

Memorandum to the City of Markham Committee of Adjustment

February 25th, 2020

File: B/11/19, A/72/19 & A/73/19
Address: 11 Gleason Avenue, Markham
Applicant: Wen Li
Agent: Gregory Design Group (Russ Gregory)
Hearing Date: Wednesday March 4th, 2019

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

B/11/19

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with approximate lot frontage of 31.39 m (102.99 ft) and approximate lot area of 680.96 sq. m (7,329.79 sq.ft) (Part 2); and
- b) retain a parcel of land with approximate lot frontage of 25.72 m (84.38 ft) and approximate lot area of 664.29 sq. m (7,150.36 sq.ft) (Part 1).

The purpose of this application is to create a new residential lot. This application is related to Minor Variance applications A/72/19 and A/73/19.

A/72/19 (Part 1 - Retained)

The applicant is requesting relief from the following Residential (R1) zone requirements of By-law 1229, as amended, as they relate to a proposed addition to an existing one-storey dwelling on the 'retained' lot, to permit:

- a) **Deck By-law 142-95, Section 2.2 (b)(i):**
a maximum projection of 3.07 m (10.07 ft), whereas the By-law permits a deck in excess of one metre in height to have a maximum projection of 3.0 metres from the point on the dwelling closest to the rear lot line;
- b) **Section 11.1:**
a minimum rear yard setback of 6.96 m (22.83 ft), whereas the By-law requires a minimum rear yard setback of 7.62 m (25 ft); and
- c) **Infill By-law 99-90, Section 1.2 (vi):**
a floor area ratio of 47.73 percent, whereas the By-law permits a maximum floor area ratio of 45 percent.

A/73/19 (Part 2 – Conveyed)

The applicant is requesting relief from the following Residential (R1) zone requirements of By-law 1229, as amended, as they relate to a proposed two-storey dwelling on the 'conveyed' lot, to permit:

- a) **Section 11.1:**
a minimum front yard setback of 1.22 m (4 ft), whereas the By-law requires a minimum front yard setback of 7.62 m (25 ft);
- b) **Section 11.1:**
a minimum rear yard setback of 5.30 m (17.38 ft), whereas the By-law requires a minimum rear yard setback of 7.62 m (25 ft);

- c) **Section 11.1:**
a minimum side yard setback of 0.91 m (2.98 ft), whereas the By-law requires a minimum side yard setback of 1.22 m (4 ft) for the one storey portions of a building;
- d) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 55.42 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- e) **Infill By-law 99-90, Section 1.2 (iv):**
a maximum garage to project 5.18 m (16.99 ft) beyond the point of the main building closest to the front lot line, whereas the By-law permits a maximum projection of 2.1 m (6.89 ft); and
- f) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 17.53 m (57.51 ft), whereas the By-law permits a maximum of 16.8 m (55.12 ft);
- g) **Section 1.2 (i):**
a maximum building height of 10.5 m (34.45 ft), whereas the By-law permits a maximum of 9.8 m (32.15 ft)

BACKGROUND

Property Description

The 1,345.60 m² (0.4 ac) subject property is located on the south side of Gleason Avenue which is south of 16th Avenue and east of Main Street Markham North. The existing lot is rectangular with a large frontage of 57.14 m (187.46 ft²), compared to its relatively shallow depth of approximately 24 m (78.7 ft). There is an existing one-storey detached 136.75 m² (1,472 ft²) dwelling on the subject property, which according to assessment records was constructed in 1970. Mature vegetation exists along the perimeter of the east side and south rear lot lines, and there is a notable change in grade across the property, which slopes downwards from west to east.

The property is located in a residential neighbourhood characterized by a mix of one and two-storey single-detached dwellings. There are 9 existing residential properties on Gleason Avenue with a mix of modest one and two-storey single-detached dwellings. Residential properties on the north side of Gleason Avenue are within the Markham Village Heritage Conservation District. The majority of the residential properties facing Gleason Avenue share a pattern of wider frontages and shallow depths (Appendix E).

The Metrolinx Stouffville GO rail corridor abuts the subject property to the east. Further east of the railway is a naturalized valley which contains a watercourse. It should be noted that the Gleason Avenue right-of-way in front of the subject property terminates as a dead end at the Stouffville Go rail Corridor. This section of road is partially paved to a point just east of the existing dwelling on the subject lands. The portion of the right of way sloping towards the rail corridor is sodded.

Previous Variances were approved for an Addition to the Existing Dwelling in 2017

Variances were approved for the subject property in 2017 under file A/54/17 for a proposed 2nd storey addition to the existing dwelling. Approval of the 2017 variance permitted: a maximum rear yard setback of 6.99 m (22.96 ft); a minimum front yard setback of 5.3 m (17.38 ft) and a front porch encroachment of 48 inches.

A building permit was issued in November 2018 for this proposed addition, however the it was not constructed. The owner has revised the proposal in consideration of the severance application and has submitted a new variance application for an addition to the existing dwelling on the retained lot.

The Current Applications were deferred by the Committee of Adjustment on August 28, 2019

At the time, staff recommended deferral in a Memorandum dated August 28th 2019, which is attached as Appendix 'A', so that the applicant could address comments provided by Metrolinx and the Toronto Region Conservation Authority, as well as to address Staffs concerns over scale and mass of the proposed dwelling on the conveyed lot. Subsequent to the deferral, the applicant has addressed TRCA and Metrolinx comments, and both agencies have provided letters indicating they have no further comments on the proposal, which are attached as Appendix 'B' and 'C', respectively. Now that the agency comments have been addressed, the applicant has requested the consent and variance applications be rescheduled for a Committee Adjustment hearing. No changes have been made to the proposed development to address previous Staff comments over the scale and mass of the proposed dwelling

Proposal

The applicant proposes to sever the existing residential lot into two for the purpose of creating a new residential lot.

The retained lot (Part 1) will maintain the existing dwelling and have a lot area of 664.29 m² (7,150.70 ft²) and a lot frontage of 25.72 m (84.38 ft). The conveyed lot (Part 2) is proposed to be developed with a new single detached dwelling and will have a lot area of 681.30m² (7,333.69 ft²) and a lot frontage of 31.39 m (102.99 ft). Both the retained and conveyed lots comply with by-laws minimum by-law lot area requirement of 613.2m² (6,600ft²) and minimum lot frontage requirement of 18.3 m (60 ft).

In addition to the consent application, the applicant is applying for minor variances for both the retained (Part 1) and conveyed (Part 2) lots.

To accommodate the existing dwelling and a proposed two-storey storey addition on the retained (Part 1) lot the applicant is proposing variances to permit an increased floor area ratio, reduced rear yard setback and increased deck projection

To facilitate a proposed two-storey detached dwelling on the conveyed lot (Part 2), the applicant is requesting variances to permit reduced front, rear and side yard setbacks, and an increased floor area ratio, garage projection, and building depth and building height.

Conceptual plans showing the proposed development on both the conveyed and retained lots are attached as Appendix 'D'.

Official Plan and Zoning

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

The subject property is designated "Residential Low Rise", which provides for low rise housing forms including single detached dwellings. In considering applications for development approval in a 'Residential Low Rise' area, which includes severances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan. Specifically the section requires that:

- Proposed new lot(s) have lot area(s) and lot frontage(s) consistent with the size of existing lots on both sides of the street;

- That proposed new building(s) have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street; and
- Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 1229 and Residential Infill Zoning By-law 99-90

The subject property is zoned Residential (R1) under By-law 1229, as amended, which permits one single detached dwelling on a lot. The subject property is also subject to the Residential Infill Zoning By-law 99-90, which intends to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys.

As noted, the applicant has submitted variances to various development standards to permit a proposed two-storey addition to the existing dwelling on the retained lot (Part 1), and for a proposed dwelling on the conveyed lot (Part 2).

Zoning Preliminary Review (ZPR) Undertaken

The owner completed a Zoning Preliminary Review (ZPR) on October 23rd, 2019 to confirm the variances required for the proposed development.

COMMENTS

Consent Application B/11/19 Comments

Consent applications are evaluated in the context of Section 51(24) of the Planning Act.

The applicant proposes to sever the existing residential lot into two for the purpose of creating a new residential development lot. As shown in Appendix 'D', the existing dwelling, with a proposed two-storey addition, will be maintained on the retained lot (Part 1) and a proposed dwelling will be constructed on the conveyed lot (Part 2). Both the retained and conveyed lots will comply with By-law 1229, as amended, which requires a minimum lot area of 613.16 m² (6,600 ft²) and minimum lot frontage of 18.3 m (60 ft).

Appendix 'E' shows the subject site and surrounding area context, which can be characterized as having a diversity of lot areas, frontages and configurations. Staff are of the opinion the proposed retained and conveyed lots are compatible with the established lot pattern of the surrounding community and have no concerns with the proposed severance. Given the relative seclusion of the subject property, which is located at the end of Gleason Avenue, and adjacent to a rail corridor, Staff are of the opinion that the proposed severance will not impact abutting properties, and therefore have no concern with its approval, providing the Owner satisfies the recommended conditions of Approval in Appendix 'F', including those recommended by City Departments and external agencies, as summarized below.

Engineering Comments and Considerations

The Engineering Department has reviewed the severance application and has indicated that there is no objection to its approval providing that the Owner extend the finished portion of the Gleason Avenue right of way to provide appropriate access to the proposed severed lot, in accordance with City Standards. The Owner will also be required to connect the proposed severed lot to municipal services and relocate an existing hydro pole which is located in proximity to the proposed driveway accessing the severed lot. These matters will be secured

through a Development Agreement with the City, which is recommended as a condition of approval for the consent application in Appendix 'F'.

Fire Department Comments and Considerations

The Owner will be required to install a new fire hydrant on the Gleason Avenue Right of Way to the satisfaction of the Fire Department, which will also be secured through Development Agreement with the City and recommended as a condition of approval in Appendix 'F'.

Urban Design Comments and Considerations

Cash in lieu parkland dedication is required as a condition of approval of the severance and secured within the Development Agreement with the City (Appendix F). Staff note that mature vegetation exists along the perimeter of the east side and south rear lot lines, and that the applicant will be required to finalize a tree preservation plan and apply for any necessary Tree Removal Permits as a conditions of approval (Appendix F).

Toronto Region Conservation Authority (TRCA)

The subject lands are within the regulated area of the TRCA, and the applications were therefore circulated to the Conservation authority for review and comment. In a letter dated August 16th, 2019, the TRCA (Appendix B) indicated that the subject property is located on the west side of a railway and valley system, whereby the valley contains a steep slope approximately 7 m high and a watercourse which has the potential to impact the stability of the slope. At the time, the TRCA advised that they could not support the severance, as it would create a new lot within hazardous lands which is contrary to the Provincial Policy Statement, 2014 and the TRCAs policies. The TRCA recommended that if the applicant pursued this severance application further, they were to provide a geotechnical study delineating the Long-term Stable Top of Slope (LTSTOS), and demonstrating that the proposed new lot will be located outside of the LTSTOS and its required 10 m buffer to the satisfaction of the TRCA.

The applicant submitted a geotechnical report in response to above TRCA comments. In a letter dated February 14, 2020, the TRCA confirmed the findings of the geotechnical study which identified that the LTSTOS is located more than 10 m from the east side of the property. On that basis the TRCA no longer had outstanding concerns with the application. The TRCA also advises that a permit from the conservation authority is likely not required, but that the applicant should provide the TRCA with a grading plan to confirm, which is recommended as a condition of Approval in Appendix 'F'.

Metrolinx

The subject lands abut the Metrolinx Stouffville GO Rail Corridor, and the applications were therefore circulated to the transportation agency for review and comment. In an email dated August 16, 2019 (Appendix C), Metrolinx indicated they did no support and object to the consent and variance application for the proposed dwelling, as they will create a new residential parcel and dwelling that cannot achieve the required 30 m rail setback, or provide a required safety barrio for residential developments. Metrolinx further advised that in order for the objection to be withdrawn, the Owner shall execute an in-fill development agreement with Metrolinx to be registered on title that stipulates Metrolinx shall not be responsible for any complaints or claims arising from their facilities and operations.

Accordingly, the Owner will be required to enter into an Infill Development Agreement with Metrolinx as a condition of Approval, as outlined in Appendix 'F'.

Variance Application Comments

Section 45.1 of the Planning Act outlines four tests that 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.

Variance Application A/72/19 (Part 1 – Retained Lot)

Deck Projection

The applicant is proposing a maximum deck projection of 3.07 m (10.07 ft), whereas the By-law permits a deck in excess of one metre in height to have a maximum projection of 3.0 m (9.84 ft) from the point on the dwelling closest to the rear lot line. While the applicant could easily comply with the by-law requirement, the proposal is marginal increase that will have no impact on adjoining properties. Staff therefore have no concerns with the proposed deck projection.

Reduction in Rear Yard Setback

The applicant is requesting a minimum rear yard setback of 6.96 m (22.83 ft), whereas the By-law requires a minimum rear yard setback of 7.62 m (25 ft). This is a reduction of 2.17 ft (0.66 m). Staff note that a 2017 variance was previously approved in relation to an addition on the existing dwelling, to permit a rear yard setback of 6.99 m (22.96 ft). The current variance request will permit a 2nd storey addition that is generally aligned with the existing building footprint and will not reduce the rear yard amenity space any further. Staff are of the opinion that the requested variance will not result in adverse impacts to neighbouring properties.

Increase in Maximum Floor Area Ratio

The applicant is requesting a floor area ratio of 47.73 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. The variance will facilitate the construction of a two-storey addition to an existing detached dwelling with a floor area of 302.12 m² (3,252 ft²), whereas the By-law permits a dwelling with a maximum floor area of 287.43 m² (3,094 ft²). This is an increase of 14.77 m² (159 ft²).

Floor Area Ratio is a measure of the interior square footage of the dwelling as a percentage of the net lot area however; it is not a definitive measure of the mass of the dwelling. The proposed floor area ratio relates to a two-storey addition to the east side of an existing one-storey detached dwelling. The remainder of the dwelling is one-storey in height (bungalow). Staff note that the increase in Floor Area Ratio will not add significantly to the massing of the existing dwelling. Given that the Floor Area Ratio relates only to a two-storey addition to the east end of the existing dwelling and that remainder of the detached dwelling will remain one-storey, staff are of the opinion that the requested variance will not result in demonstrable adverse impacts on the character of the street.

Variance Application A/73/19 (Part 2 – Conveyed Lot)

Proposed Dwelling Design and Garage Orientation

To facilitate the proposed dwelling the applicant is requesting variances to increase minimum front yard setback, maximum building depth and maximum garage projection, as described below:

- A minimum front yard setback of 1.22 m (4 ft), whereas the By-law requires a minimum front yard setback of 7.62 m (25 ft). [A reduction of 6.4 m (21 ft)];

- A garage to project 5.18 m (16.99 ft) beyond the point of the main building closest to the front lot line, whereas the By-law permits a maximum projection of 1.22 m (4 ft). [An increase of 6.4 m (21 ft)]; and
- A maximum building depth of 17.53 m (57.71 ft), whereas the By-law permits a maximum building depth of 16.8 m (55.12 ft). [An increase of 0.73 m (2.39 ft)].

The requested variances are attributable to the design of the dwelling which is proposed as an “L” shape building as shown in Appendix ‘D’. With this configuration, the side of the attached garage is situated along the front lot line, and the garage doors are internalized to the site. Consequently, the proposed design sites the garage in close proximity to the front lot line, and also increases the maximum garage projection and building depth of the proposed dwelling. This design reflects the unique constraints of the subject property including its location at the terminus of Gleason avenue and abutting metrolinx rail corridor to the east. As noted, Metrolinx has advised that they will not object to the proposed variances and variances for the new dwelling providing the Owner executes an infill agreement with Metrolinx.

Staff are of the opinion that these requested variances are appropriate for the unique context of the subject site, and given that the conveyed lot is relatively secluded, will not impact abutting properties.

Reduced (West) Side Yard Setback (one-storey)

The applicant is requesting a minimum west side yard setback of 0.91 m (2.98 ft) for the one-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 1.22m (4 ft) for the one-storey portion of the dwelling. This variance relates only to a one-storey unenclosed covered porch, which is adjacent to the ‘retained’ lot and existing dwelling. The proposed two-storey dwelling complies with the minimum side yard setback requirement of 6ft (1.82 m). Staff are of the opinion that that is variance will not impact the abutting property.

Increase in Maximum Building Height

The applicant is requesting a maximum building height of 10.5 m (34.45 ft), whereas the By-law permits a maximum building height of 9.8 m (32.15 ft). This is an increase of 0.7 m (2.3 ft).

The By-law calculates building height using the vertical distance of building or structure measured between the level of the crown of the street and highest point of the roof surface. It should be noted that the proposed grade of the front of the house is approximately 0.65 m (2.13 ft) above the crown of road. Given that the conveyed lot is relatively secluded and that the variance is in part attributable to the difference between the level of the crown of the and proposed average grade of the front of the house, staff are of the opinion that the requested variance is appropriate for the subject lands.

Reduction in Rear Yard Setback

The applicant is requesting a minimum rear yard setback of 5.30 m (17.38 ft), whereas the By-law requires a minimum rear yard setback of 7.62 m (25 ft). This is a reduction of 2.32 m (7.61 ft). The proposed two-storey detached dwelling will be closer to the rear lot line than the existing bungalow to its west. Notwithstanding this, the proposed dwelling is located at the end of a short street bordered by rail and one dwelling on the proposed retained lot.

Increase in Maximum Floor Area Ratio

The applicant is requesting a floor area ratio of 55.41 percent, whereas the By-law permits a maximum floor area ratio of 45 percent. Floor Area Ratio is a measure of the interior square

footage of the dwelling as a percentage of the net lot area. The variance will facilitate a two-storey detached dwelling with a floor area of 358.60 m² (3,860 ft²), whereas the By-law permits a dwelling with a maximum floor area of 291.25 m² (3,135 ft²). This is an increase of 67.35 m² (725 ft²).

The section of Gleason Avenue fronting the subject site, west of Wales Avenue, is characterized by modest one and two-storey detached dwellings. The proposed floor area ratio, if approved, will result in a significantly larger dwelling than existing and infill dwellings along Gleason Avenue. Staff recognize that the proposed dwelling will be located on a lot with unique constraints and that the dwelling has been articulated to reduce its visual impact on Gleason Avenue. However, Staff consider that the proposed size of the dwelling to be a departure from the established surrounding character. As outlined in the previous staff memorandum dated August 28th, 2019 (Appendix A), it was requested that the floor area ratio of the proposed dwelling be reduced. Staff remain of this opinion, particularly as the requested floor area ratio variance could have a cumulative impact in conjunction with the other proposed variances to increase building height, building depth, garage projection, and to reduce side and rear yard setbacks; and in consideration of the proposed severance to create this development lot.

PUBLIC INPUT SUMMARY

As of February 19th, 2020, the City received two letters expressing concerns with the proposed development, including, potential flooding and snow storage issues; safety during construction and due to proximity of the rail corridor; maintaining access to the street during construction; the overall size of the proposed dwelling, lot coverage and concerns that the proposed dwellings are no in keeping with the character of the neighbourhood. Any additional information received after the writing of this report, will be provided by the Secretary-Treasurer at the Committee of Adjustment meeting.

CONCLUSION

Planning staff have reviewed the proposal within the context of the criteria in Sections 51 (24) and 45 (1) of the Planning Act R.S.O. 1990, c. P.13, as amended and the Residential Infill Development Criteria in the City's Official Plan.

Consent Application - B/11/10

Staff recommend that the proposed severance (B/11/10) be approved subject to conditions in Appendix 'F'.

Variance Application - A/72/19 (Retained Lot, Part 1).

Staff are of the opinion that the variance requests to permit an increased maximum deck projection, reduced minimum rear yard setback and increased maximum net floor area ratio for an addition to the existing dwelling on the retained lot meet the four test of the planning act.

Variance Application - A/73/19 (Conveyed Lot, Part 2)

Staff are of the opinion that the variance requests to permit a reduced minimum front yard setback, increased maximum garage projection, increased maximum building depth, and reduced side and rear yard setbacks for the proposed dwelling on the conveyed lot reflect unique characteristics of the site and are appropriate.

Staff are of the opinion that the requested maximum net floor area ratio of 55.41% is a departure from the established surrounding character and should be reduced.

Staff recommend that the Committee consider public input in reaching a decision on each of the subject applications, and should be satisfied that the requested variances all meet the four test 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 'F' for conditions to be attached to any approval of this application.

PREPARED BY:



Aqsa Malik, Planner I, East District

REVIEWED BY:



Stephen Corr, Development Manager, East District
File Path: Amanda\File\ 19 127344 \Documents\District Team Comments Memo

Appendices

- Appendix A: Memorandum dated August 28th 2019
- Appendix B: TRCA Comments
- Appendix C: Metrolinx Comments
- Appendix D: Plans
- Appendix E: Surrounding Context
- Appendix F: Conditions

M E M O R A N D U M

DATE: August 15, 2019
TO: Chairman and Members, Committee of Adjustment
FILE: B/11/19, A/72/19 & A/73/19
ADDRESS: 11 Gleason Avenue, Markham
HEARING DATE: Wednesday August 28, 2019

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

B/11/19

The applicant is requesting provisional consent to:

- a) sever and convey a parcel of land with approximate lot frontage of 31.39 m (102.99 ft) and approximate lot area of 980.96 sq. m (7,329.79 sq.ft) (Part 2); and
- b) retain a parcel of land with approximate lot frontage of 25.72 m (84.38 ft) and approximate lot area of 664.29 sq. m (7,150.36 sq.ft) (Part 1).

The purpose of this application is to create a new residential lot. This application is related to Minor Variance applications A/72/19 and A/73/19.

A/72/19 (Part 1 - Retained)

The applicant is requesting relief from the following Residential One (R1) zone requirements in By-law 1229, as amended, as they relate to a proposed addition to the existing dwelling on the 'retained' lot.

- a) **Deck By-law 142-95, Section 2.2 (b)(i):**
a maximum deck projection of 3.07 m (10.07 ft), whereas the By-law permits a deck in excess of one metre in height to have a maximum projection of 3.0 metres from the point on the dwelling closest to the rear lot line;
- b) **Section 11.1:**
a minimum rear yard setback of 6.96 m (22.83 ft), whereas the By-law requires a minimum rear yard setback of 7.62 m (25 ft); and
- c) **Infill By-law 99-90, Section 1.2 (vi):**
a floor area ratio of 47.73 percent, whereas the By-law permits a maximum floor area ratio of 45 percent.

A/73/19 (Part 2 – Conveyed)

The applicant is requesting relief from the following Residential One (R1) zone requirements in By-law 1229, as amended, as they relate to a proposed two storey dwelling on the 'severed/conveyed' lot.

- a) **Section 11.1:**
a minimum front yard setback of 1.22 m (4 ft), whereas the By-law requires a minimum front yard setback of 7.62 m (25 ft);
- b) **Section 11.1:**
a minimum rear yard setback of 5.30 m (17.38 ft), whereas the By-law requires a minimum rear yard setback of 7.62 m (25 ft);
- c) **Section 11.1:**
a minimum side yard setback of 0.91 m (2.98 ft), whereas the By-law requires a minimum side yard setback of 1.22 m (4 ft) for the one storey portions of a building;

MEMORANDUM

- d) **Infill By-law 99-90, Section 1.2 (vi):**
a maximum floor area ratio of 55.42 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- e) **Infill By-law 99-90, Section 1.2 (iv):**
a maximum garage to project 5.18 m (16.99 ft) beyond the point of the main building closest to the front lot line, whereas the By-law permits a maximum projection of 2.1 m (6.89 ft); and
- f) **Infill By-law 99-90, Section 1.2 (iii):**
a maximum building depth of 17.53 m (57.51 ft), whereas the By-law permits a maximum of 16.8 m (55.12 ft);
- g) **Section 1.2 (i):**
a maximum building height of 10.5 m (34.45 ft), whereas the By-law permits a maximum of 9.8 m (32.15 ft);

BACKGROUND

Property Description

The 1,345.60 m² (0.4 ac) subject property is located on the south side of Gleason Avenue which is south of 16th Avenue and east of Main Street Markham North. There is an existing one-storey detached 136.75 m² (1,472 ft²) dwelling on the subject property, which according to assessment records was constructed in 1970. Mature vegetation exists along the perimeter of the east side and south rear lot lines, and there is a notable change in grade across the property which slopes downwards from west to east.

The property is located in a residential neighbourhood characterized by a mix of one and two-storey single-detached dwellings. Residential properties on the north side of Gleason Avenue are within the Markham Village Heritage Conservation District. The Stouffville GO rail corridor abuts the subject property to the east. Further east is a naturalized valley corridor which contains a watercourse. It should also be noted that the Gleason Avenue right of way in front of the subject property also terminates as a dead end at the Stouffville GO rail corridor. This section of road is only partially paved to a point just east of the existing dwelling on the subject lands. The portion of the right of way towards the rail corridor drops in grade and is sodded. If the severance were to be approved, improvements to the right of way will likely be required to provide appropriate access to the proposed residential lot.

Proposal

The applicant proposes to sever the existing residential lot into two (2) parcels. The retained lot (Part 1) will have a lot area of 664.30 m² (7,150.70 ft²) and a lot frontage of 25.72 m (84.38 ft). The conveyed lot (Part 2) will have a lot area of 681.30m² (7,333.69 ft²) and a lot frontage of 31.42 m (103.08 ft). The lot areas and frontages for both the retained (Part 1) and conveyed (Part 2) lots comply with the minimum zoning by-law requirement of 613.2m² (6,600ft²) for lot area and 18.3m (60ft) for lot frontage.

The applicant is applying for minor variances for both the retained (Part 1) and conveyed (Part 2) lots. To facilitate a two-storey addition to an existing one-storey detached dwelling on the retained lot (Part 1) the applicant has applied for variance for maximum floor area ratio, minimum rear yard setback and maximum deck projection. To facilitate the construction of a new two-storey detached dwelling on the conveyed lot (Part 2) the applicant has applied for variances for minimum front yard setback, minimum rear yard setback, minimum side yard setback, maximum floor area ratio, maximum garage projection, maximum building height, and maximum building depth.

MEMORANDUM

OFFICIAL PLAN AND ZONING

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

The subject property is designated "Residential Low Rise", which provides for low rise housing forms including single detached dwellings. In considering applications for development approval in a 'Residential Low Rise' area, which includes severances, infill development is required to meet the general intent of Section 8.2.3.5 of the 2014 Official Plan. Specifically the section requires that:

- Proposed new lot(s) have lot area(s) and lot frontage(s) consistent with the size of existing lots on both sides of the street;
- That proposed new building(s) have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street; and
- Regard shall also be had for retention of existing trees and vegetation, the width of proposed garages and driveways and the overall orientation and sizing of new lots within a residential neighbourhood.

Zoning By-Law 1229

The subject property is zoned Residential (R1) under By-law 1229, as amended, which permits a single detached dwelling. The proposed development on the retained lot (Part 1) does not comply with the By-law requirements with respect to minimum rear yard setback and maximum deck projection. The proposed development on the conveyed lot (Part 2) does not comply with the By-law requirements with respect to minimum front yard setback, minimum rear yard setback, minimum side yard setback, and maximum building height.

Residential Infill Zoning By-law 99-90

The subject property is also subject to the Residential Infill Zoning By-law 99-90. The intent of this By-law is to ensure the built form of new residential construction will maintain the character of existing neighbourhoods. It specifies development standards for building depth, garage projection, garage width, net floor area ratio, height, yard setbacks and number of storeys. The proposed development on the retained lot (Part 1) does not comply with the infill By-law requirements with respect to maximum floor area ratio. The proposed development on the conveyed lot (Part 2) does not comply with the infill By-law requirements with respect to maximum floor area ratio, maximum garage projection and, maximum building depth.

Comments

The applicant is proposing to sever the existing 1,345.2 m² (0.4 ac) subject property to create a new residential development lot. The applicant is also proposing variances for an addition to the existing dwelling on the 'retained' lot and for a proposed two-storey detached dwelling on the 'severed' lot. To facilitate the proposal, the applicant has submitted a consent and related variance applications requesting relief from the zoning by-law 1229, as amended, as described above.

Staff have received comments from external agencies and internal departments and there a number of matters to be addressed before staff are in a position to complete the review of the application and provide comments to the Committee of Adjustment, including preparation of appropriate conditions should the applications be approved. Matters to be addressed include:

Variances associated with the proposed dwelling should be reduced

Staff have concerns with the requested variances for the proposed two-storey detached dwelling on the 'severed' lot relating to its scale and massing and have requested the applicant to consider reducing the size of the proposed dwelling. This request is in consideration of the existing

MEMORANDUM

neighbourhood context along this section of Gleason Avenue which is characterized by modestly sized one and two-storey detached dwellings.

Toronto Region Conservation Authority (TRCA) Requests Deferral

The Toronto Region Conservation Authority (TRCA) has identified that the existing valley corridor to west of the subject lands contains a watercourse that has the potential to impact the stability of the valley corridors slope. Based on TRCAs available mapping, it appears the erosion hazard associated with the valley corridor appears to extend through the adjacent rail corridor to the west of the site, and onto the west portion of the subject lands where the new lot is proposed. The creation of a new lot within hazardous lands is contrary to the Provincial Policy Statement (2014) and the TRCAs policies, and the Conservation Authority does not support the application as currently submitted. The TRCA has however acknowledged that this assessment is based on the mapping and data currently available, and has suggested the applicant provide a geotechnical study to demonstrate that the proposed lot is located outside of the erosion hazard of the valley corridor and required buffers. Accordingly the TRCA has recommended the applications be deferred until these matters are addressed.

Metrolinx Comments

The subject property abuts the Stouffville GO line and Metrolinx has indicated they do not support and object to the proposed severance and the variances proposed for the 'severed' lot. Notwithstanding, Metrolinx has indicated that they will withdraw their objection providing an in-fill development agreement is registered on title that stipulates Metrolinx shall not be responsible for any complaints or claims arising from our facilities and operations. The applicant is currently working with Metrolinx on addressing these comments and City staff are considering the impact of these comments in assessing the proposed applications.

Staff Recommend Deferral

Based on the outstanding matters, as summarized above, staff recommend the applications be deferred *sine die*. This will allow the applicant to work with the TRCA and Metrolinx to address their comments, which currently do not support approval of the applications to create a new residential development lot. Once these matters have been addressed to the satisfaction of both agencies, staff will be in a position to provide thorough comments to the Committee of Adjustment on the appropriateness of the applications.

PREPARED BY:

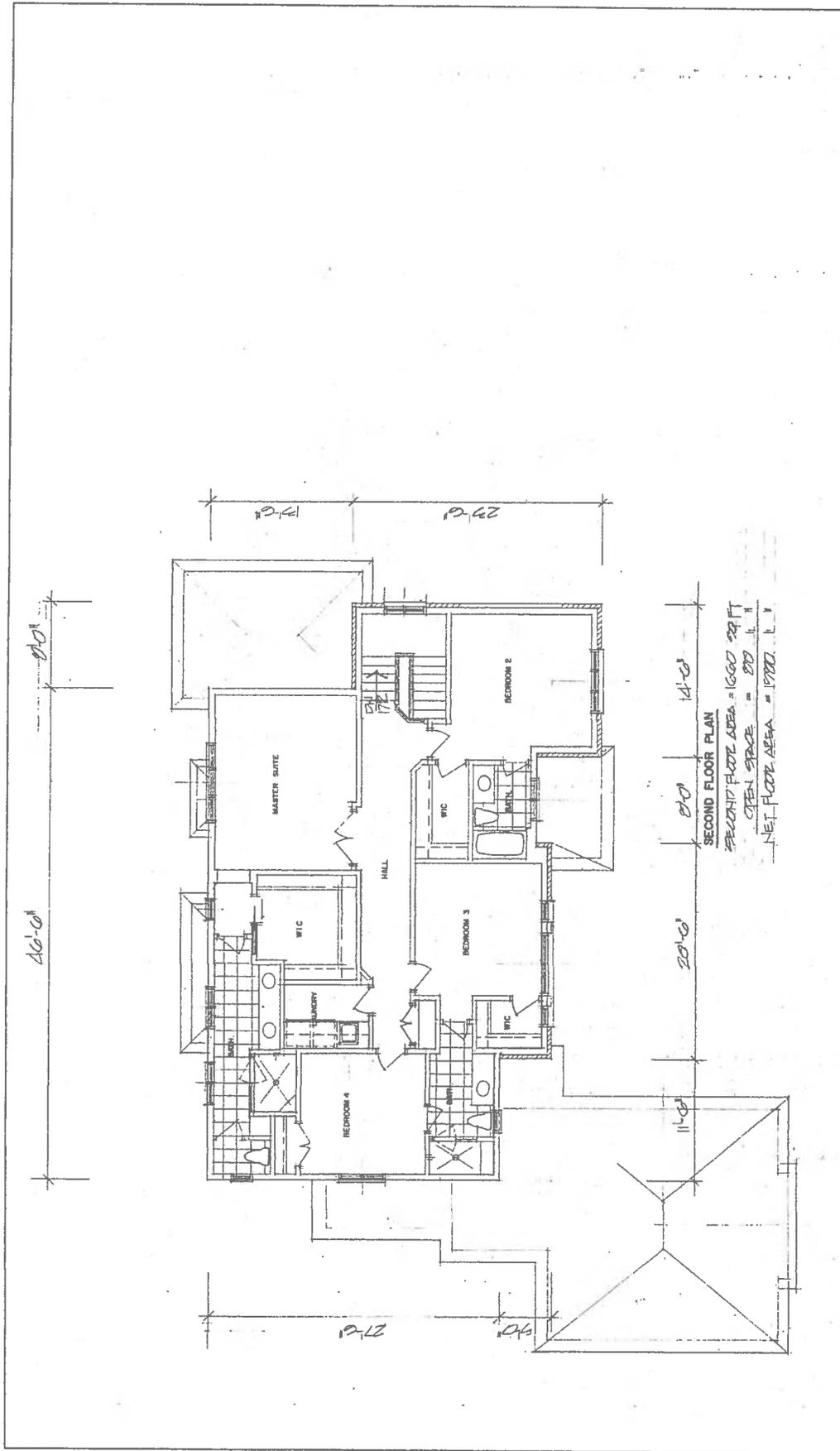


Aqsa Malik, Planner, Zoning and Special Projects

REVIEWED BY:

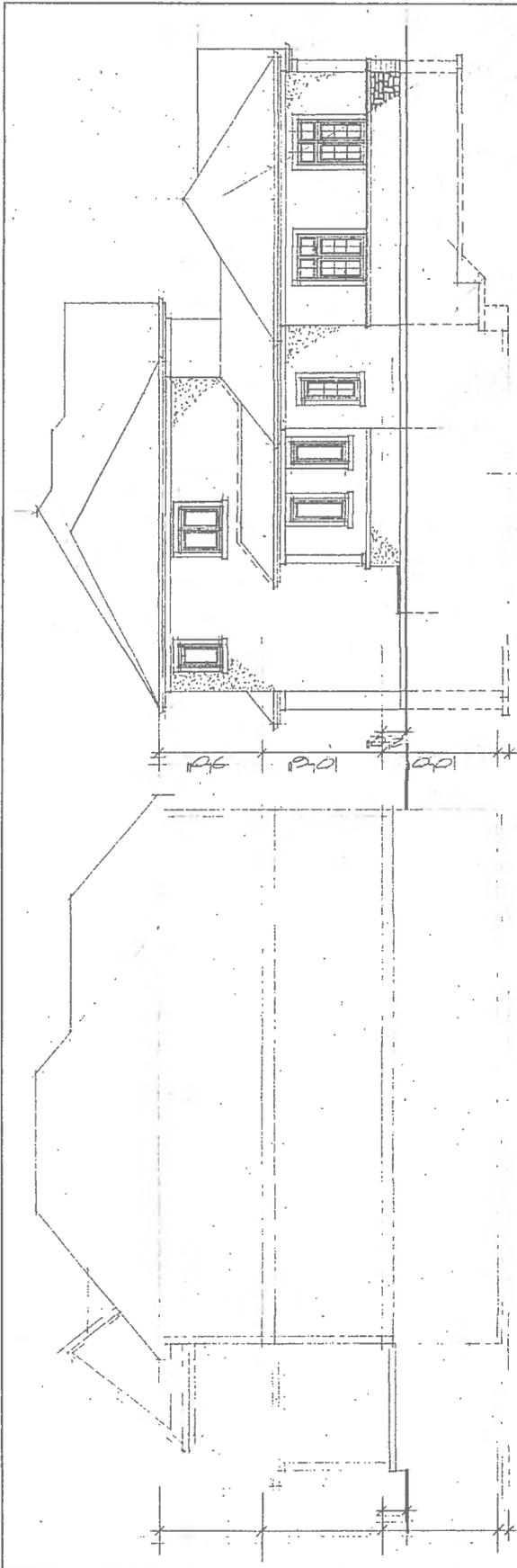


Stephen Corr, Senior Planner, East District

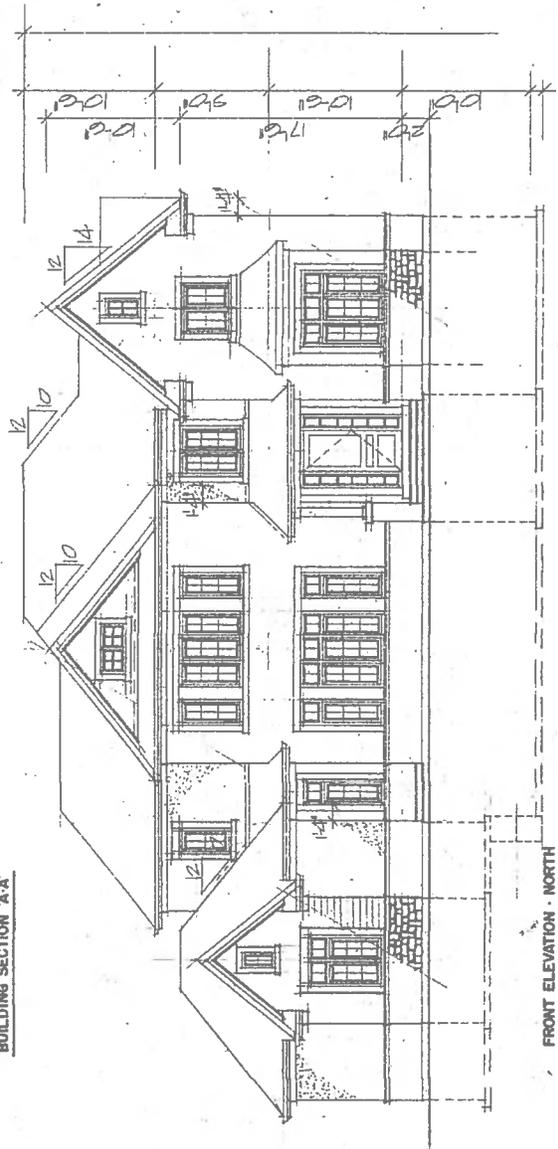


SECOND FLOOR PLAN
 SECOND FLOOR AREA = 1660 SQ FT
 OPEN SPACE = 870
 NET FLOOR AREA = 1770

PROJECT:	HOUSE 2087
DRAWN:	J. GREGORY
CHECKED:	DATE:
SCALE:	DATE:
SHEET NO.:	2087-10
TOTAL SHEETS:	10
DATE:	DATE:
DESIGNER:	THE GREGORY DESIGN GROUP
ADDRESS:	50 NIGHTOSH DRIVE, SUITE 140
CITY:	AMARILLO, TEXAS 79121
PHONE:	(806) 477-8877
FAX:	(806) 477-8888
EMAIL:	usa@gregorydesigngroup.net
DATE:	DATE:
SCALE:	SCALE:
SHEET NO.:	A-3
TOTAL SHEETS:	10



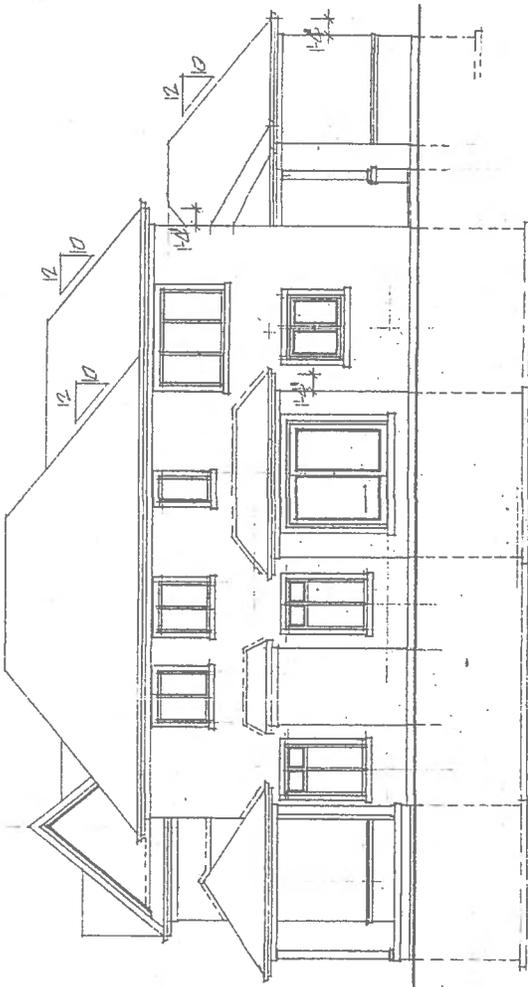
EAST SIDE



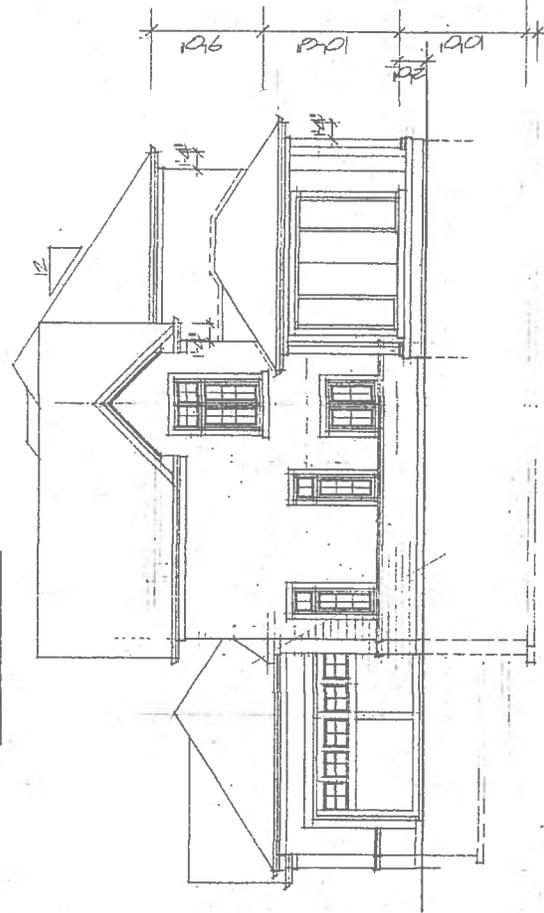
BUILDING SECTION 'A-A'

FRONT ELEVATION - NORTH

PROJECT: HOUSE 2097		DATE: 04/12/10
THE GREGORY DESIGN GROUP 50 MCINTOSH DRIVE, SUITE 140 MARGHAM, ONTARIO, L3R 9T3 ON (905) 441-9877 CAN (800) 441-9877 t:416-299-1400 f:416-299-1401 www.gdgdesigngroup.net		PROJECT NO: 2097-10
GENERAL NOTES: 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.		SCALE: A-5



REAR ELEVATION - SOUTH



WEST SIDE

PROJECT: HOUSE 2097	OWNER: L. GREGORY	DATE: 07/21/07	SCALE: 1/8" = 1'-0"	PROJECT NO: 2097	DATE: 07/21/07	SCALE: 1/8" = 1'-0"	A - 6
	GENERAL NOTES: 1. SEE ALL NOTES ON ALL SHEETS. 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 3. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED. 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 6. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 7. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 8. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 9. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).		THE GREGORY DESIGN GROUP 30 MORTON DRIVE, SUITE 140 MORTON, MA 01930 OFFICE (953) 479-4379 FAX (953) 479-8488 nug@gregorydesigngroup.net		GENERAL NOTES: 1. SEE ALL NOTES ON ALL SHEETS. 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 3. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED. 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 6. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 7. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 8. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 9. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC). 10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).		

February 14, 2020

CFN 60777.05

By Email Only (email: JLeung@markham.ca)

Mr. Justin Leung
Secretary-Treasurer
Committee of Adjustment
City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Mr. Leung:

**Re: B/11/19 (Consent Application) & A/72/19 and A/73/19 (Minor Variance Applications)
11 Gleason Avenue, City of Markham
Owner: Wen Li**

Further to our previous letter dated August 16, 2019, Toronto and Region Conservation Authority (TRCA) staff have reviewed additional material related to these applications and our updated comments are provided herein.

Purpose of the Applications
B/11/19 (Consent Application)

The applicant is requesting provisional consent to create a new residential lot, as follows:

- a) sever and convey a parcel of land with approximate lot frontage of 31.39 metres (102.99 feet) and approximate lot area of 980.96 square metres (7,329.79 square feet) (Part 2);
- b) retain a parcel of land with approximate lot frontage of 25.72 metres (84.38 feet) and approximate lot area of 664.29 square metres (7,150.36 square feet) (Part 1).

A/72/19 (Minor Variance - Retained Lot)

The applicant is requesting relief from the requirements of By-law 1229, as amended, as it relates to an existing one-storey detached dwelling with a proposed two-storey addition with:

- a) a maximum projection of 3.07 metres (10.07 feet), whereas the By-law permits a deck in excess of one metre in height to have a maximum projection of 3.0 metres from the point on the dwelling closest to the rear lot line;
- b) a minimum rear yard setback of 6.96 metres (22.83 feet), whereas the By-law requires a minimum rear yard setback of 7.62 metres (25 feet); and,
- c) a floor area ratio of 47.73 percent, whereas the By-law permits a maximum floor area ratio of 45 percent.

A/73/19 (Minor Variance - Conveyed Lot)

The applicant is requesting relief from the requirements of By-law 1229, as amended, as it relates to a proposed two-storey detached dwelling with:

- a) a minimum front yard setback of 1.22 metres (4 feet), whereas the By-law requires a minimum front yard setback of 7.62 metres (25 feet);
- b) a minimum rear yard setback of 5.30 metres (17.38 feet), whereas the By-law requires a minimum rear yard setback of 7.62 metres (25 feet);
- c) a minimum side yard setback of 0.91 metres (2.98 feet), whereas the By-law requires a minimum side yard setback of 1.22 metres (4 feet) for the one storey portions of a building;
- d) a maximum floor area ratio of 55.42 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- e) a garage to project 5.18 metres (16.99 feet) beyond the point of the main building closest to the front lot line, whereas the By-law permits a maximum projection of 2.1 metres (6.89 feet); and,
- f) a maximum building depth of 17.53 metres (57.51 feet), whereas the By-law permits a maximum of 16.8 metres (55.12 feet).

Applicable TRCA Regulations and Policies

The TRCA provides our technical review comments through a number of roles. This includes TRCA's commenting role under the *Planning Act*, the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (2014); TRCA's Regulatory Authority under Ontario Regulation 166/06, as amended (Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses); and our Memorandum of Understanding with the Region of York where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

Ontario Regulation 166/06, as amended:

Based on the available information at this time, the subject property appears to be partially within TRCA's Regulated Area as it seems to be partially within the erosion hazard of a valley corridor associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, a permit is may be required from the TRCA prior to any of the following works taking place in the Regulated Area:

- g) a straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- h) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. The construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. Site grading, or;
- iv. The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Living City Policies for Planning and Development in the Watersheds of the TRCA:

The Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP) is a TRCA policy document that guides the implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the "Natural System" as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), stable toe of slope, Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 metre buffer from Provincially Significant Wetlands and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

Provincial Policy Statement (2014):

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. According to subsections 3 (5) and (6) of the Planning Act, as amended, all planning decisions made by a municipality and all comments provided by the TRCA shall be consistent with the PPS.

Through a MOU between Conservation Ontario, the Ministry of Municipal Affairs and Housing, and the Ministry of Natural Resources and Forestry, the responsibility to uphold the natural hazards section of the PPS (Section 3.1) has been delegated to Conservation Authorities where the province is not involved. In accordance section 3.1 the PPS, development (including the creation of new lots) shall be directed to areas outside of hazardous lands which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards as well as areas that areas that would be rendered inaccessible to people and vehicles during times of flooding hazards and/or erosion hazards.

Application Specific Comments

Upon our first review of the subject application in August 2019, TRCA staff noted that the subject property is located on the west side of a railway line and valley system. The valley contains a steep slope approximately 7 metres high and a watercourse which has the potential to impact the stability of the slope. Accordingly, the TRCA requested/required a geotechnical report to determine the LTSTOS (erosion hazard limit) to inform our review of this proposal.

The applicant has since submitted a geotechnical report, prepared by DS Consultants Ltd., dated October 31, 2019 for our review. Based on this report, the LTSTOS is located more than 10 m from the east side of the property. On this basis, TRCA staff have no outstanding concerns with the subject consent and minor variance applications.

The TRCA's Regulated Area (in this case, lands within 15 m of the LTSTOS) appears to coincide with part of the eastern lot line. Therefore, while we do not anticipate that a TRCA Permit will be required, please contact TRCA staff when the grading plan has been prepared in order for our staff to review and confirm.

Application Review Fee

It was noted that the applicant has remitted a combined review fee of \$1,400 for the Consent and Minor Variance applications (2018 TRCA Planning Fee Schedule).

Recommendation

In light of the above, TRCA staff have no objections to the subject application.

I trust these comments are of assistance. Should you have any questions, please do not hesitate to contact me at the undersigned.

Sincerely,



Andrea Lam
Planner I
Development Planning and Permits
Extension 5306

AL/mb

August 16, 2019

CFN 60777.05

By Email Only (email: JLeung@markham.ca)

Mr. Justin Leung
Secretary-Treasurer
Committee of Adjustment
City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Mr. Leung:

**Re: B/11/19 (Consent Application) & A/72/19 and A/73/19 (Minor Variance Applications)
11 Gleason Avenue, City of Markham
Owner: Wen Li**

Thank you for the opportunity to review the above captioned applications. Toronto and Region Conservation Authority (TRCA) staff have reviewed these applications and our comments are provided herein.

Purpose of the Applications
B/11/19 (Consent Application)

The applicant is requesting provisional consent to create a new residential lot, as follows:

- a) sever and convey a parcel of land with approximate lot frontage of 31.39 metres (102.99 feet) and approximate lot area of 980.96 square metres (7,329.79 square feet) (Part 2);
- b) retain a parcel of land with approximate lot frontage of 25.72 metres (84.38 feet) and approximate lot area of 664.29 square metres (7,150.36 square feet) (Part 1).

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The applicant is requesting relief from the requirements of By-law 1229, as amended, as it relates to an existing one-storey detached dwelling with a proposed two-storey addition with:

- a) a maximum projection of 3.07 metres (10.07 feet), whereas the By-law permits a deck in excess of one metre in height to have a maximum projection of 3.0 metres from the point on the dwelling closest to the rear lot line;
- b) a minimum rear yard setback of 6.96 metres (22.83 feet), whereas the By-law requires a minimum rear yard setback of 7.62 metres (25 feet); and,
- c) a floor area ratio of 47.73 percent, whereas the By-law permits a maximum floor area ratio of 45 percent.

A/73/19 (Minor Variance - Conveyed Lot)

The applicant is requesting relief from the requirements of By-law 1229, as amended, as it relates to a proposed two-storey detached dwelling with:

- a) a minimum front yard setback of 1.22 metres (4 feet), whereas the By-law requires a minimum front yard setback of 7.62 metres (25 feet);
- b) a minimum rear yard setback of 5.30 metres (17.38 feet), whereas the By-law requires a minimum rear yard setback of 7.62 metres (25 feet);
- c) a minimum side yard setback of 0.91 metres (2.98 feet), whereas the By-law requires a minimum side yard setback of 1.22 metres (4 feet) for the one storey portions of a building;
- d) a maximum floor area ratio of 55.42 percent, whereas the By-law permits a maximum floor area ratio of 45 percent;
- e) a garage to project 5.18 metres (16.99 feet) beyond the point of the main building closest to the front lot line, whereas the By-law permits a maximum projection of 2.1 metres (6.89 feet); and,
- f) a maximum building depth of 17.53 metres (57.51 feet), whereas the By-law permits a maximum of 16.8 metres (55.12 feet).

Applicable TRCA Regulations and Policies

The TRCA provides our technical review comments through a number of roles. This includes TRCA's commenting role under the *Planning Act*, the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (2014); TRCA's Regulatory Authority under Ontario Regulation 166/06, as amended (Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses); and our Memorandum of Understanding with the Region of York where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

Ontario Regulation 166/06, as amended:

Based on the available information at this time, the subject property is partially within TRCA's Regulated Area as it appears to be partially within the erosion hazard of a valley corridor associated with the Rouge River Watershed. In accordance with Ontario Regulation 166/06, a permit is required from the TRCA prior to any of the following works taking place in the Regulated Area:

- g) a straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- h) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. The construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
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- iv. The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

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and responsibilities in the planning and development approvals process. The LCP describes a “Natural System” of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the “Natural System” be protected from development, site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the “Natural System” as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), stable toe of slope, Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 metre buffer from Provincially Significant Wetlands and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

Provincial Policy Statement (2014):

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. According to subsections 3 (5) and (6) of the Planning Act, as amended, all planning decisions made by a municipality and all comments provided by the TRCA shall be consistent with the PPS.

Through a MOU between Conservation Ontario, the Ministry of Municipal Affairs and Housing, and the Ministry of Natural Resources and Forestry, the responsibility to uphold the natural hazards section of the PPS (Section 3.1) has been delegated to Conservation Authorities where the province is not involved. In accordance section 3.1 the PPS, development (including the creation of new lots) shall be directed to areas outside of hazardous lands which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards as well as areas that areas that would be rendered inaccessible to people and vehicles during times of flooding hazards and/or erosion hazards.

Application Specific Comments

TRCA staff note that the subject property is located on the west side of a railway line and valley system. The valley contains a steep slope approximately 7 metres high and a watercourse which has the potential to impact the stability of the slope. Based on TRCA staff’s review, the erosion hazard associated with the valley corridor appears to extend through the railway corridor into the area of the new lot. Accordingly, the proposed severance appears to introduce a new residential lot within the erosion hazard of the valley. Given that the creation of a new lot within hazardous lands is contrary to the PPS and TRCA’s policies, the TRCA cannot support these applications at this time.

Please note that the above comments are based on our review of available mapping and elevations derived from Lidar; however, a geotechnical report confirming the extent of the erosion hazard of the valley (i.e. the LTSTOS) has not been provided. Accordingly, should the applicant wish to pursue their applications further, the following will be required:

- The applicant must provide a geotechnical study (including associated detailed plans, cross sections, etc.) delineating the LTSTOS and its required buffers to the satisfaction of the TRCA.
- The applicant must demonstrate that the proposed new lot will be located outside of the LTSTOS and its required buffers to the satisfaction of the TRCA.

With regard to the buffers, please be advised that the TRCA's LCP requires development, including lot creation, to be 10 metres from the LTSTOS. However, if a 10 metre buffer is unachievable, a minimum 6 metre Erosion Access Allowance is required in order to provide safe access for emergency works, maintenance and protection in the event of a slope failure in accordance with the Ministry of Natural Resources Technical Guide for River & Stream Systems: Erosion Hazard Limit (2002).

Furthermore, to ensure the long-term protection and maintenance of natural systems within our jurisdiction, the TRCA recommends that all lands containing natural features and hazards be zoned for environmental protection (i.e. Open Space/Hazard Land) and gratuitously dedicated into public ownership (either TRCA or the local municipality), free and clear of all encumbrances.

Permitting (Ontario Regulation 166/06):

As noted above, based on the available information at this time, the subject property is partially within TRCA's Regulated Area. As such, a TRCA permit is required from this Authority prior to any works commencing on subject property, pursuant to Ontario Regulation 166/06, as amended. Please note, any required planning approvals should be obtained prior to applying for a TRCA permit. Further details with respect to permit submission requirements are available at our website (<https://trca.ca/planning-permits/apply-for-a-permit/>).

Application Review Fee

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. Due to the concurrent nature of these applications, TRCA staff have determined that one combined review fee will be required in the amount of \$1,400 (2018 TRCA Planning Fee Schedule). This fee must be provided to our office within 60 days of this letter and prior to any further review of these applications. Furthermore, please be advised that this fee will cover one review of a geotechnical report (including associated detailed plans, cross sections, etc.); however, further reviews will be subject to additional fees based on TRCA's fee schedule at that time.

Recommendation

In light of the above, TRCA staff cannot support the subject applications as currently submitted. We request that these application be deferred until such a time that a detailed assessment of the erosion hazard of the valley and the required buffers are accurately delineated. Furthermore, the applicant is responsible to remit the TRCA Planning Services review fee of \$1,400 within 60 days of this letter.

I trust these comments are of assistance. Should you have any questions, please do not hesitate to contact me at the undersigned.

Sincerely,

Michelle Bates
Planner I
Development Planning and Permits
Extension 5618

MB/lb

Leung, Melissa

From: Brandon Gaffoor <Brandon.Gaffoor@metrolinx.com>
Sent: Friday, August 16, 2019 3:45 PM
To: Leung, Melissa
Cc: Ivan Cheung; Leung, Justin; Malik, Aqsa
Subject: RE: B/11/19, A/72/19 & A/73/19 - 11 Gleason Avenue - Consent and Minor Variance applications

Good afternoon Melissa,

Further to the committee of adjustment circulation for 11 Gleason Avenue dated July 15th, 2019, I note the subject lands are immediately adjacent to Metrolinx's Uxbridge Subdivision which carries Stouffville GO train service. I further note the circulation includes a Consent Application and two Minor Variance Applications, my comments regarding all applications are set out below;

B/11/19 – Consent Application

Metrolinx does not support and objects to the subject consent application as it will create a new residential parcel that cannot achieve the required 30-metre rail setback. In addition to the setback, a safety barrier is required for residential developments. For Metrolinx to withdraw our objection, the Owner shall execute an in-fill development agreement to be registered on title that stipulates Metrolinx shall not be responsible for any complaints or claims arising from our facilities and operations.

A/79/19 – Minor Variance

Metrolinx does not support and objects to the subject minor variance application, specifically Section 11.1, as it will create a new residential parcel that cannot achieve the required 30-metre rail setback. In addition to the setback, a safety barrier is required for residential developments. For Metrolinx to withdraw our objection, the Owner shall execute an in-fill development agreement to be registered on title that stipulates Metrolinx shall not be responsible for any complaints or claims arising from our facilities and operations.

A/72/19 – Minor Variance

We have no objections to the subject minor variance application, however, ask that the following be included in any conditions of approvals related to the minor variance and/or subsequent site plan application;

*The following warning clause shall be inserted 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 right-of-way:

Warning: Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

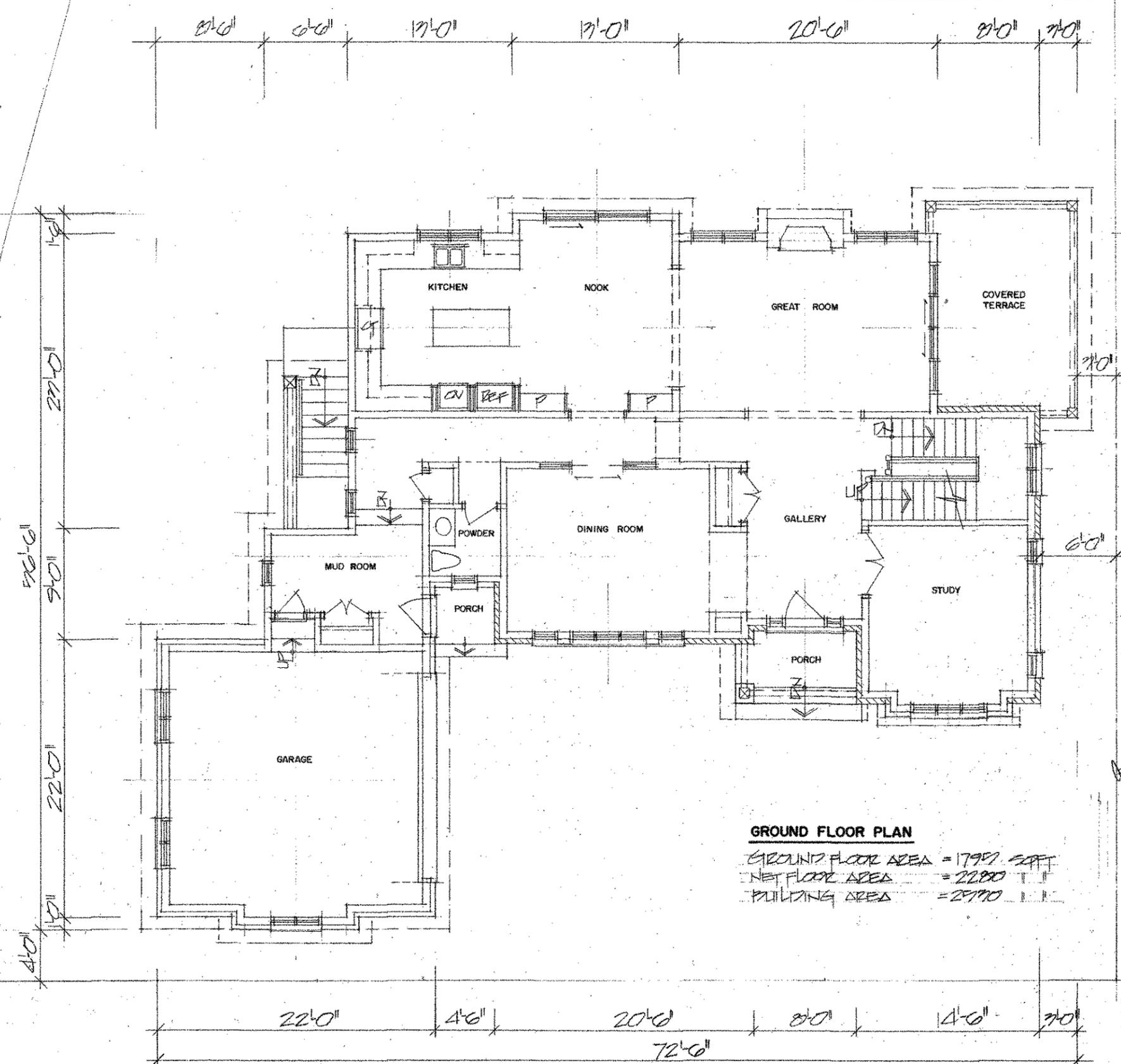
*The Owner shall grant Metrolinx an environmental easement for operational emissions, registered on title against the subject residential dwelling in favour of Metrolinx. I have attached our Environmental Easement language as reference.

Should you have any questions or concerns, please feel free to contact myself.

BRANDON GAFFOOR

Third Party Projects Officer
 Utilities & Third Party Projects Review
 Metrolinx | 20 Bay Street | Suite 600 | Toronto | Ontario | M5J 2W3
 T: 416.202.7294 C: 647.289.1958





EAST LOT LINE

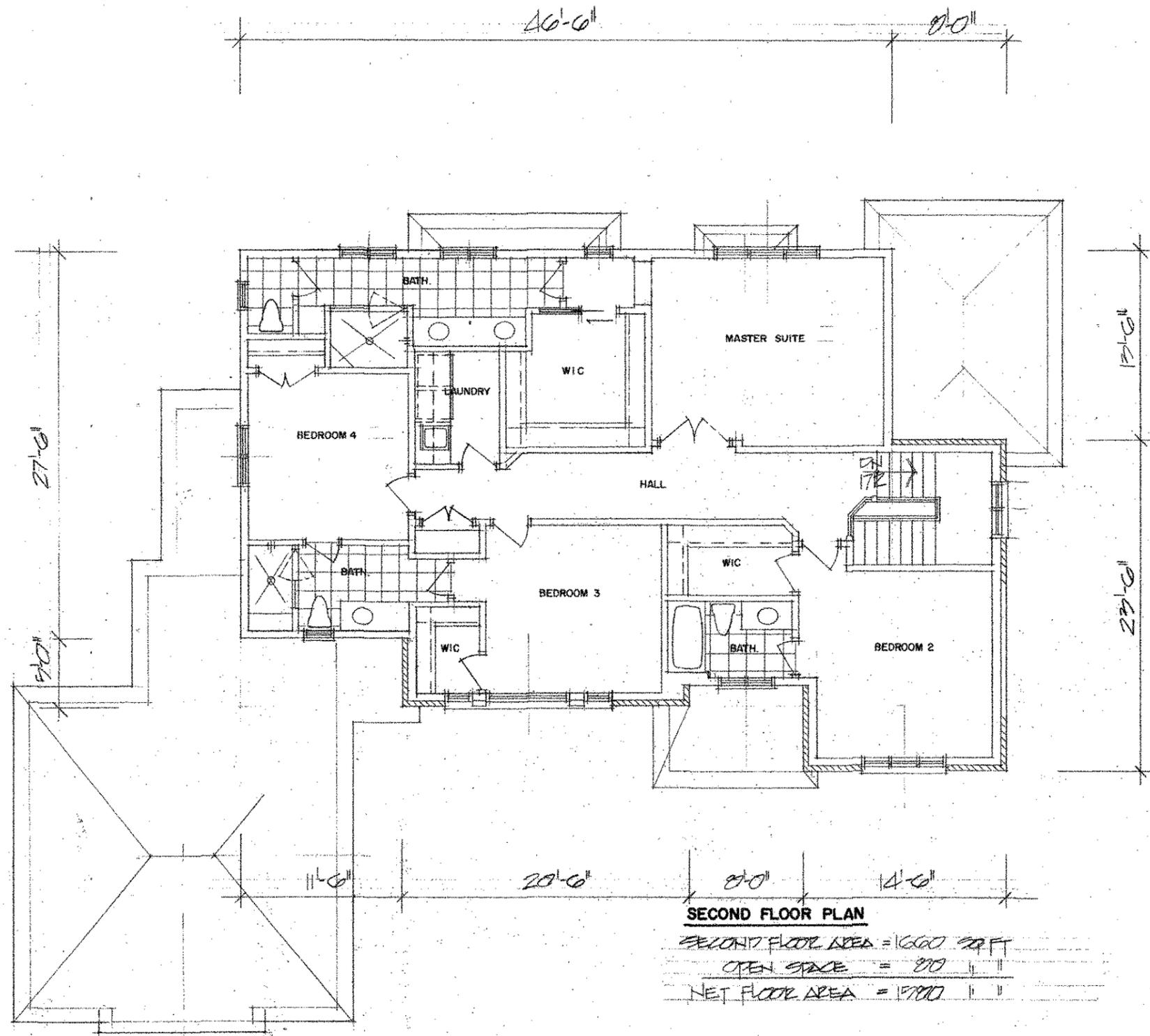
WEST LOT LINE

FRONT LOT LINE

GROUND FLOOR PLAN
 CIRCUMFLOOR AREA = 1799' SQFT
 NET FLOOR AREA = 2180'
 BUILDING AREA = 25110'

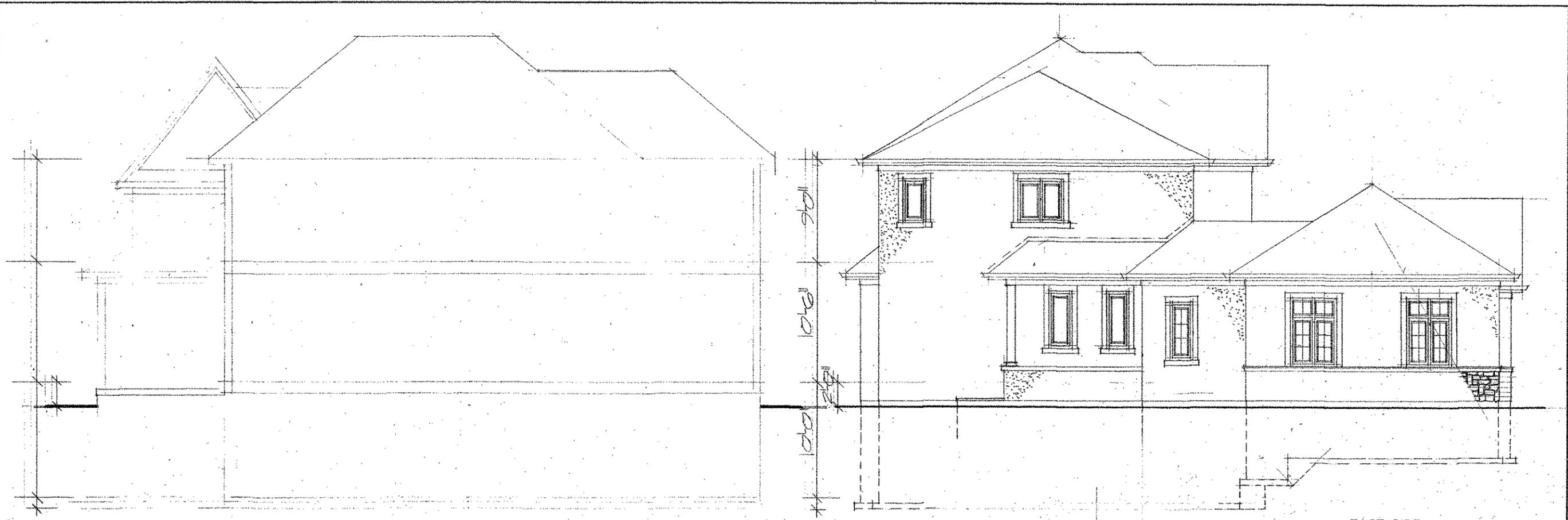
PROJECT: HOUSE 2097 15 GLEASON AVE. CITY OF MARKHAM	<small>I reserve and hold responsibility for the design work on behalf of a firm registered under the Engineers and Geoscientists Act of the Province of Ontario, and the firm registered in the appropriate jurisdiction.</small> <small>INDIVIDUAL B.C.M.A. - 5285</small> <small>FIRM B.C.M.A. - 5028</small> <small>Plan Group</small> <small>NAME: _____ SIGNATURE</small>	DRAWN: R. GREGORY DATE: 7/2/10 SCALE: 1/4" = 1'-0"
	<small>GENERAL NOTES:</small> <small>All construction to be done in 1/2" of the Ontario Building Code (other notes).</small> <small>Contractor shall check and verify all notes and dimensions.</small> <small>Do not scale drawings.</small> <small>Owner/contractor designer is responsible to review and check all drawings and construction of the drawing.</small> <small>These drawings are the property of the Gregory Design Group and are to be used only.</small> <small>Building permits should be obtained prior to commencing construction.</small>	PROJECT NO.: 2097-10 DRAWING NO.: A-2

THE GREGORY DESIGN GROUP
 50 McINTOSH DRIVE, SUITE 140
 MARKHAM, ONTARIO, L3R 9T3
 OFFICE (905) 479-4767
 FAX (905) 479-8496
 russ@gregorydesigngroup.net



SECOND FLOOR PLAN
 SECOND FLOOR AREA = 1660 SQ FT
 OPEN SPACE = 800 | |
 NET FLOOR AREA = 1700 | |

PROJECT: HOUSE 2097	<small>I accept and take responsibility for the design work on behalf of the firm registered under subsection 2.2 of the Ontario Building Code Act and for the registration in the appropriate professional category.</small> INDIVIDUAL REG. NO. - 22831 FIRM REG. NO. - 3628 Date Gregory NAME SIGNATURE	DRAWN: R. GREGORY DATE:
	<small>Contractor shall check and verify all notes and dimensions. Do not scale drawings. Owner/contractor/designer is responsible to obtain and verify all permits and approvals of the drawings. These drawings are the property of the Gregory Design Group and its clients only. Building permits should be checked prior to commencing construction.</small>	SCALE: 1/4"=1'-0"
THE GREGORY DESIGN GROUP 50 McINTOSH DRIVE, SUITE 140 MARKHAM, ONTARIO, L3R 9T3 OFFICE (905) 479-4767 FAX (905) 479-8496 russ@gregorydesigngroup.net	GENERAL NOTES: <small>All construction is to conform to Ontario Building Code (latest edition).</small>	DRAWING NO.: A-3



BUILDING SECTION 'A-A'

EAST SIDE



FRONT ELEVATION - NORTH

PROJECT: HOUSE 2097	<small>License and other responsibility for the design work on behalf of a registered architect is assumed by the Ontario Association of Architects, Inc. (OAA) and the Ontario Association of Architects, Inc. (OAA) is not responsible for the design work on behalf of the architect.</small> <small>INDIVIDUAL B.C.N. - 23456</small> <small>FIRM B.C.N. - 23567</small> <small>Russ Gregory</small> <small>NAME</small>	DRAWN: R. GREGORY DATE: SCALE: 1/4" = 1'-0"
	THE GREGORY DESIGN GROUP 50 McINTOSH DRIVE, SUITE 140 MARKHAM, ONTARIO, L3R 9T3 OFFICE (905) 479-4767 FAX (905) 479-8496 russ@gregorydesigngroup.net	GENERAL NOTES: All construction is to comply with Section 9.1 of the Ontario Building Code (OBC) unless otherwise noted. Contractor shall check and verify all notes and dimensions. Do not scale drawings. Construction designer is responsible for color and verify all materials and construction details. These drawings are the property of The Gregory Design Group and are to be used only for the project noted. Building permits should be obtained prior to commencing construction.



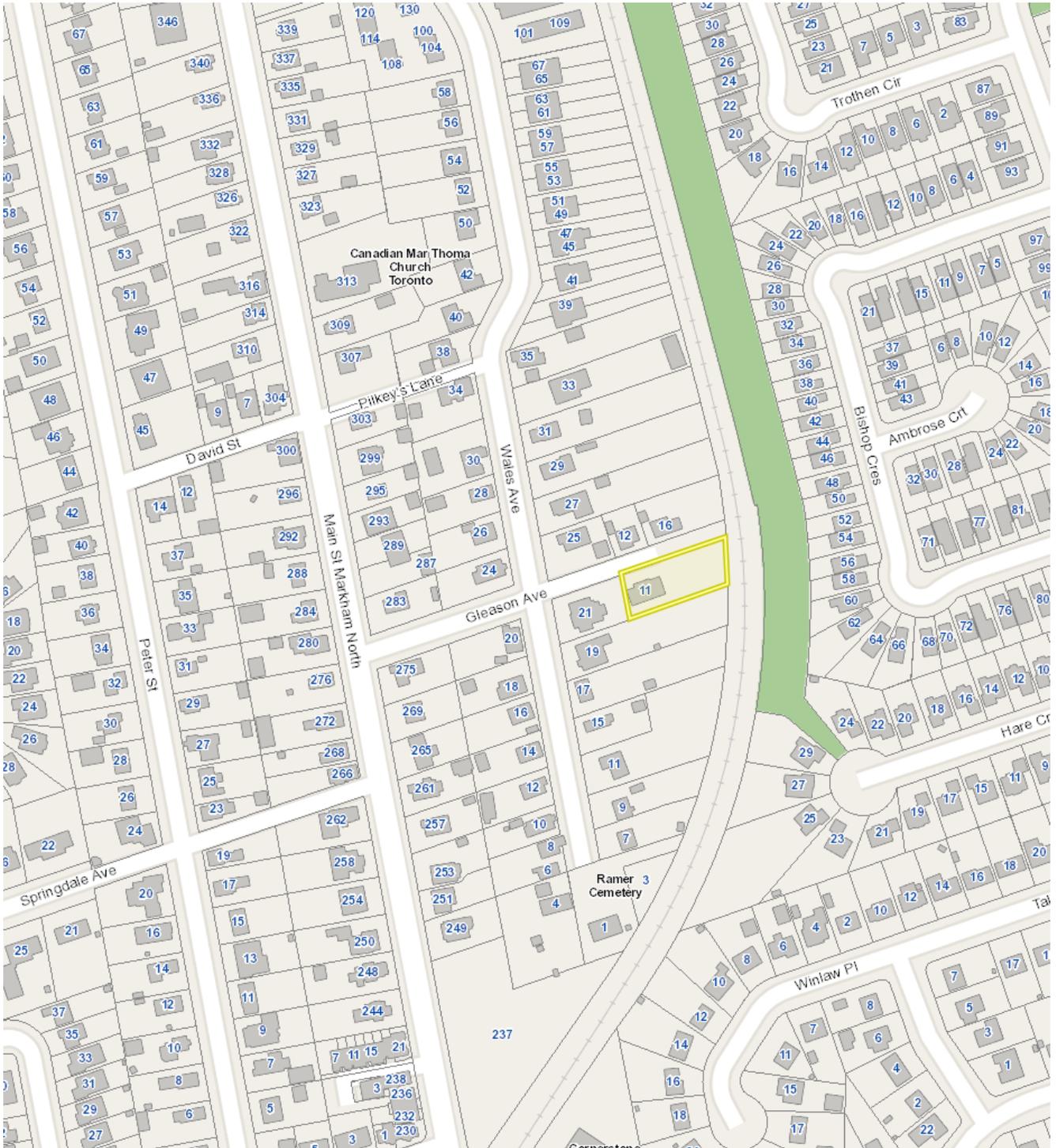
REAR ELEVATION - SOUTH



WEST SIDE

PROJECT: HOUSE 2097	DRAWN: R. GREGORY	DATE:
INDIVIDUAL B.C.E.M. - 2008 F.B.M.B.O. L.A. - 2008	SCALE:	PROJECT NO.:
Russ Gregory ISAC	DRAWING:	DRAWING NO.:
THE GREGORY DESIGN GROUP 50 McINTOSH DRIVE, SUITE 140 MARKHAM, ONTARIO, L3R 9T3 OFFICE (905) 479-4767 FAX (905) 479-8496 russ@gregorydesigngroup.net	GENERAL NOTES: All construction to conform to Section 97 of the Ontario Building Code unless otherwise noted. Contractor shall check and verify all notes and dimensions. Do not make changes. Construction/contractor designer is responsible to obtain and verify all permits and approvals prior to construction. These drawings are the property of The Gregory Design Group and are for client use only. Building permits should be obtained prior to commencing construction.	2097-10 A-6

APPENDIX E



APPENDIX 'F'

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/72/19

1. The variances apply only to the proposed development as long as it remains; and
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 received by the City of Markham on *July 10 & 16, 2018*, 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 TO BE ATTACHED TO ANY APPROVAL OF FILE A/73/19

1. The variances apply only to the proposed development as long as it remains; and
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 received by the City of Markham on *July 10 & 16, 2018*, 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 TO BE ATTACHED TO ANY APPROVAL OF FILE B/11/19

1. Payment of all outstanding realty taxes and local improvements charges owing to date against both the subject and retained parcels, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled;
2. Submission to the Secretary-Treasurer of the required transfers to effect the severances applied for under Files B/11/19, in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act;
3. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
4. Payment of the required Conveyance Fee for the creation of residential lots per City of Markham Fee By-law 211-83, as amended;

5. The Owner shall enter into a Development Agreement with the City to the satisfaction of the Director of Planning and Urban Design, Operations Department, the City Solicitor, and the Director of Engineering, or their designates, which Development Agreement shall be registered on title to the lands in priority to all mortgages, charges, liens and other encumbrances, and the Owner shall procure and cause to be executed and registered at its own cost and expense such discharges, postponements, and subordination agreements as may be required by the City in order to provide for the priority of registration for the Development Agreement on title to the Lands. The Development Agreement shall specifically provide for matters including but not limited to:
 - i) Payment of all applicable fees in accordance with the City's fee by-law;
 - ii) Erection and inspection by City staff of tree protection fencing, in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - iii) Planting of any required replacement trees in accordance with the City's Streetscape Manual (2009), as amended, and the Tree Assessment and Preservation Plan;
 - iv) Submission of securities respecting any works to be provided in accordance with the Development Agreement;
 - v) Payment of cash-in-lieu of Parkland Dedication in accordance with By-law 195-90, as amended, upon execution of the development agreement. The applicant shall submit an Appraisal report prepared by a member of the Appraisal Institute of Canada in accordance with the City's terms of reference respecting the proposed new lot, to be reviewed and approved by the City;
 - vi) Notice that the lands may not be connected to the City's water system, sewage system and/or drainage system (the "Municipal Services"), and that in order to connect to the Municipal Services, the Owner must submit an application to the City and pay for the connections to the Municipal Services, which shall be installed by the City.
 - vii) To make satisfactory arrangement with the Engineering Department for the extension of Gleason Avenue (measured 45.0 m from westerly property line) and provide financial security, submission of engineering and inspection fees, provide insurance, as required, to the satisfaction of the Director of Engineering;
 - viii) Pay for and construct any improvement to the municipal infrastructure including but not limited to Hydrant installation, relocation of Hydro Pole in connection with the Site Servicing Plan, as accepted by the Director of Engineering, should it be determined that improvement to such infrastructure is required to support this development;
 - ix) Submit site servicing, grading, Noise Study, Photometric Analysis (if required), utility, and erosion and sediment control plan, to the satisfaction of the Director of Engineering;
 - x) Construct the required servicing, grading, and utilities for this development to the satisfaction of the Director of Engineering;
 - xi) To construct and/or implement any required excavation, removal, relocation, restoration and /or implement of any above or below ground municipal services or utilities that may be necessary for this development, to the satisfaction of the Director of Engineering;
6. That the applicant satisfies the requirements of the Toronto Region Conservation Authority (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;

7. 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 the Metrolinx, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Metrolinx;
8. Provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, including any development standards for building and structures, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Supervisor or designate; and
9. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c.P.13.

PREPARED BY:



Aqsa Malik, Planner I, East District