



PLANNING AND BUILDING SERVICES

Town of Newmarket

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Planning Report

To: Committee of Adjustment

From: Janany Nagulan
Planner

Date: January, 20th, 2021

Re: Application for Minor Variance D13-A26-20
334 Savage Road
Town of Newmarket
Made by: ASGARI, Pouya and CHARKHINEJAD, Tina

1. Recommendations:

That Minor Variance Application D13-A26-2020 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application; and,
- ii. That one space in the garage be reserved for the purpose of required parking and for no other use;
- iii. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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 minimum number of off- street parking spaces required for a single detached residential dwelling to permit a new Accessory Dwelling-Unit (ADU). The description of the proposed variance is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	5.3.1	To provide four parking spaces exterior to a garage for a dwelling unit and accessory dwelling unit.	To provide two parking spaces exterior to a garage and one parking space inside of a garage for a dwelling unit and accessory dwelling unit.

The Zoning By-law requires four exterior parking spaces. Ontario Regulation 299/19, enacted by the Provincial Government in September of 2019, supersedes this requirement and states that municipalities can only require one parking space for an accessory dwelling unit. The effect of this is that three exterior parking spaces are required.

The above-described property (herein referred to as the “subject property”) is located in a residential neighbourhood, east of Yonge Street and north of St. John’s Side Road. There is an existing single-detached residence on the property, and it is abutted by similar single –detached homes.

3. Planning considerations:

The request for variance is to permit a reduction in the minimum number of off-street parking spaces required to create a legal ADU in the existing single detached dwelling located at 334 Savage Road. However, provincial legislation requires a total of three exterior parking spaces for a single detached dwelling with an ADU. The application was submitted as the current driveway length does not accommodate the number of minimum exterior parking spaces required, therefore a variance is required to recognize one parking space in 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 property is designated "Stable Residential" in the 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.

The Official Plan permits Accessory Dwelling Units in single-detached dwellings, subject to the provisions of the zoning by-law. Subject to the recommended conditions of approval, the requested variance is considered to conform to the Official Plan and therefore, this test is met.

Conformity with the general intent of the Zoning By-law

The subject property is zoned Residential Detached Dwelling 15.0 Metre (R1-D) according to By-law 2010-40, as amended. Single-detached dwellings and accessory dwelling units 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 both a single-detached dwelling and an ADU must have two exterior parking spaces each, for a total of four exterior parking spaces. This zoning regulation is superseded by provincial regulation, which states that municipalities can only require one parking space for an accessory dwelling unit. Therefore only three exterior parking spaces are required. Within the Zoning By-law, a dwelling unit with an ADU is required to provide parking spaces exterior of any garage or structure. Therefore the parking requirement is three (3) outdoor parking spaces.

The general intent of the By-law is to provide a sufficient number of parking spaces for those residing in the two dwelling units on the property. Currently, the applicant's driveway from the garage face to the property line is not long enough to accommodate the three spaces. The applicant has two exterior parking spaces and an attached garage however the Zoning By-law prevents parking spaces in the garage from being counted towards the parking requirement. Therefore, the proposed variance would allow for a sufficient number of parking spaces for the two dwelling units on the property.

The variance requested maintains the general intent of the zoning by-law. 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. An ADU contributes to the mix of housing types in Newmarket and supports the Town's goals of providing for more affordable housing and an increased supply of rental housing. Furthermore, ADUs allow an increase in the density of dwelling units and allow homeowners a source of income for their property. While the standard parking requirement of three exterior spaces, in addition to any spaces provided in a garage, may provide ample parking, not all ADUs will generate such a parking demand. A minor variance is the appropriate tool for relief from zoning requirements that would prevent an otherwise desirable development, and a minor parking variance should not overshadow the desirability of an ADU as a development as encouraged by Town, Region, and Provincial policy.

Minor nature of the variance

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, either by the existing two spaces or by the parking spaces in the garage as would be required by the proposed condition.

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.

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 Building Code.

Engineering Services 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,

A handwritten signature in black ink, appearing to read 'Janany'.

Janany Nagulan
Planner

From: [Potter, David](#)
To: [Cho, Patricia](#)
Cc: [Larmer, Jennifer](#); [Greenham, Curtis](#); [Olsen, Michelle](#); [Antsyferov, Katrina](#); [Corrigan, Wendy](#); [Nagulan, Janany](#); [Bickers, Craig](#); [Ghiami, Lida](#); [Marra, Franco](#)
Subject: RE: Committee of Adjustment - Notice of Application Circulation (January 20, 2021) - Comments
Date: January 12, 2021 11:59:15 AM

Hi Patricia:

Please see comments below (in red).

Cheers,
Dave

From: Cho, Patricia <pcho@newmarket.ca>
Sent: January 6, 2021 3:11 PM
To: Taylor, John <jtaylor@newmarket.ca>; Woodhouse, Victor <vwoodhouse@newmarket.ca>; Kwapis, Bob <bkwapis@newmarket.ca>; Bisanz, Christina <cbisanz@newmarket.ca>; Simon, Grace <gsimon@newmarket.ca>; Broome, Kelly <kbroome@newmarket.ca>; Twinney, Jane <jtwinney@newmarket.ca>; Morrison, Trevor <tmorrison@newmarket.ca>; Sharma, Jag <jsharma@newmarket.ca>; Noehammer, Peter <pnoehammer@newmarket.ca>; Unger, Jason <junger@newmarket.ca>; Potter, David <dpotter@newmarket.ca>; Prudhomme, Rachel <rprudhomme@newmarket.ca>; Majdi, Sepideh <smajdi@newmarket.ca>; Schell, Ryan <rschell@cyfs.ca>; Villanueva, Lawrence <lvillanueva@newmarket.ca>; Lyons, Lisa <llyons@newmarket.ca>; Saini, Kiran <ksaini@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Morton, Devon <dmorton@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (January 20, 2021)

Good Afternoon,

The next virtual Committee of Adjustment hearing will be held on Wednesday, January 20th, 2021. The Committee of Adjustment will consider the following applications:

- D13-A24-20 – 258 Plymouth Trail ([WARD 4](#))
The applicant is proposing to add an accessory dwelling unit. Application is to seek relief to amend the definition of dwelling unit to permit a private entrance to an accessory dwelling unit to be from the garage. If access through the garage is proposed to be the principal entrance to the ADU, it would have to be suitably gas-proofed to ensure safe access and egress for the occupants at all times. Building Permit required for any material alterations to support an ADU.
- D13-A25-20 – 1240 Twinney Drive ([WARD 2](#))
The applicant is proposing to add a Motor Vehicle Service Station and Large Format Retail Store. Application is to seek relief to permit a Large Format Retail Store to have a gross floor area of 15,329 square metres and to permit a Motor Vehicle Service Station as an accessory

use to the Large Format Retail Store. **No Comments.**

- D13-A26-20 – 334 Savage Road (WARD 6)
*The applicant is proposing to add an accessory dwelling unit. Application is to seek relief to permit one parking space for an accessory dwelling unit to be within a garage. **Building Permit required for any material alterations to support an ADU.***

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, a week before the Hearing of the application (**Wednesday, January 13, 2021**). For your convenience, you may download the submitted documents in digital format and Notice of Hearing on the Town's file share site with the link below:

<https://tonfileshare.newmarket.ca/share.cgi?ssid=0MBFw6J>

Please let me know if you have any questions.

Thank you,
Patricia

Please note that I am working remotely due to the COVID-19 pandemic and can be reached by email.



Patricia Cho, BA., MSc. (Planning)

Planner

Planning and Building Services

[Newmarket.ca/zoning for zoning Information](https://www.newmarket.ca/zoning-for-zoning-information)

[@townofnewmarket](https://twitter.com/townofnewmarket)

Newmarket: A Community *Well* Beyond the Ordinary



DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES

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M E M O R A N D U M

TO: Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services

FROM: Sepideh Majdi, P.Eng., Manager, Development Engineering

DATE: January 11, 2021

RE: Application for Minor Variance
Made by: ASGARI, Pouya, and CHARKHINEJAD, Tina
File No.: D13-A26-20
Lot 47 PLAN 65M2734
334 Savage Road
Town of Newmarket Ward 6
Engineering Services File No.: R. Savage Rd

We herein acknowledge receipt of the Application for Minor Variance wherein the applicant is proposing to add an accessory dwelling unit. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.1 Minimum Off-Street Parking Requirements to permit one parking space for an accessory dwelling unit within a garage, whereas the By-law requires parking spaces be provided exterior of any garage.

We have concerns with this application, as allowing this request may result in additional cars parking on the road. We have been advised that parking requirements are typically commented on by the Planning Department and Planning have been supporting requests of this nature. For the sake of consistency, it is our opinion that Engineering should defer comments to the Planning Department and not object to this request at this time.

Should you have any questions please contact the undersigned.

Sincerely,

ENGINEERING SERVICES

Sepideh Majdi, P.Eng.
Manager, Development Engineering