

Memorandum to the City of Markham Committee of Adjustment

March 31, 2021

File: A/022/21
Address: 5 Stanford Road, Markham
Applicant: Robert Iacobucci and Francesca Iacobucci
Agent: Julia Iacobucci
Hearing Date: Wednesday April 07, 2021

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

The applicant is requesting relief from the following requirements of By-law 134-79, as amended, to permit:

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

a deck with a maximum projection of 4.77 m, whereas the By-law permits a maximum projection of 3 m;

as it relates to an existing rear deck that was built without a permit.

BACKGROUND

Property Description

The 512.55 m² (5,517 ft²) subject property is located on the west side of Stanford Road, south of Carlton Road and east of Main Street Unionville (see 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 detached dwelling on the property, which according to assessment records was constructed in 1986. Mature vegetation exists across the property and includes a heavily treed buffer at the rear property line between the subject property and the abutting properties to the south.

Proposal

The applicant is applying for a variance for an existing rear yard deck built that was without a permit (see Appendix B – Plans).

Zoning Preliminary Review (ZPR) Not Undertaken

The applicant has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However the applicant received comments from the Building Department on December 20, 2020 through their permit process (HP 20 131856) to confirm the variance 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 4.77 m (15.65 ft), whereas the By-law permits a maximum deck projection of 3 m (9.84 ft). This represents an increase of approximately 1.77 m (5.81 ft).

The applicant is not applying for variances for lot coverage, height, or setbacks. The existing deck is accessed off the first storey of the dwelling; has a height of 1.905 m (6.25 ft) above grade; is unenclosed; and, maintains a rear yard setback of 5.69 m (18.67 ft). As such, staff are of the opinion that the variance requested is minor in nature.

PUBLIC INPUT SUMMARY

No written submissions were received as of March 31, 2021. 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 objections. 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.

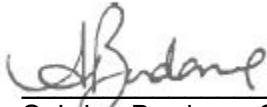
Please see Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:



Melissa Leung, Planner, Central District

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District

APPENDICES:

- Appendix A – Aerial Photo
- Appendix B – Plans
- Appendix C – Conditions



Legend

- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities
- Parks
 - <all other values>
 - Under Development

1: 2,257



114.7 0 57.33 114.7 Meters

NAD_1983_UTM_Zone_17N
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

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GENERAL NOTES 1.0

PROJECT SCOPE:

- 1. THE FOLLOWING ARE NOT INCLUDED IN CONTRACT:
 - COMMUNICATION CABLING, TERMINATIONS AND COVER PLATES
 - FURNITURE AND FURNISHINGS
 - MOVING
 - SIGNAGE
 - BLINDS

DRAWINGS:

1. CONTRACTOR TO VERIFY ALL SITE DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
2. DO NOT SCALE DRAWING
3. IF ANY CONFLICT OR DISCREPANCY EXISTS IN THE CONTRACT DOCUMENTS, THE FOLLOWING PRIORITY SEQUENCE IS TO BE FOLLOWED:
 - DRAWINGS OF A LATER DATE SUPERSEDE DRAWINGS OF AN EARLIER DATE.
 - LARGER SCALE DRAWINGS SUPERSEDE THOSE OF A SMALLER SCALE.
 - THE SPECIFICATIONS SUPERSEDE THE DRAWINGS.
4. MECHANICAL AND ELECTRICAL CONTRACTORS ARE TO CROSS REFERENCE THE ARCHITECTURAL AND ENGINEERING DRAWINGS THROUGH-OUT THE COURSE OF THE PROJECT AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING.

PERMITS & INSPECTIONS:

1. NO DEMOLITION OR CONSTRUCTION IS TO START WITHOUT ISSUANCE OF A BUILDING PERMIT.
2. UPON COMPLETION OF THE WORK, THE CONTRACTOR SHALL PAY FOR AND OBTAIN A SIGNED RELEASE FROM THE MUNICIPALITY HAVING JURISDICTION INDICATING THAT THE WORK IS COMPLETE AND THE PERMIT IS SIGNED OFF.
3. THE CONTRACTOR SHALL GIVE ALL REQUIRED NOTICES FOR INSPECTIONS AS REQUIRED BY THE BUILDING PERMIT AND ALL AUTHORITIES HAVING JURISDICTION.
4. THE ARCHITECT WILL ABIDE BY THE MECHANIC'S LIEN ACT IN HIS/HER REVIEW OF ALL PROGRESS INVOICES ON THE PROJECT.

COOPERATION & PROTECTION:

1. EACH CONTRACTOR IS RESPONSIBLE FOR ALL NECESSARY CUTTING AND PATCHING REQUIRED BY THEIR RESPECTIVE TRADES.
2. PROTECTION: THE GENERAL CONTRACTOR SHALL PROTECT ALL FINISHED WORK FROM CONSTRUCTION. ANY DAMAGE ARISING FROM ANY CAUSE SHALL BE MADE GOOD BY THE GENERAL CONTRACTOR TO THE SATISFACTION OF THE ARCHITECT.
3. PROTECTION: CONTRACTOR TO PROVIDE PROTECTION OVER ANY BASE BUILDING EQUIPMENT DURING ALL PHASES OF CONSTRUCTION.

SITE STAFF & COMMUNICATIONS:

1. THE GENERAL CONTRACTOR WILL DO THE FOLLOWING DURING THE CONSTRUCTION PHASE:
 - CALL, CHAIR, AND MINUTE WEEKLY CONSTRUCTION MEETINGS
 - REVIEW, UPDATE AND COMMUNICATE WITH ARCHITECT / CLIENT ON PROJECT BUDGET ON A WEEKLY BASIS.
 - REVIEW, UPDATE AND COMMUNICATE WITH ARCHITECT / CLIENT ON PROJECT SCHEDULE ON A WEEKLY BASIS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RECORDING AND DISTRIBUTING MINUTES OF THESE MEETINGS.
3. IF THERE ARE NO SITE MEETINGS DURING ANY GIVEN WEEK, THE CONTRACTOR IS TO ISSUE A WEEKLY REPORT

ADDRESSING THE FOLLOWING ITEMS:

- PROJECT BUDGET
- PROJECT SCHEDULE
- COMPLETED ACTIVITIES FOR THE PREVIOUS WEEK
- PLANNED ACTIVITIES FOR THE COMING WEEK

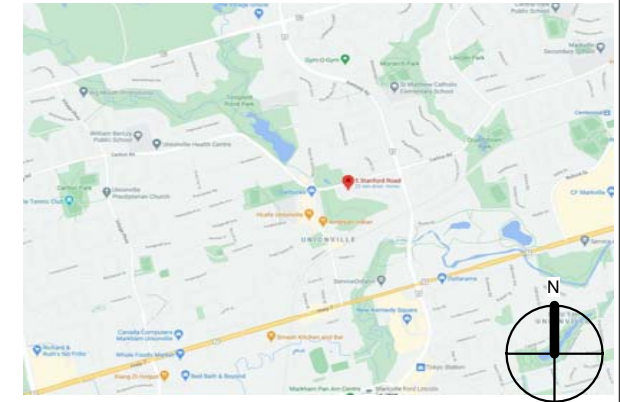
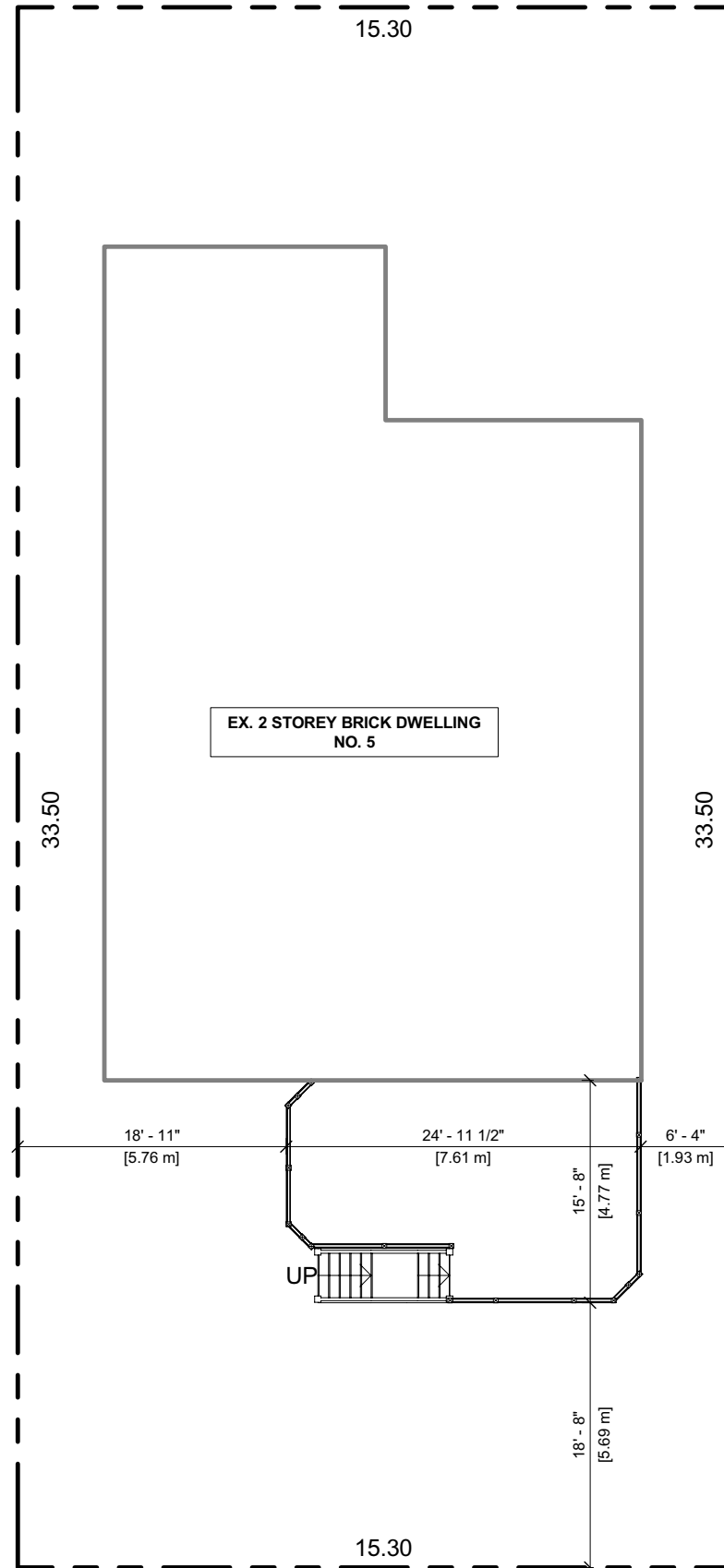
SUBSTITUTIONS:

1. NO SUBSTITUTION FOR ANY PRODUCT OR MATERIAL WILL BE ACCEPTED UNLESS AUTHORIZED BY THE DESIGNER IN THE FORM OF AN ADDENDUM.

LEGAL:

DRAWING(S) ISSUED BY KCCL Architect Inc. ARE FOR ILLUSTRATION AND DESIGN INTENT PURPOSES ONLY. ALL ARCH+MECH+ELEC+PLUMB+STRUCTURAL, SPRINKLER SUPPRESSION SYSTEM(S) AND LIFE SAFETY ITEMS ARE TO BE AS PER OUTLINED IN MUNICIPAL PERMIT APPROVED DRAWING AS PER ISSUED BY ASSOCIATED PROFESSIONAL ENGINEERS AND RESPECTIVE TRADES.

STANFORD ROAD



KEY PLAN
N.T.S.



1 SITE PLAN
1 : 150

Appendix B

File: 21.108364.000.00.MNV

Date: 03/31/21
MM/DD/YY

KCCL
Architect

348 Hemlock Drive, Witchurch
Stouffville ON L4A 5A7
email: info@kcclarchitect.ca
mobile: 416-602-9616

CONTRACTOR SHALL
VERIFY SITE DIMENSIONS

NO.	DESCRIPTION	DATE	BY
1	Building Permit Application	2020-10-07	KL

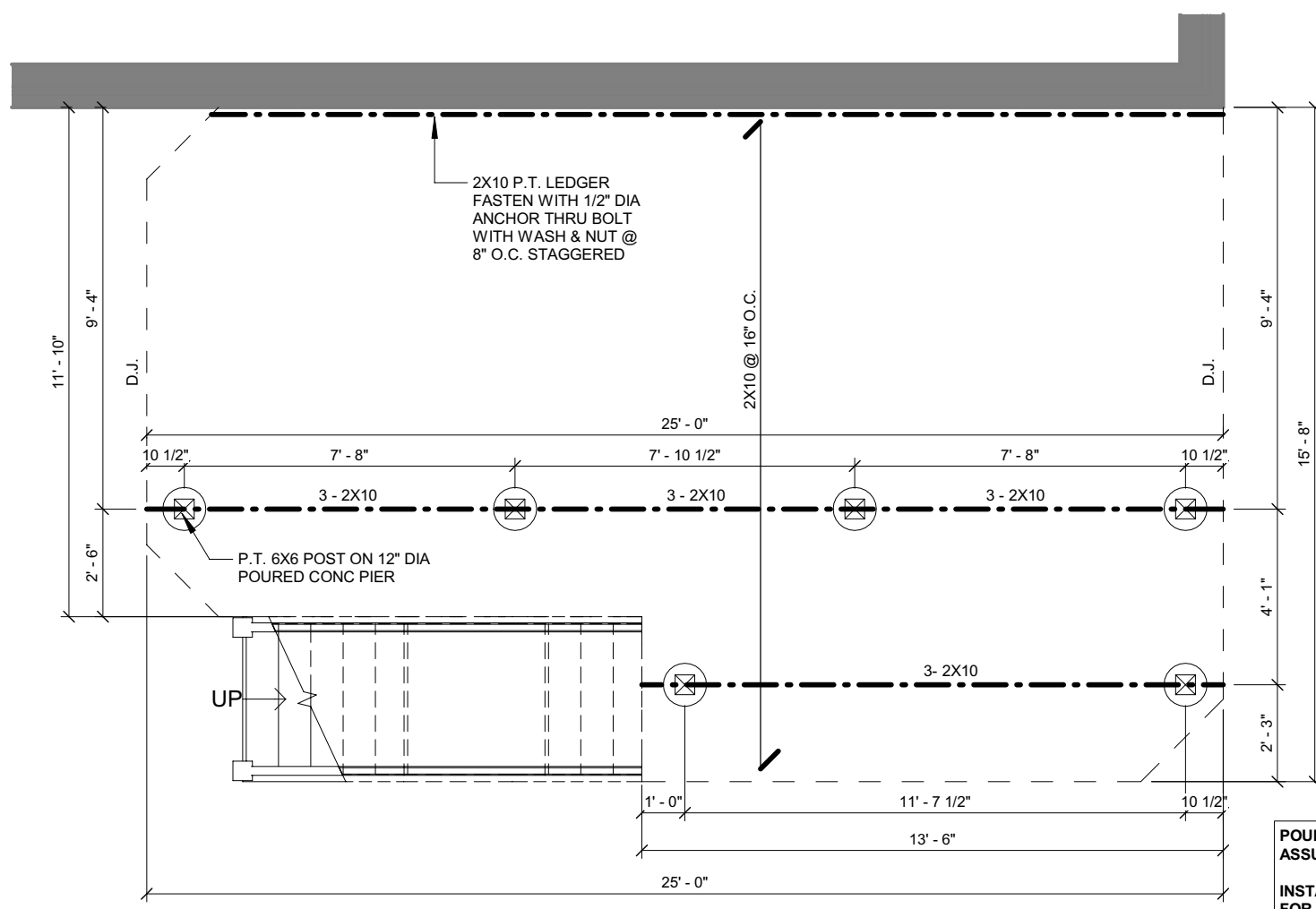
Drawn by **RJ**
Date **2020-10-28**
Scale **As indicated**
Project Number **20090**

DRAWING NAME
SITE PLAN

SHEET NUMBER
A1

PROPOSED DECK AT REAR YARD
5 STANFORD ROAD
 Unionville, ON L3R 6L8

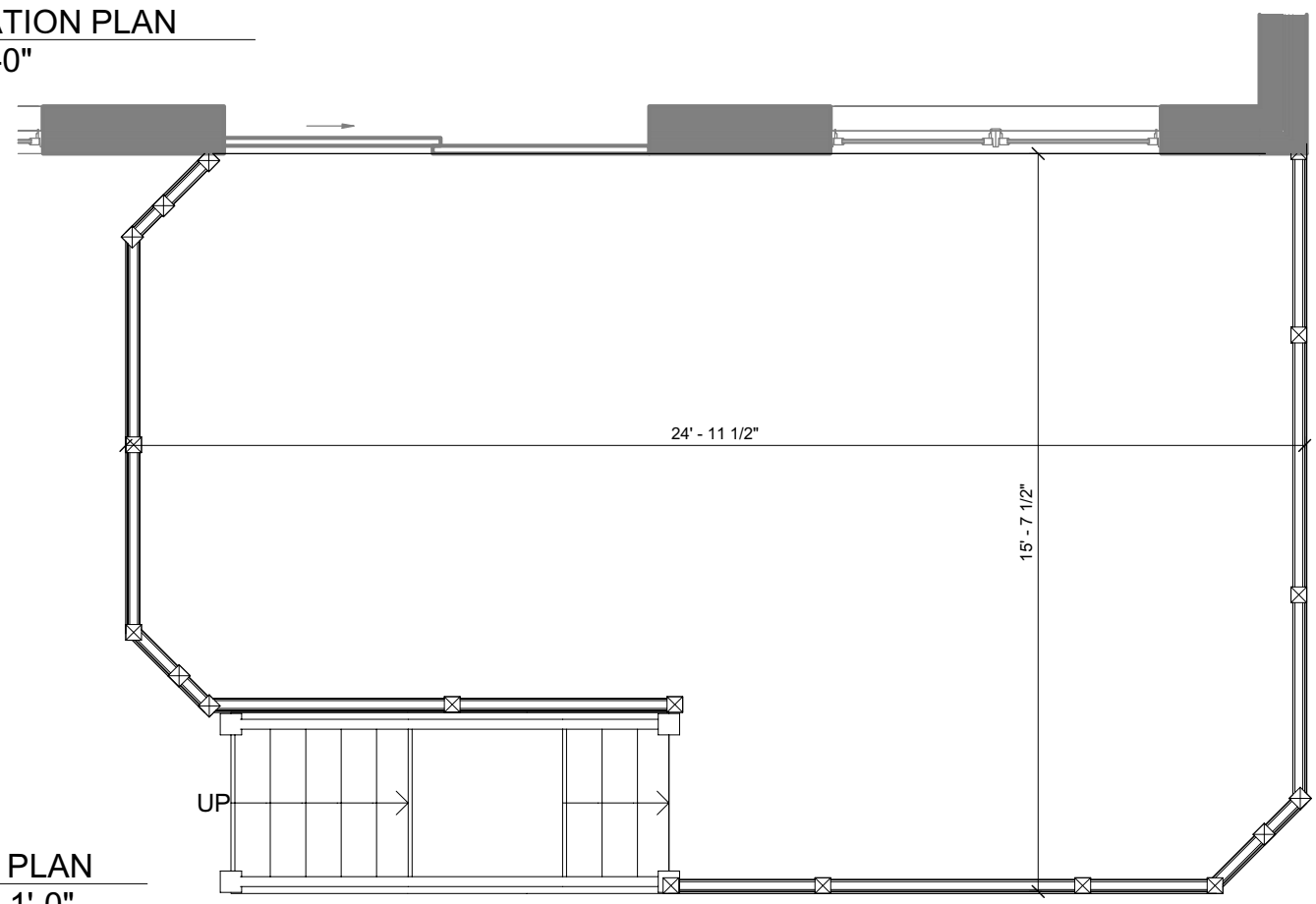
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**POURED CONG PIER (MIN 4'-0" BELOW GRADE) TYP
ASSUMED SOIL 75 kPA CAPACITY**

**INSTALL 2X4 DIAGONAL CHORDS AT TOP OF POSTS
FOR LATERAL STABILITY**

1 FOUNDATION PLAN
1/4" = 1'-0"



2 DECK PLAN
1/4" = 1'-0"

DECK REFERENCE NOTE:

1	A MINIMUM LIVE LOAD OF 1.9 (kPA) SHALL BE APPLIED IN ALL LOCATIONS
2	LUMBER NO. SPF OR BETTER WOOD POSTS MIN 89X89 (SOLID). USE CORROSION RESISTANT SPIRAL NAILS OR SCREWS.
3	A DECK IS NOT PERMITTED TO BE SUPPORTED ON BRICK VENEER
4	CANTILEVERED JOISTS AND BEAMS ARE LIMITED TO 1/6 THE MEMBERS LENGTH.
5	CONCRETE PIERS SHALL BEAR ON UNDISTURBED SOIL. ASSUMED SOIL CAPACITY OF 125 kPA
6	BEAM MORE THAN 2 MEMBERS MUST BE SUPPORTED BY 140X140 POST
7	ALL PROPOSED WOOD OF THE EXTERIOR DECK TO BE PRESSURE TREATED
8	THE FOUNDATION PIER SHALL NOT UNDERMINE THE FOUNDATION OF AN ADJACENT BUILDING/ STRUCTURE. ANGLE OF REPOSE SHALL BE MAINTAINED. EXCAVATION FOR FOUNDATIONS SHALL ENTEND TO UNDISTRUBED SOIL. OBC 9.12.2.1
9	GUARDS CONSTRUCTION MUST BEE THE SPECIFIED LOADS PRESCRIBED IN OBC DIV. B, TABLE 9.8.8.2. AND BE BUILT IN COMPLIANCE WITH SB-7. ENGINEERING REPORT IS REQUIRED TO BE PROVIDE TO THE INSPECTOR PRIOR TO THE INSTALLATION OF GUARD NOT COMPLY TO SB-7 AND THE COST OF THE REPORT TO BE PAID BY THE CONTRACTOR.



Appendix B

File: 21.108364.000.00.MNV

Date: 03/31/21
MM/DD/YY

KCCL
Architect

348 Hemlock Drive, Witchurch
Stouffville ON L4A 5A7
email: info@kcclarchitect.ca
mobile: 416-602-9616

**CONTRACTOR SHALL
VERIFY SITE DIMENSIONS**

NO.	DESCRIPTION	DATE	BY
1	Building Permit Application	2020-10-07	KL

Drawn by **Author**

Date **2020-10-28**

Scale **1/4" = 1'-0"**

Project Number **20090**

DRAWING NAME

PROPOSED PLANS

SHEET NUMBER

A2

PROPOSED DECK AT REAR YARD

5 STANFROD ROAD

Unionville, ON L3R 6L8

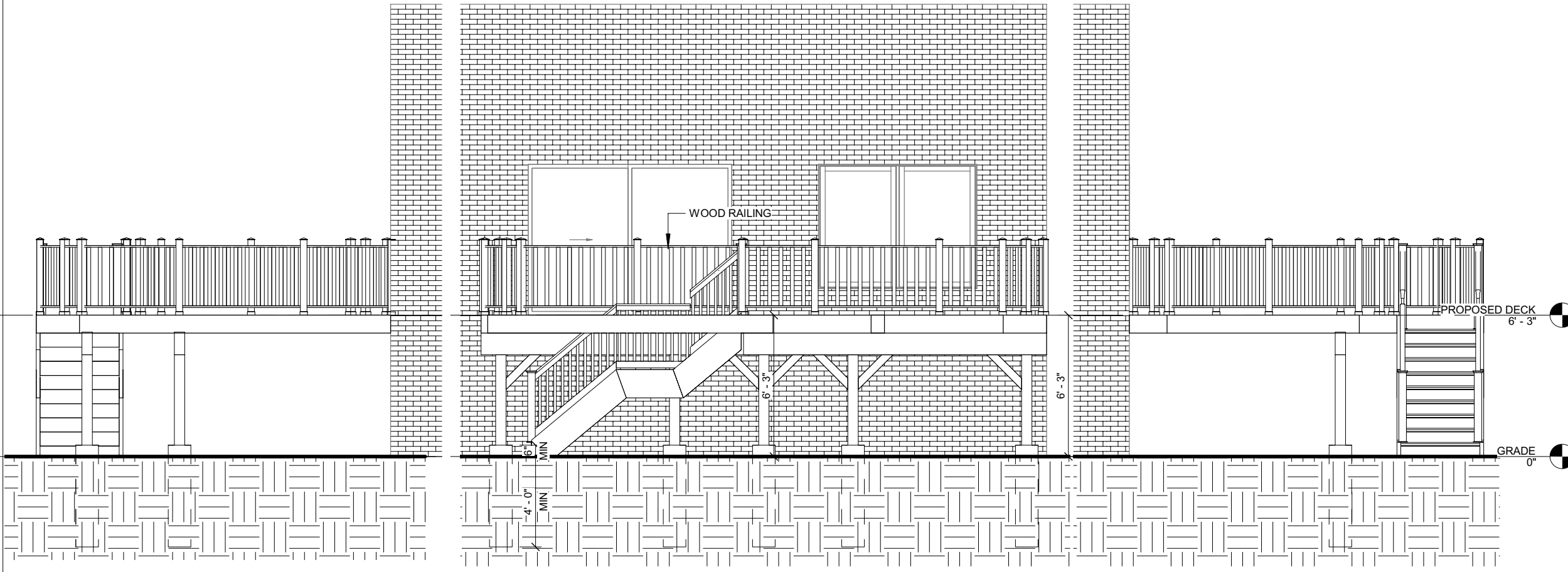
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Appendix B

File: 21.108364.000.00.MNV

Date: 03/31/21

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③ **PROPOSED WEST ELEVATION**
3/16" = 1'-0"

① **PROPOSED NORTH ELEVATION**
3/16" = 1'-0"

② **PROPOSED EAST ELEVATION**
3/16" = 1'-0"



NOTE: ALL PROPOSED WOOD TO BE PRESSURE TREATED

KCCL
Architect

348 Hemlock Drive, Witchurch
Stouffville ON L4A 5A7
email: info@kcclarchitect.ca
mobile: 416-602-9616

**CONTRACTOR SHALL
VERIFY SITE DIMENSIONS**

NO.	DESCRIPTION	DATE	BY
1	Building Permit Application	2020-10-07	KL

Drawn by **Author**

Date **2020-10-28**

Scale **3/16" = 1'-0"**

Project Number **20090**

DRAWING NAME

**PROPOSED
ELEVATIONS**

SHEET NUMBER

A3

PROPOSED DECK AT REAR YARD
 5 STANFROD ROAD
 Unionville, ON L3R 6L8

APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/022/21

1. The variance applies only to the proposed development as long as it remains; and,
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:

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

Melissa Leung, Planner, Central District