

Memorandum to the City of Markham Committee of Adjustment

November 7, 2025

File: A/139/24
Address: 14 Whitelaw Court, Thornhill
Agent: Einat Fishman
Hearing Date: Wednesday, November 12, 2025

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

The applicant is requesting relief from the following requirements of By-law 1767, Second Density Residential (R2), as amended, to permit:

a) By-law 1767, Section 9(i):

an encroachment of an uncovered platform into the required rear yard of 138 inches, whereas the by-law permits a maximum encroachment of an uncovered platform into the required rear yard of 18 inches;

as it relates to an existing deck.

BACKGROUND

This application was deferred sine die by the Committee of Adjustment at the January 22, 2025 meeting, at the applicant's request, to work with the Toronto and Region Conservation Authority ("TRCA") on remediation measures for the existing deck.

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 Encroachment Variance

The Applicant has reduced and modified the existing deck with the assistance of TRCA Staff. More detail on the remediation measures is provided in Appendix 'C'.

Additionally, Natural Heritage Staff conducted a site visit to inspect the revised deck. The deck has been redesigned to avoid the City's Greenway System and the slope has been stabilized with erosion control matting. A restoration planting plan will be submitted through TRCA's violation resolution processes. Natural Heritage staff have no further comments on the proposed works.

After reviewing the revised deck, Staff is of the opinion that the deck is minor in nature, and as such, have no concerns.

EXTERNAL AGENCIES

TRCA Comments

The TRCA provided additional comments on November 5, 2025, detailing the work the applicant has done with TRCA Staff to address the existing deck:

TRCA has been actively involved in the review of the as-built deck at 14 Whitelaw Court through a Concept Development Application (TRCA File No. CDA-2025-00303) process since 2023. A site visit conducted on June 1, 2023, confirmed that a deck had been constructed within TRCA's Regulated Area and on the valley slope of the Don River valley without a TRCA permit. As a result, TRCA issued a violation notice to the landowner in July 2023 (TRCA file no. V3768), requiring the removal or modification of the deck and the restoration of the affected slope. Subsequently, TRCA recommended refusal of the initial Minor Variance Application in its January 7, 2025 correspondence.

Following further discussions with the applicant and their representatives, TRCA provided two compliance options:

1. Full Removal and Restoration, or
2. Modification and Restoration.

The applicant elected to proceed with the Modification and Restoration option. TRCA Enforcement and Compliance staff have since confirmed that the violation has been resolved, and the site stabilized with erosion matting, with additional recommendations for seeding to ensure long-term slope stability. For details, please refer to Appendix 'C' of this letter.

Given TRCA's previous involvement in which the violation associated with the deck was resolved, the site was restored in accordance with TRCA's requirements, and that the current site plan reflects the approved modification, TRCA has **no objection** to the City's approval of the Minor Variance Application A/139/24, subject to the following condition:

- The applicant submits the TRCA plan review fee of \$950.00 within 60 days of the Committee of Adjustment hearing date.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 7, 2025. 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:



Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

File Path: Amanda\File\ 24 197134 \Documents\District Team Comments Memo

APPENDICIES

Appendix "A" – A/139/24 Conditions of Approval

Appendix "B" – Drawings

Appendix "C" – TRCA Comments

Appendix "D" - Staff Report Dated January 17 2025

Appendix "E" – Extract from January 22 2025 Committee of Adjustment Meeting Minutes

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/139/24

1. The variances apply only to the proposed development as long as it remains;
2. 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 that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;
3. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix C to this Staff Report, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the TRCA;

CONDITIONS PREPARED BY:



Theo Ako-Manieson, Planner I, West District

Appendix B

File: 24.19727.000.00.0000

Date: 11/7/2025

MM/DD/YYYY



NO.	DATE	REVISIONS / ISSUE
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GRACE ENGINEERING

QUEENSTON DRIVE MISSISSAUGA, ONTARIO L5C 2G8

TEL : 647-687-2821 FAX : 1-888-411-1719

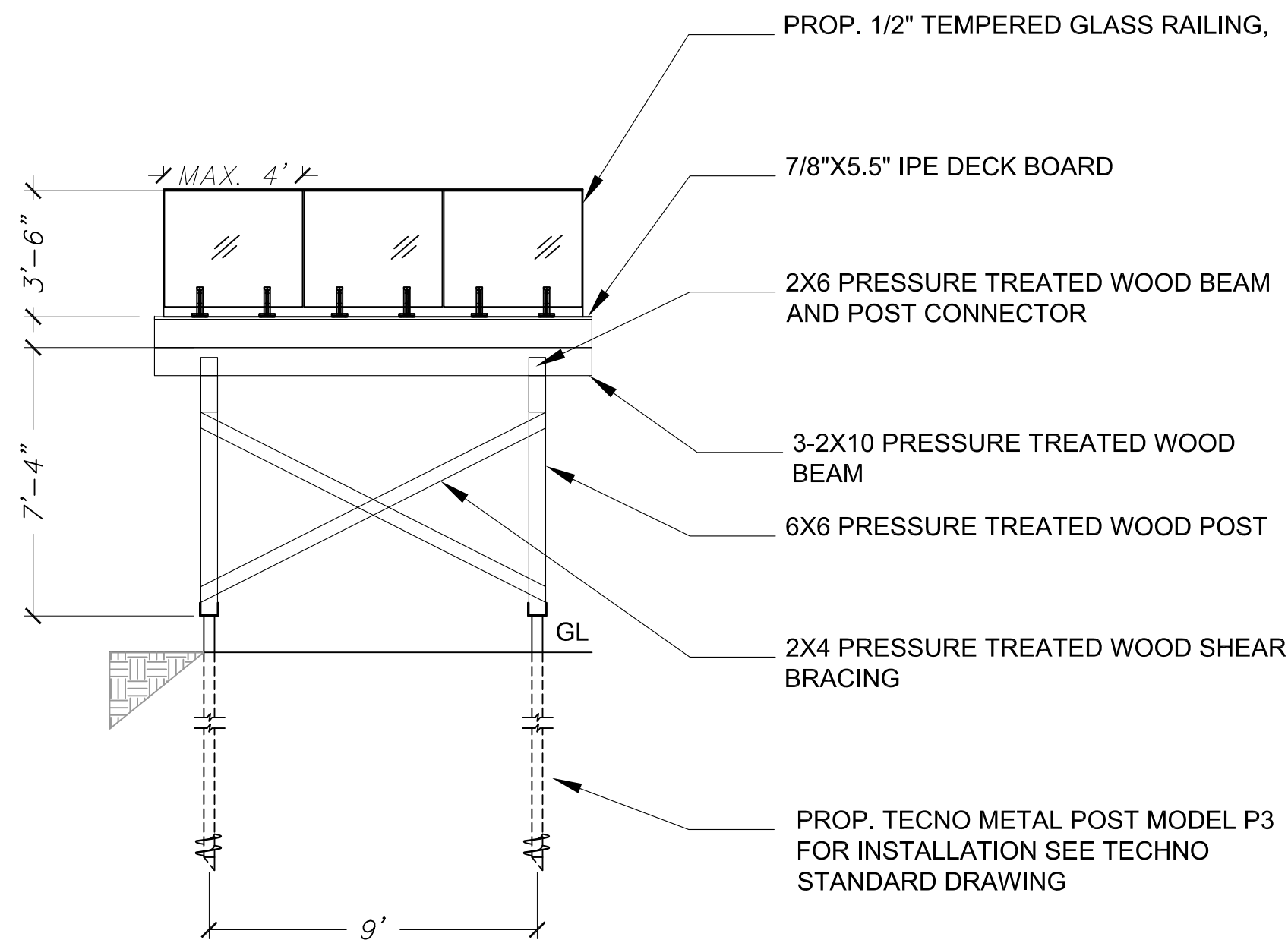
EMAIL: service.geng@gmail.com

BACK YARD DECK
14 WHITELAW COURT MARKHAM, ON L3T 5E7

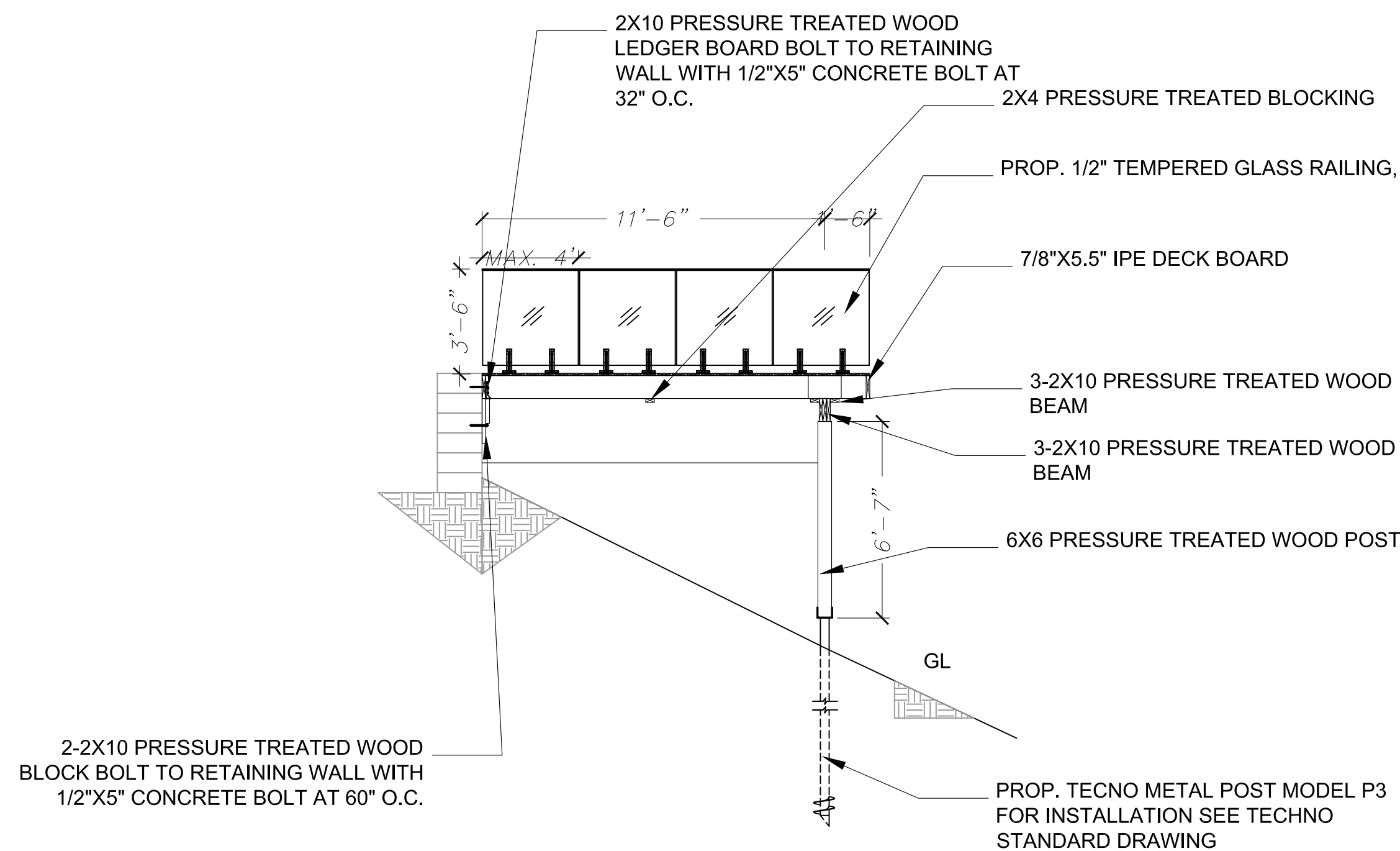
DRAWING TITLE:

EXSITING SURVEY PLAN

DRAWN BY GW	DATE: 19 JUN 2025	SCALE: 1/16"=1'-0"
CHECKED BY JK	PROJECT NO.: 2025-055	SHEET NO: A002



FRONT ELEVATION



SIDE ELEVATION

Appendix B

File: 24.19727.000.00.0000

Date: 11/7/2025

MM/DD/YYYY



1	19 JUN 2025	ISSUED FOR PERMIT
NO.	DATE	REVISIONS / ISSUE

GRACE ENGINEERING

QUEENSTON DRIVE MISSISSAUGA
ONTARIO L5C 2G8
TEL : 647-687-2821 FAX : 1-888-411-1719
EMAIL: service.geng@gmail.com

BACK YARD DECK
14 WHITELAW COURT MARKHAM, ON L3T 5E7

DRAWING TITLE:
ELEVATION

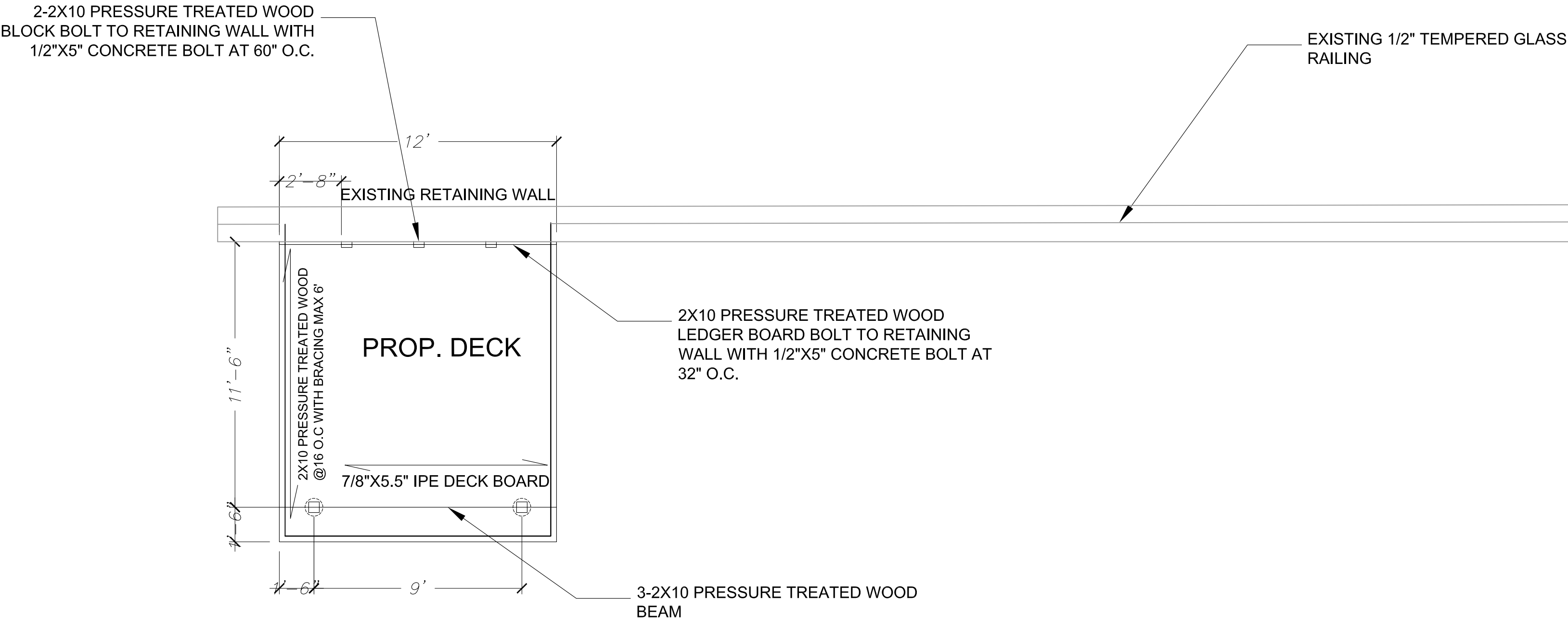
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Appendix B

File: 24.19727.000.00.0000

Date: 11/7/2025

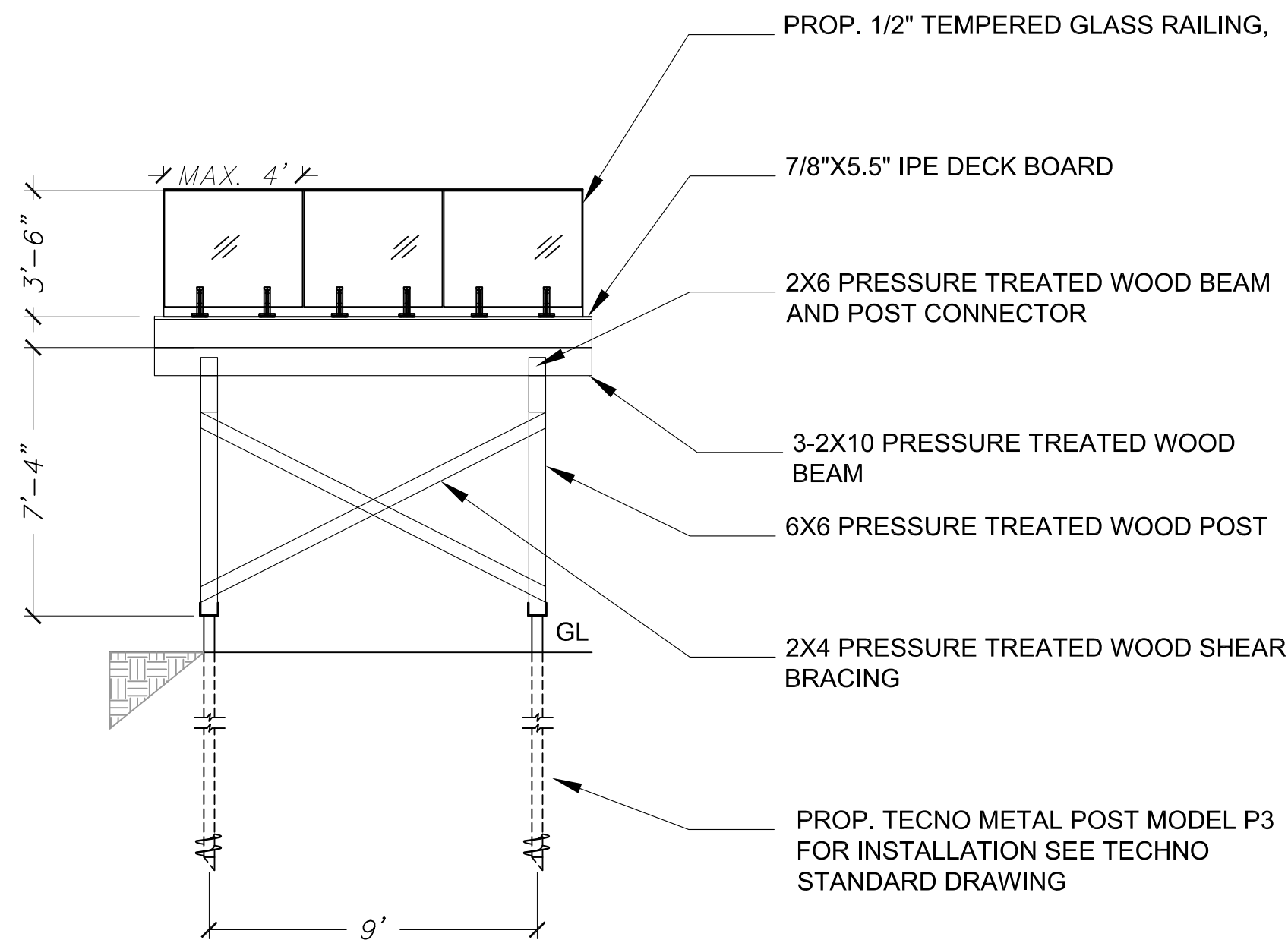
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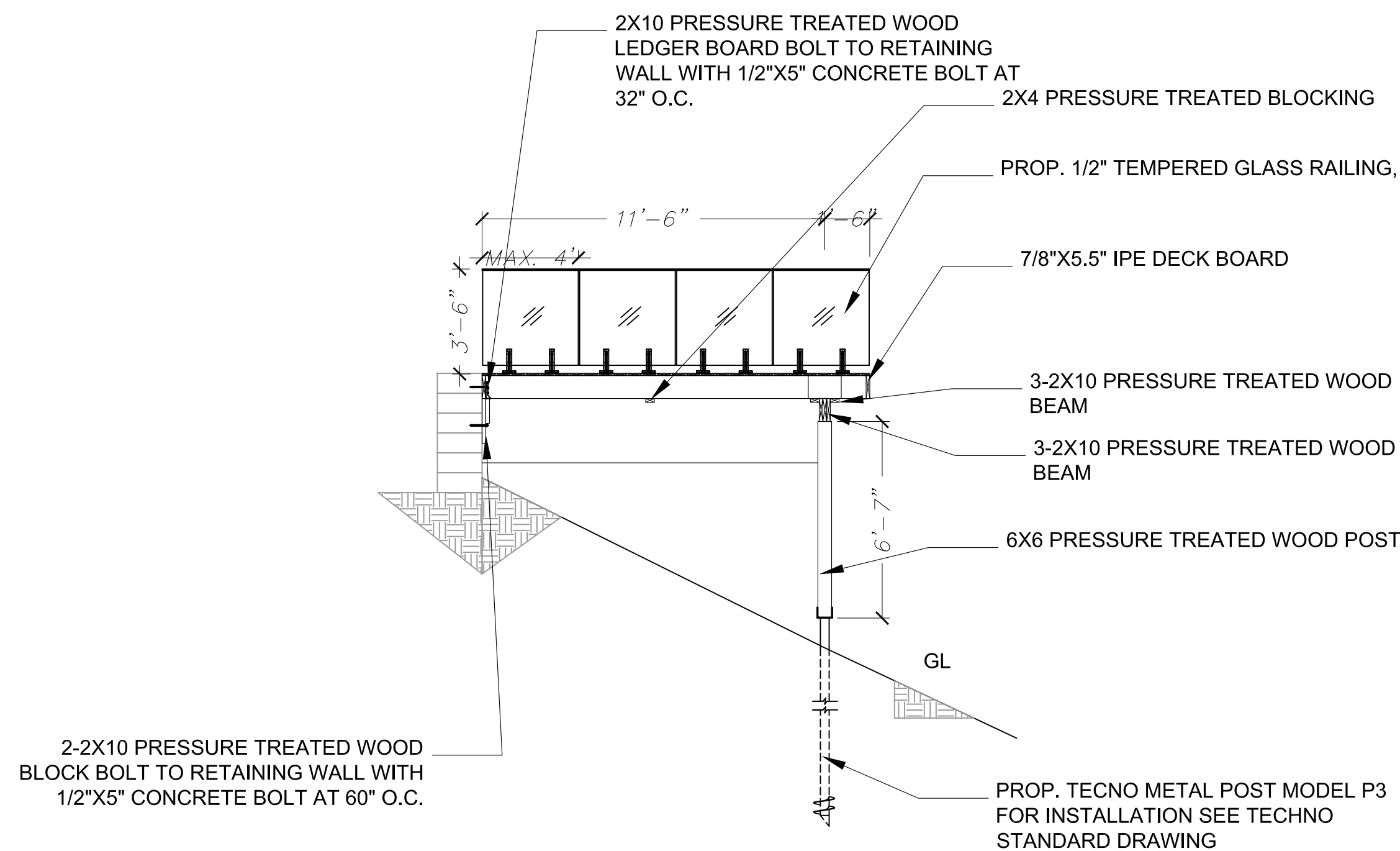
SITE PLAN



1	19 JUN 2025	ISSUED FOR PERMIT
NO.	DATE	REVISIONS / ISSUE
GRACE ENGINEERING		
QUEENSTON DRIVE MISSISSAUGA		
ONTARIO L5C 2G8		
TEL : 647-687-2821 FAX : 1-888-411-1719		
EMAIL: service.geng@gmail.com		
BACK YARD DECK		
14 WHITELAW COURT MARKHAM, ON L3T 5E7		
DRAWING TITLE:		
DECK PLAN		
DRAWN BY	DATE:	SCALE:
GW	19 JUN 2025	1/4"=1'-0"
CHECKED BY	PROJECT NO.:	SHEET NO:
JK	2025-055	A101



FRONT ELEVATION



SIDE ELEVATION

Appendix B

File: 24.19727.000.00.0000

Date: **11/7/2025**
MM/DD/YYYY



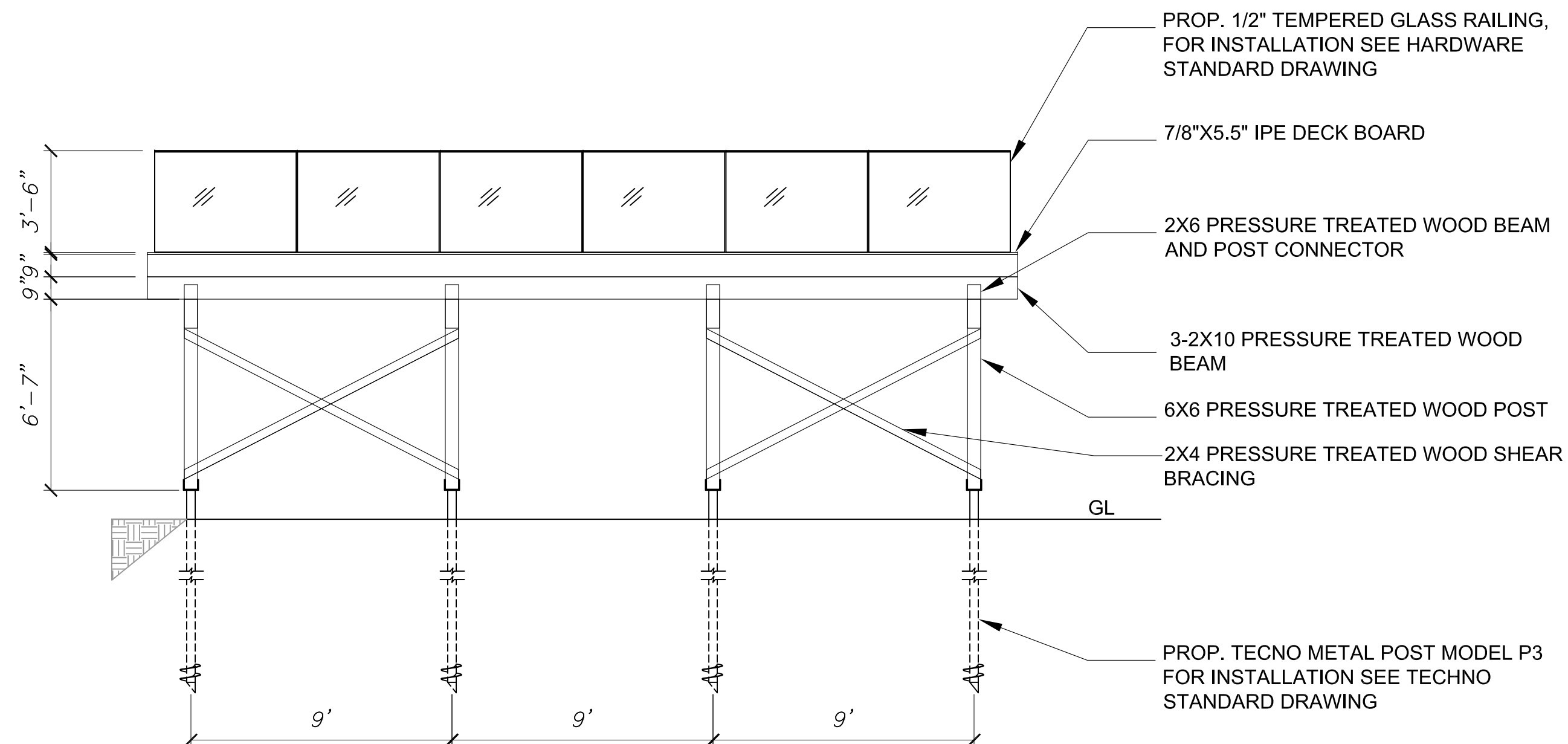
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NO.	DATE	REVISIONS / ISSUE
GRACE ENGINEERING QUEENSTON DRIVE MISSISSAUGA ONTARIO L5C 2G8 TEL : 647-687-2821 FAX : 1-888-411-1719 EMAIL: service.geng@gmail.com		
BACK YARD DECK 14 WHITELAW COURT MARKHAM, ON L3T 5E7		
DRAWING TITLE: ELEVATION		
DRAWN BY GW	DATE: 19 JUN 2025	SCALE: 1/4"=1'-0"
CHECKED BY JK	PROJECT NO.: 2025-055	SHEET NO.: A201

Appendix B

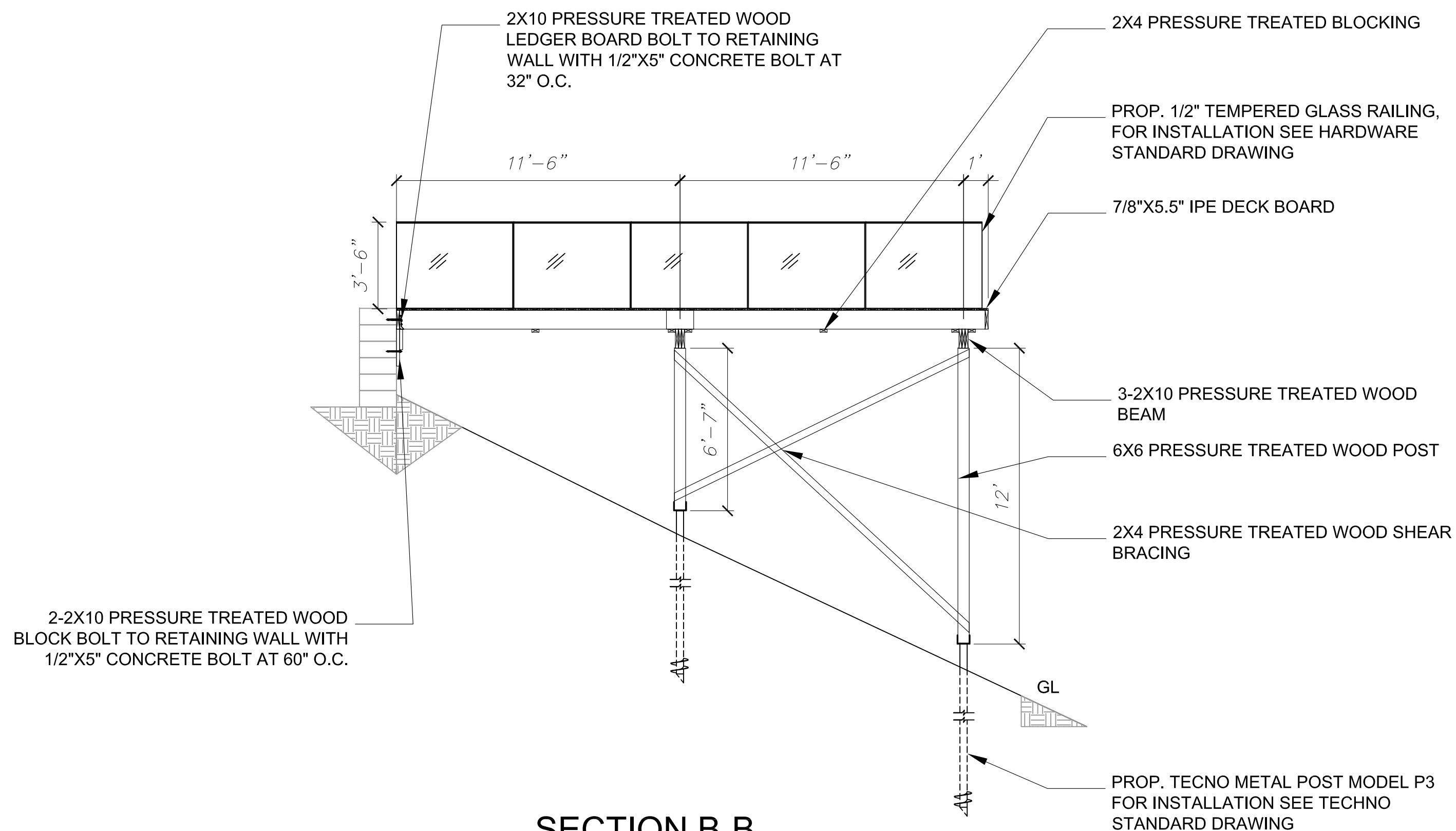
File: 24.19727.000.00.000

Date: 11/7/2025

MM/DD/YYYY



SECTION A-A



SECTION B-B



1	12 APRIL 2023	ISSUED FOR PERMIT
NO.	DATE	REVISIONS / ISSUE

GRACE ENGINEERING

QUEENSTON DRIVE MISSISSAUGA
ONTARIO L5C 2G8
TEL : 647-687-2821 FAX : 1-888-411-1719
EMAIL: service.geng@gmail.com

BACK YARD DECK
14 WHITELAW COURT MARKHAM, ON L3T 5E7

DRAWING TITLE:
SECTION

DRAWN BY GW	DATE: 12 APRIL 2023	SCALE: 1/4"=1'-0"
CHECKED BY JK	PROJECT NO.: 2023-014	SHEET NO: A301



Appendix C

File: _____

Date: **11/7/2025**
MM/DD/YYYY

November 5, 2025

Ex Ref: 68454.03 and CDA-2025-00303

BY E-Plan ONLY

Dear Theo Ako-Manieson,

Re: Minor Variance Application – (A/139/24)
14 Whitelaw Court
Plan M1727 Lot 7, Markham
Whitelaw and Bayview Avenue
Applicant/Owner: Einat Fishman

Further to our letter dated January 7, 2025, Toronto and Region Conservation Authority (TRCA) provide the following comments in response to the City of Markham's second submission of Minor Variance A/139/24 with materials on October 8, 2025 and clarification received from the City of Markham on November 4, 2025.

The following comments are provided in accordance with TRCA's commenting role under the Planning Act and regulatory permitting role under the Conservation Authorities Act (CA Act). For additional information on conservation authority roles, please see [Ontario Regulation 686/21: Mandatory Programs and Services](#) and Ontario Regulation 41/24.

Purpose of the Application

The applicant is seeking relief from the requirements of By-laws 2024-19 and 1767, as amended, in relation to an existing deck. Specifically, the applicant is requesting permission to permit an encroachment of an uncovered platform into the required rear yard of 138 inches, whereas the by-law permits a maximum of 18 inches; as it relates to the existing decks. This application was originally submitted to the City of Markham in November of 2024, and the current application is a re-submission based on a smaller-sized deck.

Background

TRCA has been actively involved in the review of the as-built deck at 14 Whitelaw Court through a Concept Development Application (TRCA File No. CDA-2025-00303) process since 2023. A site visit conducted on June 1, 2023, confirmed that a deck had been constructed within TRCA's Regulated Area and on the valley slope of the Don River valley without a TRCA permit.

As a result, TRCA issued a violation notice to the landowner in July 2023 (TRCA file no. V3768), requiring the removal or modification of the deck and the restoration of the affected slope. Subsequently, TRCA recommended refusal of the initial Minor Variance Application in its January 7, 2025 correspondence.

Following further discussions with the applicant and their representatives, TRCA provided two compliance options:

1. Full Removal and Restoration, or
2. Modification and Restoration.

The applicant elected to proceed with the Modification and Restoration option. TRCA Enforcement and Compliance staff since confirmed that the violation has been resolved, and the site stabilized with erosion matting, with additional recommendations for seeding to ensure long-term slope stability. For details, please refer to Appendix A of this letter.

Application-Specific Comments and TRCA Permit Requirements

The current proposal is a minor variance to recognize the modified deck (less than 15 square metres). There is no TRCA permit requirement for the existing structure as modified and in its current location.

The subject property remains within TRCA's Regulated Area where development activity is prohibited in the absence of a TRCA permit. Therefore, any future proposals for development activity on the subject property should be circulated to TRCA pursuant to the *Conservation Authorities Act* and Ontario Regulation 41/24.

TRCA Review Fee

By copy of this letter, the applicant is advised that this application is subject to a TRCA Planning Review fee in the amount of \$950 (Minor Variance – Standard). The applicant is responsible for fee payment. Please contact the Planner noted below for an electronic invoice to facilitate payment. For your reference, please see [TRCA Administrative Fee Schedule for Development Planning Services \(November 2022\)](#).

Recommendation

Given TRCA's previous involvement in which the violation associated with the deck was resolved, the site was restored in accordance with TRCA's requirements, and that the current site plan reflects the approved modification, TRCA has **no objection** to the City's approval of the Minor Variance Application A/139/24, subject to the following condition:

- The applicant submits the TRCA plan review fee of \$950.00 within 60 days of the Committee of Adjustment hearing date.

Should you have any questions or comments, please contact the undersigned.

Regards,

On behalf of

Hamedeh Razavi

Senior Planner

Development Planning and Permits

Development and Engineering Services

T: [\(437\) 880-1940](tel:(437)880-1940)

E: hamedeh.razavi@trca.ca

Copy: Christopher Cummings, Senior Enforcement Officer, TRCA (christopher.cummings@trca.ca)

Appendix A

Good Afternoon Mr. Fishman,

Thank you for sending the photo of the erosion controls installed on the slope at the rear of your property. To help guard against any potential erosion of the slope in the future, I would recommend seed being put down on the bare areas when conditions improve, but the matting placed currently will ideally provide a stop-gap during this time.

Since your deck has been reduced in size to under 15 sq m, it meets the exception under s.5 of O.Reg 41/24, and resolves the violation at site.

I will be closing the file on our end, however if you need anything further, please feel free to contact me.

Regards,

Chris Cummings

Senior Enforcement Officer | East District
Enforcement and Compliance | Policy Planning

T: [\(437\) 880-2291](tel:(437)880-2291)

E: christopher.cummings@trca.ca

A: [5 Shoreham Drive, Toronto, ON, M3N 1S4](#) | trca.ca



From: fishmanmoti@gmail.com <fishmanmoti@gmail.com>

Sent: Monday, August 25, 2025 2:02 PM

To: Christopher Cummings <Christopher.Cummings@trca.ca>

Cc: roey@carmelcannabis.ca; 'Thien Hoang' <thien@evangelistalaw.ca>; 'Michael Presutti' <michael@mepdesign.com>

Subject: RE: 14 Whitelaw Court, Markham - Next Steps - Concept Development Application

EXTERNAL SENDER

Chris,

Further to our discussion please see the picture of the erosion matting installed where the deck used to be.

I hope this is satisfactory.

Regards

Moti Fishman

From: Christopher Cummings <Christopher.Cummings@trca.ca>

Sent: August 22, 2025 10:09 AM

To: Michael Presutti <michael@mepdesign.com>; fishmanmoti@gmail.com

Cc: roey@carmelcannabis.ca

Subject: RE: 14 Whitelaw Court, Markham - Next Steps - Concept Development Application

Good Morning Michael,

I am confirming that the deck structure has been reduced in size to be under 15sq m, which would align the structure with a s.5 exception under Ontario Regulation 41/24 made pursuant to the Conservation Authorities Act. I am still waiting for photos/details from the installation of the erosion matting on the disturbed areas where the remedial works took place. Please send photos of this once it has been completed, as the proper installation of the sediment and erosion controls will help protect the slope until conditions are more suitable for seeding.

Regards,

Chris Cummings

Senior Enforcement Officer | East District
Enforcement and Compliance | Policy Planning

T: [\(437\) 880-2291](tel:(437)880-2291)

E: christopher.cummings@trca.ca

A: [5 Shoreham Drive, Toronto, ON, M3N 1S4](#) | trca.ca



From: Michael Presutti <michael@mepdesign.com>

Sent: Tuesday, August 19, 2025 4:54 PM

To: Christopher Cummings <Christopher.Cummings@trca.ca>; fishmanmoti@gmail.com

Cc: roey@carmelcannabis.ca

Subject: Re: 14 Whitelaw Court, Markham - Next Steps - Concept Development Application

EXTERNAL SENDER

Hi Chris

Further to our meeting last week on site, the owner notified me earlier today that he still has not received an email confirmation that TRCA is signed off on On the deck removal.

Kindly confirm in writing as soon as possible as this would be important for the owner to close out City of Markham billing department concerns as well

Thank you, Michael

Michael Presutti, OALA CSLA

Appendix D

File: 21-07737-000-000000

Date: 11/7/2025

MM/DD/YYYY

File:

Date: 11/7/2025
MM/DD/YYYY

Date: 11/7/2025
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Zoning By-law 2024-19, as amended

The Subject Lands are zoned Residential - Established Neighbourhood Low Rise (RES-ENLR) and Greenway 1 (GWY1) under By-law 2024-19, as amended, which permits detached dwellings. By-law 2024-19, as amended, is the Comprehensive Zoning By-law (CZBL), approved by City Council on January 31, 2024. Section 1.7 of the CZBL provides transition policies allowing the former Zoning By-law to remain applicable for 'applications in process' prior to the CZBL coming into full force and effect for a period of three years. A Building Permit (23.126191 HP) was submitted in July 2023, requiring the Owner to obtain variances to By-law 1767 only. If this variance application is approved, a building permit for the Proposed Development is required to be obtained by January 31, 2027.

Zoning By-Law 1767

The subject property is zoned Second Density Residential (R2) under By-law 1767, as amended, which permits single detached dwellings. The proposal does not comply with respect to the encroachment of an uncovered platform into the required rear yard. Further details of the encroachment requirement are provided in the comment section below.

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, *"Variance required for existing deck at the rear lot line with permitted setback of 3 meters. Proposed being 1.5 meters for one corner from 3 meters due to irregular shape lot line with straight edge deck"*.

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 (23.126191.000.00.HP) 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.

Increase in Maximum Encroachment Variance

The applicant is requesting to permit an encroachment of an uncovered platform into the required rear yard of 792.48 cm or 7.92 m (312 inches or 26 ft.), whereas the by-law permits a maximum encroachment of an uncovered platform into the required rear yard of 45.72 cm or 0.46 m (18 inches or 1.5 ft.).

It is the opinion of Staff that the proposed repairs for the deck do not maintain the general intent and purpose of the Official Plan. The Greenway designation provides protection for natural heritage and hydrologic features. The deck encroaches into the City's designated Greenway System, specifically the Valleylands surrounding the east branch of the Don River. Valleylands are intended to support flood protection, erosion control, and nature-based recreation uses, among other things. The policies governing Valleylands and the

Greenway designation prohibit development, redevelopment and site alteration within these subject lands.

Furthermore, this area is further regulated by the Toronto Region and Conservation Authority (TRCA) for the valley slope and floodplain buffer. For more details, please refer to TRCA's comments (Appendix C).

EXTERNAL AGENCIES

TRCA Comments

The subject property is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The rear portion of the site is traversed by a valley corridor associated with the Don River Watershed. TRCA provided comments on January 9th, 2025 (Appendix C), indicating that the proposed development is within natural hazards, which is not permitted under provincial and TRCA policy.

The applicant was issued a violation notice to remove the deck through the review of a Concept Development Application in July of 2023. TRCA has requested the application be refused, as the development associated with the application cannot be supported by staff.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 17th, 2025. 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 does not meet the four tests of the Planning Act and recommend the application be denied. Staff is of the opinion that the proposal does not reflect the intent of the Greenway designation. 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:



Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District
File Path: Amanda\File\ 24 197134 \Documents\District Team Comments Memo

Appendix B

File: 24.197737.000.00.MNV
Date: 1/17/2025
MM/DD/YYYY



NO.	DATE	REVISIONS / ISSUE
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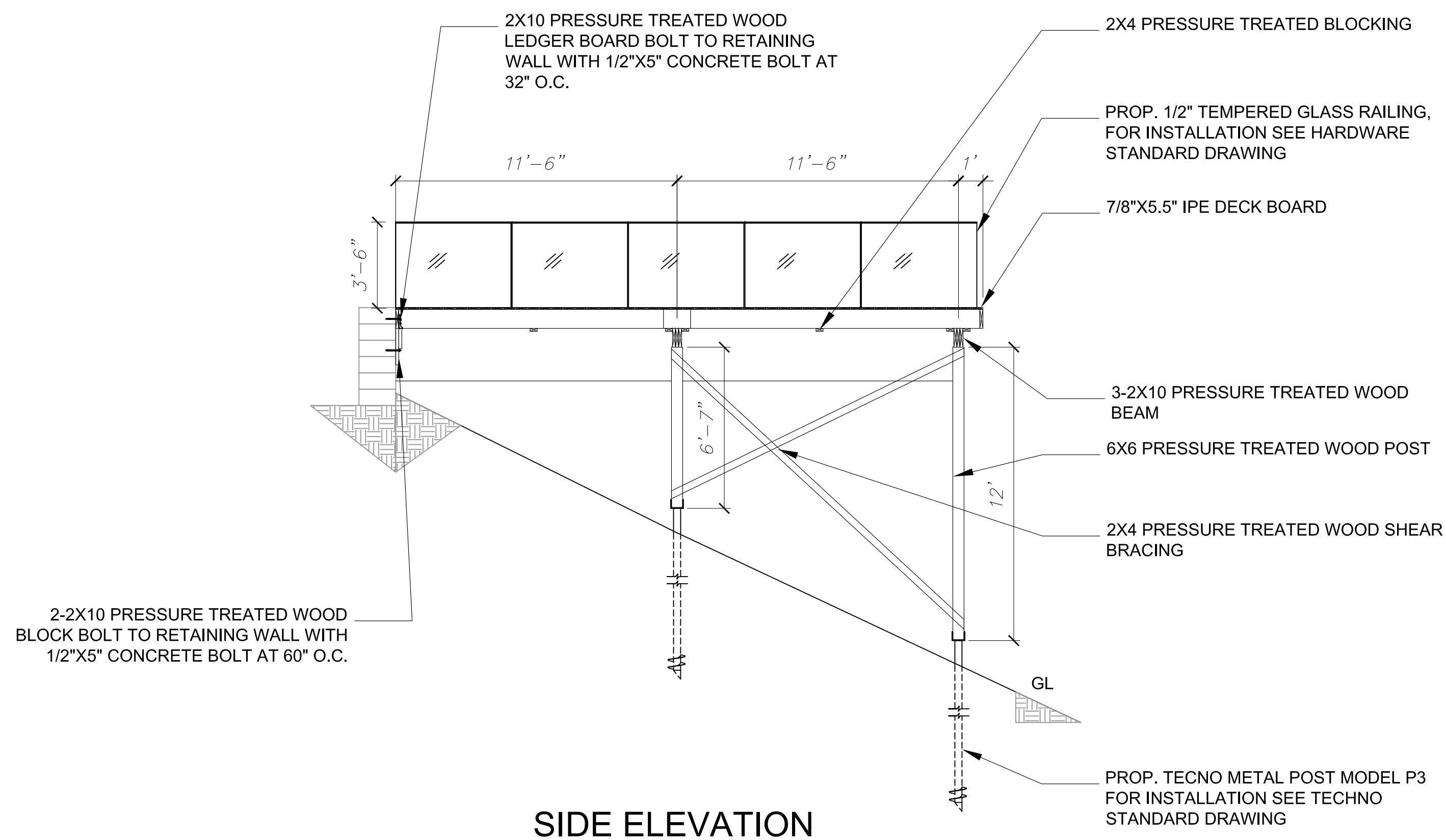
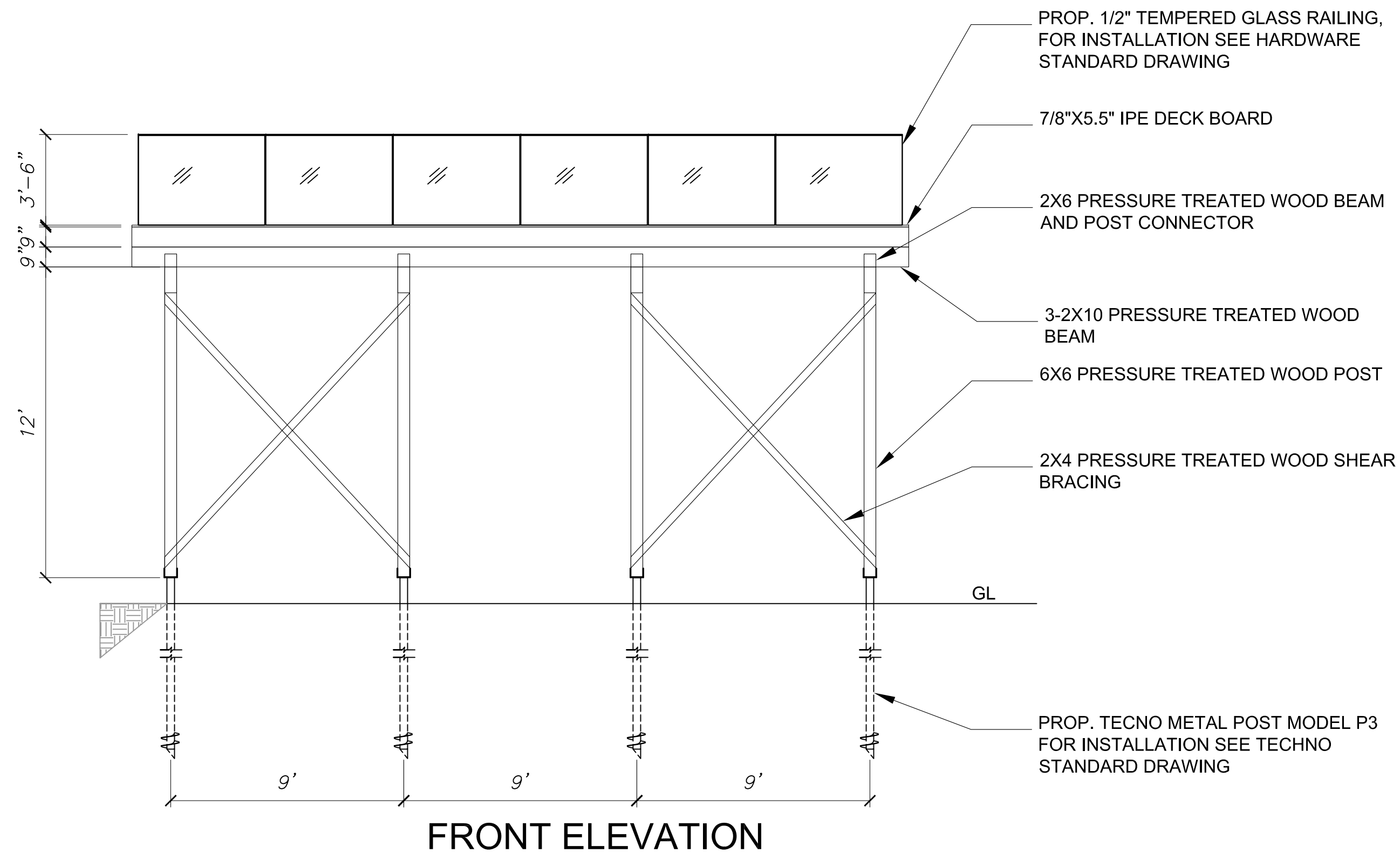
GRACE ENGINEERING

QUEENSTON, ONTARIO L5C 2G8
TEL : 647-687-2821 FAX : 1-888-411-1719
EMAIL: service.geng@gmail.com

BACK YARD DECK
14 WHITELAW COURT MARKHAM, ON L3T 5E7

DRAWING TITLE:
EXSITING SURVEY PLAN

DRAWN BY GW	DATE: 12 APRIL 2023	SCALE: 1/16"=1'-0"
CHECKED BY JK	PROJECT NO.: 2023-014	SHEET NO: A002



Appendix B

File: 24.197737.000.00.MNV
Date: 1/17/2025
MM/DD/YYYY

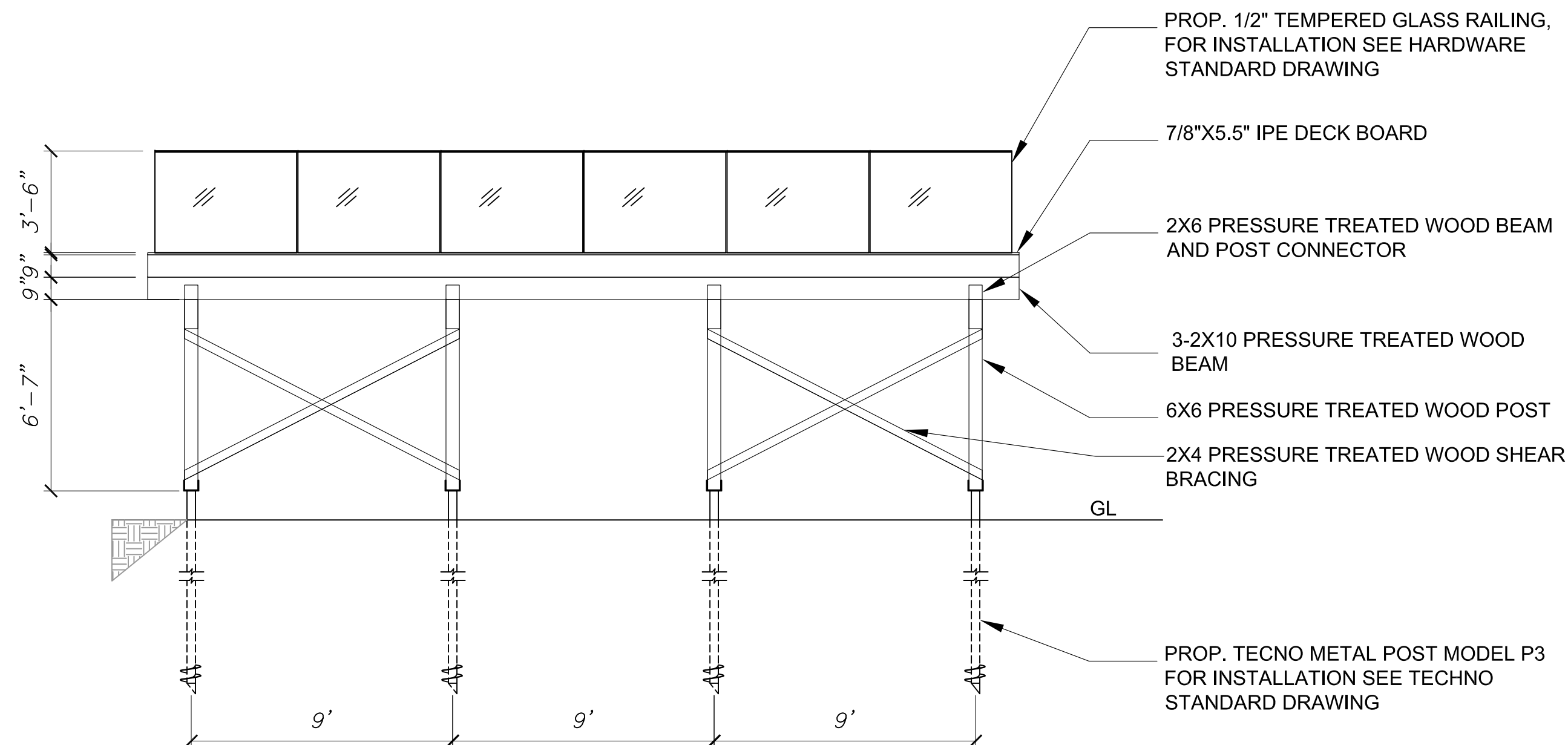


1	12 APRIL 2023	ISSUED FOR PERMIT	
NO.	DATE	REVISIONS / ISSUE	
GRACE ENGINEERING QUEENSTON DRIVE MISSISSAUGA ONTARIO L5C 2G8 TEL : 647-687-2821 FAX : 1-888-411-1719 EMAIL: service.geng@gmail.com			
BACK YARD DECK 14 WHITELAW COURT MARKHAM, ON L3T 5E7			
DRAWING TITLE:			
ELEVATION			
DRAWN BY GW	DATE: 12 APRIL 2023	SCALE: 1/4"=1'-0"	
CHECKED BY JK	PROJECT NO.: 2023-014	SHEET NO: A201	

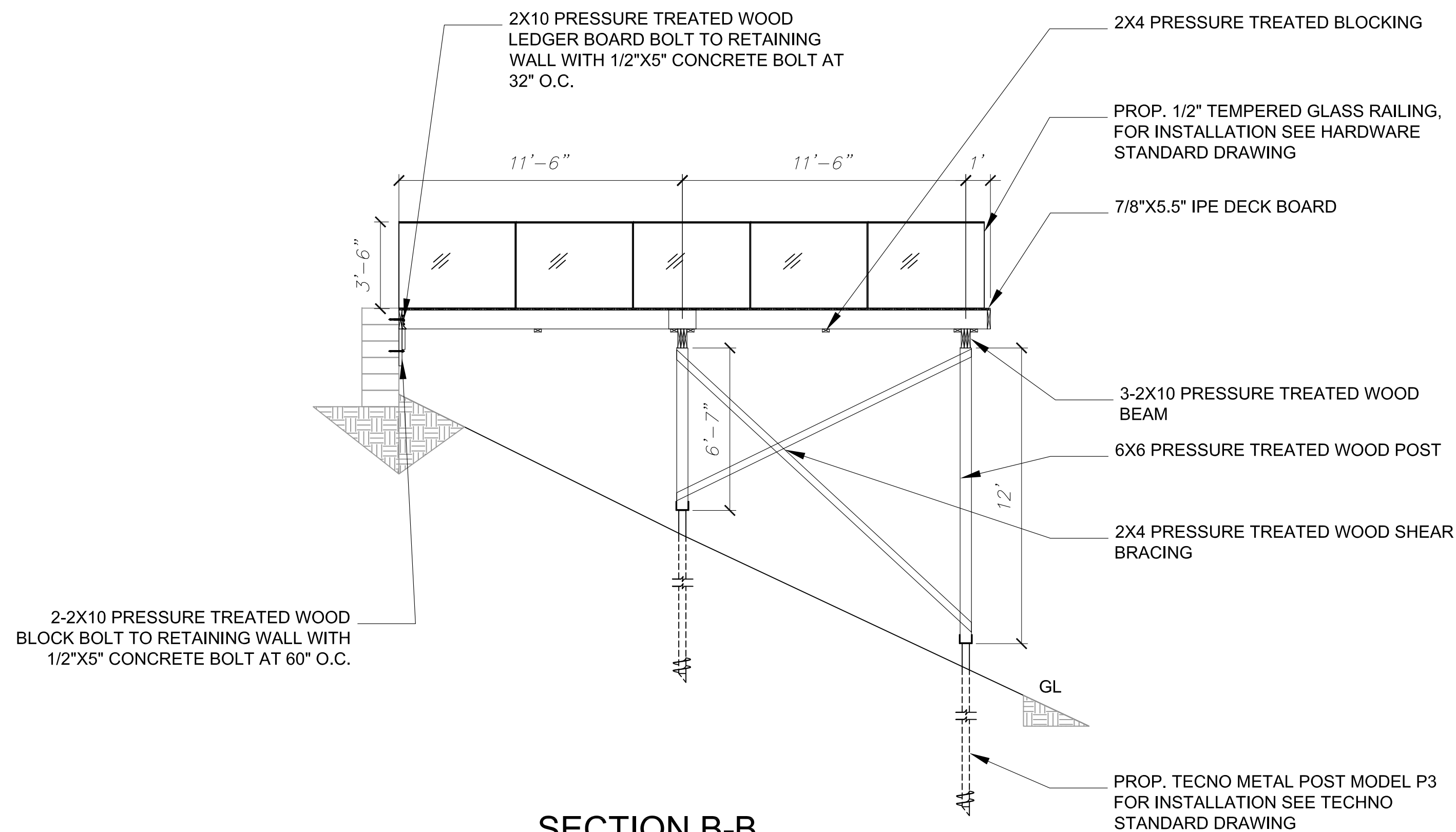
Appendix B

File: 24.197737.000.00.MNV

Date: 1/17/2025
MM/DD/YYYY



SECTION A-A



SECTION B-B

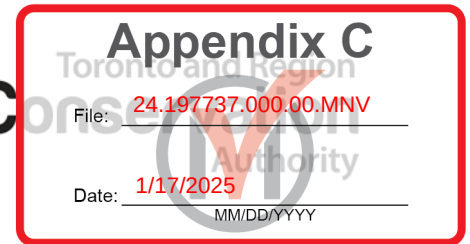


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QUEENSTON DRIVE MISSISSAUGA ONTARIO L5C 2G8 TEL : 647-687-2821 FAX : 1-888-411-1719 EMAIL: service.geng@gmail.com		
BACK YARD DECK 14 WHITELAW COURT MARKHAM, ON L3T 5E7		
DRAWING TITLE: SECTION		
DRAWN BY GW	DATE: 12 APRIL 2023	SCALE: 1/4"=1'-0"
CHECKED BY JK	PROJECT NO.: 2023-014	SHEET NO: A301

4.197737.000.00.
17/2025
MM/DD/YYYY

Date: 1/17/2025
MM/DD/YYYY

A101



January 7, 2025

CFN PAR-DPP-2024-00441

VIA E-PLAN

Dear Shauna Houser,

Re: Minor Variance Application – (A/139/24)
14 Whitelaw Court
PLAN M1727 LOT 7, Markham
(Whitelaw Court & Bayview Ave)
Applicant: Einat Fishman
Agent: Einat Fishman

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to the referenced Committee of Adjustment application, received by TRCA on December 2, 2024. We provide the following in accordance with TRCA's commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see [Ontario Regulation 686/21](#).

Purpose of the Application

TRCA staff understand that the purpose of this application is to facilitate an encroachment of an uncovered platform into the required rear yard of 312 inches, whereas the by-law permits a maximum of 18 inches;

TRCA Permit Requirement

The subject lands contain erosion hazards associated with a tributary of the Don River Watershed and its adjacent regulated allowance.

Due to the presence of natural hazards and portions of the subject property located within TRCA's Regulated Area of the Don River Watershed, the issuance of a TRCA permit pursuant to the Conservation Authorities Act is required prior to any development or site alteration within the regulated portion of the property.

Background

TRCA has been reviewing the as-built deck through a Concept Development Application (CDA). A site visit was conducted by TRCA staff on June 1st, 2023 during this review. This visit and review of the available mapping confirmed that the deck is constructed within natural hazards (i.e., erosion hazards), which is not permissible under provincial and TRCA policies. The proponent has been informed of the requirement to remove the deck and restore the affected area to its natural state and a violation notice was issued on July 2023 accordingly. As such, **the development associated with this application cannot be supported by staff.**

TRCA staff are committed to working collaboratively with the proponent to ensure the removal of the existing structure and the appropriate restoration of the affected area. We are also available to assist in identifying suitable locations outside of the natural hazards area for any future structures.

TRCA Plan Review Fee

By copy of this letter, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Minor Variance Application is subject to a \$950.00 fee (Minor Variance Application - Standard). The applicant is responsible for payment of the fee upon receipt of this letter.

Recommendation

Based on the concerns noted in this letter, TRCA staff recommend that the committee **refuse** the subject application. Detailed comments supporting this recommendation have been provided in Appendix A of this letter.

Should you have any questions or comments, please contact the undersigned.

Regards,

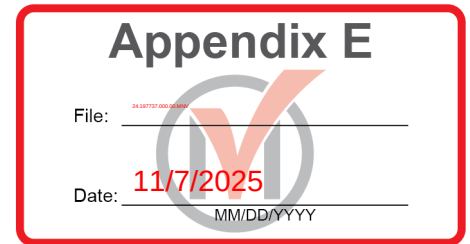


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Attached: Appendix A: Detailed Comments

Appendix A: Detailed Comments

#	TRCA Comment
1	TRCA Staff do not support the construction of the deck within the valley corridor and the ‘Natural System’ as defined by TRCA’s Living City Policies. The deck structure is within the erosion hazard associated with the valley corridor. As per Policy 8.5.1.8 of the Living City Policies, it states “Property improvements and non-habitable <i>accessory structures</i> associated with existing residential use such as decks, minor <i>alterations</i> to grade/landscaping, and swimming pools will not be permitted within the <i>erosion hazard</i> of <i>valley and stream corridors</i> but may be considered adjacent to the <i>erosion hazard</i>, where it can be demonstrated to the satisfaction of TRCA that: a)the location of the structure does not obstruct the access to and along <i>valley and stream corridors</i> for maintenance of protection works; e)the structure is set back a minimum of 6 metres from the <i>stable top of slope, stable toe of slope</i> or <i>meander belt</i>.”



as it related to a new exterior side door.

The owner, Serena Li, appeared on behalf of the application.

Geetha, a neighbour, supported and indicated that all of the houses on the street have the same issue.

Member Reingold expressed the application made sense and would not impact the neighbours.

Member Yan indicated the application was minor and motioned for approval with conditions.

Moved by: Sally Yan

Seconded by: Jeamie Reingold

The Committee unanimously approved the application.

THAT Application **A/128/24** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5.3 A/139/24

Agent Name: Einat Fishman
14 Whitelaw Court, Thornhill
PLAN M1727 LOT 7

The applicant was requesting relief from the requirements of By-law 1767, as amended, to permit:

a) By-law 1767, Section 9(i):

an encroachment of an uncovered platform into the required rear yard of 312 inches, whereas the by-law permits a maximum encroachment of an uncovered platform into the required rear yard of 18 inches;

as it related to an existing deck.

Roey Fishman appeared on behalf of the owner. Roey indicated that the property was located on a ravine, the proposed deck presented no privacy or overlook issues, and the encroachment was minor. Furthermore, Roey indicated that the proposal met the policies of the Official Plan and was desirable as it provided an additional outdoor amenity space in the rear yard. The development would require TRCA approval.

Member Yan indicated that the application did not meet the intent of the Official Plan policies or Provincial policies and posed health and safety risks.

Member Reingold stated it was unfortunate that the deck was built without a permit, and supported the recommended refusal of staff and the TRCA.

The Chair expressed that the application did not meet the four tests of the Planning Act.

Roey Fishman requested a deferral on behalf of the applicant to provide further opportunities for consultation with TRCA.

Member Yan motioned for deferral.

Moved by: Sally Yan
Seconded by: Jeamie Reingold

THAT Application **A/139/24** be **deferred** sine die.

Resolution Carried

5.4 A/124/24

Agent Name: Nafiss Design Inc. (Nafiseh Zangiabadi)
25 Wilson Street, Markham
PL 247 PT LTS 15 & 17 65R18060 PT 2

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) By-law 2024-19, Section 6.3.2.2(i):**
a minimum combined interior side yard setback of 1.94 metres, a minimum interior side yard setback of 0.54 metres (West Side), and a minimum interior side yard setback of 1.40 metres (East Side), whereas the by-law requires a minimum combined interior side yard setback of 4 metres and a minimum interior side yard setback of 1.8 metres; and
- b) By-law 2024-19, Section 4.8.3(a)(ii):**
a deck with an interior side yard setback of 0.61 metres, whereas the by-law requires a deck with a minimum interior side yard setback of 1.8 metres;

as it related to a rear one storey addition to an existing two storey residential dwelling.

The agent, Nafiseh Zangiabadi, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Yan motioned for approval with conditions.

Moved by: Sally Yan
Seconded by: Jeamie Reingold