

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"

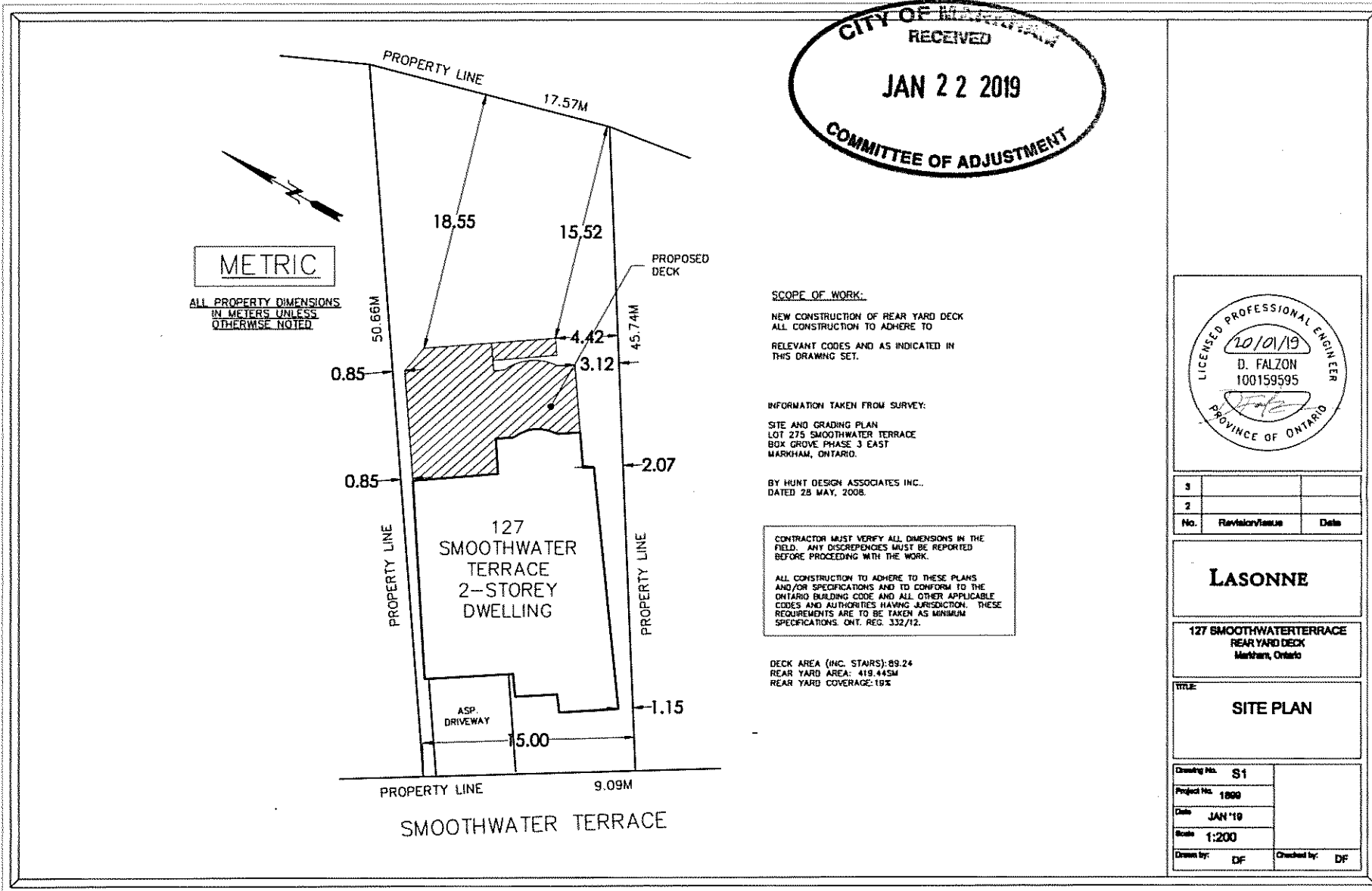
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/07/19

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.

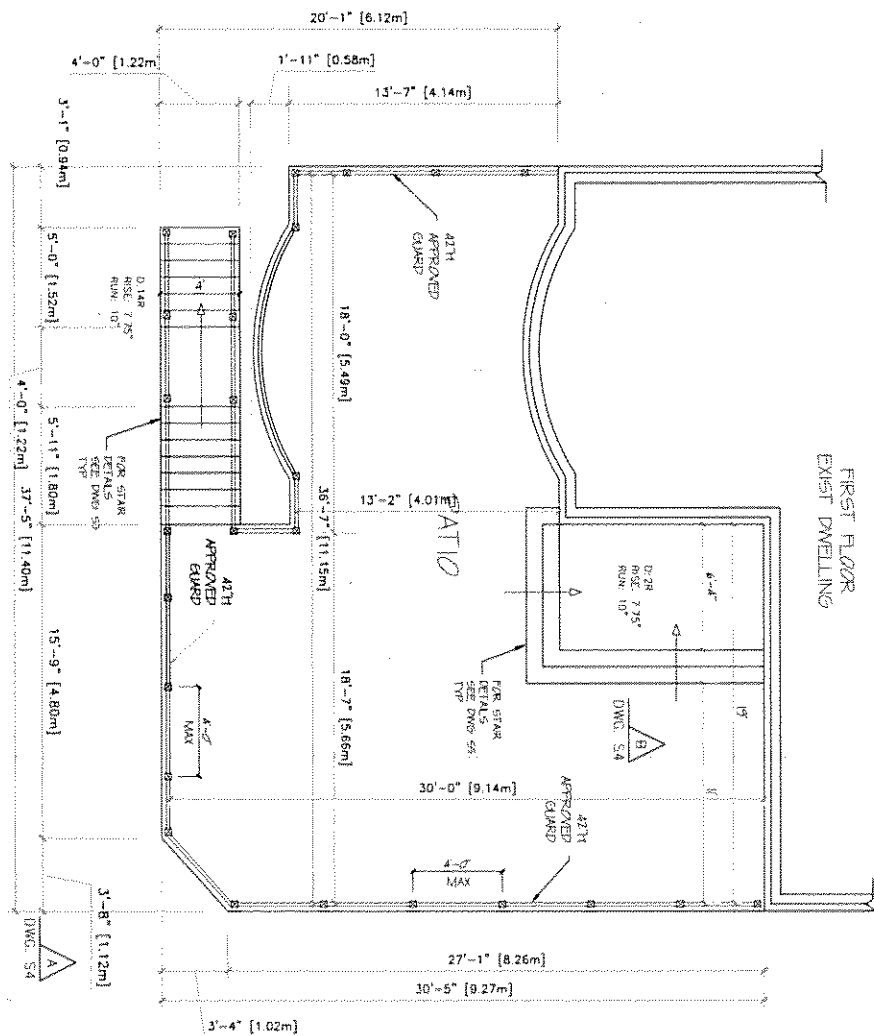
CONDITIONS PREPARED BY:



Aqsa Malik, Planner Zoning and Special Projects



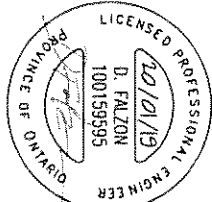
PARTIAL FIRST FLOOR PLAN - ARCHITECTURE



FIRST FLOOR
EXIST DWELLING

GENERAL NOTE

1. ALL DIMENSIONS SHALL BE SPACED TO 2' GRADE OR 2' FINISH UNLESS NOTED OTHERWISE.
2. STOPS SHALL BE TYPED GRADE UNLESS NOTED OTHERWISE.
3. JOIST HANGERS, PROVIDE APPROVED WITH HANGERS FOR ALL JOISTS AND BUTT-UP WOOD JOISTS SHALL BE TYPED WITH TYPED BUTT-UP WOOD JOISTS.
4. ROOF FRAMING NOT TYPED WITH A ROOF FRAMING DETAIL SHALL BE TYPED WITH A ROOF FRAMING DETAIL. ALL ROOF FRAMING SHALL BE SEPARATED FROM THE CONCRETE BY AT LEAST 2" OF AIR SPACE. ALL ROOF FRAMING SHALL BE TYPED WITH A ROOF FRAMING DETAIL.
5. LUMBER SHALL BE DIRECTLY EXPOSED TO RAIN UNLESS NOTED OTHERWISE.
6. 2" STEEL: 2" STRUCTURAL STEEL SHALL CONFORM TO CAN/CSA-C43-21 GRADE 300M. FLOOR JOISTS SHALL CONFORM TO CAN/CSA-C43-21 GRADE 300M. CLASS N.
7. REINFORCING STEEL SHALL CONFORM TO CAN/CIS-10M GRADE 400M.
8. 2" CONCRETE: 2" CONCRETE COMpressive STRENGTH F_c OF 30MPa. ALL CONCRETE SHALL BE 30MPa.
9. 2" CLEAR COVER TO REINFORCING STEEL SHALL BE AS FOLLOWS: 100mm +/- 20mm FOR SLAB; 20mm FOR BEAMS; 40mm FOR COLUMNS.
10. 2" 100mm +/- 20mm FOR SLAB; 20mm FOR BEAMS; 40mm FOR COLUMNS.
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No.	Revision/Issue	Date
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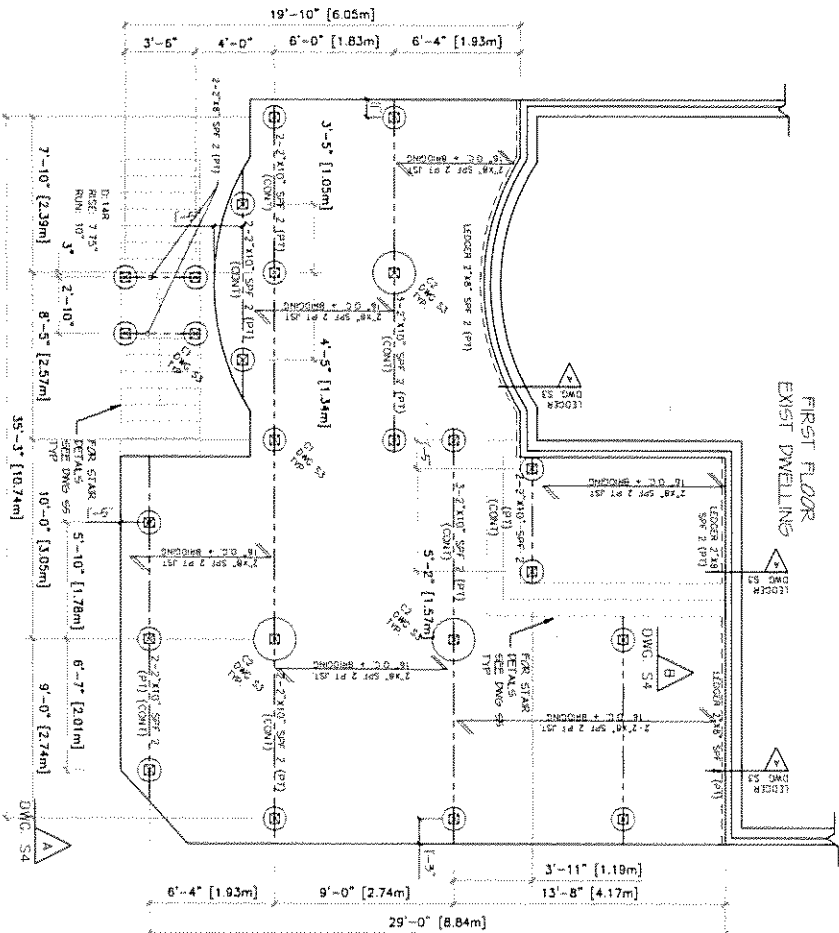
LASONNE

127 SMOOTHWATER TERRACE
REAR WARDEN
MILTON, ONTARIO

PLAN
ARCHITECTURAL

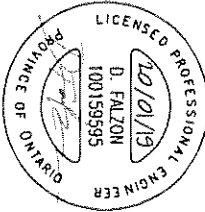
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Date	JAN 19
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Checked by	DF

PARTIAL FIRST FLOOR
PLAN - STRUCTURAL



GENERAL NOTES

1. ALL LUMBER SHALL BE SPECIFIED IN 2 GRADE OR BETTER UNLESS NOTED OTHERWISE.
2. STUDS SHALL BE STUD GRADE SPACE UNLESS OTHERWISE NOTED.
3. JOIST HANGERS: PROVIDE APPROVED METAL WORKERS INTERLOCKED WITH LUGS AND TOP WOOD MEMBERS.
4. WOOD FRAMING NOT TREATED WITH A WOOD PRESERVATIVE IN CONTACT WITH CONCRETE SHALL BE PROTECTED BY A MINIMUM 1/2" (12.5mm) GASTOPROOFING FLOOR UNDER LUMBER FLOORING OR OTHER DAMPROOFING MATERIAL.
5. LUMBER THAT IS DIRECTLY EXPOSED TO RAIN OR SNOW SHALL BE PRESURE TREATED (P1).
6. STEEL:
 1. STRUCTURAL STEEL SHALL CONFORM TO CAN/CSA-G40.21 GRADE 50W CLASS "W".
 2. REINFORCING STEEL SHALL CONFORM TO CAN/CSA-G40.21 GRADE 60W CLASS "W".
 3. ALL CONCRETE SHALL BE 30MPa.
 4. ALL CONCRETE SHALL BE 30MPa.
 5. ALL CONCRETE SHALL BE 30MPa.
7. CONCRETE:
 1. THE MINIMUM COMPRESSIVE STRENGTH FC OF ALL CONCRETE SHALL BE 30MPa.
 2. CLEAN COVER TO REINFORCING STEEL SHALL BE AS FOLLOWS:
 - 100mm +/- 20mm FLOORING CAST AGAINST EARTH
 - 75mm +/- 20mm REINFORCING CAST AGAINST EARTH
 3. REINFORCING STEEL SHALL CONFORM TO CAN/CSA-G40.21 GRADE 60W CLASS "W".
 4. REINFORCING STEEL SHALL CONFORM TO CAN/CSA-G40.21 GRADE 60W CLASS "W".
 5. REINFORCING STEEL SHALL CONFORM TO CAN/CSA-G40.21 GRADE 60W CLASS "W".
8. FINISHES:
 1. FINISHES SHALL BE LOCATED ON THE BUILDING SITE CHARTER SO THAT WATER WILL NOT ACCUMULATE AT OR UNDER THE FINISHES.
 2. FINISHES SHALL CONFORM TO 914.6.



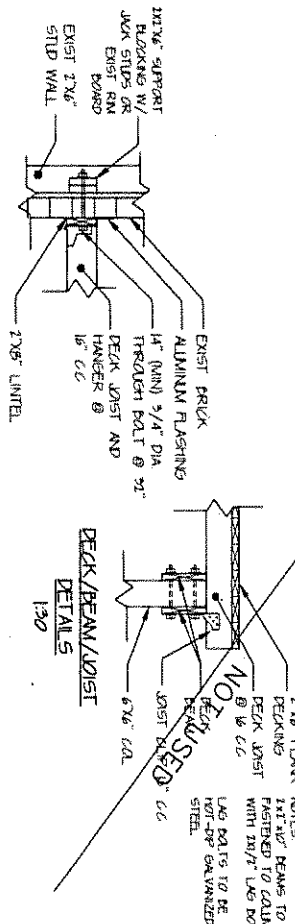
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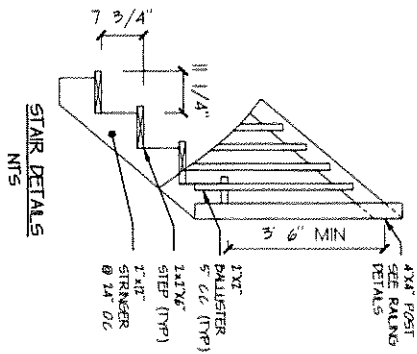
127 SMOOTHWATER TERRACE
MONTREAL, QUEBEC
H3T 1Y6

**PLAN
STRUCTURAL**

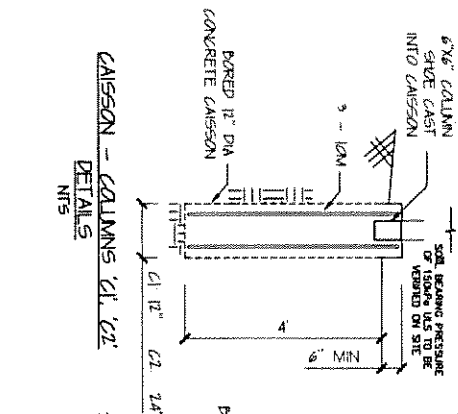
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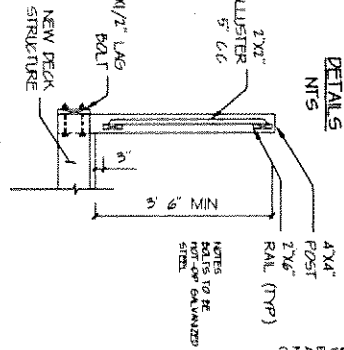
LEDGER DETAILS
130



CAISSON - COLUMNS 'CL. 'CZ'
DETAILS
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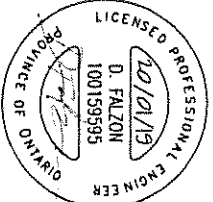


RAILING/GUARD
DETAILS
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GENERAL NOTES

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 JOIST AND STUDS. JOIST AND STUDS INTERSECTIONS 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 20mm POLYURETHANE FILM (No. 50 (45mm) ROLL ROOFING OR OTHER DAMPROOFING MATERIAL).
5. LUMBER THAT IS DIRECTLY EXPOSED TO RAIN OR SNOW SHALL BE PRESURE TREATED (PT).
6. 2.2 SIZED 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'.
7. 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 70mm +/- 20mm REINFORCED CONCRETE UNLESS NOTED.
8. 2.4 FLASHINGS: FLASHING MATERIALS AND INSTALLATION SHALL CONFORM TO DBC SECTIONS 9.20.9.1, 9.25.4 & 9.27.3.
9. 2.5 GRADING: 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.



No.	Revisions	Date
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LASONNE

127 SMOOTHWATER TERRACE
REMYARD DECK
Markham, Ontario

DECK DETAILS

Drawing No.	S5
Project No.	1000
Date	JAN '19
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SITING AND GRADING PLAN			
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