

**PLANNING AND BUILDING SERVICES****Town of Newmarket**

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Planning Report

To: Committee of Adjustment

From: Janany Nagulan
Planner

Date: March 18, 2021

Re: Application for Minor Variance D13-A06-21
1036 Wildwood Drive
Town of Newmarket
Made by: KERR, Jeffrey Stephan and KERR, Marcia Jean

1. Recommendations:

That Minor Variance Application D13-A06-21 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 development be substantially in accordance with the plans submitted with the application; and
- iii. That the applicant provide site specific grading plans prepared and sealed by the design Engineer (P.Eng), to be approved by Engineering Services; and
- iv. That the applicant provide a sealed letter prepared by the design Engineer (P.Eng) demonstrating that the proposed addition will not change the existing grading and drainage patterns and will not have an impact on the adjacent properties to the satisfaction of Engineering Services; and
- v. 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, in order build a two-story addition at the front of the existing single detached residential dwelling. The description of the proposed variances are below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.2.2 Zoning Standards Residential Zones	The required minimum setback from interior side lot line is 1.8m.	To reduced the required minimum from interior side lot line for buildings beyond 5.7m in height from 1.8m to 1.2m.
2	2010-40	6.2.2 Zoning Standards Residential Zones	The required front yard is to be one metre less than the average of the front yard of adjacent dwellings located within 60 metres, of the subject property on the same road but shall not be	To reduce the minimum required front yard length from 6.5m to 3.7m.

			<p>closer to the street line than 3m.</p> <p>The average front yard depth is 7.5 metres therefore the required minimum front yard is 6.5m.</p>	
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The proposed building plan and elevation is attached to this report.

The above-described property (herein referred to as the “subject property”) is located in a residential neighbourhood, west of Leslie Street and south of Davis Drive. 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 variances are to permit a reduction to the required minimum setback from the interior lot line from 1.8m to 1.2m and to permit the reduction to the minimum depth of the front yard, in support of a two story addition to the front of the existing building.

Based on the Zoning By-law 2010-40, as amended, the required front yard is to be one metre less than the average front yards of the adjacent dwelling located within 60 metres of the subject property on the same road. The average front yard length of dwellings located 60 metres of 1036 Wildwood Drive is 7.5m therefore the minimum required front yard is 6.5m.

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 “Residential Areas” in the Official Plan. This designation permits a range of residential built form types. Regarding this designation, the Town’s Official Plan states:

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

- Provide for a range of residential accommodation by housing type, tenure, size and location to help satisfy the Town of Newmarket’s housing needs in a context sensitive manner.
- Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood.
- Recognize the desirability of gradual ongoing change by allowing for contextually-sensitive development through *Planning Act* applications, to permit development which contributes to a desirable urban structure, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.
- Encourage a range of innovative and affordable housing types, zoning standards and subdivision designs where it can be demonstrated that the existing physical character of the Residential Area will be maintained.

The “Residential Areas” permits single detached dwellings in a range of sizes and built forms. The Official Plan allows for compatible design and the gradual change and improvement of homes through Planning Act applications. 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 by By-law Number 2020-63. Single detached dwellings are permitted within the zone.

Section 6.2.2 of the Zoning By-law sets out the zone standards applicable to residential zones. Building setbacks in residential zones are required to be setback within the same range as abutting buildings. The intent of the zone standards is to ensure compatibility and consistency of built form and control the extent of change in neighbourhood. There is a range of forms of single detached dwellings located on Wildwood Drive including one-story bungalows and two-story dwellings with projecting garages. The proposed addition would require a reduction to the interior yard set back, however the request maintains the existing interior yard setback of the existing dwelling on the property. The addition will be located at the front of the building but only on the eastern portion. There will be no addition added to the western portion where the existing garage is located. The addition will not impact the amount existing parking spaces.

The addition would have less of a front yard setback than other dwellings on Wildwood Drive but would not appear to have a negative impact on the neighbourhood as the design of the proposed addition appears to be similar to the existing building and is compatible with existing neighbourhood. The variance requested maintains the general intent of the zoning by-law. This test is met.

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 the existing neighbourhood. The requested relief would allow the property owner to 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.

Minor nature of the variance

When considering if the variance is minor, potential impacts of the variance are considered rather than the measurable scale of the requested change. The overall impact of the proposed variances appears to be minimal as the design of the proposed addition appears to be consistent and compatible with the existing neighbourhood. The reduced setbacks for the two-story addition to the front of the existing dwelling appears to fit the overall diversity of dwelling types on the street. This test is met.

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 has stated concerns as the reduction of green (landscaped) spaces will have an impact on the current storm water system. Engineering Services has requested for site specific grading plans and letter stating there will be no changes to the existing grading/drainage pattern and there will be no impacts on the adjacent properties. This has been reflected in the conditions.

York Region has no comments with regards to this application.

Effect of Public Input

Two letters of support for the proposed variances have been submitted by neighbouring property owners.

5. Conclusions:

The relief as requested:

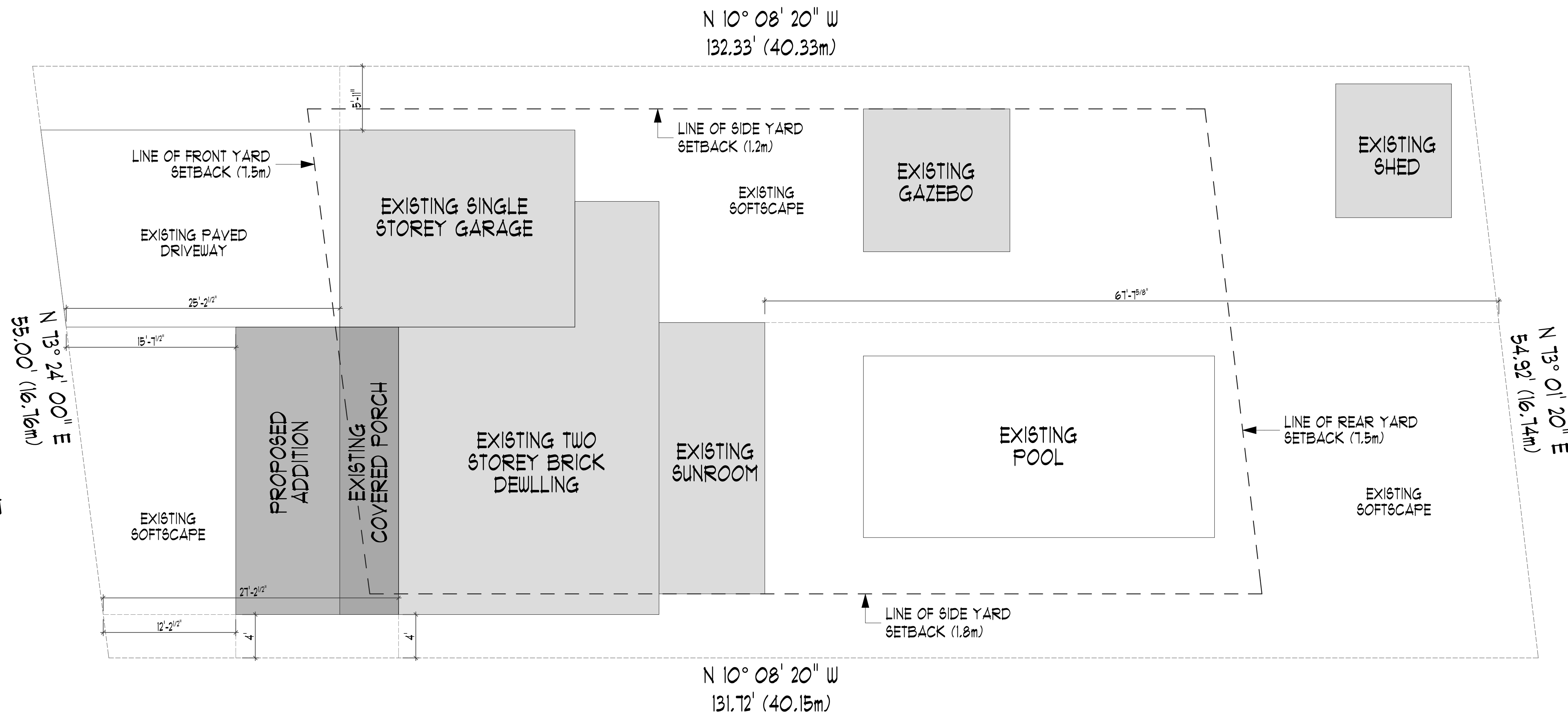
- 1) is minor in nature;
- 2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- 3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,



Janany Nagulan
Planner

WILDWOOD DRIVE



G.F.A. CALCULATIONS			
DESCRIPTION	EXISTING	ADDITION	TOTAL PROPOSED
GROSS FLOOR AREA:	1,119 SQ.FT.	112 SQ.FT.	2,431 SQ.FT.
MAIN FLOOR AREA	886 SQ.FT.	356 SQ.FT.	1,242 SQ.FT.
SECOND FLOOR AREA	833 SQ.FT.	356 SQ.FT.	1,189 SQ.FT.

PLAN OF SURVEY OF
LOT 15 - REGISTERED PLAN M-1434

TOWN OF NEUMARKET
REGIONAL MUNICIPALITY OF YORK

SURVEY INFORMATION DERIVED FROM A SURVEY BY
JAMES M. FURCELL - ONTARIO LAND SURVEYORS
DATED: MARCH 29th, 1972

SITE ANALYSIS

LOT AREA:	1,202 SQ.FT.	(669.09 SQ.M.)
EXISTING HOUSE / GARAGE (FOOTPRINT):	1,120 SQ.FT.	(104.05 SQ.M.)
EXISTING SUNROOM:	244 SQ.FT.	(22.61 SQ.M.)
EXISTING PORCH:	144 SQ.FT.	(13.38 SQ.M.)
EXISTING GAZEBO:	178 SQ.FT.	(16.34 SQ.M.)
EXISTING SHED:	132 SQ.FT.	(12.26 SQ.M.)
PROPOSED ADDITION: (INCLUDES THE REMOVAL OF THE COVERED PORCH)	398 SQ.FT.	(36.98 SQ.M.)
TOTAL EXISTING LOT COVERAGE:	1,818 SQ.FT. (25.24%)	(168.90 SQ.M.)
TOTAL PROPOSED LOT COVERAGE:	2,012 SQ.FT. (28.11%)	(182.50 SQ.M.)

REQUIREMENTS FOR SINGLE FAMILY DWELLING
TOWN OF NEUMARKET
"R1-D" ZONING REQUIREMENTS

	BY-LAW	EXISTING	PROPOSED
LOT FRONTAGE	15.0m	16.76m	16.76m
LOT AREA	511 sq.m	635 sq.m.	635 sq.m.
FRONT YARD SETBACK	7.5m	7.68m	3.72m
INT. SIDE YARD SETBACK (EAST)	1.2m	1.80m	1.80m
INT. SIDE YARD SETBACK (WEST)	1.8m	1.22m	1.22m
REAR YARD SETBACK	7.5m	20.62m	20.62m
MAXIMUM HEIGHT	10.7m	7.16m	7.16m
MAXIMUM LOT COVERAGE	35%	25.24%	28.11%

REIKON

Building Your Dream -
Concept To Completion

83 FRANKLIN ROAD
MOUNT ALBERT,
ONTARIO
P: (905) 252-9096
F: (905) 473-4237
reikon@sympatico.ca

- GENERAL NOTES**
- Location for Utility Room (for furnace, "B" vent and hot water tank) to be confirmed upon review with mechanical contractor.
 - Location for plumbing stacks and servicing to be confirmed upon review with plumbing trades.
 - Location for electrical panel to be confirmed upon review with electrical contractor.
 - Exterior location for electrical meter servicing to be confirmed upon review by Owner and Ontario Hydro.
 - All lumber to be no.1 & 2 grade S-P-F.
 - All measurements to be checked & confirmed by contractor before construction. Any discrepancies should be reported.
 - DO NOT SCALE DRAWINGS.
 - These plans shall be considered "Not for Construction" unless they have been approved by the local building department.
 - All construction to comply with requirements of the Ontario Building Code.
 - Pre-engineered truss fabricator to supply truss layout c/w sealed designs for approval by Bldg. Inspection Dept.
 - Pre-engineered floor joist supplier to provide layout drawings for approval by Bldg. Inspection Dept.
 - All heating, ventilating, mechanical and air conditioning system requirements to be provided by others.

REVISION SCHEDULE:

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1036 WILDWOOD DR.
Neumarket, ON

PROJECT TITLE:
Proposed Addition

ISSUED FOR:
COA REVIEW

DESIGNED BY:
J.B.

PROJECT ID:
C5D

PLOT DATE:
2010-07-31

PAGE NUMBER:
A-101



EXISTING FRONT ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED FRONT ELEVATION

SCALE: 1/4" = 1'-0"

- NOTES:
- ROOF TO BE VENTED AS PER SECT. 9.19 OF O.B.C.
 - CALK OVER 4 AROUND ALL EXTERIOR OPENINGS
 - DRIP CAPS 4 FLASHINGS TO BE INSTALLED OVER ALL EXTERIOR OPENINGS AS REQUIRED
 - ALL EXTERIOR DOORS TO BE INSULATED 4 WEATHERSTRIPPED
 - ALL GLASS IN DOORS TO BE TEMPERED GLASS UNLESS NOTED OTHERWISE

NOTE:
LOT TO BE GRADED SO THAT WATER WILL NOT ACCUMULATE AT OR NEAR BUILDING AND WILL NOT AFFECT ADJACENT PROPERTIES (AS PER 9.14.6.1 OBC 2012)

NOTE:
ALL DOWNSPOUTS NOT CONNECTED TO SEWER SHALL BE EXTENDED TO CARRY RAIN WATER AWAY FROM THE BUILDING IN A MANNER THAT WILL PREVENT SOIL EROSION (AS PER 9.26.18.2 OBC 2012)

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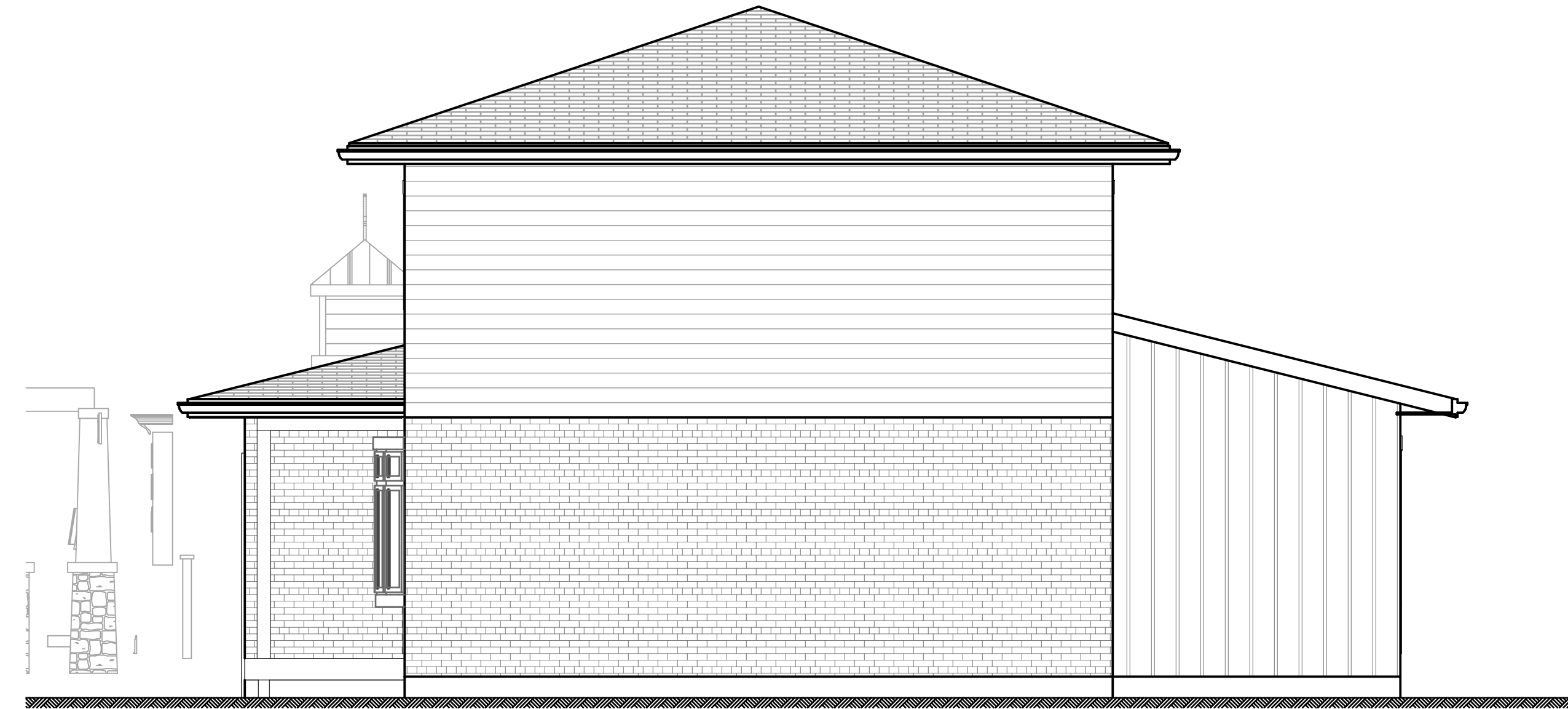
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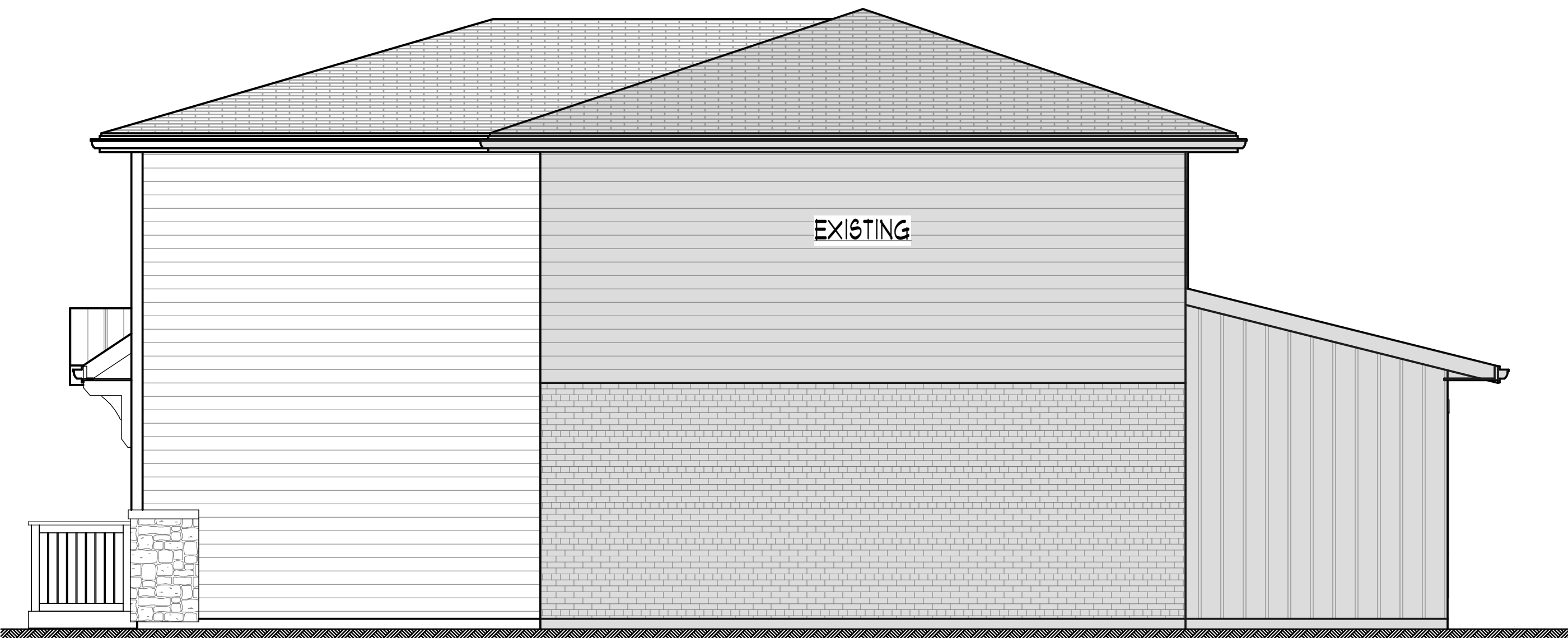
PLOT DATE:
2010-01-31

PAGE NUMBER:
A-102



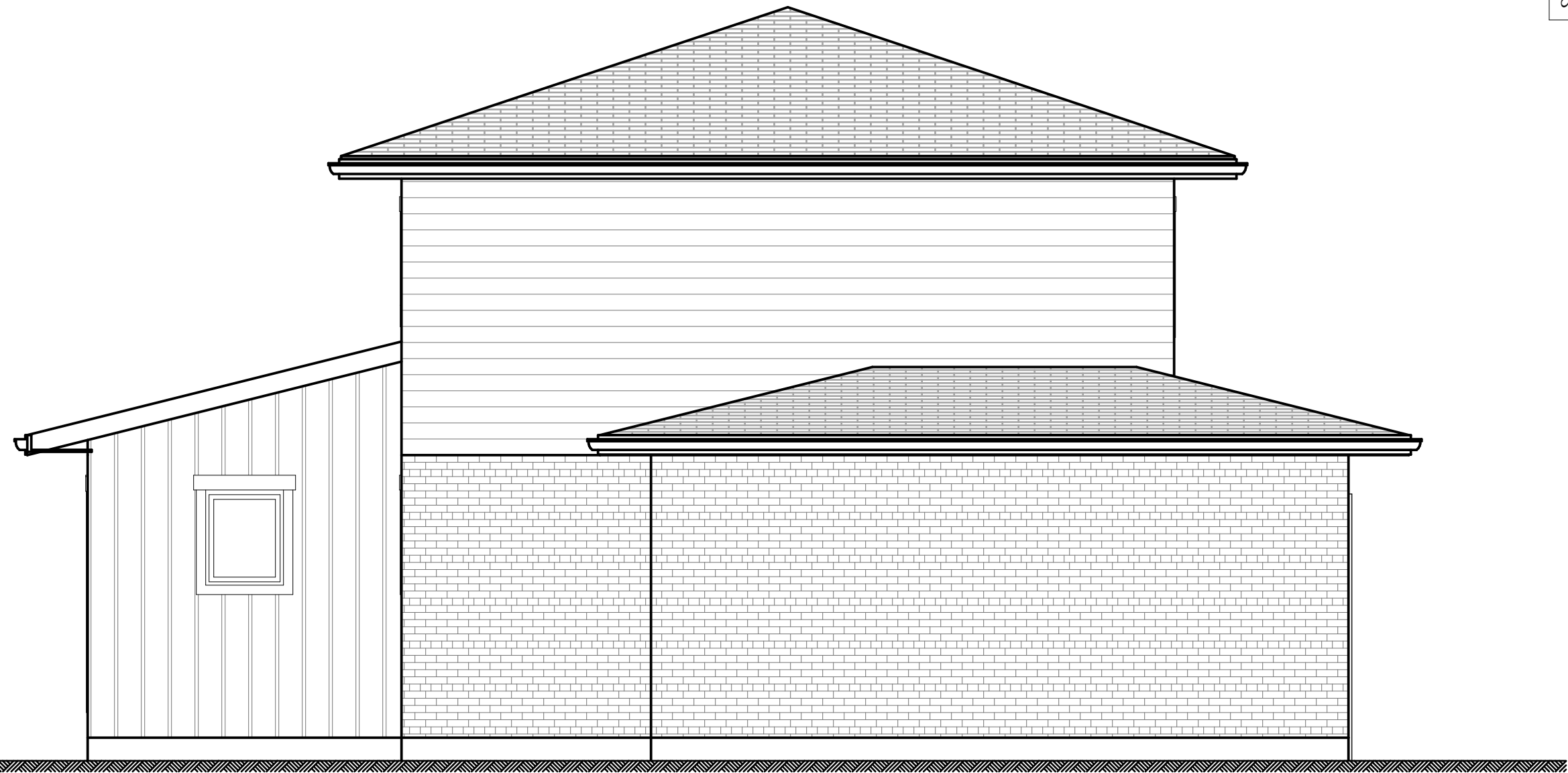
EXISTING RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



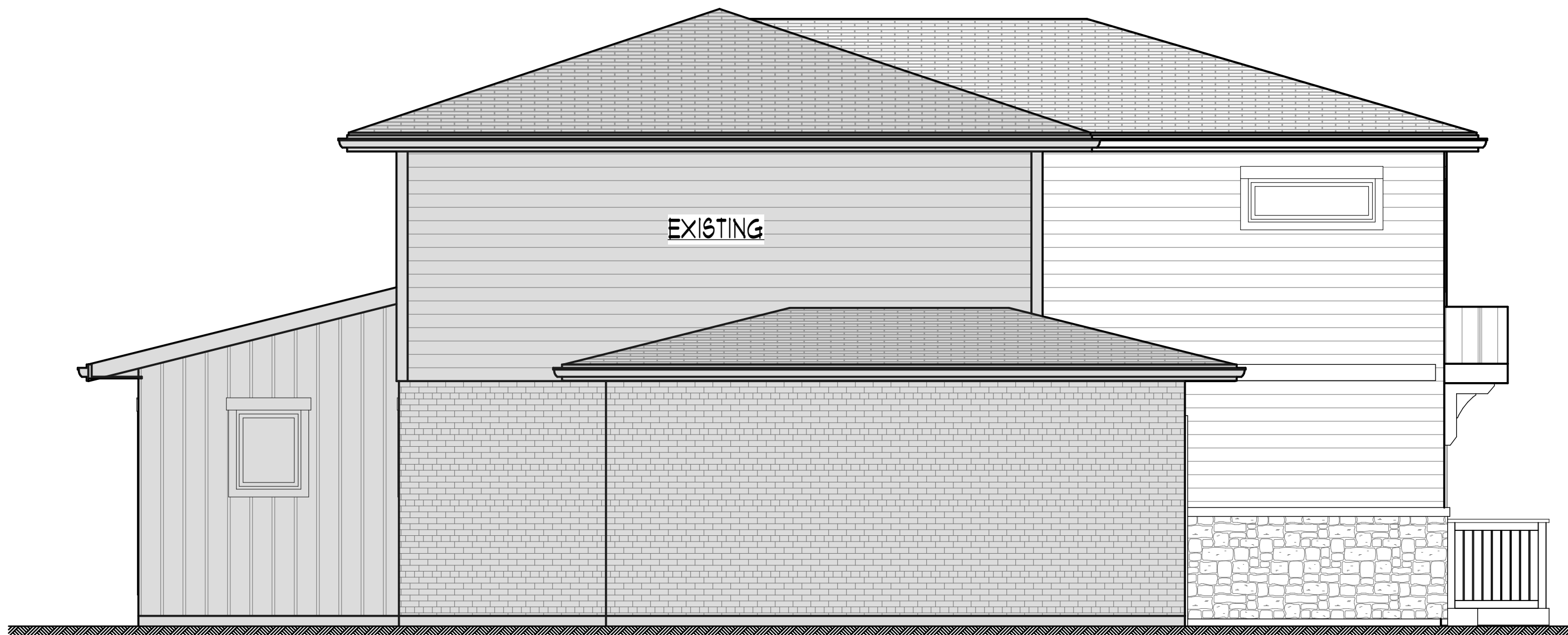
PROPOSED RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



EXISTING LEFT ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED LEFT ELEVATION

SCALE: 1/4" = 1'-0"

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DESIGNED BY:
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PROJECT ID:
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PLOT DATE:
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PAGE NUMBER:
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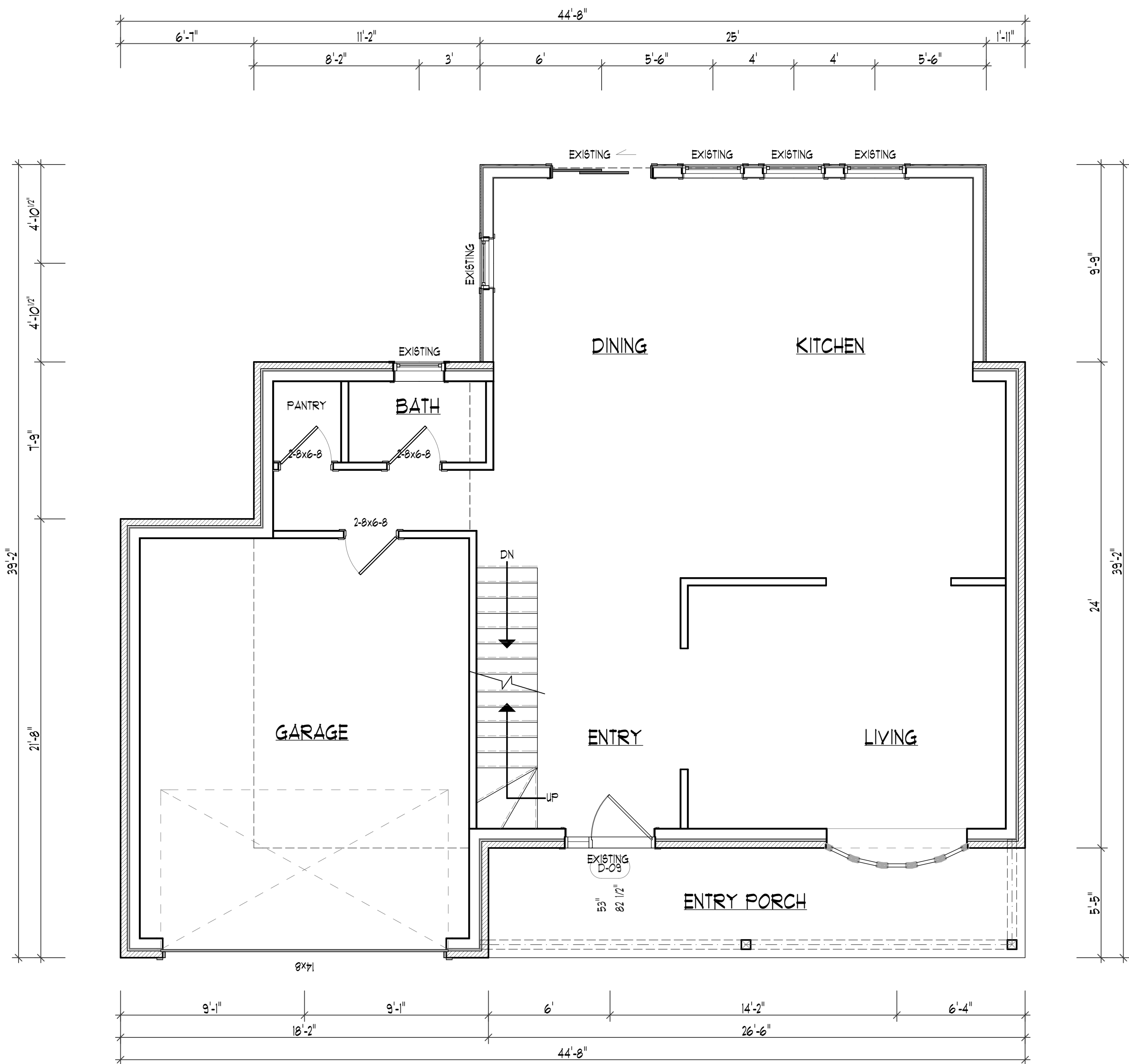
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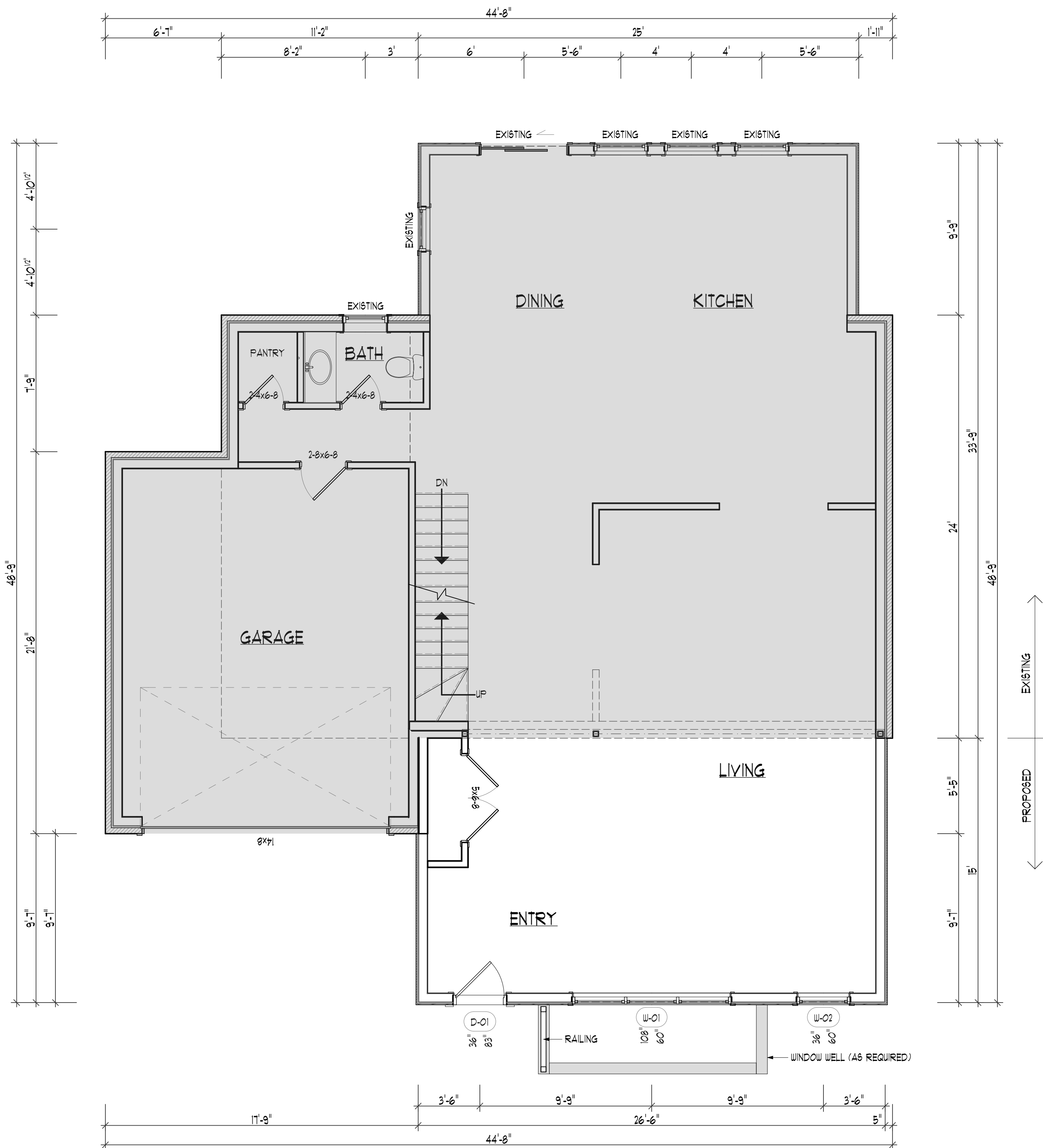
PLOT DATE:
2010-01-31

PAGE NUMBER:
A-104



EXISTING FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



PROPOSED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

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PAGE NUMBER:
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