



**PLANNING AND BUILDING SERVICES**  
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## **Application for Minor Variance MV-2024-049**

### **Staff Report to Committee of Adjustment**

Report Number: MV-2024-049  
Property Address: 0 Jordanray Blvd  
Made By: Criterion Development Corporation  
Department(s): Building and Planning Services  
Author(s): David Sanza, Junior Planner  
Meeting Date: January 29, 2025

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#### **1. Recommendations:**

That Minor Variance Application MV-2024-049 **be approved**.

##### **i. Clearing Conditions:**

1. Submission of a sealed grading plan and servicing plan designed and stamped by a P.Eng of Ontario to the Town, complying with the Town's standards for grading servicing and drainage requirements. There shall be no negative impacts on the grading and drainage of this property or neighbouring properties as a result of the proposed changes. This application will require review by the Building Department and issuance of a Building Permit. See Letter AG019M dated January 17, 2025.

##### **ii. 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. Prior to any demolition or construction activity on the subject lands, the Town must be notified in order to conduct an inspection of the installed tree protection fencing and other tree protection measures;
4. Failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

#### **2. Application Information:**

An application for Minor Variance has been submitted by the owner of the above-noted property to request relief from Zoning By-law 2019-06, as amended, to permit the construction of three (3) townhouse units.

Zoning Item	Requirement	Proposed	Relief Requested
Setbacks for building walls containing windows (Section 6.2.4.5 iii.)	The part of any building wall containing windows must be set back a minimum of <b>5.5 metres</b> from any lot line that is not adjacent to a public street.	1.2 m	4.3 m
Floor Space Index (Section 6.2.4.3)	Minimum <b>1.5 FSI</b> for MU-1 Zones	0.85	0.65
Maximum parking Spaces (Section 5.3.1.1)	1.0 parking spaces per dwelling unit plus 0.25 visitor spaces per dwelling unit Total parking required: <b>4.05</b>	6	1.95
Number of loading spaces (Section 5.6)	Off-street loading space shall be provided in accordance with this By-law when any new development is constructed, when any existing development is enlarged, or when any existing use is changed	0	1
Angular Plane – Side Yard (Section 6.2.4.6. i)	Any building on a lot adjacent to the rear or side yard of a residential zone under By-law 2010-40 or Open Space Zone in either By-law 2010-40 or this By-law must comply with a 45 degree angular plane from a height of 1.7 metres above the established grade at the lot line of the adjacent residential zone under By-law 2010-40 or Open Space Zone in either By-law 2010-40 or this By-law; but the angular plane shall not extend beyond the applicable lot, or, if the lot is	Standard not applicable due to building typology	45 degrees from a height of 1.7 m

Zoning Item	Requirement	Proposed	Relief Requested
	bisected by a public or private street, beyond the boundary of the public or private street, as set out in Diagram 6-4.		
Steps Encroaching into Side Yard (Section 4.2)	May encroach 1.8 metres into the required yard. But in no instance shall balconies, landings, steps and/or fire escapes be located closer than <b>1.2 metres</b> from the property line	0.68 m	0.52 m
Decks Encroaching into the Rear Lot Line (Decks over 0.6m in height) (Section 4.2)	The setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units. May encroach 3.6 metres into the required rear yard. However, in no circumstances shall the deck encroach closer than <b>2.4 metres</b> from the rear lot line.	1.2 m	1.2 m

### iii. Subject Property and Area Context

The above-described property (herein referred to as the “subject land”) is located in a residential neighbourhood, south of Clearmeadow Blvd and west of Yonge Street. The subject land is a vacant property and is surrounded by residential uses (singles and townhouses) and a future parking lot within the hydro corridor.

### iv. Present Designation/Classification

Official Plan Designation: Urban Centres  
Urban Centres Secondary Plan: Yonge South Character Area (Schedule 2)  
Mixed-Use (Schedule 3)  
Medium Density (Schedule 4)  
Zoning By-law: By-law 2019-06, as amended  
Zoning Classification: Mixed Use 1 (MU-1)

### 3. Planning considerations:

The variances are requesting relief from the above-mentioned Zoning By-law sections in order to permit the development of a single block of three townhouses on the lands. The size of the lot is not suitable for the form of development generally contemplated by Zoning By-law 2019-06. Typically, Zoning By-law 2019-06 is designed to development mixed use taller buildings, therefore a small infill development of three townhouse units requires some deviation from the By-law standards.

The proposed townhouse units maintain the rhythm of the street, continue the surrounding built form and represent a completion of the neighbourhood.

To authorize a variance, Committee must be satisfied that the requested variances pass the four tests required by the *Planning Act*. In this regard, staff offer the following comments:

Test	Discussion
<p>Conformity with the General Intent of the Official Plan</p>	<p>The Official Plan identifies the site as being in the Urban Centres Secondary Plan Area (Mixed-Use Designation).</p> <p>The Secondary Plan permits townhouse developments as well as more intensive residential uses. The context of the application supports a less intensive form of development, and the proposed townhouses represent a continuation of the surrounding uses.</p> <p>The townhouse development contributes to the housing goals in the Official Plan by providing smaller, more affordable units on an underutilized parcel of land. This approach not only helps to diversify the housing stock but also addresses the need for affordable housing options. Furthermore, by utilizing an underdeveloped site, the project makes efficient use of existing infrastructure and supports the principles of sustainable development as outlined in the Official Plan.</p> <p>The subject property is within the Urban Centres Secondary Plan Area. The Secondary Plan outlines the vision for the Urban Centres as an integrated, compact, complete and vibrant community with a diverse mix of residential, commercial, employment, and institutional uses.</p> <p>The property is situated within the “Yonge South” Character Area of the Urban Centres Secondary Plan, which envisions higher-density, primarily commercial development. However, the subject land has no connection to Yonge Street and is separated from Yonge Street by the Hydro Corridor (and future parking lot), leaving it isolated from the defined areas of the Urban Centres Secondary Plan. Therefore, it is appropriate to redevelop this property with zone standards that more closely match Zoning By-law 2010-40, matching the adjacent property. The proposed townhouse development aligns with the broader objectives of the Secondary Plan. By promoting diverse housing options near major transportation corridors, the proposed height (2 storeys) and density of the development is similar to the surrounding low-rise residential context of single detached homes and</p>

	<p>townhouses. Thus, ensuring compatibility with the existing built form while still contributing to the area's long-term vision.</p> <p>Therefore, the parcel meets the general intent of the Official Plan and the Secondary Plan. This test is met.</p>
<p>Conformity with the General Intent of the Zoning By-law</p>	<p>Due largely to the unique shape of the property, seven variances are required (outlined in the chart above). The need of one of the required variances is due to the being located in a different Zoning By-law. The Zoning By-law provisions such as setback and separation of townhouses will be similar to the existing on the same street.</p> <p>Sections 4.2 and 6.2.4.5 of the Zoning By-law ensure appropriate spacing between structures for privacy and a consistent streetscape. Due to the lot's shape, the proposed minor encroachments and setbacks are necessary to provide sufficient living and amenity space in the dwellings. These variances enable a design that aligns with the form and function of surrounding dwellings while maintaining compatibility with neighboring properties.</p> <p>The proposed development of three townhouses does not meet the minimum Floor Space Index (FSI) requirements of Zoning By-law 2019-06, falling 0.20 below the required FSI. This adjustment allows the design to fit the size and character of the lot without resulting in overdevelopment. Meeting the minimum FSI would result in excessively large building(s) that could present greater compatibility issues with the surrounding area.</p> <p>The proposed development seeks relief from the maximum parking and minimum loading space requirements. The development proposes six parking spaces, exceeding the by-law's maximum of 4.05 spaces. The six parking spaces provide two spaces per unit which is the approximate rate for comparable developments in other areas of Newmarket.</p> <p>While the by-law requires a loading space for new developments, this regulation is intended for larger forms of development such as apartment buildings and is generally not required for townhouses with private driveways.</p> <p>The final variance requests relief from the angular plane requirement, which mandates a 45-degree angle at a height of 1.7m from the sidewalk. Similar to the above, this regulation is intended for larger forms of development that typically have more shadow impacts to adjacent uses such as apartment buildings and is generally not required for 2 storey townhouses.</p> <p>If the lot was subject to the same zoning as the property immediately to the south (24 Jordanray Blvd), the number of variances would be significantly reduced. While this property is subject to Zoning By-law 2019-06, the neighbouring property is subject to Zoning By-law 2010-40. The standards of Zoning By-law 2010-40 are more aligned to a single block of 3 townhouse-units.</p>

	<p>Therefore, the above-mentioned variances meet the intent of the By-law.</p>
<p>Desirable for Appropriate Development of the Lot</p>	<p>It is desirable to allow the owner to invest in their property by pursuing new developments to permit three townhouse units on the subject property. The proposed development is compatible with the surrounding neighbourhood.</p> <p>The minor variances requested are intended to provide relief for a development that maintains the character of the neighbourhood but does not meet the specific requirements of By-law 2019-06. Allowing this development will enable the currently underutilized space to contribute to Newmarket's housing goals by adding three new units. Additionally, the proposed development increases the functionality of the underutilized lot in a manner consistent with surrounding context. This test is met.</p>
<p>Minor Nature of the Variance</p>	<p>When determining whether a minor variance is minor in nature, it is essential to consider not just the numerical value, but the overall impact of each of the requested variances. The Committee is requested to evaluate whether the application may result in any unacceptable adverse planning impacts on both an individual and collective basis.</p> <p>Individually, the proposed variances pose no negative impacts to the neighbouring properties. The proposed encroachments and setbacks accommodate the unique design of the proposed townhouses while maintaining privacy for neighboring properties. Notably, no windows face neighboring dwellings, addressing potential privacy concerns. The requested setbacks affect only the rear decks and the porch in the front yard, posing negligible impacts to surrounding properties.</p> <p>The request for increased parking introduces a parking standard that is generally consistent with parking space requirements for this type of development in other areas of Newmarket.</p> <p>The reduction in required loading spaces and Floor Space Index (FSI) ensures the development aligns with the neighborhood's context. Loading spaces are unnecessary due to private driveways, which accommodate moving and garbage collection needs. A reduced FSI allows the massing of the development to better reflect the surrounding context.</p> <p>On a collective basis, the requested variances would be utilized to assist the development to align with the established character of the neighborhood, provides ample parking for each unit, and avoids any adverse effects on adjacent properties.</p> <p>Based on the above reasoning, the proposed variances are minor in nature, both individually and collectively. Therefore, this test is met.</p> <p>In conclusion, the proposed variances satisfy all four tests under the Planning Act.</p>

## 5. Other comments:

- i. **Tree Preservation:** Please see comments from Urban Forestry Innovations dated January 17, 2025.
- ii. **Heritage:** The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated properties.
- iii. **Effect of Public Input:** No public input was received as of the date of writing this report
- iv. **Commenting Agencies and Departments**

Commenting Agency/Department	Comment
York Region	No comments on the application
Engineering Services	Please see comments dated January 17, 2025
Building Services	No comments received
Lake Simcoe Region Conservation Authority (LSRCA)	Not applicable
Metrolinx	Not applicable

## 6. Staff Recommendation(s):

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

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

### Submitted By:

*David Sanza*

David Sanza, Junior Planner, Planning & Building Services

### Report Contact

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