

Memorandum to the City of Markham Committee of Adjustment

January 13, 2022

File: A/165/21
Address: 28 Charnwood Place – Markham, ON (Thornhill)
Applicant: Yinghong Zhou
Agent: FDL Design and Construction Inc. (Lin Lan)
Hearing Date: January 19, 2022

The following comments are provided on behalf of the West District team.

The applicant is requesting relief from the following “Third Density – Semi-Detached Residential – (RSD3)” zone requirements under By-law 151-75, as amended, as they relate to a new accessory dwelling unit. The variances requested are to permit:

a) Parking By-law 28-97, Sec. 6.2.4.2 b)i)a):

a maximum driveway width of 5.50 m (18.05 ft), whereas the by-law permits a maximum driveway width of 4.50 m (14.76 ft); and

b) By-law 151-75, Sec. 6.1:

an accessory dwelling unit (basement apartment), whereas the by-law does not permit the use.

PROPERTY DESCRIPTION

The 301.01 m² (3,240.0 ft²) subject property is located on the north side of Charnwood Place, east of Bayview Avenue, south of Willowbrook Road, and west of Huntington Park. According to City records, there is an existing semi-detached dwelling, with an attached one-car garage on the property. The property is located within a residential neighbourhood comprised of a mix of two-storey detached and semi-detached dwellings, in relative proximity to bus stops, commercial uses along Bayview Avenue, and open space.

PROPOSAL

The applicant is requesting permission for an accessory dwelling unit to be located in the existing dwelling. The proposed accessory dwelling unit would have direct and separate access provided by an existing door and walk up stairs at the north side (rear) of the building. The applicant is also proposing a driveway widening, to meet the total requirement of three parking spaces.

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 (PPS)

Section 1.4.3 of the PPS, 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, 2020 (Growth Plan)

Sections 2.2.1.4 (c), and 2.2.6 a) i. of the Growth Plan 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 semi-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 151-75

The subject property is zoned “Third Density – Semi-Detached Residential (RSD3)” under By-law 151-75, as amended, which permits one semi-detached dwelling per lot.

Parking Standards By-law 28-97

The proposed development would not comply with the Parking By-law with respect to the maximum driveway width.

ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN

The applicant completed a ZPR on October 18, 2021 to confirm the variances required for the proposed development.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (the "Committee"):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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 Suite

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 Official Plan for the establishment of a secondary suite, and are in support the approval of the requested variance.

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.

Increase in Maximum Driveway Width

Staff do not typically support variances to allow driveway widening's on residential properties, as the intent of regulating driveway widths is to minimize the total amount of hard surface driveway area, and to maintain soft landscaping areas as a component of a residential streetscape. The By-law permits a maximum driveway width that is equal to the garage door width plus 2.0 m (6.56 ft), provided a minimum of 25.0% soft landscaping in the front yard is met for properties having a lot frontage of less than 10.10 m (33.14 ft). Therefore, a maximum driveway width of 4.50 m (14.76 ft) is permitted, and the applicant is requesting an additional widening of 1.0 m (3.28 ft). Approval of the requested variance would result in increased hard surface for the driveway area, which these provisions intend to limit; however, staff acknowledge that approval of the driveway expansion would allow for three full sized parking spaces (one in the garage, and two on the driveway), while the proposed development meets the minimum soft landscaping requirement.

If the requested variance is denied, a driveway width of 4.50 m (14.76 ft) is permitted which would accommodate two full sized parking spaces (one in the garage, and one on the driveway). Therefore, to accommodate the proposed secondary suite, staff note that a variance to permit two parking spaces would be required, whereas the By-law requires a

minimum of three parking spaces. The *Planning Act* requires notice to the public of any additional variances requested. Staff recommend that the Committee satisfy themselves as to whether the requested variance meets the four tests of the *Planning Act*.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 10, 2022. It is noted that additional information may be received after the writing of this 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*, and support the approval of the secondary suite. With respect to the proposed driveway widening, staff recommend that the Committee consider public input, and satisfy themselves as to whether the four tests are met. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

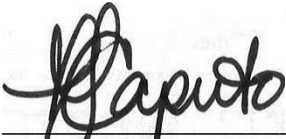
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Mary Caputo, Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/165/21

1. The variance applies only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, 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.

CONDITIONS PREPARED BY:



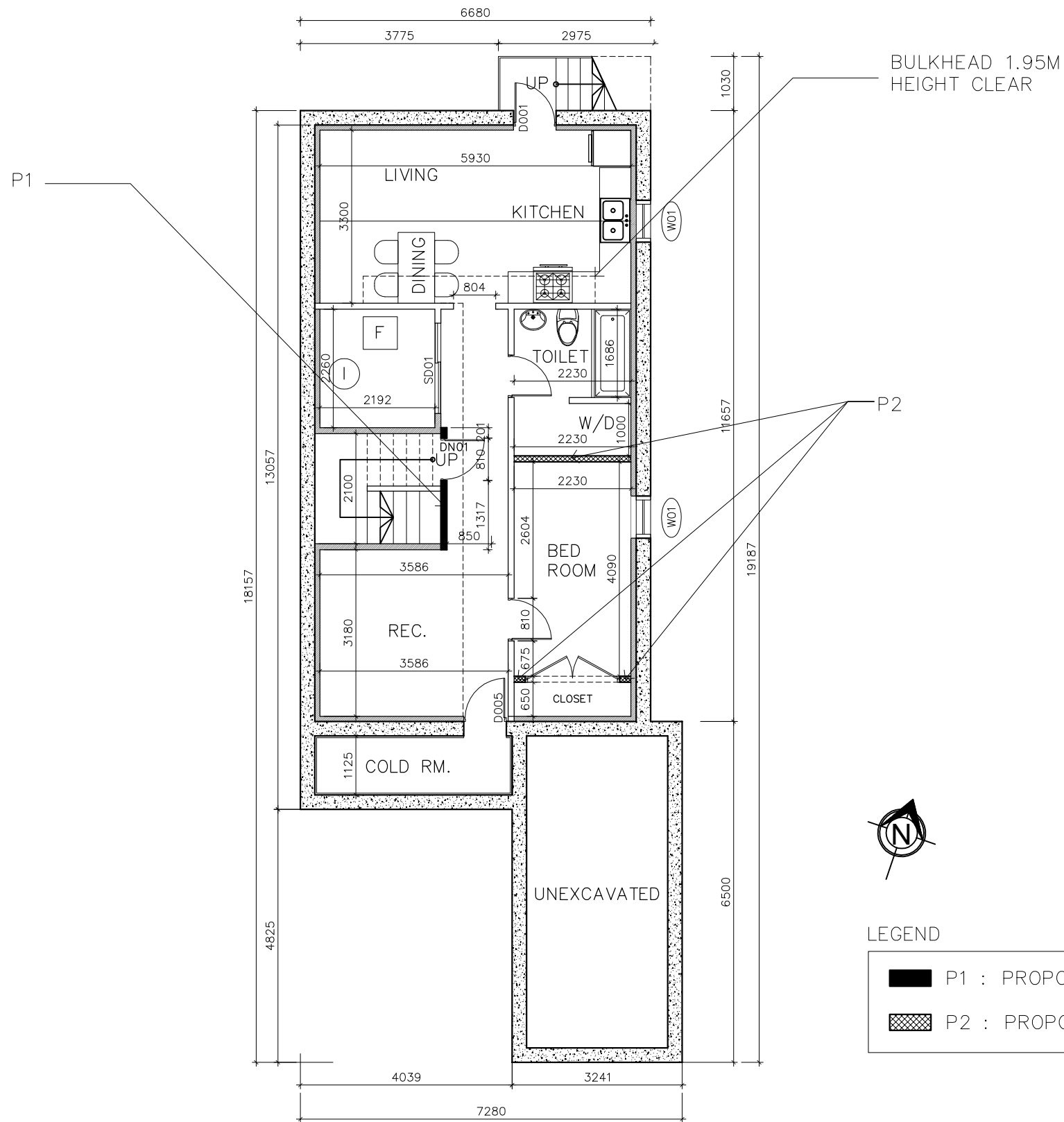
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/165/21

Appendix B

File: 21.142721.000.00.MNV

Date: 01/14/22
MM/DD/YY




LEGEND

- P1 : PROPOSED NEW FIRE RATED WALL
- P2 : PROPOSED NEW PARTITION WALL

PROPOSED BASEMENT FLOOR PLAN (SECONDARY UNIT)
 (NO ALTERATIONS, EXCEPT AS NOTED) AREA = 85.75 SQM
 SCALE 1:100

O 1	ISSUED FOR COMMITTEE OF ADJUSTMENT	09/28/21
No.	Revision/Issue	Date

Firm Name and Address



FDL Design & Construction Inc.
 100 Consilium Place, Suit 200
 Toronto, ON M1H 3E3
 Tel: 416.668.9810

Project Name and Address

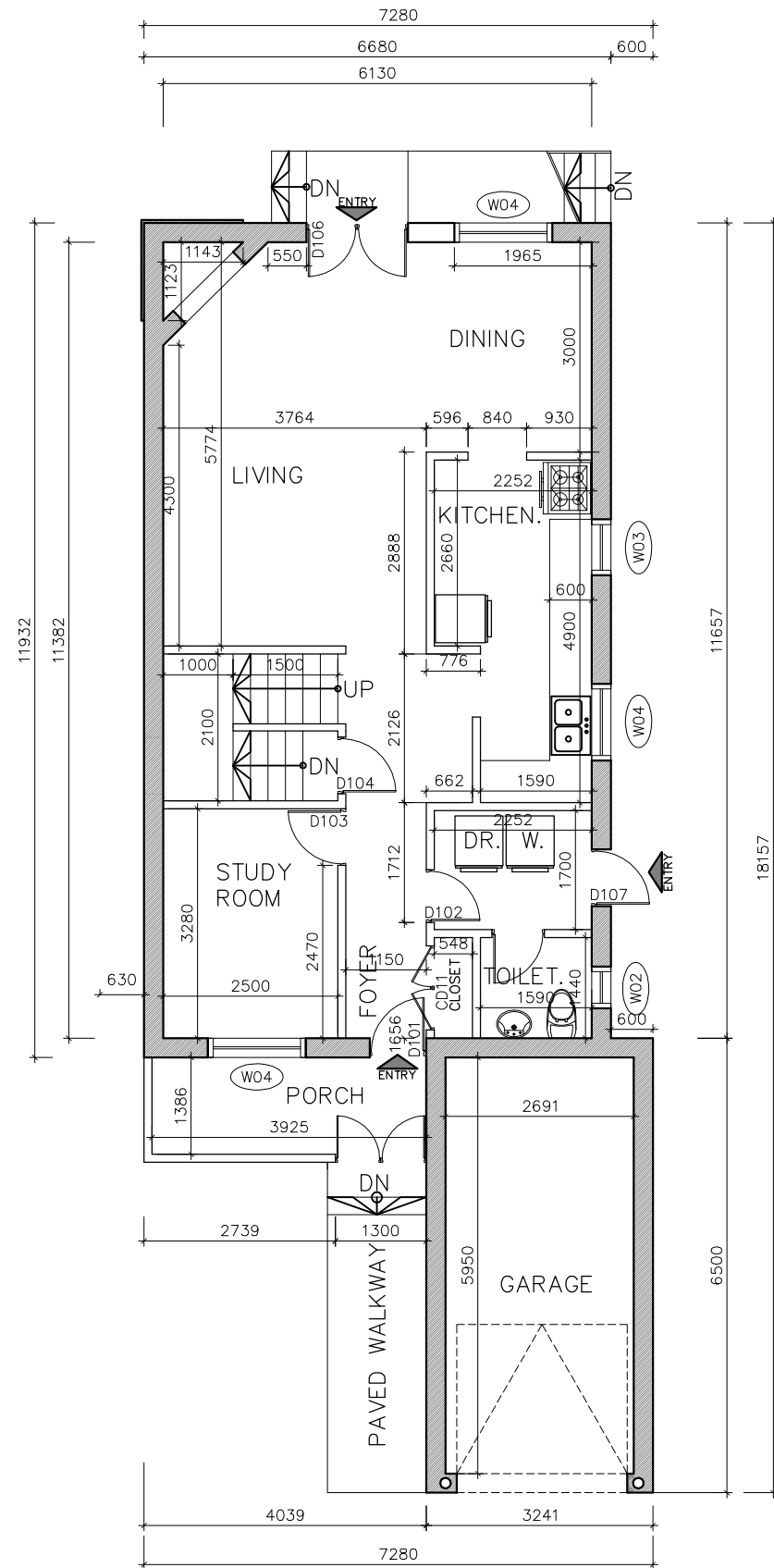
PROPOSED BASEMENT
 SECONDARY UNIT
 28 CHARNWOOD PL.
 MARKHAM, ONTARIO.

Drawing Title	
PROPOSED BASEMENT PLAN	
Scale	Date
As Noted	28.09.21
Drawing Number	
A1.03	

Appendix B

File: 21.142721.000.00.MNV

Date: 01/14/22
MM/DD/YY



EXISTING GROUND FLOOR PLAN

(NO ALTERATIONS, PART OF MAIN DWELLING UNIT)
AREA = 79.71 SQM (EXCLUDING GARAGE AND PORCH)

SCALE 1:100

01	ISSUED FOR COMMITTEE OF ADJUSTMENT	09/28/21
No.	Revision/Issue	Date

Firm Name and Address
FDL
DESIGN & CONSTRUCTION
FDL Design & Construction Inc.
 100 Constium Place, Suit 200
 Toronto, ON M1H 3E3
 Tel: 416.668.9810

Project Name and Address
 PROPOSED BASEMENT
 SECONDARY UNIT
 28 CHARNWOOD PL.
 MARKHAM, ONTARIO.

Drawing Title EX. GROUND FLOOR PLAN	
Scale As Noted	Date 28.09.21
Drawing Number A1.04	