

# Memorandum to the City of Markham Committee of Adjustment

October 12, 2021

**File:** A/132/21  
**Address:** 125 Lawrence Pilkington Avenue – Markham, ON  
**Applicant:** Santosh Ravindranath and Krishanppa Ravindranath  
**Agent:** Vin Engineering Inc. (Sunil Shah)  
**Hearing Date:** October 20, 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, Section 7.190.1 a) ii):**

an accessory basement apartment, whereas the by-law permits an accessory dwelling unit above the garage.

## **BACKGROUND**

### **Property Description**

The subject property fronts onto Pat Wheeler Park, and is located on the south side of Lawrence Pilkington Avenue, east of Bur Oak Avenue, and northwest of Cornell Centre Boulevard. The property is developed with a two-storey semi-detached dwelling, which is separate from the one-storey semi-detached private garage accessed by a public lane at the rear. A soft landscaped area located on the subject property currently abuts the private garage to the south.

The property is located within the Cornell community, which is primarily a residential lane based community in which vehicular access and parking is provided via rear lanes and garages. There are examples of different accessory dwelling units in the form of coach houses, and basement apartments within the community. In close proximity to the property, are parks, educational and health institutions, and commercial uses along Bur Oak Avenue, and Cornell Park Avenue.

### **Proposal**

The applicant is proposing to locate an accessory dwelling unit in the basement of the semi-detached dwelling, which would have direct and separate access by way of the new door and walk-up stairs proposed at the south side of the house. In addition to the existing garage which can accommodate two parking spaces, the applicant proposes to utilize the area abutting the garage to the south as a third parking space.

### **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, 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 semi-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 semi-detached dwellings. Exception \*190 also permits one accessory dwelling unit on a lot where a semi-detached dwelling exists, provided that:

- it is accessory to a semi-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) Not Undertaken**

The applicant has confirmed that a ZPR has not been conducted. However, the applicant has received comments from the building department through their permit process to confirm the variance 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 (“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 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 semi-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 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 City’s Official Plan 2014, and 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, and the *Planning Act*, and is consistent with the *Provincial Policy Statement*, and conforms to the *Growth Plan*, with respect to the establishment of a secondary suite. Accordingly, staff have no objections to its approval, and are of the opinion that the proposed development meets the four tests.

#### 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.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of the writing of this report (October 12, 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 provide for two dwelling units within the main building; and
- can accommodate appropriate access to the basement apartment from the laneway and street.

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:



---

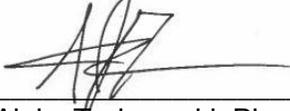
Carlson Tsang, Senior Planner, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/132/21**

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:



---

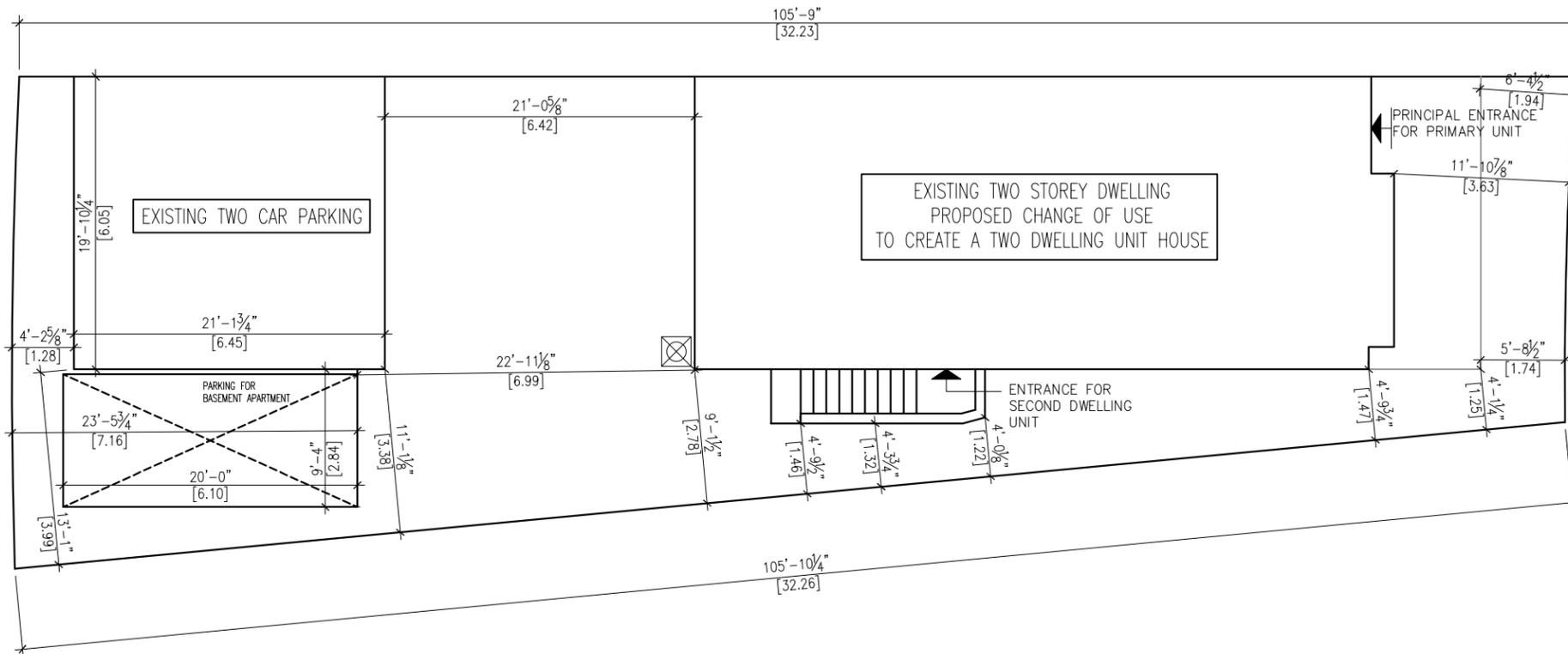
Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/132/21**

# Appendix B

File: 21.137101.000.00.MNV

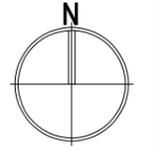
Date: 10/14/21  
MM/DD/YY



NO CHANGE IN GRADING :  
NO CHANGE IN GRADING IS REQUIRED AND TO BE DONE BY CONTRACTOR DURING THE TIME OF CONSTRUCTION

DESIGN CONSULTANTS	ENGINEERING CONSULTANTS
<b>MITALI PATEL</b> MITALI@VINGCINC.COM 365.998.8673	<b>VIN ENGINEERING INC.</b> SUNILS@VINGCINC.COM 416.270.3933

1	AUGUST 31, 2021	ISSUED FOR BUILDING PERMIT
No	Date	Revisions
<b>DRAWN BY :</b> MP		<b>DATE :</b> AUGUST 31, 2021
<b>CHECKED BY :</b> SS		<b>SCALE :</b> 3/32" = 1'-0"



PROJECT:  
**PROPOSED BASEMENT APARTMENT**  
125 LAWRENCE PILKINGTON AVENUE,  
MARKHAM, ON L6B 1C9



DRAWING TITLE :  
**SITE PLAN**

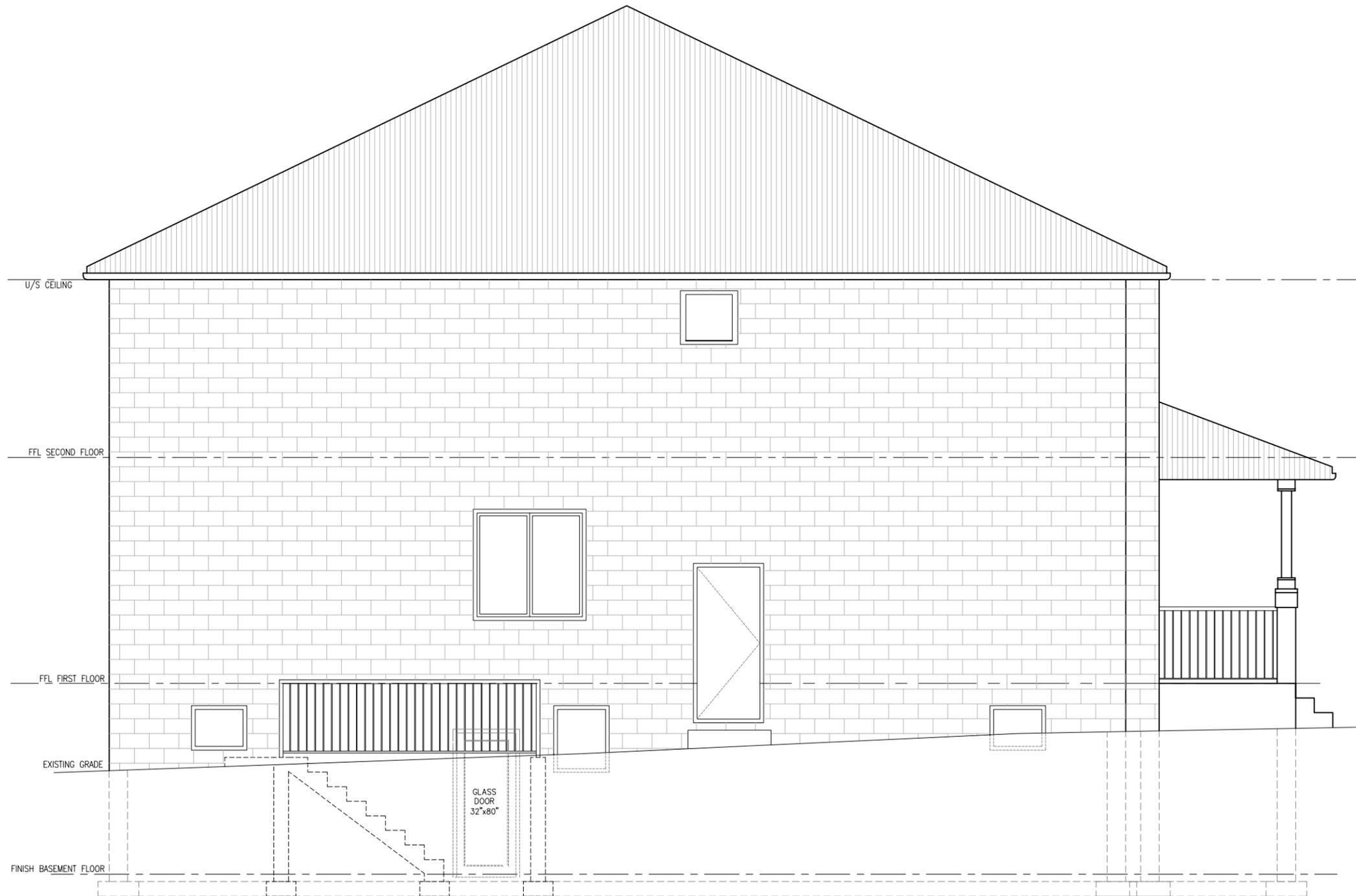
A-01



# Appendix B

File: 21.137101.000.00.MNV

Date: 10/14/21  
MM/DD/YY



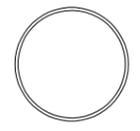
**SIDE ELEVATION**

DESIGN CONSULTANTS	ENGINEERING CONSULTANTS
<b>MITALI PATEL</b> MITALI@VINGCINC.COM 365.998.8673	<b>VIN ENGINEERING INC.</b> SUNILS@VINGCINC.COM 416.270.3933

1	AUGUST 31, 2021	ISSUED FOR BUILDING PERMIT
No	Date	Revisions
<b>DRAWN BY :</b> MP		<b>DATE :</b> AUGUST 31, 2021
<b>CHECKED BY :</b> SS		<b>SCALE :</b> 3/16" = 1'-0"

PROJECT:

**PROPOSED BASEMENT APARTMENT**  
125 LAWRENCE PILKINGTON AVENUE,  
MARKHAM, ON L6B 1C9



DRAWING TITLE :

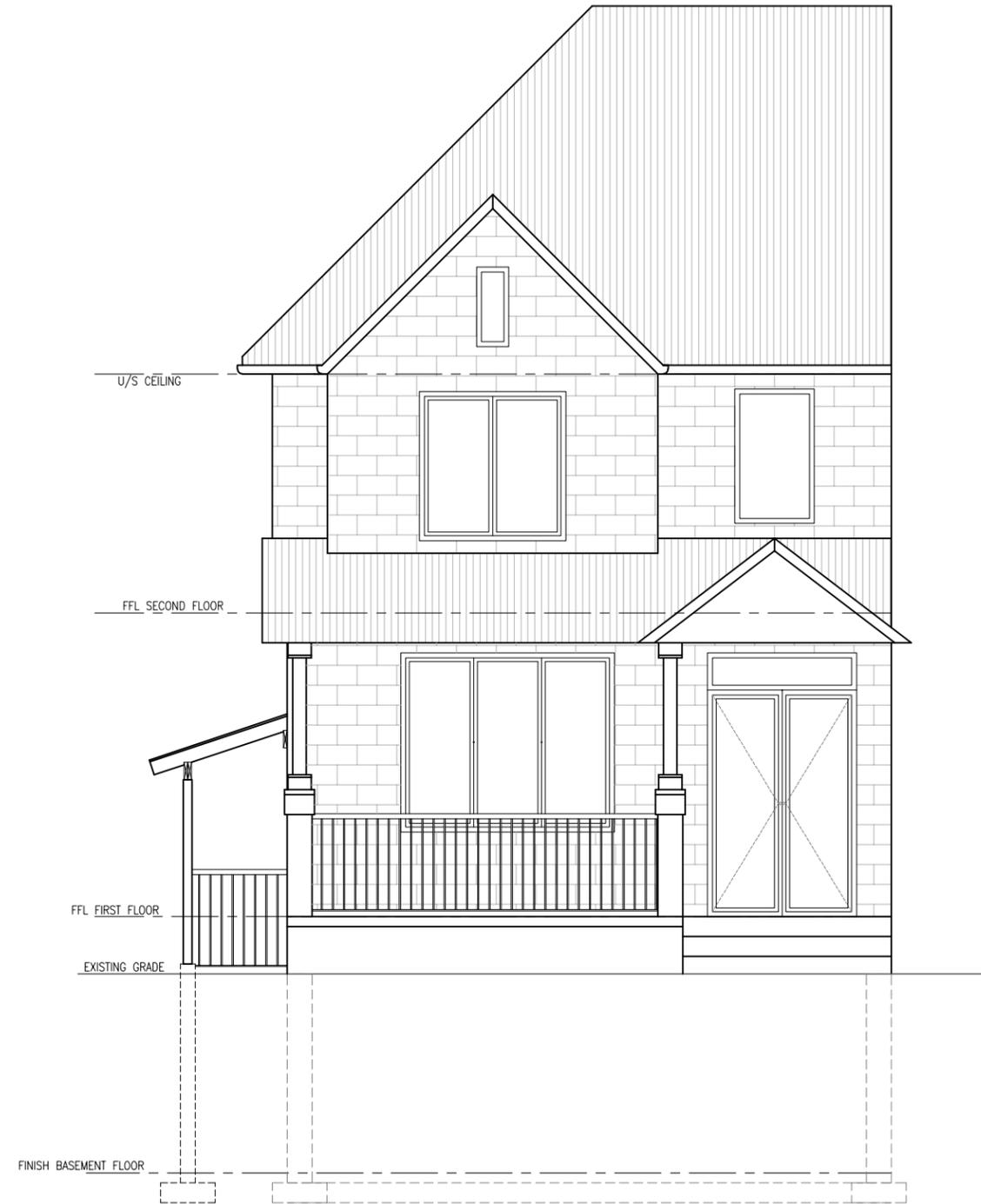
**SIDE ELEVATION**

**A-05**

# Appendix B

File: 21.137101.000.00.MNV

Date: 10/14/21  
MM/DD/YY



**FRONT ELEVATION**

DESIGN CONSULTANTS	ENGINEERING CONSULTANTS
<b>MITALI PATEL</b> MITALI@VINGCINC.COM 365.998.8673	<b>VIN ENGINEERING INC.</b> SUNILS@VINGCINC.COM 416.270.3933

No	Date	Revisions
1	JULY 15, 2021	ISSUED FOR BUILDING PERMIT
<b>DRAWN BY :</b> MP		<b>DATE :</b> JULY 15, 2021
<b>CHECKED BY :</b> SS		<b>SCALE :</b> 3/16" = 1'-0"

PROJECT:

**PROPOSED BASEMENT APARTMENT**  
125 LAWRENCE PILKINGTON AVENUE,  
MARKHAM, ON L6B 1C9



DRAWING TITLE :

**FRONT ELEVATION**

**A-06**