

Memorandum to the City of Markham Committee of Adjustment

November 2, 2021

File: A/153/21
Address: 168 Smoothwater Terrace – Markham, ON
Applicant: Bakeeshan Kathirchelvan
Agent: RK Architects Inc. (Rohit Kuimar)
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 *222*224*322 (R2*222*224*322)” zone requirement under By-law, 177-96 as amended, to permit:

a) **By-law 177-96, Sec. 6.5:**

a second dwelling unit, whereas the by-law permits one single dwelling unit on a lot.

BACKGROUND

Property Description

The subject property is located on the west side of Smoothwater Terrace, north of Malborough Road, east of Boswell Road, and south of Copper Creek Drive. The property contains a two-storey detached dwelling, with an attached garage and driveway area that can accommodate four parking spaces. The property is located within a residential neighbourhood primarily comprised of two-storey detached dwellings, and is within close proximity to local park space, live-work units with at grade commercial uses fronting onto Copper Creek Drive, and other commercial uses within plazas.

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 located at the north side of the building setback a distance of at least 3.50 m (11.48 ft) from the interior lot line.

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 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 177-96

The subject property is zoned “Residential Two Exception *222*224*322 (R2*222*224*322)” under By-law 177-96, as amended, which permits one single detached dwelling per lot.

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 zoning staff through their building 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 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

No written submissions were received as of the writing of this report (November 2, 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 detailed in 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:



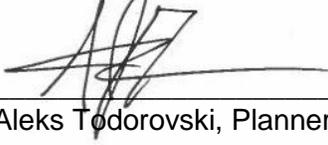
Carlson Tsang, Acting Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/153/21

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', is written over a horizontal line.

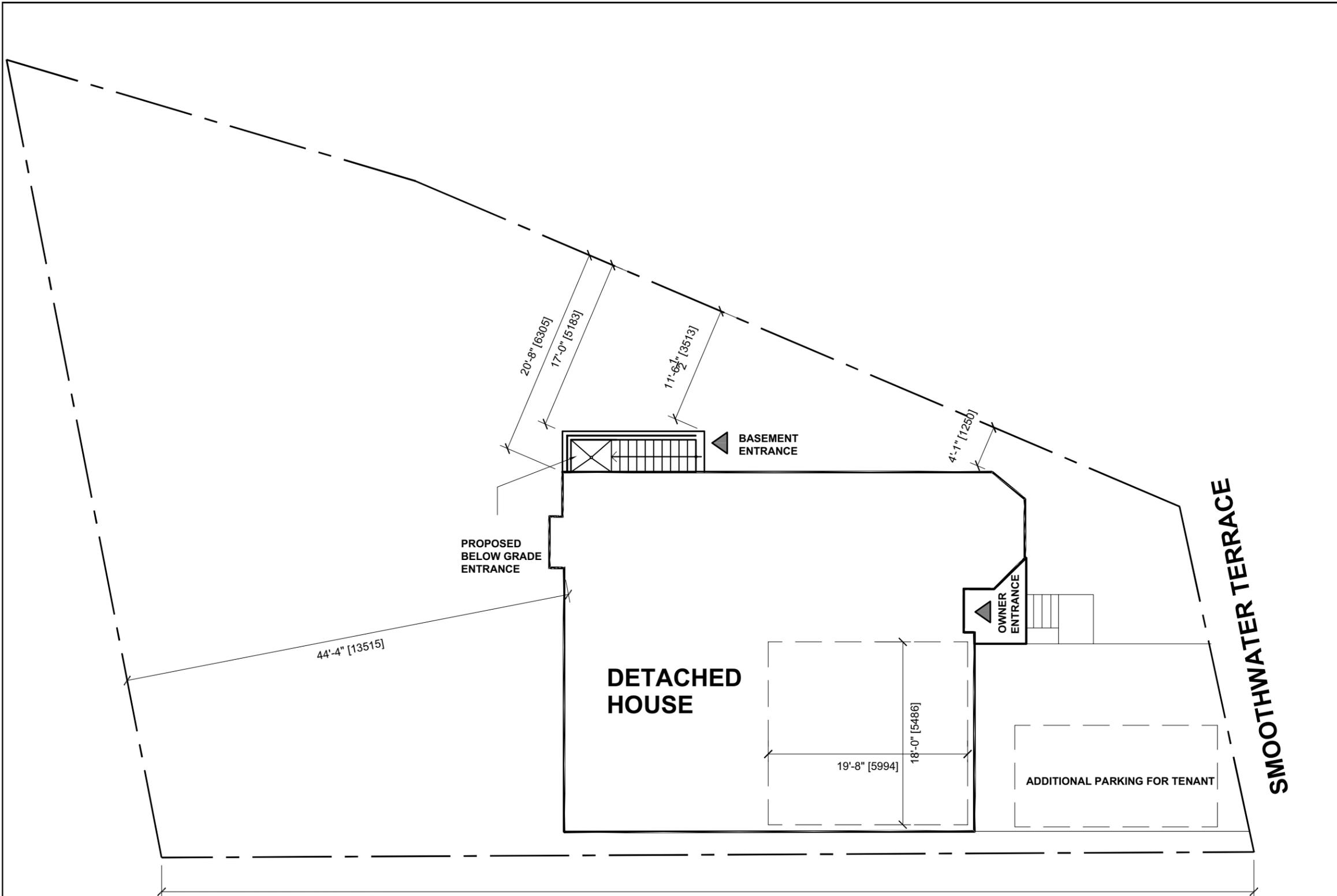
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/153/21

Appendix B

File: 21.140373.000.00.MNV

Date: 11/04/21
MM/DD/YY



AREA STATEMENT

AREA OF FIRST FLOOR = 112.8 sq.mt. (1215 sq.ft.)
 AREA OF SECOND FLOOR = 132.9 sq.mt. (1431 sq.ft.)
 AREA OF SECOND UNIT (BASEMENT) = 104.6 sq.mt. (1126 sq.ft.)

NOTE

FOR SETBACKS REFER TO SURVEY

NO.	REVISIONS	BY	DATE

RK ARCHITECTS INC.
 2565 Steeles Ave, East, Unit-14, Suite-201, Brampton, ON, L6T 4L6
 Ph: 647-996-7621 Email: rkarch77@outlook.com

BASEMENT APARTMENT AT 168 SMOOTHWATER TERRACE
 MARKHAM ONTARIO

CLIENT: ----- DATE: -----

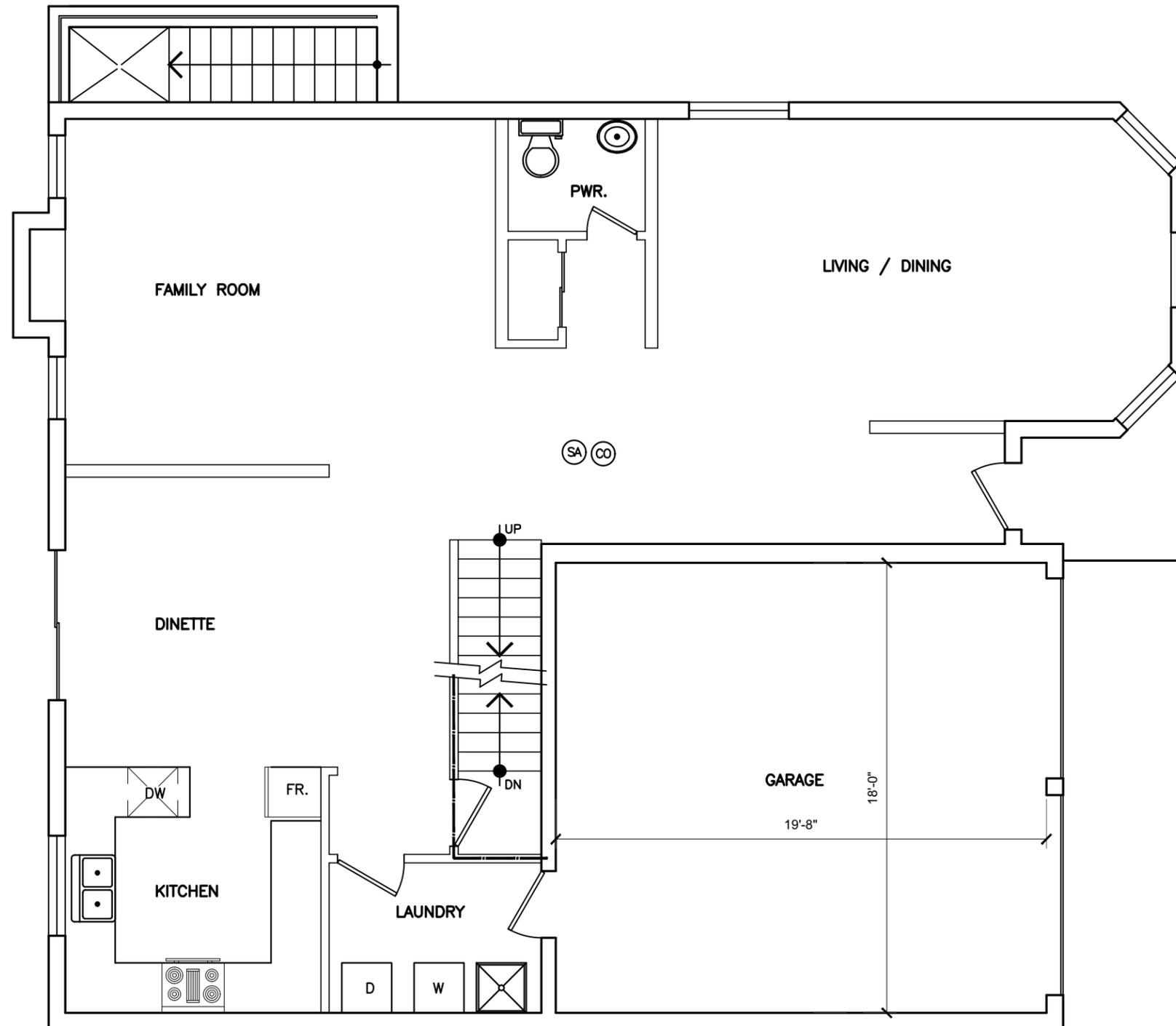
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SITE PLAN

Appendix B

File: 21.140373.000.00.MNV

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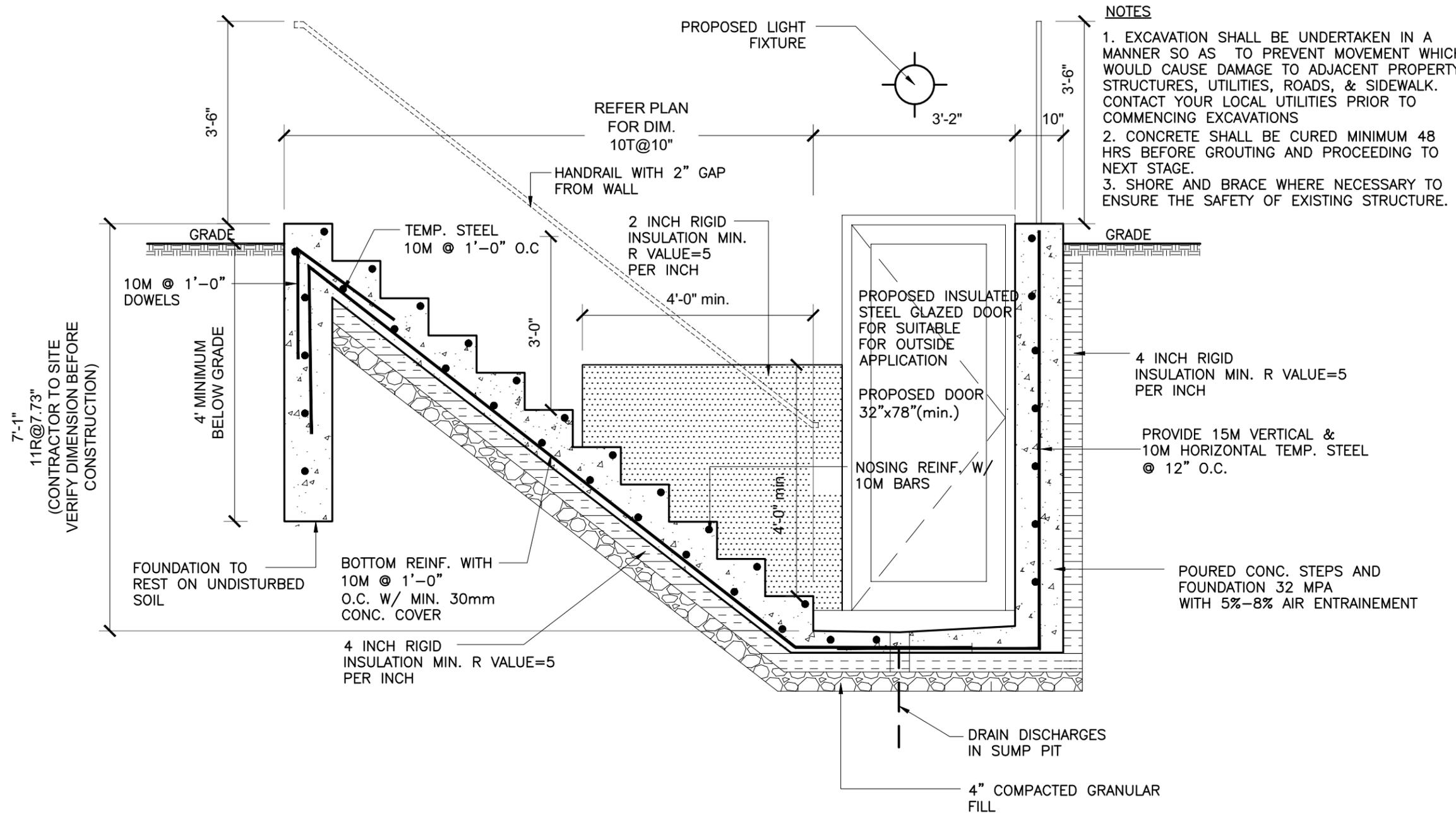
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GROUND FLOOR PLAN

Appendix B

File: 21.140373.000.00.MNV

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NOTES

- EXCAVATION SHALL BE UNDERTAKEN IN A MANNER SO AS TO PREVENT MOVEMENT WHICH WOULD CAUSE DAMAGE TO ADJACENT PROPERTY, STRUCTURES, UTILITIES, ROADS, & SIDEWALK. CONTACT YOUR LOCAL UTILITIES PRIOR TO COMMENCING EXCAVATIONS
- CONCRETE SHALL BE CURED MINIMUM 48 HRS BEFORE GROUTING AND PROCEEDING TO NEXT STAGE.
- SHORE AND BRACE WHERE NECESSARY TO ENSURE THE SAFETY OF EXISTING STRUCTURE.

SECTION- 1



NO.	REVISIONS	BY	DATE

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CLIENT: ----- DATE: -----

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DETAIL