

Memorandum to the City of Markham Committee of Adjustment

July 8, 2020

File: A/047/20
Address: 135 Walford Road – Markham, ON
Applicant: Jaswal Mohinder Singh & Jaswal Santosh Kumari
Agent: Ashra Professionals Inc.
Hearing Date: Tuesday July 21, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the requirements of the “Ninth Density Single Detached Residential (R9) Zone” under By-law 90-81, as amended, as it relates to a proposed basement apartment (secondary suite):

a) Section 5.2.1:

to permit a Second Dwelling Unit, whereas the By-law permits no more than one (1) Single Detached Dwelling on one (1) lot.

BACKGROUND

Property Description

The 416.75 m² (4,485.86 ft²) subject property is located on the south side of Walford Road, north of Denison Street, east of McCowan Road, west of Coppard Avenue and south of Highglen Avenue. There is an existing single detached dwelling on the property with an attached garage. Vehicular access to the site and parking is provided on an asphalt paved driveway, and in total the site can accommodate parking for up to four vehicles. The property is located within an established residential neighbourhood primarily comprised of a mix of two-storey detached and semi-detached dwellings.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposal includes the enlargement of existing windows including one new egress window at the west side of the building as shown in the plans attached in Appendix “B”. The proposed secondary suite would have direct and separate access through an existing door on the east side of the building. No other 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 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

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

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 90-81

The subject property is zoned "Ninth Density Single Detached Residential (R9) Zone" under By-law 90-81, as amended, which permits one single detached dwelling per lot. Consequently, the applicant has submitted a variance to request a secondary suite within the existing dwelling on the subject property.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a ZPR has not been conducted. It is the applicant's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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 objection to the proposed secondary suite provided it 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.

Additionally, the City of Markham Parking Standards By-law 28-97, as amended requires a minimum of two parking spaces for the principle dwelling and an additional space for an accessory dwelling unit or secondary suite. As noted, a total of four parking spaces can be provided on site to satisfy the requirements of the Parking Standards By-law.

PUBLIC INPUT SUMMARY

No written submissions were received as of July 8, 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, 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

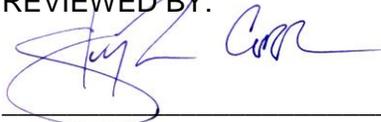
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/047/20

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.

CONDITIONS PREPARED BY:

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

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/047/20

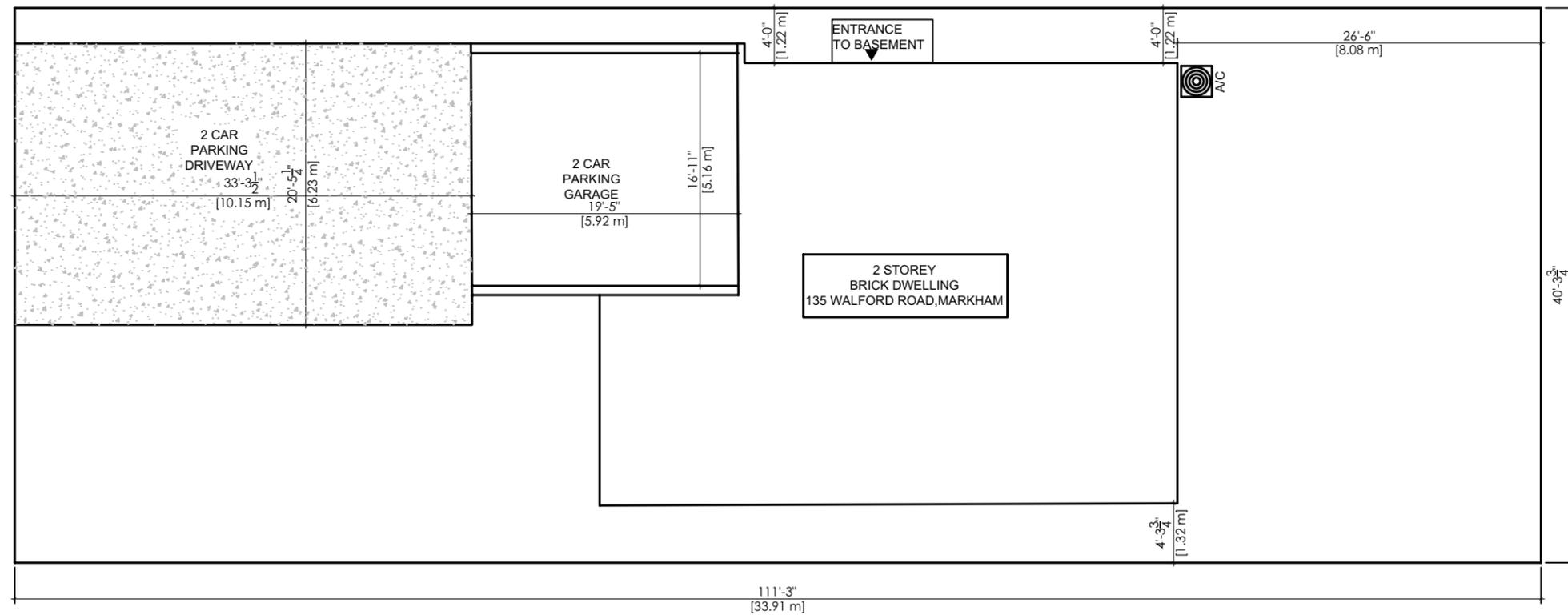
Appendix B

File: 20.110834.000.00.MNV

Date: 07/17/20
MM/DD/YY

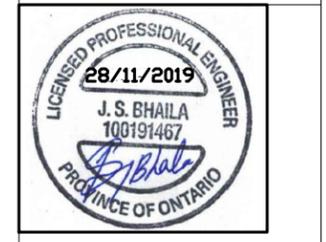
GROSS FLOOR AREA:- 312.2 SQ.M
BASEMENT AREA:- 98 SQ.M
MAIN FLOOR AREA:- 104 SQ.M
SECOND FLOOR AREA:-110 SQ.M

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REVISION NO.	DATE	DESCRIPTION	BY

NOBLE ELITE SOLUTIONS LTD
647-407-1048



PROJECT TITLE:
**135 Walford Rd Markham,
ON L3S 2T7, Canada**

SHEET TITLE:
SITE PLAN

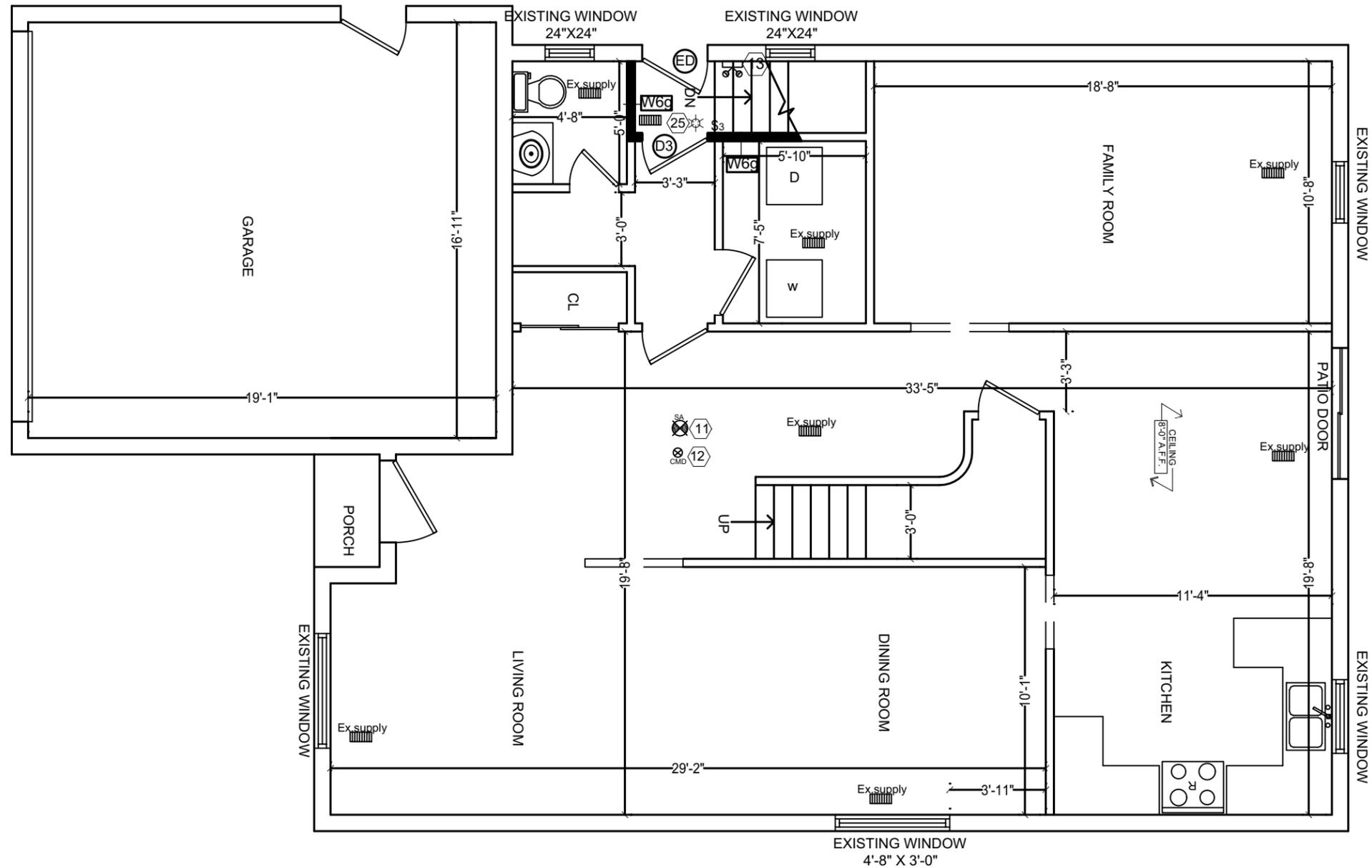
CLIENT EMAIL: _____
CLIENT CONTACT: _____

SCALE: 1/4"=1'-0"	DRAWING NO.: A100
PLOT DATE: 05-06-2019	
DRAWN BY: MJ	
CHECKED BY: JA	

Appendix B

File: 20.110834.000.00.MNV

Date: 07/17/20
MM/DD/YY



MAIN FLOOR

REVISION NO.	DATE	DESCRIPTION	BY

NOBLE ELITE SOLUTIONS LTD
647-407-1048



PROJECT TITLE:
135 Walford Rd Markham,
ON L3S 2T7, Canada

SHEET TITLE:
GROUND FLOOR PLAN

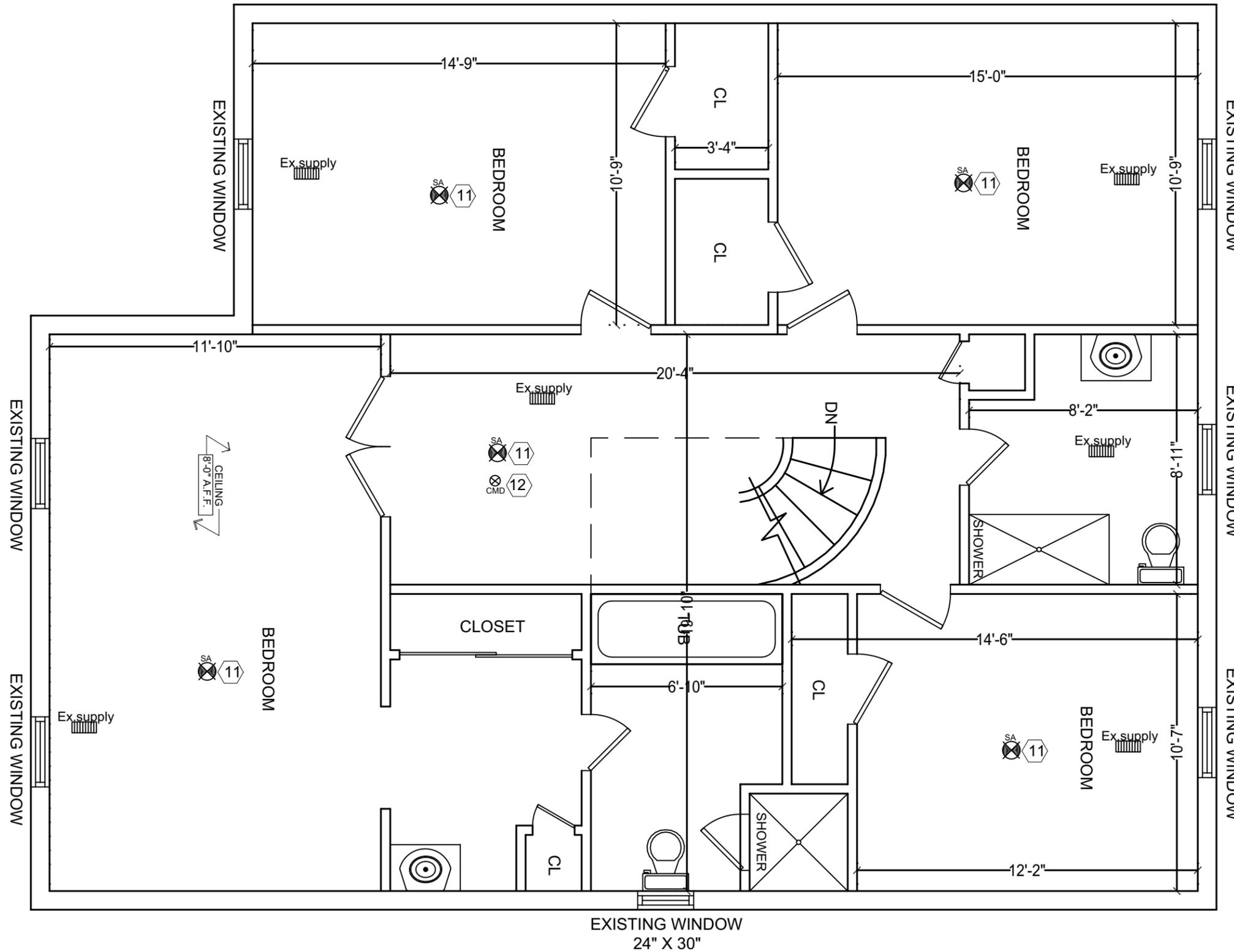
CLIENT EMAIL: _____
CLIENT CONTACT: _____

SCALE: 3/16" = 1'-0"	DRAWING NO.: A102
PLOT DATE: 05-06-2019	
DRAWN BY: MJ	
CHECKED BY: JA	

Appendix B

File: 20.110834.000.00.MNV

Date: 07/17/20
MM/DD/YY



REVISION NO.	DATE	DESCRIPTION	BY

NOBLE ELITE SOLUTIONS LTD
647-407-1048



PROJECT TITLE:
135 Walford Rd Markham,
ON L3S 2T7, Canada

SHEET TITLE:
SECOND FLOOR PLAN

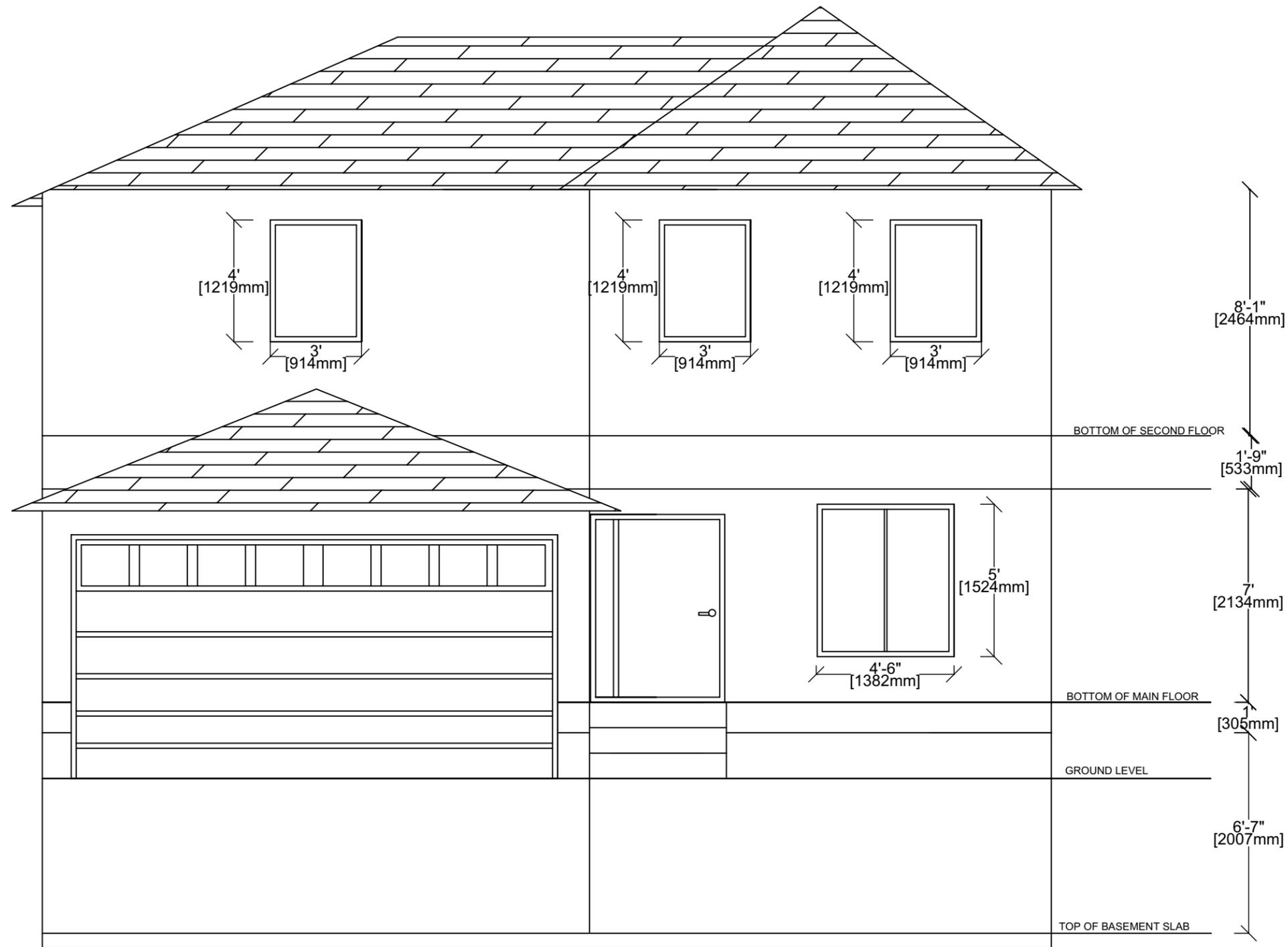
CLIENT EMAIL:
CLIENT CONTACT:

SCALE: 1/4"=1'-0"	DRAWING NO.: A103
PLOT DATE: 05-06-2019	
DRAWN BY: MJ	
CHECKED BY: JA	

Appendix B

File: 20.110834.000.00.MNV

Date: 07/17/20
MM/DD/YY



FRONT VIEW

80 Hanlan Road, Unit #4
Woodbridge, ON, L4L 3P6
647 717 5776

Hetal Nirav Ashra Professionals Inc.
Ashra Professionals Inc.

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

ADDRESS:
135, WALFORD ROAD,
MARKHAM, ON L3S 2T7

PROJECT TITLE:

BUILDING PERMIT



DWG TITLE:

FRONT ELEVATION

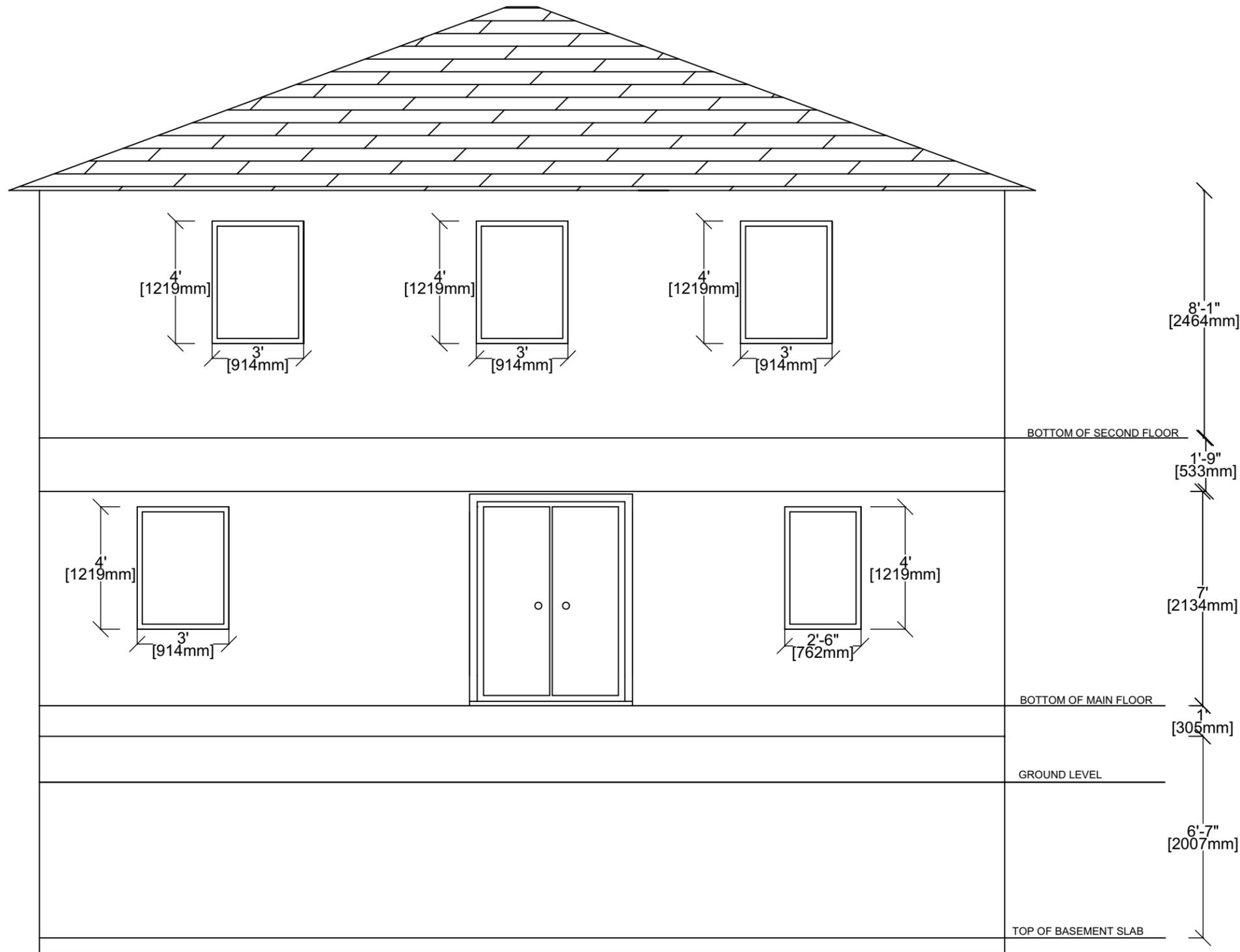
DRAWN BY	GM
CHECKED BY	HP
DATE	07/13/2020

DWG. NO.
A01

Appendix B

File: 20.110834.000.00.MNV

Date: 07/17/20
MM/DD/YY



BACK VIEW

80 Hanlan Road, Unit #4
Woodbridge, ON, L4L 3P6
647 717 5776

Hetal Nirav Ashra Professionals Inc.
Ashra Professionals Inc.

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

ADDRESS:

135, WALFORD ROAD,
MARKHAM, ON L3S 2T7

PROJECT TITLE:

BUILDING PERMIT



DWG TITLE:

BACK ELEVATION

DRAWN BY	GM
CHECKED BY	HP
DATE	07/13/2020

DWG. NO.

A02

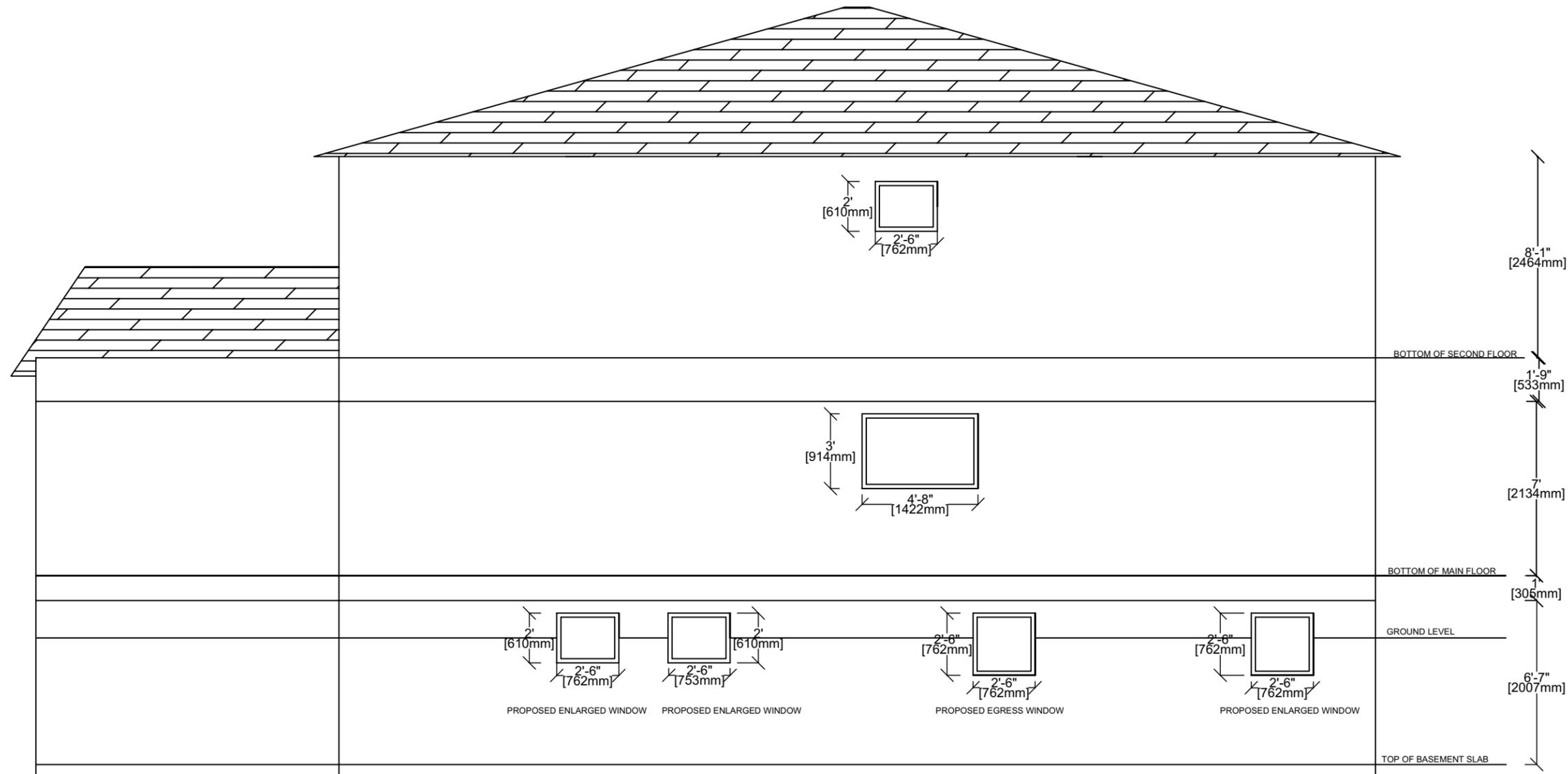
Appendix B

File: 20.110834.000.00.MNV

Date: 07/17/20
MM/DD/YY

RIGHT ELEVATION GLAZED OPENING CAL
 SETBACK = 4'- 3" ; (1.32 M)
 WALL AREA = 1218.17 SQ.FT (113.17 SQ.M)

WINDOW OPENING ALLOW (OBC 9.10.15.4)
 7% OF THE WALL AREA = 85.27 SQ.FT (7.92 SQ.M)
 PROPOSED WINDOWS AREA = 41.24 SQ.FT (3.83 SQ.M)



LEFT SIDE ELEVATION

80 Hanlan Road, Unit #4
 Woodbridge, ON, L4L 3P6
 647 717 5776

Hetal Nirav Ashra Professionals Inc.
 Ashra Professionals Inc.

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

ADDRESS:
 135, WALFORD ROAD,
 MARKHAM, ON L3S 2T7

PROJECT TITLE:

BUILDING PERMIT



DWG TITLE:

LEFT ELEVATION

DRAWN BY	GM
CHECKED BY	HP
DATE	07/13/2020

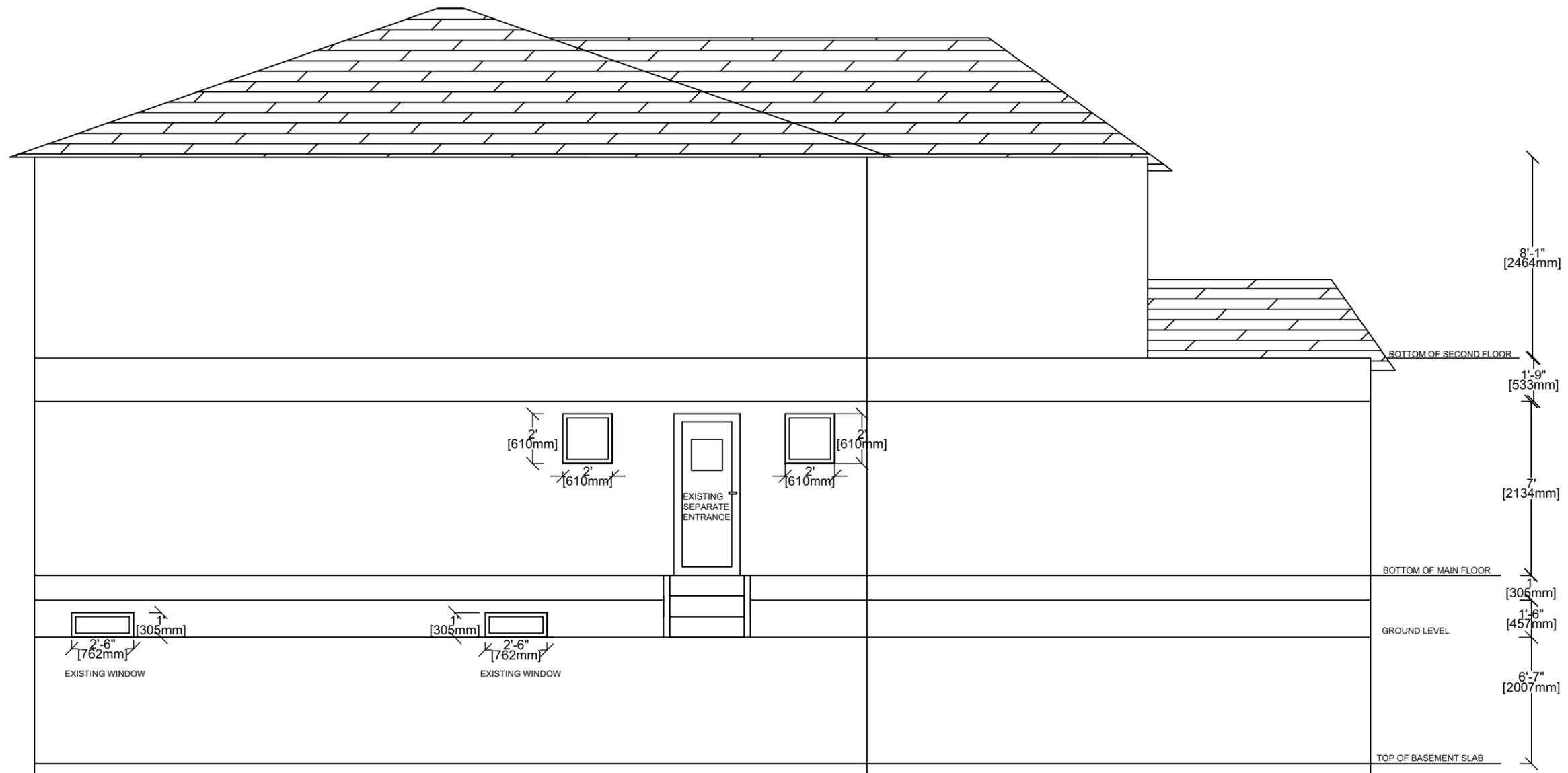
DWG. NO.
A03

Appendix B

File: 20.110834.000.00.MNV

Date: 07/17/20
MM/DD/YY

LEFT ELEVATION GLAZED OPENING CAL
 SETBACK = 4'-0" ; (1.22 M)
 WALL AREA = 1244.04 SQ.FT (115.57 SQ.M)
 WINDOW OPENING ALLOW (OBC 9.10.15.4)
 7% OF THE WALL AREA = 87.08 SQ.FT (8.08 SQ.M)
 PROPOSED WINDOWS AREA = 13 SQ.FT (1.21 SQ.M)



RIGHT SIDE ELEVATION

80 Hanlan Road, Unit #4
 Woodbridge, ON, L4L 3P6
 647 717 5776
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Ashra Professionals Inc.

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ADDRESS:
 135, WALFORD ROAD,
 MARKHAM, ON L3S 2T7

PROJECT TITLE:
 BUILDING PERMIT



DWG TITLE:
 RIGHT ELEVATION

DRAWN BY	GM
CHECKED BY	HP
DATE	07/13/2020

DWG. NO.
A04