

Memorandum to the City of Markham Committee of Adjustment

November 11, 2020

File: A/021/20
Address: 298 Main St Unionville
Applicant: Sheng Huang
Agent: Jiawei Gu
Hearing Date: November 18, 2020

The following comments are provided on behalf of the Heritage Planning Team:

The applicant is requesting relief from the following requirements of By-law 122-72, R3 as amended; to permit:

1. an accessory dwelling unit, whereas only a single family detached dwelling is permitted.
2. a minimum parking space of 2.6 m x 5.63 m inside a private garage whereas a minimum of 2.6 m x 5.8 m is required.

as it relates to an accessory dwelling unit located in the basement of the subject property dwelling.

BACKGROUND

Property Description

The 1,406.5 m² (15,139.4 ft²) subject property is located on the west side of Main Street at the intersection of the Bridle Trail immediately south of the Unionville Public School. The property is located within an established residential neighbourhood comprised of large two-storey detached dwellings. The property also marks the northern boundary of the Unionville Heritage Conservation District on the west side of Main Street (See Location Map- Figure 1)

There is an existing 344.1m² (3,703.9 ft²) two storey detached dwelling on the property, which according to assessment records was constructed in 1991 (See photograph of the existing two storey dwelling-Figure 2).

Proposal

The applicant is proposing to convert the existing 158.7m² (1,708.2 ft²) basement into a secondary suite within the existing house. The proposal includes improvements to the existing basement windows and window wells. The proposed secondary suite would have direct and separate access provided by an existing door located at the rear of the attached garage, which would lead to a proposed new enclosed staircase at the rear of the garage (See attached ground floor plan Figure 3). No changes are being proposed to the exterior of the dwelling or the property however, the area taken by the proposed internal staircase has lead to the 7 inch (0.18m) deficiency in the required depth of the required parking spaces within the existing attached double car garage.

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 Nov 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 122-72

The subject property is zoned R3 under By-law 122-72, as amended, which permits single detached dwellings.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) in December of 2019, 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:

- 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.

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 proposed secondary suite has no impact on the physical appearance of the existing dwelling and there are no negative impacts expected for the neighbouring property owners as there are no privacy issues as a result of overlook, and there is ample space for the parking of cars in the existing large driveway.

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. Planning staff are of the opinion that the application meets the criteria under Section 8.13.8 of the 2014 Official Plan for the establishment of a secondary suite and therefore have no objections.

Reduced Parking Dimension

It is the opinion of Staff that the 7 inch (0.18m) deficiency in the length of the required parking spaces within the garage due to the proposed staircase to the basement residential unit, is minor in nature and will have no impact on the ability to provide sufficient parking for the dwelling units.

Engineering and Urban Design

The City's Engineering Department and Urban Design Section have provided no comments on the variance application.

Heritage Markham

The City's municipal heritage advisory committee reviewed the application at its November 11, 2020 meeting. The committee had no comment from a heritage perspective.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 11, 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 has reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and is of the opinion that the variances requested meet 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Peter Wokral, Senior Heritage Planner

REVIEWED BY:



Regan Hutcheson, Manager of Heritage Planning

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/021/20

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 attached ground floor plan attached as 'Appendix B' to this Staff Report and dated November 11, 2020, 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; and,
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:



Peter Wokral, Senior Heritage Planner

Figure 1-Location Map



Figure 2- Photograph of the existing two storey dwelling



Figure 3- Ground Floor Plan (showing location of existing rear door to garage and proposed internal staircase leading to basement secondary suite).



