

# Memorandum to the City of Markham Committee of Adjustment

September 4, 2019

**File:** A/30/19  
**Address:** 122 Chloe Crescent, Markham  
**Applicant:** Ainkaran Manoranjitham  
**Agent:** Varatha Design Associates  
**Hearing Date:** Wednesday September 11<sup>th</sup>, 2019

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

The applicant is requesting relief from the following requirements of the 'Fourth Density – Semi-Detached Residential' (RSD4) zone in By-law 90-81, as amended, as it relates to an existing basement apartment and associated walkout stairs.

- a) **Section 5.2.1:**  
a secondary dwelling unit, whereas the By-law permits no more than one single detached dwelling on one lot; and
- b) **Section 4.6(a):**  
a maximum projection of 0.70 m into the side yard, whereas the By-law permits an uncovered platform or step to project a distance of not more than 0.45 m into any required.

## BACKGROUND

### Property Description

The 234.02 m<sup>2</sup> (2,519 ft<sup>2</sup>) subject property is located on the south side of Chloe Crescent, which is south of Denison Street and east of Featherstone Avenue. The property is located within a residential neighbourhood comprised of two-storey detached and semi-detached dwellings. There is an existing two-storey semi-detached dwelling on the property, which according to assessment records was constructed in 1987. The existing dwelling has a two-car garage and driveway. Note, the subject dwelling is considered a semi-detached dwelling as its foundation wall is attached to an adjacent dwellings foundation wall. This configuration is permitted in accordance with the applicable 90-81 Zoning By-law and is a common characteristic of the community. The dwelling however visually looks like at detached dwelling above grade.

### Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling as shown in Appendix A. The proposed secondary suite would have direct and separate access at the west side of the house, which is accessed via stairs and a door to the basement level. No other changes are being proposed to the exterior of the dwelling or the property.

### Provincial Policies

#### Strong Communities through Affordable Housing Act - Province of Ontario

In 2011, the Strong Communities through Affordable Housing Act amended various sections of the Ontario Planning Act to facilitate the creation of second units by:

- Requiring municipalities to establish Official Plan policies and Zoning By-law provisions allowing secondary units in detached, semi-detached and row houses, as well as in ancillary structures
- Providing authority for the Minister of Municipal Affairs and Housing to make regulations authorizing the use of, and prescribing standards for, second units.

Under the *Strong Communities through Affordable Housing Act*, 'Second Units' also known as secondary suites are defined as "self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings."

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

The 2014 Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms including town house dwellings. The definition of a "Secondary Suite" in the 2014 Official Plan is "a second residential unit in a detached house, semi-detached house or row house 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 8.13.8 states that it is the policy of Council that in considering an application to amend the zoning by-law to permit the establishment of a secondary suite where provided for in the 2014 Official Plan, that 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.

As part of the City initiated zoning by-law consolidation project, Council recently considered the issue of second suites within the City. On May 29<sup>th</sup>, 2018, Council voted not to permit second suites as of right in any single detached, semi-detached, or townhouse dwelling.

Zoning By-Law 90-81

The subject property is zoned 'Fourth Density – Semi Detached Residential' (RSD4) under By-law 90-81, as amended, which permits a semi-detached dwelling. Section 6.5 of the By-law only permits one dwelling on a lot, and the applicant has therefore submitted a variance to permit the existing secondary suite within the dwelling. The applicant is also requesting a variance to permit the existing walkout to project 0.70 m into the side yard which relates to the existing stairs to access the basement suite.

**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, "*basement apt existing need to have a separate entrances and obc min width of exterior steps to maintain*".

**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 the building permit review process to confirm the variances required for the existing 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.

### **Secondary Suites**

Engineering staff confirmed that the existing sanitary sewer system has adequate capacity to accommodate the secondary suite and the 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.

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 Maximum Projection**

The applicant is requesting a maximum projection of 0.70 m (2.3 ft) into the west side yard, whereas the by-law permits an uncovered platform or step to project a distance of not more than 0.45 m (1.47 ft) into any required yard, which is an increase of 0.25 m (0.82 ft). As noted this variance relates to existing stairs accessing the accessory basement suite. The setback between the existing stairs and west lot line is 0.5 m (1.64 ft). The Engineering Department has reviewed the application and are concerned that the 0.5 m (1.64 ft) setback between the existing stairs alters an existing drainage swale, which could impact the abutting property to the west by altering overland stormwater flow. It is recommended that the Applicant submit Grading and Elevation Plans to demonstrate that the existing drainage swale will not be impacted by the stairs, to the satisfaction of the Director of Engineering. Staff are of the opinion that this application should be deferred *Sine Die* until this information is provided.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of September 4<sup>th</sup>, 2019. Any additional information or comments received after the writing of this report will be provided to the Committee of Adjustment by the Secretary-Treasurer at the meeting.

### **CONCLUSION**

Based on the discussion above, staff do not object to the approval of the variance to permit the existing secondary dwelling unit. There are concerns however that the reduced setback between the existing stairs and west lot line could impact the abutting property by altering an existing drainage swale. Staff recommend the application be deferred *Sine Die* so that Elevation and Grading plans can be submitted to demonstrate that the existing swale will not be impacted, to the satisfaction of the Director of Engineering or his designate.

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.

PREPARED BY:



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Aqsa Malik, Planner, East District

REVIEWED BY:

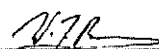


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Stephen Corr, Senior Planner, East District

File Path: Amanda\File\19 115610 \Documents\District Team Comments Memo

METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.  
 DATE: Oct 1, 1987.  
  
 W. JOHN BURG D.L.S.

PLAN 65R-11113  
 RECEIVED AND DEPOSITED  
 DATE: 9 October, 1987.  
 Ass't Dep "Lois A. Yak"  
 LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION (R.O.S.S.)

PARTS 1, 2, 3 AND 4: ALL OF PARCEL 37-1, SECTION 65M-2525.  
 PARTS 5, 6, 7 AND 8: ALL OF PARCEL 36-1, SECTION 65M-2525.  
 PARTS 9, 10, 11 AND 12: ALL OF PARCEL 35-1, SECTION 65M-2525.  
 PARTS 13, 14, 15 AND 16: ALL OF PARCEL 34-1, SECTION 65M-2525.



PARCEL STREETS -1, SECTION 65M-2525  
**CHLOE CRESCENT**  
 (BY PLAN 65M-2525)

PLAN OF SURVEY OF  
 LOTS 34, 35, 36 AND 37  
 PLAN 65M-2525  
 TOWN OF MARKHAM

REGIONAL MUNICIPALITY OF YORK  
 SCALE 1:250



LO 1  
 ANTON KIKAS LIMITED  
 ONTARIO LAND SURVEYORS  
 1987

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

NOTES

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF CHLOE CRESCENT AS SHOWN ON PLAN 65M-2525 HAVING A BEARING OF N 79°21'42" W

- DENOTES SURVEY MONUMENT PLANTED
- ⊙ DENOTES SURVEY MONUMENT FOUND
- ⊞ DENOTES STAMPED IRON BAR
- ⊞ DENOTES IRON BAR
- WIT DENOTES WITNESS
- C.L. DENOTES CONCRETE LINK
- (R22) DENOTES SCHAEFFER & REINTHALER D.L.S.
- D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
- (P65) DENOTES PLAN 65M-2525 AND SET
- (P64) DENOTES PLAN 65M-2525 AND MEASURED

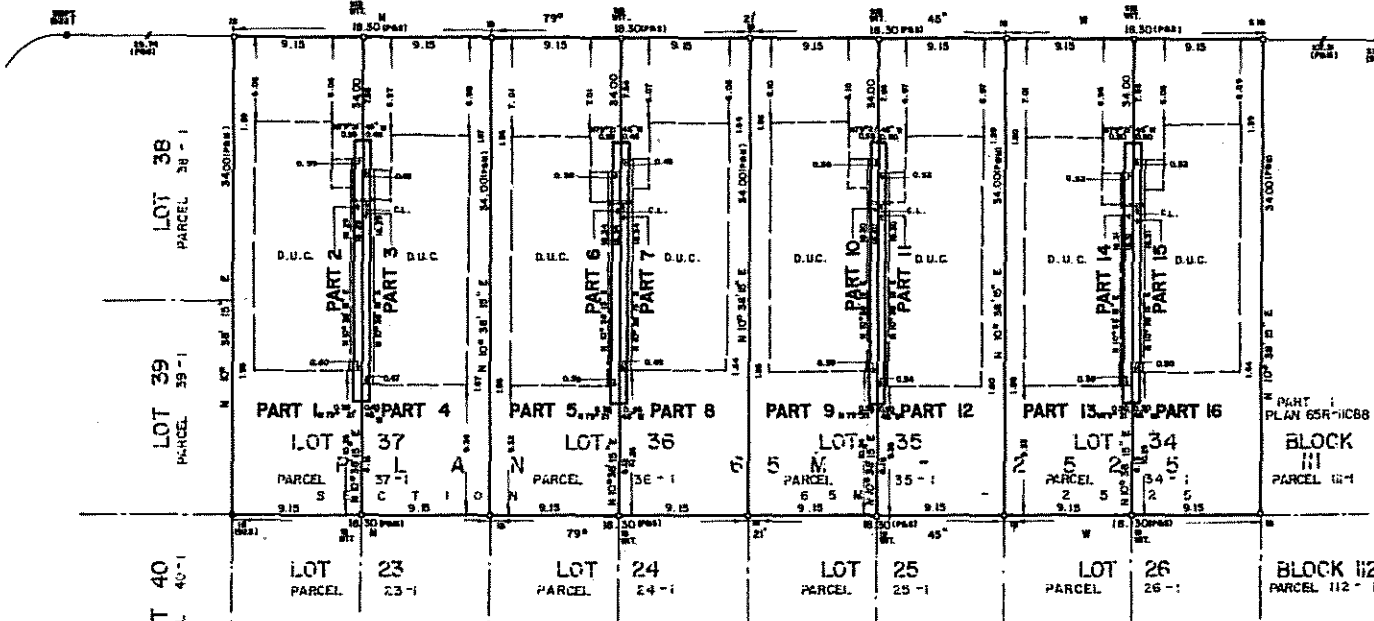
TIES SHOWN HEREON ARE TAKEN TO CONCRETE FOUNDATION.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER;  
 2. THE SURVEY WAS COMPLETED ON THE 28th DAY OF Sept, 1987.

DATE: Oct 1, 1987.

  
 W. JOHN BURG - ONTARIO LAND SURVEYOR




**Anton Kikas Limited**  
 Consulting Engineers  
 Ontario Land Surveyors - Planners  
 600 Brimley Avenue, Toronto, Ont. M3A 2E4 TEL: 927-0100

DRAWN BY: J.J. JOB N<sup>o</sup> 87-40-21  
 CHECKED BY: J.B.



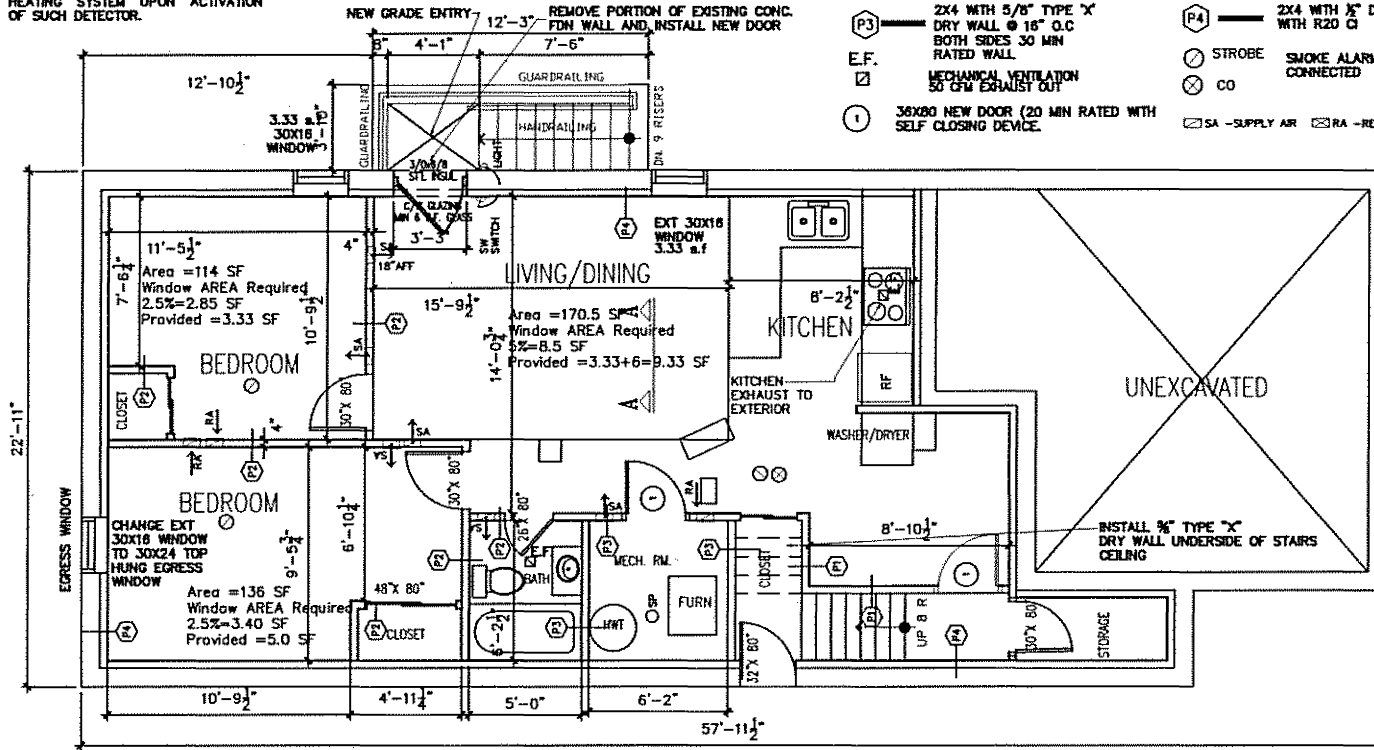
**NOTES:**  
 1. DOORWAY SIZE SHALL CONFIRM TO O.B.C 9.6.3  
 2. A SMOKE DETECTOR SHALL BE INSTALLED IN THE SUPPLY OR RETURN AIR DUCT SYSTEM WHICH SHOULD BE TURN OFF THE FUEL SUPPLY AND ELEC. POWER TO THE HEATING SYSTEM UPON ACTIVATION OF SUCH DETECTOR.

**SMOKE ALARM**  
 SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM.  
 -SHALL HAVE A BATTERY BACKUP

EXISTING 1/2" DRYWALL CEILING TO REMAIN AS IT IS.

**LEGEND:**

- (P1) ADD 1 LAYER 5/8" TYPE "X" TO EXISTING WALL 2X4 WITH 1/2" DRYWALL BOTHSIDE
- (P2) 2X4 WITH 1/2" DRY WALL BOTH SIDES
- (P3) 2X4 WITH 5/8" TYPE "X" DRY WALL @ 16" O.C BOTH SIDES 30 MIN RATED WALL
- (P4) 2X4 WITH 1/2" DRY WALL WITH R20 CI
- E.F. MECHANICAL VENTILATION 50 CFM EXHAUST OUT
- (S) 36X80 NEW DOOR (20 MIN RATED WITH SELF CLOSING DEVICE)
- (S) SA - SUPPLY AIR (S) RA - RETURN AIR
- (S) STROBE SMOKE ALARM INTER CONNECTED
- (S) CO



**BASEMENT FLOOR PLAN**

scale: 3/16" = 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 (P.E.C.E.N) 26147

REGISTRATION INFORMATION:  
 VARATHA DESIGN ASSOCIATES (P.C.L.N) 13637

DRAWING TITLE: BASEMENT FLOOR PLAN

PROJECT: SIDE DOOR TO EXISTING DWELLING AND BASEMENT SECOND SUITE  
 122 CHLOE CRES.  
 MARKHAM, ONTARIO

OWNER: ANIKARAN MANDRANATHAM

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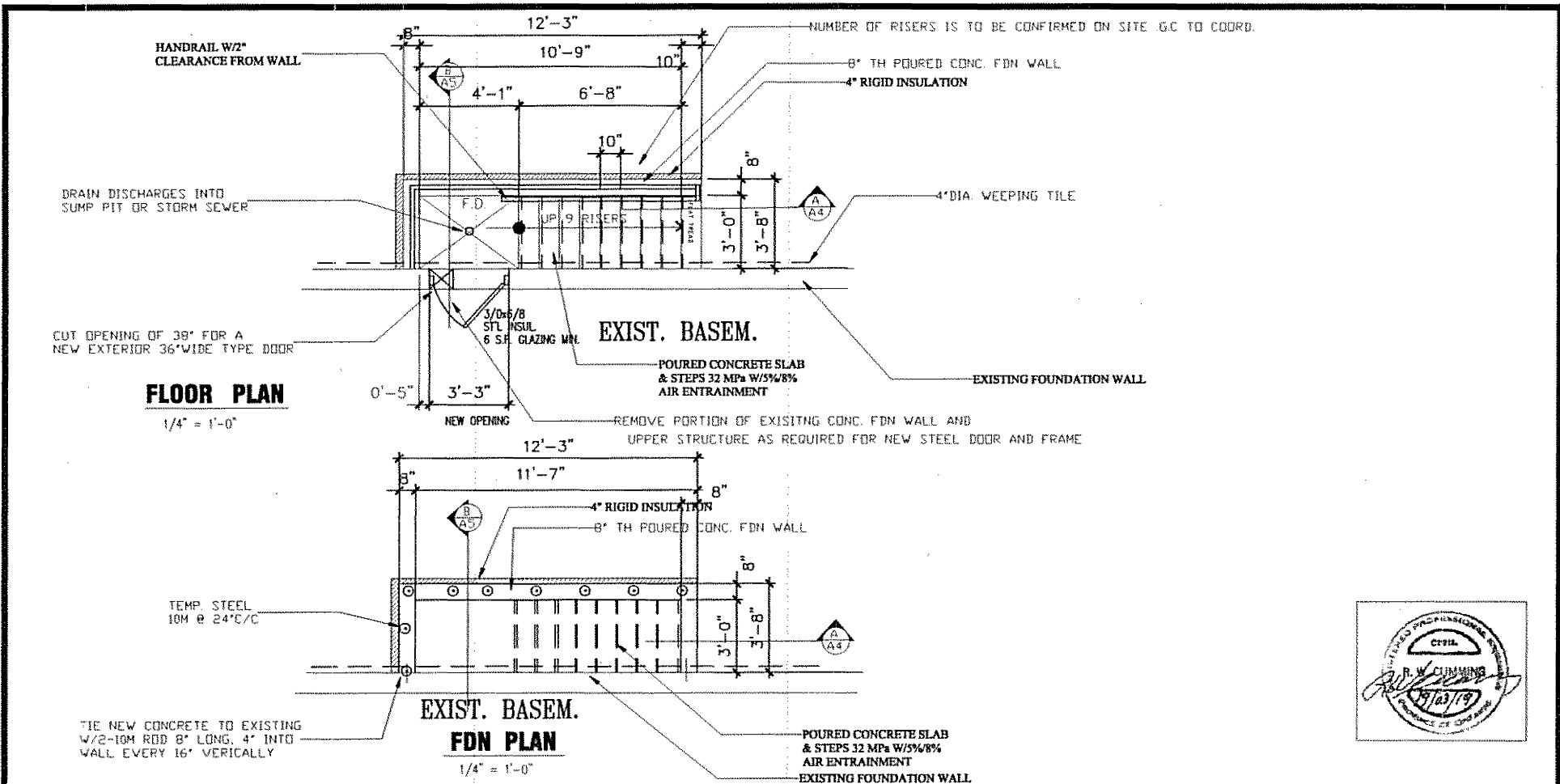
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NO	BUILDING PERMIT	K.V	Mar 19/2019
NO	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES Architectural & Engineering Services			
Varatha Ken Architectural Designer TEL: (416) 284 7945 CELL: (416) 725 2041 email: k.v@varathadesign.com			
TORONTO O.N.		CAD FILE	JOB No: 19149
SCALE: 3/16" = 1'-0"	DATE: Mar 1/2019	DWG NO: A2	OF 8
DRAWN BY: K.V		CHECKED BY: K.V	
DATE OF PRINT: Mar 19/2019			



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QUALIFICATION INFORMATION:  
 KRISHNAGARATHA (B.C.S.N) 26147

REGISTRATION INFORMATION:  
 VARATHA DESIGN ASSOCIATES (B.C.L.A) 33937

DRAWING TITLE: GRADE ENTRY PLANS

PROJECT: SIDE DOOR TO EXISTING DWELLING AND BASEMENT SECOND SUITE  
 122 CHLOE CRES.  
 MARKHAM, ONTARIO

OWNER: ANIKARAN MANORAN,STHAM

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1	BUILDING PERMIT	K.V.	Mar-19/2019
NO.	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES  
 Architectural & Engineering Services

Varatha Keri  
 Architectural Designer  
 TEL: (416) 284 2845  
 CELL: (416) 225 2041  
 EMAIL: kvaratha@hotmail.com

SCALE: 1/4" = 1'-0"  
 CAD FILE: JOB No 19149

DATE: Mar. 1/2019  
 DWG NO: OF  
 A3 8

DRAWN BY: K.V.

CHECKED BY: K.V. DATE OF PRINT: Mar. 19/2019





PROVIDE STEEL ANGLE LINTEL  
 SIZE: 1-3 1/2" X 3 1/2" X 1/4"  
 LINTEL SHALL HAVE MIN. 6"  
 OF BEARING @ END SUPPORTS  
 AS PER OBC 9.20.5.2

3-2" x 10" WD. BEAM

36" X 80" STEEL INSUL. DOOR

**EXIST. BASEM.**

4" TH POURED CONCRETE SLAB  
 32 MPa W/5% TO 8%  
 AIR ENTRAINMENT

TIE NEW CONCRETE TO EXISTING  
 W/1-10M ROD 8" LONG, 4" INTO  
 WALL 16" VERTICALLY

TEMP STEEL 10M @ 12"C/C

CONNECT DRAIN TO STORM SEWER  
 OR SUMP PIT

EXTERIOR LIGHT CONNECTED BY  
 A WALL SWITCH INSIDE BASEMENT

HANDRAIL W/2"  
 CLEARANCE FROM WALL

GUARD 42" HIGH WITH  
 MAXIMUM SPACING BETWEEN  
 VERTICAL PICKETS OF 4"

\*Contractor shall obtain guards specifically Ontario Building Code compliant.

TEMP. STEEL 10M @ 12" C/C

8" TH POURED CONC. FDN WALL

4" RIGID INSULATION

EXTERIOR SLAB 4" POURED  
 CONCRETE 32MPa W/5%-8%  
 AIR ENTRAINMENT

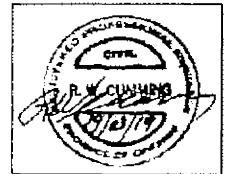
2 LAYERS OF 2"  
 RIGID INSULATION

**SECTION B: FOR BELOW GRADE ENTRANCE**

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

**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 -SAPPH 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
4. DOOR AND FRAME TO ENTRY RESISTANT METAL PER OBC



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:  
 (C.O.A.C.A.V.A.R.A.B.A. (R.S.B.N.) 20147  
*R. V. Chaudhary*  
 REGISTRATION INFORMATION:  
 VARATHA DESIGN ASSOCIATES (R.C.L.A.) 33637

DRAWING TITLE:	GRADE ENTRY SECTION
PROJECT:	SIDE DOOR TO EXISTING DWELLING AND BASEMENT SECOND SIXTE 122 CHLOE CRES. MARKHAM, ONTARIO
OWNER:	ANIKARAN MAHARANATHAM

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1	BUILDING PERMIT	K.V.	Mar 19/2019
NO	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES Architectural & Engineering Services Varatha Ken Architectural Designer TORONTO, ONT. email: kva@varathadesign.com			
SCALE: 3/16" = 1'-0"	CAD FILE	JOB No 19149	
DATE: Mar 1/2019	DWG NO A5	OF 8	
DRAWN BY K.V.	CHECKED BY K.V.	DATE OF PRINT Mar. 19/2019	

**ALLOWABLE UNPROTECTED OPENINGS**

TOTAL WALL AREA = 1095.73 S.F.  
 LIMITING DISTANCE = 5.83 FT.  
 ALLOWABLE OPENINGS = 76.65 S.F.  
 ACTUAL OPENINGS = 45.06 S.F.

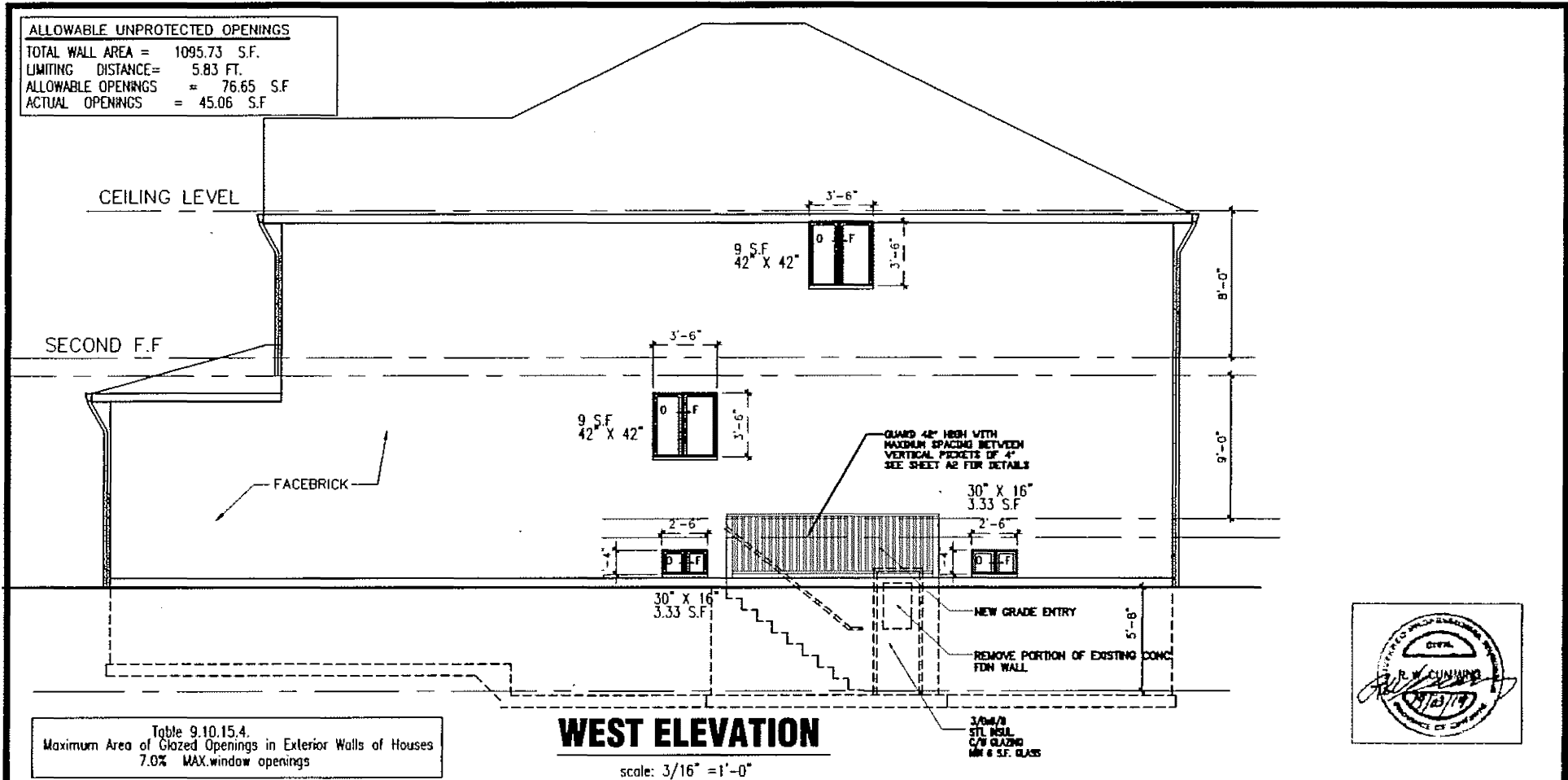


Table 9.10.15.4.  
 Maximum Area of Glazed Openings in Exterior Walls of Houses  
 7.0% MAX. window openings

**WEST ELEVATION**

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

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QUALIFICATION INFORMATION:  
 KRMAGAVARAJU (B.C.L.M.) 20447

REGISTRATION INFORMATION:  
 VARATHA DESIGN ASSOCIATES (B.C.L.M.) 33637

DRAWING TITLE: SIDE ELEVATION

PROJECT: SIDE DOOR TO EXISTING DWELLING AND BASEMENT SECOND SUITE  
 122 CHLOE CRES  
 MARKHAM, ONTARIO

OWNER: ANIKARAN MANORANJITHAM

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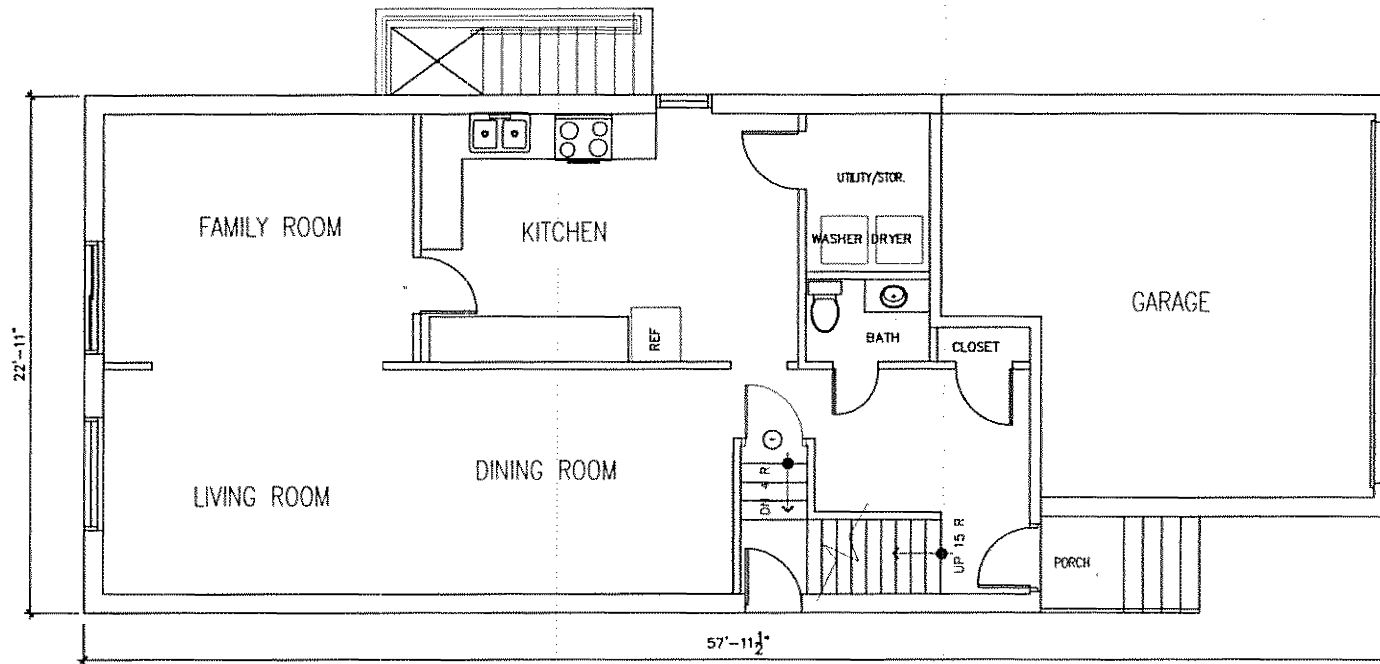
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1	BUILDING PERMIT	K.V.	Mar. 19/2019
NO	REVISION ASSUED TO	BY	DATE

**VARATHA DESIGN ASSOCIATES**  
 Architecture & Engineering Services  
 Varatha Ken  
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 TEL: (416) 294 7945  
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FORNOR TO GH:

SCALE: 3/16" = 1'-0"	CAD FILE	JOB No. 19149
DATE: Mar 1/2019	DWG NO: A6	OF 8
DRAWN BY: K.V.	CHECKED BY: K.V.	DATE OF PRMIT: Mar.19/2019



**EXISTING FIRST FLOOR PLAN**

scale: 3/16" = 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:  
KIRANAGAVARATHA (R.C.M.) 26147

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

DRAWING TITLE:	EXISTING FIRST FLOOR PLAN
PROJECT:	SIDE DOOR TO EXISTING DWELLING AND BASEMENT SECOND SLATE 122 CHLOE CRES. MARKHAM, ONTARIO
OWNER:	ANKARAN MANOHANJITHAM

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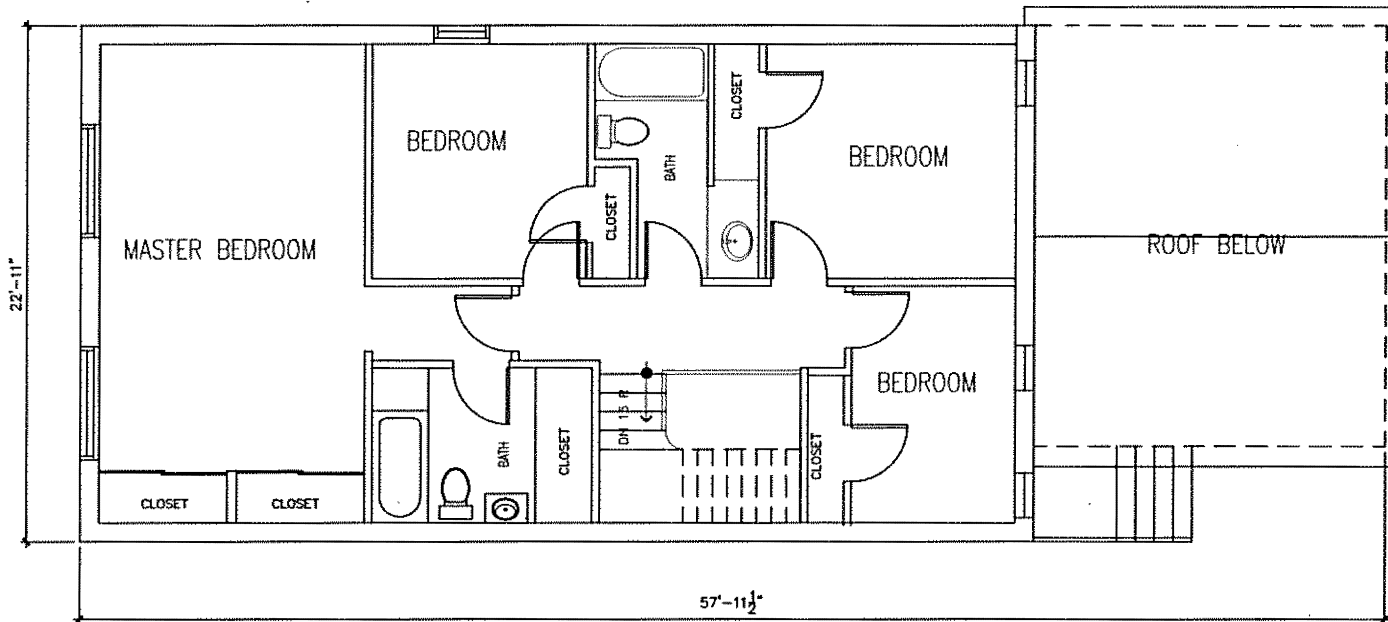
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NO	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES Architectural & Engineering Services Varathu Ken Architectural Designer TEL: (416) 214 7945 CELL: (416) 125 2049 TORONTO Ont email: kavaratho@outlook.com			
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DATE: Mar 1/2019	DWG NO	OF	
DRAWN BY: K.V.	A7	8	
CHECKED BY: K.V.	DATE OF PRINT: Mar. 19/2019		



**EXISTING SECOND FLOOR PLAN**

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



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QUALIFICATION INFORMATION:  
 KRISHNAGARATHA (P.Eng.) 26747  
  
 REGISTRATION INFORMATION:  
 VARATHA DESIGN ASSOCIATES (B.C.L.N) 13937

DRAWING TITLE:  
 EXISTING SECOND FLOOR PLAN

PROJECT:  
 SIDE DOOR TO EXISTING DWELLING AND BASEMENT SECOND SUITE  
 122 CHLOE CRES  
 MARKHAM, ONTARIO

OWNER:  
 ANKARAN MANORANJTHAM

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T	BUILDING PERMIT	K.V.	Mar 19/2019
NO	REVISION ASSUED TO	BY	DATE

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SCALE: CAD FILE JOB No:  
 3/16" = 1'-0" 19149

DATE: Mar 1/2019 DWG NO. OF  
 8 8

DRAWN BY: K.V.

CHECKED BY: K.V. DATE OF PRINT: Mar 19/2019