



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

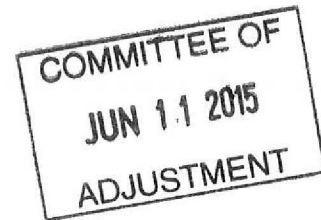
Newmarket, ON L3Y 4X7

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REPORT

TO: Committee of Adjustment

FROM: Linda L. Traviss, MCIP, RPP
Senior Planner – Development

DATE: June 11, 2015

RE: Application for Minor Variance **D13-A10-15**
Part Lot 4, Plan 32
212 Davis Drive
Made by: Green & Rose Developments Inc.

1. RECOMMENDATION:

That Minor Variance Application D13-A10-15 be approved subject to the following conditions:

- a. that the variance pertains only to the request as submitted with the application;**
- b. that development be substantially in accordance with the sketch submitted with the application.**

2. APPLICATION:

Application for Minor Variance has been submitted by the above-noted property owner to request relief from Zoning By-law Number 2010-40, as amended by By-law Number 2014-54, Section 4.14.1 ii) to permit a walkway within the 3 metre landscape buffer, notwithstanding the by-law requirement that a buffer area shall not be used for any other purpose other than vegetative landscaping and entrances and exits across the buffer area.

3. PLANNING CONSIDERATIONS:

The above-described property is designated Urban Centre – Yonge Street Regional Centre in the Town's Official Plan which was approved by the Region of York on May 29,

2008. Within the Secondary Plan that was adopted by Council on June 23, 2014 and approved by the Region of York on April 9, 2015, the property is designated Mixed Use within the Davis Drive (Huron Way) Character Area. Both Plans permit retail and service commercial uses, institutional uses, business and professional offices, and entertainment, educational and accommodation facilities. Residential uses, including apartments, are also permitted. The proposed application would not conflict with the purpose and intent of the Official Plan.

The property is zoned Regional Urban Centre Exception 124 with a Holding Provision (H)(UC-R-124) on Map Number 10 of Schedule 'A' to Zoning By-law Number 2010-40, as amended by By-law Number 2014-54 and is partially within the regulated area of the Lake Simcoe Region Conservation Authority. An apartment building is a permitted use in the (H)UC-R-124 Zone.

The applicant is seeking relief to permit a walkway within the 3 metre landscape buffer strip along a portion of the easterly side of the proposed parking structure. The by-law provides that buffer strips may only be used for vegetative landscaping and entrances and exits that cross the buffer area.

At the time the amending zoning by-law was adopted the details relating to the parking structure were not completed. As the plans were refined and further reviewed against the requirements of the Ontario Building Code it was determined that the stairwell had to be moved from its originally intended location to satisfy fire exiting travel distances. The relocated stairwell requires a walkway to move pedestrians safely away from the building in the event of an emergency situation. The proposed walkway falls within the landscape buffer strip.

There remains an opportunity to provide landscaping within the buffer strip consisting of trees, shrubs and vines situated along the face of the parking structure. The applicant advises that deciduous trees that are in a columnar form along with tall and narrow shrubs have been selected for this space.

The general intent of the zoning by-law is to regulate the built form, external design, character, and use of buildings and land within the Town. The proposed walkway within the landscape buffer will still provide an opportunity for landscaping in keeping with the intent of the by-law. The relief can be considered minor as the requested variance does not result in a substantial decrease in the functioning of the buffer strip. The permitted use is in keeping with the development approved by Council through the adoption of the amending zoning by-law.

Based on the above considerations, the proposed application appears to conform to the general intent and purpose of the Zoning By-law.

4. OTHER CONSIDERATIONS:

The property is presently vacant. Development of the site will be through the site plan approval process. An application for Site Plan Approval to permit a 15-storey, 225 unit rental apartment building with an accessory parking structure was granted an approval in principle by Council on September 29, 2014. The application is currently going through the technical review process. The owner will be required to enter into a site plan agreement with the Town prior to the issuance of any building permit.

5. OTHER COMMENTS:

The Chief Building Official and the Senior Engineering Development Coordinator – ICI have offered no objections to the proposed minor variance.


The Lake Simcoe Region Conservation Authority (LSRCA) has no objection to the minor variance application subject.

6. CONCLUSIONS:

The relief as requested:

- (1) appears to be minor in nature as the requested variance does not result in a substantial decrease in the functioning of the required landscape buffer and is in keeping with the development approved by Council;
- (2) conforms to the intent and purpose of the Official Plan and Zoning By-law as both documents contemplate residential uses; and
- (3) does not adversely affect the character of the neighbourhood and is desirable for the appropriate development or use of the land, buildings or structures.

Respectfully submitted,



Linda L. Traviss, MCIP, RPP
Senior Planner – Development

copy: Rachel Prudhomme, M.Sc., P.Eng., Director, Engineering Services



Sent by Email: kpelham@newmarket.ca

June 10, 2015

File No: D13-A10-15
IMS File No.: PVOC1486C3

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**
Green and Rose Developments Inc.
212 Davis Drive
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 a walkway within the 3 metre landscape buffer, notwithstanding the bylaw requirement that a buffer area shall not be used for any other purpose other than vegetative landscaping and entrances and exits across the buffer area.

Based on current environmental mapping, the subject property is partially located within an area currently governed by Ontario Regulation 179/06 under the *Conservation Authorities Act*. Please note a permit will be required from this office prior to any development and/or site alteration within the regulated area on these lands.

Based on our review of the submitted materials we are satisfied from a watershed management perspective that this application is consistent with 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.

We note that this site is the subject of an ongoing application for Site Plan Approval (Town File: D11-NP1404). Please note that all technical comments with respect to this proposed development will be provided as part of the Site Plan Approval process. 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\401493 and 401501_212 and 230 Davis Drive\MV\06-10-2015 Bulford Newmarket D13-A10-15 PVOC1486 212 Davis Drive.docx

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Newmarket, Ontario L3Y 4X1

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Fax: 905.853.5881

Web: www.LSRCA.on.ca
E-Mail: Info@LSRCA.on.ca



DEVELOPMENT AND INFRASTRUCTURE SERVICES – ENGINEERING SERVICES
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Newmarket, ON L3Y 4X7 F: 905 953 5138

COMMITTEE OF

JUN 10 2015

ADJUSTMENT

MEMORANDUM

TO: R. Nethery, B.E.S., MCIP, RPP, Director of Planning and Building Services

FROM: B. Ewart, B.A.Sc., Senior Engineering Development Coordinator - ICI

DATE: June 10, 2015

RE: Committee of Adjustment
Application for Minor Variance, File No. D13-A10-15
212 Davis Drive
Town of Newmarket, Ward 5
ES File No.: D11 - D21.60.1

We herein acknowledge receipt of the minor variance application as follows:

To request relief from Zoning By-Law 2010-40, as amended by By-Law Number 2014-54, Section 4.14.1 ii) Landscape Buffers for Parking Lots to permit a walkway within the 3 metre landscape buffer, notwithstanding the bylaw requirement that a buffer area shall not be used for any other purpose other than vegetative landscaping and entrances and exits across the buffer area.

Engineering Services has reviewed the supporting documentation and has no objection to the requested variance.

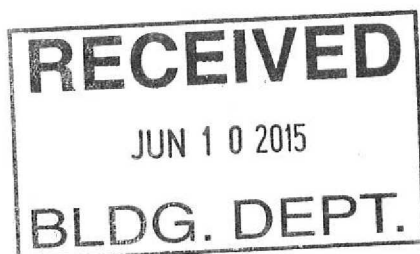
Sincerely,

ENGINEERING SERVICES

B. Ewart, B.A.Sc.
Senior Engineering Development Coordinator - ICI

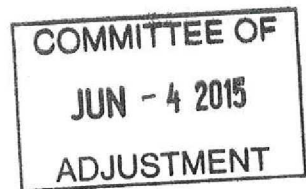
BTE046M

COPY: R. Bingham, C.E.T., Manager of Engineering and Technical Services
K. Pelham, Committee Secretary
File D.11 – D.21.60.1



Pelham, Kym

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: June-04-15 11:39 AM
To: Pelham, Kym
Subject: RE: D13-A10-15 - 212 Davis Drive



Good Morning Kym,

The Region of York has reviewed the above application and has no objection.
Please contact me if you have any further questions.

Gabrielle

Gabrielle Hurst, MCIP. RPP. C.Tech | Programs and Process Improvement
905-830-4444 ext. 71538 | gabrielle.hurst@york.ca

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Tuesday, June 02, 2015 8:18 AM
To: Bilkhu, Vick
Subject: D13-A10-15 - 212 Davis Drive

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A10-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, June 11, 2015.

Thanks
Kym



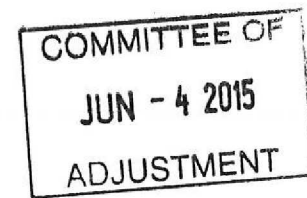
Kym Pelham, ACST

Committee Secretary
Planning and Building Services
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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