



PLANNING AND BUILDING SERVICES

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Planning Report

To: Committee of Adjustment

From: Patricia Cho
Planner

Date: May 14, 2021

Re: Application for Minor Variance D13-A14-2021
LOT 13, PLAN 65M3724
Town of Newmarket
Made by: Shining Hill Estates Collection Inc.

1. Recommendations:

That Minor Variance Application D13-A14-2021 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 submitted with the application; and,
- iii. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

2. Background:

The above-described property (herein referred to as the "subject lands") is located west of Yonge Street between Isaac Philipps Way and Kalinda Road. The subject lands are located between registered plan 65M3742 (also known as the former Great Gulf Development) and the Draft Approved Shining Hill Phase 1 lands (19T-2018-001). The lands are subject to approved Official Plan and Zoning By-law Amendments (OPA 21 and ZBA 2018-17), in addition to a draft approved Plan of Subdivision (19T-2018-001), for the development of townhouses and semi-detached dwellings.

The lands subject to the variance application are highlighted in red on the context map provided below. These lands are located within the former Great Gulf Development and were purchased in 2020 by the current owner of the lands to the south, Shining Hill Estates Collection Inc. As the northern lands were purchased by the applicant in 2020, the part lots were not subject to the 2018 approved Zoning By-law Amendment. As such, the applicant applied for minor variances to the Committee of Adjustment (our file nos. D13-A05-20 to D13-A09-20) and were granted the same zone standards that were approved for the lands to the south in 2018. During the review stage for the applicant's building permit application, it was identified that there was a deficiency in the front yard setback.



3. 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 permit the proposed semi-detached dwelling. The description of the proposed variance is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.2.2 Zone Standard s for Residenti al Zones	A minimum front yard setback of 4.5 metres.	A minimum front yard setback of 4.0 metres.

4. Planning considerations:

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 "Emerging Residential" in the Town's Official Plan, through Official Plan Amendment 21, approved by Council in 2018. This designation permits a range of residential accommodation built forms. Regarding this designation, the Town's Official Plan states:

It is the objective of the Emerging Residential Area policies to:

- a) provide for a range of residential accommodation by housing type, tenure, size, location and price ranges to help satisfy the Town's housing needs; and,
- b) encourage the provision for a range of innovative and affordable housing types, zoning standards and subdivision designs.

This designation permits, among other uses, single- and semi-detached dwellings, as well as rowhouses and townhouses, subject to a review of the proposed densities as a part of the application process.

The subject lands were subject to an Official Plan and Zoning By-law Amendment in 2018, which included the submission of various studies and reports, including a planning justification report which looked at compatibility of the proposed development.

In Staff Report 2018-16 staff found that the proposed townhouses and semi-detached dwelling development was compatible with the surrounding uses being single and semi-detached dwellings to the immediate north. Council approved the Official Plan and Zoning By-law Amendment in 2018.

The application is found to conform to the Official Plan as semi-detached dwellings and townhouses are permitted within the "Emerging Residential" designation. This test is met.

Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Semi-Detached Dwelling (R2-H) Zone by By-law 2010-40, as amended. Semi-detached dwellings are permitted uses in this zone.

The requested variance is looking to apply similar zone standards that are currently established for the lands to the south (R4-R-143) Zone, to the northern (R2-H Zone) lands. Currently in the By-law, the R2-H Zone requires a minimum front yard setback of 4.5 metres. The R4-R-143 Zone requires a minimum front yard setback of 4.0 metres and this setback was approved through By-law 2018-17. The general intent of front yard setbacks is to ensure that a consistent character is maintained along streetscapes and that sufficient front yard space is incorporated into the design of neighbourhoods. Front yard setbacks also ensure that adequate separation is achieved between buildings and roadways.

In staff opinion, the requested front yard setback of 4.0 metres will allow a consistent development design with the lands to the south and conforms to the general intent of the Zoning By-law. This test is met.

Desirable for the appropriate development of the land

The variances are considered desirable for the development and the use of the land in that it is desirable to develop the lands in a consistent way with the approved development to the south, in accordance with the Official Plan and the Zoning By-law. This will allow the applicant to suit their needs without impact to neighbours or the community.

The variance is considered desirable for the development and the use of the land and therefore this test is met.

Minor nature of the variance

The proposed variance is considered minor in nature as it would allow the development of the lot which does not significantly vary from the requirements of the current zoning. The proposed variance will result in development that is consistent with the previously approved development to the south.

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

5. 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 comment with regard to this application.

Engineering Services defers comments to the Planning Department and does not object to this application.

The Region of York has no comment with regard to this application.

Effect of Public Input

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

6. 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,



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Planner