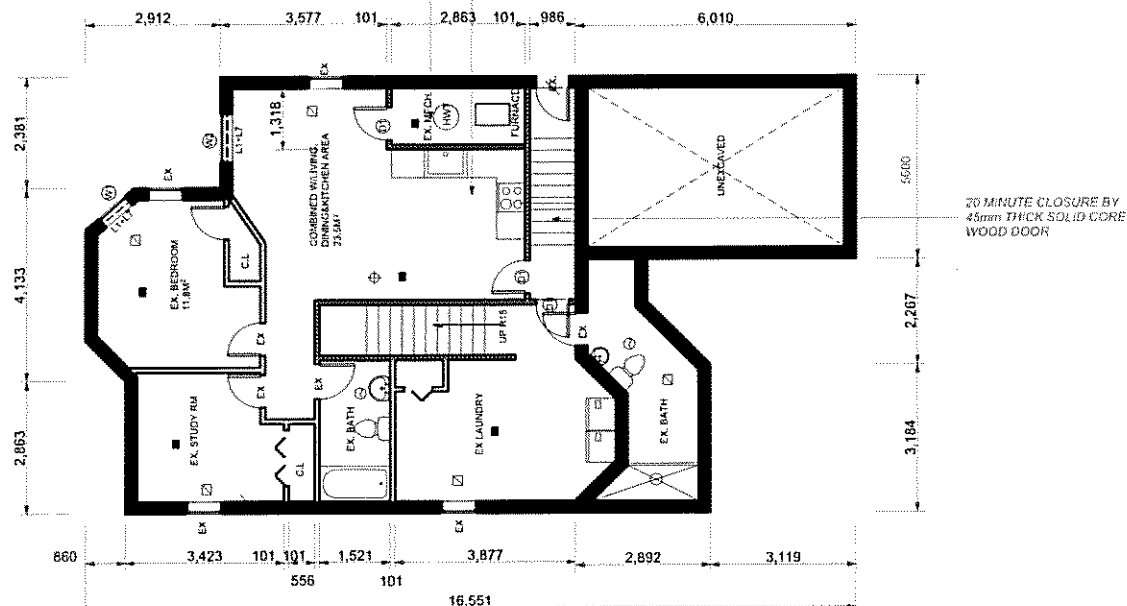
Drawing No.

E-3

7/15/2018

EXISTG. FURNACE ROOM ENCLOSED BY 30min FIRE SEPARATION
FORMED BY 38x89 WOOD STUDS @ 400C/C,
COVERED BY 12.7mm TYPE 'X' GYPSUM BOARD ON BOTH SIDES

INSTALL CEILING OF 30 MINUTE FRP
BY 12.7mm TYPE 'X' GWB APPLIED TO THE EXISTING FLOOR FRAMING (FLOOR F4)



20 MINUTE CLOSURE BY
45mm THICK SOLID CORE
WOOD DOOR

NOTES:

1. EXISTING 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.

2. S/A: SMOKE ALARM BY BATTERY OPERATED.

3. CEILING HEIGHT: 2.2m.

4. SUPPLY DIFFUSER: 10"x4" TO LOW WALL
RETURN INLET: 10"x4" TO LOW WALL.



EXISTING BASEMENT FLOOR

1:100

BASEMENT FLOOR AREA 101.6 m²

TW CONSULTANTS
17A BARBERRY PL. NORTH YORK, ON M2K 3E2
Ph: +1 647 556 8682 E-mail: info@sntconsultants.ca

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and has the qualifications and meets the requirements set out in the
Ontario Building Code to design the work shown on the attached documents.

Qualification Information
Required unless design is exempt under Div. C - 3.2.5.1. of the building code

TWU 46379

Design Firm Signature Firm BCIN

Revision Date

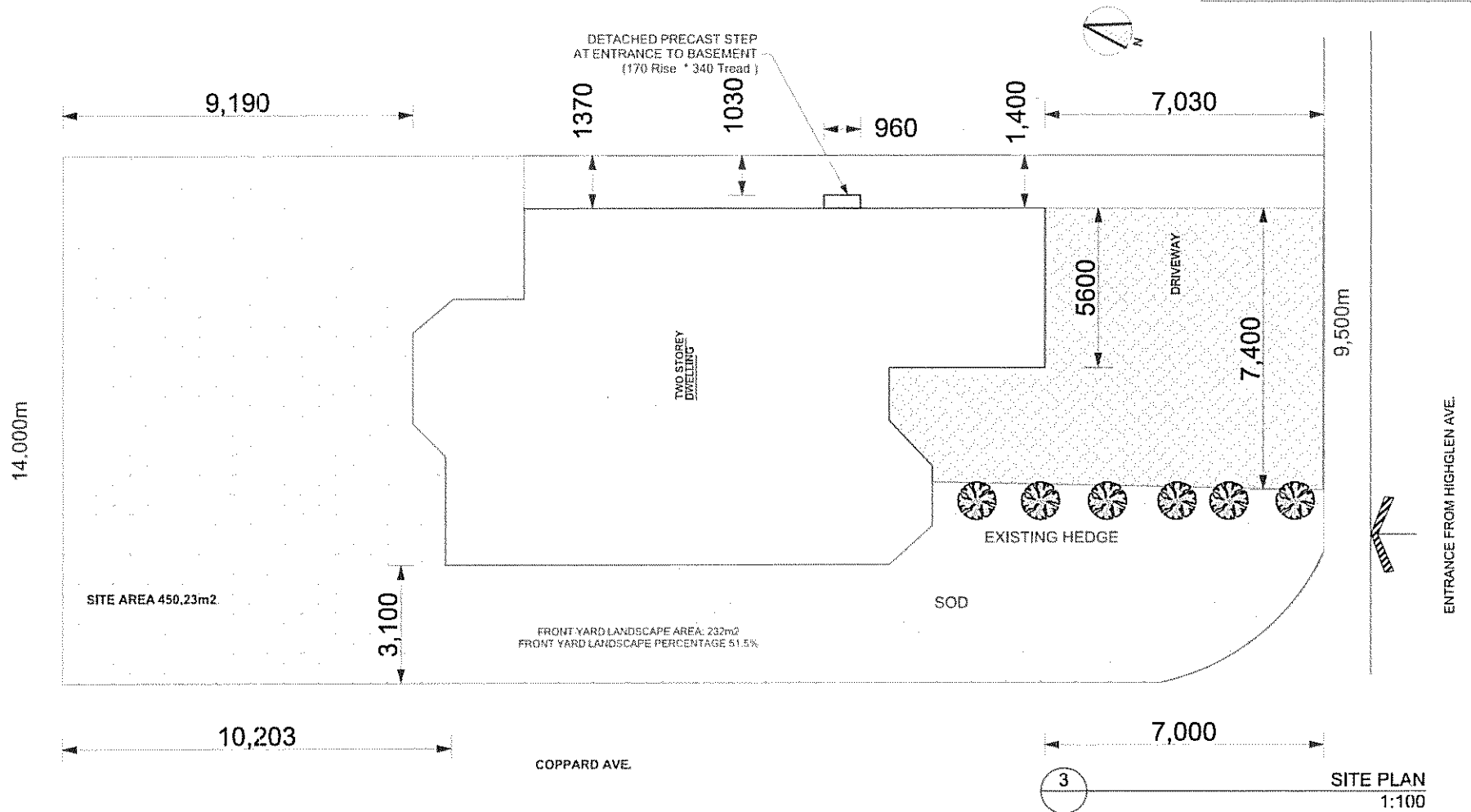
EXISTING BASEMENT FLOOR

Project Address:
PROPOSED CONSTRUCTION AT
- 334 HIGHGLEN AVE. MARKHAM

Designed T.W	Checked T.W	JOB NO.	Drawing No.
Drawn E.C	Signature		
Date			

A2

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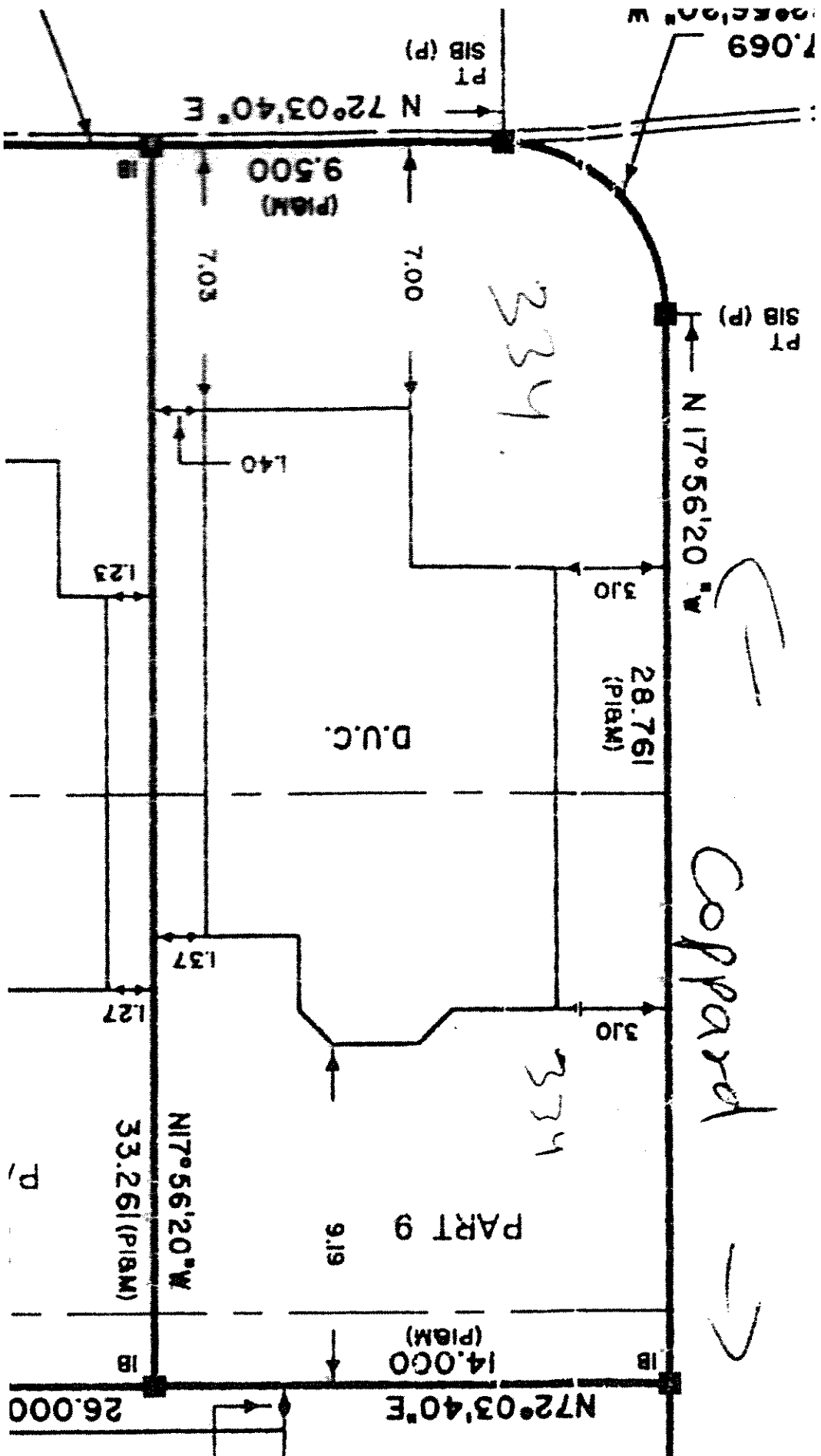
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Design Firm Signature Firm BCIN

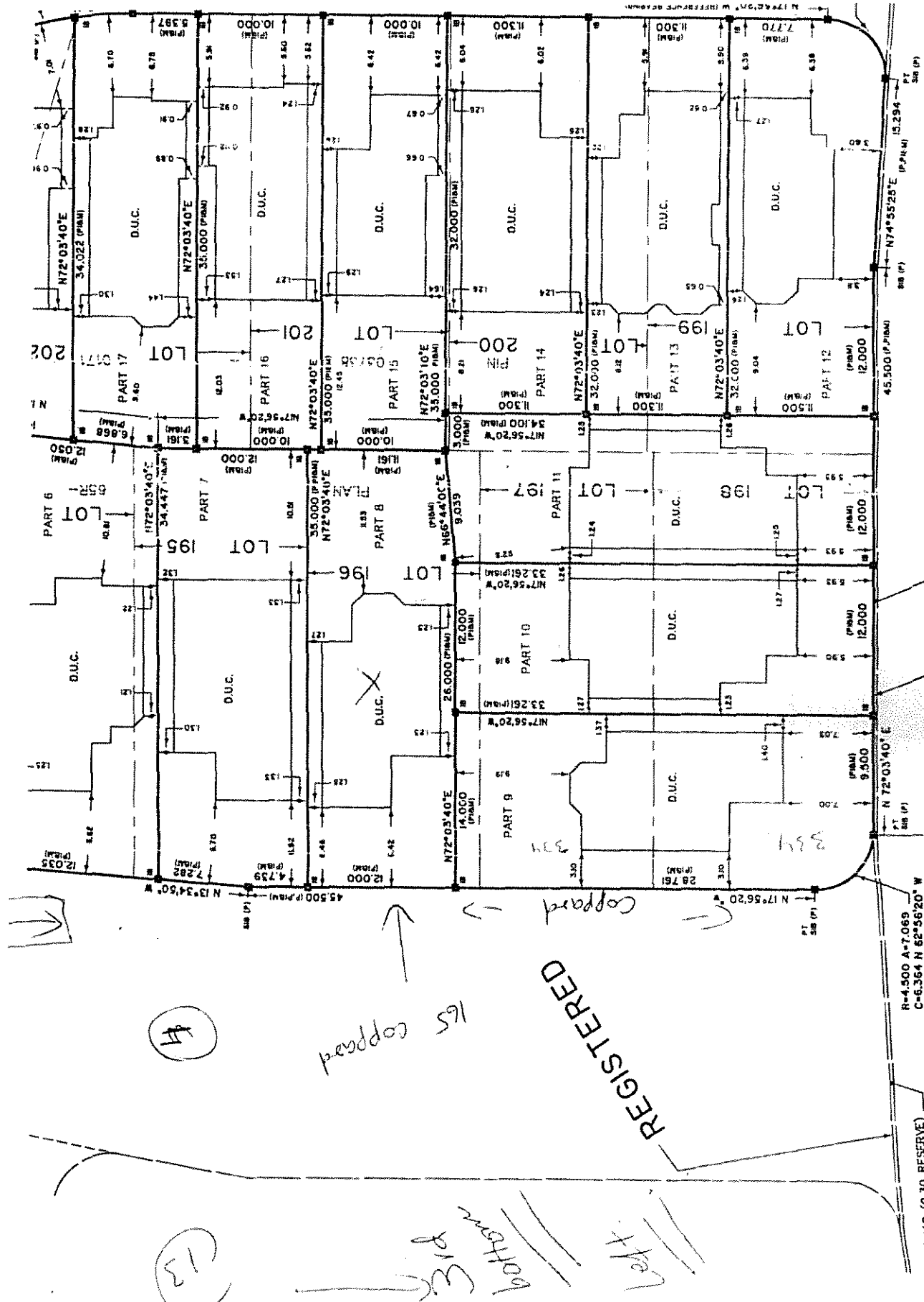
Revision	Date

SITE PLAN

Project Address:
PROPOSED CONSTRUCTION AT
- 334 HIGHGLEN AVE. MARKHAM

Designed: T.W.	Checked: T.W.	JOB NO. —	Drawing No. A-01
Drawn: E.C.	Signature:		
Date:			





Block 50 (0.30 Reserve)
(By Registered Plan 65M-2894)
(Dedicated by By-Law No. 217-96, WST. LT 1077483)

HIGHGLEN AVENUE
PIN 03735 - 0002
HIGHGLEN AVENUE
(Dedicated by Registered Plan 65M-2893)

AVENUE
(Dedicated by Registered Plan 65M-289)