



PLANNING AND BUILDING SERVICES

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Planning Report

TO: Committee of Adjustment

FROM: Janany Nagulan
Planner, Development

DATE: June 29, 2022

RE: Application for Minor Variance MV-2022-017
26 Lorne Avenue
Town of Newmarket
Made by: 26 Lorne Avenue Corp. c/o Realstar Management Partnership

1. Recommendations:

That Minor Variance Application MV-2022-017 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 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 2019-06 as amended, to decrease the drive aisle width for the existing underground parking garage. The requested variance is listed below.

Relief	By-law	Section	Requirement	Proposed
1	2019-06	Section 5.2.2 Parking Design	Minimum Drive aisle width for parking spaces angled 90 degrees is 6.0m	Minimum Drive aisle width for parking spaces angled 90 degrees is 5.5m.

The above-described property (herein referred to as the "subject property") is located on Davis Drive, west of Lorne Ave. There is currently a 9 storey residential building on the property with a underground parking garage.

3. Planning considerations:

The requested variances are to facilitate the renovation of balconies of the existing building. Due to structural issues and technical considerations, new foundation walls will be required. Therefore, the drive aisle is required to be reduced from 6m to 5.5m to facilitate the balconies renovations. The drive aisle reduction will only occur at locations where the structural walls are located. All the other locations will meet the minimum drive aisle width.

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 lands are designed “Urban Centre” in the Town’s Official Plan. The subject lands are located within the Urban Centres Secondary Plan (UCSP), and designated with a range of applicable policy categories of the UCSP. This includes the following:

- The Subject property is located in the Davis Drive Regional Corridor (Schedule 1)
- The Subject property is located in the Davis Drive character area (Schedule 2)
- The Subject property is designed as Mixed Use (Schedule 3)
- The Subject property is within the Medium –High Density Area (Schedule 4)

The subject property is within the “Medium-High Density Area” within the Urban Centre Secondary Plan (UCSP). The proposed variance will not change the number of storeys existing (9 storeys). The variance requested will only affect the underground garage for structure and technical purposes. The variances will support the function of the building and will not affect adjacent properties. This test is met.

Conformity with the general intent of the Zoning By-law

The subject property is zoned MU-2 (Mixed Use 2) according to By-law 2010-40, as amended. Apartment Building Dwellings are permitted within the zone.

Section 5.2.2 of the Zoning By-law sets Parking Space Design requirements. The section includes the minimum width requirements of the drive aisles. For parking areas with parking spaces angled at 90 degrees, the minimum aisle width is 6.0m. The By-law’s intent of a minimum drive aisle width is to ensure sufficient amount of space for vehicles to get in and out of parking spaces. It is also to ensure that the cars can manoeuvre safely in the parking area. Based on the swept analysis submitted as part of the minor variance application, there appears to be enough space for vehicles to maneuver safely.

The requested variances will only impact a small proportion of the drive aisles, and where the widths are proposed they will maintain the maneuverability of the existing parking garage. 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, arrange, and maintain it in a manner that suits their needs, subject to the limits of the zoning by-law and impacts on neighbouring properties. The renovation to the existing building is desirable for the lot and area, as it will address a technical issue without undue impacts to other areas of the site or neighbouring properties. Further, it is desirable to develop the lot in conformity/general compliance with the Official Plan designation and the Zoning By-law. Therefore, this test is met.

Minor nature of the variance

The impact of the proposed variance appears to be minimal. The proposed variance allows the existing apartment building to be renovated, maintains the maneuverability of the parking garage, and is unlikely to impact neighbouring properties negatively. 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.

Transportation Services has no objections. The building is under repair and the need to provide additional support has created the need for the variance. Typically, a 5.5 m two-way driving aisle would not be acceptable, but given that the parking spaces generally exceed the required zoning minimum, and the 5.5 m driving aisle width only occurs at certain points (not continuous), the low amount of traffic should be able to maneuver into and out of the parking garage satisfactorily. Further, the parking spaces should be for tenants only, and visitor parking should not be located in the parking garage.

Engineering Services has no objection to the application.

York Region has no comments with regards to this application.

Lake Simcoe Region Conservation Authority has no comments regarding 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
- (3) conform to the general intent of the Zoning By-law;

(3) is considered desirable for the lot.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Janany'.

Janany Nagulan
Planner, Development