

# Memorandum to the City of Markham Committee of Adjustment

September 10, 2019

**File:** A/90/19  
**Address:** 26 The Bridle Trail Markham  
**Applicant:** Tanveer Ahmed  
**Agent:** (none)  
**Hearing Date:** Wednesday, October 09, 2019

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

The applicant is requesting relief from the following requirements of the 'Residential' (R6) zone in By-law 134-79, as amended, as it relates to a proposed basement apartment.

**a) Section 6.1:**

To permit a secondary suite, whereas the Bylaw permits no more than one dwelling unit on a lot.

## **BACKGROUND**

### **Property Description**

The 1080 m<sup>2</sup> (11625 ft<sup>2</sup>) subject property is located on the west side of The Bridal Trail, south of 16<sup>th</sup> Avenue and east of Kennedy Road, and within an established residential neighbourhood comprised of detached dwellings. An existing two-storey dwelling, serviced by a two-car garage and driveway, exists on the property since 1983.

### **Proposal**

The applicant requests permission for a secondary suite in the basement of the existing dwelling, as shown in Appendix A. The proposed secondary suite would have direct and separate access provided by an existing walkout through the basement at the exterior side of the dwelling. No other changes are being proposed to the dwelling exterior 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 *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 townhouse 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, Council shall be satisfied an appropriate set of development standards are provided in the zoning by-law, including the building type in which the secondary suite is contained, and the following:

- 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.

The proposed secondary suite is a permitted use in the 2014 Official Plan.

### Zoning By-Law

The subject property is zoned Residential (R6) under By-law 134-79, as amended, which permits single detached 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. The proposed secondary suite is not a permitted use and therefore does not comply with the by-law.

### **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 “*single family residence*.”

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The applicant 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 proposal. 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 the following 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.

### Proposed Secondary Suites

Engineering staff confirmed that the existing sanitary sewer system has adequate capacity to accommodate the proposed secondary suite and the Fire and Emergency Services Department has no objections provided the proposed 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 to ensure 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 Wednesday, September 25, 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:

A handwritten signature in black ink that reads "Justin Mott". The signature is written in a cursive, flowing style.

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Justin Mott, Planner, Zoning and Special Projects

REVIEWED BY:

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Stephen Lue, Development Manager, Central District

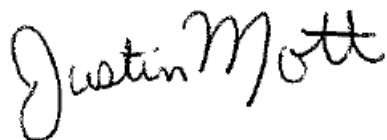
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## **APPENDIX “B”**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/90/19**

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 Tuesday, October 2nd, 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 applicant 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 applicant 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:

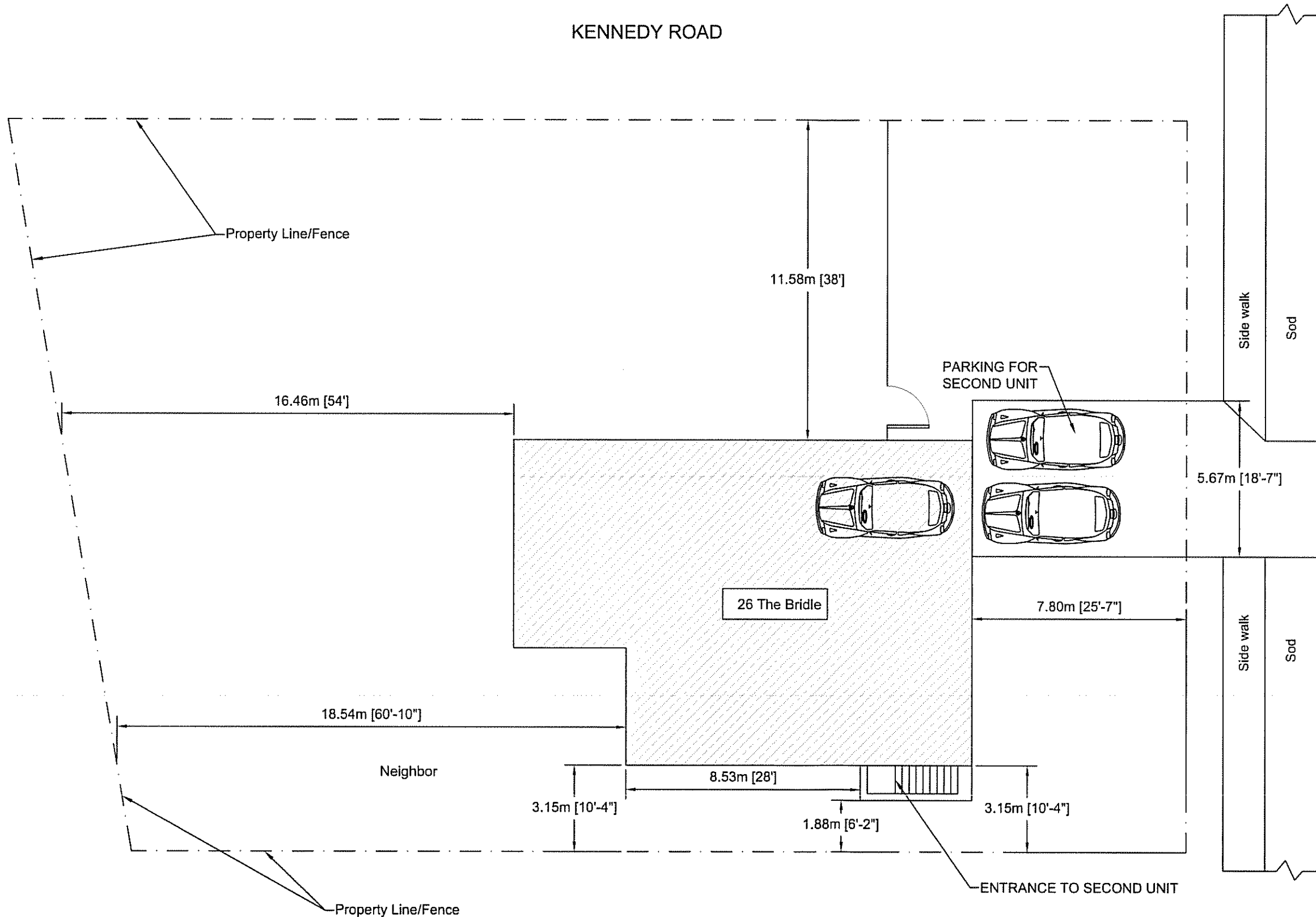
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Justin Mott, Planner, Zoning and Special Projects

Appendix A

RECEIVED  
OCT 02 2019  
DEVELOPMENT SERVICES  
CITY OF MARKHAM



Site Plan

Scale 1:150

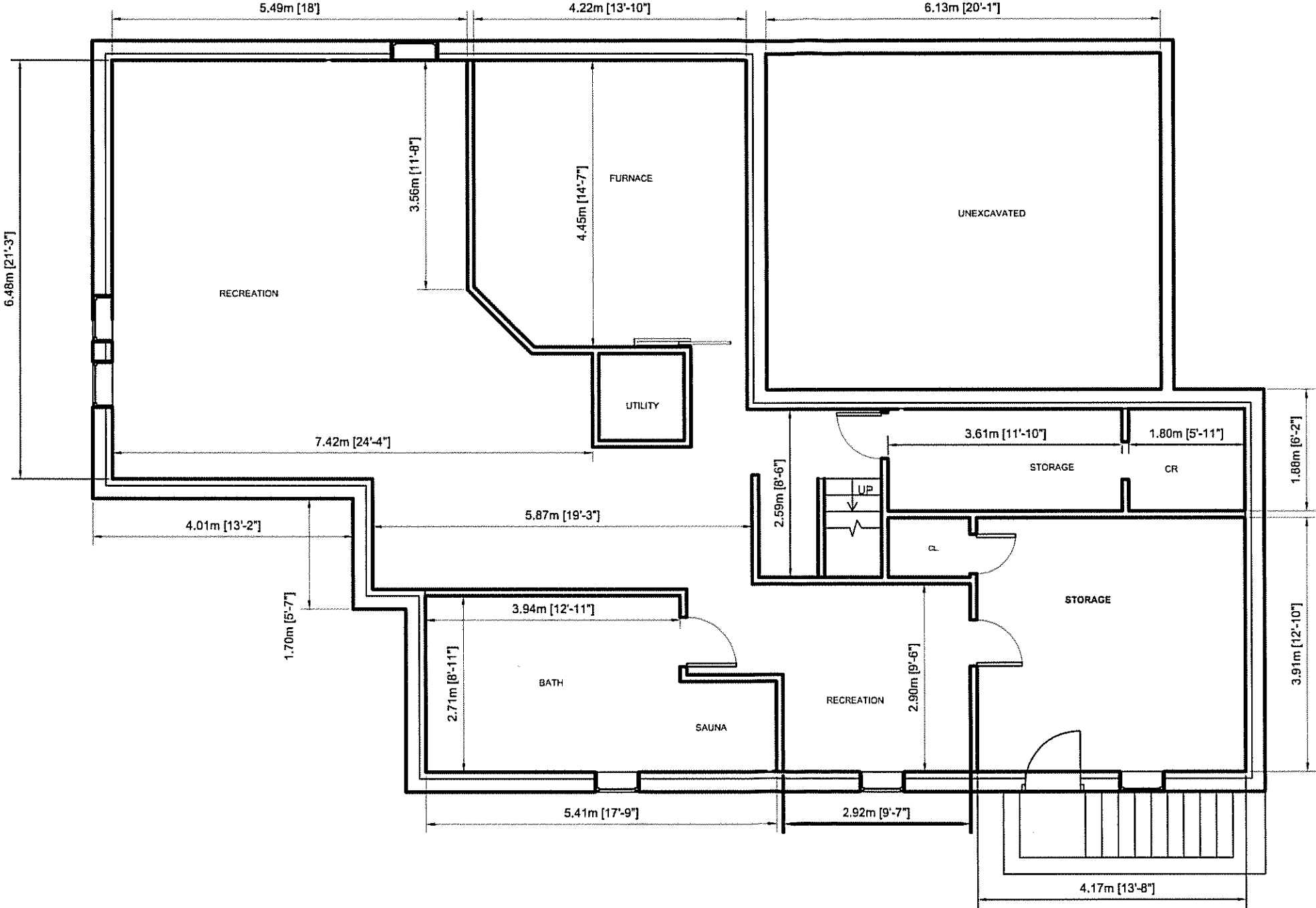
ENGINEER SEAL:		
SAUZTEQ Engineering Inc. www.sauzteq.ca Tel: 905-330-2431 Email: info@sauzteq.ca		
No.	Revision/Issue	Date

PROJECT:  
26 The Bridle Trail  
Unionville, On

TITLE:  
Site Plan

SCALE:	DRAWING NO. <b>SP</b>
DESIGNED BY:	
APPROVED BY:	

Appendix A



Existing Basement Plan  
Scale 1:75

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CITY OF MARKHAM

ENGINEER  
SEAL:

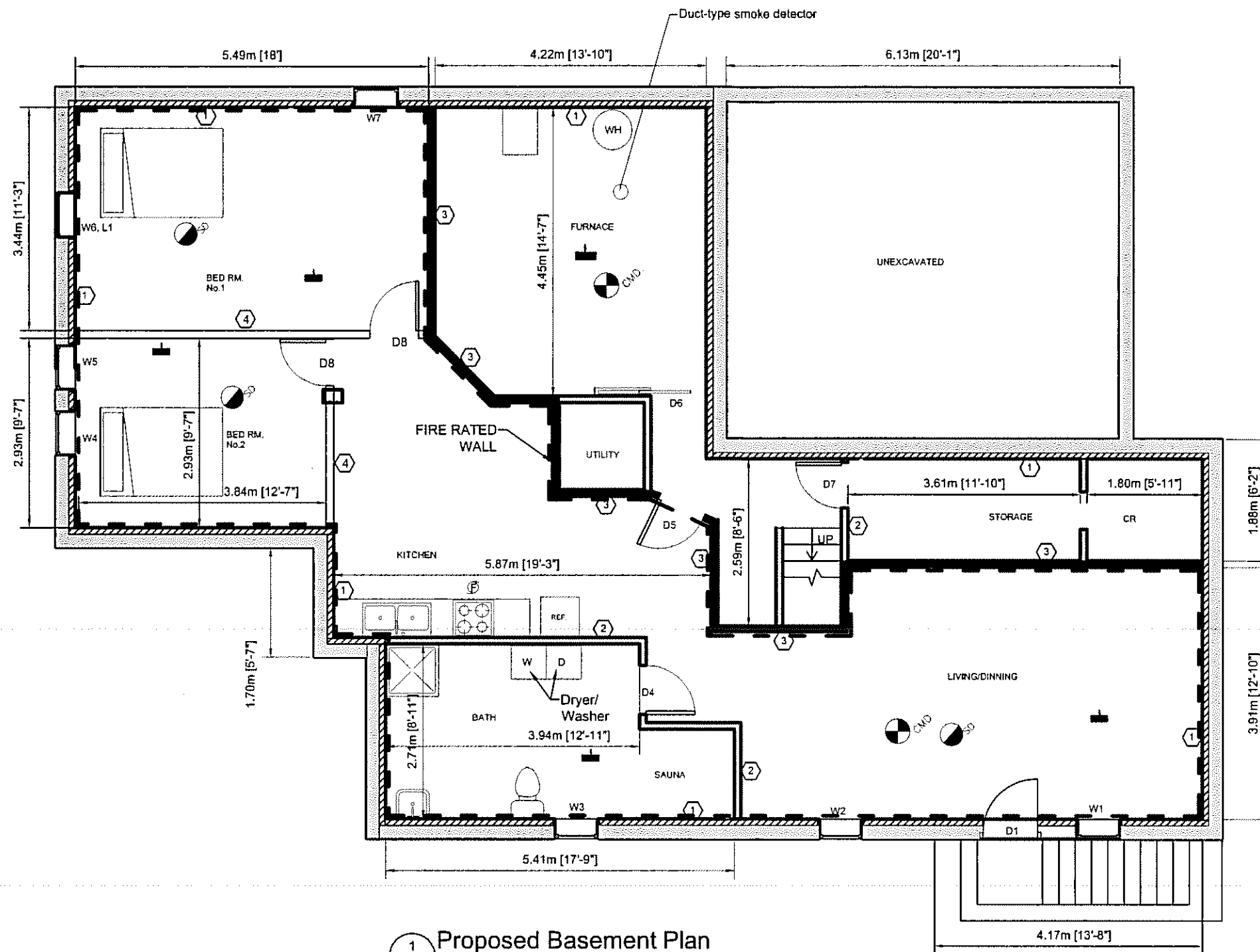
SAUZTEQ Engineering Inc.  
www.sauzteq.ca  
Tel: 905-330-2431  
Email: info@sauzteq.ca

No.	Revision/Issue	Date

PROJECT:  
26 The Bridle Trail  
Unionville, On

TITLE:  
Second Unit,  
Existing Basement  
Plan

SCALE:	DRAWING NO.
DESIGNED BY:	S1
APPROVED BY:	



ROOMS	FLOOR AREA	MIN.AREA OBC.PART 9	WINDOW AREA PROVIDED	%MIN.(AREA SQFT) REQUIRED, OBC PART 11
LIVING/ DINNING/	284 SQFT	225 SQFT	16.1 SQFT	5% (14.2 SQFT)
BED Rm.#1	203 SQFT	75 SQFT	7.2 SQFT	2.5% (5.1 SQFT)
BED Rm.#2	121 SQFT	75 SQFT	6.50 SQFT	2.5% (3.1 SQFT)

Appendix A

**RECEIVED**

OCT 02 2019

DEVELOPMENT SERVICES  
CITY OF MARKHAM

ENGINEER  
SEAL:

SAUZTEQ Engineering Inc.  
www.sauzteq.ca  
Tel: 905-330-2431  
Email: info@sauzteq.ca

No.	Revision/Issue	Date

PROJECT:

26 The Bridle Trail  
Unionville, On

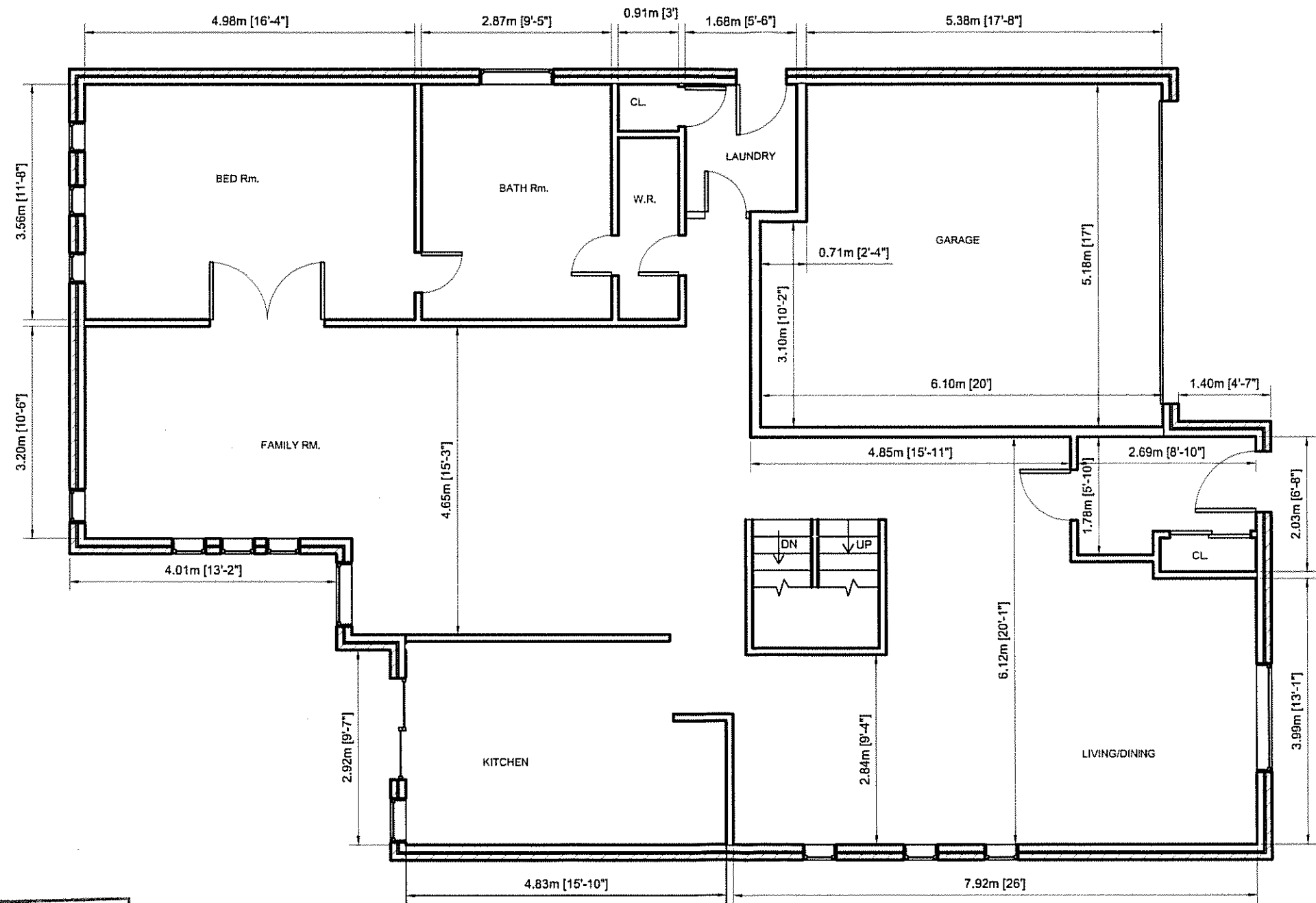
TITLE:

Second Unit  
Proposed Basement  
Plan

SCALE:	DRAWING NO.  <b>S2</b>
DESIGNED BY:	
APPROVED BY:	



Appendix A



FIRST FLOOR PLAN-EXISTING

Scale 1:75

ENGINEER  
SEAL:

SAUZTEQ Engineering Inc.  
www.sauzteq.ca  
Tel: 905-330-2431  
Email: info@sauzteq.ca

No.	Revision/Issue	Date

PROJECT:  
26 The Bridle Trail  
Unionville, On

TITLE:  
Second Unit  
Existing First Floor  
Plan

SCALE:	DRAWING NO.  <b>S3</b>
DESIGNED BY:	
APPROVED BY:	

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OCT 02 2019  
DEVELOPMENT SERVICES  
CITY OF MARKHAM