

Memorandum to the City of Markham Committee of Adjustment

November 29, 2021

File: A/154/21
Address: 10 Waterleaf Road – Markham, ON
Applicant: Forest Hill Homes (Eddie Lee)
Hearing Date: December 8, 2021

The following comments are provided on behalf of the East District team. The applicant is requesting relief from the following “Residential Two Exception *190*192*514 (R2*190*192*514)” zone requirements under By-law 177-96, as amended, as it relates to a parking reduction, to permit:

a) By-law 177-96, Sec. 7.190.1 a) iii:

two parking spaces, whereas the by-law requires a minimum of three parking spaces.

BACKGROUND

Property Description

The subject property is located on the north side of Waterleaf Road, east of Cornell Rouge Boulevard, south of White’s Hill Avenue, and west of Donald Cousens Parkway. The foundation for a single detached dwelling has been constructed in accordance with the issued building permit. The proposed development would have a coach house, and an attached two car garage that provides for vehicular parking accessed by a rear lane. Abutting the property is an existing utility notch at the northwest corner, which allows for the location of a hydro transformer to service new housing within the area.

The property is located in the Cornell community, which is primarily a residential neighbourhood that contains a mix of low rise housing forms, including detached, semi-detached, and townhouse dwellings. Cornell is primarily a lane-based community in which vehicular access and parking is provided via rear lanes and garages, and along public streets. The property is within close proximity to local institutional (education and health) and commercial uses, parks, and accessible transit options. Examples of accessory dwelling units exist in the area, in the form of coach houses located above private garages.

Proposal

The submitted plans show that two parking spaces within the garage can be accommodated. The applicant is proposing that an accessory dwelling unit be located above the garage, and therefore, a third parking space is required by the By-law. The applicant is requesting a reduction of one parking space.

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 a mix of low rise housing forms.

Zoning By-Law 177-96, as amended (“the Zoning By-law”)

The subject property is zoned “Residential Two Exception *190*192*514 (R2*190*192*514)” under By-law 177-96, as amended, which permits a mix of low rise housing forms, including single detached dwellings. One accessory dwelling unit on a lot

is permitted by the zoning, provided that it meets specific criteria, including that a required parking space for an accessory dwelling unit is independently accessible from the parking spaces for the main dwelling unit on the lot.

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 where an accessory dwelling unit is proposed.

Zoning Preliminary Review (ZPR) Not Undertaken

City records indicate that the applicant has not completed a ZPR. It is the applicant'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 are identified at the Building Permit stage, further variance application(s) may be required to address any non-compliances.

COMMENTS

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.

Parking Reduction

The Parking By-law requires a minimum of two parking spaces for a single detached dwelling, and one additional parking space for an accessory dwelling unit. An accessory dwelling unit is proposed, requiring a minimum of three parking spaces. The plans show two parking spaces can be accommodated in the attached garage, and the applicant is requesting a reduction of one parking space from the By-law requirement.

Staff are of the opinion that the proposed parking reduction may be considered "self-regulating", as the accessory dwelling unit would only be of interest to an occupant that does not require a parking space, in the event that both parking spaces are required for use by the owner of the dwelling. Additionally, the property is within the general proximity of bus stops located on Cornell Rouge Boulevard, and a bus terminal at Markham Stouffville Hospital, which provides for a number of transit route options. Staff are of the opinion that the requested variance appropriately maintains the general intent of the Official Plan and Zoning By-law, and support its approval.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 29, 2021. It is noted that 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*, 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.

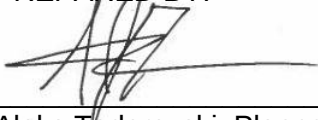
APPENDICES

Appendix "A" – Plans

Appendix "B" – Conditions of Approval

Appendix "C" – Aerial Map: 10 Waterleaf Road

PREPARED BY:



Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:



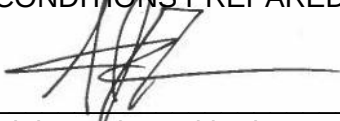
Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/154/21

1. The variance applies only to the proposed development for as long as it remains.
2. That the variances apply only to the proposed 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.

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to be '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/154/21

R.F. Merrill
2218045 Ontario Limited
Design Control Review

I, Richard F. Merrill, certify that the Plans/
Drawings comply with the approved
architectural control guidelines. This
stamp is ONLY for the purposes of design
control and carries no other professional
obligation.

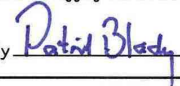
Reviewed by: 
Date: July 22, 2021
Reviewed for: Final Review

LOT GRADING



REVIEWED ☒
REVIEWED AS MODIFIED ☐
REVISE AND RE-SUBMIT FOR REVIEW ☐
NOT REVIEWED ☐

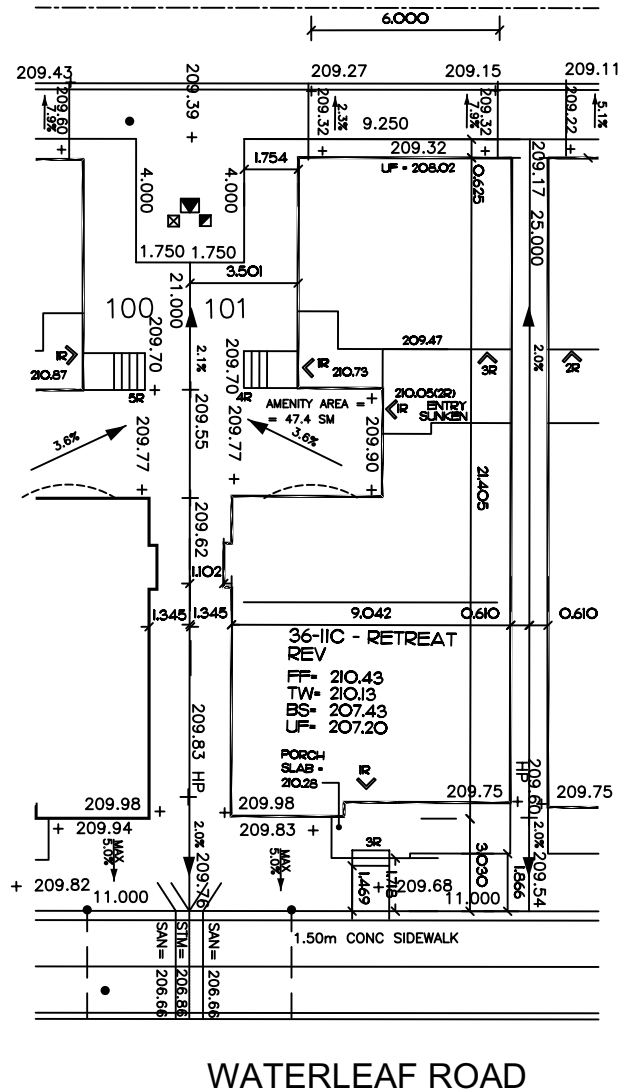
This review by the undersigned is for the sole purpose of
ascertaining conformance with the general grading concept,
but no approval is given or responsibility assumed by the
undersigned for correctness of dimensions or details or
conformity to zoning by-law, which remain the responsibility
of the architect.
Builder to verify lateral elevations prior to digging foundation.

Date JULY 21, 2021 By 

LEGEND

GM → GAS METER
FFE FINISHED FLOOR ELEVATION
TFW TOP OF FOUNDATION WALL
TBS TOP OF BASEMENT SLAB
USF UNDERSIDE FOOTING
USFR(REAL) UNDERSIDE FOOTING REAR
USFG UNDERSIDE FOOTING GARAGE
TEF TOP OF ENGINEERED FILL
R NUMBER OF RISERS
WOD WALKOUT DECK
LOB LOOK OUT BASEMENT
WOB WALKOUT BASEMENT
REV REV PLAN
STD STANDARD PLAN
D DOOR LOCATION
B BELL VAULT
C CALBE TV
CB CATCH BASIN
DB CATCH BASIN
EF ENGINEERED FILL
H HYDRANT
SL STREET LIGHT
V VALVE
M MAIL BOX
T TRANSFORMER
WC WATER CONNECTION
S+SAN STORM + SAN. CONNECTION
(2 LOTS)
S+SAN STORM + SAN. CONNECTION
(1 LOT)
A/C A/C CONDENSER
RSP ROOF DOWNSPOUT TO SPLASH PAD
SD SWALE DIRECTION
CLF CHAIN LINK FENCE
PF PRIVACY FENCE
SB SOUND BARRIER
FOT FOOTING TO BE EXTENDED
TO 1.25 (MIN) BELOW GRADE
MAX 3:1 SLOPE

BLOCK 151 (LANE TT)



WATERLEAF ROAD

Appendix B

File: 21.140718.000.00.MNV

Date: 12/03/21
MM/DD/YY

CLIENT
FOREST HILL HOMES

PROJECT/LOCATION
CORNELL — PHASE 7

MARKHAM, ONTARIO

DRAWING
SITE GRADING PLAN

BUILDING STATISTICS

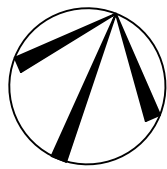
REG. PLAN No 65M-4544
ZONE R2 * 190 * 192
LOT NUMBER 101
No. OF STOREYS 2
MEAN HEIGHT (m) 7.61M

REVISIONS

NO	DATE	
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-

NOTES:
"DOWNSPOUTS TO DISCHARGE ONTO GROUND
VIA SPLASH PAD" ALL DOWNSPOUTS TO BE AT
REAR OF UNITS. "BASE CURB ELEVATION TO
BE CHECKED VS. GARAGE SLAP ELEVATION TO
ENSURE ADEQUATE DRIVEWAY GRADE BEFORE
CONSTRUCTING GARAGE". "FOR DETAILS OF
THE PRIVACY FENCE REFER TO THE
DRAWINGS".
BUILDER TO CONFIRM SERVICE CONNECTION
INVERTS PRIOR TO CONSTRUCTION
BUILDER TO ENSURE WATER BOX IS
ACCESSIBLE AND OPERATIONAL AT ALL TIMES

NOTE:
BUILDER TO VERIFY LOCATION OF ALL HYDRANTS,
STREET LIGHTS, TRANSFORMERS AND OTHER SERVICES.
IF MIN DIMENSIONS ARE NOT MAINTAINED BUILDER IS
TO RELOCATE AT HIS OWN EXPENSE
DRAWN BY: JP DATE: AUGUST 2020
SCALE: 1 : 250 LOT NUMBER: LOT 101



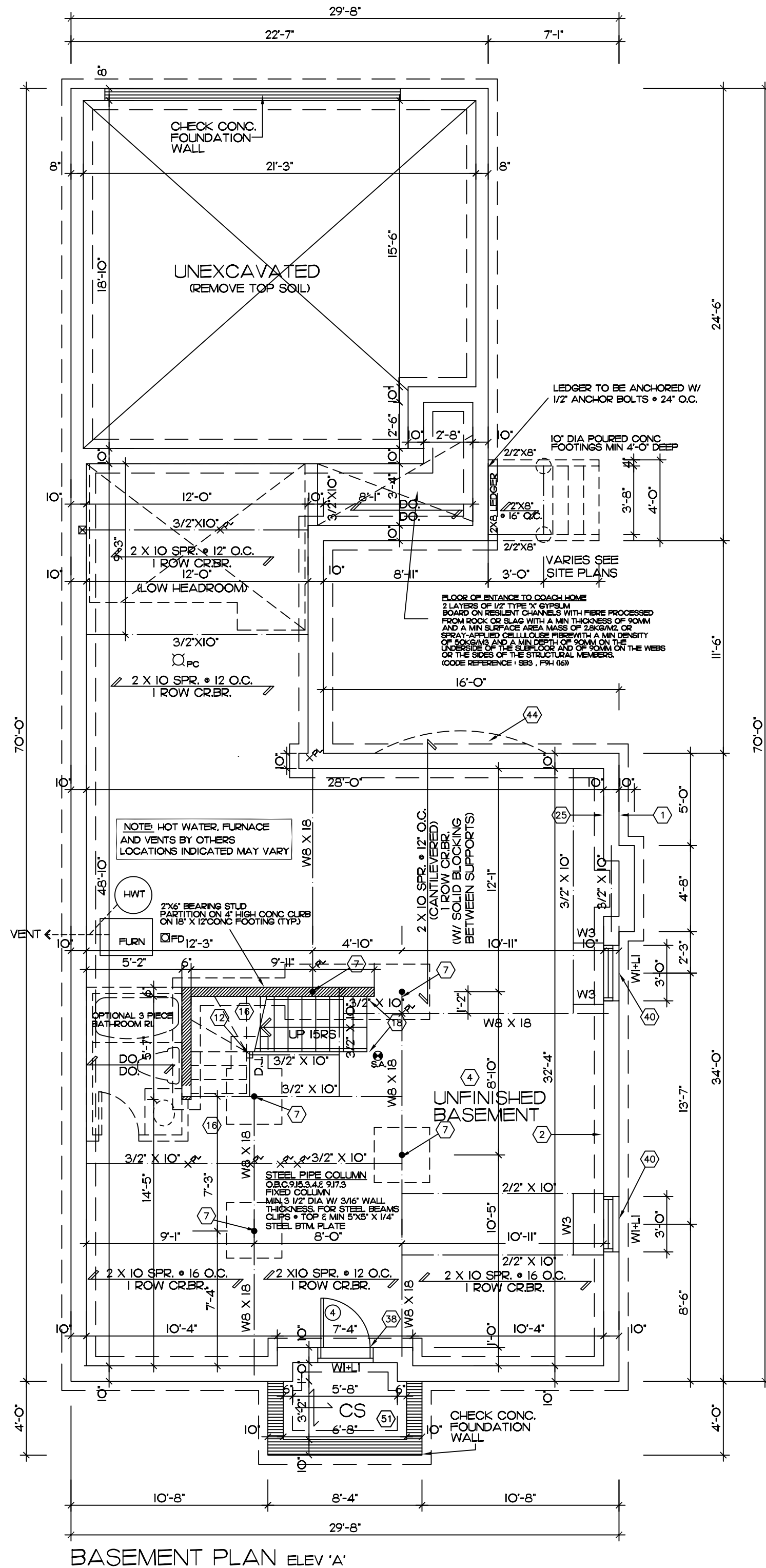
JAMES PIGGOTT
Residential Design Consultant

3A King Street South, Suite 4
Cookstown Ont. L0L 1L0
(705) 458 8433

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS
DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET
OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5. OF DIVISION C OF THE
JAMES PIGGOTT 25146
NAME SIGNATURE

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE
JAMES PIGGOTT 34700
FIRM NAME



TOWN OF MARKHAM
CERTIFIED MODEL

LATEST DWG		
6/12/2020		
GFA=	2996	SF EL 'A'
	2966	SF EL 'B'
	2971	SF EL 'C'
	2971	SF EL 'D'
COV=	1762	SF EL 'A'
	1804	SF EL 'B'
	1804	SF EL 'C'
	1804	SF EL 'D'
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QUALIFICATIONS INFORMATION		
JAMES PIGGOTT	SIGNATURE	25146
NAME		BCIN
REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE BUILDING CODE		
REGISTRATION INFORMATION		
JAMES PIGGOTT		34700
NAME		BCIN
3	-	-
2	6/12/2020	TOWN OF MARKHAM COMMENTS
1	7/10/2020	CAN DESIGN STRUCT COMMENTS
NO	DATE	DESCRIPTION
REVISIONS		

Appendix B

File: 21-140716-000-00.MW

Date: 12/03/21 MM/DD/YY

GENERAL NOTES:

CONTRACTOR WILL CHECK AND VERIFY ALL DIMENSIONS AND CHECK ALL CONDITIONS ON THE JOB BEFORE PROCEEDING WITH WORK. ALL DISCREPANCIES TO BE REPORTED TO THE DESIGN CONSULTANT BEFORE PROCEEDING WITH THE WORK.

LATEST APPROVED DRAWINGS ONLY TO BE USED FOR CONSTRUCTION.

DRAWINGS NOT TO BE SCALED.

James Piggott
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(705) 458 8433

FOREST HILL HOMES

2700 Dufferin St. Unit 34
Toronto, Ont. M6B 4J3

PROJECT CO-ORDINATOR
J PIGGOTT

DRAWN BY: JP DATE: JUNE 2015

CHECKED BY: DATE:

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

PROJECT NAME:
CORNEL

UNIT TYPE:
MODEL TYPE 36-11

SHEET NAME:
PLANS

PROJECT NO.: DWG NO.: A1

FILE NAME: 36-11P

James Piggott
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Toronto, Ont. M6B 4J3

DRAWN BY: JP	DATE: JUNE 2015
CHECKED BY:	DATE:
SCALE: 3/16" = 1'-0"	

PROJECT NO.:	DWG NO.:
	A2

FILE NAME: 36-11P



<u>LATEST DWG</u>														
8/10/2020														
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COV=	1762 SF EL 'A', 1804 SF EL 'B', 1804 SF EL 'C', 1804 SF EL 'D',													
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NAME	SIGNATURE	BCIN												
JAMES PIGGOTT		34700												
FIRM NAME		BCIN												
3	-	-												
2	6/12/2020	TOWN OF MARK-HAMS COMMENTS												
1	7/10/2020	CAN DESIGN STRUCT COMMENTS												
NO	DATE	DESCRIPTION												
REVISIONS														

Appendix B

File: 21-140716.000.00.MNV

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FOREST HILL HOMES

2700 Dufferin St. Unit 34
Toronto, Ont. M6B 4J3

PROJECT CO-ORDINATOR
J PIGGOTT

DRAWN BY: **JP** DATE: **NOV 2016**

CHECKED BY: DATE:

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

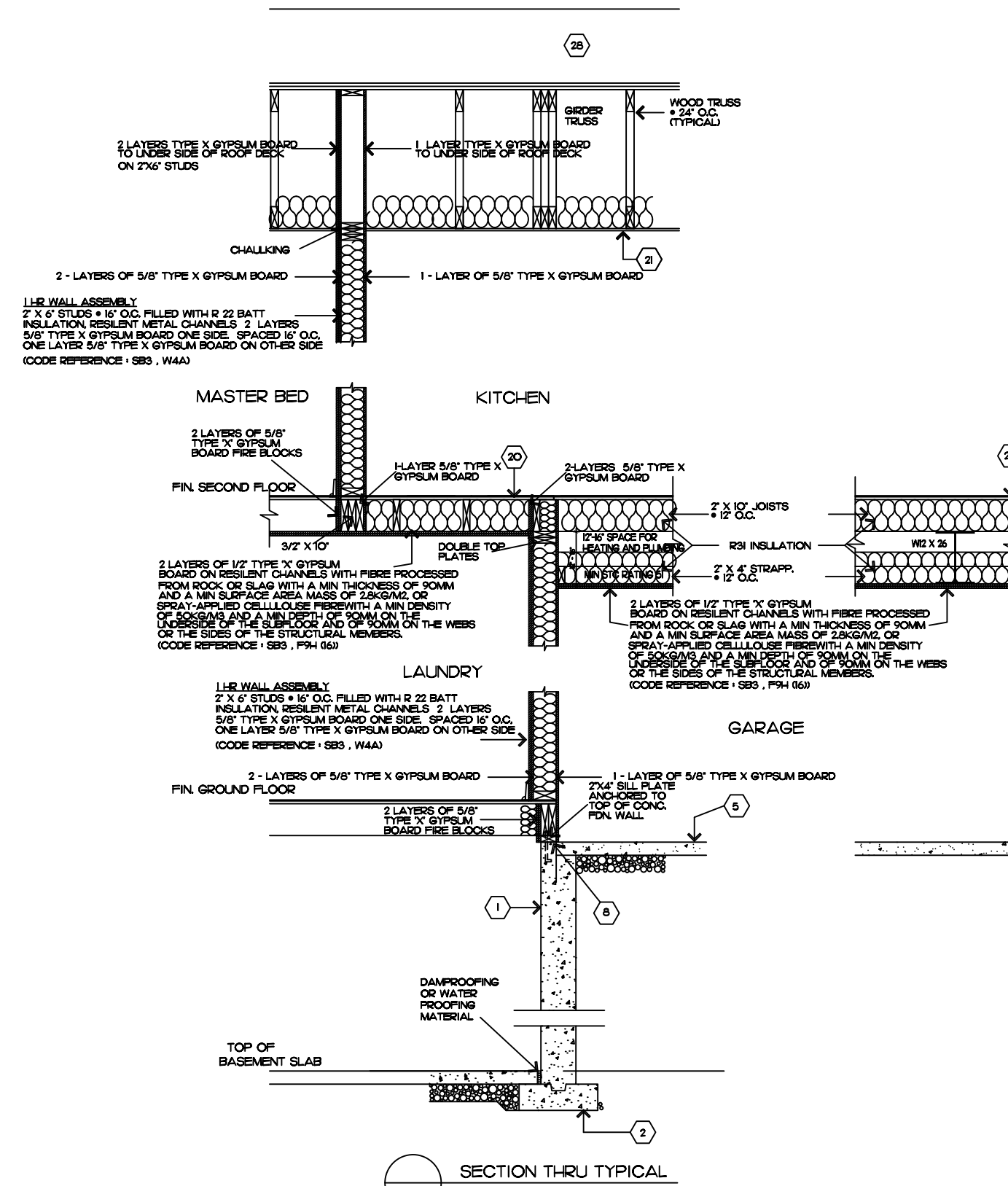
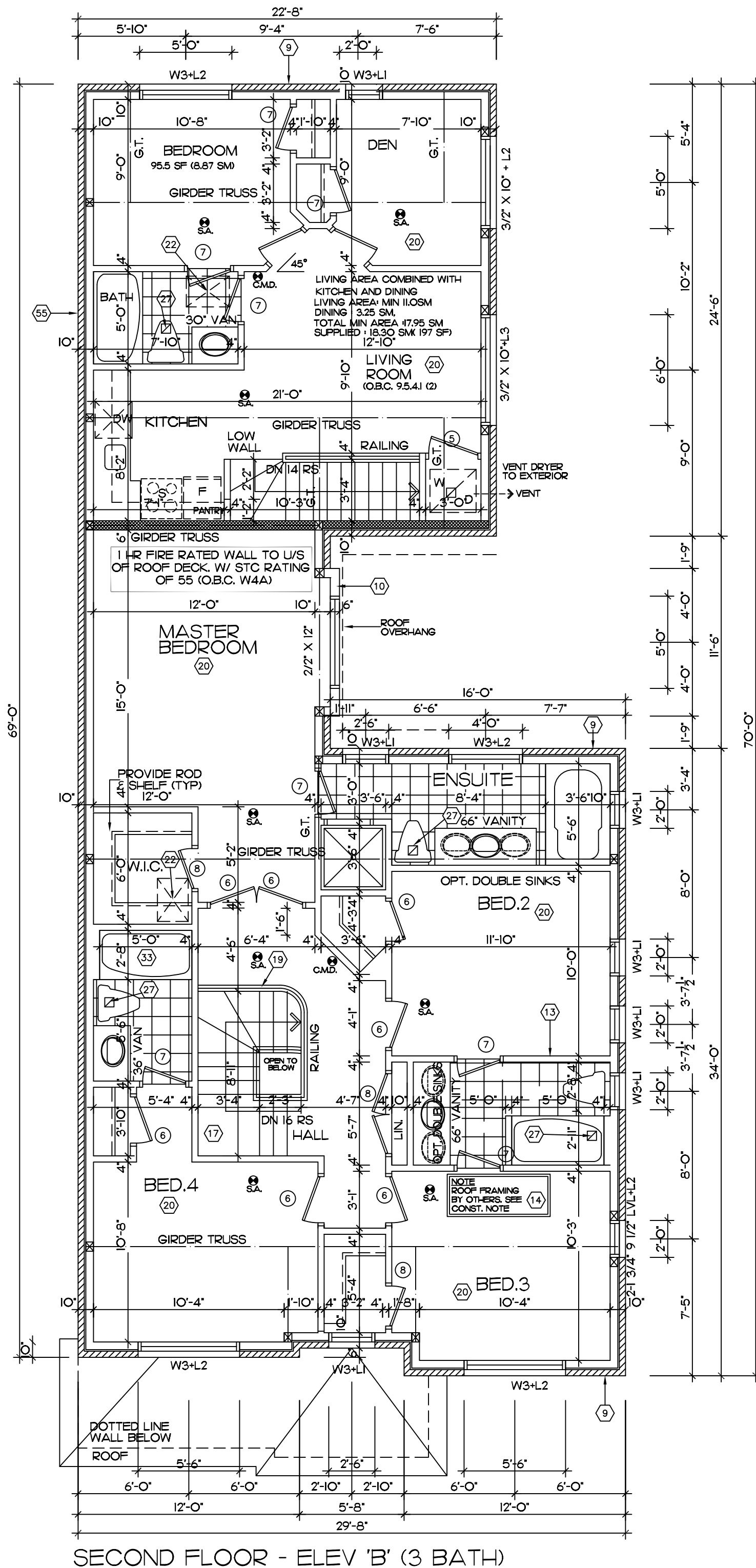
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CORNEL

UNIT TYPE:
36-11 CORNER

SHEET NAME:
PLANS

PROJECT NO.: DWG NO.:
A3

FILE NAME:
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	2971 SF	EL 'D'	
COV=	1804 SF	EL 'B'	
	1804 SF	EL 'C'	
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NAME		BCIN	
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JAMES PIGGOTT		34700	
FIRM NAME		BCIN	
3	-	-	
2	6/12/2020	TOWN OF MARKHAMS COMMENTS	
1	7/10/2020	CAN DESIGN STRUCT COMMENTS	
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REVISIONS			

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Toronto, Ont. M6B 4J3

PROJECT CO-ORDINATOR

J PIGGOTT

DRAWN BY:

JP

DATE:

JUNE 2015

CHECKED BY:

DATE:

SCALE:

3/16" = 1'-0"

PROJECT NAME:

CORNEL

UNIT TYPE:

MODEL TYPE 36-11

SHEET NAME:

ELEVATIONS

PROJECT NO.:

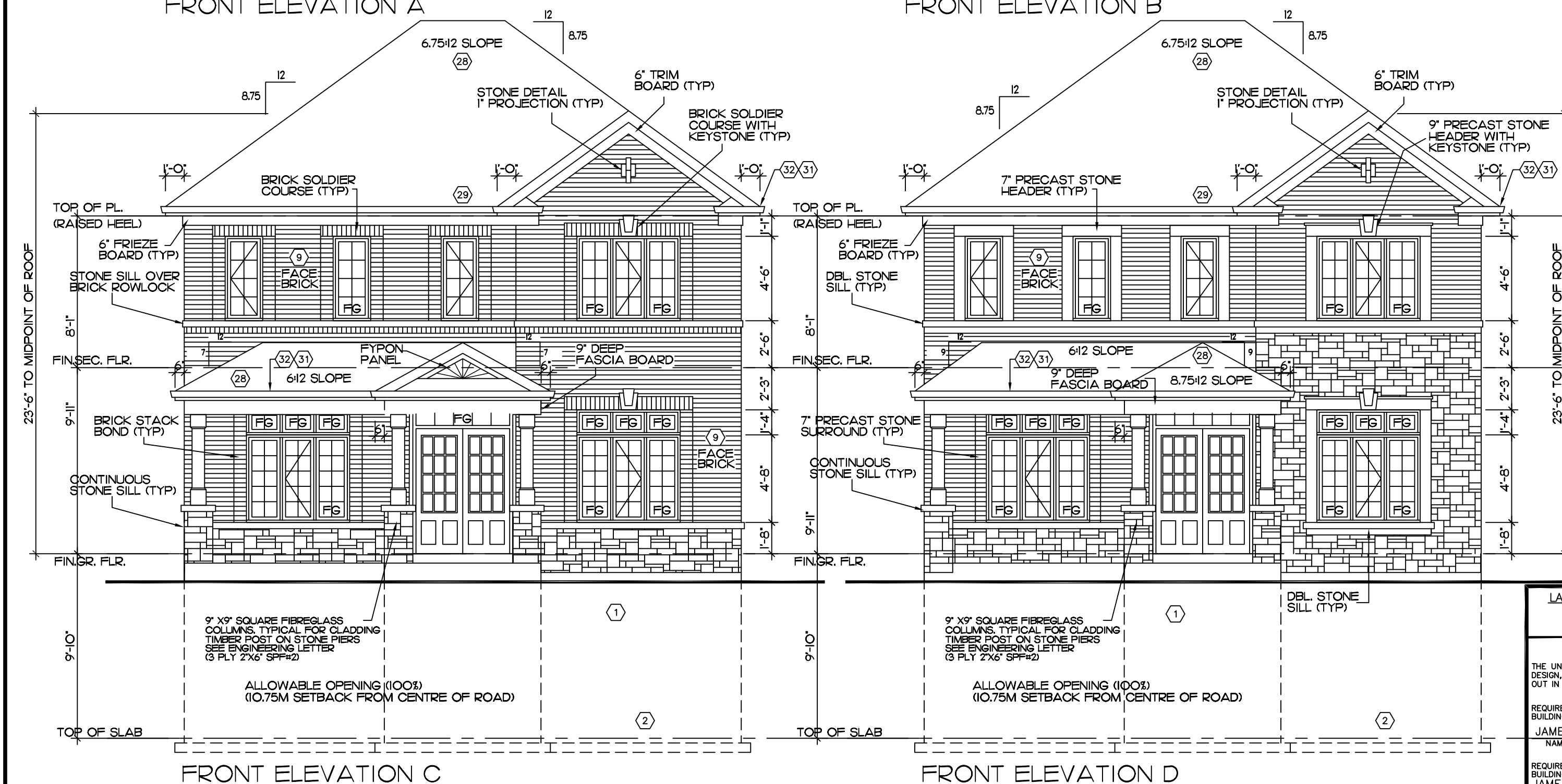
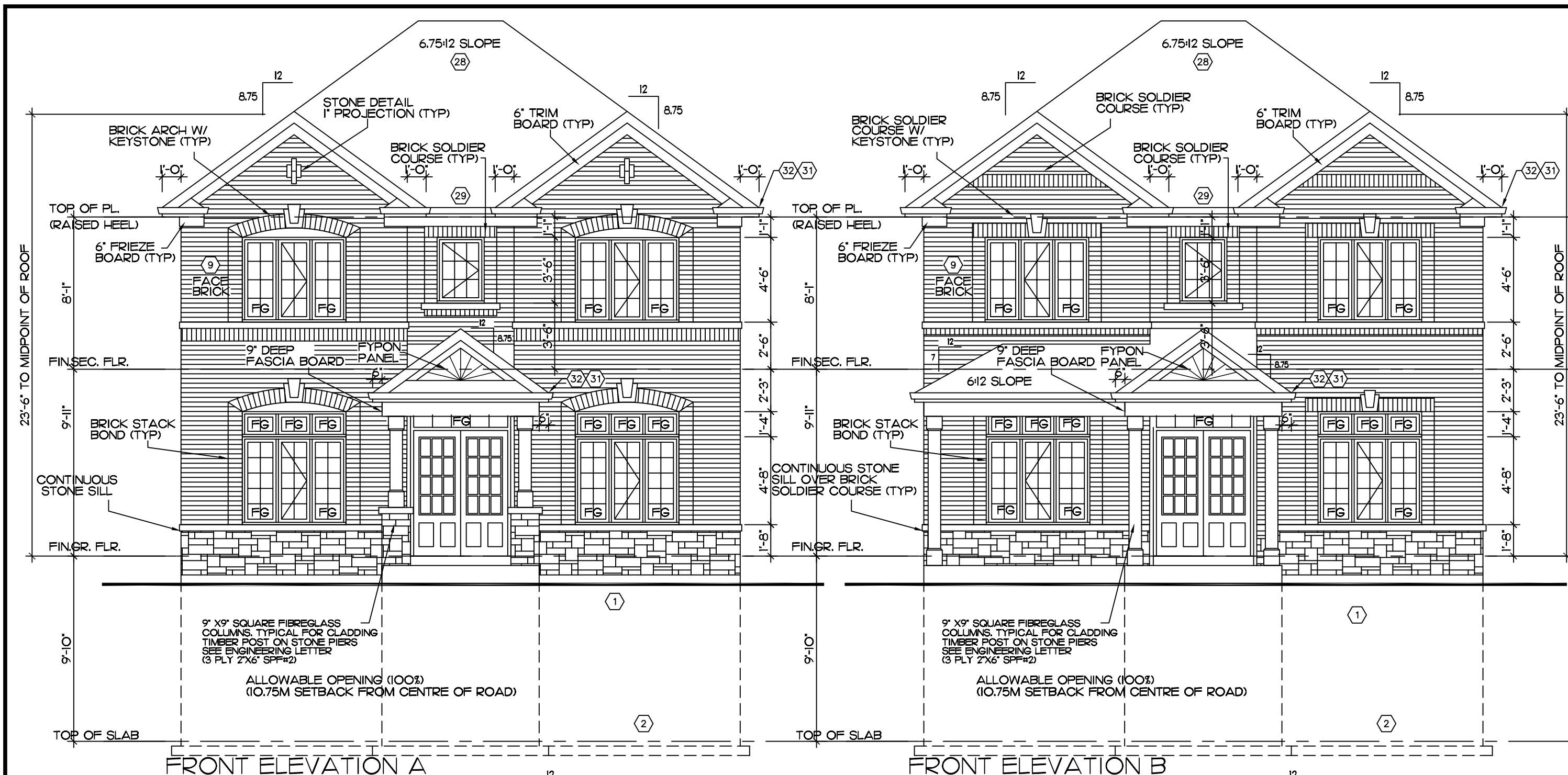
2012-1

DWG NO.:

A5

FILE NAME:

36-11e.dwg



TOWN OF MARKHAM
CERTIFIED MODEL

LATEST DWG

6/12/2020

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REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5. OF DIVISION C OF THE BUILDING CODE

QUALIFICATIONS INFORMATION

JAMES PIGGOTT 25146

NAME SIGNATURE BCIN

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE BUILDING CODE

JAMES PIGGOTT 34700

NAME FIRM NAME BCIN

2 - -

1 6/12/2020 TOWN OF MARKHAM COMMENTS

NO DATE DESCRIPTION

REVISIONS

Appendix B

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PROJECT CO-ORDINATOR

J PIGGOTT

DRAWN BY:

JP

DATE:

JUNE 2015

CHECKED BY:

DATE:

SCALE:

3/16" = 1'-0"

PROJECT NAME:

CORNEL

UNIT TYPE:

MODEL TYPE 36-11

SHEET NAME:

SIDE ELEVATIONS C

PROJECT NO.:

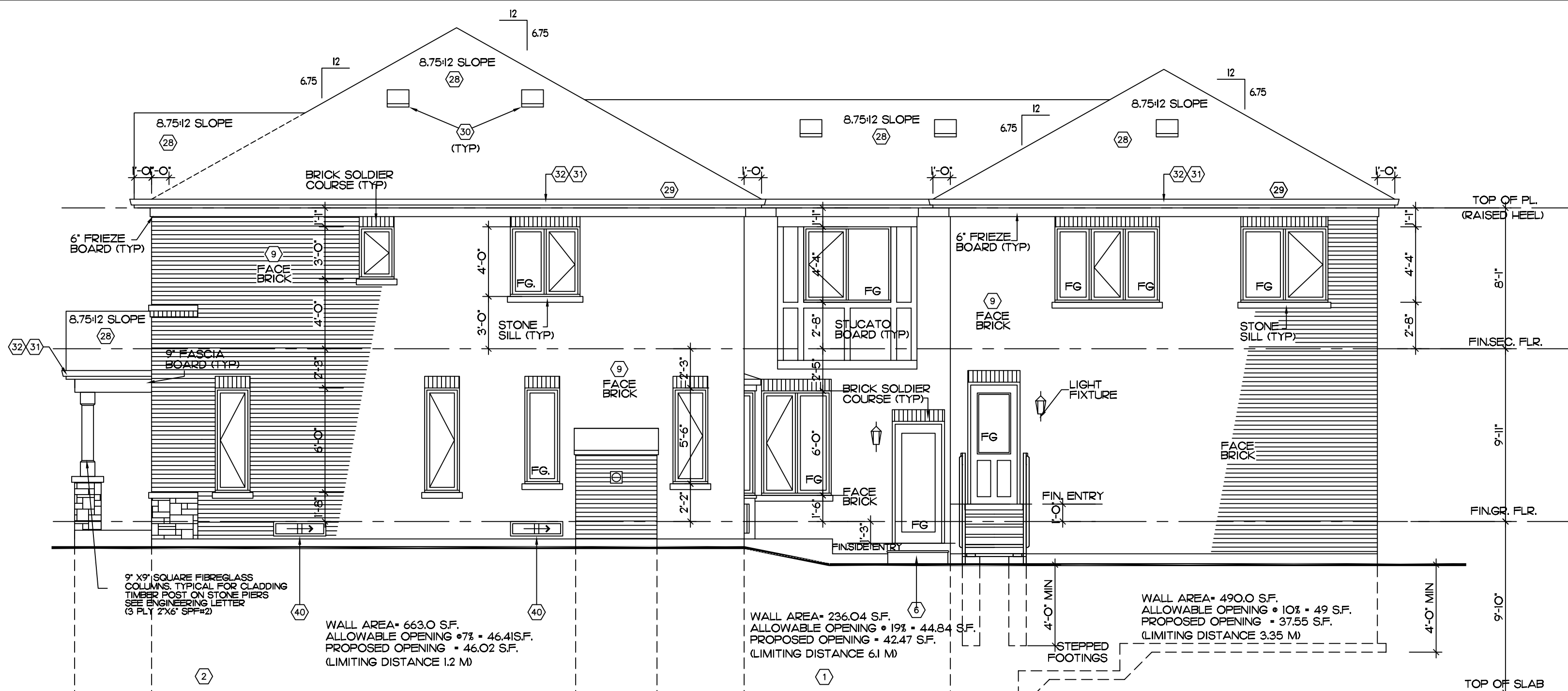
2012-1

DWG NO.:

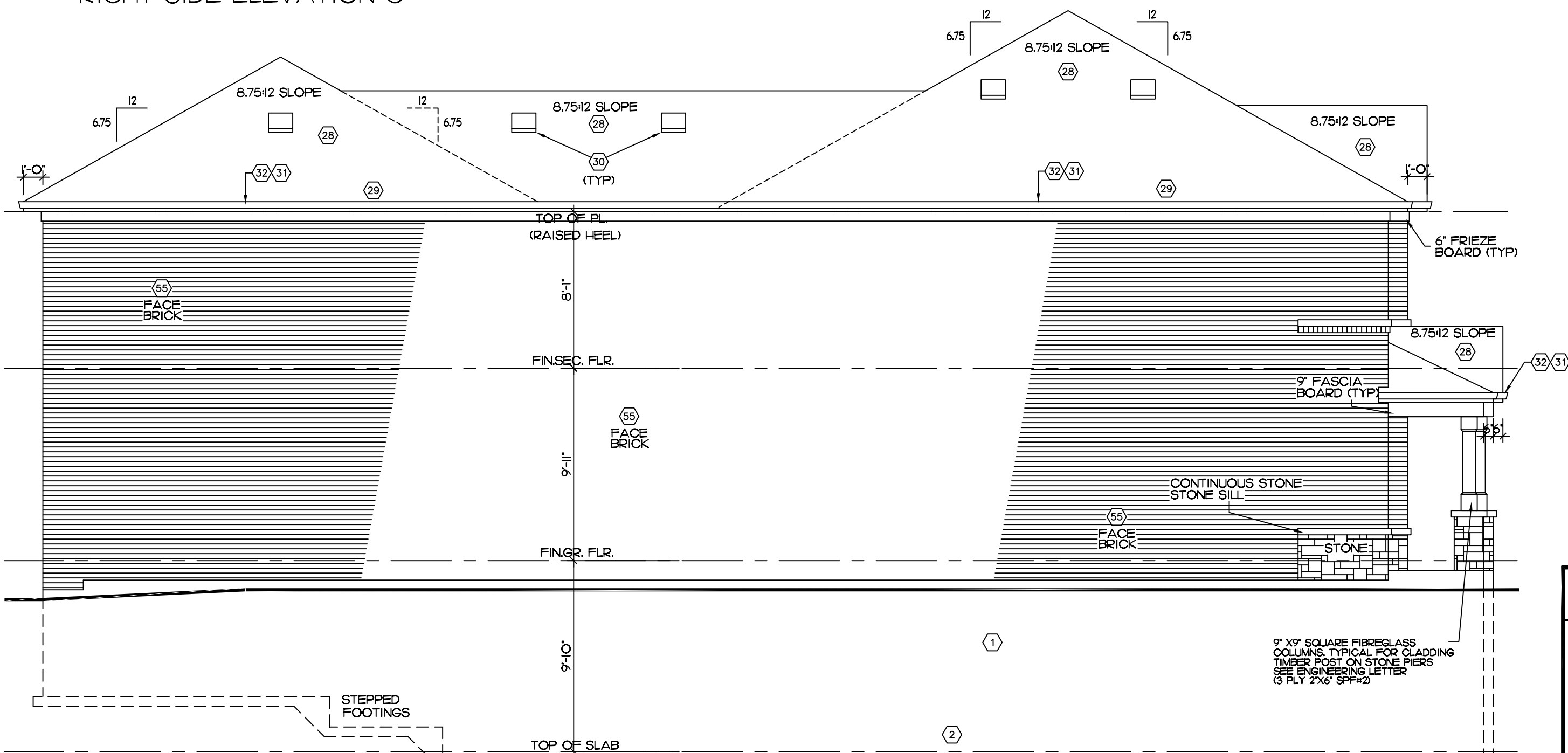
A9

FILE NAME:

36-11e.dwg



RIGHT SIDE ELEVATION C



LEFT SIDE ELEVATION C

TOWN OF MARKHAM
CERTIFIED MODEL

LATEST DWG

6/12/2020

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JAMES PIGGOTT 25146 BCIN

NAME SIGNATURE

REGISTRATION INFORMATION

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4. OF DIVISION C OF THE BUILDING CODE

JAMES PIGGOTT 34700 BCIN

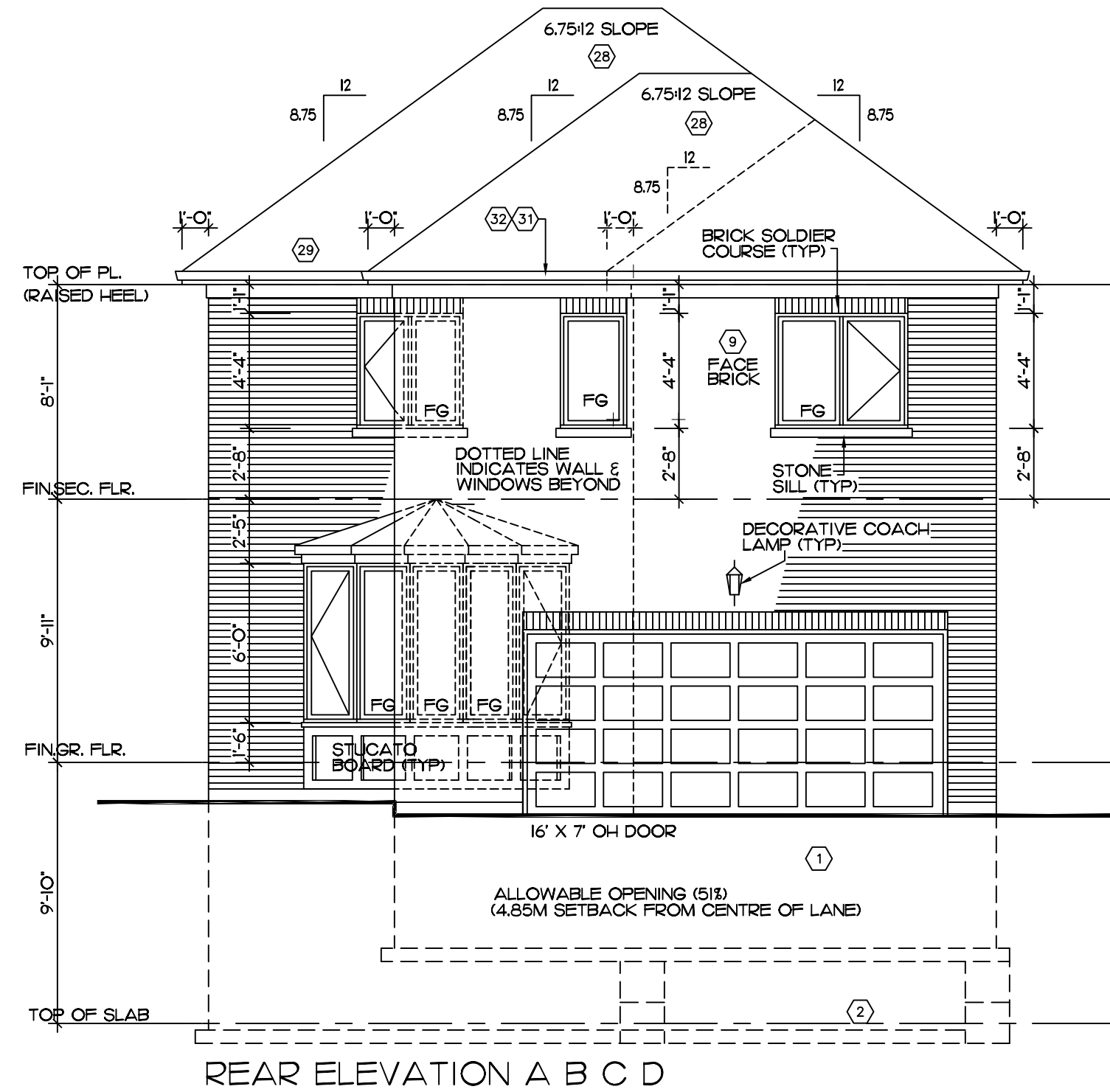
FIRM NAME

2 - -

1 6/12/2020 TOWN OF MARKHAM COMMENTS

NO DATE DESCRIPTION

REVISIONS



R.F. Merrill
2218045 Ontario Limited
Design Control Review

I, Richard F. Merrill, certify that the Plans/
Drawings comply with the approved
architectural control guidelines. This
stamp is ONLY for the purposes of design
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Reviewed by: 
Date: April 20, 2021
Reviewed for: Final Review

TOWN OF MARKHAM
CERTIFIED MODEL

LATEST DWG		
6/12/2020		
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JAMES PIGGOTT	25146	BCIN
NAME	SIGNATURE	BCIN
REGISTRATION INFORMATION		
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JAMES PIGGOTT	34700	BCIN
FIRM NAME		
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PROJECT CO-ORDINATOR
J PIGGOTT

DRAWN BY:	DATE: JUNE 2015
CHECKED BY:	DATE:
SCALE: 3/16" = 1'-0"	

PROJECT NAME:
CORNEL

UNIT TYPE:
MODEL TYPE 36-11

SHEET NAME:
REAR ELEVATION

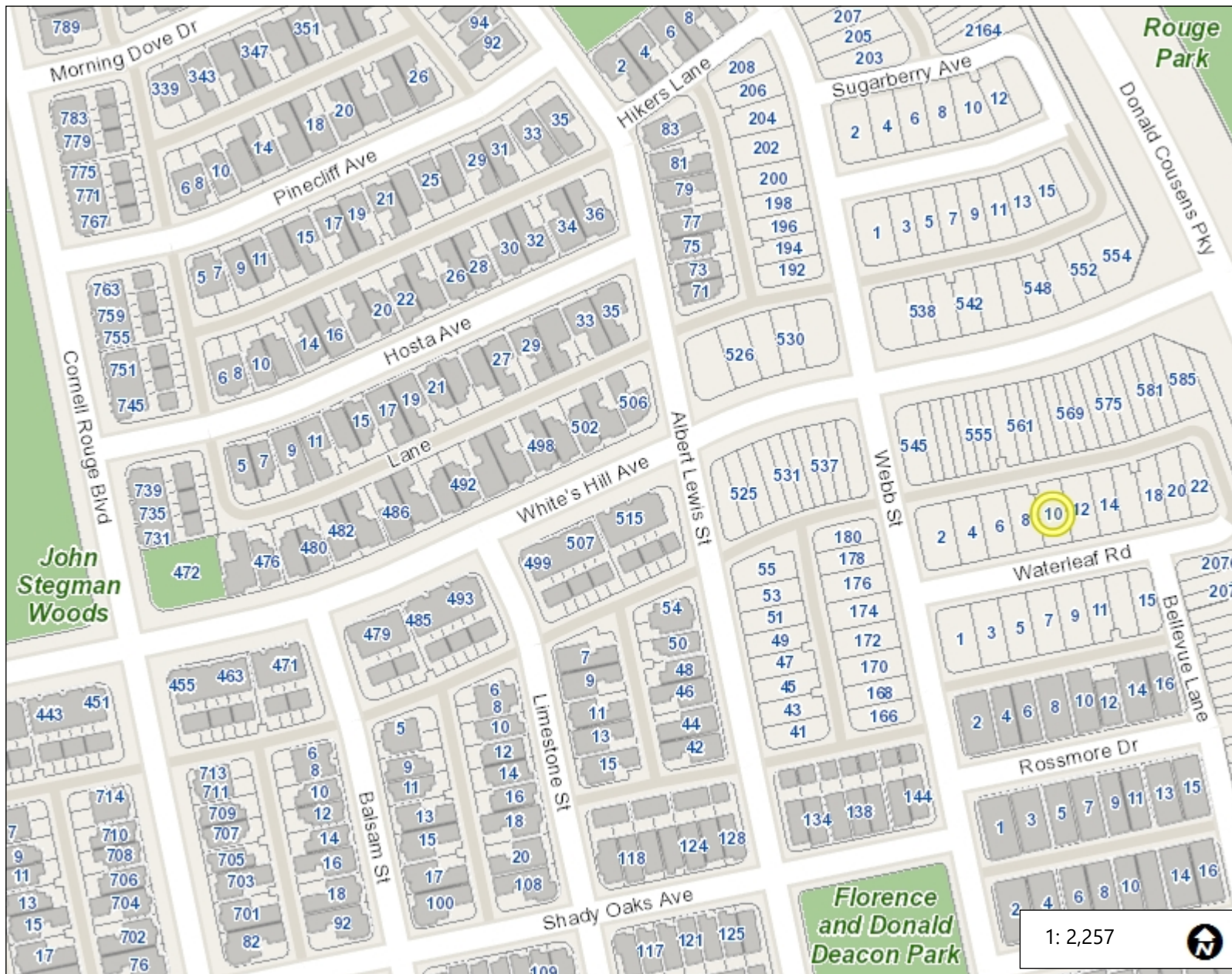
PROJECT NO.:
2012-1

DWG NO.:
A6

FILE NAME:
36-11e.dwg

APPENDIX "C"

AERIAL MAP: 10 WATERLEAF ROAD



Legend

- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Building Footprints
- Parcel (MPAC)
- Park Facilities
- Parks
 - <all other values>
 - Under Development

Notes

