

Memorandum to the City of Markham Committee of Adjustment

February 06, 2020

File: A/005/20
Address: 121 Alfred Paterson Drive, Markham
Applicant: Ali Ahmed
Agent: (none)
Hearing Date: Wednesday, February 19, 2020

The East Team provides the following comments:

The Applicant is requesting relief from the Residential Two - Special * 134 (R2-S*134) zone requirements of By-law 177-96, as amended, as it relates to the proposed accessory dwelling unit in the basement of an existing single detached dwelling on the subject property:

a) **Table A1:**

To permit an accessory basement apartment, whereas an accessory basement apartment is not permitted.

BACKGROUND

Property Description

The 280.19 m² (3015.94 ft²) subject property is located on the east side of Alfred Paterson Drive, west of Ninth Line and north of Bur Oak Avenue. The subject property is located within an established residential neighbourhood known as the Greensborough community, and comprises two-storey single detached dwellings to the north, south, east and west. The site is developed with an existing two-storey dwelling, which according to building permit records was constructed in 2002. Parking for the existing dwelling is provided in an attached two-car garage and two-car driveway to access Alfred Patterson Drive.

Proposal

The Applicant is proposing a basement apartment unit within the existing dwelling, and has requested a variance to permit this as an additional use. The proposed accessory dwelling unit is shown in Appendix B. The proposed development includes new egress window on the south side of the building and a new enlarged egress window at the rear of the dwelling. No other changes are proposed to the dwelling or the subject 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 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 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:

- 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

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

Zoning By-Law 177-96

The subject property is zoned Residential Two - Special * 134 (R2-S*134) under By-law 177-96, as amended which permits single detached dwellings and other forms low rise housing. The By-law permits only one dwelling on a lot, and the applicant has therefore submitted a variance to proposing to permit an accessory unit within the basement of the existing single detached dwelling. Exception 134 provides area specific zone standards to permit public schools in this zone subject to Open Space (OS2) requirements and to provide development standards for residential development.

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, 2018, Council voted not to permit second suites as of right in any single detached, semi-detached, or townhouse dwelling.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on December 13, 2019 to confirm the variances 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:

- 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

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 do not object to the requested variance to permit an accessory unit in the basement of the existing single detached dwelling.

The proposed basement unit is shown in Appendix 'B'. The basement level also includes an area denoted as an 'owner occupied recreation room' which also includes a wet bar and washroom. The owner should be aware that approval of this variance application only permits one accessory dwelling unit within the basement, and that any additional units are not permitted. The plans also show that the access to the basement unit is proposed to be provided through the main level of the principal dwelling instead of a separate and independent access. The Owner should be aware that should this variance be approved, the proposed unit will be required to comply with Ontario Building Code through the issuance of a building permit and it may be necessary to provide fire rated access through a common hallway or access within the interior of the building, or the construction of an alternate access, such as an exterior stair, that may or may not require additional relief from the zoning by-law through an additional minor variance application.

Prior to occupancy of the accessory dwelling unit, the home is required to be registered as a two-unit house with the City of Markham Fire & Emergency Services Department. 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.

PUBLIC INPUT SUMMARY

As of February 12, 2020, the City received one letter expressing concerns over the street being overcrowded and busy at a times. 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:

Handwritten signature of Justin Mott in cursive script.

Justin Mott, Planner, Zoning and Special Projects

REVIEWED BY:

Handwritten signature of Stephen Corr in cursive script.

Stephen Corr, Senior Planner, East District

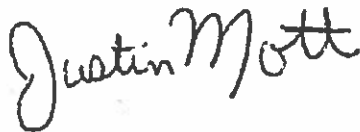
File Path: Amanda\File\ 20 106992 \Documents\District Team Comments Memo

APPENDIX "A"

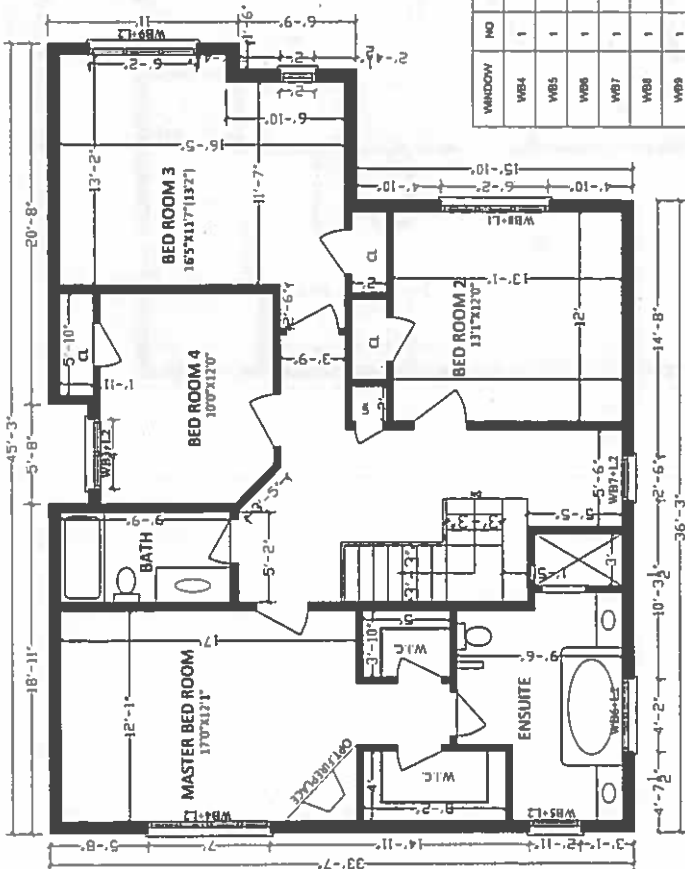
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/005/20

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 January 20, 2020, 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.

CONDITIONS PREPARED BY:

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

Justin Mott, Planner, Zoning and Special Projects



SECOND FLOOR PLAN- EXISTING

SECOND FLOOR GFA : 1154.03 sq.ft. (115.79 sq.m.)
 SECOND FLOOR NFA : 1247.71 sq.ft. (115.91 sq.m.)

- LEGENDS -**
- Existing Walls
 - Proposed Walls
 - Existing Doors
 - Proposed Doors
 - Existing Windows
 - Proposed Windows
 - Existing Electrical
 - Proposed Electrical
 - Existing Mechanical
 - Proposed Mechanical
 - Existing Plumbing
 - Proposed Plumbing
 - Existing HVAC
 - Proposed HVAC
 - Existing Fire
 - Proposed Fire
 - Existing Other
 - Proposed Other

Project Name: **SECOND FLOOR PLAN - AS BUILT**

Scale: **A 1.5**

Revision: **01**

Drawn: **AS BUILT**

Checked: **AS BUILT**

Approved: **AS BUILT**

Date: **AS BUILT**

Notes:

- 1. All work shall be in accordance with the approved plans and specifications.
- 2. All work shall be in accordance with the approved plans and specifications.
- 3. All work shall be in accordance with the approved plans and specifications.
- 4. All work shall be in accordance with the approved plans and specifications.
- 5. All work shall be in accordance with the approved plans and specifications.
- 6. All work shall be in accordance with the approved plans and specifications.
- 7. All work shall be in accordance with the approved plans and specifications.
- 8. All work shall be in accordance with the approved plans and specifications.
- 9. All work shall be in accordance with the approved plans and specifications.
- 10. All work shall be in accordance with the approved plans and specifications.

SURVEYOR'S REAL PROPERTY REPORT
 PLAN OF
 LOTS 207 TO 210, 267 AND 268
 REGISTERED PLAN 65M-3594
 TOWN OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

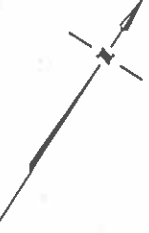
Scale = 1:250
 0 1 2 3 4 5 METRES
 YOUNG AND YOUNG SURVEYING INC.
 ONTARIO LAND SURVEYORS
 © COPYRIGHT 2003

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

15

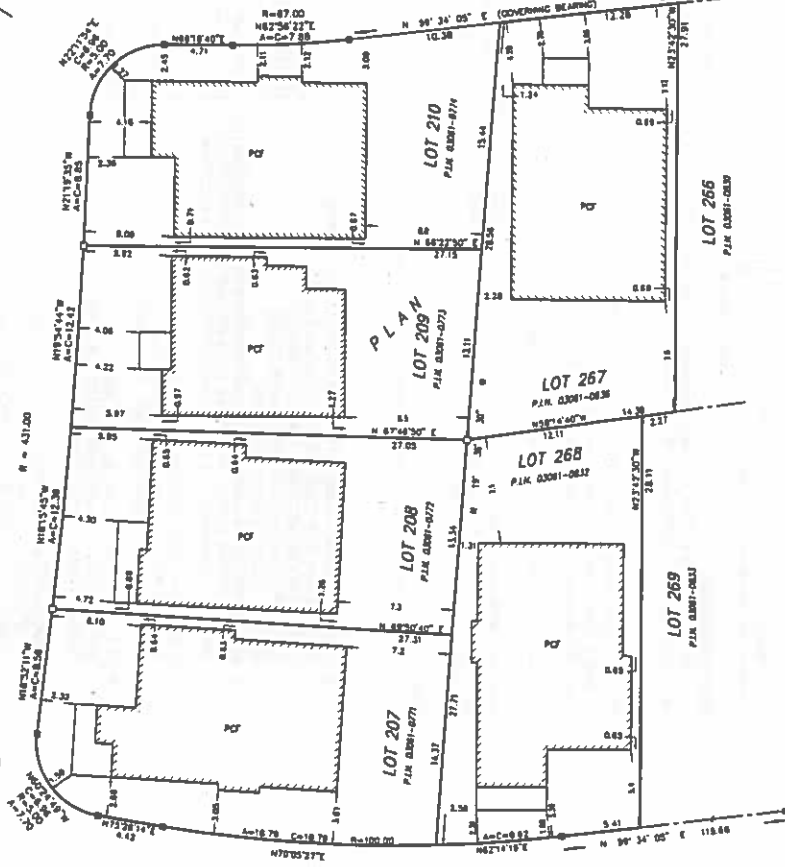
MISTY COURT
 (BY REGISTERED PLAN 65M-3594)
 P.L.K. 03081-0982

65M-3594



ALFRED PATERSON DRIVE
 (BY REGISTERED PLAN 65M-3594)
 P.L.K. 03081-0982

REGISTERED



WYNDEMERE COURT
 (BY REGISTERED PLAN 65M-3594)
 P.L.K. 03081-0988

REVISION NOTE:
 THIS PLAN WAS REVISED ON FEBRUARY 10TH, 2004
 TO INCLUDE LOT 207.

NOTE:
 ALL FOUND SURVEY MONUMENTS ARE BY
 R. W. R. JONES, O.L.S. UNLESS NOTED OTHERWISE.

ALL FOUND SURVEY MONUMENTS ARE STANDARD
 IRON BARS UNLESS NOTED OTHERWISE.
 ALL SET SURVEY MONUMENTS ARE IRON BARS
 (WITNESS) UNLESS NOTED OTHERWISE.
 ALL BEARINGS AND DISTANCES ARE BY REGISTERED
 PLAN 65M-3594 AND SET UNLESS NOTED OTHERWISE.

LEGEND
 □ DENOTES SURVEY MONUMENTS SET
 ○ STANDARD IRON BAR FOUND (1282)
 ○ REGISTERED PLAN 65M-3594
 S SET
 PC POLISHED CONCRETE FOUNDATION
 N.S.E.W. NORTH/SOUTH/EAST/WEST
 P.L.K. PROPERTY IDENTIFIER NUMBER
 (1982) R.W.R. JONES, O.L.S.

BEARING NOTE:
 BEARINGS ARE ASTROLOGICAL AND ARE REFERRED TO THE
 SOUTH LIMIT OF MISTY COURT, HAVING A BEARING OF
 N 59°34'05" E ACCORDING TO REGISTERED PLAN 65M-3594.

THIS PLAN WAS PREPARED FOR PELLICULATE HOMES.
 SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
 WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND
 TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THIS SURVEY WAS COMPLETED ON THE 6th DAY OF MAY,
 2003

ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 1477818
 THIS PLAN IS NOT VALID
 UNLESS IT IS AN UNREVOKED
 ORIGINAL COPY
 ISSUED BY THE SURVEYOR
 IN ACCORDANCE WITH
 REGULATION 1928, SECTION 19(2)

SEPT 18, 2003
 DATE
 THOMAS A. YOUNG, M.A.S.C.
 ONTARIO LAND SURVEYOR

Young & Young Surveying Inc.
 PROFESSIONAL LAND SURVEYORS
 TORONTO: 305 THE WEST HALL, SUITE 400, TORONTO ON, M5C 1E7 (416) 597-2676 (2003) 951-9500
 BOLDTOWN: 2 HOLLAND DRIVE, UNIT 3, BOLDTOWN ON, L7E 1E1 (905) 951-9500
 DRAWN BY: J.M.
 PROJECT: 03-T6040

Construction Notes: As Built condition (PART 11)

Exterior Walls
 • See typical section drawing attached

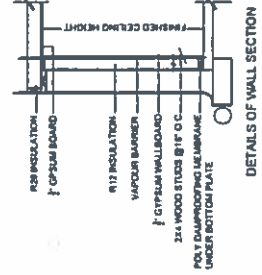
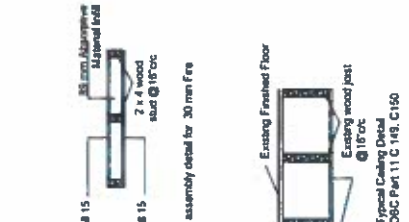
Interior partition Walls
 • 2 in. x 4 in. wood studs @ 16 in. O.C. separated from concrete with 6 mil. poly
 • ½ in. drywall, type "C" on both sides, 30 min. fire separation

Ceiling
 • Existing joist & spacing of joists @ 16 O.C. visible only in furnace room
 • As Built ½" drywall, type "C", 15 min. fire separation
 • ceiling height in each room as per table for room size

Floor finish : laundry, kitchen and washroom tiled rest of area laminated flooring.

Furnace and other equipment :
 • Clearances around furnaces and hot water appliances are as per manufacturer's specifications and/or the Gas Code.

Doors :
 - 1" door undercut to be provided for rooms without a return air register.



FURNACE ROOM - CODE REFERENCE, PART 11, C 152, C 147, C 175

- 1) SMOKE DETECTOR TO BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT WHICH WOULD TURN OFF FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM WHEN TRIGGERED
- 2) AUTOMATIC RESIDENTIAL FULL FLOW-THROUGH SYSTEM CONSISTING OF 3/4" COPPER PIPE (MIN.) SPRINKLER IN A POSITION SO THAT RESPONSE TIME AND DISCHARGE ARE NOT UNDULY AFFECTED BY OBSTRUCTION

- 2) MASTER BED - CODE REFERENCE, 9.10.19.9.33.4
 1) INTERCONNECTED HARD WIRED SMOKE ALARM REQUIRED WITH VISUAL SIGNALING COMPONENT

- 3) BED 2 - CODE REFERENCE, 9.10.19.9.33.4
 1) INTERCONNECTED HARD WIRED SMOKE ALARM REQUIRED WITH VISUAL SIGNALING COMPONENT

- 4) COMMON AREA - CODE REFERENCE, 9.10.19.9.33.4
 1) INTERCONNECTED HARD WIRED SMOKE ALARM REQUIRED WITH VISUAL SIGNALING COMPONENT

- 5) FIRE RATED DOOR - MINIMUM 20 MIN. FIRE RATED WITH SELF-CLOSING DEVICE

SECOND UNIT DWELLING - ROOMS :

ROOM USE	AREA (SQ.FT.)	WINDOW (SQ.FT.)	HEIGHT (FEET)
LIV. + DIN.	179.89	12.00	89.25
BEDROOM	113.5	9.00	89.50
KITCHEN	99.25	0.00	89.25
WET BAR	63.64	0.00	89.25
OWNER OCCUPIED	226.68	6.00	89.25

LEGENDS

- 1/2" Drywall
- 1/2" Gypsum Board
- 1/2" Gypsum Wallboard
- 2x4 Wood Studs @ 16" O.C.
- Poly Damproofing Membrane
- Insulation
- Vapor Barrier
- Finish Ceiling Height

GENERAL NOTES

- 1) All work shall be in accordance with the latest edition of the National Building Code of Canada (NBC) and the Ontario Building Code (OBC).
- 2) All materials and workmanship shall conform to the requirements of the NBC and OBC.
- 3) All dimensions shall be in millimeters unless otherwise specified.
- 4) All drawings shall be in metric units.
- 5) All drawings shall be in accordance with the latest edition of the National Building Code of Canada (NBC) and the Ontario Building Code (OBC).

Prepared By: [Name]
 Checked By: [Name]
 Date: [Date]