

Memorandum to the City of Markham Committee of Adjustment

May 30, 2022

File: A/032/22
Address: 65 Reginald Lamb Crescent – Markham, ON
Applicant: Jason Gangaram
Agent: Building Experts Canada (Edgar Labuac)
Hearing Date: June 8, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential Two Exception *224*232 (R2*224*232) Zone” requirements under By-law 177-96, as amended, to permit:

a) **By-law 177-96, Section 6.5:**

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

PROPERTY DESCRIPTION

The subject property is located on the north side of Reginald Lamb Crescent, east of 9th Line, south of Riverwalk Drive, and west of Donald Cousens Parkway. There is an existing two-storey detached dwelling located on the property. The driveway and garage area provide for at least three parking spaces.

PROPOSAL

The applicant is requesting permission for a secondary suite to be located in the basement of the existing dwelling, which would have direct and separate access provided by a door at the west side of the existing garage.

COMMENTS

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, R.S.O. 1990, c. P.13, as amended*.

Canadian Pacific Railway Company (the “CPRC”) Comments

In an email to City staff dated April 28, 2022, the CPRC provided comments on this application recommending that a warning clause be inserted into any property and tenancy agreements, as well as offers of purchase and sale for all dwelling units in the building. The warning clause would advise any future purchasers, residents, or tenants of any potential alterations or expansions of the railway facilities, which may affect the living environment of residents in the vicinity.

ZONING PRELIMINARY REVIEW (ZPR) UNDERTAKEN

The owner completed a ZPR on April 12, 2022 to confirm the variance required for the proposed development.

PUBLIC INPUT SUMMARY

No written submissions were received as of May 30, 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 the 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, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/032/22

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 that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
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 the applicant satisfies the requirements of the Canadian Pacific Railway Company (CPRC), as indicated in their e-mail to City staff, dated April 28, 2022, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the CPRC.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

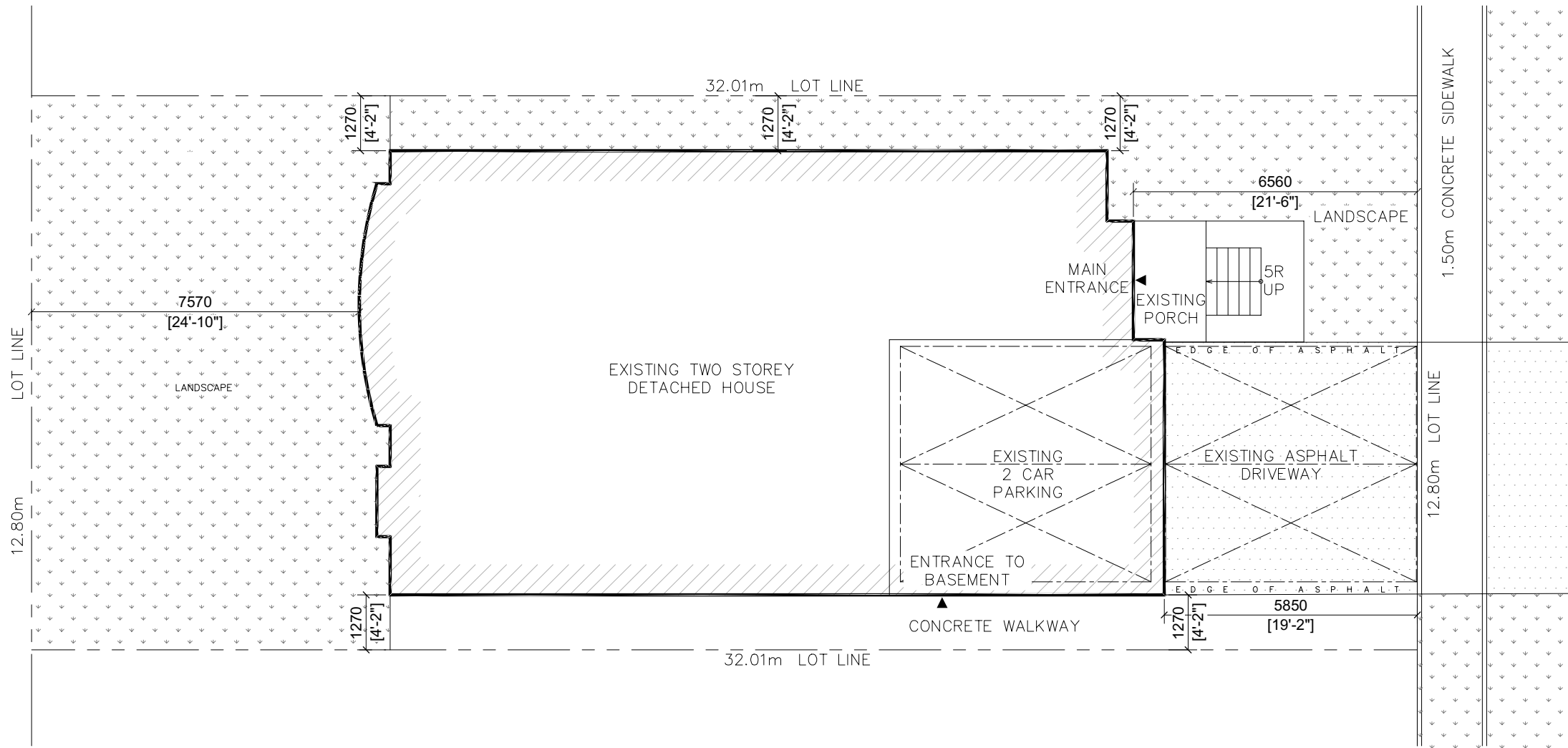
APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/032/22

Appendix B

File: 22.112241.000.00.MNV

Date: 06/02/22
MM/DD/YY

LEGEND:	DESCRIPTION:
	PRESUMED PROPERTY LINE
	GRASSED AREA
	ASPHALT DRIVEWAY
	BUILDING ENTRANCE/EXIT
	TORONTO MINIMUM PARKING SIZE



REGINALD LAMB CRES

1 SITE PLAN
A-0 SCALE: 1:125

LAND & BUILDING EXPERTS
570 Alden Rd., Unit 6, Markham, ON L3R 8N5
(647) 340-8649 landbuildex@gmail.com

PREPARED BY:

PROJECT INFO:

**65 REGINALD LAMB CRES.
MARKHAM, ON L6B 0B7**

PROJECT NAME:

**ALTERATION TO AN EXISTING
2 STOREY SINGLE FAMILY
DWELLING TO HAVE
A SECOND SUITE IN THE BASEMENT**

DRAWING TITLE:

SITE PLAN

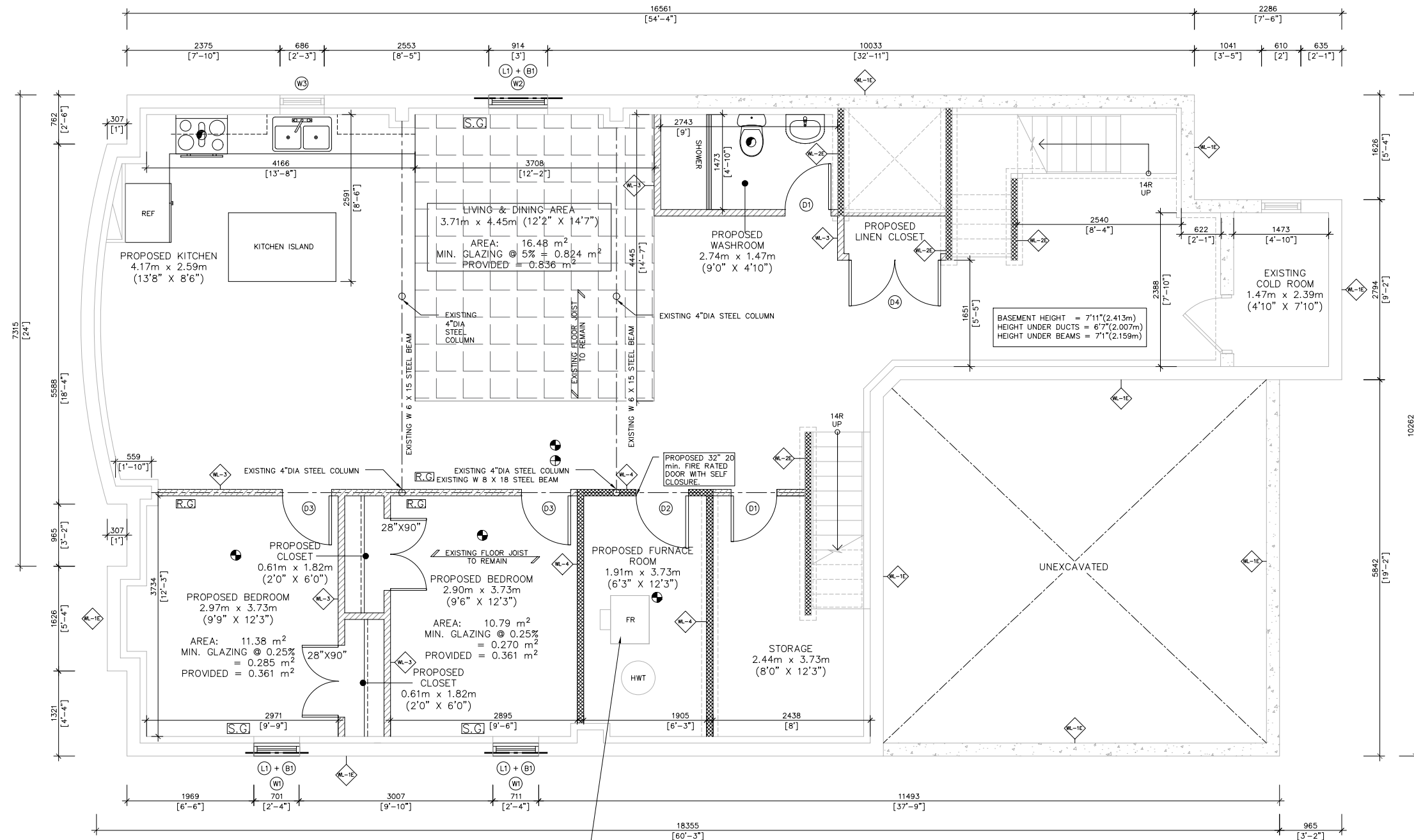
DO NOT SCALE DRAWINGS.
The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify the Designer/Engineer of any variations from the supplied drawings and information before proceeding with the work. Construction must conform to all applicable codes and requirements of authorities having jurisdiction.
All drawings are the property of Land & Building Experts, and must not be reproduced without written consent.

NO.	ISSUED FOR	DATE	PROJECT NO.: 1219-15	SCALE: AS NOTED	DWG. NO.
2	BUILDING PERMIT	02/23/22	DRAWN BY: D.M.	A-0	
1	CLIENT REVIEW	02/11/22	CHECKED BY: S.K.		

Appendix B

File: 22.112241.000.00.MNV

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IN A BUILDING CONTAINING NOT MORE THAN FOUR DWELLING UNITS, THE EXISTING HEATING OR AIR CONDITIONING SYSTEM MAY BE ALTERED TO SERVE MORE THAN ONE DWELLING UNIT PROVIDED SMOKE ALARMS ARE INSTALLED IN EACH DWELLING UNIT AND PROVIDED A SMOKE DETECTOR IS INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM SERVING THE ENTIRE BUILDING WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR

WALL SCHEDULE	
ML-10	EXISTING 10" CONCRETE FOUNDATION WALL (WITH 12CI INSULATION), 2" X 4" WOOD STUDS @ 16" O.C WITH 0.15mm ON POLY VAPOR BARRIER AND 1/2" GYPSUM WALLBOARD, TAPED AND SANDED
ML-20	EXISTING 2" X 4" SPRUCE LUMBER @ 16" O.C BEARING PARTITION WITH 12" WIDE X 6" DEEP CONCRETE FOOTING
ML-3	PROPOSED 2" X 4" WOOD STUD WALL WITH 1/2" GYPSUM WALL BOARD BOTH SIDES, TAPED AND SANDED
ML-4	PROPOSED 2"X4" WOOD STUD WALL WITH 1/2" TYPE "X" (30 MINS. FRR) TO ENTIRE FURNACE ROOM WALL TAPED AND PAINTED

DOOR SCHEDULE				
NO.	TYPE	NOs.	SIZE	REMARKS
D1	INTERIOR	2	711mm x 2032mm	PROPOSED
D2	INTERIOR	1	813mm x 2032mm	PROPOSED
D3	INTERIOR	2	762mm x 2032mm	PROPOSED
D4	INTERIOR	1	2-711mm x 2032mm	PROPOSED

WINDOW SCHEDULE				
NO.	NOs.	SIZE	AREA	REMARKS
W1	2	711mm x 508mm	0.361 m ² (3.89 sq. ft.)	PROPOSED
W2	1	914mm x 914mm	0.836 m ² (9.00 sq. ft.)	PROPOSED
W3	1	686mm x 330mm	0.226 m ² (2.44 sq. ft.)	EXISTING

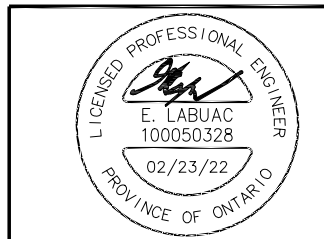
LEGEND:	DESCRIPTION:	LEGEND:	DESCRIPTION:
ML-E	EXISTING WALLS	S.G.	SUPPLY AIR GRILLE
EX	EXHAUST FAN	R.G.	RECEIVE AIR GRILLE
REF	REFRIGERATOR	(L)	2-LVL L1
FR	FURNACE	(L)	3.5"X3.5"X1/4" MIN. 150mm END BEARING
HWT	HOT WATER TANK	(B)	2-LVL 2-1 3/4" x 9 7/8" - 2.0E or MATCH TO EXISTING JOIST
SA	SMOKE ALARM		
CD	CARBON MONOXIDE DETECTOR		

NOTES FOR COMPLIANCE ALTERNATIVE: SINCE THE DWELLING HAS BEEN IN EXISTENCE FOR MORE THAN 5 YEARS THE FOLLOWING OBC PART 11 COMPLIANCE ALTERNATIVES ARE PROPOSED.

PART 11 COMPLIANCE ALTERNATIVES FOR RESIDENTIAL OCCUPANCIES (FORMING PART OF ARTICLE 11.5.1.1), TABLE 11.5.1.1C - C152(b), C153(b)

- GENERAL NOTES:
- A SMOKE DETECTOR SHALL BE INSTALLED IN THE AIR DUCT SYSTEM WHICH WOULD TURN OFF THE FUEL SUPPLY AND ELECTRICAL POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH ALARM.
 - CARBON MONOXIDE SMOKE ALARMS MUST BE INSTALLED AS PER MANUFACTURER'S INSTRUCTIONS.
 - EXHAUST FAN IN WASHROOM SHALL HAVE A MINIMUM EXHAUST RATE OF 50 CFM AND WITH A 100mm DIA. DUCT TO OUTDOOR.
 - DOORS SHALL BE PROVIDED WITH A GAP BENEATH, USING LOUVERED DOORS, OR INSTALLING A RETURN DUCT INLET FOR THE RETURN OF AIR FROM ALL ROOMS.
 - BACKWATER VALVE WILL BE INSTALL IN THE SECONDARY SUITE

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PROJECT INFO:
65 REGINALD LAMB CRES. MARKHAM, ON L6B 0B7

PROJECT NAME:
ALTERATION TO AN EXISTING 2 STOREY SINGLE FAMILY DWELLING TO HAVE A SECOND SUITE IN THE BASEMENT

DRAWING TITLE:
PROPOSED BASEMENT FLOOR PLAN

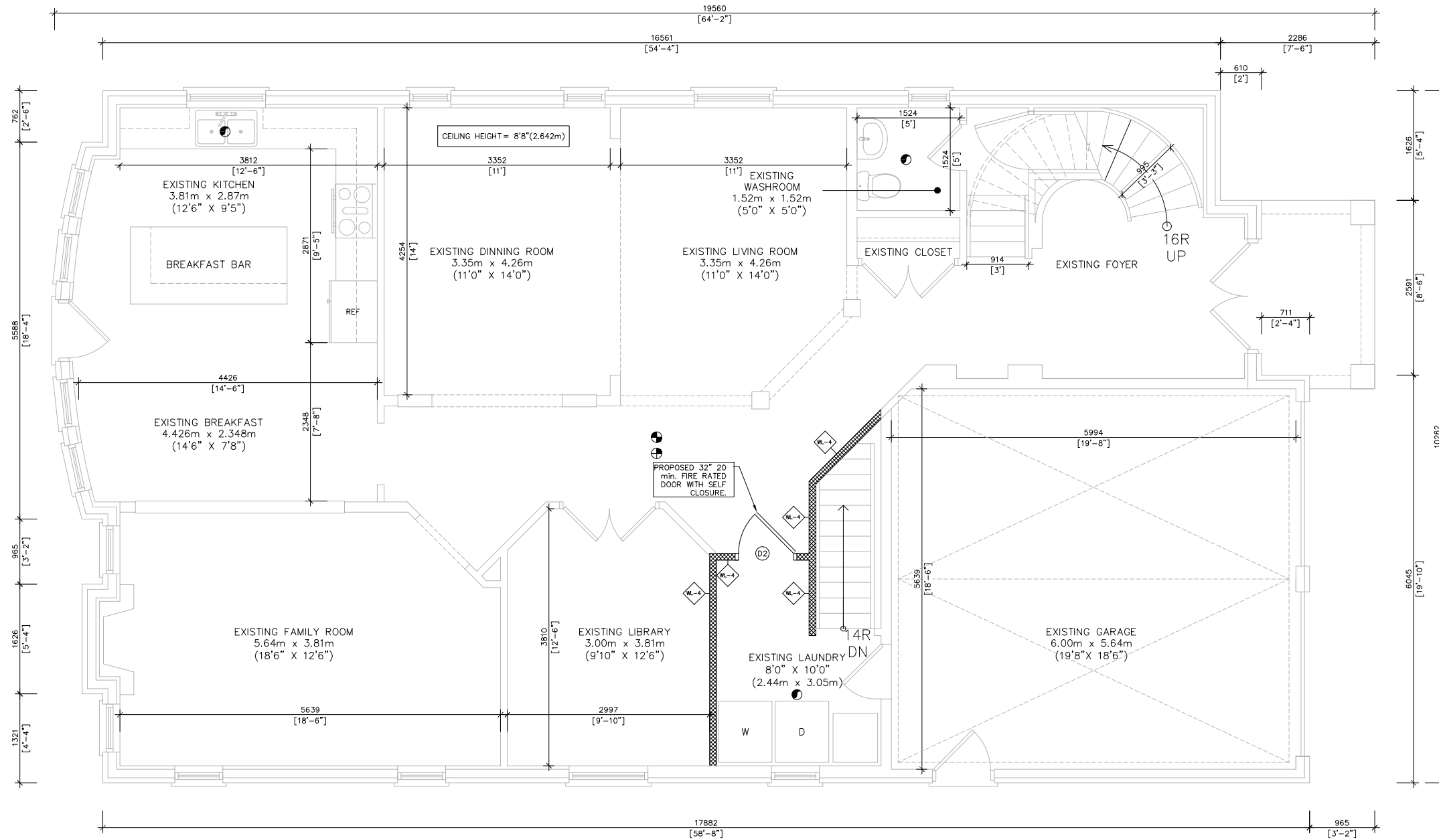
NO.	ISSUED FOR	DATE	PROJECT NO.:	SCALE:	DWG. NO.
2	BUILDING PERMIT	02/23/22	1219-15	AS NOTED	A-3
1	CLIENT REVIEW	02/11/22		DRAWN BY: D.M.	
	ISSUED FOR	DATE		CHECKED BY: S.K.	

1 PROPOSED BASEMENT FLOOR PLAN
A-3 SCALE: 1: 75

Appendix B

File: 22.112241.000.00.MNV

Date: 06/02/22
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1 PROPOSED FIRST FLOOR PLAN
A-4 SCALE: 1: 75

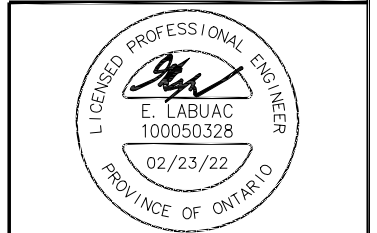
WALL SCHEDULE				
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LEGEND:	DESCRIPTION:
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SA	SMOKE ALARM
CD	CARBON MONOXIDE DETECTOR

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DRAWING TITLE:
**PROPOSED
FIRST FLOOR PLAN**

SCALE: AS NOTED
DWG. NO.: **A-4**

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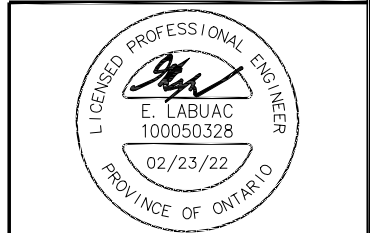
PROPOSED WINDOW
28" X 20"

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28" X 20"

UNPROTECTED OPENINGS GLAZED OPENINGS IN EXPOSING BUILDING FACE Table 9.10.15.4.	
TOTAL WALL AREA	108.80m ²
LIMITING DISTANCE	1270mm @7.0%
MAX. ALLOWABLE OPENINGS	7.62m ²
TOTAL OPENING PROVIDED	6.65m ²

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PROJECT NAME:
**ALTERATION TO AN EXISTING
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A SECOND SUITE IN THE BASEMENT**

DRAWING TITLE:
SOUTH ELEVATION

1 SOUTH ELEVATION
A-6 SCALE: 1: 75

DWG. NO.
A-6