

Memorandum to the City of Markham Committee of Adjustment

August 14, 2025

File: A/081/25
Address: 171 Cottonwood Court, Thornhill
Applicant: Seyedhadi Amini
Hearing Date: Wednesday, August 20, 2025

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

The applicant is requesting relief from the following requirements of By-law 2024-19, Residential - Established Neighbourhood Low Rise (RES-ENLR), as amended, to permit:

a) By-law 2024-19, Section 4.8.8(c)(ii):

a rear main wall balcony projection of 2.52 m, whereas the by-law permits a maximum projection of any balcony from the main wall of 1.8 m;

as it relates to an existing deck located in the rear of a residential dwelling.

BACKGROUND

Property Description

The 245 m² (2637.16 ft²) subject property is located on the south side of Cottonwood Court, south of John Street and west of Don Mills Road. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property.

Proposal

The applicant is proposing to bring the existing unenclosed deck on the rear portion of the Subject Property into compliance with the zoning by-law. The deck was built by the previous owner without a permit from the City of Markham's Building Standards Department. There is no additional development planned for the existing house or the deck.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on July 17/24)

The Official Plan designates the Subject Property "Residential Low Rise", which provides for a range of lower-scale residential buildings in established neighbourhoods, including single detached dwellings.

Area Specific Policy 9.18.5 also applies to the Subject Property and intends to provide a set of development standards in the zoning by-law that limits the size and massing of new dwellings or additions, ensuring infill development respects the existing pattern and character of adjacent development. This includes development standards for lot coverage, building depth, floor area ratios, height, number of storeys, garage projections, and garage widths.

Zoning By-Law 2024-19

The Subject Property is zoned “Residential – Established Neighbourhood Low Rise” (RES-ENLR) under By-law 2024-19, which permits detached dwellings, and provides provisions for decks and balconies on a property. The proposal does not comply with respect to the rear main wall balcony projection. Further details on the variances are provided in the comment section below.

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 deck was built by the previous owner without a permit. As the current owner, I was not aware of the zoning non-compliance until a City inspector visited and advised me to apply for a permit...”*.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their permit process (HP.25.115962) 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.

Increased Rear Main Wall Balcony Projection Variance

The Owner is requesting to permit a rear main wall balcony projection of 2.52 m, whereas the by-law permits a maximum projection of any balcony from the main wall of 1.8 m. This represents an increase of 0.72 m above the permitted as-of-right balcony projection. The variance is needed to legalize the unenclosed deck that the previous owner of the house built without a permit from the City’s Building Standards Department.

The balcony projects from the main floor of the Subject Property, at approximately 3.05 m above grade. The existing deck provides adequate space from the rear lot line. Additionally, the deck does not encroach into the side yards, and does not affect the existing trees on site. Staff is of the opinion that the balcony projection to facilitate the existing deck is minor in nature, and have no concerns.

PUBLIC INPUT SUMMARY

Staff has received one letter of opposition as of August 14, 2025. 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:



Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

File Path: Amanda\File\25 124777 \Documents\District Team Comments Memo

APPENDIX "A"
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/081/25

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 B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;

CONDITIONS PREPARED BY:



Theo Ako-Manieson, Planner I, West District

Appendix B

File: 25.12477.00.0000

Date: 8/14/2025
MM/DD/YYYY



Zonning: RSD1

Development Standard	Proposed
Lot Area	245 Square Meter
Lot Frontage	5.1 m
Front Yard Set Back	N/A
Side Yard Set Back	1.25 m
Side Yard Set Back	4.8 m
Rare Yard Set Back	5.3 m
Height	2.9 m

DRAWN BY : SYEDHADI AMINI
REVIEW BY : S.ZAVIEH



COA#100568856

TITLE:		Site Plan	
		171 Cottonwood Crt Thornhill L3T 5W9	
DWG NO.	A001	A3	REVISION 00
SCALE:1:150	SHEET 1 OF 1		