

Memorandum to the City of Markham Committee of Adjustment

August 16, 2021

File: A/093/21
Address: 13 Black Walnut Drive – Markham, ON
Applicant: Lochana Liyanage
Hearing Date: August 25, 2021

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential Two Exception *64 (R2*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 north side of Black Walnut Drive, east of Rouge Bank Drive, south of Russel Jarvis Drive, and west of Legacy Drive. The property is currently developed with a two-storey detached dwelling. The driveway and garage area provides for a minimum of three parking spaces. The property is located within a low rise residential neighbourhood, and is within close proximity to the Rouge River Community Centre, 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 proposed secondary suite would have a new egress window at the west side of the house, and direct and separate access provided by a new door at the same side.

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 177-96

The subject property is zoned “Residential Two Exception *64 (R2*64)” under By-law 177-96, as amended, which permits one single detached dwelling per lot.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on June 18, 2020 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 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

Two written submissions citing traffic concerns with the proposed development were received as of August 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*, and are of the opinion that the variance request meets the four tests, 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 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:



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/093/21

1. The variance applies only to the subject development as long as it remains.
2. That the variance applies only to the subject development, in substantial conformity with the 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:



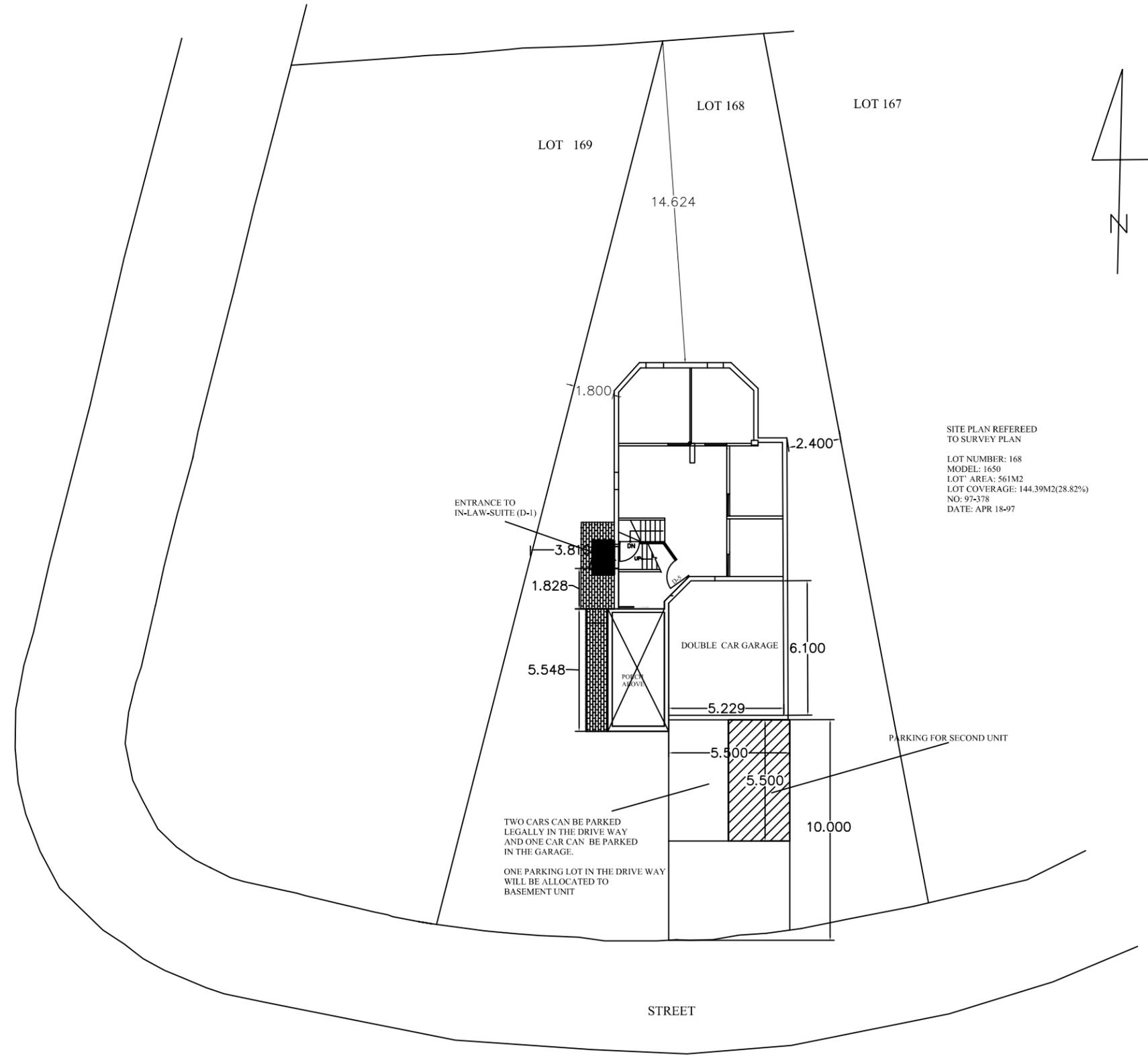
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/093/21

Appendix B

File: 21.127167.000.00.MNV

Date: 08/18/21
MM/DD/YY



SITE PLAN REFERRED
TO SURVEY PLAN
LOT NUMBER: 168
MODEL: 1650
LOT AREA: 561M2
LOT COVERAGE: 144.39M2(28.82%)
NO: 97-378
DATE: APR 18-97

ENTRANCE TO
IN-LAW-SUITE (D-1)

DOUBLE CAR GARAGE

PARKING FOR SECOND UNIT

TWO CARS CAN BE PARKED
LEGALLY IN THE DRIVE WAY
AND ONE CAR CAN BE PARKED
IN THE GARAGE.

ONE PARKING LOT IN THE DRIVE WAY
WILL BE ALLOCATED TO
BASEMENT UNIT

STREET

SITE PLAN-MAIN ENTRANCE TO IN-LAW-SUITE

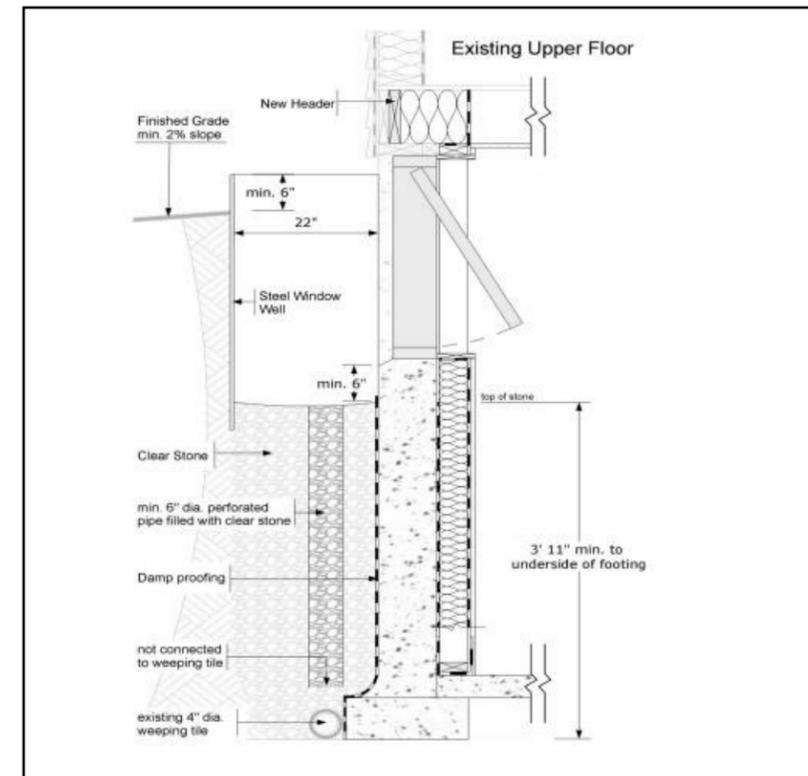
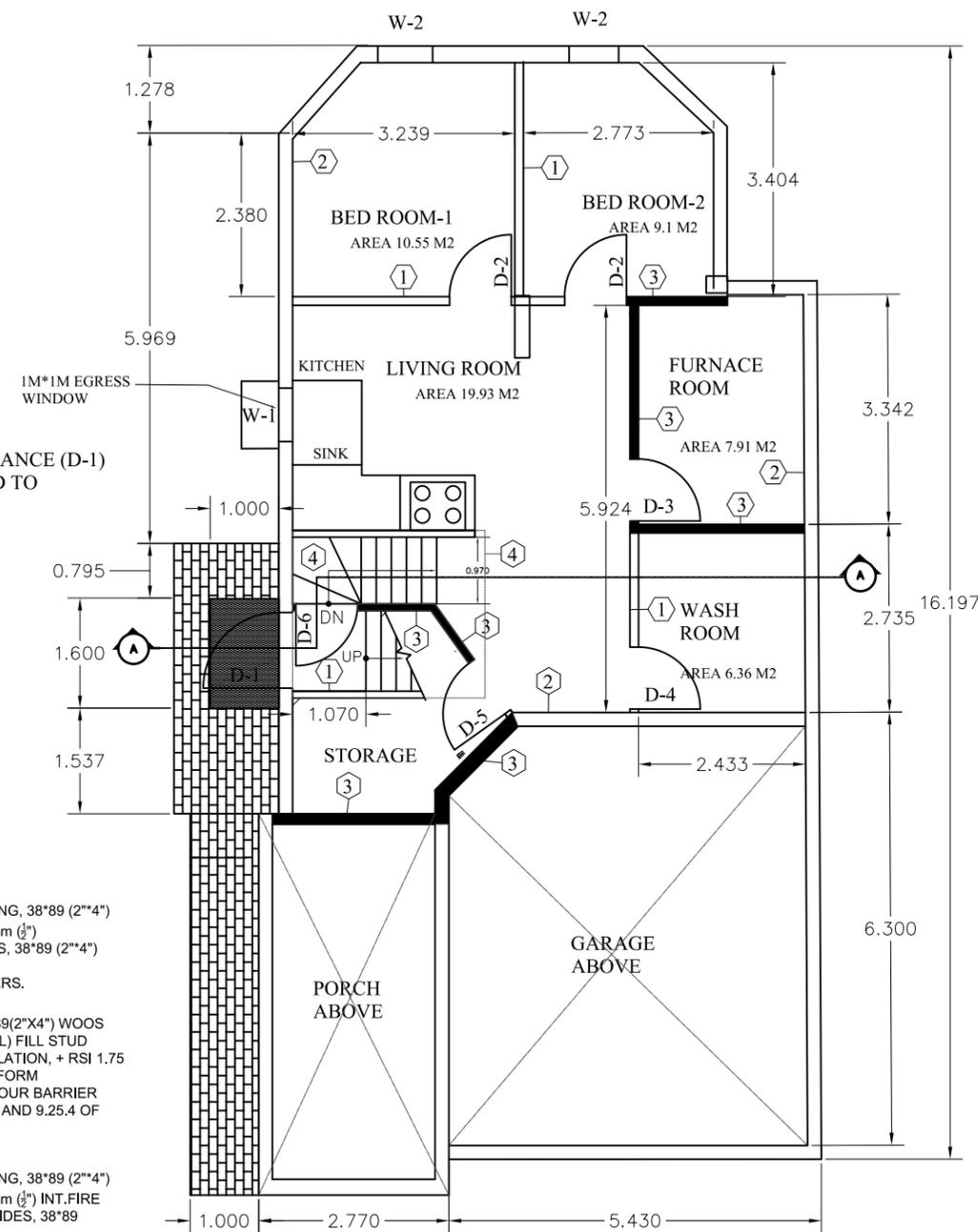
NO.	DESCRIPTION OF ISSUE	DATE	CLIENT:	DRAWING MUST NOT BE SCALED. CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND MUST REPORT ANY INCONSISTENCIES TO THE DESIGNERS BEFORE PROCEEDING WITH WORK & BE RESPONSIBLE FOR FOR THE SAME.	PROJECT	TITLE	SCALE	
1	FOR PZR	FEB 2021	LOCHANA LIYANAGE		13 BLACKWALLNUT, MARKHAM, ON	SITE PLAN-LOCATION OF IN-LAW-SUITE	AS SHOWN	SGN1.1
2	ISSUED FOR PERMIT	APR 2021						
3	ISSUED FOR MNV	JULY 2021						
					DATE			
					JULY 2021			
						JOB No.		
						01-1		

Appendix B

File: 21.127167.000.00.MNV

Date: 08/18/21
MM/DD/YY

DOOR-WINDOW SCHEDULE		
DESCRIPTION	SIZE (H*W)	NUMBERS
D-1	2.1 X 1.1	1
D-2	2.1 X 0.9	2
D-3 with door closure (45 MINS)	2.1 X 0.9	1
D-4	2.1 X 0.9	1
D-5 (45 MINS)	2.1 X 0.9	1
D-6 (45MINS)	2.1 X 0.9	1
W-1	1.0 X 1.0	1
W-2	0.6 X 0.9	2



EGRESS WINDOW DETAIL (W-1) SECTION

GENERAL NOTES:

1. ALL DIMENSION ARE IN METERS.
2. PROPOSED INTERNAL PARTITION WORK WILL NOT CHANGE ANY STRUCTURAL COMPONENT OF THE BUILDING.
3. ENTRANCE TO BE PROVIDED TO THE IN-LAW-SUIT FROM EAST EXTERIOR WALL.
4. SEPARATE EXHAUST WILL BE PROVIDED TO THE KITCHEN.
5. EXISTING PLUMBING PROVISIONS WILL BE USED FOR WASH ROOM AND KITCHEN PLUMBING WORK.
6. ALL ELECTRICAL WORK WILL BE INSTALLED AND TESTED BY CERTIFIED ELECTRICIAN.
7. MAIN ENTRANCE RECESS AREA WILL BE PROVIDED WITH A GULLEY AND IT WILL BE CONNECTED TO NEAREST STORM WATER DRAINAGE LINE.

WALL TYPES SCHEDULE

- TYPE ① 38*89 MM (2**4") @400 (16") O.C BEARING, 38*89 (2**4") @ 600 (24") O.C. NON-BEARING, 12.7 mm (½") INT. GYPSUM WALLBOARD BOTH SIDES, 38*89 (2**4") BOTTOM PLATE, 2-38*89 (2**4") TOP PLATE, TRIPLE STUDS AT CORNERS.
- TYPE ② BASEMENT INSULATION
RSI 2.11 (R-12) INSULATION WITH 38X89(2**4") WOOS STRAPPING (2" AWAY FROM FND WALL) FILL STUD CAVITY W/R12 (R.S.J. 2.11) BATT INSULATION, + RSI 1.75 (R-10) CONT. STYROFORM OR SPARY FORM INSULLATION 0.15mm (0.006") AIR/VAPOUR BARRIER CONFORMING TO SUBSECTION 9.25.3 AND 9.25.4 OF THE O.B.C
- TYPE ③ 30 MINUTES FIRE RATED WALL
38*89 MM (2**4") @400 (16") O.C BEARING, 38*89 (2**4") @ 600 (24") O.C. NON-BEARING, 12.7 mm (½") INT. FIRE RATED GYPSUM WALLBOARD BOTH SIDES, 38*89 (2**4") BOTTOM PLATE, 2-38*89 (2**4") TOP PLATE, TRIPLE STUDS AT CORNERS.
- TYPE ④ 30 MINUTES FIRE RATED CEILING
ONE LAYER OF 16MM PLYWOOD SUBFLOOR ON JOISTS, 38x241 MM JOISTS SPACED 406 MM O.C, 89 THICK FIBRE-TYPE INSULATION BETWEEN THE JOISTS, ONE LAYER OF 16MM FIRE-RATED DRYWALL ON CEILING

PROPOSED FLOOR PLAN FOR IN-LAW-SUITE

SCALE 1:100

NO.	DESCRIPTION OF ISSUE	DATE	CLIENT:	PROJECT	TITLE		
1	FOR PZR	JAN 2021	LOCHANA LIYANAGE	13 BLACKWALLNUT, MARKHAM, ON	PROPOSED BASEMENT IN-LAW-SUITE		
2	ISSUED FOR PERMIT	APR 2, 2021					
3	ISSUED FOR PERMIT R1	MAY 25, 2021					
				DATE MAY 2021	JOB No. 01-1	SCALE AS SHOWN	A 01.1

DRAWING MUST NOT BE SCALED. CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND MUST REPORT ANY INCONSISTENCIES TO THE DESIGNERS BEFORE PROCEEDING WITH WORK & BE RESPONSIBLE FOR FOR THE SAME.