

**PLANNING AND BUILDING SERVICES****Town of Newmarket**

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Planning Report

TO: Committee of Adjustment

FROM: Ted Horton
Planner

DATE: July 18, 2019

RE: Application for Minor Variance **D13-A14-2019**
149 Trailhead Avenue
Town of Newmarket
Made by: LIU, Heping & ZHOU, Ting

1. Recommendations:

That Minor Variance Application D13-A14-2019 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application;
2. That one space in the garage be reserved for the purpose of required parking and for no other use; and
3. 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 vary the parking requirements for a single detached residential dwelling with an accessory dwelling unit. The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	5.3.1	To provide four parking spaces exterior to a garage for a dwelling unit and accessory dwelling unit	To provide three parking spaces exterior to a garage and one parking space inside of a garage for a dwelling unit and accessory dwelling unit

The above-described property (herein referred to as the “subject lands”) is located in a residential neighbourhood, northwest of the intersection of Yonge Street and Davis Drive and south of Bonshaw Avenue Park. There is an existing semi-detached residence on the lot and it is surrounded by similar homes.

3. Planning considerations:

The applicant is requesting relief from the By-law in order to permit a reduction in the required parking to facilitate 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 an

ADU. In this case, the driveway is not large enough to accommodate four spaces due in part to the presence of a projecting feature of the house and a municipal sidewalk.

In order to authorize a variance, Committee must be satisfied that the requested variance passes the four tests required by the *Planning Act*. In this regard, staff offer the following comments:

3.1 Conformity with the general intent of the Official Plan

The subject lands are designated “Stable Residential” in the Town’s Official Plan. This designation permits a range of residential accommodation built form types. Regarding this designation, the Town’s Official Plan states:

It is the objective of the Stable Residential Area policies to:

- a. sustain and enhance the character and identity of existing residential communities; and,
- b. encourage the preservation and maintenance of the Town's existing housing stock, supplemented by various forms of residential intensification such as infilling and the creation of accessory dwelling units.

This designation permits, among other uses, semi-detached dwellings of a range of sizes and built forms. The application is found to conform to the Official Plan. Furthermore, the Planning Act requires the Town’s Official Plan to contain policies that authorize ADUs, and to create standards that support the creation of ADUs. This test is met.

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

The subject lands are zoned Residential Semi-Detached Dwelling 17.4 Metre (R2-J) Zone by By-law Number 2010-40, as amended. Semi-detached dwellings and accessory dwelling units are permitted uses in this zone. Save for the number of parking spaces, this property meets all zoning requirements for an ADU.

Section 5.3.1 of the Zoning By-law sets out the parking standards for residential uses. This Section states that a semi-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 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 given the projecting front wall to the east of the driveway. The applicants have three outdoor parking spaces and an attached garage with one space inside, but the zoning by-law typically precludes any space in the garage from being counted toward the parking requirement.

The general intent of the By-law is to provide sufficient parking for the two dwelling units. Accessory dwelling units arguably have a generally lower parking demand. In addition to being smaller than the principal dwelling unit, they are by nature rental units. These factors are commonly associated with lower parking demand. Providing three parking spaces outdoors and one space inside the garage, as would be required by the proposed condition, meets the general intent of the zoning by-law. This test is met.

3.3 Desirable for the appropriate development of the land

The variance is considered desirable for the development and the use of the land. An ADU contributes to the mix of housing types in Newmarket and supports the Town's goals of providing for affordable housing and an increased supply of rental housing. Furthermore, ADUs allow an increase in the density of dwelling units and allow homeowners a source of income for their property. While the standard parking requirement of four spaces exterior and additional to any spaces provided in a garage may provide ample parking, not all ADUs will generate such a parking demand. A minor variance is the appropriate tool for relief from zoning requirements that would prevent an otherwise desirable development, and a minor parking variance should not overshadow the desirability of an ADU as a development as encouraged by Town, Region, and Provincial policy.

3.4 Minor nature of the variance

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, either by the existing three spaces or by the parking space in the garage as would be required by the proposed condition.

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

4. Other comments:

4.1 Heritage

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

4.2 Commenting agencies and departments

No comment was available from Building Services at the time of writing this application.

No comment was available from Engineering Services at the time of writing this application.

The Regional Municipality of York has no comment on the application.

4.3 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. This property is not proposed to add floor area or increase the building height. As such, the Interim Control By-law it has no effect on this application.

4.4 Effect of Public Input

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

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
MCIP, RPP