

Memorandum to the City of Markham Committee of Adjustment

June 03, 2021

File: A/054/21
Address: 51 Summerfeldt Crescent, Markham
Applicant: Shamez Mohamed
Agent: Shamez Mohamed
Hearing Date: Wednesday June 09, 2021

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

The applicant is requesting relief from the following requirements of By-law 11-72, as amended:

a) Section 3.7:

to permit a front covered unenclosed porch to project 4 feet 7 inches into the required front yard, whereas the By-law permits an uncovered platform to project a maximum of 5 feet;

as it relates to an existing covered porch.

BACKGROUND

Property Description

The 580.1 m² (6,244.1 ft²) subject property is located on the west side of Summerfeldt Crescent, north of Carlton Road and west of Village Parkway (see Appendix A – Aerial Photo). The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. Mature vegetation exists across the property.

There is an existing, newly constructed, 294.83 m² (3,173.52 ft²) detached dwelling on the property. The Building Standards Department issued a building permit for the proposed dwelling in November 2018. During construction, the Applicant added a roof over the front porch, contrary to the approved permit plans and Zoning By-law standards. The existing unenclosed covered porch is the subject of this Minor Variance application (see Appendix B – Architectural Plans).

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their revised building permit process (18 249869 01 HP) to confirm the variances required for the 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;

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

Maximum Covered Porch Projection

The applicant is requesting a maximum front covered porch projection of 4 ft 7 in (1.39 m), whereas the By-law only permits uncovered platforms to project into the required front yard to a maximum of 5 ft (1.52 m). This is noteworthy, as the existing porch would comply with the By-law if it were uncovered.

The applicant is not applying for variances for lot coverage or height. Furthermore, the existing covered porch is unenclosed and does not extend beyond the existing garage projection. Given the modest projection, Staff are of the opinion that the variance request is minor in nature and will have no adverse impacts to neighbouring lots.

PUBLIC INPUT SUMMARY

As of June 03, 2021, the City received one letter of support for the existing development. 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.

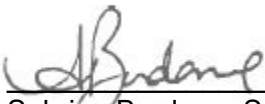
Please see Appendix "C" for conditions to be attached to any approval of this application.

PREPARED BY:

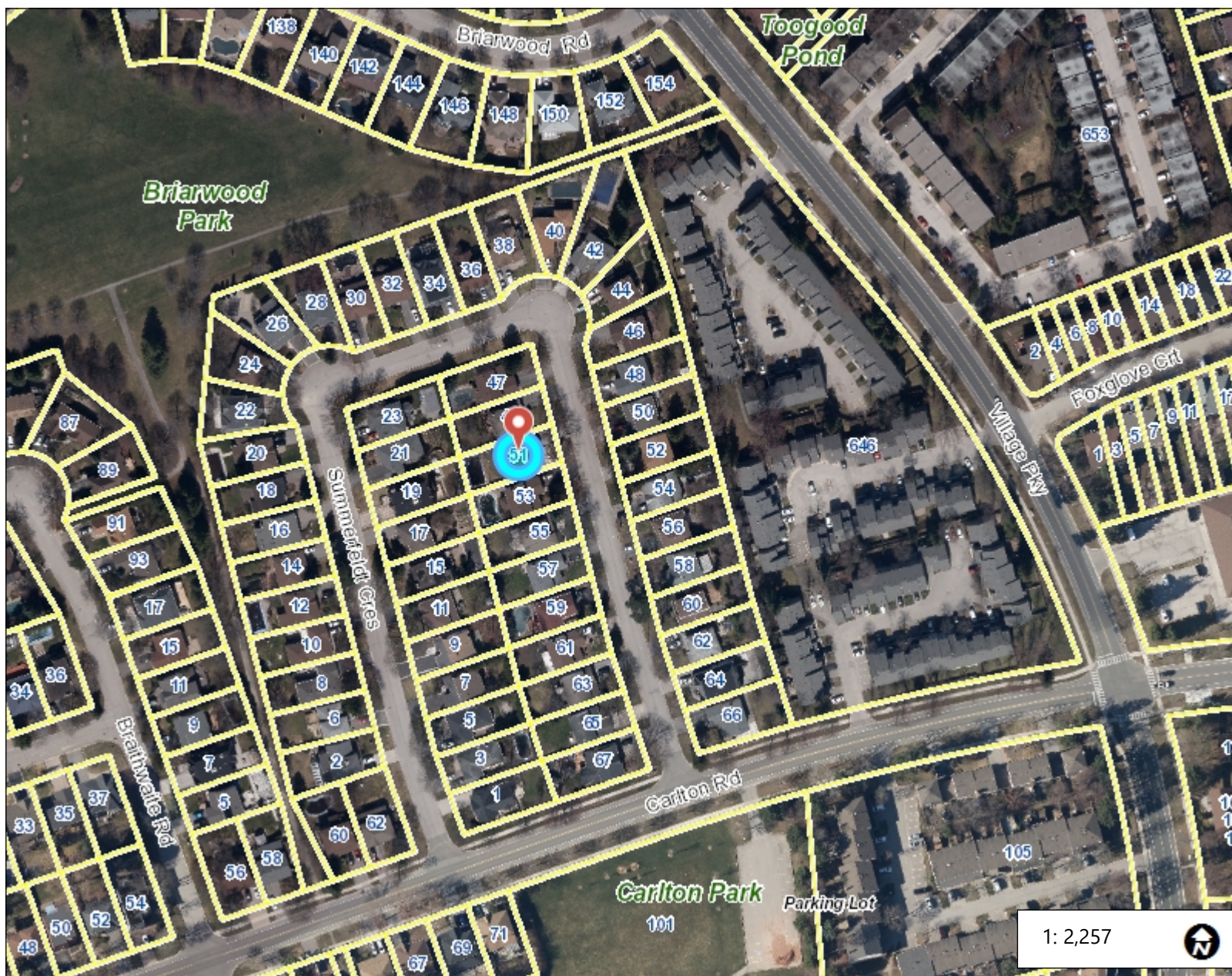


Melissa Leung, Planner, Central District

REVIEWED BY:



Sabrina Bordone, Senior Planner, Central District



Legend

- LANDMARKS_6000
- SLRN_6000
- PARKS_6000
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)
- Park Facilities
- Parks
 - <all other values>
 - Under Development

1: 2,257



114.7 0 57.33 114.7 Meters

NAD_1983_UTM_Zone_17N
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

ONTARIO BUILDING CODE CLASSIFICATION

O.B.C. 2012 PART 9.

SITE STATISTICS:

	sq.ft.	sq.m.	%
SITE AREA	6244.10	580.10	100.00%
REQUIRED LANDSCAPE AREA – MIN.	N/A	N/A	N/A
PROPOSED LANDSCAPE AREA	N/A	N/A	N/A
PROPOSED BUILDING FOOTPRINT	1669.27	155.08	26.73%
PROP. GROUND FLOOR AREA	1669.27	155.08	
PROP. SECOND FLOOR AREA	1504.22	139.75	
PROP. GROSS FLOOR AREA	3173.49	294.83	50.82%

BY-LAW REQUIREMENTS & PROVISIONS MADE

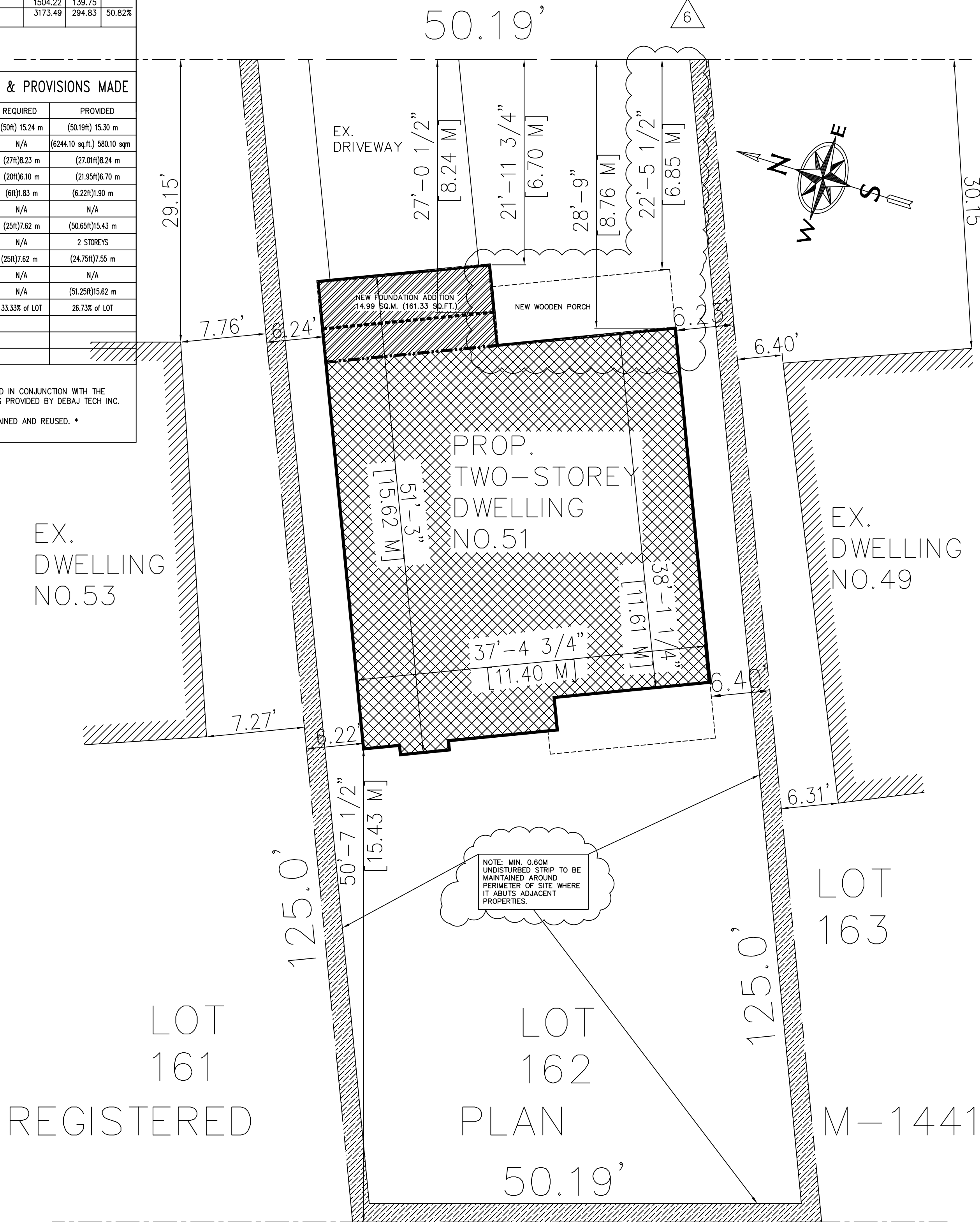
UNDER BY-LAW 1507	REQUIRED	PROVIDED
MIN. LOT FRONTAGE	(500') 15.24 m	(50.19M) 15.30 m
MIN. LOT AREA	N/A	(6244.10 sq.ft.) 580.10 sqm
MIN. FRONT YARD SETBACK	(27ft)8.23 m	(27.01ft)8.24 m
MIN. FRONT YARD SETBACK (GARAGE)	(20ft)6.10 m	(21.59ft)6.70 m
MIN. SIDE YARD	(6ft)1.83 m	(6.22ft)1.90 m
MIN. FLANKAGE YARD – ABUTS STREET	N/A	N/A
MIN. REAR YARD SETBACK	(25ft)7.62 m	(50.65ft)15.43 m
MAX. NUMBER OF STOREYS	N/A	2 STOREYS
MAX. BUILDING HEIGHT	(25ft)7.62 m	(24.75ft)7.55 m
MAX. BUILDING HEIGHT – FLAT	N/A	N/A
MAX. BUILDING DEPTH	N/A	(51.25ft)15.62 m
MAX. LOT COVERAGE	33.33% of LOT	26.73% of LOT

NOTE:

* THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE STRUCTURAL ENGINEERING DRAWINGS PROVIDED BY DEBAJ TECH INC. S01-S04

* EXISTING FOUNDATION TO BE RETAINED AND REUSED. *

SUMMERFELDT
CRESCENT



NOTES:

1. GENERAL

All construction shall be in accordance with the Ontario Building Code (latest edition) as well as relevant municipal restrictions governing special local conditions.

Contractors are to be licensed and in good standing with the local authorities.

All materials to be selected by Owner. Materials listed below are to be confirmed by the Owner.

2. SITEWORK

Topsoil and vegetable matter to be removed prior to excavation and construction. Final grading to direct water flow away from the building and all sides. First Floor Elevation (FFE) to be min. 8" above surrounding grade.

Included in this contract is fine and rough grading, topsoil and sodding on affected site areas. Front pathway and drive in brick pavers.

Weeping tiles to be connected to "French Drains".

3. ROOFS

(R1) SLOPED CONSTRUCTION

20 YEAR ASPHALT SHINGLES
ICE SHIELD UNDERLAY
1/2" PLYWOOD SHEATHING
BATT INSULATION (R60)
A/V BARRIER 6 MIL POLY
1/2" GYPSUM BOARD
BLOCKING 2x4
EXT. GRADE PLYWOOD FASCIA
PRE-FINISHED METAL SOFFIT
PRE-FINISHED METAL GUTTER

4. WALLS

(W1) TYPICAL EIFS WALL

1/8" DUROCK PUCCS RMC-1 EIFS SYSTEM (CONC. 12969-R OR APPROVED ALTERNATIVE, COLOUR BY OWNER)
1 1/2" "PUCCS" RIGID INSULATION PANEL (MIN R10) MECHANICALLY FASTENED TO WALL AND TAPE SEALED 5/8" AIR SPACE (BUILT INTO INSUL. PANEL)
HOUSE WRAP AIR BARRIER
A.B. 6 MIL POLY
1/2" PLYWOOD SHEATHING
2X6 STUD WALL @ 16" o.c.
BATT INSULATION (R22) BETWEEN STUDS
V.B. 6 MIL POLY
1/2" GYPSUM BOARD

(W2) TYPICAL STONE WALL

REPLACE EXISTING BRICK WITH
4" STONE VENEER W/ STONE BANDING
1" AIR GAP
EXISTING WALL SYSTEM TO REMAIN

(W3) TYPICAL FOUNDATION WALL

1/2" "PLANTON SYSTEM" DRAINAGE MAT
10" FOUNDATION WALL
REBAR REINFORCEMENT (SEE NOTE ABOVE)
A.B. 6 MIL POLY
1 1/2" "PUCCS" RIGID INSULATION PANNEL (MIN R10)
2x4 STUD WALL @ 16" o.c.
BATT INSULATION (R12) BETWEEN STUDS
V.B. 6 MIL POLY
5" SCREENING UNDER STRIP FTG.

(W4) GARAGE STONE WALL

4" STONE VENEER
6" REINFORCED CONC. WALL

(W5) GARAGE FIREWALL

1/2" TYPE "X" FIRE-RESISTANT GWB
VAPOR SEAL 6 MIL POLY
2X6 STUD WALL @ 16" o.c.
BATT INSULATION (R24) BETWEEN STUDS
V.B. 6 MIL POLY
1/2" GWB W/ FINISH

(W6) WALKOUT FOUNDATION WALL

1/2" "PLANTON SYSTEM" DRAINAGE MAT
12" FOUNDATION WALL
REBAR REINFORCEMENT (SEE NOTE BELOW)

(E) EXISTING WALLS TO REMAIN

EXISTING EXTERIOR/INTERIOR WALL TO REMAIN
2x4 STUD WALL @ 16" o.c.
2lb. CLOSED-CELL SPRAY FOAM INSULATION (R20+)
1/2" GWB W/FINISH

(W7) 4 1/2" INTERIOR WALL

1/2" GYPSUM BOARD
2x4 STUD WALL @ 16" o.c.
1/2" GYPSUM BOARD

(W8) 6 1/2" INTERIOR WALL

1/2" GYPSUM BOARD
2X6 STUD WALL @ 16" o.c.
1/2" GYPSUM BOARD

(W9) BRICK/STONE VENEER WALL

3 1/2" BRICK VENEER
1" AIR GAP
A.B. 6 MIL POLY
1/2" PLYWOOD SHEATHING
2X6 STUD WALL @ 16" o.c.
BATT INSULATION (R19) BETWEEN STUDS
V.B. 6 MIL POLY
1/2" GYPSUM BOARD

(W10) CONCRETE FOUNDATION WALL

10" REINFORCED CONCRETE FOUNDATION WALL
1"-4"x6" FOOTING C/W 2-15M CONT. W/ 15M @ 24" C/C VERT. DOWELS TO BE FOUND ON NATURAL UNDISTURBED SOIL HAVING 150 KPa (ALLOWABLE) TO BE CONFIRMED BY A SOIL ENGINEER

FOOTING DEPTH TO BE SAME DEPTH AS POOL EXCAVATION

(W11) TYPICAL SIDING WALL

EXTERIOR SIDING WALL: SIDING FINISH ON 3/4" FURRING SHEATHING PAPER TO OVERLAY EACH OTHER (AS PER MANUFACTURER SPECS) ON 1/2" EXTERIOR TYPE PLYSHEATHING ON 2"x6" SPR. STUDS @16" o.c. W/ R24 2lb. CLOSED-CELL SPRAY FOAM INSULATION, 1/2" GYPSUM BOARD

5. FOUNDATIONS

(W3) FOUNDATION WALLS AND FOOTINGS

- A DRAINAGE LAYER IS REQUIRED FOR FDN. WALLS WHERE THE INT. INSUL. EXTENDS MORE THAN 2'-11" BELOW EXT. GRADE.
- 2 COATS BITUMINOUS DAMPROOFING ON MIN. 1/4" PARGING ON CONC. WALL
- PROVIDE 1/4" PARGING COVERED OVER POURED CONCRETE FOOTING.
- FOUNDATION WALLS SHALL BE BRACED OR HAVE FLOOR JOISTS INSTALLED BEFORE BACKFILLING.
- 15 LB. BLDG PAPER OVER FDN. WALL (INSIDE) 1/2" AIRSPACE, 2X3 WOOD STRAPPING @ 16" o.c. R-12 BATT INSUL. W/ 6 MIL POLY VAPOR BARRIER FULL HEIGHT. 1/2" GYPSUM BOARD TAPED, SANDED, AND READY TO PAINT.
- PROVIDE SOLID TOP COURSE BLOCK OR FILL TOP BLOCK COURSE W/ MORTAR OR CONC.
- PROVIDE 2" SOLID MASONRY OR CONT. 1-1/2" PLATE UNDER ALL ROOF & FLOOR FRAMING MEMBERS AS WELL AS 7-1/2" SOLID MASONRY UNDER BEAMS & COLUMNS
- FOUNDATION WALL TO EXTEND MIN. 5-7/8" ABOVE FIN. GRADE
- CONT. 2X6 WOOD SILL PLATE FASTENED W/ 1/2" DIA. X 12" LONG ANCHOR BOLTS EMBEDDED 6" IN CONC @ 6'-0" o.c. MAX & PROVIDE A FLEXIBLE SILL GASKET BET. PLATE & FOUNDATION

FOOTINGS

ALL NEW FOOTINGS SHALL BEAR ON UNDISTURBED NATURAL SOIL MIN.2200 PSF POURED CONC. AT LEAST 48" BELOW FIN. GRADE W/ ASSUMED BEARING CAPACITY OF 4000 PSF (VERIFY W/ SOIL REPORT) NON-FROST SUSCEPTIBLE BACKFILL. PROVIDE FROST-PROTECTION FOR ALL FOOTINGS.

STEPPED FOOTINGS

WHEN REQUIRED SHALL HAVE A MAX RISE OF 2'-0" (1'-4" IF SAND OR GRAVEL) AND A MIN. RUN OF 2'-0"

DRAINAGE

4" DIAM. WEEPING TILE COVERED W/ 6" GRANULAR MATERIAL & FILTER CLOTH. WEEPING TILES SHOULD DRAIN TO STORM SEWER, DRAINAGE DITCH, DRY WALL OR SUMP PUMP.

6. FLOORS

(F1) TYPICAL FLOOR CONSTRUCTION

FLOORING SYSTEM
3/4" PLYWOOD SHEATHING
11 7/8" FLOOR JOISTS
2lb. CLOSED-CELL SPRAY FOAM INSUL.
(R31) AT END OF JOISTS
1/2" GWB W/ FINISH

(F3) TYPICAL CONCRETE FLOOR

5" POURED CONCRETE SLAB W/ 1/2" EXP. JOINT
A/V BARRIER 6 MIL POLY
5" GRAVEL SCREENING ON U/S OF SLAB

(F4) FLOOR OVER GARAGE

FLOORING SYSTEM
3/4" PLYWOOD SHEATHING
11 7/8" 1A FLOOR JOISTS
2lb. CLOSED-CELL SPRAY FOAM INSULATION
SPRAYED BETWEEN JOISTS (R31)
2-PLY 1/2" TYPE "X" FIRE-RESISTANT GWB

(F5) TYPICAL WALKOUT STAIR

POURED CONC. SLAB W/ STAIRS (6" MIN)
6 MIL A/V BARRIER 6 MIL POLY
POURED CONC. STAIRS (MIN 6" THICK)
5" SCREENING STAIRS

(F6) VERANDA CONCRETE FLOOR

5" POURED CONCRETE SLAB C/W
15M @ 12" E/W BOTTOM REINFORCING DOWELS INTO WALLS

(F7) BALCONY FLOOR

2X6 FT WOOD DECKING FINISH
2X6 FT WOOD SLEEPERS @ 24"
PROTECTION BOARD
SINGLE-PLY ROOFING MEMBRANE
3/4" PLYWOOD SHEATHING
11 7/8" 1A FLOOR JOISTS

(FE) EXISTING FLOOR TO REMAIN

EXISTING FLOOR TO REMAIN

7. DETAILS

(D1) PREFINISHED RAINWATER LEADER (RWL)

COLOUR TO MATCH EAVESTROUGH. INSTALL PRE-FINISHED CONDUCTOR HEADS ON FRONT ELEV. AS PER DWG. DOWNSPOUTS NOT CONNECTED TO STORM SEWER SHALL HAVE EXTENSIONS TO CARRY WATER AWAY FROM BLDG. & PROVISIONS SHOULD BE MADE TO PREVENT SOIL EROSION.

8. CEILING

(C1) COMBUSTION DETECTOR

A SINGLE STN ALARM STYLE COMBUSTION DETECTOR SHALL BE PERMANENTLY MOUNTED ON HALL CEILINGS & CONNECTED TO THE BLDG. ELECTRICAL SUPPLY. W/O DISCONNECT WALL SWITCH & HAVING A CIRCUIT NOT INTER-CONNECTED TO ANY WALL OUTLET

(C2) CARBON MONOXIDE DETECTOR

MOUNTED ON HALL CEILING OR WALL AS PER MANUFACTURER'S INSTRUCTIONS & CONFORMING TO CAN/CGA-6.19 OR UL2034

(C3) WASHROOM FAN

WASHROOM TO BE MECHANICALLY VENTED TO PROVIDE MIN. 1 AIR CHANGE PER HOUR

9. STAIRS

(ST1) INTERIOR/EXTERIOR STAIRS

MIN. RISE = 4 1/2"
MAX. RISE = 7 1/2"
MIN. RUN = 8 1/2"
MAX. RUN = 14"
MIN. TREAD = 9 1/2"
MAX. TREAD = 14"
MAX. NOSING = 1"
MIN. WIDTH = 2'-10"
MIN. HEADROOM = 6'-5"

10. RAILS

(ST2) GUARDRAILS

INTERIOR LANDINGS = 2'-11"
EXTERIOR LANDINGS = 3'-6"
INTERIOR/EXTERIOR STAIRS = 2'-11"
MAX. BETWEEN PICKETS = 4"

IF DECK IS:

5'-11" OR LESS = 2'-11"
GREATER THAN 5'-11" = 3'-6"

NO MEMBER OR ATTACHMENT BETWEEN 4" AND 2'-11" HIGH SHALL FACILITATE CLIMBING

11. MASONRY

4.2 Masonry Veneer

Face brick or stone is to be tied to studs with 22ga x 7/8" galvanized metal ties 16" o.c. vert. and 32" o.c. horiz. max. The ties shall be nailed through the sheathing to the studs. The airspace behind the veneer is to be vented at the top and bottom. At the bottom of cavity a min. 3/8" diameter weephole is to be installed at 24" o.c. Beneath the weepholes a 6 mil P.V.C. base flashing to be installed through the first horizontal joint min. 6" up the stud wall behind the building paper.

12. THERMAL, ACOUSTICAL AND MOISTURE PROTECTION

12.1 Insulation

All exterior 2"x6" stud walls to be fully insulated with 2lb. closed-cell spray foam insulation (min. R24) and 1/2" exterior grade gypsum board or plywood with Tyvek building wrap over top. All joints are to be taped as per manufacturers specifications.

Spray Foam, Batt and rigid insulation shall be to R values indicated.
Vapour barrier to be at warm side of insulation and shall be continuous and sealed with acoustic sealant at top and bottom. Joints to be overlapped and taped.

12.2 Flashing

Sheet metal flashing to be installed as follows:

- at horizontal junctions of exterior finishes in the same plane.
- above exterior wall openings (in siding).
- below masonry window sills.
- beneath weep holes in cavity walls.
- below roof valleys (min. sheet metal width 24").
- at intersections of walls and roof (counter flashing to be imbedded 1" min. into masonry and to extend 6" down masonry and 4" over lower flashing).
- at intersections of roof and vertical wood or metal cladding (flashing to extend at least 3" up wall behind building paper).
- at flat built up roofs at intersections with vertical surfaces a cant strip with a roofing membrane mopped over and 6" up the wall shall be covered with flashing and counter flashing as described above.

Eave Protection: "Orace Ice & Water Shield" or approved equal to extend from eave to 36" beyond inside face of exterior wall.

Roof: 235 lb asphalt shingles or alternate approved by owner (min. 20 yr. guarantee)

Trim: prefinished aluminum fascia, eavestroughing and rain water leaders to be selected by owner.

INDICATES DIMENSIONS FOR STRUCTURAL MEMBERS

These specification notes are minimum standard only. Various details on drawings indicate better quality construction and override these specification notes.

14. ENERGY EFFICIENCY SUMMARY

THE ENERGY EFFICIENCY OF A BUILDING OR PART OF A BUILDING OF RESIDENTIAL OCCUPANCY THAT IS WITHIN THE SCOPE OF PART 9 AND IS INTENDED FOR OCCUPANCY ON A CONTINUING BASIS DURING THE WINTER MONTHS SHALL, MEET THE PERFORMANCE LEVEL THAT IS EQUAL TO A RATING OF 94 OR MORE WHEN EVALUATED IN ACCORDANCE WITH NRCAN, "ENERGUIDE FOR NEW HOUSES: ADMINISTRATIVE AND TECHNICAL PROCEDURES", OR CONFORM TO SUPPLEMENTARY STANDARD SB-12 (CHAPTER 3)

GROSS AREA OF PERIPHERAL WALLS MEASURES FROM GRADE TO THE TOP OF THE UPPER MOST CEILING : 3551.85 SQ.FT.

GROSS AREA OF WINDOWS, SIDELIGHTS, SKYLIGHTS, GLAZING IN DOORS AND SLIDING DOORS : 330.94 SQ.FT. EXCLUDING GLAZING IN FRONT MAIN ENTRANCE DOORS AND ADJACENT SIDELIGHTS AS PER SB-12 3.1.1.1.(9)

THE RATIO OF GROSS AREA OF WINDOWS, SIDELIGHTS, SKYLIGHTS, GLAZING IN DOORS AND SLIDING DOORS TO THE GROSS AREA OF PERIPHERAL WALLS MEASURES FROM GRADE TO THE TOP OF THE UPPER MOST CEILING: 9.32% < 17.00%

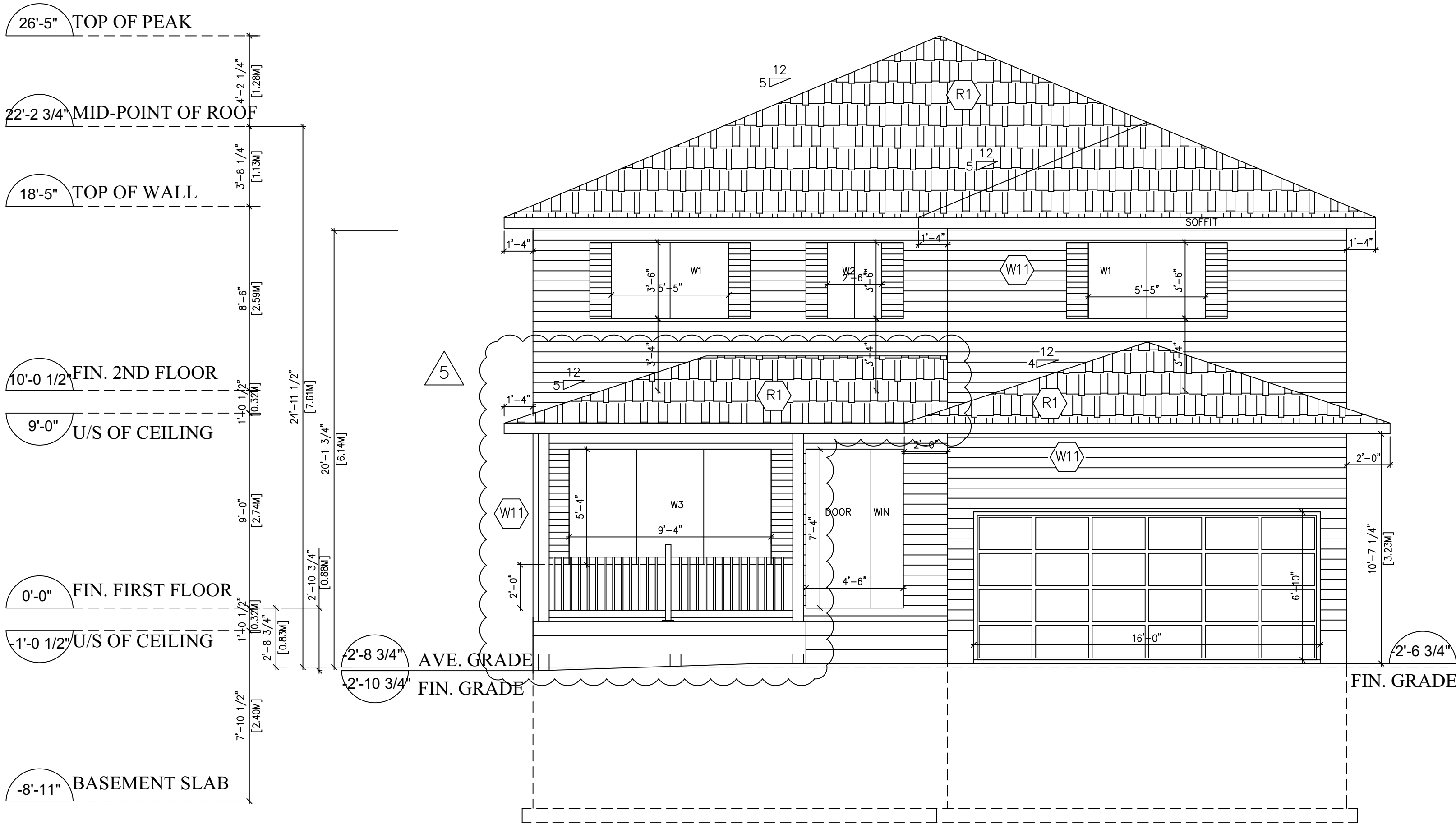
THIS BUILDING SHALL COMPLY WITH SB-12 CHAPTER 3 SUBSECTION 3.1.1.1.(1)(a), TABLE 3.1.1.2.A PRESCRIPTIVE PACKAGE "ZONE 1"

SITE PLAN INFORMATION TAKEN FROM SURVEY BY M.W. MOYLES, O.L.S., 1224 LAWRENCE AVE. WEST, TORONTO, ON DATED: NOV. 9, 1972

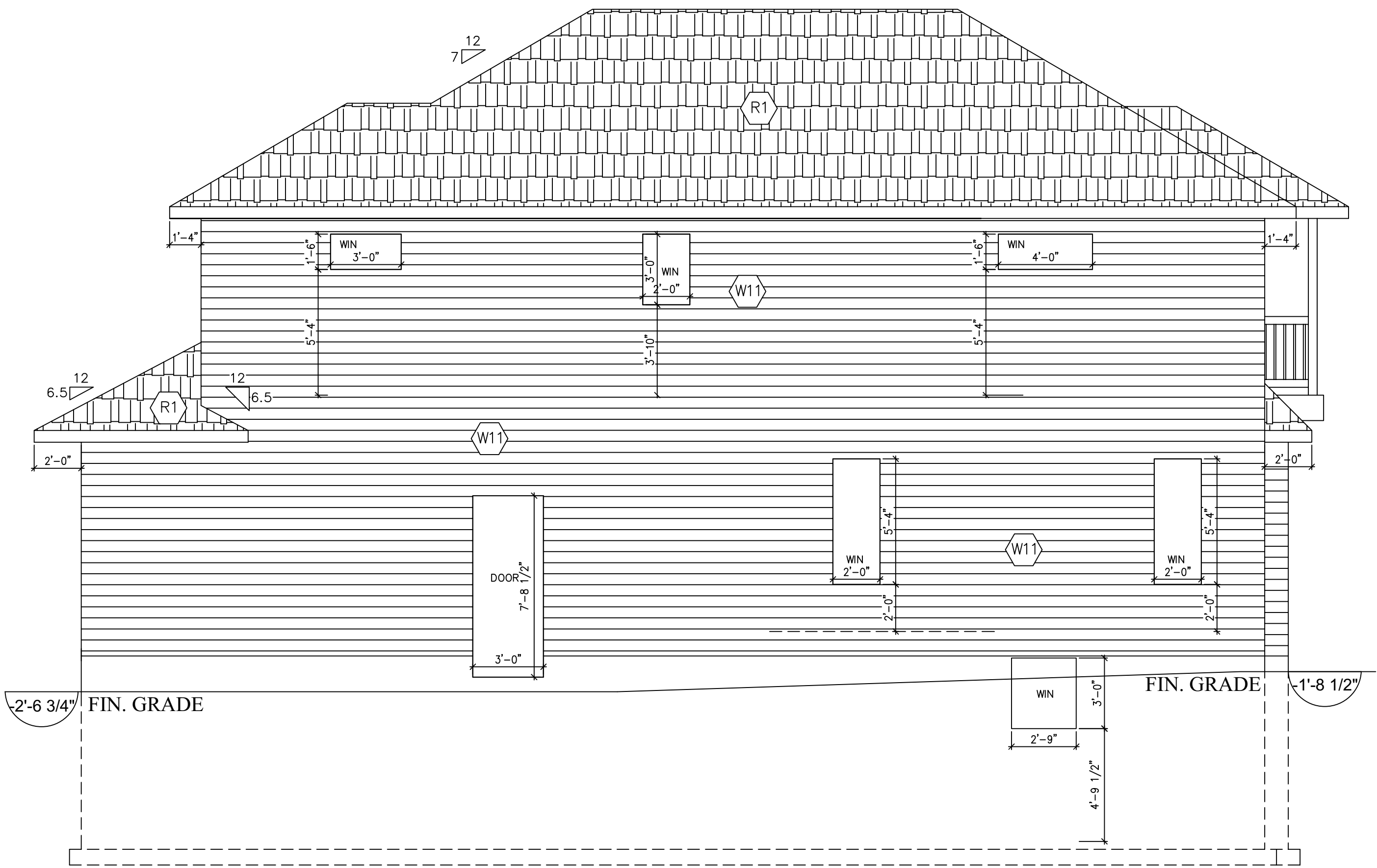
LOT 162
REGISTERED PLAN M-1441
IN THE
TOWN of MARKHAM
51 SUMMERFELDT CRES.
SCALE: AS SHOWN
PAGE: P01
DRAWN BY: ADD

6	ISSUED FOR PERMIT RESUBMISSION	
5	ISSUED FOR PERMIT RESUBMISSION	OCT. 17, 2018

PRODUCED BY AN AUTODESK STUDENT VERSION



1 EAST ELEVATION
A04 SCALE: 1/4" = 1'-0"

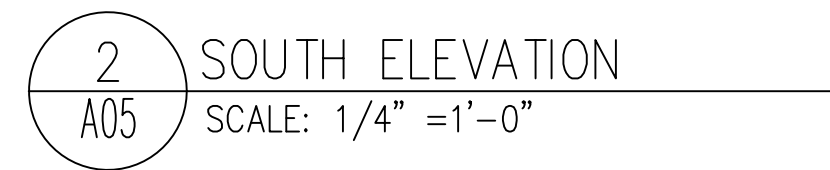
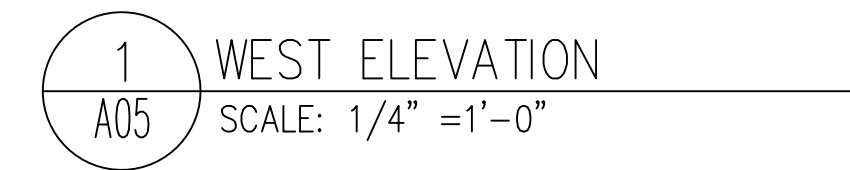


2 NORTH ELEVATION
A04 SCALE: 1/4" = 1'-0"

PRODUCED BY AN AUTODESK STUDENT VERSION

LOT 162
REGISTERED PLAN M-1441
IN THE
TOWN of MARKHAM
51 SUMMERFELDT CRES.
SCALE: AS SHOWN
PAGE: A04
DRAWN BY: ADD

5	ISSUED FOR PERMIT RESUBMISSION	
4	ISSUED FOR PERMIT RESUBMISSION	OCT. 15, 2018



LOT 162
REGISTERED PLAN M-1441
IN THE
TOWN of MARKHAM
51 SUMMERFELDT CRES.
SCALE: AS SHOWN
PAGE: A05
DRAWN BY: ADD

5	ISSUED FOR PERMIT RESUBMISSION	
4	ISSUED FOR PERMIT RESUBMISSION	OCT. 15, 2018

APPENDIX “C”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/054/21

1. That the front porch remain unenclosed;
2. The variance applies only to the proposed development as long as it remains;
3. That the variance applies only to the subject development, in substantial conformity with the plan(s) attached as Appendix “B” to this Staff Report and stamped by the City of Markham on June 03, 2021, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction;

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Melissa Leung', is positioned above a horizontal line.

Melissa Leung, Planner, Central District