

Memorandum to the City of Markham Committee of Adjustment

April 12, 2021

File: A/105/20
Address: 2 McCaul Street – Markham, ON
Applicant: Mary Stella Victor
Agent: Srichandra Kurisetti
Hearing Date: April 21, 2021

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

The applicant is requesting relief from the following “Residential Two Exception *61 (R2*61)” zone requirements under By-law 177-96, as amended, as they relate to a proposed secondary suite, and unenclosed stairs and landing encroachment into the rear yard. The variances requested are to permit:

a) By-law 177-96, Section 6.5:

an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot; and

b) By-law 177-96, Section 6.6.3 a):

an uncovered and unenclosed stairs and landing encroachment of 3.05 m (10.01 ft) into the rear yard, whereas the By-law permits a maximum encroachment of 2.0 m (6.56 ft) into the required rear yard.

BACKGROUND

Property Description

The 307.50 m² (3,309.90 ft²) subject property is a corner lot with frontage situated at the northwest corner of McCaul Street and Madison Heights Boulevard, east of Kennedy Road, south of Bur Oak Avenue, and west of William Berczy Boulevard. The property is developed with an existing detached dwelling, and rear walk-up stairs. The property is located within a residential neighbourhood which contains a mix of detached, semi-detached, and townhouse dwellings, some of which are situated on lane based properties.

Proposal

The applicant is requesting permission for a secondary suite to be located in the basement of the existing dwelling. The proposed secondary suite would have direct and separate access provided by existing walk-up stairs at the west side (rear) of the building. The proposal also includes enlarged egress windows at the west and south sides 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 rowhouse 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 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 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 Exception *61 (R2*61)” under By-law 177-96, as amended, which permits various low rise housing forms, including detached dwellings. Exception *61 provides zone standards relating to single detached dwellings. The proposed development does not comply with the By-law requirements with respect to the permitted number of dwellings, and maximum stairs and landing encroachment.

Zoning Preliminary Review (ZPR) Undertaken

The applicant received an incomplete ZPR which confirms one of the variances required for the proposed development. The ZPR requested that the applicant provide further information to confirm the variances for the proposed development.

It is the applicant’s responsibility to ensure that the application has accurately identified all of the variances to the By-law required for the proposed development. The applicant has confirmed the variances required as they relate to an accessory dwelling unit, and uncovered and unenclosed stair and landing projection. 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 (“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 Official Plan for the establishment of a secondary suite and therefore, have no objections.

Increase in Maximum Encroachment of Stairs and Landing

The applicant is requesting that the stairs and landing encroach a maximum of 3.05 m (10.01 ft) into the rear yard, whereas the By-law permits stairs and landings to encroach to encroach no more than 2.0 m (6.56 ft) into the required rear yard. This is a difference of 1.05 m (3.45 ft).

Given that the stairs and landing are below grade and unenclosed, staff are of the opinion that the requested variance would not adversely impact neighbouring properties. Accordingly, staff have no objections.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 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 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

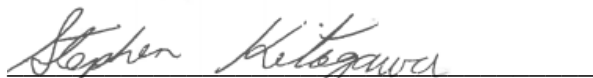
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Kitagawa, Acting Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/105/20

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/105/20

PROPOSED SECOND UNIT

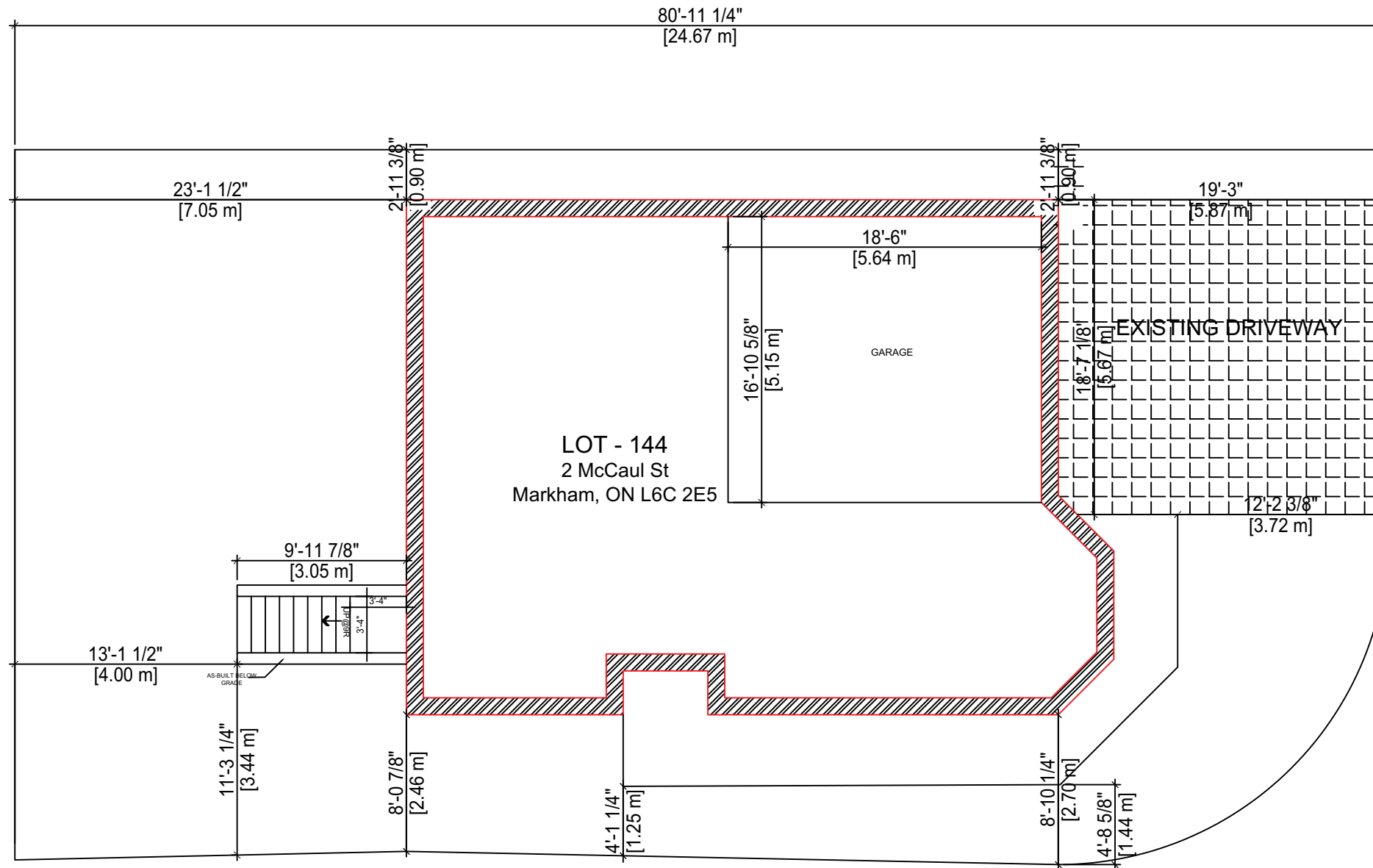
2 McCaul St Markham, ON L6C 2E5

Appendix B

File: 20.130519.000.00.MNV

Date: 04/15/21

MM/DD/YY



MCCAUL STREET

MADISON HEIGHTS BOULEVARD

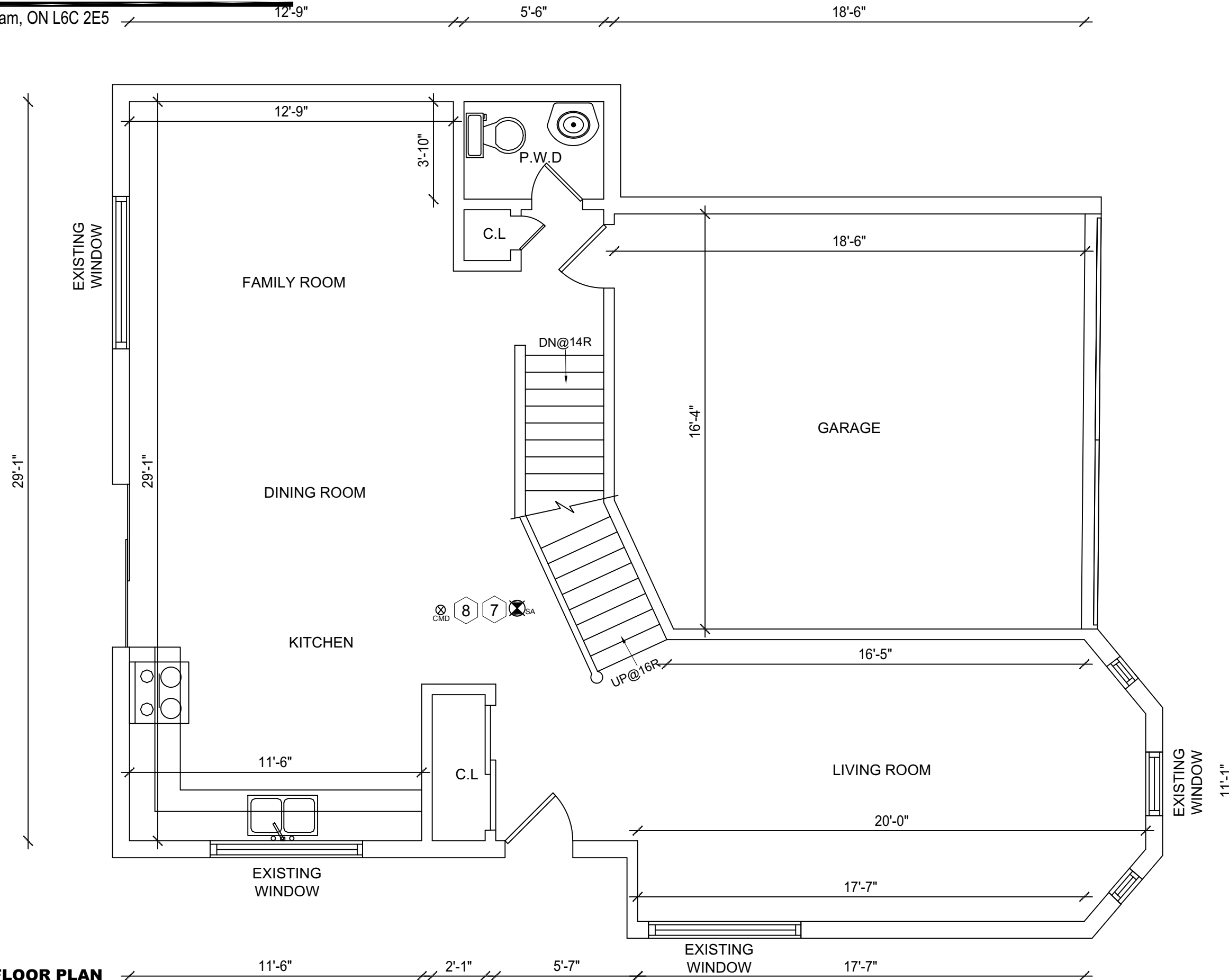
SCOPE OF WORK

- ① AS-BUILT GRADE ENTRANCE
- ② PROPOSED BASMENT APARTMENT

SITE PLAN	
PROJECT: PROPOSED SECOND UNIT	
01 ISSUED FOR TECHNICAL	
ADDRESS: 2 McCaul St Markham, ON L6C 2E5	
DRAWN BY: JA	CHECKED BY:
PROJECT NUMBER:	
DATE: 22-JAN-2020	DWG No: A1.0
SCALE: AS SHOWN	

PROPOSED SECOND UNIT

2 McCaul St Markham, ON L6C 2E5



Appendix B

File: 20.130519.000.00.MNV

Date: 04/15/21
MM/DD/YY

MAIN FLOOR PLAN

PROJECT: PROPOSED SECOND UNIT

01 ISSUED FOR TECHNICAL

ADDRESS: 2 McCaul St Markham, ON L6C 2E5

DRAWN BY: JA CHECKED BY:

PROJECT NUMBER:

DATE: 22-JAN-2020

SCALE: AS SHOWN

DWG No:

A1.2

1 BASEMENT FLOOR PLAN

3/16"=1'-0"

PROPOSED SECOND UNIT

2 McCaul St Markham, ON L6C 2E5

LINTEL	OPENINGS	SIZE
WB1	UPTO 42" OPENINGS	2-2"X6"
WB2	UPTO 66" OPENINGS	2-2"X8"
WB3	UPTO 78" OPENINGS	3-2"X10"
WB4	UPTO 90" OPENINGS	3-2"X12"

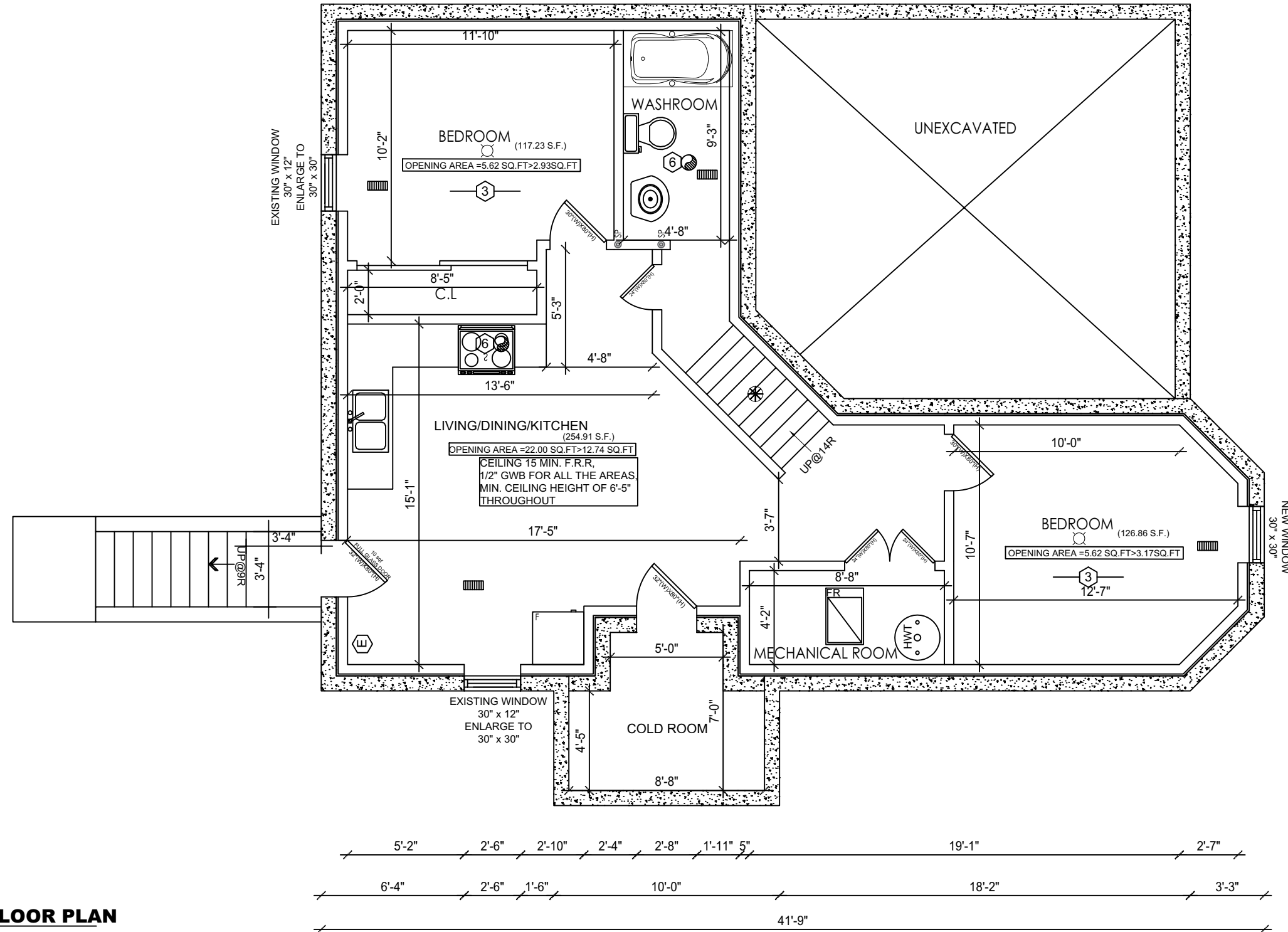
LINTEL	OPENINGS	SIZE
L1	UPTO 54" OPENINGS	L 3.5" X 3.5" X 0.3125"
L2	UPTO 66" OPENINGS	L 4.0" X 3.5" X 0.3125"
NA		
NA		

Appendix B

File: 20.130519.000.00.MNV

Date: 04/15/21

MM/DD/YY



1 BASEMENT FLOOR PLAN
3/16"=1'-0"

PROPOSED BASEMENT FLOOR PLAN

PROJECT: **PROPOSED SECOND UNIT**

01 ISSUED FOR TECHNICAL	
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ADDRESS:
**2 McCaul St
Markham, ON L6C 2E5**

DRAWN BY: **JA** CHECKED BY:

PROJECT NUMBER:

DATE: **22-JAN-2020** DWG No: **A1.1**
SCALE: **AS SHOWN**

PROPOSED SECOND UNIT

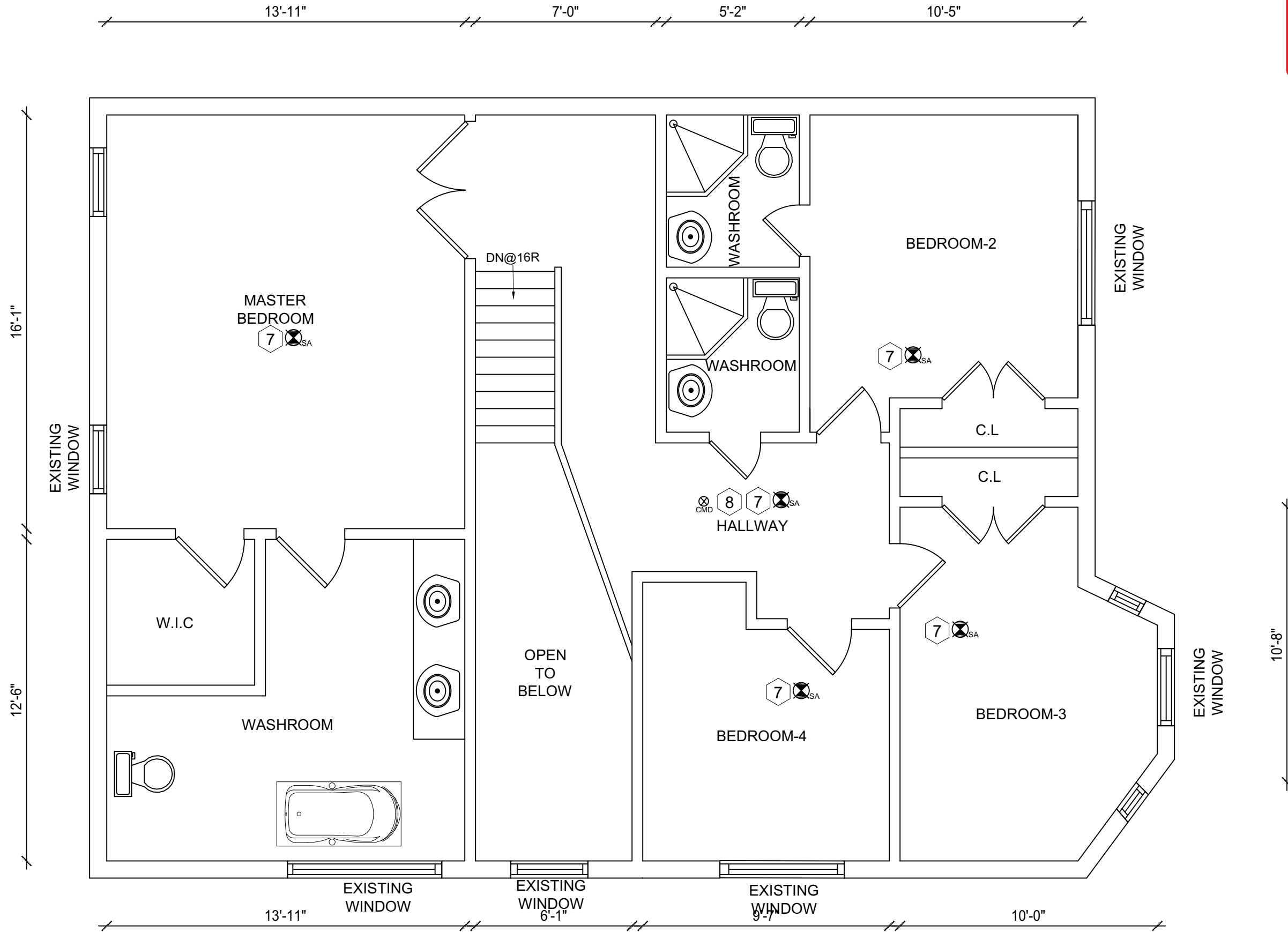
2 McCaul St Markham, ON L6C 2E5

Appendix B

File: 20.130519.000.00.MNV

Date: 04/15/21

MM/DD/YY



SECOND FLOOR PLAN	
PROJECT: PROPOSED SECOND UNIT	
01 ISSUED FOR TECHNICAL	24/09/2018
ADDRESS: 2 McCaul St Markham, ON L6C 2E5	
DRAWN BY: JA	CHECKED BY:
PROJECT NUMBER:	
DATE: 22-JAN-2020	DWG No:
SCALE: AS SHOWN	A1.3

PROPOSED SECOND UNIT

2 McCaul St Markham, ON L6C 2E5

Appendix B

File: 20.130519.000.00.MNV

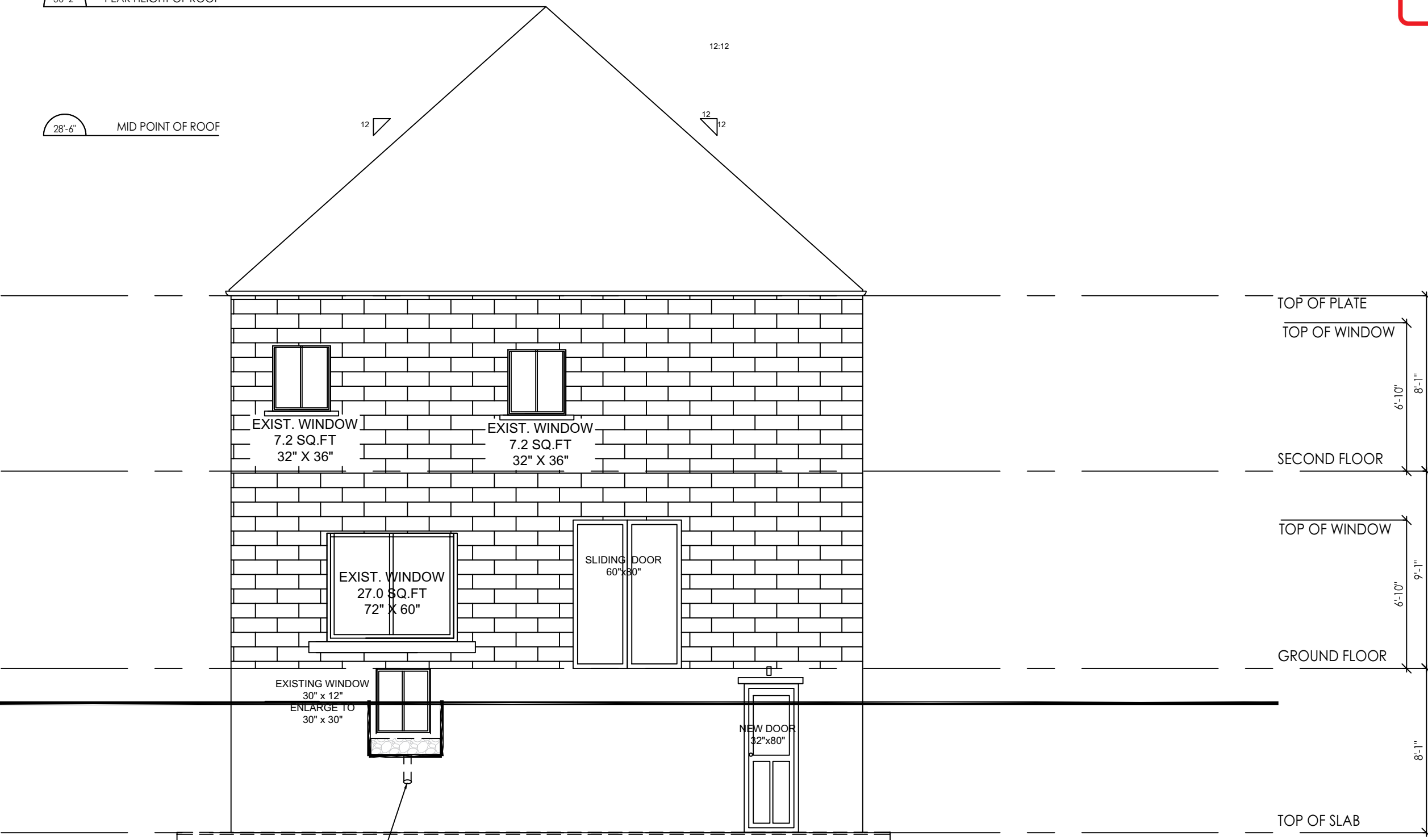
Date: 04/15/21
MM/DD/YY

36'-2" PEAK HEIGHT OF ROOF

28'-6" MID POINT OF ROOF

12:12

12:12



PERFORATED PIPE IN THE GRAVEL BED TO EXTEND 24" FROM FACE OF THE WALL. DAMP PROOF THE FACE OF THE FOUND WALL NEXT TO WINDOW WELL AND TO THE TOP OF THE GRAVEL BED. THE WELL SHALL BE 6" ABOVE SURROUNDING GRADE

REAR ELEVATION	
PROJECT: PROPOSED SECOND UNIT	
01 ISSUED FOR TECHNICAL	
ADDRESS: 2 McCaul St Markham, ON L6C 2E5	
DRAWN BY: JA	CHECKED BY:
PROJECT NUMBER:	
DATE: 22-JAN-2020	DWG No: A1.9
SCALE: AS SHOWN	