

MINOR VARIANCE APPLICATIONS

D13-A01-19 **2506994 ONTARIO INC.**
Lot 10, Plan 90; Part Lot 58, Plan 22
Parts 2 & 3, Plan 65R1360
81 Joseph Street

D13-A02-19 **HAUBEN, Ewa**
SOLKOWSKI, Tomazs
Part Lot 13, Plan 90
359 Millard Avenue

NEW BUSINESS

- Minutes of the regular Meeting of the Committee held on Wednesday, January 23, 2019

3.1 Conformity with the general intent of the Official Plan

The subject lands are designated “Stable Residential” in the Town’s Official Plan. The objectives of the designation are to sustain and enhance the character and identity of existing residential communities and encourage the preservation and maintenance of the Town’s existing housing stock. This designation permits single detached dwellings, and supports efforts to invest in the existing housing stock. This test is met.

3.2 Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Single Detached Dwelling 18m Zone (R1-D-119) by By-law Number 2010-40, as amended by By-law 2013-30.

The general intent of the zoning by-law is to limit the built form of structures in order to maintain compatibility and similarity of structures. By limiting lot coverage, building size is restrained and ensures that houses are similar in size and that a diverse range of housing sizes are preserved across Newmarket.

Restricting this increased coverage to the infill addition as proposed and not to an overall increase in area allows for the resident to arrange their property as they like without significantly increasing the building’s size. Furthermore, the addition represents a small increase in coverage that is principally within the boundaries of the existing building envelope – that is to say, the proposed addition is bounded on three sides by the existing structure and is largely in line with the existing setback on the fourth side – and thus represents a gradual evolution of the built form rather than the construction of a new and significantly larger structure. The general intent of the zoning by-law is met.

3.3 Desirable development of the lot

It is generally desirable to allow a property owner to invest in their property and arrange it in a manner that suits their needs, subject to the limits of the zoning by-law and impacts on neighbouring properties. This deference is balanced against the desirability of development in the public interest when permission beyond that of the zoning by-law is sought by way of a minor variance.

As the requested relief would allow the property owner to arrange the property to suit their needs without significant impact to neighbours or the community, the variance is desirable for the appropriate development of the lot. This test is met.

3.4 Minor nature of the variances

When considering if the variance is minor, it is not simply the numerical value; the Committee is requested to consider the impact of the variance. The impact of the proposed variance appears to be minimal as despite the increase in coverage the structure remains within the required setbacks, and the increased coverage is a minor evolution of the size of the structure. This test is met.

In consideration of the above, the proposed variance meets the four tests under the *Planning Act*.

4. Other comments:

4.1 Tree Protection

The Town's Tree Preservation, Protection, Replacement and Enhancement Policy requires properties that are subject to a development application to submit an arborist report, protect trees during construction, and compensate for any removed trees by replanting or paying an amount to the Town commensurate with the removed trees. Standard conditions related to adherence with the Policy are recommended with this report.

4.2 Heritage

No structure on the lot is designated under the *Ontario Heritage Act*.

4.3 Effect of public input

No public input was received as of the date of writing this report.

4.4 Interim Control By-law

On January 21st, 2019 Council adopted an Interim Control By-law under Section 38 of the *Planning Act*. The Interim Control By-law limits the ability to increase the floor area or height of residential dwellings throughout its study area, which includes the lands subject to this minor variance application. However, the Interim Control By-law exempts properties that were subject to a complete *Planning Act* application, which includes applications for minor variance such as this one. As such, this property is exempt from the Interim Control By-law and it has no force or effect on this application.

4.5 Commenting agencies and departments

Building Services has reviewed the application and does not have any comments on the proposed variance.

Comments from Engineering Services were not available as of the date of writing this report.

The Regional Municipality of York has reviewed the minor variance application and has advised they have no objection to the proposal.

5. Conclusions:

The relief as requested:

- (1) is minor in nature;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,



Ted Horton
Planner