

# Memorandum to the City of Markham Committee of Adjustment

August 19, 2019

**File:** A/83/19  
**Address:** 123 Smoothwater Terrace, Markham  
**Applicant:** Dhanragie Persaud & Dyal Mahadeo  
**Hearing Date:** Wednesday September 11, 2019

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

The applicant is requesting relief from the requirements of the Residential Two\*222\*224\*322 (R2\*222\*224\*322) zone of By-law 177-96, as amended, as it relates to an existing deck:

### Section 6.2.1 (b) :

- a) To permit a maximum deck projection of 5.69 m (18.7 ft), whereas the By-law permits a maximum projection of 3.0 m (9.84 ft);

### BACKGROUND

The subject property is located on the east side of Smoothwater Terrace, which is north of 14<sup>th</sup> Avenue and west of Donald Cousens Parkway within the Box Grove community. The subject property is developed with a two-storey single-detached dwelling. There is an existing uncovered deck within the rear yard which is the subject of this variance application. The remaining portion of the rear yard is a paved basketball court. The property is surrounded by two-storey single detached dwellings to the north, south and west. The site also abuts Benbridge Parkette to the east (rear) which includes heavily treed valley lands adjacent to the rear of the subject property.

The deck subject to this variance application was initially built without a building permit and exceeded the maximum deck projection requirement. The Owner subsequently received approval of minor variance A/96/17 to permit the existing deck, however the dimensions provided at the time were incorrect. Accordingly, the Owner has submitted a second variance application with the correct dimensions to legalize the existing structure.

### PROPOSAL

The applicant is requesting a maximum deck projection of 5.69 m (18.7 ft), whereas the By-law permits a maximum projection of 3.0 m (9.84 ft) for decks with a height greater than 1.0 m (3.3 ft). This is an increase of 2.69 m (8.82 ft). The existing deck has a height of approximately 2.59 m (8.5 ft) from the ground and spans almost the entire width of the rear wall of the existing dwelling. As noted, the applicant has submitted a variance application to legalize an existing deck which was approved through a 2017 variance with the incorrect dimensions.

### 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, "was not aware, left plans to my contractor to submit on my behalf".

### 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.

#### **PUBLIC INPUT SUMMARY**

No written submissions were received as of Monday August 19<sup>th</sup>, 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.

#### **COMMENTS**

As noted, this variance relates to an existing deck that was the subject of an approved variance in 2017. There were errors however in the previous variance application and this second application has been submitted to legalize the structure. The existing deck maintains a generous rear yard setback of approximately 15.83 m (51.93 ft). Additionally, the rear yard abuts adjacent valley lands, and staff are of the opinion that there will be no impact to surrounding properties from the existing deck.

#### **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:



\_\_\_\_\_  
Francois Hémon-Morneau, Development Technician

REVIEWED BY:




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Stephen Corr, Senior Planner, East District

**APPENDIX "A"**

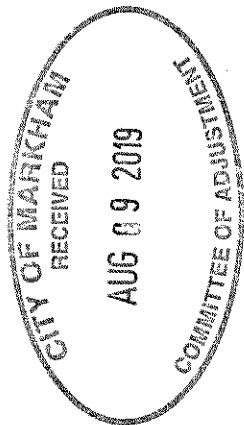
**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/83/19**

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 received by the City of Markham on August 9<sup>th</sup>, 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;

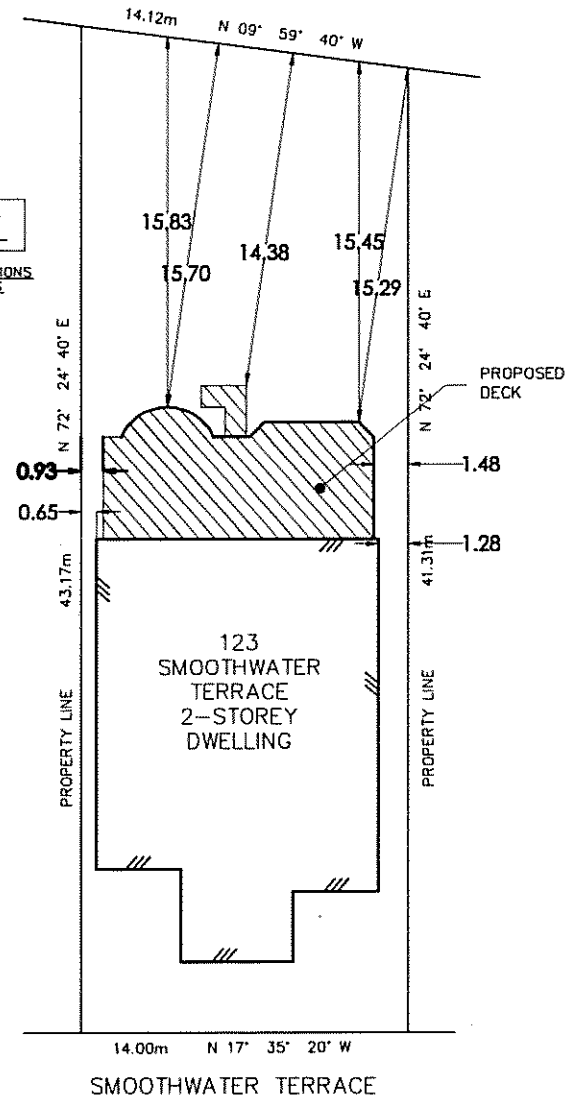
CONDITIONS PREPARED BY:

  
\_\_\_\_\_  
François Hémon-Morneau, Development Technician

**APPENDIX B**



**METRIC**  
 ALL PROPERTY DIMENSIONS  
 IN METERS UNLESS  
 OTHERWISE NOTED



**SCOPE OF WORK:**  
 ALTERATIONS TO EXISTING REAR YARD DECK FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE AND LOCAL JURISDICTION.  
 ALL CONSTRUCTION TO ADHERE TO RELEVANT CODES AND AS INDICATED IN THIS DRAWING SET.  
 INFORMATION TAKEN FROM SURVEY:  
 SURVEYOR'S REAL PROPERTY REPORT PART 1 - PLAN OF LOTS 276, 277, 278, 279 AND 280  
 PLAN 65M-4008  
 TOWN OF MARKHAM  
 MUNICIPALITY OF YORK  
 BY RADY-PENTEK & EDWARD SURVEYING LTD.  
 DATED 14 OCTOBER 2008.

CONTRACTOR MUST VERIFY ALL DIMENSIONS IN THE FIELD. ANY DISCREPANCIES MUST BE REPORTED BEFORE PROCEEDING WITH THE WORK.  
 ALL CONSTRUCTION TO ADHERE TO THESE PLANS AND/OR SPECIFICATIONS AND TO CONFORM TO THE ONTARIO BUILDING CODE AND ALL OTHER APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION. THESE REQUIREMENTS ARE TO BE TAKEN AS MINIMUM SPECIFICATIONS. OHT. REG. 332/12.



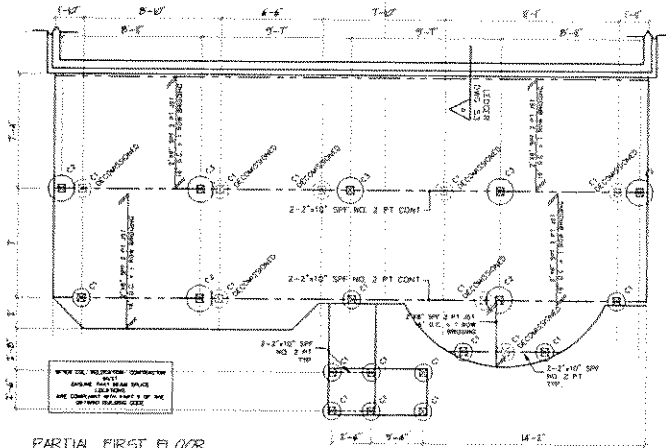
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| 2   |                |      |
| No. | Revision/Issue | Date |

**LASONNE**

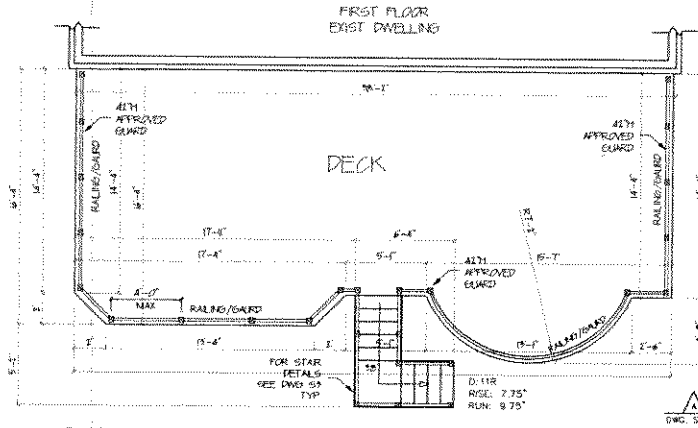
**123 SMOOTHWATER TERRACE  
 REAR YARD DECK  
 Markham, Ontario**

TITLE:  
**SITE PLAN**

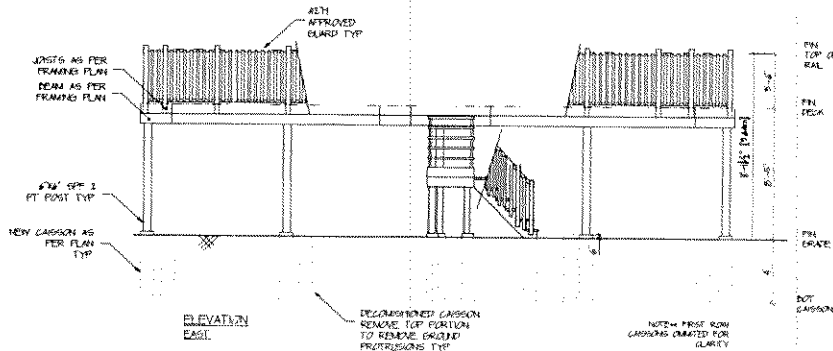
|             |         |
|-------------|---------|
| Drawing No. | S1      |
| Project No. | 1808    |
| Date        | JAN '18 |
| Scale       | 1:200   |
| Drawn by:   | DF      |
| Checked by: | DF      |



PARTIAL FIRST FLOOR  
PLAN - FRAMING



PARTIAL FIRST FLOOR  
PLAN - ARCHITECTURE



ELEVATION

GENERAL NOTES:

2.1 LUMBER:

1. ALL LUMBER SHALL BE SPRUCE NO 2 GRADE OR BETTER UNLESS NOTED OTHERWISE.

2. STUDS SHALL BE STUD GRADE SPRUCE, UNLESS OTHERWISE NOTED.

3. JOIST HANGERS: PROVIDE APPROVED METAL HANGERS FOR ALL JOISTS AND BUILT-UP WOOD MEMBERS INTERSECTING WITH FLUSH BUILT-UP WOOD MEMBERS.

4. WOOD FRAMING NOT TREATED WITH A WOOD PRESERVATIVE IN CONTACT WITH CONCRETE SHALL BE SEPARATED FROM THE CONCRETE BY AT LEAST 2mm POLYURETHANE (E.M. No 50 (45kg)) 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-G40-21 GRADE 350W CLASS 14

2. REINFORCING STEEL SHALL CONFORM TO CSA-G30-10W GRADE 400W.

2.3 CONCRETE:

1. THE MAXIMUM COMPRESSIVE STRENGTH F<sub>c</sub> OF ALL CONCRETE SHALL BE 30MPa.

2. CLEAR COVER TO REINFORCING STEEL SHALL BE AS FOLLOWS:

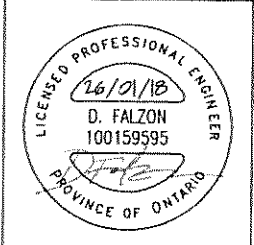
100mm +/- 20mm FOSBROS CAST AGAINST EARTH  
70mm +/- 20mm REMAINDER UNLESS NOTED

2.3 FLASHINGS:

1. FLASHING MATERIALS AND INSTALLATION SHALL CONFORM TO OBC SECTIONS 9.20.13, 9.26.4 & 9.27.3

2.4 GRADING:

1. THE BUILDING 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.



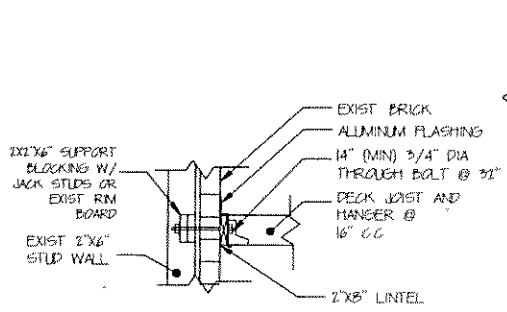
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| 2   |                  |      |
| No. | Revisions/Issues | Date |

**LASONNE**

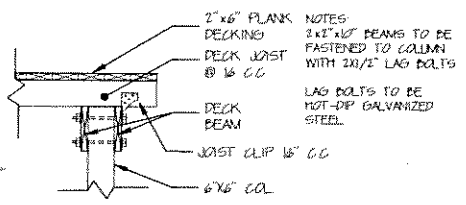
123 SMOOTHWATER TERRACE  
REAR YARD DECK  
Markham, Ontario

TITLE  
**DECK PLAN AND ELEVATION**

|             |              |
|-------------|--------------|
| Drawing No. | S2           |
| Project No. | 1808         |
| Date        | JAN '18      |
| Scale       | 1/4" = 1'-0" |
| Drawn by:   | DF           |
| Checked by: | DF           |

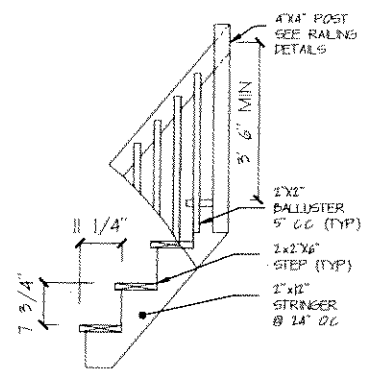


**LEDGER DETAILS**  
1:30

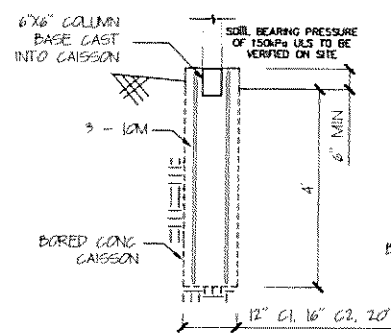


**DECK/BEAM/JOIST DETAILS**  
1:30

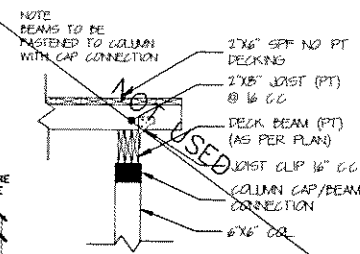
NOTES:  
2x12" BEAMS TO BE FASTENED TO COLUMN WITH 2x1/2" LAG BOLTS  
LAG BOLTS TO BE HOT-DIP GALVANIZED STEEL



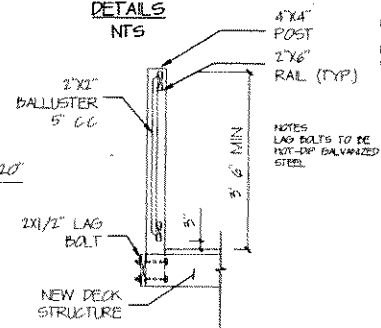
**STAIR DETAILS**  
NTS



**CAISSON - COLUMNS 'C1' 'C2' 'C3' DETAILS**  
NTS



**DECK/BEAM/JOIST DETAILS**  
NTS



**RAILING/GUARD DETAILS**  
NTS

NOTES:  
LAG BOLTS TO BE HOT-DIP GALVANIZED STEEL

**GENERAL NOTES:**

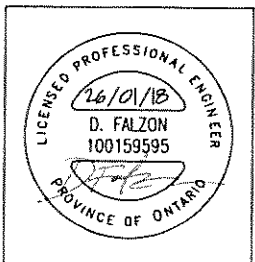
- 2.1 LUMBER:**  
1. ALL LUMBER SHALL BE SPRUCE No.2 GRADE OR BETTER UNLESS NOTED OTHERWISE.  
2. STUDS SHALL BE STUD GRADE SPRUCE, UNLESS OTHERWISE NOTED.  
3. JOIST HANDERS: PROVIDE APPROVED METAL HANGERS FOR ALL JOISTS AND BUILT-UP WOOD MEMBERS INTERSECTING WITH FLUSH BUILT-UP WOOD MEMBERS.  
4. WOOD FRAMING NOT TREATED WITH A WOOD PRESERVATIVE IN CONTACT WITH CONCRETE SHALL BE SEPARATED FROM THE CONCRETE BY AT LEAST 2mm POLYURETHANE FILM, No. 50 (45lbs) 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-G40-21 GRADE 150W CLASS 'H'.  
2. REINFORCING STEEL SHALL CONFORM TO CSA-G30-18M GRADE 400W.

- 2.3 CONCRETE:**  
1. THE MINIMUM COMPRESSIVE STRENGTH F'c OF ALL CONCRETE SHALL BE 30MPa.  
2. CLEAR COVER TO REINFORCING STEEL SHALL BE AS FOLLOWS:  
100mm +/- 20mm FOOTINGS CAST AGAINST EARTH  
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| No. | Revision/Issue | Date |

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**TITLE:**  
**DECK DETAILS**

|             |         |
|-------------|---------|
| Drawing No. | S3      |
| Project No. | 1806    |
| Date        | JAN '18 |
| Scale       | NTS     |
| Drawn by:   | DF      |
| Checked by: | DF      |