



Planning Report

TO: Committee of Adjustment

FROM: Peterson Rissis
 Junior Planner, Development

DATE: December 13, 2024

RE: Application for Minor Variance **MV-2024-042**
 80 Savage Road
 Made by: Venus Mohajerin & Malakuti Fereshteh

1. Recommendations:

1. That Minor Variance Application MV-2024-042 **be approved.**

2. Advisory Comments

1. That the variance pertains only to the requests as submitted with the application;
2. That the development be substantially in accordance with the information submitted with the application;
3. That a maximum of one space in the garage be reserved for the purpose of required parking and for no other use;
4. The municipal boulevard is not recognized as a legal parking space pursuant to Zoning By-law 2010-40; and,
5. Failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

3. 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 Residential Unit (ARU) in the basement of the existing dwelling and to permit a walkway in the interior side yard.

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

Relief	By-law	Section	Requirement	Proposed
1	2010-40	5.3.1	Three parking spaces exterior to a garage for the primary dwelling unit and an additional residential unit	Two parking spaces exterior to a garage and one parking space inside of a garage for the primary dwelling unit and an additional residential unit

2	2010-40	6.2.2	A minimum interior side yard of 1.2m to a walkway	To provide an interior side yard measured to a walkway of 0.67m
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The above-described property (herein referred to as the “subject land”) is located in a residential neighbourhood, south of Mulock Drive and east of Yonge Street. The subject land is occupied by an existing single-detached dwelling and is surrounded by similar single-detached dwellings.

4. Planning considerations:

The request for variance is to recognize the use of one interior space in the existing double-car garage to meet the minimum number of off-street parking spaces required to facilitate the construction of a legal ARU in the existing single-detached dwelling. The Zoning By-law requires two exterior parking spaces to be provided for the principal dwelling and one exterior parking space for the ARU, for a total of three exterior parking spaces. The application was submitted as the current driveway size (being a double car, side-by-side driveway) cannot accommodate the required three exterior parking spaces. The applicant is also seeking permission to allow a walkway to encroach into the required interior side yard on the east side of the dwelling, whereas the by-law does not permit such encroachments.

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 “Residential” and is part of the “Traditional Suburban” character area of the Official Plan. This designation permits a range of residential built-form types, including additional residential units in single-detached dwellings, subject to certain criteria, including compliance with the Town’s Zoning By-law. The Official Plan also encourages a range of residential accommodations and affordable housing types and permits the gradual improvements of residential properties through Planning Act applications. The application meets the objectives of the Residential Area policies, as defined in Section 3.1.1. Subject to the advisory comments, the requested variance is considered to conform to the Official Plan. This test is met.

ii. 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 ARUs are permitted within the zone.

Section 5.3.1 of the Zoning By-law sets out the parking standards for residential uses. The by-law requires a minimum of two exterior parking spaces for the primary dwelling and one parking space for the proposed ARU, for a total three exterior parking spaces. This section of the By-law requires that the parking spaces are all provided exterior to a garage to meet the minimum parking requirement. Variance 1 requests to allow one of the required parking spaces within the double car garage.

The general intent of this provision is to ensure that a sufficient number of parking spaces can be provided for individuals residing in the two dwelling units. In the case of the current proposal, two vehicles can be accommodated on the driveway, parked side-by-side. There is also an attached double-car garage; however, the Zoning By-law requires parking spaces to be provided exterior to the garage to meet the minimum parking requirement. Therefore, the proposed variance would allow for a sufficient

number of parking spaces for the two dwelling units on the property by allowing one of the spaces in the garage to count as a required parking space.

The one space proposed within the garage complies with the minimum parking space dimensions of 2.6 metres by 5 metres. If desired, the remaining garage area could be used for storage by the owner. If approved, the variance would be subject to the Advisory Comments set out above and would require that a maximum of one parking space be always available in the garage. As three parking spaces would be available, the requested variance maintains the general intent of the Zoning By-law, and therefore, this test is met.

Variance 2 requests an encroachment into the required interior yard setback for a proposed walkway, whereas the by-law does not permit any such encroachments. The intent of this provision is to ensure that there is sufficient space for drainage, lawn maintenance, and stormwater run-off between neighbouring properties. In the case of the current proposal, the applicant is proposing to provide a 0.67 metre setback to the proposed walkway, which allows for sufficient space for soft landscaping and drainage between properties. The walkway will continue to provide access to the rear yard, which meets the intent of a side yard setback. This test is met.

iii. Desirable development of the lot

Variance 1 is considered desirable for the development and use of the land. An ARU contributes to the mix of housing types within Newmarket and supports the Town's goals of providing for more affordable forms of housing and provides for modest increases in density. Variance 2 is also desirable as it would provide a safe and convenient means of access to the proposed ARU from the existing below-grade entrance in the rear yard. Therefore, this test is met.

iv. 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 variance 1 appears to be minimal as the potential increase in the number of vehicles generated by the ARU can still be accommodated on the property as the garage has enough space to accommodate a parking space and maintains an appropriate amount of room for storage. Variance 2 is also considered minor as sufficient space is maintained to allow soft landscaping, drainage, and access on the subject land.

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

5. 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. Please note 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. Please be advised that this application will require review by the Building Department.
- d) **Legislative Services:** No known outstanding parking or property standards concerns.

iv. Effect of Public Input

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

6. Conclusions:

That the application **be approved** as 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,



Peterson Rissis
Junior Planner – Development