

Memorandum to the City of Markham Committee of Adjustment

September 5, 2025

File: A/063/25
Address: 60 Apricot Street, Thornhill
Agent: The Spruce Tree Interiors and contracting (Diane Powers)
Hearing Date: Wednesday, September 10, 2025

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

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

a) By-law 2024-19, Section 4.8.2.1 a):

a maximum height of 5.6 m for a detached private garage not accessed by a lane, whereas the by-law permits a maximum height of 4.5 m for a detached private garage not accessed by a lane;

as it relates to renovations to the existing detached garage.

BACKGROUND

Property Description

The 658.5 m² (7088.04 ft²) subject property is located on the east side of Apricot Street, north of Steeles Avenue East and east of Bayview Avenue. There is an existing two-storey detached dwelling on the subject property with mature vegetation located throughout the lot. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Surrounding uses include a mix of one and two-storey detached dwellings, parks and a rail corridor.

Proposal

The applicant is proposing to renovate the detached private garage accessory to the existing dwelling. The proposed garage will maintain the current first storey portion and increase the second storey loft portion of the garage. The existing roof will be removed to facilitate the proposal.

Official Plan and Zoning

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

The Official Plan designates the Subject Property "Residential Low Rise", which provides for a range of lower-scale residential buildings in established neighbourhoods, including single detached dwellings.

Area Specific Policy 9.18.5 also applies to the Subject Property and intends to provide a set of development standards in the zoning by-law that limits the size and massing of new dwellings or additions, ensuring infill development respects the existing pattern and character of adjacent development. This includes development standards for lot coverage, building depth, floor area ratios, height, number of storeys, garage projections, and garage widths.

Zoning By-Law 2024-19

The Subject Property is zoned “Residential – Established Neighbourhood Low Rise” (RES-ENLR) under By-law 2024-19, which permits detached dwellings. The proposal does not comply with respect to maximum garage height. Further details on the variances are provided in the comment section below.

Applicant’s Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, “*Added height to allow more usable space on the second floor*”.

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. 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.

Increased Maximum Building Height Variance

The applicant is requesting relief to permit a maximum height of 5.6 m for a detached private garage not accessed by a lane, whereas the by-law permits a maximum height of 4.5 m for a detached private garage not accessed by a lane.

The By-law calculates building height using the vertical distance measured from the average grade height to, in this case, the mean level between the eaves and ridge of a gabled, hip, or other type of pitched roof.

The garage is set back far from the existing streetscape, and is adjacent to a rail corridor. Additionally, Tree Preservation Staff have reviewed the application and are satisfied with the proposed measures to mitigate any tree injury; any preservation measures will be implemented prior to permit approval. As such, Staff is of the opinion that the proposed height variance is minor in nature and have no concerns.

EXTERNAL AGENCIES

Metrolinx Comments

Metrolinx provided comments for this application on August 8, 2025. Metrolinx has no objections to the proposal, in principle, and provided the following advisory comments noted below:

The subject property is located within 300 m of Metrolinx’s Bala Subdivision which carries Metrolinx’s Stouffville GO Train service.

As Per Metrolinx's Adjacent Development Guidelines, derailment protection in the form of a safety barrier (e.g. Crash wall, earthen berm, etc.) is required for residential uses immediately adjacent to the rail corridor. For infill development, safety barriers are often infeasible. In these instances, the Proponent will be required to enter into an Infill Adjacent Development Agreement with Metrolinx. The Proponent may contact jenna.auger@metrolinx.com with any questions and for a copy of the Infill Adjacent Development Agreement.

Metrolinx requires that an environmental easement is provided in accordance with Section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact jenna.auger@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

Additionally, the Applicant is asked to provide a warning clause in all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor.

Staff recommend that the proposed development is subject to the associated condition of Approval regarding the environmental easement and warning clause provided in Appendix "A".

PUBLIC INPUT SUMMARY

No written submissions were received as of September 5, 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:



Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

File Path: Amanda\File\ 25 120163 \Documents\District Team Comments Memo

APPENDIX “A”

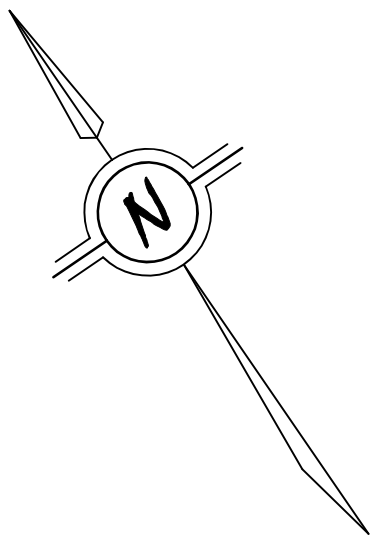
CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/063/25

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

CONDITIONS PREPARED BY:



Theo Ako-Manieson, Planner I, West District



LOT NO. _____
PLAN NO. _____
CITY OF MARKHAM _____

LOT COVERAGE:

LOT AREA = 7088 FT² (658.5m²)
EXISTING GARAGE FOOTPRINT = 460 FT² (42.7m²)
EXISTING LOT COVERAGE = 6.5 %

45.72

EXISTING
RESIDENCE

EXISTING
DRIVEWAY

APRICOT STREET

PLOT PLAN

15.24

Appendix B

File: _____
EXISTING GARAGE (PROPOSED RENO)
Date: **9/5/2025** _____
MM/DD/YYYY

1.49
6.96

7.57

6.15

1.52

10.97

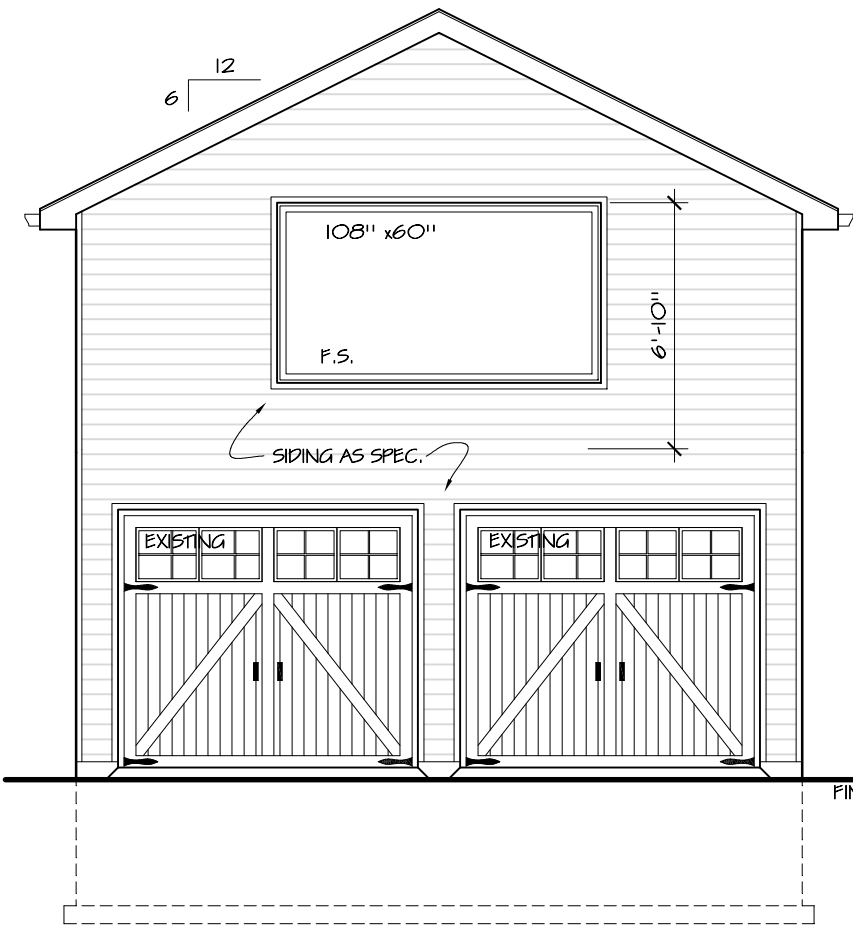
11.89

39.62

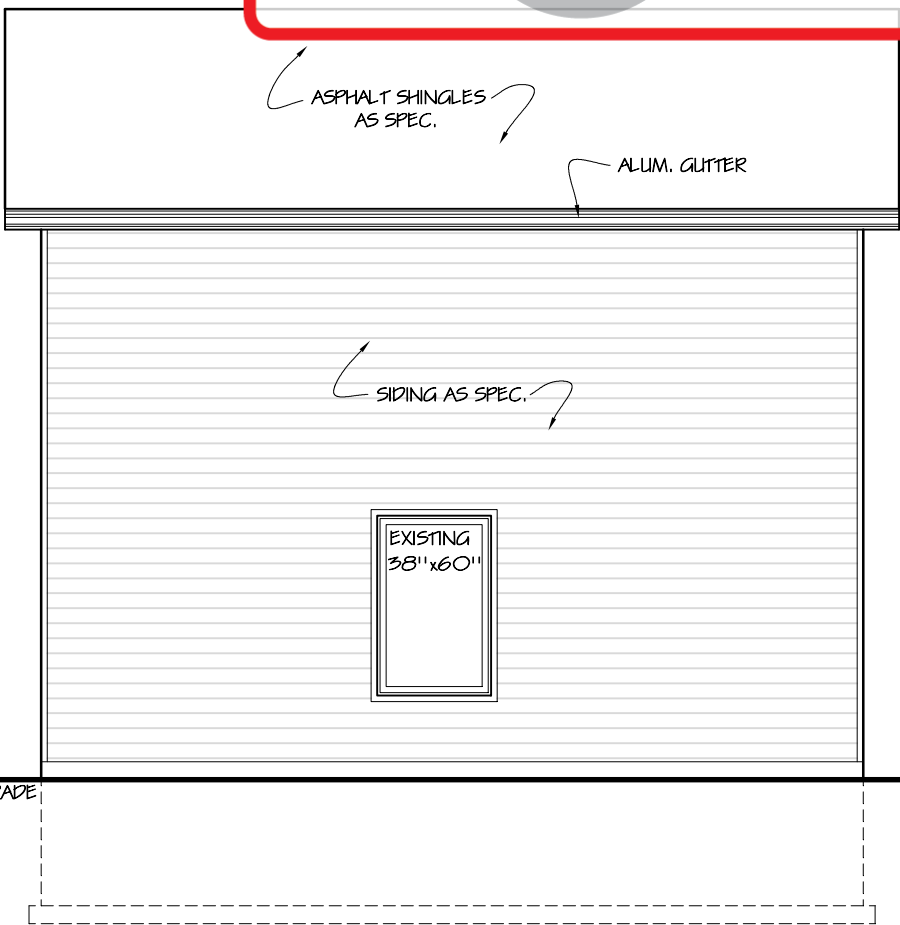
Appendix B

File: 25.120163.0000.00.MNV

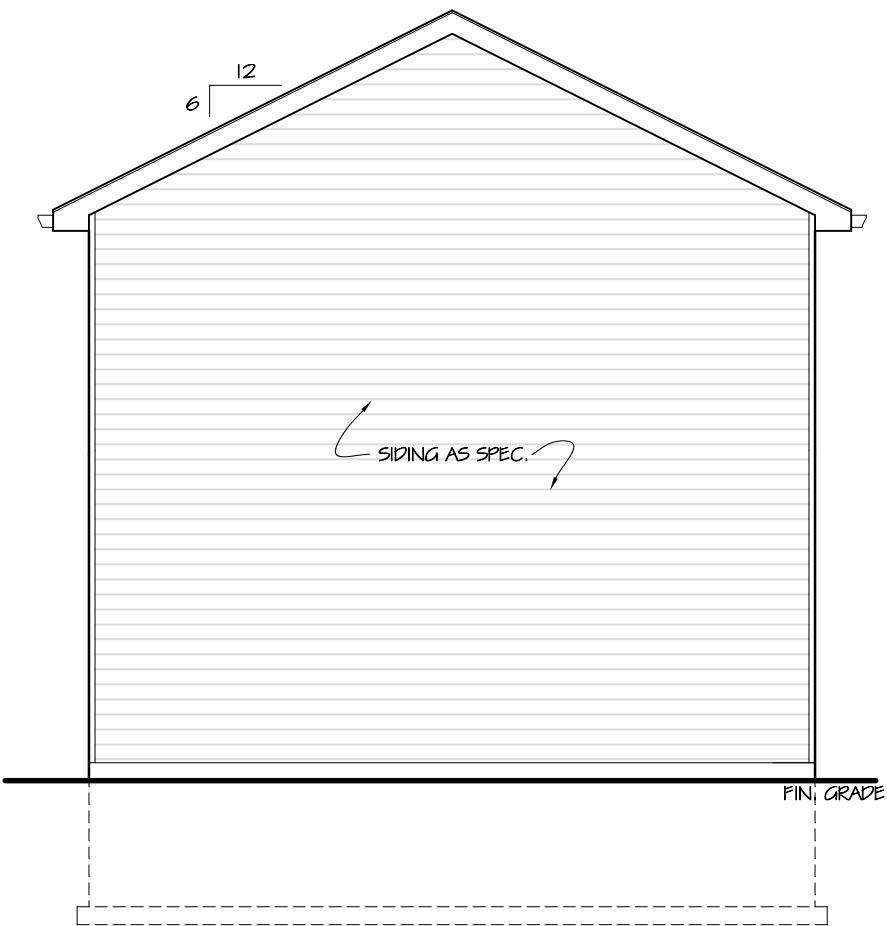
Date: 9/5/2025
MM/DD/YYYY



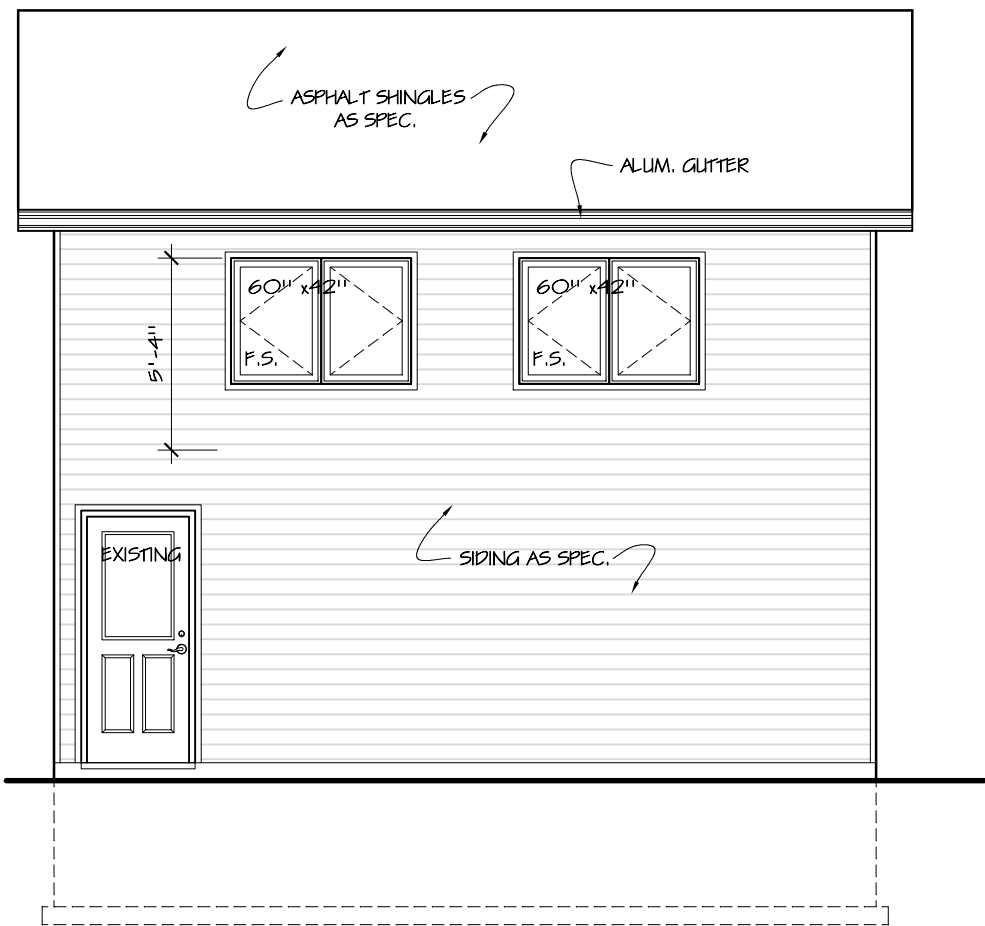
FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

new castle
drafting & design inc.

76 Baldwin St. Newcastle, Ontario L1B 1H1

PH. 905-987-5263

FX. 905-987-1180

web site: www.newcastledrafting.ca

email: ncdrafting@on.aibn.com

SCALE

3/16"=1'-0"

DATE

05/05/2025

DRAWN

TBJ

SHT 4 OF 4

DRAWING NUMBER

25-05-02

TO: Shawna Houser, Secretary-Treasurer, Committee of Adjustment, City of Markham

DATE: August 8, 2025

RE: Adjacent Development Review: A/063/25
60 Apricot Street, Markham, ON
Minor Variance

Dear Committee of Adjustment,

Metrolinx is in receipt of the Minor Variance application for 11 Gleason Avenue, Markham, to construct a loft above the existing ancillary building on site, as circulated on July 30th, 2025, and to be heard by the Committee as early as Wednesday September 10th, 2025. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Bala Subdivision which carries Metrolinx's Richmond Hill GO Train service.

GO/HEAVY-RAIL - CONDITIONS OF APPROVAL

- As Per Metrolinx's Adjacent Development Guidelines, derailment protection in the form of a safety barrier (e.g. Crash wall, earthen berm, etc.) is required for residential uses immediately adjacent to the rail corridor. For infill development, safety barriers are often infeasible. In these instances, the Proponent will be required to enter into an Infill Adjacent Development Agreement with Metrolinx. The Proponent may contact jenna.auger@metrolinx.com with any questions and for a copy of the Infill Adjacent Development Agreement.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Jenna.Auger@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

- Given the adjacency to our infrastructure, Metrolinx requires a construction management plan, a site grading plan, and a photo displaying the conditions of the existing fence adjacent to the corridor on site to assist with our review, as the proposed development is adjacent to the Metrolinx Rail Corridor Right-of-Way and may be subject to a work permit and review. The Proponent can find more information on the submission requirements here: <https://www.metrolinx.com/en/about-us/doing-business-with-metrolinx/development-opportunities/construction-beside-go-corridors>.
- In addition to the technical review (by our Technical Advisor AECOM), it should be noted that various Metrolinx permits/approvals/agreements with associated fees may be required for implementation/construction. For example, this includes, but not limited to, private property when works are proposed within 30ft (10m) of an active rail. This includes, but is not limited to, works involving, shoring, tiebacks and crane swing (i.e., crane, crane boom/crane swing) that fall within 30ft of the active rail.
- As such, these permits/approvals/agreements with their required fees and processing timelines in advance of proposed work, should be factored into your construction cost and schedule accordingly. More detail can be provided as the application and details progress.
- The Proponent may contact jenna.auger@metrolinx.com with questions and to preliminarily assess if work permits/flagging/additional approvals/agreements may be required for this proposal.

Should you have any questions or concerns, please contact Jenna.Auger@metrolinx.com.

Best Regards,

Jenna Auger

Project Analyst, Adjacent Construction Review (ACR)
Development & Real Estate Management
T: (416)-881-0579
20 Bay Street | Toronto | Ontario | M5J 2W3

Adjacent Construction Review (ACR) was formerly Third-Party Projects Review (TPPR)

Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "**Easement Lands**");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "**Operational Emissions**").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.