

# **Memorandum to the City of Markham Committee of Adjustment**

April 15, 2019

**File:** A/29/19  
**Address:** 48 Eton St, Markham  
**Applicant:** Yiguang Huang  
**Agent:** Structfit Consulting Inc. (David Zhang)  
**Hearing Date:** Wednesday April 24, 2019

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

The applicant is requesting relief from the following requirements of By-law 134-79, R8 as amended:

a) **Section 7.1.1:**

one secondary dwelling unit, whereas the By-law permits a Single Family Dwelling; as it relates to a proposed basement apartment.

## **BACKGROUND**

### **Property Description**

The 608 m<sup>2</sup> (6,544 ft<sup>2</sup>) subject property is located on the north-west corner of Eton Street and Swansea Road, south of Highway 7 East and east of Kennedy Road. The property is located within a residential neighbourhood comprised of two-storey detached dwellings. According to assessment records, the property is developed with a 191.38 m<sup>2</sup> (2,059.99 ft<sup>2</sup>) two-storey detached dwelling.

### **Proposal**

The applicant is requesting permission to permit 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 at the rear of the building. No changes are being proposed 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 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 29<sup>th</sup>, 2018, Council voted not to permit second suites as of right in any single detached, semi-detached, or townhouse dwelling.

#### Zoning By-Law 134-79

The subject property is zoned R8 – ‘Eight Density – Single Family Residential’ under By-law 134-79, as amended, which permits a single detached dwelling. The proposed development does not comply with the By-law requirements with respect to the proposed secondary suite.

#### **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, “A secondary unit is not permitted at present for the subject property 48 Eton St, Markham L3R 8Z2 by Section 7.1 of by-law 134-79 as amended for Unionville Northeast. This was confirmed by the zoning search #18 254970 00.”

#### **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. Staff note that there are two parking spaces within the garage and that additional parking is available on the driveway. 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 April 15, 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 to permit a secondary suite 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 comments relate to the proposed basement layout shown on plans received by the City of Markham on March 21, 2019. Detailed plans will be reviewed upon the submission of a Building Permit Application at the Building Department for compliance with the Zoning By-law and Ontario Building Code. 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 115439 \Documents\District Team Comments Memo

**APPENDIX "A"**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/29/19**

1. That the applicant apply for a building permit;
2. The variances apply only to the proposed development as long as it remains;
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

# SURVEYOR'S REAL PROPERTY REPORT

PART I  
PLAN OF  
LOTS 19 TO 21  
REGISTERED PLAN 65M-2520  
**TOWN OF MARKHAM**  
REGIONAL MUNICIPALITY OF YORK

SCALE - 1:100

John Mackintosh OLS  
© COPYRIGHT 1982

200 metres

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER  
THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN  
PERMISSION OF JOHN MCSEMMING OLS

**NOTES**

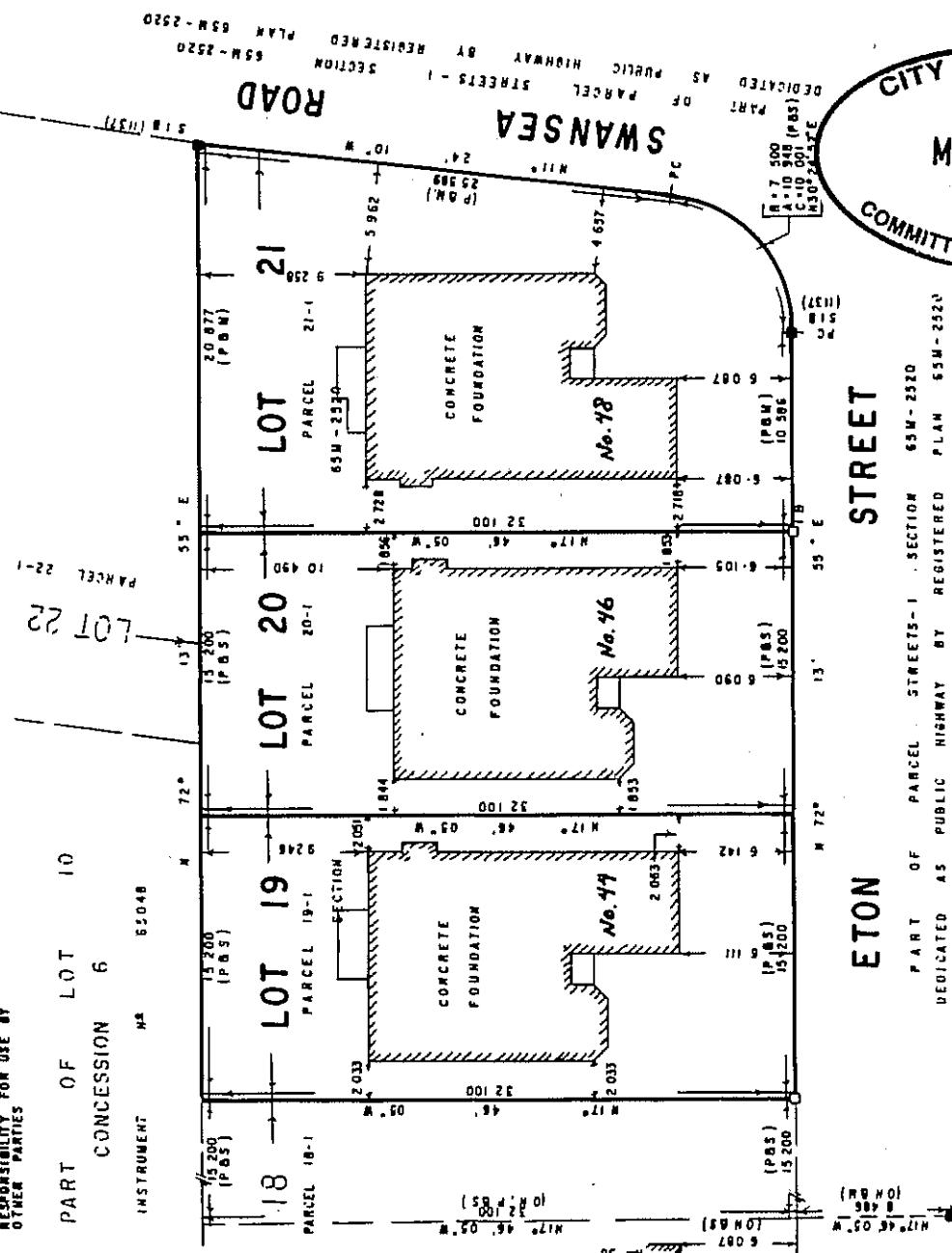
BEARINGS ARE ASTROTRONIC AND ARE REFERRED TO THE  
HORIZONTAL LIMIT OF EIGHT STREET AS STATION 05-RE-00  
PLANE 68-1120 HAVING A BEARING OF N72°15'55"E  
516 DEMOES STANDARD IRON BAR  
518 DEMOES IRON MONUMENT PLANTED  
P DEMOES SURVEY MONUMENT PLANTED  
P DEMOES RECONSTRUCTED PLANTED 65-230  
P DEMOES MEASURED  
P DEMOES FOR MEKABON LIMITED OLS  
5 DEMOES OLD WOLF-JOHN WECKHANN OLS  
P DEMOES POINT OF CHARGE

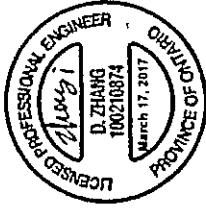
**SURVEYOR'S CERTIFICATE**

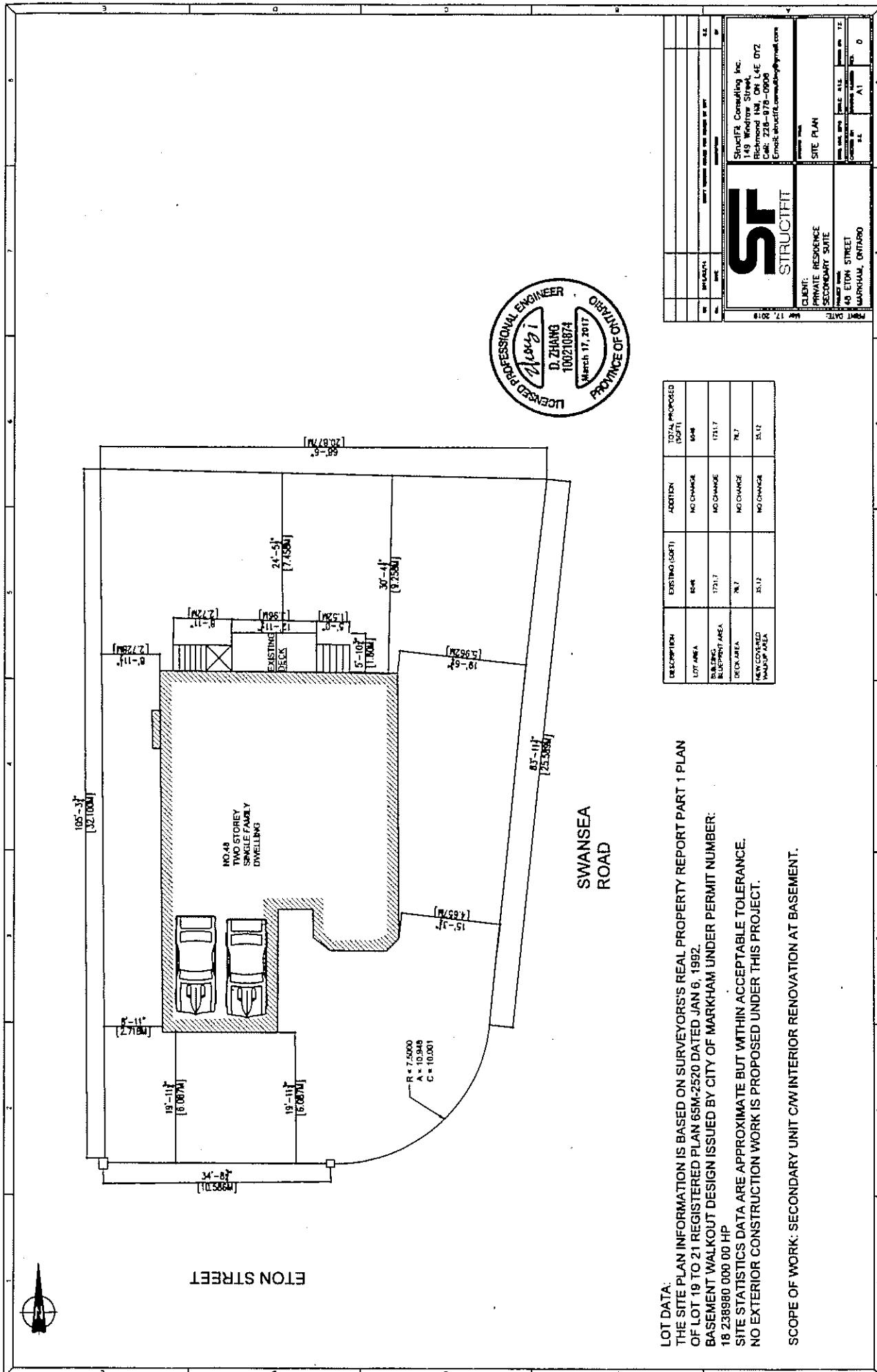
I CERTIFY THAT THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED ON THE 10<sup>th</sup> DAY OF JANUARY 1992

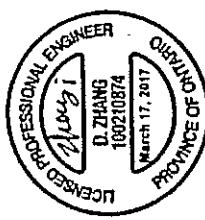
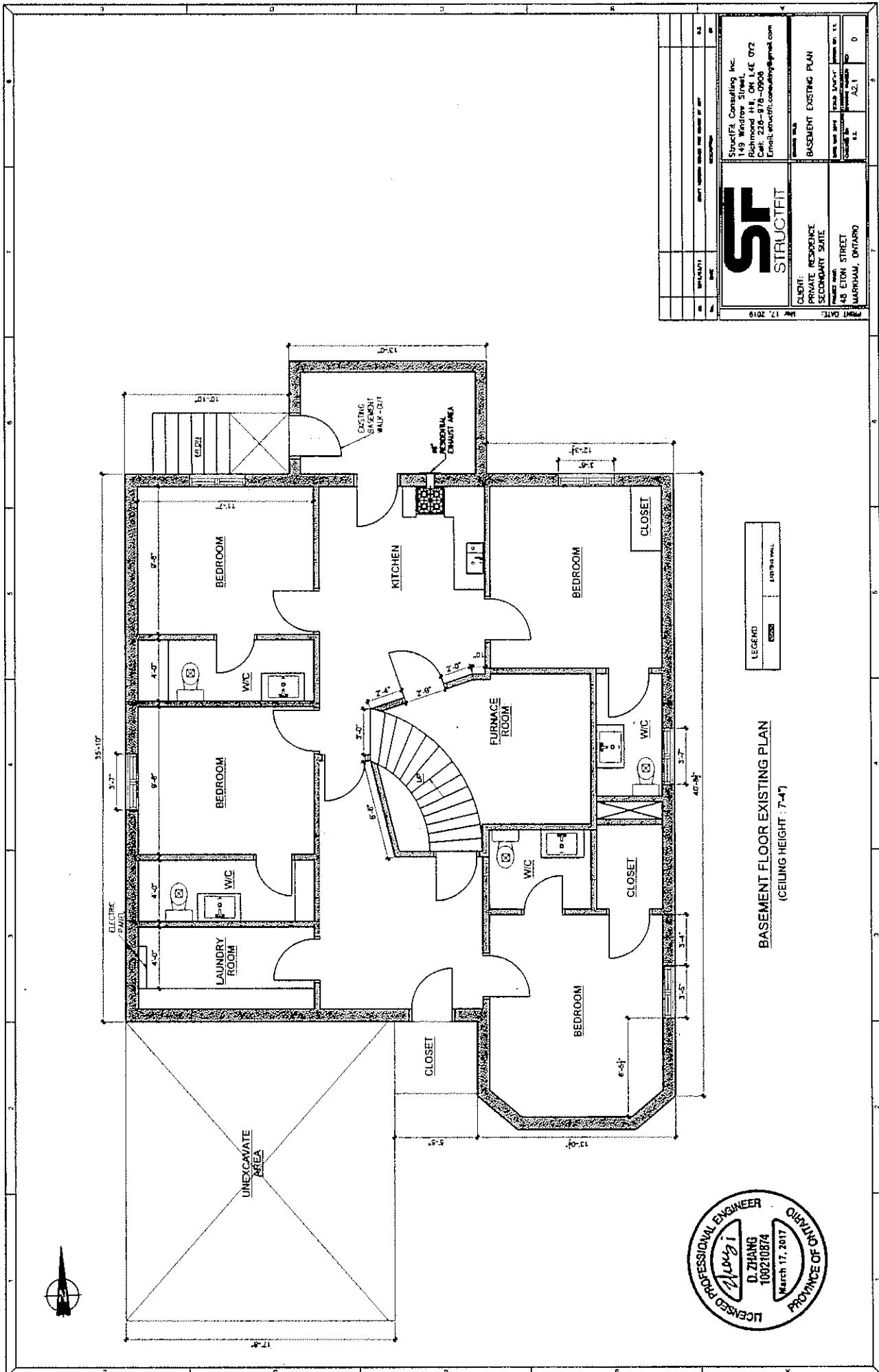
DATE JAN 16, 1992 Ralph P. Gage  
RALPH P. GAGE  
ONTARIO LAND SURVEYOR

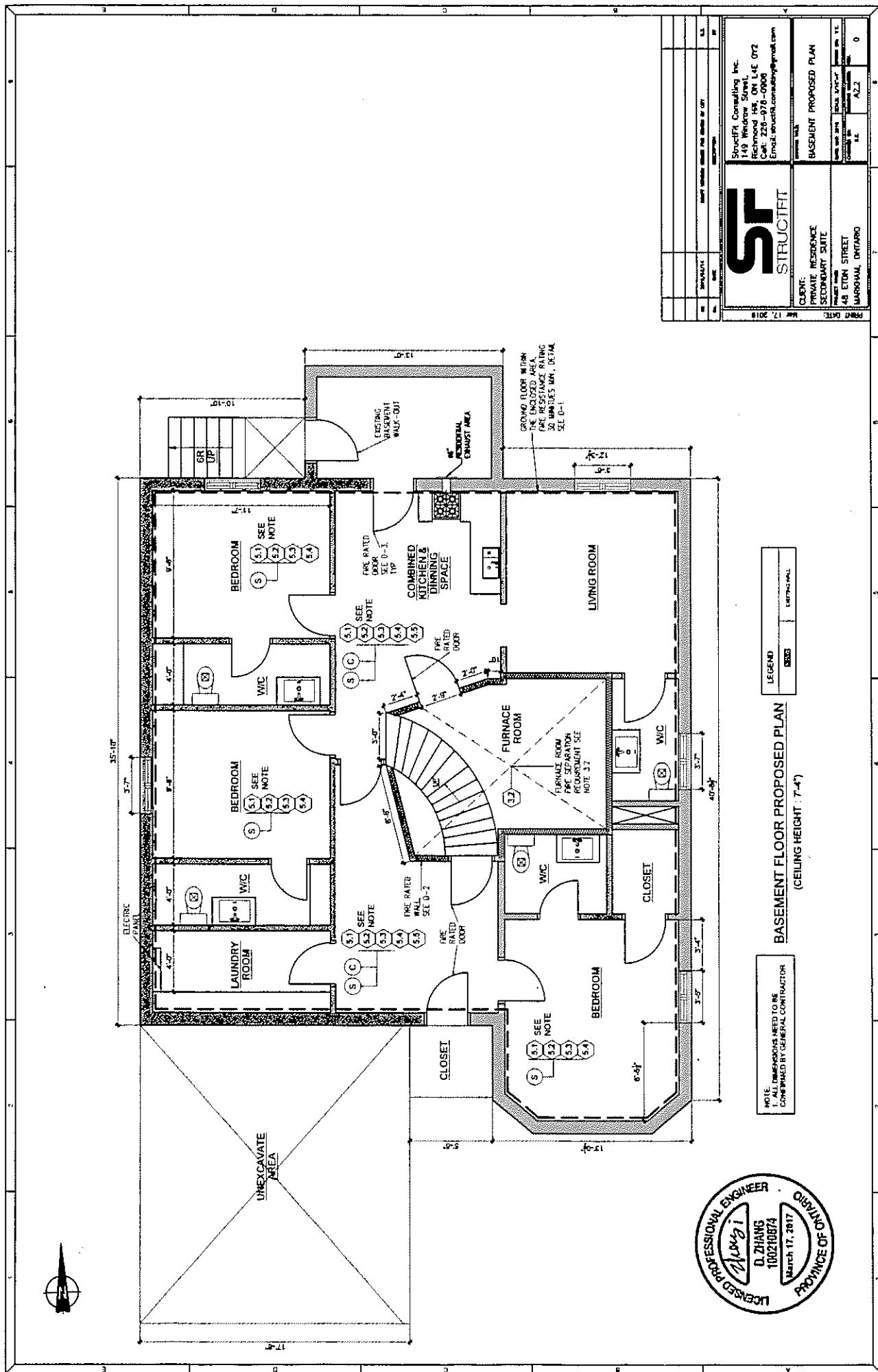
**JOHN McSKIMMING** ONT. LAND SURVEYOR  
1646 VICTORIA PARK AVE. TORONTO, ONT.  
288-1492  
TEI

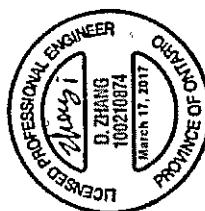
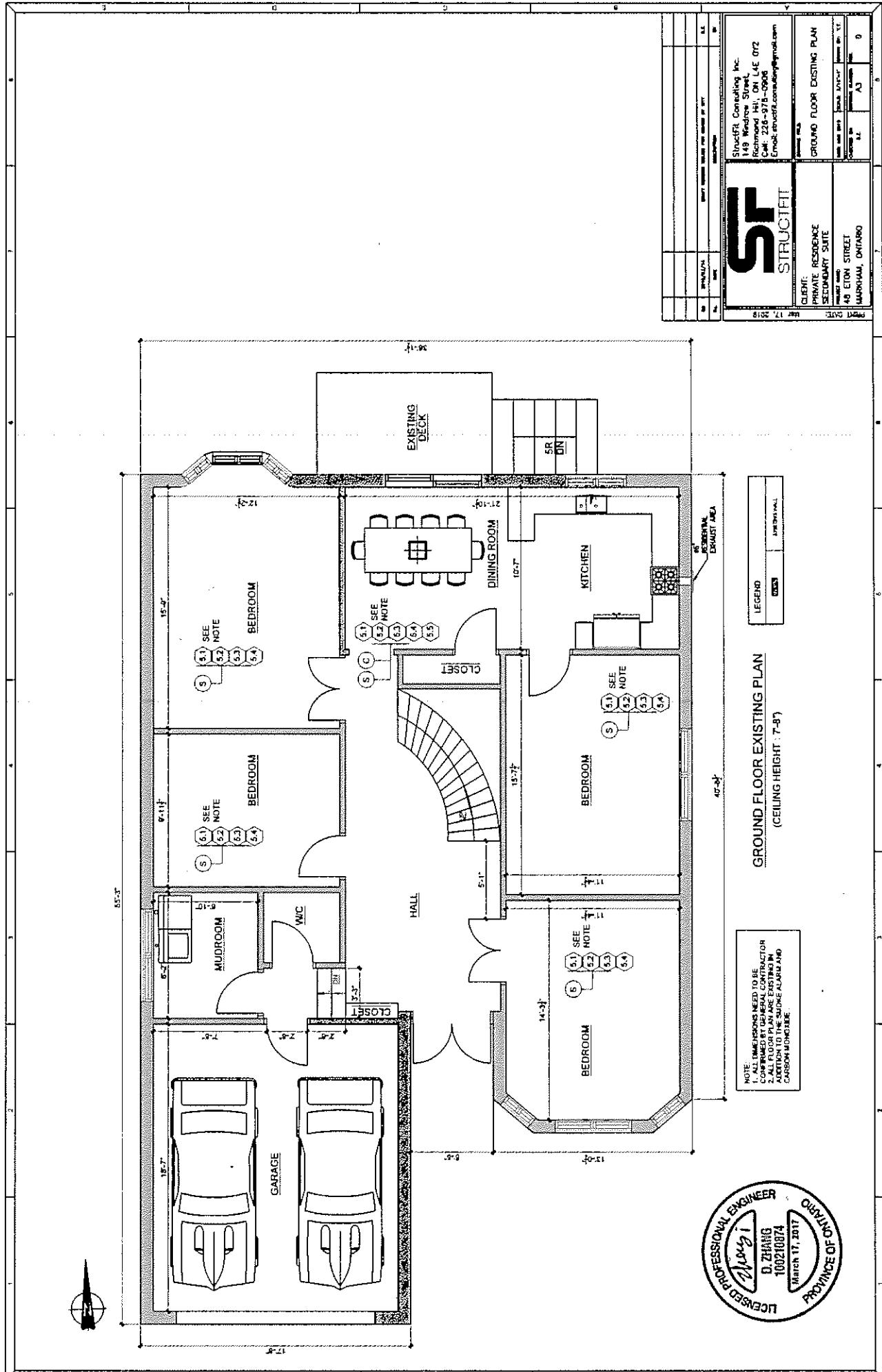


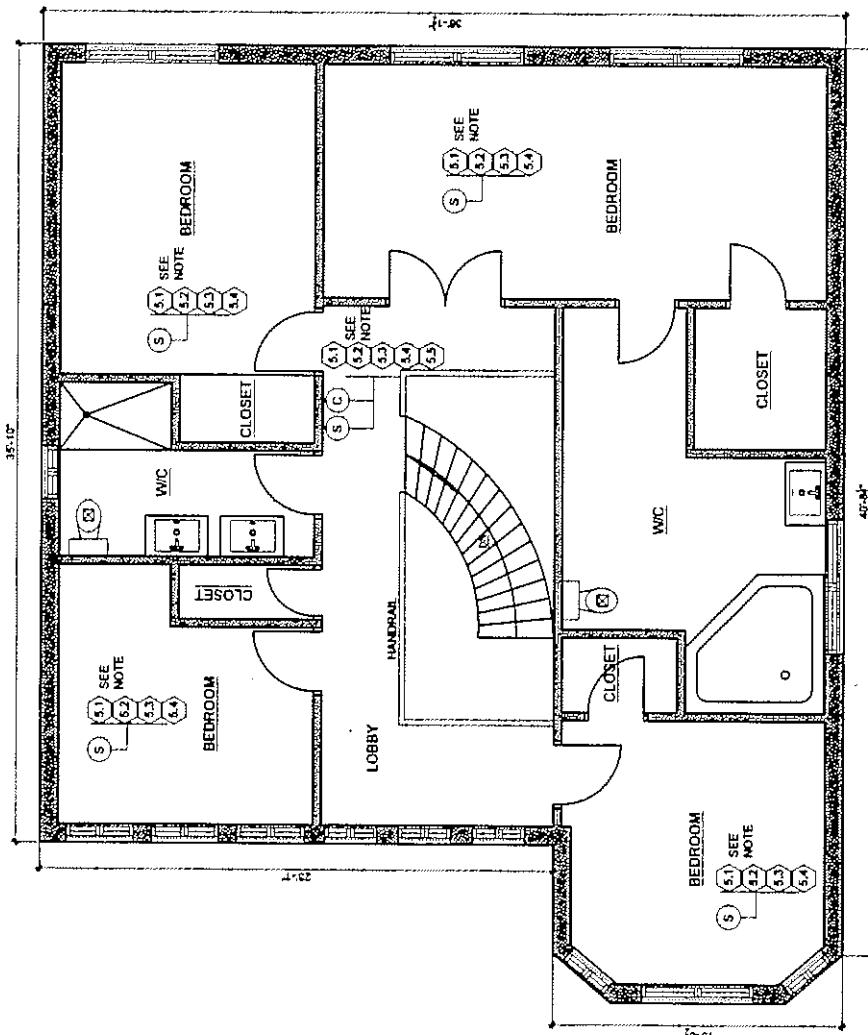
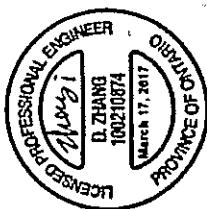
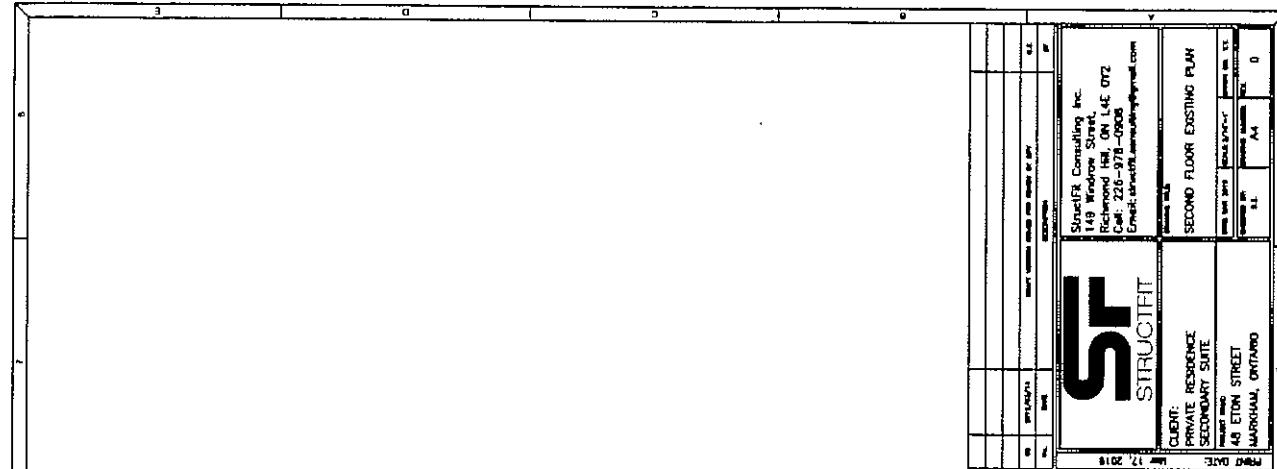
1.0.	NOTES - GENERAL	PROVIDE PROTECTION.	
1.1.	GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DRAWINGS AND SITE CONDITION AND REPORT IMMEDIATELY ANY DISCREPANCIES TO DESIGN ENGINEER BEFORE PROCEEDING WITH THE WORK.	3.1. IT MUST ALLOW EGRESS BY AN OCCUPANT USING HUMAN FORCE, WITHOUT SPECIAL STEPS THAT COULD RESTRICT EGRESS OR CAUSE THE OCCUPANT CONFUSION (I.E. UNRESTRICTED EGRESS).	
1.2.	ALL DRAWINGS, SPECIFICATION AND RELATED DOCUMENTS ARE THE PROPERTY OF THE ENGINEER AND MUST BE FURNISHED UPON REQUEST, REPRODUCTION OF DRAWING, SPECIFICATION AND RELATED DOCUMENTS IN WHOLE OR IN PART IS PROHIBITED WITHOUT THE ENGINEER'S WRITTEN CONSENT.	3.1.4. IT SHALL BE CORRECTLY INSTALLED WITH COMPLETE HARDWARE TO CURTAIN THE SPREAD OF SMOKE AND FIRE (I.E. FIRE AND SMOKE PROTECTION).	
1.3.	ALL WORK SHALL BE PERFORMED IN ACCORDANCE TO O.B.C. AND OTHER APPLICABLE ACT AND REGULATOR SUCH AS THE OCCUPATIONAL HEALTH AND SAFETY ACT, R.S.O. 1990.	3.1.5. THE FIRE DOOR MUST BE CERTIFIED AND PROPERLY LABELED AFTER INSTALLATION.	
1.4.	CONTRACTOR SHALL CONSIDER AND PERFORM ALL SAFETY MEASURES, BY ALL THE MEANS, TO PROTECT LABORS AND THE PUBLIC.	3.1.6. PERIODICAL MAINTENANCE OF THE FIRE DOORS AND HARDWARE SHALL BE PERFORMED TO PROTECT AGAINST THE SPREAD OF FIRE AND SMOKE.	
1.5.	THE ENGINEER ARE NOT RESPONSIBLE FOR ANY CONSTRUCTION THAT DEVIATES FROM THE APPROVED DRAWINGS PERFORMED BY THE CONTRACTORS.	3.1.7. MODIFICATIONS OF THE FIRE SEPARATION DOOR, INCLUDING THE INSTALLATION OF LOCKS OR ACCESS CONTROL MECHANISMS, MUST NOT IMPEDIE THEIR INTENDED OPERATION AND MUST BE INSPECTED TO ENSURE THEY DO NOT COMPROMISE THE SAFETY, EGRESS AND FIRE CONTAINMENT FEATURES OF THE DOOR AND HARDWARE ASSOCIATED WITH IT.	
1.6.	CONTRACTOR SHALL CONTACT ENGINEER IMMEDIATELY BEFORE PROGRESS, IN CASE OF ANY UNUSUAL CONSTRUCTION CONDITION THAT JEOPARDIZE, OR POTENTIALLY JEOPARDIZE, THE SAFETY OF LABOR AND/OR PUBLIC AT THE TIME AND/OR IN FUTURE.	3.2. CEILING OF THE BASEMENT FURNACE ROOM AS ENCLOSED BY FIRE RATED WALL, ARE NOT REQUIRED BEING PART OF THE FIRE SEPARATION BETWEEN TWO STORES AND FIRE DAMPERS ON THE EXISTING DUCT OPENINGS OF FIRE SEPARATOR CEILINGS ARE NOT REQUIRED.	
1.7.	IN CASE OF EXISTENCE OF DISCREPANCIES BETWEEN THE PROJECT SPECIFICATIONS AND THE GENERAL STRUCTURAL NOTES, THE MOST CONSERVATIVE OPTION WILL GOVERN, UNLESS ENGINEER APPROVAL OTHERWISE, AND THIS WILL NOT BE A BASIS FOR CONTRACTOR FAILURE OR ANY BACK CHARGE OR ADDITIONAL CLAIM.	3.3. HOWEVER, A SMOKE DETECTOR SHALL BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM SERVING THE BOTH UNITS WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTORS PER C155 PART 11 TABLE 115.1.C - C155 OF O.B.C. 2012.	
1.8.	DO NOT SCALE THE DRAWING.	3.4. THE MAXIMUM FLAME SPREAD RATIO IS 150 (FSR) FOR SLOTE INTERIOR WALLS AND CEILINGS, THE MAXIMUM FLAME SPREAD RATING FOR EXIT WALLS AND CEILINGS IS 25 (FSR) OF WHICH 10% MAY BE 150 (FSR).	
2.0.	NOTES - ARCHITECTURAL	4.0. NOTES - MECHANICAL	
2.1.	DOORS:	4.1. PLUMBING	
2.1.1.	CONSTRUCTIONS OF THE DOORS SHALL BE IN ACCORDANCE WITH SECTION 9.7 MANDATORY DOORS AND SKYLIGHTS' OF LATEST REVISION OF O.B.C. 2012.	4.1.1. ALL THE PLUMBING WORK SHALL BE DONE IN ACCORDANCE WITH O.B.C. 2012.	
2.1.2.	ALL THE DOORS SHALL BE BREATHABLE (6FT²/SR) IN HEIGHT AND WIDTH.	4.1.2. ALL THE PLUMBING WORK IS RECOMMENDED TO BE COMPLETED BY THE CERTIFIED PLUMBER.	
2.1.3.	DOORS PROVIDING ACCESS (PATH) TO EXIT (INTERIOR) ARE NOT PERMITTED TO BE KEYED IN THE DIRECTION OF EXITING.	4.1.3. HVAC	
2.1.4.	WHERE APPLIES, WINDOWS WITH SECURITY BARS INSTALLED MUST BE OPERABLE FROM THE INSIDE WITHOUT SPECIAL TOOLS OR KNOWLEDGE.	4.1.1. ALL DUCTWORK SHALL BE INSTALLED IN ACCORDANCE WITH O.B.C. 2012.	
3.0.	NOTES - FIRE SEPARATION AND PROTECTION:	4.1.2. ALL DUCTWORK SHALL BE GALVANIZED SHEET METAL CONFORM TO THE LATEST SMACNA GUIDE.	
3.1.	FIRE SEPARATION DOORS BETWEEN DWELLINGS:	4.1.3. WHERE FLEXIBLE DUCTWORK IS USED LENGTHS MUST BE CONTINUOUS AND NOT EXCEED 6-0'.	
3.1.1.	THE FIRE SEPARATION DOOR SHALL HAVE A MINIMUM FIRE PROTECTION RATING OF 20 MINUTES.	4.1.4. THE FIRE SEPARATION DOOR SHALL HAVE A MINIMUM FIRE PROTECTION RATING OF 20 MINUTES.	
3.1.2.	IT SHALL HAVE A FUNCTIONALLY OPERABLE SELF-CLOSING DEVICE, WHICH ENSURES THAT WHEN THEY ARE USED BY OCCUPANTS THAT THEY STILL		
5.0.	NOTES - ALARM, DETECTOR AND LIGHTING	5.1. INSTALLATIONS OF THE SMOKE ALARMS SHALL BE IN ACCORDANCE WITH SECTION 9.10.19 OF O.B.C. 2012. THE SMOKE ALARMS CONFORMING TO CAN/ULC-S531, SMOKE ALARMS, SHALL BE INSTALLED.	
5.2.	AT LEAST ONE SMOKE ALARM TO BE INSTALLED ON EACH STOREY, INCLUDING BASEMENTS AND ON ANY STOREY OF A DWELLING UNIT CONTAINING SLEEPING ROOMS. A SMOKE ALARM IS INSTALLED IN EACH SLEEPING ROOM, AND IN THE HALLWAY (COMMON AREA) WHICH IS BETWEEN THE SLEEPING ROOMS AND THE REMAINDER OF THE STOREY.	5.2. THE SMOKE ALARMS MUST BE INTERCONNECTED. THEY MUST BE INSTALLED ON THE CEILING (WITHIN 5A (16FT-3IN) OF ANY BEDROOM AND WITHIN 5M (16FT-7IN) OF ANY POINT OF EVERY STOREY).	
5.3.		5.3. IT IS RECOMMENDED THAT SMOKE ALARMS TO BE HARDWIRED TO THE ELECTRICAL PANEL AND HAVE BATTERY BACKUP IN CASE OF POWER FAILURE. SMOKE ALARMS MAY BE BATTERY OPERATED PER C175 OF PART 11 OF O.B.C. 2012.	
5.4.		5.4. A CARBON MONOXIDE ALARM SHALL BE INSTALLED ADJACENT TO EACH SLEEPING AREA IN THE SUITE (E.G. CEILING OF HALLWAY ADJACENT TO SLEEPING ROOMS), HARDWIRED INTERCONNECTED CARBON MONOXIDE DETECTORS SHALL BE INSTALLED IN ALL SUITS.	
5.5.		5.5. AN EMERGENCY LIGHTING IS RECOMMENDED TO BE INSTALLED ON TOP OF FIRE PROTECTION DOOR.	
5.6.		5.6. THE ELECTRICAL WORK OF THIS RENOVATION IS RECOMMEND TO BE COMPLETED BY INDIVIDUALS LICENSED BY ELECTRICAL SAFETY AUTHORITY.	
6.0.	NOTES - STRUCTURAL	6.1. THE NEW LOAD BEARING PARTITION WALL, EXCEPT OTHERWISE NOTED SHALL HAVE 2X6 STUD (6IN OC) WITH ½" DRY WALL AT BOTH SIDES. THE NON-LOAD BEARING PARTITION WALL SHALL HAVE 2X4 STUD (8IN OC) WITH ½" DRY WALL AT BOTH SIDES.	
6.2.		6.2. ALL MEMBERS SHALL BE FRAMED, PASTERED, TIED, BRACED AND ANCHORED TO PROVIDE THE NECESSARY STRENGTH, RESILIENCY AND STABILITY PER O.B.C. 2012.	
6.3.		6.3. NOTES & SPECIFICATION	
 <b>STRUCTURE</b> SFC Consulting Inc. 149 Wedge Street, Richmond Hill, L4E 0T2 Call: 225-978-0906 Email: sfc@sfc.ca			
<b>CLIENT:</b> PRIVATE RESIDENCE SECONDARY SUITE 44 ETON STREET MARKHAM, ONTARIO ZIP CODE: N9C 1L2 PHONE: 905-477-1111			
<b>DATE:</b> March 17, 2017 <b>PROVINCE OF ONTARIO:</b> ONTARIO <b>LICENSING PROFESSIONAL ENGINEER:</b> D. ZHANG 100210874			
<b>NOTES &amp; SPECIFICATION</b> Page 1 of 1			

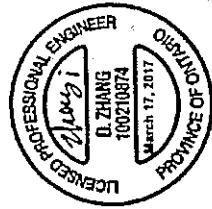
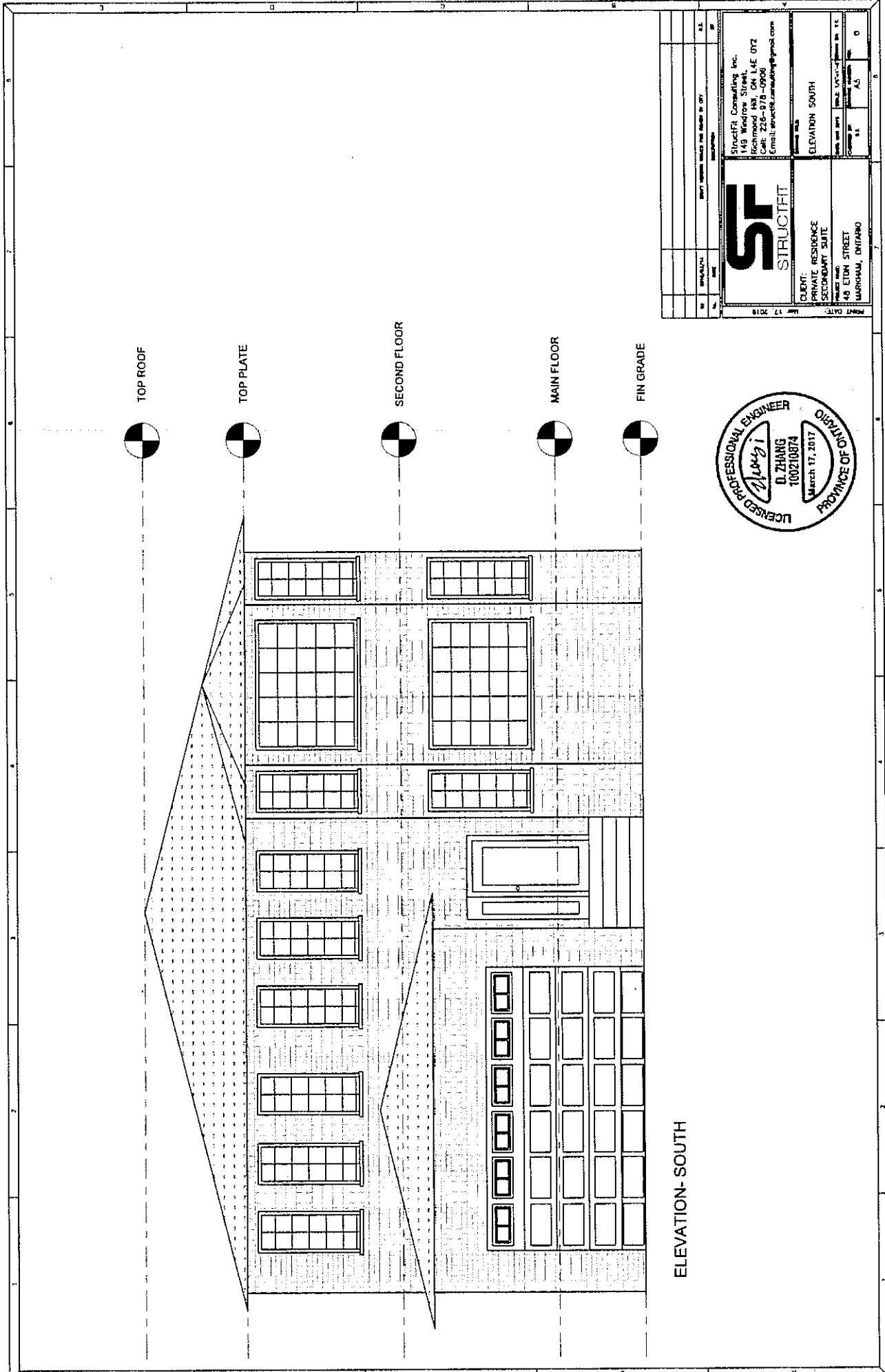


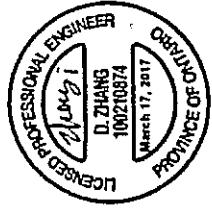
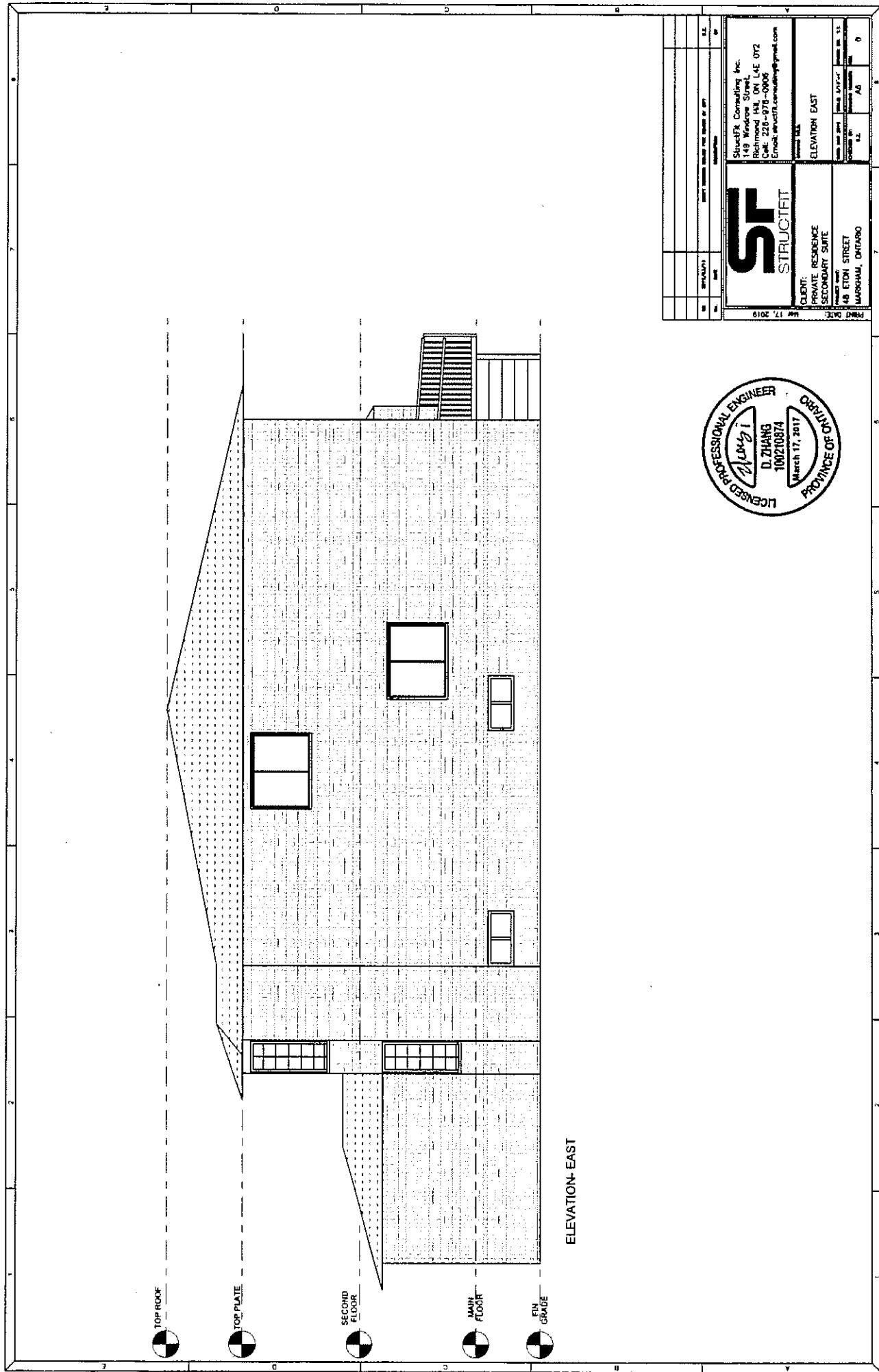


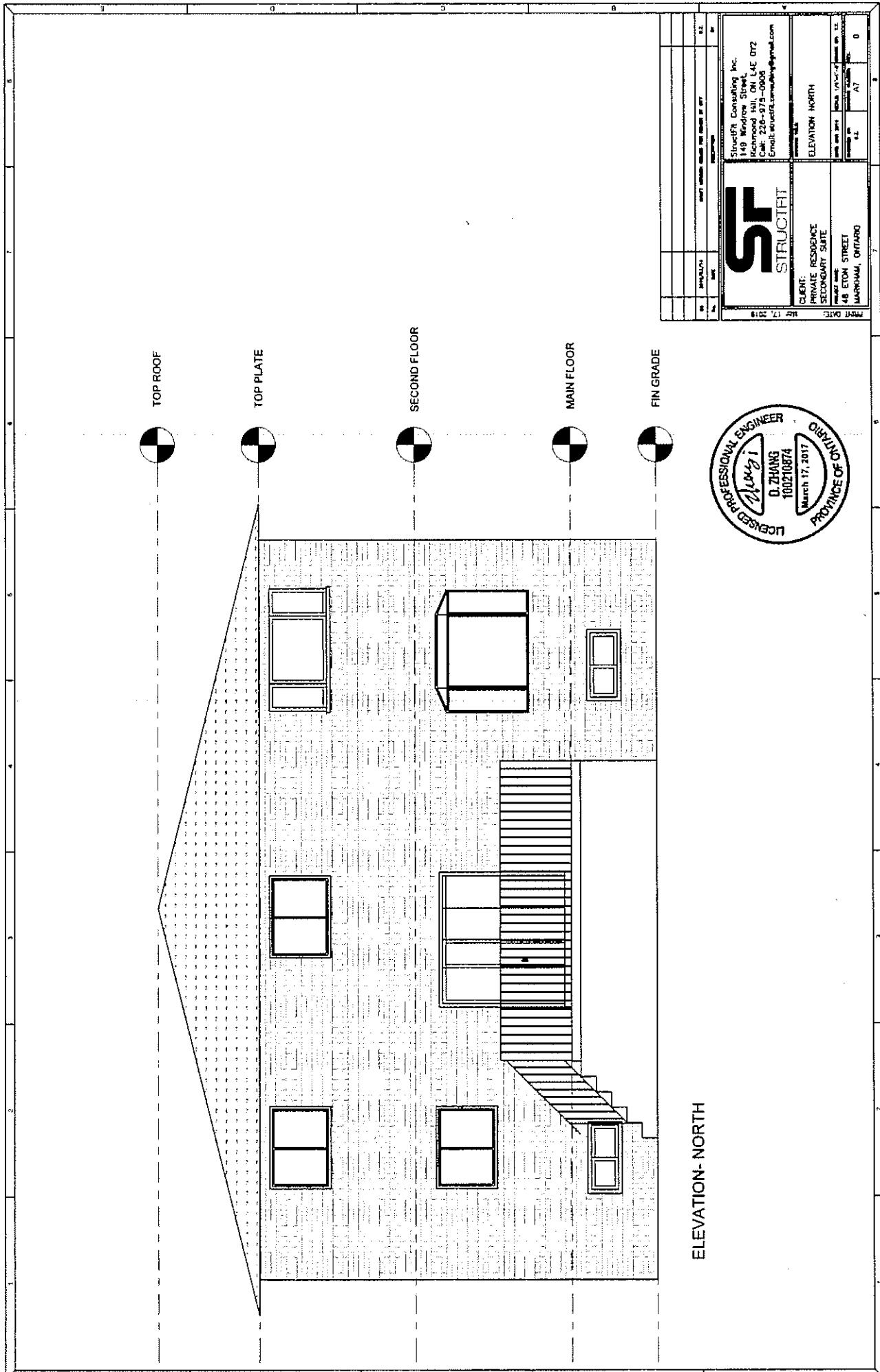


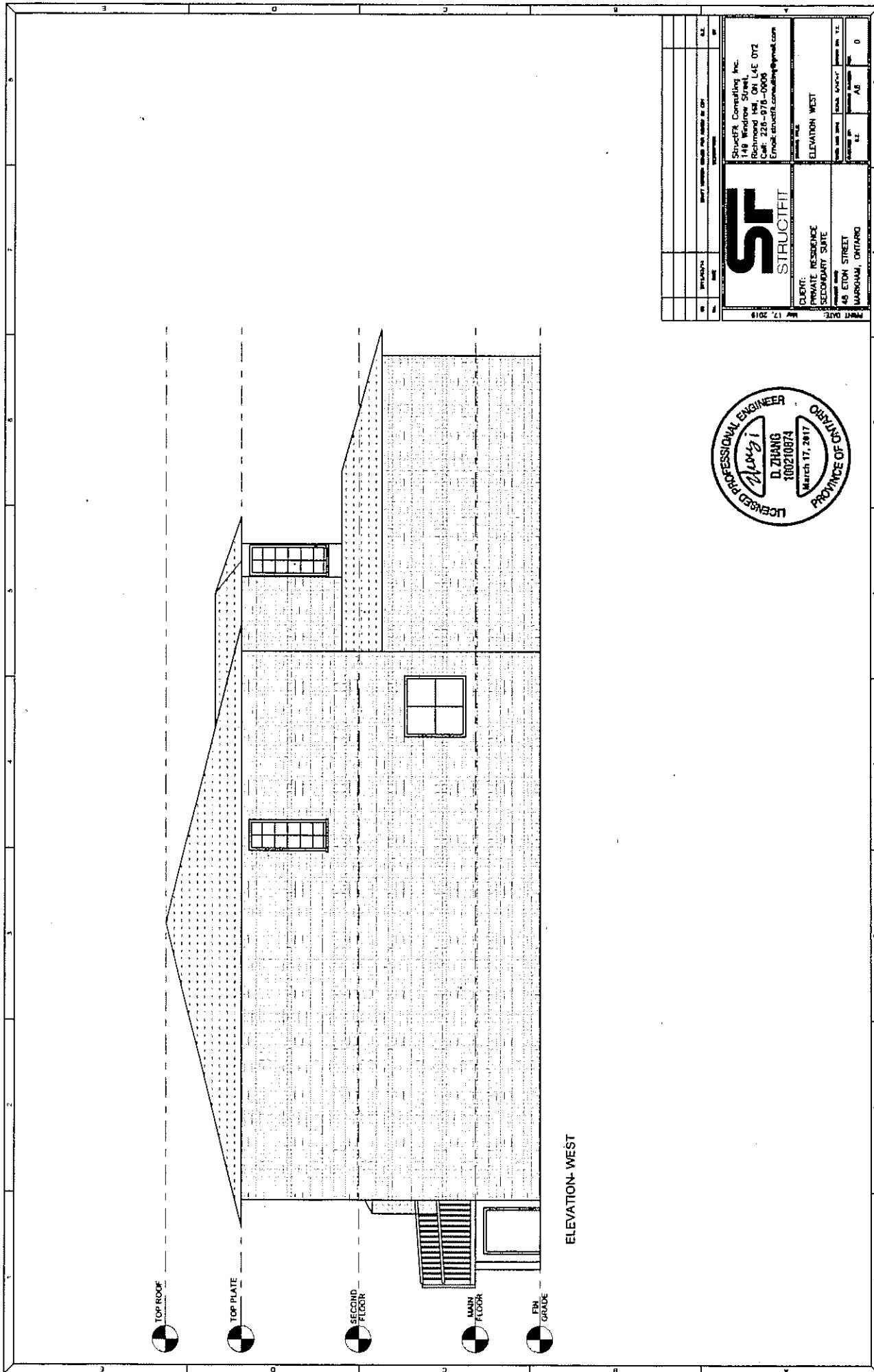












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		Email: shattafconsulting@gmail.com
<b>SR</b>	<b>STRUCTURE</b>	
CLIENT:		
PRIMARY RESIDENCE		
SECONDARY SUITE		
48 ETON STREET		
MURRAY, ONTARIO		
ROW	AB	0
COL	A	B

