



## 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: June 11, 2015

RE: Application for Minor Variance **D13-A09/2015**  
Lot 90, Plan 65M-4436  
500 McGregor Farm Trail  
Made by: Mosaik Glenway Homes

#### 1. RECOMMENDATIONS:

That Minor Variance Application D13-A09/2015 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.

#### 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, in order to construct a single detached dwelling.

The above-described property (herein referred to as the "subject lands") is located in a new subdivision located at the south-east corner of Bathurst Street and Davis Drive. The lot is currently vacant, with single detached homes being constructed around it.

The applicant is requesting relief from the By-law in order to construct a single detached dwelling. The specific request is to decrease the minimum required exterior side yard from 3m to 2.25m.

#### 3. PLANNING CONSIDERATIONS:

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 Emerging Residential in the Town's Official Plan. This designation permits single detached dwellings.

The subject lands are zoned Residential Detached Dwelling 9.7m (R1-F) on Map Number 8 of Schedule 'A' to By-law Number 2010-40. A single detached dwelling is permitted in this zone.

The intention of the a minimum exterior side yard is to ensure adequate separation between dwelling and the street. In this instance there is a large daylighting triangle and 2.5m high acoustic fence separating the dwelling from the travelled portion of the road. Therefore the dwelling will not impede sight lines or access to the road.

It is desirable to construct a single detached dwelling on the lot as both the Official Plan designation and the Zoning By-law permit this use.

When considering if the variance is minor, it is not simply the numerical value; the Committee is requested to consider the impact of the variance. The impact of the variance appears to be minimal due to the large daylighting triangle.

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

**4. OTHER COMMENTS:**

The Chief Building Official has no objection to the proposal.

Engineering Services has no objection to the proposal provided that the existing drainage patterns are not altered, any increase in stormwater runoff is maintained onsite and construction does not occur within any easement(s), where applicable.

Lake Simcoe Region Conservation Authority may provide comments under separate cover.

**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 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.

Respectfully submitted,



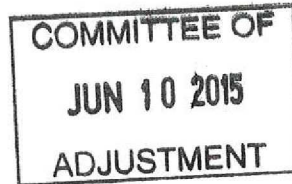
Meghan White, MCIP, RPP  
Planner

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



**Sent by Email:** [kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)

June 10, 2015



File No: D13-A09-15  
IMS File No.: PVOC1485C3

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  
Mosaik Glenway Homes  
500 McGregor Farm Trail  
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 an exterior sideyard setback of 2.25 metres, notwithstanding the bylaw requirement of 3.0 metres.

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,

Lisa-Beth Bulford  
Development Planner

LBB/ph

S:\Planning and Development Services\Planning Act\Planning Act Applications\Newmarket\202088 Mosaik Glenway Homes\06-10-2015 Bulford  
Newmarket D13-A09-15 PVOC1485 500 McGregor Farm Trail.docx



**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

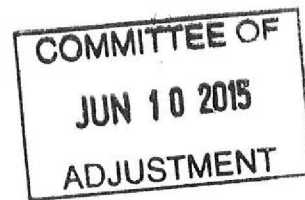
Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953 5138



**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: June 9, 2015

RE: Notice of Application for Minor Variance  
File No. D13-A09-15  
500 McGregor Farm Trail  
Made by: Mosaik Glenway Homes

We herein acknowledge receipt of the Notice of Application for Minor Variance from the Town of Newmarket Zoning By-law 2010-40 as amended by Bylaw Number 2013-05, Exception 118 iii) (f) Development Standards:

**To permit an exterior side yard setback of 2.25 metres, notwithstanding the bylaw requirement of 3.0 metres.**

We have reviewed the application and supporting documentation and have no objection to the proposed minor variance provided that existing drainage patterns are not altered, any increase in stormwater runoff is maintained onsite and construction does not occur within any easement(s), where applicable.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES**

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

File No.: VK0020

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



**Pelham, Kym**

---

**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** June-04-15 11:44 AM  
**To:** Pelham, Kym  
**Subject:** RE: D13-A08-15 and D13-A09-15



Good Morning Kym,

The Region of York has reviewed the above minor variance application and has no objection.  
Please contact me if you require further information.

Gabrielle

**Gabrielle Hurst, MCIP. RPP. C.Tech** | Programs and Process Improvement  
905-830-4444 ext. 71538 | [gabrielle.hurst@york.ca](mailto:gabrielle.hurst@york.ca)

---

**From:** Hurst, Gabrielle  
**Sent:** Tuesday, June 02, 2015 3:52 PM  
**To:** Hurst, Gabrielle  
**Subject:** FW: D13-A08-15 and D13-A09-15

Arif I have prepared a response if you don't have any comments I will send to the Town - Gabrielle

---

Good Afternoon Kym

York Region Planning and Economic Development Branch has reviewed the above noted Variance application and has no objections.

Please contact me if you have any additional questions.

**Gabrielle Hurst, MCIP. RPP. C.Tech** | Programs and Process Improvement  
905-830-4444 ext. 71538 | [gabrielle.hurst@york.ca](mailto:gabrielle.hurst@york.ca)

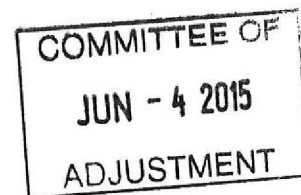


**Kym Pelham, ACST**  
Committee Secretary  
Planning and Building Services  
905-953-5300, press 2, ext. 2456  
905-953-5140 (fax)  
[kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)  
[www.newmarket.ca](http://www.newmarket.ca)  
Follow us on [Twitter](#) @townofnewmarket  
Newmarket: A Community Well Beyond the Ordinary

"The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of



Planning & Building Services  
Office of the Building Inspector  
TOWN OF NEWMARKET  
395 Mulock Drive  
P.O. Box 328  
Newmarket, ON L3Y 4X7  
www.newmarket.ca  
buildings@newmarket.ca  
905.953-5300 ext. 2400



## MEMORANDUM

**TO:** Committee of Adjustment

**FROM:** David Potter, CBCO, B. Tech., MAATO  
Chief Building Official

**DATE:** June 4, 2015

**RE:** Application for Minor Variance

**File no:** D13-A08/A09/A10/A11-15

I have reviewed the above and have no objection to these applications.

*D. Carrigan*

*for* David