

Memorandum to the City of Markham Committee of Adjustment

July 13, 2021

File: A/070/21
Address: 68 Norbury Drive – Markham, ON
Applicant: Muhammad Rehman
Agent: Noble Prime Solutions Ltd. (Jivtesh Bhaila)
Hearing Date: July 21, 2021

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

The applicant is requesting relief from the following “Ninth Density – Single Detached Residential (R9)” zone requirements under By-law 90-81, as amended, to permit:

a) By-law 90-81, Sec. 5.2.1:

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

BACKGROUND

Property Description

The residential subject property is located on the north side of Norbury Drive, north of Song Bird Drive, east of Markham Road, south of 14th Avenue, and west of 9th Line. The property is currently developed with a two-storey detached dwelling, and is located within a low rise residential neighbourhood. Within close proximity to the property are local parks, and schools.

Proposal

The applicant is requesting permission for a secondary suite to be located in the basement of the existing dwelling. The proposal includes new and existing windows at the east and west sides of the building, and the secondary suite would have direct and separate access provided by a door and walk-up stairs at the north side (rear) 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, 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 (townhouse) 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 90-81

The subject property is zoned “Ninth Density – Single Detached Residential (R9)” under By-law 90-81, as amended, which permits one single detached dwelling per lot.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on April 26, 2021 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 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

No written submissions were received as of the writing of this report. 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. Staff support its approval, subject to the conditions attached in Appendix “A”, and 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.

APPENDICES

Appendix “A” – Conditions of Approval

Appendix “B” – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



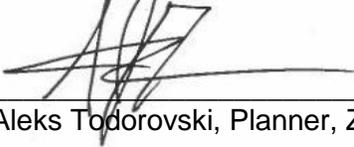
Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/070/21

1. The variance applies only to the proposed development as long as it remains.
2. That the variance applies 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 their designate that this condition has been fulfilled to their 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/070/21

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 INFORMATION. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

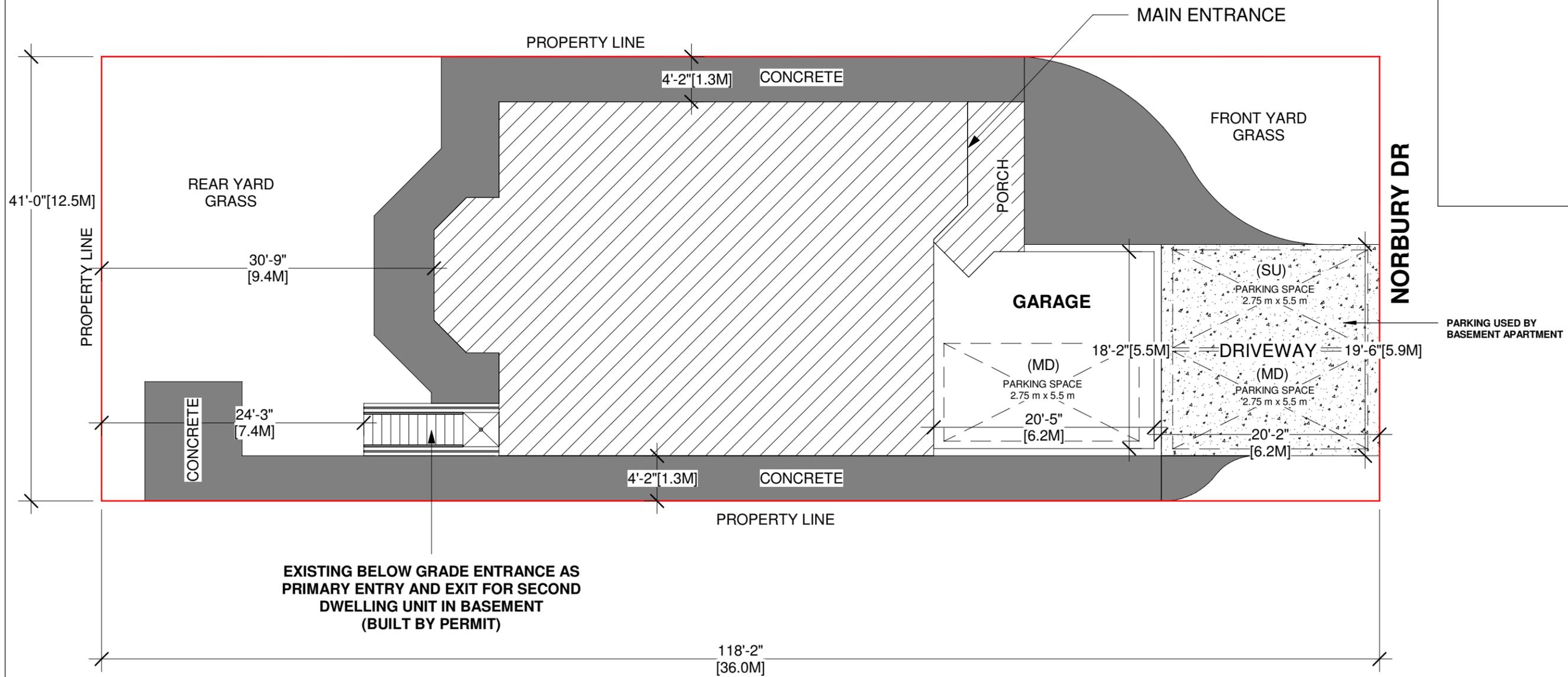
SITE PLAN

Appendix B

File: 21.122131.000.00.MNV
 Date: 07/15/21
 MM/DD/YY

68 NORBURY DR
 TWO STOREY DETACHED HOUSE

**MINOR VARIANCE TO PERMIT
 -SECOND UNIT DWELLING IN BASEMENT**



**PARKING (SU) - FOR SECOND DWELLING UNIT
 PARKING (MD) - FOR MAIN DWELLING UNIT**

STAMP	
01	ISSUED FOR VARIANCE FEB 19/21
ADDRESS: 68 NORBURY DR MARKHAM, ON	
DRAWN BY: NK	CHECKED BY: JB
PROJECT NUMBER:	
NOBLE PRIME SOLUTIONS LTD 2131 WILLIAMS PKWY UNIT 19, BRAMPTON, ON info@nobleltd.ca (437) 888 1800 (647) 207 5470	
DATE: FEB 19/21	DWG No: A-1
SCALE: 1" = 10'-0"	

ROOMS	REQUIRED WINDOW AREA	AVAILABLE WINDOW AREA
BEDROOM 1	2.5% OF 111 SF = 2.78 SF	4.5 SF
BEDROOM 2	2.5% OF 129 SF = 3.23 SF	5.6 SF
LIVING/DINING	5% OF 322 SF = 16.1 SF	17 SF

STEEL LINTEL	OPENINGS	SIZE
L1	UPTO 54" OPENINGS	L 3.5" X 3.5" X 0.3125"
L2	UPTO 66" OPENINGS	L 4.0" X 3.5" X 0.3125"

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 INFORMATION.
CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

PROPOSED BASEMENT PLAN

Appendix B

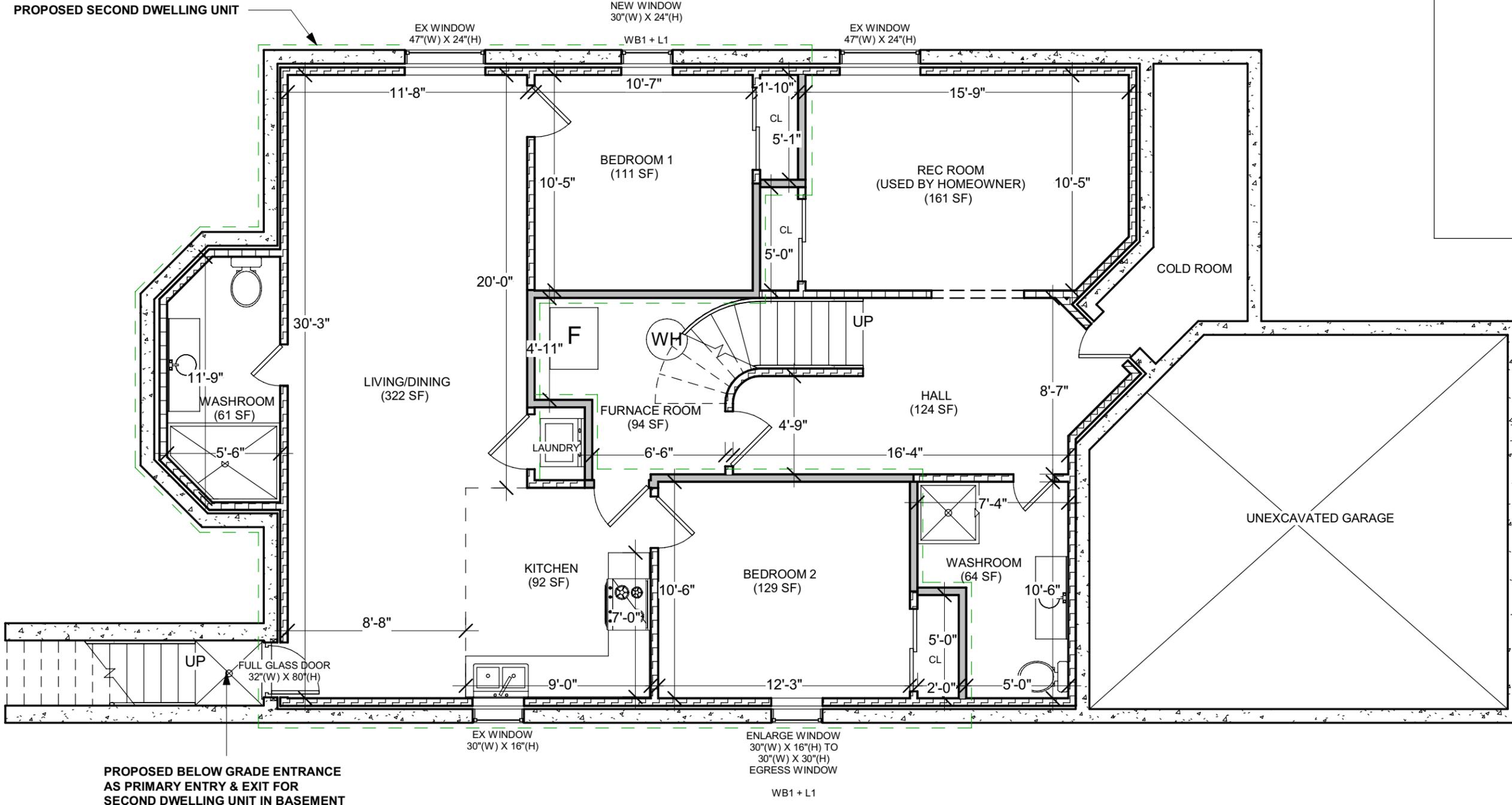
File: 21.122131.000.00.MNV

Date: 07/15/21
MM/DD/YY

NOTE:

PROPOSED SECOND UNIT BASEMENT DWELLING: 823.9 SF
OWNER AREA IN BASEMENT : 380.16 SQF

WOOD LINTEL	OPENINGS	SIZE
WB1	UPTO 42" OPENINGS	2-2"X6"
WB2	UPTO 66" OPENINGS	2-2"X8"



STAMP	
01 ISSUED FOR VARIANCE	MAY 27/21
ADDRESS: 68 NORBURY DRIVE, MARKHAM, ON.	
DRAWN BY: NS	CHECKED BY: JB
PROJECT NUMBER: 21R-22722	
NOBLE PRIME SOLUTIONS LTD 2131 WILLIAMS PKWY UNIT 19, BRAMPTON, ON info@nobleltd.ca (437) 888 1800 (647) 207 5470	
DATE: MAY 27/21	DWG No:
SCALE: 3/16" = 1'-0"	A-2

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 INFORMATION. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

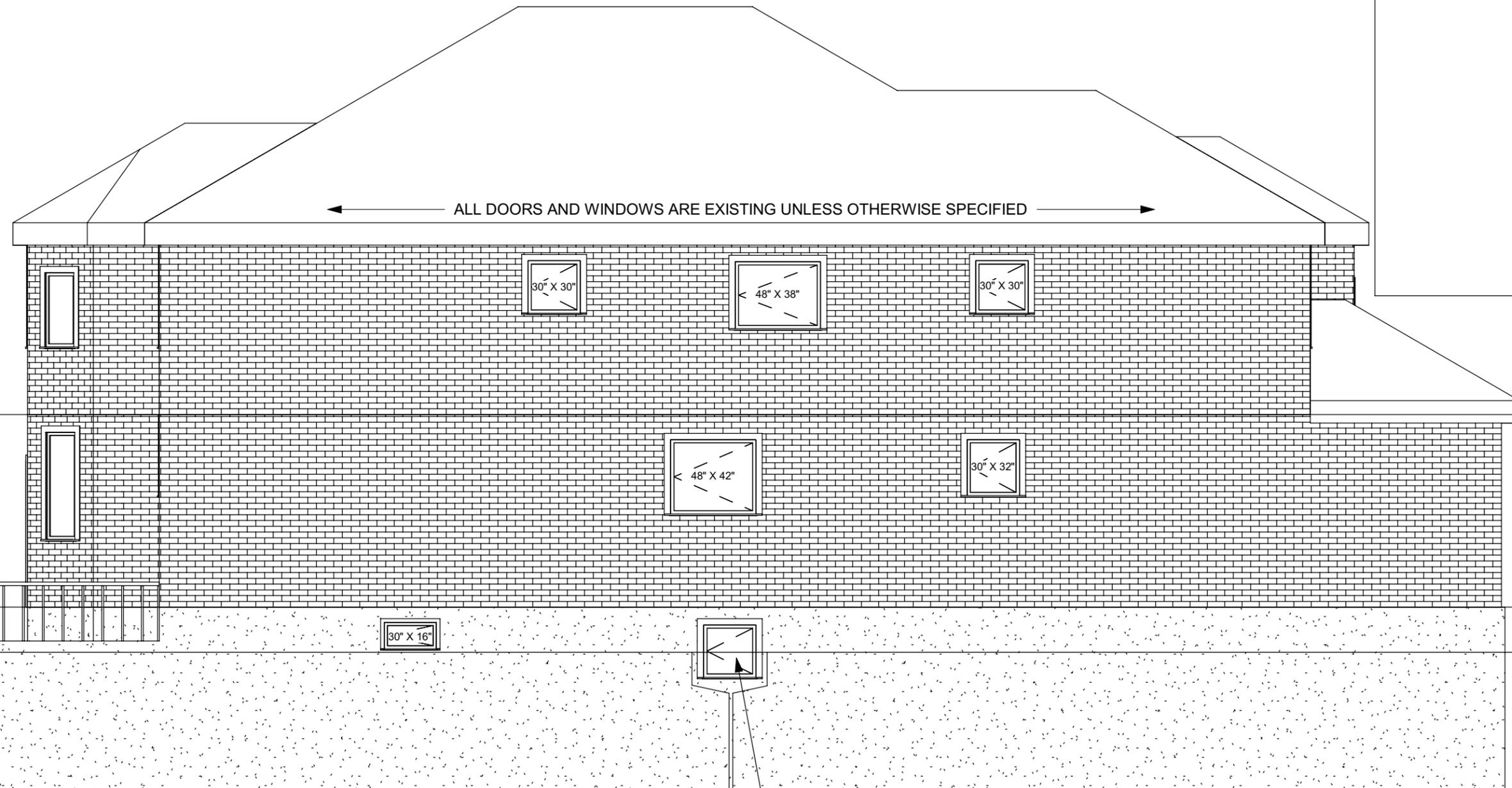
Appendix B

File: 21.122131.000.00.MNV

Date: 07/15/21
MM/DD/YY

LEFT SIDE ELEVATION

WALL AREA = 1,053.49 SF
 ALLOWED OPENINGS = 7% (73.74 SF)
 EXISTING OPENINGS = 45.58 SF
 PROPOSED OPENINGS = 3.4 SF
 TOTAL OPENINGS = 48.98 SF



STAMP

01 ISSUED FOR VARIANCE MAY 27/21

ADDRESS:
 68 NORBURY DRIVE,
 MARKHAM, ON.

DRAWN BY: NS CHECKED BY: JB

PROJECT NUMBER: 21R-22722

NOBLE PRIME SOLUTIONS LTD
 2131 WILLIAMS PKWY
 UNIT 19,
 BRAMPTON, ON
 info@nobleltd.ca
 (437) 888 1800
 (647) 207 5470

DATE: MAY 27/21 DWG No:

SCALE: 3/16" = 1'-0" A-5

ENLARGE WINDOW 30"(W) X 16"(H)
 TO 30"(W) X 30"(H)
 EGRESS WINDOW

WB1 + L1
 WINDOW WELL REQUIRED
 DRAIN TO WEEPING TILES