



**PLANNING AND BUILDING SERVICES**

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**Planning Report**

TO: Committee of Adjustment

FROM: Peterson Rissis  
Junior Planner

DATE: December 18, 2024

RE: Application for Minor Variance **MV-2024-041**  
724 Arthur Street  
Made by: Brian & Chelsea Shickluna

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**1. Recommendations:**

1. That Minor Variance Application **MV-2024-041** be approved.

**2. Clearing Conditions**

1. To be provided to the satisfaction of the Secretary-Treasurer:
  - I. That an eavestrough and downspout be installed along the eastern edge of the existing pool shed's roof.

**3. Advisory Comments**

1. That an eavestrough and downspout be installed along the western edge of the existing shed's roof;
2. That the variance pertains only to the request as submitted with the application;
3. That no part of the eavestrough or associated features are permitted to encroach into the neighbouring property;
4. That the development be substantially in accordance with the information submitted with the application; and,
5. 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 a reduction to the minimum required interior side yard (east lot line) for a residential accessory structure (pool shed).

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

Relief	By-law	Section	Requirement	Proposed
1	2010-40	4.2	A minimum setback of 2.4m from the interior side yard to a residential accessory structure (2.9m in height)	A setback of 0.3m from the interior side yard
2	2010-40	4.2	A minimum setback of 0.3m from the interior side yard to the eaves	A setback of 0.00m from the interior side yard to the eaves

The above-described property (herein referred to as the “subject land”) is located on Arthur Street, north of Gorham Street and east of Muriel Street.

The subject land is rectangular in shape and is approximately 1047 m<sup>2</sup> (0.26 acres) in total size. The subject lands are currently occupied by a single-detached dwelling.

**5. Planning considerations:**

The applicant is proposing to legalize an existing residential accessory structure (pool shed) that is approximately 11 m<sup>2</sup> in total size and 2.9 metres in height in the rear yard. A variance is required to permit a reduction to the minimum required interior side yard setback for the pool shed. Additionally, due to the location of the pool shed, an additional variance is requested to permit a further reduction to the interior side yard for the associated gutters and downspout.

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 property is designated as “Residential” and is part of the “Historic Core Character Area”. Single detached dwellings and residential accessory structures are permitted within this designation and character area. The Official Plan allows for gradual change and improvement of residential properties through Planning Act applications. This test is met.

**ii. Conformity with the General Intent of the Zoning By-law**

The required side yard setbacks for accessory structures are dependent on its height. As the existing pool shed is 2.9 metres high, a setback of 2.4 metres is required from the lot lines. In the case of the current proposal, the existing pool shed is located 2.1 metres closer to the eastern property line than is currently permitted by the By-law. The general intent of the interior side yard setbacks is to ensure that the use of the property does not infringe upon the rights of neighbouring properties and to allow adequate space for sunlight, airflow, stormwater run-off, privacy, and access to the rear yard for maintenance.

The minor variance application is support by Planning staff for several site-specific reasons:

- It is an existing situation that has existed for over two years with no undue impacts;
- The proposed pool shed complies with the required rear yard setback (8.08 metres), with relief only being required for the east property line;

- There are no massing concerns or anticipated impacts to sunlight or airflow caused by the shed due to its height and size;
- The shed complies with all other requirements of the by-law (height, size, other setbacks); and,
- No privacy or overlook concerns are anticipated as the structure does not contain any windows or floors as it is solely utilized to store pool equipment.

Staff previously recommended the application for deferral to allow the applicant time to revise their proposal and address concerns related to stormwater runoff and drainage around the proposed structure. The applicant has since revised the proposal to include dimensions that allow for the installation of an eavestrough and downspout along the eastern eave to control rainwater runoff. The proposed setback width allows for this installation of the eavestrough, and the clearing condition further ensures that these works will be completed. This proposed measure addresses Staff's previous concerns on the matter. The intent and purpose of the zoning by-law are met by this application.

### **iii. Desirable Development of the Lot**

It is generally desirable to allow the owner to invest and improve their property, subject to the limits of the zoning by-law and impacts on neighbouring properties. In the case of the requested variances, it is desirable to allow the property owners to arrange the property in a manner that suits their needs without impact to neighbours or the community. Staff are satisfied that this test is met.

### **iv. Minor Nature of the Variance**

When considering if a variance is minor in nature, it is not solely the numerical value of the relief that should be considered. Committee is requested to consider the overall impact of the variance, and more specifically, whether an application would create unacceptable adverse impacts of a planning nature. As outlined in detailed above, the proposed variances are not anticipated to have any adverse impacts on adjacent properties or surrounding neighbourhood.

In consideration of the above, the proposed variance meets the four tests under the *Planning Act*.

## **6. Other comments:**

### **i. Tree Preservation**

No trees would be required to be removed or are anticipated to be impacted by this application.

### **ii. Heritage**

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

### **iii. Commenting Agencies and Departments**

- a) **York Region:** No comment.
- b) **Lake Simcoe Region Conservation Authority (LSRCA):** Not within an LSRCA-regulated area.
- c) **Engineering Services:** No objection to the application. Engineering Services has noted that 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 neighbouring properties as a result of the proposed changes.

#### **iv. Effect of Public Input**

The applicant has provided a letter of support from the abutting neighbour in support of the application. The neighbour expressed support for the application as the existing shed provides a noise buffer from the pool equipment and improves overall views from their backyard. An additional letter of support has also been received from a nearby neighbouring property.

A letter of objection was received concerning the proximity of the existing pool shed to a nearby hydro transformer near the rear lot line. Regarding this concern, Staff note that the pool shed maintains sufficient distancing (8.08m) from the rear property line and is not anticipated to have an impact on the hydro transformer.

#### **6. Conclusions:**

That the requested variance **be approved** as the relief:

- (1) Is minor in nature; and,
- (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,



Peterson Rissis  
Junior Planner – Development