

Memorandum to the City of Markham Committee of Adjustment

June 27, 2018

File: A/74/18
Address: 41 Shieldmark Crescent, Thornhill
Applicant: Sydney Ma
Agent: EQL Design (Erica Miranda)
Hearing Date: Wednesday July 11, 2018

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

The applicant is requesting relief from the following requirements of By-law 2489, as amended:

a) Section 4.1:

a second dwelling unit; whereas, the By-law permits no more than one single detached dwelling unit on one lot; as it relates to a proposed basement apartment.

BACKGROUND

Property Description

The 557.18 m² (5997.43 ft²) subject property is located on the south side of Shieldmark Crescent, east of Yonge Street. The property is developed with a 243.77 m² (2624 ft²) two-storey detached dwelling, which according to assessment records was constructed in 1972. The property currently provides a total of 5 parking spaces, 2 in the garage and 3 on the driveway. The surrounding area is an established residential neighbourhood, comprised of two-storey detached dwellings.

Proposal

The applicant is proposing a secondary suite that occupies the entire basement of the existing dwelling. The proposed secondary suite would have direct and separate access provided by a door on the east side of the building. The proposal also includes the enlargement of a window on the south side of the existing 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 29th, 2018, Council voted not to permit second suites as of right in any single detached, semi-detached, or townhouse dwelling.

Zoning By-law 2489

The subject property is zoned R3A ‘Third Density Single Family Residential’ under By-law 2489 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, “a secondary basement dwelling is not permitted”.

Zoning Preliminary Review Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has been conducted.

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

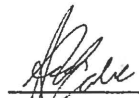
No written submissions were received as of June 27th 2018. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

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 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.



Adsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District

File Path: Amanda\File\ 18 234450 \Documents\District Team Comments Memo

APPENDIX "A"

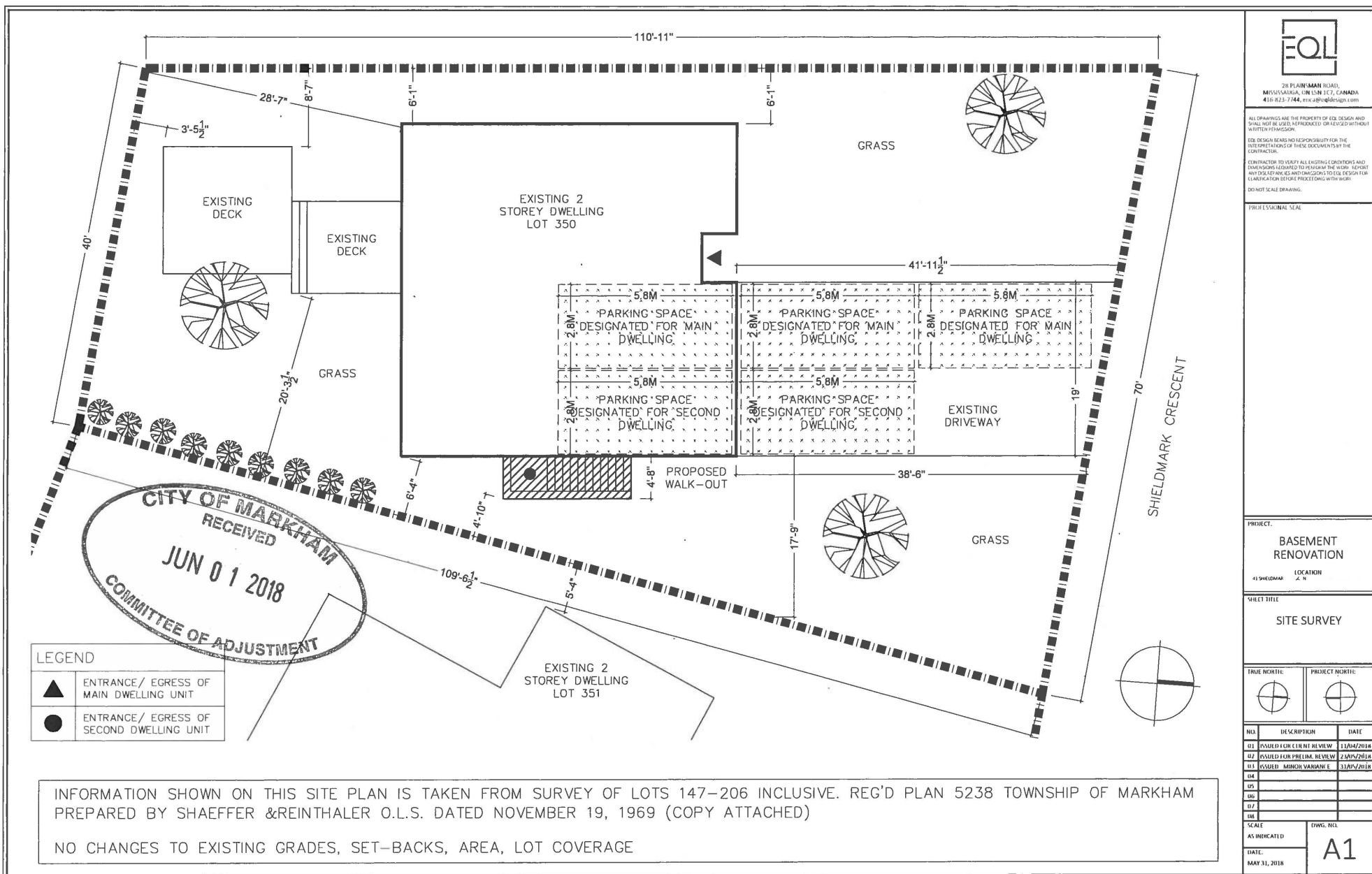
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/74/18

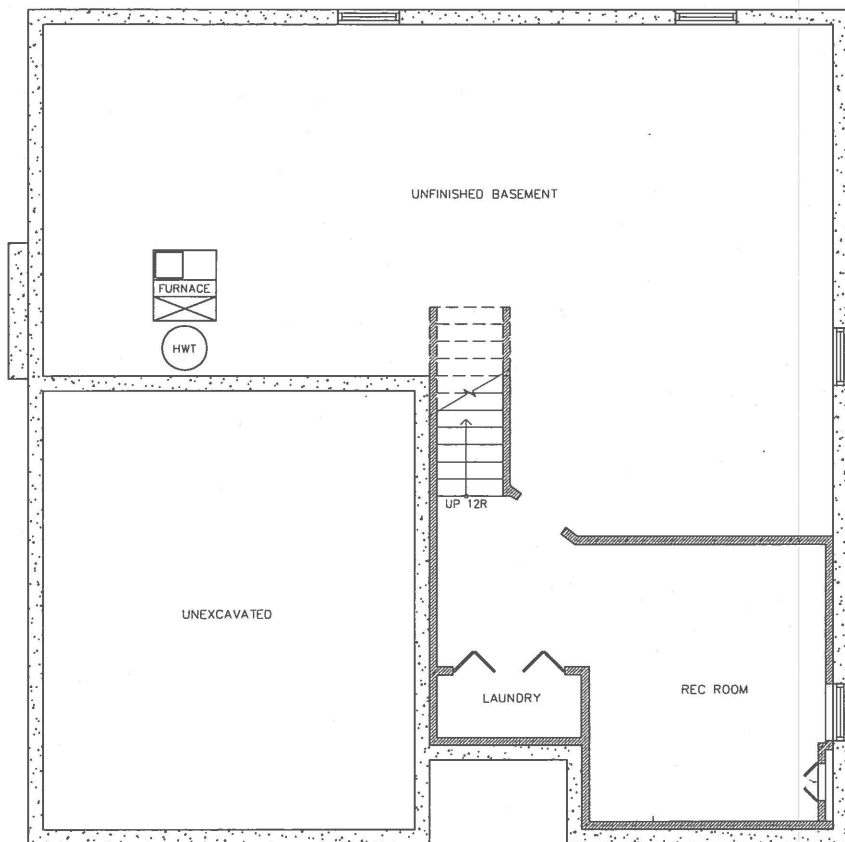
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on June 01, 2018 and that the Secretary-Treasurer 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





1 EXISTING BASEMENT PLAN (868SF)(80.64SM)
A2 SCALE = 3/16"=1'-0"



78 PLAINMAN ROAD,
MISSISSAUGA, ON L4W 1C7, CANADA
416.833.7744, ersa@eqldesign.com

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PROFESSIONAL SEAL

PROJECT

BASEMENT
RENOVATION

LOCATION
41 SHELDON AVE. CLERKTON THORNHILL, ON L3T 1T6

SHEET TITLE

EXISTING FLOOR
PLAN

TRUE NORTH



PROJECT NORTH



NO.	DESCRIPTION	DATE
01	ISSUED FOR CLIENT REVIEW	11/04/2018
02	ISSUED FOR PRELIM. REVIEW	23/07/2018
03	ISSUED - MINOR VARIANCE	11/07/2018
04		
05		
06		
07		
08		
SCALE		DWG. NO.
AS INDICATED		A2
DATE		
MAY 31, 2018		



78 PLAINSMAN ROAD,
MISSISSAUGA, ONTARIO L7C 1C7, CANADA
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PROFESSIONAL SEAL:

PROJECT

BASEMENT RENOVATION

LOCATION
41 SHELDON AVE (EAST) 1400 HILL ON E17 3TH

SHEET TITLE

PROPOSED FLOOR PLAN

TRUE NORTH:



PROJECT NORTH:



NO.	DESCRIPTION	DATE
01	ISSUED FOR CLIENT REVIEW	1 JUN/2018
02	ISSUED FOR PRELIM. REVIEW	2 MAY/2018
03	ISSUED - MINOR VARIANCE	31 MAY/2018
04		
05		
06		
07		
08		

SCALE

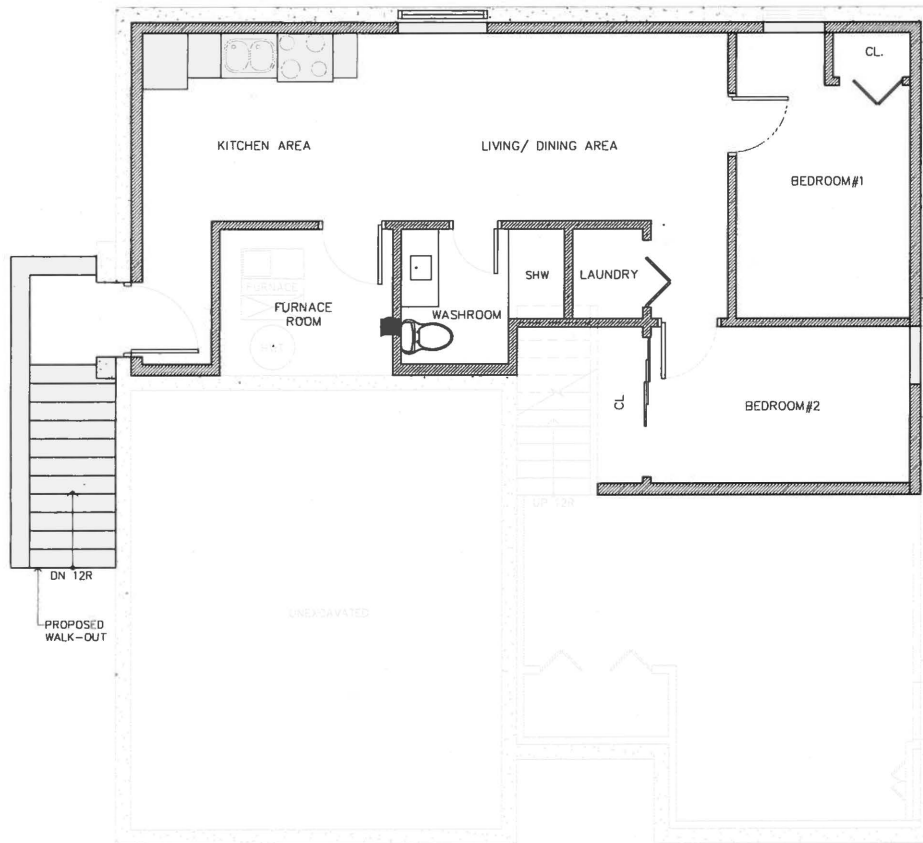
AS INDICATED

DATE:

MAY 31, 2018

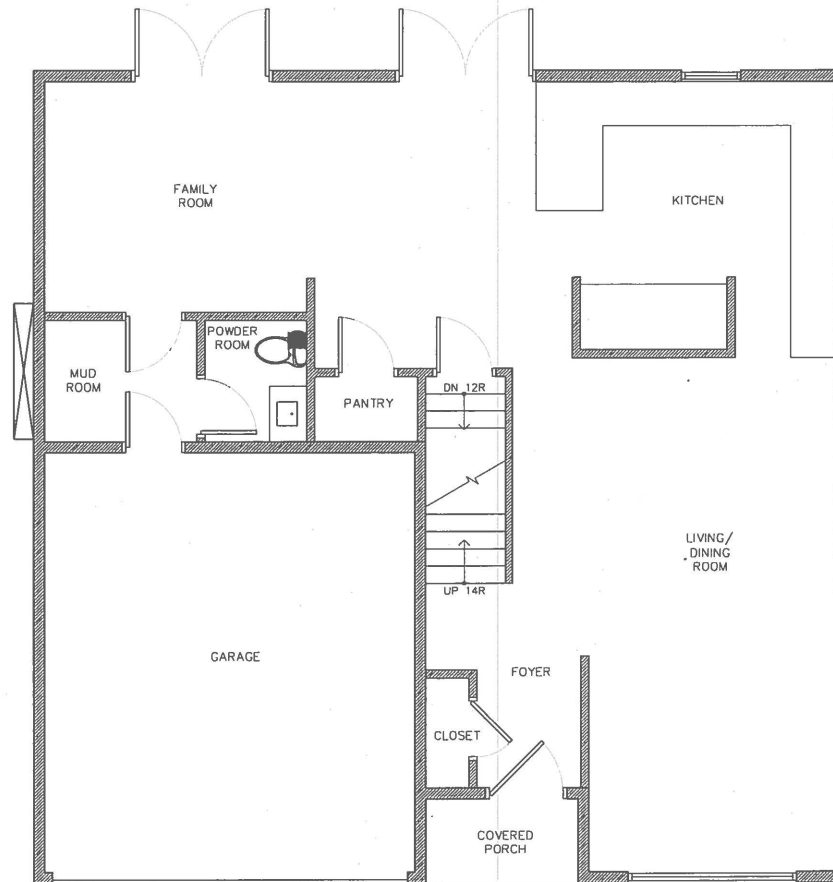
DWG. NO.

A3



1 PROPOSED BASEMENT PLAN (570SF)(53SM)
A3 SCALE = 3/16"=1'-0"

PROPOSED BASEMENT PLAN (570SF)(53SM) IS 30.48% OF MAIN DWELLING UNIT (1870SF)(173.73SM)



1
A4 EXISTING MAIN FLOOR PLAN (907SF)(84.26SM)
SCALE = 3/16"=1'-0"

EXISTING LAYOUT. NO CHANGES. KEEP AS-IS



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MIDVALE, ONT L3L 1C7, CANADA
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PROFESSIONAL SEAL:

PROJECT:

**BASEMENT
RENOVATION**

LOCATION
41 SHELDON AVE. SCOT. THORNHILL, ON L3T 3T6

SHEET TITLE:

**EXISTING MAIN
FLOOR PLAN**

TRUE NORTH:



PROJECT NORTH:



NO.	DESCRIPTION	DATE
01	ISSUED FOR CLIENT REVIEW	11/04/2018
02	ISSUED FOR PRELIM. REVIEW	2/20/2019
03	ISSUED: MINOR REVISIONS	3/10/2019
04		
05		
06		
07		
08		

SCALE:
AS INDICATED

DATE:
MAY 31, 2018

DWG. NO.

A4



JR PLAINSMAN REAL,
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ANY DISCREPANCIES AND DISCREPANCIES TO EQL DESIGN FOR
CLARIFICATION BEFORE PROCEEDING WITH WORK.

DO NOT SCALE DRAWING.

PROFESSIONAL SEAL:

PROJECT:

BASEMENT
RENOVATION

LOCATION:
43 SHELDONWAY (SUCCENT) THORNHILL, ON L3T 3T6

SHEET TITLE:

EXISTING SECOND
FLOOR PLAN

TRUE NORTH:



PROJECT NORTH:



NO.	DESCRIPTION	DATE
03	ISSUED FOR CLIENT REVIEW	11/04/2018
02	ISSUED FOR PRELIM. REVIEW	23/05/2018
01	ISSUED - MINOR VARIANCE	31/05/2018
04		
05		
06		
07		
08		

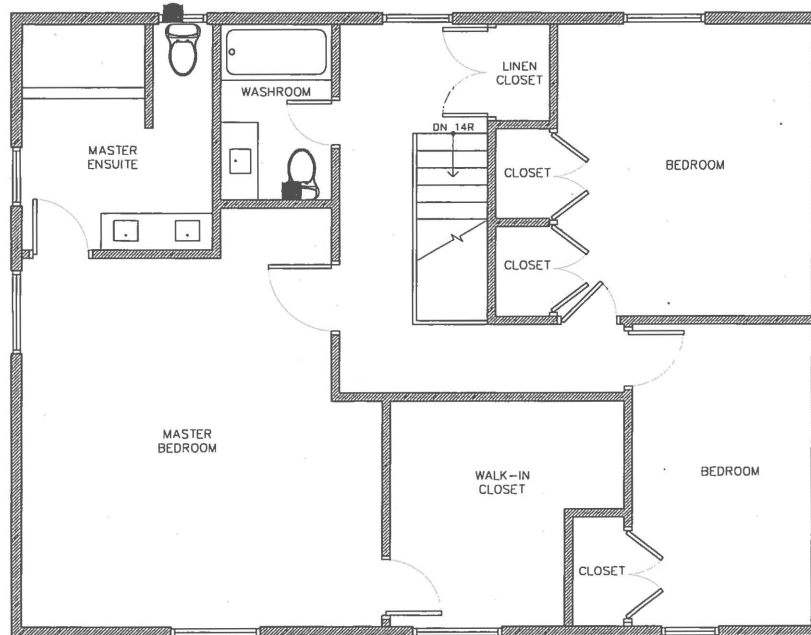
SCALE:

AS INDICATED

DATE:
MAY 31, 2018

DWG. NO.

A5



1 EXISTING SECOND FLOOR PLAN (963SF)(89.47SM)
A5 SCALE = 3/16"=1'-0"

EXISTING LAYOUT. NO CHANGES. KEEP AS-IS