

Memorandum to the City of Markham Committee of Adjustment

August 27, 2021

File: A/113/21
Address: 272 Cornell Park Avenue – Markham, ON
Applicant: Gopalakrishnan Venkateswaran
Agent: Weird Impulse Inc. (Arlotte Noronha)
Hearing Date: September 8, 2021

The following comments are provided on behalf of the East District Team. The applicant is requesting relief from the following “Residential Two Exception *190*465 (R2*190*465)” zone requirement under By-law 177-96, as amended, to permit:

a) By-law 177-96, Sec. 7.190.1(a)(ii):

an accessory dwelling unit, whereas the by-law permits one only if located above a private garage.

BACKGROUND

Property Description

The 283.20 m² (3,047.96 ft²) subject property is located on the north side of Cornell Park Avenue, east of Bur Oak Avenue, south of Almira Avenue, and west of Cornell Centre Boulevard. The property is currently developed with a detached dwelling and detached two-car garage which shares a common wall with the neighbouring garage at 270 Cornell Park Avenue. A paved area located on the subject property abuts the private garage to the east.

The property is located within the Cornell community, in which vehicular access and parking is provided to residential properties via rear lanes and garages. The community also contains examples of accessory dwellings built as coach houses, and basement apartments. In close proximity to the property are schools, parks, and commercial uses.

Proposal

The applicant is proposing to locate an accessory dwelling unit in the basement of the detached dwelling, and to construct walk-up stairs in the rear yard which would provide direct and separate access to the basement apartment. The applicant is also proposing to use the existing garage for two parking spaces, and the paved area which abuts the private garage as a third parking space (parking pad).

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 the 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 *190*465 (R2*190*465)” under By-law 177-96, as amended, which permits various low rise housing forms including single

detached dwellings. Exception *190 also permits one accessory dwelling unit on a lot where an existing single detached dwelling exists, provided that:

- it is accessory to a single detached dwelling unit on the same lot;
- it is located above a private garage in either the main building or an accessory building on the same lot, excepting that stairways providing access to the accessory dwelling unit may extend down to grade; and
- the required parking space is independently accessible from the parking spaces for the main dwelling unit on the lot.

The proposed accessory dwelling unit therefore does not comply with the By-law requirement with respect to its proposed location.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on June 30, 2021 to confirm the initial variances required for the proposed development (which also noted a deficiency to the required parking). The applicant submitted updated drawings on August 19, 2021 which proposes a parking pad as a third parking space. The proposed parking areas would meet the minimum size requirements for all three parking spaces (Appendix "B"), and the applicant therefore no longer requests a parking reduction.

The applicant has not conducted a ZPR for the revised drawings. 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 are identified during the Building Permit review process, further variance application(s) may be required to address any non-compliances.

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

With exception to the location of the secondary suite, the proposed development meets the criteria noted under Exception *190 as the secondary suite is:

- accessory to a single detached dwelling unit on the same lot; and
- the subject property can accommodate a parking pad (one parking space) that is considered to be independently accessible from the parking spaces (two parking spaces) for the main dwelling unit.

While the zoning by-law specifically permits one accessory unit above a private garage, the requested variance would provide an opportunity to include additional housing on the subject property. As previously noted, the *More Homes, More Choice Act* requires Official

Plans to contain policies to provide for two residential units within a detached dwelling, as well as permitting a residential unit in structures that are ancillary to the primary dwelling unit. The Regional Municipality of York completed an Office Consolidation of their Official Plan in January 2019. Section 3.5.22 states that:

“local municipalities are required to adopt official plan policies that authorize secondary suites as follows:

- *the use of two residential units in a house if no ancillary building or structure contains a residential unit; and*
- *the use of a residential unit in a building or structure ancillary to a house if the house contains a single residential unit.”*

Staff have reviewed this minor variance application, and are satisfied that the proposed development meets the policy direction under the *More Homes, More Choice Act*, and Regional Official Plan, both of which succeed that of the Official Plan 2014, and consequently the current By-law 177-96 in effect. Section 27(1) of the *Planning Act* also states that,

“council of a lower-tier municipality shall amend every official plan and by-law passed under Section 34, or a predecessor of it, to conform with a plan that comes into effect as the official plan of the upper-tier municipality.”

The City of Markham is committed to promoting affordable and shared housing opportunities. Secondary suites help the City increase the availability and supply of different housing forms which can provide support to achieve its affordable housing target required by the Province. Planning staff are of the opinion that the proposed development is appropriate for the lot as it meets the criteria under Section 8.13.8 of the Official Plan, the *Provincial Policy Statement*, the *Growth Plan*, and the *Planning Act* for the establishment of a secondary suite, and have no objections to its approval.

Fire Department Comments

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.

York Region Comments

The Regional Municipality of York has reviewed the application, and provides no comments.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 27, 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 proposed secondary suite is an appropriate

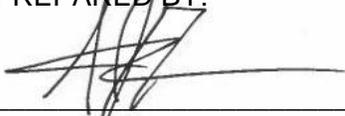
development of the lot which can accommodate appropriate access to the basement apartment from the laneway and street, and can provide for two dwelling units proposed on the same lot. Staff recommend that the Committee consider public input and the conditions of approval attached as Appendix "A" in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

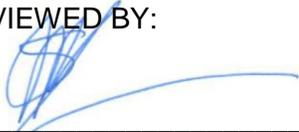
Appendix "B" – Plans

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/113/21

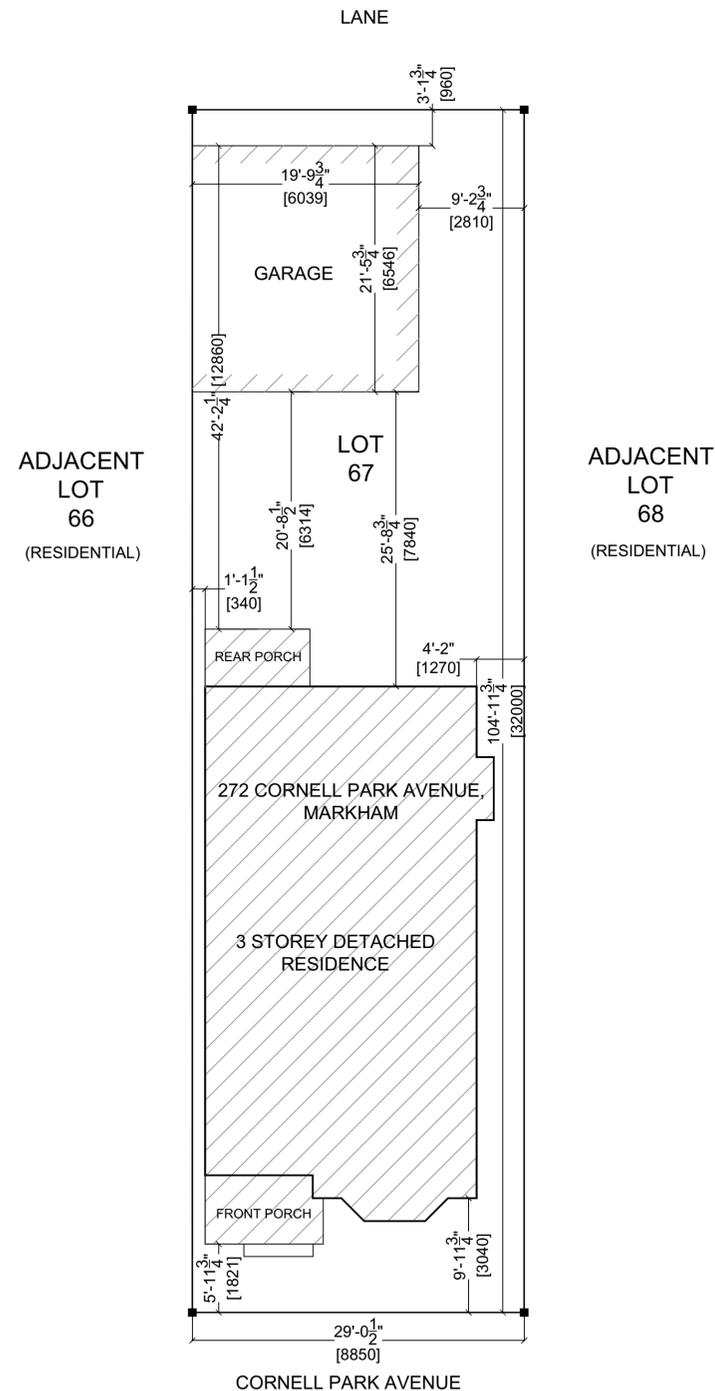
1. That the variance applies only to the proposed development for as long as it remains.
2. That the variance applies only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or 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/113/21



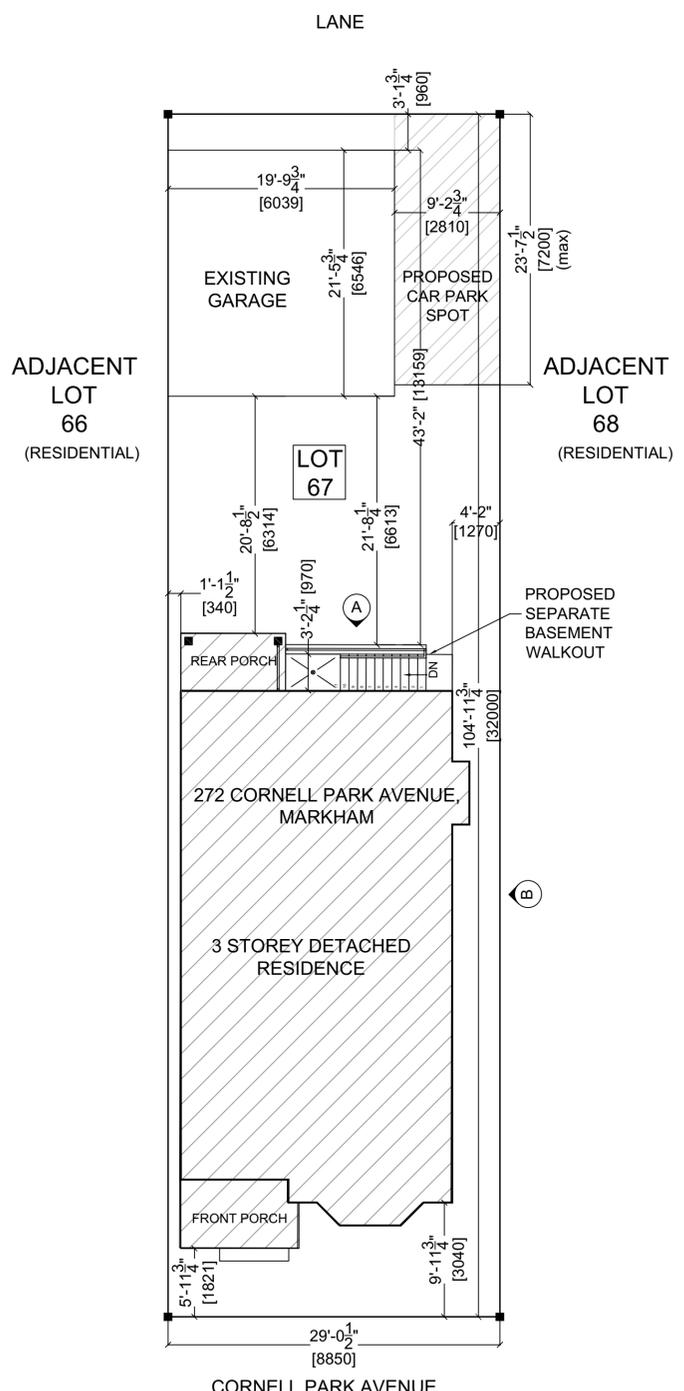
1 EXISTING SITE PLAN
 A0.2 SCALE: 1/8" = 1'-0"

STATISTICS:

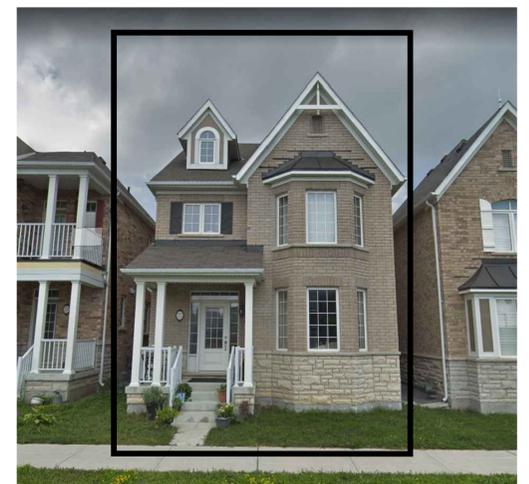
- a) LOT AREA: 3047.957 Ft² (283.2 M²)
- b) BASEMENT AREA: 931.97 Ft² (86.5 M²)
- c) BASEMENT WALKOUT: 58.55 Ft² (5.44 M²)

TOTAL PROPOSED AREA: b + c = 990.52 Ft² (92.02 M²)

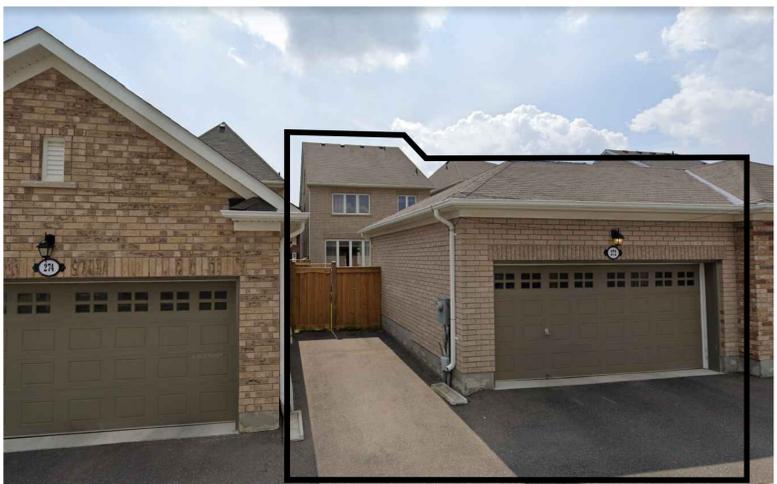
3 STATISTICS
 A0.2 SCALE: N.T.S.



2 PROPOSED SITE PLAN
 A0.2 SCALE: 1/8" = 1'-0"



1. FRONT FACADE OF 272 CORNELL PARK AVENUE, MARKHAM, HAVING SIMILAR RESIDENTIAL PROPERTIES ON EITHER SIDE.
 2. ENTRANCE TO HOUSE ON CORNELL PARK AVENUE (SOUTH SIDE).



1. REAR OF HOUSE (NORTH SIDE) HAS PRIVATE GARAGE ALONG LANEWAY.



1. PROPOSED LOCATION OF BASEMENT WALKOUT
 2. PROPOSED RAILING/GUARD AT EXISTING REAR PORCH ON EAST SIDE - BETWEEN EDGE OF POST AND FACE OF WALL

4 SITE PHOTOGRAPHS
 A0.2 SCALE: N.T.S.

GENERAL NOTES

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.

Sr. No.	DESCRIPTION	Date
1.	ISSUED FOR MINOR VARIANCE	19 JUL 2021
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-

SITE ADDRESS

272 CORNELL PARK AVENUE,
 MARKHAM, ONTARIO L6B 0R1

PROJECT TITLE

PROPOSED BASEMENT SECONDARY SUITE

DRAWING TITLE

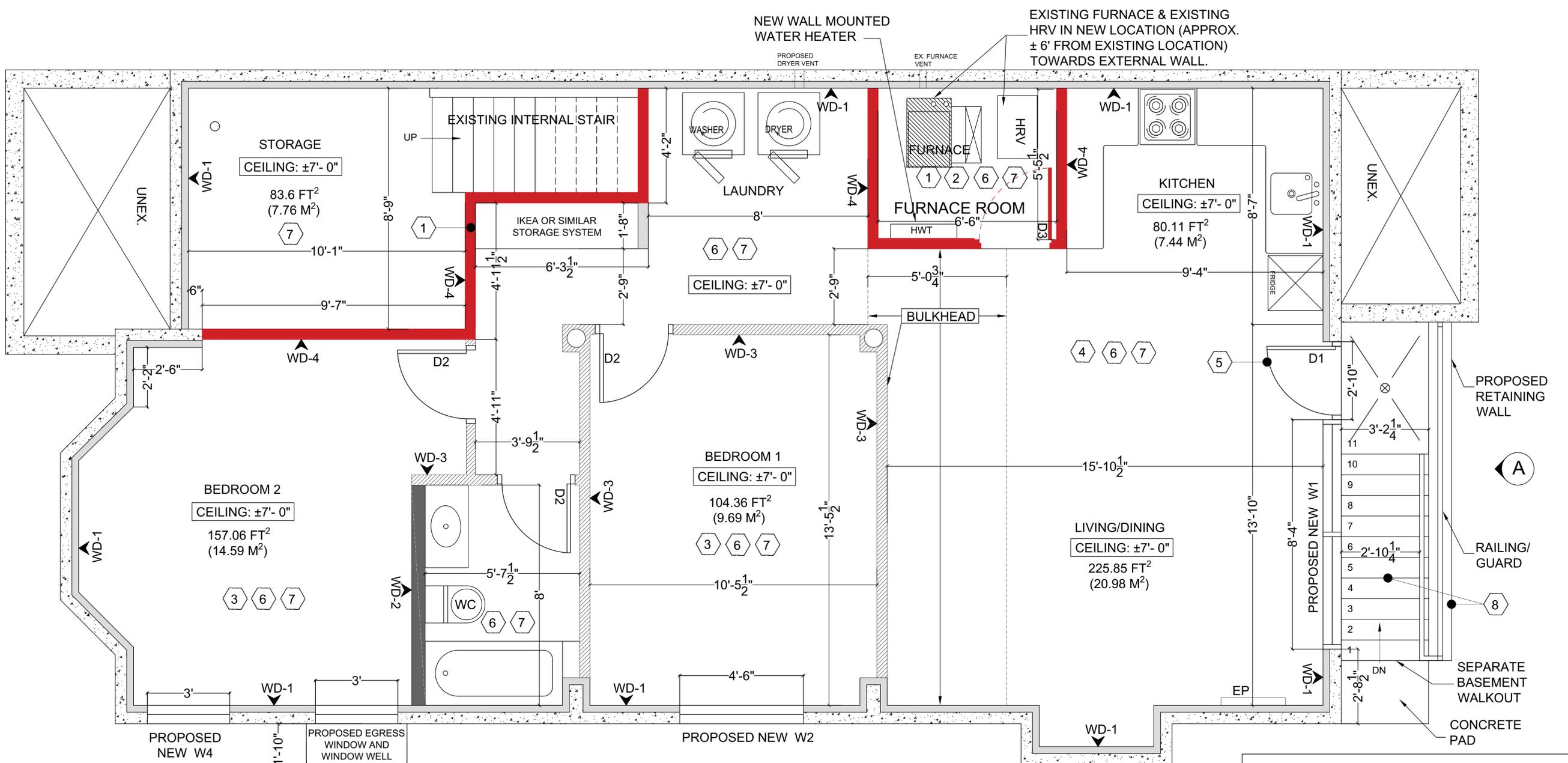
EXISTING AND PROPOSED SITE PLAN, STATISTICS, AND PHOTOGRAPHS

DRAWN BY: AN	CHECKED BY: - AG
SCALE: AS SHOWN	DATE: 16 APR 2021
PROJECT NO: 21-04	NORTH ARROW:
DRAWING NO: A0.2	

DESIGN STUDIO

WEIRD IMPULSE INC.
 75 Glencrest Boulevard, Toronto,
 Ontario M4B 1L6
 (647) 877 - 1071
 (647) 939 - 1071
 Email: weirdimpulse@gmail.com

DATE: 19 JULY 2021	
DESIGN STUDIO	BCIN
WEIRD IMPULSE INC.	119119



1 PROPOSED BASEMENT FLOOR PLAN
 A1.2 SCALE: 1/2" = 1'-0"

	Existing Wall (WD-1 Wall Type)
	Proposed New walls (WD-2 Wall type)
	Proposed New walls (WD-3 Wall type)
	Proposed Fire Rated walls (WD-4 Wall type)

3 LEGEND
 A1.2 SCALE: N.T.S.

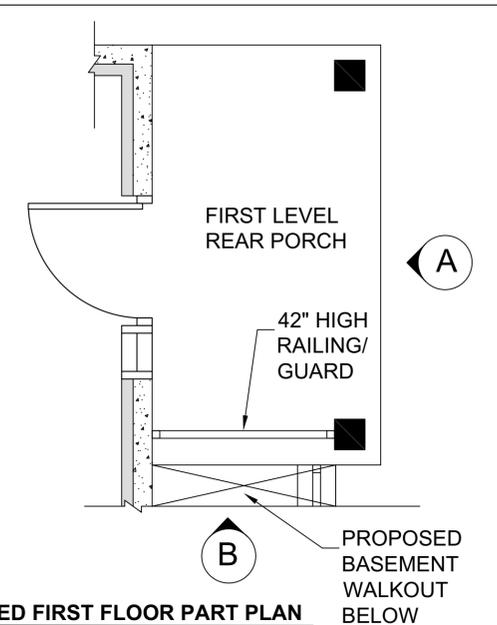
KEYED NOTES:

1. WALL TYPE WD4 - FIRE RATED WALL OF MINIMUM 30 MINUTE FIRE SEPARATION
2. EXISTING FURNACE MOVED TO NEW LOCATION SERVING BOTH UNITS - SMOKE DETECTOR TO BE INSTALLED IN EITHER SUPPLY OR RETURN AIR DUCT WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR. (CODE REFERENCE, PART 11, C 152, C 147, C 175)
3. BEDROOMS TO HAVE INTERCONNECTED HARD WIRED SMOKE ALARM WITH VISUAL SIGNALING COMPONENT (CODE REFERENCE, 9.10.19.9.33.4)
4. COMMON AREAS TO HAVE INTERCONNECTED HARD WIRED SMOKE ALARM WITH VISUAL SIGNALING COMPONENT (CODE REFERENCE, 9.10.19.9.33.4)
5. SECOND UNIT ENTRANCE DOOR TO BE MINIMUM 20 MINUTE FIRE RATED

4 NOTES
 A1.2 SCALE: N.T.S.

6. ALL PLUMBING AND HVAC INSTALLATIONS TO BE DONE BY ONTARIO TRADES LICENSED PLUMBING AND HVAC CONTRACTOR
7. ALL ELECTRICAL INSTALLATIONS TO BE DONE BY ONTARIO TRADES LICENSED ELECTRICAL CONTRACTOR
8. FOOTING : 18" x 4" POURED CONC. FOOTING, ALL FOOTINGS SHALL REST ON NATURAL UNDISTURBED SOIL OR COMPACTED GRANULAR FILL.

2 PROPOSED FIRST FLOOR PART PLAN
 A1.2 SCALE: 1/2" = 1'-0"



GENERAL NOTES

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-	-	-
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-	-	-

SITE ADDRESS

272 CORNELL PARK AVENUE,
 MARKHAM, ONTARIO L6B 0R1

PROJECT TITLE

PROPOSED BASEMENT SECONDARY SUITE

DRAWING TITLE

PROPOSED BASEMENT FLOOR PLAN , LEGEND AND NOTES

DRAWN BY: AN	CHECKED BY: - AG
SCALE: AS SHOWN	DATE: 16 APR 2021
PROJECT NO: 21-04	NORTH ARROW:
DRAWING NO: A1.2	

DESIGN STUDIO

WEIRD IMPULSE INC.
 75 Glencrest Boulevard, Toronto,
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