

Memorandum to the City of Markham Committee of Adjustment

March 23, 2022

File: A/005/22
Address: 113 Cimmaron St Markham
Applicant: SHRESTHA ENGINEERING INC (LAJANA SHRESTHA)
Agent: SHRESTHA ENGINEERING INC (LAJANA SHRESTHA)
Hearing Date: Wednesday March 23, 2022

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

The applicant is requesting relief from the following requirements of By-law 90-81, "Street Townhouse Residential Zone RST1" as amended, as it relates to a secondary suite (basement apartment):

a) By-law 90-81, Section 6.3.1:

a Second Dwelling unit (basement suite), whereas the By-law does not permit Second Dwelling Units in the RST1 Zone;

BACKGROUND

Property Description

The 319.6 m² (3,440 ft²) subject property is located on the north side of Cimmaron Street, west of Middlefield Road and east of Featherstone Avenue. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. There is currently no mature vegetation within the property.

There is an existing two-storey single detached residential dwelling on the property, which according to assessment records was constructed in 1987.

Proposal

The applicant is proposing to construct a secondary suite in the basement of an existing dwelling. Changes proposed to the exterior of the dwelling include:

- b) Removal of an as-built side door from the east façade;
- c) Addition of an unenclosed stairs in the rear yard to provide separate access to the suite, and
- d) Addition of a new window on the east façade of the building, bringing the total number of windows to 4 at the basement level.

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, R.S.O. 1990, c. P.13, as amended*, to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse (townhouse) 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 options 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 90-81

The subject property is zoned Street Townhouse Residential Zone (RST1) under By-law 90-81, as amended, which permits single detached dwelling. The proposed development does not comply with the By-law requirements to permit a maximum of one dwelling for each lot.

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 (HP 21 140580) 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;
- 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 2014 Official Plan for the establishment of a secondary suite as well as the four test established in the Ontario Planning Act, and therefore have no objections to the approval of the proposed variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 18, 2022. 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.

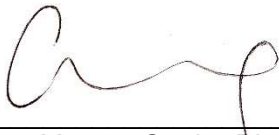
Please see Appendix "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix A: Conditions of Approval

Appendix B: Architectural Drawings

PREPARED BY:



Carman Yeung, Senior Planner, East District

REVIEWED BY:



Carlson Tsang, Senior Planner, East District

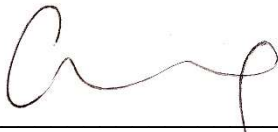
File Path: Amanda\File\ 22 109189 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/005/22

1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the batch stamped plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receives 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 subject, 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:

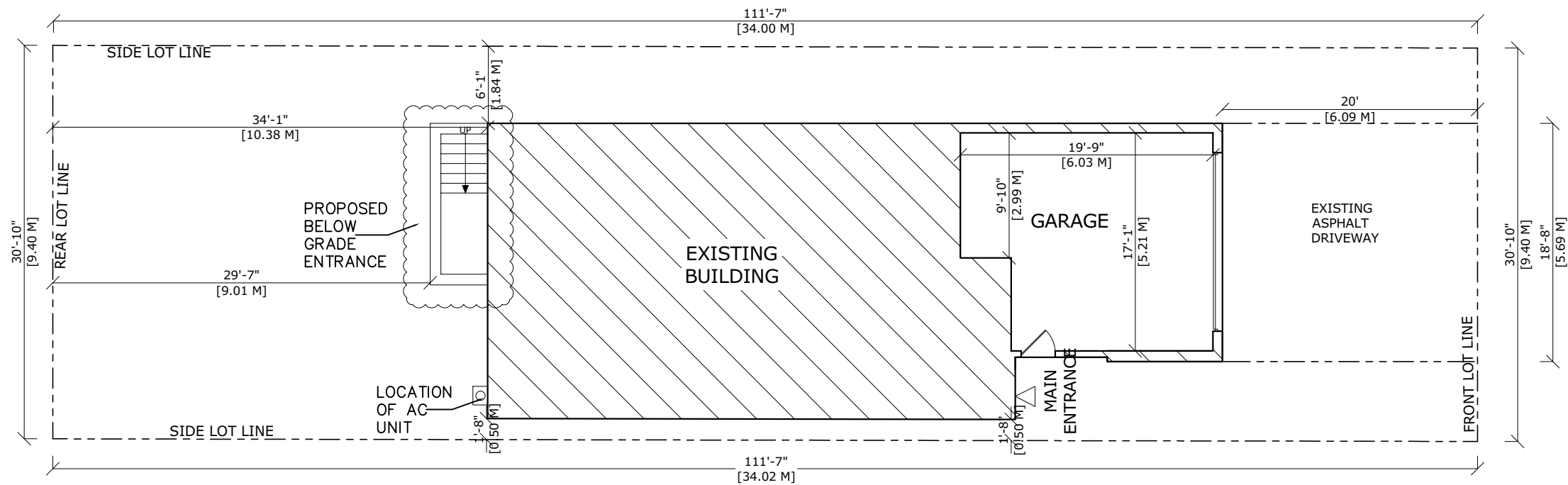


Carman Yeung, Senior Planner, East District

Appendix B

File: 22.109189.000.00.MNV

Date: 03/17/22
MM/DD/YY



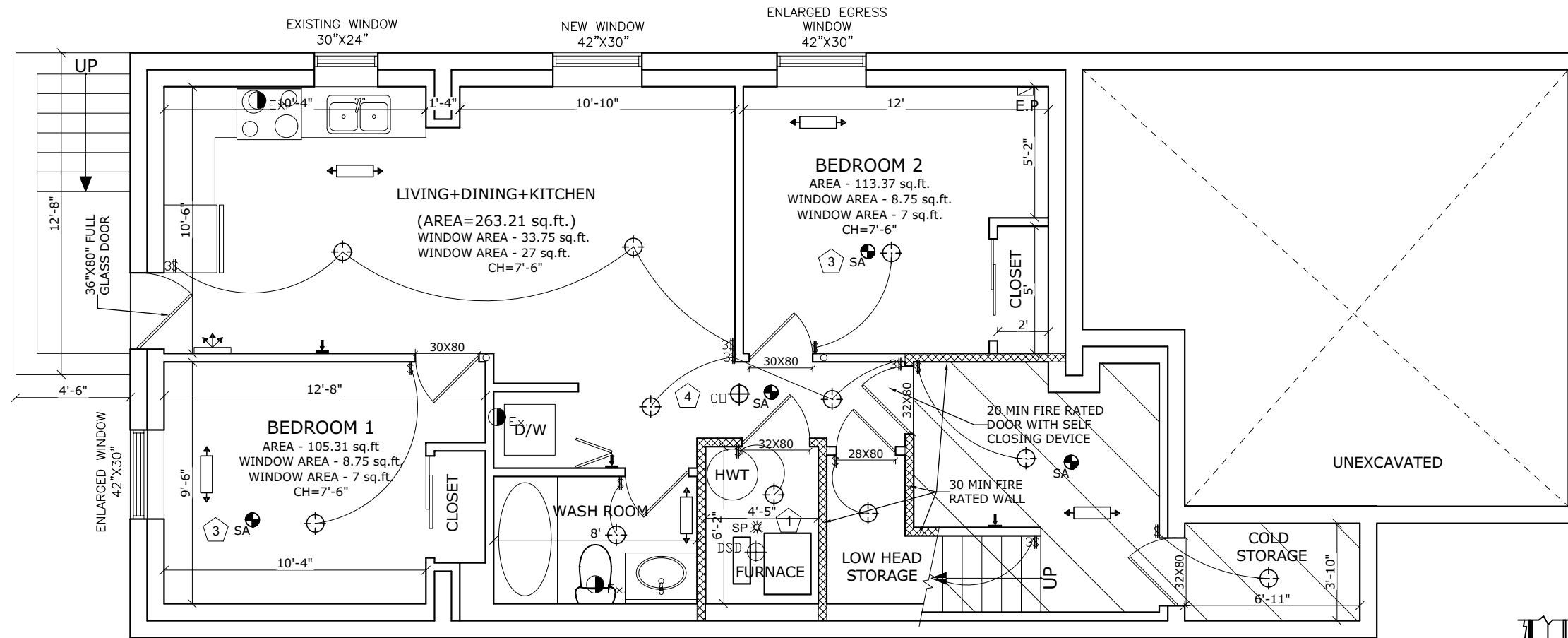
SITE PLAN



Firm Name and Address SHRESTHA ENGINEERING INC 40 PROUSE DR, BRAMPTON Ontario, L6V3A8 sujan7820@gmail.com 437-999-9184	General Notes RELEASED FOR BUILDING PERMIT * CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK SITE AND REPORT DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING. * ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF CONSULTANTS AND MUST BE RETURNED AT THE COMPLETION OF WORK. * THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY THE CONSULTANT. * DRAWINGS ARE NOT TO BE SCALED.	PROJECT TITLE: 113 CIMMARON ST, MARKHAM, ON L3S 2G7	SHEET TITLE: SITE PLAN	SCALE: 3/32" = 1'-0" PLOT DATE: SEP 30, 2021 DRAWN BY: SS CHECKED BY: L.S.	DRAWING NO.: A100																																										
	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY																																										
NO.	DATE	DESCRIPTION	BY																																												

Appendix B

File: 22.109189.000.00.MNV
 Date: 03/17/22
 MM/DD/YY



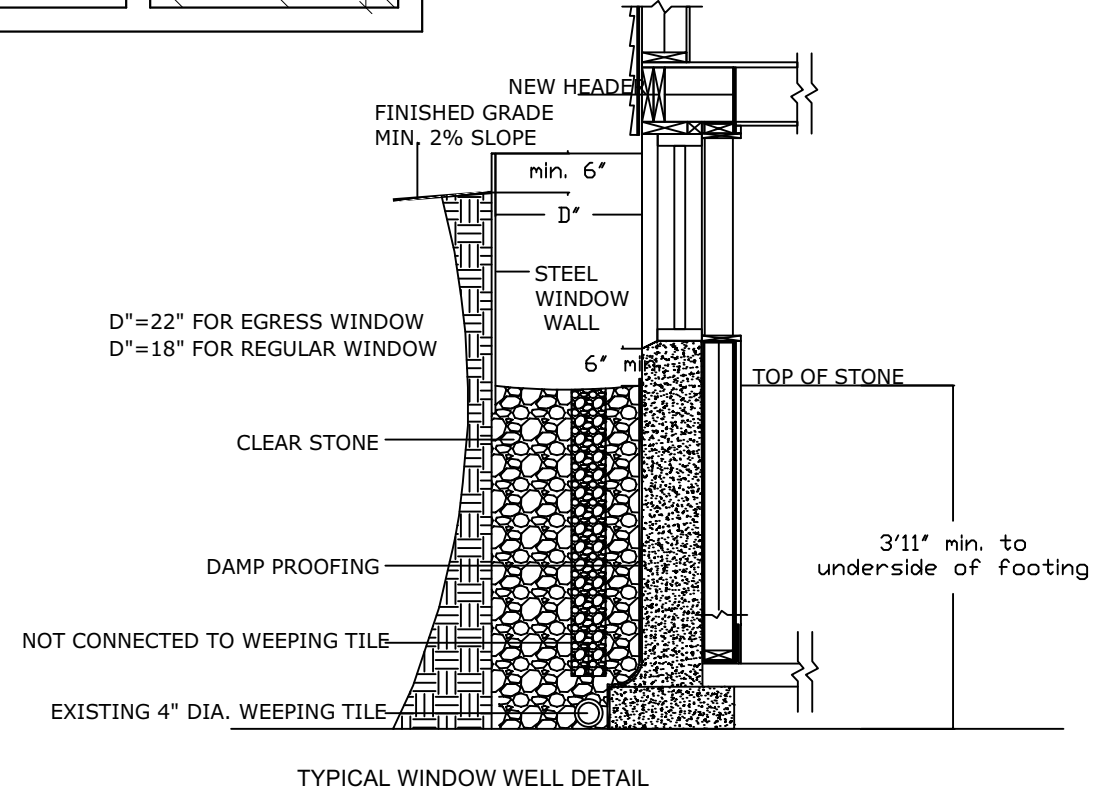
PROPOSED BASEMENT FLOOR PLAN

AREA OF SECOND UNIT = 656.87 SQ.FT

PRINCIPLE UNIT AT
 BASEMENT FLOOR = 117.81 SQ.FT
 MAIN FLOOR = 808.79 SQ.FT
 SECOND FLOOR = 1021.75 SQ.FT
 TOTAL AREA OF PRINCIPLE UNIT = 1542.26 SQ.FT
 % OF SECOND UNIT = 40.70%

LEGEND:

- LIGHT
- EMERGENCY LIGHT
- ELECTRICAL SWITCH
- 3-way switch
- Supply Air Outlet
- Supply Air Outlet (wall type)
- Return Air Inlet
- Fan vented to exterior with insulated duct
- Smoke alarm
- Carbon Monoxide Alarm
- DUCT TYPESMOKE DETECTOR
- SPRINKLER



TYPICAL WINDOW WELL DETAIL

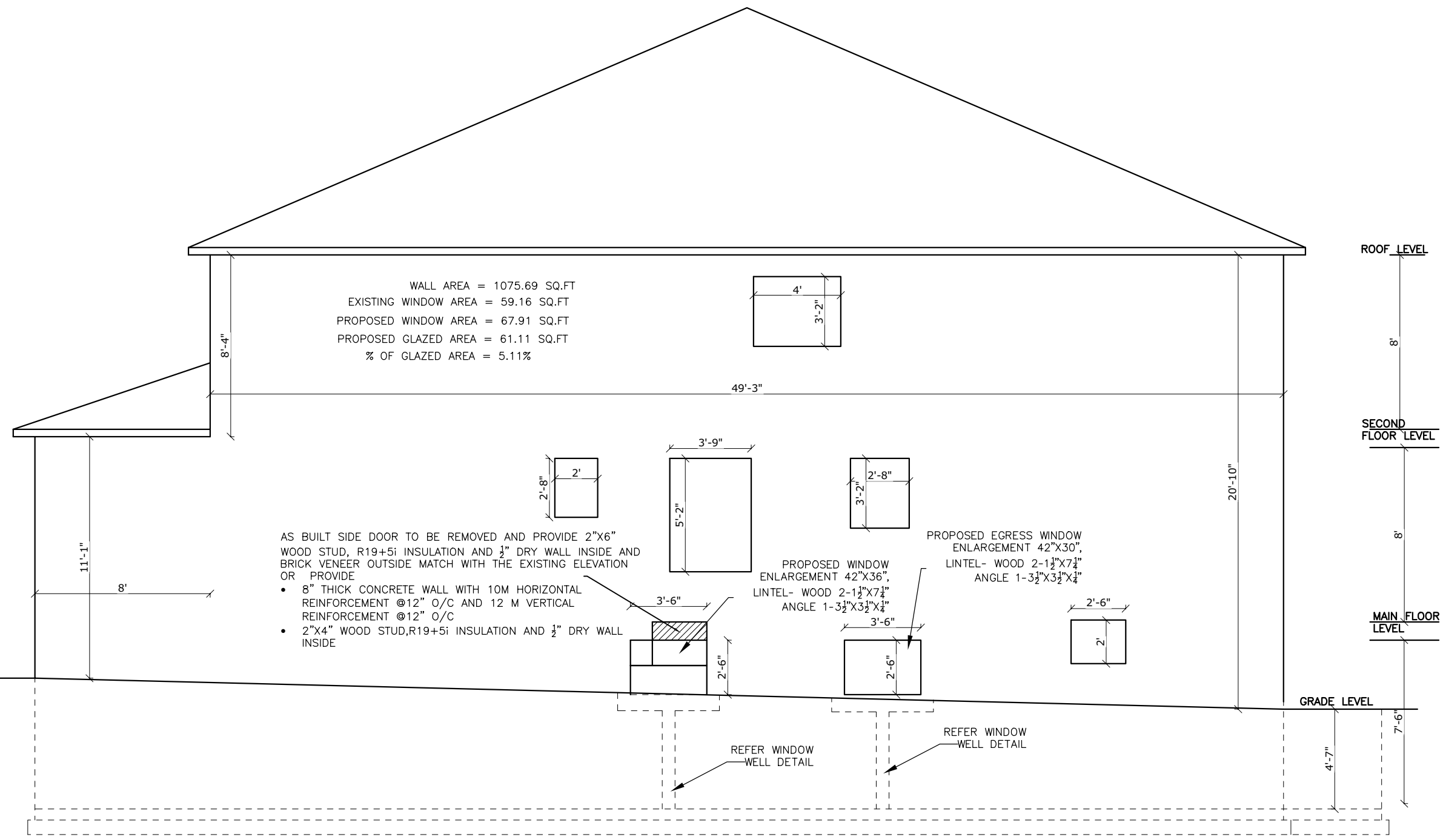


Firm Name and Address SHRESTHA ENGINEERING INC 40 PROUSE DR, BRAMPTON Ontario, L6V3A8 sujan7820@gmail.com 437-999-9184	General Notes RELEASED FOR BUILDING PERMIT * CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK SITE AND REPORT DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING. * ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF CONSULTANTS AND MUST BE RETURNED AT THE COMPLETION OF WORK. * THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY THE CONSULTANT. * DRAWINGS ARE NOT TO BE SCALED.	PROJECT TITLE:	SHEET TITLE:	SCALE:	DRAWING NO.:
		113 CIMMARON ST, MARKHAM, ON L3S 2G7	PROPOSED BASEMENT FLOOR PLAN	3/16" = 1'-0" PLOT DATE SEP 30, 2021 DRAWN BY: SS CHECKED BY: LS	A102
		NO. DATE	DESCRIPTION	BY	

Appendix B

File: 22.109189.000.00.MNV

Date: 03/17/22
MM/DD/YY



WALL AREA = 1075.69 SQ.FT
EXISTING WINDOW AREA = 59.16 SQ.FT
PROPOSED WINDOW AREA = 67.91 SQ.FT
PROPOSED GLAZED AREA = 61.11 SQ.FT
% OF GLAZED AREA = 5.11%

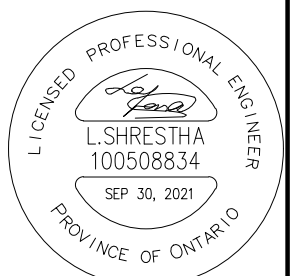
- AS BUILT SIDE DOOR TO BE REMOVED AND PROVIDE 2"x6" WOOD STUD, R19+5i INSULATION AND 1/2" DRY WALL INSIDE AND BRICK VENEER OUTSIDE MATCH WITH THE EXISTING ELEVATION OR PROVIDE
- 8" THICK CONCRETE WALL WITH 10M HORIZONTAL REINFORCEMENT @12" O/C AND 12 M VERTICAL REINFORCEMENT @12" O/C
 - 2"x4" WOOD STUD, R19+5i INSULATION AND 1/2" DRY WALL INSIDE

PROPOSED WINDOW ENLARGEMENT 42"x36", LINTEL- WOOD 2-1 1/2"x7 1/4" ANGLE 1-3 1/2"x3 1/2"x1 1/4"

PROPOSED EGRESS WINDOW ENLARGEMENT 42"x30", LINTEL- WOOD 2-1 1/2"x7 1/4" ANGLE 1-3 1/2"x3 1/2"x1 1/4"

REFER WINDOW WELL DETAIL

RIGHT SIDE ELEVATION

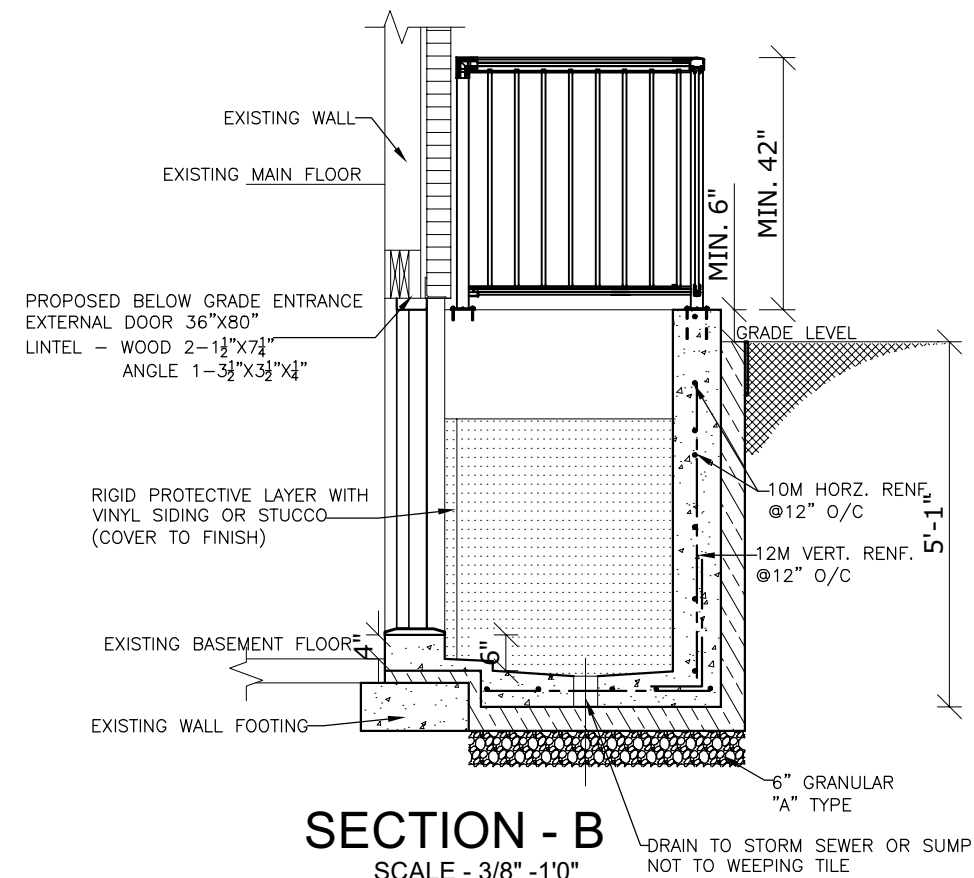
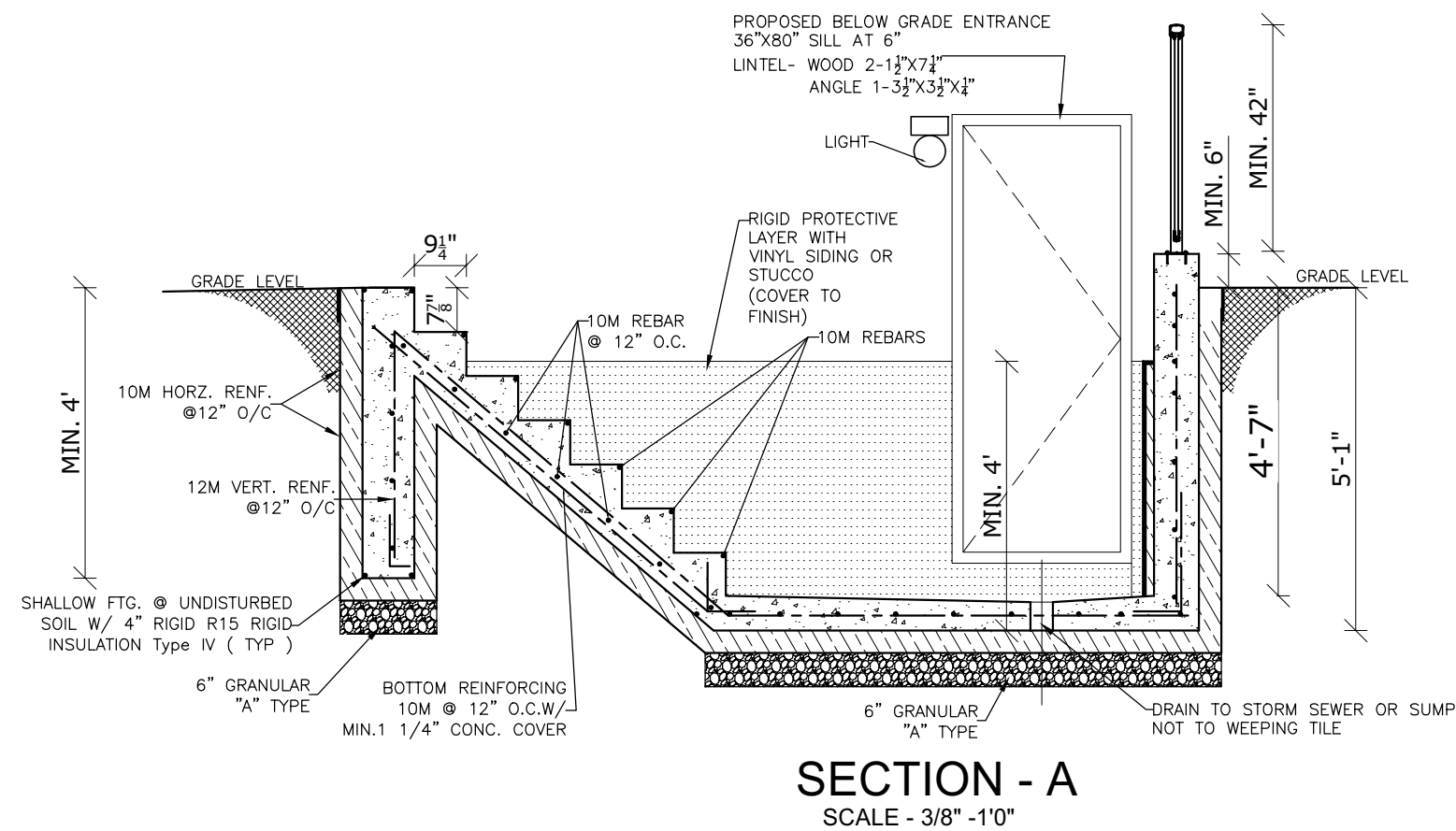
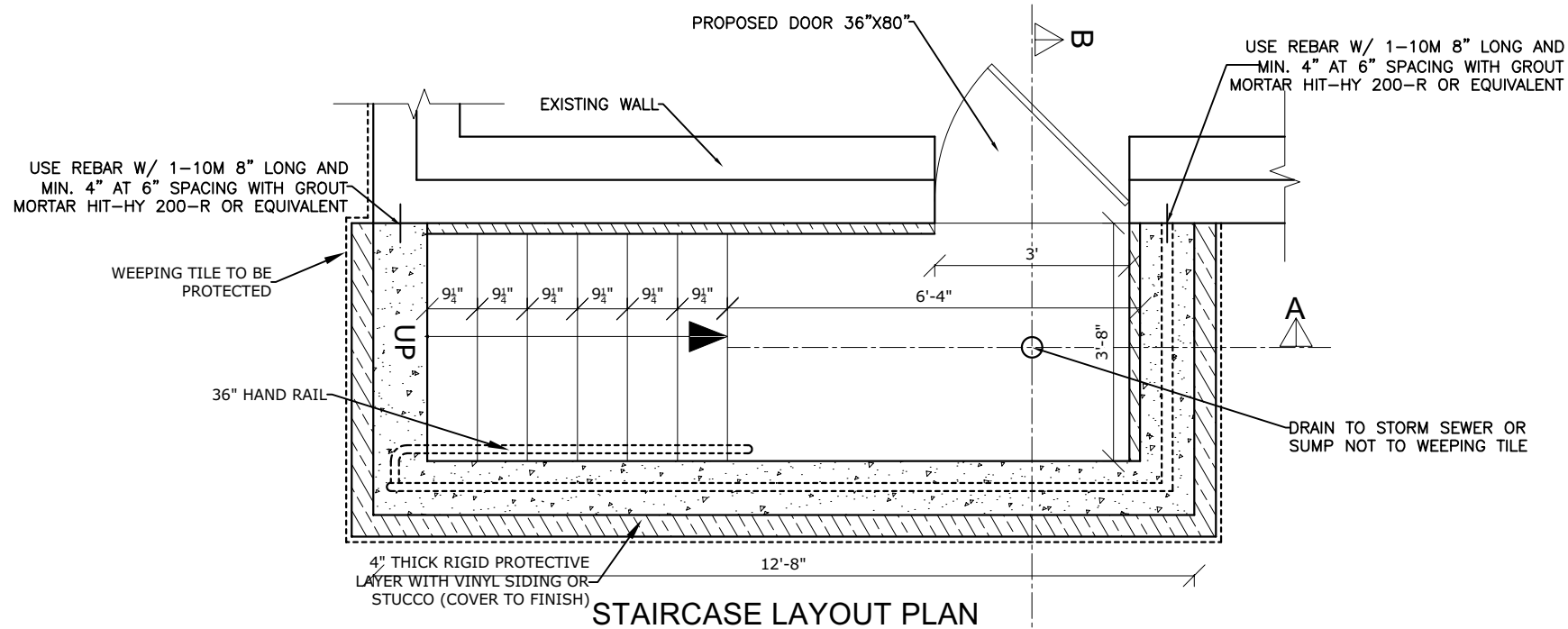


Firm Name and Address SHRESTHA ENGINEERING INC 40 PROUSE DR, BRAMPTON Ontario, L6V3A8 sujan7820@gmail.com 437-999-9184	General Notes RELEASED FOR BUILDING PERMIT * CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK SITE AND REPORT DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING. * ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF CONSULTANTS AND MUST BE RETURNED AT THE COMPLETION OF WORK. * THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY THE CONSULTANT. * DRAWINGS ARE NOT TO BE SCALED.			PROJECT TITLE: 113 CIMMARON ST, MARKHAM, ON L3S 2G7	SHEET TITLE: RIGHT SIDE ELEVATION	SCALE: 3/16" = 1'-0"	DRAWING NO.: A105
	NO. DATE DESCRIPTION BY	PLOT DATE SEP 30, 2021	DRAWN BY: SS			CHECKED BY: L.S	

Appendix B

File: 22.109189.000.00.MNV
 Date: 03/17/22
 MM/DD/YY

- 1 CONCRETE CONFORM TO THE REQUIREMENTS OF CAN/CSA - A23.1 CONCRETE TO HAVE COMPRESSIVE STRENGTH OF 20.7 MPa (3000 PSI) (AT 28 DAYS)
- 2 REINFORCEMENT: CONFORM TO CSA G30 SERIES.
- 3 MORTAR TO HAVE MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS OF 1500 PSI
- 4 GROUT TO HAVE MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS OF 1500 PSI.
- 5 RIGID INSULATION TO BE FORMULA R 400 OR EQ. (EXTRUDED XPS, TYPE IV, MIN 4" THICK , R-5/inch)
- 6 RIGID INSULATION TO BE PROTECTED WITH A RIGID PROTECTIVE LAYER



Firm Name and Address SHRESTHA ENGINEERING INC 40 PROUSE DR, BRAMPTON Ontario, L6V3A8 sujan7820@gmail.com 437-999-9184	General Notes RELEASED FOR BUILDING PERMIT * CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK SITE AND REPORT DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING. * ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF CONSULTANTS AND MUST BE RETURNED AT THE COMPLETION OF WORK. * THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY THE CONSULTANT. * DRAWINGS ARE NOT TO BE SCALED.	PROJECT TITLE:	SHEET TITLE:	SCALE:	DRAWING NO.:
		113 CIMMARON ST, MARKHAM, ON L3S 2G7	STAIRCASE LAYOUT PLAN AND DETAIL	3/8" = 1'-0" PLOT DATE SEP 30, 2021 DRAWN BY: SS CHECKED BY: L.S	A106