Memorandum to the City of Markham Committee of Adjustment
June 21st, 2019

File: A/34/19
Address: 15 Francesco Court, Markham
Applicant: Edison Chong
Agent: Thomas Yeung
Hearing Date: Wednesday June 26, 2019

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

The applicant is requesting relief from the following requirements of By-law 142-95, as amended:

a) **Deck By-law 142-95, Section 2.2(b)(i):**
a maximum deck projection of 4.98 m, whereas the By-law permits a maximum projection of 3.0 m; as it relates to a rear yard deck extension that was built without a building permit.

The Committee of Adjustment deferred this application on May 8th, 2019 requesting that the applicant prepare landscape plans. The applicant submitted a landscape plan on June 10th, 2019 (Appendix A1) which addresses privacy concerns by adding screening through the introduction of cedar trees along the rear property line. The applicant has not revised their variances nor submitted revised deck drawings. Staff's comments, conditions and drawings attached as appendix 'A2' remain applicable subject to the landscape plans attached (Appendix A1).

Applicant's Stated Reason(s) for Not Complying with Zoning
According to the information provided by the applicant, the reason for not complying with Zoning is, *"The existing deck is above 1.0 m on grade. Permitted deck projection is 3.0m max on current zoning. The new wood deck extension is beyond 3.0 m and extended 1.98m not including the stair 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.

PUBLIC INPUT SUMMARY
As of June 21st, 2019 the City received nine letters, five expressing support and four expressing concerns over privacy, 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. Staff recommend that the Committee consider public input in reaching a decision.

PREPARED BY:

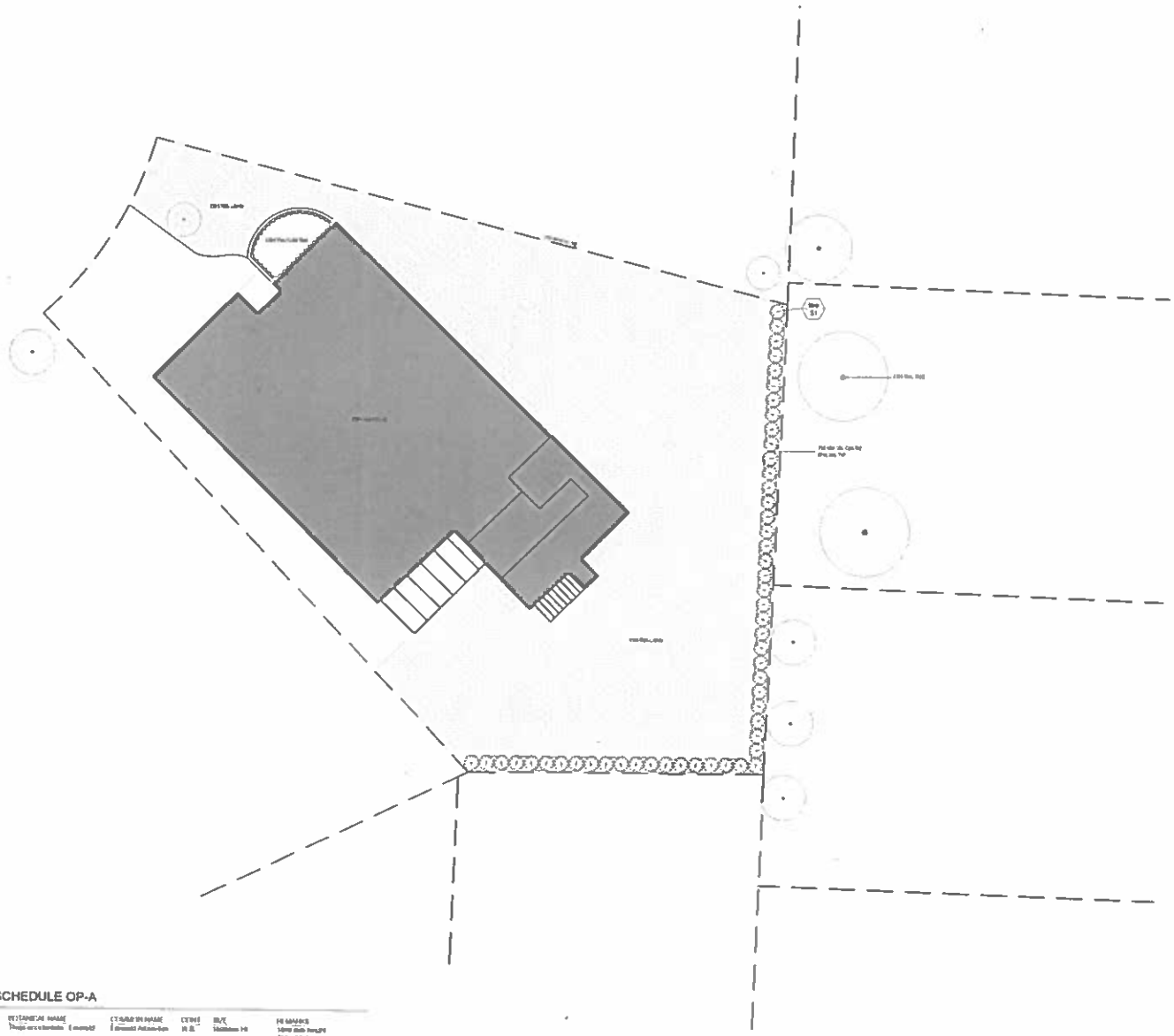
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:

Richard Kendall, Development Manager, Central District

File Path: Amanda\File\ 19 117333 \Documents\District Team Comments Memo

APPENDIX A1



PLANT SCHEDULE OP-A

SIZE	QTY	BOTANICAL NAME	COMMON NAME	CAL	R/E	REMARKS
[illegible]	61	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

LANDARTDESIGN
landscape architects inc.

[illegible]

Architect
Civil Eng.
Mech Eng.
Interior

GENERAL NOTES
1. All dimensions in millimetres unless
2. Verify all dimensions
3. Do not scale drawings
4. Check drawings against specifications
5. Use the latest revised drawings only
6. Report any discrepancies to the Landscape Architect before proceeding
7. Drawings and specifications are the property of the Landscape Architect, and must be returned upon completion of the work

REV	DATE	DESCRIPTION	INITIAL
1	MAY 27 2019	Planning Design	NS

LANDSCAPE AND PLANTING PLAN (A)

DRAWN BY NS
CHECKED BY JMV
PRINT DATE Jun 04 2019

L-100

15 FRANCESCO CRT
15 FRANCESCO CRT
TORPA DEVELOPMENTS

LAB 301
MAY 27 2019

1 : 100

Memorandum to the City of Markham Committee of Adjustment

April 23, 2019

File:	**A/34/19**
Address:	**15 Francesco Court, Markham**
Applicant:	**Edison Chong**
Agent:	**Thomas Yeung**
Hearing Date:	**Wednesday May 08, 2019**

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

The applicant is requesting relief from the following requirements of By-law 142-95, as amended:

a) **Deck By-law 142-95, Section 2.2(b)(i):**
a maximum deck projection of 4.98 m, whereas the By-law permits a maximum projection of 3.0 m; as it relates to a rear yard deck extension that was built without a building permit.

Applicant's Stated Reason(s) for Not Complying with Zoning
According to the information provided by the applicant, the reason for not complying with Zoning is, *"The existing deck is above 1.0m on grade. Permitted deck projection is 3.0m max on current zoning. The new wood deck extension is beyond 3.0 m and extended 1.98m not including the stair 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 Deck Projection
The applicant is requesting a maximum deck projection of 4.98 m (16.34 ft), whereas the By-law permits a maximum deck projection of 3.0 m (9.84 ft). This represents an increase of approximately 1.98 m (6.5 ft). It should be noted that a ZPR has not been conducted. Located on an irregularly shaped lot, the deck will provide a rear yard setback of approximately 7.5 m (24.96 ft). Side yard setbacks of approximately 12.16 m (39.92 ft) on the right (north) side and over 2.4 m (7.91 ft) on the left (south) side of the existing dwelling will be maintained. Given that the proposed deck will be unenclosed and uncovered, the side yard setbacks and, the required rear yard setback is met, staff have no objection.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 23, 2019. 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. 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 see Appendix "A" for conditions to be attached to any approval of this application

PREPARED BY:

Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:

Richard Kendall, Development Manager, Central District

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APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/34/19

1. That the proposed deck remain uncovered and unenclosed;

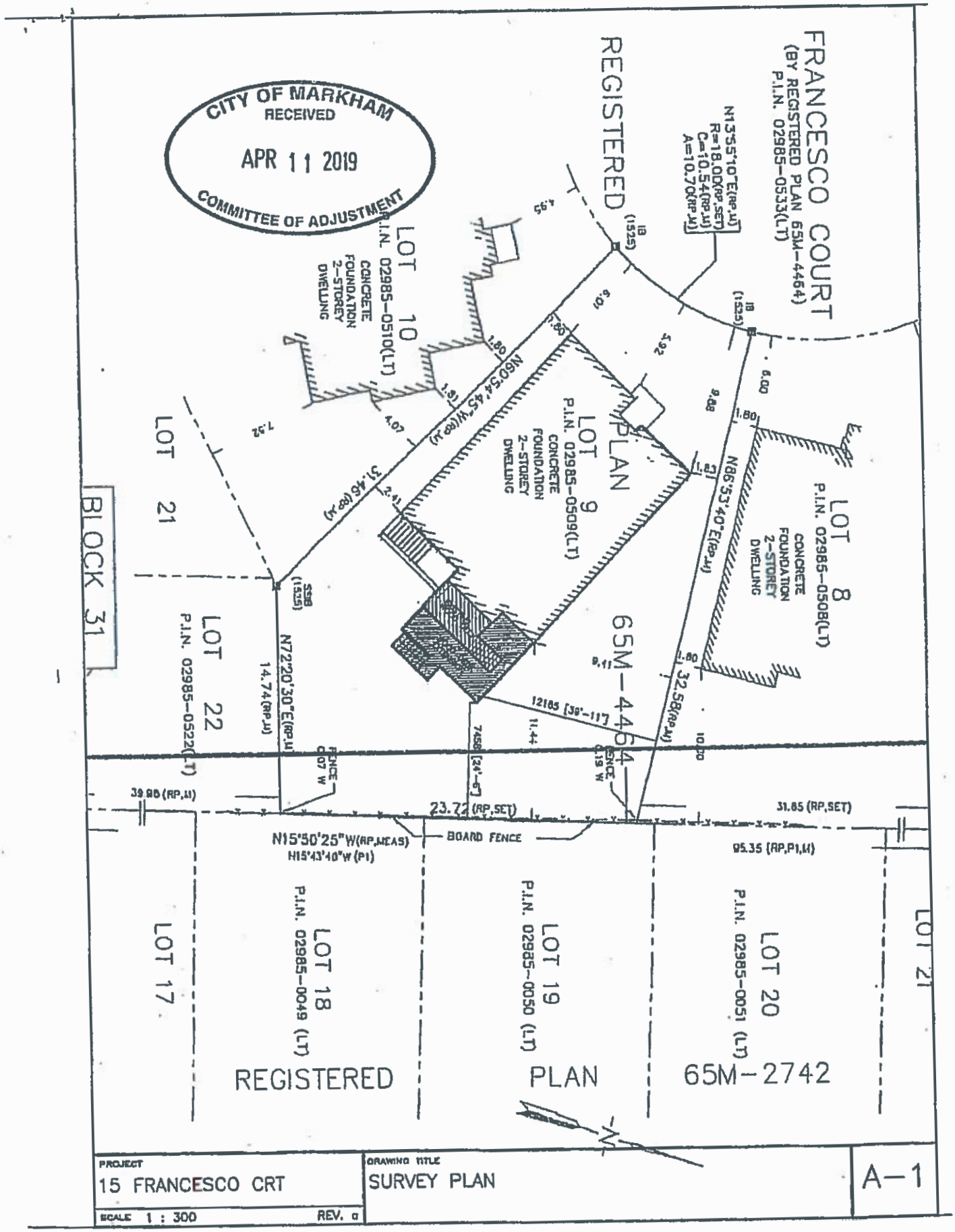
2. The variances apply only to the existing development as long as it remains;

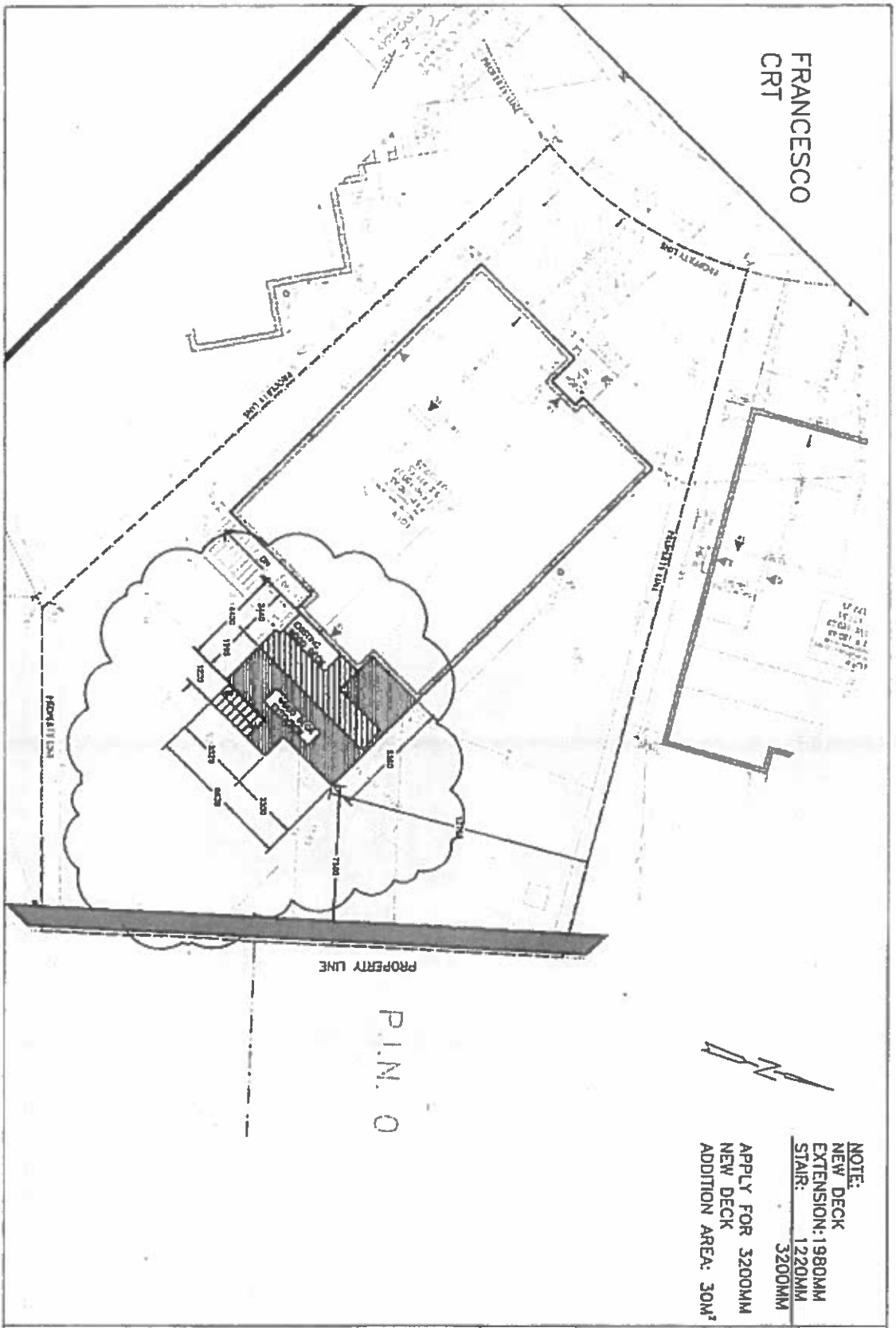
3. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on April 11, 2019, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITIONS PREPARED BY:

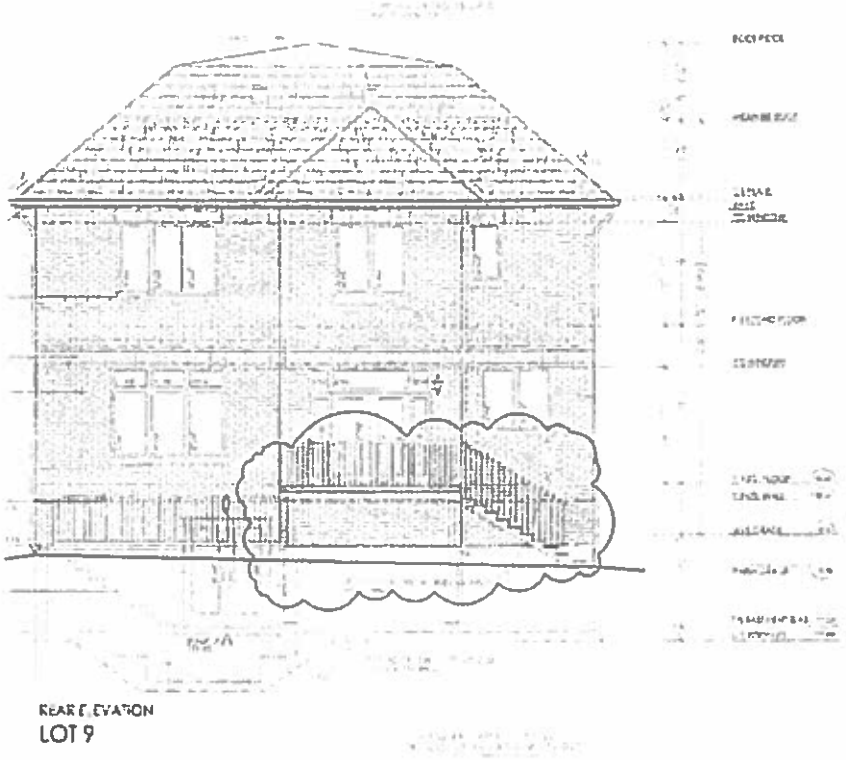
Aqsa Malik, Planner, Zoning and Special Projects

APPENDIX B


CITY OF MARKHAM
RECEIVED
APR 11 2019
COMMITTEE OF ADJUSTMENT
FRANCESCO COURT
(BY REGISTERED PLAN 65M-4464)
P.I.N. 02985-0533(LT)
REGISTERED PLAN 65M-4464
LOT 10
P.I.N. 02985-0510(LT)
CONCRETE FOUNDATION 2-STOREY DWELLING
LOT 9
P.I.N. 02985-0509(LT)
CONCRETE FOUNDATION 2-STOREY DWELLING
LOT 8
P.I.N. 02985-0508(LT)
CONCRETE FOUNDATION 2-STOREY DWELLING
LOT 21
LOT 22
P.I.N. 02985-0522(LT)
BLOCK 31
LOT 17
LOT 18
P.I.N. 02985-0049 (LT)
LOT 19
P.I.N. 02985-0050 (LT)
LOT 20
P.I.N. 02985-0051 (LT)
LOT 21
REGISTERED PLAN 65M-2742
BOARD FENCE
PROJECT
15 FRANCESCO CRT
DRAWING TITLE
SURVEY PLAN
A-1
SCALE 1 : 300
REV. a

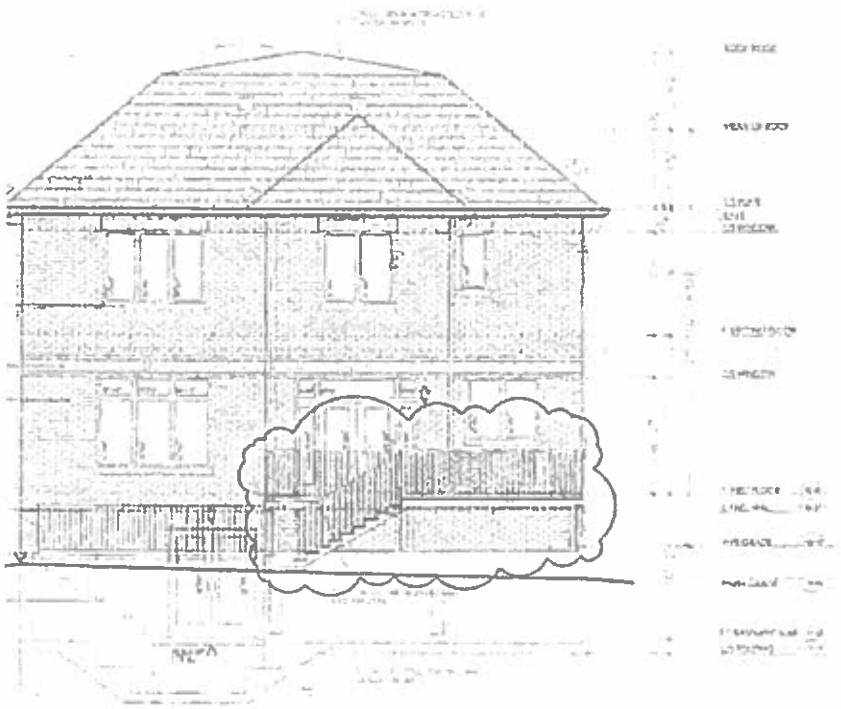


PROJECT:	DRAWING TITLE:	SCALE:		PAGE:
15 FRANCESCO CRT, MARKHAM. REAR YARD WOOD DECK EXTENSION COA	SITE PLAN	N.T.S		A-1



REAR ELEVATION
LOT 9

SW ELEVATION:BEFORE EXTENSION--EXISTING
SCALE: N.T.S



SW ELEVATION:AFTER EXTENSION
SCALE: N.T.S

PROJECT:
15 FRANCESCO CRT,MARKHAM.
REAR YARD WOOD DECK
EXTENSION COA

DRAWING TITLE:
SW ELEVATIONS:
BEFORE AND AFTER
EXTENSION

SCALE:
N.T.S

PAGE:
A-2