



Sent via e-mail: umahmood@newmarket.ca

June 11, 2024

Municipal File No.: MV-2024-028
LSRCA File No.: VA-174760-060424

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

Dear Mr. Mahmood,

Re: Application for Minor Variance
753 Srigley Street
Town of Newmarket
Owner: Scott & Kristy Cambell
Applicant: Michael Smith Planning Consultants; Development Coordinators Ltd. (c/o Gord Mahoney)

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 demolish the existing dwelling and reconstruct a new two-storey dwelling on the existing foundation and new front porch. The Applicant/Owner is seeking relief from the following sections of the Town of Newmarket Zoning By-law 2010-40, as amended:

- Section 6.2.2 Zone Standards which requires a minimum side yard setback of 1.80 metres, whereas the proposal is requesting a setback of 1.37 metres;
- Section 4.2 Encroachments into Required Yards which permits a maximum encroachment of a porch and stairs of 2.40 metres, whereas the proposal is requesting an encroachment of 2.77 metres.

Documents Received and Reviewed by Staff

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

- Notice of Hearing (dated June 5, 2024)
- Site Plan and Architectural Drawings prepared by Christina Marinos Designs Inc. (dated March 2024)
- Topographic Survey prepared by Lloyd & Purcell (dated January 14, 2021)

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 41/24 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 generally 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:

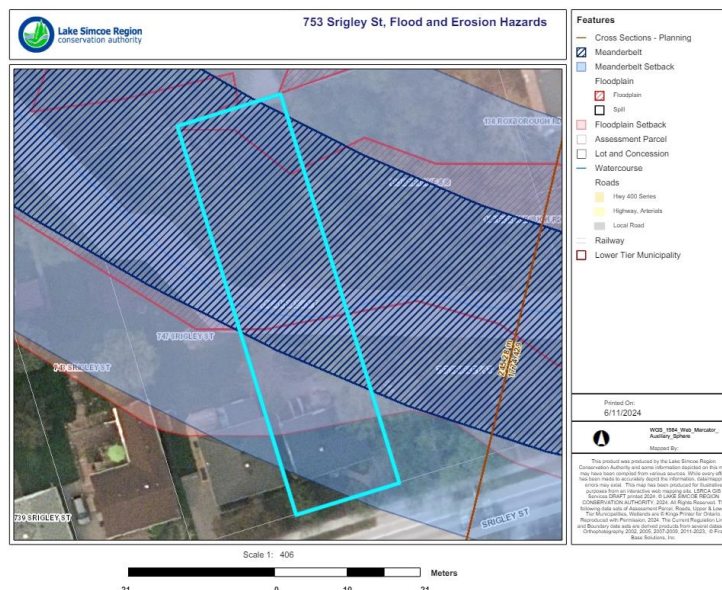
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;
- That the Applicant/Owner successfully obtain a permit from the LSRCA.

Site Characteristics

The subject land is approximately 0.09 hectares (0.21 acres) in area and is located north of Srigley Street. The subject land is within the 'Residential Area' designation per the Town of Newmarket Official Plan and is currently zoned 'Residential Detached Dwelling 15M Zone (R1-D)' per the Town of Newmarket Zoning By-law 2010-40, as amended.

Existing environmental mapping indicates the following:

- The subject property is regulated by the LSRCA under Ontario Regulation 41/24 for the presence of a watercourse (East Holland) and its associated flood and meanderbelt (erosion) hazards. Please see a detailed regulatory map below.
- The subject property contains identified woodland areas.
- The subject property is within the identified recharge management area (WHPA Q2) per the South Georgian Bay Lake Simcoe Source Protection Plan (SGBLSSPP).



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, erosion hazard area). Based on the topographic information submitted as part of this application, the proposal is located outside of flood hazard. Concerns related to erosion will be addressed through the LSRCA permitting process.
2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 41/24. 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 41/24 applies to the subject property. It appears that the proposed development will be within the regulated area, therefore a permit from the LSRCA will be required prior to any development or site alteration taking place. Please contact LSRCA Regulations staff, Matthew Figuerres (M.Figuerres@lsrca.on.ca), to scope the permit requirements.

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, 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 41/24 applies to the subject site. A permit from the LSRCA will be required prior to any development or site alteration taking place;
3. That the Owner/Applicant shall pay the required fee for Minor Variance (Minor – planning review only) of \$536 as per the LSRCA Fee Schedule.

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.

Jessica Lim
Planner I
Lake Simcoe Region Conservation Authority (LSRCA)