



PLANNING AND BUILDING SERVICES

Town of Newmarket

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Planning Report

TO: Committee of Adjustment

FROM: Janany Nagulan
Planner

DATE: May 14, 2021

RE: Application for Minor Variance D13-A17-21
239 Pine Street
Made by: LEACH, Steven

1. Recommendations:

That Minor Variance Application D13-A17-21 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 submits a sealed grading plan designed and stamped by a P.Eng of Ontario to the Town, complying with the Town standards for grading and drainage requirements.
4. 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.
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

2. Application:

An application for minor variances has been submitted by the above-noted owners to request relief from Zoning By-law Number 2010-40 as amended in order to construct a detached garage in their rear yard. The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	4.1.2 vi	Maximum lot coverage for an accessory building of the lesser of 10% of the lot area or 75% of the ground floor area of the main building	Lot coverage for an accessory building of 89.11% of the ground floor area of the main building.

The above-described property (herein referred to as the "subject property") is located in a residential neighbourhood, north of Gorham Street and east of Prospect Street. There is an existing single-detached residence on the property. It is abutting a similar single detached home to the south and abutting Fairgrounds Park to the north.

3. Planning considerations:

The request for variance is to facilitate the construction of a new detached garage in the rear yard of the subject property. The proposed garage will be replacing a smaller existing garage.

A minor variance application was submitted in 2020, for a similar proposal. The requested variance were a reduction to the side yard setback to 0.61m and to permit the lot coverage for an accessory building to be 117.19% of the ground floor area of the main building. The request for these variances were denied.

The current proposed location of the detached garage meets the required setback of 1.2m. The requested lot coverage for the detached garaged has been reduced from the owner's original request of 117.19% to 89.11% of the ground floor area of the main building.

In making a recommendation to the Committee, staff are required to consider the 4 tests under the *Planning Act*; 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 accommodation built form types. Regarding this designation, the Town's Official Plan states:

It is the objective of the Stable 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 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, 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 lands are zoned Residential Single Detached Dwelling 15m Zone (R1-D-119) by By-law Number 2010-40, as amended.

Section 4.1.2 of the Zoning By-law sets out provisions for accessory buildings and structures for all zones. The general intent of lot coverage is to limit the built form in order to maintain compatibility and similarity of structures. The maximum lot coverage for all accessory buildings on a lot represents the relationship to the size of the lot and to the primary dwelling.

The By-law allows a maximum coverage for all accessory buildings on a lot to be the lesser of 10% of the lot area or 75% of the ground floor area of the main building. In this instance, the lesser lot coverage is 75% of the ground floor area of the main building. The applicant is requesting an increase to the lot coverage from 75% to 89.11%. The ground floor area of the main building is 79.27 square metres, and the proposed garage is 70.64 square metres.

The proposed garage will be compatible with the surrounding lot arrangements and will meet the required setbacks. Therefore, the impact is expected to be minimal. This test is met.

Desirable development of the lot

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 variances

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 increased lot coverage, the proposed structure would still be compatible with 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 subject to compliance with Building Code.

Engineering services has requested that the applicant submit a sealed grading plan designed and stamped by a P.Eng of Ontario complying with the Town standards for grading and drainage requirements. This has been reflected in the conditions.

The Regional Municipality of York has no comment on the application.

Lake Simcoe Region Conservation Authority 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:

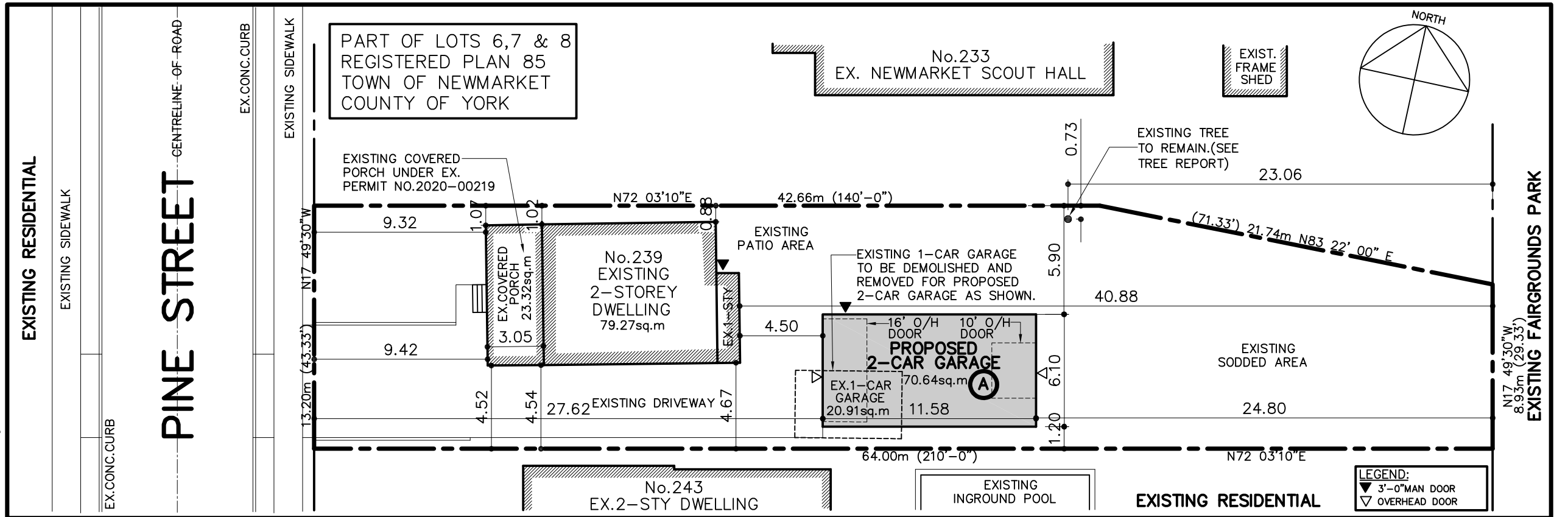
The relief as requested:

- (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



SITE INFORMATION:

LOT AREA: 800 sq.m.

BUILDING AREA:

EXISTING HOUSE BUILDING AREA: 79.27sq.m.

EXISTING COVERED PORCH: 23.32sq.m.

GARAGE LOT COVERAGE:

PROPOSED LOT COVERAGE: 8.83%

GARAGE AREA:

PERMITTED 75% OF GROUND FLOOR

AREA:

ALLOWABLE AREA: 59.44 sq.m.

PROPOSED AREA: 70.64 sq.m.

PROPOSED %:

89.11%

PROPOSED GARAGE SETBACKS:

FRONT YARD SETBACK: 27.62m

REAR YARD SETBACK: 24.80m

SIDEYARD SETBACK: 1.20m

SIDEYARD SETBACK: 5.90m

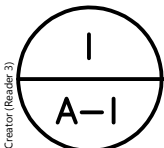
HEIGHT:

EXISTING DWELLING: 6.55m

PROPOSED 2 CAR GARAGE: 3.84m

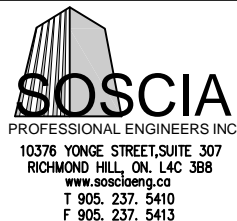
VARIANCES:

A VARIANCE FOR GARAGE AREA EXCEEDING 75% OF GROUND FLOOR AREA.



SITE PLAN

SCALE: 1:250



Title:

**PROPOSED
2-CAR
GARAGE**

**239 PINE STREET
NEWMARKET, ON.**

			Drawn:	N.R.	JOB NO:
					20-126
			Checked:	S.S.	D'wg. no.
					AI
No:	Revision:	Date:	Date:	SEPT 2020	
3.	SETBACKS INFORMATION ADJUSTED.	APR28-21			
2.	ISSUED FOR C.O.A. MINOR VARIANCE OF ALLOWABLE AREA	FEB24-21			
1.	ISSUED FOR C.O.A. MINOR VARIANCE	OCT7-20			