

Memorandum to the City of Markham Committee of Adjustment

September 27, 2024

File: A/045/24
Address: 30 Prebble Drive, Markham ON
Agent: Renor and Associates inc. (Imran Khan)
Hearing Date: Wednesday, October 9, 2024

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

The Applicant is requesting relief from the following Residential Two – Exception 99 (R2*99) zone requirements of By-law 177-96, as amended, as it relates to a proposed basement dwelling unit. The requested variance is to permit:

a) By-law 28-97, Section 3:

a minimum of two (2) parking spaces, whereas the by-law requires a minimum of three (3) parking spaces.

BACKGROUND

Property Description

The 224.43 m² (2,415.74 ft²) subject property is located on the west side of Prebble Drive, north of Sixteenth Avenue and east of Mingay Avenue. The property is located within an established residential neighbourhood comprised of two-storey semi-detached dwellings. The dwelling contains a one-car integral garage.

Proposal

The applicant is proposing to construct an additional dwelling unit in the basement, requiring relief to the parking requirement as the additional unit requires a parking space.

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, 2017, and updated on April 9, 2018)

The Subject Lands are designated “Residential Low Rise”, which permits low rise housing forms including semi-detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks.

Zoning By-Law 177-96, as amended

The subject property is zoned Residential Two – Exception 99 (R2*99) under By-law 177-96, as amended, which permits semi-detached dwellings.

Parking Standards By-law 28-97

The proposed secondary suite does not comply with the standard of the Parking By-law 28-97 with respect to the minimum amount of required parking spaces. The semi-detached dwelling unit requires two parking spaces and the accessory unit requires one additional parking space. Further details of the parking requirement is provided in the comment section below.

By-law 2024-19

The Subject Lands are also Zoned “RES-LR3 (Residential – Low Rise Three), under By-law 2024-19, which permits semi-detached dwellings. As per the transition clauses within Section 1.7 of By-law 2024-19, an application accepted prior to the passing of By-law 2024-19 on January 31st, 2024 shall continue to be subject to the applicable By-law in force on the day before the effective date of this by-law. A permit application (23.148308 HP) was accepted prior to the passing of By-law 2024-19, and as such, the provisions of By-law 2024-19 shall not apply to this application.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on February 5, 2024 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 provide a total 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 is likely to detract from the visual appearance of the property and have a negative impact on 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 note that the existing parking space on the driveway is a legal non-conforming condition as a portion of the parking space encroaches into the boulevard. Staff are satisfied that since the driveway was constructed and used regularly in this manner since the construction of the subdivision, staff have no concerns.

Staff are of the opinion that to ensure the second suite remains inconspicuous from the street, and that the character of the dwelling and neighbourhood does not change, no additional parking should be required. Staff are also 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. It is noted that no overnight parking is permitted on this street, and violators would be ticketed nightly.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 1, 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 variances requested 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 to Appendix “A” for conditions to be attached to any approval of this application.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/045/24

1. The variances apply only to the proposed development as long as it remains; and
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, 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:



Brashanthe Manoharan, Planner II, East District

Appendix B

File: 24.171098.000.00.MNV

Date: 10/1/2024
MM/DD/YYYY



LEGEND

EXISTING CONSTRUCTION
EXISTING WALL/ PARTITION TO REMAIN

30 MIN. FIRE RATED
NEW PARTITION

NEW INTERNAL PARTITION

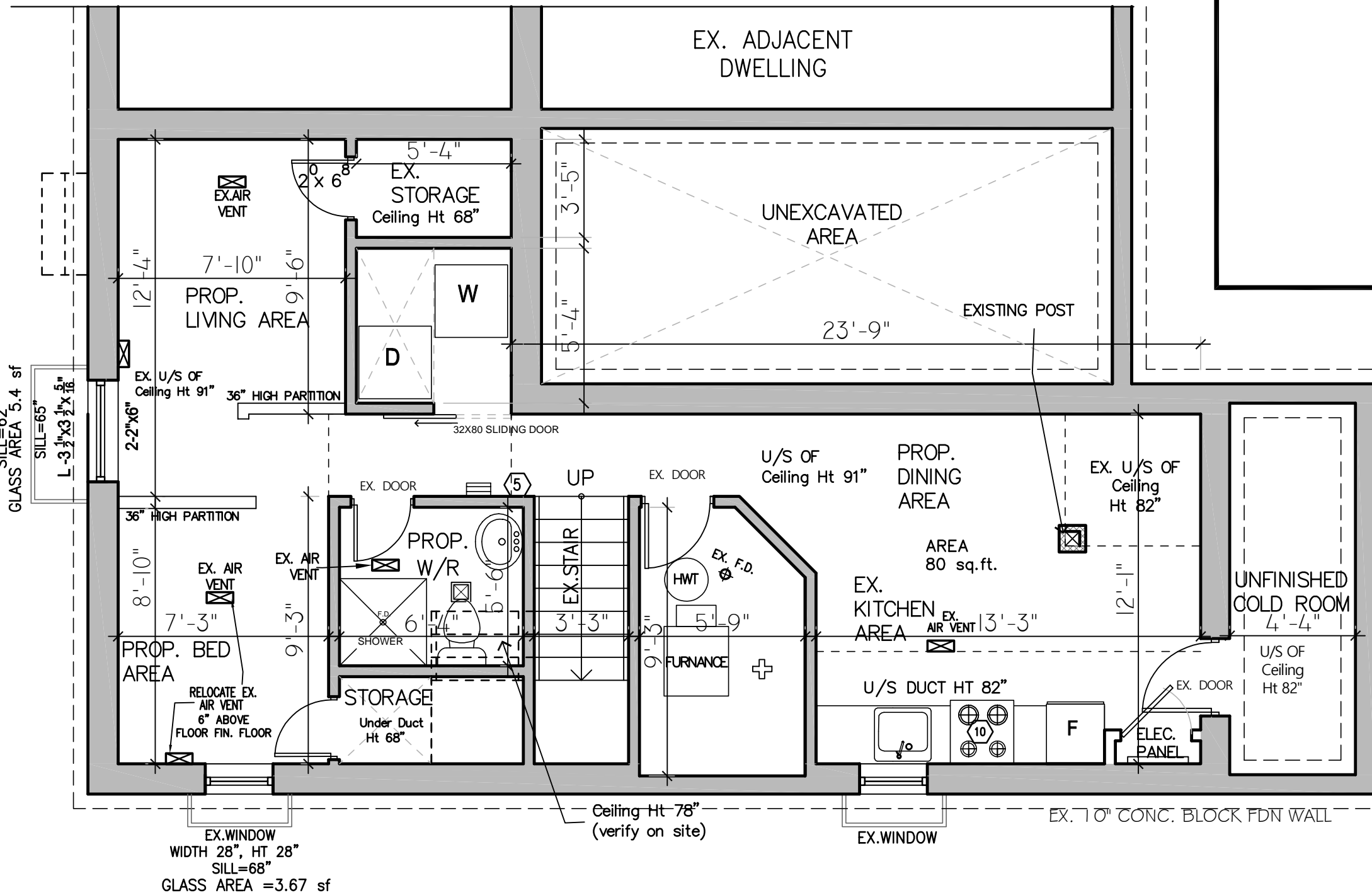
SA INTERCONNECTED SMOKE ALARMS
W/ STROBE LIGHT

CD CARBON MONOXIDE ALARM

OUTLET CONTROL
EMERGENCY LIGHT

FLASHING:

EX. WINDOW
WIDTH 28", HT 22"
SILL=70"
PROP. WINDOW
WIDTH 36", HT 30"
SILL=62"
GLASS AREA 5.4 sf



PROJECT
**PERMIT APPROVAL APPLICATION
FOR EX. SIDE ENTRANCE AND
BASEMENT FOR 2ND UNIT
30 PREBBLE DR.,
MARKHAM, ONTARIO**

IMRAN KHAN
ARCHITECT

RENOR & ASSOCIATES INC
1906 PARKSIDE DRIVE, PICKERING, ONTARIO L1V 3N5
EMAIL: ikhanarch@gmail.com, Tel: (416) 662-7593

DRAWING
**PROP. BASEMENT
FLOOR PLAN**

SCALE
1/4" = 1'-0"

NO.	ISSUED	REVISIONS	DATE
1	ISSUED FOR CLIENT'S REVIEW		NOV.24/23
2	ISSUED FOR BUILDING PERMIT		DEC.4/23
3			
4			

DRAWN BH	PROJECT NO 23-44
PLOTTED DATE DEC.4/2023	DRAWING NO
CHECKED	A4