



Sent via E-mail: [dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)

July 15, 2020

**Municipal File No.: D13-A23-21**  
**LSRCA File No.: VA-168966-071521**

Mr. Devon Morton  
Planner, Committee of Adjustment & Cultural Heritage  
Town of Newmarket  
Planning and Building Services  
395 Mulock Drive  
P.O. Box 328, STN Main  
Newmarket, ON L3Y 4X7

Dear Mr. Morton:

**RE: Proposed Application for Minor Variance**  
**Applicants: Arash Banisadr & Marjan Rasaei**  
**184 Prospect Street**  
**Town of Newmarket, Regional Municipality of York**

---

Thank you for circulating the captioned application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. It is our understanding that the Owner is proposing the addition of an 'Accessory Dwelling Unit' within the existing residential dwelling. The Owner has submitted an application for minor variance in relation to the proposal, and is requesting relief from Town of Newmarket Comprehensive Zoning By-law Number 2010-40, as amended, as follows:

- i. Relief from Section 5.3.1 Minimum Off-Street Parking Requirements to permit one parking space be provided for a Dwelling Unit; whereas, the By-law requires 2 parking spaces be provided.
- ii. Relief from Section 6.2.3 Additional Requirements for Residential Zones to permit a driveway located 0.0 metres from the side lot line; whereas, the By-law requires a 0.6 meter setback.
- iii. Relief from Section 5.2.2 Parking Space Design to permit two parking spaces with widths of 2.3 metres; whereas, the By-law requires widths of 2.6 meters.

**Documents Received and Reviewed by Staff**

Staff have received and reviewed the following documents submitted with this application:

- Notice of Complete Application for Minor Variance and Public Hearing, prepared by Town of Newmarket.

We note that LSRCA planning staff have not been involved in a pre-consultation to the applicant/municipality dated in advance of the receipt of the application.

Staff have reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 179/06 of the *Conservation Authorities Act*. LSRCA has also provided comments as per our MOU with the Town of Newmarket and the Regional Municipality of York. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

### **Recommendation**

Based upon our review of the submitted information in support of the application, it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we recommend that any approval of this application be subject to the following condition:

- a. That the Owner shall pay all development fees to the LSRCA in accordance with the approved Fees Policy under the *Conservation Authorities Act*. (Note: payment is currently outstanding for the LSRCA review of the minor variance application of \$525.00 per the LSRCA 2021 Fee Schedule).

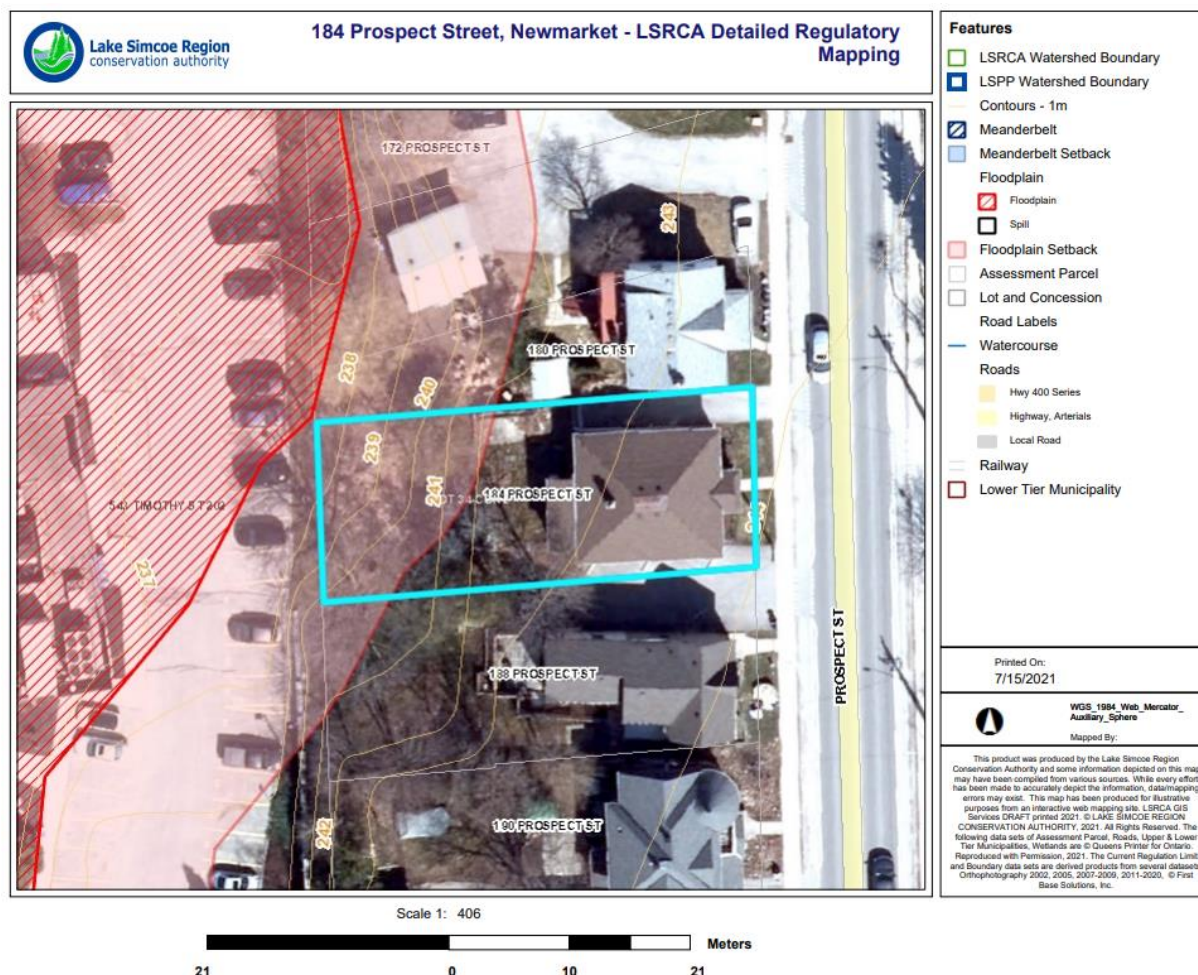
### **Site Characteristics**

The subject property is approximately 0.05 hectare (0.14 acre) in size and is located west of Prospect Street and north of Timothy Street within the Town of Newmarket. The property currently contains a single detached dwelling. The property is currently within a Residential Detached Dwelling 15m Zone (R1-D) and is located within a FP-NH – Regulatory Area and Other Natural Hazards Zone per Schedule “A”, Map No. 12 to Town of Newmarket Comprehensive Zoning By-law Number 2010-40, as amended.

The lands are identified as being within the Recharge Management Area (WHPA Q2) per the South Georgian Bay Lake Simcoe Source Protection Plan. The property is located within a Highly Vulnerable Aquifer. Current environmental mapping indicates that the property is within the minimum area of influence to a key hydrologic feature (i.e. permanent or intermittent stream) and a key natural heritage feature (i.e. significant woodland). However, the proposed development (i.e. accessory dwelling unit within the existing residential dwelling) is providing the required 30 metre minimum vegetation protection zone to the key natural heritage and key hydrologic features adjacent to this property. The property is located outside of the Oak Ridges Moraine Conservation Plan area and outside of the Greenbelt Plan area.

Existing mapping indicates that the subject property is partially regulated by the LSRCA under Ontario Regulation 179/06 under Section 28 of the *Conservation Authorities Act* for the following natural hazards and/or natural heritage features:

- Riverine flooding during a Regional Storm Event associated with a tributary of the East Holland River.



### Delegated Responsibility and Statutory Comments:

1. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS). The application has demonstrated consistency with Section 3.1 of the PPS as estimated digital terrain modelling elevations have determined that the existing residential dwelling and access points are located outside of an area subject to hazardous lands (i.e. riverine flooding during a Regional Storm Event).
2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 179/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Ontario Regulation 179/06 does apply to the subject site. A permit from the Lake Simcoe Region Conservation Authority will be required prior to development or site alteration occurring within the LSRCA regulated area. Please note that development includes change of use, such as adding an Accessory Dwelling Unit. However, the principle dwelling and access points are located outside of an area subject to Ontario Regulation 179/06 and therefore a LSRCA permit application will not be required based on the current scope of development.

### **Advisory Comments**

3. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Newmarket and Regional Municipality of York in that we provide through a MOU as well as through our role as a public body, pursuant to the *Planning Act*. The overall development of the site does not include the construction of an impervious area or a building with a ground floor area cumulatively equal to or greater than 500m<sup>2</sup> (5382 sq. ft.). It is noted that this scale of development does not meet the definition of “major development” per the Lake Simcoe Protection Plan (LSPP) or the York Region Official Plan.

### **Summary**

Based upon our review of the submitted information in support of the application, it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we recommend that any approval of this application be subject to the following condition:

- a. That the Owner shall pay all development fees to the LSRCA in accordance with the approved Fees Policy under the *Conservation Authorities Act*. (Note: payment is currently outstanding for the LSRCA review of the minor variance application of \$525.00 per the LSRCA 2021 Fee Schedule).

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated.
2. Ontario Regulation 179/06 does apply to the subject site. In future, a permit from the Lake Simcoe Region Conservation Authority will be required prior to any development or site alteration taking place within the LSRCA regulated portion of the property.

Should you have any questions concerning these comments, please contact the undersigned and reference the above file numbers in correspondence. Please advise our office of any decision made with regard to this matter.

Sincerely,



Laura Tafreshi  
Planner I

Lake Simcoe Region Conservation Authority (LSRCA)