Memorandum to the City of Markham Committee of Adjustment August 19, 2022

File:	A/100/21
Address:	165 Carlton Road, Markham
Applicant:	Yanhui Jia
Agent:	W.E Consulting & Construction Ltd. (Jerry Yue)
Hearing Date:	Wednesday August 24, 2022

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

The applicant is requesting relief from the following requirements of the "Fourth Density Single Family Residential (R4) Zone" in By-law 11-72, as amended, to permit:

a) Section 5.1:

one accessory dwelling unit, whereas the By-law permits no more than one (1) dwelling unit on one (1) lot; as it relates to proposed secondary suite (basement apartment).

BACKGROUND

Property Description

The 585.74 m² (6,304.85 ft²) subject property is located on the south side of Carlton Road east of Fred Varley Drive (see Appendix "A" – Aerial Photo). The property is located within an established residential neighbourhood comprised primarily of two-storey detached dwellings.

There is an existing 168.40 m² (1,812.64 ft²) two-storey detached dwelling on the property, which according to assessment records was constructed in 1980. Mature vegetation exists on the property including one large mature tree in the rear yard.

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 front of the dwelling, and a walk-out entrance for the secondary suite, plus a sunroom addition. The proposed secondary suite would have direct and separate access provided by a proposed walk-out at the rear of the dwelling (See Appendix "B" – Plans).

COMMENTS

Staff are satisfied that the proposed development meets the criteria under <u>Section</u> 8.13.8 of the Official Plan for the establishment of a secondary suite, meets the policies of the Region's Official Plan, and applicable Provincial policies. Staff support its approval in accordance with the requirements under Section 16(3) of the *Planning Act*, *R.S.O. 1990, c. P.13, as amended*.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant has confirmed that a Zoning Preliminary Review (ZPR) has <u>not</u> been conducted. However, the applicant has received comments from the building department through their permit process (HP 20 129292) to confirm the variances required for the proposed development.

PUBLIC INPUT SUMMARY

No written submissions were received as of August 15, 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 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 zoning by-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

Please see Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:

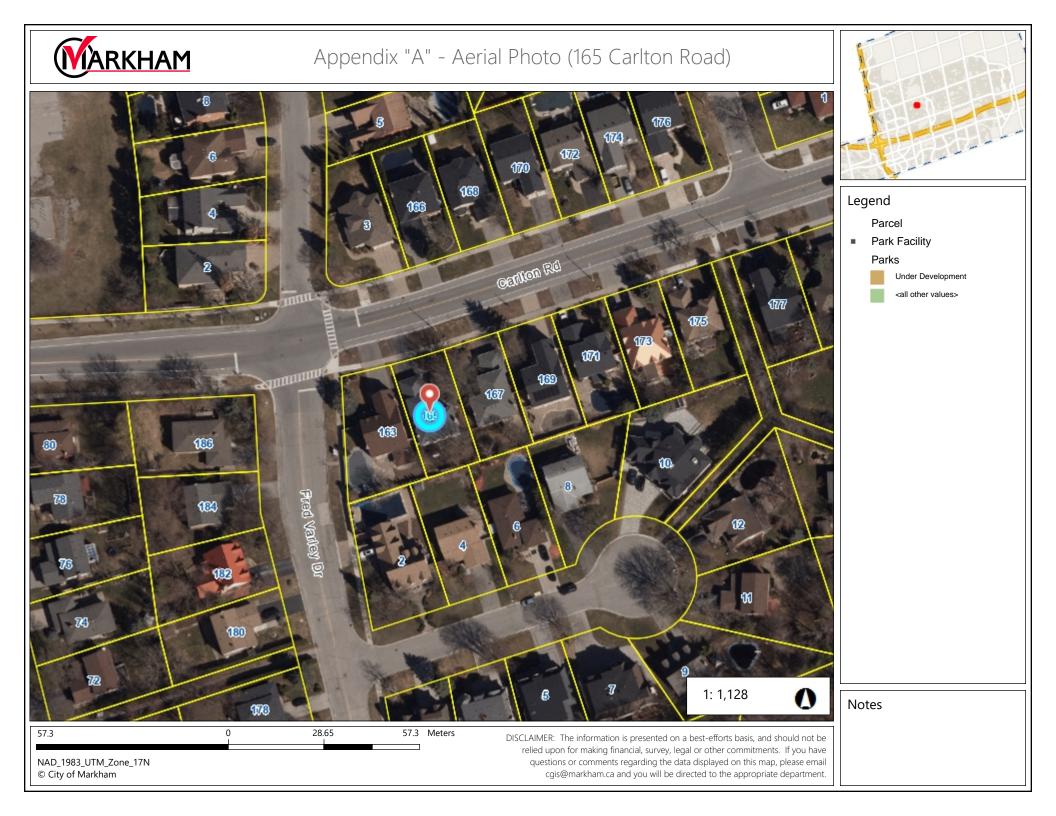
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Hussnain Mohammad, Development Technician, Zoning and Special Projects

REVIEWED BY:

Deanna Schlosser, MCIP RPP, Senior Planner, Central District

APPENDICES Appendix "A" – Aerial Photo Appendix "B" – Plans Appendix "C" – Conditions



GENERAL NOTES:

- 1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE ONTARIO BUILDING CODE, O. REG 332/12. AS AMENDED: ANY CHANGES MADE TO THE REVIEWED PLANS WILL REQUIRE A REVISION PERMIT.
- 2. EXCEPT FOR PERMITTED OPENINGS SUCH AS TIGHTLY FITTED ELECTRICAL OUTLET BOXES, CERTAIN DUCT **OPENINGS AND FIRE DAMPERS; FIRE SEPARATIONS** SHALL BE CONTINUOUS TO ANOTHER FIRE SEPARATION, EXTERIOR WALL OR ROOF.
- 3. DOORS IN A FIRE SEPARATION MUST BE 20 MINUTE RATED OR 45mm SOLID CORE WOOD DOORS AND EQUIPPED WITH A SELF-CLOSING DEVICE. UNRATED WOOD DOORS FRAMES MUST BE A MINIMUM OF 28mm THICK OR EXISTING WOOD FRAMES ARE ACCEPTABLE PROVIDED THEY ARE SECURED WITH HINGE SCREWS GOING THROUGH THE FRAME AND INTO THE JACK STUD. DOOR FRAME INSTALLATION MUST BE SMOKE-TIGHT.
- 4. EXCEPT FOR BATHROOMS, PUBLIC CORRIDORS AND EXITS, INTERIOR WALL AND CEILING FINISHES SHALL HAVE A SURFACE FLAME-SPREAD RATING OF NO MORE THAN 150.
- 5. FIRE BLOCKS SHALL BE PROVIDED AT ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES IN INTERIOR COVED CEILING. DROP CEILINGS AND SOFFITS WHERE THE EXPOSED CONSTRUCTION MATERIALS WITHIN THE CONCEALED SPACES HAVE A SURFACE FLAME-SPREAD RATING GREATER THAN 25.
- 6. WHERE AUTOMATIC FIRE SPRINKLERS ARE INSTALLED IN LIEU OF A FIRE RESISTANCE RATING, ONLY NEW SPRINKLERS MAY BE USED AND MUST BE INSTALLED IN ACCORDANCE WITH THEIR LISTING. AUTOMATIC SPRINKLERS SHALL BE POSITIONED SO THAT RESPONSE TIME AND DISCHARGE ARE NOT UNDULY AFFECTED BY OBSTRUCTIONS. UNLESS BE A RESIDENTIAL FULL FLOW-THROUGH FIRE SPRINKLER SYSTEM CONSISTING OF $\frac{3}{4}$ " (MINIMUM) COPPER SUPPLY PIPE AND FITTINGS.
- 7. SMOKE ALARMS SHALL BE INSTALLED ON OR NEAR THE CEILING AND IN CONFORMANCE WITH CAN/ULC-S553, "INSTALLATION OF SMOKE ALARMS". SMOKE ALARMS SHALL INCLUDE A VISUAL SIGNALING COMPONENT AND BE HARDWARE AND INTERCONNECTED IN ACCORDANCE WITH THE **REVIEWED DRAWINGS. IN CASE OF REGULAR POWER** SUPPLY INTERRUPTION. SMOKE ALARMS SHALL HAVE BATTERY BACKUP POWER CAPABLE OF LASTING FOR 7 DAYS WHILE IN THE NORMAL CONDITION, FOLLOWED BY 4 MINUTES OF ALARM SIGNALLING.

- PROVIDE CARBON MONOXIDE ALARMS CONFORMING PLUMBING NOTES: 8. TO CAN/CSA-6.19. "RESIDENTIAL CARBON MONOXIDE ALARMING DEVICES", OR UL2034, "SINGLE AND MULTIPLE STATION CARBON MONOXIDE ALARMS". ADJACENT TO EACH SLEEPING AREA WITHIN EACH DWELLING UNIT. CARBON MONOXIDE ALARMS MAY BE HARDWIRED. BATTERY OPERATED OR THE TYPE THAT CAN BE PLUGGED INTO AN ELECTRICAL OUTLET.
- 9. BATTERY POWERED EMERGENCY LIGHTING UNITS CONFORMING TO CSA-C22.2 NO.141, "EMERGENCY LIGHTING EQUIPMENT" SHALL BE PROVIDED IN ANY COMMON MEANS OF EGRESS.
- 10. A DUCT-TYPE SMOKE DETECTOR INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM SERVING THE ENTIRE BUILDING MUST TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION AND MUST BE INSTALLED ACCORDING TO THE MANUFACTURER'S WRITTEN INSTRUCTIONS.
- 11. NATURAL VENTILATION FOR LIVING ROOMS, DINING ROOMS, BEDROOMS AND KITCHENS MUST BE PROVIDED BY MEANS OF AN OPENABLE WINDOW AREA OF 0.28m2 PER ROOM OR COMBINATION OF ROOMS. NATURAL VENTILATION FOR BATHROOMS OR WATER CLOSET ROOMS MUST BE PROVIDED BY MEANS OF AN OPENABLE WINDOW AREA OF 0.09m2 WHERE A ROOM OR SPACE IS NOT PROVIDED WITH NATURAL VENTILATION. MECHANICAL VENTILATION SHALL BE PROVIDED. EXHAUST FAN SHALL DISCHARGE DIRECTLY TO THE EXTERIOR.
- 12. PROVISION SHALL BE MADE FOR RETURN-AIR FORM ALL ROOMS BY LEAVING GAPS BENEATH DOORS, USING LOUVERED DOORS OR INSTALLING RETURN DUCT INLETS. RETURN-AIR INLETS SHALL NOT BE INSTALLED IN AN ENCLOSED ROOM OR CROWN SPACE THAT PROVIDES COMBUSTION AIR TO THE FURNACE OR SERVICE WATER HEATER.
- HYDRAULICALLY DESIGNED. SPRINKLER PIPING SHALL 13. WHERE NEW CONSTRUCTION COULD RESTRICT THE SUPPLY OF COMBUSTION AIR OF ANY EXISTING FUEL-FIRE APPLIANCES, AN ADEQUATE COMBUSTION AIR SUPPLY SHALL BE PROVIDED TO ENSURE PROPER COMBUSTION AND SAFE OPERATION OF THE FURNACE AND/OR SERVICE WATER HEATER.
 - 14. NEW ELECTRICAL WORK MUST BE INSPECTED BY THE ELECTRICAL SAFETY AUTHORITY (CALL: 877-372-7233).

- 1. THE MAXIMUM HOT WATER TEMPERATURE SUPPLIED TO FIXTURES IN RESIDENTIAL OCCUPANCIES SHALL NOT EXCEED 49°C (120° PER OBC ARTICLE 7.6.5.1.
- 2. DISHWASHER AND CLOTHES WASHERS ARE EXEMPT FROM THIS REQUIREMENT.
- 3. ALL THERMOSTATIC MIXING VALVES SHALL CONFORM TO CAN/CSA-B125, "PLUMBING FIXT AND SHALL BE LABELLED ACCORDINGLY.

HVAC NOTES:

- 1. PROVIDE SUPPLY AIR REGISTER IN COMPLIAN WITH OBC DIV B 9.33.3.1(1).
- 2. THE RETURN AIR GRILLE SHALL BE INSTALLED NEAR THE FLOOR LEVEL (HARI REQ'S). UNDERCUT BY MINIMUM 1" THE DOOR TO ANY ROOM WITHOUT RETURN AIR GRILLE.
- 3. INSTALL MECHANICAL VENTILATION PER OBC 9.32.1.3(3) REQ'S EXHAUST FAN SHALL DISCHA DIRECTLY TO OUTSIDE.



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CONSTRUCTION NOTE FOR STAIRCASE:

- 1. STAIRCASE AND GUARD
- 1.1 A HANDRAIL SHALL BE INSTALLED ON STAIRS AND RAMPS IN CONFORMANCE WITH OBC 9.8.7..
- 1.2 A GUARD SHALL BE INSTALLED IN CONFORMANCE WITH OBC 9.8.8.
- **1.3 A HANDRAIL IS REQUIRED FOR INTERIOR STAIRS** CONTAINING MORE THAN 2 RISERS AND EXTERIOR STAIRS CONTAINING MORE THAN 3 RISERS.
- 1.4 GUARDS ARE REQUIRED AROUND EVERY ACCESSIBLE SURFACE WHICH IS MORE THAN 600mm ABOVE THE ADJACENT LEVEL AND WHERE THE ADJACENT SURFACE HAS A SLOPE MORE THAN 1:2.
- 1.5 INTERIOR AND EXTERIOR GUARDS MIN. 900mm HIGH. EXTERIOR GUARDS SHALL BE 1070mm HIGH WHERE HEIGHT ABOVE ADJACENT SURFACE EXCEEDS 1800mm.
- 1.6 GUARDS SHALL HAVE OPENINGS SMALLER THAN 100mm AND NO MEMBER BETWEEN 140mm AND 900mm THAT WILL FACILITATE CLIMBING.
- 1.7 ALL FOUNDATION SHALL CONFORM TO OBC 9.15.3.
- 1.8 THE STAIR RISE, WHICH IS MEASURED AS THE VERTICAL NOSING-TO-NOSING DISTANCE, SHALL CONFIRM TO O.B.C. TABLE 9.8.4.1.
- 1.9 THE STAIR RUN, WHICH IS MEASURED AS THE HORIZONTAL NOSING-TO-NOSING DISTANCE, AND THE TREAD DEPTH OF RECTANGULAR TREADS SHALL CONFIRM TO O.B.C. TABLE 9.8.4.1. THE DEPTH OF A RECTANGULAR TREAD SHALL BE NOT LESS THAN ITS RUN AND NOT MORE THAN ITS RUN PLUS 25mm.
- 1.10 ANGLED TREADS IN REQUIRED EXIT STAIRS SHALL CONFORM TO THE REQUIREMENTS IN O.B.C. 3.4.6.9. EXCEPT AS PROVIDED IN O.B.C. 9.8.4.5. ANGLED TREADS IN OTHER THAN REQUIRED EXIT STAIRS SHALL HAVE AN AVERAGE RUN, WHICH IS MEASURED AS THE HORIZONTAL NOSING-TO-NOSING DISTANCE. OF NOT LESS THAN 200mm AND A MINIMUM RUN OF 150mm.
- 1.11 RISERS SHALL BE OF UNIFORM HEIGHT IN ANY ONE FLIGHT WITH A MAXIMUM TOLERANCE OF,
- 5mm BETWEEN ADJACENT TREADS OR LANDINGS (a) AND.
- 10mm THE TALLEST AND SHORTEST RISERS IN A (b) FLIGHT.
- 1.12 WINDERS

STAIRS WITHIN DWELLING UNITS ARE PERMITTED TO CONTAIN WINDERS THAT CONVERGE TO A CENTRE POINT PROVIDED.

- THE WINDERS TURN THROUGH AN ANGLE OF (a) NOT MORE THAN 90°
- (b) INDIVIDUAL TREADS TURN THROUGH AN ANGLE OF NOT LESS THAN 30° OR NOT MORE THAN 45°
- (c) ADJACENT WINDERS TURN THROUGH THE SAME ANGLE.

1.13 LEADING EDGES OF TREADS

LEADING EDGES OF TREADS THAT ARE BEVELLED OR ROUNDED SHALL

- NOT REDUCE THE REQUIRED TREAD DEPTH BY (a) MORE THAN 15mm
- NOT, IN ANY CASE, EXCEED 25mm (b) HORIZONTALLY.

MAXIMUM RISE	200mm
MINIMUM RUN	210mm
MINIMUM TREAD	235mm
MINIMUM HEAD ROOM	1950mm
MINIMUM WIDTH	860mm



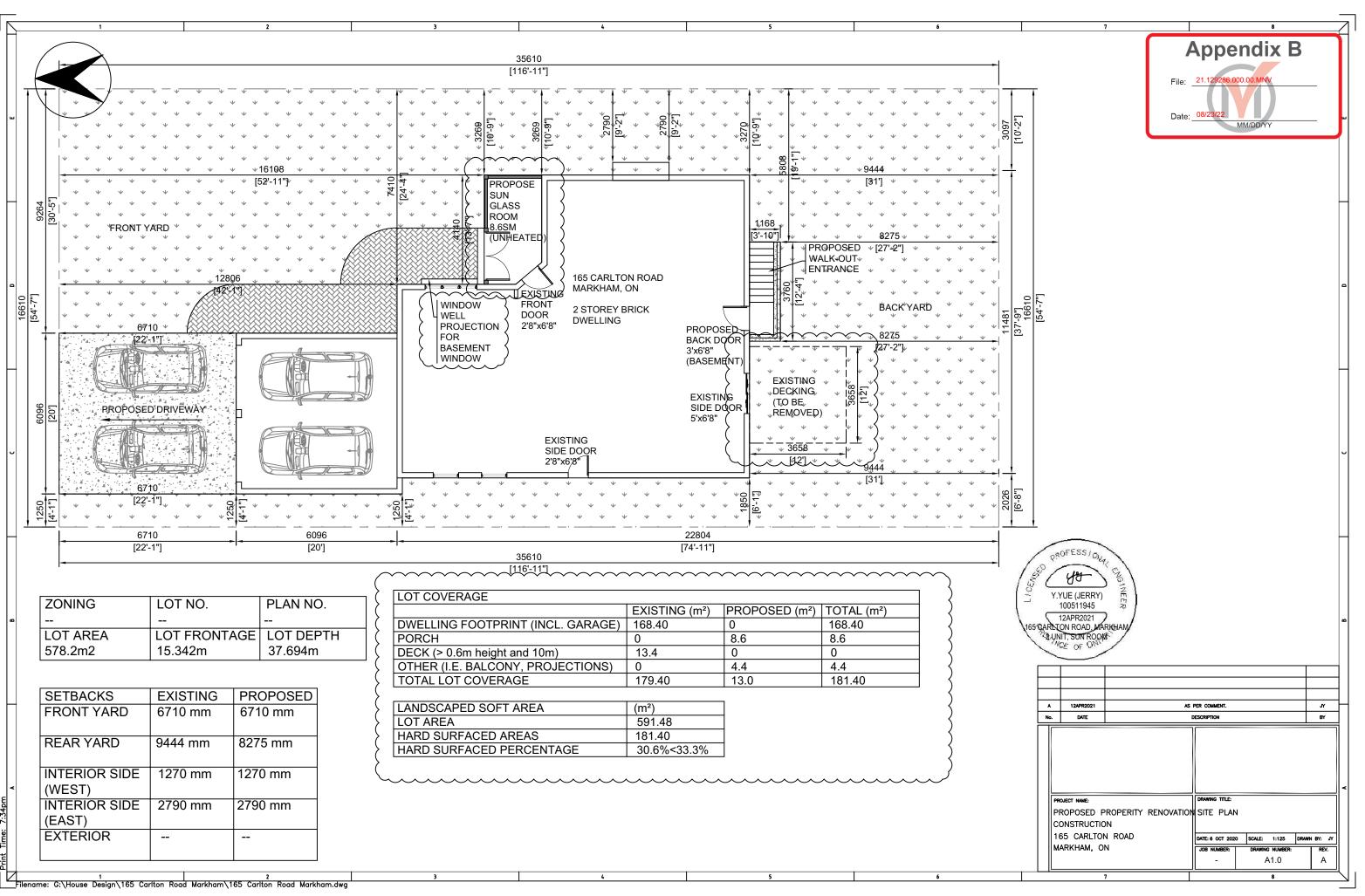
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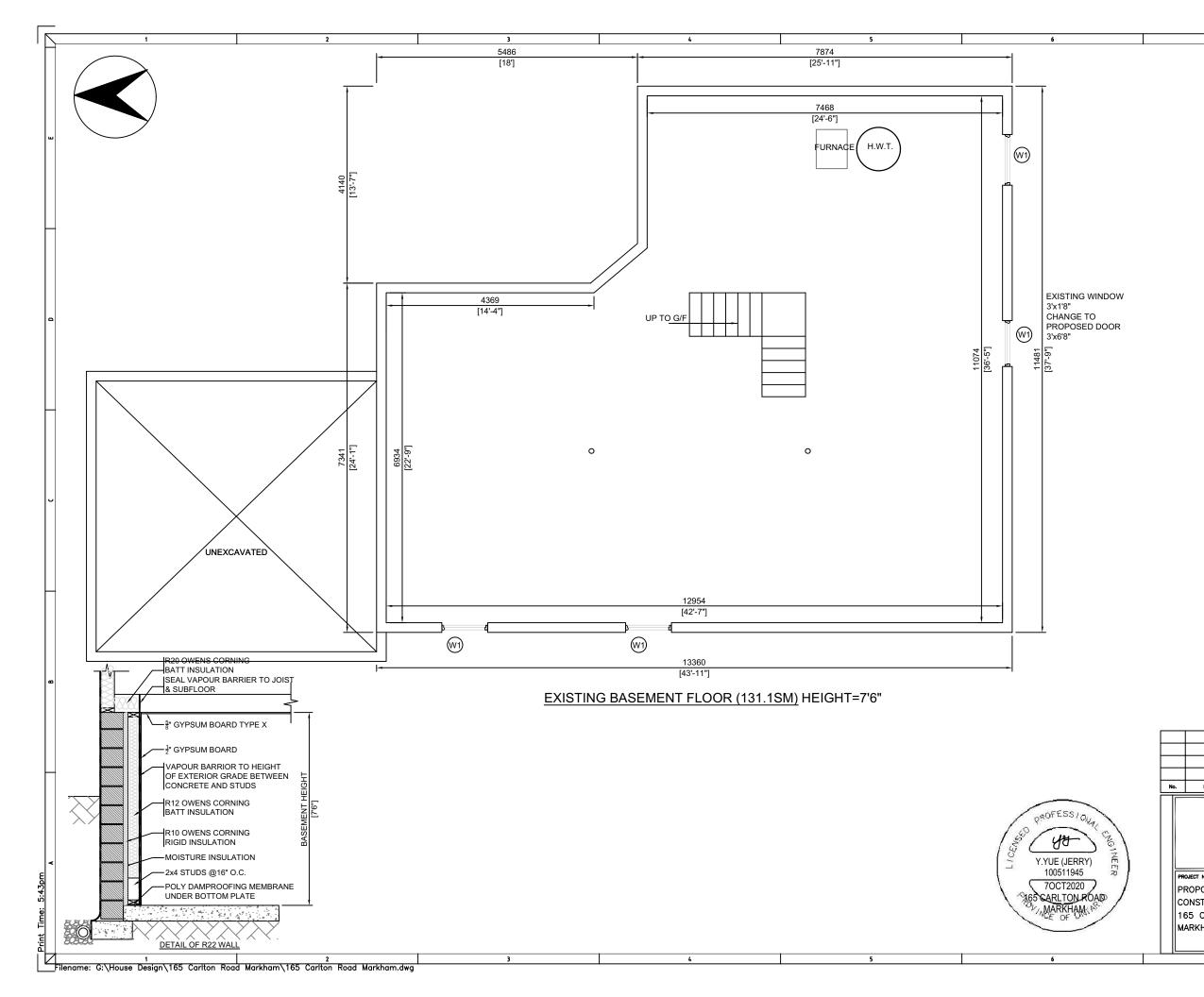
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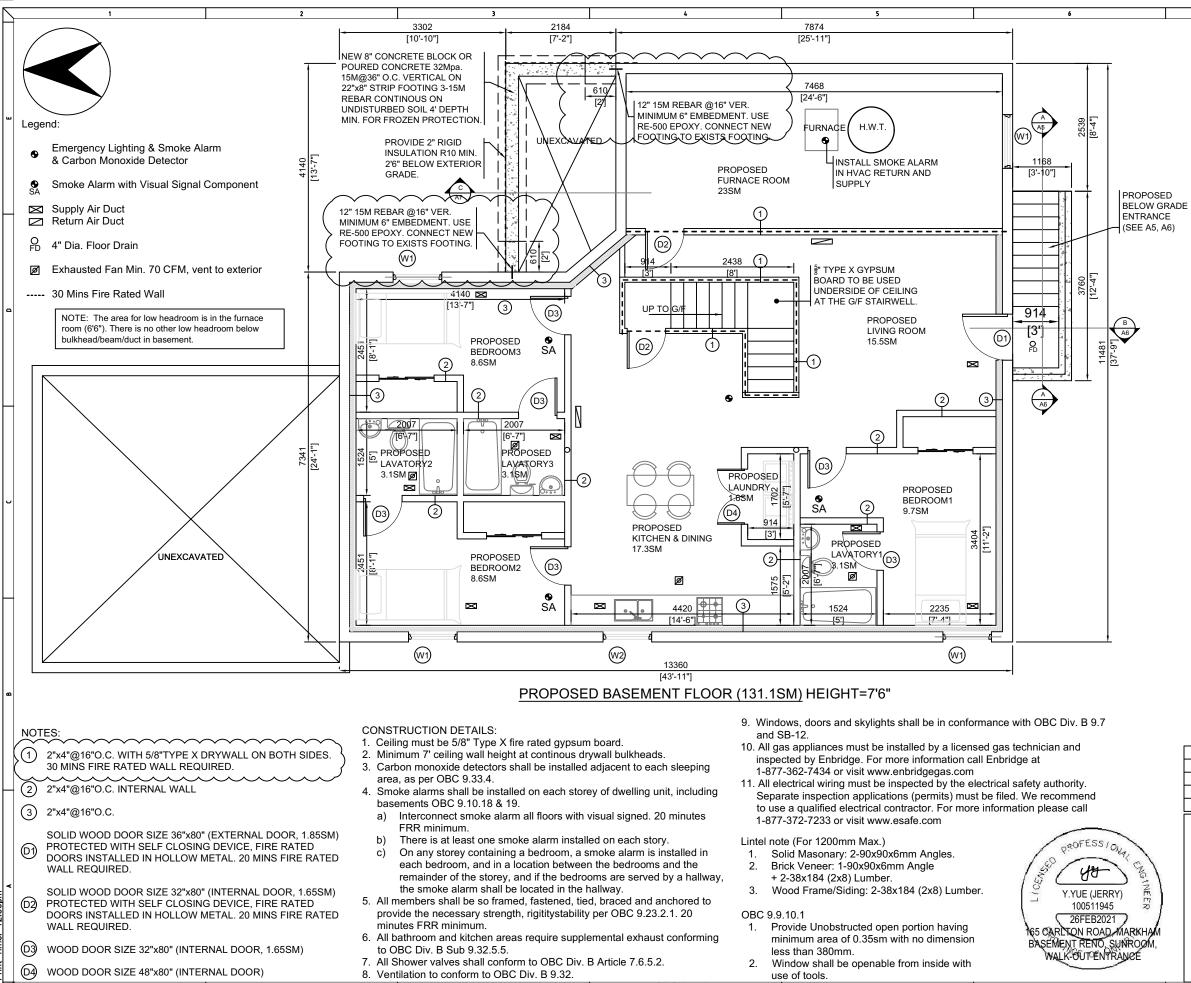
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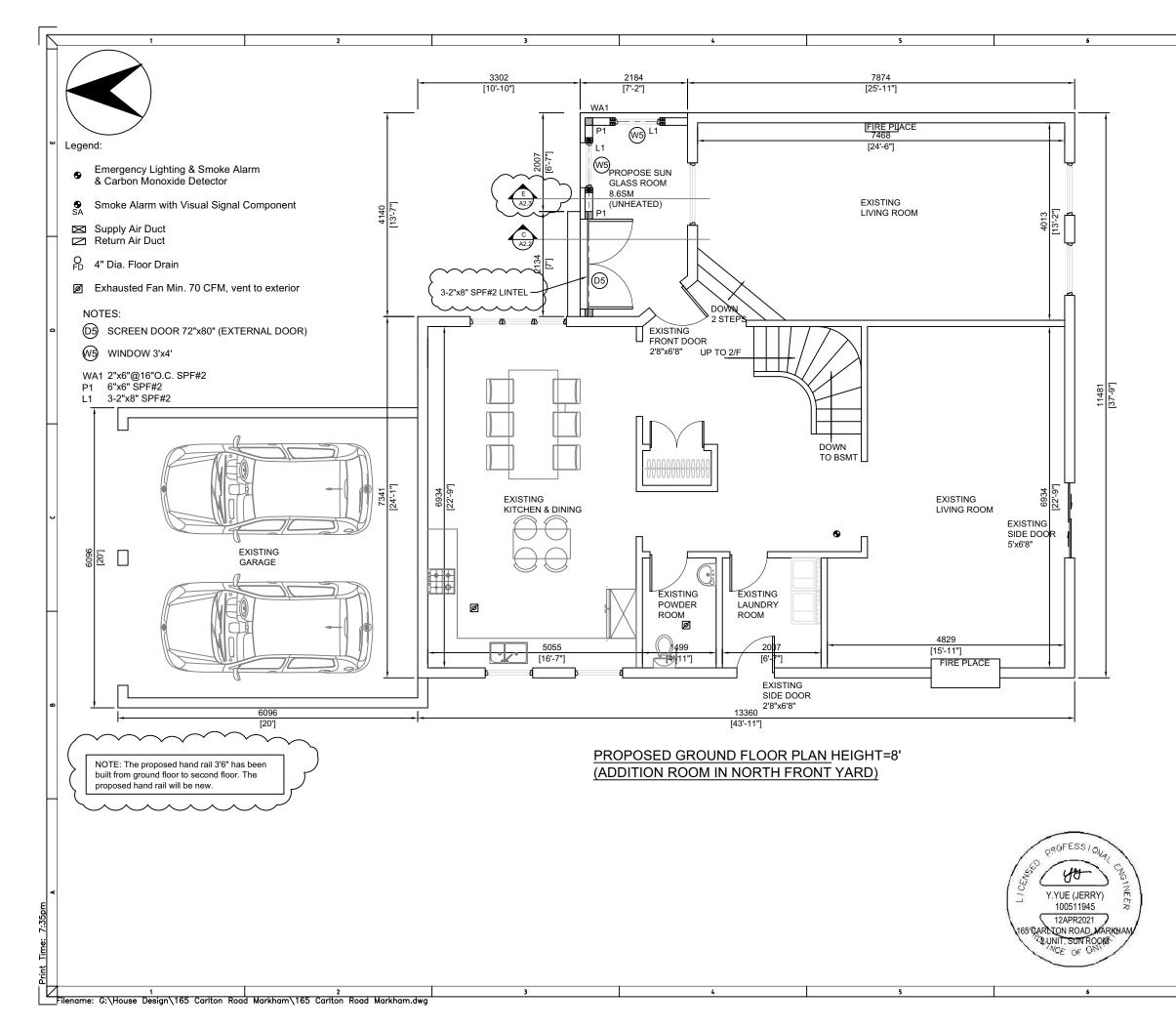
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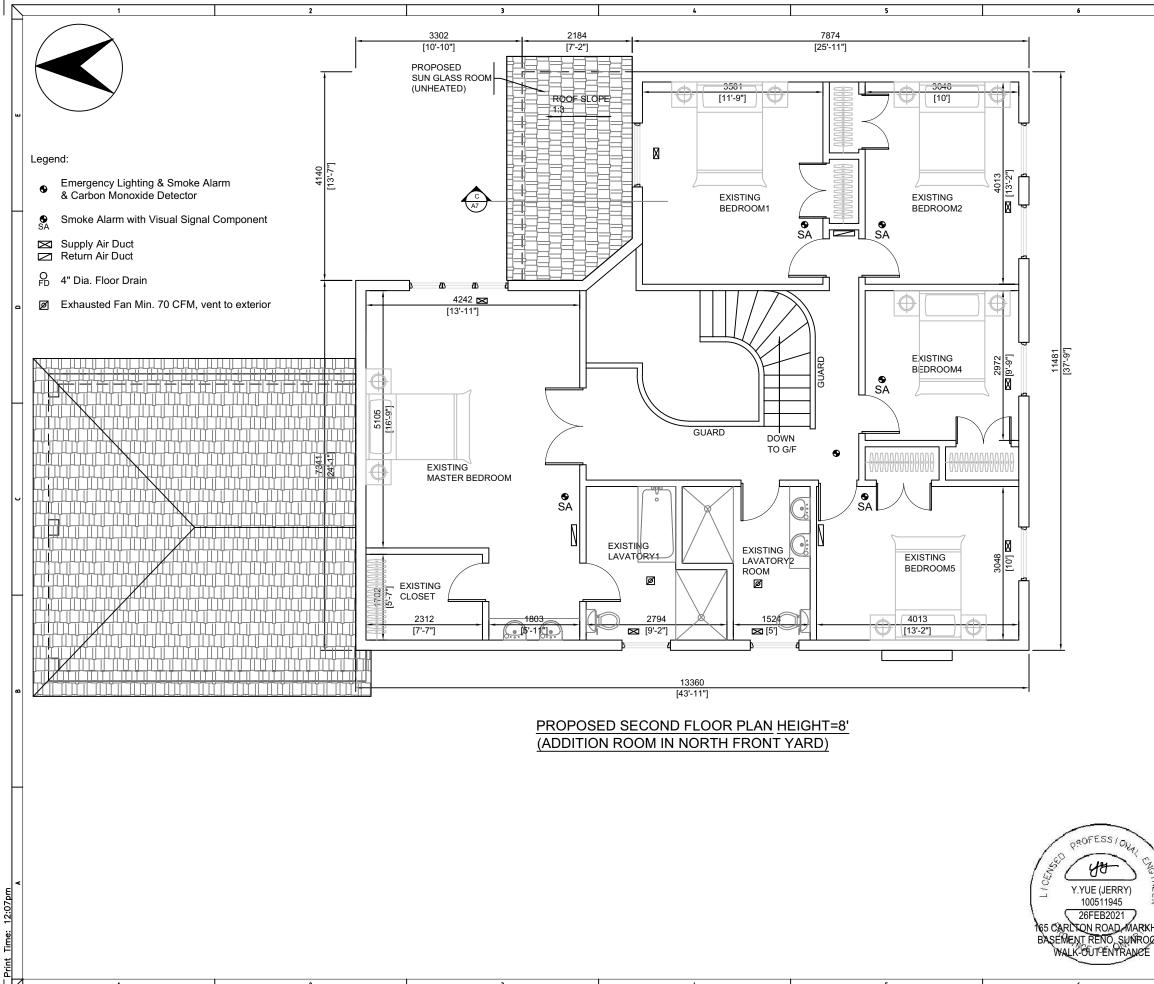
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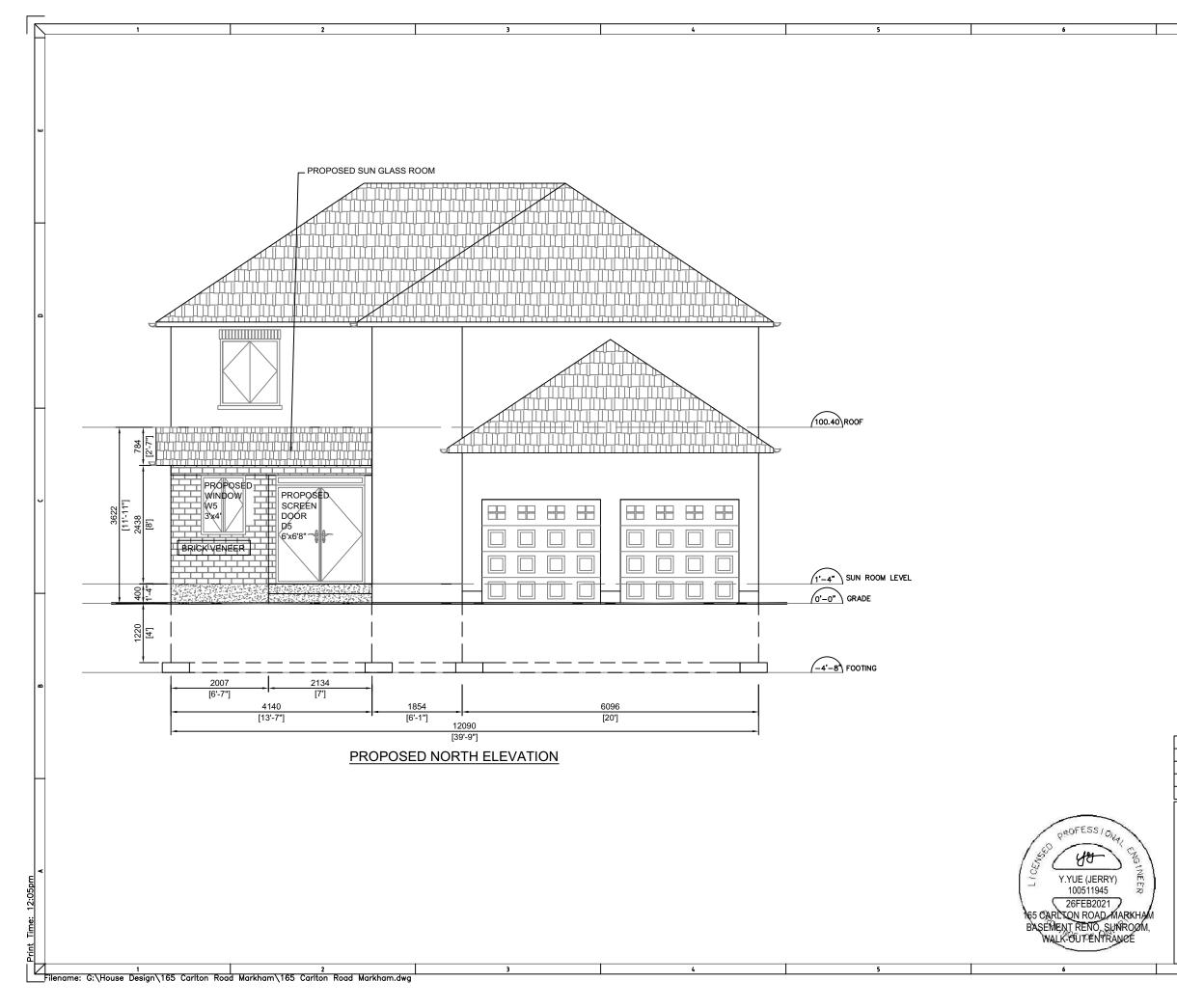
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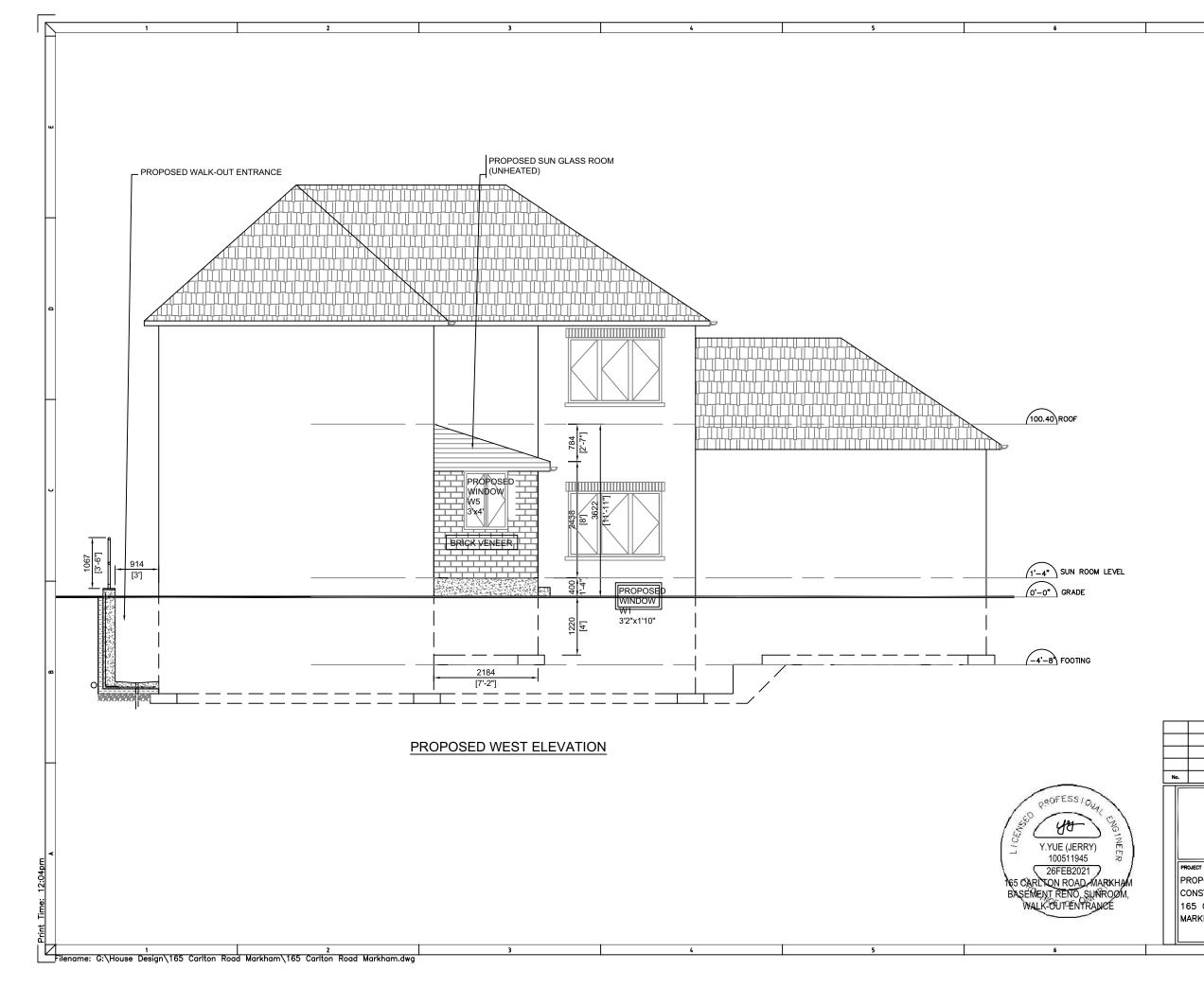


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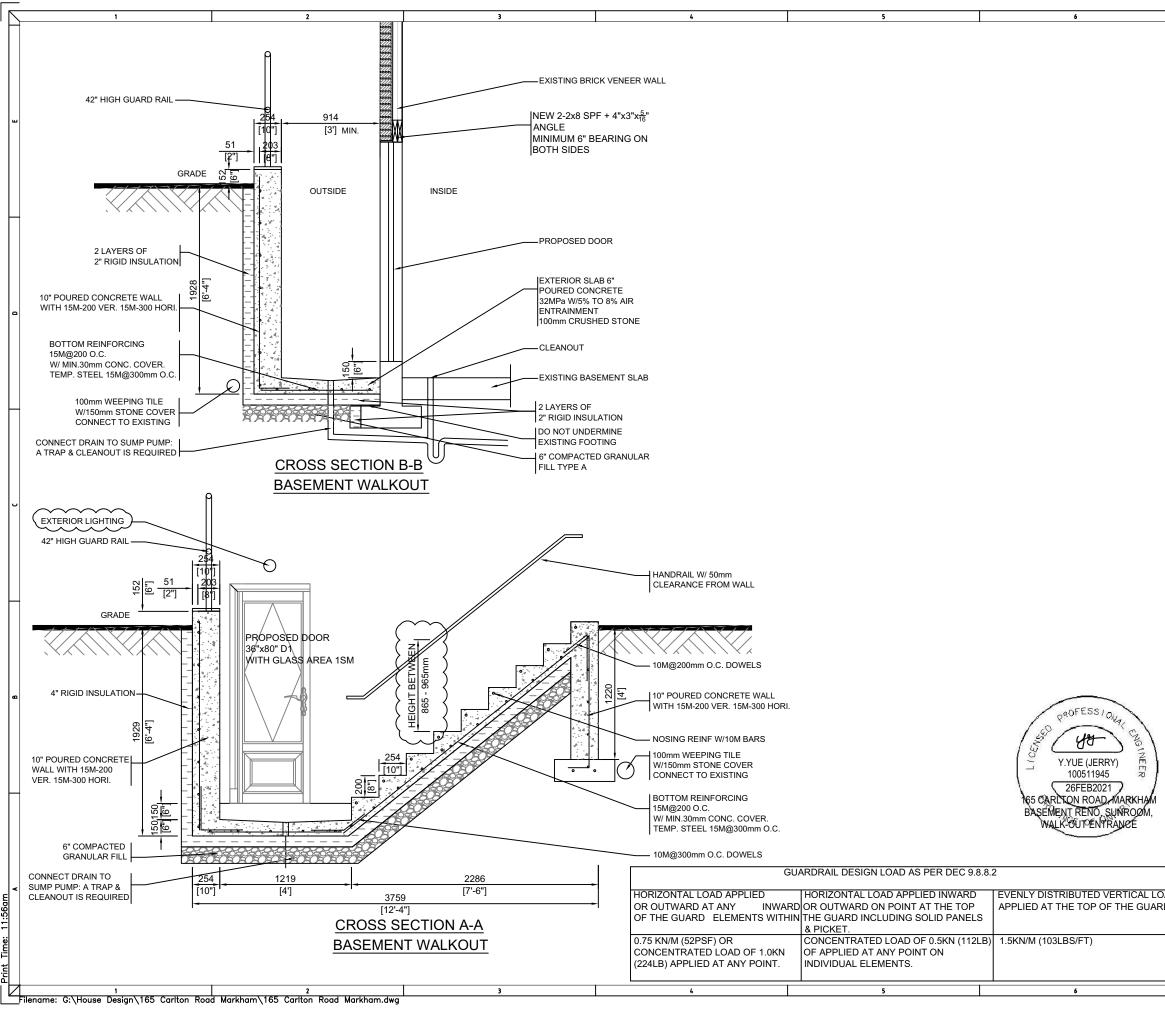
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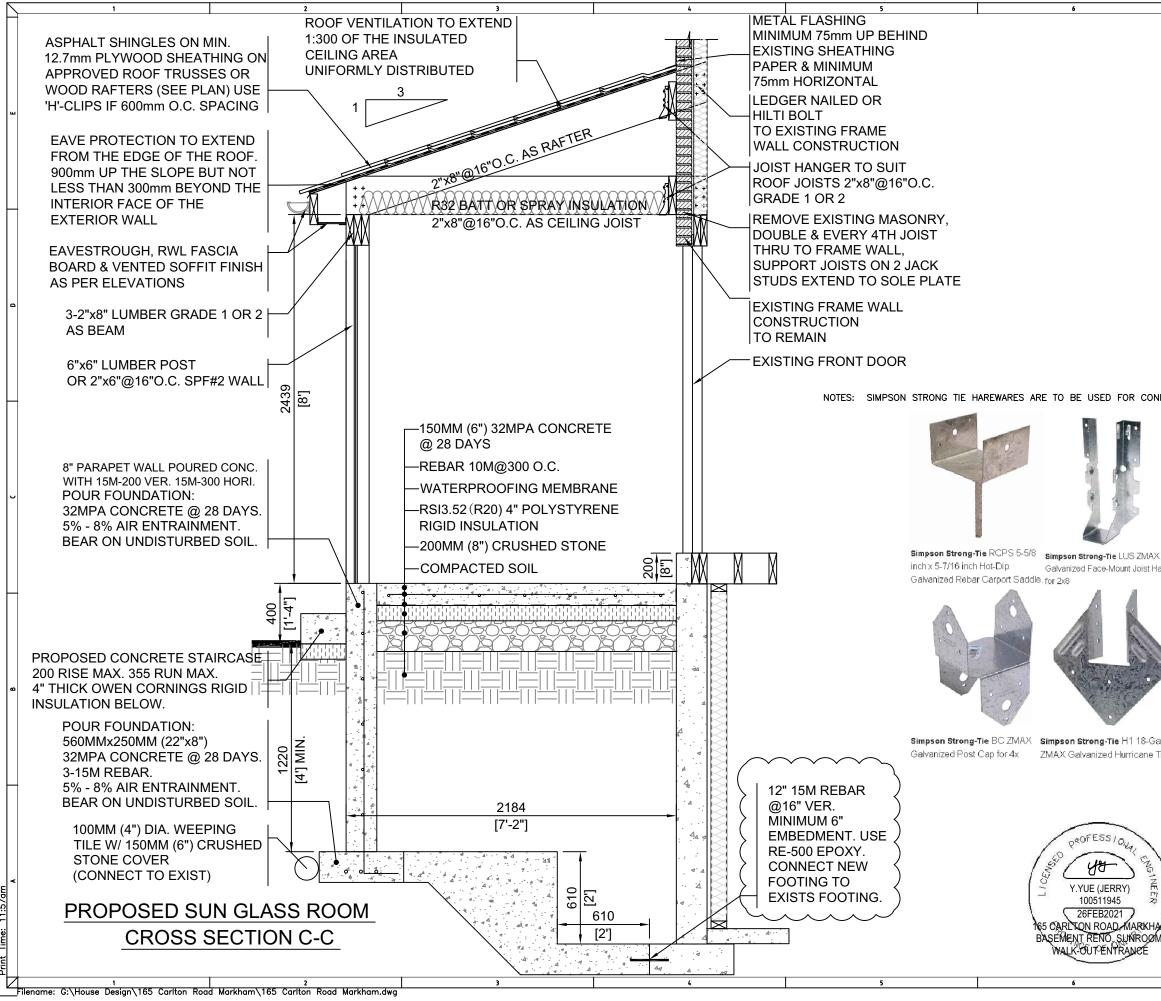
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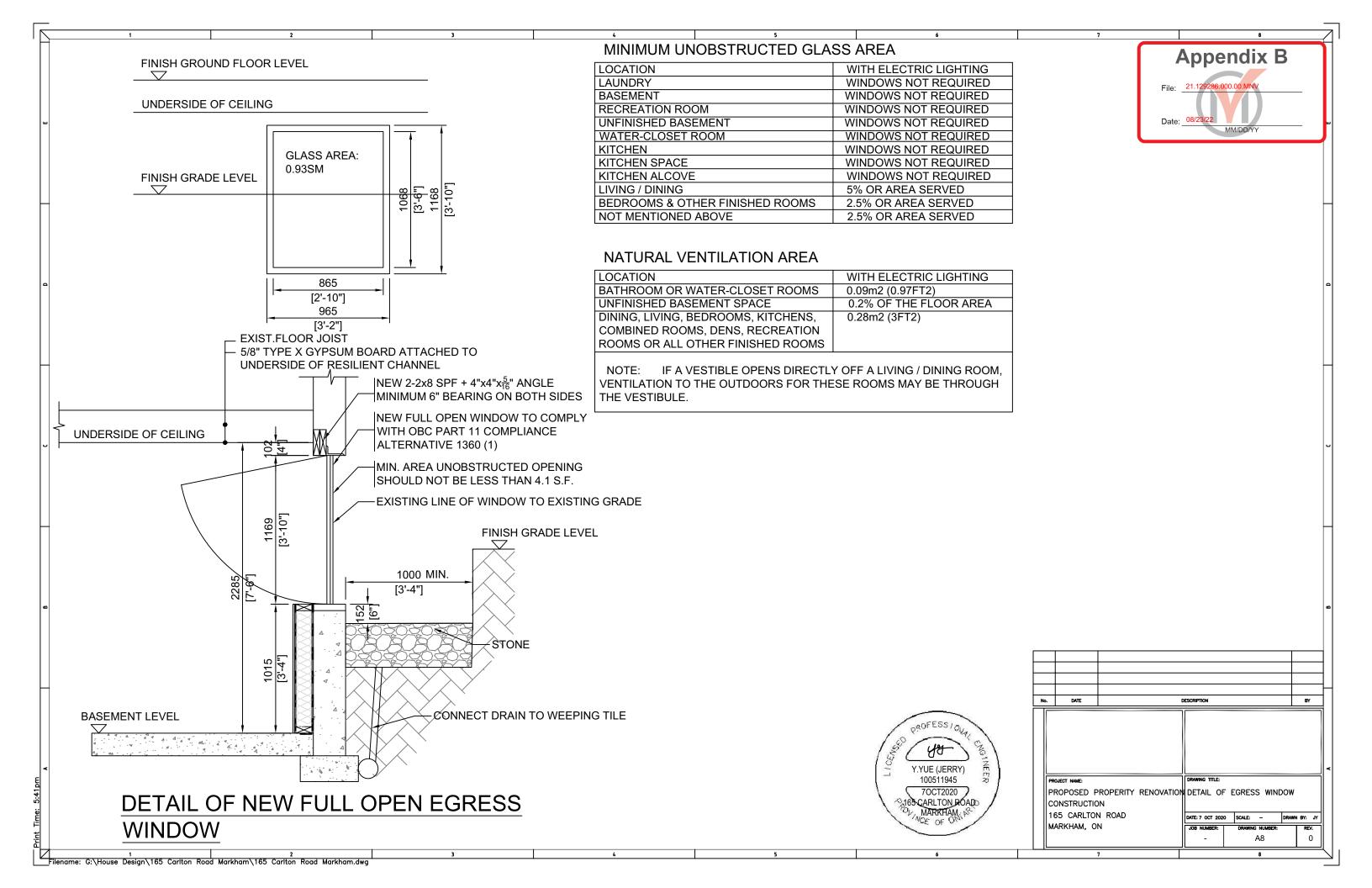
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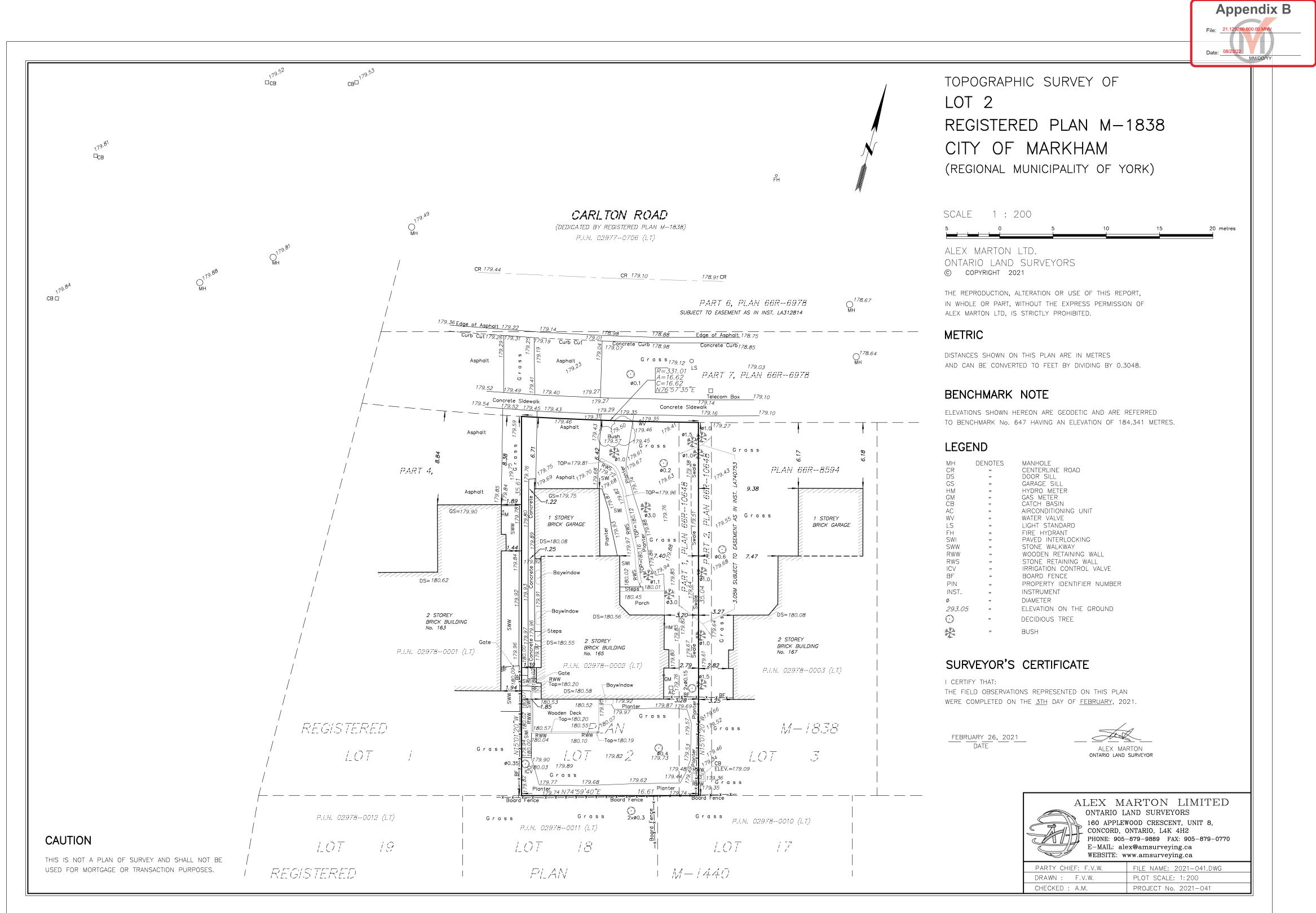


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APPENDIX "C" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/100/21

- 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 plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on July 21, 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 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:

Mohannad

Hussnain Mohammad, Development Technician, Zoning and Special Projects