

Memorandum to the City of Markham Committee of Adjustment

August 16, 2022

File: A/106/22
Address: 125 Maria Road – Markham, ON
Applicant: Naveed Iqbal
Agent: Varatha Design Associates (Ken Varatha)
Hearing Date: August 24, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential Two Exception *99 (R2*99) Zone” requirements under By-law 177-96, as amended, as they relate to a proposed secondary suite (accessory dwelling unit). The variances requested are to permit:

a) Parking By-law 28-97, Section 3:

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

b) By-law 177-96, Section 6.5:

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

PROPERTY DESCRIPTION

The subject property is located on the west side of Maria Road, north of 16th Avenue, east of McCowan Road, and south of West Bay Drive. The property is developed with an existing two-storey semi-detached dwelling, which has an attached single car garage. The private driveway and garage area combined can accommodate two parking spaces in tandem which comply with the Zoning By-law. The property is located within a residential neighbourhood, which contains a mix of low rise dwellings. In proximity to the property are schools, parks and open space, a commercial plaza, and accessible transit options.

PROPOSAL

The applicant is requesting permission for an accessory dwelling unit to be located in the basement of the existing dwelling, and an associated variance relating to a reduction in the number of parking spaces is required.

ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN

The owner 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 variances required for the proposed development.

COMMENTS

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, 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 and Parking Space Reduction

Staff are satisfied that the proposed development meets the criteria under [Section 8.13.8](#) of the Official Plan for the establishment of a secondary suite, and support its approval in accordance with the requirements under Section 16(3) of the *Planning Act*.

The associated parking reduction may be considered “self regulating”, as the accessory dwelling unit would only 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 dwelling. Additionally, the property is within proximity to accessible transit routes located at the nearby intersection of 16th Avenue and McCowan Road. Staff are of the opinion that the associated parking reduction is minor in nature and appropriately maintains the general intent of the By-law.

The applicant is advised that overnight parking is not permitted on residential streets in Markham, unless a permit or exemption is obtained through the City’s [Overnight Street Parking Request](#).

PUBLIC INPUT SUMMARY

No written submissions were received as of August 16, 2022. Additional information may be received after the writing of this report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

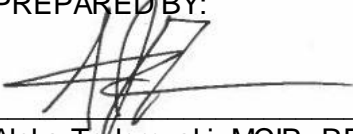
Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the variance request meets the four tests. Staff recommend that the Committee consider public input and subsequent conditions of approval in reaching a decision. The onus is ultimately 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, MCIP, RPP
Planner, Zoning and Special Projects

REVIEWED BY:



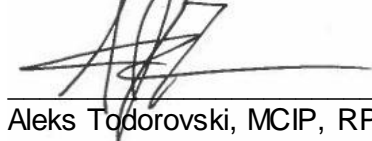
Stacia Muradali, MCIP, RPP
Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/106/22

1. The variance applies only to the proposed development for as long as it remains.
2. That the variance applies 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.

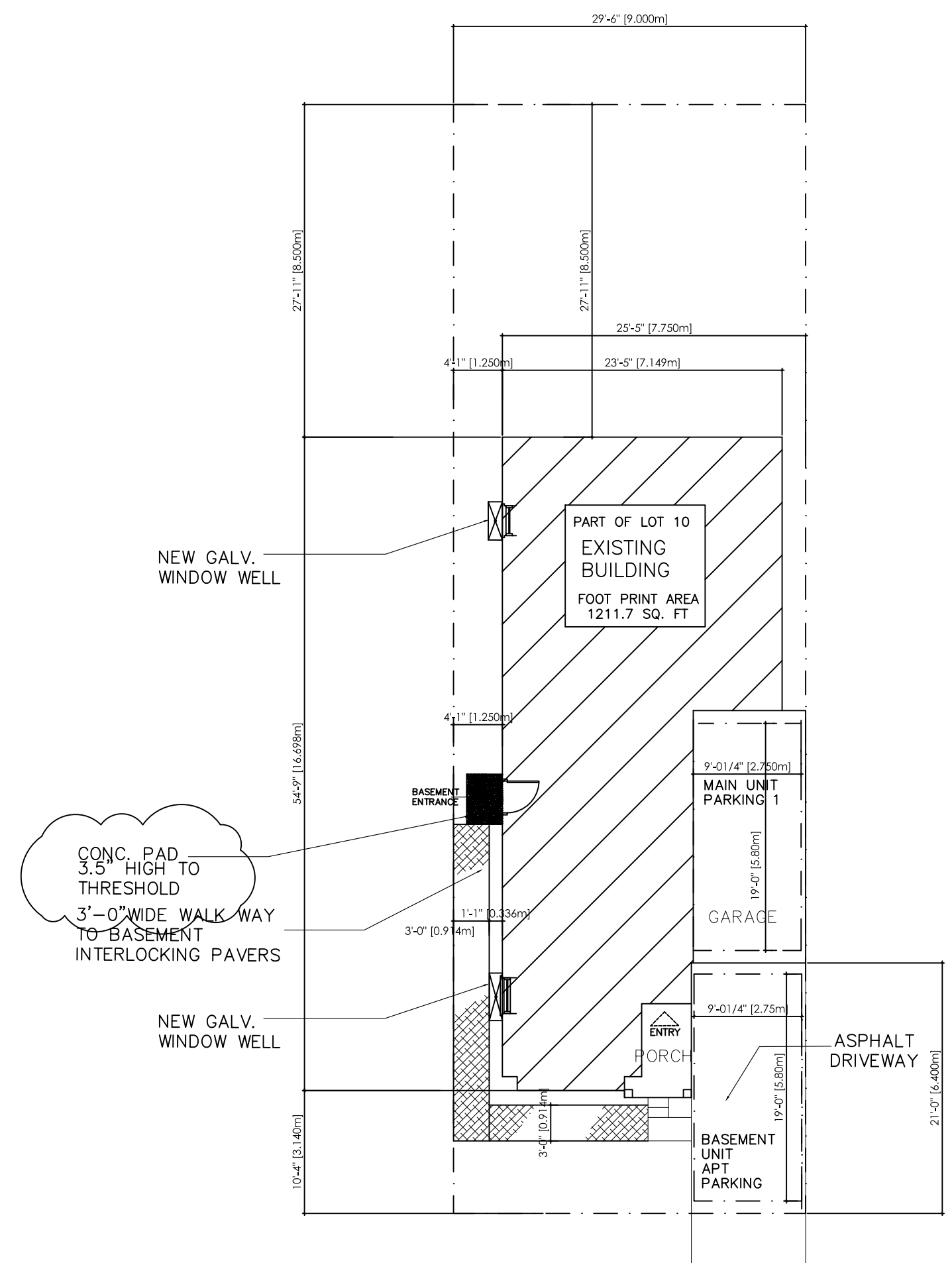
CONDITIONS PREPARED BY:

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

Aleks Todorovski, MCIP, RPP
Planner, Zoning and Special Projects

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/106/22



SITE PLAN

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

SITE STATISTICS:

SITE ADDRESS: 125 Maria Road – Markham

LOT AREA: 2745.17 square ft..= (255.035 SQ.M.)

GROUND FLOOR SPACE : 1023.45 square ft.) (95.08 SM)

SECOND FLOOR SPACE : 1114.49 square ft (103.54 SM)

BASEMENT SECOND UNIT AREA : 755.12 square ft. (70.15 SM)

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:
K.RANAGAVARATHA (B.C.I.N) 26147

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

DRAWING TITLE:
SITE PLAN

PROJECT:
NEW BASEMENT APT EXISTING DWELLING
125 Maria Road – Markham

OWNER:
NAVEED IQBAL & FAREESA IQBAL

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1	building permit	K.V.	
NO.	REVISION/ISSUED TO	BY	DATE

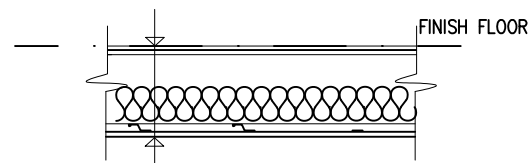
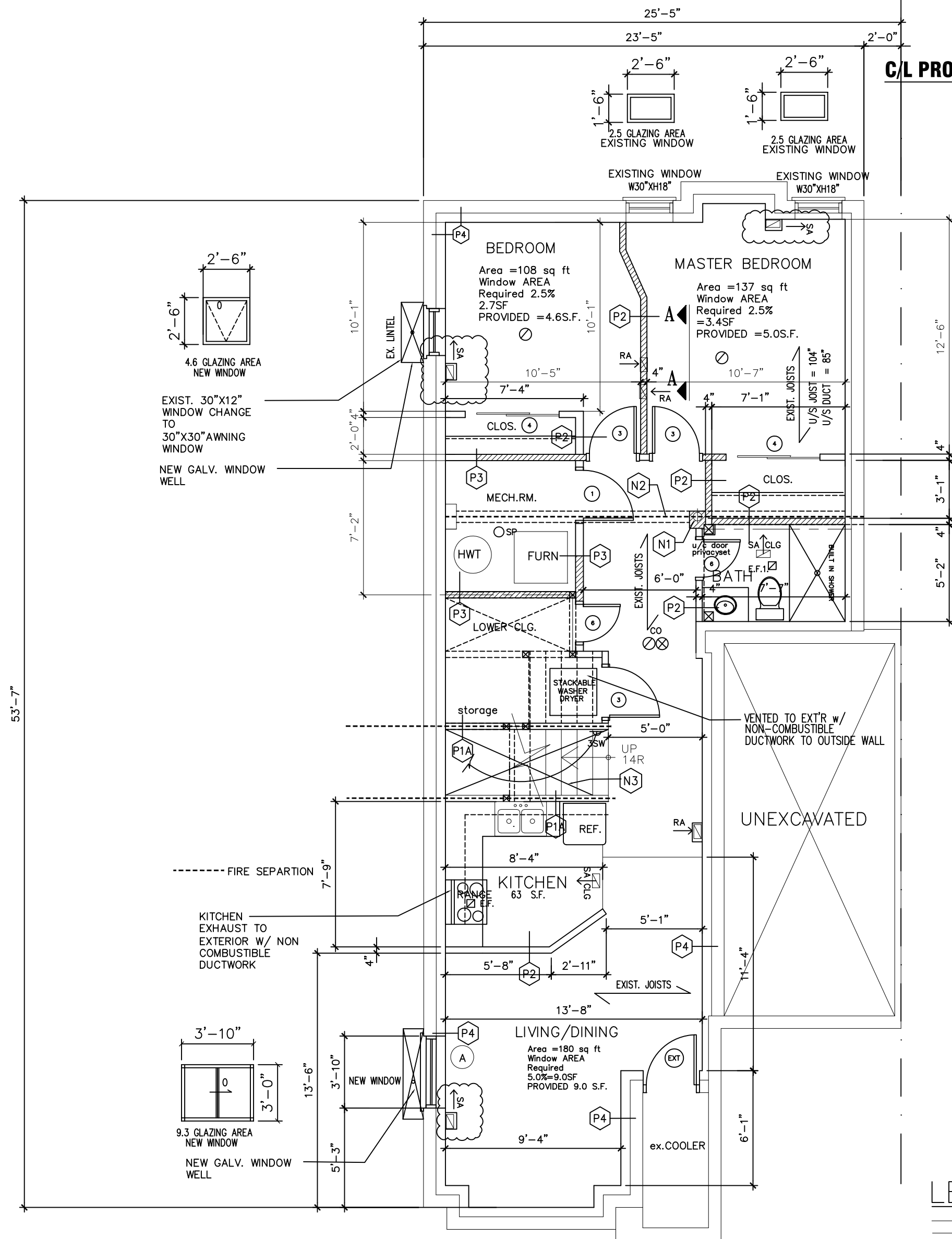
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SCALE: 3/32" = 1'-0"	CAD FILE :	JOB No.: 22137
DATE:	DWG NO:	OF
DRAWN BY: K.V.	A1	4
CHECKED BY: K.V.	DATE OF PRINT:	

Appendix B

File: 22-249665-000.00.MNV

Date: 08/19/22 MMDDYY



EXISTING subfloor of 15.5 mm plywood, OSB or waferboard, ON EXISTING wood joists spaced at 16" o.c.
INSULATION AS PER BELOW
resilient metal channels spaced 16" o.c.
1 layer of 1/2" th. type 'x' gypsum board on ceiling side

FLOOR CONSTRUCTION

F 5G floor construction type based on OBC sb-3
F.R.-30 MIN MINERAL WOOL INSULATION 2.8 KG/M2

SECTION A-A

SCALE: N.T.S.

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
EXISTING MAIN FLOOR WALL AND CEILING IS DRY WALL FILLED WITH INSULATION SOUND TRANSMISSION BETWEEN MAIN UNIT AND SECOND SUITE.
SEE SECTION A-A

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
@ 104" A.F.F
FULL BASEMENT
AND 84" U/D BEAMS

ALL SUPPLY AND RETURN AIR TO BE 6" AFF EXTERIOR WALLS

ADD 1 LAYER 5/8" TYPE "X" AROUND ST'L COLUMN ENCASED IN WALL TYPE P3

1 LAYER 5/8" TYPE "X" AROUND ST'L BEAM C/W MINERAL WOOL 45 MIN.

INSTALL 5/8" TYPE "X" DRY WALL UNDERSIDE OF STAIRS SB-2 MIN 40 MIN F.R. JOISTS EQ. 10 MIN = 50 MIN TOTAL

LEGEND:

EXISTING WALLS
NEW WALLS
RENOVATED WALLS

CH90 CEILING HT.

EXIST. JOIST DIRECTION

EX.=EXISTING CONSTRUCTION OR ITEM

WINDOW LINTEL TO BE 3'-2" X 10" FLUSH C/W 3.5" X 3.5" X 5/16" STEEL BRICK ANGLE

EXIST. JOIST DIRECTION

E.F. MECHANICAL VENTILATION 150 CFM INSUL. EXHAUST OUT	EXISTING DOOR
32X80 NEW DOOR (20 MIN RATED WITH SELF CLOSING DEVICE)	60X80 SLD. DOOR
32X80 NEW DOOR	30X80 NEW DOOR
32X80 NEW DOOR	24X80 NEW DOOR
SMOKE ALARM INTER CONNECTED	28X80 SLD. DOOR
SA - SUPPLY AIR	RA - RETURN AIR
SA CLG. - SUPPLY AIR	
E.F.1 MECHANICAL VENTILATION 100 CFM INSUL. EXHAUST OUT	
SP - INSTALL NEW SPRINKLER HEAD IN FURNACE ROOM	

P1 1 LAYER 1/2" TYPE "X" GYPSUM BOARD C/W SOUND ABOR. MATERIAL 2" X 4" @ 16" O.C. SB-3 W/ 45 MIN F.R. STC34	P2 2" X 4" WD STUDS @ 16" O/C C/W 1/2" GYPSUM BD.
F1A 1 LAYER 1/2" GYPSUM BOARD C/W SOUND ABOR. MATERIAL 2" X 4" @ 16" O.C. SB-3 W/ 45 MIN F.R. STC34	P3 2X4 WITH 5/8" TYPE "X" DRY WALL @ 16" O.C. BOTH SIDES 1 HR. FIRE RATED WALL (BASED ON WID SB-3)
F1B 2 LAYER 5/8" TYPE "X" C/W SOUND CHANNELS C/W SOUND ABOR. MATERIAL 2" X 4" @ 16" O.C. AND 1 LAYER OF 5/8" TYPE "X" (BASED ON WIA SB-3 STC RATING 51)	P4 EX. FDN WITH R20 CI SPRAYFOAM (3.5" MIN TH) W/ 2" X 3" WD STUDS @ 16" O.C.
F1C 2X4 WITH 5/8" TYPE "X" DRY WALL @ 16" O.C. BOTH SIDES 1 HR. FIRE RATED WALL (BASED ON WIA SB-3) STC 36	SW3 3-way SWITCH
	SW SWITCH

NOTES:

1. DOORWAY SIZE SHALL CONFIRM TO O.B.C. 9.5.11 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.

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:

KIRANAGAVARATHA (B.C.L.N) 26147

REGISTRATION INFORMATION:

VARATHA DESIGN ASSOCIATES (B.C.L.N) 33937

DRAWING TITLE:

EXISTING BASEMENT FLOOR PLAN

PROJECT:

NEW BASEMENT APT EXISTING DWELLING
125 Maria Road - Markham

OWNER:

NAVEED IQBAL & FAREESA IQBAL

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

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22137

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APR.14,22

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K.V

CHECKED BY:
K.V

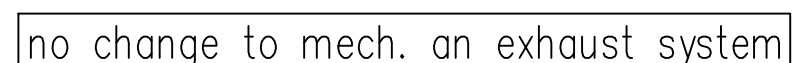
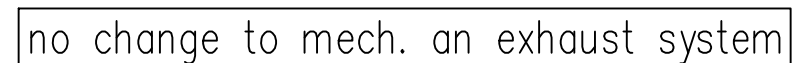
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OF

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DATE OF PRINT:
APR.14,22

2	REVISIONS	K.V.	JN.2,22
1	BUILDING PERMIT	K.V.	APR.14,22
NO.	REVISION/ISSUED TO	BY	DATE

File: 22.243685.000.00.MNV
Date: 08/19/22
MM/DD/YY



SCALE: 3/16" = 1'-0"	CAD FILE :	JOB No.: 22137
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DRAWN BY: K.V	A3	4
CHECKED BY: K.V	DATE OF PRINT: APR.14,22	

Appendix B

File: 22.249665.000.00.MNV

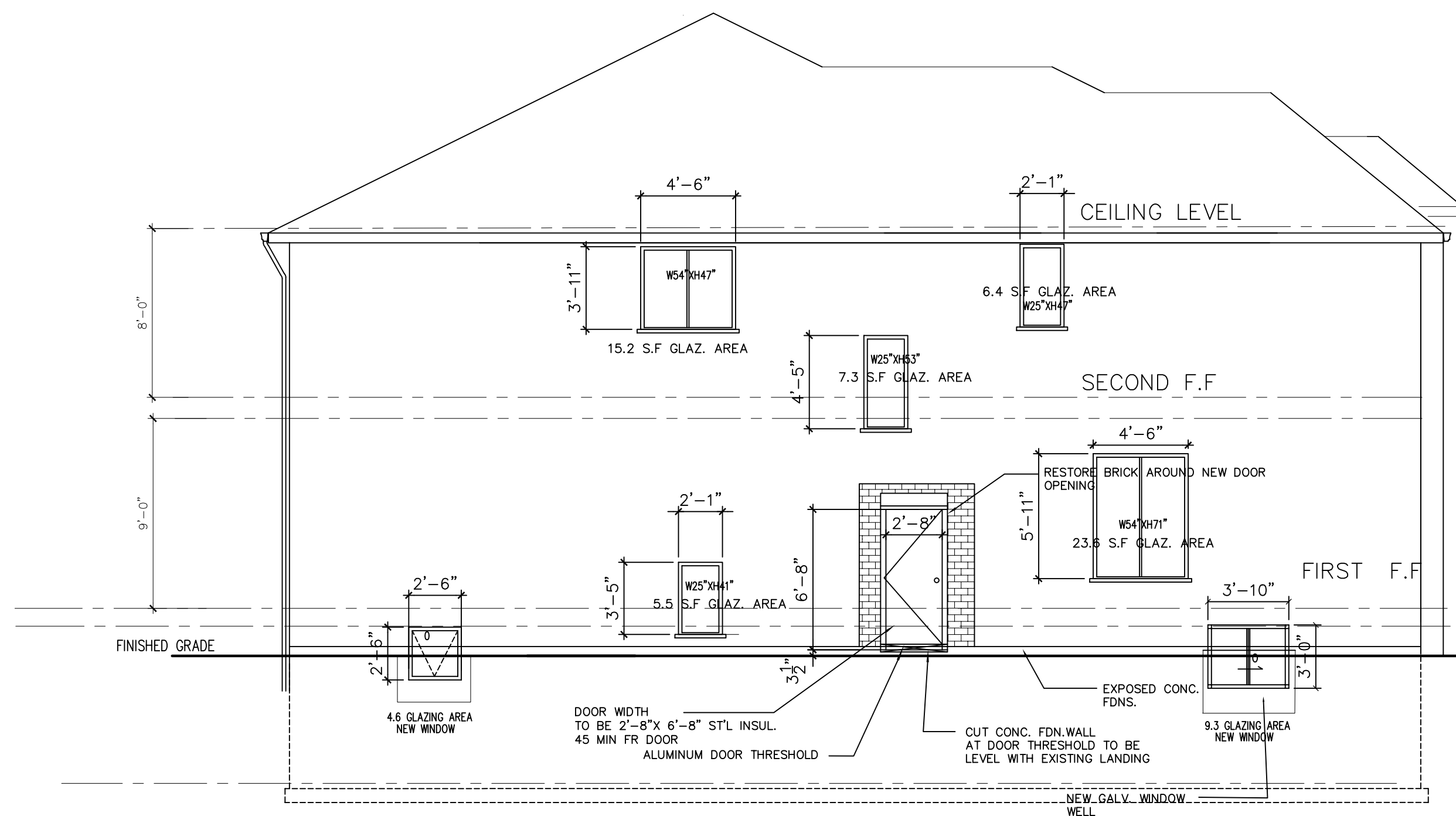
Date: 08/19/22
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Table 9.10,15.4.
Maximum Area of Glazed Openings in Exterior Walls of Houses
7.0% MAX.window openings

WEST ELEVATION

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

ALLOWABLE UNPROTECTED OPENINGS

TOTAL WALL AREA = 1040 square ft.
LIMITING DISTANCE = 4.00 FT.
ALLOWABLE OPENINGS = 72.80 S.F
ACTUAL GLAZING OPENINGS provided 71.9 S.F

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REGISTRATION INFORMATION:

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DRAWING TITLE:

elevation

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125 Maria Road - Markham

OWNER:

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1	BUILDING PERMIT	K.V.	APRIL 29,22
NO.	REVISION/ISSUED TO	BY	DATE

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