

Memorandum to the City of Markham Committee of Adjustment

May 21, 2021

File: A/019/21
Address: 5 Jonquil Cres, Markham
Applicant: VIYA SISTERS INC. (Mayu Balasubramaniam)
Agent: VIYA SISTERS INC. (Mayu Balasubramaniam)
Hearing Date: Wednesday May 26, 2021

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

The applicant is requesting relief from the following requirements of By-law 1229, R1 – Residential One as amended. The variances requested are as follows:

a) Infill By-law 99-90, Section 1.2 (i):

a maximum height of 10.20 m (33.46 ft), whereas the By-law permits a maximum of 9.8 m (32.15 ft);

b) Infill By-law 99-90, Section 1.2 (iii):

a maximum depth of 16.97 metres (55.67 ft), whereas the By-law permits a maximum of 16.8 m (55.12 ft);

Infill By-law 99-90, Section 1.2 (vi):

a maximum floor area ratio of 51.9 percent, whereas the By-law permits a maximum of 45 percent;

c) Section 6.1:

an accessory dwelling unit, whereas the By-law does not permit the use;

as it relates to a proposed detached dwelling with a basement apartment.

BACKGROUND

Property Description

The 978.3 m² (10,530.33 ft²) subject property is located on the east side of Jonquil Crescent, north of Highway 7 and west of Hawkridge Avenue. There is an existing one-store detached dwelling on the property, with mature vegetation along the front and rear of the property. The property is located within a residential neighbourhood comprised of a mix of one and two-storey detached dwellings constructed in the 1960's. The street and surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

Proposal

The applicant is proposing to demolish the existing one-storey detached dwelling and construct a new two-storey detached dwelling with an attached two-car garage, rear deck and second-storey balcony. The applicant is also requesting permission for a secondary suite in the basement of the proposed dwelling. The proposed secondary suite would have direct and separate access provided by an entrance at the rear of the building.

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* to require Official Plans to contain policies providing for

two residential units in detached, semi-detached and rowhouse 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, 2019 (Growth Plan, 2019)

Section 2.1.4 (c) of the *Growth Plan, 2019* requires municipalities to provide a diverse range and mix of housing option including second 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 single 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 1229

The subject property is zoned R1 – “Residential One” under By-law 1229, as amended, which permits one detached dwelling per lot. The proposed secondary suite does not comply with the By-law requirements.

Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development does not comply with the infill By-law requirements with respect to maximum building depth, maximum building height and maximum floor area ratio.

Zoning Preliminary Review (ZPR) Undertaken The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on March 8, 2021. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently it is the owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- 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 Suites

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.

The City of Markham is committed to promoting affordable and shared housing opportunities. Secondary suites help the City increase the availability of affordable housing forms and provide support to achieve its affordable housing target required by the Province. Planning staff are of the opinion that the application meets the criteria under Section 8.13.8 of the 2014 Official Plan for the establishment of a secondary suite and therefore have no objections.

Increase in Maximum Floor Area Ratio

The applicant is requesting relief to permit a floor area ratio of 51.9 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey detached dwelling with a floor area of approximately 413.2 m² (4447.62 ft²), whereas the By-law permits a dwelling with a maximum floor area of approximately 358.08 m² (3,854.4 ft²). This represents an increase of approximately 55.11 m² (593.22 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling. The proposed dwelling provides more than the required setbacks and is under the maximum permitted lot coverage. While the dwelling is larger than what is permitted, the proposed gross floor area would result in a dwelling that is compatible and generally consistent with the dwellings along the street and surrounding area.

Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 10.20 m (33.46 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This represents an increase of approximately 0.4 m (1.31 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 0.39 m (1.3 ft) above the crown of road. Staff are of the opinion that the proposed variance request is appropriate for the development.

Increase in Maximum Building Depth

The applicant is requesting relief to permit a maximum building depth of 16.97 m (55.67 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). This represents an increase of approximately 0.17 m (0.56 ft).

Building depth is measured based on the shortest distance between two lines, both parallel to the front lot line, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the front lot line. The variance includes a below grade cold cellar and a one-storey covered rear porch, which add approximately 0.33 m (1.08 ft) to the overall depth of the building. The main component of the two-storey dwelling has a depth of 16.64 m (54.6 ft) which complies with the by-law requirement. Staff are of the opinion that the requested variance is minor in nature and appropriate for the development.

PUBLIC INPUT SUMMARY

As of May 21, 2021 the City of Markham received one letter of objection to the proposal as it pertains to the secondary suite. 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.

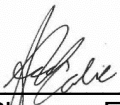
CONCLUSION

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. 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:



Aqsa Malik, Planner, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District


File Path: Amanda\File\ 21 108047 \Documents\District Team Comments Memo

APPENDIX "A"

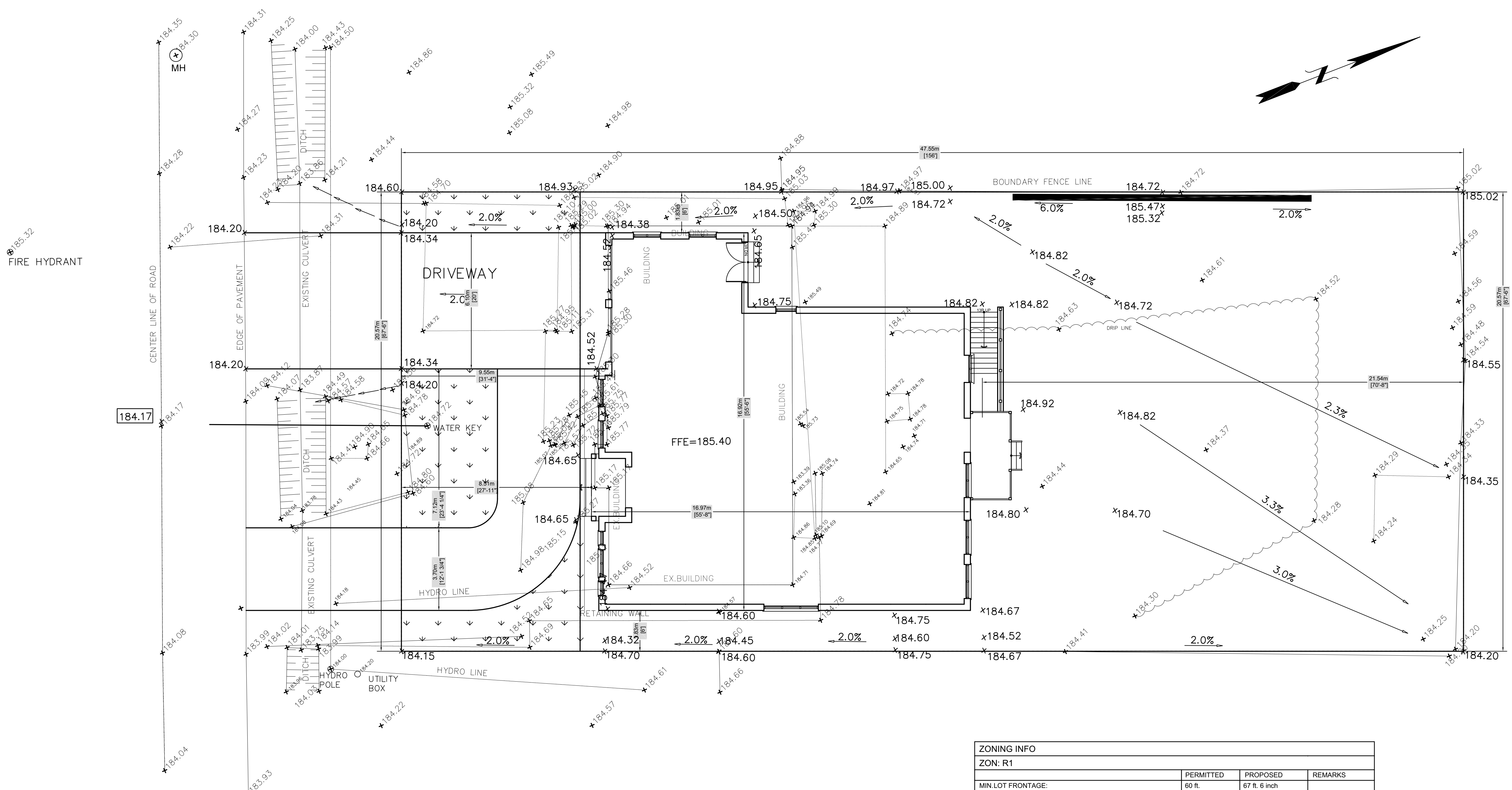
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/019/21

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 received by the City of Markham , 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; and
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.

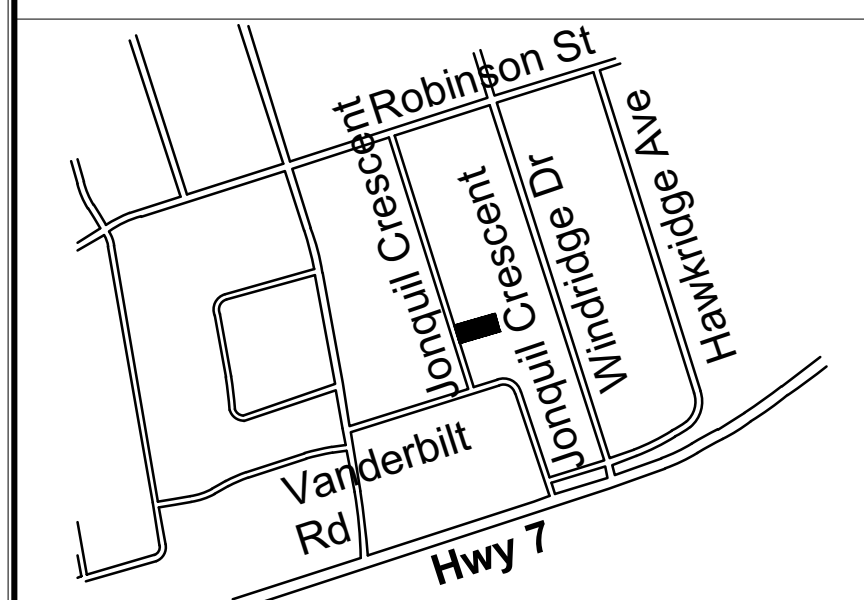
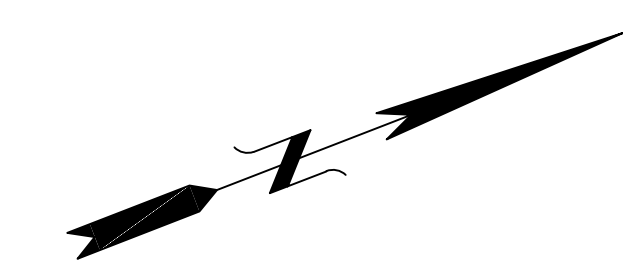
CONDITIONS PREPARED BY:



Aqsa Malik, Planner, East District

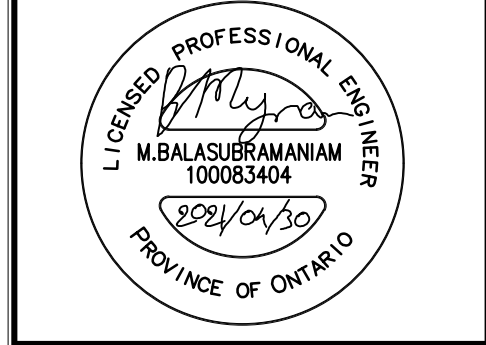


185.32
FIRE HYDRANT



GENERAL NOTES:
1) ALL DRAWINGS AND DESIGNS ARE COPYRIGHTED AND PROPERTY OF VIYA SISTERS INC. AND CANNOT BE REPRODUCED EXCEPT WITH SPECIFIC WRITTEN CONSENT FROM THE DESIGNER.
2) CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS OF THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.
3) DO NOT SCALE DRAWINGS.

NO.	DESCRIPTIONS	YYYYMMDD
R2	REVISED AS PER CITY COMMENTS	2020 / 11 / 08
R3	REVISED TO GET SUPPORT FROM COMMITTEE	2021 / 04 / 10
R4	CIRCULAR DRIVEWAY ADDED	2021 / 04 / 30



VIYA SISTERS INC.
3376 CHIPLEY CRESCENT
MISSISSAUGA ONTARIO L4T 2E2
TEL : 4162763802
FOR ALL YOUR DEVELOPMENT NEEDS
PLANNING, ENGINEERING, ARCHITECTURAL, PROJECT MANAGEMENT AND CONSTRUCTION
YOUR TEAM IS OUR PASSION

SITE:
5 JONQUIL CRESCENT MARKHAN

PROJECT:
PROPOSED NEW DWELLING UNIT

DRAWING:
SITE PLAN

DATE: OCT. 12, 2020 TOWN FILE NO.
SCALE: 1:100 DRAWING NO.
DRN BY: SG
CHK BY: MB

SP1

ZONING INFO			
ZON: R1			
	PERMITTED	PROPOSED	REMARKS
MIN LOT FRONTAGE:	60 ft.	67 ft. 6 inch	
MIN LOT AREA:	6600 ft ²	10530.33 ft ²	
MIN FRONT YARD:	25 ft.	25 ft. 3in.	
MIN SIDE YARD:	6 ft.	6 ft.	
MIN REAR YARD:	25 ft.	70 ft. 8in.	
MAX NO. OF STORIES	2	2	
MAX. BUILDING HEIGHT	9.8m	10.2m	COA REQUIRED
MAX. BUILDING DEPTH	16.8m	16.97m	COA REQUIRED
MAX. LOT COVERAGE	35% OF LOT AREA (3685.7 ft ²)	2699.51 ft ²	
MAX. NET FLOOR AREA	45% OF NET LOT AREA (3854.4 ft ²)	4447.62 ft ² (51.9%)	COA REQUIRED
MIN DWELLING UNIT FLOOR AREA	1200 ft ²	4715.75 ft ²	



FRONT ELEVATION

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NO.	DESCRIPTIONS	YYYY/MM/DD

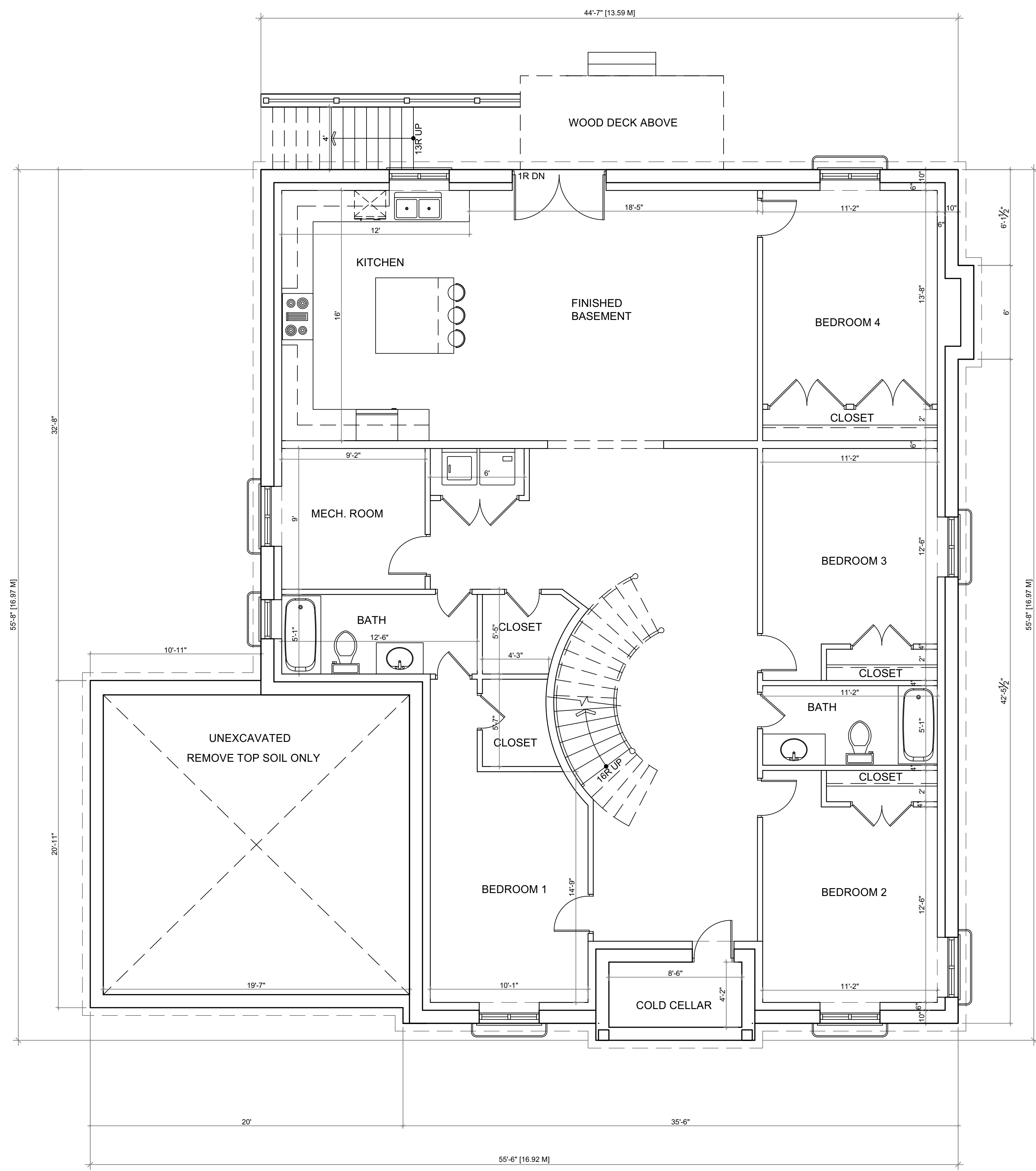

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SITE:
5 JONQUIL MARKHAM

PROJECT:
PROPOSED DETACHED
RESIDENTIAL UNIT

DRAWING:
FRONT ELEVATION

DATE: NOV 24, 2020	TOWN FILE NO.
SCALE: 1/4" = 1'	DRAWING NO.
DRN BY: TZ	<h1>A1</h1>
CHK BY: MB	



BASEMENT FLOOR PLAN

GENERAL NOTES:

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NO.	DESCRIPTIONS	YYYY/MM/DD

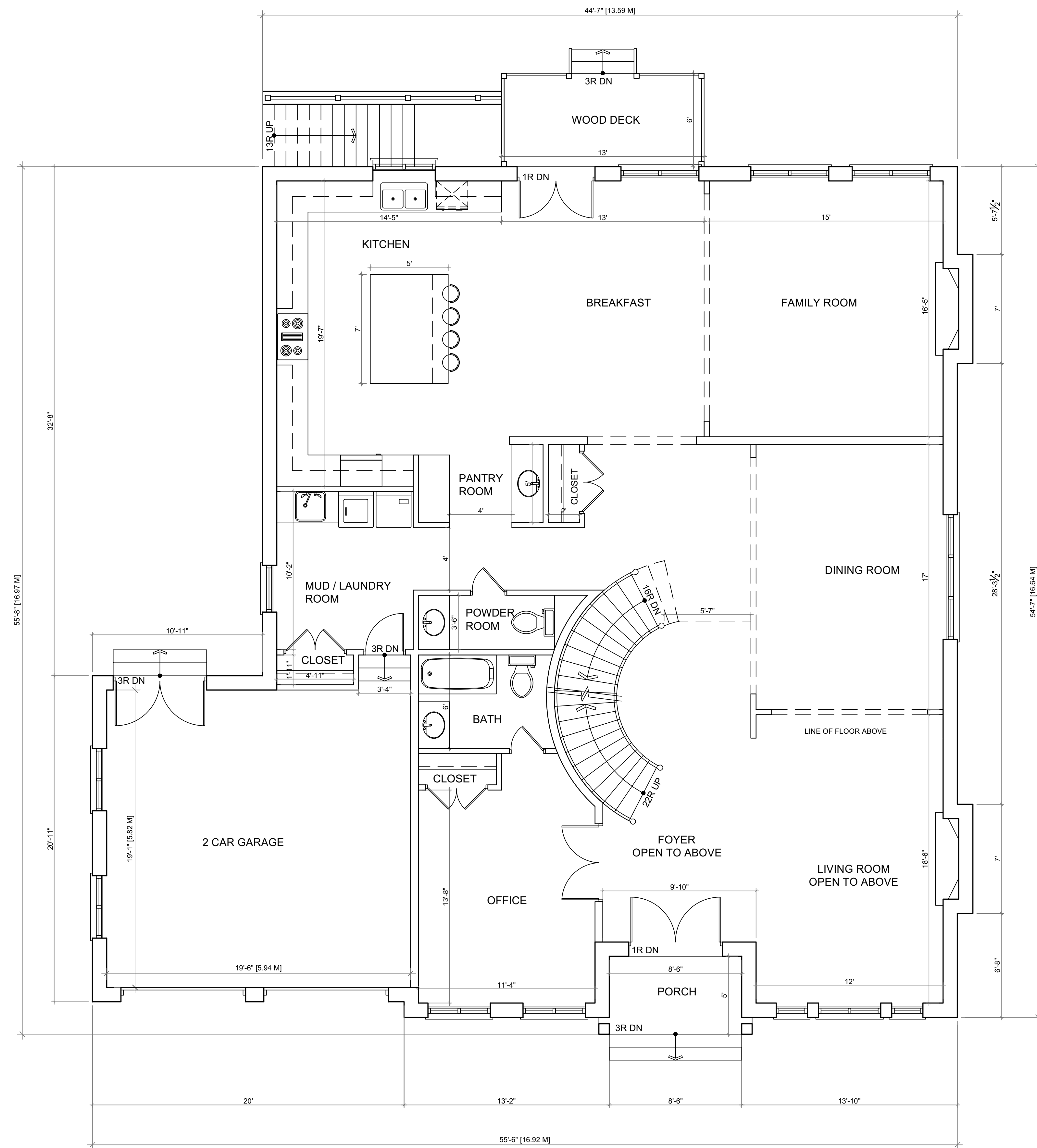
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SITE:
5 JONQUIL MARKHAM

PROJECT:
PROPOSED DETACHED RESIDENTIAL UNIT

DRAWING:
BASEMENT PLAN

DATE: NOV 24, 2020	TOWN FILE NO.
SCALE: 1/4" = 1'	DRAWING NO.
DRN BY: TZ	A2
CHK BY: MB	



GROUND FLOOR PLAN

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SITE:
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PROJECT:
 PROPOSED DETACHED
 RESIDENTIAL UNIT

DRAWING:
 GROUND FLOOR PLAN

DATE: NOV 24, 2020	TOWN FILE NO.
SCALE: 1/4" = 1'	DRAWING NO.
DRN BY: TZ	A3
CHK BY: MB	