

Memorandum to the City of Markham Committee of Adjustment

September 5, 2024

File: A/069/24
Address: 49 Sequoia Grove Drive, Markham
Agent: Lucid Homes Inc (Pamir Rafiq)
Hearing Date: Wednesday, September 11, 2024

The following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirements of By-law 177-96, R2-LA as amended:

a) Amending By-law 28-97, Section 3:

a minimum of 2 parking spaces, whereas the by-law requires a minimum of 3 parking spaces;

b) Amending By-law 177-96, Section 6.62(e):

a minimum exterior side yard setback of 1.4 metres, whereas the by-law requires a minimum exterior side yard setback of 2.4 metres;

as it relates to the addition of a basement dwelling.

BACKGROUND

Property Description

The 295.87 m² (3184.72 ft²) subject property is located on the west side of Sequoia Grove Drive, north of Major Mackenzie Drive East and east of Victoria Square Boulevard. The property contains a two-storey lane-based townhouse with a detached garage. It is located within an established residential neighbourhood comprised of townhouses and detached dwellings. Surrounding land uses include single detached houses, townhouses and a hydro corridor.

Proposal

The applicant is proposing to construct a basement apartment as an additional dwelling unit to their home. The additional unit requires a parking space and given the space under the existing porch is proposed to be a finished laundry room, relief to the side yard setback is required.

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, 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 options 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 and home occupations.

Area specific policy 9.5.2 also applies to the subject property and seeks to create a unique and balanced community of pedestrian oriented districts and neighbourhoods containing a mix of land uses, including residential, commercial, office and retail and prestige industrial, open space and recreational, cultural and institutional facilities.

Zoning By-law 177-96

The subject property is zoned “Residential Two-Lane Access (R2-LA)” under By-law 177-96, which permits single family detached dwellings. The proposal does not comply with respect to the minimum exterior side yard setback. Further details of the setback requirement are provided in the comment section below.

Parking By-law 28-97

The subject property does not comply with the standards of Parking By-law 28-97 with respect to the minimum amount of required parking spaces. The primary dwelling unit requires 2 spaces and accessory units require 1 space. Further details of the parking requirement are provided in the comment section below.

By-law 2024-19

The Subject Lands are also Zoned “RES-LR5 (Residential – Low Rise Five), under By-law 2024-19, which permits townhouse dwelling units. As per the transition clauses within Section 1.7 of By-law 2024-19, an application accepted prior to the passing of By-law 2024-19 on January 31st, 2024 shall continue to be subject to the applicable By-law in force on the day before the effective date of this by-law. A permit application (23.118620 HP) was accepted prior to the passing of By-law 2024-19, and as such, the provisions of By-law 2024-19 shall not apply to this application.

Applicant’s Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, *“the existing lot does not accommodate space for an additional parking. The building limits defined by the existing by-law do not accommodate the proposed design. A laundry room placed elsewhere will take up significant living area.”*

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (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.

Reduced Parking Spaces

Parking Standards By-law 28-97 requires two parking spaces be provided for the principal dwelling unit, plus one additional space for an accessory dwelling unit or secondary suite. The existing single-car garage and driveway currently provide a total 2 parking spaces.

Requiring an additional parking space will result in changes to the property, such as reduced soft landscaping and increased hard surface area within the front yard; both of which is likely to detract from the visual appearance of the property and have a negative impact on the streetscape. Furthermore, this will reduce the amount of soft surface area that currently provides for the infiltration of rain water, which is an important part of good stormwater management practices.

Staff are of the opinion that to ensure the second suite remains inconspicuous from the street, and that the character of the dwelling and neighbourhood does not change, no additional parking should be required. Staff are also of the opinion that the parking issue may be considered “self-regulating”, as the unit would only be of interest to a tenant that does not require a parking space, in the event that both parking spaces are required for use by the owner of the dwelling.

Reduced Side Yard Setback

The applicant is requesting a minimum exterior side yard setback of 4.6 ft (1.4 m), whereas the by-law requires a minimum side yard setback of 7.8 ft (2.4m). To facilitate the secondary suite, the applicant is proposing to finish the space underneath the existing porch (as a laundry room) which necessitates the side yard setback variance. Given the porch currently exists and no changes will take place within the public realm, Staff are of the opinion that the request for setback relief is minor in nature, appropriate for the site and have no concerns.

PUBLIC INPUT SUMMARY

No written submissions were received as of Sept 5th 2024. 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 requests 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 zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Theo Ako-Manieson, Planner I, Planning and Urban Design Department

REVIEWED BY:



Daniel Brutto CPT, MCIP, RPP, Acting Development Manager, West District

File Path: Amanda\File\ 24 180094 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/069/24

1. The variances apply only to the existing development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;

CONDITIONS PREPARED BY:



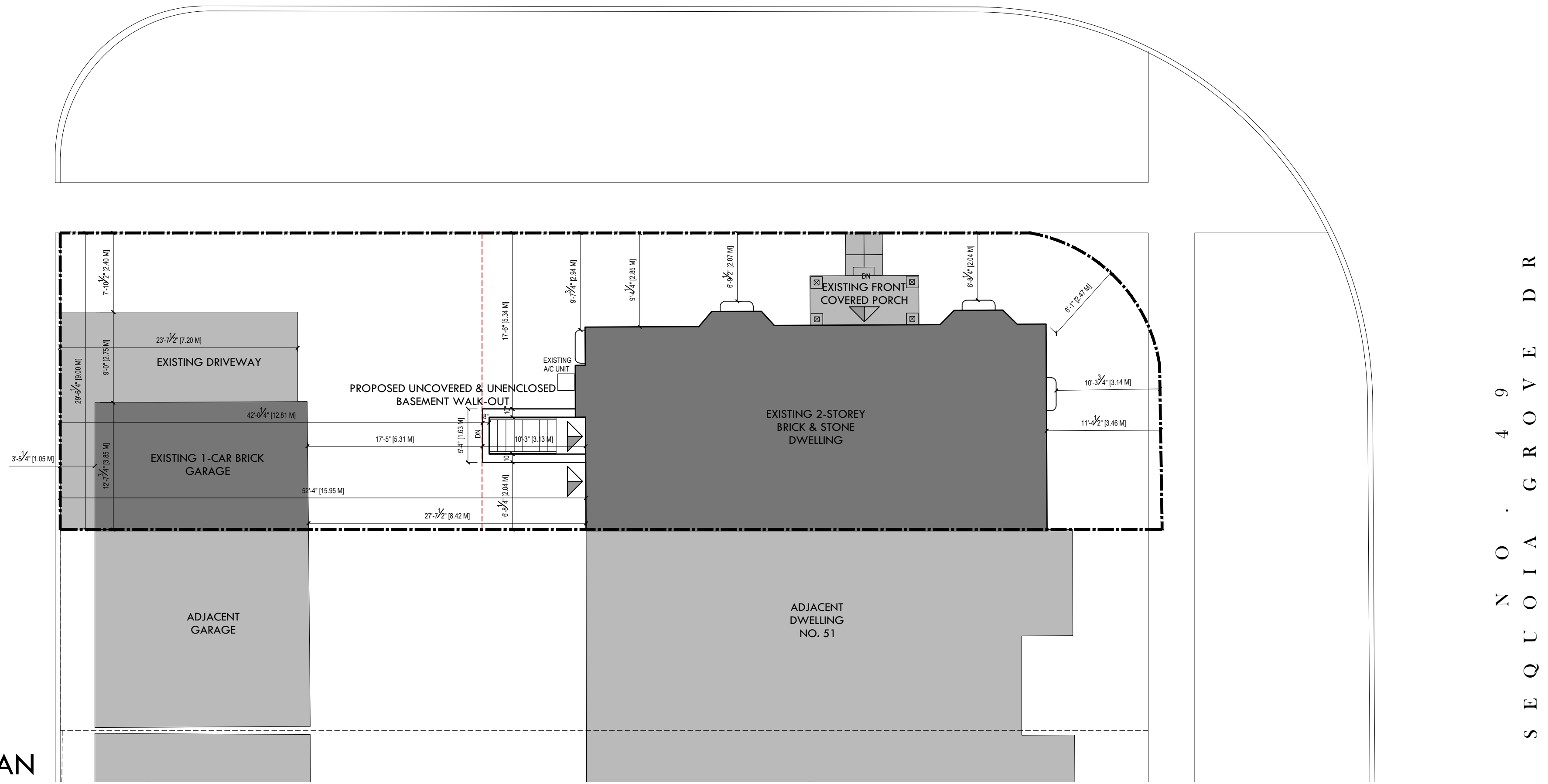
Theo Ako-Manieson, Planner 1, Planning and Urban Design Department

Appendix B

File: 24.180094.000.00.MNV

Date: 9/5/2024
MM/DD/YY

S E Q U O I A G R O V E D R



S E Q U O I A G R O V E D R

1:100
SITE PLAN

QUALIFICATION

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AS WELL AS HAVING THE QUALIFICATIONS AND REQUIREMENTS MANDATED BY THE ONTARIO BUILDING CODE (O.B.C.) TO BE A DESIGNER.

QUALIFICATION INFORMATION

AAMOU RAFIQ	113576
NAME	B.C.I.N.
LUCID HOMES INC.	114457
FIRM NAME	B.C.I.N.



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GENERAL NOTES

DRAWINGS ARE TO BE READ NOT SCALED. DESIGN AND CONSTRUCTION OF THIS BUILDING SHALL COMPLY WITH ONTARIO BUILDING CODE, AS AMENDED. DRAWINGS NOT INTENDED FOR PERMIT OR CONSTRUCTION UNLESS SIGNED BY DESIGNER OR ENGINEER. DO NOT BEGIN CONSTRUCTION UNTIL DESIGNER OR PROJECT MANAGER HAS BEEN NOTIFIED. CONTRACTOR TO SITE VERIFY DIMENSIONS AND ANY DISCREPANCIES DISCOVERED SHALL BE REPORTED TO THE DESIGNER. IMMEDIATELY. THE DRAWINGS AND DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF LUCID HOMES INC. REPRODUCTION OF THE DOCUMENTS PROVIDED IS PROHIBITED WITHOUT CONSENT OF THE DESIGNER.

REVISION LIST

1 -	MM.DD.YYYY
2 -	MM.DD.YYYY
3 -	MM.DD.YYYY
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5 -	MM.DD.YYYY

ISSUE LIST

1 -	MM.DD.YYYY
2 -	MM.DD.YYYY
3 -	MM.DD.YYYY
4 -	MM.DD.YYYY
5 -	MM.DD.YYYY



DRAWING TITLE: SITE PLAN
DRAWN BY: PR **CHECKED BY:** -
ADDRESS: 49 SEQUOIA GROVE DR, MARKHAM
PROJECT NO: 2023-007 **SCALE:** 1:100
SHEET NO. SP