

# Memorandum to the City of Markham Committee of Adjustment

January 26, 2021

**File:** A/126/20  
**Address:** 33 Saltspring Drive – Markham, ON  
**Applicant:** Elie Fotsing  
**Agent:** YEJ Studio and Consulting Inc.  
**Hearing Date:** February 3, 2021

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

The applicant is requesting relief from the following “Residential Two Exception (R2\*133\*137)” zone requirements under By-law 177-96, as amended, as they relate to an existing secondary suite in the basement of the semi-detached dwelling. The applicant is requesting the following variances to permit:

- a) **By-law 177-96, Table A – Section 6.5:**  
one accessory dwelling unit, whereas the By-law does not permit an accessory dwelling unit;
- b) **By-law 177-96, Section 7.133.2 k):**  
a driveway to be setback 0 m (0 ft) from an interior side lot line, whereas the By-law requires a minimum setback of 0.3 m (0.98 ft) for driveways that cross a front lot line; and
- c) **By-law 28-97, Section 6.1.2 (a):**  
two parking spaces, whereas the By-law requires a minimum of three parking spaces.

## BACKGROUND

### Property Description

The 457.50 m<sup>2</sup> (4,924.49 ft<sup>2</sup>) subject property is a corner lot located at the southeast intersection of Harry Blaylock Drive and Saltspring Drive, north of Bur Oak Avenue, and west of Williamson Road. There is an existing semi-detached dwelling on the property. Bur Oak Avenue, and Castlemore Avenue are approximately 330.0 m (1,082.68 ft) away from the property and are serviced by public transit. The property is located within an established residential neighbourhood which contains a mix of two-storey semi-detached, detached, and townhouse dwellings.

### Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposal includes an enlarged window at the front of the building, and an egress window at the east side (rear) of the building. The proposed secondary suite would also have direct and separate access provided by a new door and walk-up stairs proposed at the rear 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 semi-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 (R2\*133\*137) under By-law 177-96, as amended, which provides for various low rise residential forms including: single detached, semi-detached, duplex, triplex, fourplex, or townhouse dwellings. Exception \*133 and \*137 provides area specific development standards. The proposed development does not comply with the By-law with respect to the requirement of one dwelling unit per lot, and the minimum setback for a driveway.

#### Parking Standards By-law 28-97

The proposed secondary suite also does not comply with the Parking By-law with respect to the required parking. Further details of the parking requirement are provided in the comment section below.

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

The applicant has confirmed that a 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 (“the Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the, 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**

The 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.

#### **Reduction in Minimum Driveway Setback**

The applicant is requesting a minimum driveway setback of 0 m (0 ft) from the interior side lot line, whereas the By-law requires a minimum setback of 0.30 m (0.98 ft) for driveways that cross a front lot line. The subject property is developed with a semi-detached dwelling which shares a common wall with the adjoining dwelling at 31 Saltspring Drive. A 0 m (0

ft) setback is permitted between the two dwellings. The subject dwelling and adjoining dwelling also have an existing mutual driveway to access both properties. Approval of this variance will permit and recognize this existing configuration and staff do not object to the variance.

### **Reduced Parking Spaces**

The Parking By-law 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 provides for a total of two parking spaces.

Staff are of the opinion that a reduction in parking may be considered “self-regulating”, as the secondary suite could be of interest to an occupant that does not require a parking space, in the event that both parking spaces are required for use by the owner of the dwelling. It is noted that no overnight parking is permitted on this street, and violators would be ticketed nightly.

### **Metrolinx Comments**

Metrolinx provided comments on this application on January 13, 2021, which notes that Metrolinx has a right-of-way rail corridor within 300 m (984.25 ft) of the subject property. Metrolinx notes that alterations or expansions on the right-of-way in the future, including the possibility that expansions of their operations may affect the living environment of residents in the vicinity. Metrolinx recommends that a warning clause be inserted into all lease agreements for the new unit as noted in their comments attached in Appendix “C”.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of January 26, 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.


### **APPENDICES**

Appendix “A” – Conditions of Approval

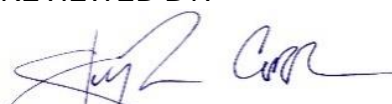
Appendix “B” – Plans

Appendix “C” – Metrolinx Comments

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/126/20**

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; and
3. That the applicant submits, 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:



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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/126/20**

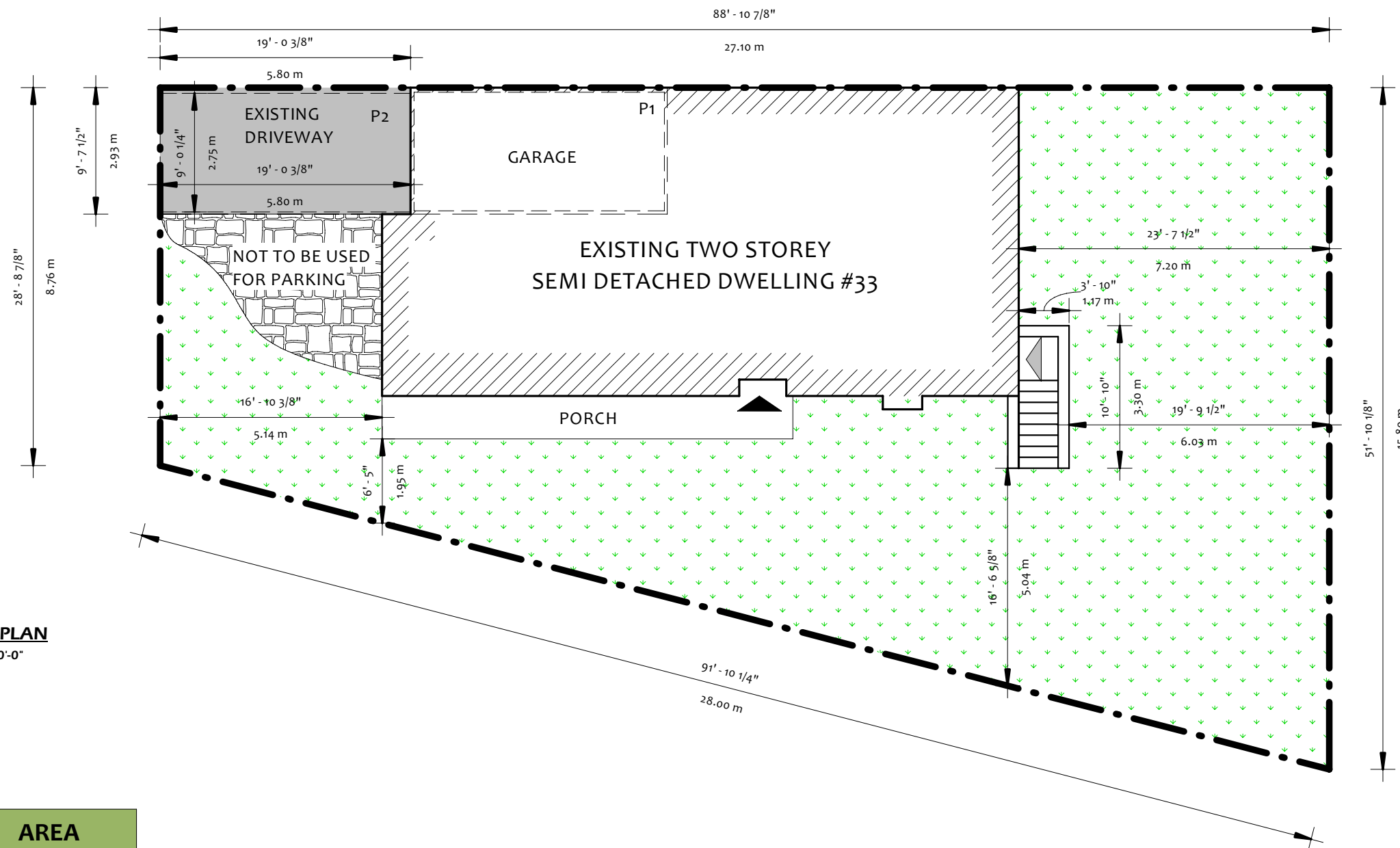
# Appendix B

File: 20.133851.000.00.MNV

Date: 01/28/21

MM/DD/YY

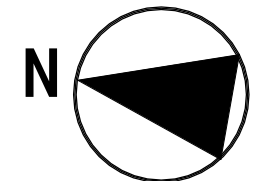
SALTSPRING DRIVE



**1.0** SITE PLAN  
**A-01** 1" = 10'-0"

FLOOR / UNIT AREA	AREA	
	SQFT	SQM
BASEMENT (UNIT 2)	517.2	48.05
BASEMENT (UNIT 1)	195	18.1
FIRST FLOOR (UNIT 1)	769.7	71.5
SECOND FLOOR (UNIT 1)	1000	92.9
<b>TOTAL BUILDING AREA</b>	<b>2481.9</b>	<b>230.6</b>

▶ UNIT 1 MAIN ENTRANCE  
▶ UNIT 2 ENTRANCE



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**BASEMENT SECOND UNIT**  
33 SALTSPRING DR.  
MARKHAM, ON  
L6E 2H1

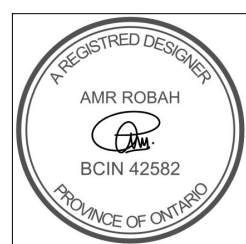
THE UNDERSIGNED HAS REVIEW AND TAKES RESPONSIBILITY FOR THE DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

**QUALIFICATION INFORMATION**  
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF DIVISION "C" OF O.B.C

**NAME**  
AMR ROBAH **BCIN**  
42582

**REGISTRATION INFORMATION**  
REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5 OF O.B.C

**FIRM NAME**  
YEJ STUDIO AND CONSULTING INC. **BCIN**  
114354



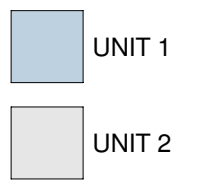
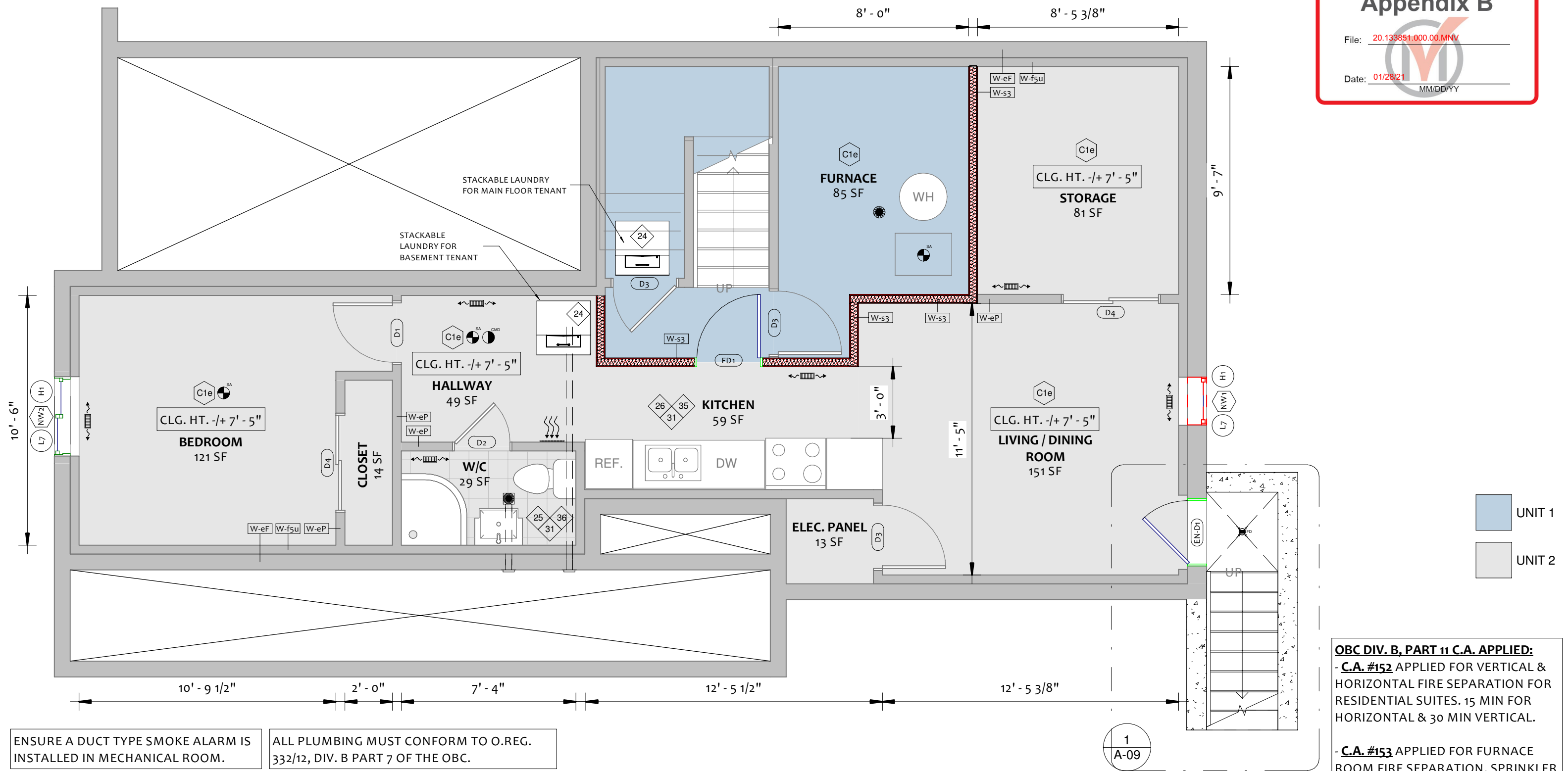
CLIENT REVIEW	2020.05.04
REVISION	
ISSUED FOR PERMIT	2020-05-06

<b>SITE PLAN</b>		<b>A-01</b>
Drawn by	H.R	
Project number	20 RE 500-047	
Date	2020.05.05	Scale As indicated

# Appendix B

File: 20.133851.000.00.MNV

Date: 01/28/21  
MM/DD/YY



**OBC DIV. B, PART 11 C.A. APPLIED:**  
 - **C.A. #152** APPLIED FOR VERTICAL & HORIZONTAL FIRE SEPARATION FOR RESIDENTIAL SUITES. 15 MIN FOR HORIZONTAL & 30 MIN VERTICAL.  
 - **C.A. #153** APPLIED FOR FURNACE ROOM FIRE SEPARATION. SPRINKLER HEAD IS PROVIDED. FIRE SEP. NOT REQUIRED.

ENSURE A DUCT TYPE SMOKE ALARM IS INSTALLED IN MECHANICAL ROOM. ALL PLUMBING MUST CONFORM TO O.REG. 332/12, DIV. B PART 7 OF THE OBC.

ALL SMOKE ALARMS TO BE INTERCONNECTED WITHIN THE ENTIRE HOUSE AND WITH THE DETECTORS. ENSURE MINIMUM 30MIN FIRE RESISTANCE RATING AROUND ALL BEAMS AND COLUMNS.

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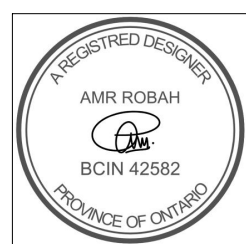
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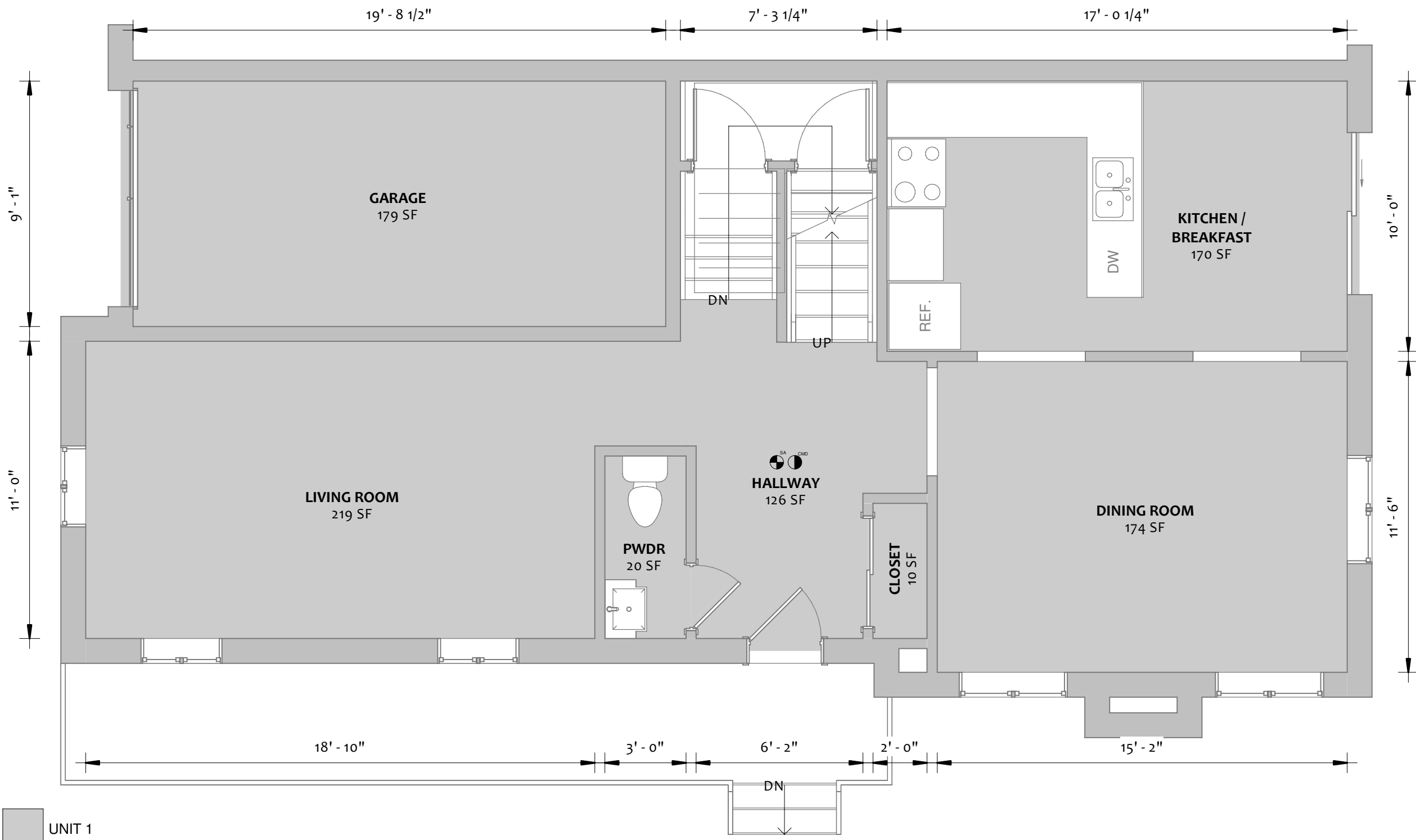
<b>PROP. BASEMENT</b>		<b>A-05</b>
Drawn by	H.R	
Project number	20 RE 500-047	
Date	2020.05.05	Scale 1/4" = 1'-0"



**Appendix B**

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**BCIN**  
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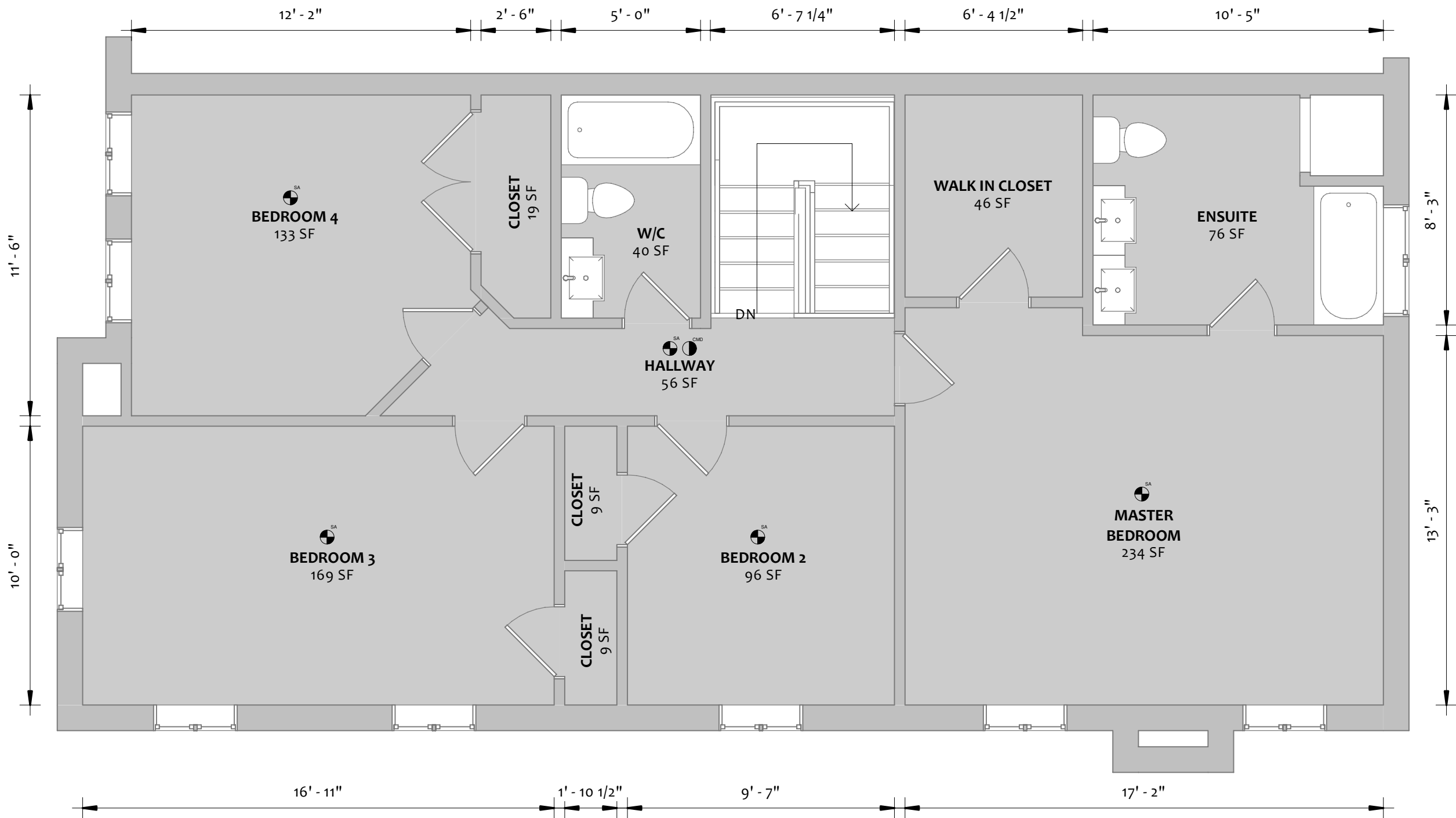
CLIENT REVIEW	2020.05.04
REVISION	
ISSUED FOR PERMIT	2020-05-06

<b>PROP. MAIN FLOOR</b>		<b>A-06</b>
Drawn by	H.R.	
Project number	20 RE 500-047	
Date	2020.05.05	
		Scale 1/4" = 1'-0"

**Appendix B**

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UNIT 1

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FIRM NAME: YEJ STUDIO AND CONSULTING INC.    BCIN: 114354



CLIENT REVIEW	2020.05.04
REVISION	
ISSUED FOR PERMIT	2020-05-06

<b>PROP. SECOND FLOOR</b>		<b>A-07</b>
Drawn by	H.R.	
Project number	20 RE 500-047	
Date	2020.05.05	Scale 1/4" = 1'-0"

## DOOR SCHEDULE

Type	Ct.	Level	Width	Height	Phase Created	Comments
D1	1	BASEMENT	2' - 6"	6' - 8"	Existing	
D2	1	BASEMENT	2' - 4"	6' - 8"	Existing	
D3	1	BASEMENT	2' - 8"	6' - 8"	Existing	
D3	1	BASEMENT	2' - 8"	6' - 8"	Existing	
D4	1	BASEMENT	4' - 0"	6' - 8"	Existing	
D4	1	BASEMENT	4' - 0"	6' - 8"	Existing	
EN-D1	1	BASEMENT	2' - 8"	6' - 8"	New Construction	
FD1	1	BASEMENT	2' - 8"	6' - 8"	New Construction	20 MIN FR W/ SELF CLOSER



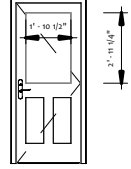
Grand total: 9

## WINDOW SCHEDULE

Type	Ct.	Level	Width	Height	GLASS AREA	Phase Created
NW1	1	BASEMENT	2' - 0"	2' - 0"	3.80 SF	New Construction
NW2	1	BASEMENT	3' - 4"	1' - 0"	3.17 SF	New Construction

Grand total: 2

### BASEMENT (UNIT2)

No.	Elevation	Room Name	Room Area (sqft)	Req. Win. %	Req. Win. Area (sqft)	Glass Area (sqft)
NW2		BEDROOM	121 sqft	2.5 %	3.03 sqft	3.2 sqft
NW1		FAMILY / DINING ROOM	152 sqft	5 %	7.6 sqft	9.31 sqft
EN-D1						

## CEILING SCHEDULE

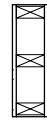


**C1e** FULL HT CLG - 15MIN. FIRE SEPARATION  
 -EX. FLOOR FINISH  
 -EX. FLOOR JOIST  
 -EX. 1 LAYER 1/2" TYPE X GYPSUM BOARD  
 \* NOTE: NO OPENINGS ARE PERMITTED  
 \* PART 11 C.A. #152 APPLIED

## WALL SCHEDULE



**W-eF** EXISTING FOUNDATION WALL  
**W-eX** EXISTING EXTERIOR WALL  
**W-eP** EXISTING STUD PARTITION WALL



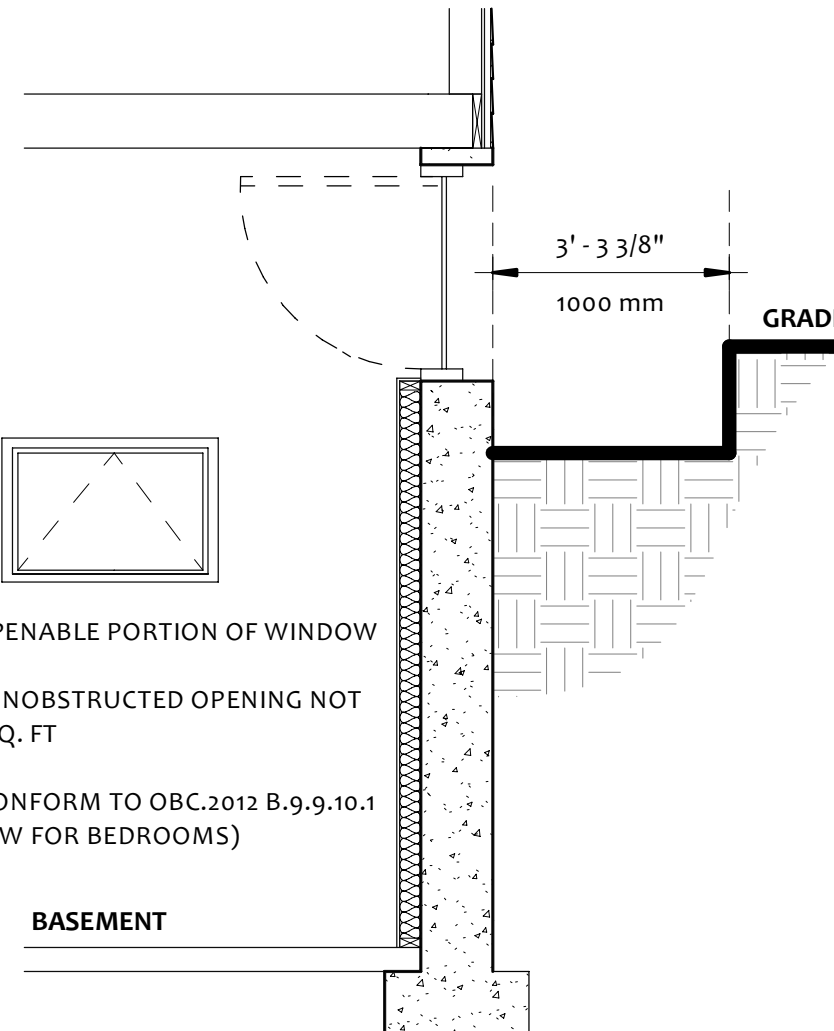
**W-p1** NEW INTERIOR - STUD PARTITION  
 - 1/2" GYPSUM WALL BOARD  
 - 2"x4" @ 16" o.c. WOOD STUDS  
 - 1/2" GYPSUM WALL BOARD



**W-s3** NEW INTERIOR - 30min FIRE SEP. (W1c)  
 - 1 LAYER 1/2" REGULAR GWB  
 - 2"x4" WOOD STUDS @ 16" o.c.  
 - ROXUL INSULATION IN CAVITIES  
 - 1 LAYER 1/2" REGULAR GWB



**W-f5u** EXTERIOR - BASEMENT INSULATED STUD WALL  
 - 1" AIR GAP  
 - NEW 2"x4" @ 16" o.c. STUDS  
 - NEW BATT INSULATION ON STUDS CAVITIES  
 - NEW AIR/VAPOUR BARRIER  
 - NEW 1/2" GYPSUM WALL BOARD



- MIN 15" FOR OPENABLE PORTION OF WINDOW
- MIN AREA OF UNOBSTRUCTED OPENING NOT LESS THAN 3.8 SQ. FT
- WINDOW TO CONFORM TO OBC.2012 B.9.9.10.1 (EGRESS WINDOW FOR BEDROOMS)

**2** **D17.2 - EGRESS WINDOW BSMT - WINDOWWELL**  
**A-08** 3/8" = 1'-0"

## Appendix B

File: 20.133851.000.00.MNV  
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## STRUC. ELEMENTS

### LINTEL SCHEDULE

NO.	DESCRIPTION
H1	2 - 2x8
H2	3 - 2x8
H3	2 - 2x10
H4	3 - 2x10
H5	2 - 2x12
H6	3 - 2x12
L7	L - 5 x 3 1/2 x 5/16
L8	L - 5 x 5 x 5/16
L9	L - 5 x 5 x 1/2



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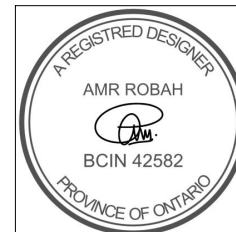
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ISSUED FOR PERMIT	2020-05-06

## SCHEDULES

Drawn by	H.R
Project number	20 RE 500-047
Date	2020.05.05

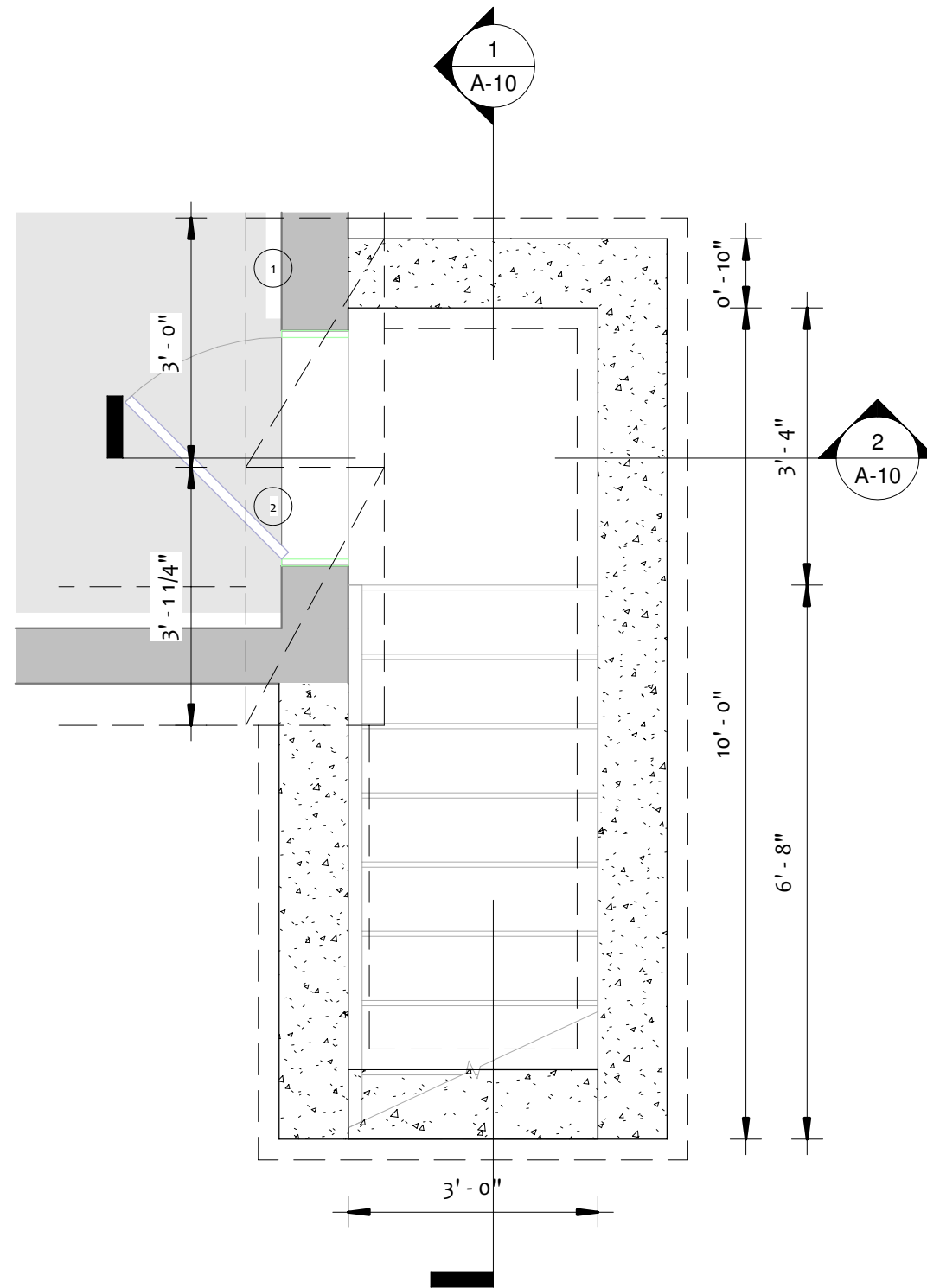
A-08

Scale As indicated

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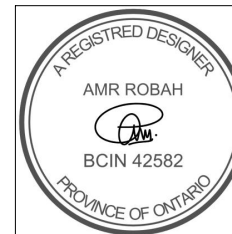
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**QUALIFICATION INFORMATION**  
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF DIVISION "C" OF O.B.C.

<b>NAME</b> AMR ROBAH		<b>BCIN</b> 42582
<b>REGISTRATION INFORMATION</b> REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5 OF O.B.C.		
<b>FIRM NAME</b> YEJ STUDIO AND CONSULTING INC.		<b>BCIN</b> 114354



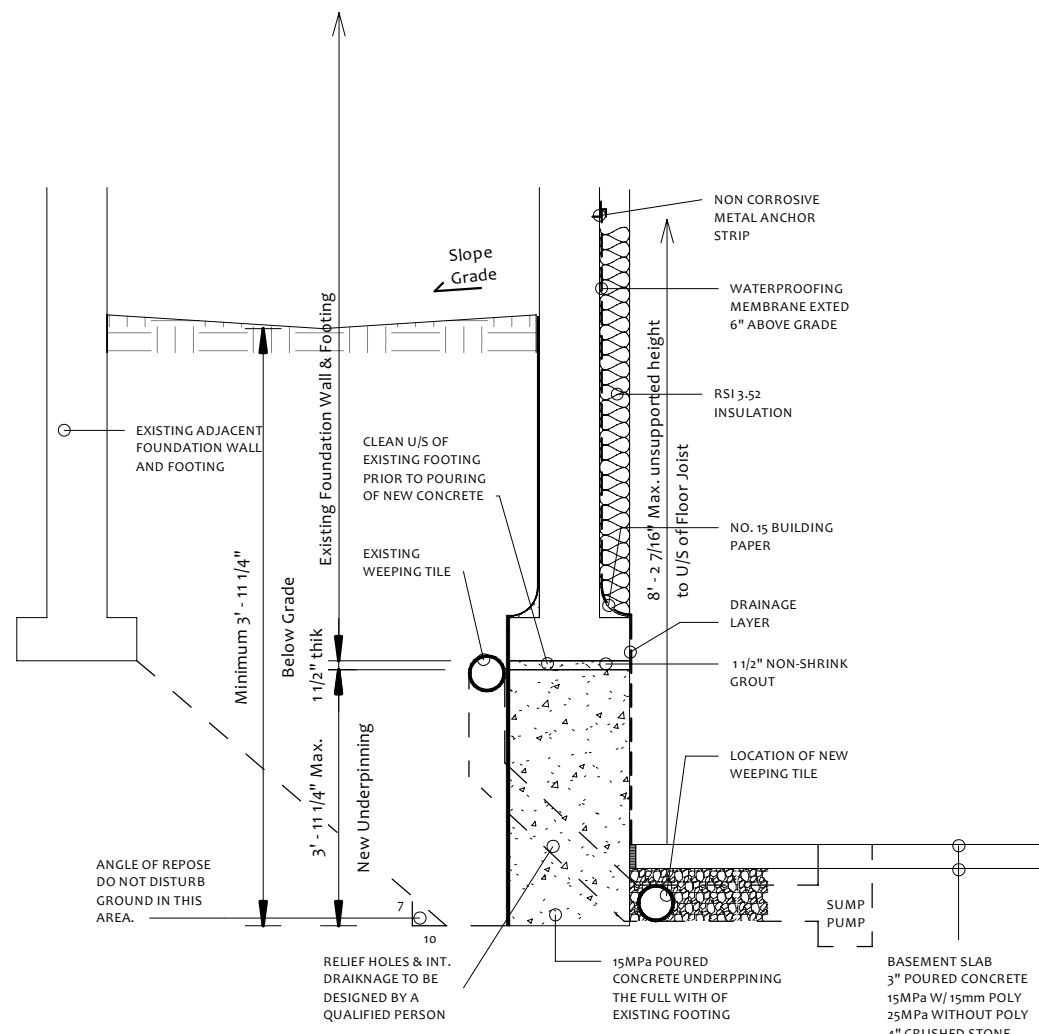
CLIENT REVIEW	2020.05.04
REVISION	
ISSUED FOR PERMIT	2020-05-06

<b>BELOW GRADE ENTRANCE PLAN</b>		<b>A-09</b>
Drawn by	H.R.	
Project number	20 RE 500-047	Scale 1/2" = 1'-0"
Date	2020.05.05	

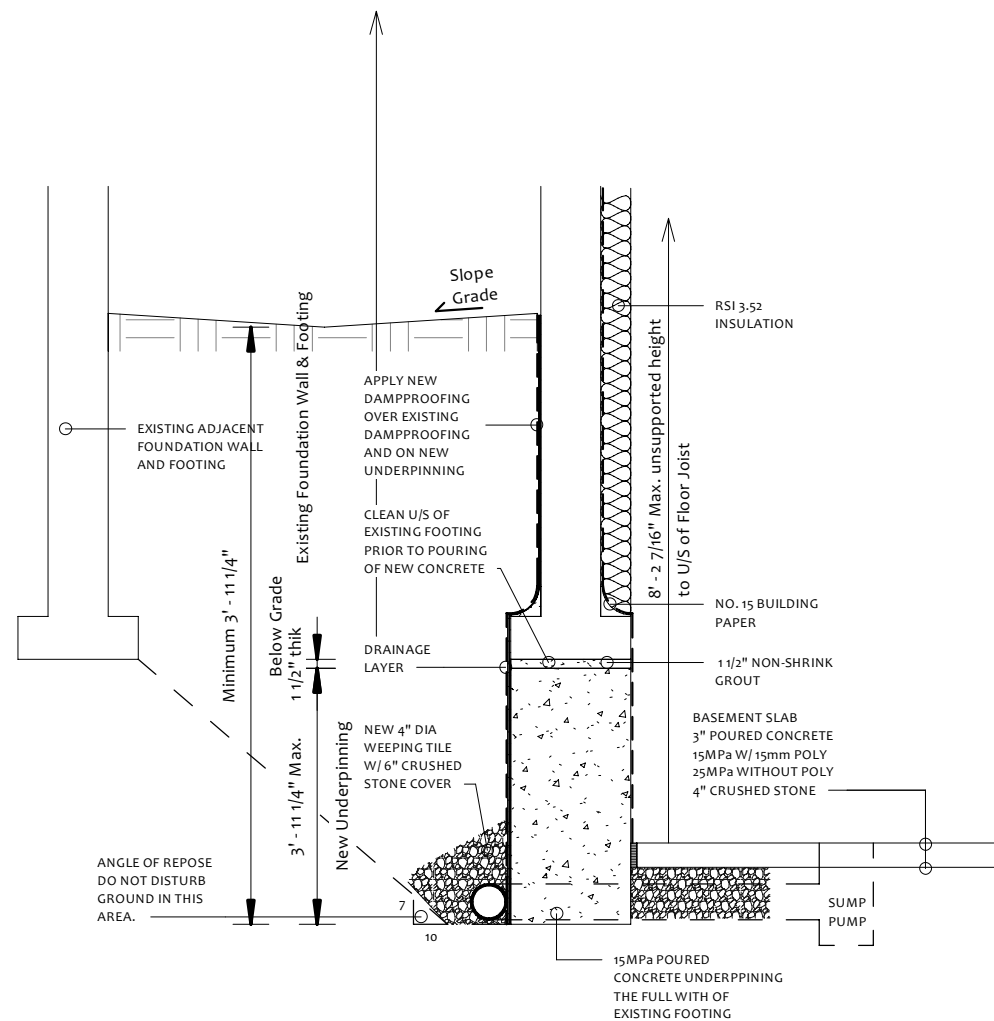
# Appendix B

File: 20.133851.000.00.MNV

Date: 01/28/21  
MM/DD/YY



**UNDERPINNING FROM INSIDE**



**UNDERPINNING FROM OUTSIDE**



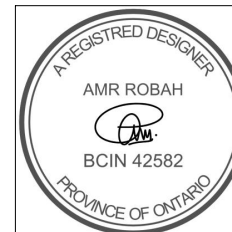
7-250 SHEILDS CRT.  
MARKHAM ON L3R 9T5  
888.236.9958 | 416.483.5393  
INFO@YEJSTUDIO.COM  
WWW.YEJSTUDIO.COM

**BASEMENT SECOND UNIT**  
33 SALTSPRING DR.  
MARKHAM, ON  
L6E 2H1

THE UNDERSIGNED HAS REVIEW AND TAKES RESPONSIBILITY FOR THE DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

**QUALIFICATION INFORMATION**  
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF DIVISION "C" OF O.B.C

NAME AMR ROBAH	BCIN 42582
<b>REGISTRATION INFORMATION</b> REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5 OF O.B.C	
FIRM NAME YEJ STUDIO AND CONSULTING INC.	BCIN 114354



CLIENT REVIEW	2020.05.04
REVISION	
ISSUED FOR PERMIT	2020-05-06

## UNDERPINNING DETAILS

Drawn by	Author
Project number	20 RE 500-047
Date	2020.05.05

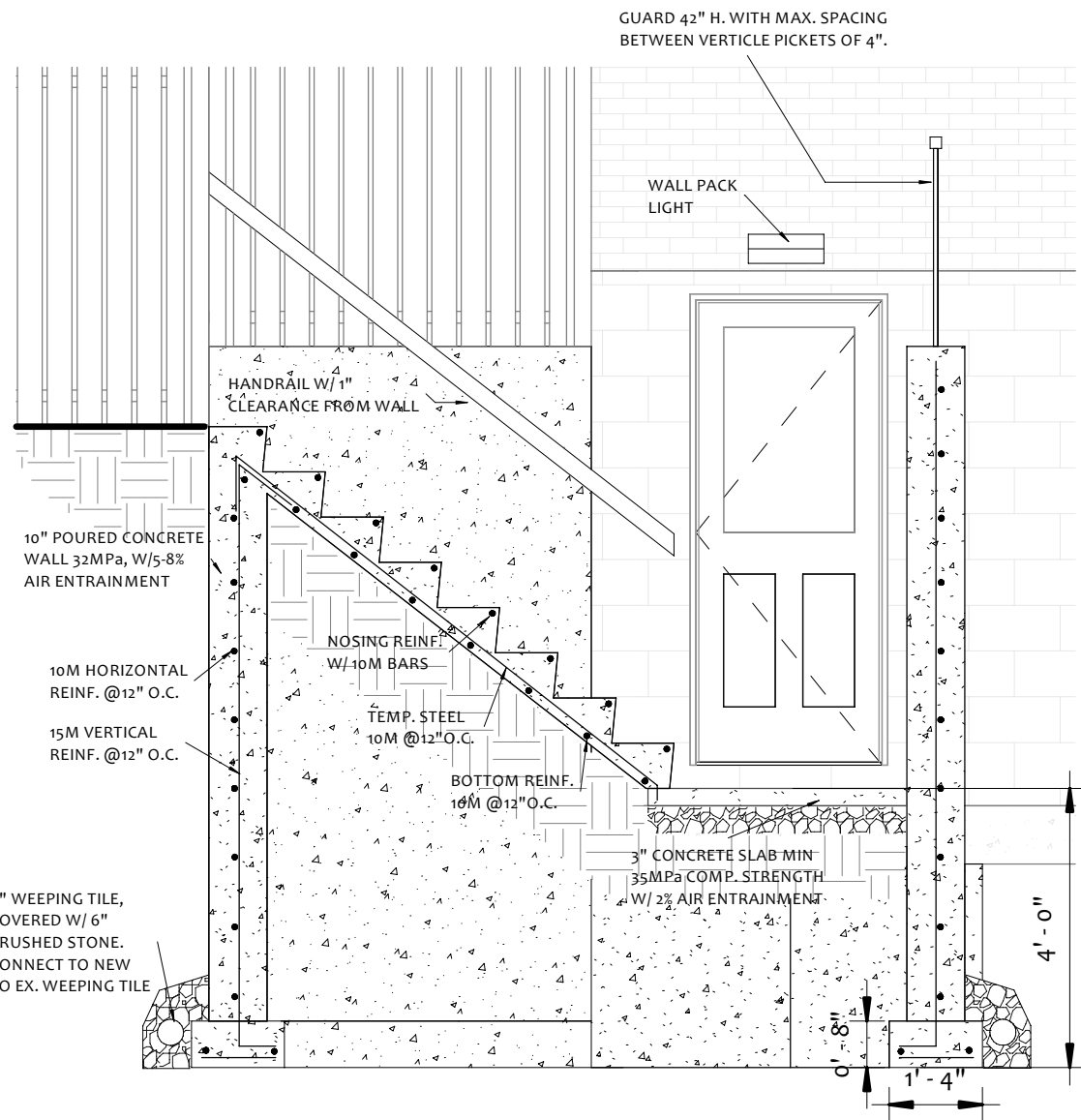
**A-09.1**

Scale 3/8" = 1'-0"

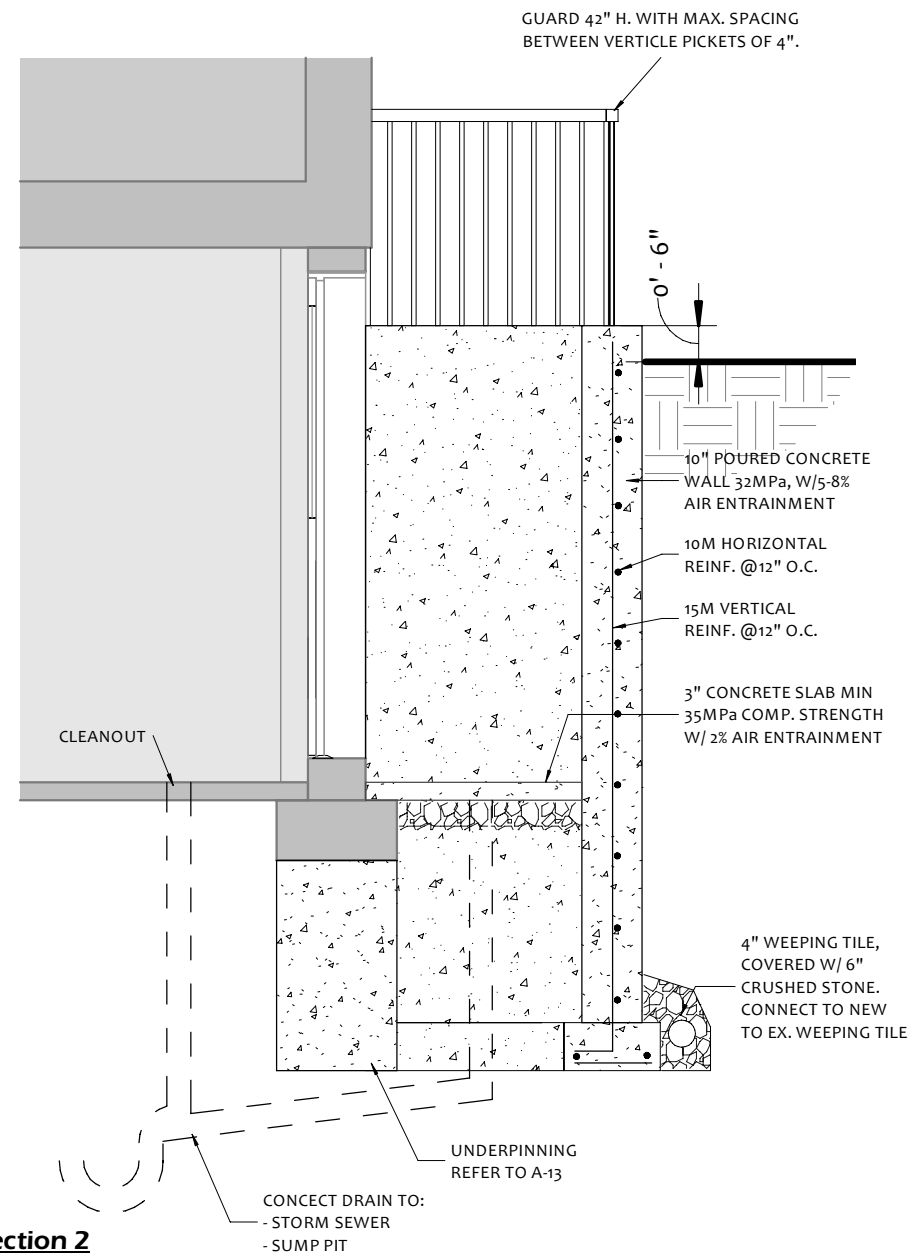
# Appendix B

File: 20.133851.000.00.MNV

Date: 01/28/21  
MM/DD/YY



**1**  
**A-10** Section 1  
3/8" = 1'-0"



**2**  
**A-10** Section 2  
3/8" = 1'-0"



7-250 SHEILDS CRT.  
MARKHAM ON L3R 9T5  
888.236.9958 | 416.483.5393  
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**QUALIFICATION INFORMATION**  
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF DIVISION "C" OF O.B.C.

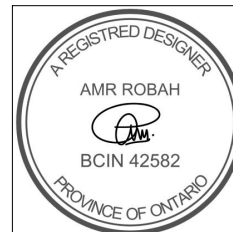
**NAME**  
AMR ROBAH

**BCIN**  
42582

**REGISTRATION INFORMATION**  
REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5 OF O.B.C.

**FIRM NAME**  
YEJ STUDIO AND CONSULTING INC.

**BCIN**  
114354



CLIENT REVIEW	2020.05.04
REVISION	
ISSUED FOR PERMIT	2020-05-06

WALK-OUT DETAILS		
Drawn by	H.R	<b>A-10</b> Scale 3/8" = 1'-0"
Project number	20 RE 500-047	
Date	2020.05.05	

**APPENDIX "C"**  
**METROLINX COMMENTS**

## Todorovski, Aleks

---

**From:** Leung, Justin  
**Sent:** Wednesday, January 13, 2021 5:43 PM  
**To:** 'elie.fosting@gmail.com'; permits@yejstudio.com  
**Subject:** FW: 20.133851.000.00.MNV - Metrolinx Comments - 33 Saltspring Drive

**From:** Terri Cowan <[Terri.Cowan@metrolinx.com](mailto:Terri.Cowan@metrolinx.com)>  
**Sent:** Wednesday, January 13, 2021 5:37 PM  
**To:** Leung, Justin <[JLeung@markham.ca](mailto:JLeung@markham.ca)>  
**Subject:** 20.133851.000.00.MNV - Metrolinx Comments - 33 Saltspring Drive

**CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.**

Hello Justin,

Further to the circulation for 33 Saltspring Drive, Markham, dated December 4<sup>th</sup> 2020, I note the subject site is immediately adjacent to Metrolinx's Uxbridge Subdivision which carries Stouffville GO Train service, I further note that the subject application is to accommodate an accessory dwelling. We have no objection to the minor variance and my comments below are regarding the forthcoming site plan application;

\*The following warning clause shall be inserted in all lease agreements for the new unit:

Warning: Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Should you have any questions, please contact myself.

Thank you,

**Terri Cowan** MES, PMP

Project Manager - Subways

Third Party Projects Review | Capital Projects Group

Metrolinx | 20 Bay Street, Suite 600 | Toronto, Ontario | M5J 2W3

T: 416-202-3903 C: 416-358-1595

 **METROLINX**