

**PLANNING AND BUILDING SERVICES****Town of Newmarket**

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Planning Report

TO: Committee of Adjustment

FROM: Janany Nagulan
Planner, Development

DATE: January 26, 2022

RE: Application for Minor Variance MV-2022-004
123 Joseph Street
Town of Newmarket
Made by: LONEY, Martin

1. Recommendations:

That Minor Variance Application MV-2022-004 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application; and,
2. That the development be substantially in accordance with the information submitted with the application; and,
3. That the Owner be required to obtain a demolition permit and remove the part of the detached garage on the subject property; and,
4. That the applicant submits a sealed grading plan designed and stamped by a P.Eng of Ontario to the Town, complying with the Town standards for grading and drainage requirements; and,
5. 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,
6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

2. Application:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law 2010-40 as amended, to facilitate the construction of a new addition and enlargement of the existing footprint to the south. The requested variances are listed below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	Section 6.2.2 Zoning Standards For Residential Zones	A minimum side yard setback of 1.8m for structures beyond 5.7m in height.	A minimum side yard setback (north side) of 1.0m for structures beyond 5.7m in height.

2	2010-40	Section 6.2.2 Zoning Standards for Residential Zones	A minimum side yard setback of 1.8m for structures beyond 5.7m in height.	A minimum side yard setback (south side) of 1.2m for structures beyond 5.7m in height.
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The above-described property (herein referred to as the “subject property”) is located in a residential neighbourhood, west of Main Street and south of Davis Drive. There is an existing single- detached residence on the property, and it is abutted by similar single –detached homes.

3. Planning considerations:

The requested variances are to facilitate the construction of a new addition, demolition of an existing detached garage to the south, and enlargement of the existing footprint to the south. Due to the new addition and the placement of the existing dwelling, variances are required to the side setbacks on both the north and south sides of the property.

In order to authorize a variance, Committee must be satisfied that the requested variance passes the four tests required by the *Planning Act*. In this regard, staff offer the following comments:

Conformity with the general intent of the Official Plan

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

It is the objective of the Residential Area 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, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.
- 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.

Section 3.1.3 of the Official Plan outlines policies regarding development in existing residential areas. These policies were developed as a result of the Established Neighbourhood Study (ENS) and were adopted by Council under Official Plan Amendment 29 (OPA 29). These policies includes the following:

Development in the Residential Areas shall be compatible with the existing physical character of the surrounding neighbourhood, with consideration for the following:

- Lot dimensions;
- Lot frontage;
- Front, side and rear yard setbacks;
- Siting and orientation;
- Lot coverage;
- Building entrance location;
- Private landscaping;
- Building height, massing, and depth; and,
- Ground floor height.

Per the policy above, the proposed construction of a new addition and enlargement of the existing footprint to the south is compatible with the existing physical character of the surrounding neighbourhood. The variances requested only pertains to the side setbacks, which will keep with the character of the neighbourhood.

The “Residential Areas” designation within Official Plan permits a range of housing types including two story-detached dwellings. The Official Plan allows for compatible design and the gradual change and improvement of homes through Planning Act applications. Subject to the recommended conditions of approval, the requested variances is considered to conform to the Official Plan and therefore, this test is met.

Conformity with the general intent of the Zoning By-law

The subject property is zoned Residential Detached Dwelling 15.0 Metre (R1-D) according to By-law 2010-40. Single detached dwellings are permitted within the zone.

Section 6.2.2 of the Zoning By-law sets out the zone standards applicable to residential zones. The general intent of setbacks is to ensure that the use of a property does not infringe on the rights of neighbours, and to allow sufficient space for sunlight, airflow, privacy, landscaping, stormwater run-off, and movement around the home / accessory buildings. The intent is also to ensure compatibility and consistency within the neighbourhood.

In this case, due to the placement of the existing dwelling, the northern interior side setback requires a variance to bring the existing footprint into compliance. The variance to the southern interior side setback is required to accommodate the proposed southerly addition. There is an existing detached garage which is adjoined with the detached garage that serves the property to the south. The owner is proposing to demolish the portion of the garage located on the subject property. Therefore, although the proposed southerly footprint requires a variance, the residence would be situated further from the property line than the existing shared garage. The proposed reductions maintain a functional space around the property and the impacts to the neighbours appears to be minimal.

The requested variances seek to recognize the location of the existing foundation on the north side, will increase the setback on the south side of the property, and will not significantly impact the functional space of the lot. This test is met.

Desirable for the appropriate development of the land

It is generally desirable to allow a property owner to invest in their property and arrange it in a manner that suits their needs, subject to the limits of the zoning by-law and impacts on neighbouring properties. As the requested relief would allow the property owner to invest in their property and arrange the property to suit their needs without significant impact to neighbours or the community, the variance is desirable for the appropriate development of the lot. This test is met.

Minor nature of the variance

When considering if the variance is minor, it is not simply the numerical value that must be considered; the Committee is requested to consider the overall impact of the variance. The overall impact of the proposed variance appears to be minimal and despite the reduced setbacks, the proposed addition will be compatible with the surrounding neighbourhood. This test is met.

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

4. Other comments:

Heritage

The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated properties.

Commenting agencies and departments

No comments have been provided by the Building Department.

Engineering services has requested that the applicant submit a sealed grading plan designed and stamped by a P.Eng of Ontario to the Town, complying with the Town standards for grading and drainage requirements. The submitted grading plan shall demonstrate that the proposed drainage will not cause negative impacts to the grading/drainage of this property or neighbouring properties or to slope stability as a result of the proposed changes. This has been reflected in the conditions.

York Region has no comments with regards to this application.

Lake Simcoe Region Conservation Authority has no comments with regards to this application.

Effect of Public Input

No public input was received as of the date of writing this report.

5. Conclusions:

The relief as requested:


- (1) is minor in nature;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,



Janany Nagulan
Planner, Development

123 JOSEPH STREET NEWMARKET, ON



KBK ARCHITECTS INC.

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INFO@KBKARCHITECTS.CA

SUITE #300, 25 SHEPPARD AVE. W, TORONTO

SCOPE

1. DEMOLISH EXISTING PORTION OF SHARED GARAGE ON PROPERTY
2. TWO STOREY SIDE ADDITION - AREA: 43.03 SQ.M

GENERAL NOTES

1. CONTRACTOR MUST VISIT SITE TO FAMILIARIZE WITH EXISTING CONDITIONS BEFORE QUOTING FOR THE JOB.
2. VERIFY ALL EXISTING MEMBER SIZES, ELEVATIONS, AND DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORKS.
3. REPORT ANY DISCREPANCIES TO ENGINEER IMMEDIATELY FOR ADVISE.
4. CONTRACTOR TO SUBMIT DETAIL SHOP DRAWINGS PRIOR TO FABRICATION.
5. REFER TO NOTES AND SCHEDULES FOR SPECIFICATIONS & GENERAL NOTES.
6. DIMENSIONS MARKED ON STRUCTURAL DRAWINGS ARE FOR DESIGN ONLY. CONTRACTOR IS REQUIRED TO FOLLOW MEASURE ALL DIMENSIONS, LEVELS & CONDITIONS ON SITE.

DISCREPANCY BETWEEN STRUCTURAL & ON SITE CONDITIONS MUST BE BROUGHT TO THE ATTENTION OF ENGINEER & OWNER PRIOR TO COMMENCING ANY CONSTRUCTION AND FABRICATION.

7. THESE NOTES AND ALL NOTES ARE PART OF THE WHOLE APPLICATION.

CONTRACTOR(S) MUST GO THOUGHT NOTES AND TREAT ALL DRAWINGS AS PART OF ONE APPLICATION.

8. PRIOR TO THE REMOVAL OF ANY INTERIOR WALLS, VERIFY THE CONSTRUCTION AND SUPPORT REQUIREMENTS OF THE CEILING JOISTS OR BOTTOM CHORDS OF ROOF TRUSSES (ABOVE). IF CEILING JOISTS BEAR ON INTERIOR WALLS, METHOD AND DESIGN OF SUPPORT FOR THE CEILING AREA TO BE PROVIDED TO INSPECTOR ON SITE FOR APPROVAL.

9. CONTRACTORS AND OWNERS REQUIRING ADDITIONAL INFORMATION OR CLARIFICATIONS ON THE DRAWINGS DURING CONSTRUCTION MUST CONTACT KBK ARCHITECTS INC BY EMAIL TO [INFO@KBKARCHITECTS.CA].

CONTRACTOR(S) AND CLIENT(S) ARE REQUESTED TO SEND A REQUEST FOR INFORMATION IN SUCH CASES, AND UNDERSTAND THAT THE REPLY TYPICALLY TAKES 48 HOURS. CLIENT(S) AND CONTRACTOR(S) ARE ASKED NOT TO MAKE PHONE CALLS WITH SUCH INQUIRES TO AVOID MISCOMMUNICATION, AND TO HAVE ALL COMMUNICATIONS AS RFI'S IN WRITING

Proposed	sqm	sqft				
Lot Area	598.19	6,438.81				
	Existing		Addition		Proposed	
	sqm	sqft	sqm	sqft	sqm	sqft
First Floor Area	86.67	932.91	43.03	463.17	129.70	1,396.08
Garage	26.14	281.37	-	-	-	-
Second Floor Area	57.40	617.85	43.93	472.86	101.33	1,090.71
Basement	45.81	493.09	59.05	635.61	86.56	931.72
GFA	144.07	1,550.76	86.96	936.03	231.03	2,486.78
FSI	24.08%	sqm	14.54%		38.62%	sqm
Coverage	16.57%	99.14			23.77%	142.17

Zoning Information	Allowed	Provided	Average Grade	
Zoned R1-D			A1	253.67
Max Height	10.7m	8.21m	A2	253.57
Max Coverage	35%	23.77%	A3	253.38
			B1	254.12
			B2	253.98
			B3	253.69
Setbacks			Total	1522.41
Front Yard	7.5m	5.49m	Average	253.735
Rear Yard	7.5m	22.21m		
Side Yard	1.8m	1.21m		

Lot Coverage	sqm
Lot Area	598.19
Dwelling Footprint	129.70
Covered porch	12.47
Total	142.17
Percentage	23.77%

