



Planning Report

TO: Committee of Adjustment

FROM: Janany Nagulan
 Planner

DATE: April 16, 2021

RE: Application for Minor Variance **D13-A12-2021**
 753 Srigley Street
 Town of Newmarket
 Made by: CAMPBELL, Scott Peter Douglas, and ALLAN, Kristy Inga

1. Recommendations:

That Minor Variance Application D13-A12-2021 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.
3. 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.
4. 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 new detached garage in the rear yard due to insufficient space at the front of the property and an existing creek that is running through the property. 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 structures beyond 5.7m in height.	A minimum side yard setback of 1.5m for structures beyond 5.7m in height.
2	2010-40	Section 6.2.2 Zoning Standards for Residential Zones	A minimum rear yard setback of 7.5m.	A minimum rear yard setback of 1.2m.

The above-described property (herein referred to as the “subject property”) is located in a residential neighbourhood, east of Prospect 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 facilitate the construction of new detached garage in the rear yard due to insufficient space at the front of the property and an existing creek running through the property. Lake Simcoe Region Conservation Authority (LSRCA) has advised the applicant that a significant portion of rear yard is within a flood plain located on either side of the existing creek. This has resulted in the proposed detached garaged to be located into the rear yard. Access to the garage would be from the rear of the property, via Bogart Avenue.

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 with detached garages. 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 neighbourhood. In the case of the subject property, there is insufficient space for the proposed garage to be located at the front of the property. Also, there is an existing creek that is running through the property which has forced the proposed garage to be located in the rear yard. The garage will have to be accessed via Bogart Avenue due to the existing creek. The proposed reduction to the rear and interior side yard setback appears to maintain a functional space and the impacts to neighboring properties appears to be minimal.

The requested variances are necessary due to the lack of space at the front of the property and the existing creek running through the property and the proposal 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 simply 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, the proposed garage would continue to be compatible with the surrounding neighbourhood. 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 services has required that the applicant obtain the required approvals from LRCA which the applicant has done.

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:

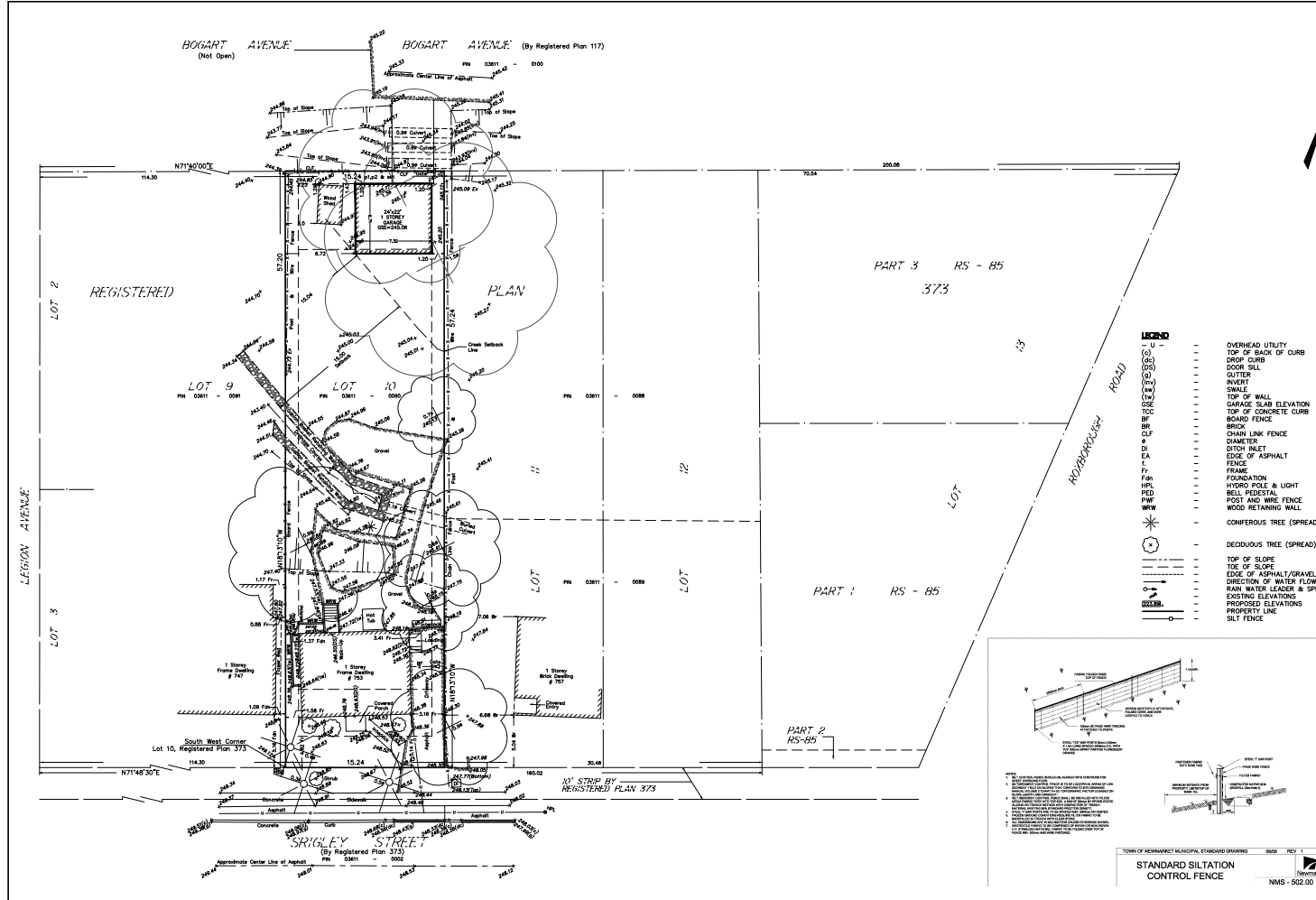
The relief as requested:

- (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



SKETCH TO ILLUSTRATE PRELIMINARY

SCALE 1:200
5 4 3 2 1 0 5 10 Metres
LLOYD & PURCELL A DIVISION OF SCHAFER DZALDOV BENNETT LTD.

GEOGRAPHIC NOTE
LOT 10
REGISTERED PLAN 373
TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK

BENCHMARK
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE TOWN OF NEWMARKET BENCHMARK N° 8 HAVING A PUBLISHED ELEVATION OF 262.500 (COVID 28.76) METRES.

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

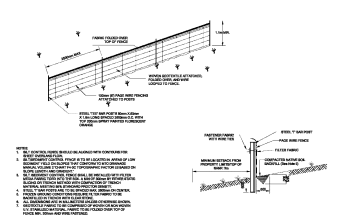
- NOTES**
1. ALL FOOTING FORMWORK ELEVATION ARE TO BE CONFIRMED BY A REGISTERED PROFESSIONAL ENGINEER OR A REGISTERED ONTARIO LAND SURVEYOR PRIOR TO THE PLACING OF ANY CONCRETE.
 2. PRIOR TO THE SUPERSTRUCTURE WORKS PROCEEDING AND THE RELEASE OF THE COMPLETION STAGE PERMIT, THE OWNERS CONSULTANT MUST CERTIFY THAT THE TOP OF FOUNDATIONS IS IN CONFORMITY WITH THE GRADING PLAN REVIEWED BY THE TOWN.
 3. ALL RAINWATER LEADERS & SCUPPER DRAINS TO DISCHARGE ONTO SPLASH PADS AT GROUND LEVEL.
 4. THE INTENT OF THE EXISTING DRAINAGE PATTERN IN THE AREA OF THE SITE SHOULD BE MAINTAINED.
 5. A 0.60% WIDE UNDISTURBED STRIP IS TO BE PROVIDED ALONG ALL BOUNDARIES WITH ADJACENT PROPERTIES.
 6. ALL FRONT AND REAR YARDS SHALL BE GRADED AT A 1% SLOPE WITHIN 5.0M OF THE DWELLING UNIT.
 7. MAXIMUM DRIVEWAY SLOPE SHALL BE 6% UNLESS OTHERWISE SHOWN.
 8. ALL YARD AREAS SHALL RECEIVE A MINIMUM 100mm OF TOP SOIL PLUS 500.
 9. THE MAXIMUM ALLOWABLE SLOPE IS 3:1 (HORIZONTAL TO VERTICAL) WITH A MAXIMUM ELEVATION DIFFERENCE OF 300MM.
 10. SILTATION CONTROL METHODS SHALL BE USED AROUND LOT PERIMETER TO PREVENT EROSION OR SILTATION.
 11. MINIMUM DEPTH OF SHOULDS AROUND PROPERTY TO BE 100MM.
 12. THE OWNER SHALL CONTACT THE OPERATIONS SECTION OF THE ENGINEERING & PUBLIC WORKS DEPARTMENT AND MAKE ARRANGEMENTS NECESSARY FOR DRIVEWAY ACCESS AND SITE SERVICE CONNECTIONS.
 13. THE OWNER SHALL CONTACT THE TOWN BUILDING SERVICES DIVISION A MINIMUM 48 HOURS IN ADVANCE OF CONSTRUCTION OF ANY RETAINING WALL DEEMED TO BE A "DESIGNATED STRUCTURE" IN ORDER TO ARRANGE FOR ANY NECESSARY INSPECTIONS.
 14. NO TREES TO BE REMOVED WITHOUT PRIOR CONSENT FROM THE TOWN'S ARBORIST.
 15. GRADING IS TO BE KEPT AS CLOSE TO THE PERIMETER OF THE DWELLING AS POSSIBLE.
 16. ANY RETAINING WALLS GREATER THAN 1.0m WILL REQUIRE PROFESSIONAL ENGINEER DESIGN AND SIGN OFF.
 17. THE OWNER IS RESPONSIBLE TO ENSURE ALL CONSTRUCTION ACTIVITY AND FINAL PRODUCT CONFORMS TO ALL TOWN BY-LAWS.
 18. THIS DRAWING IS FOR GRADING PURPOSE ONLY. READ IN CONJUNCTION WITH APPROVED ARCHITECTURAL & STRUCTURAL DRAWINGS.
 19. ANY DAMAGES TO MUNICIPAL SERVICES AND/OR ADJACENT PROPERTIES MUST BE RESTORED BY THIS HOMEOWNER AND/OR CONTRACTOR.
 20. THE AVERAGE GRADE IS 245.04.

- LEGEND**
- U - OVERHEAD UTILITY
 - (C) TOP OF BACK OF CURB
 - (DS) DROP CURB
 - (IN) INVERT
 - (HW) TOP OF CONCRETE CURB
 - (T) TOP OF WALL
 - (GC) GARAGE SLAB ELEVATION
 - (FC) TOP OF CONCRETE CURB
 - (B) BOARD FENCE
 - (BR) BRICK
 - (CL) CHAIN LINK FENCE
 - (P) DIAMETER
 - (D) DITCH INLET
 - (EA) EDGE OF ASPHALT
 - (F) FENCE
 - (FR) FRAME
 - (FPL) FOUNDATION
 - (H) HYDRO POLE & LIGHT
 - (B) BELL PIEDestal
 - (P) POST AND WIRE FENCE
 - (PWF) WOOD RETAINING WALL
 - (M) MIRE
 - (*) CONFEROUS TREE (SPREAD)
 - (○) DECIDUOUS TREE (SPREAD)
 - (---) TOP OF SLOPE
 - (- - -) TOP OF SLOPE
 - (- - -) EDGE OF ASPHALT/GRAVEL
 - (- - -) DIRECTION OF WATER FLOW
 - (- - -) RAIN WATER LEADER & SPLASH PAD
 - (- - -) EXISTING ELEVATIONS
 - (- - -) PROPOSED ELEVATIONS
 - (- - -) PROPERTY LINE
 - (- - -) SILT FENCE

CAUTION
THIS IS NOT A PLAN OF SURVEY. INFORMATION HAS BEEN DERIVED FROM A SURVEYOR'S REAL PROPERTY REPORT WITH TOPOGRAPHY BY LLOYD & PURCELL A DIVISION OF SCHAFER DZALDOV BENNETT LTD DATED JANUARY 14, 2021 (FILE NO. N1-373-10) AND HAS NOT BEEN CORRECTED IN THE FIELD.
THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR ANY REAL ESTATE TRANSACTIONS.

SURVEYOR'S CERTIFICATE
I HAVE REVIEWED THIS SITE PLAN FOR THE DETACHED GARAGE AT NO. 753 SPRIGLEY STREET
IT IS MY BELIEF THAT THE GRADES AS SHOWN WILL PRODUCE ADEQUATE SURFACE DRAINAGE WITHOUT DETRIMENTAL EFFECT ON ADJACENT PROPERTIES.

JANUARY 18, 2021
T.M. PURCELL
ONTARIO LAND SURVEYOR



TOWN OF NEWMARKET MUNICIPAL STANDARD DRAWING 0008 REV 1
STANDARD SILTATION CONTROL FENCE
NMS - 502.00

LOT GRADING PLAN
(PREPARED FOR JEFF ALLAN)

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LLOYD & PURCELL
A DIVISION OF SCHAFER DZALDOV BENNETT LTD.
ONTARIO LAND SURVEYORS

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WWW.LLOYDANDPURCELL.COM

CAD: DL PCL: LM JOB: 21-036
CALC: RMK CHK'D: TMP FILE: N1-373-10-1



March 9, 2021

E-Mail

Town of Newmarket
395 Mulock Drive
PO Box 328 STN Main
Newmarket, On
L3Y 4X7

Attn: To Whom it May Concern

**RE: 753 SRIGLEY STREET
PROPOSED REAR GARAGE
LSRCA FLOOD PLAIN CONCERN
CIVIL ENGINEERING SUMMARY**

This is to confirm that our firm was retained by Jeff Allan, on behalf of the owner of the subject property, to contact and assist in a response to the Lake Simcoe Region Conservation Authority's (LSRCA) concerns with a proposed garage to be constructed in the rear yard of 753 Srigley Street. The LSRCA concerns are expressed in their attached email of January 27 & January 22, 2021 sent by Chris Currie (Environmental Regulations Analyst).

Jeff Allan had originally provided to the LSRCA a site plan prepared by Llyod & Purcell OLS, showing the new garage in the rear yard, meeting the Town's off set requirements from the Bogart Street cul-de-sac. However, that places the new garage in the 15m wide regulated zone adjacent the existing creek that meander through the back yard. See the attached plan by Llyod & Purcell; Garage in 15m setback.

The LSRCA initially advised in their January 22, 2021 email, that a significant portion of this rear yard is within a flood plain located on either side of the existing creek that meanders through the rear yard. Further, that depending on the proposed location of the new garage it would have different impacts to this floodplain and require different assessments and reports depending on its location.

If the garage was within the 15m off set from the creek as originally proposed, then a hydrogeological assessment and hydraulic analysis would be required. Even if these reports were completed, it does not mean that the results would be favorable or that the LSRCA would approve the request to locate the garage within this 15m zone. If the garage is outside of the 15m off set, then only the hydraulic analysis would be required. Again, having the hydraulic analysis completed may not conclude a favorable result or consent from the LSRCA.

As a result of that correspondence, Jeff Allan had the second attached revised site plan created (Garage rev outside 15m setback), showing the garage outside of the 15m off set from the creek, closer to the Bogart Avenue cul-de-sac. This was sent to Chris Currie at the LSRCA, whom I then contacted to request a discussion about possible alternatives to accommodate the new garage that is possibly still within the flood plain.

In that discussion, Chris Currie acknowledged that due to the existing structure located beside the proposed garage, hydraulic impact would be minimal. Also, the new location of the garage is significantly at a higher elevation than the original location. As such, Chris Currie agreed to have this revised location reviewed by technical staff at the LSRCA.

As a result of the more detailed review by technical staff, the LSRCA confirmed that the garage elevation was above, and outside of the flood plain limits. Because of that, the hydraulic analysis is not even required. Please refer to the attached February 11, 2021 email from the LSRCA. A subsequent call with Chris Currie at the LSRCA confirmed that the LSRCA would have no objections to the garage's location and that Jeff Allan would get LSRCA support should a request for a minor variance be made to the Town to locate the garage closer to Bogart Avenue cul-de-sac.

Yours truly,

a.m. candaras associates inc.



Don Roughley, Hon. B.Sc.,
Senior Associate

cc: Jeff Allan

encl: LSRCA email of January 27 & 22, 2021
Lloyd Purcell OLS – Garage in 15m setback (new garage and topographic survey)
Lloyd Purcell OLS – Garage Rev outside 15m setback (new garage and topographic survey)
LSRCA email of February 11, 2021