

Memorandum to the City of Markham Committee of Adjustment

November 3, 2022

File: A/083/22
Address: 14 Dynasty Drive, Markham
Applicant: Selvamalar Nanthakumar and Nanthakumar Kathiravelu
Agent: Juara Design Studio (Raj Balasundaram)
Hearing Date: Wednesday, November 9, 2022

The following comments are provided on behalf of the Central District team.

The Applicant is requesting relief from the following “Tenth Density – Single-Detached Residential (R10)” zone requirements under By-law 90-81, as amended, as it relates to a proposed secondary suite (basement apartment). The variance requested is to permit:

a) Amending By-law 51-94, Section 1.3(b):

an accessory dwelling unit, whereas the By-law permits no more than one dwelling unit on a lot.

BACKGROUND

Property Description

The 318 m² (3,423 ft²) subject property is located on the north side of Dynasty Drive, generally west of Ingram Road and east of Cartmel Drive (refer to Appendix “A” – Aerial Photo). The subject lands are located within an established residential neighbourhood comprised primarily of two-storey detached dwellings. There is an two-storey detached dwelling on the property, which was constructed in 2003 according to assessment records.

Proposal

The Applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposal also includes two new egress windows, with direct and separate access provided by an existing entrance located at the rear of the dwelling (refer to Appendix “B” – Plans).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18). The subject lands are designated “Residential Low Rise”, which permits 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. 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. Planning staff have had regard for the requirements of the establishment of secondary suites criteria in the preparation of the comments provided below.

Zoning By-Law 90-81

The subject lands are zoned “Tenth Density – Single-Detached Residential (R10)” under By-law 90-81, as amended, which permits single detached dwellings. The

proposed development does not comply with the By-law with respect to the proposed accessory dwelling unit.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on June 9, 2022 to confirm the variances required for the proposed development.

COMMENTS

The *Planning Act* 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 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 Suite

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.

EXTERNAL AGENCIES

York Region Comments

York Region provided comments on the subject application, requesting confirmation that adequate water supply and sewage capacity has been allocated for the proposed dwelling. Staff recommend a condition be added requiring the Applicant satisfies this requirement prior to the issuance of a building permit.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 3, 2022. 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.

APPENDICES

Appendix “A” – Aerial Photo

Appendix “B” – Plans

Appendix "C" – A/083/22 Conditions of Approval

PREPARED BY:

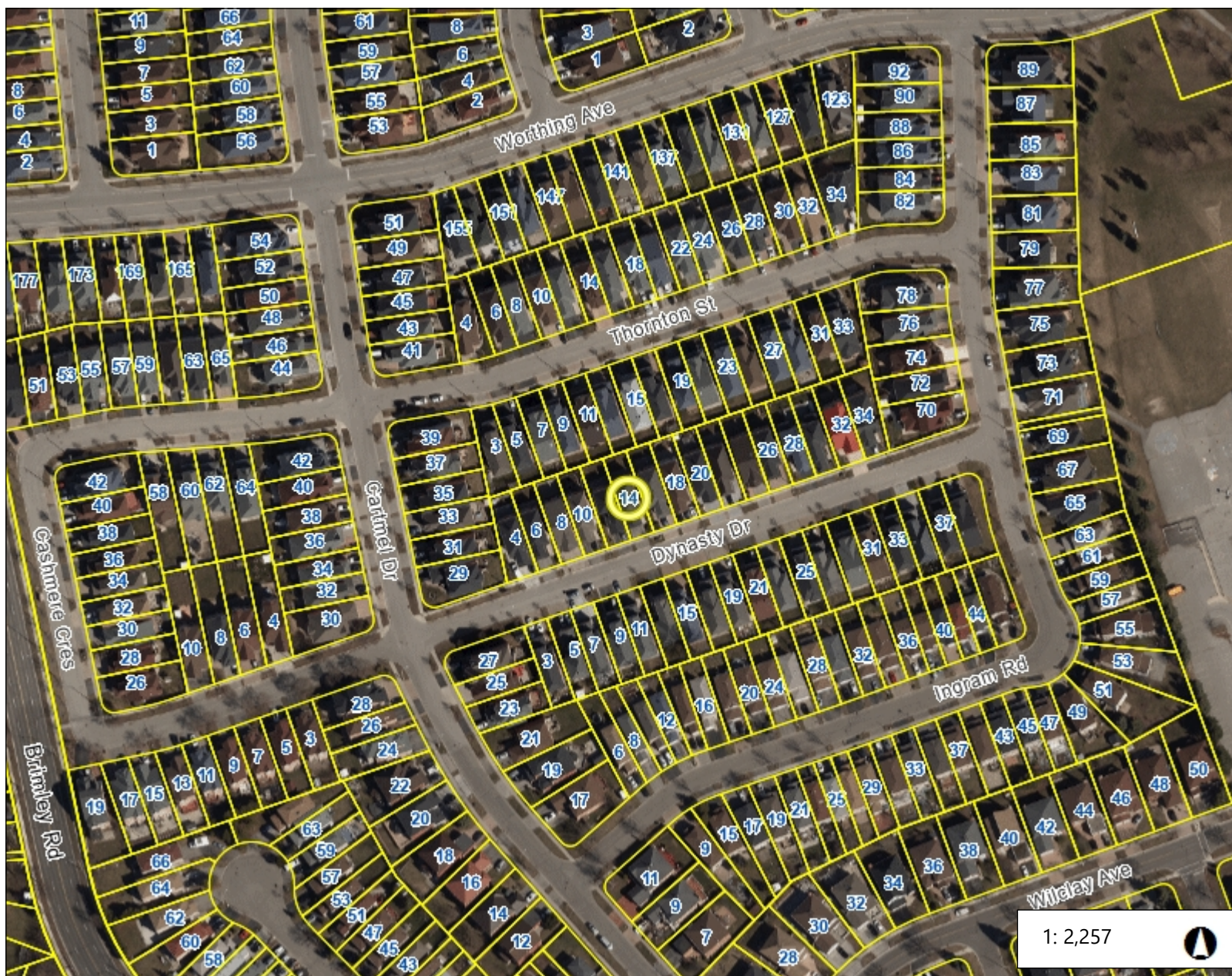
A handwritten signature in black ink that reads "Hussnain Mohammad". The signature is written in a cursive style with a large, stylized 'H' and 'M'.

Hussnain Mohammad, Development Technician, Zoning and Special Projects

REVIEWED BY:

A handwritten signature in purple ink that reads "Deanna". The signature is written in a cursive style with a large, stylized 'D'.

Deanna Schlosser, MCIP RPP, Senior Planner, Central District



Legend

 Subject Lands

1:2,257



114.7 0 57.33 114.7 Meters

NAD_1983_UTM_Zone_17N
© City of Markham

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

SECOND UNIT DWELLING

14 DYNASTY DRIVE MARKHAM

GENERAL NOTES -

- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE ONTARIO BUILDING CODE, O.REG. 332/12; AND ANY CONSTRUCTION CHANGES MADE THAT ARE NOT A PART OF THE ISSUED REVIEWD PERMIT DRAWINGS WILL REQUIRE AN ADDITIONAL REVISION PERMIT.
- EXCEPT FOR PERMITTED OPENINGS SUCH AS TIGHTLY FITTER ELECTRICAL OUTLET BOXES, CERTAIN DUCT; FIRE SEPARATION SHALL BE CONTINOUS TO ANOTHER FIRE SEPARATION, EXTERIOR WALL OR ROOF.
- DOORS IN A FIRE SEPARATION MUST BE 20 MINUTE RATED OR BE 45mm SOLID CORE WOOD DOORS WITH A SELF CLOSING DEVICE. UNRATED WOOD DOOR FRAMES MUST BE A MINIMUM OF 38mm THICK. DOOR FRAME INSTALLATION MUST BE SMOKE TIGHT.
- NEW SPRINKLER IN THE FURNACE ROOM MUST BE INSTALLED IN ACCORDANCE WITH THEIR LISTING, SPRINKLER PIPING SHALL BE A RESIDENTIAL FULL FLOW-THROUGH SYSTEM CONSISTING OF MIN. 3/4" COPPER OF PEX SUPPLY PIPE AND FITTINGS.
- SMOKE ALARMS SHALL BE INSTALLED ON OR NEAR THE CEILING AND IN CONFORMANCE WITH CAN/ULC-S553, "INSTALLATION OF SMOKE ALARMS". SMOKE SHALL INCLUDE A VISUAL SIGNALING COMPONENT AND BE HARDWIRED AND INTERCONNECTED IN ACCORDANCE WITH THE REVIEWED DRAWINGS. SMOKE ALARMS SHALL HAVE BATTERY BACKUP POWER CAPABLE OF LASTING FOR 7 DAYS WHILE IN THE NORMAL CONDITION, FOLLOWED BY 4M MINUTES OF ALARM SIGNALING.
- BATTERY POWERED EMERGENCY LIGHTING UNITS CONFORMING TO CSA C22.2 No. 14. 'EMERGENECY LIGHTING EQUIPMENT' SHALL BE PROVIDED IN ALL COMMON MEANS OF ESCAPE.
- PROVIDE CARBON MONOXIDE ALARMS CONFORMING TO CAN/CSA-6.19,"RESIDENTIAL CARBON MONOXIDE ALARMING DEVICES" ADJACENT TO EACH SLEEPING AREA WITHIN EACH DWELLING UNIT. CARBON MONOXIDE ALARMS MAY BE HARDWIRED BATTERY OPERATED OR THE TYPE THAT CAN BE PLUGGED INTO AN ELECTRICAL OUTLET.
- ELECTRICAL WORK MUST BE INSPECTED BY THE ELCTRICAL SAFETY AUTHORITY.

* CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK SITE AND REPORT DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING.
* ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF CONSULTANTS AND MUST BE RETURNED AT THE COMPLETION OF WORK.
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* DRAWINGS ARE NOT TO BE SCALED.

Appendix B

File:

22.119469.000.00.MNV

Date:

11/03/22

MM/DD/YY

LICENSED PROFESSIONAL ENGINEER

J. Sathiyavādivel

100060934

JUNE 15/2022

PROVINCE OF ONTARIO

14 DYNASTY DRIVE MARKHAM	RELEASED FOR BUILDING PERMIT * CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK SITE AND REPORT DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING. * ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF CONSULTANTS AND MUST BE RETURNED AT THE COMPLETION OF WORK. * THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY THE CONSULTANT. * DRAWINGS ARE NOT TO BE SCALED.			Drawing Title:	GENERAL NOTES AND LEGEND			Drawing Number
					Date:	10/APR/2022		
					Scale :	N.T.S		

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Appendix B

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LEGEND

<div>W1</div>	- EXISTING CONC. WALL - 2X4 STUD W/ R-12 INSULATION (EX.) - 6MIL POLY VAPOR BARRIER (EX.) - 12.9mm DRYWALL (EX.)	<div></div>	LIGHT FIXTURE
<div>W2</div>	INTERIOR DRYWALL PARTITION (15 min.) - 12.9mm GYPSUM BOARD - 2"X4" OR 2"X6" STUDS @400 O.C. - 12.9mm GYPSUM BOARD	<div></div>	EXHAUST FAN
<div>W3</div>	INTERIOR DRYWALL PARTITION (30min.) - 12.9mm GYPSUM BOARD - 2"X4" OR 2"X6" STUDS @400 O.C. WITH 3.5" THICK ABSORPTIVE MATERIAL - 12.9mm GYPSUM BOARD	<div></div>	AIR REGISTER COMPLIANCE WITH OBC DIV B 9.33.3.1(1)
<div>C1</div>	- UNDERSIDE THE STAIRS TO BE 30MIN.FIRE RATED- 15.9mm TYPE X DRYWALL W/75mm MINERAL WOOL BATT INSULATION ABOVE BOARD	<div></div>	RETURN AIR GRILL
<div>D1</div>	34"X80" DOOR-WEATHER STRIP W/8.33SQ.FT GLASS AREA IN UPPER HALF OF THE DOOR	<div></div>	SMOKE ALARMS
<div>D2</div>	32"X80" WOODEN DOOR	<div></div>	CARBON MONOXIDE DETECTOR
<div>D3</div>	32"X80" 20MIN FIRE RATE AND SELF CLOSING DOOR	<div></div>	SPRINKLER
<div>D4</div>	20"X72" SLIDING DOOR	<div>DSD</div>	DUCT TYPE SMOKE DETECTOR
<div>D5</div>	20"X72" DOUBLE DOOR	<div>M</div>	WATER METER
		<div></div>	EMERGENCY LIGHTING
		<div></div>	DUPLEX RECEPTACLE OUTLET
		<div></div>	GROUND FAULT CURRENT INTERRUPTER RECEPTACLE OUTLET
		<div></div>	RANGE RECEPTACLE OUTLET
		<div></div>	LIGHT SWITCH
		<div></div>	THREE WAY SWITCH AT THE TOP AND BOTTOM OF STAIR

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HOUSE OWNER:

Drawing Title: LEGEND

Date: 10/APR/2022

Scale : N.T.S

Drawing Number

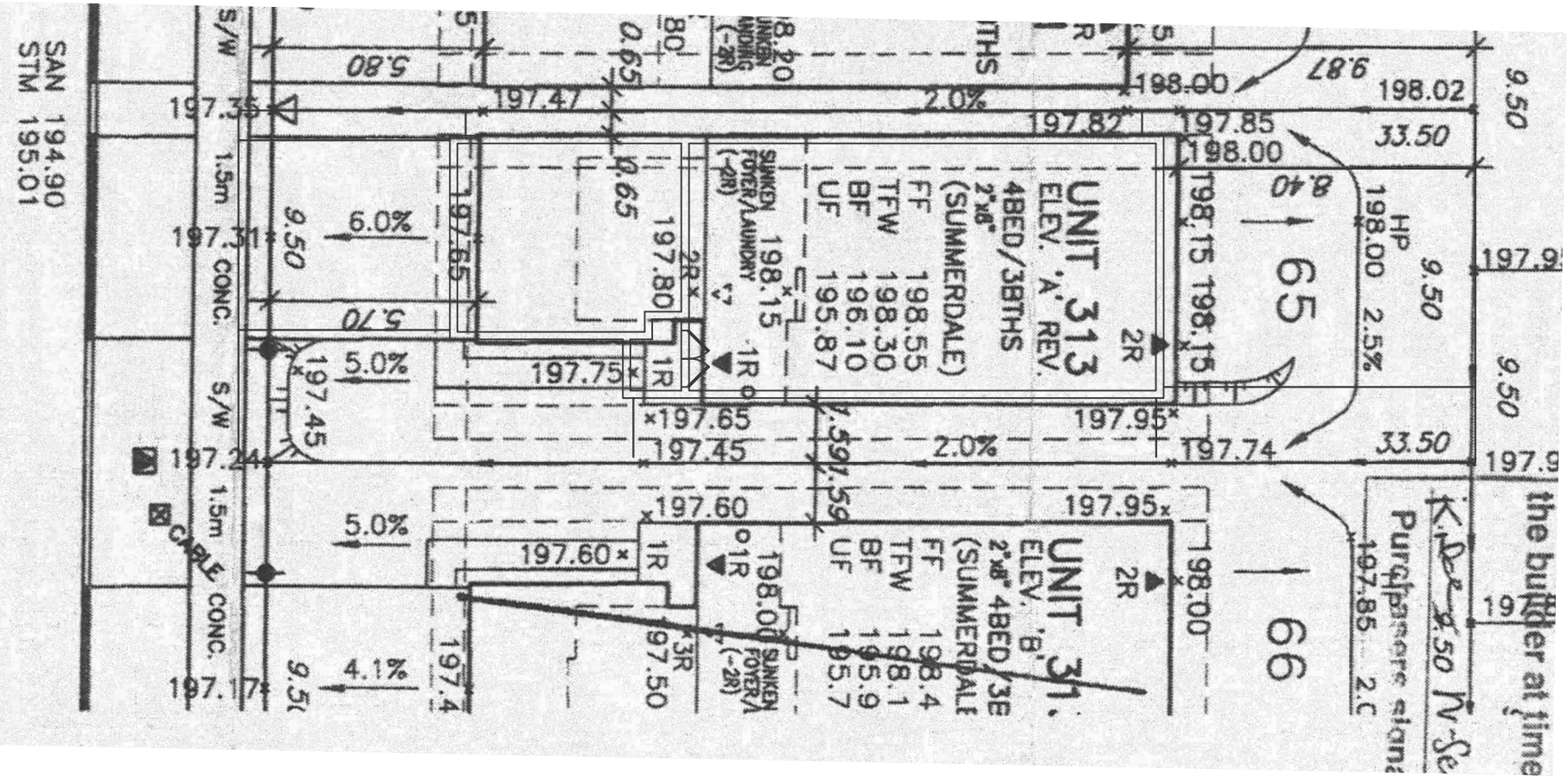
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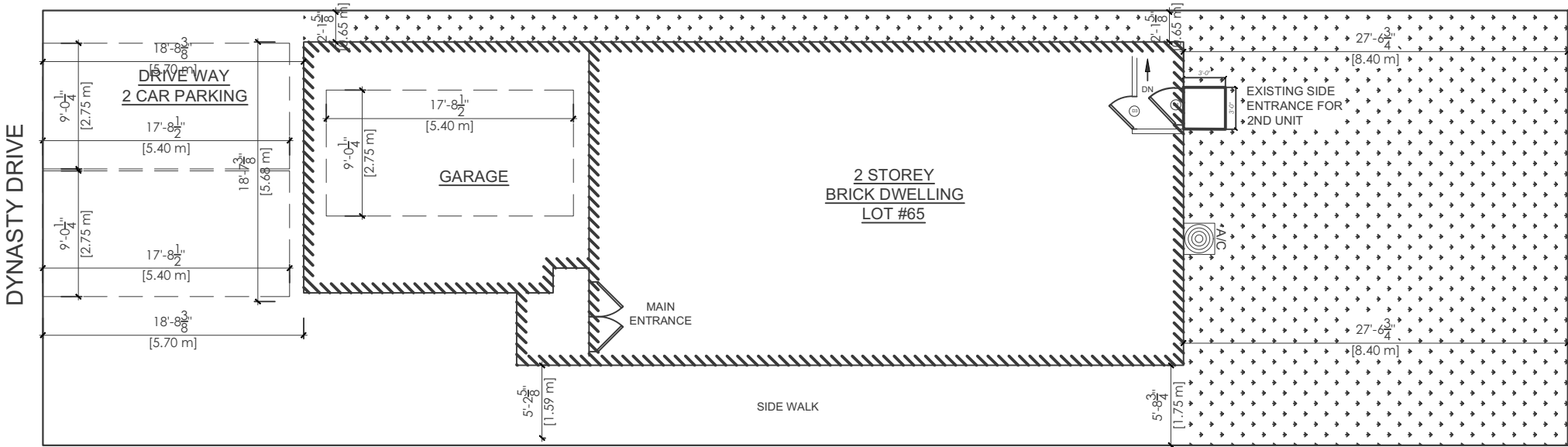
14 DYNASTY DRIVE MARKHAM	RELEASED FOR BUILDING PERMIT CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK SITE AND REPORT DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF CONSULTANTS AND MUST BE RETURNED AT THE COMPLETION OF WORK. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY THE CONSULTANT. DRAWINGS ARE NOT TO BE RESEALED.			HOUSE OWNER:	Drawing Title:	SITE SURVEY	
					Date:	04/MAY/2022	
					Scale :	N.T.S	

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HOUSE OWNER:

Drawing Title: SITE PLAN

Date: 04/MAY/2022

Scale : 1/8" = 1'-0"

Drawing Number

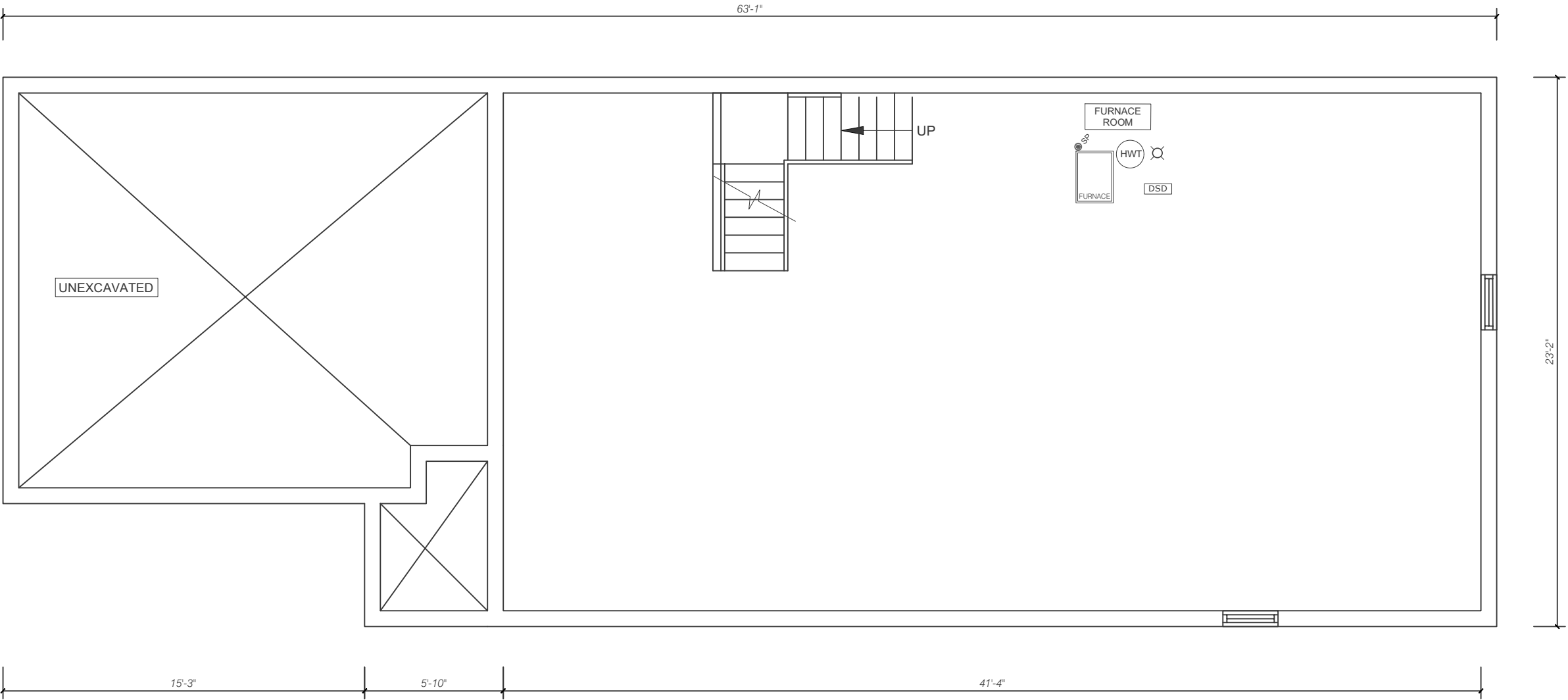
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HOUSE OWNER:

Drawing Title: EXISTING BASEMENT

Date: 04/MAY/2022

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

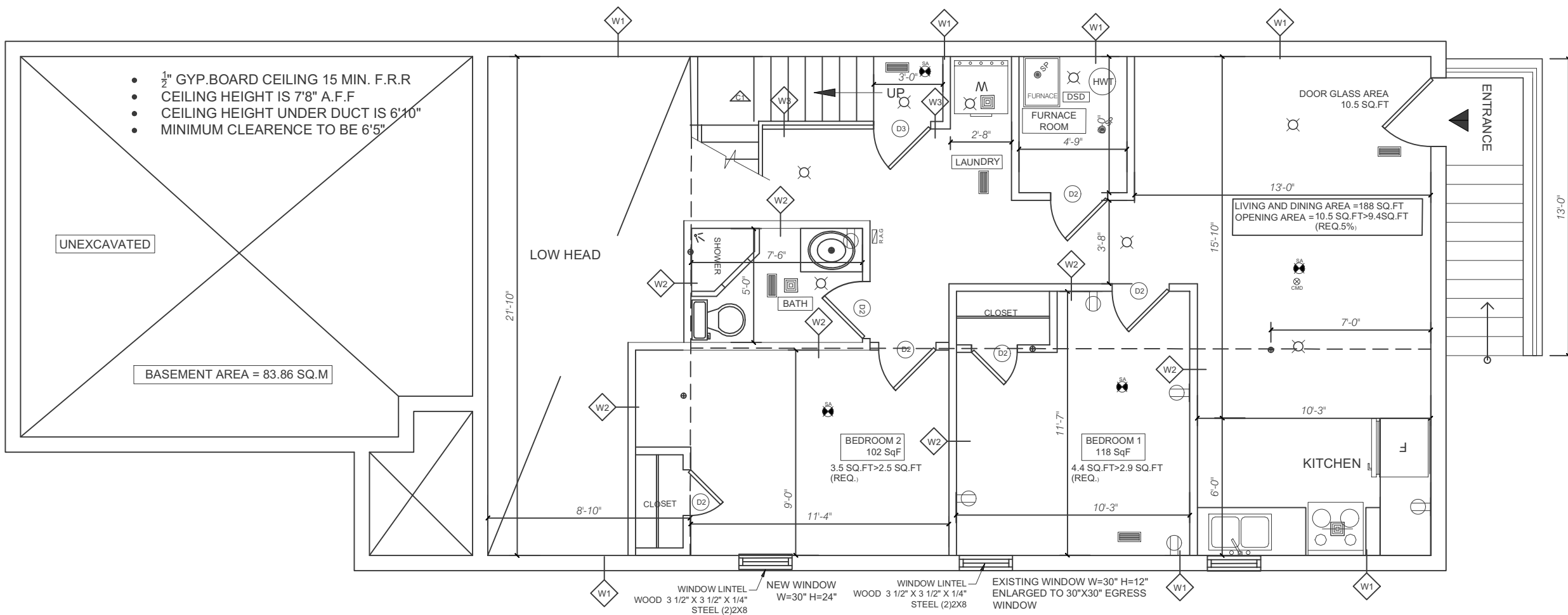
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HOUSE OWNER:

Drawing Title:

PROPOSED BASEMENT PLAN

Date:

04/MAY/2022

Scale :

3/16" = 1'-0"

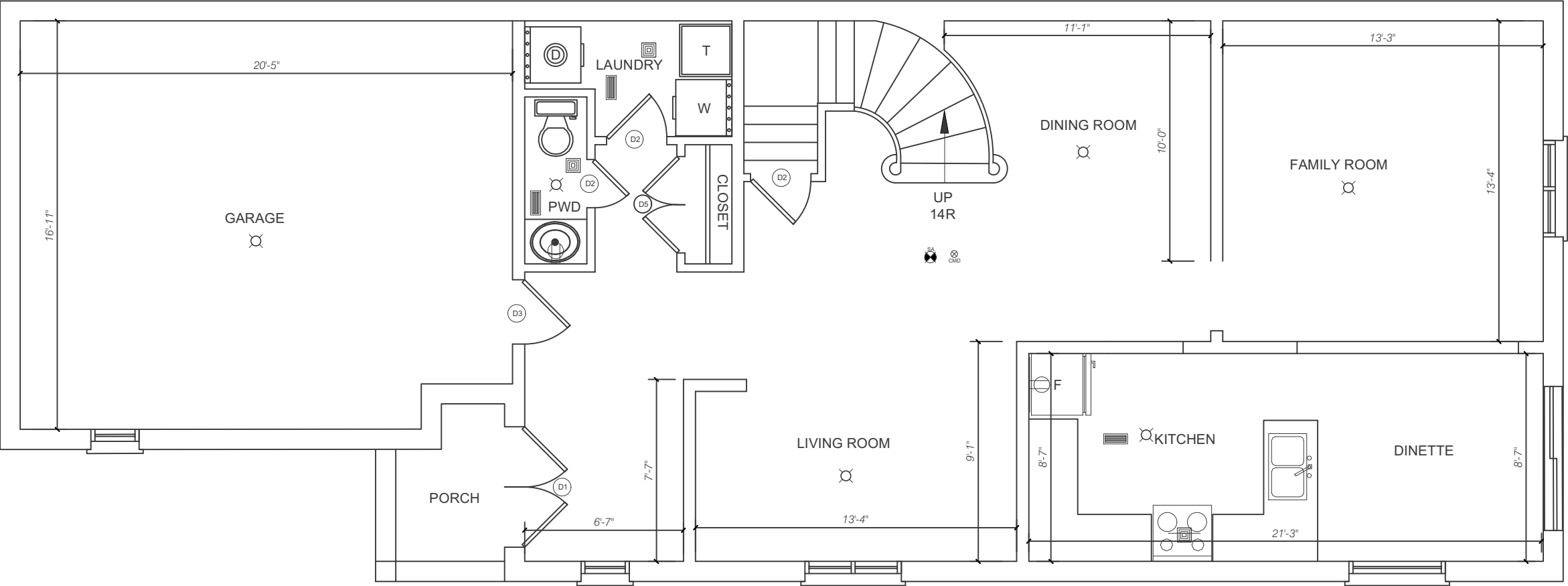
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HOUSE OWNER:

Drawing Title: GROUND FLOOR PLAN

Date: 04/MAY/2022

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

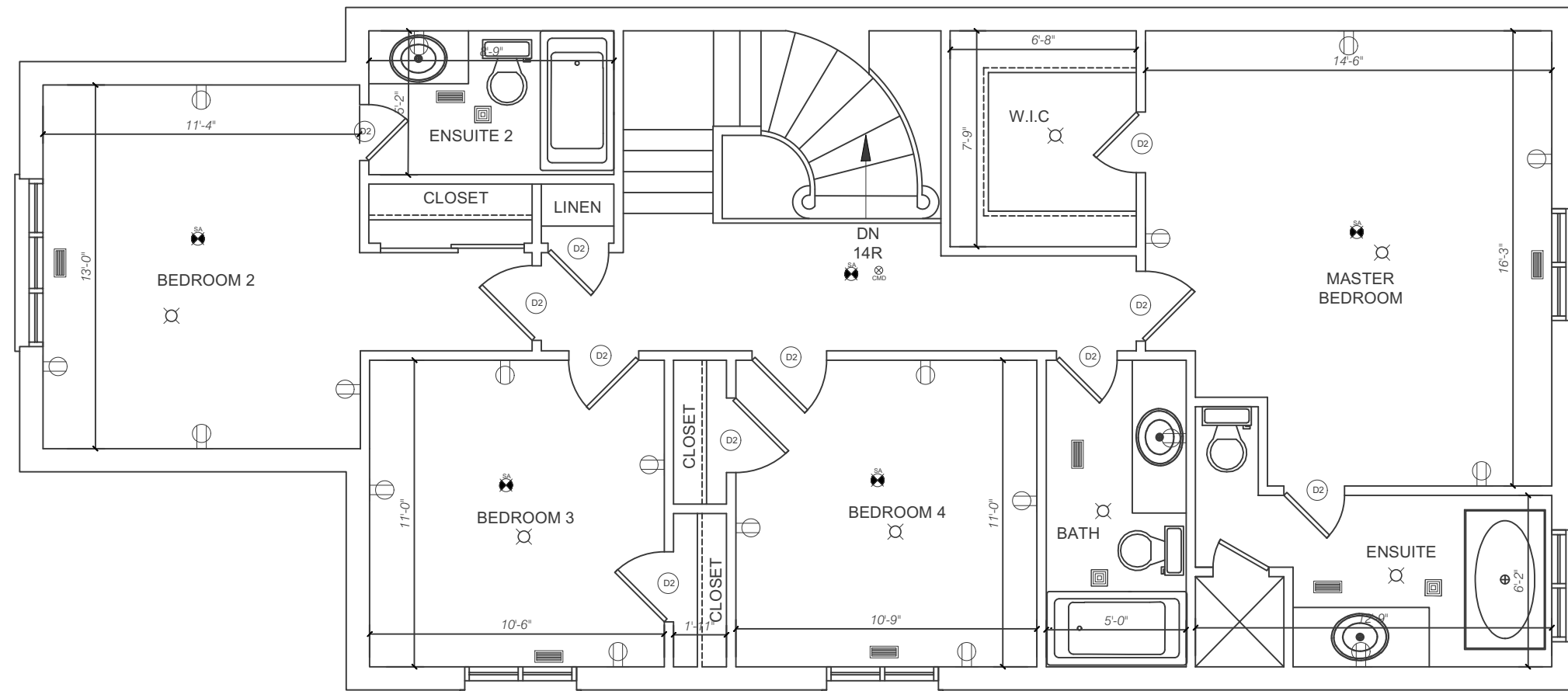
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HOUSE OWNER:

Drawing Title: 2ND FLOOR PLAN

Date: 04/MAY/2022

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

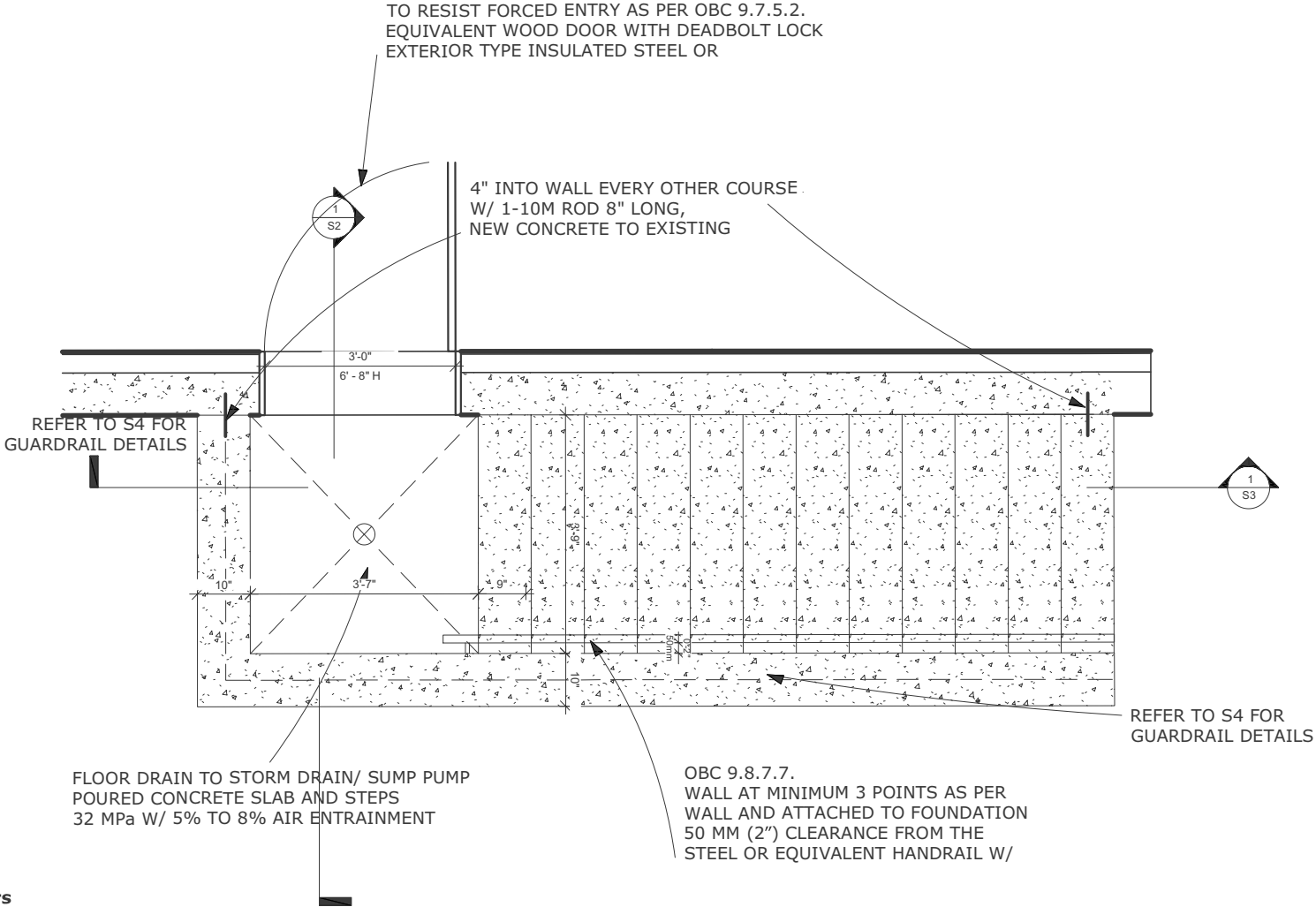
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9.7.5.2. Resistance to Forced Entry for Doors

- (1) this Article applies to,
- (a) swinging entrance doors to dwelling units,
- (2) Doors, frames and hardware that conform to a security level of at least Grade 10 as described in the Annex to ASTM F476, "Security of Swinging Door Assemblies", are not required to conform to Sentences (3) to (7).
- (3) Except as provided in Sentence (2), wood doors described in Sentence (1) shall,
- (a) be solid core or stile-and-rail type,
- (b) be not less than 45 mm thick, and
- (c) if of the stile-and-rail panel type, have a panel thickness of not less than 19 mm, with a total panel area not more than half of the door area.
- (4) Except as provided in Sentence (2), doors described in Sentence (1) shall be provided with,
- (a) a deadbolt lock with a cylinder having no fewer than five pins, and
- (b) a bolt throw not less than 25 mm long, protected with a solid or hardened free-turning ring or bevelled cylinder housing.
- (5) Except as provided in Sentence (2), an inactive leaf in double doors used in locations specified in Sentence (1) shall be provided with heavy-duty bolts top and bottom having an engagement of not less than 15 mm.
- (6) Except as provided in Sentence (2), hinges for doors described in Sentence (1) shall be fastened,
- (a) to wood doors with wood screws not less than 25 mm long and to wood frames with wood screws such that at least two screws per hinge penetrate not less than 30 mm into solid wood, or
- (b) to metal doors and metal frames with machine screws not smaller than No. 10 and not less than 10 mm long.
- (7) Except as provided in Sentence (2), strikeplates for deadbolts described in Sentence (4) shall be fastened,
- (a) to wood frames with wood screws that penetrate not less than 30 mm into solid wood, or
- (b) to metal frames with machine screws not smaller than No. 8 and not less than 10 mm long.
- (9) Solid blocking shall be provided on both sides at the lock height between the jambs for doors described in Sentence (1) and the structural framing so that the jambs will resist spreading by force.

9.7.4. Manufactured Windows, Doors and Skylights

9.7.4.1. Application

- (1) This Subsection applies to windows, doors and skylights that are within the scope of AAMA/WDMA/CSA 101/I.S.2/A440, "NAFS - North American Fenestration Standard/Specification for Windows, Doors, and Skylights".

9.7.4.2. General

- (1) Manufactured and pre-assembled windows, doors and skylights and their installation shall conform to,
- (a) AAMA/WDMA/CSA 101/I.S.2/A440, "NAFS - North American Fenestration Standard/Specification for Windows, Doors, and Skylights",
- (b) CSA A440S1, "Canadian Supplement to AAMA/WDMA/CSA 101/I.S.2/A440, NAFS - North American Fenestration Standard/Specification for Windows, Doors, and Skylights",
- (c) this Subsection, and
- (d) the applicable requirements in Subsection 9.7.6.

9.7.4.3. Performance Requirements

- (1) Performance grades for windows, doors and skylights shall be selected according to CSA A440S1, "Canadian Supplement to AAMA/WDMA/CSA 101/I.S.2/A440, NAFS - North American Fenestration Standard/Specification for Windows, Doors, and Skylights" so as to be appropriate for the conditions and geographic location in which the window, door or skylight will be installed.
- (2) Windows, doors and skylights shall conform to the performance grades selected under Sentence (1) when tested in accordance with AAMA/WDMA/CSA 101/I.S.2/A440, "NAFS - North American Fenestration Standard/Specification for Windows, Doors, and Skylights".
- (3) The minimum level of performance required for windows, doors and skylights shall be that of the Performance Class R.
- (4) Exterior wood doors shall conform to CAN/CSA-O132.2 Series, "Wood Flush Doors" and shall have legibly indicated on them,
- (a) the name of the manufacturer,
- (b) the standard to which they were produced, and
- (c) that they are of an exterior type

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HOUSE OWNER:

Drawing Title: STAIR PLAN

Date: 04/MAY/2022

Scale : 3/8" = 1'-0"

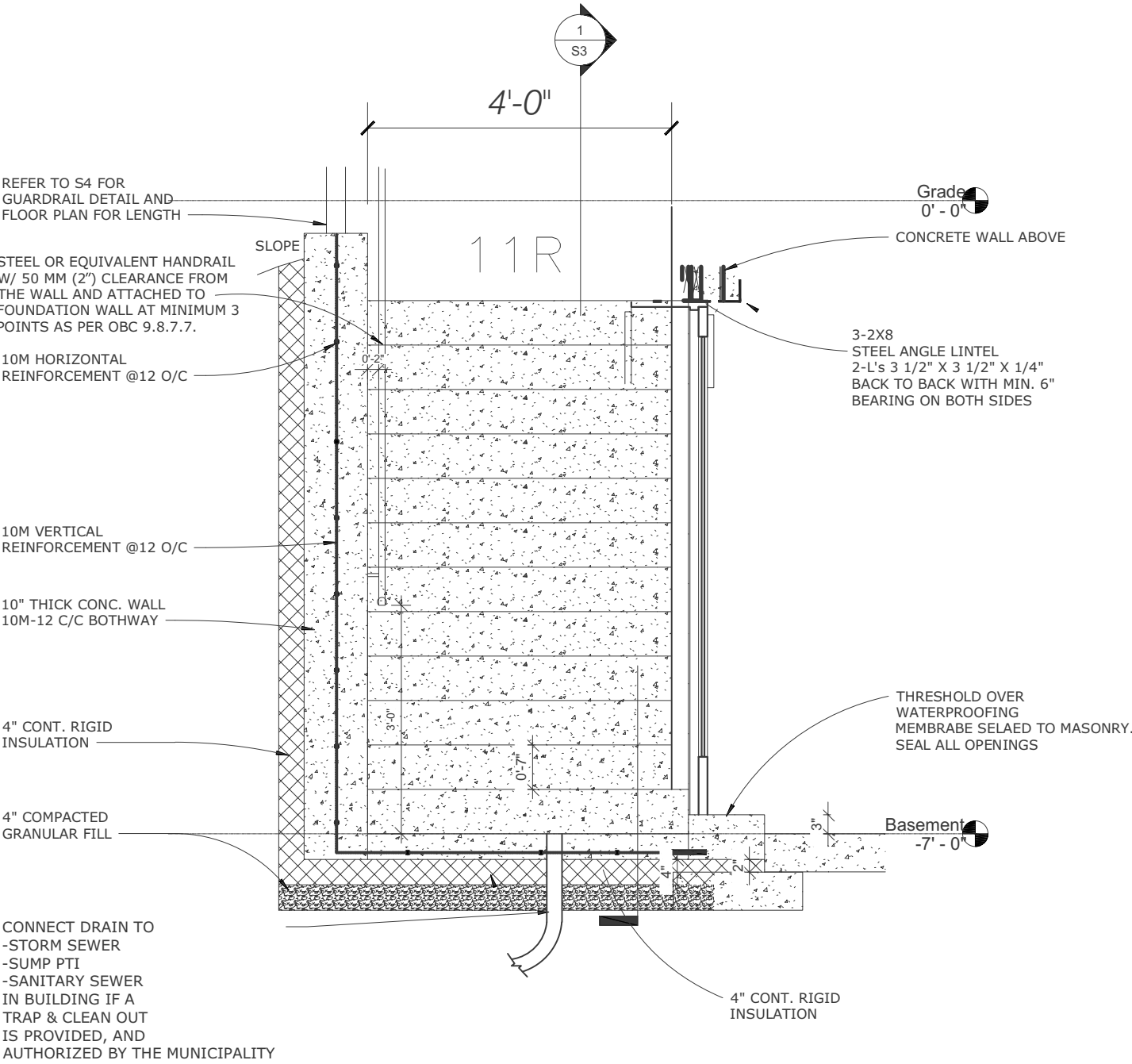
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S1



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HOUSE OWNER:

Drawing Title: STAIR SECTION

Date: 04/MAY/2022

Scale: 1/2" = 1'-0"

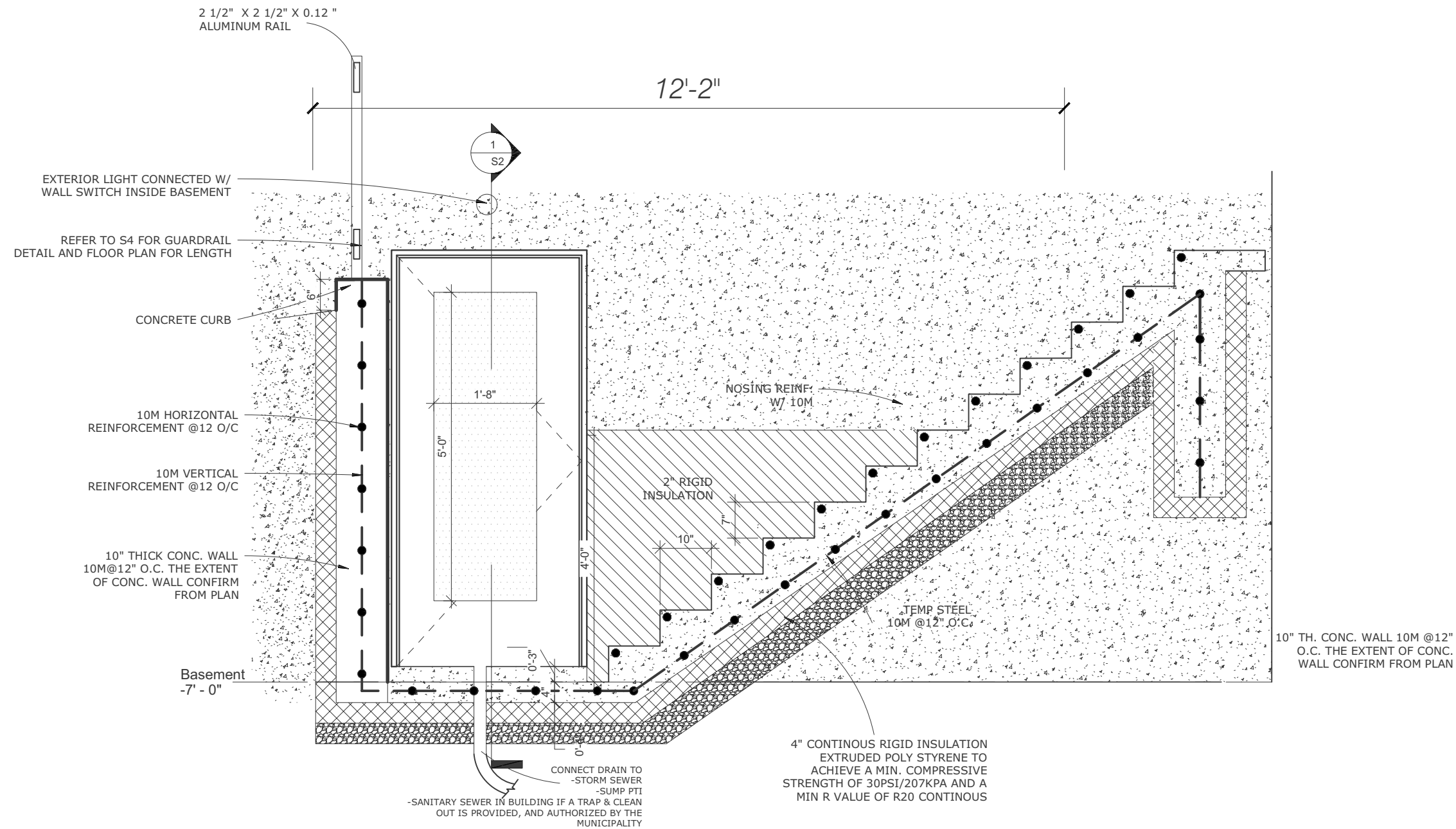
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HOUSE OWNER:

Drawing Title: STAIR AT DOOR

Date: 04/MAY/2022

Scale: 1/2" = 1'-0"

Drawing Number

S3

GUARD SPECIFICATIONS

GENERAL NOTES-

1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH ONTARIO BUILDING CODE AND REGULATIONS
2. MATERIALS TO BE AS FOLLOWS
 - 2.1 CONCRETE 32MPa at 28 days with 5%-8% AIR ENTERTAINMENT
 - 2.2 REINFORCEMENT STEEL, CSA G30. 18M. GRADE 400
 - 2.3 GROUT TO HAVE MINIMUM COMPRESSIVE STRENGTH AYT 28 DAYS OF 1500 PSI
 - 2.4 2" & 4" STROFOAM SM INSULATION MANUFACTURED BY DOW CHEMICALS CANADA W/ THE FOLLOWING PHYSICAL PROPERTIES:
 - 2.4.1 THERMAL RESISTANCE PER INCH: R-VALUE 5.0
 - 2.4.2 COMPRESSIVE STRENGTH : 30PSI, 210 KPa
 - 2.5 BACKFILL TO BE OPS GRANULAT B1, OR SUITABLE EXCAVATED MATERIAL
3. ELECTRIC FEED FOR THE LIGHT TO BE SEPARATE FROM ANY OTHER SWITCHED CIRCUIT.
4. EXTERIOR DOOR SHALL CONFIRM TO STANDSRD AS PER OBC AND RESIST FORCE ENTRY.
OBC DIV.B.9.7.5.2

2 1/2" X 2 1/2" X 0.12 " ALUMINUM RAIL

3" X 3" X 0.12 " ALUMINUM POST

3/4" X 3/4" X 0.12 " ALUMINUM PICKET

ALL COMPONENTS TO BE MECHANICALLY FASTENED

ANCHOR BOLT HILTI KB3 OR/EQUAL
SS3/8" x 2 1/2" EMBEDMENT

5 1/2" X 5 1/2" POST PLATE FOR FLOOR MOUNT

5 1/2" X 5 1/2" POST PLATE
(POST PLATE TO HAVE TWO COATS OF ASPHALT PAINT)

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HOUSE OWNER:

Drawing Title: HAND TRAIL DETAIL

Date: 04/MAY/2022

Scale : 1/2" = 1'-0"

Drawing Number

S4

APPENDIX "C"**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/083/22**

1. The variance applies only to the proposed development as long as it remains;
2. That the variance applies only to the subject development, in substantial conformity with the plan(s) attached as Appendix "B" - Plans 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 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 written confirmation be provided to the Regional Municipality of York that adequate water supply and sewage capacity has been allocated for the proposed dwelling, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction Regional Municipality of York.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Hussnain Mohammad', with a stylized initial 'H'.

Hussnain Mohammad, Development Technician, Zoning and Special Projects