

# Memorandum to the City of Markham Committee of Adjustment

August 6, 2021

**File:** A/088/21  
**Address:** 59 Pelister Drive, Markham  
**Applicant:** Kalasuthan Namasivayam  
**Agent:** Varatha Design Associates (Ken Varatha)  
**Hearing Date:** Wednesday August 11, 2021

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

The applicant is requesting relief from the following requirements of By-law 177-96, R2\*393 – Residential Two as amended:

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

to permit an accessory dwelling unit (basement apartment); whereas the by-law permits no more than one dwelling unit on a lot; and

**b) By-law 177-96 Sec. Table B2 (Part 1 of 3), E:**

to permit a minimum interior side yard setback of 0.28 m (0.92 ft), whereas by-law permits minimum interior side yard setback of 1.2 m (4 ft)

as it relates to a proposed secondary suite (basement apartment) and walkway.

## BACKGROUND

### Property Description

The 442.8 m<sup>2</sup> (4,764.4 ft<sup>2</sup>) subject property is located on the west side of Pelister drive, west of Donald Cousens Parkway and south of Major Mackenzie Drive. The property is located within a residential neighbourhood comprised two-storey detached dwellings. There is an existing two-storey detached dwelling on the property, which according to assessment records was constructed in 2011.

### Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposal includes a new egress window at the south (side) and west (rear) of the building. The proposed secondary suite would have direct and separate access provided by a proposed walk-up at the south (rear) of the building. The proposal also includes a walkway along the west side of the building. No other changes are being proposed to the exterior of the dwelling or the property.

### 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 option 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 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 R2\*393 – Residential Two under By-law 177-96, as amended, which permits a two-storey detached dwelling. Exception \*393 relates to specific zone standards that apply to wide shallow lots not accessed by a lane, with a lot frontage of 12.2 metres to 13.29 meters and, is not applicable. The proposed accessory dwelling unit and walkway does not comply with the by-law as amended and therefore the applicant has applied for a minor variance.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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**

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; and
- 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.

### **Reduced Side Yard Setback**

The applicant is requesting a minimum interior (west) side yard setback of 0.28 m (0.92 ft) for the one-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 1.2 m (4 ft.) the one-storey portion of the dwelling.

The requested variance only applies to the walkway along the west side of the property that leads to the proposed basement walk-up. Given there are no encroachment provisions in 177-96 the walkway is required to comply with the interior side yard setback of the main dwelling of 1.2 m (4 ft.). Engineering staff have reviewed the application and have no concern with the variance respecting drainage.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of August 6, 2021. 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 variance request meets 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.

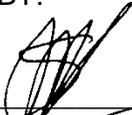
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



\_\_\_\_\_  
Aqsa Malik, Planner, East District

REVIEWED BY:



\_\_\_\_\_  
Stacia Muradali, Development Manager, East District

File Path: Amanda\File\21 126318 \Documents\District Team Comments Memo

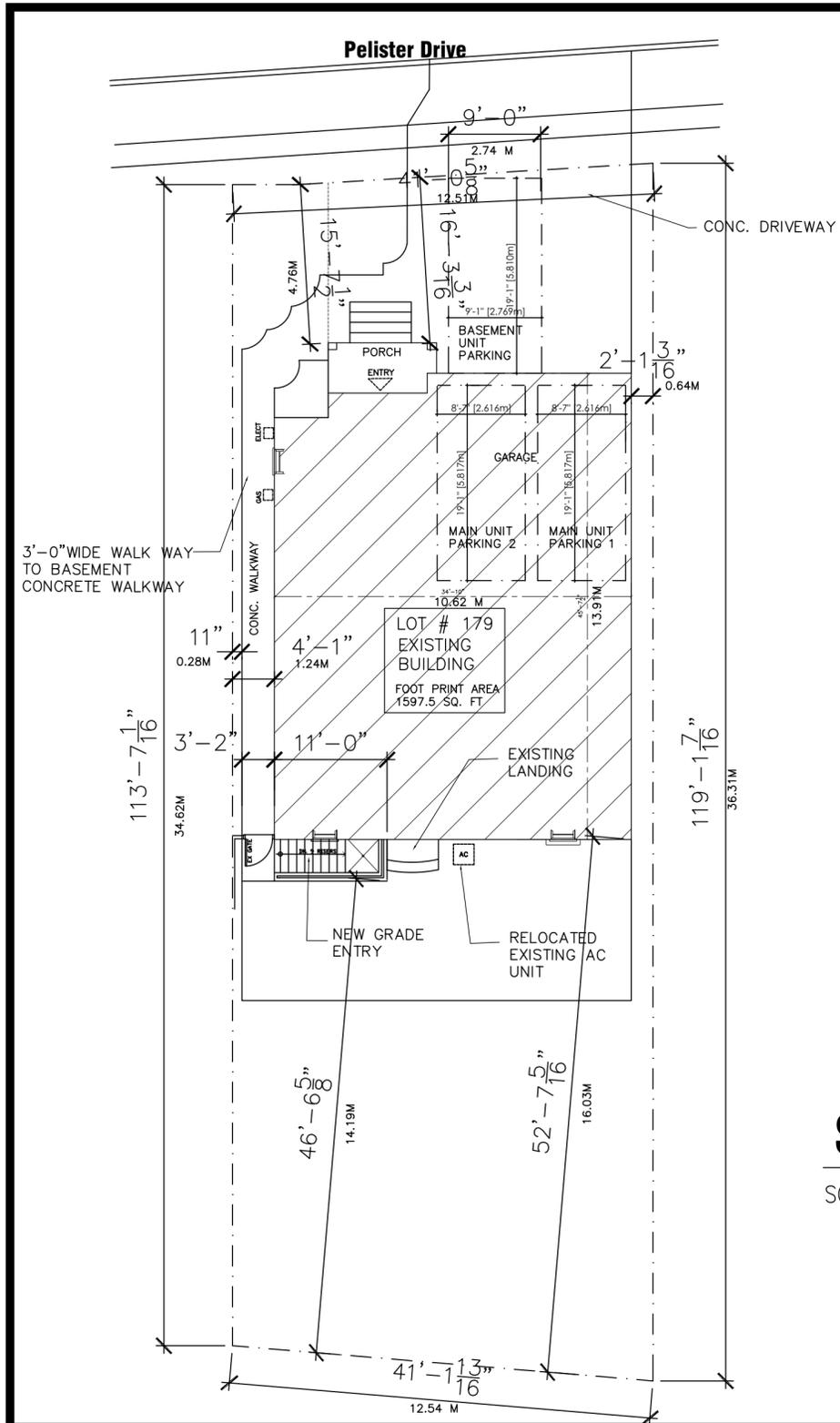
**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/088/21**

1. The variance for the interior side yard setback apply only to the walkway along the west side of the proposed development and not the main dwelling, as long as it remains; and
2. That the variances apply only to the proposed development, in substantial conformity with the plan(s) 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:

  
\_\_\_\_\_  
Aqsa Malik, Planner, East District

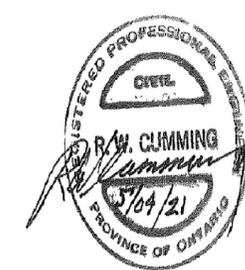


**SITE STATISTICS:**

SITE ADDRESS: 59 Pelister Drive Markham – lot 179  
 LOT AREA: 4764.4 square ft.= (442.8 SQ.M.)  
 GROUND FLOOR SPACE : 1148.6 square ft (106.7 SM)  
 SECOND FLOOR SPACE : 1453.3 square ft. (135.0 SM)  
 BASEMENT SECOND UNIT AREA 982.8 square ft. (91.3 SM)

**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:  
 KRANAGAVARATHA (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  
 59 Pelister Drive Markham – lot 179

OWNER: Kalasuthan Namasivayam and Ganeswary Namasivayam

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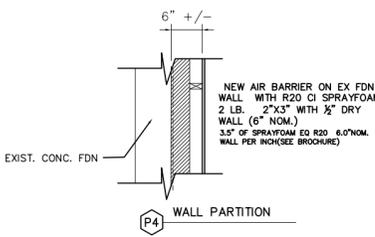
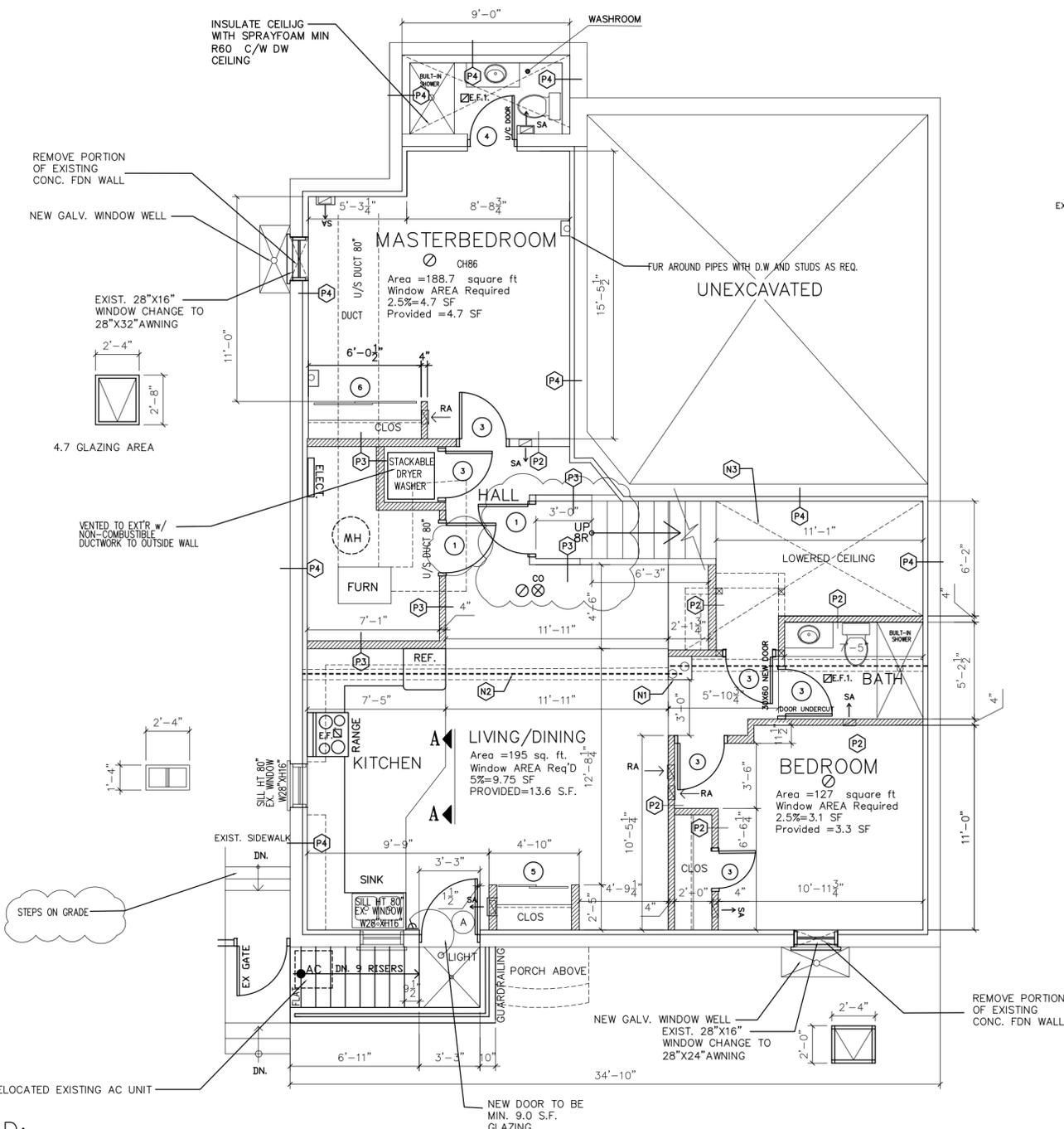
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NO.	REVISION/ISSUED TO	BY	DATE
3	COA	K.V.	JUN. 04/21
2	REVISIONS	K.V.	MAY18,21
1	building permit	K.V.	APR.5,21

VARATHA DESIGN ASSOCIATES  
 Architectural & Engineering Services  
 Varatha Ken  
 Architectural Designer  
 TEL: (416) 284 7945  
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SCALE: 3/32" = 1'-0"  
 CAD FILE : .....  
 DATE: APR.5,21  
 DRAWN BY: K.V.  
 CHECKED BY: K.V.

JOB No.: 21154  
 DWG NO: A1  
 OF 5  
 DATE OF PRINT: APR.5,21



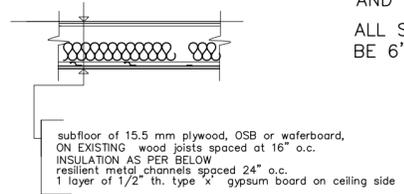
NOTE:  
 · SMOKE ALARM ON MAIN FLOOR IS INTERCONNECTED WITH SMOKE ALARM ON SECOND FLOOR AND BASEMENT.  
 · SMOKE ALARM SHALL CONFIRM TO O.B.C. DIV. B 9.10.19  
 EXISTING MAIN FLOOR WALL AND CEILING IS DRY WALL FILLED WITH INSULATION SOUND TRANSMISSION BETWEEN MAIN UNIT AND SECOND SUITE.  
 SEE SECTION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

- (N1) ADD 1 LAYER 5/8" TYPE "X" AROUND ST'L COLUMN ENCASED IN WALL TYPE P3
- (N2) 1 LAYER 5/8" TYPE "X" AROUND ST'L BEAM BASED ON TABLE T 2.3.12 C/W MINERAL WOOL 45 MIN.
- (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

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

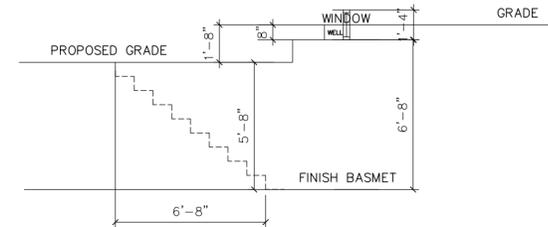
SMOKE ALARM  
 · SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM.  
 · SHALL HAVE A BATTERY BACKUP

INSTALL 1/2" TYPE X DRYWALL CEILING  
 · SEE SECTION A-A  
 @ 80" A.F.F  
 FULL BASEMENT AND 77" MIN. U/S BEAMS  
 ALL SUPPLY AND RETURN AIR TO BE 6" AFF AT DOORWAY ENTRY



(F1) FLOOR CONSTRUCTION  
 F 5G floor construction type based on OBC sb-3 F.R.-45 MIN MINERAL WOOL INSULATION 2.8 KG/M2

SECTION A-A  
 SCALE: 1/8" = 1'-0"



SECTION DETAIL A-A

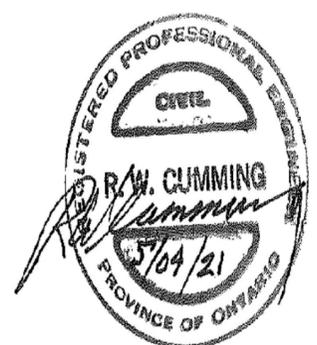
LEGEND:  
 ——— EXISTING WALLS  
 ■■■■■ NEW WALLS  
 ——— RENOVATED WALLS

RENOVATED BASEMENT FLOOR PLAN

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

E.F. MECHANICAL VENTILATION 150 CFM INSUL. 5" DIA. EXHAUST OUT	SA - SUPPLY AIR	RA - RETURN AIR	P1 1 LAYER 1/2" TYPE "X" GYPSUM BOARD C/W SOUND ABORB. MATERIAL 2" X4" @ 16" O.C. SB-3 W/B 45 MIN F.R. STC34	P2 2X4 WITH 1/2" DRY WALL BOTH SIDES
1 32X80 NEW DOOR (20 MIN RATED WITH SELF CLOSING DEVICE)	SA CLG. - SUPPLY AIR	SW SWITCH	F1A 1 LAYER 1/2" GYPSUM BOARD C/W SOUND ABORB. MATERIAL 2" X4" @ 16" O.C. SB-3 W/B 30 MIN F.R. STC32	P3 2X4 WITH 5/8" TYPE "X" DRY WALL @ 16" O.C BOTH SIDES 1 HR FIRERATED WALL(BASED ON WID SB-3)
2 32X80 NEW DOOR 3 30X80 NEW DOOR 4 24X80 NEW DOOR	EXT EXISTING DOOR	SW3 3-way SWITCH	F1B 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 W4A SB-3 STC RATING 51)	P4 2X3 @ 16" WITH 1/2" DRY WALL WITH R20 CI SPRAYFOAM (2.75" MIN. TH.)
6 60X80 SLIDING NEW DOOR	EXISTING SUPPLY AIR		F1C 2X4 WITH 5/8" TYPE "X" DRY WALL @ 16" O.C BOTH SIDES 1 HR FIRERATED WALL(BASED ON W1A SB-3) STC 36	P5 2"X4" WD STUDS @ 16" O/C C/W 1/2" GYPSUM BD.
CO SMOKE ALARM INTER CONNECTED				
E.F.1. MECHANICAL VENTILATION 100 CFM INSUL. 6" DIA. 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. 45 MINUTE FIRE SEPARATION 1/2" (12.7 MM) GYPSUM BOARD CEILING SEE SECTION A-A



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.L.N) 33937

DRAWING TITLE:  
 BASEMENT RENOVATED PLAN

PROJECT:  
 NEW BASEMENT APT EXISTING DWELLING  
 59 Pelister Drive Markham - lot 179

OWNER:  
 Kalasuthan Namasivayam and Ganeswary Namasivayam

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1	BUILDING PERMIT	K.V.	APR.5,21
NO.	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES  
 Architectural & Engineering Services

Varatha Ken  
 Architectural Designer  
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TORONTO Ont.

SCALE: 3/16" = 1'-0"  
 CAD FILE :  
 JOB No.: 21154

DATE: APR.5,21  
 DWG NO: A2  
 OF 5

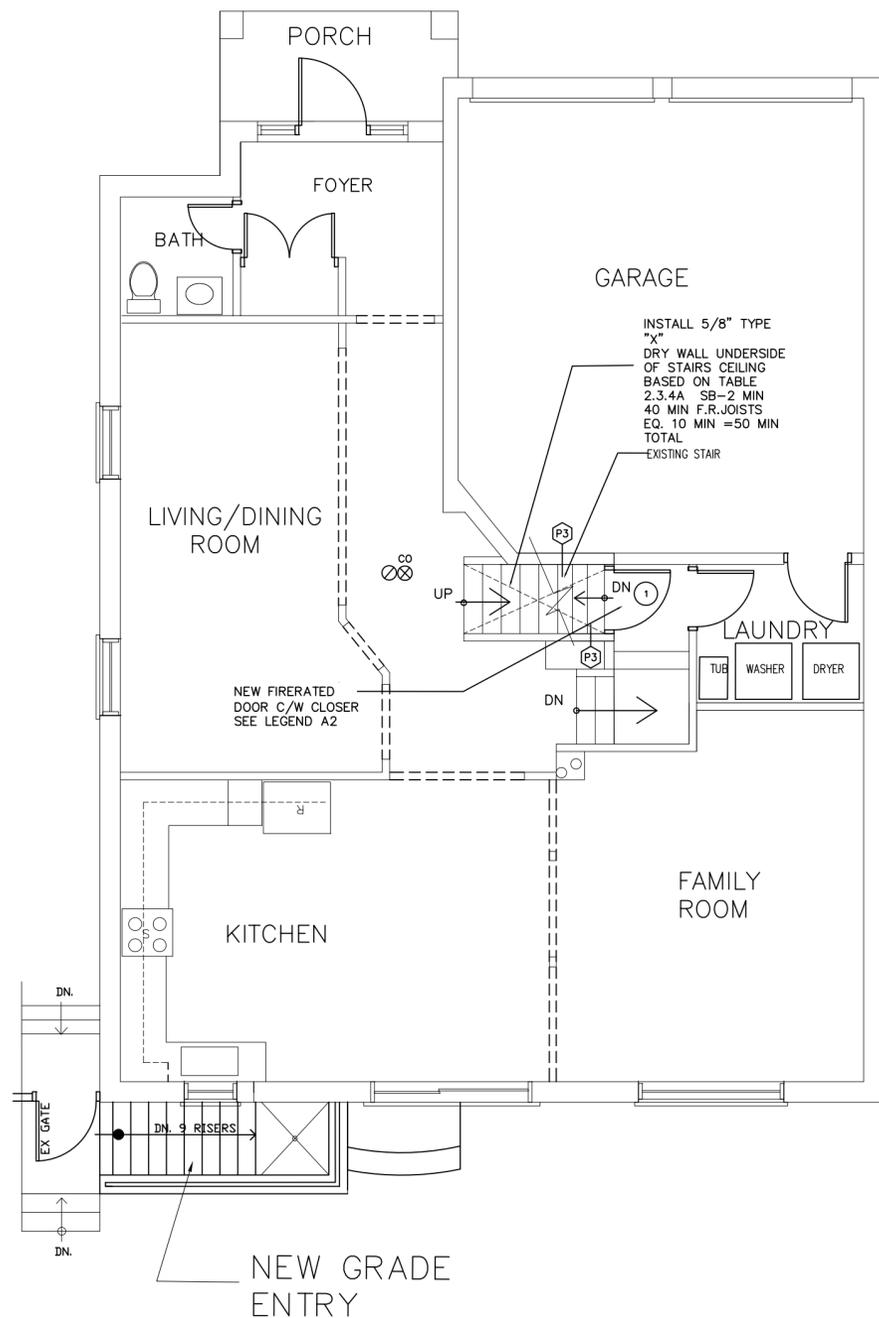
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**Appendix B**

File: 21.125318.000.00.MNV

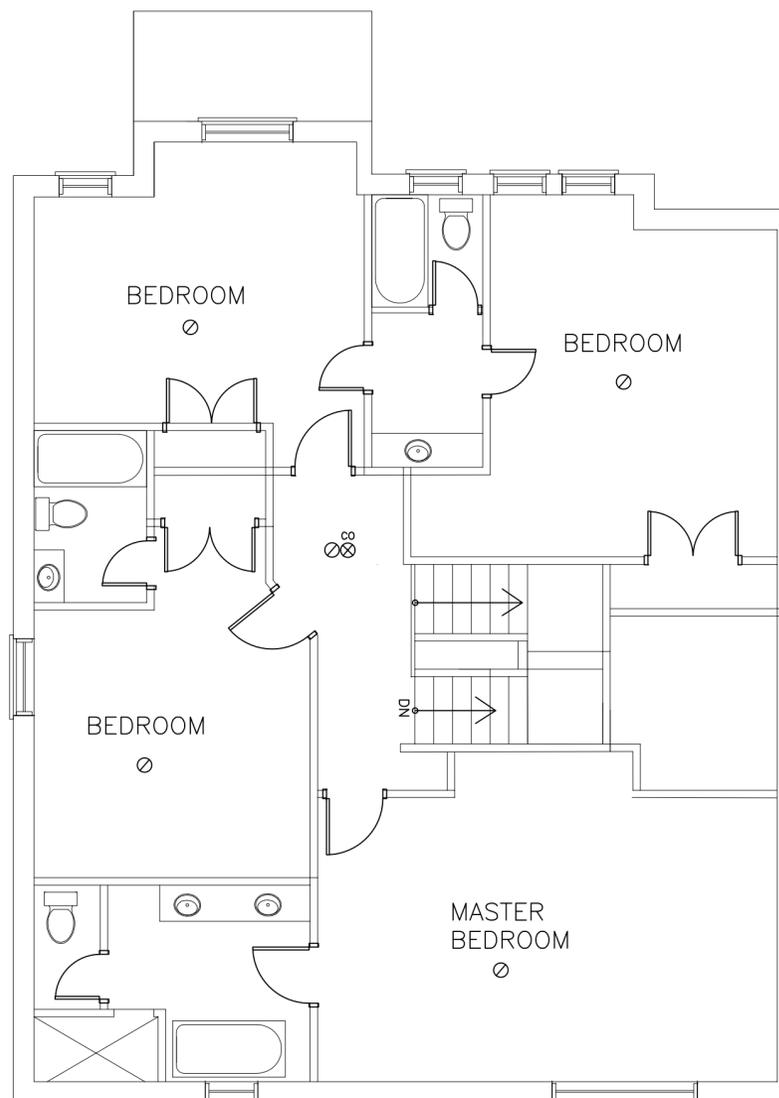
Date: 08/06/21



**EXISTING FIRST FLOOR PLAN**

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

no change to mech. an exhaust system



**EXISTING SECOND FLOOR PLAN**

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

no change to mech. an exhaust system



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QUALIFICATION INFORMATION:  
KRANAGAVARATHA (B.C.I.N) 26147  
*[Signature]*  
REGISTRATION INFORMATION:  
VARATHA DESIGN ASSOCIATES (B.C.L.N) 33937

DRAWING TITLE:  
EXISTING FIRST AND SECOND FLOOR PLAN

PROJECT:  
NEW BASEMENT APT EXISTING DWELLING  
59 Pelister Drive Markham - lot 179

OWNER:  
Kalasuthan Namasivayam and Ganeswary Namasivayam

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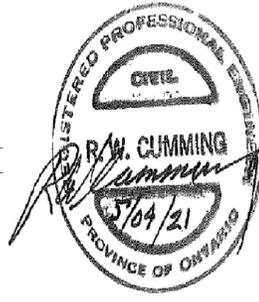
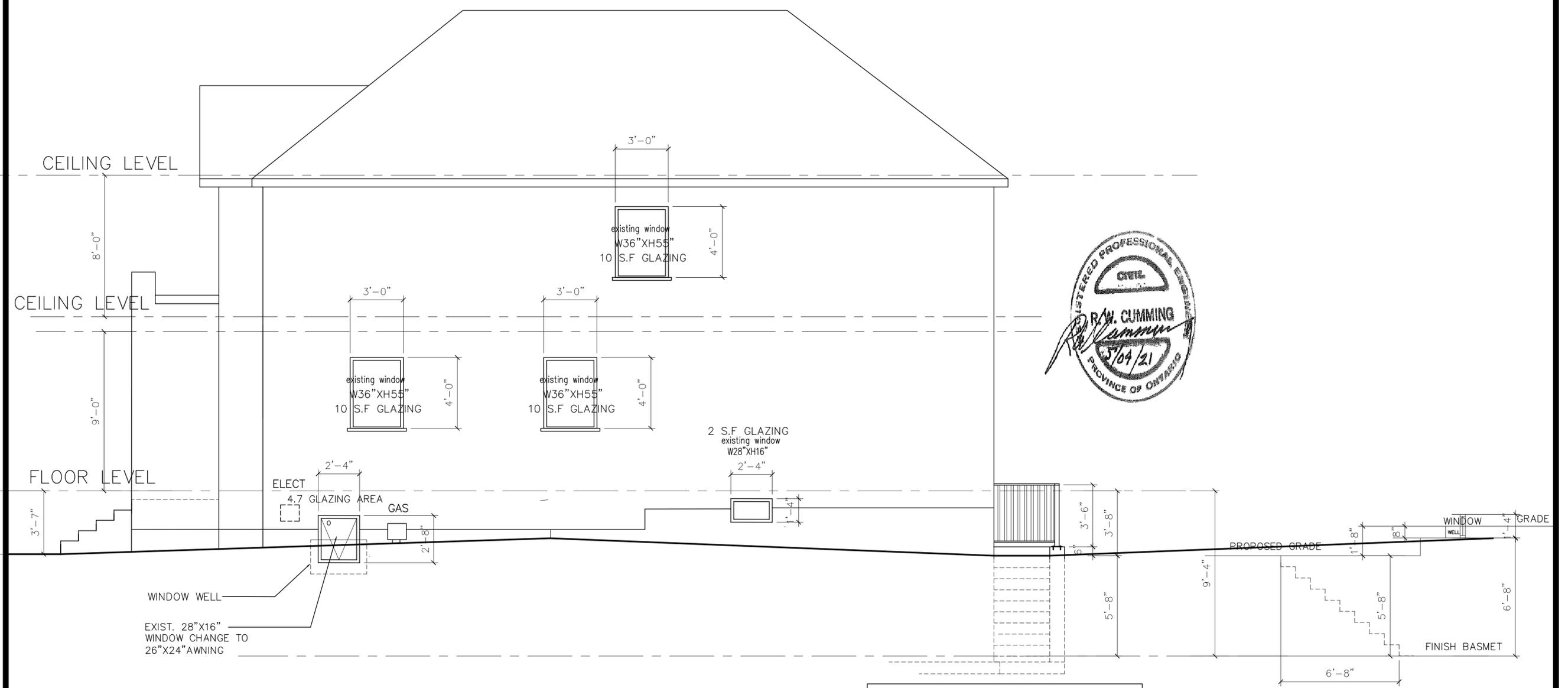
VARATHA DESIGN ASSOCIATES  
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DATE: APR.5,21 DWG NO: OF

DRAWN BY: K.V. A3 5

CHECKED BY: K.V. DATE OF PRINT: APR.5,21



# WEST ELEVATION

SCALE : 1/4" = 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 =	844.7 square ft (78.50 S.M.)
LIMITING DISTANCE =	4.5' FT.
ALLOWABLE OPENINGS =	59.1 S.F.(5.49 SM.)
ACTUAL OPENINGS =	36.7 S.F

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

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

DRAWING TITLE: WEST ELEVATION

PROJECT: NEW BASEMENT APT EXISTING DWELLING  
59 Pelister Drive Markham - lot 179

OWNER: Kalasuthan Namasivayam and Ganeswary Namasivayam

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NO.	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES  
Architectural & Engineering Services  
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