

Memorandum to the City of Markham Committee of Adjustment

March 18, 2021

File: A/135/20
Address: 322 Elson Street – Markham, ON
Applicant: Baskaran Thangarajah
Agent: N/A
Hearing Date: March 24, 2021

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

The applicant is requesting relief from the following “Ninth Density – Single Residential (R9)” zone requirements under By-law 90-81, as amended, as it relates to an existing basement apartment (secondary suite). The applicant is requesting the following variance, to permit:

a) Section 5.2.1:

an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot.

BACKGROUND

Property Description

The 486.54 m² (5,237.07 ft²) subject property is located on the north side of Elson Street, east of Markham Road, west of Eastvale Drive, and south of Denison Street. The property is developed with an existing single detached dwelling with an attached two car garage. The property is located within an established residential neighbourhood which contains a mix of two-storey semi-detached, and detached dwellings.

Proposal

The applicant is requesting permission for a secondary suite located in the basement of the existing dwelling. The proposal includes enlargements to existing windows along the north (rear) and east sides of the building. The proposed secondary suite would have direct and separate access provided by an existing door at the east 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* to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse 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 option 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 Residential (R9)” under By-law 90-81, as amended, which permits one dwelling per lot.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a ZPR has not been conducted. It is the applicant’s responsibility to ensure that the application has accurately identified all the variances to the By-law required for the subject development. If the variance request in this application

contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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

No written submissions were received as of March 18, 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 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 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

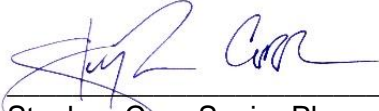
Appendix “B” – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/135/20

1. The variances apply only to the subject development for as long as it remains;
2. That the variances apply only to the subject 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 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.

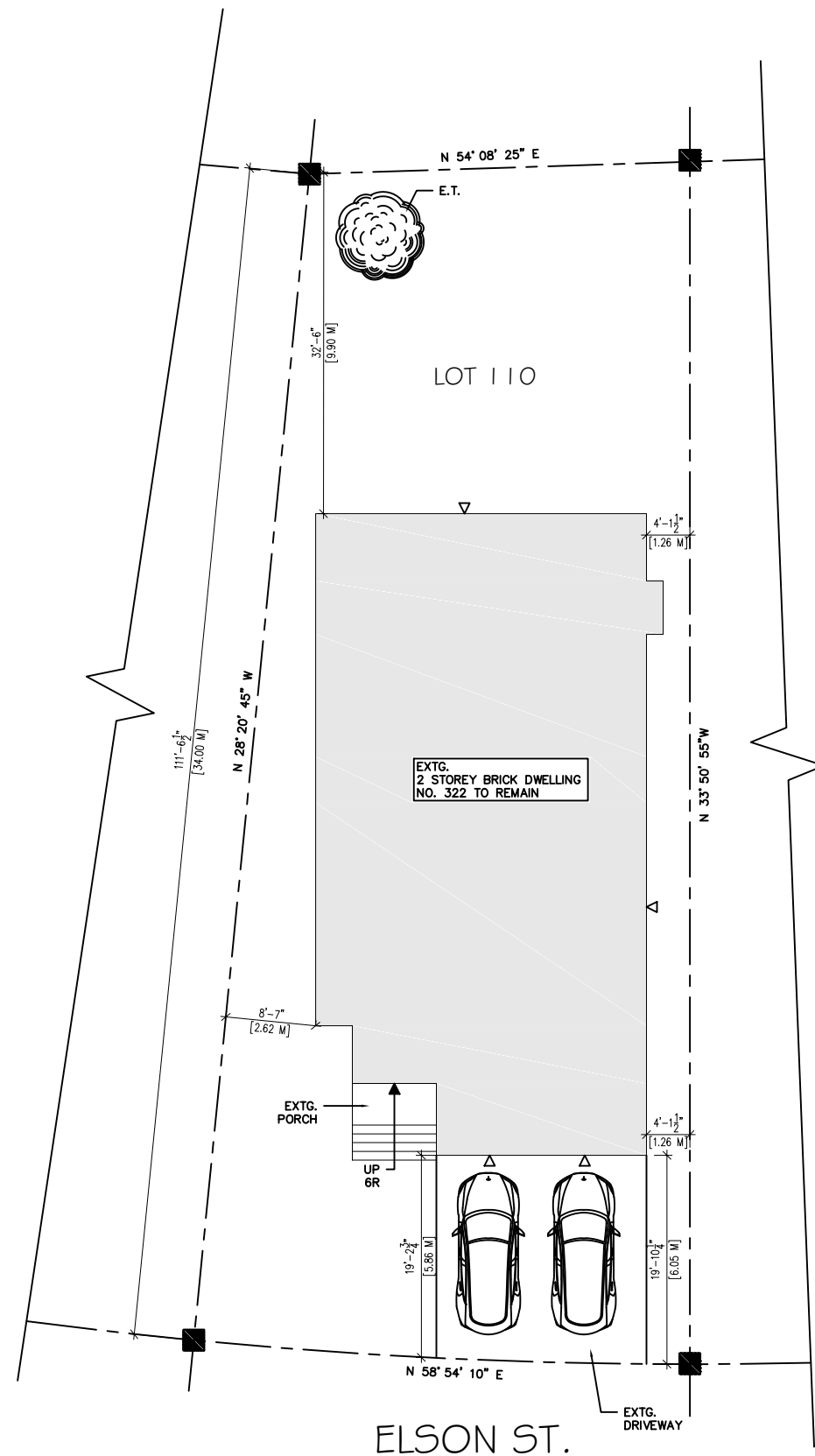
CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/135/20

- SITE PLAN LEGEND:**
- EX. = EXISTING
 - PRO. = PROPOSED
 - EX. HOUSE
 - PRO. HOUSE
 - EX. LOT LINE
 - REMOVE
 - HIDDEN
 - MAIN DOOR ENTRANCE
 - GARAGE & SECONDARY ENTRANCE
 - E.T.= EXISTING TREE



01 SITE PLAN
A2 SCALE: 1/16" = 1'-0"

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2020/01/26
T. YOGANATHAN
100079306
11/26
PROVINCE OF ONTARIO

stamp valid for
new egress window
design only

Appendix B

File: 20.135401.000.00.MNV

Date: 03/18/21
MM/DD/YY

WILFRED & SONS
CONSTRUCTION INC

PROJECT ADDRESS:
322 ELSON ST. ON.

PROJECT TITLE:
BASEMENT APARTMENT

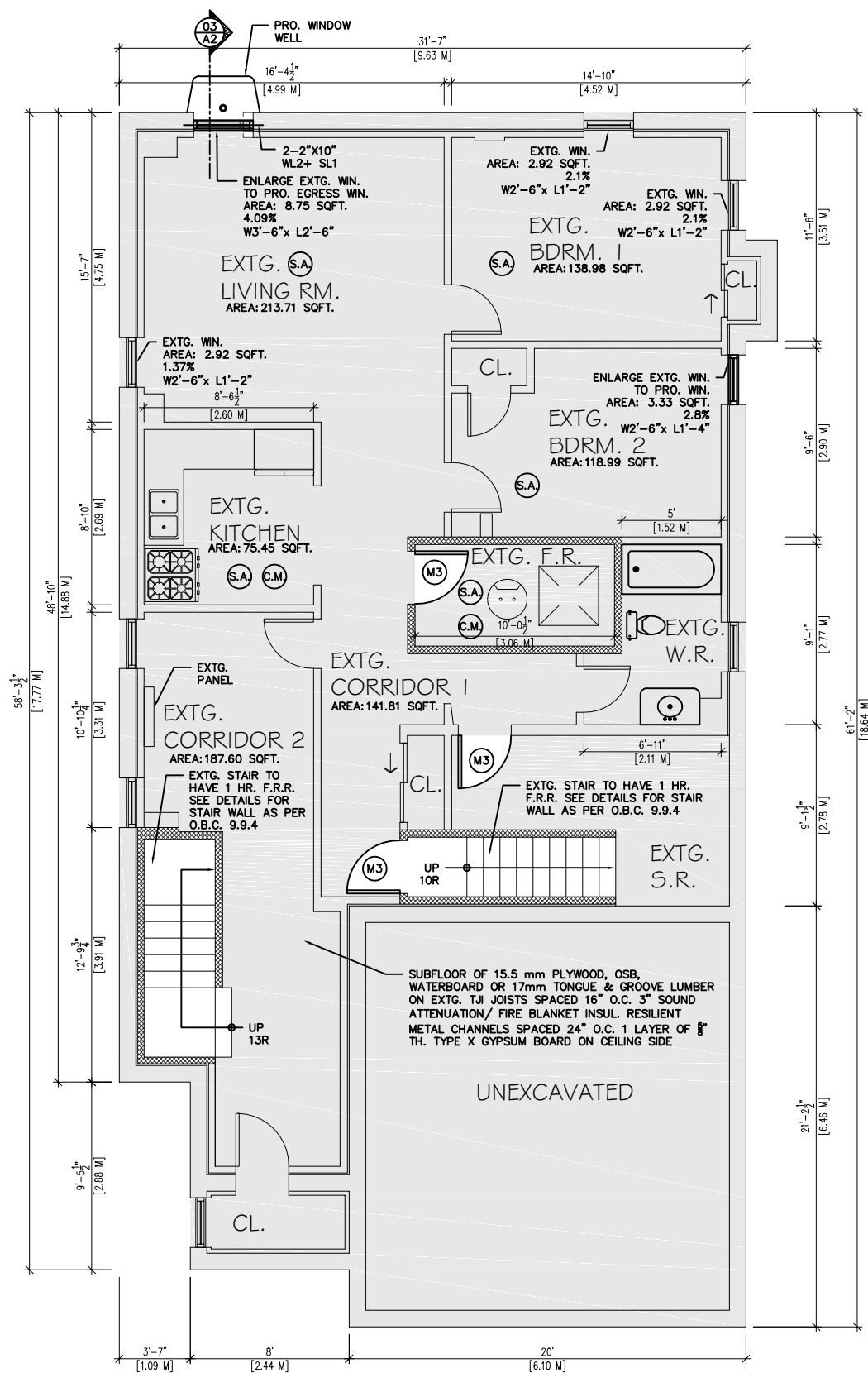
DRAWN BY:
B.W.

CHECKED BY:
NAME

SCALE:
AS NOTED

DATE:
25/01/2021

DWG NO.
A2



01 BSMT. FLR. PLAN
A3 SCALE: 1/8" = 1'-0"

LEGEND:

- EXTG. = EXISTING
- PRO. = PROPOSED
- - - - - EXISTING EXTERIOR OR INTERIOR WALLS & MATERIALS TO BE REMOVED
- ▬ EXISTING EXTERIOR OR INTERIOR PARTITION WALLS TO REMAIN
- ▬ PROPOSED EXTERIOR OR INTERIOR WALLS & MATERIALS
- ▨ PROPOSED FIRE RATED WALLS: PROVIDE 5/8" TYPE X G.W.B. ON BOTH SIDES OF 45 MIN. O.B.C. 9.10.10.3
- - - - - HIDDEN

(S.A) - PROPOSED INTER CONNECTED SMOKE ALARM
(C.M) - PROPOSED CARBON MONOXIDE DETECTOR
(M3) - INTERIOR 2'-8" x 6'-10" (813mm x 2083mm) METAL INSULATED FIRE RATED DOOR WITH OR WITHOUT GLAZING

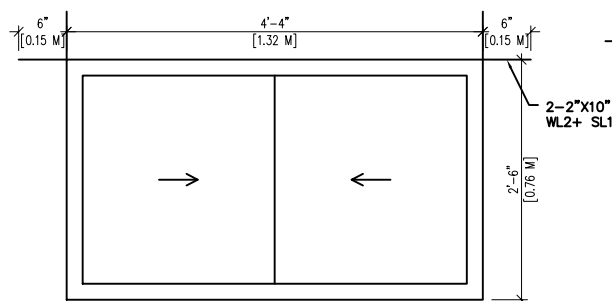
- S.R. = STORAGE RM.
- F.R. = FURNACE RM.
- W.R. = WASHROOM
- L.R. = LAUNDRY RM.
- P.R. = POWDER RM.

WOODEN LINTEL SCHEDULE:

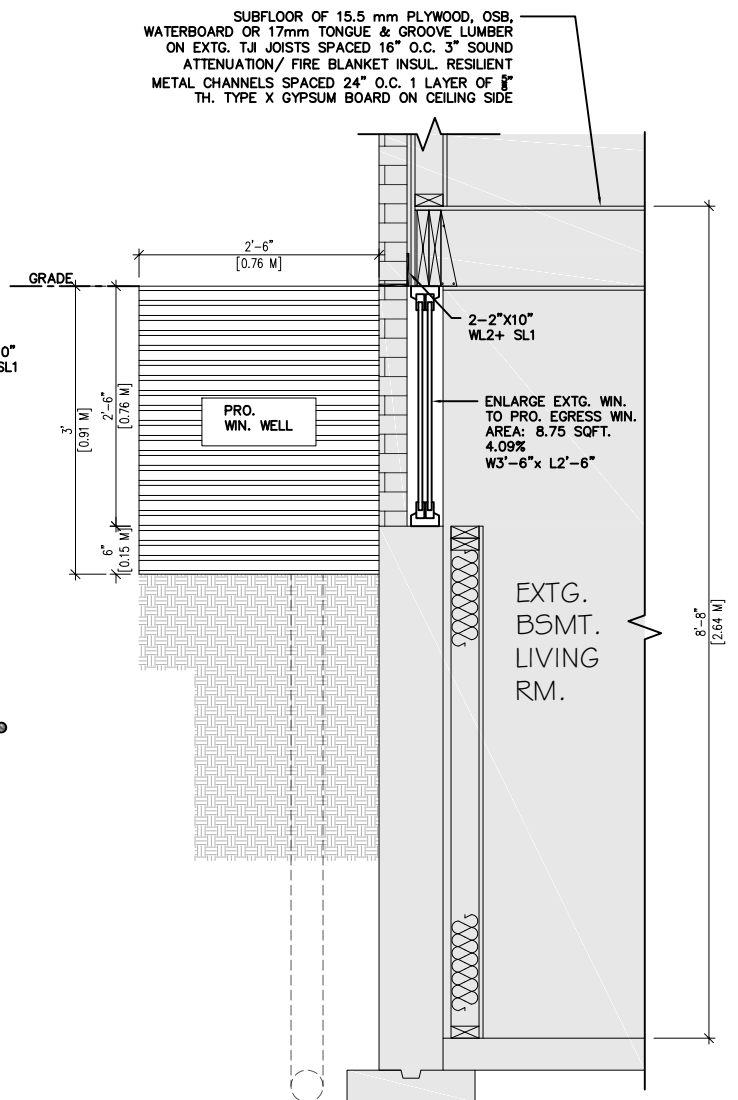
- WL1 - (2) 0'-2" x 0'-8" (51mm x 203mm)
- WL2 - (2) 0'-2" x 0'-10" (51mm x 254mm)
- WL3 - (2) 0'-2" x 1'-0" (51mm x 305mm)
- WL4 - (3) 0'-2" x 0'-8" (51mm x 203mm)
- WL5 - (3) 0'-2" x 0'-10" (51mm x 254mm)
- WL6 - (3) 0'-2" x 1'-0" (51mm x 305mm)

STEEL LINTEL SCHEDULE:

- SL1 - 0'-3 1/2" x 0'-3 1/2" x 0'-8" (89mm x 89mm x 8mm)
- SL2 - 0'-4" x 0'-3 1/2" x 0'-8" (102mm x 89mm x 8mm)
- SL3 - 0'-5" x 0'-3 1/2" x 0'-8" (127mm x 89mm x 8mm)
- SL4 - 0'-5" x 0'-3 1/2" x 0'-8" (127mm x 89mm x 10mm)
- SL5 - 0'-6" x 0'-4" x 0'-8" (152mm x 102mm x 10mm)

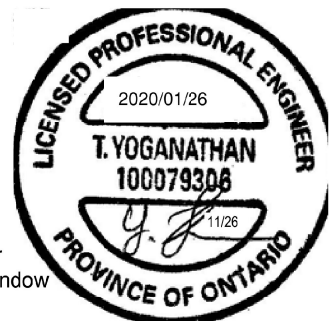


02 EGRESS WIN. DETAIL 1
A3 SCALE: 1/2" = 1'-0"



03 EGRESS WIN. DETAIL 2
A3 SCALE: 1/2" = 1'-0"

CONNECTSTEEL ENGINEERING SERVICES
 18 Orchard View Blvd, Oshawa, ON L1G 3N7
 OFFICE- 905-240-7027 CELL- 647-895-7027



stamp valid for new egress window design only

Appendix B

File: 20.135401.000.00.MNVV

Date: 03/18/21



PROJECT ADDRESS:
322 ELSON ST. ON.

PROJECT TITLE:
BASEMENT APARTMENT

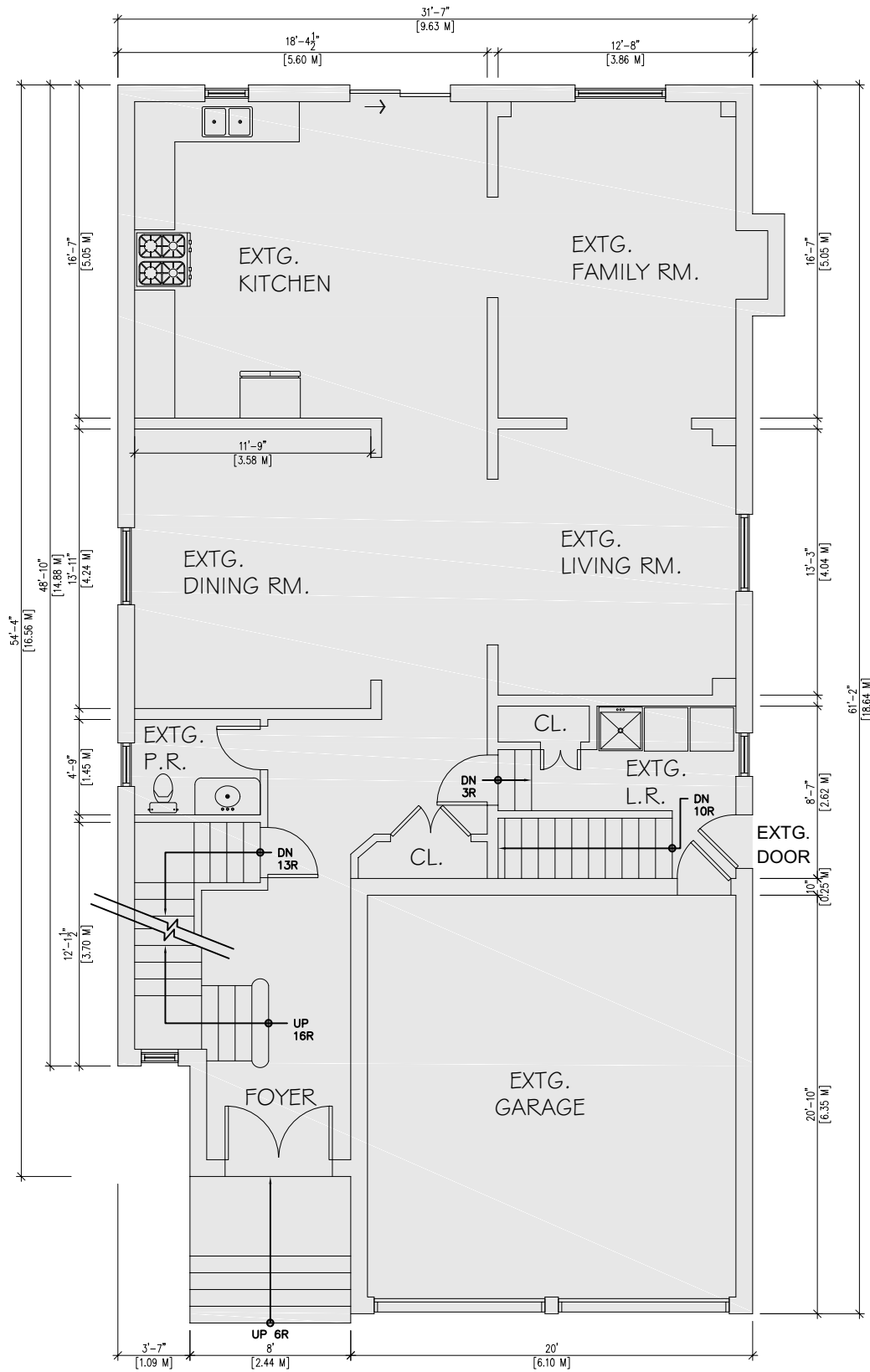
DRAWN BY:
B.W.

CHECKED BY:
NAME

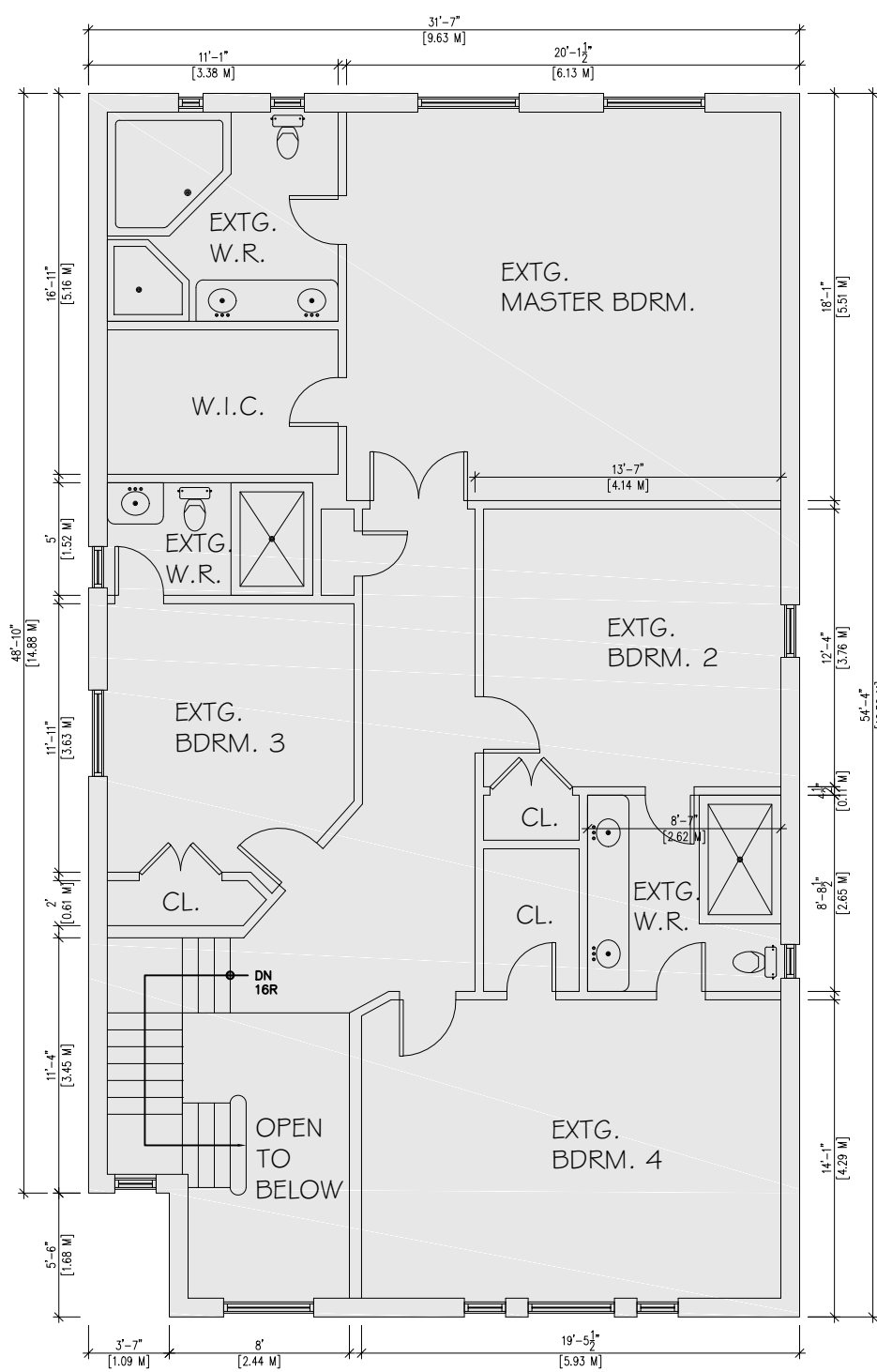
SCALE:
AS NOTED

DATE:
25/01/2021

DWG NO.
A3



01 EXTG. GROUND FLR. PLAN (NO CHANGE)
 A4 SCALE: 1/8" = 1'-0"



02 SECOND FLR. PLAN (NO CHANGE)
 A4 SCALE: 1/8" = 1'-0"

Appendix B

File: 20.135401.000.00.MNV

Date: 03/18/21
 MM/DD/YY



PROJECT ADDRESS:
 322 ELSON ST. ON.

PROJECT TITLE:
 BASEMENT APARTMENT

DRAWN BY:
 B.W.

CHECKED BY:
 NAME

SCALE:
 AS NOTED

DATE:
 25/01/2021

DWG NO.
 A4

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 design only