

Memorandum to the City of Markham Committee of Adjustment

July 30, 2024

File: A/044/24
Address: 6 Fitzroy Ave Markham
Applicant: Renor and Associates inc. (Imran Khan)
Hearing Date: Wednesday, August 14, 2024

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

The applicant is requesting relief from the following requirements of By-law 177-96, as amended, as it relates to a proposed accessory dwelling unit:

a) By-law 28-97, Section 3, Table A, Subsection G:

a minimum of two parking spaces, whereas the by-law requires a minimum of three parking spaces

BACKGROUND

Property Description

The 341.77 m² (3,678.78 ft²) subject property is located on the north side of Fitzroy Avenue, east of McCowan Road and south of Bur Oak Avenue. The subject property is located within an established residential neighbourhood comprised of a mix two-storey detached, semi-detached, and townhouse dwellings. In close proximity to the subject property are parks, schools, transit stops and a large commercial plaza.

There is an existing single detached dwelling on the property, which according to assessment records was constructed in 2011. Mature vegetation exists across the property.

Proposal

The applicant is proposing to construct a secondary suite in the basement of the existing single detached 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 177-96

The subject property is zoned Residential Two Exception *99 (R2*99) under By-law 177-96, as amended. Under the City’s Comprehensive Zoning By-Law 2014-19, as amended, the subject property is designated Residential Low Rise Two (RES-LR2). Under both By-Laws, Detached, Semi-Detached, Home Child Care and Home Occupations are

permitted. Exception 99 under Zoning By-law 177-96 relates to modified Zone Standards related to minimum side yards, minimum driveway setback, minimum lot depth of a wide shallow lot.

Parking Standards By-law 28-97

The proposed addition of a secondary suite does not comply with the standard of the Parking By-law 28-97 with respect to the number of parking spaces for the total number of dwelling units on the property. Further details of the parking requirement are provided in the comment section below.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their permit process 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.

Reduced Parking Spaces

Parking Standards By-law 28-97 requires two parking spaces be provided for the principal dwelling unit, plus one additional space for an accessory dwelling unit or secondary suite. The existing single-car garage and driveway currently provides a total of 2 parking spaces.

Requiring an additional parking space will result in changes to the property, such as reduced soft landscaping and increased hard surface area within the front yard; both of which are undesirable as they will likely detract from the streetscape. Furthermore, this will reduce the amount of soft surface area that currently provides for the infiltration of rain water, which is an important part of good stormwater management practices.

Staff are of the opinion that the parking issue may be considered “self-regulating”, as the unit would only be of interest to a tenant that does not require a parking space, in the event that both parking spaces are required for use by the owner of the dwelling. Additionally, the property is within close proximity to transit routes located at the intersection of Bur Oak Avenue and McCowan Road.

The Applicant is advised that no overnight parking is permitted on this street, and violators would be ticketed nightly, unless a permit or exemption has been obtained through the City’s Overnight Street Parking Request.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 5, 2024. 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 refer Appendix "A" for conditions to be attached to any approval of this application.

APPENDICIES

Appendix "A" – A/044/24 Conditions of Approval

Appendix "B" – Drawings

PREPARED BY:



Aaron Chau, Planner I, Planning and Urban Design Department

REVIEWED BY:



Stacia Muradali, Development Manager, East District

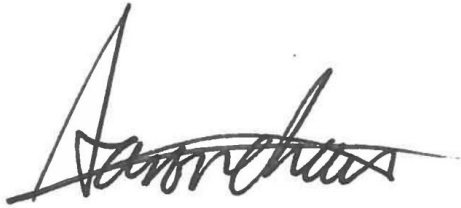
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APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/044/24

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 May 21 2024, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;

CONDITIONS PREPARED BY:

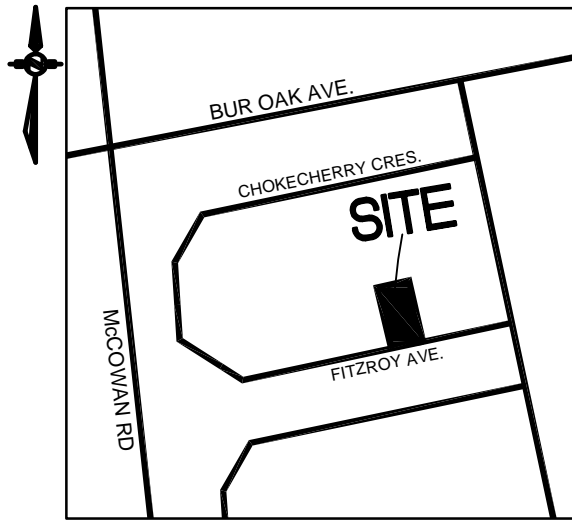
A handwritten signature in black ink, appearing to read 'Aaron Chau', written over a horizontal line.

Aaron Chau, Planner I, Planning and Urban Design Department

Appendix B

File: 24.171097.000.00.MNV

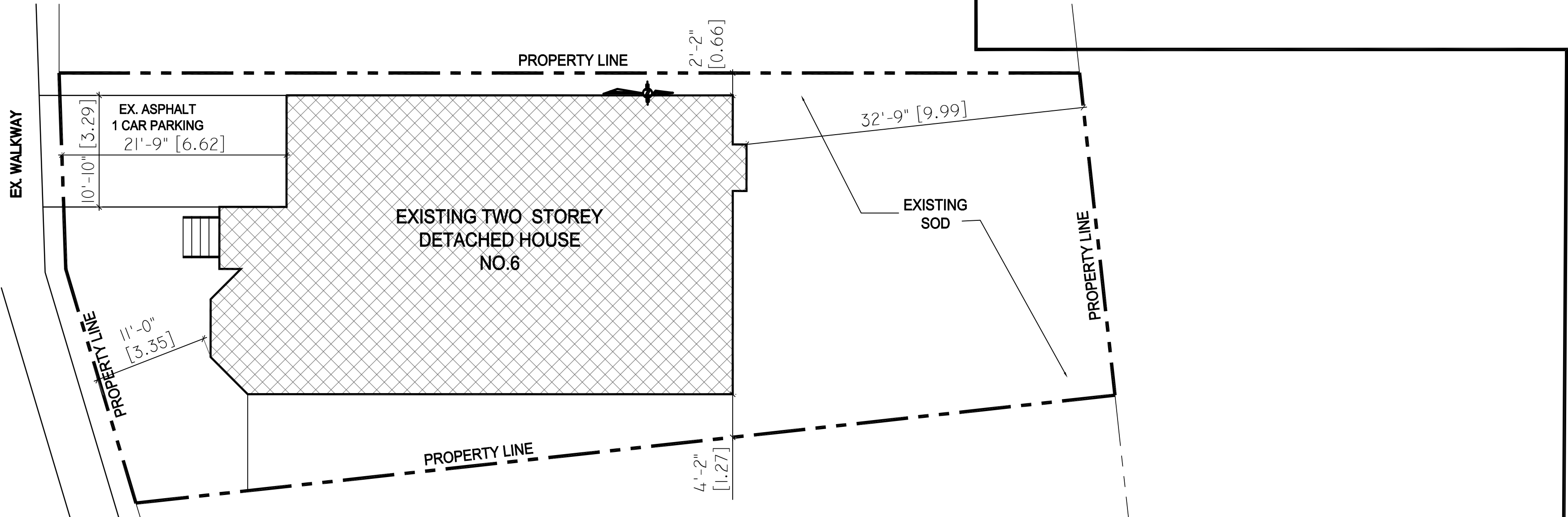
Date: 8/6/2024
MM/DD/YY



KEY MAP
N.T.S.

EXISTING BUILDING GFA:	
GR. FLOOR	123.0 sm (1,324 sq.ft.)
2nd FLOOR	123.0 sm (1,324 sq.ft.)
Total:	246.0 sm (2,648 sq.ft.)

PROPOSED ALTERATION	
BASEMENT APARTMENT	67.08 sm (722 sq.ft.)



PROJECT PERMIT APPROVAL APPLICATION FOR EX. SIDE ENTRANCE AND BASEMENT FOR 2ND UNIT 6 FITZROY AVE., MARKHAM, ONTARIO	IMRAN KHAN ARCHITECT RENOR & ASSOCIATES INC 1906 PARKSIDE DRIVE, PICKERING, ONTARIO L1V 3N5 EMAIL: ikhanarch@gmail.com, Tel: (416) 662-7593	DRAWING SITE PLAN SCALE 1:100	NO. 1 ISSUED FOR CLIENT'S REVIEW JAN. 4 / 24	REVISIONS	DATE JAN. 4 / 24	DRAWN TANVIR / BH	PROJECT NO 23-45
			NO. 2 ISSUED FOR BUILDING PERMIT JAN. 4 / 24		PLOTTED DATE MAY 2 / 2024		
			NO. 3			CHECKED	
			NO. 4				