

# Memorandum to the City of Markham Committee of Adjustment

February 1, 2018

**File:** A/176/17  
**Address:** 27 Castle Rock Court, Markham  
**Applicant:** Saroginidevy Ratnavel  
**Agent:** CANTAM GROUP LTD (YASO SOMALINGAM)  
**Hearing Date:** Wednesday February 07, 2018

The following comments are provided on behalf of the East Team. Staff have no objection to the application. The applicant is requesting relief from the following requirements of By-law 90-81: R3- Multiple Detached Dwelling, as amended, to permit:

- a) **Section 5.2.1:**  
a second dwelling unit; whereas the By-law permits no more than one single detached dwelling on one lot;
- b) **Section 4.5:**  
an uncovered platform with steps to project a distance of not more than 0.92 m into a required interior side yard; whereas the By-law permits a distance of not more than 0.45 m,  
  
as they relate to a proposed basement apartment.

## Property Description

The 429.34 m<sup>2</sup> (4,621.37 ft<sup>2</sup>) subject property is located on a new residential street, which is located east of Markham Road and south of Denison street at the south east corner of Eastvale Drive and Eason Street. Surrounding land uses include single detached dwellings to the north and west, wood lot to the south, and Eastvale Park to the east. There is an existing 312.44 m<sup>2</sup> (3,363 ft<sup>2</sup>) two-storey detached dwelling on the property, which according to assessment record was constructed in 2016. The property provides a total of four parking spaces, two in the double-car garage and two on the driveway.

## Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposed secondary suite would have direct and separate access provided by an existing door on the west side of the building. No changes are being proposed to the property or to the exterior of the dwelling.

## Provincial Policies

### Strong Communities through Affordable Housing Act - Province of Ontario

In 2011, the Strong Communities through Affordable Housing Act amended various section of the Ontario Planning Act to facilitate the creation of second units by:

- Requiring municipalities to establish Official Plan policies and Zoning By-law provisions allowing secondary units in detached, semi-detached and row houses, as well as in ancillary structures
- Providing authority for the Minister of Municipal Affairs and Housing to make regulations authorizing the use of, and prescribing standards for, second units.

Under the *Strong Communities through Affordable Housing Act*, 'Second Units' also known as secondary suites are defined as "self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings."

## **Official Plan and Zoning**

2014 Official Plan (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17)

The 2014 Official Plan designates the subject property "Residential – Low Rise", which provides for low rise housing forms including town house dwellings.

The definition of a "Secondary Suite" in the 2014 Official Plan is "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 8.13.8 states that it is the policy of Council that in considering an application to amend the zoning by-law to permit the establishment of a secondary suite where provided for in the 2014 Official Plan, that Council shall be satisfied that an appropriate set of development standards are provided for in the zoning by-law including: The building type in which the secondary suite is contained;

- a) The percentage of the floor area of the building type devoted to the secondary suite;
- b) The number of dwelling units permitted on the same lot
- c) The size of the secondary suite;
- d) The applicable parking standards; and
- e) The external appearance of the main dwelling

### Zoning By-law

The subject property is zoned R9 under By-law 90-81, as amended, which does not permit a secondary suite.

### **Applicant's Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant on the application form, "*By-law only allows one single family to occupy the house.*"

### **Zoning Preliminary Review Not Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed secondary suite.

### **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 Suites

Engineering staff confirmed that the existing sanitary sewer system has adequate capacity to accommodate the secondary suite and 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.

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 and therefore have no objections.

#### Side Yard Setback Encroachment

The variance relates to an existing uncovered platform and stairs which provide the second unit direct access to the west side yard (See Photo 1). The platform is not directly facing any windows of the adjacent home and is not anticipated to create any overlooking opportunities. Engineering have no objection to the variance respecting drainage. Staff are of the opinion that the variance will have minimal impact on the adjacent property.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of February 1<sup>st</sup>, 2018. 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**

Staff have no objection to the variance request. The proposal supports the City's goal of promoting affordable and share housing opportunities and is consistent with the general policies of the 2014 Official Plan, including the provision of a mix of housing alternatives and affordable housing opportunities.

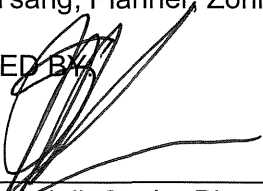
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:

  
\_\_\_\_\_  
Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:

  
\_\_\_\_\_  
Stacia Muradali, Senior Planner, East District

**Photo 1**




**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/151/17**

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report and received on December 1<sup>st</sup>, 2017, 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, if required by the Chief Building Official, the owner submit 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.
4. That the Owner register the home as a two-unit house with the City of Markham Fire & Emergency Services Department, and satisfy any and all conditions for registration, to the satisfaction of the Fire Chief.

CONDITIONS PREPARED BY:



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Carlson Tsang, Planner, Zoning and Special Projects

METRIC DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

\* CONTRACTOR TO CHECK EXISTING FOOTING SIZES AND BEARING CAPACITY PRIOR TO STARTING WORK

CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS. THE CONTRACTOR SHALL ADVISE THE ENGINEER OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH CONSTRUCTION.

ALL EXISTING GRADES TO BE MAINTAINED

NO CHANGE IN EXISTING FOOT PRINT AREA.

LOT 29  
P.I.N.  
02937-2319

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C=3.712  
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PL&SET

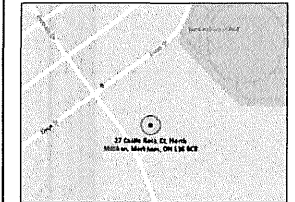
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C=1.247  
N75°17'10"W  
PL&MEAS

A=12.233  
C=12.023  
N50°25'35"E  
PL&SET

LOT 31  
P.I.N.  
02937-2321

**SITE PLAN**  
SCALE : 1 : 150

SITE DATA:		
27 CASTLEROCK CRT, MARKHAM ONTARIO		
	EXISTING	PROPOSED
LOT AREA (MIN.):	432.36 SQ. M.	NO CHANGE
LOT FRONTAGE:	15.43 M	NO CHANGE
BUILDING FOOTPRINT AREA (INCLUDING GARAGE AND FRONT PORCH FOUNDATION)	172.91 SQ.M.	NO CHANGE
LOT COVERAGE %:	39.9 %	NO CHANGE
FRONT YARD SETBACK:	5.90 M	NO CHANGE
MIN. SIDE YARD (2 STOREY PORTION) RIGHT	1.28 M	NO CHANGE
MIN. SIDE YARD (2 STOREY PORTION) LEFT	0.65 M	NO CHANGE
MIN. REAR YARD SETBACK:	9.54 M	NO CHANGE
MIN. REAR YARD SETBACK (TO DECK):	—	5.36 M
GARAGE AREA:	35.19 SQ. M.	NO CHANGE
MAX. DRIVE WAY WIDTH	5.49 M	NO CHANGE



KEY PLAN  
N.T.S.

2	ISSUED FOR C.O.A.	12 / 01 / 2017
1	ISSUED FOR ZONING	11 / 21 / 2017
NO.	REVISIONS	DATE

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.  
THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS SEALED AND SIGNED BY THE ARCHITECT.  
DO NOT SCALE DRAWINGS.

PROJECT COORDINATOR:

**CANTAM**  
Group Ltd.

PLANNING & BUILDING CONSULTANTS  
859 TAPSCOTT RD, UNIT # 51, TORONTO, ON M1X 1N4  
TEL: 416-335-3553 • FAX: 416-335-7967 • CELL: 416-954-2485

PROJECT:

PROPOSED FINISHED BASEMENT & DECK  
TO EXISTING TWO STOREY RESIDENCE  
AT 27, CASTLE ROCK COURT  
MARKHAM, ON

DRAWING:

SITE PLAN

DATE: 05 / 08 / 2017

SCALE: AS NOTED

DRAWN BY: DRP CB

CHK: YASO

DRAWING NO.

**A1**

**CANTAM**  
Group Ltd.

PLANNING & BUILDING CONSULTANTS  
850 JARVISVILLE RD. UNIT # 51 TORONTO, ON M3J 1K6  
TEL: 416-291-1744 FAX: 416-291-1745

PROJECT:  
PROPOSED FINISHED BASEMENT & DECK  
TO EXISTING TWO STOREY RESIDENCE  
AT 27, CASTLE ROCK COURT  
MARKHAM, ON

DRAWING:  
EXISTING BASEMENT PLAN

DATE: 10/18/2017

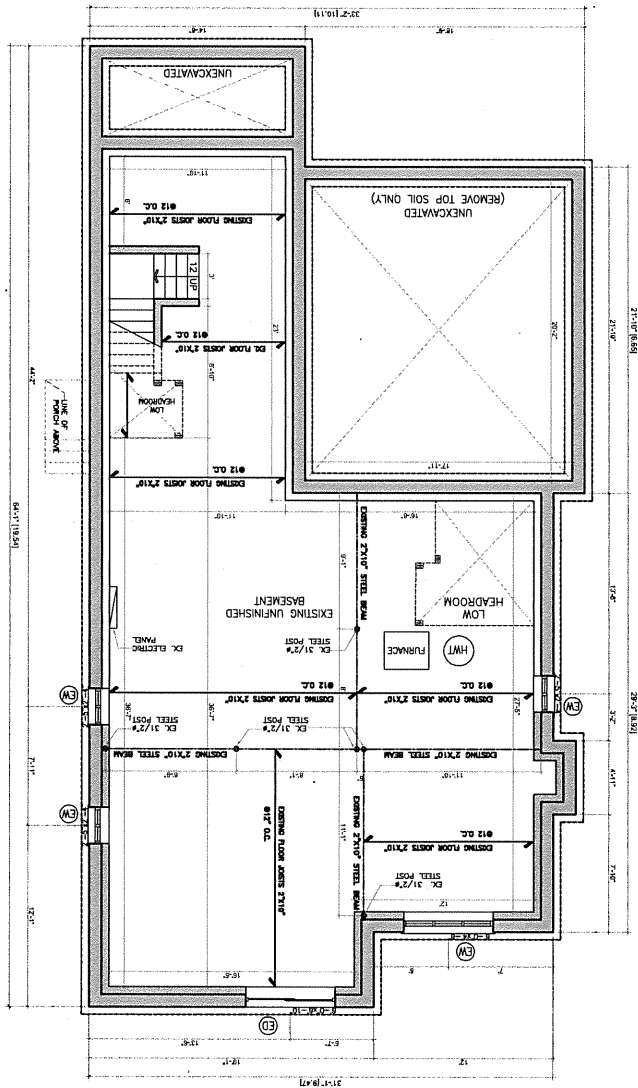
SCALE: AS NOTED

DRAWING NO. A2

DATE PLOTTED: 11/17/2017

Existing Basement Floor Plan

SCALE: 1/8"=1'



31'-0" (9.14)

28'-7" (8.81)

27'-0" (8.23)

25'-0" (7.62)

23'-0" (7.01)

21'-0" (6.40)

19'-0" (5.79)

17'-0" (5.18)

15'-0" (4.57)

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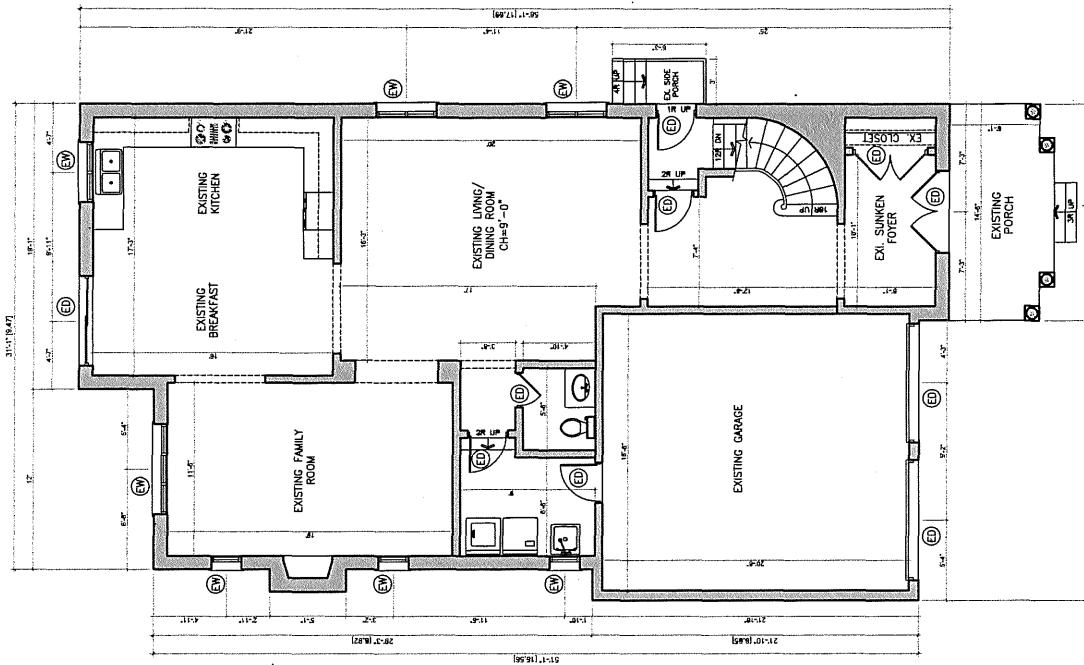
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Existing Ground Floor Plan  
SCALE: 1/8"=1'

NO.	REVISIONS	DATE
2.	ISSUED FOR C.I.A.	12-01-2017
1.	ISSUED FOR EXHIBIT	11-21-2017

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.  
THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS RECALLED AND SIGNED BY THE ARCHITECT.  
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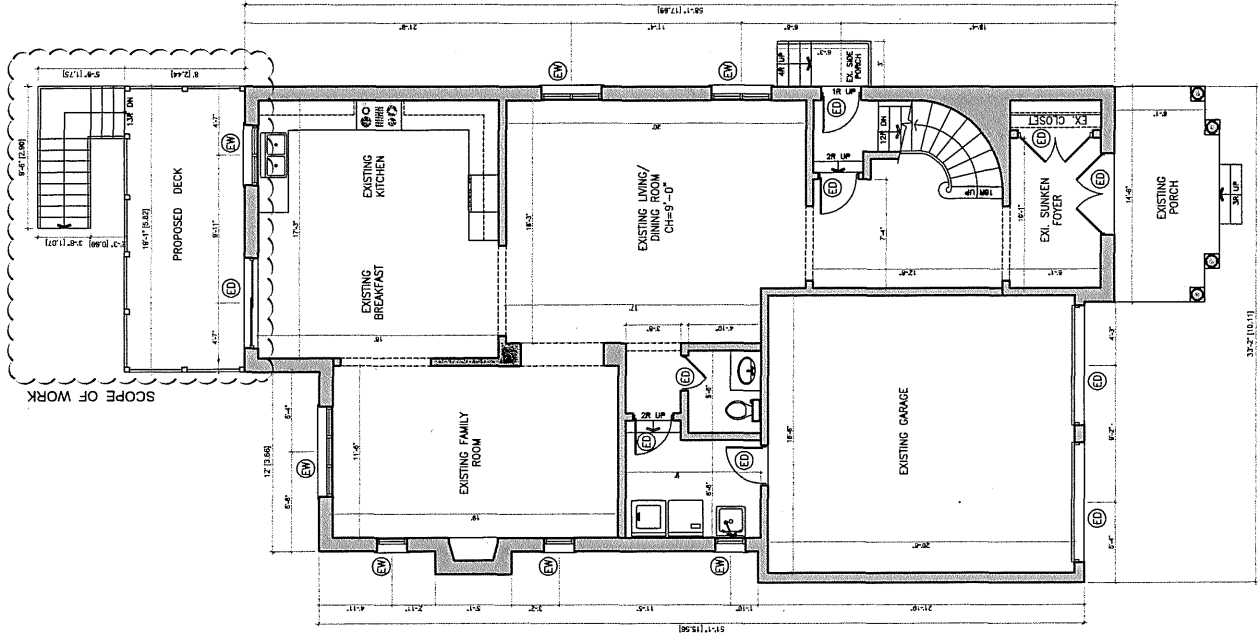
**CANTAM**  
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850 TAPSCOTT RD. UNIT # 51 TORONTO, ON M1X 1N4  
TEL: 416-335-3353 • FAX: 416-335-7967 • CELL: 416-854-2485

PROJECT:  
PROPOSED FINISHED BASEMENT & DECK  
TO EXISTING TWO STOREY RESIDENCE  
AT 27, CASTLE ROCK COURT  
MARKHAM, ON

DRAWING:  
**EXISTING GROUND FLOOR PLAN**

DATE: 02/09/2017  
SCALE: AS NOTED  
DRAWING NO. **A3**  
DRA: PAJ    CRD: YASO





**Proposed Ground Floor Plan**  
SCALE : 1/8"=1'

NO.	REVISIONS	DATE
1.	ISSUED FOR ZONING	11/21/2017
2.	ISSUED FOR C.O.A	12/01/2017

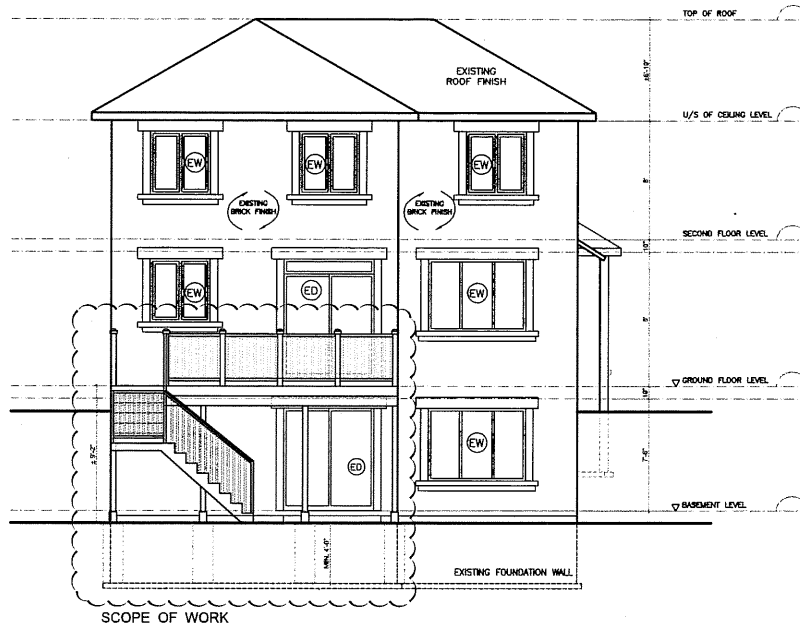
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*Group Ltd.*  
PLANNING & BUILDING CONSULTANTS  
858 TAPSCOTT RD. UNIT # 51 TORONTO ON M1X 1N4  
TEL: 416-335-3353 • FAX: 416-335-7567 • CELL: 416-854-2485

PROJECT:  
**PROPOSED FINISHED BASEMENT & DECK TO EXISTING TWO STOREY RESIDENCE AT 27, CASTLE ROCK COURT MARKHAM, ON**

DRAWING NO.:  
**PROPOSED GROUND FLOOR PLAN**

DATE:	09/19/2017	DRAWING NO.:	<b>A5</b>
SCALE:	AS NOTED		
DRN:	RAI	CRG:	YASO



Existing Rear Elevation (Proposed Deck Addition)

SCALE : 1/8"=1'

2.	ISSUED FOR C.C.A.	12 / 01 / 2017
1.	ISSUED FOR ZONING	11 / 21 / 2017
NO.	REVISIONS	DATE

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**CANTAM**  
Group Ltd.  
PLANNING & BUILDING CONSULTANTS  
850 TAPSOTT RD, UNIT # 51, TORONTO, ON M1X 1N4  
TEL: 416-335-3553 • FAX: 416-335-3987 • CELL: 416-951-7485

PROJECT:  
PROPOSED FINISHED BASEMENT & DECK  
TO EXISTING TWO STOREY RESIDENCE  
AT 27, CASTLE ROCK COURT  
MARKHAM, ON

DRAWING:  
PROPOSED REAR ELEVATION

DATE: 06/18/2017	DRAWING NO.
SCALE: AS NOTED	<b>A6</b>
DWG. NO.	CRD: TASS