

Memorandum to the City of Markham Committee of Adjustment

June 15, 2022

File: A/069/22
Address: 50 Kentview Crescent – Markham, ON
Applicant: Safia Khan
Agent: Stambuk Homes (Ozren Stambuk)
Hearing Date: June 22, 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 (R2*224) Zone” requirements under By-law 177-96, as amended, to permit:

a) **Section 6.5:**

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

PROPERTY DESCRIPTION

The subject property is located on the west side of Kentview Crescent, north of Donald Cousens Parkway, and south of 14th Avenue. 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 an existing side door at the south side of the building.

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 May 4, 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 June 15, 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

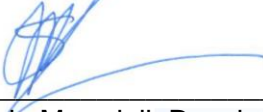
Appendix "B" – Plans

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/069/22

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.
4. That the applicant satisfies the requirements of the Canadian Pacific Railway Company (CPRC), as indicated in their e-mail to City staff, dated May 4, 2022, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the CPRC.

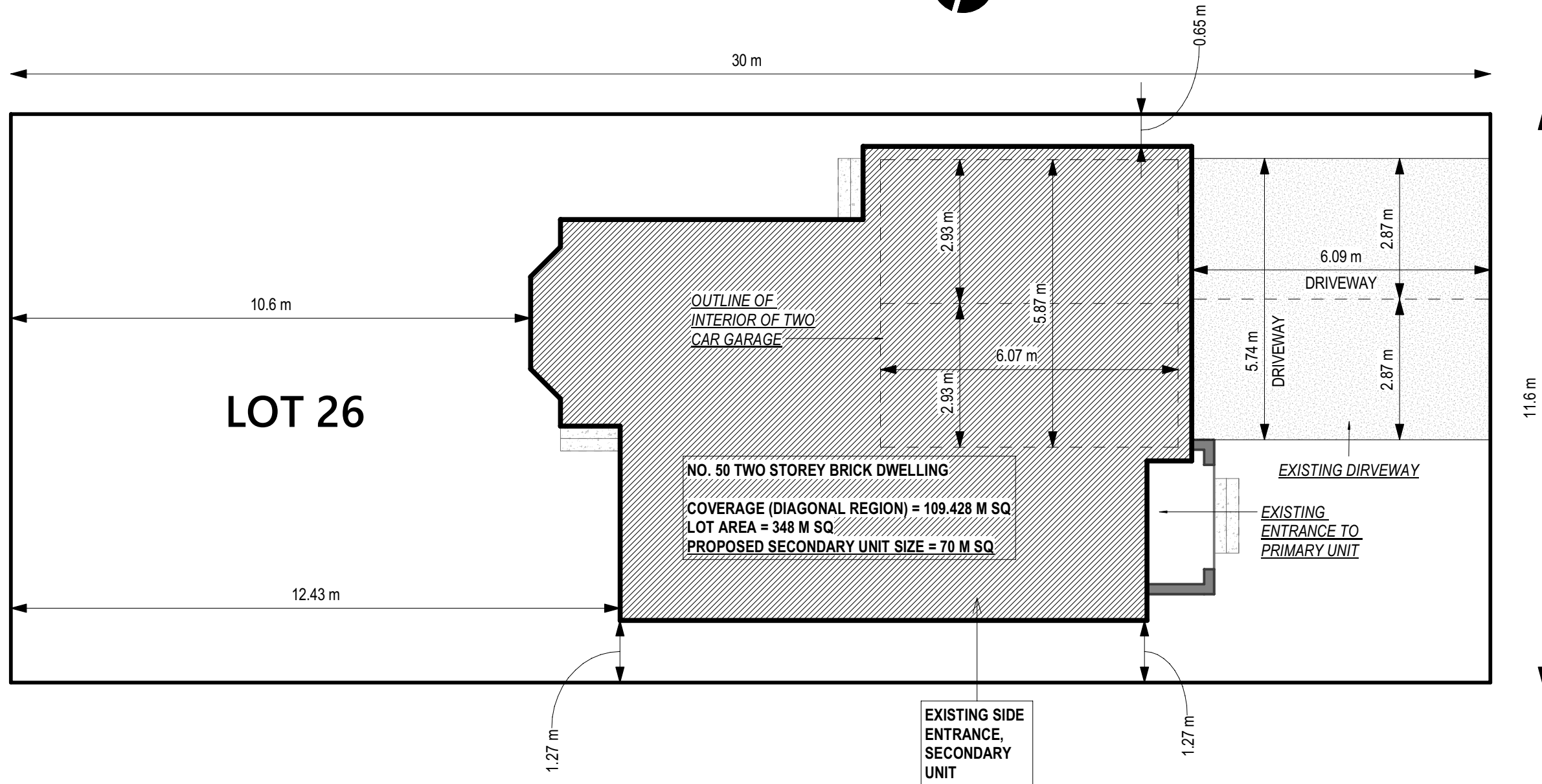
CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/069/22

NORTH



Appendix B

File: 22.116907.000.00.MNV

Date: 06/15/22
MM/DD/YY

ALL SITE PLAN INFORMATION TAKE FROM THE SURVEY ON THE PREVIOUS PAGE CREATED BY BY GABRIEL C. LAFRAMBOISE, OLS, ON MAY 18, 2007



IMAGE OF EXISTING DIRVEWAY AND TWO CAR GARAGE

SCALE: 1 : 100

SITE PLAN

A002

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 design the work shown on the attached documents.

Qualification Information
 Required unless design is exempt under Div. C-3.2.5.1. of the building code

OZREN STAMBUK *Ozren Stambuk* 46080
 Name Signature BCP#

Registration Information
 Required unless design is exempt under Div. C-3.2.6.1. of the building code

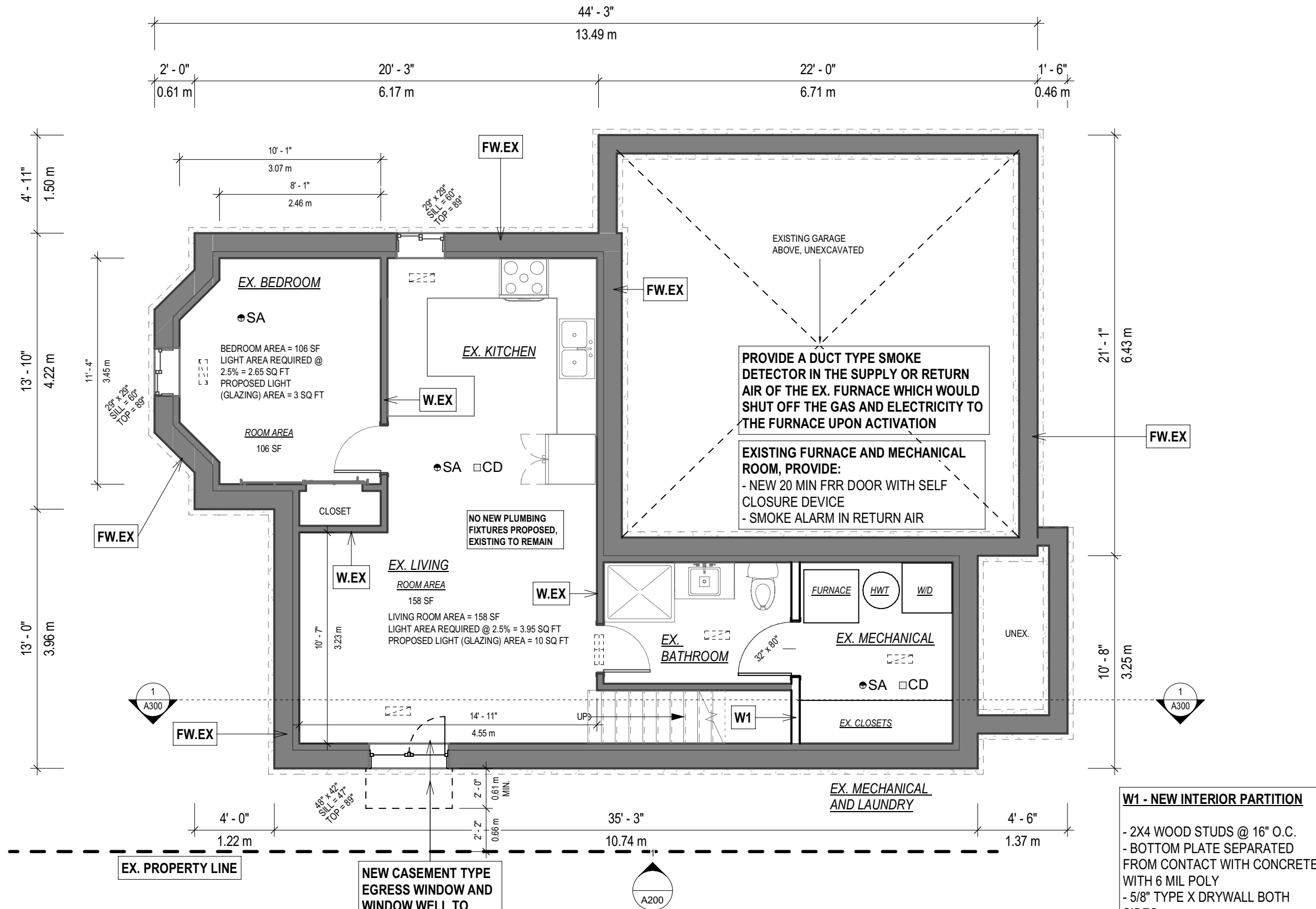
STAMBUK HOMES 106172
 Firm Name BCP#

Appendix B

File: 22.116907.000.00.MNV

Date: 06/15/22

MM/DD/YY



COMPLIANCE ALTERNATIVE C147
 THE EXISTING FIRE RESISTANCE RATING OF FLOOR, COLUMN, ROOF OR WALLS MAY BE REDUCED TO 15 MINUTES IF INTERCONNECTED SMOKE ALARMS (with strobe) ARE INSTALLED AS PER 9.10.19

CEILING HEIGHTS
 ENSURE MIN. 2100 MM (6'-10") CEILING HEIGHT OVER 75% OF THE BASEMENT. MIN. 1950 MM (6'-5") UNDER BEAMS AND DUCTS.

W1 - NEW INTERIOR PARTITION

- 2X4 WOOD STUDS @ 16" O.C.
- BOTTOM PLATE SEPARATED FROM CONTACT WITH CONCRETE WITH 6 MIL POLY
- 5/8" TYPE X DRYWALL BOTH SIDES

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

BASEMENT

A100

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 design the work shown on the attached documents.

Qualification Information
 Required unless design is exempt under Div. C-3.2.5.1. of the building code

OZREN STAMBUK *[Signature]* 46080
 Name: Signature: BCIN:

Registration Information
 Required unless design is exempt under Div. C-3.2.4.1. of the building code

STAMBUK HOMES 106172
 Firm Name: BCIN:



EX. SUPPLY AIR CEILING

EX. RETURN AIR HIGH WALL

SA - INTERCONNECTED SMOKE AND CARBON MONOXIDE ALARMS REQUIRED THROUGHOUT HOUSE

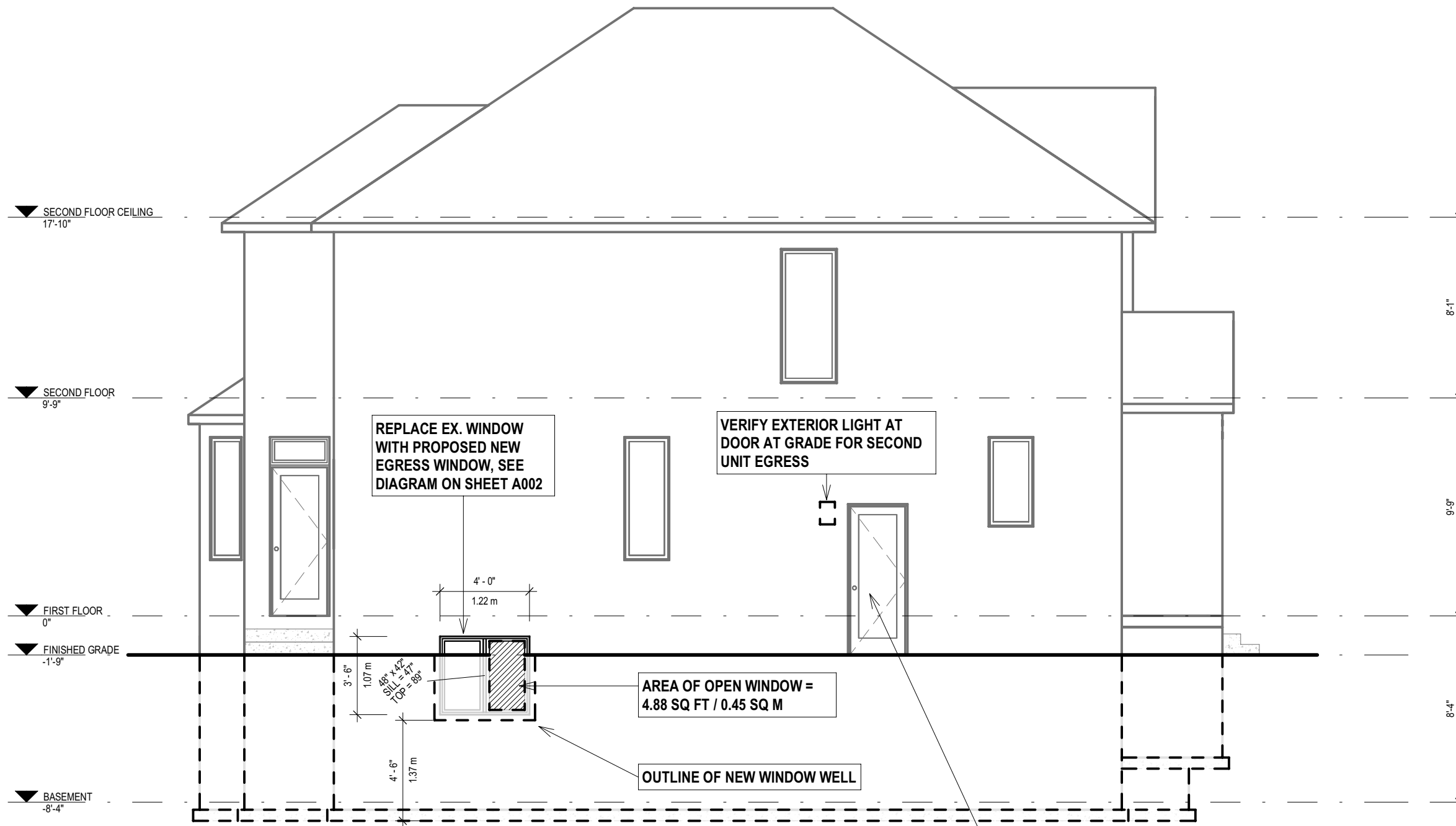
W.EX - EXISTING 2X4 PARTITION WITH 1/2" DRYWALL ON BOTH SIDES TYP

FW.EX - EXISTING CONCRETE FOUNDATION WALL WITH WOOD STRAPPING AND 1/2" DRYWALL FINISH

Appendix B

File: 22.116907.000.00.MNV

Date: 06/15/22
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REPLACE EX. WINDOW WITH PROPOSED NEW EGRESS WINDOW, SEE DIAGRAM ON SHEET A002

VERIFY EXTERIOR LIGHT AT DOOR AT GRADE FOR SECOND UNIT EGRESS

AREA OF OPEN WINDOW = 4.88 SQ FT / 0.45 SQ M

OUTLINE OF NEW WINDOW WELL

VERIFY MINIMUM 48" TO UNDERSIDE OF FOOTING FROM BOTTOM OF WINDOW WELL PRIOR TO WINDOW MANUFACTURING AND INSTALLATION

EGRESS WINDOW TO BE CASEMENT TYPE AND TO SWING INSIDE OF THE HOUSE WITHOUT THE USE OF ANY SPECIAL TOOLS OR OPERATIONAL KNOWLEDGE.

EXISTING SIDE ENTRANCE TO BE USED FOR ACCESS TO THE SECONDARY UNIT

- DOOR MUST COMPLY WITH OBC 2012 - DIV. B. - 9.7.5.2. TO PROVIDE RESISTANCE TO FORCED ENTRY.
- EXTERIOR LIGHT SHALL COMPLY WITH OBC 2012 - DIV. B. - 9.34.2.1.

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 design the work shown on the attached documents.

Qualification Information
Required unless design is exempt under Div. C-3.2.5.1. of the building code
OSREN STAMBUK *OSREN* 46080
Name Signature BCIN

Registration Information
Required unless design is exempt under Div. C-3.2.6.1. of the building code
STAMBUK HOMES 106172
Firm Name BCIN

SCALE: 3/16" = 1'-0"
SOUTH
A200