

Memorandum to the City of Markham Committee of Adjustment

June 26, 2019

File: A/58/19
Address: 114 Cynthia Jean Street, Markham
Applicant: Archna Sharma
Agent: (none)
Hearing Date: Wednesday July 10, 2019

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

The applicant is requesting relief from the following requirements of By-law 177-96, R2*115 as amended:

1. **Table A1 & Section 6.5:**

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

2. **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 it relates to a proposed basement apartment.

BACKGROUND

Property Description

The 432.25 m² (4652.7 ft²) subject property is located on the north side of Cynthia Jean Street, south of Major Mackenzie Drive E. and east of Kennedy Road. The property is located within an established residential neighbourhood comprised two-storey detached dwellings. There is an existing two-storey 297.28 m² (3200 ft²) detached dwelling on the property, which according to assessment records was constructed in 2002. Parking to accommodate the existing dwelling is located in the front yard, including one space within a private garage and another on a 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 an existing door on the east side of the building. No changes are being proposed to the exterior of the dwelling or the 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 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

Official Plan 2014 (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 single 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 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 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 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.

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 177-96

The subject property is zoned R2*115 under By-law 177-96, as amended, which permits various types of low rise housing forms. Exception *115 relates to lot standards and is not applicable.

Parking Standards By-law 28-97

Parking By-law 28-97, as amended, requires two parking spaces for the main dwelling and an additional parking space for the proposed accessory unit. Since no changes are proposed to the onsite parking configuration, the applicant is requesting a variance to reduce the onsite parking requirements to allow the accessory unit. Further details of the parking requirement is provided in the comment section below.

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

Engineering staff confirmed that the existing sanitary sewer system has adequate capacity to accommodate the secondary suite. The Fire and Emergency Services Department have 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 of 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, expanding the driveway will reduce the permeable soft surface area that provides for rain water infiltration, which is an important part of good stormwater management practices. Staff do not have concerns with the requested variance to reduce parking for the accessory dwelling unit.

The applicant should be aware that no overnight parking is permitted on City of Markham public streets unless an overnight parking pass or exemption is obtained through the By-law and Licensing Department.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 26, 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.

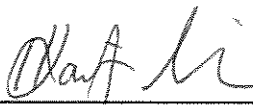
CONCLUSION

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.

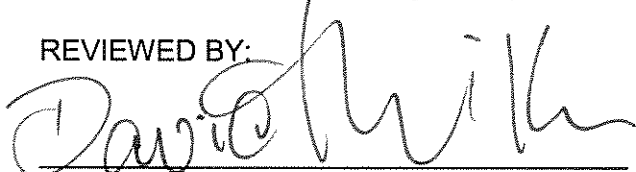
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Hailey Miller, Planner, Zoning and Special Projects

REVIEWED BY:



David Miller, Development Manager, West District

File Path: Amanda\File\ 19 124094 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/58/19

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 June 24, 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.
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:



Hailey Miller, Planner, Zoning and Special Projects

APPENDIX "A"

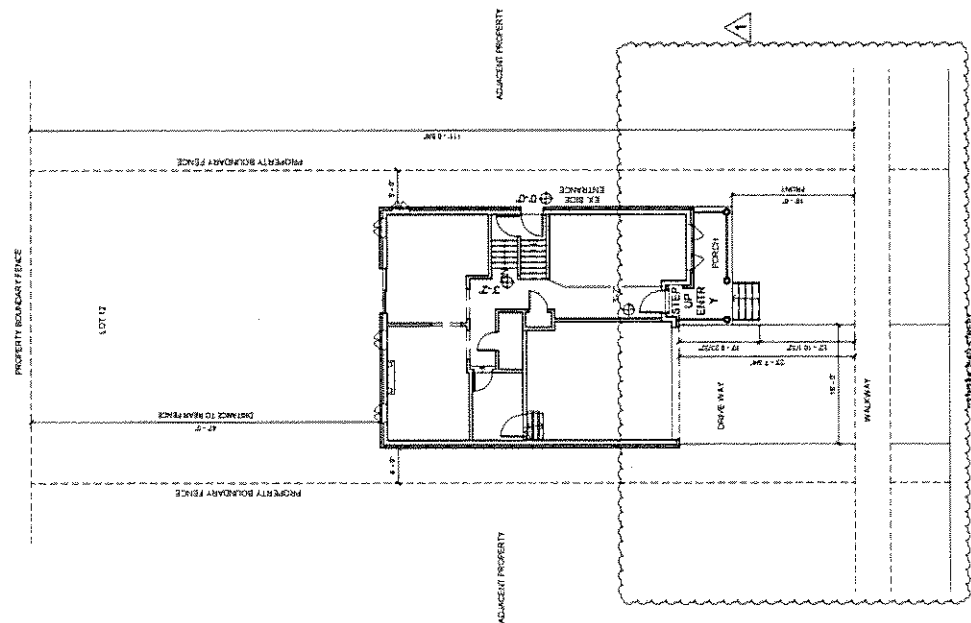
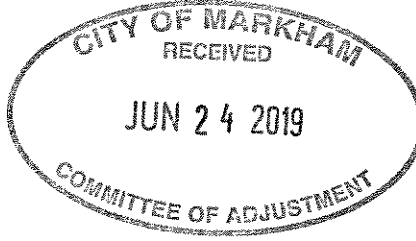
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CONDITIONS PREPARED BY:

Hailey Miller, Planner, Zoning and Special Projects

APPENDIX B

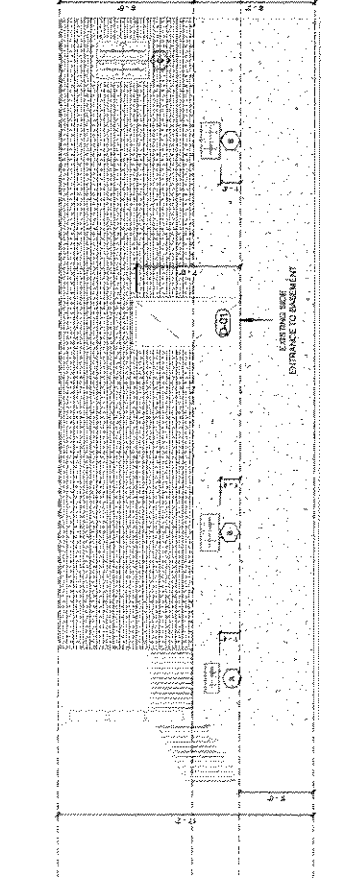
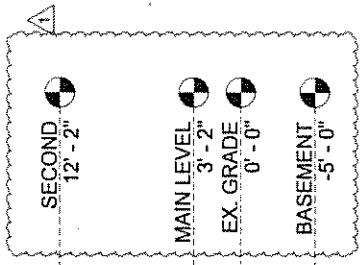


1 SITE PLAN
1/16" = 1'-0"

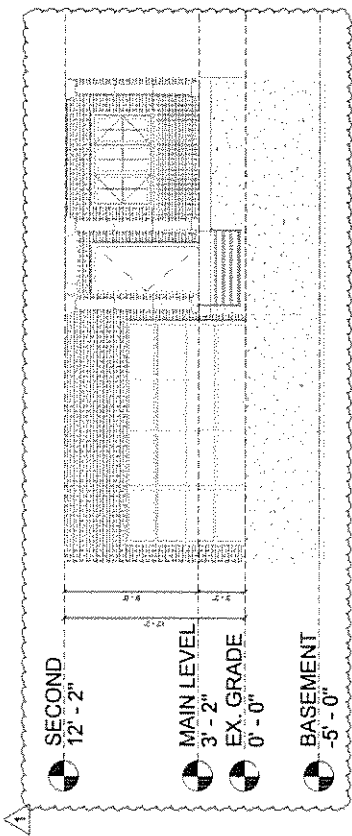
The undersigned has reviewed and takes responsibility for the design, and has the qualification and meets the requirements set out in the Chicago Building Code to design the works shown on the attached documents.
Qualification Information
 Required unless design is exempt under Div. C-3.2.5.1 of the building code
 Name: Rohit Shrivastava
 Registration No.: 042919
 Signature: [Signature]
 Required unless design is exempt under Div. C-3.2.4.1 of the building code
 Firm Name: [Firm Name]

Notes	1. All dimensions are in millimetres.	1	UPDATED PER COMMENTS	PROJECT	Dwaining Title	Dwg. No.
	2. All dimensions are to be checked on site.	Drawn	Rohit Shrivastava	ARCHNA SHARMA'S RESIDENCE	SITE LAYOUT PLAN	A002
3. Any discrepancy between the architectural drawing and drawings relevant for construction should be notified before commencement.	checked	Archana Sharma	114 CYNTHIA JEAN STREET - MARKHAM, ON L6C 2W9	Date	04/29/19	
	Scale	1/16" = 1'-0"				





2 EXISTING ELE - EAST
1/8" = 1'-0"

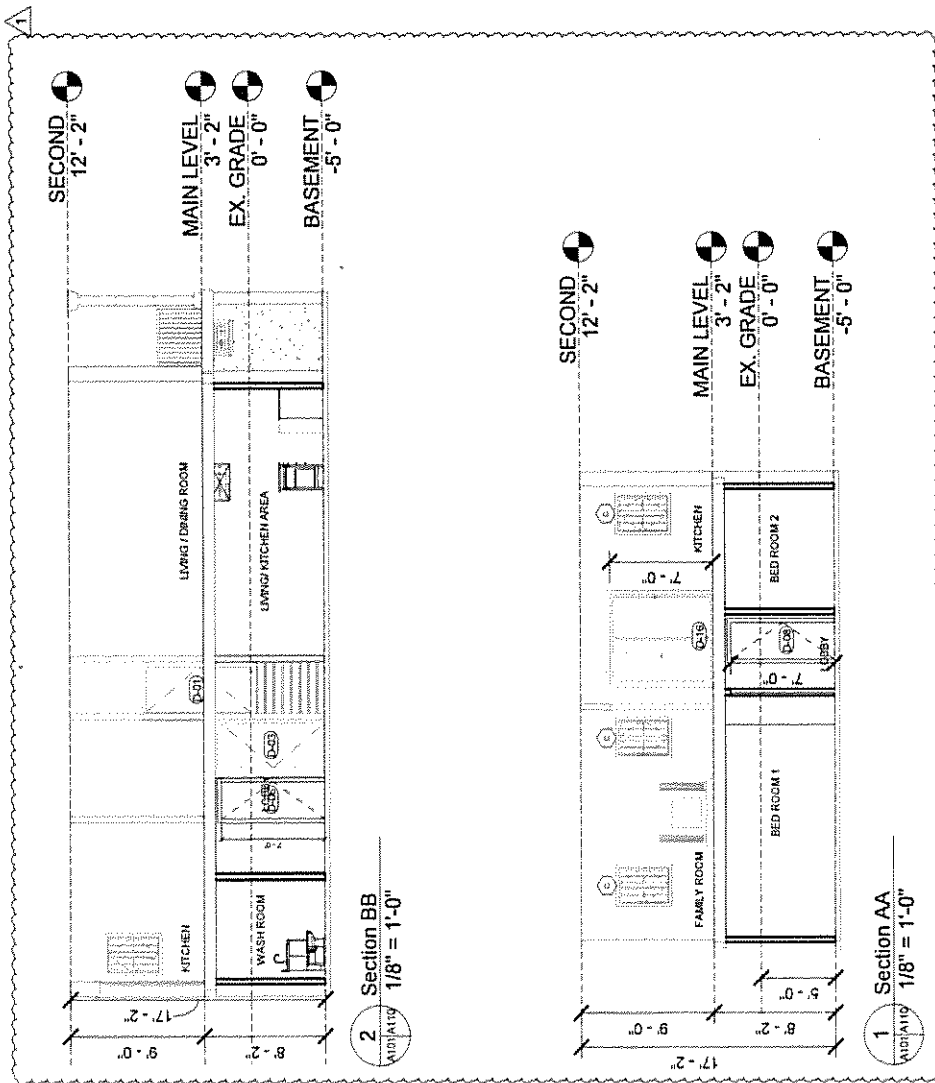


1 FRONT ELEVATION
1/8" = 1'-0"

The undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to design the works shown on the attached documents.
 Required unless design is exempt under Div. C-3.2.5.1 of the Building Code
 Name: Rohit Shrivastava
 Signature: [Signature]
 Registration Information
 Required unless design is exempt under Div. C-3.2.4.1 of the Building Code
 Firm Name: BCM

1 UPDATED PER COMMENTS		PROJECT		Drawing Title		Dwg. No.	
Drawn	Rohit Shrivastava	Date	04/29/19	Drawing Title	EXISTING ELEVATION	Dwg. No.	A105
Checked	Archana Sharma	ARCHANA SHARMA'S RESIDENCE 114 CYNTHIA JEAN STREET- MARKHAM, ON L6C 2W9					
Scale	1/8" = 1'-0"						

- Notes
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 - All dimensions are to be checked on site.
 - Any discrepancy between the architectural drawing and other drawings relevant for construction should be notified before commencement.



2 Section BB
 1/8" = 1'-0"

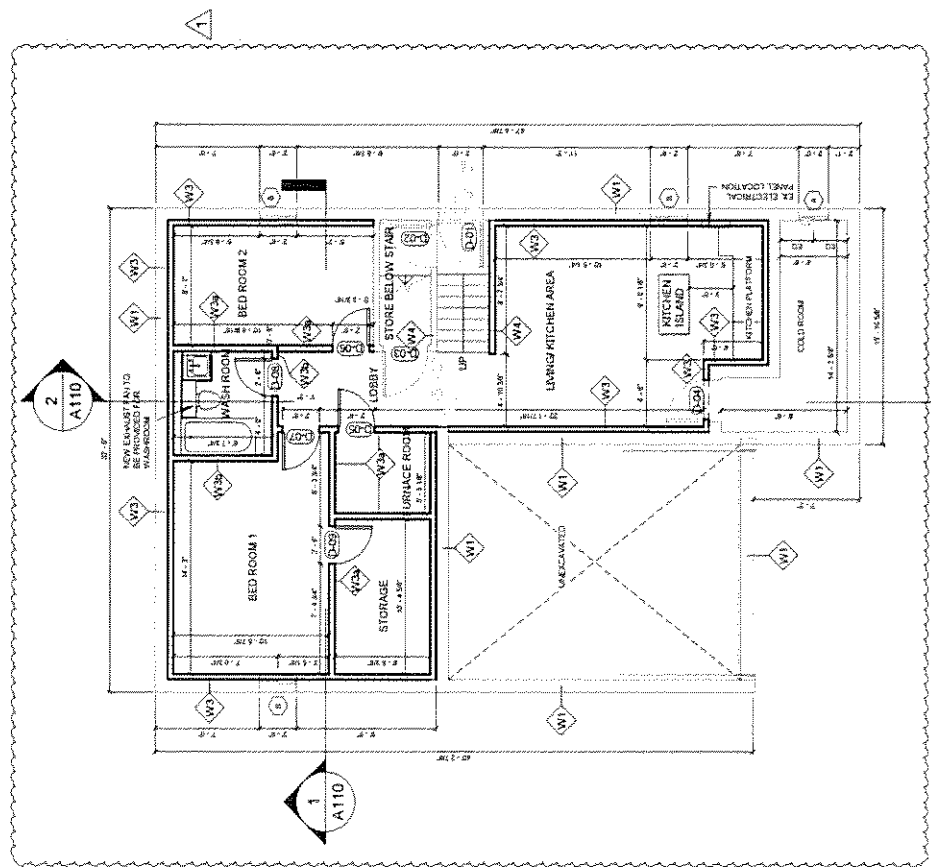
1 Section AA
 1/8" = 1'-0"

The undersigned has reviewed and takes responsibility for the design, and has the qualification and meets the requirements set out in the Ontario Building Code to design the works shown on the attached documents.
 Qualification Information
 Registered Professional Engineer
 Registration No. 12345
 Name: Rohit Shrivastava
 Firm Name: BCN
 Registered Information
 Required unless design is exempt under Div. C-3.2.4.1 of the building code

PROJECT		ARCHNA SHARMA'S RESIDENCE 114 CYNTHIA JEAN STREET- MARKHAM, ON L6C 2W9	
Date	06/23/19	Drawing Title	BUILDING SECTION
Drawn	Archana Sharma	Dwg. No.	A110
Checked			
Scale	1/8" = 1'-0"		

1 UPDATED PER COMMENTS

- Notes
- All dimensions are in millimetres.
 - All dimensions are to be checked on site.
 - Any discrepancy between the architectural drawing and other drawings relevant for construction should be notified before commencement.



1 PROPOSED BASEMENT
 1/8" = 1'-0"

The undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to design the works shown on the attached documents.
 Qualification Information:
 Recurred unless design is exempt under Div. C-3.2.5.1 of the building code
 Name: SHREEJATA
 Signature:
 Registration Information:
 Recurred unless design is exempt under Div. C-3.2.4.1 of the building code
 Firm Name:
 BCR

Dwg. No.		PROJECT		Date		Drawn		Scale	
A101		ARCHANA SHARMA'S RESIDENCE 114 CYNTHIA JEAN STREET- MARKHAM, ON L6C 2W9		04/28/19		Rohit Shrivastava		1/8" = 1'-0"	
						Archana Sharma			
Drawing Title		PROPOSED BASEMENT LAYOUT PLAN							

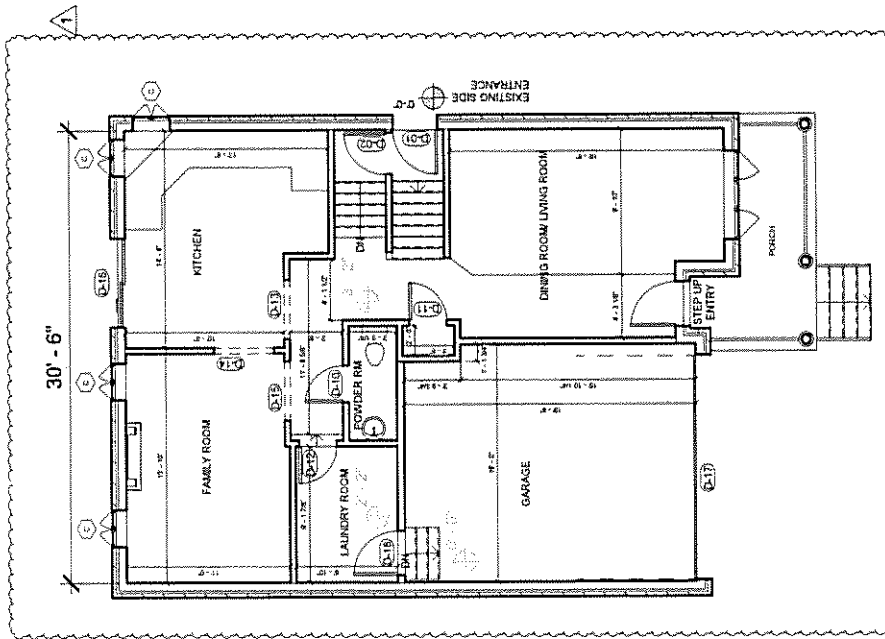
1 UPDATED PER COMMENTS

Notes

- All dimensions are in millimetres.
- All dimensions are to be checked on site.
- Any discrepancy between the architectural drawing and other drawings relevant for construction should be notified before commencement.



PROJECT NORTH



1 EXISTING MAIN LEVEL
1/8" = 1'-0"

This drawing has been reviewed and takes responsibility for the design, and has no obligation and makes the requirements set out in the Ontario Building Code to design the works shown on the attached documents.
Qualification Information
 Required unless design is exempt under Div. C-3.2.5.1 of the building code
 Name: Rohit Shrivastava
 Registration Information: Registered Professional Engineer
 Required unless design is exempt under Div. C-3.2.4.1 of the building code
 Firm Name: Rohit Shrivastava
 BCIN: [blank]

Notes	1. All dimensions are in millimetres. 2. All dimensions are to be checked on site. 3. Any discrepancy between the architectural drawing and drawings relevant for construction should be notified before commencement.	Drawn	Rohit Shrivastava	Date	04/28/19	PROJECT	Drawing Title	Dwg. No.
		Checked	Archna Sharma			ARCHNA SHARMA'S RESIDENCE 114 CYNTHIA JEAN STREET- MARKHAM, ON L6C 2W9	EXISTING GROUND FLOOR	A103
1. UPDATED PER COMMENTS		Scale	1/8" = 1'-0"					