

Memorandum to the City of Markham Committee of Adjustment

June 30, 2021

File: A/072/21
Address: 1920 Bur Oak Ave – Markham, ON
Applicant: Venkata Boddu
Agent: YEJ Studio and Consulting Inc (Amr Robah)
Hearing Date: July 7, 2021

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

The applicant is requesting relief from the following “Community Amenity (CA3*132) Zone” requirements under By-law 177-96, as amended, as they relate to a proposed basement apartment. The requested variances are to permit:

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

one accessory basement apartment, whereas the by-law does not permit an accessory dwelling in the basement;

b) By-law 28-98, 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 a corner lot which fronts onto Bur Oak Avenue, and Cathmar Drive, located east of Markham Road, south of Castlemore Avenue, and west of 9th Line. The property is developed with a two-storey semi-detached dwelling with a one-storey attached single car garage that is accessed by a public lane at the rear of the property. West of the garage is an existing parking pad.

The property is located in the Greensborough community, which can be described as primarily a low rise residential neighbourhood containing a mix of two-storey detached, semi-detached, and townhouse (rowhouse) dwellings, some of which are lane-based properties. The property is within close proximity to local amenity spaces, neighbourhood live-work units with at grade commercial uses fronting onto Bur Oak Avenue and Greensborough Village Circle, multi and single unit commercial buildings located along the Markham Road Mount Joy Corridor, and the Mount Joy GO Station.

Proposal

The applicant is requesting permission for a secondary suite located in the basement of the existing dwelling. The proposal includes a new egress window at the south side (front) of the building. The proposed secondary suite would have direct and separate access provided by a new door located at the north side (rear) of the building. No other changes are being proposed to the exterior of the dwelling.

With the existing parking pad and single car garage, the site currently provides for two parking spaces. The applicant is proposing that the existing parking scenario is maintained, and is therefore requesting a reduction of one 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* to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse 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, 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 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 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 “Community Amenity Three (CA3*132) Zone” under By-law 177-96, as amended, which permits one semi-detached dwelling on a lot accessed by a lane. Exception *132 relates to development standards not specifically related to the requested variances. The proposed development does not comply with the By-law requirement of one 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 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 variances required for the proposed development.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, 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

The 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 proposed secondary suite meets the criteria under Section 8.13.8 of the Official Plan for the establishment of a secondary suite.

Parking Reduction

The Parking By-law requires two parking spaces for the semi-detached dwelling, and one additional parking space for an accessory dwelling unit. The site currently provides for a total of two parking spaces, and the applicant is requesting a variance to permit a reduction of one parking space from the By-law requirement.

Staff are of the opinion that a reduction in parking may be considered self-regulating, as the secondary suite could 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 subject property. Should this variance be approved, it is noted that parking is not permitted along the laneway, and overnight parking is not permitted along the street. Any violators would be ticketed accordingly.

PUBLIC INPUT SUMMARY

One written submission was received as of the writing of this report. The resident objecting to the proposed development cites concerns with the parking of cars along the street, contributing to further congestion.

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 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.

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/072/21

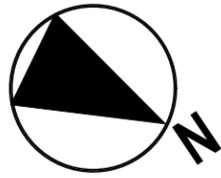
1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the batch stamped plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation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

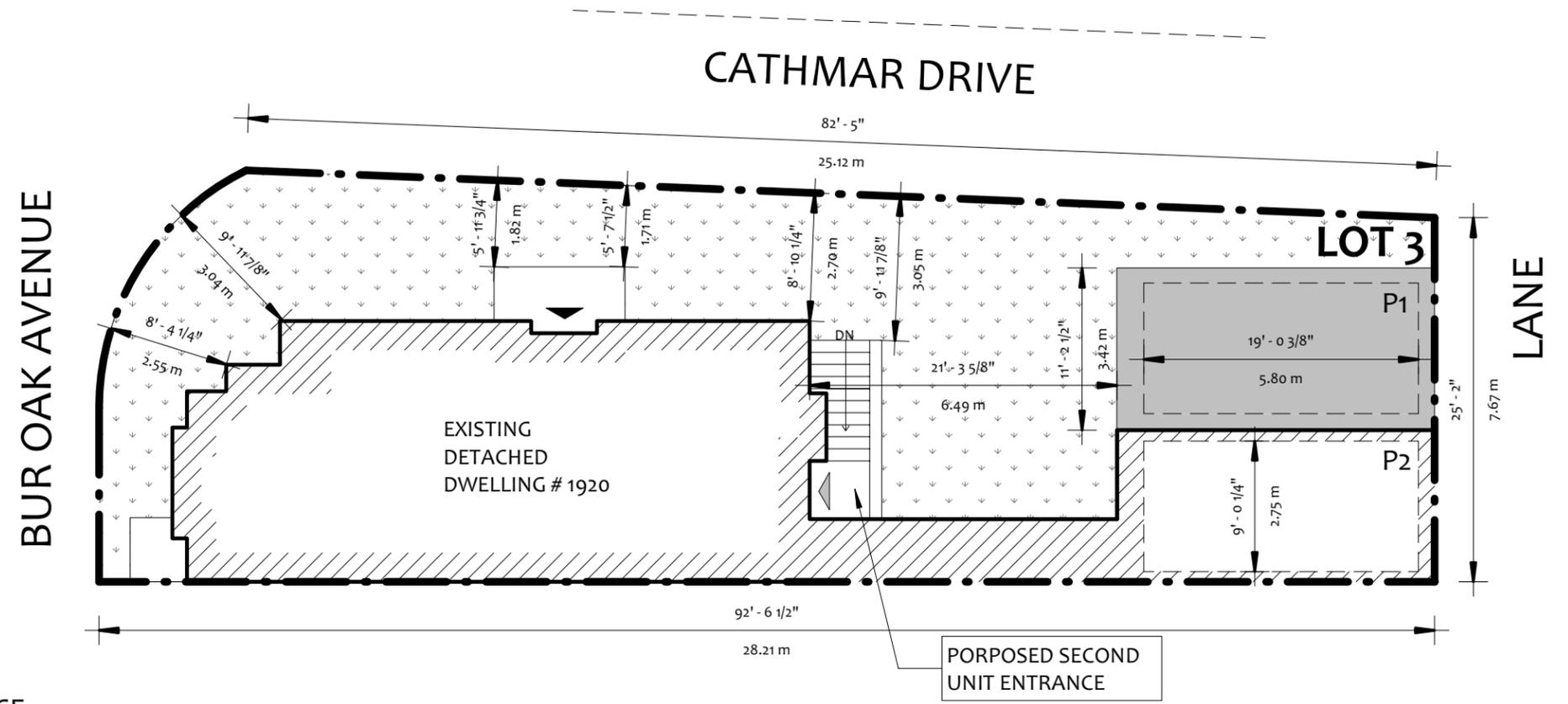
APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/072/21



Appendix B

File: 21.122263.000.00.MNV

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



- ▶ MAIN ENTRANCE
- ▷ SECONDARY ENTRANCE
- ▷ BASEMENT ENTRANCE

1.0 SITE PLAN
A-02 3/32" = 1'-0"

FLOOR / UNIT AREA	AREA	
	SQFT	SQM
BASEMENT (UNIT 2)	635	59
BASEMENT (UNIT 1)	42.93	4
FIRST FLOOR (UNIT 1)	673.8	62.6
SECOND FLOOR (UNIT 1)	682.7	63.4
TOTAL BUILDING AREA	2034.4	189

ROOM AREAS - Site	
Name	Area
BASEMENT	
HALLWAY	70 SF
W/C	37 SF
L.C.	7 SF
CLOSET	17 SF
ELEC. PANEL	9 SF
BEDROOM	166 SF
FURNACE	51 SF
KITCHEN/ LIVING/ DINING	203 SF
W/D	8 SF
	568 SF

ROOM AREAS - Site	
Name	Area
MAIN FLOOR	
CLOSET	9 SF
FAMILY ROOM	154 SF
BREAKFAST	84 SF
KITCHEN	79 SF
FOYER	24 SF
P.W.R.	20 SF
LIVING/ DINING ROOM	212 SF
	582 SF

ROOM AREAS - Site	
Name	Area
SECOND FLOOR	
BEDROOM 3	76 SF
BEDROOM 2	94 SF
CLOSET	10 SF
CLOSET	6 SF
HALLWAY	164 SF
W.I.C.	20 SF
MASTER BEDROOM	158 SF
W/C	40 SF
ENSUITE	70 SF
	638 SF
Total Building Area: 25	1787 SF

YEJ STUDIO + CONSULTING INC.

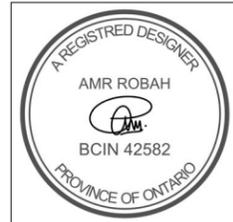
7-250 SHEILDS CRT.
MARKHAM ON L3R 9T5
888.236.9958 | 416.483.5393
INFO@YEJSTUDIO.COM
WWW.YEJSTUDIO.COM

BASEMENT SECOND UNIT
1920 BUROAK AVE,
MARKHAM, ON, L6E
1W6

THE UNDERSIGNED HAS REVIEW AND TAKES RESPONSIBILITY FOR THE DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1 OF DIVISION "C" OF O.B.C.

NAME: AMR ROBAH
BCIN: 42582



CLIENT REVIEW	2021.03.18
REVISION	2021.03.20
ISSUED FOR PERMIT	2021.03.22

SITE PLAN		A-02
Drawn by	A.H.	
Project number	21 RE500-41	
Date	2021.03.18	Scale As indicated