

Planning Report

To: Committee of Adjustment

From: Alannah Slattery
Planner

Date: September 23, 2020

Re: Applications for Minor Variance D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, D13-A09-20
Part Lot 87, Concession 1 16250 Yonge Street
Block 33, 34, 35 PLAN 65M3724
Lot 13, PLAN 65M3724
Town of Newmarket
Made by: SHINING HILL ESTATES COLLECTION INC.

1. Recommendations:

That Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, D13-A09-20 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application; and that,
- ii. That the development be substantially in accordance with the information submitted with the application.

2. Background

The above-described property (herein referred to as the “subject lands”) is located west of Yonge Street between Isaac Phillips Way and Kalinda Road. The subject lands are located between registered plan 65M3742 (also known as the former Great Gulf Development) and the Draft Approved Shining Hill Phase 1 lands (19T-2018-001). The subject lands are subject to approved Official Plan and Zoning Bylaw Amendments (OPA 21 and ZBA 2018-17), in addition to a draft approved Plan of Subdivision (19T-2018-001), for the development of townhouses and semi-detached dwellings. The completion of the draft plan conditions are currently in progress.

The lands subject to the variance applications are highlighted in blue on the context map provided by the applicant. These lands are located within the former Great Gulf Development and were recently purchased by the current owners of the lands to the south, Shining Hill Estates Collection Inc. The lands highlighted in red are currently owned by the applicant.



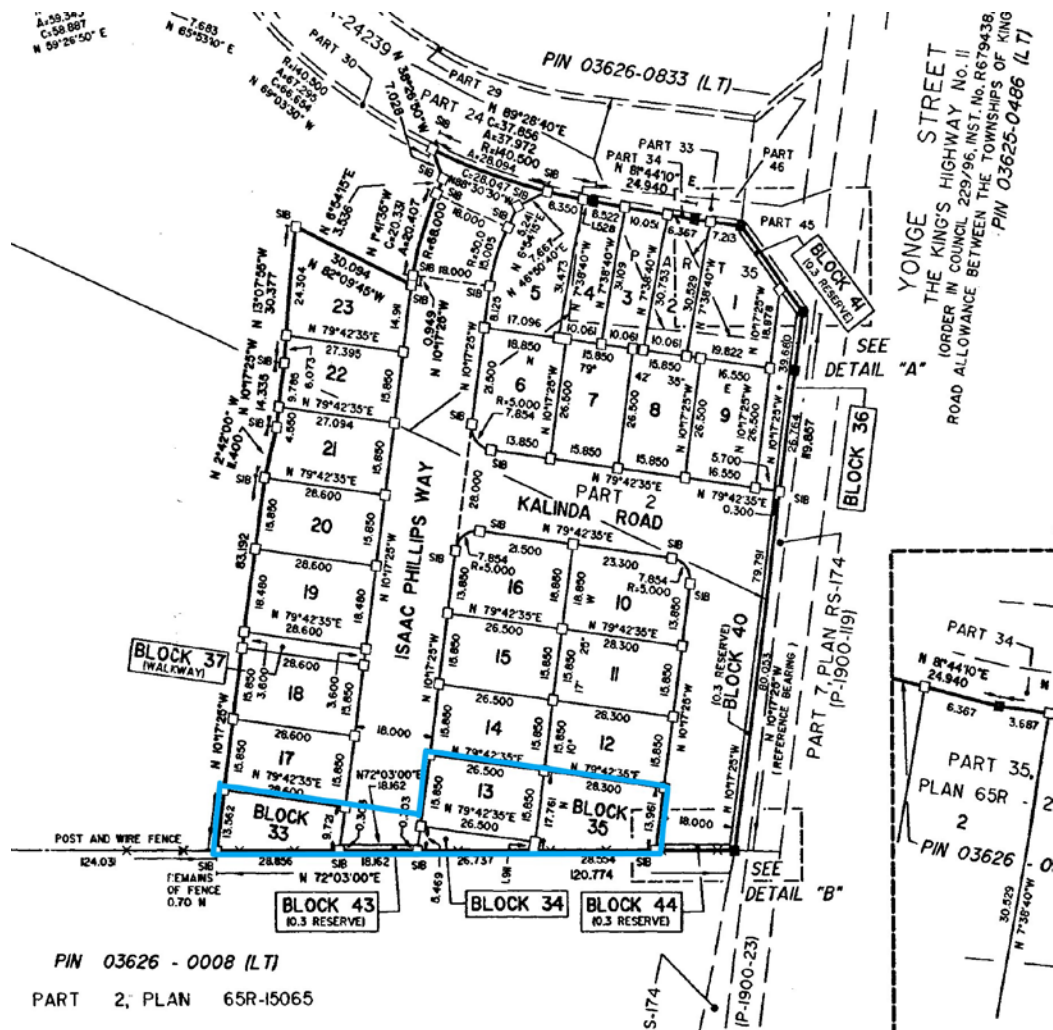
As the northern lands were recently purchased by the applicant, these part lots were not subject to the 2018 approved zoning bylaw amendment, which laid out site-specific development standards for the

lands. The applicant has acquired these lands to include them in their development proposal. They are looking to apply the same zone standards that were approved for the lands to the south in 2018 (highlighted in red), to the newly acquired lands to the north (highlighted in blue).

The variances apply to the following part lots (highlighted in blue on the map above):

Number	Legal Description	Area
1	Lot 13; PLAN 65M3724	0.04
2	Block 33; PLAN 65M3724	0.03
3	Block 34; PLAN 65M3724	0.01
4	Block 35; PLAN 65M3724	0.04
5	Portion of Pt Lot 87, Con 1 King Pt 2, 65R15065; Newmarket	0.40

The lands subject to these variances are currently zoned Residential Semi-Detached Dwelling (R2-H), and currently permit the development of semi-detached dwellings. The subject lands consist of buildable lots, which were kept vacant until such time as the adjacent southern lands were proposed to be developed. Currently, a portion of these lands acts as a temporary right-of-way. There is a sign along the right-of-way which indicates that it is a temporary road, subject to future residential development. The subject lands can be seen highlighted in blue on the plan below:



3. Application:

These minor variance applications have been submitted to apply the same zone standards from the originally approved development of the southern lands, to the newly acquired part lots to the north.

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	6.2.2 Zone Standards for Residential Zones	A minimum rear yard setback of 7.5 metres	A minimum rear yard setback of 6.0 metres
2	2010-40	6.2.2 Zone Standards for Residential Zones	A maximum height of 11.0 metres or 2-storeys	A maximum height of 11.0 metres
3	2010-40	6.2.2 Zone Standards for Residential Zones	A maximum lot coverage of 45%	No maximum lot coverage
4	2010-40	8.1.1 List of Exceptions	A minimum building separation of 3.0 metres	A minimum building separation of 2.7 metres

Consistent with previous approvals, the new owner of the lands, Shining Hill Estates Collection Inc., intends to develop these lots for residential purposes in the form of townhouses and semi-detached dwellings.

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, through Official Plan Amendment 21, approved by Council in 2018. 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.

The subject lands were subject to an Official Plan and Zoning By-law Amendment in 2018, which included the submission of various studies and reports, including a planning justification report which looked at compatibility of the proposed development.

In Staff Report 2018-16 staff found that the proposed townhouses and semi-detached dwelling development was generally compatible with the surrounding uses being single and semi-detached dwellings to the immediate north. Council approved the Official Plan and Zoning By-law Amendment in 2018.

The proposed variances seek to apply the approved zone standards to the newly acquired part lots to the north of the development lands. The application is found to conform to the Official Plan as semi-detached dwellings and townhouses are permitted within the "Emerging Residential" designation. This test is met.

Conformity with the general intent of the Zoning By-law

The northern section of the subject lands are currently zoned Residential Semi-Detached Dwelling (R2-H) Zone, by By-law 2010-40, as amended.

The southern section of the subject lands are currently zoned Residential Back to Back Townhouse Exception (R4-R-143) Zone, as per Zoning By-law 2010-40, as amended by By-law 2018-17.

The requested variance is looking to apply similar standards that are currently established for the lands to the south (R4-R-143 Zone), to the northern (R2-H Zone) lands.

Currently the northern zone (R2-H) permits semi-detached dwellings. The requested variance is proposing to change the existing zone standards, to better align with the development standards of the southern portion. Each proposed point of variance is described below:

1. The R2-H Zone requires a rear setback of 7.5 metres, and the R4-R-143 Zone requires a rear yard setback of 6.0 metres. This rear yard setback of 6.0 metres was approved through By-law 2018-17. The proposed variance seeks to apply a rear yard setback of 6.0 metres for the lands zoned R4-H. The general intent of rear yard setbacks is to provide adequate amenity space, privacy and separation between dwellings. In staff's opinion, the requested rear yard setback of 6.0 metres will allow for sufficient rear amenity space and separation between units. It will also allow for a consistent development design with the lands to the south.
2. The R2-H Zone requires a maximum building height of 11.0 metres or 2 storeys, and the R4-R-143 Zone requires a maximum height of 11.0 metres. The proposed variance seeks to remove the 2-storey provision from this standard, resulting in a maximum height of 11.0 metres for dwelling units. The general intent of a maximum height standard is to ensure development that is compatible with surrounding land uses. The proposed variance will not change the height standard in metres, and will

result in development consistent and compatible with surrounding land uses.

3. The R2-H Zone requires a maximum lot coverage of 45%, and the R4-R-143 Zone requires no maximum lot coverage. The proposed variance seeks to remove the maximum lot coverage requirement, to be in-keeping with the development standards of the southern lands, approved in 2018. The general intent of lot coverage provisions is to ensure adequate amenity space and drainage on a lot, and to maintain compatibility and similarity of structures within a neighbourhood.

In the case of larger lots, lot coverage provisions help to ensure that homes are not built out to the extent of the zone provisions, resulting in 'monster' homes. In this case, due to the size of the established lots, the required rear, front and side yard setbacks and height provisions will control the size of the proposed dwellings, resulting in dwellings compatible with the existing neighbourhood, and providing adequate amenity space. The proposed variance will also allow the northern lands to be developed in a style consistent to the southern lands.

4. The R4-R-143 Zone requires a minimum building separation of 3.0 metres. The proposed variance is seeking a minimum building separation of 2.7 metres. This building separation applies to semi-detached dwellings adjacent to townhouse dwellings, and is not intended to apply to the proposed semi-detached dwellings adjacent to existing semi-detached dwellings to the north. The proposed semi-detached dwellings will require an interior yard setback of 1.2 metres from the property line, as per the existing zoning requirements.

The general intent of a minimum building separation distance is to allow for adequate access to rear yards and separation for maintenance and landscaping purposes. Typically, the minimum building separation between two semi-detached dwellings is 1.8 metres, and the minimum separation between two townhouses is 3.0 metres. As such, a proposed separation of 2.7 metres between semi-detached dwellings and townhouses dwellings will provide adequate separation.

In staff's opinion the proposed variances will allow for a consistent development which conforms to the general intent of the Zoning By-law. This test is met.

Desirable for the appropriate development of the land

The variances are considered desirable for the development and the use of the land in that it is desirable to develop the lands in a consistent way with the approved development to the south, in accordance with the Official Plan and the Zoning By-law.

As the requested relief related to rear setbacks, minimum building separation, height and coverage would allow the property owner to arrange the property to be consistent with the development to the south, and allow the applicant to suit their needs without significant impact to neighbours or the community, the variance is desirable for the appropriate development of the lot. This test is met.

Minor nature of the variance

The variances are minor in nature as they would allow the creation of lots which do not significantly vary from the requirements of the current zoning.

The proposed variances will result in development that is consistent with the previously approved development to the south. In addition, the variances are not proposing any changes to interior yard setbacks, and as such the proposed dwellings directly abutting the existing dwellings to the north will

meet the existing setback requirements and present as a consistent development from the street. Due to this, significant potential impacts to surrounding neighbours are not anticipated.

Staff advise that the subject lands currently permit the development of semi-detached dwellings. The proposed variances do not dictate whether or not the lands can be developed. The proposed variances only look to modify the rear yard setback, building separation, lot coverage and the definition of height.

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

These properties are not designated under the Ontario Heritage Act and are not on the municipal list of non-designated properties.

Commenting agencies and departments

The Chief Building Official has stated no objection to this application.

Comments from Engineering Services were not available as of the date of this report.

The Regional Municipality of York has stated no objection to this application.

Effect of Public Input

Staff have received the following concerns in regards to the proposed variances:

- Loss of greenspace

Staff advise that while the subject lands have been vacant for a period of time, these lands are indicated as buildable lots within the Plan of Subdivision. The lands were approved for development in 2003, and are zoned to permit residential development in the form of semi-detached dwellings.

- Loss of “corner” lots

Staff advise that although Lots 12, 14 and 17 have been operating as corner lots, the original draft plan contained lots south of these properties, as such, the lands are not corner lots within the draft plan.

- Loss of value

Staff advise that re-sale value is dependent on numerous market variables and is typically not considered when evaluating a proposal from a planning perspective.

- Height of proposed dwellings

Staff advise that the current zoning of these lands permits a maximum height of 11.0 metres (2 storeys). The proposed variances look to maintain the maximum height of 11.0 metres, but remove the “2 storeys”. As such, the actual height of the dwellings will not be increasing.

- Construction impacts (noise, dust etc.)

Staff advise that construction activities and noise are subject to the Town's Noise By-law 2017-76.

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,

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

Alannah Slattery, BES, MCC
Planner