PLANNING AND BUILDING SERVICES
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Newmarket, ON L3Y 4X7 F: 905.953.5140

Planning Report

To: Committee of Adjustment

From: Patricia Cho
Planner

Date: March 17, 2021

Re: Application for Minor Variance D13-A07-21
189 Beechwood Crescent
Town of Newmarket
Made by: Howie, Christopher and Bacchus, Feria

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1. Recommendations:

That Minor Variance Application D13-A07-2021 be approved, subject to the following conditions:

i. That the variance pertains only to the request as submitted with the application;

ii. That the development be substantially in accordance with the information and site plan submitted with the application;

iii. That the applicant submit a letter and site specific grading plans prepared and sealed by a design Engineer (P.Eng); and,

iv. That the applicant be advised that prior to the issuance of any building permit, compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.

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 to enlarge the existing attached garage of the single-detached dwelling and construct an addition above the enlarged garage. The description of the proposed variance is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40, as amended	5.3.1	Minimum interior side yard setback of 1.8m for a building beyond 5.7m building height	Minimum interior westerly side yard setback of 1.1m for a building beyond 5.7m building height

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

3. Planning considerations:

The applicant is requesting relief from the Zoning By-law to enlarge the existing attached garage of the single-detached dwelling and construct an addition above the enlarged garage. The existing structure was constructed with an interior side yard setback that is less than would be required for a one-storey structure under the current zoning standards. The existing structure has an interior side yard setback on the west side of 1.1m and the proposed enlarged garage would maintain this setback.

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 “Residential Areas" 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:

It is the objective of the Residential Areas policies to:

a. 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;
b. maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood;
c. 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, diversified housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood; and,
d. 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 designation permits single detached dwellings and supports efforts to invest in the existing housing stock. 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 18.0 Metre (R1-C) Zone by By-law 2010-40, as amended by By-law Number 2020-63.

The general intent of a greater setback for a dwelling greater in height is to ensure that buildings do not tower over adjacent properties. In the case of the proposed variance for the built form of the structure, the requested relief is a reduction in the side-yard setback for the structure from 1.8m to 1.1m. It is noted that the existing side yard setback to the attached garage is currently 1.1m. As the existing dwelling has existed with the proposed 1.1m setback without concern and there is still sufficient distance from the property line to facilitate rear-yard access, the proposed setback continues to provide a reasonable level of separation even with the addition proposed above the garage. There is a relationship between height and setback (increase in height results in larger setback), but the increase in height is relatively minimal (to match the existing dwelling) and the existing setback is supportable.

The variance requested maintains the general intent of the Zoning By-law and therefore 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 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 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

The proposed relief would allow an existing single detached dwelling with side-yard setbacks that are less than what are required by the by-law but does not vary significantly from established permissions. The setback is intended to prevent the over-development of the lot, but those concerns are mitigated in this proposal because of the large lot size and the configuration of the existing residence (garage is lower than the house).

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:

Tree Protection

The subject lands are located in an area encompassed by the Woodlot Preservation By-law (By-law 2007-71) and is subject to the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.

An arborist report / tree inventory was submitted with this application that indicates significant trees are located on the subject lands. The four (4) significant trees identified are proposed to be protected. If Committee grants the variance, compliance with the Tree Preservation, Protection, Replacement and Enhancement Policy will be required including the installation of tree protection fencing and the provision of financial securities to the Town.

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 Ontario Building Code.

Engineering Services has requested that a site specific grading plan prepared and sealed by the design Engineer (P.Eng) as well as a sealed letter from the design Engineer be submitted, stating there will be no changes to the existing grading/draining patterns based on the proposed addition and there will be no impacts to the adjacent properties.

The Region of York has reviewed the minor variance application and has advised they have no objection to the proposal.

Effect of Public Input

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

5. Conclusions:

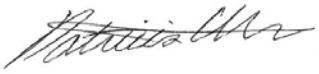
The relief as requested:

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,



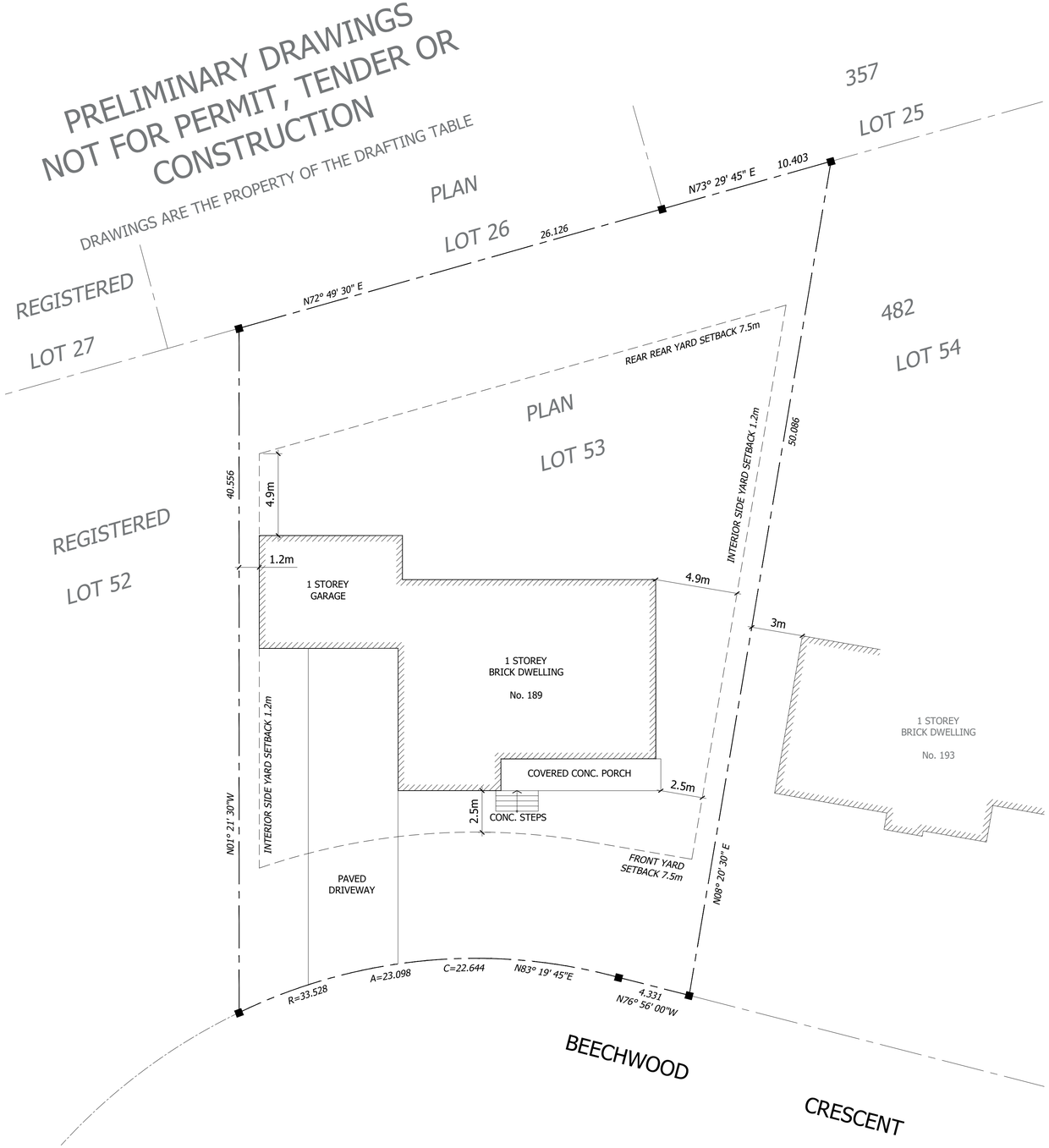
Patricia Cho, HBA, MSc. (Pln)
Planner

SITE PLAN LEGEND:

- PROPERTY LINE
- YARD SETBACKS
- EXISTING DWELLING
- PROPOSED ADDITION

SITE PLAN NOTES:

1. PROPERTY LINES, THE LOCATION OF EXISTING BUILDINGS, AND THE LOCATIONS OF OTHER EXISTING SITE ELEMENTS ARE AN APPROXIMATE AND SHOULD BE VERIFIED BY A CERTIFIED LAND SURVEYOR AT A LATER TIME.
2. ALL WORK TO BE PREFORMED IN ACCORDANCE WITH LOCAL MUNICIPAL STANDARDS AND SPECIFICATIONS.
3. LANDSCAPING MUST ENSURE POSITIVE DRAINAGE OF STORM WATER FROM THE PERIMETER OF THE BUILDING. A MINIMUM SLOPE OF 1/2" : 1' AWAY FROM THE DWELLING US REQUIRED FOR THE FIRST SIX (6) FEET. ALL OTHER CONSTRUCTION GRADES ARE TO BE A MINIMUM 2% AND MAXIMUM 3:1.



1 SITE PLAN | EXISTING
1:200

ZONING:

1. THE PROPERTY IS ZONED — (R1-C) RESIDENTIAL DETACHED DWELLING 18m ZONE

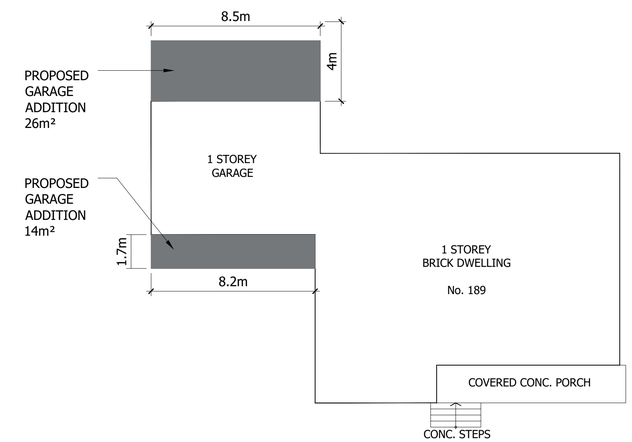
		REQUIRED	EXISTING
2.	ZONE STANDARDS		
2.1.	MIN LOT AREA	743 m²	1,326 m²
2.2.	LOT FRONTAGE	18.0 m	
2.3.	FRONT YARD	7.5 m	
2.4.	REAR YARD	7.5 m	
2.5.	EXTERIOR SIDE	6.0 m	
2.6.	INTERIOR SIDE		
2.6.1.	EACH SIDE 1 STOREY	1.2 m	
2.6.2.	EACH SIDE 1.5 STOREY	1.5 m	
2.6.3.	EACH SIDE 2 STOREY	1.8 m	
2.7.	MAX. LOT COVERAGE		
2.7.1.	IF ONE STOREY 35%	464 m²	
2.7.2.	IF TWO STOREY 25%	331 m²	
2.8.	MAX. HEIGHT	10.0 m	
2.9.	MAX. DRIVEWAY WIDTH	6.0 m	5.3 m

LOT COVERAGE:

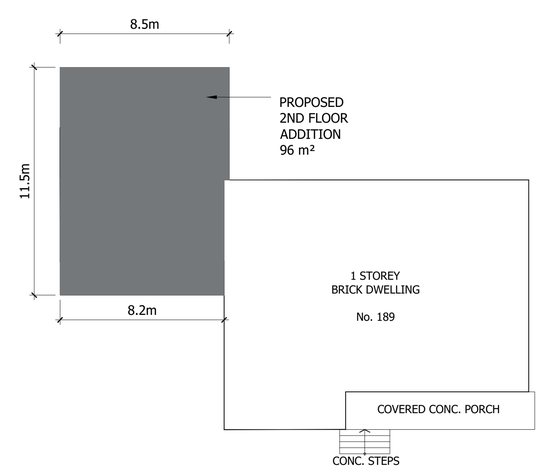
EXISTING 1 STOREY BRICK DWELLING *INCL. COVERED FRONT PORCH	193 m²
EXISTING 1 STOREY BRICK GARAGE	56 m²
PROPOSED GARAGE ADDITION	40 m²
TOTAL LOT COVERAGE	**289 m² > 464 m²**

GROSS FLOOR AREA:

EXISTING 1 STOREY BRICK DWELLING	311 m²
ICBL EXPANDING GFA BY 25% OR MORE	78 m²
PROPOSED SECOND STOREY ADDITION	**96 m²**



2 FIRST FLOOR | GARAGE ADDITION
1:200



3 SECOND FLOOR | DWELLING ADDITION
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The Drafting Table

DRAWINGS SHOULD NOT BE SCALED

THE CONTRACTOR MUST VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR THE SAME. REPORT ANY DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF THE WORK. ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND ARE INSTRUMENTS OF SERVICE. THEY ARE FOR USE ONLY ON THE PROJECT FOR WHICH THEY ARE PREPARED, AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF OF DRAWINGS IN PART OR IN WHOLE IS FORBIDDEN WITHOUT THE DESIGNER'S PERMISSION.

THE CONTRACTOR IS TO BE FAMILIAR WITH THE ONTARIO BUILDING CODE AND ITS LATEST REVISIONS.

GENERAL NOTES:

1. THE DRAFTING TABLE HAS BEEN RETAINED FOR DRAFTING PURPOSES ONLY AND IN NO WAY EXPRESSES OR ASSUMES ANY RESPONSIBILITY FOR THE DESIGN, ACCURACY OR COMPLIANCE OF THESE PLANS.
2. ALL WORK IS AT A MINIMUM, TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING CODE OF CANADA, LATEST EDITION, AND IN ACCORDANCE WITH ALL OTHER FEDERAL, PROVINCIAL AND LOCAL ORDINANCES, ETC. SHALL BE CONSIDERED AS PART OF THE SPECIFICATIONS FOR THIS BUILDING AND SHALL TAKE PRECEDENCE OVER ANYTHING SHOWN, DESCRIBED, OR IMPLIED, IF AND WHEN VARIANCES OCCUR.
3. THE BUILDER IS TO CHECK AND VERIFY ALL DRAWINGS FOR COMPLIANCE WITH LOCAL BUILDING AND ZONING REQUIREMENTS AND REPORT ANY DISCREPANCIES PRIOR TO COMMENCING CONSTRUCTION.
4. STRUCTURAL LUMBER IS TO BE No. 1 / No. 2 SPF OR BETTER, OR THE EQUIVALENT MANUFACTURED LUMBER PRODUCT.
5. DESIGN AND ENGINEERING OR MANUFACTURED WOOD STRUCTURAL MEMBERS, INCLUDING FLOOR JOISTS, ROOF TRUSSES, BEAMS, COLUMNS, HANGERS AND LINTELS, TO BE BY ENGINEER OR SUPPLIER.
6. THIS DRAWING DOES NOT TAKE INTO ACCOUNT UNKNOWN SITE CONDITIONS SUCH AS SOIL BEARING CAPACITY, WATER TABLES, DEPTH OF BEDROCK, BURIED STRUCTURES.
7. ALL DIMENSIONS ARE APPROXIMATE AND REQUIRE CONFIRMATION FROM A CERTIFIED SURVEYOR.

LEGAL ADDRESS:

LOT 53
REGISTERED PLAN 482
PIN 03600-0151

MUNICIPAL ADDRESS:

189 BEECHWOOD CRESCENT
NEWMARKET, ONTARIO
L3Y 1W2

REV	DATE	ISSUED
001.	12.03.20	CONCEPT

SCALE: AS NOTED

DATE: 11.25.20

CLIENT: HOWIE

DRAFTED BY: ZACHARY STOKES

SITE PLAN

A1.1