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## **Site Specific Exemption to Interim Control By-law 2019-04 for 110 Niagara Street Staff Report to Council**

Report Number: 2020-02

Department(s): Planning Services

Author(s): Alannah Slattery

Meeting Date: January 13, 2020

### **Recommendations**

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for 110 Niagara Street dated January be received; and,
2. That Council approve the requested site-specific exemption to Interim Control by-law 2019-04 for 110 Niagara Street and adopt the attached exemption by-law.

### **Purpose**

The purpose of this report is to recommend to Council the approval of a site specific amendment to Interim Control By-law 2019-04 for subject property 110 Niagara Street.

### **Background**

Council passed Interim Control By-law 2019-04 on January 21, 2019. On May 27, 2019 Council approved a Site Specific Exemption Process for Interim Control By-law 2019-04. The exemption process consists of the review of proposed residential dwellings or additions within the subject area of the Interim Control By-law on a case-by-case basis, to determine their compatibility with existing neighbourhood character. Council approval is required to grant a site-specific exception from the Interim Control By-law.

### **Discussion**

Planning Services have received a request for exemption from Interim Control By-law 2019-04, for subject property 110 Niagara Street. The applicant is proposing to remove Site Specific Exemption to Interim Control By-law 2019-04 for 110 Niagara Street

the existing partial half storey, to construct a full second storey on the existing dwelling. The proposed addition would be built within the existing building footprint. The proposed second storey addition would increase the gross floor area from approximately 213 square metres to approximately 278 square metres. The proposed addition would increase the building height from approximately 7.9 metres to approximately 8.8 metres.

Interim Control By-law 2019-04 prohibits the expansion of gross floor area of residential dwellings by 25% or more, and prohibits the increase in height of residential dwellings. The proposed addition would expand the gross floor area of the existing dwelling by approximately 30%, and would increase the height of the dwelling, as such an exemption from Interim Control By-law 2019-04 is being requested.

A map of the subject property, drawings of the proposed dwelling, and a street view image of the subject property and neighbouring dwellings can be found attached to this report.

Staff have reviewed the proposal and provide the following comments based on the exemption process as approved by Council.

### **Physical Character**

- The subject property is zoned Residential Exception (R1-D-119) Zone which permits a maximum height of 10.0 metres for a two-storey dwelling. The proposed addition will increase the dwelling height to approximately 8.8 metres.
- The design of the roof of the proposed addition is consistent with existing slopes, ridges and rooflines of the neighbouring properties.
- Although the proposed addition will increase the gross floor area from 213 square metres to 278 square metres, the dwelling will be constructed using the existing building footprint, will be within zoning height requirements, and will be appropriate relative to the size of the lot.
- The proposed two-storey dwelling will be consistent in size and height with neighbouring properties.
- The proposed dwelling will meet the zoning requirements of the R1-D-119 Zone.
- The proposed dwelling will not result in over-development of the lot.

### **Streetscape Character**

- The design of the proposed dwelling (style, height, mass) will result in a dwelling in-keeping with the existing character of the neighbourhood.
- The proposed second storey addition will be built using the existing footprint, maintaining existing street lines and a uniform built form with neighbouring dwellings.
- The proposed dwelling will not significantly change the character of the streetscape, which is comprised of moderately-sized one-and-a-half- and two-storey dwellings along Niagara Street.

Town staff are of the opinion that the proposed second-storey addition will not compromise the character of the neighbourhood. As such, staff recommend that the request for exemption of 110 Niagara Street from Interim Control By-law 2019-04 be approved by Council, and that the attached by-law be adopted.

## **Conclusion**

It is recommended that Council grant a site-specific exception for 110 Niagara Street, Newmarket, from Interim Control By-law 2019-04 by adopting the attached exemption by-law.

## **Business Plan and Strategic Plan Linkages**

The proposed development supports Council's 2018-2022 Strategic Priorities which aim to ensure a thriving community that is supportive of community engagement.

## **Consultation**

Planning report 2019-03 states the following for neighbourhood circulation in regards to the ICB exemption process: "The Town will notify all abutting and adjacent property owners of the applicant's request for exemption from the ICB, and provide those property owners with 10 days to make a written submission to the Town for staff consideration." To date, staff have used 25 metres as a starting point, and filled in any gaps as deemed necessary, to implement the "abutting and adjacent" language from the staff report.

Beginning February 2020, the standard circulation distance for exemption requests will be expanded to a 50 metre radius of the subject property, to provide broader notice to neighbours. Staff note that the circulation distance for a minor variance application is 60 metres under the Planning Act. An exemption from the Interim Control By-law is a proposal that could have been built as-of-right before Interim Control By-law 2019-04, and is in conformity with the zoning by-law, and as such, generally may have a lesser impact on the surrounding neighbourhood than an application seeking to amend or vary the by-law standards. It is staff's opinion that a 50 metre circulation distance is adequate.

In regards to the subject application, notification was sent to neighbours within a 25 metre radius of the subject property. The notification map can be found attached to this report. Staff have not received any objections to the proposal.

## **Human Resource Considerations**

N/A

## **Budget Impact**

There is no budget impact associated with this report.

## **Attachments**

- Location Map
- Neighbour Street-view
- Proposal
- Notification Map
- Proposed By-law

## **Approval**

Adrian Cammaert, Acting Manager, Planning Services

Jason Unger, Acting Director of Planning & Building Services

Peter Noehammer, Commissioner of Development & Infrastructure Services

## **Contact**

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