

# Memorandum to the City of Markham Committee of Adjustment

September 9, 2022

**File:** A/076/22  
**Address:** 4 James Glover Drive, Markham  
**Applicant:** Nimal Nadarajah  
**Agent:** Nimal Nadarajah  
**Hearing Date:** Wednesday September 21, 2022

The following comments are provided on behalf of the West Team. The applicant is requesting relief from the following requirements of “Residential Two\* 456 (R2\*456)” zone under By-law 177-96, as amended, as it relates to a proposed secondary dwelling unit in the basement. The variances requested are to permit:

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

a legal basement (accessory apartment) in the dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot.

**b) By-law 28-97, Section 3**

two parking spaces, where the By-law requires three parking spaces for a detached dwelling with one accessory apartment; and

**c) By-law 28-97, Section 6.2.4.2 b)**

a maximum driveway width of 8.49m (27.85ft) whereas the By-law permits a maximum driveway width of 4.67m (15.32ft).

## BACKGROUND

### Property Description

The 366.85 m<sup>2</sup> (3,948.74ft<sup>2</sup>) subject property is located on the west side of James Glover Drive, north of 16<sup>th</sup> Avenue and east of Kennedy Road. The property is located within an established residential neighbourhood comprised of two-storey detached dwellings.

The property is developed with a two-storey detached dwelling with an integral garage. There is one tree located in the boulevard along the east property line.

### Proposal

The applicant is requesting permission for an accessory dwelling unit to be located in the basement of the existing dwelling. The proposed secondary suite would have direct and separate access provided by a proposed door on the left side of the building, as well as a proposed egress window well on the north side elevation. The applicant is further requesting an associated reduction in parking, and a driveway width variance to recognize an existing site condition.

### 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

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 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 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\* 456 (R2\*456) under By-law 177-96, as amended, which permits various types of low rise housing forms including single detached dwellings. Exception \*456 prescribes site specific development standards and an additional permitted use of "Public Schools".

#### Parking Standards By-law 28-97

The proposed secondary suite also does not comply with the standards of Parking By-law 28-97, which requires two parking spaces for a single detached dwelling and an additional parking space for the proposed accessory dwelling unit. Further details of the parking requirement are provided in the comment section below.

#### **Zoning Preliminary Review (ZPR) Undertaken**

The owner has completed a Zoning Preliminary Review (ZPR) on August 8, 2022 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

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 2014 Official Plan for the establishment of a secondary suite and therefore have no objections.

#### Reduced Parking Spaces

Parking Standards By-law 28-97 requires two parking spaces be provided for the principal dwelling unit, plus one additional space for an accessory dwelling unit or secondary suite. The existing single-car garage and driveway currently provide a total of 2 parking spaces.

Staff are of the opinion that to ensure the second suite remains inconspicuous from the street, and that the character of the dwelling and neighbourhood does not change, no

additional parking should be required. Staff are also of the opinion that the parking issue may be considered “self-regulating”, as the unit would only be of interest to a tenant that does not require a parking space, in the event that both parking spaces are required for use by the owner of the dwelling.

#### Increase in Maximum Driveway Width

Staff note that the driveway currently has a width of 8.49m (27.85ft) whereas the By-law permits a maximum driveway width of 4.67m (15.32ft). The proposed variance will result in a loss of soft landscaping area which will detract from the visual appearance of the neighbourhood. In addition, the increase in hard surfaces will reduce the opportunity for storm water to infiltrate into the ground thereby increasing water runoff into the storm sewer system. Staff are of the opinion that the requested variance will compromise the existing character of the community.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of September 9, 2022. 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 requested variances A and B with respect to the accessory apartment and parking reduction meets the four tests of the Planning Act and have no objection. Requested variance C with respect to the driveway width variance does not meet the four tests of the Planning Act and recommend the variance be denied. 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:



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Brashanthe Manoharan, Planner II, West District

REVIEWED BY:



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Rick Cefaratti, Senior Planner II, West District

**APPENDIX "A"****CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/076/22**

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 received by the City of Markham on May 2, 2022, 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 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; and
4. 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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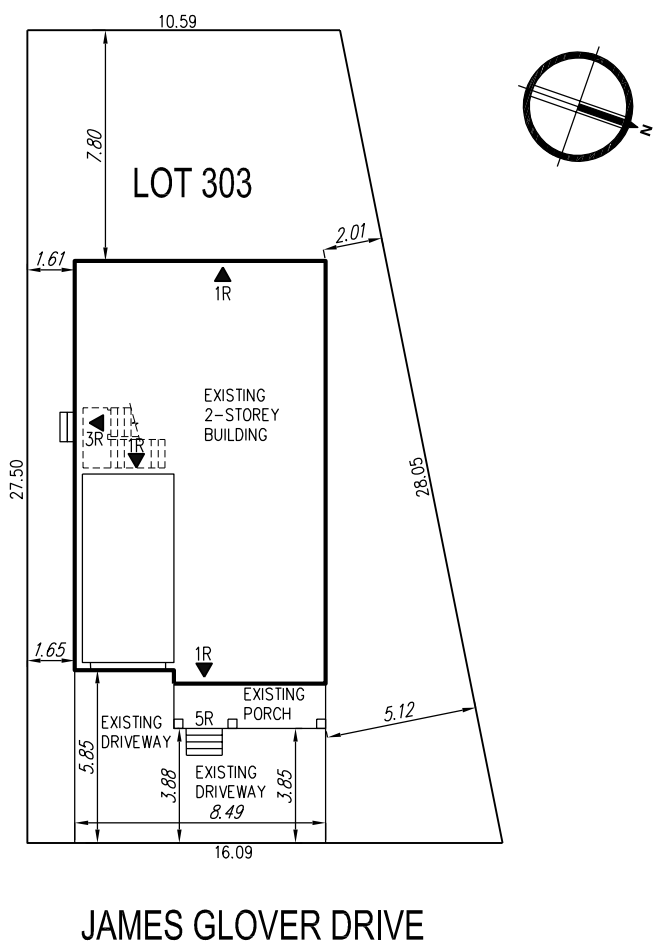
Brashanthe Manoharan, Planner II, West District

**APPENDIX “B”**

**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/076/22**

Appendix B

File: 22.117866.000.00.MNV  
Date: 09/15/22  
MM/DD/YY



INFORMATION ABOVE HAS BEEN PROVIDED BY YOUNG & YOUNG SURVEYING ON APR. 28, 2014

PROPOSED SITE PLAN

Plan No. 65M-4398

Lot 303

Street Name JAMES GLOVER DRIVE

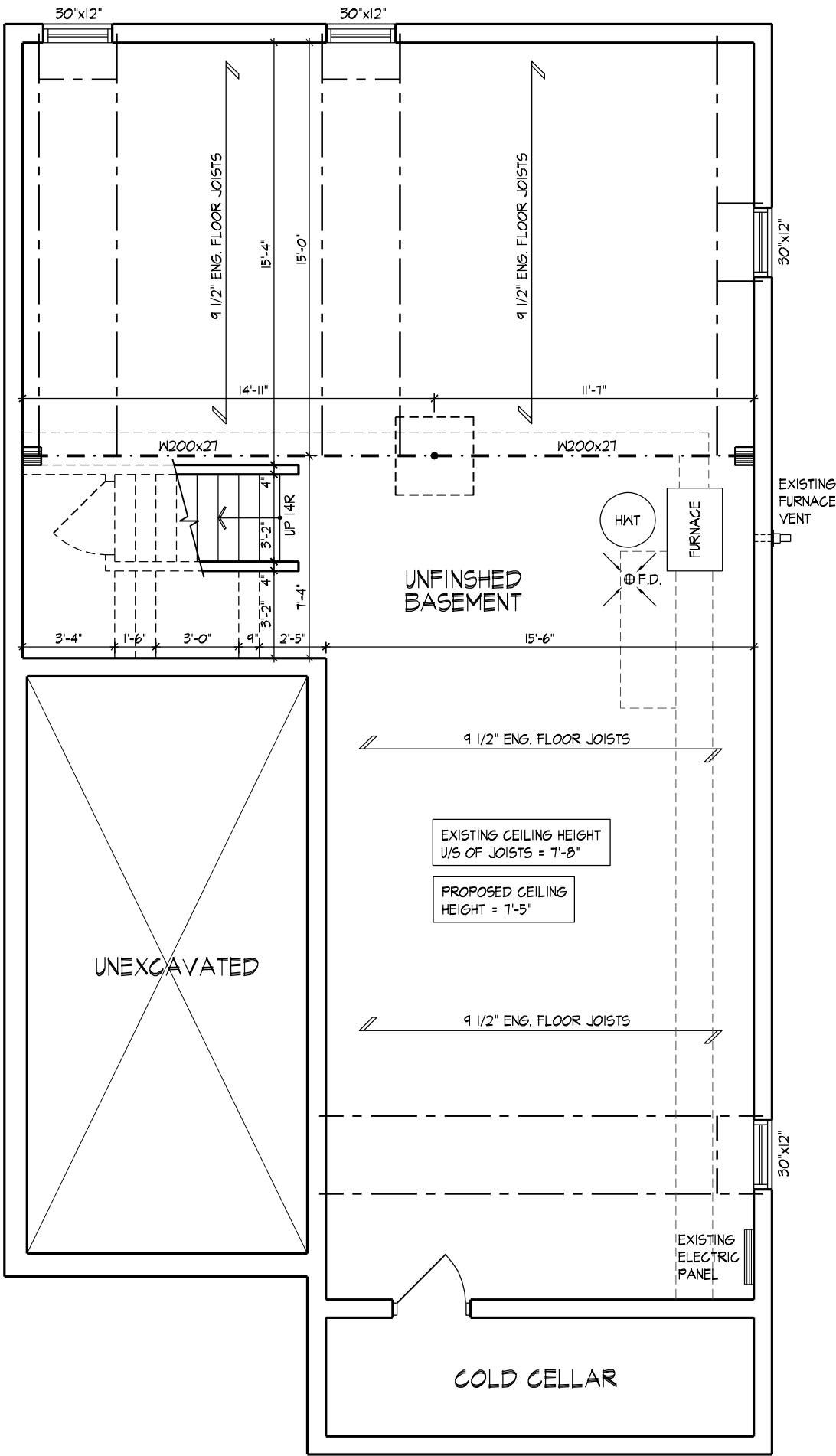
ACCESSORY APARTMENT

Drawn By NN  
Checked By RK  
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Page Number S1

Appendix B

File: 22.117866.000.00.MNV  
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MM/DD/YY



EXISTING BASEMENT PLAN

EXISTING BASEMENT PLAN

4 JAMES GLOVER DRIVE  
MARKHAM, ONTARIO

LEGAL BASEMENT  
2022.03.22

\\NNADARAJAH | MON MAY 2/22 05:39 PM | C:\USERS\NNADARAJAH\ONE DRIVE - HUNT DESIGN ASSOCIATES INC\DESKTOP\SIDE UNIT4 JAMES GLOVER DRIVE - PRO.DWG



DOOR SCHEDULE

3	INTERIOR	2'-6" x 6'-8" x 1'-3/8" (760 x 2030 x 35)
2	INTERIOR	2'-8" x 6'-8" x 1'-3/4" (815 x 2030 x 45) 20 MIN. F.R.R. DOOR/FRAME WITH APP. SELF CLOSING DEVICE.
4A	INTERIOR	2'-2" x 6'-8" x 1'-3/4" (660 x 2030 x 35)
5	INTERIOR	1'-6" x 6'-8" x 1'-3/4" (460 x 2030 x 35)

WOOD LINTELS AND BUILT-UP WOOD

	2"x8" SPRUCE #2
L1	2/2"x8" (2/38x184)

STEEL LINTELS SUPPORTING MASONRY VENEER

CODE	SIZE
L7	3 1/2" x 3 1/2" x 1/4" (89 x 89 x 6.4)

WINDOW WELL NOTE:  
WHERE A WINDOW OPENS INTO A WINDOW WELL, A CLEARANCE OF NOT LESS THAN 21 5/8" (550) SHALL BE PROVIDED IN FRONT OF THE WINDOW. EVERY WINDOW WELL SHALL BE DRAINED TO THE FOOTING LEVEL OR OTHER SUITABLE LOCATION WITH A 4" (100) WEEPING TILE C/W A FILTER CLOTH WRAP AND FILLED WITH CRUSHED STONE. (9.4.10.1.5), 9.14.6.3.)

BASEMENT WALL ASSEMBLY FOR ACCESSORY APARTMENT R-VALUE IS R20 W/ CONTINUOUS INSULATION

FIRE & SOUND RESISTANCE OF WALLS			
WALL TYPE	CODE REFERENCE	RATING	
W4a	OBC SB-3	51 STC	1 hr.

FIRE & SOUND RESISTANCE OF WALLS			
FLOOR JOIST TYPE	CODE REFERENCE	RATING	
F9h	OBC SB-3	53 STC	45 min.

NOTE FOR COMPLIANCE ALTERNATIVE:  
  
SINCE THE DWELLING HAS BEEN IN EXISTENCE FOR MORE THAN 5 YEARS THE FOLLOWING OBC PART II COMPLIANCE ALTERNATIVES ARE PROPOSED.  
  
(FORMING PART OF ARTICLE 11.5.1.1),  
TABLE 11.5.1.1.C - C107(a) & C136

REINFORCING AT BASEMENT WINDOWS  
2-15M HORIZ. REINFORCING ON THE INSIDE AND OUTSIDE FACE OF THE FOUNDATION WALL BELOW THE WIN. SILL. EXTEND BARS 24" (610) BEYOND THE OPENING. 2-15M VERTICAL REINFORCING ON THE INSIDE AND OUTSIDE FACE OF THE FOUNDATION WALL ON EACH SIDE OF THE WINDOW OPENING.  
- BARS TO HAVE MIN. 2" (50) CONC. COVER  
- BARS TO EXTEND 2'-0" (610) BEYOND BOTH SIDES OF OPENING

Appendix B

File: 22.117866.000.00.MNV

Date: 09/15/22  
MM/DD/YY

LIGHT AREA CALCULATION - L/D ROOM  
REQUIRED: 244.30 SF x 5% = 12.21 SF  
PROPOSED: (36"x36" WINDOW)+5.28 SF  
FUTURE HALF-GLASS DOOR) = 12.39 SF

PROPOSED CEILING  
HEIGHT = 7'-5"

PROPOSED WALL CONSTRUCTION  
TO USE W4a AS PER SB3 WALL  
TYPE ALL AROUND EXISTING  
FOUNDATION WALL

PROVIDE EXTERIOR RIGID INSULATION (2") (PER OBC 3.1.1) ADHERED TO CONCRETE WALL BEHIND 2"x4" SPRUCE STUDS @ 16" O/C W/ BATT. INSULATION (PER OBC 3.1.1), APPROVED 6 MIL. POLY VAPOUR BARRIER, 1/2" GYPSUM WALL BOARD TO TERMINATE MIN. 2" ABOVE CONC. SLAB.

PROVIDE TYPE X GYPSUM BOARD AROUND STAIRS BOTH SIDES

EXISTING COLUMN TO BE ENCLOSED WITH TYPE X GYPSUM WALL BOARD TAPED & SANDED

PROVIDE TYPE X GYPSUM BOARD AROUND FURNACE ROOM, BOTH SIDES

VENT STOVE TO EXT.

EXISTING FURNACE VENT

VENT DRYER TO EXT.

VENT BATHROOM TO EXT.

LIGHT AREA CALCULATION - BEDROOM  
REQUIRED: 98.54 SF x 5% = 4.92 SF  
PROPOSED: (30"x36" WINDOW) = 5.78 SF

EXISTING ELECTRIC PANEL  
PROPOSED EGRESS WINDOW  
W/ NEW LINTEL (L1+L7)  
30"x36" WINDOW

PROPOSED BASEMENT PLAN

COLD CELLAR

PROPOSED BASEMENT PLAN

4 JAMES GLOVER DRIVE  
MARKHAM, ONTARIO

LEGAL BASEMENT  
2022.03.22

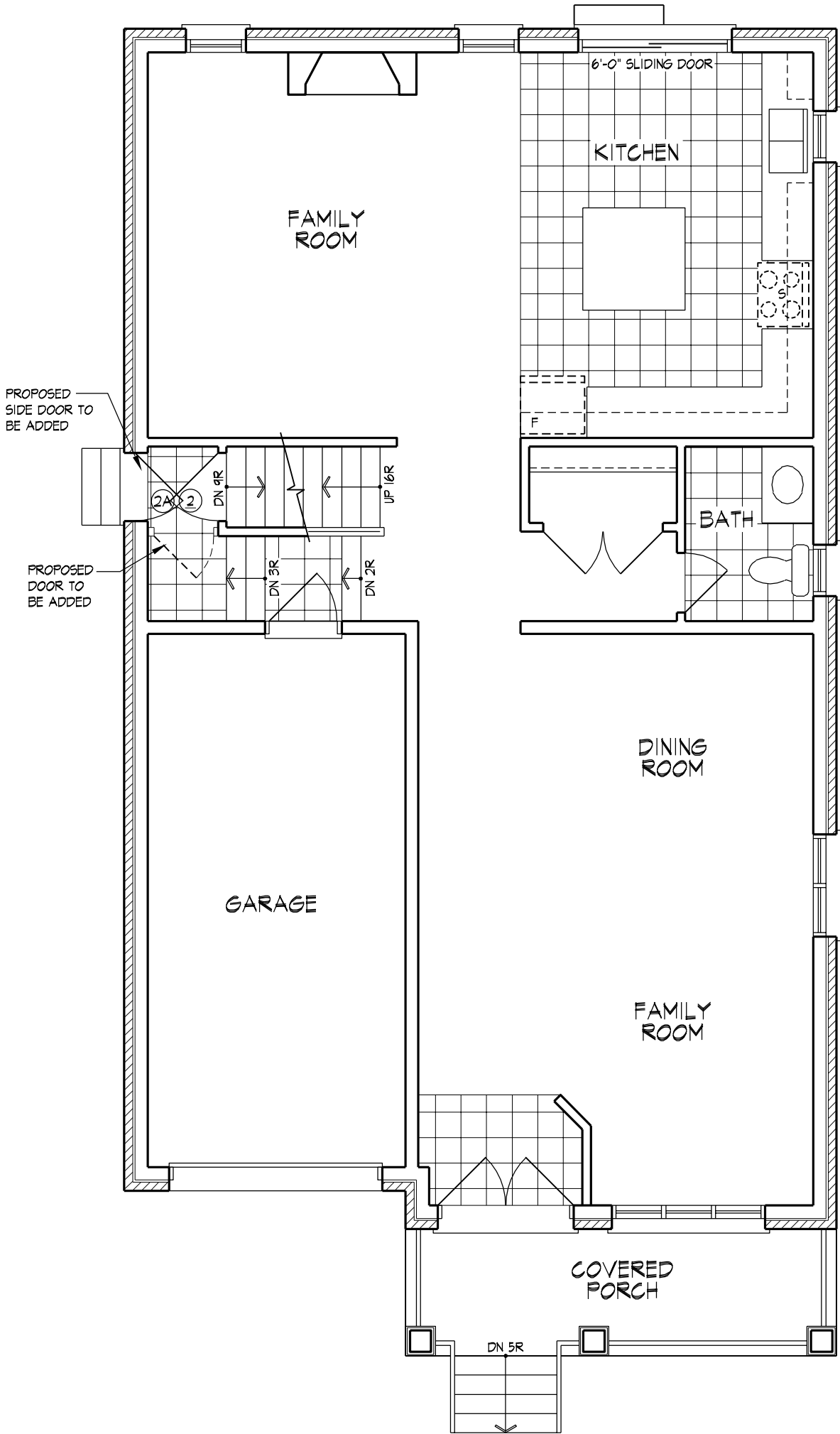
DOOR SCHEDULE

2A	EXTERIOR	2'-8" x 6'-8" x 1-3/4" (815 x 2030 x 45) 20 MIN. F.R.R. DOOR/FRAME WITH APP. SELF CLOSING DEVICE.
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Appendix B

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EXSITING/PROPOSED GROUND FLOOR PLAN

EXSITING/PROPOSED GROUND FLOOR PLAN

4 JAMES GLOVER DRIVE  
MARKHAM, ONTARIO

LEGAL BASEMENT  
2022.03.22

Appendix B

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Date: 09/15/22

MM/DD/YY

PROPOSED 30"x36"  
EGRESS WINDOW  
WINDOW WELL AS REQ'D

PROPOSED RIGHT SIDE ELEVATION

EXISTING RIGHT SIDE ELEVATION

SPATIAL CALCULATION				
PER O.B.C. TABLE 9.10.15.4				
EX. RIGHT SIDE ELEVATION A				
EXPOSING BUILDING	1003.52	S.F.		
FACE AREA	93.23	S.M.		
PORTION WALL AREA	1003.52	S.F.		
MAX. % OPENINGS	93.23	S.M.		
LIMITING DISTANCE	2 m			
MAX. % OPENINGS	9	%		
WINDOW / DOOR				
FRAME SIZE (S.F.)				
NO. OF	NO. OF	NO. OF	NO. OF	NO. OF
1	48"	64"	18.33	2.89
5	28"	48"	36.67	15.89
1	48"	56"	15.89	0.00
0	0"	0"	0.00	0.00
0	0"	0"	0.00	0.00
0	0"	0"	0.00	0.00
0	0"	0"	0.00	0.00
0	0"	0"	0.00	0.00
0	0"	0"	0.00	0.00
0	ARCH	0.00	0.00	0.00
0	ARCH	0.00	0.00	0.00
0	ARCH	0.00	0.00	0.00
OPENINGS ALLOWED	90.32	S.F.		
OPENINGS PROVIDED	73.78	S.F.		
ADDITIONAL NOTES				
GLAZED AREA CALCULATED W/ FRAME SIZE MINUS 2" AROUND ENTIRE PERIMETER				

SPATIAL CALCULATION				
PER O.B.C. TABLE 9.10.15.4				
PRO. RIGHT SIDE ELEVATION A				
EXPOSING BUILDING	1003.52	S.F.		
FACE AREA	93.23	S.M.		
PORTION WALL AREA	1003.52	S.F.		
MAX. % OPENINGS	93.23	S.M.		
LIMITING DISTANCE	2 m			
MAX. % OPENINGS	9	%		
WINDOW / DOOR				
FRAME SIZE (S.F.)				
NO. OF	NO. OF	NO. OF	NO. OF	NO. OF
1	30"	12"	1.44	1.44
1	48"	64"	18.33	18.33
5	28"	48"	36.67	15.89
1	48"	56"	15.89	5.78
0	0"	0"	0.00	0.00
0	0"	0"	0.00	0.00
0	0"	0"	0.00	0.00
0	0"	0"	0.00	0.00
0	0"	0"	0.00	0.00
0	ARCH	0.00	0.00	0.00
0	ARCH	0.00	0.00	0.00
0	ARCH	0.00	0.00	0.00
OPENINGS ALLOWED	90.32	S.F.		
OPENINGS PROVIDED	78.11	S.F.		
ADDITIONAL NOTES				
GLAZED AREA CALCULATED W/ FRAME SIZE MINUS 2" AROUND ENTIRE PERIMETER				

BASEMENT PLAN

4 JAMES GLOVER DRIVE  
MARKHAM, ONTARIO

LEGAL BASEMENT  
2022.03.22

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LEFT SIDE ELEVATION

PROPOSED  
SIDE DOOR TO  
BE ADDED

TOP OF BASEMENT SLAB

FIN. GRADE

FIN. GROUND FLR.

FIN. SECOND FLR.

TOP OF PLATE

8'-6"

9'-11"

9'-1"

BASEMENT PLAN

4 JAMES GLOVER DRIVE  
MARKHAM, ONTARIO

LEGAL BASEMENT  
2022.03.22