

# Memorandum to the City of Markham Committee of Adjustment

October 3, 2022

**File:** A/134/22  
**Address:** 20 Trimble Court, Markham (Thornhill)  
**Applicant:** Tom Gutfreund  
**Agent:** Tom Gutfreund  
**Hearing Date:** Wednesday, October 5, 2022

The following comments are provided on behalf of the West District team:

The Applicant is requesting relief from the following “Eighth Density – Single Detached Residential (R8)” zone requirements under By-law 151-75, as amended, as it relates to a proposed rear deck. The variances requested are to permit:

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

a 3.66 m (12 ft.) projection, whereas the By-law permits a maximum deck projection of 3.0 m (9.84 ft.).

## BACKGROUND

### Property Description

The 460 m<sup>2</sup> (4,951 ft<sup>2</sup>) subject lands are located on the south side of Trimble Court, and are generally located east of Willowbrook Road and is abutting the north side of Willowbrook Public School (refer to Appendix “A” – Aerial Photo). The subject lands are located within an established residential neighbourhood comprised of a mix of two-storey detached dwellings.

The existing 233.56 m<sup>2</sup> (2,514 ft<sup>2</sup>) two-storey detached dwelling was constructed in 1978, according to assessment records. Mature vegetation exists throughout the subject lands, including two large mature trees in the front yard and two smaller trees in the rear yard.

### Proposal

The applicant is proposing to construct a 31.22 m<sup>2</sup> (336 ft<sup>2</sup>) deck above grade located to the rear of the existing two-storey detached dwelling (refer to Appendix “B”).

### Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. It is the owner’s responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

## COMMENTS

The *Planning Act* states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (the “Committee”):

- 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; and

- d) The general intent and purpose of the Official Plan must be maintained.

#### **Maximum Deck Projection**

The applicant is requesting relief to permit a maximum deck projection of 3.66 m (12 ft.), whereas a maximum deck projection of 3.0 m (9.84 ft.) is permitted. This represents an increase of approximately 0.61 m (2.0 ft.). The variance is attributed to the proposed rear deck and deck extension above grade.

Staff are of the opinion that the proposed maximum deck projection is minor in nature, and staff have no concern with the requested variance.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of October 3, 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 variance request meets the four tests. In reaching a decision, staff recommend that the Committee consider public input, and the subsequent conditions of approval. The onus is ultimately on the Applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

#### **APPENDICES**

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – A/134/22 Conditions of Approval

PREPARED BY:



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Hussnain Mohammad, Development Technician, Zoning and Special Projects

REVIEWED BY:



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



## Legend

 Subject Lands

1: 2,257



114.7 0 57.33 114.7 Meters

NAD\_1983\_UTM\_Zone\_17N  
© City of Markham

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be directed to the appropriate department.

Notes



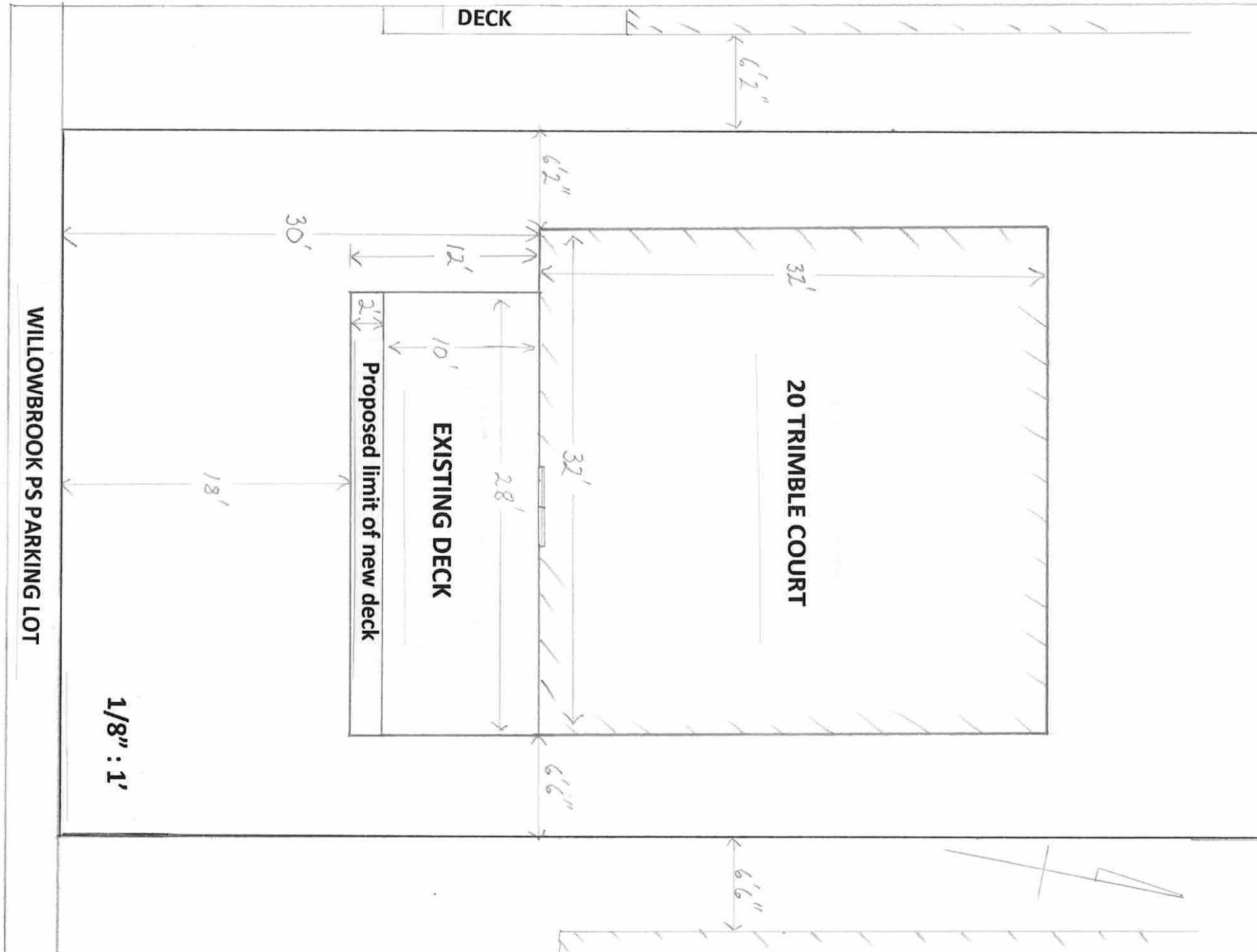
## Appendix B

File: 22.248077.000.00.MNV

Date: 10/03/22  
MM/DD/YY

A1

Site plan showing house,  
existing deck and proposed  
limit of replacement deck



## Appendix B

File: 22.248077.000.00.MNV

Date: 10/03/22  
MM/DD/YY

REAR VIEW



KITCHEN  
WALKOUT



5' 6" HEIGHT OF KITCHEN WALKOUT  
ABOVE GRADE  
 $\frac{1}{4}" : 1'$

5'6" = 1.68m

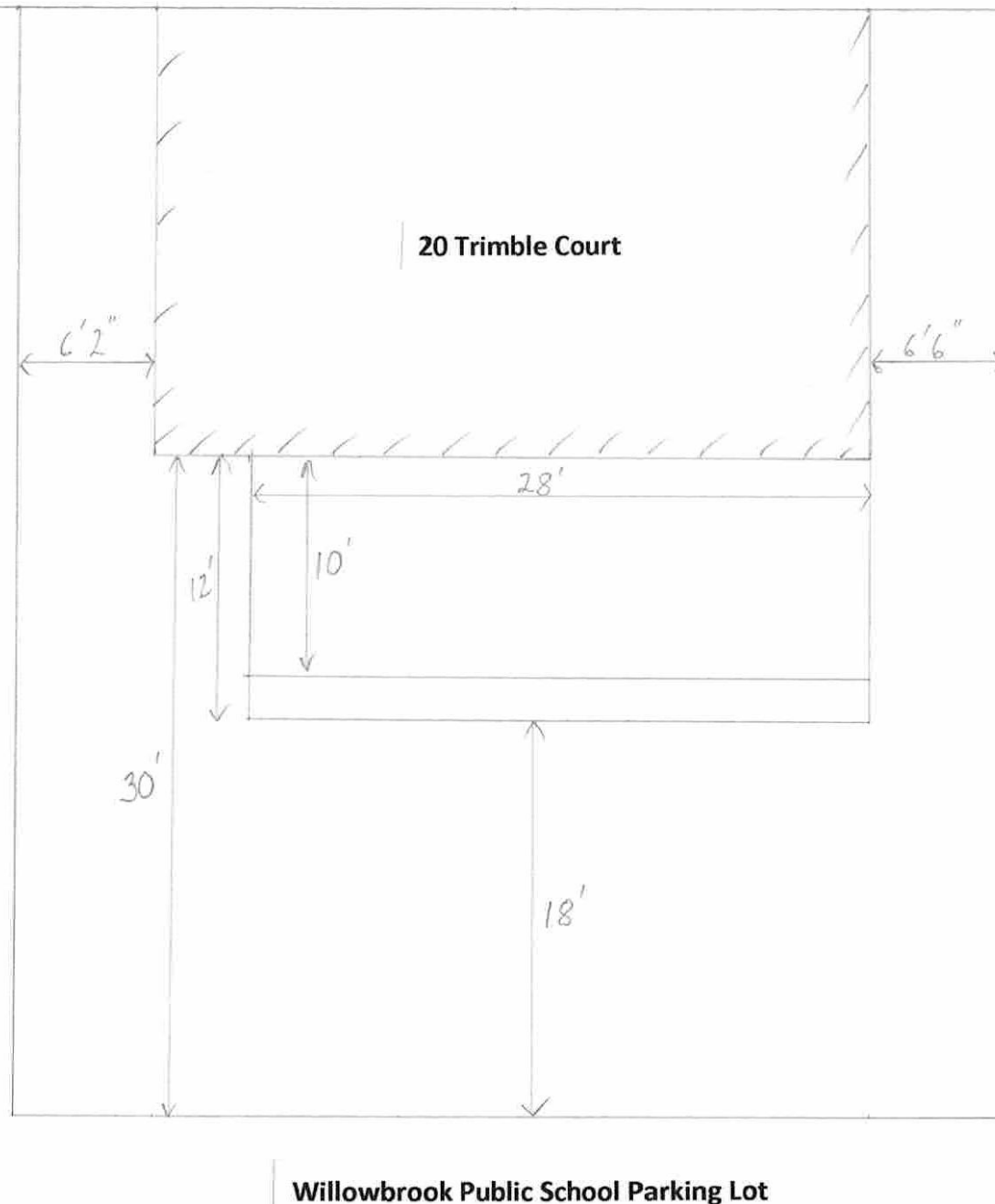
A2

South (Rear) View showing  
height of kitchen walkout  
above grade

## Appendix B

File: 22.248077.000.00.MNV

Date: 10/03/22  
MM/DD/YY



Existing Deck  
10' x 28'  
(3.05m x 8.53m)

Proposed Deck  
12' x 28'  
(3.66m x 8.53m)

Side yard setback  
6'2" = 1.88m  
6'6" = 1.98m

Distance from SFD  
To Rear Property Line  
30' = 9.14m

Distance from proposed  
Deck to Rear Property  
Line  
18' = 5.49m

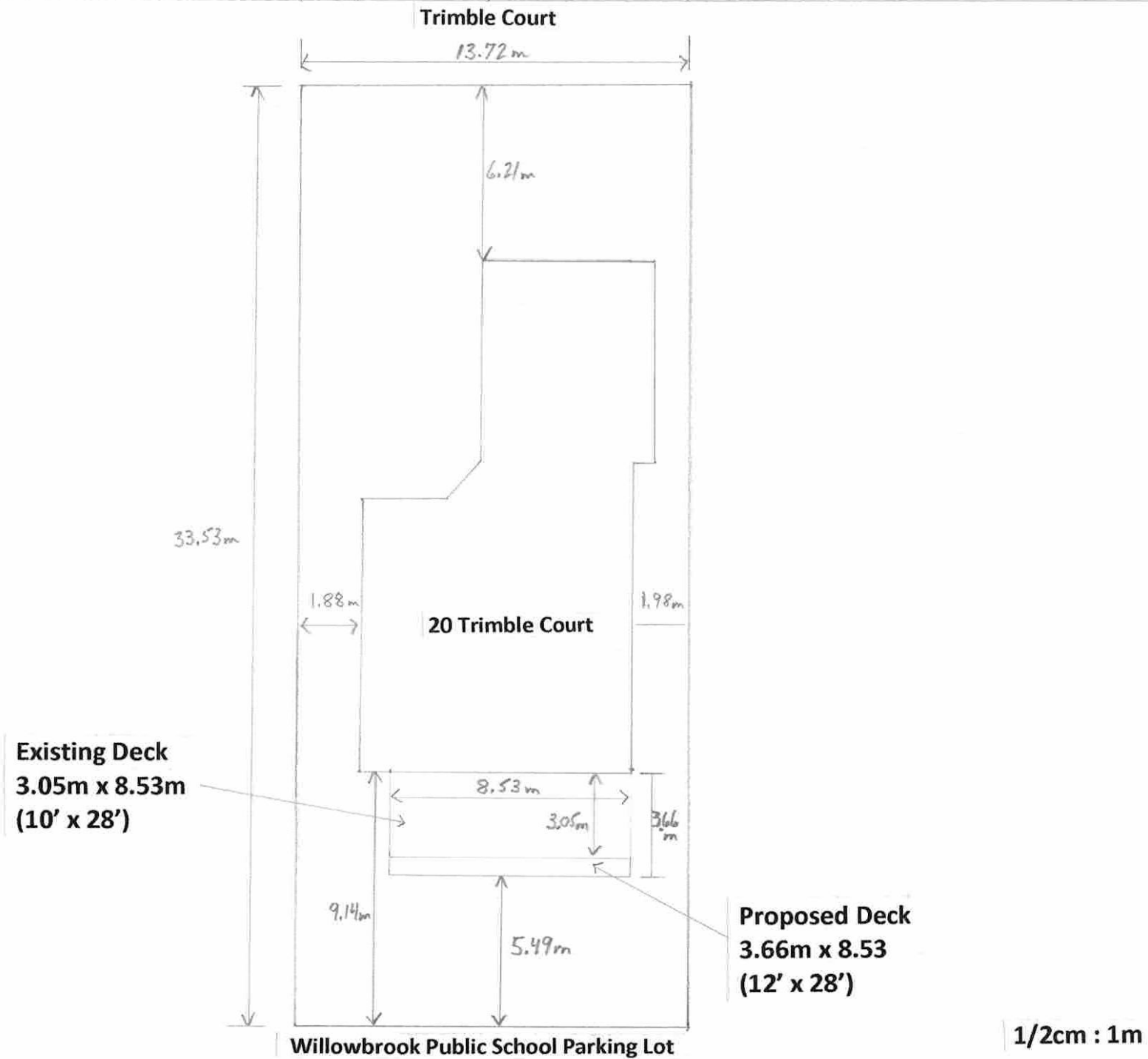
A3  
Expanded view of deck  
and metric conversions

1/8" : 1'

## Appendix B

File: 22.248077.000.00.MNV

Date: 10/03/22  
MM/DD/YY



A4  
Site Plan Showing  
Existing and Proposed Deck

SCALE 1" = 30'

MM/DD/YY

#77-150



**APPENDIX “C”**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/134/22**

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 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 "Hussnain Mohammad". The signature is written in a cursive style with a large initial "H".

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Hussnain Mohammad, Development Technician, Zoning and Special Projects