

# Memorandum to the City of Markham Committee of Adjustment

May 22<sup>nd</sup>, 2018

**File:** A/19/18  
**Address:** 122 Eastvale Drive, Markham  
**Applicant:** Markandu Satkunan  
**Agent:** Building Experts Canada Ltd. (Nalliah Thayabharan)  
**Hearing Date:** Wednesday May 30, 2018

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of By-law 90-81 - R9, as amended:

a) **Section 5.2.1:**

a secondary suite in the basement of an existing dwelling, whereas the by-law permits no more than one dwelling unit on one lot;

b) **Parking By-law 28-97, Section 3.0:**

a minimum of 2 parking spaces whereas the by-law requires a minimum of 3 parking spaces;

as it relates to a basement apartment.

## Property Description

The 395.84 m<sup>2</sup> (4260.78 ft<sup>2</sup>) subject property is located on the west side of Eastvale Drive, south of Denison Street and east of Markham Road. The property is situated within an established residential neighbourhood comprised of a mix of detached, semi-detached and townhouse units. There is an existing 280.11 m<sup>2</sup> (3,015 ft<sup>2</sup>) single detached dwelling on the property which according to assessment records was constructed in 2009. The dwelling contains an attached double-car garage with two parking spaces.

## Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The secondary suite would have direct and separate access provided by an existing door on the north 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 Nov 24/17 and further updated on April 9/18)

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 Residential under By-law 90-81, as amended, which does not permit a secondary suite.

### Parking Standards By-law 28-97

The proposed secondary suite also does not comply with the standard of the Parking By-law 28-97 with respect to the number of parking spaces. Further details of the parking requirement is provided in the comment section below.

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

According to the information provided by the applicant on the application form, "*The zoning by-law prevents the use of two units on the lot.*"

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

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Consequently, it is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

### **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.

### Reduced Parking Spaces

Parking Standards By-law 28-97 requires two parking spaces be provided for the principal dwelling unit, plus one additional space for an accessory dwelling unit or secondary suite. Based on the site plan provided, the driveway is approximately 5.41 m (17.74 ft) in depth. This is not deep enough to accommodate an additional parking space which would require a minimum length of 5.8 m (19 ft) under the Parking Standard By-law. The existing driveway appears to be of sufficient size to accommodate at least two vehicles without encroaching into the public right-of-way. However, because a portion of the driveway does not comply with the minimum required parking space length, a minor variance to reduce the number of parking space is required.

Staff are of the opinion that the parking issue may be considered "self-regulating", as the second unit would only be of interest to a tenant that does not require parking more than what the property can currently provide. It is noted that no overnight parking is permitted on this street, and violators would be ticketed nightly.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of May 22<sup>nd</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.

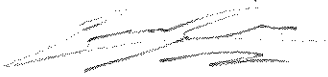
### **CONCLUSION**

Staff have no objection to the variances relating to secondary suite and parking. The proposal supports the City's goal of promoting affordable and shared 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:



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Carlson Tsang, Planner II, West District

REVIEWED BY:



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Stacia Muradali, Senior Planner, East District

File Path: Amanda\File\ 18 109827 \Documents\District Team Comments Memo

**APPENDIX "A"**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/19/18**

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 B" to this Staff Report , to the satisfaction of the Director of Planning and Urban Design or designate;
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.

PREPARED BY:



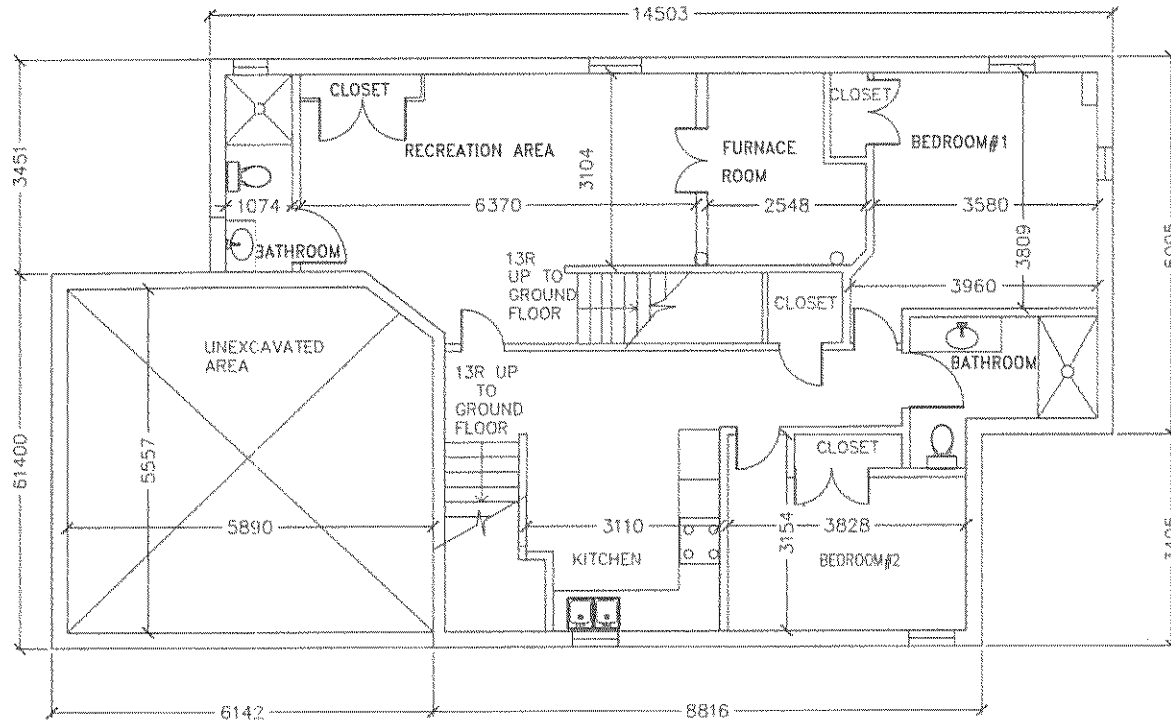
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Carlson Tsang, Planner II, West District





NOTE.  
ALL MEASUREMENTS ARE IN mm UNLESS OTHERWISE NOTED.



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A-1.1

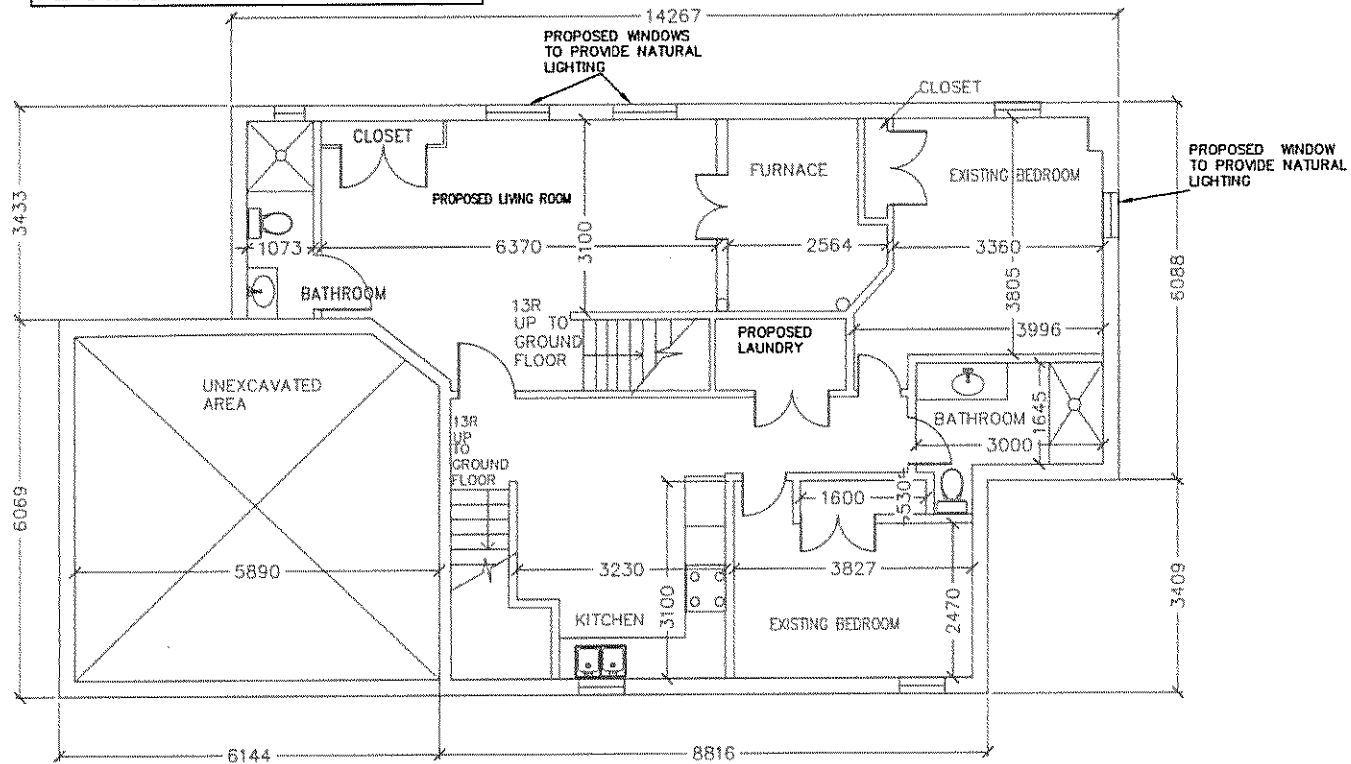
**EXISTING BASEMENT FLOOR PLAN**

SCALE 1:75

ALTERATION AT AN EXISTING 2 STOREY HOUSE TO HAVE THE BASEMENT AS SECOND UNIT	
122 EASTVALE DRIVE MARKHAM, ON L3S 0B3	
TITLE: EXISTING BASEMENT FLOOR PLAN	
OWNER: SATKUNAN MARKANDU 122 EASTVALE DRIVE MARKHAM, ON L3S 0B3	
DRAWN BY: O.C.	PROJECT EASTVALE DR122-18-01
CHECKED BY: B.M.	DWG No: A1.1
DATE: FEB 2018	SCALE 1:75

PREPARED BY:  
  
**BUILDING EXPERTS CANADA LTD**  
263-5215 FINCH AVE. EAST  
TORONTO, ON. M1S 0C2  
(647-340-8649)  
landandbuildingexperts@gmail.com

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1  
A-1.2

**PROPOSED BASEMENT FLOOR PLAN**

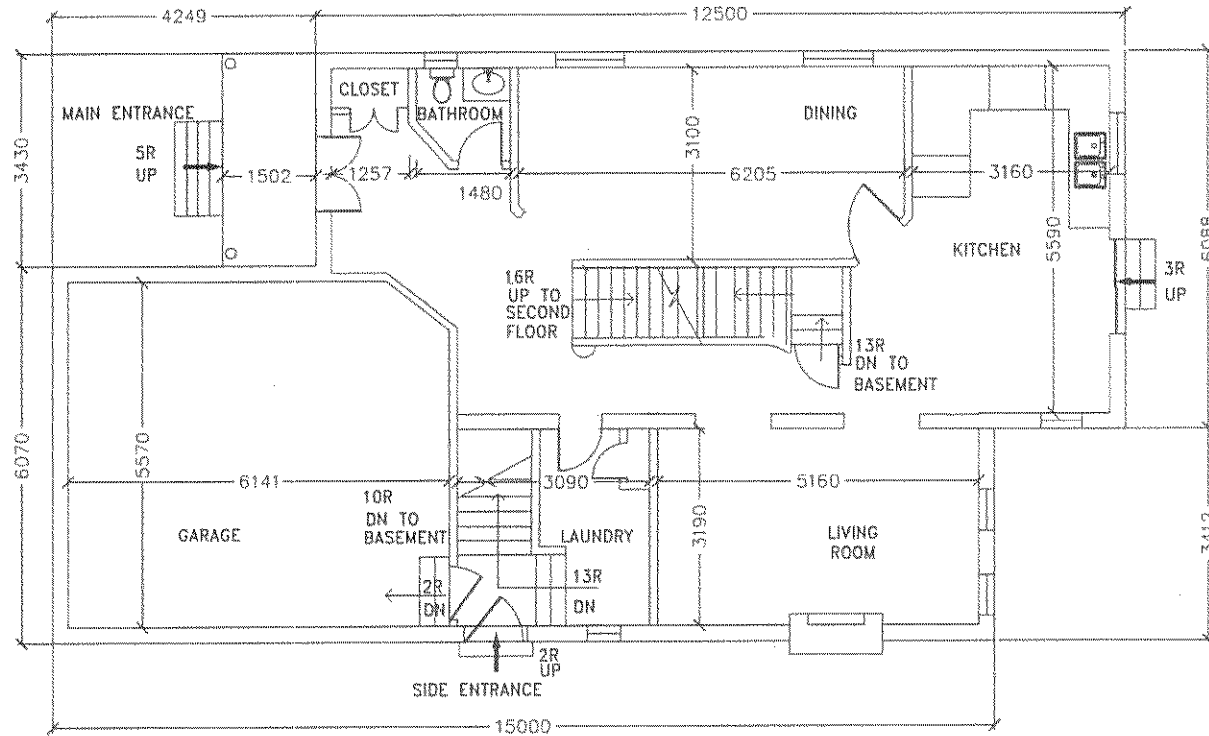
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TITLE:	PROPOSED BASEMENT FLOOR PLAN
OWNER:	SATKUNAN MARKANDU 122 EASTVALE DRIVE MARKHAM, ON L3S 0B3
DRAWN BY: O.C.	PROJECT EASTVALE DR122-18-01
CHECKED BY: B.M.	DWG No: A1.2
DATE: FEB 2018	SCALE 1:75

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A-1.3

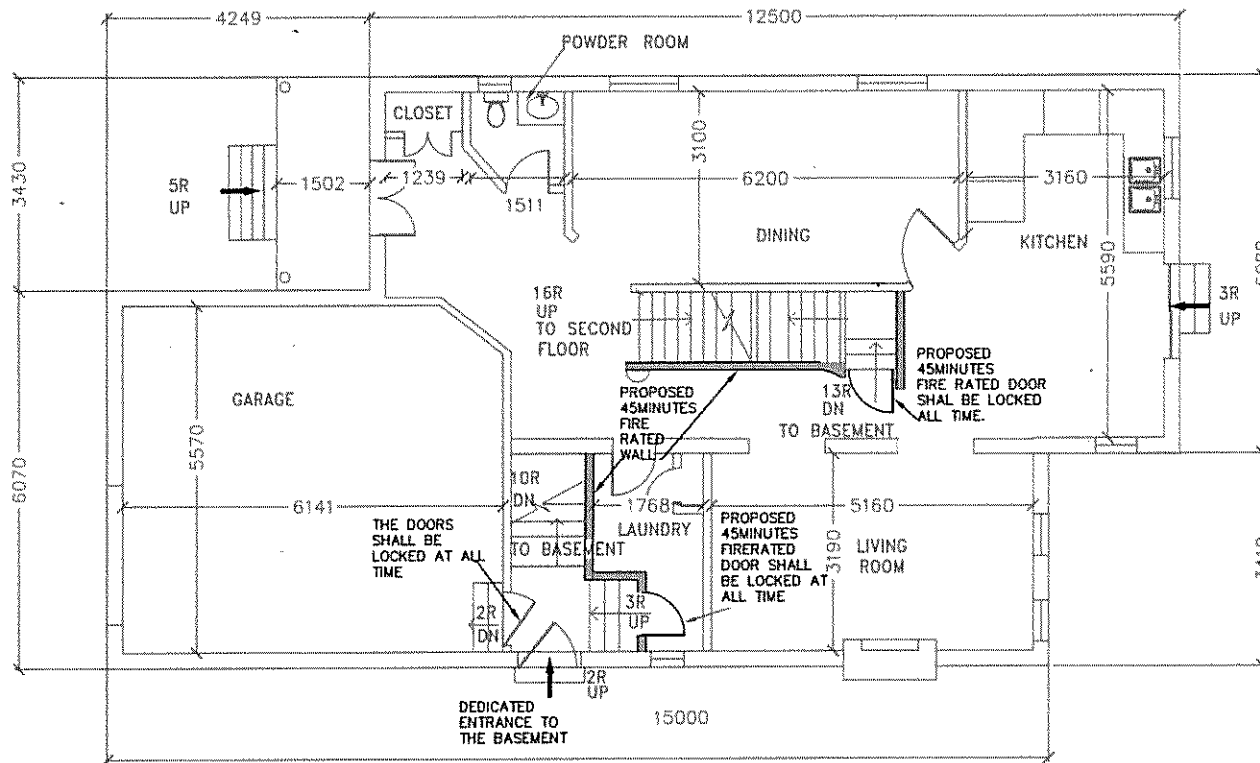
**EXISTING FIRST FLOOR PLAN**

SCALE 1:75

EXISTING ITEMS LEGEND:  
← ENTRY/EXIT

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landandbuildingexperts@gmail.com

ALTERATION AT AN EXISTING 2 STOREY HOUSE TO HAVE THE BASEMENT AS SECOND UNIT 122 EASTVALE DRIVE MARKHAM, ON L3S 0B3	
TITLE: EXISTING FIRST FLOOR PLAN	
OWNER: SATKUNAN MARKANDU 122 EASTVALE DRIVE MARKHAM, ON L3S 0B3	
DRAWN BY: O.C.	PROJECT EASTVALE DR122-18-01
CHECKED BY: B.M.	DWG No: A1.3
DATE: FEB 2018	SCALE 1:75



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A-1.4

PROPOSED FIRST FLOOR PLAN

SCALE 1:75

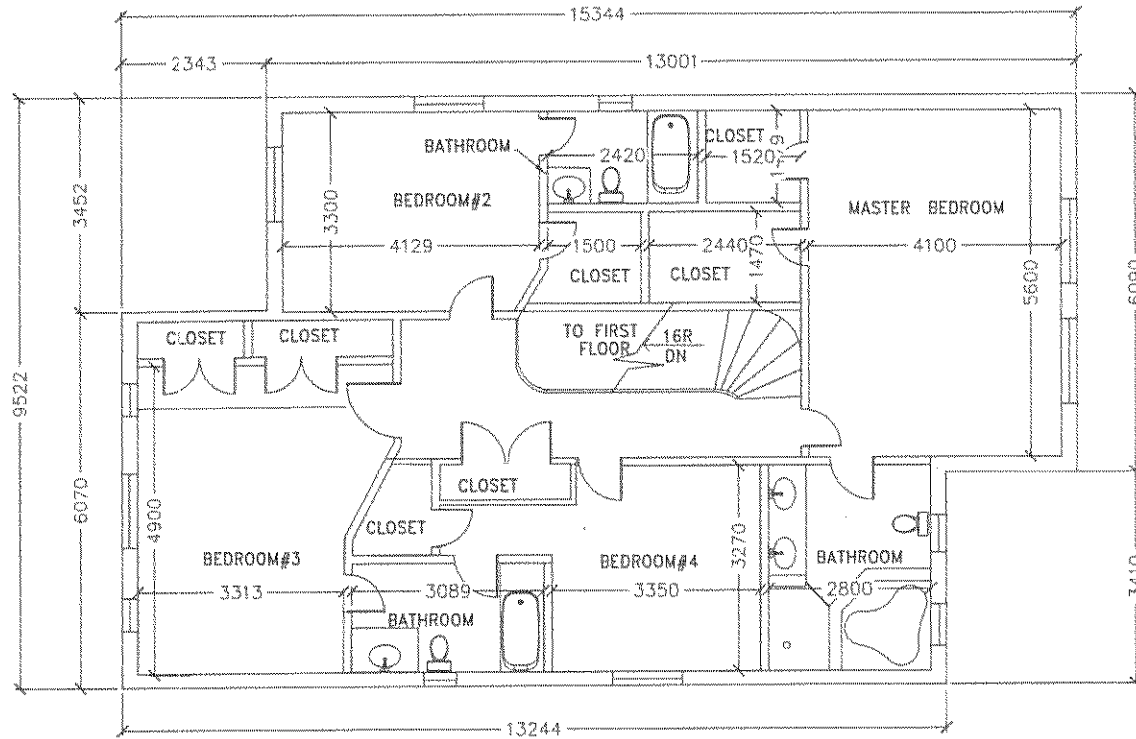
EXISTING ITEMS LEGEND:  
← ENTRY/ EXIT

NOTE:  
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ALTERATION AT AN EXISTING 2 STOREY HOUSE TO HAVE THE BASEMENT AS SECOND UNIT 122 EASTVALE DRIVE MARKHAM, ON L3S 0B3	
TITLE: PROPOSED FIRST FLOOR PLAN	
OWNER: SATKUNAN MARKANDU 122 EASTVALE DRIVE MARKHAM, ON L3S 0B3	
DRAWN BY: O.C.	PROJECT EASTVALE DR122-1B-01
CHECKED BY: B.M.	DWG No: A1.4
DATE: FEB 2018	SCALE 1:75

NOTE:  
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A-1.5

EXISTING SECOND FLOOR PLAN

SCALE 1:75

PREPARED BY:

**BUILDING EXPERTS CANADA LTD**  
263-5215 FINCH AVE. EAST  
TORONTO, ON, M1S 0C2  
(647-340-8649  
landandbuildingexperts@gmail.com

ALTERATION AT AN EXISTING 2 STOREY  
HOUSE TO HAVE THE BASEMENT AS  
SECOND UNIT  
122 EASTVALE DRIVE  
MARKHAM, ON L3S 0B3

TITLE:  
EXISTING SECOND FLOOR PLAN

OWNER:  
SATKUNAN MARKANDU  
122 EASTVALE DRIVE  
MARKHAM, ON L3S 0B3

DRAWN BY: O.C.	PROJECT EASTVALE DR122-18-01
CHECKED BY: B.M.	DWG No: A1.5
DATE: FEB 2018	SCALE 1:75