

Memorandum to the City of Markham Committee of Adjustment

April 8, 2022

File: A/016/22
Address: 1388 Castlemore Avenue – Markham, ON
Applicant: Chitra Pathmanathan
Agent: Varatha Design Associates (Ken Varatha)
Hearing Date: April 20, 2022

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential Two Exception R2-S*134*207 (R2-S*134*207) Zone” requirements under By-law 177-96, as amended, as they relate to a proposed accessory dwelling unit (secondary suite). The variances requested are to permit:

- a) **By-law 28-97, Section 3.0 - Table A:**
two parking spaces, whereas the By-law requires three parking spaces;
- b) **By-law 177-97, Section 6.5:**
an accessory dwelling unit, whereas the By-law does not permit more than one dwelling unit on a lot; and
- c) **By-law 177-96, Section 7.134.2 (a)(ii):**
an interior side yard setback of 0.127 m (0.42 ft), whereas the By-law requires a 0.30 m (0.98 ft) with a minimum 1.20 m (3.94 ft) separation between dwellings on abutting lots.

PROPERTY DESCRIPTION

The subject property is located on the north side of Castlemore Avenue, east of Markham Road, south of Major Mackenzie Drive East, and west of Swan Park Road. The property is located at the periphery of a residential neighbourhood comprised of a mix of low rise dwellings. The property is developed with a two-storey single detached dwelling, and has a one car garage and driveway area that can accommodate two parking spaces.

PROPOSAL

The applicant is requesting permission for an accessory dwelling unit to be located in the basement of the existing dwelling. The applicant is also proposing an associated reduction in parking, and a reduction to the interior side yard setback to accommodate the existing walk-up stairs located at the east side of the dwelling.

Zoning By-Law 177-96

The subject property is zoned “Residential Two Exception R2-S*134*207 (R2-S*134*207) Zone” under By-law 177-96, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirements with respect to the maximum number of dwelling units permitted on a lot, and the minimum interior side yard setback.

Parking Standards By-law 28-97 (the “Parking By-law”)

The proposed development also does not comply with the Parking By-law with respect to the minimum requirement of three parking spaces.

ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN

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

COMMENT

The *Planning Act, R.S.O. 1990, c. P. 13, as amended* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (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 and Parking Space Reduction

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, and 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*. Staff are of the opinion that the associated parking reduction is minor in nature and appropriately maintains the general intent of the By-law.

Reduced Side Yard Setback

The applicant is requesting a minimum interior side yard setback of 0.127 m (0.42 ft), whereas the By-law requires a 0.30 m (0.98 ft) with a minimum 1.20 m (3.94 ft) separation between dwellings on abutting lots. This is an approximate reduction of 0.17 m (0.56 ft). Engineering staff have concerns with drainage, as the proposed reduction is insufficient to accommodate a side swale. Staff are of the opinion that this variance to reduce the side yard setback is not an appropriate development of the lot.

EXTERNAL AGENCIES

Metrolinx Comments

Metrolinx provided comments on this application, advising that there may be alterations to or expansions of the rail facilities on such right of way in the future, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. Metrolinx requests that the proponent provide confirmation that a warning clause be inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease for each dwelling unit as the property is located within 300.0 m (984.25 ft) of a railway corridor. Staff recommend that the Committee adopt the associated condition of approval detailed in Appendix “A”.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 8, 2022. Additional information may be received after the writing of this 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*. Staff are of the opinion that the variances requested to permit a secondary suite and an associated parking reduction meet the four tests, and offer the subsequent conditions

of approval for the Committee's consideration. However, staff do not recommend approval of the requested variance to permit a reduced interior side yard setback, in accordance with Engineering staff's concerns relating to drainage. If the Committee decides to deny the variance, and the applicant wishes to propose entry to the accessory dwelling unit from the exterior of the dwelling, an alternative access point may need to be explored.

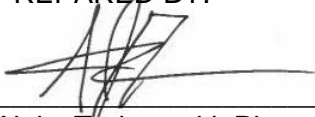
Staff recommend that the Committee consider public input in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

APPENDICES

Appendix "A" – Conditions of Approval

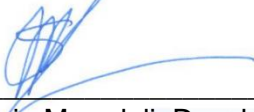
Appendix "B" – Plans

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/016/22

1. That the variances apply only to the proposed development for as long as it remains.
2. That the variances apply only to the subject 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 their designate that this condition has been fulfilled to their 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.
4. That the owner satisfies the requirements of Metrolinx, as indicated in their comments provided in ePlan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Metrolinx.

CONDITIONS PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

APPENDIX "B"
PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/016/22

SITE STATISTICS:

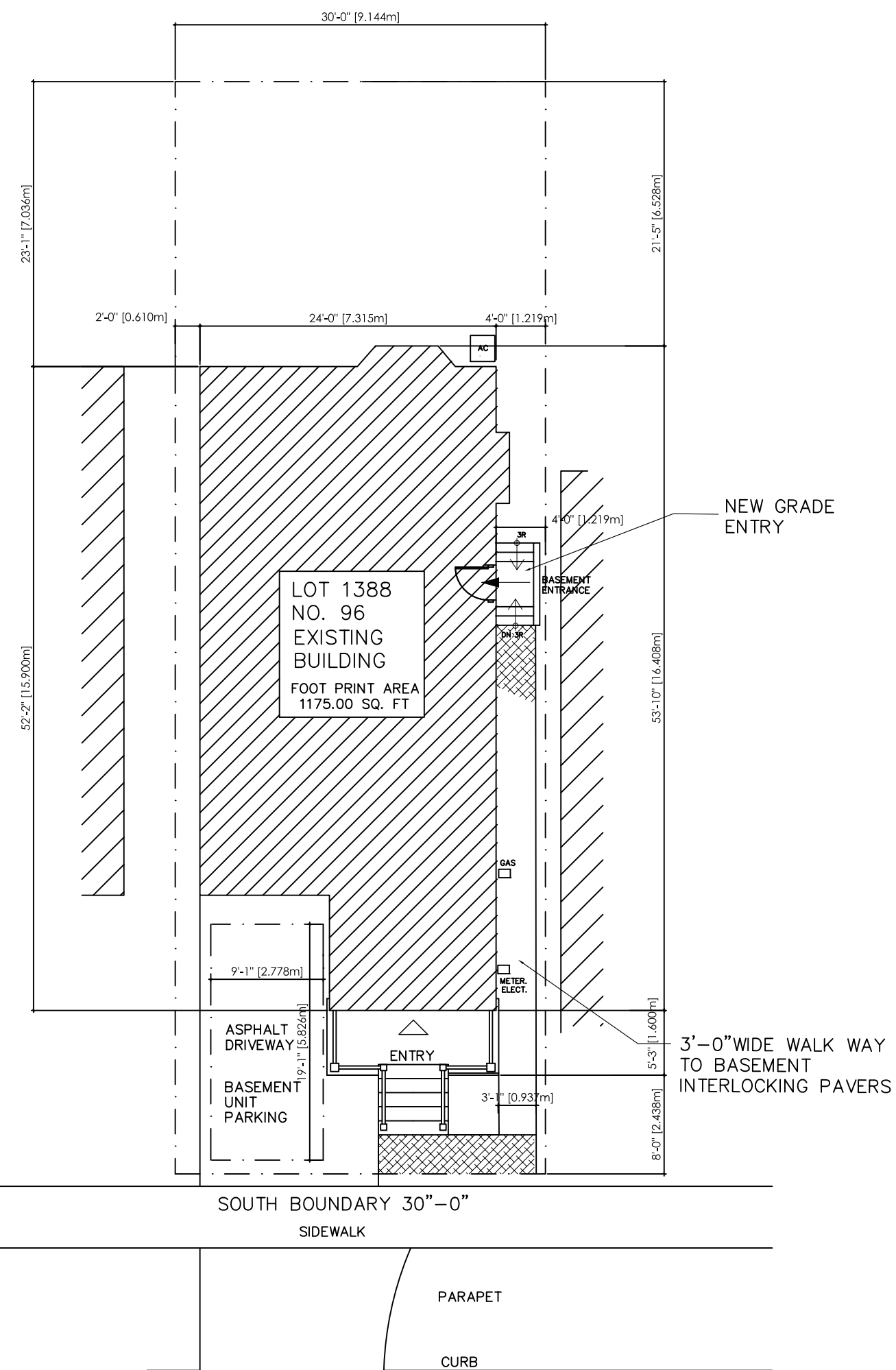
SITE ADDRESS: 1388 CASTLEMORE AVENUE, MARKHAM

LOT AREA: 2655.0 square f= (246.74 SQ.M.)

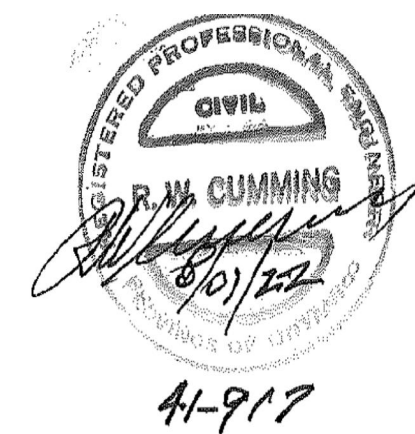
GROUND FLOOR SPACE : 1167.2 square ft. (108.5 SM)

SECOND FLOOR SPACE : 1039.0 square ft. (95.5 SM)

BASEMENT SECOND UNIT AREA : 741.7 square ft (68.9 SM)



CASTLEMORE AVENUE



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. 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 RENOVATION TO 1388 CASTLEMORE AVENUE, MARKHAM

OWNER: Chitra Pathmanathan

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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.

2	revisions	K.V.	jan21,22
1	building permit	K.V.	OCT 24,21
NO.	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES
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SCALE: 3/32" = 1'-0"

CAD FILE :

JOB No.: 21244

DATE:

DWG NO: A1

OF 5

DRAWN BY: K.V.

CHECKED BY: K.V.

DATE OF PRINT:

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 5/8" TYPE X DRYWALL CEILING
 SEE SECTION A-A
 @ 90" A.F.F
 FULL BASEMENT AND 83" MIN.U/D BEAMS

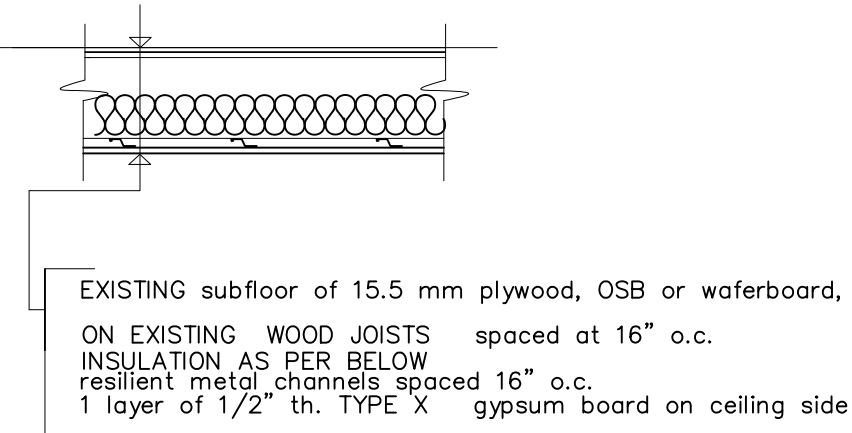
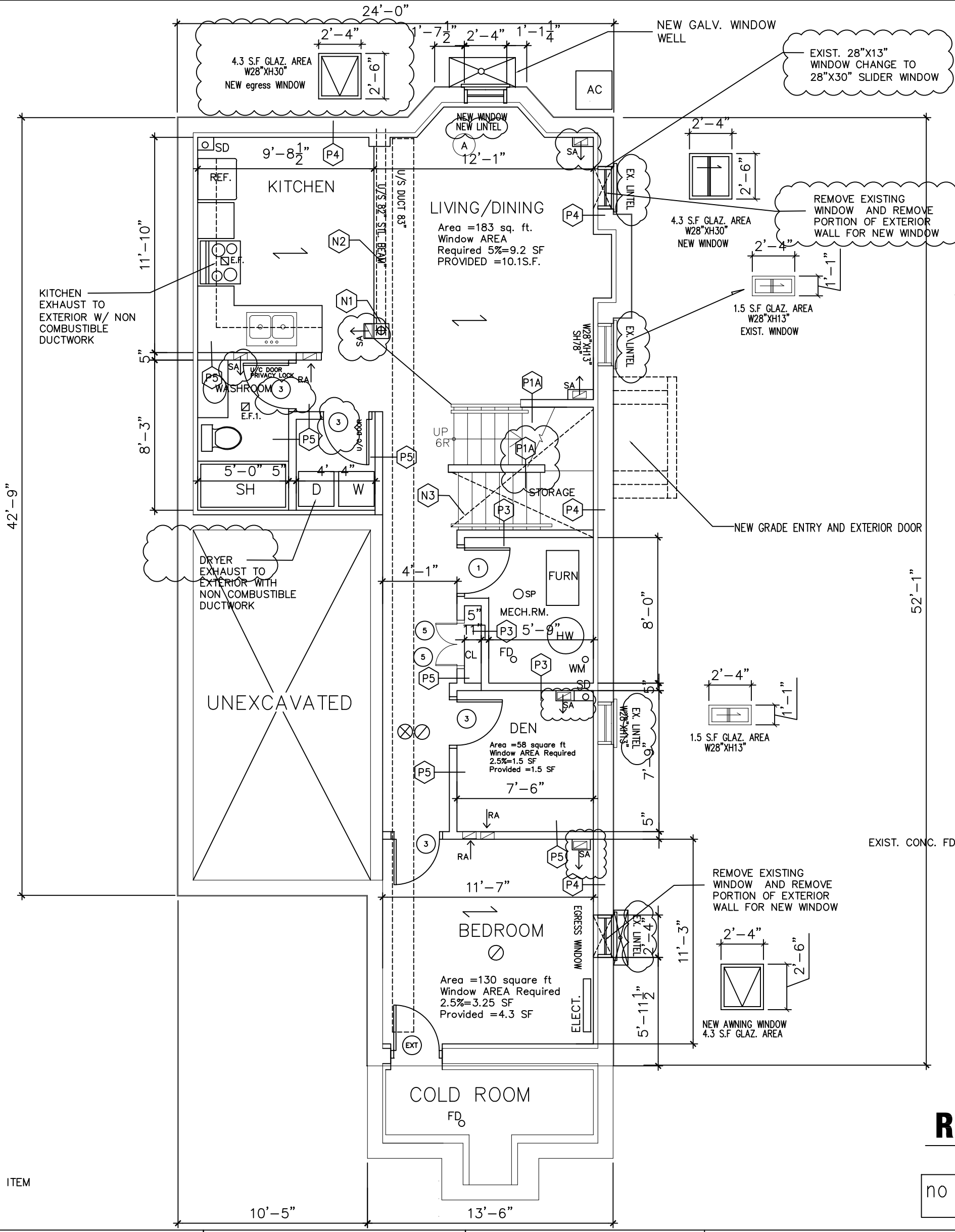
ALL SUPPLY AIR TO BE 6" AFF

(N1) ADD 1 LAYER 5/8" TYPE "X" AROUND ST'L COLUMN ENCASED IN WALL TYPE P3

(N2) 2 -LAYERS 1/2" TYPE "X" AROUND STEEL BEAM =45 MIN FR TABLE 2.3.12

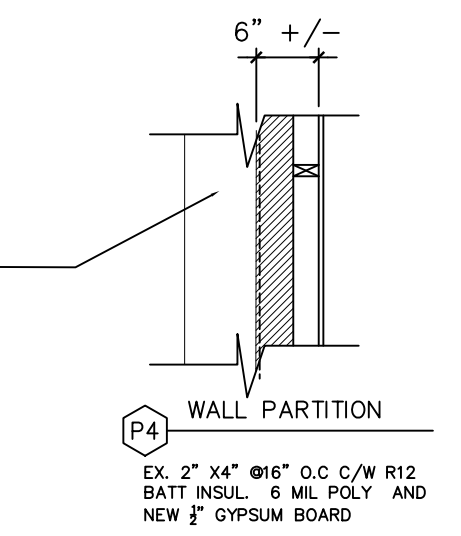
(N3) INSTALL 2- LAYER 1/2" TYPE "X" DRY WALL UNDERSIDE OF JOIST

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



F1 FLOOR CONSTRUCTION
 FLOOR TYPE F5G - 30 MIN.FIRERATING
 MINERAL WOOL INSULATION 2.8 KG/M2 MIN THICKNESS 90 MM

SECTION A-A
 SCALE:N.T.S.



P4 WALL PARTITION
 EX. 2" X4" @16" O.C C/W R12 BATT INSUL. 6 MIL POLY AND NEW 1/2" GYPSUM BOARD

RENOVATED BASEMENT FLOOR PLAN

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

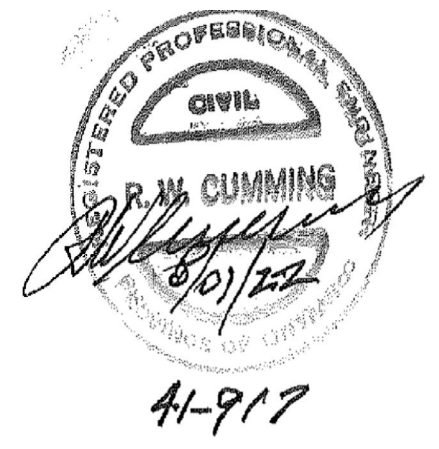
no change to EXISTING FLOOR STRUCTURE

LEGEND:
 — EXISTING WALLS
 — NEW WALLS
 — RENOVATED WALLS
 CH82= CEILING HT = 90" HT
 EX. =EXISTING CONSTRUCTION OR ITEM

MECHANICAL VENTILATION 150 CFM INSUL. 6" DIA. EXHAUST OUT	SA - SUPPLY AIR	RA - RETURN AIR
1 32X80 NEW DOOR (20 MIN RATED WITH SELF CLOSING DEVICE)	SW SWITCH	EXISTING DOOR
2 32X80 NEW DOOR 3 30X80 NEW DOOR 4 48 X 80 SLIDING DOOR	EXISTING SUPPLY AIR	3-way SWITCH
5 16 X 80 DOOR	CO SMOKE ALARM INTER CONNECTED	
MECHANICAL VENTILATION 100 CFM INSUL. 6" DIA. EXHAUST OUT		
SR INSTALL NEW SPRINKLER HEAD IN FURNACE ROOM		

P1 1 LAYER 1/2" TYPE "X" GYPSUM BOARD C/W SOUND ABOR. MATERIAL 2" X4" @ 16" O.C. SB-3 W/B 45 MIN F.R. STC34	P2 NOT USED
P1A 1 LAYER 1/2" GYPSUM BOARD C/W SOUND ABOR. MATERIAL 2" X4" @ 16" O.C. SB-3 W/C 30 MIN F.R. STC32	P3 2"X4"WD. STUDS WITH 5/8" TYPE "X" DRY WALL @ 16" O.C BOTH SIDES 1 HR FIRERATED WALL(BASED ON WID SB-3)
P1B 2 LAYER 5/8" TYPE "X" C/W SOUND CHANNELS C/W SOUND ABOR 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. 2" X4" @16" O.C C/W R12 BATT INSUL. 6 MIL POLY AND NEW 1/2" GYPSUM BOARD
P1C 2X4 WITH 5/8" TYPE "X" DRY WALL @ 16" O.C BOTH SIDES 1 HR FIRERATED WALL(BASED ON W/A SB-3) STC 36	P5 2"X4"WD STUDS @16" O/C C/W 1/2" GYPSUM BD.

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.
 3. 30 MINUTE FIRE SEPARATION " GYPSUM BOARD CEILING SEE SECTION A-A



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QUALIFICATION INFORMATION:
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OWNER: Chitra Pathmanathan

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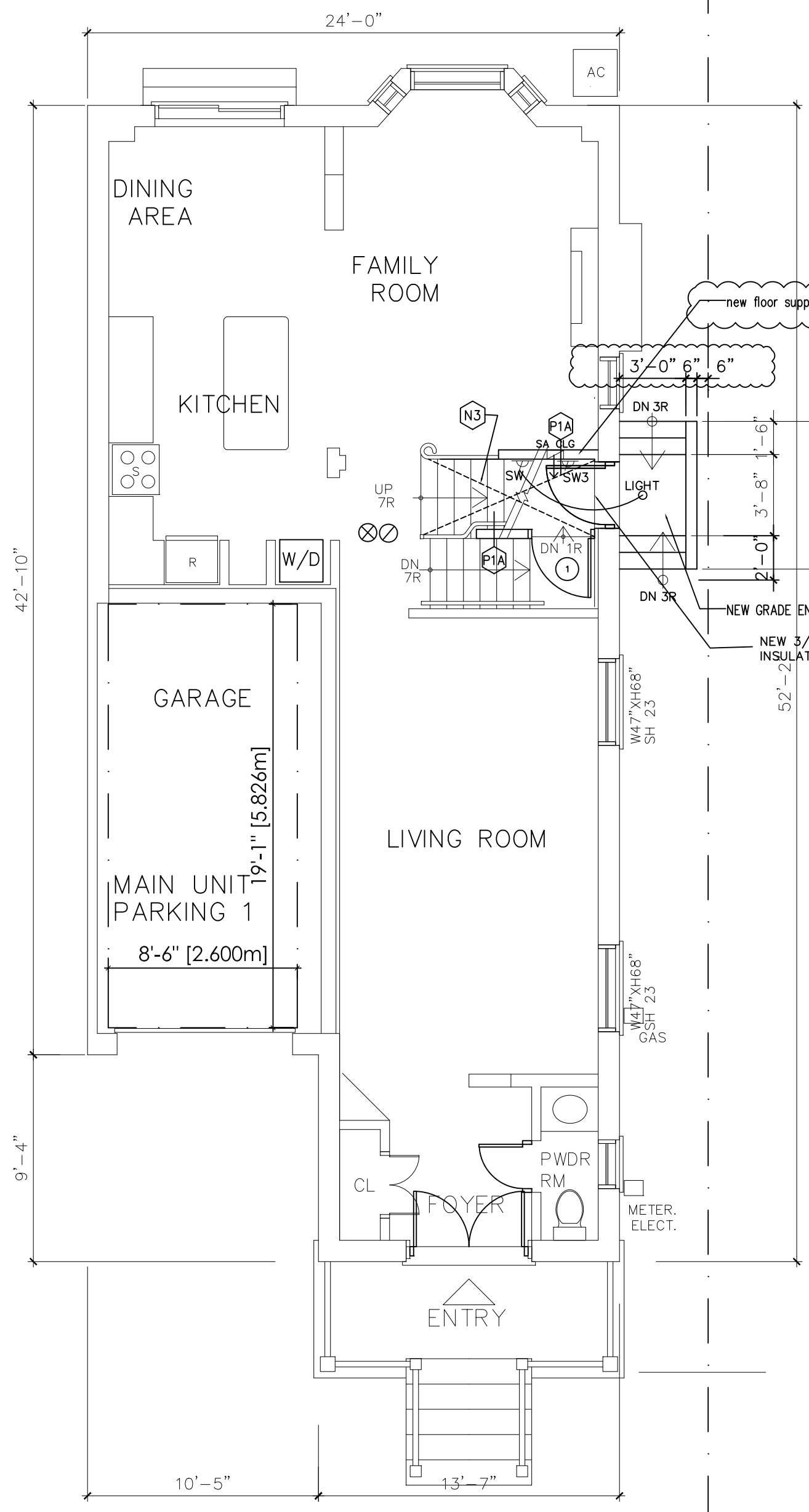
1	BUILDING PERMIT	K.V.	OCT 24,21
NO.	REVISION/ISSUED TO	BY	DATE

VARATHA DESIGN ASSOCIATES
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 Varatha Ken
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 CAD FILE :
 JOB No.: 21244

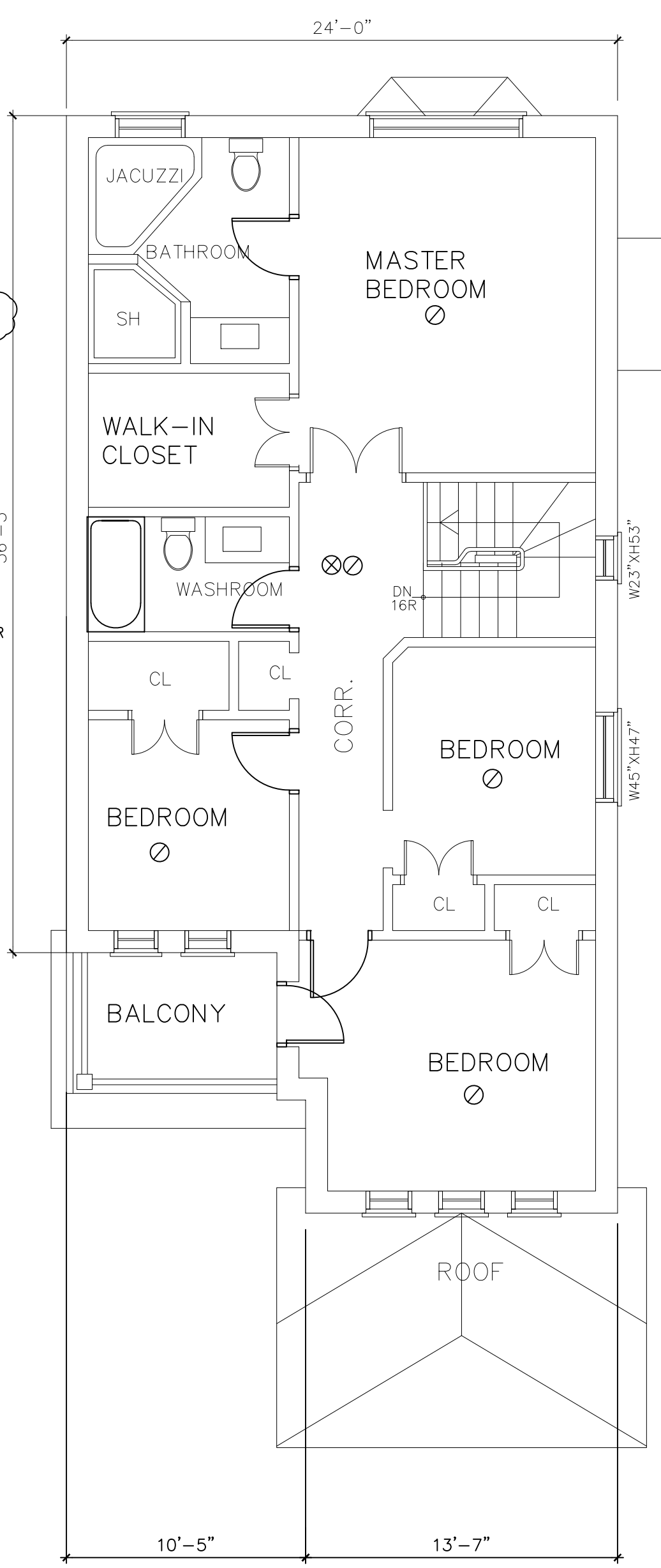
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EXISTING FIRST FLOOR PLAN

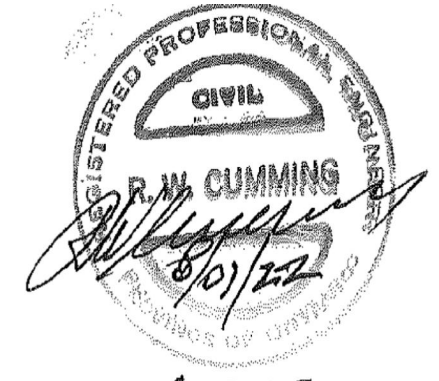
scale: 3/16" = 1'-0"



EXISTING SECOND FLOOR PLAN

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

no change to mech. an exhaust system



41-917

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Varatha Ken Architectural Designer			
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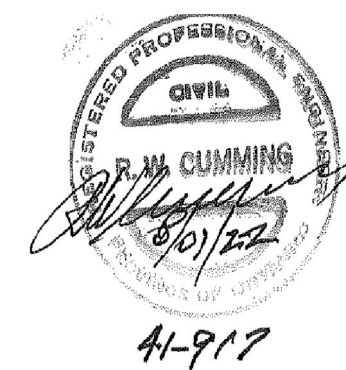
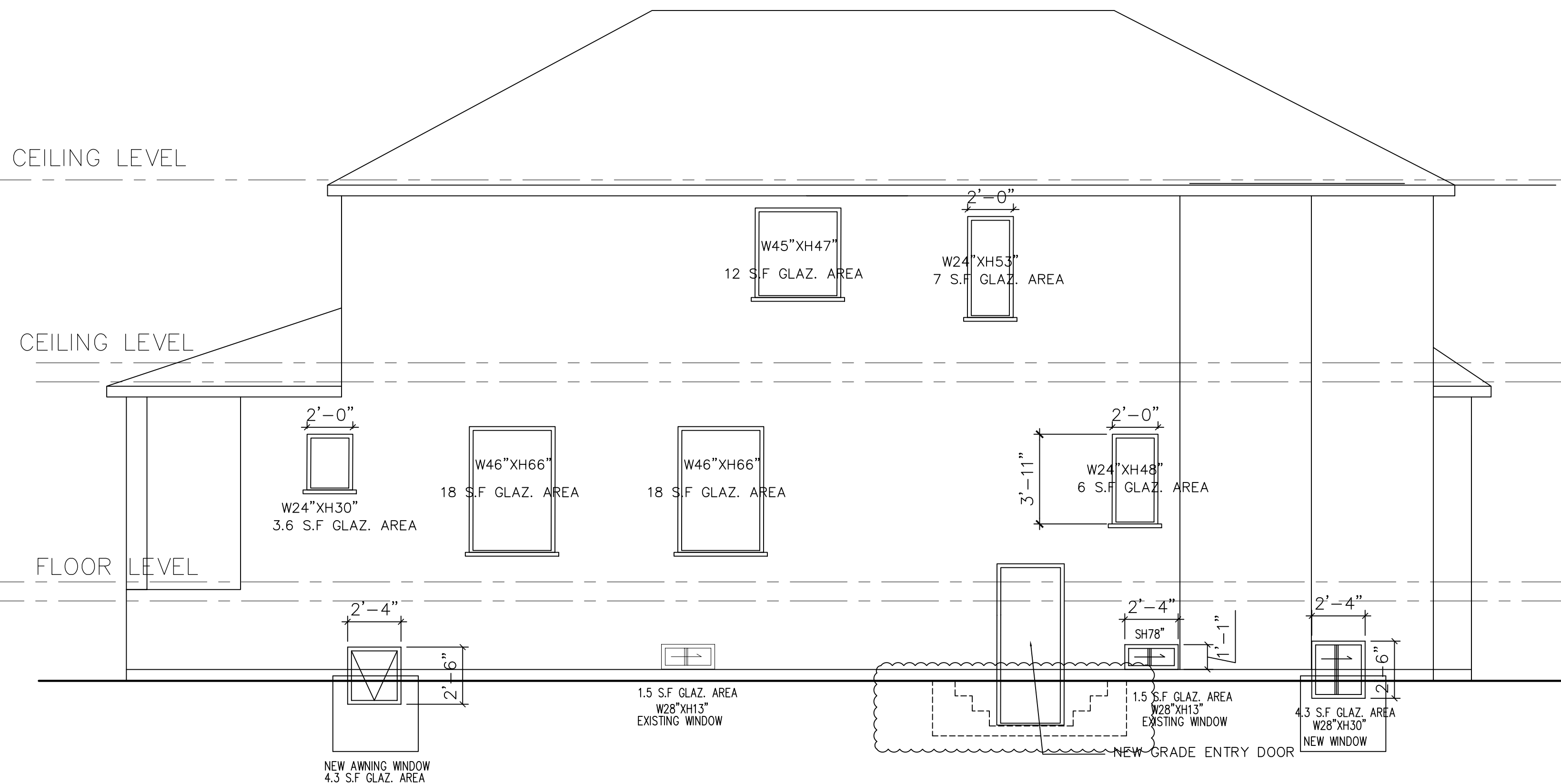


Table 9.10.15.4.
Maximum Area of Glazed Openings in Exterior Walls of Houses
7.0% MAX.window openings

EAST ELEVATION

SCALE 1/4" = 1'-0"

ALLOWABLE UNPROTECTED OPENINGS	
TOTAL WALL AREA =	1115 square ft. (103.6 S.M.)
LIMITING DISTANCE=	4'-0" FT.
ALLOWABLE OPENINGS =	78.0 S.F.(7.2 SM.)
ACTUAL OPENINGS =	76.2 S.F

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