



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive
P.O. Box 328, STN Main
Newmarket, ON L3Y 4X7

www.newmarket.ca
planning@newmarket.ca
T: 905.953.5321
F: 905.953.5140

Minor Variance Application MV-2025-002

Staff Report to Committee of Adjustment

Report Number: MV-2025-002
Property Address: 203 Willow Lane
Made By: Afshin Najafi & Soulmaz Boroumand
Department(s): Building and Planning Services
Author(s): David Sanza, Junior Planner
Report Published: March 21, 2025
Meeting Date: March 26, 2025

Recommendations:

That Minor Variance Application MV-2025-002 **be approved.**

Clearing Conditions:

1. The applicant will need to submit 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 requirements. There should be no negative impacts on 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 a review by the Building Department. See Letter MP0014 dated March 13, 2025; and,
2. 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.

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.

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 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.

Zoning Item	Requirement	Proposed	Relief Requested
Minimum Parking Requirements (Section 5.3.1)	Three (3) exterior parking spaces	Two (2) exterior spaces and one (1) interior parking space	One (1) interior parking space
Minimum Side Yard Setback to Below Grade Steps (Section 6.2.2)	Minimum 1.2m	0.9m	0.3m

Area Context

The above-described property (herein referred to as the “subject land”) is located in a residential neighbourhood, south of London Road and west of Main Street North. The subject land is occupied by an existing single-detached dwelling and is surrounded by similar single-detached dwellings.

Current Official Plan Designation and Zoning

Official Plan Designation:	Residential
Residential Character Area:	Traditional Suburban
Zoning By-law:	By-law 2010-40, as amended
Zoning Classification:	Residential Detached Dwelling 15m Zone (R1-D)

Discussion:

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 reduced setback to the below grade entrance, the by-law requires 1.2m setback whereas the applicant is proposing 0.9m setback from the property line.

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:

Test	Discussion
1. Conformity with the General Intent of the Official Plan	<ul style="list-style-type: none"> The existing single-detached dwelling and the proposed Additional Residential Unit (ARUs) are permitted under the OP. Application meets the objectives of the Residential Area policies, as defined in Section 3.1.1. Gradual improvements of residential properties through <i>Planning Act</i> applications are permitted. This test is met.
2. Conformity with the General Intent of the Zoning By-law	<p><u>Variance 1 (Minimum Exterior Parking Spaces)</u></p> <ul style="list-style-type: none"> Section 5.3.1 requires a minimum of three (3) exterior parking spaces. The Proposal requests to consider one (1) of the required spaces in the double car garage. Provided space complies with minimum parking space dimensions (Section 5.2.2) and allows additional space for storage. The Intent of this provision is to ensure a sufficient number of parking spaces are provided for the two dwelling units. Three (3) spaces are provided. This test is met <p><u>Variance 2 (Below Grade Entrance Encroachment)</u></p> <ul style="list-style-type: none"> Section 4.2 does not permit below grade entrances to encroach into interior side yard (Section 6.2.2). A 1.2m setback to the interior side yard is required. Proposal requests to provide a 0.9m setback to interior side yard. Intent is to ensure sufficient space for drainage, lawn maintenance, and stormwater runoff between neighbouring properties. Proposal provides sufficient space for soft landscaping and drainage between properties and provides access to the rear yard. This test is met.
3. Desirable Development of the Lot	<ul style="list-style-type: none"> <u>Variance 1</u>: ARUs contribute to a mix of housing types, allows for a modest increase in density, and supports Town goals of providing more affordable housing options. <u>Variance 2</u>: Provides a safe and convenient means of access to the proposed ARU. Proposed variances are appropriate and desirable for the use of the land. This test is met.
4. Minor Nature of the Variance	<ul style="list-style-type: none"> <u>Variance 1</u>: Number of vehicles generated by the two dwelling units can be accommodated on the property and sufficient space is maintained for storage. <u>Variance 2</u>: Sufficient space is maintained for soft landscaping, drainage, and access. Request variances are minor in terms of anticipated impact This test is met.

Other comments:

- i. **Tree Preservation:** An arborist report was submitted in support of the application that indicates that there are two trees over 20 cm diameter at breast height (DBH) or within 4.5m of the subject property. No trees are proposed for removal to facilitate the construction of the proposal. The Town requires tree protection fencing and securities for all retained trees in accordance with the Tree Preservation, Protection, Replacement and Enhancement policy.
- 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:** A letter of objection was received concerning the setback for the below grade entrance and the parking on the property.
- iv. **Commenting Agencies and Departments:** All comments received are as of the date of writing this report.

Commenting Agency/Dept.	Date Received	Comment
York Region	03/03/25	No comments on the application
Engineering Services	03/13/25	The applicant will need to submit 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 requirements. There should be no negative impacts on 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 a review by the Building Department.
Building Services	N/A	No comments received
Lake Simcoe Region Conservation Authority (LSRCA)	03/03/25	Not applicable
Metrolinx	N/A	Not applicable

Staff Recommendation(s):

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

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

Attachments

None

Submitted By:

David Sanza

David Sanza, Junior Planner, Planning & Building Services

Report Contact

David Sanza (dsanza@newmarket.ca), 905-953-5300 Ext. 2466