

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

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Planning Report

To: Committee of Adjustment

From: Patricia Cho
Planner, Development

Date: August 25, 2021

Re: Application for Minor Variance D13-A25-21
971 Ivsbridge Boulevard
Town of Newmarket
Made by: Johnson, Lena & Johnson, Kerry

1. Recommendations:

That Minor Variance Application D13-A25-21 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 2010-40 as amended, in order to construct a deck and cabana 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	6.2.2 – Zone Standards	Minimum side yard setback of 1.2m.	Minimum side yard setback of 0.94m for the deck.
2	2010-40, as amended	6.2.2 – Zone Standards	Minimum side yard setback of 1.2m.	Minimum side yard setback of 0.75 for the cabana.

The above-described property (herein referred to as the “subject lands”) is located in a residential neighbourhood, west of Leslie Street and south of Mulock Drive. 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 deck and cabana to the rear of the existing single-detached dwelling. It is understood from the applicant that the regular zoning standards cannot be met due to the layout of a future swimming pool and other landscaping for their backyard.

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 18M (R1-C) Zone by By-law 2010-40, as amended.

The general intent of the setbacks are 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. In the case of the subject lands, the first requested relief is a reduction in the side yard setback from 1.2m to 0.94m, a reduction of 0.26m, for the deck. The second relief is a reduction in the side yard setback from 1.2m to 0.75m, a reduction of 0.45m, for the cabana. The proposed setbacks appear to maintain a functional space and distance from the lot line that is sufficient for stormwater runoff and yard maintenance. Also, 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 just 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 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 front and 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 and compensation 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. It should be noted that the existing drainage patterns and swales would be required to remain and there should be no negative impacts to the grading or drainage of this property or neighbouring properties as a result of the proposed changes.

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

Effect of Public Input

One letter, supporting the application, was received from the adjacent property to the east at 236 Frederick Curran Lane.

5. Conclusions:

The relief as requested:

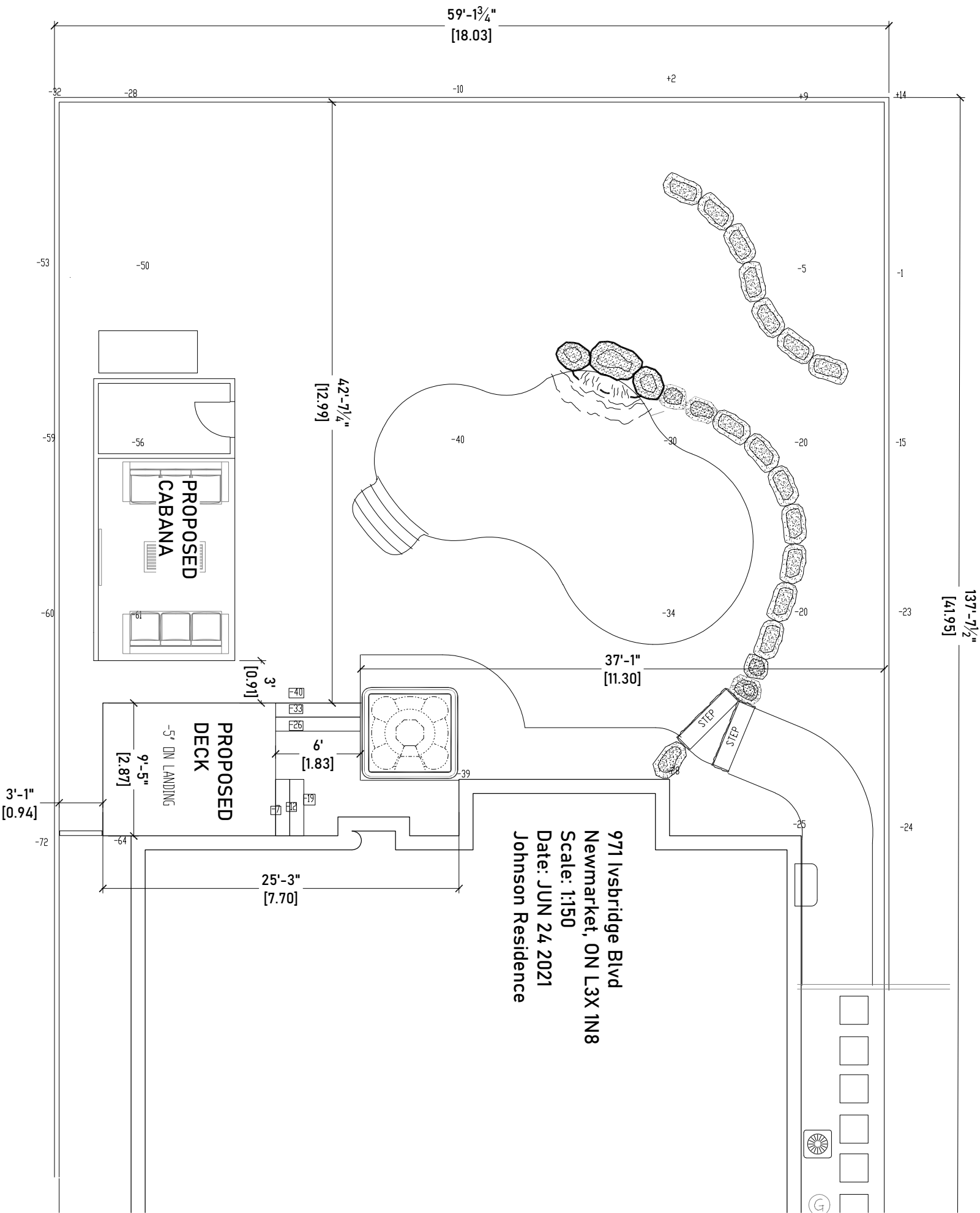
- 1) is minor in nature;
- 2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- 3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,

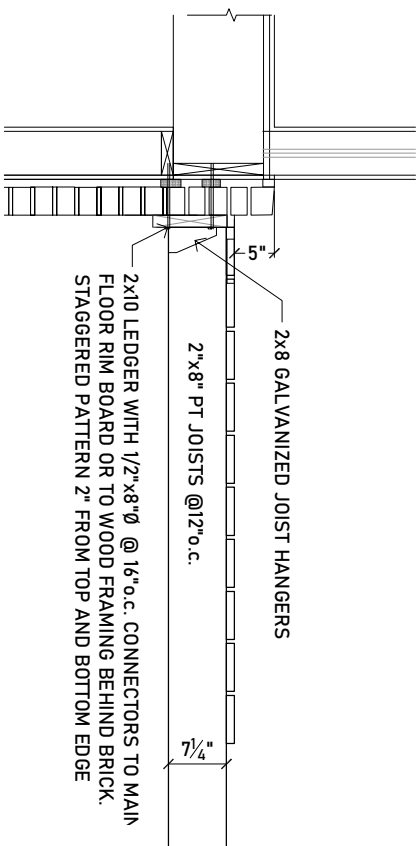
A handwritten signature in black ink, appearing to read 'Patricia Cho', with a stylized flourish at the end.

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

SITE PLAN
Scale: 1:150



CONNECTION DETAIL
Scale: 1:150



971 Ivsbridge Blvd
Newmarket, ON L3X 1N8
Scale: 1:150
Date: JUN 24 2021
Johnson Residence

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

Qualification Information
Required unless design is exempt under Div. C - 32.5.1 of the building code

NAME EVANS
Signature
BCIN 100332

Registration Information
Required unless design is exempt under Div. C - 32.4.1 of the building code

209 DESIGN
Firm Name
BCIN 100521

THE INFORMATION HEREIN IS THE PROPERTY OF 209 DESIGN AND FOR THE EXCLUSIVE USE OF THE CONTRACTED PARTY FOR THIS PROJECT ONLY AND SHALL NOT BE USED FOR OTHER PROJECTS, PUBLISHED, COPIED OR COMMUNICATED TO A THIRD PARTY WITHOUT WRITTEN CONSENT OF 209 DESIGN

NOTES

- ALL FRAMING TO BE SPF No. 162 OR GREATER
- SNOW LOAD CALCULATIONS BASED ON OBC 2012 Ss 1.0, S_r 0.4, Cb 0.45 = 89kPa (Charts 10kPa or 20.7psf)



209 DESIGN
Dana Evans
15905 Sideroad 17
Sunderland Ontario
647-297-8300

PROJECT

PROPOSED DECK

971 Ivsbridge,
Newmarket, ON L3X 1N8

DESIGNER		PROJECT	
209 DESIGN		PROPOSED DECK	
Dana Evans		971 Ivsbridge,	
15905 Sideroad 17		Newmarket, ON L3X 1N8	
Sunderland Ontario			
647-297-8300			
		DATE	Jun 24 2021
		SCALE	AS NOTED
		DRAWING	
		SITE PLAN	
No.	DESCRIPTION	DWG. No	PAGE
1	ISSUED FOR PERMIT APPLICN	Jan 19 2021	1/2
2	REVISED FOR PERMIT APPLICN	Jun 24 2021	