



**PLANNING AND BUILDING SERVICES**  
**Town of Newmarket**      www.newmarket.ca  
395 Mulock Drive      planning@newmarket.ca  
P.O. Box 328, STN Main      T: 905.953.5321  
Newmarket, ON L3Y 4X7

## Planning Report

TO:                                      Committee of Adjustment

FROM:                                  Patricia Cho  
   Planner

DATE:                                  April 15, 2021

RE:                                      Application for Minor Variance - **D10-B02-2021**  
   1200 Stackhouse Road  
   Made by: Birock Investments Inc.

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### 1. Recommendations:

**That Consent Application D10-B02-2021 be granted, subject to the following conditions:**

- a. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
  - i. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;
  - ii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted; and,
  - iii. the required transfer to effect the severance and conveyance(s).
- b. 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; and,
- c. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

### 2. Application:

The lands are located on the south side of Stackhouse Road, east of Leslie Street. The purpose of the consent application is to allow the applicant to sever the subject lands into two (2) separate parcels. The intent of the severance would allow the applicant to operate the Phase 2 building (the severed lot, indicated as "A" on the attached sketch) under a separate ownership from the Phase 1 building (the retained lot, indicated as "B" on the attached sketch).

The development of an industrial building on the retained lands has been granted through site plan approval and is currently under construction (our fil no. D11-NP-19-06). The development of an industrial building on the severed lands is currently being reviewed through the site plan approval process (our file no. D11-NP-20-17).

The application is also seeking to create easements for the sites, 1) to share the existing driveway access off of Stackhouse Road and 2) to accommodate the flow route provided for drainage from the severed lands over the retained lands.

Severing the lands will not lead to a physical change in the development, as this is managed through the site plan approval process. The consent will allow for separate ownership, mortgaging, financing, and legal agreements on title to each property.

### **3. Planning considerations:**

#### **Conformity with the Official Plan**

The subject lands are designated "General Employment" in the Town's Official Plan. This designation permits a range of industrial activities such as manufacturing, assembling, processing, servicing and warehousing of goods and materials.

Section 16.1.5 of the Official Plan sets out the circumstances in which an application for consent will be granted. The section reads that consents shall only be granted where:

- a) the severance is for the purpose of infilling within existing development;
- b) a plan of subdivision is not necessary;
- c) the number of lots created is three or less;
- d) the lot can be adequately serviced by sanitary sewage disposal, water supply, and storm drainage facilities;
- e) no extension, improvement or assumption of municipal services is required;
- f) the lot will have frontage on an improved public road, and access will not result in traffic hazards;
- g) the lot will not restrict the ultimate development of adjacent lands;
- h) the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and compatible with adjacent lots; and,
- i) the consent complies with all relevant provisions of this Plan.

The proposed application for consent would not conflict with the purpose and intent of the Official Plan.

#### **Conformity with the Zoning By-law**

The subject lands are zoned Heavy Employment Zone (EH) by By-law Number 2010-40. The general intent of the Heavy Employment zone is to ensure the lands continue to be viable for their intended use as providing employment within an extensive range of industrial activities. Both the severed parcel and the retained parcel as proposed meet the minimum lot area and frontage requirements for the EH Zone. The proposed application for consent would not conflict with the intent of the Zoning By-law

#### **4. Other Comments**

##### **Tree protection**

The proposed retained lands are subject to an existing site plan agreement. The proposed severed lands are subject to a site plan approval and are part of an ongoing application. There will be no physical change for the site by the consent application. Any development will be required to comply with the Town's Tree Policy.

##### **Heritage**

The subject lands are not listed or designated under the *Ontario Heritage Act*.

##### **Commenting agencies and departments**

Building Services has no comments with regards to this application.

Engineering Services has no objections with regards to this application.

York Region has no comments with regards to this application.

Bell Canada has no concerns or issues with regards to this application.

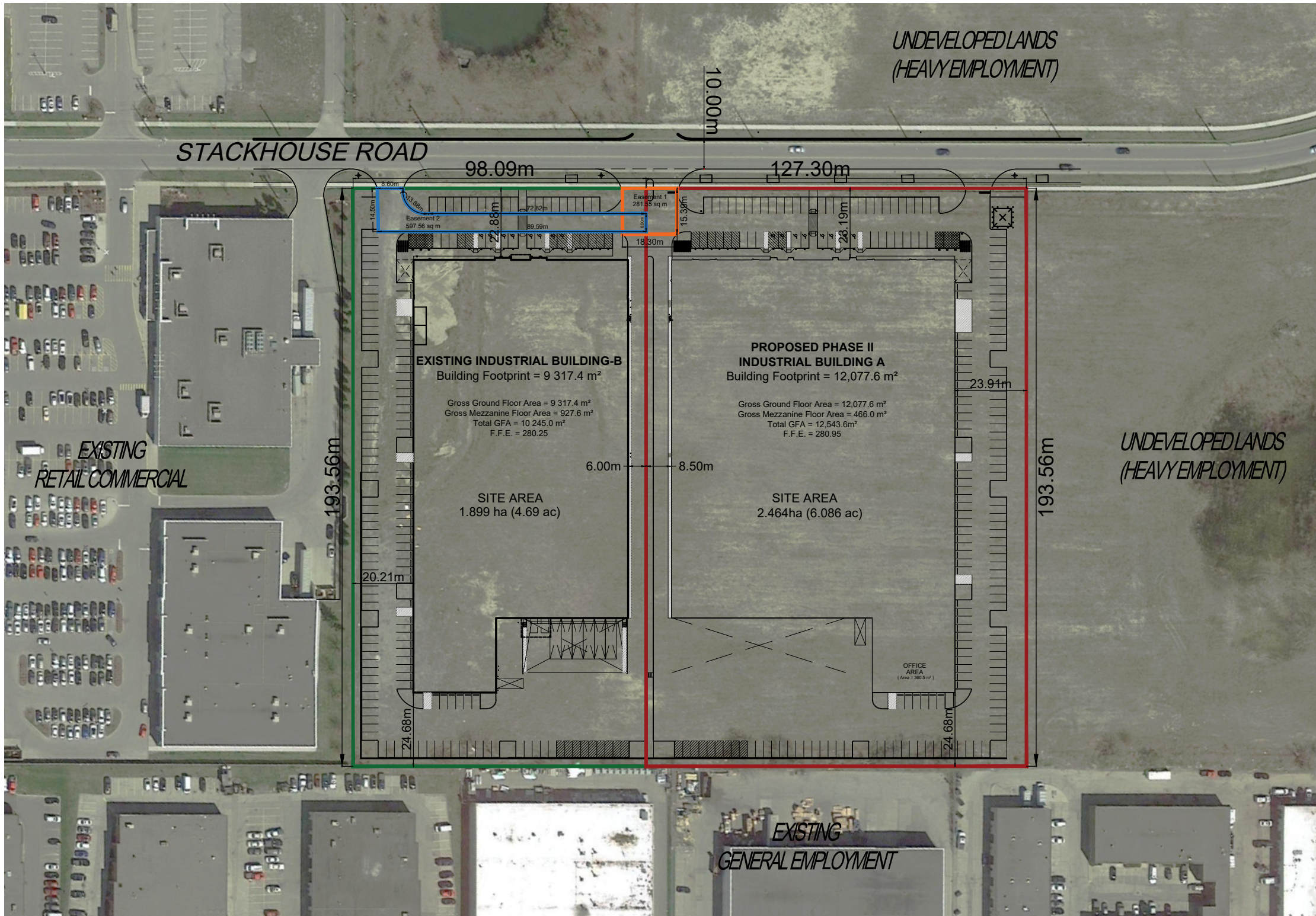
#### **5. Conclusions**

The consent meets the relevant requirements of the Zoning By-law, Official Plan and is recommended to be granted subject to the associated conditions.

Respectfully submitted,



Patricia Cho, HBC, MSc. (Pln)  
Planner



UNDEVELOPED LANDS  
(HEAVY EMPLOYMENT)

STACKHOUSE ROAD

UNDEVELOPED LANDS  
(HEAVY EMPLOYMENT)

EXISTING  
RETAIL COMMERCIAL

EXISTING  
GENERAL EMPLOYMENT

**Severance Sketch**

BLOCK 6 PLAN  
65M-3871, PART OF LOT  
34, CONCESSION 3

**LEGEND**

- Severed Land: Industrial Building A
- Retained Land: Industrial Building B
- Easement 1
- Easement 2

Severed A	
Lot Frontage	127.300 m
Lot Area	2.464 ha
Lot Depth	193.560 m
Lot Coverage	49%
Retained B	
Lot Frontage	98.090 m
Lot Area	1.899 ha
Lot Depth	193.560 m
Lot Coverage	49%
Total	
Lot Frontage	225.390 m
Lot Area	4.363 ha
Lot Depth	193.560 m
Lot Coverage	49%

DATE: March 23, 2021

SCALE: 1:1500



N:\Y34W-1-1200 Stackhouse Road, Newmarket - Severance\1 - MHBC Documents\Severance Sketch (Mar-23-21).dwg

Date Source: