

Memorandum to the City of Markham Committee of Adjustment

July 14, 2021

File: A/083/21
Address: 27 Beckett Avenue – Markham, ON
Applicant: Somasuntharam Ganeshanathan
Agent: Varatha Design Associates (Ken Varatha)
Hearing Date: July 21, 2021

The following comments are provided on behalf of the West Team.

The applicant is requesting relief from the following “Residential Two Exception *456 *518 (R2*456*518)” zone requirements under By-law 177-96, as amended, as they relate to a proposed secondary suite (basement apartment). The variances requested are to permit:

a) By-law 177-96, Sec. 6.5:

one accessory dwelling unit in the basement, whereas the by-law permits no more than one dwelling unit on a lot; and

b) By-law 28-97, Table A:

a minimum of two parking spaces, whereas the by-law requires a minimum of three parking spaces for a semi-detached dwelling with an accessory dwelling unit.

BACKGROUND

Property Description

The subject property is located on the south side of Beckett Avenue, north of 16th Avenue, east of Kennedy Road, and west of Harbord Street. The property is currently developed with a two-storey semi-detached dwelling, and an attached single car garage and driveway which accommodates a total of two parking spaces in tandem.

The property is located within the Upper Unionville community, which is primarily a low rise residential neighbourhood containing a mix of detached, semi-detached, and townhouses dwellings, some of which are located along lane based properties. The property is within close proximity to local amenity spaces, live-work units with commercial uses at grade fronting onto Nipigon Avenue and Ivanhoe Drive, and other multi and single unit commercial buildings located near the intersections of Kennedy Road and 16th Avenue, and Kennedy Road and Bur Oak Avenue.

Proposal

The applicant is requesting permission to locate a secondary suite in the basement of the existing dwelling. The proposal includes a new and existing windows at the west and south side (rear) of the dwelling. The occupants of the secondary suite would have direct and separate access provided by an existing sliding door at the rear of the dwelling.

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, semi-detached, or rowhouse dwelling. Under this legislation, “second suites” or “secondary 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 options including second units to support complete communities.

Official Plan and Zoning

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

The Official Plan designates the subject property “Residential Low Rise”, which provides for low rise housing forms including semi-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 property is zoned "Residential Two Exception *456 *518 (R2*456*518)" under By-law 177-96, as amended, which permits various low rise housing forms, including single detached dwellings. Exceptions *456 *518 relate to development standards and additional permitted uses.

Parking Standards By-law 28-97

The property is also subject to the Parking Standards By-law 28-97. The proposed development does not comply with the minimum requirement of three parking spaces, where one accessory dwelling unit is proposed on a property.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a ZPR has not been conducted. However, the applicant has received comments from zoning staff through their building 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:

- 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 Suite

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 secondary 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 Official Plan for the establishment of a secondary suite.

Parking Reduction

The Parking By-law requires two parking spaces for the semi-detached dwelling, and one additional parking space for an accessory dwelling unit. The site currently provides for a total of two parking spaces, and the applicant is requesting a variance to permit a reduction of one parking space from the By-law requirement.

Staff are of the opinion that a reduction in parking may be considered self-regulating, as the secondary suite could be of interest to an occupant that does not require a parking

space in the event that both parking spaces are required for use by the owner of the subject property. Should this variance be approved, it is noted that overnight parking is not permitted along the street, and any violators would be ticketed accordingly.

PUBLIC INPUT SUMMARY

No written submissions were received as of the writing of this report. 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*, and are of the opinion that the variance request meets the four tests. 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.

APPENDICES

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stephen Kitagawa, Development Manager, West District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/083/21

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 batch stamped 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.

CONDITIONS PREPARED BY:



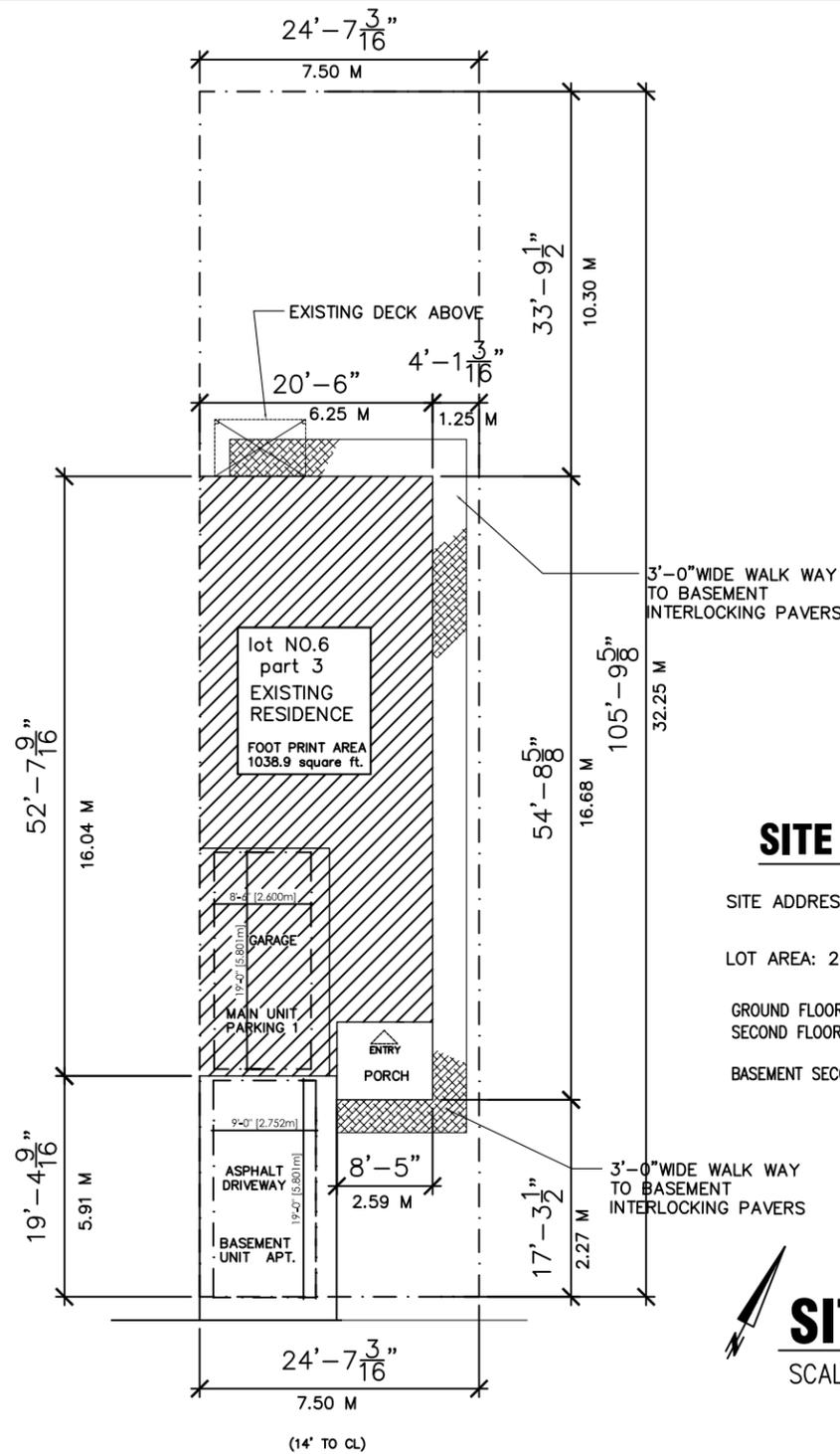
Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/083/21

Appendix B

File: 21.125858.000.00.MNV

Date: 07/14/21
MM/DD/YY



SITE STATISTICS:

SITE ADDRESS: 27 Beckett Avenue – Markham

LOT AREA: 2602.6 square ft= (241.87 SQ.M.)

GROUND FLOOR SPACE : 807.4 square ft (75.03 SM)
SECOND FLOOR SPACE : 1038.9 square ft (96.55 SM)

BASEMENT SECOND UNIT AREA : 522 square ft (48.49SM)

SITE PLAN

SCALE: 1/16" = 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:

K.KANAGAVARATHA (B.C.I.N) 26147

REGISTRATION INFORMATION:

VARATHA DESIGN ASSOCIATES (B.C.I.N) 33937

DRAWING TITLE:

SITE PLAN

PROJECT:

NEW BASEMENT APT EXISTING DWELLING
RENOVATION TO 27 Beckett Avenue – Markham

OWNER:

Somasuntharam Ganeshanathan
Sasikala Ganeshanathan

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DRAWINGS NOT TO BE SCALED
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

MYLARS/VELUMS ARE ISSUED TO THE CLIENTS ON THE UNDERSTANDING THAT NO CHANGES ARE TO BE MADE TO THE CONTRACT DOCUMENTS WITHOUT WRITTEN CONSENT OF THE DESIGNER.

1	building permit	K.V.	JN 10,21
NO.	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES
Architectural & Engineering Services

Varatha Ken
Architectural Designer

TEL: (416) 284 7945
CELL: (416) 725 2041

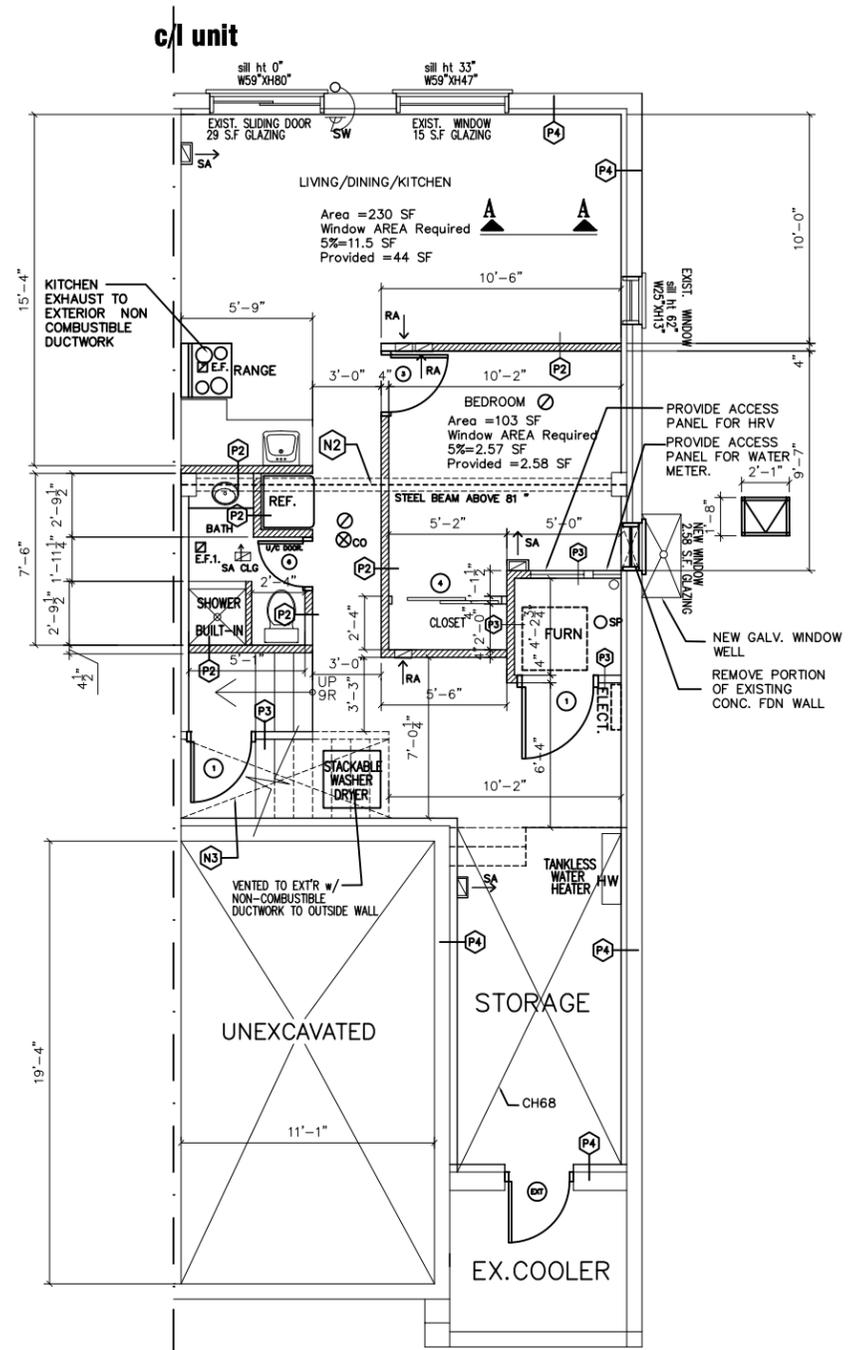
TORONTO Ont. email: kvaratha@hotmail.com

SCALE: 1/16" = 1'-0"	CAD FILE :	JOB No.: 21185
DATE: JN 10,21	DWG NO: A1	OF 4
DRAWN BY: K.V.	CHECKED BY: K.V.	DATE OF PRINT: JN 10,21

Appendix B

File: 21.125858.000.00.MNV

Date: 07/14/21
MM/DD/YY



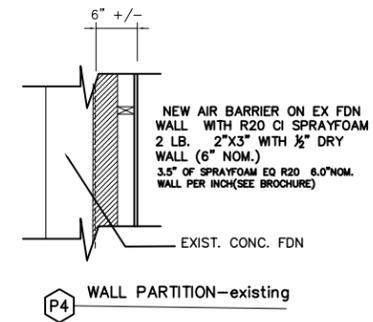
- (N1) ADD 1 LAYER 5/8" TYPE "X" AROUND ST'L COLUMN ENCASED IN WALL TYPE P3
- (N3) INSTALL 5/8" TYPE "X" DRY WALL UNDERSIDE OF STAIRS CEILING BASED ON TABLE 2.3.4A SB-2 MIN 40 MIN F.R. JOISTS EQ. 10 MIN = 50 MIN TOTAL
- (N2) 1 LAYER 5/8" TYPE "X" AROUND ST'L BEAM BASED ON TABLE T 2.3.12 C/W MINERAL WOOL 45 MIN.
- (A) WINDOW LINTEL TO BE 3-2" X 10" FLUSH C/W 3.5" X 3.5" X 5/16" STEEL BRICK ANGLE

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

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
 @ 86" A.F.F
 FULL BASEMENT
 AND MIN 77" U/D BEAMS

SUPPLY AND RETURN AIR TO BE 6" AFF AT ENTRY DOORS ONLY
 ALL SUPPLY AND RETURN AIR DUCTS ON EXTERIOR WALL TO BE FURRED OUT FOR CONT. INSULATION

- NOTES:**
- DOORWAY SIZE SHALL CONFIRM TO O.B.C 9.5.11.1
 - 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.
 - 15 MINUTE FIRE SEPARATION 5/8" TYPE X GYPSUM BOARD CEILING SEE SECTION A-A



LEGEND:

- EXISTING WALLS
- ▨ NEW WALLS
- RENOVATED WALLS
- CH68= CEILING HT.

MECHANICAL VENTILATION 150 CFM INSUL. EXHAUST OUT	EXISTING DOOR	P1	1 LAYER 1/2" TYPE "X" GYPSUM BOARD C/W SOUND ABORB. MATERIAL 2" X4" @ 16" O.C. SB-3 W/ 45 MIN F.R. STC34	P2	2"x4" WD STUDS @ 16" O/C C/W 1/2" GYPSUM BD.
32X80 NEW DOOR (20 MIN RATED WITH SELF CLOSING DEVICE)	48X80 SLD. DOOR	P1A	1 LAYER 1/2" GYPSUM BOARD C/W SOUND ABORB. MATERIAL 2" X4" @ 16" O.C. SB-3 W/ 30 MIN F.R. STC32	P3	2X4 WITH 5/8" TYPE "X" DRY WALL @ 16" O.C BOTH SIDES 1 HR FIRE RATED WALL (BASED ON W/D SB-3)
32X80 NEW DOOR	30X80 NEW DOOR	P1B	2 LAYER 5/8" TYPE "X" C/W SOUND CHANNELS C/W SOUND ABORB MATERIAL 2" X4" @ 16" O.C. AND 1 LAYER OF 5/8" TYPE X (BASED ON W/A SB-3 STC RATING 51)	P4	EX FDN WITH R20 CI SPRAYFOAM (3" MIN. TH) W/ 2" X3" WD STUDS @ 16" O.C
SMOKE ALARM INTER CONNECTED	72X80 SLD. DOOR	P1C	2X4 WITH 5/8" TYPE "X" DRY WALL @ 16" O.C BOTH SIDES 1 HR FIRE RATED WALL (BASED ON W/A SB-3) STC 36	SW3	3-way SWITCH
CO	SA CLG. - SUPPLY AIR	RA	- RETURN AIR	SW	SWITCH
MECHANICAL VENTILATION 100 CFM INSUL. EXHAUST OUT	SP		INSTALL NEW SPRINKLER HEAD IN FURNACE ROOM		

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.L.N) 26147

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

DRAWING TITLE:
 RENOVATED BASEMENT FLOOR PLAN

PROJECT:
 NEW BASEMENT APT EXISTING DWELLING RENOVATION TO 27 Beckett Avenue - Markham

OWNER:
 Somasuntharam Ganeshanathan
 Sasikala Ganeshanathan

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NO.	REVISION/ISSUED TO	BY	DATE

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TORONTO Ont.

SCALE: 1/8" = 1'-0"
 CAD FILE :
 JOB No.: 21185

DATE: JUN 10,21
 DWG NO: A2
 OF 2

DRAWN BY: K.V.

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