

MEMORANDUM

DATE: September 13, 2018
TO: Chairman and Members, Committee of Adjustment
FILE: A/92/18
ADDRESS: 14 Townley Avenue, Markham
HEARING DATE: Wednesday September 26, 2018

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

The applicant is requesting relief from the following requirements of By-law 90-81, as amended:

a) Section 6.1.1:

a secondary suite in the basement of an existing residential dwelling, whereas the By-law permits no more than one single detached dwelling on one lot; as it relates to a proposed basement apartment.

The Committee of Adjustment deferred the application on Wednesday July 25th, 2018 due to concerns with the proposed secondary suite being used as a multi-tenant rental and, concerns about parking in the garage. In response to the Committee of Adjustment's comments the applicant submitted revised plans on September 3rd, 2018 (See Appendix B). Staff's comments remain (See Appendix C).

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.

PUBLIC INPUT SUMMARY

As of September 13th, 2018 the City received 1 letter expressing concerns from 5 residents over parking and the house being used for multiple tenants. 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.

MEMORANDUM

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.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Richard Kendall, Development Manager, Central District

Appendices

Appendix A – Conditions

Appendix B – Plans (September 3rd 2018)

Appendix C – Staff Report (June 27th, 2018)

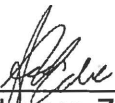
MEMORANDUM

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/92/18

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 September 3rd, 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

**BUILDING LOCATION SURVEY OF
LOTS 70, 71, 72 AND 73
PLAN 65M-2351
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK**

0 5 10 20 30 METRES

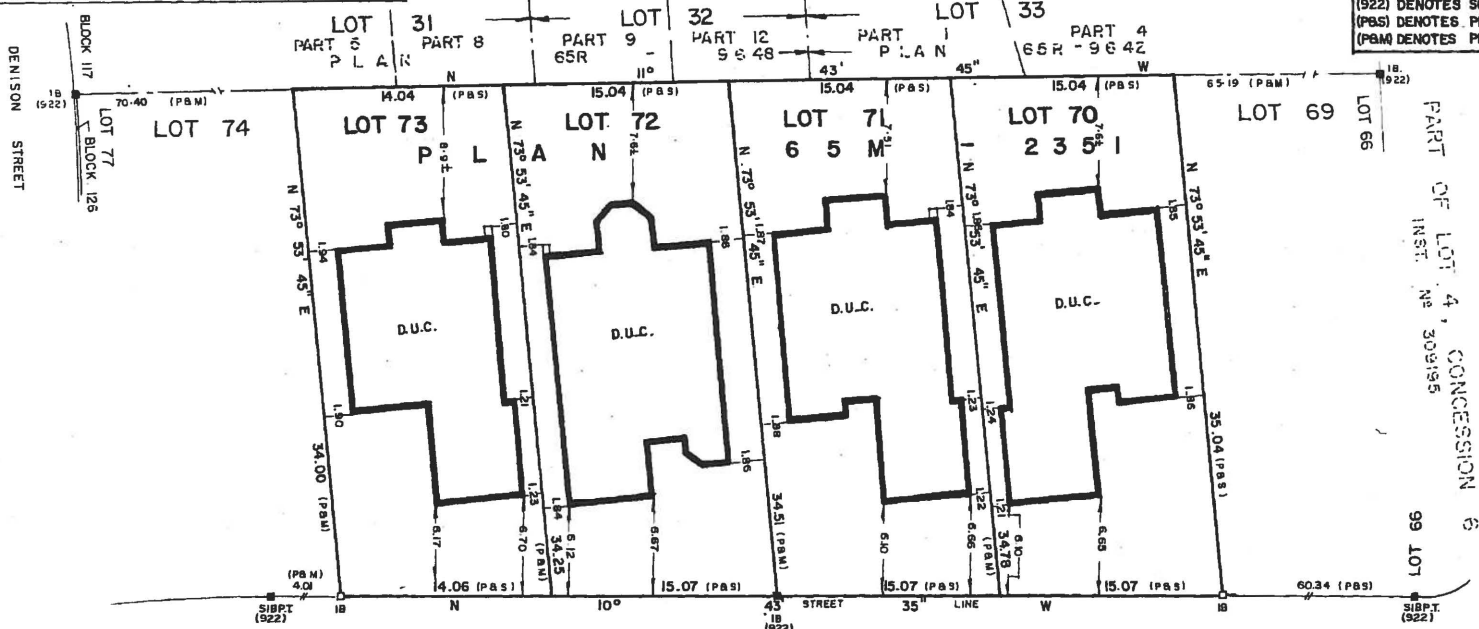
SCALE 1 : 300
ANTON KIKAS LIMITED
ONTARIO LAND SURVEYORS, 1986

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



NOTES:
BEARINGS ARE ASTRONOMIC AND ARE
REFERRED TO THE WESTERLY LIMIT
OF TOWNLEY AVENUE AS SHOWN
ON PLAN 65M-2351 HAVING A
BEARING OF N 10° 43' 35" W.
BUILDING TIES SHOWN HEREON ARE TO
CONCRETE FOUNDATION UNLESS NOTED
OTHERWISE.

LEGEND
■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT PLANTED
S.I.B. DENOTES STANDARD IRON BAR
I.B. DENOTES IRON BAR
D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
(922) DENOTES SCHAEFFER & REINTHALER O.L.S.
(P&S) DENOTES PLAN 65M-2351 AND SET
(P&M) DENOTES PLAN 65M-2351 AND MEASURED



TOWNLEY AVENUE
(BY PLAN 65M-2351)

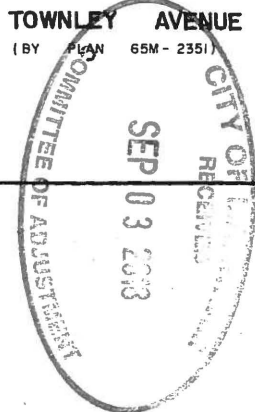
SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS
COMPLETED ON THE 21ST DAY OF Nov., 1986

Nov. 26, 1986
DATE

W. JOHN BORG
ONTARIO LAND SURVEYOR

Anton Kikas Limited
Consulting Engineers
Ontario Land Surveyors—Planners
2025 Avenue Road, Toronto M6M 4A4 Tel. 469-1981

DRAWN BY : J.J. JOB N° 86-83-22
CHECKED BY : J.B./T.M.



Memorandum to the City of Markham Committee of Adjustment

June 27, 2018

File: A/92/18
 Address: 14 Townley Avenue, Markham
 Applicant: Zannat Haque
 Agent: JR Design and Construction (John Ramirez)
 Hearing Date: Wednesday July 25, 2018

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

The applicant is requesting relief from the following requirements of By-law 90-81, as amended:

- a) **Section 6.1.1:**
 a secondary suite in the basement of an existing residential dwelling, whereas the By-law permits no more than one single detached dwelling on one lot; as it relates to a proposed basement apartment.

Property Description

The 519.71 m² (5594.11 ft²) subject property is located on the west side of Townley Avenue, south of Highglen Avenue and west of McCowan Road. The property is developed with a 335 m² (3607 ft²) two-storey detached dwelling, which according to assessment records was constructed in 1986. The property currently provides a total of 4 parking spaces, 2 in the garage and 2 on the driveway.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling (See Appendix B). The proposal includes a new egress window at the rear (west) and side (south) of the building. The proposed secondary suite would have direct and separate access provided by an existing door on the south side of the building. 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 incorporated 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 90-81

The subject property is zoned R8 'Eight Density-Single Detached Residential' under By-law 90-81, 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, *"the area is zone for single family dwelling only."*

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. Given that adequate parking exists on site and that significant external changes are not proposed, 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 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.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:




Richard Kendall, Development Manager, Central District
File Path: Amanda\File\ 18 236451 \Documents\District Team Comments Memo

APPENDIX "A"

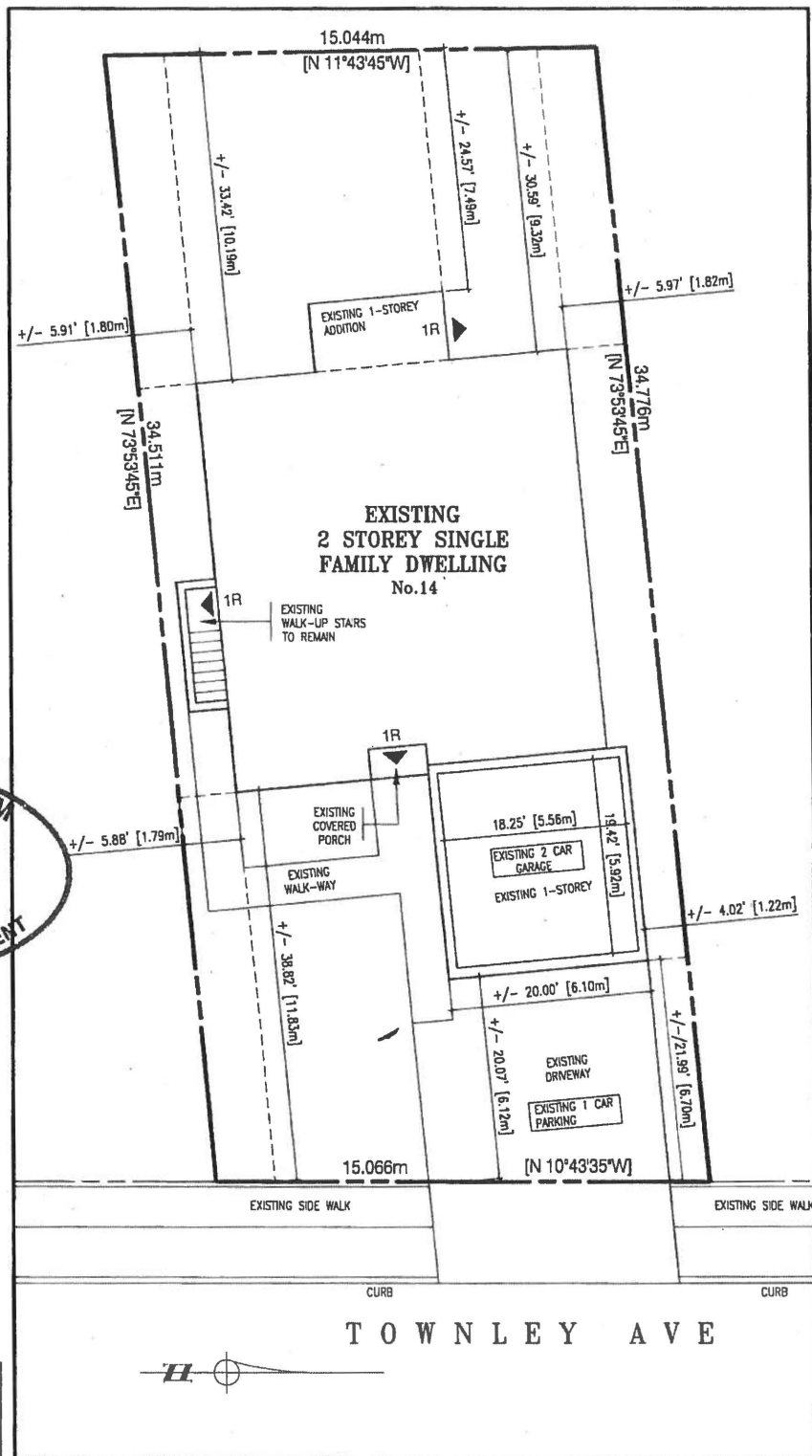
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/92/18

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 19 2018 and July 09 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 SITE PLAN SCALE: 3/32" = 1'-0"

INFORMATION TAKEN FROM PLAN OF SUBDIVISION OF
PART OF LOTS 3 AND 4, CONCESSION 6, TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK
[NOTE: HOUSE LOCATION MAY VARY]
[TAKEN FROM H.J. RENTHALER D.L.S.]
DATED: 1985

PROJECT 14 TOWNLEY AVE MARKHAM, ONTARIO	4.					DRAWINGS MUST NOT BE SCALED DRAWINGS TO BE READ IN CONJUNCTION WITH GENERAL NOTES AND D.E.C.	J-R HOME DESIGNER INC. 3711 Sheppard Ave. E., Unit 10, Markham, ON L3R 9V3 416.737.8412 E: info@jrdesigner.com WWW.JRDDESIGNER.COM	NORTH ARROW	Page Number A2
REVISIONS	3.								
SITE PLAN	2.								
DESIGNED BY John Ramirez	1.	REVISED AS PER GARAGE DIMENSIONS	2018.07.09	JR					
DATE AS NOTED	Rev.	Description	DATE	By	REVISION				

