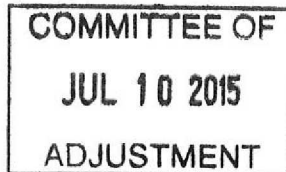




**PLANNING AND BUILDING SERVICES**

**Town of Newmarket**  
395 Mulock Drive  
P.O. Box 328, STN Main  
Newmarket, ON L3Y 4X7

www.newmarket.ca  
planning@newmarket.ca  
T: 905.953.5321  
F: 905.953.5140



**REPORT**

TO: Committee of Adjustment

FROM: Meghan White, MCIP, RPP  
Planner

DATE: July 9, 2015

RE: Application for Minor Variance **D13-A12/2015**  
Lot 1, Plan 65M-2736  
711 Shanahan Boulevard  
Made by: Kamran Siddiqi and Erum Kamran

---

**1. RECOMMENDATIONS:**

**That Minor Variance Application D13-A12/2015 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 four to two or an accessory dwelling unit.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, east of Yonge Street, south of Savage Road on the east side of Shanahan Boulevard. 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 17 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 such that as long as there is an ADU in the house, that the garage remains available for parking.

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 may provide comments under separate cover.

Lake Simcoe Region Conservation Authority and Engineering Services have reviewed the minor variance application and have advised they have no objection to the proposal

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



**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953 5138

**COMMITTEE OF**

**JUL - 9 2015**

**ADJUSTMENT**

**M E M O R A N D U M**

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

FROM: V. Klyuev, B.A., C.E.T., Senior Engineering Development Coordinator – Residential

DATE: July 9<sup>th</sup>, 2015

RE: Notice of Application for Minor Variance  
File No. D13-A12-15  
711 Shanahan Blvd.  
Made by: SIDDIQI, Kamran and KAMRAN, Erum

We herein acknowledge receipt of the Notice of Application for Minor Variance from the Town of Newmarket Zoning By-law 2010-40 as amended, as follows:

To request relief from Zoning By-law Number 2010-40, as amended, 5.3.1 Minimum Off-Street Parking Requirements to permit two exterior parking spaces for a detached dwelling and accessory dwelling unit, notwithstanding the bylaw requirement of four exterior parking spaces.

We have reviewed the application and supporting documentation and have no comments to the proposed minor variance.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES**

V. Klyuev, B.A., C.E.T.  
Senior Engineering Development Coordinator – Residential

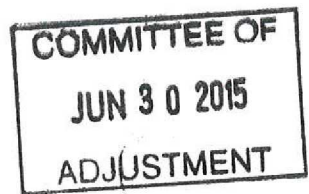
File No.: VK021

COPY: R. Bingham, C.E.T., Manager of Engineering and Technical Services  
File digital and hardcopy

## Pelham, Kym

---

**From:** Bilkhu, Vick <Vick.Bilkhu@york.ca>  
**Sent:** June-30-15 7:00 AM  
**To:** Pelham, Kym  
**Subject:** RE: D13-A12-15 - 711 Shanahan Blvd.



Thanks Kym, we have reviewed the above noted application and have no comments or objections to its approval.

Thank you

---

**From:** Pelham, Kym [<mailto:kpelham@newmarket.ca>]  
**Sent:** Monday, June 29, 2015 8:41 AM  
**To:** Bilkhu, Vick  
**Subject:** D13-A12-15 - 711 Shanahan Blvd.

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A12-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, July 9, 2015.

Thanks  
Kym



**Kym Pelham, ACST**

Committee Secretary  
Planning and Building Services  
905-953-5300, press 2, ext. 2456  
905-953-5140 (fax)  
[kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)  
[www.newmarket.ca](http://www.newmarket.ca)  
Follow us on [Twitter](#) @townofnewmarket  
Newmarket: A Community Well Beyond the Ordinary

"The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection of Privacy Act. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you."

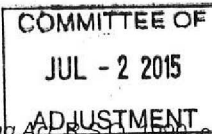


**COMMITTEE OF ADJUSTMENT**

Town of Newmarket  
395 Mulock Drive  
P.O. Box 328  
Newmarket, ON L3Y 4X7

www.newmarket.ca  
kpelham@newmarket.ca  
T: 905.953.5300 Ext. 2456  
F: 905.953.5140

JULY 2/15  
NO COMMENT  
JP

**Notice of Application  
for Minor Variance**

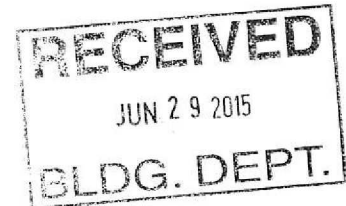
**IN THE MATTER OF** Subsection 1 or 2 of Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**IN THE MATTER OF** an application for Minor Variance or for Permission for relief from Bylaw Number 2010-40, as amended.

**MADE BY:** SIDDIQI, Kamran  
KAMRAN, Erum

**FILE NUMBER:** D13-A12-15

**SUBJECT LAND:** Lot 1, Plan 65M-2736  
711 Shanahan Blvd.  
Town of Newmarket  
Ward No.: 6

**The purpose of the application is as follows:**

To request relief from Zoning Bylaw Number 2010-40, as amended, Section 5.3.1 Minimum Off-Street Parking Requirements to permit two exterior parking spaces for a detached dwelling and accessory dwelling unit, notwithstanding the bylaw requirement of four exterior parking spaces.

**THE COMMITTEE OF ADJUSTMENT WILL HEAR THE APPLICATION ON WEDNESDAY, JULY 15<sup>TH</sup>, 2015 AT 9:30 A.M., IN THE COUNCIL CHAMBERS, IN THE MUNICIPAL OFFICES AT 395 MULOCK DRIVE, NEWMARKET, ONTARIO.**

You are entitled to attend this Public Hearing in person to express your views about this application or you may be represented by Counsel or by someone appointed by you for that purpose.

If unable to attend the Hearing you may submit written comments in support of or in opposition to this application and they must be delivered to the Secretary-Treasurer, Committee of Adjustment, Town of Newmarket, 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7 not later than the time set for the Hearing.

If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Secretary-Treasurer, Committee of Adjustment, Town of Newmarket, 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.

**IMPORTANT NOTICE:** If you do not attend at the Hearing it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this Hearing.

**DATED** at the Town of Newmarket this 29<sup>th</sup> day of June, 2015.

  
Secretary-Treasurer  
Committee of Adjustment

**PLEASE REFER TO THE ATTACHED SKETCH(ES) FOR THE LOCATION OF THE LAND AND GENERAL DETAILS OF THE APPLICATION. IF MORE INFORMATION IS REQUIRED, CONTACT THE SECRETARY-TREASURER AT (905)-953-5300, EXT. 2456, FOR ASSISTANCE OR FAX NUMBER (905)-953-5140.**



Sent by Email: [kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)

July 2, 2015



File No: D13-A12-15  
IMS File No.: PVOC1501C2

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  
Kamran Siddigi & Erum Kamran  
711 Shanahan Blvd  
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 Natural Heritage and Natural Hazard policies of 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/hh

S:\Planning and Development Services\Planning Act\Planning Act Applications\Newmarket\244442 711 Shanahan Blvd\07-02-2015 Bulford Newmarket D13-A12-15 PVOC1501 711 Shanahan Blvd.docx