

# Memorandum to the City of Markham Committee of Adjustment

July 19, 2024

**File:** A/043/24  
**Address:** 308 Ridgecrest Road, Markham  
**Agent:** AEM Designs (Ravinder Singh)  
**Hearing Date:** Wednesday, July 24, 2024

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

The applicant is requesting relief from the following requirements of By-law 177-96, R2-S(H) as amended, to permit:

a) **Amending By-law 28-97, Section 3.0:**

a minimum of 2 parking spaces, whereas the by-law requires a minimum of 3 parking spaces; as it relates to the addition of a basement dwelling.

## **BACKGROUND**

### **Property Description**

The 329.04 m<sup>2</sup> (3540.50 ft<sup>2</sup>) subject property is located on the south side of Major Mackenzie Road, west of McCowan Road and east of Kennedy Road. The property is located within an established residential neighbourhood comprised of one-storey detached dwellings. The subject property is located within an established residential neighbourhood known as the Berczy Village/Wismer Commons/Greensborough/Swan Lake district. Surrounding land uses include detached dwellings, parks and a catholic school.

### **Proposal**

The applicant is proposing to construct a basement apartment as an additional dwelling unit to their home. No development is contemplated as part of this application.

### **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.

Area Specific Policy 9.3.1 also applies to the subject property and seeks to create a balanced community of pedestrian oriented neighbourhoods containing a mix of uses, including residential, commercial, open space and recreational, cultural and institutional facilities.

### Comprehensive Zoning By-law 2024-19

The subject property is zoned "Residential - Low Rise Two (RES-LR2)" under By-law 2024-19, which permits detached dwellings. By-law 2024-19 has been appealed to the Ontario Land Tribunal. Until such time that the above-noted By-law is approved, all existing zoning by-laws that were in force prior to Council enactment, remain in force, which means Zoning

By-law 177-96 remains in force. The proposal complies with the requirements of By-law 2024-19.

Zoning By-law 177-96

The subject property is zoned “Residential Two-Special (R2-S(H))” under By-law 177-96, which permits single family detached dwellings.

Parking By-law 28-97

The subject property does not comply with the standards of Parking By-law 28-97 with respect to the minimum amount of required parking spaces. Further details of the parking requirement are provided in the comment section below.

**Applicant’s Stated Reason(s) for Not Complying with Zoning**

According to the information provided by the applicant, the reason for not complying with Zoning is “*Single car garage and single car driveway does not allow more than 2 car parking spaces*”.

**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 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.

**Reduced Parking Variance**

The applicant is requesting relief from Section 3, Table B of By-law 28-97, which regulates the total number of parking spaces for the use of the property. This is to facilitate a finished basement to be used as an accessory apartment, which is permitted in the Official Plan and Zoning Bylaw. As a detached dwelling, the property requires 2 spaces, and as an accessory apartment, the basement would require 1 additional space.

Transportation Engineering staff commented that the requested variance is minor and is unlikely to result in any significant impact on the parking supply of the property.

Consequently, Staff are of the opinion that the requested variance is minor in nature.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of July 19, 2024. 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 refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



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Theo Ako-Manieson, Planner I, Planning and Urban Design Department

REVIEWED BY:



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Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

File Path: Amanda\File\ 24 170560 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/043/24**

1. The variances apply only to the existing 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 that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;

CONDITIONS PREPARED BY:



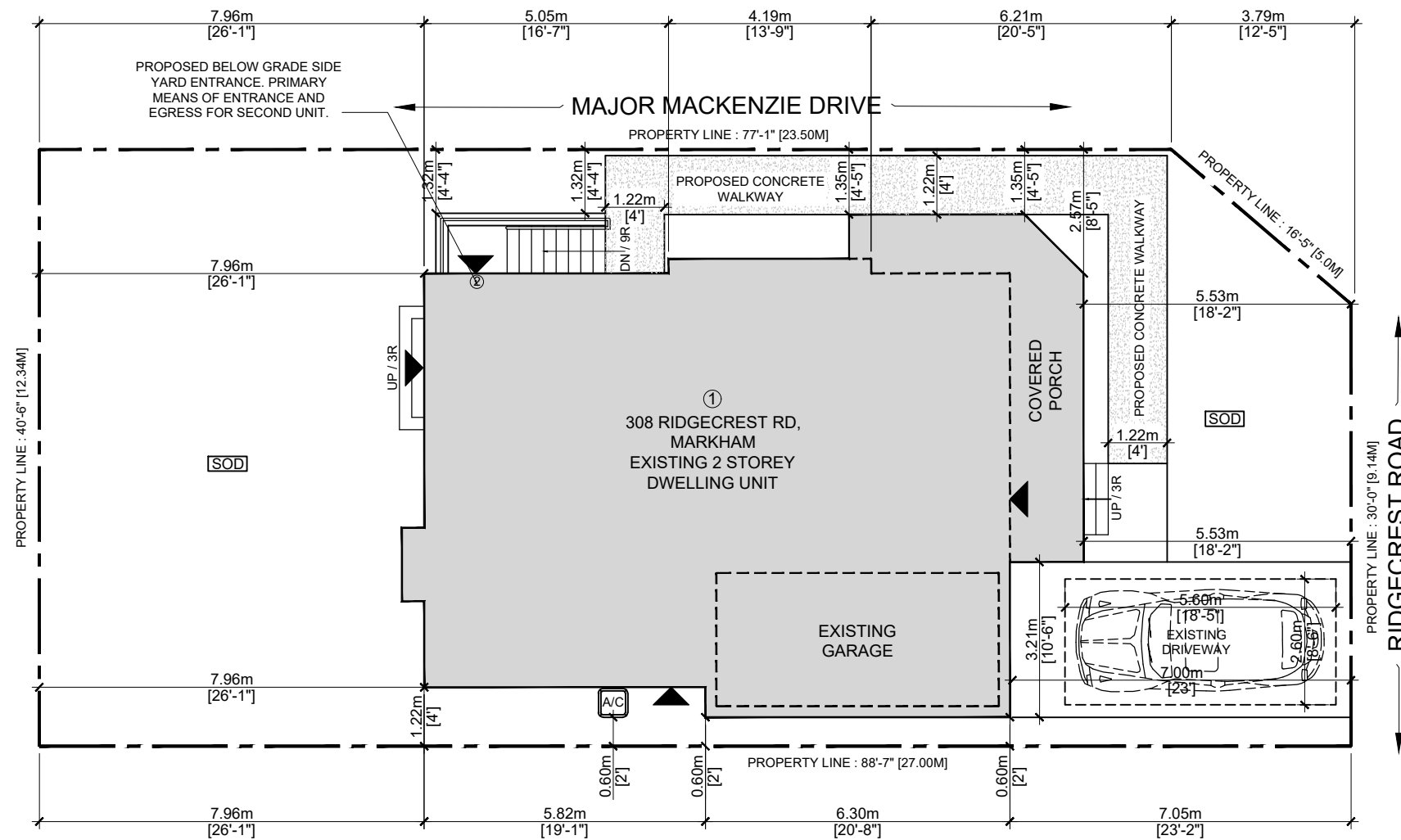
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Theo Ako-Manieson, Planner I, Planning and Urban Design Department

# Appendix B

File: 24.170560.000.00.MNV

Date: 7/18/2024  
MM/DD/YY



1 SITE PLAN  
A-001 SCALE : 3/32" = 1'-0"

- LEGEND**
- PROPERTY LINE
  - ▲ ENTRANCE & EGRESS

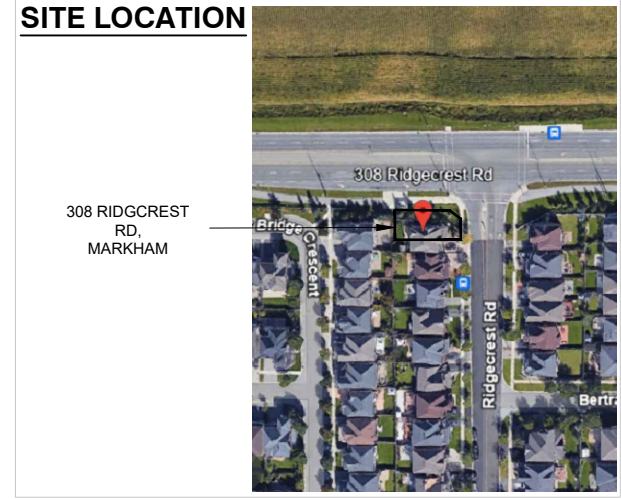
**PARKING SPACES PROVIDED**

TWO PARKING SPACES PROVIDED (ONE OUTSIDE & ONE INSIDE THE GARAGE)

**AREA STATISTICS**

MAIN FLOOR AREA	= 969.76 SFT / 90.12 SM
SECOND FLOOR AREA	= 1137.92 SFT / 105.75 SM
TOTAL ABOVE GRADE GFA	= <b>2107.68 SFT / 195.88 SM</b>
PORCH	= 152.27 SFT / 14.15 SM
GARAGE	= 213.33 SFT / 19.82 SM
BASEMENT	
- NEW BASEMENT APARTMENT GFA	= 656.59 SFT / 61.02 SM
- FURNACE AREA	= 52.03 SFT / 4.83 SM
- PRINCIPAL RESIDENCE AREA	= 259.61 SFT / 24.12 SM
TOTAL BASEMENT GFA	= <b>968.26 SFT / 89.98 SM</b>
BASEMENT APARTMENTS GFA IS	27.14 % OF TOTAL PRINCIPAL RESIDENCE GFA
TOTAL LOT AREA :	3540.50 SFT / 329.04 SM

- SCOPE OF WORK**
- ① BASEMENT APARTMENT
  - ② PROPOSED BELOW GRADE SIDE YARD ENTRANCE. PRIMARY MEANS OF ENTRANCE AND EGRESS FOR SECOND UNIT.



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OWNER  
**SUPRIYO MAJUMDAR**

ALTERATIONS (SU)

308 RIDGECREST RD, MARKHAM

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NO	DATE	REVISION / ISSUED
00	2024.01.10	SCHEMATIC DESIGN
00	2024.02.05	PERMIT APPLICATION

RELEASED FOR BUILDING PERMIT  
CONTRACTOR SHALL SITE VERIFY ALL DIMENSIONS AND REPORT DISCREPANCIES (IF ANY) TO THE CONSULTANTS BEFORE CONSTRUCTION.  
ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF CONSULTANTS AND MUST BE RETURNED AT THE COMPLETION OF WORK.  
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IF THIS SHEET IS NOT 11" x 17", IT IS A REDUCED / ENLARGED PRINT. READ DRAWING ACCORDINGLY.

**SITE PLAN**

SCALE: 3/32" = 1'-0"  
DATE: 2024.02.05  
PROJECT: 24-509  
DRAWING NO:

**A-001**  
REVISION: 00