

# Memorandum to the City of Markham Committee of Adjustment

February 06, 2018

**File:** A/05/18  
**Address:** 19 Fierheller Court, Markham  
**Applicant:** Hakim Hasanzadah  
**Agent:** LHW Engineering Ltd. (Mengchen Xu)  
**Hearing Date:** Wednesday February 21, 2018

The following comments are provided on behalf of the West Team. The applicant is requesting relief from the following requirements of By-law 177-96- R2\*456, as amended, to permit:

**a) Section 6.2.1 (b):**

a maximum deck projection of 3.33 metres from the wall closest to the rear lot line, whereas the By-law permits a maximum deck projection of 3 metres from the wall closest to the rear lot line for decks with a height greater than 1 metre;

as it relates to a proposed rear deck addition to an existing residential dwelling.

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

*According to the information provided by the applicant, "The owner wants a larger deck."*

**Zoning Preliminary Review Not Undertaken**

Although the applicant did not complete a Zoning Preliminary Review (ZPR), the variance was identified by zoning staff during the Building Permit review process. However, it is still the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed deck. If the variances in the application contains errors, or if the need for additional variances are identified during the Building Permit review process, further variance application(s) may be required to address the outstanding matters and there will be a delay in application processing.

**Public Input Summary**

No written submissions were received as of February 6, 2018. 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**

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 have no concern with this application. 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:

  
Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:

  
David Miller, Development Manager, West District

File Path: Amanda\File\ 18 107193 \Documents\District Team Comments Memo

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**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/05/18**

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 A' to this Staff Report and received on January 12<sup>th</sup>, 2018, 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.

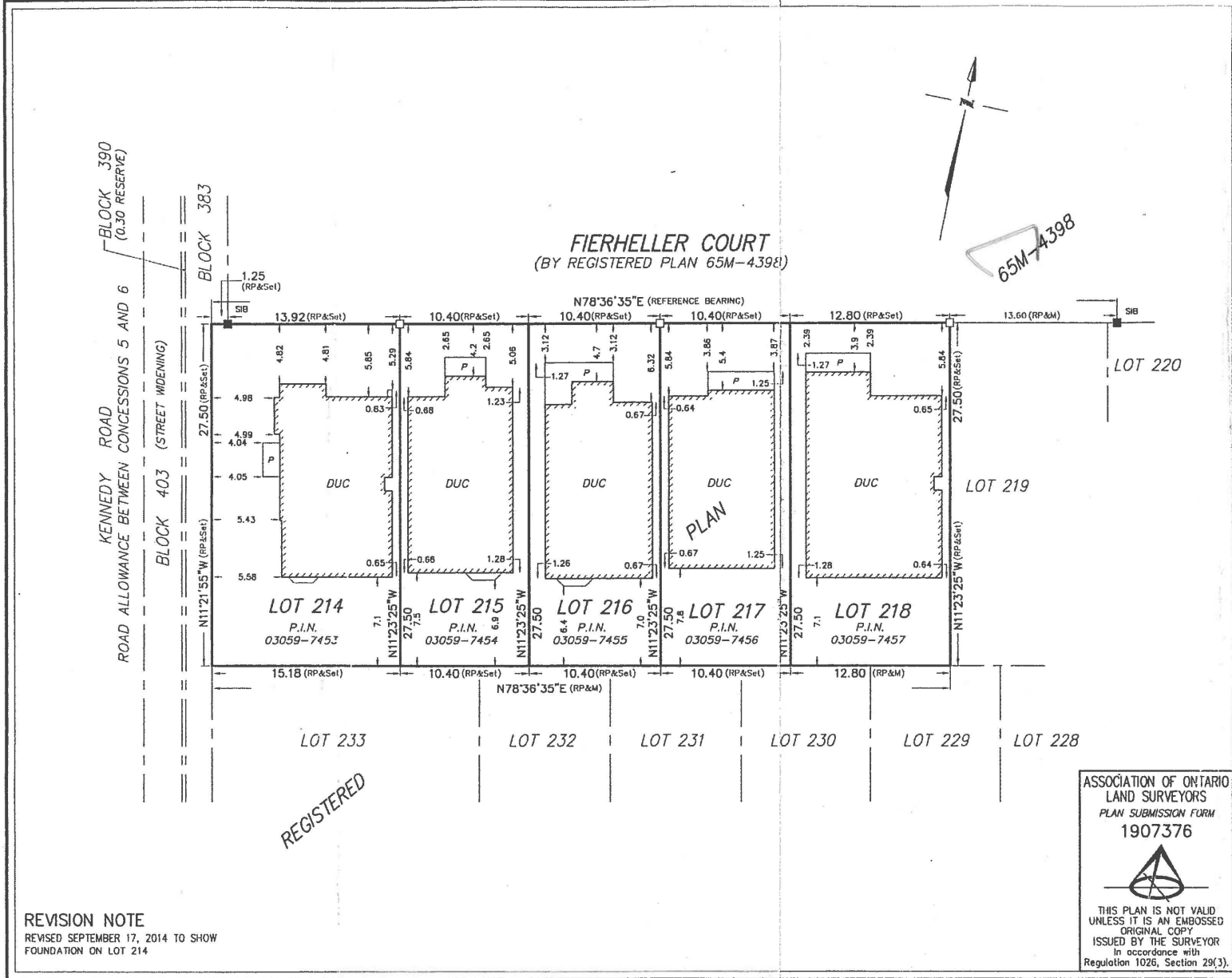
CONDITIONS PREPARED BY:



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Carlson Tsang, Planner, Zoning and Special Projects

Lot 214



SURVEYOR'S REAL PROPERTY REPORT - PART 1  
 PLAN OF  
**LOTS 214 to 218 INCLUSIVE**  
**REGISTERED PLAN 65M-4398**  
**CITY of MARKHAM**  
 REGIONAL MUNICIPALITY OF YORK  
 SCALE 1 : 300  
  
**YOUNG & YOUNG SURVEYING**  
 (ETOBICOKE 2006) INC.  
 © COPYRIGHT 2014

**METRIC**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**BEARING NOTE**  
 BEARINGS ARE GRID AND ARE REFERRED TO THE SOUTH LIMIT OF FIERHELLER COURT, HAVING A BEARING OF N78°36'35"E ACCORDING TO REGISTERED PLAN 65M-4398.

**LEGEND**

□	DENOTES	SURVEY MONUMENT SET
■		SURVEY MONUMENT FOUND
N, S, E, W	--- ---	NORTH, SOUTH, EAST, WEST
M	--- ---	MEASURED
SIB	--- ---	STANDARD IRON BAR
P.I.N.	--- ---	PROPERTY IDENTIFIER NUMBER
DUC	--- ---	DWELLING UNDER CONSTRUCTION
RP	--- ---	REGISTERED PLAN 65M-4398
P	--- ---	PORCHI

**NOTE**  
 ALL FOUND SURVEY MONUMENTS ARE BY DAVID B. SEARLES SURVEYING LTD., O.L.S.  
 ALL SURVEY MONUMENTS ARE IRON BARS UNLESS NOTED OTHERWISE

**SURVEYOR'S CERTIFICATE**

- I CERTIFY THAT :
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  2. THE SURVEY WAS COMPLETED ON THE 16th DAY OF MAY, 2014.

MAY 21, 2014.  
 DATE   
 CHRIS BERESNIWICZ  
 ONTARIO LAND SURVEYOR

THIS PLAN WAS PREPARED FOR FIELDGATE HOMES

**PART 2 - SURVEY REPORT**

- 1) REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY : NONE
- 2) THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

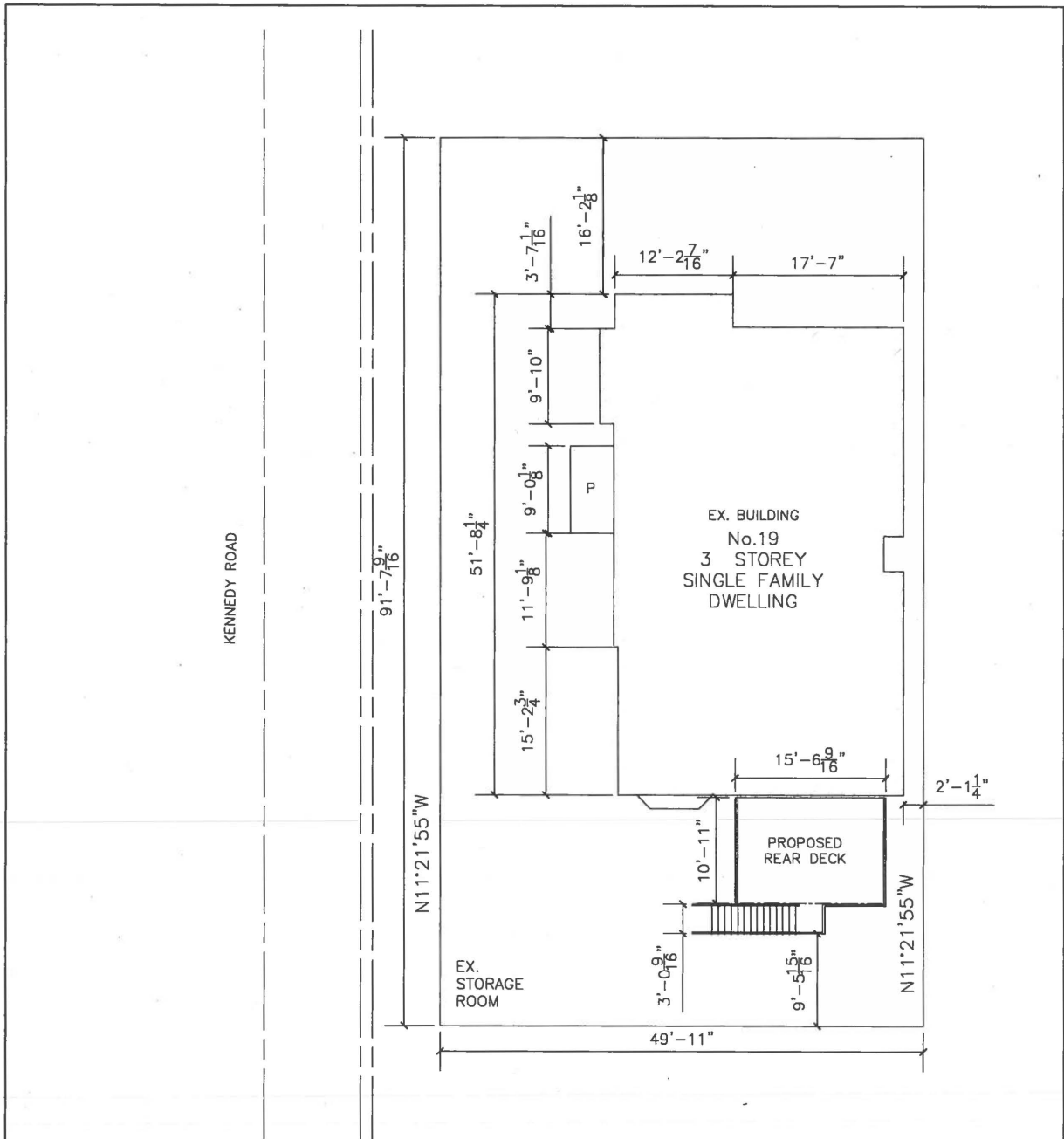
ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
 1907376

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 29(3).

**Young & Young Surveying**  
 (ETOBICOKE 2006) INC.  
 310 North Queen St., Suite 102, Toronto ON M9C 5K4  
 Tel: (416) 621-2676 - Fax: (416) 621-3360  
 E-MAIL : yytoronto@bellnet.ca

DRAWN BY R.M. CHECKED BY R.T./C.B. PROJECT 12-T8260-1

**REVISION NOTE**  
 REVISED SEPTEMBER 17, 2014 TO SHOW FOUNDATION ON LOT 214



PROJECT SCOPE:  
 PROPOSED NEW DECK  
 ON THE BACK OF THE  
 EXISTING BUILDING

- SITE STATISTICS:
1. LOT AREA: 4571.5 SQ.F
  2. DECK AREA: 200 SQ.F
  3. REAR SETBACK: 9.5 FT
  4. EX. BUILDING FOOT  
PRINT AREA: 1545 SQ.F
  5. SIDE SETBACK: 2.1 FT

**LHW ENGINEERING LTD.**  
 2046A Pharmacy Ave.,  
 Toronto, ON M1T 1H8  
 416-299-8837 & 647-923-4818  
 lhw.engineering@gmail.com



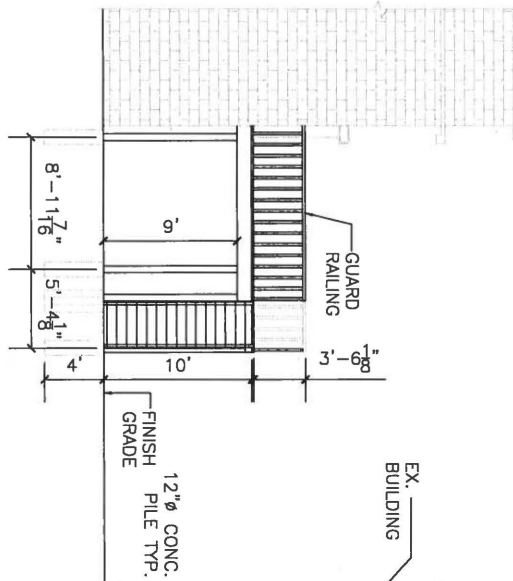
No.	Revision / Issue
1	ISSUED FOR BUILDING PERMIT
2	
3	
4	

PROJECT	19 FIERHELLER COURT
LOCATION	19 FIERHELLER COURT, MARKHAM, ON
DWG. TITLE	SITE PLAN

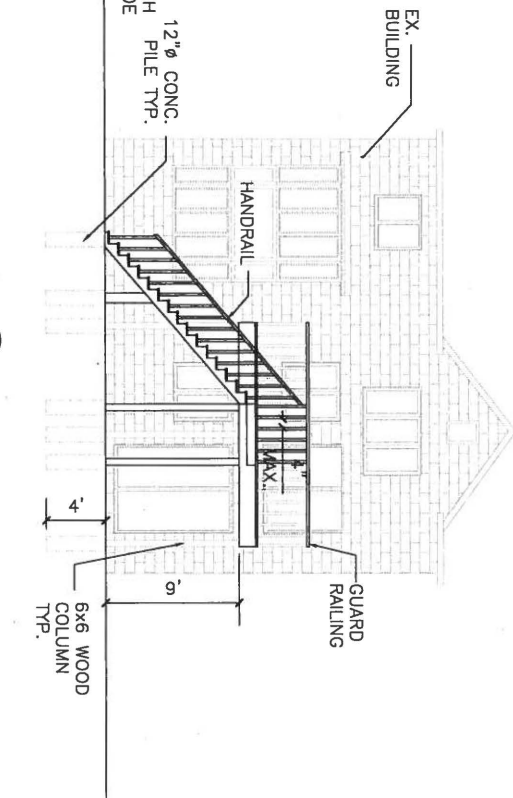
DATE	OCT. 20, 2017	DRAWN BY	MX
SCALE	AS SHOWN	CHECKED BY	BW
PROJ. NO	170907	DWG. NO	01

NOTE:  
DIMENSIONS TO  
BE VERIFIED ON  
SITE

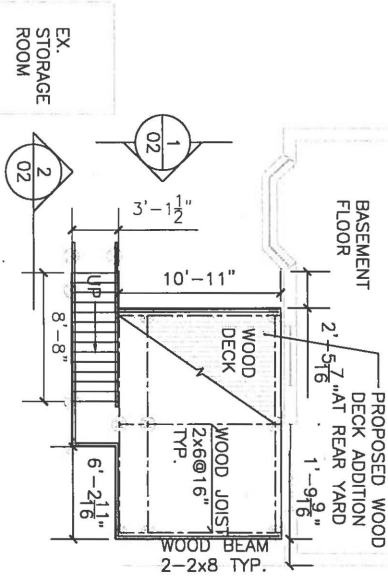
1 LEFT ELEVATION PLAN  
SCALE: 1/8"=1'-0"



2 REAR ELEVATION PLAN  
SCALE: 1/8"=1'-0"



3 DECK PLAN  
SCALE: 1/8"=1'-0"



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No.	Revision / Issue
1	ISSUED FOR BUILDING PERMIT
2	
3	
4	

PROJECT 19 FIERHELLER COURT  
LOCATION 19 FIERHELLER COURT,  
MARKHAM, ON  
DWG TITLE  
DECK PLAN & ELEVATION

DATE	DRAWN BY
OCT. 20, 2017	MX
SCALE	CHECKED BY
AS SHOWN	BW
PROJ. NO	DWG. NO
170907	02