

Memorandum to the City of Markham Committee of Adjustment

June 18, 2018

File: A/69/18
Address: 107 Risebrough Circuit, Markham
Applicant: Deqin Chen
Agent: Frontop Engineering (Jiande Feng)
Hearing Date: Wednesday June 27, 2018

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

The applicant is requesting relief from the following requirements of By-law 250-77, as amended:

- a) **Section 6.1:**
a secondary suite, whereas the By-law permits no more than one dwelling per lot; as it relates to an existing basement apartment.

BACKGROUND

Property Description

The 601.7 m² (6477.5 ft²) subject property is located on the east side of Riseborough Circuit Ave, south of Denison Street. The property is developed with a 264 m² (2851 ft²) two-storey detached dwelling, which according to assessment records was constructed in 1978. 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 dwelling. The proposal also includes the addition of a window on the north and south 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 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 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 250-77

The subject property is zoned R8 ‘Eight Density- Single Family Residential’ under By-law 250-77 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, “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 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

As of June 18, 2018 the City received 1 letter expressing concerns over parking, property care and maintenance as a result of rental units. 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, subject to the conditions in Appendix 'A'.

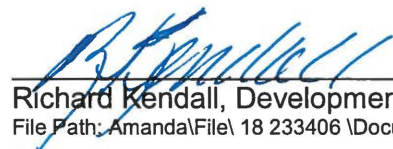
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

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



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:




Richard Kendall, Development Manager, Central District
File Path: Amanda\File\ 18 233406 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/69/18

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 received by the City of Markham on *May 25, 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.
5. That tree protection fencing be erected and inspected in accordance with the City's Streetscape Manual (2009), as amended, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design or designate.






CONDITIONS PREPARED BY:

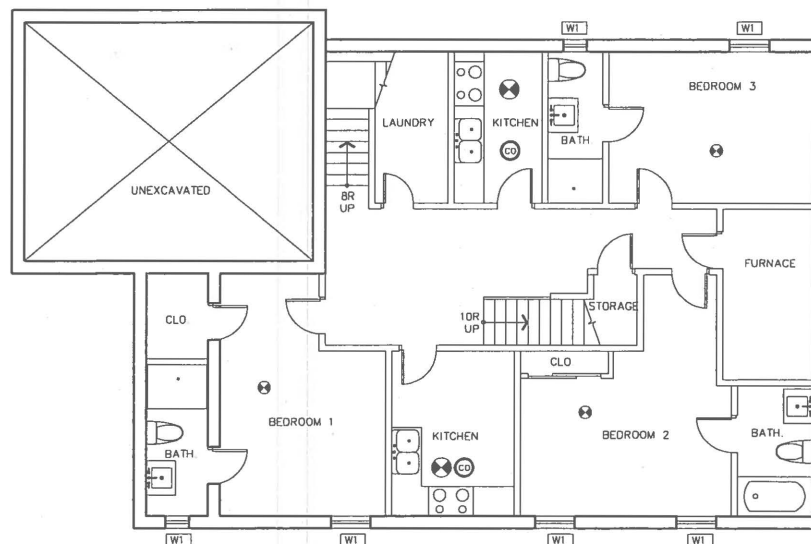


Aqsa Malik, Planner, Zoning and Special Projects

AS SHOWN

1 SITE PLAN
SCALE 3/16"=1'-0"

LEGEND:	
	W1 - EXISTING BUILDING WINDOW
	D1 - EXISTING EXTERIOR DOOR TO REMAIN
	D2 - EXISTING ROOM DOOR TO REMAIN
	SMOKE ALARM
	CARBON MONOXIDE DETECTOR



1 EX. BASEMENT PLAN
SCALE 1/8"=1'-0"

STATS:
BASEMENT AREA: 1229.88 SQ.FT
114.26 SQ.M

FRONTOP ENGINEERING LIMITED

181 AUBURN STREET UNIT 103 MARKHAM ON L3R 0K2
TEL: 905-477-0823 FAX: 905-477-0719
Website: www.frontop.ca Email: info@frontop.ca



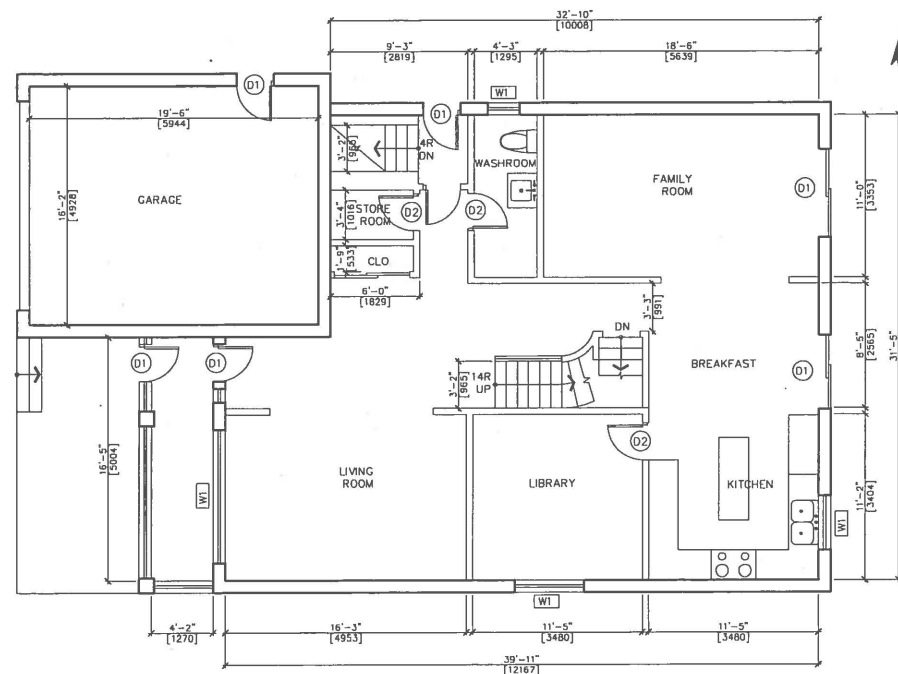
C	ISSUED FOR PERMIT	MAY 14, 2018
B	ISSUED FOR PERMIT	MAR 28, 2018
A	ISSUED FOR PERMIT	FEB 09, 2018
NO.	ISSUED/REVISED	DATE

Owner & Address
107 Rosebrough Circt
Markham, On

Drawing Title
EX. BASEMENT PLAN
Project No.
DES18-02-03A
Drawn by
M.P.
Checked by
F.F.
Date
MAY 14, 2018
Drawing No.
A1.1
Scale
AS SHOWN

LEGEND:

- W1 - EXISTING BUILDING WINDOW
- D1 - EXISTING EXTERIOR DOOR TO REMAIN
- D2 - EXISTING ROOM DOOR TO REMAIN
- S - SMOKE ALARM
- CD - CARBON MONOXIDE DETECTOR



1 EX. GROUND FLOOR PLAN
SCALE 3/32"=1'-0"

STATS:
 BUILDING AREA: 1567.00 SQ. FT.
 GROUND FLOOR AREA: 1457.50 SQ. M.
 GROSS FLOOR AREA: 106.63 SQ. M.

FRONTOP ENGINEERING LIMITED

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C	ISSUED FOR PERMIT	MAY 14, 2018
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Owner & Address
 107 Rosebrough Circt
 Markham, On

Drawing Title
EX. GROUND FLOOR PLAN

Project No.
 DES18-02-03A

Drawn by
 M.P.

Checked by
 F.F.

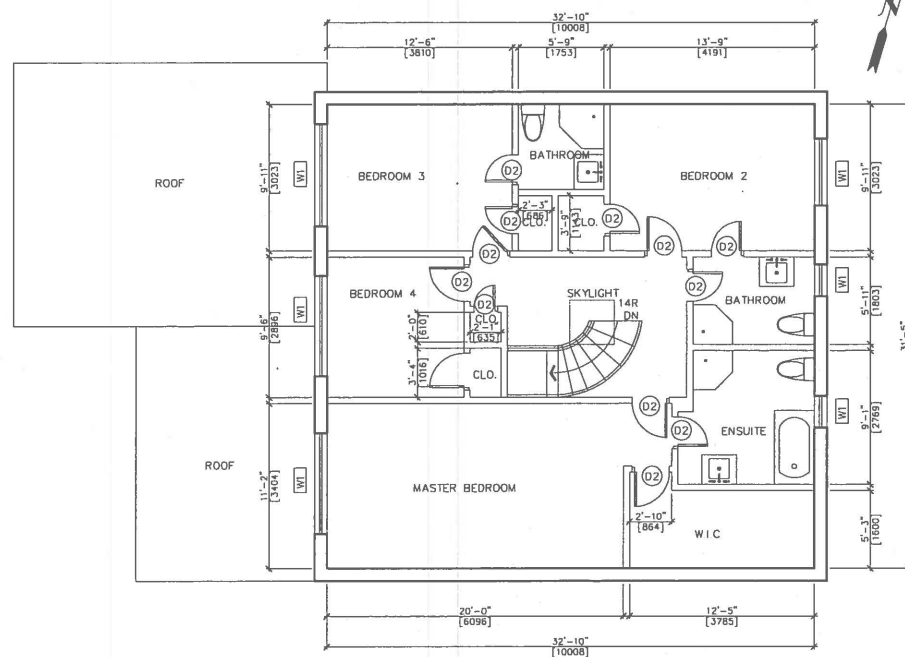
Date
 MAY 14, 2018

Drawing No.
A1.2

Scale
 AS SHOWN

LEGEND:

- W1 - EXISTING BUILDING WINDOW
- D1 - EXISTING EXTERIOR DOOR TO REMAIN
- D2 - EXISTING ROOM DOOR TO REMAIN
- SA - SMOKE ALARM
- CD - CARBON MONOXIDE DETECTOR



1 **EX. SECOND FLOOR PLAN**
SCALE 1/8"=1'-0"

STATS:
SECOND FLOOR AREA: 1031.51 SQ.FT
95.83 SQ.M

FRONTOP ENGINEERING LIMITED

101 HARBOR STREET UNIT A2 MARKHAM ON L3R 0G3
TEL: 905-477-1001 FAX: 905-477-1002
Website: www.frontop.ca Email: info@frontop.ca



C	ISSUED FOR PERMIT	MAY 14, 2018
B	ISSUED FOR PERMIT	MAR 28, 2018
A	ISSUED FOR PERMIT	FEB 09, 2018
NO.	ISSUED/REVISED	DATE

Owner & Address
107 Rosebrough Circt
Markham, On

Drawing Title	EX. SECOND FLOOR PLAN
Project No.	DES18-02-03A
Drawn by	M.P
Checked by	F.F
Date	MAY 14, 2018
Drawing No.	A1.3
Scale	AS SHOWN



1 EX. EAST ELEVATION
SCALE 1/8"=1'-0"

FRONTOP ENGINEERING LIMITED



101 HARBOR STREET, UNIT 102, MARKHAM, ON L3R 9V2
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A	ISSUED FOR PERMIT	FEB 09, 2018
NO.	ISSUED/REVISED	DATE

Owner & Address

107 Rosebrough Circt
Markham, On

Drawing Title

EX. EAST ELEVATION

Project No.

DES18-02-03A

Drawn by

M.P.

Checked by

F.F.

Date

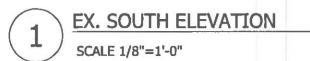
MAY 14, 2018

Drawing No.

A1.4

Scale

AS SHOWN



Distance	1.78 m	
Type	Area(sq.ft.)	(%)
Unprotected openings	75.69	7.07
Exposed building face	1070.92	

C	ISSUED FOR PERMIT	MAY 14, 2018
B	ISSUED FOR PERMIT	MAR 26, 2018
A	ISSUED FOR PERMIT	FEB 09, 2018
NO.	ISSUED/REVISED	DATE

Owner & Address

107 Rosebrough Circt
Markham, On

Drawing Title

EX. SOUTH ELEVATION

Project No. DES18-02-03A

Drawn by M.P

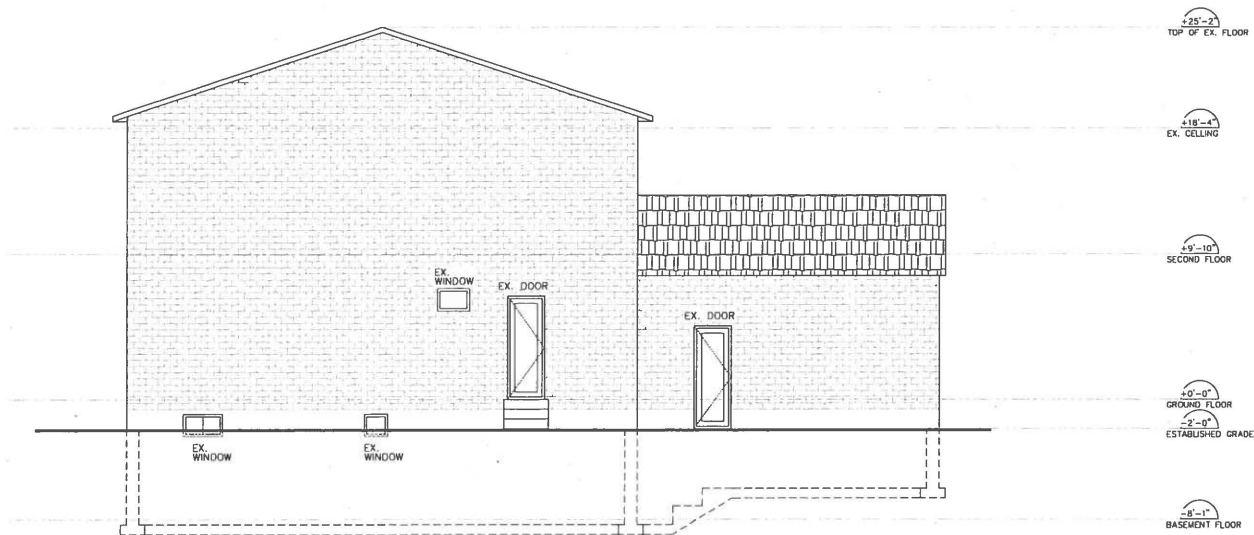
Checked by	F.F
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Date MAY 14, 2018

Drawing No. _____

A1.5

Scale AS SHOWN



1 EX. NORTH ELEVATION
SCALE 1/8"=1'-0"

Distance	1.83 m	
Type	Area(sq ft)	(%)
Unprotected openings	44.63	4.30
Exposed building face	1038.02	

FRONTOP ENGINEERING LIMITED

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C	ISSUED FOR PERMIT	MAY 14, 2018
B	ISSUED FOR PERMIT	MAR 26, 2018
A	ISSUED FOR PERMIT	FEB 09, 2018
NO.	ISSUED/REVISED	DATE

Owner & Address
107 Rosebrough Circt
Markham, On

Drawing Title
EX. NORTH ELEVATION

Project No.
DES18-02-03A

Drawn by
M.P.

Checked by
F.F.

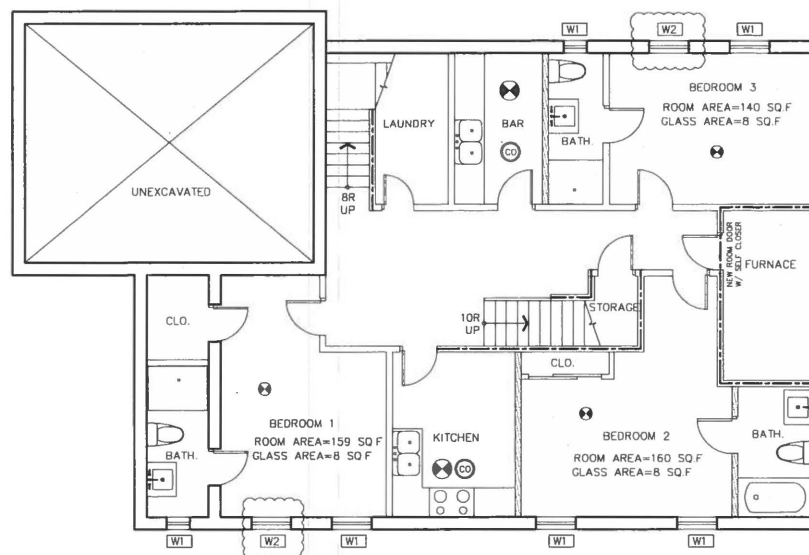
Date
MAY 14, 2018

Drawing No.
A1.6

Scale
AS SHOWN

W1	W1 - EXISTING BUILDING WINDOW
W2	W2 - NEW WINDOW 32"x18"
D1	D1 - EXISTING EXTERIOR DOOR TO REMAIN
D2	D2 - EXISTING ROOM DOOR TO REMAIN
D3	D3 - NEW ROOM DOOR TO MATCH
SA	SMOKE ALARM
CD	CARBON MONOXIDE DETECTOR
GL	NEW 4" PARTITION WALL

60 min F.R.R. WALL (SB-3 W4a)	2x4 WOOD STUDS @ 16" O.C. 4" THICK ABSORPTIVE MATERIAL RESILIENT METAL CHANNEL ON ONE SIDE @ 16" O.C. 2 LAYERS OF 5/8" TYPE "X" GYPSUM BOARD ON RESILIENT METAL CHANNELS 1 LAYER OF 5/8" TYPE "X" GYPSUM BOARD ON OTHER SIDE
60 min F.R.R. CEILING (SB-3 F1d)	ONE SUBFLOOR LAYER OF 11mm SANDED PLYWOOD, OSB OR WATERBOARD ONE SUBFLOOR LAYER OF 15.5mm PLYWOOD, OSB, WATERBOARD OR 17mm TONGUE AND GROOVE LUMBER EXISTING FLOOR JOISTS W/ SPACING NOT MORE THAN 24" O.C. ABSORPTIVE MATERIAL IN CAVITY RESILIENT METAL CHANNELS @24" O.C. 2 LAYERS OF 5/8" TYPE "X" GYPSUM BOARD ON CEILING SIDE
60 MIN F.R.R. STAIR	STAIR W/ 5/8" TYPE "X" GYPSUM BOARD ON METAL FURRING CHANNEL
60 min F.R.R. FOR ALL DOORS AND HARDWARE WITHIN FIRE RATED ASSEMBLIES	



1

PROP. BASEMENT PLAN

SCALE 1/8"=1'-0"

STATS:

BASEMENT AREA:	1229.88	SQ.FT
	114.26	SQ.M

181 ASHLEY STREET UNIT 182, MANHAM CHESH 302
TELEPHONE: (505) 947-4910 FAX: (505) 308-8370
Website: www.frontrun.co Email: brian@frontrun.co



C	ISSUED FOR PERMIT	MAY 14, 20
B	ISSUED FOR PERMIT	MAR 26, 20
A	ISSUED FOR PERMIT	FEB 09, 20
NO.	ISSUED/REVISED	DATE

Owner & Address

107 Rosebrough Cirt
Markham, On

Drawing Title

PROPOSED BASEMENT
PLAN

Project No. DES18-02-03A

Drawn by M.P

Checked by F.F

Date MAY 14, 2013

	Drawing No.

A2.1

Scale

AS SHOWN

- LEGEND:
- [W1] W1 - EXISTING BUILDING WINDOW
 - [W2] W2 - NEW WINDOW 32"x18"
 - [D1] D1 - EXISTING EXTERIOR DOOR TO REMAIN
 - [D2] D2 - EXISTING ROOM DOOR TO REMAIN
 - [D3] D3 - NEW ROOM DOOR TO MATCH
 - [SA] SMOKE ALARM
 - [CD] CARBON MONOXIDE DETECTOR
 - [PW] NEW 4" PARTITION WALL

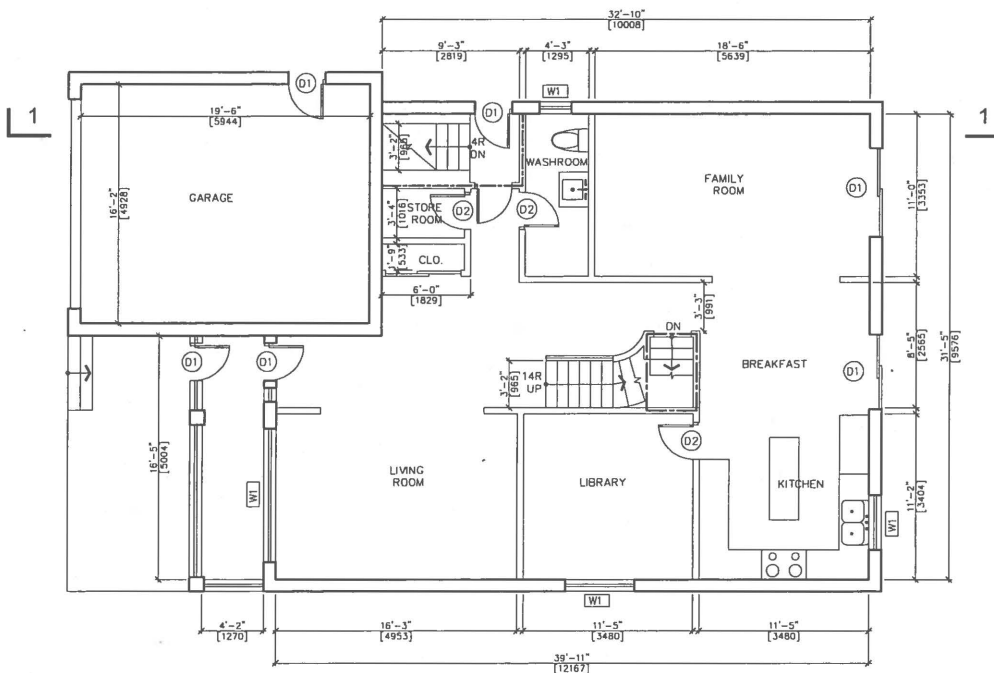
FIRE PROTECTION LEGEND

60 min F.R.R. WALL (SB-3 W4a)
 2X4 WOOD STUDS @ 16" O.C.
 4" THICK ABSORPTIVE MATERIAL
 RESILIENT METAL CHANNEL ON ONE SIDE @ 16" O.C.
 2 LAYERS OF 5/8" TYPE 'X' GYPSUM BOARD ON
 RESILIENT METAL CHANNEL SIDE
 1 LAYER OF 5/8" TYPE 'X' GYPSUM BOARD ON OTHER SIDE

60 min F.R.R. CEILING (SB-3 F11d)
 ONE SUBFLOOR LAYER OF 11mm SANDED PLYWOOD, OSB
 OR WAFERBOARD
 ONE SUBFLOOR LAYER OF 15.5mm PLYWOOD, OSB,
 WAFERBOARD OR 17mm TONGUE AND GROOVE LUMBER
 EXISTING FLOOR JOISTS W/ SPACING NOT MORE THAN 24" O.C.
 ABSORPTIVE MATERIAL IN CAVITY
 RESILIENT METAL CHANNELS @ 24" O.C.
 2 LAYERS OF 5/8" TYPE 'X' GYPSUM BOARD ON CEILING SIDE

60 MIN F.R.R. STAIR
 STAIR
 W/ 5/8" TYPE 'X' GYPSUM BOARD ON
 METAL FURRING CHANNEL

60 min F.R.R. FOR ALL DOORS AND HARDWARE WITHIN FIRE RATED
 ASSEMBLIES



1 PROP. GROUND FLOOR PLAN
 SCALE 3/32"=1'-0"

STATS:
 BUILDING AREA: 1567.00 SQ.FT
 GROUND FLOOR AREA: 1445.58 SQ.M
 GROSS FLOOR AREA: 1147.80 SQ.FT
 106.63 SQ.M

FRONTOP ENGINEERING LIMITED

101 RIDGER STREET, UNIT 102, MARKHAM ON L3R 9C2
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C	ISSUED FOR PERMIT	MAY 14, 2018
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A	ISSUED FOR PERMIT	FEB 09, 2018
NO.	ISSUED/REVISED	DATE

Owner & Address
 107 Rosebrough Circt
 Markham, On

Drawing Title
**PROPOSED GROUND
 FLOOR PLAN**

Project No.
 DES18-02-03A

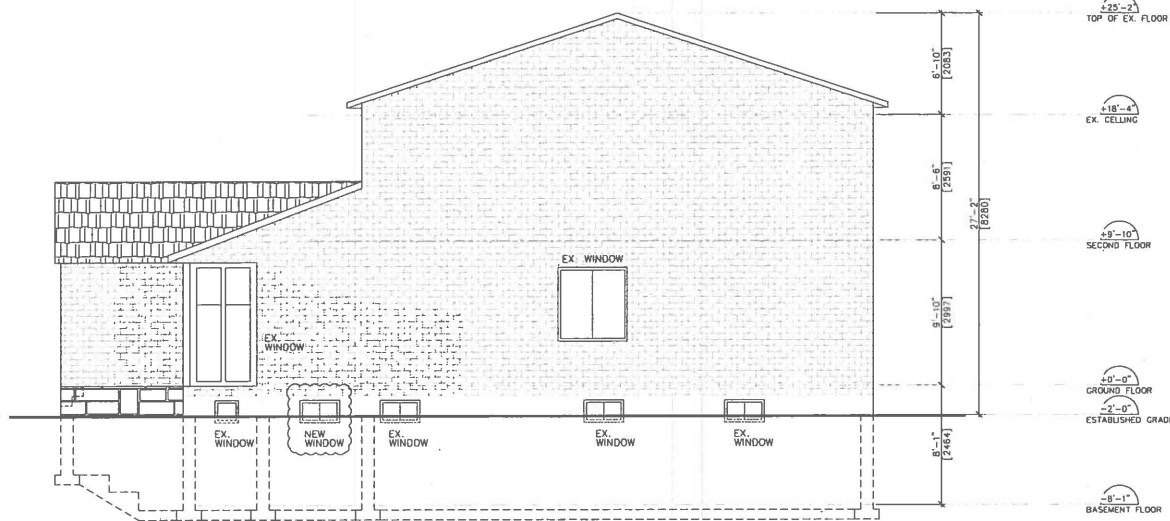
Drawn by
 M.P

Checked by
 F.F

Date
 MAY 14, 2018

Drawing No.
A2.2

Scale
 AS SHOWN



1 PROP. SOUTH ELEVATION
SCALE 1/8"=1'-0"

Distance	1.78 m	
Type	Area(sq.ft.)	(%)
Unprotected openings	79.69	7.44
Exposed building face	1070.92	

FRONTOP ENGINEERING LIMITED



191 HARBOR STREET, UNIT 182, MARKHAM ON L3R 3X2
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Owner & Address

107 Rosebrough Circt
Markham, On

Drawing Title

PROPOSED SOUTH
ELEVATION

Project No.

DES18-02-03A

Drawn by

M.P.

Checked by

F.F.

Date

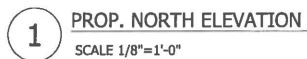
MAY 14, 2018

Drawing No.

A2.5

Scale

AS SHOWN



Distance	1.83 m	
Type	Area(sq.ft.)	(%)
Unprotected openings	48.63	4.61
Exposed building face	1038.02	

C	ISSUED FOR PERMIT	MAY 14, 2018
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NO.	ISSUED/REVISED	DATE

107 Rosebrough Circt
Markham, On

PROPOSED NORTH
ELEVATION

Project No. DES18-02-03A

Drawn by M.P

Checked by FF

Date MAY 14, 2018

Drawing No. **A2.6**

Scale AS SHOWN

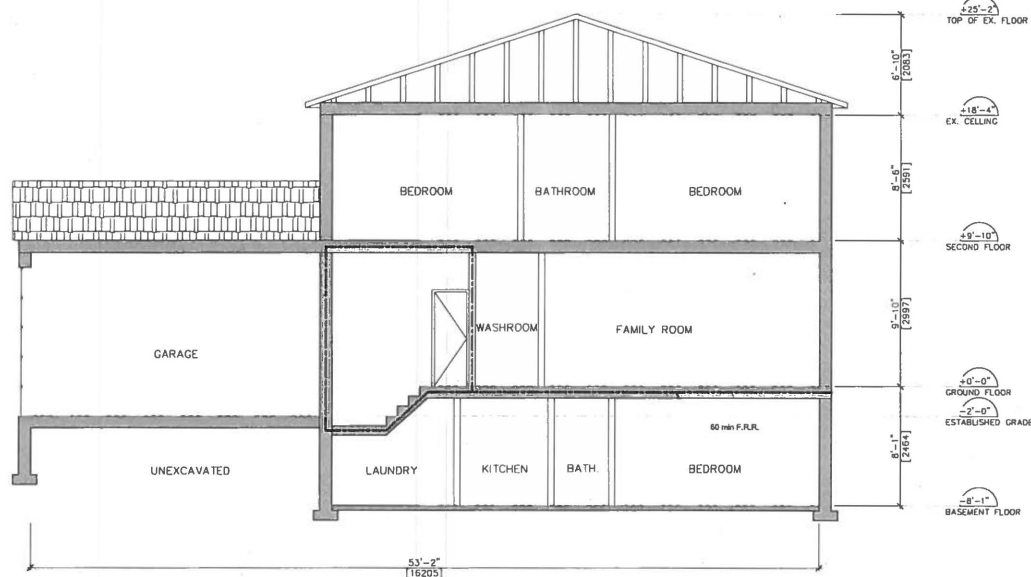
FIRE PROTECTION LEGEND

60 min F.R.R. WALL (SB-3 W4a)
 2X4 WOOD STUDS @ 16" O.C.
 4" THICK ABSORPTIVE MATERIAL
 RESILIENT METAL CHANNEL ON ONE SIDE @ 16" O.C.
 2 LAYERS OF 5/8" TYPE 'X' GYPSUM BOARD ON
 RESILIENT METAL CHANNEL SIDE
 1 LAYER OF 5/8" TYPE 'X' GYPSUM BOARD ON OTHER SIDE

60 min F.R.R. CEILING (SB-3 F11d)
 ONE SUBFLOOR LAYER OF 11mm SANDED PLYWOOD, OSB
 OR WAFERBOARD
 ONE SUBFLOOR LAYER OF 15.5mm PLYWOOD, OSB,
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 ABSORPTIVE MATERIAL IN CAVITY
 RESILIENT METAL CHANNELS @ 24" O.C.
 2 LAYERS OF 5/8" TYPE 'X' GYPSUM BOARD ON CEILING SIDE

60 MIN F.R.R. STAIR
 STAIR
 W/ 5/8" TYPE 'X' GYPSUM BOARD ON
 METAL FURRING CHANNEL

60 min F.R.R. FOR ALL DOORS AND HARDWARE WITHIN FIRE RATED
 ASSEMBLIES



1 SECTION 1
 SCALE 1/8"=1'-0"

FRONTOP ENGINEERING LIMITED

181 ARBACH STREET, UNIT 142, MARKHAM, ON L3R 0E2
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 Website: www.frontop.ca Email: info@frontop.ca



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NO.	ISSUED/REVISED	DATE

Owner & Address
 107 Rosebrough Circt
 Markham, Cn

Drawing Title
SECTION 1-1

Project No.
 DES18-02-03A

Drawn by
 M.P

Checked by
 F.F

Date
 MAY 14, 2018

Drawing No.
A2.7

Scale
 AS SHOWN