

Memorandum to the City of Markham Committee of Adjustment

June 23, 2020

File: A/067/20
Address: 7 Woodgrove Trail – Markham, ON
Applicant: Constantinos & Kristina Economos
Agent: SH Design
Hearing Date: Thursday July 16, 2020

The following comments are provided on behalf of the West Team. The applicant is requesting relief from the following requirements of the “Residential Two – Exception (R2*5*118*18) Zone”, under By-law 177-96, as amended, as it relates to a proposed basement apartment. The requested variance is to permit:

a) Section 6.5 & 7.5.3 (c):

an accessory dwelling unit in the basement, whereas the By-law does not permit an accessory dwelling within the main building on the subject lands.

BACKGROUND

Property Description

The 432.30 m² (4,653.24 ft²) subject property is located on the south side of Woodgrove Trail, north of Angus Glen Boulevard, and west of Kennedy Road. The subject property is developed with a two-storey single detached dwelling and a one-storey detached private garage located in the rear of the property which is accessed by a city owned lane. The property is located within an established residential neighbourhood primarily comprised of a mix of one and two-storey detached dwellings and rowhouses (townhouses). Several trees exist in the front yard which will not be impacted as a result of the proposal.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposal includes two new egress windows on each side of the dwelling. The proposed secondary suite would have direct and separate access provided by a new door accessed by walk-up stairs located to the rear of the dwelling.

The applicant is also proposing a new unenclosed parking pad adjacent to the west of the detached garage in the rear yard. The parking pad is permitted by the By-law, and would satisfy the total amount of parking spaces as required by the City of Markham’s Parking Standards By-law.

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, 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

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The subject property is designated “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways, and the overall orientation and sizing of new lots within a residential neighbourhood.

The 2014 Official Plan (Section 4.1.2.6) contains policies to support further diversification of the housing stock and rental housing tenure by permitting secondary suites within existing and new permitted 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.

As previously mentioned, the City’s Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings, and secondary suites in accordance with Section 8.13.8. A “Secondary Suite” in the 2014 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 8.13.8 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.”*

Zoning By-Law 177-96

The subject property is zoned “Residential Two – Exception (R2*5*118*18) Zone” under By-law 177-96, as amended, which amongst other built forms, permits one single detached dwelling per lot and one accessory dwelling unit on the lot so as long as the accessory dwelling unit is not located within the main building on the lot. The applicant is proposing that the accessory dwelling unit be located in the basement of the main building.

Applicant’s Stated Reason for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is because, *“the By-law does not permit secondary units within the dwelling, but permits them above detached garages.”*

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a 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.

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 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.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 7, 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.

APPLICATION PROCESSING

On June 12, 2020, the Province announced that the emergency regulations relating to *Planning Act* applications will end on June 22, 2020. After June 22nd, 2020, the procedural requirements (e.g. sending of notices, public meetings, eligibility for appeals to LPAT, etc.) of *Planning Act* applications proceed as they did prior to the declaration of the emergency.

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 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

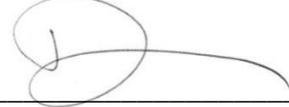
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



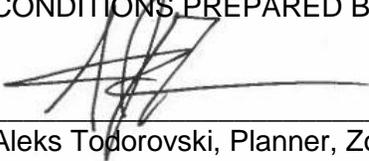
David Miller, Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/067/20

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 batch stamped plans attached as Appendix "B" to this Staff Report received by the City of Markham, 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.

CONDITIONS PREPARED BY:

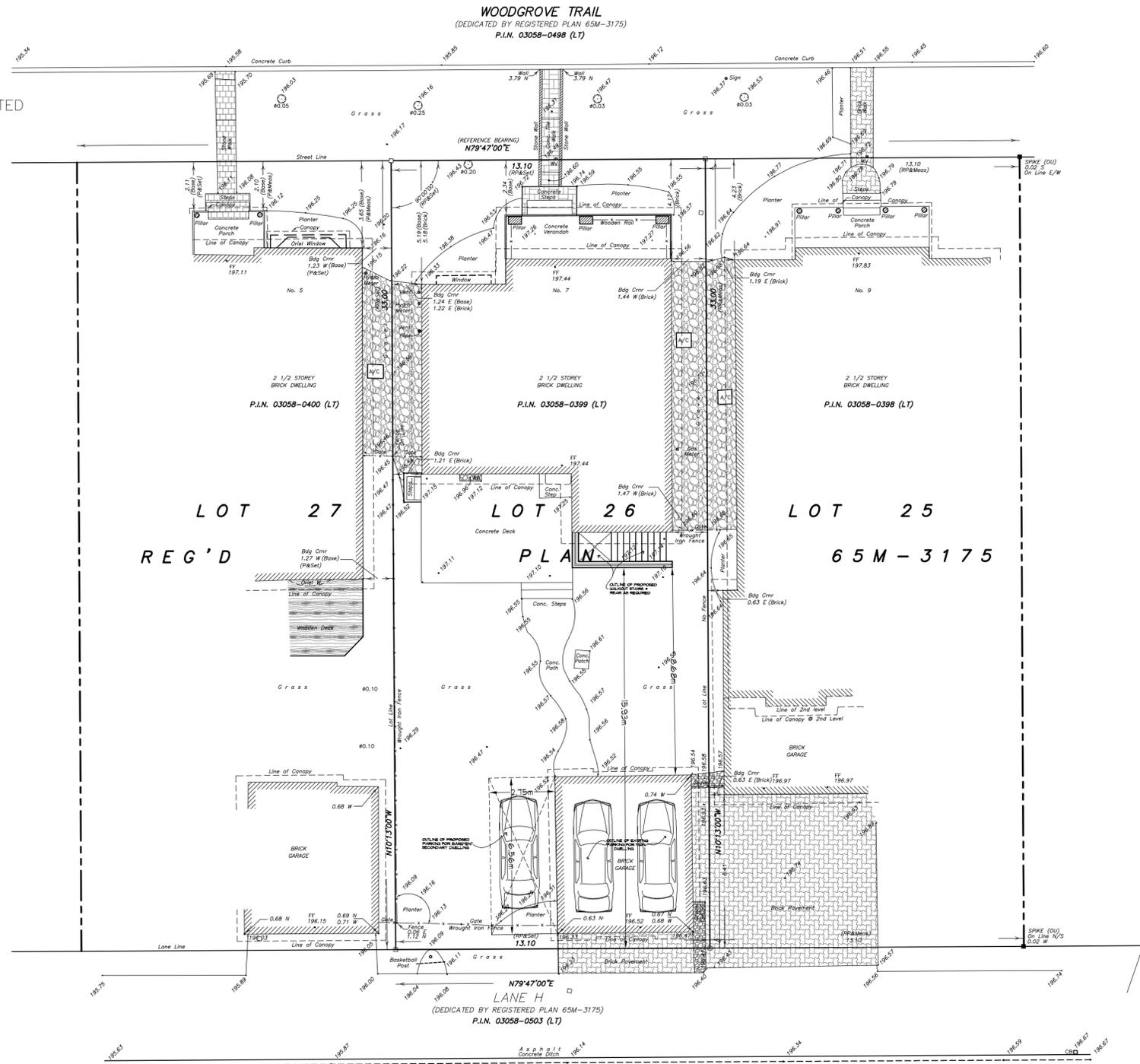
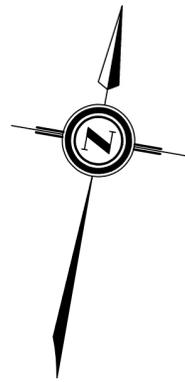
A handwritten signature in black ink, appearing to read 'Aleks Todorovski', is written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/067/20

SURVEYOR'S REAL PROPERTY REPORT
 PART 1 - PLAN OF SURVEY WITH TOPOGRAPHY OF
 LOT 26
 REGISTERED PLAN 65M-3175
 TOWN OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

SPEIGHT, VAN NOSTRAND & GIBSON LIMITED
 ONTARIO LAND SURVEYORS
 2020



LOT 27 REG'D LOT 26 PLAN LOT 25
 65M-3175

REVISIONS	
NO.	DATE
1	APRIL 21 2020
2	JUNE 8 2020
3	JUNE 8 2020

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 CONSULTATIONS-DESIGNS-DRAFTING
 SAMIR HINNAWI
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 Email: shdesignprogers.com

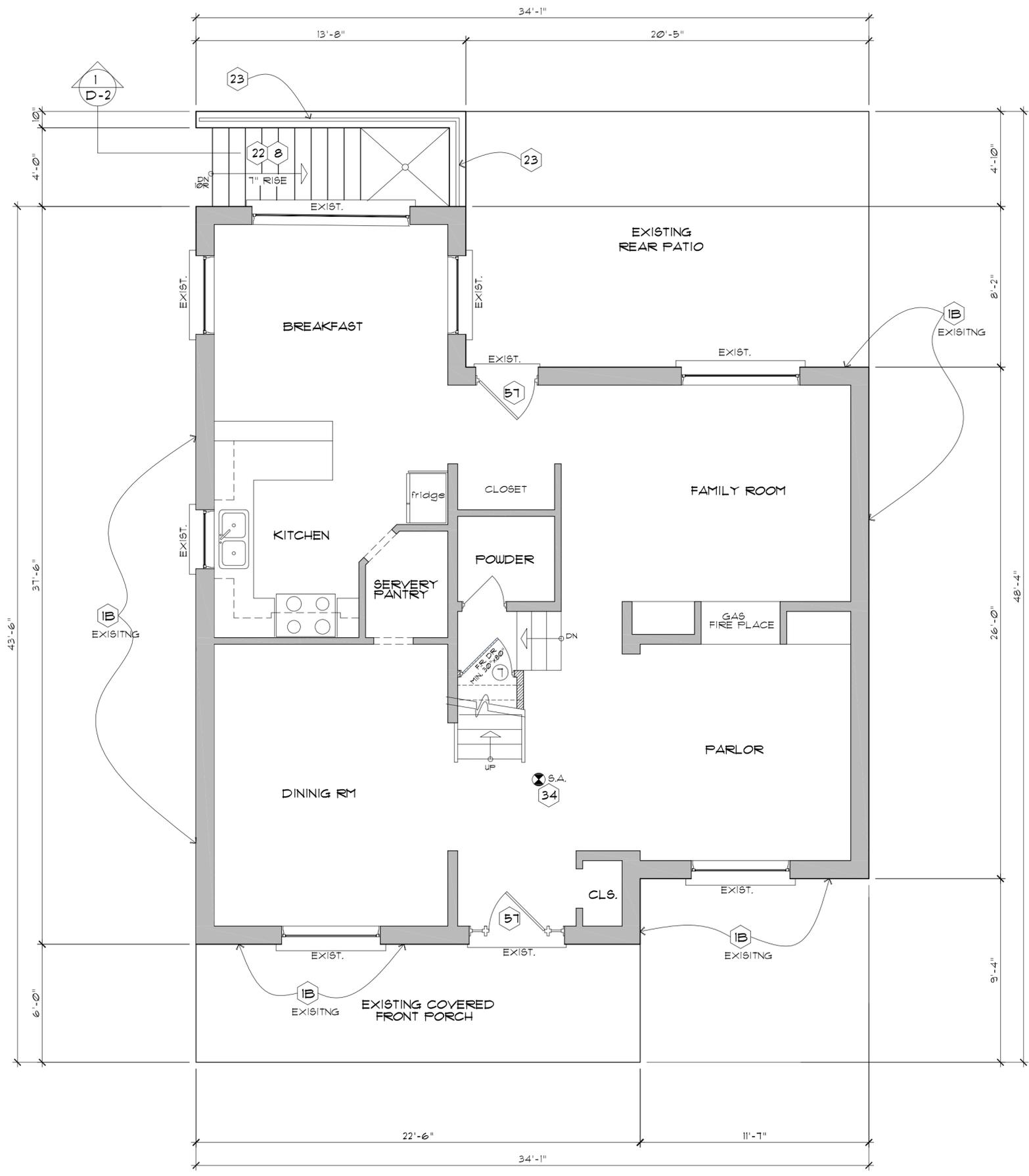
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.
 QUALIFICATION INFORMATION REQUIRED UNLESS DESIGN EXEMPT UNDER 2.1.15.1 OF THE BUILDING CODE.
 SAMIR HINNAWI 34165
 NAME SIGNATURE BCN

LEGALIZING EXISTING BASEMENT APARTMENT
 T WOODGROVE TRAIL
 MARKHAM, ONTARIO

EXISTING SITE PLAN

DRAWN	CHECKED BY:	SHEET
DATE	SCALE	S.P.
APRIL 2020	1:150	FILE

NOTE:- ALL SMOKE ALARMS TO BE INTERCONNECTED IN BOTH UNITS



EXISTING FIRST FLOOR PLAN

WALL CONSTRUCTION

- = EXISTING NON LOAD BEARING WALLS TO BE REMOVED, PATCH AND FILL AS REQUIRED
- = EXIST. FOUNDATION WALL & EXISTING EXTERIOR BRICK VENEER WALLS TO REMAIN (DO NOT DISTURB)
- = NEW 2"x4" @16" o.c. INTERIOR WALLS C/W 1/2" DRYWALL FINISH ON BOTH SIDES
 NOTE: PROVIDE MIN. 4-MIL POLY @ WOOD CONCRETE CONTACT TYPICAL (ALL)
- = FIRE SEPERATION OF WALLS
 = 30 MINUTE FIRE SEPERATION 5/8" TYPE "X" GYPSUM BOARD ON METAL RESILIENT CHANNELS (OPTIONAL), 2"x4" @16" o.c. WOOD STUDS C/W SOUND ATTENUATION BATTS 5/8" TYPE "X" GYPSUM BOARD.
- = CEILING FIRE SEPERATION
 = 45 MINUTE FIRE SEPERATION 5/8" TYPE "X" GYPSUM BOARD ON METAL RESILIENT CHANNELS @ 1/8 OF EXISTING 2"x8" FLOOR JOISTS, FILL JOISTS CAVITY W/ SOUND INSULATION (TYP. @ BASEMENT CEILING) PROVIDE MIN 4" ROXUL INSULATION

DETAIL NO.
DETAIL SHEET NO.
REVISIONS

NO.	REVISIONS	DATE
1	ISSUED FOR BUILD. & TENDER	APRIL 12, 2020
2	REVISED AS PER EXAMINERS NOTICE	JUNE, 08, 2020
3	ISSUED FOR COMMITTEE OF ADJUSTMENTS	JUNE, 08, 2020

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DESIGN, CONSULTATIONS, DRAFTING

- RESIDENTIAL DESIGNS
- CUSTOM HOMES
- ADDITIONS & RENOVATIONS

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THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

QUALIFICATION INFORMATION
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 NAME SIGNATURE BCN

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CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK, AND TO REPORT ANY DISCREPANCIES TO THE ENGINEER
 DO NOT SCALE DRAWINGS.

PROP. INTERIOR ALTERATION
 BASEMENT, CREATE A SECOND SUITE & ADD WALKOUT STAIRS
 7 WOODGROVE TRAIL
 MARKHAM, ONTARIO

FIRST FLOOR PLAN

DRAWN BY:	CHECKED BY:	SHEET
DATE	SCALE	FILE
FEB. 2020	1/4" = 1'-0"	A-2



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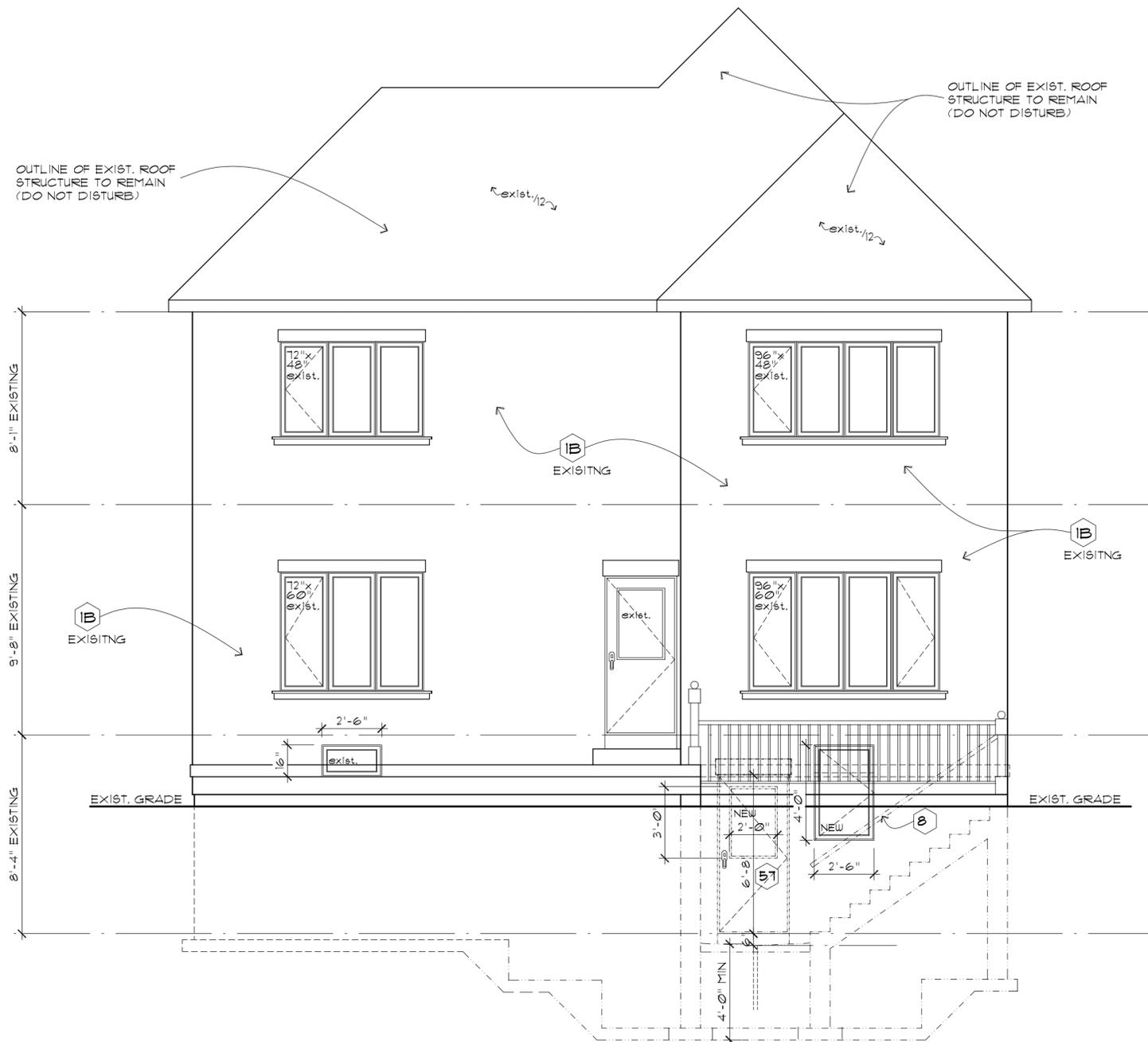
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 MARKHAM, ONTARIO

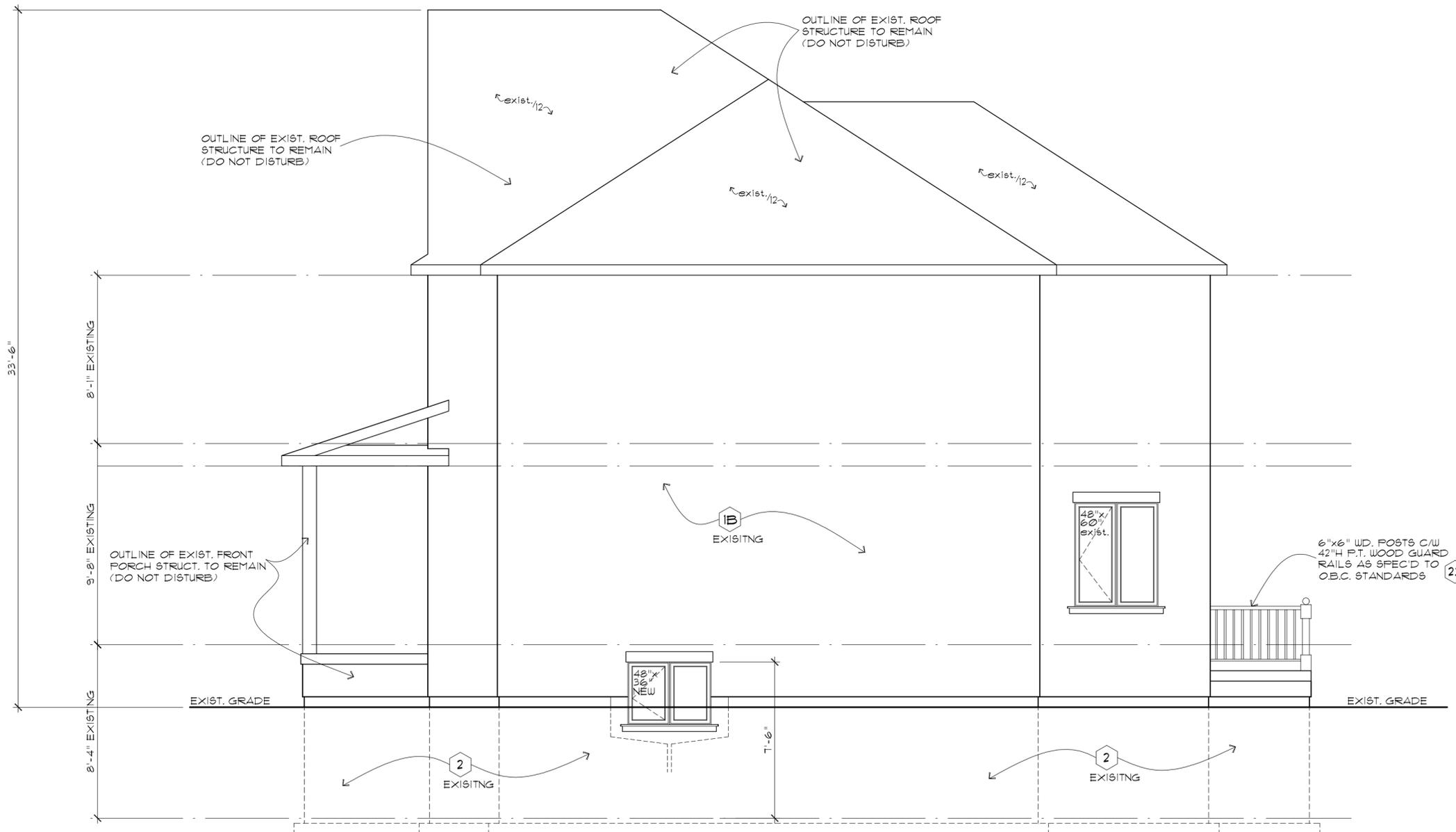
EXIST. REAR ELEVATION

DRAWN BY:	CHECKED BY:	SHEET
DATE	SCALE	FILE
FEB. 2020	1/4" = 1'-0"	A-3



EXISTING REAR ELEVATION

NOTE:- ALL SMOKE ALARMS TO BE INTERCONNECTED IN BOTH UNITS



RIGHT SIDE ELEVATION

WALL AREA = 102.25 sq.m
 LIMITING DISTANCE = 2.40m
 COVERAGE ALLOWED = 8.7%
 UNPROTECTED OPENINGS AVAILABLE
 = 5.36 sq.m
 = 5.24%

EXISTING RIGHT SIDE ELEVATION

DETAIL NO.
 DETAIL SHEET NO.

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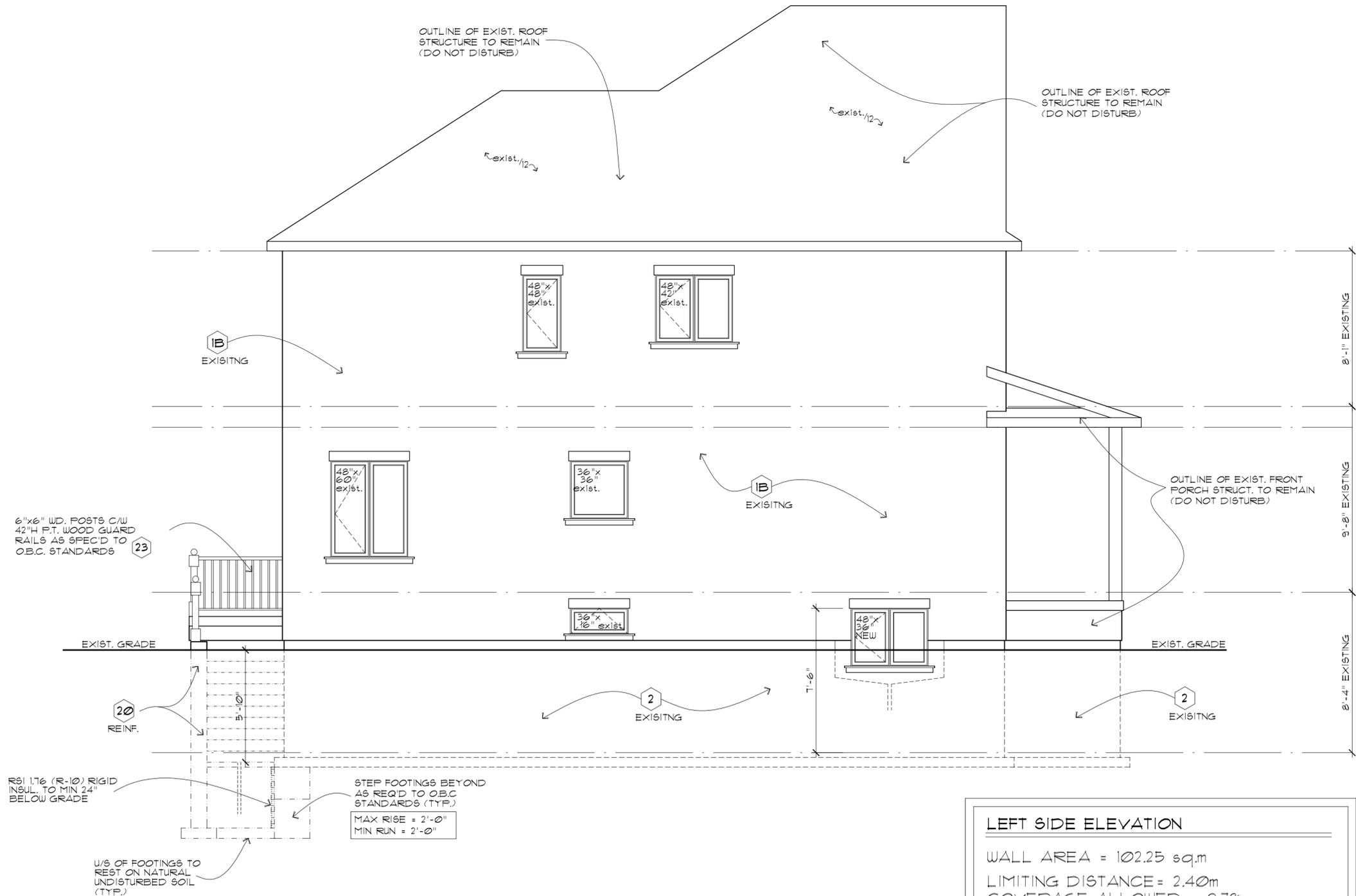
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EXIST. RIGHT SIDE ELEVATION

DRAWN BY:	CHECKED BY:	SHEET
DATE	SCALE	FILE
FEB. 2020	1/4" = 1'-0"	A-4

NOTE:- ALL SMOKE ALARMS TO BE INTERCONNECTED IN BOTH UNITS



EXISTING LEFT SIDE ELEVATION

LEFT SIDE ELEVATION
 WALL AREA = 102.25 sq.m
 LIMITING DISTANCE = 2.40m
 COVERAGE ALLOWED = 8.7%
 UNPROTECTED OPENINGS AVAILABLE
 = 5.36 sq.m
 = 5.24%

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EXIST. LEFT SIDE ELEVATION

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FEB. 2020	1/4" = 1'-0"	A-5