

Memorandum to the City of Markham Committee of Adjustment

September 8, 2020

File: A.082.20
Address: 61 Demott Ave – Markham, ON
Applicant: Adnunal Arabi & Tazeen Adnan
Agent: Varatha Design Associates
Hearing Date: Wednesday September 16, 2020

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of the “Residential Two Exception (R2*190*465)” zone under By-law 177-96, as amended, to permit:

a) Section 7.190.1 a) ii):

an accessory dwelling unit that is not located above a private garage, whereas the By-law permits an accessory dwelling unit provided it is located above a private garage in either the main building or an accessory building on the same lot;

b) Section 6.6.3 a) i):

stairs accessing the main building to encroach 2.50 m (8.20 ft) into the required rear yard, whereas the By-law permits a maximum encroachment of 2.0 m (6.56 ft); and

c) Section 6.3.1.2:

a setback of 3.66 m (12.01 ft) between the detached private garage and the main building stairs, whereas the By-law requires a minimum of 6.0 m (19.69 ft).

BACKGROUND

Property Description

The 365.81 m² (3,937.58 ft²) subject property is located on the south side of Demott Avenue, north of Cornell Park Avenue, east of Bur Oak Avenue, and west of Cornell Centre Boulevard. The property is developed with a two-storey single detached dwelling, and a one-storey detached garage which is located in the rear yard. Vehicular access to the garage is provided via a municipal rear lane. The surrounding area comprises a mix of two-storey single detached, semi-detached, and townhouse dwellings situated on lane-based properties.

Proposal

The applicant is requesting permission for an accessory dwelling unit (secondary suite) in the basement of the existing dwelling, as shown in the plans provided in Appendix “B”. The proposal includes three enlarged windows at the west side of the dwelling. The secondary suite is proposed to have independent access from new stairs and a below grade door located within the rear yard.

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* to require Official Plans to

contain policies providing for two residential units in detached, semi-detached and rowhouse dwellings, as well as permitting a residential unit in ancillary structures to a detached house, semi-detached house, or rowhouse. Under this legislation, “second 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 option including second units to support complete communities.

Official Plan and Zoning

2014 Official Plan (partially approved on Nov 24/17, and further updated on April 9/18)

The City’s 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 177-96

The subject property is zoned “Residential Two Exception (R2*190*465)” zone under By-law 177-96, as amended, which permits one of the following dwelling types per residential lot: single detached, semi-detached, duplex, triplex, fourplex, or townhouse.

Exception (*190) also permits one accessory dwelling unit on a lot where an existing single detached, semi-detached, or townhouse dwelling exists, provided that it is located above an attached or detached garage, amongst meeting other criteria. The secondary suite does not comply with the By-law as it is proposed within the basement of the main dwelling unit. Therefore, the applicant has applied for a variance to permit a secondary suite within the basement. The applicant is also requesting variances to permit an increased rear yard encroachment and a reduced building separation setback which both relate to the proposed basement walkout stairs.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant has confirmed that a 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 (“the Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, 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.

Increase in Encroachment of Stairs & Landings Used to Access a Main Building

The applicant is requesting an increase to the maximum encroachment of 2.50 m (8.20 ft) of the stairs and landing into the required rear yard, whereas the By-law permits a maximum encroachment of 2.0 m (6.56 ft) from the stairs and landing that access any part of the main building. This is an increase of 0.50 m (1.64 ft).

Staff are of the opinion that the requested variance is appropriate and desirable for the lot given that it is a minor increase that would apply to the uncovered stairs and landing to facilitate below grade access to the secondary suite. Accordingly, staff do not object to the variance.

Reduction in Setback from Main Building

The applicant is requesting relief to permit that a minimum setback of 3.66 m (12.01 ft), whereas the By-law requires a minimum setback of 6.0 m (19.69 ft) between the detached private garage and the main building. This is a reduction of approximately 2.34 m (7.68 ft).

A setback of 6.0 m (19.69 ft) is maintained between the main walls of the main building and detached garage. The requested variance only applies to the uncovered walk-up stairs and landing that access the secondary suite. Staff are of the opinion that the general intent and purpose of the By-law is maintained, and do not object to the variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of September 8, 2020. 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*, and do not object to the proposed development. 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 By-law, and how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

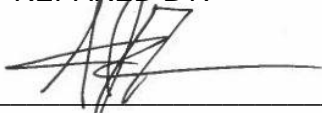
Please see Appendix "A" for conditions to be attached to any approval of this application.

APPENDICES

Appendix "A" – Conditions of Approval

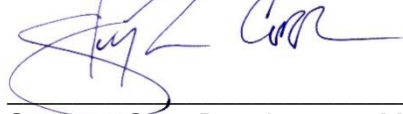
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Corr, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/082/20

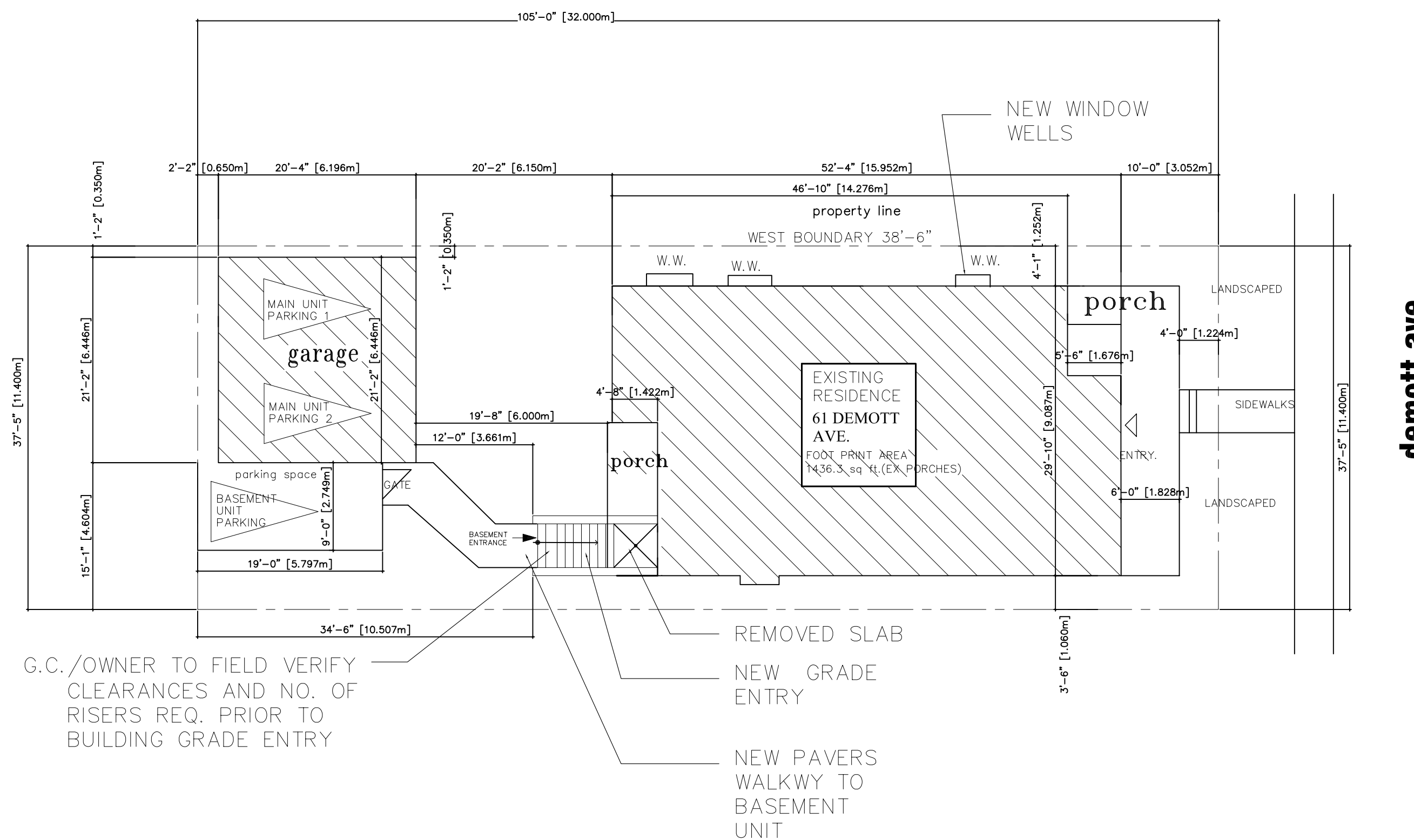
1. The variances apply only to the proposed development as long as it remains.
2. That the variances apply only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix "B" to this Staff Report and received by the City of Markham, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/082/20



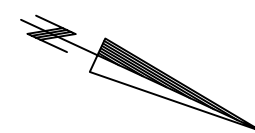
SITE STATISTICS:

SITE ADDRESS: 61 DEMOTT AVE.
MARKHAM, ONTARIO

LOT AREA :1436.3 sq ft.(EX PORCHES)

SITE PLAN

SCALE: 3/32" = 1'-0"



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE O.B.C TO BE A DESIGNER

QUALIFICATION INFORMATION:
K.RANAGAVARATHA (B.C.I.N) 26147

REGISTRATION INFORMATION:
VARATHA DESIGN ASSOCIATES (B.C.I.N) 33937

DRAWING TITLE:	SITE PLAN
PROJECT:	GRADE ENTRY EXISTING DWELLING AND BASEMENT LAYOUT RENOVATION TO 61 DEMOTT AVE. AVENUE. MARKHAM , ONTARIO
OWNERS:	Adnan ul Arabi Tazeen Adnan

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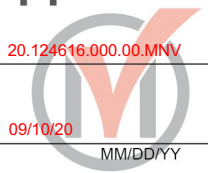
CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE SITE AND REPORT ANY DISCREPANCIES OR ERRORS BEFORE COMMENCING ANY PART OF THE WORK

THE DESIGNER HAS NOT BE RETAINED TO CARRY OUT GENERAL REVIEW OF THE WORK AND ASSUMES NO RESPONSIBILITY FOR THE FAILURE OF THE CONTRACTOR OR SUBCONTRACTORS TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS

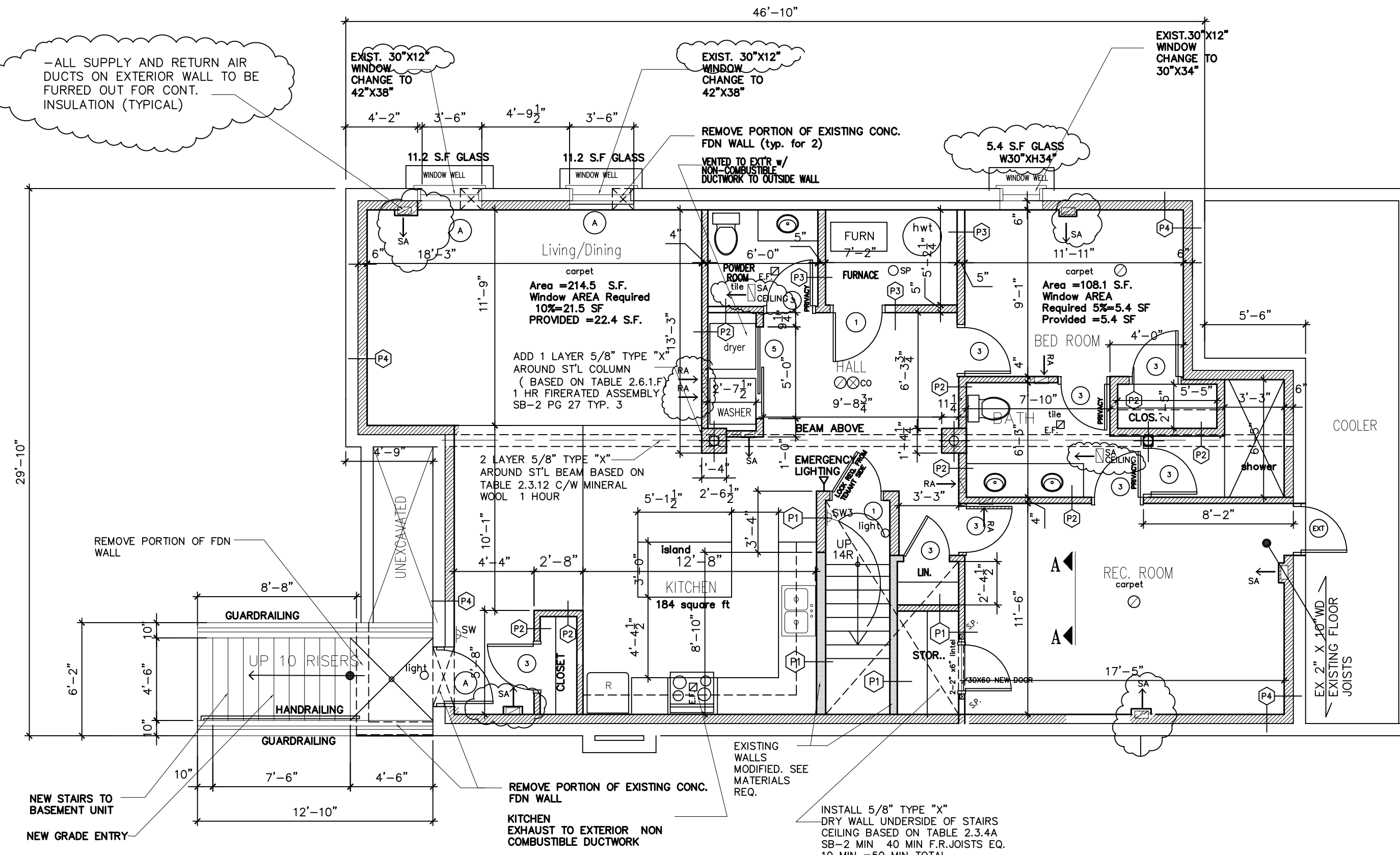
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2	revisions	K.V.	july30,20
1	BUILDING PERMIT	K.V.	APRIL 10,20
NO.	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES Architectural & Engineering Services Varatha Ken Architectural Designer TEL: (416) 284 7945 CELL: (416) 725 2041 TORONTO Ont. email: kvaratha@hotmail.com			
SCALE: 3/32" = 1'-0"	CAD FILE :	JOB No.: 20121	
DATE: APRIL 10,20	DWG NO: A1	OF 8	
DRAWN BY: K.V	CHECKED BY: K.V	DATE OF PRINT: APRIL 10,20	



-ALL SUPPLY AND RETURN AIR DUCTS ON EXTERIOR WALL TO BE FURRED OUT FOR CONT. INSULATION (TYPICAL)



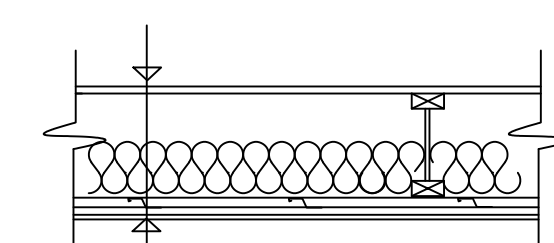
BASEMENT FLOOR PLAN

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

NOTE:
 · SMOKE ALARM ON MAIN FLOOR IS INTERCONNECTED WITH SMOKE ALARM ON SECOND FLOOR AND BASEMENT.
 · SMOKE ALARM SHALL CONFIRM TO O.B.C. DIV. B 9.10.19
 EXISTING MAIN FLOOR WALL AND CEILING IS DRY WALL FILLED WITH STC 50 SOUND TRANSMISSION BETWEEN MAIN UNIT AND SECOND SUITE.
 SEE SECTION A-A

SMOKE ALARM
 · SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM.
 · SHALL HAVE A BATTERY BACKUP
 INSTALL 5/8" TYPE X DRYWALL CEILING
 SEE SECTION A-A
 @ 84" A.F.F
 FULL BASEMENT AND 80" U/D BEAMS
 ALL SUPPLY AND RETURN AIR TO BE 6" AFF

- (A) WINDOW LITEL TO BE 3-2" X10" FLUSH C/W 5.0" X3.5" X 3/8" STEEL BRICK ANGLE.
- B.S. BUILT UP WD POSTS 3-2" X4"



subfloor of 15.5 mm plywood, OSB or waferboard, or 17 mm tongue and groove lumber ON EXISTING wood joists spaced at 16" o.c.
 3" SOUND ATTENUATION/FIRE BLANKET INSUL. resilient metal channels spaced 24" o.c.
 1 layer of 5/8" th. type 'x' gypsum board on ceiling side

FLOOR CONSTRUCTION



F.R.-1HR. min. STC. 53 stc
 F 10 E floor construction type based on mmhs sb-3

SECTION A-A

SCALE: N.T.S.

LEGEND:

MECHANICAL VENTILATION 150 CFM INSULB. EXHAUST OUT TO EXTERIOR	RENOVATED WALLS	2 LAYER 5/8" TYPE "X" C/W SOUND CHANNELS C/W SOUND ABOORB MATERIAL 2" X4" @ 16" O.C. AND 1 LAYER OF 5/8" TYPE X (BASED ON W4A SB-3 STC RATING 51)
36X80 NEW DOOR (20 MIN RATED WITH SELF CLOSING DEVICE)	EXISTING WALLS	2X4 WITH 1/2" DRY WALL BOTH SIDES
32X80 NEW DOOR	NEW WALLS	2X4 WITH 5/8" TYPE "X" DRY WALL @ 16" O.C BOTH SIDES 1 HR FIRERATED WALL(BASED ON WID SB-3)
30X80 NEW DOOR	SW SWITCH	2X4 WITH 1/2" DRY WALL WITH R20 CI SPRAYFOAM
24X80 NEW DOOR	EXISTING DOOR	
SMOKE ALARM INTER CONNECTED	CEILING	
CO → SA -SUPPLY AIR → RA -RETURN AIR	SA -SUPPLY AIR IN CEILING	
MECHANICAL VENTILATION 100 CFM INSUL. EXHAUST OUT		
SP INSTALL NEW SPRINKLER HEAD IN FURNACE ROOM		

NOTES:
 1. DOORWAY SIZE SHALL CONFIRM TO O.B.C 9.6.3
 2. A SMOKE DETECTOR SHALL BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM WHICH SHOULD BE TURN OFF THE FUEL SUPPLY AND ELEC. POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR.
 3. 30 MINUTE FIRE SEPARATION (15.9 MM) TYPE "X" GYPSUM BOARD CEILING SEE SECTION A-A

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QUALIFICATION INFORMATION:
 K.RANAGAVARATHA (B.C.I.N) 26147

REGISTRATION INFORMATION:
 VARATHA DESIGN ASSOCIATES (B.C.I.N) 33937

DRAWING TITLE: BASEMENT RENOVATED PLAN

PROJECT: GRADE ENTRY EXISTING DWELLING AND BASEMENT LAYOUT RENOVATION TO 61 DEMOTT AVE. AVENUE. MARKHAM, ONTARIO

OWNERS: Adnan ul Arabi
 Tazeen Adnan

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2	REVISIONS	K.V.	JULY30,20
1	BUILDING PERMIT	K.V.	APRIL10,20
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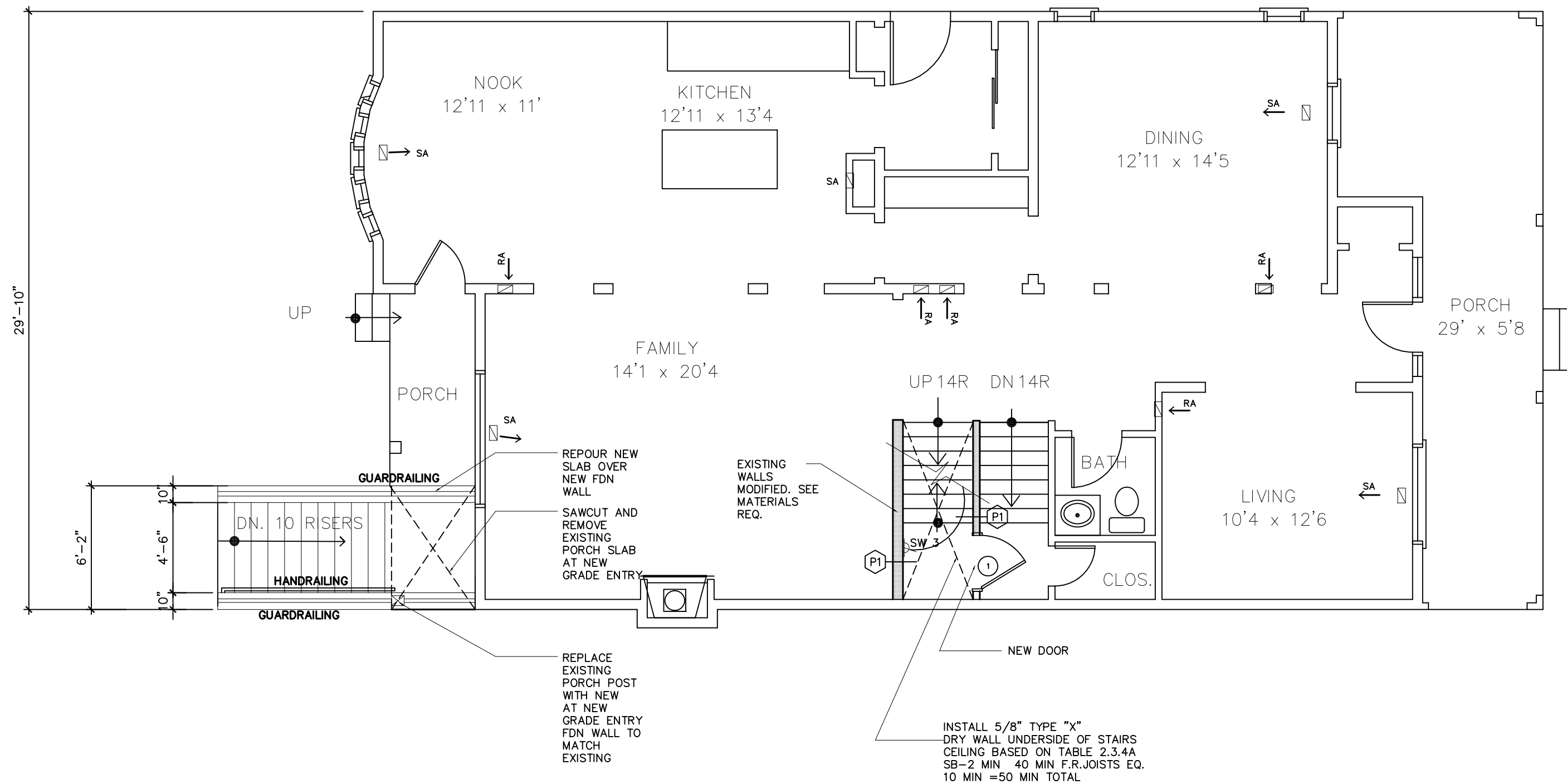
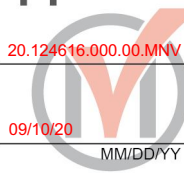
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SCALE: 3/16" = 1'-0"
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 DWG NO: A2
 OF 8

DRAWN BY: K.V.

CHECKED BY: K.V.
 DATE OF PRINT: APRIL10,20



LEGEND:

- EXISTING WALLS
- NEW WALLS
- RENOVATED WALLS

SA - SUPPLY AIR RA - RETURN AIR

FIRST FLOOR PLAN

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

EXISTING MECH. GRILLES AND EXHAUST FANS TO REMAIN



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REGISTRATION INFORMATION:
VARATHA DESIGN ASSOCIATES (B.C.I.N) 33937

DRAWING TITLE:
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OWNERS:
Adnan ul Arabi
Tazeen Adnan

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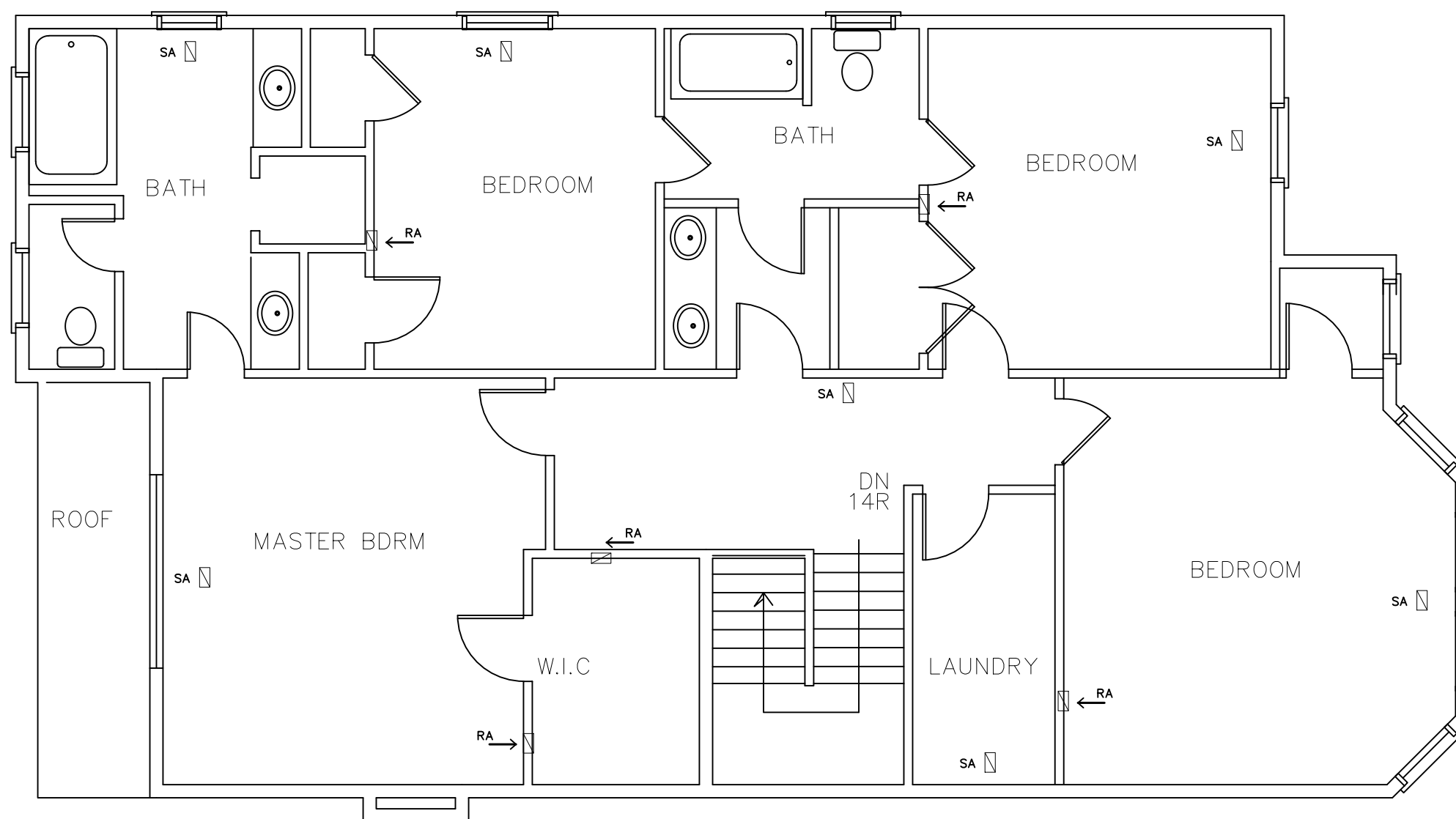
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SECOND FLOOR PLAN

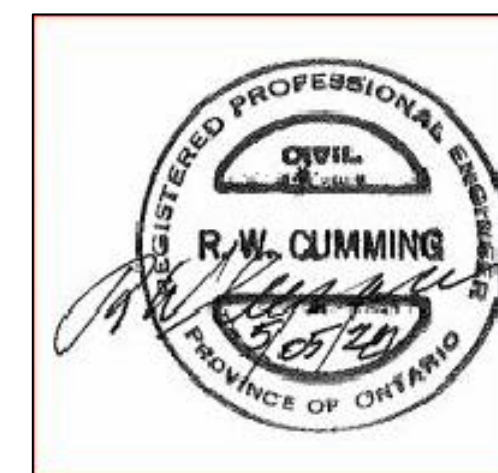
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- RENOVATED WALLS

☐ SA - SUPPLY AIR ☒ RA - RETURN AIR

EXISTING MECH. GRILLES AND EXHAUST FANS TO REMAIN



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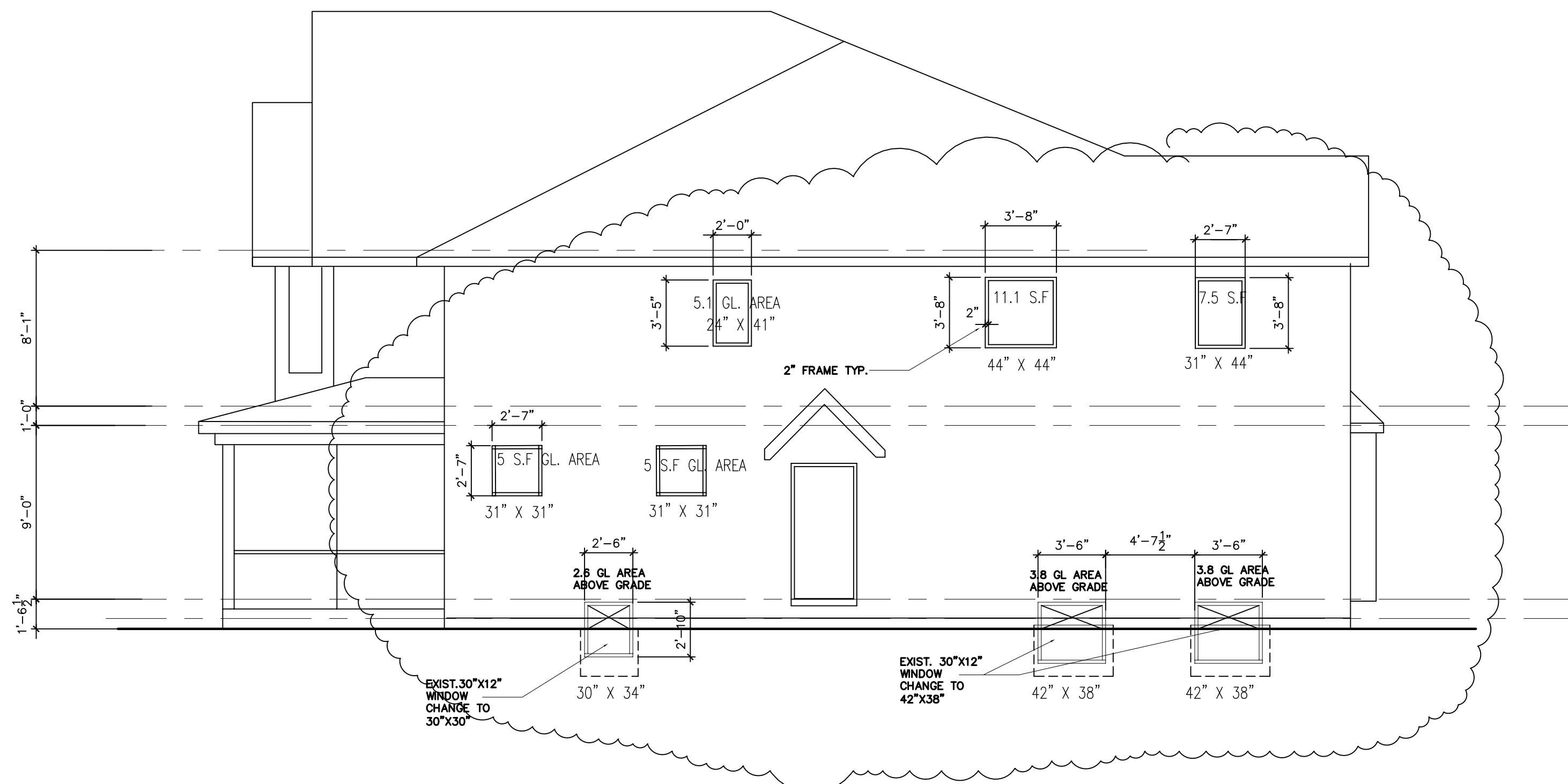
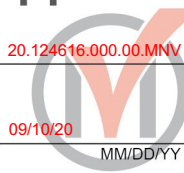
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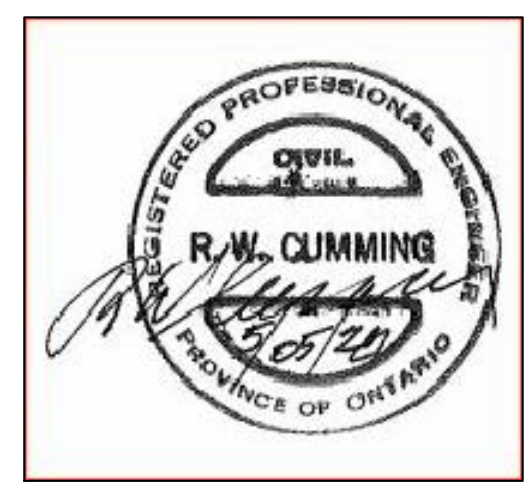


WEST ELEVATION

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

Table 9.10.15.4.
Maximum Area of Glazed Openings in Exterior Walls of Houses
7.0% MAX.window openings

ALLOWABLE UNPROTECTED OPENINGS
TOTAL WALL AREA = 920.67 square ft.
LIMITING DISTANCE= 4.1' FT.
ALLOWABLE OPENINGS = 64.44 S.F
ACTUAL OPENINGS = 43.9 S.F



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1	BUILDING PERMIT	K.V.	APRIL10,20
NO.	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES
Architectural & Engineering Services

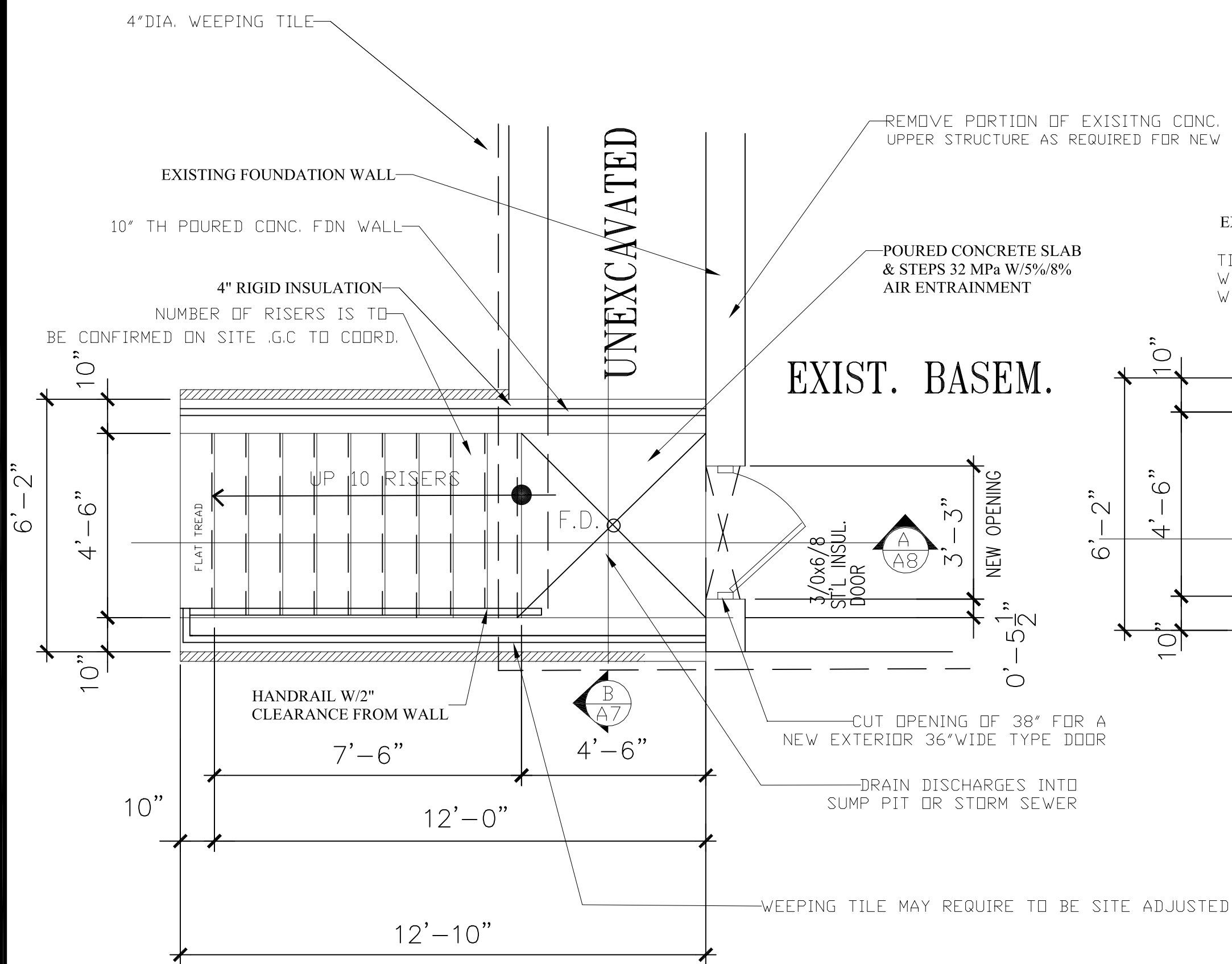
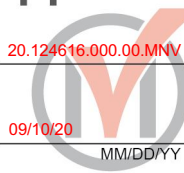
Varatha Ken
Architectural Designer
TEL: (416) 284 7945
CELL: (416) 725 2041
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SCALE: 3/16" = 1'-0"
CAD FILE :
JOB No.: 20121

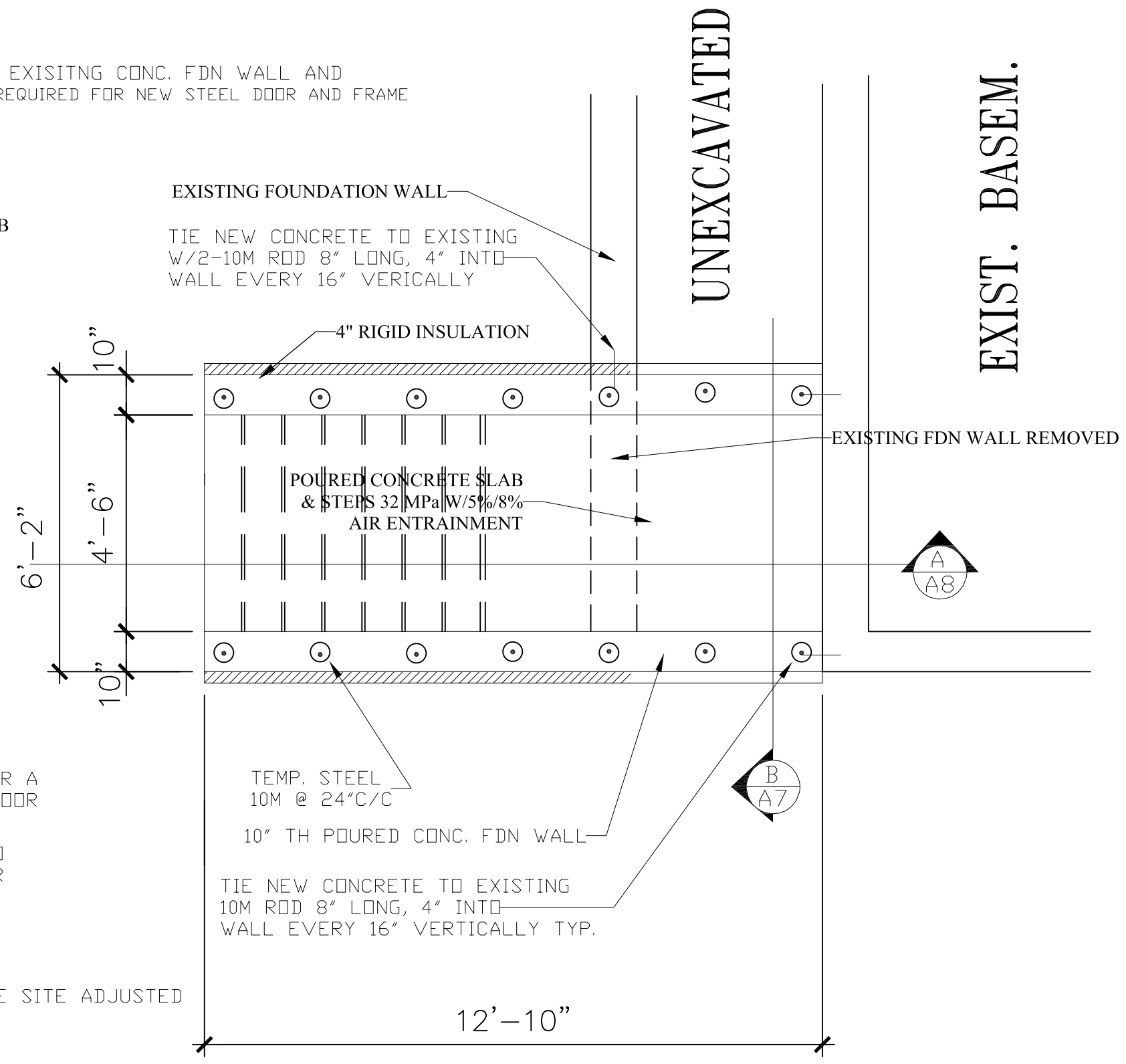
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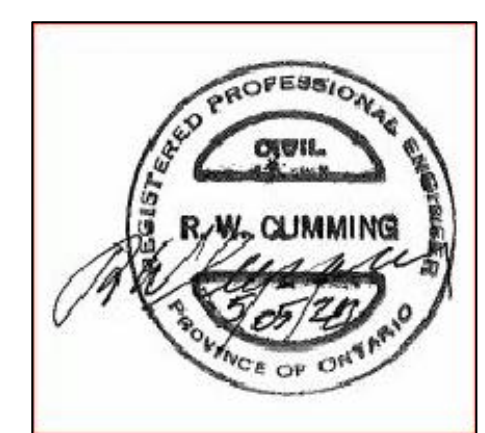
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DATE OF PRINT: APRIL10,20



FLOOR PLAN
SCALE : 3/8" = 1'-0"



FDN PLAN
SCALE : 3/8" = 1'-0"



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE O.B.C TO BE A DESIGNER

QUALIFICATION INFORMATION:
KRANAGAVARATHA (B.C.I.N) 26147

REGISTRATION INFORMATION:
VARATHA DESIGN ASSOCIATES (B.C.I.N) 33937

DRAWING TITLE: GRADE ENTRY PLANS

PROJECT: GRADE ENTRY EXISTING DWELLING AND BASEMENT LAYOUT RENOVATION TO 61 DEMOTT AVE. AVENUE. MARKHAM , ONTARIO

OWNERS: Adnan ul Arabi
Tazeen Adnan

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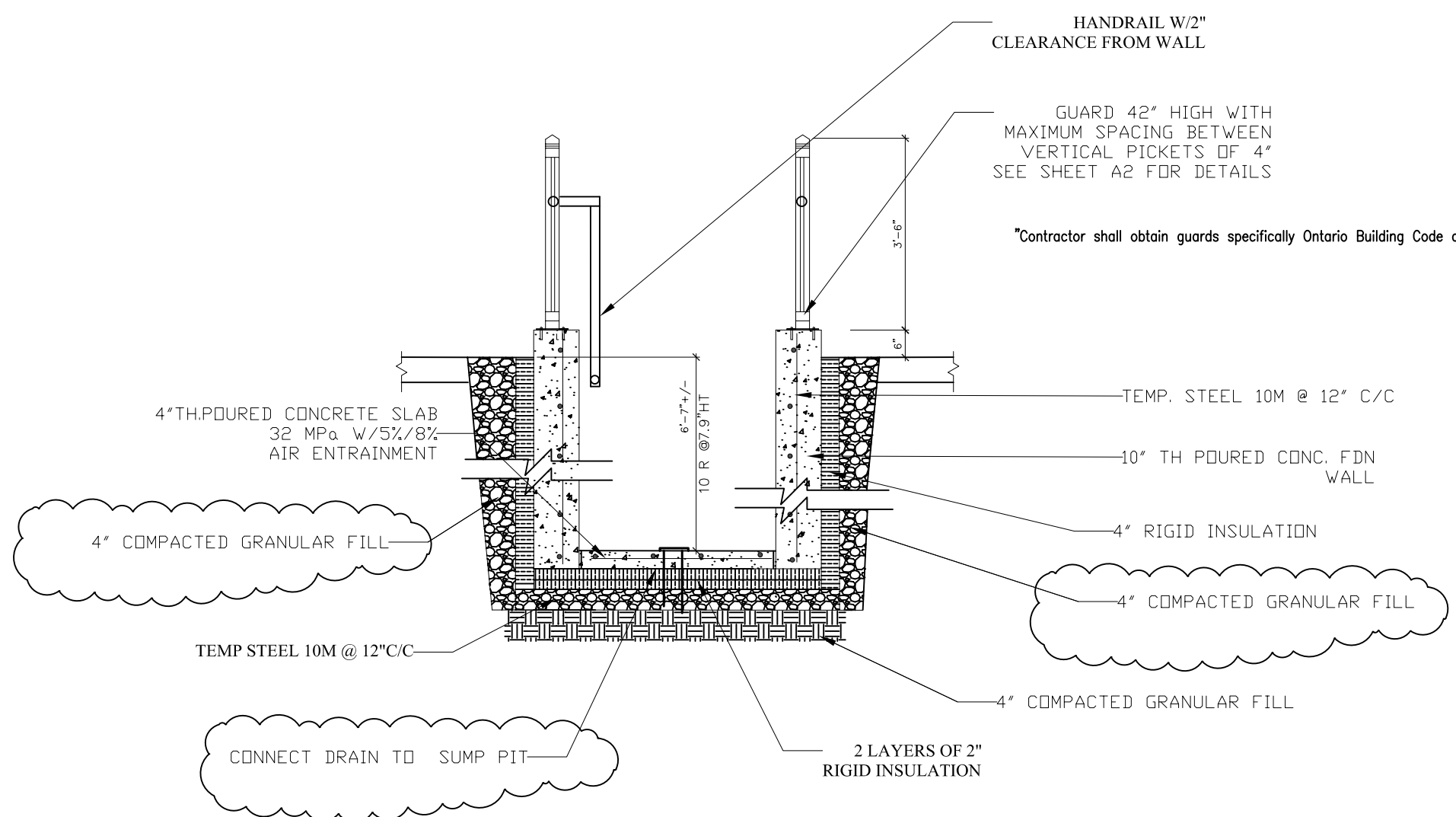
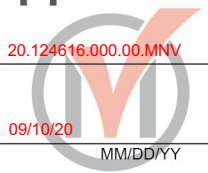
TORONTO Ont.

SCALE: 3/8" = 1'-0"
CAD FILE :
JOB No.: 20121

DATE: APRIL10,20
DWG NO: A6 OF 8

DRAWN BY: K.V.

CHECKED BY: K.V.
DATE OF PRINT: APRIL10,20



GENERAL NOTES:

1. WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE (OBC) AND LOCAL REGULATIONS
2. MATERIAL SHALL BE AS FOLLOWS :
 -CONCRETE,32 MPA WITH 5 % TO 8% AIR.
 -REINFORCING CSA G30.18-GRADE 400
 -TIMBER -SAWN CSAO 141 S-P-F
 -STEEL -HSS-CSA G 40.21
 -INSULATION- DOW STYROFOAM SM OR EQUIVALENT
3. FOOTINGS SHALL BEAR ON SOIL CAPABLE OF SUSTAINING AN ALLOWABLE BEARING PRESSURE OF 2000 PSF LIGHT TO HAVE ITS OWN DEDICATED CIRCUIT
4. DOOR AND FRAME TO ENTRY RESISTANT METAL PER OBC

SECTION B: FOR BELOW GRADE ENTRANCE

SCALE: 3/8" = 1'-0"



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QUALIFICATION INFORMATION:
 K.KANAGAVARATHA (B.C.I.N) 26147

REGISTRATION INFORMATION:
 VARATHA DESIGN ASSOCIATES (B.C.I.N) 33937

DRAWING TITLE: GRADE ENTRY PLANS

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OWNERS: Adnan ul Arabi
 Tazeen Adnan

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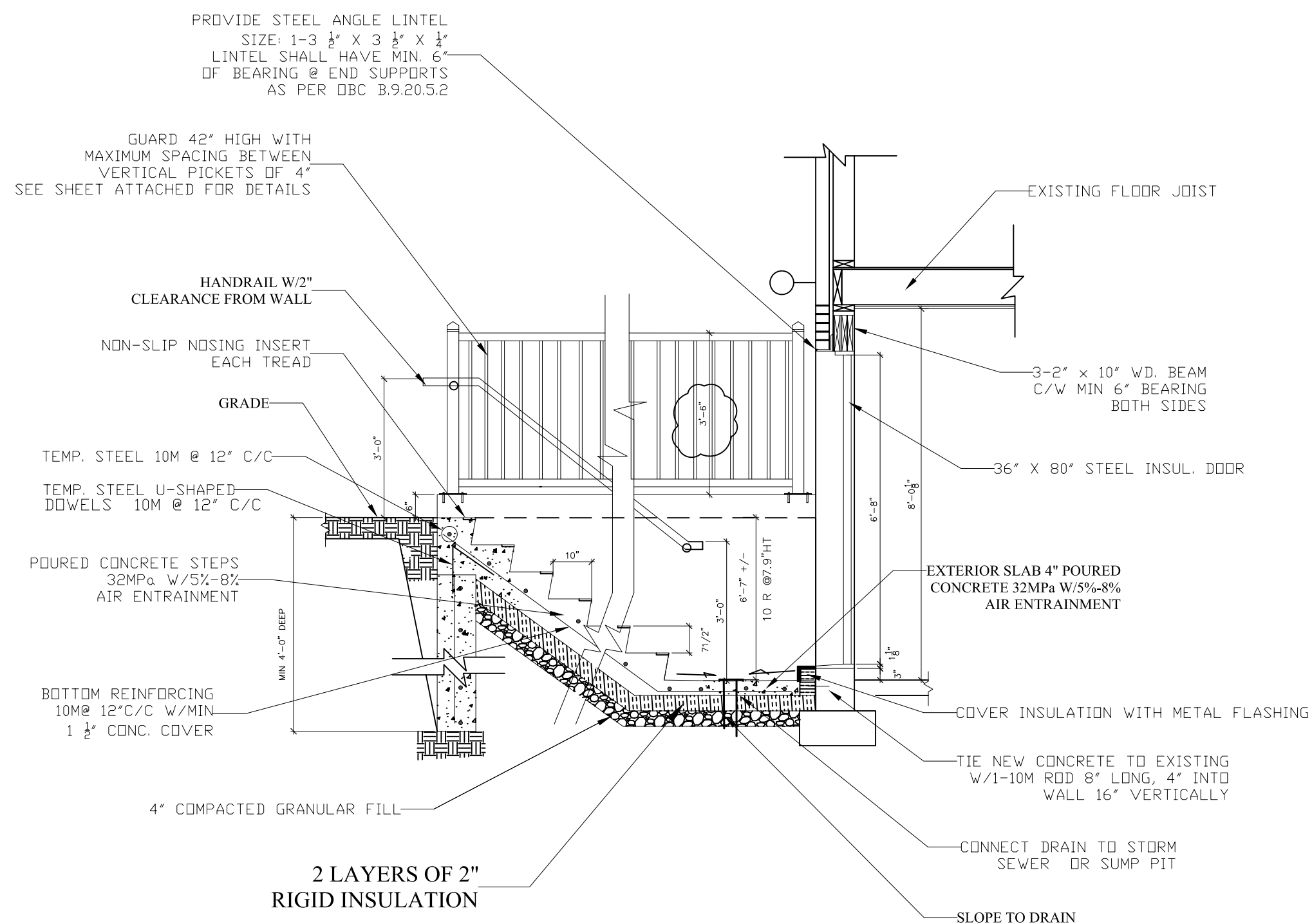
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 Varatha Ken
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 TEL: (416) 284 7945
 CELL: (416) 725 2041
 TORONTO Ont. email: kvaratha@hotmail.com

SCALE: 3/8" = 1'-0" CAD FILE : JOB No.: 20121

DATE: APRIL10,20 DWG NO: A7 OF 8

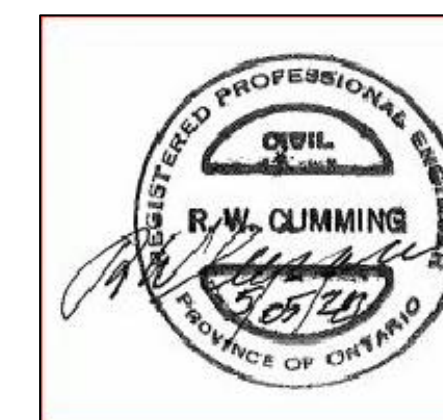
DRAWN BY: K.V.

CHECKED BY: K.V. DATE OF PRINT: APRIL10,20



SECTION A: FOR BELOW GRADE ENTRANCE

SCALE: 3/8" = 1'-0"



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QUALIFICATION INFORMATION:
K.RANAGAVARATHA (B.C.I.N) 26147
[Signature]
REGISTRATION INFORMATION:
VARATHA DESIGN ASSOCIATES (B.C.I.N) 33937

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OF 8

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DATE OF PRINT: APRIL10,20