

Memorandum to the City of Markham Committee of Adjustment

November 03, 2022

File: A/194/22
Address: 6 Durant Crescent, Markham ON
Applicant: Excel Engineering (Krishna Shah)
Agent: Excel Engineering (Krishna Shah)
Hearing Date: Wednesday, November 23, 2022

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of "Eighth Density – Single Family Residential (R8)" under By-law 90-81, as amended, as it relates to a proposed secondary dwelling unit in the basement. The variance requested is to permit:

a) Section 6.1.1(a):

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

BACKGROUND

Property Description

The 461.14 m² (4,963.66 ft²) subject property is located on the west side of Durant Crescent, south of Denison Street and west of Markham 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. Mature vegetation exists on the property including one large mature tree in the front yard.

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 below grade entrance on the north side of the dwelling.

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 90-81

The subject property is zoned “Eighth Density – Single Family Residential (R8)” under By-law 90-81, as amended, which permits one single detached dwelling per lot.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on September 14, 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.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 3, 2022. It is noted that 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, 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:

A handwritten signature in blue ink, consisting of a stylized 'S' followed by a long horizontal stroke.

Stacia Muradali, Development Manager, East District

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/194/22

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:



Brashanthe Manoharan, Planner II, East District

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/194/22

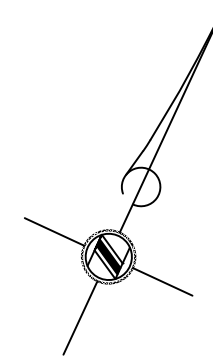
Address: 6 DURANT CRESCENT
Property Roll Number: 1936030211803320000
Zoning Bylaw BY-LAW 90-81 as amended
Zoning Designation R8
Official Plan Designation Residential Low Rise

PARKING SPACES
AVAILABLE PARKING: 4 NOS
REQUIRED PARKING: 3 NOS (2 +1)

LOT FRONTAGE - 45' 5" (13.8 meters)
TOTAL FRONT YARD AREA - 1310 SQ. FT.
PAVEMENT - 527 SQ. FT. (57.5%)
GRASS - 389 SQ. FT. (42.5%)
MINIMUM FRONT YARD LANDSCAPING REQUIRED AS PER
BY-LAW 28-97, SECTION 6.1.2.(a) AND 6.2.4.2.(b): 40%

The consultant is not responsible for the accuracy of the survey. Refer to the engineering drawings before proceeding to the work. Report any discrepancies between architectural/engineering drawings to the consultant. General contractor shall check and verify all dimensions and report all errors and omissions to the consultant. Construction must confirm to all applicable codes and requirements of authorities having jurisdiction.

File: 22.259957.000.00.MNV
Date: 11/09/22
MM/DD/YY



SCALE: $\frac{3}{32}$ " = 1' 0"

ALL DIMENSION ARE IN FEET-INCHES



			XX
DATE:	NO.	DESCRIPTION	BY
REVISIONS:			

6 DURANT CRESCENT
MARKHAM, ON

CLIENT:
DAYA NAND RAJAN
6 DURANT CRESCENT
MARKHAM, ON

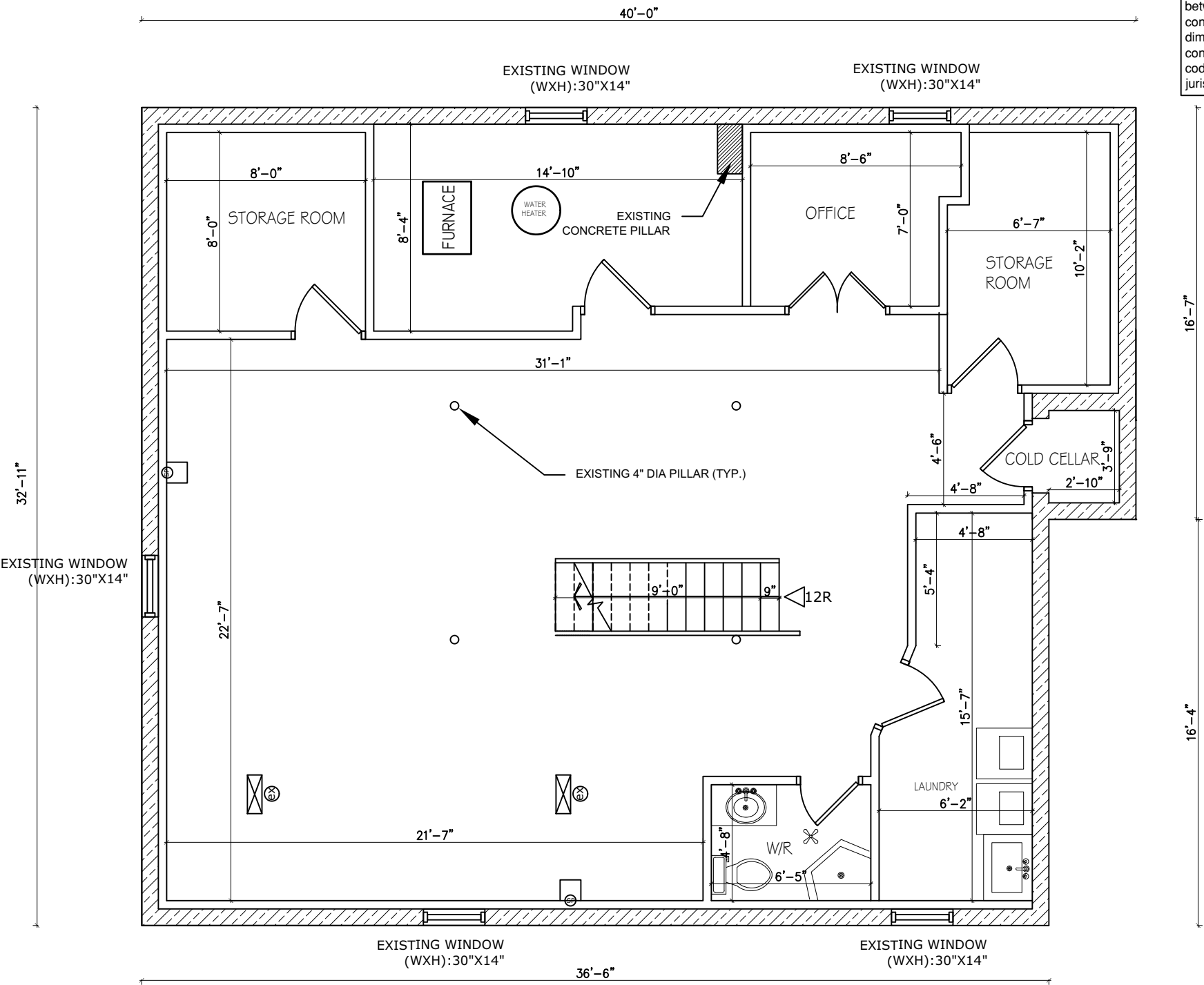
CONSULTANT:
EXCEL ENGINEERING INC.
4000 Steeles Avenue West, UNIT 202
WOODBIDGE, ON L4L 4V9
905-850-7556
KRISHNA@EXCELENG.CA

DRAWING TITLE:

SITE PLAN

DESIGN: KS	SCALE: AS SHOWN	DRAWING NO: A 1.0
DRAWN: DBP	DATE: JUNE 2022	
CHECKED: KS	PROJECT NO 2293	

NOTE: EVERYTHING SHOWN ON THIS DRAWING IS EXISTING.



GENERAL NOTE:
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Appendix B

File: 22.259957.000.00.MNV
Date: 11/09/22
MM/DD/YY

EXISTING BASEMENT PLAN

SCALE: 3/16" = 1' 0"



ALL DIMENSION ARE IN FEET-INCHES

REVISIONS:

PROJECT:
**CHANGE OF USE
BASEMENT APARTMENT**

6 DURANT CRESCENT
MARKHAM, ON

CLIENT:
DAYA NAND RAJAN

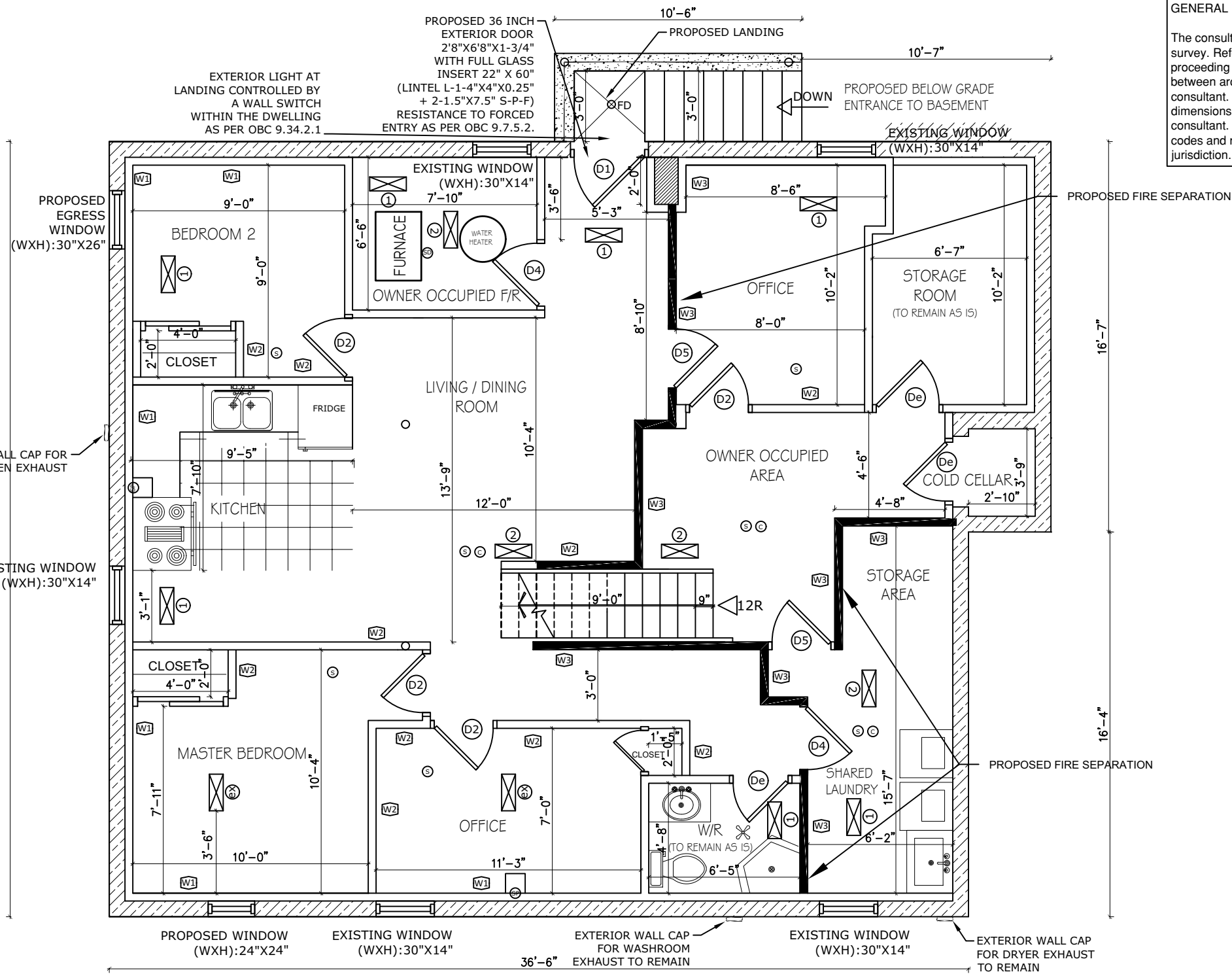
6 DURANT CRESCENT
MARKHAM, ON

CONSULTANT:
EXCEL ENGINEERING INC.

4000 Steeles Avenue West, UNIT 202
WOODBIDGE, ON L3R 4C3
CELL: 647-270-5656
KRISHNA@EXCELENG.CA

DRAWING TITLE:
**EXISTING
BASEMENT PLAN**

DESIGN: KS	SCALE: AS SHOWN	DRAWING NO: A 3.0
DRAWN: DBP	DATE: JUNE 2022	
CHECKED: KS	PROJECT NO: 2293	



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Appendix B

File: 22.259957.000.00.MNV

Date: 11/09/22MM/DD/YY



- NOTES:
- REFER TO DWG A2.0 FOR GENERAL NOTES AS WELL AS WALL, CEILING AND DOOR REFERENCES
 - REFER TO DWG A2.0 FOR HVAC & ELECTRICAL DETAILS

PROPOSED BASEMENT PLAN

SCALE: 3/16" = 1' 0"

ALL DIMENSION ARE IN FEET-INCHES

Dwelling Area	OBC Size Requirement	Provided (sq. ft)	Window Requirement	Min. area (sq. ft)	Provided (sq. ft)
Master Bedroom	95 ft ² with closet	111	2.50%	2.8	3.1
				pr window (24" x 24")	
Bedroom 2	65 ft ² with closet	81	2.50%	2.0	4.3
				pr egress window (30" x 26")	
Office	N/A	76	N/A		
kitchen	45 ft ²	70	none		
living and dining	180 ft ²	205	5%	10.3	11.2
			pr. glass door (22"x 60")		9.2
			ex window (30" x 14")		2.1

			XX
DATE:	NO.	DESCRIPTION	BY
REVISIONS:			

PROJECT:
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CONSULTANT:
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4000 Steeles Avenue West, UNIT 202
WOODBIDGE, ON L3R 4C3
CELL:647-270-5656
KRISHNA@EXCELENG.CA

DRAWING TITLE:
PROPOSED
BASEMENT PLAN

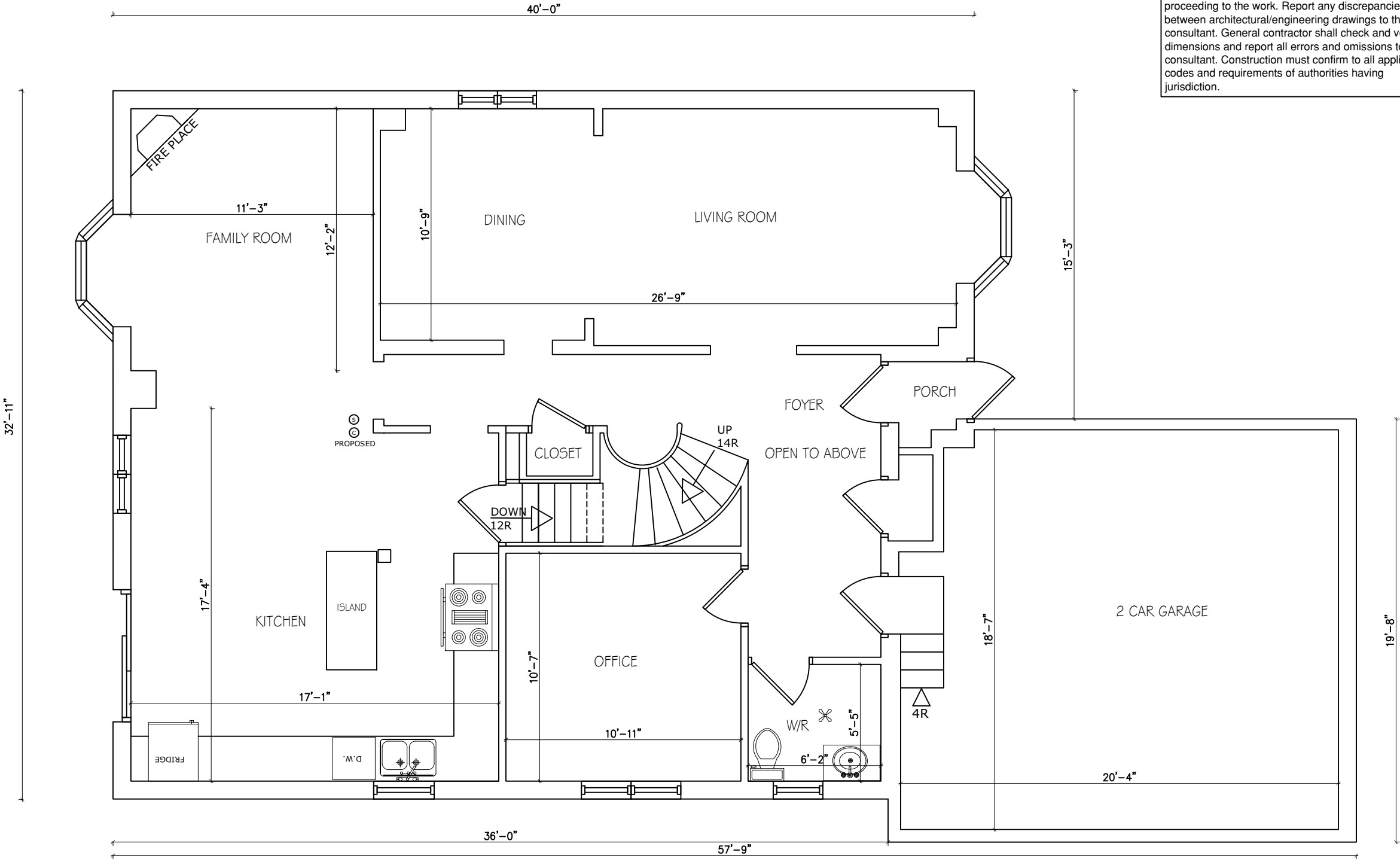
DESIGN: KS
SCALE: AS SHOWN
DRAWING NO:
A 4.0

DRAWN: DBP
DATE: JUNE 2022
CHECKED: KS
PROJECT NO: 2293

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- NOTE:
1. REFER TO DWG A2.0 FOR GENERAL NOTES AS WELL AS WALL, CEILING AND DOOR REFERENCES
 2. REFER TO DWG A2.0 FOR HVAC & ELECTRICAL DETAILS

FIRST FLOOR PLAN

SCALE: 3/16" = 1' 0"



ALL DIMENSION ARE IN FEET-INCHES

			XX
DATE:	NO.	DESCRIPTION	BY

REVISIONS:

PROJECT:
**CHANGE OF USE
BASEMENT APARTMENT**

6 DURANT CRESCENT
MARKHAM, ON

CLIENT:
DAYA NAND RAJAN
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MARKHAM, ON

CONSULTANT:
EXCEL ENGINEERING INC.
4000 Steeles Avenue West, UNIT 202
WOODBIDGE, ON L3R 4C3
CELL: 647-270-5656
KRISHNA@EXCELENG.CA

DRAWING TITLE:
FIRST FLOOR PLAN

DESIGN: KS	SCALE: AS SHOWN	DRAWING NO: A 5.0
DRAWN: DBP	DATE: JUNE 2022	
CHECKED: KS	PROJECT NO 2293	

GENERAL NOTE:

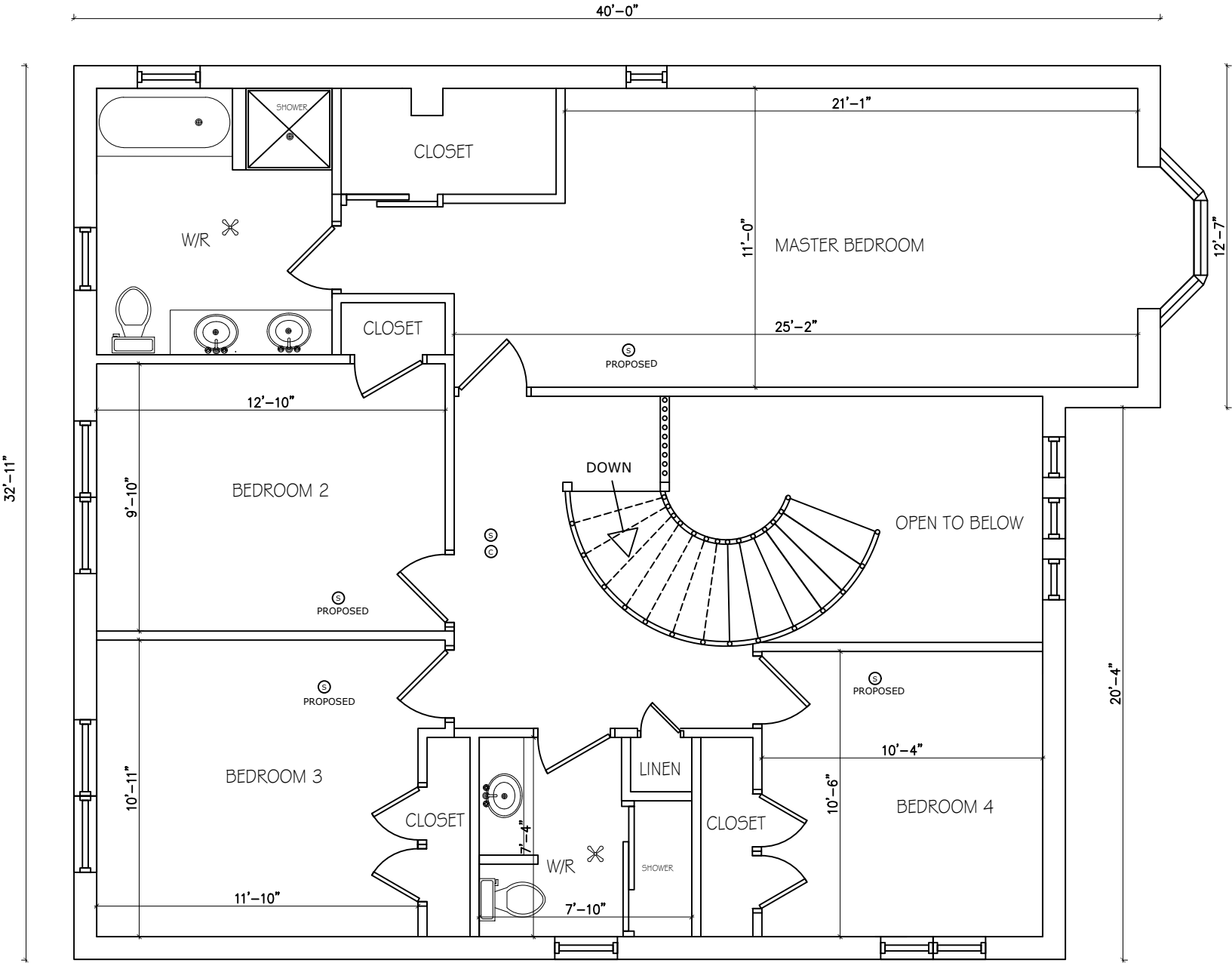
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Date: 11/09/22

MM/DD/YY



- NOTE:
- REFER TO DWG A2.0 FOR GENERAL NOTES AS WELL AS WALL, CEILING AND DOOR REFERENCES
 - REFER TO DWG A2.0 FOR HVAC & ELECTRICAL DETAILS

SECOND FLOOR PLAN

SCALE: 3/16" = 1' 0"

ALL DIMENSION ARE IN FEET-INCHES

			XX
DATE:	NO.	DESCRIPTION	BY

REVISIONS:

PROJECT:

CHANGE OF USE

BASEMENT APARTMENT

6 DURANT CRESCENT

MARKHAM, ON

CLIENT:

DAYA NAND RAJAN

6 DURANT CRESCENT

MARKHAM, ON

CONSULTANT:

EXCEL ENGINEERING INC.

4000 Steeles Avenue West, UNIT 202

WOODBIDGE, ON L3R 4C3

CELL:647-270-5656

KRISHNA@EXCELENG.CA

DRAWING TITLE:

SECOND FLOOR PLAN

DESIGN:	SCALE:	DRAWING NO:
KS	AS SHOWN	
DRAWN:	DATE:	
DBP	JUNE 2022	A 6.0
CHECKED:	PROJECT NO	
KS	2293	

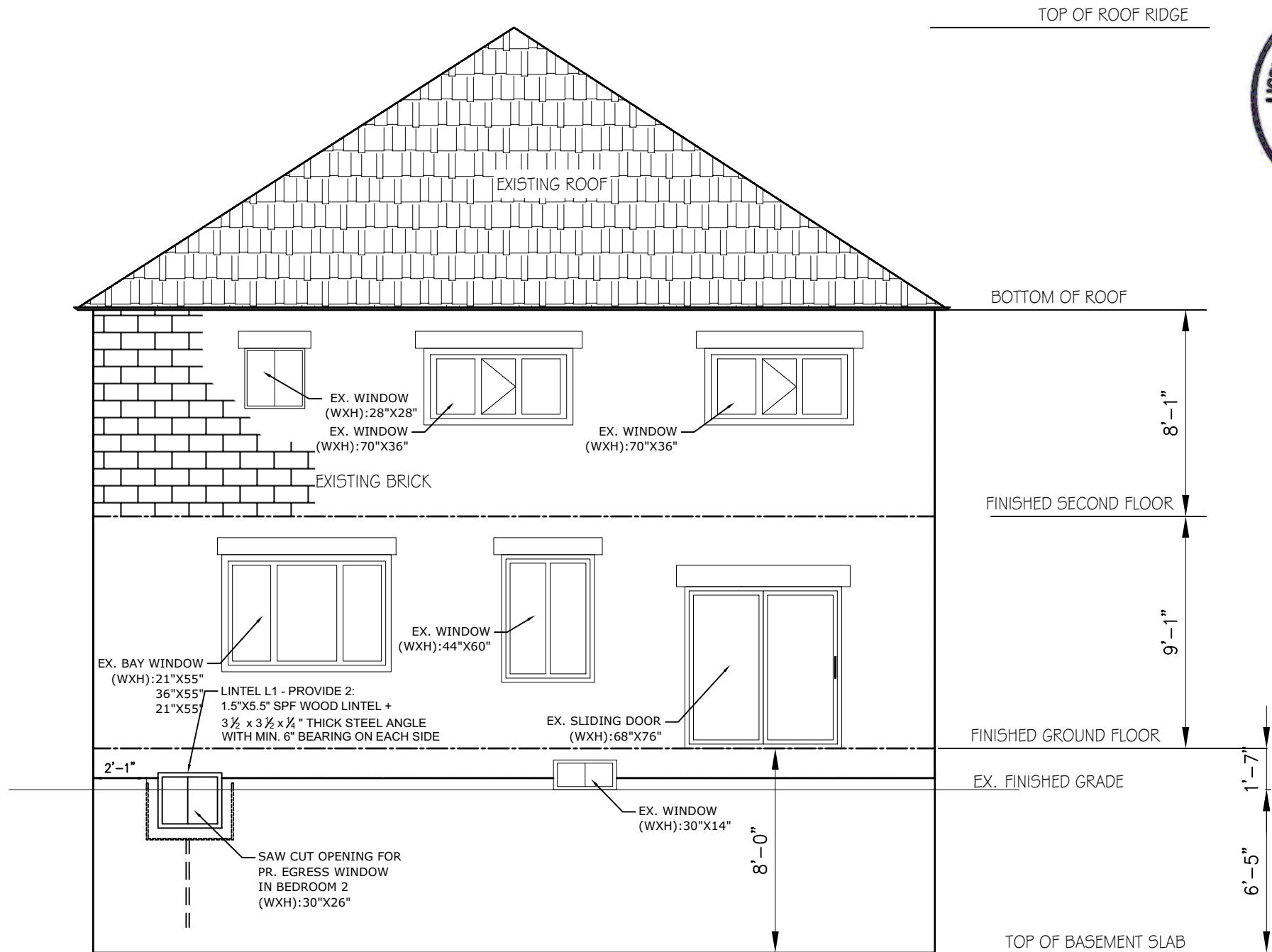
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MM/DD/YY



REAR ELEVATION

SCALE: $\frac{3}{16}$ " = 1' 0"

ALL DIMENSION ARE IN FEET-INCHES

REVISIONS:

PROJECT:
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6 DURANT CRESCENT
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CLIENT:
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CONSULTANT:
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Woodbridge, ON L4L 4V9
CELL:647-270-5656
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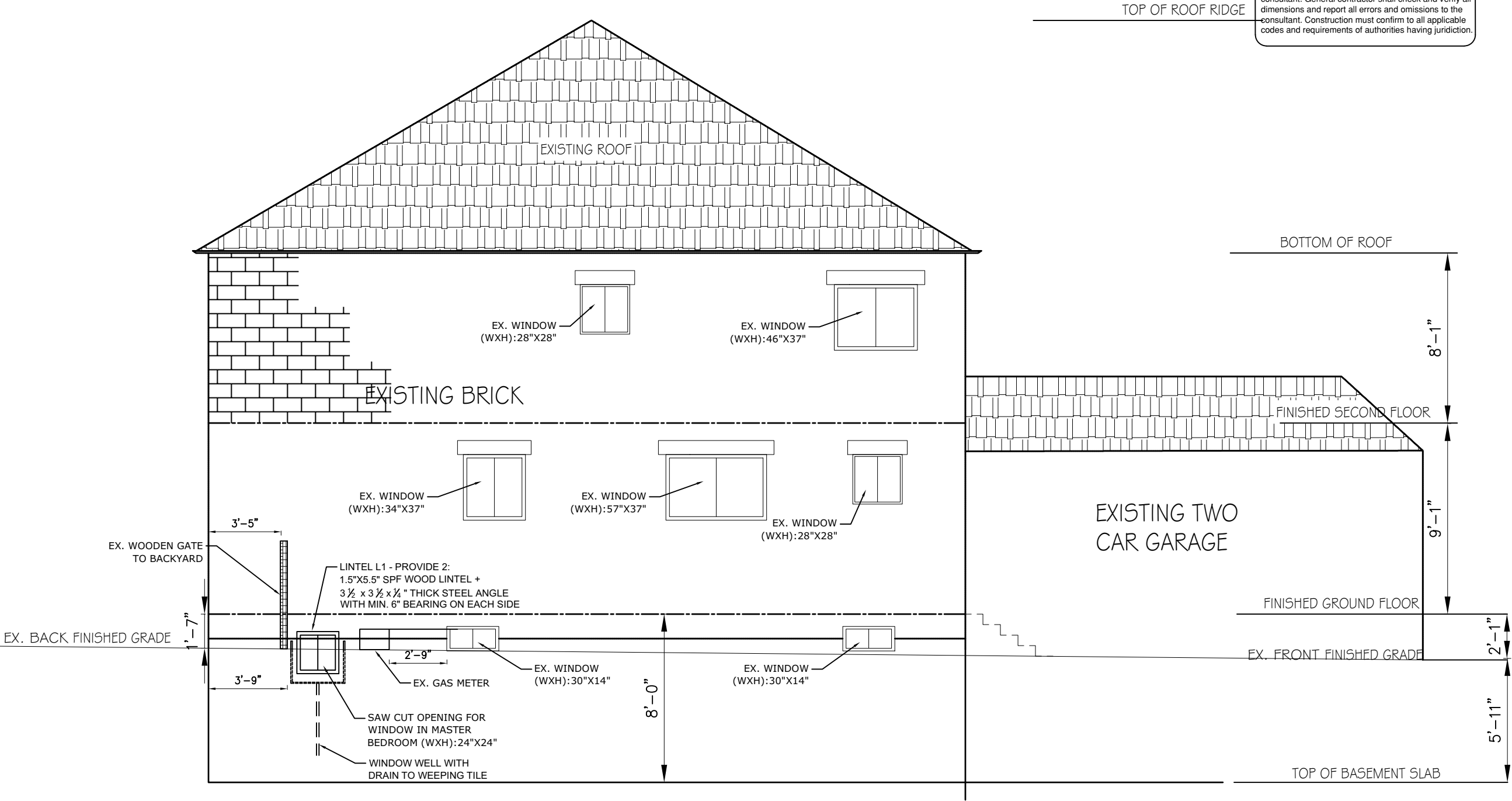
DRAWING TITLE:
REAR ELEVATION

DESIGN: KS	SCALE: AS SHOWN	DRAWING NO: A 8.0
DRAWN: DBP	DATE: JUNE 2022	
CHECKED: KS	PROJECT NO 2293	

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UNPROTECTED OPENINGS :
ALLOWABLE : 7.0% (LIMITING DISTANCE: 6 FT)
PROVIDED : 6.0%
WALL AREA : 683 SQ.FT..
UNPROTECTED OPENINGS : 40.28 SQ.FT.(Glass Area)

LEFT ELEVATION

SCALE: 3/16" = 1' 0"



ALL DIMENSION ARE IN FEET-INCHES

			XX
DATE:	NO.	DESCRIPTION	BY

REVISIONS:

PROJECT:
**CHANGE OF USE
BASEMENT APARTMENT**

6 DURANT CRESCENT
Markham, ON

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CELL:647-270-5656
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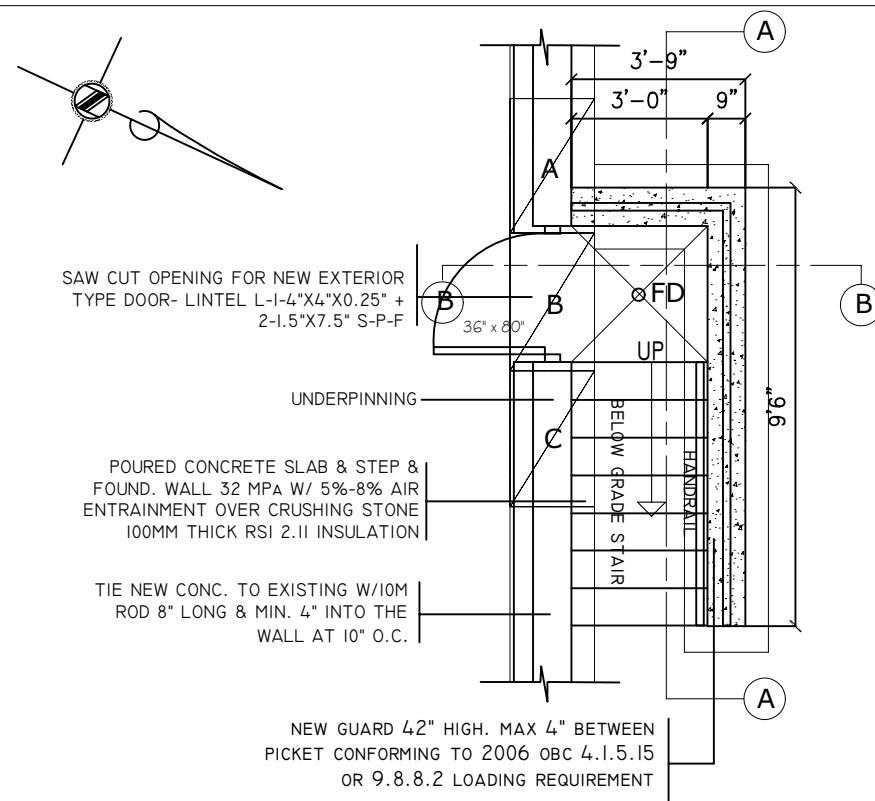
DRAWING TITLE:
LEFT ELEVATION

DESIGN: KS	SCALE: AS SHOWN	DRAWING NO: A 7.0
DRAWN: DBP	DATE: JUNE 2022	
CHECKED: KS	PROJECT NO 2293	

Appendix B

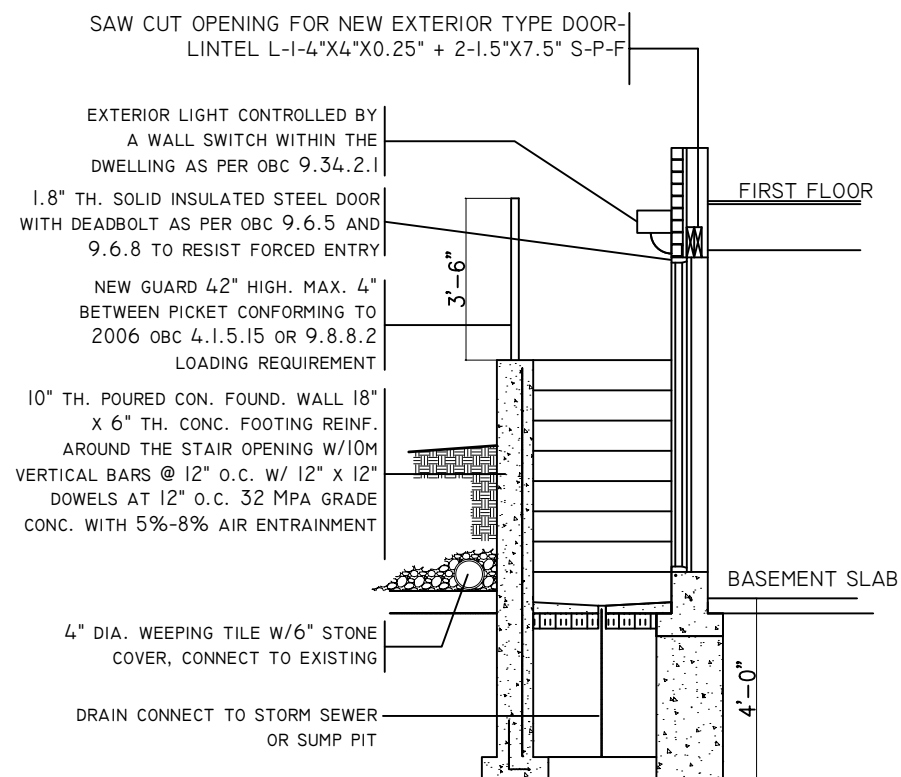
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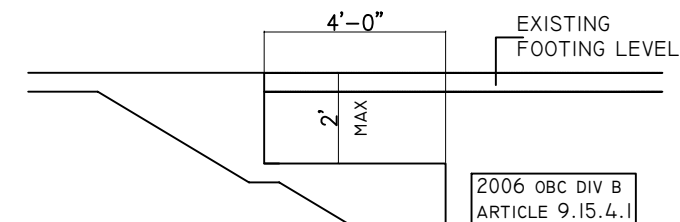
WALK-OUT PLAN

Scale= 1:50



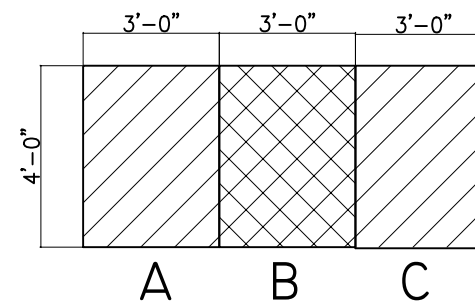
WALK-OUT SECTION-B

Scale= 1:50

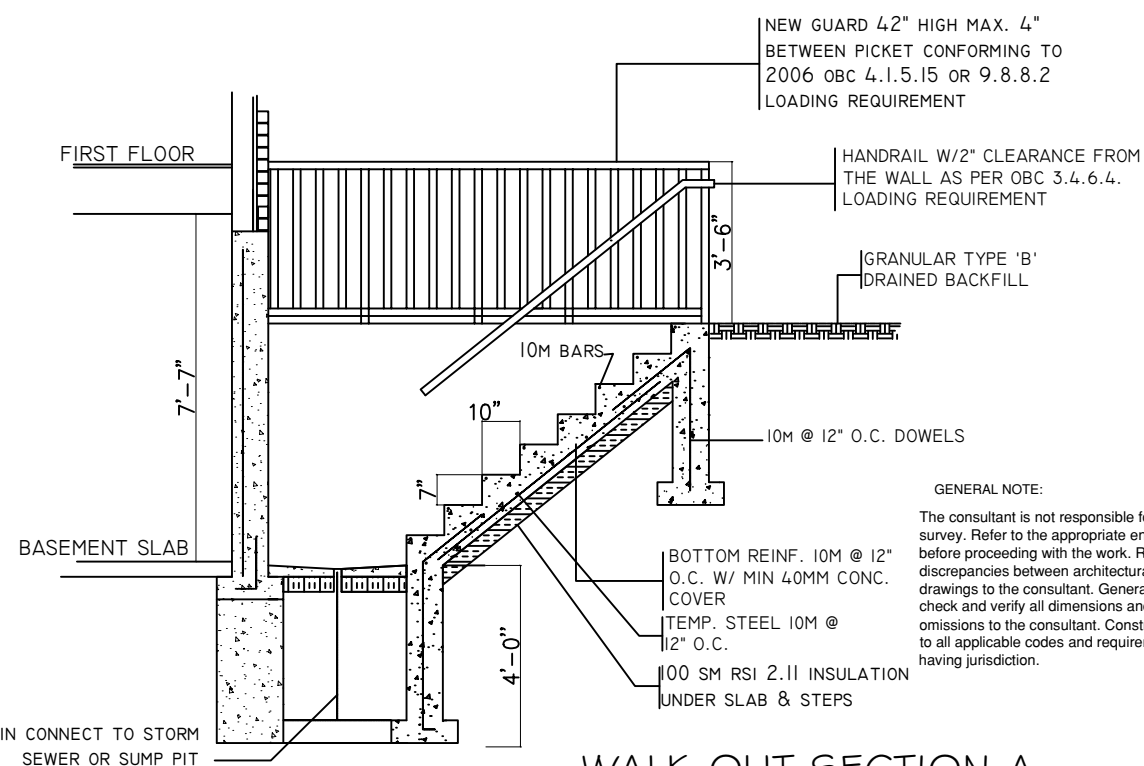


STEP FOOTING DETAIL

Scale= 1:50



EXCAVATE SECTION 'A' TO NEW FOOTING DEPTH FORM AND POUR CONCRETE AND LET SET. REPEAT FOR SECTION 'B'. REPEAT FOR SECTION 'C'. FILL NON-SHRINK GROUT AT THE TOP OF THE UNDERPINNING



WALK-OUT SECTION-A

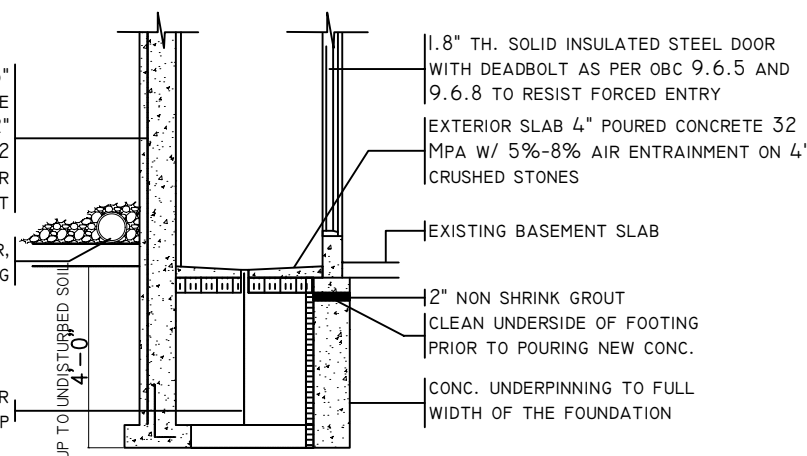
Scale= 1:50

SHORE & BRACE WHERE NECESSARY TO ENSURE THE STABILITY OF THE EXISTING STRUCTURE DURING UNDERPINNING.

10" TH. POURED CON. FOUND. WALL 18" X 6" TH. CONC. FOOTING REINF. AROUND THE STAIR OPENING W/10M VERTICAL BARS @ 12" O.C. W/ 12" X 12" DOWELS AT 12" O.C. 32 MPA GRADE CONC. WITH 5%-8% AIR ENTRAINMENT

4" DIA. WEeping TILE W/6" STONE COVER, CONNECT TO EXISTING

DRAIN CONNECT TO STORM SEWER OR SUMP PIT WITH AN AUTOMATIC PUMP



UNDERPINNING SECTION

Scale= 1:50



ALL DIMENSION ARE IN FEET - INCHES

REVISIONS:

CONSULTANT:
EXCEL ENGINEERING INC.

4000 Steeles Avenue West, UNIT 202
WOODBIDGE, ON L4L 4V9
905-850-7556
KRISHNA@EXCELENG.CA

PROJECT:
BELOW GRADE SEPARATE ENTRANCE

OWNER:
DAYA NAND RAJAN

6 DURANT CRESCENT
MARKHAM, ON

DRAWING TITLE:

WALKOUT DETAIL

PROJECT NO
2293

DATE:
JUNE 2022

SCALE:
AS SHOWN

DRAWING NO:

A9.0

BUILDING LOCATION SURVEY OF
LOTS 82, 83, 84, 85, 86 AND 87
PLAN 65M - 2599
TOWN OF MARKHAM
REGIONAL MUNICIPALITY OF YORK

0 5 10 20 30 METRES

SCALE 1:300
ANTON KIKAS LIMITED
ONTARIO LAND SURVEYORS, 1988

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

R=20.00
A=12.72
C=12.50 (P&S)
N53°45'30"E

R=20.00
A=10.60
C=10.47 (P&S)
N20°21'55"E

R=20.00
A=10.34
C=10.22 (P&S)
N09°37'20"W

R=20.00
A=2.19
C=2.19 (P&M)
N27°33'40"W

R=30.00
A=6.63
C=6.62
N24°21'35"W

R=4.50
A=7.07
C=6.36
N26°58'20"E

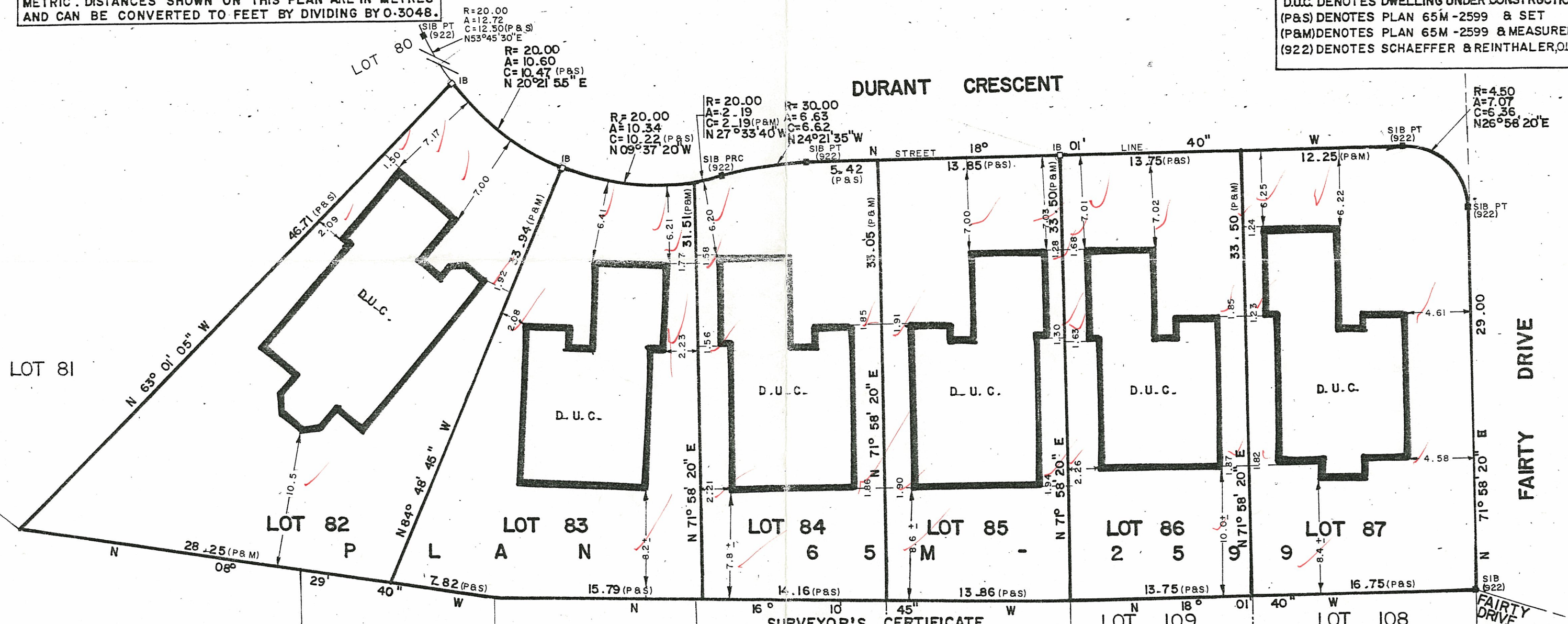
NOTES: BEARINGS ARE REFERRED TO THE WESTERLY LIMIT OF DURANT CRESSON ROAD. ON PLAN 65M-2599, BEARING OF N 18° 01' 40" W. BUILDING TIE LINES ARE TO CONCRETE FOUNDATION UNLESS NOTED OTHERWISE.

Appendix B

File: 22.259957.000.00.MNV

Date: 11/09/22

LEGEND
■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT PLANTED
S.I.B. DENOTES STANDARD IRON BAR
I.B. DENOTES IRON BAR
D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
(P&S) DENOTES PLAN 65M-2599 & SET
(P&M) DENOTES PLAN 65M-2599 & MEASURED
(922) DENOTES SCHAEFFER & REINTHALER, OLS



SURVEYOR'S CERTIFICATE
I CERTIFY THAT: LOT 110
THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS
COMPLETED ON THE 10th DAY OF Sept., 1988
Oct. 5, 1988
DATE
ANTON KIKAS
ONTARIO LAND SURVEYOR

Anton Kikas Limited
Consulting Engineers
Ontario Land Surveyors - Planners
158 Bridgeland Avenue Toronto M6A 1Z4 Tel. 787-0303
DRAWN BY: J.J.
CHECKED BY: G.R.
JOB N° 88-15-32