



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

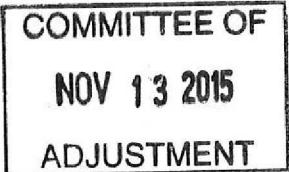
www.newmarket.ca

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: November 12, 2015

RE: Application for Minor Variance **D13-A20/15**
Part Lot 16, Plan 222
406 Tecumseth Street
Made by: Darcy Toombs and Michelle Gilbert

1. **RECOMMENDATIONS:**

That Minor Variance Application D13-A20/15 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 Site Plan, Building Elevation Plans and Floor Plans submitted with the application;**
- 3. that the applicants 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 October 3, 2015; and**
- 4. that the applicants be advised that prior to the issuance of any building permit, the owners will be required to enter into a site plan agreement with the Town for the development of the subject lands.**

2. **APPLICATION:**

Application for minor variance has been submitted by the above-noted owners to request relief from Section 6.2.2 Zone Standards, Regulatory Set D, of Zoning By-law Number 2010-40, as amended to permit a front yard setback of 3.47 metres for a proposed new detached dwelling notwithstanding the by-law requirement of 7.5 metres. Relief is requested to permit a three storey dwelling with a westerly side yard setback of 1.8

metres and an easterly side yard setback of 1.58 metres whereas the by-law permits a two storey dwelling with minimum side yard setbacks of 1.8 metres.

Further, relief is sought from Section 4.2 Encroachments Into Required Yards to permit a porch having a height of 4.12 metres to be setback a distance of 1.56 metres from the front lot line whereas the by-law permits a porch with a maximum height of 2.75 metres to encroach a distance of 2.4 metres into the required front yard.

3. PLANNING CONSIDERATIONS:

The above-described property (herein referred to as the "subject land") is designated Historic Downtown Centre in the Town's Official Plan which was approved by the Region of York on May 29, 2008. The Plan permits residential uses up to 80 units per net hectare. The proposed application would not conflict with the purpose and intent of the Official Plan.

The subject land is zoned Residential Detached Dwelling 15m (R1-D) Zone on Map Number 10 of Schedule 'A' to Zoning By-law Number 2010-40, as amended. A detached dwelling is a permitted use within this zone.

The applicants are proposing to demolish the existing two storey frame detached dwelling and construct a new three storey detached dwelling with an attached garage as shown on the proposed Site Plan, Building Elevation Plans and Floor Plans submitted with the application. The existing dwelling and porch are closer to the front lot line than the by-law permits. The dwelling has a front yard setback of 4.32 metres and Committee approved in 2012 a reduced setback of 1.7 metres for the existing porch. The existing dwelling has not been identified as a property of interest by the Heritage Newmarket Advisory Committee.

The applicants are requesting relief from the by-law to permit the new detached dwelling with attached garage to be constructed closer to the front property line than the by-law permits. Further, relief is requested to permit a three storey dwelling whereas the by-law only permits a two storey dwelling. The owners are also requesting relief to construct the proposed porch closer to the street and greater in height than the by-law permits.

The by-law requires a minimum front yard setback of 7.5 metres whereas the applicants are proposing a setback of 3.47 metres. The dwelling if constructed would be 4.03 metres closer to the front lot line than the by-law permits.

The by-law permits a two storey dwelling and requires minimum side yard setbacks of 1.8 metres whereas the applicants are proposing a three storey dwelling with side yard setbacks of 1.8 metres on the west side and 1.58 metres on the east side. If constructed

the dwelling would be one storey higher than the by-law permits and 0.22 metres closer to the east property line than the by-law permits.

The by-law permits a porch having a height of no more than 2.75 metres to encroach a distance of 2.4 metres into the required front yard. The porch if constructed would be 1.37 metres higher and 3.54 metres closer to the front lot line than the by-law permits.

The impact of the reduced front yard setback for the proposed dwelling and porch and the greater height requested for the porch should have a minimal impact on the adjacent and neighbouring properties as the existing setbacks in the area have already been established prior to the passing of the by-law and some properties, including the two dwellings on either side of the subject lands, have setbacks that are less than what is required by the current zoning by-law.

The existing homes in the immediate neighbourhood consist of detached dwellings that range between 1 ½ storeys and 2 ½ storeys. The proposed third storey will allow partial occupancy within the attic space and the overall height of the proposed dwelling is less than the by-law permits. The by-law permits a two storey dwelling to have a maximum height of 10.7 metres whereas the proposed dwelling will have a height of 8.65 metres. The impact of the additional storey should have a minimal impact on the neighbouring properties as the overall height is below the maximum allowable height of the by-law.

The impact of the reduced interior side yard should be minimal on the adjacent property as the requested reduction is only for an area at the northeast corner of the proposed dwelling. The 1.8 metre sideyard setbacks for the proposed three storey dwelling will provide sufficient space for the normal functioning of the subject land.

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 and would not be considered out of character with the existing residential neighbourhood.

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 Shady Lane Expert Tree Care Inc. dated August 26, 2015 which identifies the trees that are to be protected and the trees that are proposed to be removed. The report has been reviewed by the Town's Consulting Arborist and the comments dated October 3, 2015 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 new dwelling and attached garage.

The Chief Building Official has no comment/objection to the proposed variance.

The Lake Simcoe Region Conservation Authority has offered no comments or concerns with the proposed variance.

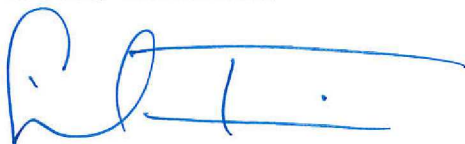
The Manager, Engineering Services has offered no objection to the proposed variance provided that existing drainage patterns are not altered, any increase in stormwater runoff is maintained onsite and construction does not occur within any easement(s), where applicable.

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 is desirable for the appropriate development or use of the land, buildings or structures.

Respectfully submitted,



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

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



Planning & Building Services
Office of the Building Inspector
TOWN OF NEWMARKET

395 Mulock Drive
P.O. Box 328
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MEMORANDUM

TO: Committee of Adjustment

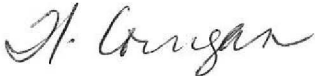

FROM: David Potter, CBCO, B. Tech., MAATO
Chief Building Official

DATE: November 11, 2015

RE: Application for Minor Variance

File no: D13-A20/A21/A23-15

I have reviewed the above and have no comment/objection at this time.


 David



DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES

Town of Newmarket

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M E M O R A N D U M

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

FROM: Rick Bingham, C.E.T., Manager, Engineering Services

DATE: November 6, 2015

RE: Notice of Application for Minor Variance
File No. D13-A20-15
Part Lot 19, Plan 222
406 Tecumseth Street
Made by: Toobs, Darcy and Gilbert, Michelle



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

1. Section 6.2.2 Zone Standards Regulatory Set D. to permit a new detached dwelling to have a front yard setback of 3.47 metres, whereas the bylaw requires 7.5 metres and to allow for a three storey detached dwelling with a westerly side yard setback of 1.8 metres and a easterly side yard setback of 1.58 metres, whereas the bylaw only permits two storeys with 1.8 metre side yard setbacks; and
2. Section 4.2 Encroachments into Required Yards to permit a porch having a height of 4.12 metres to be setback a distance of 1.56 metres from the bottom step to the front lot line, whereas the bylaw permits a porch, having a height of 2.75 metres or less to encroach a distance of 2.4 metres into the required front yard.

We have reviewed the application and supporting documentation and, advise that we have no objection to the 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

Rick Bingham, C.E.T.
Manager, Engineering Services

File No.: VK035

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

Pelham, Kym

From: Kevin Jarus <K.Jarus@lsrca.on.ca>
Sent: November-05-15 1:25 PM
To: Pelham, Kym
Subject: 406 Tecumseth D13-A20-15



Good afternoon Kym,

Please note the LSRCA has no comments or concerns with the subject application for minor variance. Thanks for forwarding on.

Regards,

Kevin Jarus, M.Pl.

Development Planner

Lake Simcoe Region Conservation Authority

120 Bayview Parkway, Newmarket, Ontario L3Y 3W3

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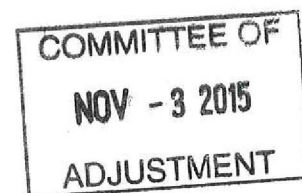
k.jarus@LSRCA.on.ca | www.LSRCA.on.ca

Twitter: @LSRCA

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Pelham, Kym

From: Bilkhu, Vick <Vick.Bilkhu@york.ca>
Sent: November-03-15 10:23 AM
To: Pelham, Kym
Subject: RE: D13-A20-15 - 406 Tecumseth Street



Thanks again and we have no comments since this application is not on a regional road.

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Tuesday, November 03, 2015 9:42 AM
To: Bilkhu, Vick
Subject: D13-A20-15 - 406 Tecumseth Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A20-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, November 12, 2015.

Thanks
Kym



Kym Pelham, ACST

Committee Secretary
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