

Memorandum to the City of Markham Committee of Adjustment

October 15, 2021

File: A/142/21
Address: 44 Delancey Crescent, Markham
Applicant: Yinghua Yu
Agent: LHW Engineering (Lihang Wang)
Hearing Date: Wednesday, October 20, 2021

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

The applicant is requesting relief from the following requirement of the “Eight Density - Single Detached Residential (R8) Zone” under By-law 134-79, as amended:

By-law 134-79, Section 6.1:

to permit an accessory dwelling unit (basement apartment) within an existing single-family dwelling; whereas, the By-law permits one single-family detached dwelling unit on a lot.

BACKGROUND

Property Description

The 540.30 m² (5,815.93 ft²) subject property is located on the north side of Delancey Crescent, which is situated west of McCowan Road and south of 16th Avenue. The property is located within an established residential neighbourhood predominantly comprised of two-storey detached dwellings.

There is an existing 408.08 m² (4,392.68 ft²) two-storey detached dwelling on the property, which according to assessment records was constructed in 1987. Mature vegetation exists across the property, including the west side yard where the proposed walk-up stairs for the secondary suite will be located.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling (see Appendix “B” – Plans). The proposed secondary suite would have direct and separate access provided by a proposed door and walk-up stairs located at 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* to require Official Plans to contain policies providing for two residential units in detached, semi-detached and row houses, as well as permitting a residential unit in ancillary structures to a detached house, semi-detached house or rowhouse. Under this legislation, “second 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, 2020 (Growth Plan)

Sections 2.2.1.4 (c), and 2.2.6 a) i. of the *Growth Plan* requires municipalities to provide a diverse range and mix of housing options including additional residential 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 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 Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a ZPR has not been conducted. However, the applicant received comments from the City's Building Department through their Building Permit

review process (HP 21 125779) that identified areas of non-compliance, as well as matters that required further clarification. 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 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.

PUBLIC INPUT SUMMARY

As of October 15, 2021, the City received one (1) letter of objection citing concerns with the proposed secondary suite as it pertains to creating additional traffic, pedestrian safety, and changes to the existing neighbourhood character. 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.

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 By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Secondary Suites

The application was circulated to the City's Operations Department who expressed concerns related to ensuring the trees located along the access route to the proposed secondary suite and in proximity to the walk-up stairs are not injured. It is the Owner's responsibility to consult further with the Operations Department to determine appropriate preservation methods prior to any construction. A condition to this effect has been included to in Appendix "A".

The City of Markham's Fire and Emergency Services Department have no objections provided the secondary suite complies with Building and Fire Codes. Should this application be approved, the applicant will be required to obtain a building permit that ensures the secondary suite will be in compliance with Building and Fire Code regulations, and that the applicant registers their secondary suite with the Fire and Emergency Services Department prior to occupancy of the unit.

The City of Markham is committed to promoting affordable and shared housing opportunities. Secondary suites help the City increase the supply of different 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 therefore have no objections.

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.

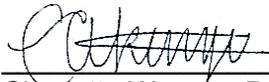
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances. Please see Appendix "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Charlotte Wayafa, Development Technician

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District

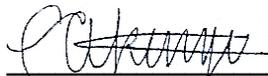
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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/142/21

1. The variance applies only to the proposed development as long as it remains.
2. That the variance applies only to the subject development, in substantial conformity with the plan(s) 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.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, where required, including street trees, in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:



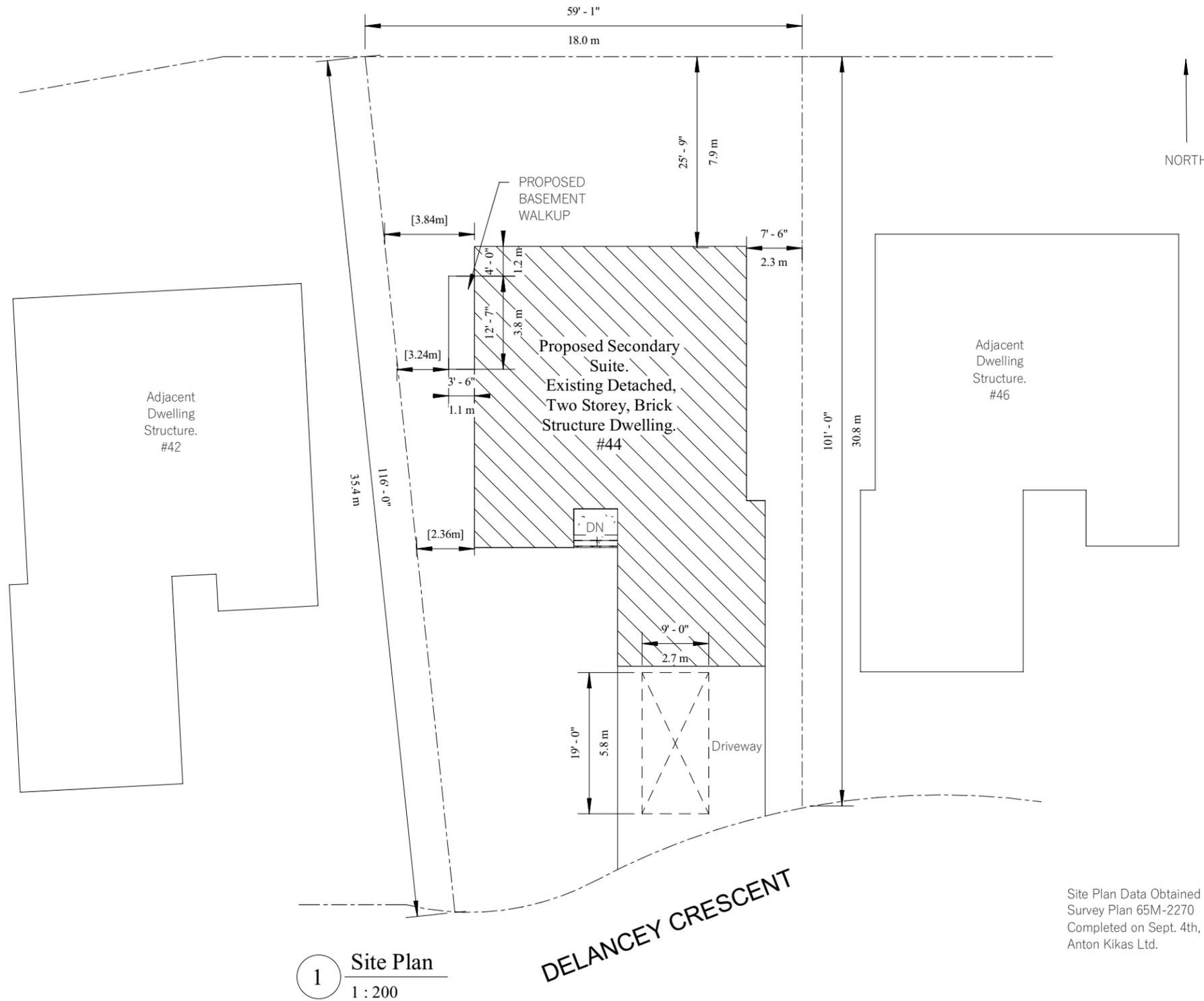
Charlotte Wayara, Development Technician

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/142/21

Appendix B

File: 21.138443.000.00.MNV

Date: 10/18/21
MM/DD/YY



1 Site Plan
1 : 200

DELANCEY CRESCENT

Site Plan Data Obtained From
Survey Plan 65M-2270
Completed on Sept. 4th, 1987 by
Anton Kikas Ltd.

SITE STATISTICS

LOT AREA: 5816 S.F (540.3 S.M)

SETBACKS:	EXISTING	PROPOSED
FRONT	6.07	NO CHANGE
REAR	7.9	NO CHANGE
WEST	2.36	NO CHANGE
EAST	1.38	NO CHANGE

NO CHANGE FOR EXISTING BUILDING AREA, DEPTH, ETC.

SCOPE OF WORK:

1. PROPOSED SECONDARY SUITE AT BASEMENT FLOOR
2. PROPOSED SIDE WALKUP FOR BASEMENT
3. ENLARGE REAR BASEMENT WINDOW

TOTAL 3 PARKING SPACES.



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Project Address

Proposed Secondary Suite

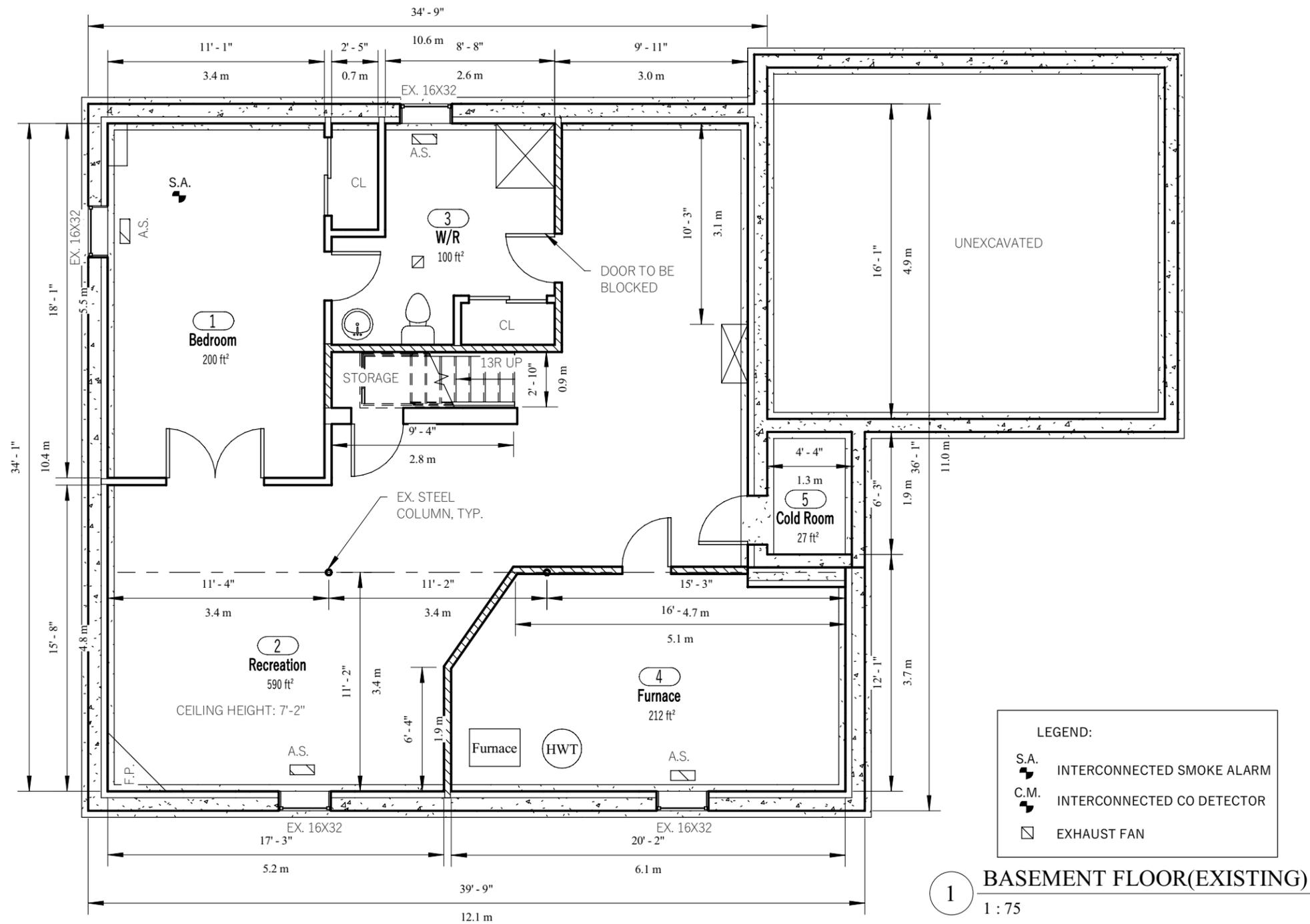
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2	ISSUED FOR BP APPLICATION	11/05/21
3	ISSUED FOR C OF A	14/09/21

Title SITE PLAN		A0.3
Project number	210408	
Date	2021/04/23	
Drawn by	MX	
Checked by	BW	Scale 1 : 200

Appendix B

File: 21.138443.000.00.MNV

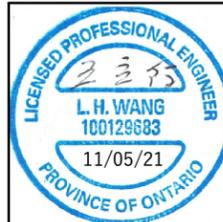
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1 BASEMENT FLOOR(EXISTING)
1 : 75



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Proposed Secondary Suite

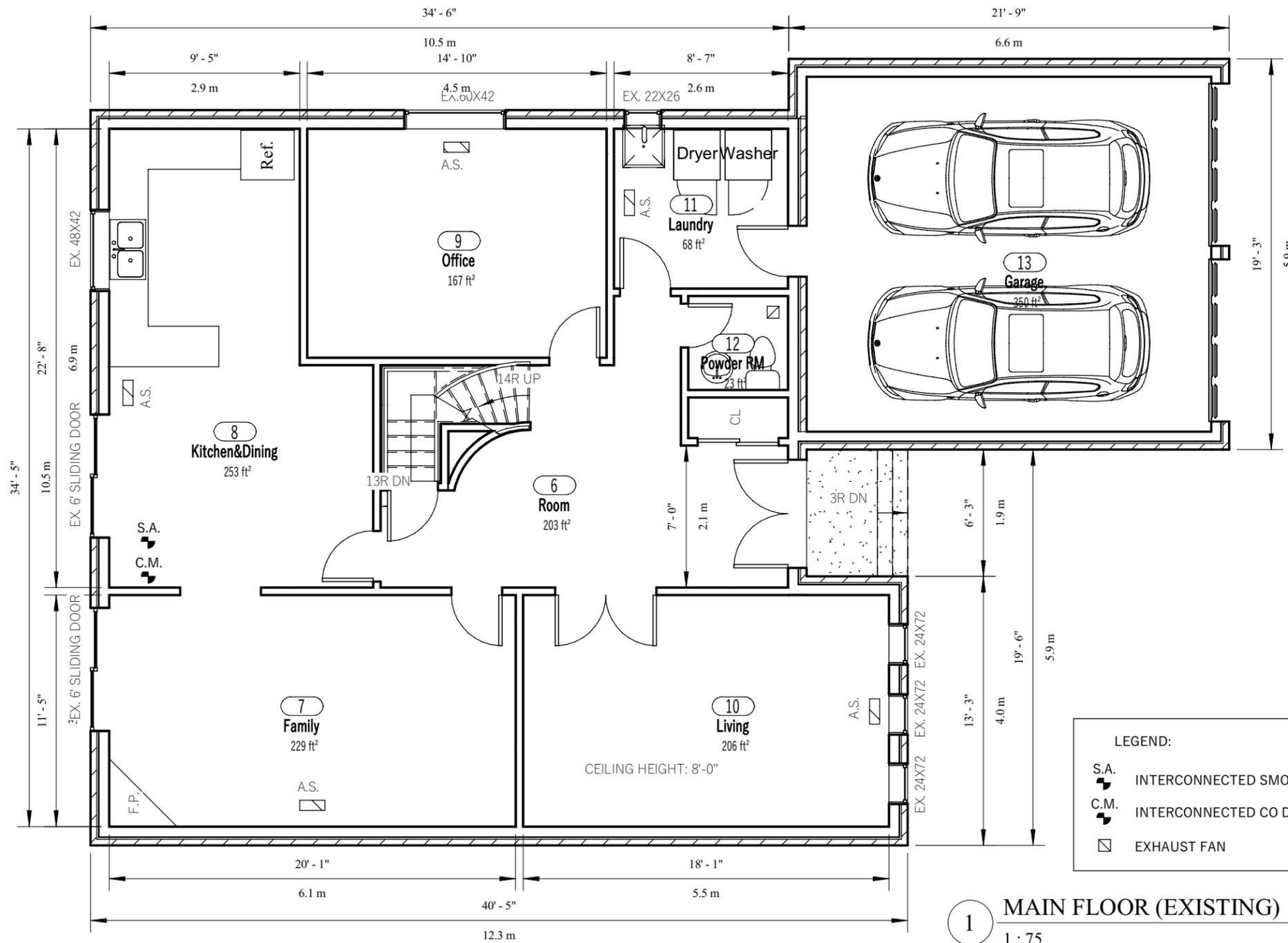
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3	ISSUED FOR C OF A	14/09/21

Title EX. BASEMENT FLOOR PLAN		A1.1
Project number	210408	
Date	2021/04/23	
Drawn by	MX	
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Appendix B

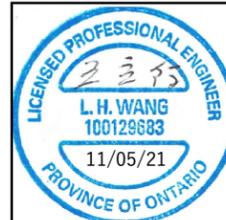
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Project Address
 Proposed Secondary Suite

No.	Description	Date
1	ISSUED FOR CLIENT REVIEW	22/04/21
2	ISSUED FOR BP APPLICATION	11/05/21
3	ISSUED FOR C OF A	14/09/21

Title EX. MAIN FLOOR PLAN

Project number 210408
 Date 2021/04/23
 Drawn by MX
 Checked by BW

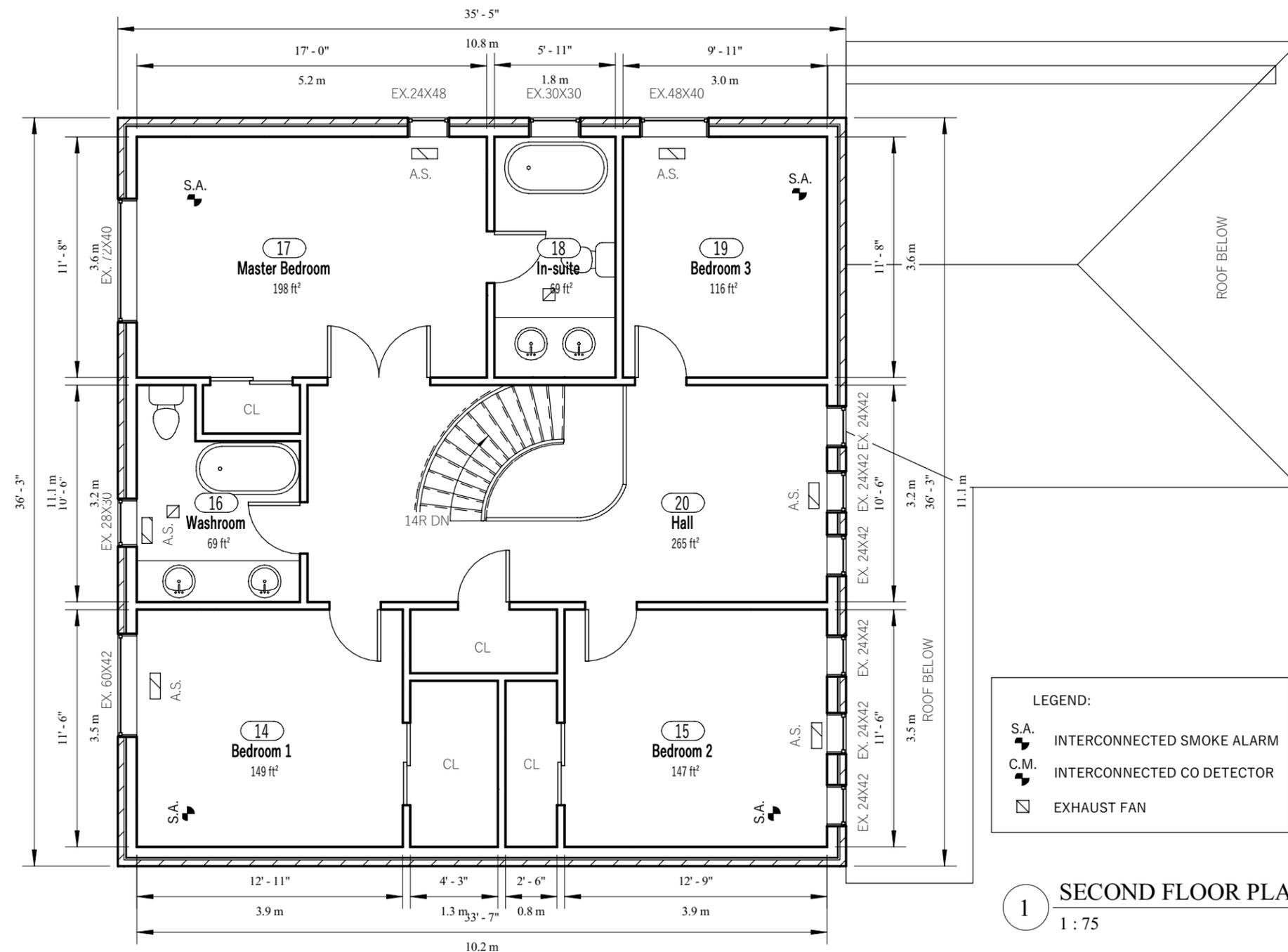
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Appendix B

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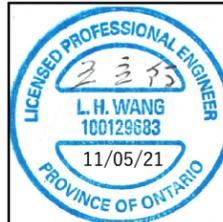
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1 SECOND FLOOR PLAN(EXISTING)
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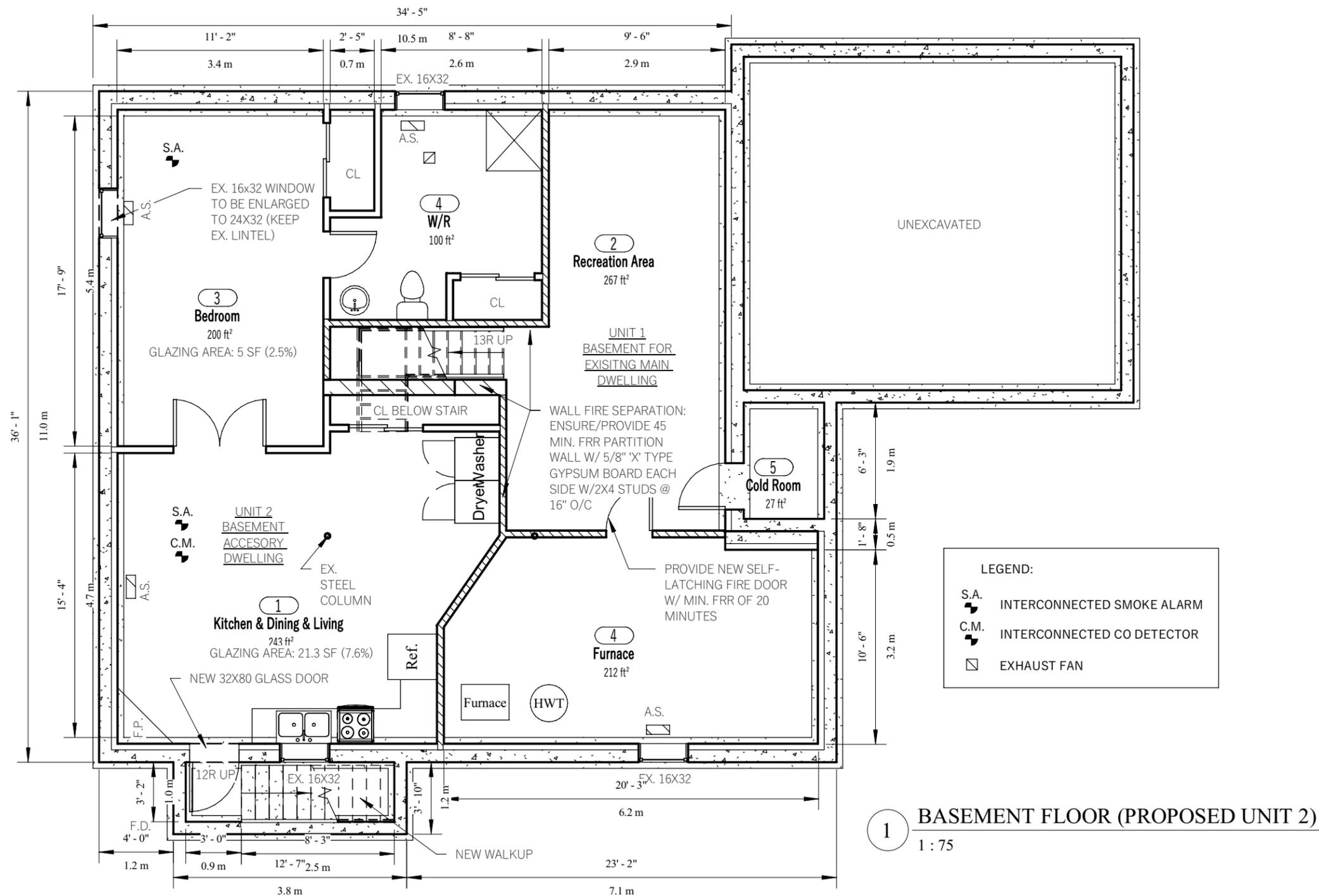
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Project number	210408	
Date	2021/04/23	
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1 BASEMENT FLOOR (PROPOSED UNIT 2)
1 : 75

LEGEND:

- S.A. INTERCONNECTED SMOKE ALARM
- C.M. INTERCONNECTED CO DETECTOR
- ☐ EXHAUST FAN

CEILING ASSEMBLY:
 -EX. SUBFLOOR
 -EX. FLOOR JOIST
 -ABSORPTIVE MATERIAL IN CAVITY
 -RESILIENT METAL CHANNELS @ 16" O/C
 -5/8" TYPE X GYPSUM BOARD

NOTE:
 1. EVERY DWELLING UNIT SHALL BE SEPARATED FROM EVERY OTHER SPACE IN A BUILDING IN WHICH NOISE MAY BE GENERATED BY AN ASSEMBLY PROVIDING A SOUND TRANSMISSION CLASS RATING OF AT LEAST 50 AS PER 9.11.2.1
 2. PROVIDE MIN. 45 MINUTES FRR FIRE SEPARATION FOR CEILING/FLOOR BETWEEN UNITS
 3. DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR(S)
 4. NO CHANGE TO EX. HVAC SYSTEM



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 Proposed Secondary Suite

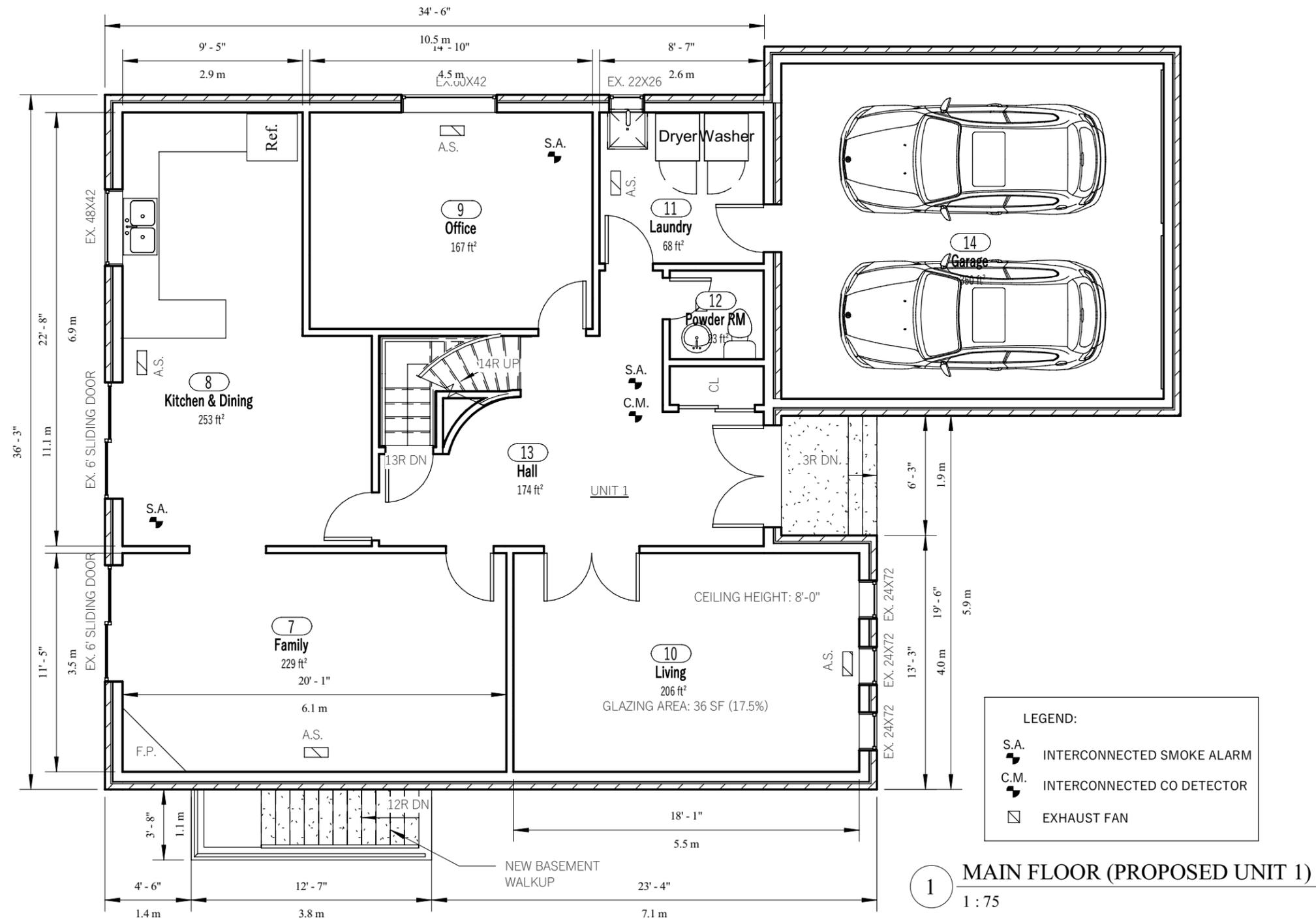
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2	ISSUED FOR BP APPLICATION	11/05/21
3	ISSUED FOR C OF A	14/09/21

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Project number	210408	
Date	2021/04/23	
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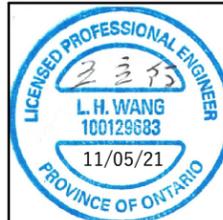
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Project Address

Proposed Secondary Suite

No.	Description	Date
1	ISSUED FOR CLIENT REVIEW	22/04/21
2	ISSUED FOR BP APPLICATION	11/05/21
3	ISSUED FOR C OF A	14/09/21

Title PROPOSED MAIN FLOOR PLAN

Project number 210408
Date 2021/04/23
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A1.5

Scale 1 : 75

Appendix B

File: 21.138443.000.00.MNV

Date: 10/18/21
MM/DD/YY

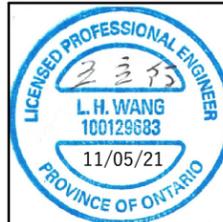


1 FRONT ELEVATION (EXISTING)
1 : 75



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Project Address

Proposed Secondary Suite

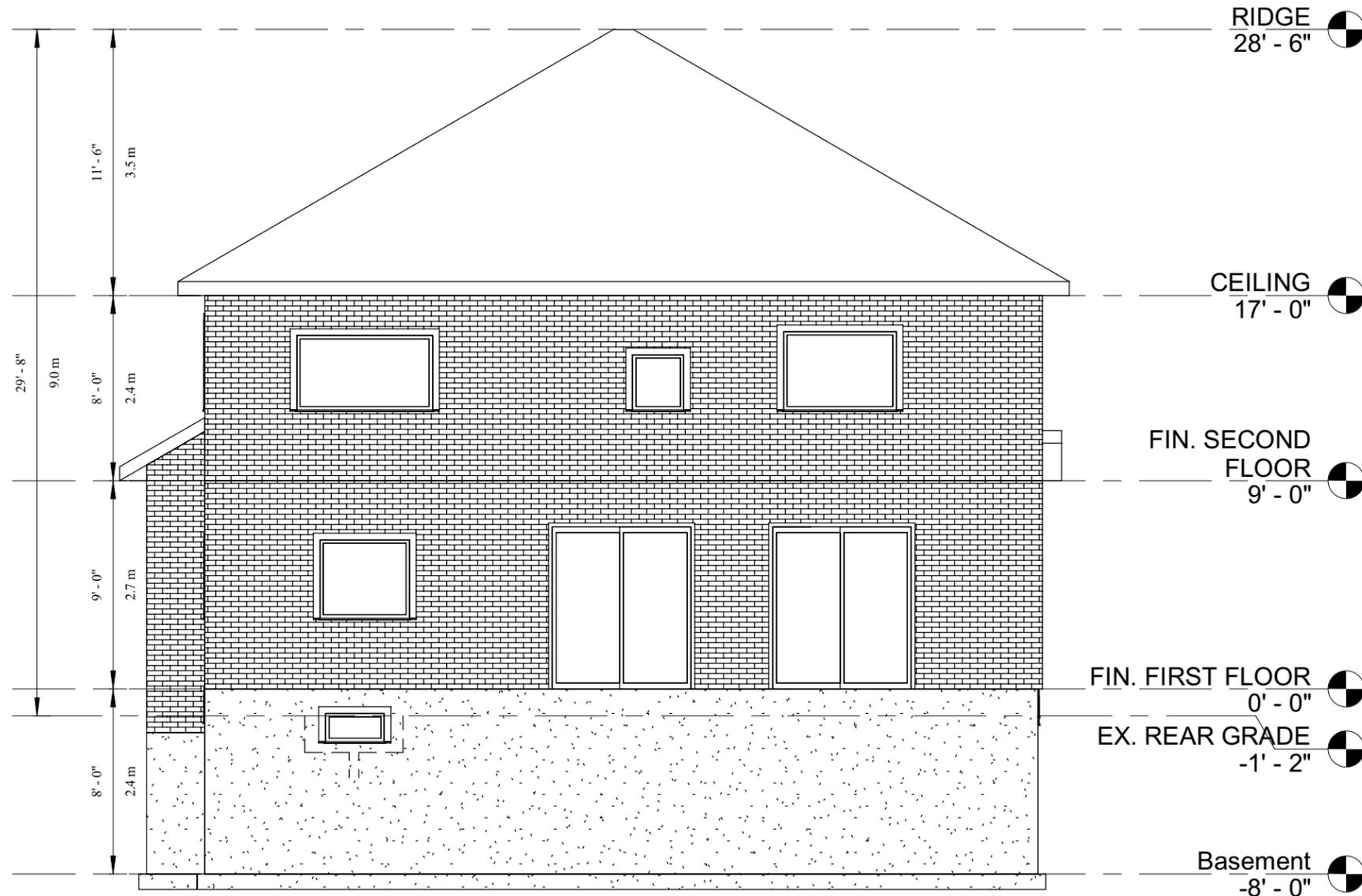
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2	ISSUED FOR BP APPLICATION	11/05/21
3	ISSUED FOR C OF A	14/09/21

Title EX. FRONT ELEVATION		A2.1
Project number	210408	
Date	2021/04/23	
Drawn by	MX	
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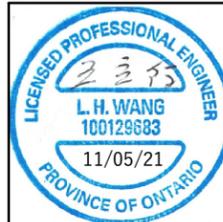
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1 REAR ELEVATION (EXISTING)
1 : 75



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Proposed Secondary Suite

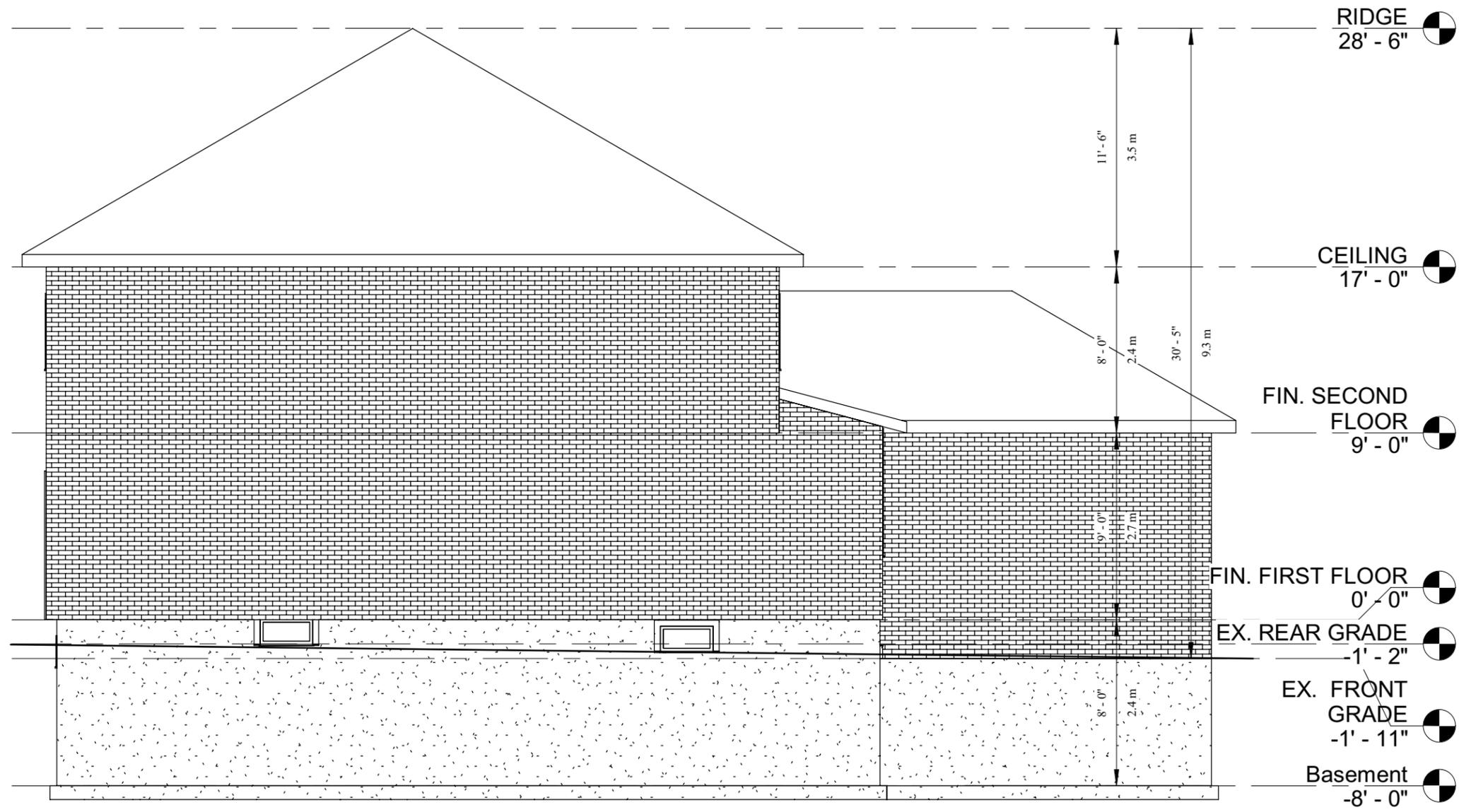
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2	ISSUED FOR BP APPLICATION	11/05/21
3	ISSUED FOR C OF A	14/09/21

Title EX. REAR ELEVATION		A2.2
Project number	210408	
Date	2021/04/23	
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1 WEST ELEVATION (EXISTING)
1 : 75



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Project Address

Proposed Secondary Suite

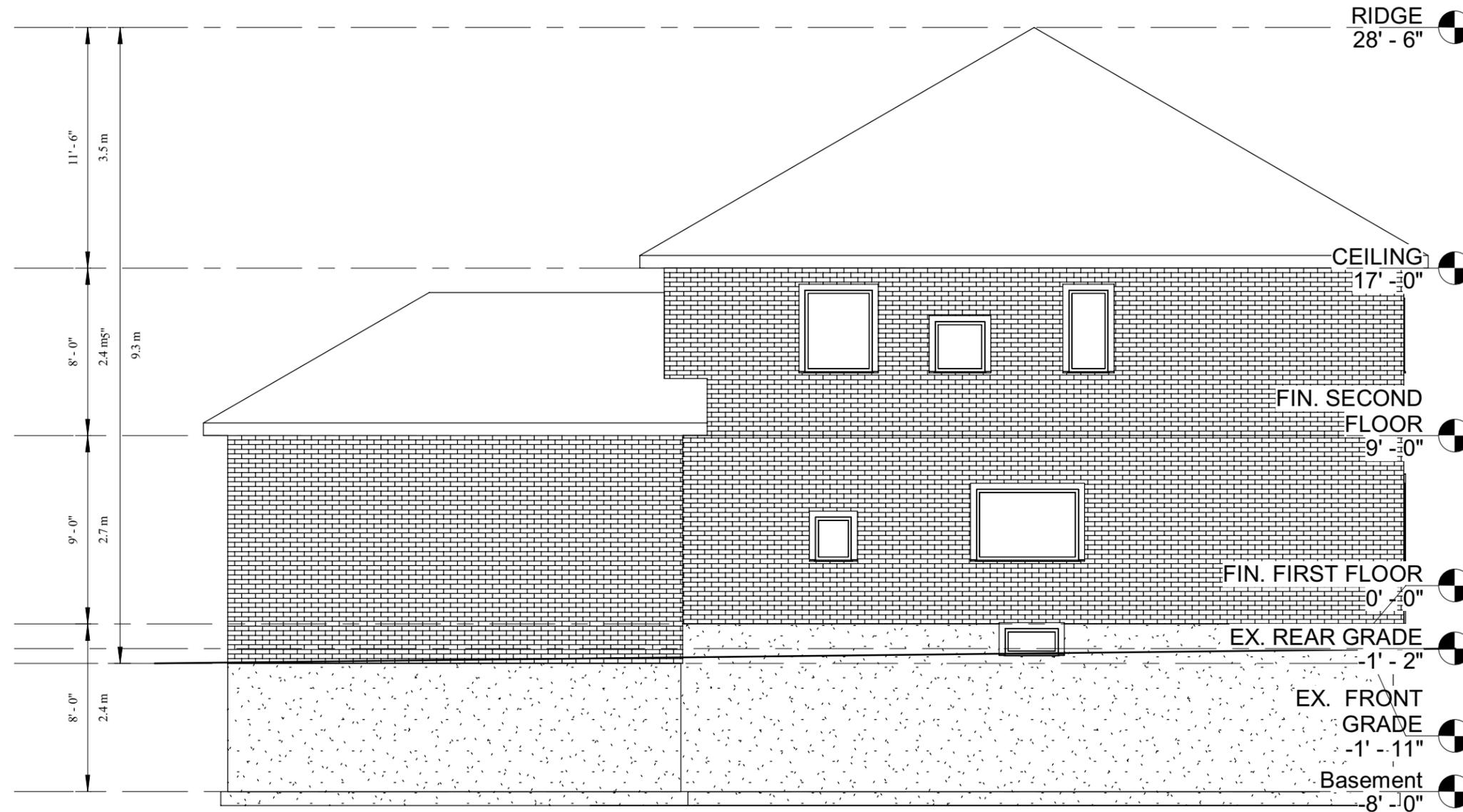
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3	ISSUED FOR C OF A	14/09/21

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Project number	210408	
Date	2021/04/23	
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1 EAST ELEVATION (EXISTING)
1 : 75

NOTE: NO CHANGE TO EX. EAST ELEVATION



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Proposed Secondary Suite

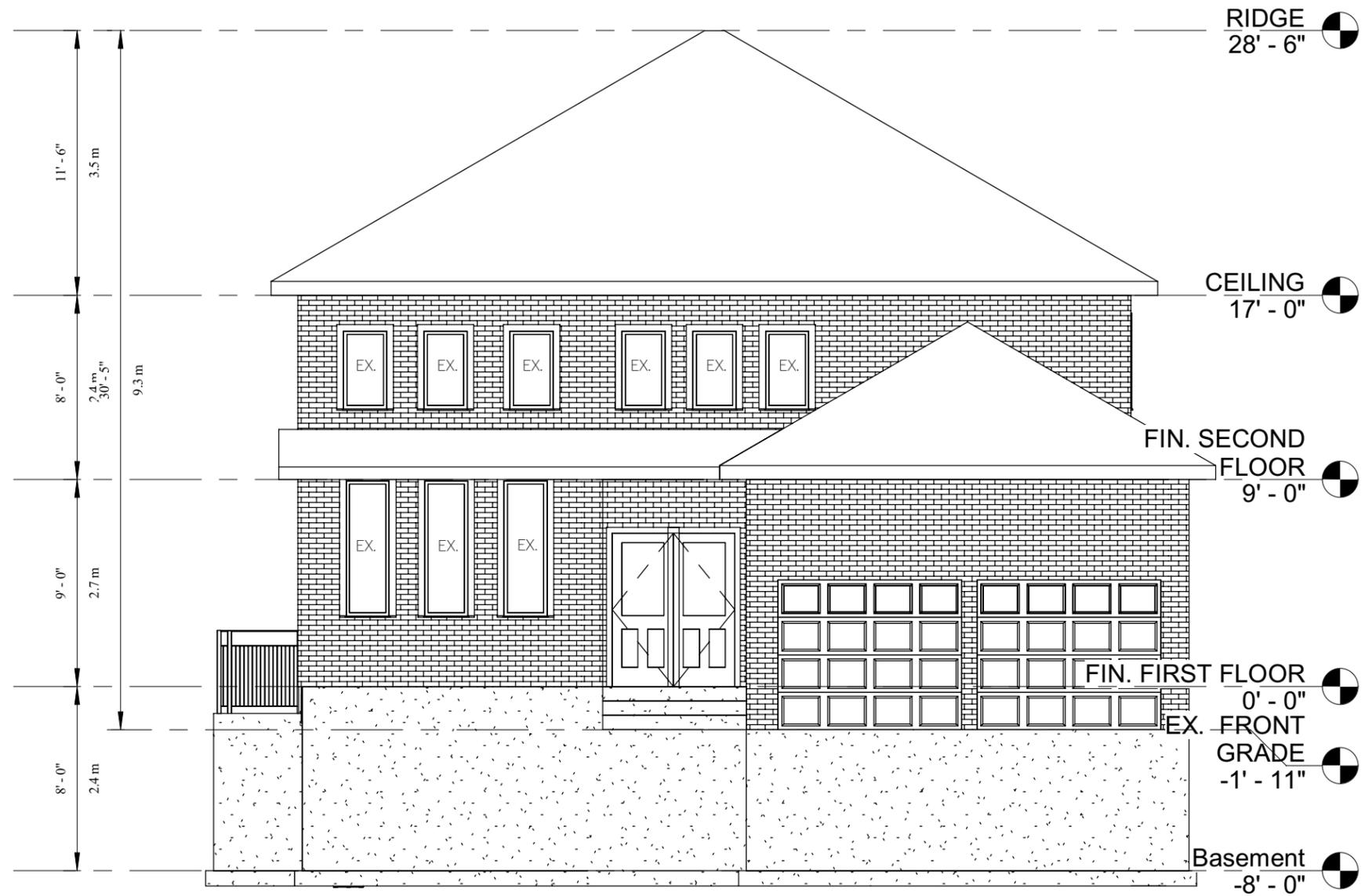
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3	ISSUED FOR C OF A	14/09/21

Title EX. EAST ELEVATION		A2.4
Project number	210408	
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Drawn by	MX	
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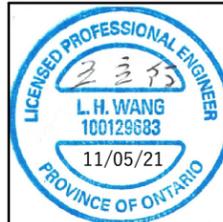


1 FRONT ELEVATION (PROPOSED)
1 : 75



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Project Address

Proposed Secondary Suite

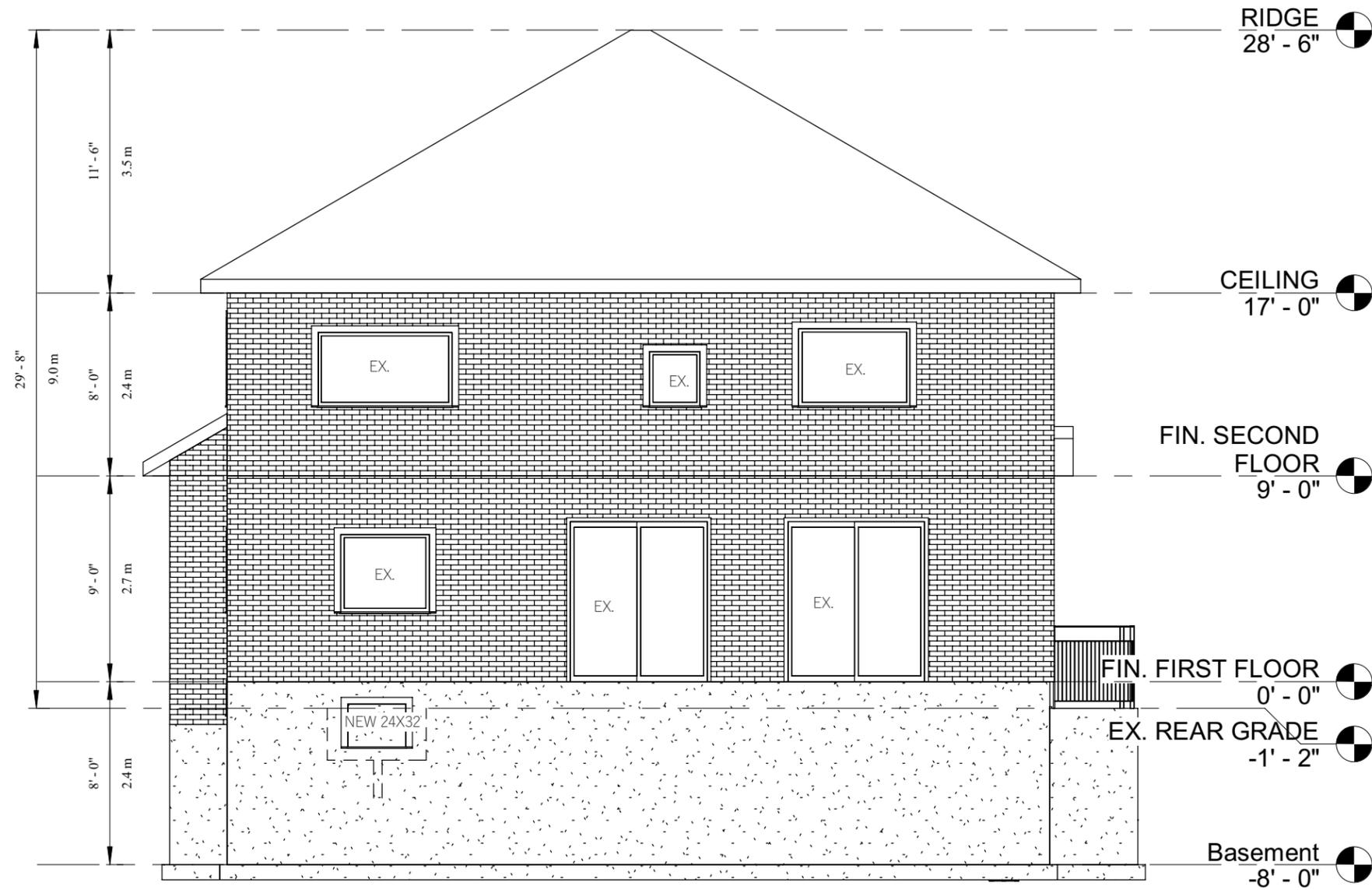
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3	ISSUED FOR C OF A	14/09/21

Title PROPOSED FRONT ELEVATION		A2.5
Project number	210408	
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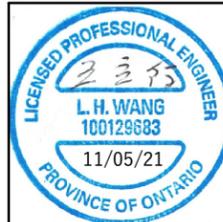
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1 REAR ELEVATION (PROPOSED)
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Proposed Secondary Suite

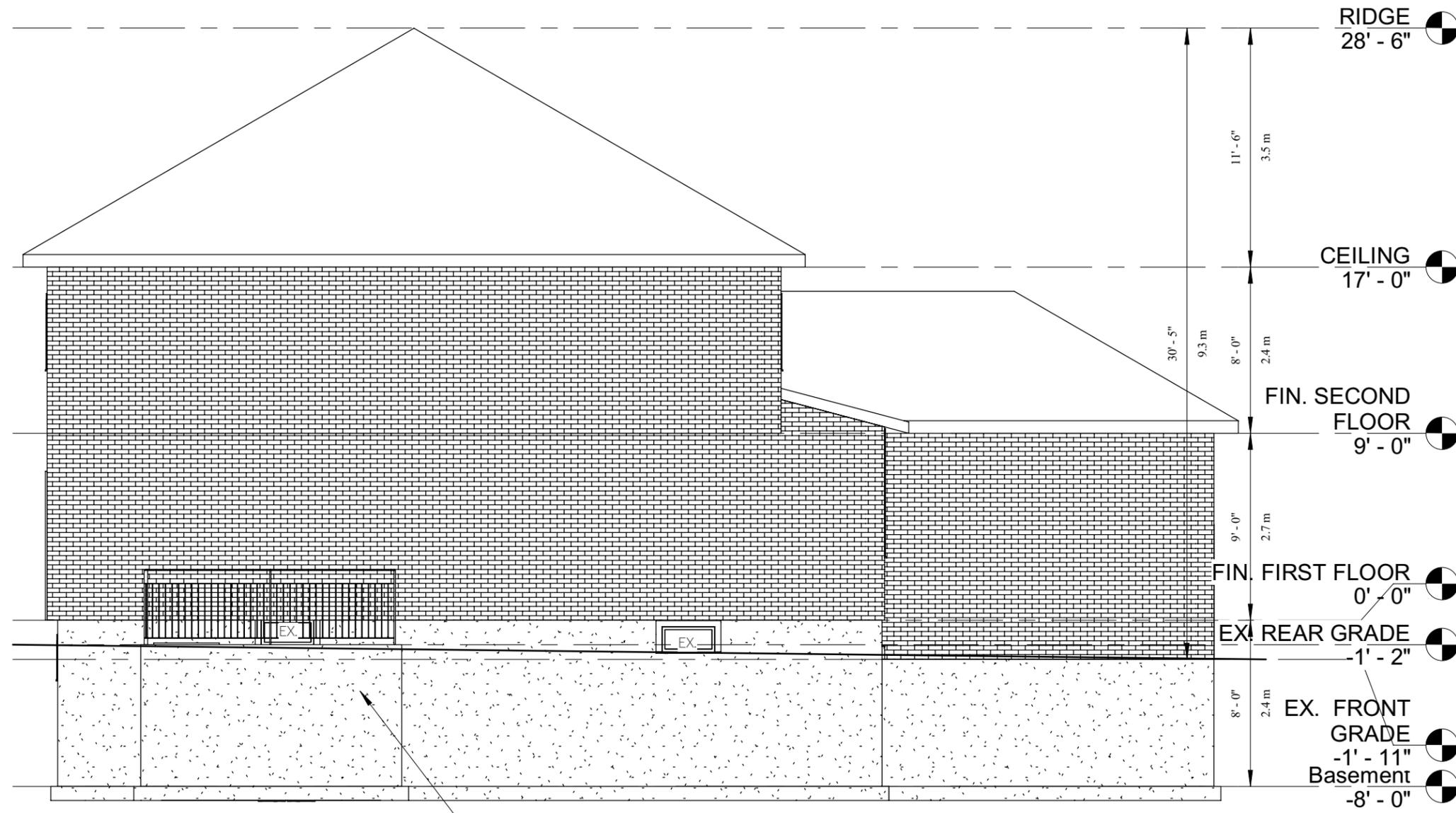
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Title PROPOSED REAR ELEVATION		A2.6
Project number	210408	
Date	2021/04/23	
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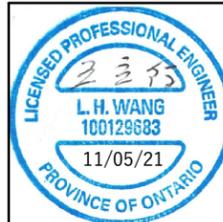
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1 WEST ELEVATION (PROPOSED)
1:75



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Title PROPOSED WEST ELEVATION		A2.7
Project number	210408	
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Drawn by	MX	
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