

Memorandum to the City of Markham Committee of Adjustment

October 12, 2021

File: A/138/21
Address: 163 Russell Jarvis Drive – Markham, ON
Applicant: Jagjot Singh
Agent: HJ Architects Inc (Joanne Ying)
Hearing Date: October 20, 2021

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential Two Exception *64 (R2*64)” zone requirement under By-law 177-96, as amended, to permit:

a) By-law 177-96, Sec. 6.5:

a second dwelling unit, whereas the by-law permits no more than one dwelling unit on a lot.

BACKGROUND

Property Description

The subject property is located at the southwest corner of Russel Jarvis Drive and Red Ash Drive, north of Lady Fern Drive, and east of Rouge Bank Drive. The property is currently developed with a two-storey detached dwelling, which has a driveway and garage area that provides for a minimum of four parking spaces. The property is located within an established residential neighbourhood, and is within close proximity to the Rouge River Community Centre, local parks, and schools.

Proposal

The applicant is requesting permission for a secondary suite to be located in the basement of the existing dwelling. The proposed secondary suite would have direct and separate access provided by a new door and walk-up stairs located at the south side (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*, R.S.O. 1990, c. P.13, as amended, to require Official Plans to contain policies providing for two residential units in detached, semi-detached, and rowhouse (townhouse) 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, 2020 (Growth Plan)

Sections 2.2.1.4 (c), and 2.2.6 a) i. of the *Growth Plan* requires municipalities to provide a diverse range and mix of housing options including additional residential 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 177-96

The subject property is zoned “Residential Two Exception *64 (R2*64)” under By-law 177-96, as amended, which permits one single detached dwelling per lot.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a ZPR on September 8, 2021 to confirm the variance 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, 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

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 Official Plan for the establishment of a secondary suite, and support its approval.

PUBLIC INPUT SUMMARY

As of the writing of this report (October 12, 2021), the City received one letters expressing concerns over the worsened safety of a neighbourhood, and increased traffic, and parking space availability. 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*, and are of the opinion that the variance request meets the four tests. Staff recommend that the Committee consider public input, and the conditions of approval detailed in Appendix “A” 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:



Carlson Tsang, Senior Planner, East District

APPENDIX "A"**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/138/21**

1. The variance applies only to the subject 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 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 'Aleks Todorovski', written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

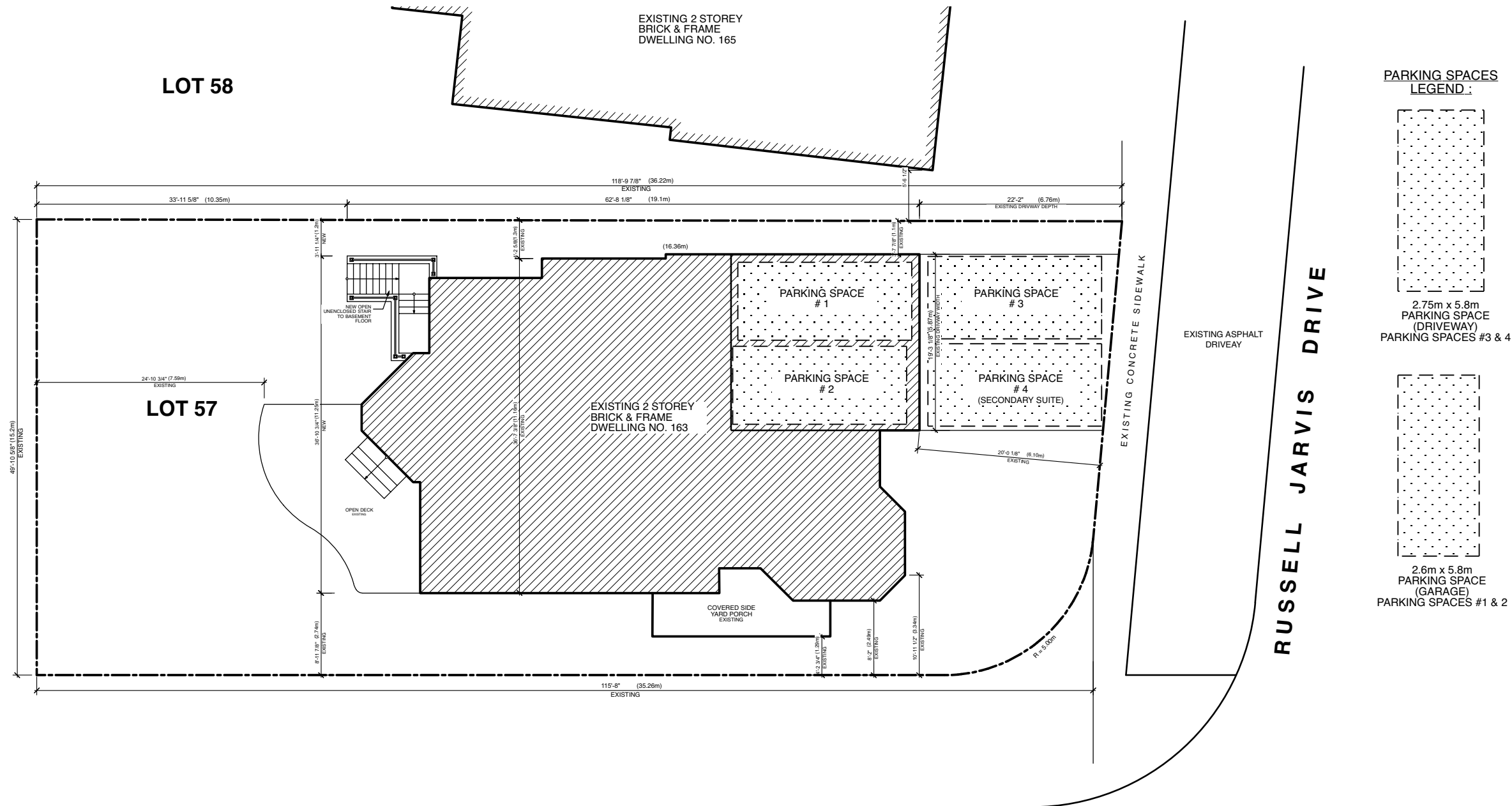
APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/138/21

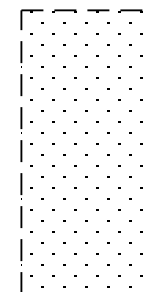
Appendix B

File: 21.137966.000.00.MNV

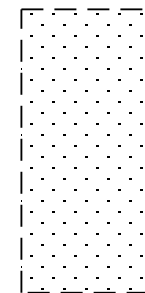
Date: 10/14/21
MM/DD/YY



PARKING SPACES LEGEND:



2.75m x 5.8m
PARKING SPACE
(DRIVEWAY)
PARKING SPACES #3 & 4



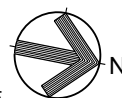
2.6m x 5.8m
PARKING SPACE
(GARAGE)
PARKING SPACES #1 & 2

GENERAL NOTE:

1. THE SITE PLAN IS BASED ON THE SURVEY PREPARED BY SCHAEFFER & DZALDOV LTD. DATED ON OCTOBER 7, 1999.
2. ALL DIMENSIONS GIVEN IN IMPERIAL (UNLESS OTHERWISE NOTED.)
3. ALL CONSTRUCTION TO COMPLY WITH MUNICIPAL BY-LAWS AND ONTARIO CODE
4. ALL DIMENSIONS AND EXISTING CONDITIONS SHALL BE VERIFIED BY THE GENERAL CONTRACTOR AT THE SITE PRIOR TO CONSTRUCTION. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY THE ARCHITECT OF ANY DISCREPANCIES BETWEEN THE SITE CONDITIONS AND THE ASSUMED DESIGN CONDITIONS PRIOR TO THE COMMENCEMENT OF CONSTRUCTIONS.
5. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CHECK ELEVATIONS OF ALL CITY SERVICES AND ESTABLISH APPROPRIATE METHODS OF DEALING WITH THOSE SERVICES.
6. THE GENERAL CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE CONSTRUCTION, METHOD OF ERECTION AND INSTALLATION PROCEDURES OF THE STRUCTURAL MEMBERS INCLUDING THE ERECTION OF STEEL BEAMS. THE GENERAL CONTRACTOR SHALL EXERCISE EXTREME CAUTION AND CARE DURING THE DEMOLITION PROCESS OF ANY EXISTING STRUCTURE AND MASONRY WALLS, BE SOLELY RESPONSIBLE TO SUPPORT ANY EXISTING STRUCTURE AND CALL THE STRUCTURAL ENGINEER FOR INSPECTION PRIOR TO CUTTING EXISTING MEMBERS OR EXISTING WALLS.
7. THE GENERAL CONTRACTOR ARE RESPONSIBLE FOR CO-ORDINATION OF PLUMBING, MECHANICAL AND ELECTRICAL IN PROCEEDING WITH WORK ON PLANS
8. PLUMBING, MECHANICAL AND ELECTRICAL SUB-CONTRACTORS TO OBTAIN ALL REQUIRED PERMITS AND APPROVALS FROM APPROPRIATE AUTHORITIES BEFORE PROCEEDING WITH WORK.

1 SITE PLAN_ZONE: R2*64 RESIDENTIAL

SCALE : 5 / 32 = 1' = 0"
LOT GRADING PLAN ORIGINALLY PREPARED FOR 163
RUSSELL JARVIS DRIVE BY COSBURN PATTERSON MATHER
LIMITED OF LOT 57 REGISTERED PLAN 19T - 94503 TOWN OF
MARKHAM REGIONAL MUNICIPALITY OF YORK



SITE LEGEND

-----PROPERTY LINE

RED DASH DRIVE

STATISTICS

ZONING	R2 RESIDENTIAL
EXISTING / PROPOSED USE	DETACHED SINGLE FAMILY DWELLING RENOVATIONS
LOT AREA	537.1 m2 (5,781 ft2)
LOT COVERAGE	195.6 m2 (2,105 ft2)
AREA CALCULATIONS	
EXISTING BASEMENT AREA	147.7 m2 (1,589.5 ft2)
EXISTING G.F.A.	GROUND FLR 149.4 m2 (1,608.2 ft2)
	SECOND FLR 148.65 m2 (1,600.05 ft2)
	SECOND FLR AREA INCLUDING MASTER RETREAT & EXCLUDING OPEN TO BELOW (O.T.B)
	TOTAL (EXISTING) 307.93 m2 (3,315 ft2)

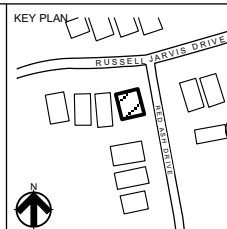
DRAWINGS ISSUED FOR MINOR VARIANCE APPLICATION

SK - 00	SITE PLAN
SK - 01	LEGAL SURVEY + OBC DATA MATRIX
SK - 02	BASEMENT FLOOR PLAN
SK - 03	GROUND FLOOR PLAN
SK - 04	SECOND FLOOR PLAN
SK - 05	SIDE ELEVATION (RED ASH AVENUE)
SK - 06	SIDE ELEVATION
SK - 07	REAR ELEVATION
SK - 07A	FRONT ELEVATION



hj architects inc.
85 forest crore court
aurora, ontario
l3x 2l6

416.628.2168
416.887.6771
info@hjarch.ca



REVISION / ISSUED TO:

NO.	DATE.	BY.
1.	07/30/21	JY
2.	08/24/21	JY
3.	09/09/21	JY

GENERAL NOTES:

- Contractors to verify all site dimensions and report any discrepancies before commencing with work.
- Dimensions shall take precedence over scale.
- No variation of modification to work shall be implemented without prior written approval.
- All plans, specifications and work is subject to Department of Labour, Fire Department and Building Department approval.
- All previous issues of this drawing are superseded.
- All prints of drawings and specifications are the property of hj architects inc. and must be returned upon project completion.

OWNER

Jagjot Singh
163 russell jarvis drive
markham, ontario
l3s 4l2

ARCHITECTURAL

hj architects inc.
85 forest crore court
aurora, ontario
l3x 2l6

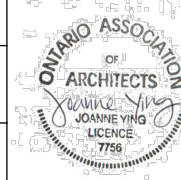
STRUCTURAL

MECHANICAL

ELECTRICAL

INTERIOR

STAMP:



PROJECT NO.

**SINGLE-DETACHED HOUSE -
BASEMENT APARTMENT**
163 RUSSELL JARVIS DRIVE,
MARKHAM ON, L3S 4L2

DRAWING TITLE

SITE PLAN

DRAWN BY:

JY

CHECKED BY:

JY

APPROVED:

JY

SCALE

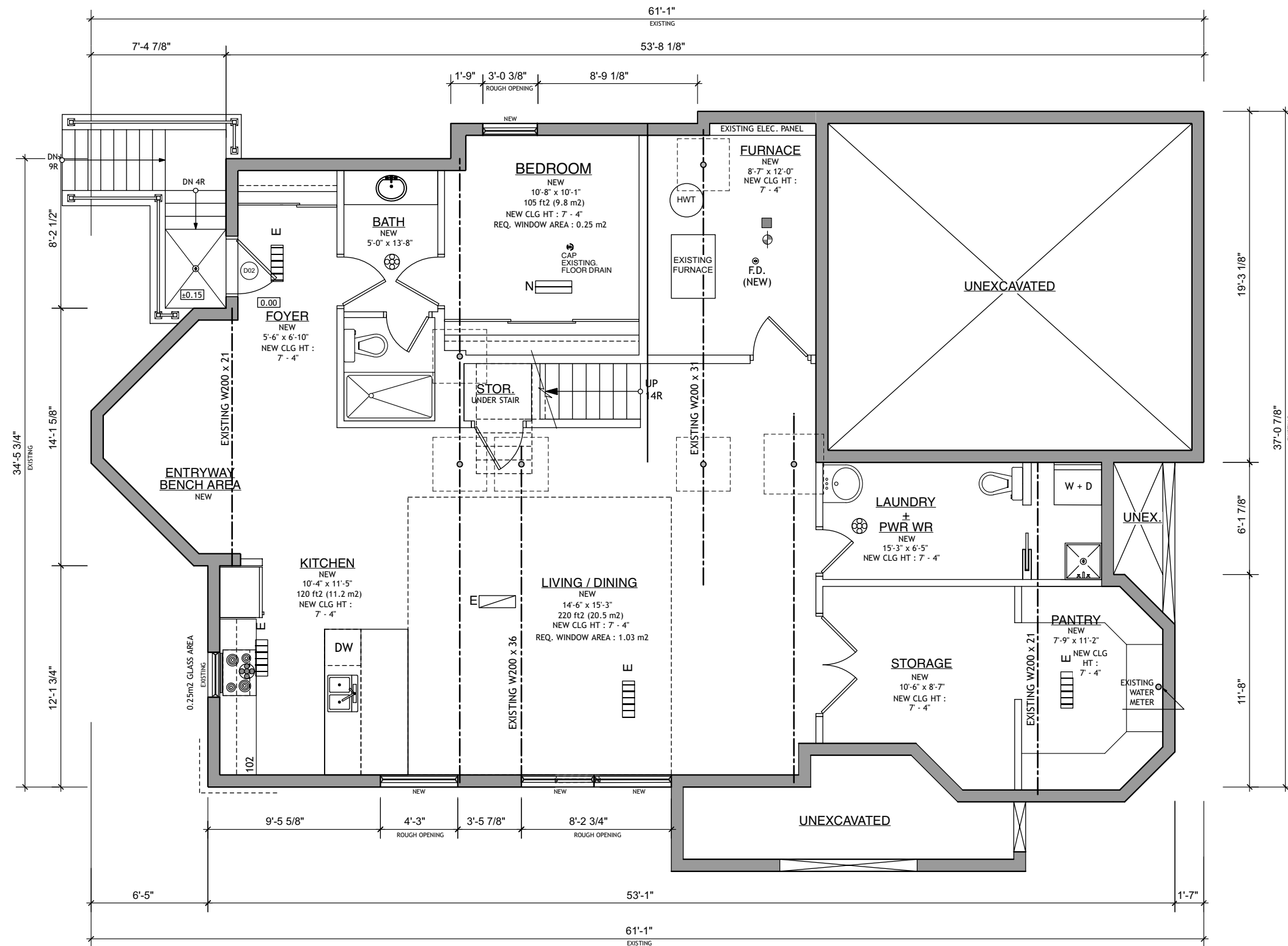
AS NOTED

DRAWING NUMBER

SK-00

Appendix B

File: 21.137966.000.00.MNV

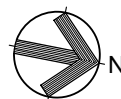
Date: 10/14/21
MM/DD/YY

1

BASEMENT FLOOR PLAN

SCALE : 1/16" = 1' - 0"

EXISTING AREA : 1,589.5 ft2 (147.7 m2)



SITE LEGEND

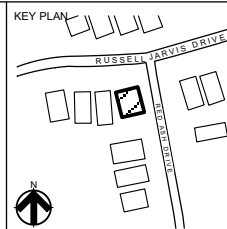
- - - - - PROPERTY LINE

WALL LEGEND

- - - - - DEMO WALL
- - - - - NEW WALL
- - - - - EXISTING WALL

hj architects inc.
85 forest creve court
aurora, ontario
l3x 2l6

416.628.2168
416.887.6771
info@hjarch.ca



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2.	08/24/21	JY
3.	09/09/21	JY

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l3s 4l2

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aurora, ontario
l3x 2l6

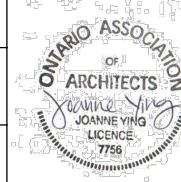
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MECHANICAL

ELECTRICAL

INTERIOR

STAMP:



PROJECT NO.

PROJECT NAME

**SINGLE-DETACHED HOUSE -
BASEMENT APARTMENT**
163 RUSSELL JARVIS DRIVE,
MARKHAM ON, L3S 4L2

DRAWING TITLE

PROPOSED BASEMENT FLOOR PLAN

DRAWN BY:

JY

CHECKED BY:

JY

APPROVED:

JY

SCALE

11 / 64" = 1' - 0"

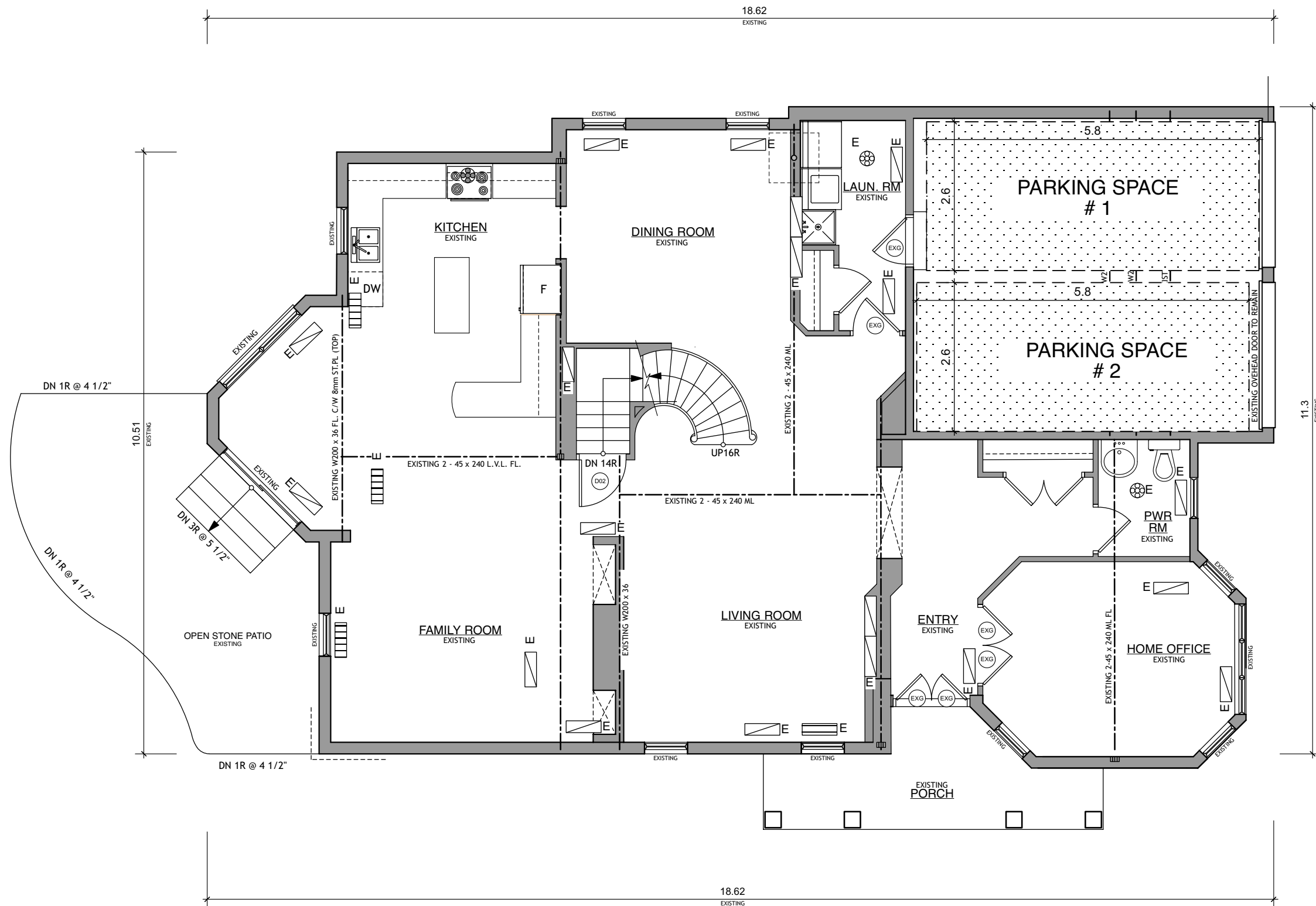
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SK-02A

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Appendix B

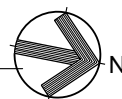
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Date: 10/14/21
MM/DD/YY

1

GROUND FLOOR PLAN

SCALE : 11 / 64 " = 1' - 0"

EXISTING AREA : 1,608.2 ft² (149.4 m²)

SITE LEGEND

- - - PROPERTY LINE

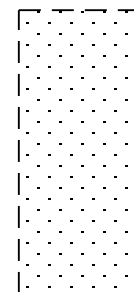
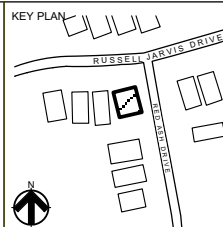
WALL LEGEND

--- DEMO WALL

= = = NEW WALL

= = = EXISTING WALL

CEILING + WALL LEGEND

E EXISTING HVAC SUPPLY GRILLE
TO BE CEILING REGISTER
E EXISTING HVAC EXHAUST GRILLE TO BE CEILING REGISTERPARKING SPACES
LEGEND :2.6m x 5.8m
PARKING SPACE
(GARAGE)
PARKING SPACES #1 & 2**hj architects inc.**
85 forest crowe court
aurora, ontario
l3x 2l6416.628.2168
416.887.6771
info@hjarch.ca

REVISION / ISSUED TO:

NO.	REVISION / ISSUED TO:	DATE	BY
1.	ISSUED TO ZONING PRELIMINARY REVIEW APPLICATION	07/30/21	JY
2.	RE-ISSUED TO ZONING PRELIMINARY REVIEW APPLICATION	08/24/21	JY
3.	ISSUED TO MINOR VARIANCE APPLICATION	09/09/21	JY

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Jagot Singh
163 russell jarvis drive
markham, ontario
l3s 4l2

ARCHITECTURAL

hj architects inc.
85 forest crowe court
aurora, ontario
l3x 2l6

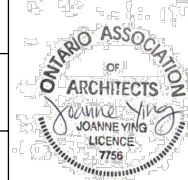
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STAMP:



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PROJECT NAME

SINGLE-DETACHED HOUSE -
BASEMENT APARTMENT
163 RUSSELL JARVIS DRIVE,
MARKHAM ON, L3S 4L2

DRAWING TITLE

GROUND FLOOR PLAN

DRAWN BY:

JY

CHECKED BY:

JY

APPROVED:

JY

SCALE

11 / 64" = 1' - 0"

DRAWING NUMBER

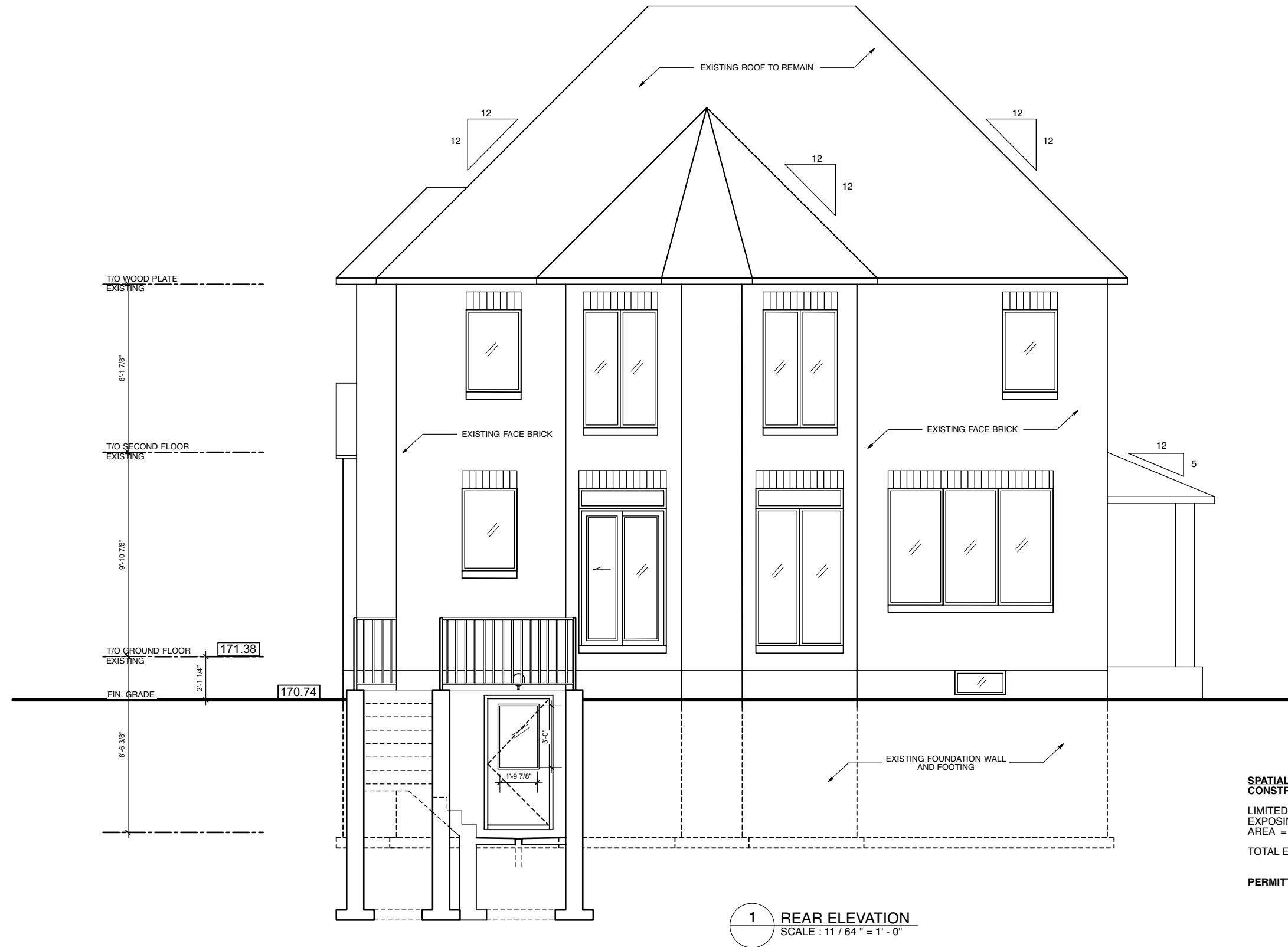
SK-03

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Date: 10/14/21
MM/DD/YY



SPATIAL SEPARATION CALCULATIONS CONSTRUCTION OF EXTEIOR WALLS (TABLE 9.10.15.4.)

LIMITED DISTANCE (LD) = 10.4 m (SIDE)
EXPOSING BUILDING FACE (EBF:)
AREA = 20.5 m²

TOTAL EXPOSING BUILDING FACE
= 20.5 m² for LD 10.4m (SIDE)

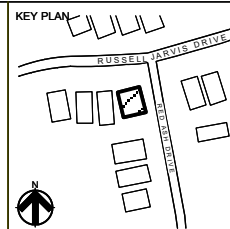
PERMITTED GLAZING PERCENTAGE = 100% (SIDE)(USING 2.5m)

1 REAR ELEVATION
SCALE : 1/16\"/>



hj architects inc.
85 forest cove court
aurora, ontario
l3x 2l6

416.628.2168
416.887.6771
info@hjarch.ca



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l3s 4l2

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aurora, ontario
l3x 2l6

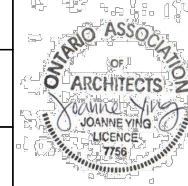
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PROJECT NAME

SINGLE-DETACHED HOUSE -
BASEMENT APARTMENT
163 RUSSELL JARVIS DRIVE,
MARKHAM ON, L3S 4L2

DRAWING TITLE

REAR ELEVATION

DRAWN BY:

JY

CHECKED BY:

JY

APPROVED:

JY

SCALE

11 / 64" = 1' - 0"

DRAWING NUMBER

SK-07

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