

Memorandum to the City of Markham Committee of Adjustment

January 26, 2022

File: A/183/21
Address: 396 Kirkham Drive – Markham, ON
Applicant: Manoj Shokeen
Agent: Varatha Design Associates (Ken Varatha)
Hearing Date: February 2, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Fourth Density Semi-Detached Residential – (RSD4)” zone requirements under By-law 90-81, as amended. The variances requested are to permit:

a) By-law 90-81, Section 5.2.1

an accessory dwelling unit in the main building, whereas the by-law permits no more than one semi-detached dwelling per lot; and

b) By-law 28-97, Section 3.0, Table A:

two parking spaces, whereas the by-law requires a minimum of three parking spaces.

PROPERTY DESCRIPTION

The subject property is located on the east side of Kirkham Drive, north of Steeles Avenue East, and west of 9th Line. There is an existing two-storey semi-detached dwelling on the property with a single car garage, which is located within a residential neighbourhood containing a mix of low rise housing. Transit options and commercial uses are located along Markham Road and Steeles Avenue East, with local schools and parks nearby.

PROPOSAL

The applicant is requesting permission for a secondary suite to be located in the basement of the existing dwelling, which would have direct and separate access provided by a door at the south side of the building. The applicant is also seeking a reduction of one parking space from the minimum parking requirement.

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, R.S.O. 1990, c. P.13, as amended*, to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse (townhouse) 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 (PPS)

Section 1.4.3 of the *PPS*, 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, 2020 (Growth Plan)

Sections 2.2.1.4 (c), and 2.2.6 a) i. of the *Growth Plan* requires municipalities to provide a diverse range and mix of housing options including second units to support complete communities.

OFFICIAL PLAN AND ZONING

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

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including semi-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 90-81, as amended

The subject property is zoned RSD4 - Fourth Density Semi Detached Residential under By-law 90-81, as amended, which permits one semi-detached dwelling per lot. The proposed secondary suite does not comply with this requirement.

Parking Standards By-law 28-97

The proposed secondary suite does not comply with the standard of the Parking By-law with respect to the minimum requirement of three parking spaces.

ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN

The applicant has confirmed that a ZPR has not been conducted; however, comments from the City's Building staff were received through their building permit process (21.141421.000.00 HP) 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 (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 Suite

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 support its approval.

Reduction in Parking

The Parking By-law requires two parking spaces for a semi-detached dwelling, and one additional parking space for an accessory dwelling unit. The site currently provides for two parking spaces, and the applicant is requesting a variance to permit a reduction of one parking space from the By-law requirement.

In order to provide for an additional parking space, a widened driveway configuration would be required, which may not comply with the maximum driveway width and other requirements under the City's Parking By-law. Requiring an additional parking space in the front yard would result in changes to the property, such as reduced soft landscaping. A reduction in parking may also be considered self-regulating, as the secondary suite could be of interest to an occupant that does not require a parking space in the event that both parking spaces are required for use by the owner of the subject property. It is noted that overnight parking is not permitted along the street, and any violators would be ticketed accordingly.

Additionally, the property is within general proximity to local bus stops located along Deinson Street, Markham Road, and Steeles Avenue East. Staff are of the opinion that the requested variance appropriately maintains the general intent and purpose of the Official Plan and Zoning By-law, and support its approval.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 26, 2022. It is noted that additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

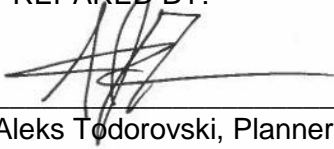
Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the variance request meets the four tests. Staff recommend that the Committee consider public input and the conditions of approval attached as Appendix "A" in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/183/21

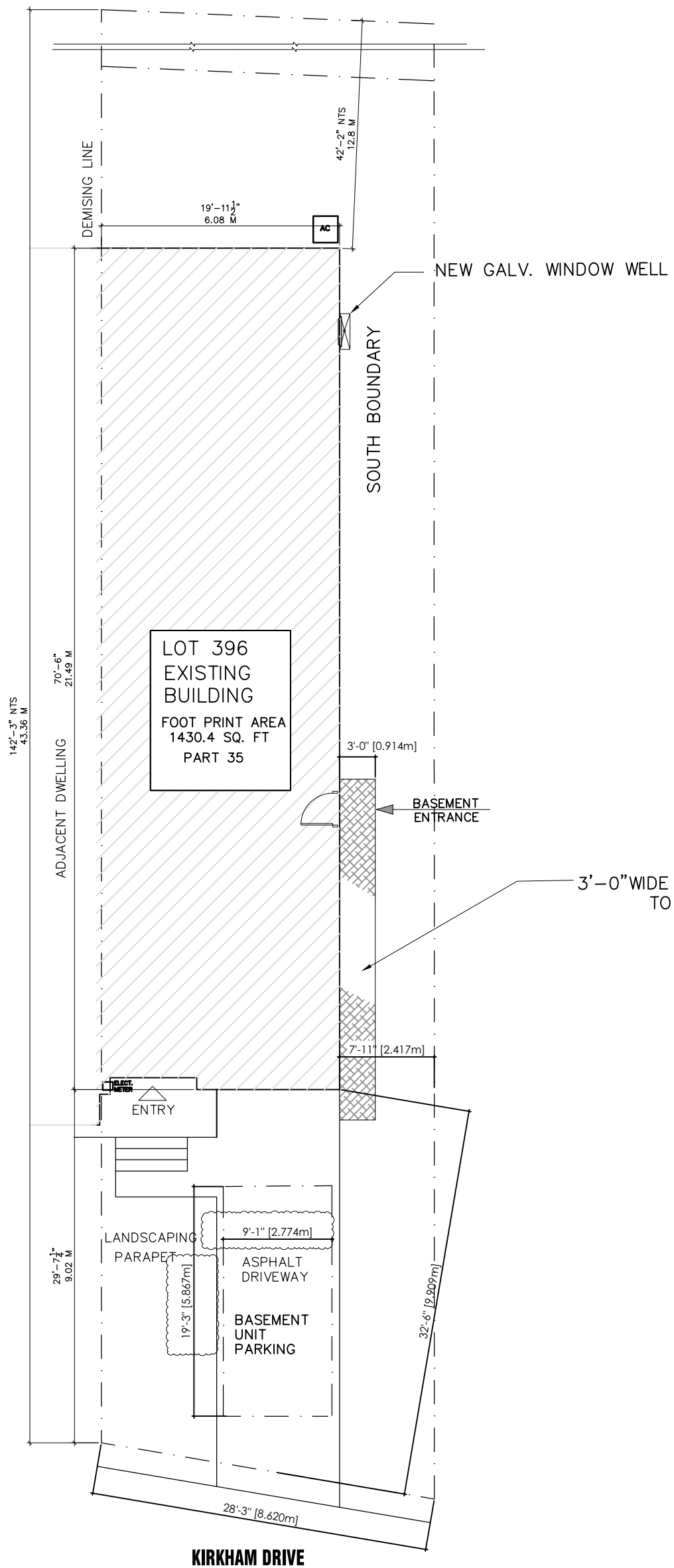
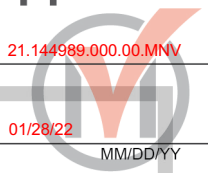
1. The variance applies only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from 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:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/183/21



SITE STATISTICS:

SITE ADDRESS: 396 KIRKHAM DRIVE, MARKHAM

LOT AREA: 3992.7 square ft.= (371.06 SQ.M.)

GROUND FLOOR SPACE : 1196.9 square ft (111.23 SM)
 SECOND FLOOR SPACE : 1380.3 square ft (128.3 SM)

BASEMENT SECOND UNIT AREA : 882.1 square ft. (81.97SM)

SITE PLAN

SCALE: 3/32" = 1'-0"



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE O.B.C TO BE A DESIGNER

QUALIFICATION INFORMATION:
 KRANAGAVARATHA (B.C.I.N) 26147

REGISTRATION INFORMATION:
 VARATHA DESIGN ASSOCIATES (B.C.I.N) 33937

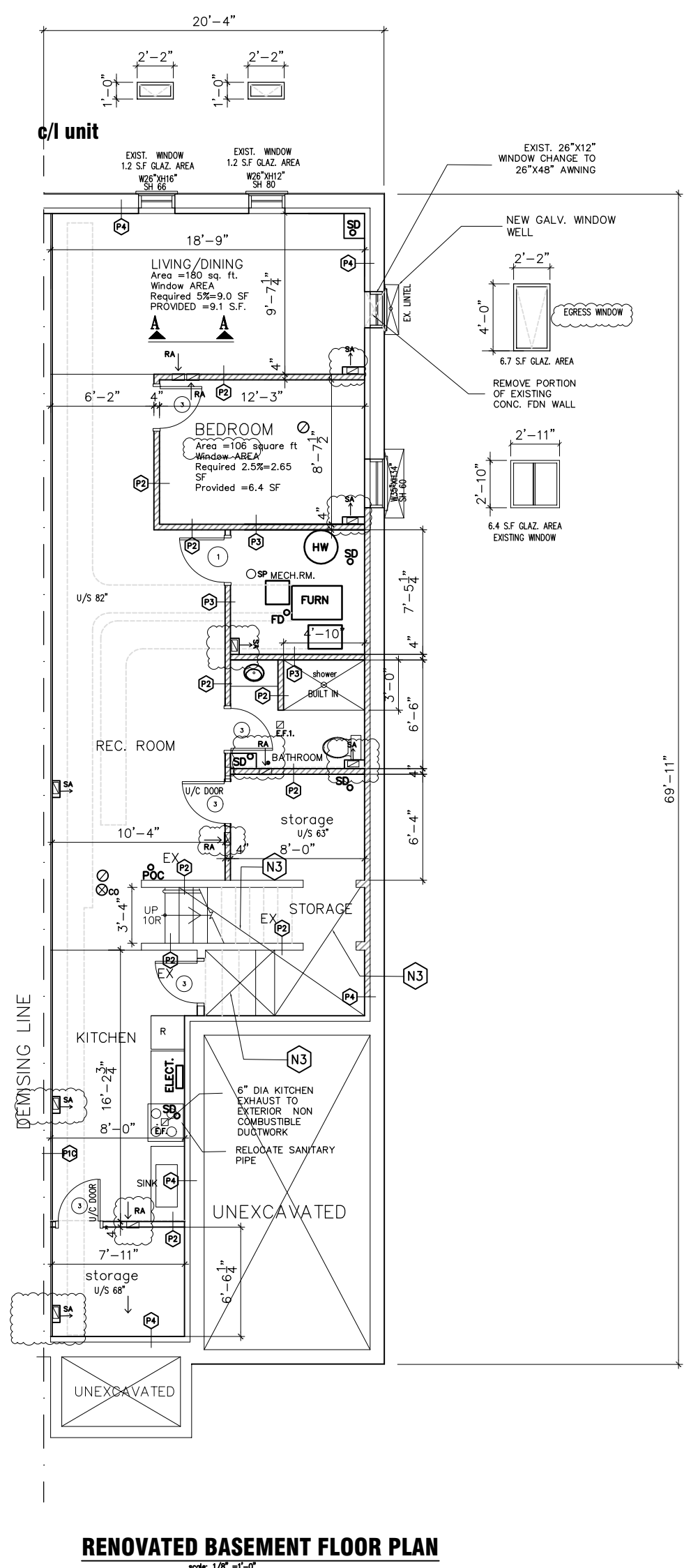
DRAWING TITLE:	SITE PLAN
PROJECT:	NEW BASEMENT APT IN EXISTING DWELLING 396 KIRKHAM DRIVE, MARKHAM
OWNER:	Manoj Shokeen

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NO.	REVISION/ISSUED TO	BY	DATE
2	REVISIONS	K.V.	NOV13,21
1	building permit	K.V.	oct.8,21

VARATHA DESIGN ASSOCIATES Architectural & Engineering Services			
Varatha Ken Architectural Designer TEL: (416) 284 7945 CELL: (416) 725 2041 TORONTO Ont. email: kvaratha@hotmail.com			
SCALE: 3/32" = 1'-0"	CAD FILE :	JOB No.: 21235	
DATE: oct.8,21	DWG NO: A1	OF 5	
DRAWN BY: K.V.		CHECKED BY: K.V.	
		DATE OF PRINT: NOV13,21	



RENOVATED BASEMENT FLOOR PLAN
Scale: 1/8" = 1'-0"

- LEGEND:**
- EXISTING WALLS
 - ▨ NEW WALLS
 - RENOVATED WALLS
 - CH68= CEILING HT.
 - EX.= EXISTING

- (N1) ADD 1 LAYER 5/8" TYPE "X" AROUND ST'L COLUMN ENCASED IN WALL TYPE P3
- (N3) INSTALL 5/8" TYPE "X" DRY WALL UNDERSIDE OF STAIRS CEILING BASED ON SB-2 MIN 40 MIN F.R. JOISTS
- (N2) 1 LAYER 5/8" TYPE "X" AROUND ST'L BEAM BASED SB-2 45 MIN.

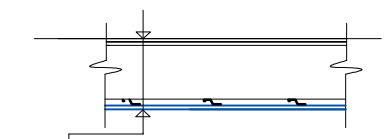
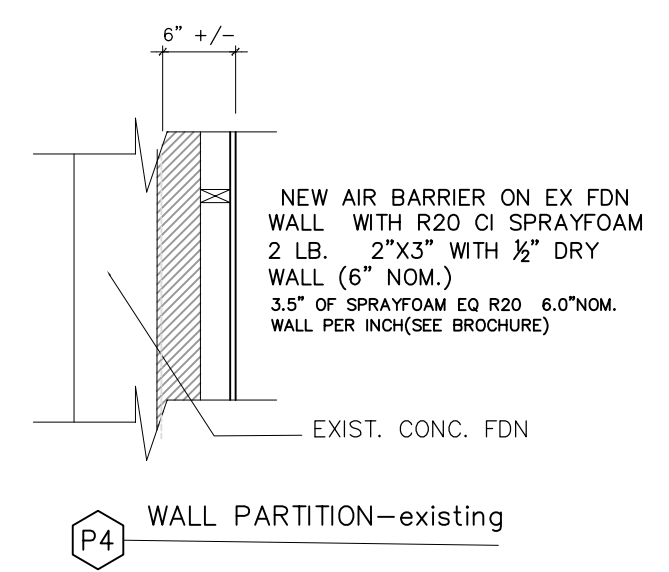
NOTE:
 · SMOKE ALARM ON MAIN FLOOR IS INTERCONNECTED WITH SMOKE ALARM ON SECOND FLOOR AND BASEMENT.
 · SMOKE ALARM SHALL CONFIRM TO O.B.C. DIV. B 9.10.19

SMOKE ALARM
 · SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM.
 · SHALL HAVE A BATTERY BACKUP
 INSTALL 1/2" TYPE 'X' DRYWALL CEILING
 SEE SECTION A-A
 @ 86" A.F.F
 FULL BASEMENT
 AND MIN 77" U/D BEAMS

ALL SUPPLY AND RETURN AIR DUCTS ON EXTERIOR WALL TO BE FURRED OUT FOR CONT. INSULATION

ALL SUPPLY AND RETURN AIR TO BE 6" AFF

- NOTES:
 1. DOORWAY SIZE SHALL CONFIRM TO O.B.C 9.5.11.1
 2. SMOKE DETECTOR SHALL BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM WHICH SHOULD BE TURN OFF THE FUEL SUPPLY AND ELEC. POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR.



subfloor of 15.5 mm plywood, OSB or waferboard, ON EXISTING wood joists spaced at 16" o.c. resilient metal channels spaced 24" o.c.

FLOOR CONSTRUCTION

F SE floor construction type based on OBC sb-3 F.R.-30 MIN

SECTION A-A

SCALE: N.T.S.
 1 layer of 1/2" th. type 'x' gypsum board on ceiling side

<ul style="list-style-type: none"> MECHANICAL VENTILATION 150 CFM 6" DIA. INSULEXHAUST OUT 32X80 NEW DOOR (20 MIN RATED WITH SELF CLOSING DEVICE) 32X80 NEW DOOR 30X80 NEW DOOR 24X80 NEW DOOR SMOKE ALARM INTER CONNECTED CO MECHANICAL VENTILATION 100 CFM INSUL. EXHAUST OUT SP INSTALL NEW SPRINKLER HEAD IN FURNACE ROOM 	<ul style="list-style-type: none"> EXISTING DOOR 48X80 SLD. DOOR 72X80 SLD. DOOR SA - SUPPLY AIR SA CLO. - SUPPLY AIR RA - RETURN AIR 	<ul style="list-style-type: none"> 1 LAYER 1/2" TYPE 'X' GYPSUM BOARD C/W SOUND ABORE. MATERIAL 2" X4" @ 16" O.C. SB-3 W/ 30 MIN F.R. STC34 1 LAYER 1/2" GYPSUM BOARD C/W SOUND ABORE. MATERIAL 2" X4" @ 16" O.C. SB-3 W/ 30 MIN F.R. STC34 2 LAYER 5/8" TYPE 'X' C/W SOUND CHANNELS C/W SOUND ABORE. MATERIAL 2" X4" @ 16" O.C. AND 1 LAYER OF 5/8" TYPE 'X' (BASED ON WAA SB-3 STC RATING 51) 2" X4" WD STUDS @ 16" O.C ON FLAT C/W 1/2" DW 	<ul style="list-style-type: none"> 2" X4" WD STUDS @ 16" O/C 24X WITH 5/8" TYPE 'X' DRY WALL @ 16" O.C BOTH SIDES 1 HR FIRE RATED WALL (BASED ON WID SB-3) EX FDN WITH R20 CI SPRAYFOAM (5" MIN THK) / 2" X3" WD STUDS @ 16" O.C SW3 3-way SWITCH SW SWITCH
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REGISTRATION INFORMATION:
 VARATHA DESIGN ASSOCIATES (B.C.I.N) 33937

DRAWING TITLE: RENOVATED BASEMENT FLOOR PLAN

PROJECT: NEW BASEMENT APT IN EXISTING DWELLING 396 KIRKHAM DRIVE. MARKHAM

OWNER: Manoj Shokeen

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 Architectural & Engineering Services

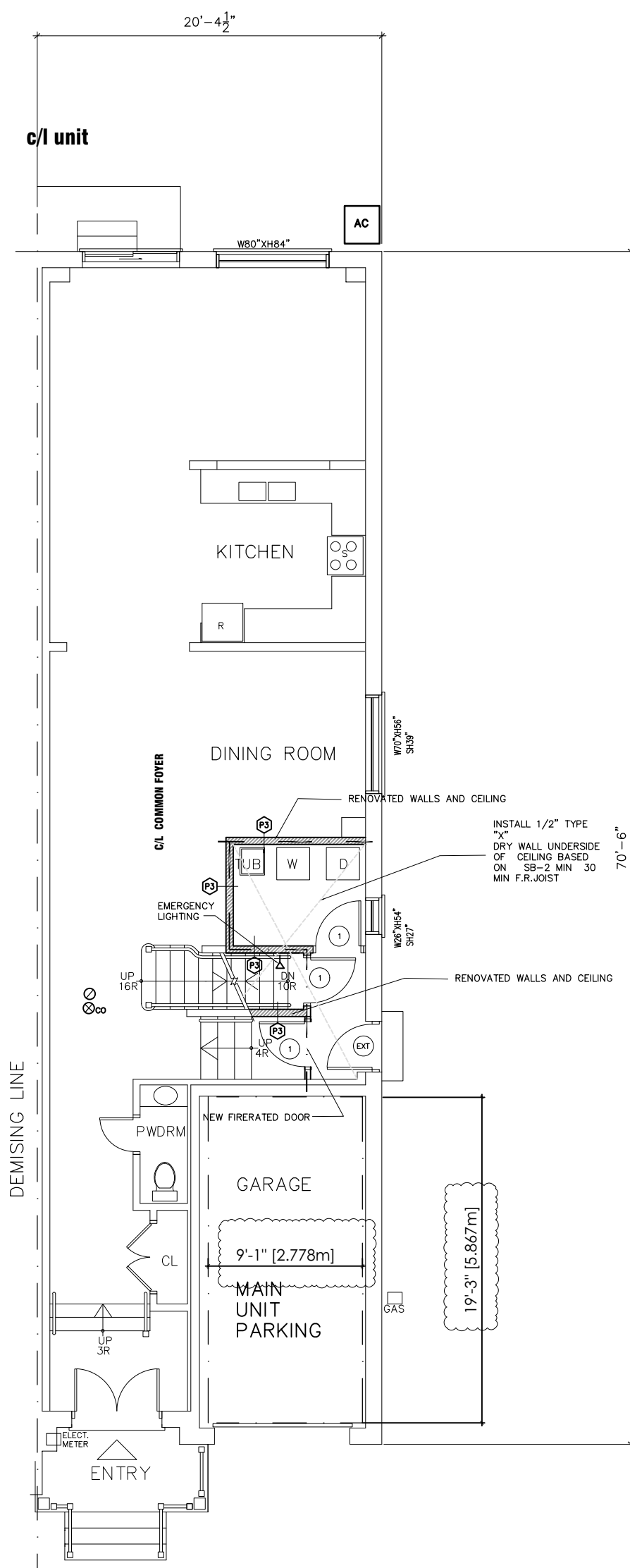
Varatha Ken
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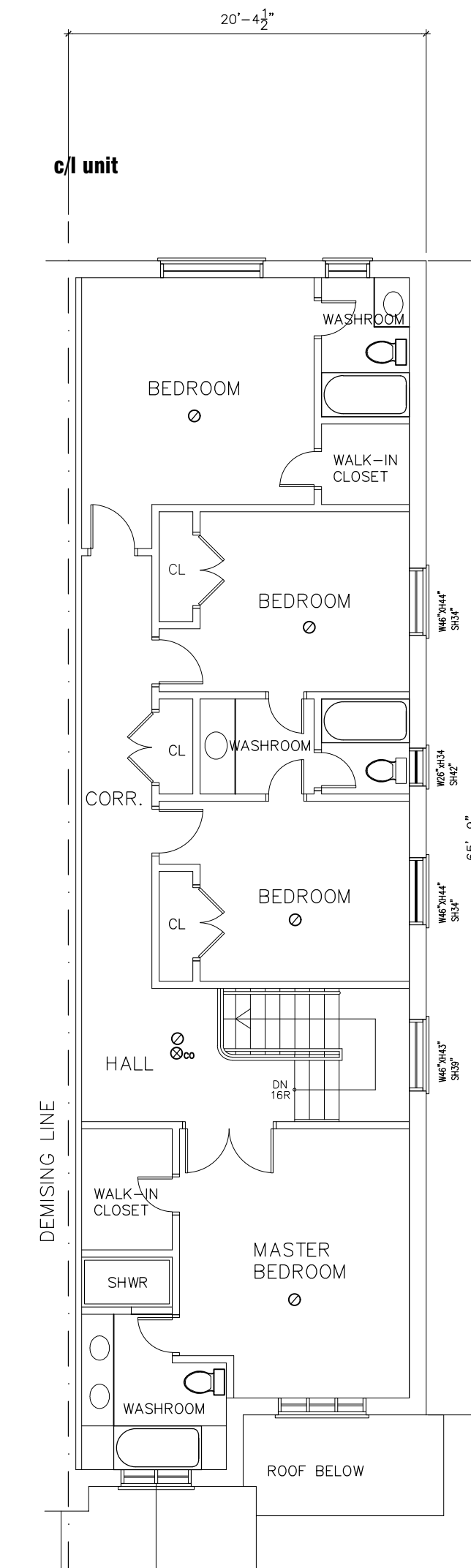
DATE: oct.8,21 DWG NO: OF 5

DRAWN BY: K.V. A2

CHECKED BY: K.V. DATE OF PRINT: NOV13,21



no change to mech. an exhaust system **EXISTING FIRST FLOOR PLAN**
scale: 1/8" = 1'-0"



EXISTING SECOND FLOOR PLAN
scale: 1/8" = 1'-0"
no change to mech. an exhaust system

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Kranagavaratha
REGISTRATION INFORMATION:
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396 KIRKHAM DRIVE. MARKHAM
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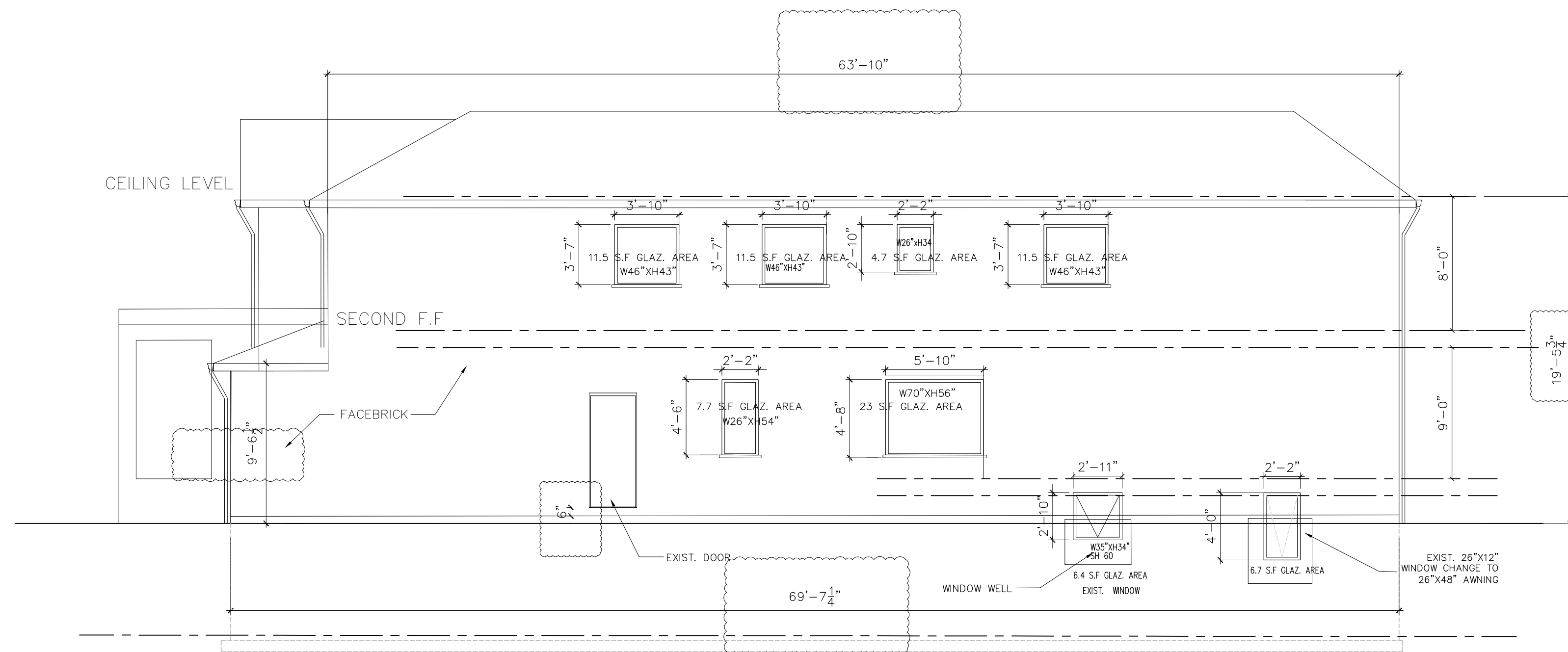


Table 9.10.15.4.
Maximum Area of Glazed Openings in Exterior Walls of Houses
7.0% MAX.window openings

SOUTH ELEVATION

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

ALLOWABLE UNPROTECTED OPENINGS	
TOTAL WALL AREA =	1299.7 square ft
LIMITING DISTANCE =	3'-11" FT.
ALLOWABLE OPENINGS =	90.9 S.F
ACTUAL OPENINGS =	83 S.F

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[Signature]
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DRAWING TITLE: EXISTING ELEVATION

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