



Sent via e-mail: umahmood@newmarket.ca

February 7, 2024

Municipal File No.: MV-2024-005
LSRCA File No.: VA-244610-020724

Umar Mahmood
Secretary-Treasurer, Committee of Adjustment
395 Mulock Drive
Newmarket, ON L3Y 4X7

Dear Mr. Mahmood,

Re: Application for Minor Variance
124 Avenue Road
Town of Newmarket
Owner: Frank & Eleni Henriques
Applicant: Homes 2B Design Corporation (c/o Michael Swann)

Thank you for circulating the above-captioned application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. It is our understanding that the Applicant/Owner is proposing to construct an addition to the existing dwelling. The Applicant/Owner is seeking relief from the following section of the Town of Newmarket Zoning By-law 2010-40, as amended:

- Relief from **Section 6.2.2** (Zone Standards) of the By-law which requires a minimum interior side yard of 1.80 metres, whereas the proposal is requesting an interior side yard of 1.21 metres.

Documents Received and Reviewed by Staff

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

- Notice of Application (dated February 7, 2024)
- Committee of Adjustment Application Presentation prepared by Homes 2B Design Corporation
- Architectural Drawings prepared by Homes 2B Design Corporation (dated November 10, 2023)

Staff have reviewed this application as per our delegated responsibility from the Province of Ontario 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 Memorandum of Understanding (MOU) with the Town of Newmarket. 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 on 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 plans. On this basis, we have no objection to the approval of this application for Minor Variance. It is recommended that any approval of this application be subject to the following conditions:

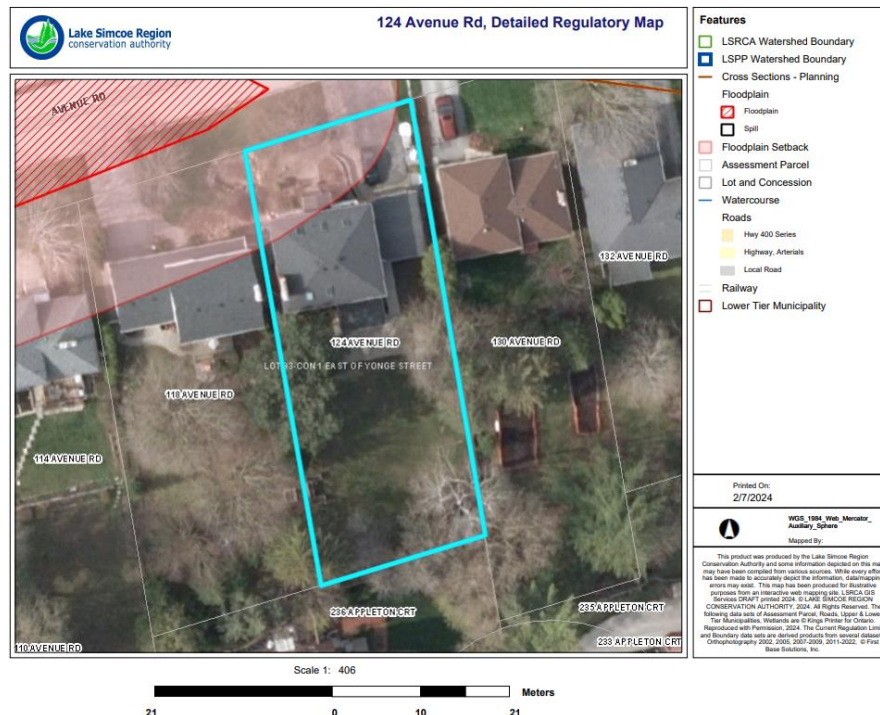
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536.

Site Characteristics

The subject land is approximately 0.10 hectares (0.25 acres) is located south of Avenue Road within the Town of Newmarket. The subject land is within the ‘Residential Area’ designation as per Schedule A of the Town of Newmarket Official Plan and within the ‘Residential Detached Dwelling 15m Zone (R1-D)’ as per the Town of Newmarket Zoning By-law 2010-40, as amended.

Existing mapping indicates the following:

- The subject property is partially regulated by the LSRCA under Ontario Regulation 179/06 for regulatory floodplain setback associated with Western Creek. Please see a detailed regulatory map below.
- The subject property is within the identified recharge management area (WHPA Q2) per the South Georgian Bay Lake Simcoe Source Protection Plan (SGBLSSPP).



Please note: LSRCA staff have not attended any site meetings at this location related to the subject applications.

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). There are identified natural hazards on the subject lands (floodplain setback). Based on the information submitted as part of this application, the proposal is located outside of the hazard lands and is therefore consistent with 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 applies to a portion of the subject property. LSRCA staff note that the Applicant/Owner has obtained written approval from the LSRCA regarding the proposed addition submitted as part of this application in an email dated November 14, 2023 from LSRCA Regulations staff, Matthew Figuerres (LSRCA file no. NS.2023.010).

Advisory Comments

1. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Newmarket in that we provide through a MOU as well as through our role as a public body, pursuant to the *Planning Act*.

Summary

Based on our review of the submitted information in support of this application, the proposal is consistent and in conformity with the natural hazard policies of the applicable plans. On this basis, we have no objection to the approval of this application for Minor Variance.

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 applies to a portion of the subject site. The Applicant/Owner has obtained written clearance from the LSRCA for the proposed addition;
3. That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536.

Please inform this office of any decision made by the municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned (j.lim@lsrca.on.ca).

Sincerely,

A handwritten signature in blue ink that reads "J. Lim." with a period at the end. The signature is written in a cursive style.

Jessica Lim
Planning Analyst
Lake Simcoe Region Conservation Authority (LSRCA)