

Memorandum to the City of Markham Committee of Adjustment

March 31, 2022

File: A/003/22
Address: 149 Worthing Avenue, Markham
Applicant: Kiritharan Thavaraj and Sughanya Kiritharan
Agent: Venoth Engineering Ltd.
Hearing Date: Wednesday April 06, 2022

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

The applicant is requesting relief from the following requirements of the “Tenth Density - Single Detached Residential (R10) Zone” in By-law 90-81, as amended, to permit:

a) Section 5.2.1:

a second dwelling unit, whereas the By-law permits no more than one (1) single detached dwelling unit on one (1) lot; as it relates to proposed secondary suite (basement apartment).

BACKGROUND

Property Description

The 318.25 m² (3,425.61 ft²) subject property is located on the south side of Worthing Avenue, east of Cartmel Drive, and located generally south of Denison Street and east of Brimley Road (see Appendix “A” – Aerial Photo). The property is located within an established residential neighbourhood comprised of two-storey detached dwellings.

There is an existing 193.23 m² (2,079.91 ft²) two-storey detached dwelling on the property, which according to assessment records was constructed in 2001.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposal includes a new direct and separate access provided by a proposed walkout at the rear of the building (see Appendix “B” – Plans).

Staff are satisfied that the proposed development meets the criteria under [Section 8.13.8](#) of the Official Plan for the establishment of a secondary suite, meets the policies of the Region’s Official Plan, and applicable Provincial policies. Staff support its approval in accordance with the requirements under Section 16(3) of the *Planning Act, R.S.O. 1990, c. P.13, as amended*.

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant confirmed that a ZPR has not been conducted. However, the applicant received comments from the building department through their building permit process (21 139643 HP) to confirm the variances required for the proposed development.

PUBLIC INPUT SUMMARY

As of March 31, 2022, the City received one letter expressing safety concerns. 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* and have no objection. 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 "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Planner I, Central District

REVIEWED BY:



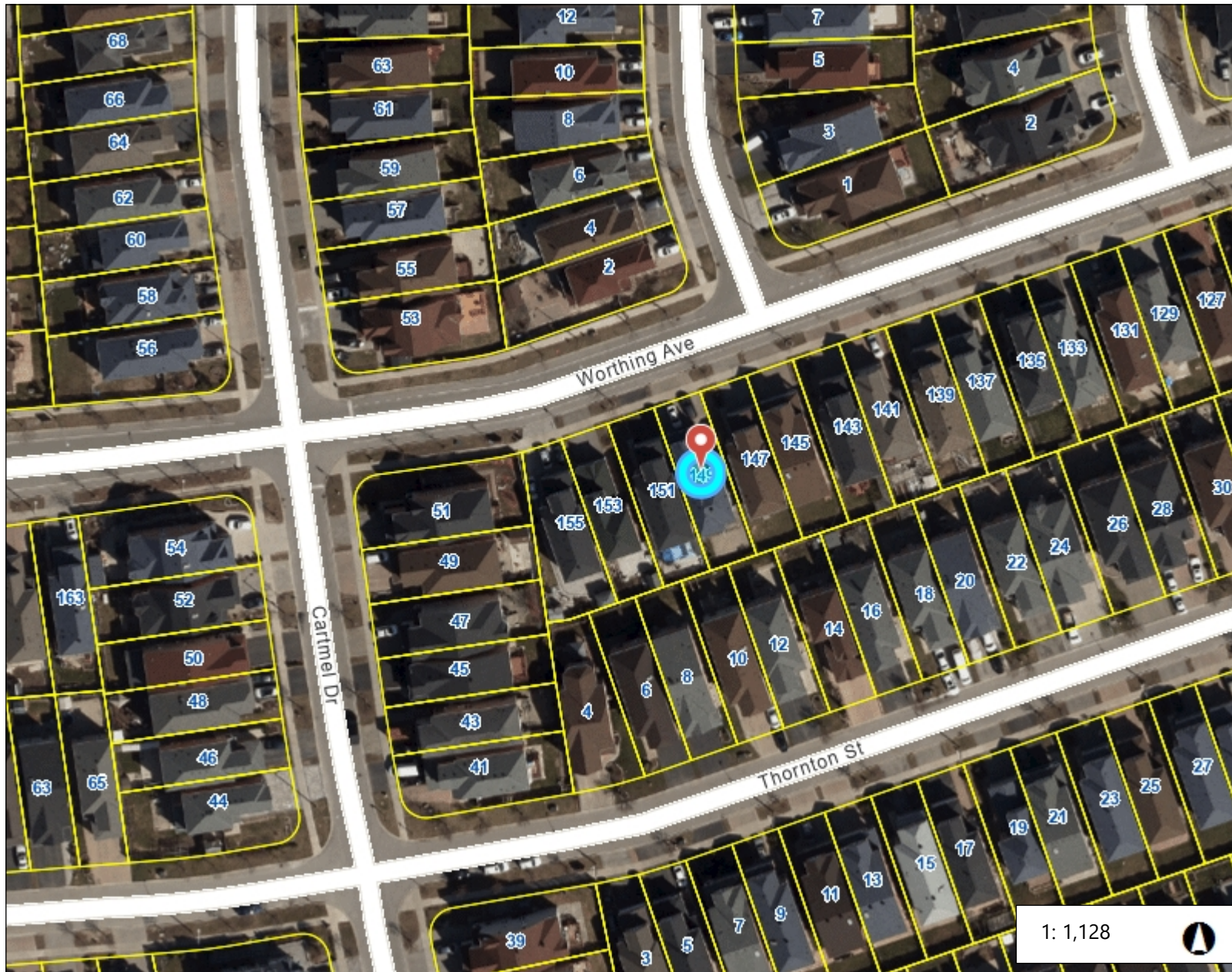
Dimitri Pagratis, Senior Planner, Central District

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

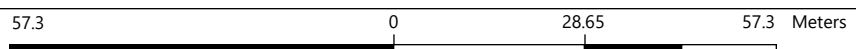
Appendix "C" - Conditions



Legend

- Parcel
- Park Facility
- Parks
 - Under Development
 - <all other values>

1: 1,128



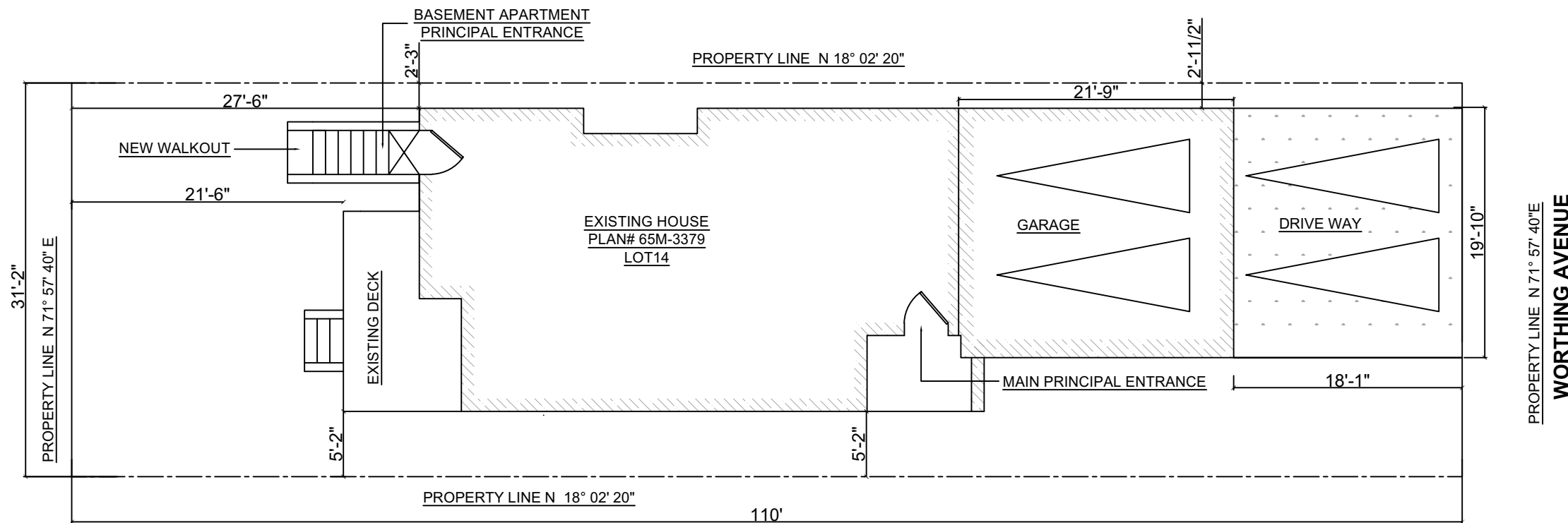
DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.

Notes
A/003/22 - Proposed Second Dwelling Unit in the Basement

Appendix B

File: 22.108886.000.00.MNV

Date: 03/31/22
MM/DD/YY



PROPOSED SITE PLAN

RESIDENTIAL

149 WORTHING AVE
MARKHAM, ON

PROPOSED
SITE PLAN

SCALE: 3/32" = 1'-0"
DATE: 2021.09.14
PROJECT: -
DRAWING NO:



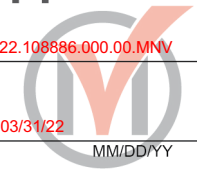
A100

REVISION: 00

Appendix B

File: 22.108886.000.00.MNV

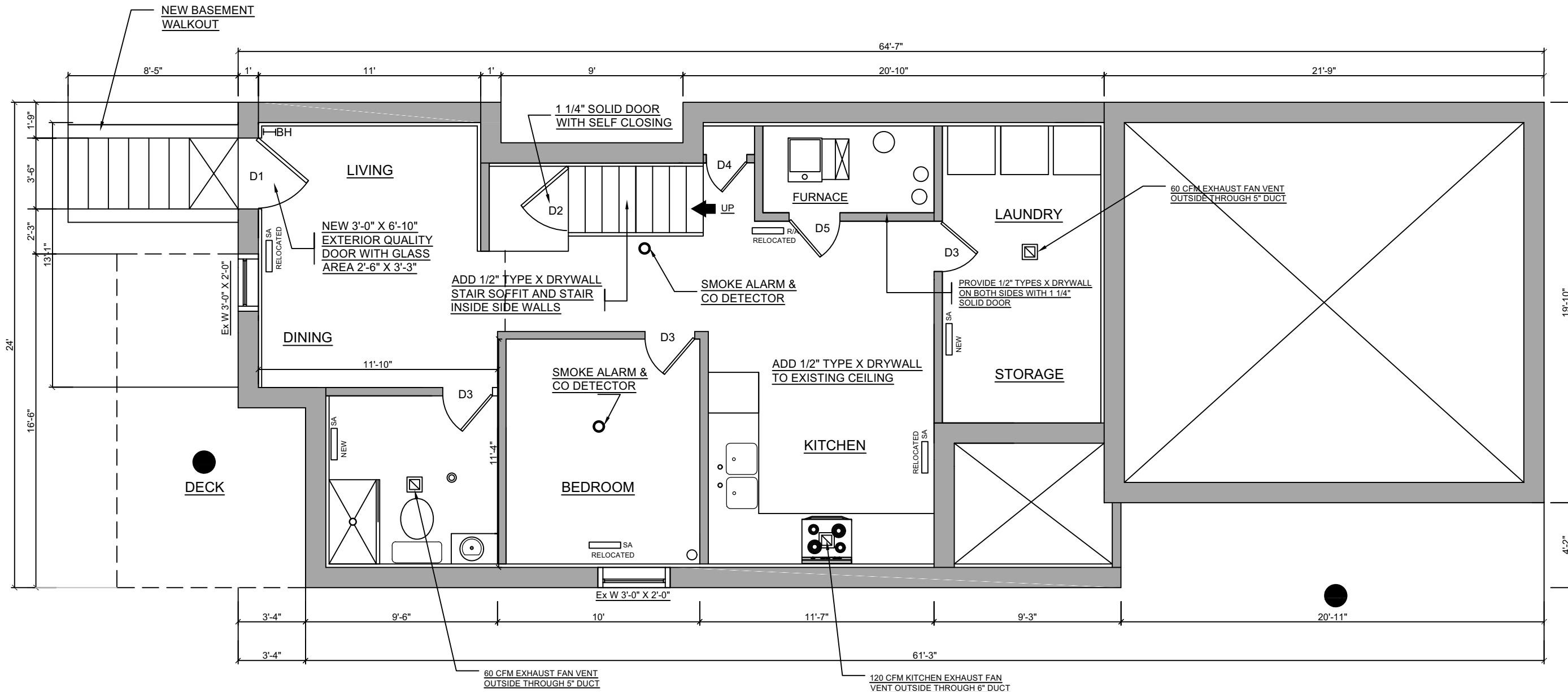
Date: 03/31/22
MM/DD/YY



- D1 - 36"x80 Exterior Door W/ Self Closing
- D2 - 34"x80 20 Min. Fire Rated Door W/ Self Closure
- D3 - 30"x80 Interior Door
- D4 - 24"x80 Interior Door
- D5 - 34"x80 20 Min. Fire Rated Door W/ Self Closure

HVAC NOTES

1. PROVIDE 1" (MIN) GAP BENEATH THE INTERIOR DOORS FOR RETURN AIR FLOW AS PER OBC ^2.4.7(12)
2. LOCATE ALL SUPPLY AND RETURN AIR GRILLE IN THE BASEMENT 6" ABOVE FINISH FLOOR LEVEL



RESIDENTIAL

149 WORTHING AVE
MARKHAM, ON

PROPOSED
BASEMENT
PLAN

SCALE: 3/16" = 1'-0"
DATE: 2021.09.14
PROJECT: -
DRAWING NO:

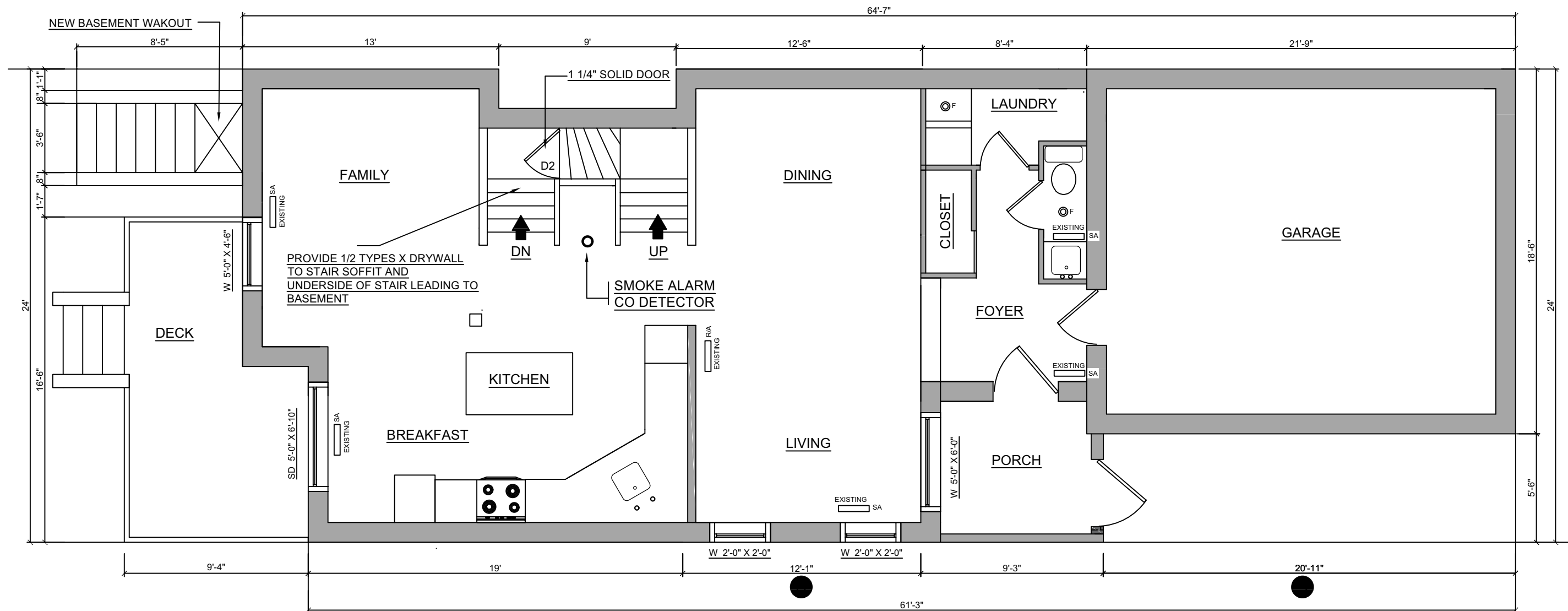
A300

REVISION: 00

Appendix B

File: 22.108886.000.00.MNV

Date: 03/31/22
MM/DD/YY



RESIDENTIAL

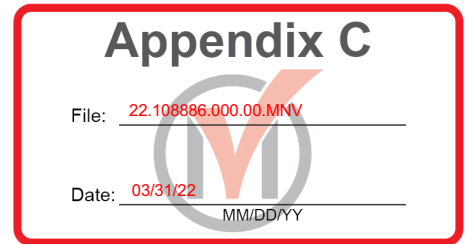
149 WORTHING AVE
MARKHAM, ON

PROPOSED GROUND FLOOR PLAN

SCALE: 3/16" = 1'-0"
DATE: 2021.09.14
PROJECT: -
DRAWING NO:

A301

REVISION: 00



APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/003/22

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 stamped by the City of Markham on March 31, 2022, 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:

A handwritten signature in black ink, appearing to read "Melissa Leung".

Melissa Leung, Planner I, Central District