

Memorandum to the City of Markham Committee of Adjustment

January 9, 2022

File: A/163/21
Address: 2766 Donald Cousens Pky, Markham
Applicant: Varatha Design Associates (Ken Varatha)
Agent: Varatha Design Associates (Ken Varatha)
Hearing Date: Wednesday January 19, 2022

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, R2*190*210*388 as amended, to permit:

- a) **By-law 28-97, Section 3.0 Table A:**
two (2) parking spaces, whereas the By-law requires a minimum of three (3) parking spaces;

- b) **By-law 177-96, Section 7.190.1 (a)(ii):**
an accessory dwelling unit in the main building, whereas the By-law permits an accessory dwelling unit only above a private garage in either the main building or an accessory building on the same lot;

as it relates to a proposed secondary suite (basement apartment).

BACKGROUND

Property Description

The subject property is located on Donald Cousen Parkway, north of 16th Avenue and east of 9th Line. The property is developed with a two-storey single detached dwelling. Parking is provided at the rear in a double-car garage, which is separate from the main dwelling, with access via a public lane. The detached double-car garage does not contain any dwelling units above.

The property is located in the Cornell community, which is primarily a residential neighborhood that contains a mix of low rise housing forms, including detached, semi-detached, and townhouse dwellings. Cornell is primarily a lane-based community in which vehicular access and parking is provided via rear lanes and garages, and along public streets. Accessory dwelling units exist in the area, in the form of coach houses located above private garages, and as basement apartments. The property is within close proximity of the Rouge Park and an elementary school.

Proposal

The applicant is requesting a variance to permit an accessory dwelling unit in the basement of the main dwelling. The proposed accessory dwelling unit will have direct and separate access via an existing walk-up entrance on the north side of the building. The applicant is also requesting a variance to reduce the parking requirement from three parking spaces to two parking spaces.

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, 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 Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including semi-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, as amended (“the Zoning By-law”)

The subject property is zoned “Residential Two Exception *190*210*388” under By-law 177-96, as amended, which permits single detached dwellings. As per Exception *190.1ii), the Zoning By-law only permits an accessory dwelling unit above a garage in either the main building or an accessory building on the same lot. The proposed accessory dwelling unit in the basement of the main building does not comply with the by-law requirement.

Parking Standards By-law 28-97 (“the Parking By-law”)

The proposed development also does not comply with the Parking By-law with respect to the parking requirement for an accessory dwelling unit.

Zoning Preliminary Review (ZPR) Not Undertaken

City records indicate that the applicant has not completed a ZPR. However, the applicant has received comments from the building department through their permit process to confirm the variances required for the proposal.

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.

Accessory Dwelling Unit

While the zoning by-law only permits an accessory unit above a private garage, the requested variance would provide an opportunity to include additional housing on the subject property. As previously noted, the *More Homes, More Choice Act* requires Official Plans to contain policies to provide for two residential units within a single-detached dwelling, as well as permitting a residential unit in structures that are ancillary to the primary dwelling unit.

The Regional Municipality of York completed an Office Consolidation of their Official Plan in January 2019. Section 3.5.22 states that:

“local municipalities are required to adopt official plan policies that authorize secondary suites as follows:

- *the use of two residential units in a house if no ancillary building or structure contains a residential unit; and*
- *the use of a residential unit in a building or structure ancillary to a house if the house contains a single residential unit.”*

Staff are satisfied that the proposed development meets the policy direction under the *More Homes, More Choice Act*, and Regional Official Plan, both of which succeed that of the City's Official Plan 2014, and the current By-law 177-96 in effect. Section 27(1) of the *Planning Act* also states that,

“Council of a lower-tier municipality shall amend every official plan and by-law passed under Section 34, or a predecessor of it, to conform with a plan that comes into effect as the official plan of the upper-tier municipality.”

The City of Markham is committed to promoting affordable and shared housing opportunities. Secondary suites help the City increase the availability and supply of different housing forms, which can provide support to achieve its affordable housing target required by the Province. Planning staff have reviewed the proposed accessory dwelling unit within the context of the Provincial Policy Statement, Provincial Growth Plan and the criteria in the Official Plan, and support the approval of the requested variance.

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.

Parking Reduction

The requested variance is to permit two parking spaces on the property, whereas the By-law requires a total of three parking spaces (two for the principal unit and one for an accessory dwelling unit).

Staff are of the opinion that the proposed parking reduction may be considered “self-regulating”, as the accessory dwelling unit would only be of interest to an occupant 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 located within the general proximity of a bus station on Donald Cousens Parkway, which is on YRT's Route 25 and can connect to the bus terminal at Markham Stouffville Hospital providing a number of transfer options including, but not limited to:

- Route 1 - to Richmond Hill Centre (Yonge) via Highway 7
- Viva Purple - to Richmond Hill Centre (Yonge) via Highway 7 (includes connection to Unionville GO station)
- Route 9 – to Whitchurch-Stouffville via 9th Line
- Route 18 – to Angus Glen (Kennedy) via Bur Oak Avenue
- Route 16 – to Richmond Hill (Yonge) via 16th Avenue (includes connection to Mount Joy GO station)

The City of Markham is committed to promoting affordable and shared housing opportunities. The requested variance will facilitate the creation of an accessory dwelling unit which contributes to the supply of affording housing in the City. Staff are of the opinion

that the variance maintains the general intent of the Official Plan and Zoning By-law and support the approval of the application.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 7, 2022. 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 requested variances meet the four tests of the Planning Act and have no objection to the approval of the application. 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:



Carlson Tsang, Senior Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/163/21

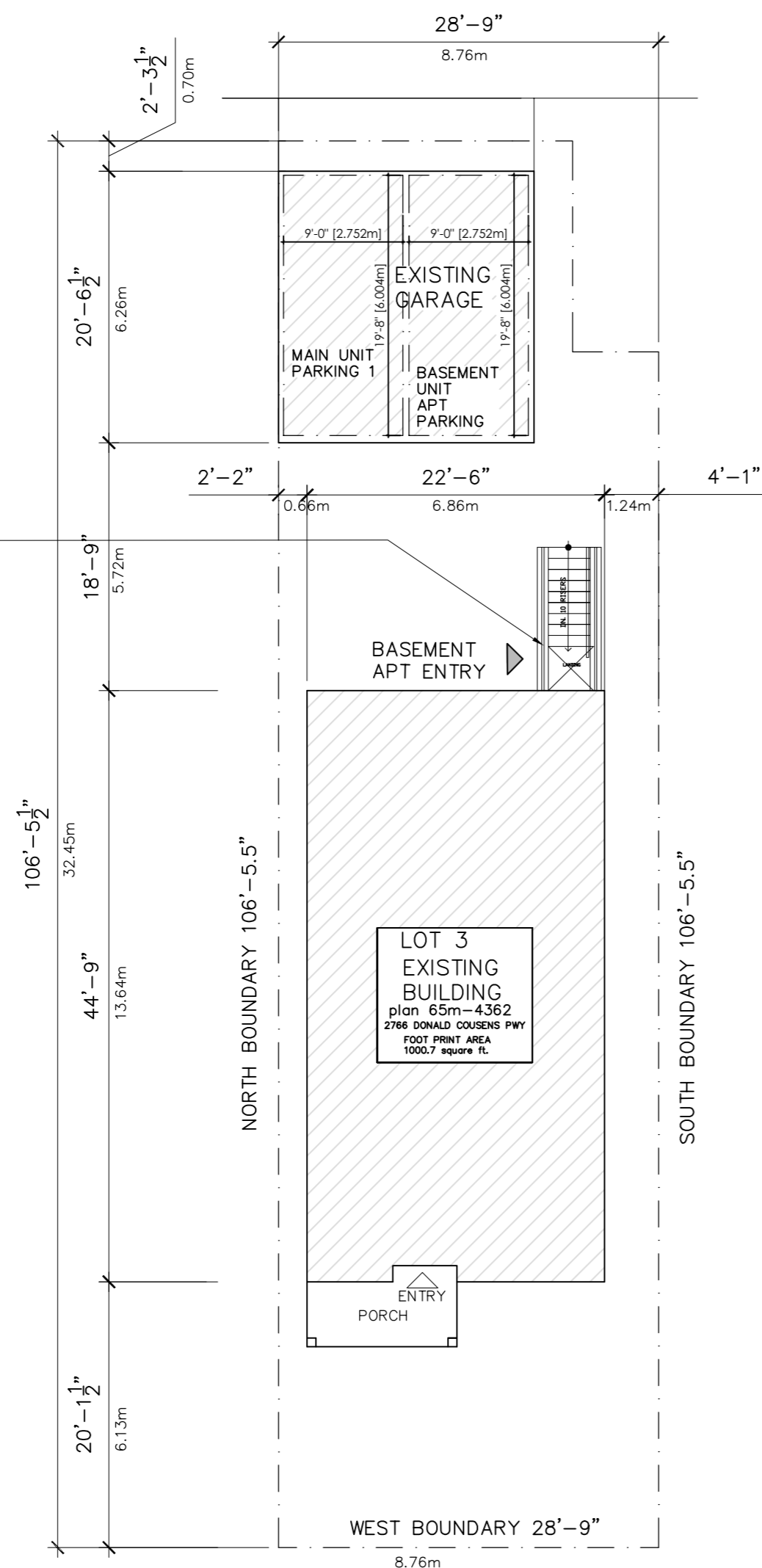
1. The variance applies only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the 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.

PREPARED BY:



Carlson Tsang, Senior Planner, East District

EXISTING GRADE ENTRY
SEE R CUMMING ENG DWG'S
DATED JUNE15,2020
PERMIT NO.20.117922



SITE PLAN

SCALE : 3/32" = 1'-0"

2766 DONALD COUSENS PWY

SITE STATISTICS:

SITE ADDRESS: 2766 DONALD COUSENS PWY, MARKHAM, ONT.
LOT AREA: 2957.7 square ft. = (274.8 SQ.M.)
GROUND FLOOR SPACE : 1000.7 square ft. (93 SM)
SECOND FLOOR SPACE : 1029 sq. ft. (95.6 SM)
BASEMENT SECOND UNIT AREA : 822 sq. ft (76.4 SM)

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE O.B.C TO BE A DESIGNER

QUALIFICATION INFORMATION:
K.RANAGAVARATHA (B.C.I.N) 26147

REGISTRATION INFORMATION:
VARATHA DESIGN ASSOCIATES (B.C.I.N) 33937

DRAWING TITLE: SITE PLAN

PROJECT: RENOVATION TO 2766 DONALD COUSENS PWY

OWNER: Rameetha Haran and Haran Thangavadivel

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CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE SITE AND REPORT ANY DISCREPANCIES OR ERRORS BEFORE COMMENCING ANY PART OF THE WORK

DRAWINGS NOT TO BE SCALED

1	building permit	K.V.	AUG.6,21
NO.	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES
Architectural & Engineering Services

Varatha Ken
Architectural Designer
TEL: (416) 284 7945
CELL: (416) 725 2041
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TORONTO Ont.

SCALE: 3/32" = 1'-0"
CAD FILE :
DATE: AUG.6,21
DRAWN BY: K.V.

JOB No.: 21227
DWG No.: A1
OF 4

CHECKED BY: K.V.
DATE OF PRINT: AUG.6,21

SMOKE ALARM
 -SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM.
 -SHALL HAVE A BATTERY BACKUP

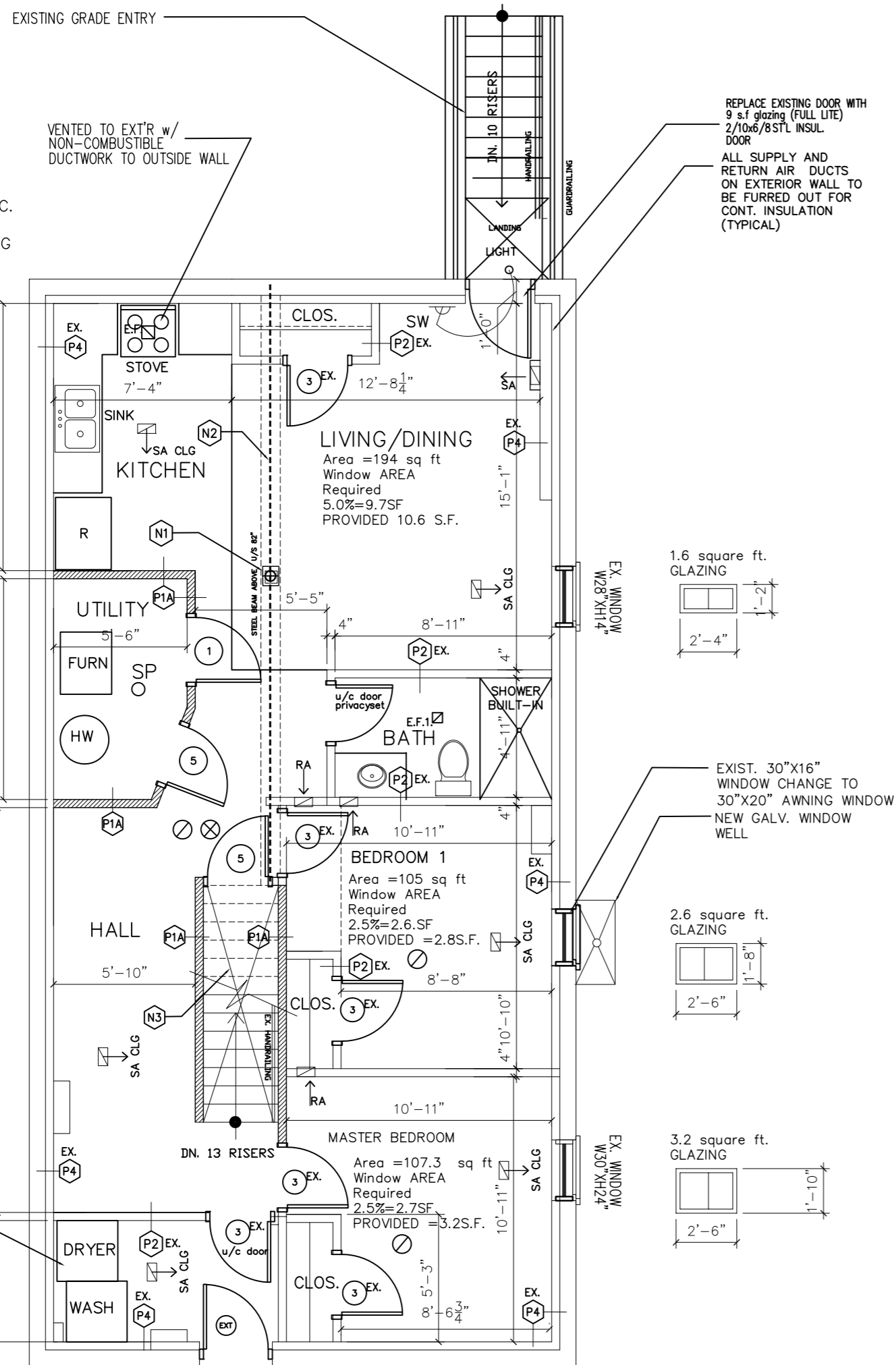
NOTE:
 -SMOKE ALARM ON MAIN FLOOR IS INTERCONNECTED WITH SMOKE ALARM ON UPPER FLOORS AND BASEMENT.
 -SMOKE ALARM SHALL CONFIRM TO O.B.C. DIV. B 9.10.19
 -INSTALL 1/2" TYPE X DRYWALL CEILING @ 85" A.F.F.
 FULL BASEMENT AND MIN.77" U/S BEAMS AND DUCTS

-ALL SUPPLY AND RETURN AIR TO BE 18" AFF AT ENTRY DOOR ONLY

(N1) ADD 1 LAYER 5/8" TYPE "X" AROUND ST'L COLUMN ENCASED IN WALL TYPE P3

(N2) 1 LAYER 1/2" TYPE "X" AROUND ST'L BEAM BASED ON TABLE T 2.3.12 C/W MINERAL WOOL 15 MIN.

(N3) INSTALL 1/2" TYPE "X" DRY WALL UNDERSIDE OF STAIRS = 15 MIN. F.R.



LEGEND:

- (P2) EX. EXISTING WALL CH90 CEILING HT.
- EXISTING WALLS
- RENOVATED WALLS
- ↑ EXIST. JOIST DIRECTION
- EX. =EXISTING CONSTRUCTION OR ITEM

RENOVATED/EXISTING BASEMENT FLOOR PLAN

scale: 3/16" = 1'-0"

E.F.1 MECHANICAL VENTILATION 150 CFM INSUL EXHAUST OUT	(EX) EXISTING DOOR	(P1) 1 LAYER 1/2" TYPE "X" GYPSUM BOARD C/W SOUND ABOARD MATERIAL 2" X 4" @ 16" O.C. @ 38-3" W/ 45 MIN F.R. STIC34
(1) 32X80 NEW DOOR (20 MIN RATED WITH SELF CLOSING DEVICE)	(4) 60X80 SLD. DOOR	(P1A) 1 LAYER 1/2" GYPSUM BOARD C/W SOUND ABOARD MATERIAL 2" X 4" @ 16" O.C. @ 38-3" W/ 30 MIN F.R. STIC34
(2) 32X80 NEW DOOR	(3) 30X80 NEW DOOR	(P2) EX. EXISTING 2"X4" WITH 1/2" DRY WALL BOTH SIDES
(3) SMOKE ALARM INTER CONNECTED	(6) 30X80 NEW DOOR (20 MIN RATED WITH SELF CLOSING DEVICE)	(P3) 2X4 WITH 5/8" TYPE "X" DRY WALL @ 16" O.C. BOTH SIDES 1 HR FIRE RATED WALL(BASED ON W1A SB-3) STC 36
(X) CO (SA CLG. -SUPPLY AIR (SA -SUPPLY AIR (RA -RETURN AIR		(P4) EX. EXISTING AIR BARRIER ON EX FDN WALL 2"X4" WITH 1/2" DRY WALL WITH 800 BATT INSUL C/W 8 MIL POLY V.B. (5" NOM.)
E.F.1.2 MECHANICAL VENTILATION 100 CFM INSUL EXHAUST OUT		
(O) SP INSTALL NEW SPRINKLER HEAD IN FURNACE ROOM		

NOTES:
 1. DOORWAY SIZE SHALL CONFIRM TO O.B.C 9.6.3
 2. A SMOKE DETECTOR SHALL BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM WHICH SHOULD BE TURN OFF THE FUEL SUPPLY AND ELEC. POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR.
 3. 15 MINUTE FIRE SEPARATION 1/2" (12.7 MM) TYPE "X" GYPSUM BOARD CEILING

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE O.B.C TO BE A DESIGNER

QUALIFICATION INFORMATION:
 KRANAGAVARATHA (B.C.I.N) 26147

REGISTRATION INFORMATION:
 VARATHA DESIGN ASSOCIATES (B.C.I.N) 33937

DRAWING TITLE:
 BASEMENT RENOVATED/EXISTING PLAN

PROJECT:
 RENOVATION TO
 2766 DONALD COUSENS PWY

OWNER:
 Rameetha Haran and
 Haran Thangavadivel

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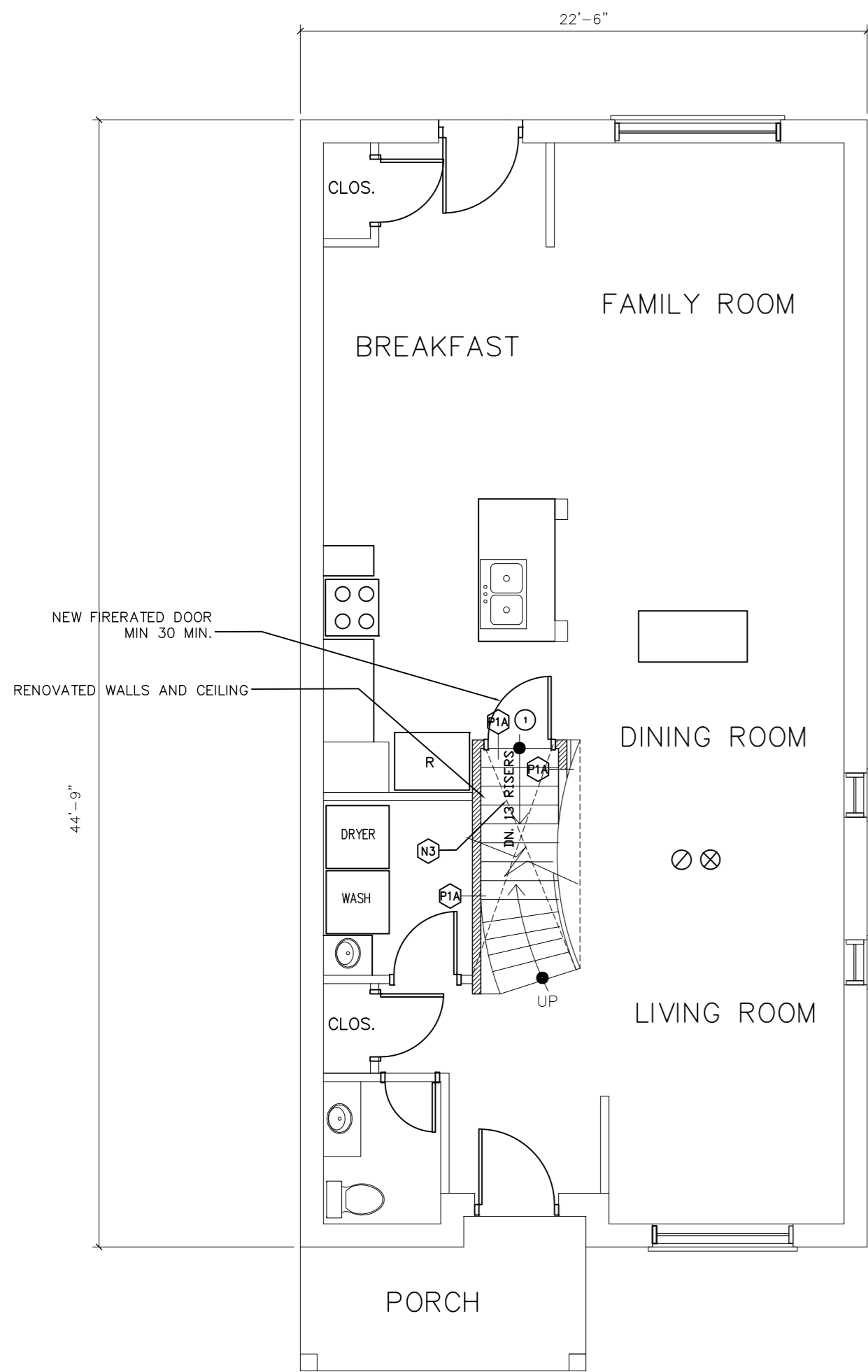
1	BUILDING PERMIT	K.V.	AUG.6,21
NO.	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES
 Architectural & Engineering Services

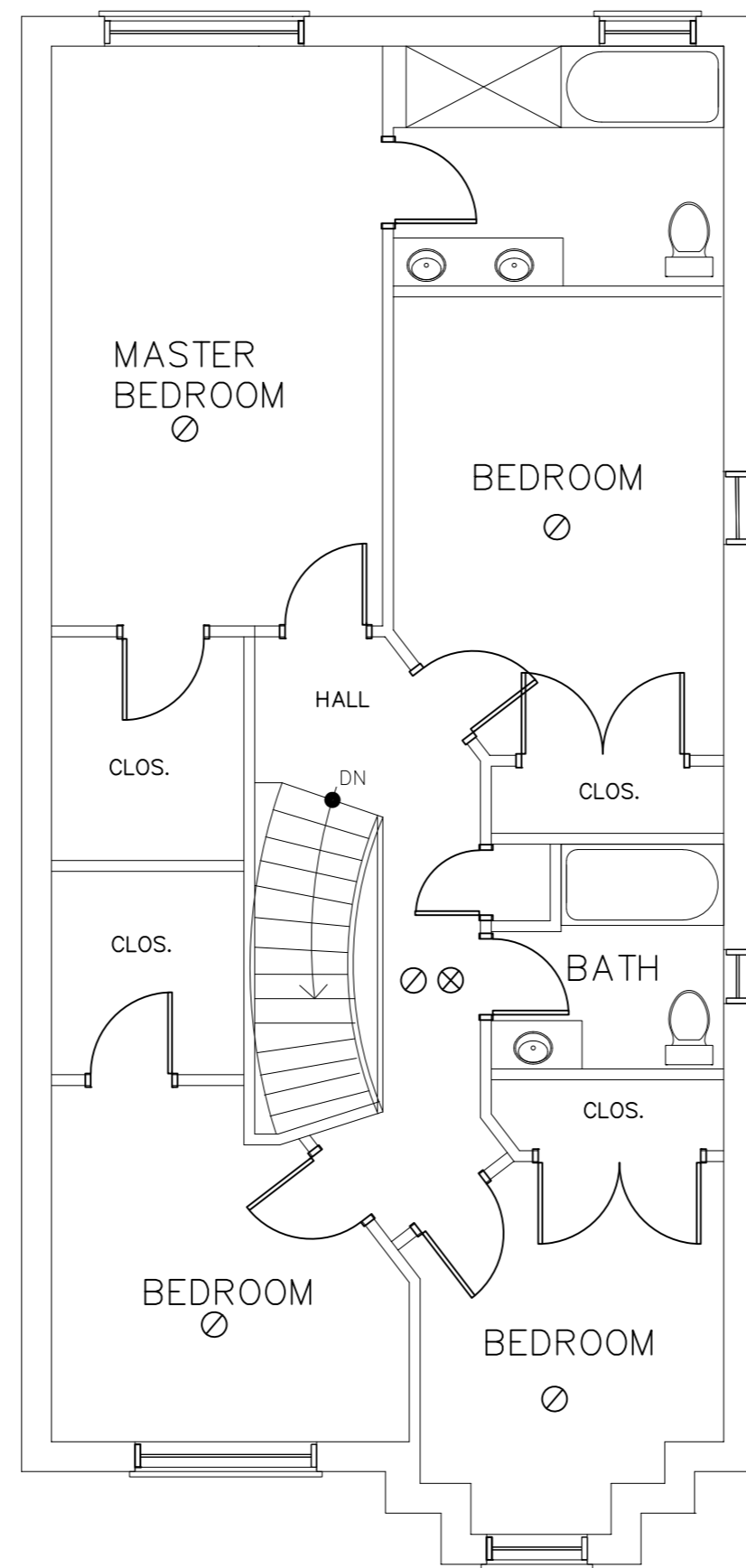
Varatha Ken
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TORONTO Ont.

SCALE: 3/16" = 1'-0"	CAD FILE :	JOB No.: AUG.6,21
DATE: AUG.6,21	DWG NO: A2	OF 4
DRAWN BY: K.V	CHECKED BY: K.V	DATE OF PRINT: AUG.6,21



FIRST FLOOR PLAN
 SCALE : 3/16" = 1'-0"



SECOND FLOOR PLAN
 SCALE : 3/16" = 1'-0"

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QUALIFICATION INFORMATION:
 K.RANAGAVARATHA (B.C.I.N) 26147
 REGISTRATION INFORMATION:
 VARATHA DESIGN ASSOCIATES (B.C.I.N) 33937

DRAWING TITLE: FIRST/SECOND FLOOR
 PROJECT: RENOVATION TO 2766 DONALD COUSENS PWY
 OWNER: Rameetha Haran and Haran Thangavadivel

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DATE: AUG.6,21	DWG NO: A3	OF 4
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Appendix B

File: 21-142602-000-00.MNV

Date: 01/12/22 MMDDYY

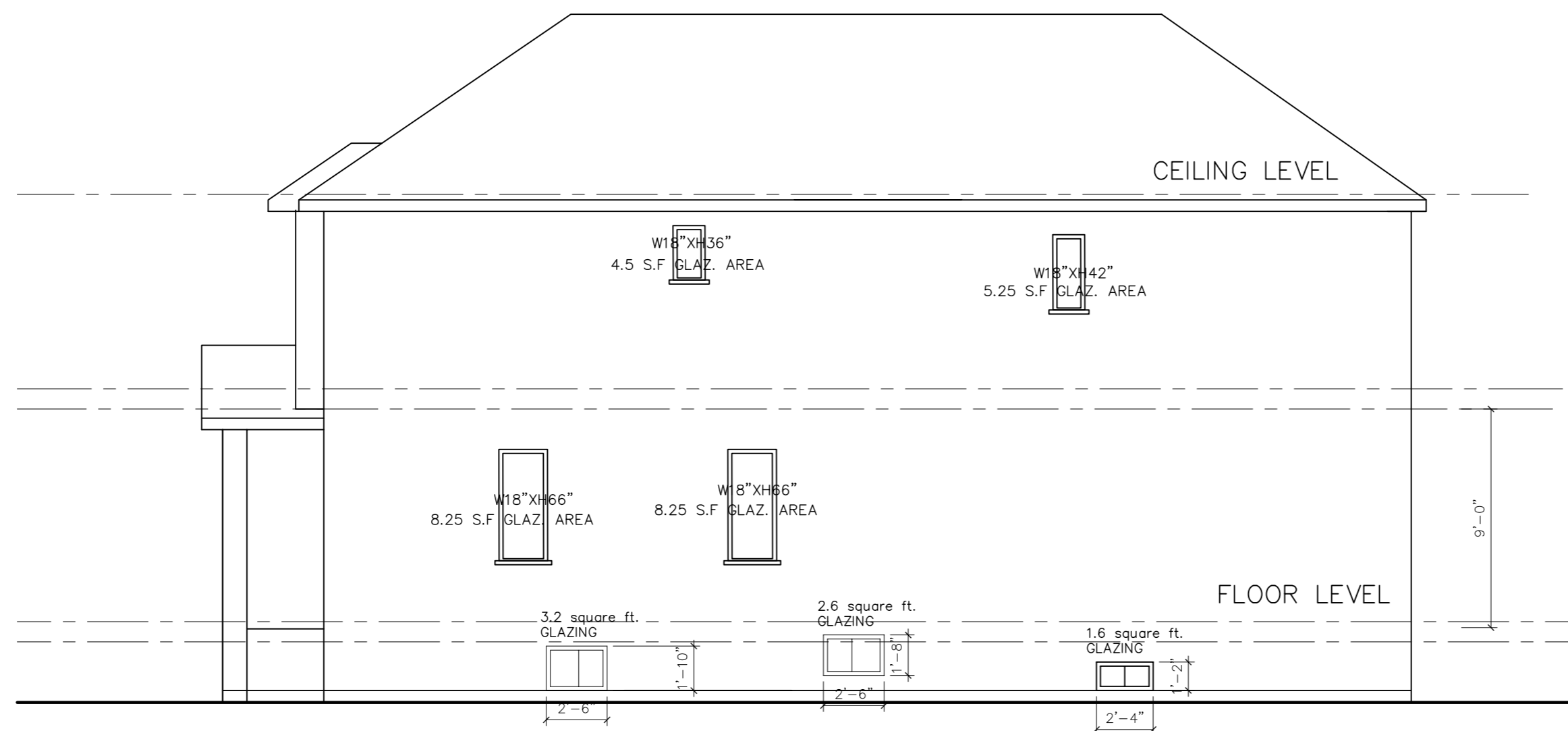


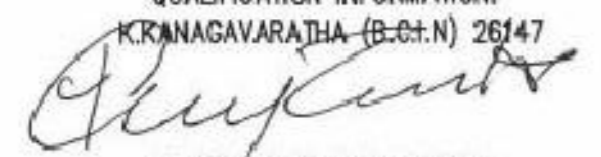
Table 9.10.15.4.
Maximum Area of Glazed Openings in Exterior Walls of Houses
7.0% MAX.window openings

SOUTH ELEVATION
SCALE : 3/16" = 1'-0"

ALLOWABLE UNPROTECTED OPENINGS
TOTAL WALL AREA = 934.2 square ft (86.8 S.M.)
LIMITING DISTANCE= 4.1' LIMIT DIST.
ALLOWABLE OPENINGS = 7 PERCENT 65.4 S.F(6.07 SM.)
ACTUAL OPENINGS =33.65 S.F

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QUALIFICATION INFORMATION:
K.RAMNAGAVARATHA (B.C.I.N) 26147



REGISTRATION INFORMATION:
VARATHA DESIGN ASSOCIATES (B.C.I.N) 33937

DRAWING TITLE:	SOUTH ELEVATION
PROJECT:	RENOVATION TO 2766 DONALD COUSENS PWY
OWNER:	Rameetha Haran and Haran Thangavadivel

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