

Memorandum to the City of Markham Committee of Adjustment

October 1, 2018

File: A/141/18
Address: 24 Loweswater Ave, Markham
Applicant: Kenneth Kwok-On Chen
Agent: NAPA DESIGN GROUP INC. (Lou Parente)
Hearing Date: Wednesday October 10, 2018

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, R8, as amended:

- a) **Section 2.2 b(i):** To permit maximum deck projection of 4.5 metres (14.76 feet); whereas the By-law permits maximum deck projection of 3.0 metres (9.84 feet) when deck is in excess of one metre in height above lowest ground surface at all points around perimeter of the platform.
- b) **Section 2.2b(ii):** To permit minimum rear yard setback of 2.75 metres (9.02 feet); whereas the By-law permits minimum rear yard setback of 3.0 metres (9.84 feet)

as they relate to an existing rear yard deck.

The applicant is requesting a maximum deck projection of 4.5 metres (14.76 feet), whereas the By-law permits maximum deck projection of 3.0 metres (9.84 feet). This represents a difference of approximately 1.5 metres (4.92 feet). The applicant is also requesting a minimum rear yard setback of 2.75 metres (9.02 feet) whereas the By-law requires a minimum rear yard setback of 3.0 metres (9.84 feet) (see Appendix 'A'). This represents a difference of approximately 0.82 metres (2.69 feet). The applicable by-law for the property permits a small rear yard setback of 3.0 metres (9.84 feet). Staff note that the property has an irregular rear property line and that the variance for the rear yard setback only applies to a corner of the proposed deck. Notwithstanding this, records indicate that properties in the immediate vicinity have not applied for variances of this scale. Staff asked the applicant to consider reconfiguring the design of the deck however, the applicant chose to proceed. Staff are of the opinion that as it is proposed, it is not suitable to permit a further reduction in an already small rear yard setback as well as the proposed deck projection. Staff ask that Committee consider public input in reaching a decision and satisfy themselves that the proposal meets the 4 tests.

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

According to the information provided by the applicant, *"The owner was unaware of the by-laws and the deck/platform has already been constructed. A stop work/order to comply was issued BV 18 247694 V. Goncalves"*.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the variances required for the proposed development.

PUBLIC INPUT SUMMARY

As of October 1, 2018, the City received three (3) letters. One (1) expressing concerns over the height of the proposed deck and impacts to privacy and two (2) expressing support for the application. 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 that the application be denied. Staff recommend that the Committee consider public input in reaching a decision.

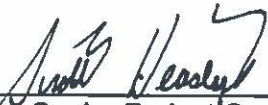
The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

PREPARED BY:



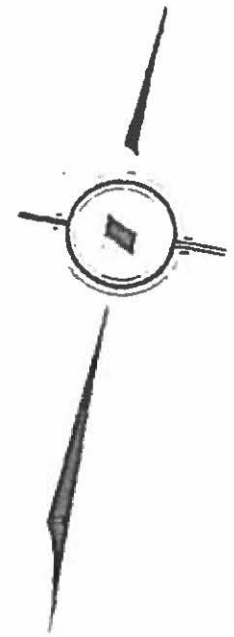
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



Scott Heaslip, Senior Project Coordinator, Central District
File Path: Amanda\file\ 18 250614 \Documents\District Team Comments Memo

DISTANCES SHOWN ON THIS PLAN ARE IN METERS
CAN BE CONVERTED TO FEET BY DIVIDING BY 3.28



COMMITTEE OF ADJUSTMENT

Cadastral, Geodetic, Photogrammetric ;
TORONTO BRAMPTON OSI

R. G. v. 5

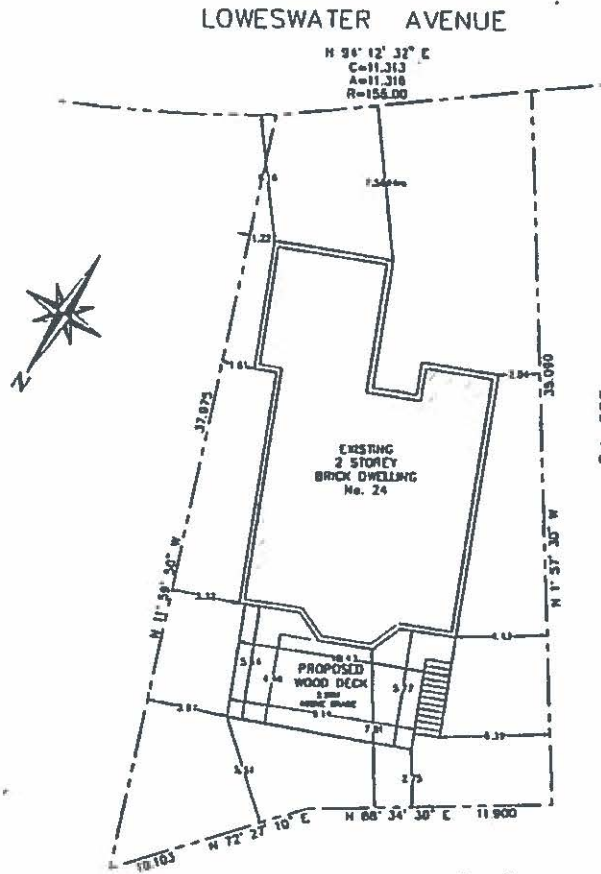
INFORMATION SHOWN TAKEN FROM
LOT 87 REG. PLAN 65M2359
24 LOWESWATER AVENUE
CITY OF MARKHAM, ONTARIO.

SCALE 1:100
JO BARNES LIMITED
METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048

THE FIELD OBSERVATIONS REPRESENTED ON THIS PLAN
WERE COMPLETED ON THE 28th DAY OF MAY, 1983



Key Plan
SCALE - 1:1



Site Plan
SCALE - 1:100

LOT AREA
HOUSE FOOTPRINT AREA
PROPOSED DECK AREA
TOTAL FOOTPRINT AREA
PERCENT COVERAGE

506.88 SQ.M.
171.13 SQ.M.
48.77 SQ.M.
219.90 SQ.M.
37.33%

<p>NOTES</p> <p>1. THE INFORMATION ON THIS PLAN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p> <p>2. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p> <p>3. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p> <p>4. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p> <p>5. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p> <p>6. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p> <p>7. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p> <p>8. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p> <p>9. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p> <p>10. THE INFORMATION ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p>	
<p>JO BARNES LIMITED</p> <p>111 Leaside Ave. Toronto, Ontario M2H 3P9 Telephone: (416) 491-1111</p>	
<p>DATE: 1983.05.28</p> <p>BY: J.B.</p>	

<p>nao</p> <p>nao design group</p> <p>111 Leaside Ave. Toronto, Ontario M2H 3P9 Telephone: (416) 491-1111</p>	
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<p>PROPOSED</p> <p>PLAN 65M2359</p> <p>Kenneth A. Marek</p> <p>CHEN</p> <p>111 Leaside Ave. Toronto, Ontario M2H 3P9</p>	
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<p>SITE PLAN</p>	
<p>Sheet</p> <p>01/01</p>	<p>Project No.</p> <p>01/01</p>
<p>Date</p> <p>01/01</p>	<p>Page No.</p> <p>01/01</p>
<p>Scale</p> <p>1:100</p>	<p>Area</p> <p>1.00</p>


GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SINGAPORE BUILDING CODES AND REGULATIONS.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE RELEVANT AUTHORITIES.



PROJECT INFORMATION

Project Name: [REDACTED]

Client: [REDACTED]

Address: [REDACTED]

DESIGNER

NAME: [REDACTED]

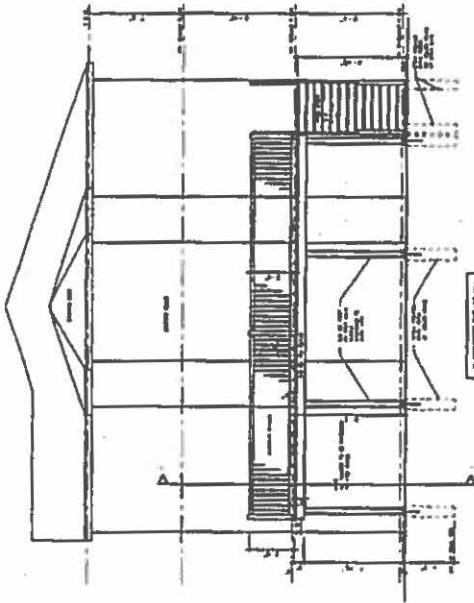
COMPANY: [REDACTED]

CONTACT: [REDACTED]

DATE

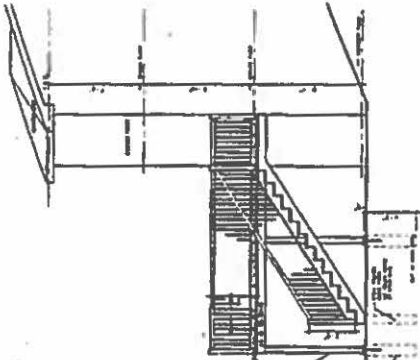
DATE: [REDACTED]

BY: [REDACTED]

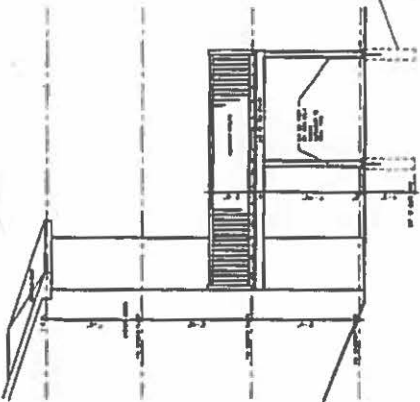


NO.	REVISION	DATE	BY
1	ISSUED FOR PERMIT	10/10/2023	ARCHITECT
2	FOR CONSTRUCTION	10/10/2023	ARCHITECT
3	FOR CONSTRUCTION	10/10/2023	ARCHITECT
4	FOR CONSTRUCTION	10/10/2023	ARCHITECT
5	FOR CONSTRUCTION	10/10/2023	ARCHITECT

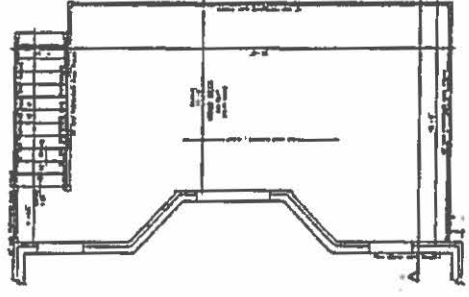
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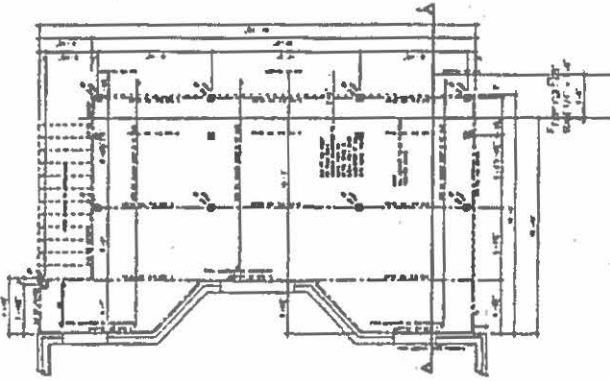
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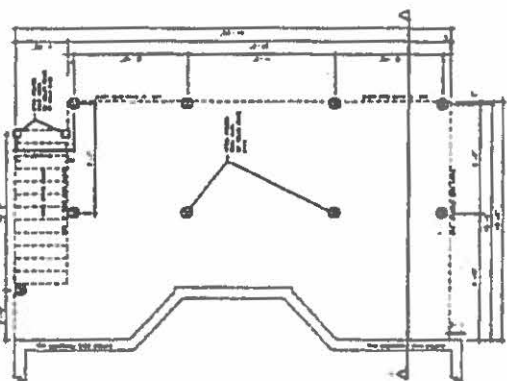
West Elevation
Scale 1/4" = 1'-0"



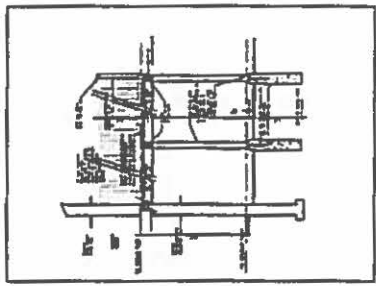
North Elevation
Scale 1/4" = 1'-0"



South Elevation
Scale 1/4" = 1'-0"



East Elevation
Scale 1/4" = 1'-0"



West Elevation
Scale 1/4" = 1'-0"

Notes