

Memorandum to the City of Markham Committee of Adjustment

September 29, 2020

File: A/084/20
Address: 107 Delmark Blvd – Markham, ON
Applicant: Albert Huynh & Karen Hope Zhou
Agent: None
Hearing Date: Wednesday October 7, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of the “Third Density – Single Family Residential (R3)” zone under By-law 162-78, as amended, to permit:

a) Section 6.1:

one accessory dwelling unit, whereas the By-law does not permit the use.

BACKGROUND

Property Description

The subject property is located on the south and east side of Delmark Boulevard, west of Ninth Line and north of Highway 407, and has a lot area of approximately 1,055.01 m² (11,356.03 ft²). There is an existing single detached dwelling with an attached two car garage on the subject property. Parking for the site is also available on a two-car driveway which accesses Delmark Boulevard. The property is located within an established residential neighbourhood primarily comprised of a mix of two-storey semi-detached and single detached dwellings. Vegetation exists on the property including mature trees in the front yard.

Proposal

The applicant is requesting permission to legalize an existing secondary suite in the basement of the dwelling. The proposal includes a new egress window at the south side of the building. The secondary suite would have direct and separate access provided by an existing door on the south building wall of the attached garage. No changes are being proposed to the exterior of the dwelling or the property.

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 house, semi-detached house, or rowhouse. Under this legislation, “second suites”, and “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 further 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 162-78

The subject property is zoned "Third Density – Single Family Residential (R3)" under By-law 162-78, as amended, which permits one single detached dwelling per lot. Consequently, the applicant has submitted a variance to request that a secondary suite be permitted within the existing dwelling on the subject property.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on August 18, 2020 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 (“the Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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 September 29, 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 have reviewed the application with respect to Section 45(1) of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, 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 this minor variance.

Please see Appendix “A” for conditions to be attached to any approval of this application.

APPENDICES

Appendix “A” – Conditions of Approval

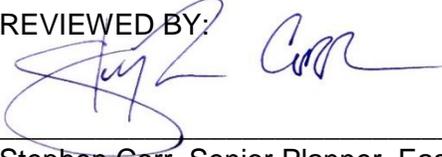
Appendix “B” – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/084/20

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, 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.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

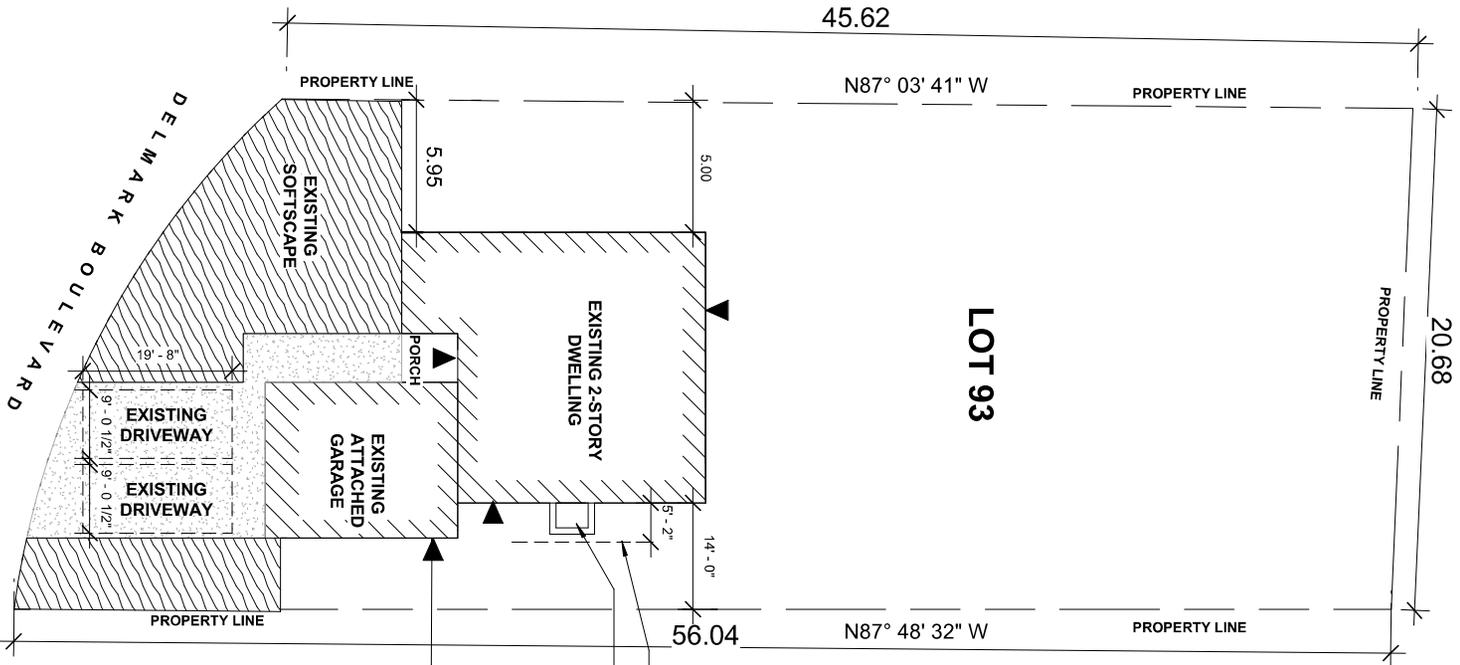
APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/084/20

Appendix B

File: 20.125099.000.00.MNV

Date: 09/30/20

MMDDYY



LOT 93

STATISTICS

SCOPE OF WORK	NEW BASEMENT APARTMENT
EXISTING MAIN FLOOR	119.68 M2
NEW BASEMENT APARTMENT	131.14 M2
EXISTING SECOND FLOOR	119.68 M2
ACCESS TO DWELLING UNIT	

Arfa Design

QUALIFICATION INFORMATION

I review and take responsibility for the design work on behalf of Arfa design inc registered under subsection 3.2.4 of division c of the building code.in the appropriate classes categories

NAME
SAHAR ARFA ARFA DESIGN INC

BCIN
107072

FIRM NAME
SAHAR ARFA ARFA DESIGN INC

BCIN
110518

GENERAL NOTES:
All construction to adhere to these plans and spec's and to conform to the ontario code and all other applicable codes and authorities having jurisdiction.general contractor shall check and verify all dimentionis and reports all errors and omissions before proceeding with the work.

PROJECT NAME
107 DELMARK BLV

DRAWING NAME
SITE PLAN

A1.0
SCALE 1 : 200

EXISTING SITE PLAN
SCALE 1:200

Appendix B

File: 20.125099.000.00.MNV

Date: 09/30/20



LEGEND

U.L.C. APPROVED SMOKE ALARM AS PER OBC 9.10.18 AND 9.10.19 INSTALLED AS PER MANUFACTURER'S INSTRUCTIONS. SMOKE DETECTORS SHALL BE PERMANENTLY CONNECTED TO THE BUILDING ELECTRICAL SUPPLY WITHOUT A DISCONNECT WALL SWITCH AND HAVING A CIRCUIT NOT INTERCONNECTED TO ANY WALL OUTLET.

DIV. B. 9.10.19.1 SMOKE ALARMS SHOULD BE INSTALLED IN EVERY DWELLING INCLUDING BASEMENTS.

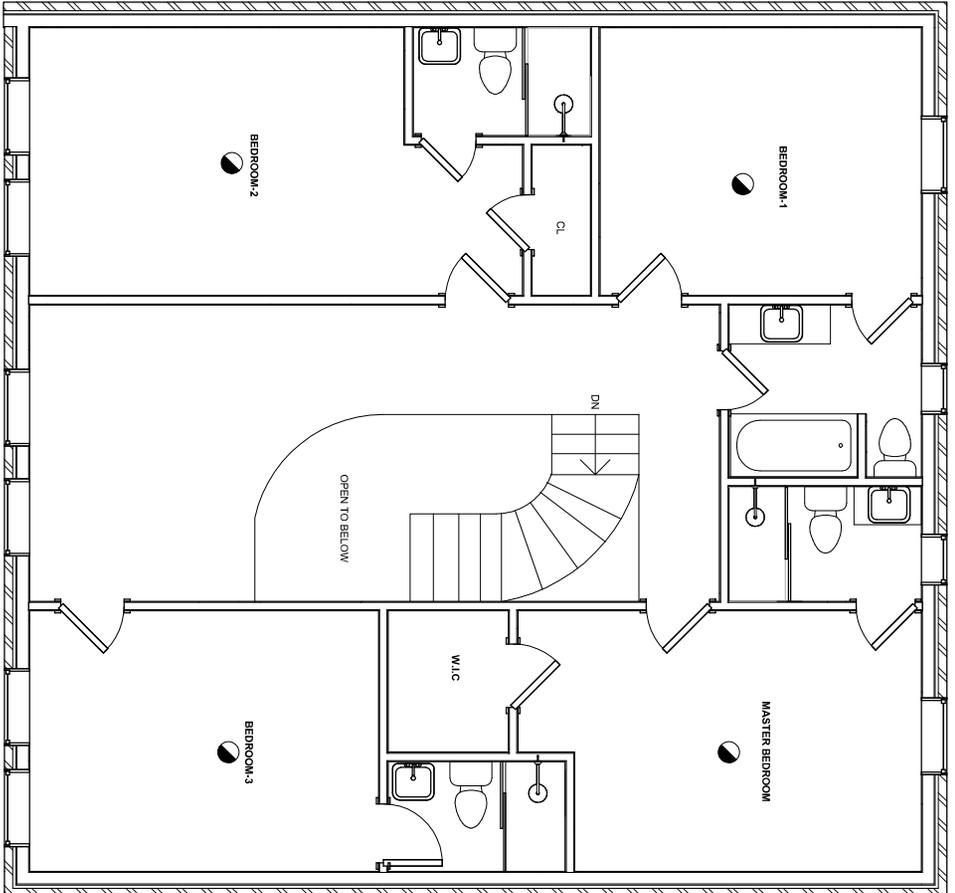
DIV. B. 9.10.19.2 SMOKE ALARMS SHOULD BE INSTALLED ON EACH LEVEL.

DIV. B. 9.10.19.3 SMOKE ALARMS SHOULD BE INSTALLED BY PERMANENT CONNECTION TO AN ELECTRICAL SUPPLY.

DIV. B. 9.10.19.4 WHERE MORE THAN ONE SMOKE ALARM IS REQUIRED THEY SHOULD BE INTERCONNECTED SO THAT WHEN ONE IS ACTIVATED THEY ARE ALL ACTIVATED.

DIV. B. 9.10.19.5 SMOKE ALARMS SHOULD BE INSTALLED IN EVERY DWELLING UNLESS OTHERWISE SPECIFIED.

DIV. B. 9.10.19.6 SMOKE ALARMS ARE PERMITTED TO HAVE A SILENCING SWITCH FOR PERIOD OF NOT MORE THAN 10 MIN.



SECOND FLOOR PLAN

SCALE 1:60



QUALIFICATION INFORMATION

I review and take responsibility for the design work on behalf of Arfa design inc. registered under subsection 3.2.4 of division c of the building code in the appropriate classes categories

GENERAL NOTES:
 All construction to adhere to these plans and spec's and to conform to the ontario code and all other applicable codes and authorities having jurisdiction. general contractor shall check and verify all dimensions and reports all errors and omissions before proceeding with the work.



 NAME SAHAR ARFA ARFA DESIGN INC FIRM NAME SAHAR ARFA ARFA DESIGN INC
 BCIN 107072 BCIN 110518

PROJECT NAME
 107 DELMARK BLV

DRAWING NAME
 SECOND FLOOR

A1.3

SCALE 1 : 60

Appendix B

File: 20120909.000.001.MKV

Date: 09/30/20

MUNICIPALITY

QUALIFICATION INFORMATION

I review and take responsibility for the design work on behalf of Arfa Design Inc. registered under subsection 3.2.4. in division C of the building code in the appropriate classes categories



NAME: SAHAR ARFA-ARFA DESIGN INC
 FIRM NAME: SAHAR ARFA-ARFA DESIGN INC
 BCIN: 107072
 RCIN: 110518



GENERAL NOTES:

All construction to adhere to these plans and specs and to conform to the Ontario code and all other applicable codes and authorities having jurisdiction. General contractor shall check and verify all dimensions and reports all errors and omissions before proceeding with the work.

PROJECT NAME
107 DELMARK BLV

DRAWING NAME
ELEVATIONS

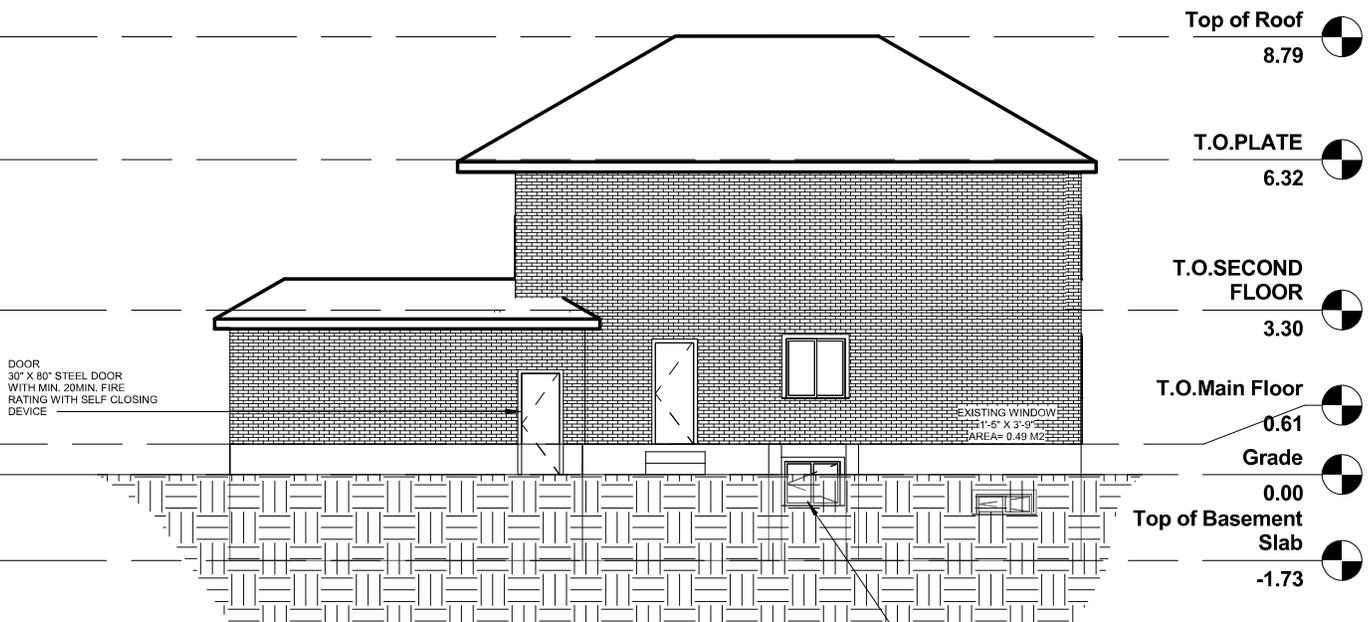
A2.1

SCALE
1 : 100



FRONT ELEVATION

SCALE 1:100



RIGHT ELEVATION

SCALE 1:100