

# Memorandum to the City of Markham Committee of Adjustment

October 17, 2018

**File:** A/60/18  
**Address:** 28 Lavron Court, Markham  
**Applicant:** Zhegrong Wang  
**Agent:** Jingda He  
**Hearing Date:** October 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, RSD4, as amended:

- a) **Section 5.2.1:**  
a secondary suite; whereas the by-law permits no more than one (1) semi-detached dwelling on one (1) 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 (on the driveway); whereas the by-law permits no more than one (1) required parking space within the required front yard (on the driveway);
- c) **Parking By-law 28-97, Section 3.0, Table A:**  
a minimum of two (2) parking spaces; whereas the by-law requires a minimum of three (3) parking spaces;

as they relate to an existing basement apartment.

## Property Description

The 385.93 m<sup>2</sup> (4154.12 ft<sup>2</sup>) subject property is located on the south side of Denison Street, east of McCowan Road. The property is developed with a 234.02 m<sup>2</sup> (2519 ft<sup>2</sup>) semi-detached dwelling, which according to assessment records was constructed in 1988. According to the plans submitted by the Applicant, a total of 2 parking spaces are provided on the driveway. The surrounding area is a residential neighbourhood comprised of a mix of one and two-storey detached and semi-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 west side of the building. The proposal includes a new egress window at the west side of the dwelling. No other 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 29<sup>th</sup>, 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 RSD4 'Fourth Density – Semi-Detached Residential' under By-law 90-81, as amended, which does not permit a secondary suite.

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

The Applicant did not provide information as to why they cannot comply with zoning.

### **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. There are existing stairs located within the garage to access the secondary suite. These stairs impede the function of the garage and reduce the size of the required parking space within the garage so that it is not in compliance with the City's minimum parking standards. Staff may consider supporting the variance to allow the secondary suite if the entrance to the secondary suite was reconfigured so that it eliminates the need for the parking variances discussed below, and it is acceptable to Staff.

### Reduced Parking Spaces

Parking Standards By-law 28-97, as amended, requires two (2) parking spaces be provided for the principal dwelling unit, where only one (1) of the two (2) required parking spaces are permitted within the required front yard (driveway). The other required parking space must be provided in the garage and must comply with the minimum parking by-law requirements. According to the drawings submitted by the applicant, there are stairs located in the garage to access the secondary suite. Due to these stairs, the required parking space within the garage does not meet the minimum parking space dimensions and, as a result, both of the required parking spaces are proposed to be provided on the driveway.

The City's Parking Standards By-law 28-97, as amended, also requires one additional space for an accessory dwelling unit or secondary suite. Due to the stairs in the garage, the property provides only two (2) parking spaces on the driveway that comply with Parking Standards By-law 28-97. Therefore, the applicant is applying for a minor variance to permit the required parking space within the front yard (driveway) and, to reduce the number of parking spaces as a result of the stairs.

Staff are of the opinion that the requested variance to allow none of the parking spaces in the garage to comply with the minimum parking by-law requirements, in addition to allowing both required parking spaces to be provided on the driveway, if approved, can set a precedent and have city-wide implications. If the applicant provided the required parking space in the garage that met the dimensions as described in the parking by-law, they would comply with the parking by-law requirements.

### **PUBLIC INPUT SUMMARY**

As of October 17, 2018 the City received three 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 do not support the proposed variances.

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.

PREPARED BY:

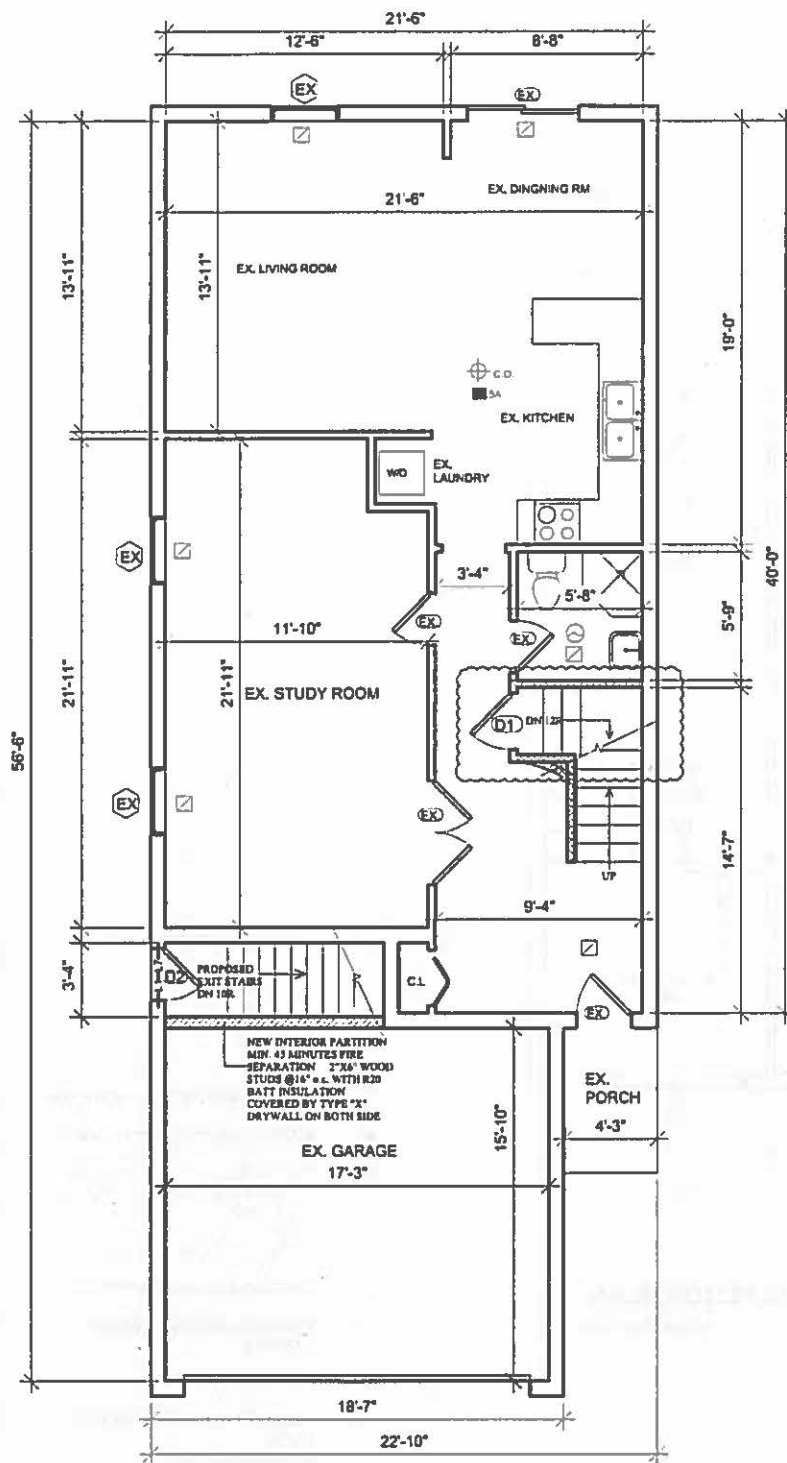
  
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Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:

  
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Stacia Muradali, Senior Planner, East District  
File Path: Amanda\F10118 231366 \Documents\District Team Comments Memo







# **EXISTING GROUND FLOOR PLAN**

SCALE 3/16"=1'-0"

## **LEGEND**

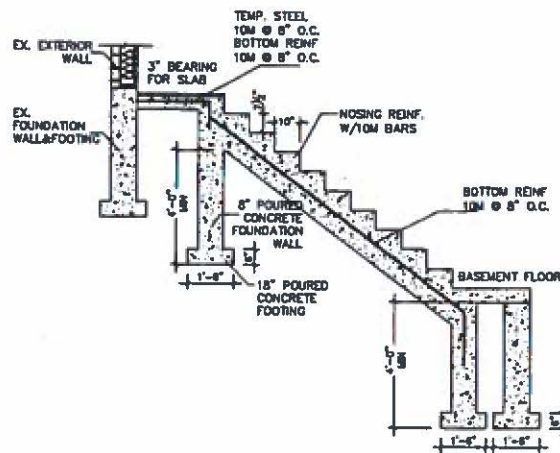
- INTERCONNECTED C.O. DETECTOR
- INTERCONNECTED SMOKE ALARM
- NEW INTERIOR PARTITION MIN. 45 MINUTES FIRE SEPARATION 2"x4" WOOD STUDS @16" o.c. COVERED BY TYPE "X" DRYWALL ON BOTH SIDE
- EXISTING INTERIOR PARTITION
- EXISTING VENT SUPPLY FOR HEATING
- EXHAUST VENT
- PROPOSED 32"x80" 20 MIN FIRE DOOR WITH SELF CLOSER
- EXISTING DOOR
- EXISTING WINDOW
- NO CHANGE ON HVAC AND PLUMBING SYSTEM
- KEEP EXISTING 1/2" DRYWALL INTERIOR CEILING (15MIN FFR)

DESIGNED BY:	Date	Description	No.	THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED WORK. ANY VARIATION FROM THE SUPPLIED INFORMATION SHALL BE NOTED ON THE DRAWING.  THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS OF THE PROVINCE OF ONTARIO.  THE DRAWING IS NOT A SUBSTITUTE FOR THE ACTS OF THE ENGINEER, MECHANICAL, ELECTRICAL, ETC. ANY VARIATION FROM THE SUPPLIED INFORMATION SHALL BE NOTED ON THE DRAWING.  THE DRAWING IS NOT A SUBSTITUTE FOR THE ACTS OF THE ENGINEER, MECHANICAL, ELECTRICAL, ETC. ANY VARIATION FROM THE SUPPLIED INFORMATION SHALL BE NOTED ON THE DRAWING.	DRAWING TITLE <b>EXISTING GROUND FLOOR LEVEL FLOOR PLAN</b>	SHEET NO. <b>A002</b>
	PROJECT SECOND FLOOR (SUBMITTAL) 20 LAMAR CL, MISSISSAUGA, ON L4B 2N6				PROJECT NO. 	
DRAWN BY:				DATE:	SCALE: 3/16"=1'-0"	









**EXIT STAIRS DETAIL**  
SCALE: 1/4" = 1'-0"

# STRUCTURAL NOTES:

## Foundations

1. Footings shall be placed on undisturbed soil capable of supporting an allowable bearing pressure of 3133 psf at SLS and 4178 psf at ULS
2. Prior to placing footings, bearing capacity of each footing must be confirmed in written reports by soil engineer.
3. Footings exposed to freezing shall be placed at least 4'-0" below finished grade.
4. Protect footings exposed to frost action during construction by 4'-0" minimum of soil or its equivalent.
1. The line of slope between adjacent footings or excavations or along stepped footings shall not exceed a rise of 7 in a run of 10. maximum step shall be 2'-0".
2. Where a foundation wall retains soil on each side, place backfill on both sides simultaneously.
3. Foundation walls retaining earth between slabs at different levels shall be shored until the slab at higher level is in place and has reached its required strength.
4. The elevator pit and wall size should be coordinated with elevator manufacture.

## Concrete specification

1. The ultimate 28 days compressive strength of concrete shall be 25.0 MPA unless noted otherwise.
2. The ultimate 28 days compressive strength of concrete exposed to freezing and thawing (exterior slabs, garage floor slab, side walks, curbs, retaining walls, etc.) shall be 32 MPA with minimum air entrainment content of 5%-8% and maximum water/cement ratio by mass of 0.45.
3. Do not use calcium chloride or other salts in concrete.
4. Reinforcing steel shall be deformed bars to CSA G30.18 with a minimum yield strength of 400 MPA.
5. Welded wire mesh shall conform to CSA G30.5, welded steel wire fabric for concrete reinforcement.
6. Detail reinforcing in accordance with reinforcing steel manual of standard practice prepared by RSIO.
7. Only ready mix concrete is permitted on this job. the concrete supplier shall be responsible for concrete mix design.
8. Supply and install concrete, reinforcing steel and formwork including placing, finishing and curing as shown on the drawings in accordance with CSA A23 and CSA G 30.
9. Non-shrink, non-metallic grout shall be used by Sika Canada inc. or an approved equal.

DESIGNED BY 	Date	Description	No.	THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS SHOWN AND MUST NOTIFY THE DESIGNER OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION.  THIS DRAWING IS NOT TO BE SCALE.  THE CONTRACTOR MUST CONFORM TO ALL APPLICABLE CODES AND REGULATIONS OF AUTHORITY (MAY BE A MISSTATEMENT).  THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, MECHANICAL, ELECTRICAL, ETC. INFORMATION SHOWN ON THESE PLANS NOR FOR THE APPROPRIATE COMPLIANCE WITH ANY APPLICABLE REGULATIONS.  THE DRAWING IS AN INSTRUMENT OF SERVICE, THE PROPERTY OF THE DESIGNER, AND IS NOT TO BE REPRODUCED OR COPIED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.	SHEET NO. DETAILS PROJECT SECOND SUBSTATION PROJECT NUMBER 28 LAMON CL, Markham, ON L3R 2H8 DRAWING BY DATE SCALE 3/16" = 1'-0"	DRAWING NO. <b>D001</b> PROJECT NUMBER 