

# Memorandum to the City of Markham Committee of Adjustment

January 12, 2021

**File:** A/093/20  
**Address:** 88 Glengordon Crescent, Markham  
**Applicant:** ZHANGXU HU  
**Hearing Date:** Wednesday, January 20, 2021

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

The applicant is requesting relief from the following requirements of the Residential Two - Lane Access (R2-LA\*118) zone in By-law 177-96, as amended:

**a) Section 6.5:**

to permit a second dwelling unit (basement apartment), whereas no more than one dwelling unit is permitted on a lot;

as it relates to a proposed basement apartment.

## **BACKGROUND**

### **Property Description**

The approximately 478.65 m<sup>2</sup> (5152.15 ft<sup>2</sup>) subject property is located on the south side of Glengordon Crescent, east of Glenbourne Park Drive and south of Major Mackenzie Drive East. There is an existing single detached dwelling with a detached two-car garage and parking pad accessed off a lane. The property is located within a residential neighbourhood comprised of two-storey detached dwellings.

### **Proposal**

The applicant is proposing to construct a second suite in the basement of the dwelling. The proposal would have direct and separate access provided by an existing door at the rear of the property. No changes are being proposed to the exterior of the dwelling.

### **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 177-96

The subject property is zoned Residential Two – Lane Based (R2-LA\*118) under By-law 177-96, as amended, which permits Single detached, semi-detached, duplex, triplex, fourplex, and townhouse dwellings. Exception \*118 is not applicable to the current proposal. The proposal does not comply with the zoning By-law as no more than one dwelling unit is permitted on a lot.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. It is the owner'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 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 January 12, 2021. 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.

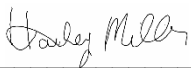
### **CONCLUSION**

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 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:



Hailey Miller, Planner, Planner I, West District

REVIEWED BY:



---

Stephen Kitagawa, Acting Development Manager, West District


File Path: Amanda\File\ 20 128934 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/093/20**

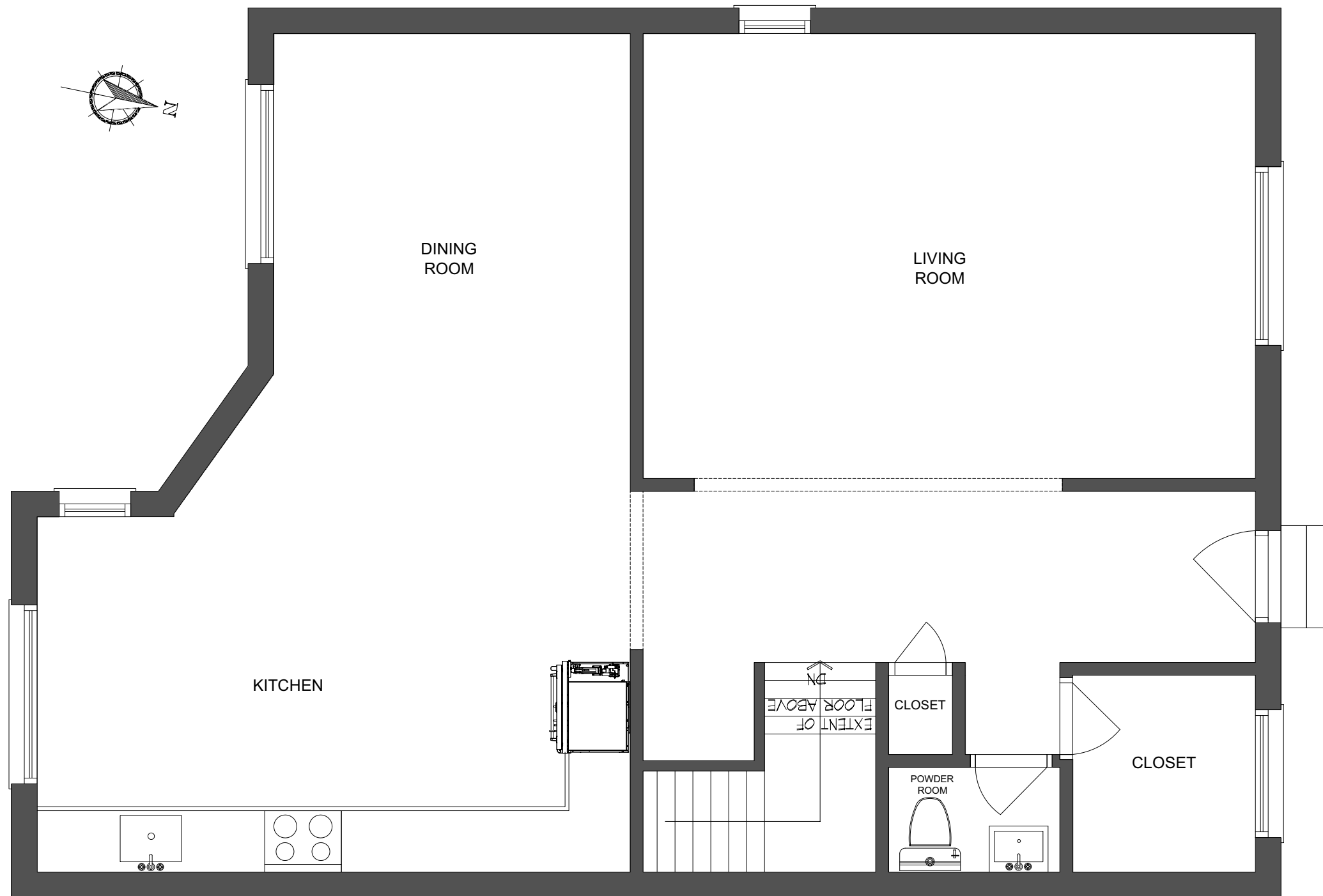
1. The variances apply only to the proposed development as long as it remains;
2. That the owner submit, if required by the Chief Building Official, a third-party report prepared by an architect or professional engineer licensed in the Province of Ontario, to assess compliance of existing construction 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:



---

Hailey Miller, Planner I, West District

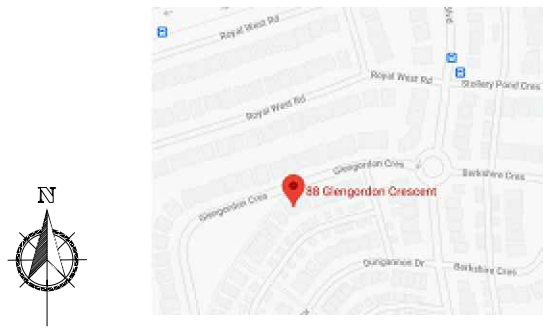


3 GROUND FLOOR PLAN  
 A1 SCALE:  $\frac{3}{16}$ " = 1'-0"

**Appendix B**

File: 20.128934.000.00.MNV

Date: 01/15/21  
 MM/DD/YY



moodesignlab@gmail.com

PROJECT IDENTIFICATION:  
 88 GLENGORDON CRES,  
 MARKHAM, ON L6C 0K1

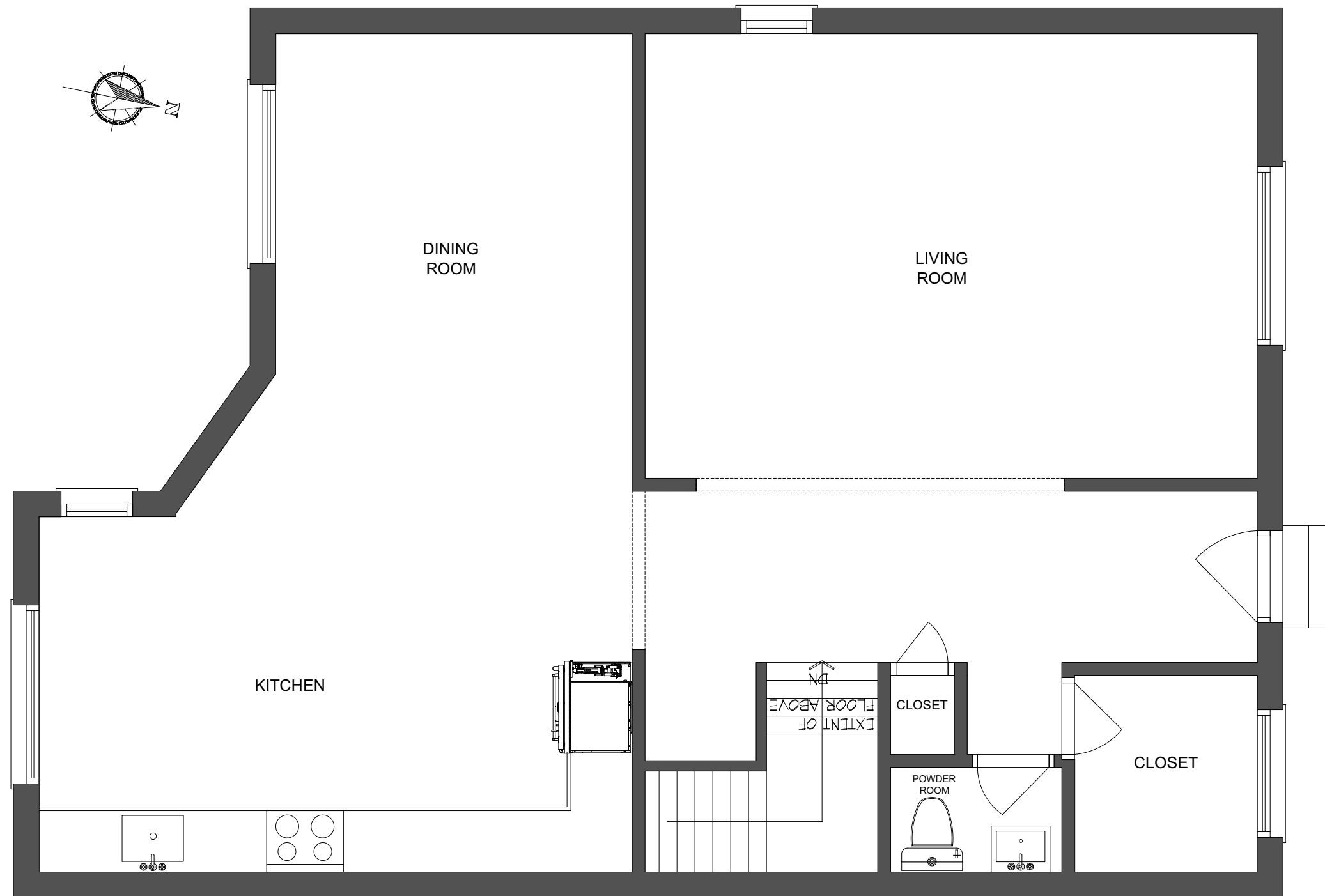
APPLICATION IDENTIFICATION:  
 CITY OF MARKHAM  
 DEVELOPMENT SERVICES

DRAWING TITLE:  
 MAIN FLOOR PLAN

DRAWN BY: M.S      CHECKED BY: M.S

ISSUE DATE: 11/20/2020      SCALE: AS NOTED

DRAWING NO.: A1-3

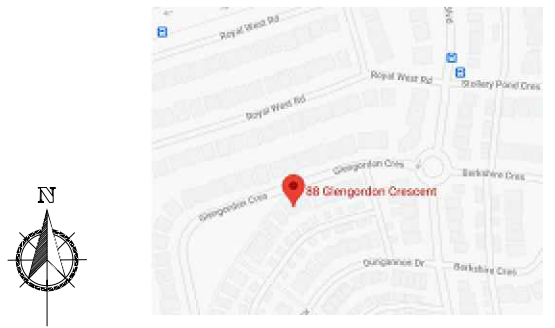


3 GROUND FLOOR PLAN  
 A1 SCALE:  $\frac{3}{16}$ " = 1'-0"

**Appendix B**

File: 20.128934.000.00.MNV

Date: 01/15/21  
 MM/DD/YY



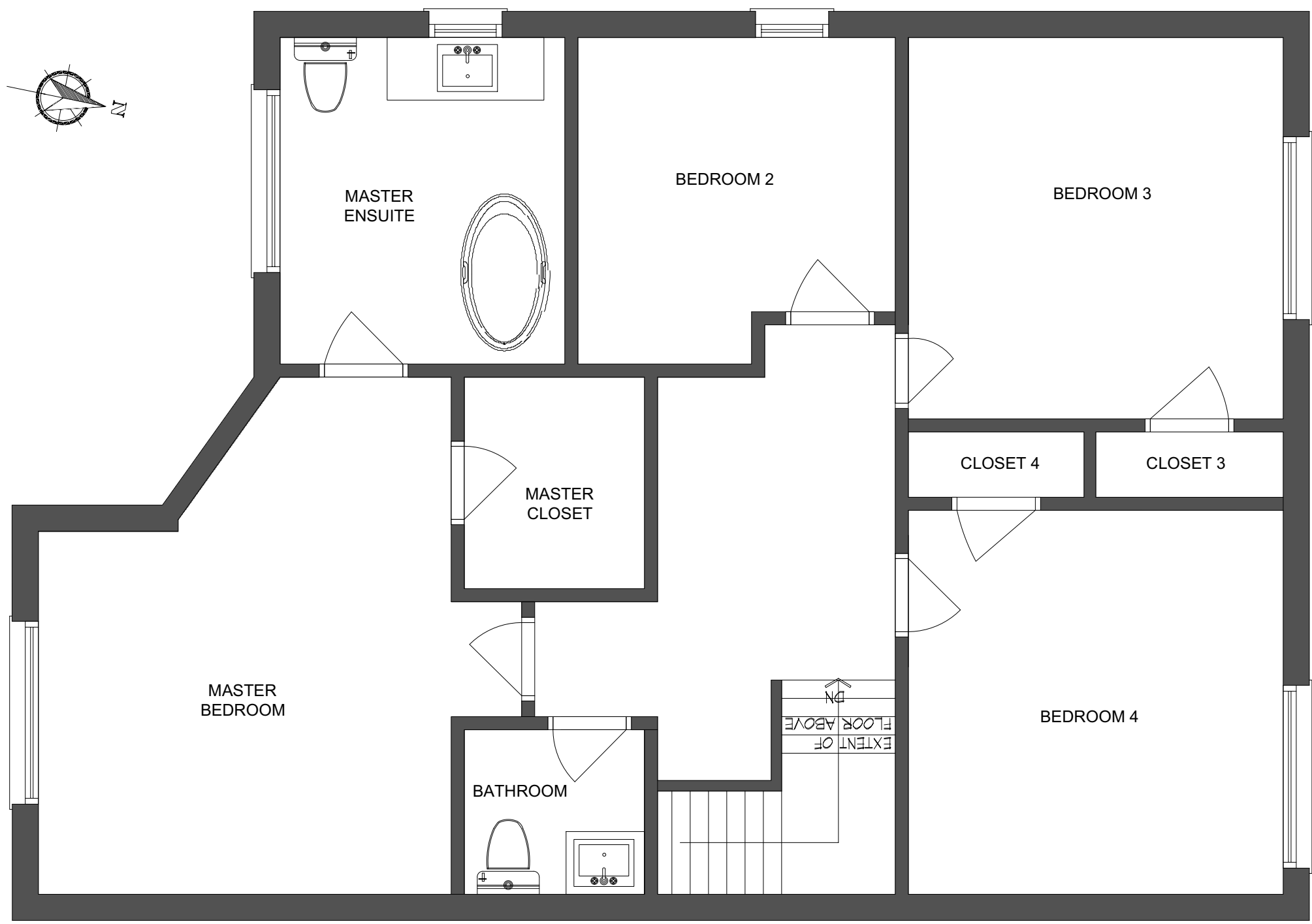
moodesignlab@gmail.com

PROJECT IDENTIFICATION:  
 88 GLENGORDON CRES,  
 MARKHAM, ON L6C 0K1

APPLICATION IDENTIFICATION:  
 CITY OF MARKHAM  
 DEVELOPMENT SERVICES

DRAWING TITLE:  
 MAIN FLOOR PLAN

DRAWN BY: M.S	CHECKED BY: M.S
ISSUE DATE: 11/20/2020	SCALE: AS NOTED
DRAWING NO.: A1-3	

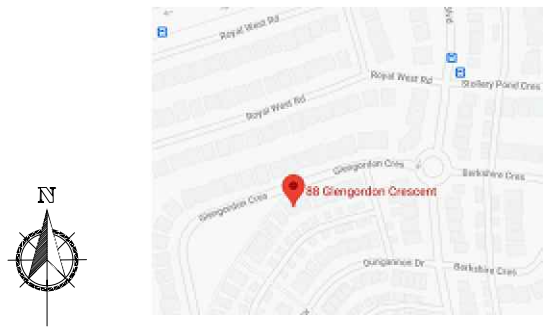


4  
A1 SECOND FLOOR PLAN  
SCALE:  $\frac{3}{16}$ " = 1'-0"

**Appendix B**

File: 20.128934.000.00.MNV

Date: 01/15/21  
MM/DD/YY



moodesignlab@gmail.com

PROJECT IDENTIFICATION:  
88 GLENGORDON CRES,  
MARKHAM, ON L6C 0K1

APPLICATION IDENTIFICATION:  
CITY OF MARKHAM  
DEVELOPMENT SERVICES

DRAWING TITLE:  
SECOND FLOOR PLAN

DRAWN BY: M.S      CHECKED BY: M.S

ISSUE DATE: 11/20/2020      SCALE: AS NOTED

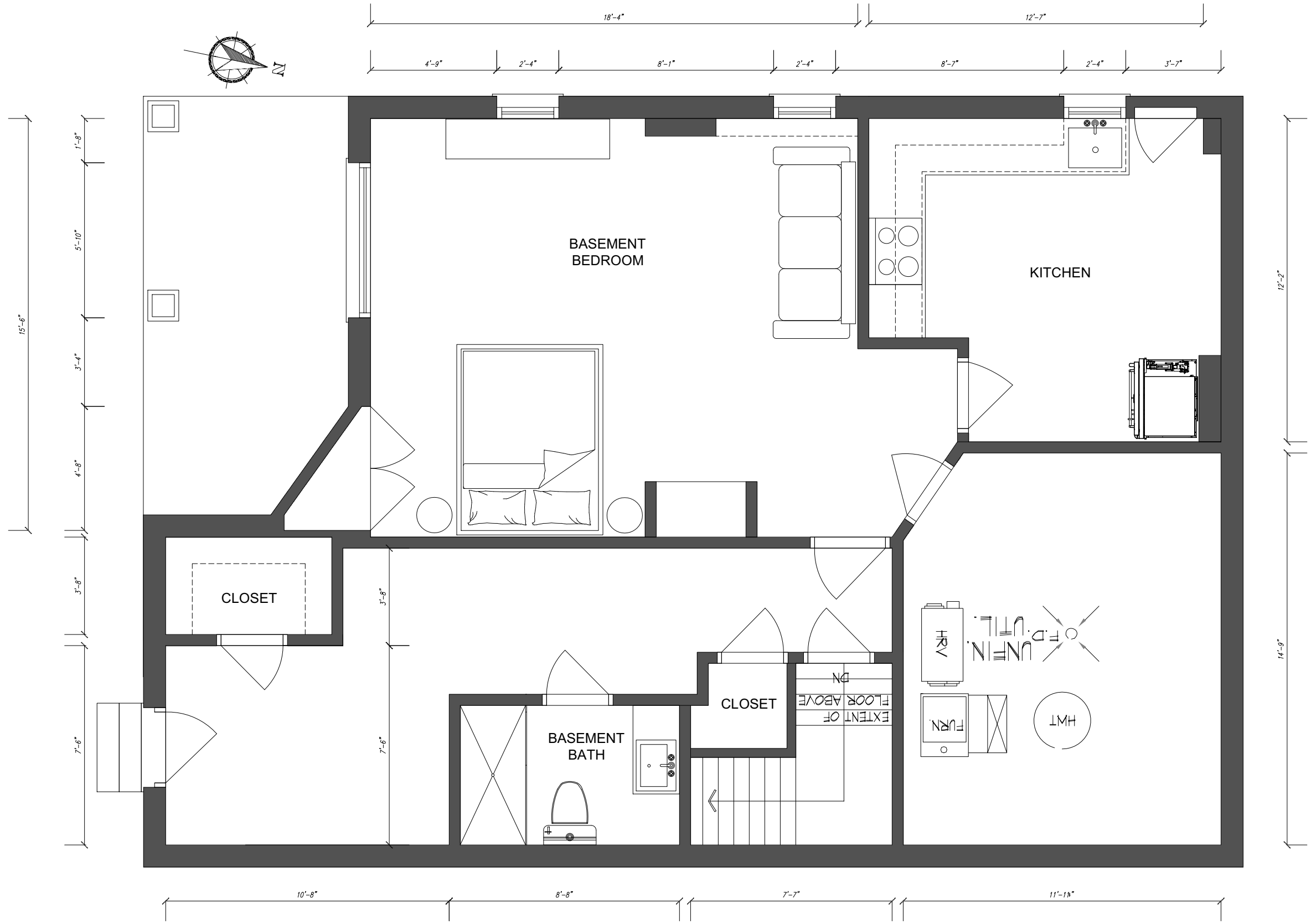
DRAWING NO.: A1-4

**Appendix B**

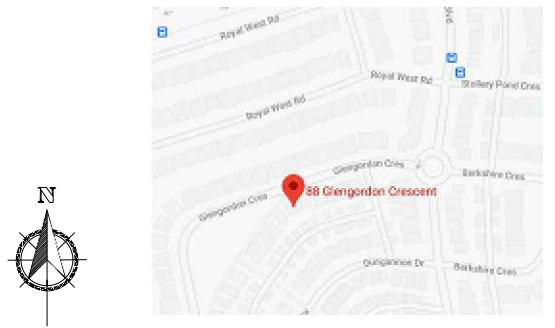
File: 20.128934.000.00.MNV

Date: 01/15/21

MM/DD/YY



1  
A1 BASEMENT FLOOR PLAN  
SCALE: 1/4" = 1'-0"



moodesignlab@gmail.com

PROJECT IDENTIFICATION:  
88 GLENGORDON CRES,  
MARKHAM, ON L6C 0K1

APPLICATION IDENTIFICATION:  
CITY OF MARKHAM  
DEVELOPMENT SERVICES

DRAWING TITLE:  
BASEMENT PLAN

DRAWN BY: M.S      CHECKED BY: M.S

ISSUE DATE: 11/20/2020      SCALE: AS NOTED

DRAWING NO.: A1-1