

# **Memorandum to the City of Markham Committee of Adjustment**

April 5, 2018

**File:** A/136/17  
**Address:** 102 Havagal Crescent  
**Applicant:** Manu & Usha Patel  
**Agent:** Gregory Design Group (Russ Gregory)  
**Hearing Date:** Wednesday April 11, 2018

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

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

- a) **Deck By-Law 142-95, Section 2.1 (a) i):**  
a portion of the deck to be located in an interior side yard, whereas the by-law defines a deck as a raised platform on a dwelling that is located at the rear of the dwelling;
- b) **Deck By-Law 142-95, Section 2.2 (a) ii):**  
a minimum east side yard setback of 0.31 metres, whereas the by-law requires 0.6 metres.

## **Background**

According to information provided by the Applicant, the existing deck, with an aluminium and glass roof, was constructed approximately 10 years ago without a building permit. If approved, the Applicant will be required to apply for one. It should also be noted that the Applicant has agreed to remove the existing aluminum frame and glass roof from the deck in the event of an approval.

## **Applicant's Stated Reason(s) for Not Complying with Zoning**

As stated on the application form, the reason for not complying with Zoning is indicated as follows: "Existing deck was constructed over past 10 years".

## **Zoning Preliminary Review Undertaken**

The applicant has competed that a Zoning Preliminary Review (ZPR) to confirm all the variances required for the deck. It should be noted that the plans submitted with the ZPR depict an uncovered deck and the variances requested also reflect this condition.

## **PUBLIC INPUT SUMMARY**

No written submissions were received as of April 5, 2018. 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 meets the four tests of the Planning Act and have no objection provided the existing aluminium frame and glass roof is removed. Engineering staff have also advised that there are no concerns

from a drainage perspective. 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:



Sabrina Bordone, Senior Planner, Central District

REVIEWED BY:



Richard Kendall, Development Manager, Central District

**APPENDIX "A"**

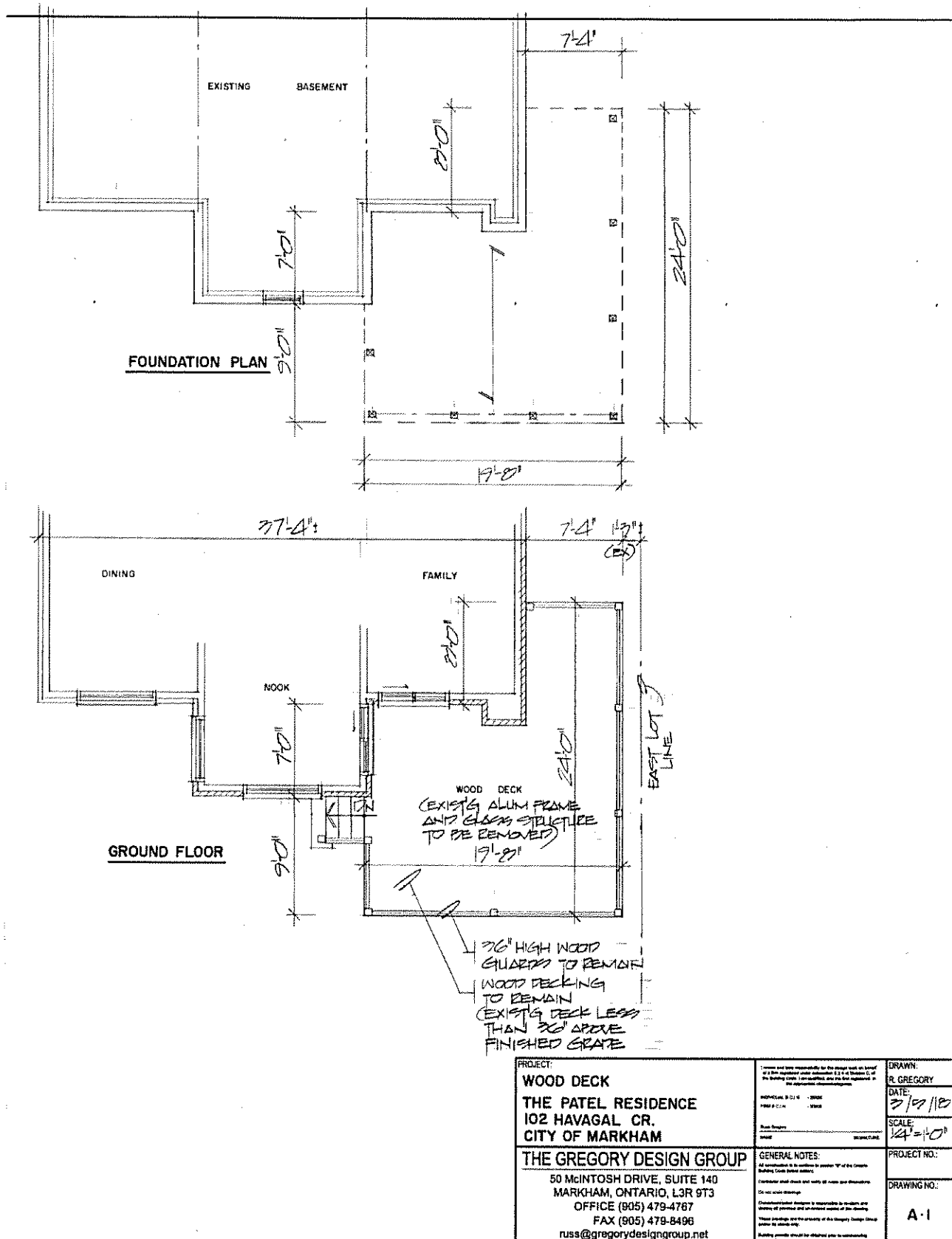
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/136/17**

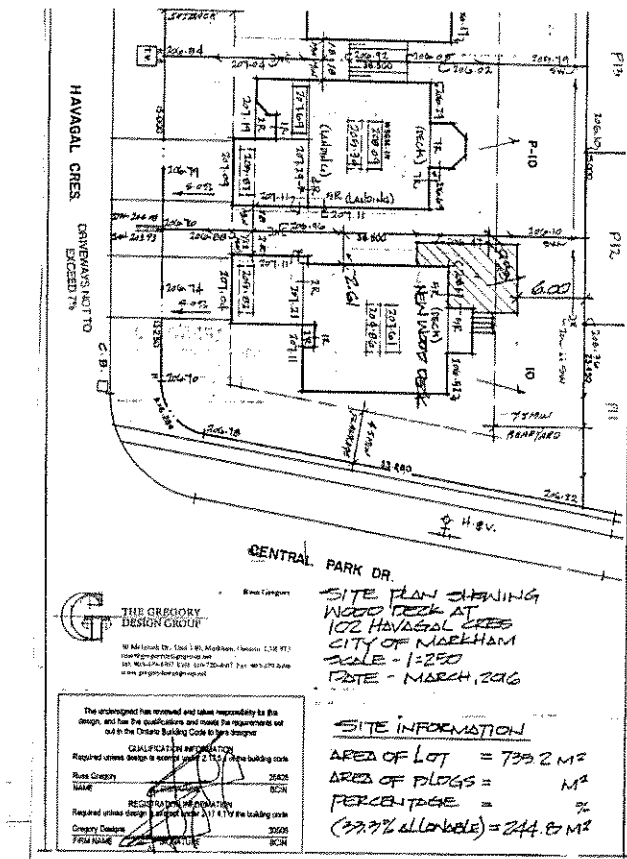
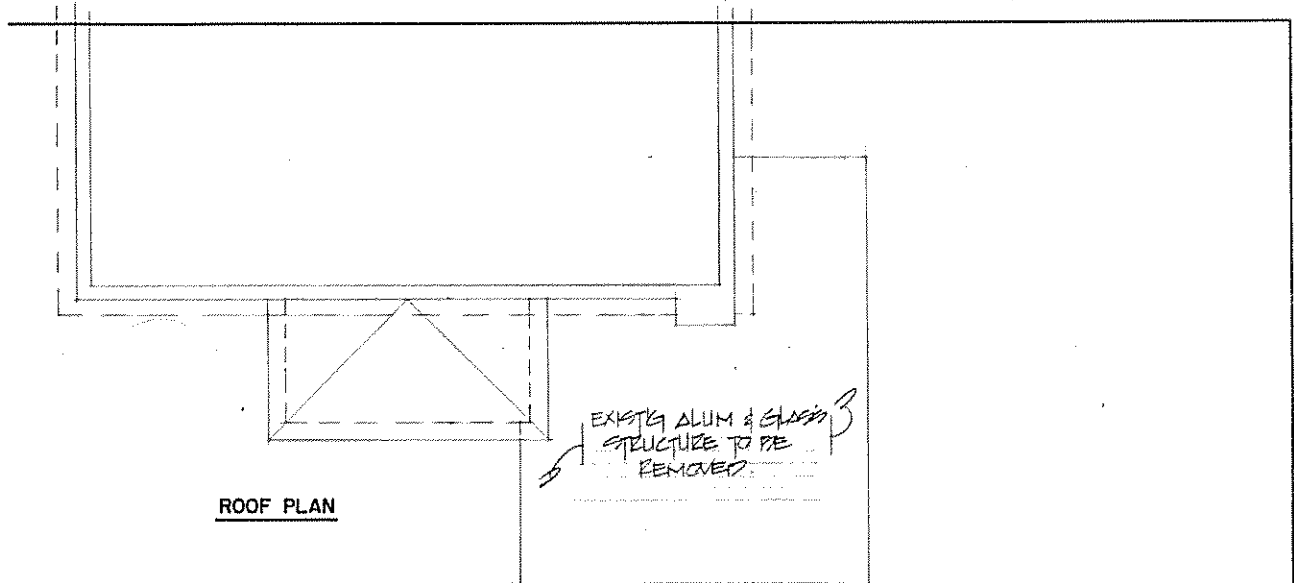
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;
3. That the Applicant remove the existing aluminum frame and glass roof from the deck; and,
4. That the Applicant apply for a building permit.

**CONDITIONS PREPARED BY:**

  
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Sabrina Bordone, Senior Planner, Central District

## Appendix B





<b>PROJECT:</b> <b>WOOD DECK</b> <b>THE PATEL RESIDENCE</b> <b>102 HAVAGAL CR.</b> <b>CITY OF MARKHAM</b>	<b>GENERAL NOTES:</b> All construction is to conform to minimum "B" of the Ontario Building Code unless otherwise noted. Contractor shall erect and verify all means and dimensions on the work drawings. Characterization designs to responsibility to verify and verify all means and dimensions on the work drawings. These drawings are for the purpose of the Gregory Design Group design only. Building permits should be obtained prior to commencing construction.	<b>DRAWN:</b> R. GREGORY <b>DATE:</b> 3/17/16 <b>SCALE:</b> 1/4" = 1'-0"
<b>THE GREGORY DESIGN GROUP</b> 50 MCINTOSH DRIVE, SUITE 140 MARKHAM, ONTARIO, L3R 9T3 OFFICE (905) 479-4767 FAX (905) 479-8496 russ@gregorydesigngroup.net		<b>PROJECT NO.:</b>  <b>DRAWING NO.:</b> <b>A-2</b>