

Memorandum to the City of Markham Committee of Adjustment

December 8, 2020

File: A/111/20
Address: 24A Gladiator Rd – Markham, ON
Applicant: Lei Zhang
Agent: N/A
Hearing Date: January 20, 2021

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential (R1)” zone requirement under By-law 1229, as amended, as it relates to a proposed secondary suite in the basement. The variance requested is to permit:

a) By-law 1229, Section 6.1:

an accessory dwelling unit; whereas the By-law does not permit the use.

BACKGROUND

Property Description

The 720.44 m² (7,754.75 ft²) subject property is located on the north side of Gladiator Road, east of McCowan Road, south of Highway 7 East, and west of Conservation Avenue. There is an existing one-storey detached dwelling on the property, with mature vegetation. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposed secondary suite would have direct and separate access provided by an existing door on the north side (rear) of the building. No changes are being proposed to the exterior of the dwelling or the property.

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* to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse 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 option including second units to support complete communities.

Official Plan and Zoning

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

The City's 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 1229, as amended

The subject property is zoned "Residential (R1)" under By-law 1229, which permits one single detached dwelling per lot.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a ZPR on October 5, 2020 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 Suites

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. 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 therefore have no objections.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 8, 2020. 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 support its approval. 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 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:



Stephen Corr, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/111/20

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 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 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:



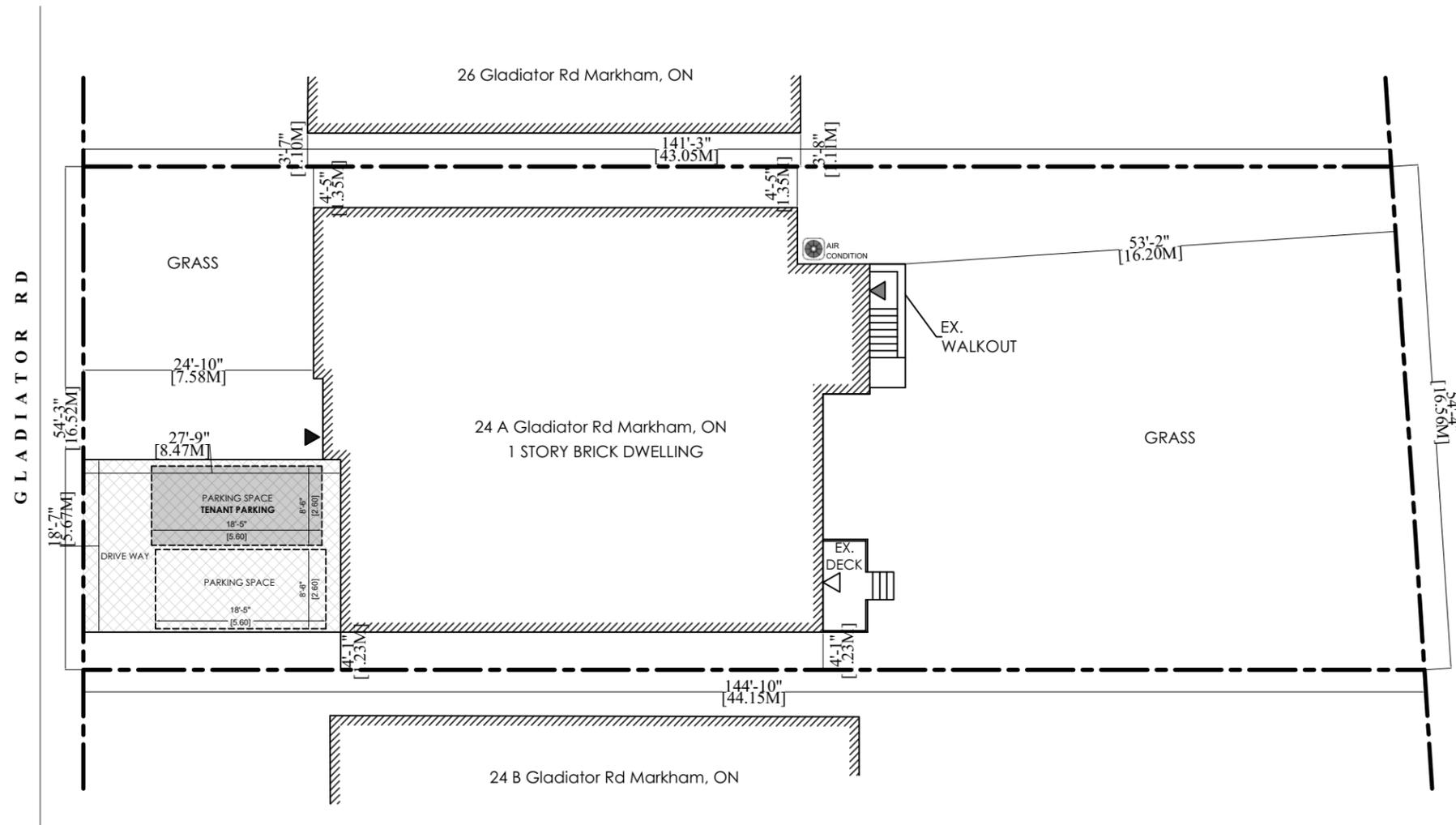
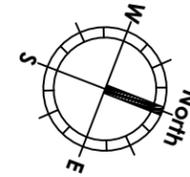
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/111/20

Appendix B

File: 20.130862.000.00.MNV

Date: 12/08/20
MM/DD/YY

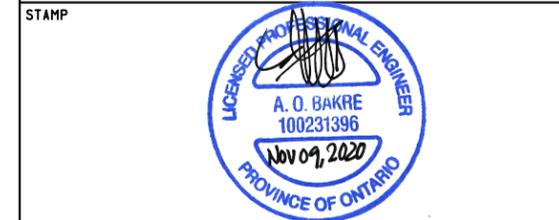


1 SITE PLAN
A-1 1/16" = 1'-0"

LEGEND

- PROPERTY LINE
- ▨ ASPHALT DRIVEWAY
- - - - - REQUIRED PARKING SPACE
- ▨ PATIO STONE WALKWAY
- ▨ PARKING SPACE TENANT PARKING
- ▶ EXISTING HOUSE ENTRANCE DOOR
- ◀ EXISTING REAR DOOR (MAIN FLOOR)
- ▶ PROPOSED NEW ENTRANCE (BASEMENT FLOOR)
- ◻ MORE THAN 5 YEARS OLD

NOTES:
1- ALL DIMENSIONS IN SI UNITS IN FEET AND INCHES
2- CONFIRM TO THE REQUIREMENTS OF THE ONTARIO BUILDING CODE INCLUDING ALL STANDARDS REFERENCED THEREIN AND ANY APPLICABLE ACTS OF HAVING JURISDICTION (THE LATEST VERSION OF STANDARDS AND CODES SHALL APPLY).
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NO.	ISSUED/REVISION	DATE	NO.	ISSUED/REVISION	DATE
05	FOR CLIENT REVIEW III	NOV.05,2020			
04	FOR SUBMITTAL	SEP.14,2020			
03	FOR CLIENT REVIEW II	SEP.13,2020			
01	FOR CLIENT REVIEW I	SEP.01,2020			

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PROJECT ADDRESS:
24 A GLADIATOR RD., MARKHAM, ON.

DRAWING TITLE:
SITE PLAN

DESIGNED BY: ABU DWN. BY: SAM

PROJECT NO: 269/20 SCALE: 1/16" = 1'-0" DRAWINGS NO: SA02 /11

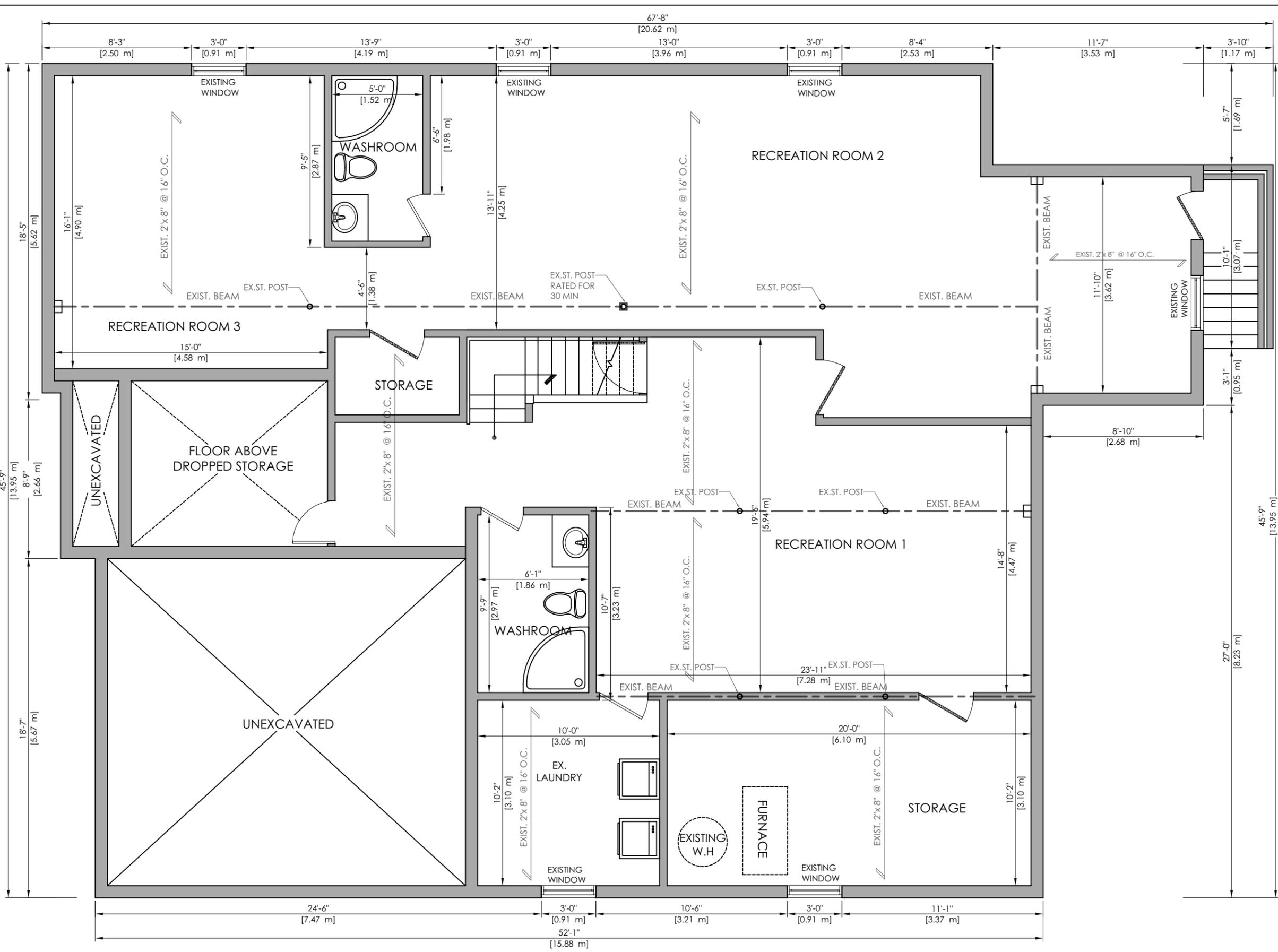
DATE: NOVEMBER 05, 2020

Appendix B

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PROJECT NORTH

TRUE NORTH

PROJECT ADDRESS:
 24 A GLADIATOR RD., MARKHAM, ON.

DRAWING TITLE:
 EXISTING BASEMENT FLOOR

DESIGNED BY: ABU DWN. BY: SAM

PROJECT NO: 269/20 SCALE: 3/8" = 1'-0" DRAWINGS NO: SA03

DATE: SEPTEMBER 13, 2020 /09

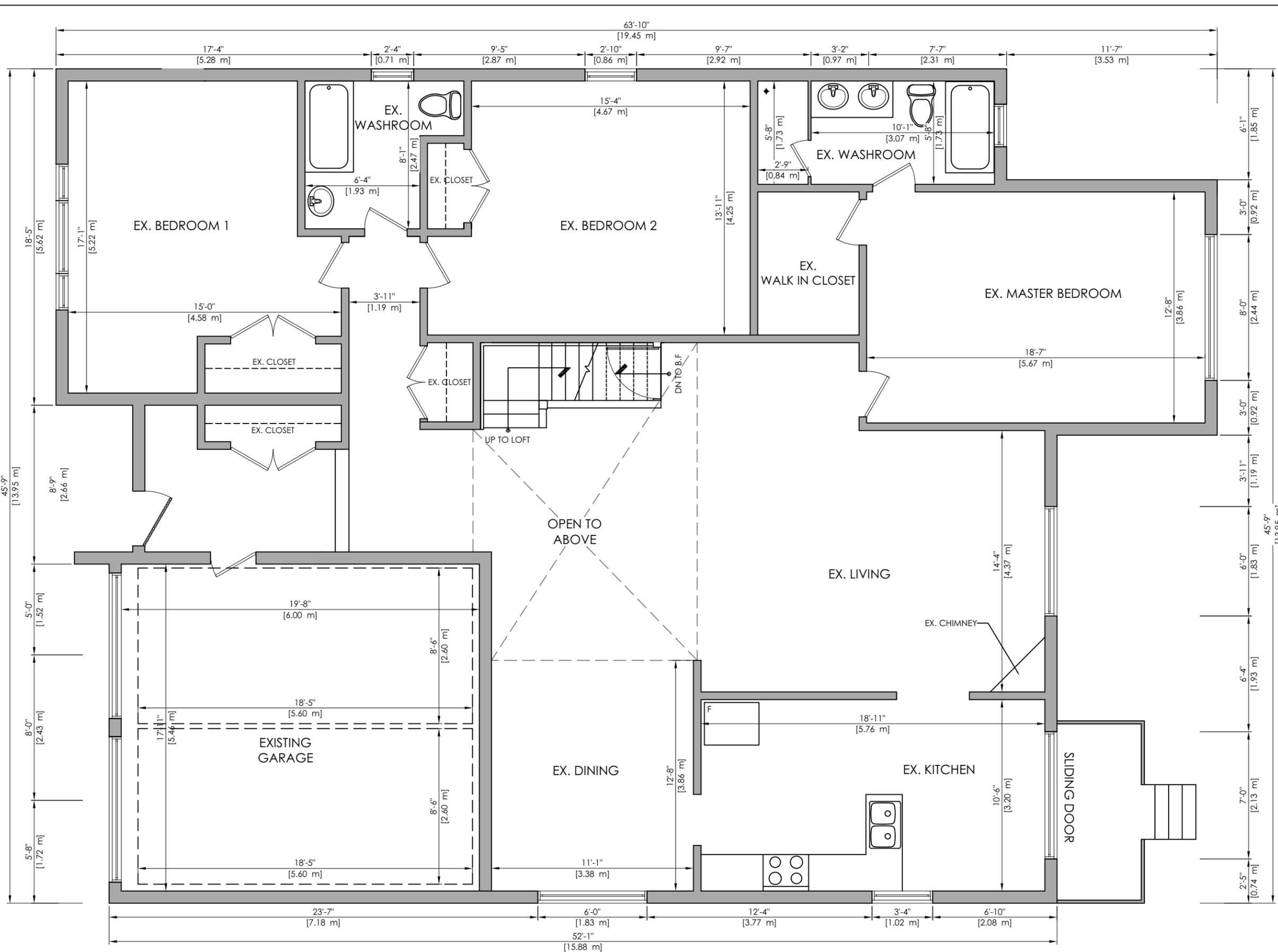
- WALLS TO REMAIN
- OPENINGS TO BE CLOSED
- PROPOSED FOUNDATION WALLS
- PROPOSED WALLS
- WALLS TO BE REMOVED
- FIRE SEPARATION

EXISTING BASEMENT FLOOR PLAN

Appendix B

File: 20.130862.000.00.MNV

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LEGEND

- WALLS TO REMAIN
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**EXISTING GROUND FLOOR PLAN
NO CHANGE**

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DRAWING TITLE:
 EXISTING GROUND FLOOR

DESIGNED BY: ABU **DWN. BY:** SAM

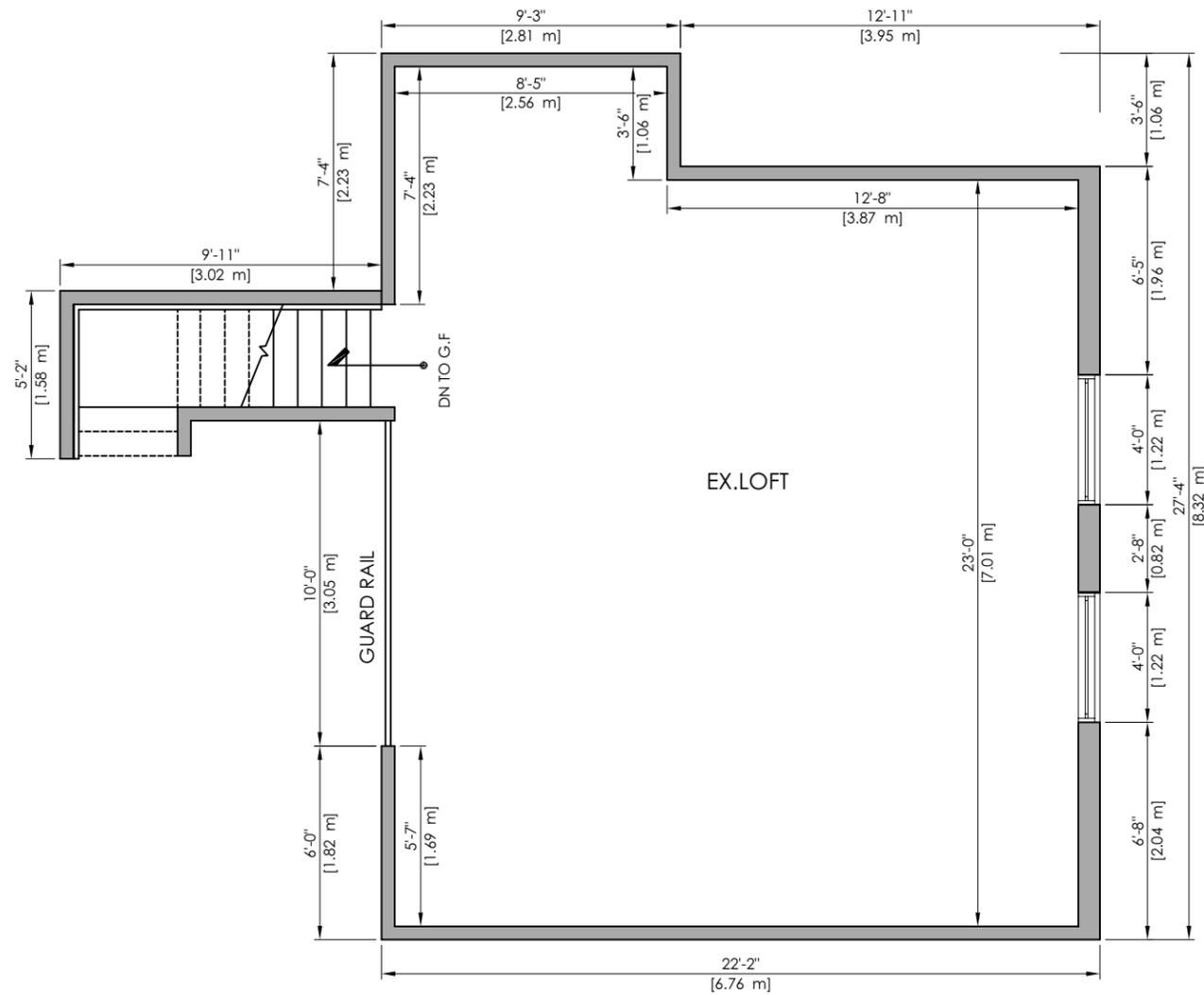
PROJECT NO: 269/20 **SCALE:** 3/16" = 1'-0" **DRAWINGS NO:** SA04 /11

DATE: NOVEMBER 05, 2020

Appendix B

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MM/DD/YY



EXISTING LOFT FLOOR PLAN
NO CHANGE

LEGEND

	WALLS TO REMAIN
	OPENINGS TO BE CLOSED
	PROPOSED FOUNDATION WALLS
	PROPOSED WALLS
	WALLS TO BE REMOVED
	FIRE SEPARATION

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DRAWING TITLE:
EXISTING LOFT FLOOR

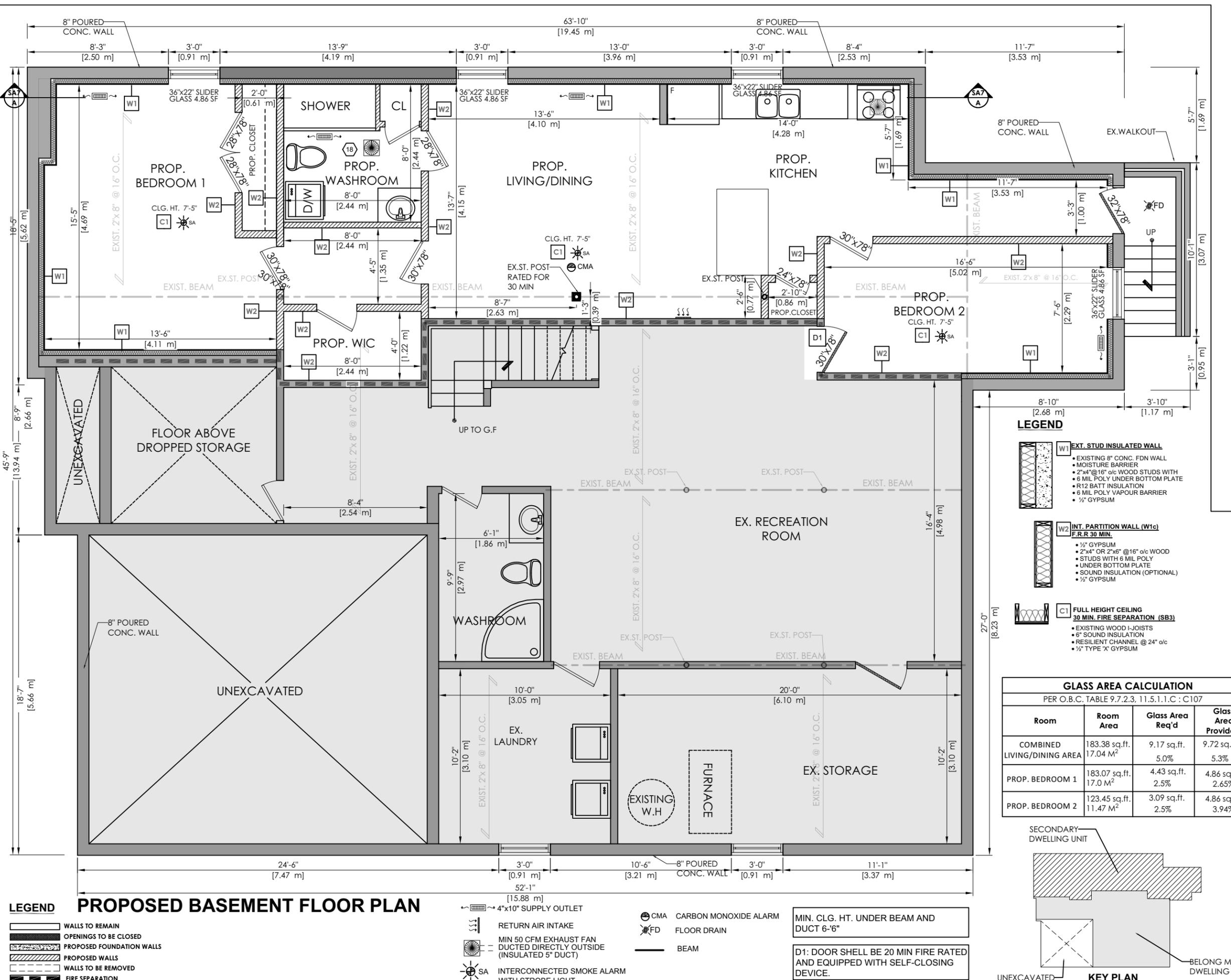
DESIGNED BY: ABU **DWN. BY:** SAM

PROJECT NO: 269/20 **SCALE:** 3/16" = 1'-0" **DRAWINGS NO:** SA05 /09
DATE: SEPTEMBER 13, 2020

Appendix B

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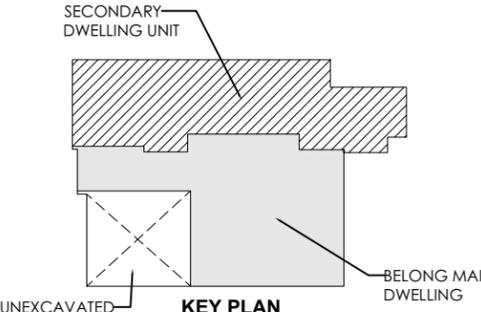
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- LEGEND**
- W1** EXT. STUD INSULATED WALL
 - EXISTING 8" CONC. FDN WALL
 - MOISTURE BARRIER
 - 2"x4" @ 16" o/c WOOD STUDS WITH 6 MIL POLY UNDER BOTTOM PLATE
 - R12 BATT INSULATION
 - 6 MIL POLY VAPOUR BARRIER
 - 1/2" GYPSUM
 - W2** INT. PARTITION WALL (W1c) F.R.R 30 MIN.
 - 1/2" GYPSUM
 - 2"x4" OR 2"x6" @ 16" o/c WOOD STUDS WITH 6 MIL POLY UNDER BOTTOM PLATE
 - SOUND INSULATION (OPTIONAL)
 - 1/2" GYPSUM
 - C1** FULL HEIGHT CEILING 30 MIN. FIRE SEPARATION (SB3)
 - EXISTING WOOD I-JOISTS
 - 8" SOUND INSULATION
 - RESILIENT CHANNEL @ 24" o/c
 - 1/2" TYPE 'X' GYPSUM

GLASS AREA CALCULATION
PER O.B.C. TABLE 9.7.2.3, 11.5.1.1.C : C107

Room	Room Area	Glass Area Req'd	Glass Area Provided
COMBINED LIVING/DINING AREA	183.38 sq.ft. 17.04 M ²	9.17 sq.ft. 5.0%	9.72 sq.ft. 5.3%
PROP. BEDROOM 1	183.07 sq.ft. 17.0 M ²	4.43 sq.ft. 2.5%	4.86 sq.ft. 2.65%
PROP. BEDROOM 2	123.45 sq.ft. 11.47 M ²	3.09 sq.ft. 2.5%	4.86 sq.ft. 3.94%



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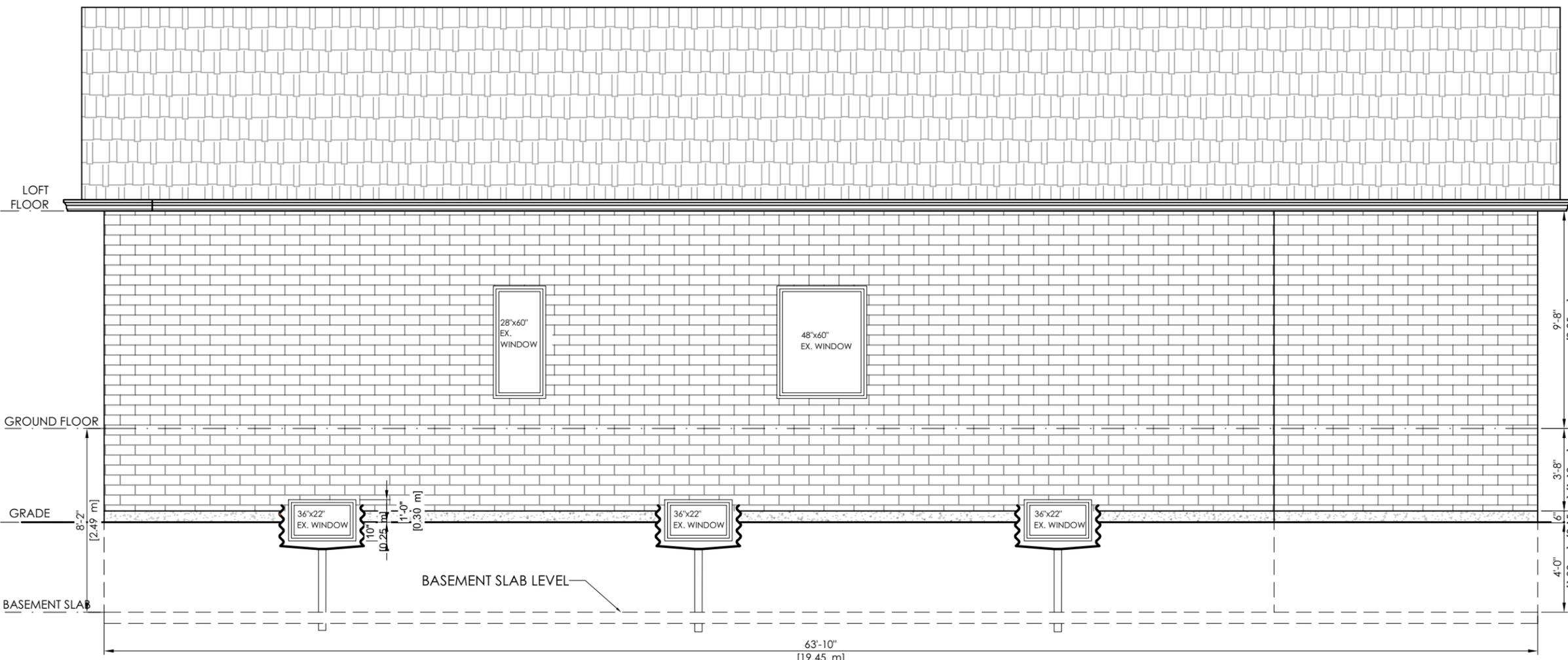
PROJECT NO: 269/20 SCALE: 3/8" = 1'-0" DRAWINGS NO: SA06 /09
 DATE: SEPTEMBER 13, 2020

- LEGEND**
- WALLS TO REMAIN
 - OPENINGS TO BE CLOSED
 - PROPOSED FOUNDATION WALLS
 - PROPOSED WALLS
 - WALLS TO BE REMOVED
 - FIRE SEPARATION
- 4"x10" SUPPLY OUTLET
 - RETURN AIR INTAKE
 - MIN 50 CFM EXHAUST FAN DUCTED DIRECTLY OUTSIDE (INSULATED 5" DUCT)
 - INTERCONNECTED SMOKE ALARM WITH STROBE LIGHT
 - CMA CARBON MONOXIDE ALARM
 - FD FLOOR DRAIN
 - BEAM
- MIN. CLG. HT. UNDER BEAM AND DUCT 6'-6"
 D1: DOOR SHELL BE 20 MIN FIRE RATED AND EQUIPPED WITH SELF-CLOSING DEVICE.

Appendix B

File: 20.130862.000.00.MNV

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SPATIAL CALCULATIONS - TABLE 9.10.15.4

EXPOSING BUILDING FACE:	720.50 SQ.FT
UNPROTECTED OPENINGS:	36.6 SQ.FT 5.1%
PERMITTED:	7.0%

EXISTING WEST SIDE ELEVATION NO CHANGES

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DRAWING TITLE:
WEST SIDE ELEVATION

DESIGNED BY: ABU DWN. BY: SAM

PROJECT NO: 269/20 SCALE: 3/8" = 1'-0" DRAWINGS NO: SA08 /09
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PROJECT NORTH

TRUE NORTH

PROJECT ADDRESS:
 24 A GLADIATOR RD., MARKHAM, ON.

DRAWING TITLE:
 SOUTH (FRONT) ELEVATION

DESIGNED BY: ABU DWN. BY: SAM

PROJECT NO: 269/20 SCALE: 1/4" = 1'-0" DRAWINGS NO: **SA08b**/₁₁
 DATE: NOVEMBER 05, 2020

EXISTING SOUTH (FRONT) ELEVATION NO CHANGES

Appendix B

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04	FOR SUBMITTAL	SEP 14, 2020		
03	FOR CLIENT REVIEW II	SEP 13, 2020		
02	FOR CLIENT REVIEW I	SEP 21, 2020		

NO.	ISSUED/REVISION	DATE	NO.	ISSUED/REVISION	DATE
<p>ALPHA ENGINEERING DESIGN INC 2000 - 1225 Kennedy Rd., Toronto, ON M1P 4Y1 Tel# (647)606-0371 info@alphaedinc.com www.alphaedinc.com</p>					
					PROJECT NORTH
					TRUE NORTH

PROJECT ADDRESS:
24 A GLADIATOR RD., MARKHAM, ON.

DRAWING TITLE:
NORTH (REAR) ELEVATION

DESIGNED BY: ABU DWN. BY: SAM

PROJECT NO: 269/20 SCALE: 1/4" = 1'-0" DRAWINGS NO: SA08c/11

DATE: NOVEMBER 05, 2020

EXISTING SOUTH (REAR) ELEVATION NO CHANGES