



PLANNING AND BUILDING SERVICES

Town of Newmarket

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Planning Report

To: Committee of Adjustment

From: Alannah Slattery
Planner

Date: August 26, 2020

Re: Application for Minor Variance D13-A12-2020
281 Main Street
Town of Newmarket
Made by: TESTAGUZZA, Michael

1. Recommendations:

That Minor Variance Application D13-A12-2020 be approved, subject to the following conditions:

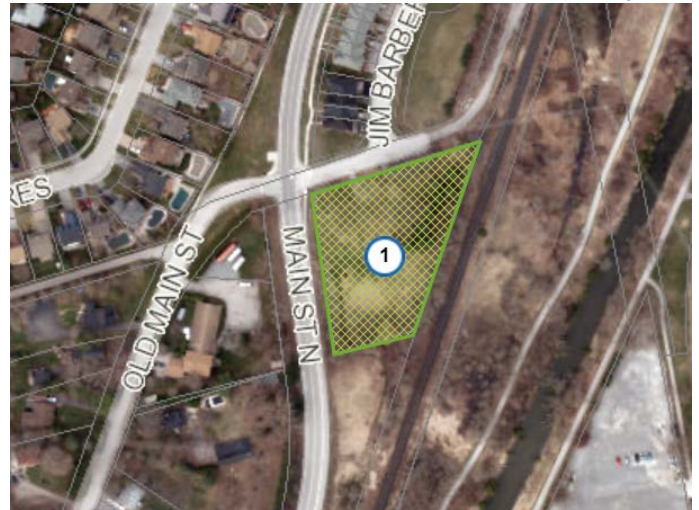
- i. That the variance pertains only to the request as submitted with the application.
- ii. That the development be substantially in accordance with the information submitted with the application.
- iii. That the applicant be advised that Site Plan Approval will be required prior to development of the lands.
- iv. That servicing allocation be granted prior to the development of the lands.
- v. That the applicant be advised that the integrity of the Region's 850 mm diameter West Holland River trunk sanitary sewer, that is located in between Bayview Parkway and the railway, shall be protected and maintained at all times during construction and grading of the proposed development. All construction drawings showing works in close proximity of the Region's infrastructure shall include the following notes for the Contractor:

"Integrity of the Regional 850mm diameter West Holland River trunk sanitary sewer main located in between Bayview Parkway and the railway is to be protected at all times."
- vi. That the applicant shall invite the Region's Construction Administrator, to the pre-construction meetings as well as to inspect all works proposed in close proximity of regional infrastructure.

2. Background

The above-described property (herein referred to as the "subject lands") is located east of Main Street North and west of the Tom Taylor Trail. The subject lands have an approximate area of 5421 square metres, a lot frontage of approximately 65 metres on Main Street North and 85 metres on Old Main Street. The lands are currently vacant.

The lands were subject to a Draft Plan of Subdivision and Zoning By-law Amendment, which were approved by Council in 2016 (By-law 2016-63). The purpose of this amendment was to re-zone a portion of the subject lands from the Residential Detached Dwelling 30m (R1-B) Zone to the Residential Townhouse Dwelling Exception (R4-R-132) Zone. The amendment also re-zoned a portion of the subject lands from the Open Space (OS-2) Zone to the Open Space Environmental Protection (OP-EP) Zone.



The purpose of the Zoning By-law Amendment was to permit the development of nine (9) townhouse units on a proposed private road and two (2) semi-detached units fronting onto Old Main Street, for a total of 11 units.

3. Application:

This application for minor variance has been submitted to address modifications to the previously approved zone standards and proposed site plan. The original development proposal contained provisions for nine townhouse units and two semi-detached units.

The applicant is proposing to modify the permitted built forms, to allow for eleven townhouse units, and remove the provisions for the two semi-detached units. The original and proposed development proposals can be found attached to this report.

The application is seeking the following relief from Zoning By-law 2010-40 to facilitate the proposed changes to the site:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	8.1.1 List of Exceptions	Number of Townhouse units (maximum): 9 Number of semi-detached dwelling units (maximum): 2	Number of Townhouse units (maximum): 11 Number of semi-detached dwelling units (maximum): 0
2	2010-40	8.1.1 List of Exceptions	Lot Frontage on a private road (minimum): 5.9m per unit	Lot Frontage on a private road (minimum): 5.0m per unit
3	2010-40	8.1.1 List of Exceptions	Setback from South line of the OS-EP zone (minimum): 2.9m	Setback from South line of the OS-EP zone (minimum): 2.8m

4. Planning considerations:

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 “Emerging Residential” in the Town’s Official Plan. This designation permits a range of residential accommodation built forms. Regarding this designation, the Town’s Official Plan states:

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

- a. provide for a range of residential accommodation by housing type, tenure, size, location and price ranges to help satisfy the Town’s housing needs; and,
- b. encourage the provision for a range of innovative and affordable housing types, zoning standards and subdivision designs.

This designation permits, among other uses, single- and semi-detached dwellings, as well as rowhouses and townhouses, subject to a review of the proposed densities as a part of the application process.

Section 3.9 of the Official Plan regarding intensification in emerging residential areas indicates that townhouses are an appropriate form of development subject to submission of a planning justification report.

The subject lands were subject to a Zoning By-law Amendment in 2016, which included the submission of various studies and reports, including a planning justification report which considered the compatibility of the proposed development.

Staff concurred with the findings of the planning justification report that the development of townhouses in this area was an appropriate form of development, and that intensification in a serviced area would be an efficient use of existing infrastructure and services. Council approved the Zoning By-law Amendment in 2016.

The proposed variance seeks to change the number of residential units on the subject lands from nine townhouses and two semi-detached dwellings, to eleven townhouses in total.

The application is found to conform to the Official Plan as townhouses are permitted within the “Emerging Residential” designation, and were reviewed for compatibility as part of the 2006 Zoning By-law Amendment. This test is met.

Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Townhouse Dwelling Exception (R4-R-132) Zone, by By-law 2010-40, as amended by By-law 2016-63. Currently, this zone permits two semi-detached dwellings and nine townhouses dwellings, for a total of eleven units. The requested variance is proposing to change the permitted built form to eleven townhouses and 0 semi-detached units. This variance will not change the number of permitted units; it is only seeking to change the type of built form on the subject lands. As the density of the subject lands was previously approved by Council, it is staff’s opinion that the proposed variance will not result in significant impacts to the neighbouring community.

The general intent of minimum lot frontages is to limit the number of lots on a street to ensure consistency and compatibility with the surrounding neighbourhood. The requirement for a 5.9m lot frontage was established for this site in 2016, when Council adopted the Zoning By-law Amendment for these lands. In the case of the current application, the proposed variance would reduce the minimum

required lot frontage on a private road from 5.9m to 5.0m, resulting in a difference of 0.9m.

A lot frontage of 5.0m maintains the general intent of the zoning by-law of ensuring compatibility. Sufficient space for each dwelling is possible on each lot, and rear amenity space remains available for each lot. Any structure built on any lot would be required to comply with the built form requirements of the zoning by-law.

The current zoning for the subject lands requires a 2.9m setback from the Open Space Environmental Protection (OS-EP) Zone to the south of the subject lands. The general intent of this setback is to ensure adequate separation from the Open Space Zone to the south, and to prevent residential uses encroaching and negatively impacting natural features. In the case of the current application, the proposed variance would reduce the required setback from 2.9m to 2.8m, resulting in a difference of 0.1m. It is staff's opinion that a setback reduced to 2.8 metres will not have significant impacts on the open space lands to the south.

In staff's opinion the proposed variances will conform with 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. It is desirable to develop the lands with townhouse dwellings, as permitted through By-law 2016-63, and to allow property owners to invest in, redevelop, and improve their properties in accordance with the Official Plan and the Zoning By-law.

The proposed development will require Site Plan Approval, which will provide planning staff with the ability to review the proposed development and ensure that the built form complies with the Zoning By-law.

As the requested relief related to lot frontage, setbacks and built form would allow the property owner to arrange the property to suit their needs without significant impact to neighbours or the community, the variance is considered desirable and appropriate development of the lot. In staff's opinion, this test is met.

Minor nature of the variance

The variances for lot frontage and setbacks are minor in nature as they would allow the creation of lots which do not significantly vary from the required lot frontage and setback requirements of the current zoning.

In addition, the proposed changes to built form will not increase the number of units that are currently permitted on the subject lands; the density will remain the same. As such, significant potential impacts from the changes in built form are not anticipated.

The proposed development will be subject to site plan approval, which will provide Planning staff with the ability to review the proposed development in further detail and ensure the built form complies with the zoning by-law.

In consideration of the above, the proposed variance is deemed to meet the four tests under the Planning Act and is recommended to be approved subject to conditions.

5. Other comments:

Heritage

The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated properties.

Commenting agencies and departments

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

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

The Regional Municipality of York has provided conditions for the proposed development, as outlined in the recommendations of this report.

Effect of Public Input

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

6. Conclusions:

The relief as requested:

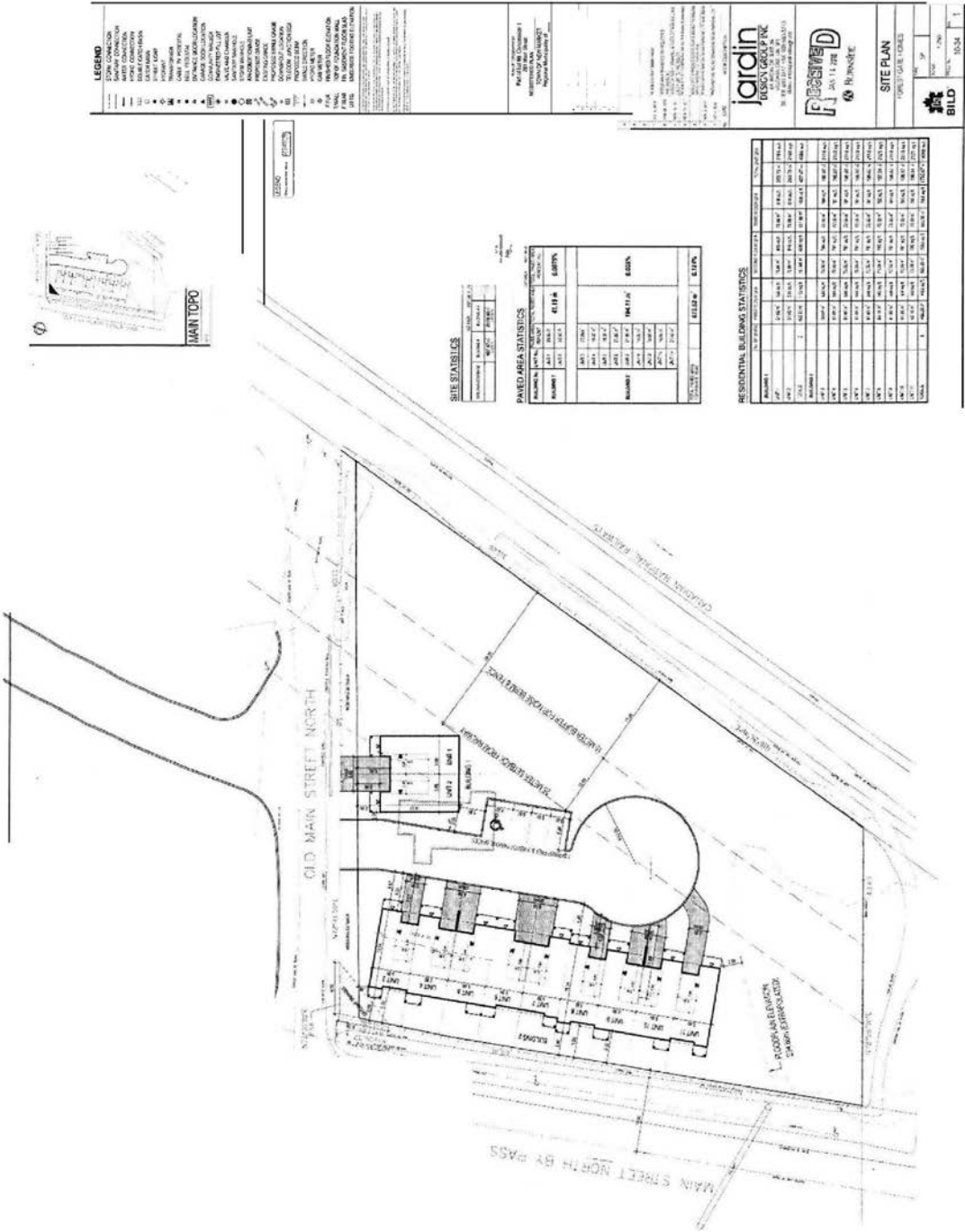
- 1) is minor in nature;
- 2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- 3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,



Alannah Slattery, BES, MCC
Planner

Existing Site Plan



281 MAIN STREET NORTH, NEWMARKET, ON, L3Y9A9

PART OF LOT 98, CONCESSION 1
 REGISTERED PLAN M-74
 TOWN OF NEWMARKET
 REGION OF NEWMARKET

THE INFORMATION FOR THIS SITE PLAN HAS BEEN OBTAINED FROM A COPY OF A SURVEY PLAN
 PREPARED BY BARON GREENE DATED JANUARY 12, 2018. THE
 INFORMATION SHOWN HEREON, INCLUDING GRADES SHALL NOT BE USED FOR ANY LEGAL
 PURPOSES WITHOUT THE APPLICABLE SURVEY.

KEY PLAN



SITE ANALYSIS
 LOT AREA 5418.86 m²
 LOT AREA (AFTER DEDICATION) 5157.56 m²

STATISTICS

ZONING (H) R4-R432, EX. 132, MAP 5

PER BY-LAW 2016-63

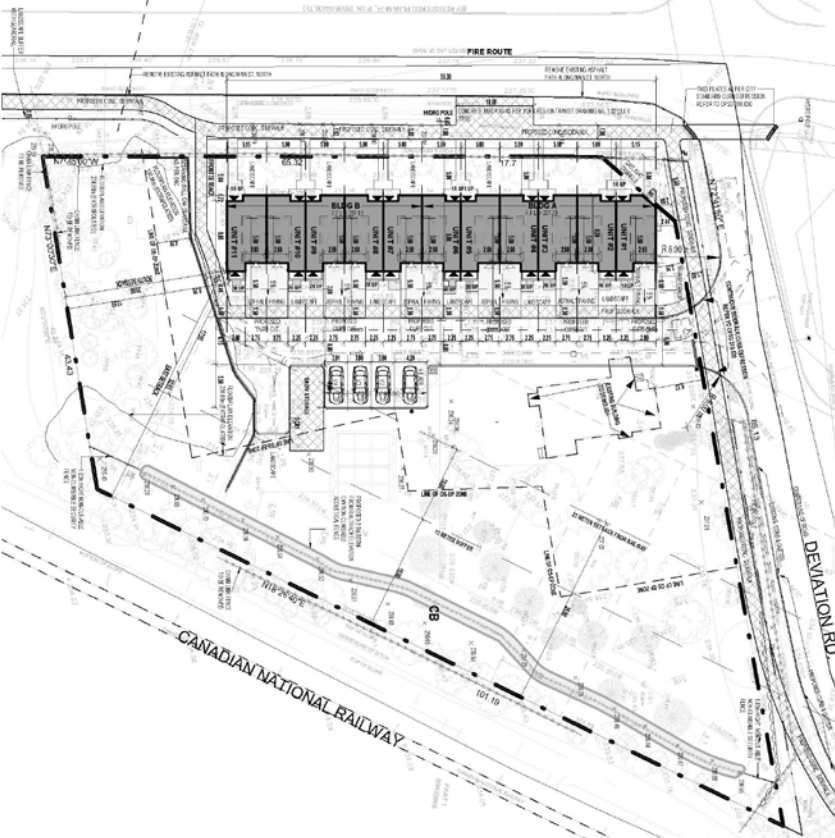
PROPOSED

LOT FRONTAGE ON A PRIVATE ROAD	5.9m/LUNIT	5.0m/LUNIT
MIN LOT FRONTAGE (WEST)	8.2m	8.2m
MIN LOT FRONTAGE (EAST)	5.0m	5.0m
REAR YARD SETBACK (EAST)	1.4m	32.00m
SIDE YARD SETBACK (NORTH)	-	2.44m
SETBACK FROM DAYLIGHT TRIANGLE	0.3m	20.99m
SETBACK FROM PRIVATE ROAD	5.5m	0.3m
SETBACK FROM 2ND ZONE	2.5m	0.3m
BUILDING HEIGHT	11 m (3 STOREY)	11 m (3 STOREY)
TOWNHOUSE UNITS	9	11
SEMI-DETACHED UNITS	2	5
MINIMUM DRIVEWAY LENGTH	5.1m	5.5m
MINIMUM DRIVEWAY WIDTH	2.7m	2.75m
MIN OUTDOOR OFF-STREET PARKING SPACES	1 UNIT	1 UNIT (11)
MIN VISITOR PARKING SPACES	1	3
MIN BARRIER-FREE PARKING SPACES	1	1
TOTAL GFA	50%	11.3% 613.96 m ²
PSI	-	1528.11/m ²
		0.28

AREA CALCULATION

UNIT NO.	PRIVATE ROAD AREA	SECONDARY ROAD AREA	THIRD ROAD AREA	THIRD ROAD AREA (GFA)	GRADE AREA
1	36.97 m ²	36.97 m ²	36.97 m ²	138.61 m ²	17.24 m ²
2	36.97 m ²	36.97 m ²	36.97 m ²	138.61 m ²	17.24 m ²
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97	36.97 m ²	36.97 m ²	36.97 m ²	138.61 m ²	17.24 m ²
98	36.97 m ²	36.97 m ²	36.97 m ²	138.61 m ²	17.24 m ²
99	36.97 m ²	36.97 m ²	36.97 m ²	138.61 m ²	17.24 m ²
100	36.97 m ²	36.97 m ²	36.97 m ²	138.61 m ²	17.24 m ²

1 SITE PLAN
 SCALE: 1 : 600



Options Architects
 100 Sheppard Ave. East, North York, ON, M2N 3K4
 Unit # 100A
 Tel: 416 394 1077

Options Development Inc.

Project: TOWNHOUSE DWELLINGS
 NEWMARKET, ON, L3Y 9A9

Drawn: MK
 Checked: CK
 Project No: 107-17
 Date: JULY 2020
 Scale: 1:600