

Memorandum to the City of Markham Committee of Adjustment

August 16, 2021

File: A/082/21
Address: 192 Ramona Boulevard – Markham, ON
Applicant: Nan Li
Agent: Kris He
Hearing Date: August 25, 2021

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

The applicant is requesting relief from the following “Residential One (R1)” zone requirements under By-law 1229, as amended, to permit:

a) By-law 1229, Sec. 6.1:

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

BACKGROUND

Property Description

The subject property is located on the north side of Ramona Boulevard, east of Wooten Way North, south of Fincham Avenue, and west of 9th Line. The property is currently developed with a two-storey detached dwelling. The driveway and garage area provides for a minimum of four parking spaces. The property is located within an established low rise residential neighbourhood, and is within close proximity to local parks, and schools.

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 on the west side of the building, accessed by below grade walk-up stairs.

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, 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 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 1229

The subject property is zoned “Residential One (R1)” under By-law 1229, as amended, which permits one single detached dwelling per lot.

Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a ZPR on May 7, 2021 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.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 16, 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*. Staff are of the opinion that the variance request meets the four tests, and support its approval. 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:



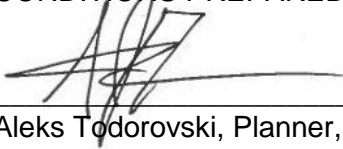
Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/082/21

1. The variance applies only to the subject development for as long as it remains.
2. That the variance applies only to the subject 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 their designate that this condition has been fulfilled to their 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.

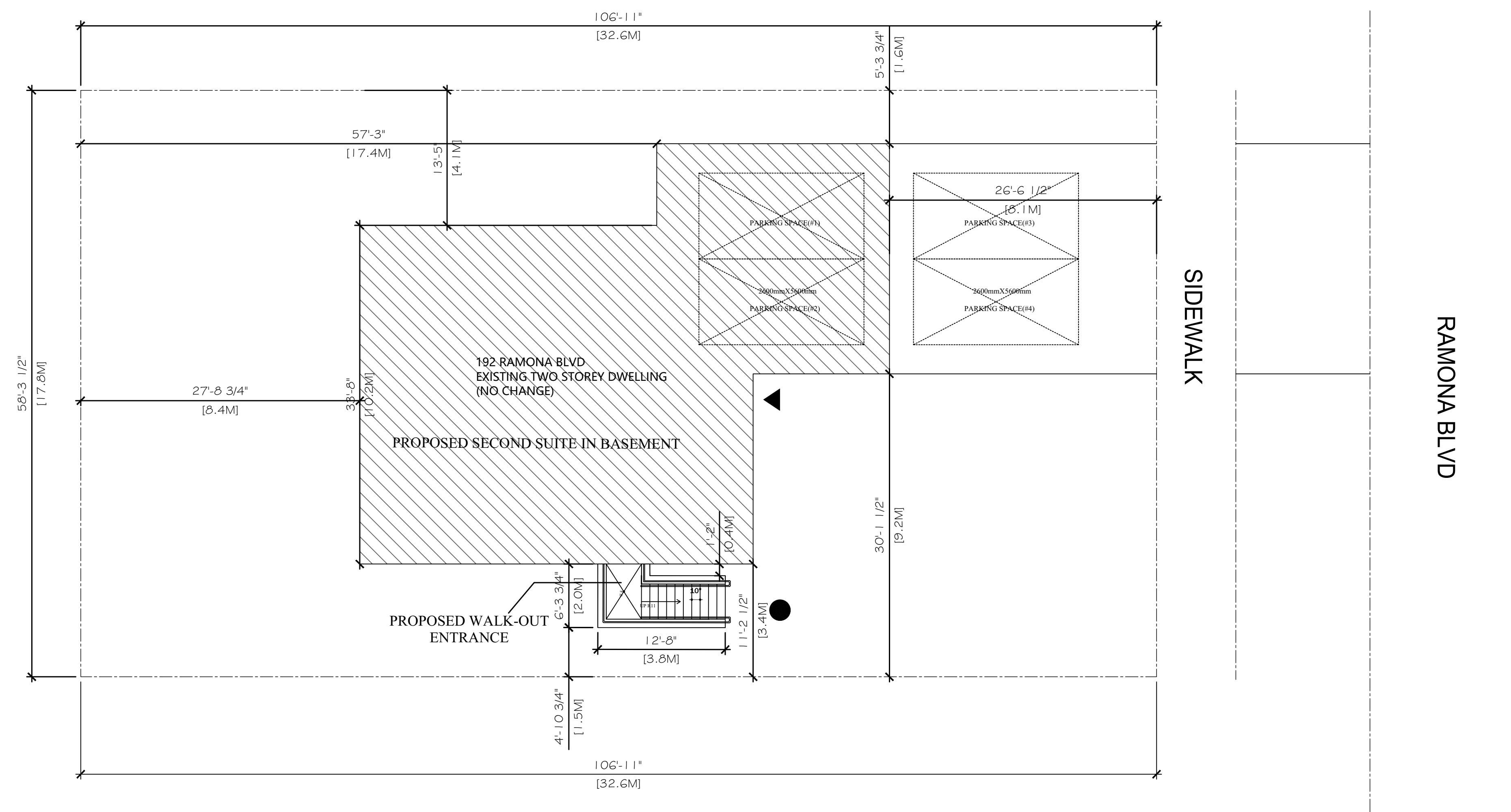
CONDITIONS PREPARED BY:

A handwritten signature in dark 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/082/21



ENTRANCE OF SECOND SUITE

1

A-01

- THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND MUST NOTIFY THE DESIGNER/ENGINEER OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION.
- THE DRAWING IS NOT TO BE SCALED.
- CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF ANY AUTHORITIES HAVING JURISDICTION.
- THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, MECHANICAL, ELECTRICAL, ETC, INFORMATION SHOWN ON THESE PLANS. REFER TO THE APPROPRIATE CONSULTANT'S DRAWINGS BEFORE PROCEEDING WITH WORK. THE DRAWINGS, AS AN INSTRUMENT OF SERVICE, IS PROVIDED BY AND IS THE PROPERTY OF THE DESIGNER. THE DESIGNER RETAINS OWNERSHIP OF COPYRIGHT IN ALL THESE DRAWINGS.

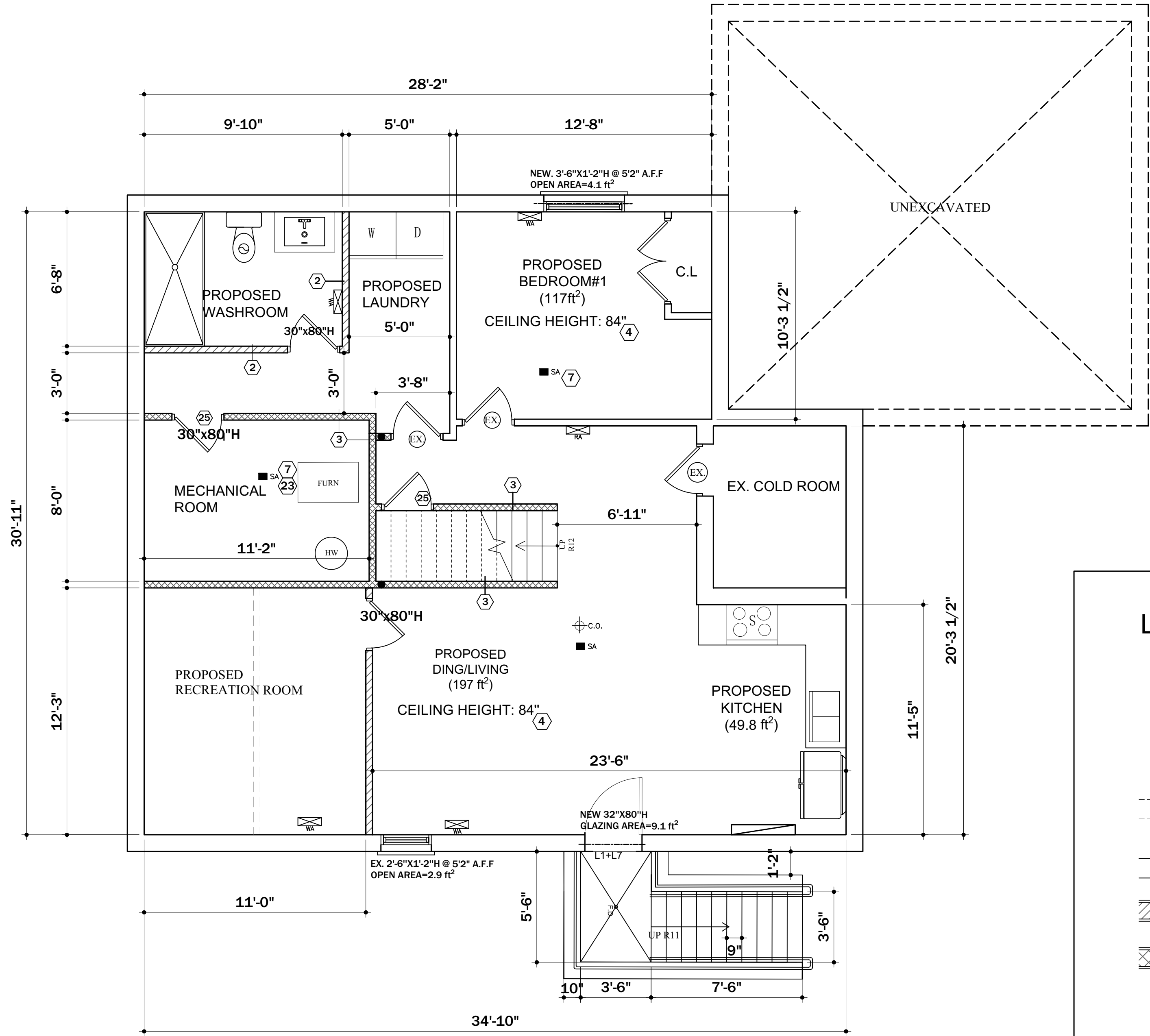
No.	Description	Date
1	Building permit application	MAR 18, 2021

Scale: $3/32'' = 1'-0''$

A 1.0

ROOMS	REQUIRED WINDOW AREA	AVAILABLE WINDOW AREA
LIVING/DINING	5% OF 197 SF=9.85 SF	12 SF
BEDROOM#1	2.5% OF 117 SF=2.93 SF	4.1 SF

- NOTE:
- FOR DETAILED SPECIFICATIONS SEE DWG A-6
 - PROPOSED SECOND UNIT BASEMENT DWELLING: 1006 SQ.FT



LEGEND

CMD

CARBON MONOXIDE ALARM

SA

INTERCONNECTED SMOKE ALARM /W STROBE LIGHT

INTERIOR PARTITION TO REMOVE(NON- LOAD-BEARING)

EXISTING INTERIOR PARTITION

NEW INTERIOR PARTITION

NEW FIRE RATED INTERIOR PARTITION

WA

WARM AIR REGISTER AT WALL

EXHAUST VENT

RA

RETURN AIR REGISTER

EX

EXISTING DOOR/WINDOW

1

A-05

PROPOSED BASEMENT FLOOR PLAN

STAMP:

- THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND MUST NOTIFY THE DESIGNER/ENGINEER OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION.
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192 Ramona Blvd,
Markham, ON
L3P 2K8

No.	Description	Date
1	Building permit application	MAR 22, 2021

PROPOSED SECOND UNITS

Project :		Sheet Number:
Drawing by:	K.H	Date: MAR 22, 2021
checked by:		Scale: 3/16" = 1'-0"

A 1.4