

Memorandum to the City of Markham Committee of Adjustment

January 20, 2023

File: A/122/22
Address: 111 Smoothwater Terrace, Markham
Applicant: Shailaja Shekhar
Hearing Date: Wednesday February 1, 2023

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of “Residential Two Exception*222*224 (R2*222*224)” under By-law 177-96, as amended, as it relates to a proposed deck:

a) By-law 177-96, Section 6.2.1 (b):

a maximum deck projection of 4.87 metres (16.0 feet), whereas the By-law permits a maximum deck projection of 3.0 metres (9.84 feet)

BACKGROUND

Property Description

The 590.01 m² (6,350.81 ft²) subject property is located on the east side of Smoothwater Terrace, south of Copper Creek Drive and west of Donald Cousens Parkway. The property is located within an established residential neighbourhood comprised of two-storey detached dwellings.

Proposal

The applicant is requesting a maximum deck projection variance to recognize an existing deck with an approximate area of 26.75 m² (288 ft²) in the rear yard.

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.

Zoning By-Law 177-96

The subject property is zoned “Residential Two Exception*222*224 (R2*222*224)” under By-law 177-96, as amended which permits various low rise housing forms including detached dwellings. Exceptions *222 and *224 include additional site specific development standards for the property that do not impact the subject variance request. The proposed development does not comply with the By-law requirement with respect to permissions for maximum deck projection.

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:

- 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.

Increase in Maximum Deck Projection

The applicant is requesting a maximum deck projection of 4.87m (15.97ft), whereas the By-law permits a maximum projection of 3.0 m (9.84 ft) for decks with a height greater than 1.0 m (3.3 ft). This is an increase of 1.87 m (6.13 ft).

The existing deck maintains a generous rear yard setback of approximately 10.36 m (34 ft). Additionally, the rear yard abuts adjacent valley lands, and staff are of the opinion that there will be no impact to surrounding properties from the existing deck. Staff therefore consider the variance to be appropriate for the site and have no objections.

EXTERNAL AGENCIES

TRCA Comments

The subject property is partially located within a TRCA Regulated Area of the Rouge River Watershed as it contains part of a Regulatory (Regional Storm) flood plain hazard and is within an area of influence associated with a Provincially Significant Wetland to the east and south. TRCA provided comments on December 22, 2022 (Appendix "C"), indicating that the TRCA staff were involved with the review of this proposal through the permit application CFN 66752 and have issued TRCA permit. TRCA staff note that the proposal as part of Minor Variance Application A/122/22 is consistent with the approved permit drawings. The proposed development appears to be sufficiently setback from the Regulatory (Regional Storm) flood plain hazard and Provincially Significant Wetland. Therefore, TRCA has no objection to the proposed works.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 20, 2023. 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 "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:




Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/122/22

1. That the variance applies only to the subject development for as long as it remains.
2. That the variance applies 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 that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:



Brashanthe Manoharan, Planner II, East District

APPENDIX "B"

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/122/22

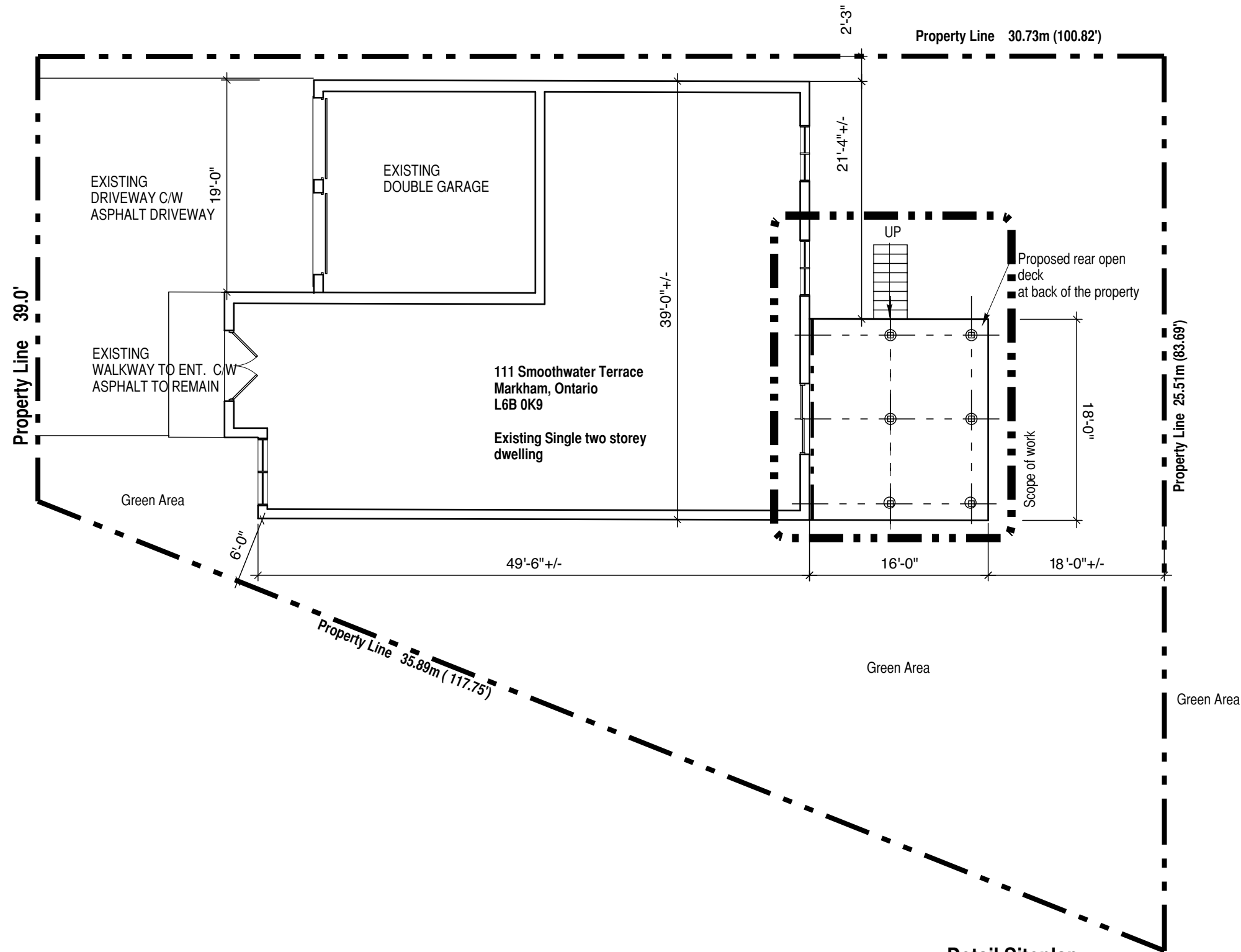
APPENDIX "C"
TRCA COMMENTS DATED DECEMBER 22, 202

Appendix B

File: 22.246663.000.00.MNV

Date: 01/27/23
MM/DD/YY

SMOOTHWATER TERRACE



Detail Siteplan

Project Coordinator:
A.R. Design Associates
Architectural & Engineering Services

01 Alfred Paterson Drive
Markham, Ontario L6E 1K4
Tel: (905) 201-0014
Fax: (905) 201 0851

Consultants:
Mechanical / Electrical Design
Stavros Charitonos, P. Eng.



3		
2	Issued for Building Permit	July 27, 2021
1	Issued for Client Review	July 2021

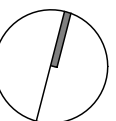
Owner:
Mr. Chandrashehar Lalkudi & Mrs. Shailaja Shekhar Residence
Lot # 59. Plan # 65M-3908

111 Smoothwater Terrace
Markham, Ontario
L6B 0K9
Cell: 416 726 4799
email: Shaila_Shekhar@yahoo.ca

Drawing Title:
Proposed open wood deck at the back of the property

Scale: 3/32" = 1'-0"
Date: July 2021

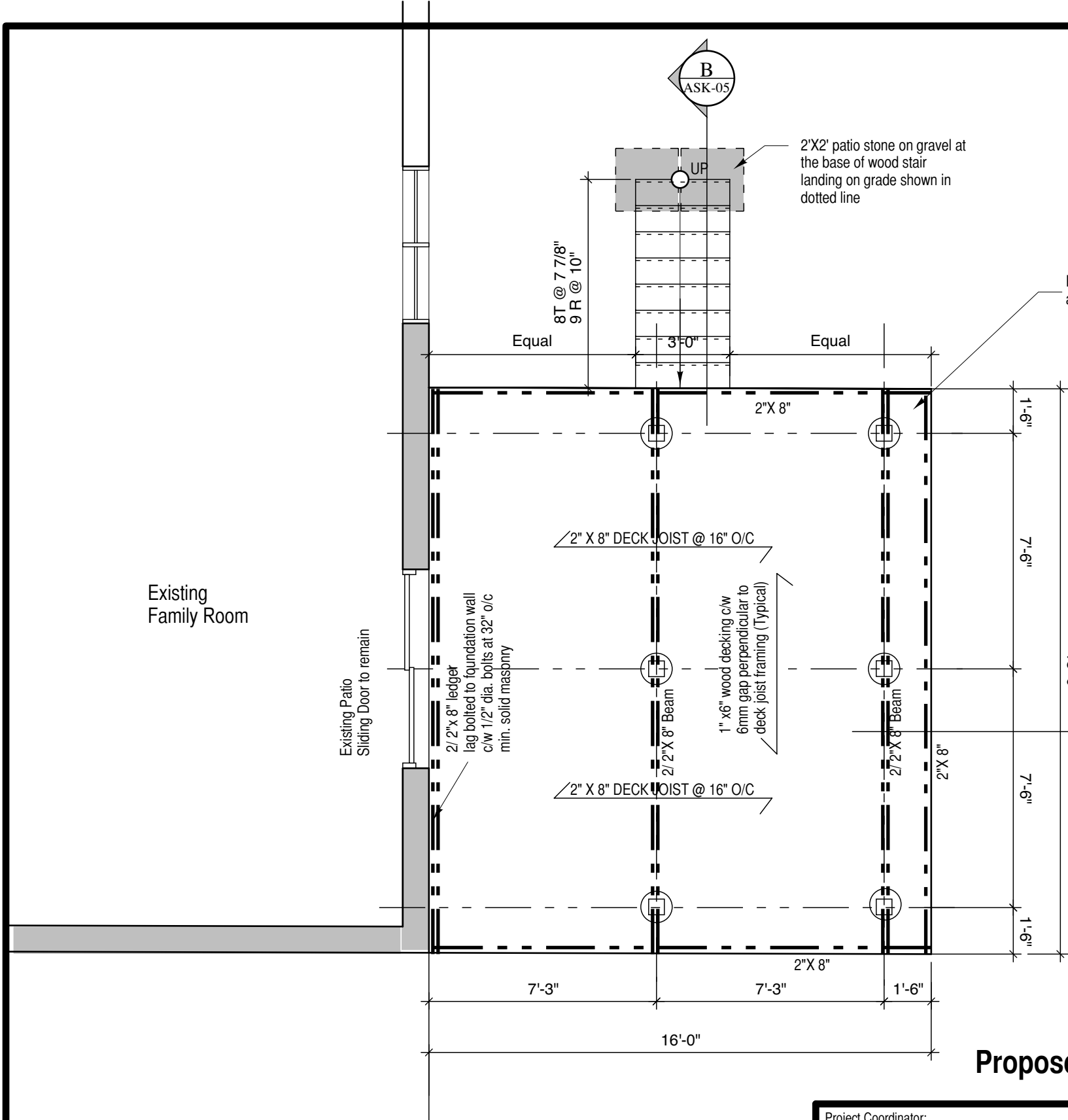
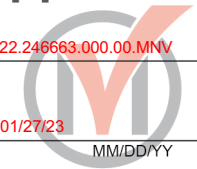
Drawn By:
CAD
Dwg No: **ASK-02**



Appendix B

File: 22.246663.000.00.MNV

Date: 01/27/23
MM/DD/YY



Proposed Open deck framing Plan

Project Coordinator:
A.R. Design Associates
Architectural & Engineering Services

01 Alfred Paterson Drive
Markham, Ontario L6E 1K4
Tel: (905) 201-0014
Fax: (905) 201 0851

Consultants:
Mechanical / Electrical Design
Stavros Charitonos, P. Eng.



3		
2	Issued for Building Permit	July 27, 2021
1	Issued for Client Review	July 2021

Owner:
Mr. Chandrashehar Lalkudi & Mrs. Shailaja Shekhar Residence
Lot # 59. Plan # 65M-3908

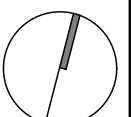
111 Smoothwater Terrace
Markham, Ontario
L6B 0K9
Cell: 416 726 4799
email: Shaila_Shekhar@yahoo.ca

Drawing Title:
Proposed new wood deck at the existing rear patio door

Scale: 3/16" = 1'-0"
Date: July 2021

Drawn By:
CAD

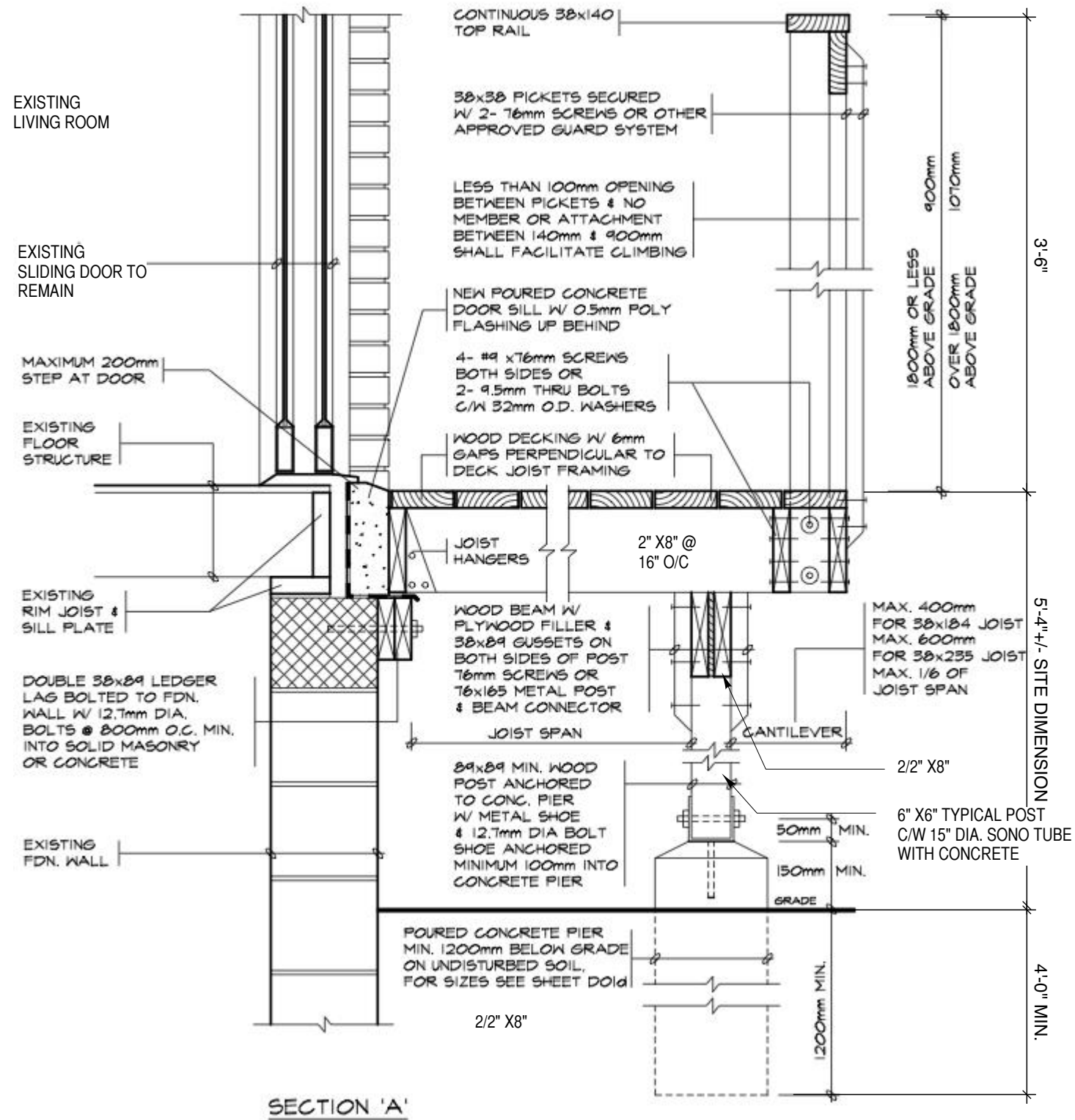
ASK 03



Appendix B

File: 22.246663.000.00.MNV

Date: 01/27/23
MM/DD/YY



1 Detail Section at guard & post- A
ASK-04 N.T.S

Project Coordinator:
A.R. Design Associates
Architectural & Engineering Services

01 Alfred Paterson Drive
Markham, Ontario L6E 1K4
Tel: (905) 201-0014
Fax: (905) 201 0851

Consultants:
Mechanical / Electrical Design
Stavros Charitonos, P. Eng.



3		
2	Issued for Building Permit	July 27, 2021
1	Issued for Client Review	July 2021

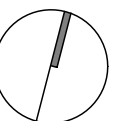
Owner:
Mr. Chandrashehar Lalkudi & Mrs. Shailaja Shekhar Residence
Lot # 59. Plan # 65M-3908
111 Smoothwater Terrace
Markham, Ontario
L6B 0K9
Cell: 416 726 4799
email: Shaila_Shekhar@yahoo.ca

Drawing Title:
Typical Detail Sections

Scale: Date:
July 2021

Drawn By:
CAD

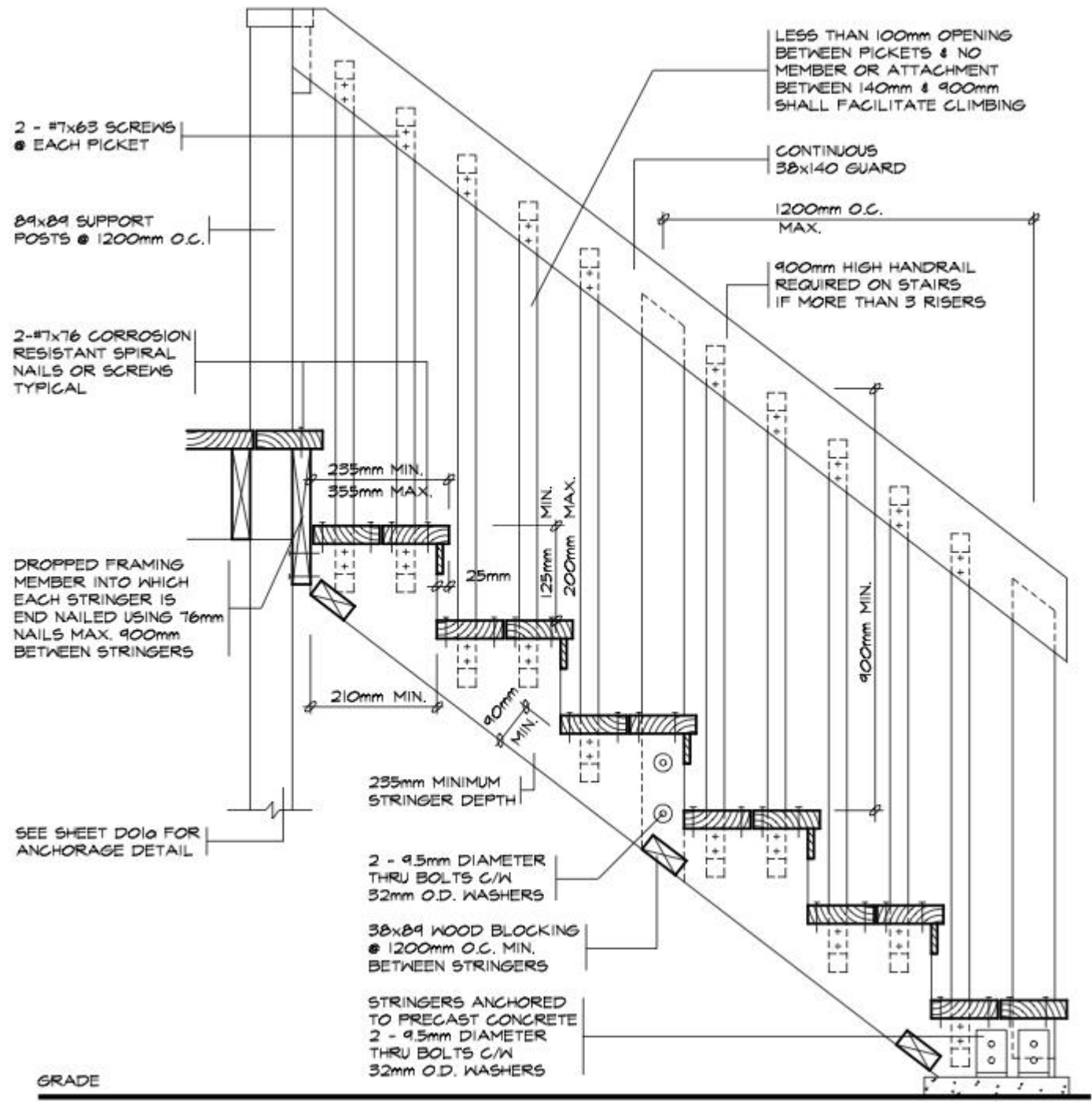
ASK 04



Appendix B

File: 22.246663.000.00.MNV

Date: 01/27/23
MM/DD/YY



1 Detail Section at stair- B
ASK-05 N.T.S

Project Coordinator:
A.R. Design Associates
Architectural & Engineering Services
01 Alfred Paterson Drive
Markham, Ontario L6E 1K4
Tel: (905) 201-0014
Fax: (905) 201 0851
Consultants:
Mechanical / Electrical Design
Stavros Charitonos, P. Eng.



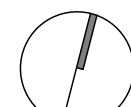
3		
2	Issued for Building Permit	July 27, 2021
1	Issued for Client Review	July 2021

Owner:
Mr. Chandrashehar Lalkudi & Mrs. Shailaja Shekhar Residence
Lot # 59. Plan # 65M-3908
111 Smoothwater Terrace
Markham, Ontario
L6B 0K9
Cell: 416 726 4799
email: Shaila_Shekhar@yahoo.ca

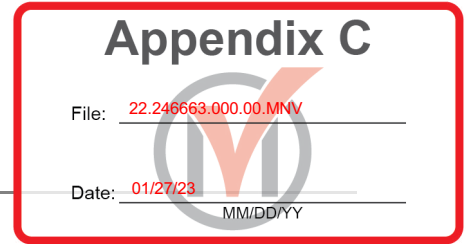
Drawing Title:
Typical Detail Sections

Scale: _____ Date: July 2021

Drawn By:
CAD
ASK 05



From: [Joshua Lacaria](#)
To: [Manoharan, Brashanthe](#)
Subject: CFN 66440.22 - A/122/22- 111 Smoothwater Terrace, Markham
Date: December 22, 2022 3:02:56 PM
Attachments: [image004.png](#)
[image005.jpg](#)
[image001.jpg](#)



Hi Brashanthe Manoharan,

Thank you for the opportunity to review the Minor Variance Application received by Toronto and Region Conservation Authority (TRCA) on December 12, 2022. The purpose of this letter is to provide our comments on our evaluation of the proposed works.

Our Understanding of the Proposal:

The applicant is requesting relief from the requirements of By-law 177-96, as amended, to permit

- a. A maximum deck projection of 4.87 metres (16.0 feet), whereas the By-law permits a maximum deck projection of 3.0 metres (9.84 feet).

We understand the proposal involves the construction of a rear deck attached to an existing dwelling. The site is located north of 14th Avenue and west of Box Grove Collector Road in the City of Markham.

Policies and Regulations:

TRCA Regulation and Policy:

The subject property (111 Smoothwater Terrace) is partially located within a TRCA Regulated Area of the Rouge River Watershed as it contains part of a Regulatory (Regional Storm) flood plain hazard and is within an area of influence associated with a Provincially Significant Wetland to the east and south. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shoreline and Watercourse Regulation), a permit is required from the TRCA prior to any new development taking place within this Regulated Area.

'Development' is defined as:

- I. the construction, reconstruction, erection or placing of a building or structure of any kind,
- II. any change to a building or structure that would have the effect of altering the use or potential
- III. use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- IV. site grading, the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

TRCA staff were involved with the review of this proposal through the permit application CFN 66752 and have issued TRCA permit number C-220240 which is valid until March 9, 2024. TRCA staff note that the proposal as part of Minor Variance Application A/122/22 is consistent with the approved permit drawings. The proposed development appears to be sufficiently setback from the Regulatory (Regional Storm) flood plain hazard and Provincially Significant Wetland. Therefore, TRCA has **no objection** to the proposed works and revisions to the permit application CFN 66752 is not required.

Application Review Fee

As per TRCA's role as a commenting agency for *Planning Act* application circulated by member municipalities to assess whether a proposed development may be impacted by TRCA, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. The submitted application is subject to a review fee in the amount of \$120 (2022 TRCA Planning Fee Schedule – Screening Letter). This fee can be submitted via Checkfront Online Payment System. I have not copied the Agent/Owner to provide the City of Markham the opportunity to review. Please forward this letter to the Agent/Owner upon completion of review.

Recommendation

In light of the above, TRCA staff have **no objection** to Minor Variance Application A/122/22, subject to the following condition:

- 1. That the outstanding planning screening/review fee (\$120) be remitted to TRCA.

I trust these comments are of assistance. Should you have further questions do not hesitate to contact me.

Regards,

Joshua Lacaria, MES (PI)

Planner I - York East Review Area
Development Planning and Permits | Development and Engineering Services
Toronto and Region Conservation Authority (TRCA)

T: [\(437\) 880 2347](tel:4378802347)
E: joshua.lacaria@trca.ca
A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](#) | trca.ca



From: ProjectDox@markham.ca <ProjectDox@markham.ca>
Sent: December 12, 2022 4:10 PM
To: York Plan <yorkplan@trca.ca>
Subject: _EXT_ TRCA Department Review cycle #1 Assignment for 22.246663.000.00.MNV

EXT TRCA Department Review cycle #1 Assignment

Attention TRCA: