

Memorandum to the City of Markham Committee of Adjustment

June 28, 2021

File: A/049/21
Address: 111 Boxwood Crescent, Markham
Applicant: NOBLE PRIME SOLUTIONS LTD (JIVTESH BHAILA)
Agent: NOBLE PRIME SOLUTIONS LTD (JIVTESH BHAILA)
Hearing Date: Wednesday July 7, 2021

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

The applicant is requesting relief from the following requirements of By-law 90-81, R6 (Residential) as amended:

a) By-law 90-81, Section 5.2.1:

To permit a second dwelling unit, whereas the By-law permits no more than 1 single detached dwelling on one (1) lot;

as it relates to a proposed secondary dwelling unit located in the basement.

BACKGROUND

Property Description

The 638 m² (6,867.37 ft²) subject property is located at the south west corner of Boxwood Crescent and Sparta Court. The subject property is located within a residential neighbourhood comprised of two-storey detached dwellings generally constructed in the 1990s. There is an existing two-storey detached dwelling on the subject property, which according to the application was constructed in 1995.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposed secondary suite would have direct and separate access provided by a basement walkout at the rear 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* to require Official Plans to contain policies providing for two residential units in detached, semi-detached and row houses, as well as permitting a residential unit in ancillary structures to a detached house, semi-detached house or rowhouse. Under this legislation, “second 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

Markham Official Plan, 2014 (the “City’s Official Plan”)

The City’s Official Plan (as partially approved on November 24, 2017 and updated on April 9, 2018) designates the Subject Lands “Residential Low Rise”, which permits low-rise housing forms, including single detached dwellings. Section 8.2.3.5 of the City’s Official Plan outlines development criteria for the “Residential Low Rise” designation ensuring infill development respects and reflects the existing patterns and character of adjacent development. Section 8.2.3.5 a) specifically notes that the “lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of the existing lots on both side of the street on which the property is located.”

The City’s 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 York Region Official Plan and subject to appropriate zoning, development criteria, and standards.

Zoning By-Law 90-81

The subject property is zoned Residential - R6 under By-law 90-81, as amended, which permits a single detached dwelling. The proposed secondary suite does not comply with the zoning by-law and therefore the applicant has requested a minor variance.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on October 30, 2020 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.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 28, 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

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/049/21

1. The variance 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 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; and
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:

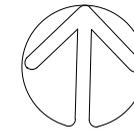


Aqsa Malik, Planner, East District

MINOR VARIANCE
TO ALLOW
A SECOND DWELLING UNIT IN THE BASEMENT

SPARTA CRT.

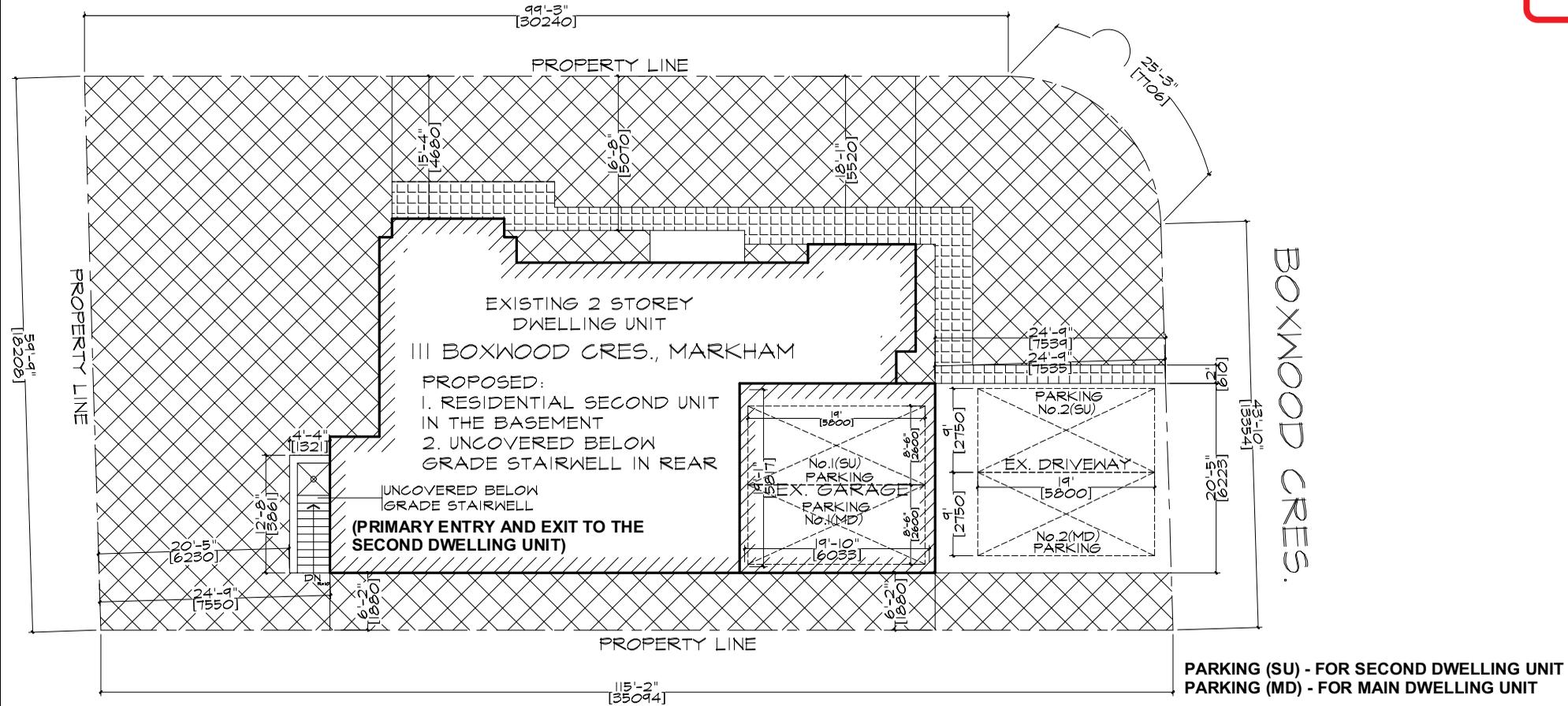
NORTH



Appendix B

File: 21.117260.000.00.MNV

Date: 07/02/21
MM/DD/YY



EXISTING 2 STOREY
DWELLING UNIT
III BOXWOOD CRES., MARKHAM
PROPOSED:
1. RESIDENTIAL SECOND UNIT
IN THE BASEMENT
2. UNCOVERED BELOW
GRADE STAIRWELL IN REAR

UNCOVERED BELOW
GRADE STAIRWELL
(PRIMARY ENTRY AND EXIT TO THE
SECOND DWELLING UNIT)

EX. GARAGE
No. 1 (SU)
PARKING
No. 2 (MD)
PARKING

EX. DRIVEWAY
No. 2 (SU)
PARKING
No. 1 (MD)
PARKING

SITE PLAN 1:150

GROUND FLOOR (INCLUDING GARAGE) AREA: 197.6M²

DESCRIPTION	FLOOR AREA	TOTAL	SETBACKS	NO CHANGE
GROUND FLOOR	158.0M ²	478.1M ²	FRONT YARD	7535mm
SECOND FLOOR	162.1M ²		REAR YARD	6230mm
BASEMENT	158.0M ²	33.0%	INTERIOR SIDE (NORTH)	4680mm
SECOND UNIT	158.0M ²		INTERIOR SIDE (SOUTH)	1880mm

LEGEND

- ▣ PARKING SPACE : 2600X5800
- ▨ SOFT LANDSCAPE • DOWN PIPE
- ▲ ENTRANCE OF MAIN DWELLING UNIT
- ENTRANCE OF SECOND DWELLING UNIT
- ▤ WALK WAY(WIDTH:1200mm)

PROJECT ADDRESS:
III BOXWOOD CRES.,
MARKHAM

PROJECT NUMBER: 20158

DRAWING SHEET: SITE PLAN

SCALE: 1:150

DATE: AUGUST 08, 2020

DRAWN BY:

CHECKED BY:

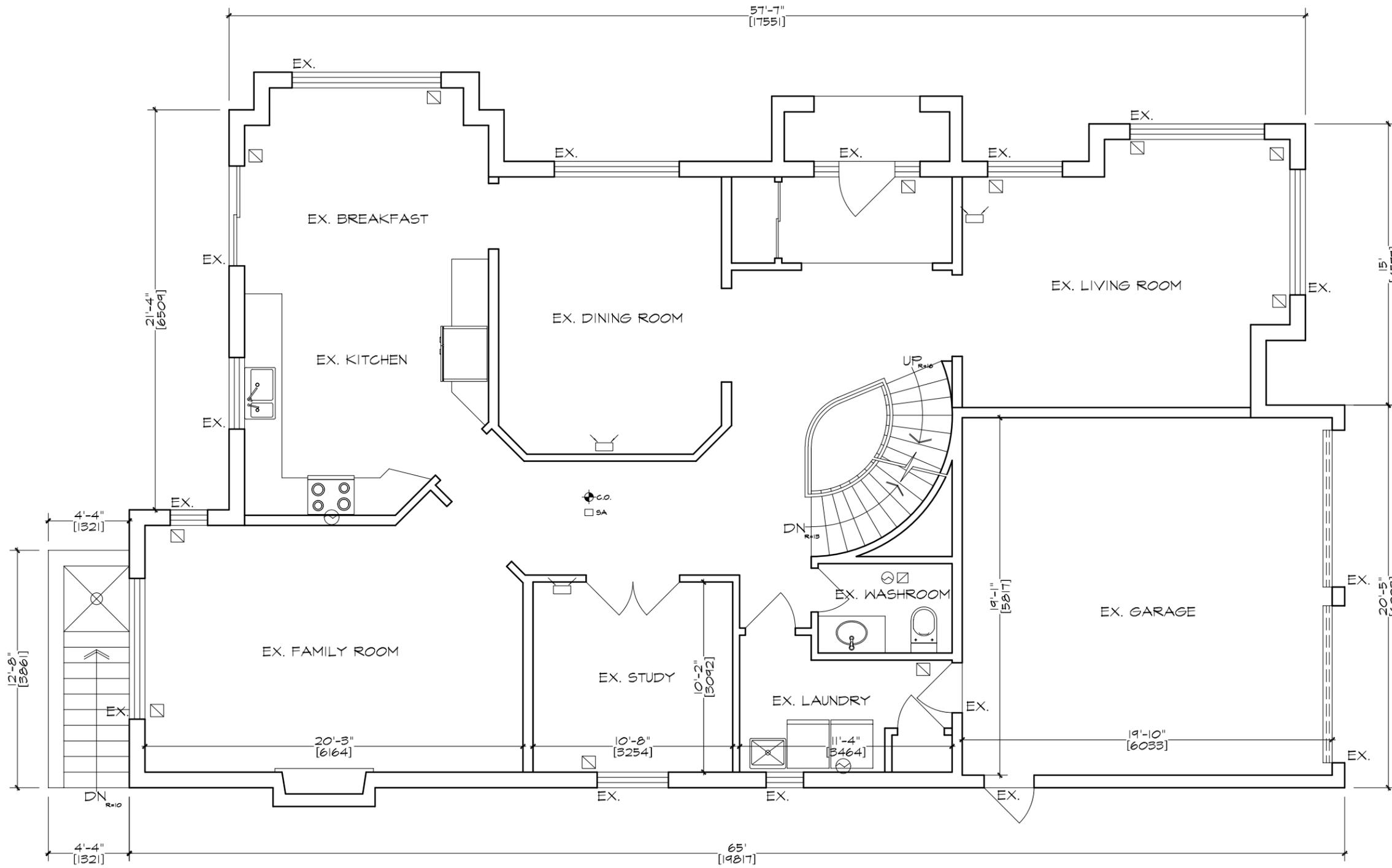
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Appendix B

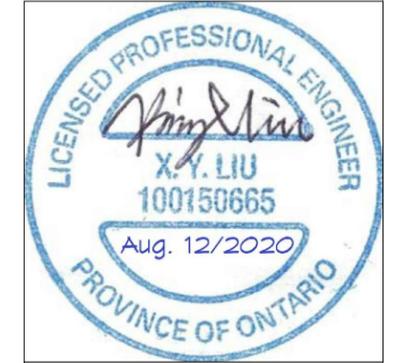
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Date: 07/02/21
MM/DD/YY



GROUND FLOOR PLAN
 SCALE: 1/6" = 1'-0"
 NO CHANGE FOR HVAC & PLUMBING

- LEGEND:**
- ⊕ C.O. EX. C.O. DETECTOR ALARM
 - SA EX. SMOKE ALARM
 - ▭ EXISTING INTERIOR PARTITION: 2X4 OR 2X6 WOOD STUDS @ 16" o.c. COVERED BY 1/2" REGULAR GYPSUM BOARD ON BOTH SIDE
 - ◻ EXISTING VENT SUPPLY FOR HEATING
 - ⊙ EXHAUST VENT
 - ⌋ EXISTING LOWER WALL AIR RETURN
 - ⌋ EXISTING HIGH WALL AIR RETURN
- KEEP EXISTING 1/2" DRYWALL INTERIOR CEILING (15 MIN HORIZONTAL FIRE SEPARATION)

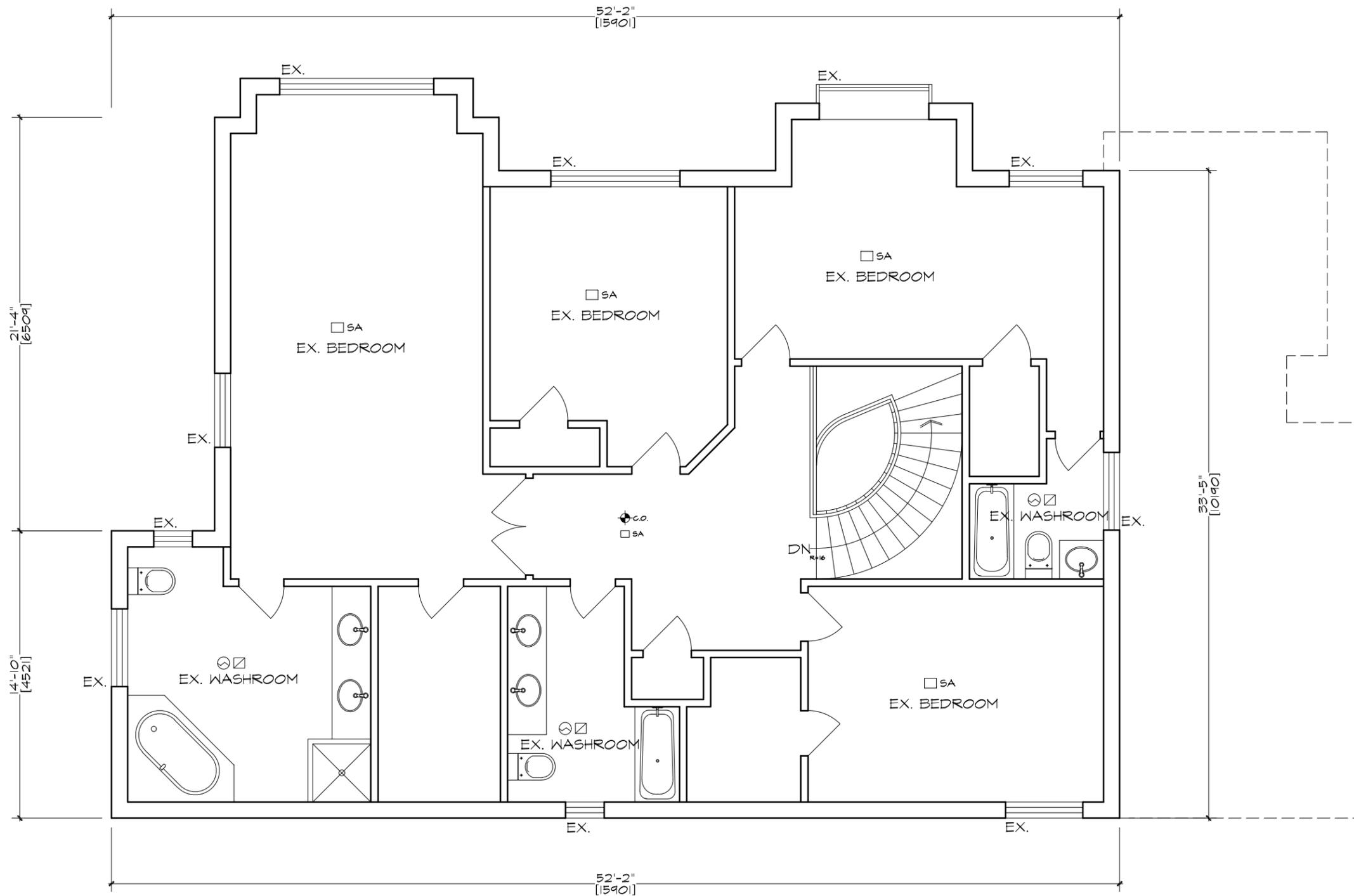


PROJECT ADDRESS:	111 BOXWOOD CRES., MARKHAM
PROJECT NUMBER:	20158
DRAWING SHEET:	GROUND FLOOR PLAN
SCALE:	1/6" = 1'-0"
DATE:	JUNE 23, 2020
DRAWN BY:	
CHECKED BY:	
PAGE NO.	A002

Appendix B

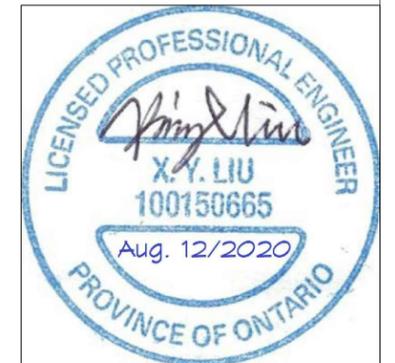
File: 21.117260.000.00.MNV

Date: 07/02/21
MM/DD/YY



SECOND FLOOR PLAN

SCALE: 1/6" = 1'-0"
NO CHANGE FOR HVAC & PLUMBING



PROJECT ADDRESS:
111 BOXWOOD CRES.,
MARKHAM

PROJECT NUMBER: 20158

DRAWING SHEET:
SECOND FLOOR PLAN

SCALE: 1/6" = 1'-0"

DATE: JUNE 23, 2020

DRAWN BY:

CHECKED BY:

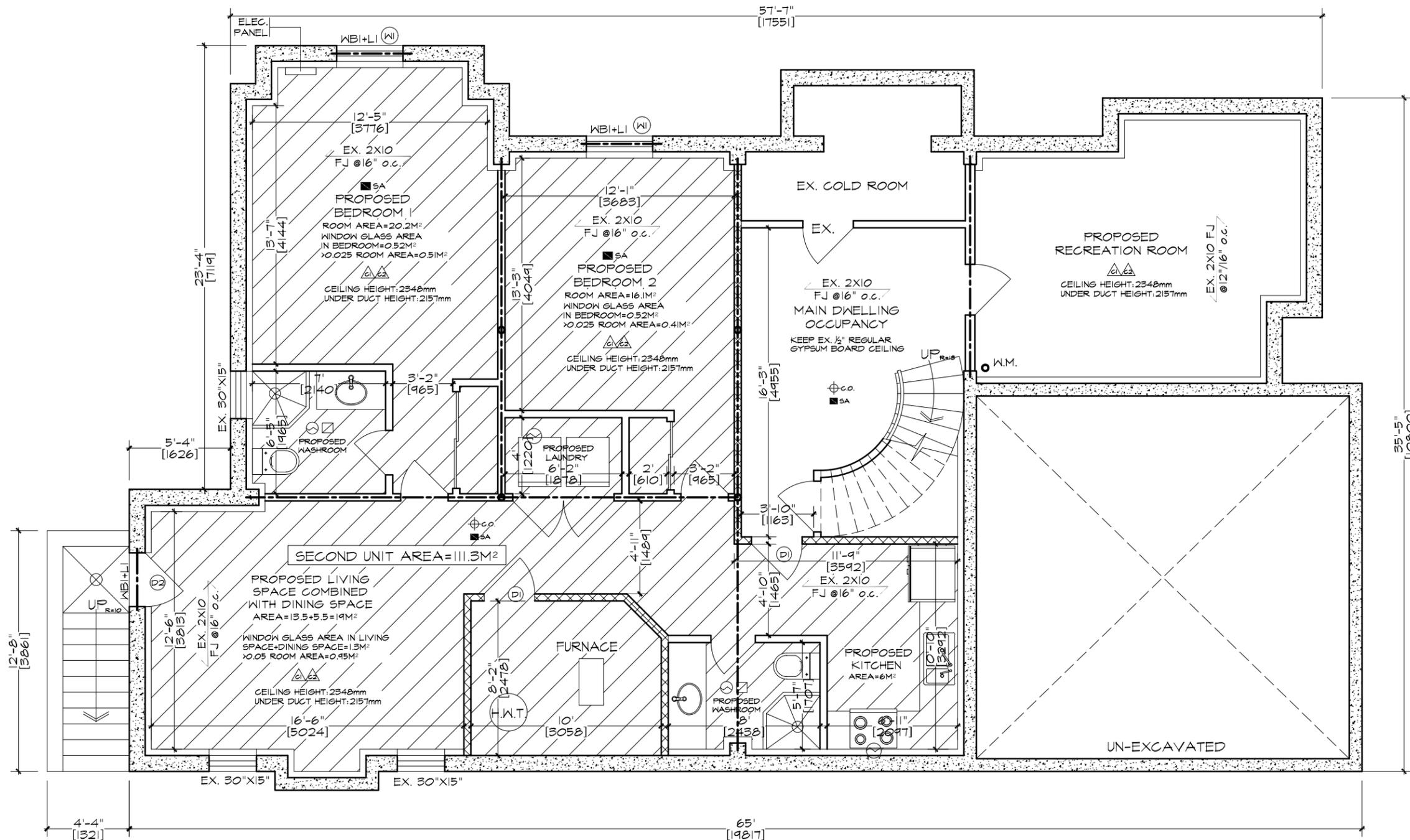
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Appendix B

File: 21.117260.000.00.MNV

Date: 07/02/21
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PROPOSED BASEMENT PLAN

SCALE: 1/6" = 1'-0"

WALL/CEILING SCHEDULE

- WI** EXTERIOR INSULATED WALL
 - * EX. 8" CONCRETE FOUNDATION WALL
 - * EX. R12 FOUNDATION WALL BLANKET
 - * BATT. INSULATION C/N 6MIL POLY VAPOUR BARRIER
 - * 2X4 @16" o.c. WOOD STUDS WITH 6 MIL POLY UNDER BOTTOM PLATE
 - * 1/2" REGULAR GYPSUM BOARD
- WI2** INT. 2 SIDED PARTITION WALL
 - * 2X4 WOOD STUDS @16" o.c. W/ 6MIL POLY UNDER BOTTOM PLATE
 - * SOUND INSULATION (OPTIONAL)
 - * 1/2" REGULAR GYPSUM BOARD ON BOTH SIDE
- WI3** INT. PARTITION WALL 30 MIN. FIRE SEPARATION (SB-3, WI6)
 - * 1/2" REGULAR GYPSUM BOARD
 - * 2X4 OR 2X6 @16" o.c. WOOD STUDS WITH 6 MIL POLY UNDER BOTTOM PLATE
 - * ABSORPTIVE SOUND INSULATION (TO FILL STUD CAVITY)
 - * 1/2" REGULAR GYPSUM BOARD
- CA** NEW CEILING ABOVE SECOND UNIT 30 MIN FIRE SEPARATION (SB-3, F8D)
 - * EX. WOOD JOISTS
 - * 6" SOUND INSULATION
 - * METAL RESILIENT CHANNEL @ 24" o.c.
 - * 5/8" TYPE X GYPSUM BOARD CONTINUOUS (50 STG FOR SOUND TRANSMISSION)
- CB** BULKHEAD/STAIR CEILING 30 MIN FIRE SEPARATION (SB-2)
 - * 1 LAYER 5/8" TYPE X GYPSUM BOARD (NOTE: NO OPENINGS PERMITTED THIS MEMBRANE ONLY FIRE SEPARATION)
- CB3** DROPPED CEILING BELOW FIRE SEPARATION
 - * FIRE SEPARATION CEILING C/ AS DESCRIBED ABOVE
 - * 6" SPACE FOR INSULATED EXHAUST DUCTS
 - * 2X4 @16" o.c. CEILING FRAMING
 - * 1/2" REGULAR GYPSUM BOARD

WOOD LINTEL SCHEDULE

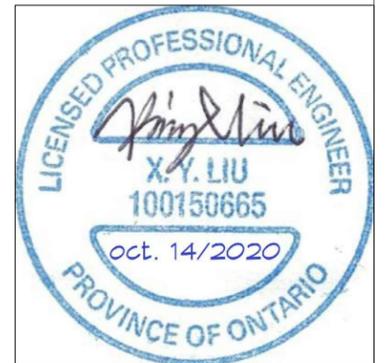
WB1	UP TO 3'-6" OPENING	3-2"x6"
WB2	UP TO 5'-6" OPENING	3-2"x8"
WB3	UP TO 6'-6" OPENING	3-2"x10"
WB4	UP TO 7'-6" OPENING	3-2"x12"

DOOR & WINDOW SCHEDULE

No.	SIZE	DESCRIPTION
(D1)	32"x80"	FIRE DOOR (20 MIN) WITH SELF CLOSER
(D2)	34"x80"	EXTERIOR DOOR GLASS AREA: 0.9M ²
(WI)	42"x30"	SLIDING WINDOW GLASS AREA: 0.36M ²

STEEL LINTEL SCHEDULE

L1	UP TO 4'-6" OPENING	L 3 1/2"x3 1/2"x 3/8"
L2	UP TO 5'-6" OPENING	L 4"x3 1/2"x 3/8"
L3	UP TO 6'-6" OPENING	L 5"x3 1/2"x 3/8"
L4	UP TO 7'-6" OPENING	L 5"x3 1/2"x 3/8"
L5	UP TO 9'-10" OPENING	L 6"x4"x 3/8"
L6	UP TO 11'-0" OPENING	L 7"x4"x 3/8"



PROJECT ADDRESS:
111 BOXWOOD CRES.,
MARKHAM

PROJECT NUMBER: 20158

DRAWING SHEET:
PROPOSED BASEMENT PLAN

SCALE: 1/6" = 1'-0"

DATE: JUNE 23, 2020

DRAWN BY:

CHECKED BY:

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