# Memorandum to the City of Markham Committee of Adjustment

October 9, 2025

File: A/083/25

Address: 11 Gleason Avenue, Markham

Applicant: Gregory Design Group (Shane Gregory)

Hearing Date: Wednesday, October 15, 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 detached dwelling:

# a) By-law 2024-19, Section 6.3.2.2 (f)(v):

a minimum front yard setback of 5 metres, whereas the by-law requires a minimum front yard setback of 7.5 metres;

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

a minimum rear yard setback of 5.75 metres, whereas the by-law requires a minimum rear yard setback of 7.5 metres;

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

a minimum interior side yard setback of 1.52 metres, whereas the by-law requires a minimum side yard setback of 1.8 metres;

# d) By-law 2024-19, Section 4.8.10.2 (d)(iv):

stairs accessing a porch to project 0.61 metres beyond the porch encroachment, whereas the by-law permits a maximum stair projection beyond the porch encroachment of 0.45 metres; and

## e) By-law 2024-19, Section 4.8.10.2 (d)(iii):

a porch projection beyond the established building line of 1.83 metres, whereas the by-law permits a maximum porch projection beyond the established building line of 0.6 metres

## **BACKGROUND**

## **Property Description**

The 1,345.81 m<sup>2</sup> (14,486.18 ft<sup>2</sup>) subject property is located on the south side of Gleason Avenue, east of Main Street Markham North, and south of 16<sup>th</sup> Avenue. The property is located within an established residential neighbourhood comprised of a mix detached, semi-detached, townhouse and apartment dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property.

There is an existing single detached dwelling on the property, which according to assessment records was constructed in 1970.

The subject property is adjacent to the Metrolinx Uxbridge Subdivision Rail Line and is also partially within TRCA's Regulated Area as the eastern portion of the site is traversed by a valley corridor associated with the Rouge River Watershed. The subject property is not located within the Markham Village Heritage Conservation District.

# Proposal

The applicant is proposing to construct a two-storey detached dwelling with a gross floor area of 357.38 m<sup>2</sup> (3,847 ft<sup>2</sup>). The proposed structure will not encroach into the TRCA Regulated Area.

# Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on July 17/24)

The Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms including single detached dwellings. 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 the 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 a Detached Dwelling, Home Child Care, Home Occupation, and Shared Housing-Small Scale.

## 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, "Due to irregular depth on lot and neighboring property dwelling location"

## Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on June 12, 2025 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 and Rear Yard Setback**

The applicant is requesting relief to permit a minimum front yard setback of 5 m (16.40 ft), whereas the By-law requires a minimum front yard setback 7.5 m (24.61 ft). This represents a reduction of approximately 2.5 m (8.20 ft). The variance is attributed to the garage and living room portion of the dwelling. The central 9.4 m (31 ft) wide portion of the dwelling provides a front yard setback of 7.5 m (24.61 ft), which complies with the By-Law.

The applicant is also requesting relief to permit a minimum rear yard setback of 5.75 m (18.86 ft), whereas the by-law requires a minimum rear yard setback of 7.5 m (24.61 ft). This represents a reduction of approximately 1.75 m (5.74 ft). This variance is attributed to a 4.82 m (15.81 ft) wide portion in the rear of the dwelling. The remaining 16.51 m

(54.17 ft) of the dwelling provides a rear yard setback of 10.22 m (33.53 ft), which exceeds the requirements of the By-law.

Despite the reduced front and rear yard setbacks, most of the building is generally consistent and, in some areas, exceeds the established setback pattern on the street, including 21 Wales Avenue, which directly abuts the subject property to the west. Staff have no objections to the requested variance as it is minor in nature and does not pose a negative impact on the surrounding area while maintaining the intent of the By-law.

## **Reduction in Side Yard Setback**

The applicant is requesting relief to permit a reduced side yard setback of 1.52 m (4.98 ft) whereas the By-law requires a minimum side yard setback of 1.8 m (5.9 ft). This represents a reduction of approximately 0.28 m (0.92 ft). The westward siting of the building is necessary to avoid encroachment into the TRCA Regulated Area and the Metrolinx Uxbridge Subdivision Rail Line affecting the eastern portion of the subject property. The 1.52 m (4.98 ft) setback is only located at the northernmost pinch point as a result of a non perpendicular lot line. The average west side yard setback is 2.21 m (7.25 ft) which exceeds the requirements of the By-Law.

Due to the unique circumstances surrounding the subject lands, including constraints associated with Metrolinx, the TRCA, and irregular lot lines, Staff have no objections to the requested variance. The reduced side yard setback is located at a specific pinch point. The average side yard setback exceeds the by-law requirement, thereby maintaining the intent of the By-Law.

# **Increased Stairs and Porch Projection**

The applicant is requesting relief to permit an increased stair projection beyond the porch encroachment of 0.61 m (2.00 ft), whereas the by-law permits a maximum of 0.45 m (1.48 ft). The applicant is also requesting an increased porch projection of 1.83 m (6.00 ft), whereas the by-law permits a maximum porch projection of 0.6 m (1.97 ft). This represents an increase of 0.16 m (0.52 ft) and 1.23 m (4.04 ft) respectively.

The intent of the By-Law is to prevent porches from projecting excessively beyond the building and to maintain an adequate front yard setback. Despite the increased stairs and porch projections, a front yard setback of 5.06 m (16.60 ft) has been maintained. The increased projection is also necessary to maintain the minimum required depth of 1.8 m (5.90 ft) as required by the By-Law, providing a functional and accessible entry space. Staff consider this projection to be minor in nature and have no concerns with the proposed variances.

## **EXTERNAL AGENCIES**

## TRCA Comments

The subject property is located within Toronto Region and Conservation Authority (TRCA)'s Regulated Area. The eastern portion of the site is traversed by a valley corridor associated with the Rouge River Watershed. TRCA provided comments on July 17, 2025 (Appendix C), indicating that they have no concerns subject to conditions outlined in their letter.

## Metrolinx Comments

Metrolinx provided comments for this application on July 15, 2025 advising that the subject property is located within 300 m of the Metrolinx Uxbridge Subdivision, which carries Metrolinx's Stouffville GO Train service.

Staff recommend that the proposed development is subject to the associated condition of Approval as outlined in Appendix "A", and further detailed in the Metrolinx memo attached as Appendix "C" of this Staff Report.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of October 9, 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\ 25 125203 \Documents\District Team Comments Memo

#### **APPENDICIES**

Appendix "A" – A083/25 Conditions of Approval

Appendix "B" – TRCA Comments

Appendix "C" – Metrolinx Comments

Appendix "D" - Drawings

# APPENDIX "A" CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/083/25

- 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 D' 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. That the applicant satisfies the requirements of the TRCA, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as 'Appendix B' to this Staff Report, to the satisfaction of the TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of TRCA.
- 4. 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:

Aaron Chau, Planner I, East District

From: Rameez Sadafa
To: Chau, Aaron

Subject: TRCA Comments: Minor Variance Application A/083/25 - 11 Gleason Avenue, City of Markham Date: July 17, 2025 5:39:00 PM

Attachments: image002 ppg

Hi Aaron.

Toronto and Region Conservation Authority (TRCA) staff provide the following comments in response to a reference Committee of Adjustment application, received by TRCA on July 4th, 2025. We provide the following in accordance with TRCA's commenting role under the Planning Act and regulatory role under the Conservation Authorities Act (CA Act). For additional information, please see Ontario Regulation 686/21.

Appendix B

10/9/2025

Date:

#### **Purpose of the Application**

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

- a. By-law 2024-19, Section 4.8.10.1 (a): a porch depth of 1.52 metres, whereas the by-law requires a minimum of 1.8 metres;
- b. By-law 2024-19, Section 6.3.2.2 (f)(v): a front yard of 5 metres, whereas the by-law requires a minimum of 7.5 metres;
- c. By-law 2024-19, Section 6.3.2.2 (g): a rear yard of 5.75 metres, whereas the by-law requires a minimum of 7.5 metres;
- d. By-law 2024-19, Section 6.3.2.2 (i): an interior side yard of 1.52 metres, whereas the by-law requires a minimum of 1.8 metres;
- e. By-law 2024-19, Section 6.3.2.2 (d) (iv): a stair to access the porch to project 0.61 metres past the encroachment, whereas the bvy-law permits a maximum of 0.45 metres; and
- f. By-law 2024-19, Section 4.8.10.2 (d) (iii): a porch projection beyond the established building line of 1.52 metres, whereas the by-law permits a maximum of 0.6 metres.

TRCA staff understand that this application relates to a proposed two storey detached dwelling.

#### **Background**

In 2019, TRCA staff reviewed a related Consent Application (Municipal File No. B/11/19) and Minor Variance Applications (Municipal File No. A/72/19 and A/73/19). During the review of these applications, staff noted that the valley system to the east contained a steep slope approximately 7 metres high and a watercourse which has the potential to impact the stability of the slope. As a result of this, TRCA staff requested a geotechnical report to confirm the location of the Long-Term Stable Top of Slope (LTSTOS). In October 2019, TRCA received a geotechnical report, prepared by DS Consultants Ltd.,dated October 31, 2019. The report confirmed that the LTSTOS is located more than 10 metres from the east side of the property. As such, TRCA staff had no concerns and had no objections to the approval of the Consent and Minor Variance Applications.

#### **TRCA Permit Requirements**

Based on available mapping at this time, the subject property municipally known as 11 Gleason Avenue in the City of Markham is partially within TRCA's Regulated Area, as it is adjacent to erosion hazards associated with the Rouge River Watershed.

Due to the presence of natural hazards, the issuance of a TRCA permit pursuant to the Conservation Authorities Act is required prior to any development or site alteration within the regulated portion of the property.

Staff do not anticipate that a permit from TRCA will be required for the proposed works. However, given the location of the dwelling, a grading plan will be required to confirm. Please submit this to TRCA when available to facilitate a permit clearance.

#### TRCA Plan Review Fee

By copy of this email, the applicant is advised that TRCA have implemented a fee schedule for its planning application review services in accordance with applicable provincial regulations. This Minor Variance Application is subject to a fee of \$120 (Screening Letter – Residential). The applicant is responsible for fee payment within 60 days of the committee hearing date. Please contact the Planner noted below for an electronic invoice to facilitate payment.

## Recommendations

Based on the comments provided, TRCA staff have **no objection** to the approval Minor Variance Application A/083/25 subject to the following condition:

- 1. That the applicant submits a grading plan to facilitate a permit clearance.
- 2. That the applicant submits the TRCA plan review fee of \$120 within 60 days of the committee hearing date.

Should you have any questions or concerns, please contact the undersigned.

Regards,

#### Rameez Sadafal, M.Sc.Pl

Planner - York East Review Area

Development Planning and Permits | Development and Engineering Services

T: (437) 880-2163

E: rameez.sadafal@trca.ca

A: 5 Shoreham Drive, Toronto, ON, M3N 1S4 | trca.ca



From: DoNotReplyMHON@avolvecloud.com < DoNotReplyMHON@avolvecloud.com >

Sent: July 4, 2025 12:30 PM
To: York Plan <<u>yorkplan@trca.ca</u>>

Subject: \_EXT\_ TRCA Department Review cycle #1 Assignment for 25.125203.000.00.MNV



#### \_EXT\_ TRCA Department Review cycle #1 Assignment

#### Attention TRCA:

You have been assigned a task on Project: 25.125203.000.00.MNV

The due date for this task is: 7/18/2025 12:25:00 PM

#### Task Instructions:

- Accept your Task immediately.

- Perform your technical review and update the status of your review by selecting:

 $\textbf{Commented} \textbf{ - this means that } \underline{you \ are \ providing \ comments} \ and \ expect$ 

an applicant response prior to your final acceptance, or

Accepted - this mean that you have reviewed the drawings and documents,

have no further issues and acknowledge that the application will be

recommended for approval/draft approval (depending on application type)

Project:	25.125203.000.00.MNV
Project Name:	11 Gleason Ave - A/083/25 - Construction of new two storey single family dwelling.
Project Location:	11 Gleason Ave, Markham, ON, L3P 2B8
Task:	Discipline Review
Reviewer ePLAN Login	

If you do not have access to the specified folder, please contact the Project Administrator.

Please do not reply to this email.

# **★★** METROLINX

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

**DATE:** July 15, 2025

**RE:** Adjacent Development Review: A/083/25

11 Gleason Avenue, 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 two storey single family detached dwelling, as circulated on July 4th, 2025, and to be heard by the Committee as early as Wednesday August 20<sup>th</sup>, 2025. Metrolinx's comments on the subject application are noted below:

• The subject property is located within 300m of the Metrolinx Uxbridge Subdivision which carries Metrolinx's Stouffville 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 <a href="mailto:jenna.auger@metrolinx.com">jenna.auger@metrolinx.com</a> 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 <a href="mailto:Jenna.Auger@metrolinx.com">Jenna.Auger@metrolinx.com</a> 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:
  <a href="https://www.metrolinx.com/en/about-us/doing-business-with-metrolinx/development-opportunities/construction-beside-go-corridors">https://www.metrolinx.com/en/about-us/doing-business-with-metrolinx/development-opportunities/construction-beside-go-corridors</a>.
  - 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 <u>jenna.auger@metrolinx.com</u> 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 <u>Jenna.Auger@metrolinx.com</u>.

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

<sup>\*\*</sup>Adjacent Construction Review (ACR) was formerly Third-Party Projects Review (TPPR)\*\*

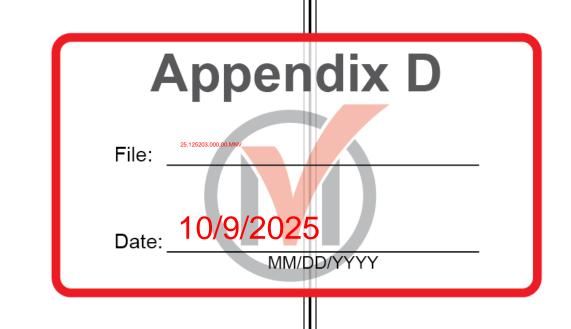
#### Form of Easement

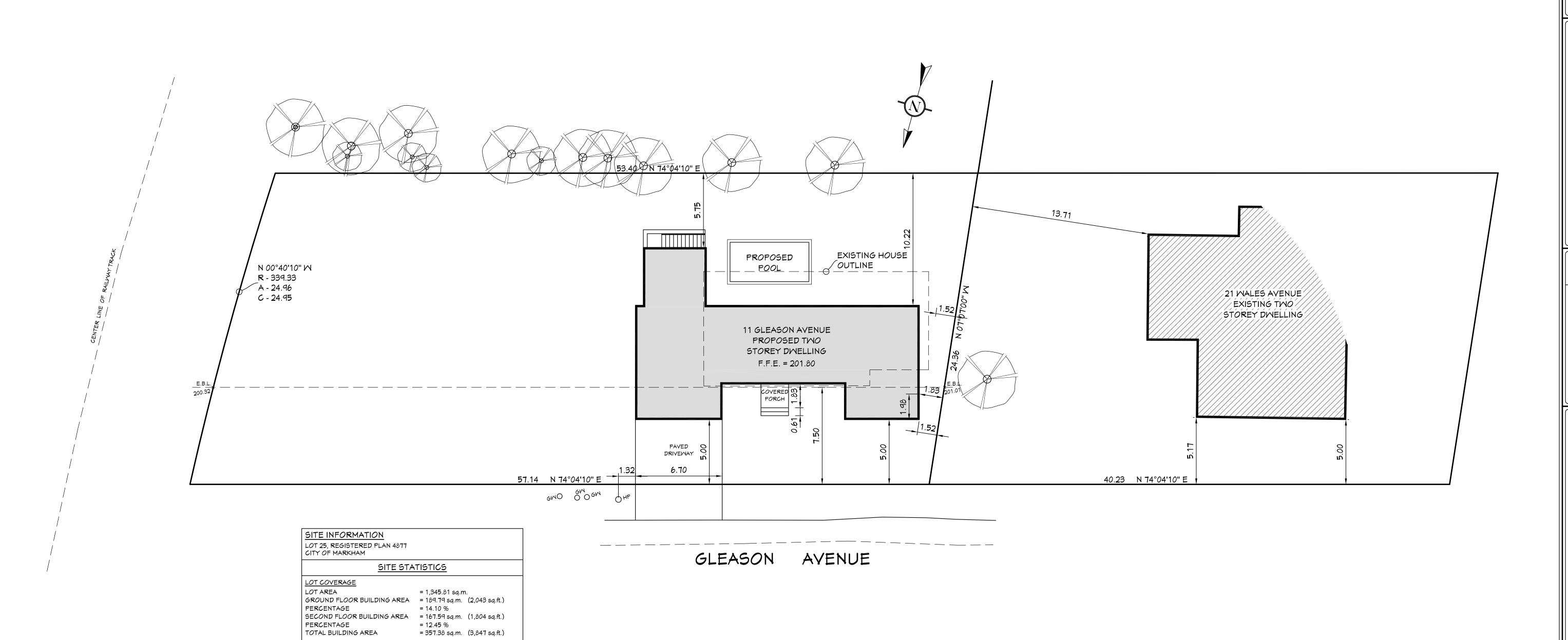
WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "**Easement Lands**");

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.

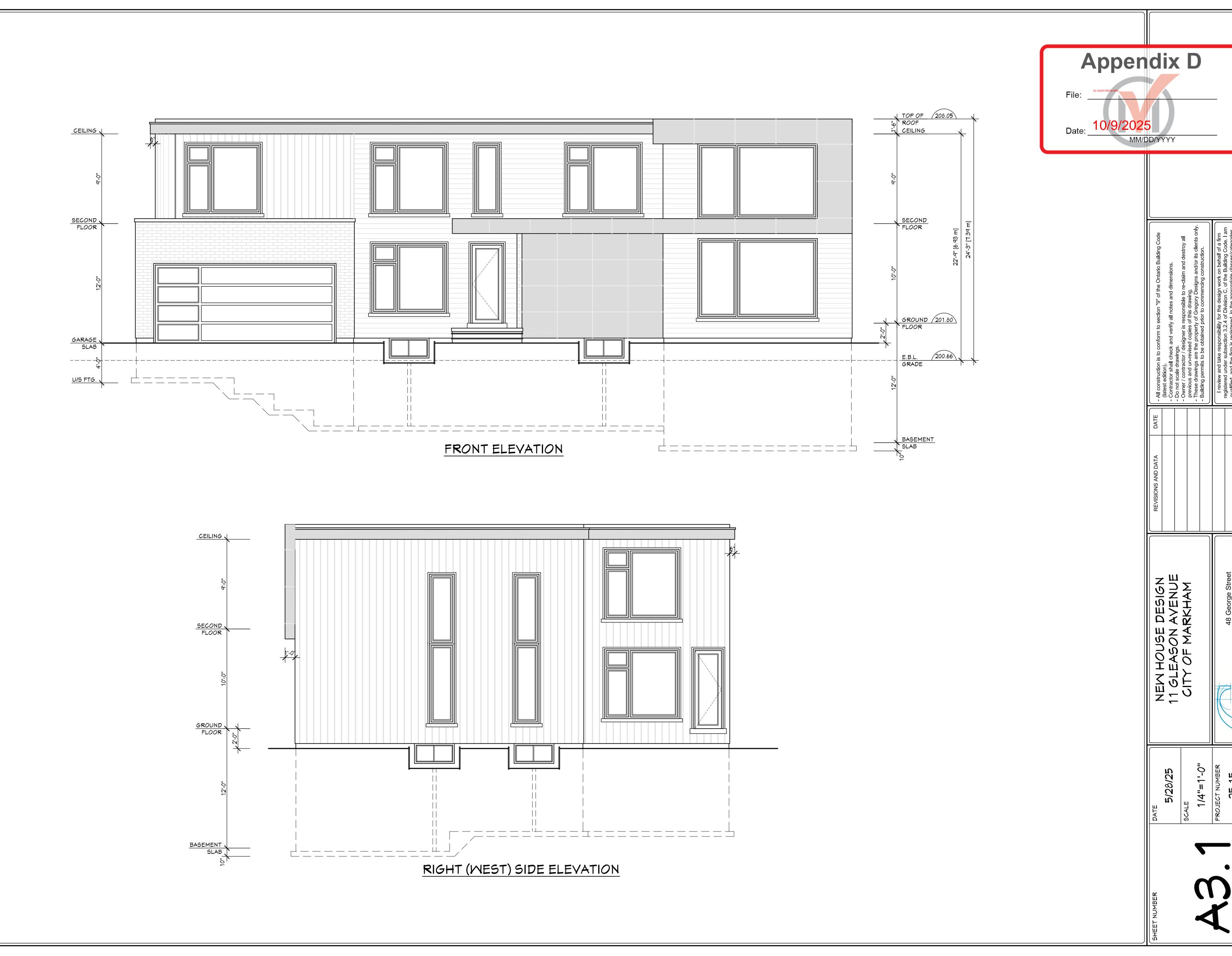
Easement in gross.

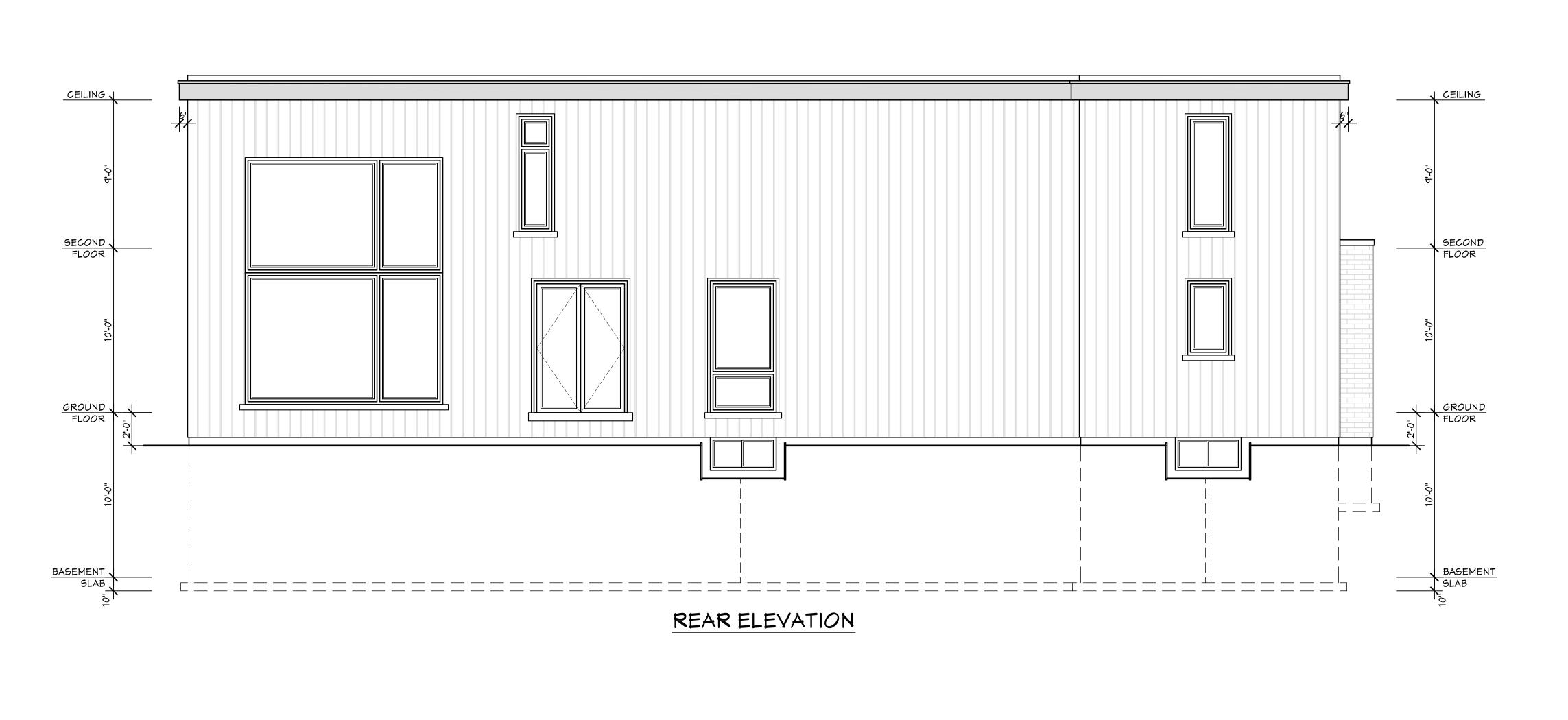


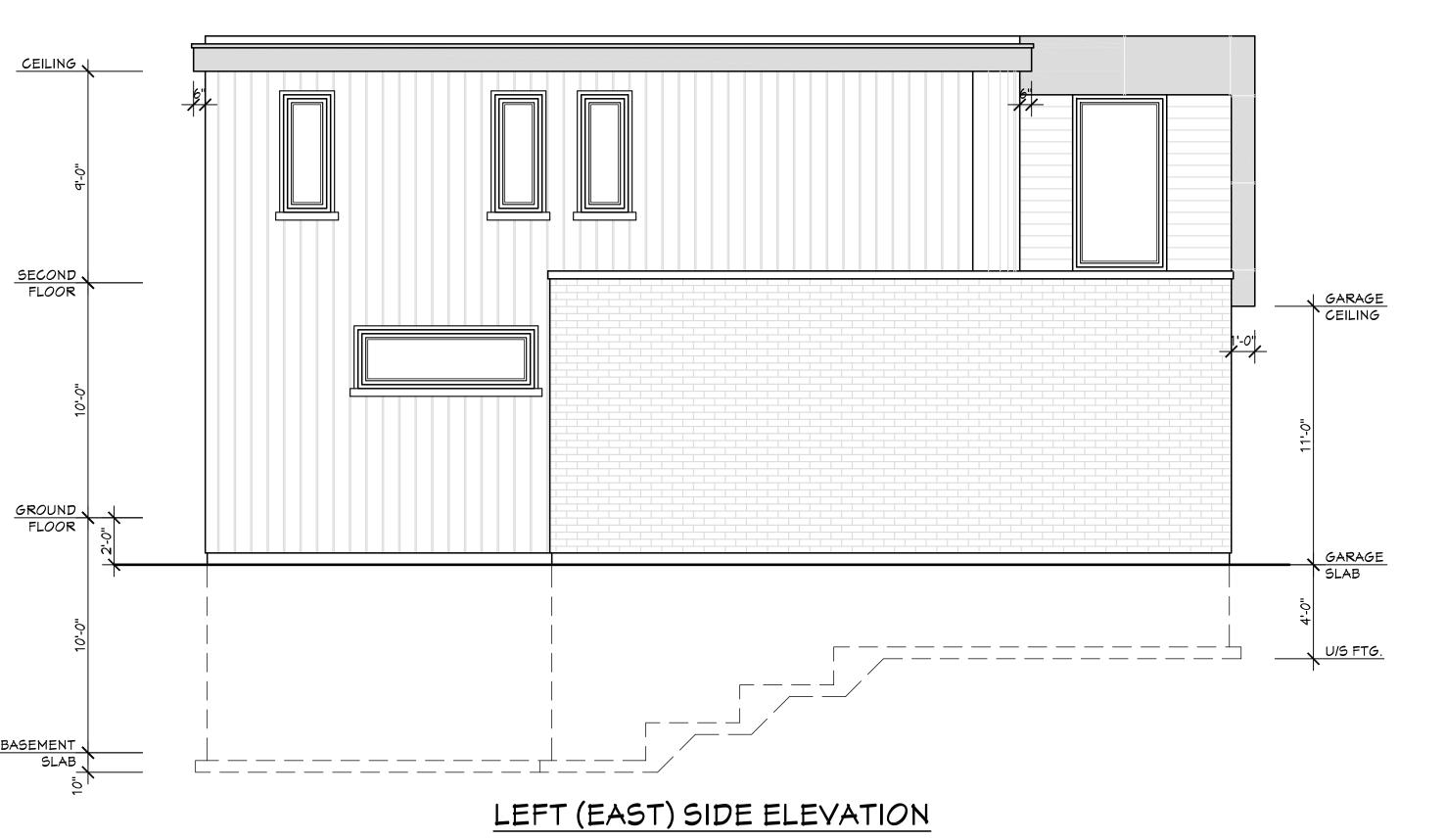


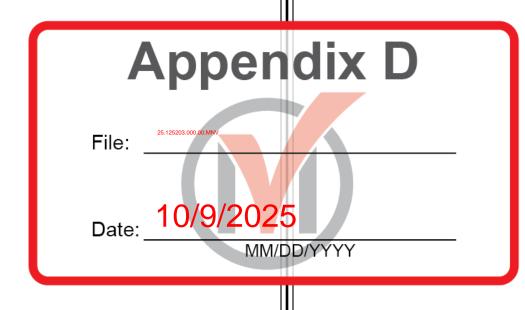
MAXIMUM LOT COVERAGE = 193.04 sq.m. (2,078 sq.ft.) (INC. ACCESSORY BUILDINGS) = 14.34 %

NEW HOUSE DESIGN 11 GLEASON AVENUE CITY OF MARKHAM 8/25/25









NEW HOUSE DESIGN 11 GLEASON AVENUE CITY OF MARKHAM