

Memorandum to the City of Markham Committee of Adjustment

December 20, 2018

File: A/175/18
Address: 37 Chumleigh Cres, Thornhill
Applicant: Mehdi Dadar
Agent: Land & Building Experts (Aarthi Thaya)
Hearing Date: Wednesday January 23, 2019

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

The applicant is requesting relief from the following requirements of By-law 2612, RSD1, as amended:

- a) **By-law 119-71, Section 1(a):**
a secondary suite in the basement of an existing residential dwelling, whereas the Bylaw permits no more than one semi-detached dwelling on one lot;
- b) **Parking By-law 28-97, Section 3.0:**
a minimum of 2 parking spaces, whereas the By-law requires a minimum of 3 parking spaces;

as they relate to a proposed basement apartment.

BACKGROUND

Property Description

The 383.45 m² (4,127.42 ft²) subject property is located on the west side of Chumleigh Crescent, north of Steeles Avenue and east of Don Mills Road. The property is developed with a 156.45 m² (1,684 ft²) two-storey semi-detached dwelling, which according to assessment records was constructed in 1973. The property currently provides a total of two parking spaces, one in the garage and one on the driveway.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposed secondary suite would have direct and separate access provided by a door on the north side of the building.

Provincial Policies

Strong Communities through Affordable Housing Act - Province of Ontario

In 2011, the Strong Communities through Affordable Housing Act amended various sections of the Ontario Planning Act to facilitate the creation of second units by:

- Requiring municipalities to establish Official Plan policies and Zoning By-law provisions allowing secondary units in detached, semi-detached and row houses, as well as in ancillary structures
- Providing authority for the Minister of Municipal Affairs and Housing to make regulations authorizing the use of, and prescribing standards for, second units.

Under the *Strong Communities through Affordable Housing Act*, 'Second Units' also known as secondary suites are defined as "self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings."

Official Plan and Zoning

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

The 2014 Official Plan designates the subject property "Residential – Low Rise", which provides for low rise housing forms including townhouse dwellings. The definition of a "Secondary Suite" in the 2014 Official Plan is "a second residential unit in a detached house, semi-detached house or row house 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 it is the policy of Council that in considering an application to amend the zoning by-law to permit the establishment of a secondary suite where provided for in the 2014 Official Plan, that Council shall be satisfied that an appropriate set of development standards are provided for in the zoning by-law including: The building type in which the secondary suite is contained;

- a) The percentage of the floor area of the building type devoted to the secondary suite;
- b) The number of dwelling units permitted on the same lot
- c) The size of the secondary suite;
- d) The applicable parking standards; and
- e) The external appearance of the main dwelling

As part of the City initiated zoning by-law consolidation project, Council recently considered the issue of second suites within the City. On May 29th, 2018, Council voted not to permit second suites as of right in any single detached, semi-detached, or townhouse dwelling.

Zoning By-law 2612

The subject property is zoned 'RSD1' First Density Semi-Detached Residential under By-law 2612, as amended, which does not permit a secondary suite.

Parking Standards By-law 28-97

The proposed secondary suite also does not comply with the standard of the Parking By-law 28-97 with respect to the number of parking spaces provided. Further details of the parking requirement is provided in the comment section below.

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

According to the information provided by the applicant on the application form, "a) *Section 4.1.2.6 of City of Markham's Official Plan permit second suites. Existing zoning by-law does not comply with section 35(i) of the Planning Act.* B) *As per City of Markham's Parking Standards, a total of 3 parking spaces are required. Although there is 3 parking spaces available as per presumed lot lines, in the absence of a survey, we cannot ensure there is no encroachment onto the right of way.*"

Zoning Preliminary Review Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Consequently, 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 variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

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

Engineering staff confirmed that the existing sanitary sewer system has adequate capacity to accommodate the secondary suite and 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.

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.

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 two 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. It is noted that no overnight parking is permitted on this street, and violators would be ticketed nightly.

PUBLIC INPUT SUMMARY

No written submissions were received as of December 20, 2018. 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.

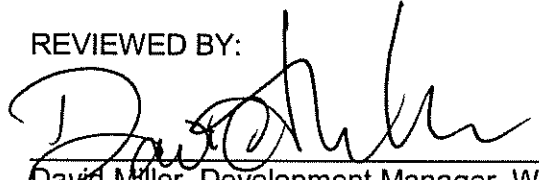
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District

File Path: Amanda\File\ 18 258144 \Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/175/18

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 plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on December 17, 2018, 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.
4. That the Owner register the home as a two-unit house with the City of Markham Fire & Emergency Services Department, and satisfy any and all conditions for registration, to the satisfaction of the Fire Chief.

CONDITIONS PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

- EXISTING ITEMS LEGEND:
- HWL HOT WATER TANK
 - FR FURNACE
 - HM HANDRAIL
 - W WASHER
 - D DRYER
 - REF REFRIGERATOR
 - WM WASHROOM
 - S STOVE
 - CF EXHAUST FAN
 - ③ INTERCONNECTED SMOKE ALARM
 - ② CARBON MONOXIDE ALARM
 - ① RETURN AIR REGISTER ON LOW WALL
 - ④ AIR SUPPLY REGISTER FLOOR MOUNTED
 - ⑤ BOX COLUMN

EXISTING CEILING SCHEDULE

12.5mm GYPSUM WALLBOARD	46mm O.C.
15.5mm GYPSUM WALLBOARD	46mm O.C.
15.5mm SHEETROCK	46mm O.C.
9.5mm CERAMIC TILE FLOORING	

EXISTING WALL SCHEDULE

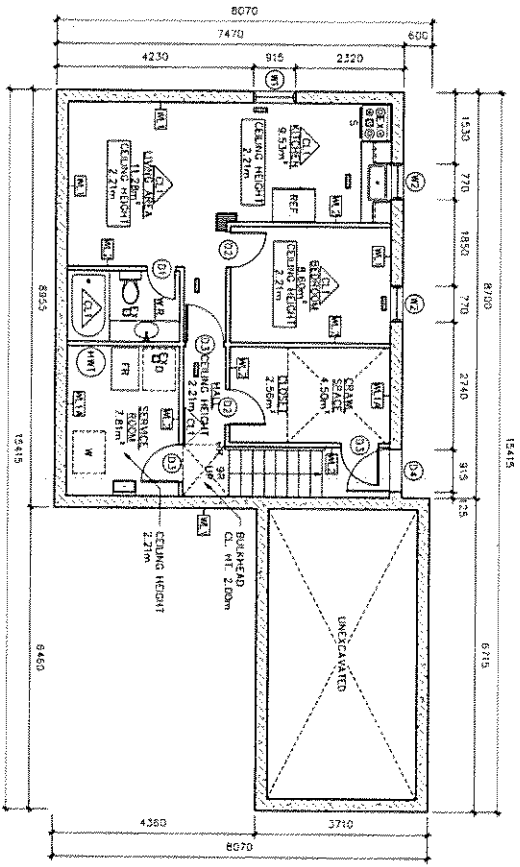
EXISTING FOUNDATION WALL WITH 7.67 BATT INSULATION	
12.5mm GYPSUM WALL STUDS @ 46mm O.C.	
12.5mm GYPSUM WALL BOARD	
EXISTING FOUNDATION WALL	
EXISTING INTERIOR WALL	

EXISTING WINDOW SCHEDULE

NO.	TYPE	SIZE	QTY	REMARKS
W1	SLEER	915mmx1450mm	1	
W2	SLEER	770mmx1450mm	2	

EXISTING DOOR SCHEDULE

NO.	TYPE	SIZE	QTY	REMARKS
D1	BATHROOM	610mmx720mm	1	
D2	INTERIOR	760mmx2030mm	2	
D3	UTILITY	810mmx2030mm	3	
D4	EXTERIOR	915mmx2230mm	1	WEATHER STRIPPED



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REGISTERED PROFESSIONAL ENGINEER
LAND SURVEYING
1/1/1980
108800378
PROVINCE OF ONTARIO

EXISTING BASEMENT FLOOR PLAN

PROJECT: ALTERATION TO AN EXISTING 2 STOREY SINGLE FAMILY DWELLING TO HAVE A SECOND SUITE IN THE BASEMENT

ADDRESS: 37 CHUMBLEIGH CRESCENT THORNHILL, ON L1T 4G5

No.	Date	Issued for
1	11/28/2018	CLIENT REVIEW

ALL RESPONSIBILITIES ARE TO BE ASSUMED BY THE CLIENT. THE ENGINEER'S LIABILITY IS LIMITED TO THE SERVICES SPECIFICALLY LISTED ON THESE DRAWINGS.

DATE: NOV 2018
DRAWN BY: T.K.
CHECKED BY: T.L.

A-2

- EXISTING ITEMS LEGEND:
- REF REFRIGERATOR
 - CL CLOSET
 - HK HANGAR
 - MR PANTRY ROOM
 - EN ENHANCED PANTRY
 - S STOVE
 - (S) INTERCONNECTED SMOKE ALARM
 - (C) CARBON MONOXIDE ALARM
 - REFUSH AIR REGISTER ON LOW WALL
 - REFUSH AIR REGISTER FLOOR MOUNTED

EXISTING WALL SCHEDULE

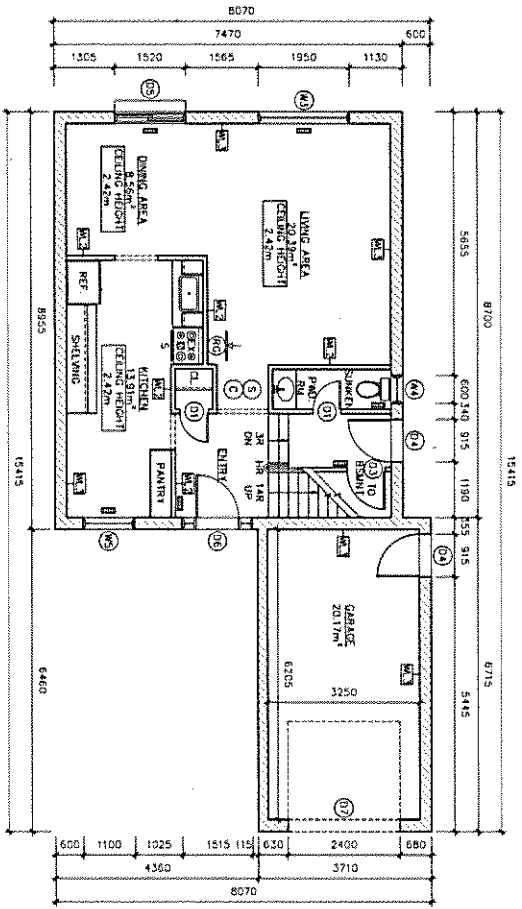
W-1	EXISTING INTERIOR WALL
W-2	EXISTING BRICK WALL ON WOOD FRAMING

EXISTING WINDOW SCHEDULE

W3	TYPE	SIZE	QTY	REMARKS
W3	SLIDER	1950mmx1150mm	1	
W4	SLIDER	600mmx1600mm	1	
W5	SLIDER	1100mmx980mm	1	

EXISTING DOOR SCHEDULE

D1	TYPE	SIZE	QTY	REMARKS
D1	BATHROOM	810mmx2030mm	2	
D3	UTILITY	810mmx2030mm	1	
D4	EXTERIOR	915mmx2030mm	2	WEATHER STRIPPED
D5	SLIDER	2-760mmx2030mm	1	WEATHER STRIPPED
D6	EXTERIOR	915mmx2030mm	1	WEATHER STRIPPED
D7	GARAGE	2400mmx2130mm	1	



EXISTING FIRST FLOOR PLAN
SCALE 1:100

LAND & BUILDING EXPERTS
10151 Markham Rd., Toronto, Ontario M3J 1S2
Tel: 416-491-1111



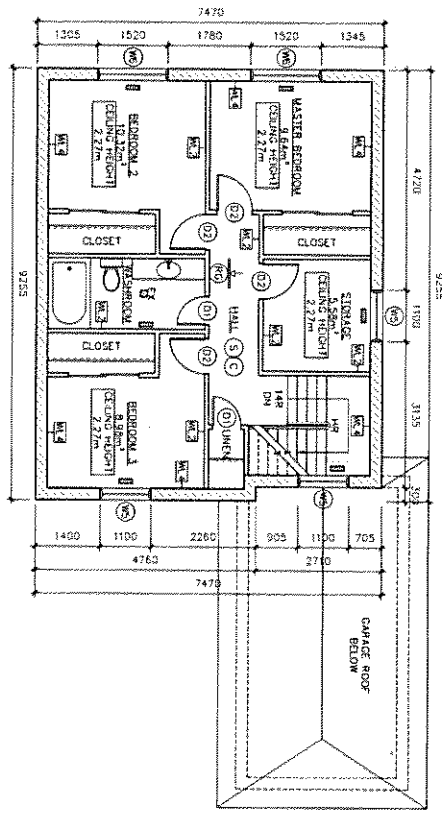
EXISTING FIRST FLOOR PLAN
PROJECT: ALTERATION TO AN EXISTING 2 STOREY SINGLE FAMILY DWELLING TO HAVE A SECOND SUITE IN THE BASEMENT
ADDRESS: 37 CHUMLEIGH CRESCENT THORNHILL, ON L3T 4G5

No.	Date	Issued for
1	11/29/2018	CLIENT REVIEW



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A-3

- EXISTING ITEMS LEGEND:
- CL CLOSET
 - HR HALLWAY
 - PRM POWER ROOM
 - EXR EXHAUST FAN
 - 5 INTERCONNECTED SMOKE ALARM
 - C CARBON MONOXIDE ALARM
 - RETUR AIR REGISTER ON NON WALL
 - AIR SUPPLY REGISTER FLOOR MOUNTED



EXISTING SECOND FLOOR PLAN
SCALE 1:100

EXISTING WALL SCHEDULE

W-1	EXISTING MASONRY WALL
W-2	EXISTING ALUMINUM SIDING WALL ON WOOD FRAMING

EXISTING WINDOW SCHEDULE


W-1	TYPE	SIZE	QTY/REMARKS
W-2	SLURF	1100mmx900mm	1
W-3	SLURF	1500mmx1000mm	1

EXISTING DOOR SCHEDULE

D-1	TYPE	SIZE	QTY/REMARKS
D-1	BATHROOM	610mmx2100mm	2
D-2	INTERIOR	760mmx2030mm	4

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EXISTING SECOND FLOOR PLAN

PROJECT: ALTERATION TO AN EXISTING 2 STOREY SINGLE FAMILY DWELLING TO HAVE A SECOND SUITE IN THE BASEMENT

ADDRESS: 37 CHUMBLEIGH CRESCENT THORNHILL, ON L3T 4G5

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A-4



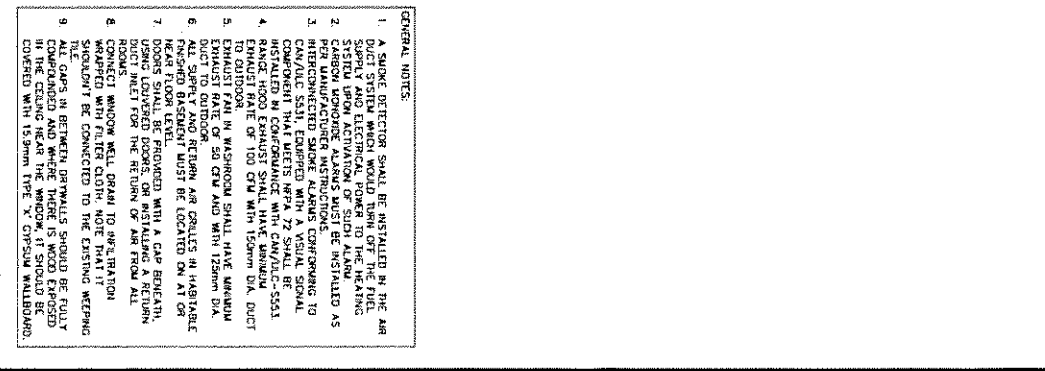
TITLE:		PROJECT:		ADDRESS:	
PROPOSED BASEMENT FLOOR PLAN		ALTERATION TO AN EXISTING 2 STOREY SINGLE FAMILY DWELLING TO HAVE A SECOND SUITE IN THE BASEMENT		37 CHUMBLEIGH CRESCENT THORNHILL, ON L3T 4G5	
No.	Date	Issued for			
1	11/28/2018	CLIENT REVIEW			
SCALE: 1:100		DATE: NOV 2018			
DRAWN BY: P.A.		CHECKED BY: T.L.			
A-5		UNAUTHORIZED USE OR REPRODUCTION IS NOT PERMITTED			

EXISTING ITEMS LEGEND:	NEW ITEMS LEGEND:
HWT HOT WATER TANK	MR WASHROOM
FR FURNACE	S STOVE
HR HANGAR	E EXHAUST FAN
D DOOR	AI AIR-CONNECTED
REF REFRIGERATOR	SA SMOKE ALARM
	CA CARBON MONOXIDE ALARM
	RA RETURN AIR REGISTER ON LOW WALL
	AS AIR SUPPLY REGISTER
	FL FLOOR MOUNTED BOX COLUMN

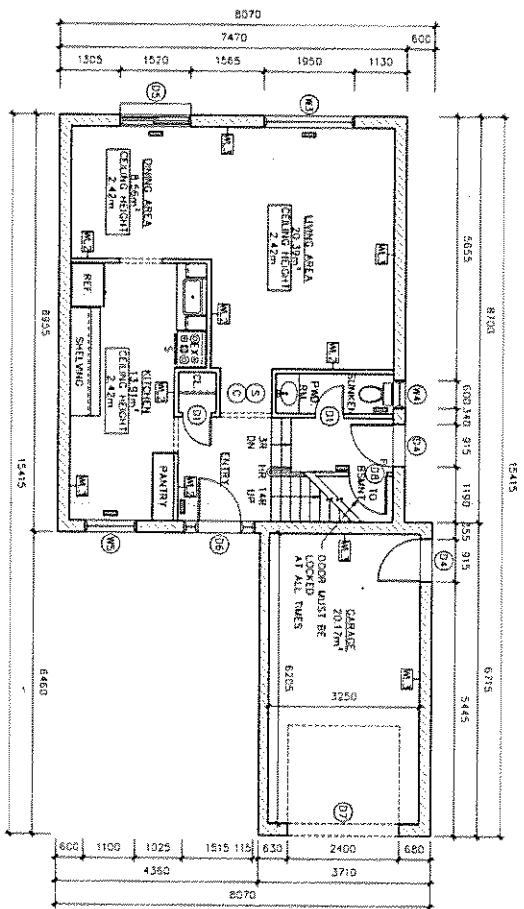
EXISTING CEILING SCHEDULE	PROPOSED CEILING SCHEDULE FOR CLOSET/STAIR SPACE
-12.5mm gypsum wallboard -18mm x 180mm floor joists @ 400mm o.c. -4.5mm ceramic tile flooring	PROPOSED CEILING SHALL HAVE SE-3 ASSEMBLY NO. 79M CONSISTING OF THE FOLLOWING: -SUBFLOOR OF 15.5mm PLYWOOD, OSB OR WATERBOARD, OR 17mm TONGUE AND GROOVE -40 WOOD JOISTS SPACED NOT MORE THAN 600mm o.c. -WITH RESISTANT METAL CHANNELS SPACED 600mm o.c. -2 LAYERS OF 12.5mm TYPE 'X' GYPSUM BOARD ON CEILING JOIST

PROPOSED WINDOW SCHEDULE	PROPOSED DOOR SCHEDULE
NO. 1 NO. 7 NO. 8	NO. 1 NO. 2

PROPOSED WALL SCHEDULE
NO. 1 NO. 2 NO. 3 NO. 4 NO. 5 NO. 6 NO. 7 NO. 8 NO. 9 NO. 10 NO. 11 NO. 12 NO. 13 NO. 14 NO. 15 NO. 16 NO. 17 NO. 18 NO. 19 NO. 20 NO. 21 NO. 22 NO. 23 NO. 24 NO. 25 NO. 26 NO. 27 NO. 28 NO. 29 NO. 30 NO. 31 NO. 32 NO. 33 NO. 34 NO. 35 NO. 36 NO. 37 NO. 38 NO. 39 NO. 40 NO. 41 NO. 42 NO. 43 NO. 44 NO. 45 NO. 46 NO. 47 NO. 48 NO. 49 NO. 50 NO. 51 NO. 52 NO. 53 NO. 54 NO. 55 NO. 56 NO. 57 NO. 58 NO. 59 NO. 60 NO. 61 NO. 62 NO. 63 NO. 64 NO. 65 NO. 66 NO. 67 NO. 68 NO. 69 NO. 70 NO. 71 NO. 72 NO. 73 NO. 74 NO. 75 NO. 76 NO. 77 NO. 78 NO. 79 NO. 80 NO. 81 NO. 82 NO. 83 NO. 84 NO. 85 NO. 86 NO. 87 NO. 88 NO. 89 NO. 90 NO. 91 NO. 92 NO. 93 NO. 94 NO. 95 NO. 96 NO. 97 NO. 98 NO. 99 NO. 100



- EXISTING ITEMS LEGEND:
- REF. REFRIGERATOR
 - CL. CLOSET
 - HR. HANDRAIL
 - PMO. POWDER ROOM
 - EXHAUST FAN
 - STOVE
- ⑤ INTERCONNECTED SMOKE ALARM
 - ⑥ CARBON MONOXIDE ALARM
 - RET. RETURN AIR REGISTER ON LOW WALL
 - AS. AIR SUPPLY REGISTER FLOOR MOUNTED



PROPOSED FIRST FLOOR PLAN
SCALE 1:100

PROPOSED DOOR SCHEDULE

NO.	TYPE	SIZE	QTY	REMARKS
04	URINARY	810mm x 2030mm	2	20 MIN. FIRE RATED GLASS DOOR WITH SELF-CLOSER

NOTES FOR COMPLIANCE ALTERNATIVE:

SINCE THE DWELLING HAS BEEN IN EXISTENCE FOR MORE THAN 3 YEARS THE FOLLOWING ONE PART 11 COMPLIANCE ALTERNATIVES ARE PROPOSED:

①. AS2041 (75% HORIZONTAL FIRE SEPARATION) - WHERE INTERCONNECTED SMOKE ALARMS ARE INSTALLED IN EVERY DWELLING UNIT AND IN COMMON AREA AREAS, THE SEPARATION IS ACCEPTABLE.

- GENERAL NOTES:
- A SMOKE DETECTOR SHALL BE INSTALLED IN THE AIR SUPPLY SYSTEM WHICH WOULD TURN OFF THE FUEL SUPPLY TO THE BURNER AND SHUT DOWN THE GAS VALVE SYSTEM UPON ACTIVATION OF SUCH ALARM.
 - CARBON MONOXIDE ALARMS MUST BE INSTALLED AS INTERCONNECTED SMOKE ALARMS CONFORMING TO CAN/ULC S331, EQUIPPED WITH A VISUAL SIGNAL COMPONENT THAT MEETS WITH CAN/ULC-S524.
 - ALL SMOKE ALARMS SHALL BE COVERED WITH 1 HR. FIRE RATED GYPSUM WALLBOARD.
 - LOAD BEARING COMPONENTS SUCH AS BEAMS, STEEL EXHAUST FAN IN WASHROOM SHALL HAVE MINIMUM EXHAUST RATE OF 50 CFM AND WITH 125mm DIA. DUCTS SHALL BE PROVIDED WITH A GAP BETWEEN DUCT JOINTS TO BE PROVIDED OR INSTALLING A RETURN DUCT BATTERY FOR THE RETURN OF AIR FROM ALL ROOMS.

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TITLE: **PROPOSED FIRST FLOOR PLAN**

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DRAWN BY: J.A.

CHECKED BY: E.L.

PROJECT NO: **A-6**

