



PLANNING AND BUILDING SERVICES

Town of Newmarket

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Planning Report

TO: Committee of Adjustment

FROM: Alannah Slattery
Planner

DATE: October 21, 2020

RE: Application for Minor Variance **D13-A17-2020**
524 Bristol Road
Town of Newmarket
Made by: KHORASANI, Nazanen

1. Recommendations:

That Minor Variance Application D13-A18-2020 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 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 facilitate the construction of a foyer addition to an existing single detached dwelling. The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	Section 6.2.2	A maximum lot coverage of 35%	A maximum lot coverage of 36.5%

The above-described property (herein referred to as the “subject lands”) is located in a residential neighbourhood along Bristol Road, west of Main Street North. There is an existing single detached dwelling on the lot.

3. 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:

3.1 Conformity with the general intent of the Official Plan

The subject lands are designated “Stable Residential” in the Town’s Official Plan. This designation permits a range of residential accommodation built form types. Regarding this designation, the Town’s Official Plan states:

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

- a. sustain and enhance the character and identity of existing residential communities; and,
- b. encourage the preservation and maintenance of the Town's existing housing stock, supplemented by various forms of residential intensification such as infilling and the creation of accessory dwelling units.

This designation permits, among other uses, single detached dwellings of a range of sizes and built forms. The Official Plan encourages compatible design and the gradual change and improvement of homes. The application is found to conform to the Official Plan.

3.2 Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Detached Dwelling 15.0 Metre (R1-D) Zone by By-law Number 2010-40, as amended. Single-detached dwellings are permitted uses in this zone.

The general intent of maximum lot coverage provisions is to limit the built form of structures in order to maintain compatibility and similarity of structures, and to ensure adequate space for drainage and amenities. By limiting lot coverage (and height), building size is restrained and ensures that houses are similar in size. The maximum lot coverage for the R1-D Zone is 35% and the applicant is requesting a maximum lot coverage of 36.5%, to facilitate the construction of the front foyer. The front foyer would meet the front yard setback requirements of Zoning By-law 2010-40.

It is staff's opinion that the proposed foyer addition represents a small increase in coverage that will result in a dwelling that is in keeping with the surrounding area, and will not significantly impact drainage or amenity space on the lot. This test is met.

3.3 Desirable for the appropriate development of the land

It is generally desirable to allow a property owner to invest in their property and arrange it in a manner that suits their needs, subject to the limits of the zoning by-law and impacts on neighbouring properties. This deference is balanced against the desirability of development in the public interest when permission beyond that of the zoning by-law is sought by way of a minor variance.

As the requested relief would allow the property owner to invest in their property and arrange the property 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.

3.4 Minor nature of the variance

When considering if the variance is minor, it is not simply the numerical value; the Committee is requested to consider the overall impact of the variance. The overall impact of the proposed variance appears to be minimal as despite the increased coverage, the proposed addition would result in a dwelling which is compatible with the overall diversity of dwelling types within the neighbourhood. In addition, significant impacts to surrounding properties are not anticipated. This test is met.

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

4. Other comments:

4.1 Heritage

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

4.2 Commenting agencies and departments

No comments were available from Building Services at the time of writing this report.

Engineering Services has stated no objection to this application.

The Regional Municipality of York has stated no comment on this application.

4.3 Effect of Public Input

Staff have received one letter of support in favour of this application.

5. 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