



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

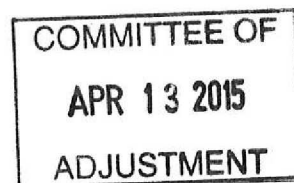
www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

REPORT



TO: Committee of Adjustment

FROM: Ted Horton
Planner

DATE: April 13, 2016

RE: Application for Minor Variance **D13-A01-16**
448 Botsford Street
Made by: Ronald Prieur and Clair Prieur

1. RECOMMENDATIONS:

That Minor Variance Application D13-A01-16 be approved, subject to the following conditions:

1. That the variance pertains only to the requests as submitted with the application;
2. That the applicant be advised that development of this property is subject to the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy;
3. That the development be substantially in accordance with the sketch submitted with the application.

2. APPLICATION:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, in order to construct a rear addition of 56 square feet or 5.2 square metres.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood west of Main Street South.

3. PLANNING CONSIDERATIONS:

The applicant is requesting relief from the By-law in order to construct a rear addition as a small mudroom. The specific request for the proposed addition is to increase the permitted lot coverage to 46%. The existing structure already exceeds the permitted lot coverage of 35%.

In making a recommendation to the Committee, staffs are required to consider the 4 tests under the *Planning Act*; staff offer the following comments:

The subject lands are designated "Urban Centre" in the Town's Official Plan, and within that designation as part of the Historic Downtown Centre. This designation permits single detached dwellings. Therefore the application is found to conform to the Official Plan.

The subject lands are zoned Residential Semi-Detached Dwelling (R2-K) Zone by By-law Number 2010-40, as amended. The subject lands are subject to the decision of the Committee of Adjustment decision A35/2005 in which a single family dwelling was permitted in the then-current Two Family Residential Third Density R3 Zone.

The general intent of a limit on lot coverage is to ensure that buildings do not fill the property from edge to edge, and to maintain a certain amount of space between buildings. The existing structure already exceeds the permitted lot coverage of 35%, and the proposed addition will further increase the lot coverage. Being located in the historic downtown area, the lot size is smaller than R2-K lots are required to be. The intent of the Zoning By-Law's maximum lot coverage provisions is to prevent overdevelopment of the property. Based on the limited lot size and limited impact of the further increased lot coverage, the general intent of the zoning by-law is met.

It is desirable to develop the lot to permit this use. It is considered desirable to permit a land owner to improve their property and renew and improve the housing stock of the town.

When considering if the variance is minor, it is not simply the numerical value; the Committee is requested to consider the impact of the variance. The impact of the proposed variance appears to be minimal as there is limited change in footprint, and such change as is proposed takes place within the existing setbacks.

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

4. **OTHER COMMENTS:**

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

The Chief Building Official and the Region of York have reviewed the application and have no concerns at this time.

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. No trees are expected to be impacted by this proposal.

5. **CONCLUSIONS:**

The recommendation of approval for the variance is based on the rationale described above and specifically that the relief as requested:

- (1) is minor in nature as the impact on adjacent properties appears to be minimal;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit residential uses on the property; and

- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ted Horton", with a stylized flourish at the end.

Ted Horton
Planner

copy: R. 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: April 12, 2016

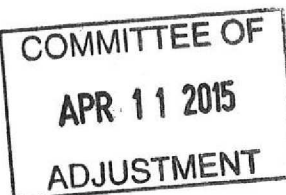
RE: Application for Minor Variance

File no: D10-A01-16

I have reviewed the above and have no concerns or comments at this time.

A handwritten signature in blue ink that reads 'D. Corrigan'.

for David



MEMORANDUM

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: April 6, 2016

RE: Notice of Application for Minor Variance
File No. D13-A01-16
448 Botsford Street
Made by: Prieur, Ronald and Claire

We herein acknowledge receipt of the Notice for Application for Minor Variance in that the applicant is proposing to build a single storey mudroom. Relief is requested from Zoning Bylaw Number 2010-40, as amended, Section 6.2.2 Zone Standards Regulatory Set K, to permit a maximum lot coverage of 46% notwithstanding the bylaw requirement of 35%; and

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,

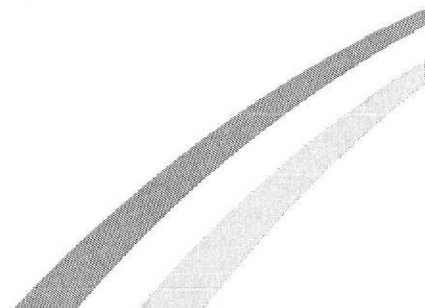
ENGINEERING SERVICES



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

File No.: VK009

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





COMMITTEE OF ADJUSTMENT
 Town of Newmarket
 395 Mulock Drive
 P.O. Box 328
 Newmarket, ON L3Y 4X7
 www.newmarket.ca
 kpelham@newmarket.ca
 T: 905.953.5300 Ext. 2456
 F: 905.953.5140

**COMMITTEE OF
 APR - 6 2015
 ADJUSTMENT**

Notice of Application for Minor Variance

IN THE MATTER OF Subsection 1 and 2 of Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

IN THE MATTER OF an application for Minor Variance or for Permission for relief from Bylaw Number 2010-40, as amended.

Rec'd by LSRCA	
IMS #	PUC1650
Date:	APR 05 2016 CI
CAO	
Chair	
GM	
Bylaw Number	
GM Corp. & In. Services	
GM Var. Mgmt.	
ED Foundation	

MADE BY: PRIEUR, Ronald
 PRIEUR, Claire
FILE NUMBER: D13-A01-16
SUBJECT LAND: Part Lot 10, Plan 13
 448 Botsford Street
 Town of Newmarket
 Ward No.: 5

**THE LAKE SIMCOE REGIONAL
 CONSERVATION AUTHORITY HAS
 REVIEWED THIS APPLICATION AND
 DETERMINED THAT WE HAVE
 NO OBJECTION TO ITS APPROVAL**

The purpose of the application is as follows: SIGNATURE [Signature] DATE APRIL 6/16

The applicant is proposing to build a single storey mudroom. Relief is requested from Zoning Bylaw Number 2010-40, as amended, Section 6.2.2 Zone Standards Regulatory Set K, to permit a maximum lot coverage of 46%, notwithstanding the bylaw requirement of 35%; and

In accordance with Section 45(2)(a) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, the Applicant is requesting relief, to permit the enlargement of a legal non-conforming use for a proposed mudroom.

THE COMMITTEE OF ADJUSTMENT WILL HEAR THE APPLICATION ON WEDNESDAY, APRIL 20TH, 2016 AT 9:30 A.M., IN THE COUNCIL CHAMBERS, IN THE MUNICIPAL OFFICES AT 395 MULOCK DRIVE, NEWMARKET, ONTARIO.

You are entitled to attend this Public Hearing in person to express your views about this application or you may be represented by Counsel or by someone appointed by you for that purpose.

If unable to attend the Hearing you may submit written comments in support of or in opposition to this application and they must be delivered to the Secretary-Treasurer, Committee of Adjustment, Town of Newmarket, 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7 not later than the time set for the Hearing.

If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Secretary-Treasurer, Committee of Adjustment, Town of Newmarket, 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.

IMPORTANT NOTICE: If you do not attend at the Hearing it may proceed in your absence and, except as otherwise provided in the *Planning Act*, you will not be entitled to any further notice in the proceedings.

If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this Hearing.

DATED at the Town of Newmarket this 5th day of April, 2016.

[Signature]
 Secretary-Treasurer
 Committee of Adjustment

PLEASE REFER TO THE ATTACHED SKETCH(ES) FOR THE LOCATION OF THE LAND AND GENERAL DETAILS OF THE APPLICATION. IF MORE INFORMATION IS REQUIRED, CONTACT THE SECRETARY-TREASURER AT (905)-953-5300, EXT. 2456, FOR ASSISTANCE OR FAX NUMBER (905)-953-5140.

Pelham, Kym

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: April-11-16 3:38 PM
To: Pelham, Kym
Subject: FW: D13-A01-16 - 448 Botsford Street - Minor Variance - Newmarket
Attachments: 2016 - D13-A01 (Prieur) Application.pdf; 2016 - D13-A01 (Prieur) Notice.pdf

Good Afternoon Kym,
The Regional Municipality 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, April 05, 2016 8:30 AM
To: Hurst, Gabrielle
Subject: FW: D13-A01-16 - 448 Botsford Street

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Tuesday, April 05, 2016 8:20 AM
To: Bilkhu, Vick
Subject: D13-A01-16 - 448 Botsford Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A01-16, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, April 14, 2016.

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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Newmarket: A Community Well Beyond the Ordinary

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