

COMMITTEE OF ADJUSTMENT STAFF REPORT

DATE: November 12, 2020

FROM: Carlson Tsang, Planner, Planning and Development Services

RE: Minor Variance Application
Eng
117 Bridgepointe Court
File: MV-2020-22

1. APPLICATION

The owner is requesting the following relief from the requirements of the Town's Zoning By-law 6000-17, as amended, to permit an existing deck in the rear yard.

- a) Section 24.407.3 of the Zoning By-law allows decks to encroach maximum 3.5 m into the minimum required rear yard of 7 m. Hence, a minimum of 3.5m setback is required from the rear property line to the edge of the deck. The applicant is proposing 3.12 m setback from the rear property line to the edge of the deck.
- b) Section 13.1 of the Zoning By-law does not allow buildings or structures other than the prescribed uses in the EP Zone. The subject deck partially encroaches into the EP Zone.

2. BACKGROUND

Subject Property and Area Context

The 472.42 m² (5,085 ft²) subject property is located on the south side of Bridgepoint Court, north of St. John's Sideroad and west of Leslie Street. There is an existing two-storey single detached dwelling on the property. The surrounding area is a new residential neighbourhood characterized by two-storey single detached dwellings. The subject property is located within the Lake Simcoe Region Conservation Authority's regulated area as it backs onto a tributary of the Holland River.

Proposal

The applicant is requesting two minor variances to permit an existing deck at the rear of the dwelling. The existing deck was constructed without a building permit (see Appendix B and C). The deck has an area of approximately 5.58 m² (60 ft²) and a height of

approximately 2.14 m (7 ft) measured from the grade. No changes are being proposed to the existing building.

Official Plan

The property is designated “Urban Residential 1” and “Environmental Protection Area”. in the Aurora 2C Secondary Plan which permit accessory structures, such as a deck, associated with the principal dwelling. The property is located within the “Residential Interface Overlay” and subject to Site Specific Policy 3.3.4.1 which is intended to ensure compatibility with the properties to the north in the Town of Newmarket. The subject property and deck is located on the south side of the subdivision and will not have any impact on the properties to the north in the Town of Newmarket.

Zoning

The subject property is zoned R3 (407) - Detached Third Density Residential Exception and EP – Environmental Protection Zone by Zoning By-law 6000-17, as amended. The EP Zone does not allow any buildings or structures other than the uses prescribed in Section 13.1 of the Zoning By-law.

Preliminary Zoning Review

The applicant has completed a Preliminary Zoning Review (PZR) with the Town’s Building Division, prior to submitting the minor variance application, and the requested variances have been confirmed by this review.

3. REVIEW & COMMENTS

The application was circulated to applicable Town divisions and external agencies for comment. The following is a list of those who were circulated and comments provided:

Planning Comments

a) The variances meet the general intent of the Official Plan

The subject deck is permitted within the “Urban Residential 1” and “Environmental Protection” designation as an accessory structure to the principal dwelling. The requested variances comply with the development policies and standards contained in the Aurora 2C Secondary Plan and Urban Design Guidelines. There will be minimal impact on the overall scale and massing of the building. The deck will not be visible from the public street and therefore will not affect the visual quality of the streetscape character. The LSRCA did not identify any environmental concerns with the

encroachment into the EP Zone. Staff are of the opinion that the requested variances meet the general intent of the Official Plan.

b) The variances meet the general intent of the Zoning By-law

The requested variances only apply to a small portion of the southern extension of the deck as highlighted in Appendix B. The majority of the deck meets the maximum rear yard encroachment allowance. The property maintains adequate private outdoor amenity space. With respect to environmental impact, the LSRCA has confirmed that the proposed encroachment is consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial and Regional Plans. The variances are not anticipated to negatively affect the natural heritage features associated with the Holland River in which the EP Zone intends to protect. Staff are of the opinion that the requested variances meet the general intent of the Zoning By-law.

c) The variances are desirable for the appropriate development of the property

The property is large enough to accommodate the deck without compromising the rear yard amenity space. Engineering Staff did not identify any concerns with the existing swale and drainage pattern on the property. The deck will be sufficiently away from the mature vegetation to the south to avoid any environmental impact on the adjacent Greenland System. Staff are of the opinion that the variances are considered desirable for the appropriate development of the property.

d) The variances are considered minor in nature

The variances only apply to a minor portion of the deck. The deck meets the intent of the Town's planning policies and design guidelines. There will be no impact on the physical massing of the building and the appearance of the public realm. The deck will not compromise the rear yard outdoor amenity space on the property. The LSRCA has confirmed that there are no environmental concerns with the application. Staff are of the opinion that the requested variances are considered minor in nature and have no objection to the approval of the application. Staff are recommending that approval be conditional on the owner satisfying the requirements contained in LSRCA's letter dated November 4, 2020 which includes remitting the outstanding review fee and obtaining a retroactive permit for the deck.

Other Department and Agency Comments

Department / Agency	Comments Provided
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Building Division	Preliminary Zoning Review conducted to confirm the variances required for the application.
Engineering Services	No concerns with the proposed variances.
Operational Services	No concerns with the proposed variances.
Alectra	No concerns with the proposed minor variances.
Central York Fire Services	No comments provided at the time of writing of this report.
Legal Services	No comments provided at the time of writing of this report.
York Region	No concerns with the proposed minor variances.
LSRCA	No concerns with the proposed variances subject to the owner remitting the LSRCA review fee and obtaining a retroactive LSRCA permit.

Public Correspondence

Written submissions were not received at the time of writing of this report. Should written submissions be received after the writing of this report, the Secretary Treasurer will provide the submission(s) to Committee members at the meeting.

4. CONCLUSION

Staff have reviewed the application with respect to the Section 45(1) of the Planning Act, R.S.O, 1990, c.P.13, as amended, and are of the opinion that the requested variances meet the four tests of the Planning Act.

Please refer to Appendix A for recommended conditions of approval for the requested variance.

5. ATTACHMENTS

Appendix 'A' - Recommended Conditions of Approval

Appendix 'B' - Site Plan

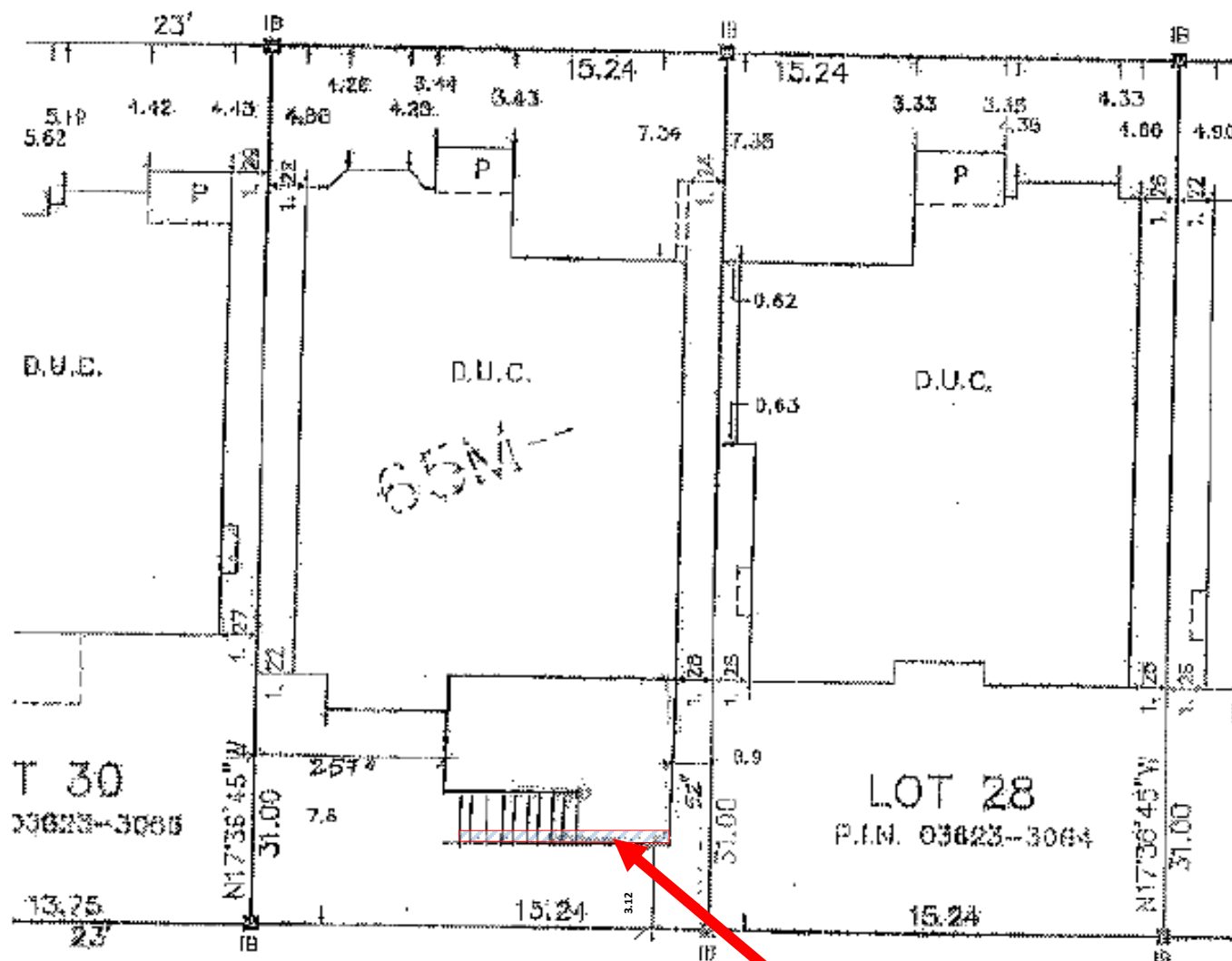
Appendix 'C' - Photos

Appendix 'A' – Recommended Conditions of Approval

The following conditions are required to be satisfied should application MV-2020-22 be approved by the Committee of Adjustment:

1. That the variances only apply to the subject property, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, to the satisfaction of the Director of Planning and Development Services or designate.
2. That the owner satisfies all the requirements contained in the LSRCA letter dated November 4, 2020 to the satisfaction of LSRCA.

P.L.N. 03023-3082



Extent of the encroachment

BLOCK 45

P.L.N. 03623-3081

PR 2020 0894

Preliminary Zoning Review

PO





