

# Memorandum to the City of Markham Committee of Adjustment

February 12, 2019

**File:** A/07/19  
**Address:** 127 Smoothwater Terr, Markham  
**Applicant:** Aris Nurmohamed  
**Agent:** Lasonne Engineering Limited (Daniel Falzon)  
**Hearing Date:** Wednesday February 20, 2019

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

The applicant is requesting relief from the following requirements of By-law 142-95, R2\*222\*224\*322, as amended:

**a) Section 5.3 (b):**

a maximum deck projection of 6.12 metres (20.1 feet) from the wall closest to the rear lot line, whereas the By-law permits a maximum deck projection of 3 metres (9.84 feet) from the wall closest to the rear lot line for decks with a height greater than 1 metre (3.3 feet) ; as it relates to an existing rear deck of a residential dwelling.

The applicant is applying for a variance for an existing rear uncovered deck built without a permit. The applicant is requesting a maximum deck projection of 6.12 m (20.1 ft), whereas the By-law permits a maximum deck projection of 3 m (9.84 ft). This represents a difference of approximately 3.12 m (10.24 ft) or double what the By-law permits. The subject property backs onto Bernbridge Parkette and provides a generous rear yard setback of approximately 15.52 m (51 ft) from the rear property line to the existing deck. The existing deck has a height of approximately 9 ft (2.74 m) from the ground and spans almost the entire width of the rear wall of the existing dwelling. As a result of the slope at the rear of the existing dwelling, the existing deck is elevated. Notwithstanding, it is built off the main floor of the dwelling and is generally in line with neighbouring properties.

The applicant is not applying for variances for lot coverage, height or any setbacks, even though it should be noted that a ZPR has not been done. Side yard setbacks of approximately 0.85 m (2.79 ft) on the left (north) side and 3.12 m (10.24 ft) on the right (south) side of the existing dwelling are provided. There are two other homes along Smoothwater Terrace (123 and 91) which back onto Brenbridge Parkette and which have received variances for a maximum deck projection of 4.27 m (14 ft) and 6.35 m (20.83 ft). While the existing deck is larger than what the by-law permits, it is one-storey, unenclosed, and provides a generous rear yard setback.

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

According to the information provided by the applicant, *"the rear yard deck has already been built"*

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

The applicant 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 and, the appropriateness of the deck will be re-evaluated.

**PUBLIC INPUT SUMMARY**

No written submissions were received as of February 12, 2019. 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. 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.

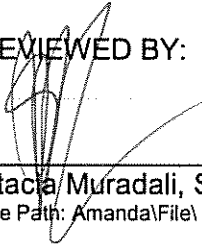
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



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

REVIEWED BY:



\_\_\_\_\_  
Stacia Muradali, Senior Planner, East District  
File Path: Amanda\File\ 19 110580 \Documents\District Team Comments Memo

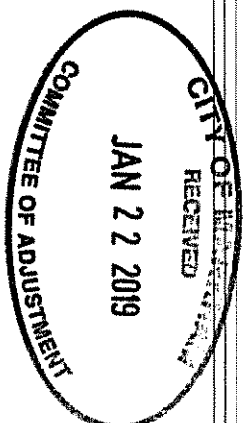
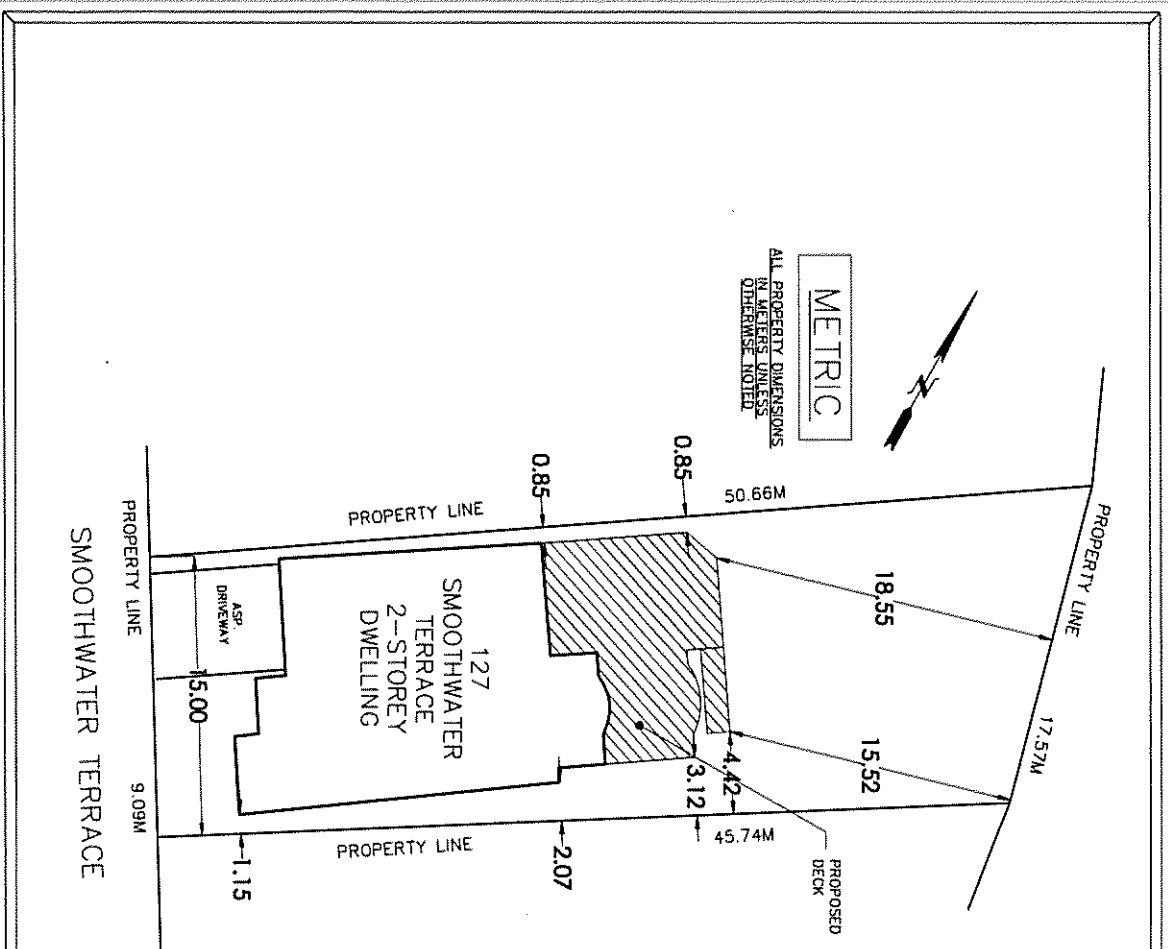
**APPENDIX "A"**  
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/07/19**

1. The variances apply only to the existing 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 received by the City of Markham on *January 22, 2019*, 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

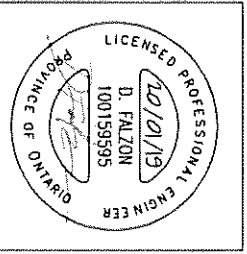


**SCOPE OF WORK:**  
NEW CONSTRUCTION OF REAR YARD DECK  
ALL CONSTRUCTION TO ADHERE TO RELEVANT CODES AND AS INDICATED IN THIS DRAWING SET.

INFORMATION TAKEN FROM SURVEY:  
SITE AND GRADING PLAN  
LOT 275 SMOOTHWATER TERRACE  
BOX GROVE PHASE 3 EAST  
BARSHAM, ONTARIO  
BY HUNT DESIGN ASSOCIATES INC.  
DATED 28 MAY, 2008.

CONTRACTOR MUST VERIFY ALL DIMENSIONS IN THE BEFORE PROCEEDING WITH THE WORK.  
ALL CONSTRUCTION TO ADHERE TO THESE PLANS AND/OR SPECIFICATIONS AND TO CONFORM TO THE RELEVANT CODES AND REGULATIONS. THESE REQUIREMENTS ARE TO BE TAKEN AS MINIMUM SPECIFICATIONS ONLY. REG. 332/12.

DECK AREA (INC. STAIRS): 99.24  
REAR YARD AREA: 419.445M  
REAR YARD COVERAGE: 19%



No.	Revision/Date	Date
1		
2		

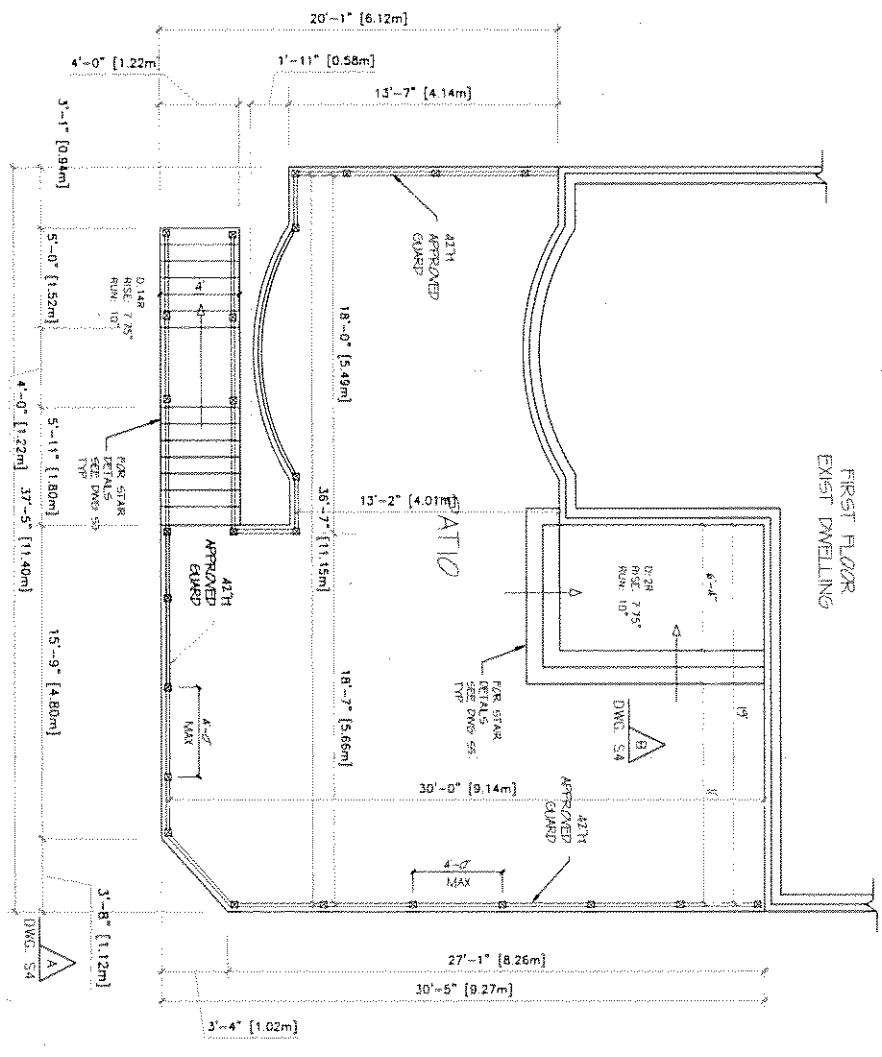
**LASONNE**

127 SMOOTHWATER/TERRACE  
REAR YARD DECK  
Mississauga, Ontario

**SITE PLAN**

Drawing No.	S1	Client/Project	
Project No.	1899	Drawn by	DF
Date	JAN 19	Checked by	DF
Scale	1:200		

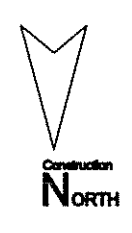
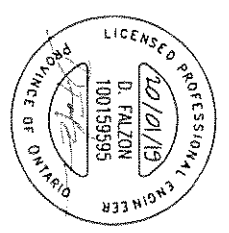
PARTIAL FIRST FLOOR  
PLAN - ARCHITECTURA



FIRST FLOOR  
EXIST DWELLING

GENERAL NOTES

1. ALL DIMENSIONS SHALL BE SPREAD TO 2 GRADE OR BETTER UNLESS NOTED OTHERWISE.
2. STOPS SHALL BE TYPED DRAWN UNLESS OTHERWISE NOTED.
3. JOIST HANGERS, PROVIDE APPROVED METAL HANGERS FOR ALL JOISTS AND BOLT UP WOOD MEMBERS TO JOISTS WITH FISH BOLT TOP AND BOTTOM.
4. WOOD FRAMING NOT TREATED WITH A PRESERVATIVE IN CONTACT WITH CONCRETE SHALL BE SEPARATED FROM THE CONCRETE BY AT LEAST 1/2" (12.5mm) CLEARANCE. ALL WOOD SHALL BE TYPED.
5. STUDS THAT DO DIRECTLY EXPOSED TO RAIN OR SNOW SHALL BE TYPED (17).
22. STEEL:  
1. STRUCTURAL STEEL SHALL CONFORM TO CAN/CSA-G40-21 GRADE 300M, HOLLOW SECTION, GALVANNEAL, UNPAINTED, 350K CLASS 'N' OR CAN/CSA-G40-21 GRADE 350K CLASS 'N'.
2. REINFORCING STEEL SHALL CONFORM TO CAN-CIS-10M GRADE 400M.
23. CONCRETE:  
1. ALL CONCRETE SHALL BE 3000psi.
2. REINFORCING STEEL SHALL BE AS FOLLOWS:  
100mm +/- 20mm TOLERANCE CAST AGAINST CURB  
TOLERANCE +/- 20mm REINFORCING UNLESS NOTED OTHERWISE.
24. GRANITE:  
1. GRANITE SHALL BE INSTALLED ON THE EXISTING SITE GRADED SO THAT WATER WILL NOT COLLECT ON THE GRANITE SURFACE. GRANITE SHALL CONFORM TO S14.6.



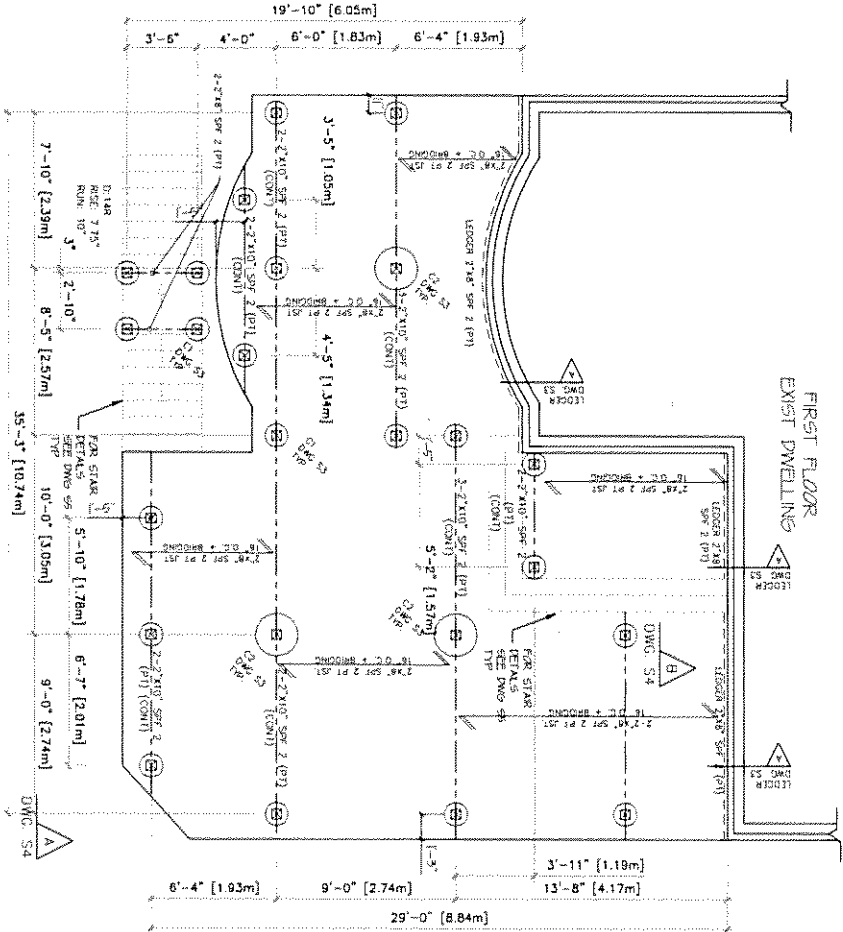
No.	Revision/Issue	Date
1		
2		

**LASONNE**  
127 SMOOTHWATER TERRACE  
RICHMOND HILL, ONTARIO

**PLAN**  
**ARCHITECTURAL**

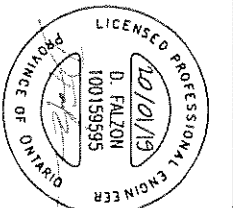
Client No.	S2
Project No.	1099
Date	JAN 19
Scale	1"=1'-0"
Drawn by	DF
Checked by	DF

PARTIAL FIRST FLOOR  
PLAN - STRIKTIKA



GENERAL NOTES

1. ALL LUMBER SHALL BE SPECIES No.2 GRADE OR BETTER UNLESS NOTED OTHERWISE.
  2. STUDS SHALL BE STUD GRADE STRUCTURE UNLESS OTHERWISE NOTED.
  3. DO NOT NAIL/SCREW: PROVIDE APPROVED METAL JOISTS AND BRACING FOR ALL FLOOR JOISTS AND WOOD MEMBERS.
  4. WOOD FRAMING NOT TREATED WITH A WOOD PRESERVATIVE IN CONTACT WITH CONCRETE SHALL BE PROTECTED AGAINST TERMITE DAMAGE BY A WOOD ROOFING OR OTHER DAMPROOFING MATERIAL.
  5. LUMBER THAT IS DIRECTLY EXPOSED TO RAIN OR SNOW SHALL BE PRESURE TREATED (PT).
- 2.1. STEEL:
    1. STRUCTURAL STEEL SHALL CONFORM TO CAN/CSA-G40.21 GRADE 50W UNLESS NOTED OTHERWISE.
    2. REINFORCING STEEL SHALL CONFORM TO CAN/CSA-G40-21 GRADE 300W CLASS 'B' UNLESS OTHERWISE NOTED.
    3. ALL CONCRETE:
      1. THE MINIMUM COMPRESSIVE STRENGTH 'f<sub>c</sub>' OF ALL CONCRETE SHALL BE 30MPa.
      2. CLEAN COVER TO REINFORCING STEEL SHALL BE 100mm +/- 20mm ROUNDS CAST FROM +/- 20mm REINFORCER UNLESS NOTED OTHERWISE.
    - 2.2. CONCRETE:
      1. ALL REINFORCING STEEL SHALL CONFORM TO CAN/CSA-G40-21 GRADE 300W UNLESS OTHERWISE NOTED.
      2. ALL REINFORCING STEEL SHALL CONFORM TO CAN/CSA-G40-21 GRADE 300W UNLESS OTHERWISE NOTED.



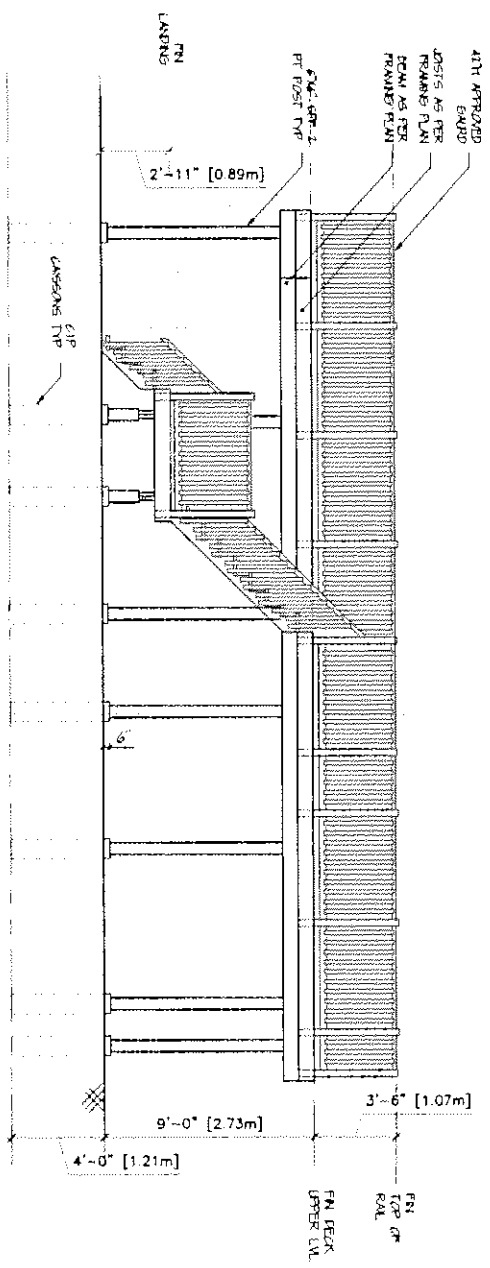
No.	Revisions	Date
1		
2		

**LASONNE**

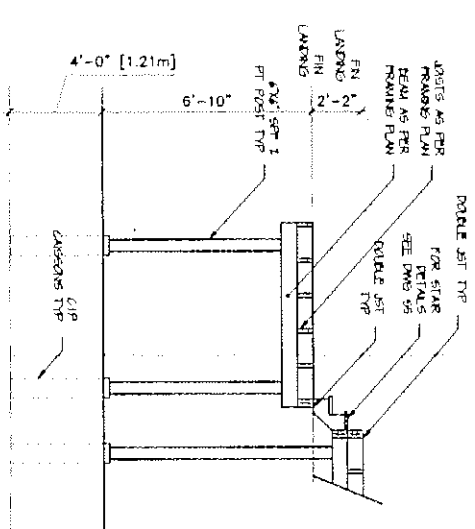
127 SNOOCHWATER TERRACE  
HEARTLAND  
MERRIDEN, ONTARIO

TITLE  
PLAN  
STRUCTURAL

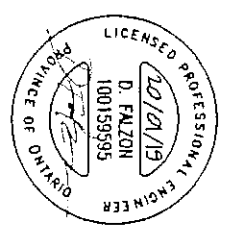
Drawing No.	S3
Project No.	1889
Date	JAN 18
Scale	1/4" = 1'-0"
Drawn by	DF
Checked by	DF



ELEVATION A



ELEVATION B



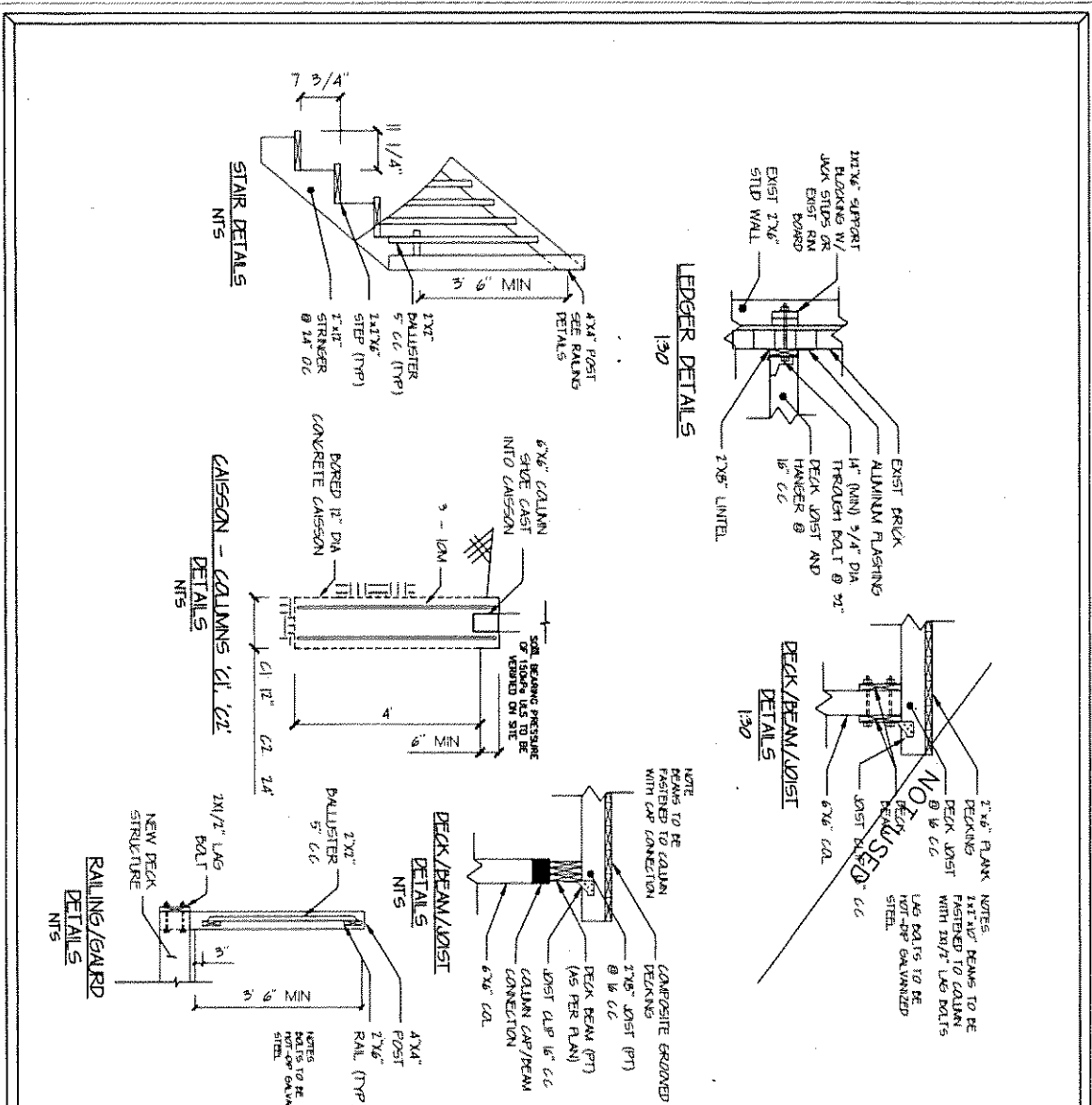
No.	Revisions	Date
3		
2		
1		

**LASONNE**

127 BROADWAY/127 AVENUE  
 NORTH ANDROSS  
 MISSISSAUGA, ONTARIO

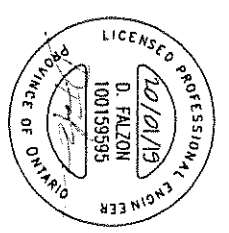
**ELEVATIONS**

Drawing No.	S4	Checked by:	DPF
Project No.	1588		
Date	JAN '95		
Scale	1/4" = 1'-0"		
Drawn by:	DPF	Checked by:	DPF



- GENERAL NOTES:**
1. ALL LUMBER SHALL BE SPRUCE No. 2 GRADE OR BETTER UNLESS NOTED OTHERWISE
  2. STUDS SHALL BE 2x6" GRADE SPRUCE, UNLESS OTHERWISE NOTED
  3. JOIST HANGERS: PROVIDE APPROVED METAL HANGERS FOR ALL JOISTS AND BOLT UP WOOD MEMBERS INTERSECTING WITH FLUSH BUILT-UP WOOD MEMBERS
  4. WOOD GRADING NOT TREATED WITH A WOOD PRESERVATIVE IN CONTACT WITH CONCRETE SHALL BE SEPARATED FROM THE CONCRETE BY AT LEAST 2mm POLYURETHANE FILM, No. 50 (45µm) ROLL ROOFING OR OTHER DAMPROOFING MATERIAL
  5. LUMBER THAT IS DIRECTLY EXPOSED TO RAIN OR SNOW SHALL BE PRESSURE TREATED (PT)

- 2.2. STEEL  
1. STRUCTURAL STEEL SHALL CONFORM TO CAN/CSA-C40-21 GRADE 300W HOLLOW STRUCTURAL SECTIONS SHALL CONFORM TO CAN/CSA-C40-21 GRADE 350W CLASS 'H'  
2. REINFORCING STEEL SHALL CONFORM TO CSA-508-19M GRADE 400M
- 2.3. CONCRETE  
1. THE MINIMUM COMPRESSIVE STRENGTH F<sub>c</sub> OF ALL CONCRETE SHALL BE 30MPA  
2. CLEAR COVER TO REINFORCING STEEL SHALL BE AS FOLLOWS:  
100mm +/- 20mm FOOTINGS CAST AGAINST EXISTING CONCRETE  
70mm +/- 20mm REINFORCING  
UNLESS NOTED
- 2.4. FLASHINGS  
1. FLASHING MATERIALS AND INSTALLATION SHALL CONFORM TO OBC SECTIONS 9.20.9.1, 9.28.4 & 9.27.3
- 2.5. GRADING  
1. THE FINISHING SHALL BE LOCATED ON THE BUILDING SITE GRADED SO THAT WATER WILL NOT ACCUMULATE AT OR NEAR THE BUILDING AND WILL NOT ADVERSELY AFFECT ADJACENT PROPERTIES GRADING SHALL CONFORM TO 9.14.6



**LASONNE**  
127 SMOOTHWATER TERRACE  
REAR YARD DECK  
MILFORD, ONTARIO

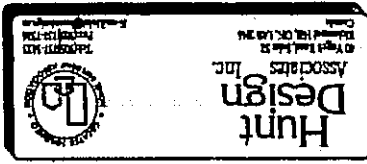
**DECK DETAILS**

Contract No.	SS	Drawn by:	DF
Project No.	1880	Checked by:	DF
Date	JAN 19		
Scale	NTS		



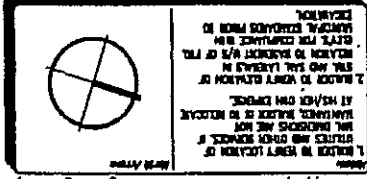
Sheet No. 275  
 L250  
 20510  
 20510  
 BOX GROVE PHASE 3 EAST  
 MARKHAM, ONTARIO  
 ARISTA HOMES  
 SMOOTHWATER TERRACE  
 SITING AND GRADING PLAN  
 275  
 20510

ARISTA HOMES  
 BOX GROVE PHASE 3 EAST  
 MARKHAM, ONTARIO

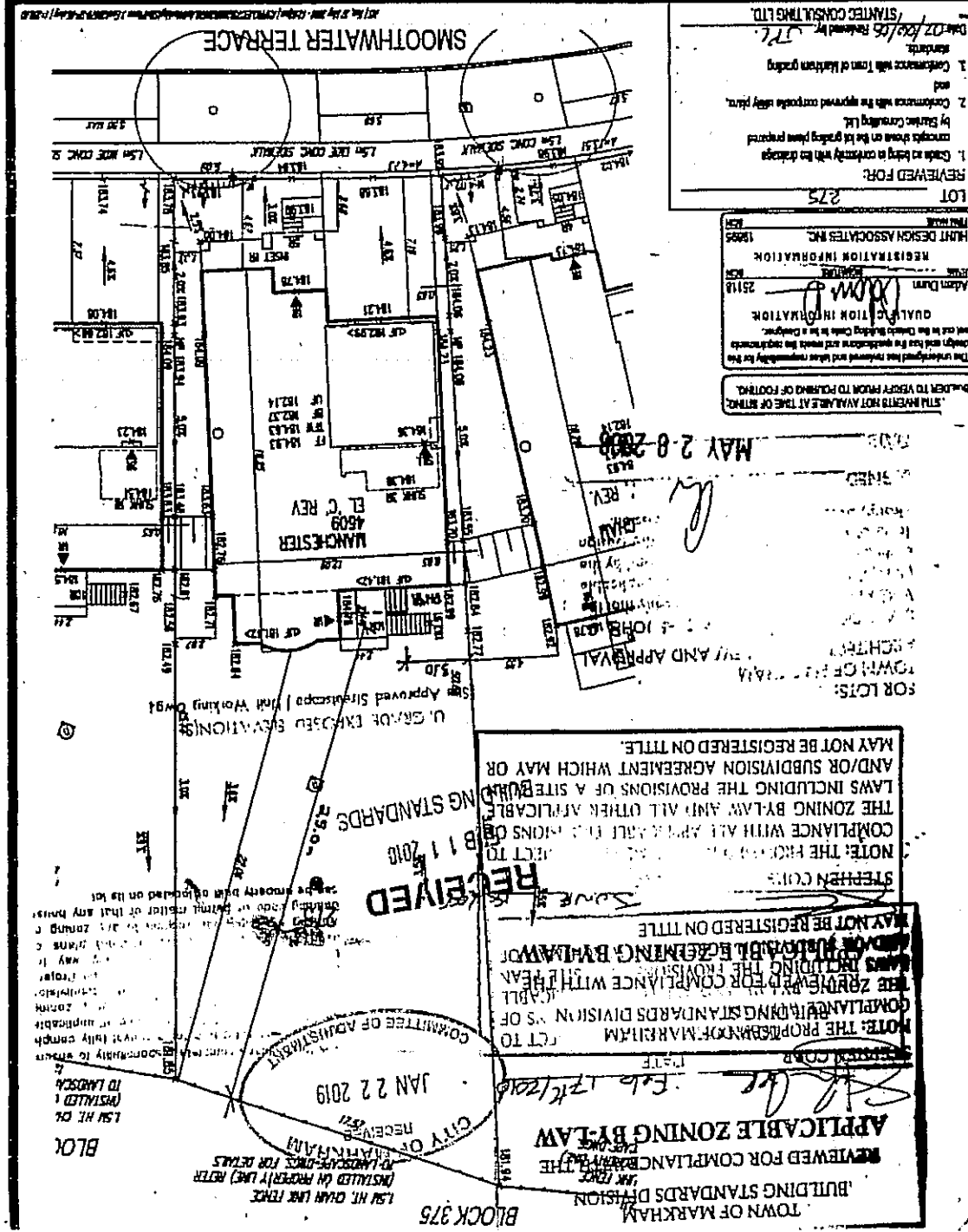


Description	Quantity
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2.0000	2.0000
3.0000	3.0000
4.0000	4.0000
5.0000	5.0000
6.0000	6.0000
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8.0000	8.0000
9.0000	9.0000
10.0000	10.0000
11.0000	11.0000
12.0000	12.0000
13.0000	13.0000
14.0000	14.0000
15.0000	15.0000

Legend for the siting and grading plan, including symbols for: SHEET WALL, WALL & CHIMNEY, WINDOW, DOOR, STAIR, etc.



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REVIEWED FOR:  
 LOT 275  
 1. Grade as being in conformity with the drainage concept shown on the lot grading plans prepared by Hunter Consulting Ltd.  
 2. Conformance with the proposed corporate utility plans and  
 3. Conformance with Town of Markham grading standards.  
 Date: 07/10/16 Reviewed by: J.T.C.  
 (STARTED CONSULTING LTD.)

STRAIGHTEN NOT AVAILABLE AT TIME OF PRINTING  
 PLEASER TO VISITOR FROM TO POINTS OF FOOTING  
 The undersigned has reviewed and taken responsibility for the design and that the drawings shall be the responsibility of the client and not the Design Consultant to be a Designer.  
 Adam Davy  
 2518  
 HUNT DESIGN ASSOCIATES INC.  
 19885  
 REGISTRATION INFORMATION

RECEIVED  
 8 11 2010  
 TOWN OF MARKHAM  
 BUILDING STANDARDS DIVISION

RECEIVED  
 JAN 22 2019  
 CITY OF MARKHAM  
 BUILDING STANDARDS DIVISION

REVIEWED FOR COMPLIANCE WITH THE TOWN OF MARKHAM BUILDING STANDARDS DIVISION. NOTE: THE PROPOSED MARKHAM COMPLIANT BUILDING STANDARDS DIVISION. THE ZONING BYLAW AND ALL OTHER APPLICABLE LAWS INCLUDING THE PROVISIONS OF A SITE BOUNDARY AND/OR SUBDIVISION AGREEMENT WHICH MAY OR MAY NOT BE REGISTERED ON TITLE.  
 CITY OF MARKHAM RECEIVED 8 11 2010  
 TOWN OF MARKHAM RECEIVED 8 11 2010  
 MAY 20 2010  
 BLOCK 375