

**REPORT**

TO: Committee of Adjustment

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

DATE: December 11, 2015

RE: Application for Minor Variance **D13-A17-15**  
Lot 8, Plan 376  
299 Avenue Road  
Made by: Adam Gerrits and Randall Gerrits

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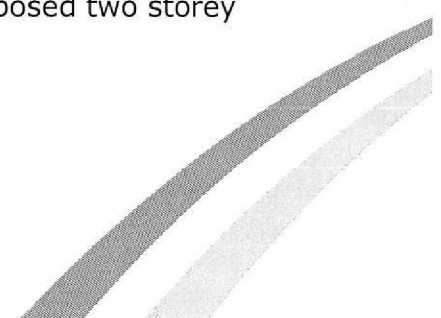
**1. RECOMMENDATION:**

**That Minor Variance Application D13-A17-15 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 plans submitted with the application;**
- 3. that the owner 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 December 7, 2015.**

**2. APPLICATION:**

Application for Minor Variance has been submitted by the above-noted property owners to request relief from Section 6.2.2 Zone Standards of Zoning Bylaw Number 2010-40, as amended by By-law Number 2013-30 to permit an easterly side yard setback of 0.488 metres and a westerly side yard setback of 1.03 metres for a proposed two storey dwelling, notwithstanding the by-law requirement of 1.8 metres.



### **3. PLANNING CONSIDERATIONS:**

The above-described property is designated Stable Residential in the Town's Official Plan which was approved by the Region of York on May 29, 2008. The Plan permits single-detached and semi-detached dwellings. The subject lands back onto an area designated as Natural Heritage System. Schedule B identifies it as a Woodlot.

Section 9 of the Official Plan states that "protection and enhancement of the Natural Heritage System is one of the Plan's core goals". Section 9.3.2 speaks to protecting Woodlots as they provide habitat for forest-dependent plants and animals, help regulate temperature, reduce air pollutants, reduce soil erosion, contribute to the aesthetic value of the Town and offer passive recreational opportunities. Section 9.3.2.2 of the Plan states that development adjacent to any Woodlot shall be carried out in a manner that encourages the protection and management of the Woodlot. A buffer with a 3m wide strip is to be maintained in a naturally vegetative state. The Plan further requires a 7m setback from the Woodlot to a building or structure.

The proposed addition is approximately 30 metres from the rear lot line and should not impact the area of the woodlot or the required minimum buffer area. Tree protection fencing will be required to be installed to protect the existing trees. As the use is permitted and the Woodlot can be protected by the buffer strip the proposal is found to conform to the Official Plan.

The property is zoned Residential Detached Dwelling 15m Exception (R1-D-119) on Map Number 10 of Schedule 'A' to Zoning By-law Number 2010-40, as amended by By-law Number 2013-30. A detached dwelling is a permitted use within the zone.

The applicant is requesting relief from the by-law in order to construct a second storey addition that will be closer to the east and west property lines than the by-law permits. The by-law requires a minimum side yard setback of 1.8 metres for a two storey dwelling whereas the applicant is proposing a setback of 0.488 on the east side and a setback of 1.03 on the west side. The addition, if constructed, would be 1.312 metres closer to the east side lot line and 0.77 metres closer to the west lot line than the by-law permits.

The existing one storey house is closer to the side lot lines than the by-law permits for a one storey dwelling, however, the house has existed in this location since the early 1950's. Further the homes on either side are also closer to the lot line than the current zoning by-law permits and were also constructed in the 1950's. The home to the west of the subject lands is a two storey dwelling and the home to the east is a one storey dwelling.

The requested variance for the reduced easterly and westerly side yard setbacks should have a negligible impact on the neighbouring properties as the proposed addition will have limited new openings (windows) along the east and west elevations. The

reductions in the side yards will not further impede the normal functioning and maintenance of the subject property from the manner in which it has continued for a number of decades.

In consideration of the above, the proposed minor variance is generally in keeping with the intent of the Zoning By-law

## **5. 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 this application an arborist report prepared by Sanders Consulting dated September 17, 2015 which identifies the tree that is proposed to be removed and trees that are to be protected. The report has been reviewed by the Town's Consulting Arborist and the comments dated December 7, 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 addition.

The Senior Engineering Development Coordinator – Residential has offered no objection to the proposed minor variance provided the existing drainage patterns are not altered, any increase in stormwater runoff is maintained on site and construction does not occur within any easement(s), where applicable.

The Chief Building Official has offered no objection to the variance subject to compliance with the exposing building face and unprotected opening requirements of the Building Code.

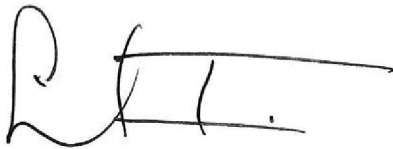
As of the time of writing this report comments had not been received from the Lake Simcoe Region Conservation Authority. If there are comments they will be provided under separate cover.

**6. CONCLUSIONS:**

The relief as requested:

- (1) appears to be minor in nature as the impact on adjacent properties will be minimal;
- (2) conforms to the 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,

A handwritten signature in black ink, appearing to read 'L. Traviss', with a long horizontal stroke extending to the right.

Linda L. Traviss, MCIP, RPP  
Planner

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



**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**

**Town of Newmarket**

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P.O. Box 328, STN Main

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engineering@newmarket.ca

T: 905.895.5193

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COMMITTEE OF

DEC - 8 2015

ADJUSTMENT

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

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: December 5, 2015

RE: Notice of Application for Minor Variance  
File No. D13-A17-15  
299 Avenue Road  
Made by: Gerrits, Adam and Gerrits, Randall

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:

Relief is requested from Zoning Bylaw Number 2010-40, as amended by Bylaw Number 2013-30, Section 6.2.2 Zone Standards Regulatory Ste D, to permit an easterly side yard setback of 0.488 metres and a westerly side yard setback of 1.03 metres, whereas the bylaw requires 1.8 metres for a two storey dwelling.

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**

A handwritten signature in blue ink, appearing to be 'V. Klyuev'.

V. Klyuev, B.A., C.E.T.  
Senior Engineering Development Coordinator – Residential

File No.: VK044

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



**Pelham, Kym**



**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** December-03-15 1:28 PM  
**To:** Pelham, Kym  
**Subject:** FW: D13-A17-15 (299 Avenue Road)  
**Attachments:** 2015 - D13-A17 (Gerrits) Application.pdf; 2015 - D13-A17 (Gerrits) Notice.pdf

Good Afternoon 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

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1

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**From:** Bilkhu, Vick  
**Sent:** Tuesday, December 01, 2015 8:54 AM  
**To:** Hurst, Gabrielle  
**Subject:** FW: D13-A17-15 (299 Avenue Road)

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**From:** Pelham, Kym [<mailto:kpelham@newmarket.ca>]  
**Sent:** Tuesday, December 01, 2015 8:41 AM  
**To:** Bilkhu, Vick  
**Subject:** D13-A17-15 (299 Avenue Road)

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A17-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, December 10, 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](mailto:kpelham@newmarket.ca)

[www.newmarket.ca](http://www.newmarket.ca)

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buildings@newmarket.ca

905.953-5300 ext. 2400



## MEMORANDUM

**TO:** Committee of Adjustment

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

**DATE:** December 2, 2015

**RE:** Application for Minor Variance

**File no:** D13-A17-15

I have reviewed the above and have no objection subject to compliance with exposing building face and unprotected opening requirements of the Building Code.

A handwritten signature in cursive script, appearing to read "D. Potter".  
for David