

Memorandum to the City of Markham Committee of Adjustment

May 18, 2021

File: A/048/21
Address: 138 Alfred Paterson Drive – Markham, ON
Applicant: Jeyanthiny Selvarajah
Agent: Land & Building Experts Canada
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*134) Zone” requirements under By-law 177-96, as amended, to permit:

a) **By-law 177-96, Sec. 4:**

a secondary suite, whereas the by-law permits no more than one dwelling per lot.

BACKGROUND

Property Description

The subject property is located on the west side of Alfred Paterson Drive, north of Bur Oak Avenue, east of 9th Line, and south of Castlemore Avenue. The property is developed with a two-storey single detached dwelling. There is one city owned tree located within the municipal boulevard.

The property is located in the Greensborough community, which can be described as a neighbourhood that is primarily residential, containing a mix of detached, semi-detached, and townhouse (rowhouse) dwellings, some of which are lane-based properties. The subject property is within close proximity to parks, live-work units with at grade commercial uses fronting onto Bur Oak Avenue and Greensborough Village Circle, and the Markham Road Corridor which consists of a variety of commercial uses.

Proposal

The applicant is requesting permission for a secondary suite located in the basement of the existing dwelling. The proposal secondary suite includes new and enlarged window replacements at the south side, and west side (rear) of the building, and would have direct and separate access provided by new door and walk-up stairs at the rear of the building. A double car garage and two surface parking spaces are located on the driveway providing for a total of four legal 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 (R2-S) Exception (R2-S*134) Zone” under By-law 177-96, as amended, which permits various low rise housing forms, including single detached dwellings. Exception *134 provides for development standards relating to permitted residential built forms. Since the applicant is not proposing any changes to the exterior dwelling of the property, the exception is not specifically relevant to this application.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a ZPR has not been conducted. Consequently, it is the applicant’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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 have 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 Official Plan for the establishment of a secondary suite.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 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 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/048/21

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, 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

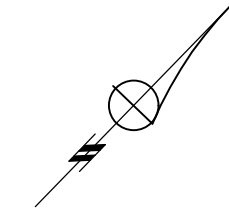
APPENDIX "B"

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/048/21

Appendix B

File: 21.116753.000.00.MNV

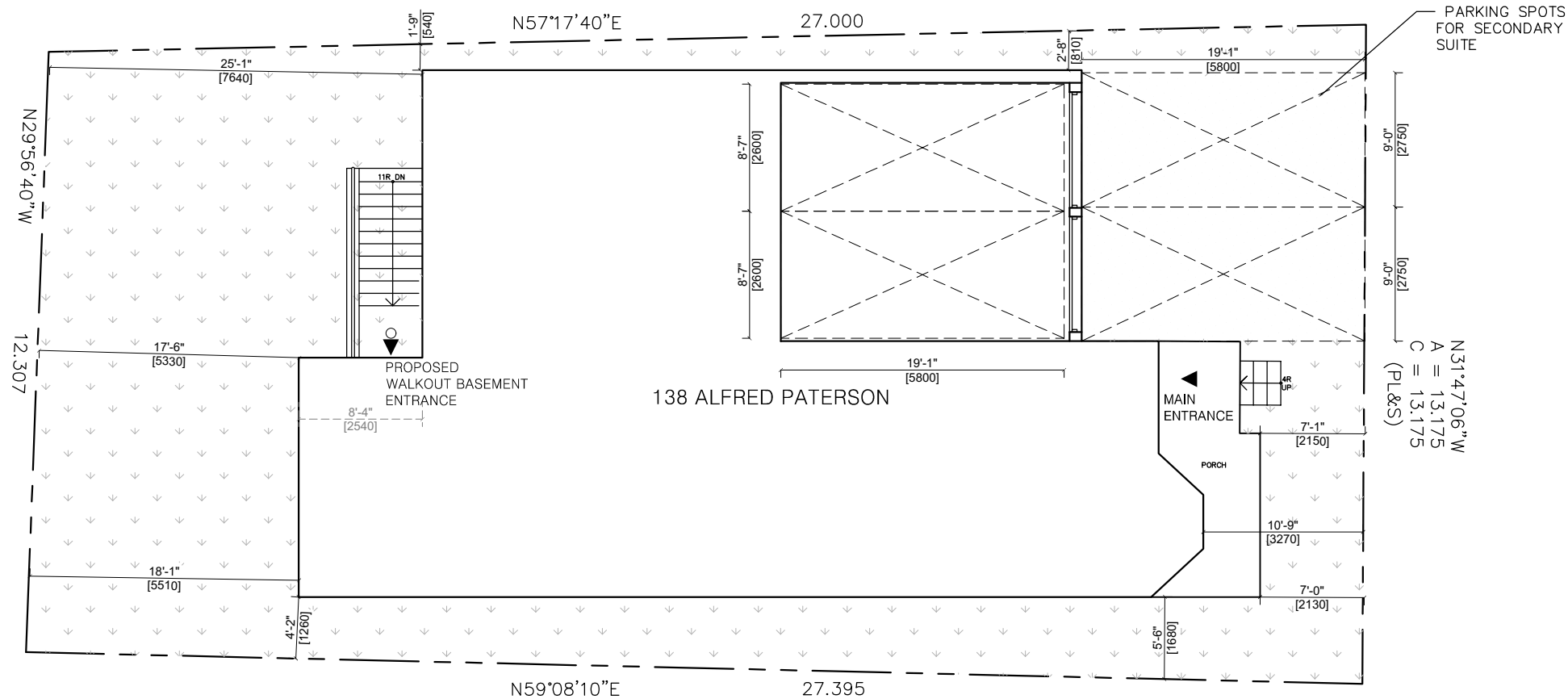
Date: 05/21/21
MM/DD/YY



DO NOT SCALE DRAWINGS.

The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify the Designer/Engineer of any variations from the supplied drawings and informations before proceeding with the work. Construction must conform to all applicable codes and requirements of authorities having jurisdiction.

All drawings are the property of Land & Building Experts, and must not be reproduced with out written consent.



1 SITE PLAN
SP-1 SCALE: 2/16"=1'-0" 1:125

LEGEND:	DESCRIPTION:
	PRESUMED PROPERTY LINE
	GRASSED AREA
	ASPHALT DRIVEWAY
	BUILDING ENTRANCE/EXIT
	MARKHAM MINIMUM PARKING SIZE

1	MINOR VARIANCE	04-12-21
NO.	ISSUED FOR	DATE
ALL MEASUREMENTS ARE IN mm UNLESS OTHERWISE NOTED.		
UNAUTHORIZED USE OR REUSE OF THIS DRAWING IS NOT PERMITTED.		
STAMP:		
PREPARED BY:		
LAND & BUILDING EXPERTS <small>570 Alden Rd., Unit 6, Markham, ON. L3R 8N5 (647) 340-8649 landbuildex@gmail.com</small>		
PROJECT INFO:		
138 ALFRED PATERSON DR MARKHAM, ONTARIO L6E 1L1		
PROJECT NAME:		
PROPOSED ENTRANCE TO BASEMENT		
DRAWING TITLE:		
SITE PLAN		
DRAWN BY: J.L.	DWG. NO.	
CHECKED BY:	SP-01	
PROJECT NO.:		

DO NOT SCALE DRAWING

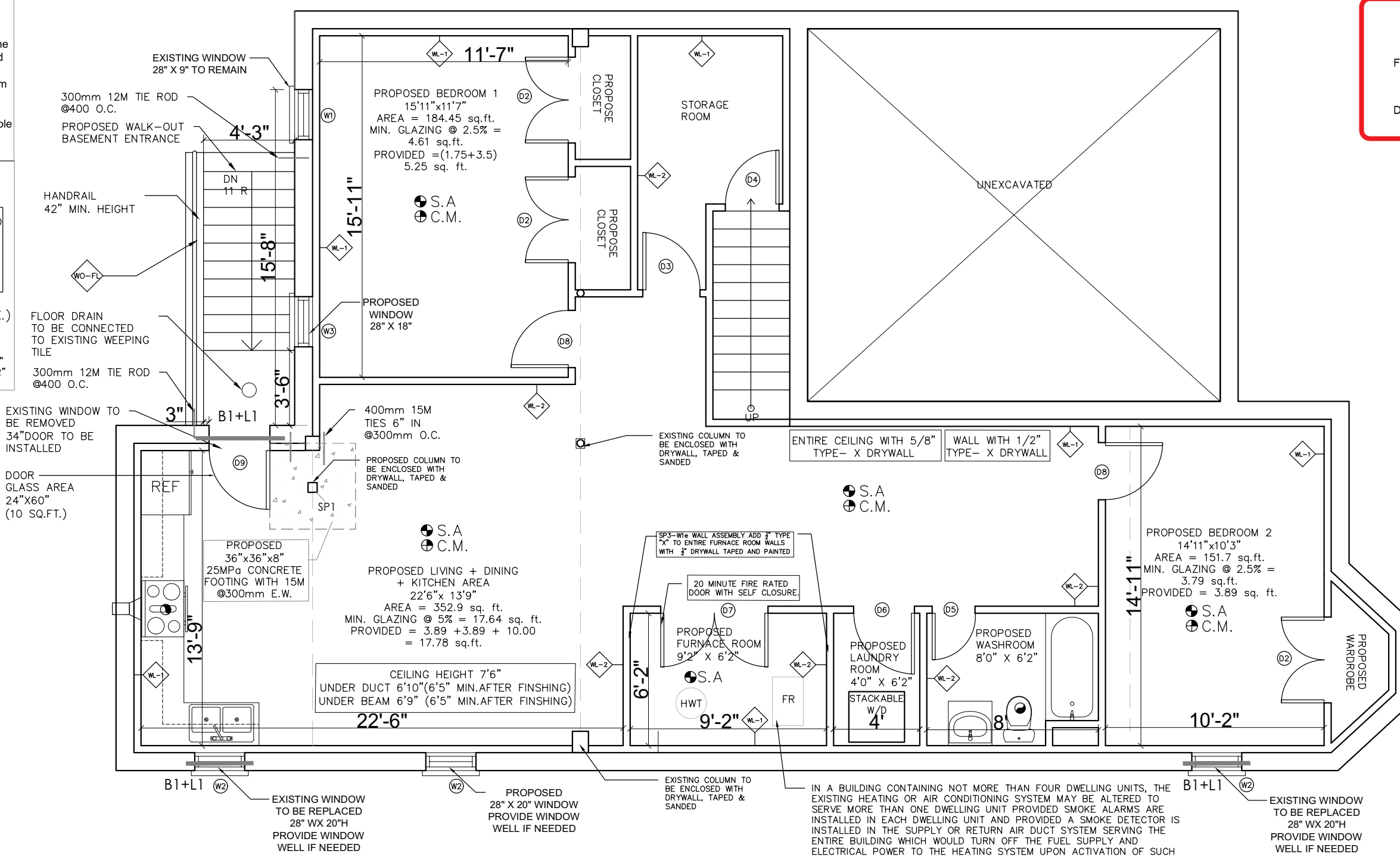
The contractor must verify and accept the responsibility for all the dimensions and conditions on site and must notify the Designer/Engineer of any variations from the supplied drawings and information before proceeding with the work. Construction must conform to all applicable codes and requirements of authorities having jurisdiction.

LEGEND: DESCRIPTION:

	S.A	INTERCONNECTED WITH ALL FLOORS
	C.M.	EXHAUST FAN
	EX	

L1 3.5"X3.5"X1/4"(4'-0" MAX.)

B1 1-1 3/4 x 9/8 -2.0E LVL or MATCH TO EXISTING JOIST
 SP1- HSS 4"x4"x1/4" c/w TOP 5"x5"x3/8" WELDED TOP ST BEAM BOT 8"x8"x1/2" PLATE +2-1/2"AB



Appendix B

File: 21.116753.000.00.MNV

Date: 05/21/21

MM/DD/YY

NO.	ISSUED FOR	DATE
1	MINOR VARIANCE	04-12-21

ALL MEASUREMENTS ARE IN mm UNLESS OTHERWISE NOTED.
 UNAUTHORIZED USE OR REUSE OF THIS DRAWING IS NOT PERMITTED.

STAMP:

PREPARED BY:

570 Alden Rd., Unit 6, Markham, ON. L3R 8N5
 (647) 340-8649 landbuildex@gmail.com

PROJECT INFO:

**138 ALFRED PATERSON DR
 MARKHAM, ON.
 L6E 1L1**

PROJECT NAME:

**PROPOSED ENTRANCE TO
 BASEMENT**

DRAWING TITLE:

**PROPOSED BASEMENT
 FLOOR PLAN OPTION 1**

DWG. NO. **A-03**

DRAWN BY: J.L.
 CHECKED BY:
 PROJECT NO.:

DOOR SCHEDULE				
NO.	TYPE	Nos.	SIZE	REMARKS
D1	INTERIOR	1	24" X 78"	PROPOSED
D2	INTERIOR	3	2-24" X 78"	PROPOSED
D3	INTERIOR	1	32" X 75"	PROPOSED
D4	INTERIOR	1	30" X 80"	EXISTING
D5	INTERIOR	1	26" X 78"	PROPOSED
D6	INTERIOR	1	34" X 78"	PROPOSED
D7	INTERIOR	1	2-30" X 78"	PROPOSED
D8	INTERIOR	2	32" X 78"	PROPOSED
D9	EXTERIOR	1	34" X 78"	PROPOSED

WALL SCHEDULE--EXISTING TO REMAIN				
	PROPOSED 10" CONCRETE FOUNDATION WALL WITH EXISTING 12ci INSULATION FOR FULL HEIGHT, 2" X 4" WOOD STUDS @ 16" O.C WITH 0.15mm ON POLY BETWEEN CONCRETE & STUDS AND 1/2" GYPSUM WALLBOARD, TAPED AND SANDED			
	PROPOSED 2" X 4" WOOD STUD WALL WITH 1/2" GYPSUM WALL BOARD BOTH SIDES, TAPED AND SANDED			

WINDOW SCHEDULE				
NO.	Nos.	SIZE	AREA	REMARKS
W1	1	28" X 9"	1.75 sq. ft.	EXISTING
W2	2	28" X 20"	3.89 sq. ft.	PROPOSED
W3	1	28" X 18"	3.5 sq. ft.	PROPOSED

NOTES FOR COMPLIANCE ALTERNATIVE:
 SINCE THE DWELLING HAS BEEN IN EXISTENCE FOR MORE THAN 5 YEARS THE FOLLOWING OBC PART 11 COMPLIANCE ALTERNATIVES ARE PROPOSED.

PART 11 COMPLIANCE ALTERNATIVES FOR RESIDENTIAL OCCUPANCIES (FORMING PART OF ARTICLE 11.5.1.1), TABLE 11.5.1.1C - C152(b), C153(b)

- GENERAL NOTES:
- A SMOKE DETECTOR SHALL BE INSTALLED IN THE AIR DUCT SYSTEM WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH ALARM.
 - CARBON MONOXIDE SMOKE ALARMS MUST BE INSTALLED AS PER MANUFACTURER'S INSTRUCTIONS.
 - EXHAUST FAN IN WASHROOM SHALL HAVE A MINIMUM EXHAUST RATE OF 50 CFM AND WITH A 100mm DIA. DUCT TO OUTDOOR.
 - DOORS SHALL BE PROVIDED WITH A GAP BENEATH, USING LOUVERED DOORS, OR INSTALLING A RETURN DUCT INLET FOR THE RETURN OF AIR FROM ALL ROOMS.

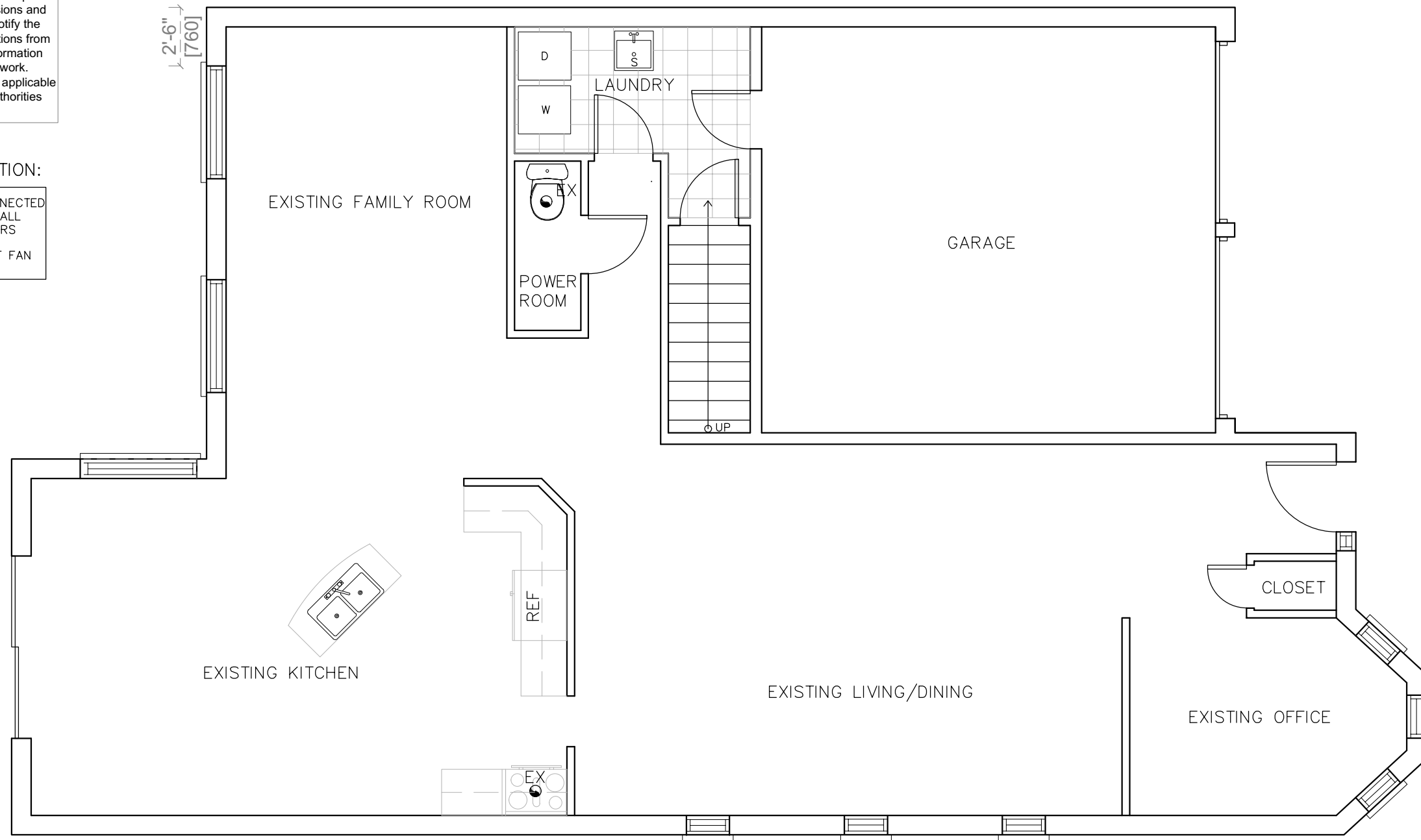
1 PROPOSED BASEMENT PLAN
 A-03 SCALE: 3/16"=1'-0" 1:64

DO NOT SCALE DRAWING

The contractor must verify and accept the responsibility for all the dimensions and conditions on site and must notify the Designer/Engineer of any variations from the supplied drawings and information before proceeding with the work. Construction must conform to all applicable codes and requirements of authorities having jurisdiction.

LEGEND: DESCRIPTION:

● S.A	INTERCONNECTED WITH ALL FLOORS
⊕ C.M.	
● EX	EXHAUST FAN



Appendix B

File: 21.116753.000.00.MNV

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

NO.	ISSUED FOR	DATE
1	MINOR VARIANCE	04-12-21

ALL MEASUREMENTS ARE IN mm UNLESS OTHERWISE NOTED.
UNAUTHORIZED USE OR REUSE OF THIS DRAWING IS NOT PERMITTED.

STAMP:

PREPARED BY:
LAND & BUILDING EXPERTS
570 Alden Rd., Unit 6, Markham, ON. L3R 8N5
(647) 340-8649 landbuildex@gmail.com

PROJECT INFO:
**138 ALFRED PATERSON DR
MARKHAM, ON.
L6E 1L1**

PROJECT NAME:
**PROPOSED ENTRANCE TO
BASEMENT**

DRAWING TITLE:
**EXISTING FIRST FLOOR
PLAN**

DRAWN BY: J.L.	DWG. NO.
CHECKED BY:	A-02
PROJECT NO.:	

1 EXISTING FIRST FLOOR PLAN
A-02 SCALE: 3/16"=1'-0" 1:64

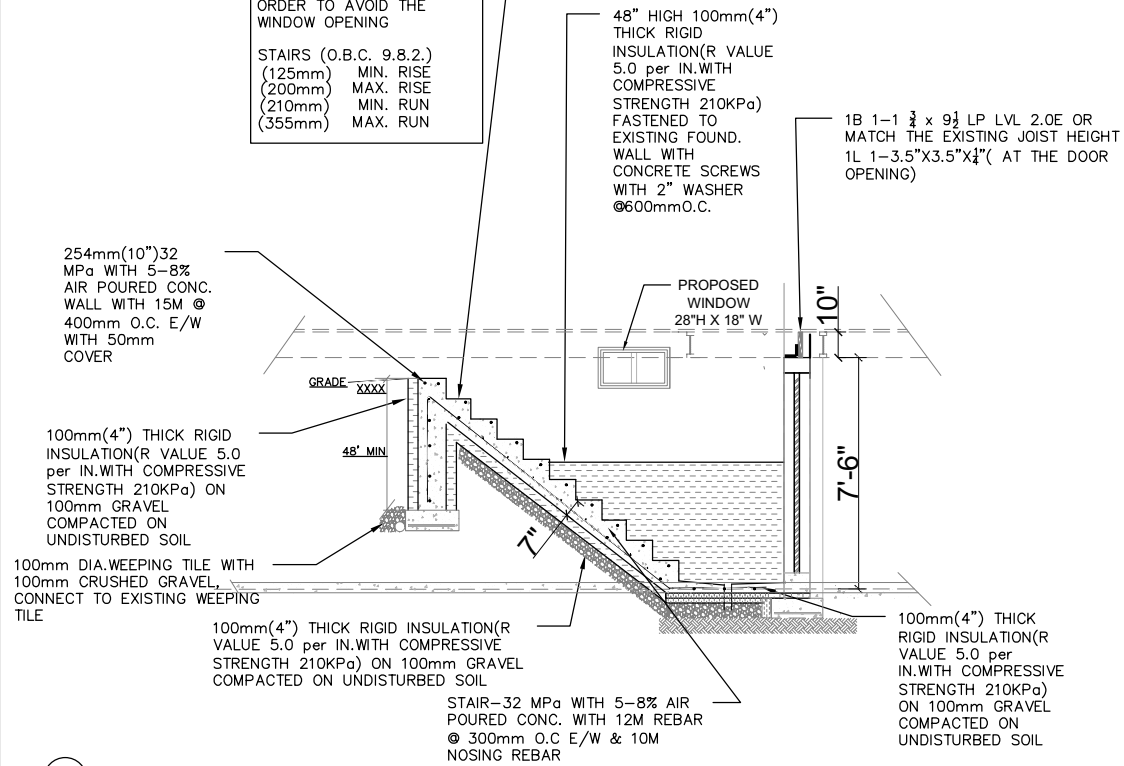
Appendix B

File: 21.116753.000.00.MNV

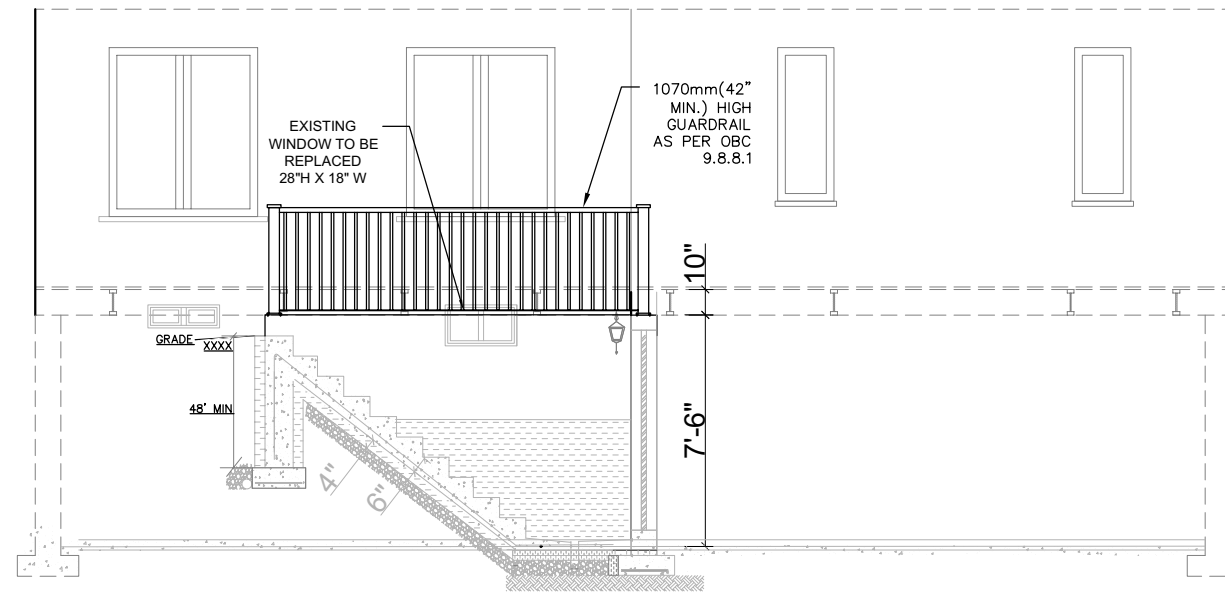
Date: 05/21/21
MM/DD/YY

CONTRACTOR MUST VERIFY THE SITE DIMENSIONS BEFORE CONSTRUCTION OF THE STEPS(RISE, RUN) IN ORDER TO AVOID THE WINDOW OPENING

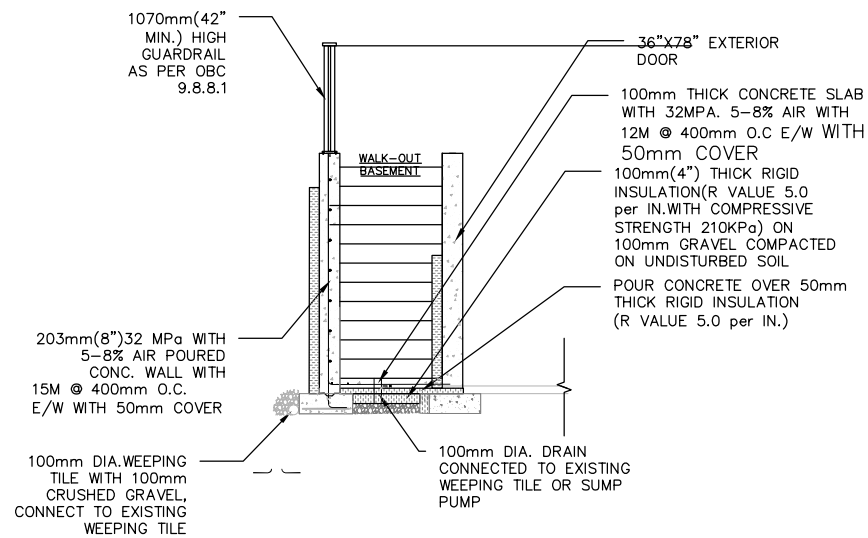
STAIRS (O.B.C. 9.8.2.)
(125mm) MIN. RISE (200mm) MAX. RISE (210mm) MIN. RUN (355mm) MAX. RUN



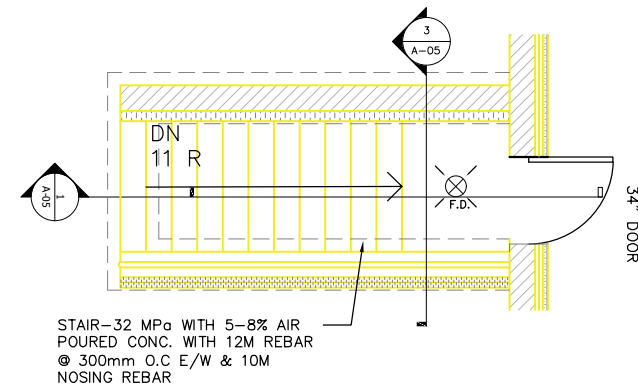
1 SECTION 1 OF WALK-OUT BASEMENT
A-04 SCALE: 1:75



2 ELEVATION OF WALK-OUT BASEMENT
A-04 SCALE: 1:75



3 SECTION 2 OF WALK-OUT BASEMENT
A-04 SCALE: 1:75



4 PLAN OF WALK-OUT BASEMENT
A-04 SCALE: NOT TO SCALE

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L 3.5\"/>

LAMINATED WOOD BEAM
SCHEDULE E=2.0x 106 PSI
1B 1-1 3/4 x 9 1/2 LP LVL 2.0E OR MATCH THE EXISTING JOIST HEIGHT

NO.	ISSUED FOR	DATE
1	MINOR VARIANCE	04/12/21

PREPARED BY:
LAND BUILDING EXPERTS
570 Alden Rd., Unit 6, Markham, ON. L3R 8N5
(647) 340-8649 landbuildex@gmail.com

PROJECT INFO:
**138 ALFRED PATERSON DR
MARKHAM, ON.
L6E 1L1**

PROJECT NAME:
**ALTERATION TO AN EXISTING 2
STOREY SINGLE FAMILY DWELLING
TO HAVE A SECOND SUITE IN THE
BASEMENT**

DRAWING TITLE:
SECTION DRAWING

SCALE: AS NOTED	DWG. NO.
DRAWN BY: J.L.	A-04
CHECKED BY: K.S.	
PROJECT NO.:	