



## PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

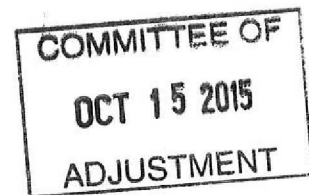
www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

### REPORT



TO: Committee of Adjustment

FROM: Meghan White, MCIP, RPP  
Planner

DATE: October 15, 2015

RE: Application for Minor Variance **D13-A19/2015**  
Lot 1, Plan 438  
216 Avenue Road  
Made by: Trina Stork

#### 1. RECOMMENDATIONS:

That Minor Variance Application D13-A19/2015 be approved, subject to the following conditions:

1. That the variance pertains only to the requests as submitted with the application;
2. 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 with the items identified by the Town's Consulting Arborist in a report dated September 14, 2015; and
3. That the development be substantially in accordance with the sketch submitted with the application.

#### 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, in order to construct a detached garage.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, specifically at the south-west corner of Avenue Road and Kathryn Crescent. There is an existing single detached residence on the lot and it is surrounded by similar single detached homes.

#### 3. PLANNING CONSIDERATIONS:

The applicant is requesting relief from the By-law in order to construct a detached garage. The specific request for the proposed detached garage is to decrease the required rear yard setback from 7.5m to 4.2m.

In making a recommendation to the Committee, staff are required to consider the 4 tests under the *Planning Act*; staff offer the following comments:

The subject lands are designated "Stable Residential" in the Town's Official Plan. The objectives of the designation are to sustain and enhance the character and identity of existing residential communities and encourage the preservation and maintenance of the Town's existing housing stock. This designation permits single detached dwellings with a detached garage. Therefore the application is found to conform to the Official Plan.

The subject lands are zoned Residential Detached Dwelling 15.0 m Exception 119 (R1-D-119) Zone on Map Number 10 of Schedule 'A' to By-law Number 2010-40, as amended. A detached garage is a permitted use in this zone. The detached garage is subject to the same setback requirements as the main dwelling.

The general intent of a rear yard setback for a detached garage is to ensure adequate access around the building, adequate amenity space for the dwelling and privacy between neighbours. In this case, there are large mature trees between the abutting property to the west and a cedar hedge between the abutting property to the south. Also, there appears to be proper access proposed for around the detached garage for maintenance. This is a corner lot, with frontages on Avenue Road and Kathryn Crescent. The amenity space is found at the sides of the dwelling instead of behind it. The detached garage will be covering the amenity space on the west of the property, however, there will still be amenity space on the east side of the property.

It is desirable to have developed the lot with a detached garage as the Official Plan designation and the Zoning By-law both permit this use. It is considered desirable to permit a land owner to have a detached garage on a residential lot.

When considering if the variances are minor, it is not simply the numerical value; the Committee is requested to consider the impact of the variances. The impact of the proposed variances appears to be minimal as there is vegetation to screen the structure from neighbouring properties and amenity space on the east side of the property.

In consideration of the above, the proposed variances meet the four tests under the *Planning Act*.

#### **4. OTHER COMMENTS:**

At the time of writing, comments from Engineering Services had not yet been received.

The Lake Simcoe Region Conservation Authority and the Chief Building Official have no concerns with the proposal.

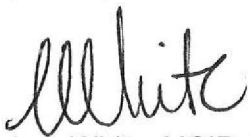
The applicant submitted an Arborist Report by Noica Consulting Inc., dated August 30, 2015. The Town's Consulting Arborist reviewed the plan and provided comments on September 15, 2015. The comments generally speak to protecting trees on the property. Further information regarding the care and preservation of the trees is required. As per the recommended conditions for this variance, the Town's Consulting Arborist's comments will have to be addressed prior to the issuance of any permits for the proposed garage.

**5. CONCLUSIONS:**

The recommendation of approval for the variance is based on the rationale described above and specifically that the relief as requested:

- (1) is minor in nature as the impact on adjacent properties appears to be minimal;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit residential uses on the property; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. White'.

Meghan White, MCIP, RPP  
Planner

copy: R. Prudhomme, P. Eng. – Director Engineering Services

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**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

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engineering@newmarket.ca

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**M E M O R A N D U M**

**COMMITTEE OF  
OCT 15 2015  
ADJUSTMENT**

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-A19-15  
216 Avenue Road  
Made by: STORK, Trina J.

The applicant is proposing a one storey garage. 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 6.2.2 Zone Standards Regulatory Set D to permit the new garage to have a rear yard setback of 14 feet, whereas the bylaw requires 25 feet.

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

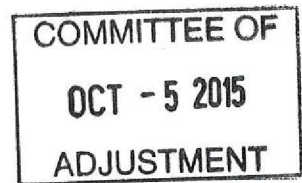
File No.: VK032

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

## Pelham, Kym

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**From:** Kevin Jarus <K.Jarus@lsrca.on.ca>  
**Sent:** October-05-15 2:10 PM  
**To:** Pelham, Kym  
**Cc:** Pat Harnett  
**Subject:** 216 Avenue Road MV



Good afternoon Kym,

In relation to the minor variance application for the subject property (file #D13-A19-15), please note we have no comments or concerns in relation to this application.

Regards,



**Kevin Jarus, M.P.I.**  
Development Planner  
**LSRCA** 120 Bayview Parkway, Newmarket, Ontario L3Y 3W3  
905.895.1281 x 151 | 1.800.465.0437  
[K.JARUS@LSRCA.on.ca](mailto:K.JARUS@LSRCA.on.ca) | <http://www.LSRCA.on.ca>

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## MEMORANDUM

COMMITTEE OF  
OCT - 6 2015  
ADJUSTMENT

**TO:** Committee of Adjustment

**FROM:** David Potter, CBCO, B. Tech., MAATO  
Chief Building Official

**DATE:** October 6, 2015

**RE:** Application for Minor Variance

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**File no:** D13-/A18 & A19-15

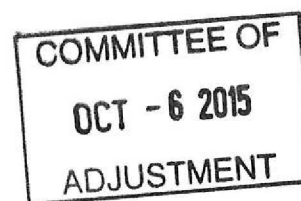
I have reviewed the above and have no objection to these requests.

  
David

**Pelham, Kym**

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**From:** RColhoun@hewitt.ca  
**Sent:** October-05-15 6:44 PM  
**To:** Pelham, Kym  
**Subject:** Minor variance file#d13-A19-15



Both owners of 193 Avenue Road

Sonia and Robert Colhoun

Have no problem with variance requested in the building of garage at 216 Avenue Rd

Regards,

Robert and Sonia Colhoun

Sent from my iPhone

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## Pelham, Kym

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**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** October-05-15 2:53 PM  
**To:** Pelham, Kym  
**Subject:** RE: D13-A19-15 - 216 Avenue Road



Good Afternoon 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

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

-----Original Message-----

From: Bilkhu, Vick  
Sent: Friday, October 02, 2015 9:40 AM  
To: Hurst, Gabrielle  
Subject: FW: D13-A19-15 - 216 Avenue Road

-----Original Message-----

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]  
Sent: Thursday, October 01, 2015 12:41 PM  
To: Bilkhu, Vick  
Subject: D13-A19-15 - 216 Avenue Road

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A19-15, 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

[[cid:image003.jpg@01CD5EA0.796BAB10](#)]

Kym Pelham, ACST  
Committee Secretary  
Planning and Building Services

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[kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)<mailto:kpelham@newmarket.ca>

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