



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

COMMITTEE OF

NOV 12 2015

ADJUSTMENT

TO: Committee of Adjustment

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

DATE: November 11, 2015

RE: Application for Minor Variance **D13-A23/15**
Lot 4, Plan 435
187 Queen Street
Made by: Dan Fuligni and Shirley Fuligni

1. RECOMMENDATIONS:

That Minor Variance Application D13-A23/15 be approved subject to the following conditions:

- 1. that the variances pertain only to the request as submitted with the application; and**
- 2. that development be substantially in accordance with the sketch submitted with the application.**

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 by By-law Number 2013-30 to permit a proposed new garage to have a rear yard setback of 15 feet and a westerly side yard setback of 2 feet notwithstanding the by-law requirements of 25 feet and 4 feet respectively.

3. BACKGROUND:

In 2000 the Committee of Adjustment approved a Minor Variance application for this property for the same requested relief (i.e. a rear yard setback of 15 feet and a westerly side yard setback of 2 feet), however, when the Town passed its new comprehensive Zoning By-law in 2010 the approved variance was inadvertently not included as an exception in the new by-law. Comprehensive Zoning By-law Number 2010-40 includes a number of exceptions including site specific re-zonings as well as approved minor

variances for structures that were not built at the time By-law Number 2010-40 was approved. As noted above the approved variance for this property should have been included as an exception to the by-law.

The owners are therefore looking to establish the same setbacks that were previously granted and should have been recognized in the new zoning by-law.

4. 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. Single detached dwellings are a permitted residential built form of the Plan and a detached garage would be considered a permitted accessory use. Therefore, 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 119 (R1-D-119) Zone on Map Number 10 of Schedule 'A' to Zoning By-law Number 2010-40, as amended by By-law Number 2013-30. A detached garage is permitted as an accessory use within this zone.

The applicants are proposing to construct a detached garage approximately 24 feet by 24 feet in size as shown on the proposed Site Plan. Relief is requested from the by-law to permit the proposed garage to be constructed closer to the rear and side lot lines than the by-law permits. The by-law requires a minimum rear yard setback of 25 feet and a side yard setback of 4 feet whereas the applicants are proposing a rear yard setback of 15 feet and a westerly side yard setback of 2 feet. The garage, if constructed, would be 10 feet closer to the rear lot line and 2 feet closer to the westerly side lot line than the by-law permits.

The subject land abuts commercial lands at the rear of the property and the impact of the proposed garage on this property would be negligible. The proposed garage will be in closest proximity to the adjacent property to the west. The subject land and the adjacent property have adjoining driveways and the impact of the proposed garage is expected to be minimal in its proposed location. In this regard, the proposed detached garage would have minimal impact on neighbouring properties. The reductions requested for the rear and side yard setbacks will still provide sufficient yards 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.

5. OTHER COMMENTS:

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

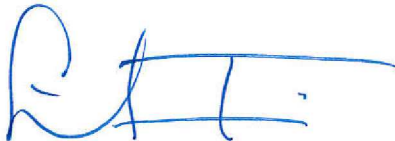
The Manager, Engineering Services has offered no objections to the proposed variance provided that existing drainage patterns are not altered, any increase in stormwater runoff is maintained onsite and construction does not occur within any easement(s), where applicable.

6. 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 accessory structures; and
- (3) does not adversely affect the character of the neighbourhood as the use is permitted and normally contemplated as an accessory use to a detached dwelling 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
Newmarket, ON L3Y 4X7
www.newmarket.ca
buildings@newmarket.ca
905.953-5300 ext. 2400



MEMORANDUM

TO: Committee of Adjustment

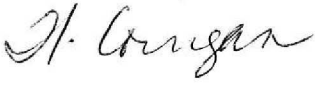

FROM: David Potter, CBCO, B. Tech., MAATO
Chief Building Official

DATE: November 11, 2015

RE: Application for Minor Variance

File no: D13-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

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953.5138

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-A23-15
Lot 4, Plan 435
187 Queen Street
Made by: Fuligni, Dan and Fuligni, Shirley

We herein acknowledge receipt of the Notice of Application for Minor Variance.

The applicant is proposing a one storey garage. Relief from Zoning By-law Number 2010-40, as amended, Section 6.2.2 Zone Standards Regulatory Set D to permit the new garage to have a rear yard setback of 15 feet and a westerly side yard setback of 2 feet, whereas the bylaw requires 25 feet and 4 feet respectively.

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

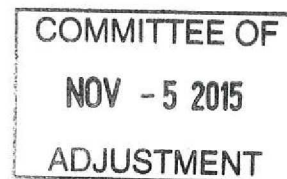
Rick Bingham, C.E.T.
Manager, Engineering Services

File No.: VK034

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 1:35 PM
To: Pelham, Kym
Subject: 187 Queen Street D13-A23-15



Hello again Kym,

In relation to the subject application for minor variance, please note the LSRCA has no comments or concerns. Thanks again!

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 1:30 PM
To: Pelham, Kym
Subject: FW: D13-A23-15 - 187 Queen Street
Attachments: 2015 - D13-A23 (Fuligni) Application.pdf; 2015 - D13-A23 (Fuligni) Notice.pdf

Good Afternoon Kym,

The Region of York has reviewed 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

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

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

From: Bilkhu, Vick
Sent: Tuesday, November 03, 2015 10:22 AM
To: Hurst, Gabrielle
Subject: FW: D13-A23-15 - 187 Queen Street

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Tuesday, November 03, 2015 9:42 AM
To: Bilkhu, Vick
Subject: D13-A23-15 - 187 Queen Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A23-15, 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

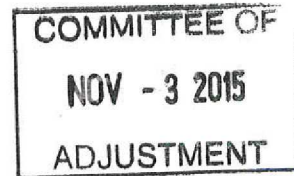
Committee Secretary
Planning and Building Services
905-953-5300, press 2, ext. 2456
905-953-5140 (fax)
kpelham@newmarket.ca
www.newmarket.ca

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Pelham, Kym

From: Bilkhu, Vick <Vick.Bilkhu@york.ca>
Sent: November-03-15 10:22 AM
To: Pelham, Kym
Subject: RE: D13-A23-15 - 187 Queen Street



Thanks Kym for the circulation and we have no comments.

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Tuesday, November 03, 2015 9:42 AM
To: Bilkhu, Vick
Subject: D13-A23-15 - 187 Queen Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A23-15, 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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