

Memorandum to the City of Markham Committee of Adjustment

November 3, 2022

File: A/173/22
Address: 56 Colonel Marr Road, Markham
Applicant: Bing Qian
Agent: Markham Drafting & Design (Dongshan Cui)
Hearing Date: Wednesday, November 9, 2022

The following comments are provided on behalf of the Central District team.

The Applicant is requesting relief from the following “Eight Density – Single-Detached Residential (R8)” zone requirements under By-law 118-79, as amended, as it relates to a proposed secondary suite (basement apartment). The variance requested is to permit:

a) Section 6.1:

a second dwelling unit, whereas the By-law permits no more than one dwelling unit per lot.

BACKGROUND

Property Description

The 459 m² (4,941 ft²) subject property is located on the south side of Colonel Marr Road, and west of Captain Francis Drive (refer to Appendix “A” – Aerial Photo). The subject lands are located within an established residential neighbourhood comprised primarily of two-storey detached dwellings. There is an existing 186 m² (2002 ft²) two-storey detached dwelling which was constructed in 1988, according to assessment records. Mature vegetation exists on the property including one large mature tree in the front yard.

Proposal

The Applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposal also includes a new egress window, with direct and separate access provided by an existing entrance located at the side of the dwelling (refer to Appendix “B” – Plans).

Official Plan and Zoning

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

The subject lands are designated “Residential Low Rise”, which permits 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. 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. Planning staff have had regard for the requirements of the establishment of secondary suites criteria in the preparation of the comments provided below.

Zoning By-Law 118-79

The subject lands are zoned “Eight Density – Single-Detached Residential (R8)” under By-law 118-79, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law with respect to the proposed accessory dwelling unit.

Zoning Preliminary Review (ZPR) - Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the Applicant has received comments from the building department through their permit process (HP 22 256239) to confirm the variance required for the proposed development. Consequently, it is the Owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning Bylaw required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

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 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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Secondary Suite

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, 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.

York Region Requirements

York Region provided comments on the subject application, requesting confirmation that adequate water supply and sewage capacity has been allocated for the proposed dwelling. Staff recommend a condition be added requiring the Applicant satisfies this requirement prior to the issuance of a building permit.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 31, 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.

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – A/173/22 Conditions of Approval

PREPARED BY:

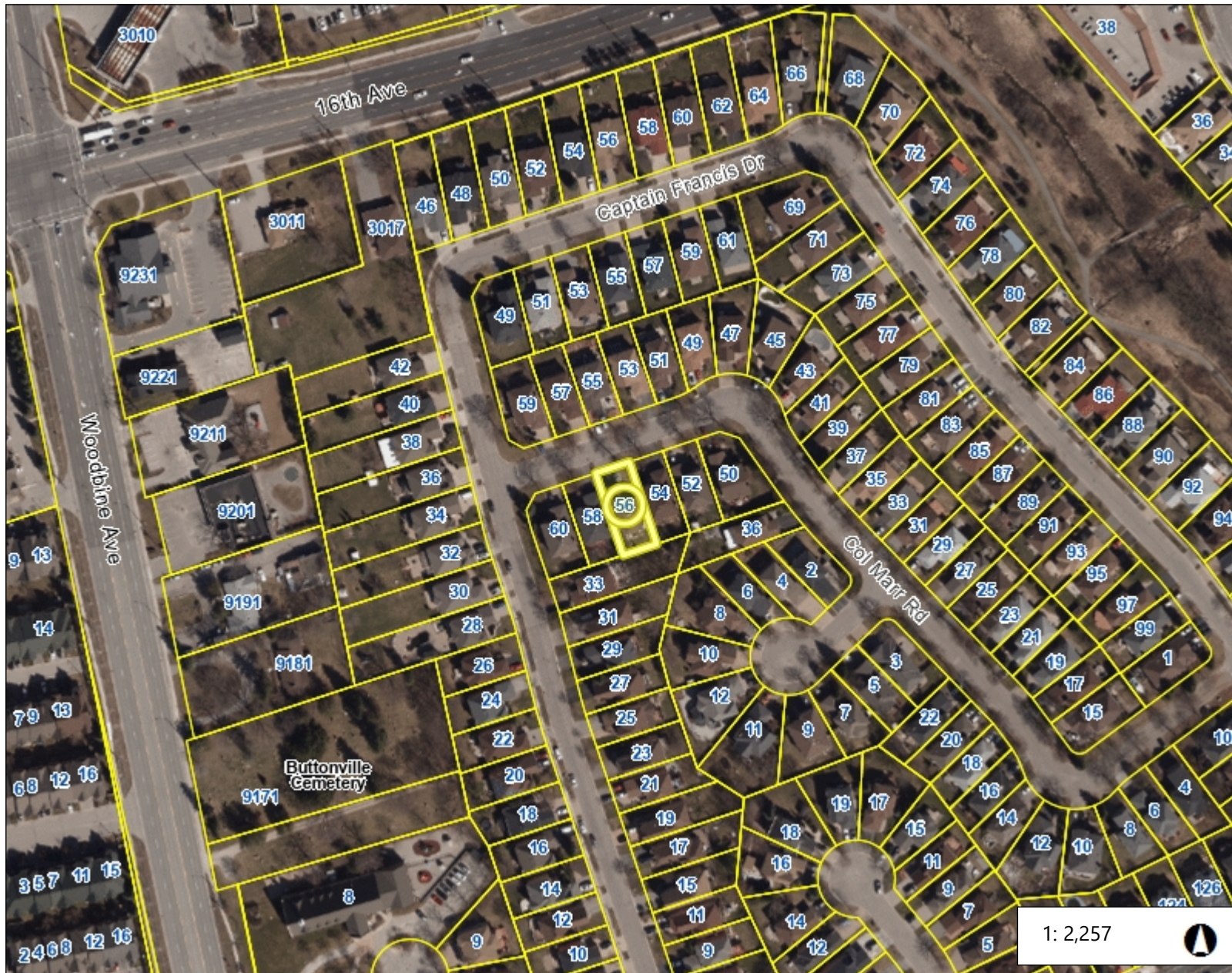
A handwritten signature in black ink, appearing to read "Hussnain Mohammad".

Hussnain Mohammad, Development Technician, Zoning and Special Projects

REVIEWED BY:

A handwritten signature in purple ink, appearing to read "Deanna".

Deanna Schlosser, MCIP RPP, Senior Planner, Central District



Legend

 Subject Lands

Notes

114.7 0 57.33 114.7 Meters

NAD_1983_UTM_Zone_17N
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Appendix B

File: 22.258349.000.00.MNV

Date: 11/03/22
MM/DD/YY

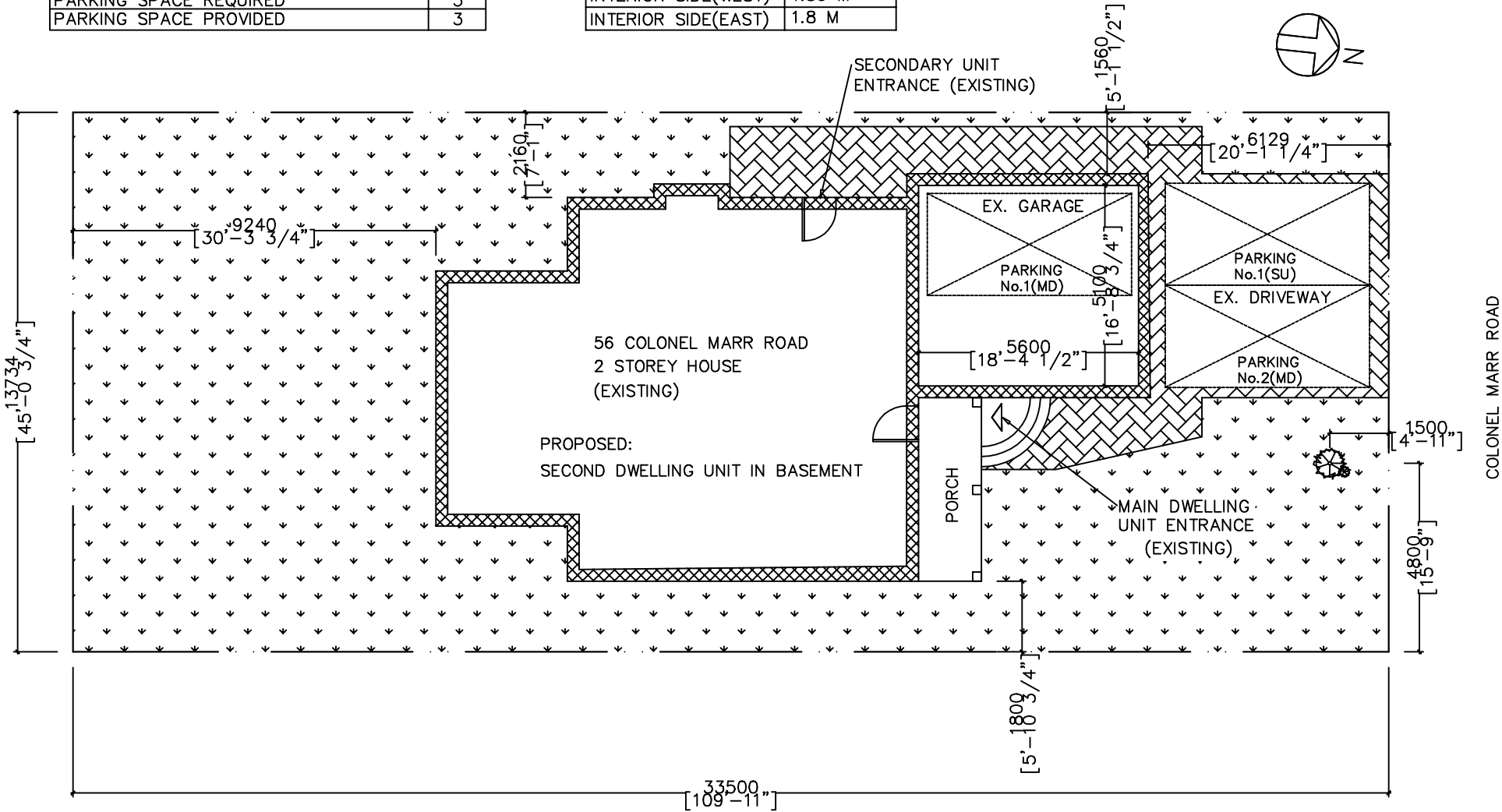
Second Unit Statistics	
56 COLONEL MARR ROAD, Markham	
GFM, sqm	275
SECOND UNIT AREA (BASEMENT), sqm	89
GROUND FLOOR AREA, sqm	93
2ND FLOOR AREA, sqm	93
PARKING SPACE REQUIRED	3
PARKING SPACE PROVIDED	3

LOT AREA	459 SQM
LOT FRONTAGE	13.7 M
LOT DEPTH	33.5 M

SETBACKS	NO CHANGE
FRONT YARD(NORTH)	6.13 M
REAR YARD(SOUTH)	9.24 M
INTERIOR SIDE(WEST)	1.56 M
INTERIOR SIDE(EAST)	1.8 M

LEGEND:

- PARKING SPACE 2600x5200
- SOFT LANDSCAPE
- HARD LANDSCAPE
- TREE



SITE PLAN

THE UNDERSIGNED HAS REVIEWED
AND TAKES RESPONSIBILITY FOR
THIS DESIGN, AND HAS THE
QUALIFICATIONS AND MEETS
THE REQUIREMENTS SET OUT IN
THE ONTARIO BUILDING CODE TO
BE A DESIGNER
Name: Dongshan Cui
BCIN: 114688

1	ISSUED FOR BUILDING PERMIT	Aug18,22
No.	Revision/Issue	Date

Firm Name and Address
Markham Drafting & Design
67 Maria Road, Markham
Ontario L6E 0N9
Tel.: (647)381-5561

Project Name and Address
SECOND UNIT
56 COLONEL MARR ROAD
MARKHAM, ONTARIO
L3R 9E2

Drawing Title SITE PLAN	
Scale 1:150	Date Aug 18, 2022
Drawing Number A101	

58349.000.00.MNV
3/22
MM/DD/YY

Date: 11/03/22



Name: Dongshan Cui
BCIN: 114688

Drawing Title	
EXISTING BASEMENT FLOOR PLAN	
Scale	Date
1:80	Aug 17, 2022
Drawing Number	
A201	

Appendix B

File: 22.258349.000.00.MNV

Date: 11/03/22
MM/DD/YY

NOTE: WALLS BETWEEN THE UPPER AND LOWER UNIT TO BE FIRE RATED. 30 MINUTE FIRE SEPARATION BETWEEN UNITS. A FIRE SEPARATION CAN BE REDUCED TO 15 MINUTES IF THE ENTIRE HOUSE HAS INTERCONNECTED SMOKE ALARMS. IN ORDER TO ONLY HAVE A 15 MINUTE HORIZONTAL FIRE SEPARATION ALL BEDROOMS AND EACH FIRE COMPARTMENT(FURNACE ROOM) WITHIN THE HOUSE ARE REQUIRED TO HAVE AN INTERCONNECTED SMOKE ALARM IN THEM WITH ALL SMOKE ALARMS TO BE A VISUAL SIGNAL.

NOTE: A SMOKE DETECTOR MUST BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT THAT WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM WHEN ACTIVATED.

NOTE: PROVISION SHALL BE MADE FOR THE RETURN OF AIR FROM ALL ROOMS BY LEAVING GAPS BENEATH DOORS.

DOOR & WINDOW SCHEDULE

No.	SIZE	QTY.	DESCRIPTION
①	32"x80"	1	FIRE DOOR(20MIN.) WITH SELF CLOSER
②	40"x30"	1	CASEMENT WINDOW GLASS AREA: 0.7sqm
③	30"x18"	1	SLIDING WINDOW GLASS AREA: 0.3sqm
④	30"x24"	1	SLIDING WINDOW GLASS AREA: 0.45sqm

WOOD LINTEL SCHEDULE

WB1	UP TO 3'-6" OPENING	3-2"x6"
WB2	UP TO 5'-6" OPENING	3-2"x8"
WB3	UP TO 6'-6" OPENING	3-2"x10"
WB4	UP TO 7'-6" OPENING	3-2"x12"

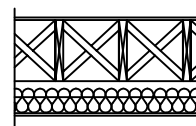
STEEL LINTEL SCHEDULE

L1	UP TO 4'-6" OPENING	L 3.5"x3.5"x5/16"
L2	UP TO 5'-6" OPENING	L 4"x3.5"x5/16"
L3	UP TO 6'-6" OPENING	L 5"x3.5"x5/16"
L4	UP TO 7'-6" OPENING	L 5"x3.5"x3/8"
L5	UP TO 9'-10" OPENING	L 6"x4"x3/8"
L6	UP TO 11'-0" OPENING	L 7"x4"x3/8"

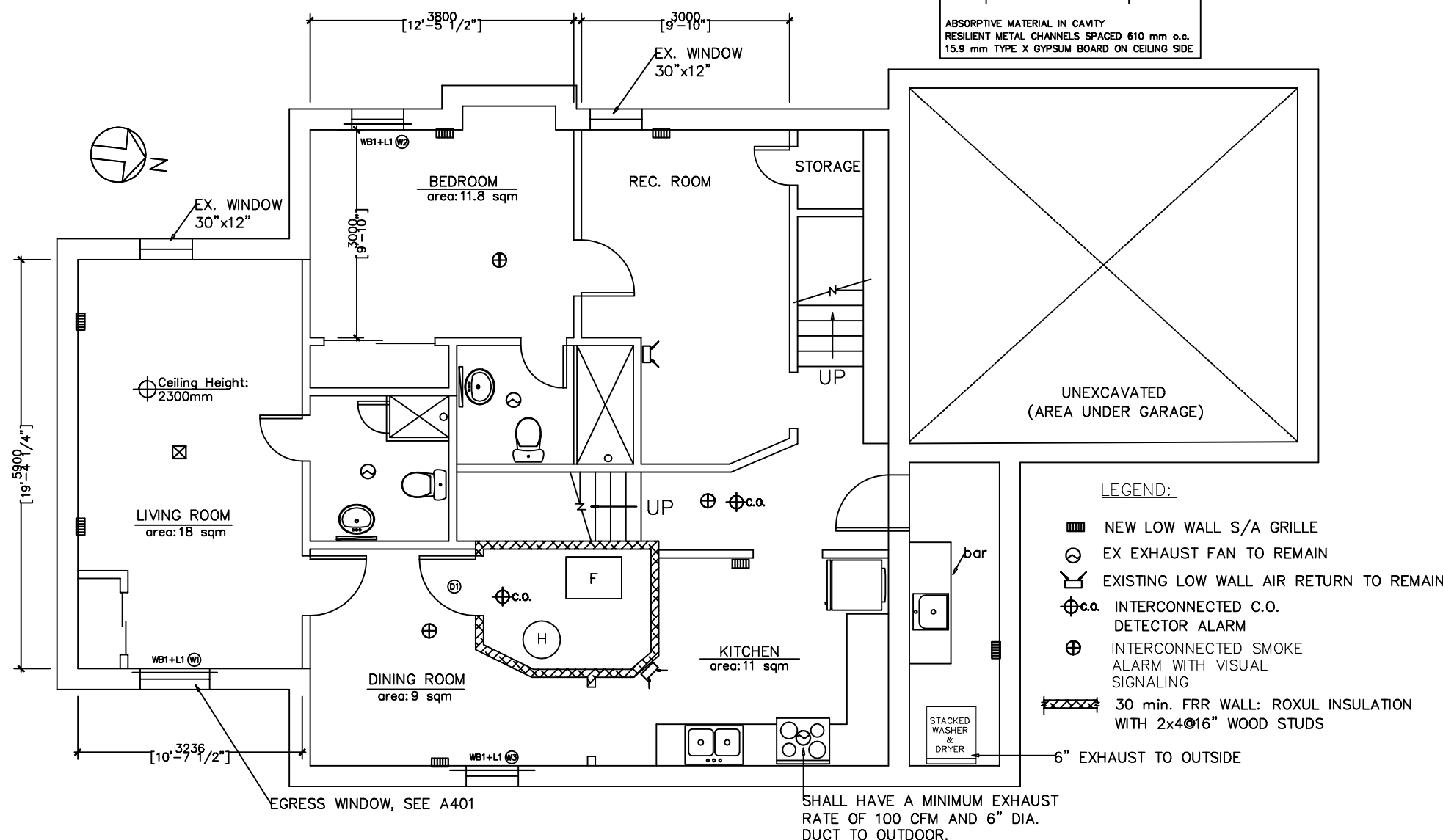
NOTE: 30 MINUTES FIRE RESISTANCE RATING AND 50 OF SOUND TRANSMISSION CLASS RATING IN ENTIRE BASEMENT CEILING. CEILING ASSEMBLY NUMBER: F8d

CEILING DETAIL (F8d)

NOT TO SCALE



ABSORPTIVE MATERIAL IN CAVITY
RESILIENT METAL CHANNELS SPACED 610 mm o.c.
15.9 mm TYPE X GYPSUM BOARD ON CEILING SIDE



PROPOSED BASEMENT FLOOR PLAN

(second unit)

NO ALTERATIONS EXCEPT AS NOTED

LEGEND:

- NEW LOW WALL S/A GRILLE
- EX EXHAUST FAN TO REMAIN
- EXISTING LOW WALL AIR RETURN TO REMAIN
- ⊕ c.o. INTERCONNECTED C.O. DETECTOR ALARM
- ⊕ INTERCONNECTED SMOKE ALARM WITH VISUAL SIGNALING
- 30 min. FRR WALL: ROXUL INSULATION WITH 2x4@16" WOOD STUDS
- 6" EXHAUST TO OUTSIDE

1	ISSUED FOR BUILDING PERMIT	Aug17,22
No.	Revision/Issue	Date

Firm Name and Address
Markham Drafting & Design
67 Maria Road, Markham
Ontario L6E 0N9
Tel.: (647)381-5561

Project Name and Address
SECOND UNIT
56 COLONEL MARR ROAD
MARKHAM, ONTARIO
L3R 9E2

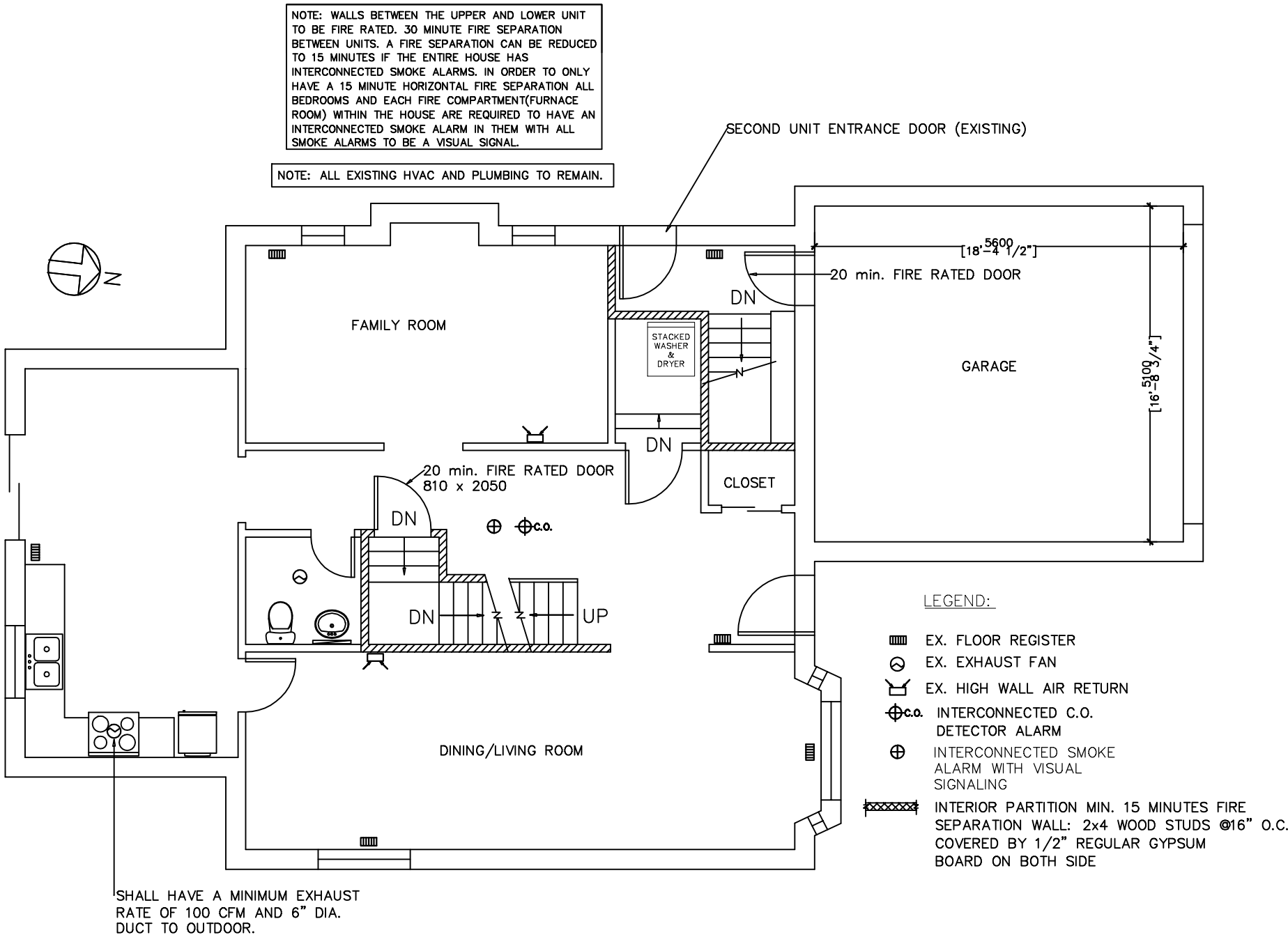
Drawing Title	PROPOSED BASEMENT FLOOR PLAN
Scale	1:80
Date	Aug 17, 2022
Drawing Number	A202

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER
Name: Dongshan Cui
BCIN: 114688

Appendix B

File: 22.258349.000.00.MNV

Date: 11/03/22
MM/DD/YY



GROUND FLOOR PLAN
(A part of main dwelling unit)

1	ISSUED FOR BUILDING PERMIT	Aug16,22
No.	Revision/Issue	Date

Firm Name and Address

Markham Drafting & Design
67 Maria Road, Markham
Ontario L6E 0N9
Tel.: (647)381-5561

Project Name and Address

SECOND UNIT
56 COLONEL MARR ROAD
MARKHAM, ONTARIO
L3R 9E2

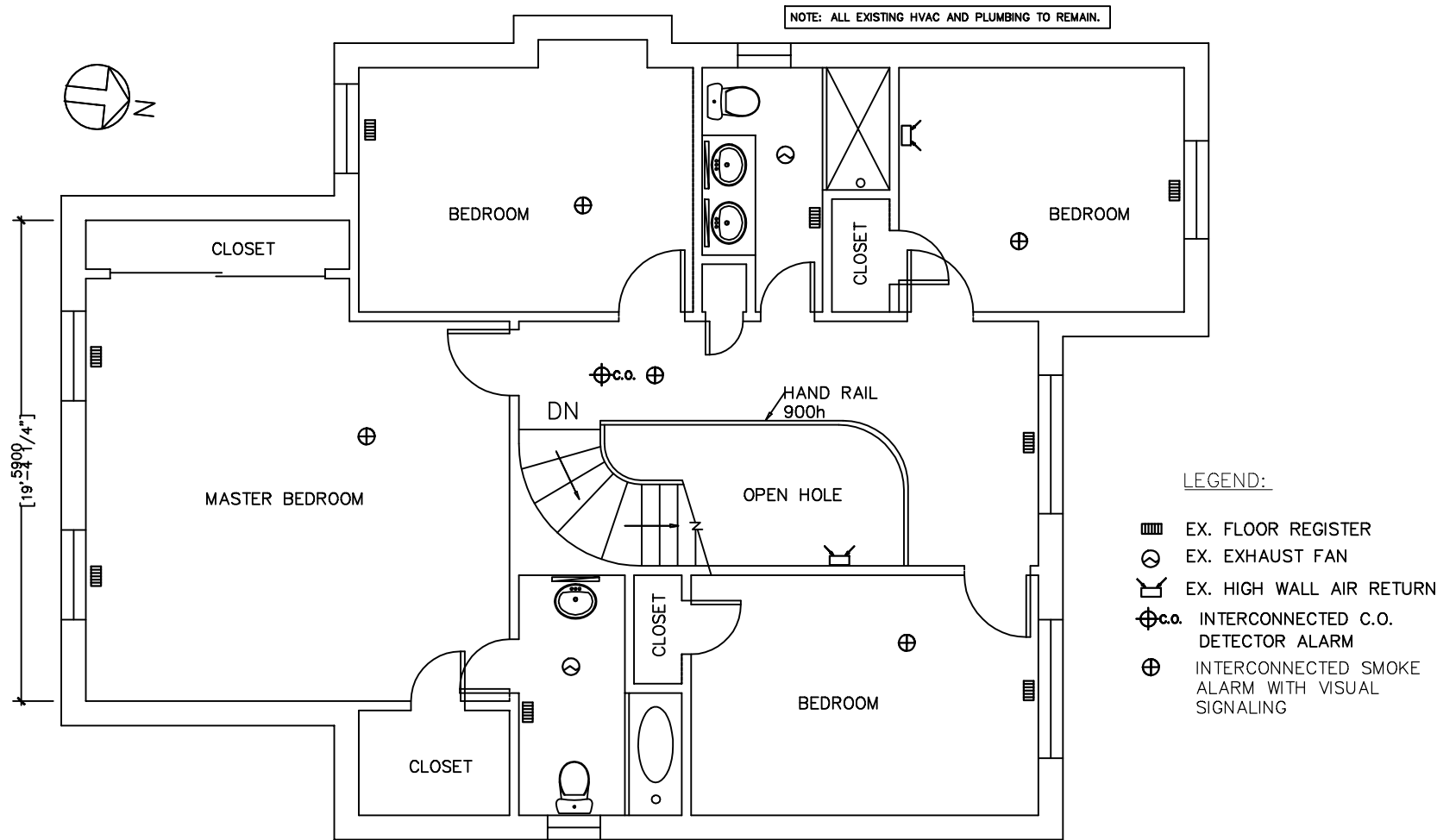
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GROUND FLOOR PLAN		
Scale	Date	
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Drawing Number		
A203		

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SECOND FLOOR PLAN
(A part of main dwelling unit)

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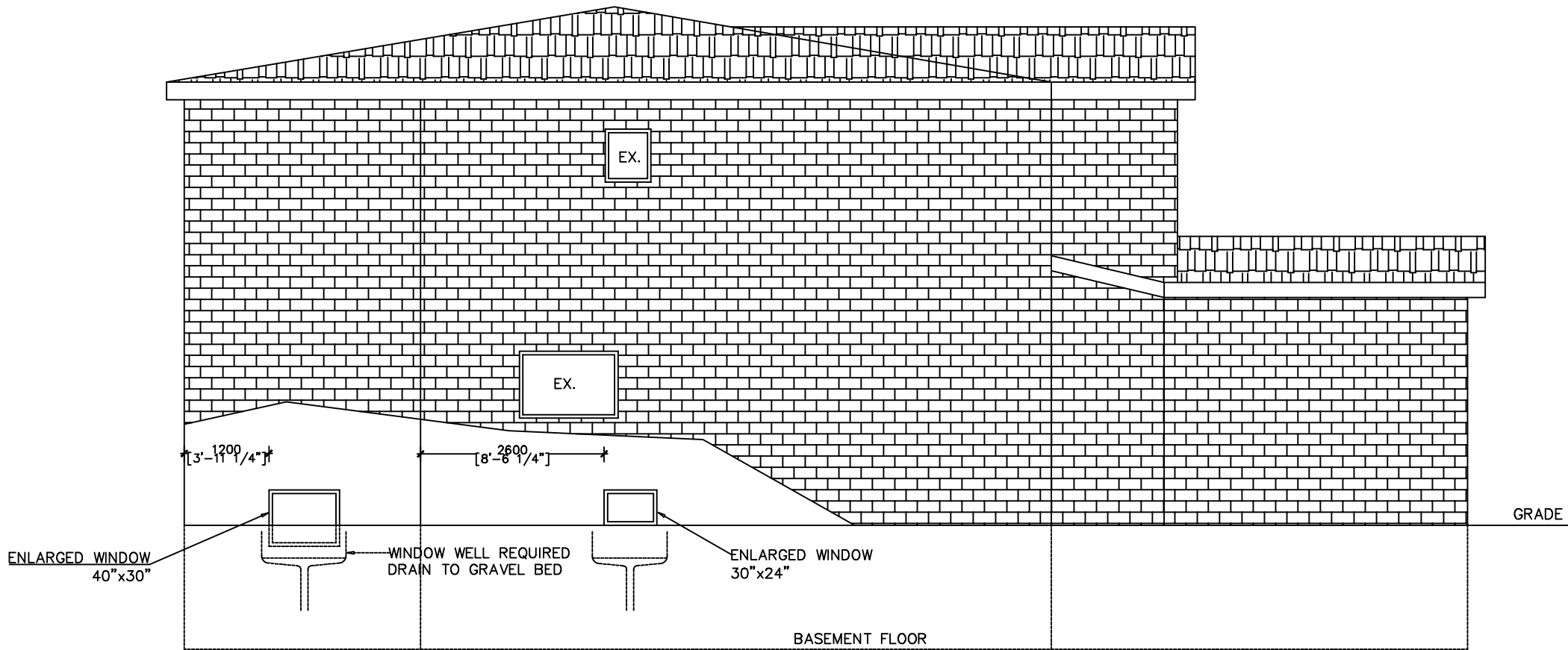
Project Name and Address
SECOND UNIT
56 COLONEL MARR ROAD
MARKHAM, ONTARIO
L3R 9E2

Drawing Title SECOND FLOOR PLAN	
Scale 1:80	Date Aug 16, 2022
Drawing Number A204	

Appendix B

File: 22.258349.000.00.MNV

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EAST ELEVATION

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Name: Dongshan Cui

BCIN: 114688

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67 Maria Road, Markham
Ontario L6E 0N9
Tel.: (647)381-5561

Project Name and Address

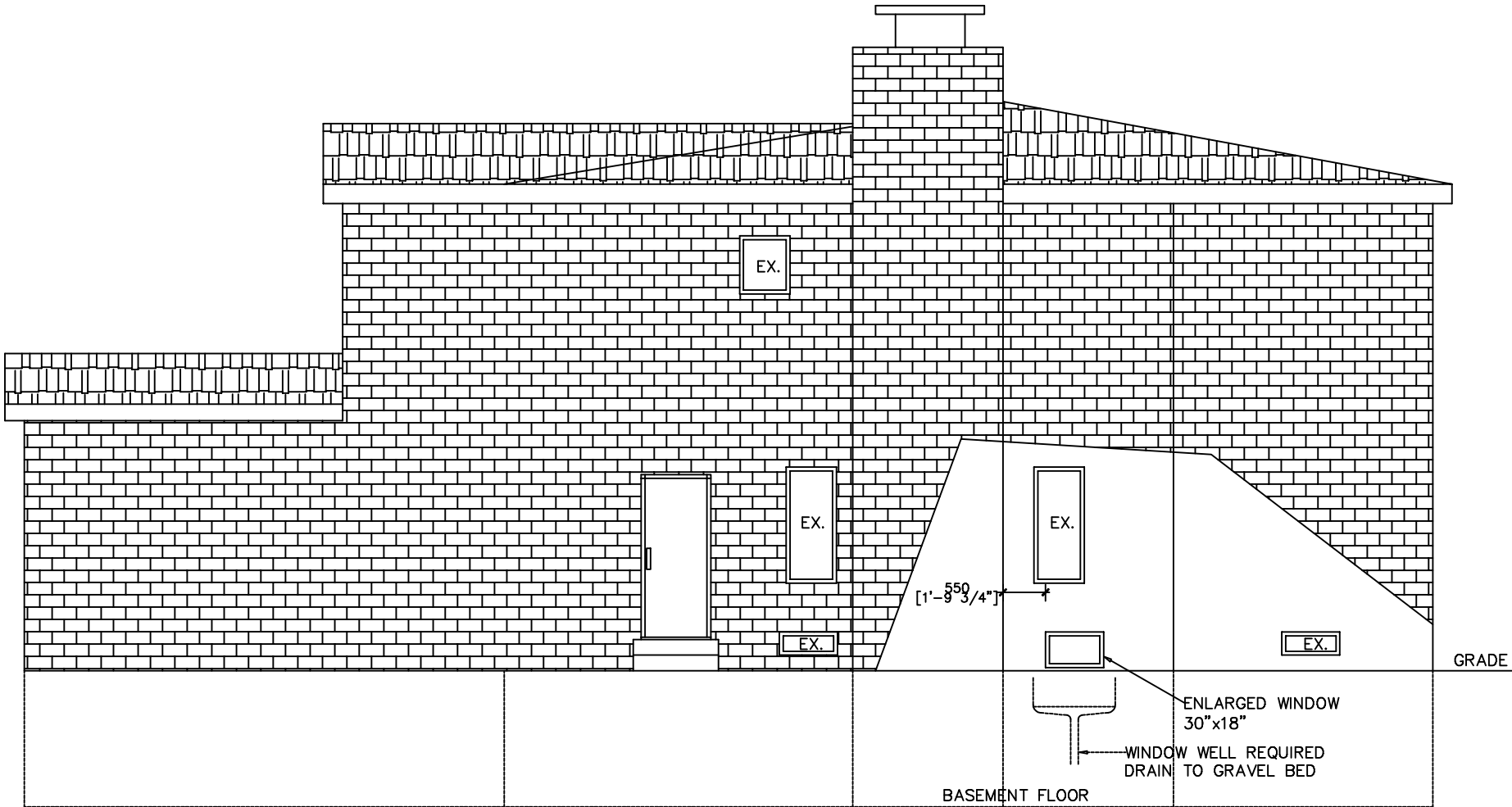
SECOND UNIT
56 COLONEL MARR ROAD
MARKHAM, ONTARIO
L3R 9E2

Drawing Title EAST ELEVATION	
Scale 1:80	Date Aug 18, 2022
Drawing Number A301	

Appendix B

File: 22.258349.000.00.MNV

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MM/DD/YY



WEST ELEVATION

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BE A DESIGNER

Name: Dongshan Cui

DC

BCIN: 114688

1	ISSUED FOR BUILDING PERMIT	Aug18,22
No.	Revision/Issue	Date

Firm Name and Address

Markham Drafting & Design
67 Maria Road, Markham
Ontario L6E 0N9
Tel.: (647)381-5561

Project Name and Address

SECOND UNIT
56 COLONEL MARR ROAD
MARKHAM, ONTARIO
L3R 9E2

Drawing Title

WEST ELEVATION

Scale

1:80

Date

Aug 18, 2022

Drawing Number

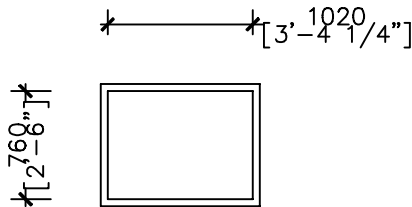
A302

Appendix B

File: 22.258349.000.00.MNV

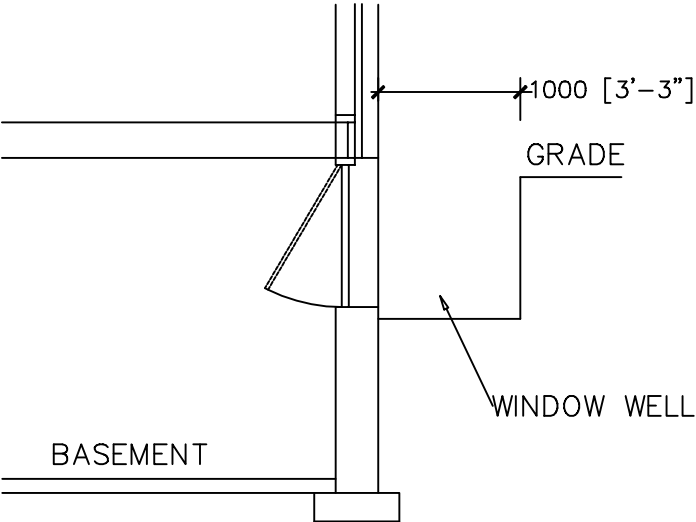
Date: 11/03/22
MM/DD/YY

EGRESS WINDOW



BASEMENT FLOOR

WINDOW WELL FOR EGRESS WINDOW



BASEMENT

WINDOW WELL

DETAILS

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MARKHAM, ONTARIO
L3R 9E2

Drawing Title DETAILS	
Scale N/A	Date Aug 18, 2022
Drawing Number A401	

APPENDIX "C"**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/173/22**

1. The variance applies only to the proposed development as long as it remains;
2. That the variance applies only to the subject development, in substantial conformity with the plan(s) attached as Appendix "B" - Plans 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;
4. That written confirmation be provided to the Regional Municipality of York that adequate water supply and sewage capacity has been allocated for the proposed dwelling, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction Regional Municipality of York.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Hussnain Mohammad', with a stylized 'H' and 'M'.

Hussnain Mohammad, Development Technician, Zoning and Special Projects