

Memorandum to the City of Markham Committee of Adjustment

November 15, 2021

File: A/151/21
Address: 21 Whiteoak Court – Markham, ON
Applicant: Marleen Elizabeth Loomans
Agent: Maryam Azimi
Hearing Date: November 24, 2021

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Third Density – Semi-Detached Residential (RSD3)” requirements under By-law 162-78, as amended, to permit:

a) By-law 162-78, Sec. 6.1:

a minimum of two dwelling units, whereas the by-law permits one dwelling unit per lot; and

b) By-law 28-97, Sec. 3.0:

A minimum of two parking spaces, whereas the by-law requires a minimum of three parking spaces.

BACKGROUND

Property Description

The subject property is located on the east side of Whiteoak Court, north of Major Button’s Drive, south of Armstrong Park, and west of 9th Line. According to City records, the property is currently developed with a two-storey semi-detached dwelling. The driveway legally provides for a minimum of two full-sized parking spaces. The property is located within an established residential community, and is within close proximity to local parks schools, commercial uses, and transit options along Highway 7 East.

Proposal

The applicant is requesting permission for a secondary suite to be located 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 accessed by the garage area. Due to the existing walk-up stairs located in the garage, the applicant is also seeking a parking reduction as one additional parking space cannot be accommodated. The walk-up stairs limit the remaining garage area to a length of less than 5.80 m (19.03 ft) (the minimum length of an enclosed parking space required by the City of Markham’s Parking Standards By-law), which does not qualify as a legal 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 (Provincial Policy Statement)

Section 1.4.3 of the *Provincial Policy Statement* 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 162-78

The subject property is zoned “Third Density – Semi-Detached Residential (RSD3)” under By-law 162-78, as amended, which permits one semi-detached dwelling per lot.

Parking Standards By-law 28-97

The proposed development also does not comply with the Parking By-law with respect to the minimum requirement of three parking spaces.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a ZPR was not conducted. However, the applicant has received comments from the zoning staff through their building permit process to confirm outstanding non-compliances with the By-law.

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 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.

Reduced Parking Spaces

The Parking By-law requires two parking spaces for the semi-detached dwelling, and one additional parking space for an accessory dwelling unit. Two parking spaces are provided, and the applicant is requesting a variance to permit a reduction of one parking space.

The property is within an established residential area, and in order to provide for the additional parking space, a widened driveway configuration may be required, which may not comply with the maximum driveway width requirements under the City’s Parking By-law. Requiring an additional parking space in the front yard will result in changes to the property, such as reduced soft landscaping. Staff are of the opinion that no additional parking should be required. A reduction in parking may be considered self-regulating, as the unit would only be of interest to an occupant that does not require a parking space, in the event that both parking spaces are required for use by the owner of the dwelling. Should this variance be approved, it is noted that no overnight parking is permitted on this street, and violators would be ticketed nightly.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 15, 2021. It is noted that additional information may be received after the writing of this 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, 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:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/151/21

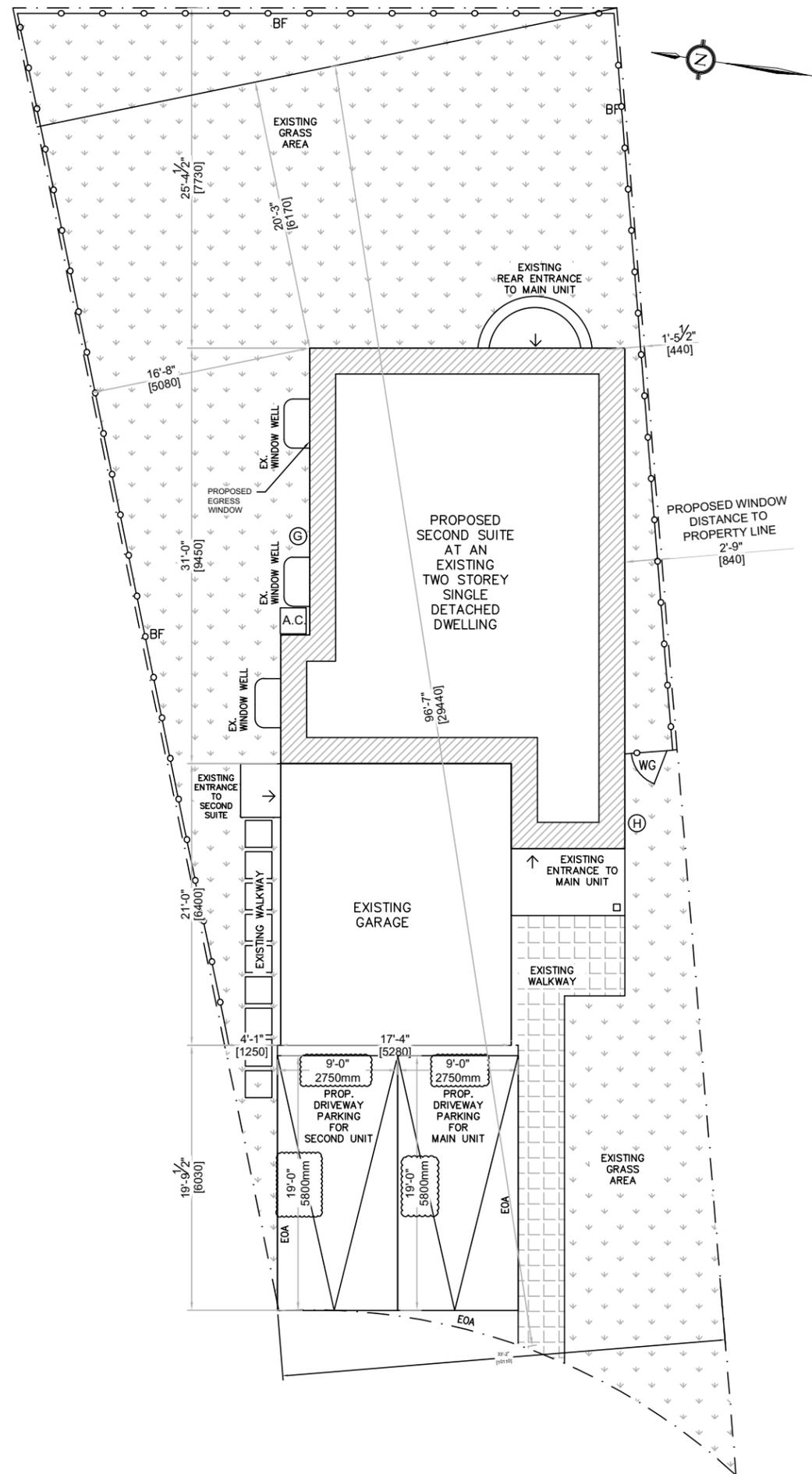
1. The variance applies only to the subject development for as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the 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:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/151/21



LEGEND:

- ENTRANCE/EXIT
- - - LOT LINE
- EOA EDGE OF ASPHALT
- BF BOARD FENCE
- WG WOODEN GATE
- ⊙ GAS
- ⊕ HYDRO

PROPERTY DETAILS

ADDRESS: 21 WHITE OAK CT
 LEGAL DESCRIPTION: PART 1 OF LOT 244 REGISTERED PLAN M-1879
 PROPERTY CODE: DETACHED SINGLE FAMILY

LOT AREA: 364.36 m²
 DEPTH: 29.44 m
 FRONTAGE: 10.11 m
 STATUS: REGISTERED

DESCRIPTION	EXISTING m ²	ADDITION	TOTAL	%
LOT COVERAGE	112.41 m ²			30
GROSS FLOOR AREA	145.67 m ²			43
NO. OF STOREYS	2 STOREYS		2	
GROUND FLOOR AREA	76.27 m ²			STOREYS
SECOND FLOOR AREA	69.39 m ²			
PROPOSED BASEMENT SECOND SUITE	76.27 m ²			

DRAWING SCHEDULE

DWG	TITLE
A0.1	SITE PLAN
A1.1	EXISTING/ PROPOSED BASEMENT FLOOR PLAN
A1.2	EXISTING/ SECOND FLOOR PLAN
A1.3	EXISTING/ PROPOSED MAIN FLOOR PLAN
A2.1	SOUTH ELEVATION
A3.1	BASEMENT WALK-OUT & UNDERPINNING DETAIL
A3.2	UNDERPINNING DETAIL & BASEMENT ACCESSORY APARTMENT
A4.1	CROSS SECTION A

Appendix B

File: 21.139706.000.00.MNV

Date: 11/18/21

MM/DD/YY

NOTE:
 INFORMATION TAKEN FROM SURVEY PREPARED BY P. SALNA COMPANY LTD. ONTARIO LAND SURVEYOR DATED IN NOV 12, 1979 FOR PART 1 OF LOT 244 REG. PLAN M-1879 TOWN OF MARKHAM REGIONAL MUNICIPALITY OF YORK

DO NOT SCALE FOR PROPERTY LINE LOCATIONS.

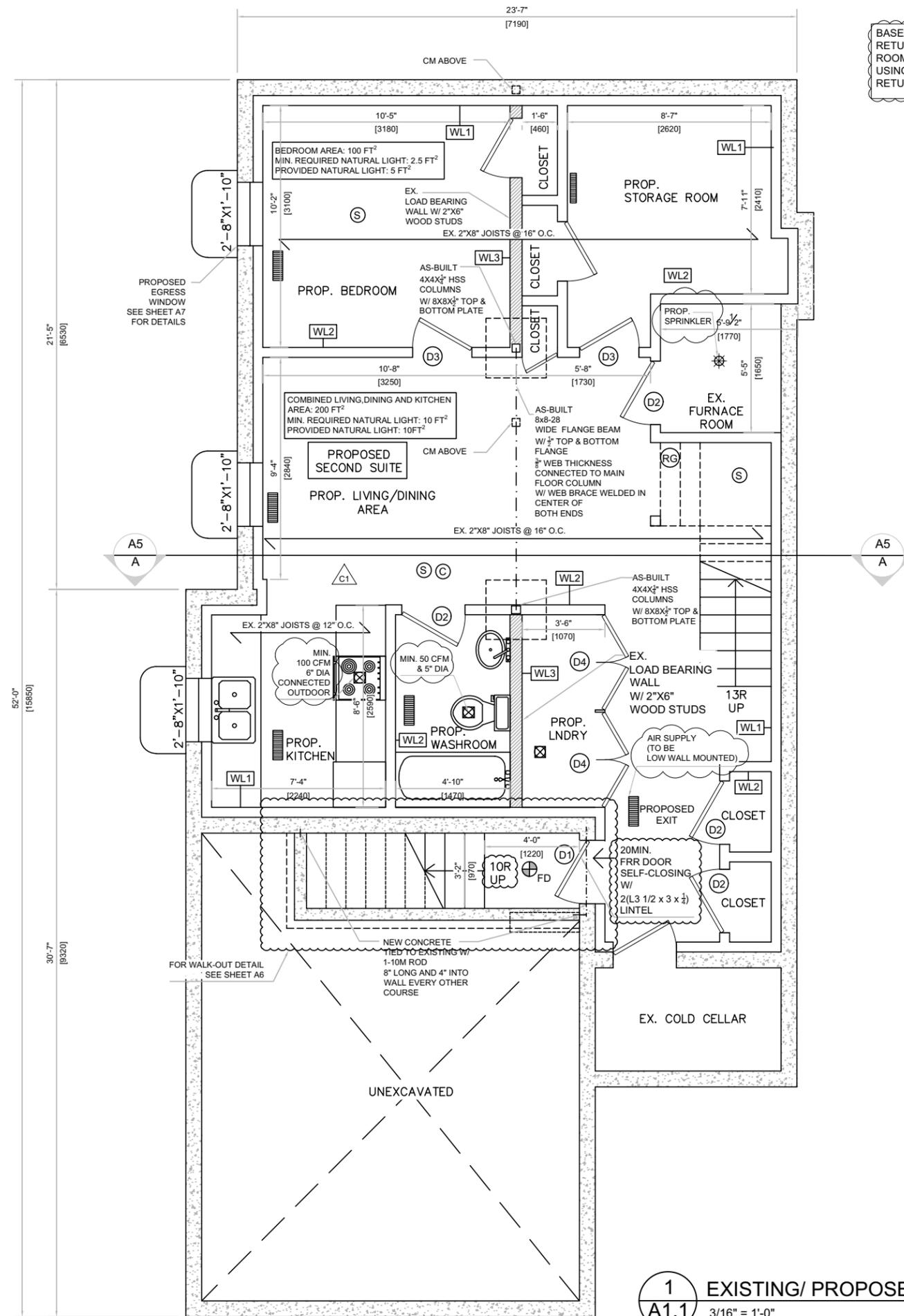
PROJECT DESCRIPTION:
 PROPOSED SECOND SUITE AND INTERIOR ALTERATION AT AN EXISTING TWO STOREY SINGLE DETACHED FAMILY DWELLING

Municipal Address: **21 WHITE OAK CT**

Project: **PF-21WHITEOAK-2021**

Drawing Number: **A0.1** Date: **JUN 2021**

Scale: **3/32"=1'-0"**



BASEMENT DOORS NOTE:
 RETURN OF AIR SHALL BE PROVIDED FROM ALL ROOMS BY LEAVING GAPS BENEATH DOORS, USING LOUVRED DOORS AND INSTALLING RETURN DUCT INLETS

BASEMENT CEILING HEIGHT:
 CLEAR HEIGHT 2 230 MM OVER AT LEAST 75% OF THE BASEMENT AREA
 CLEAR HEIGHT UNDER BULK HEADS 2 080 MM

- ITEMS LEGEND**
- ☒ EXHAUST FAN
 - ⊙ CARBON MONOXIDE DETECTOR
 - ⊙ PROPOSED INTERCONNECTED SMOKE ALARM
 - ⊕ FD FLOOR DRAIN
 - ▨ AIR SUPPLY (TO BE LOW WALL MOUNTED)
 - ⊕ RG RETURN AIR GRILL (LOW WALL MOUNTED)

NOTES FOR COMPLIANCE ALTERNATIVE:

SINCE THE DWELLING HAS BEEN IN EXISTENCE FOR MORE THAN 5 YEARS THE FOLLOWING OBC PART 11 COMPLIANCE ALTERNATIVES ARE PROPOSED:

C152(b) (FOR HORIZONTAL FIRE SEPARATION OF SUITES):
 WHEN INTERCONNECTED SMOKE ALARMS ARE INSTALLED IN EVERY DWELLING UNIT AND IN COMMON AREAS IN CONFORMANCE WITH OBC 9.10.19, 15 MIN HORIZONTAL FIRE SEPARATION IS ACCEPTABLE.

C153(b) (FOR VERTICAL FIRE SEPARATION OF SUITES):
 THE FIRE RESISTANCE RATING OF THE VERTICAL FIRE SEPARATION IS WAIVED WHERE:

- i. SMOKE ALARMS ARE INSTALLED IN EVERY DWELLING UNIT AND IN COMMON AREAS IN CONFORMANCE WITH SUBSECTION 9.10.19, AND
- ii. SMOKE ALARMS ARE INTERCONNECTED.

- NOTE:**
1. A SMOKE DETECTOR SHALL BE INSTALLED IN THE AIR DUCT SYSTEM WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR.
 2. CARBON MONOXIDE DETECTORS MUST BE INSTALLED AS PER MANUFACTURER INSTRUCTIONS.
 3. INTERCONNECTED SMOKE ALARMS CONFORMING TO CAN/ULC S531, EQUIPPED WITH A VISUAL SIGNAL COMPONENT THAT MEETS NFPA 72 SHALL BE INSTALLED IN CONFORMANCE WITH CAN/ULC-S553.
- A. COMMON AREA WALL SHALL BE ADDED WITH 45 MINUTES FIRE RATED GYPSUM WALLBOARD.**
- B. LOAD BEARING COMPONENTS SUCH AS BEAMS, STEEL POSTS AND WALLS SHALL BE COVERED WITH 1 HR FIRE RATED GYPSUM WALLBOARD.**

DOOR SCHEDULE

(D1)	2'-8" 20MIN. FRR DOOR W/ SELF-CLOSING DEVICE	BASEMENT DOORS ARE LOUVERED
(D2)	2'-8" WOOD DOOR	
(D3)	2'-6" WOOD DOOR	
(D4)	4'-0" DOUBLE DOOR	
(D5)	2'-8" EXTERIOR DOOR	

WALL SCHEDULE

WL1 EXT. BASEMENT WALL
 2X4 WOOD STUDS @16" O.C. STAND OFF FROM 10" CONCRETE BLOCK FDN. WALL
 R-20 BATT INSULATION
 W/ POLY VAPOR BARRIER
 1/2" DRYWALL TAPED & SANDED

WL2 TYP. INTERIOR WALL
 1/2" DRYWALL
 2X4 WOOD STUDS @16" O.C.
 POLY VAPOR BARRIER
 1/2" DRYWALL

WL3 LOAD BEARING WALL
 1/2" DRYWALL
 2X6 WOOD STUDS @16" O.C.
 POLY VAPOR BARRIER
 1/2" DRYWALL

EXISTING BASEMENT CEILING:

- SUBFLOOR
- 2"x8" JOISTS @ 16" O.C.
- ABSORPTIVE MATERIAL IN CAVITY (ROXUL SAFE 'N' SOUND)
- RESILIENT METAL CHANNELS SPACED @16" O.C.
- 3/4" GYPSUM BOARD

Appendix B

File: 21.139706.000.00.MNV

Date: 11/18/21
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Municipal Address
21 WHITE OAK CT

Project
PF-21WHITEOAK-2021

Drawing Number A1.1	Date JUN 2021
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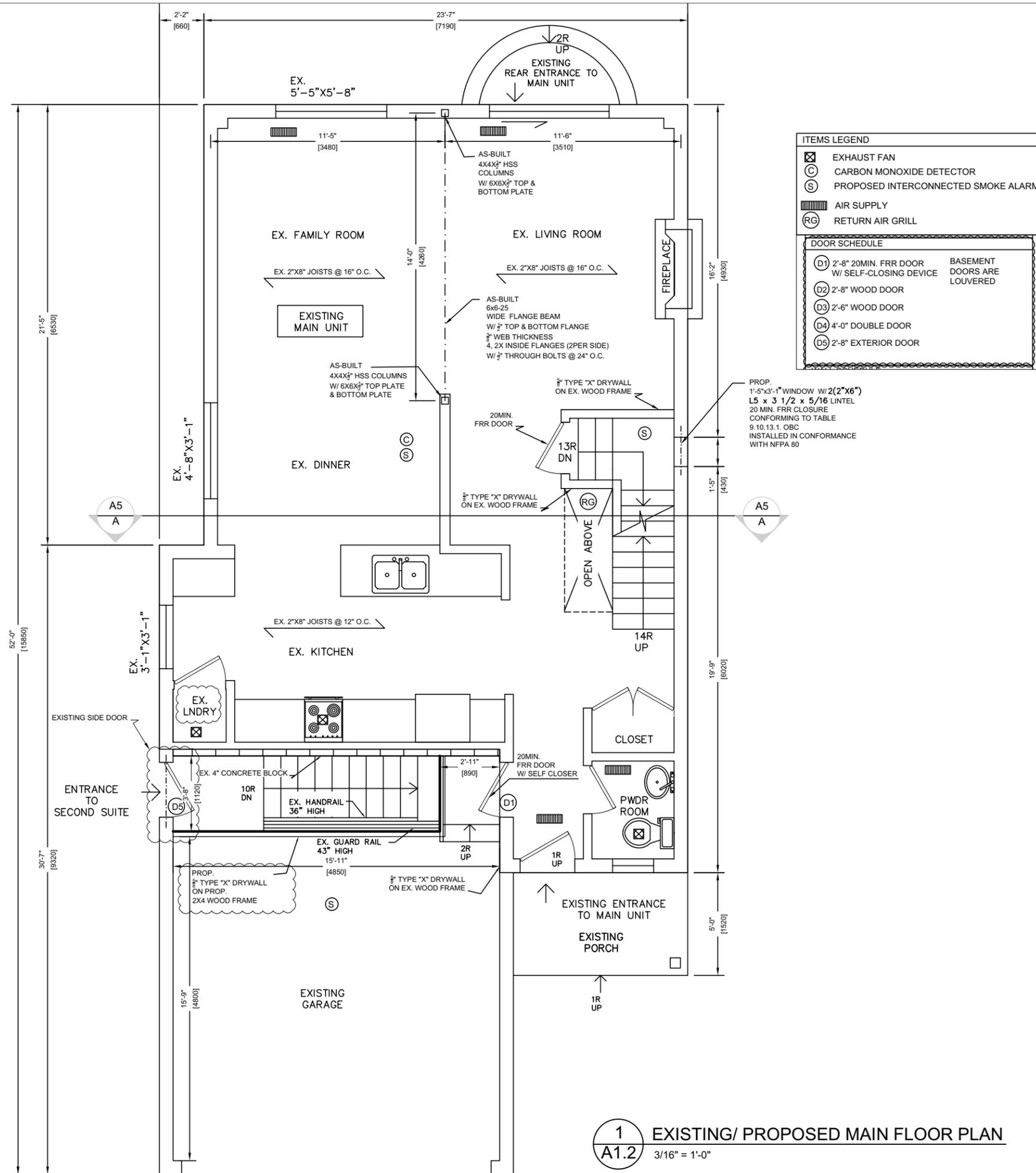
Scale
3/16"=1'-0"

1 EXISTING/ PROPOSED BASEMENT FLOOR PLAN
 A1.1 3/16" = 1'-0"

Appendix B

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Municipal Address
21 WHITE OAK CT

Project
PF-21WHITEOAK-2021

Drawing Number
A1.2

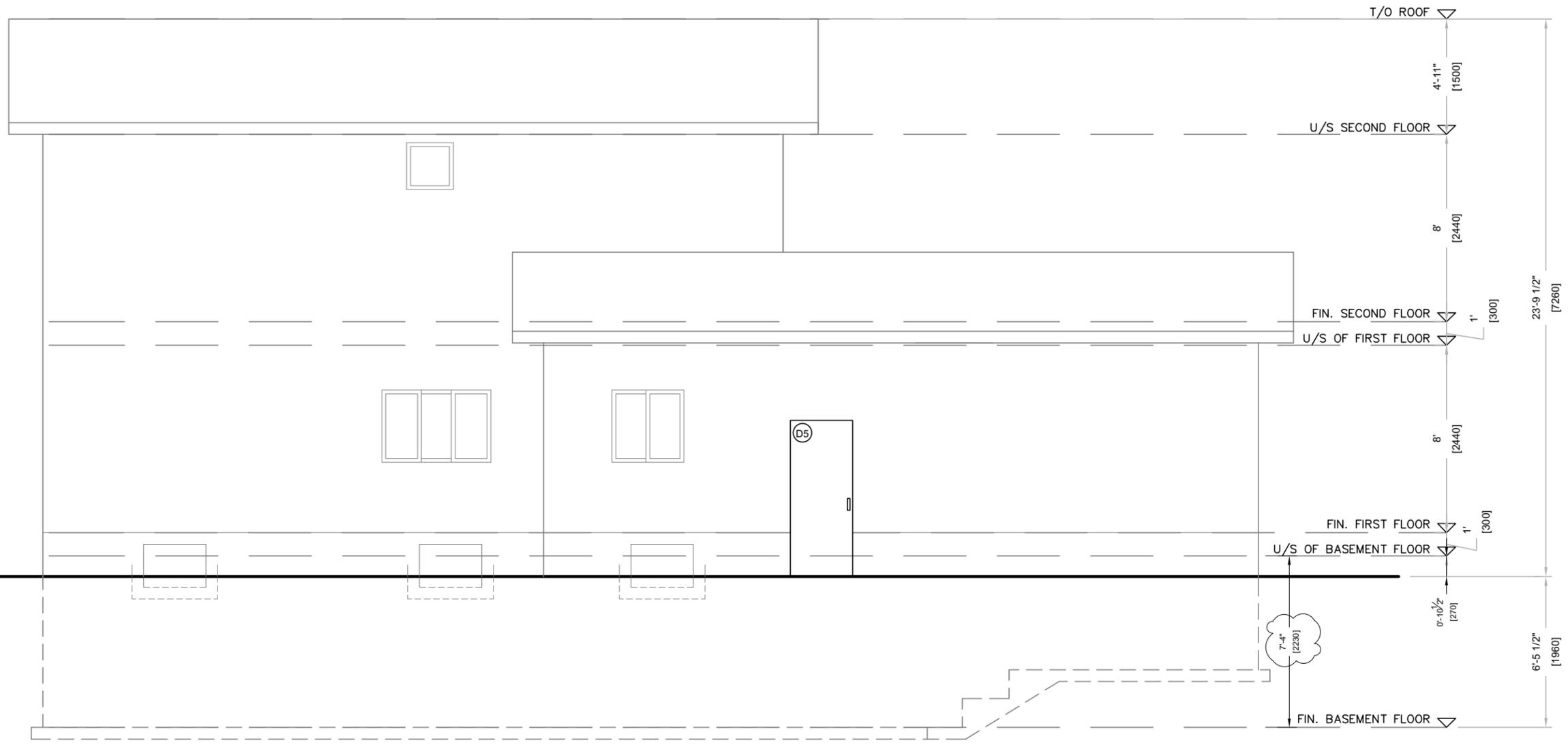
Date
JUN 2021

Scale
3/16"=1'-0"

Appendix B

File: 21.139706.000.00.MNV

Date: 11/18/21
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DOOR SCHEDULE	
D5	2'-8" EXTERIOR DOOR

PROJECT DESCRIPTION:
PROPOSED SECOND SUITE AND INTERIOR ALTERATION AT AN EXISTING TWO STOREY SINGLE DETACHED FAMILY DWELLING

Municipal Address
21 WHITE OAK CT

Project
PF-21WHITEOAK-2021

Drawing Number A2.2	Date JUN 2021
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Scale
3/16"=1'-0"