

# Memorandum to the City of Markham Committee of Adjustment

February 12, 2018

**File:** A/184/17  
**Address:** 36 Summerfeldt Crescent, Markham  
**Applicant:** An Lu  
**Agent:** Battaglia Architect Inc. (JOE BATTAGLIA)  
**Hearing Date:** Wednesday February 21, 2018

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, R4, as amended:

- a) **Schedule B:**  
a minimum front yard setback of 26'-2", whereas the By-law requires a minimum front yard setback of 27';
- b) **Schedule 'B':**  
a minimum east side yard setback of 5'-6" (2-storey portion), whereas the By-law requires a minimum side yard setback of 6' (2-storey portion);
- c) **Schedule 'B':**  
a minimum west side yard setback of 4'-5 ¾" (2-storey portion), whereas the By-law requires a minimum side yard setback of 6'(2-storey portion);
- d) **Schedule 'B':**  
a maximum building height of 27'-3", whereas the By-law permits a maximum building height of 25';
- e) **Schedule 'B':**  
a maximum lot coverage of 39.32 percent whereas the By-law permits a maximum lot coverage of 33 1/3 percent, as they relate to a proposed residential dwelling.

## Property Description

The 584 m<sup>2</sup> (6,2896 ft<sup>2</sup>) subject property backs onto Briarwood Park and is located on the north side of Summerfeldt Crescent, west of Village Parkway and north of Carlton Road (see Figure 1). The surrounding area is an established residential neighbourhood comprised predominately of two-storey detached dwellings. The property contains a 225.3 m<sup>2</sup> (2,425.1 ft<sup>2</sup>) two-storey detached dwelling constructed circa 1973. There is one large mature tree in the municipal boulevard at the front and several trees in the rear yard.

## Proposal

The applicant is proposing to demolish the existing home and construct a two-storey detached dwelling with a gross floor area of 442.9 m<sup>2</sup> (4,767.3 ft<sup>2</sup>). One of the Birch trees in the rear yard is proposed to be removed. The applicant will be required to work with the City's Tree Preservation Technician to provide tree replacement and/or compensation in accordance with the City's Streetscape Manual prior to the issuance of a building permit.

## Official Plan and Zoning

2014 Official Plan (partially approved on Oct 30/15, May 26/16, Mar 10/17, April 21/17, Nov 24/17)

The subject property is designated "Residential – Low Rise", which provides for low rise housing forms including single detached dwellings. Infill development is required to meet the general intent of the 2014 Official Plan with respect to height, massing and setbacks to ensure that the development is appropriate for the site and also generally consistent with the zoning requirements for adjacent properties and properties along the same street.

Regard must also be had for retention of existing trees and vegetation, as well as the width of proposed garages and driveways. Planning staff have had regard for the infill development criteria in the preparation of the comments provided below.

#### Zoning By-Law

The subject property is zoned R4 under By-law 11-72, as amended, which permits single detached dwellings. The proposal does not comply with the by-law requirements with respect to side yard setback, front yard setback, lot coverage and building height

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

According to the applicant, "The variances are consistent with the pattern of redevelopment in the area and the proposed dwelling will be compatible with the transitioning character of the surrounding area."

#### **Zoning Preliminary Review Undertaken**

The applicant has completed Zoning Preliminary Review (ZPR) to confirm the 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;
- d) The general intent and purpose of the Official Plan must be maintained.

#### Reduction in Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 26.16 ft (7.97 m), whereas the by-law requires a minimum front yard setback of 27 ft (8.22 m). The variance is attributed to the front covered porch and the garage. The front main wall, including the second floor, complies with the by-law requirement and is generally in line with the majority of the other homes on the street (see Figure 1).

Staff acknowledge the proposed dwelling will extend approximately 16.4 ft (5 m) beyond the home to the east (38 Summerfeldt Crescent). However, due to the bend of the street, the proposed dwelling would still extend approximately 15.68 m (4.78 ft) beyond the adjacent home even if the minimum setback is being met (see Figure 1).

#### Reduction in Side Yard Setback

The applicant is requesting relief to permit an east side yard setback of 5.5 ft (1.67 m) and west side yard setback of 4.47 ft (1.36 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6 ft (1.8 m). The variance allows the second storey to be built in line with the main floor of the proposed home. This type of design is becoming more common in the surrounding areas. Many new infill developments, including the future home to the west, have had similar side yard setback variances in order to achieve such built form.

#### Increase in Maximum Building Height

The applicant is requesting relief to permit a maximum building height of 27.25 ft (8.3 m), whereas the By-law permits a maximum building height of 25 ft (7.62 m). The variance is in keeping with the recent infill development trend in the area, including the future home to the west that obtained a variance approval in 2015 for a height of 27.33 ft (8.33 m).

### Increase in Maximum Lot Coverage

The applicant is requesting relief to permit a lot coverage of 39.32 percent, whereas the by-law permits a maximum lot coverage of 33 1/3 percent. The variance includes the front covered porch and a single-storey bump-out at the rear which combined add approximately 9.58 m<sup>2</sup> (103.11 ft<sup>2</sup>) to the total coverage of the building. Excluding these components, the proposed dwelling has a lot coverage of approximately 37.67 percent.

The proposed footprint is comparable to the future home to the west (36 Summerfeldt Crescent) which has a lot coverage of 40% as previously approved by the Committee. Notwithstanding the increased coverage, the building layout exceeds the minimum rear yard setback and side yard setback required for the one-storey portion of the dwelling. However, considering the extent of the variance, the Committee should satisfy themselves as to the appropriateness of the proposed increase in lot coverage.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of February 12<sup>th</sup>, 2018. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.


### **COMMENTS**

Planning staff have reviewed this application with respect to Section 45 (1) of the Planning Act, R.S.O. 1990, c. P.13, as amended, and have no concerns with the variance related to front yard setback, side yard setback and building height. With respect to the increase in lot coverage, staff recommend that the committee consider public input in reaching a decision and should satisfy themselves whether the variance meets the four tests of the Planning Act.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

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

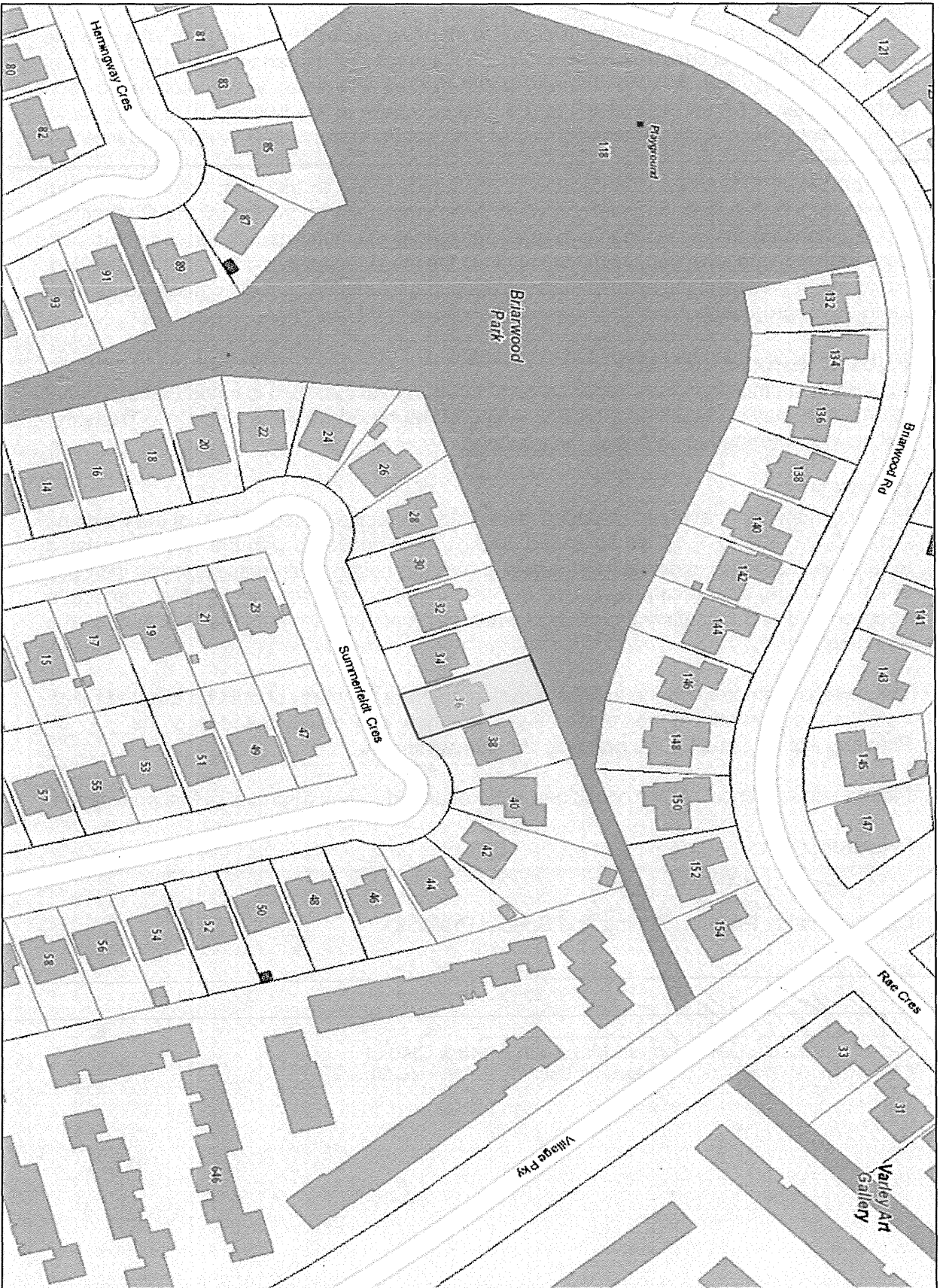
PREPARED BY:

  
\_\_\_\_\_  
Carlson Tsang, Planner, Zoning and Special Projects

REVIEWED BY:

  
\_\_\_\_\_  
Richard Kendall, Development Manager, Central District  
File Path: Amanda\File\17 183076 \Documents\District Team Comments Memo

Figure 1



## **APPENDIX "A"**

### **CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/184/17**

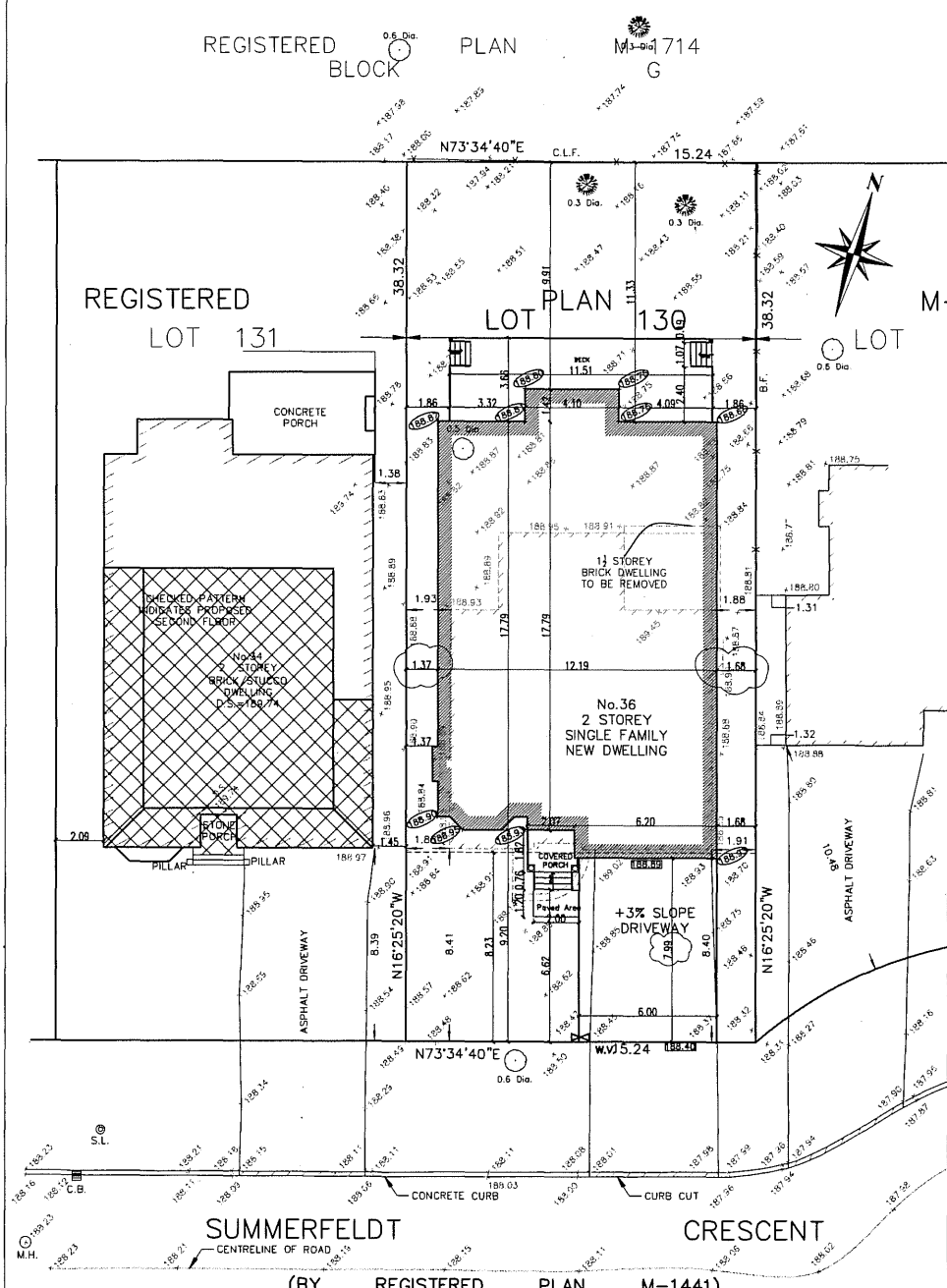
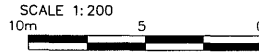
1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or 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 the Director of Planning and Urban Design or designate 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 Director of Planning and Urban Design or their designate.
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 Director of Planning and Urban Design or designate;
6. Submission of a detailed Siting, Lot Grading and Servicing Plan designed and stamped by a Professional Engineer/Ontario Land Surveyor/Landscape Architect satisfactory to the Director of Engineering, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Engineering or designate;

**CONDITIONS PREPARED BY:**



**Carlson Tsang, Planner, Zoning and Special Projects**

TOPOGRAPHIC SURVEY OF  
 LOT 130, REGISTERED PLAN M-1441  
 CITY OF MARKHAM  
 REGIONAL MUNICIPALITY OF YORK  
 THE CORPORATION OF THE TOWN OF MARKHAM



FRONT YARD AREA :	132.43 SQM
DRIVEWAY AREA :	47.96 SQM (36.22%)
LANDSCAPE AREA :	84.47 SQM (63.78%)
PAVED AREA, PORCH & STEPS :	7.65 SQM (9.02%)
SOFT LANDSCAPE :	76.87 SQM (91.00%)
FIRST FLOOR AREA :	190.95 SQM
GARAGE AREA :	38.7 SQM
SECOND FLOOR AREA :	213.24 SQM
GROSS AREA :	404.19 SQM
LOT AREA :	584.04 SQM
FOOTPRINT AREA :	289.62 SQM
COVERAGE :	39.32 %

02022018 34 SUMMERFELDT SHOWN ON SITE PLAN FOR CITY'S REVIEW

Revision date

The contractor shall check and verify all dimensions and report all errors and omissions to the Architect before proceeding with the work. This drawing is the property of the Architect and must be returned on completion of the work. It is not scale drawings.

**BATTAGLIA ARCHITECT INC.**  
 8888 KELLE STREET, CONCORD, ONT. TEL: (905) 588-2168

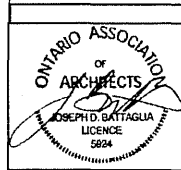
Project

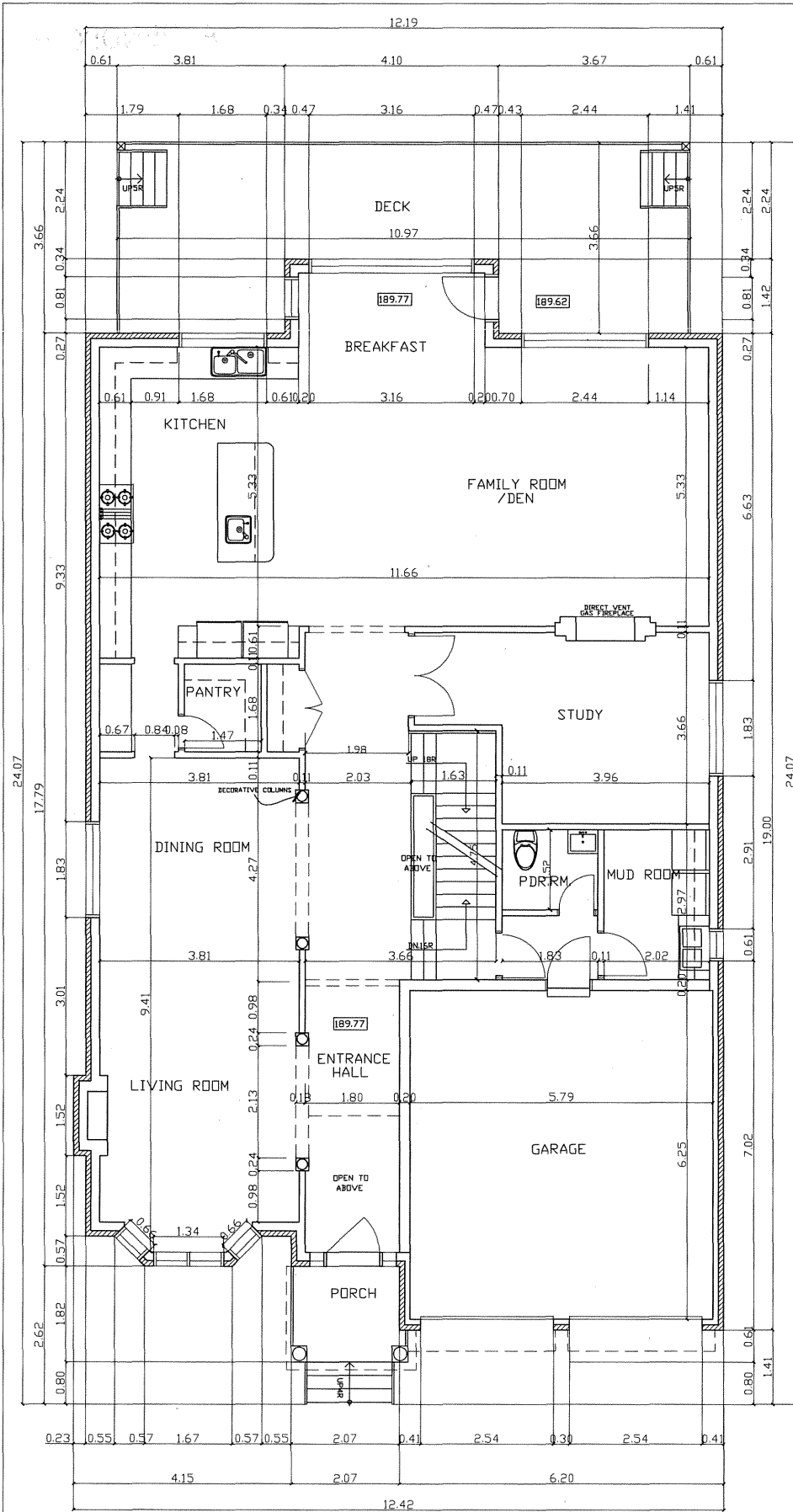
**PROPOSED TWO STOREY 36-SUMMERFELDT CRESCENT MARKHAM, ONTARIO.**

Drawing

**SITE PLAN**

date	OCT.02.2017
scale	1:200
Drawn By	F.F
project no.	
drawing no.	A1





FIRST FLOOR PLAN  
 AREA =190.95SQM.  
 GARAGE=38.7SQM.  
 AREA =2471.93SFT

Revision date

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 8888 KEELE STREET, CONCORD, ONT. TEL:(905) 508-2168

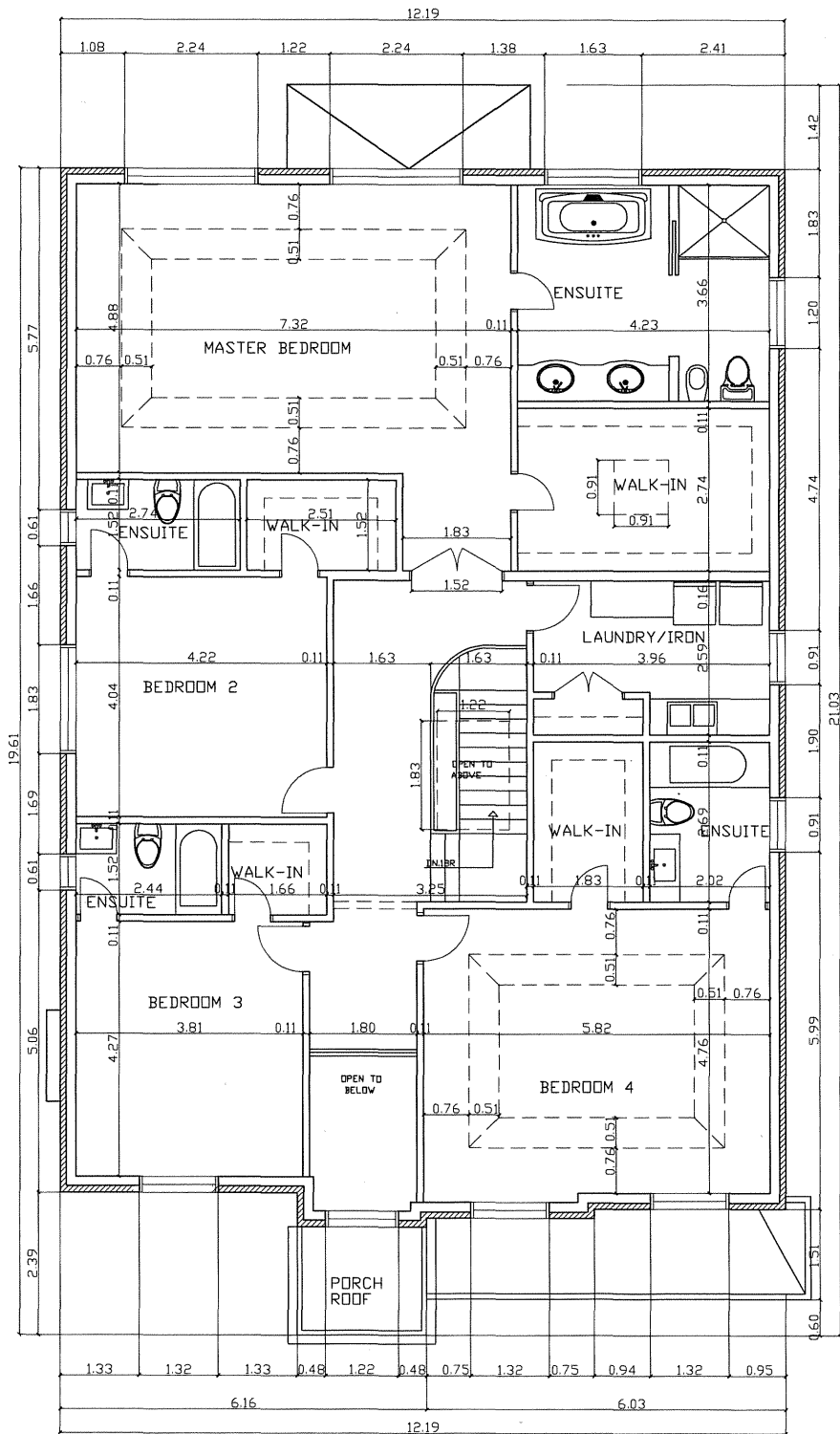
Project

**PROPOSED TWO STOREY  
 36-SUMMERFELDT CRESCENT  
 MARKHAM, ONTARIO.**

Drawing

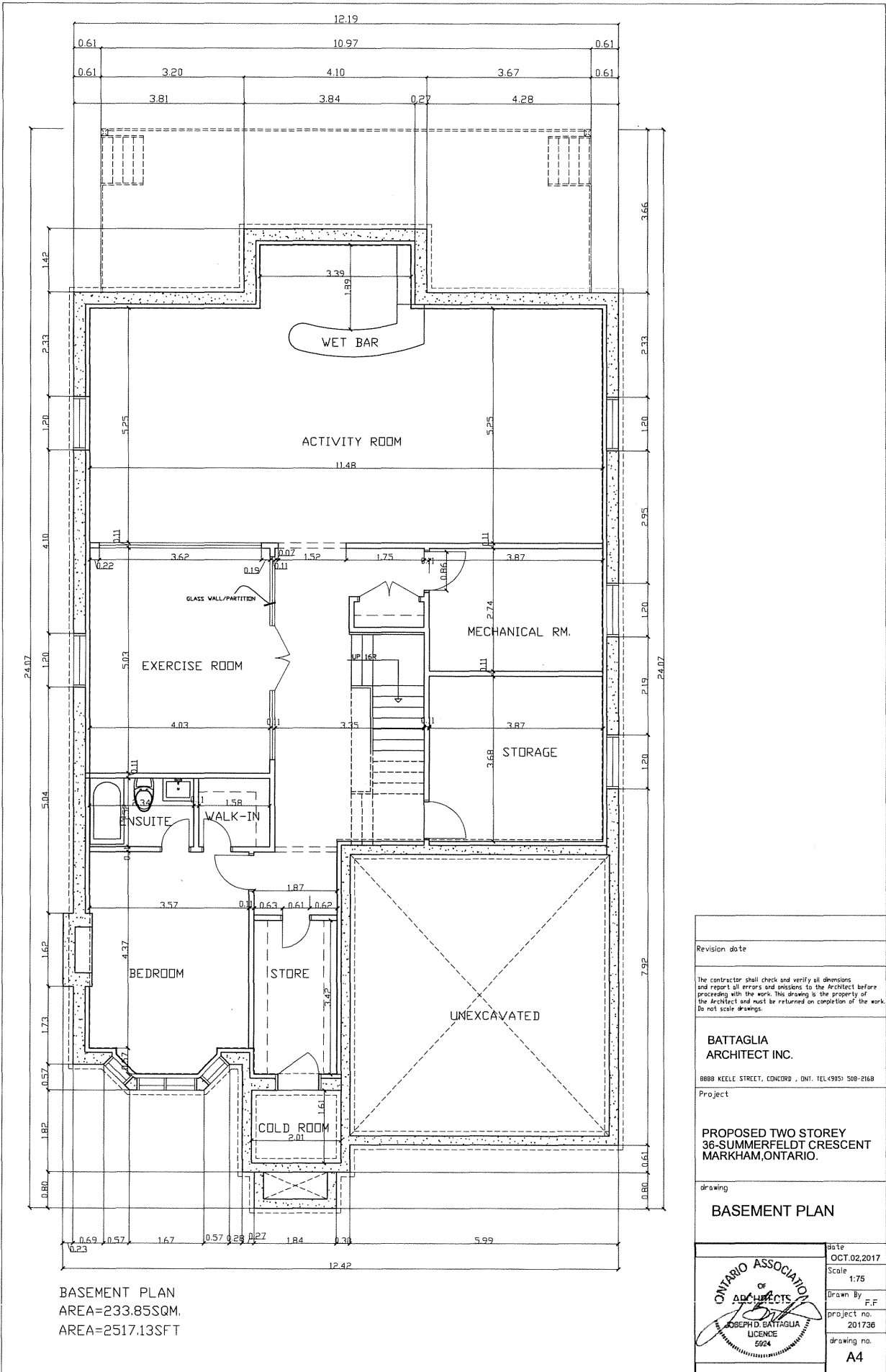
**FIRST FLOOR PLAN**

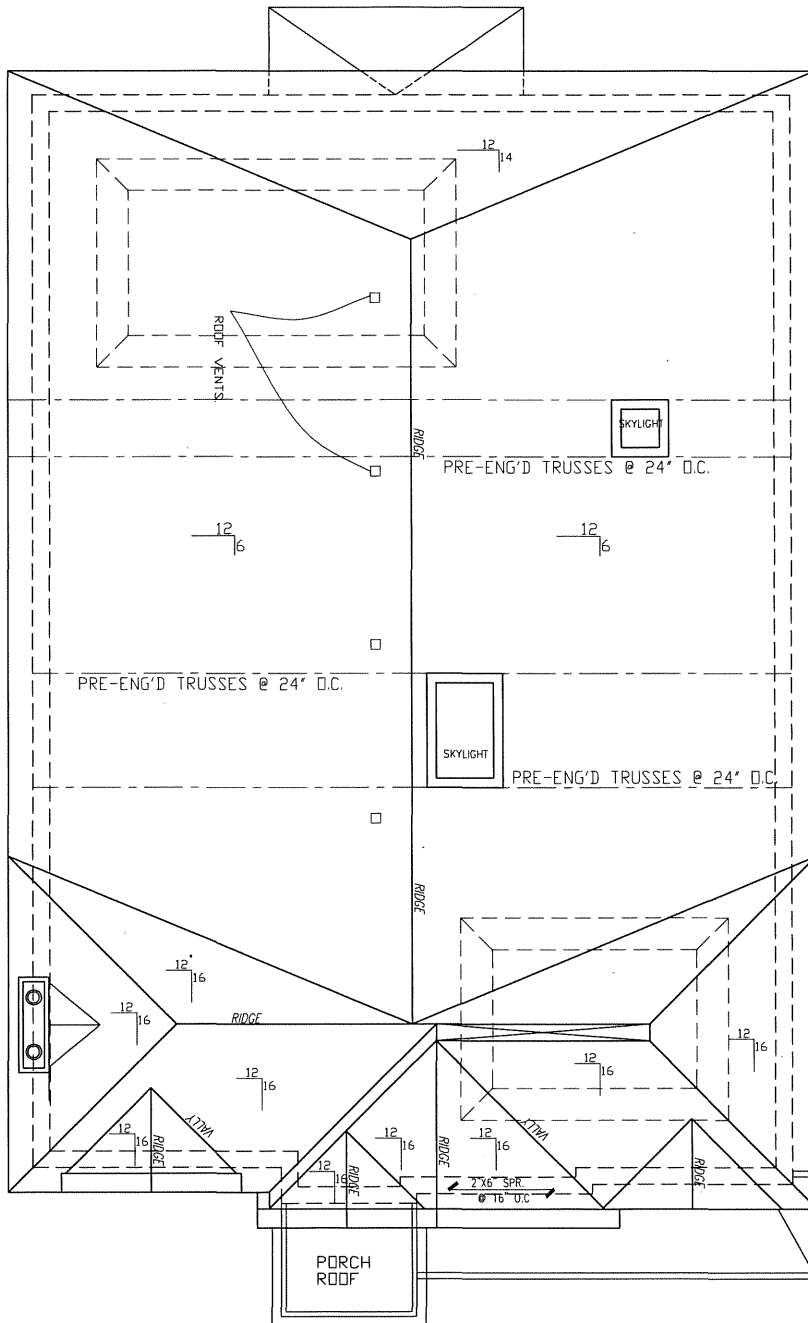
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	Scale	1:75
	Drawn By	F.F
	Project no.	201736
	Drawing no.	A2



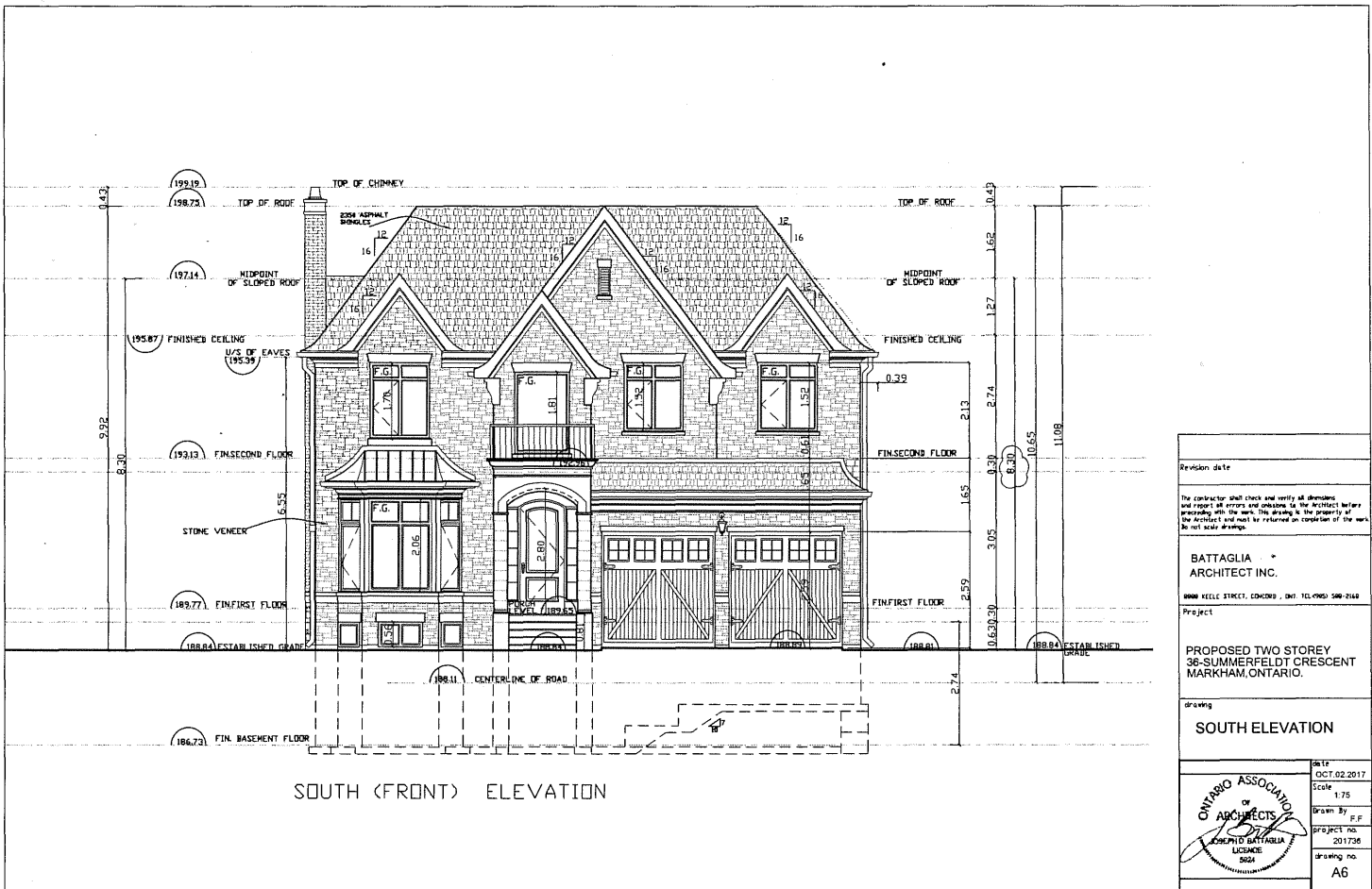
SECOND FLOOR PLAN  
 AREA =213.24SQM.  
 AREA =2295.30SFT

Revision date	
The contractor shall check and verify all dimensions and report all errors and omissions to the Architect before proceeding with the work. This drawing is the property of the Architect and must be returned on completion of the work. Do not scale drawings.	
<b>BATTAGLIA ARCHITECT INC.</b> 8888 KEELE STREET, CINCORP, ONT. TEL: (905) 508-2168	
Project	
<b>PROPOSED TWO STOREY        36-SUMMERFELDT CRESCENT        MARKHAM, ONTARIO.</b>	
drawing	
<b>SECOND FLOOR PLAN</b>	
	date
	OCT.02.2017
	Scale
	1:75
	Drawn By
F.F	
Project no.	
201736	
drawing no.	
A3	





Revision date	
The contractor shall check and verify all dimensions and report all errors and omissions to the Architect before proceeding with the work. This drawing is the property of the Architect and must be returned on completion of the work. Do not scale drawings.	
<b>BATTAGLIA ARCHITECT INC.</b> 8888 KEELE STREET, CONCORD, ONT. TEL: (905) 508-2168	
Project	
<b>PROPOSED TWO STOREY          36-SUMMERFELDT CRESCENT          MARKHAM, ONTARIO.</b>	
drawing	
<b>ROOF PLAN</b>	
	date
	Scale
	Drawn By
	project no.
	drawing no.
<b>A5</b>	



Revision date	
The contractor shall check and verify all dimensions and report all errors and omissions to the architect before proceeding with the work. This drawing is the property of the architect and must be returned in condition of the work. Do not scale drawings.	
<b>BATTAGLIA ARCHITECT INC.</b> 8880 KEELE STREET, EDWARDS, ONT. TEL: (905) 588-2148 Project	
PROPOSED TWO STOREY 36-SUMMERFELDT CRESCENT MARKHAM, ONTARIO.	
Drawing	
<b>SOUTH ELEVATION</b>	
	DATE
	OCT. 02. 2017
	Scale
	1:75
	Drawn By
F.F.	
Project No.	
201725	
Drawing No.	
A6	

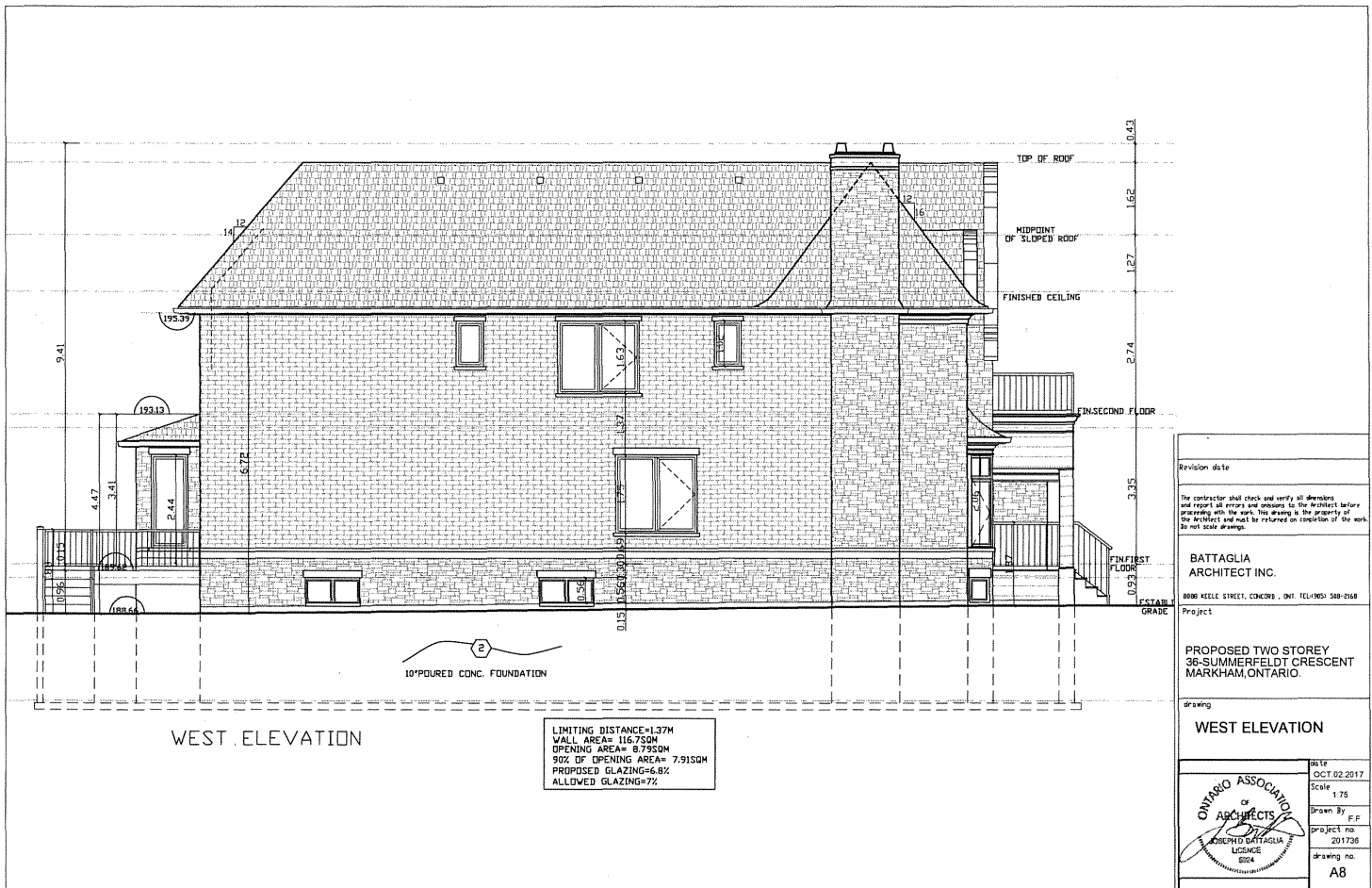


EAST ELEVATION

LIMITING DISTANCE=1.37M  
 WALL AREA= 123.22SQM  
 OPENING AREA= 9.31SQM  
 90% OF OPENING AREA= 8.38SQM  
 PROPOSED GLAZING=6.8%  
 ALLOWED GLAZING=7%

COMPOSITE DRAINAGE LAYER OVER  
 10" POURED CONC. OR 10"  
 CONC. BLOCK FOUNDATION

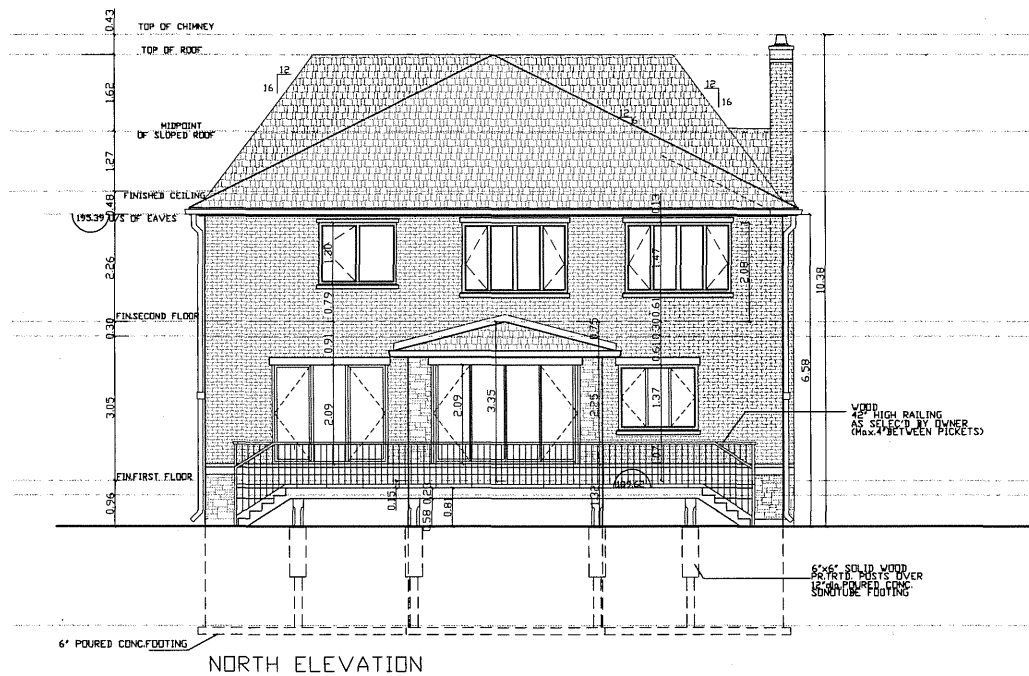
Revision date	
The contractor shall check and verify all dimensions and report all errors and omissions to the architect before proceeding with the work. This drawing is the property of the architect and must be returned in completion of the work. Do not scale drawings.	
<b>BATTAGLIA ARCHITECT INC.</b> 8889 KEELE STREET, CINCINNATI, OHIO TEL: 453-368-2148	
Project	
PROPOSED TWO STOREY 36-SUMMERFELDT CRESCENT MARKHAM, ONTARIO.	
drawing	
EAST ELEVATION	
	Date
	Scale
	Drawn By
	Project No.
	Drawing No.



WEST ELEVATION

LIMITING DISTANCE=1.37M  
 WALL AREA= 116.750M  
 OPENING AREA= 8.7950M  
 90% OF OPENING AREA= 7.9150M  
 PROPOSED GLAZING=6.8%  
 ALLOWED GLAZING=7%

Revision date	
<small>The contractor shall check and verify all dimensions and report all errors and omissions to the architect before proceeding with the work. This drawing is the property of the architect and must be returned on completion of the work. Do not scale drawings.</small>	
<b>BATTAGLIA ARCHITECT INC.</b> 8888 KEELE STREET, CONCORD, ONT. TEL: (905) 588-2168 Project	
PROPOSED TWO STOREY 36-SUMMERFELDT CRESCENT MARKHAM, ONTARIO.	
Drawing	
WEST ELEVATION	
	Date
	Scale
	Drawn By
	Project no.
	Drawing no.



NORTH ELEVATION

Revision date	
The contractor shall check and verify all dimensions and report all errors and omissions to the Architect before proceeding with the work. The drawing is the property of the Architect and must be returned on completion of the work for not later drawings.	
<b>BATTAGLIA ARCHITECT INC.</b> 9900 KELLE STREET, CINCINNATI, OHIO TEL: (954) 546-2148 Project	
PROPOSED TWO STOREY 36-SUMMERFELDT CRESCENT MARKHAM, ONTARIO.	
drawing <b>NORTH ELEVATION</b>	
	Date
	Scale
	Drawn By
	Project no.
	201738
	drawing no.
	A9