

Memorandum to the City of Markham Committee of Adjustment

February 29, 2024

File: A/165/23
Address: 62 Summerfeldt Crescent
Applicant: JIN Architect (Carol Jin)
Agent: JIN Architect (Carol Jin)
Hearing Date: Wednesday, January 17, 2024

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

The Applicant is requesting relief from the “Fourth Density Single Family Residential (R4)” zone requirements under By-law 11-72, as amended, as it relates to a proposed two-storey detached dwelling.

The amended requested variances are to permit:

- a) **By-law 11-72, Section 3.7:**
a roof overhang of 36 inches into the required yards, whereas the by-law permits no more than 18 inches into any required yard;
- b) **By-law 11-72, Section 3.7:**
uncovered steps that project 9 feet 4 inches into the required front yard, whereas the by-law permits uncovered steps to project no more than 5 feet into the required front yard;
- c) **By-law 11-72, Section 6.1, Schedule B:**
a minimum front yard setback of 26 feet ½ inch, whereas the by-law requires a minimum front yard setback of 27 feet;
- d) **By-law 11-72, Section 6.1, Schedule B:**
a minimum side yard setback of 4 feet for the north side yard, whereas the by-law permits a minimum side yard setback of 6 feet for a two-storey building;
- e) **By-law 11-72, Section 6.1, Schedule B:**
a maximum lot coverage of 35.8 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent; and
- f) **By-law 11-72, Section 6.1, Schedule B:**
a maximum height of 27 feet and 11 inches, whereas the By-law permits a maximum height of 25 feet.

Application History

The Application was originally heard at the January 17, 2024 Committee of Adjustment hearing (refer to Appendix “D” – A/165/23 January 11, 2024 Staff Report). The Application was deferred by the Committee of Adjustment, at the request of the Applicant, to address concerns related to size and massing as detailed in the minutes extract under Appendix “D”.

The Applicant has subsequently submitted revised plans and revised variances, refer to new drawings in Appendix “B”.

BACKGROUND

Property Description

The 581 m² (6,253.83 ft²) subject lands (the "Subject Lands") is located on the east side of Summerfeldt Crescent, generally north of Carlton Road and west of Village Parkway. The Subject Lands is located within an established residential neighbourhood comprised primarily of a mix of one and two-storey detached dwellings as well as two and three storey townhouse dwellings.

Proposal

The Applicant is proposing to construct a new two-storey detached dwelling. As noted above, the Applicant has revised their original submitted application following comments received from staff and the January 17, 2024 Committee of Adjustment.

COMMENTS

On January 24, 2024, the Applicant submitted a revised list of minor variances and updated drawings in response to concerns regarding size and massing. In revising the proposal, the Applicant eliminated the request for the side yard setback on the south side yard, decreased the requested maximum lot coverage request by 0.87 percent, and increased the original front yard setback request by an additional ½ inch. All other requested variances remain the same as the previous report. The initial variances requested are identified in the January 11, 2024 Staff Report attached as Appendix "D".

Front Yard Setback

The Applicant is requesting relief to permit a minimum front yard setback of 26 feet ½ inch (7.93m), whereas the By-law requires a minimum front yard setback of 27 feet (8.23 m). This represents a reduction of approximately 1 foot (0.31m). Staff are of the opinion that the proposed front yard setback is minor and will have minimal impact on the neighbouring properties.

Lot Coverage

The Applicant is now requesting a maximum lot coverage of 35.8 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent.

As noted in the previous Staff Report, the Applicant originally applied for a maximum lot coverage of 44.2 percent, however after Staff met with the Applicant further reduced the lot coverage request from 44.20 percent to 36.67 percent lot coverage. Following the January 11, 2024 Committee of Adjustment, the Applicant's revisions to the proposed dwelling have further reduced the maximum lot coverage to 35.8 percent representing a 0.87 percent decrease from the January meeting.

Staff additionally note that there was an error in the previously submitted plans which did not include the den in the gross floor area calculations which explains why in the revised plans the floor area increases from 364.9 m² (3,927 ft²) to 392.2 m² (4,222 ft²) despite the revised plans showing a smaller house.

Staff are of the opinion that the requested maximum lot coverage will not significantly add to the scale and massing of the dwelling and the proposal is generally consistent with other infill developments in the area.

Other variances

All other comments associated with the other requested variances (Increase in Maximum Yard Encroachment for Roof Overhang and Uncovered Front and Steps, side yard set-back on the north side yard, and maximum height) discussed within the January 11, 2024 Staff Report remain unchanged. Staff remain of the opinion that the requested variances are minor in nature and have no concerns with the requested variances.

Zoning Preliminary Review (ZPR)

The Applicant completed a Zoning Preliminary Review (ZPR) on December 6, 2023 to confirm the initial variances, however, the Applicant has confirmed that a new Zoning Preliminary Review (ZPR) has not been conducted for the revised proposed development.

Consequently, it is the Applicant'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 variances requested in this application contains errors, or if the need for additional variances is identified during the Site Plan Control application 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 February 29, 2024. 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 to the proposed variances. 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:



Brendan Chiu, Planner I, Central District

REVIEWED BY:



Deanna Schlosser, RPP MCIP, Senior Planner, Central District

APPENDICES

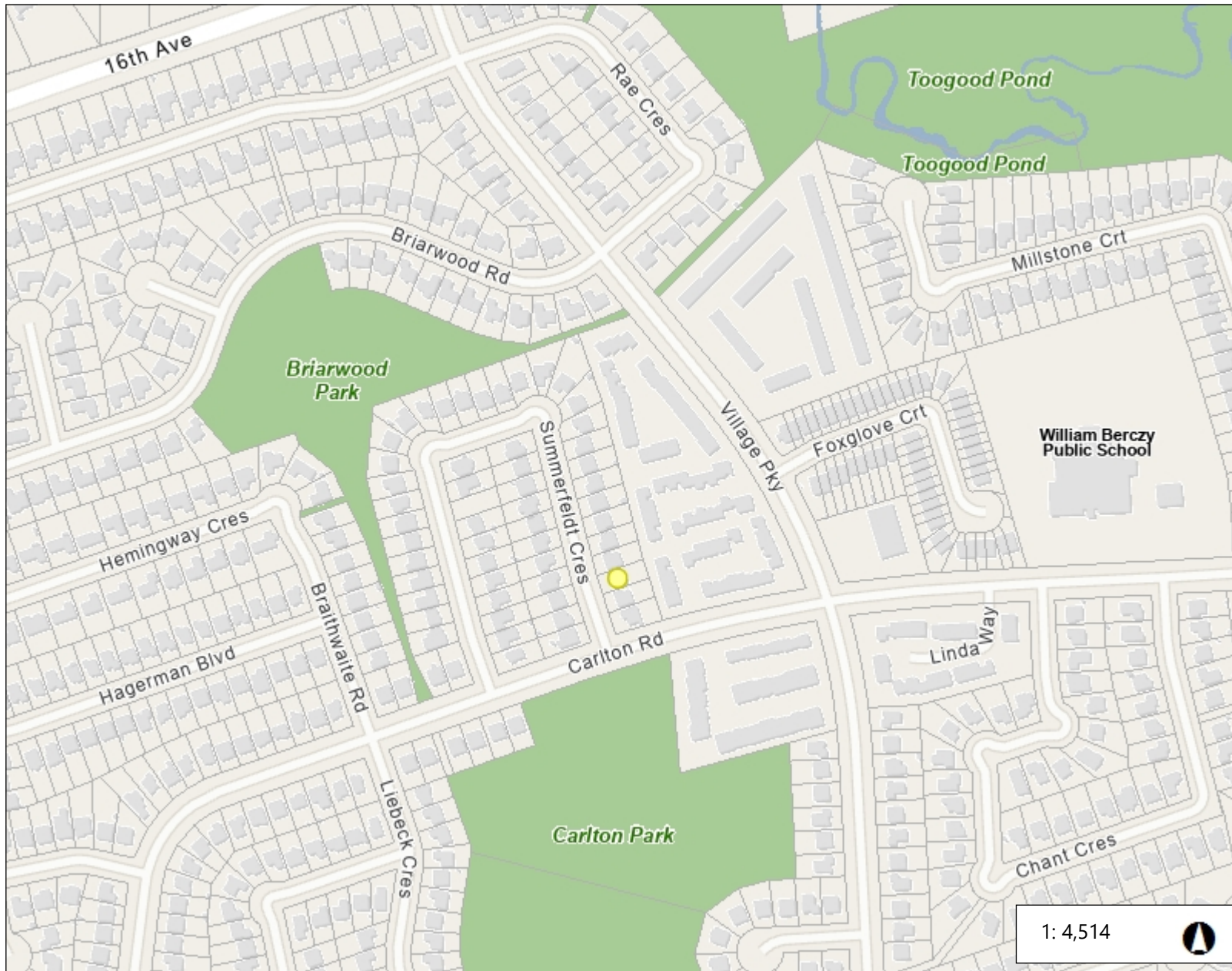
Appendix "A" – Aerial Context Photo

Appendix "B" – Revised Plans

Appendix "C" – A/165/23 Conditions of Approval

Appendix "D" – A/165/23 January 11, 2024 Staff Report

Appendix "E" – Minutes



Legend

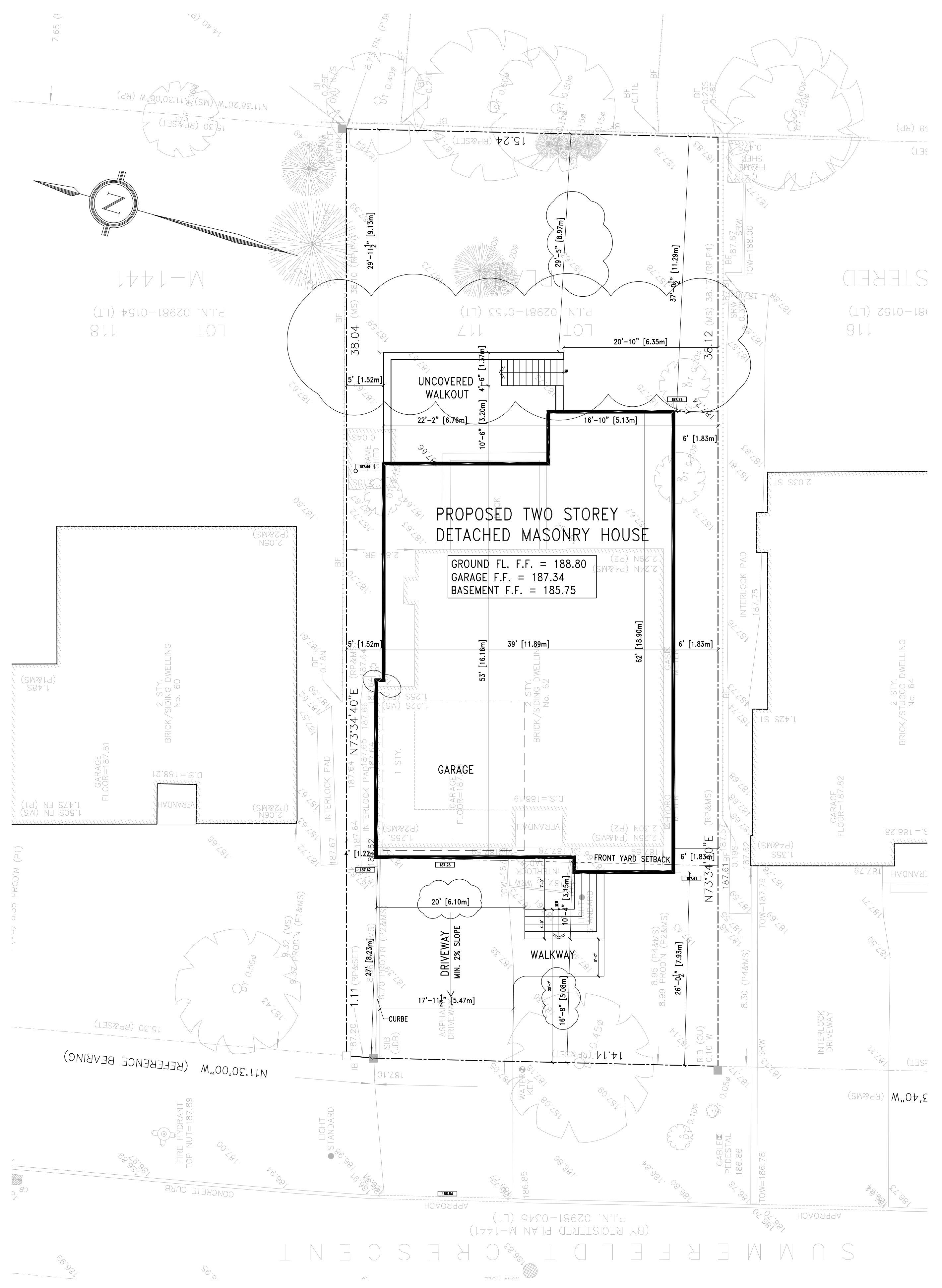
- Subject Lands
62 Summerfeldt Cres

1:4,514



229.3 0 114.66 229.3 Meters

Notes



STATISTICS DECEMBER 06 2023

1. ZONING DESIGNATION
 62 SUMMERFELDT CRESCENT
 LOT 117
 REGISTERED PLAN M-1441
 CITY OF MARKHAM

2. SITE AREA	m2	ft2
	581	6253

3. FLOOR AREA (G.F.A.)	PROPOSED (ft2)	TOTAL (m2)
GROUND FLOOR	2235	207.6
2ND FLOOR	2216	205.9
BASEMENT	2235	207.6
GARAGE	391	36.3
VOID	229	21.3
TOTAL	4222	392.2

4. MAX. COVERAGE FOOTPRINT (m2)	BY-LAW	PROPOSED
	33.3%	35.8%
	193.6	208

5. SETBACKS	m	ft	m	ft
FRONT YARD (AVERAGE OF TWO BUTTING LOTS)	27	7.93	26	7.91
SIDE YARD	6	1.22	4	1.18
SIDE YARD	6	1.83	6	1.97
REAR YARD	25	11.28	37'-04/2"	11.28

6. MAX. HEIGHT (SLOPE ROOF)	m	ft	m	ft
	25	81	27'-11"	83

7. MINIMUM LANDSCAPING				
FRONT YARD LANDSCAPING				
FRONT YARD SOFT LANDSCAPING				
REAR YARD SOFT LANDSCAPING				

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Date _____

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2	MAY 29, 2023	ISSUED FOR ZC REVIEW
1	MAY 15, 2023	ISSUED FOR REVIEW
NO.	DATE	ISSUED FOR



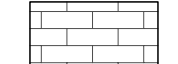

PRIVATE RESIDENCE
 62 Summerfeldt Crescent
 Unionville, ON

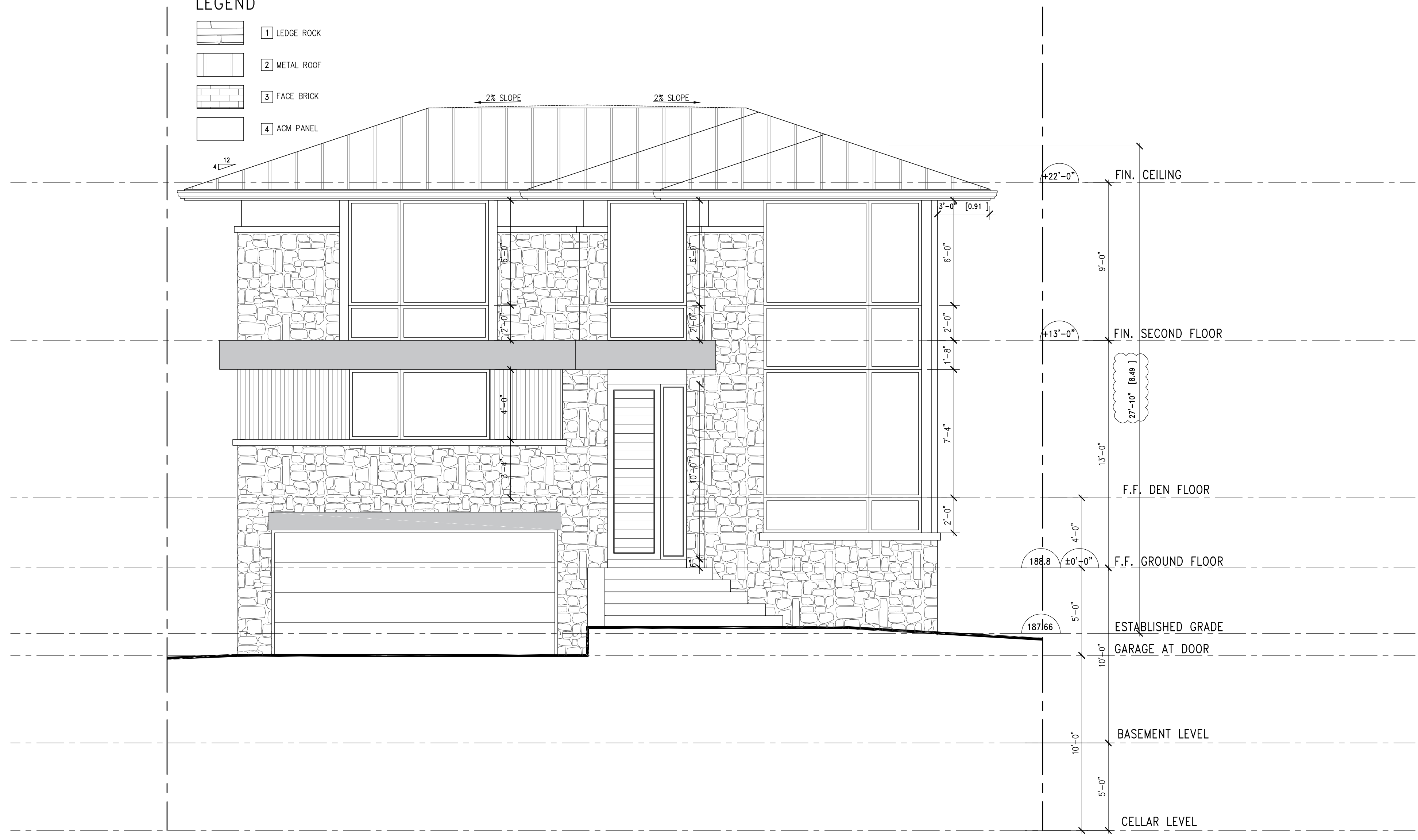
BUILDING PERMIT NO.

SHEET TITLE
SITEPLAN & STATISTICS

SCALE	1:100
DRAWN	VJ
CHECKED	CJ
DATE	MAY 2023
PROJECT NO.	2301A
SHEET NO.	A101
OF	

LEGEND

-  1 LEDGE ROCK
-  2 METAL ROOF
-  3 FACE BRICK
-  4 ACM PANEL



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 Unionville, ON

BUILDING PERMIT NO. _____

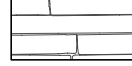

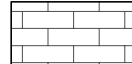
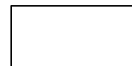
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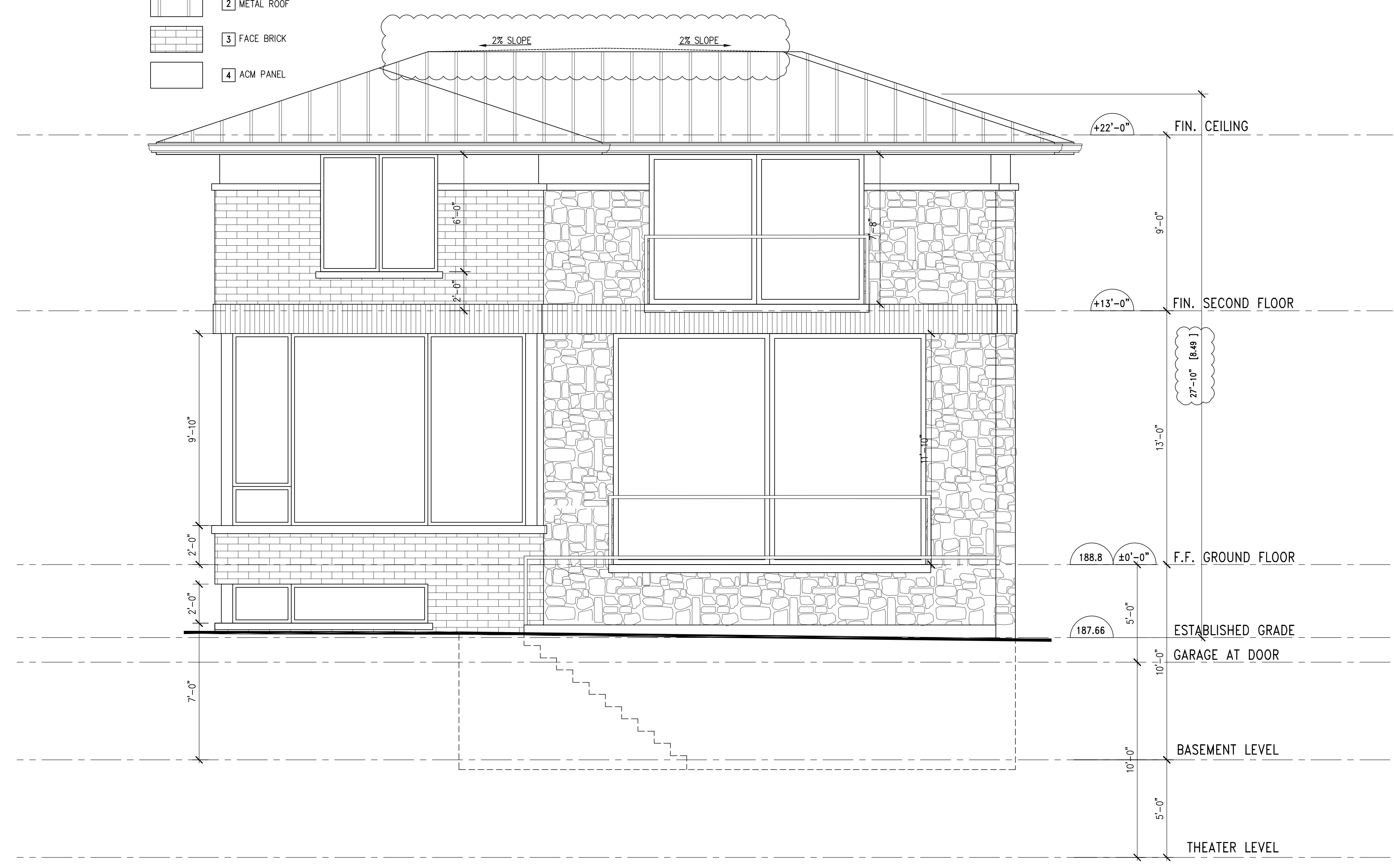
SCALE 1'-0"=1/4"

DRAWN VJ
 CHECKED CJ
 DATE MAY 2023

PROJECT NO. 2301A SHEET NO. A401 OF _____

LEGEND

-  1 LEDGE ROCK
-  2 METAL ROOF
-  3 FACE BRICK
-  4 ACM PANEL



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BUILDING PERMIT NO.

SHEET TITLE
REAR ELEVATION

SCALE 1'-0"=1/4"



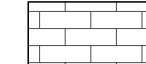

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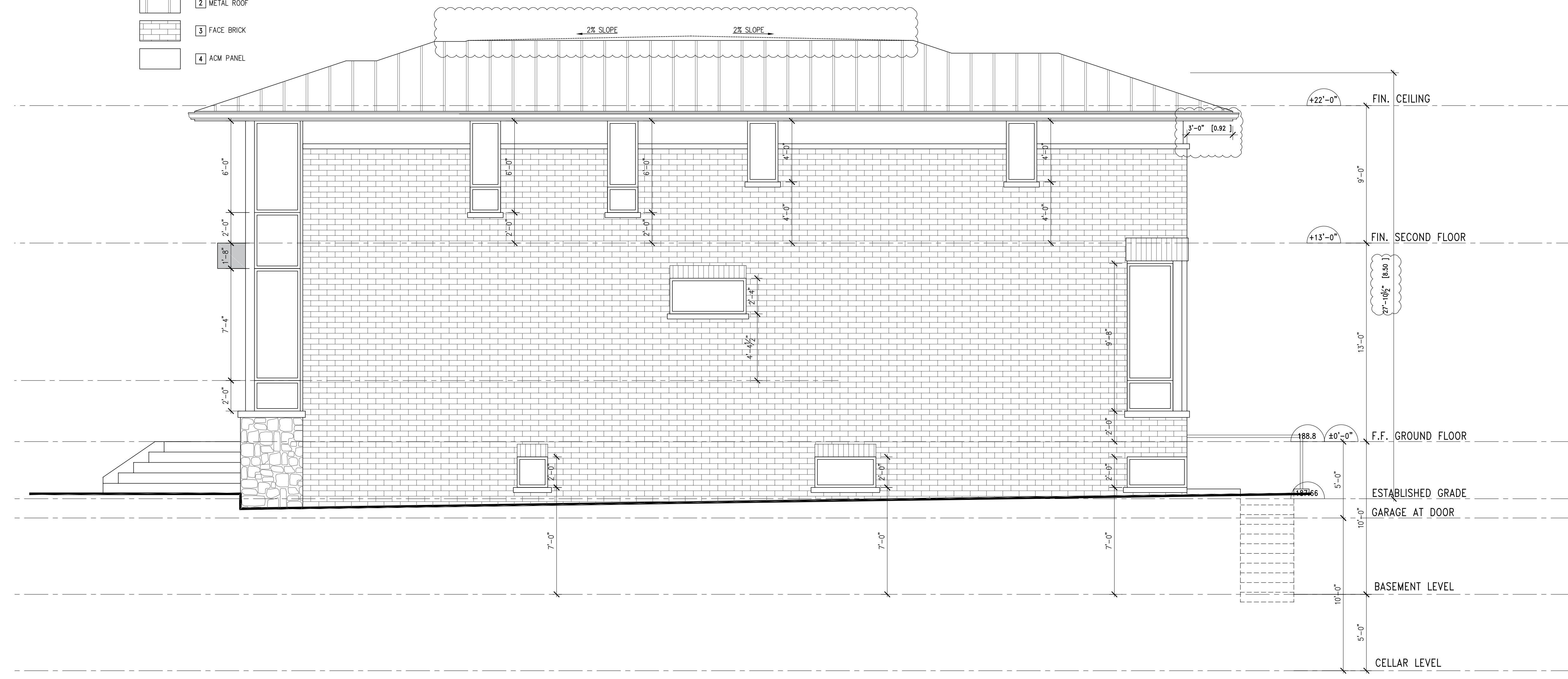
CHECKED CJ

DATE MAY 2023

PROJECT NO. 2301A SHEET NO. OF A402

LEGEND

-  1 LEDGE ROCK
-  2 METAL ROOF
-  3 FACE BRICK
-  4 ACM PANEL



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BUILDING PERMIT NO.

SHEET TITLE
SIDE ELEVATION

SCALE 1'-0"=1/4"

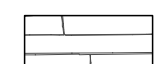
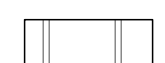
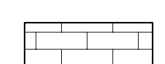
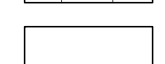
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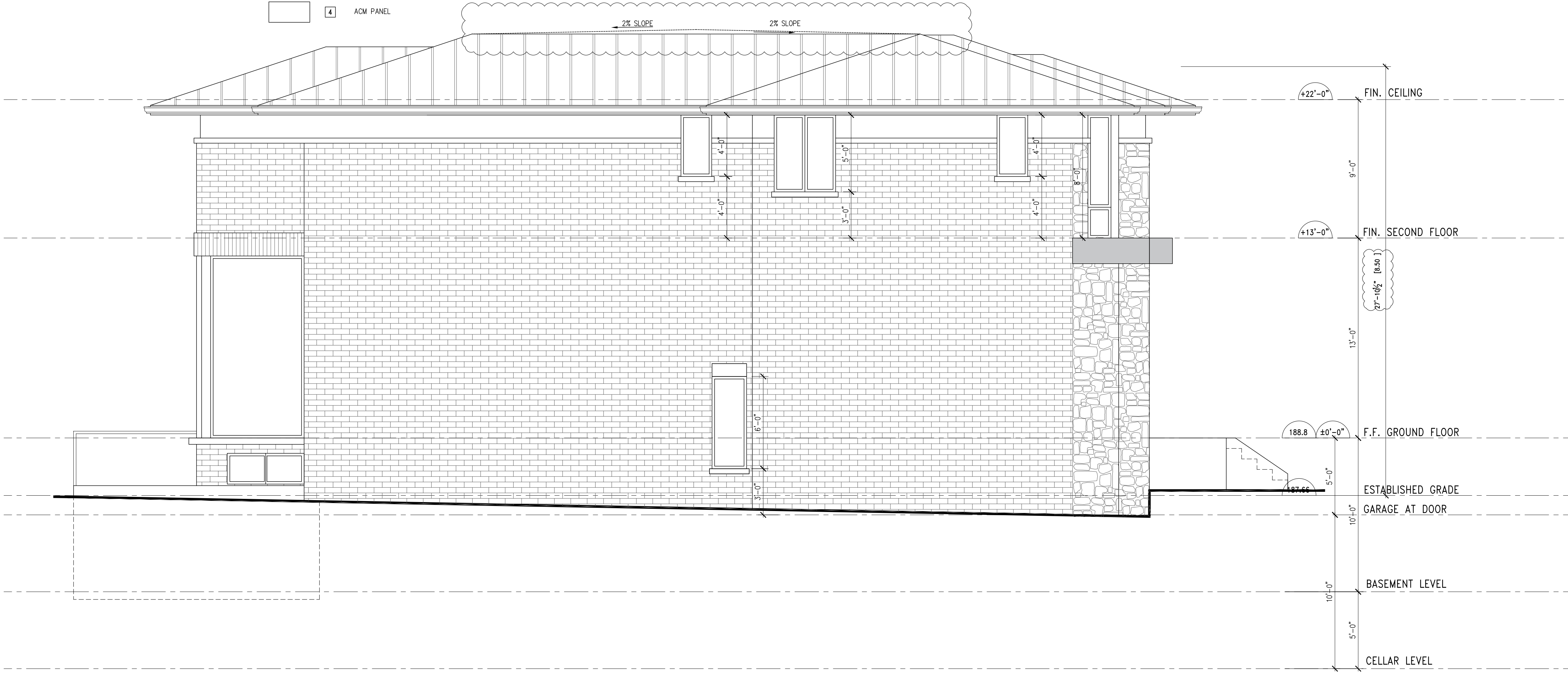
CHECKED CJ

DATE MAY 2023

PROJECT NO. 2301A SHEET NO. OF A403

LEGEND

-  1 LEDGE ROCK
-  2 METAL ROOF
-  3 FACE BRICK
-  4 ACM PANEL



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PRIVATE RESIDENCE
 62 Summerfeldt Crescent
 Unionville, ON

BUILDING PERMIT NO.

SHEET TITLE
SIDE ELEVATION

SCALE 1'-0"=1/4"

DRAWN VJ

CHECKED CJ

DATE MAY 2023

PROJECT NO. 2301A SHEET NO. OF A404

**APPENDIX “C”
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/165/23**

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 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 arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Manager of By-law Enforcement & Regulatory Services Division 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 in accordance with the City's Streetscape Manual, including 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 Technician or Manager of By-law Enforcement & Regulatory Services Division; and,
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Manager of By-law Enforcement & Regulatory Services Division.

CONDITIONS PREPARED BY:



Brendan Chiu, Planner 1, Central District

Appendix D

File: 23.141325.000.00.MNV

Date: 03/01/24
MM/DD/YY

Memorandum to the City of Markham Committee of Adjustment

January 11, 2024

File: A/165/23
Address: 62 Summerfeldt Crescent, Markham
Applicant: JIN Architect (Carol Jin)
Agent: JIN Architect (Carol Jin)
Hearing Date: Wednesday, January 17, 2024

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

The Applicant is requesting relief from the “Fourth Density Single Family Residential (R4)” zone requirements under By-law 11-72, as amended, as it relates to a proposed two-storey detached dwelling. The variances requested are to permit:

- a) **By-law 11-72, Section 3.7:**
a roof overhang of 36 inches into the required yards, whereas the by-law permits no more than 18 inches into any required yard;
- b) **By-law 11-72, Section 3.7:**
uncovered steps that project 9 feet 4 inches into the required front yard, whereas the by-law permits uncovered steps to project no more than 5 feet into the required front yard;
- c) **By-law 11-72, Section 6.1, Schedule B:**
a minimum front yard setback of 26 feet, whereas the by-law requires a minimum front yard setback of 27 feet;
- d) **By-law 11-72, Section 6.1, Schedule B:**
a minimum side yard setback of 4 feet for the north side yard, whereas the by-law permits a minimum side yard setback of 6 feet for a two-storey building;
- e) **By-law 11-72, Section 6.1, Schedule B:**
a minimum side yard setback of 5 feet for the south side yard, whereas the by-law requires a side yard setback of 6 feet for a two-storey building;
- f) **By-law 11-72, Section 6.1, Schedule B:**
a maximum lot coverage of 36.67 percent, whereas the By-law permits a maximum lot coverage of 33 1/3 percent; and
- g) **By-law 11-72, Section 6.1, Schedule B:**
a maximum height of 27 feet and 11 inches, whereas the By-law permits a maximum height of 25 feet.

BACKGROUND

Property Description

The 581 m² (6,253.83 ft²) subject lands (the “Subject Lands”) is located on the east side of Summerfeldt Crescent, generally north of Carlton Road and west of Village Parkway. The Subject Lands is located within an established residential neighbourhood comprised primarily of a mix of one and two-storey detached dwellings as well as two and three-storey townhouse dwellings.

Appendix D

There is an existing two-storey detached dwelling on the property, which was constructed in 1973. Mature vegetation exists on the property.

File: 23-141325.000.00.MNV
Date: 03/01/24
MM/DD/YY

Proposal

The Applicant is proposing to construct a new 364.9 m² (3,927 ft²) two-storey detached dwelling (refer to Appendix “B” – Plans).

Staff note, that the Applicant revised their original submitted application following comments received from staff, which has resulted in reductions from the original requested variance for the side yards and lot coverage to what is shown above.

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 “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 11-72, as amended

The Subject Lands is zoned R4 under By-law 11-72, as amended, which permits one single detached dwelling per lot.

The proposed dwelling does not comply with the by-law requirements as it relates to yard encroachments, minimum front and side yard setbacks, lot coverage, and maximum height.

Zoning Preliminary Review (ZPR) Undertaken

The Applicant has completed a second Zoning Preliminary Review (ZPR) on December 6th, 2023 to confirm the revised variances required for the proposed development.

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; and
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Maximum Yard Encroachments (Roof Overhang and Uncovered Front Yard Steps)

Appendix D

File: 23.141325.000.00.MNV

Date: 03/01/24

MM/DD/YY

The Applicant is requesting two increases for the permitted maximum encroachments; roof overhang and uncovered front yard steps. The Applicant is requesting a maximum roof overhang encroachment of 36 inches into the required yards, whereas the By-law permits a maximum roof overhang encroachment of 18 inches (0.46 m). The Applicant is requesting a maximum projection of 9 feet 4 inches into the required front yard for the uncovered steps, whereas the By-law permits uncovered steps to project no more than 5 feet into the required front yard. Staff have no objections to the requested variances, and are of the opinion that the general intent and purpose of the Zoning By-law is maintained.

Reduction in Front Yard Setback

The Applicant is requesting relief to permit a minimum front yard setback of 26 feet (7.93 m), whereas the By-law requires a minimum front yard setback of 27 feet (8.23 m). This represents a reduction of approximately 1 foot (0.31m). Staff are of the opinion that the proposed front yard setback is minor and will have minimal impact on the neighbouring properties.

Reduction in Side Yard Setbacks

The Applicant is requesting two different side yard setbacks for the north side yard and south side yard. The Applicant is requesting a minimum north side yard setback of 4 feet (1.22 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 feet (1.83 m) for the two-storey portion of the dwelling. The 4 feet (1.22 m) minimum north side yard setback request is concerning the garage wall, whereas the remainder of the north wall of the house will maintain a minimum setback of 5 feet (1.22m). The Applicant is also requesting a minimum South side yard setback of 5 feet (1.52 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 feet (1.83 m) for the two-storey portion of the dwelling.

Staff note that during the review of this application, Staff met with the Applicant, who agreed to reduce the footprint of the original proposal, as follows, to closer meet the requirements of the By-law:

- South side yard: original request was a minimum 4 feet side yard setback, which has been revised to be a minimum 5 feet side yard setback
- North side yard: original request was a minimum 4 feet side yard setback, which has been revised to be a minimum of 4 feet for only the garage portion of the side yard set-back, and 5 feet for the remainder of the dwelling

Staff have no concerns with the north side yard setback of 4 feet (1.22 m) or the south side yard setback of 5 feet (1.52 m) as it relates to the two-storey dwelling. Staff are of the opinion that the proposed side yard setbacks are minor in nature and have no concern with the requested variances.

Increase in Maximum Lot Coverage

The Applicant is requesting relief for a maximum lot coverage of 36.67 percent, whereas the By-law permits a maximum floor area ratio of 33.33 percent.

The Applicant originally requested relief for a maximum lot coverage of 44.20 percent. As noted previously, Staff met with the Applicant which resulted in the Applicant making

Appendix D

revisions to the original proposal to reduce the lot coverage from 44.20 percent to the current request of 36.67 percent lot coverage.

Given the significant decrease from 44.20 percent to 36.67 percent, Staff are of the opinion that the requested maximum lot coverage will not significantly add to the scale and massing of the dwelling and the proposal is generally consistent with other infill developments in the area.

Increase in Maximum Building Height

The Applicant is requesting relief to permit a maximum building height of 27 feet 11 inches (8.20 m), whereas the By-law permits a maximum building height of 25 feet (7.62 m). This represents an increase of 2 feet 11 inches (0.89 m).

The proposed height is generally consistent with the height variances approved for other dwellings in the vicinity. Accordingly, Staff are of the opinion that the proposed height variance will not result in a dwelling that is incompatible or out of character with the surrounding area context and have no concerns with the requested variance.

Tree Protection and Compensation

As noted previously, the Subject Lands contain mature vegetation and large mature trees. During the review of the application, the City's Tree Preservation Technician indicated potential impacts to trees in the front and rear yards, and further noted that the front yard city tree will potentially be impacted by widening the driveway. Staff note that the Applicant agreed to revise the driveway and walkway in response.

Staff recommend that the tree related conditions, as outlined in Appendix "C", be adopted by the Committee to ensure the Applicant installs the appropriate tree protection barriers and provides compensation to the City, if necessary. Staff note the Applicant is required to apply for and obtain a tree permit from the City for any proposed injury to, or removal of any trees that have a diameter at breast height (DBH) of 20.0 cm (7.87 in) or more on the subject lands or neighbouring properties. Further mitigation through these processes may also be required to ensure the protection of certain trees is achieved.

PUBLIC INPUT SUMMARY

No written submissions were received as of January 11, 2024. 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 variances requested 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:



Brendan Chiu, Planner 1, Central District

REVIEWED BY:



Deanna Schlosser, RPP MCIP, Senior Planner, Central District

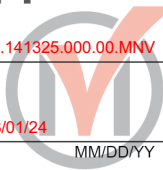
APPENDICES

Appendix "A" – Aerial Context Photo

Appendix "B" – Plans

Appendix "C" – A/165/23 Conditions of Approval

Appendix D	
File:	23.141325.000.00.MNV
Date:	03/01/24
	MM/DD/YY

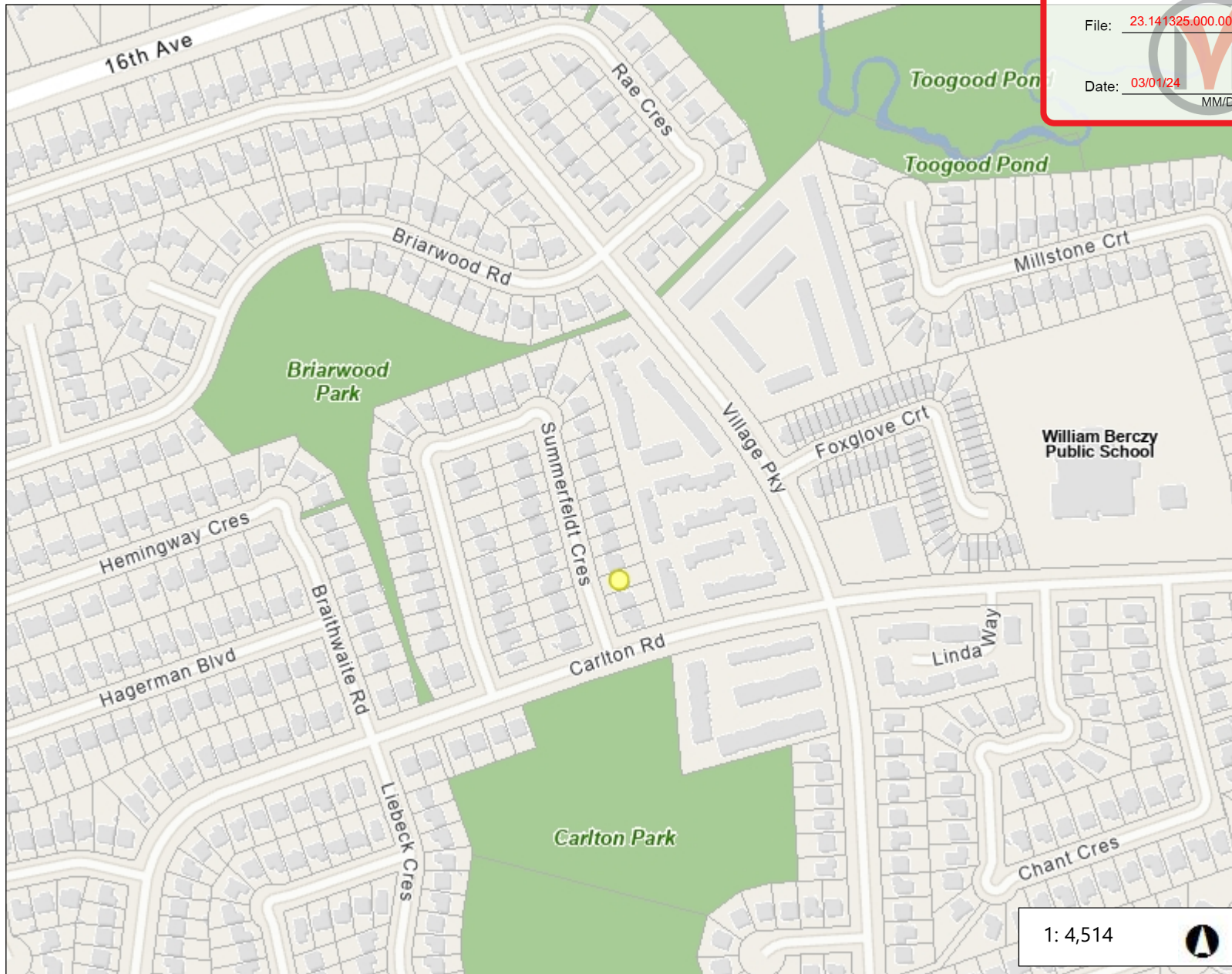


Appendix D

File: 23.141325.000.00.MNV

Date: 03/01/24

MM/DD/YY



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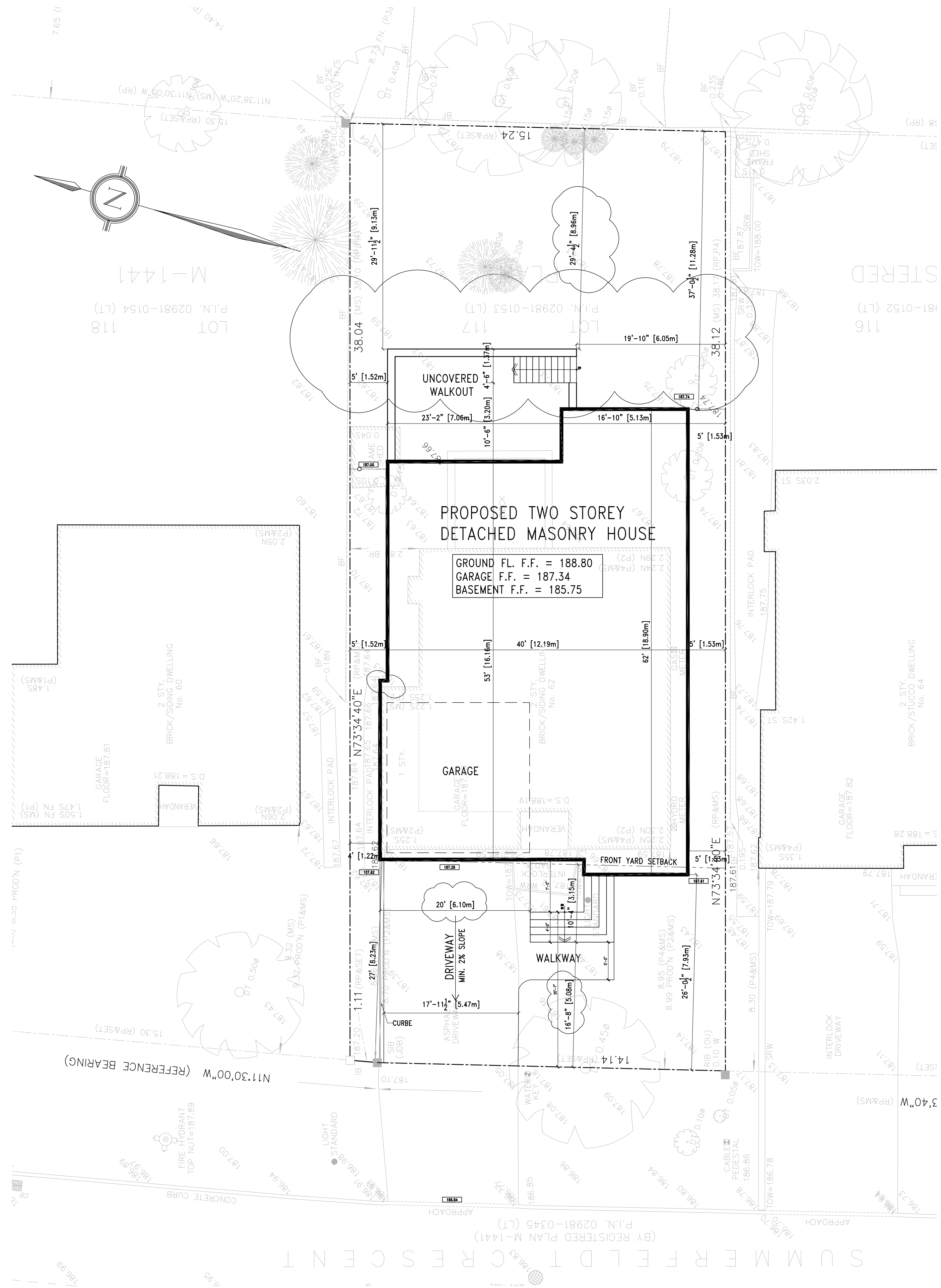
- Subject Lands
62 Summerfeldt Cres

1:4,514



229.3 0 114.66 229.3 Meters

Notes

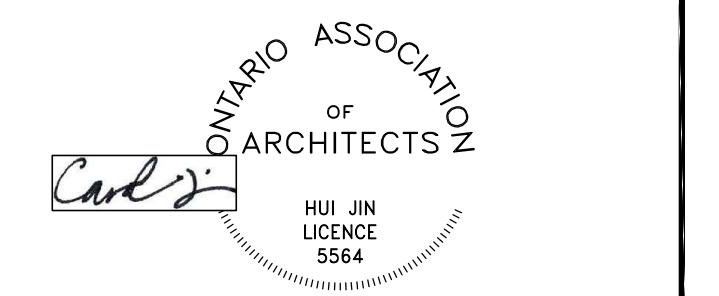


DECEMBER 06 2023

STATISTICS			
1. ZONING DESIGNATION			
62 SUMMERFELDT CRESCENT LOT 117 REGISTERED PLAN M-1441 CITY OF MARKHAM			
2. SITE AREA		m2	ft2
		581	6253
3. FLOOR AREA (G.F.A.)		PROPOSED (ft2)	TOTAL (m2)
GROUND FLOOR		2289	212.7
2ND FLOOR		2270	210.9
BASEMENT		2289	212.7
GARAGE		391	36.3
VOID		241	22.4
TOTAL		3927	364.9
4. MAX. COVERAGE FOOTPRINT (m2)		BY-LAW	PROPOSED
		33.3%	36.67%
		193.6	213
5. SETBACKS		m	ft
FRONT YARD (AVERAGE OF TWO BUTTING LOTS)		27	7.93
SIDE YARD		6	1.22
REAR YARD		25	11.28
			37'-0 1/2"
6. MAX. HEIGHT (SLOPE ROOF)		m	ft
		25	8.51
			27'-11"
7. MINIMUM LANDSCAPING			
FRONT YARD LANDSCAPING			
FRONT YARD SOFT LANDSCAPING			
REAR YARD SOFT LANDSCAPING			

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skyarthomes@gmail.com



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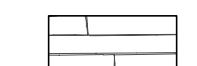

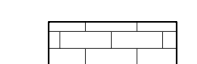
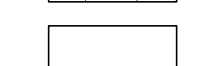
PRIVATE RESIDENCE
62 Summerfeldt Crescent
Unionville, ON

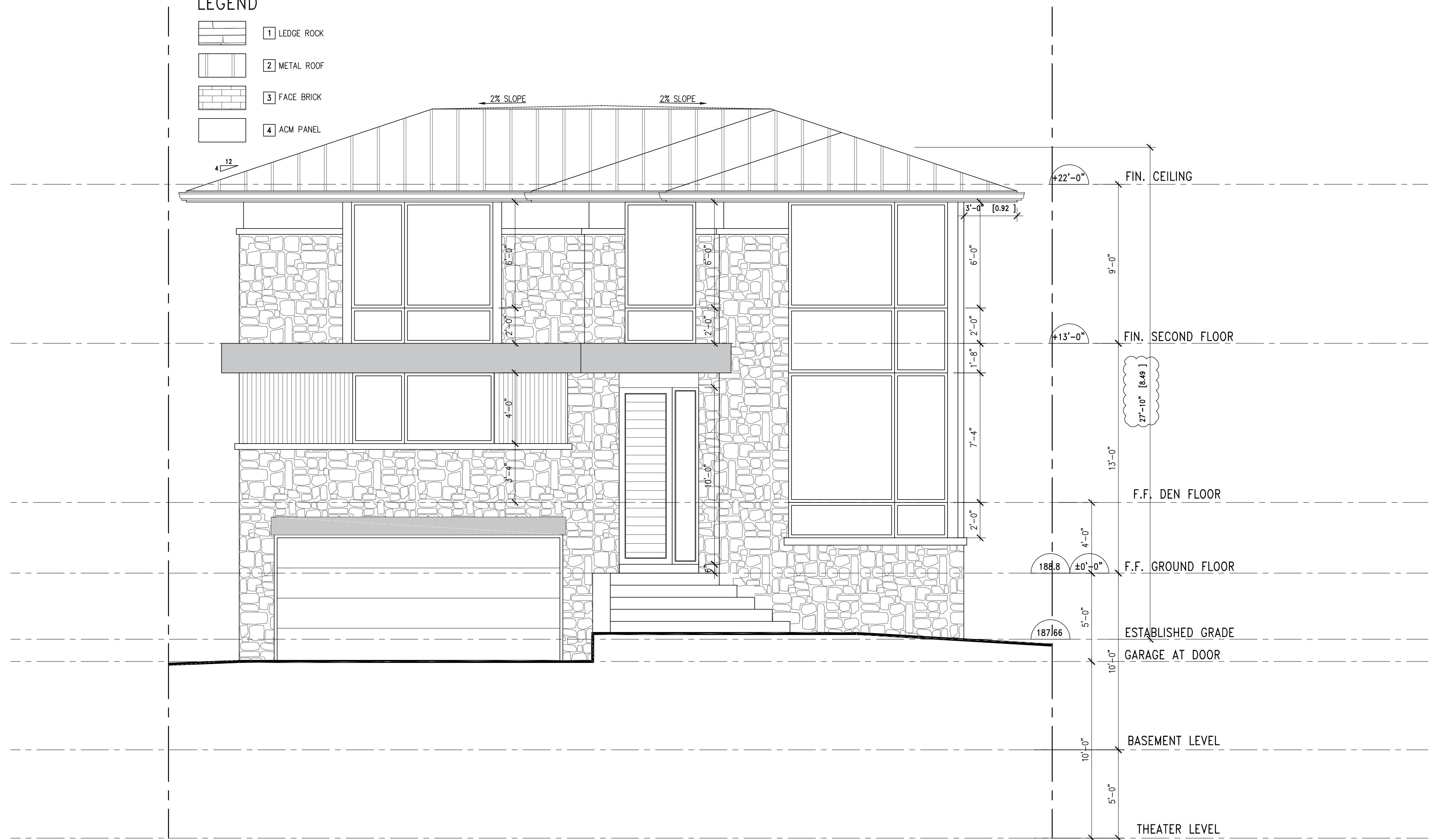
BUILDING PERMIT NO.

SHEET TITLE
SITEPLAN & STATISTICS

SCALE	1:100
DRAWN	VJ
CHECKED	CJ
DATE	MAY 2023
PROJECT NO.	2301A
SHEET NO.	A101

LEGEND

-  1 LEDGE ROCK
-  2 METAL ROOF
-  3 FACE BRICK
-  4 ACM PANEL



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 HUI JIN
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PRIVATE RESIDENCE
 62 Summerfeldt Crescent
 Unionville, ON

BUILDING PERMIT NO. _____



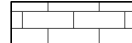
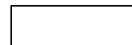
SHEET TITLE
FRONT ELEVATION

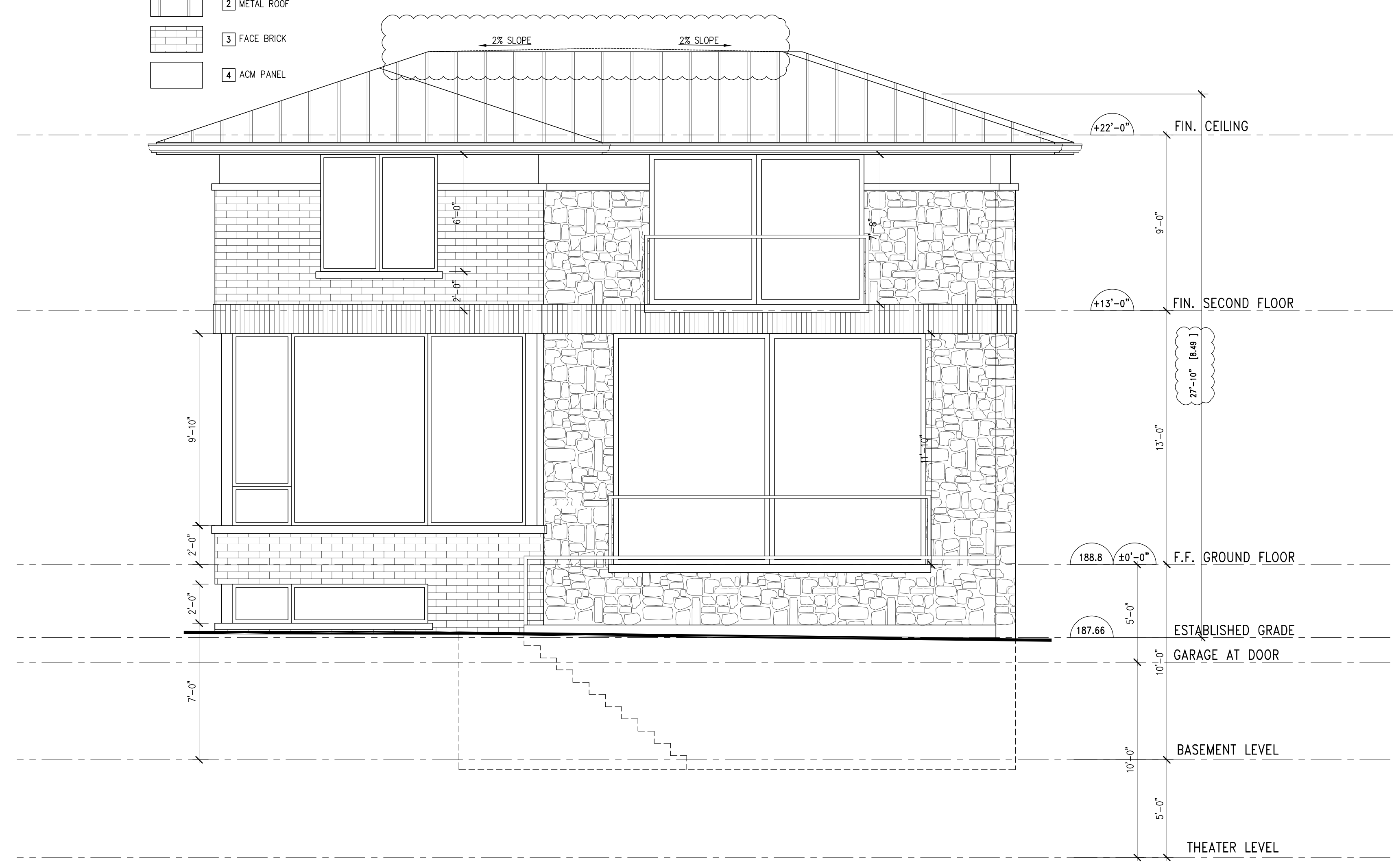
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DRAWN VJ
 CHECKED CJ
 DATE MAY 2023

PROJECT NO. 2301A SHEET NO. A401 OF _____

LEGEND

-  1 LEDGE ROCK
-  2 METAL ROOF
-  3 FACE BRICK
-  4 ACM PANEL



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1	MAY 15, 2023	ISSUED FOR REVIEW
NO.	DATE	ISSUED FOR

PRIVATE RESIDENCE
 62 Summerfeldt Crescent
 Unionville, ON

BUILDING PERMIT NO.

SHEET TITLE
REAR ELEVATION

SCALE 1'-0"=1/4"



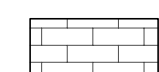
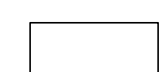
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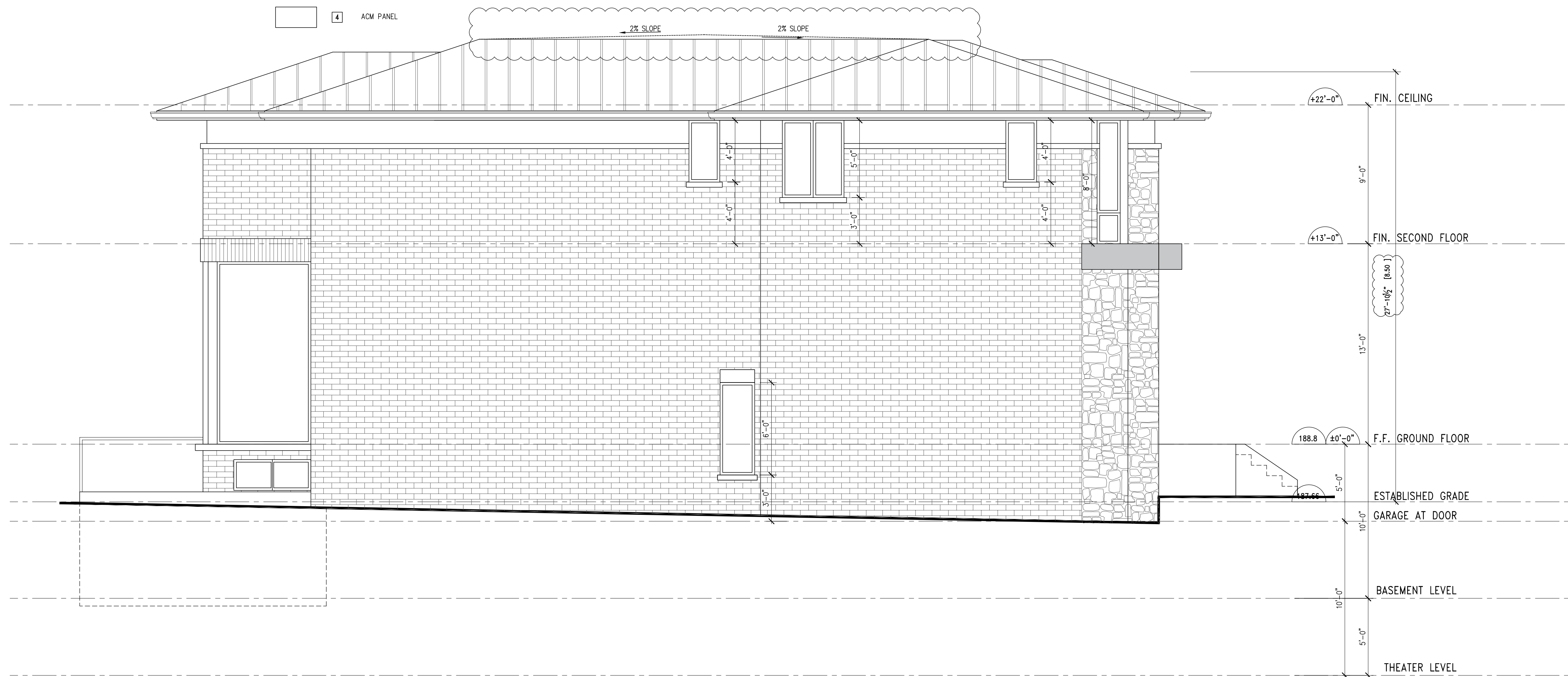
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DATE MAY 2023

PROJECT NO. 2301A SHEET NO. A402 OF

LEGEND

-  1 LEDGE ROCK
-  2 METAL ROOF
-  3 FACE BRICK
-  4 ACM PANEL



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 62 Summerfeldt Crescent
 Unionville, ON

BUILDING PERMIT NO.

SHEET TITLE
SIDE ELEVATION

SCALE 1'-0"=1/4"

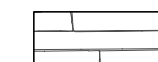
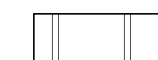
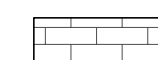
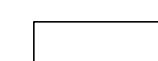
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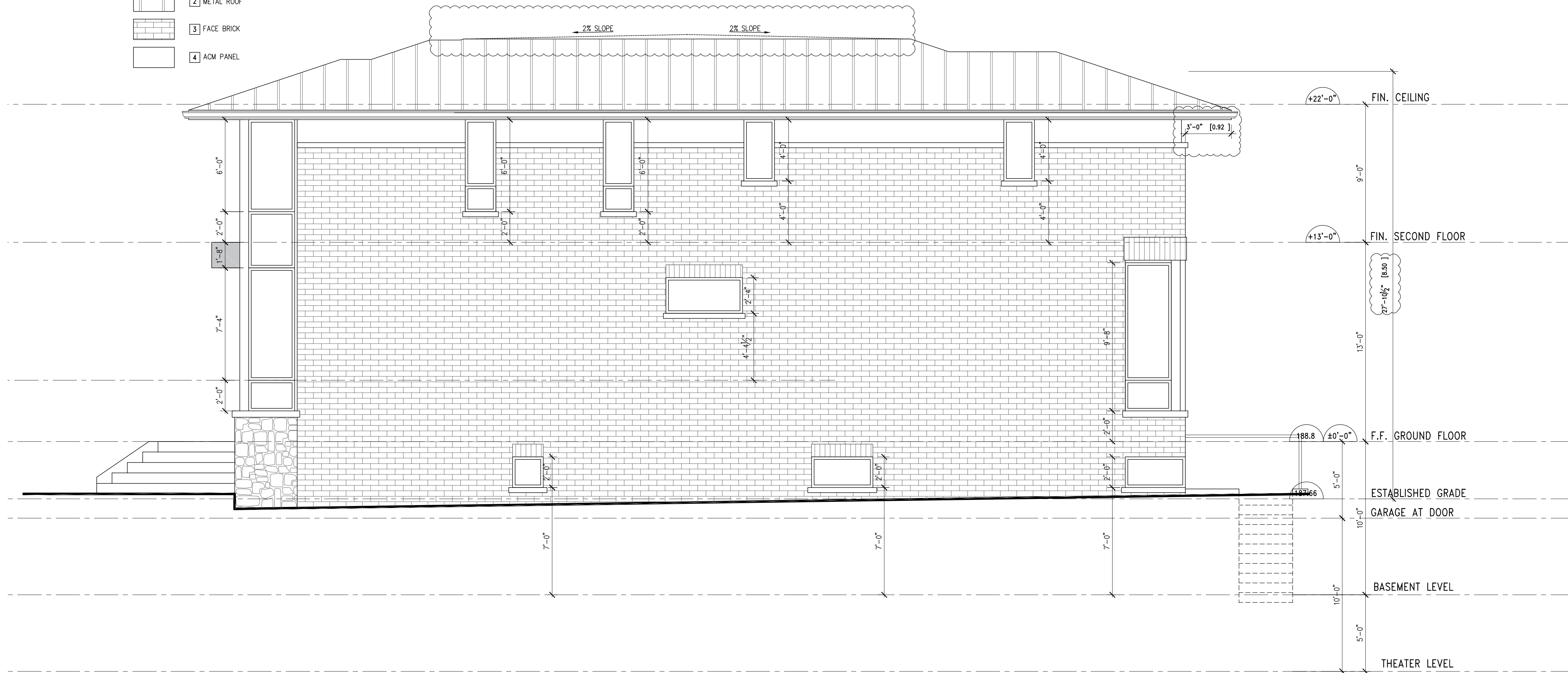
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DATE MAY 2023

PROJECT NO. 2301A SHEET NO. OF A404

LEGEND

-  1 LEDGE ROCK
-  2 METAL ROOF
-  3 FACE BRICK
-  4 ACM PANEL



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NO.	DATE	ISSUED FOR

PRIVATE RESIDENCE
 62 Summerfeldt Crescent
 Unionville, ON

BUILDING PERMIT NO.

SHEET TITLE
SIDE ELEVATION

SCALE 1'-0"=1/4"

DRAWN VJ

CHECKED CJ

DATE MAY 2023

PROJECT NO. 2301A SHEET NO. OF A403

Appendix D

File: 23.141325.000.00.MNV

Date: 03/01/24
MM/DD/YY

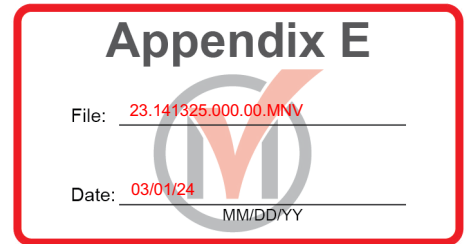
APPENDIX "C"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/16/23

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 that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or their designate that this condition has been fulfilled to his or her satisfaction;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a qualified arborist in accordance with the City's Streetscape Manual (2009), as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from Tree Preservation Technician or Manager of By-law Enforcement & Regulatory Services Division 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 in accordance with the City's Streetscape Manual, including 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 Technician or Manager of By-law Enforcement & Regulatory Services Division; and
5. That tree replacements be provided and/or tree replacement fees be paid to the City if required in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation Technician or Manager of By-law Enforcement & Regulatory Services Division.

CONDITIONS PREPARED BY:

Brendan Chiu, Planner 1, Central District



**January 17, 2024
7:00 PM**

**CITY OF MARKHAM
Virtual Meeting on Zoom**

COMMITTEE OF ADJUSTMENT

Minutes

The 1st regular meeting of the Committee of Adjustment for the year 2024 was held at the time and virtual space above with the following people present:

Arrival Time

Gregory Knight Chair	7:00 PM
Tom Gutfreund	7:00 PM
Jeamie Reingold	7:00 PM
Sally Yan	7:00 PM
Patrick Sampson	7:00 PM

Shawna Houser, Secretary-Treasurer
Greg Whitfield, Supervisor, Committee of Adjustment
Michelle Chen, Development Technician

Regrets

Kelvin Kwok
Arun Prasad

DISCLOSURE OF INTEREST

None

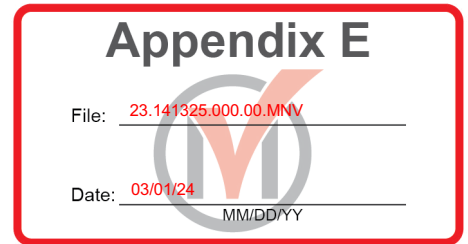
Minutes: December 13, 2023

THAT the minutes of Meeting No. 22, of the City of Markham Committee of Adjustment, held December 13, 2023 respectively, be:

- a) Approved on January 17th, 2023.

**Moved by: Tom Gutfreund
Seconded by: Jeamie Reingold**

Carried



PREVIOUS BUSINESS

1. A/156/23

Owner Name: Ruifu Zhang
Agent Name: LHW Engineering (Lihang Wang)
5 Sherwood Forest Drive, Markham
PLAN 5810 LOT 149

The applicant was requesting relief from the requirements of By-law 1229, as amended, to permit:

- a) **By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 49.8 percent, whereas the by-law permits a maximum of 45 percent;

as it related to a proposed two-storey single detached dwelling.

The Chair introduced the application.

The agent, Tony Yu, appeared on behalf of the application.

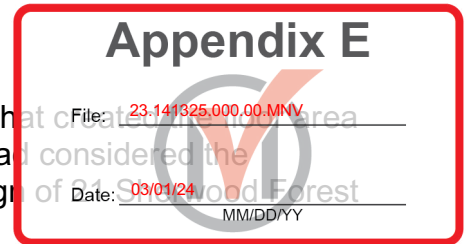
The Committee received one written piece of correspondence.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee, noting that the rear yard variance had been removed and the floor area ratio had been reduced. However, Elizabeth noted that the front elevation appeared to be the same, and massing at the streetscape remained unchanged. The two-storey entrance, open to the below space, and the carport emphasized the massing. The massing and scale of the proposal were undesirable and did not suit the streetscape.

Member Reingold acknowledged the proposal had been reduced and the rear yard variance removed. However, they indicated that the massing at the streetscape remained the same and needed to be better matched with the streetscape, as no other homes with this massing were seen on the street. In particular, the two-storey portico added the appearance of height, and the closed-in carport appeared to be a garage.

Member Gutfreund thanked the agent for responding to the Committee's comments regarding the reductions and agreed with their colleague that the entrance, massing, and opening to-below space contributed to the height and that the dwelling would impose on the streetscape.

Member Yan recognized that the floor area ratio had been reduced and the rear yard variance had been removed but maintained their position from the last meeting that the massing and scale of the structure at the streetscape needed to be reduced.



Tony Yu responded to the Committee that the additional area that ratio was the sunroom at the rear of the dwelling. The owner had streetscape and requested the design to complement the design Drive.

Member Gutfreund indicated that the position of the Committee regarding massing and scale at the streetscape remained unchanged from the previous meeting.

The Chair asked the applicant if they wanted to defer the application.

Tony Yu confirmed that they were requesting a deferral.

Member Reingold motioned for deferral.

Moved by: Jeamie Reingold
Seconded by: Tom Gutfreund

THAT Application No. **A/156/23** be **deferred** sine die.

Resolution Carried

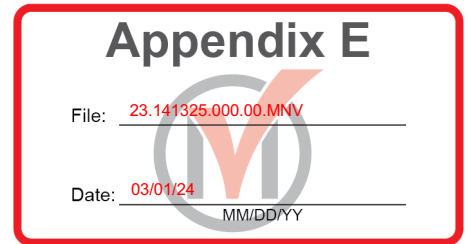
NEW BUSINESS:

1. A/198/23

Owner Name: Tim Choy (Tim Choy)
Agent Name: MA Development Services (Mathew Laing)
37 John Lyons Road, Markham
PLAN 65M2693 LOT 28

The applicant was requesting relief from the requirements of By-law 1229, as amended, to permit:

- a) **By-law 1229, Section 11.2(c)(i):**
a side porch encroachment of 30 inches, whereas the by-law permits a maximum encroachment of 18 inches;
- b) **By-law 1229, Section 11.2(c)(i):**
a front yard encroachment of 43.68 inches, whereas the by-law permits a maximum of 18 inches;
- c) **By-law 99-90, Section 1.2(iii):**
a depth of 18.75 metres, whereas the by-law permits a maximum depth of 16.8 metres; and
- d) **By-law 99-90, Section 1.2(vi):**
a maximum floor area ratio of 49.04 percent, whereas the by-law permits a maximum floor area ratio of 45 percent;



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

The Chair introduced the application.

The agent, Mathew Laing, appeared on behalf of the application. A pre-application meeting was held with City and TRCA staff, and adjustments were made to the design according to staff recommendations. The conditions were accepted as listed in the staff report.

The Committee received sixteen written pieces of correspondence.

Gerrard Monotocchio, a neighbour, spoke, indicating that the proposal did not fit the neighbourhood's character regarding size and massing. While the design was compatible, the scale and size of the home were more significant than any other on the street, and the request was not minor and would have significant impacts on the neighbouring properties.

Jamie McClelland, a neighbour, agreed with Gerrard Monotocchio that the homes massing appeared wider and deeper than other homes on the streets. Jamie indicated that the proposal did not meet the intent of the Official Plan policies regarding established neighbourhoods.

Elizabeth Brown, Committee of Adjustment representative for the Markham Village Sherwood Conservation Residents Association, spoke to the Committee, pointing out that the proposal was for a very large home that included significant open-to-below space that added to the massing of the house and was beyond what was reasonable for the neighbourhood. The proposal did not reflect the streetscape, and the requested variances were not minor or desirable.

Member Sampson noted that the floor area ratio did not include the open-to-below space.

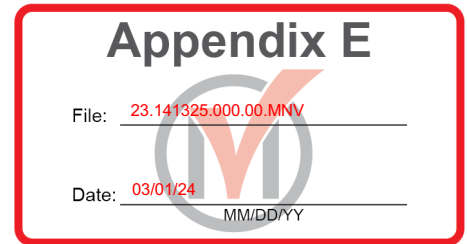
Member Gutfreund agreed with their colleagues and the community speakers that the issue with the proposal was the massing. A large amount of open-to-below space had been included, and the house was very large and would be prominent as it was a corner lot.

Member Yan also agreed with their colleagues that the massing and scale of the proposal were not suitable for the street and recommended altering the proposal to reduce the massing, particularly on the south streetscape.

Member Reingold commented that the home was a good transitional design that would suit the streetscape if the massing was reduced.

The Chair clarified that any subsequent changes to the floor plans would require building permits and possibly minor variances.

After consideration of the comments, Mathew Laing requested a deferral.



Member Gutfreund motioned for deferral.

Moved by: Tom Gutfreund
Seconded by: Sally Yan

THAT Application No. **A/198/23** be **deferred** sine die.

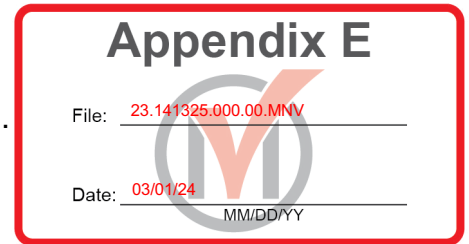
Resolution Carried

2. A/165/23

Owner Name: Ye Li
Agent Name: JIN Architect (Carol Jin)
62 Summerfeldt Crescent, Markham
PLAN M1441 LOT 117

The applicant was requesting relief from the requirements of By-law 11-72, as amended, to permit:

- a) **By-law 11-72, Section 3.7:**
a roof overhang of 36 inches into the required yards, whereas the by-law permits no more than 18 inches into any required yard;
- b) **By-law 11-72, Section 3.7:**
uncovered steps that project 9 feet 4 inches into the required front yard, whereas the by-law permits uncovered steps to project no more than 5 feet into the required front yard;
- c) **By-law 11-72, Section 6.1, Schedule "B":**
a minimum front yard setback of 26 feet, whereas the by-law requires a minimum front yard setback of 27 feet;
- d) **By-law 11-72, Section 6.1, Schedule "B":**
a minimum side yard setback of 4 feet for the north side yard, whereas the by-law permits a minimum side yard setback of 6 feet for a two-storey building;
- e) **By-law 11-72, Section 6.1, Schedule "B":**
a minimum side yard setback of 5 feet for the south side yard, whereas the by-law requires a side yard setback of 6 feet for a two-storey building;
- f) **By-law 11-72, Section 6.1, Schedule "B":**
a maximum lot coverage of 36.67 percent, whereas the by-law permits a maximum lot coverage of 33 1/3 percent; and
- g) **By-law 11-72, Section 6.1, Schedule "B":**
a maximum height of 27 feet and 11 inches, whereas the by-law permits a maximum height of 25 feet;



as it related to a proposed two-storey single detached dwelling.

The Chair introduced the application.

The agent, Carol Jin, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Raluca Koenneker, a neighbour, did not consider the modern design to be compatible with the streetscape and was concerned about possible flooding resulting from the hard landscaping in the front of the house.

Member Sampson indicated that the proposed house was larger than others on the street and had considerable open-to-below space.

Member Reingold complimented the design, indicating that modern homes were suitable for the neighbourhood as long as they did not dominate the street by size, height, or mass. As currently proposed, the house did not relate to other homes in the area.

Member Yan noted the applicant was requesting multiple variances, all of which contributed to the size and massing of the home. The proposed house was overly large for the size of the lot.

Carol Jin requested a deferral.

Member Gutfreund motioned for deferral.

Moved by: Tom Gutfreund
Seconded by: Patrick Sampson

THAT Application No. **A/165/23** be **deferred** sine die.

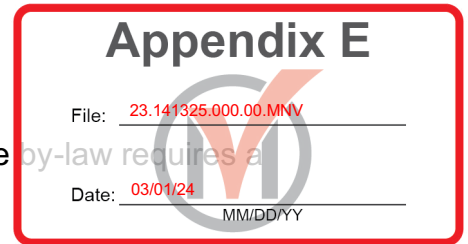
Resolution Carried

Chair Gregory Knight left the meeting for technical reasons. Member Gutfreund took over the Chair.

3. A/192/23

Owner Name: Michael Khalil
Agent Name: Acadia Design Consultants (Karen Melocotones)
47 Elgin Street, Thornhill
PLAN 8 PT LOT 5 RS65R9136 PART 4 RS65R15441 PART 3

The applicant was requesting relief from the requirements of By-law 2237, as amended, to permit:



- a) **By-law 2237, Section 6.1:**
a minimum front yard setback of 23.85 feet, whereas the by-law requires a minimum front yard setback of 27 feet; and

- b) **By-law 101-90, Section 1.1 (iv):**
a maximum building depth of 34 metres, whereas the by-law permits a maximum building depth of 16.8 metres;

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

The Chair introduced the application.

The agent, Max Mechasin, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Joan Honsberger, representative of the Ward 1 Residents Association, spoke to the Committee, expressing concerns regarding the trees, possible bird strikes with the increased window areas and the parking of construction vehicles.

Acting Chair Gutfreund agreed with the staff report, indicating it would be a suitable addition to the property, and the application met the four tests of the *Planning Act*.

Member Yan supported the application, indicating it was a good example of infill development, indicating the changes were minor on the large lot and the application.

Greg Whitfield clarified that with the pergola's removal in the property's rear, conditions 3, 4 and 5 were no longer required.

Member Yan made an amended motion for approval with conditions 1 and 2 of the staff report.

Moved by: Sally Yan
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **A/192/23** be **approved** subject to conditions contained in the staff report.

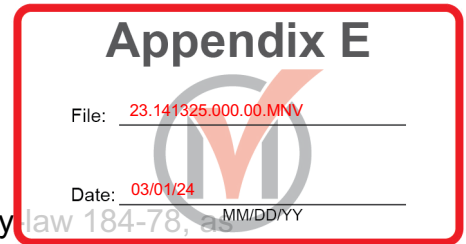
Resolution Carried

The Chair Gregory Knight re-entered the meeting.

4. A/204/23

Owner Name: Leah Glassman and Jason Li
Agent Name: Gregory Design Group (Shane Gregory)

**20 Marlow Crescent, Markham
PLAN 65M2057 LOT 64R**



The applicant was requesting relief from the requirements of By-law 184-78, as amended, to permit:

a) By-law 184-78, Section 7.2 (b):

a minimum rear yard setback of 6.74 metres, whereas the by-law requires a minimum rear yard setback of 7.5 metres;

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

The Chair introduced the application.

The agent, Russ Gregory, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Member Gutfreund agreed with the staff report, indicated the application met the four tests of the *Planning Act*, and motioned for approval with conditions.

Moved by: Tom Gutfreund

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/204/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

5. A/197/23

Owner Name: Michelle Liang

Agent Name: Scoler Lee Borenstein Assoc. Arch. (Jason Lau)

135 Staglin Court, Markham

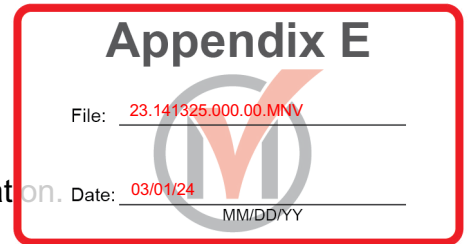
PLAN 65M4252 BLK 82 RP 65R33027 PT 1

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

a) By-law 177-96, Section 6.4:

an accessory building with a gross floor area of 31.24 square metres, whereas the by-law permits a maximum gross floor area of 10 square metres for an accessory building; and

as it related to a proposed accessory building and an existing storage shed.



The Chair introduced the application.

The agent, Allan Borenstein, appeared on behalf of the application.

The Committee received one written piece of correspondence.

Member Gutfreund requested information regarding drainage and grading.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund

Seconded by: Sally Yan

The Committee unanimously approved the application.

THAT Application No. **A/197/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

6. B/040/23

Owner Name: Gen Quan Lin

Agent Name: Archizoning Design Inc. (Lei Zhang)

25 Springdale Avenue, Markham

CON 7 PT LOT 14

The applicant was requesting provisional consent to:

- a) retain a parcel of land** with an approximate lot frontage of 15.24 metres and an approximate lot area of 689.01 square metres (Part 1);
- b) sever and convey a parcel of land** with an approximate lot frontage of 15.24 metres and an approximate lot area of 689.01 square metres (Part 2).

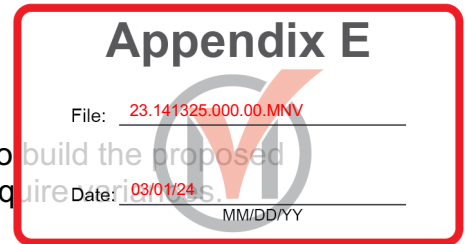
The purpose of this application was to create one new residential lot. This application was related to a previously approved Zoning By-law Amendment.

The Chair introduced the application.

The agent, Lei Zhang, appeared on behalf of the application.

The Committee received three written pieces of correspondence.

Member Gutfreund agreed with the staff report, noting the properties had been rezoned and the lots exceeded the bylaw requirements.



Member Sampson questioned if variances would be required to build the proposed dwellings. The applicant indicated that the homes would not require permits.

Member Sampson agreed that the lots were appropriate and supported the application.

Member Gutfreund motioned for approval with conditions.

Moved by: Tom Gutfreund
Seconded by: Patrick Sampson

The Committee unanimously approved the application.

THAT Application No. **B/040/23** be **approved** subject to conditions contained in the staff report.

Resolution Carried

7. A/209/23

Owner Name: Eric Hoh
Agent Name: Donya Abasiliasi
38 Autumn Glow Drive, Markham
PLAN 65M4014 LOT 106

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

- a) **By-law 177-96, Section 7.192.1(b)(iii):**
a rear yard setback of 0.64 metres, whereas the by-law requires a minimum rear yard setback of 5.8 metres;

as it related to two covered patios in the rear yard.

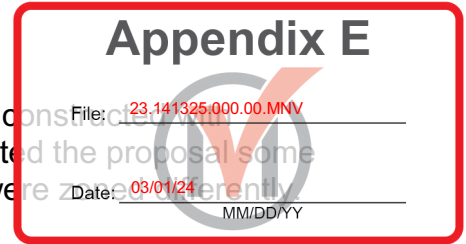
The Chair introduced the application.

The agent, Donya Abasiliasi, appeared on behalf of the application.

Member Gutfreund indicated that the proposal was not minor and reconsideration should be given to an alternative solution to meet the homeowner's needs.

Member Yan indicated it did not meet the four tests of the *Planning Act*.

Member Sampson asked for clarification if the canopies had been built. The agent clarified that the owner wanted to obtain permits before construction.



The Chair noted that the area had many homes that had been constructed with walkways attaching the rear garage to the home, and this granted the proposal some consistency to the surrounding area; these homes, however, were zoned differently.

Member Reingold did not support the application.

Member Gutfreund motioned for deferral.

Moved by: Tom Gutfreund
Seconded by: Sally Yan
Opposed Jeamie Reingold

THAT Application No. **A/209/23** be **deferred** sine die.

Resolution Carried

Adjournment

Moved by: Tom Gutfreund
Seconded by: Patrick Sampson

THAT the virtual meeting of the Committee of Adjustment was adjourned at 9:20 PM, and the next regular meeting would be held on February 7, 2024.

CARRIED

Original Signed on
February 07, 2024
Secretary-Treasurer
Committee of Adjustment

Original Signed on
February 07, 2024
Chair
Committee of Adjustment