



PLANNING AND BUILDING SERVICES

Town of Newmarket

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Planning Report

To: Committee of Adjustment

From: Patricia Cho
Planner

Date: March 17, 2021

Re: Application for Minor Variance D13-A09-21
693 Gorham Street
Town of Newmarket
Made by: 2514980 Ontario Ltd.

1. Recommendations:

That Minor Variance Application D13-A09-2021 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 information and site plan 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, in order to construct an enclosed stairway on the west side of the existing single-detached dwelling, leading down to the basement addition. The basement addition is intended to be used for a future home occupation. 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 1.2m 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 Prospect Street and north of Gorham Street. There is an existing single-detached residence on the lot and surrounded by lots with similar structures.

3. Planning considerations:

The applicant is requesting relief from the Zoning By-law to construct an enclosed stairway on the west side of the existing single-detached dwelling, leading down to the basement addition. The proposed basement addition is intended to be used for a future home occupation.

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 15.0 Metre (R1-D) Zone by By-law 2010-40, as amended.

The general intent of the Zoning By-law's built form permissions is to limit the size of structures in order to maintain compatibility and similarity of structures. By limiting lot coverage and building height, and by requiring setbacks, building size is restrained and the By-law seeks to ensure that houses are similar in size and the over-development of the lot is prevented. In the case of the proposed variance, the requested relief is a reduction in the interior side-yard setback for the two-storey structure from 1.8m to 1.2m. The requested setback is intended for the proposed exterior stairway while the setback to the single-detached dwelling will remain the same. The impact of the proposed setback is limited.

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 a single detached dwelling with a side-yard setback that are less than what would typically be required by the by-law but does not vary significantly from established

permissions or the surrounding area. The request is to allow a side-yard setback of 1.2m for a structure that is beyond 5.7m building height, while 1.8m is typically required. The requested setback is intended for the proposed enclosed stairway, thus the impact is limited.

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 listed on the municipal list of non-designated properties. The proposal does not appear to impact the significant features listed on the municipal list. A comprehensive additional review will be conducted by Planning Services' cultural heritage staff during the building permit stage.

Commenting agencies and departments

The Chief Building Official has no objection to this application subject to compliance with the Ontario Building Code.

No comment was available from Engineering Services at the time of writing this report.

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

Effect of Public Input

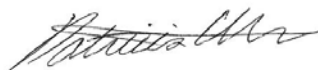
No public input was received as of the date of writing this report.

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

693 GORHAM ST, NEWMARKET ON. - ROLL# 19 48 010 030 25800 0000		
LOT ZONING IS R1-D-119 AND ICBC		
ZONING REQUIREMENTS	REQUD	PROVD
MINIMUM LOT AREA	511 sm	664sm
MINIMUM INTERIOR SIDE YARD (1.5 STRY)	1.5 m	1.2 m*
MINIMUM FRONT YARD	7.5 m	EXIST'G
MINIMUM REAR YARD	7.5 m	15.6 m
MAXIMUM HEIGHT (1.5 STOREYS)	8.5 m	EXIST'G
MAXIMUM LOT COVERAGE (MAIN BLDG)	25%**	22 %
TOTAL EXPOSING BUILDING FACE (ADD'N)	--	16.3 sm
LIMITING DISTANCE	--	1.2m
*REFERENCE MINOR VARIANCE APPLICATION FOR REDUCED S/B		
**LOT SIZE IS 664.6 sm. THE AREA OF THE EXISTING DWELLING PLUS PROPOSED NEW ADDITIONS WILL BE 144.8 sm. (664.6 /144.8 =22%)		

