

Memorandum to the City of Markham Committee of Adjustment

June 5th, 2019

File: A/45/19
Address: 46 Batchford Crescent, Markham
Applicant: Vadhanaa Karnan Thivya & Karnan Seevaratnam
Agent: AEM Designs
Hearing Date: Wednesday June 12, 2019

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

The applicant is requesting relief from the following requirements of By-law 177-96, as amended, as it relates to a proposed second unit to permit:

a) **Section 6.5:**

a second unit, whereas the By-law permits no more than one dwelling unit on a lot.

BACKGROUND

Property Description

The subject property is located on the west side of Batchford Crescent north of Riverwalk Avenue and west of Box Grove By-Pass. The property is located within a residential neighbourhood comprised of two-storey detached dwellings. There is an existing two-storey detached 295.44 m² (3,180 ft²) dwelling on the property, which according to assessment records, was constructed in 2008.

Proposal

The applicant is proposing a second unit in the basement of the existing dwelling. The proposed second unit will have independent access provided by a new walkout within the rear yard. Excluding a proposed window and the basement walkout access, no other changes are proposed to the exterior of the dwelling or subject property.

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 second 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 accessory or basement apartments, secondary suites or in-law flats are defined as "...self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings...".

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 detached 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 row house dwelling.

Zoning By-Law 177-96

The subject property is zoned Residential Two*224*232 (R2*224*232) under By-law 177-96, as amended, which permits low rise housing forms, including single detached dwellings. Section 6.5 of the By-law permits only one dwelling on a lot, and the applicant has therefore submitted a variance application to permit an accessory unit that is proposed in the basement of the existing dwelling.

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, "second unit dwelling is not permitted".

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; and
- 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.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 24, 2019. 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:



Stephen Corr, Senior Planner, East District

File Path: Amanda\file\ 19 120350 \Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/45/19

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 May 10th, 2019, 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; and
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

SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF LOTS 279, 280, 281, 309 AND 310
PLAN 65M-3853
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

PART 2 (SURVEY REPORT)
 REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS NONE
 THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING

APPENDIX B

SURVEYOR'S CERTIFICATE

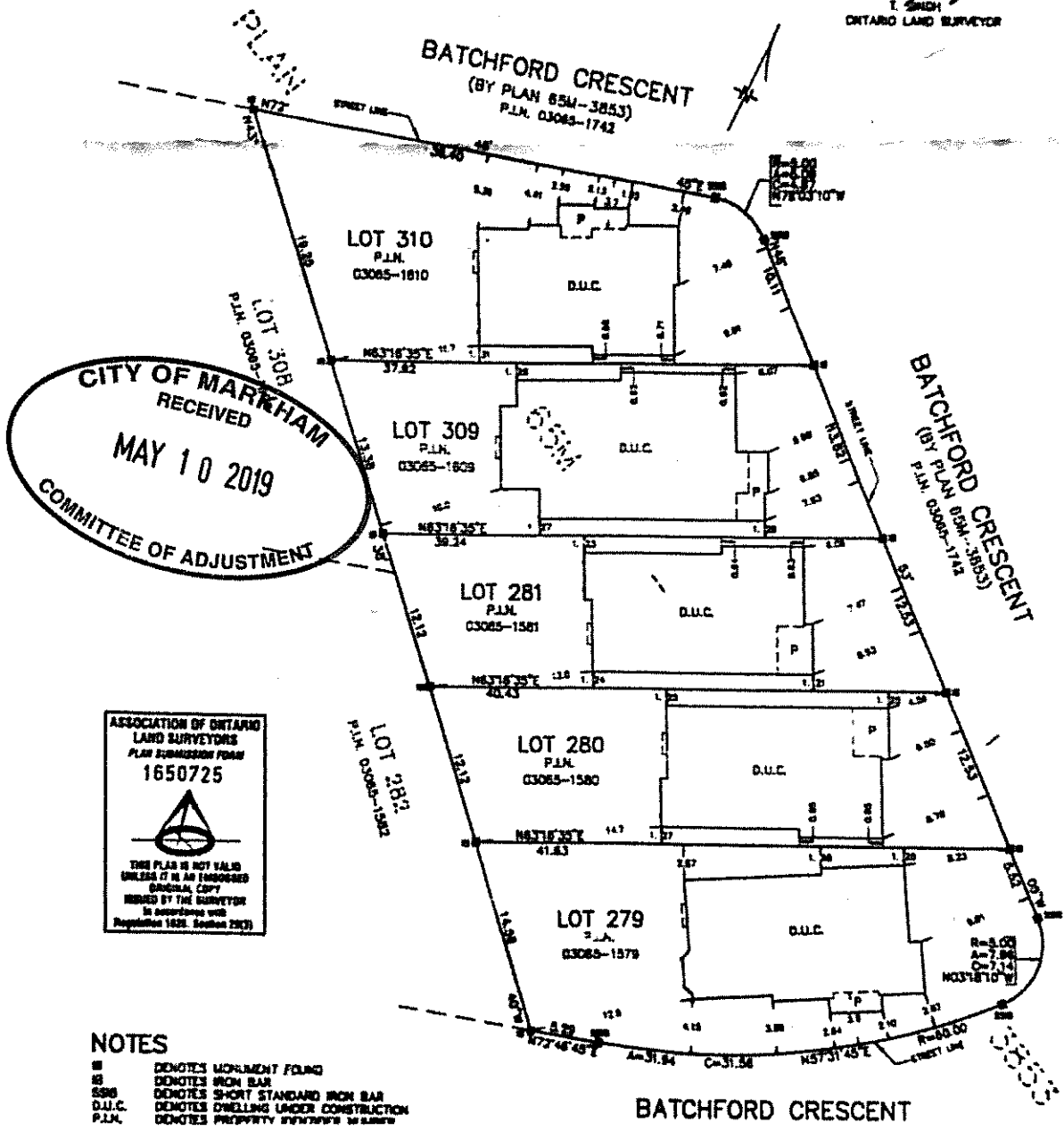
- CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 14th DAY OF May, 2007.

DATE May 23, 2007.

T. Smith
 T. SMITH
 ONTARIO LAND SURVEYOR



LADY-PENFEX & EDWARD SURVEYING LTD., O.L.S.
 METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

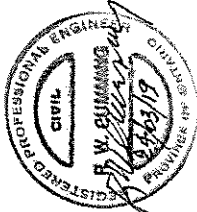


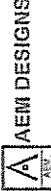
ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 1650725

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR IN COMPLIANCE WITH Regulation 1626, Section 2(2)(3)

- NOTES**
- ⊕ DENOTES MONUMENT FOUND
 - ⊕ DENOTES IRON BAR
 - ⊕ DENOTES SHORT STANDARD IRON BAR
 - D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
 - P.L.N. DENOTES PROPERTY NUMBER IN SERIES

BATCHFORD CRESCENT





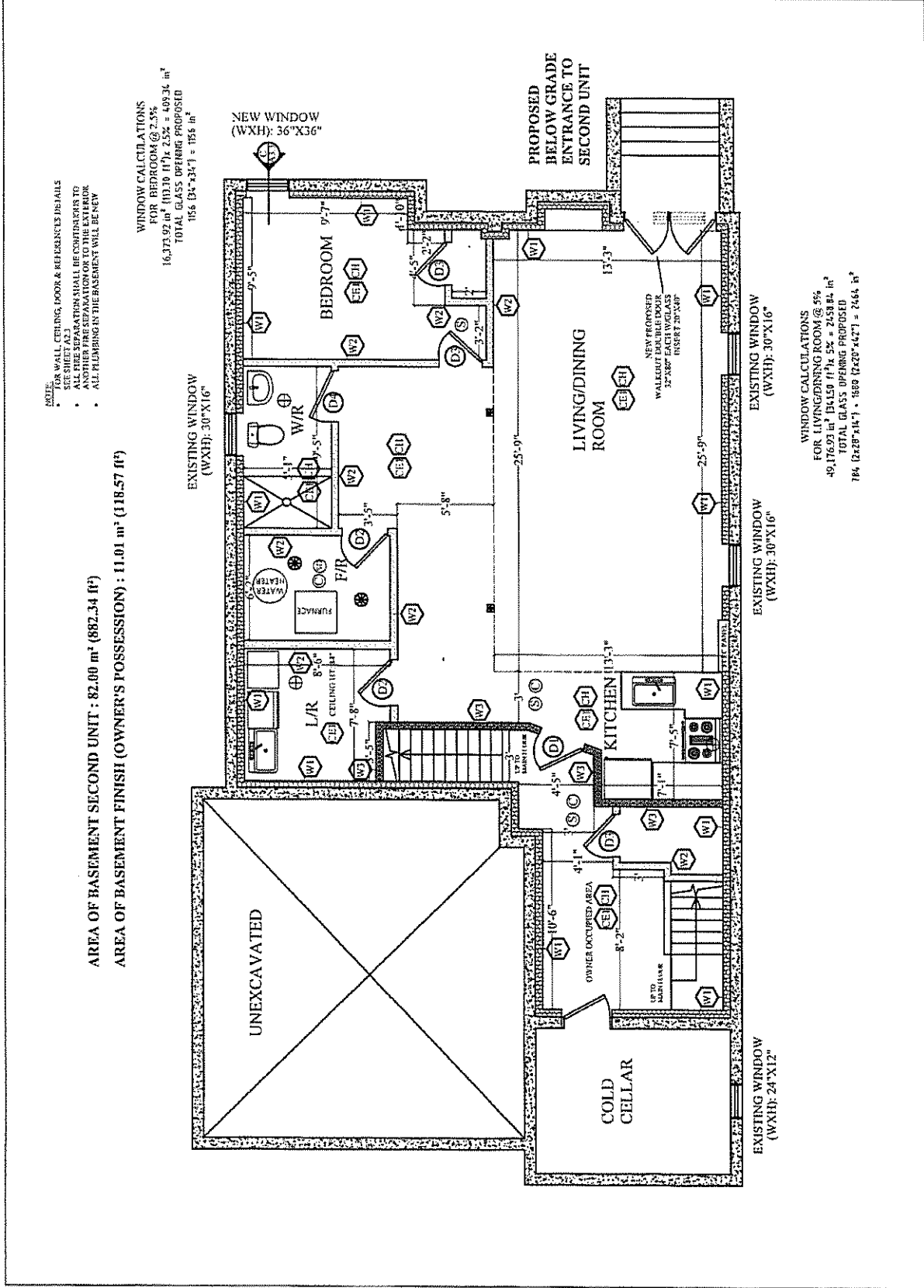
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Project Title:
**BASMENT SECOND UNIT
AND BELOW GRADE
ENTRANCE**

Project Address:
46 BAYVIEW CRES.
MARKHAM, ONTARIO

Drawing Title:
**PROPOSED
BASEMENT PLAN**

Scale:	1:65	Date:	Mar 18, 2019
Designed:	R. S.	Revision:	0
Project No.:	18335	Sheet No.:	A 2.0



NOTE:

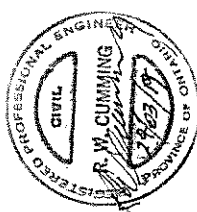
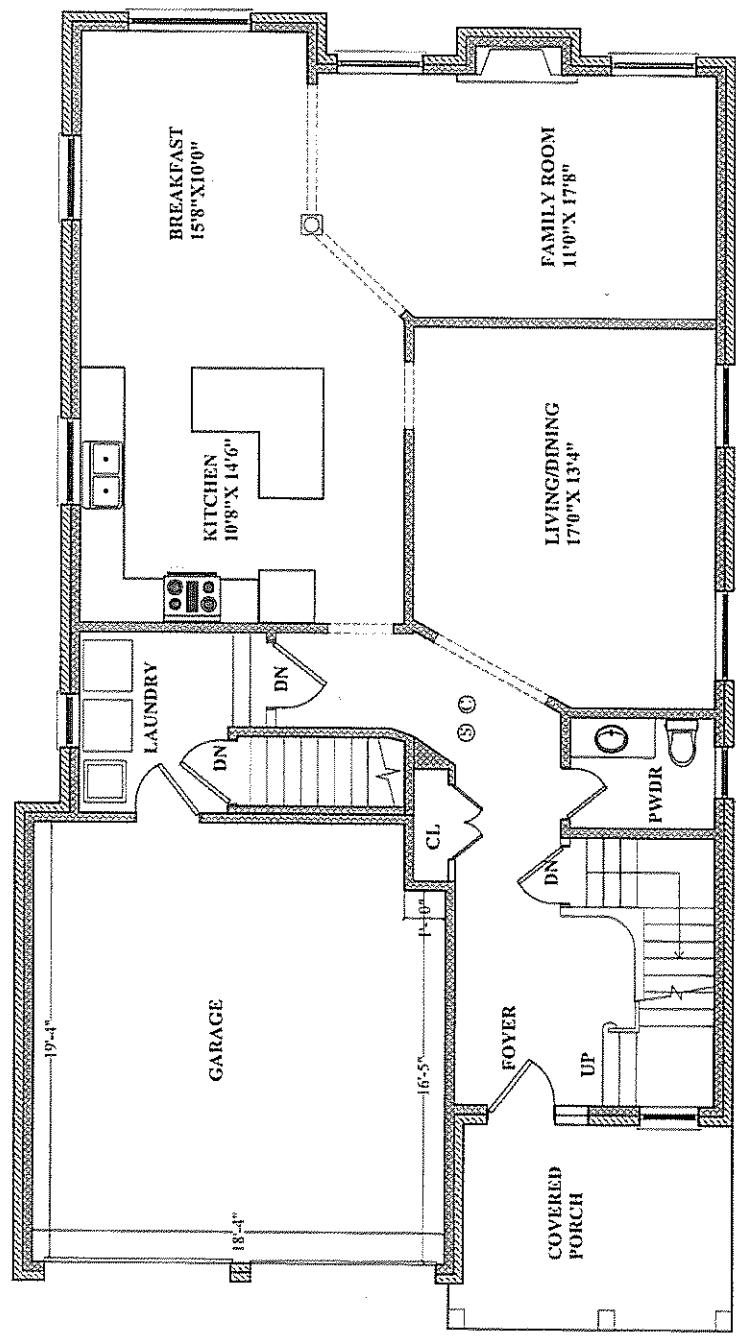
- FOR WALL, CEILING, FLOOR & REFERENCED DETAILS SEE THE DRAWINGS.
- ALL THE DIMENSIONS SHALL BE CONSIDERED TO ANOTHER FIRE SEPARATION OR TO THE EXTERIOR.
- ALL PLUMBING IN THE BASEMENT WILL BE NEW.

AREA OF BASEMENT SECOND UNIT : 82.00 m² (882.34 ft²)

AREA OF BASEMENT FINISH (OWNER'S POSSESSION) : 11.01 m² (118.57 ft²)

NOTE:
 - SMOKE ALARM ON MAIN FLOOR IS INTERCONNECTED WITH SMOKE ALARM ON SECOND FLOOR AND BASEMENT.
 - SMOKE ALARM SHALL CONFIRM TO O.B.C. DIV. B-9.10.19
 - EXISTING MAIN FLOOR WALL AND CEILING IS DRYWALLED

Ⓢ SMOKE ALARM
 - SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM.
 - SHALL HAVE A BATTERY BACKUP



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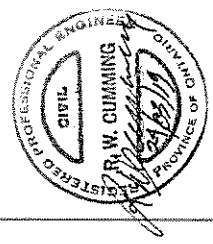
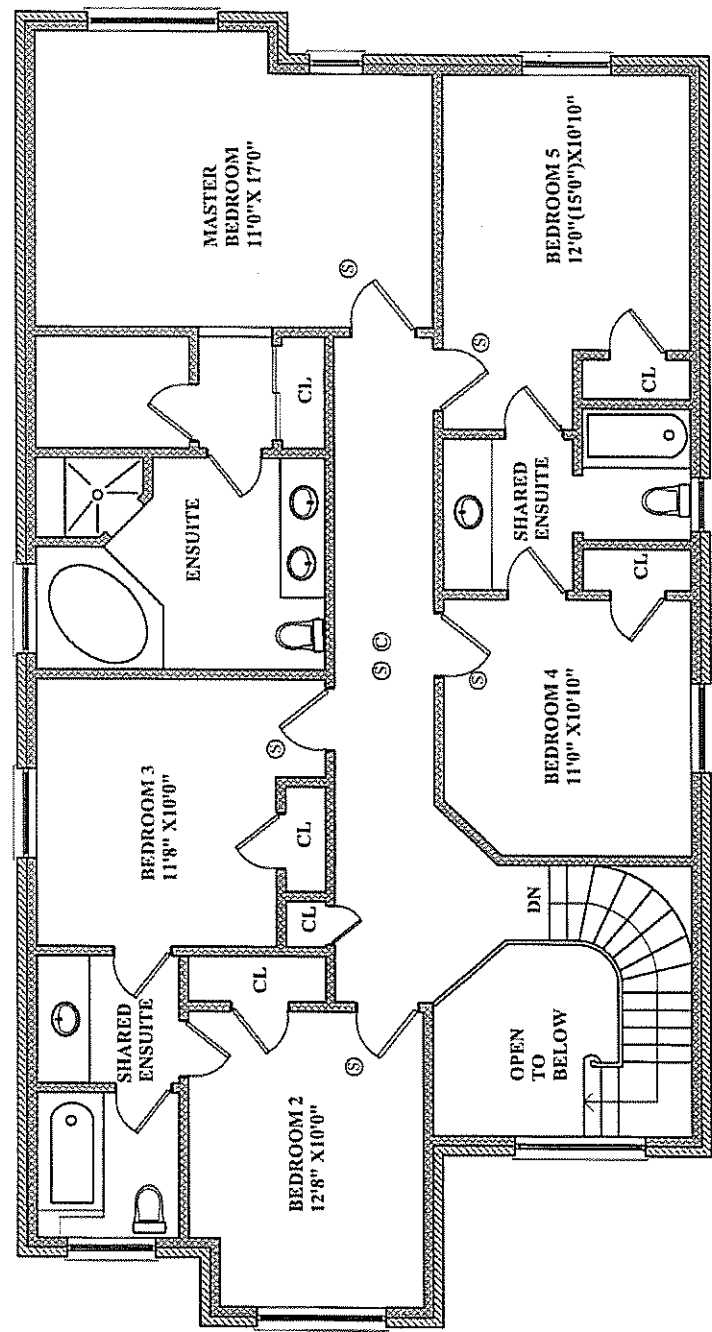
Project Title:
 BASEMENT SECOND UNIT
 AND BELOW GRADE
 ENTRANCE

Project Address:
 46 BATCHFORD CRES.
 MARKHAM, ONTARIO

Drawing Title:
 EXISTING MAIN
 FLOOR PLAN

Scale:	1:65	Date:	Mar 18, 2019
Designed:	R. S.	Revision:	0
Project No.:	18335	Sheet No.:	A2.1

- NOTE:
- INSTALL SMOKE ALARM IN EVERY BEDROOM ON SECOND FLOOR AND INTERCONNECT WITH SMOKE ALARM ON MAIN FLOOR AND BASEMENT.
 - SMOKE ALARM SHALL CONFIRM TO O.B.C. DIV. B 9.10.17
 - EXISTING SECOND FLOOR WALL & CEILING IS DRYWALLED
- SMOKE ALARM
- SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM.
 - SHALL HAVE A BATTERY BACKUP



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Project Title:
**BASEMENT SECOND UNIT
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ENTRANCE**

Project Address:
46 HATCHFORD CRES.
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Drawing Title:
**EXISTING SECOND
FLOOR PLAN**

Scale:	1:65	Date:	Mar 18, 2019
Designed:	R. S.	Revision:	0
Project No.	18335	Sheet No.	A 2.2

BASEMENT APARTMENT GENERAL NOTES:

1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE AND REGULATIONS
2. FRAMING NOTES:
 - 2.1. DIMENSIONAL LUMBER TO BE S-P-F GRADE 1 OR 2.
 - 2.2. INSULATION WALLS R12 OR R14.
 - 2.3. VAPOUR BARRIER 6MIL POLY.

WALL DETAILS

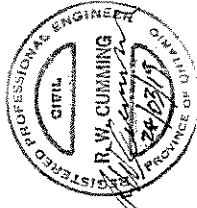
	<p>EXTERIOR WALL CONSTRUCTION : (PROPOSED) ADD IN FOLLOWING ORDER TO EXISTING CONCRETE WALL 1. DAMP PROOFING PAPER 2. 1" AIR SPACE 3. R20 MINERAL FIBRE INSULATION 4. 2" X 4" WOOD STUDS @ 16" O.C. 5. 6MIL POLY VAPOUR BARRIER 6. 1/2" DRYWALL</p>
	<p>INTERIOR WALL CONSTRUCTION : (PROPOSED) 1/2" DRYWALL 2" X 4" WOOD STUD @ 16" O.C. 1/2" DRYWALL</p>
	<p>30MIN FIRE SEPARATION WALL : (PROPOSED) OBC COMPLIANCE C147 (a), SB3-W1c 1/2" DRYWALL ON ONE SIDE 2" X 4" WOOD STUD @ 16" O.C. 89mm THICK ABSORPTIVE MATERIAL (ROXUL SAFE & SOUND) 1/2" DRYWALL</p>
	<p>CEILING HEIGHT : 106" FROM BASEMENT UNFINISHED FLOOR LEVEL</p>
	<p>CEILING CONSTRUCTION : 15 MIN FIRE SEPARATION (PROPOSED) OBC COMPLIANCE C147 (b) ON CEILING EXISTING 2"X10" WOOD FLOOR JOISTS NEW LAYER 1/2" GYPSUM BOARD ON CEILING</p>

REFERENCE

①	EXISTING AIR SUPPLY REGISTER AT CEILING
②	AIR RETURN REGISTER AT FLOOR LEVEL
③	INTERCONNECTED SMOKE ALARM : SHOULD HAVE VISUAL SIGNALING COMPONENT INTEGRATED
④	CARBON MONOXIDE DETECTOR
⑤	EXHAUST FAN
⑥	COLUMN
⑦	GLASS BULB TYPE SPRINKLER HEAD FED BY CITY WATER SUPPLY
⑧	SMOKE DETECTOR TO BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM WHICH WOULD TURN OFF THE ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR
⑨	3-WAY ELECTRICAL SWITCH

DOOR REFERENCE

D1	32"X80" NEW 20 min. FIRE RATED DOOR & FRAME WITH SELF CLOSING DEVICE
D2	32"X80" NEW DOOR 1" SHORT A.F.F. TO ALLOW FOR RETURN AIR
D3	30"X80" NEW DOOR 1" SHORT A.F.F. TO ALLOW FOR RETURN AIR
D4	36"X80" NEW DOOR 1" SHORT A.F.F. TO ALLOW FOR RETURN AIR



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Project Title:

BASEMENT SECOND UNIT AND BELOW GRADE ENTRANCE

Project Address:

46 BATHURD CRES. MARKHAM, ONTARIO

Drawing Title:

DESIGN GENERAL NOTES

Scale:

1:3.5

Date:

Mar 18, 2019

Designed:

R. S.

Revision:

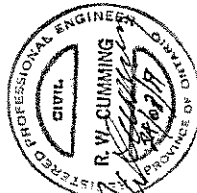
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Project No:

18335

Sheet No.:

A 2.3



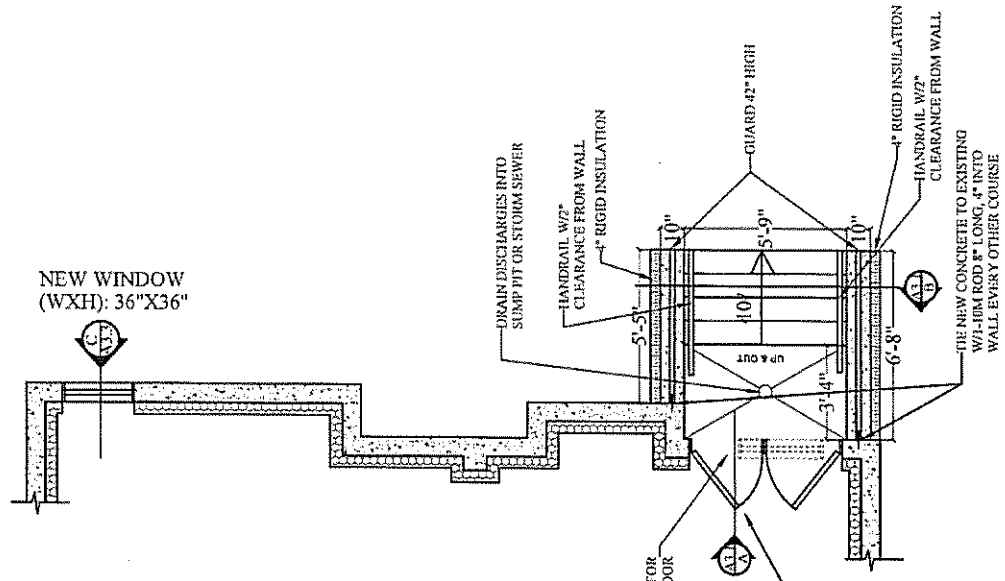
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Project Title:
**BASEMENT SECOND
 UNIT S BELOW
 GRADE ENTRANCE**

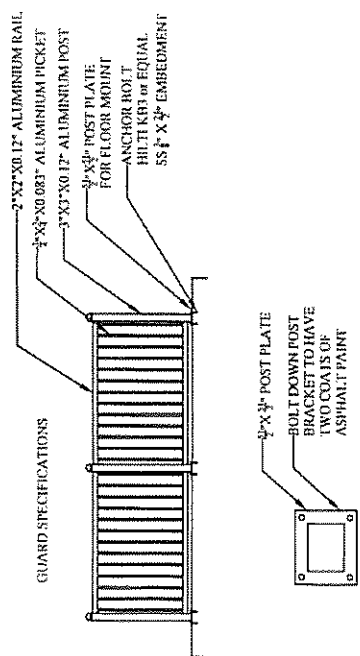
Project Address:
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Drawing Title:
**BELOW GRADE
 ENTRANCE DETAILS
 AND GENERAL NOTES**

Scale:	1:50	Date:	Mar 18, 2019
Revised:	R.S.	Revision:	0
Project No.	18335	Sheet No.	A3.0



**PROPOSED
 BELOW GRADE
 ENTRANCE TO
 SECOND UNIT**



GENERAL NOTES:

1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH ONTARIO BUILDING CODE AND REGULATIONS.
2. MATERIALS SHALL BE AS FOLLOWS:
 - 2.1 CONCRETE 33MPa AT 28 DAYS WITH 5%-8% AIR ENTRAINMENT
 - 2.2 REINFORCEMENT STEEL CSA G30.18M GRADE 400
 - 2.3 GROUT HILTI HIT HY 200 OR EQUAL
 - 2.4 4" x 8" x 2" STYROFOAM SM INSULATION MANUFACTURED BY DOW CHEMICALS CANADA W/ THE FOLLOWING PHYSICAL PROPERTIES:
 - 2.4.1 THERMAL RESISTANCE PER INCH: R-VALUE 5.0
 - 2.4.2 COMPRESSIVE STRENGTH: 30PSI, 210KPa
3. ELECTRIC FEED FOR THE LIGHT TO BE SEPARATE FROM ANY OTHER SWITCHED CIRCUIT.
4. EXTERIOR DOOR SHALL CONFORM TO STANDARD AS PER OBC AND RESIST FORCE ENTRY.



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Project Title:
BASEMENT SECOND UNIT AND BELOW GRADE ENTRANCE

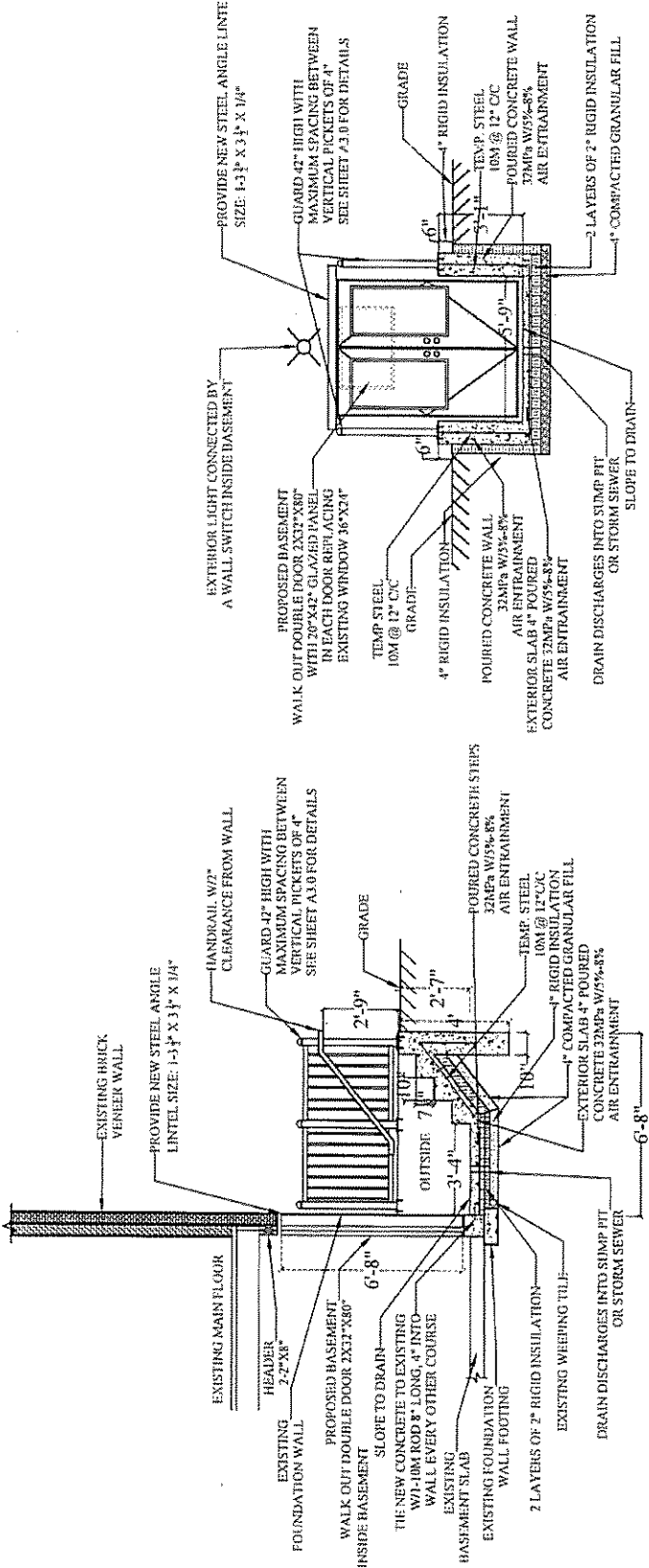
Project Address:
46 BATCHFORD CRES., MARKHAM, ONTARIO

Drawing Title:
BELOW GRADE ENTRANCE SECTION

Scale: 1:30
 Date: Mar 18, 2019

Designer: R.S.
 Revision: 0

Project No. 18335
 Sheet No. A.3.1



SECTION A: FOR BELOW GRADE ENTRANCE

SECTION B: FOR BELOW GRADE ENTRANCE



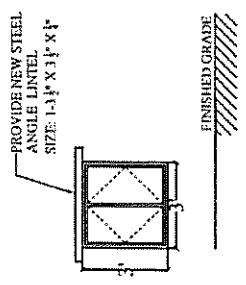
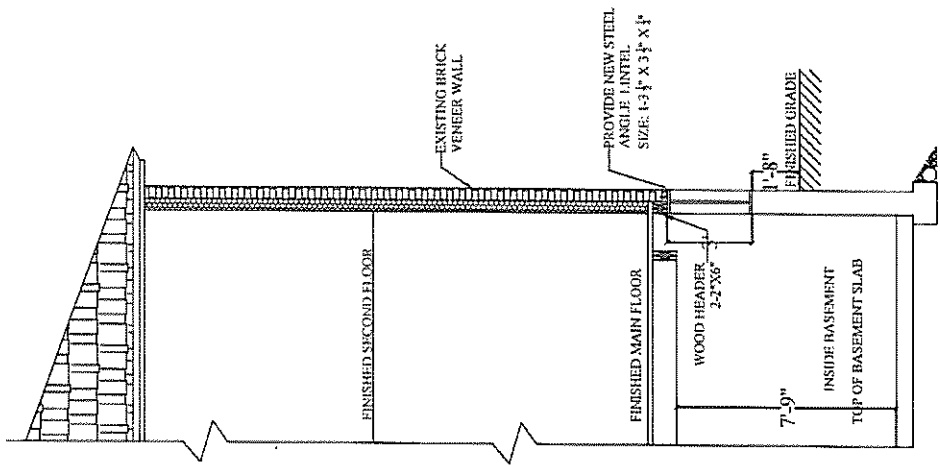
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Project Title:
 BASEMENT SECOND
 UNIT AND BELOW
 GRADE ENTRANCE

Project Address:
 46 BATHFORD CRES.
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Drawing Title:
 SECTIONAL DETAIL
 OF WINDOW

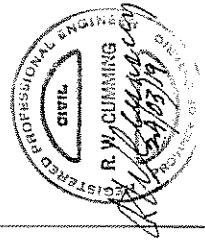
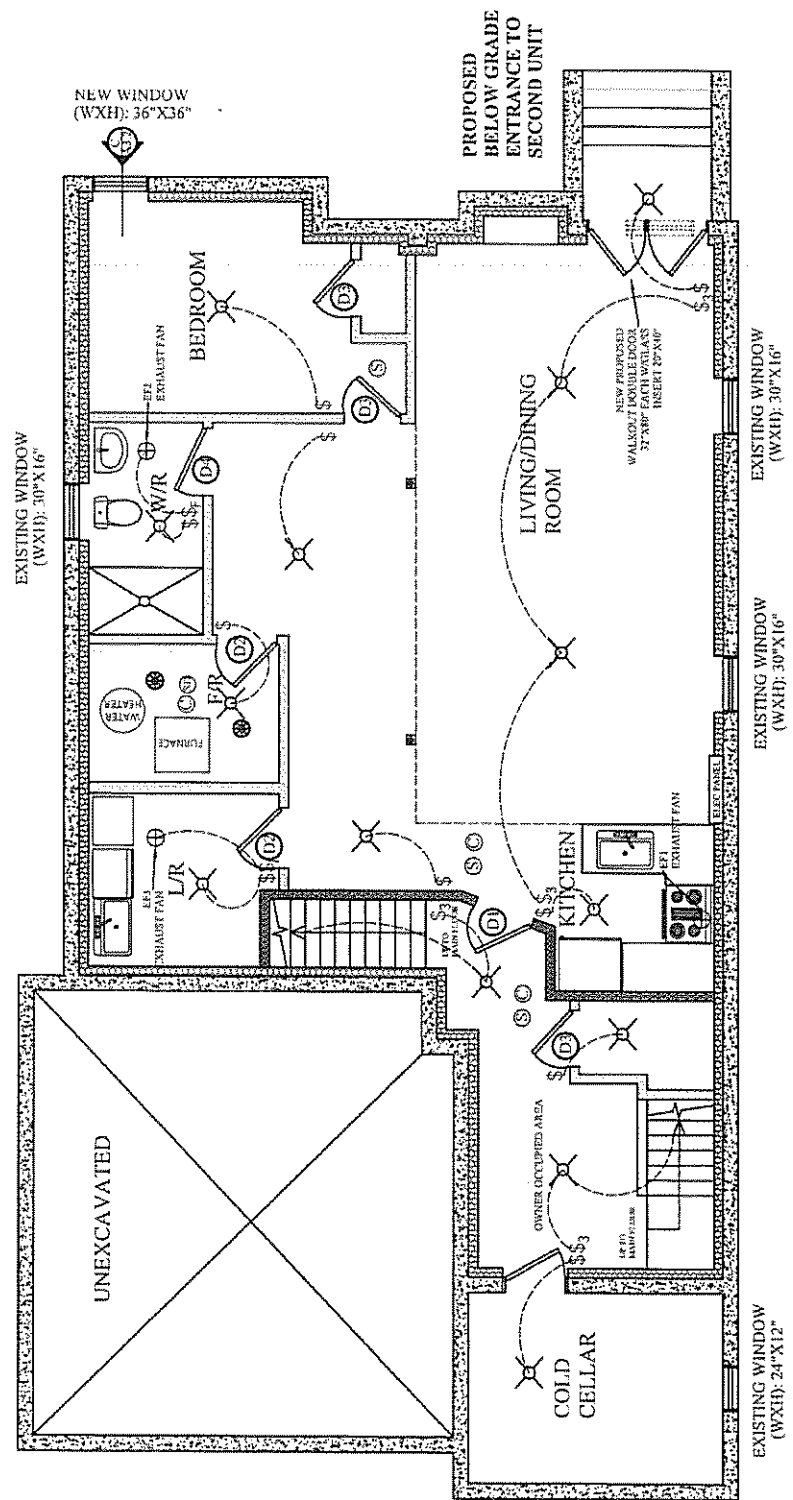
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Designed:	R.S.	Revision:	0
Project No.	18335	Sheet No.	A3.2



**FRONT VIEW EGRESS WINDOW -
 DOUBLE SLIDER TILT**

SECTION C - NEW BASEMENT EGRESS WINDOW (TYP.) 36\"/>

REFERENCE	
\$	120V SINGLE POLE TOGGLE SWITCH WITH COVER PLATE
\$	120V SINGLE POLE TOGGLE SWITCH WITH GROUNDING
\$	120V SINGLE POLE TOGGLE SWITCH AS ABOVE
\$	120V SINGLE POLE TOGGLE SWITCH AS ABOVE
\$	120V SINGLE POLE TOGGLE SWITCH AS ABOVE
\$	EXHAUST FAN SWITCH
\$	LED LIGHT FIXTURE



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Project Title:
**BASMENT SECOND UNIT
 AND BELOW GRADE
 ENTRANCE**

Project Address:
 46 BATHFORD CRES.
 MARKHAM, ONTARIO

Drawings Title:
**BASMENT APARTMENT
 ELECTRICAL**

Scale:	1:65	Date:	Mar 14, 2019
Designed:	R. S.	Revision:	0
Project No.	18335	Sheet No.	E1.0

