

Memorandum to the City of Markham Committee of Adjustment

February 10, 2022

File: A/058/21
Address: 28 Garcia Street, Markham
Applicant: Jin Minfang
Agent: W.E Consulting & Construction Ltd. (Jerry Yue)
Hearing Date: Wednesday, February 16, 2022

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

The applicant is requesting relief from the following requirements of the “Residential Two (R2) Zone” in By-law 177-96, as amended, to permit:

a) Section 6.5:

a second dwelling unit (basement unit), whereas the By-law permits one dwelling unit per lot; as it relates to an existing basement apartment (secondary suite).

BACKGROUND

Property Description

The approximately 410.50 m² (4,418.59 ft²) subject property is located on the south-west corner of Valentina Drive and Garcia Street, which is situated east of Kennedy Road and north of Castan Avenue (see Appendix “A” – Aerial Photo). The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

There is an existing 300.40 m² (3,233.48 ft²) two-storey detached dwelling on the property, which according to assessment records was constructed in 2000. Mature vegetation exists on the property.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling (see Appendix “B” – Architectural Plans). The applicant is also proposing two egress windows on the west side of the dwelling and a proposed driveway widening.

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, 2017, and updated on April 9, 2018)

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 177-96 as amended

The subject property is zoned “Residential Two (R2)” under By-Law 177-96 as amended, which permits no more than one dwelling unit on a lot. Exception 31 relates to minimum lot frontage and maximum garage and driveway width, which is not applicable to this variance request.

Parking Standards By-law 28-97

The subject property is subject to the City of Markham Parking Standards By-law 28-97. The City’s Parking Standards By-law requires two parking spaces to be provided for the principal dwelling unit, plus one additional space for an accessory dwelling unit or secondary suite. The proposed use increases the parking requirement for the site to a total of three parking spaces. The proposed use complies with the Parking Standards By-law.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on December 7, 2021 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.

Staff note that the City’s Parking Standards By-law requires two parking spaces to be provided for the principal dwelling unit, plus one additional space for an accessory dwelling unit or secondary suite. Although the existing property can only accommodate

one car in the garage and one car in the driveway, the submitted plans indicate that the proposed driveway widening can accommodate the third required parking space.

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 February 10, 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 "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Planner, Central District

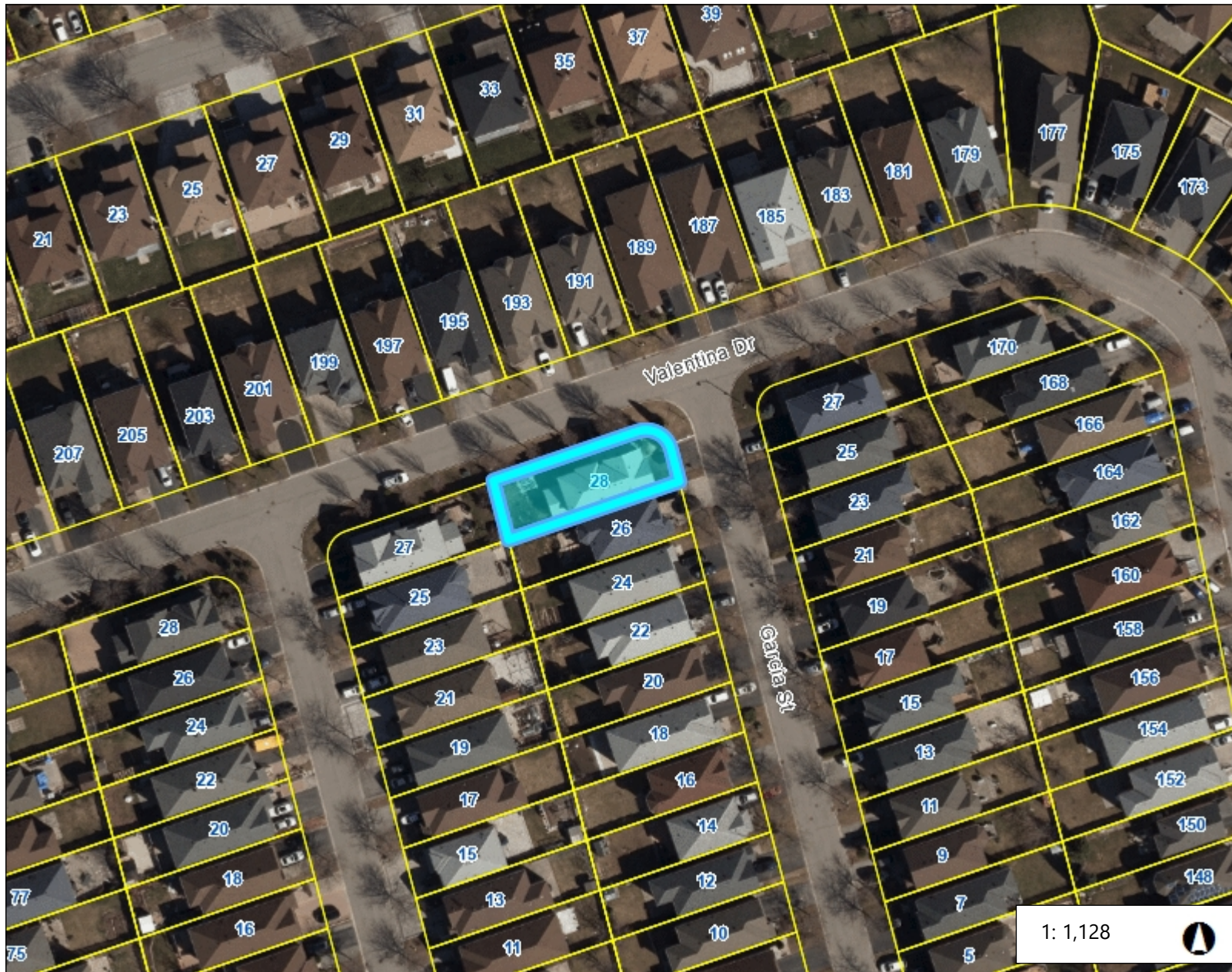
REVIEWED BY:



Dimitri Pagratis, Senior Planner, Central District

APPENDICES

- Appendix "A" – Aerial Photo
- Appendix "B" – Plans
- Appendix "C" – Conditions



Legend

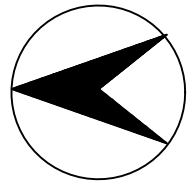
- Parcel
- Park Facility
- Parks
 - Under Development
 - <all other values>

1: 1,128



57.3 0 28.65 57.3 Meters

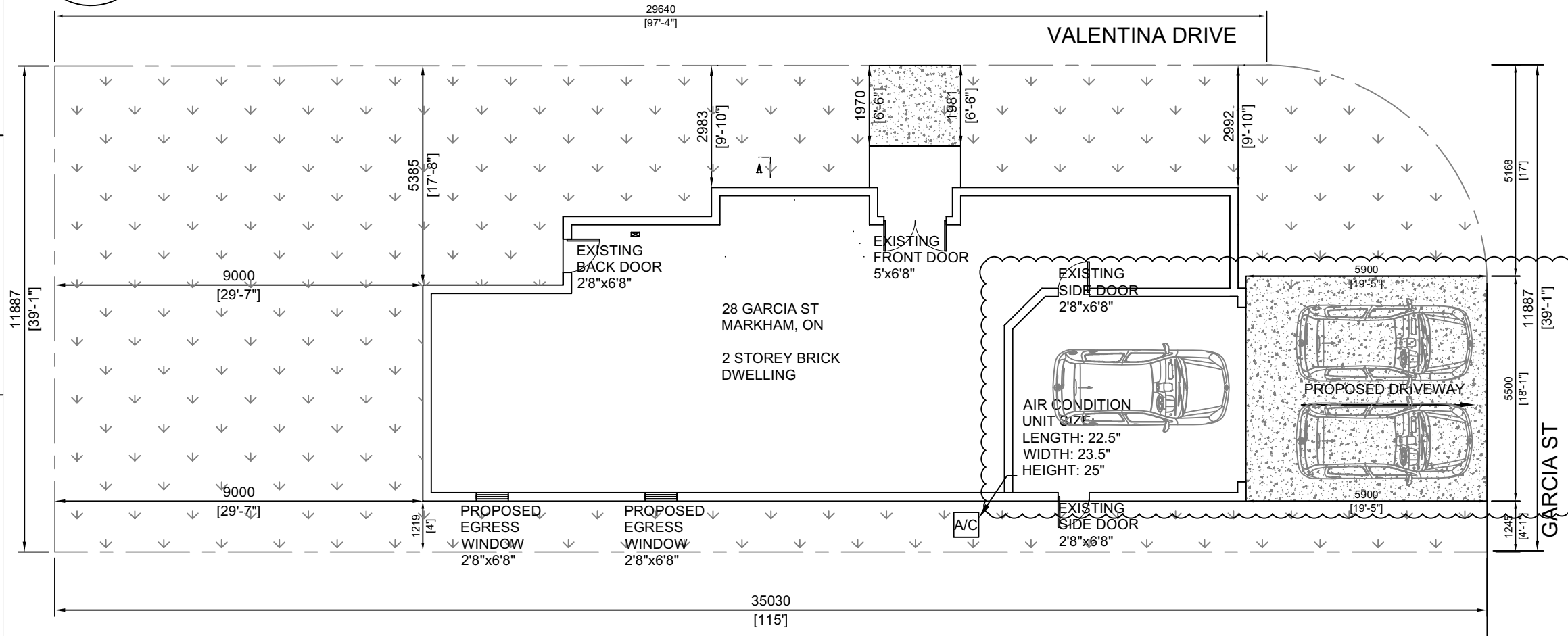
Notes



Appendix B

File: 21.119507.000.00.MNV

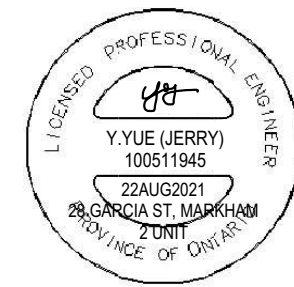
Date: 02/10/22
MM/DD/YY



ZONING	LOT NO.	PLAN NO.
--	42	65M-3178
LOT AREA	LOT FRONTAGE	LOT DEPTH
410m ²	11.83m	35.03m

TOTAL WINDOW AREA	WALL AREA	%	
SOUTH	8.3SM	114.5SM	3.8%

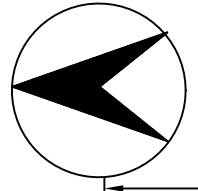
SETBACKS	EXISTING	PROPOSED
FRONT YARD	5.9 m	5.9 m
REAR YARD	9 m	9 m
INTERIOR SIDE (NORTH)	1.77 m	1.77 m
INTERIOR SIDE (SOUTH)	1.32 m	1.32 m
EXTERIOR	--	--



No.	DATE	DESCRIPTION	BY
B	22AUG2021	As per comment.	JY
A	9APR2021	As per comment.	JY

PROJECT NAME:		DRAWING TITLE:	
PROPOSED PROPERTY RENOVATION CONSTRUCTION		SITE PLAN	
28 GARCIA ST MARKHAM, ON (2ND UNIT)		DATE: 22 JAN 2021	SCALE: 1:125
		DRAWN BY: JY	
JOB NUMBER:	DRAWING NUMBER:	REV.	
-	A0	B	

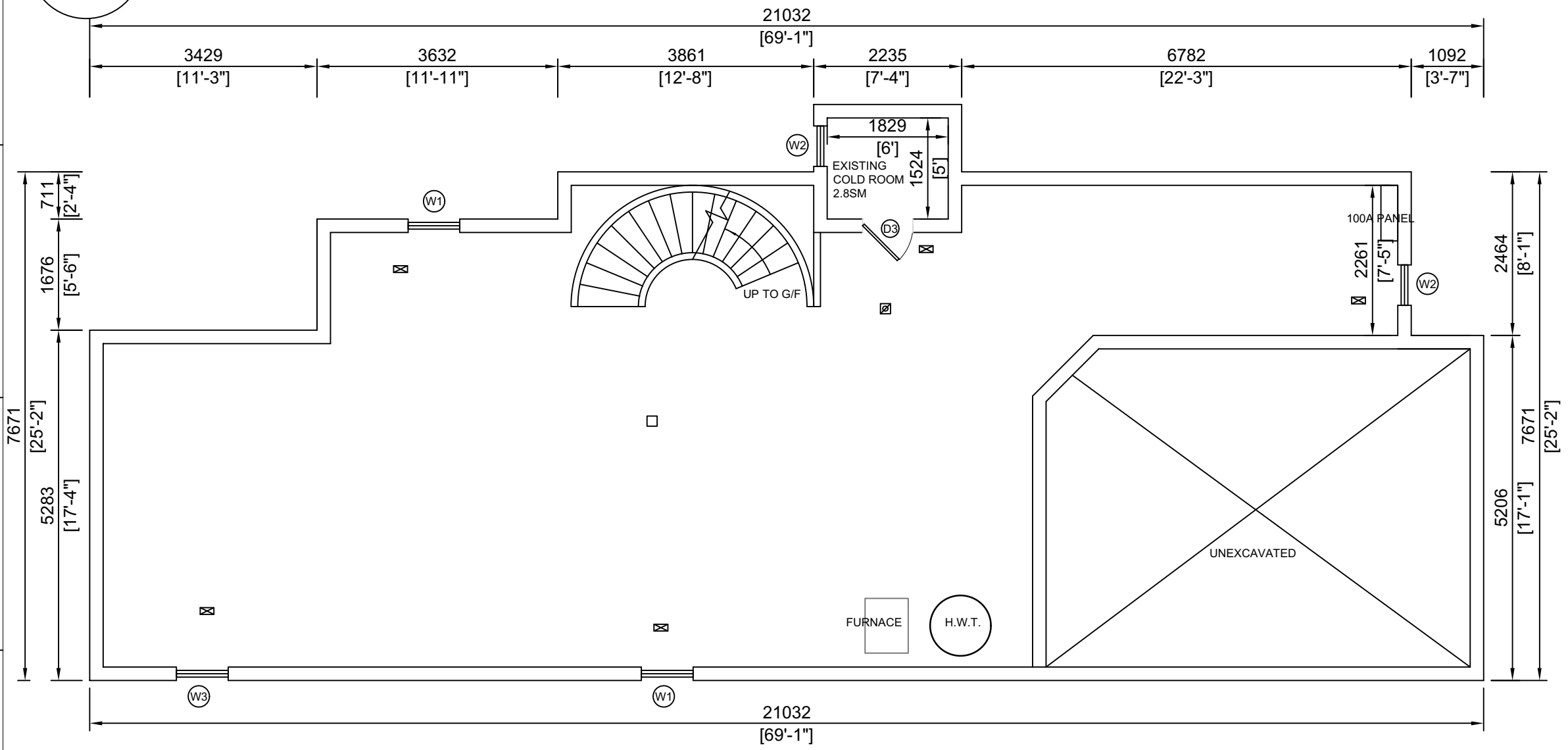
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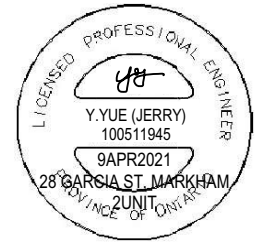
Appendix B

File: 21.119507.000.00.MNV

Date: 02/10/22
MM/DD/YY



EXISTING BASEMENT FLOOR (121.9SM) HEIGHT=7'7"



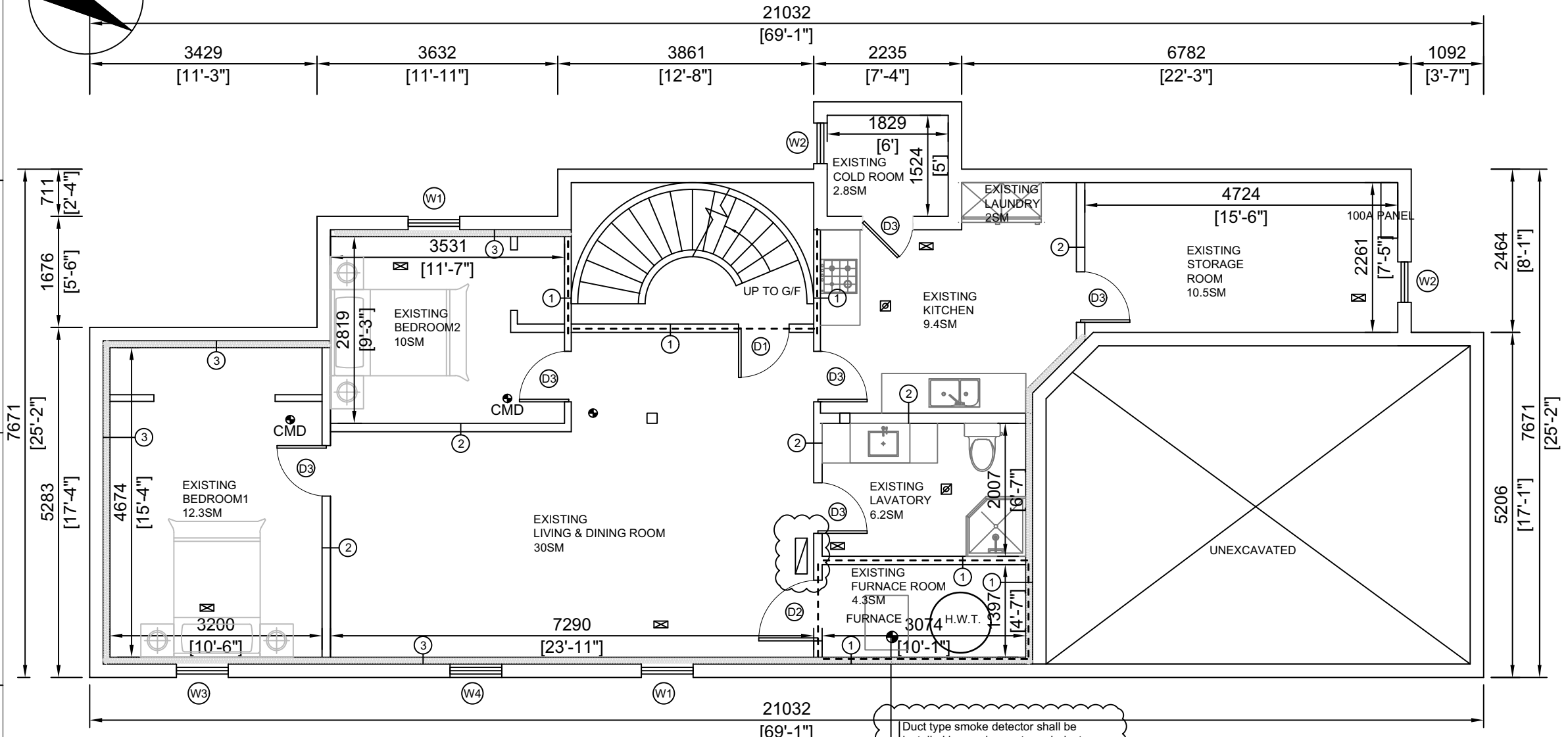
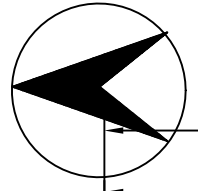
A		9APR2021	As per comment.	JY
No.	DATE	DESCRIPTION		BY
PROJECT NAME:		DRAWING TITLE:		
PROPOSED PROPERTY RENOVATION CONSTRUCTION		EXISTING BASEMENT PLAN		
28 GARCIA ST MARKHAM, ON (2ND UNIT)		DATE: 22 JAN 2021	SCALE: 1:75	DRAWN BY: JY
JOB NUMBER:	DRAWING NUMBER:	REV.		
-	A1	A		

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Appendix B

File: 21.119507.000.00.MNV

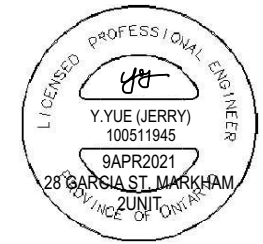
Date: 02/10/22
MM/DD/YY



Duct type smoke detector shall be installed in supply or return air duct system serving the entire house which would turn off the fuel supply and electrical power supply to the heating system upon activation of such detector.

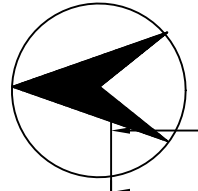
PROPOSED BASEMENT FLOOR (121.9SM) HEIGHT=7'7"

- NOTE:**
- Supply air grilles in habitable finished basement shall be located on low wall 6" above finished floor.
 - Exhaust fan with minimum 50 CFM exhasut rate and 5" dia. duct discharge to outdoor shall be provided in bathroom.
 - Dryer exhaust shall be provided for the laundry equipment.
 - Range hood exhaust with minimum 100 CFM exhaust rate and 6" dia. duct discharge to outdoor must be provided.
 - Provision shall be made for return of air from all rooms by leaving gaps beneath doors, using louvred doors or installing duct return inlets.



A		9APR2021	AS PER COMMENT.	BY
No.	DATE	DESCRIPTION		BY
PROJECT NAME:		DRAWING TITLE:		
PROPOSED PROPERTY RENOVATION CONSTRUCTION		PROPOSED BASEMENT PLAN		
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JOB NUMBER:	DRAWING NUMBER:	REV.		
-	A2	A		

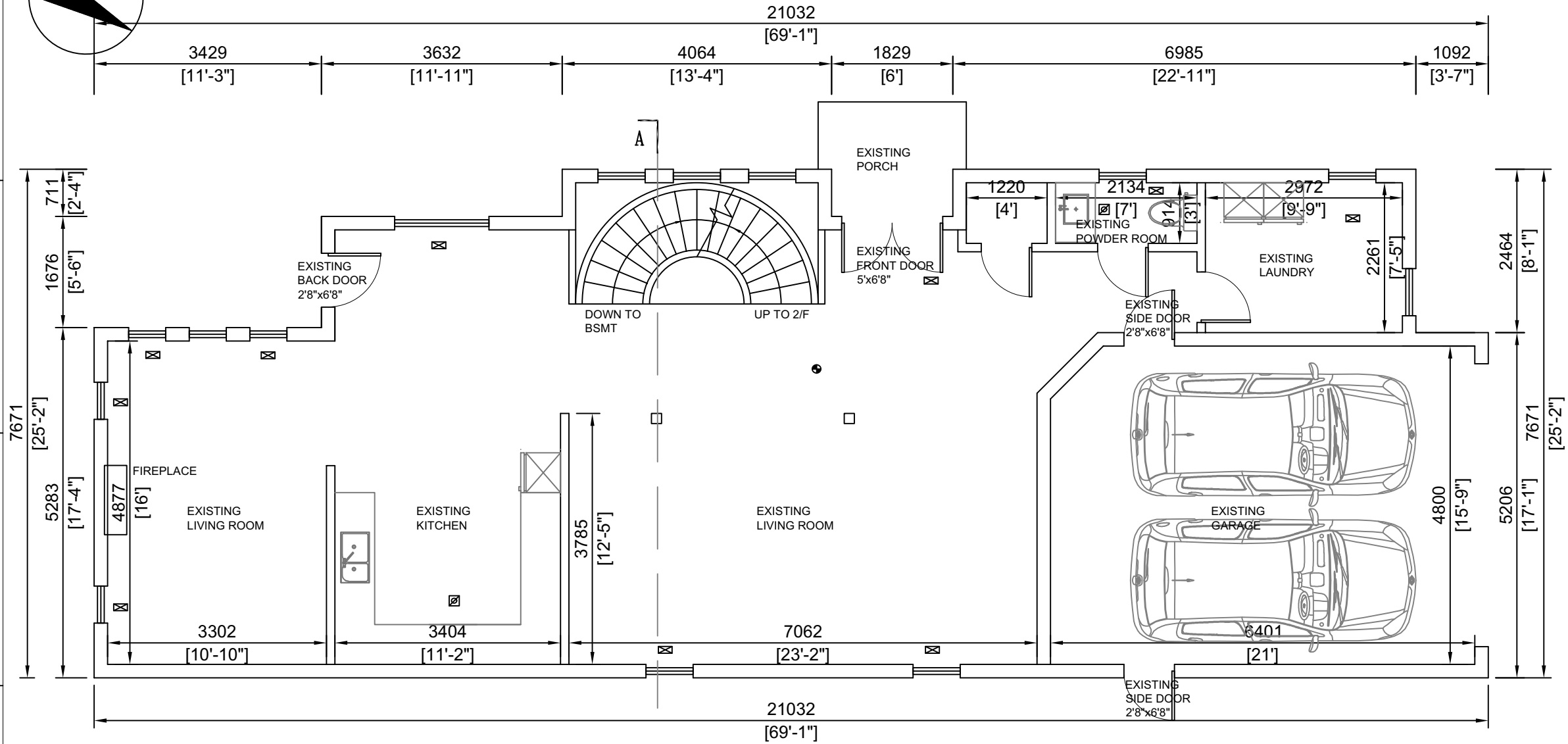
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Appendix B

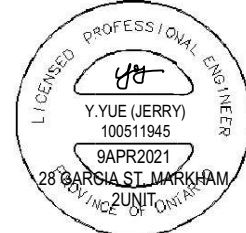
File: 21.119507.000.00.MNV

Date: 02/10/22
MM/DD/YY



EXISTING GROUND FLOOR (137.6SM) HEIGHT=8'2"

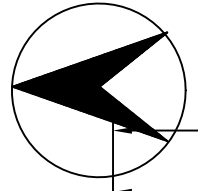
NOTE: THERE IS NO PROPOSED CONSTRUCTION ON GROUND FLOOR.



No.	DATE	DESCRIPTION	BY
A	9APR2021	As per comment.	JY

PROJECT NAME: PROPOSED PROPERTY RENOVATION CONSTRUCTION 28 GARCIA ST MARKHAM, ON (2ND UNIT)		DRAWING TITLE: EXISTING GROUND FLOOR PLAN	
DATE: 22 JAN 2021	SCALE: 1:75	DRAWN BY: JY	
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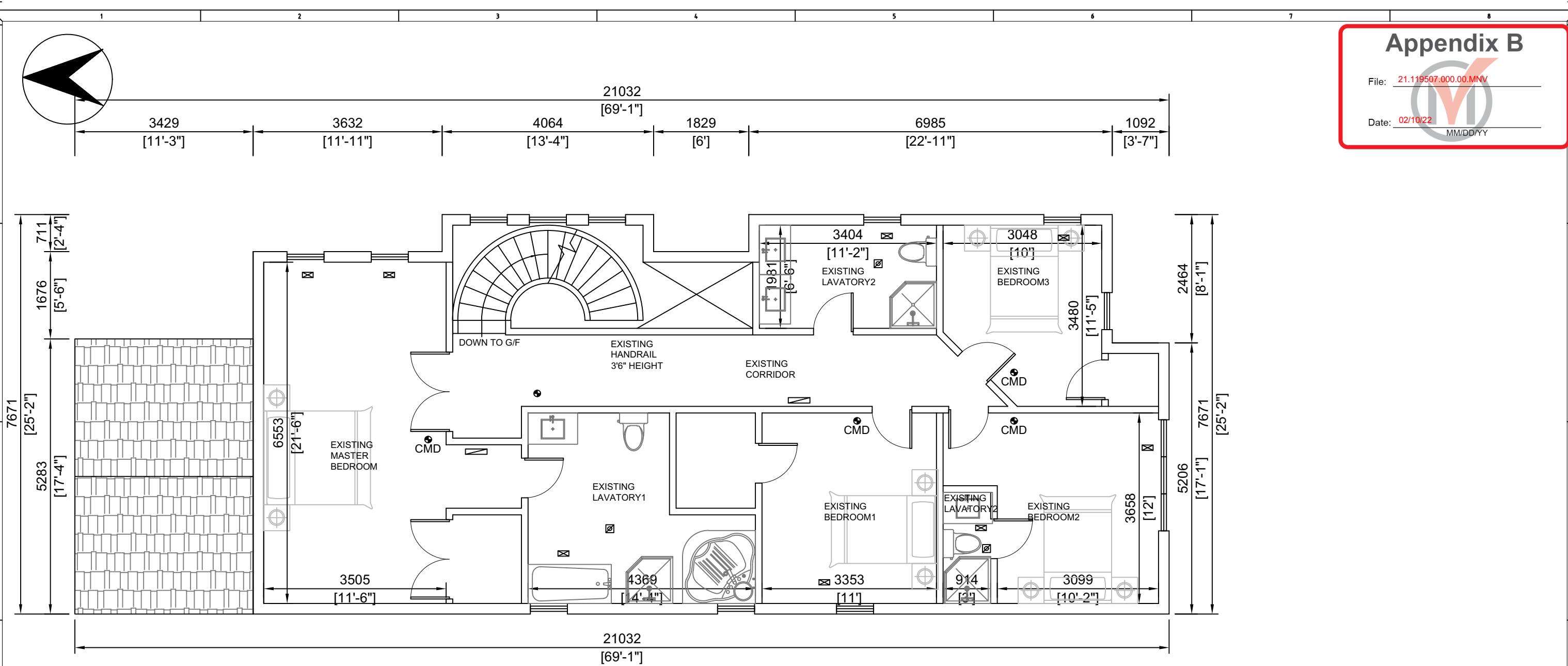


Appendix B

File: 21.119507.000.00.MNV

Date: 02/10/22

MM/DD/YY



EXISTING SECOND FLOOR (137.6SM) HEIGHT=8'

NOTE: THERE IS NO PROPOSED CONSTRUCTION ON GROUND FLOOR.



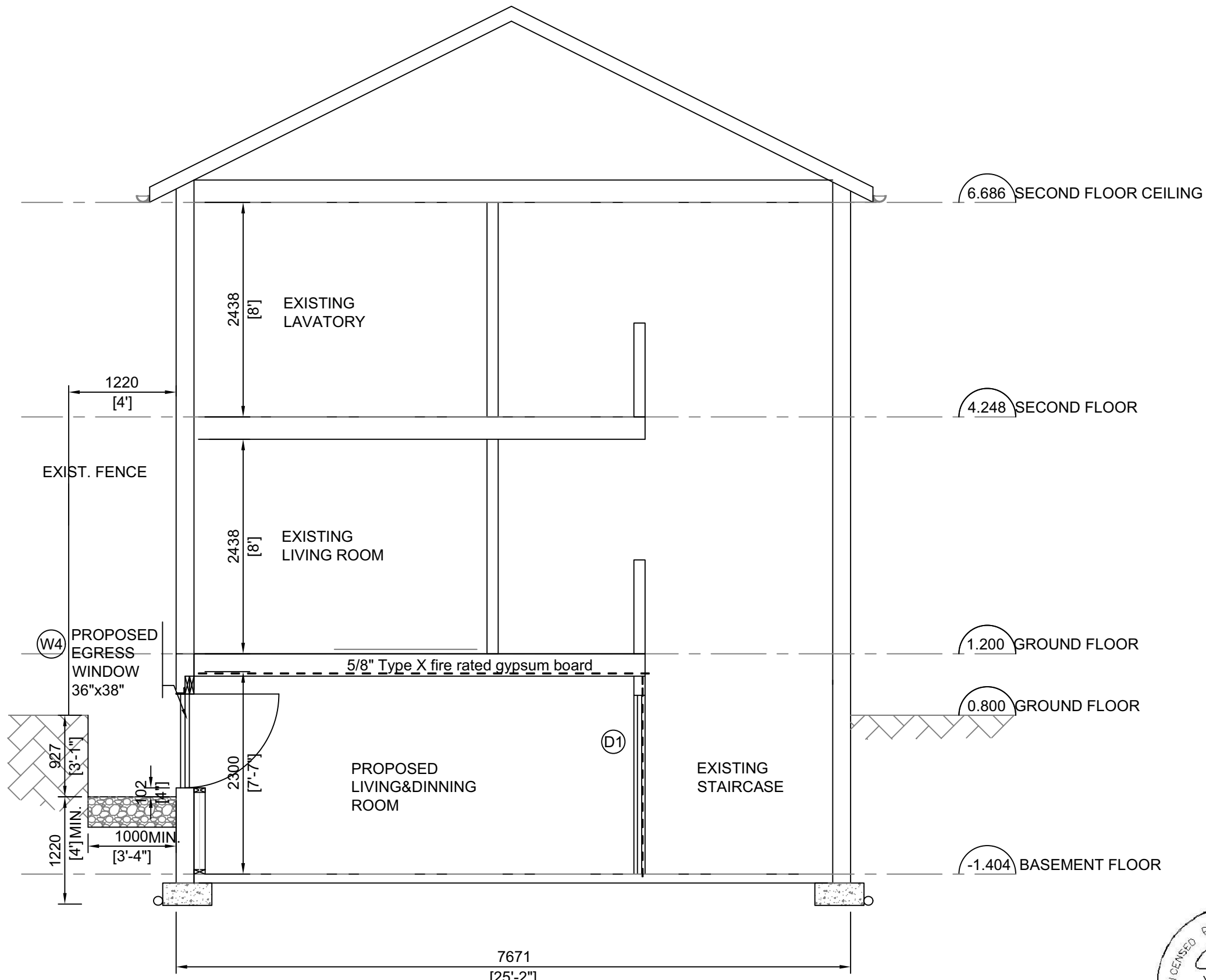
A		9APR2021	As per comment.	JY
No.	DATE	DESCRIPTION		BY
PROJECT NAME:		DRAWING TITLE:		
PROPOSED PROPERTY RENOVATION CONSTRUCTION		EXISTING SECOND FLOOR PLAN		
28 GARCIA ST MARKHAM, ON (2ND UNIT)		DATE: 22 JAN 2021	SCALE: 1:75	DRAWN BY: JY
JOB NUMBER:	DRAWING NUMBER:	REV.		
-	A4	A		

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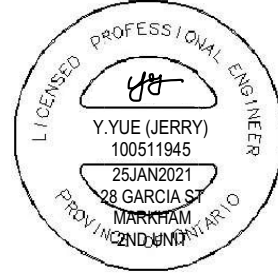
Appendix B

File: 21.119507.000.00.MNV

Date: 02/10/22
MM/DD/YY



PROPOSED CROSS SECTION A-A



No.	DATE	DESCRIPTION	BY

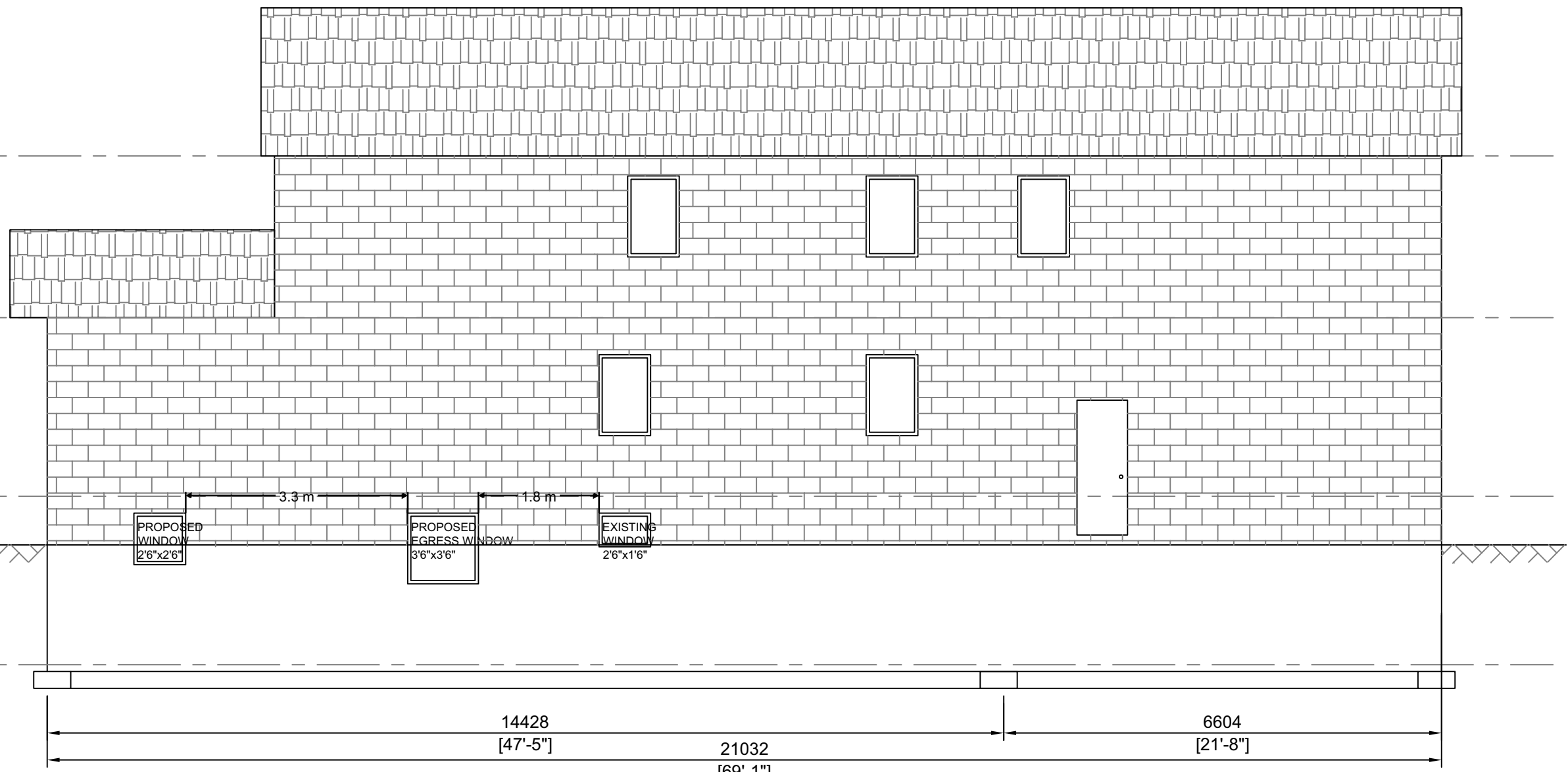
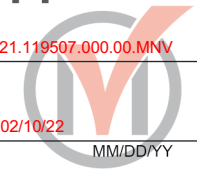
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JOB NUMBER: -	DRAWING NUMBER: A6	REV. -	

Print Time: 3:52pm

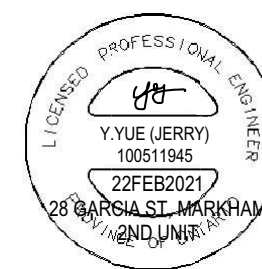
Appendix B

File: 21.119507.000.00.MNV

Date: 02/10/22
MM/DD/YY



PROPOSED SOUTH ELEVATION



No.	DATE	DESCRIPTION	BY

PROJECT NAME: PROPOSED PROPERTY RENOVATION CONSTRUCTION 28 GARCIA ST MARKHAM, ON (2ND UNIT)		DRAWING TITLE: PROPOSED SOUTH ELEVATION	
DATE: 22 JAN 2021	SCALE: 1:75	DRAWN BY: JY	
JOB NUMBER: -	DRAWING NUMBER: A7	REV. -	

Print Time: 9:03pm

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/058/21

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 stamped by the City of Markham on February 10, 2022, 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 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.

CONDITIONS PREPARED BY:



Melissa Leung, Planner, Central District