

Memorandum to the City of Markham Committee of Adjustment

October 12, 2021

File: A/002/21
Address: 8 Holsworthy Crescent, Thornhill
Applicant: Eden Engineering & Design Inc. (Albert Yerushalmi)
Hearing Date: Wednesday, October 20, 2021

The following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirements of the First Density Semi-Detached Residential (RSD1) Zone in By-law 2612, as amended:

a) By-law 2612, Section 4.1 & 5.2(b):

To permit an accessory dwelling unit (basement apartment) within an existing semi-detached dwelling; whereas, the By-law permits no more than one semi-detached dwelling unit on a lot.

BACKGROUND

Property Description

The 468 m² (5,037.51 ft²) subject property is located on the north side of Holsworthy Crescent, north of Steeles Avenue East and west of Don Mills Road. There is an existing linked semi-detached dwelling on the property, which according to assessment records was constructed in 1973. The property is located within an established residential neighbourhood comprised of a mix of single-detached and semi-detached dwellings.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing semi-detached dwelling. The proposed secondary suite would have direct and separate access provided by an existing door on the east side of the building. No changes are being proposed to the exterior of the dwelling or the property. Based on the plans submitted, the applicant has three parking spaces currently provided for on site.

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, 2020)

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 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 2612

The subject property is zoned First Density Semi-Detached Residential (RSD1) under By-law 2612, as amended, which permits semi-detached dwellings. The proposed development does not comply with the By-law with respect to the number of dwellings permitted on a lot.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on September 22, 2021 to confirm the variances 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:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, 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 2014 Official Plan for the establishment of a secondary suite. In addition, there is sufficient parking on site to meet the requirements of Parking By-law 28-97. Based on the above, Planning Staff have no objections.

PUBLIC INPUT SUMMARY

No written submissions were received as of 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.

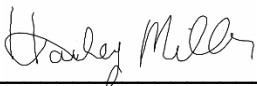
CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the Planning Act and have no objection. 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.

PREPARED BY:



Hailey Miller, Planner, Zoning and Special Projects

REVIEWED BY:



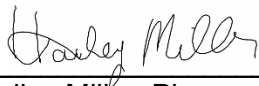
Mary Caputo, Development Manager, West District

APPENDIX "A"

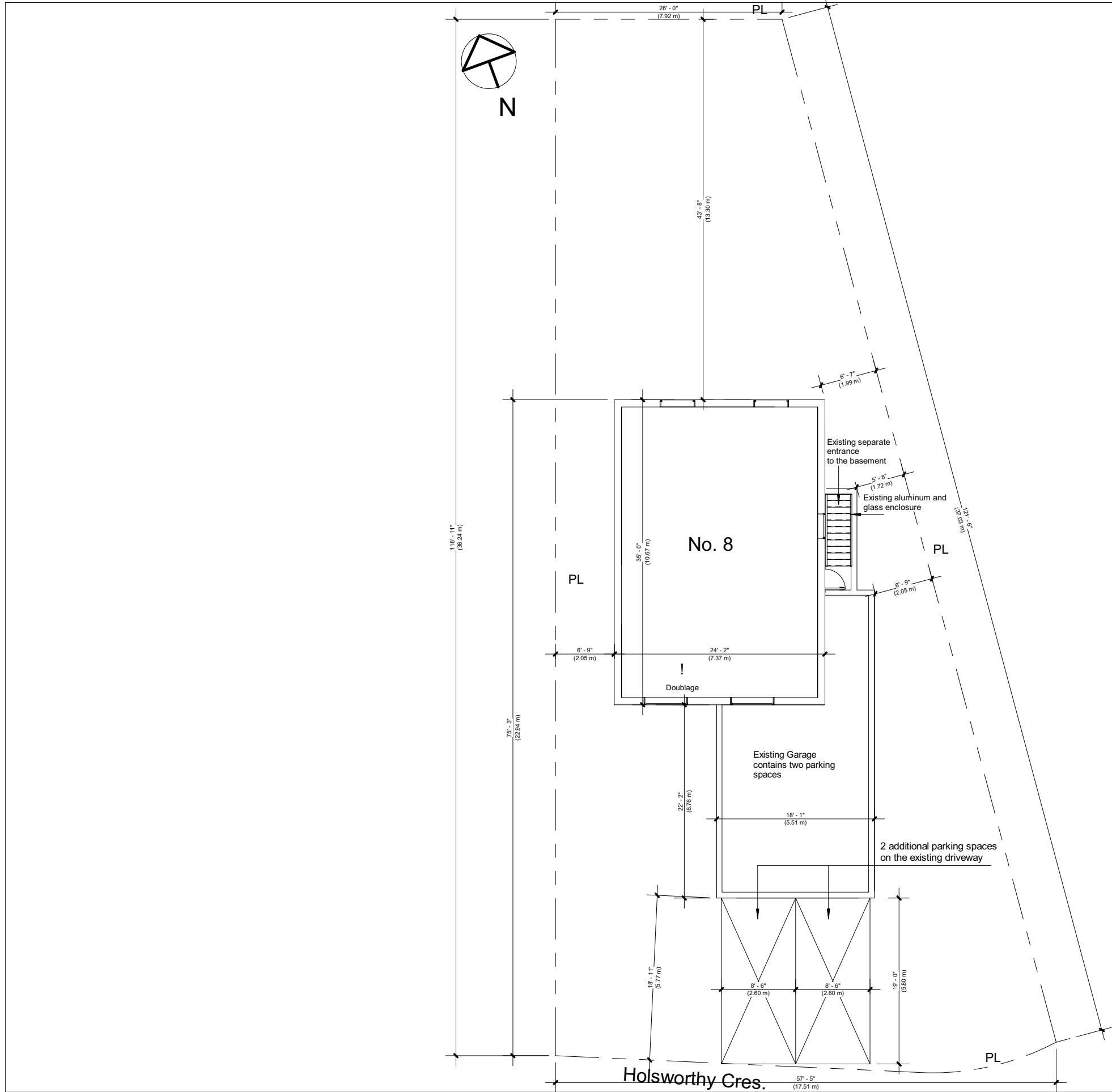
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/002/21

1. That the variance apply only to the proposed development as long as it remains;
2. That the variance apply only to the subject development, in substantial conformity with the plan(s) 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:



Hailey Miller, Planner, Zoning and Special Projects



Appendix B

File: 21.102802.000.00.MNV

Date: 10/15/21
MM/DD/YY

Site Stats:

Lot area : 468 m2
Lot coverage : 27.1%
GFA (1st + 2nd) : 154.8 m2

Contractor to check and verify all dimensions and conditions on the job and report discrepancies to the designer before proceeding with the works. This drawing is the property of "Eden Engineering & Design" and any use of it should have the designer consent. Drawings are not to be scaled

8 Holsworthy Cres.
Markham, ON.

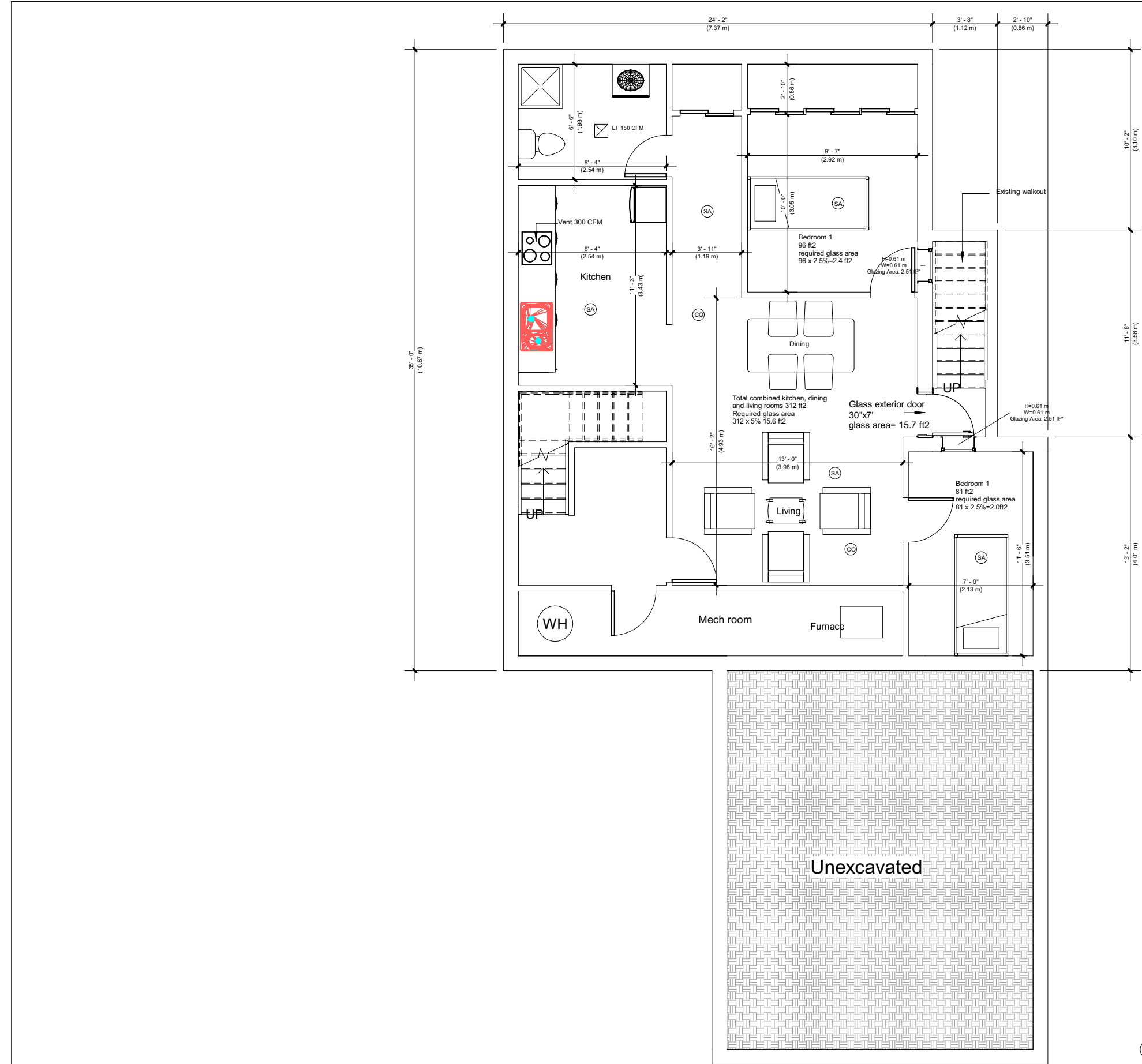


Eden Engineering & Design Inc.
Consulting Engineers

34 Pheasant Valley Ct.
Markham, ON L3T2H1
Tel : 416-876-0957
Fax : 905-248-3595
E-mail : info@edenengineering.ca

Drawn By	
Checked By	AY
Project issue date	5.1.2021

1 Site/Grade
1 : 150



① Basement
1 : 75

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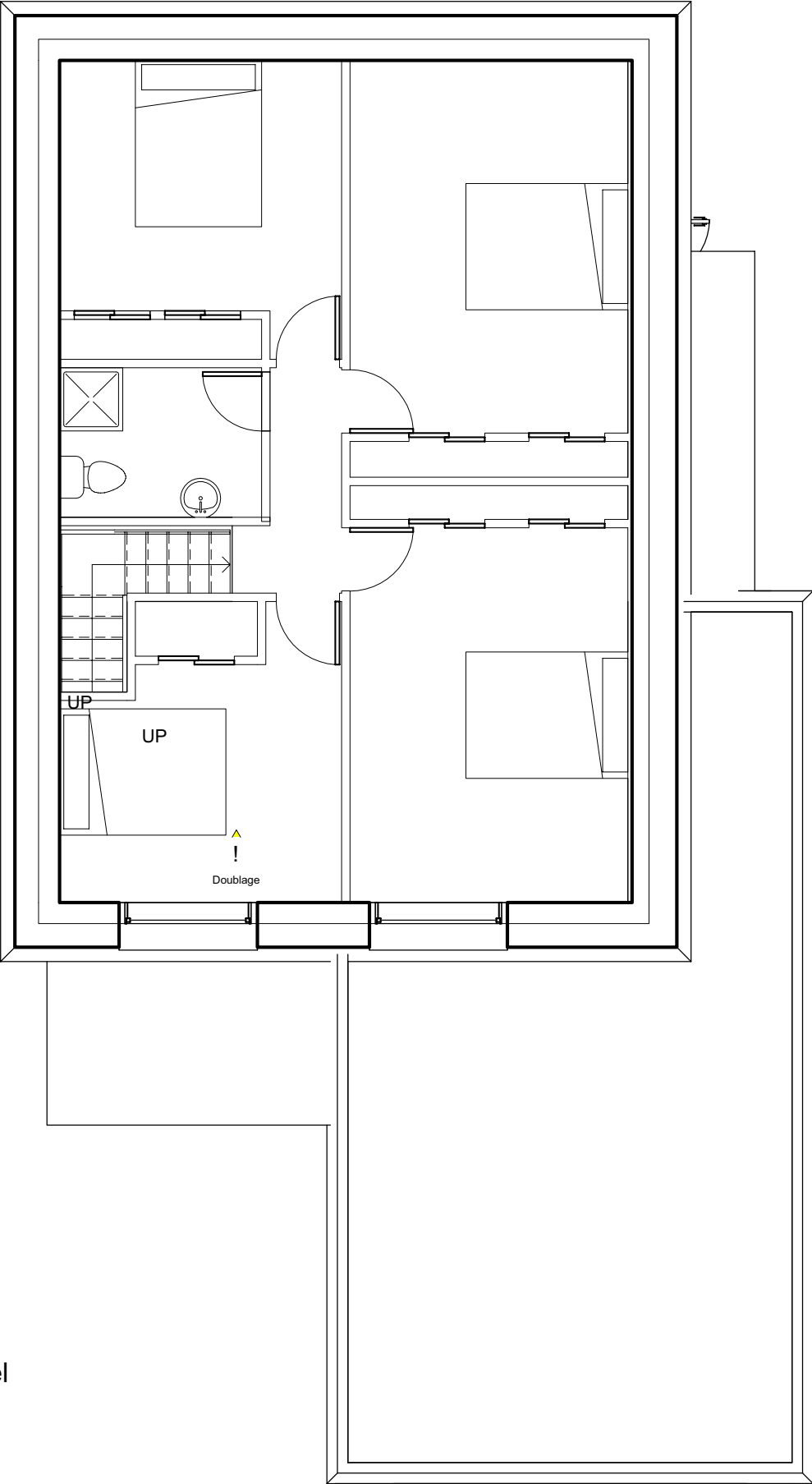
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Markham, ON L3T2H1
Tel : 416-876-0957
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No changes at this level

① Second Floor
1 : 75

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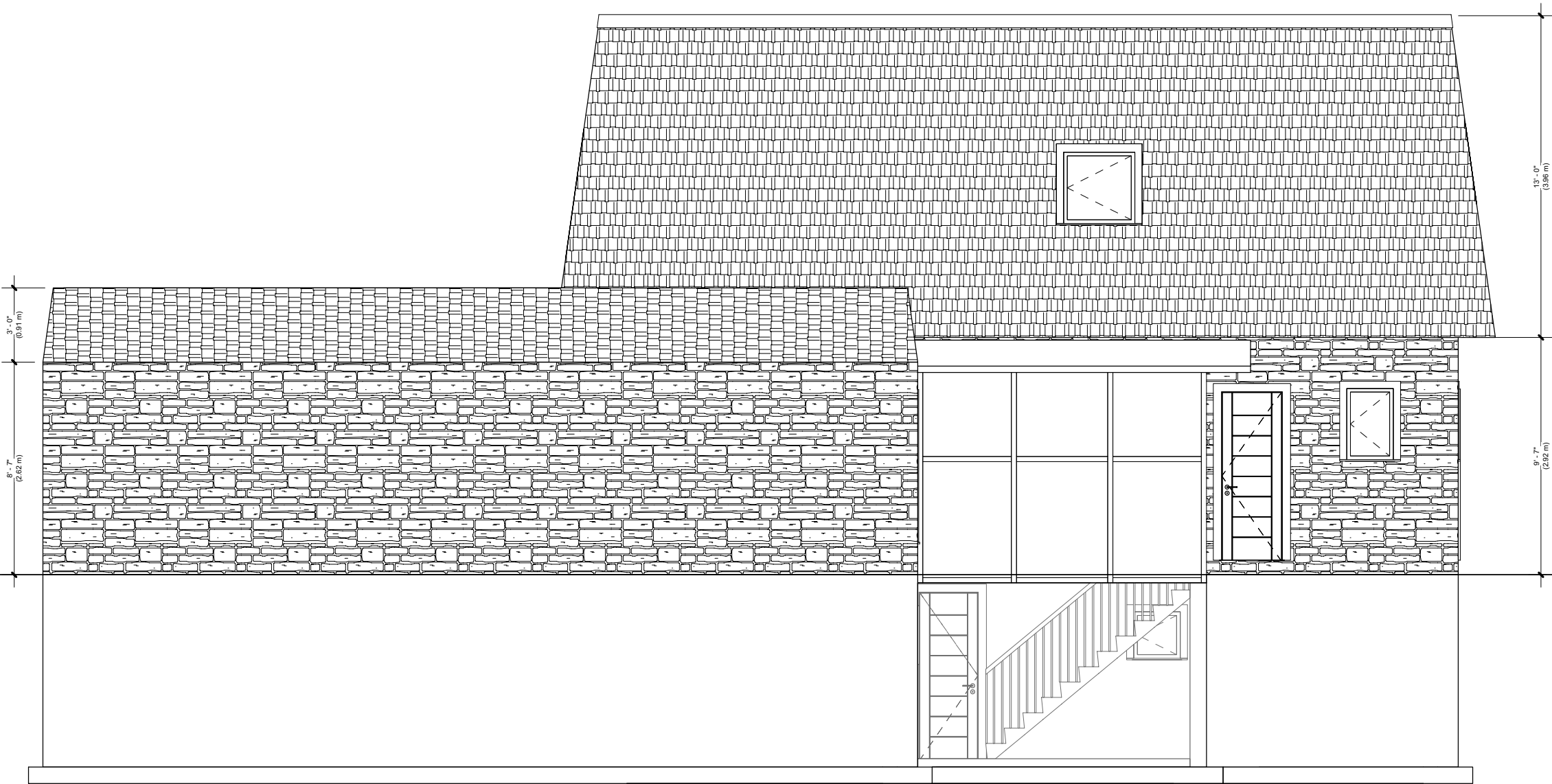
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Tel : 416-876-0957
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① East
1 : 64

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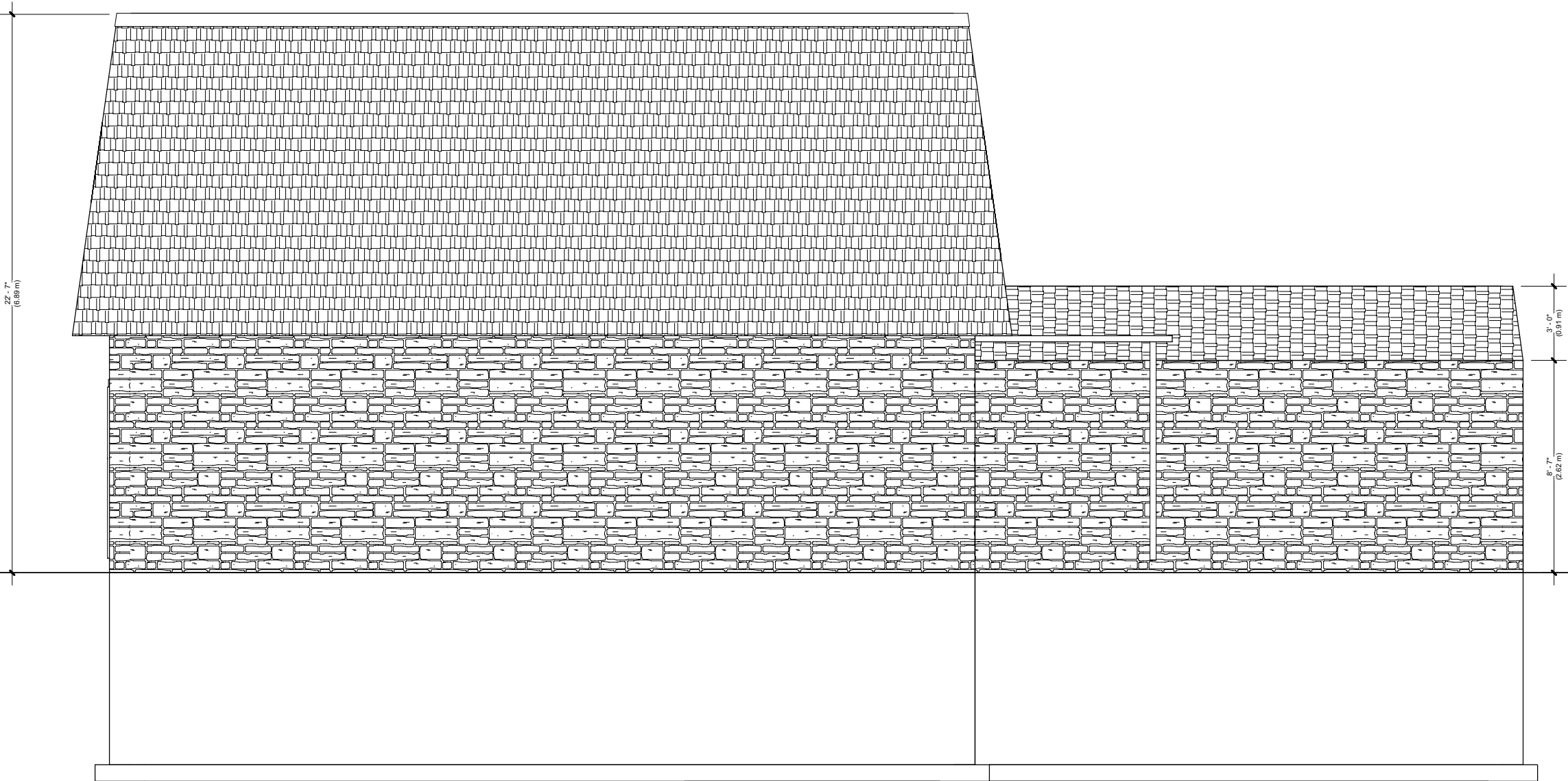
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Tel : 416-876-0957
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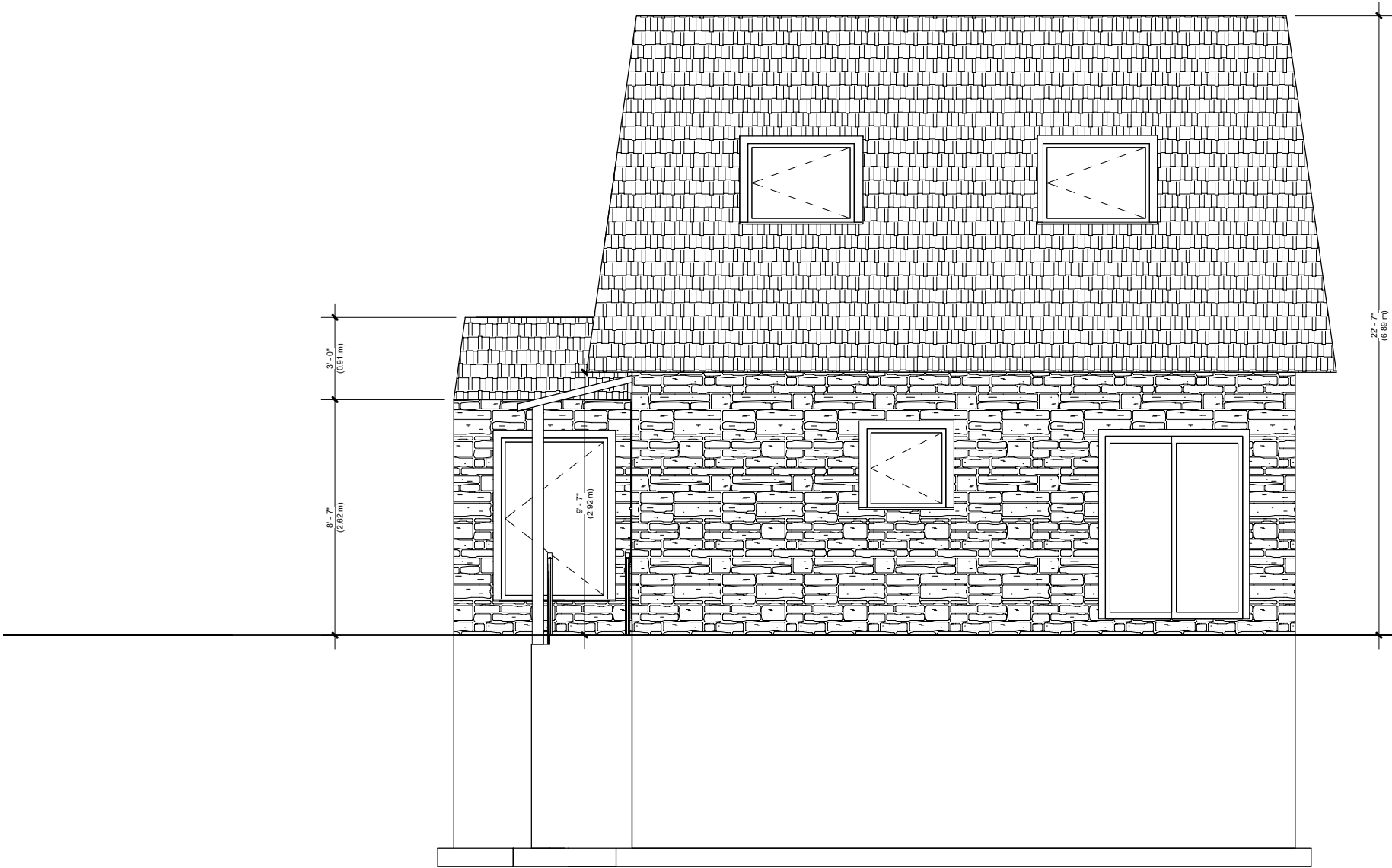
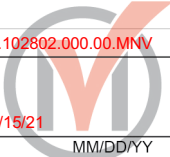
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Markham, ON L3T2H1
Tel : 416-876-0957
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① North
1 : 64

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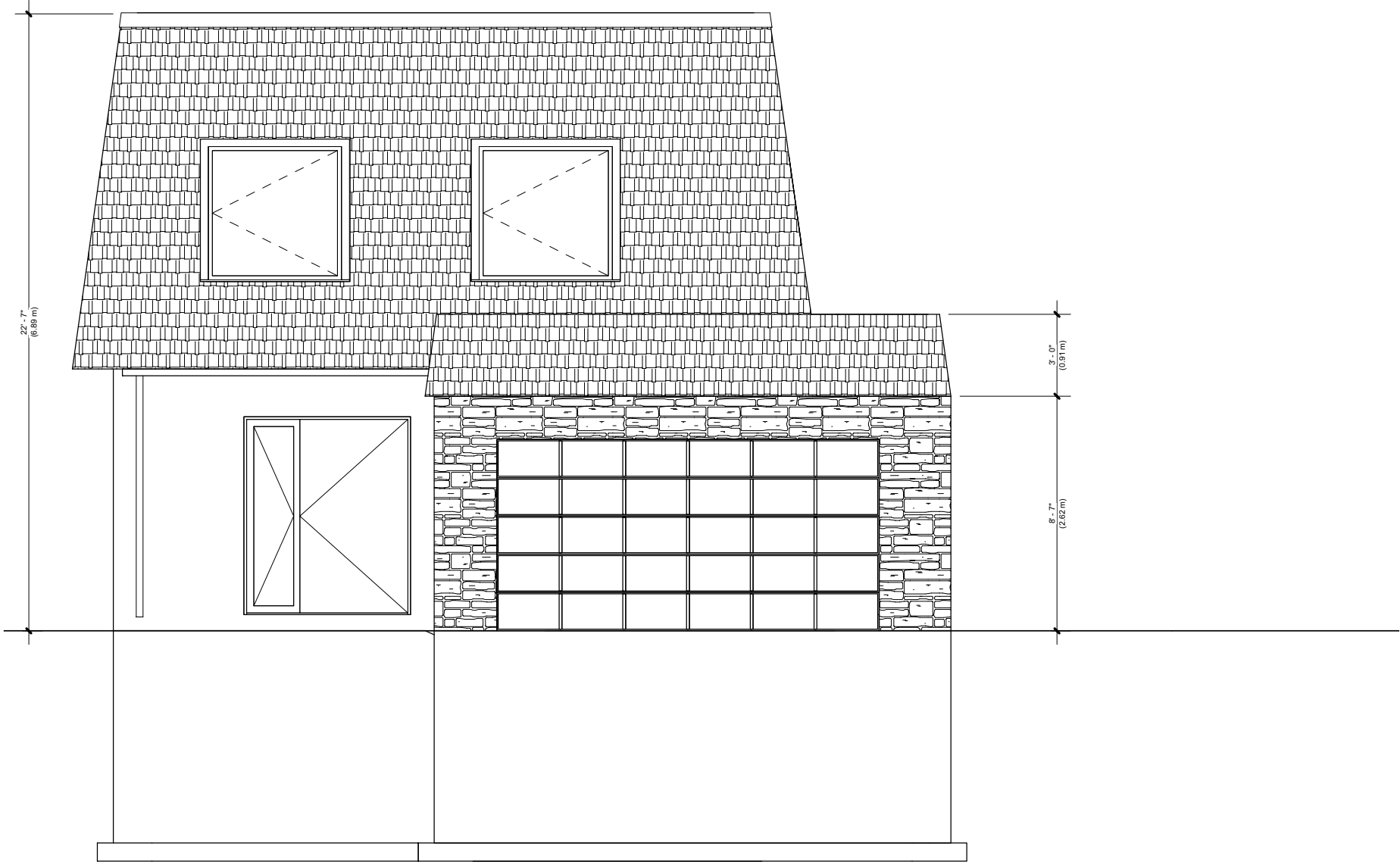
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Markham, ON L3T2H1
Tel : 416-876-0957
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① South
1 : 64

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