

# Memorandum to the City of Markham Committee of Adjustment

January 15, 2025

**File:** A/138/24  
**Address:** 8 Summerfeldt Crescent, Markham  
**Agent:** Prohome Consulting Inc (Vincent Emami)  
**Hearing Date:** Wednesday, January 22, 2025

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

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

- a) **By-law 2024-19, Section 6.3.2 C)**: a maximum second-storey main building coverage of 26.6 percent, whereas the By-law permits a maximum main building coverage for the second-storey of 20 percent of the lot area;
- b) **By-law 2024-19, Section 6.3.2 E)**: a maximum distance of 15.12 metres for the second-storey measured from the established building line, whereas the By-law permits a maximum distance of 14.5 metres for the second-storey measured from the established building line;
- c) **By-law 2024-19, Section 6.3.2 I)**: a minimum combined interior side yard setback of 3.69 metres, whereas the By-law requires a minimum combined interior side yard setback of 4.0 metres;
- d) **By-law 2024-19, Section 4.8.10.1 a)**: a minimum front yard porch depth of 1.38 metres, whereas the By-law requires a minimum front yard porch depth of 1.8 metres; and
- e) **By-law 2024-19, Section 5.3.6 a)**: a minimum double private garage size of 5.31 metres in width and 5.81 metres in length, whereas the By-law requires a minimum of 5.75 metres in width and 6 metres in length for a two-car private garage;

as it relates to a proposed two-storey residential dwelling.

Staff recommend that variances a) and b) be revised as follows to permit:

- a) **By-law 2024-19, Section 6.3.2 C)**: a maximum second-storey main building coverage of **26** percent, whereas the By-law permits a maximum main building coverage for the second-storey of 20 percent of the lot area;
- b) **By-law 2024-19, Section 6.3.2 E)**: a maximum distance of **14.72** metres for the second-storey measured from the established building line, whereas the By-law permits a maximum distance of 14.5 metres for the second-storey measured from the established building line;

Changes to the variances is discussed further in the comments section below.

## **BACKGROUND**

### **Property Description**

The 580.36 m<sup>2</sup> (6,246.94 ft<sup>2</sup>) subject property is located on the west side of Summerfeldt Crescent, generally north of Carlton Road and west of Village Parkway (the “Subject Lands”) (refer to Appendix “A” – Aerial Photo). The Subject Lands are located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings as well as two and three-storey townhouse dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments.

There is an existing one-storey detached dwelling on the property, which according to assessment records was constructed in 1973. Mature vegetation exists on the property including one large mature tree in the front yard.

### **Proposal**

The Applicant is proposing to demolish the existing dwelling and construct a 328.69 m<sup>2</sup> (3,538 ft<sup>2</sup>) two-storey detached dwelling (the “Proposed Development”) (refer to Appendix “B” – Plans).

Staff note that the Applicant revised their initial application and variance requests following comments received from Staff after the Notice of Hearing was sent out. The Applicant reduced their variances for second storey coverage and distance for the second-storey measured from the established building line [variances a) and b)]. Additional details are provided in the comment section below.

### **Official Plan and Zoning**

Official Plan 2014 (partially approved on November 24, 2017, and updated on April 9, 2018)

The Official Plan designates the Subject Lands as “Residential Low Rise”, which permits low-rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the “Residential Low Rise” designation with respect to height, massing, and setbacks. These criteria are established to ensure that infill developments are appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, development is required to meet the general intent of the above noted development criteria. In addition, regard shall be had for the retention of existing trees and vegetation. Planning Staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

### Zoning By-law 2024-19

The Subject Lands are zoned “Residential – Established Neighbourhood Low Rise” (RES-ENLR) under By-law 2024-19, as amended, which permits one single detached dwelling per lot.

### **Zoning Preliminary Review (ZPR) Undertaken**

The Applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the Proposed Development. The Applicant submitted revised drawings on January 13, 2025. The Applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, 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.

### **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.

### **Increase in Main Building Coverage (second storey)**

The Applicant initially requested relief for a main building coverage for the second-storey of 26.6% (154.13 m<sup>2</sup> or 1,659.04 ft<sup>2</sup>) of the lot area, whereas the By-law permits a maximum second-storey coverage of 20% (116.13 m<sup>2</sup> or 1,250.01 ft<sup>2</sup>) of the lot area. This represents an additional 6.6% (38 m<sup>2</sup> or 409.03 ft<sup>2</sup>) coverage of the lot area for the second-storey beyond what the By-law permits.

After discussions with Staff, the Applicant submitted new plans with a revised variance request for a second storey coverage of 26% (150.97 m<sup>2</sup> or 1,625.03 ft<sup>2</sup>). This represents an additional 6% (33.87 m<sup>2</sup> or 375.02 ft<sup>2</sup>) coverage of the lot area for the second-storey beyond what the By-law permits.

Staff note that the By-law permits a building coverage of 30% for the first storey and 20% for any storey above the first. The proposed second storey maintains a lot coverage that is less than the first storey and the second floor does not project past the first storey. Furthermore, the requested variance results in a size and massing that is similar to other new infill developments along Summerfeldt Crescent. As such, Staff are satisfied that the request meets the intent of the By-law and have no concerns with the requested variance.

### **Maximum Distance of the Main Building from the Established Building Line (second storey)**

The Applicant initially requested a maximum distance of the main building from the established building line of 15.12 m (49.61 ft) for the second storey, whereas the By-law permits a maximum distance of 14.50 m (47.57 ft). This represents an increase of 0.62 m (2.03 ft) beyond what the By-law permits.

After discussions with Staff, the Applicant submitted new plans and have requested a revised maximum distance of 14.72 m (48.29 ft) for the second storey. This represents an increase of 0.22 m (0.72 ft), which is 0.40m (1.38 ft) less than the original request.

Staff note that the established building line is defined as “a line that is the average distance between the front lot line and the nearest wall (including the private garage) of the main building facing the front lot line on the two neighbouring lots fronting the same street”. The intent of this By-law provision is to regulate the building depth and massing in relation to the neighbouring lots.

Staff further note that the increase of the second storey building depth is largely contained on the north side of the building and does not extend beyond the footprint and established building line of the first storey. The depth of the second storey also does not extend beyond the building depth of the adjacent property to the north (10 Summerfeldt Crescent). The south side of the second storey extends beyond the building depth of 6 Summerfeldt Crescent, but meets the By-law requirement of 14.5 m (47.57 ft).

Staff are satisfied that the proposed building depth variance request is minor in nature and is sympathetic to the established building depth pattern in the neighbourhood and have no objection to the variance request.

### **Reduced Interior Side Yard Setback**

The Applicant is requesting a combined minimum interior side yard setback of 3.69 m (12.11 ft), whereas the By-law requires a combined minimum interior side yard setback of 4 m (13.12 ft).

Staff note that this neighbourhood is characterized by dwellings with side yard setbacks ranging between 1.22 m (4 ft) to 1.83 m (6 ft). The Applicant is proposing side yard setbacks of 1.86 m (6.10 ft) on the south side and 1.83 m (6 ft) on the north side, which exceeds the provided interior side yard setbacks of existing neighbouring lots. Staff are of the opinion that the requested variance is minor in nature and will not have a marked impact to adjacent properties or to the character of the neighbourhood.



### **Front Porch Depth**

The Applicant is requesting relief to permit a minimum front porch depth of 1.38 m (4.53 ft), whereas the By-law permits a minimum front porch depth of 1.8 m (5.9 ft). This represents a decrease of 0.42 m (1.38 ft) from what the By-law permits.

Staff note that the requested porch depth is aligned with the minimum front yard setback, which is a common characteristic of this neighbourhood. Staff are of the opinion that the proposed front porch depth variance is minor in nature and have no concern with the requested variance.

### **Decrease in Garage Size**

The Applicant is requesting relief to permit a double private garage size of 5.31 m (17.42 ft) in width and 5.81 m (19.06 ft) in length, whereas the By-law requires a minimum of 5.75 m (18.86 ft) in width and 6 m (19.69 ft) in length for a two-car private garage. This represents a decrease of 0.44 m (1.44 ft) in length and 0.19 m (0.62 ft) in width from what the By-law permits.

Staff have discussed with Transportation Engineering who note that the decrease in garage dimension can accommodate smaller cars (i.e. Toyota Corolla, Honda Civic, etc.) and still allow the garage to accommodate parking for two vehicles. Given that the proposed changes are all interior to the building, Staff note that the requested variance will have no impact on the character of the streetscape. As such, Staff have no objections and are satisfied that the variance is minor in nature and meet the intent of By-law.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of January 15, 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 "C" for conditions to be attached to any approval of this application.

PREPARED BY:



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Brendan Chiu, Planner I, Central District

REVIEWED BY:



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Sabrina Bordone, RPP MCIP, Central District Manager, Central District

**APPENDICES**

Appendix "A" – Aerial Photo

Appendix "B" – Plans

Appendix "C" – A/138/24 Conditions of Approval



**Legend**

- Subject Lands
- 8 Summerfeldt Crescent

**Notes**

1: 2,257

114.7 0 57.33 114.7 Meters

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email [cgis@markham.ca](mailto:cgis@markham.ca) and you will be directed to the appropriate department.



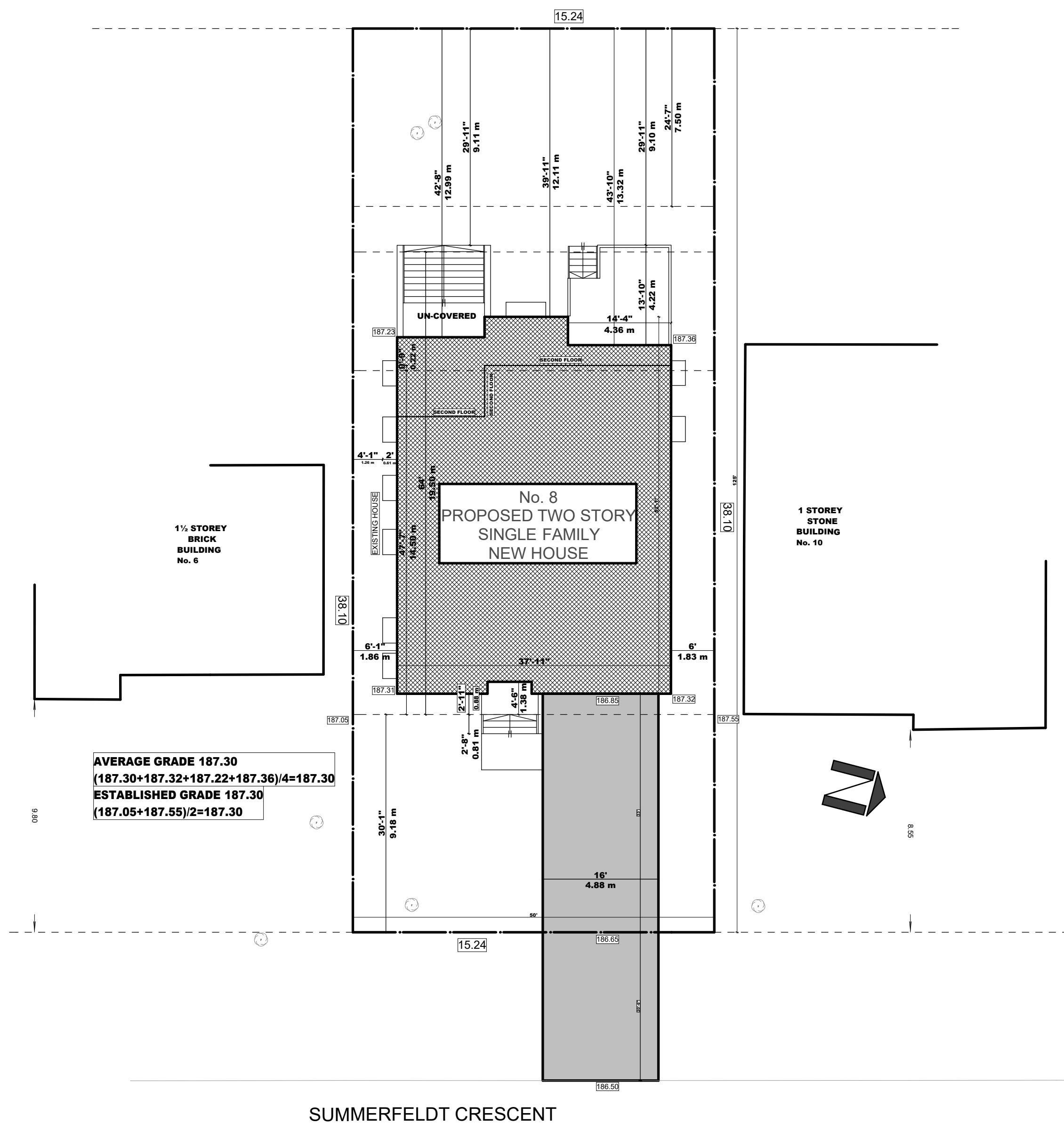
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GFA	GR FLOOR INCLUDING GARAGE	SECOND FLOOR AREA	BASEMENT	GARAGE	COMBINED MAIN BUILDING COVERAGE NOT INCLUDING CELLAR
TOTAL	1875FT <sup>2</sup> /174.19 M <sup>2</sup> (30.0%)	1625FT <sup>2</sup> /150.97 M <sup>2</sup> (26.0%)	1545FT <sup>2</sup> /143.54 M <sup>2</sup>	377FT <sup>2</sup> /35.02M <sup>2</sup>	3538FT <sup>2</sup> /328.69 M <sup>2</sup>

# Appendix B

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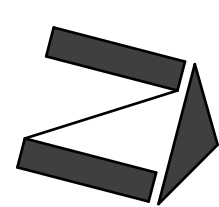
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DATE:	ISSUED FOR:
JUN-2024	FOR C OF A

FOR STRUCTURE ONLY



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V.E

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LAST MODIFIED ON:

JANUARY 14, 2025

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PROJECT TITLE/ADDRESS:

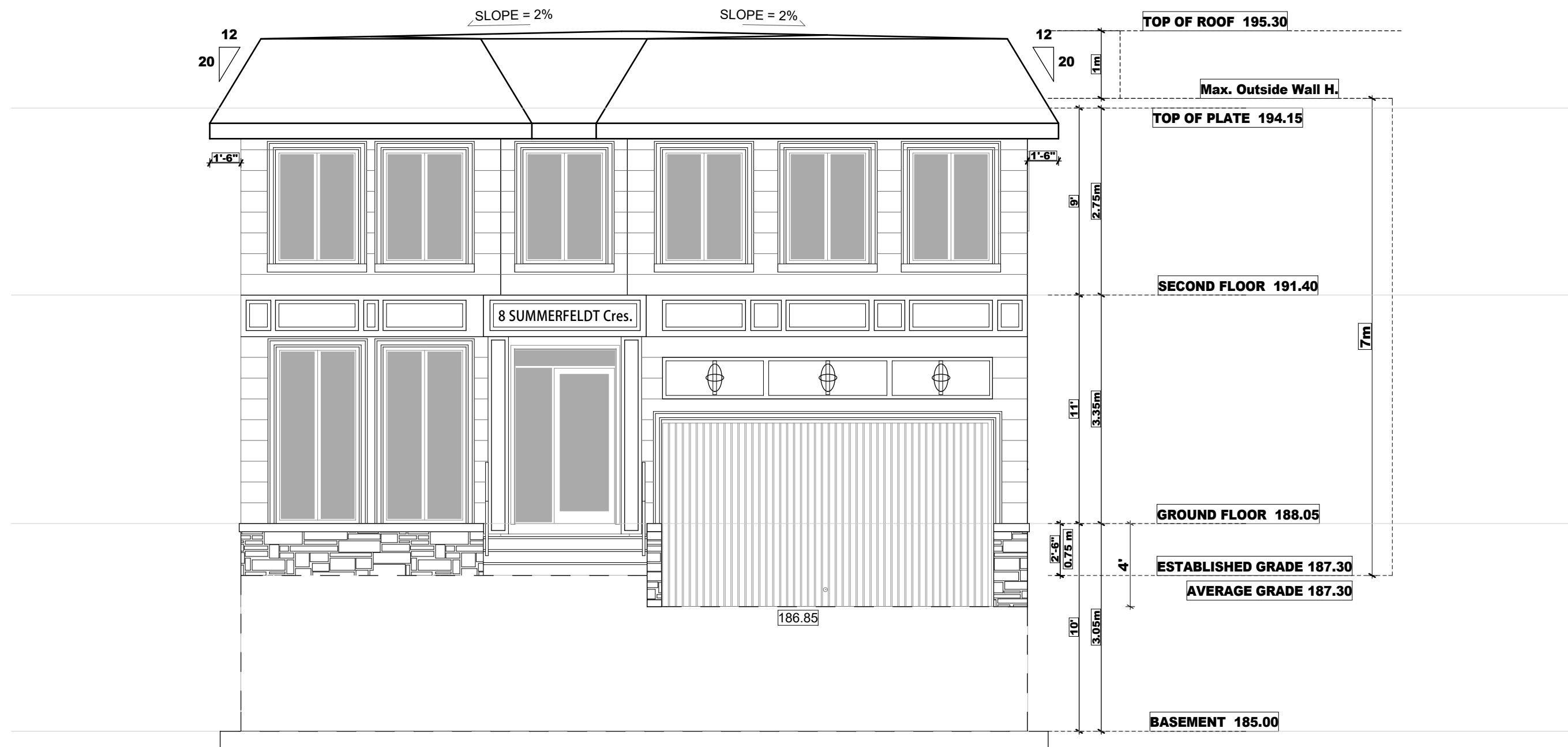
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MARKHAM, ON

A.01

# Appendix B

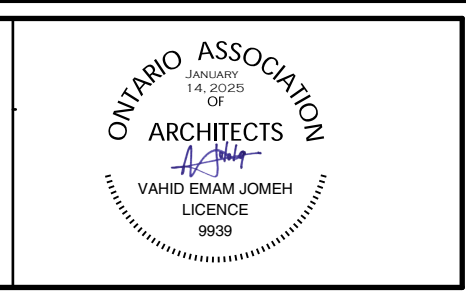
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DATE:	ISSUED FOR:
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FOR STRUCTURE ONLY



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V.E

SCALE:  
3/16" = 1'-0"  
LAST MODIFIED ON:  
JANUARY 14, 2025

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MARKHAM, ON

A2.1

# Appendix B

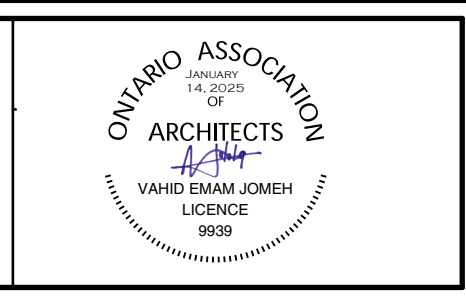
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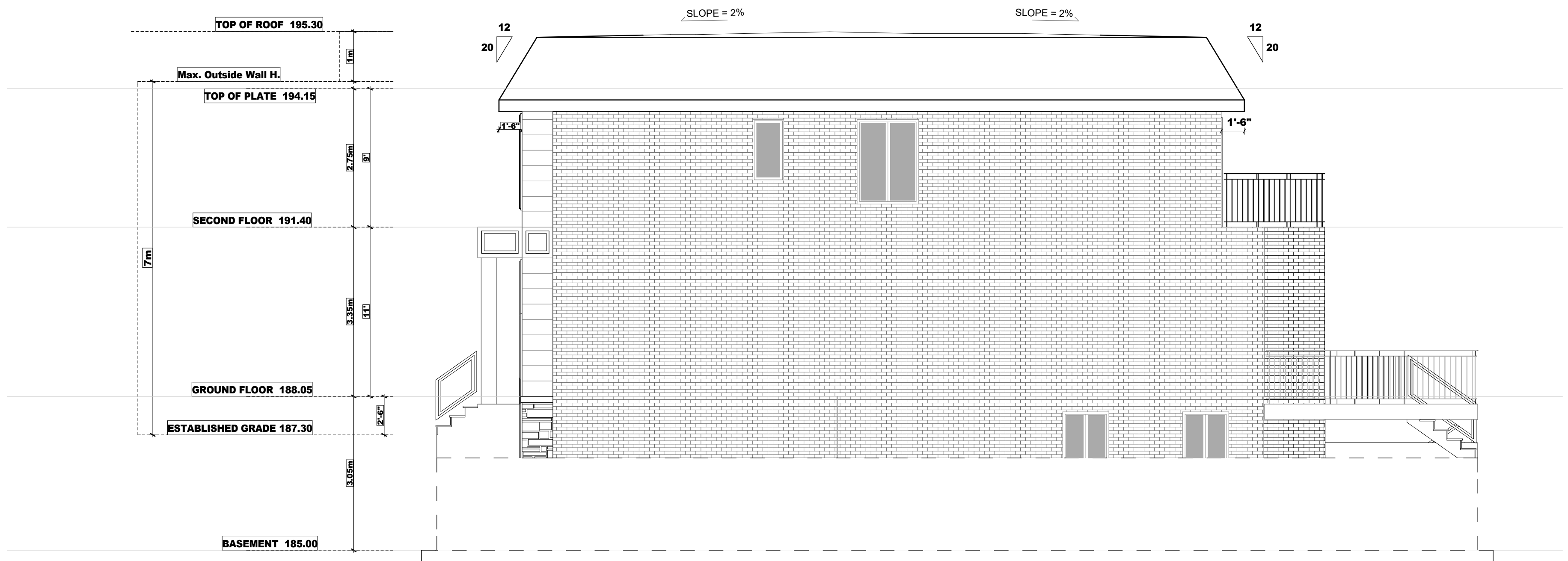
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MARKHAM, ON

A2.2

# Appendix B

File: 24.197734.000.00.MNV

Date: 1/15/2025  
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## NORTH SIDE ELEVATION

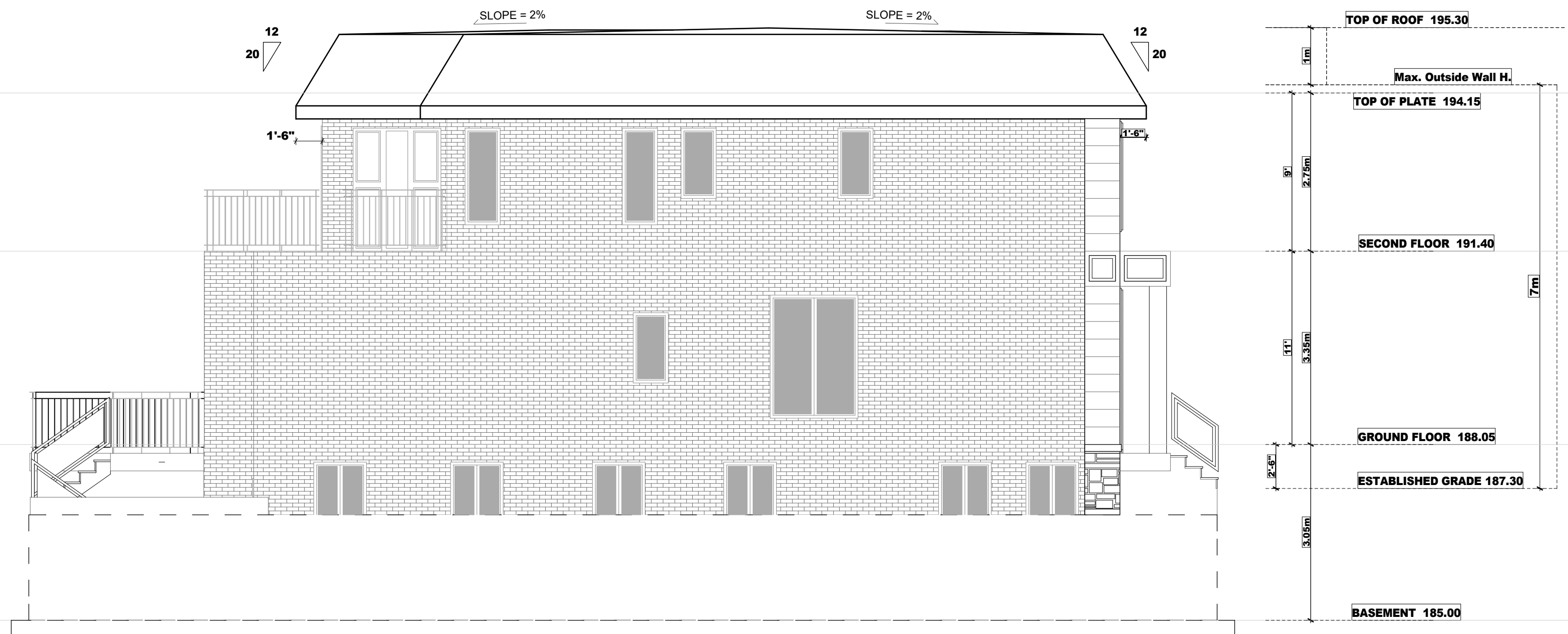
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FOR STRUCTURE ONLY

# Appendix B

File: 24.197734.000.00.MNV

Date: 1/15/2025  
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## SOUTH SIDE ELEVATION

DATE: JUN-2024	ISSUED FOR: FOR C OF A		DRAWN BY V.E	SCALE: 3/16" = 1'-0"	DRAWING TITLE: SIDE ELEVATION	A2.4
				LAST MODIFIED ON: JANUARY 14, 2025	PROJECT TITLE/ADDRESS: 8 SUMMERFELDT CRESCENT MARKHAM, ON	

FOR STRUCTURE ONLY



**APPENDIX "C"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/138/24**

1. The variances apply only to the Proposed Development as long as it remains;
2. That the variances apply only to the Proposed 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:



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Brendan Chiu, Planner I, Central District