

# **Memorandum to the City of Markham Committee of Adjustment**

**November 13, 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 November 13, 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 Deferral of the Application**

Staff provided comments to the Committee of Adjustment in a memorandum dated October 25, 2019 providing support for the requested variance.

Notwithstanding these comments, it has been brought to staffs attention that the plans submitted in support of the application may inaccurately depict the subject property and proposed development. The submitted site plan show the streetline of the subject property to be approximately 12.81 m (42 ft) wide, whereas the Registered Plan of Subdivision shows the streetline is only 10.0 m (32.8 ft). Consequently the side yard setbacks depicted on the site plan, which show a west side yard of 2.55 m (8.37 ft) and east side yard of 2.94 m (9.65 ft), may also be incorrect and should be confirmed prior to the Committee Adjustment considering this application.

Of particular concern is confirming the correct east side yard setback, where the access to the proposed accessory basement dwelling unit is provided. The zoning by-law requires doors accessing an interior side yard to have a minimum setback of 1.2 m (3.94 ft). If the existing setback is deficient to permit a side entrance in accordance with the by-law, a second variance would be required. The Owner should be aware that staff would have concerns with a reduced side yard setback for a door if it results in any trespass issues where individuals would have to cross onto the adjacent property to access this door.

Staff therefore recommend this variance application be deferred so that the applicant submit updated plans confirming the existing lot and building configuration, and to confirm a minimum setback of 1.2 m is being maintained for the door accessing the proposed accessory basement dwelling unit.

Prepared by:



---

Stephen Corr, Senior Planner, East District