

Memorandum to the City of Markham Committee of Adjustment

July 12, 2021

File: A/087/21
Address: 150 Highglen Avenue – Markham, ON
Applicant: Panchalingam Paramanathan
Agent: Venoth Engineering Ltd. (Visuvalingam Jeganmohan)
Hearing Date: July 21, 2021

The following comments are provided on behalf of the Central Team. The applicant is requesting relief from the following “Sixth Density Single Detached Residential – (R6)” zone requirements under By-law 90-81, as amended, to permit:

a) 90-81, Sec. 5.2.1:

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

BACKGROUND

Property Description

The subject property is located on the north side of Highglen Avenue, east of Kennedy Road, south of 14th Avenue, and west of Brimley Road. The property is currently developed with a two-storey single detached dwelling, which has an attached two-car garage and driveway area that can accommodate four parking spaces. The property is located within a residential neighbourhood which contains two-storey detached dwellings, nearby elementary and post-secondary education institutions, local amenity areas, and commercial plazas.

Proposal

The applicant is requesting permission for a secondary suite to be located in the basement of the existing dwelling. The proposed secondary suite includes new windows at the east and west sides of the dwelling, and would have direct and separate access provided by an existing entrance on the west side of the dwelling.

Provincial Policies

More Homes, More Choice Act, 2019

The *More Homes, More Choice Act, 2019*, S.O. 2019, c. 9 – (Bill 108), received Royal Assent on June 6, 2019 and portions were proclaimed on September 3, 2019. The proclaimed portions of Bill 108 amended the *Planning Act, R.S.O. 1990, c. P.13, as amended*, to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse (townhouse) dwellings, as well as permitting a residential unit in ancillary structures to a detached, semi-detached, or rowhouse dwelling. Under this legislation, “second suites” or “secondary suites” are now referred to as “additional residential units”, and the terms are used synonymously in this memorandum.

Provincial Policy Statement, 2020

Section 1.4.3 of the *Provincial Policy Statement, 2020*, requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet the affordable housing needs of current and future residents. Amongst other means, this can be achieved by permitting and facilitating residential intensification, including additional

residential units, and redevelopment by accommodating a significant supply and range of housing options through intensification and redevelopment while taking into account existing building stock.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan, 2019)

Section 2.1.4 (c) of the *Growth Plan, 2019* requires municipalities to provide a diverse range and mix of housing options including second units to support complete communities.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. The Official Plan also contains criteria for the establishment of secondary suites in Section 8.13.8 which states:

“That in considering an application to amend the Zoning By-law to permit the establishment of a secondary suite where provided for in this Plan, 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.”*

A “Secondary Suite” in the Official Plan is defined as:

“...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 4.1.2.6 of the Official Plan contains policies to support further diversification of the housing stock and rental housing tenure by permitting secondary suites within existing and new single detached, semi-detached and rowhouse dwellings in accordance with Section 3.5.22 of the Regional Official Plan and subject to appropriate zoning, development criteria, and standards.

Zoning By-Law 90-81

The subject property is zoned “Sixth Density Single Detached Residential – (R6)” under By-law 90-81, as amended, which permits one single detached dwelling per lot.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a ZPR has not been conducted. However, the applicant has received zoning comments through their building permit process to confirm the variance required for the proposed development.

COMMENTS

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (“the Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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 Suite

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, and will be required to register their second suite with the Fire Department prior to the occupancy of the unit.

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 Official Plan for the establishment of a secondary suite, and support its approval.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 12, 2021. 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*, and are of the opinion that the requested variance meets the four tests. 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 “A” for conditions to be attached to any approval of this application.

APPENDICES

Appendix “A” – Conditions of Approval

Appendix “B” – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Dimitri Pagratis, Senior Planner, Central District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/087/21

1. The variance applies only to the proposed development as long as it remains.
2. That the variance applies only to the proposed development, in substantial conformity with the batch stamped plans attached as Appendix "B" to this Staff Report, 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 their 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.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

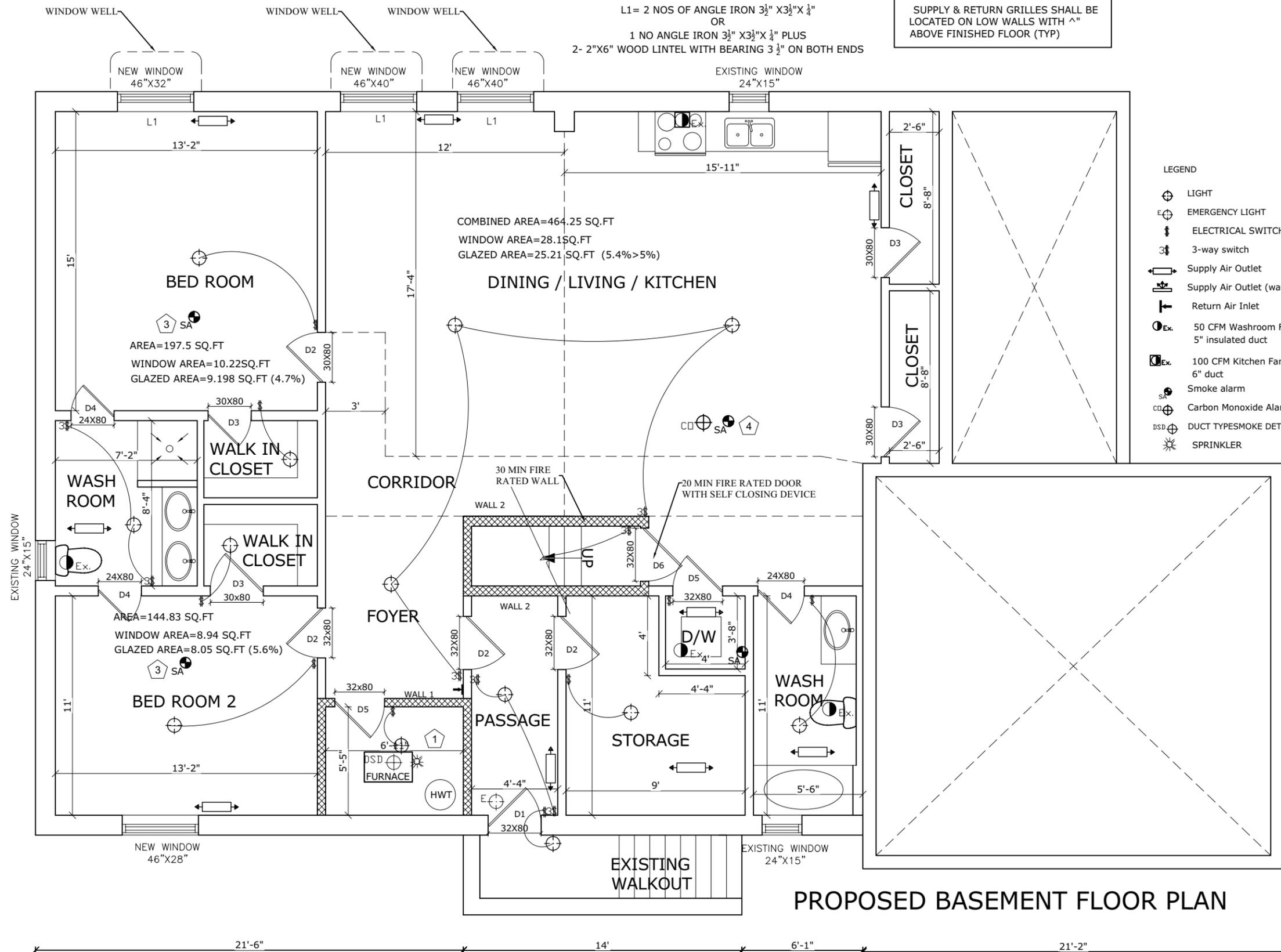
APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/087/21

Appendix B

File: 21.126311.000.00.MNV
 Date: 07/14/21
 MM/DD/YY

L1 = 2 NOS OF ANGLE IRON 3 1/2" X 3 1/2" X 1/4"
 OR
 1 NO ANGLE IRON 3 1/2" X 3 1/2" X 1/4" PLUS
 2- 2"X6" WOOD LINTEL WITH BEARING 3 1/2" ON BOTH ENDS

SUPPLY & RETURN GRILLES SHALL BE
 LOCATED ON LOW WALLS WITH ^"
 ABOVE FINISHED FLOOR (TYP)



PROPOSED BASEMENT FLOOR PLAN

A	Permit	VJ	06/04/2021
No.	Issued To	By	Date
Project Name/Address: BASEMENT APPARTMENT 150 HIGHLAND AVE, TORONTO, ON M4W 2A6			
Title: PROPOSED BASEMENT FLOOR PLAN			
VENOTH ENGINEERING LTD 28 Romac Drive, Scarborough Ontario, M1C 5H1			
Engineer: VJ		Designer: Venoth	
DWG. #: A300	Date: 26-12-2020	Scale: 3/16" = 1'-0"	

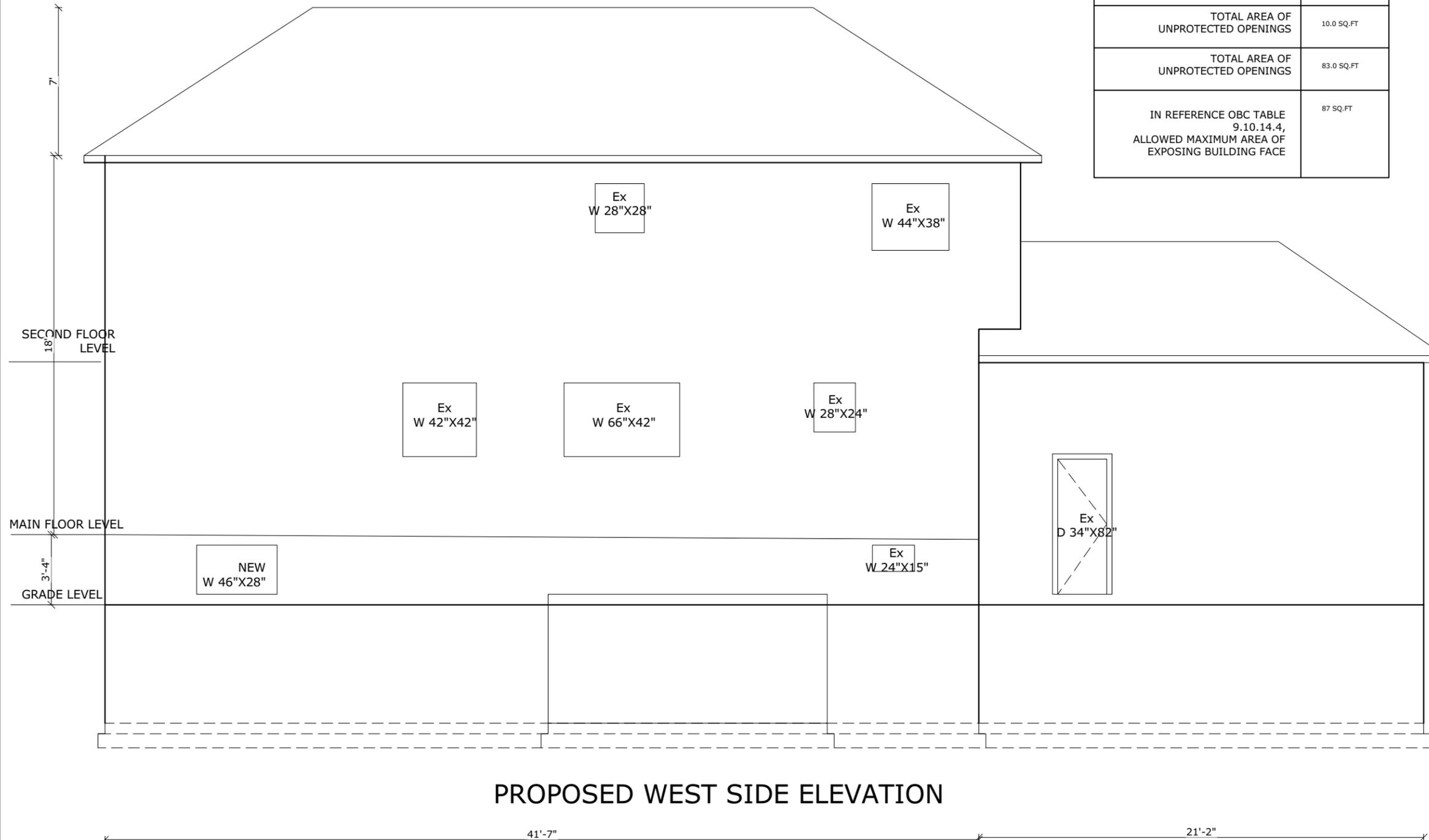


Appendix B

File: 21.126311.000.00.MNV
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EAST SIDE BUILDING FACE OPENINGS IN EXPOSING BUILDING FACE OBC TABLE 9.10.14.4	
LIMITING DISTANCE IN FEET	5'-10" 1.71M
PERCENTAGE MAXIMUM AGGREGATE AREA OF UNPROTECTED OPENINGS OF EXPOSING BUILDING FACE AREA	9%
EXISTING AREA OF EAST SIDE BUILDING FACE	962.0 SQ.FT
PROPOSED AREA OF UNPROTECTED OPENINGS	73.0 SQ.FT
TOTAL AREA OF UNPROTECTED OPENINGS	10.0 SQ.FT
TOTAL AREA OF UNPROTECTED OPENINGS	83.0 SQ.FT
IN REFERENCE OBC TABLE 9.10.14.4, ALLOWED MAXIMUM AREA OF EXPOSING BUILDING FACE	87 SQ.FT



PROPOSED WEST SIDE ELEVATION

A	Permit	VJ	07/04/2021
No.	Issued To	By	Date
Project Name/Address: BASEMENT APPARTMENT 150 HIGHLAND AVE, TORONTO, ON M4W 2A6			
Title: PROPOSED WEST SIDE ELEVATION			
VENOTH ENGINEERING LTD 28 Romac Drive, Scarborough Ontario, M1C 5H1			
Engineer: VJ		Designer: Venoth	
DWG. #: A302	Date: 26-12-2020	Scale: 3/16" = 1'-0"	