

Memorandum to the City of Markham Committee of Adjustment

March 18, 2021

File: A/006/21
Address: 503 Caboto Trail, Markham
Applicant: Homera Shireen and Irfan Dar
Agent: Spatial Concepts Inc. (Jamshaid Durrani)
Hearing Date: Wednesday March 24, 2021

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

The applicant is requesting relief from the following “Residential Two (R2*30)” zone requirements under By-law 177-96, as amended, to permit:

a) Section 6.5:

a Second Dwelling Unit, whereas the By-law permits no more than one dwelling unit on a lot;

b) Parking By-law 28-97, Section 3.0, Table A:

a minimum of two (2) parking spaces, whereas a minimum of three (3) parking spaces is required;

as it related to a proposed basement apartment unit.

BACKGROUND

Property Description

The 331.0 m² (3,562.85 ft²) subject property is located on the south side of Caboto Trail, north of Highway 407 and east of Glenbar Gardens (see Appendix A – Location Map). The property is located within an established residential neighbourhood comprised of two-storey semi-detached dwellings. There is an existing two-storey, 160.4 m² (1,726.53 ft²), semi-detached dwelling on the property, which according to assessment records was constructed in 2003.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling (see Appendix B – Proposed Plans). The proposed secondary suite would have direct and separate access provided by a proposed door and exterior stairs on the west side of the building.

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* to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse 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 option including second units to support complete communities.

Official Plan and Zoning

2014 Official Plan (partially approved on November 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 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 tenure by providing for the establishment of secondary suites within existing and new permitted dwelling types 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

The subject property is zoned “Residential Two (R2*30)” under By-law 177-96, as amended, which permits single detached, semi-detached, duplex, triplex, fourplex, and

townhouse dwellings. Exception 30 (denoted by the symbol *30) relates to detached private garages and garage access which is not relevant to this variance application.

Parking Standards By-law 28-97

The proposed secondary suite also does not comply with the standards of the City's Parking Standards By-law 28-97, as amended, with respect to the number of required parking spaces. Further details of the parking requirement is provided in the comment section below.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on January 13, 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

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, 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 and support its approval.

Reduced Parking Spaces

The City's Parking Standards By-law 28-97, as amended, 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 provides a total 2 parking spaces.

Requiring an additional parking space will result in changes to the property, including a reduction in soft landscaping and an increase in hard surface area in the front yard, which could result in potential negative impacts. Staff are of the opinion that the proposed parking reduction would be "self-regulating" as the unit would only be of interest to an occupant that does not require a parking space. The applicant should be aware that overnight parking is not permitted on Caboto Trail and violators would be ticketed nightly.

Staff do not anticipate any adverse impacts with respect to the proposed reduction and have no objection.

TREE PRESERVATION COMMENTS

Tree Preservation has reviewed the proposal and has no objection provided that the Owner installs tree protection zone barriers as per City standards for two City trees located in the front yard, as it relates to the access and storage of materials during construction.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 18, 2021. 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 requested variances meets the four tests of the *Planning Act* and have no objections. 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.

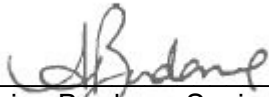
Please see Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Planner, Central District

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District

File Path: Amanda\File\ 21 103336 \Documents\District Team Comments Memo

APPENDICES:

- Appendix A – Aerial Photo
- Appendix B – Architectural plans
- Appendix C - Conditions



Legend

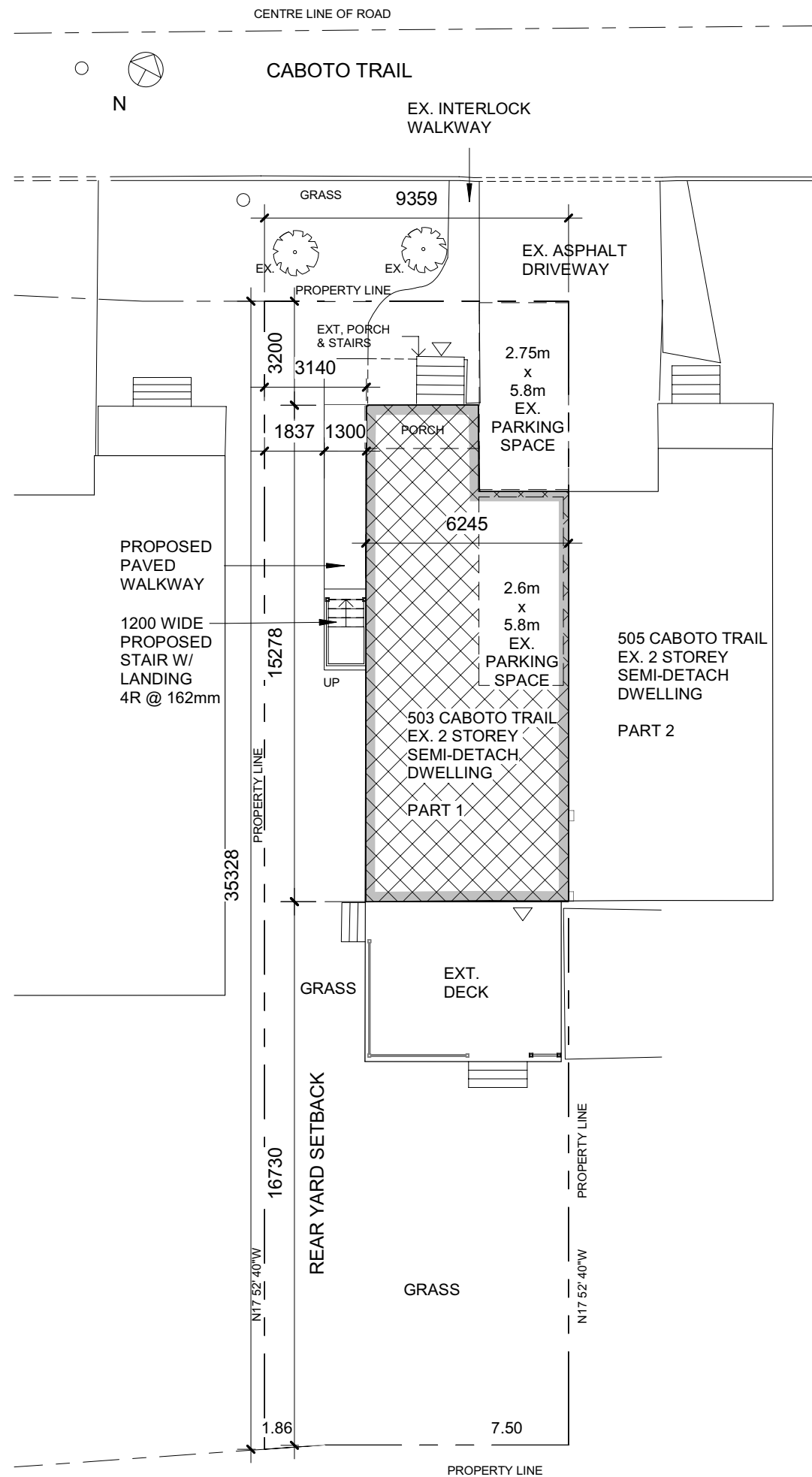
- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities
- Parks
 - <all other values>
 - Under Development

1: 1,128



57.3 0 28.65 57.3 Meters

Notes



Appendix B

File: 21.103336.000.00.MNV

Date: 03/15/21

MM/DD/YY

SITE STATISTICS

Property Information	503 CABOTO TRAIL, MARKHAM ONTARIO
Zoning Description	R1-C -Zone Standards Residential (By-law 177-96)
Lot Area Total	331 sqm (3563 Sq.ft)

SITE DATA1

Setbacks	Permitted as per Zoning BY-LAWS	Existing
Lot Area		331 sq, m
Front yard	3.0m	3.2 m
Rear yard	14.8	16.730 m
West side yard	1.2m	3.140m
Lot frontage		9.36m
Lot depth		33.33m

PROJECT DATA

DESCRIPTION	AREA
SITE	331 sq.m.
LANDSCAPE	176 sq.m. (53%)
GROSS FLOOR AREA	160.24 sq.m.
GROUND FLOOR	84.24sq.m.
SECOND FLOOR	68.25 sq.m.
FIN. BASEMENT	56.74 sq.m

REGISTERED PLAN 65M-3593 LOT 1
TOWN OF MARKHAM, REGIONAL MUNICIPALITY
OF YORK

LOT AREA	
331 sqm (3563 Sq.ft)	
LOT FRONTAGE	LOT DEPTH
9.36 m (30' 7"ft)	35.33 m (116' 0"ft)

Issued record		
No.	Description	Date

SPATIAL | CONCEPTS

ARCHITECTURE AND INTERIOR DESIGN

126 SWEENEY DRIVE
TORONTO , ON M4A 1T9

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E: info@spatialconcepts.ca
T: 416.262.6134

NORTH

Owner

Project number 2010

503 CABOTO TRAIL
MARKHAM, ONT
L3R 5S2

SITE PLAN

Scale 1 : 175

A1.1

Appendix B

File: 21.103336.000.00.MNV

Date: 03/15/21
MM/DD/YY

Abbreviations

DW	Dish washer
EP	Electrical panel
FR	Furnace
MR	Mirror
REF	Refrigerator
SH	Shower
TD	Tissue dispenser
W/D	Washer/Dryer
W/R	Wash room
WH	Water heater

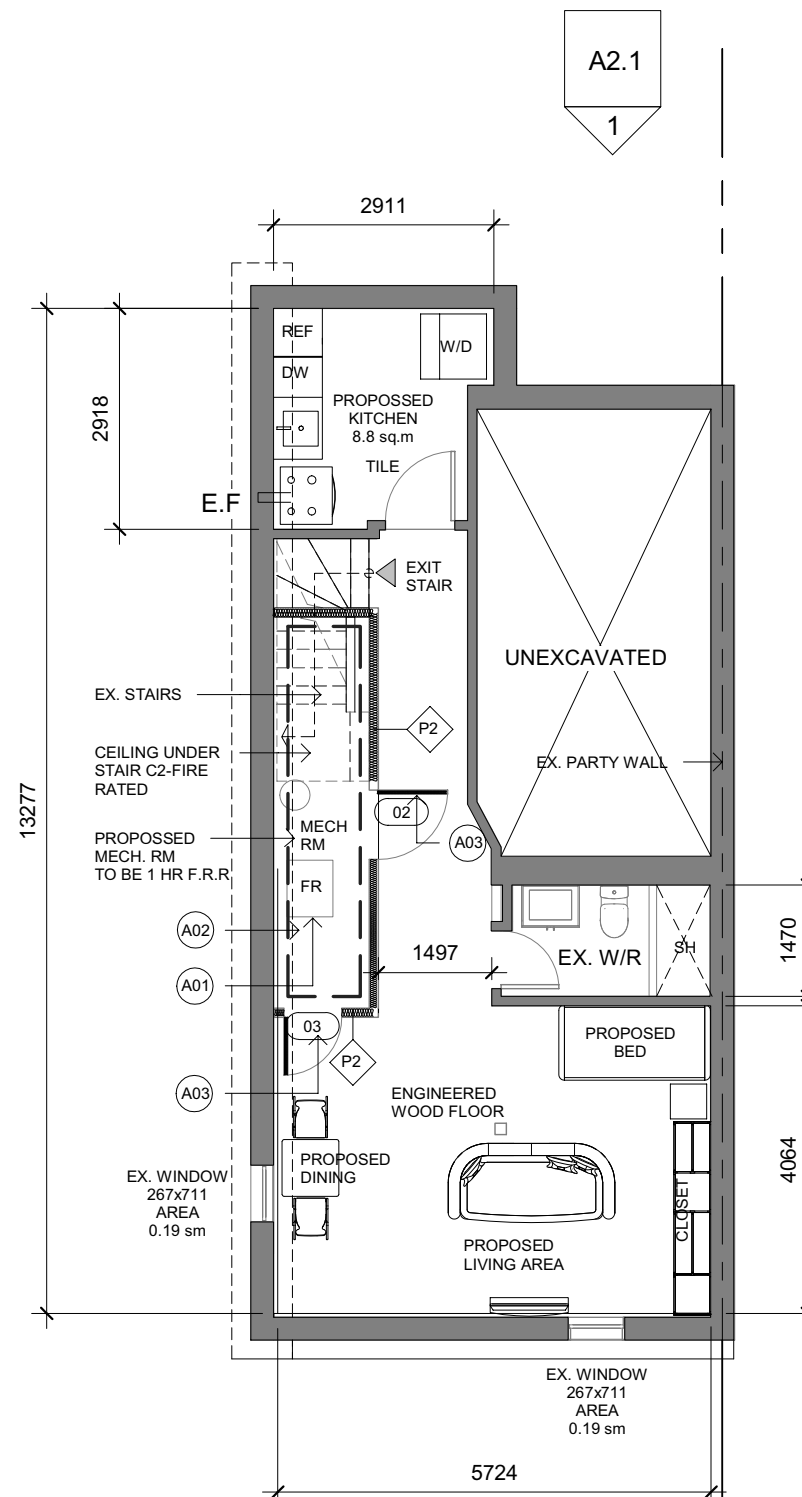
AREA LEGEND

Floor Type	Area - m2	Area - ft2
1. Ground Floor	83.23	895.88
2. Second Floor	67.37	724.94
3. Basement	43.26	465.64
4. Common Mech room	6.47	69.64
5. Basement Stairs	4.41	47.46

ROOM NAME	COMBINED AREA	WINDOW AREA
BEDROOM / DINING AREA / LIVING AREA	24 SM	0.38 SM

KEY NOTE

A01	Provide the furnace with a relay to shut down the furnace blower fan and gas valve if the smoke alarm is activated
A02	equip the heat and cold air return in the basement apartment with fire dampers where they penetrate the wall or ceiling membrane
A03	Self closing fire rated installed in hollow metal or solid wood frames
A04	Demolish existing wall (Refer to Ground Floor).



1 BASEMENT PROPOSED
A1.6 Scale: 1 : 100

Issued record

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L3R 5S2

**PROPOSED
BASEMENT**

Scale 1 : 100

A1.6

Appendix B

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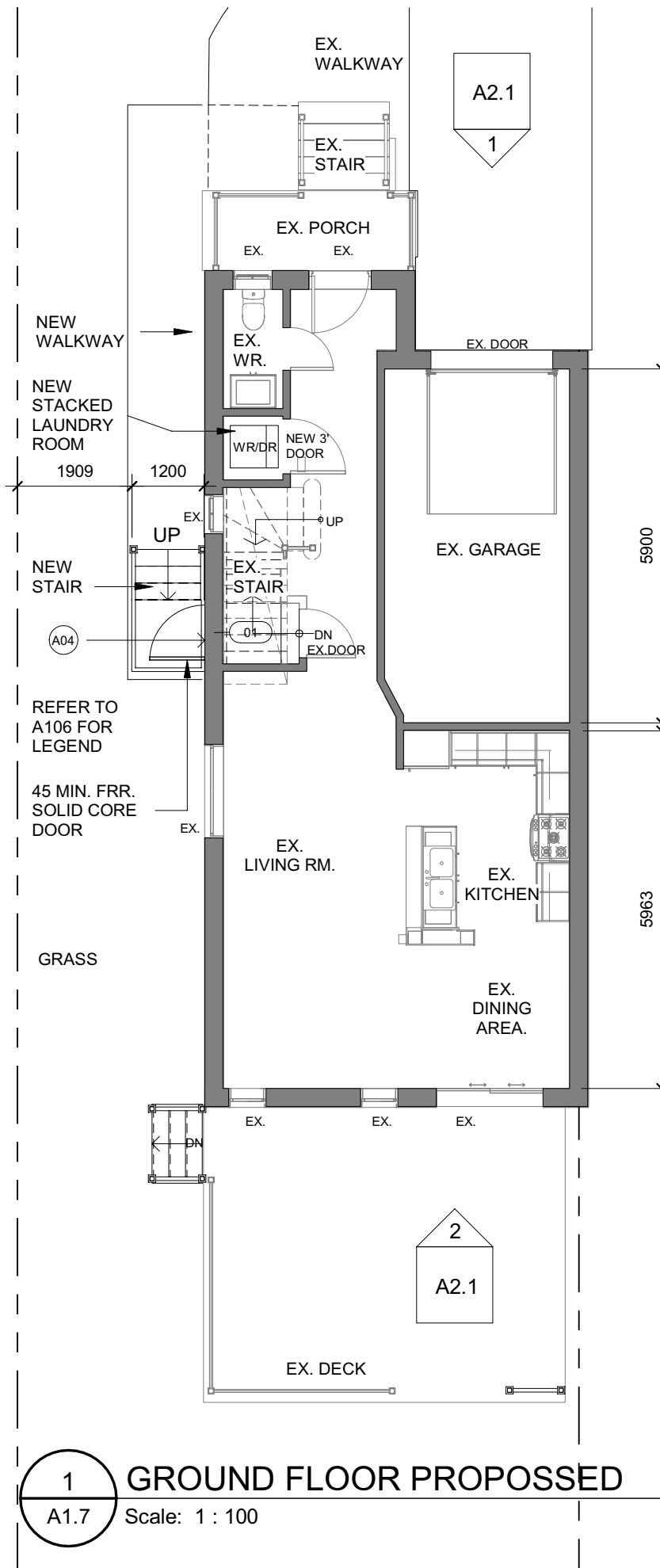
Owner

Project number 2010

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L3R 5S2

PROPOSED GROUND FLOOR

A1.7



1 GROUND FLOOR PROPOSED
A1.7 Scale: 1 : 100

Appendix B

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MARKHAM, ONT
L3R 5S2

NORTH & SOUTH ELEVATIONS

A2.1



2 South
A2.1 Scale: 1 : 75

1 North
A2.1 Scale: 1 : 75

Appendix B

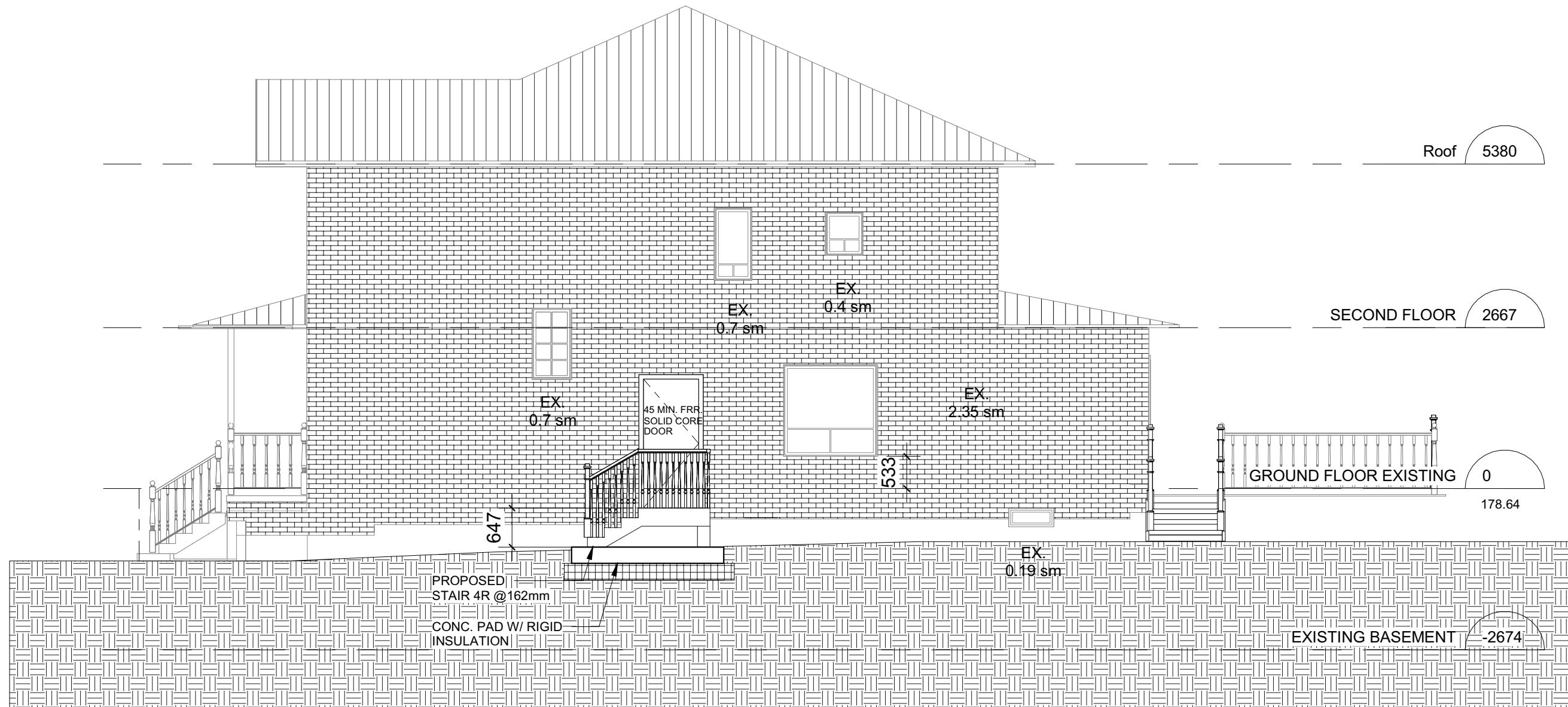
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Date: 03/15/21
MM/DD/YY

WEST ELEVATION

UNPROTECTED OPENINGS

WALL AREA: 94.24 Sq.m
 LIMITING DISTANCE: 3.14m
 MAX. ALLOWABLE OPENINGS: 7%
 TOTAL OPENINGS PROVIDED: 4.7%



Issued record

No.	Description	Date

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NORTH

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Project number 2010

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 L3R 5S2

WEST ELEVATION

Scale 1 : 75

A2.2

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/006/21

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 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 prior to the commencement of construction or demolition, tree protection be erected and maintained around the two City trees located in the front yard in accordance with the City's Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation Technician or Director of Operations.

CONDITIONS PREPARED BY:



Melissa Leung, Planner, Central District