

Memorandum to the City of Markham Committee of Adjustment

November 26, 2025

File: A/137/25
Address: 13 Eberly Woods Drive, Markham
Applicant/Agent: 1000879147 Ontario Corp.
Hearing Date: Wednesday, December 10, 2025

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

The Applicant is requesting relief from the following requirements of the “Residential Two – Special (R2-S*641)” under By-law 177-96, as amended, as it relates to an existing side entrance for a residential dwelling. The variance requested is to permit:

- a) **By-law 177-96, Section 6.6.2 and 6.6.3:** the as-built uncovered paver landing and stairs to encroach a maximum of 0.85 meters into the required interior side yard setback, whereas the by-law does not permit stairs to encroach into an interior side yard setback.

BACKGROUND

Property Description

The 336.4 m² (3,621 ft²) Subject Lands are located on the east side of Eberly Woods Drive, and generally east of Beaverbrae Drive and south of Elgin Mills Road East (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo). The property is located within an established residential neighbourhood comprised of two-storey detached dwellings. There is an existing two-storey single-detached dwelling on the property, which according to assessment records was constructed in 2023.

History

According to the Building Standards Department Staff, the side door entrance from the original housing permit (RP 21 147064) did not require a landing or steps as it was a secondary entrance to the dwelling. In 2023, the Owner had submitted a permit (HP 23 145341) to construct a secondary suite (basement apartment) and proposed that the side door become the primary entrance for the secondary suite. Building Standards Department Staff had issued the building permit for the secondary suite on the basis that the door was located at-grade and that an exterior landing or steps were not required.

During inspections, it was discovered that the door was not located at-grade, as shown on the approved permit plans for the secondary suite. In June 2024, the Owner proposed a landing with pavers and a walkway; however, this was not formally submitted for review. In February 2025, Building Standards Department Staff were notified that the uncovered paver landings and stairs were built without a permit. Currently, there is an active permit application (HP 23 145341 000 01) to reflect the completed works of the uncovered paver landings and stairs.

Proposal

The Applicant is proposing to bring the as-built uncovered paver landing and stairs for the side door of the existing detached dwelling into compliance with the Zoning By-law (refer to Appendix “B” – Plans). No changes are being proposed to the interior and exterior of the dwelling.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24, 2017, and updated on July 17, 2024)

The Official Plan designates the Subject Lands “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. The Subject Lands are also located within the Berczy Glen Secondary Plan (“OPA 24”), which designates the Subject Lands as “Residential Low Rise”, which provides for compact neighbourhoods consisting primarily of ground related housing types including single detached dwellings. Staff have had regard for the Official Plan requirements in the preparation of the comments provided below.

Zoning By-Law 177-96, as amended

The Subject Lands are currently zoned “Residential Two – Special (R2-S*641)” under By-law 177-96, as amended, which permits single detached dwellings. The by-law does not have provisions for stairs or landing steps encroaching into the interior side yard, necessitating the variance requested and described above.

Exception *641 relates to site-specific Zone Standards including, but not limited to, permitted uses, building setbacks, and building height.

Zoning Preliminary Review (ZPR) Not Undertaken

The Applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the Applicant has received comments from the building department through their permit process (HP 23 145341 000 01) to confirm the variances 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:

- 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;
- d) The general intent and purpose of the Official Plan must be maintained.

Interior Side Yard Encroachment

The Applicant is requesting to permit the as-built uncovered paver landing and stairs to encroach a maximum of 0.85 metres (2.79 feet) into the interior side yard setback, whereas the by-law does not permit stairs to encroach into an interior side yard setback.

Development Engineering Staff has reviewed the supporting documents and has no issues with the proposed variance as the Applicant has demonstrated that the lot has positive drainage and the as-built uncovered paver landing and stairs does not adversely impact the existing swale. Fire and Emergency Services Department Staff has reviewed the application and has no issues with the proposed variance, provided that unobstructed access to each dwelling unit is maintained at all times.

The requested variance is intended to legalize the as-built condition and applies only to the exterior uncovered paver landing and stairs which is required to provide access to the side door entrance which is the primary entrance of the existing secondary suite. Staff are of the opinion that the encroachment into the interior side yard setback will not impact the swale or impact the abutting property and have no concerns with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 26, 2025. 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 and have no objection. 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 refer to Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Vivian Yap, Development Technician, Planning and Urban Design Department

REVIEWED BY:

A handwritten signature in black ink, appearing to read 'Melissa Leung', written in a cursive style.

Melissa Leung, RPP, MCIP, Senior Planner, Central District

File Path: Amanda\File\25 137655 \Documents\District Team Comments Memo

APPENDICES

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – A/137/25 Conditions of Approval

Appendix A

File: _____

Date: **12/3/2025**
MM/DD/YYYY



Legend

Subject Lands

1: 1,128

57.3 0 28.65 57.3 Meters

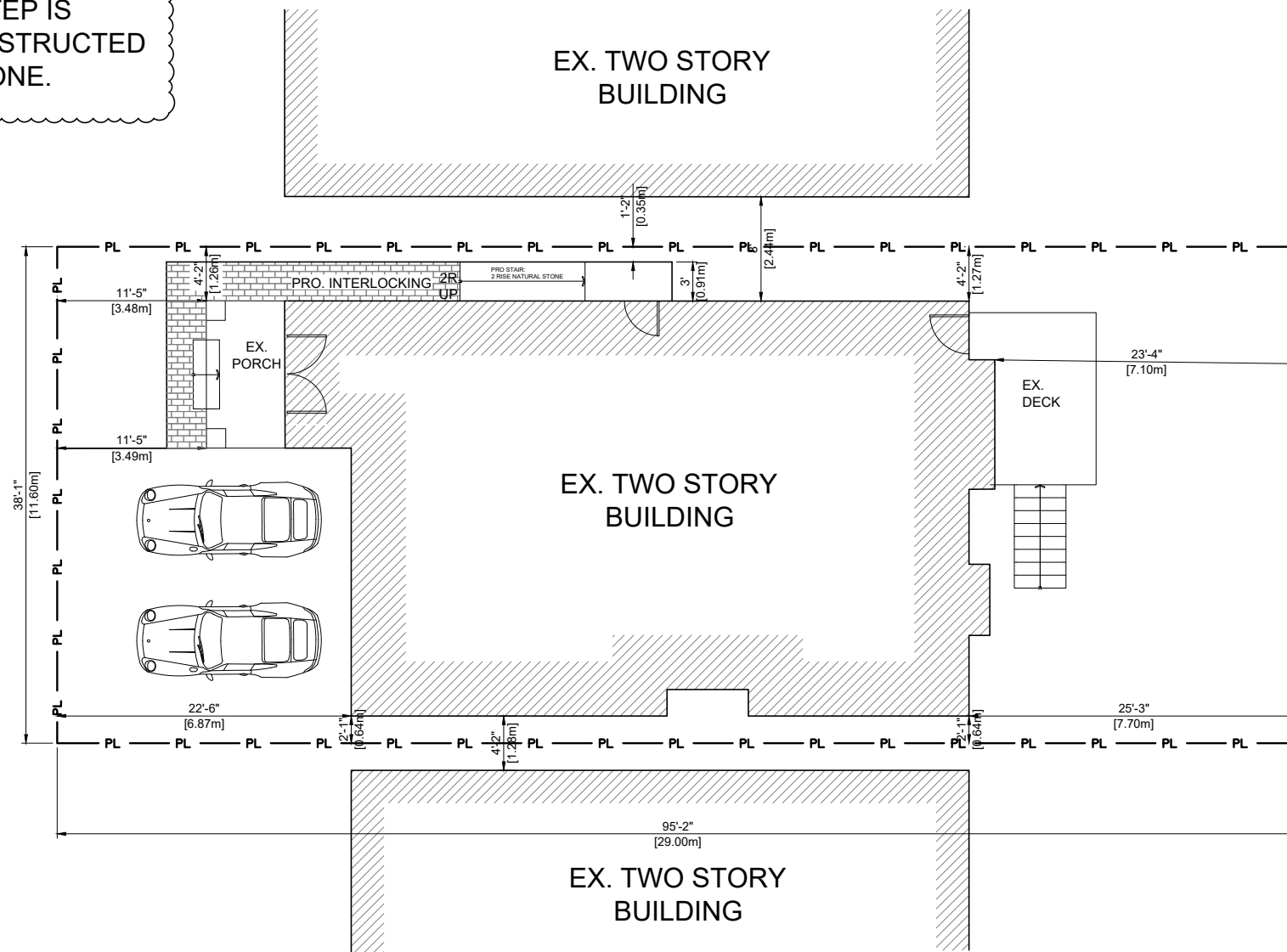
DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email cgis@markham.ca and you will be directed to the appropriate department.



NOTE:
THE SIDE 2-RISE STEP IS
EXISTING AND CONSTRUCTED
WITH NATURAL STONE.



EBERLY WOODS DR



SITE PLAN

SCALE 1 : 150

SITE STATICS			
LOT AREA: 336.40 M ² / SIDE YARD AREA: 29.84 M ²			
SITE STATISTICS	PERMITTED	EXISTING	PROPOSAL
LOT FRONTAGE	MIN. 10.7 M	11.60 M	-
SIDE SETBACK	1.2 M	1.26 M	-
SIDE SETBACK ENCROACHMENT	NOT CLOSER THAN 0.6 METERS FROM THE RESPECTIVE LOT LINE	1.26 M	0.35 M

Appendix B

File: _____
Date: **12/3/2025**
MM/DD/YYYY

PERMIT MAN
BUILDING DESIGN SERVICES
info@permitman.ca
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DRAWINGS ARE SEALED FOR THE PROPOSED ALTERATIONS ONLY. ANY OTHER WORK IS BEYOND THE SCOPE OF WORK.

DISCLAIMER:
- No warranty, express or implied, is made regarding the accuracy of dimensions or levels. All dimensions and levels must be verified on-site before work begins, and any discrepancies must be reported for review. These drawings are not for quantity estimation.
- The thickness and compositions of walls and floors, as well as other concealed or unobservable components, have not been determined, and no liability is assumed.
- Shoring, site grading, and flood control are beyond the engineer's scope, and no liability is assumed.
- Soil bearing capacity and groundwater levels must be assessed by a geotechnical engineer before construction. Consult the local building department for soil-bearing capacity information.

REV	DATE	DESCRIPTION	NOTE	JOB NO & DATE:
				25222
				MAR 2025
				DRAWN BY: M.M
2	2025/04/24	ISSUED FOR PERMIT	CITY	CHECKED BY: F.F.R
1	2025/04/03	ISSUED FOR PERMIT	CITY	
0	2025/03/31	ISSUED FOR REVIEW	CLIENT	PAPER SIZE: 17"x11"

SCOPE OF WORK: **PERMIT DRAWING FOR TWO STEPS SIDE DOOR STAIRCASE**

ADDRESS: **13 EBERLY WOODS DR, MARKHAM**

DRAWING TITLE: **SITE PLAN**

REV NO: **REV 2** PAGE NO: **A-01**

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/137/25

1. The variances apply only to the proposed development as long as it remains;
and,
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 that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction.

CONDITIONS PREPARED BY:



Vivian Yap, Development Technician, Planning and Urban Design Department