

# Memorandum to the City of Markham Committee of Adjustment

September 13, 2022

**File:** A/045/21  
**Address:** 35 Shadlock St, Markham  
**Applicant:** Kaushik Suthar  
**Agent:** Kaushik Suthar  
**Hearing Date:** Wednesday September 21, 2022

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of 'R8 – Residential Eight' zone under By-law 90-81, amended to permit:

**a) By-law 28-97, Section 6.1.2 (a) & (b):**

two required parking spaces to be provided on the driveway, whereas the By-law only permits one required parking space to be provided within the required front yard;

**b) By-law Section 90-81, Section 4.6 (a):**

a maximum encroachment of 0.49 m into the south side yard, whereas the By-law permits a maximum encroachment of 0.45 m into any required yards;

**c) By-law 90-81, Section 5.2.1:**

an accessory dwelling unit in the basement, whereas the by-law permits no more than one single detached dwelling unit on one lot,

as it relates to a proposed secondary dwelling in basement.

## BACKGROUND

### Property Description

The 406.62 m<sup>2</sup> (4,376.82 ft<sup>2</sup>) subject property is located on the east side of Shadlock Street, east of Middlefield Road and north of Steeles Avenue East. The subject property is located within an established residential neighbourhood comprised of single detached dwellings. Elson Park and the Parkland Public School is located to the north. There is an existing two-storey detached dwelling on the property, which according to assessment records, was constructed in 1988.

### Proposal

The applicant is proposing a secondary suite in the basement of the existing dwelling. The proposed secondary suite would have direct and separate access via the walk-up stairs on the south side of the building.

### Zoning Preliminary Review (ZPR) Undertaken

The applicant completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed secondary suite. The applicant submitted revised drawings to increase the setback of the walk-up stairs from the south property line to address Engineering staff's drainage requirement. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law 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**

Staff are satisfied that the proposed secondary suite meets the criteria under [Section 8.13.8 of the Official Plan](#) 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.

The encroachment of the basement walk-up stairs into the south side yard will not impact abutting properties, is considered minor, meets the intent of the zoning by-law and official plan and is appropriate development for the site by providing access to the secondary suite which staff support. Further, Engineering staff have no concern with the variance respecting water drainage within the side yard.

Parking Standards By-law 28-97, as amended, requires two parking spaces for the detached dwelling and an additional parking space for the secondary suite; and only allows one of the required parking spaces be provided on the driveway. Due to the projection of the foyer closet, the garage can only accommodate one parking space that meets the required minimum parking space length of 5.8 m (19 ft) and width of 2.6 m (8.53 ft). As such, the applicant is requesting a variance to permit two of the required parking spaces be provided on the driveway to accommodate the proposed secondary suite. Staff do not anticipate the requested variance will result in any demonstrable adverse impact on neighbouring properties or the character of the streetscape as the driveway has always been used to provide parking for two cars.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of September 13, 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 requested variances meet the four tests of the Planning Act. 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



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Carlson Tsang, Senior Planner, East District

REVIEWED BY:

A handwritten signature in black ink, appearing to read "Stephen Corr". The signature is fluid and cursive, with a large initial "S" and "C".

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**Stephen Corr, Senior Planner II, East District**

File Path: Amanda\File\ 21 116135 \Documents\District Team Comments Memo

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/045/21**

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 A' 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.

PREPARED BY:



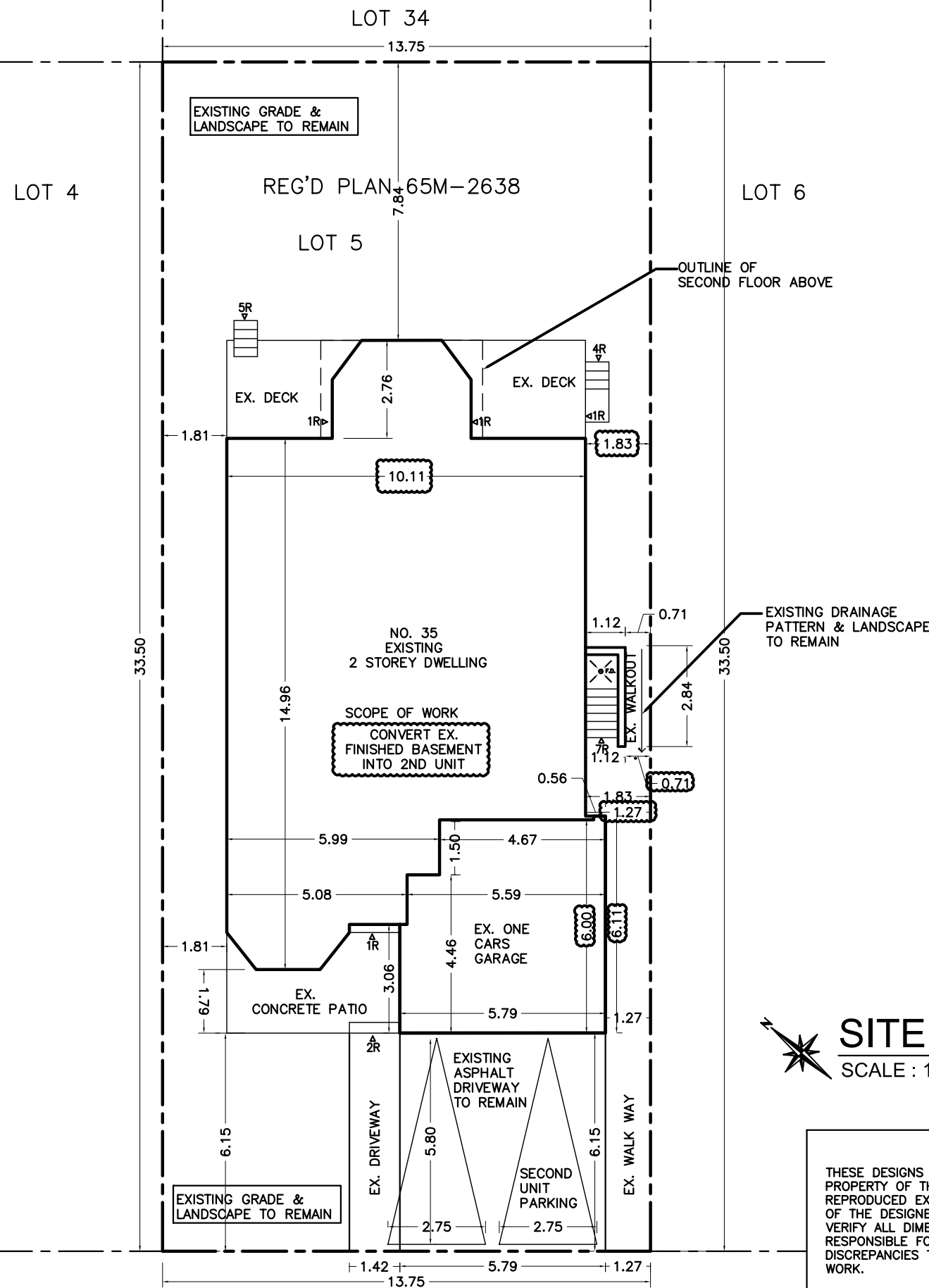
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Carlson Tsang, Senior Planner, East District

# Appendix B

File: 21.116135.000.00.MNV

Date: 09/14/22  
MM/DD/YY



NOTE:  
EXI. ALL YARDS SETBACK TO REMAIN,  
EXI. FOOTPRINT AREA TO REMAIN.

SITE STATCS:	
LOT AREA =	460.62 m2
EXI. FOOT PRINT AREA = (INCL. GARRAGE, EXCL. PORCH AND DECK)	174.85 m2
FIRST FLOOR AREA =	142.31 m2
SECOND FLOOR AREA =	127.61 m2
TOTAL GROSS FLOOR AREA =	269.92 m2
TOTAL EXI. FINISHED BASEMENT AREA =	159.86 m2
SECOND UNIT AREA=	73.38 m2
AREA USED BY MAIN UNIT=	71.77 m2
EXI. GARAGE AREA=	32.60 m2
EXI. PORCH AREA=	11.40 m2
EXI. REAR DECK AREA=	20.59 m2

## SITE PLAN

SCALE : 1:150

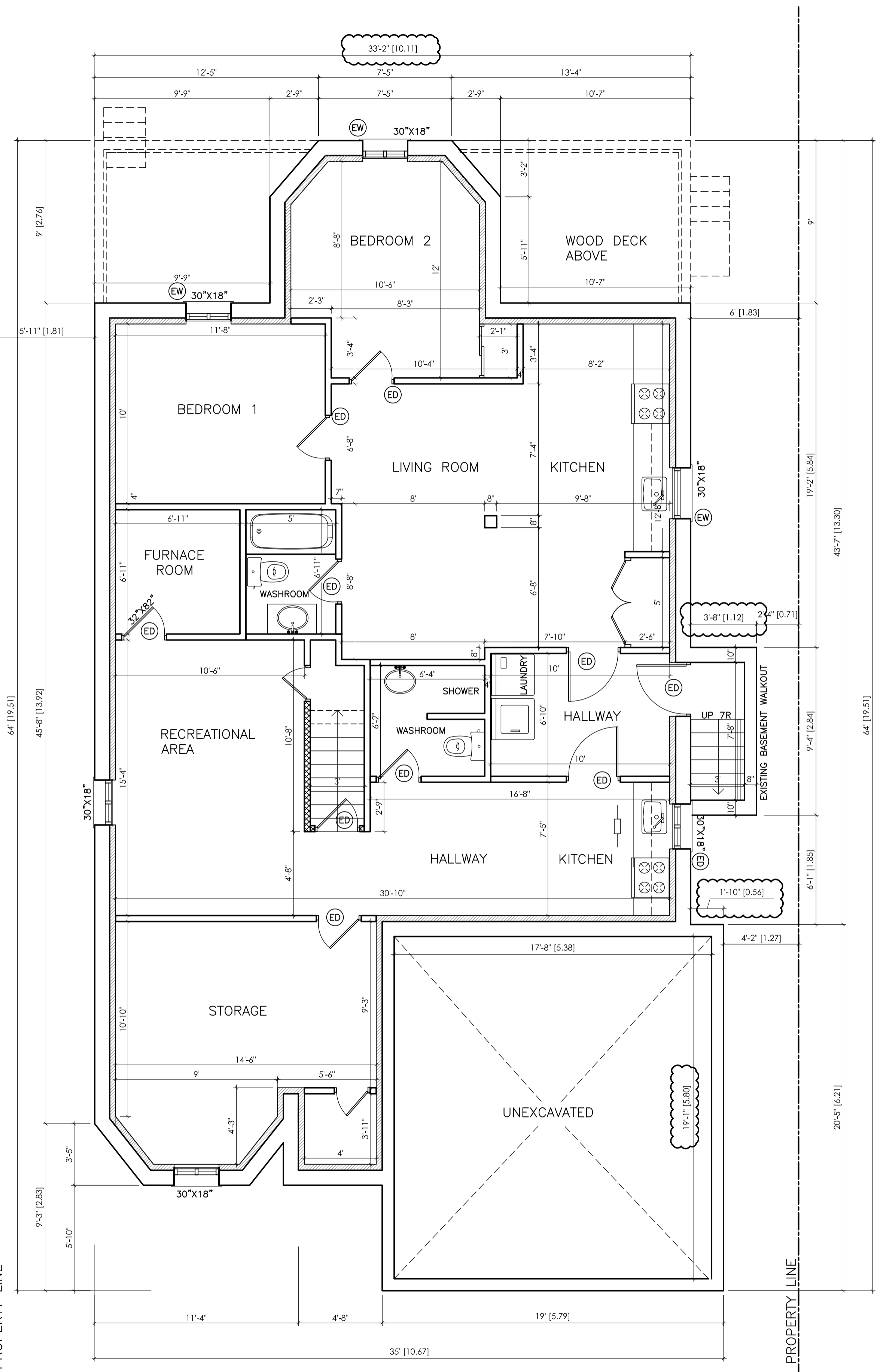
THESE DESIGNS AND DRAWINGS ARE THE COPYRIGHTED PROPERTY OF THE DESIGNER AND MAY NOT BE REPRODUCED EXCEPT WITH SPECIFIC WRITTEN CONSENT OF THE DESIGNER. THE CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS OF THE JOB AND BE RESPONSIBLE FOR THE SAME REPORTING ANY DISCREPANCIES TO THE DESIGNER BEFORE COMMENCING WORK.

DRAWINGS NOT TO BE SCALED

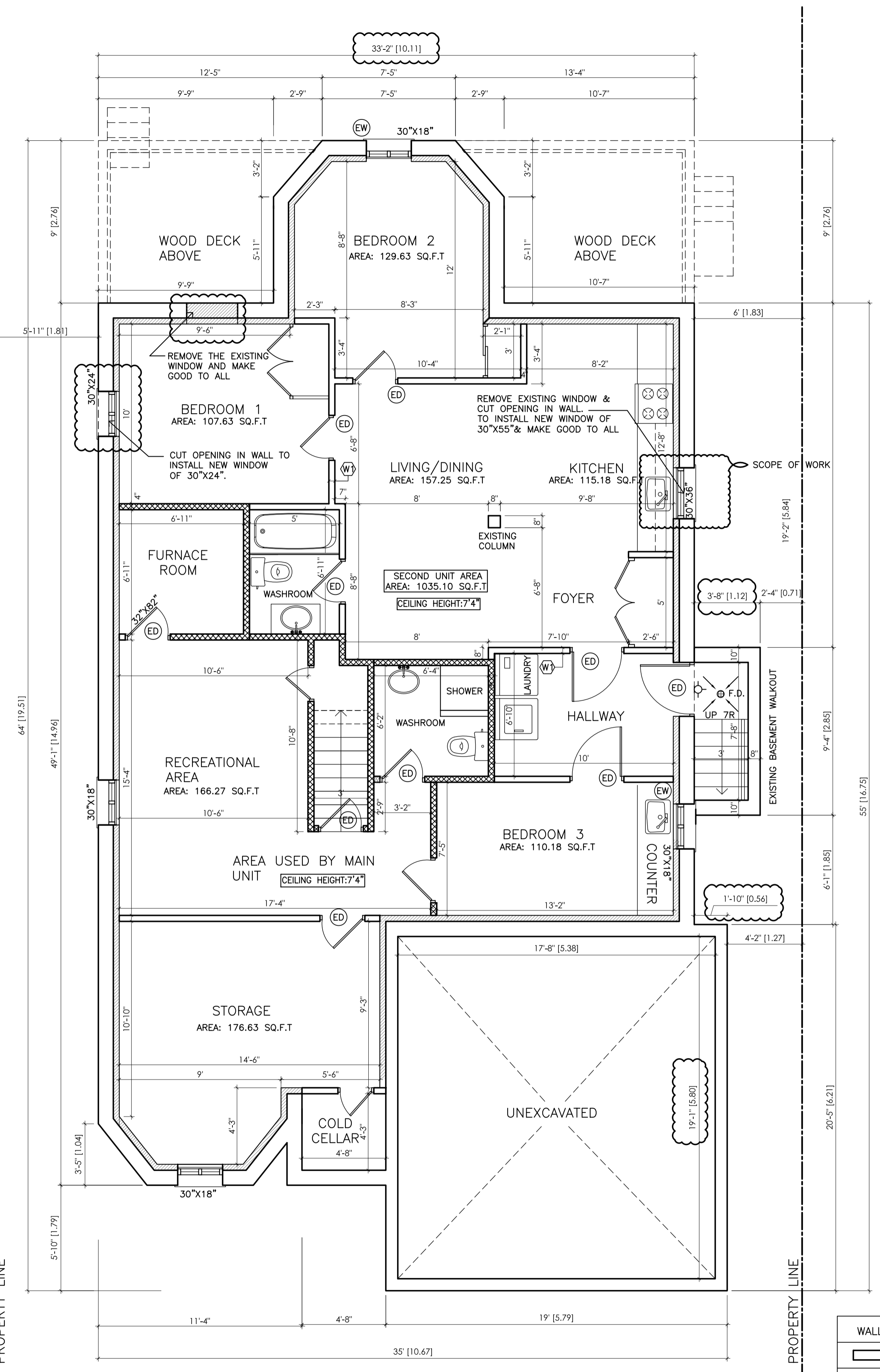
PROJECT NAME: <b>CONVERT FINISHED BASEMENT INTO SECOND UNIT AT 35 SHADLOCK ST., MARKHAM, ONTARIO</b>		DRAWN BY: K.S.	PRINT DATE:
SHEET TITLE: <b>SITE PLAN</b>		DATE: AUG 03 2021	SHEET No.:
4.	REVISED AS PER PLANNING COMMENTS	07/20/22	PROJECT No.: PNUM
3.	REVISED AS PER COA	07/11/22	
2.	REVISED AS PER PLANNING COMMENTS	3/06/22	
1.	ISSUED FOR COA	16/12/21	
REVISIONS			

SHADLOCK STREET

# A-1



**EXISTING BASEMENT PLAN**  
 SCALE: 1/4" = 1'-0"



**PROPOSED BASEMENT PLAN**  
 SCALE: 1/4" = 1'-0"

CONTRACTOR TO CHECK EXISTING FOOTING SIZES AND BEARING CAPACITY PRIOR TO STARTING WORK  
 EXISTING CEILING JOISTS, WOOD POSTS TO REMAIN

CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS. THE CONTRACTOR SHALL ADVISE THE DESIGNER/ENGINEER OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH CONSTRUCTION. DESIGNER/P.ENG. ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE EXISTING CONDITIONS AS INDICATED ON THIS DRAWING.

WALL LEGEND	
[Solid line]	EXISTING WALL TO BE REMAIN
[Dashed line]	WALL/WORK TO BE DEMOLISH
[Thin solid line]	PARTITION WALL
[Wavy pattern]	ROXUL INSULATION IN WALL
[Cross-hatch pattern]	FIRE RATED WALL
[Diagonal lines]	WEATHER STRIPPING WALL
[Horizontal lines]	POURED CONCRETE WALL

NO.	DESCRIPTION	DATE
4.	REVISED AS PER C.O.A.	JUL/11/2022
3.	REVISED AS PER PLANNING COMMENTS	JUN/03/2022
2.	ISSUED FOR COMMITTEE OF ADJUSTMENT	DEC/04/2021
1.	ISSUED FOR ZONING REVIEW	AUG/03/2021

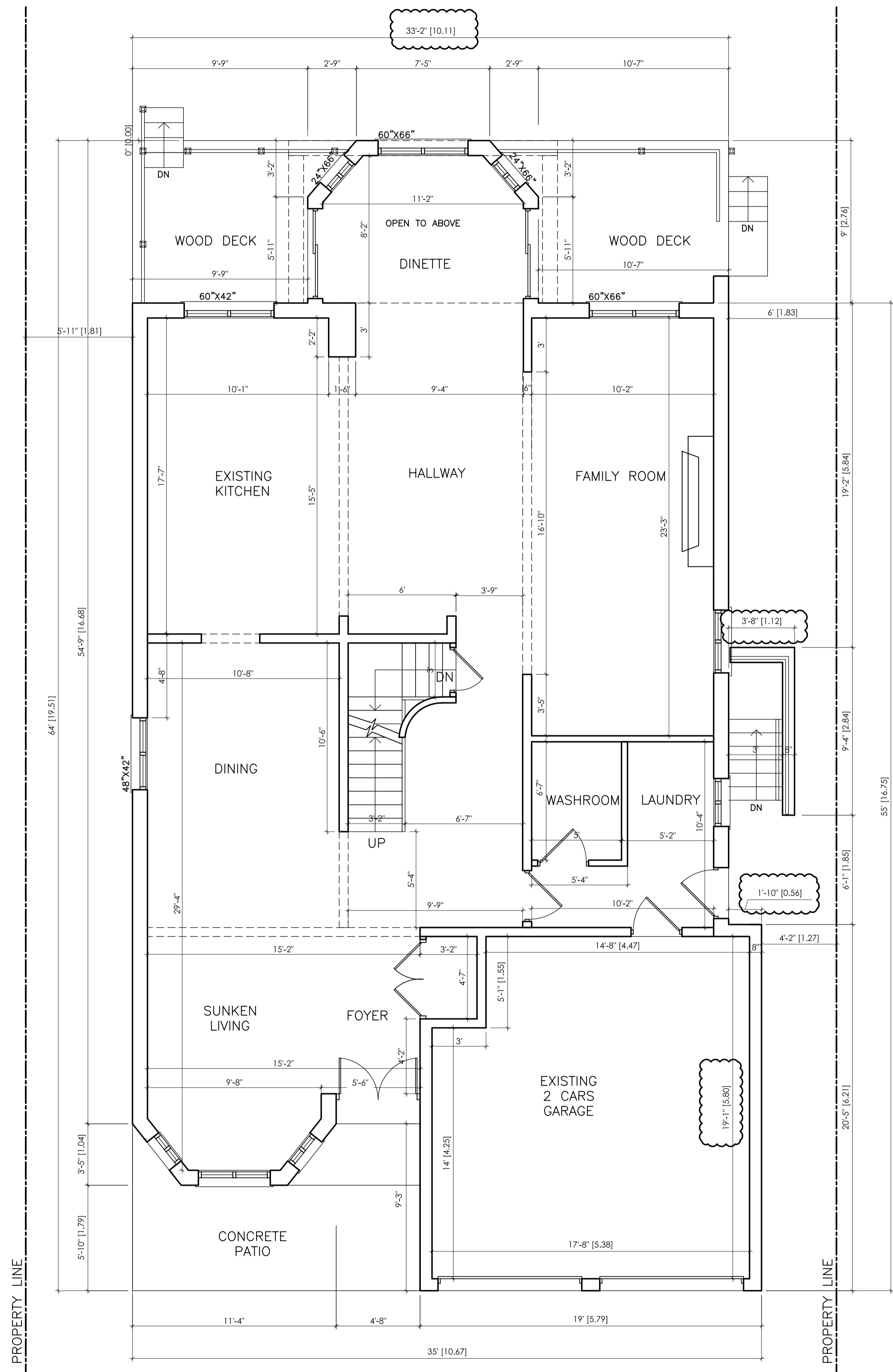
PROJECT NAME:  
**CONVERT EXISTING FINISHED BASEMENT INTO SECOND UNIT**  
 35 SHADLOCK STREET,  
 MARKHAM, ON

SHEET TITLE:  
**EXISTING AND PROPOSED BASEMENT PLAN**

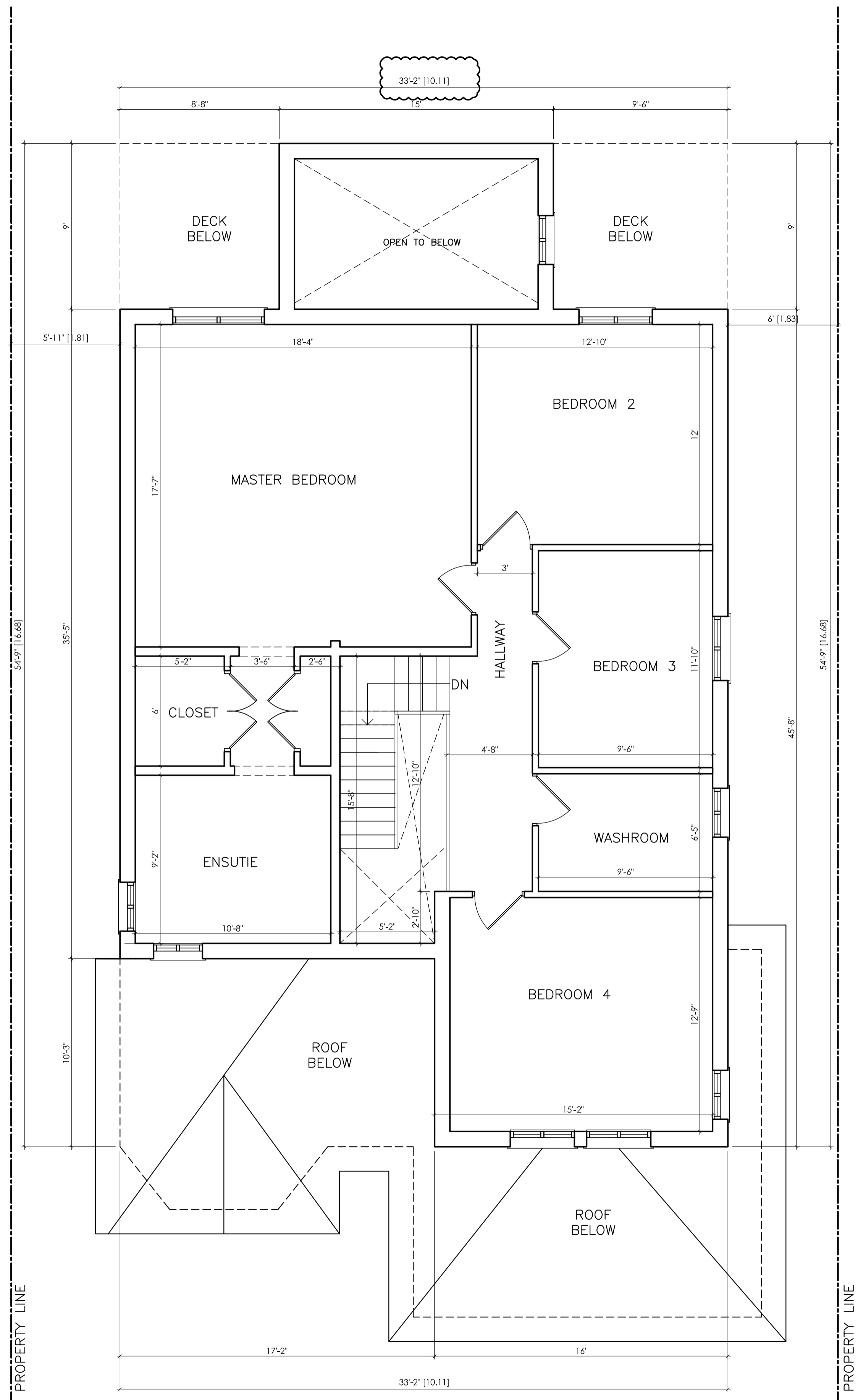
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 THE CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS OF THE JOB AND BE RESPONSIBLE FOR SAME REPORTING ANY DISCREPANCIES TO THE DESIGNER BEFORE COMMENCING WORK.

DRAWINGS NOT TO BE SCALED

PRINT DATE:	
DRAWN BY:	K.S.
CHECKED BY:	K.S.
DATE:	
SCALE:	AS NOTED
PROJECT NO.:	
SHEET NO.	<b>A2</b>



EXISTING FIRST FLOOR PLAN  
 SCALE: 1/4" = 1'-0"



EXISTING SECOND FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

NO.	DESCRIPTION	DATE
3.	REVISED AS PER C.O.A.	JUL/11/2022
2.	ISSUED FOR COMMITTEE OF ADJUSTMENT	DEC/04/2021
1.	ISSUED FOR ZONING REVIEW	AUG/03/2021

PROJECT NAME:  
 CONVERT EXISTING FINISHED  
 BASEMENT INTO SECOND UNIT

35 SHADLOCK STREET,  
 MARKHAM, ON

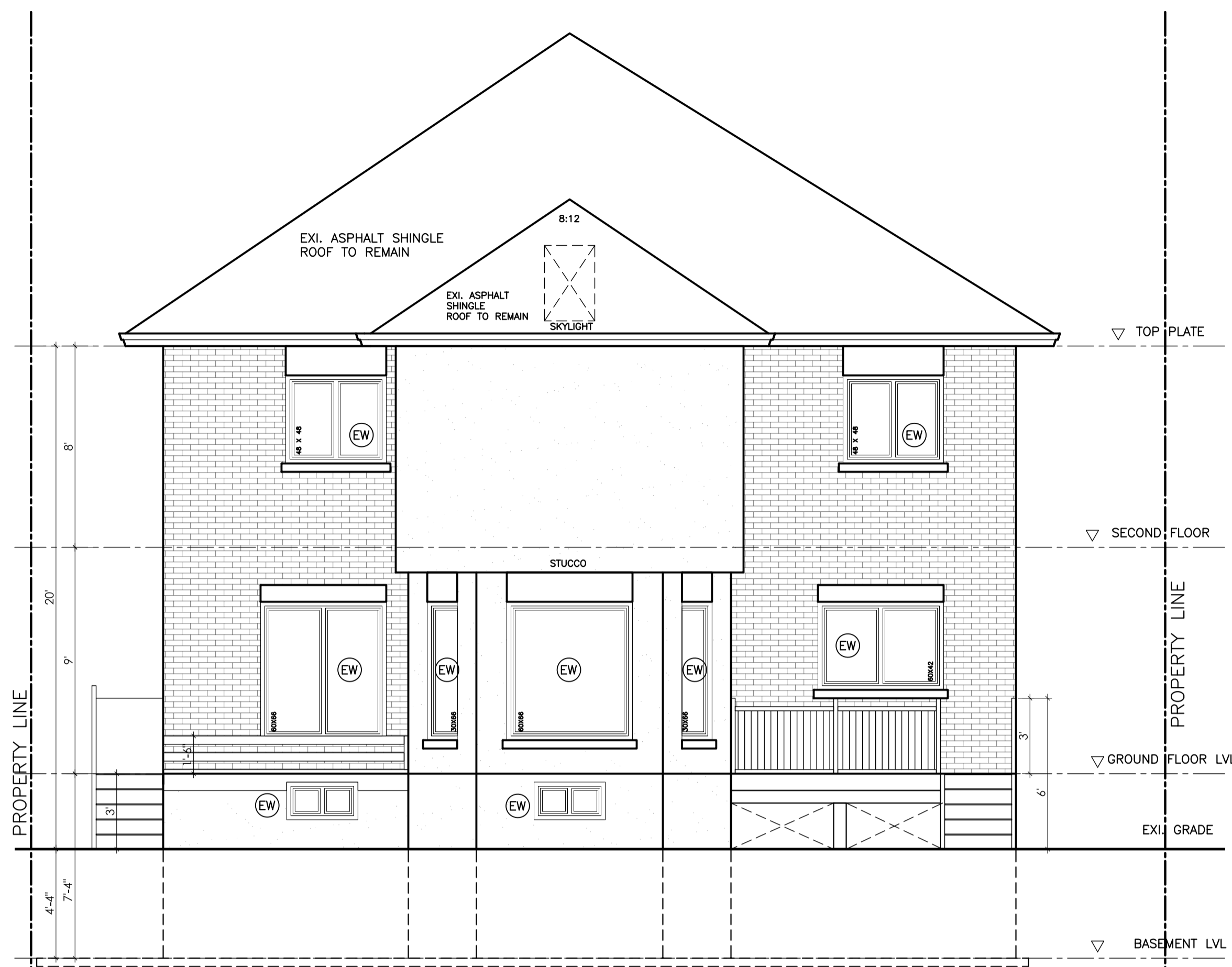
SHEET TITLE:  
 EXISTING FIRST FLOOR & SECOND  
 FLOOR PLAN

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 WRITTEN CONSENT OF THE DESIGNER.  
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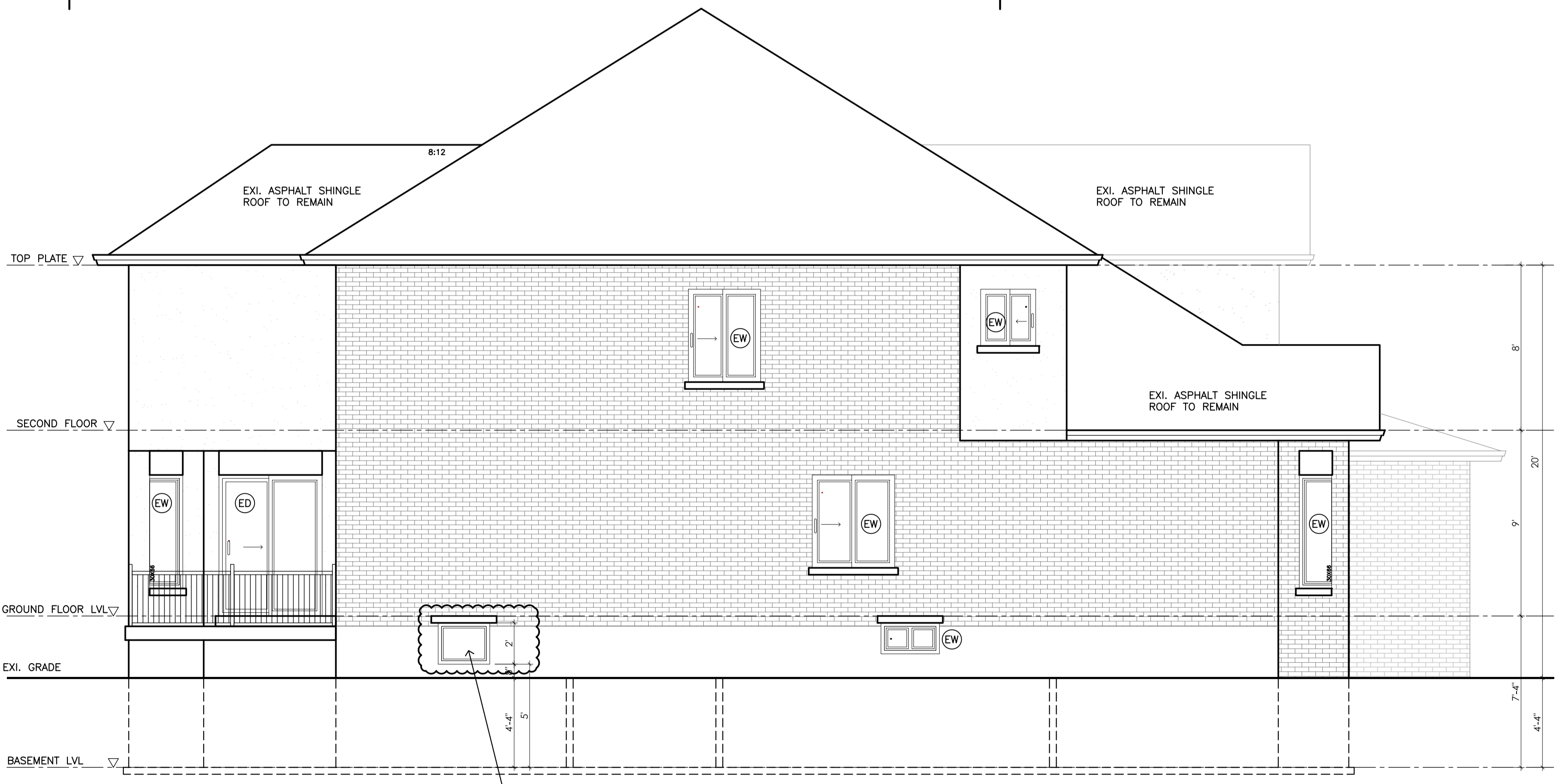
DRAWINGS NOT TO BE SCALED

PRINT DATE:
DRAWN BY: K.S.
CHECKED BY: K.S.
DATE:
SCALE: AS NOTED
PROJECT NO.:
SHEET NO.

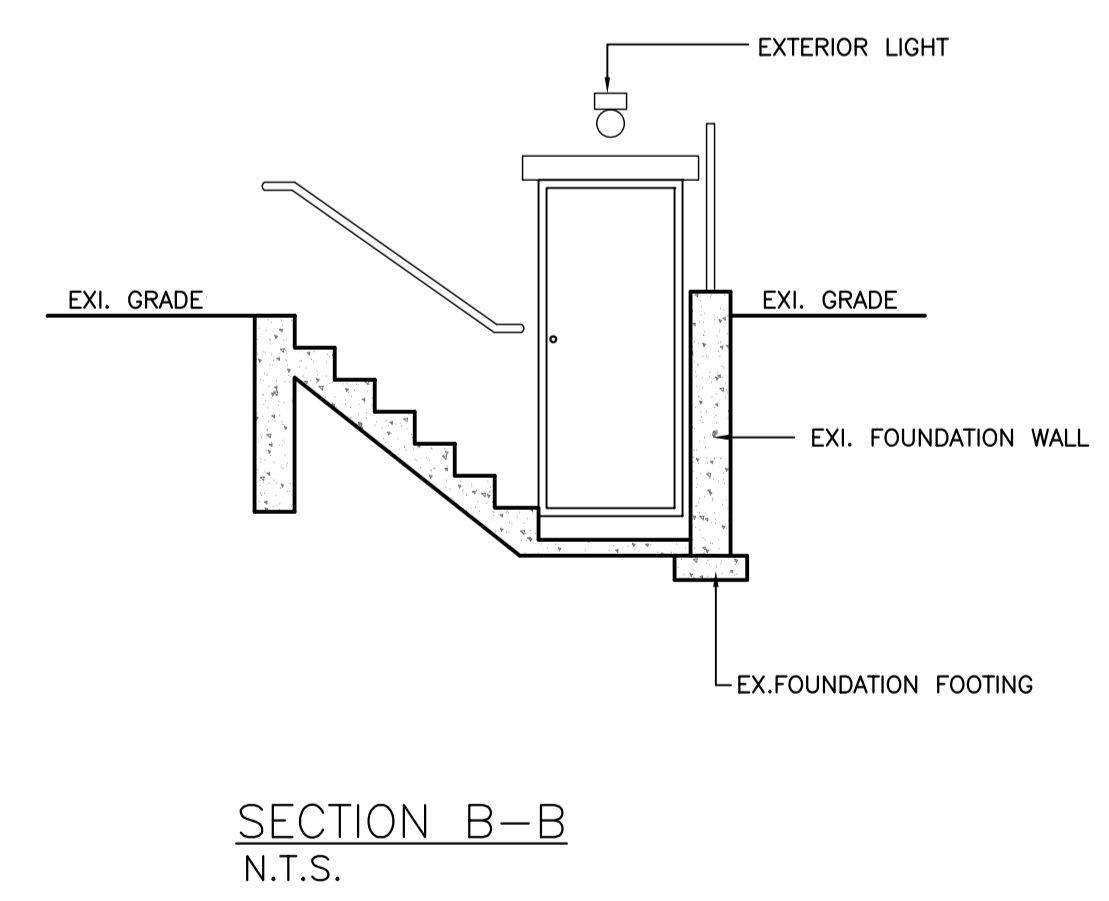
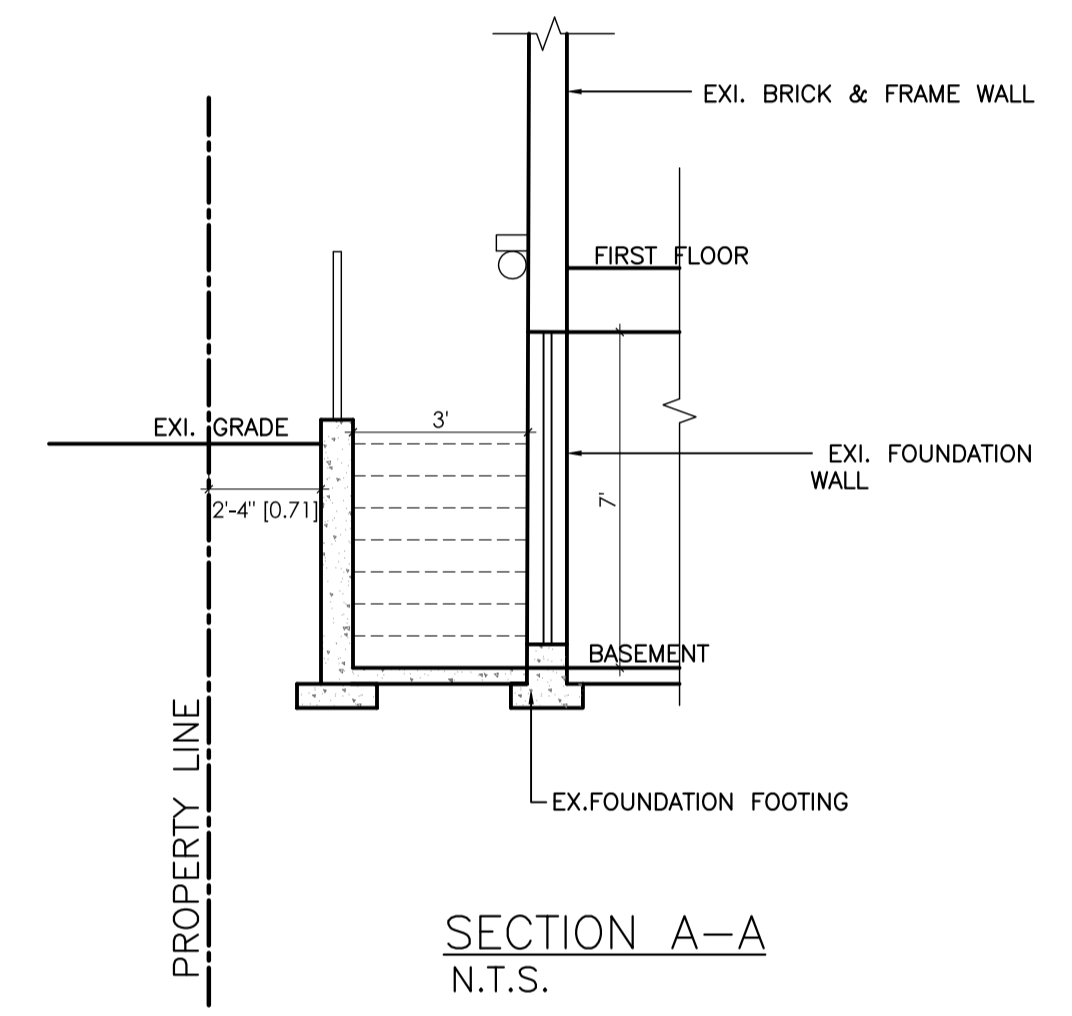
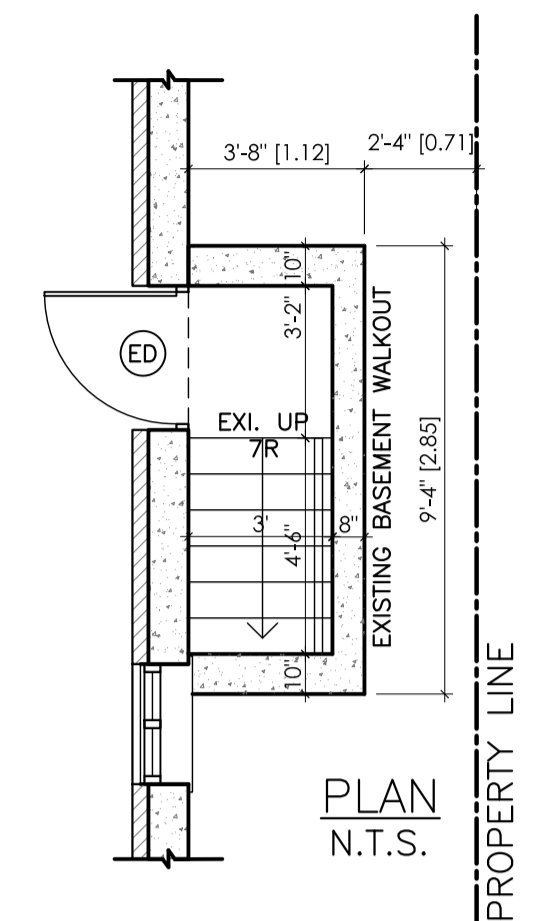
A3



EXISTING REAR SIDE ELEVATION  
 SCALE: 1/4" = 1'-0"



EXISTING LEFT SIDE ELEVATION  
 SCALE: 1/4" = 1'-0"  
 CUT OPENING IN WALL TO INSTALL NEW WINDOW OF 30"x24". INSTALL NEW 2-2X8+1.31"x31"x1/8" LINTELS & MAKE GOOD TO ALL



NO.	DESCRIPTION	DATE
3.	REVISED AS PER C.O.A.	JUL/11/2022
2.	ISSUED FOR COMMITTEE OF ADJSUTMENT	DEC/04/2021
1.	ISSUED FOR ZONING REVIEW	AUG/03/2021

PROJECT NAME:  
 CONVERT EXISTING FINISHED BASEMENT INTO SECOND UNIT  
 35 SHADLOCK STREET,  
 MARKHAM, ON

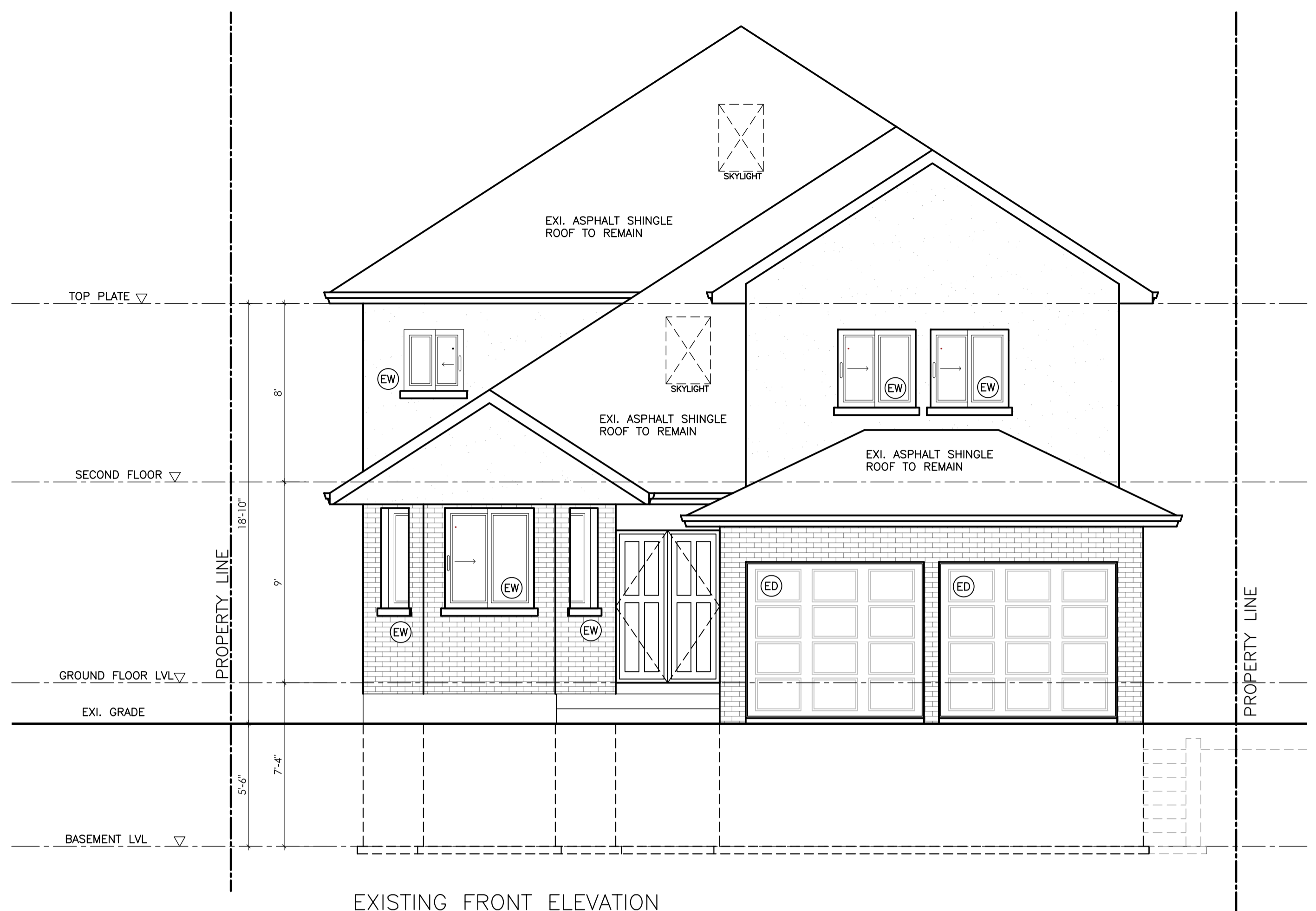
SHEET TITLE:  
 EXISTING LEFT SIDE & REAR SIDE ELEVATION

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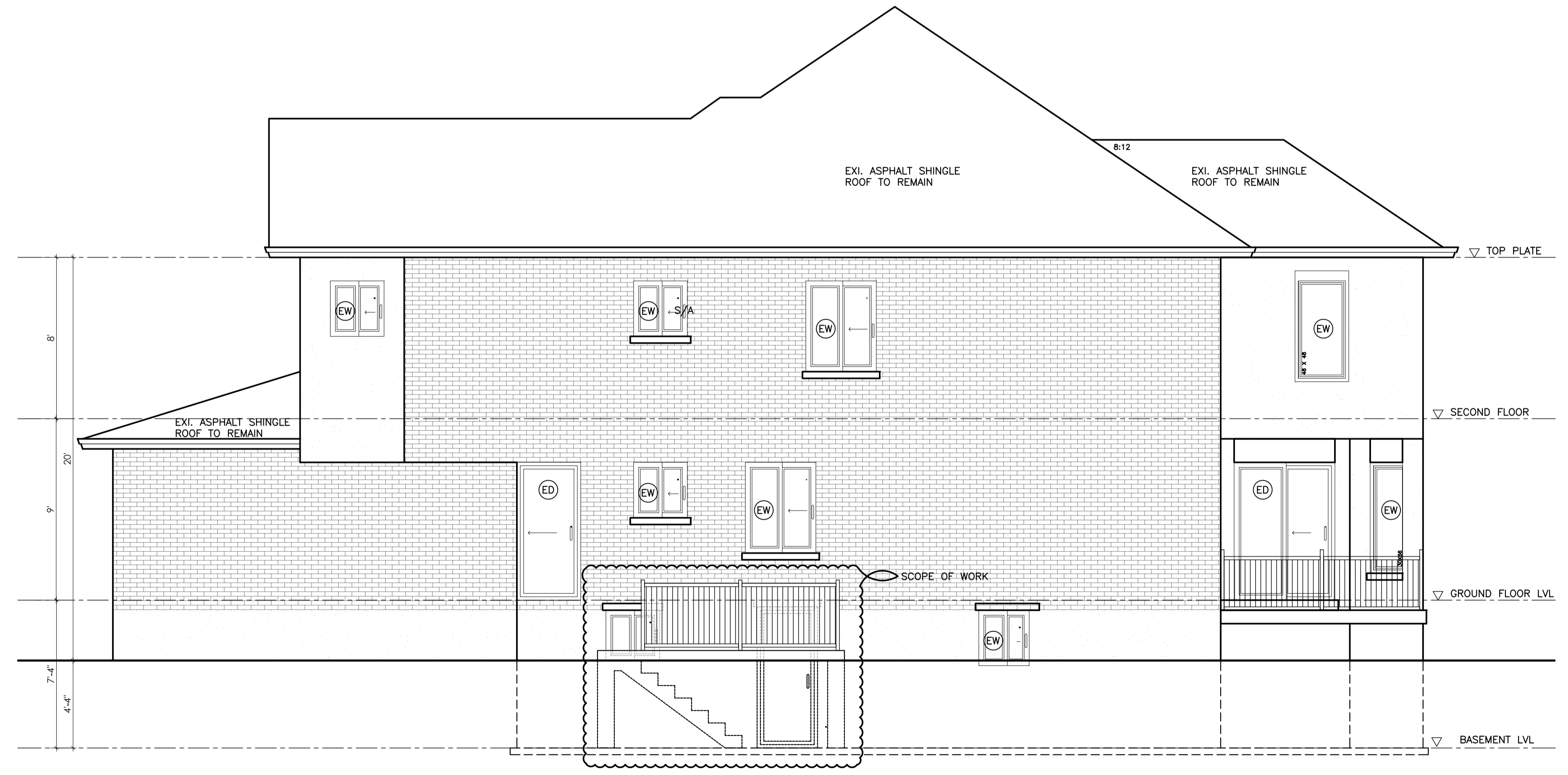
DRAWINGS NOT TO BE SCALED

PRINT DATE:
DRAWN BY: K.S.
CHECKED BY: K.S.
DATE:
SCALE: AS NOTED
PROJECT NO.:
SHEET NO.





EXISTING FRONT ELEVATION  
 SCALE: 1/4"=1'-0"



EXISTING RIGHT SIDE ELEVATION  
 SCALE: 1/4"=1'-0"

NO.	DESCRIPTION	DATE
3.	REVISED AS PER C.O.A.	JUL/11/2022
2.	ISSUED FOR COMMITTEE OF ADJSUTMENT	DEC/04/2021
1.	ISSUED FOR ZONING REVIEW	AUG/03/2021

PROJECT NAME:  
 CONVERT EXISTING FINISHED  
 BASEMENT INTO SECOND UNIT  
 35 SHADLOCK STREET,  
 MARKHAM, ON

SHEET TITLE:  
 EXISTING FRONT & RIGHT SIDE  
 ELEVATION

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DRAWINGS NOT TO BE SCALED

PRINT DATE:
DRAWN BY: K.S.
CHECKED BY: K.S.
DATE:
SCALE: AS NOTED
PROJECT NO.:
SHEET NO.

**A4**