

Agenda Item 10.1 - Report to the City of Markham Committee of Adjustment

June 26, 2019

File: A/54/19
Address: 31 Spanhouse Cres, Markham
Applicant: Tanveer Ahmed
Agent: Sauz Teq Eng (Mohammed Atashi)
Hearing Date: Wednesday June 26, 2019

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

The applicant is requesting relief from the following requirements of By-law 118-79, R8 as amended:

- a) **Section 6.1:** a second dwelling unit, whereas the Bylaw permits no more than one dwelling unit on a lot; as it relates to a proposed basement apartment.

BACKGROUND

Property Description

The subject property is located on the north-west corner of Spanhouse Crescent north of Highway 7 and east of Warden Avenue. The property is located within a residential neighbourhood comprised of two-storey detached dwellings. There is an existing two-storey detached 287.44 m² (3,094 ft²) dwelling on the property, which according to assessment records was constructed in 1981. Mature vegetation exists across the property.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposal includes a new egress window at the north side of the building. The proposed secondary suite would have direct and separate access provided by an existing door on the east side of the building. No other changes are proposed to the exterior of the dwelling or the property.

Provincial Policies

Strong Communities through Affordable Housing Act - Province of Ontario

In 2011, the Strong Communities through Affordable Housing Act amended various sections 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

As part of the City initiated zoning by-law consolidation project, Council recently considered the issue of second suites within the City. On May 29th, 2018, Council voted not to permit second suites as of right in any single detached, semi-detached, or townhouse dwelling.

Zoning By-Law 118-79

The subject property is zoned R8 under By-law 118-79, as amended, which permits single detached dwelling. The proposal for a secondary suite does not comply with the by-law.

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

According to the information provided by the applicant, the reason for not complying with Zoning is, “because no secondary suite [is] allowed in [the] by law”.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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.

PUBLIC INPUT SUMMARY

No written submissions were received as of June 13th, 2019. 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. 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.

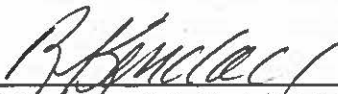
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Richard Kendall, Development Manager, Central District
File Path: Amanda\File\ 19 122873 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/54/19

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 and received by the City of Markham on June 4th, 2019, 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; and
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:


Aqsa Malik, Planner, Zoning and Special Projects



PROJECT:

NEW SECOND UNIT IN BASEMENT
 31 SPANHOUSE CRESCENT,
 UNIONVILLE, ONTARIO

SHEET INDEX	
A0.1	TITLE PAGE
A0.2	SITE PLAN
S1.1	BASEMENT FLOOR PLAN (EXISTING)
S1.2	BASEMENT FLOOR PLAN (PROPOSED)
S1.3	FIRST FLOOR PLAN (EXISTING)
S1.4	FIRST FLOOR PLAN (PROPOSED)
S1.5	SECOND FLOOR PLAN (EXISTING)
S1.6	SECOND FLOOR PLAN (PROPOSED)
S2.1	NORTH VIEW
S2.2	EAST VIEW
S2.3	SOUTH VIEW
S3.1	Schedules/NOTES

ENGINEER SEAL:



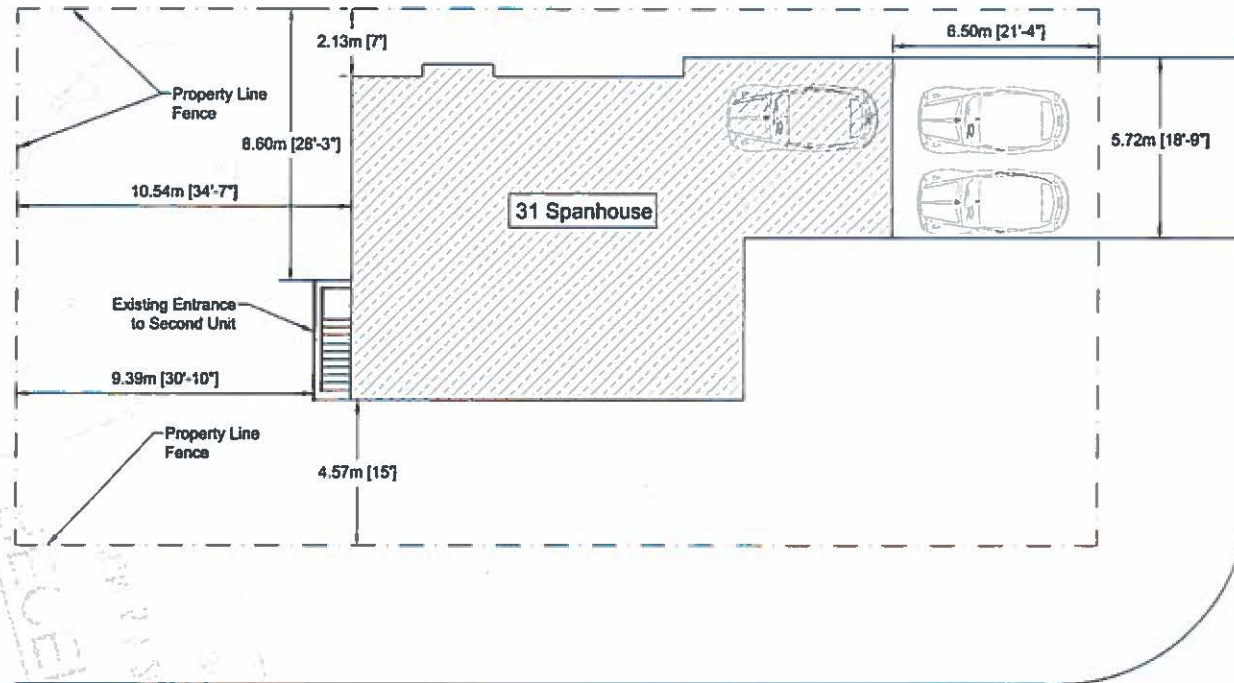
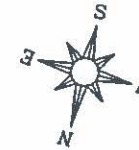
No.	Revision/Issue	Date

PROJECT:
 31 Spanhouse Crescent
 Unionville, On

TITLE:
 Second Unit
 Title Page

SauzTeq Engineering Inc.
 www.SauzTeq.ca
 Tel: 905-330-2431
 Email: info@sauzTeq.ca

SCALE:	DRAWING NO.
DESIGNED BY: APPROVED BY:	A0.1



Spanhouse Crescent

Spanhouse Crescent

SITE PLAN
Scale 1:150

ENGINEER SEAL:



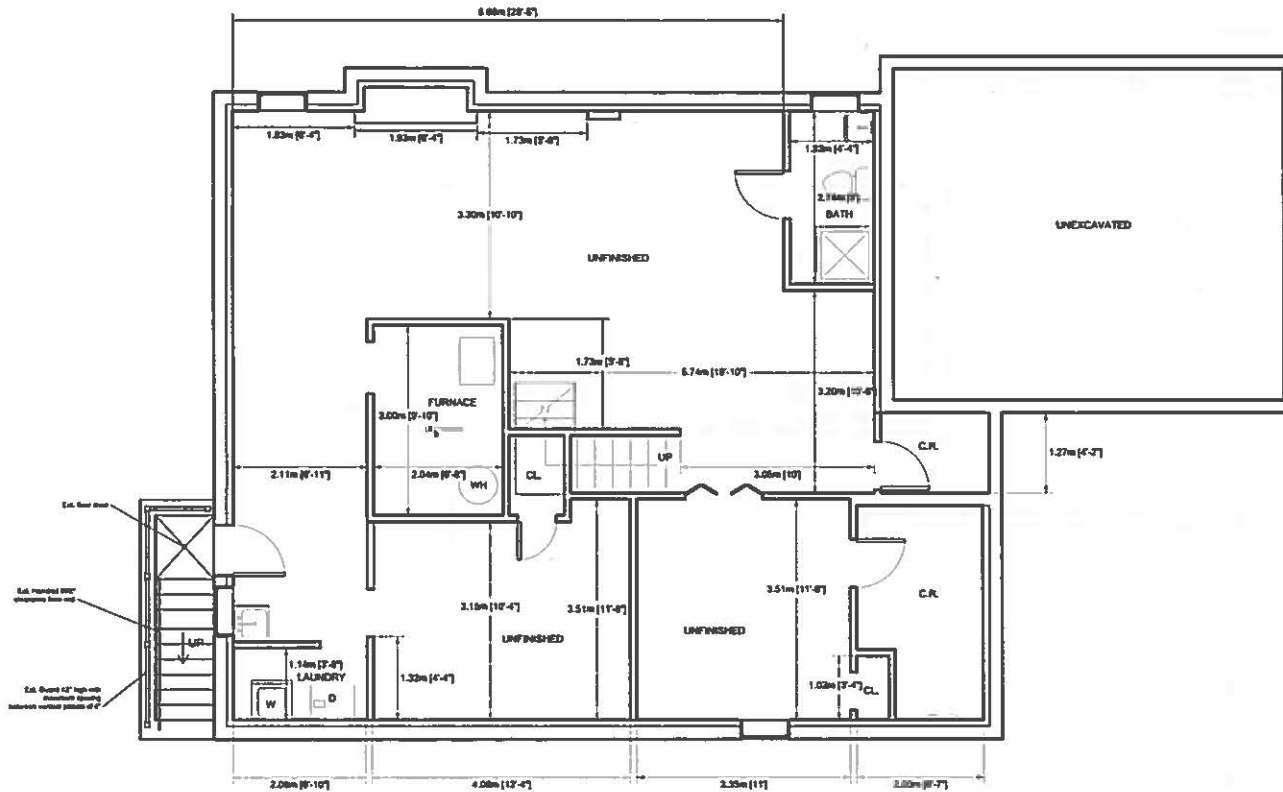
No.	Revision/Issue	Date

PROJECT:
31 Spanhouse Crescent
Unionville, On

TITLE:
Site Plan

SauzTeq Engineering Inc.
www.Sauzteq.ca
Tel: 905-330-2431
Email: info@sauzteq.ca

SCALE:	DRAWING NO.:
DESIGNED BY:	A0.2
APPROVED BY:	



1 BASEMENT FLOOR PLAN-EXISTING
S1 Scale 1:75

ENGINEER SEAL:



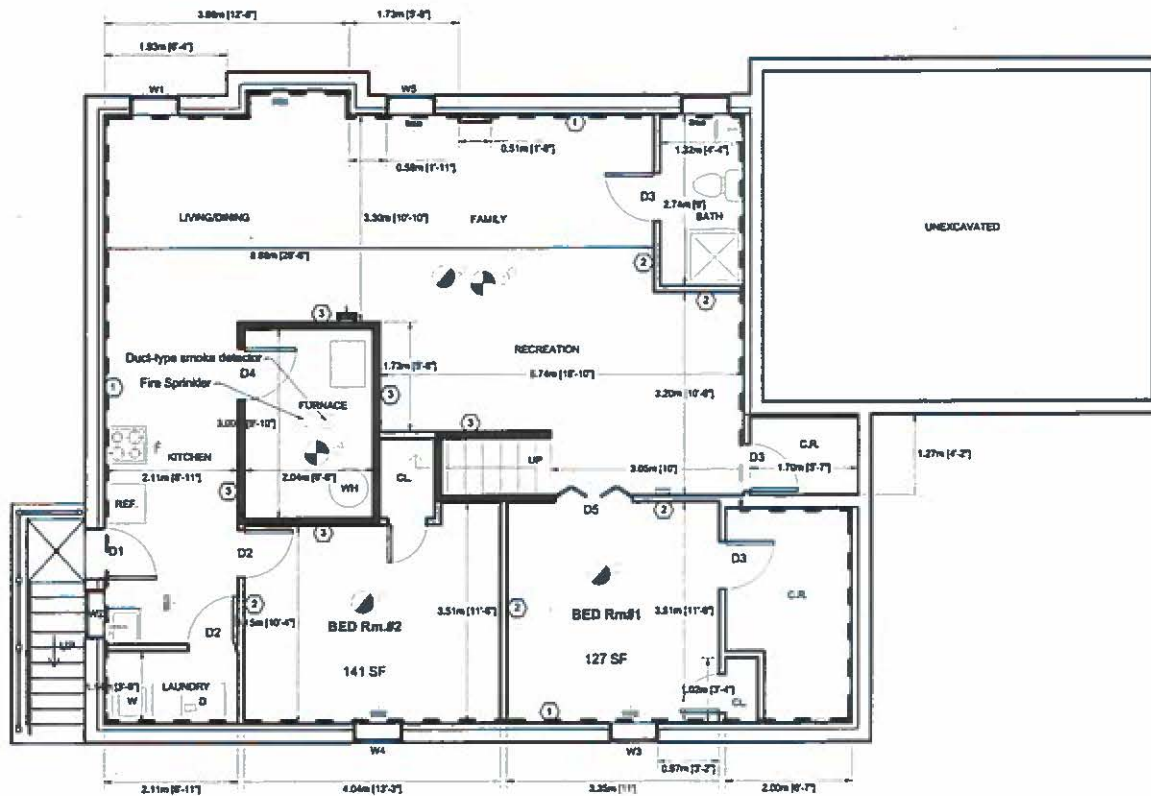
No.	Revision/Issue	Date

PROJECT:
31 Spanhouse Crescent
Unionville, On

TITLE:
Second Unit,
Existing Basement
Plan

SauzTeq
Engineering Inc.
www.Sauzteq.ca
Tel: 905-330-2431
Email: info@sauzteq.ca

SCALE:	DRAWING NO.
DESIGNED BY:	S1.1
APPROVED BY:	



1 BASEMENT FLOOR PLAN-PROPOSED
S2 Scale 1:75

ROOMS	FLOOR AREA	M ² AREA OBC PART 9	WINDOW AREA PROVIDED	% MIN AREA REQUIRED, OBC PART 11
LIVING/ DINING/ KITCHEN	423 SQFT	225 SQFT	25.51 SQFT	6% (21.15 SQFT)
BED Rm.#1	126 SQFT	75 SQFT	3.86 SQFT	2.5% (3.16 SQFT)
BED Rm.#2	137 SQFT	75 SQFT	3.86 SQFT	2.5% (3.42 SQFT)

ENGINEER SEAL:



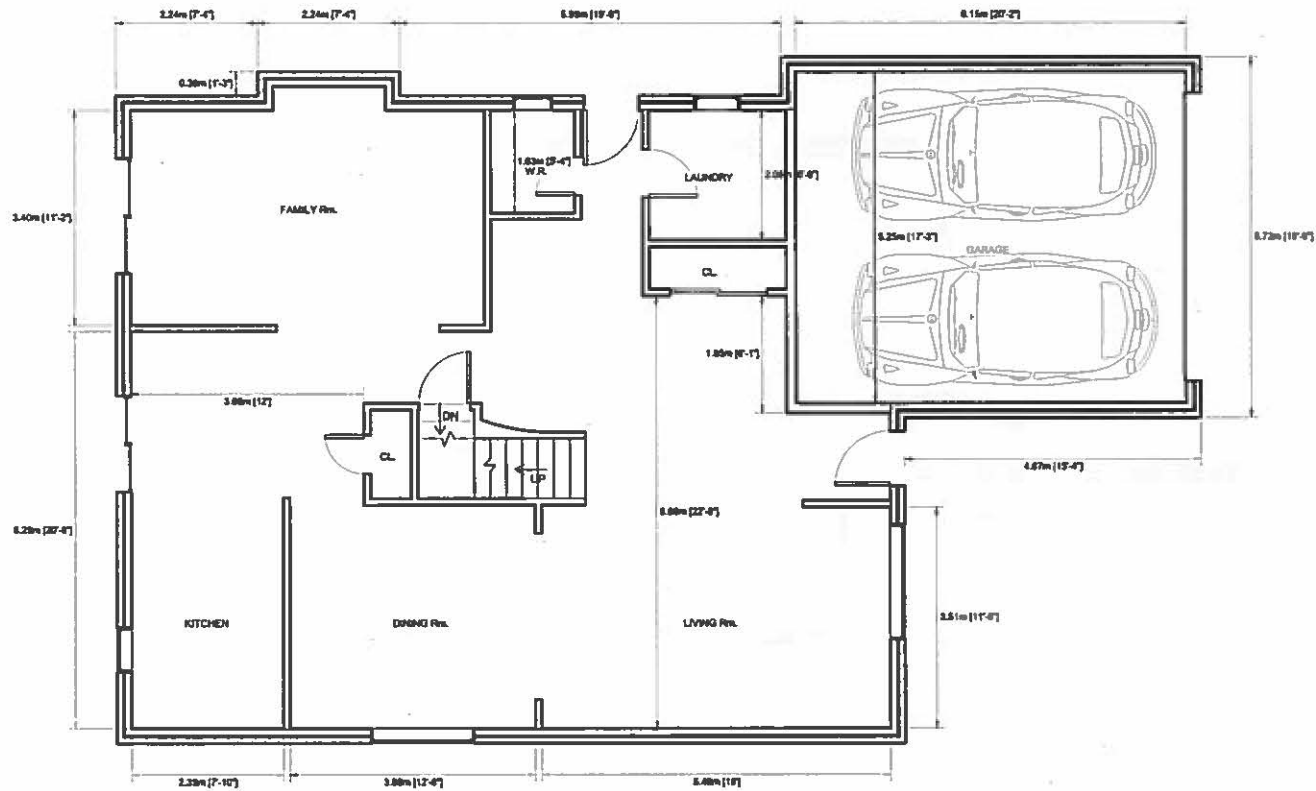
No. Revision/Issue Date

PROJECT:
31 Spanhouse Crescent
Unionville, On

TITLE:
Second Unit
Proposed Basement
Plan

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Engineering Inc.
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Tel: 905-330-2431
Email: info@sauzteq.ca

SCALE: DRAWING NO.
DESIGNED BY: APPROVED BY: S1.2



1
S3 FIRST FLOOR PLAN-EXISTING
Scale 1:75



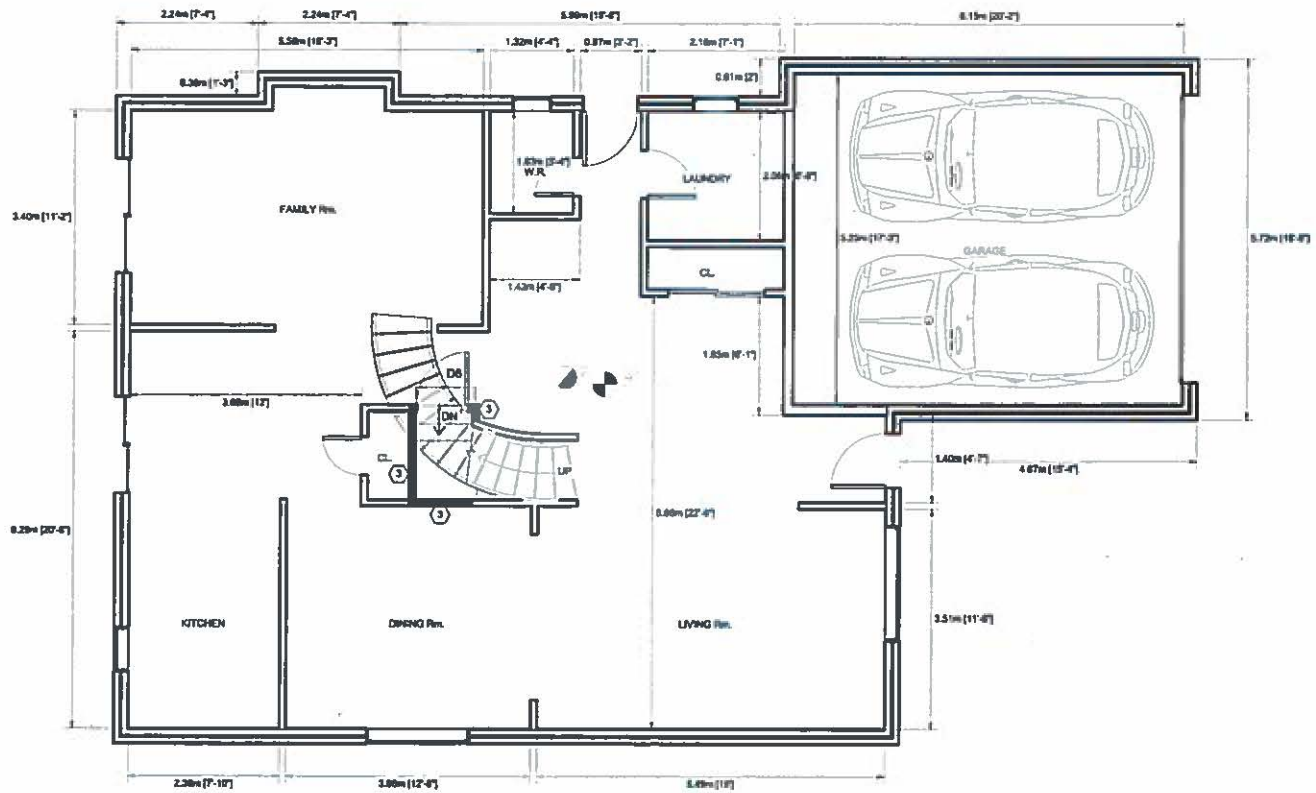
No.	Revision/Issue	Date

PROJECT:
31 Spanhouse Crescent
Unionville, On

TITLE:
Second Unit
Existing First Floor
Plan

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Engineering Inc.
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Email: info@sauzteq.ca

SCALE:	DRAWING NO.
DESIGNED BY:	S1.3
APPROVED BY:	



1 FIRST FLOOR PLAN-PROPOSED
 S4 Scale 1:75

ENGINEER SEAL:

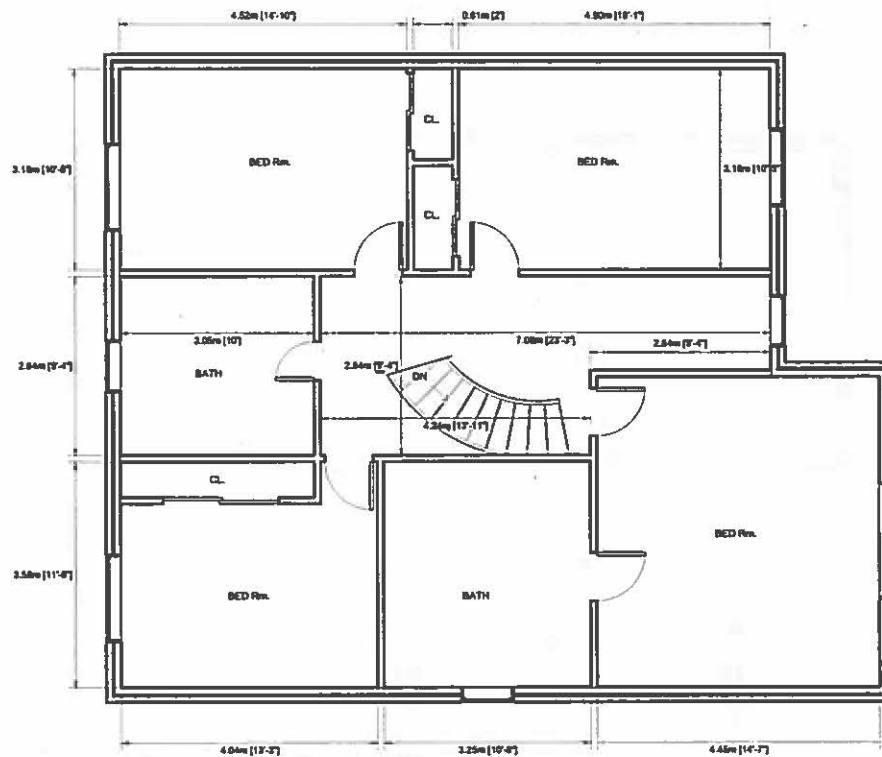
No.	Revision/Issue	Date

PROJECT:
 31 Spanhouse Crescent
 Unionville, On

TITLE:
 Second Unit
 Proposed First Floor
 Plan

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SCALE	DRAWING NO.
DESIGNED BY:	S1.4
APPROVED BY:	



1 SECOND FLOOR PLAN-EXISTING
 SS Scale 1:75

ENGINEER SEAL:



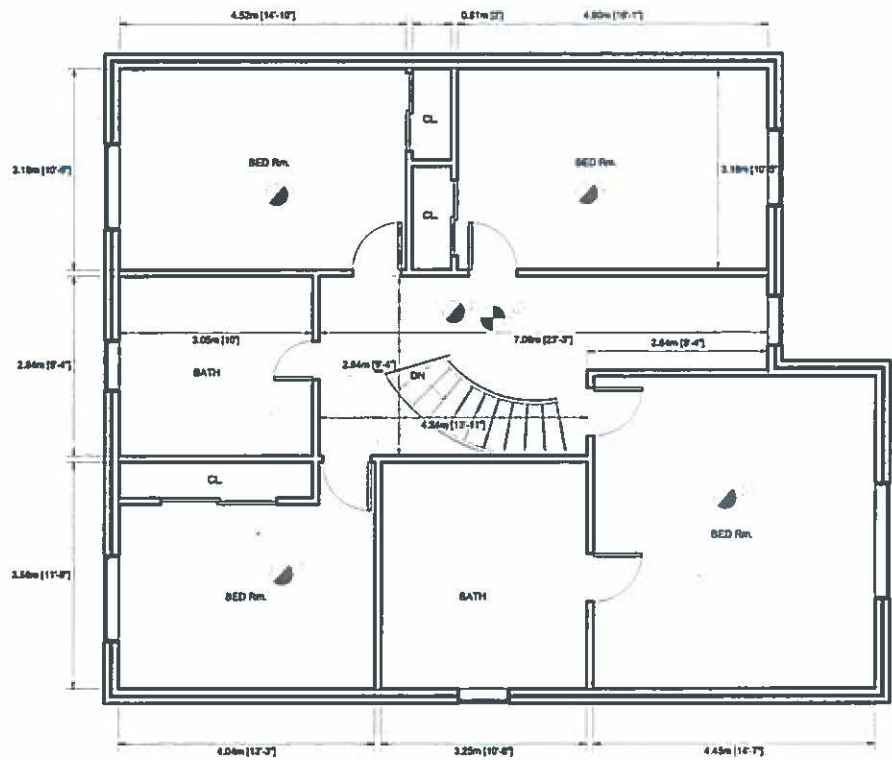
No.	Revision/Issue	Date

PROJECT:
 31 Spanhouse Crescent
 Unionville, On

TITLE:
 Second Unit
 Existing Second Floor
 Plan

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SCALE	DRAWING NO.
DESIGNED BY:	S1.5
APPROVED BY:	



1 SECOND FLOOR PLAN-PROPOSED
S6 Scale 1:75

ENGINEER SEAL:



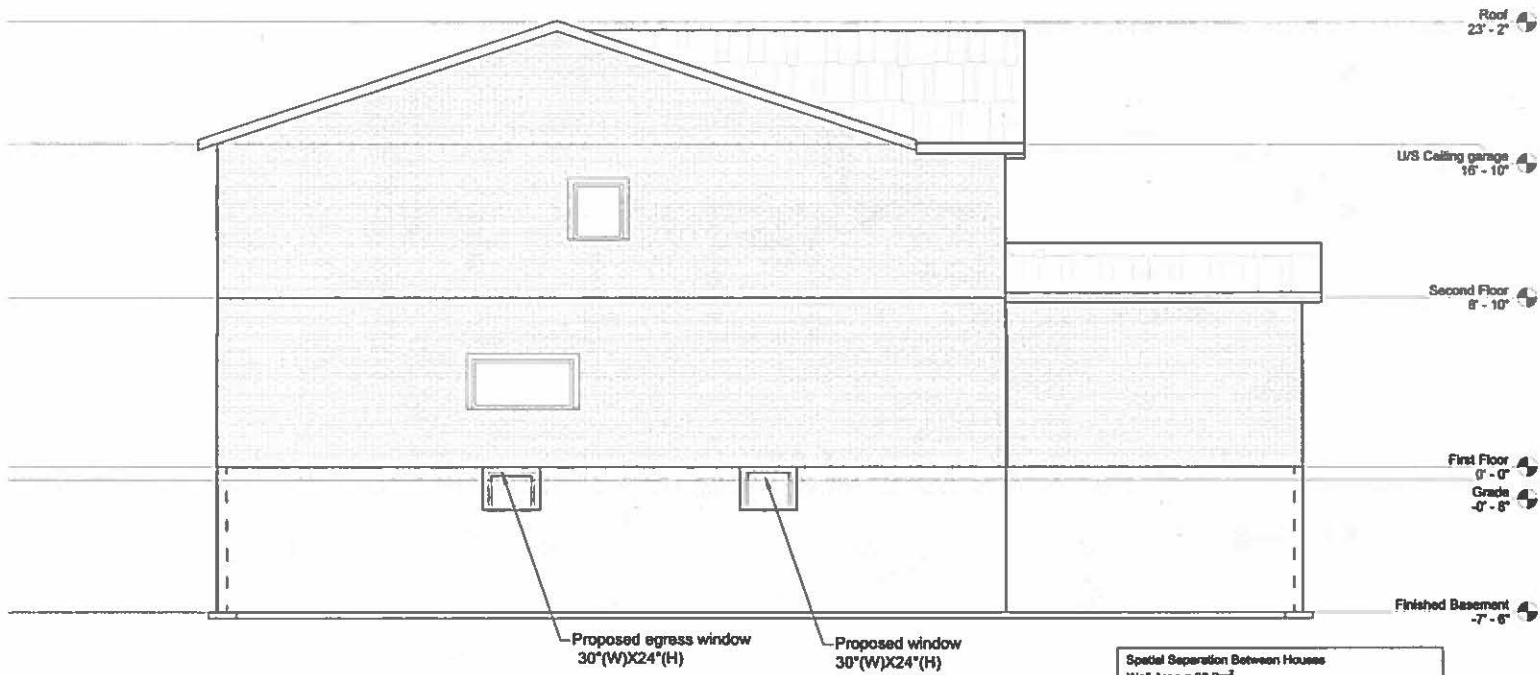
No.	Revision/Issue	Date

PROJECT:
31 Spanhouse Crescent
Unionville, On

TITLE:
Second Unit
Proposed Second
Floor Plan

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SCALE:	DRAWING NO.
DESIGNED BY:	S1.6
APPROVED BY:	



North View-Proposed
Scale 1:75

Spatial Separation Between Houses
Wall Area = 66.2m²
The house set back 4.57m
Percentage of Opening Allowed (OBC 9.10.15.4) = (28%)
Opening Area Allowed = 18.54 m²
Opening Area (above grade) = 2.39m²

ENGINEER SEAL:



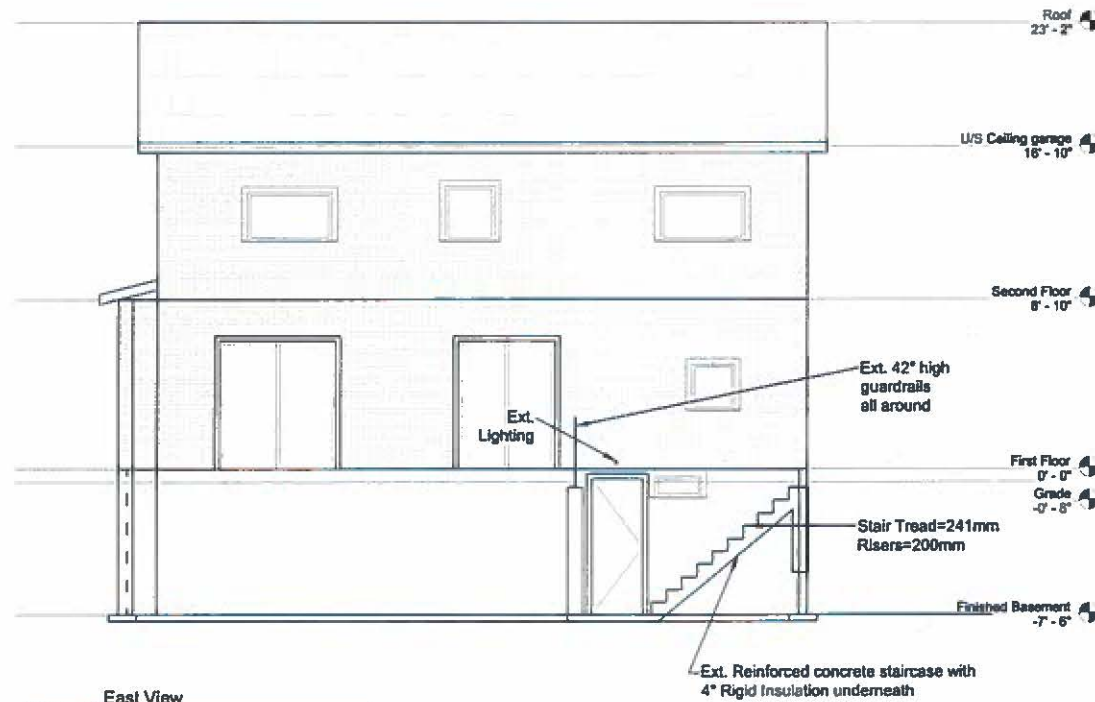
No.	Revision/Issue	Date

PROJECT:
31 Spanhouse Crescent
Unionville, On

TITLE:
Second Unit
North View

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SCALE:	DRAWING NO.
DESIGNED BY:	S2.1
APPROVED BY:	



East View

Scale 1:75

ENGINEER SEAL:



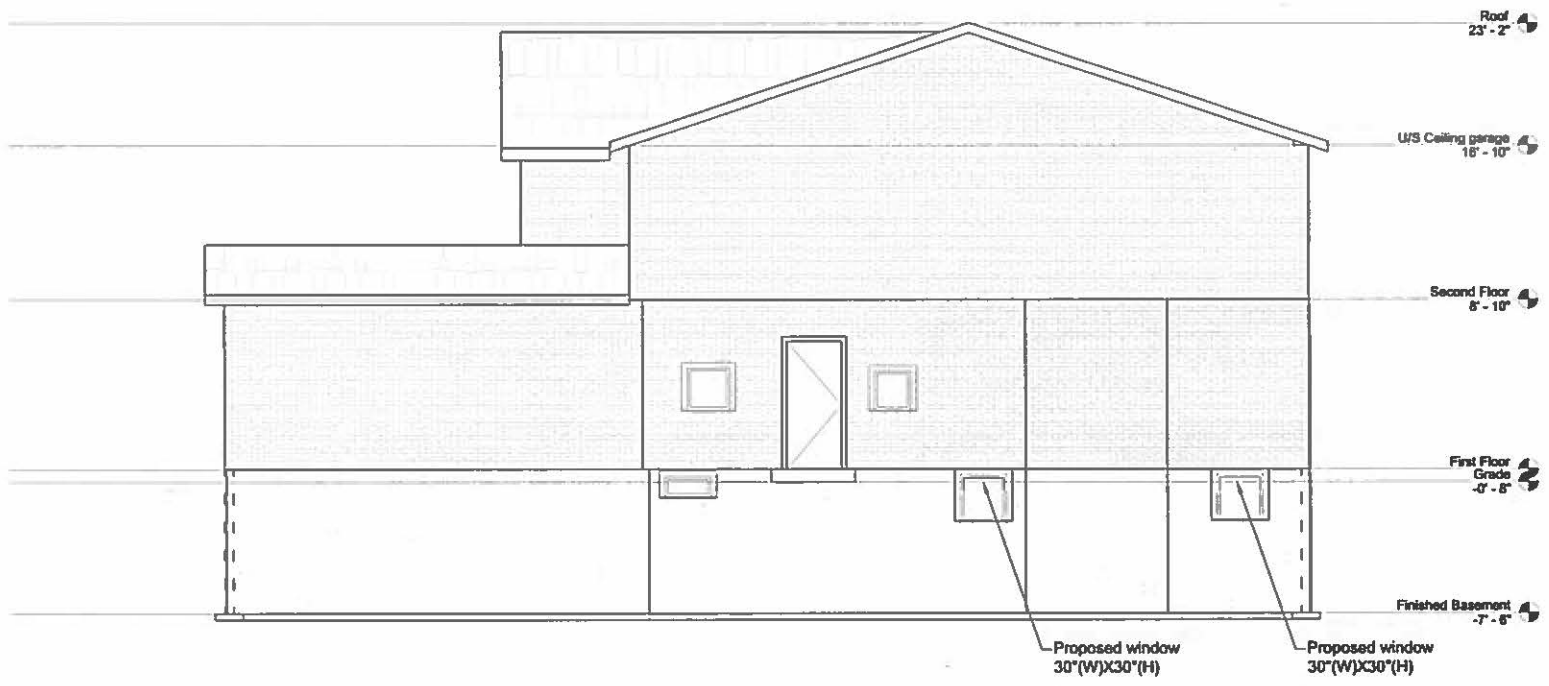
No.	Revision/Issue	Date

PROJECT:
31 Spanhouse Crescent
Unionville, On

TITLE:
Second Unit
East View

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Engineering Inc.**
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Email: info@sauzteq.ca

SCALE:	DRAWING NO.
DESIGNED BY:	S2.2
APPROVED BY:	



South View-Proposed
Scale 1:75

Spatial Separation Between Houses
Well Area = 57m²
The house set back 2.13m
Percentage of Opening Allowed (OBC 9.10.15.4) = (10%)
Opening Area Allowed = 5.7 m²
Opening Area (above grade) = 1.19m²

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Email: info@sauzleq.ca

ENGINEER SEAL:

No.	Revision/Issue	Date

PROJECT:
31 Spanhouse Crescent
Unionville, On

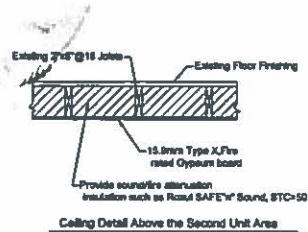
TITLE:
Second Unit
South View

SCALE:	DRAWING NO.
DESIGNED BY:	S2.3
APPROVED BY:	

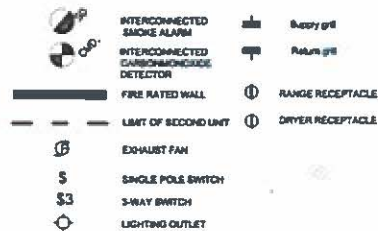
WINDOW SCHEDULE	
W1	EXISTING 30"(W)X14"(H) CHANGE TO 30"(W)X30"(H)
W2	EXISTING 30"(W)X14"(H)
W3	EXISTING 30"(W)X14"(H) CHANGE TO 30"(W)X24"(H)
W4	NEW 30"(W)X24"(H) EGRESS WINDOW
W5	NEW 30"(W)X30"(H)

WALL TYPES	
①	EXISTING FOUNDATION WALL ON 2"x4" WOOD STUDS @16" O.C. R20 BATT INSUL. IN CONTINUOUS CONTACT W/EXTERIOR SHEATHINGS CONTINUOUS AIR/VAPOUR BARRIER 5/8" INTERIOR DRYWALL FINISH DOUBLE PLATE @TOP SOLE PLATE @ BOTTOM
②	EXISTING 1/2" DRYWALL FINISH BOTH SIDES OF 2"x4" WOOD STUDS @16" O.C. 2 TOP PLATES & 1 BOTTOM PLATE
③	NEW FIRE RATED MIN. 45 MINUTES (BETWEEN CONCRETE FLOOR TO CEILING) 5/8" TYPE X DRYWALL ONE SIDE OF EXISTING 2"x4" WOOD STUDS @16" O.C. 2 TOP PLATES & 1 BOTTOM PLATE. PROVIDE SOUND ATTENUATION INSULATION SUCH AS ROXUL, SAFETY SOUND, STC>50

DOOR SCHEDULE	
D1	EXISTING EXTERIOR 32"(W)X80"(H). CHANGE TO MIN. 5/80 GLASS DOOR
D2	NEW INTERIOR 30"(W)X80"(H)
D3	EXISTING INTERIOR 30"(W)X80"(H)
D4	NEW INTERIOR 32"(W)X80"(H) WITH 20 MIN FIRE RATED
D5	EXISTING INTERIOR BIFOLD DOOR 48"(W)X80"(H)
D6	EXISTING INTERIOR 32"(W)X80"(H) CHANGE TO 20 MIN FIRE RATED DOOR



LEGENDS:



GENERAL NOTES:

- 1-ALL INFORMATION IS SHOWN AS EXISTING SHALL BE CHECKED AND VERIFIED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF ANY WORK. IF ANY DISCREPANCIES FOUND IN DRAWINGS, INFORM THE ENGINEER BEFORE PROCEEDING THE WORK.
- 2-CONTRACTOR TO CAREFULLY EXAMINE ALL EXISTING SITE CONDITIONS AND BUILDING COMPONENTS, SO THAT A CLEAR AND COMPREHENSIVE UNDERSTANDING OF THE SCOPE OF WORK IS ACHIEVED.
- 3-WHERE EXISTING CONSTRUCTION TO REMAIN IS DAMAGED BY CONTRACTOR'S DEMOLITION WORK, THE CONSTRUCTION MUST BE REPAIRED TO MATCH EXISTING.
- 4-THE EXISTING UTILITIES SHOULD BE PROTECTED AND RELOCATED IF REQUIRED.
- 5-EGRESS WINDOW (OBC 9.9.10.1.):
THE EGRESS WINDOW SHALL BE ABLE TO BE OPENED FROM THE INSIDE WITHOUT THE USE OF TOOLS, PROVIDING AN INDIVIDUAL AN UNOBSTRUCTED OPEN PORTION HAVING A MINIMUM AREA OF 0.35M² WITH NO DIMENSION LESS THAN 380MM. A CLEARANCE OF NOT LESS THAN 550MM SHALL BE PROVIDED IN FRONT OF THE WINDOW.
- 6- WELL WINDOWS; GRADE MUST BE SLOPED AWAY FROM WELLS. BOTTOM OF WINDOWS WELLS SHOULD BE 100MM BELOW WINDOWS SILL. PROVIDE DRAINAGE PIPE AT BOTTOM OF WELLS AND CONNECT IT TO EXISTING WEEPING TILE. PROVIDE COVER ON TOP OF WELL WINDOWS.

GROSS FLOOR AREA		
PRIMARY UNIT	252 m ²	(2712.5 m ²)
SECOND UNIT	106 m ²	(1162.5 m ²)

GFA OF SECOND UNIT IS 42.8 GFA OF FIRST UNIT
MAXIMUM PERCENTAGE ALLOWED IS 45%
WHICH IS ACCEPTABLE

ENGINEER SEAL:



No.	Revision/Issue	Date

PROJECT:

31 Spanhouse Crescent
Unionville, On

TITLE:

Second Unit
General Notes
Doors, Windows, Wall
Schedules

SauzTeq
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SCALE:	DRAWING NO.
DESIGNED BY:	S3.1
APPROVED BY:	