PLANNING AND BUILDING SERVICES
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Newmarket, ON L3Y 4X7

Planning Report

TO:	Committee of Adjustment
FROM:	Patricia Cho Planner, Development
DATE:	September 22, 2021
RE:	Applications for Consent - **D10-B06-21, D10-B07-21, D10-B08-21** 180 Lorne Avenue and 186 Lorne Avenue Made by: Whitfield, Steven Douglas and Whitfield, Elizabeth Ellen

1. Recommendations:

That Consent Application D10-B06-21 be granted, subject to the following conditions:

1) That the Owner obtain approval for the severances as set forth in Consent Applications D10-B07-21 and D10-B08-21;

2) That the consent pertains only to the request as submitted with the application;

3) That the consent be substantially in accordance with the information and sketch submitted with the application;

4) That the applicant be advised that prior to the issuance of any demolition or building permit, compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy; and,

5) That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

That Consent Application D10-B07-21 be granted, subject to the following conditions:

1) That the Owner obtain approval for the lot line adjustment and severance as set forth in Consent Applications D10-B06-21 and D10-B08-21;

2) That the consent pertains only to the request as submitted with the application;

3) That the consent be substantially in accordance with the information and sketch submitted with the application;

4) That the applicant be advised that prior to the issuance of any demolition or building permit, compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy; and,

5) That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

That Consent Application D10-B08-21 be granted, subject to the following conditions:

1) That the Owner obtain approval for the lot line adjustment and severance, as set forth in Consent Applications D10-B06-21 and D10-B07-21;

2) That the consent pertains only to the request as submitted with the application;

3) That the consent be substantially in accordance with the information and sketch submitted with the application;

4) That prior to the issuance of the Certificate of Official, that the owner be required to obtain a demolition permit and remove the existing detached garage on the lot;

5) That prior to the issuance of the Certificate of Official, that the owner submit a lawyer's undertaking demonstrating the two severed parcels will be merged on title to create one developable residential lot;

6) That the applicant be advised that prior to the issuance of any demolition or building permit, compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy;

7) That the applicant be advised that they will be required to obtain municipal servicing for the newly created lot, at their own cost, prior to any building permit being issued;

8) That prior to the issuance of any building permit, the owner be required to enter into a site plan agreement with the Town addressing matters such as, but not limited to: lot grading, storm drainage, municipal servicing, tree protection and compensation, parkland dedication, built form compatibility, easements, and other matters for the development of the severed lands;

9) That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:

    i. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;

    ii. three white prints of deposited reference plans showing the subject lands, which conforms substantially to the applications as submitted;

    iii. required transfers to effect the severance and conveyance applied for under Consent Application D10-B06-21, D10-B07-21, and D10-B08-21 and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act; and,

10) That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

2. Subject Lands

These applications pertain to the properties described by the legal description below:

LT 28 PL 48 NEWMARKET; PT LT 18 PL 48 NEWMARKET; PT LT 27 PL 48 NEWMARKET PT 1 65R17126; NEWMARKET

180 Lorne Avenue

PT LT 27 PL 48 NEWMARKET; PT LT 18 PL 48 NEWMARKET AS IN R642191; S/T SPOUSAL INTEREST IN R406137 ; NEWMARKET

186 Lorne Avenue

3. Application:

D10-B06-21: Lot addition

An application for Consent (lot addition) has been submitted by the property owners of the above noted lands. The purpose of the consent application is to sever 195.1 square metres of land (indicated as "A" on the sketch included as Attachment 1) from 180 Lorne Avenue to be added to and form part of the abutting lands of the owner of 186 Lorne Avenue being receipt lands for residential purposes and to retain the balance of the lands (indicated as "B" on the sketch attached as Attachment 1) for residential purposes.

There is an existing residential walkway for 186 Lorne Avenue that encroaches onto the adjacent property at 180 Lorne Avenue. The intent of the Consent application (lot addition) is to adjust the property line to eliminate the encroachment and to retain the black walnut tree that is close to the shared property line.

Subsequently, applications for Consent have been submitted for the above noted lands.

D10-B07-21: Severance

The purpose of the Consent application is to sever "A", approximately 343.2 square meters of land from 180 Lorne Avenue, for residential purposes and to retain the lands marked "B" as remaining lands for residential purposes as included in Attachment 2.

D10-B08-21: Severance

The purpose of the Consent application is to sever "A", approximately 392.7 square meters of land from 186 Lorne Avenue, for residential purposes and to retain the lands marked "B" as remaining lands for residential purposes as included in Attachment 3.

The two individually severed parcels from Consent applications D10-B07-21 and D10-B08-21 ("A" = 343.2 square metres and "A" = 392.7 square metres) will merge to create one new developable lot, with lot frontage along Botsford Street (total area of 735.90 square metres). The sketch of this new lot is illustrated in Attachment 4. If one Consent application fails, the result is that all Consent applications fail.

The subject lands are located south of Davis Drive, on the west side of Lorne Avenue. The consents, if granted, would result in a total of one new residential lot and changes to two existing lots. The frontages, depths and areas of all three affected lots are presented below:

	Frontage (m)	Depth (m)	Area (m2)
Zoning Requirement (R1-D)	15.0	N/A	511.0
Proposed Lot A (180 Lorne Avenue): To be retained	15.26	40.49	709.50
Proposed Lot B (186 Lorne Avenue): To be retained	15.26	43.70	914.80
Proposed Lot C (Botsford Street): To be severed	18.30	40.26	735.90

The subject lands are currently occupied by a single detached dwelling on each lot. The existing single detached dwellings will remain on each retained lot. The existing rear-yard detached garage on 186 Lorne Avenue will be removed.

4. Planning Considerations - Consent:

Conformity with the Official Plan

The subject lands are designated “Residential Areas" in the Town’s Official Plan. This designation permits a range of residential accommodation built form types. Regarding this designation, the Town’s Official Plan states:

It is the objective of the Residential Areas policies to:

a. provide for a range of residential accommodation by housing type, tenure, size and location to help satisfy the Town of Newmarket’s housing needs in a context sensitive manner;
b. maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood;
c. recognize the desirability of gradual ongoing change by allowing for contextually-sensitive development through Planning Act applications, to permit development which contributes to a desirable urban structure, diversified housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood; and,
d. encourage a range of innovative and affordable housing types, zoning standards and subdivision designs where it can be demonstrated that the existing physical character of the Residential Area will be maintained.

This designation permits a range of residential types, including single detached dwellings. The Official Plan aims to ensure the maintenance of a high-quality stock in residential communities, supplemented by orderly infill where appropriate.

Development in Residential Areas is to be compatible with existing built and physical character of the surrounding properties. Under Section 3.2 of the Town’s Official Plan, Residential Areas are categorized into Residential Character Areas with guiding policies and predominant physical

characteristics for each Character Area. The subject lands fall within the Historic Core Character Area, generally characterized by:

- Traditional street grid patterns;
- Short blocks with many intersections;
- Landscaped boulevards and an extensive canopy of established mature trees;
- Continuous sidewalks on one or both sides of the street;
- Building heights of 1 to 2-storeys;
- A range of architectural expressions and styles, with a significant focus on Victorian-era Architecture; and,
- A significant concentration of Listed and Designated Heritage Properties.

The proposed consents meet the general characteristics of the Historic Core Character Area, as the physical features and built form of the neighborhood remain unchanged.

Section 16.1.5 of the Official Plan sets out the circumstances in which an application for consent will be granted. The section reads that consents shall only be granted where:

a. the severance is for the purpose of infilling within existing development;
b. a plan of subdivision is not necessary;
c. the number of lots created is three or less;
d. the lot can be adequately serviced by sanitary sewage disposal, water supply, and storm drainage facilities;
e. no extension, improvement or assumption of municipal services is required;
f. the lot will have frontage on an improved public road, and access will not result in traffic hazards;
g. the lot will not restrict the ultimate development of adjacent lands;
h. the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and compatible with adjacent lots; and,
i. the consent complies with all relevant provisions of this Plan.

For Consent application D10-B07-21, taken in isolation it is understood that the application would create a landlocked parcel, with no frontage on an improved public road and an undersized lot. However, a condition of the Consent, if approved by Committee, would require the severed parcel to merge on title with the severed parcel from Consent application D10-B08-21 to create one new developable lot with frontage onto Botsford Street. The approval of this application will be dependent on the approval of the previous application (D10-B06-21) and following application (D10-B08-21).

For Consent application D10-B08-21, the proposed consent meets clauses (a) to (g) and (i) as the subject land is within an existing neighbourhood with existing services and lot frontage on an improved public road. Regarding Clause (h), similar to above, taken in isolation it is understood that the application would not conform to the requirements of the Zoning By-law in terms of lot size. However, merging with the severed parcel from Consent application D10-B08-21, the newly created lot will have a lot frontage of 18.30m and a lot area of 735.90 square metres, which meets the minimum zone standards outlined in the Zoning By-law. Like above, the approval is this application will be dependent on the approval of the previous applications (D10-B06-21 and D10-B07-21).

In the Town's Official Plan, Section 12 supports the use of Zoning By-law and Site Plan Approval to ensure a high quality of urban design. This is to ensure that new development responds appropriately to the existing character of the surrounding neighbourhood, and considers elements such as lot

grading, tree protection and conservation, and built form (height, massing, setbacks, materials, and finishes). The recommended condition of requiring site plan approval for the newly created lot, if approved by Committee, will enable staff to review the proposed development and ensure the built form complies with the Zoning By-law, reflects the architectural elements of the surrounding area and includes appropriate grading.

Given the analysis above, the development of the property conforms to the intent of the Official Plan, provided the recommended conditions are imposed. The proposed application would not conflict with the purpose and intent of the Official Plan.

Conformity with the Zoning By-law

The subject lands are zoned Residential Detached Dwelling 15M Zone (R1-D) by By-law 2010-40. This zone permits single detached dwellings and sets requirements for minimum lot areas and lot frontages. If the Consent applications are approved, the individual stand-alone severed parcels would not meet the requirements of the Zoning By-law. However, as required via condition, the severed portions of each lot will merge into one developable lot which meets the minimum lot area and lot frontage requirements for the R1-D Zone.

No plans have been provided for the future construction of the dwelling on the proposed newly created lot. A condition of this application, if granted and required by Committee, will require the applicant to enter into a site plan agreement prior to the development of the newly created lot. Through the site plan approval process, a comprehensive review will be completed for items such as built form compatibility, setbacks and lot coverage, and lot grading. Any development will be required to comply with the requirements of the Zoning By-law or to seek relief from the By-law through appropriate planning tools.

5. Other Comments

Tree protection

The Town's Tree Preservation, Protection, Replacement and Enhancement Policy requires properties that are subject to a planning application to submit an arborist report, protect trees during construction, and compensate for any removed trees by replanting or paying an amount to the Town commensurate with the removed trees.

At this time, there is no proposed development for the site. However, outlined in the conditions of this application, if granted and required by Committee, will require the applicant to enter into a site plan agreement prior to the development on the newly created lot (what is proposed to have frontage on Botsford Street). This agreement would require the applicant to provide an arborist report(s) before any development of the resulting lot, including tree protection and compensation as required by the Tree Preservation, Protection, Replacement and Enhancement Policy.

Heritage

180 Lorne Avenue is Listed in the Municipal Register of Non-designated Heritage Properties. There are no proposed physical changes to the existing dwelling.

Site Plan Approval

If the consents are granted, planning staff will work with the applicant through the site plan process to develop plans that include material types and architectural styles that reflect the surrounding area to ensure that this infill development is as sensitive as possible to the surrounding neighbourhood.

Effect of public input

Planning Services received no public input as of the date of writing this report.

Commenting agencies and departments

Building Services has reviewed the applications and has no comment with regards to this application.

Engineering Services has reviewed the applications and have no objections. The site shall be subject to the Site Plan review process at the time of development of these lots.

The Region of York has reviewed the applications and offers the following comments:

Servicing Allocation

Any development proposed within the new lot will require water and wastewater servicing allocation from the Town of Newmarket. If the Town does not grant this development the required allocation from the Region's existing capacity assignments to date, then the development may require additional infrastructure based on conditions of future capacity assignment, which may include:

- Duffin Creek WPCP Outfall Modification – 2023 expected completion
- Interim Solutions for Aurora, Newmarket and East Gwillimbury - 2023 anticipated commissioning
- Upper York Sewage Solutions - 2026 anticipated commissioning pending outcome of the IEA
- Other projects as may be identified in future studies.

Note that sewage flow from the local system in this area flows to the Newmarket Sewage pumping Station.

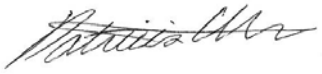
Bell Canada has reviewed the applications and have determined that there are no concerns or comments at this time.

6. Conclusion

Consent Application D10-B06-21, D10-B07-21 and D10-B08-21

In staff's opinion, the consent meets the relevant requirements of the Zoning By-law, Official Plan and is recommended to be granted subject to the associated conditions.

Respectfully submitted,

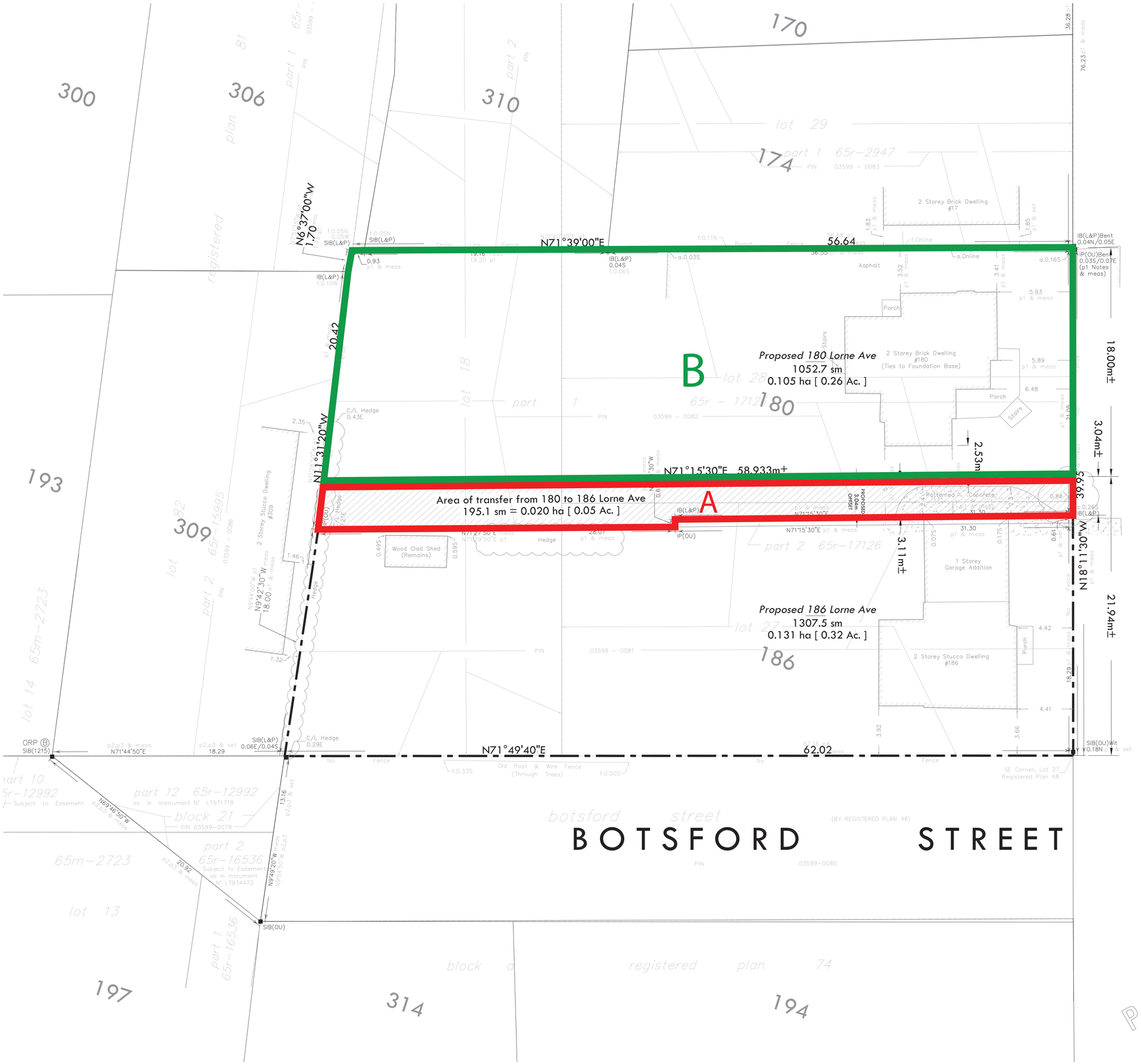


Patricia Cho, HBC, MSc. (Pln)
Planner - Development

Attachments

1. Coloured concept sketch of proposed lot addition.
2. Coloured concept sketch of proposed severed and retained lot for 180 Lorne Avenue.
3. Coloured concept sketch of proposed severed and retained lot for 186 Lorne Avenue.
4. Coloured concept sketch of the proposed three individual lots.

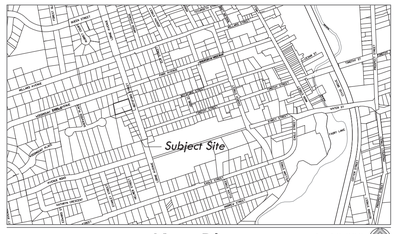
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DRAWING

Proposed Lots

Whitfield — 180 + 186 Lorne Ave



Key Plan 1 : 10 000

Site Statistics

Current Zoning:	R1-D
Site Address:	180 + 186 Lorne Ave
Site Area:	2360.15 sm±
	0.236 ha [0.58 Ac.]±
Number of Lots:	2

180 Lorne Ave	1052.7 sm±
186 Lorne Ave	1307.5 sm±
Total	2360.2 sm±

proposal for

CONSENT

No.	PLAN	REVISION	BY	DATE
02	...	...	...	...
01	01	*Submission.*	*mvs*	*2021-05-27*

REVISIONS

SOURCES

Base information comprised of
PARCEL Mapping obtained from Teranet - LRO65 York, and
Sketch of Survey (186 Lorne Ave) by W.S. Gibson & Son, OLS, dated September 19th, 1939, and
Surveyor's Real Property Report by Lloyd & Purcell, OLS, Job 21-327, File N1-48-18,27,28, dated July 23, 2021.
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PROPOSED LOTS

Part of Lot 18, All of Lots 27+28, Registered Plan 48

[180 + 186 Lorne Avenue]

TOWN OF NEWMARKET

REGIONAL MUNICIPALITY OF YORK

0 5 10m

1 : 150

seal

prepared for

Steve and Elizabeth Whitfield

north

PRELIMINARY
FOR DISCUSSION PURPOSES ONLY

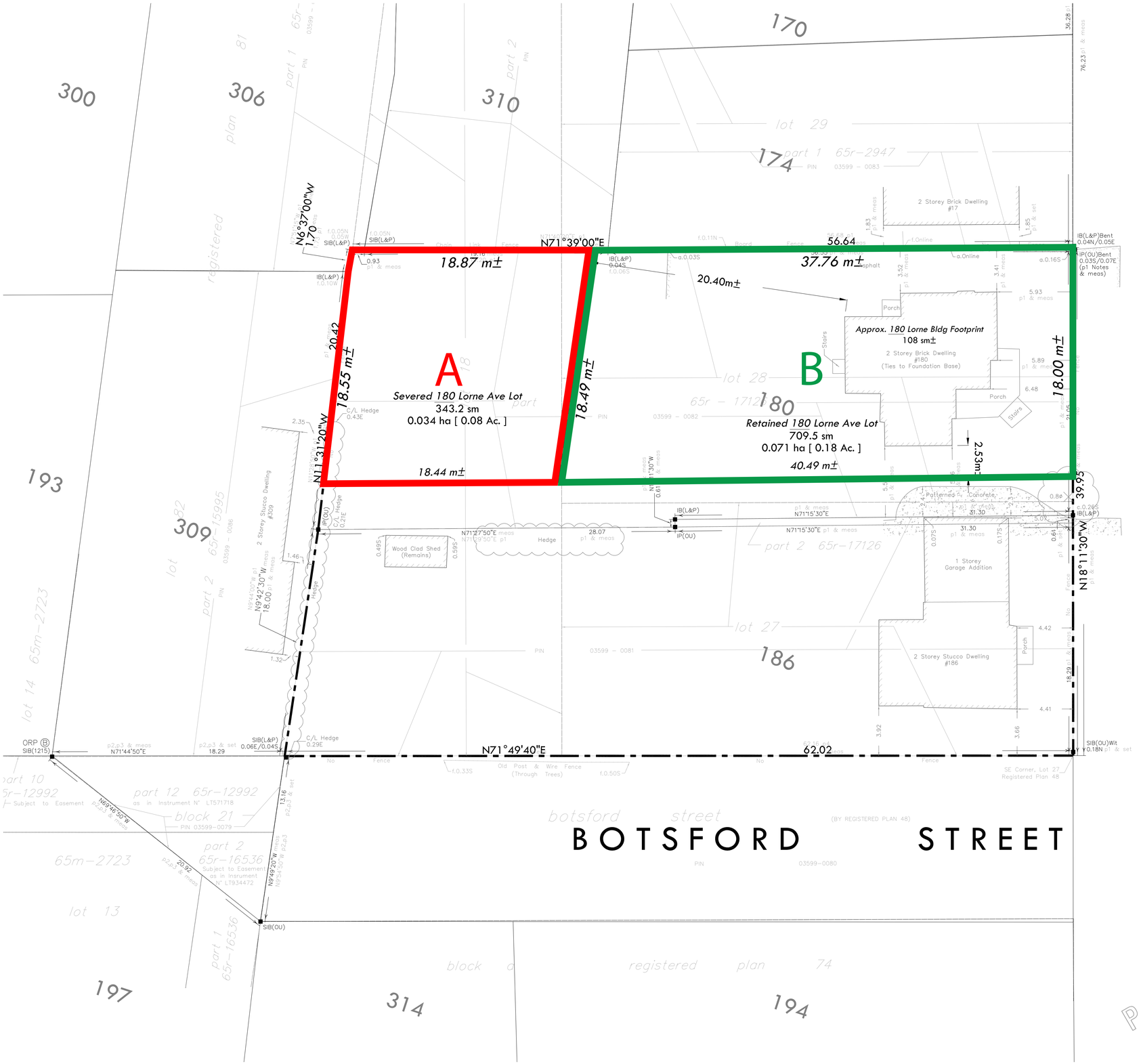
land use planning consultants

MSH BOUNDLESS INGENUITY

Toronto 416.487.4101
Aurora 905.503.3440
www.mshplan.ca

PROJECT	SCALE
A21-1848	1:150
DESIGN	DATE
miCAD	2021-08-18
DRAWN	DRAWING
miCAD	02
CHECKED	
AS	

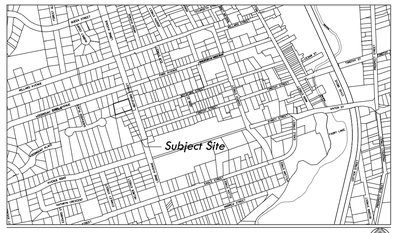
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A
Severed 180 Lorne Ave Lot
343.2 sm
0.034 ha [0.08 Ac.]
B
Retained 180 Lorne Ave Lot
709.5 sm
0.071 ha [0.18 Ac.]
Approx. 180 Lorne Bldg Footprint
108 sm±
2 Storey Brick Dwelling #180 (Ties to Foundation Base)
18.87 m±
37.76 m±
20.40m±
18.55 m±
18.49 m±
18.00 m±
18.44 m±
40.49 m±
N71°39'00"E
N11°31'20"W
N18°11'30"W
N71°49'40"E
62.02
2 Storey Brick Dwelling #17
2 Storey Stucco Dwelling #186
2 Storey Stucco Dwelling #308
1 Storey Garage Addition
Wood Clad Shed (Remains)
Patterned Concrete
Old Post & Wire Fence (Through Trees)
SE Corner, Lot 27 Registered Plan 48
Subject to Easement as in Instrument N° LT571718
Subject to Easement as in Instrument N° LT934472
170
171
174
180
186
193
197
309
310
314
330
331
300
306
lot 29
lot 28
lot 27
lot 14 65m–2723
lot 13
part 1 65r–2947
part 2 65r–17126
part 12 65r–12992
part 10 65r–12992
block 21
part 2 65r–16536
part 1 65r–16536
registered plan 81
registered plan 74
PIN 03599 – 0083
PIN 03599 – 0082
PIN 03599 – 0081
PIN 03599 – 0080
PIN 03599 – 0079
PIN 03599 – 0086
PIN 03599 – 0137
LORNE AVENUE
(BY REGISTERED PLAN 48)
botsford street
BOTSFORD STREET
lorne STREET AKA lorne AVENUE
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SIB(OU)
SIB(L&P) 0.06E/0.04S
SIB(OU)Wit 0.18N Y
IB(L&P)Bent 0.04N/0.05E
IP(OU)Bent 0.03S/0.07E (p1 Notes & meas)
C/L Hedge
Hedge
Fence
Board Fence
Chain Link Fence
Asphalt
Stairs
Porch
Wood Deck
Shed
Garage
Concrete
Flagstone
Gravel
Deck
Patio
Retaining Wall
Utility Pole
Hydro Pole
Guy Wire
Light Standard
Mailbox
Sign
Gas Meter
Hydro Meter
Water Meter
Cable Box
Telephone Box
Air Conditioner
Satellite Dish
Window Well
Well
Cistern
Septic Tank
Septic Bed
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Septic Inspection Chamber
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DRAWING Consent to Sever 186 Lorne Ave

Whitfield — 180 + 186 Lorne Ave



Key Plan 1 : 10 000

Site Statistics

Current Zoning:	R1-D
Site Address:	180 + 186 Lorne Ave
Site Area:	2360.15 sm±
	0.236 ha [0.58 Ac.]±
Number of Lots:	2

Retained 186 Lorne Ave	914.8 sm±
Severeded 186 Lorne Ave	392.7 sm±
Total	1307.5 sm±

proposal for
CONSENT

No.	PLAN	REVISION	BY	DATE
02	...	...	...	...
01	01	*Submission.*	mvs	2021-05-27

REVISIONS

SOURCES

Base information comprised of
PARCEL Mapping obtained from Teranet - LRO65 York, and
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CONSENT TO SEVER 186 LORNE AVE

Part of Lot 18, All of Lots 27+28, Registered Plan 48
[180 + 186 Lorne Avenue]
TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK

0 5 10m
1 : 150

seal — prepared for — north

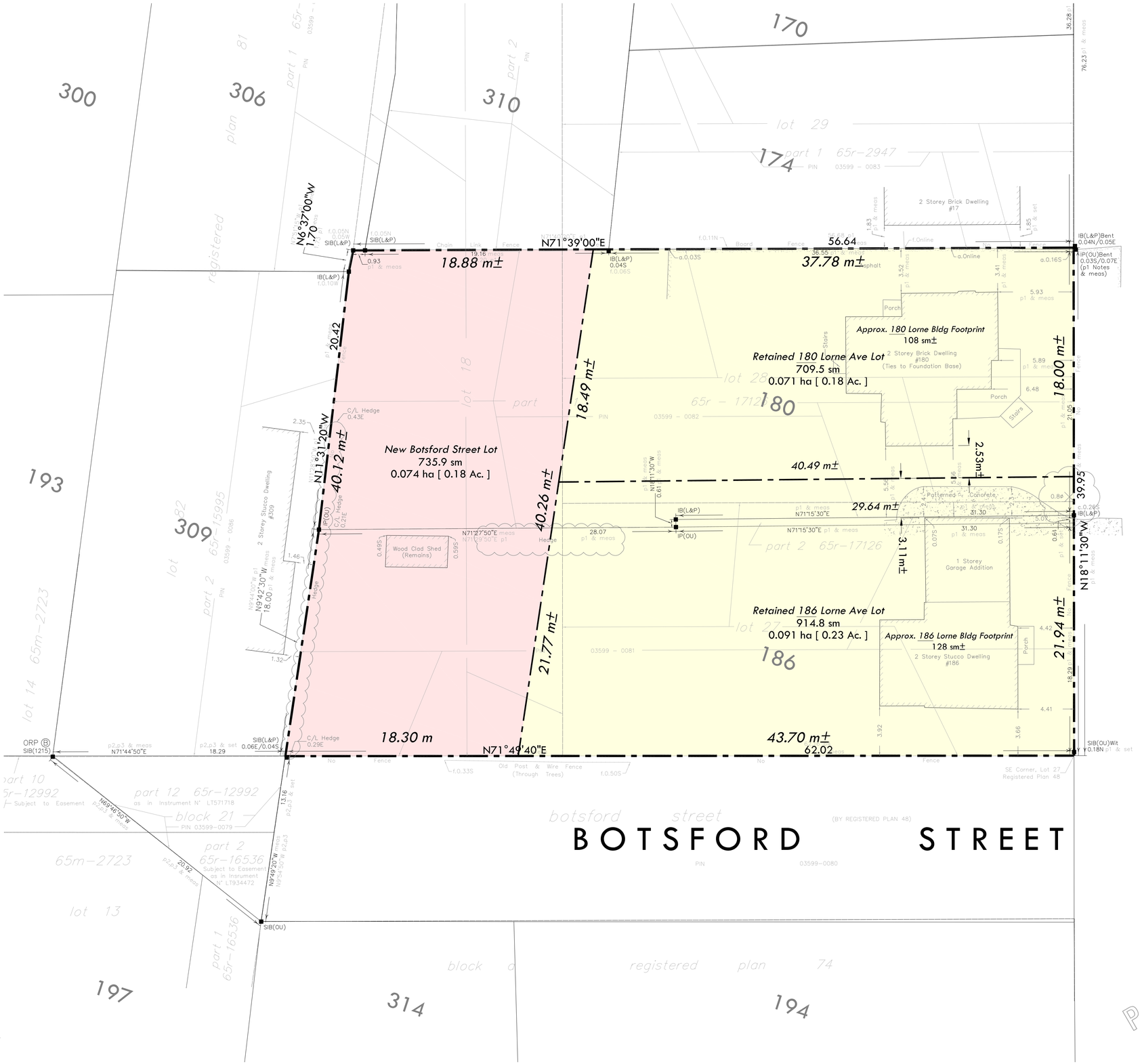
Steve and Elizabeth Whitfield

P R E L I M I N A R Y
FOR DISCUSSION PURPOSES ONLY

land use planning consultants
MSH BOUNDLESS INGENUITY
Toronto 416.487.4101
Aurora 905.503.3440
www.mshplan.ca

PROJECT	SCALE
A21-1848	1:150
DESIGN	DATE
miCAD	2021-08-18
DRAWN	DRAWING
miCAD	04
CHECKED	
AS	

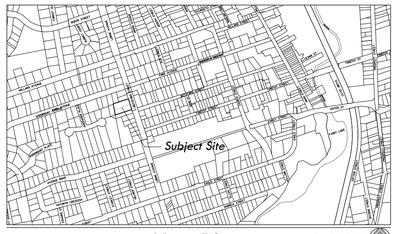
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DRAWING

Proposed New Lot

Whitfield — 180 + 186 Lorne Ave



Key Plan 1 : 10 000

Site Statistics

Current Zoning:	R1-D
Site Address:	180 + 186 Lorne Ave
Site Area:	2360.15 sm±
	0.236 ha [0.58 Ac.]±
Number of Lots:	3

Retained 180 Lorne Ave	709.5 sm±
Retained 186 Lorne Ave	914.8 sm±
New Botsford Street Lot	735.9 sm±
Total	2360.2 sm±

No.	PLAN	REVISION	BY	DATE
02	...	...	...	...
01	01	Submission.	mvs	2021-05-27

REVISIONS

SOURCES

Base information comprised of
PARCEL Mapping obtained from Teranet - LRO65 York, and
Sketch of Survey (186 Lorne Ave) by W.S. Gibson & Son, OLS, dated September 19th, 1939, and
Surveyor's Real Property Report by Lloyd & Purcell, OLS, Job 21-327, File N1-48-18,27,28, dated July 23, 2021.
The Contractor shall verify and be responsible for all dimensions.
Do not scale the drawing; any errors or omissions shall be reported to Macaulay Shiomi Howson Ltd. without delay.
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proposal for

CONSENT

PROPOSED NEW LOT

Part of Lot 18, All of Lots 27+28, Registered Plan 48

[180 + 186 Lorne Avenue]

TOWN OF NEWMARKET

REGIONAL MUNICIPALITY OF YORK

0 5 10m

1 : 150

seal — prepared for — north

Steve and Elizabeth Whitfield

PRELIMINARY
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