

**Memorandum to the City of Markham Committee of Adjustment  
November 26, 2019**

**File:** A/106/19  
**Address:** 36 Lady Fern Drive, Markham (Lot 196, Plan 65M-3133)  
**Applicant:** Syeda Tahira Asif & Asif Rehman  
**Agent:** Vin Engineering Inc.  
**Hearing Date:** Wednesday December 11, 2019

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

The applicant is requesting relief from the requirements of the 'Residential Two' (R2\*64) zone in By-law 177-96, as amended, to permit an accessory basement dwelling unit, whereas the By-law permits no more than one single detached dwelling/dwelling unit on a lot, unless otherwise specified. (Table A1 & Section 6.5).

**Staff Recommend Approval of the Application**

Staff provided comments to the Committee of Adjustment in a memorandum dated October 25<sup>th</sup>, 2019 providing support for the requested variance. Notwithstanding these comments, staff were notified that plans submitted in support of the application inaccurately depicted the subject property. Upon further review staff noted discrepancies on the plans submitted with the variance application, in which the site plan was shown to have a frontage approximately 2.0 m more than what was shown for the subject property on the Registered Plan of Subdivision. Consequently, staff provided an updated memorandum dated November 13, 2019 requesting the application be deferred for the applicant to submit an accurate site plan, and to confirm a sufficient side yard setback existed to permit the side entrance door to access the basement apartment unit.

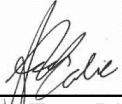
The applicant submitted revised site plan on November 13<sup>th</sup>, 2019 confirming the existing lot and building configuration and that a minimum setback of 1.2 m would be maintained for the door accessing the proposed accessory basement. Staff have no further concerns and are of the opinion that the variance request meets the four test 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.

The Owner should be aware that compliance with the Ontario Building Code, and registration with the City of Markham's Fire Department in accordance with the two unit registration by-law is required prior to occupancy of any accessory dwelling unit.

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

PREPARED BY:



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Aqsa Malik, Planner, East District

REVIEWED BY:



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Stephen Corr, Senior Planner, East District

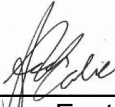
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**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/106/19**

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 B' to this Staff Report and received by the City of Markham on November 13<sup>th</sup>, 2019, 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; and
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:

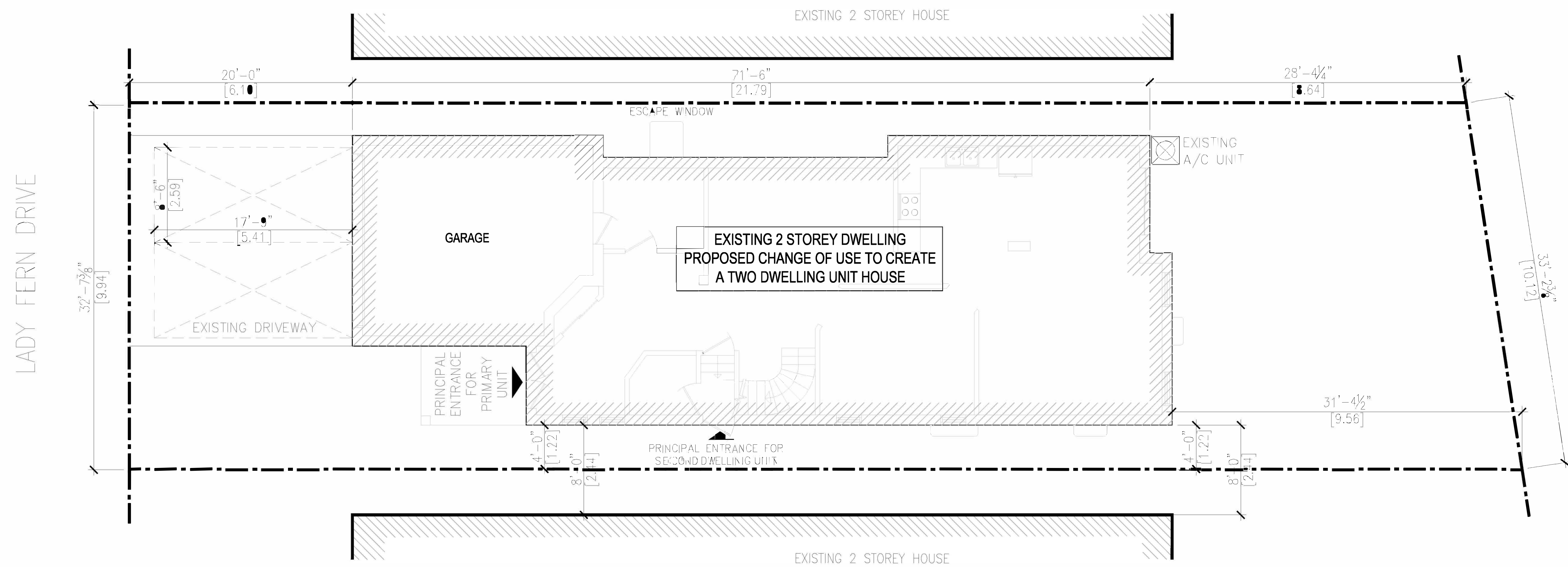


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Aqsa Malik, Planner, East District

# APPENDIX B

November 13, 2019



AREA STATISTICS :

FINISHED GROUND FLOOR AREA : 1437.86 SF

FINISHED SECOND FLOOR AREA : 1198.99 SF

PRIMARY DWELLING UNIT TOTAL GFA : 2636.85 SF

BASEMENT SECOND UNIT FLOOR AREA: 1168.50 SF (44.31% OF GFA)

DESIGN CONSULTANTS	ENGINEERING CONSULTANTS
SACHIN TRIVEDI SACDINTRARCH@GMAIL.COM 647.807.4139	VIN ENGINEERING INC. SUNILS@VINGOINC.COM 416.270.3933

1	JULY 08, 2019	ISSUED FOR BUILDING PERMIT	
No.	0416	Revisions	
DRAWN BY:	ST	DATE:	JULY 05, 2019
CHECKED BY:	SS	SCALE:	1/8" = 1'-0"

PROJECT:

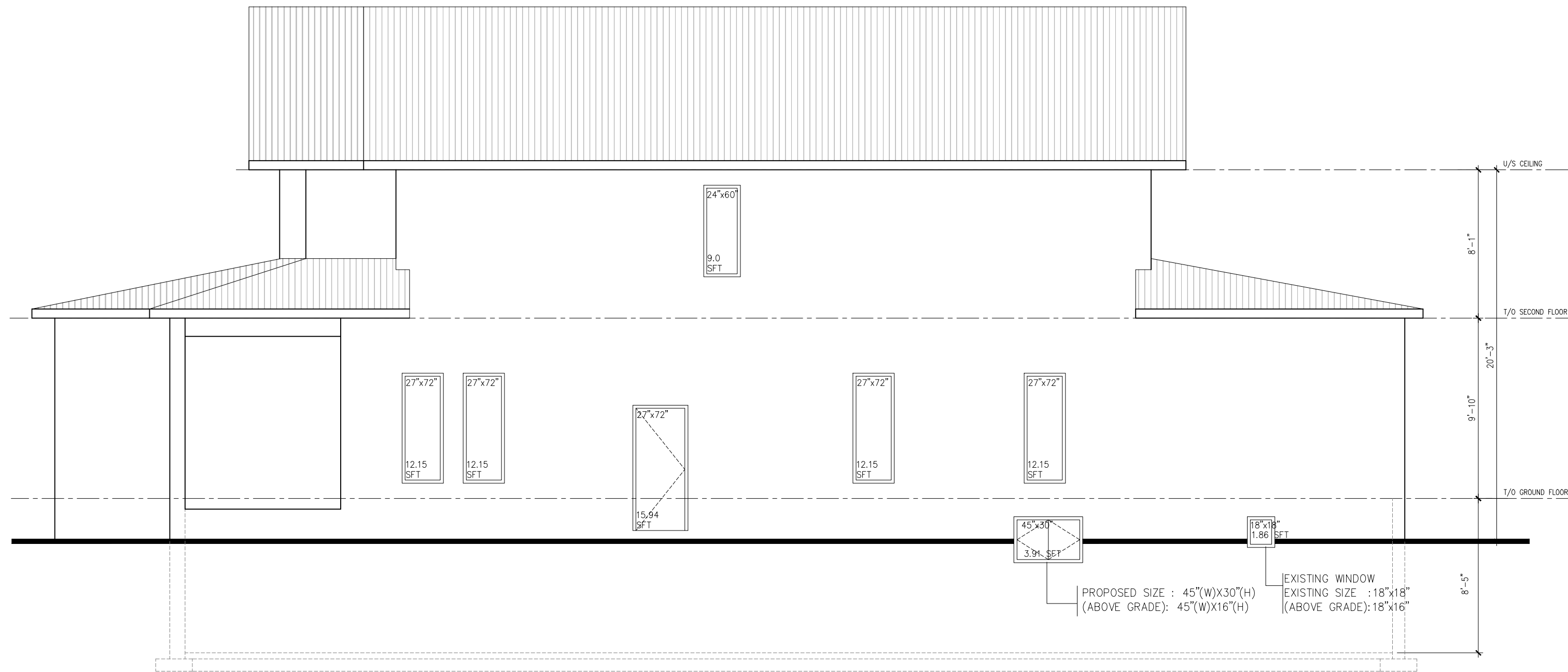
PROPOSED BASEMENT APARTMENT  
38 LADY FERN DR, MARKHAM, ON L3S 4C2

DRAWING TITLE :

SITE PLAN

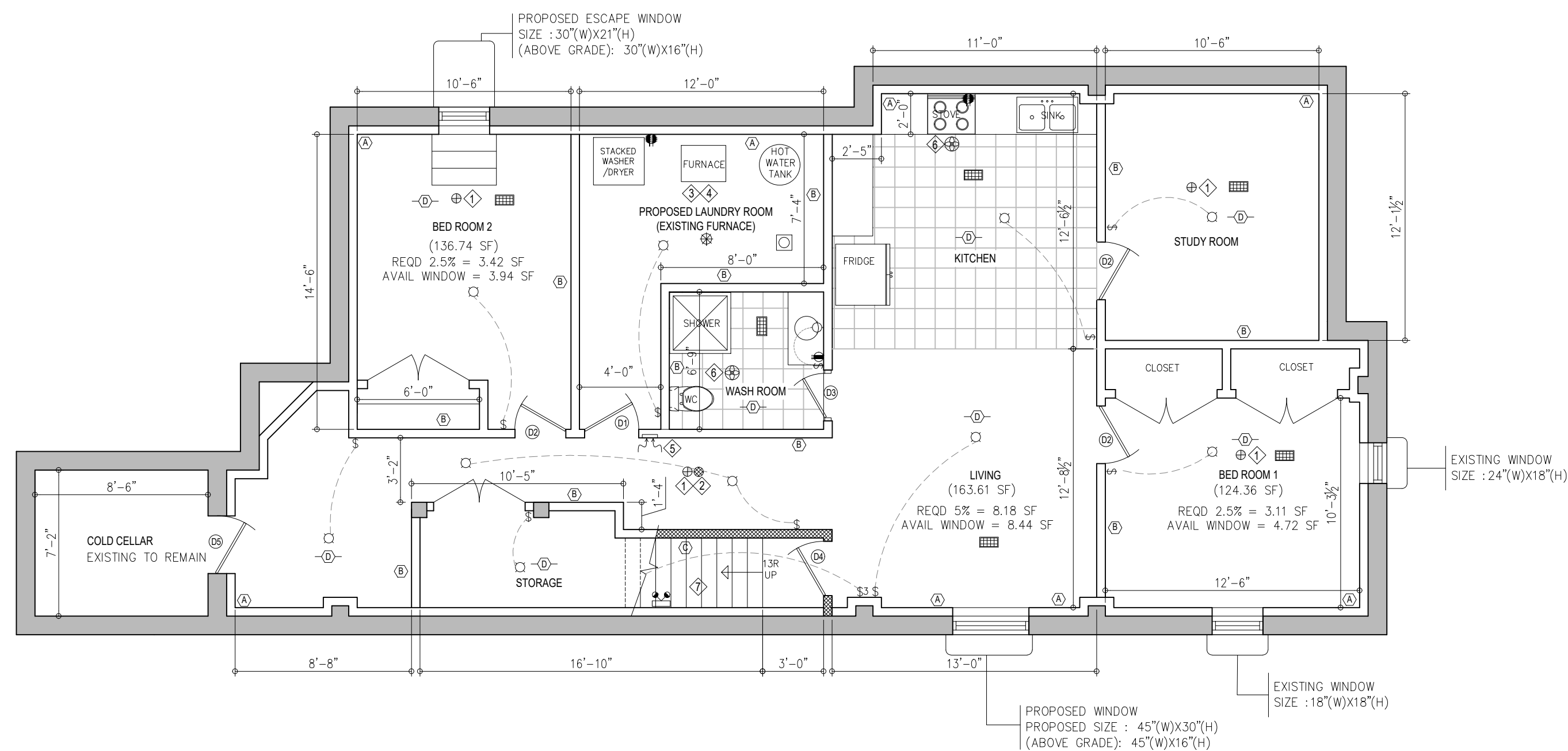
A 02





EXPOSING BLDG FACE AREA : 1038.61 SFT (96.49 m2)  
 OPENING AREA : 63.9 SFT (5.94 m2) [BASEMENT (6.30 SFT) + FIRST FLOOR (48.60 SFT) + SECOND FLOOR (9.00 SFT)]  
 : 6.15% OF TOTAL EXPOSING BLDG FACE AREA

SIDE ELEVATION



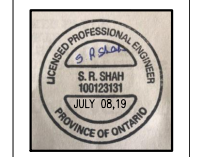
BASEMENT FLOOR PLAN

DESIGN CONSULTANTS	ENGINEERING CONSULTANTS
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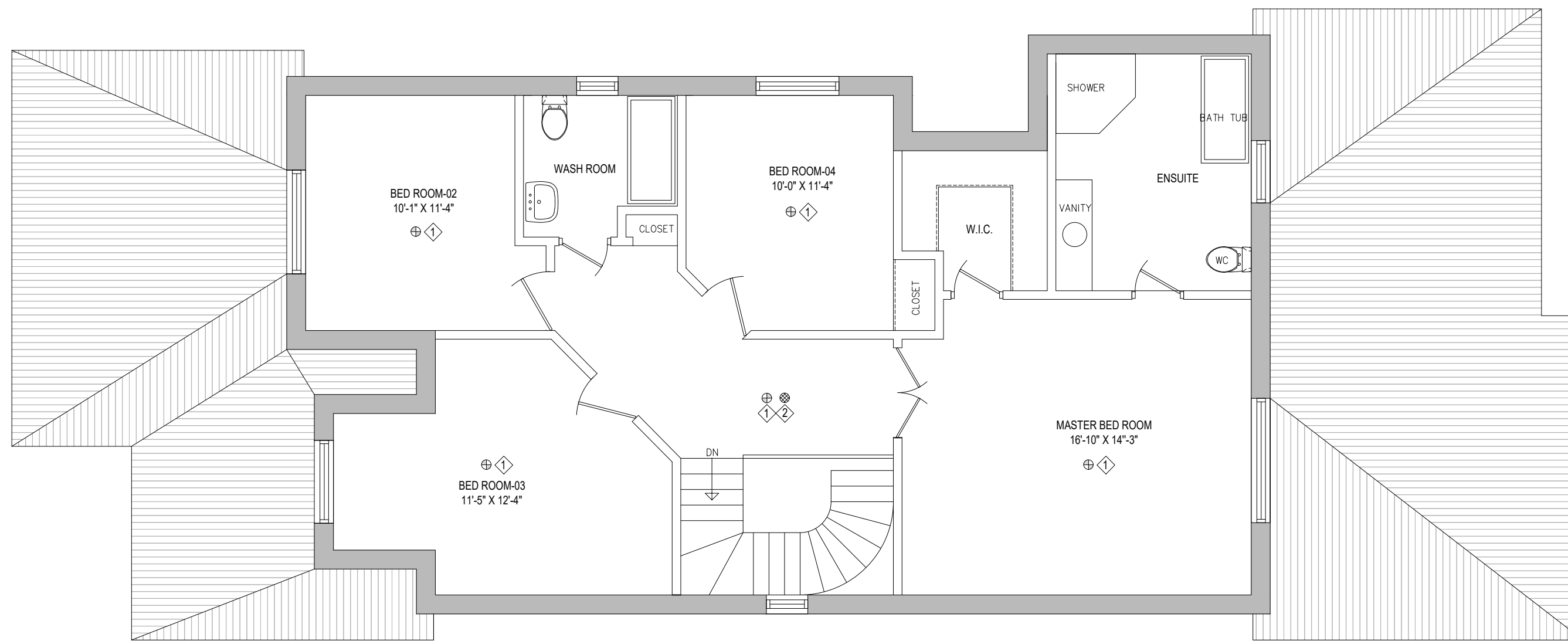
1 JULY 08, 2019	ISSUED FOR BUILDING PERMIT
Drawn By: ST	Date: JULY 05, 2019
Checked By: SS	Scale: 3/16" = 1'-0"

PROJECT:  
 PROPOSED BASEMENT APARTMENT  
 36 LADY FERN DR, MARKHAM, ON L3S 4C2

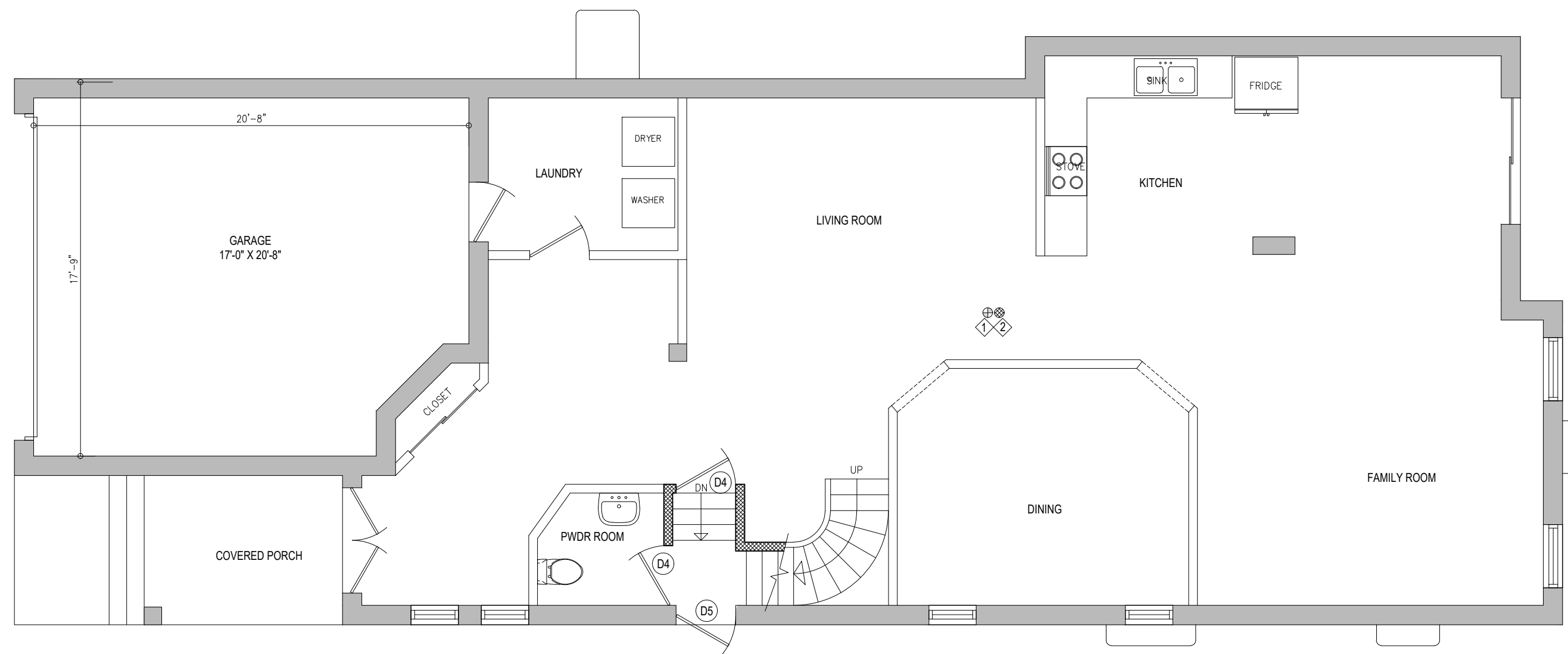
DRAWING TITLE :  
 GROUND FLOOR PLAN  
 & SIDE ELEVATION



A 03



SECOND FLOOR PLAN



GROUND FLOOR PLAN

DESIGN CONSULTANTS	ENGINEERING CONSULTANTS
SACHIN TRIVEDI SACHINTRIVEDI@GMAIL.COM 647.907.4139	VIN ENGINEERING INC. SUNILS@VINCCINC.COM 416.270.3933

1 JULY 08, 2019	ISSUED FOR BUILDING PERMIT	
No	Date	
Revisions		
DRAWN BY: ST	DATE: JULY 05, 2019	
CHECKED BY: SS	SCALE: 3/16" = 1'-0"	

PROJECT:  
PROPOSED BASEMENT APARTMENT  
36 LADY FERN DR, MARKHAM, ON L3S 4C2

DRAWING TITLE :  
GROUND FLOOR PLAN &  
SECOND FLOOR PLAN

**A 04**