



PLANNING AND BUILDING SERVICES

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Planning Report

TO: Committee of Adjustment

FROM: Joyce Tsui
Intermediate Planner, Development

DATE: June 21, 2024

RE: Application for Minor Variance **MV-2024-028**
753 Srigley Street
Made by Scott Campbell and Kristy Campbell

1. Recommendations:

That Minor Variance Application MV-2024-028 be approved.

2. Clearing conditions:

1. The Secretary-Treasurer shall receive a letter from the Town of Newmarket, Development and Infrastructure Services – Planning Services Division, indicating that satisfactory arrangements have been made with respect to the Town’s Tree Preservation, Protection, Replacement and Enhancement Policy prior to the issuance of any building permit.

4. Advisory comments:

1. The variance pertains only to the request as submitted with the application;
2. The existing drainage patterns and swales would be required to remain and there should be no negative impacts to the grading and drainage of this property or neighboring properties as a result of the proposed changes;
3. Prior to any demolition or construction activity on the subject lands, the Town must be notified to conduct an inspection of the installed tree protection fencing and other tree protection measures;
4. The development be substantially in accordance with the information submitted with the application; and,
5. Failure to comply with and maintain the conditions and comments of the Committee shall render the approval null and void.

5. Application:

An application for Minor Variance has been submitted by the above-noted owner. The applicant is proposing to demolish the existing one-storey single detached dwelling and construct a two-storey single detached dwelling on the existing foundation.

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	Minimum interior side yard setback of 1.8m	Interior side yard (west) setback of 1.37m
2	2010-40	6.2.2	Minimum front yard setback of 5.84 m	Front yard setback of 4.82 m
3	2010-40	4.2	A maximum porch encroachment of 2.4 metres into the required yard (inclusive of steps), but no closer than 1.5 metres to the lot line	A maximum porch encroachment (inclusive of steps) of 2.77 metres into the required yard

The above-described property (herein referred to as the “subject land”) is located in a residential neighbourhood, on the north side of Srigley Street and west of Alexander Road. The property is currently occupied by a one-storey single detached dwelling. The existing detached dwelling would be demolished and a new two-storey dwelling is proposed to be constructed on the subject land.

6. Planning considerations:

The applicant is seeking a minor variance application to reduce the minimum required front and interior side yard setbacks and to permit additional encroachment for a front porch and steps to facilitate the construction of a new single detached dwelling on the subject land.

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:

i. Conformity with the general intent of the Official Plan

The subject land is designated “Residential” in the Town’s Official Plan. The objectives of the Residential Area policies are 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 contextually sensitive manner.
- b. Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighborhood.
- 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.

Within the “Residential Areas” designation are various Character Areas; the subject property is located within the “Historic Core Character Area”. This area is generally characterized by the following:

- Traditional street grid patterns;
- Short blocks with many intersections;
- Landscaped boulevards and an extensive canopy of established mature trees;
- Continuous sidewalks on one or both sides of the street;
- Building heights of 1 to 2 storeys;
- A range of architectural expressions and styles, with a significant focus on Victorian-era Architecture; and,
- A significant concentration of Listed and Designated heritage properties.

The “Residential Areas” designation within the Official Plan permits a range of housing types, including a two-storey detached dwelling. The Official Plan allows for gradual change, improvement, and reconstruction of homes through Planning Act applications. New development within this area must respect these physical neighbourhood characteristics, while responding to the unique site and contextual conditions.

The requested relief has been assessed and it is not anticipated to adversely impact the neighbourhood. It is considered appropriate for the following reasons:

- The requested variances would not change the existing character of the neighbourhood;
- The interior side yard setback (west) and front yard setback are based on existing foundation and building footprint and would maintain the existing functional space around the house;
- The porch and a portion of the steps are within the permitted encroachment and the additional encroachment for the remaining steps would be at a size that maintains the character of the neighborhood; and,
- The proposed porch and steps are setback from adjacent lot lines and would not result in any overlook or compatibility concerns for neighbouring residences.

As the proposed construction of a new single detached dwelling would be compatible with the existing physical character of the surrounding neighbourhood, the requested variances are considered to conform to the Official Plan and therefore, this test is met.

ii. Conformity with the general intent of the Zoning By-law

The subject land is zoned Residential Detached Dwelling 15 metre Zone (R1-D) by Zoning By-law 2010-40. Single detached dwellings are permitted within the zone.

Interior side yard setback (west property line)

The general intent of setbacks is 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, movement around the home and consistency within the neighbourhood. Due to the increase in building height from one storey to two storeys, a minimum of 1.8m interior side yard setback is required. In this case, the new dwelling would be constructed on top of the existing foundation and would maintain the existing side yard setback of 1.37 m on the west property line. The proposed setback is the continuation of an existing condition that would create no change in functional space around the building and the current distance from the lot line would be maintained. Sufficient space

is provided for the above noted purposes, yard maintenance, and to access the rear of the property. This test is met.

Front yard setback

The general intent of front yard setbacks is to ensure there is appropriate space at the front of the property for landscaping, drainage, and access.

In the case of the subject land, the new dwelling would be constructed on the existing foundation, keeping the existing front yard setback and maintaining the established building line. The proposed reduction to the front yard setback would have minimal visual impact to the existing streetscape, no change in functional space in front of the dwelling, and would maintain the same distance from the existing main wall to the lot line. The remaining yard would be sufficient for stormwater runoff and yard maintenance. It is staff's opinion that the proposed new dwelling is a reasonable evolution of the residential structure and would not result in undue impacts on adjacent properties or the neighbourhood.

Steps encroachment

The minor variances for front yard setback and encroachment of the steps must be addressed in tandem. The extent of the encroachment of the steps is tied to the required front yard setback. If Committee decides not to grant approval for the reduced front yard setback, the application for steps encroachment cannot be approved as it would not be complying with the minimum standards required by the Zoning By-law.

The general intent of limiting encroachments is to ensure features such as porches and steps do not infringe on the rights of neighbours and allow sufficient space for sunlight, airflow, privacy, landscaping, stormwater run-off, movement around the home.

Section 4.2 of the Zoning By-law permits porches and associated steps to encroach a maximum of 2.4 metres into the required exterior side yard but no closer than 1.5 metres to the lot line. The proposed porch and a portion of steps would comply with the 2.4 metre permitted encroachment and do not require relief from the Zoning By-law. However, the remaining steps would project an additional 0.37 metres beyond the permitted encroachment and would require relief from the by-law. The porch would be setback 2.15 metres from the front lot line.

The proposed encroachment into the required front yard does not infringe on neighboring properties. The porch and steps would remain at a size that respects and maintains the character of the neighborhood and still allows for functional space at the front of the dwelling for landscaping, access, and maintenance. The requested variances maintain the general intent of the zoning by-law. Therefore, this test is met.

iii. 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.

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 variances are considered desirable for the appropriate development of the lot. This test is met.

iv. Minor nature of the variance

The test of whether a variance is minor in nature is not only an evaluation of the numerical value. The Committee is requested to consider the overall impact of the variance.

The overall impact of the proposed variances would be minimal as the proposed dwelling maintains a similar built form that would not significantly change the streetscape or character of the existing neighbourhood. The proposed variances for a reduced interior side yard and front yard setback are based on the existing foundation and building footprint. The proposed minor encroachment for the front porch steps is not anticipated to adversely impact the surrounding properties. The proposal represents redevelopment of a property that maintains the characteristics of the low-density residential neighborhood. This test is met.

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, subject to the clearing conditions above.

7. Other comments:

Tree Protection

An Arborist Report was submitted in support of the application. The report indicates that there are 17 trees over 20cm diameter at breast height (DBH) on, or within 6m of the subject property.

No tree removal will be required to facilitate construction of the proposed development.

The Town requires tree protection fencing and securities to be posted for all retained trees in accordance with the Tree Preservation, Protection, Replacement and Enhancement Policy.

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 and has advised that existing drainage patterns and swales would be required to remain and there should be no negative impacts to the grading and drainage of this property or neighboring properties as a result of the proposed changes. This has been reflected in the advisory comments.

Lake Simcoe Region Conservation Authority has no objection to the application and indicated that a permit from the LSRCA will be required.

York Region has no comments with regards to this application.

Effect of Public Input

No public input was received as of the date of writing this report.

8. Conclusions:

The requested variances be granted as they:

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

Respectfully submitted,



Joyce Tsui
Intermediate Planner – Development