



Planning Report

TO: Committee of Adjustment

FROM: David Sanza
 Junior Planner, Development

DATE: June 21, 2024

RE: Application for Minor Variance **MV-2024-027**
 908 Bosworth Court
 Made by Ann and Denis Gratton

1. Recommendations:

- 1. That Minor Variance Application MV-2024-027 be approved.

2. Clearing Conditions

- 2. Any development related to this variance shall be in general accordance with the site plan approved by the Committee.

3. Advisory Comments:

- 1. That the variance pertains only to the requests as submitted with the application; and,
- 2. That the development be in accordance with the information submitted with the application; and,
- 3. Failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

4. Application:

An application for Minor Variance has been submitted by the owner of the above-noted property to request relief from Zoning By-law 2010-40, as amended, to permit the construction of an additional attached garage and to expand a portion of the existing driveway to provide access to this third garage.

The following variances have been requested from Zoning By-law 2010-40, as amended:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.2.2		To permit the construction of a new attached garage to be set

			To provide an interior side yard setback of 1.8 m from the lot line.	back 1.6 metres from the interior lot line.
2	2010-40	6.2.2	The maximum driveway width is 6 m	To permit the expansion of a portion of the existing driveway to a width of 10.30 m.

The above-described property (herein referred to as the “subject land”) is located in a residential neighbourhood, south of Jelley Ave and west of St. Andrews Valley Golf Club. The subject land is occupied by an existing single-detached dwelling and is surrounded by similar single-detached dwellings.

5. Planning considerations:

As noted, the requested variances pertain to minimum interior side yard setback and maximum driveway width, the standards of which are contained in Section 6.2.2 of the zoning by-law.

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 property is designated “Residential” in the Official Plan. This designation permits a range of residential built form types. Regarding this designation, the Town’s Official Plan states:

It is the objective of the Residential Area policies to:

- a. Provide a range of residential accommodations 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, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.
- 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 Official Plan permits property owners to arrange their property and modify their dwelling to suit the needs of the owner, provided they are in compliance with the Town’s Zoning By-law. Subject to the advisory comments, the requested variances are considered to conform to the Official Plan and therefore and this test is met.

Conformity with the general intent of the Zoning By-law

The subject land is zoned Residential Detached Dwelling 15m Zone (R1-D) by Zoning By-law 2010-40. Single-detached dwellings and multiple car garages are permitted within this zone.

The general intent of an interior side yard setback is to allow for access to the rear yard, general maintenance of the property and the dwelling, and allow for proper drainage. In this instance, the applicant is looking to add an additional attached garage to the dwelling, for a total of three garage spaces. Section 6.2.2 of the Zoning By-law requires that a dwelling be setback a minimum of 1.8 metres from the interior side lot line. The proposed garage would be setback 1.6 metres from the lot line. The reduced setback still allows for access to the rear yard, drainage, and the general maintenance of the property as the closest point of the garage will be 1.6 metres from the lot line. As the proposed addition is a garage, there are no overlook or privacy concerns anticipated and the requested relief would not negatively affect the neighbouring properties. The proposal complies with all other provisions of the By-law including building height and lot coverage.

The general intent of maximum driveway widths is to regulate the amount of hard surface area in a front yard to maintain the character of residential areas, ensure front yards are not dominated by parking, and to ensure appropriate soft surface is provided for drainage and stormwater management purposes.

In order to provide access to the proposed garage, the existing driveway must also be widened. The applicant is seeking relief to allow a portion of the driveway in front of the garage to be widened to 10.3 metres to provide access to the third garage space. The remaining portion of the driveway would taper down where the driveway meets the property line and curb. The portion of the driveway within the right of way would maintain the existing width of 6.14m. The size of the lot and the proposed design of the driveway allows for a significant portion of the front yard to remain as soft landscaping, which is in keeping with the character of the area. Additionally, the application proposes to use permeable pavers to allow water drainage for the portion of the driveway that is subject to the minor variance, which will mitigate the potential negative visual impact of the widened driveway.

The requested variances maintain the general intent of the Zoning By-law and therefore, this test is met.

Desirable development of the lot

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. The proposed garage addition would be consistent with the character of the neighbourhood being comprised of single detached dwellings on large lots with 2 to 3 car garages. The proposed additional garage has been designed to maintain the same building style and use similar materials as the existing dwelling. The garage would add additional storage space to meet the requirements of the residents. Although this application seeks to reduce the required interior side yard setback, the proposed setback maintains adequate separation from the lot line to not interfere with the neighbours' property usage and provides sufficient space for drainage and access to the rear yard from the side yard.

The proposed driveway widening would be limited to a small portion of the driveway that would connect the proposed garage to the existing driveway. The driveway would not be extended at the street line and the driveway expansion would only be wide enough to allow for access to the additional garage.

As the requested relief would allow the property owner to invest in their property and arrange it to suit their needs without significant impact on neighbouring properties or the community, it is considered desirable for the appropriate development of the lot. This test is met.

Minor nature of the variance

The test of whether a variance is minor in nature is not simply an evaluation of the numerical value; the Committee is requested to consider the overall impact of the variance. The overall impact of the proposed driveway widening and reduced setback for the proposed garage would be minimal.

Due to the large size and unique shape of the lot, as well as the tapering of the driveway and use of a different material from the rest of the driveway, the proposed garage and driveway expansion would not have significant visual impacts. The proposed variances would allow for the needs of the residents to be met while remaining consistent with the neighbourhood context.

In consideration of the above, the proposed variances are deemed to meet the four tests under the *Planning Act* and are recommended to be approved.

6. Other comments:

Tree Preservation

- Trees 1 through 3 identified in the arborist report are to be protected from potential construction hazards.

Heritage

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

Commenting Agencies and Departments

Engineering Services has no objection to the application.

The Regional Municipality of York has no comment on the application.

The subject land is not within the LSRCA-regulated area.

Central York Fire Services has not commented on the application.

Effect of Public Input

One abutting neighbour has written a letter of support for the Minor Variance Request.

7. 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,

David Sanza

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