



PLANNING AND BUILDING SERVICES

Town of Newmarket

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Planning Report

To: Committee of Adjustment

From: Casey Blakely
Senior Planner

Date: December 2, 2020

Re: Application for Minor Variance D13-A21-2020
733 Arthur Street
Lot 37, Plan 314
Town of Newmarket
Made by: BORNBAUM, Maureen

1. Recommendations:

That Minor Variance Application D13-A21-2020 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application; and,
- ii. That the reduction in rear yard setback from 7.5 metres to 0 metres applies only to the area of the proposed new garage; and,
- iii. That the applicant apply for and receive a Site Alteration Permit from Engineering Services.

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 vary the rear yard setback to permit the construction of a new enlarged detached garage. The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	4.2	To provide a 7.5 metre rear yard setback	To provide a 0 metre rear yard setback for a proposed reconstructed and larger garage

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, south of Srigley Street and east of Muriel Street. There is an existing single-detached residence and detached garage on the subject lands and it is abutted by similar single-detached homes.

3. Planning considerations:

The applicant is requesting relief from the By-law in order to permit a reduction in the rear yard setback to from 7.5 metres to 0 metres in order to facilitate the demolition of the existing garage and construction of a new larger garage. The existing garage has been there prior to the Bylaw being in affect and currently has a 0 metre rear yard. As such a variance is required to recognize a further 0 metre setback and to

allow the new garage to be maintain the same placement in relation to the rear lot line as the existing garage

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 "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:

One of the objectives of the Stable Residential Area policies is to:

- a. sustain and enhance the character and identity of existing residential communities

This designation permits, among other uses, single-detached dwellings and accessory buildings, subject to the provisions of the Zoning Bylaw.

The application is found to conform to the Official Plan and therefore this test is met.

Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Detached Dwelling Exception 119 (R1-D-119) by By-law 2010-40, as amended. Single-detached dwellings and accessory buildings are permitted uses in this zone.

Section 4.2 of the Zoning By-law sets out the standards for accessory buildings and structures. This Section states that an accessory structure requires a 7.5 metre rear yard setback.

The general intent of the By-law is to permit a single detached dwelling and an accessory building in accordance with the provisions of the bylaw. In this case, the applicant's existing detached garage currently has a 0 metre setback. The reconstruction of a slightly larger garage meets the general intent of the zoning by-law and it is staff's opinion that this test is met.

Desirable for the appropriate development of the land

The variance is considered desirable for the development and the use of the land. The 0m rear yard setback is an existing situation, and there are a number of accessory buildings in the neighbourhood that appear to have a reduced or nil rear yard setback. As such, this variance is in keeping with the surrounding area.

Minor nature of the variance

The impact of the proposed variance appears to be minimal as the existing garage currently has a 0m rear yard setback. The new garage will be slightly larger and proposes to continue the 0m setback further along the rear yard. A review of Arial photography of the area shows several other garages in the neighbourhood at or close to the rear property line.

In consideration of the above, the proposed variance is deemed to meet the four tests of a Minor Variance under the Planning Act and is recommended to be approved subject to conditions.

4. Other comments:

Heritage

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

Commenting agencies and departments

The Chief Building Official has no objection to this application subject to compliance with the Building Code for protection of the exposed building face and other external building elements. No part of the structure including foundations or roof are to encroach on abutting property. Roof drainage plan, shoring details and construction plan indicating how the work will be performed so it does not adversely affect the adjacent property, will be required at time of Building Permit application.

Engineering Services has no objection to the application, subject to the work not in any way affecting land drainage or slope stability of abutting sites. It is noted that the work outlined in the application would require a Site Alteration Permit from Engineering Services. The applicant should ensure all required documentation outlined in Site Alteration Bylaw 2016-58 is submitted with their application.

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

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,

Casey Blakely, MCIP, RPP
Senior Planner, Development