

Memorandum to the City of Markham Committee of Adjustment

July 16th, 2019

File: A/64/19
Address: 18 Sunnyside Hill Road, Markham
Applicant: Public Works Team Inc.
Agent: (none)
Hearing Date: Wednesday July 24, 2019

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

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

a) Table A1 & Section 6.5:

an accessory basement dwelling unit within the main building, whereas the By-law only permits an accessory dwelling unit above a detached garage;

b) Parking By-law 28-97, Section 3.0:

a minimum of 2 parking spaces, whereas the By-law requires a minimum of 3 parking spaces (two for the principle dwelling and one for the proposed accessory basement unit).

BACKGROUND

Property Description

The subject property is located on the north of Sunnyside Hill Road, which is south of William Forster Drive and east of Cornell Rouge Boulevard in the Cornell community. The property is located in a residential neighbourhood comprised of lane based two-storey detached dwellings. There is an existing two-storey detached 225 m² (2421.88 ft²) dwelling on the property, which according to assessment records was constructed in 2015. Parking and vehicle access to accommodate the existing dwelling is located at the rear, to access a public lane. Two parking spaces are provided, one within a private garage and another on a driveway/parking pad. The site plan submitted in support of this application is attached as Appendix 'A'.

Proposal

The applicant is proposing a secondary suite in the basement of the existing dwelling. The proposal includes two new egress windows at the side of the building. The proposed secondary suite will have independent access provided by a new door and stairs at the North side of the building to access the rear yard. No other changes are 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 sections 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 detached 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 177-96

The subject property is zoned 'Residential Two*190*192*514 (R2*190*192*514)' under By-law 177-96, as amended, which permits various types of low rise housing forms, including single detached dwellings. Exception *190 provides area specific zone standards which includes permission of accessory dwellings located above a private garage in either the main building or an accessory building on the same lot (i.e. above an attached or detached garage). Considering the proposed accessory unit is not located above a private garage, the applicant has submitted a variance application to permit it within the basement instead.

Exception *192 provides area specific zone standards to permit corner lots fronting on 16th Avenue and interior lots to have attached private garages subject to certain criteria within the by-law. Exception *514 provides area specific zone standards related to the minimum rear yard and maximum garage and driveway widths. Exceptions *192 and *514 are not applicable within the context of this variance application.

Parking Standards By-law 28-97

The proposed secondary suite also does not comply with the requirements of Parking Standards By-law 28-97, as amended, which requires two parking spaces for the detached

dwelling unit and an additional parking space for the proposed accessory unit. Since no changes are proposed to the onsite parking configuration, the applicant is requesting a variance to reduce the onsite parking requirements to allow the accessory unit. Further details are provided in the comment section below.

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

According to the information provided by the applicant, the reason for not complying with Zoning is, *"a second dwelling unit, whereas the By-law permits no more than one dwelling unit on amended to permit and it has two parking spots other By-law requires three"*.

Zoning Preliminary Review (ZPR) 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 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 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.

Reduced Parking Spaces

As noted, Parking Standards By-law 28-97 requires two parking spaces be provided for the detached unit and an additional space for the accessory dwelling unit or secondary suite. The existing single-car garage and driveway currently provide a total two parking spaces.

Based on the configuration of the rear lot and the adjacent hydro transformer, there is insufficient space for an additional parking pad in the rear yard that would comply with the minimum parking space width requirements of Parking Standards By-law 28-97, as

amended. Additionally, expanding the driveway will reduce soft landscaping and increased hard surface area within the rear yard. This soft landscaping provides for rain water infiltration, which is an important part of good stormwater management practices. Staff do not have concerns with the requested variance to reduce parking for the accessory dwelling unit.

The applicant should be aware that no overnight parking is permitted on City of Markham public streets unless an overnight parking pass or exemption is obtained through the By-law and Licensing Department.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 17 2019. 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 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.

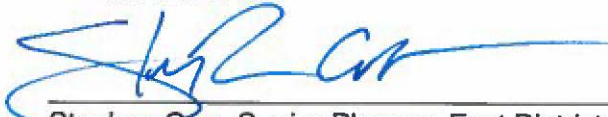
Please see Appendix "B" for conditions to be attached to any approval of this application.

PREPARED BY:



Justin Mott, Development Technician

REVIEWED BY:



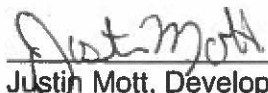
Stephen Corr, Senior Planner, East District

APPENDIX "B"

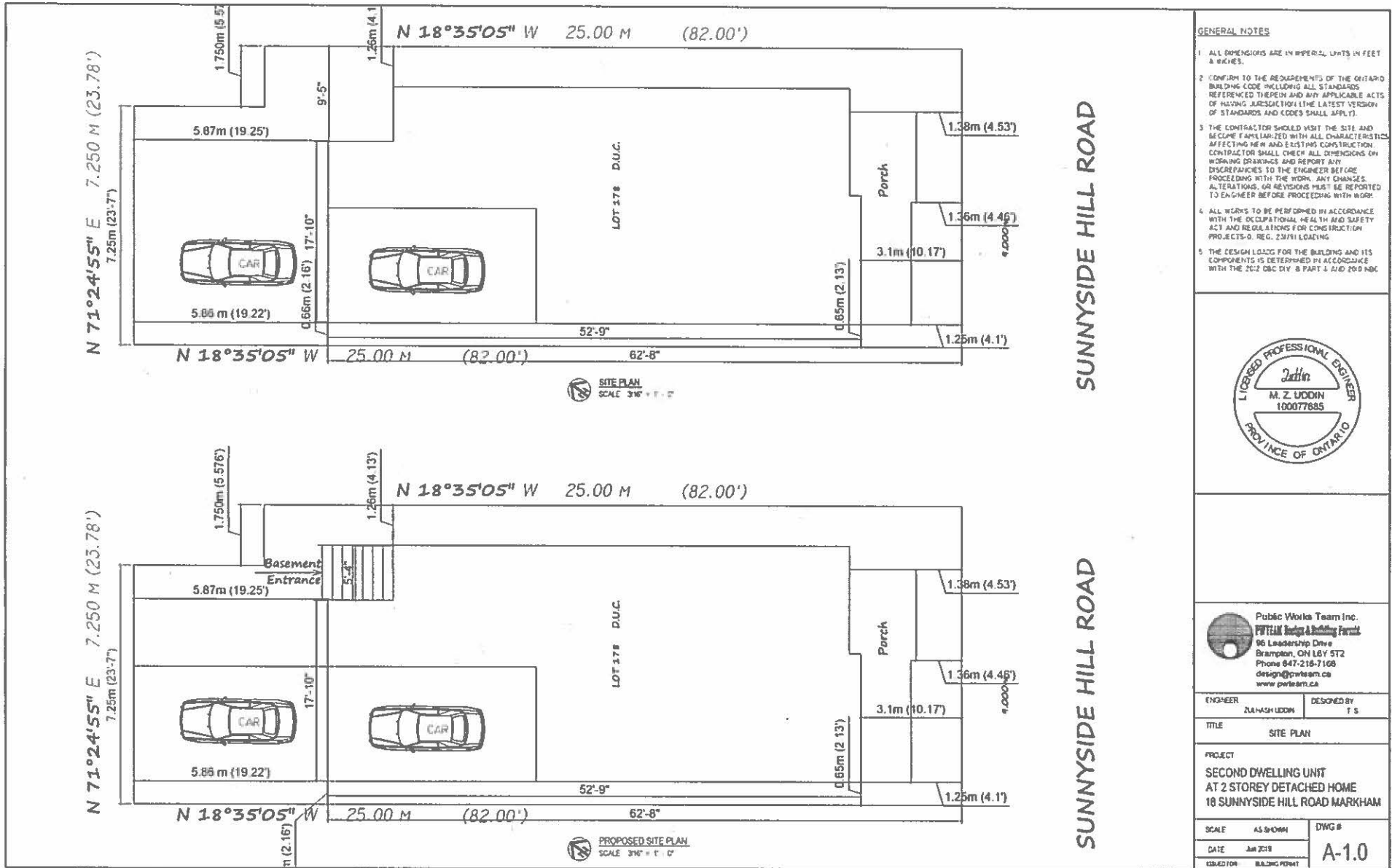
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/64/19

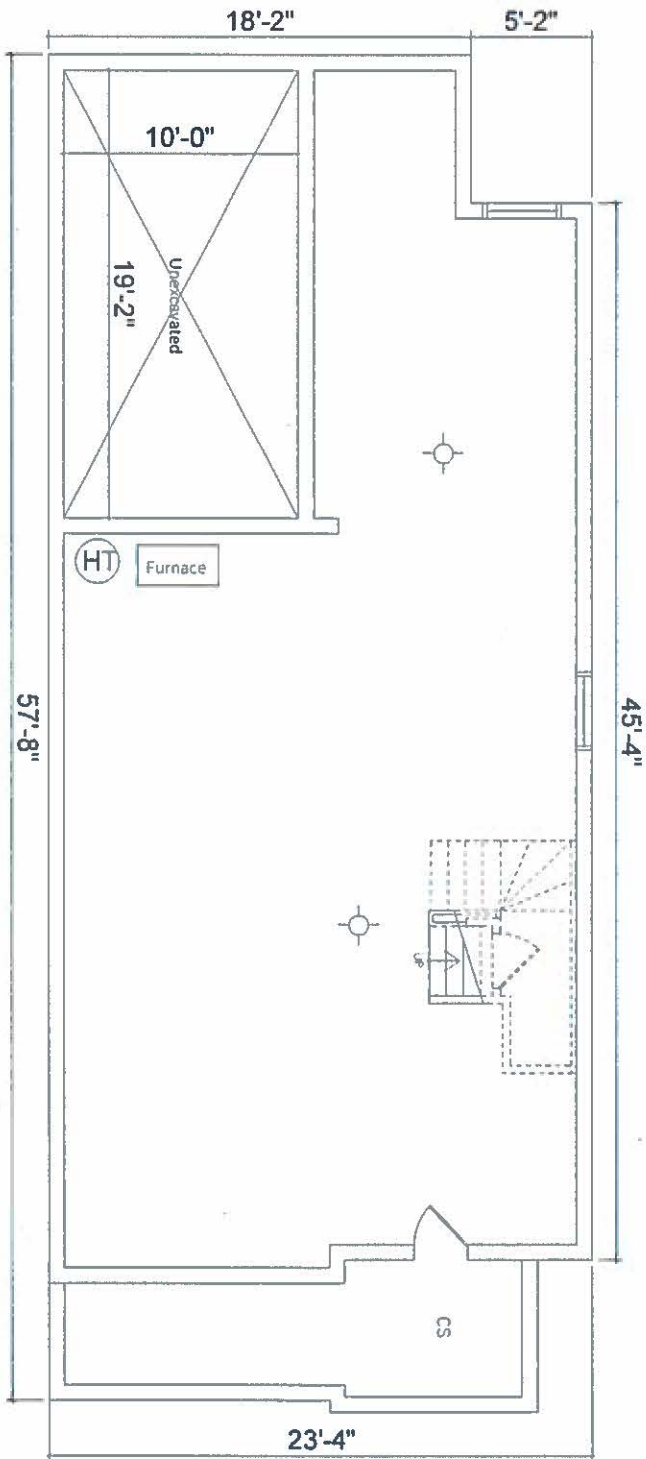
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report and received by the City of Markham on June 21st, 2019, and that the Secretary-Treasurer 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:



Justin Mott, Development Technician





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

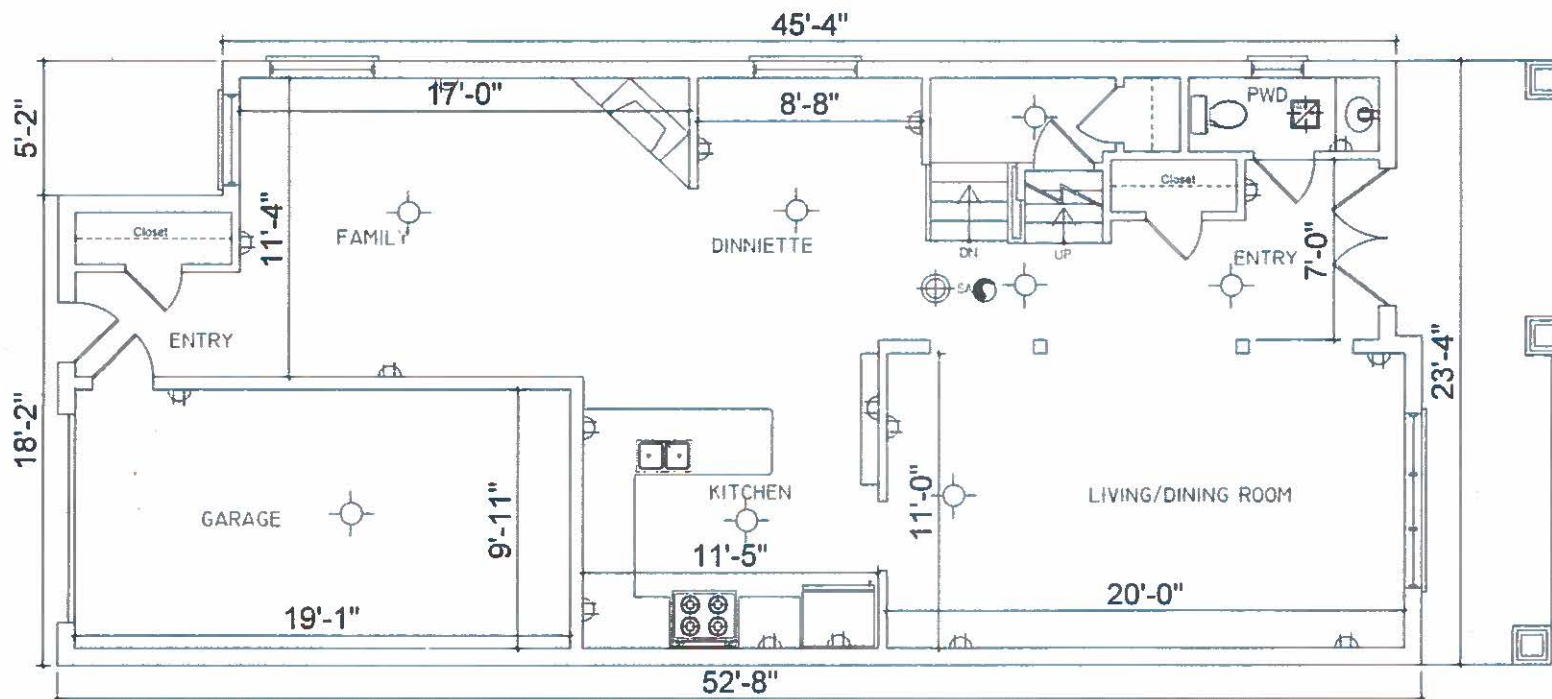
GENERAL NOTES

1. ALL DIMENSIONS ARE IN IMPERIAL UNITS IN FEET & INCHES.
2. CONFORM TO THE REQUIREMENTS OF THE ONTARIO BUILDING CODE INCLUDING ALL STANDARDS OF THE CANADIAN STANDARDS ASSOCIATION (CSA) AND THE NATIONAL BUILDING CODE OF CANADA (NBC).
3. THE CONTRACTOR SHALL VERIFY THE SITE AND BEFORE FAMILIARIZED WITH ALL OBSTRUCTIONS AFFECTING THE NEW AND EXISTING CONSTRUCTION WORKING CONDITIONS AND RECORD ANY DISCREPANCIES TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.
4. ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE AND ALL APPLICABLE ACTS AND REGULATIONS FOR CONSTRUCTION PROJECTS OF THIS NATURE.
5. THE DESIGN LOADS FOR THE BUILDING AND ITS COMPONENTS IS DETERMINED IN ACCORDANCE WITH THE 2012 CAN/CSA S16 PART 1 AND CAN/CSA S10.



Pulte Homes Team Inc.
 90 Leawood Drive
 Brampton, ON L6Y 5T2
 Phone: 416-215-1600
 Email: info@pulte.ca
 www.pulte.ca

ENGINEER	DATE	DESCRIPTION
J. UPPIN	1.5	EXISTING BASEMENT FLOOR PLAN
PROJECT		
SECOND DWELLING UNIT		
AT 2 STOREY DETACHED HOME		
18 SUNNYSIDE HILL ROAD MARKHAM		
SCALE	AS SHOWN	DWG. #
DATE	JAN 2013	
REVISION	REVISION	A-2.0



EXISTING GROUND FLOOR PLAN

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

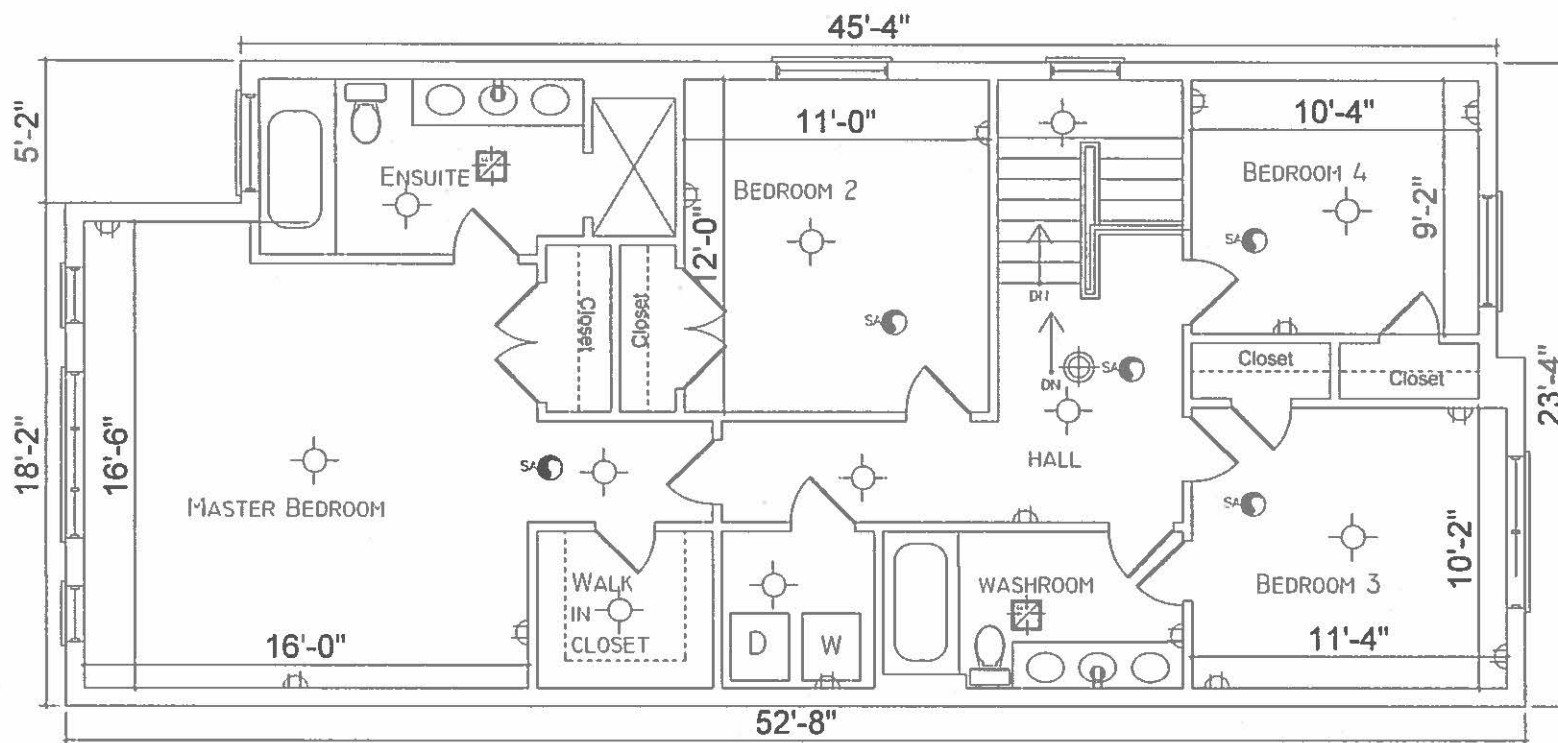
GENERAL NOTES

1. ALL DIMENSIONS ARE IN IMPERIAL UNITS IN FEET & INCHES.
2. CONFORM TO THE REQUIREMENTS OF THE ONTARIO BUILDING CODE INCLUDING ALL STANDARDS REFERENCED THEREIN AND ANY APPLICABLE ACTS OF HAVING JURISDICTION (THE LATEST VERSION OF STANDARDS AND CODES SHALL APPLY).
3. THE CONTRACTOR SHOULD VISIT THE SITE AND BECOME FAMILIAR WITH ALL CHARACTERISTICS AFFECTING NEW AND EXISTING CONSTRUCTION. CONTRACTOR SHALL CHECK ALL DIMENSIONS ON WORKING DRAWINGS AND REPORT ANY DISCREPANCIES TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK. ANY CHANGES, ALTERATIONS, OR REVISIONS MUST BE REPORTED TO ENGINEER BEFORE PROCEEDING WITH WORK.
4. ALL WORKS TO BE PERFORMED IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS O. REG. 228/01 LOADING.
5. THE DESIGN LOADS FOR THE BUILDING AND ITS COMPONENTS IS DETERMINED IN ACCORDANCE WITH THE 2012 CBC DIV. 5 PART 1 AND 2012 NBC.



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PWT TEAM Design & Building Permits
 86 Leadership Drive
 Brampton, ON L6Y 5T2
 Phone 547-216-7168
 design@pwtteam.ca
 www.pwtteam.ca

ENGINEER ZULNASH UDDIN	DESIGNED BY T. S.
TITLE EXISTING MAIN FLOOR PLAN	
PROJECT SECOND DWELLING UNIT AT 2 STOREY DETACHED HOME 18 SUNNYSIDE HILL ROAD MARKHAM	
SCALE AS SHOWN	DWG # A-4.0
DATE Jun 27, 2019	
ISSUANCE BUILDING PERMIT	



EXISTING SECOND FLOOR PLAN

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

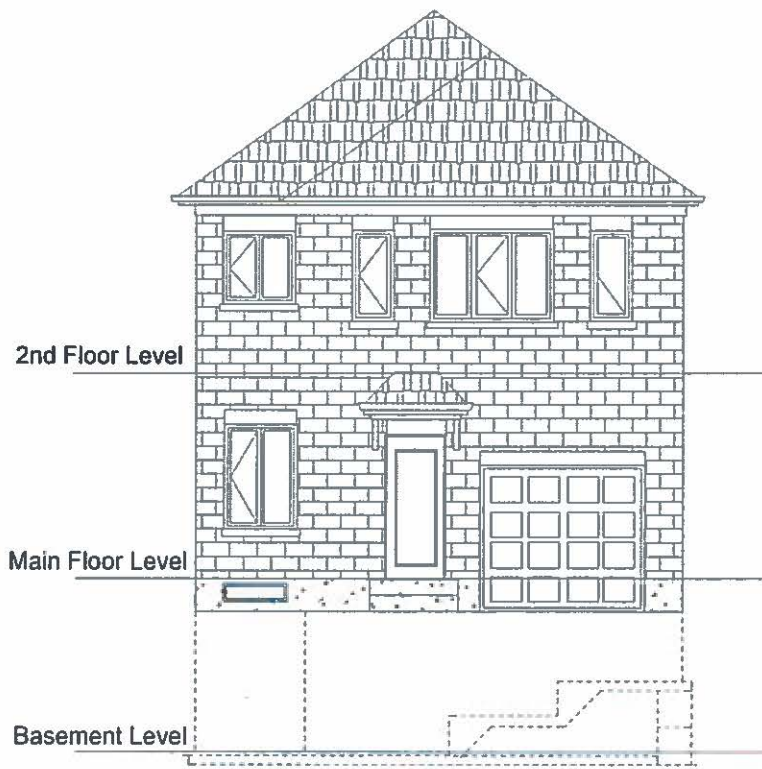
GENERAL NOTES

- 1 ALL DIMENSIONS ARE IN IMPERIAL UNITS IN FEET & INCHES.
- 2 CONFIRM TO THE REQUIREMENTS OF THE ONTARIO BUILDING CODE INCLUDING ALL STANDARDS REFERENCED THEREIN AND ANY APPLICABLE ACTS OF ANY JURING JURISDICTION (THE LATEST VERSION OF STANDARDS AND CODES SHALL APPLY).
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- 4 ALL WORKS TO BE PERFORMED IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS 0, REG. 23/11 LOADING.
- 5 THE DESIGN LOADS FOR THE BUILDING AND ITS COMPONENTS IS DETERMINED IN ACCORDANCE WITH THE 2012 CBC DIV. B PART 1 AND FOR NBC.

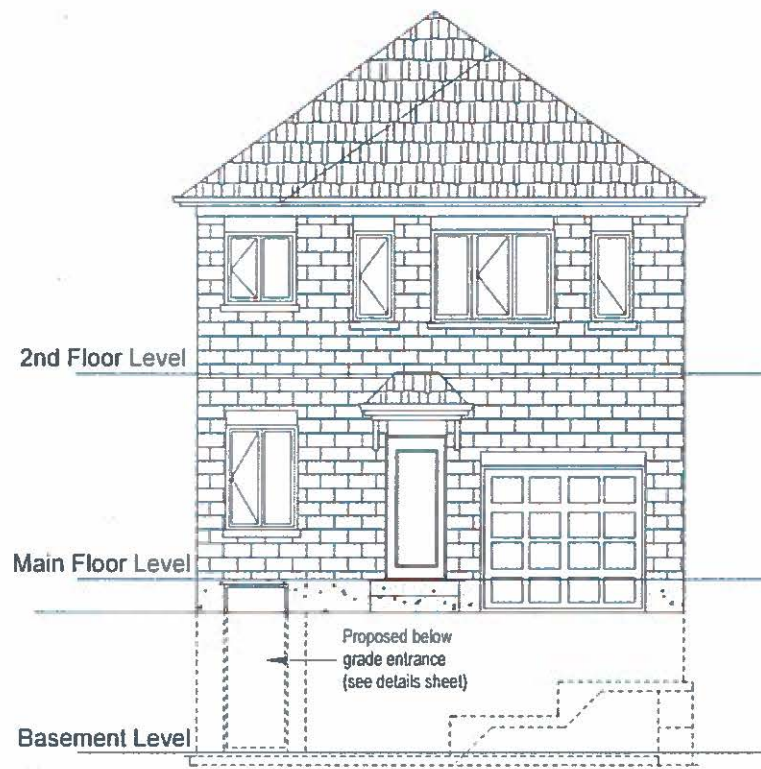


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ENGINEER	ZULHASH UDDIN	DESIGNED BY	T S
TITLE	EXISTING SECOND FLOOR PLAN		
PROJECT	SECOND DWELLING UNIT AT 2 STOREY DETACHED HOME 18 SUNNYSIDE HILL ROAD MARKHAM		
SCALE	AS SHOWN	DWG # A-5.0	
DATE	JUN 2019		
ISSUED FOR	BUILDING PERMIT		



 **EXISTING REAR ELEVATION**
SCALE: 3/16" = 1' - 0"



 **PROPOSED REAR ELEVATION**
SCALE: 3/16" = 1' - 0"

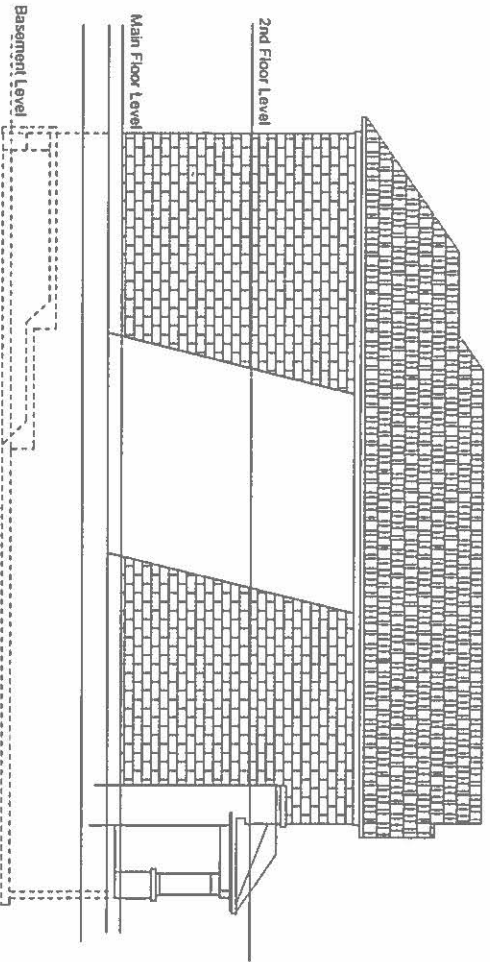
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4. ALL WORKS TO BE PERFORMED IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS - O. REG. 23/94 (LOADING).
5. THE DESIGN LOADS FOR THE BUILDING AND ITS COMPONENTS IS DETERMINED IN ACCORDANCE WITH THE 2012 CBC DIV. B PART 4 AND 2010 NBC.

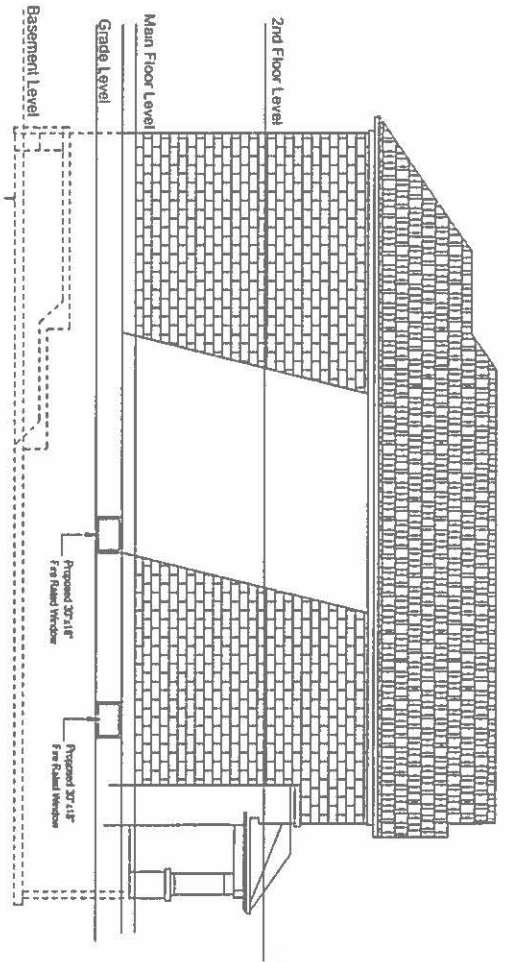


 **Public Works Team Inc.**
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design@pwteam.ca
www.pwteam.ca

ENGINEER	ZULHISH UDDIN	DESIGNED BY	F. S.
TITLE EXISTING & PROPOSED REAR ELEVATION			
PROJECT SECOND DWELLING UNIT AT 2 STOREY DETACHED HOME 18 SUNNYSIDE HILL ROAD MARKHAM			
SCALE	AS SHOWN	DWG #	A-6.0
DATE	JUN 2019		
ISSUED FOR	BUILDING PERMIT		



EXISTING LEFT ELEVATION
SCALE 3/8" = 1'-0"



PROPOSED LEFT ELEVATION
SCALE 3/8" = 1'-0"

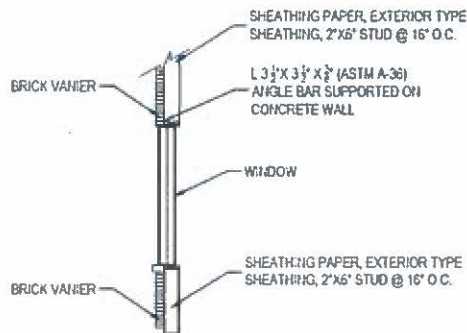
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2. CONFORM TO THE REQUIREMENTS OF THE ONTARIO BUILDING CODE INCLUDING ALL STANDARDS REFERRED THEREIN AND ANY APPLICABLE ACTS OR REGULATIONS AND CODES SHALL APPLY.
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4. ALL WORK TO BE PERFORMED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE AND ALL APPLICABLE ACTS AND REGULATIONS AND CODES SHALL APPLY.
5. THE RESPONSIBILITIES FOR THE BUILDING AND ITS COMPONENTS IS DEFINED BY PART 1 AND PART 2 AND THE NBC WITH THE SET OUT BY PART 1 AND THE NBC.

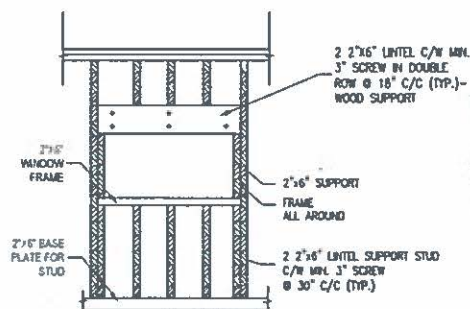


Public Works Team Inc.
11111 Highway 104
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ENGINEER	DATE	SCALE	PROJECT
ALAN HILTON	JAN 21, 2019	A-7.0	SECOND DWELLING UNIT AT 2 STOREY DETACHED HOME 18 SUNNYSIDE HILL ROAD MARKHAM
TITLE	DATE	SCALE	PROJECT
EXISTING & PROPOSED LEFT ELEVATION	JAN 21, 2019	A-7.0	SECOND DWELLING UNIT AT 2 STOREY DETACHED HOME 18 SUNNYSIDE HILL ROAD MARKHAM

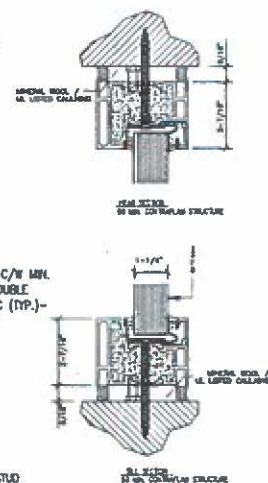


EXTERIOR WINDOW CONSTRUCTION DETAILS



INTERIOR WINDOW CONSTRUCTION DETAILS

60 MINUTES FIRE RATED WINDOW SPEC.
 PYRAN PLATINUM (HOLLOW 2"x5 3/4" METAL FRAMING)
 5mm THICK CERAMIC GLASS



FIRE RATED WINDOW CONSTRUCTION DETAILS

FIRE RATED WINDOW NOTE:

Manufacturer: PrecisionGlass
 2 Essex Avenue, Unit 3B
 Thornhill, ON Canada, L3T 3Y8
 Phone: 905-731-7800

1 HOUR FIRE RATED WINDOW (MANUFACTURER'S SPECIFICATION)

- MANUFACTURER'S DESIGNATION: CONTRAFAM STRUCTURE 60.
- GLAZING TYPE: WIRELESS, LAMINATED GLAZING MATERIAL WITH INTUMESCENT INTERLAYERS.
- NOMINAL THICKNESS: 1-3/16" (31mm)
- WEIGHT: 13.0 LB/ SQ. FT. (65 KG/ SQ.M.)
- VISIBLE LIGHT TRANSMISSION: 80%
- SOUND TRANSMISSION COEFFICIENT: L10B

GENERAL NOTES

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- THE DESIGN LOADS FOR THE BUILDING AND ITS COMPONENTS IS DETERMINED IN ACCORDANCE WITH THE 2012 CBC DIV. B PART 4 AND 2010 NBC.

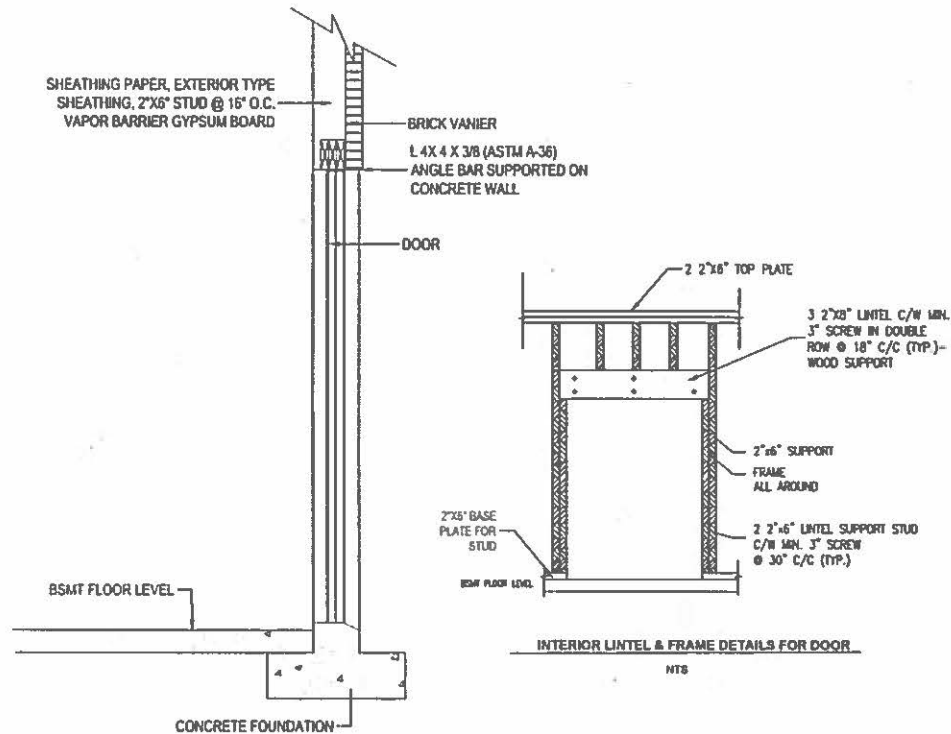


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 design@pwtteam.ca
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ENGINEER	ZULHASH UDIN	DESIGNED BY	T S
TITLE	WINDOW CONSTRUCTION DETAILS		
PROJECT	SECOND DWELLING UNIT AT 2 STOREY DETACHED HOME 18 SUNNYSIDE HILL ROAD MARKHAM		
SCALE	AS SHOWN	DWG #	A-8.0
DATE	JUN 2019		
ISSUED FOR	BUILDING PERMIT		



PROPOSED WINDOW CONSTRUCTION DETAILS
 SCALE: NTS



DOOR CONSTRUCTION DETAILS



PROPOSED DOOR CONSTRUCTION DETAILS

SCALE: NTS

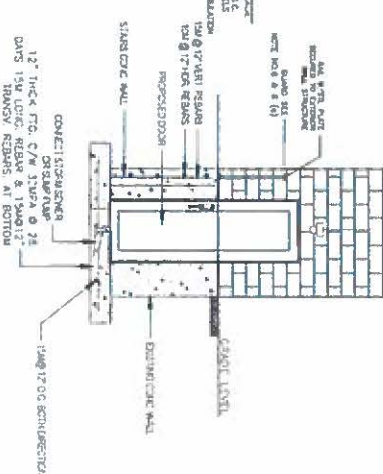
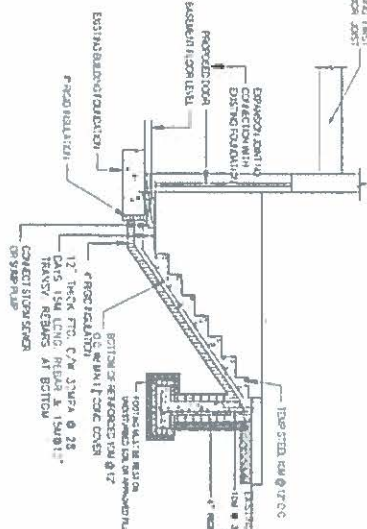
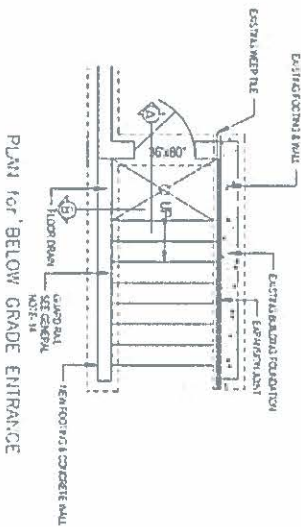
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4. ALL WORKS TO BE PERFORMED IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS - O. REG. 213/11 LOADING.
5. THE DESIGN LOADS FOR THE BUILDING AND ITS COMPONENTS IS DETERMINED IN ACCORDANCE WITH THE 2012 OBC DIV. B PART 6 AND 200 NBC.



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ENGINEER	ZULHASN UDDIN	DESIGNED BY	T S
TITLE			
DOOR CONSTRUCTION			
PROJECT			
SECOND DWELLING UNIT			
AT 2 STOREY DETACHED HOME			
18 SUNNYSIDE HILL ROAD MARKHAM			
SCALE	AS SHOWN	DWG #	A-10.0
DATE	JUN 2019		
ISSUED FOR - BUILDING PERMIT			



PROPOSED BELOW GRADE STAIRS CONSTRUCTION DETAILS
SCALE: 1/16"

SECTION B-B

SECTION B-B

GENERAL NOTES

1. ALL DIMENSIONS ARE IN IMPERIAL UNITS IN FEET & INCHES.
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3. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2018 NATIONAL BUILDING CODE OF CANADA (NBC) AND ALL APPLICABLE ACTS, REGULATIONS AND ORDINANCES.
4. ALL WORKS TO BE PERFORMED IN ACCORDANCE WITH THE 2018 NATIONAL BUILDING CODE OF CANADA (NBC) AND ALL APPLICABLE ACTS, REGULATIONS AND ORDINANCES.
5. THE DESIGNATIONS FOR THE BUILDING AND ITS COMPONENTS IS REFERENCED IN ACCORDANCE WITH THE 2018 NBC DIV. 8 PART 2 AND 2018 NBC.



Public Works Team Inc.
88 Leadership Drive
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Phone 647-216-7100
Design/Construction
www.pwt.ca

ENGINEER	ALAN HILLMAN	DESIGNED BY	T.S.
TITLE	BELOW GRADE ENTRANCE		

PROJECT
SECOND DWELLING UNIT
AT 2 STOREY DETACHED HOME
18 SUNNYSIDE HILL ROAD MARKHAM

SCALE	AS SHOWN	DWG #	A-10.0
DATE	JAN 2019		
DRAWN BY	ALAN HILLMAN		

CITY OF MARKHAM
RECEIVED
JUN 21 2019
COMMITTEE OF ADJUSTMENT

LOT 196	LOT 197	LOT 198	LOT 199	LOT 200	LOT 201
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PLAN

LOT 180
D.U.C.
PIN 03064
-6467

LOT 179
D.U.C.
PIN 03064
-6466

LOT 178
D.U.C.
PIN 03064
-6465

LOT 177
D.U.C.
PIN 03064
-6464

LOT 176
EXISTING DWELLING

LOT 175

LOT 174

Dimensions and Bearings:
 - North: N7°24'55"E
 - East: N18°35'05"W
 - South: S71°24'55"E
 - West: S71°24'55"E
 - Lot 179: 26,000 (P&M) x 11,000 (P&S)
 - Lot 178: 25,000 (P&M) x 9,000 (P&S)
 - Lot 177: 25,000 (P&M) x 9,000 (P&S)
 - Lot 176: 25,000 (P&M) x 9,000 (P&S)
 - Lot 175: 25,000 (P&M) x 9,000 (P&S)
 - Lot 174: 25,000 (P&M) x 9,000 (P&S)

SUNNYSIDE HILL ROAD
(BY REGISTERED PLAN 65M-4354)

APPENDIX "B"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/64/19

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 received by the City of Markham on June 21st, 2019, 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:

Justin Mott, Development Technician