



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

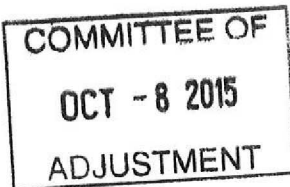
www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

REPORT



TO: Committee of Adjustment

FROM: Linda L. Traviss, MCIP, RPP
Senior Planner - Development

DATE: October 7, 2015

RE: Application for Minor Variance **D13-A15/15**
Part Lot 42, Plan 314
752 Arthur Street
Made by: John Sherman and Janet Sherman

1. **RECOMMENDATIONS:**

That Minor Variance Application D13-A15/15 be approved subject to the following conditions:

- 1. that the variances pertain only to the request as submitted with the application;**
- 2. that development be substantially in accordance with the sketch submitted with the application; and**
- 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 and the items identified by the Town's Consulting Arborist in a report dated September 14, 2015.**

2. **APPLICATION:**

Application for minor variance has been submitted by the above-noted owner to request relief from Section 6.2.2 Zone Standards, Regulatory Set D, of Zoning By-law Number 2010-40, as amended by By-law Number 2013-30 to permit a front yard setback of 5.80 metres for a proposed addition notwithstanding the by-law requirement that the proposed addition be no closer to the road than the abutting dwellings. Also, relief is sought to permit an interior side yard setback of 0.6 metres for the proposed addition notwithstanding the by-law requirement of 1.2 metres.

3. PLANNING CONSIDERATIONS:

The above-described property (herein referred to as the "subject land") is designated Stable Residential in the Town's Official Plan which was approved by the Region of York on May 29, 2008. The Plan permits single-detached and semi-detached dwellings. The proposed application would not conflict with the purpose and intent of the Official Plan.

The subject land is zoned Residential Detached Dwelling 15m Exception (R1-D-119) Zone on Map Number 13 of Schedule 'A' to Zoning By-law Number 2010-40, as amended by By-law Number 2013-30. A detached dwelling is a permitted use within this zone.

The applicant is proposing to construct an enclosed porch addition to the existing one-storey dwelling as shown on the proposed Site Plan. Relief is requested from the by-law to permit the addition to be constructed at the front of the existing dwelling. The proposed addition will be closer to the front lot line and the side lot line than the by-law permits.

The by-law requires that structures built between existing buildings shall be built with a setback which is within the range of the existing front yard setbacks for abutting buildings. The existing dwellings on either side of the subject lands have front yard setbacks of 9.04 metres and 8.59 metres whereas the applicant is proposing a setback of 5.80 metres. Further, the by-law requires a minimum interior side yard setback of 1.2 metres whereas the applicant is proposing an interior side yard setback of 0.6 metres. The plans submitted with the application indicate the proposed addition is to be setback a distance of 1.05 metres from the side lot line; however the applicant is requesting relief to permit an interior side yard setback of 0.6 metres. The addition, if constructed, would be 2.79 metres closer to the front property line and up to 0.6 metres closer to the side lot line than the by-law permits.

The impact of the reduced front yard setback should be minimal on the adjacent properties as the proposed addition will be constructed in approximately the same footprint as an existing open, covered porch. There are mature trees on the subject lands that provide partial screening of the proposed addition.

The reduction requested for the interior yard setback should have a negligible impact on the neighbouring property as the proposed addition is in closest proximity to the driveway on the adjacent lands. A suitable yard will be provided for maintenance purposes. The requested relief would not be considered out of character with the residential neighbourhood.

In consideration of the above, the proposed minor variance is deemed appropriate and in keeping with the general intent of the Official Plan and Zoning By-law.

4. OTHER COMMENTS:

The application is subject to the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy that was adopted by Council on October 12, 2004. The policy provides that all significant trees, as defined in the policy, and subject to a development application, may not be removed, injured, pruned or destroyed in any way without the approval of the Town. Significant trees that have been identified in a tree inventory which cannot be protected due to development constraints can be removed with the Town's approval, provided compensation is provided to the Town. Compensation may be in the form of aggregate inch replacement trees or financial payment.

The applicant has submitted with the application a report prepared by Brent Potter which identifies the trees that are to be protected during construction. The report has been reviewed by the Town's Consulting Arborist and the comments have been provided to the applicant and Committee under separate cover. If Committee were to approve the application, additional information as identified in the report of the Town's Consulting Arborist is required prior to the issuance of a building permit for the proposed addition.

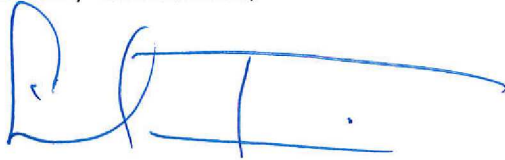
As of the time of writing this report comments have not been received from the Chief Building Official or the Senior Engineering Development Coordinator – Residential. If there are comments they will be provided under separate cover.

5. CONCLUSIONS:

The relief as requested:

- (1) appears to be minor in nature as the impact on adjacent properties will be negligible;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning Bylaw as both documents permit detached dwellings; and
- (3) does not adversely affect the character of the neighbourhood as the use is permitted and normally contemplated as part of a detached dwelling and is desirable for the appropriate development or use of the land, buildings or structures.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'L. Traviss', with a long horizontal stroke extending to the right.

Linda L. Traviss, MCIP, RPP
Senior Planner - Development

copy: Rachel Prudhomme, M.Sc., P.Eng., Director, Engineering Services

**COMMITTEE OF ADJUSTMENT**

Town of Newmarket
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
kpelham@newmarket.ca
T: 905.953.5300 Ext. 2456
F: 905.953.5140

OCT. 16/15
NO OBJECTION SUBJECT
TO COMPLIANCE WITH
BUILDING CODE.

**Notice of Application
for Minor Variance**

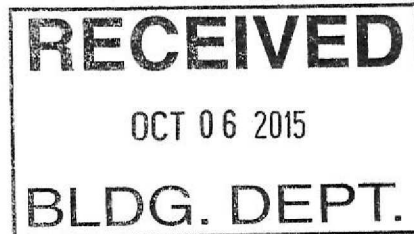
IN THE MATTER OF Subsection 1 or 2 of Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

IN THE MATTER OF an application for Minor Variance or for Permission for relief from Bylaw Number 2010-40, as amended by Bylaw Number 2013-30.

MADE BY: SHERMAN, John
SHERMAN, Janet

FILE NUMBER: D13-A15-15

SUBJECT LAND: Part Lot 42, Plan 314
752 Arthur Street
Town of Newmarket
Ward No.: 2



The purpose of the application is as follows:

The applicant is proposing a one storey addition to the front of the existing dwelling. Relief is requested from Zoning Bylaw Number 2010-40, as amended by Bylaw Number 2013-30, Section 6.2.2 Zone Standards Regulatory Set D, to permit the new addition to have an easterly side yard setback of 0.6 metres and a front yard setback of 5.8 metres, whereas the by-law requires the addition to be no closer to the road than the abutting dwellings and provide a side yard setback of 1.2 metres.

THE COMMITTEE OF ADJUSTMENT WILL HEAR THE APPLICATION ON WEDNESDAY, OCTOBER 21ST, 2015 AT 9:30 A.M., IN THE COUNCIL CHAMBERS, IN THE MUNICIPAL OFFICES AT 395 MULOCK DRIVE, NEWMARKET, ONTARIO.

You are entitled to attend this Public Hearing in person to express your views about this application or you may be represented by Counsel or by someone appointed by you for that purpose.

If unable to attend the Hearing you may submit written comments in support of or in opposition to this application and they must be delivered to the Secretary-Treasurer, Committee of Adjustment, Town of Newmarket, 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7 not later than the time set for the Hearing.

If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Secretary-Treasurer, Committee of Adjustment, Town of Newmarket, 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.

IMPORTANT NOTICE: If you do not attend at the Hearing it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this Hearing.

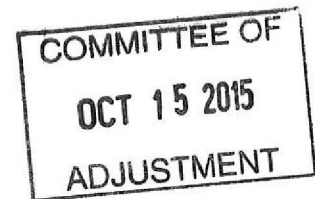
DATED at the Town of Newmarket this 6th day of October, 2015.


Secretary-Treasurer
Committee of Adjustment

PLEASE REFER TO THE ATTACHED SKETCH(ES) FOR THE LOCATION OF THE LAND AND GENERAL DETAILS OF THE APPLICATION. IF MORE INFORMATION IS REQUIRED, CONTACT THE SECRETARY-TREASURER AT (905)-953-5300, EXT. 2456, FOR ASSISTANCE OR FAX NUMBER (905)-953-5140.



DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES
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395 Mulock Drive engineering@newmarket.ca
P.O. Box 328, STN Main T: 905 895.5193
Newmarket, ON L3Y 4X7 F: 905 953 5138



MEMORANDUM

TO: R. Nethery, B.E.S., MCIP, RPP, Director of Planning

FROM: V. Klyuev, B.A., C.E.T., Senior Engineering Development Coordinator – Residential

DATE: October 8, 2015

RE: Notice of Application for Minor Variance
File No. D13-A15-15
752 Arthur Street
Made by: Sherman, John and Sherman, Janet

We herein acknowledge receipt of the Notice of Application for Minor Variance from the Town of Newmarket Zoning By-law 2010-40 as amended by Bylaw Number 2013-30, as follows:

Section A .2.2 Zone Standards Regulatory Set D, to permit the new addition to have an easterly side yard setback of 0.6 metres and a front yard setback of 5.8 metres, whereas the by-law requires the addition to be no closer to the road than the abutting dwellings and provide a side yard setback of 1.2 metres.

We have reviewed the application and supporting documentation and have no objection to the proposed minor variance provided that existing drainage patterns are not altered, any increase in stormwater runoff is maintained onsite and construction does not occur within any easement(s), where applicable.

Should you have any questions please contact the undersigned.

Sincerely,

ENGINEERING SERVICES

V. Klyuev, B.A., C.E.T.
Senior Engineering Development Coordinator – Residential

File No.: VK031

COPY: R. Bingham, C.E.T., Manager of Engineering and Technical Services
File digital and hardcopy

Pelham, Kym



From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: October-13-15 11:33 AM
To: Pelham, Kym
Subject: Re: D13-A15-15 - 752 Arthur Street
Attachments: 2015 - D13-A15 (Sherman) Application.pdf; 2015 - D13-A15 (Sherman) Notice.pdf

Good Morning Kym,

The Region of York Has completed its review of the above Minor Variance Application and has no objection. Please contact me if you require any additional information.

Regards,
Gabrielle

Gabrielle Hurst, MCIP. RPP. C.Tech | Programs and Process Improvement Section of the Planning and Economic Development Branch | Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O 1-877-464-9675 ext. 71538 | gabrielle.hurst@york.ca | www.york.ca
Our Values: Integrity, Commitment, Accountability, Respect, Excellence

Sent: Tuesday, October 06, 2015 7:44 AM
To: Bilkhu, Vick
Subject: D13-A15-15 - 752 Arthur Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A15-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, October 15, 2015.

Thanks
Kym

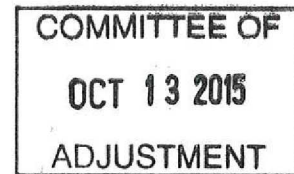


Kym Pelham, ACST
Committee Secretary
Planning and Building Services
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kpelham@newmarket.ca
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Pelham, Kym

From: Kevin Jarus <K.Jarus@lsrca.on.ca>
Sent: October-13-15 9:24 AM
To: Pelham, Kym
Cc: Pat Harnett
Subject: D13-A15-15 LSRCA Comments 752 Arthur



Good morning Kym,

Please be advised that we have no comments or concerns with the subject application for minor variance. Should you have any questions, please feel free to contact me.

Regards,

Please Note: I will be out of the office on vacation from Thursday, Oct 15th until November 4th, 2015.

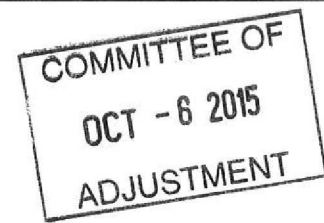
Kevin Jarus, M.Pl.
Development Planner
Lake Simcoe Region Conservation Authority
120 Bayview Parkway, Newmarket, Ontario L3Y 3W3
905-895-1281, ext. 151 | 1-800-465-0437
k.jarus@LSRCA.on.ca | www.LSRCA.on.ca

Twitter: @LSRCA

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Pelham, Kym

From: Bilkhu, Vick <Vick.Bilkhu@york.ca>
Sent: October-06-15 9:54 AM
To: Pelham, Kym
Subject: RE: D13-A15-15 - 752 Arthur Street



Thanks for the circulation but we have no comments on this application.

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Tuesday, October 06, 2015 7:44 AM
To: Bilkhu, Vick
Subject: D13-A15-15 - 752 Arthur Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A15-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, October 15, 2015.

Thanks
Kym



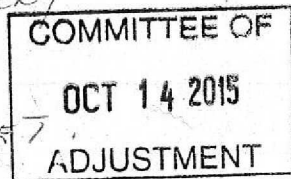
Kym Pelham, ACST

Committee Secretary
Planning and Building Services
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MARGARET ANN STORY

748 ARTHUR STREET

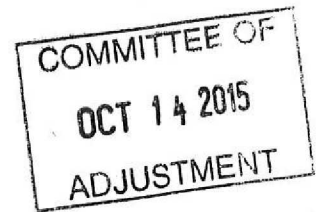


I have resided at this address since 1955. I feel the property at 752 Arthur St. definitely needs to have the addition on the front of their house.

It is very dangerous when walking in their front door as there are stairs just inside the door. You would need to be extremely careful not to fall down said stairs.

Margaret Ann Story

HENRY JOHN SOARES
JIAN SOARES
754 ARTHUR ST.
NEWMARKET
CB11 153
OCT. 19/16



To whom it may concern,
We have no objections
to this proposed variance (porch) at 752 ARTHUR ST.
Town of Newmarket, Ward 2.

H. J. Soares.
[Signature]
Soares.

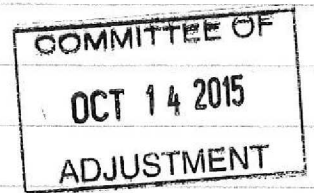
October 14/2015

To Thom & Mary Concern

This is to advise that we at 766 Arthur Street in the town of Newmarket have no objections whatsoever towards the addition of a new front porch on the home located at 752 Arthur Street.

Trusting this to be satisfactory with you.

C. White
C. Burdley



L.S.

We are well aware this is to be a enclosed addition.