

Memorandum to the City of Markham Committee of Adjustment

August 07, 2019

File: A/79/19
Address: 16 Wickson Street, Markham
Applicant: Desmond Jordon Isaac
Agent: Rathini Isaac & Desmond Jordon Isaac
Hearing Date: Wednesday August 28, 2019

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

The applicant is requesting relief from the following requirements of the Residential Two*222*224*322 (R2*222*224*322) zone in By-law 177-96, as amended, to permit:

a) **Section 6.5:**

a second dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot.

BACKGROUND

Property Description

The 418.06 m² (4,500 ft²) subject property is located at the northeast corner of Wickson Street and Geddington Crescent, which is south of Copper Creek Drive and east of Boswell Road in the Box Grove community. The property is located within a residential neighbourhood comprised of two-storey detached dwellings. There is an existing two-storey detached dwelling on the property, which according to assessment records was constructed in 2008.

Proposal

The applicant is requesting permission for an existing secondary suite in the basement of the existing dwelling as shown in Appendix A. The plans show three enlarged windows for the basement unit at the front of the building. Independent access to the secondary suite is provided via stairs at the rear of the building.

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."

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 single 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:

- a) The building type in which the secondary suite is contained;
- b) The percentage of the floor area of the building type devoted to the secondary suite;
- c) The number of dwelling units permitted on the same lot;
- d) The size of the secondary suite;
- e) The applicable parking standards; and
- f) 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*222*224*322’ (R2*222*224*322) under By-law 177-96, as amended, which permits various forms of low rise housing, including single detached dwellings. Section 6.5 of the By-law permits only one dwelling on a lot, and the applicant has therefore submitted a variance application to permit an existing accessory unit that in the basement of the existing dwelling.

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, *“because it was not approved prior”*.

Zoning Preliminary Review (ZPR) Not 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.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 12th, 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. 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:



Aqsa Malik, Planner I, East District

REVIEWED BY:



Stephen Corr, Senior Planner, East District
File Path: Amanda\File\ 19 128632 \Documents\District Team Comments Memo

APPENDIX "B"

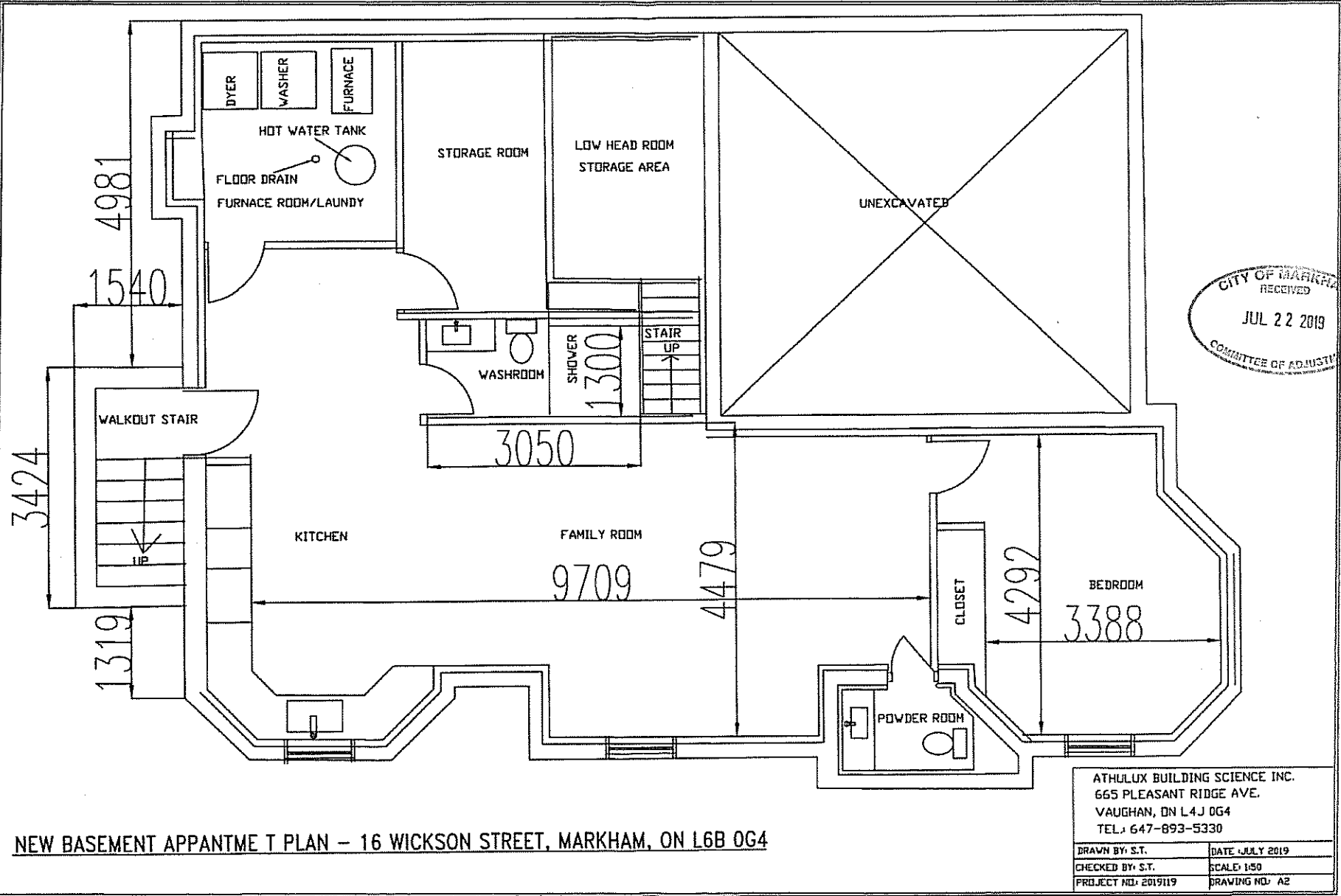
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/79/19

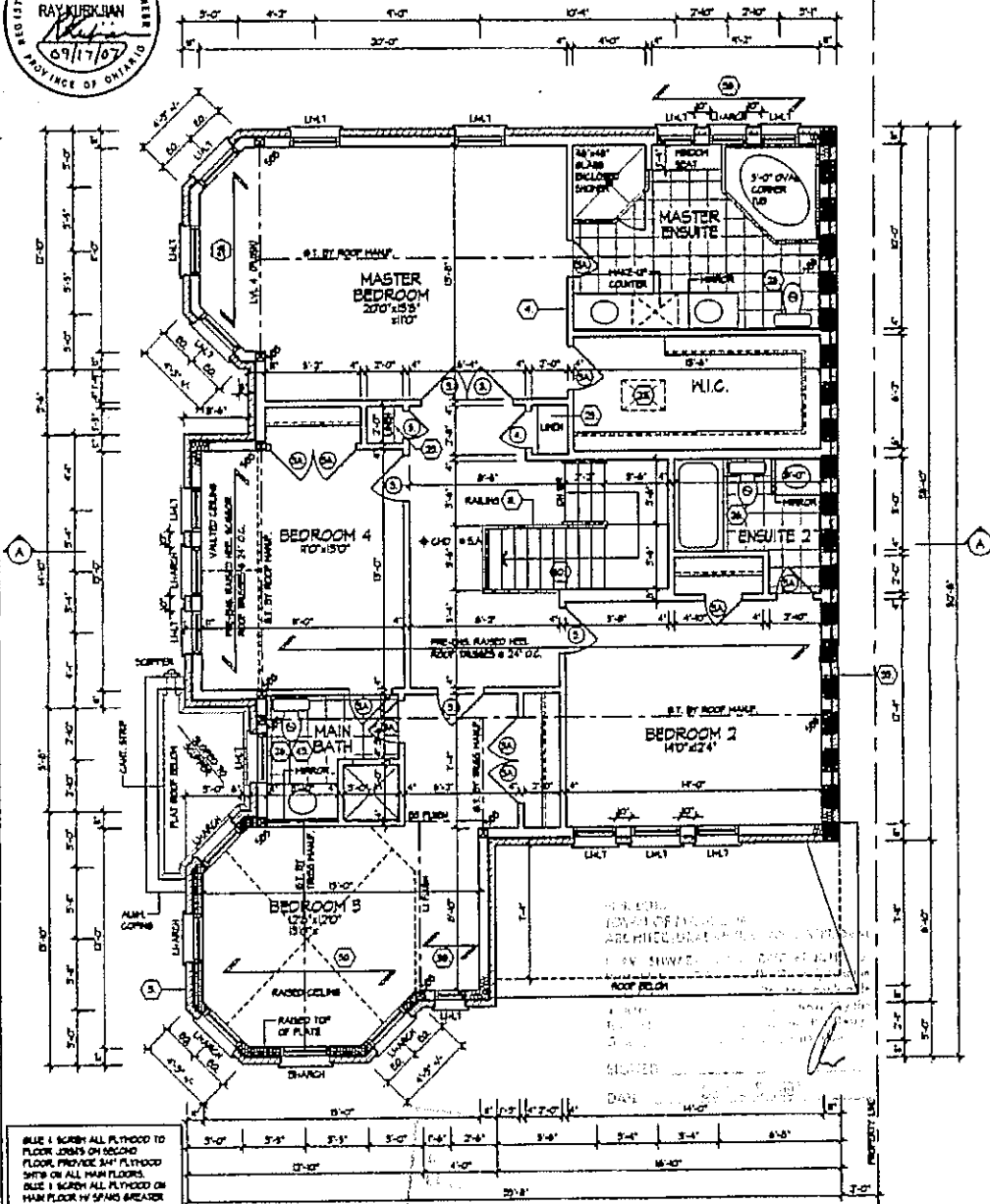
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report and received by the City of Markham on July 22nd, 2019, and that the Secretary-Treasurer 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; and
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 I, East District



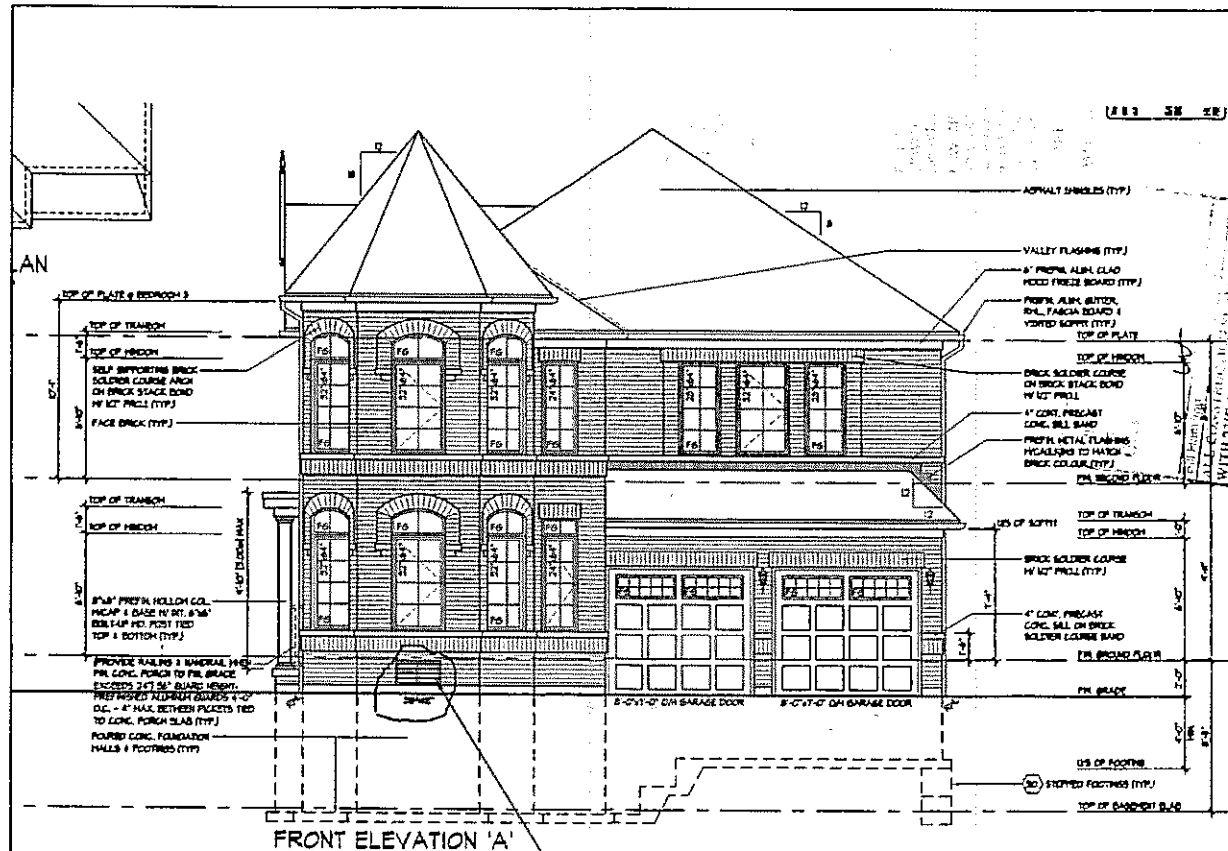


SECOND FLOOR PLAN ELEVATION 'A'

SECOND FLOOR PLAN - 16 WICKSON STREET, MARKHAM, ON L6B 0G4

NOTE: SECOND FLOOR PLAN PREPARED BY HUNT DESIGN ASSOCIATES INC. OBTAINED FROM THE CITY OF MARKHAM HAS BEEN REFERENCED.

ATHLIX BUILDING SCIENCE INC. 665 PLEASANT RIDGE AVE. VAUGHAN, ON L4J 0G4 TEL: 647-893-5200	
DRAWN BY: S.T.	DATE: JULY 2019
CHECKED BY: S.T.	SCALE:
PROJECT NO: 2019119	DRAWING NO: A4



FRONT ELEVATION 'A'

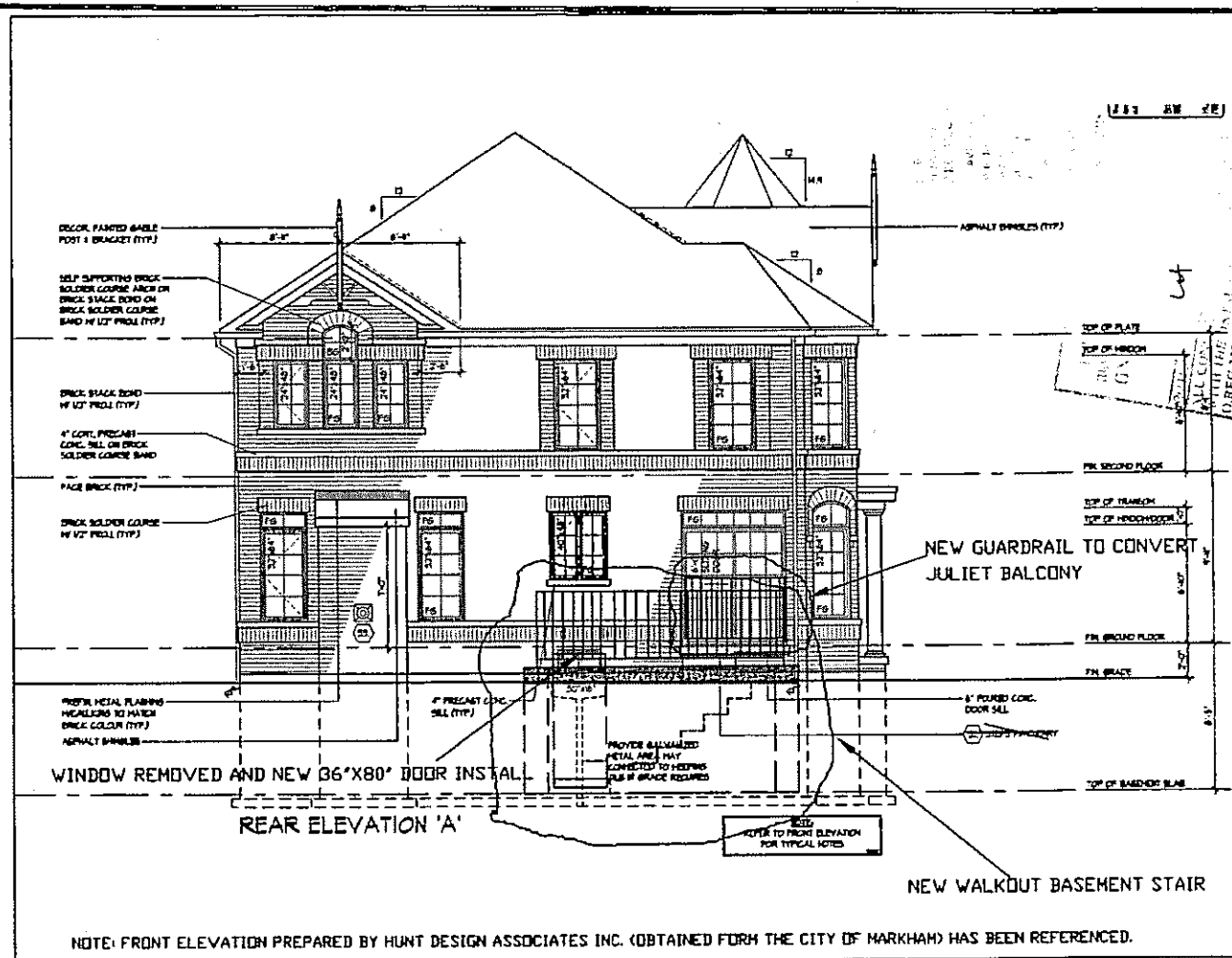
WINDOW REMOVED AND WALL FILLED WITH BRICK

NOTE: FRONT ELEVATION PREPARED BY HUNT DESIGN ASSOCIATES INC. (OBTAINED FROM THE CITY OF MARKHAM) HAS BEEN REFERENCED.

FRONT ELEVATION - 16 WICKSON STREET, MARKHAM, ON L6B 0G4

ATHULUX BUILDING SCIENCE INC.
665 PLEASANT RIDGE AVE.
VAUGHAN, ON L4J 0G4
TEL: 647-893-5330

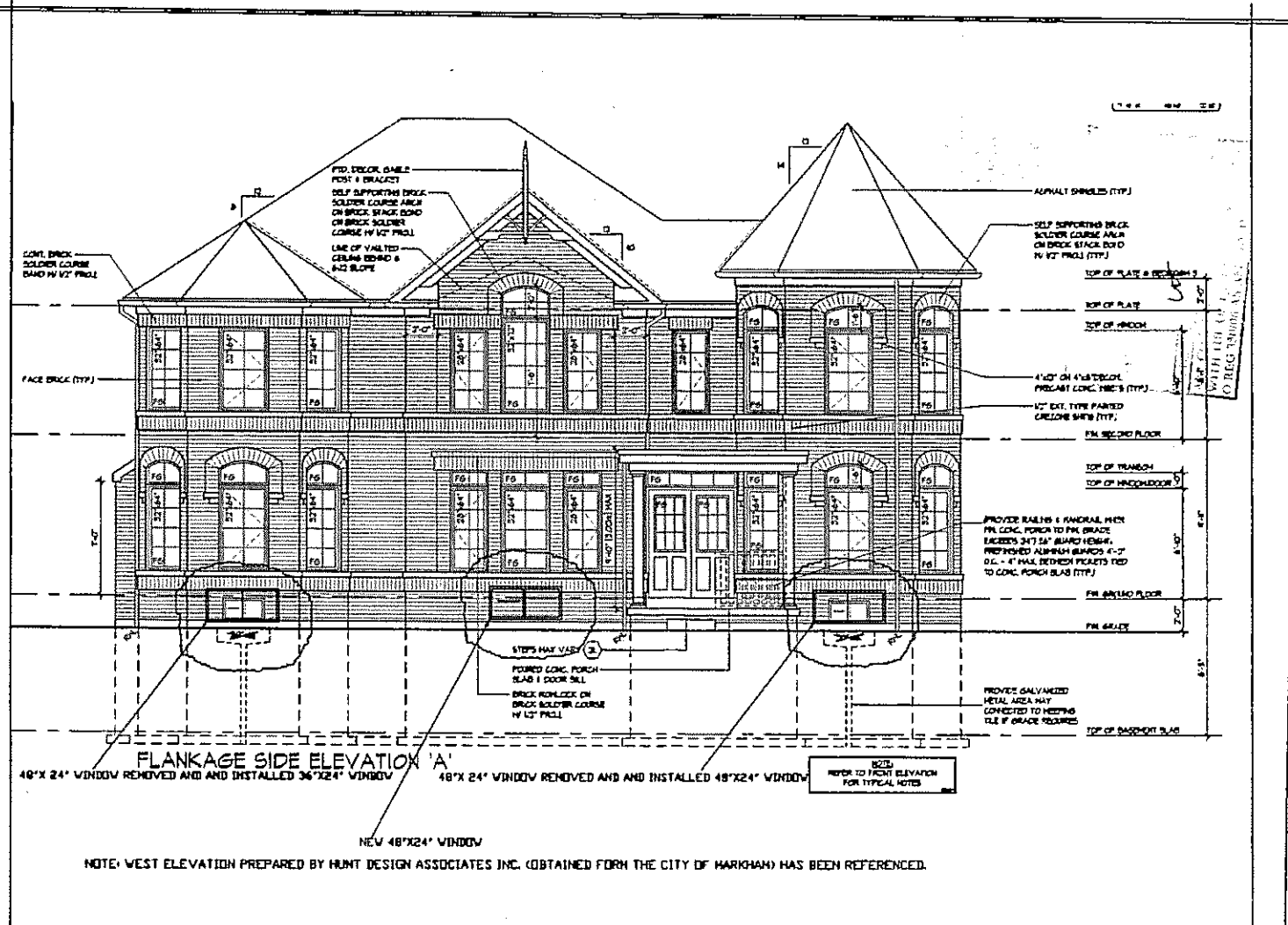
DRAWN BY: S.T.	DATE: JULY 2019
CHECKED BY: S.T.	SCALE:
PROJECT NO: 2019119	DRAWING NO: A5



REAR ELEVATION - 16 WICKSON STREET, MARKHAM, ON L6B 0G4

ATHULUX BUILDING SCIENCE INC.
665 PLEASANT RIDGE AVE.
VAUGHAN, ON L4J 0G4
TEL: 647-893-5330

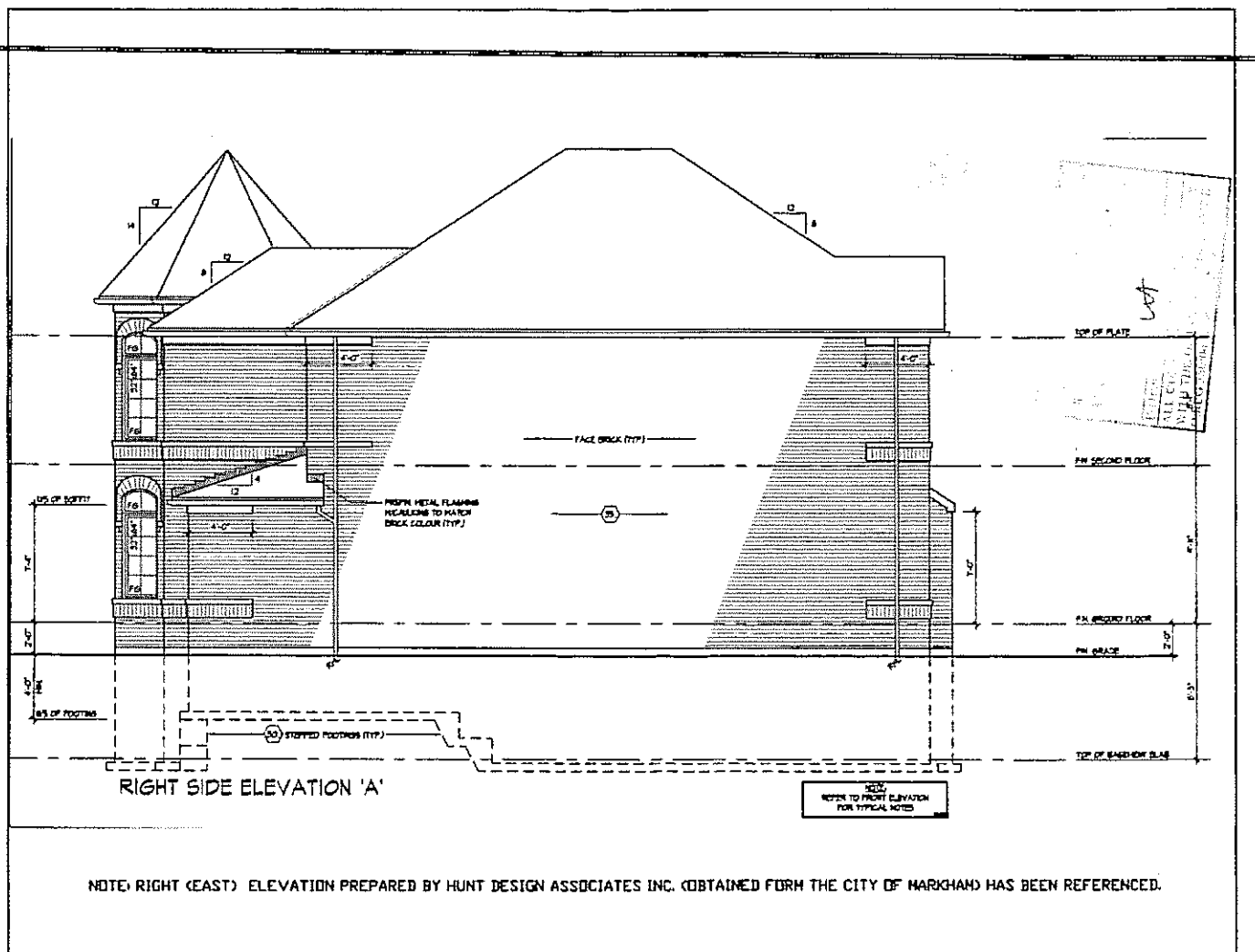
DRAWN BY: S.T.	DATE: JULY 2019
CHECKED BY: S.T.	SCALE:
PROJECT NO: 2019119	DRAWING NO: A5



WEST ELEVATION – 16 WICKSON STREET, MARKHAM, ON L6B 0G4

ATHULUX BUILDING SCIENCE INC.
665 PLEASANT RIDGE AVE.
VAUGHAN, ON L4J 0G4
TEL: 647-893-5330

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PROJECT NO: 2019119	DRAWING NO: A7



RIGHT (EAST) ELEVATION – 16 WICKSON STREET, MARKHAM, ON L6B 0G4

ATHULUX BUILDING SCIENCE INC.
665 PLEASANT RIDGE AVE.
VAUGHAN, ON L4J 0G4
TEL: 647-893-5330

DRAWN BY: S.T.	DATE: JULY 2019
CHECKED BY: S.T.	SCALE:
PROJECT NO: 2019(19)	DRAWING NO: AB

**SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF LOTS 84, 85, 86, 87 AND 88
PLAN 65M-4008
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK**

SCALE 1:300

10m 5m 0 10m 20metres

RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PART 2 (SURVEY REPORT)

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS: NONE
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 19TH DAY OF MARCH, 2008.

DATE APPROVED: 23RD 2008

JOSEPH RADY-PENTEK
ONTARIO LAND SURVEYOR



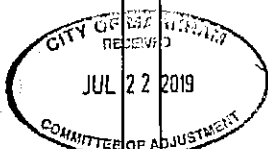
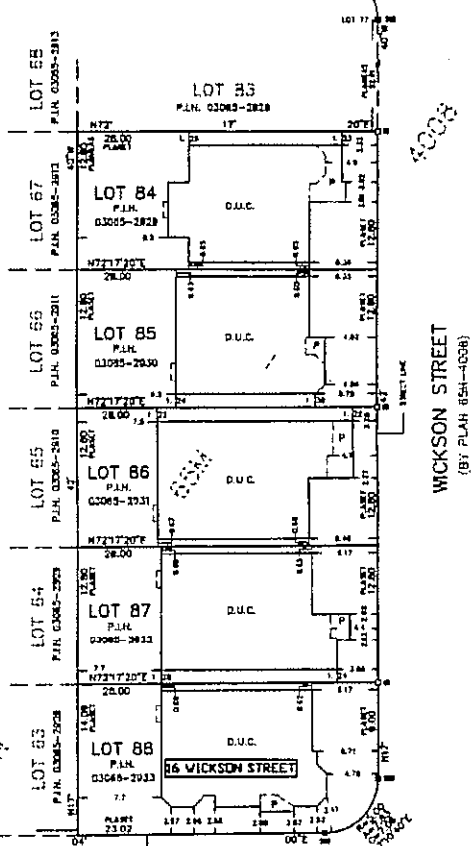
NOTES

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- DENOTES IRON BAR
- DENOTES STANDARD IRON BAR
- D.U.C. DENOTES DIMENSION UNDER CONSTRUCTION
- PRO DENOTES PROPERTY IDENTIFIER NUMBER
- PLAN DENOTES PLAN 65M-4008

ALL FOUND MONUMENTS BY:
DAVID B. SCARLES SURVEYING LTD., O.L.S.

ALL TIES TO CONCRETE FOUNDATIONS.

BEARINGS ARE GRID AND ARE REFERRED TO THE WESTERN LAST OF WICKSON STREET AS SHOWN ON PLAN 65M-4008 HAVING A BEARING OF N77°42'40\"



GEDDINGTON CRESCENT

(BY PLAN 65M-4008)

P.L.N. 03085-3143



RADY-PENTEK & EDWARD SURVEYING LTD.
ONTARIO LAND SURVEYORS
643 Christie Road, Suite 7
Woodbridge, Ontario L4L 8A3
Tel: (416) 835-5000 Fax: (416) 835-5001
Tel: (905) 264-0801 Fax: (905) 264-2089
Web site: www.rpe.ca
DRAWN: V.H. CHECKED: J.R.-P.
JOB No. 07-236 CAD FILE No. 4008-84

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ARISTA HOMES
AND THE UNDERSIGNED ACCEPTS NO
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SURVEY PLAN - 16 WICKSON STREET, MARKHAM, ON L6B 0G4

NOTE: SURVEY PLAN PREPARED BY RADY-PENTEK & EDWARD SURVEYING LTD. HAS BEEN REFERENCED.

ATHULUX BUILDING SCIENCE INC.
665 PLEASANT RIDGE AVE.
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