

Minor Variance Application

1. D13-A12-15, Slddiqui, Kamran, Kamran, Erum, Lot 1 Plan 65M-2736, 711 p. 1
Shanahan Boulevard, Town of Newmarket

New Business

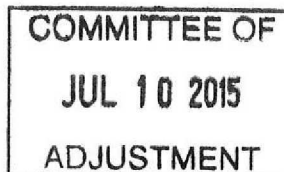
2. Minutes of the regular Meeting of the Committee held on Wednesday, June 17, p. 8
2015.

Adjournment



-1-
PLANNING AND BUILDING SERVICES
Town of Newmarket
395 Mulock Drive
P.O. Box 328, STN Main
Newmarket, ON L3Y 4X7

www.newmarket.ca
planning@newmarket.ca
T: 905.953.5321
F: 905.953.5140



REPORT

TO: Committee of Adjustment

FROM: Meghan White, MCIP, RPP
Planner

DATE: July 9, 2015

RE: Application for Minor Variance **D13-A12/2015**
Lot 1, Plan 65M-2736
711 Shanahan Boulevard
Made by: Kamran Siddiqi and Erum Kamran

1. RECOMMENDATIONS:

That Minor Variance Application D13-A12/2015 be approved, subject to the following conditions:

1. That the applicants enter into an agreement with the Town stating that as long as there is an Accessory Dwelling Unit in the dwelling unit that the garage remain available to park two (2) cars;
2. That the agreement is registered on title of the property;
3. That the variance pertains only to the requests as submitted with the application; and
4. That the development be substantially in accordance with the information submitted with the application.

2. APPLICATION:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, to reduce the number of exterior parking spaces from four to two or an accessory dwelling unit.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, east of Yonge Street, south of Savage Road on the east side of Shanahan Boulevard. There is an existing single detached residence on the lot and it is surrounded by similar single detached homes.

3. PLANNING CONSIDERATIONS:

The applicant is requesting relief from the By-law in order to permit the creation of an Accessory Dwelling Unit (ADU) in the existing building. The Zoning By-law requires that four outdoor parking

spaces be provided when a dwelling unit has a secondary apartment. In this case, the driveway is not large enough to accommodate four spaces.

In making a recommendation to the Committee, staff are required to consider the 4 tests under the *Planning Act*; staff offer the following comments:

The subject lands are designated "Stable Residential" in the Town's Official Plan. This designation permits single detached dwellings and accessory dwelling units. The application is found to conform to the Official Plan.

The subject lands are zoned Residential Detached Dwelling 15m (R1-D) on Map Number 17 of Schedule 'A' to By-law Number 2010-40, as amended. Single detached dwellings and accessory apartments are permitted uses in this zone.

Section 5.3.1 of the Zoning By-law sets out the parking standards for residential uses. This Section states that a single detached dwelling must have two spaces. An ADU must also have two spaces. There is a note which states that when there is a dwelling unit and an ADU, the required parking spaces shall be provided exterior of any garage or structure. Therefore the parking requirement is for four (4) outdoor parking spaces. The length of the driveway is measured from the garage face to the sidewalk or curb of the road, whichever is closest. In this case, the applicant's driveway from the garage face to the sidewalk is not long enough to accommodate the four spaces. They have a two-car garage; therefore the width is there, but they do not have the length.

The general intent of the By-law in requiring four outdoor parking spaces is to acknowledge that many people no longer park in their garages but use it for storage. One of the largest impacts of ADUs in a neighbourhood is an increase in the number of cars. Requiring that a driveway be large enough to accommodate four cars seeks to mitigate the potential impact of the additional cars in a neighbourhood.

To ensure that the intent of the By-law is met, staff are recommending that the land owners enter into an agreement with the Town such that as long as there is an ADU in the house, that the garage remains available for parking.

It is desirable to develop the lot with an accessory dwelling unit as the Official Plan designation and the Zoning By-law both permit this use.

The impact of the proposed variance appears to be minimal as the potentially increased number of vehicles generated by the accessory unit can be accommodated on site, with the two parking spaces in the garage.

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

4. OTHER COMMENTS:

The Chief Building Official may provide comments under separate cover.


Lake Simcoe Region Conservation Authority and Engineering Services have reviewed the minor variance application and have advised they have no objection to the proposal

5. **CONCLUSIONS:**

The recommendation of approval for the variance is based on the rationale described above and specifically that the relief as requested:

- (1) is minor in nature as the impact on adjacent properties appears to be minimal;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit accessory dwelling units on the property; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

Respectfully submitted,



Meghan White, MCIP, RPP
Planner

copy: R. Prudhomme, P. Eng. – Director Engineering Services



DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES

Town of Newmarket

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COMMITTEE OF

JUL - 9 2015

ADJUSTMENT

M E M O R A N D U M

TO: R. Nethery, B.E.S., MCIP, RPP, Director of Planning

FROM: V. Klyuev, B.A., C.E.T., Senior Engineering Development Coordinator – Residential

DATE: July 9th, 2015

RE: Notice of Application for Minor Variance
File No. D13-A12-15
711 Shanahan Blvd.
Made by: SIDDIQI, Kamran and KAMRAN, Erum

We herein acknowledge receipt of the Notice of Application for Minor Variance from the Town of Newmarket Zoning By-law 2010-40 as amended, as follows:

To request relief from Zoning By-law Number 2010-40, as amended, 5.3.1 Minimum Off-Street Parking Requirements to permit two exterior parking spaces for a detached dwelling and accessory dwelling unit, notwithstanding the bylaw requirement of four exterior parking spaces.

We have reviewed the application and supporting documentation and have no comments to the proposed minor variance.

Should you have any questions please contact the undersigned.

Sincerely,

ENGINEERING SERVICES

A handwritten signature in blue ink, appearing to be 'V. Klyuev'.

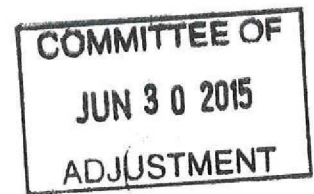
V. Klyuev, B.A., C.E.T.
Senior Engineering Development Coordinator – Residential

File No.: VK021

COPY: R. Bingham, C.E.T., Manager of Engineering and Technical Services
File digital and hardcopy

Pelham, Kym

From: Bilkhu, Vick <Vick.Bilkhu@york.ca>
Sent: June-30-15 7:00 AM
To: Pelham, Kym
Subject: RE: D13-A12-15 - 711 Shanahan Blvd.



Thanks Kym, we have reviewed the above noted application and have no comments or objections to its approval.

Thank you

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Monday, June 29, 2015 8:41 AM
To: Bilkhu, Vick
Subject: D13-A12-15 - 711 Shanahan Blvd.

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A12-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, July 9, 2015.

Thanks
Kym



Kym Pelham, ACST

Committee Secretary
Planning and Building Services
905-953-5300, press 2, ext. 2456
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kpelham@newmarket.ca
www.newmarket.ca
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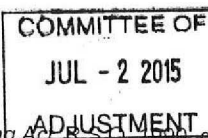
COMMITTEE OF ADJUSTMENT

Town of Newmarket
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kpelham@newmarket.ca
T: 905.953.5300 Ext. 2456
F: 905.953.5140

JULY 2/15
NO COMMENT
JP

Notice of Application
for Minor Variance



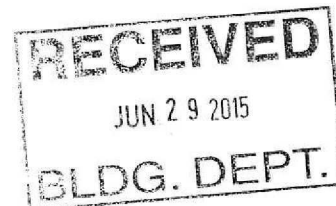
IN THE MATTER OF Subsection 1 or 2 of Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

IN THE MATTER OF an application for Minor Variance or for Permission for relief from Bylaw Number 2010-40, as amended.

MADE BY: SIDDIQI, Kamran
KAMRAN, Erum

FILE NUMBER: D13-A12-15

SUBJECT LAND: Lot 1, Plan 65M-2736
711 Shanahan Blvd.
Town of Newmarket
Ward No.: 6



The purpose of the application is as follows:

To request relief from Zoning Bylaw Number 2010-40, as amended, Section 5.3.1 Minimum Off-Street Parking Requirements to permit two exterior parking spaces for a detached dwelling and accessory dwelling unit, notwithstanding the bylaw requirement of four exterior parking spaces.

THE COMMITTEE OF ADJUSTMENT WILL HEAR THE APPLICATION ON WEDNESDAY, JULY 15TH, 2015 AT 9:30 A.M., IN THE COUNCIL CHAMBERS, IN THE MUNICIPAL OFFICES AT 395 MULOCK DRIVE, NEWMARKET, ONTARIO.

You are entitled to attend this Public Hearing in person to express your views about this application or you may be represented by Counsel or by someone appointed by you for that purpose.

If unable to attend the Hearing you may submit written comments in support of or in opposition to this application and they must be delivered to the Secretary-Treasurer, Committee of Adjustment, Town of Newmarket, 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7 not later than the time set for the Hearing.

If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Secretary-Treasurer, Committee of Adjustment, Town of Newmarket, 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.

IMPORTANT NOTICE: If you do not attend at the Hearing it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this Hearing.

DATED at the Town of Newmarket this 29th day of June, 2015.

Secretary-Treasurer
Committee of Adjustment

PLEASE REFER TO THE ATTACHED SKETCH(ES) FOR THE LOCATION OF THE LAND AND GENERAL DETAILS OF THE APPLICATION. IF MORE INFORMATION IS REQUIRED, CONTACT THE SECRETARY-TREASURER AT (905)-953-5300, EXT. 2456, FOR ASSISTANCE OR FAX NUMBER (905)-953-5140.



Lake Simcoe Region
conservation authority

A Watershed for Life

Sent by Email: kpelham@newmarket.ca

July 2, 2015



File No: D13-A12-15
IMS File No.: PVOC1501C2

Ms. Kym Pelham, Secretary-Treasurer
Corporation of the Town of Newmarket
395 Mulock Avenue, Box 328, STN Main
Newmarket, ON L3Y 4X7

Dear Ms. Pelham:

**Re: Proposed Application for Minor Variance
Kamran Siddigi & Erum Kamran
711 Shanahan Blvd
Town of Newmarket, Regional Municipality of York**

Thank you for circulating the Lake Simcoe Region Conservation Authority (LSRCA) regarding the above noted application for Minor Variance. It is our understanding that the purpose of this application is to request relief from the Zoning By-law to permit two exterior parking spaces for a detached dwelling and accessory dwelling unit, notwithstanding the bylaw requirement of four exterior parking spaces.

Based on existing resource mapping, the subject property is located outside:

- Any natural hazard lands such as floodplain
- Any natural heritage feature such as wetlands
- Any area currently governed by Ontario Regulation 179/06 under the *Conservation Authorities Act*

On this basis, we are satisfied from a watershed management perspective that this application is consistent with the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement (PPS), conforms with the requirements of the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 made under the *Conservation Authorities Act*. As a result, the LSRCA has no further requirements as they relate to this proposed minor variance application.

If you have any questions regarding these comments, please do not hesitate to contact the undersigned. Please refer to the above file numbers in future correspondence.

Regards,

A handwritten signature in blue ink, appearing to read "Lisa-Beth Bulford".

Lisa-Beth Bulford
Development Planner

LBB/hh

S:\Planning and Development Services\Planning Act\Planning Act Applications\Newmarket\244442 711 Shanahan Blvd\07-02-2015 Bulford Newmarket D13-A12-15 PVOC1501 711 Shanahan Blvd.docx

120 Bayview Parkway, Box 282
Newmarket, Ontario L3Y 4X1

Tel: 905.895.1281 1.800.465.0437
Fax: 905.853.5881

Web: www.LSRCA.on.ca
E-Mail: Info@LSRCA.on.ca

Proud winner of the International Thiess Riverprize

Member of Conservation Ontario

The meeting of the Committee of Adjustment was held on Wednesday, June 17th, 2015 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Member
Ken Smith, Member
Fred Stoneman, Member
Peter Mertens, Member
Elizabeth Lew, Member

Staff Present: Kym Pelham, Secretary-Treasurer
Linda Traviss, Senior Planner - Development
Meghan White, Planner

The Meeting was called to order at 9:30 a.m. in the Council Chambers to consider items on the agenda.

Gino Vescio in the Chair.

The Chair called for conflicts of interest. No conflicts were declared at that time; however, members were invited to declare a conflict of interest at any time during the meeting.

MINOR VARIANCE APPLICATIONS

D13-A10-15 GREEN & ROSE DEVELOPMENTS INC.
Part Lot 4, Plan 32, designated as Parts 1 to 4, Plan 65R-34936
212 Davis Drive
Town of Newmarket

Daniel Berholz of Green & Rose Developments Inc., 155 Duncan Mill Road, Unit 12, TORONTO, ON M3B 3N2, addressed the Committee and provided the following comments:

- representing the corporation
- seeking to permit relief for a walkway in the 3 metre landscape buffer on east side
- the landscape buffer is only for vegetative use
- details for the parking structure were not available at the time
- stairway had to be moved
- exit had to be moved further down, which put the walkway in the buffer area
- have worked with landscape consultant and engineering department
- emergency exit through the buffer

The following correspondence was received and considered by the Committee regarding the application:

1. Report from Linda Traviss, Senior Planner - Development dated June 11, 2015;
2. Letter from B. Ewart, Senior Engineering Development Coordinator - ICI dated June 10, 2015;
3. Letter from Lisa-Beth Bulford, Development Planner, Lake Simcoe Region Conservation Authority dated June 10, 2015;
4. Letter from David Potter, Chief Building Official dated June 4, 2015; and
5. E-mail from Gabrielle Hurst, Programs and Process Improvement, The Regional Municipality of York dated June 4, 2015.

There were no comments from the public on this application.

***Moved by Fred Stoneman
Seconded by Ken Smith***

THAT Minor Variance Application D13-A10-15 be approved, subject to the following conditions:

- a) that the variance pertains only to the request as submitted with the application;
- b) that development be substantially in accordance with the sketch submitted with the application.

as the Minor Variance Application:

- (1) appears to be minor in nature as the requested variance does not result in a substantial decrease in the functioning of the required landscape buffer and is in keeping with the development approved by Council;
- (2) conforms to the intent and purpose of the Official Plan and Zoning By-law as both documents contemplate residential uses; and
- (3) does not adversely affect the character of the neighbourhood and is desirable for the appropriate development or use of the land, buildings or structures.

CARRIED

**D13-A08-15 MOSAIK GLENWAY HOMES INC.
Lot 148, Plan 65M-4436
689 McGregor Farm Trail
Town of Newmarket**

**D13-A09-15 MOSAIK GLENWAY HOMES INC.
Lot 90, Plan 65M-4436
500 McGregor Farm Trail
Town of Newmarket**

Goffredo Vitullo of Mosaik Glenway Homes Inc., 8800 Jane Street, VAUGHAN, ON L4K 2M8, addressed the Committee and provided the following comments:

- have sold the house and one is over on the percentage
- it was a mistake
- the building on 689 McGregor Farm Trail is a larger home

Ken Smith inquired as to whether the change in the size of the home was requested by the owners and were they advised that the model was not available for the lot and Mr. Vitullo advised that it was a request by the owners.

Shaun London of 420 Mathews Court, NEWMARKET, ON L3X 1C7, addressed the Committee and provided the following comments:

- have concerns with the variance for 689 McGregor Farm Trail
- do not believe that the builder should be allowed to apply for a variance
- sets a precedence in the subdivision
- application does not address how the increase will affect the neighbours
- have fought the whole process of this subdivision
- building should stay within the 45% and respect the bylaws

Fred Stoneman inquired as to where Mr. London's home was in relation to this property and Mr. London mentioned that his lot was to the left of the property.

Peter Mertens mentioned that Mr. London had concerns with the depth of the lot and that the home may be closer to his property line if the proposed house was moved back in the rear yard and Mr. Mertens advised that front and rear setbacks are not being adjusted.

Mr. Stoneman inquired as to whether this was a different model home and Mr. Vitullo mentioned that the home may be 1% wider than the other models.

Mike Stoltz of 416 Mathews Court, NEWMARKET, ON L3X 1C7, addressed the Committee and provided the following comments:

- advised that he will be 1 property over from 689 McGregor Farm Trail
- builders have a responsibility to make sure they abide by the bylaws
- the variance is to go beyond the maximum of 45%
- the bylaws are in place to protect the neighbours
- the variance would be precedent setting
- the width of the home does have an impact
- already putting up with dirt, dust and noise
- all to increase the builders profit margins

Mr. Smith inquired as to whether this house was already being built or the foundation poured and he was advised that it has not started.

The following correspondence was received and considered by the Committee regarding minor variance application D13-A08-15:

1. Report from Meghan White, Planner dated June 11, 2015;
2. Letter from V. Klyuev, Senior Engineering Development Coordinator - Residential dated June 9, 2015;
3. Letter from Lisa-Beth Bulford, Development Planner, Lake Simcoe Region Conservation Authority dated June 10, 2015;
4. Letter from David Potter, Chief Building Official dated June 4, 2015; and
5. E-mail from Gabrielle Hurst, Programs and Process Improvement, The Regional Municipality of York dated June 4, 2015.

The following correspondence was received and considered by the Committee regarding minor variance application D13-A09-15:

1. Report from Meghan White, Planner dated June 11, 2015;
2. Letters from V. Klyuev, Senior Engineering Development Coordinator - Residential dated June 9, 2015;
3. Letters from Lisa-Beth Bulford, Development Planner, Lake Simcoe Region Conservation Authority dated June 10, 2015;
4. Letter from David Potter, Chief Building Official dated June 4, 2015; and
5. E-mail from Gabrielle Hurst, Programs and Process Improvement, The Regional Municipality of York dated June 4, 2015.

There were no further comments from the public on this application.

***Moved by Fred Stoneman
Seconded by Peter Mertens
Opposed by Ken Smith***

THAT Minor Variance Application D13-A08-15 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application;
and
2. That the development be substantially in accordance with the plans submitted with the application.

as the Minor Variance Applications:

- (1) is minor in nature as the impact on adjacent properties appears to be minimal;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit a residential dwelling on the property; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

CARRIED

***Moved by Peter Mertens
Seconded by Elizabeth Lew
Opposed by Ken Smith***

THAT Minor Variance Application D13-A09-15 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application;
and
2. That the development be substantially in accordance with the plans submitted with the application.

as the Minor Variance Applications:

- (1) is minor in nature as the impact on adjacent properties appears to be minimal;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit a residential dwelling on the property; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

CARRIED

**D13-A11-15 WARNER, Bruce
 WARNER, Lisa
 Lot 59, Plan 65M-2224
 570 Haines Road
 Town of Newmarket**

Lisa Warner of 570 Haines Road, NEWMARKET, ON L3Y 6V3, addressed the Committee and provided the following comments:

- applying for relief from bylaw
- currently have a double car garage and have parked in it for 20 years
- want to put in an ADU so that she can stay in the house
- want to make everything legal
- 1 person is living downstairs

Mr. Stoneman inquired as to who came up with the solution for the variance and Ms. Warner mentioned that she has always parked 2 cars in the garage.

Mr. Stoneman asked if we have other variances that are similar to this request and Ms. Travis mentioned that we have had similar requests and there may be less than 5.

The Chair inquired as to whether there was a registry in place for the ADU's and Ms. Travis mentioned that Legislative Services keep a registry.

The following correspondence was received and considered by the Committee regarding the application:

1. Report from Meghan White, Planner dated June 11, 2015;
2. E-mail from Brandon Ewart, Senior Engineering Development Coordinator - ICI dated June 3, 2015;
3. Letter from Lisa-Beth Bulford, Development Planner, Lake Simcoe Region Conservation Authority dated June 10, 2015;
4. Letter from David Potter, Chief Building Official dated June 4, 2015;
5. E-mail from Gabrielle Hurst, Programs and Process Improvement, The Regional Municipality of York dated June 4, 2015; and
6. E-mail from a resident dated June 16, 2015.

There were no further comments from the public on this application.

***Moved by Peter Mertens
Seconded by Ken Smith***

THAT Minor Variance Application D13-A11-15 be approved, subject to the following conditions:

1. That the applicants enter into an agreement with the Town stating that as long as there is an Accessory Dwelling Unit in the dwelling unit that the garage remain available to park two (2) cars;
2. That the agreement is registered on title of the property;
3. That the variance pertains only to the requests as submitted with the application; and
4. That the development be substantially in accordance with the information submitted with the application.

as the Minor Variance Application:

- (1) is minor in nature as the impact on adjacent properties appears to be minimal;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit accessory dwelling units on the property; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

CARRIED

The Minutes of the meeting held on Wednesday, May 20th, 2015 were placed before the Committee for consideration.

***Moved by Ken Smith
Seconded by Elizabeth Lew***

THAT the Minutes of the Wednesday, May 20th, 2015 meeting be approved as circulated.

CARRIED

***Moved by Peter Mertens
Seconded by Elizabeth Lew***

THAT the Meeting adjourn.

CARRIED

The meeting adjourned at 10:12 a.m.

Dated

Chair