

# Memorandum to the City of Markham Committee of Adjustment

May 5, 2018

**File:** A/50/18  
**Address:** 15 Treeline Court, Markham  
**Applicant:** Michael Simpson  
**Agent:** Clark (Chao) Sun  
**Hearing Date:** Wednesday May 30, 2018

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of By-law 90-81, as amended:

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

a deck projection of 3.7 metres; whereas, the by-law permits maximum projection of 3.0 metres; as it relates to a proposed above-grade deck in rear of main detached dwelling.

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

According to the information provided by the applicant, *"The proposed deck projection from the house is 3.7 meters which is 0.7 meters more than the provisions of the by-law"*.

### **Zoning Preliminary Review (ZPR) not Undertaken**

A Zoning Preliminary Review (ZPR) has not been undertaken for the proposal. However, it is still 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 variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

### **EXTERNAL AGENCIES**

#### TRCA Comments

The subject property is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The southerly portion of the site is traversed by a valley corridor associated with the Rouge River Watershed. TRCA provided comments on May 2, 2018 (Appendix C) and does not object to the proposed development.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of May 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.

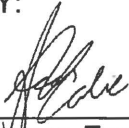
### **CONCLUSION**

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

PREPARED BY:



\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:



\_\_\_\_\_  
Sally Campbell, Development Manager, East District  
File Path: Amanda\File\ 18 229599 \Documents\District Team Comments Memo

**APPENDIX "A"**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/50/18**

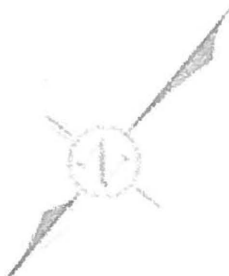
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix A' to this Staff Report and dated *April 25, 2018* and that the Secretary-Treasurer receive written 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:

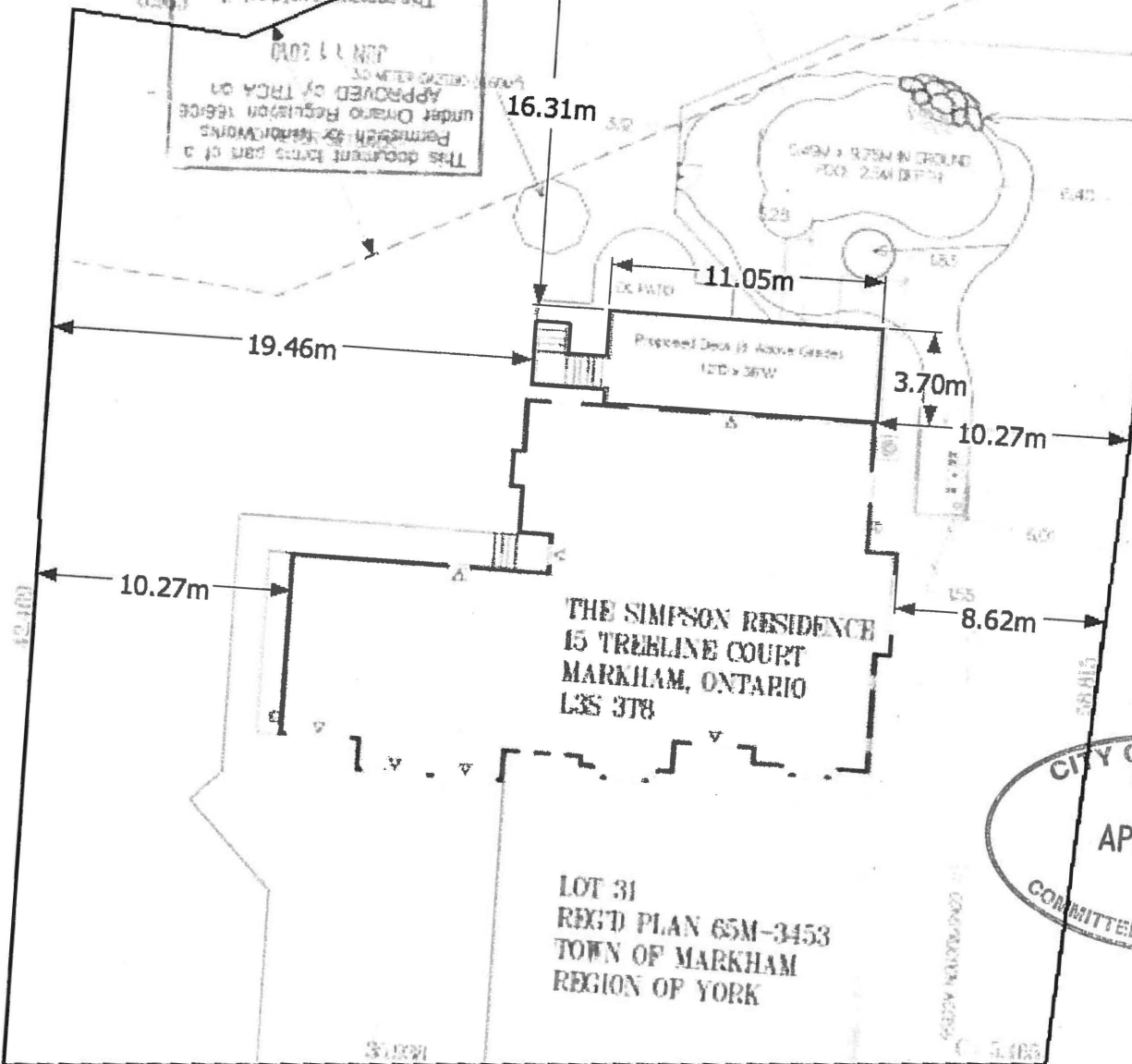


\_\_\_\_\_  
Aqsa Malik, Planner, Zoning and Special Projects

APPENDIX B



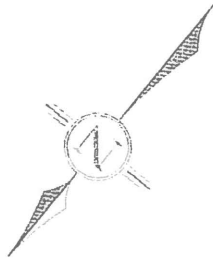
This document forms part of a  
Permitted by By-Law  
under Ontario Regulation 166/02  
APPROVED OF TRCA ON  
JUN 1 2010  
This approval is valid only if  
accompanied by a letter signed by a  
TRCA official and is subject to TRCA



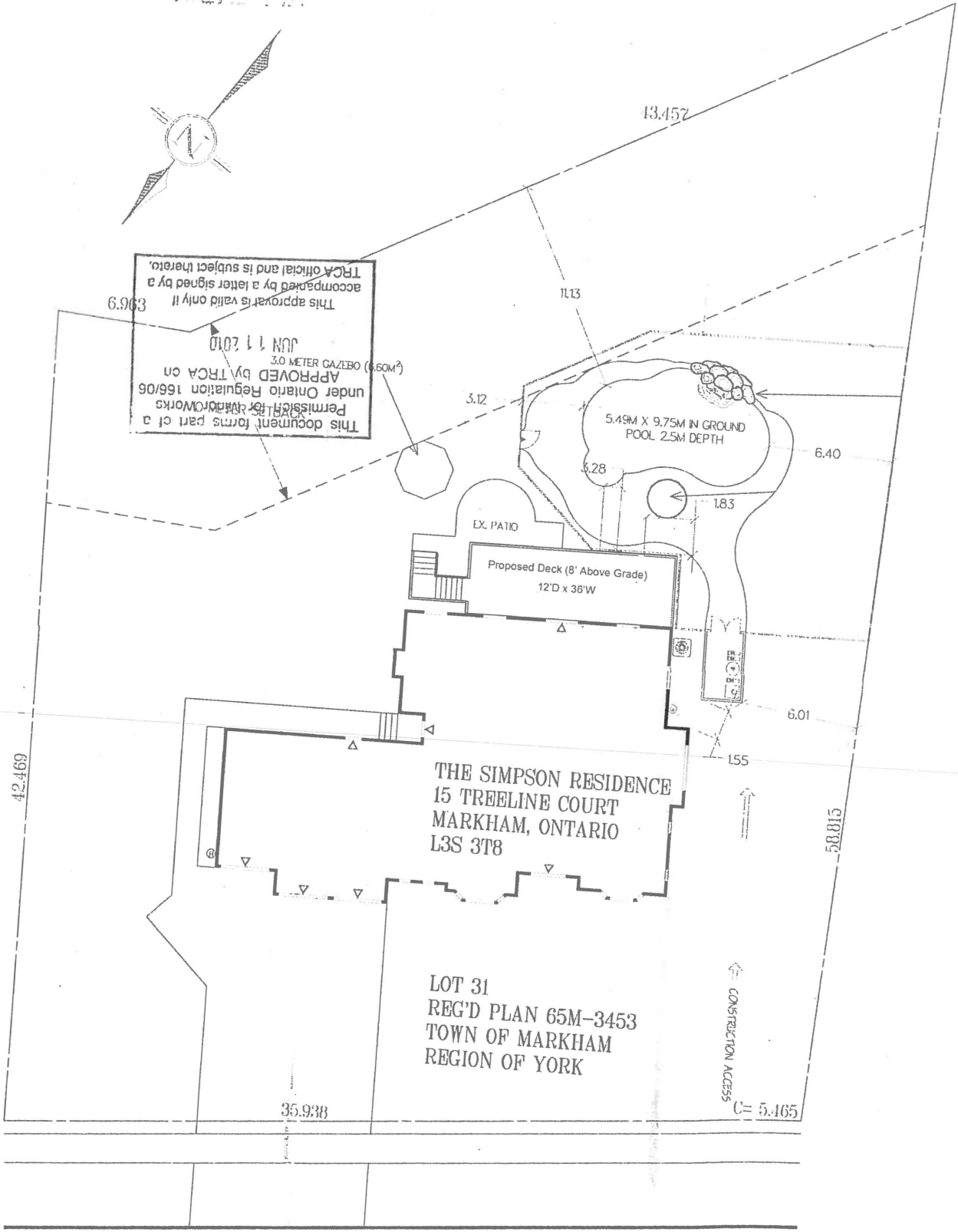
CITY OF MARKHAM  
RECEIVED  
APR 25 2018  
COMMITTEE OF ADJUSTMENT

TREBLINE CTR RT

RECEIVED



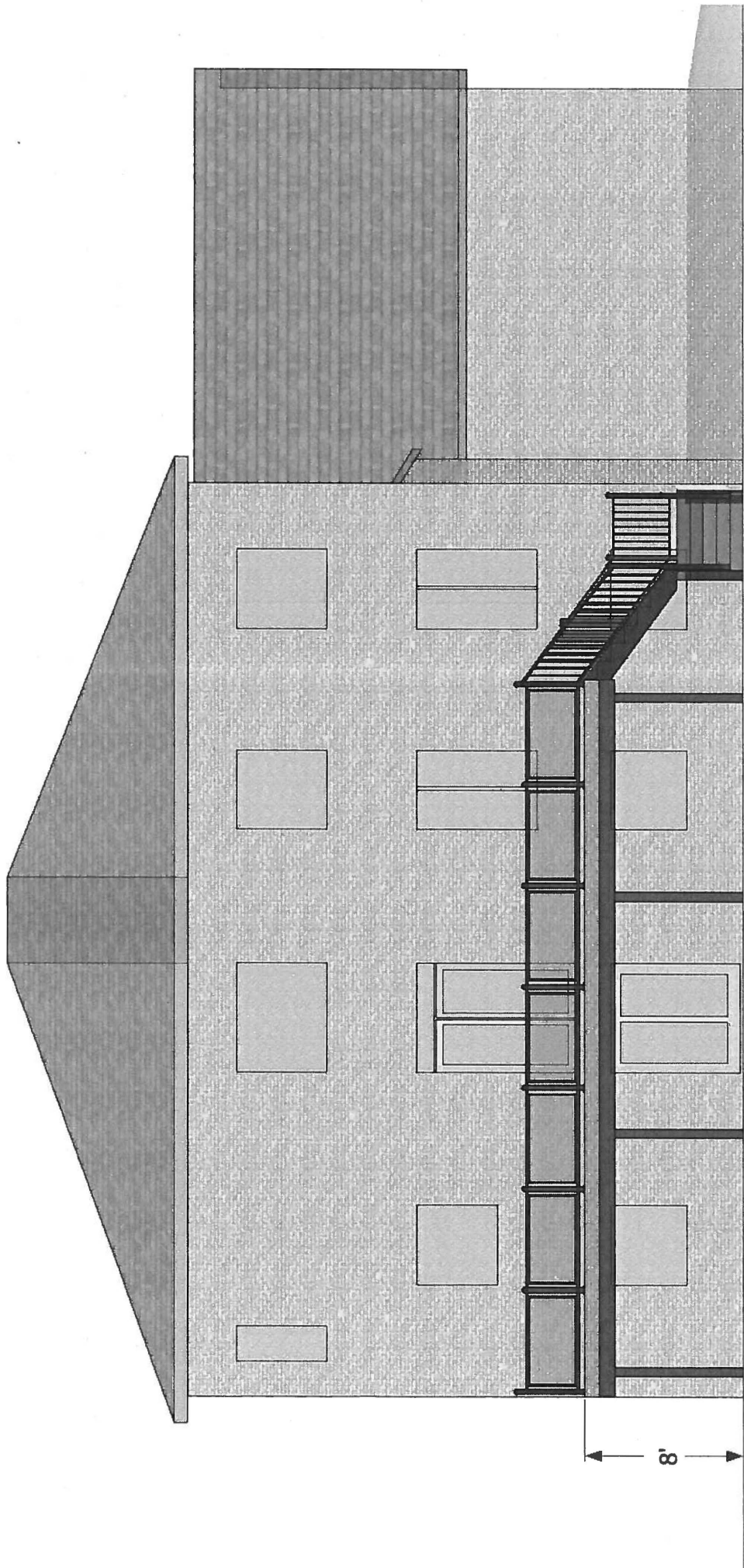
This document forms part of a  
 Permit for Landworks  
 under Ontario Regulation 166/06  
 APPROVED by TRCA on  
 JUN 11 2010  
 This approval is valid only if  
 accompanied by a letter signed by a  
 TRCA official and its subject thereto.



TREELINE COURT

DRAWING: POOL PERMIT  
 DATE: JUNE 2, 2010  
 SCALE 1: 200  
 ALL DIMENSIONS IN METERS







May 2, 2018

CFN: 59072.07

**BY E-MAIL ONLY**

Mr. Justin Leung  
Secretary-Treasurer  
Committee of Adjustment  
City of Markham  
101 Town Centre Boulevard  
Markham, ON  
L3R 9W3

**Dear Mr. Leung:**

**Re: Minor Variance Application – A/50/18  
15 Treeline Court, Markham, ON  
Michael Simpson (Owner)  
Clark (Chao) Sun (Agent)**

This letter will acknowledge receipt of the above noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and provide the following comments.

**PURPOSE OF THE APPLICATION**

**A/50/18**

It is our understanding that the applicant is requesting relief from the requirements of By-law 90-81, as amended, as it relates to the construction of a deck.

**Requested Variance(s) to the Zoning By-law:**

- a) Deck By-law 142-95; Section 2.2b(i) a deck projection of 3.7 metres; whereas, the by-law permits maximum projection of 3.0 metres, as it relates to a proposed above-grade deck in the rear of the main detached dwelling.

**APPLICABLE TRCA REGULATIONS AND POLICIES**

**Ontario Regulation 166/06 (as amended):**

The subject property is located partially within TRCA's Regulated Area, as it is adjacent to a valley corridor associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

**Development is defined as:**

- i) the construction, reconstruction, erection or placing of a building or structure of any kind,
- ii) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- iii) site grading,
- iv) the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

***Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP):***

The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) describes a "Natural System" made up of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. The LCP recommends that development, infrastructure and site alteration not be permitted within the Natural System and that it be conveyed into public ownership for its long term protection and enhancement.

**APPLICATION SPECIFIC COMMENTS****Ontario Regulation 166/06, as amended:**

As noted above, the subject property is within TRCA's Regulated Area of the Rouge River Watershed. Please be advised that the TRCA issued a permit (Permit No. C-170936) to facilitate construction of the proposed works associated with this application on September 20, 2017. The requisite TRCA permit is valid until September 19, 2019. Once a TRCA permit is approved, any amendments to the drawings/plans triggers a requirement to obtain a permit revision from the TRCA.

**APPLICATION REVIEW FEE**

Please be advised, in addition to TRCA's Regulating responsibilities, TRCA has a role as a commenting agency for *Planning Act* applications circulated by member municipalities to assess whether a proposed development may be impacted by TRCA.

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is typically subject to a \$580.00 review fee (2018 TRCA Planning Fees Schedule – Variance – Minor). However, due to the nature of this application and our recent review of the related TRCA Permit application (TRCA CFN 58588, Permit C-170936), TRCA staff request a reduced review fee of \$105.00 to cover the administrative cost associated with this review. The applicant is responsible for fee payment and should forward the fee to this office within 60 days of this letter.

**RECOMMENDATION**

On the basis of the comments provided above, TRCA staff have **no objections** to the approval of the above noted application subject to the following condition:

1. The applicant remits the outstanding TRCA Planning Services review fee of \$105.00 within 60 days of this letter.

I trust these comments are of assistance. Should you have any questions, please do not hesitate to contact me at the undersigned.

Yours truly,



Aidan Pereira  
Planner I, Planning and Development  
Extension 5723  
[apereira@trca.on.ca](mailto:apereira@trca.on.ca)

AP/dc