

Memorandum to the City of Markham Committee of Adjustment

July 10, 2025

File: A/108/24
Address: 41 Gladiator Road, Markham
Applicant: Jun An
Hearing Date: Wednesday, July 16, 2025

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

The applicant is requesting relief from the following requirements of By-law 2024-19, RES-ENLR as amended, as it relates to a proposed two-storey single detached dwelling, to permit:

a) By-law 2024-19, Section 6.3.2.2(c):

a maximum main building coverage of 22 percent for the second storey, whereas the by-law permits a maximum main building coverage of 20 percent for the second storey; and

b) By-law 2024-19, Section 6.3.2.2(e):

a maximum main building distance of 15.57 metres from the established building line for the second storey, whereas the by-law permits a maximum distance of 14.5 metres for any storey above the first

BACKGROUND

Property Description

The application was previously deferred at the April 30, 2025, Committee of Adjustment hearing due to concerns regarding the maximum second-storey main building coverage. In response, the applicant submitted revised drawings on May 20, 2025. The revised proposal reduces the second-storey main building coverage to 22 percent, representing an improvement of 3.8 percent from the originally proposed 25.8 percent. The proposed maximum main building projection from the established building line for the second storey remains unchanged at 15.57 metres (51.08 ft).

Proposal

The applicant is proposing to construct a two-storey detached dwelling with a gross floor area of 292.3 m² (3,145.8 ft²).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the “Residential Low Rise” designation to ensure infill development respects and reflects the existing pattern and character of surrounding neighborhoods. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation

Zoning By-Law 2024-19

The subject property is zoned RES-ENLR under By-law 2024-19, as amended, which permits Detached dwellings, Home Child Care, Home Occupation, Shared Housing –

Small Scale and select uses that legally existed on the lot prior to the passing of By-law 2024-19, as amended

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the initial variances required for the proposed development. The applicant submitted revised drawings on May 20, 2025. The applicant has not conducted a Zoning Preliminary Review for the revised drawings. Consequently, it is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Main Building Coverage (Second Storey)

The applicant is requesting relief to permit a Second Storey Main Building Coverage of 22% of the lot area, whereas the By-Law permits a main building coverage on the second floor of 20% of the lot area. This represents an additional 2% (12.83 m² or 138 ft²)

Staff note that the applicant revised the proposal from the previous request of 25.8% to 22%, which reflects a reduction of 3.8% or approximately 23.87 m² (257 ft²). Staff's opinion remains unchanged, and believe that the requested variance will not significantly increase the building's scale or massing and aligns with similar infill developments to the east. As such, staff have no concerns with the requested variance.

Increase in Maximum Distance of the Main Building from the Established Building Line (Second Storey)

The applicant is requesting a maximum distance of 15.57 metres (51.1 ft) from the main building to the established building line for any storey above the first, whereas the By-law permits a maximum of 14.5 metres (47.6 ft). The purpose of this regulation is to maintain a consistent streetscape by ensuring uniform building alignment, as well as controlling building depth and massing relative to neighbouring dwellings. The applicant has not revised this aspect of the proposal. Staff remain of the opinion that the proposed second storey does not disrupt the established streetscape and character of the neighbourhood and have no concerns with the requested variance.

PUBLIC INPUT SUMMARY

No additional written submissions have been received since the previous meeting of April 30, 2025. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

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

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

APPENDICIES

Appendix "A" – A/108/24 Conditions of Approval

Appendix "B" – Drawings

Appendix "C" – Staff Report Dated April 30 2025

Appendix "D" – Minutes Extract

PREPARED BY:



Aaron Chau, Planner I, East District

REVIEWED BY:



Stacia Muradali, Development Manager, East District

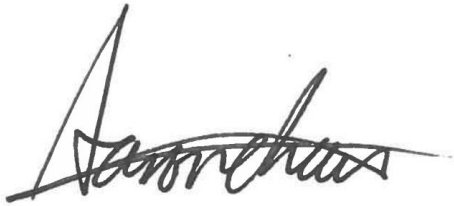
File Path: Amanda\File\ 24 191461 \Documents\District Team Comments Memo

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/108/24

1. The variances apply only to the proposed development as long as it remains;
2. 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;

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', with a large, sweeping initial 'A'.

Aaron Chau, Planner I, East District

Appendix B

File: 24-191461-000-00-0000
Date: 7/11/2025
MM/DD/YYYY

SITE PLAN
1:150

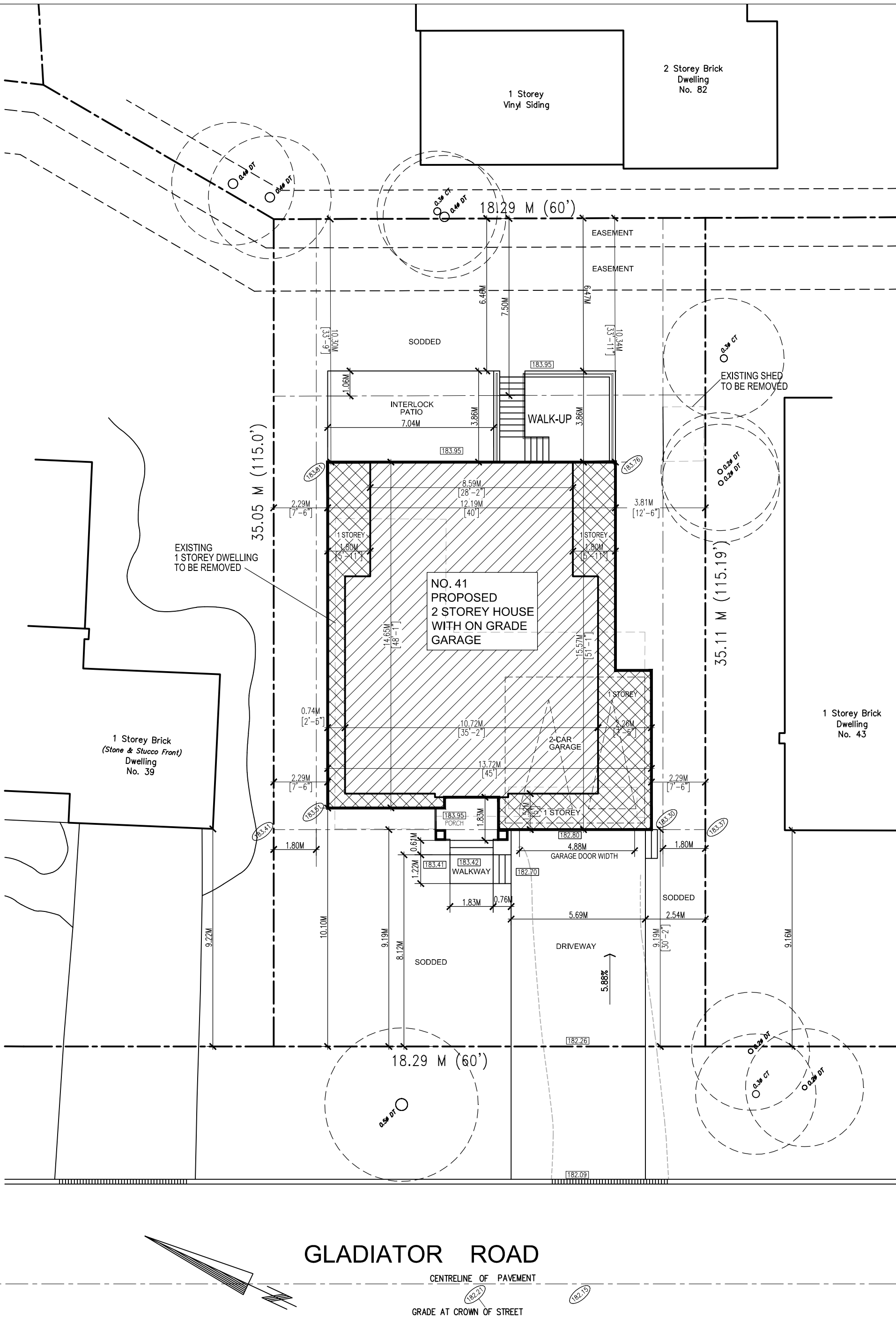
ZONING: RES-ENLR UNDER BY-LAW 2024-19
ZONING SUMMARY:

	PERMITTED	PROPOSED
USE OF BUILDING	DETACHED DWELLING	DETACHED DWELLING
MIN. LOT FRONTAGE	23.0 M	18.29 M (EXISTING)
MIN. LOT DEPTH	30.0 M	35.08 M (EXISTING)
MAX. MAIN BUILDING COVERAGE FIRST STOREY	30% (192.5 S.M.)	30% (192.5 S.M.)
MAX. MAIN BUILDING COVERAGE SECOND STOREY	20% (128.3 S.M.)	22.0% (140.7 S.M.)
MAX. DISTANCE OF MAIN BUILDING FIRST STOREY	19.5 M	15.57 M
MAX. DISTANCE OF MAIN BUILDING SECOND STOREY	14.5 M	15.57 M
MIN. FRONT YARD SETBACK	9.19 M	9.19 M
MIN. REAR YARD SETBACK	7.5 M	10.30 M
MIN. SIDE YARD SETBACK (NORTH)	1.8 M	2.29 M
MIN. SIDE YARD SETBACK (SOUTH)	1.8 M	2.29 M
MIN. SIDE YARD SETBACK COMBINED ON BOTH SIDES	4.57 M	4.57 M
MAX. OUTSIDE WALL HEIGHT	7.0 M	6.5 M
MAX. NUMBER OF STOREYS	2	2
MAX. GARAGE DOOR WIDTH	6.86 M	4.88 M
MAX. PROJECTION OF GARAGE	1.8 M	0 M
MIN. FRONT YARD PORCH DEPTH	1.8 M	1.83 M

STATISTICS:

GROSS FLOOR AREA	
GROSS BASEMENT FLOOR AREA	151.4 SQ. M.
GROSS GROUND FLOOR AREA (LIVING)	151.6 SQ. M.
GARAGE AREA	40.9 SQ. M.
GROSS SECOND FLOOR AREA	140.7 SQ. M.
TOTAL GROSS FLOOR AREA (BASEMENT AND GARAGE NOT INCLUDED)	292.3 SQ. M.

LOT AREA	641.5 SQ. M.
ESTABLISHED GRADE	183.39 M
AVERAGE GRADE LEVEL	183.60 M



1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
3. DO NOT SCALE DRAWING.
4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO THE DESIGNER BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.
5. USE ONLY LATEST REVISED DRAWINGS.
6. THE DESIGN AND CONTRACT DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE DESIGNER AND MAY NOT BE REPRODUCED, ALTERED, OR REUSED WITHOUT THE DESIGNER'S WRITTEN AUTHORITY.

designed by:
JUN AN
T.647-8801688
EMAIL:JUNAN8888@GMAIL.COM
ANJIA HOME DESIGN INC.
67 CHERRYSTONE DR.
M2H 1S2
TORONTO, ONTARIO, CANADA

THIS UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE O.B.C.TO BE A DESIGNER.

JUN AN
BCIN: I 03596
ANJIA HOME DESIGN INC.
BCIN: I 13604

[Signature]
SIGNATURE

7	REVISED	MAY 12, 2025
6	REVISED	MAR 07, 2025
5	REVISED	FEB 26, 2025
4	REVISED	DEC 09, 2024
3	REVISED	OCT 31, 2024
2	REVISED	JUL 08, 2024
1	ISSUED FOR ZPR	APR 26, 2024
NO.	ISSUED FOR	DATE

project: **PROPOSED NEW 2 STOREY DWELLING AT 41 GLADIATOR RD, MARKHAM, ONTARIO**

drawing: **SITE PLAN**

scale: **1:150**

page:

A0.1

Appendix B

File: 24.191461.000.00.0000

7/11/2025

Date: MM/DD/YYYY



FRONT (WEST) ELEVATION
SCALE: 3/16"=1'-0"

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BCIN: 113604


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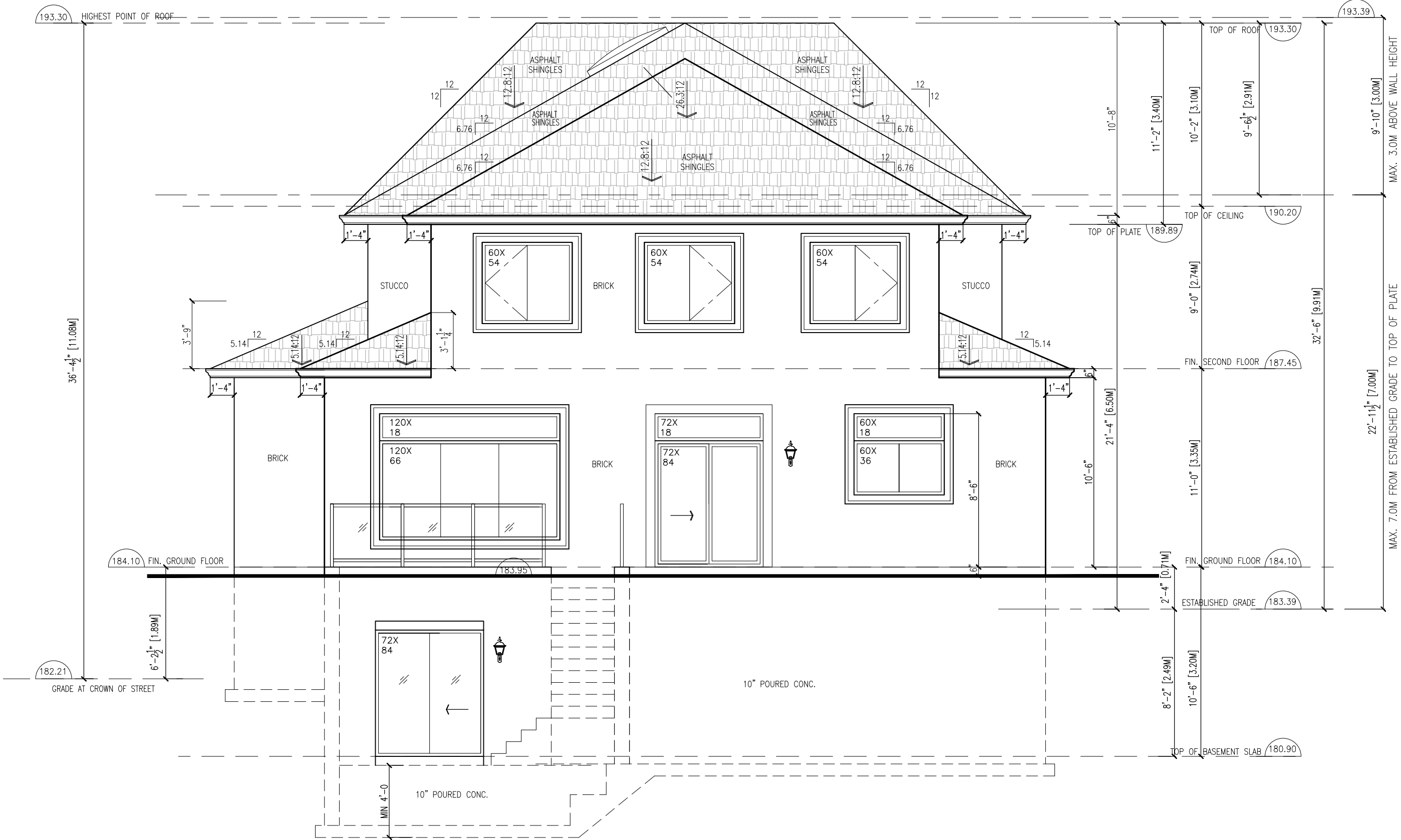
drawing: **FRONT (WEST) ELEVATION**

scale: **3/16"=1'-0"**

page:

Appendix B

File: 24.191461.000.00.0000
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REAR (EAST) ELEVATION
SCALE: 3/16"=1'-0"

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drawing: **REAR (EAST) ELEVATION**

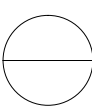
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Appendix B

File: 24-191461-000-00-0000
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 SOUTH SIDE ELEVATION
SCALE: 3/16"=1'-0"

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NO.	ISSUED FOR	DATE

project: **PROPOSED NEW 2 STOREY DWELLING AT 41 GLADIATOR RD, MARKHAM, ONTARIO**

drawing: **SOUTH SIDE ELEVATION**

scale: **3/16"=1'-0"**

page:

Appendix B



File: 24.191461.000.00.0000

Date: 7/11/2025
MM/DD/YYYY



NORTH SIDE ELEVATION
SCALE: 3/16"=1'-0"

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drawing: **NORTH SIDE ELEVATION**

scale: **3/16"=1'-0"**

page:

A2.4

Appendix C

Memorandum to the City of Markham Committee of Adjustment

April 25, 2025

File: A/108/24
Address: 41 Gladiator Rd, Markham
Applicant: Jun An
Hearing Date: Wednesday, April 30, 2025

File: _____
Date: **7/11/2025**
MM/DD/YYYY

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

The applicant is requesting relief from the following requirements of By-law 2024-19, RES-ENLR, as amended, as it relates to a proposed two-storey single detached dwelling, to permit:

- a) **By-law 2024-19, Section 6.3.2.2(c):**
a maximum main building coverage of 25.8 percent for the second storey, whereas the by-law permits a maximum main building coverage of 20 percent;
- b) **By-law 2024-19, Section 4.8.10.1(a):**
a maximum main building distance of 15.57 m from the established building line (second storey); whereas the by-law permits a maximum of 14.5 m for any storey above the first storey

BACKGROUND

The Application was previously deferred at the December 4, 2024 Committee of Adjustment hearing at the request of the applicant, in order to address concerns over a required variance that was not identified in the Zoning Preliminary Review prepared by Building Standards Department staff. Specifically, the missed variance relates to the maximum main building distance from the established building line (Variance b). Since the deferral, the applicant has revised the proposal by reducing the main building coverage from 27.6% to 25.8% and modifying the building design to eliminate the need for the previously required porch depth variance of 1.52 m.

Proposal

The applicant is proposing to construct a two-storey detached dwelling with a gross floor area of 313.6 m² (3,375.56 ft²).

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

Section 8.2.3.5 of the 2014 Official Plan outlines development criteria for the “Residential Low Rise” designation to ensure infill development respects and reflects the existing pattern and character of surrounding neighborhood. These criteria include policies with respect to height, massing, setbacks, and protection of existing vegetation.

Zoning By-Law 2024-19

The subject property is zoned RES-ENLR under By-law 2024-19, as amended, which permits Detached dwelling, Home Child Care, Home Occupation, Shared Housing – Small

Scale and select uses that legally existed on the lot prior to the passing of By-law 2024-19, as amended.

Zoning Preliminary Review (ZPR) Undertaken

The applicant has completed a Zoning Preliminary Review (ZPR) to confirm the new variances required for the proposed development. It is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Increase in Main Building Coverage (Second Storey)

The applicant is requesting relief to permit a Second Storey Main Building Coverage of 25.8% of the lot area, whereas the By-Law permits a main building coverage on the second floor of 20% of the lot area. This represents an additional 5.8% (36.7 m² or 395 ft²).

Staff note that the applicant revised the proposal from the previous request of 27.6% to 25.8%, which reflects a reduction of 1.8% or approximately 11.4 m² (123 ft²). Staff's opinion remains unchanged, and believe that the requested variance will not significantly increase the building's scale or massing and aligns with similar infill developments to the east. As such, staff have no concerns with the requested variance.

Increase in Maximum Distance of the Main building from the Established Building Line (Second Storey)

The applicant is requesting a maximum distance from the main building from the established building line for any storey above the first storey of 15.57 m (51.1 ft), whereas the by-law permits a maximum of 14.5 m (47.6 ft). The intent of regulating this maximum distance is to maintain a uniform streetscape by ensuring consistent building alignment in addition to the building depth and massing in relation to neighboring dwellings. The proposed secondary storey will not disrupt the established building line along the streetscape. Staff have no concern with this requested variance.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 25, 2025. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION


Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request

meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

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

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

PREPARED BY:



Aaron Chau, Planner I, East District

REVIEWED BY:



Carlson Tsang, Senior Planner, East District

File Path: Amanda\File\ 24 191461 \Documents\District Team Comments Memo

APPENDICIES:

Appendix "A" – A/108/24 Conditions of Approval

Appendix "B" – Drawings

Appendix "C" – Staff Report Dated November 14 2024

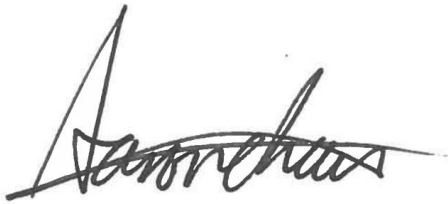
Appendix "C" – Minutes Extract

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/108/24

1. The variances apply only to the proposed development as long as it stands
2. That the variances apply only to the subject development, insubstantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction

CONDITIONS PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aaron Chau', with a large, sweeping initial 'A'.

Aaron Chau, Planner I, East District

Appendix D

Ian Free, a Unionville resident, objected to the application, indicating that the variances were not minor, there was not a sufficient setback of the second floor, and it would impact the adjacent properties.

File: 24101461.000.0000
Date: 7/11/2025
MM/DD/YYYY

Christiane Bergauer-Free agreed with previous speakers. Additionally, Christiane was concerned about tree and hedge removal creating environmental and privacy impacts. Other design elements and setbacks would impact sunlight, shadowing, micro-climates, drainage, and infrastructure. The massing with the dormers and garage brought a lack of compatibility to the established neighbourhood, and the application did not comply with the Official Plan's intent to protect the neighbourhood's character and living area.

Member Sampson expressed that the second floor needed further reduction to meet the intent of the by-law to provide a smaller second story, at the front of the home.

Member Yan appreciated the changes that had been made. Member Yan expressed that it was the responsibility of the Committee to achieve a balance in the neighbourhood. Member Yan indicated the second story needed further reduction.

Member Prasad agreed with their colleagues.

The Acting Chair agreed that the application needed further reductions to achieve the intent of the by-law.

Member Prasad motioned for deferral.

Moved by: Arun Prasad
Seconded by: Patrick

THAT Application **A/091/24** be **deferred** sine die.

Resolution Carried

6.8 A/108/24

Agent Name: Jun An
41 Gladiator Road, Markham
PLAN 7326 LOT 24

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

- a) **By-law 2024-19, Section 6.3.2.2(c):**
a maximum main building coverage of 25.8 percent for the second storey, whereas the by-law permits a maximum main building coverage of 20 percent for the second storey; and

b) By-law 2024-19, Section 6.3.2.2(e):

a maximum main building distance of 15.57 metres from the established building line for the second storey, whereas the by-law permits a maximum of 14.5 metres for any storey above the first;

as it related to a proposed two-storey dwelling.

The agent, Jun An, appeared on behalf of the application.

The Committee received two written pieces of correspondence.

Elizabeth Brown, Committee of Adjustment Representative for the Markham Village Sherwood Forest Residents Association, commented on the massing and scale created by the larger second floor and considered the variances to be neither minor nor compatible with the neighbourhood. Elizabeth also noted that the house on the corner had a different orientation, creating a way to utilize the lot for a wide and shallow home.

Karina La Macchia, a neighbour, opposed the approval; the proposed increase in depth and massing of the second story would directly and negatively impact the neighbouring properties' rear yards. Karina did not consider the application minor when considering the impacts of reduced privacy and imposing visual presence, which would reduce sunlight and increase shadowing. The applicant had not provided a significant justification for the need for the variance, and it was insufficient to indicate they wanted a larger home.

Member Sampson indicated that the issue was the massing of the second floor and considered that the applicant needed to make further reductions in the massing of the second floor at the front of the house. Member Sampson further commented that comparisons between infill development constructed under the previous by-law and applications subject to By-law 2024-19 should not be made.

Member Yan considered the design appropriate for the neighbourhood but expressed that the Committee was taking a consistent position regarding the second-floor massing and requested that the applicant reduce the second-floor massing and proposed a deferral.

The Acting Chair indicated that the second-floor massing needed to be reduced.

Member Sampson motioned for deferral.

Moved by: Patrick Sampson

Seconded by: Arun Prasad

THAT Application **A/108/24** be **deferred** sine die.