

Memorandum to the City of Markham Committee of Adjustment

April 28, 2022

File: A/156/21
Address: 21 Innisbrook Crescent, Thornhill
Owner: Penny Geffen
Agent: Davey Does It (Matthew Davey)
Hearing Date: Wednesday May 4, 2022

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

The applicant is requesting relief from the following requirements of By-law 151-75 as amended, to permit:

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

a deck with a maximum projection of 3.66 m (12.00 ft.); whereas the By-law permits a maximum projection of 3.00 m (9.84 ft.)

BACKGROUND

Property Description

The 594 m² (6,372 ft²) subject property is located on the south side of Innisbrook Crescent, west of Willowbrook Road in Thornhill. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property.

There is an existing single detached dwelling on the property, which according to assessment records was constructed in 1977.

Proposal

The applicant is proposing to re-construct an existing 15.00 m² (161.45 ft²) deck attached to the rear of the existing dwelling.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner 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 21 133751) 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.

Maximum Deck Projection

The applicant is requesting a maximum deck projection of 3.66 m (12.00 ft.), whereas the By-law permits a maximum deck projection of 3 m (9.84 ft.). This represents an increase of approximately 0.66 m (2.16 ft.).

The applicant is not applying for variances for lot coverage, height, or setbacks. The proposed deck will be accessed off the first storey of the dwelling and has a height of 1.52 m (5.00 ft.) above grade. The deck will continue to be unenclosed; and, will continue to maintain a rear yard setback of 9.14 m (30.00 ft.). Consequently, staff are of the opinion that the variance requested is minor in nature.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 28 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 requested variance to permit a maximum deck projection of 3.66 m (12.00 ft.) 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 see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



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

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/156/21

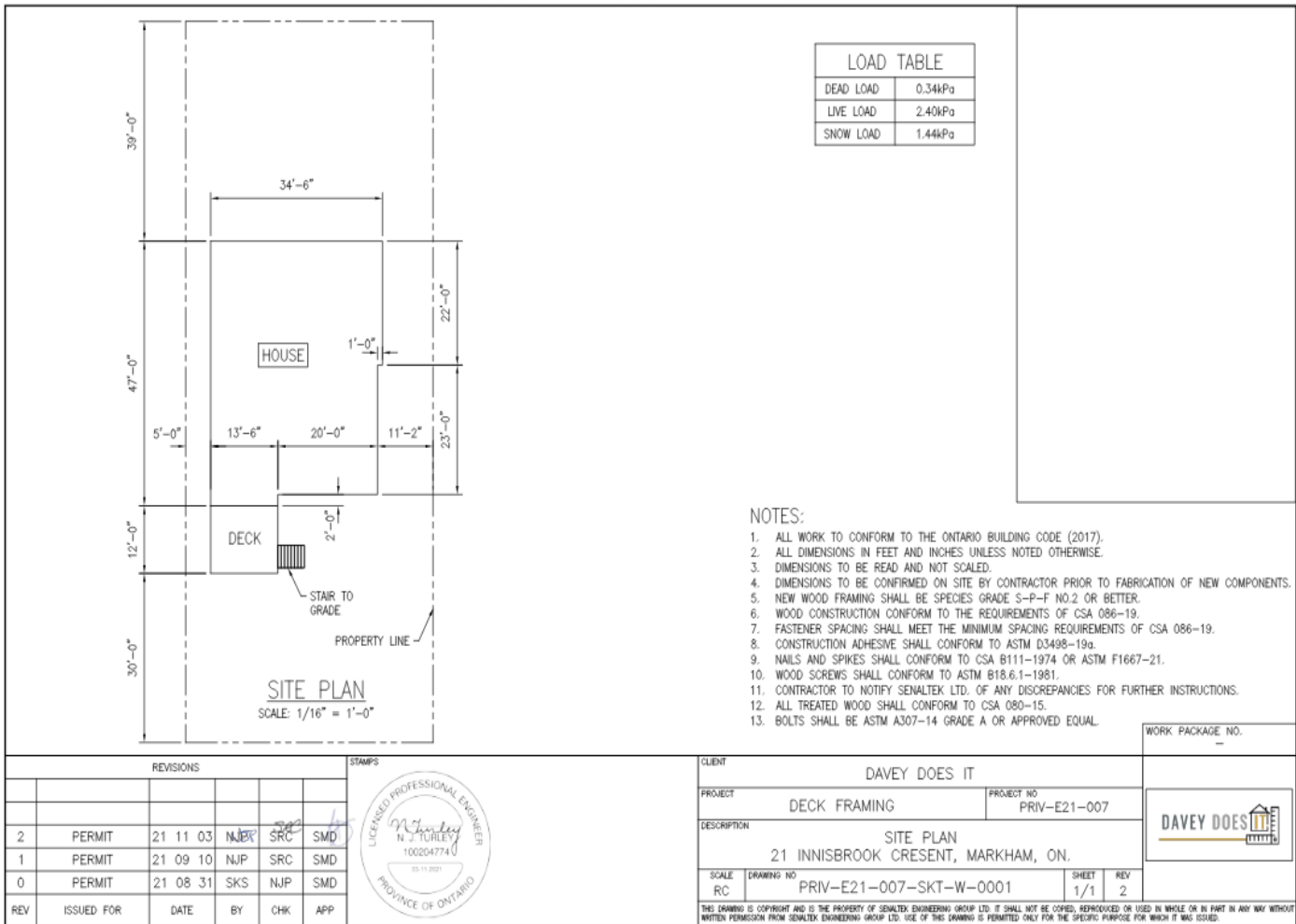
1. The variances apply only to the proposed development as long as it remains;
2. That the variance applies only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on October 5, 2021, and that the Secretary-Treasurer 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:

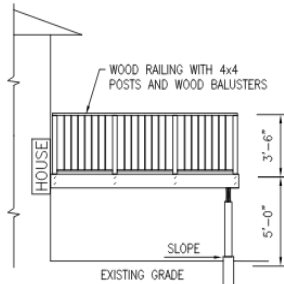


Rick Cefaratti, MCIP, RPP, Senior Planner II, West District

APPENDIX "B"
Site Plan and Deck Elevation Plan



LOAD TABLE	
DEAD LOAD	0.34kPa
LIVE LOAD	2.40kPa
SNOW LOAD	1.44kPa



SECTION
SCALE: 3/32" = 1'-0"

NOTES:

1. ALL WORK TO CONFORM TO THE ONTARIO BUILDING CODE (2017).
2. ALL DIMENSIONS IN FEET AND INCHES UNLESS NOTED OTHERWISE.
3. DIMENSIONS TO BE READ AND NOT SCALED.
4. DIMENSIONS TO BE CONFIRMED ON SITE BY CONTRACTOR PRIOR TO FABRICATION OF NEW COMPONENTS.
5. NEW WOOD FRAMING SHALL BE SPECIES GRADE S-P-F NO.2 OR BETTER.
6. WOOD CONSTRUCTION CONFORM TO THE REQUIREMENTS OF CSA 086-19.
7. FASTENER SPACING SHALL MEET THE MINIMUM SPACING REQUIREMENTS OF CSA 086-19.
8. CONSTRUCTION ADHESIVE SHALL CONFORM TO ASTM D3498-19a.
9. NAILS AND SPIKES SHALL CONFORM TO CSA B111-1974 OR ASTM F1667-21.
10. WOOD SCREWS SHALL CONFORM TO ASTM B18.6.1-1981.
11. CONTRACTOR TO NOTIFY SENALTEK LTD. OF ANY DISCREPANCIES FOR FURTHER INSTRUCTIONS.
12. ALL TREATED WOOD SHALL CONFORM TO CSA 080-15.
13. BOLTS SHALL BE ASTM A307-14 GRADE A OR APPROVED EQUAL.

WORK PACKAGE NO.
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REVISIONS					
REV	ISSUED FOR	DATE	BY	CHK	APP
0	PERMIT	21 11 03	NJER	SRC	SMD

STAMPS

CLIENT DAVEY DOES IT			
PROJECT DECK FRAMING		PROJECT NO. PRIV-E21-007	
DESCRIPTION DECK SECTION 21 INNISBROOK CRESENT, MARKHAM, ON.			
SCALE RC	DRAWING NO. PRIV-E21-007-SKT-W-0003	SHEET 1/1	REV 0

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