



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

Planning Report

To: Committee of Adjustment

From: Patricia Cho
Planner, Development

Date: July 21, 2021

Re: Application for Minor Variance D13-A21-21
238 Frederick Curran Lane
Town of Newmarket
Made by: Kimla, Eric Jan & Meadows, Jennifer Anne Gail

1. Recommendations:

That Minor Variance Application D13-A21-21 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application;
- ii. 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;
- iii. That the development be substantially in accordance with the information and site plan submitted with the application; and,
- iv. 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 Number 2010-40 as amended, in order to construct a covered porch to the rear of the existing single-detached dwelling. The description of the proposed variance is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40, as amended by By-law 2011-14	Exception 80 – Development Standards (e)	Minimum rear yard setback of 7.0m.	Minimum rear yard setback of 6.18m.

The above-described property (herein referred to as the “subject lands”) is located in a residential neighbourhood, east of Bathurst Street and north of Woodspring Avenue. There is an existing single-detached residence on the lot and surrounded by lots with similar structures.

3. Planning considerations:

The applicant is requesting relief from the Zoning By-law to construct a covered porch to the rear of the existing single-detached dwelling.

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 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.

The Residential Areas designation permits single detached dwellings. The Official Plan allows for compatible design and gradual change and improvement of homes through Planning Act applications. The application is found to conform to the Official Plan and therefore this test is met.

Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Detached Dwelling 10.7mException 80 (R1-F1-80) Zone by By-law 2010-40, as amended.

The general intent of the Zoning By-law's built form permissions is to limit the size of structures in order to maintain compatibility and similarity of structures within the neighbourhood and to allow sufficient space for sunlight, airflow, privacy, landscaping, stormwater run-off, and movement around the home/accessory buildings. In the case of the proposed variance for the rear porch, the requested relief is a reduction in the rear yard setback for the two-storey structure from 7.0m to 6.18m, a reduction of 0.82m. The proposed setback continues to provide a reasonable level of amenity space in the rear yard and the impacts to neighbouring properties appears to be minimal.

The variance requested maintains the general intent of the Zoning By-law and therefore 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 minor variance is minor, it is not simply just the numerical value. The Committee is requested to consider the overall impact of the variance. The overall impact of the proposed variance appears to be minimal as the proposed relief does not appear to have a significant impact to the surrounding area.

In consideration of the above, the proposed variance is deemed to meet the four tests under the Planning Act and is recommended to be approved subject to conditions.

4. Other comments:

Heritage

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

Tree Protection

There are trees in close proximity to the rear lot line, therefore the Town's Tree Preservation, Protection, Replacement and Enhancement Policy applies to this property. If Committee grants this variance, the applicant will be required to provide tree protection as the Town requires.

Commenting agencies and departments

The Chief Building Official has reviewed the application and does not have any objection to this application subject to compliance with the Ontario Building Code.

Engineering Services has reviewed the application and have no objection to this application.

The Region of York has reviewed the application and has advised they have no comment to the proposal.

The Lower Simcoe Region Conservation Authority (LSRCA) has reviewed the application and recommend approval with no conditions.

Effect of Public Input

A letter of support has been received from the adjacent property to the east at 236 Frederick Curran Lane.

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.

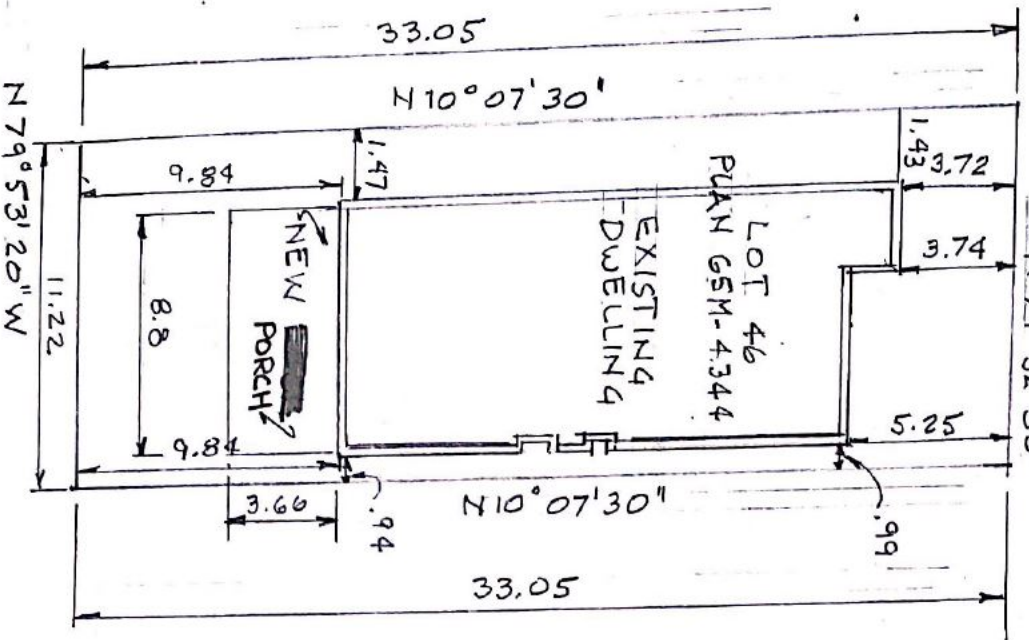
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patricia Cho', with a stylized flourish at the end.

Patricia Cho, HBA, MSc. (Pln)
Planner, Development

FREDERICK CURRAN LANE

N 79° 52' 30" W



SITE PLAN SCALE 1:60

OWNER: ERIC KIMLA

ADDRESS: 238 FREDERICK CURRAN LANE

NEWMARKET, ONTARIO

DATE: SEPTEMBER 24, 2018