

# Memorandum to the City of Markham Committee of Adjustment

June 17, 2021

**File:** A/065/21  
**Address:** 80 Harness Circle – Markham, ON  
**Applicant:** Saleem and Laila Basaria  
**Agent:** SHDESIGN (Randa Zabaneh)  
**Hearing Date:** June 23, 2021

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

The applicant is requesting relief from the following “Fourth Density – Semi-Detached Residential (RSD4)” zone requirements under By-law 90-81, as amended, as they relate to a proposed second storey addition above an attached garage, and secondary suite (basement apartment). The variances requested are to permit:

**a) By-law 90-81, Sec. 5.2.5(a):**

a minimum front yard setback of 5.78 m (18.96 ft), whereas the by-law permits minimum front yard setback of 6.0 m (19.69 ft); and

**b) By-law 90-81, Sec. 5.2.1:**

a second dwelling unit in a basement, whereas the by-law permits no more than one semi-detached dwelling on the lot.

## **BACKGROUND**

### **Property Description**

The 321.54 m<sup>2</sup> (3,460.99 ft<sup>2</sup>) subject property is located on the south side of Harness Circle, north of Denison Street, east of Brimley Road, and west of McCowan Road. The property is developed with a two-storey semi-detached dwelling, which is linked by a common foundation below grade. The property is located within a residential neighbourhood comprised of a mix of two-storey detached and semi-detached dwellings.

### **Proposal**

The applicant is proposing to construct a second-storey addition to the existing dwelling to be located above the existing attached two-car garage. The expansion of the proposed addition is cantilevered over the north and west sides of the dwelling. Accordingly, the applicant is requesting a variance to reduce the minimum front yard setback.

The applicant is also requesting permission to legalize a secondary suite located in the basement of the existing dwelling. The proposed secondary suite includes existing windows at the east side, and south side (rear) of the building, and would have direct and separate access provided by an existing door at the west side of the dwelling. The existing garage, and driveway area provides for a total of at least 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 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 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 90-81

The subject property is zoned “Fourth Density – Semi-Detached Residential (RSD4)” under By-law 90-81, as amended, which permits one semi-detached dwelling per lot. The proposed development does not comply with the By-law requirements with respect to the minimum front yard setback requirement, and maximum of one residential dwelling per lot.

### **Zoning Preliminary Review (ZPR) Undertaken**

The applicant completed a ZPR on April 28, 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 (“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.

### **Reduction in Front Yard Setback**

The applicant is requesting relief to permit a minimum front yard setback of 5.78 m (18.96 ft), whereas the By-law requires a minimum front yard setback of 6.0 m (19.69 ft). This is a reduction of 0.22 m (0.72 ft) that would allow for the second-storey addition to project into the required front yard setback.

Staff are of the opinion that the requested variance is minor in nature, as it is generally consistent with development permissions for this lot which allow for both the first storey and/or second storey portion of the dwelling to have a front yard setback of 6.0 m (19.69 ft).

### **Secondary Suite**

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 Official Plan for the establishment of a secondary suite, and support its approval.

### **PUBLIC INPUT SUMMARY**

Two written submissions were received in support of the proposed development as of June 17, 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*, and are of the opinion that the variance request meets the four tests of the *Planning Act*. 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 "A" for conditions to be attached to any approval of this application.

**APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



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Sabrina Bordone, Senior Planner, Central District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/065/21**

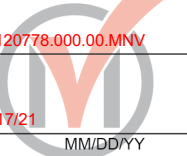
1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation 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 submits, 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', is written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/065/21**

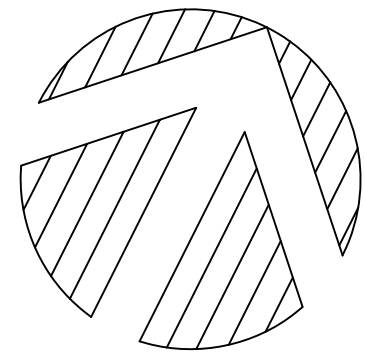


HARNESS CIRCLE

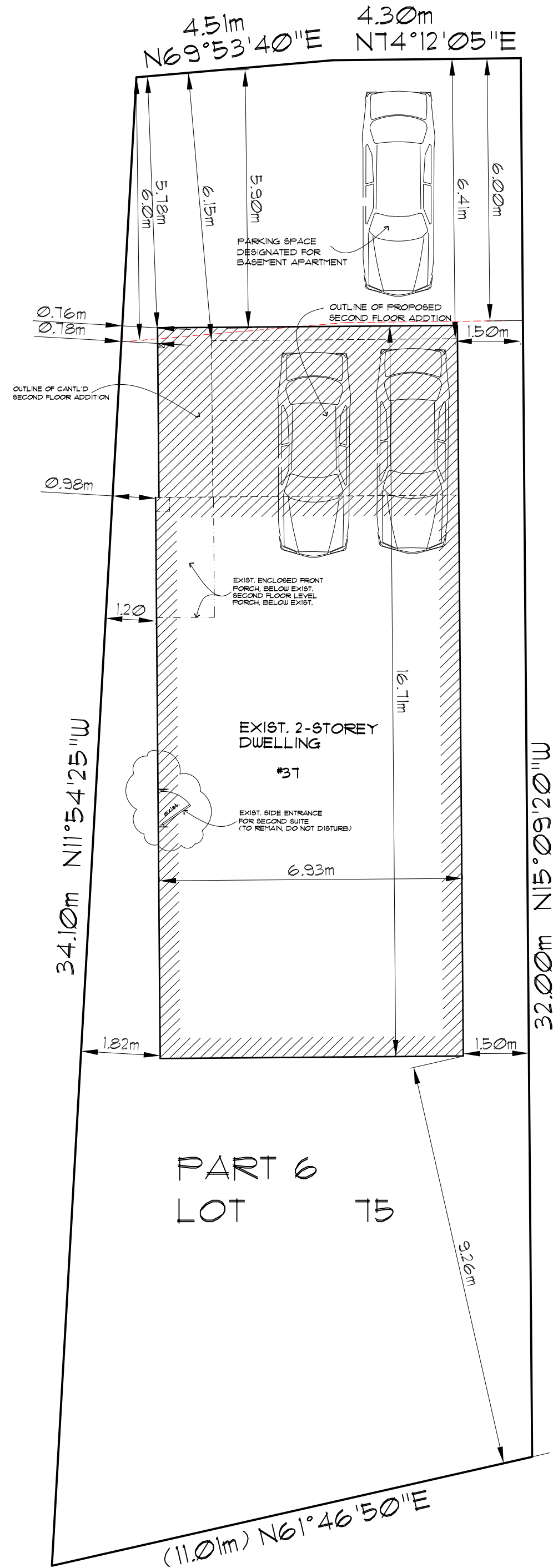
- SITE DATA & INFORMATION

SITE PLAN SHOWING  
 PLAN OF SURVEY OF  
 LOTS 54, 55, 74 & 75  
 PLAN 65M-2427  
 TOWN OF MARKHAM  
 REGIONAL MUNICIPALITY OF YORK

ALL SITE PLAN INFORMATION IS TAKEN FROM  
 SURVEYOR'S ANTON KIKAS LIMITED  
 ONTARIO LAND SURVEYORS  
 DATED DECEMBER 15, 1986



MIN REQUIRED PARKING SPACES  
 2- FOR MAIN DWELLING AND  
 1- FOR BASEMENT APARTMENT



80 HARNESS CIRCLE

LOT AREA = 321.54 sq.m (3,460.99 sq.ft.)

LOT COVERAGE (CALCS) MAX 30%

- EXIST. DWELLING = 957.87 sq.ft. (88.99 sq.m)
- prop. second floor = 286.4 sq.ft. (26.61 sq.m)

TOTAL = 1,244.27 sq.ft. (115.6 sq.m)

PROVIDED 35.95% < 40%

MAX FLOOR AREA RATIO

- EXISTING FIRST FLOOR (excl. GARAGE) = 752.65 sq.ft.
- EXISTING SECOND FLOOR = 957.87 sq.ft.
- NEW SECOND FLOOR = 286.4 sq.ft.

TOTAL = 1,996.92 sq.ft. (185.52 sq.m)

REVISIONS

NO.	REVISIONS	DATE
1	ISSUED FOR PRELIMINARY ZONING REVIEW	APR. 12, 2021
2	REVISED AS PER EXAMINERS NOTICE	APR. 21, 2021
3	ISSUED FOR COMMITTEE OF ADJUSTMENTS APPROVAL	MAY 07, 2021

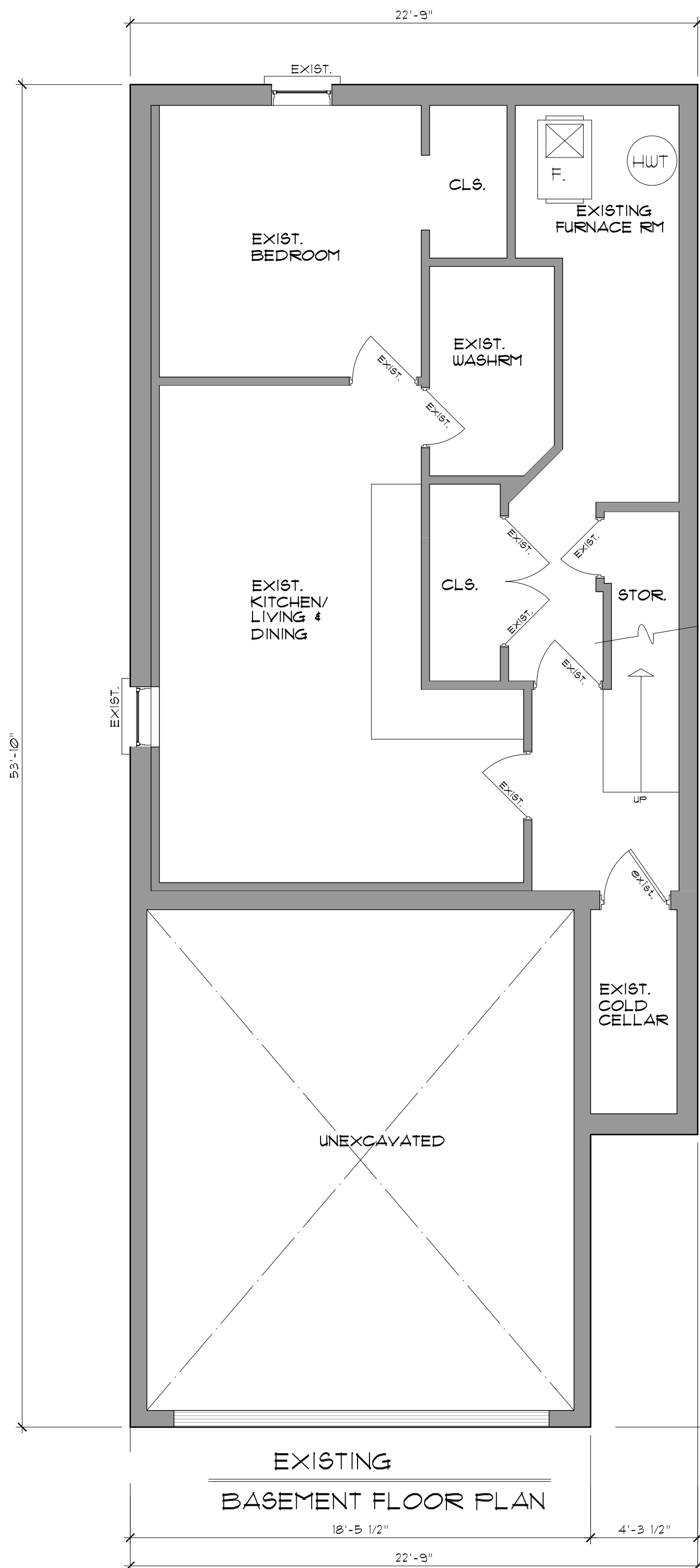
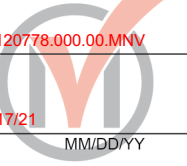
ALL DRAWINGS ARE THE PROPERTY OF THE ENGINEER AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE ENGINEER. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE ENGINEER. DO NOT SCALE DRAWINGS.

PROP. INTERIOR ALTERATION  
 NEW SECOND FLOOR ADDITION  
 ABOVE GARAGE

80 HARNESS CIR.  
 MARKHAM, ONTARIO

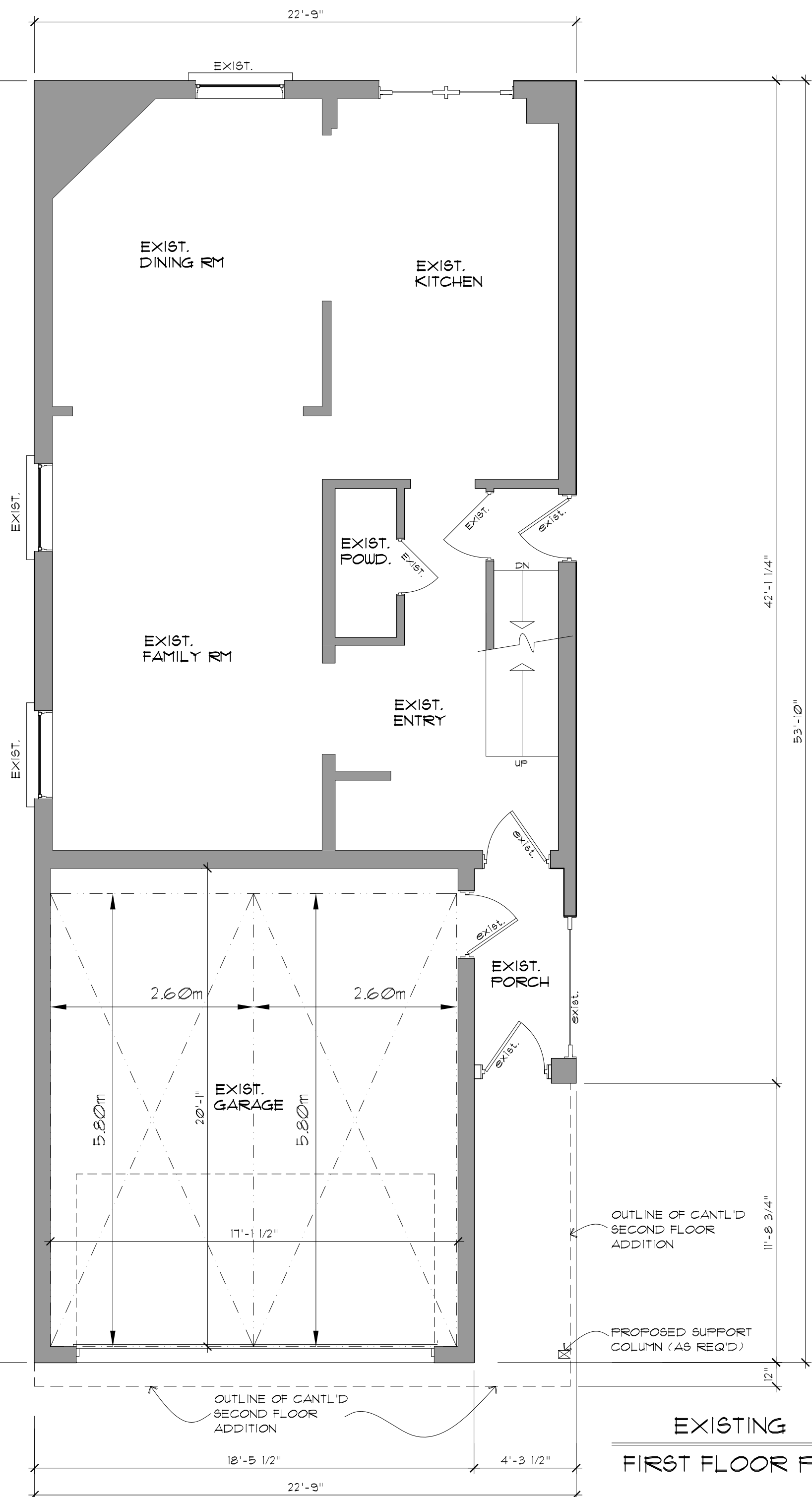
EXISTING /PROPOSED  
 SITE PLAN

DRAWN BY:	CHECKED BY:	SHEET
DATE	SCALE	S.P.
JAN. 2021	1/8" = 1'-0"	FILE



EXISTING WALLS TO BE DEMOLISHED, PATCH & FILL (AS REQUIRED)

EXISTING WALLS TO REMAIN (DO NOT DISTURB) (AS REQUIRED)



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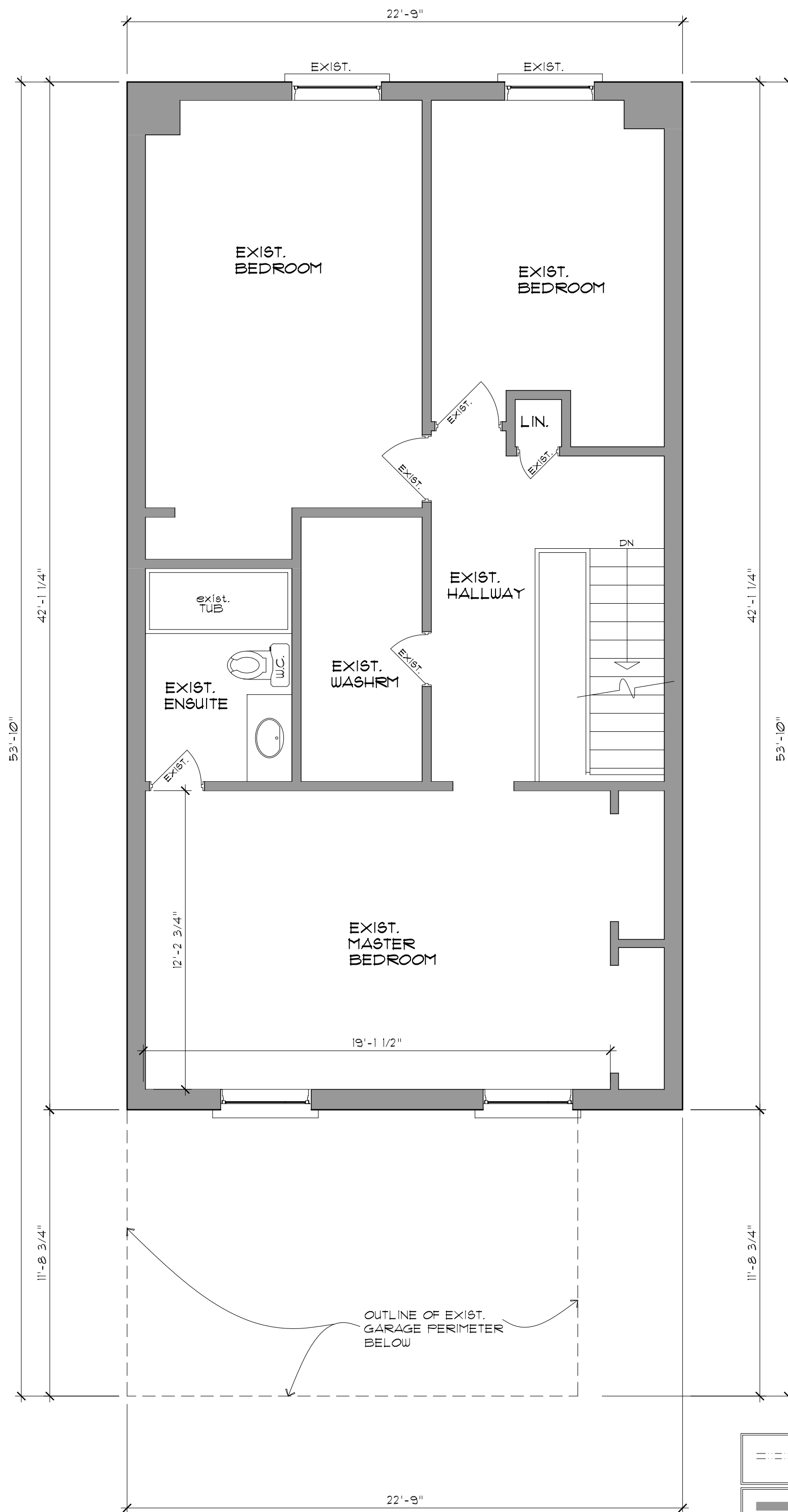
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PROP. INTERIOR ALTERATION  
NEW SECOND FLOOR ADDITION  
ABOVE GARAGE  
80 HARNESSE CIR.  
MARKHAM, ONTARIO

EXISTING BASEMENT & FIRST FLOOR PLANS

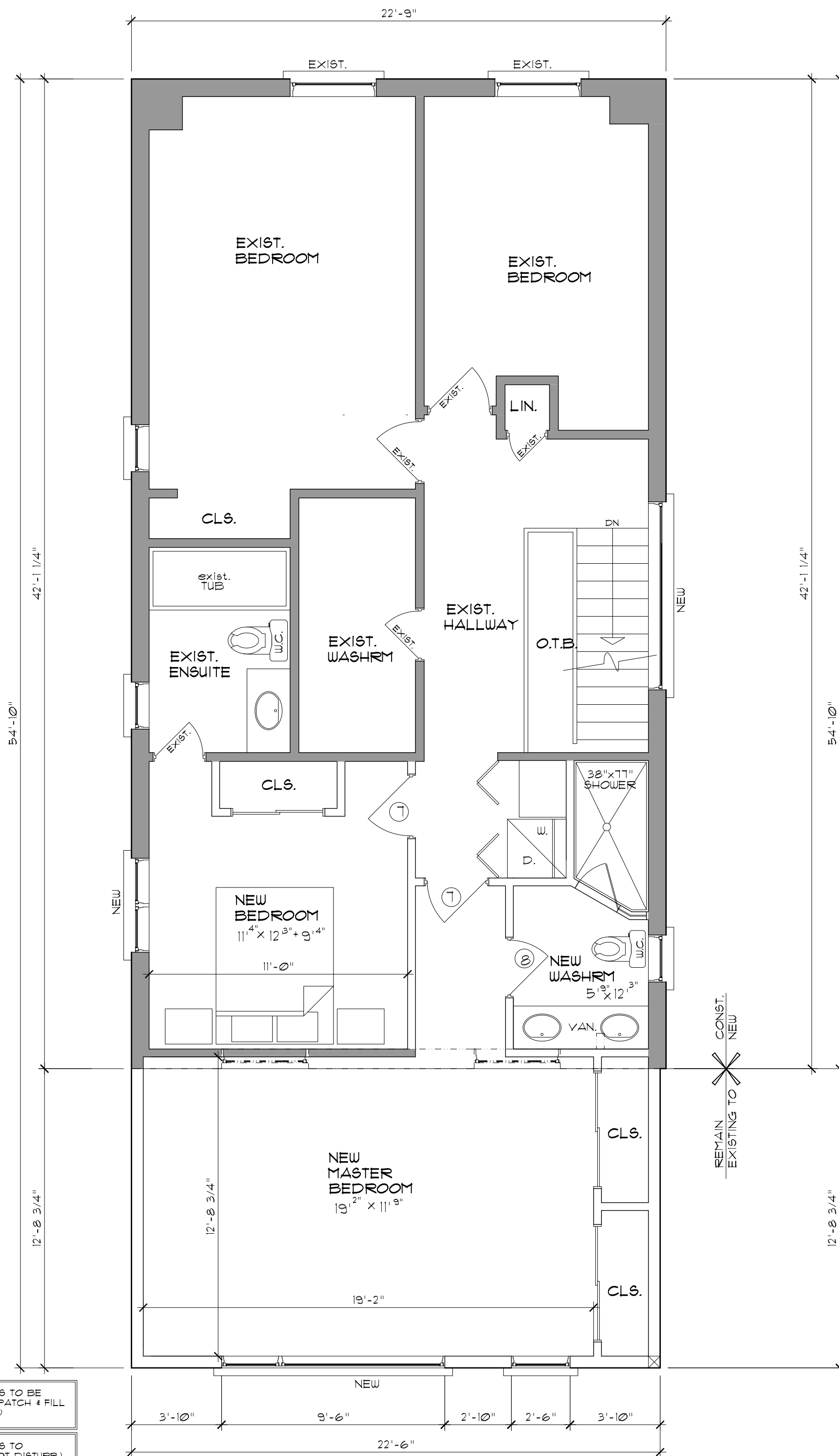
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DATE	SCALE	FILE
JAN. 2021	1/4" = 1'-0"	A-1





**EXISTING  
SECOND FLOOR PLAN**

- EXISTING WALLS TO BE DEMOLISHED, PATCH & FILL (AS REQUIRED)
- EXISTING WALLS TO REMAIN (DO NOT DISTURB) (AS REQUIRED)
- NEW WALLS (AS REQ'D) REFER TO CONSTRUCTION NOTES (99) AS INDICATED



**EXISTING/PROPOSED  
SECOND FLOOR PLAN**

**REVISIONS**

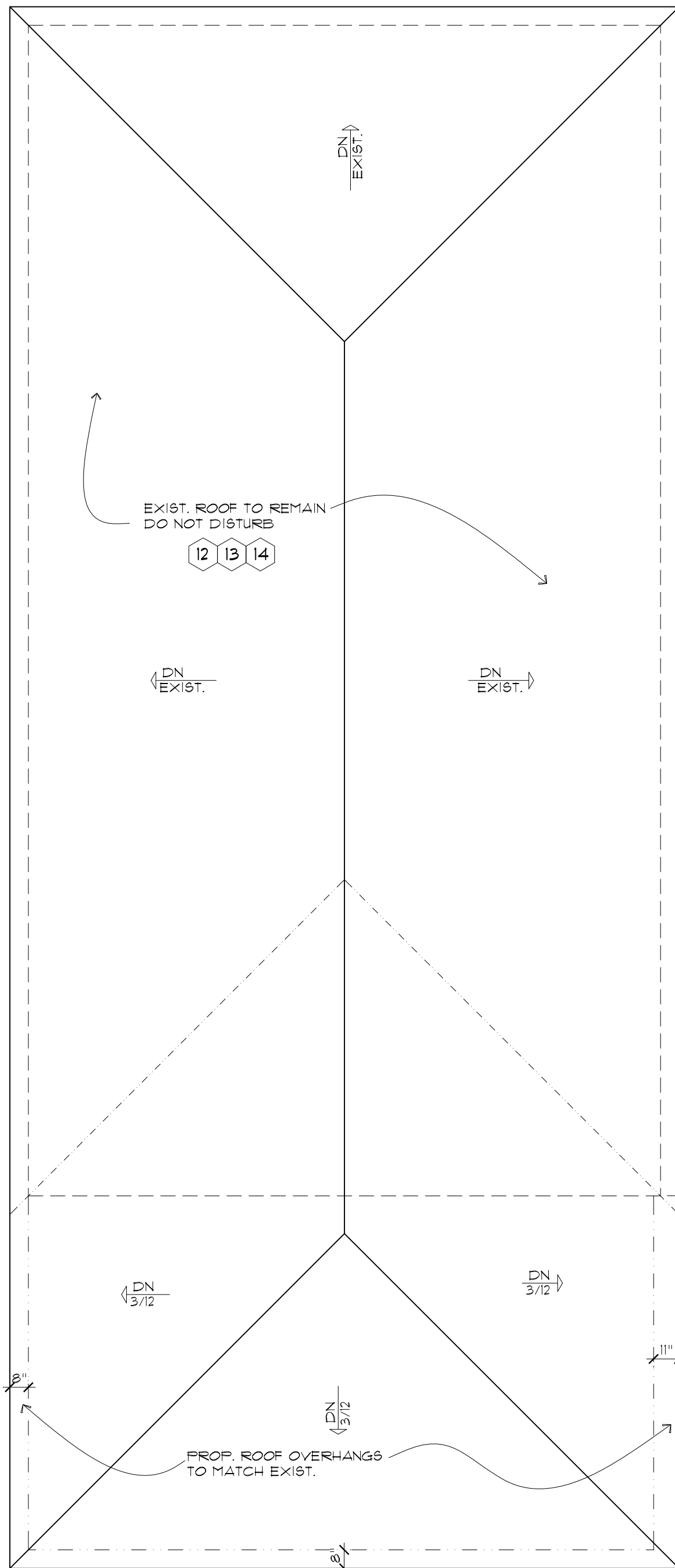
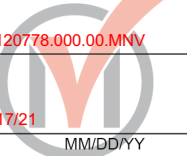
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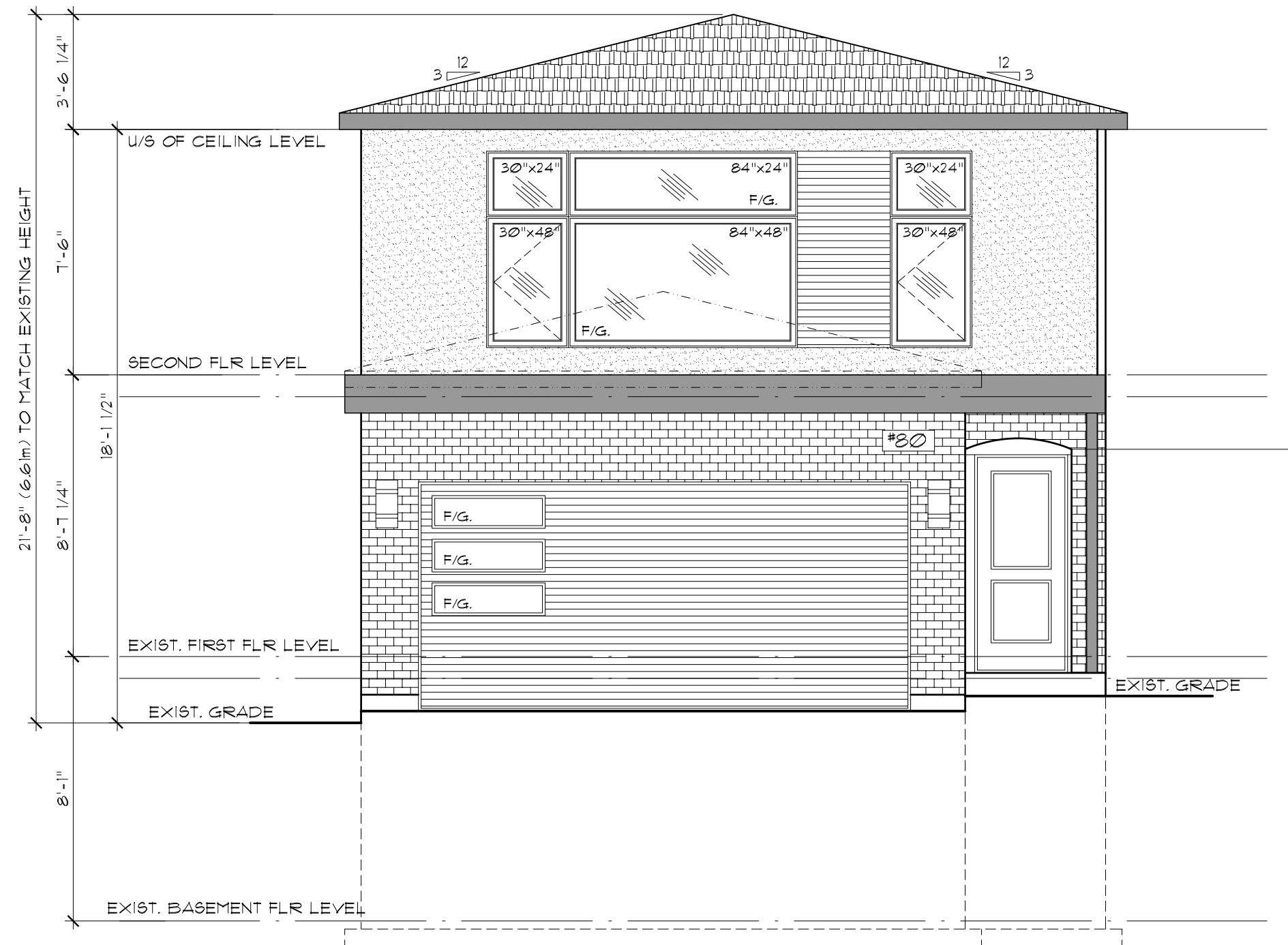
PROP. INTERIOR ALTERATION  
NEW SECOND FLOOR ADDITION  
ABOVE GARAGE  
80 HARNESS CIR.  
MARKHAM, ONTARIO

**EXISTING / PROPOSED  
SECOND FLOOR PLAN**

DRAWN BY:	CHECKED BY:	SHEET <b>A-2</b>
DATE JAN. 2021	SCALE 1/4" = 1'-0"	FILE



EXISTING/PROPOSED  
ROOF PLAN



EXIST. /PROP.  
FRONT ELEVATION

- EXISTING WALLS TO BE DEMOLISHED, PATCH & FILL (AS REQUIRED)
- EXISTING WALLS TO REMAIN (DO NOT DISTURB) (AS REQUIRED)
- NEW WALLS (AS REQ'D) REFER TO CONSTRUCTION NOTES 33/31 AS INDICATED

DETAIL NO.
DETAIL SHEET NO.
REVISIONS

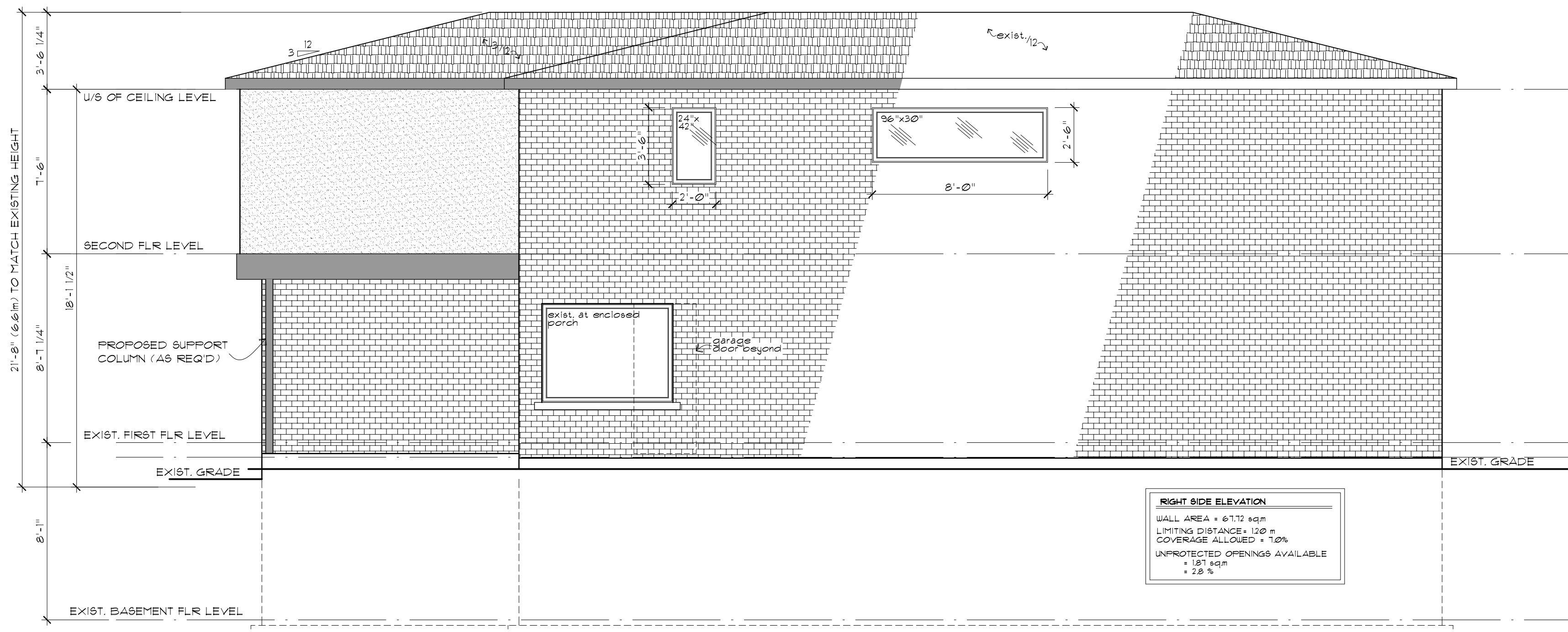
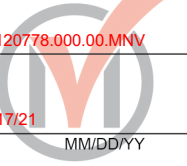
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NEW SECOND FLOOR ADDITION  
ABOVE GARAGE  
80 HARNESS CIR.  
MARKHAM, ONTARIO

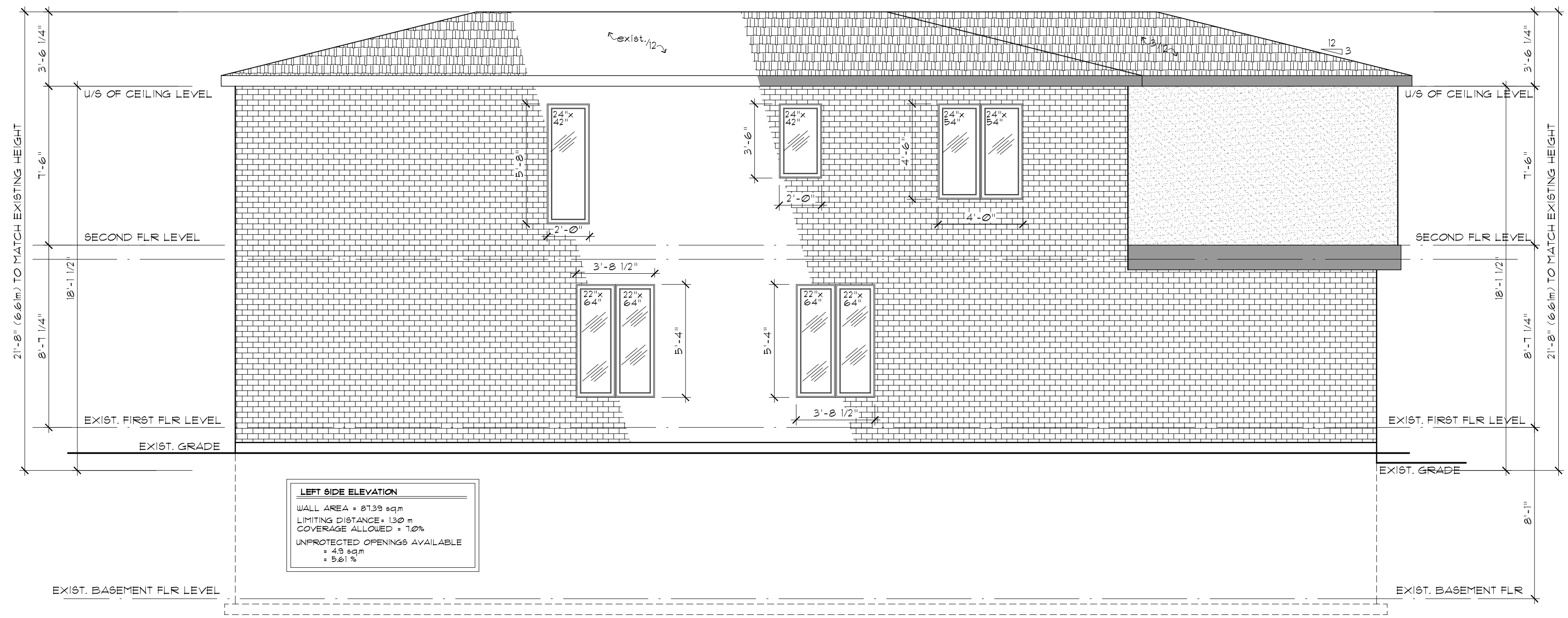
EXISTING/ PROPOSED  
ROOF & FRONT ELEVATION

DRAWN BY:	CHECKED BY:	SHEET
		A-3
DATE	SCALE	FILE
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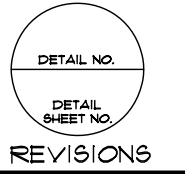
**RIGHT SIDE ELEVATION**  
 WALL AREA = 67.72 sq.m  
 LIMITING DISTANCE = 120 m  
 COVERAGE ALLOWED = 7.0%  
 UNPROTECTED OPENINGS AVAILABLE  
 = 187 sq.m  
 = 2.8 %

EXIST. /PROP.  
**RIGHT SIDE ELEVATION**



**LEFT SIDE ELEVATION**  
 WALL AREA = 87.39 sq.m  
 LIMITING DISTANCE = 130 m  
 COVERAGE ALLOWED = 7.0%  
 UNPROTECTED OPENINGS AVAILABLE  
 = 4.9 sq.m  
 = 5.61 %

EXIST. /PROP.  
**LEFT SIDE ELEVATION**



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PROP. INTERIOR ALTERATION  
 NEW SECOND FLOOR ADDITION  
 ABOVE GARAGE  
**80 HARNESS CIR.**  
 MARKHAM, ONTARIO

EXISTING / PROPOSED  
 SIDE ELEVATIONS

DRAWN BY:	CHECKED BY:	SHEET <b>A-4</b>
DATE JAN. 2021	SCALE 1/4" = 1'-0"	FILE