

Memorandum to the City of Markham Committee of Adjustment

November 7, 2022

File: A/143/22
Address: 33 Furrow Street, Markham ON
Applicant: Emmanuel Olatoye
Agent: Emmanuel Olatoye
Hearing Date: Wednesday November 23, 2022

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of "Residential Two Exception*421*483 (R2*421*483)" under By-law 177-96, as amended, as it relates to a proposed deck:

a) Section 6.2.1 (b)(iii):

the floor of a deck to be higher than the floor level of the first-storey of the main building, whereas the By-law requires the floor of the deck to be not higher than the floor level of the first-storey of the main building.

BACKGROUND

Property Description

The 330.91 m² (3,561.88 ft²) subject property is located on the east side of Furrow Street, south of Major Mackenzie Drive East and west of Markham Road. The property is located within an established residential neighbourhood comprised of a mix of three and two-storey dwellings.

Proposal

The applicant is proposing to construct a new deck at the second-storey level, with an approximate area of 25.36 m² (273 ft²).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms, with heights of up to three-storeys.

Zoning By-Law 177-96

The subject property is zoned "Residential Two Exception*421*483 (R2*421*483)" under By-law 177-96, as amended, which permits various low rise housing forms including three-storey detached dwellings. Exceptions *421 and *483 include additional site specific development standards for the property that do not impact the subject variance request. The proposed development does not comply with the By-law requirement with respect to permissions for maximum deck height.

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,

“The primary living space is on the second floor, and it is desired to have a deck on the second floor for easier access to the backyard.”

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on August 26, 2022 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 Floor Deck Height

The applicant is requesting to permit the floor of the deck to be located above the first-storey, whereas the by-law requires that the floor of a deck to be not higher than the floor level of the first storey of the main building.

A review of the architectural plans approved by the City in 2012 shows that the first-storey floor level provides for a walk-out into the rear yard. The kitchen and family room areas are shown to be located at the floor above (second-storey in the rear yard) with a Juliette balcony. The requested variance will facilitate a deck that will provide an outdoor amenity space at the second storey of the dwelling while providing an alternate access to the rear yard. Staff are of the opinion that there are no anticipated adverse impacts to the abutting properties. As such, staff have no concerns to the requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of November 7, 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 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:



Brashanthe Manoharan, Planner II, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/143/22

1. That the variance applies only to the subject development for as long as it remains.
2. That the variance applies 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 that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:



Brashanthe Manoharan, Planner II, East District

APPENDIX “B”

PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/143/22

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PROPERTY LINE

83'-8"

PROPERTY LINE

EXISTING 3 STORY
BRICK DWELLING
No 33

4'-2 1/2"

4'-0 3/4"

4'-2 1/2"

4'-4"

4'-0"

17 R UP

4'-4"

30'-0"

8'-8"

8'-8"

8'-8"

2'-0"

12" Ø TONO TUBE

8'-0"

4'-1 1/4"

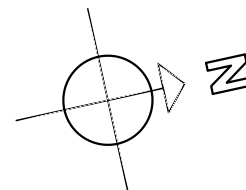
4'-10"

24'-11 1/4"

PROPERTY LINE

PROPERTY LINE

42'-7 1/4"



File: 22.253025.000.00.MNV
Date: 11/14/22
MM/DD/YY

Date: 11/14/22
MM/DD/YY

archidraftplus@outlook.com Tel: 416 312 1494

02	ISSUED FOR PERMIT	07/11/22
01	ISSUED FOR PERMIT	06/06/22
NO.	REVISION	DATE

OWNER: YUEN SETO

PROJECT ADDRESS
33 FURROW ST. MARKHAM.

PROJECT	PROPOSED WOOD DECK
---------	--------------------

DRAWING: SITE PLAN

DATE	MAY 28, 2021	PROJECT NUMBER	22-005
SCALE	AS SHOWN	DRAWING NO.	A-1
DRAWN BY	E.O.O		
REVIEWED BY			

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents:

QUALIFICATION INFORMATION

Required unless design is exempt under 3.2.4.3.(5) Division C of the Ontario Building Code.

EDDIE PERES	<i>Eddie Peres</i>	37296
NAME	SIGNATURE	BCIN

REGISTRATION INFORMATION

Required unless design is exempt under 3.2.4.7. DIVISION C of the Ontario Building Code.

EXP. DESIGNS INC.		36281
FIRM NAME		BCIN

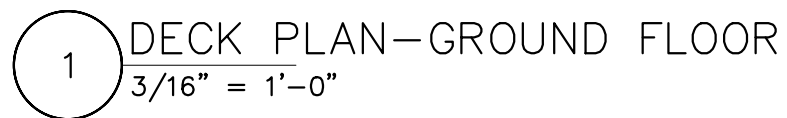
Appendix B

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OWNER: YUEN SETO

PROJECT ADDRESS
33 FURROW ST. MARKHAM.

PROJECT	PROPOSED WOOD DECK
---------	--------------------

DRAWING:
WOOD DECK PLAN-GROUND FLOOR

DATE	MAY 28, 2021	PROJECT NUMBER	22-005
SCALE	AS SHOWN	DRAWING NO.	A-2
DRAWN BY	E.O.O		
REVIEWED BY			

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents:

QUALIFICATION INFORMATION

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EDDIE PERES	<i>Eddie Peres</i>	37296
NAME	SIGNATURE	BCIN

REGISTRATION INFORMATION

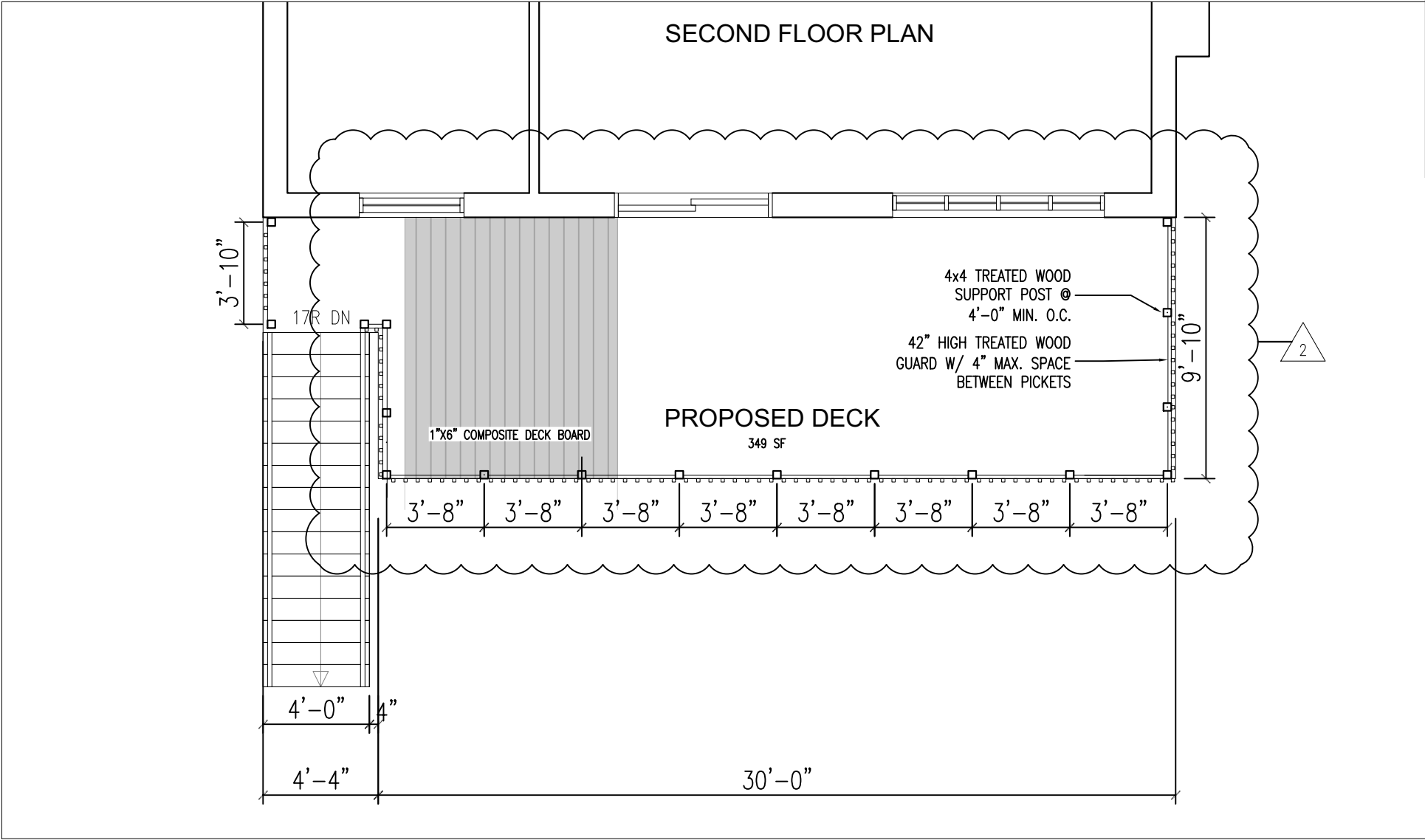
Required unless design is exempt under 3.2.4.7. DIVISION C of the Ontario Building Code.

EKP DESIGNS INC.	38281
FIRM NAME	BCIN

Appendix B

File: 22.253025.000.00.MNV

Date: 11/14/22
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1 DECK PLAN-SECOND FLOOR
3/16" = 1'-0"

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archidraftplus@outlook.com

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OWNER:	YUEN SETO
PROJECT ADDRESS	33 FURROW ST. MARKHAM.
PROJECT	PROPOSED WOOD DECK
DRAWING:	WOOD DECK PLAN - SECOND FLOOR

DATE	MAY 28, 2021	PROJECT NUMBER	22-005
SCALE	AS SHOWN	DRAWING NO.	A-3
DRAWN BY	E.O.O		
REVIEWED BY			

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EDDIE PERES
NAME: SIGNATURE: 37296 BCIN

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EKP DESIGNS INC.
FIRM NAME: 38281 BCIN

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OWNER:
YUEN SETO

PROJECT ADDRESS
33 FURROW ST. MARKHAM.

PROJECT
PROPOSED WOOD DECK

DRAWING:
REAR ELEVATION

DATE	MAY 28, 2021	PROJECT NUMBER	22-005
SCALE	AS SHOWN	DRAWING NO.	A-4
DRAWN BY	E.O.O		
REVIEWED BY			

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QUALIFICATION INFORMATION
Required unless design is exempt under 3.2.4.3.(5) Division C of the Ontario Building Code.

EDDIE PERES
NAME: *Eddie Peres* SIGNATURE: 37296 BCIN

REGISTRATION INFORMATION
Required unless design is exempt under 3.2.4.7. DIVISION C of the Ontario Building Code.

EXP DESIGNS INC.
FIRM NAME: 38281 BCIN



1 REAR ELEVATION
3/16" = 1'-0"

Appendix B

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MM/DD/YY

Date: 11/14/22
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Tel: 416 312 1494

OWNER: YUEN SETO

PROJECT	PROPOSED WOOD DECK
---------	--------------------

DATE	MAY 28, 2021	PROJECT NUMBER	22-005
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EDDIE PERES	<i>Eddie Peres</i>	37296
NAME	SIGNATURE	BCIN

REGISTRATION INFORMATION	
Required unless design is exempt under 3.2.4.7. DIVISION C of the Ontario Building Code.	
EKP DESIGNS INC.	38281
FIRM NAME	BCIN

SIDE ELEVATION

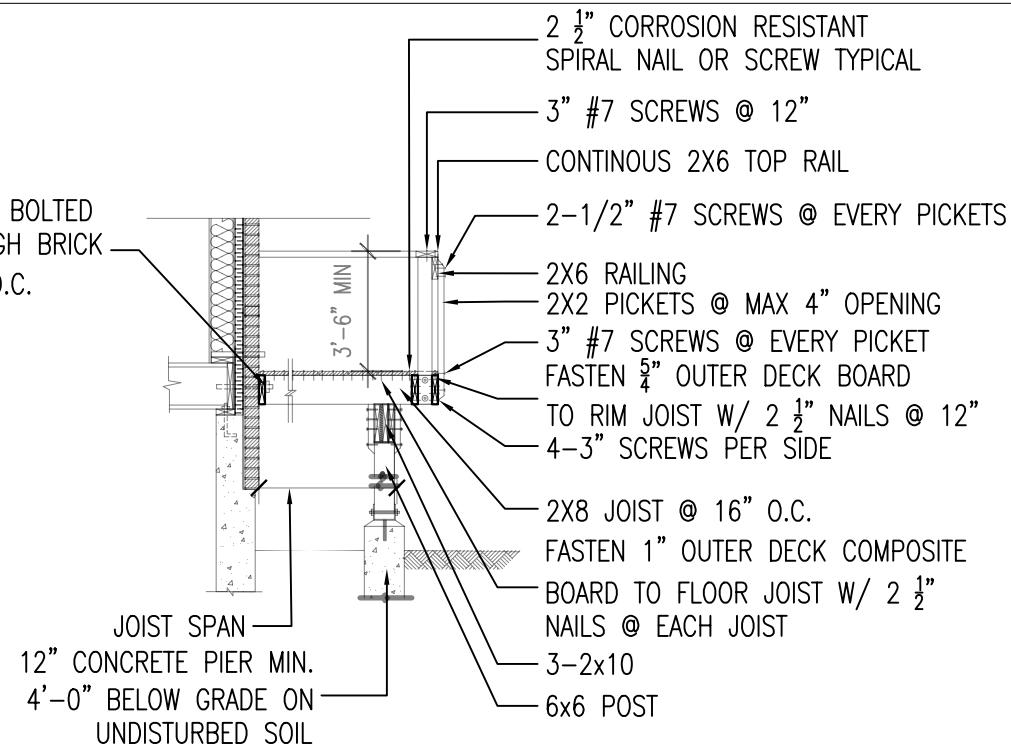
$$1/8'' = 1'-0''$$

Appendix B

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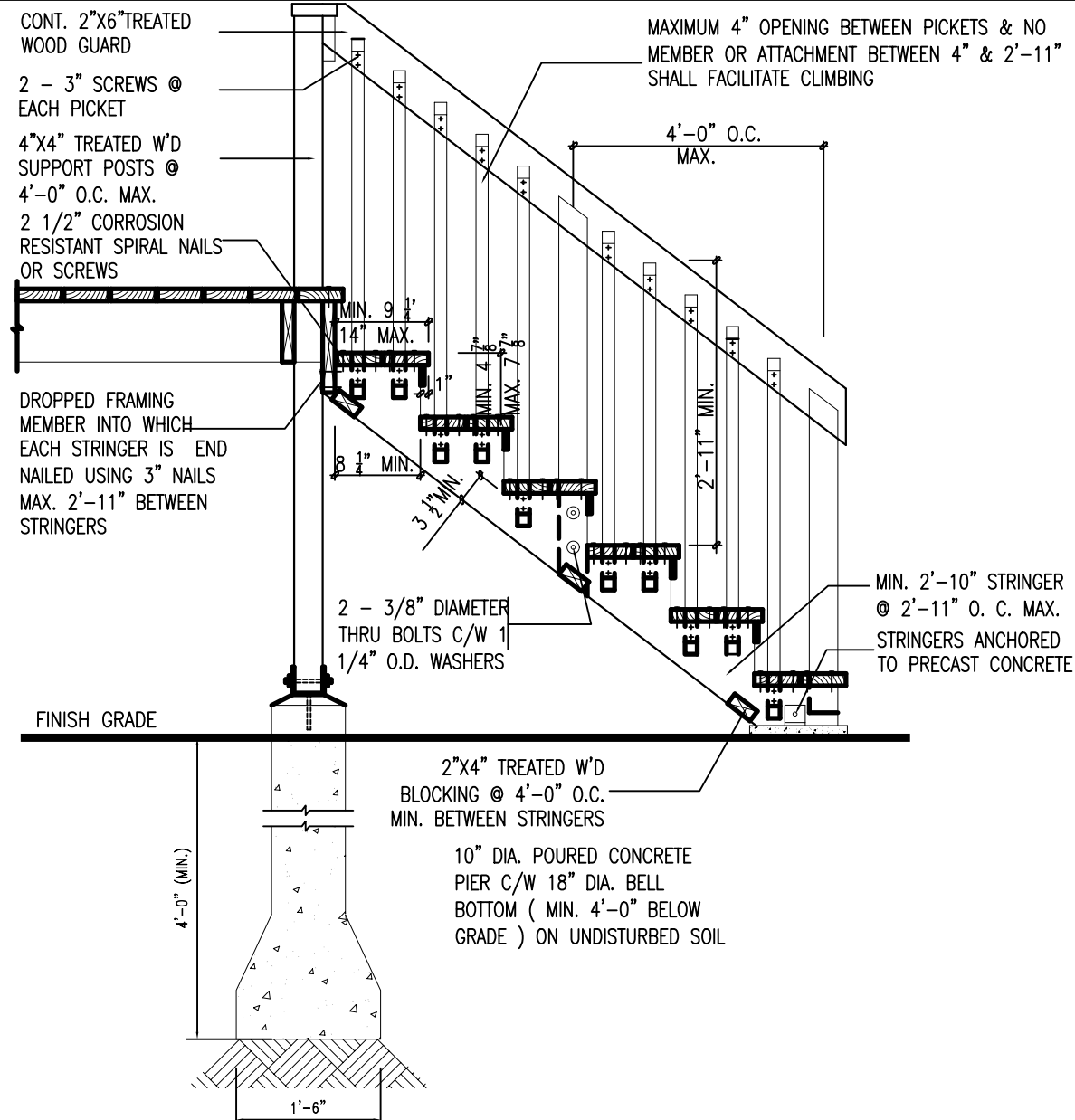
2X8 LEDGER BOARD LAG BOLTED
TO WOOD FRAME THROUGH BRICK
 $\frac{1}{2}$ " LOG BOLTS @ 24" O.C.



1

DECK DETAILS

3/16" = 1'-0"



2

STAIR DETAILS

3/16" = 1'-0"

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PROJECT ADDRESS	33 FURROW ST. MARKHAM.
PROJECT	PROPOSED WOOD DECK
DRAWING:	WOOD DECK DETAILS

DATE	MAY 28, 2021	PROJECT NUMBER	22-005
SCALE	AS SHOWN	DRAWING NO.	A-6
DRAWN BY	E.O.O		
REVIEWED BY			

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FIRM NAME		BCIN	