



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

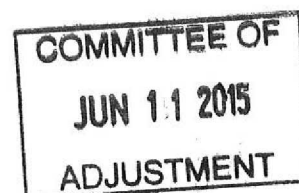
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REPORT



TO: Committee of Adjustment

FROM: Meghan White, MCIP, RPP
Planner

DATE: June 11, 2015

RE: Application for Minor Variance **D13-A11/2015**
Lot 59, Plan 65M-2224
570 Haines Road
Made by: Bruce and Lisa Warner

1. RECOMMENDATIONS:

That Minor Variance Application D13-A11/2015 be approved, subject to the following conditions:

1. That the applicants enter into an agreement with the Town stating that as long as there is an Accessory Dwelling Unit in the dwelling unit that the garage remain available to park two (2) cars;
2. That the agreement is registered on title of the property;
3. That the variance pertains only to the requests as submitted with the application; and
4. That the development be substantially in accordance with the information 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, to reduce the number of exterior parking spaces from two to four for an accessory dwelling unit.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, east of Main Street North, on the south side of Haines Road. There is an existing single detached residence on the lot and it is surrounded by similar single detached homes.

3. PLANNING CONSIDERATIONS:

The applicant is requesting relief from the By-law in order to permit the creation of an Accessory Dwelling Unit (ADU) in the existing building. The Zoning By-law requires that four outdoor parking spaces be provided when a dwelling unit has a secondary apartment. In this case, the driveway is not large enough to accommodate four spaces.

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 "Stable Residential" in the Town's Official Plan. This designation permits single detached dwellings and accessory dwelling units. The application is found to conform to the Official Plan.

The subject lands are zoned Residential Detached Dwelling 15m (R1-D) on Map Number 5 of Schedule 'A' to By-law Number 2010-40, as amended. Single detached dwellings and accessory apartments are permitted uses in this zone.

Section 5.3.1 of the Zoning By-law sets out the parking standards for residential uses. This Section states that a single detached dwelling must have two spaces. An ADU must also have two spaces. 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 for four (4) 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 sidewalk is not long enough to accommodate the four spaces. They have a two-car garage; therefore the width is there, but they do not have the length.

The general intent of the By-law in requiring four outdoor parking spaces is to acknowledge that many people no longer park in their garages but use it for storage. One of the largest impacts of ADUs in a neighbourhood is an increase in the number of cars. Requiring that a driveway be large enough to accommodate four cars seeks to mitigate the potential impact of the additional cars in a neighbourhood.

To ensure that the intent of the By-law is met, staff are recommending that the land owners enter into an agreement with the Town that as long as there is an ADU in the house, that the garage remains available for parking. The applicants have advised that they currently use their garage for parking and will continue to do so. They have agreed to enter into this agreement.

It is desirable to develop the lot with an accessory dwelling unit as the Official Plan designation and the Zoning By-law both permit this use.

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, with the two parking spaces in the garage.

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

4. OTHER COMMENTS:

The Chief Building Official and Engineering Services have reviewed the minor variance application and has advised they have no objection to the proposal.

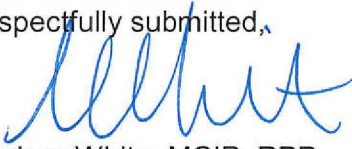
Lake Simcoe Region Conservation Authority may provide comments under separate cover.

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 accessory dwelling units 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

June 10, 2015



File No: D13-A11-15
IMS File No.: PVOC1488C2

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
Bruce and Lisa Warner
570 Haines Road
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 two exterior parking spaces for a detached dwelling and accessory dwelling unit, notwithstanding the bylaw requirement of four exterior parking spaces.

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 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,

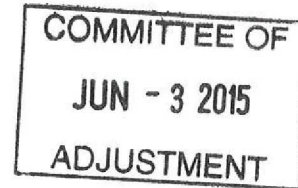
Lisa-Beth Bulford
Development Planner

LBB/ph

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D13-A11-15 PVOC1488 570 Haines Road.docx

Pelham, Kym

From: Ewart, Brandon
Sent: June-03-15 11:06 AM
To: Pelham, Kym
Subject: 570 Haines Road - D13-A11-15



Hi Kym,

Engineering Services has no objection to the proposed minor variance.

Regards,



Brandon Ewart B.A.Sc.

Senior Engineering Development Coordinator - ICI
Engineering Services Department
905-953-5300, press 2, ext. 2514
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Pelham, Kym

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: June-04-15 1:05 PM
To: Pelham, Kym
Subject: FW: D13-A11-15 - 570 Haines Road
Attachments: 2015 - D13-A11 (Warner) Application.pdf; 2015 - D13-A11 (Warner) Notice.pdf



Good Afternoon Kym,
York Region has reviewed the above Minor Variance Application and has no objection.
Regards,
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: Wednesday, June 03, 2015 9:37 AM
To: Bilkhu, Vick
Subject: D13-A11-15 - 570 Haines Road

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A11-15, 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



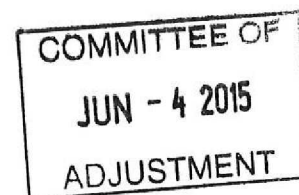
Kym Pelham, ACST

Committee Secretary
Planning and Building Services
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Planning & 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