

# Memorandum to the City of Markham Committee of Adjustment

March 16, 2021

**File:** A/008/21  
**Address:** 47 Mohandas Drive – Markham, ON  
**Applicant:** Muhammad Raza Khalid  
**Agent:** N/A  
**Hearing Date:** March 24, 2021

The following comments are provided on behalf of the East Team.

The applicant is requesting relief from the following “Ninth Density – Single Residential (R9)” zone requirements under By-law 90-81, as amended, as it relates to a proposed basement apartment (secondary suite). The applicant is requesting the following variance, to permit:

**a) Section 5.2.1:**

a second dwelling unit, whereas the By-law permits no more than one Single Detached Dwelling on a lot.

## **BACKGROUND**

### **Property Description**

The 431.34 m<sup>2</sup> (4,642.95 ft<sup>2</sup>) subject property is located on the east side of Mohandas Drive, north of Steeles Avenue, and west of 9<sup>th</sup> Line. There is an existing two-storey single detached dwelling on the property, which is located within a residential neighbourhood containing two-storey detached, and semi-detached dwellings.

### **Proposal**

The applicant is requesting permission for a secondary suite to be located in the basement of the existing dwelling. The proposal includes an egress window at the east side (rear) of the building, and window enlargements along the north and south sides of the building. The proposed secondary suite would have direct and separate access provided by an existing door on the south side of the building.

### **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**

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 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 90-81

The subject property is zoned “Ninth Density – Single Residential (R9)” under By-law 90-81, as amended, which permits one detached dwelling per lot.

**Zoning Preliminary Review (ZPR) Undertaken**

The applicant completed a ZPR on December 3, 2020 which confirms 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.

## PUBLIC INPUT SUMMARY

No written submissions were received as of March 16, 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*. 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:



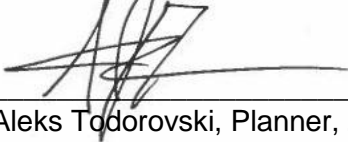
Stephen Corr, Senior Planner, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/008/21**

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:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', is written over a horizontal line.

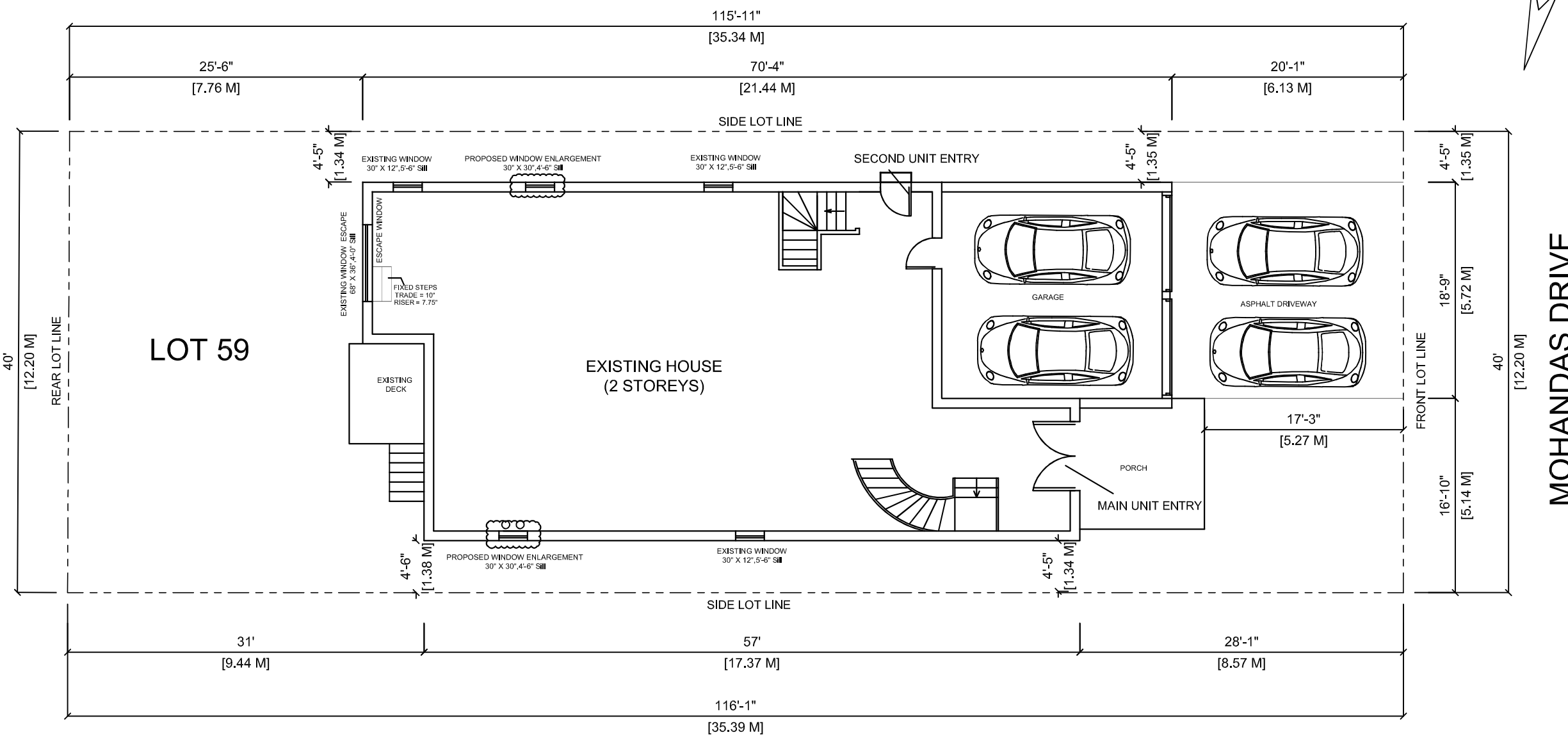
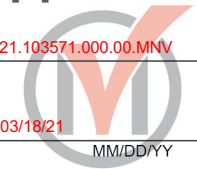
Aleks Todorovski, Planner, Zoning and Special Projects

**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/008/21**

# Appendix B

File: 21.103571.000.00.MNV

Date: 03/18/21  
MM/DD/YY



MOHANDAS DRIVE

## SETBACK PLAN

LOT AREA : 4642.95 sq.ft. (431.34 sq.m.)  
 MAIN FLOOR GFA : 1621.41 sq.ft. (150.63 sq.m.)  
 SECOND FLOOR GFA : 1906.04 sq.ft. (177.07 sq.m.)  
 BASEMENT FLOOR GFA : 1621.41 sq.ft. (150.63 sq.m.)  
 NO. OF PARKING PROVIDED : 4 nos.

MAIN UNIT AREA : 4850.95 sq.ft. (450.66 sq.m.)  
 SECOND UNIT AREA (BASEMENT) : 1145.08 sq.ft. (106.38 sq.m.)

- LEGENDS:-**
- Existing Walls
  - New walls
  - 30 min. fire rated walls
  - LIGHT
  - EMERGENCY LIGHT
  - ELECTRICAL SWITCH
  - 3-way switch
  - Supply Air Outlet (located on low walls)
  - Return Air Inlet
  - Fan vented to exterior with insulated duct (50 CFM and with 5" dia)
  - Smoke alarm
  - Carbon Monoxide Alarm
  - DUCT TYPESMOKE DETECTOR
  - SPRINKLER
  - TANKLESS WATER HEATER

No.	Revision/Issue	Date

Engineer's Sign & Stamp :

DESIGNER : CANAM ENGINEERING INC.  
 88 Corporate Drive, Suite 2717,  
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 Phone: 647-961-1222  
 Fax: 416-290-6620  
 engineeringcanam@gmail.com

**General Notes**

RELEASED FOR BUILDING PERMIT

\* CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK SITE AND REPORT DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING.

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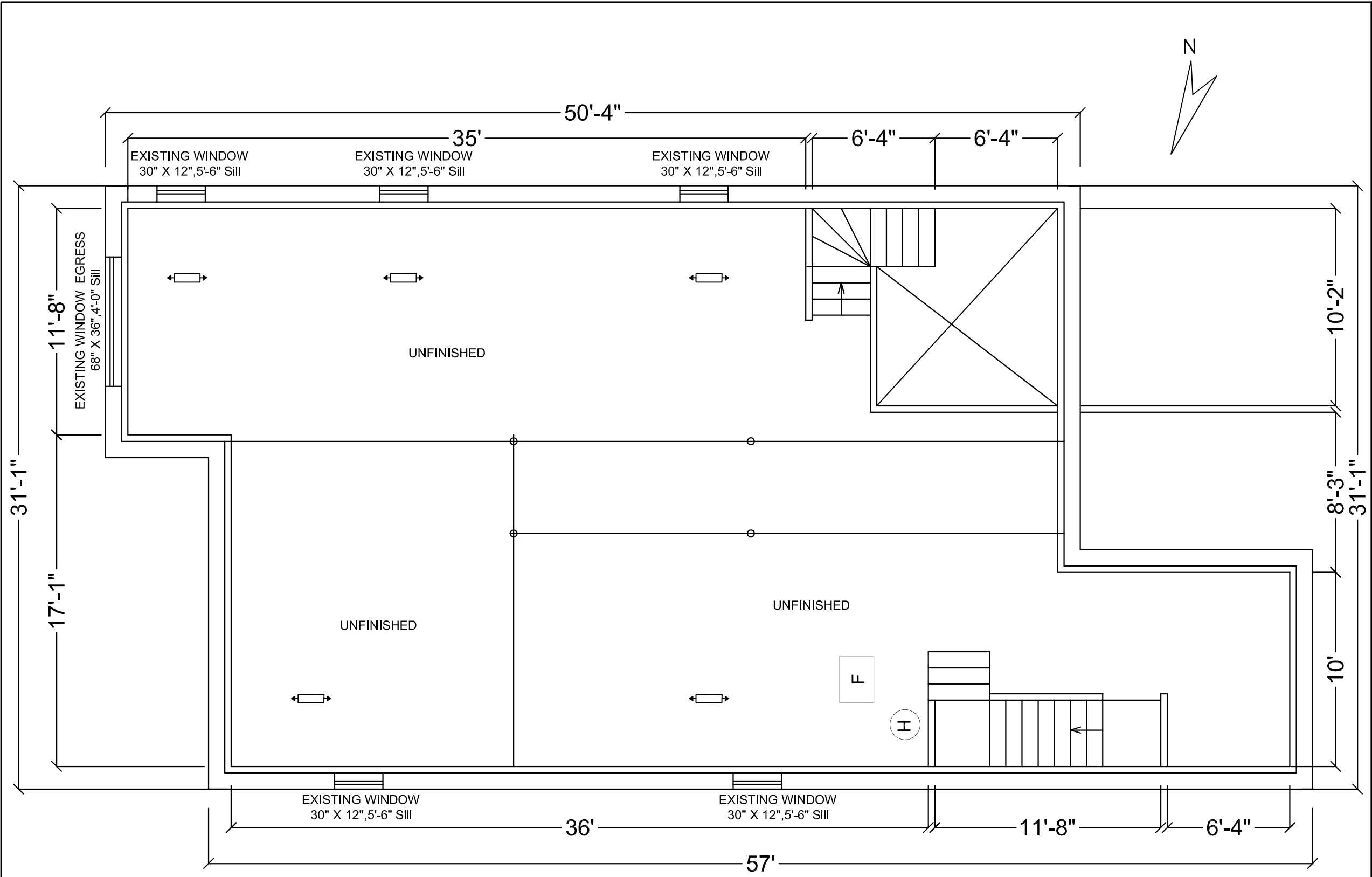
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Date : NOV 06, 2020	Drawing Title : SETBACK PLAN	Sheet :
Scale : 3/32"=1'-0"	Project Title : 47 Mohandas Dr Markham, ON L3S 3J5	A 0.1

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## BASEMENT FLOOR PLAN- AS BUILD

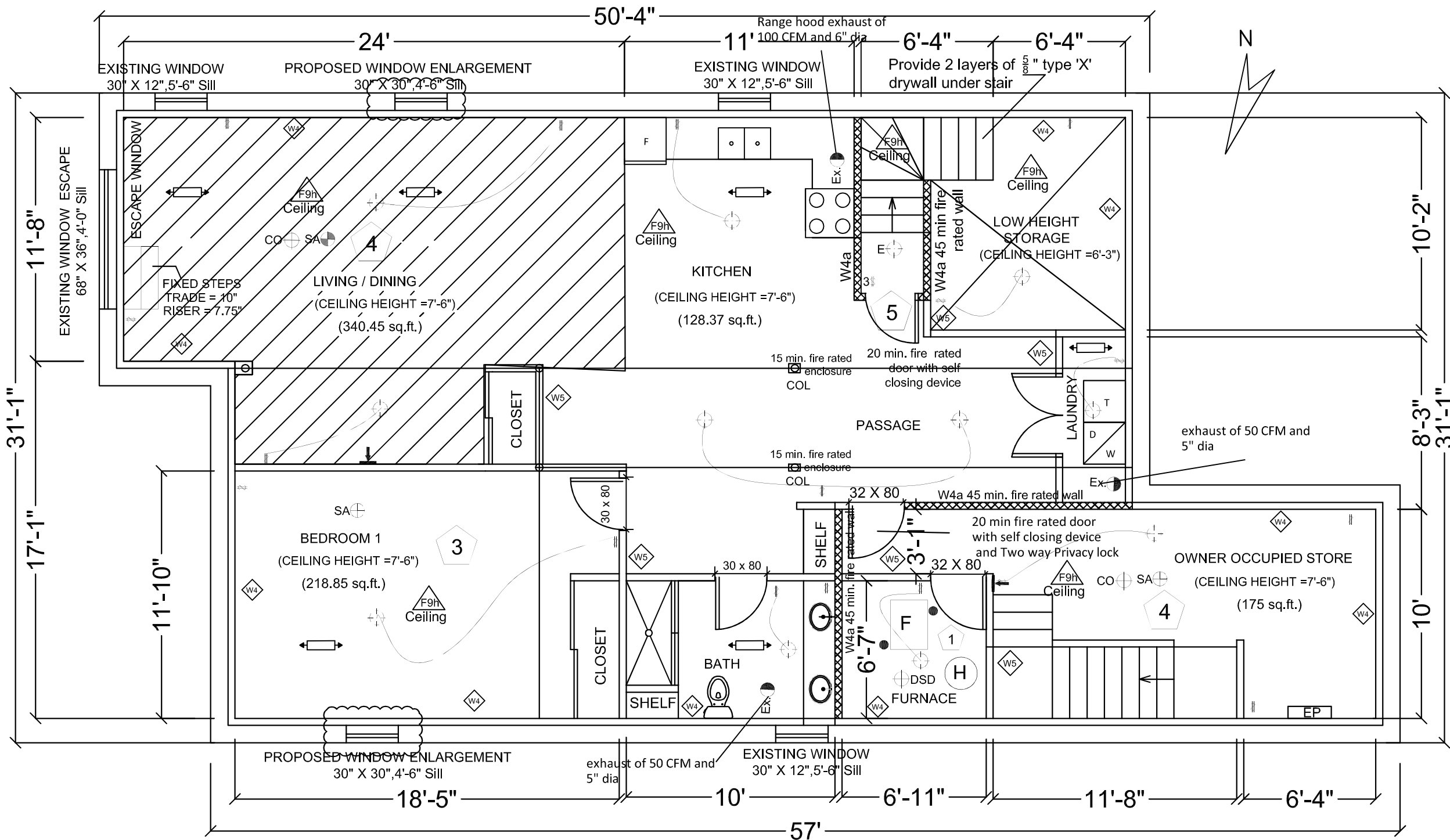
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# Appendix B

File: 21.103571-000.00.MNV

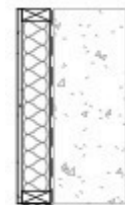
Date: 03/18/21

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## BASEMENT FLOOR PLAN - PROPOSED

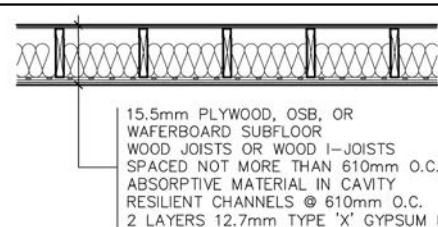
### WALL/CEILING SCHEDULE



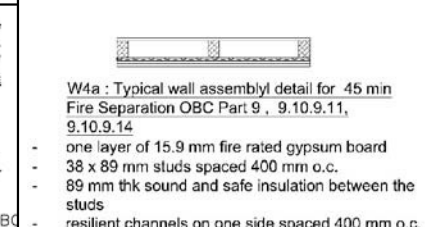
- W4 EXT. STUD INSULATED WALL (TYP.)**
- EXISTING 9" CONC. FDN WALL
  - MOISTURE BARRIER
  - 2"x4"@16" o/c WOOD STUDS WITH 6 MIL POLY UNDER BOTTOM PLATE
  - R12 BATT INSULATION
  - 6 MIL POLY VAPOUR BARRIER
  - 1/2" GYPSUM



- W5 INT. PARTITION WALL (TYP.)**
- 1/2" GYPSUM
  - 2"x4" OR 2"x6" @16" o/c WOOD STUDS WITH 6 MIL POLY UNDER BOTTOM PLATE
  - SOUND INSULATION (OPTIONAL)
  - 1/2" GYPSUM

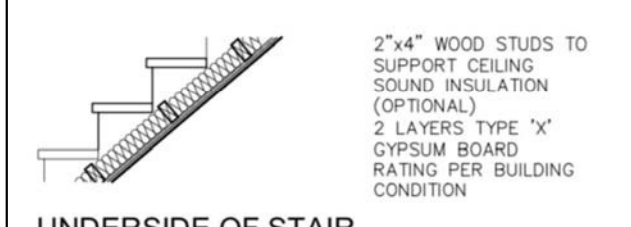


**FLOOR ASSEMBLY F9h**  
FRR - 45 MIN. STC - 53



**W4a : Typical wall assembly detail for 45 min Fire Separation OBC Part 9, 9.10.9.11, 9.10.9.14**

- one layer of 15.9 mm fire rated gypsum board
- 38 x 89 mm studs spaced 400 mm o.c.
- 89 mm thk sound and safe insulation between the studs
- resilient channels on one side spaced 400 mm o.c.
- two layers of 15.9 mm fire - rated gypsum board on resilient channels
- STC 51



**UNDERSIDE OF STAIR FIRE SEPARATION**

- 2"x4" WOOD STUDS TO SUPPORT CEILING
- SOUND INSULATION (OPTIONAL)
- 2 LAYERS TYPE 'X' GYPSUM BOARD RATING PER BUILDING CONDITION

- ### LEGENDS:-
- Existing Walls
  - New walls
  - 30 min. fire rated walls
  - LIGHT
  - EMERGENCY LIGHT
  - ELECTRICAL SWITCH
  - 3-way switch
  - Supply Air Outlet (located on low walls)
  - Return Air Inlet
  - Fan vented to exterior with insulated duct (50 CFM and with 5" dia)
  - Smoke alarm
  - Carbon Monoxide Alarm
  - DUCT TYPESMOKE DETECTOR
  - SPRINKLER
  - TH TANKLESS WATER HEATER

No.	Revision/Issue	Date

Engineer's Sign & Stamp :

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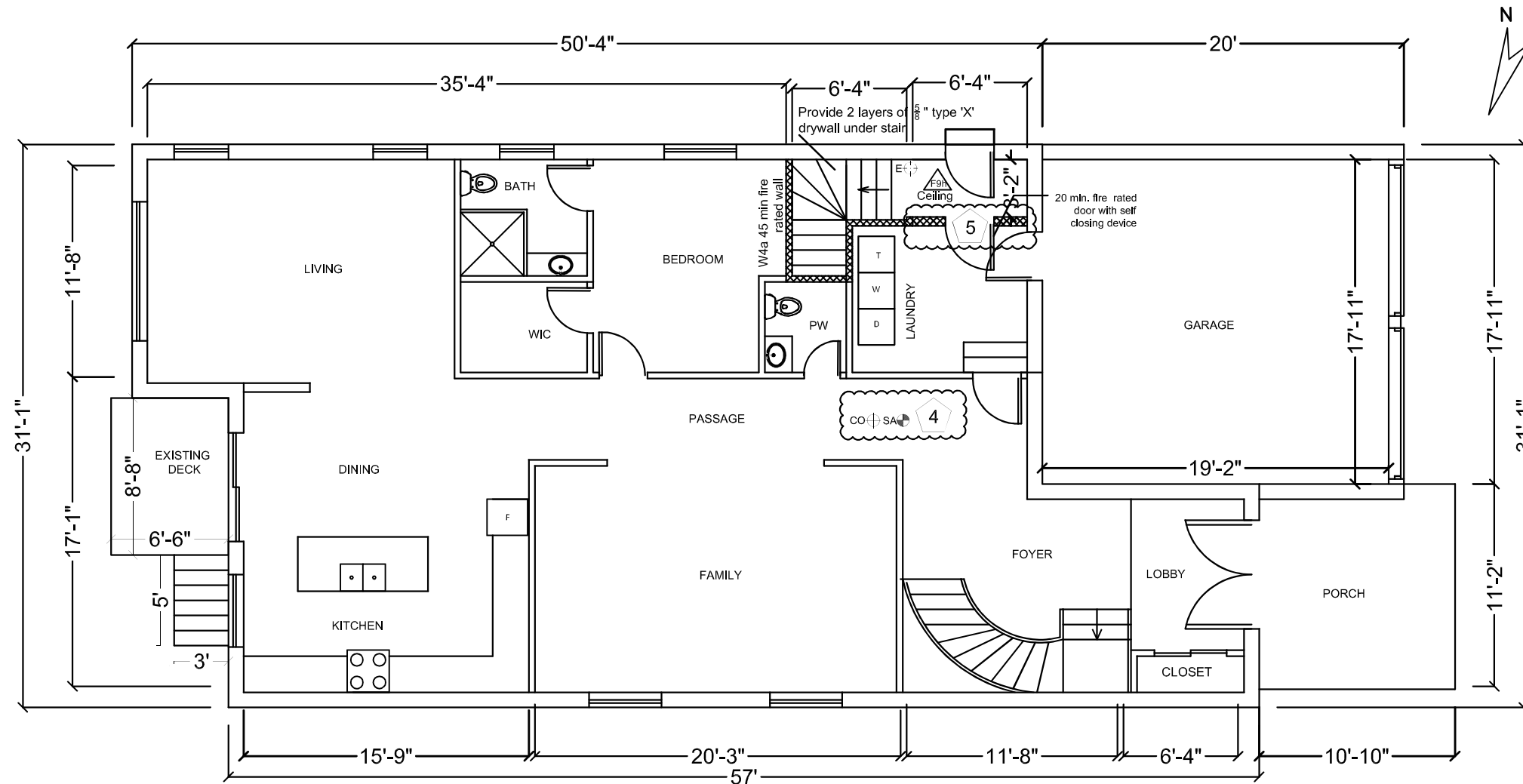
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# Appendix B

File: 21.103571.000.00.MNV

Date: 03/18/21  
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MAIN FLOOR PLAN- PROPOSED

**LEGENDS:-**

- Existing Walls
- New walls
- 30 min. fire rated walls
- LIGHT
- EMERGENCY LIGHT
- ELECTRICAL SWITCH
- 3-way switch
- Supply Air Outlet (located on low walls)
- Return Air Inlet
- Fan vented to exterior with insulated duct (50 CFM and with 5" dia)
- Smoke alarm
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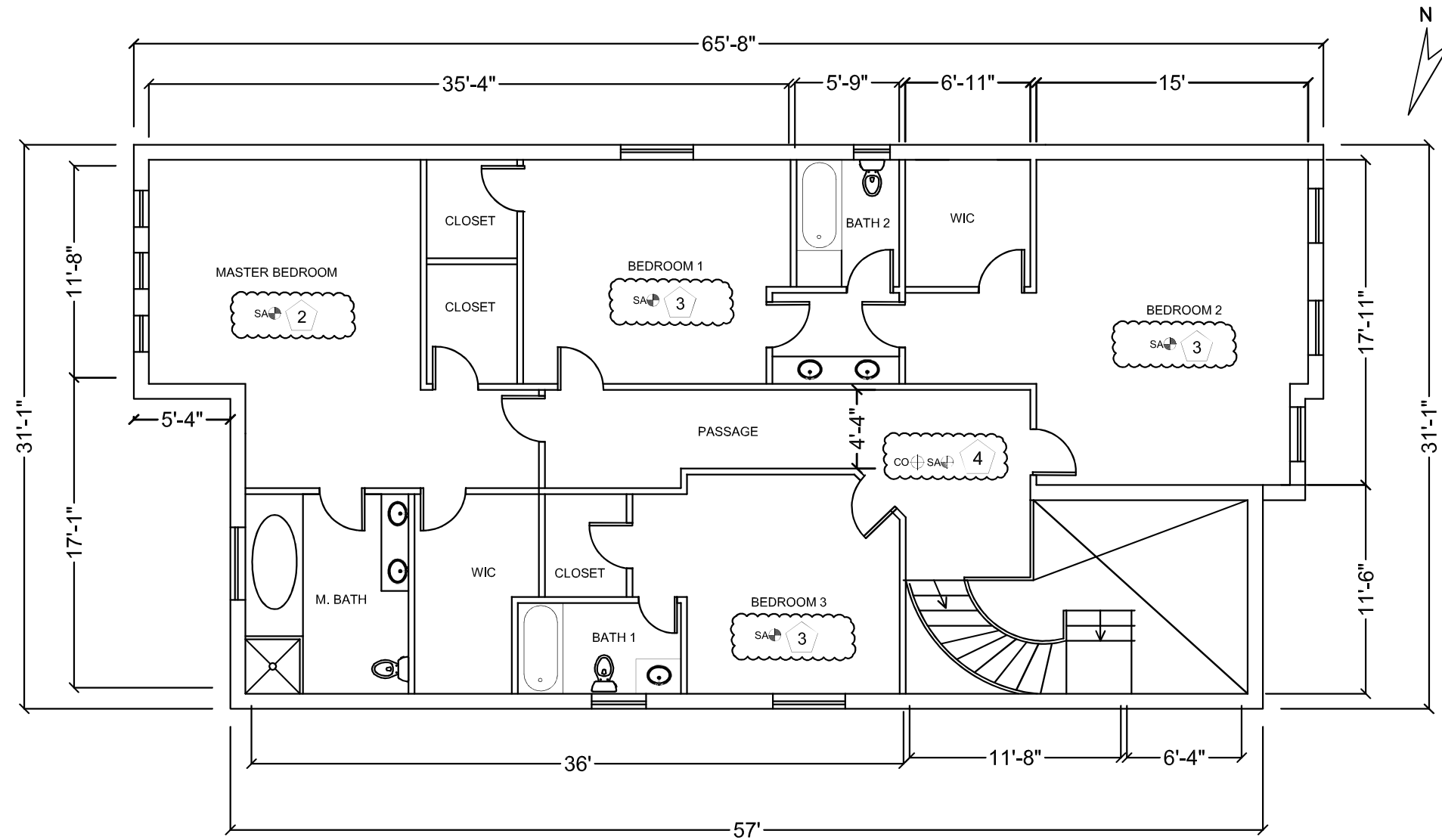
**GM GLOBAL CONSTRUCTION INC**  
Phone: 905-890-5999  
projects@gmglobal.ca  
Infogmglobal@gmail.com

Date : NOV 06, 2020	Drawing Title : PROPOSED MAIN FLOOR PLAN	Sheet :
Scale : 1/8"=1'-0"	Project Title : 47 Mohandas Dr Markham, ON L3S 3J5	A 1.3

# Appendix B

File: 21.103571.000.00.MNV

Date: 03/18/21  
MM/DD/YY



SECOND FLOOR PLAN- PROPOSED

**LEGENDS:-**

- Existing Walls
- New walls
- 30 min. fire rated walls
- LIGHT
- EMERGENCY LIGHT
- ELECTRICAL SWITCH
- 3-way switch
- Supply Air Outlet (located on low walls)
- Return Air Inlet
- Fan vented to exterior w/ Insulated duct (50 CFM and with 5" dia)
- Smoke alarm
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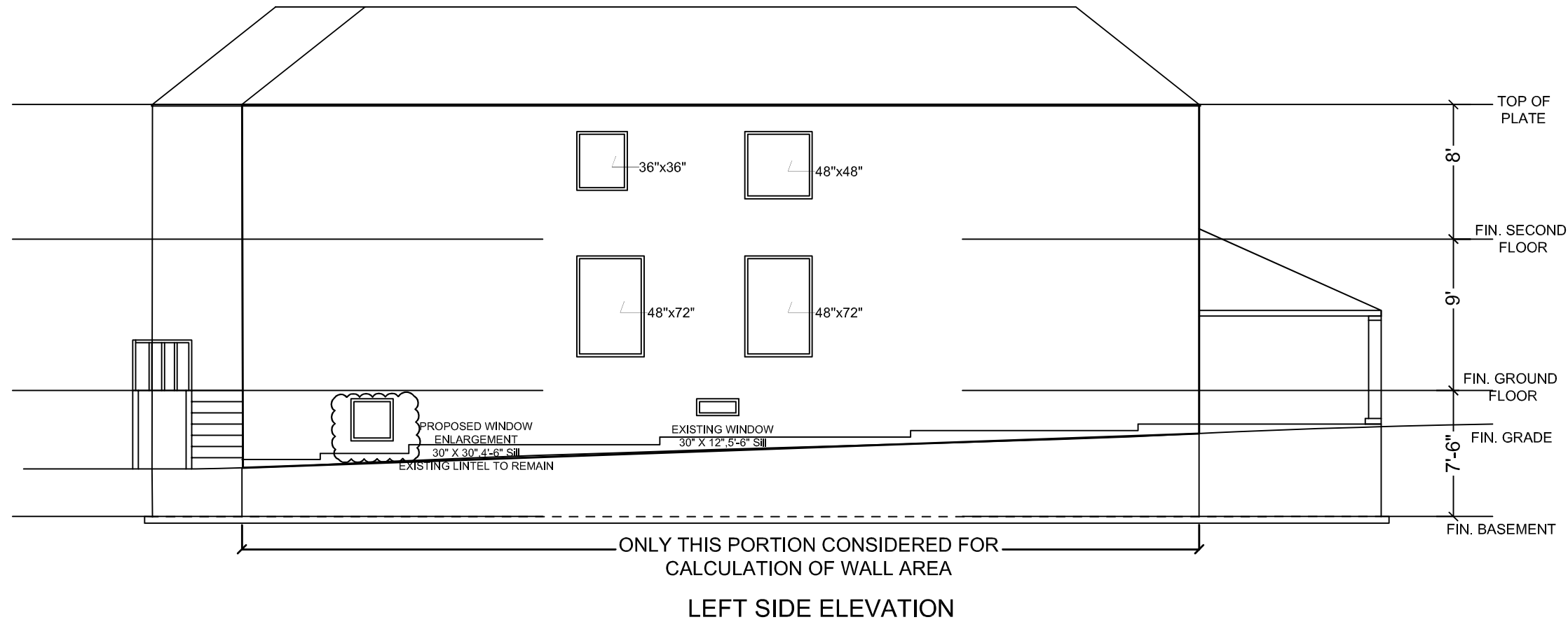
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Date : NOV 06, 2020	Drawing Title : PROPOSED SECOND FLOOR PLAN	Sheet :
Scale : 1/8" = 1'-0"	Project Title : 47 Mohandas Dr Markham, ON L3S 3J5	<b>A 1.4</b>

# Appendix B

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Date: 03/18/21  
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WALL SURFACE AREA = (1170.92SQ.FT. ( 108.78 SQ.M.)  
 ALLOWABLE MAXIMUM EXPOSED BUILDING FACE AREA 7%  
 = 81.96 SQ.FT. ( 7.61 SQ.M.)  
 (LIMITING DISTANCE = 1.2 m.) (9.10.15.4.(1),(2) , TABLE 9.10.15.4)  
 PROPOSED WINDOW OPENING AREA = 81.75 SQ.FT. (7.59 SQ.M.)

### LEGENDS:-

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- New walls
- 30 min. fire rated walls
- LIGHT
- EMERGENCY LIGHT
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- 3-way switch
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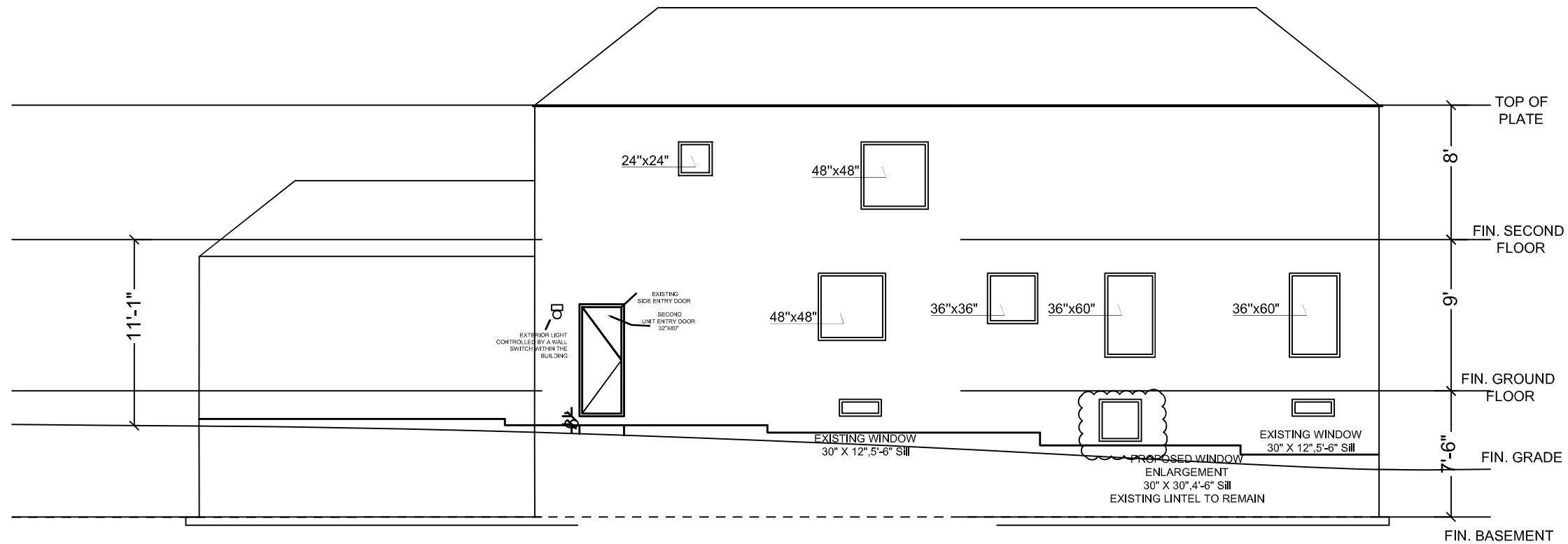
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Date : NOV 06, 2020	Drawing Title : LEFT SIDE ELEVATION	Sheet :
Scale : 1/8"=1'-0"	Project Title : 47 Mohandas Dr Markham, ON L3S 3J5	A 2.1

# Appendix B

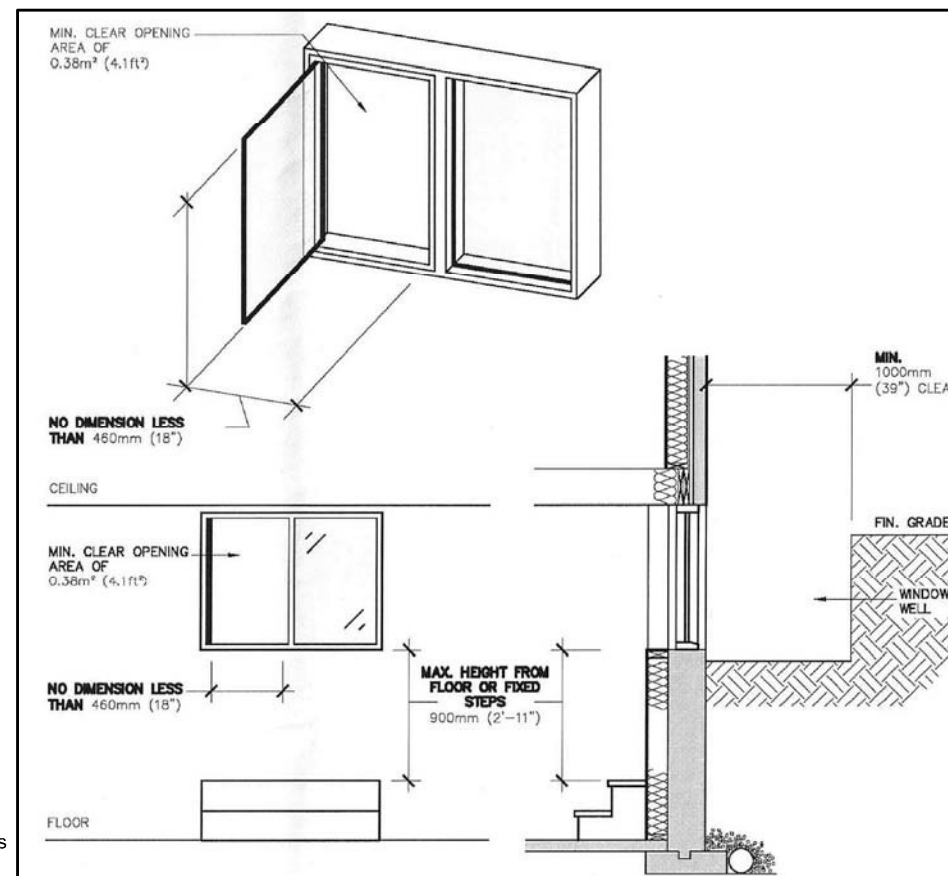
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RIGHT SIDE ELEVATION

WALL SURFACE AREA = 1258.23 SQ.FT. (116.93 SQ.M.)  
 ALLOWABLE MAXIMUM EXPOSED BUILDING FACE AREA 7%  
 = 88.07 SQ.FT. ( 8.18 SQ.M.)  
 (LIMITING DISTANCE = 1.2 m.) (9.10.15.4.(1),(2) , TABLE 9.10.15.4)  
 PROPOSED WINDOW OPENING AREA = 83.25 SQ.FT. (7.73 SQ.M.)



ESCAPE Window Details

- LEGENDS:-**
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  - New walls
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Date : NOV 06, 2020

Drawing Title :  
 RIGHT SIDE ELEVATION  
 Project Title : 47 Mohandas Dr  
 Markham, ON L3S 3J5

Scale : 1/8"=1'-0"

Sheet :  
 A 2.2