

MEMORANDUM

DATE: Friday, July 05, 2019
TO: Chairman and Members, Committee of Adjustment
File: A/148/18
Address: 109 Milliken Meadows Drive, Markham
Hearing Date: Wednesday, July 10, 2019

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

The applicant is requesting relief from the following requirements of By-law 90-81, RST1, as amended:

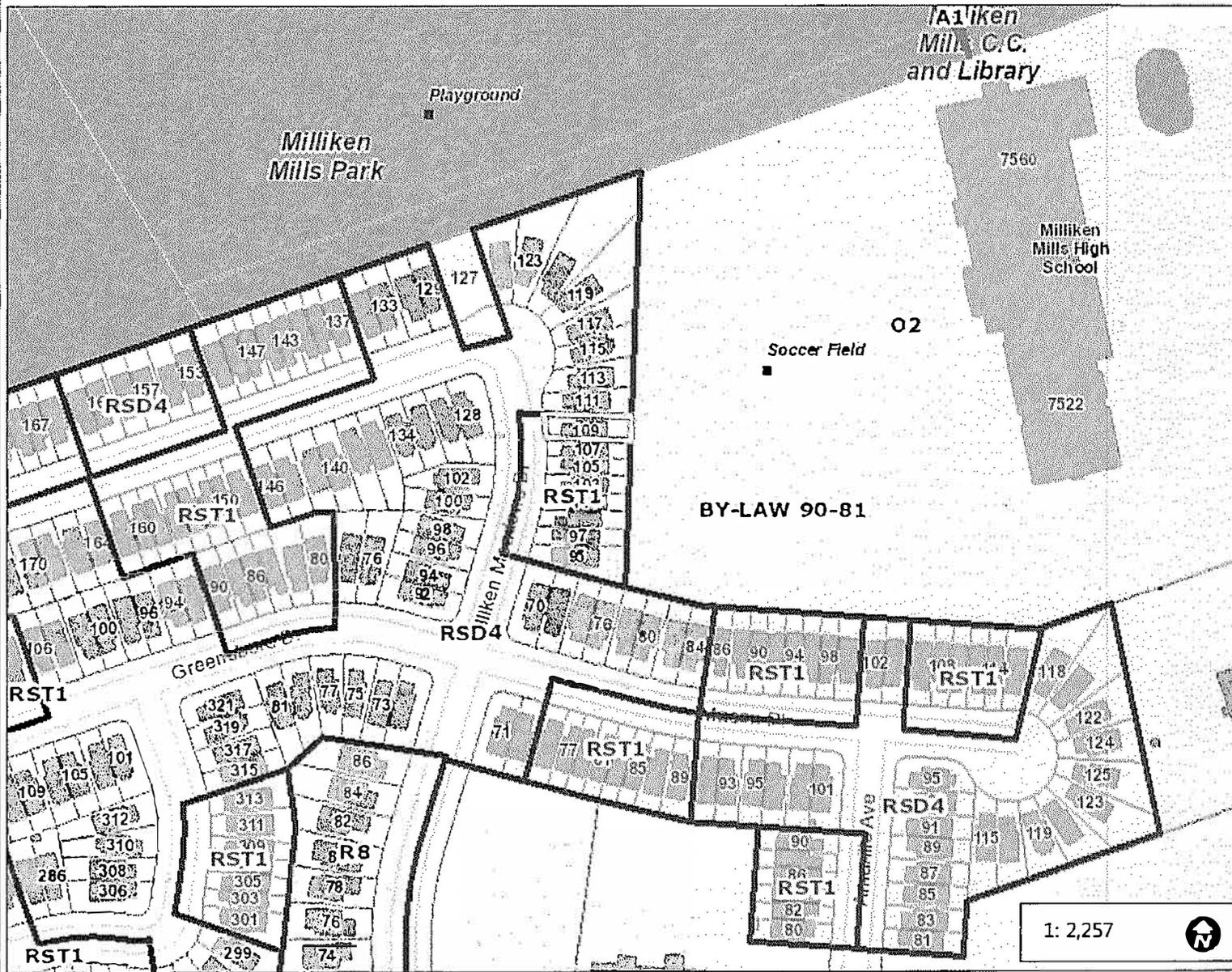
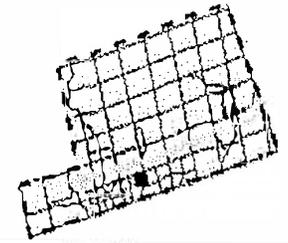
a) Section 6.3.1:

to permit a second dwelling unit in the basement; whereas the by-law only permits Street Townhouse Dwellings and Single Detached Dwellings; as it relates to an existing basement apartment.

Comments

The Committee of Adjustment deferred the application on October 24, 2018 because the applicant was not present at the Committee of Adjustment meeting to address concerns regarding property maintenance. 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.

Changes have not been made to the application form or plans since the October 24, 2018 meeting, and as such, Staff comments dated October 15, 2019 (attached as Appendix B), remain applicable.



- Legend**
- Parent By-laws
 - Zoning Designations
 - LANDMARKS_6000
 - SLRN_6000
 - PARKS_6000
 - Building Footprints
 - Ponds
 - Creeks
 - Rivers
 - Parcel (MPAC)
 - Park Facilities
 - Parks
 - <all other values>
 - Under Development

1: 2,257

114.7 0 57.33 114.7 Meters
 NAD_1983_UTM_Zone_17N
 City of Markham

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Memorandum to the City of Markham Committee of Adjustment

October 15, 2018

File: A/148/18
Address: 109 Milliken Meadows Dr, Markham
Applicant: JINRONG WANG
Agent: JINRONG WANG
Hearing Date: Wednesday October 24, 2018

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

The applicant is requesting relief from the following requirements of By-law 90-81, RST1, as amended:

- a) **Section 6.3.1:** to permit a second dwelling unit in the basement; whereas the by-law only permits Street Townhouse Dwellings and Single Detached Dwellings; as it relates to an existing basement apartment.

BACKGROUND

Property Description

The 303.39 m² (3,295.66 ft²) subject property is located on the east side of Milliken Meadows Drive, north of Denison Street and west of Kennedy Road. The property is developed with a 214.05 m² (2,304 ft²) two-storey linked townhouse dwelling, which according to assessment records was constructed in 1995. According to the drawings provided by the applicant, the property provides a total of three parking spaces, one parking space in the garage and two parking spaces on the driveway.

Proposal

The applicant is requesting to permit an existing secondary suite in the basement of the existing dwelling. The secondary suite would have direct access by an existing door in the garage. The proposal includes a new egress window at the rear of the building. No other changes are being 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 townhouse 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 row house 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 90-81

The subject property is zoned RST1 'First Density – Street Townhouse Residential' 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, *"2nd suite existed when owner purchased the property. Removing it will cause significant financial burden to the owner"*.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) 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 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. Parking is available on site, the applicant will be required to comply with the Parking by-Law 28-97.

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.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 15, 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

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:



Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Richard Kendall, Development Manager, Central District
File Path: Amanda\File\ 18 251611 \Documents\District Team Comments Memo

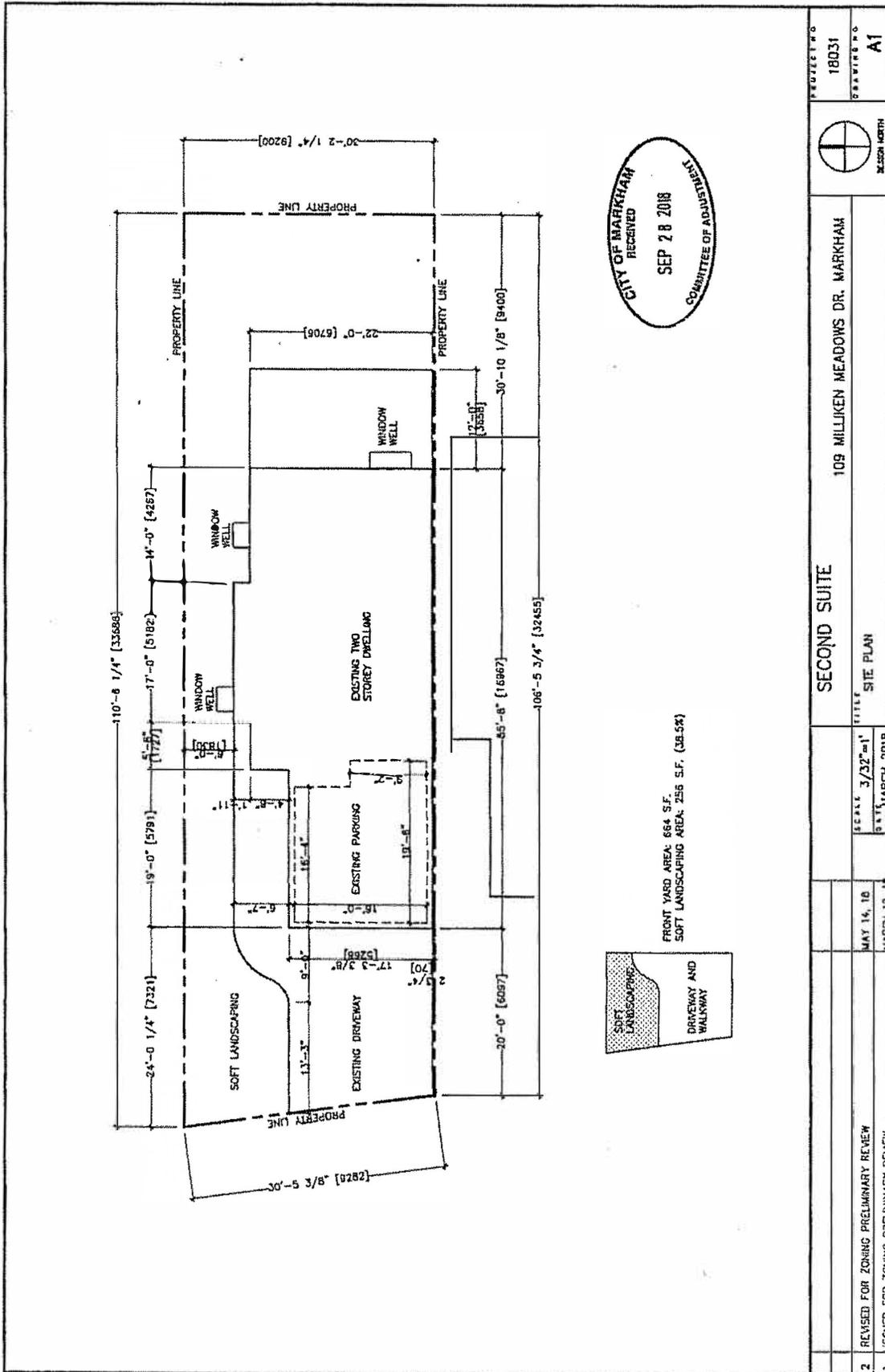
APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/148/18

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 and dated *September 28, 2018*, 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.
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:

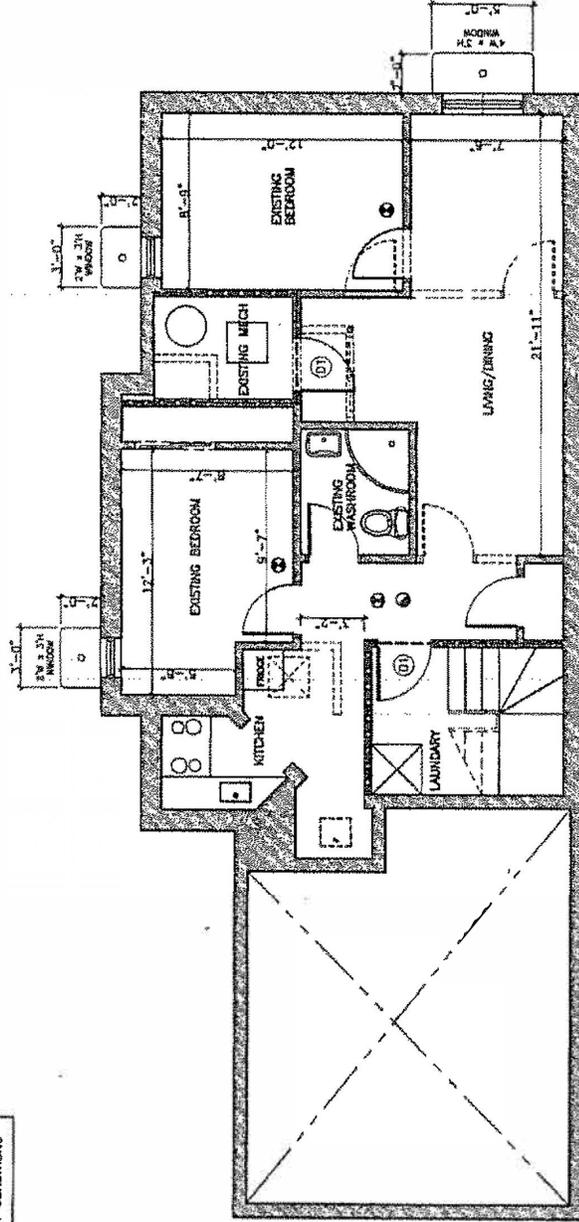


Aqsa Malik, Planner, Zoning and Special Projects



PROJECT NO.	18031
DRAWING NO.	A1
DATE	MAY 14, 10
SCALE	3/32"=1'
TITLE	SECOND SUITE SITE PLAN
DATE	MARCH 2018
PROJECT	109 MILLIKEN MEADOWS DR. MARKHAM
REVISION	
2	REVISED FOR ZONING PRELIMINARY REVIEW
1	ISSUED FOR ZONING PRELIMINARY REVIEW

-ALL STRUCTURAL ELEMENTS TO BE MAINTAINED UNLESS OTHERWISE NOTED
 -OWNER/CONTRACTOR IS RESPONSIBLE TO VERIFY ALL DIMENSIONS OF EXISTING SITE AND AS BUILT CONDITIONS



- ① SMOKE ALARM
 - AT LEAST ONE SMOKE ALARM SHALL BE INSTALLED ON EACH FLOOR, NEAR THE STAIRS CONNECTING FLOOR LEVEL
 - SMOKE ALARMS SHALL BE LISTED TO UL 664, MODEL APPROVED AND INTERCONNECTED TO ACTIVATE ALL ALARMS & ONE SOUND
- ② CARBON MONOXIDE DETECTOR
 - A CARBON MONOXIDE DETECTOR CONFORMING TO CAN/CGA-819 OR UL2034 SHALL BE INSTALLED ADJACENT TO EACH SLEEPING AREA FOR DWELLINGS W/ FUEL BURNING APPLIANCE OR STOVE, OR AN ATTACHED GARAGE
- PROMOTE SMOKE DETECTOR IN THE SUPPLY OR RETURN AIR DUCT SYSTEM WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR

③ 2x4 MIN. COOR
 REF: S. 10.11.2
 MOUNTED IN MIN. 1 1/2" THK. WOOD FRAME

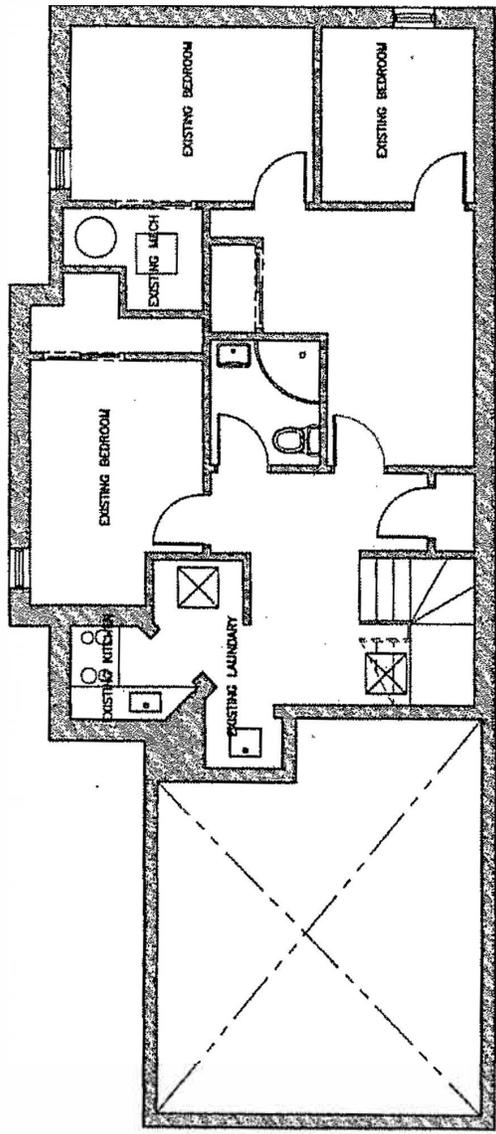
④ NO MIN. FIRE SEPARATION
 MAINTAIN EXISTING AND PROVIDE NEW WHERE REQUIRED
 1/2" GYP. BO. BOTH SIDES
 ON 2x4 STUDS @ 16" O.C. UNLESS NOTED
 (DR. B PART 11 TABLE - 11.5.1.1.C. C120 AND C149)

EXISTING CEILING ASSEMBLY:
 1/2" TYPE GYP. BA. CEILING
 ON EX. FLOOR JOISTS @ 16" O.C.
 -ON 2x4 STUDS @ 16" O.C.
 (DR. B PART 11 TABLE 11.5.1.1.C. C149)

INTERNAL INTERIOR PARTITIONS:
 -1/2" GYPSUM BOARD BOTH SIDES
 -ON 2x4 STUDS @ 16" O.C.
 EXISTING/AS BUILT WALL/PARTITION TO REMAIN
 -1/2" GYPSUM BOARD BOTH SIDES
 -ON 2x4 STUDS @ 16" O.C.

PROJECT NO		18021
DRAWING NO		A2.1
108 MILLIKEN MEADOWS DR. MARKHAM		
SECOND SUITE		BASEMENT FLOOR PLAN
SCALE	3/16"=1'	
DATE	FEB 2018	
ISSUED FOR BUILDING PERMIT		MAR 12, 18

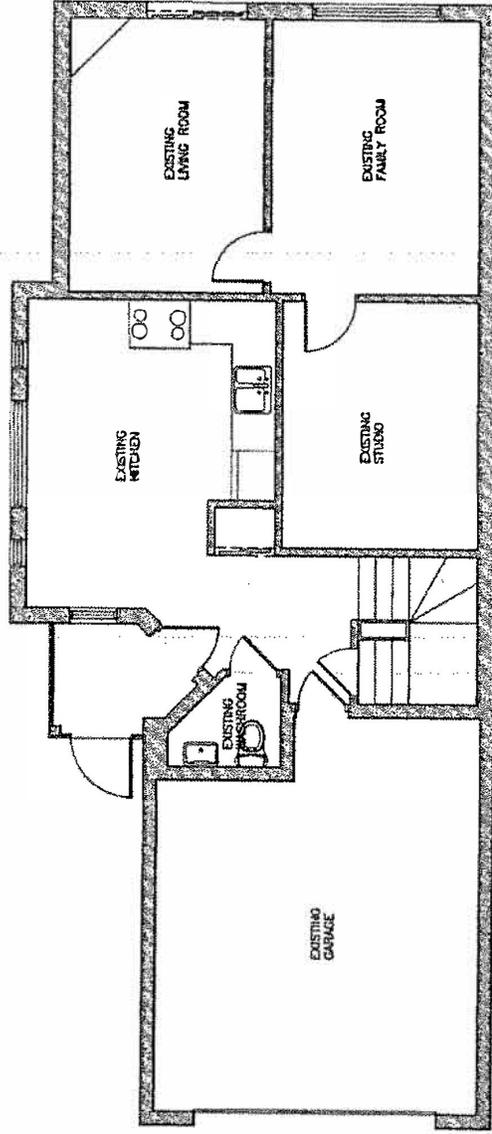
-ALL STRUCTURAL ELEMENTS TO BE MAINTAINED UNLESS OTHERWISE NOTED
 OWNER/CONTRACTOR IS RESPONSIBLE TO VERIFY ALL DIMENSIONS OF EXISTING SITE AND AS BUILT CONDITIONS



EXISTING WALL/PARTITION TO REMAIN
 -1/2" GYPSUM BOARD BOTH SIDES
 -ON 2x4 STUDS @ 16" O.C.

PROJECT #		18021	
PROJECT NAME		109 MILLIKEN MEADOWS DR. WARRHAM	
DATE		MAR 12, 18	
ISSUED FOR BUILDING PERMIT		3/18/18	
TITLE		EXISTING BASEMENT FLOOR PLAN	
DATE		FEB 2018	
PROJECT #		A2.1EX	

-ALL STRUCTURAL ELEMENTS TO BE MAINTAINED UNLESS OTHERWISE NOTED
 -OWNER/CONTRACTOR IS RESPONSIBLE TO VERIFY ALL DIMENSIONS OF EXISTING SITE AND AS BUILT CONDITIONS



EXISTING WALL/PARTITION TO REMAIN
 -1/2" COPPER ROUND BOLT SIZES
 -ON 2x4 STUDS @ 16" O.C.

ISSUED FOR BUILDING PERMIT		MAR 12, 18		SCALE 3/16"=1'		DATE FEB 2018		TITLE		EXISTING GROUND FLOOR PLAN (FOR REFERENCE ONLY)		PROJECT #		18021	
								SECOND SUITE		109 MILLIKEN MEADOWS DR. MARKHAM		DRAWING NO		A2.2EX	

