

# Memorandum to the City of Markham Committee of Adjustment

January 12, 2021

**File:** A/117/20  
**Address:** 10 Gordon Weeden Road – Markham, ON  
**Applicant:** Praveen Podamshetty  
**Agent:** Design and Building Permit Services Inc.  
**Hearing Date:** January 20, 2021

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following “Residential Two Exception (R2\*133)” zone requirements of By-law 177-96, as amended, to permit:

**a) By-law 177-96, Section 6.5:**

an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot.

## **BACKGROUND**

### **Property Description**

The 457.50 m<sup>2</sup> (4,922.0 ft<sup>2</sup>) subject property is located on the west side of Gordon Weeden Road, east of Delray Drive, south of Castlemore Avenue, and west of Alfred Paterson Drive. There is an existing two-storey detached dwelling on the property. Vehicle parking for up to three cars can be provided on the subject property. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings.

### **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 south side of the building, and to enlarge the existing windows at the west (rear) and north side of the building as shown in the plans attached as Appendix “B”. The proposed secondary suite would also have direct and separate access provided by a new door located at the south side of the building. No other changes are being proposed to the exterior of the dwelling or the property.

### **Provincial Policies**

#### *More Homes, More Choice Act, 2019*

The *More Homes, More Choice Act, 2019*, S.O. 2019, c. 9 – (Bill 108), received Royal Assent on June 6, 2019 and portions were proclaimed on September 3, 2019. The proclaimed portions of Bill 108 amended the *Planning Act* to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse dwellings, as well as permitting a residential unit in ancillary structures to a detached, semi-detached, or rowhouse dwelling. Under this legislation, “second suites” or “secondary suites” are now referred to as “additional residential units”, and the terms are used synonymously in this memorandum.

#### *Provincial Policy Statement, 2020*

Section 1.4.3 of the *Provincial Policy Statement, 2020*, requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet the affordable housing needs of current and future residents. Amongst other means, this can

be achieved by permitting and facilitating residential intensification, including additional residential units, and redevelopment by accommodating a significant supply and range of housing options through intensification and redevelopment while taking into account existing building stock.

*A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan, 2019)*

Section 2.1.4 (c) of the *Growth Plan, 2019* requires municipalities to provide a diverse range and mix of housing option including second units to support complete communities.

**Official Plan and Zoning**

2014 Official Plan (partially approved on November 24/17 and updated on April 9/18)

The City's Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms including single detached dwellings. The Official Plan also contains criteria for the establishment of secondary suites in Section 8.13.8 which states:

*"That in considering an application to amend the Zoning By-law to permit the establishment of a secondary suite where provided for in this Plan, Council shall be satisfied that an appropriate set of development standards are provided for in the Zoning By-law including:*

- a) the building type in which the secondary suite is contained;*
- b) the percentage of the floor area of the building type devoted to the secondary suite;*
- c) the number of dwelling units permitted on the same lot;*
- d) the size of the secondary suite;*
- e) the applicable parking standards; and*
- f) the external appearance of the main dwelling."*

A "Secondary Suite" in the Official Plan is defined as:

*"...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 4.1.2.6 of the Official Plan contains policies to support further diversification of the housing stock and rental housing tenure by permitting secondary suites within existing and new single detached, semi-detached and rowhouse dwellings in accordance with Section 3.5.22 of the Regional Official Plan and subject to appropriate zoning, development criteria, and standards.

Zoning By-Law 177-96

The subject property is zoned "Residential Two Exception (R2\*133)" under By-law 177-96, as amended, which provides for various low rise residential forms including: single detached, semi-detached, duplex, triplex, fourplex, or townhouse dwellings.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The applicant has confirmed that a ZPR has not been conducted. However the applicant has received comments from the building department through their permit process to confirm the variance 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 (“the Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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**

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, and will be required to register their second suite with the Fire Department prior to the occupancy of the unit.

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 Official Plan for the establishment of a secondary suite and therefore have no objections.

### **Parking & Soft Landscaping**

The subject property can accommodate the three parking spaces required by the City of Markham Parking Standards By-law 28-97 (two for the principal dwelling unit, and one for the proposed accessory dwelling unit). The driveway consists of two parking spaces as shown on the site plan (Appendix “B”). To meet the minimum parking width requirement of 2.75 m (9.02 ft) for an unenclosed parking space, the applicant is proposing to expand the driveway, which will be wider than the width of the garage.

Staff note the Parking By-law permits a maximum driveway width of up to 2.0 m (6.56 ft) wider than the garage door width providing a minimum of 40.0% soft landscaping is maintained in the front yard. To comply with this requirement, the applicant is proposing to convert the area south of the driveway back to soft landscaping. The property owner is advised that failure to comply with the maximum driveway width and/or minimum soft landscaping requirements may result in the need for additional variances.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of January 12, 2021. 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 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.

**APPENDICES**

Appendix "A" – Conditions of Approval

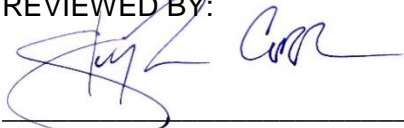
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



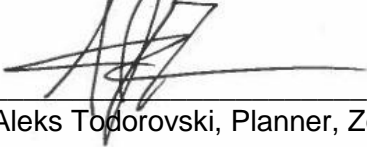
Stephen Corr, Senior Planner, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/117/20**

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 batch stamped plans attached as Appendix "B" to this Staff Report, 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.

CONDITIONS PREPARED BY:



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Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/117/20**

# Appendix B

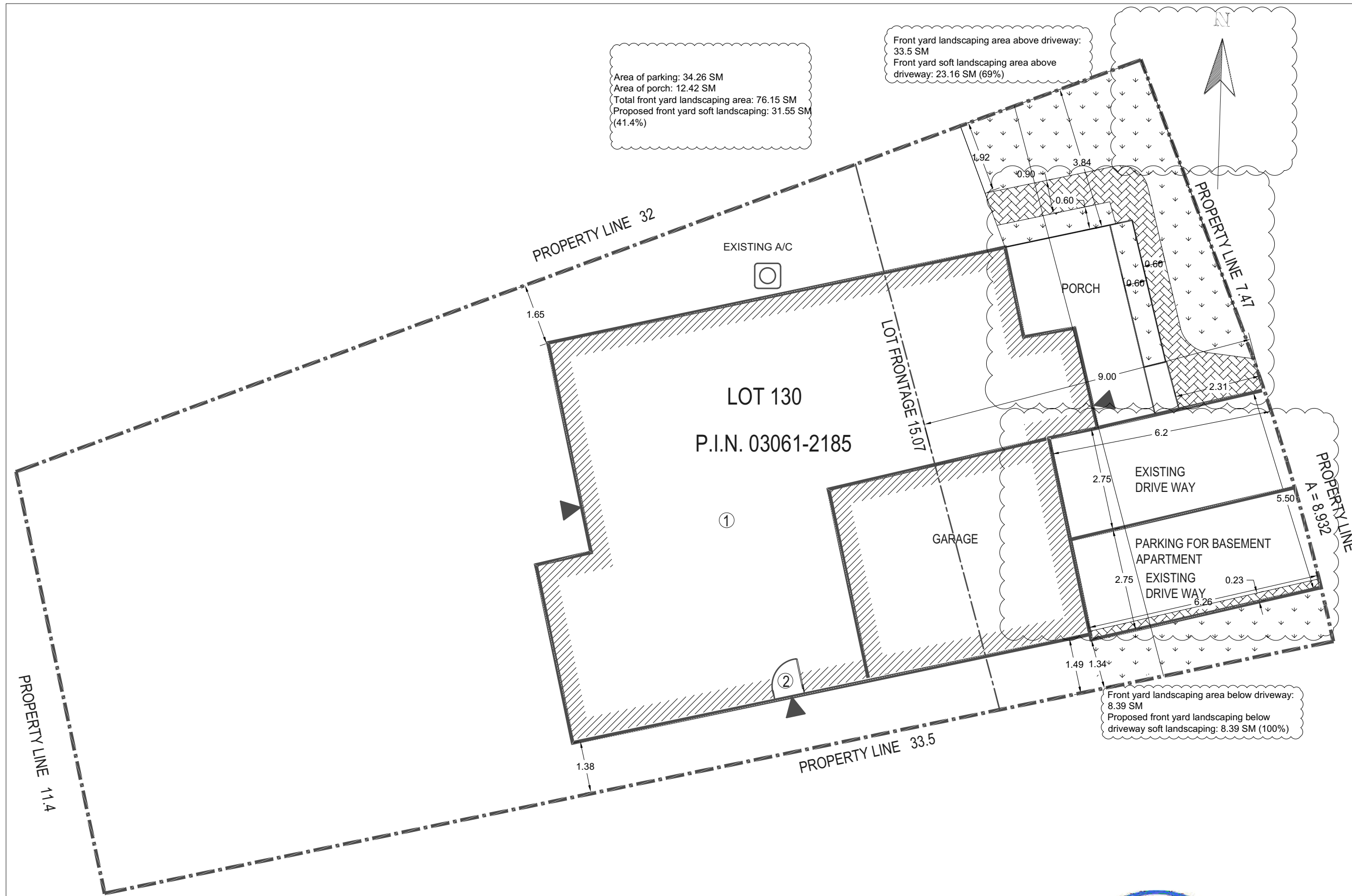
File: 20.131773.000.00.MNV

Date: 01/13/21  
MM/DD/YY

Area of parking: 34.26 SM  
Area of porch: 12.42 SM  
Total front yard landscaping area: 76.15 SM  
Proposed front yard soft landscaping: 31.55 SM (41.4%)

Front yard landscaping area above driveway: 33.5 SM  
Front yard soft landscaping area above driveway: 23.16 SM (69%)

Front yard landscaping area below driveway: 8.39 SM  
Proposed front yard landscaping below driveway soft landscaping: 8.39 SM (100%)



### SCOPE OF WORK

- ① BASEMENT APARTMENT
- ② SIDE DOOR ENTRANCE

### AREA STATISTICS

GROSS FLOOR AREA CALCULATIONS  
 A- EXISTING PRINCIPAL RESIDENCE  
 EXISTING GROUND FLOOR AREA: 90.9 M<sup>2</sup>  
 EXISTING SECOND FLOOR AREA: 94 M<sup>2</sup>  
 TOTAL GFA: 184.9 M<sup>2</sup>

B- BASEMENT  
 NEW BASEMENT APARTMENT  
 FLOOR AREA: 86.1 M<sup>2</sup>  
 BASEMENT APARTMENT FLOOR AREA IS 46.5 % OF PRINCIPAL RESIDENCE FLOOR AREA

▲ ENTRANCE / EGRESS



**DESIGN AND BUILDING PERMIT SERVICES INC.**  
 2196 BRITANNIA RD WEST, MISSISSAUGA, L5M 1R2, ON.  
 TEL : 289 - 290 - 0028 FAX: 289 - 290 - 0029

ADDRESS: 10 GORDON WEEDEN ROAD MARKHAM			
PROJECT DESCRIPTION: BASEMENT APARTMENT		DRAWING DESCRIPTION: SITE PLAN	
SCALE: 1 : 100	DRAWN: HA	CHECKED: MA	DRAWING NO.: A-01
DESIGN:	DATE: December. 13/2020	APPROVED:	

# Appendix B

File: 20.131773.000.00.MNV

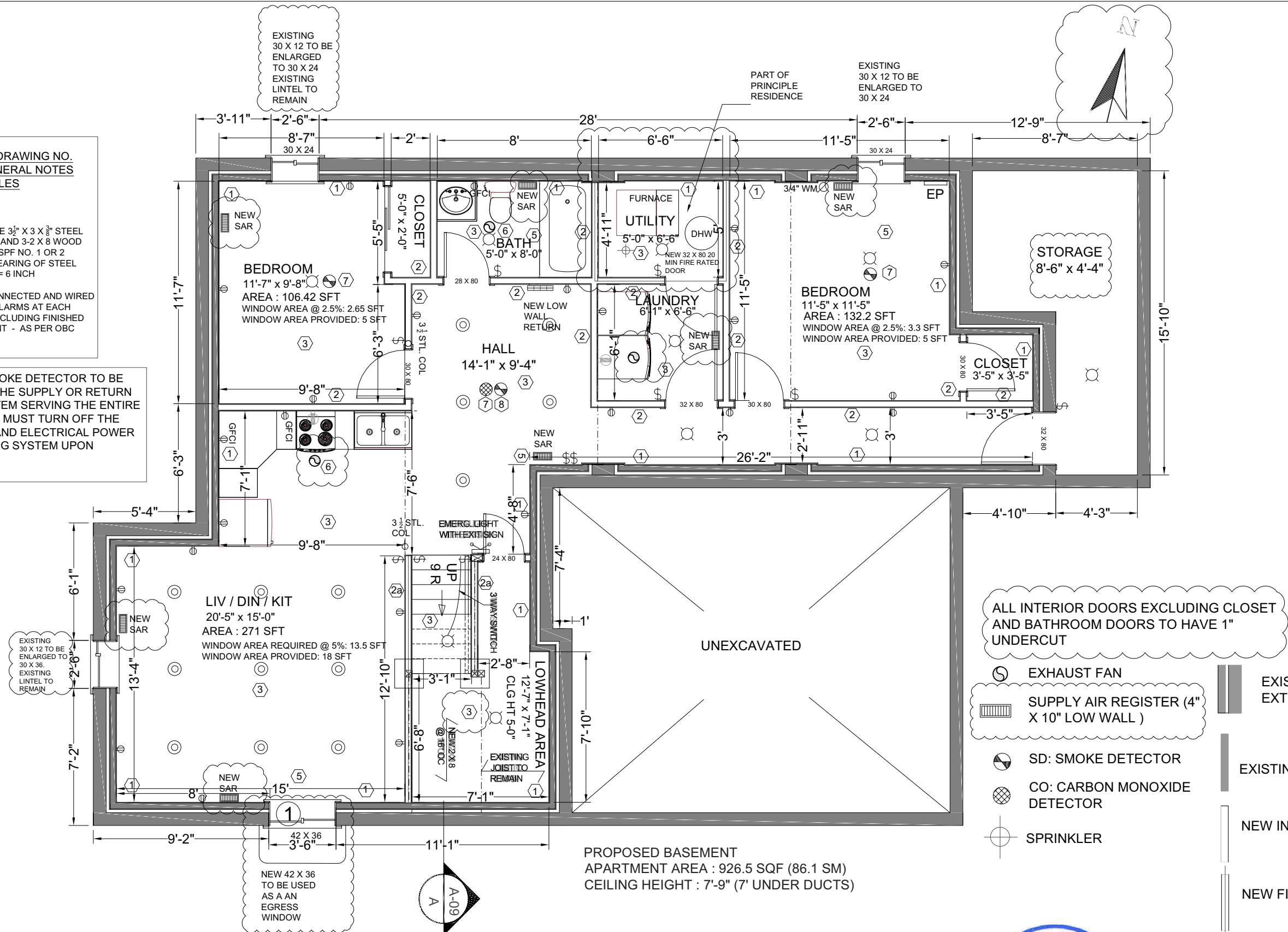
Date: 01/13/21  
MM/DD/YY

PLEASE SEE DRAWING NO. G-02 FOR GENERAL NOTES AND SCHEDULES

1 PROVIDE 3 1/2" X 3 X 3/8" STEEL LINTEL AND 3-2 X 8 WOOD LINTEL SPF NO. 1 OR 2 MIN. BEARING OF STEEL LINTEL = 6 INCH

7 INTERCONNECTED AND WIRED SMOKE ALARMS AT EACH FLOOR INCLUDING FINISHED BASEMENT - AS PER OBC 9.10.19.

DUCT-TYPE SMOKE DETECTOR TO BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM SERVING THE ENTIRE BUILDING THAT MUST TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION



ALL INTERIOR DOORS EXCLUDING CLOSET AND BATHROOM DOORS TO HAVE 1" UNDERCUT

- EXHAUST FAN
- SUPPLY AIR REGISTER (4" X 10" LOW WALL)
- SD: SMOKE DETECTOR
- CO: CARBON MONOXIDE DETECTOR
- SPRINKLER
- EXISTING EXTERIOR WALL
- EXISTING INTERIOR WALL
- NEW INTERIOR WALL
- NEW FIRE RATED WALL

PROPOSED BASEMENT APARTMENT AREA : 926.5 SQF (86.1 SM)  
CEILING HEIGHT : 7'-9" (7' UNDER DUCTS)

**DESIGN AND BUILDING PERMIT SERVICES INC.**  
2196 BRITANNIA RD WEST, MISSISSAUGA, L5M 1R2, ON.  
TEL : 289 - 290 - 0028 FAX: 289 - 290 - 0029

ADDRESS: 10 GORDON WEEDEN ROAD, MARKHAM			
PROJECT DESCRIPTION: BASEMENT APARTMENT	DRAWING DESCRIPTION: PROPOSED BASEMENT PLAN		
SCALE: 3/16" = 1'-0"	DRAWN: HM	CHECKED: MA	DRAWING NO.: A-03
DESIGN:	DATE: SEPT. 14, 2020	APPROVED:	

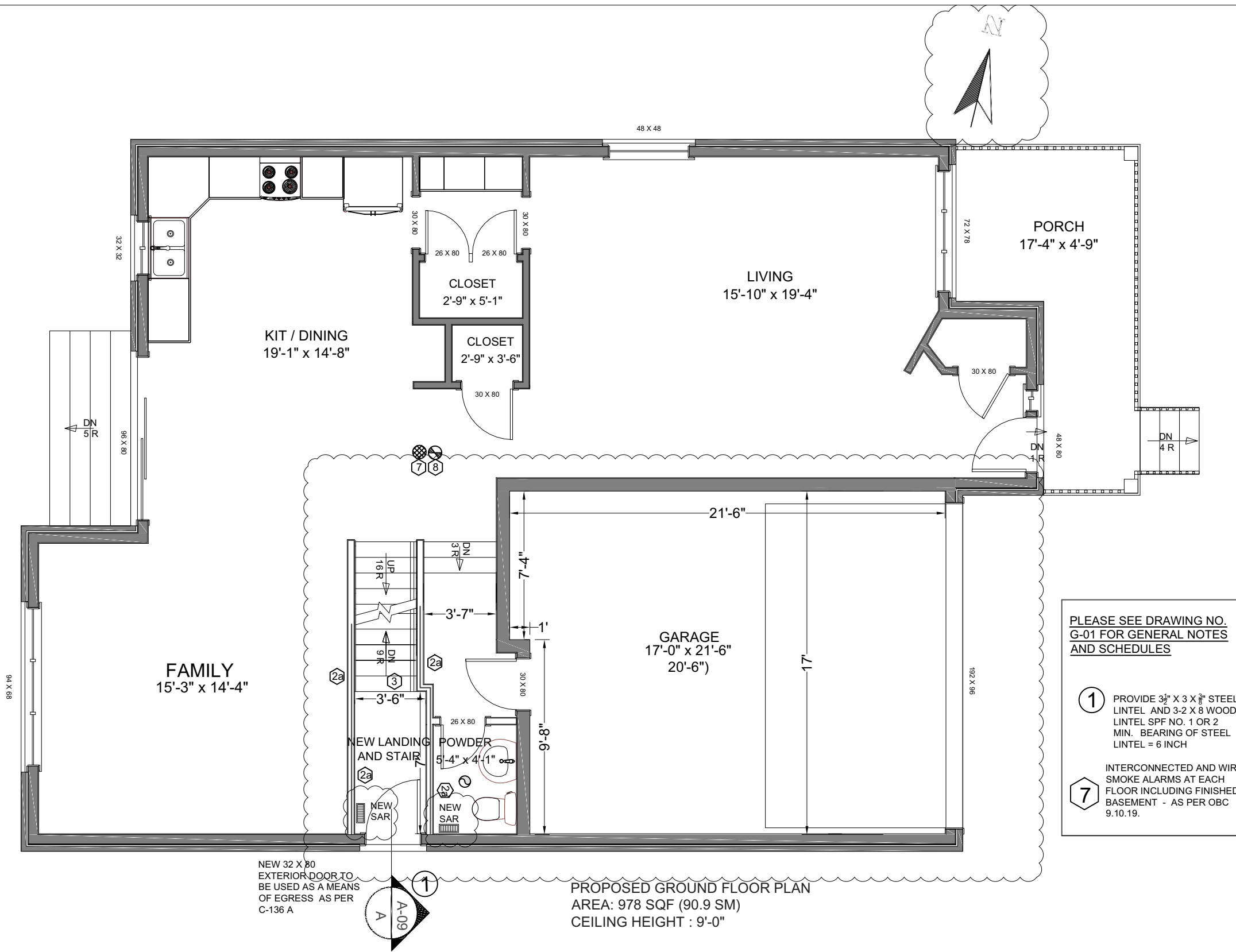




# Appendix B

File: 20.131773.000.00.MNV

Date: 01/13/21  
MM/DD/YY



PLEASE SEE DRAWING NO. G-01 FOR GENERAL NOTES AND SCHEDULES

1 PROVIDE 3 1/2" X 3 X 3/8" STEEL LINTEL AND 3-2 X 8 WOOD LINTEL SPF NO. 1 OR 2 MIN. BEARING OF STEEL LINTEL = 6 INCH

7 INTERCONNECTED AND WIRED SMOKE ALARMS AT EACH FLOOR INCLUDING FINISHED BASEMENT - AS PER OBC 9.10.19.

PROPOSED GROUND FLOOR PLAN  
AREA: 978 SQF (90.9 SM)  
CEILING HEIGHT : 9'-0"

**DESIGN AND BUILDING PERMIT SERVICES INC.**  
2196 BRITANNIA RD WEST, MISSISSAUGA, L5M 1R2, ON.  
TEL : 289 - 290 - 0028 FAX: 289 - 290 - 0029

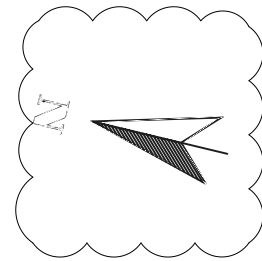
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DESIGN:	DATE: SEPT. 14, 2020	APPROVED:	



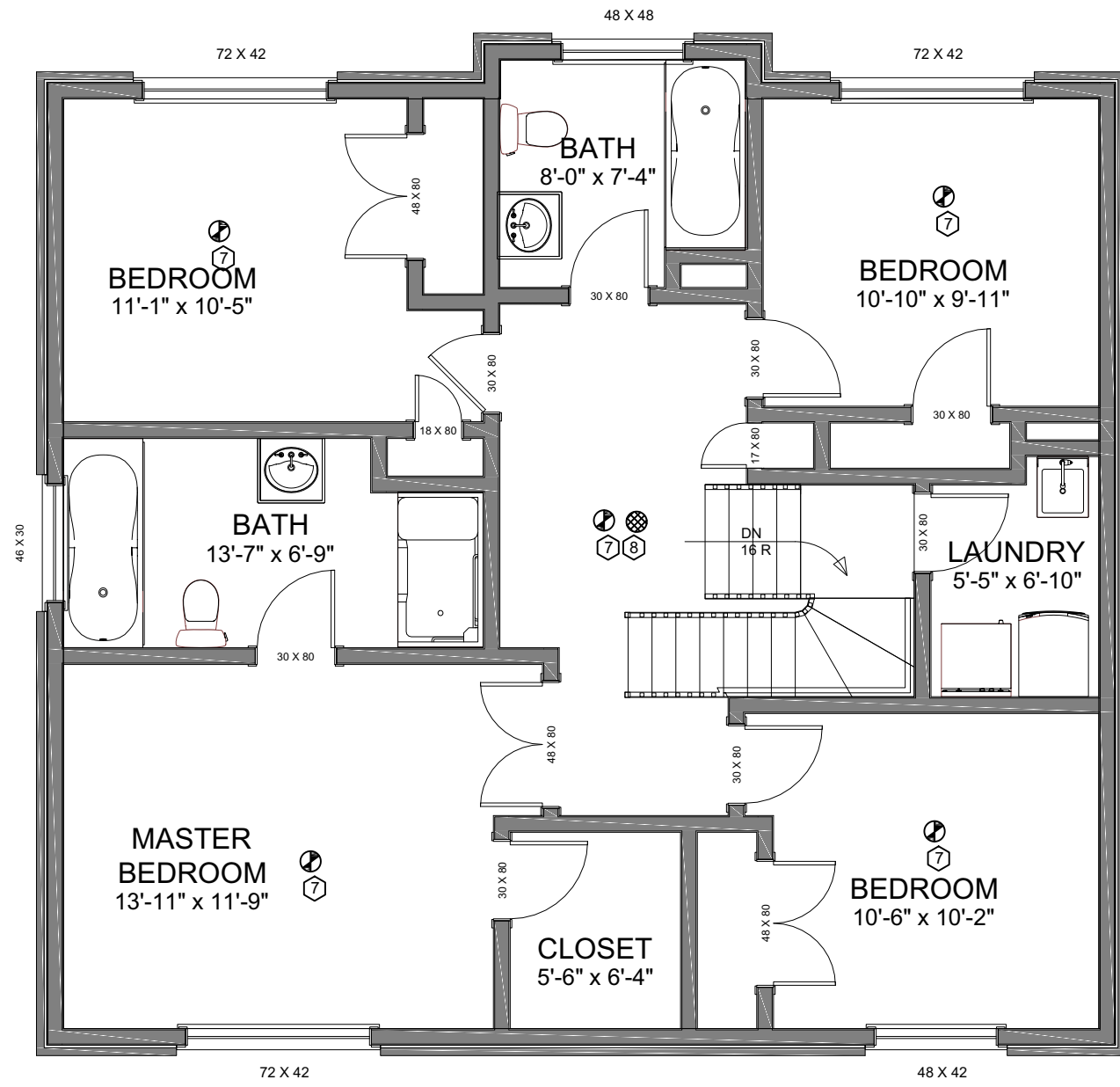
# Appendix B

File: 20.131773.000.00.MNV

Date: 01/13/21  
MM/DD/YY



NO CHANGE TO EXISTING HVAC SYSTEM ON THIS FLOOR



EXISTING SECOND FLOOR PLAN  
AREA: 1011 SQF (94 SM)  
CEILING HEIGHT : 8'-0"

PLEASE SEE DRAWING NO. G-01 FOR GENERAL NOTES AND SCHEDULES

7 INTERCONNECTED AND WIRED SMOKE ALARMS AT EACH FLOOR INCLUDING FINISHED BASEMENT - AS PER OBC 9.10.19.

**DESIGN AND BUILDING PERMIT SERVICES INC.**  
2196 BRITANNIA RD WEST, MISSISSAUGA, L5M 1R2, ON.  
TEL : 289 - 290 - 0028 FAX: 289 - 290 - 0029

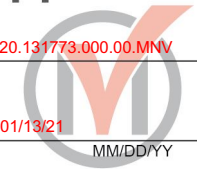
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DESIGN:	DATE: SEPT. 14, 2020	APPROVED:	



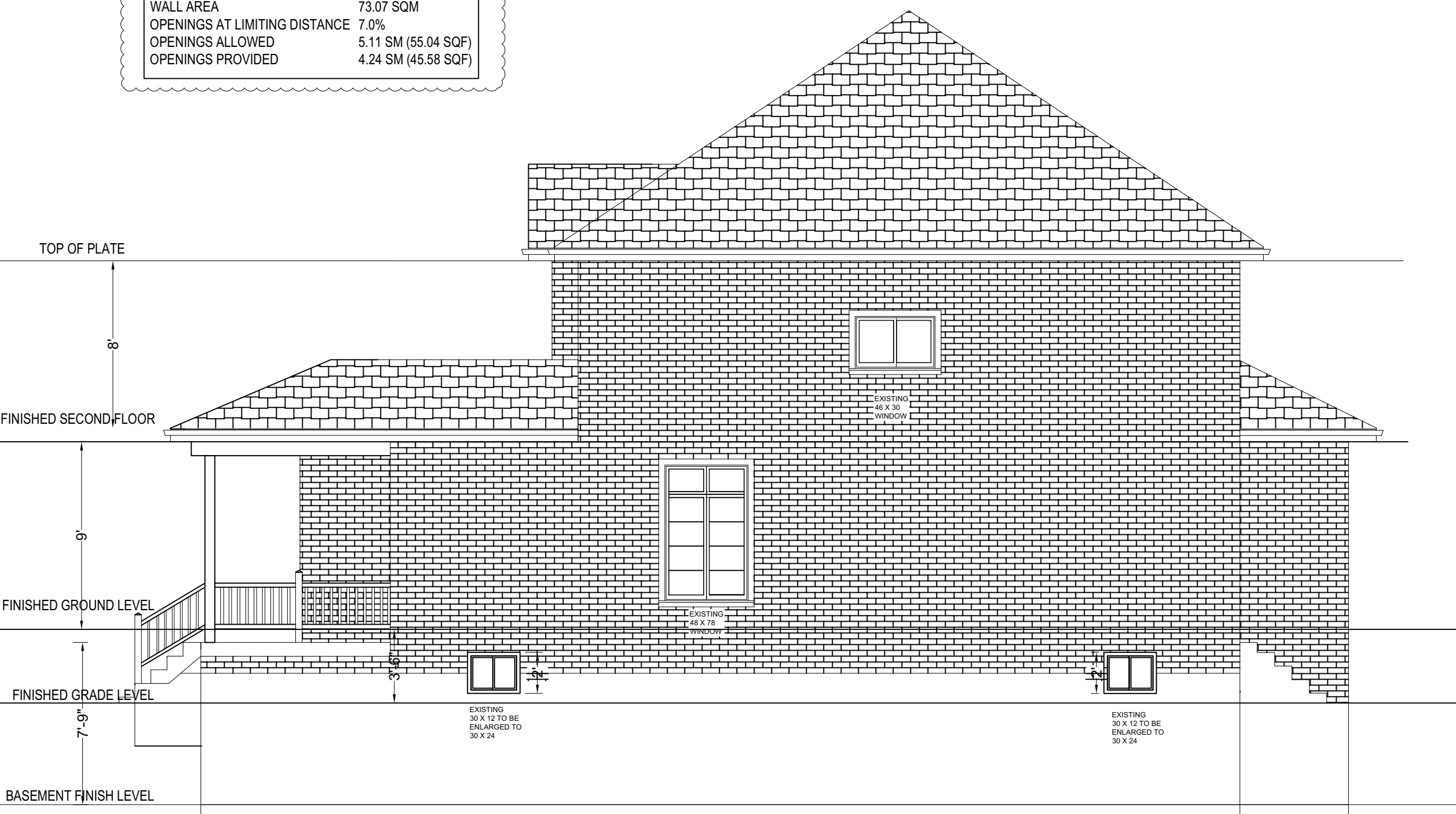
# Appendix B

File: 20.131773.000.00.MNV

Date: 01/13/21  
MM/DD/YY



WALL AREA	73.07 SQM
OPENINGS AT LIMITING DISTANCE	7.0%
OPENINGS ALLOWED	5.11 SM (55.04 SQF)
OPENINGS PROVIDED	4.24 SM (45.58 SQF)



## RIGHT SIDE ELEVATION

DESIGN AND BUILDING PERMIT SERVICES INC.

2196 BRITANNIA RD WEST, MISSISSAUGA, L5M 1R2, ON.  
TEL : 289 - 290 - 0028 FAX: 289 - 290 - 0029

ADDRESS: 10 GORDON WEEDEN ROAD, MARKHAM

PROJECT DESCRIPTION:  
BASEMENT APARTMENT

DRAWING DESCRIPTION:  
LEFT SIDE ELEVATION

SCALE:  $\frac{3}{16}$ " = 1'-0"

DRAWN: HM

CHECKED: MA

DRAWING NO.: A-08

DESIGN:

DATE: SEPT. 14, 2020

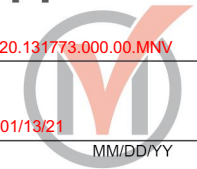
APPROVED:



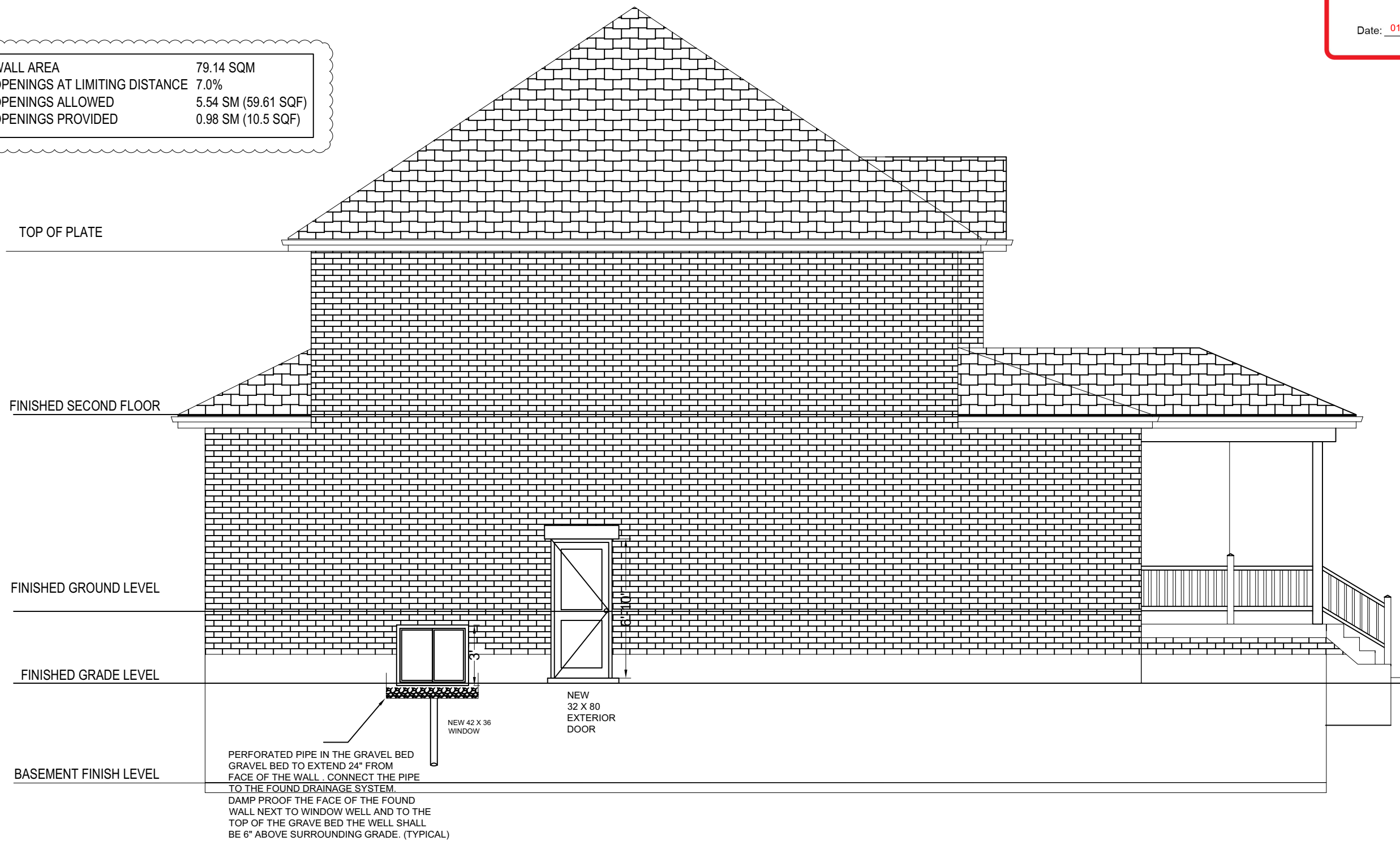
# Appendix B

File: 20.131773.000.00.MNV

Date: 01/13/21  
MM/DD/YY



WALL AREA	79.14 SQM
OPENINGS AT LIMITING DISTANCE	7.0%
OPENINGS ALLOWED	5.54 SM (59.61 SQF)
OPENINGS PROVIDED	0.98 SM (10.5 SQF)



**LEFT SIDE ELEVATION**

**DESIGN AND BUILDING PERMIT SERVICES INC.**

2196 BRITANNIA RD WEST, MISSISSAUGA, L5M 1R2, ON.  
TEL : 289 - 290 - 0028 FAX: 289 - 290 - 0029

ADDRESS: 10 GORDON WEEDEN ROAD, MARKHAM

PROJECT DESCRIPTION:  
BASEMENT APARTMENT

DRAWING DESCRIPTION:  
RIGHT SIDE ELEVATION

SCALE:  $\frac{3}{16}'' = 1'-0''$

DRAWN: HM

CHECKED: MA

DRAWING NO.: A-07

DESIGN:

DATE: SEPT. 14, 2020

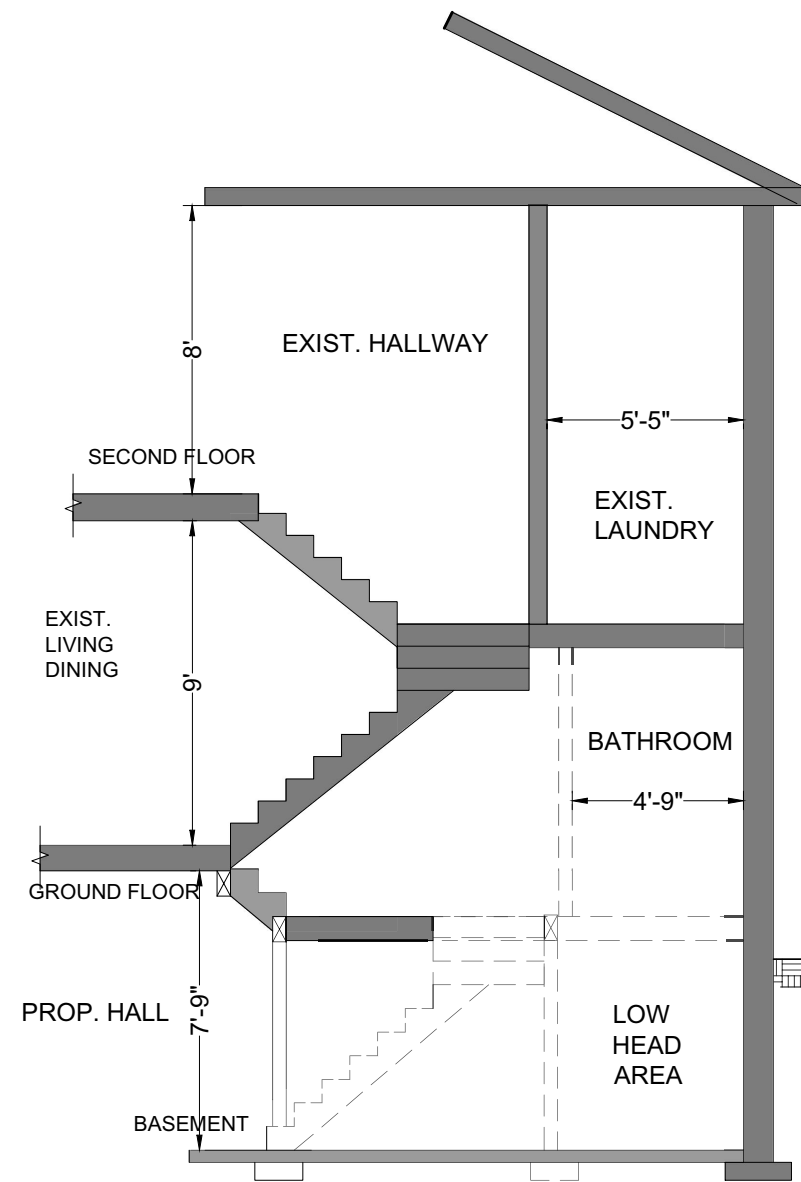
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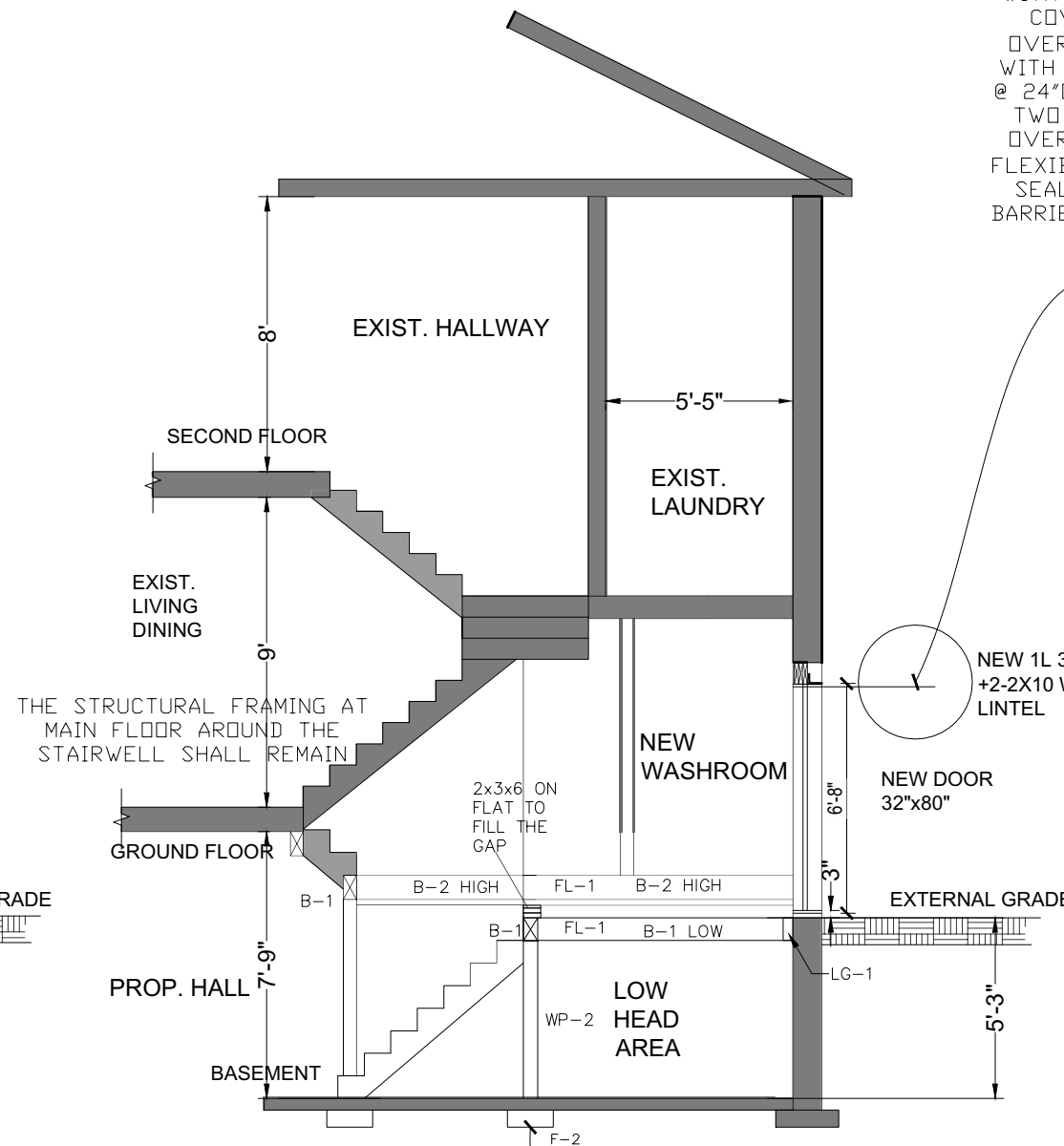
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Date: 01/13/21  
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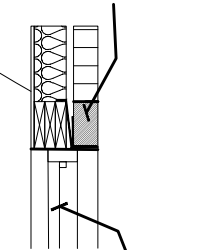


**SECTION A-A**  
EXISTING BASEMENT



**SECTION A-A**  
PROPOSED BASEMENT

PROVIDE SOLDIER COURSE WITH WEEP HOLE W/ COVER @ 24" O.C.  
OVERHEAD FLASHING WITH COTTON SWEEPS @ 24" O.C. MAXIMUM AND TWO PER DOOR MIN. OVER STEEL LINTEL  
FLEXIBLE MEMBRANE FLASHING SEALED TO EXTERIOR A/V BARRIER AND METAL FLASHING



PROPOSED EXTERNAL DOOR 32X80

NEW 1L 3 1/2"x3" 1/2" 3/8" +2-2X10 WOOD LINTEL

NEW DOOR 32"x80"

EXTERIOR TYPE DOOR (42MM INSULATED STEEL DOOR) SIZE 2'-8"x6'-8", W/ DEADBOLT AS PER OBC 9.6.5 & 9.6.8 TO RESIST FORCED ENTRY. THIS DOOR SERVES AS MEANS OF EXITING FOR THE BASEMENT APARTMENT AS PER COMPLIANCE ALTERNATIVE C-136A OF PART 11 OF OBC 2012

PROVIDE POLY MEMBRANE VAPOR BARRIER BETWEEN TOP OF FOOTING & BOTTOM OF WP-1 & WP-2

DESIGN AND BUILDING PERMIT SERVICES INC.

2196 BRITANNIA RD WEST, MISSISSAUGA, L5M 1R2, ON.  
TEL : 289 - 290 - 0028 FAX: 289 - 290 - 0029

ADDRESS: 10 GORDON WEEDEN ROAD, MARKHAM

PROJECT DESCRIPTION:  
BASEMENT APARTMENT

DRAWING DESCRIPTION:  
CROSS SECTION PLAN

SCALE: 3/16" = 1'-0"

DRAWN: HM

CHECKED: MA

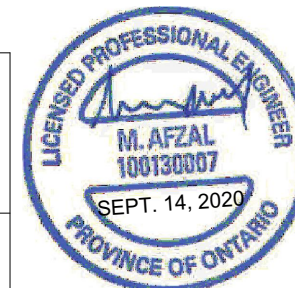
DRAWING NO.:

DESIGN:

DATE: SEPT. 14, 2020

APPROVED:

A-09

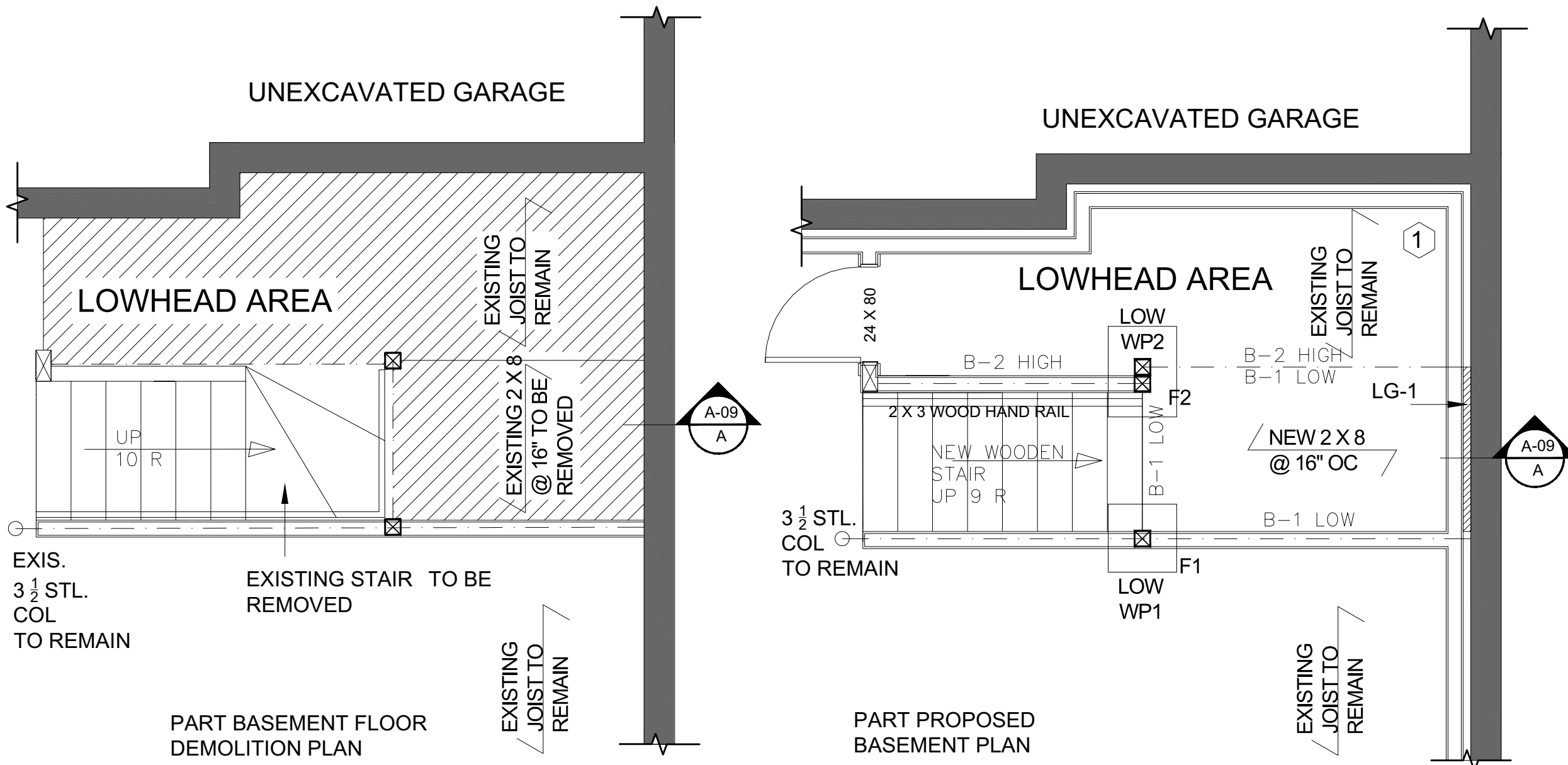


**Appendix B**

File: 20.131773.000.00.MNV

Date: 01/13/21  
MM/DD/YY

PLEASE SEE DRAWING  
NO.A-09 & G-01



DESIGN AND BUILDING PERMIT  
SERVICES INC.

2196 BRITANNIA RD WEST, MISSISSAUGA, L5M 1R2, ON.  
TEL : 289 - 290 - 0028 FAX: 289 - 290 - 0029

ADDRESS: 10 GORDON WEEDEN ROAD, MARKHAM

PROJECT DESCRIPTION:  
BASEMENT APARTMENT

DRAWING DESCRIPTION:  
PART BASEMENT PLAN

SCALE: 3/8" = 1'-0"

DRAWN: HM

CHECKED: MA

DRAWING NO.:

DESIGN:

DATE: SEPT. 14, 2020

APPROVED:

A-10

