



PLANNING AND BUILDING SERVICES

Town of Newmarket

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Planning Report

TO: Committee of Adjustment

FROM: Alannah Slattery
Planner

DATE: September 23, 2020

RE: Application for Minor Variance **D13-A13-2020**
343 Gilpin Drive
Town of Newmarket
Made by: IERACI , Nicolina

1. Recommendations:

That Minor Variance Application D13-A13-2020 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 sunroom 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 minimum rear yard setback of 7.5 metres	A minimum rear yard setback of 5.81 metres
2	2010-40	Section 6.2.2	A maximum lot coverage of 45%	A maximum lot coverage of 46.69%

The above-described property (herein referred to as the “subject lands”) is located in a residential neighbourhood, in the northwest quadrant of the Town, west of Woodspring Avenue. 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 “Emerging Residential” in the Town’s Official Plan. 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 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 Single Detached Dwelling 12.0 metre (R1-E) Zone by By-law Number 2010-40, as amended. Single detached dwellings are permitted in this zone.

The general intent of setbacks is to ensure that the use of a property does not infringe on the rights of neighbours, and to allow sufficient space for sunlight, airflow, privacy, landscaping, storm water run-off, and movement around the home. In the case of the subject lands, the proposed sunroom will be located 5.81 metres from the rear property line, whereas the required rear yard setback is 7.5 metres. The proposed sunroom will meet the required interior side yard setback of 1.2 metres.

The proposed reduced rear setback appears to maintain a functional space and distance from the rear lot line that is sufficient for runoff. In addition, the rear property line of the subject lands abuts a Town owned park space; as such, impacts to neighbours are minimized.

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 amenity space. 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-E Zone is 45% and the applicant is requesting a maximum lot coverage of 46.69%.

It is staff's opinion that the proposed sunroom 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 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 reduced setback and 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

The Chief Building Official has no objection to this application.

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

Comments from the Regional Municipality of York were not available as of the date of this report.

4.3 Effect of Public Input

No public input was received as of the date of writing this report.

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