

Memorandum to the City of Markham Committee of Adjustment

September 19, 2022

File: A/071/22
Address: 2 Weatherill Road, Markham
Applicant: Yi Chen
Agent: TLE Design and Management Inc (Tong Li)
Hearing Date: Wednesday, September 21, 2022

The following comments are provided on behalf of the West District team:

The applicant is requesting relief from the following requirements of the “Residential Two - Special (R2-S*74) Zone” in By-law 177-96, as amended, as it relates to a proposed secondary suite (basement apartment). The requested variances are to permit:

a) Section 6.5:

one accessory dwelling unit, whereas no more than one dwelling unit is permitted on a lot; and

b) Parking By-law 28-97, Section 3:

two parking spaces on the lot, whereas three parking spaces are required for a detached dwelling with one accessory dwelling unit.

BACKGROUND

Property Description

The 516.50 m² (5,560 ft²) subject property is located on the east side of Weatherill Road, west of Tannis Street, and south of Elmrill Road (refer to Appendix “A” – Aerial Photo). The existing 338.84 m² (3,647.24 ft²) two-storey detached dwelling was constructed in 2002 according to assessment records. The property is located within an established residential neighbourhood primarily comprised of two-storey detached dwellings.

Proposal

The applicant is requesting permission for a secondary suite in the basement of the existing dwelling. The proposed secondary suite would have direct and separate access provided by a proposed walk-out at the side of the dwelling (See Appendix “B” – Plans).

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. 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 proposed development criteria in the preparation of the comments provided below.

Zoning By-Law 177-96

The subject property is zoned R2-S*74 under By-law 177-96, as amended, which permits single detached dwellings. The proposed development does not comply with the By-law with respect to the proposed secondary suite (basement apartment) and associated parking reduction.

Parking Standards By-law 28-97

The proposed secondary suite also does not comply with the standard of the Parking By-law 28-97 with respect to two parking spaces provided, whereas the By-law requires three. Further details of the parking requirement is provided in the comment section below.

Comments

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, and 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*. Staff are of the opinion that the parking reduction is minor in nature and appropriately maintains the general intent of the By-law.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on February 11, 2022 to confirm the variances required for the proposed development.

PUBLIC INPUT SUMMARY

As of September 13, 2022 the City received five (5) letters expressing concerns over the following:

- Safety of the neighbourhood with respect to families with young children
- The basement dwelling unit being used as a “rooming house” with multiple inhabitants (potentially six tenants), leading to an increase in noise and noise related issues
- There is inadequate parking and the current situation consists of numerous vehicles parking on the roadway leading to site line concerns

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 requested variances meet the four tests. Staff recommend that the Committee consider public input and the subsequent conditions of approval 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” – Aerial Photo

Appendix “B” – Conditions

Appendix “C” – Plans

PREPARED BY:

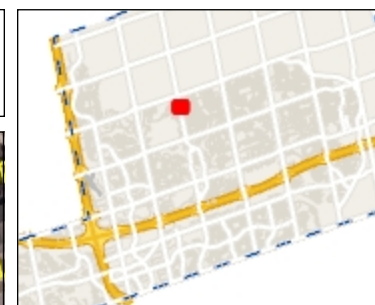
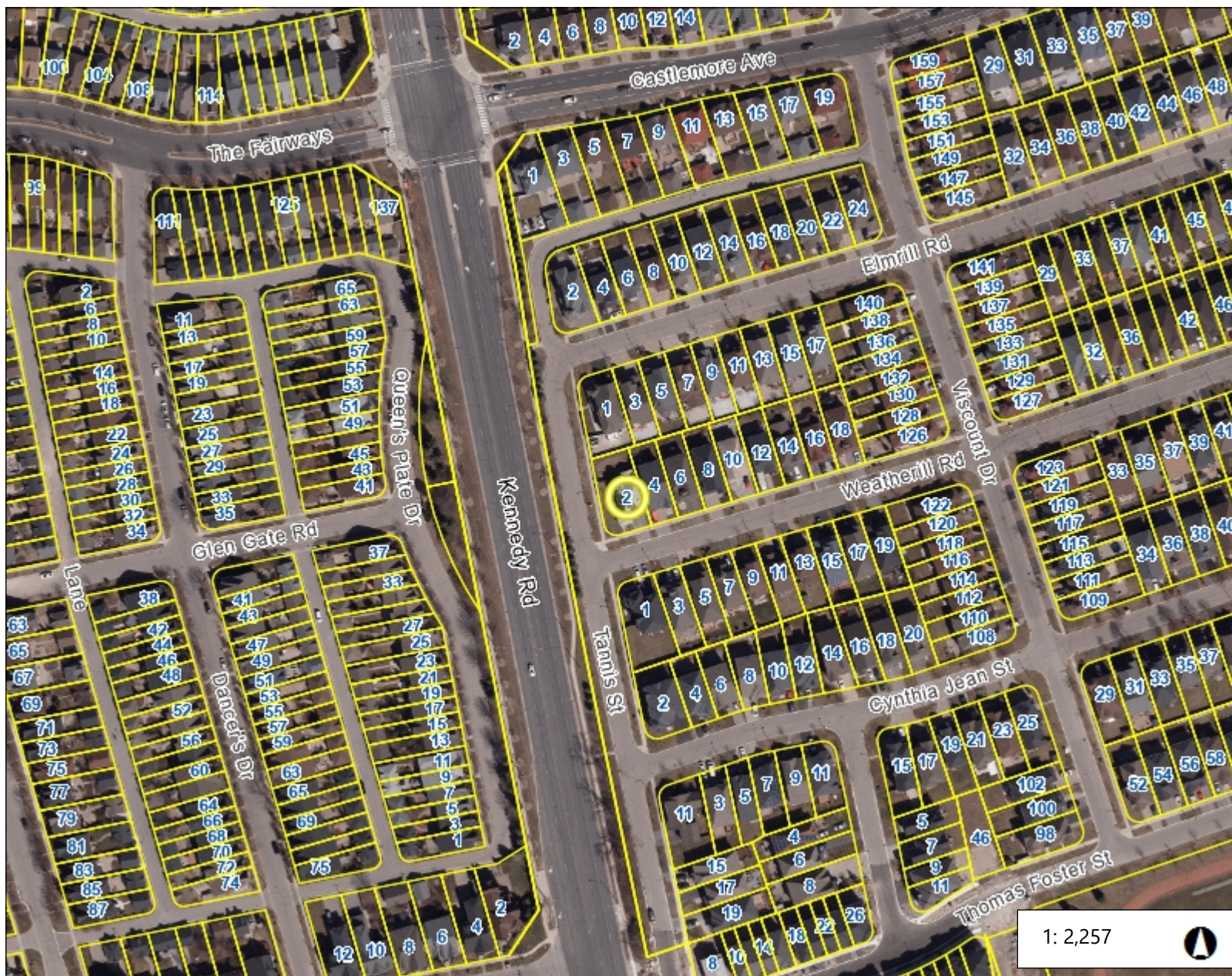
A handwritten signature in black ink, appearing to read "Hussnain Mohammad". The signature is written in a cursive style with a large initial "H".

Hussnain Mohammad, Development Technician, Zoning and Special Projects

REVIEWED BY:

A handwritten signature in black ink, appearing to read "Rick Cefaratti". The signature is written in a cursive style with a large initial "R".

Rick Cefaratti, MCIP, RPP, Senior Planner II, West District



Legend

- Parcel Overlay
- Parcel
- Park Facility
- Parks**
- Under Development
- <all other values>

1: 2,257



114.7 0 57.33 114.7 Meters

Notes

APPENDIX “B”**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/071/22**

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 C’ 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 'Hussnain Mohammad', is written over a light blue rectangular background.

Hussnain Mohammad, Development Technician, Zoning and Special Projects

Appendix C

File: 22.117449.000.00.MNV
Date: 09/19/22
MM/DD/YY

2 Weatherill rd

Project #: 0100021
Date: 2022-01-21
Issued for: Building Permit Application

Architectural Drawing

A001	Existing Site Plan
A101	Existing Basement Floor Plan
A102	Existing Ground Floor Plan
A103	Existing Second Floor Plan
A104	Proposed Basement Floor Plan
A201	Existing North East Elevation
A202	Proposed North East Elevation
A203	Existing Back Elevation
A204	Proposed Back Elevation
A205	Existing South West Elevation
A206	Proposed South West Elevation

Owner: Yi Chen
Address: 2 Weatherill Rd, Markham, Ontario L6C 2N7
Contact: Yi Chen
Tel: 647-901-6892
Email: edwarduw@hotmail.com

Designer: TLE DESIGN AND MANAGEMENT INC.
Address: 3080 The Collegeway, Mississauga, ON, L5L 4X9
Contact: Tong Li
Tel: 905-962-6828
Email: tong.li@tlegroup.ca

SETBACKS:

REAR YARD SETBACK = 23'8" [7217mm]
FRONT YARD SETBACK = 11'6" [3511mm]
INTERIOR SIDE YARD SETBACK = 4' [1219mm]
EXTERIOR SIDE YARD SETBACK = 17'6" [5335mm]

PROPERTY:

AREA = 5560sqft [516.5m³]

LEGEND

	ASPHALT DRIVEWAY	35 m²
	PATHWAY	20 m²
	GRASS	270 m²
	BED	15m²
	DECK AREA	10 m²

LANDSCAPING COVERAGE %
(NOTE: THE PROPOSED WORK WOULD HAVE NO
EFFECT ON EXISTING LANDSCAPING COVERAGE)

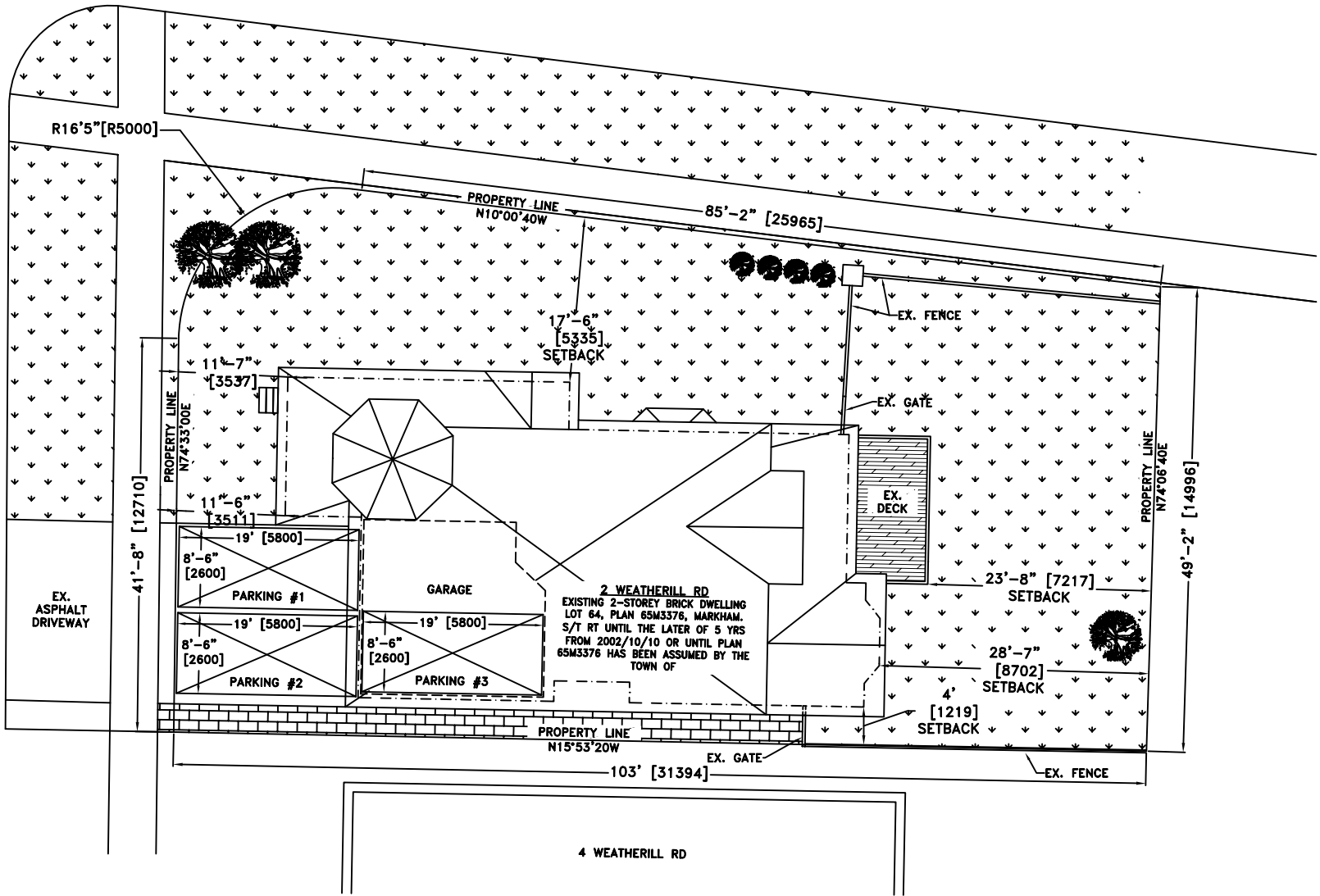
Appendix C

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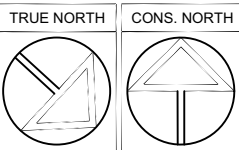
Date: 09/19/22
MM/DD/YY

WEATHERILL RD

TANNIS ST



1 EXISTING SITE PLAN
A001 SCALE: AS SHOWN



GENERAL NOTES:

1. CONSTRUCTORS NEEDS TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
2. DO NOT SCALE DRAWINGS. USE WRITTEN DIMENSIONS.
3. USE ONLY LATEST REVISED DRAWINGS.
4. REPORT ALL ERRORS OR OMISSIONS TO THE ARCHITECT OR DESIGN ENGINEER AS APPLICABLE.

Number	Date	Description

Company



Project Information Project #: 0100021

2 WEATHERILL RD

2 Weatherill Rd,
Markham, ONTARIO
L6J 7C4

Drawn By	SF	Checked By	TL
Date	JAN,21 2022	Scale	1:200

Drawing Title

EXISTING SITE PLAN

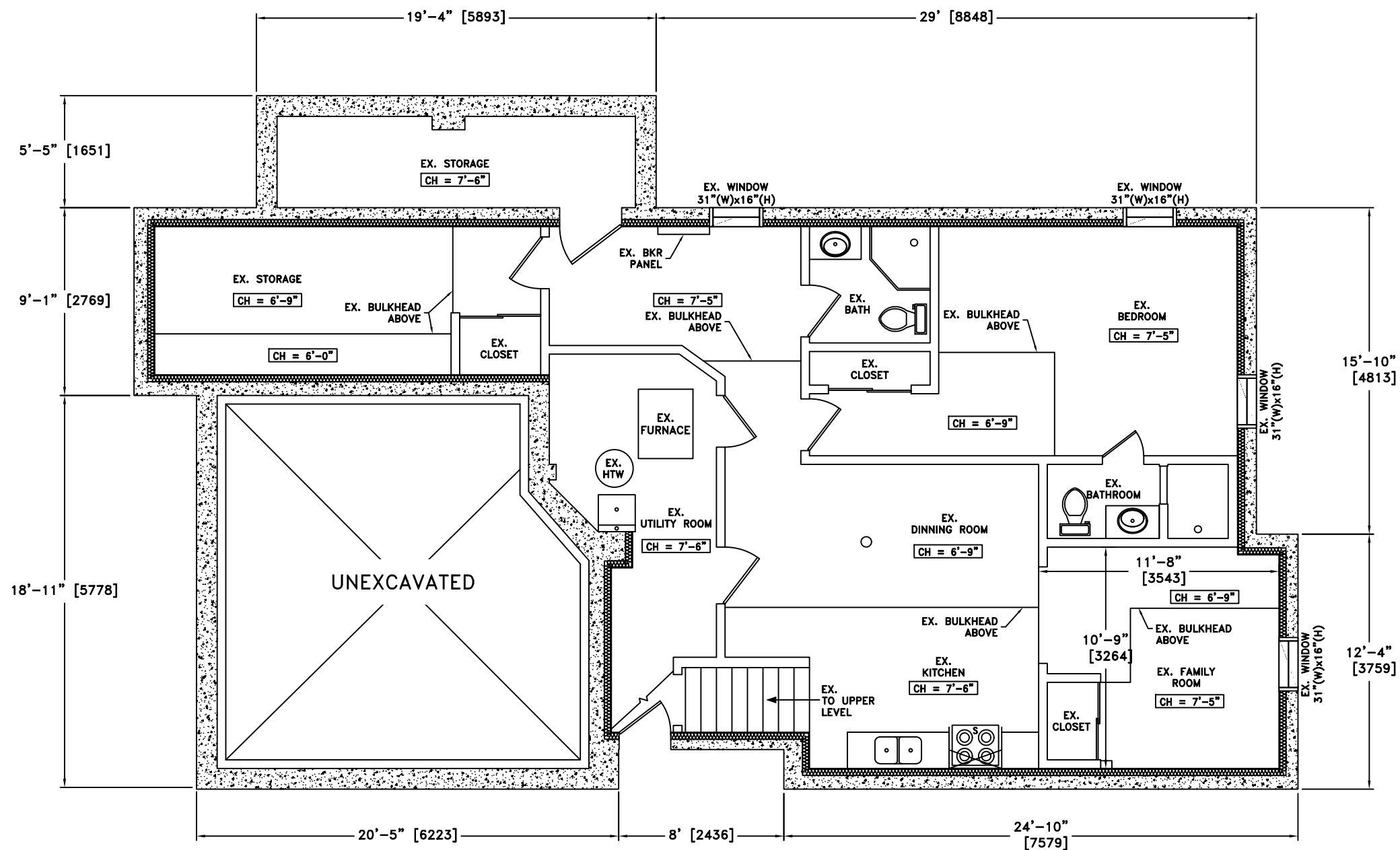
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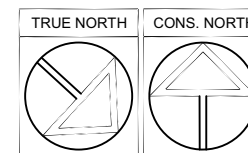
Appendix C

File: 22.117449.000.00.MNV

Date: 09/19/22
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1
A101 EXISTING BASEMENT FLOOR PLAN
SCALE: AS SHOWN



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2 WEATHERILL RD

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L6J 7C4

Drawn By

SF

Checked By

TL

Date

JAN,21 2022

Scale

1:75

Drawing Title

EXISTING BASEMENT
FLOOR PLAN

Sheet Number

A101

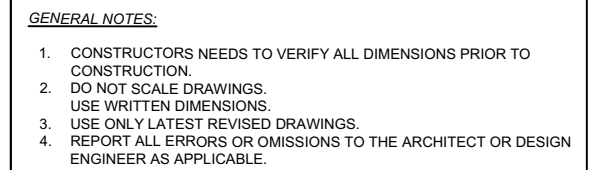
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MM/DD/YY



Number	Date	Description
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2 Weatherill Rd,
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L6J 7C4

TL

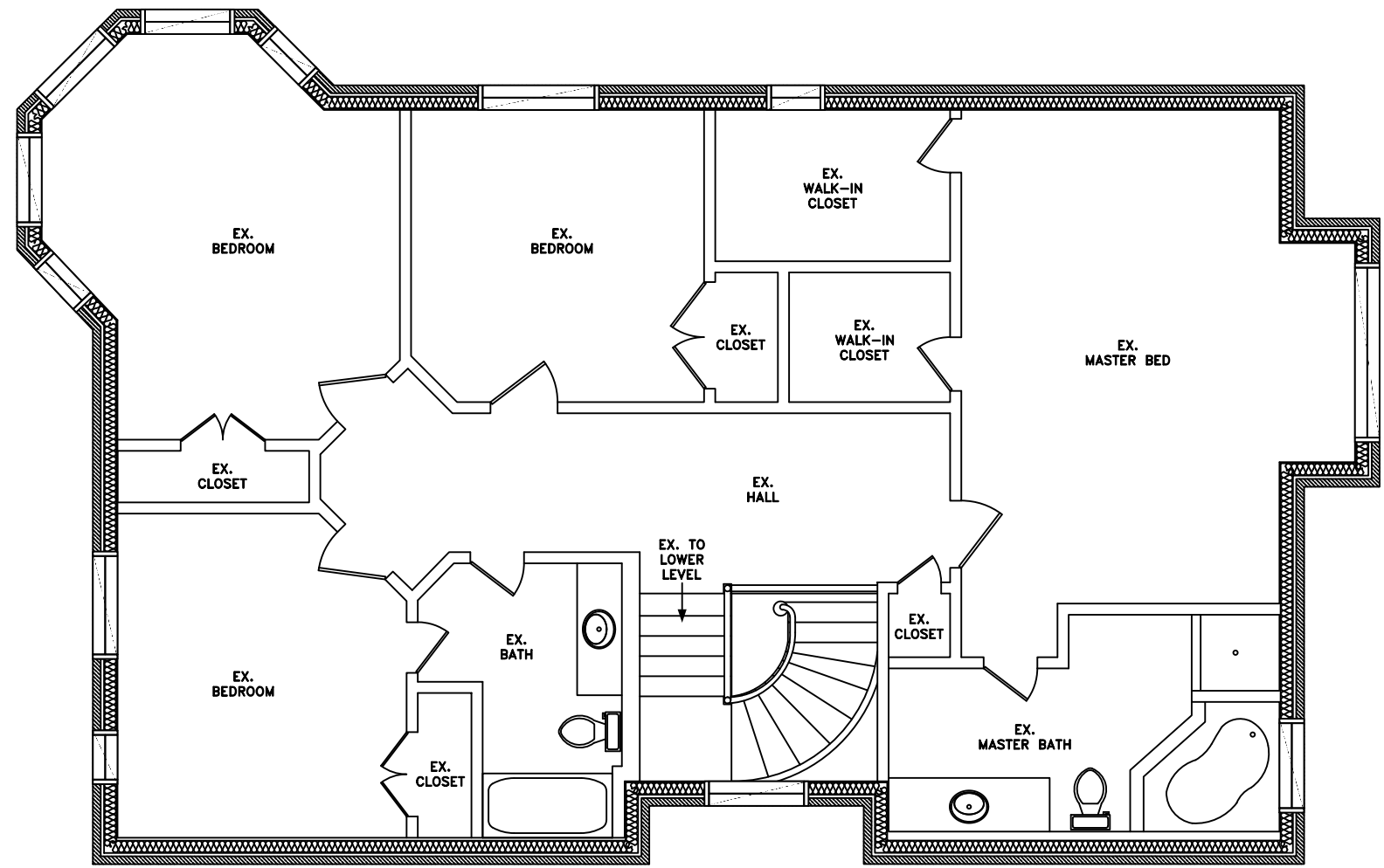
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EXISTING GROUND
FLOOR PLAN

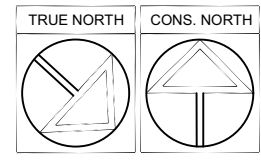
A102

Appendix C

File: 22.117449.000.00.MNV
Date: 09/19/22
MM/DD/YY



1 EXISTING SECOND FLOOR PLAN
A103 SCALE: AS SHOWN



- GENERAL NOTES:**
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Number	Date	Description

Company

TLE
DESIGN AND MANAGEMENT

Project Information Project #: 0100021
2 WEATHERILL RD
2 Weatherill Rd,
Markham, ONTARIO
L6J 7C4

Drawn By	SF	Checked By	TL
Date	JAN,21 2022	Scale	1:75

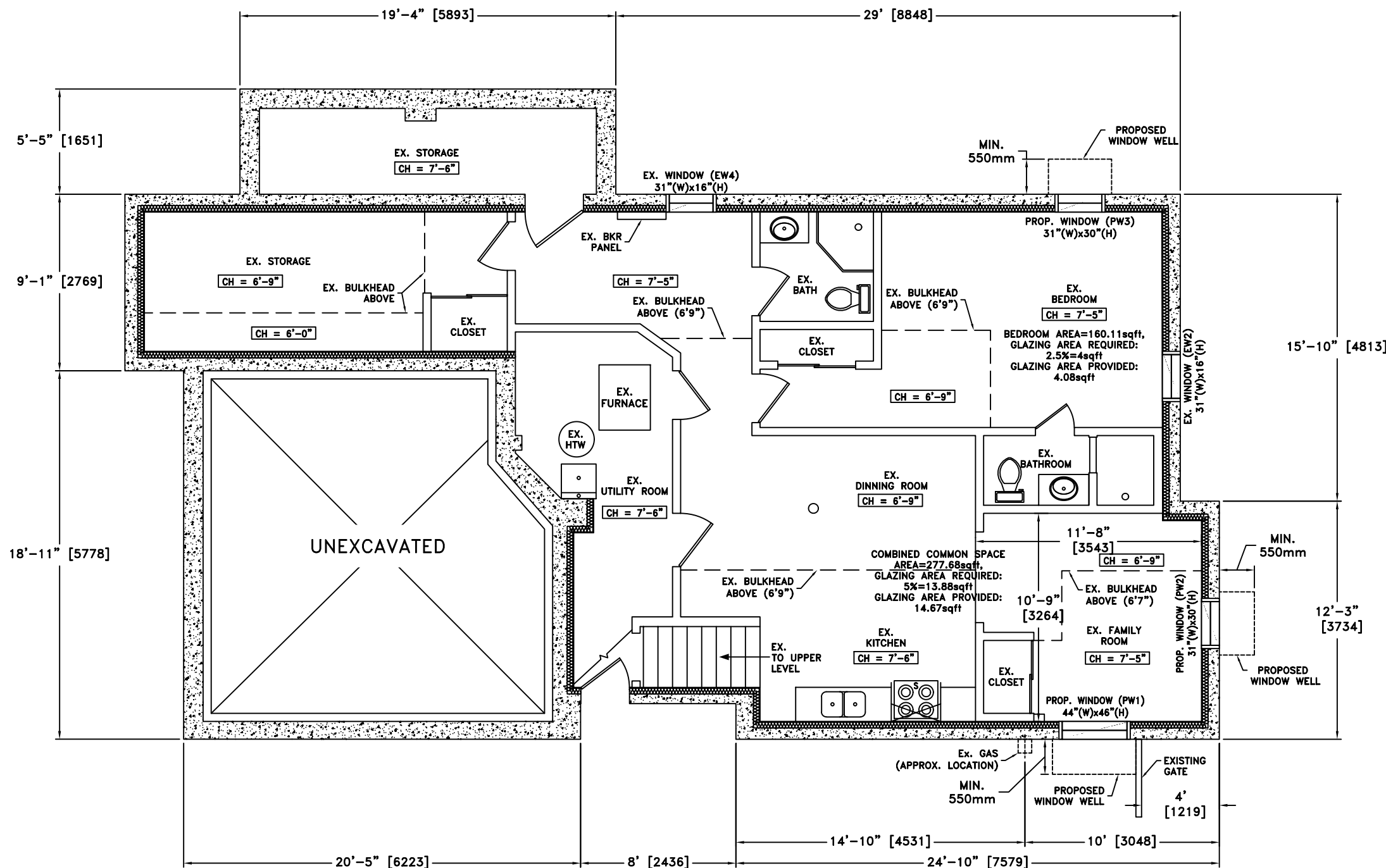
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FLOOR PLAN

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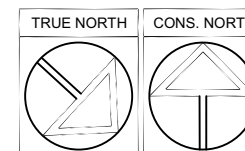
Appendix C

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Date: 09/19/22
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1
A104
SCALE: AS SHOWN
PROPOSED BASEMENT FLOOR PLAN



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Number Date Description

Company



Project Information

Project #: 0100021

2 WEATHERILL RD

2 Weatherill Rd,
Markham, ONTARIO
L6J 7C4

Drawn By

SF

Checked By

TL

Date

JAN,21 2022

Scale

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Drawing Title

**PROPOSED
BASEMENT
FLOOR PLAN**

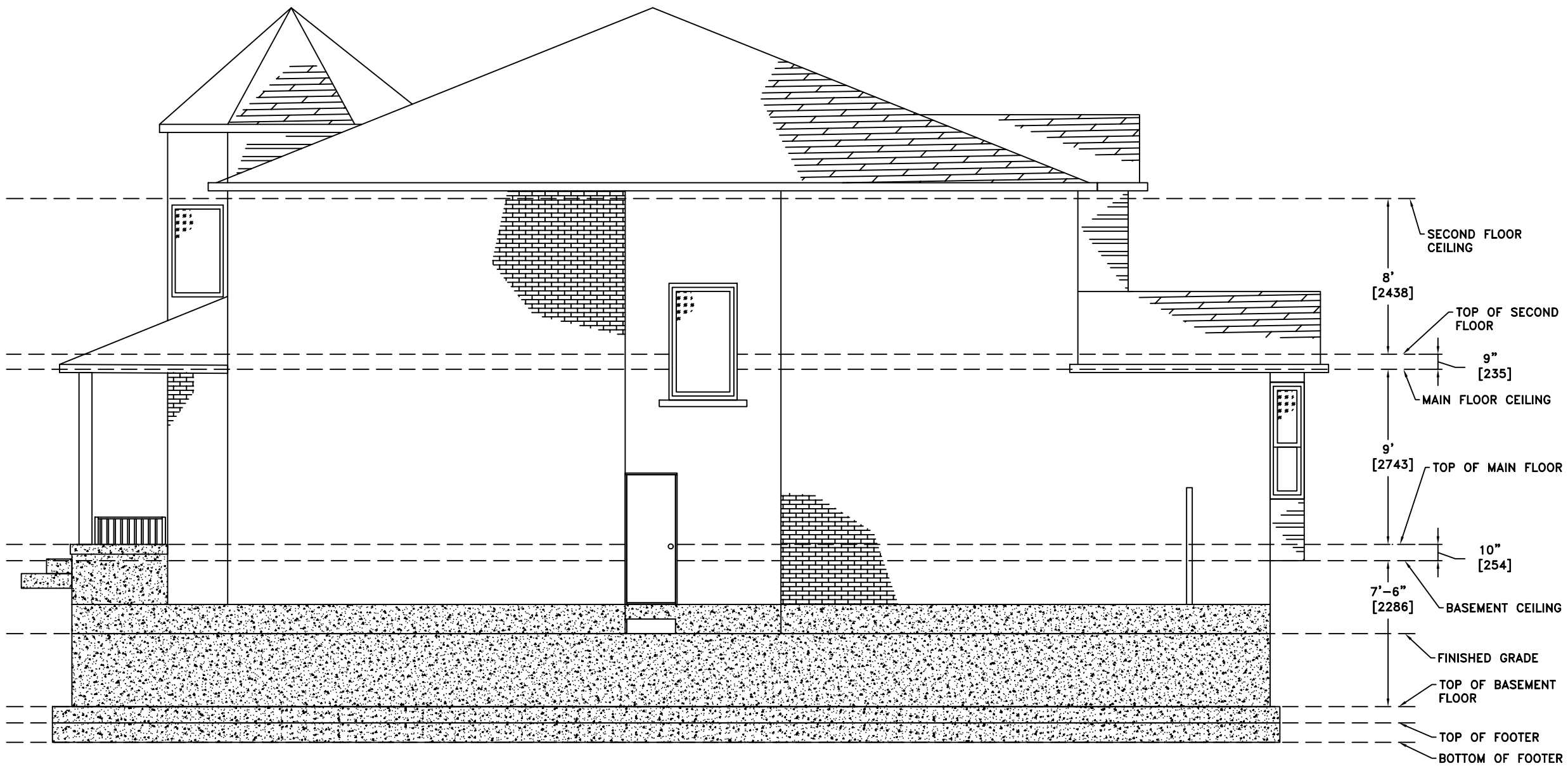
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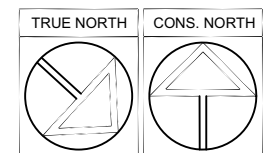
Appendix C

File: 22.117449.000.00.MNV

Date: 09/19/22
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1 EXISTING NORTH EAST ELEVATION
A201 SCALE: AS SHOWN



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L6J 7C4

Drawn By

SF

Checked By

TL

Date

JAN,21 2022

Scale

1:75

Drawing Title

EXISTING
NORTH EAST ELEVATION

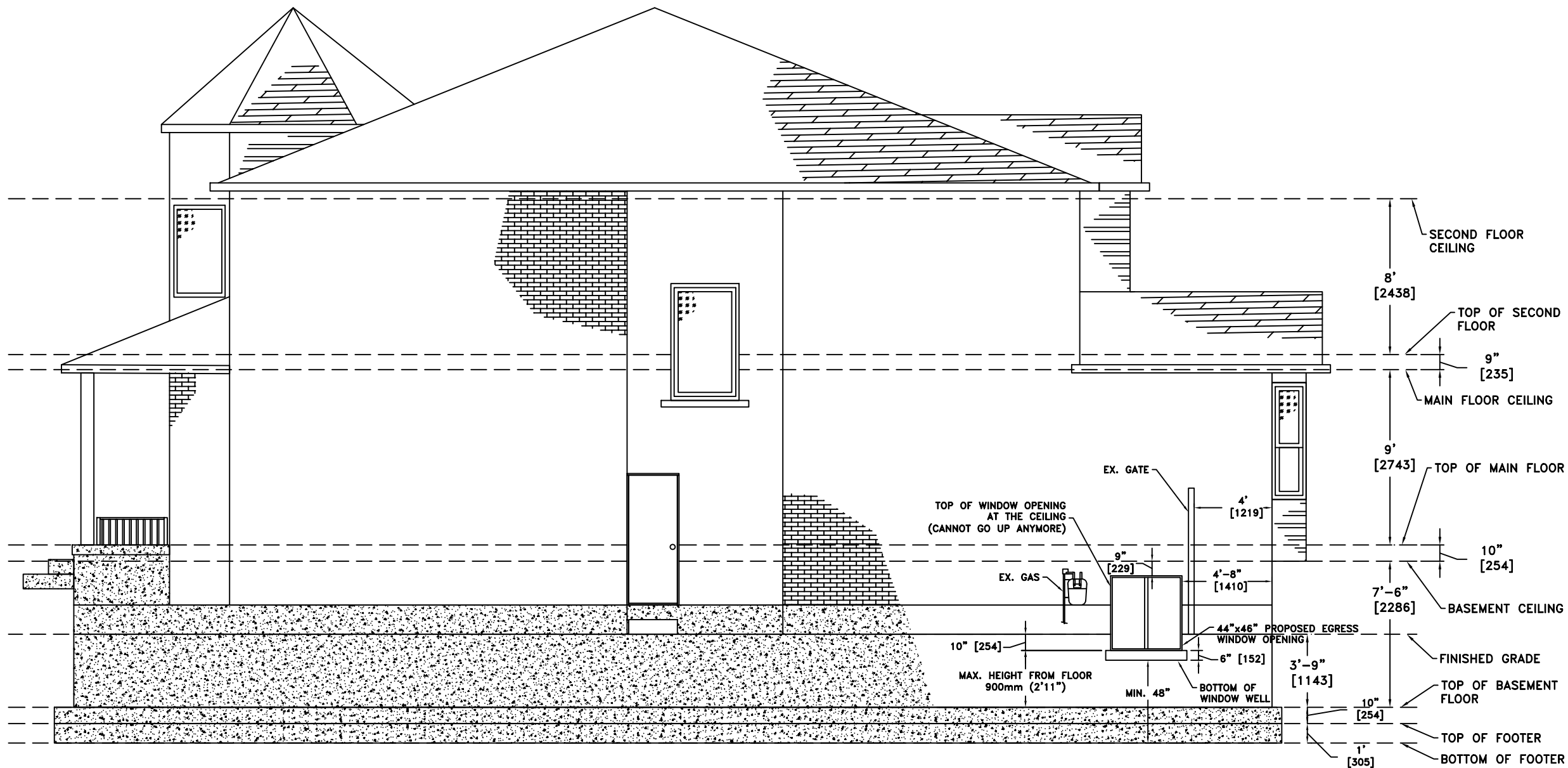
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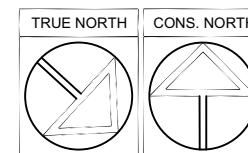
Appendix C

File: 22.117449.000.00.MNV

Date: 09/19/22
MM/DD/YY



1 PROPOSED NORTH EAST ELEVATION
A202 SCALE: AS SHOWN



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2 WEATHERILL RD

2 Weatherill Rd,
Markham, ONTARIO
L6J 7C4

Drawn By

SF

Checked By

TL

Date

JAN,21 2022

Scale

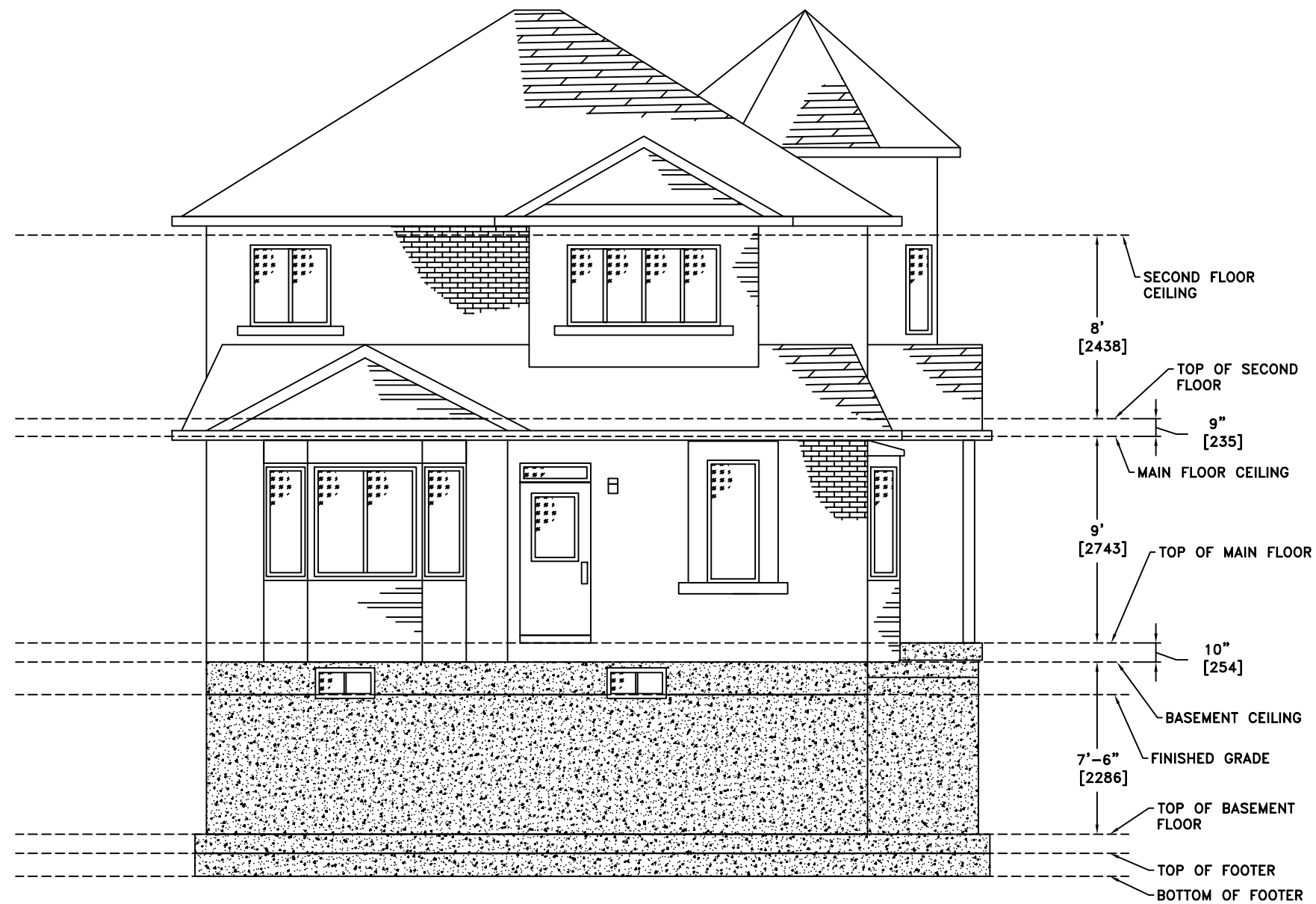
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Drawing Title

PROPOSED
NORTH EAST
ELEVATION

Sheet Number

A202

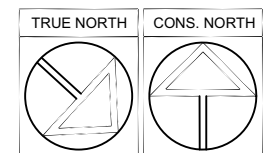


1 EXISTING BACK ELEVATION
A203 SCALE: AS SHOWN

Appendix C

File: 22.117449.000.00.MNV

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Drawn By

SF

Checked By

TL

Date

JAN,21 2022

Scale

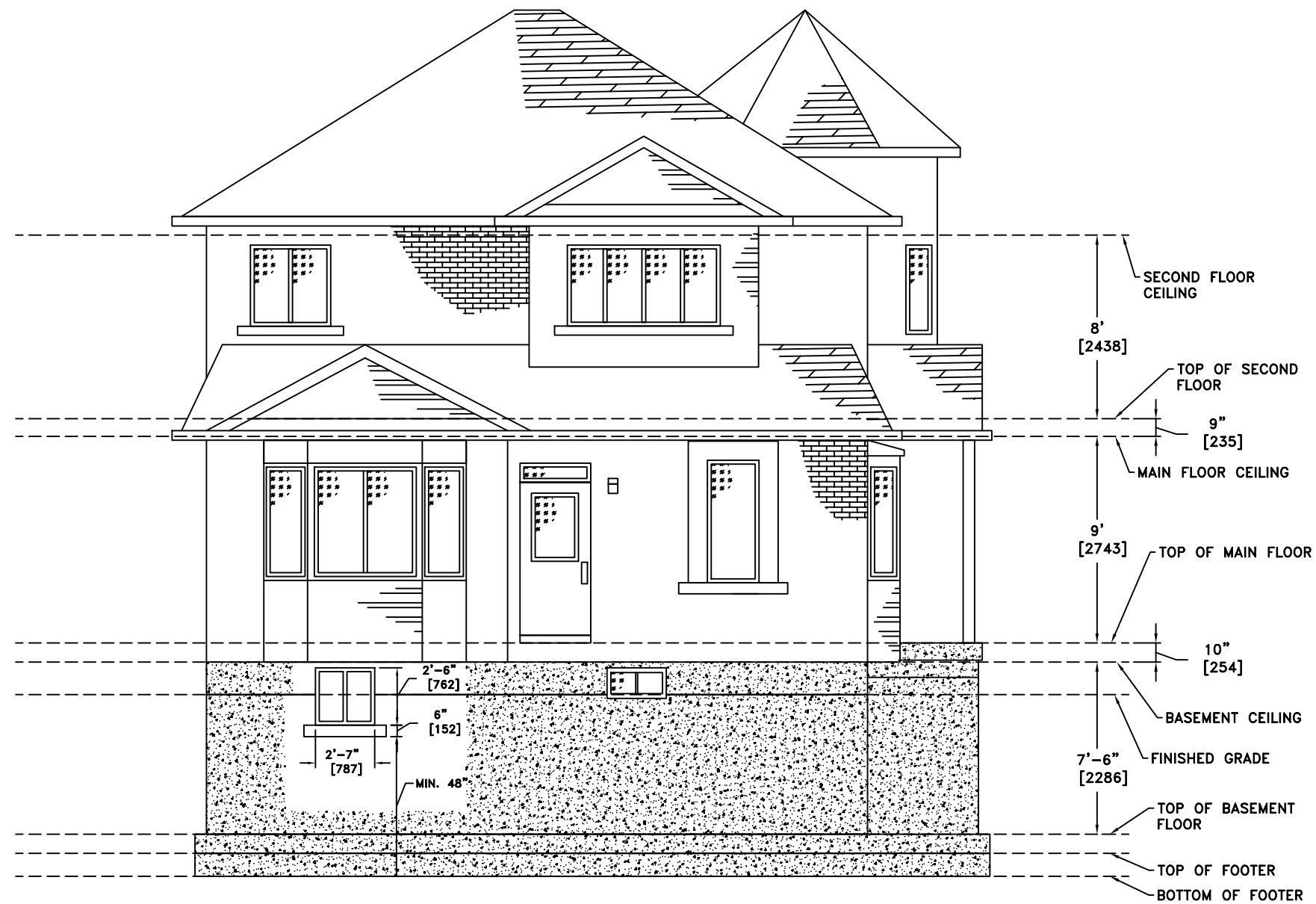
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Drawing Title

EXISTING
BACK ELEVATION

Sheet Number

A203



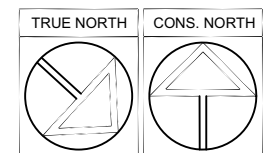
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A204

PROPOSED BACK ELEVATION
SCALE: AS SHOWN

Appendix C

File: 22.117449.000.00.MNV

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MM/DD/YY



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2 Weatherill Rd,
Markham, ONTARIO
L6J 7C4

Drawn By
SF

Checked By
TL

Date
JAN,21 2022

Scale
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Drawing Title

**PROPOSED
BACK ELEVATION**

Sheet Number

A204

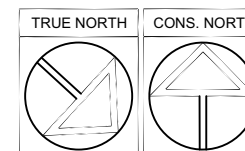
Appendix C

File: 22.117449.000.00.MNV

Date: 09/19/22
MM/DD/YY



1
A205 EXISTING SOUTH WEST ELEVATION
SCALE: AS SHOWN



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2 WEATHERILL RD

2 Weatherill Rd,
Markham, ONTARIO
L6J 7C4

Drawn By
Date

SF
JAN,21 2022

Checked By
Scale

TL
1:75

Drawing Title

EXISTING
SOUTH WEST ELEVATION

Sheet Number

A205

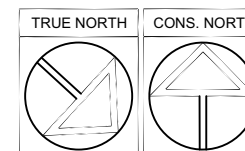
Appendix C

File: 22.117449.000.00.MNV

Date: 09/19/22
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1
A206 PROPOSED SOUTH WEST ELEVATION
SCALE: AS SHOWN



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2 WEATHERILL RD

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Markham, ONTARIO
L6J 7C4

Drawn By
Date

SF
JAN,21 2022

Checked By
Scale

TL
1:75

Drawing Title

PROPOSED
SOUTH WEST
ELEVATION

Sheet Number

A206