

# Memorandum to the City of Markham Committee of Adjustment

August 02, 2021

**File:** A/096/21  
**Address:** 58 Pillar Rock Crescent, Markham  
**Applicant:** Gregory Design Group (Shane Gregory)  
**Hearing Date:** August 11, 2021

The following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirements of the Residential Two (R2\*129) Zone in By-law 177-96, as amended:

**a) By-law 177-96, Section 6.5:**

to permit a second dwelling unit (basement apartment), whereas the By-law permits no more than one dwelling unit on a lot;

**b) By-law 28-97, Section 3.0, Table A:**

to permit a minimum of two parking spaces, whereas the By-law requires a minimum of 3 parking spaces;

as it relates to a proposed secondary suite (basement apartment).

## BACKGROUND

### Property Description

The 298 m<sup>2</sup> (3207 ft<sup>2</sup>) subject property is located on the south side of Pillar Rock Crescent, south of Elgin Mills Road East and east of Victoria Square Boulevard. The subject property is corner unit of an existing townhouse block, which according to assessment records was constructed in 2006. The property is located within a residential neighbourhood comprised of predominantly townhouse dwellings.

### Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing townhouse unit. The secondary suite would have direct and separate access provided by a proposed door on the east side 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 177-96

The subject property is zoned R2\*129 under By-law 177-96, as amended, which permits townhouse dwellings. Exception \*129 relates to lot frontage and is not applicable. The proposed development does not comply with the By-law with respect to the number of dwellings permitted on a lot.

Parking Standards By-law 28-97

The proposed secondary suite also does not comply with the standard of the Parking By-law 28-97 with respect to the required number of parking spaces. Further details of the parking requirement is provided in the comment section below.

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

A Zoning Preliminary Review was undertaken for the proposed side door which complied with the requirements of By-law 177-96. The applicant received comments from the building department through their permit process to confirm the variances required for the proposed second suite.

### **COMMENTS**

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, 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

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 2014 Official Plan for the establishment of a secondary suite and therefore have no objections.

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.

### Reduced Parking Spaces

Parking Standards By-law 28-97, requires two parking spaces to be provided for the principal dwelling unit, plus one additional space for an accessory dwelling unit or secondary suite. The existing single-car garage and driveway currently provides a total of two parking spaces. The Owner is unable to accommodate a third parking space on the lot.

Staff are of the opinion that the parking issue may be considered “self-regulating”, as the unit would only be of interest to a tenant that does not require a parking space, in the event that both parking spaces are required for use by the owner of the dwelling. Staff are of the opinion the requested variance is minor in nature and have no concerns.

It is noted that no overnight parking is permitted on this street, and violators would be ticketed nightly.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of August 2, 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**

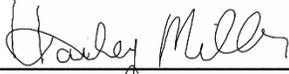
Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the

four tests of the Planning Act and have no objection. 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.

PREPARED BY:



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Hailey Miller, Planner I, West District

REVIEWED BY:



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Stephen Kitagawa, Acting Development Manager, West District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/096/21**

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 plan(s) 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.

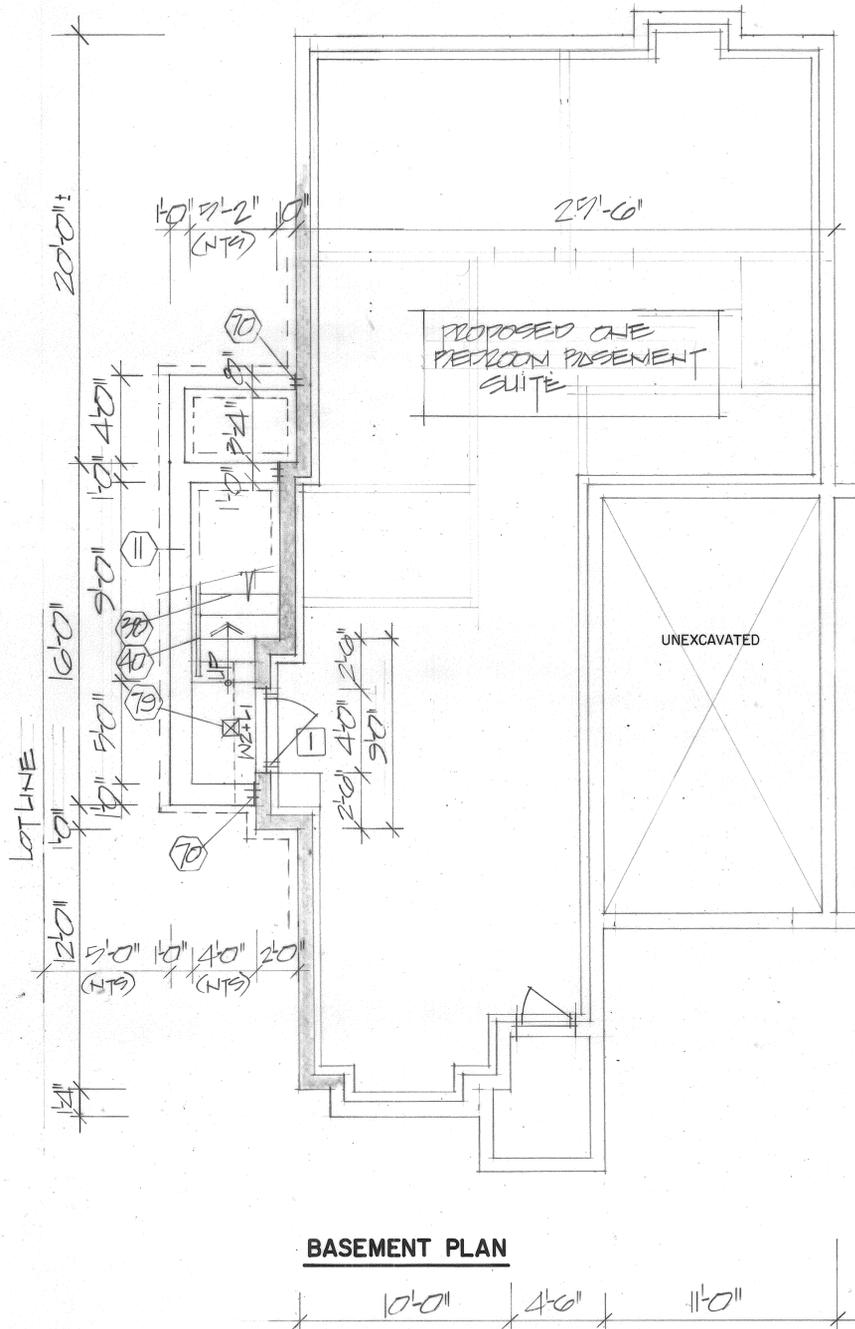
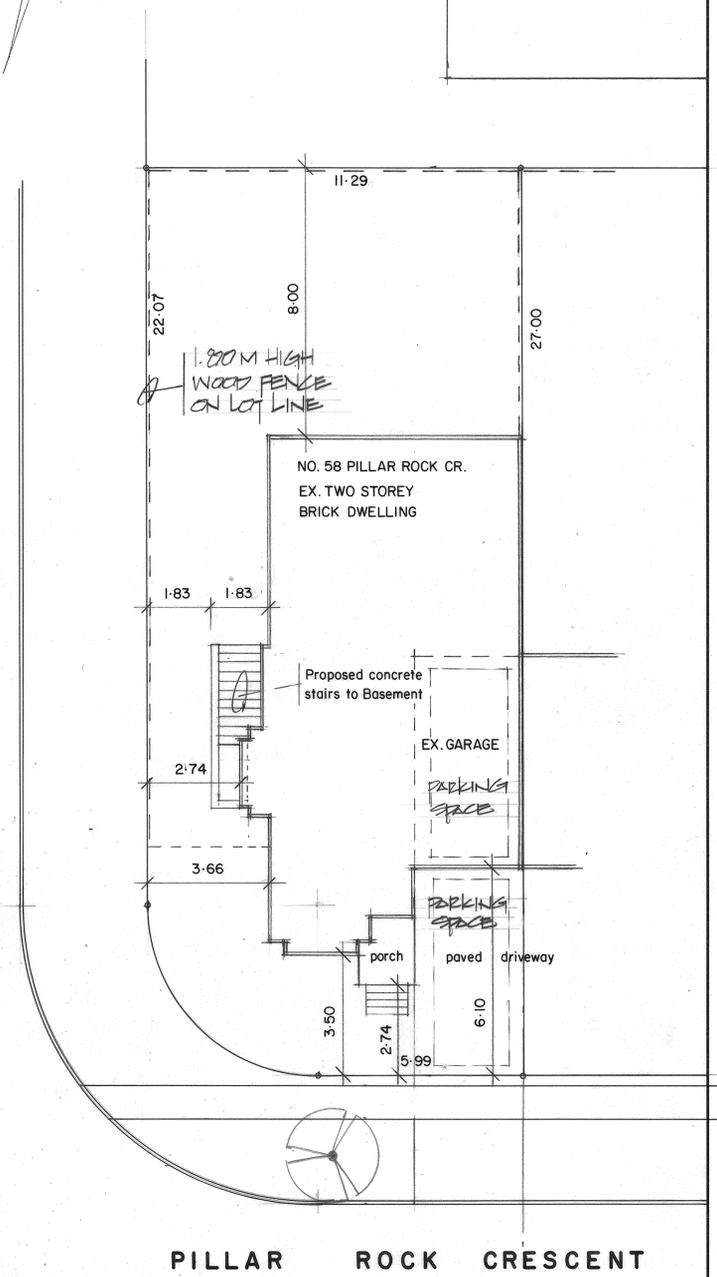
CONDITIONS PREPARED BY:



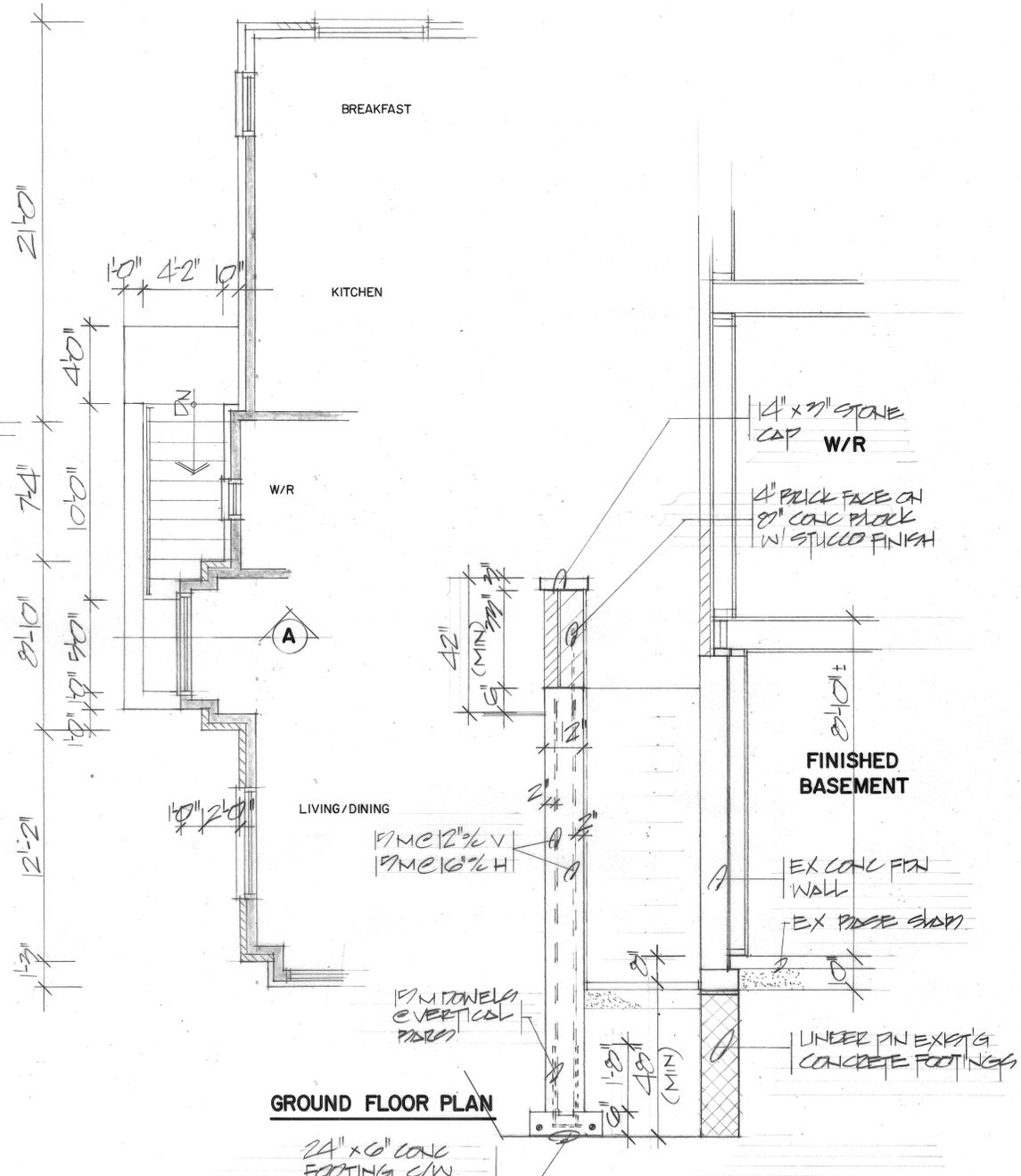
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Hailey Miller, Planner I, West District

**SITE PLAN**  
 SCALE - 1/4"=1'-0"



**BASEMENT PLAN**



**GROUND FLOOR PLAN**

**SECTION 'A'**  
 SCALE - 1/2" = 1'-0"

<b>PROJECT:</b> <b>PROPOSED BASEMENT ENTRY / BASEMENT APARTMENT</b> <b>58 PILLAR ROCK CRES.</b> <b>CITY OF MARKHAM</b>	I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2 of Division C. of the Building Code, I am qualified, and the firm registered, in the appropriate class/categories.	<b>DRAWN:</b> R. GREGORY <b>DATE:</b> 0/3/21
	Russ Gregory <small>NAME</small>	 <small>SIGNATURE</small>
<b>THE GREGORY DESIGN GROUP</b> 16 CHURCH STREET MARKHAM, ONTARIO, L3P 2L6 (416) 720-4667 russ@gregorydesigngroup.net	<b>GENERAL NOTES:</b> All construction is to conform to section "P" of the Ontario Building Code (latest edition). Contractor shall check and verify all notes and dimensions. Do not scale drawings. Owner/contractor/designer is responsible to re-claim and destroy all previous and un-revised copies of this drawing. These drawings are the property of the Gregory Design Group and/or its clients only. Building permits should be obtained prior to commencing construction.	<b>PROJECT NO.:</b> 2300 - 21 <b>DRAWING NO.:</b> A-1