



**PLANNING AND BUILDING SERVICES**  
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## **Minor Variance Application MV-2025-009**

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

Report Number: MV-2025-009  
Property Address: 207 Queen Street  
Made By: Matthew Loreiro, Norberto Loreiro & Maria Loreiro  
Department(s): Planning Services  
Author(s): Peterson Rissis, Junior Planner  
Report Published: March 21, 2025  
Meeting Date: March 26, 2025

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#### **Recommendations:**

That Minor Variance Application MV-2025-009 **be approved.**

#### **Clearing Conditions:**

1. 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; and,
2. The Secretary-Treasurer shall receive a letter from the Town of Newmarket, Development and Infrastructure Services – Engineering Services Division, indicating that satisfactory arrangements have been made with respect to Engineering Services comments made on March 14, 2025.

#### **Advisory Comments:**

1. That the variance pertains only to the requests as submitted with the application; and,
2. That the development be substantially in accordance with the information submitted with the application; and,
3. In accordance with Ontario Reg. 462/24, a minor variance for lot coverage is not required if the proposed additional residential unit is registered with the Town and complies with all applicable provisions. Failure to register or maintain registration of the proposed ARU would cause the subject lands to become out of compliance with the zoning by-law; and,
4. 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 a detached garage located within the rear yard.

Zoning Item	Requirement	Proposed	Relief Requested
Minimum Rear Yard to a Detached Garage (Section 6.2.2)	Minimum 7.5m rear yard	4.57m	2.93m
Minimum Side Yard Setback to a Detached Garage (Section 6.2.2)	Minimum 1.2m for a detached garage up to 4.2m in building height	1.0m	0.2m

## Area Context

The above-described property (herein referred to as the “subject land”) is located in a residential neighbourhood, south of Davis Drive and west of Lorne Avenue. 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:	Historic Core
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 facilitate the construction of a new detached garage that requires relief from the minimum required interior side yard (west lot line) and rear yard (north lot line). Currently, there is an existing single-detached dwelling and a detached garage located in the rear yard of the subject land that would be demolished. The proposed detached garage would be built in the rear yard in a similar location to the existing detached garage. The applicant is also proposing a new one-storey rear addition to the existing dwelling and an additional residential unit (ARU) located wholly within the basement that would comply with the current zone standards.

A variance for lot coverage for the proposed works is not required in accordance with Ontario Reg. 462/24, which permits up to 45% lot coverage on urban residential lands with an additional residential unit. The applicant would be required to register the ARU and maintain its registration to remain in compliance with the zoning by-law.

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"> <li>• The existing single-detached dwelling and proposed detached garage are permitted by the Official Plan.</li> <li>• The application meets the objectives of the Residential Area policies, as defined in Section 3.1.1 and Historic Core Character Area policies (Section 3.2.3).</li> <li>• Gradual improvement of residential properties through <i>Planning Act</i> applications is permitted and the proposed variances would not impact the existing or planned character of the neighbourhood.</li> <li>• This test is met.</li> </ul>
2. Conformity with the General Intent of the Zoning By-law	<ul style="list-style-type: none"> <li>• Section 6.2.2 requires a minimum rear yard of 7.5m and a minimum interior side yard of 1.2m for a detached garage up to 4.2m in height. The proposed height of the detached garage is 4.2m.</li> <li>• The intent of the provision is to ensure there is a sufficient buffer between a structure and the neighbouring property for drainage, lawn maintenance, stormwater runoff, and access. The proposed variances maintain sufficient space for soft landscaping, drainage, and access around the structure.</li> <li>• This test is met.</li> </ul>
3. Desirable Development of the Lot	<ul style="list-style-type: none"> <li>• The proposed variances would allow the owners to arrange the property in a manner that suits their needs and is compatible with the existing and planned character of the neighbourhood.</li> <li>• The proposed variances are appropriate and desirable for the use of the land.</li> <li>• This test is met.</li> </ul>
4. Minor Nature of the Variance	<ul style="list-style-type: none"> <li>• A sufficient buffer is maintained between the neighbouring properties for soft landscaping, drainage, and access.</li> <li>• The requested variances are minor in terms of anticipated impact and would not create any undue impacts to adjacent properties.</li> <li>• This test is met.</li> </ul>

### Other comments:

- i. **Tree Preservation:** An arborist report has been submitted in support of the application and indicates that there are ten (10) trees over 20 cm diameter at breast height (DBH) on or within 4.5m of the subject property. No trees are proposed for removal to facilitate 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:** No public input was received as of the date of writing this report
- 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	03/03/2025	No comments on the application
Engineering Services	03/14/2025	No objection to the proposal provided the applicant submits a sealed graded plan designed and stamped by a P.Eng of Ontario to the Town, complying with the Town's standards for grading and drainage requirements. 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 a review by the Building Department.
Building Services	N/A	No comments received
Lake Simcoe Region Conservation Authority (LSRCA)	N/A	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; and,
- (4) Is minor in nature.

### Attachments

None

### Submitted By:

*P. Rissis*

Peterson Rissis, Junior Planner, Planning & Building Services

### Report Contact

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