

Minor Variance Application MV-2025-008

Staff Report to Committee of Adjustment

Report Number: MV-2025-008
Property Address: 273 McCaffrey Road
Made By: Maryam Ghareh Mohammadlou and Bahman Yaghoobi
Department(s): Building and Planning Services
Author(s): David Sanza, Junior Planner
Report Published: April 25, 2025
Meeting Date: April 30, 2025

Recommendations:

That Minor Variance Application MV-2025-008 **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 and drainage 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 VA001M dated April 30, 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. The application seeks to permit the construction of an Additional Residential Unit (ARU) in the basement of the dwelling, allow one parking space within a double-car garage to count as required parking, permit an existing shed to remain within the current setback from the rear and side lot lines, and allow the existing walkway to encroach into the required side yard.

Zoning Item	Requirement	Proposed	Relief Requested
Minimum Parking Requirements (Section 5.3.1)	Three (3) exterior parking spaces	Two (2) exterior parking spaces and one (1) interior parking space	One (1) interior parking space be provided internal to a garage
Minimum Setback for a Shed (Section 4.2)	Minimum 1.0m	0.2m	0.8m
Minimum Side Yard Setback to Walkway (Section 6.2.2)	Required 1.2m	0m	1.2m
Encroachment into the required yards for a walkway (Front and Rear) (Section 4.2)	Required 0.6m	0m side lot line in rear yard 0.28m side lot line in front yard	0.6m side lot line in rear yard 0.32m side lot line in front yard

Please see “Figure 1” attached, a sketch demonstrating variances 3 and 4.

Area Context

The above-described property (herein referred to as the “subject land”) is situated in a residential neighbourhood, south of Alex Doner Drive, east of Brimson Drive, and south of the Ray Twinney Recreation Complex. The subject land has an existing single-detached dwelling surrounded by similar single-detached homes.

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 aims to recognize the use of one interior space in the existing double-car garage to satisfy the minimum number of off-street parking spaces required to construct a legal ARU

in the basement of the existing single-detached dwelling. The Zoning By-law requires two exterior parking spaces for the principal dwelling and one for the ARU, three exterior parking spaces in total. The application was submitted because the current driveway size (double car, side-by-side driveway) cannot accommodate the required three exterior parking spaces. Additionally, the applicant is seeking permission to reduce the setback for the existing walkway and shed located in the side and rear yard. The by-law requires a 1.2-metre setback for the walkway and a 1.0-metre setback for the shed. The applicant proposes a 0.0-metre setback from the side property line for the portion of the walkway that does not extend beyond the vertical planes of the front building walls, and 0.28m for the portion of the walkway that passes the front of the building wall. Figure 1 illustrates the locations of the different setbacks. A setback of 0.2 metres from the side lot line is proposed for the shed.

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><i>Variance 1 (Minimum Exterior Parking Spaces)</i></u></p> <ul style="list-style-type: none"> • Section 5.3.1 requires a minimum of three (3) exterior parking spaces. The Proposal requests consideration of one (1) of the required spaces in the double-car garage, provided that this space complies with the minimum parking space dimensions outlined in Section 5.2.2 and allows additional storage space. • This provision ensures adequate parking spaces for the two dwelling units, with three spaces provided. • This test is met <p><u><i>Variance 2 (Shed Encroachments into the Required Setbacks)</i></u></p> <ul style="list-style-type: none"> • Section 4.2 does not allow a shed to be placed closer than 1.0m from the rear or side lot line. The proposal requests a 0.2m setback from the rear and side lot lines. • The intent is to ensure that the shed does not infringe upon the rights of neighboring properties and that adequate drainage, lawn maintenance, and stormwater runoff are provided between these properties. • The shed has existed in this location for over twenty years without undue impacts. • The shed complies with all other requirements of the By-law (height and size). • No privacy or overlook concerns are anticipated, as the structure has no windows and is solely used for storage. • The Town has not received any complaints regarding the privacy or location of the shed. • This test is met.

	<p><u><i>Variance 3 (Minimum Required Side Yard Setback for a walkway)</i></u></p> <ul style="list-style-type: none"> • Section 6.2.2 requires a minimum side yard setback of 1.2m from the side lot line. The proposal requests a setback of 0m for the existing walkway along the side lot line. • The By-law does not allow a walkway to encroach into the side yard setback. • The setback aims to maintain a minimum distance to lot lines, providing space for lawn maintenance, stormwater drainage, and soft landscaping. • The walkway has existed in this condition for over twenty years without undue impacts on neighbouring properties. • This test is met. <p><u><i>Variance 4 (Encroachment into the required yards for a walkway (Front and Rear))</i></u></p> <ul style="list-style-type: none"> • Section 4.2 requires a 0.6m minimum setback from any lot line, whereas the proposed walkway has a 0m setback from the side lot line extending to the rear yard, and a 0.28m setback from the side lot line in the front yard. (See “Figure 1” for a visual explanation.) • The setback aims to maintain a minimum distance from lot lines, providing space for lawn maintenance, stormwater drainage, and soft landscaping. • The walkway has existed for over twenty years without undue impacts on neighbouring properties. • This test is met.
3. Desirable Development of the Lot	<p><u><i>Variance 1:</i></u></p> <ul style="list-style-type: none"> • ARUs contribute to a variety of housing types, facilitate a modest increase in density, and support Town goals of providing more affordable housing options. • This test is met <p><u><i>Variance 2, 3, & 4:</i></u></p> <ul style="list-style-type: none"> • It is generally desirable to allow the owner to invest in and improve their property, subject to the limits of the zoning by-law and the impacts on neighbouring properties. • In the case of the requested variances, staff are satisfied that these tests are met.
4. Minor Nature of the Variance	<p><u><i>Variance 1:</i></u></p> <ul style="list-style-type: none"> • Number of vehicles generated by the two dwelling units can be accommodated on the property, and sufficient space is maintained for storage. • The variance is considered minor, and therefore, the test is met. <p><u><i>Variance 2, 3, & 4:</i></u></p> <ul style="list-style-type: none"> • The structures have existed with the current setbacks for years without affecting neighbouring properties. • Approval of these structures in their current state is not expected to negatively impact adjacent properties.

	<ul style="list-style-type: none"> These variances are considered minor, and therefore, this test is met.
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Based on the analysis above, the proposed variances satisfy the four tests outlined in the Planning Act.

Other comments:

- i. **Tree Preservation:** An arborist report was submitted in support of the application that indicates that there are seven trees over 20cm in 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 per 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 letters from the public have been received at the time of writing this report.
- iv. **Commenting Agencies and Departments:** All comments received as of writing this report are provided in the chart below.

Commenting Agency/Dept.	Date Received	Comment
York Region	N/A	No comments received
Engineering Services	04/17/2025	No objection to the proposal provided that 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)	04/09/2025	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

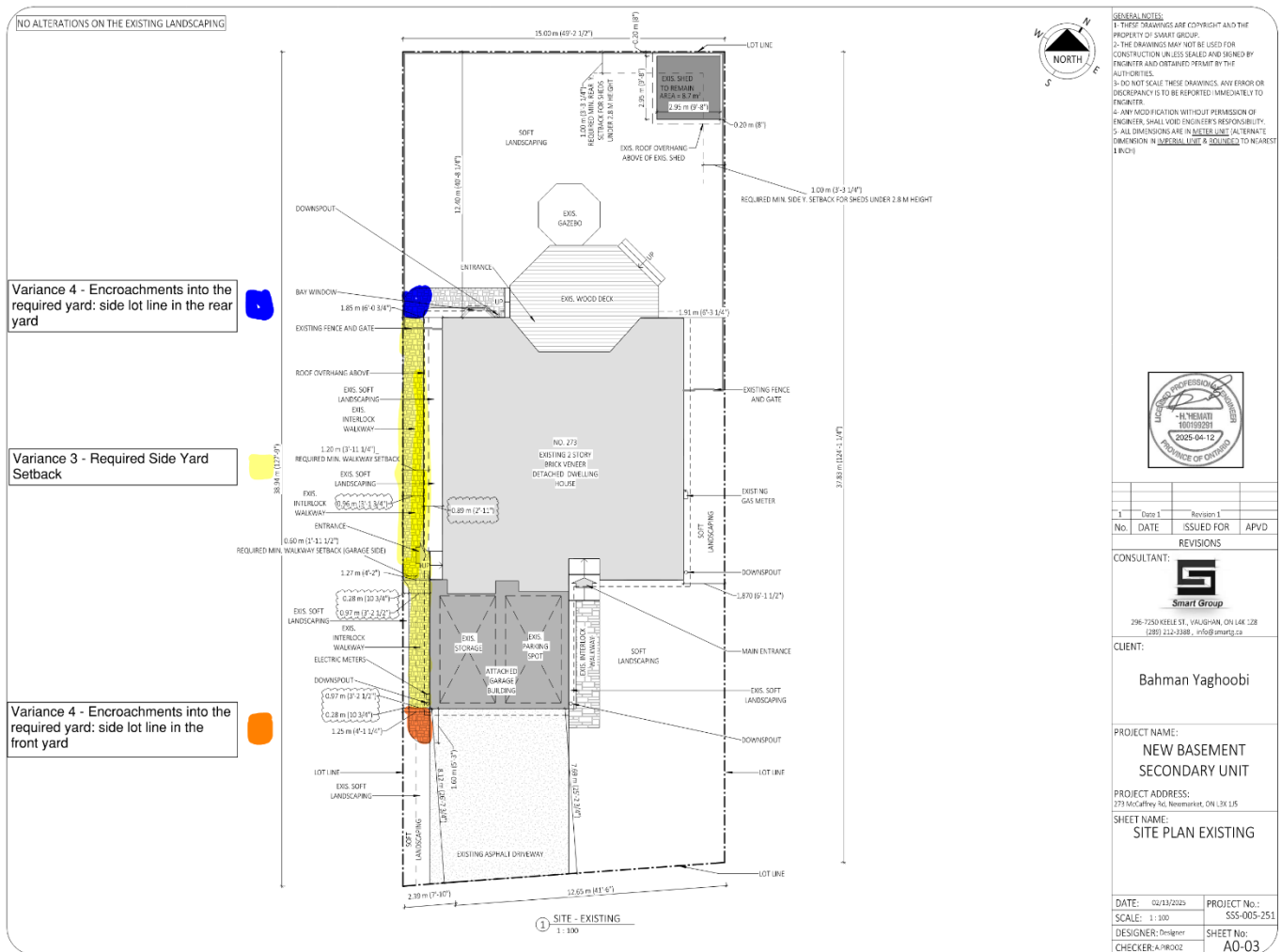


Figure 1 Sketch Demonstrating Variances 3 & 4

Submitted By:

David Sanza

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Report Contact

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