

Memorandum to the City of Markham Committee of Adjustment

October 3, 2022

File: A/134/22
Address: 20 Trimble Court, Markham (Thornhill)
Applicant: Tom Gutfreund
Agent: Tom Gutfreund
Hearing Date: Wednesday, October 5, 2022

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

The Applicant is requesting relief from the following “Eighth Density – Single Detached Residential (R8)” zone requirements under By-law 151-75, as amended, as it relates to a proposed rear deck. The variances requested are to permit:

a) Deck By-law 142-95, Section 2.2 (b)(i):

a 3.66 m (12 ft.) projection, whereas the By-law permits a maximum deck projection of 3.0 m (9.84 ft.).

BACKGROUND

Property Description

The 460 m² (4,951 ft²) subject lands are located on the south side of Trimble Court, and are generally located east of Willowbrook Road and is abutting the north side of Willowbrook Public School (refer to Appendix “A” – Aerial Photo). The subject lands are located within an established residential neighbourhood comprised of a mix of two-storey detached dwellings.

The existing 233.56 m² (2,514 ft²) two-storey detached dwelling was constructed in 1978, according to assessment records. Mature vegetation exists throughout the subject lands, including two large mature trees in the front yard and two smaller trees in the rear yard.

Proposal

The applicant is proposing to construct a 31.22 m² (336 ft²) deck above grade located to the rear of the existing two-storey detached dwelling (refer to Appendix “B”).

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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 (the “Committee”):

- 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.

Maximum Deck Projection

The applicant is requesting relief to permit a maximum deck projection of 3.66 m (12 ft.), whereas a maximum deck projection of 3.0 m (9.84 ft.) is permitted. This represents an increase of approximately 0.61 m (2.0 ft.). The variance is attributed to the proposed rear deck and deck extension above grade.

Staff are of the opinion that the proposed maximum deck projection is minor in nature, and staff have no concern with the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of October 3, 2022. 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. In reaching a decision, staff recommend that the Committee consider public input, and the subsequent conditions of approval. 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" – Plans
- Appendix "C" – A/134/22 Conditions of Approval

PREPARED BY:

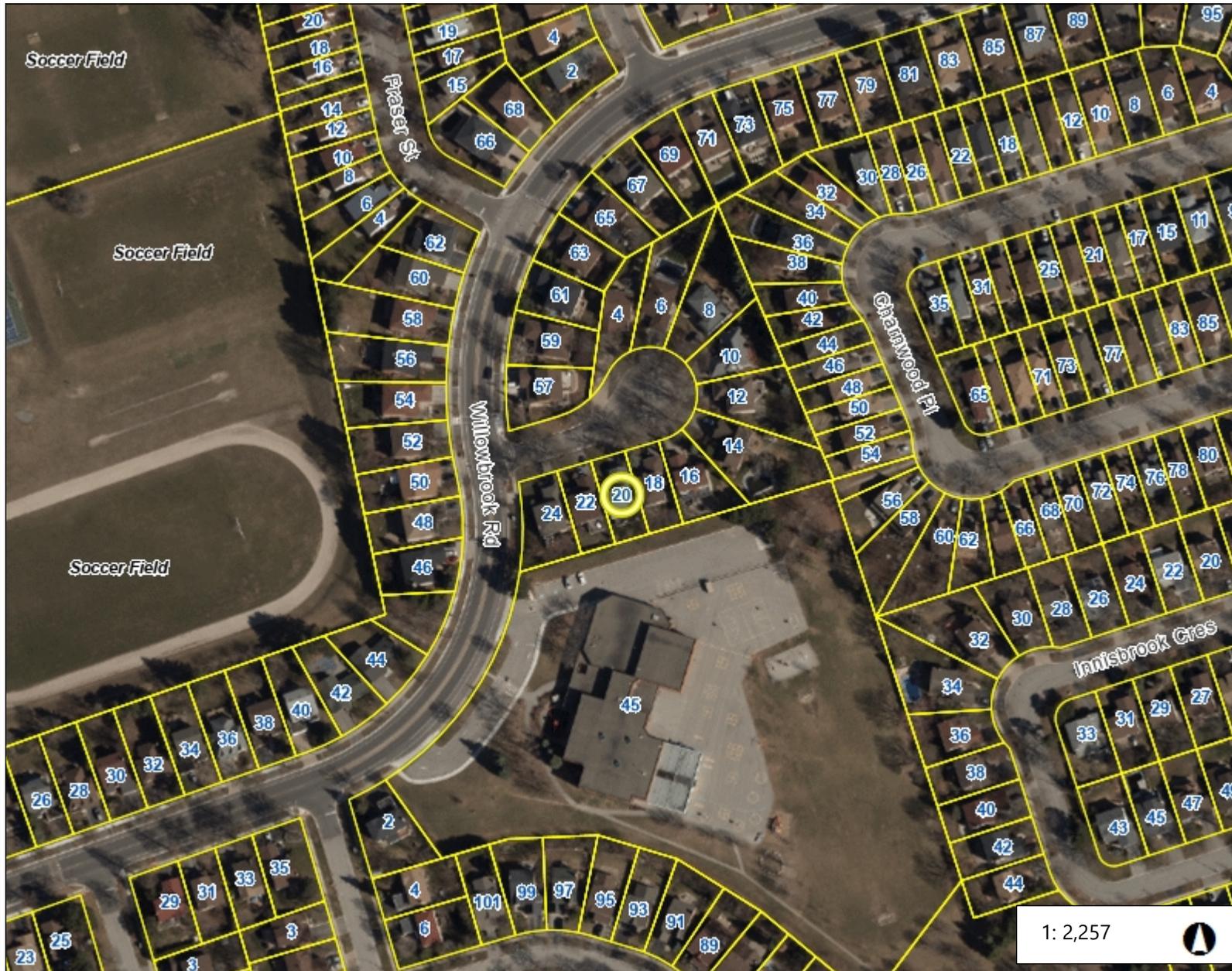


Hussnain Mohammad, Development Technician, Zoning and Special Projects

REVIEWED BY:



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



Legend

Subject Lands

1: 2,257



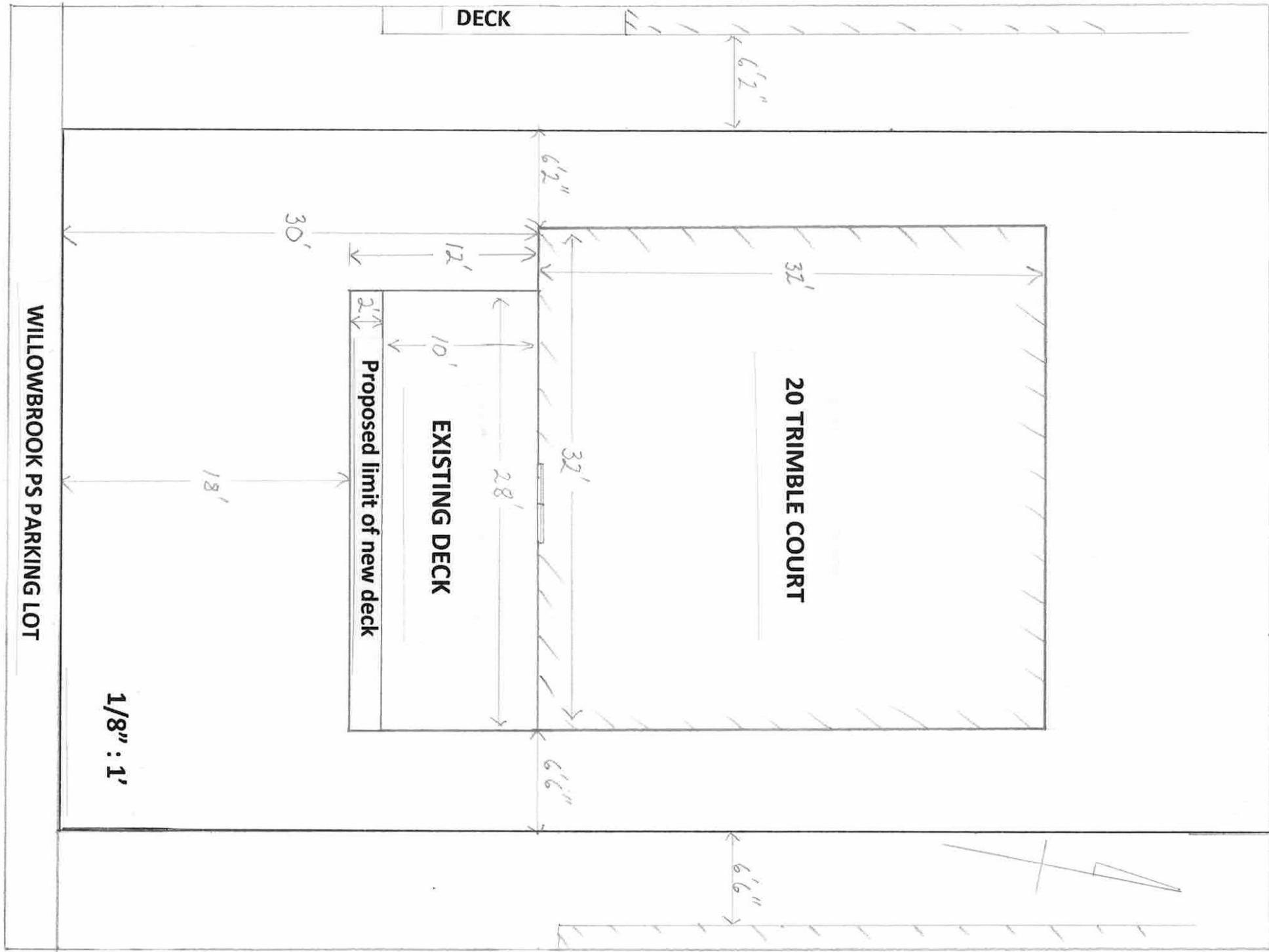
114.7 0 57.33 114.7 Meters

Notes

Appendix B

File: 22.248077.000.00.MNV

Date: 10/03/22
MM/DD/YY



A1
Site plan showing house,
existing deck and proposed
limit of replacement deck

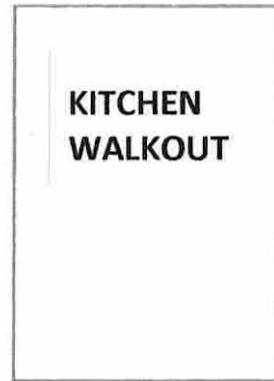
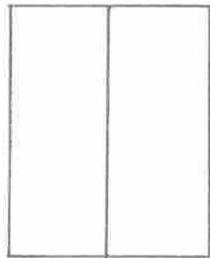
WILLOWBROOK PS PARKING LOT

Appendix B

File: 22.248077.000.00.MNV

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REAR VIEW



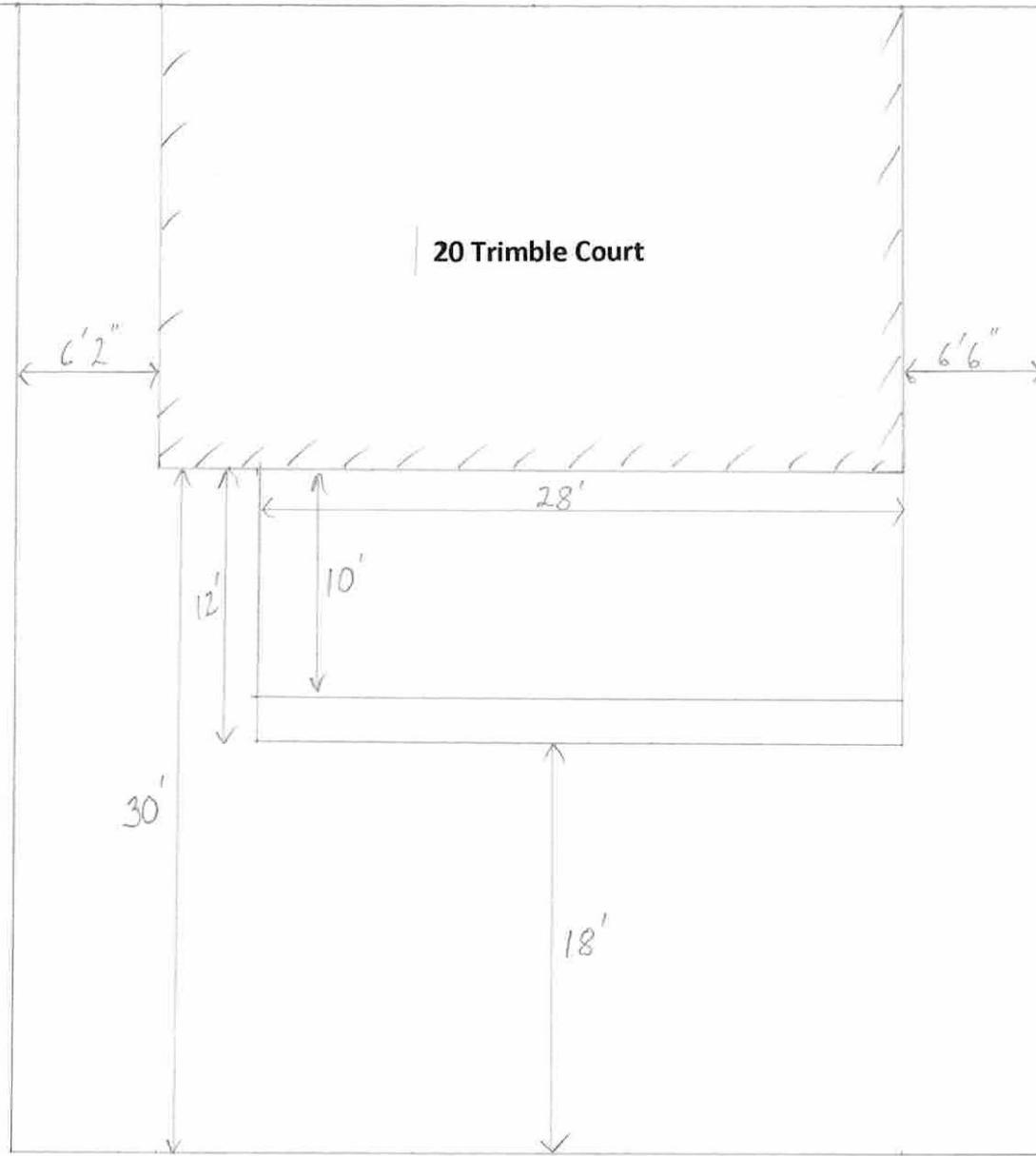
5' 6" HEIGHT OF KITCHEN WALKOUT
ABOVE GRADE
¼" : 1' 5'6" = 1.68m

A2
South (Rear) View showing
height of kitchen walkout
above grade

Appendix B

File: 22.248077.000.00.MNV

Date: 10/03/22
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20 Trimble Court

6'2"

6'6"

28'

12'

10'

30'

18'

Existing Deck
10' x 28'
(3.05m x 8.53m)

Proposed Deck
12' x 28'
(3.66m x 8.53m)

Side yard setback
6'2" = 1.88m
6'6" = 1.98m

**Distance from SFD
To Rear Property Line**
30' = 9.14m

**Distance from proposed
Deck to Rear Property
Line**
18' = 5.49m

Willowbrook Public School Parking Lot

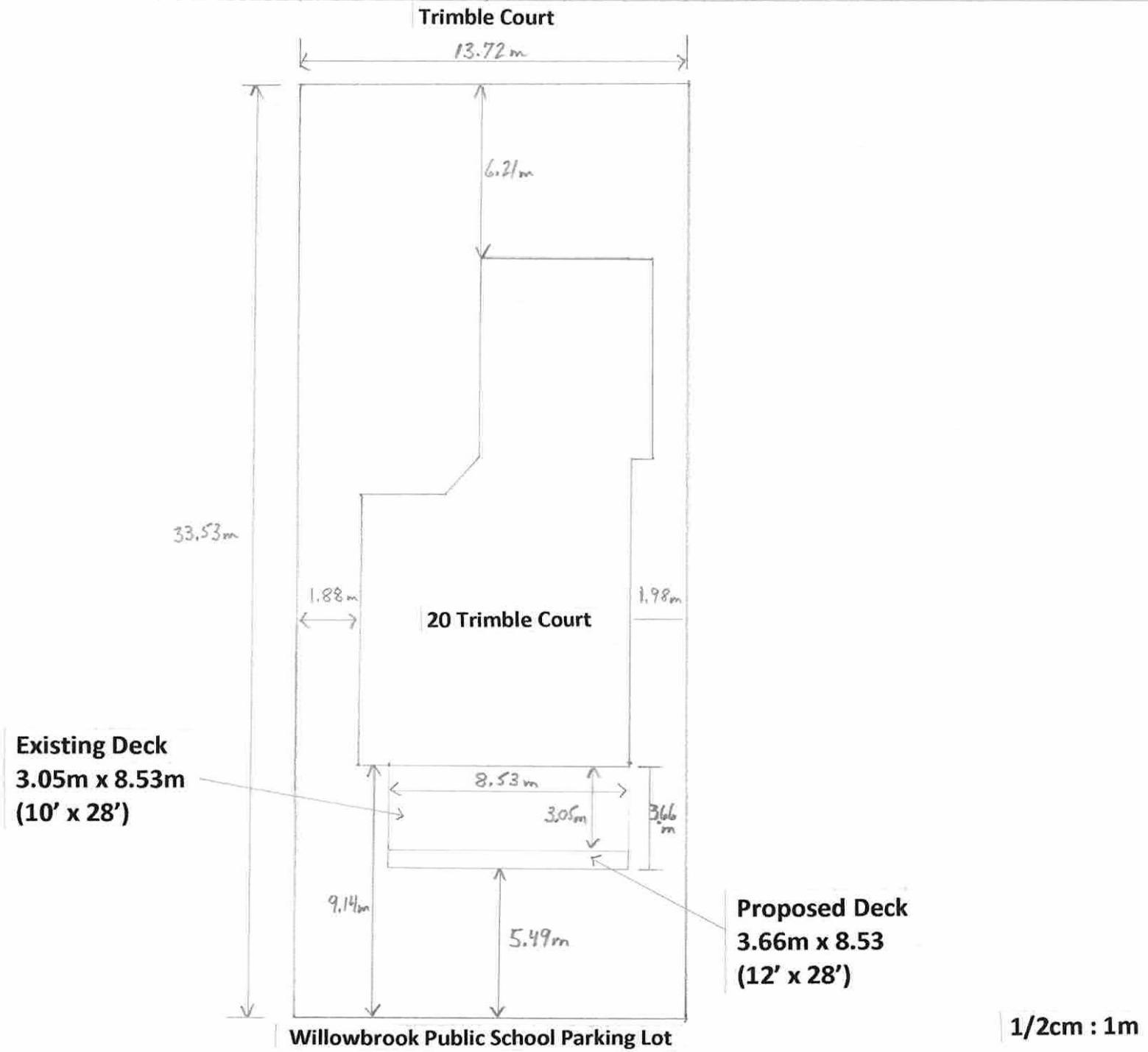
1/8" : 1'

A3
Expanded view of deck
and metric conversions

Appendix B

File: 22.248077.000.00.MNV

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A4
Site Plan Showing
Existing and Proposed Deck

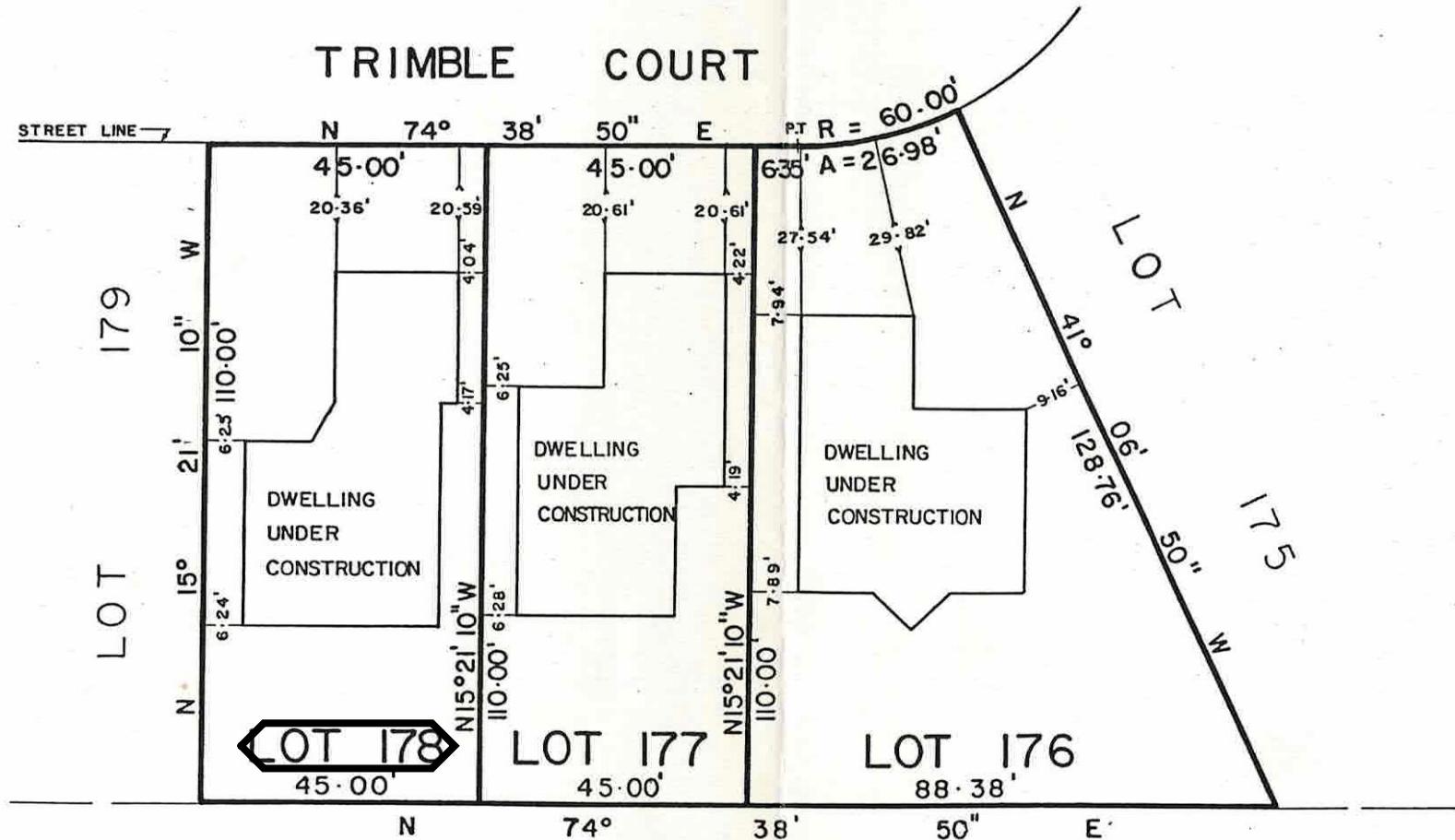
PLAN SHOWING
 LOTS 176 TO 178 PLAN M-1765
 TOWN OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK

SCALE 1" = 30'

Appendix B

File: 22.248077.000.00.MNV

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BLOCK F

disclaims any liability as to the current accuracy of the contents of this survey, which is 9 years old and advise that no reliance can be placed upon the current accuracy of the contents herein.

ANTON KIKAS O. L. S.



Anton Kikas Limited
 Consulting Engineers
 Ontario Land Surveyors—Planners
 2028 Avenue Road, Toronto M5M 4A4, Tel. 489-1991

#77-150

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/134/22

1. The variances apply only to the proposed development as long as it remains;
2. That the variance applies 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 Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction

CONDITIONS PREPARED BY:



Hussnain Mohammad, Development Technician, Zoning and Special Projects