

Memorandum to the City of Markham Committee of Adjustment

October 26, 2021

File: A/144/21
Address: 364 Cornell Centre Blvd, Markham
Applicant: Varatha Design Associates (Ken Varatha)
Agent: Varatha Design Associates (Ken Varatha)
Hearing Date: Wednesday November 10, 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*190*465 as amended:

a) By-law 177-96, Section 6.3.1.4:

a maximum encroachment of 1.352 m into the required rear yard setback, whereas the By-law permits a maximum encroachment of 0.45 m into any setback area;

b) By-law 177-96, Section 190.1 a):

a secondary accessory dwelling unit within the basement of the dwelling, whereas the By-law only permits an accessory dwelling unit above a private garage in either the main building or an accessory building on the same lot.

as they relate to a proposed secondary suite with walkup stairs.

BACKGROUND

Property Description

The 283.2 m² (2,047.3 ft²) subject property is located on the west side of Cornell Centre Boulevard, south of 16th Avenue and east of 9th Line. The property is developed with a two-storey single detached dwelling. Parking is provided at the rear in a double-car garage, which is separate from the main dwelling, with access via a public lane. There is an existing parking pad on the north side of the garage that can accommodate one additional parking on the property.

The property is located in the Cornell community characterized by a mix of low rise housing forms including detached, semi-detached, and townhouse dwellings. Vehicular access and parking is predominately provided via rear lanes and garages, with a number of examples of accessory coach house dwellings located above private garages.

Proposal

The applicant is proposing an accessory dwelling unit in the basement with direct and separate access to the rear yard via the new walk-up stairs being proposed on the west side of the house. Parking for the accessory dwelling unit will be provided at the existing parking pad adjacent to the garage.

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, R.S.O. 1990, c. P.13, as amended*, to require Official Plans to contain policies providing for two residential units in detached, semi-detached and rowhouse (townhouse) 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, 2020 (Growth Plan)

Sections 2.2.1.4 c), and 2.2.6 a)i. of the *Growth Plan* requires municipalities to provide a diverse range and mix of housing options including additional residential 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 subject property is zoned “R2*190*465” under By-law 177-96, as amended, which permits various low rise housing forms including single-detached dwellings. Exception *190 also permits one accessory dwelling unit on a lot where a single-detached dwelling exists, provided that:

- it is accessory to a single-detached dwelling unit on the same lot;
- it is located above a private garage in either the main building or an accessory building on the same lot, excepting that stairways providing access to the accessory dwelling unit may extend down to grade; and
- the required parking space is independently accessible from the parking spaces for the main dwelling unit on the lot.

The proposed accessory dwelling unit does not comply with the By-law requirement with respect to its proposed location. The proposed walk-out stairs do not comply with the By-law requirement with respect to yard encroachment.

Zoning Preliminary Review (ZPR) Not Undertaken

A ZPR has not been conducted for the application. However, the applicant has received comments from the building department through their permit process to confirm the variance required for the proposal.

COMMENTS

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee (“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.

Accessory Dwelling Unit

With exception to the location of the secondary suite, the proposed development meets the criteria noted under Exception *190 as the secondary suite is:

- accessory to a single detached dwelling unit on the same lot; and
- the subject property can accommodate a parking pad (one parking space) that is considered to be independently accessible from the two parking spaces for the main dwelling unit.

While the zoning by-law only permits one accessory unit above a private garage, the requested variance would provide an opportunity to include additional housing on the subject property. As previously noted, the *More Homes, More Choice Act* requires

Official Plans to contain policies to provide for two residential units within a single-detached dwelling, as well as permitting a residential unit in structures that are ancillary to the primary dwelling unit.

The Regional Municipality of York completed an Office Consolidation of their Official Plan in January 2019. Section 3.5.22 states that:

“local municipalities are required to adopt official plan policies that authorize secondary suites as follows:

- *the use of two residential units in a house if no ancillary building or structure contains a residential unit; and*
- *the use of a residential unit in a building or structure ancillary to a house if the house contains a single residential unit.”*

Staff are satisfied that the proposed development meets the policy direction under the *More Homes, More Choice Act*, and Regional Official Plan, both of which succeed that of the City’s Official Plan 2014, and the current By-law 177-96 in effect. Section 27(1) of the *Planning Act* also states that,

“Council of a lower-tier municipality shall amend every official plan and by-law passed under Section 34, or a predecessor of it, to conform with a plan that comes into effect as the official plan of the upper-tier municipality.”

The City of Markham is committed to promoting affordable and shared housing opportunities. Secondary suites help the City increase the availability and supply of different housing forms, which can provide support to achieve its affordable housing target required by the Province. Planning staff have reviewed the proposed accessory dwelling unit within the context of the Provincial Policy Statement, Provincial Growth Plan and the criteria in the Official Plan, and support the approval of the requested variance.

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.

Yard Encroachment Variance

The applicant is requesting relief to permit a maximum encroachment of 1.352 m (4.43 ft) into the required rear yard setback, whereas the By-law permits a maximum encroachment of 0.45 m (1.47 ft) into any setback area. This represents an increase of 0.9m (2.95 ft).

The variance applies to the proposed walk-up stairs on the west side of the house which will be located entirely below grade. There will be no changes to the physical massing of the main building. Further, the walk-up stairs occupies a minor portion of the rear yard, leaving appropriate outdoor amenity space on the property. Staff have no concern with the approval of the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 1, 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 requested variances meet 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:



Carlson Tsang, Acting Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/144/21

1. That the variance applies only to the proposed development for as long as it remains;
2. That the variance applies only to the proposed development, in substantial conformity with the 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 yard encroachment variance only applies to the proposed walk-up stairs on the west side of the dwelling;
4. 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.

PREPARED BY:



Carlson Tsang, Acting Development Manager, East District

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

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
 @ 92" A.F.F
 FULL BASEMENT AND 77" MIN. U/S BEAMS

ALL SUPPLY AND RETURN AIR TO BE 18" AFF AT ENTRY DOOR ONLY

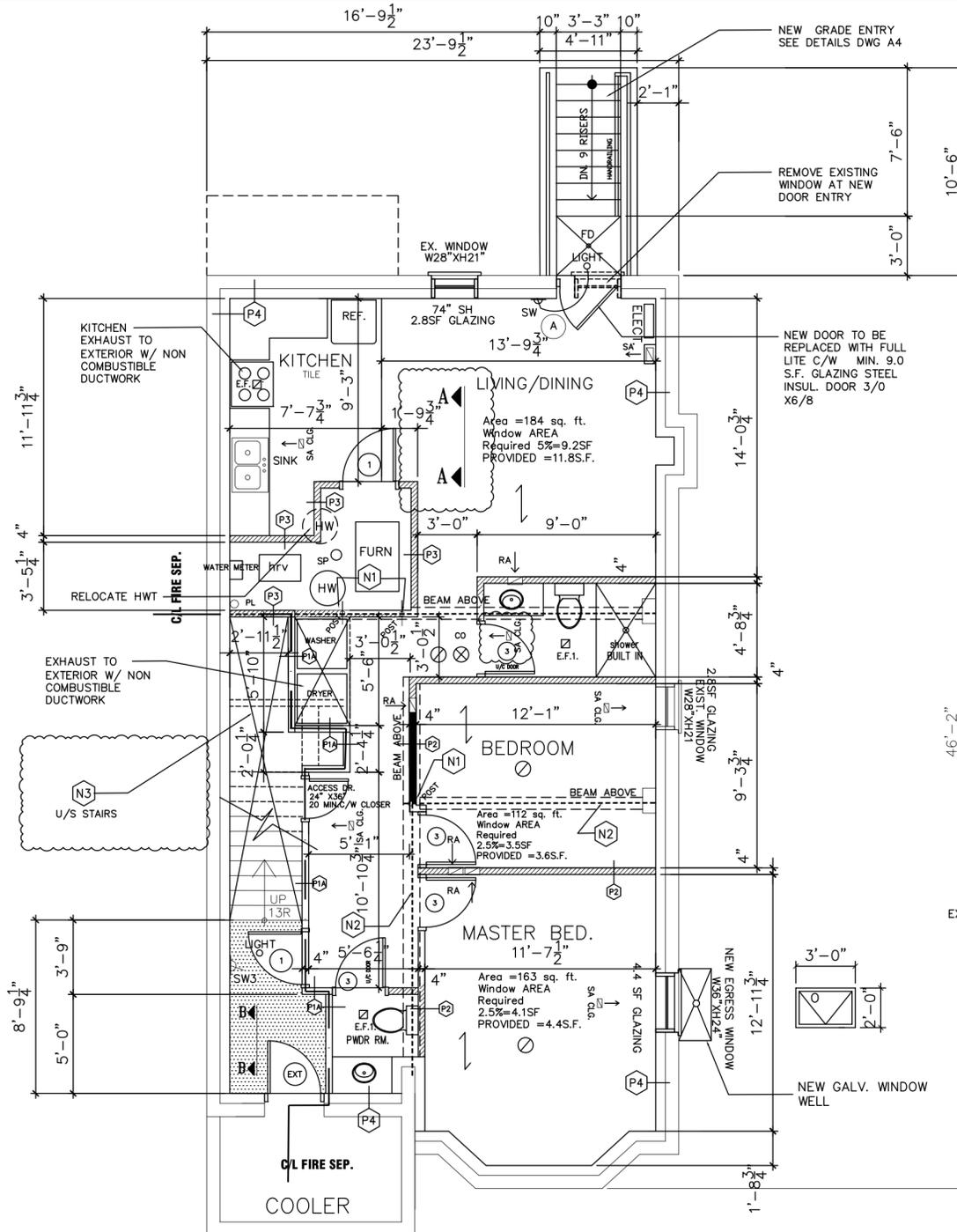
N1 ADD 1 LAYER 1/2" TYPE "X" AROUND ST'L COLUMN ENCASED IN WALL TYPE P1A

N2 2 LAYER 1/2" TYPE "X" AROUND ST'L BEAM 50 MIN

N3 INSTALL 5/8" TYPE "X" DRY WALL UNDERSIDE OF STAIRS MIN 40 MIN. SB-2

A WINDOW LINTEL TO BE 3-2" X10" FLUSH C/W 3.5" X3.5" X 5/16" STEEL BRICK ANGLE

AREA OF UNIT OWNED BY FIRST FLOOR



subfloor of 15.5 mm plywood, OSB or waferboard, ON EXISTING wood joists spaced at 16" o.c. INSULATION AS PER BELOW resilient metal channels spaced 16" o.c. 1 layer of 1/2" th. type X gypsum board on ceiling side

FLOOR CONSTRUCTION

F 5G floor construction type based on OBC sb-3
 F.R.-45 MIN MINERAL WOOL INSULATION 2.8 KG/M2
 F.R.-30 (MIN REQUIRED) WITH NO INSULATION

SECTION A-A

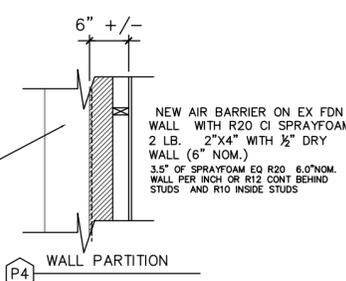
SCALE: N.T.S.

SECTION B-B

SCALE: N.T.S.

USE 1/2" REG GYPSUM BOARD AT SECTION B-B

there is no change in existing structure



NEW AIR BARRIER ON EX FDN WALL WITH R20 CI SPRAYFOAM 2 LB. 2"x4" WITH 1/2" DRY WALL (6" NOM.) 3.5" OF SPRAYFOAM EQ R20 6.0" NOM. WALL PER INCH OR R12 CONT BEHIND STUDS AND R10 INSIDE STUDS

WALL PARTITION

RENOVATED BASEMENT FLOOR PLAN

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

LEGEND:
 CH90" CEILING HT. IN INCHES
 EXISTING WALLS
 NEW WALLS
 RENOVATED WALLS
 EXIST. JOIST DIRECTION

E.F. MECHANICAL VENTILATION 150 CFM INSUL. 6" 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/ 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	P1A 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. 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 48 X 80 SLIDING DOOR	EXT EXISTING DOOR	EXISTING SUPPLY AIR	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 W4A SB-3 STC RATING 51)	P4 SEE SECTION
5 24 X 80 DOOR	SW3 3-way SWITCH		P1C 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 9.5.11
 2. 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.



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:
 BASEMENT RENOVATED PLAN

PROJECT:
 NEW BASEMENT APT EXISTING DWELLING
 364 Cornell Centre Blvd, MARKHAM ,ONT.

OWNER:
 Sekar Thuraisingam

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2	REVISIONS	K.V.	SEPT10,21
1	BUILDING PERMIT	K.V.	AUG.12,21
NO.	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES
 Architectural & Engineering Services

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

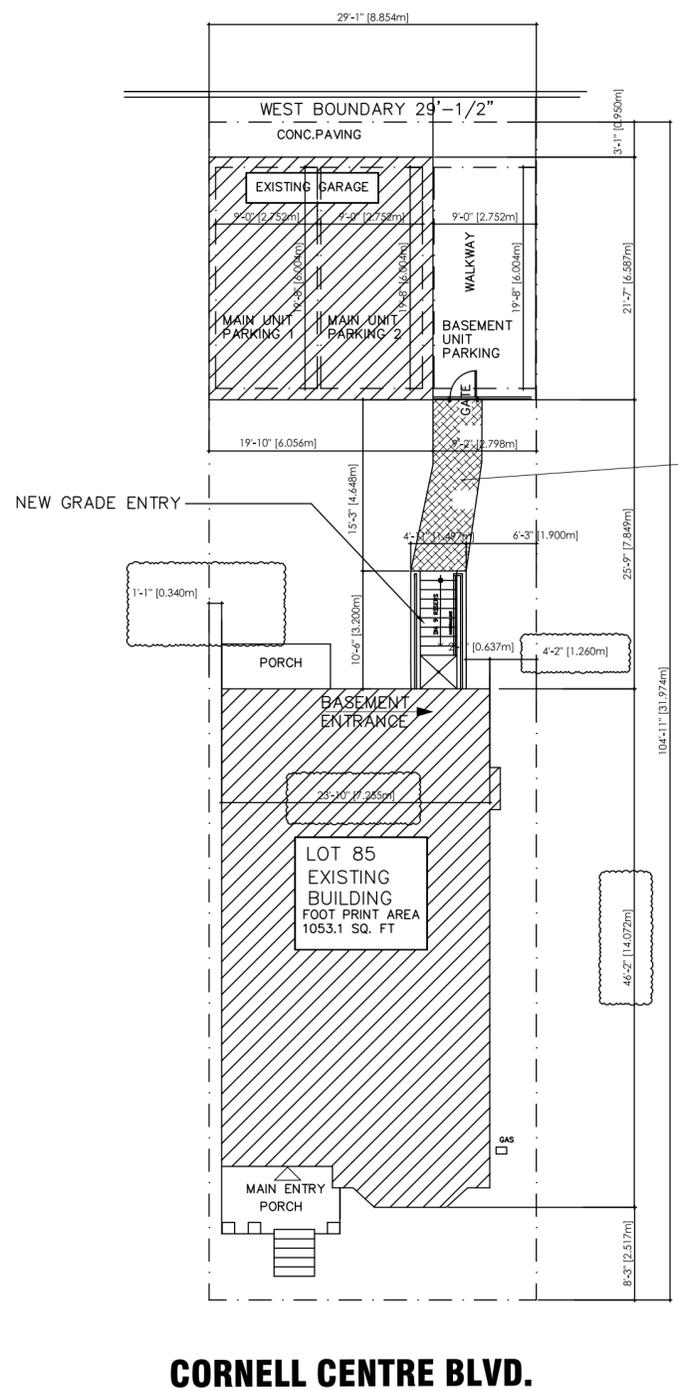
TORONTO Ont.

SCALE: 3/16" = 1'-0"
 CAD FILE :
 JOB No.: 21216

DATE: AUG.12,21
 DWG NO: A2 OF 5

DRAWN BY: K.V.

CHECKED BY: K.V.
 DATE OF PRINT: AUG.12,21



SITE STATISTICS:

SITE ADDRESS: 364 Cornell Centre Blvd, MARKHAM ,ONT.
 LOT AREA: 3047.3 square ft.= (283.2 SQ.M.)
 GROUND FLOOR SPACE : 1053.1 square ft. (97.9 SM)
 SECOND FLOOR SPACE : 1053.1 square ft. (97.9 SM)
 LOFT FLOOR SPACE : 326.7 square ft. (30.3 SM)
 BASEMENT SECOND UNIT AREA 737.3 square ft.(68.5 SM)
 EXCLUDES STAIR AND MECH

4'-0" (1.2M) WIDE WALK WAY TO BASEMENT INTERLOCKING PAVERS

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



CORNELL CENTRE BLVD.



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
 364 Cornell Centre Blvd, MARKHAM ,ONT.

OWNER: Sekar Thuraisingam

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NO.	REVISION/ISSUED TO	BY	DATE
1	building permit	K.V.	AUG.12,21

VARATHA DESIGN ASSOCIATES
 Architectural & Engineering Services
 Varatha Ken
 Architectural Designer
 TORONTO Ont. email: kvaratha@hotmail.com

SCALE: 3/32" = 1'-0" CAD FILE : JOB No.: 21216

DATE: AUG.12,21 DWG NO: A1 OF 5

DRAWN BY: K.V.

CHECKED BY: K.V. DATE OF PRINT: AUG.12,21

Appendix B

File: 21.138610.000.00.MNV

Date: 11/05/21

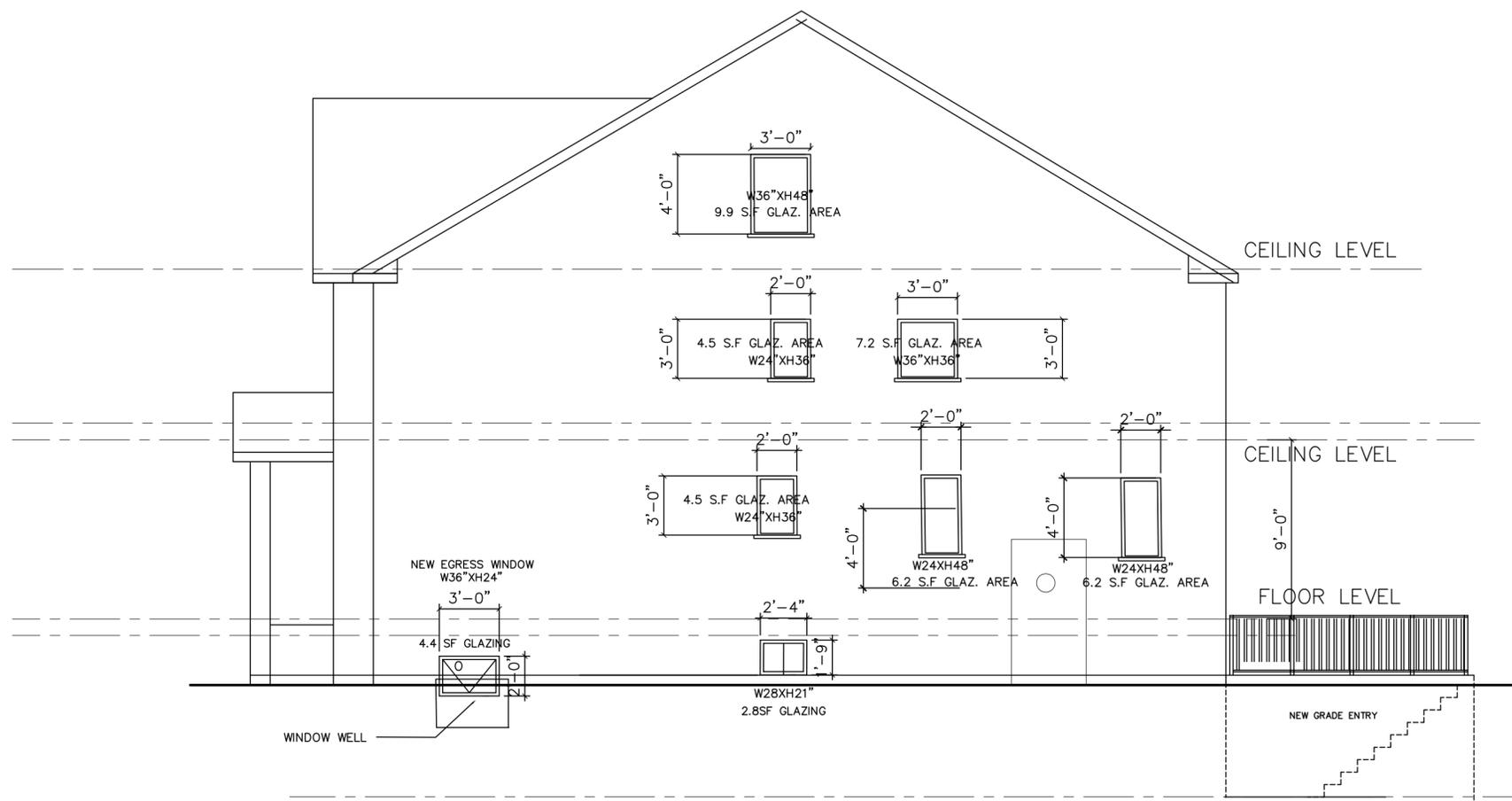


Table 9.10.15.4.
Maximum Area of Glazed Openings in Exterior Walls of Houses
7.0% MAX.window openings

NORTH ELEVATION

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

ALLOWABLE UNPROTECTED OPENINGS
TOTAL WALL AREA = 1150.4 square ft (106.9 S.M.)
LIMITING DISTANCE= 4.0 FT
ALLOWABLE OPENINGS = 7 PERCENT 80.5 S.F.(7.5 S.M.)
ACTUAL OPENINGS =45.7 S.F (4.2 S.M.)



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

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

DRAWING TITLE: ELEVATION

PROJECT: NEW BASEMENT APT EXISTING DWELLING
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1	BUILDING PERMIT	K.V.	AUG.12,21
NO.	REVISION/ISSUED TO	BY	DATE

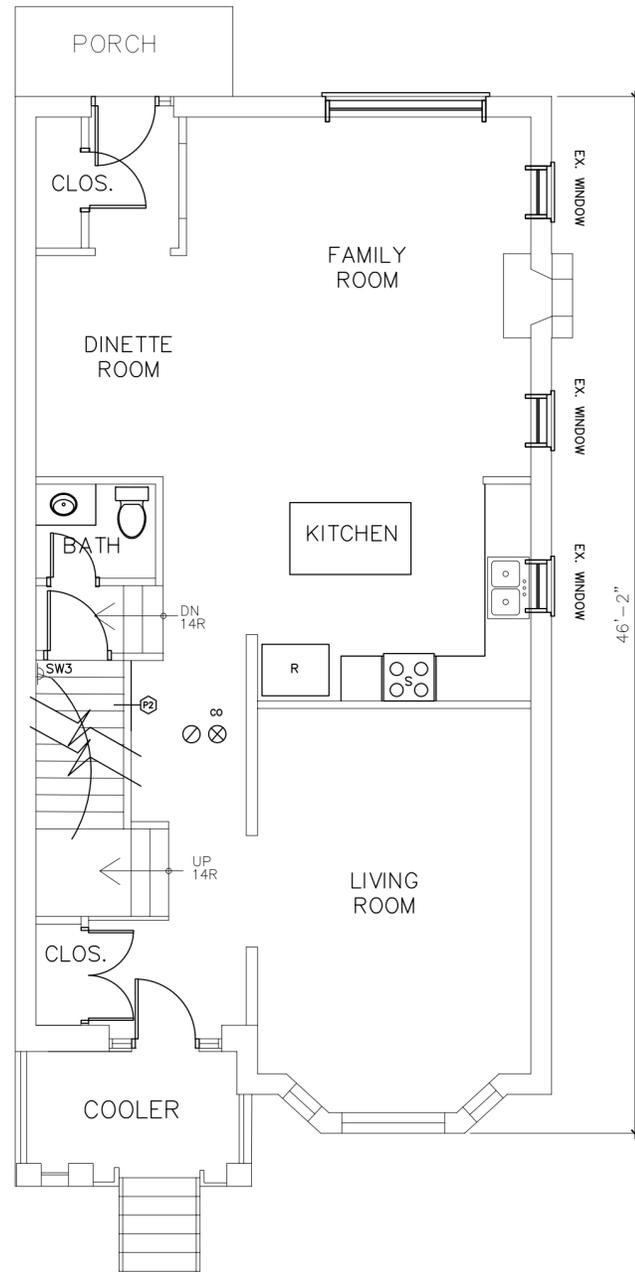
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SCALE: 3/16" = 1'-0" CAD FILE : JOB No.: 21216

DATE: AUG.12,21 DWG NO: A4 OF 5

DRAWN BY: K.V.

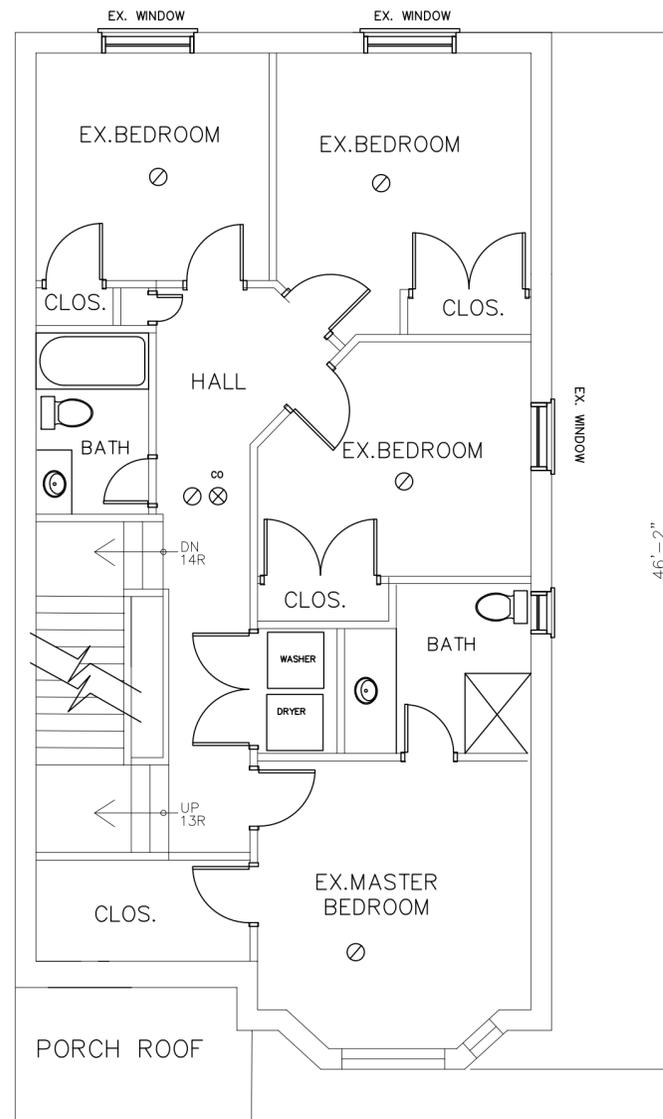
CHECKED BY: K.V. DATE OF PRINT: AUG.12,21



EXISTING FIRST FLOOR PLAN

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

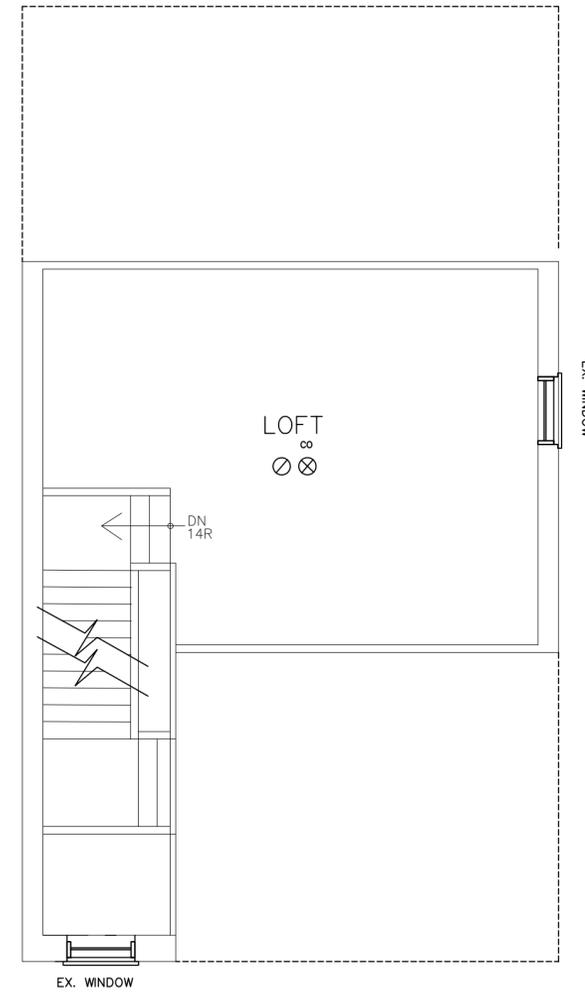
no change to mech. an exhaust system



EXISTING SECOND FLOOR PLAN

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

no change to mech. an exhaust system



EXISTING LOFT 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

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

DRAWING TITLE: EXISTING FIRST, SECOND AND LOFT FLOOR PLAN

PROJECT: NEW BASEMENT APT EXISTING DWELLING
 364 Cornell Centre Blvd, MARKHAM ,ONT.

OWNER: Sekar Thuraisingam

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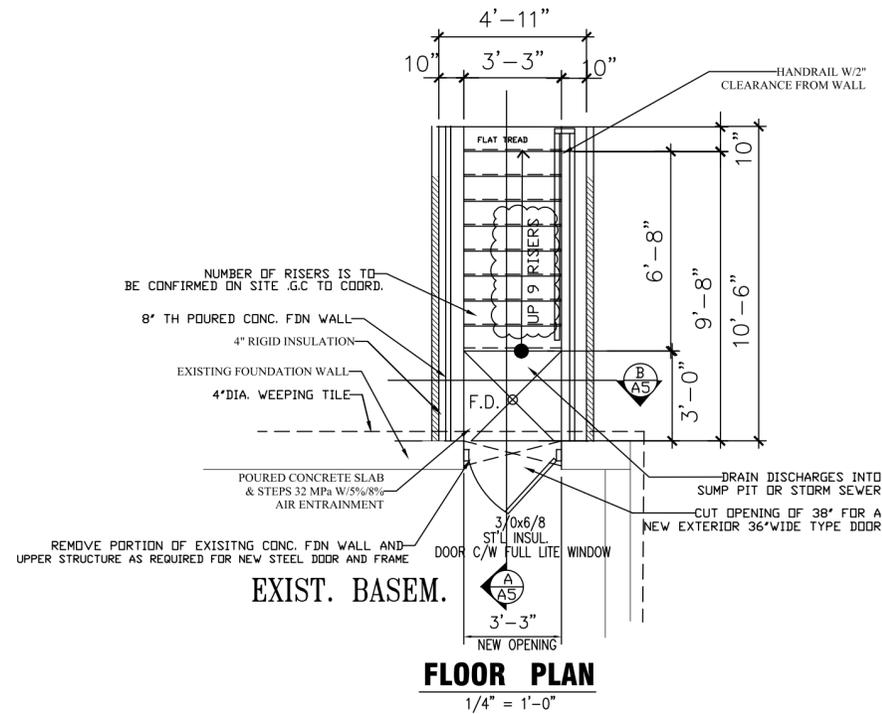
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OF 5

DRAWN BY: K.V.

CHECKED BY: K.V.

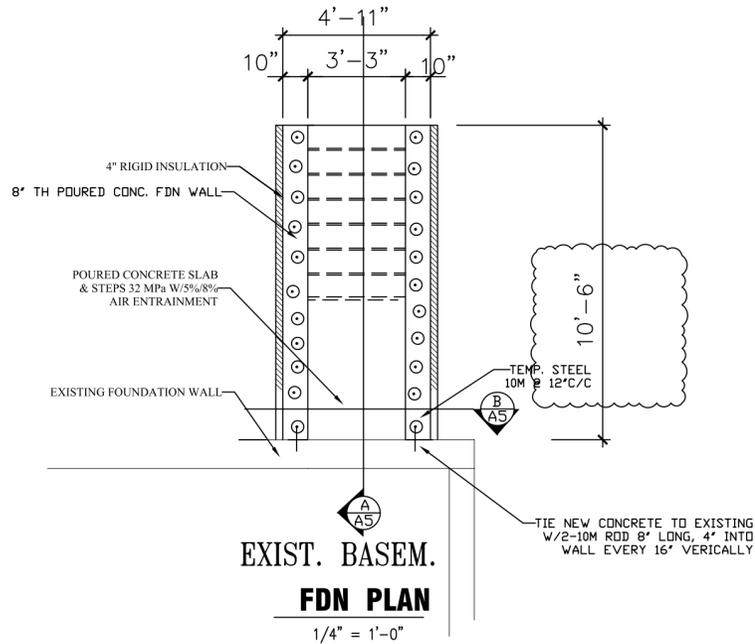
DATE OF PRINT: AUG.12,21



EXIST. BASEM.

FLOOR PLAN

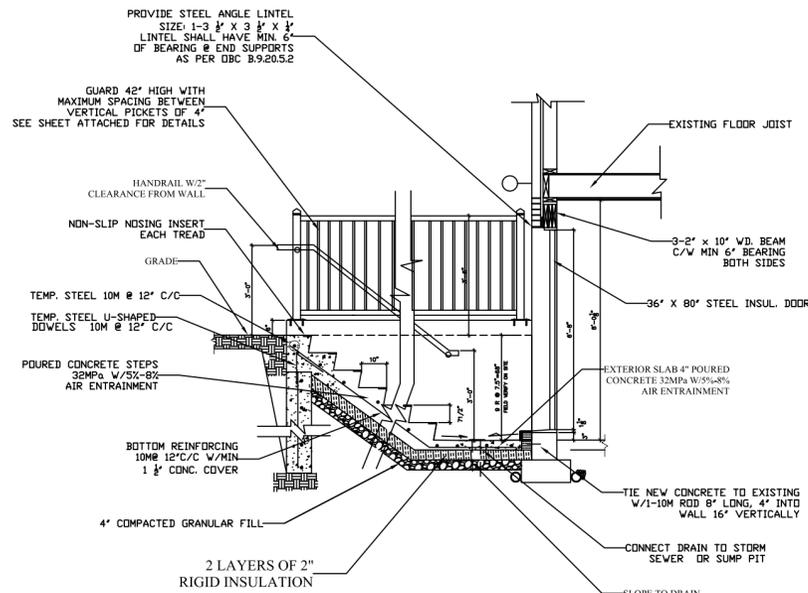
1/4" = 1'-0"



EXIST. BASEM.

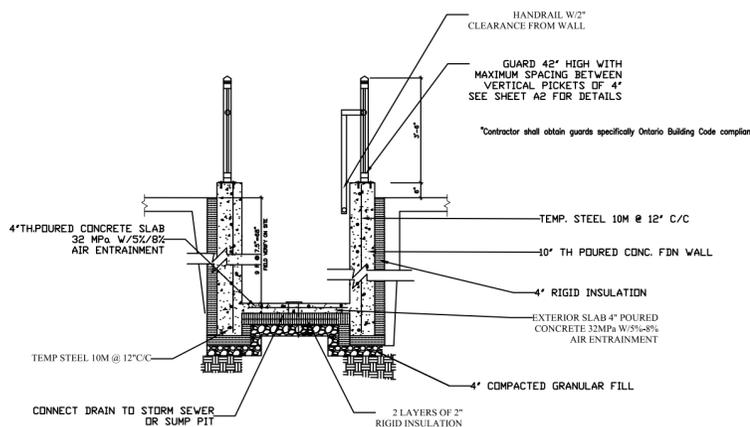
FDN PLAN

1/4" = 1'-0"



SECTION A: FOR BELOW GRADE ENTRANCE

SCALE: 1/4" = 1'-0"

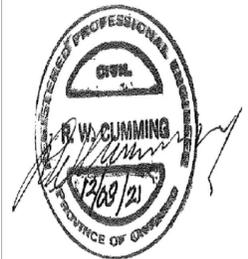


SECTION B: FOR BELOW GRADE ENTRANCE

SCALE: 1/4" = 1'-0"

GENERAL NOTES:

- WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE (OBC) AND LOCAL REGULATIONS
- MATERIAL SHALL BE AS FOLLOWS:
 - CONCRETE: 32 MPa WITH 5% TO 8% AIR.
 - REINFORCING: CSA C30.16 - GRADE 400
 - TIMBER - SAWN CSAO 141 S-P-F
 - STEEL - HSS - CSA G 40.21
 - INSULATION - LOW STYROFOAM SM OR EQUIVALENT
- FOOTINGS SHALL BEAR ON SOIL CAPABLE OF SUSTAINING AN ALLOWABLE BEARING PRESSURE OF 2000 PSF
- 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:

KRANAGAVARATHA (B.C.I.N) 26147

Kranagavaratha

REGISTRATION INFORMATION:

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

DRAWING TITLE: GRADE ENTRY DETAILS

PROJECT: NEW BASEMENT APT EXISTING DWELLING
364 Cornell Centre Blvd, MARKHAM ,ONT.

OWNER: Sekar Thuraisingam

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NO.	REVISION/ISSUED TO	BY	DATE
2	REVISIONS	K.V.	SEPT.10,21
1	BUILDING PERMIT	K.V.	AUG.12,21

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SCALE: 1/4" = 1'-0" CAD FILE: JOB No.: 21216

DATE: AUG.12,21 DWG NO: A5 OF 5

DRAWN BY: K.V.

CHECKED BY: K.V. DATE OF PRINT: AUG.12,21