

# Memorandum to the City of Markham Committee of Adjustment

March 07, 2025

**File:** A/138/24  
**Address:** 8 Summerfeldt Crescent, Markham  
**Agent:** Prohome Consulting Inc (Vincent Emami)  
**Hearing Date:** Wednesday, March 19, 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 25.65 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 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;
- c) **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
- d) **By-law 2024-19, Section 5.3.6 a)**: a double private garage size of 5.31 metres x 5.81 metres, whereas the By-law requires a minimum of 5.75 metres x 6 metres for a two-car private garage;

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

## Application History

The Application was deferred at the January 22, 2025 Committee of Adjustment (“COA”) meeting to allow the Applicant to address concerns related to size and massing, as detailed in the minutes extract contained in Appendix “A” – Minutes Extract (January 22, 2025).

The Applicant has subsequently submitted revised plans on February 18, 2025 (Appendix “B” – Revised Plans). The revised plans resulted in revised variance requests for maximum second-storey building coverage and the removal of their initial variance request for maximum second-storey distance from the established building line. Table 1 below shows a comparison between the variances from the last submission and the current revised submission.

| <b>Table 1 – Changes in Variances Comparison Chart</b>                           |  |  |   |
|--|--|--|---|
| <b>Development Standards</b>   | <b>RES-ENLR Zone Requirements</b>                        | <b>Initial Variance Request</b>                          | <b>Current Variance Request</b>                         |
| <b>Maximum second-storey main building coverage</b>                              | 20% (116.13 m <sup>2</sup> or 1,250.01 ft <sup>2</sup> ) | 26% (150.97 m <sup>2</sup> or 1,625.03 ft <sup>2</sup> ) | 25.6% (148.92 m <sup>2</sup> or 1,545 ft <sup>2</sup> ) |
| <b>Maximum distance for the second-storey from the established building line</b> | 14.5 m (47.57 ft)  | 14.72 m (48.29 ft)                                       | Removed   |
| <b>Minimum combined interior side yard setbacks</b>                              | 4 m (13.12 ft)   | 3.69 m (12.11 ft)  | Unchanged   |
| <b>Minimum front porch depth</b>   | 1.8 m  | 1.38 m (4.53 ft)   | Unchanged   |
| <b>Minimum double private garage size</b>  | Width: 5.75 m (18.86 ft)<br>Length: 6 m (19.69 ft)       | Width: 5.31 m (17.42 ft)<br>Length: 5.81 m (19.06 ft)    | Unchanged   |

**ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN**

The Applicant has not conducted a ZPR for the revised plans. 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**

Staff have reviewed the revised plans and advise that the comments from the previous report remain applicable (Appendix “C”). Staff are of the opinion that the requested variances will not result in adverse impacts to neighbouring properties.

**PUBLIC INPUT SUMMARY**

The City received two written objections for the initial variances. Two residents also spoke in opposition to the application at the COA meeting.

No additional written submissions were received as of March 7, 2025 for the revised variances. 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 "D" for a revised list of 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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Melissa Leung, RPP MCIP, Senior Planner, Central District

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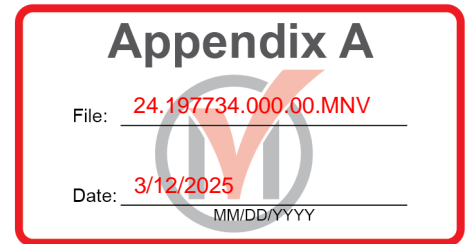
## **APPENDICES**

Appendix "A" – Minutes Extract (January 22, 2025)

Appendix "B" – Revised Plans

Appendix "C" – Staff Report (January 15, 2025)

Appendix "D" – A/057/24 Conditions of Approval



**January 22, 2025**  
**7:00 pm**

**CITY OF MARKHAM**  
**Virtual Meeting**

**COMMITTEE OF ADJUSTMENT**

**Minutes**

The 1<sup>st</sup> regular meeting of the Committee of Adjustment for the year 2025 was held at the time and virtual space above with the following people present:

Arrival Time

|                      |         |
|----------------------|---------|
| Gregory Knight Chair | 7:04 pm |
| Jeamie Reingold      | 7:04 pm |
| Sally Yan            | 7:04 pm |

Shawna Houser, Secretary-Treasurer  
Greg Whitfield, Supervisor, Committee of Adjustment  
Erin O'Sullivan, Development Technician

**Regrets**

Patrick Sampson  
Arun Prasad

**2. DISCLOSURE OF PECUNIARY INTEREST**

The Chair, Greg Knight, declared a conflict of interest for an application heard at a previous meeting for which they were not in attendance, Application A/122/24, 2 Wismer Place, which was heard at the December 4th, 2024, meeting. As the previous property owner, the Chair declared a conflict of interest out of caution for any conflict that could be perceived due to their former relationship with the property.

**3. APPROVAL OF PREVIOUS MINUTES: December 18, 2024**

THAT the minutes of Meeting 20, of the City of Markham Committee of Adjustment, held December 18, 2024 respectively, be:

- a) Approved on January 22, 2025.

**Moved by: Jeamie Reingold**  
**Seconded by: Sally Yan**

**Carried**

#### 4. PREVIOUS BUSINESS

##### 4.1 A/091/24

**Agent Name: Prohome Consulting Inc. (Vincent Emami)**  
**29 Jeremy Drive, Markham**  
**PLAN 7566 LOT 3**

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2 c) & (iii) (iv):**  
a maximum main building coverage of 25.43 percent for the second storey, whereas the by-law permits a maximum main building coverage of 20 percent for the second storey;
- b) **By-law 2024-19, Section 6.3.2 c) & (iii) (iv):**  
a maximum combined building coverage of 509.85 square metres, whereas the by-law permits a maximum combined building coverage of 500 square metres;
- c) **By-law 2024-19, Section 6.3.2 e):**  
a maximum distance of 16.27 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;
- d) **By-law 2024-19, Section 6.2.1 b):**  
a roof structure to project a maximum of 1.5 metres above the permitted outside wall height, whereas the by-law permits over 10 percent of a roof containing a roof pitch less than 25 degrees is permitted to project a maximum of 1 metre above the permitted outside wall height; and
- e) **By-law 2024-19, Section 6.3.2 l):**  
a minimum combined interior side yard of 4.79 metres, whereas the by-law requires a minimum combined interior side yard of 5.75 metres;

as it related to the proposed two-storey residential dwelling.

The agent, Ida Evangelista, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Ian Free, a Unionville resident, opposed the application, stating that the variances in aggregate were not minor and that the impacts were further compounded as the adjacent properties contained much smaller houses. Ian stated the proposal did not meet the four tests of the Planning Act.

Christiane Bergauer-Free, a Unionville resident, opposed the application, indicating the application did not comply with Official Plan policies and would adversely impact the environment and the neighbours' privacy. Additionally, the build was not suited for the size of the lot and would strain the existing infrastructure.

Ida Evangelista indicated that the house size was necessary to accommodate a multigenerational family.

Member Reingold stated that the variances requested were significant, individually and collectively. The house was overly large and square, and Member Reingold felt there was no reason for the combined side yard setback on a lot of this width, the proposal should be reduced.

Member Yan indicated that the request was reviewed under By-law 2024-19, and the request could not be compared to variances granted under the previous by-law on properties within the immediate area. Member Yan concurred with their colleague that the proposal needed to be reduced in the second-floor coverage and the combined side yards.

The Chair stated that if the large tree in the front yard were retained, it would mask some of the massing. However, the proposal needed reduced height and coverage, and increased side yards.

Ida Evangelista requested a deferral.

Member Yan motioned for deferral.

**Moved by: Sally Yan**

**Seconded by: Jeamie Reingold**

THAT Application **A/094/24** be **deferred** sine die.

### **Resolution Carried**

## **5. NEW BUSINESS:**

### **5.1. A/123/24**

**Agent Name: Interior Resources Associates Inc. (Walter Ma)**  
**158 Main Street, Unionville**  
**CON 5 PT LT 12 65R23053 PT 4**

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) By-law 2024-19, Section 5.4.1(g)(SP#5):**

a minimum of zero parking spaces, whereas the by-law requires a minimum of six parking spaces;

as it related to a proposed restaurant use.

The agent, Walter Ma, appeared on behalf of the application.

Member Reingold identified that visitors to Main Street, Unionville accessed the area through a variety of transportation modes and those utilizing parking found opportunities both within the Heritage District and surrounding areas. The proposed use and required parking were compatible to the area in both form and scale and met the four tests of the *Planning Act*.

Member Yan indicated that Main Street, Unionville had some history with parking variances as business uses changed. Transportation considered the request minor with minimal impacts. There was a need to support appropriate uses for the area and it was good for the local economy. Member Yan supported the application stating it was minor, met the four tests of the *Planning Act*, agreeing with their colleague that visitors understood and figured out parking.

The Chair agreed that there are different traffic dimensions emerging for the area including the use of ride share programs that alleviate parking demands.

Member Reingold motioned for approval with conditions.

**Moved by: Jeamie Reingold**  
**Seconded by: Sally Yan**

The Committee unanimously approved the application.

THAT Application **A/123/24** be **approved** subject to conditions contained in the staff report.

### **Resolution Carried**

#### **5.2 A/128/24**

**Agent Name: Yue Li**  
**53 Jinnah Avenue, Markham**  
**PLAN 65M4686 LOT 27**

The applicant was requesting relief from the requirements of By-law 177-96, as amended, to permit:

- a) **By-law 177-96, Section 5, Table B2, Part 1 of 3, E:**  
an interior side yard setback of 0.9 metres, whereas the by-law requires a minimum interior side yard setback of 1.2 metres;

as it related to a new exterior side door.

The owner, Serena Li, appeared on behalf of the application.

Geetha, a neighbour, supported and indicated that all of the houses on the street have the same issue.

Member Reingold expressed the application made sense and would not impact the neighbours.

Member Yan indicated the application was minor and motioned for approval with conditions.

**Moved by: Sally Yan**

**Seconded by: Jeamie Reingold**

The Committee unanimously approved the application.

THAT Application **A/128/24** be **approved** subject to conditions contained in the staff report.

**Resolution Carried**

**5.3 A/139/24**

**Agent Name: Einat Fishman**  
**14 Whitelaw Court, Thornhill**  
**PLAN M1727 LOT 7**

The applicant was requesting relief from the requirements of By-law 1767, as amended, to permit:

**a) By-law 1767, Section 9(i):**

an encroachment of an uncovered platform into the required rear yard of 312 inches, whereas the by-law permits a maximum encroachment of an uncovered platform into the required rear yard of 18 inches;

as it related to an existing deck.

Roey Fishman appeared on behalf of the owner. Roey indicated that the property was located on a ravine, the proposed deck presented no privacy or overlook issues, and the encroachment was minor. Furthermore, Roey indicated that the proposal met the policies of the Official Plan and was desirable as it provided an additional outdoor amenity space in the rear yard. The development would require TRCA approval.

Member Yan indicated that the application did not meet the intent of the Official Plan policies or Provincial policies and posed health and safety risks.



Member Reingold stated it was unfortunate that the deck was built without a permit, and supported the recommended refusal of staff and the TRCA.

The Chair expressed that the application did not meet the four tests of the Planning Act.

Roey Fishman requested a deferral on behalf of the applicant to provide further opportunities for consultation with TRCA.

Member Yan motioned for deferral.

**Moved by: Sally Yan**  
**Seconded by: Jeamie Reingold**

THAT Application **A/139/24** be **deferred** sine die.

### **Resolution Carried**

#### **5.4 A/124/24**

**Agent Name: Nafiss Design Inc. (Nafiseh Zangiabadi)**  
**25 Wilson Street, Markham**  
**PL 247 PT LTS 15 & 17 65R18060 PT 2**

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) By-law 2024-19, Section 6.3.2.2(i):**  
a minimum combined interior side yard setback of 1.94 metres, a minimum interior side yard setback of 0.54 metres (West Side), and a minimum interior side yard setback of 1.40 metres (East Side), whereas the by-law requires a minimum combined interior side yard setback of 4 metres and a minimum interior side yard setback of 1.8 metres; and
- b) By-law 2024-19, Section 4.8.3(a)(ii):**  
a deck with an interior side yard setback of 0.61 metres, whereas the by-law requires a deck with a minimum interior side yard setback of 1.8 metres;

as it related to a rear one storey addition to an existing two storey residential dwelling.

The agent, Nafiseh Zangiabadi, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Yan motioned for approval with conditions.

**Moved by: Sally Yan**  
**Seconded by: Jeamie Reingold**

The Committee unanimously approved the application.

THAT Application **A/124/24** be **approved** subject to conditions contained in the staff report.

### **Resolution Carried**

#### **5.5 A/134/24**

**Agent Name: RT Architects (Raffi Tashdjian)**  
**45 Thorny Brae Drive, Thornhill**  
**PLAN 7695 LOT 160**

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 6.3.2.2 c):**  
a maximum second storey coverage of 21 percent, whereas the by-law permits a maximum second storey coverage of 20 percent;
- b) **By-law 2024-19, Section 6.3.2.2 e):**  
a maximum distance of the main building from the established building line of 17.1 metres for the second storey, whereas the by-law permits a maximum distance of the main building from the established building line of 14.5 metres;

as it related to a proposed addition to a two-storey residential dwelling.

The agent, Raffi Tashdjian, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Reingold asked if the house would be used commercially based on the written comments.

Raffi Tashdjian indicated it was a simple addition to a single detached house.

Member Yan expressed the proposal would have minimal impacts on the surrounding properties and motioned for approval with conditions.

**Moved by: Sally Yan**  
**Seconded by: Jeamie Reingold**

The Committee unanimously approved the application.

THAT Application **A/134/24** be **approved** subject to conditions contained in the staff report.

## Resolution Carried

### 5.6 A/130/24

**Agent Name: Pro Vision Architecture Inc. (David Eqbal)**  
**2 Windridge Drive, Markham**  
**PLAN 4429 LOT 18**

The applicant was requesting relief from the requirements of By-law 2024-19, as amended, to permit:

- a) **By-law 2024-19, Section 4.9.10 (f):**  
a garden home with a maximum height of 5.8 metres, whereas the by-law permits a garden home with a maximum height of 4.5 metres;
- b) **By-law 2024-19, Section 5.3.2 (f):**  
a driveway with a maximum width of 8.95 metres, whereas the by-law permits a driveway with a maximum width of 8.49 metres;

as it related to a proposed coach house and a new two-storey residential dwelling.

The agent, David Eqbal, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Sherwood Forest, Markham Village Residents Association, spoke to the Committee, indicating the presentation provided by the agent had given additional information that answered their questions.

Member Reingold indicated the requests were minor, and the proposal left room for soft landscaping in the rear yard, noting the main house met the zoning standards and the second structure made sense to meet the objective of creating additional modern living space.

Member Yan supported the application, indicating the zoning standards permitted a garden home, and this was the last house on the street and it abutted commercial uses and would result in minimal impacts on adjacent properties.

The Chair expressed that the proposal was appropriate for the lot within the neighbourhood context.

Member Reingold motioned for approval with conditions.

**Moved by: Jeamie Reingold**  
**Seconded by: Sally Yan**

The Committee unanimously approved the application.

THAT Application **A/130/24** be **approved** subject to conditions contained in the staff report.

### **Resolution Carried**

#### **5.7 A/138/24**

**Agent Name: Prohome Consulting Inc. (Vincent Emami)  
8 Summerfeldt Crescent, Markham  
PLAN M1441 LOT 144**

The applicant was requesting relief from the requirements of 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 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;
- 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 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 related to a proposed two-storey residential dwelling.

The agent, Ida Evangelista, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Ian Free, a Unionville resident, objected to the proposal, indicating that combined requests were not minor. The lot was smaller than others in the area, with smaller

adjacent houses which would be overshadowed and have their privacy impacted by a house that did not fit the lot or the area.

Christiane Bergauer-Free, a Unionville resident, raised concerns regarding the removal of trees and the massing of the proposed house, stating the proposal did not meet the intent of the Official Plan or the Comprehensive Zoning By-law. Christiane expressed that current variance requests could not be compared to previous approvals under the previous by-law as the standards differed.

Yingbo Ma, the owner of the property, indicated that the house design took into account the need to care for aging parents, and that it would be the smallest new home on the street.

Member Reingold indicated that both numerically and visually, the requests were significant, and the proposed house was too large for the lot and did not support any variance for reduced side yards.

Member Yan did not support variances a), b) and c) and expressed that the overall design should be reduced.

The Chair indicated the second floor should be reduced, and the streetscape design should be softened to reduce the appearance of massing on the streetscape.

Ida Evangelista requested a deferral.

**Moved by: Sally Yan**  
**Seconded by: Jeamie Reingold**

The Committee unanimously approved the.

THAT Application **A/138/24** be **deferred** sine die.

### **Resolution Carried**

#### **6. Adjournment**

**Moved by: Jeamie Reingold**  
**Seconded by: Sally Yan**

THAT the virtual meeting of the Committee of Adjustment was adjourned at 8:54 pm, and the next regular meeting would be held on February 05, 2025.

### **CARRIED**

Original Signed  
February 05, 2025  
Secretary-Treasurer  
Committee of Adjustment

Original Signed  
February 05, 2025  
Acting Chair  
Committee of Adjustment

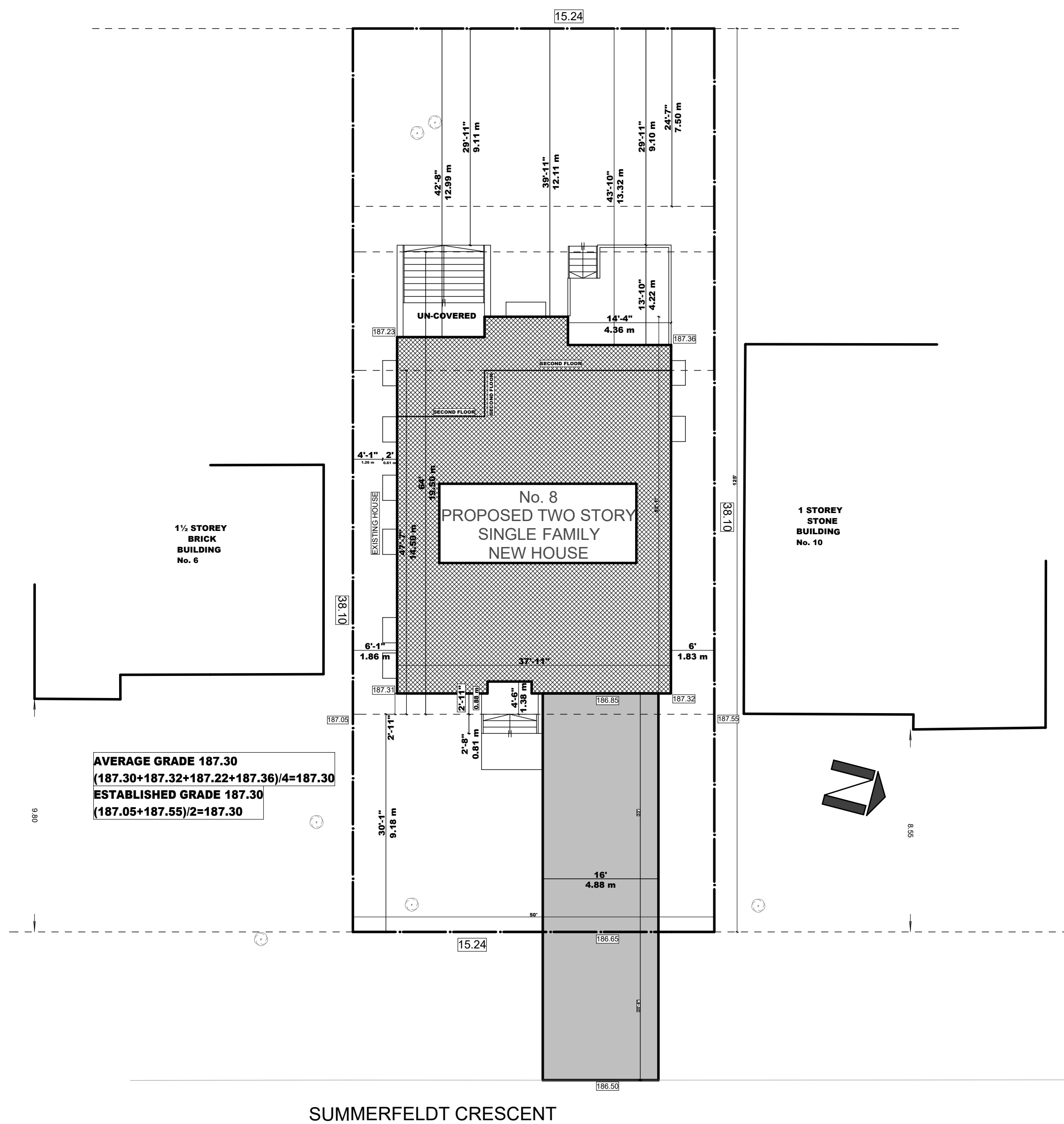
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|---------------------------------|--|---|--|---|--|
| LOT AREA: 580.64 M <sup>2</sup> |  | LOT COVERAGE: 174.56 M <sup>2</sup>                 |  |   |  |
| GFA                             | GR FLOOR INCLUDING GARAGE                          | SECOND FLOOR AREA                                   | BASEMENT                                   | GARAGE                                  | COMBINED MAIN BUILDING COVERAGE NOT INCLUDING CELLAR |
| TOTAL                           | 1875FT <sup>2</sup> /174.19 M <sup>2</sup> (30.0%) | 1603FT <sup>2</sup> /148.92 M <sup>2</sup> (25.65%) | 1545FT <sup>2</sup> /143.54 M <sup>2</sup> | 377FT <sup>2</sup> /35.02M <sup>2</sup> | 3500FT <sup>2</sup> /325.16 M <sup>2</sup>           |

# Appendix B

File: 24.197734.000.00.MNV

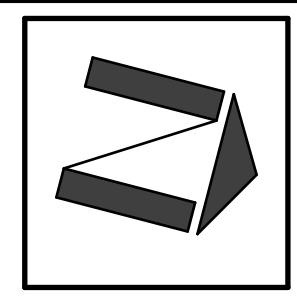
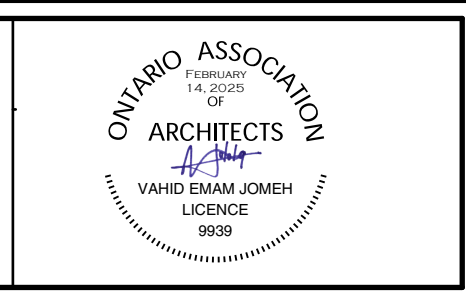
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FOR STRUCTURE ONLY



DRAWN BY  
V.E

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| LAST MODIFIED ON: |
| FEBRUARY 14, 2025 |

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A.01

# Appendix B

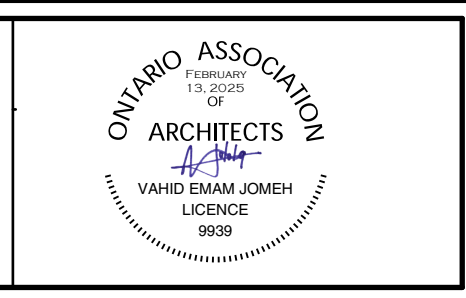
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Date: 3/12/2025  
MM/DD/YYYY



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FOR STRUCTURE ONLY



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V.E

SCALE:  
3/16" = 1'-0"  
LAST MODIFIED ON:  
FEBRUARY 13, 2025

DRAWING TITLE:  
FRONT ELEVATION  
PROJECT TITLE/ADDRESS:  
8 SUMMERFELDT CRESCENT  
MARKHAM, ON

A2.1

# Appendix B

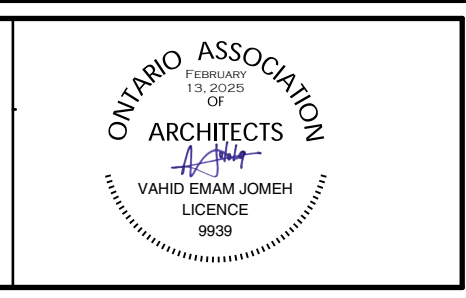
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Date: 3/12/2025  
MM/DD/YYYY



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FOR STRUCTURE ONLY



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SCALE:  
3/16" = 1'-0"  
LAST MODIFIED ON:  
FEBRUARY 13, 2025

DRAWING TITLE:  
REAR ELEVATION  
PROJECT TITLE/ADDRESS:  
8 SUMMERFELDT CRESCENT  
MARKHAM, ON

A2.2



# Appendix B

File: 24.197734.000.00.MNV

Date: 3/12/2025  
MM/DD/YYYY



## NORTH SIDE ELEVATION

|                   |                           |   |                  |  |   |      |
|-------------------|---------------------------|---|------------------|--|---|------|
| DATE:<br>JUN-2024 | ISSUED FOR:<br>FOR C OF A | <br>ONTARIO ASSOCIATION<br>ARCHITECTS<br>VAHID EMAM JOMEH<br>LICENCE<br>9989 | DRAWN BY:<br>V.E | SCALE:<br>3/16" = 1'-0"                | DRAWING TITLE:<br>SIDE ELEVATION                                | A2.3 |
|                   |                           |   |                  | LAST MODIFIED ON:<br>FEBRUARY 13, 2025 | PROJECT TITLE/ADDRESS:<br>8 SUMMERFELDT CRESCENT<br>MARKHAM, ON |      |

# Appendix B

File: 24.197734.000.00.MNV

Date: 3/12/2025  
MM/DD/YYYY



## SOUTH SIDE ELEVATION

|          |             |
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| DATE:    | ISSUED FOR: |
| JUN-2024 | FOR C OF A  |
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FOR STRUCTURE ONLY



DRAWN BY  
V.E

SCALE:  
3/16" = 1'-0"  
LAST MODIFIED ON:  
FEBRUARY 13, 2025

DRAWING TITLE:  
SIDE ELEVATION  
PROJECT TITLE/ADDRESS:  
8 SUMMERFELDT CRESCENT  
MARKHAM, ON

A2.4

## Appendix C

File: 24.197734.000.00.MNV

Date: 3/12/2025  
MM/DD/YYYY

### 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

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.

**Notes**

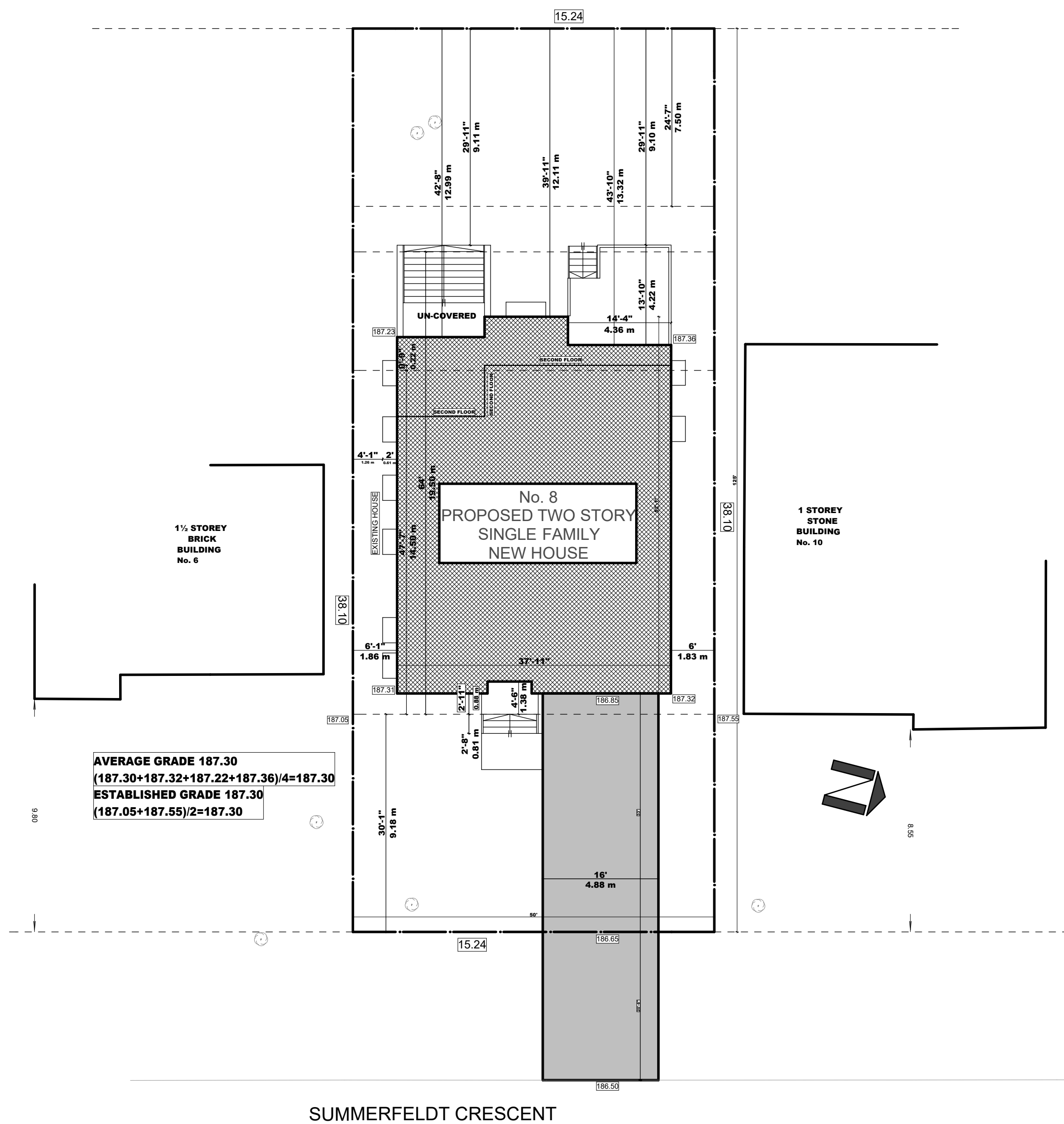
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| GFA                             | GR FLOOR INCLUDING GARAGE                          | SECOND FLOOR AREA                                  | BASEMENT                                   | GARAGE                                  | COMBINED MAIN BUILDING 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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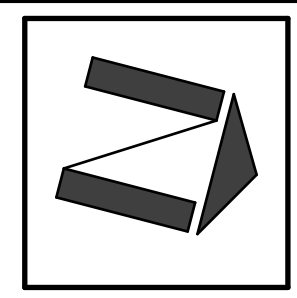
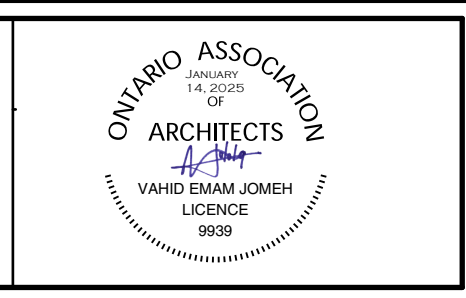
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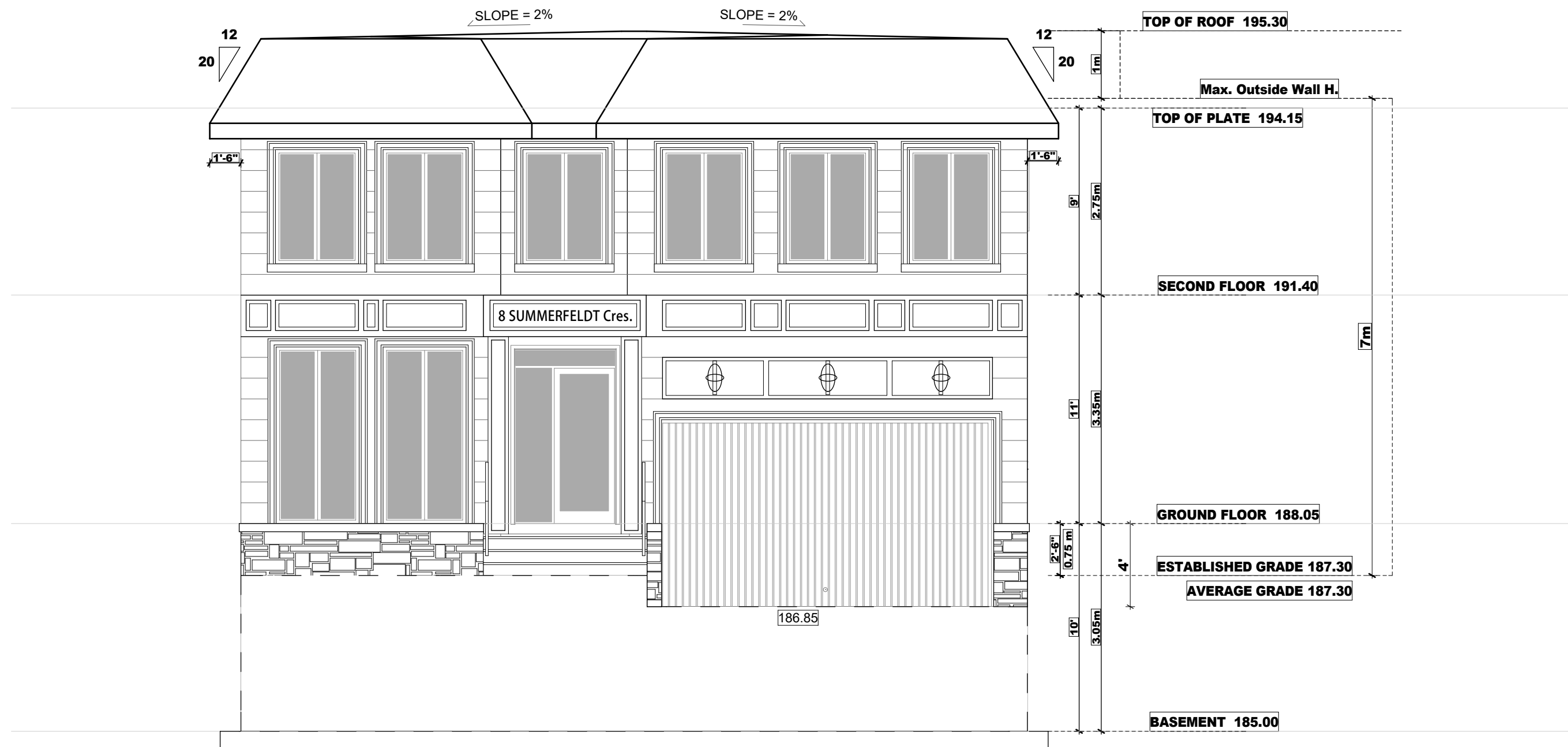
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A.01

# Appendix B

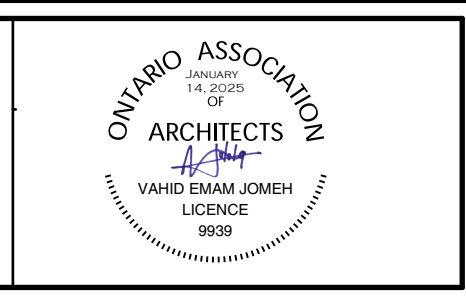
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V.E

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LAST MODIFIED ON:  
JANUARY 14, 2025

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FRONT ELEVATION  
PROJECT TITLE/ADDRESS:  
8 SUMMERFELDT CRESCENT  
MARKHAM, ON

A2.1

# Appendix B

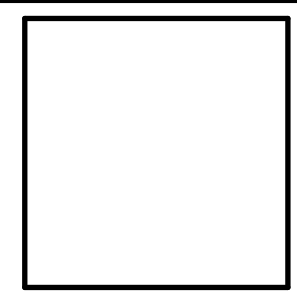
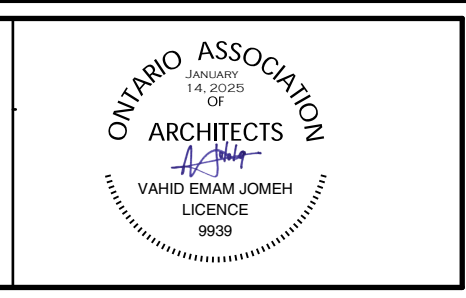
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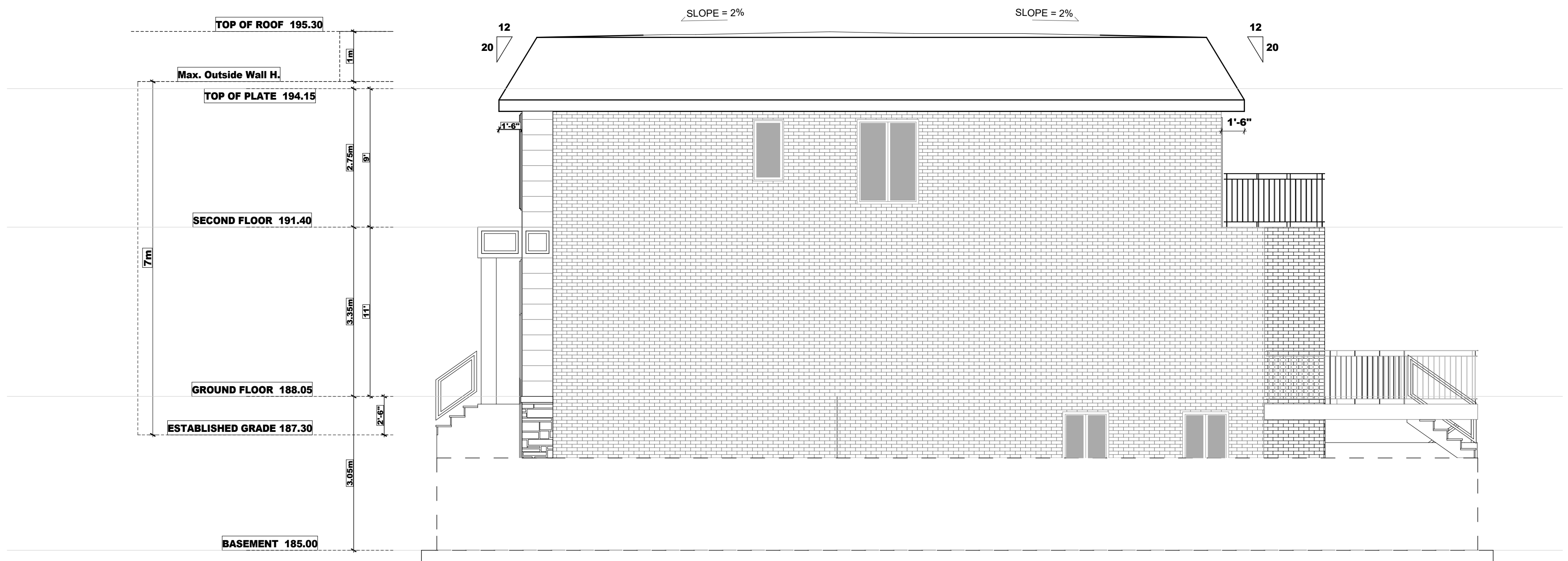
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# Appendix B

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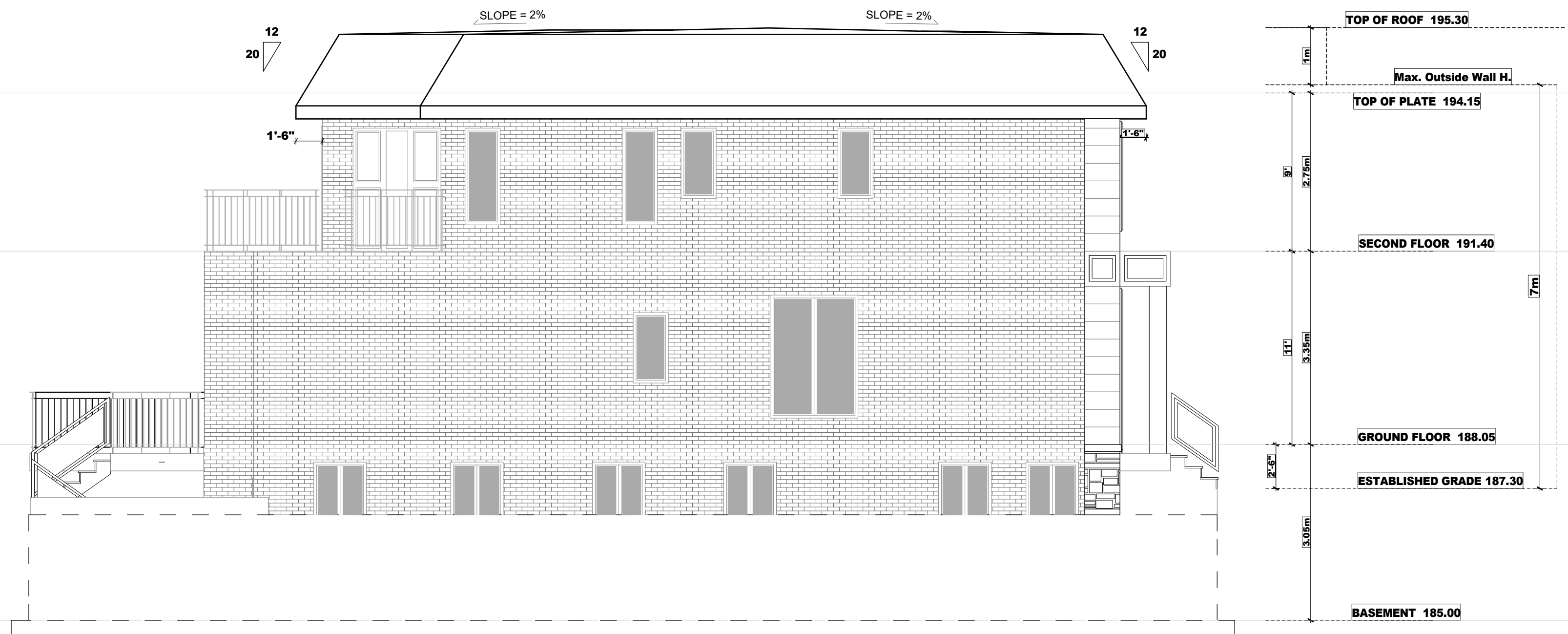
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# Appendix B

File: 24.197734.000.00.MNV

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

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**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

## **APPENDIX “D”**

### **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;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a Qualified Tree Expert in accordance with the City’s Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, neighbouring properties, and street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation By-law Administrator.
5. If required as per Tree Preservation review, tree securities and/or tree fees be paid to the City and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation By-law Administrator.

CONDITIONS PREPARED BY:



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Brendan Chiu, Planner I, Central District