



Sent via E-mail: umahmood@newmarket.ca

November 17, 2023

Municipal File No.: MV-2023-015
LSRCA File No.: VA-166041-111523

Mr. Umar Mahmood
Planner COA & Cultural Heritage
Planning & Building Services
Town of Newmarket
395 Mulock Drive
P.O. Box 328, STN Main
Newmarket, ON L3Y 4X7

Dear Mr. Mahmood:

RE: Proposed Application for Minor Variance
Owner: The Eagles Nest Ltd., c/o Carmine Panaro
491 Eagle 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 has submitted an application for minor variance under Section 45 of the *Planning Act* to permit construction of a new detached garage on the existing detached garage slab. The following relief is requested from Zoning By-law 2010-40, as amended:

- Relief from Section 4.1.2 Accessory Building and Structures to permit a height of a detached garage of 5.7m whereas By-law permits a maximum height of a detached garage of 4.6m;
- Relief from Section 6.2.2 Zone Standards to permit a rear yard measured to a detached garage of 2.05m (existing) whereas By-law requires a minimum rear yard measured to a detached garage of 7.5m; and
- Relief from Section 6.2.2 Zone Standards to permit an exterior side yard measured to a detached garage of 1.34m (existing) whereas By-law requires a minimum exterior side yard measured to a detached garage of 3.0m.

Documents Received and Reviewed by Staff

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

- Detached Garage Plans, prepared by R.A. Jefferies & Associates, revision July 31, 2023
- Site Plan, prepared by R.A. Jefferies & Associates, dated November 8, 2023

Staff have reviewed this application 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 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, the proposal is consistent and in conformity with the 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 \$536.00 per the LSRCA 2023 Fee Schedule).

Site Characteristics

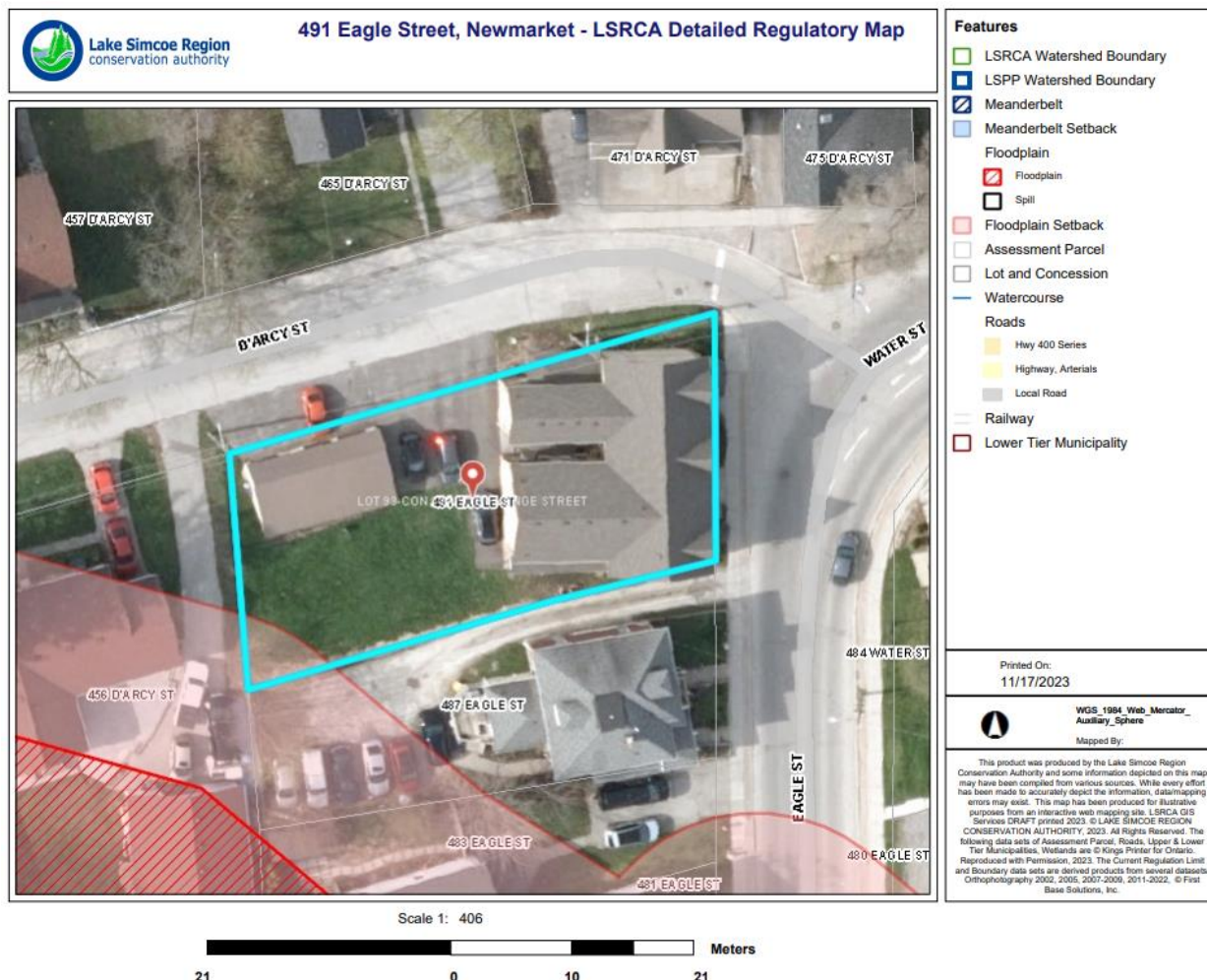
The subject property is approximately 0.08 hectare (0.20 acre) in size and is located west of Eagle Street and south of D'Arcy Street within the Town of Newmarket. The property is currently within a 'Residential Townhouse Dwelling 1 (R4-N) Zone' and a 'Regulatory Area and Other Natural Hazards (NH) Zone' per Schedule "A" to Map 11 of Town of Newmarket Comprehensive Zoning By-law Number 2010-40, as amended.

The Schedules provided in the Town's Official Plan provide the following for the subject property:

- Within a Community Improvement Policy Area
- Within the Historic Core Character Area
- Within the Historic Downtown Centre

Current environmental mapping provides the the following for the subject property:

- The lands are identified as being within the Recharge Management Area (WHPA Q2) per the South Georgian Bay Lake Simcoe Source Protection Plan
- Within a Highly Vulnerable Aquifer
- A portion of the property is within an area governed by Ontario Regulation 179/06 as made under Section 28 of the *Conservation Authorities Act*. Please see a detailed regulatory map below. This is representative of:
 - Riverine flooding during a Regional Storm Event associated with 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, 2020). This application has demonstrated consistency with Section 3.1 of the PPS.
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. In general, 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.

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*.

Summary

Based upon our review of the submitted information in support of the application, the proposal is consistent and in conformity with the 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 \$536.00 per the LSRCA 2023 Fee Schedule).

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

1. Consistency with Section 3.1 of the Provincial Policy Statement has been demonstrated.
2. Ontario Regulation 179/06 does apply to the subject site. In general, 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)