



## 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

### Planning Report

TO: Committee of Adjustment

FROM: David Sanza  
Junior Planner, Development

DATE: April 19, 2024

RE: Application for Minor Variance **MV-2024-018**  
393 Woodspring Ave  
Made by Badar Khan

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#### 1. Recommendations:

1. That Minor Variance Application MV-2024-018 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.

#### 2. 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, with an entrance to the ARU at the rear of the building.

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	To provide three parking spaces exterior to a garage for the primary dwelling unit and accessory dwelling unit.	To provide two parking spaces exterior to a garage and one parking space inside of a garage for the primary dwelling

				unit and an accessory dwelling unit
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Section 5.3.1 of the Zoning By-law requires four exterior parking spaces for a single-detached dwelling with an accessory dwelling unit. The property hosts a double-car garage and a double-car driveway. The two parking spaces on the driveway count towards parking and the application is seeking to recognize one parking space within the double-car garage to support the creation of the ARU.

The above-described property (herein referred to as the “subject land”) is located in a residential neighbourhood, south of Bonshaw Ave and east of Gilpin Dr. The subject land is occupied by an existing single-detached dwelling and is surrounded by similar single-detached dwellings.

**3. Planning considerations:**

The request for variance is to permit the garage to be counted towards the required minimum number of off-street parking spaces to facilitate the creation 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. Therefore, a variance is required to recognize the use of a singular parking space in the existing double car garage.

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:

**Conformity with the general intent of the Official Plan**

The subject property is designated “Residential” in the Official Plan. This designation permits a range of residential built form types. Regarding this designation, the Town’s Official Plan states:

It is the objective of the Residential Area policies to:

- a. Provide a range of residential accommodations by housing type, tenure, size and location to help satisfy the Town of Newmarket’s housing needs in a context-sensitive manner.
- b. Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood.
- c. Recognize the desirability of gradual ongoing change by allowing for contextually sensitive development through Planning Act applications, to permit development which contributes to a desirable urban structure, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.
- d. Encourage a range of innovative and affordable housing types, zoning standards and subdivision designs where it can be demonstrated that the existing physical character of the Residential Area will be maintained.

The Official Plan permits 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. Subject to the advisory comments, the requested variance is considered to conform to the Official Plan and therefore this test is met.

### **Conformity with the general intent of the Zoning By-law**

The subject land is zoned Residential Detached Dwelling 12m Zone (R1-E) by Zoning By-law 2010-40. Single-detached dwellings and accessory dwelling units are permitted within the zone.

Section 5.3.1 of the Zoning By-law sets out the parking standards for residential uses. Two exterior parking spaces for the primary dwelling and one parking space for the proposed ARU are required, for a total three parking spaces. This section of the By-law requires that the parking spaces are all provided exterior to a garage.

The general intent of this section of the By-law is to ensure that a sufficient number of parking spaces for individuals residing in the two dwelling units. Currently, 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 dimension of 2.6 metres by 5 metres. If desired, the remaining garage area could be used as a storage by the owner. If approved, the variance would be subject to the Advisory Comments set out above. The Advisory Comments require that a maximum of one parking space be always available in the garage. As three parking spaces will be available, the requested variance maintains the general intent of the Zoning By-law, and therefore, this test is met.

### **Desirable development of the lot**

The proposed variance 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. Therefore, the test is met.

### **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 requested variance appears to be minimal as the potential increase in the number of vehicles generated by the accessory dwelling unit can still be accommodated on the property by the two existing exterior parking spaces and one parking space that is to be reserved in the garage. The garage has enough space to accommodate a parking space while maintaining an appropriate amount of storage space.

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:**

### **Tree Preservation**

No trees are being impacted by the approval of this variance.

### **Heritage**

The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated Properties.

### **Commenting Agencies and Departments**

Engineering Services has no objection to the application.

The Regional Municipality of York has no comment on the application.

The subject land is not within the LSRCA-regulated area.

Central York Fire Services has not commented on the application.

### **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,

*David Sanza*  
David Sanza  
Junior Planner – Development