



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

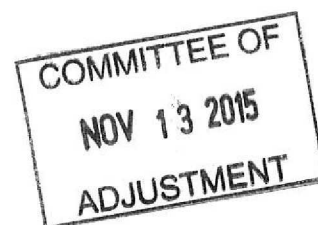
www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

REPORT



TO: Committee of Adjustment

FROM: Ted Horton
Planner

DATE: November 13, 2015

RE: Application for Minor Variance **D13-A22-15**
Lot 3, Plan 34
299 Second Street
Made by: Chris Howie

1. RECOMMENDATIONS:

That Minor Variance Application D13-A22-15 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 November 10, 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 second storey addition and enclosed porch on an existing single-storey dwelling.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, specifically at the junction of Cotter Street and Second Street east of Fairy Lake. There is an existing single detached residence on the lot and it is surrounded by similar single detached homes. The Barrie GO rail line runs on the west side of Cotter Street.

3. PLANNING CONSIDERATIONS:

The applicant is requesting relief from the By-law in order to construct a second storey addition and enclosed porch. The specific request for the proposed addition is to decrease the required side yard setback from 1.8 metres to 0.9 metres.

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. Therefore the application is found to conform to the Official Plan.

The subject lands are zoned Residential Detached Dwelling 15.0 m (R1-D) Zone on Map Number 11 of Schedule 'A' to By-law Number 2010-40, as amended. A two-storey dwelling is a permitted use in this zone. A two-storey dwelling is subject to a greater setback requirement than a one-storey dwelling.

The general intent of a greater setback for a dwelling with additional storeys is to ensure that buildings do not fill the property from edge to edge, do not tower over adjacent properties, and that privacy is maintained for adjacent neighbours. The proposed addition will not increase the lot coverage, as it will be built on the existing structure. The grade of the properties and location of existing buildings are such that the existing one-storey dwelling is very close to the property line and currently overlooks the adjacent yard. The adjacent structure to the north is not close to the shared property line, with nearly 8 metres between the structures. The intent of the Zoning By-Law is to permit residential development that keeps the character of the surrounding neighbourhood while minimizing impacts on surrounding properties. This intent is met.

It is desirable to develop the lot with a residential second storey as the Official Plan designation and the Zoning By-law both permit this use. It is considered desirable to permit a land owner to improve their property and renew the housing stock of the town.

When considering if the variance is minor, it is not simply the numerical value; the Committee is requested to consider the impact of the variance. The impact of the proposed variance appears to be minimal as there is no change in the existing footprint, and little change in the existing overlook of the adjacent property.

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

4. OTHER COMMENTS:

The Senior Engineering Development Coordinator – Residential has offered no objection to the minor variance provided that it be approved subject to the understanding that the approved drainage patterns are not altered, any increase in stormwater runoff is maintained onsite, and construction does not occur within any easement(s), where applicable.

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

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 submitted a report by Chris Howie. The Town's Consulting Arborist reviewed the plan and provided comments on November 10, 2015. The Town's Consulting Arborist noted that the report consists only of a tree inventory and is not a full Arborist Report. 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 addition and porch.

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,



Ted Horton
Planner

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



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

395 Mulock Drive

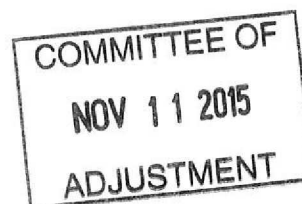
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905.953-5300 ext. 2400



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-A22-15

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

A. Longan
for 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 4, 2015

RE: Notice of Application for Minor Variance
File No. D13-A22-15
Lot 3, Plan 34
299 Second Street
Made by: Howie, Chris

The applicant is proposing a second storey addition to the existing home. Relief is requested from Zoning Bylaw Number 2010-40, as amended, Section 6.2.2 Zone Standards Regulatory Set D, to permit a northerly side yard setback of 0.9 metres, whereas the bylaw requires 1.8 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

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

File No.: VK037

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 11:34 AM
To: Pelham, Kym
Subject: 299 Second Street D13-A22-15



Good morning Kym,

Please note that the LSRCA has no comments or concerns with the subject application for minor variance. As always, please let me know if you have any questions.

Regards,

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

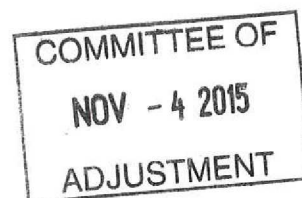
k.jarus@LSRCA.on.ca | www.LSRCA.on.ca

Twitter: @LSRCA

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Pelham, Kym

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: November-04-15 10:27 AM
To: Pelham, Kym
Subject: FW: D13-A22-15 - 299 Second Street
Attachments: 2015 - D13-A22 (Howie) Application.pdf



Good Morning Kym

The Region of York has completed its review of the above Minor Variance application and has no objection.

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

☎ 1-877-464-9675 ext. 71538 | gabrielle.hurst@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence

From: Bilkhu, Vick
Sent: Monday, November 02, 2015 10:02 AM
To: Hurst, Gabrielle
Subject: FW: D13-A22-15 - 299 Second Street

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Monday, November 02, 2015 8:05 AM
To: Bilkhu, Vick
Subject: D13-A22-15 - 299 Second Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A22-15, 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

Planning and Building Services

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Newmarket: A Community *Well* Beyond the Ordinary

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