

Memorandum to the City of Markham Committee of Adjustment

March 16, 2021

File: A/014/21
Address: 9 Geddington Crescent – Markham, ON
Applicant: Thiyagarajah Uthayachandrika
Agent: Intequa Designs
Hearing Date: March 24, 2021

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

The applicant is requesting relief from the following “Residential Two Exception (R2*222*224*322)” requirements of By-law 177-96, as amended, as it relates to an existing secondary suite located in the basement (basement apartment) of the dwelling. The applicant is requesting the following variance:

a) By-law 177-96, Sec. 6.5:

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

BACKGROUND

Property Description

The 345.60 m² (3,720.0 ft²) subject property is located on the south side of Geddington Crescent, south of Copper Creek drive, and west of Donald Cousens Parkway. The property is developed with an existing two-storey single detached dwelling. The subject property can provide vehicle parking for up to four cars within a two-car garage and on a two-car driveway that accesses Geddington Crescent. The property is located within an established residential neighbourhood which contains a mix of two-storey detached and townhouse dwellings.

Proposal

The applicant is requesting permission for a secondary suite to be located in the basement of the existing dwelling. The proposal includes a new egress window at the south side (rear) of the building. The proposed secondary suite would have direct and separate access provided by an existing door on the east side of the building. No other changes are being proposed to the exterior of the dwelling or the property.

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

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 177-96

The subject property is zoned “Residential Two Exception (R2*222*224*322)” under By-law 177-96, as amended, which provides for various low rise residential forms including: single detached, semi-detached, duplex, triplex, fourplex, or townhouse dwellings.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a ZPR has not been conducted. However the applicant has received comments from the building department through their building permit review to confirm the variances required for this 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 (“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 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. As noted, the property can accommodate on-site parking for up to four vehicles, which provides sufficient parking for both the main dwelling and proposed accessory unit, as required by the City of Markham Parking Standards By-law 28-97, as amended. 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 therefore have no objections.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 16, 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 variance meets the four tests of the *Planning Act* and support its approval. Staff recommend that the Committee consider public input in reaching a decision.

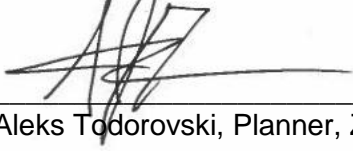
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances. Please see Appendix “A” for conditions to be attached to any approval of this application.

APPENDICES

Appendix “A” – Conditions of Approval

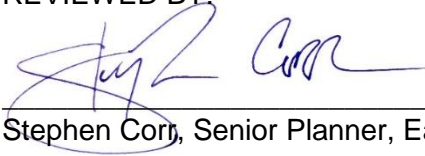
Appendix “B” – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



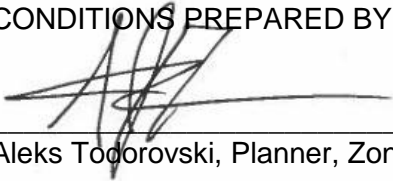
Stephen Corr, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/014/21

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 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:



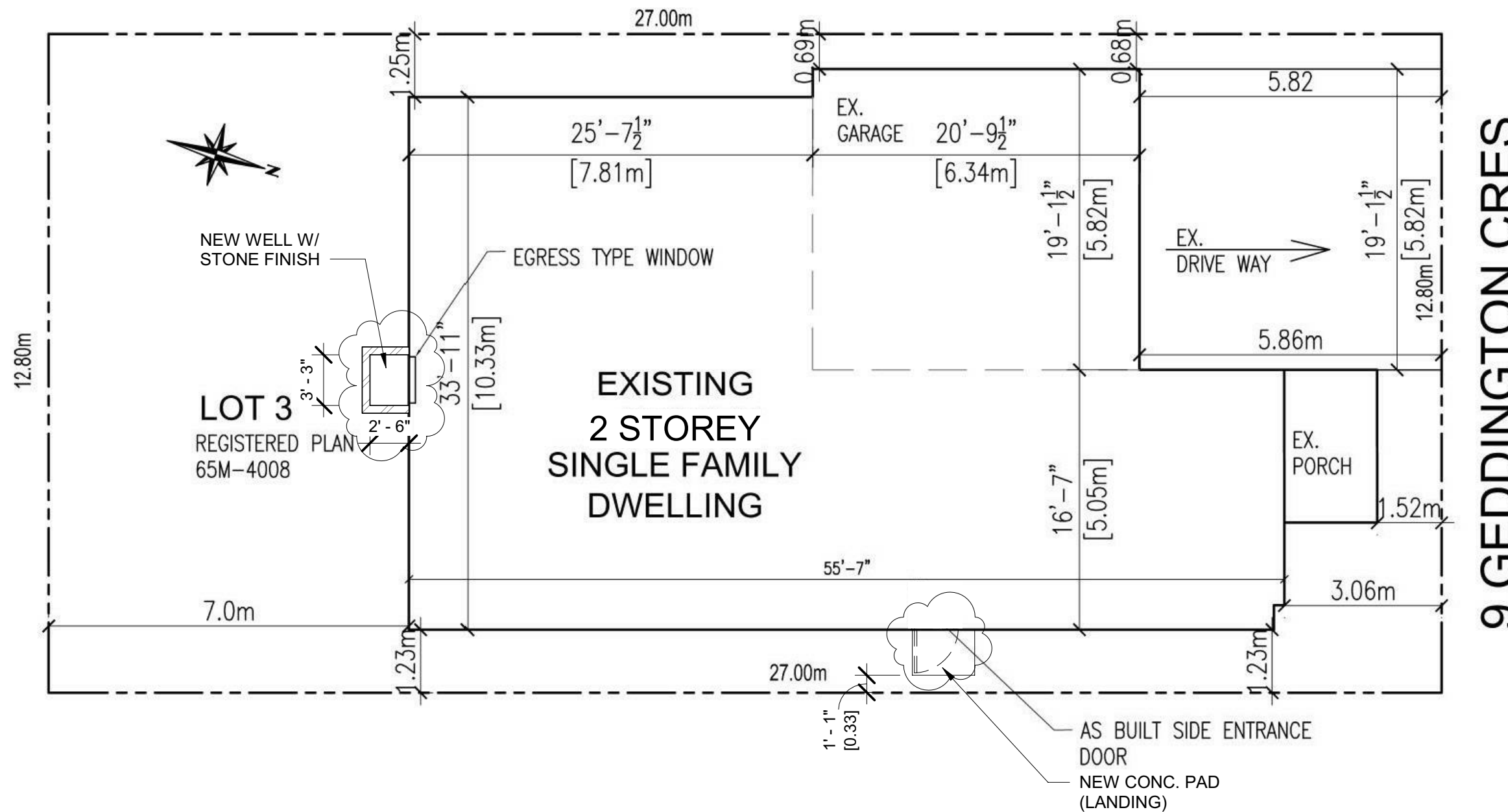
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/014/21

Appendix B

File: 21.104564.000.00.MNV

Date: 03/19/21
MM/DD/YY



9 GEDDINGTON CRES

1 EXISTING SITE PLAN
1/8" = 1'-0"



**SECONDARY SUITE @
9 Geddington Crescent**

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Qualification Information
Required unless design exempt under Div. C Part 3, 3.2.5.1. of the Building Code.

ALAM MAKUR
Name Signature BCIN

Registration Information
Required unless design is exempt under Div. C Part 3, 3.2.4.1. of the Building Code.

INTEQUA DESIGNS
Firm Name BCIN

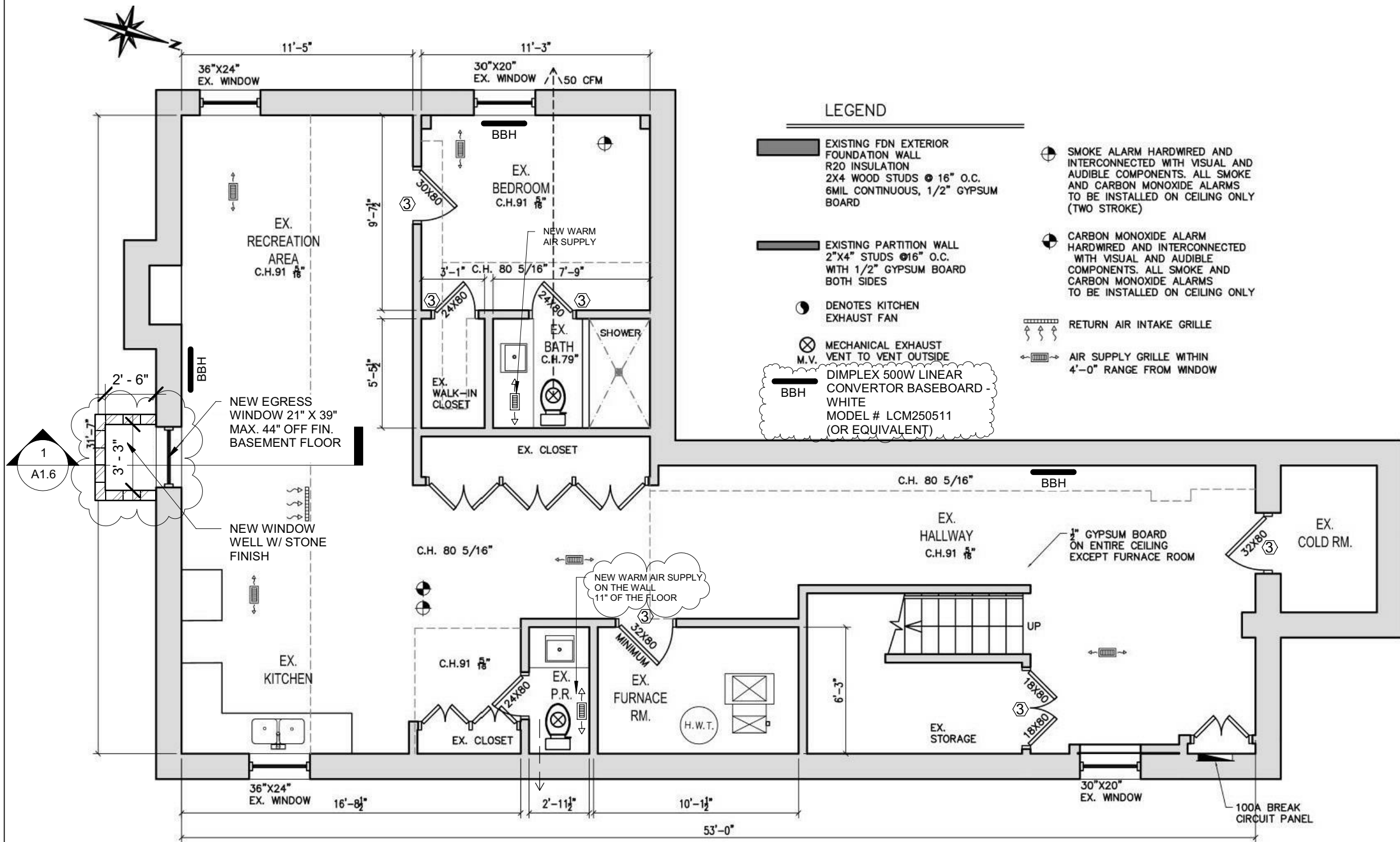
No.	Description	Date
1	Revision 1	Date 1

EXISTING SITE PLAN		A1.0
Project number	0083	
Date	2021-02-02	
Drawn by	AM	
Checked by	DM	
Scale 1/8" = 1'-0"		

Appendix B

File: 21.104564.000.00.MNV

Date: 03/19/21
MM/DD/YY



1 EXISTING FINISHED BASEMENT FLOOR PLAN
3/16" = 1'-0"

NOTES	
①	EXISTING WINDOW
②	EXISTING DOOR
③	EXISTING GAP BENEATH DOORS



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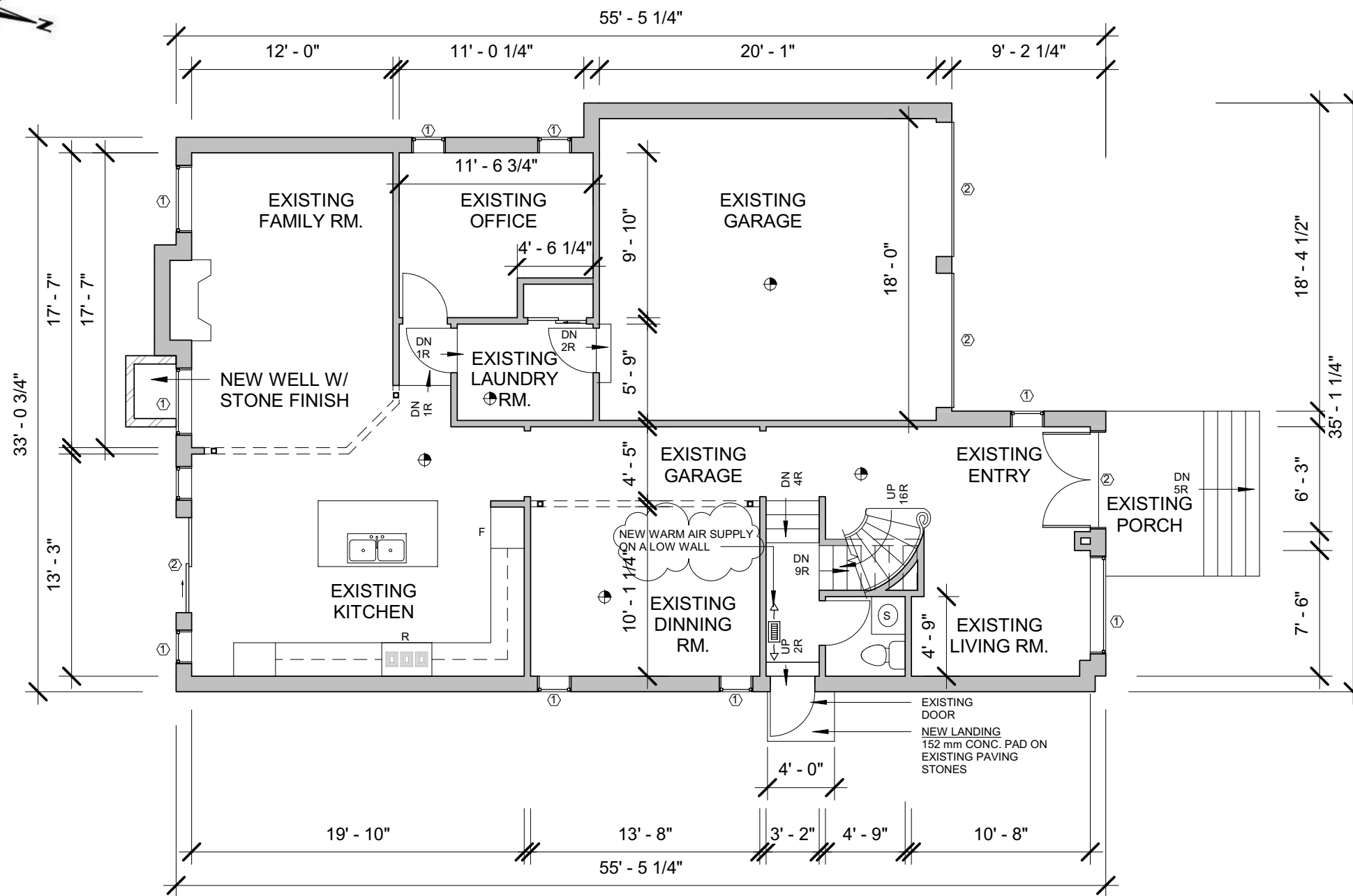
ALAM MAKUR
Name Signature BCIN

Registration Information
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INTEQUA DESIGNS
Firm Name BCIN

No.	Description	Date
1	Revision 1	Date 1

EX. FINISHED BASEMENT PLAN		
Project number	0083	<h1>A1.1</h1> <p>Scale 3/16" = 1'-0"</p>
Date	2021-02-02	
Drawn by	AM	
Checked by	DM	



Appendix B

File: 21.104564.000.00.MNV

Date: 03/19/21

MM/DD/YY

1 EXISTING GROUND FLOOR PLAN

1/8" = 1'-0"

NOTES	
①	EXISTING WINDOW
②	EXISTING DOOR
③	EXISTING GAP BENEATH DOORS



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INTEQUA DESIGNS BCIN
Firm Name BCIN

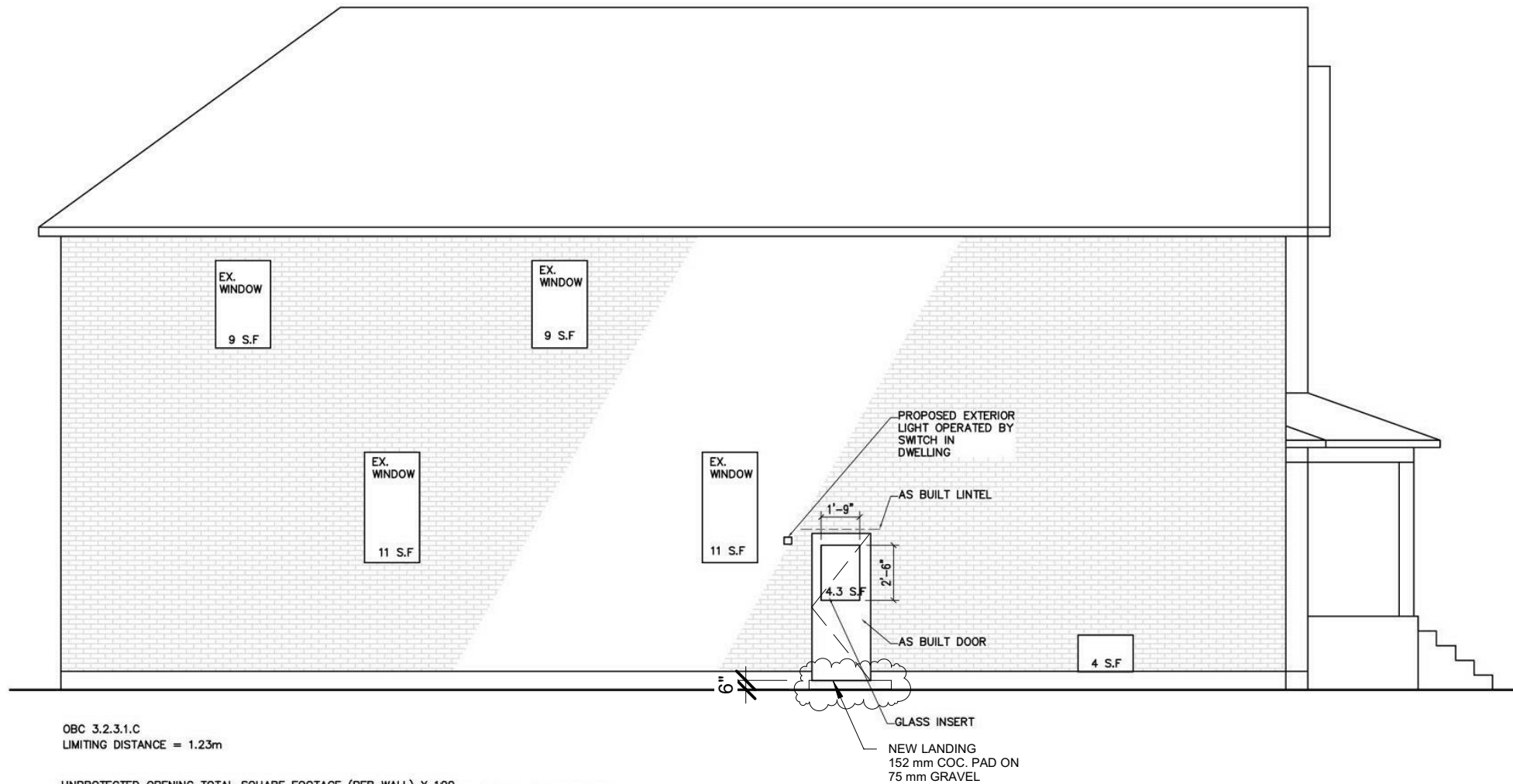
No.	Description	Date
1	Revision 1	Date 1

EXISTING GROUND FLOOR		
Project number	0083	A1.5
Date	2021-02-02	
Drawn by	AM	
Checked by	DM	
		Scale As indicated

Appendix B

File: 21.104564.000.00.MNV

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1 AS BUILT EAST ELEVATION

1 : 100



SECONDARY SUITE @
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 INTEQUA DESIGNS
 Firm Name BCIN

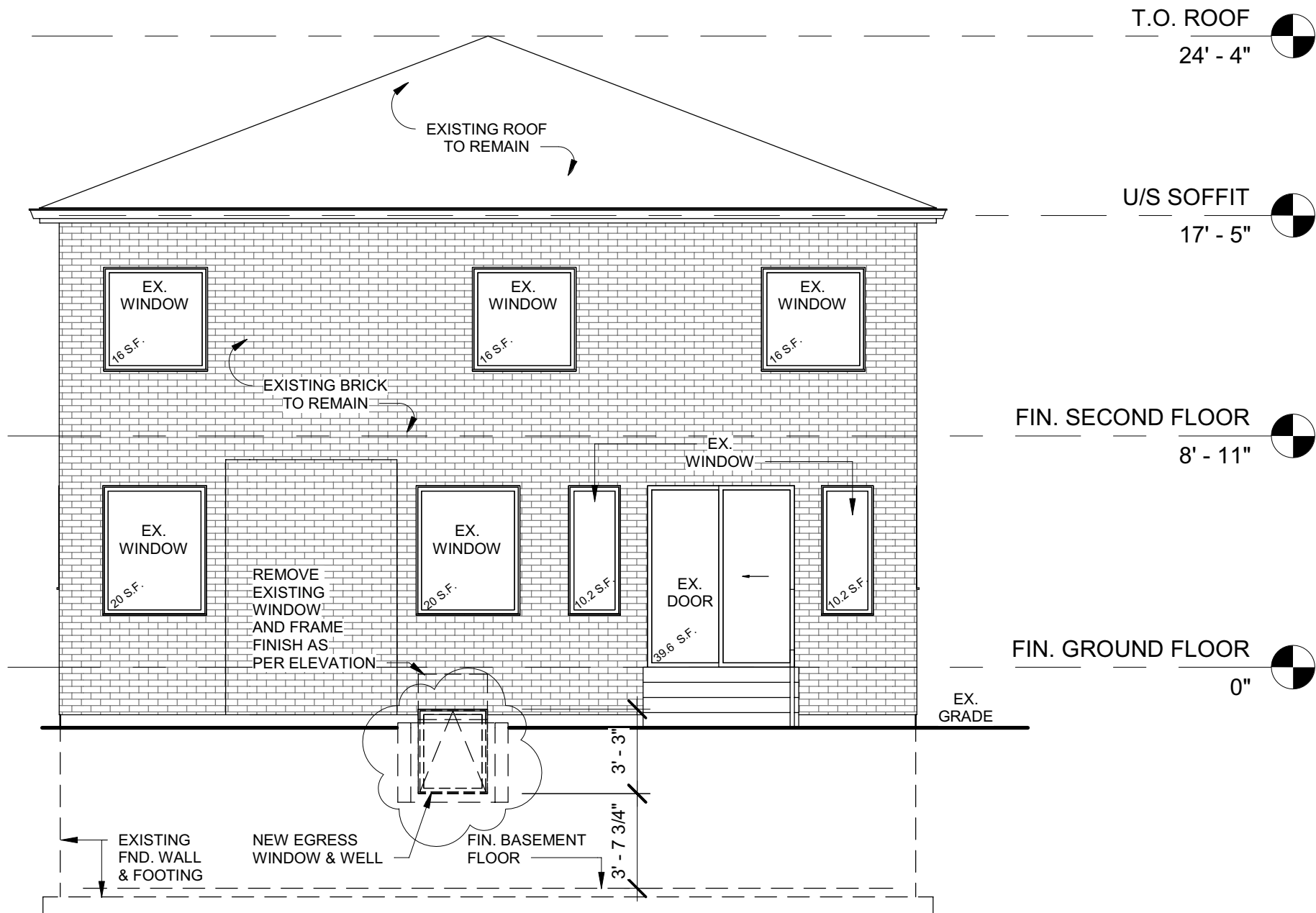
No.	Description	Date
1	Revision 1	Date 1

AS BUILT EAST ELEVATION		
Project number	0083	A1.3
Date	2021-02-02	
Drawn by	AM	
Checked by	DM	
Scale 1 : 100		

Appendix B

File: 21.104564.000.00.MNV

Date: 03/19/21
MM/DD/YY



1 EXISTING NORTH ELEVATION

3/16" = 1'-0"

UNPROTECTED OPENINGS

WALL AREA	648.25 S.F.
LIMITING DISTANCE	7 m @ 66%
MAX. ALLOWABLE OPENINGS TOTAL	427.84 S.F.
OPENINGS PROVIDED	148 S.F. (22.83%)



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INTEQUA DESIGNS
Firm Name BCIN

No.	Description	Date
1	Revision 1	Date 1

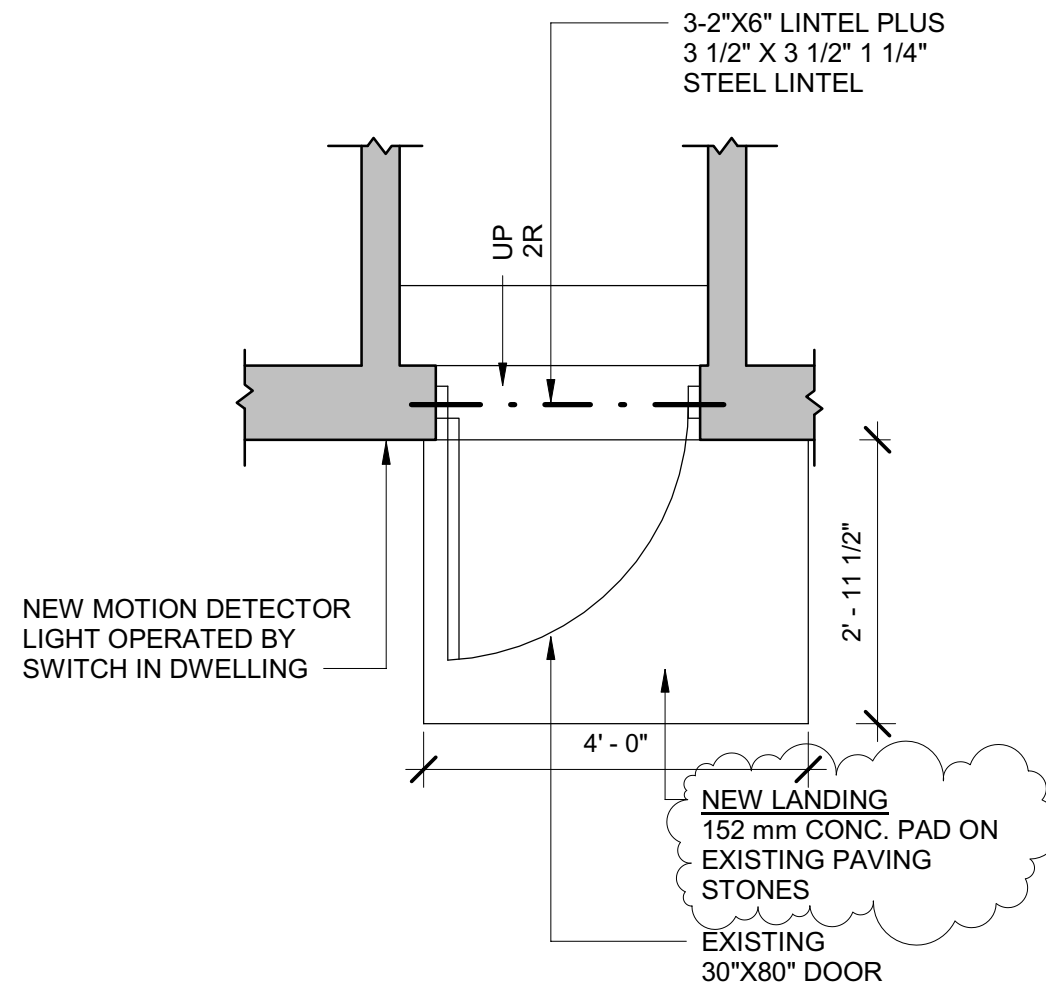
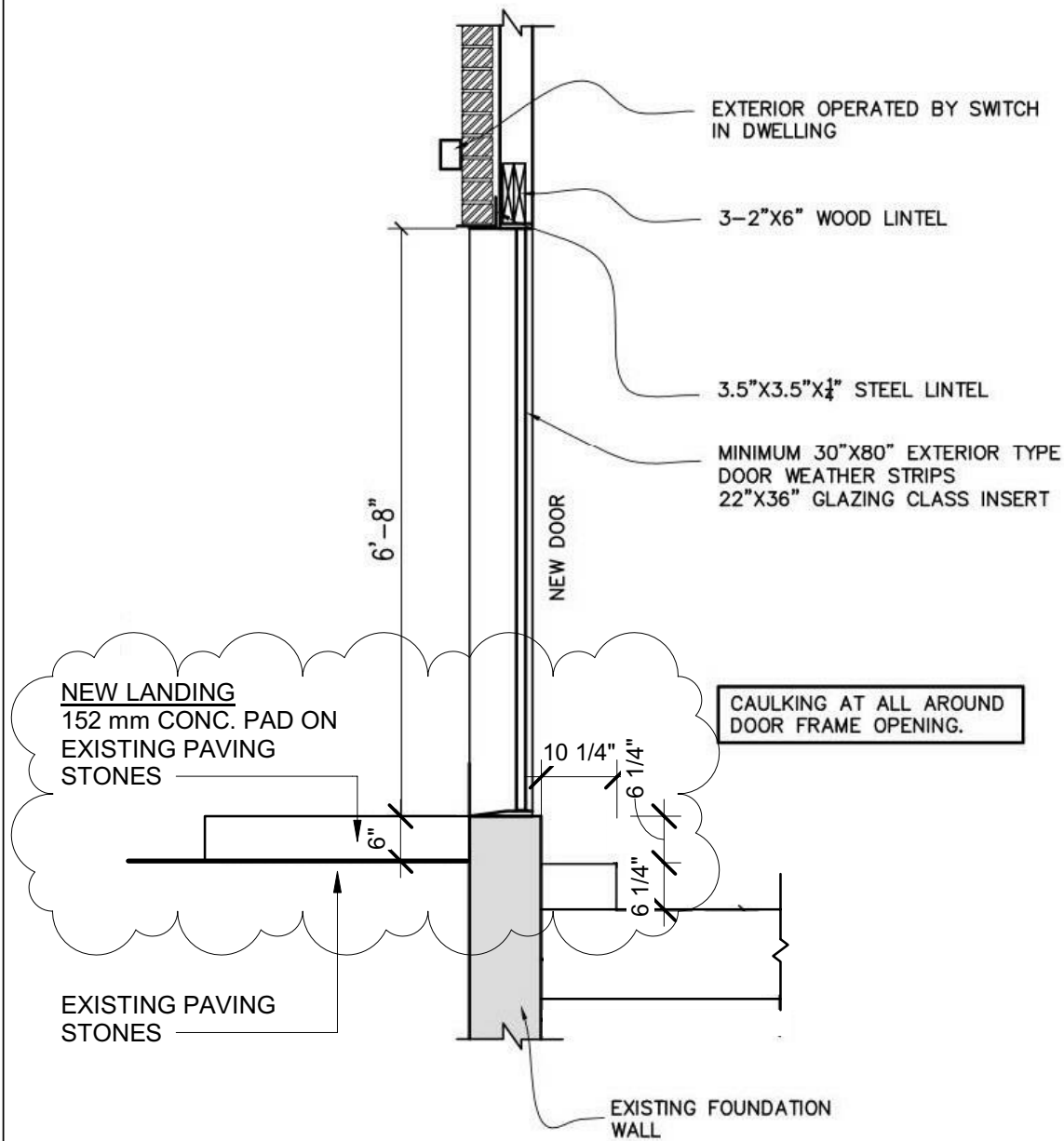
EXISTING WEST ELEVATION

Project number	0083	A1.7 Scale 3/16" = 1'-0"
Date	2021-02-02	
Drawn by	AM	
Checked by	UT	

Appendix B

File: 21.104564.000.00.MNV

Date: 03/19/21
MM/DD/YY



1

AS BUILT SIDE ENTRANCE SECTION

1/2" = 1'-0"

2

AS BUILT SIDE ENTRANCE FLOOR PLAN

1/2" = 1'-0"



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9 Geddington Crescent

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INTEQUA DESIGNS
Firm Name BCIN

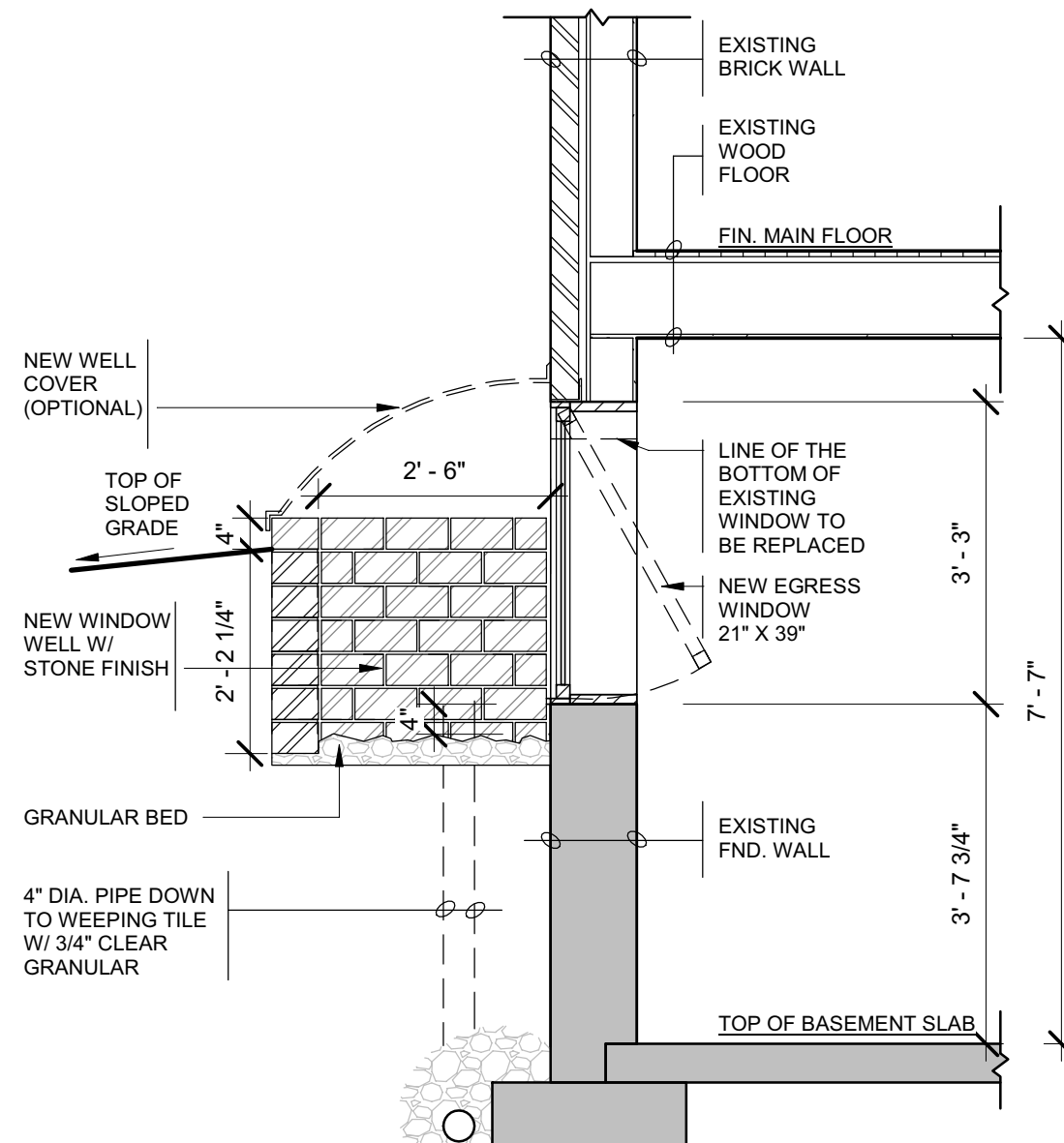
No.	Description	Date
1	Revision 1	Date 1

AS BUILT SIDE ENTRANCE	
Project number	0083
Date	2021-02-02
Drawn by	AM
Checked by	DM
A1.2	
Scale 1/2" = 1'-0"	

Appendix B

File: 21.104564.000.00.MNV

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1 EGRESS WINDOW DETAILS

1/2" = 1'-0"



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9 Geddington Crescent

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Registration Information
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INTEQUA DESIGNS
Firm Name BCIN

No.	Description	Date

EGRESS WINDOW DETAILS		
Project number	0083	A1.6
Date	2021-02-02	
Drawn by	Author	Scale 1/2" = 1'-0"
Checked by	Checker	