

Memorandum to the City of Markham Committee of Adjustment

May 17, 2021

File: A/046/21
Address: 56 Legacy Drive – Markham, ON
Applicant: Niresha Rameswaran
Agent: Markham Drafting & Design
Hearing Date: May 26, 2021

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential Two – Special (R2-S) Exception (R2-S*18*64) Zone” requirements under By-law 177-96, as amended, to permit:

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

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

BACKGROUND

Property Description

The subject property is located on the west side of Legacy Drive, north of Rouge Bank Drive, south of Russel Jarvis Drive, and west of 9th Line. The property is developed with a single detached dwelling, located within a residential neighbourhood which contains a mix of one and two-storey detached dwellings. According to the Site Plan, there is one existing tree located within the rear yard of the property, and one city owned tree located within the municipal boulevard.

Proposal

The applicant is requesting permission for a secondary suite located in the basement of the existing dwelling. The proposed secondary suite would have separate access provided by an existing door on the north side of the building. The applicant is also proposing an enlargement to the existing window located at the rear of the building for egress, and landscaped walkway leading from the driveway to the side entrance. A double car garage and surface parking on the existing driveway are provided on the subject property which can accommodate a total of three legal sized parking spaces. 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 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 177-96

The subject property is zoned “Residential Two – Special Exception (R2-S*18*64) Zone” under By-law 177-96, as amended, which permits various low rise housing forms, including detached dwellings. The exceptions provide for development standards relating to the single detached dwelling. The proposed development does not comply with the By-law requirements with respect to the maximum of one dwelling unit per residential lot.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant has confirmed that a ZPR has not been conducted. However, the applicant has received comments from the building department through their permit process to confirm the variance 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 (“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 also 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 Official Plan for the establishment of a secondary suite, and therefore have no objections.

PUBLIC INPUT SUMMARY

One written submissions were received as of May 14, 2021 opposing the proposed secondary suite.

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 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:



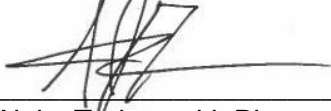
Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/046/21

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 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:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/046/21

Appendix B

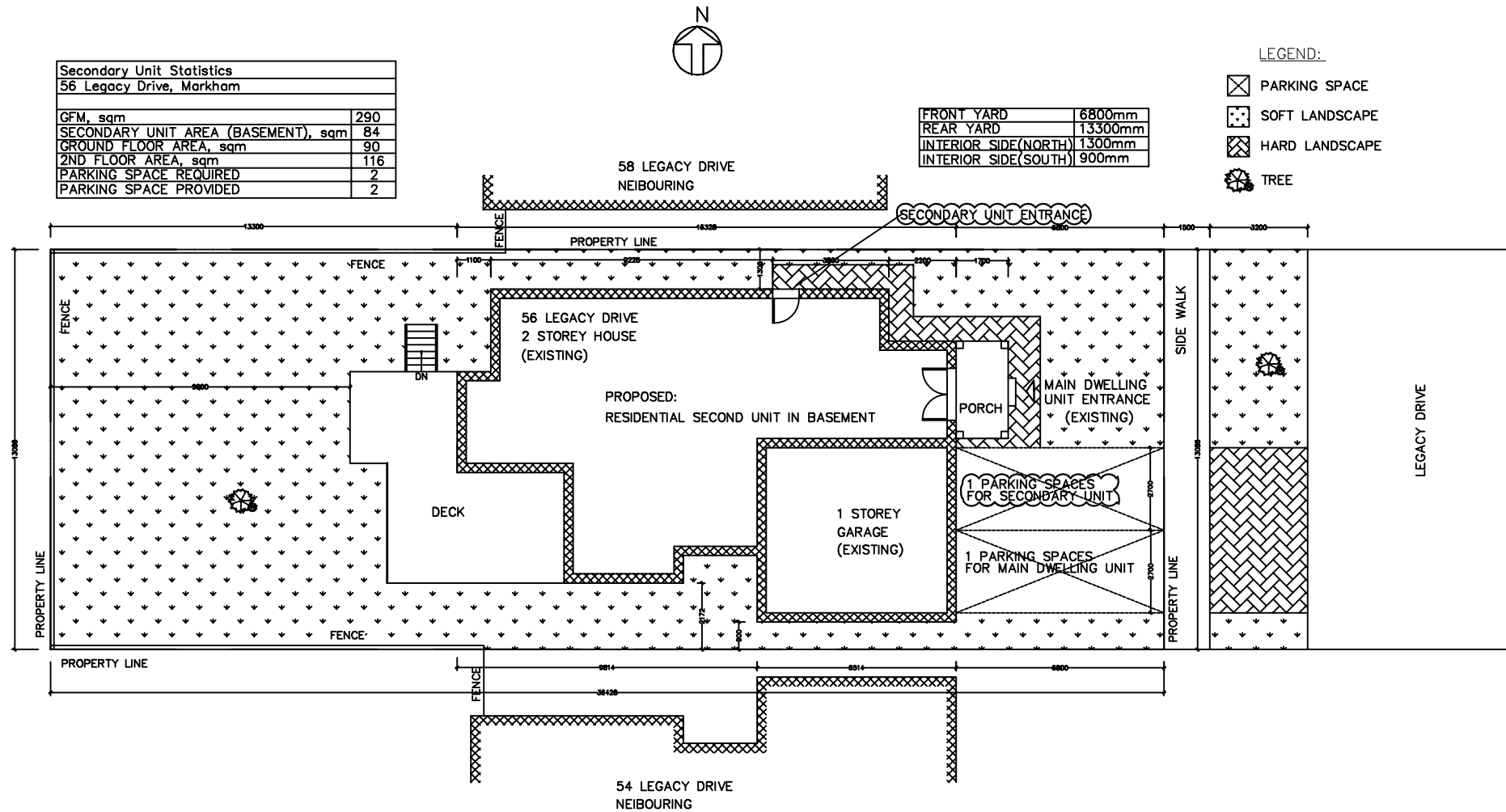
File: 21.116172.000.00.MNV

Date: 05/21/21
MM/DD/YY

Secondary Unit Statistics	
56 Legacy Drive, Markham	
GFM, sqm	290
SECONDARY UNIT AREA (BASEMENT), sqm	84
GROUND FLOOR AREA, sqm	90
2ND FLOOR AREA, sqm	116
PARKING SPACE REQUIRED	2
PARKING SPACE PROVIDED	2

FRONT YARD	6800mm
REAR YARD	13300mm
INTERIOR SIDE(NORTH)	1300mm
INTERIOR SIDE(SOUTH)	900mm

- LEGEND:
- PARKING SPACE
 - SOFT LANDSCAPE
 - HARD LANDSCAPE
 - TREE



SITE PLAN

No.	Revision/Issue	Date
1	ISSUED FOR BUILDING PERMIT	Apr8,21

Firm Name and Address
 Markham Drafting & Design
 67 Maria Road, Markham
 Ontario L6E 0N9
 Tel.: (647)381-5561

Project Name and Address
 SECONDARY UNIT
 56 LEGACY DRIVE
 MARKHAM, ONTARIO

Drawing Title	
SITE PLAN	
Scale	Date
1:200	Apr 8, 2021
Drawing Number	
A101	

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
 Name: Dongshan Cui

 BCIN: 114688
 FIRM: Markham Drafting & Design
 BCIN: 115455

Appendix B

File: 21.116172.000.00.MNV

Date: 05/21/21
MM/DD/YY

NOTE: 30 MINUTES FIRE RESISTANCE RATING AND 50 OF SOUND TRANSMISSION CLASS RATING IN ENTIRE SECONDARY UNIT CEILING. 5/8" GYPSUM BOARD ON THE CEILING.

NOTE: A SMOKE DETECTOR MUST BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT THAT WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM WHEN ACTIVATED.

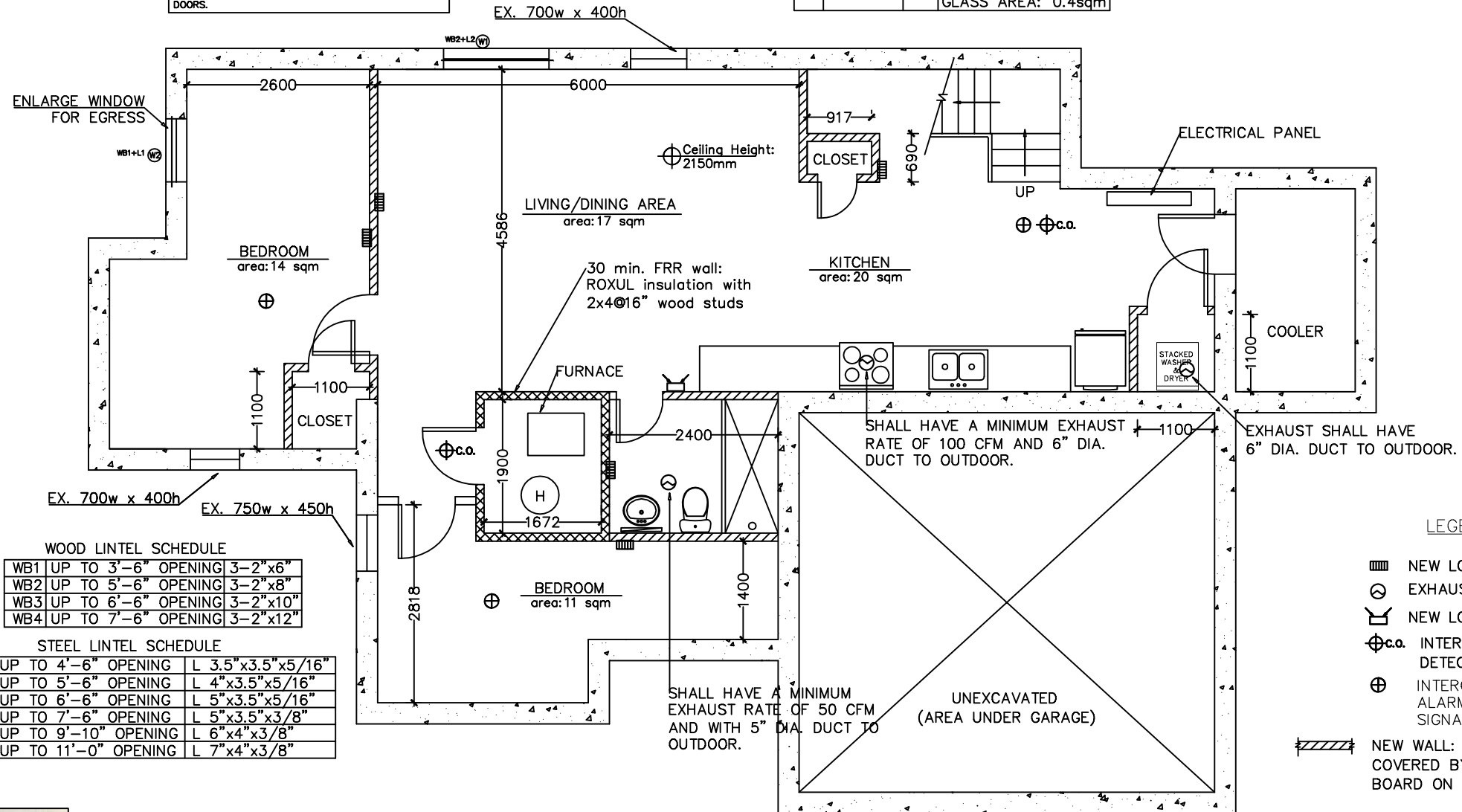
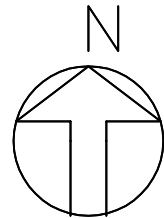
NOTE: PROVISION SHALL BE MADE FOR THE RETURN OF AIR FROM ALL ROOMS BY LEAVING GAPS BENEATH DOORS.

EXISTING INSULATED WALL

EX. 8" CONCRETE FOUNDATION WALL
EX. R12 FOUNDATION WALL BLANKET
BATT. INSULATION C/W 6MIL. POLY VAPOUR BARRIER

DOOR & WINDOW SCHEDULE

No.	SIZE	QTY.	DESCRIPTION
WB1	1500x400	1	SLIDING WINDOW GLASS AREA: 0.6sqm
WB2	900x450	1	SLIDING WINDOW GLASS AREA: 0.4sqm



LEGEND:

- NEW LOW WALL S/A GRILLE
- EXHAUST FAN
- NEW LOW WALL R/A GRILLE
- INTERCONNECTED C.O. DETECTOR ALARM
- INTERCONNECTED SMOKE ALARM WITH VISUAL SIGNALING
- NEW WALL: 2x4 WOOD STUDS @16" O.C. COVERED BY 1/2" REGULAR GYPSUM BOARD ON BOTH SIDE

WOOD LINTEL SCHEDULE

WB1	UP TO 3'-6" OPENING	3-2"x6"
WB2	UP TO 5'-6" OPENING	3-2"x8"
WB3	UP TO 6'-6" OPENING	3-2"x10"
WB4	UP TO 7'-6" OPENING	3-2"x12"

STEEL LINTEL SCHEDULE

L1	UP TO 4'-6" OPENING	L 3.5"x3.5"x5/16"
L2	UP TO 5'-6" OPENING	L 4"x3.5"x5/16"
L3	UP TO 6'-6" OPENING	L 5"x3.5"x5/16"
L4	UP TO 7'-6" OPENING	L 5"x3.5"x3/8"
L5	UP TO 9'-10" OPENING	L 6"x4"x3/8"
L6	UP TO 11'-0" OPENING	L 7"x4"x3/8"

PROPOSED BASEMENT FLOOR PLAN

(secondary unit)

NO ALTERATIONS EXCEPT AS NOTED

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

Name: Dongshan Cui

BCIN: 114688

FIRM: Markham Drafting & Design

BCIN: 115455

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Ontario L6E 0N9
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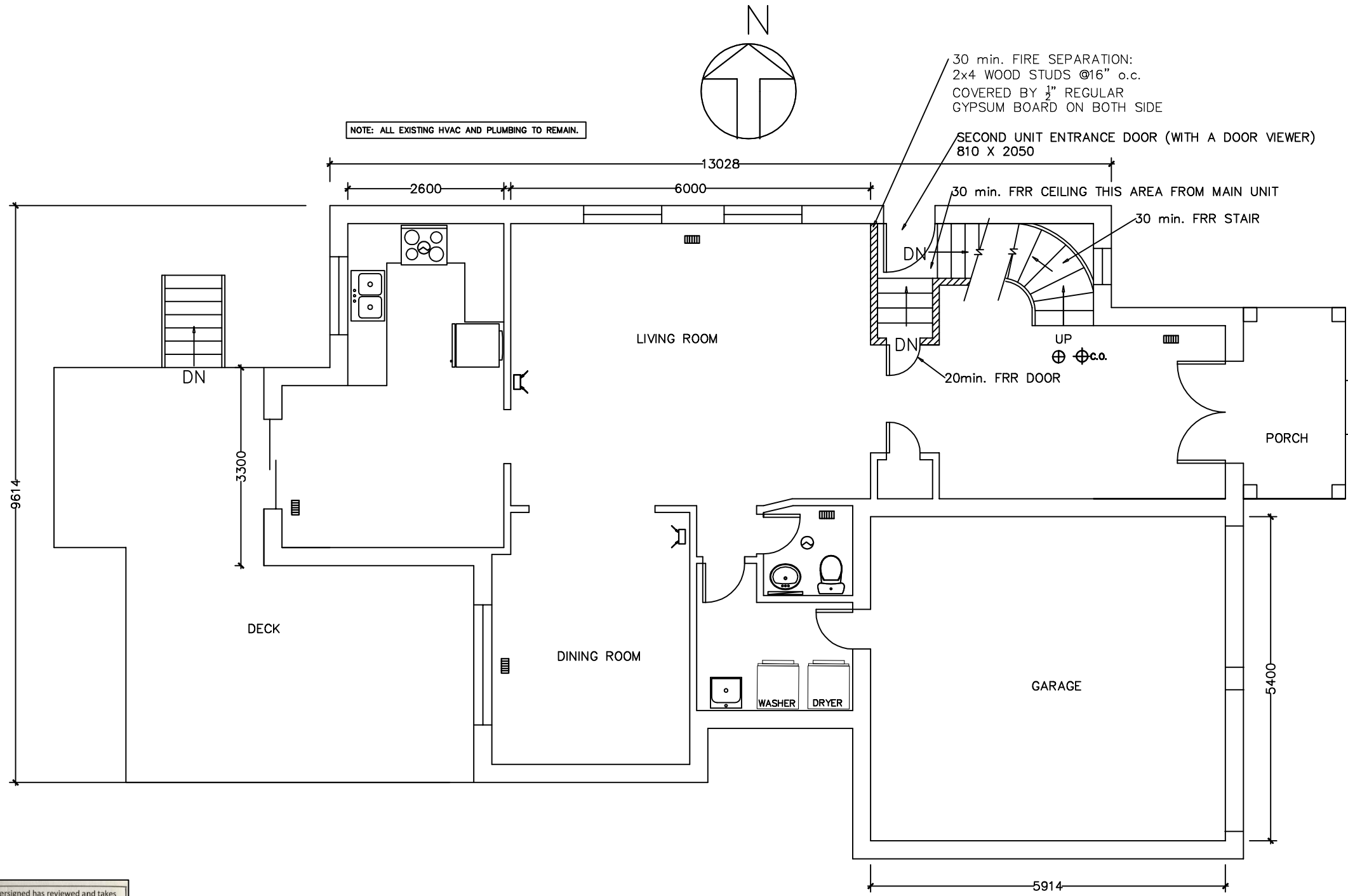
SECONDARY UNIT
56 LEGACY DRIVE
MARKHAM, ONTARIO

Drawing Title	
PROPOSED BASEMENT FLOOR PLAN	
Scale	Date
1:80	Apr 8, 2021
Drawing Number	
A202	

Appendix B

File: 21.116172.000.00.MNV

Date: 05/21/21
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GROUND FLOOR PLAN
(A part of main dwelling unit)

- LEGEND:**
- EX. FLOOR REGISTER
 - EXHAUST FAN
 - EX. HIGH WALL AIR RETURN
 - INTERCONNECTED C.O. DETECTOR ALARM
 - INTERCONNECTED SMOKE ALARM WITH VISUAL SIGNALING

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Project Name and Address
SECONDARY UNIT
56 LEGACY DRIVE
MARKHAM, ONTARIO

Drawing Title
GROUND FLOOR PLAN

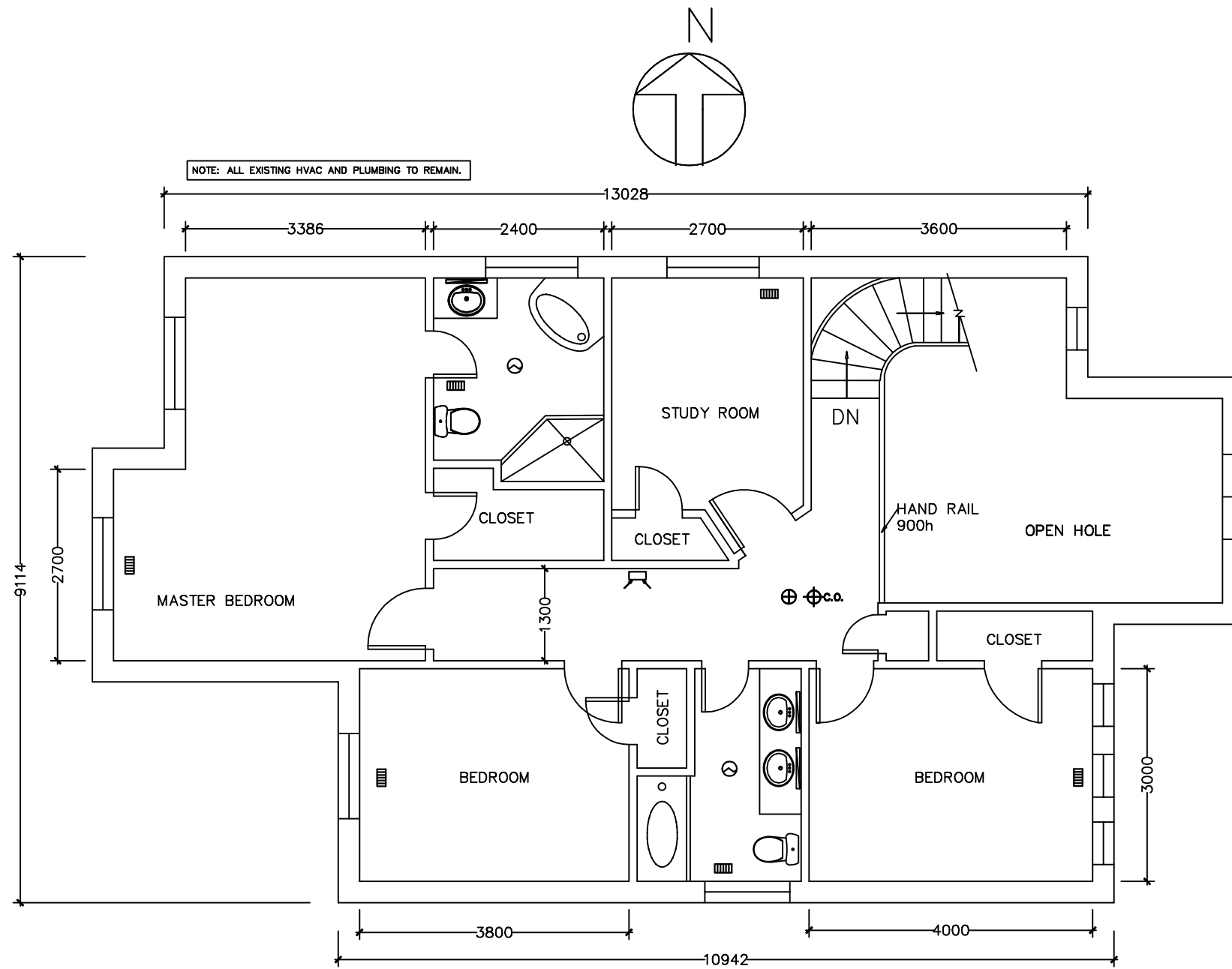
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Drawing Number
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Appendix B

File: 21.116172.000.00.MNV

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LEGEND:

- EX. FLOOR REGISTER
- EXHAUST FAN
- EX. HIGH WALL AIR RETURN
- INTERCONNECTED C.O. DETECTOR ALARM
- INTERCONNECTED SMOKE ALARM WITH VISUAL SIGNALING

SECOND FLOOR PLAN
(A part of main dwelling unit)

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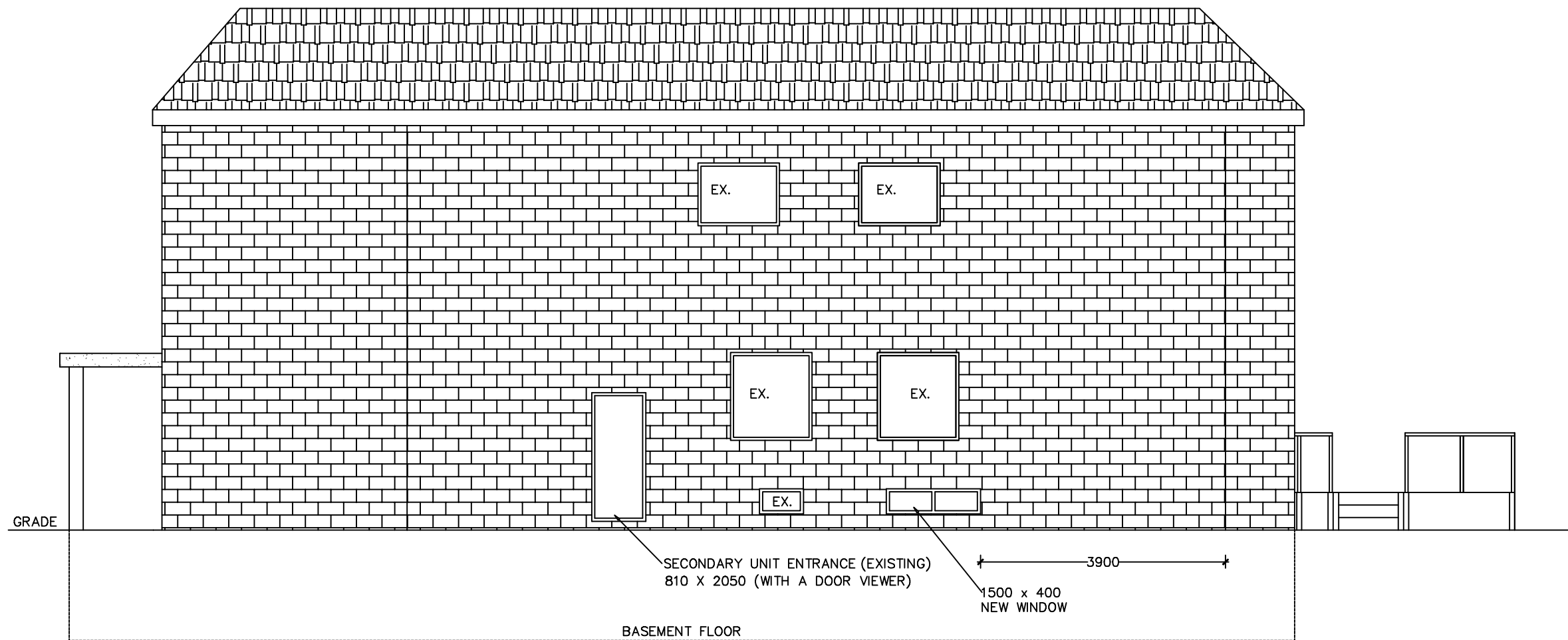
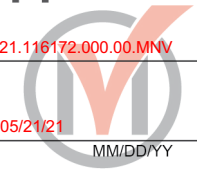
Project Name and Address
 SECONDARY UNIT
 56 LEGACY DRIVE
 MARKHAM, ONTARIO

Drawing Title SECOND FLOOR PLAN	
Scale 1:80	Date Apr 8, 2021
Drawing Number A204	

Appendix B

File: 21.116172.000.00.MNV

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NORTH ELEVATION

1	ISSUED FOR BUILDING PERMIT	Apr 8, 21
No.	Revision/Issue	Date

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 Markham Drafting & Design
 67 Maria Road, Markham
 Ontario L6E 0N9
 Tel.: (647)381-5561

Project Name and Address
 SECONDARY UNIT
 56 LEGACY DRIVE
 MARKHAM, ONTARIO

Drawing Title NORTH ELEVATION	
Scale 1:80	Date Apr 8, 2021
Drawing Number A301	

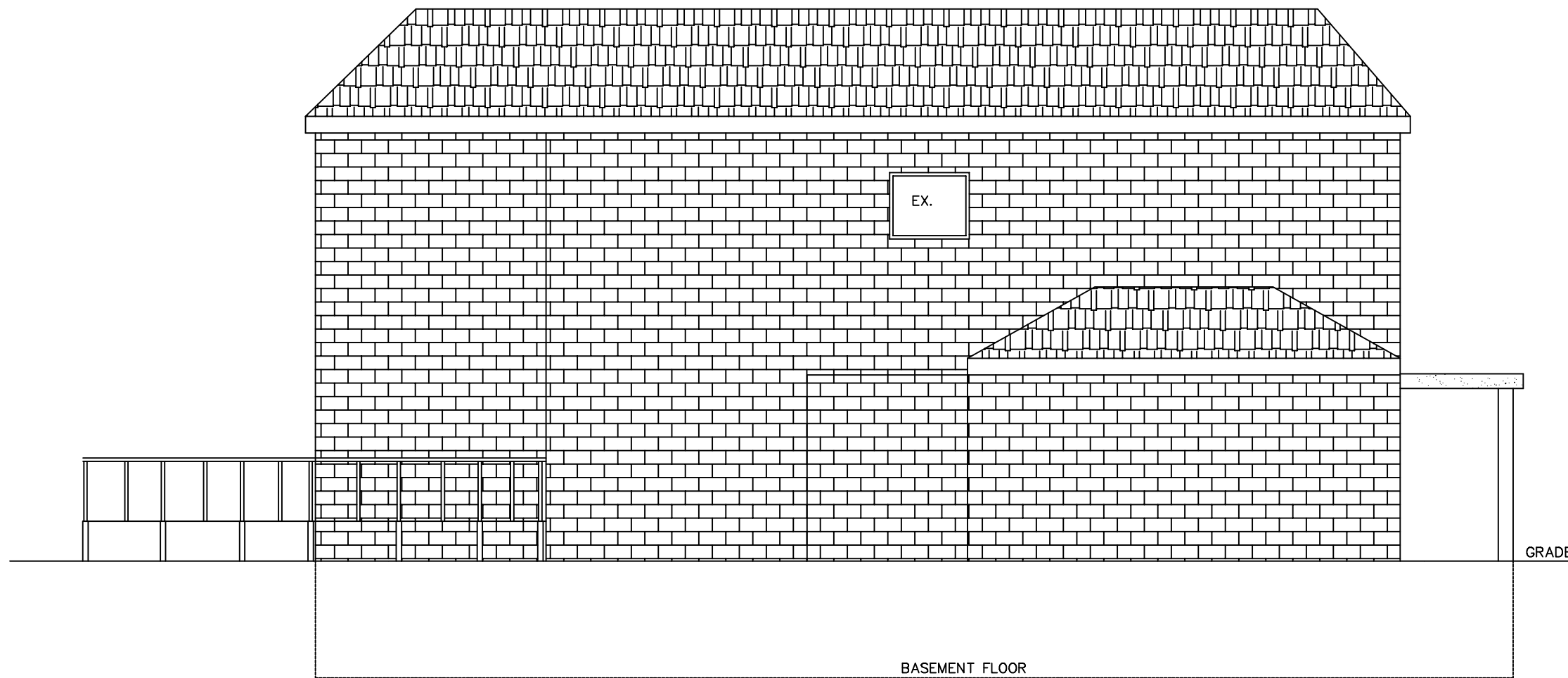
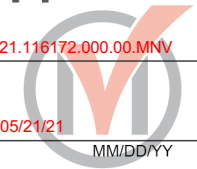
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer
 Name: Dongshan Cui

 BCIN: 114688
 FIRM: Markham Drafting & Design
 BCIN: 115455

Appendix B

File: 21.116172.000.00.MNV

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SOUTH ELEVATION

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
Name: Dongshan Cui

BCIN: 114688
FIRM: Markham Drafting & Design
BCIN: 115455

No.	Revision/Issue	Date
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Firm Name and Address

Markham Drafting & Design
67 Maria Road, Markham
Ontario L6E 0N9
Tel.: (647)381-5561

Project Name and Address

SECONDARY UNIT
56 LEGACY DRIVE
MARKHAM, ONTARIO

Drawing Title

SOUTH ELEVATION

Scale	Date
1:80	Apr 16, 2021

Drawing Number

A302

Appendix B

File: 21.116172.000.00.MNV

Date: 05/21/21
MM/DD/YY



EAST ELEVATION

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
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 FIRM: Markham Drafting & Design
 BCIN: 115455

No.	Revision/Issue	Date
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Firm Name and Address
 Markham Drafting & Design
 67 Maria Road, Markham
 Ontario L6E 0N9
 Tel.: (647)381-5561

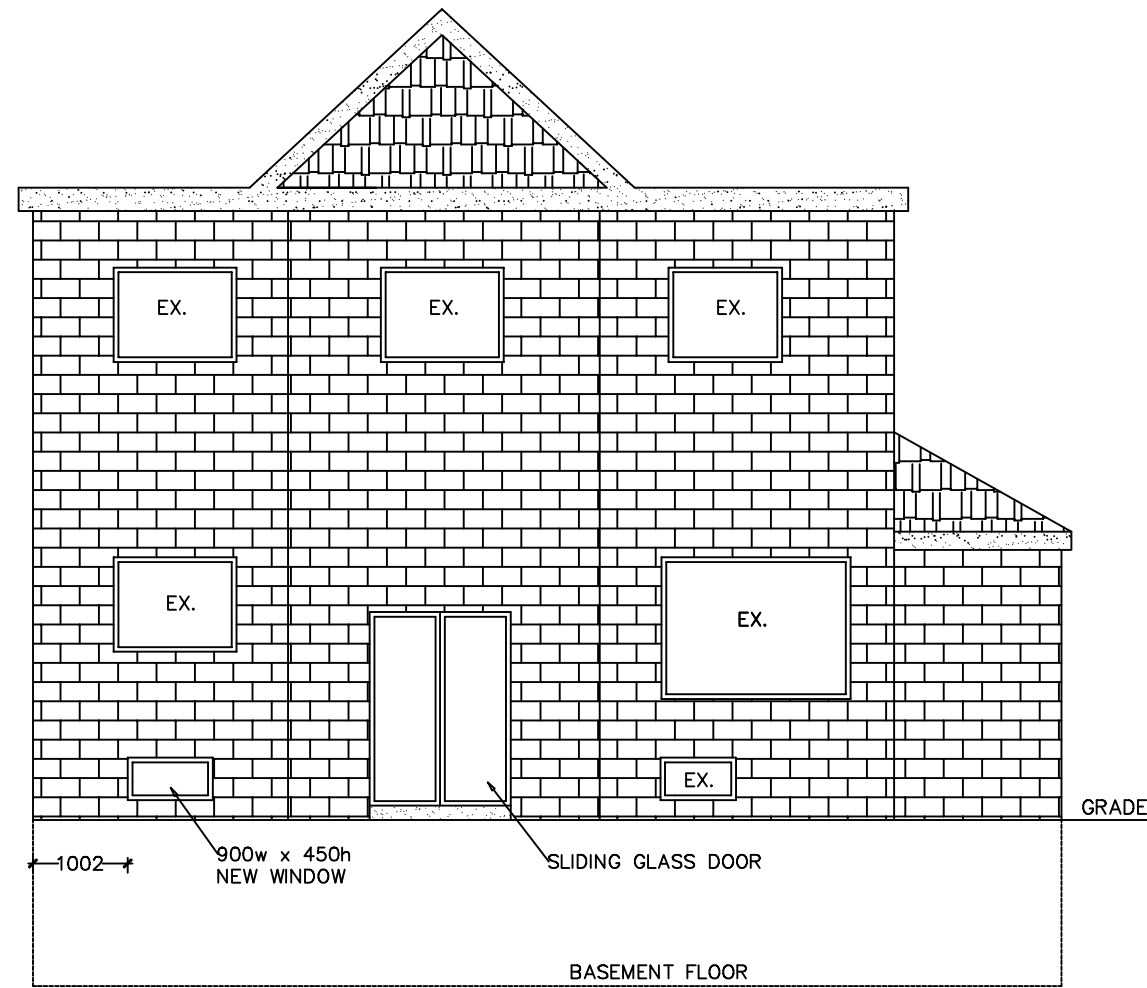
Project Name and Address
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 MARKHAM, ONTARIO

Drawing Title	
EAST ELEVATION	
Scale	Date
1:80	Apr 16, 2021
Drawing Number	
A303	

Appendix B

File: 21.116172.000.00.MNV

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WEST ELEVATION

1	ISSUED FOR BUILDING PERMIT	Apr16,21
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Firm Name and Address
 Markham Drafting & Design
 67 Maria Road, Markham
 Ontario L6E 0N9
 Tel.: (647)381-5561

Project Name and Address
 SECONDARY UNIT
 56 LEGACY DRIVE
 MARKHAM, ONTARIO

Drawing Title WEST ELEVATION	
Scale 1:80	Date Apr 16, 2021
Drawing Number A304	

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
 Name: Dongshan Cui

 BCIN: 114688
 FIRM: Markham Drafting & Design
 BCIN: 115455