

# Memorandum to the City of Markham Committee of Adjustment

November 2, 2021

**File:** A/125/21  
**Address:** 9 Rock Dove Avenue – Markham, ON  
**Applicant:** Shazia Jehannoor  
**Agent:** Crunchy Basements (Oreoluwa Fasola)  
**Hearing Date:** November 10, 2021

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential Two Exception \*64 (R2\*64) Zone” requirements under By-law 177-96, as amended, as it relates to a proposed secondary suite, to permit:

**a) By-law 177-96, Section 7.432.1:**

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

## **BACKGROUND**

### **Property Description**

The subject property is located on the south side of Rock Dove Avenue, north of Lady Fern Drive, east of Rouge Bank Drive, and west of White Cedar Drive. The property is currently developed with a two-storey detached dwelling. The driveway and garage areas provide for a minimum of four parking spaces. The property is located within a low rise residential neighbourhood, and is within close proximity to the Rouge River Community Centre, local parks, and educational institutions.

### **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 new door and walk-up stairs located in the rear yard along the west building wall.

### **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 (PPS)

Section 1.4.3 of the *PPS* 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, 2020 (Growth Plan)*

Sections 2.2.1.4 (c), and 2.2.6 a) i. of the *Growth Plan* requires municipalities to provide a diverse range and mix of housing options including additional residential 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 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 \*64 (R2\*64) Zone” under By-law 177-96, as amended, which permits one single detached dwelling per lot.

**Zoning Preliminary Review (ZPR) Not Undertaken**

A ZPR was not completed. However, the applicant has received comments from the zoning staff through their building 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 (“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

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 support its approval.

## PUBLIC INPUT SUMMARY

One written submission was received as of the writing of this report in (November 2, 2021), objecting to the proposed development. 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

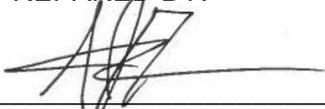
Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the variance request meets the four tests. Staff recommend that the Committee consider public input in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

## APPENDICES

Appendix “A” – Conditions of Approval

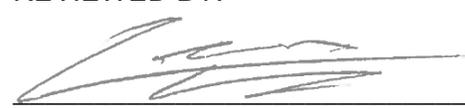
Appendix “B” – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Carlson Tsang, Acting Development Manager, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/125/21**

1. The variance applies 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 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:



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Aleks Todorovski, Planner, Zoning and Special Projects

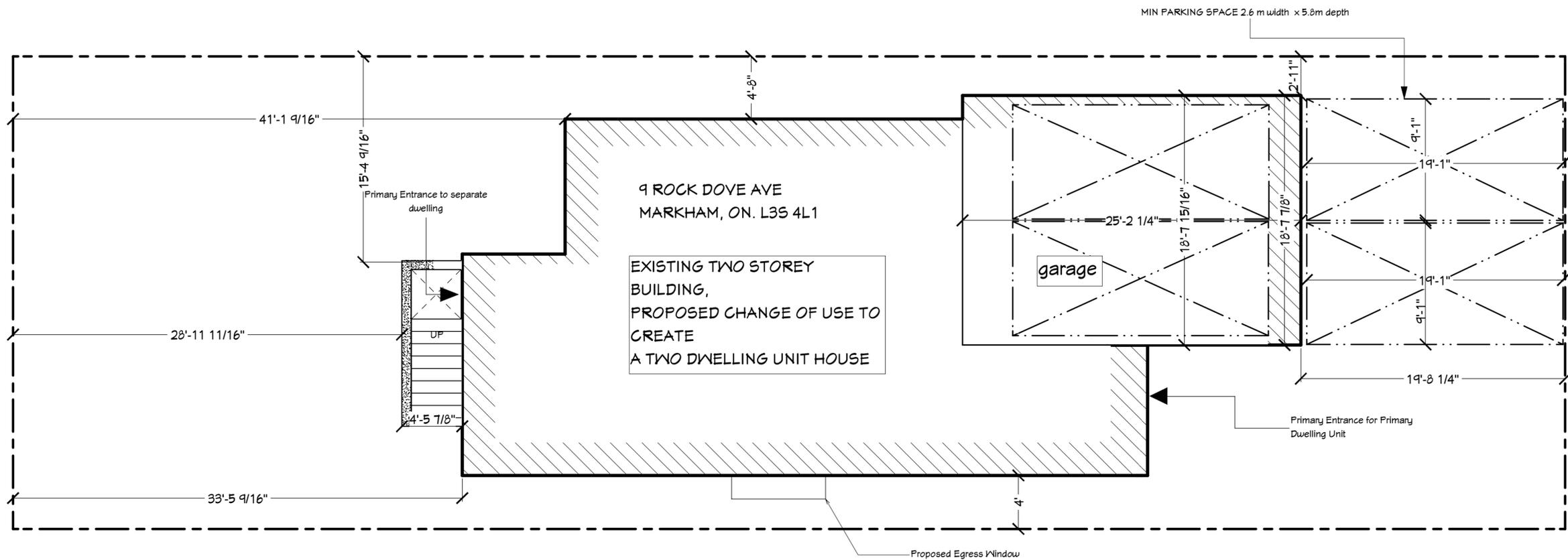
**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/125/21**



Measurements and Details  
 Based from Homeowner's Registered Site Plan/  
 Survey: David Comery Project No 4524/Plan  
 Submission 1400088  
 David Harwood Limited

**Appendix B**  
 File: 21.135452.000.00.MNV  
 Date: 11/04/21

Revision Table			
Number	Date	Revised By	Description
1	10/19/2021	Oreoluwa Fasola	Revised Orientation of Basement walkout, and revised site plan to match with Land survey



Site Plan

Project:  
Change of use -  
Two Unit House

DATE:  
10/19/2021

SCALE:  
1/8" = 1'-0"

SHEET:  
**A.1**

By-law 117-96, Section 7.432.1 to permit a separate accessory dwelling unit on a lot, whereas the bylaw permits no more than one dwelling unit on a lot.





**MECHANICAL NOTES**

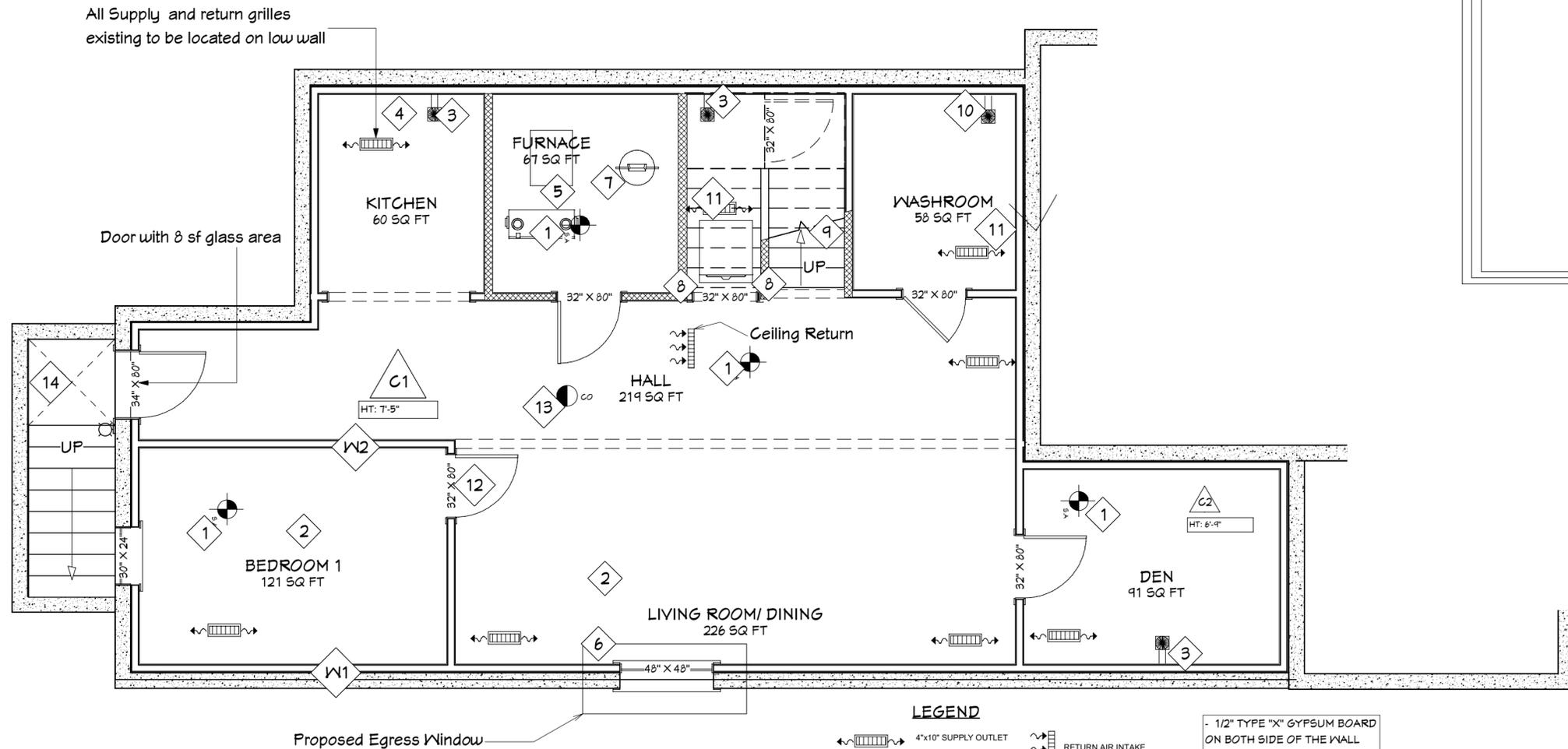
Supply and return air grilles in habitable finished basement must be located on low walls with 6" above finished floor

Provision shall be made for the return of air from all rooms by leaving gaps beneath doors, using louvered doors or installing return duct inlets.

**Appendix B**

File: 21.135452.000.00.MNV

Date: 11/04/21



Proposed Egress Window

**LEGEND**

4"x10" SUPPLY OUTLET

RETURN AIR INTAKE

All Supply and return grilles existing to be located on low wall with 6" above finished floor.

- 1/2" TYPE "X" GYPSUM BOARD ON BOTH SIDE OF THE WALL  
 - 2"x 4" OR 2"x 6" @16" O/C  
 WOOD STUDS  
 - ENTIRE STUD CAVITY FILLED WITH FIBER-TYPE INSULATION

**WALL SCHEDULE**

W1	EXT. STUD INSULATED WALL (TYP.) - EXISTING 9" CONC. FDN WALL - MOISTURE BARRIER - 2"x4"@16" O/C WOOD STUDS WITH 6 MIL POLY UNDER BOTTOM PLATE - R12 BATT INSULATION - 6 MIL POLY VAPOUR BARRIER - 1/2" GYPSUM
W2	INT. PARTITION WALL (TYP.) - 2" X 4" OR 2" X 6" @16" O/C - WOOD STUDS WITH 6 MIL - POLY UNDER BOTTOM PLATE - 1/2" GYPSUM

**CEILING SCHEDULE**

C1	FULL HEIGHT CEILING (7' 5") - EXISTING WOOD I-JOISTS - SOUND INSULATION (OPTIONAL) - 5/8" GYPSUM - UNDERNEATH EXISTING BEAMS (7' 0")
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1	SMOKE ALARM INTERCONNECTED WITH UPPER UNIT TYPE OF ALL
2	DAYLIGHT REQUIREMENTS FOR LIVING AND DINING ROOM (5%) AND BEDROOMS (2.5%)
3	EXHAUST FAN/MECHANICAL VENTILATION TO BE PROVIDED OVER RANGES, WITHIN BATHROOMS AND ALL ROOMS NOT EQUIPPED WITH A WINDOW PROVIDING NATURAL VENTILATION
4	FIRE PROTECTION CLEARANCES REQUIRED AROUND COOKTOP AS PER 9.10.22.2 & 3. SEE ATTACHED DRAWING 9-10.
5	A DUCT TYPE SMOKE DETECTOR IS REQUIRED TO BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT OF THE FURNACE TO TURN OFF FUEL SUPPLY AND ELECTRICAL UPON ACTIVATION
6	GENERAL CONSTRUCTION DETAILS OF PROPOSED WINDOW/DOOR ATTACHED

7	A SPRINKLER SYSTEM TO BE INSTALLED. SMOKE ALARM TO BE INSTALL IN THE FURNACE ROOM
8	CONTINUOUS FIRE SEPARATION WITH 30 MINS FIRE RESISTANCE RATING FOR EXISTING WALL ASSEMBLIES - ANY DEFICIENCIES TO BE REPAIRED
9	CONTINUOUS FIRE SEPARATION WITH 15MINS FIRE RESISTANCE RATING FOR EXISTING FLOOR ASSEMBLIES - ANY DEFICIENCIES TO BE REPAIRED
10	BATHROOM EXHAUST FAN TO HAVE MIN OF 50 CFM WITH 5" DIA. DUCT DISCHARGING DIRECTLY TO OUTDOOR. RANGE HOOD SHALL HAVE A MINIMUM EXHAUST RATE OF 100CFM WITH 6" DIA DUCT DISCHARGING DIRECTLY TO EXTERIOR
11	WARM AIR SUPPLY
12	PROVISION SHALL BE MADE FOR THE RETURN OF AIR FROM ALL ROOMS BY LEAVING GAPS BENEATH DOORS, USING LOUVERED DOORS AND RETURN DUCT INLETS.
13	CARBON MONOXIDE DETECTORS SHALL BE INSTALLED ADJACENT TO BEDROOMS AS INDICATED ON APPROVED PLANS
14	REQUIRED DETAILS FOR BELOW GRADE ENTRANCE GUARD CONSTRUCTION AND CONNECTIONS PROVIDED

Proposed Basement

Project:  
Change of use -  
Two Unit House

DATE:

10/19/2021

SCALE:

1/4" = 1'-0"

SHEET:

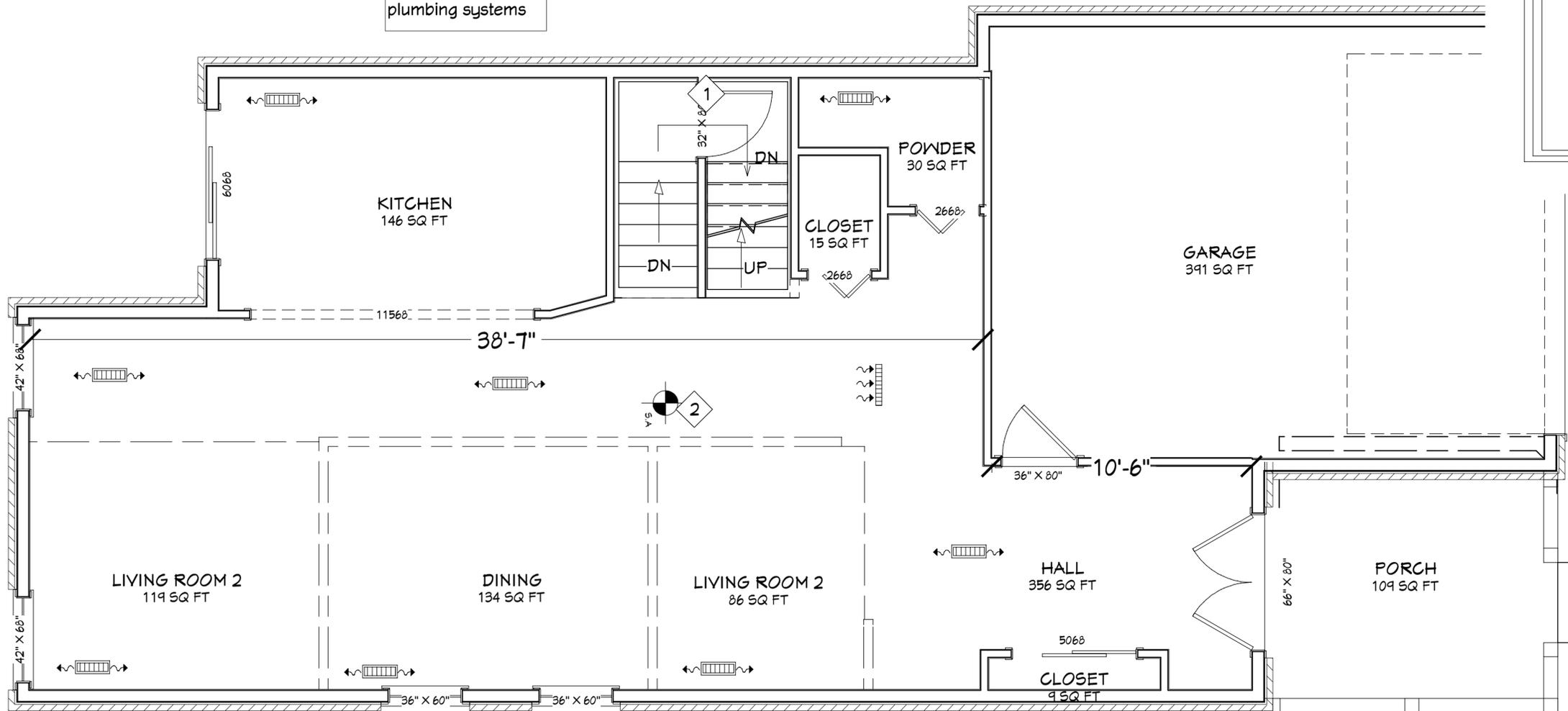
**A.2**

**Appendix B**

File: 21.135452.000.00.MNV

Date: 11/04/21

NO CHANGE on existing HVAC and plumbing systems



NOTE SCHEDULE	
1	20 MIN FIRE RATED DOOR REQUIRED C/W POSITIVE LATCH, CLOSER AND LEVER HANDLE HARDWARE.
2	SMOKE ALARM INTERCONNECTED WITH LOWER UNIT TYPE OF ALL



Ground Floor Plan

Project:  
Change of use -  
Two Unit House

DATE:

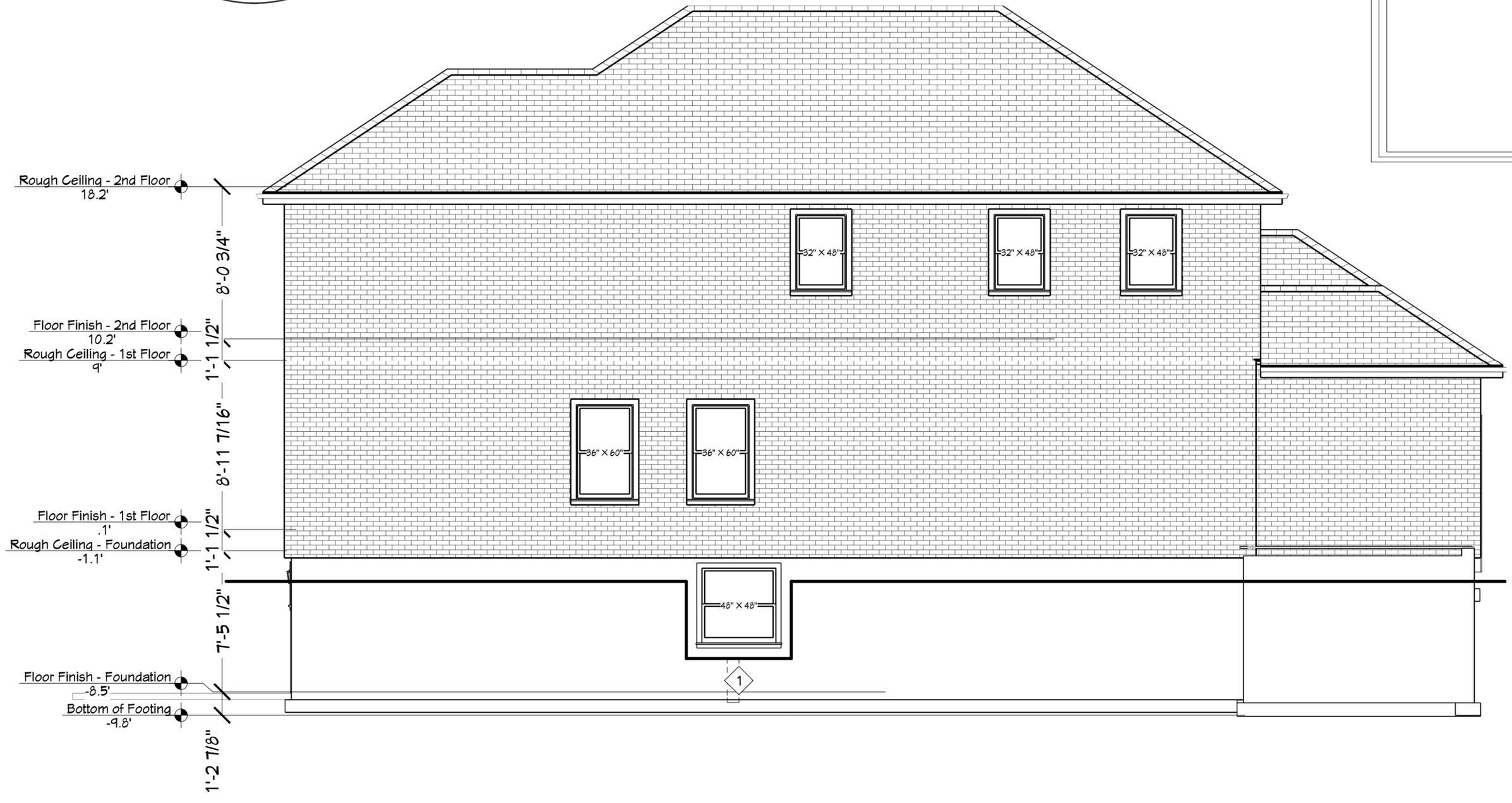
10/12/2021

SCALE:

1/4" = 1'-0"

SHEET:

**A.4**



**NOTE SCHEDULE**

1 WINDOW WELLS ARE TO DRAIN TO SUMP PUMP OR STORM DRAIN MUST EXTEND INTO GRANULAR COVER. NOTE: WINDOWS AS SHOW ARE FOR EGRESS WINDOW. SEE ATTACHED FOR EGRESS WINDOW DETAILS

**LEFT ELEVATION**

**Project:  
Change of use -  
Two Unit House**

**DATE:**  
10/12/2021

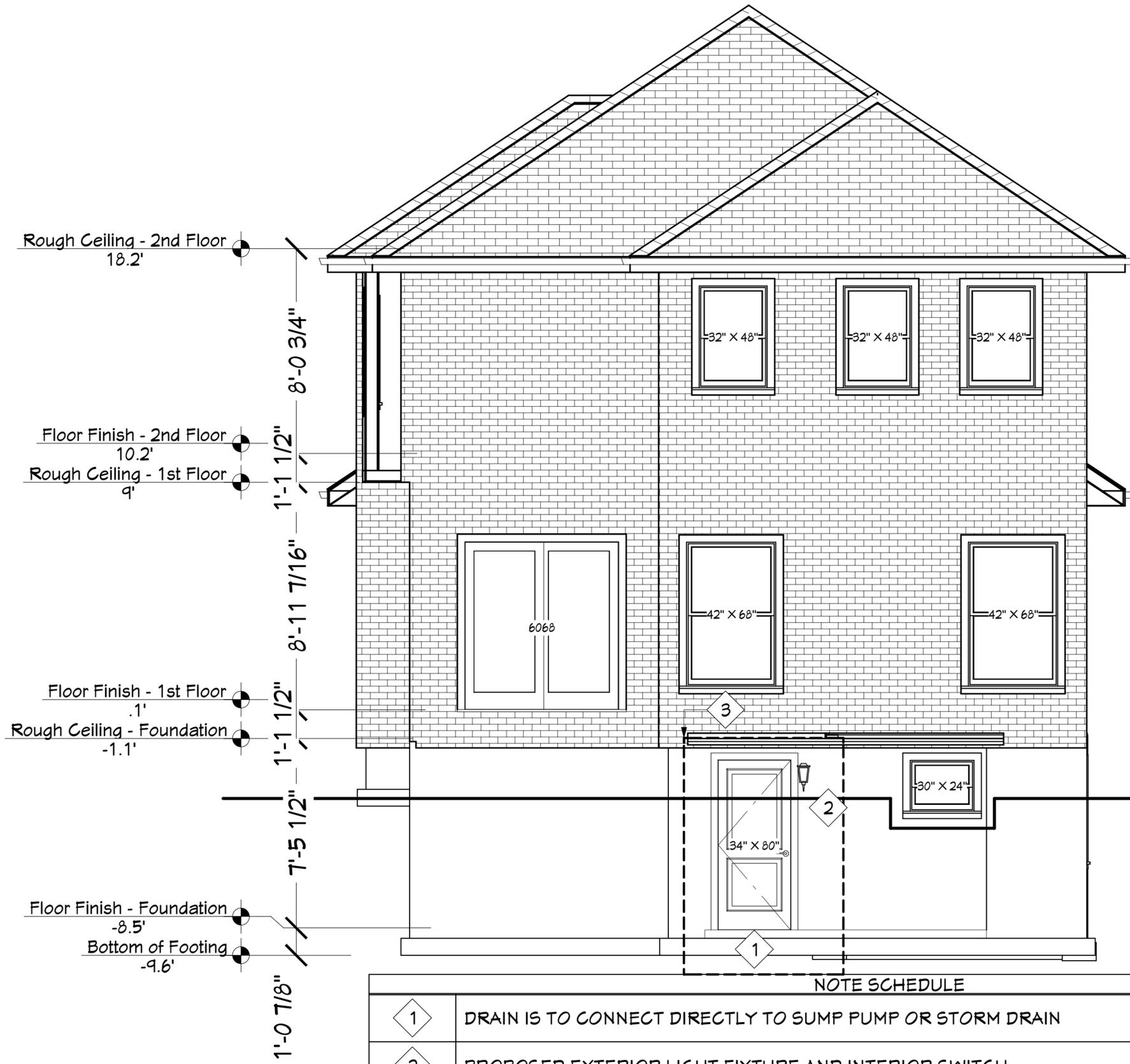
**SCALE:**  
1/4" = 1'-0"

**SHEET:**  
**A.6**

**Appendix B**

File: 21.135452.000.00.MNV

Date: 11/04/21



**REAR ELEVATION**

**Project:  
Change of use -  
Two Unit House**

DATE:  
10/19/2021

SCALE:  
1/4" = 1'-0"

SHEET:  
**A.7**

NOTE SCHEDULE	
1	DRAIN IS TO CONNECT DIRECTLY TO SUMP PUMP OR STORM DRAIN
2	PROPOSED EXTERIOR LIGHT FIXTURE AND INTERIOR SWITCH
3	REQUIRED DETAILS FOR BELOW GRADE ENTRANCE GUARD CONSTRUCTION AND CONNECTIONS PROVIDED



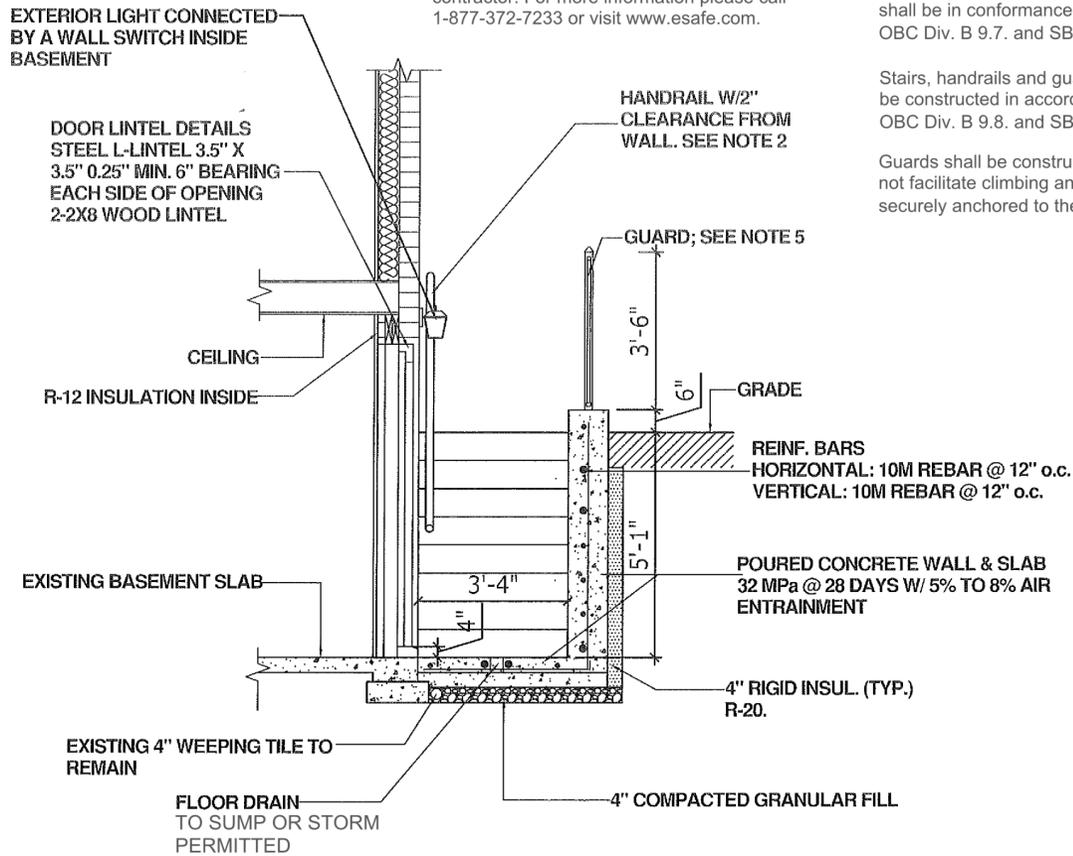
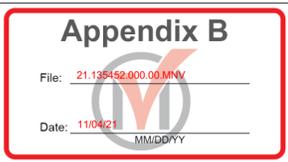
All electrical wiring must be inspected by the electrical safety authority. Separate inspection applications (permits) must be filed. We recommend you use a qualified electrical contractor. For more information please call 1-877-372-7233 or visit [www.esafe.com](http://www.esafe.com).

Maximum backfill height shall conform to OBC Div. B Article 9.15.4.2.

Windows, doors and skylights shall be in conformance with OBC Div. B 9.7. and SB-12.

Stairs, handrails and guards shall be constructed in accordance with OBC Div. B 9.8. and SB-7.

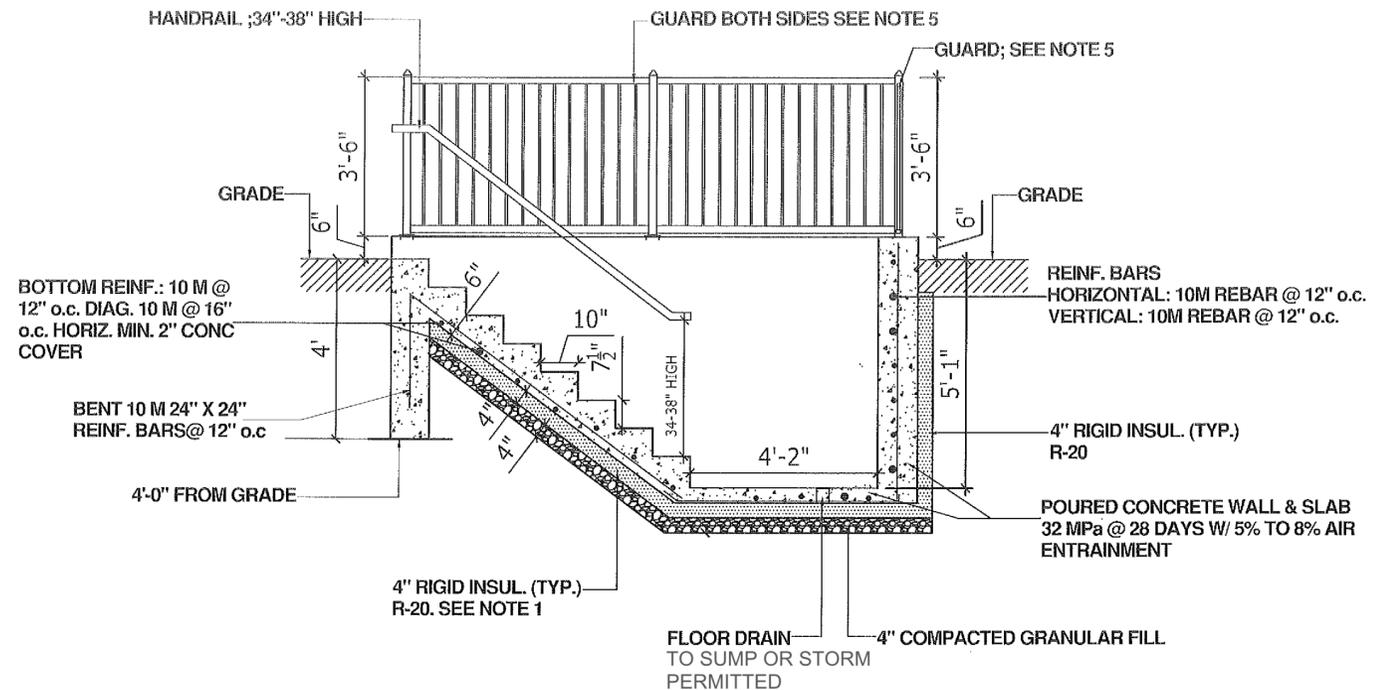
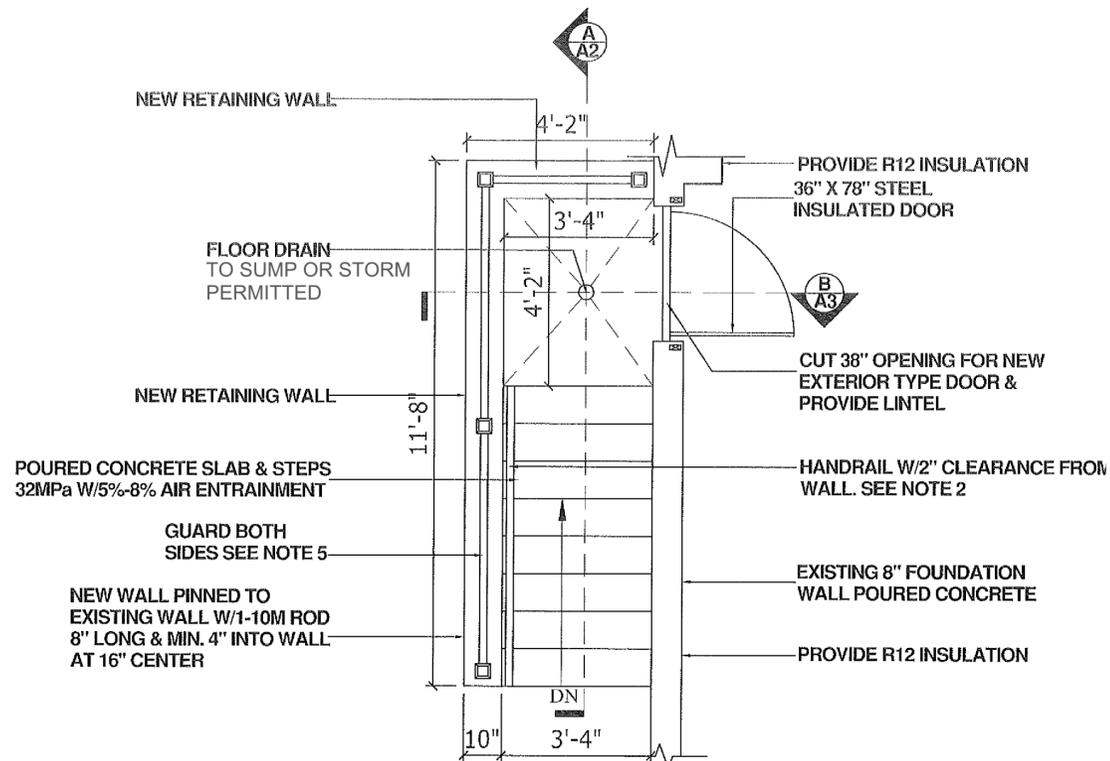
Guards shall be constructed as to not facilitate climbing and be securely anchored to the structure.



SECTION B-B

SECTION A-A

WALK OUT PLAN



EXTERIOR STAIRS  
DETAILS

Project:  
Change of use -  
Two Unit House

DATE:

10/19/2021

SCALE:

SHEET:

A.8