

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

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Planning Report

To: Committee of Adjustment

From: Alannah Slattery
Planner

Date: March 18, 2020

Re: Application for Minor Variance D13-A01-2020
698 Yarfield Crescent
Town of Newmarket
Made by: REHMAN, Naeem, REHMAN, Mati-Ur & REHMAN, Arosa

1. Recommendations:

That Minor Variance Application D13-A01-2020 be approved, subject to the following conditions:

- a. That the variance pertains only to the request as submitted with the application;
- b. That one space in the garage be reserved for the purpose of required parking and for no other use; and
- c. That the development be substantially in accordance with the information submitted with the application.

2. Application:

An application for minor variance has been submitted by the above-noted owners to request relief from Zoning By-law Number 2010-40 as amended, to vary the parking requirements for a semi-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 semi-detached dwelling unit and accessory dwelling unit	To provide two parking spaces exterior to a garage and one parking space inside of a garage for a semi-detached dwelling unit and accessory dwelling unit

The zoning by-law requires four exterior parking spaces. However, Ontario Regulation 299/19, enacted by the Provincial Government in September of 2019, supersedes this requirement and states that municipalities can only require one parking space for an accessory dwelling unit. The effect of this is that three exterior parking spaces are required.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, southeast of the intersection of Davis Drive and Bathurst Street. There is an existing semi-detached residence on the lot and it is abutted by similar single and semi-detached 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 a legal Accessory Dwelling Unit (ADU) in the existing building. The Zoning By-law, as modified by provincial regulation, requires that three outdoor parking spaces be provided when a dwelling unit has an ADU. In this case, the driveway is not large enough to accommodate three spaces due to the driveway being shared between the neighbouring semi-detached dwellings.

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:

Conformity with the general intent of the Official Plan

The subject lands are designated “Low Density Residential – Oak Ridges Moraine” 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, and to ensure that development is managed in a way that protects the valuable Oak Ridges Moraine aquifer. This designation permits 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.

Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Semi-Detached Dwelling 13.6 Metre (R2-H) 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 one space, as modified by provincial regulation. 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 three (3) 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 curb is not long enough to accommodate the three spaces. In addition, the driveway width is shared with the neighbouring semi-detached dwelling. The applicants have two outdoor parking spaces and an attached garage, 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 two 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.

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 three 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.

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 two spaces or by the parking spaces 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:

Heritage

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

Commenting agencies and departments

Building Services stated no objection to the proposed 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.

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.

Effect of Public Input

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

5. Conclusions:

The relief as requested:

is minor in nature;

conforms to the general intent and purpose of the Official Plan and Zoning By-law; and

is considered desirable for the appropriate development of the lot.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alannah Slattery', with a stylized, flowing script.

Alannah Slattery, BES, MCC
Planner