



Planning Report

TO: Committee of Adjustment

FROM: Janany Nagulan
 Planner

DATE: April 15, 2021

RE: Application for Minor Variance **D13-A10-2021**
 97 Roxborough Road
 Town of Newmarket
 Made by: FAIRBROTHER, John and YEATES, Leslie

1. Recommendations:

That Minor Variance Application D13-A10-2021 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application; and,
2. That the development be substantially in accordance with the information submitted with the application; and
3. That the applicant provide site specific grading plans prepared and sealed by the design Engineer (P.Eng), to be approved by Engineering Services; and
4. 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
5. 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
6. 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 facilitate the construction of a new one-story residential detached dwelling. The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	Section 6.2.2 Zoning Standards For Residential Zones	A minimum side yard setback of 1.8m for buildings beyond 5.7m in height.	A minimum side yard setback of 1.2m for buildings beyond 5.7m in height.

2	2010-40	Section 6.2.2 Schedule D Maximum Lot Coverage	A maximum lot coverage of 25%.	A maximum lot coverage of 27.5%.
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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 currently is a one–story residential detached dwelling on the property that is to be demolished.

3. Planning considerations:

The request for variances are to facilitate a new proposed one-story residential dwelling on the property.

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 Residential Area 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 contest 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, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.
- 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 “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 variances 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. The general intent of setbacks is to ensure that the use of a property does not infringe on the rights of neighbours, and to allow sufficient space for sunlight, airflow, privacy, landscaping, stormwater run-off, and movement around the home / accessory buildings. The intent is also to ensure compatibility and consistency within the existing neighbourhood. In the case of the subject property, the proposed dwelling will be located approximately 1.28m and 1.24m from the interior property lines, whereas the required interior side yard setback is 1.8m for buildings that are beyond 5.7m in height. The proposed reduction to the interior side yard setback appears to maintain a functional space and distance from the interior side yards and the impacts to neighboring properties appears to be minimal.

The general intent of maximum lot coverage provisions is to limit the built form of structures in order to maintain compatibility and similarity of structures, and to ensure adequate amenity space. By limiting lot coverage, building size is restrained and ensures that houses are similar in size. The maximum lot coverage for the subject property is 25% and the applicant is requesting a maximum lot coverage of 27.5%.

The requested variance represents a small increase in coverage that will result in a dwelling that is in keeping with the surrounding area, and will not significantly impact the functional space of the lot. 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. As the requested relief would allow the property owner to invest in their property and 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, it is not just the numerical value; the Committee is requested to consider the overall impact of the variance. The overall impact of the proposed variance appears to be minimal as despite the reduced setbacks and increased coverage, the proposed dwelling would still be compatible with the overall diversity of dwelling types within the neighbourhood. In addition, significant impacts to surrounding properties are not anticipated. This test is met.

In consideration of the above, the proposed variance meets the four tests under the *Planning Act*.

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.

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

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,



Janany Nagulan
Planner

