

Memorandum to the City of Markham Committee of Adjustment

August 19, 2021

File: A/114/21
Address: 42 Terrance Drive, Markham
Applicant: Dharan Prakash
Agent: Alfa Engineering Solutions Inc. (Marwan AL-Farrajji)
Hearing Date: Wednesday August 25, 2021

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

The applicant is requesting relief from the following requirements of By-law 177-96, Residential Two - R2*224*323 as amended:

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

a Second Dwelling Unit, whereas the By-law permits no more than one dwelling unit on a lot; and

b) **By-law 117-96, Section 5.1, Table B2(e):**

a minimum interior side yard setback of 0.86 m (2.82 ft), whereas the By-law requires a minimum of 1.2 m (4 ft);

as it relates to a secondary suite (basement apartment) and steps in the interior side yard.

BACKGROUND

Property Description

The 517.5 m² (5,570 ft²) subject property is located on the north side of Terrance Drive, east of 9th Line and south of Riverwalk Drive. The property is located within a residential neighbourhood comprised of two-storey detached dwellings. There is an existing two-storey 463.19 m² (4,985 ft²) detached dwelling on the property, which according to the application form, was constructed in 2008.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing detached dwelling. The proposal includes a new egress window and the enlargement of the existing window on the north side of the building. The proposed secondary suite would have direct and separate access provided by an existing door on the north side of the building. No other changes are being proposed to the exterior of the dwelling or the property.

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 – R2*224*323 under By-law 177-96, as amended, which permits one detached dwelling per lot. Exception *224 provides for additional provisions for the encroachment of architectural features and stairs into the required front yard and/or required exterior yard and is not applicable to this variance application. Exception *323 provides for special parking provisions and are also not applicable to this variance application. The proposal does not comply with the By-law with respect to the minimum required interior side yard setback and number of dwelling units permitted on a lot.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However the applicant has received comments from the building department through their permit process 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:

- 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

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

Reduced Side Yard Setback (one-storey portion)

The applicant is requesting a minimum interior side yard setback of 0.86 m (2.82 ft) for the one-storey portion of the dwelling, whereas the by-law requires a minimum interior side yard setback of 1.2m (4 ft.) for the one-storey portion of the dwelling. This represents a reduction of approximately 0.34 m (1.12 ft.)

The requested variance only applies to proposed pre-cast concrete steps leading into the proposed secondary suite. Given there are no encroachment allowances for steps and/or landings located in an interior side yard, the steps are required to comply with the interior side yard setback of the main dwelling of 1.2 m (4 ft.). The remainder of the dwelling meets the minimum interior side yard setback requirement. Engineering staff have reviewed the application and have no concern with the variance respecting drainage. Staff are of the opinion that the requested variance is appropriate for the development subject to a condition that the reduced side yard setback applies only to the steps and not to the main dwelling.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 11, 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. 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:



Aqsa Malik, Planner, East District

REVIEWED BY:




Stacia Muradali, Development Manager, East District
File Path: Amanda\File\21-132166 \Documents\District Team Comments Memo

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/114/21

1. The variance for the reduction of the interior side yard setback applies only to the proposed pre-cast concrete steps as long as it remains and not to the main dwelling; and
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 received by the City of Markham 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.

CONDITIONS PREPARED BY:

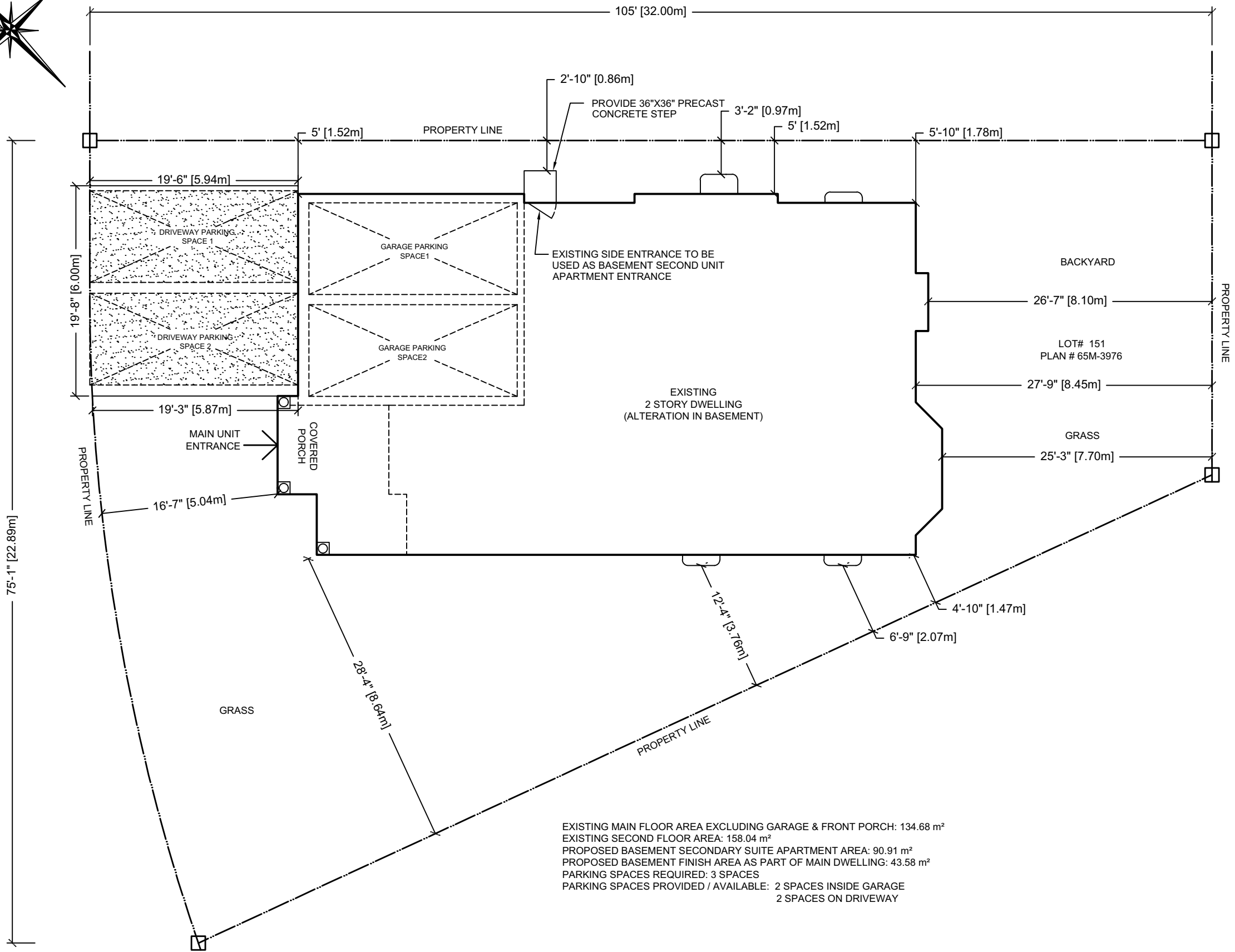
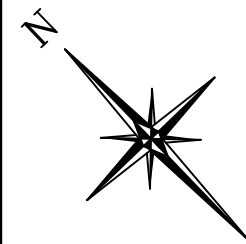


Aqsa Malik, Planner, East District

Appendix B

File: 21.132166.000.00.MNV

Date: 08/19/21
MM/DD/YY



EXISTING MAIN FLOOR AREA EXCLUDING GARAGE & FRONT PORCH: 134.68 m²
 EXISTING SECOND FLOOR AREA: 158.04 m²
 PROPOSED BASEMENT SECONDARY SUITE APARTMENT AREA: 90.91 m²
 PROPOSED BASEMENT FINISH AREA AS PART OF MAIN DWELLING: 43.58 m²
 PARKING SPACES REQUIRED: 3 SPACES
 PARKING SPACES PROVIDED / AVAILABLE: 2 SPACES INSIDE GARAGE
 2 SPACES ON DRIVEWAY



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 Email: malfarraj@alfaengsolutions.com

Project Address:
**42 Terrace Drive
 Markham, Ontario
 Canada, L6B 0M2**

Customer Info:
 Name: **Dharan Prakash**
 Tel: **416-648-6334**
 Email:

Project Title:
TWO UNIT DWELLING

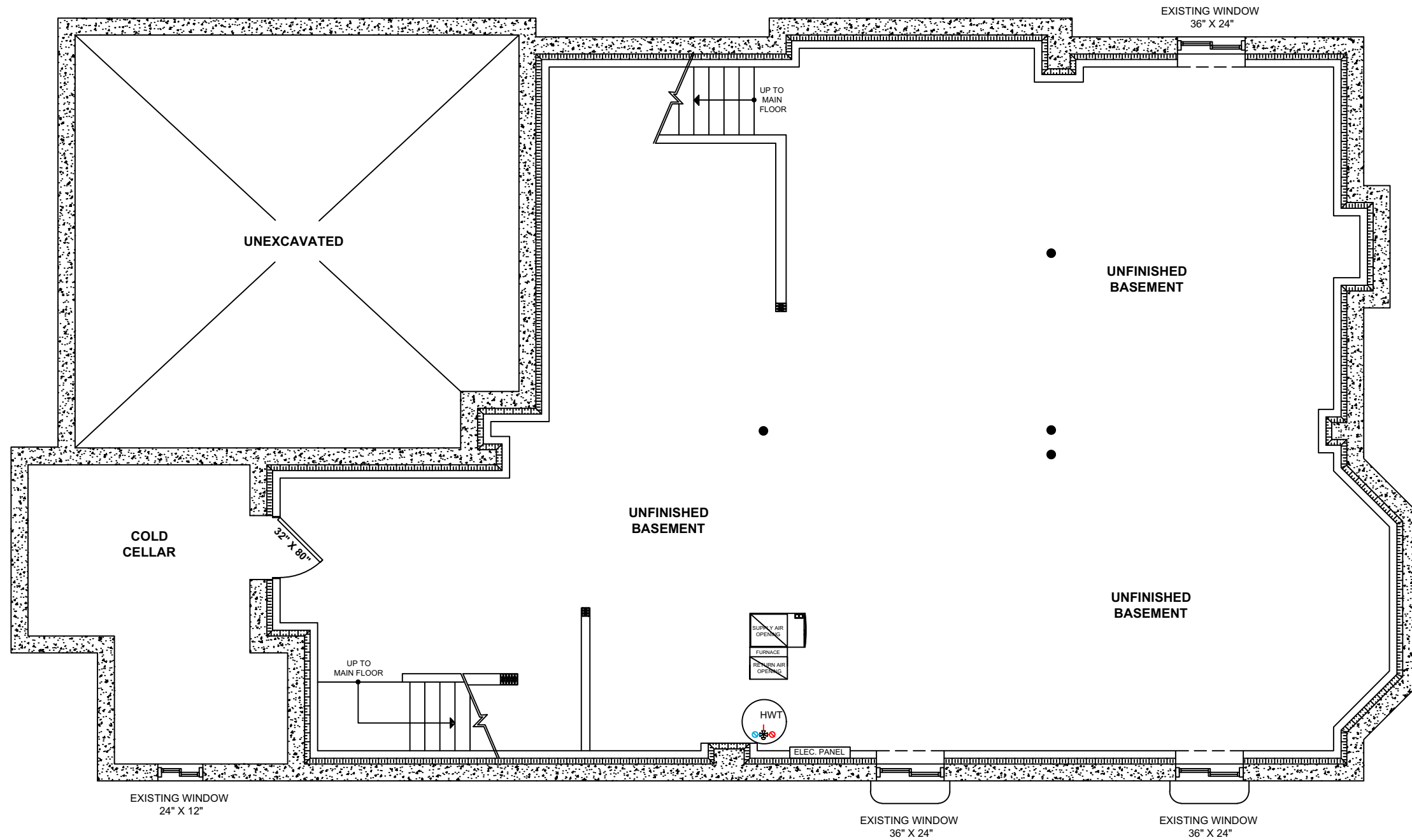
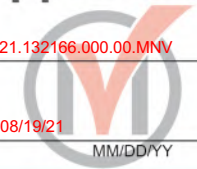
Drawing Title:
SITE PLAN

Designed: M.AF	Checked: M.AF	Date: dd.mm.yyyy 17.06.2021
Project No. TRD-2482	Sheet No. A1.0	Scale: 1:120

Appendix B

File: 21.132166.000.00.MNV

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Canada, L6B 0M2
Name: Dharan Prakash
Tel: 416-648-6334
Email:

Project Title:
TWO UNIT DWELLING
Drawing Title:
EXISTING BASEMENT FLOOR PLAN

Designed: M.AF	Checked: M.AF	Date: dd.mm.yyyy 17.06.2021
Project No. TRD-2482	Sheet No. A1.1	Scale: 1:65

Appendix B

File: 21.132166.000.00.MNV

Date: 08/19/21
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- EXTERIOR WALL CONSTRUCTION "TYPE A"**
- 1/2" DRYWALL
 - 2" X 4" WOOD STUD @ 16" O.C.
 - R12 CONTINUOUS MINERAL FIBER INSULATION WITH VAPOR BARRIER
 - EXISTING CONCRETE FOUNDATION WALL

- 45 min. FIRE SEPARATION WALL "TYPE B"**
SB-3 TABLE 1, W6(g) "50 STC"
- 2 LAYERS OF 1/2" REGULAR GYPSUM BOARD ON RESILIENT METAL CHANNEL SIDE
 - RESILIENT METAL CHANNEL ON ONE SIDE @ 16" O.C.
 - 2" X 4" WOOD STUD @ 16" O.C.
 - 89mm THICK ABSORPTIVE MATERIAL (ROXUL SOUND & SAFE)
 - 2 LAYERS OF 1/2" REGULAR GYPSUM BOARD ON OTHER SIDE

- PROVIDE 30 MIN. FIRE SEPARATION ON THE CEILING OF SHARED AREA OBC SB-2 (2.3.12)**
- OPTION 1:**
- 89mm THICK ABSORPTIVE MATERIAL (ROXUL SAFE&SOUND)
 - 1 LAYER 5/8" TYPE X or C GYPSUM BOARD ON CEILING SIDE
- OPTION 2:**
- 2 LAYERS 5/8" TYPE X or C GYPSUM BOARD ON CEILING SIDE

PROVIDE 20 MIN FIRE RATED DOOR & FRAME WITH SELF CLOSING DEVICE

NEW EGRESS WINDOW
40" X 48"

ENLARGE EX WINDOW
FROM 36" X 24"
TO 36" X 48"

WINDOW CALCULATION FOR LIVING ROOM, DINNING ROOM & KITCHEN @ 5%
OBC "C79(a)": 52,816 in² x 5% = 2,641 in²

INSTALL SUPPLEMENTAL EXHAUST AS PER OBC 9.32.3.5.

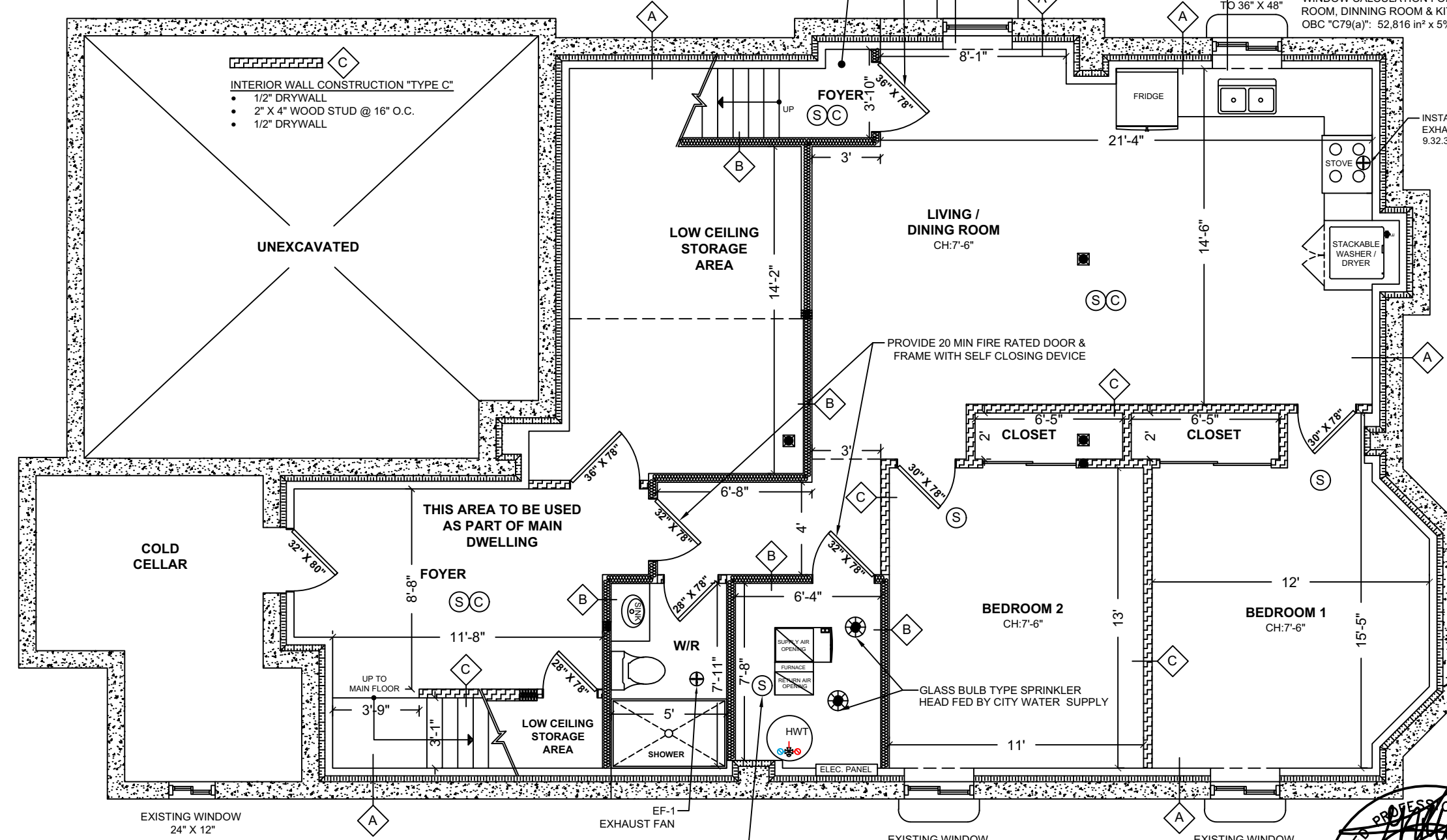
PROVIDE 20 MIN FIRE RATED DOOR & FRAME WITH SELF CLOSING DEVICE

GENERAL NOTES:

- ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE AND REGULATIONS.
- FRAMING NOTES:**
 - DIMENSIONAL LUMBER TO BE S-P-F GRADE 1 OR 2.
 - EF-1/2 : 50CFM EXHAUST FAN WITH 1.5 SONES OR LOWER
- ALL FIRE SEPARATION SHALL BE CONTINUOUS TO ANOTHER FIRE SEPARATION OR TO THE EXTERIOR
- BASEMENT CEILING HEIGHT TO CONFIRM TO DIVISION B, TABLE 9.5.3.1
- CEILING HEIGHT UNDER BEAMS & DUCTS IN THE BASEMENT SHALL MEET THE OBC REQUIREMENT & NOT BE LESS THAN 1950mm

CEILING CONSTRUCTION 45 min. FIRE SEPARATION OBC SB3-TABLE 2 F10(c) "51 STC"

- EXISTING FINISHED FLOOR
- EXISTING 5/8" T&G SUB FLOOR
- EXISTING WOOD FLOOR JOIST
- NEW THICK ABSORPTIVE MATERIAL IN CAVITY (min. 90mm, 2.8Kg/m.sq)
- NEW METAL RESILIENT CHANNEL @ 16" O.C.
- NEW 1 LAYER 5/8" TYPE "X" GYPSUM BOARD ON CEILING SIDE. GYPSUM BOARD MUST MEET THE CSA-A82.27-M or ASTM C1396 / 1396M STANDARDS

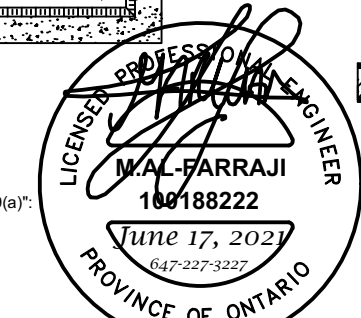


- (S) SMOKE ALARM
- SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM
 - SHALL HAVE A BATTERY BACKUP
 - SHALL BE INTERCONNECTED
- (C) CARBON MONOXIDE ALARM

SMOKE DETECTOR TO BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR
MODEL# SL-2000-P OR EQUIVALENT
GAS VALVE MODEL # ASCO 8214G020 OR EQUIVALENT

WINDOW CALCULATION FOR BEDROOM 2 @ 2.5% OBC "C79(a)":
20,529 in² x 2.5% = 513 in²

WINDOW CALCULATION FOR BEDROOM 1 @ 2.5% OBC "C79(a)":
22,142 in² x 2.5% = 554 in²

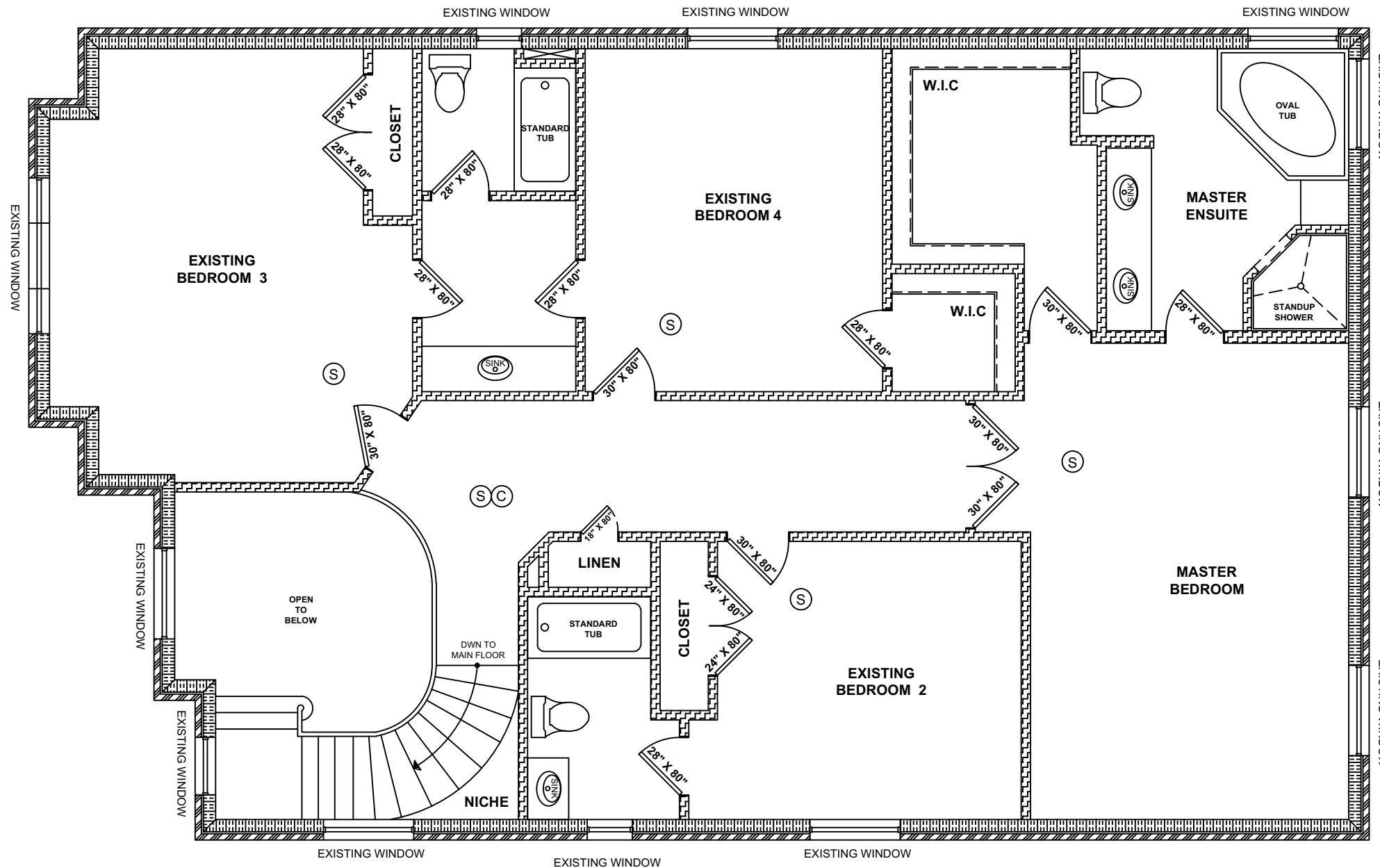


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	00	17.06.21	ISSUED FOR BUILDING PERMIT				M.AF	M.AF	17.06.2021
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Appendix B

File: 21.132166.000.00.MNV

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NOTE:

- INSTALL SMOKE ALARM IN EVERY BEDROOM ON SECOND FLOOR AND INTERCONNECT WITH SMOKE ALARM ON MAIN FLOOR AND BASEMENT.
- SMOKE ALARM SHALL CONFIRM TO O.B.C. DIV. B 9.10.19
- EXISTING SECOND FLOOR WALL & CEILING IS ½" DRYWALLED

- (S) SMOKE ALARM
 - SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM
 - SHALL HAVE A BATTERY BACKUP
 - SHALL BE INTERCONNECTED
- (C) CARBON MONOXIDE ALARM



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Customer Info:
Name: **Dharan Prakash**
Tel: **416-648-6334**
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Project Title:
TWO UNIT DWELLING

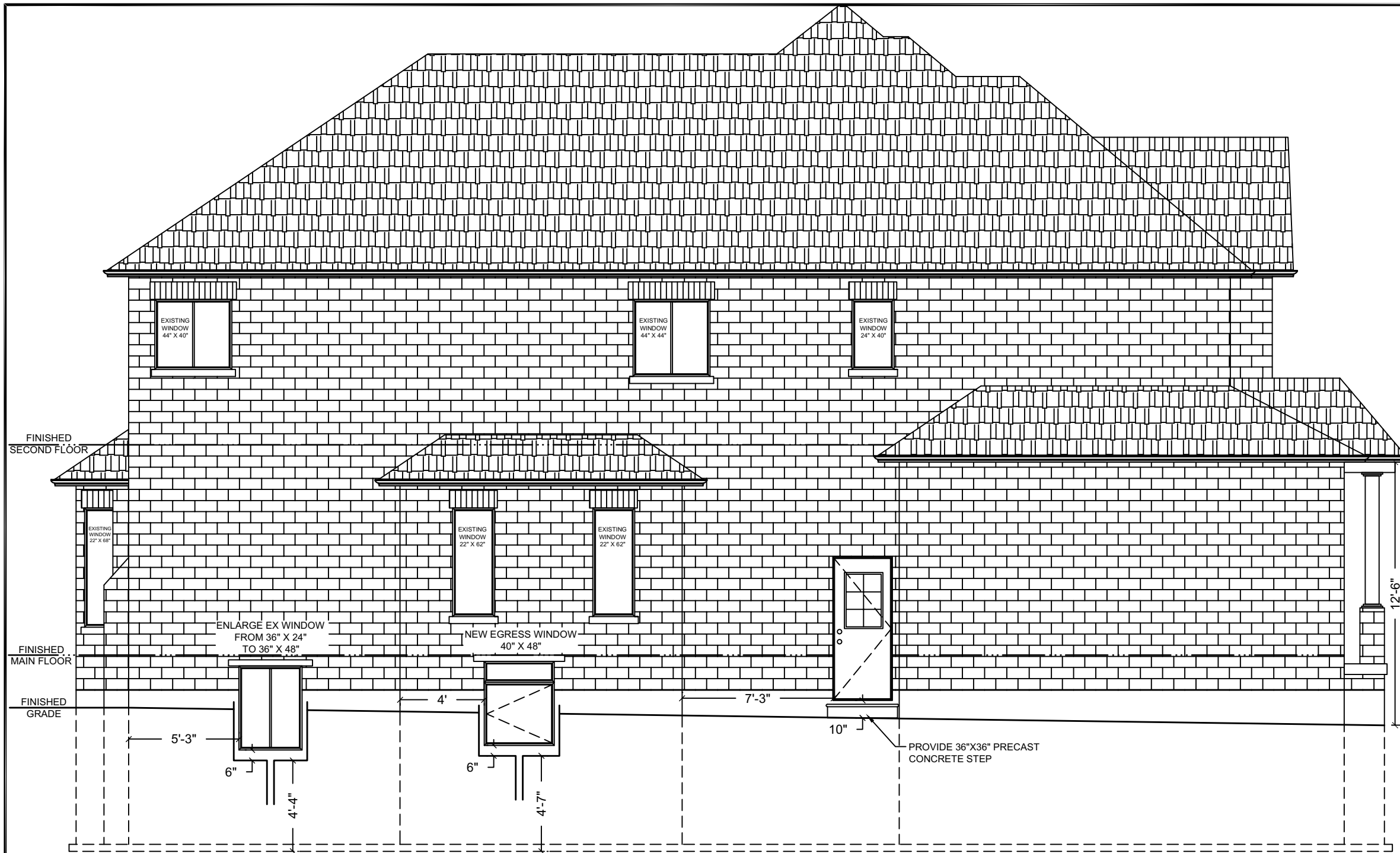
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SECOND FLOOR PLAN

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Project No. TRD-2482	Sheet No. A1.4	Scale: 1:65

Appendix B

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LEFT SIDE ELEVATION

WINDOW GLAZING AREA CALCULATION

WINDOW CONDITION	WINDOW OPENING DIMENSIONS	WINDOW GLAZING DIMENSION	GLAZING AREA	QTY	TOTAL GLAZING AREA ABOVE GRADE
EXISTING	44" X 40"	38" X 34"	1,292 in ²	1	1,292 in ²
EXISTING	44" X 44"	38" X 38"	1,444 in ²	1	1,444 in ²
EXISTING	24" X 40"	18" X 34"	612 in ²	1	612 in ²
EXISTING	22" X 62"	16" X 56"	896 in ²	2	1,792 in ²
EXISTING	22" X 68"	16" X 62"	992 in ²	1	992 in ²
EXISTING DOOR	22" X 32"	22" X 32"	704 in ²	1	704 in ²
ENLARGED	36" X 48"	30" X 42"	1,260 in ²	1	1,260 in ²
NEW	40" X 48"	34" X 42"	1,428 in ²	1	1,428 in ²
TOTAL					9,524 in ² = 6.14 m ²

TOTAL WALL AREA: 114.25 m²
 LIMITING DISTANCE: 7.0%
 OPENING ALLOWED: 8.00 m²
 OPENING PROVIDED: 6.14 m²

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Name: **Dharan Prakash**
 Tel: **416-648-6334**
 Email:

Project Title:
TWO UNIT DWELLING

Drawing Title:
RIGHT SIDE ELEVATION

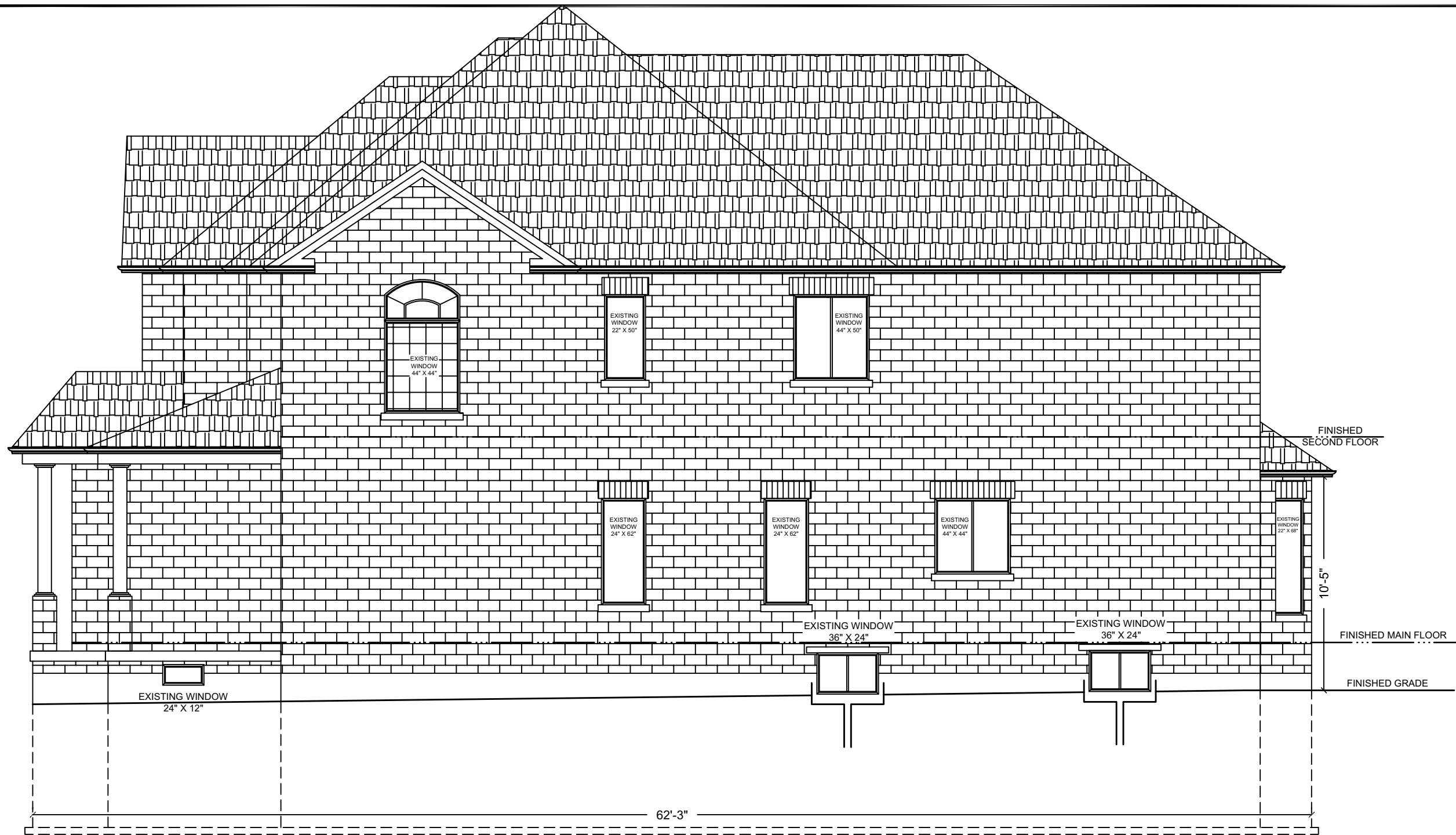
Designed: M.AF	Checked: M.AF	Date: dd.mm.yyyy 17.06.2021
Project No. TRD-2482	Sheet No. A2.1	Scale: 1:65



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RIGHT SIDE ELEVATION



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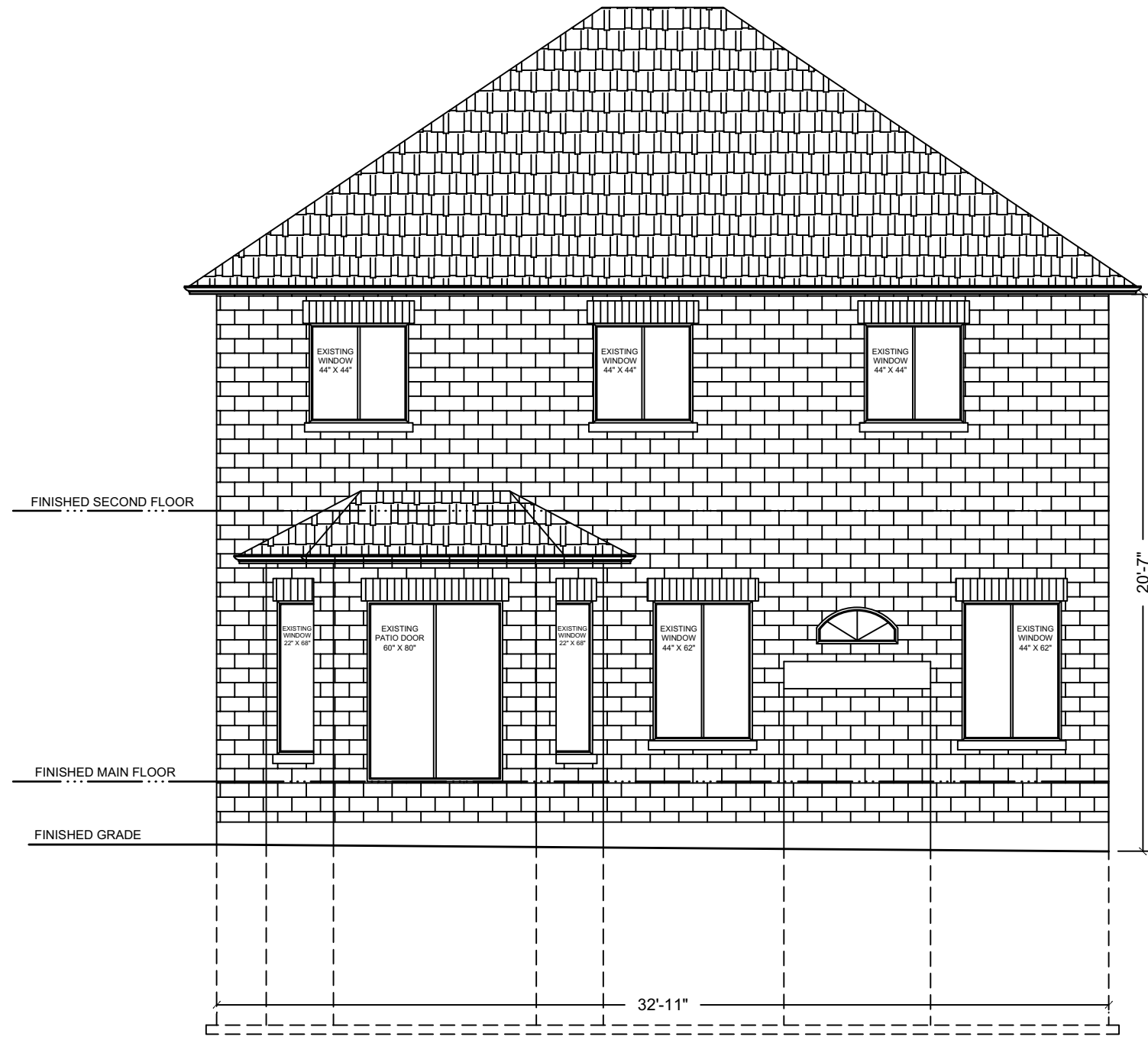
Project Title:
TWO UNIT DWELLING
Drawing Title:
RIGHT SIDE ELEVATION

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REAR ELEVATION



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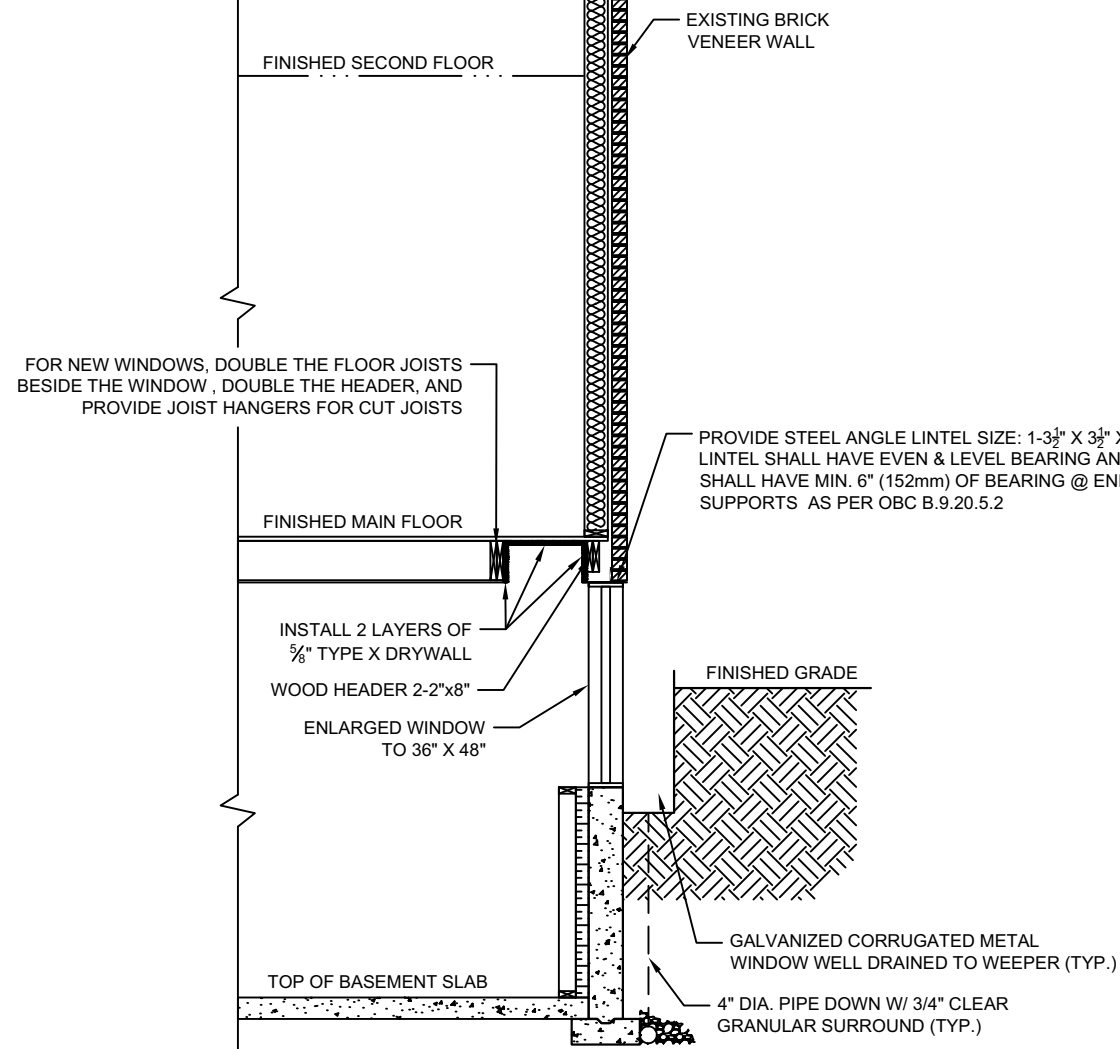
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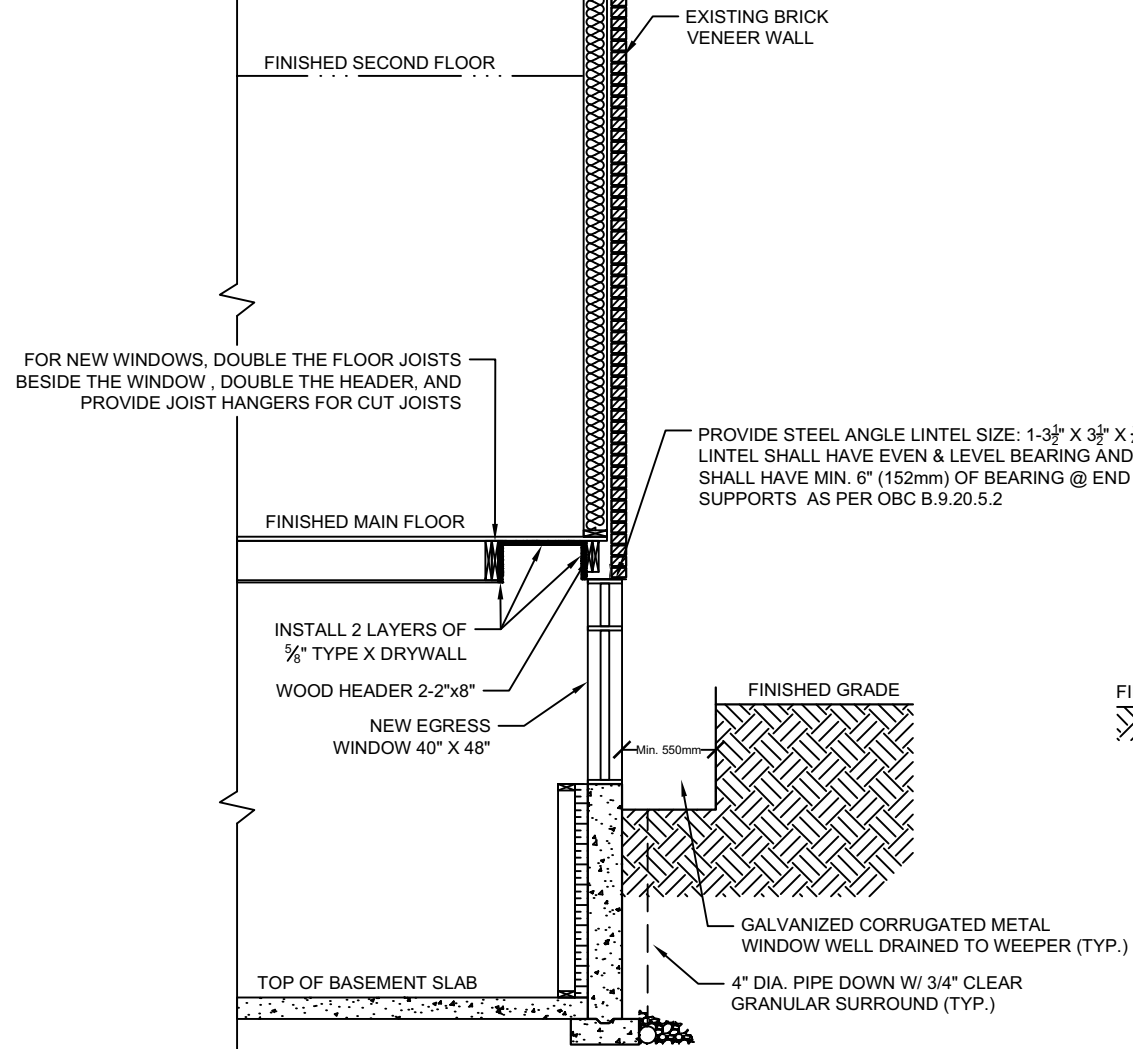


GENERAL NOTES:

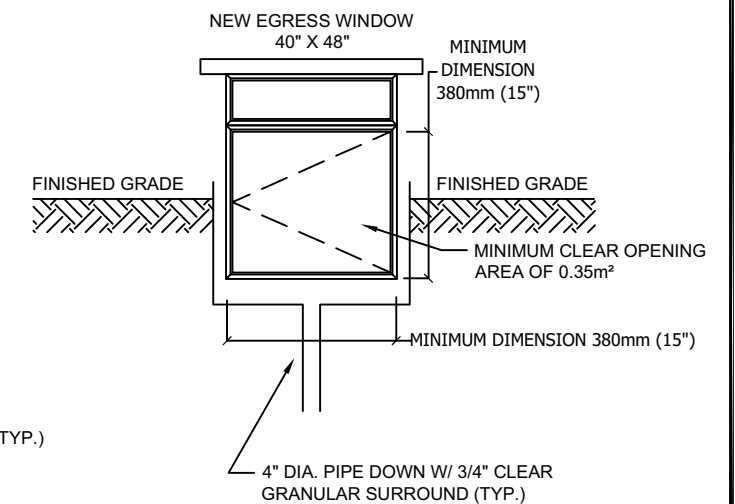
1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE AND REGULATIONS.
2. PROVIDE STEEL ANGLE LINTEL SIZE: 1-3 1/2" X 3 1/2" X 1/4". LINTELS SHALL HAVE EVEN & LEVEL BEARING AND SHALL HAVE MIN. 6" (152mm) OF BEARING @ END SUPPORTS AS PER OBC B.9.20.5.2



SECTION A - for BASEMENT ENLARGED WINDOW (TYP)



SECTION B - for BASEMENT EGRESS WINDOW (TYP)



FRONT VIEW OF EGRESS WINDOW

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Rev.	Date dd.mm.yy	Description
00	17.06.21	ISSUED FOR BUILDING PERMIT

ALFA ENGINEERING SOLUTIONS
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Project Title:
TWO UNIT DWELLING

Drawing Title:
WINDOW SECTIONAL DETAILS

Designed: M.AF	Checked: M.AF	Date: dd.mm.yyyy 17.06.2021
Project No. TRD-2482	Sheet No. A4.1	Scale: 1:45

