



The meeting of the Committee of Adjustment was held on Wednesday, June 19th, 2019 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Chair
Peter Mertens, Vice Chair
Ken Smith, Member
Elizabeth Lew, Member
Mohsen Alavi, Member

Staff Present: Ted Horton, Planner
Linda Traviss, Alternate Secretary-Treasurer
Alannah Slattery, Secretary-Treasurer

The Meeting was called to order at 9:30 a.m. in the Council Chambers to consider items on the agenda.

Gino Vescio in the Chair.

The Chair called for conflicts of interest. No conflicts were declared. Members were invited to declare any other conflicts of interest at any time during the meeting.

MINOR VARIANCE APPLICATIONS

**D13-A09-19 COWIE, Wayne & COWIE, Mary Ann
Part Block B, Plan 31
160 Victoria Street
Town of Newmarket**

Wayne Cowie, 95 Samuel Lount Road, HOLLAND LANDING, L9N 1K3, addressed the Committee as the property owner and applicant.

Mr. Vescio asked for confirmation that Mr. Cowie was the property owner.

Mr. Cowie confirmed he has owned the property for thirteen years. He stated that he has regarded the property as a triplex for thirty years and was surprised to find it was not a legal triplex use. Mr. Cowie stated that the application meets all four tests.

Mr. Vescio asked if he had anything further to say about the application. Mr. Cowie did not.

Mr. Vescio asked if there were any questions from Committee members. There were none.

Mr. Cowie stated that he will still require building permits. Mr. Vescio confirmed that receiving a minor variance is required before the building permit stage.

Mr. Vescio asked for any further questions or comments from the public.

There were no comments from the public or from Committee Members on the application.

The following correspondence was received and considered by the Committee regarding the application:

1. Report from Ted Horton, dated July 18, 2019;
2. Email from David Potter, Chief Building Official, dated July 18 2019;
3. Memorandum from Victoria Klyuev, Senior Engineering Development Coordinator, dated July 11, 2019; and
4. Email from Diana Guida, Planning Assistant, Planning and Economic Development Branch, The Regional Municipality of York, dated July 15, 2019.

***Moved by Peter Mertens
Seconded by Ken Smith***

THAT Minor Variance Application D13-A09-19 be APPROVED, subject to the following conditions:

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.**

As the Minor Variance Application:

- 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 a desirable development of the lot.**

CARRIED

**D13-A10-19 SHAD, Khalid
Lot 3, Plan 65M4338
352 Rannie Road
Town of Newmarket**

Khalid Shad, 352 Rannie Road, NEWMARKET, L3X 2N1, addressed the Committee as the property owner and applicant. Mr. Shad explained that his backyard shed was built too close to the lot line. The shed is for storage purposes for his mother. Mr. Shad stated that the neighbours have no objection, and he has a letter of support from neighbours.

Mr. Vescio asked how the Town was notified of the deficiency.

Mr. Shad explained that the Town sent him a letter, and that a neighbour must have complained. Mr. Shad brought forward a letter for the Committee members to read.

Mr. Vescio confirmed that it was a letter of support from surrounding neighbours. Mr. Vescio asked if there were any members of the public who wished to speak to the application. He further asked if there were any questions from the Committee.

There were no comments from the public or from Committee Members on the application.

The following correspondence was received and considered by the Committee regarding the application:

1. Report from Ted Horton, dated July 18, 2019;
2. Memorandum from Victoria Klyuev, Senior Engineering Development Coordinator, dated July 11, 2019; and
3. Email from Tiffany Wong, Associate Planner, Planning and Economic Development Branch, The Regional Municipality of York, dated July 15, 2019

Moved by Ken Smith
Seconded by Mohsen Alavi

THAT Minor Variance Application D13-A10-19 be APPROVED, subject to the following conditions:

- 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.**

As the Minor Variance Application:

- 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 a desirable development of the lot.**

D13-A11-19 BIROCK INVESTMENTS INC.
Block 1, Plan 65M3871
17305 Leslie Street
Town of Newmarket

David Woods, of Birock Investments Inc., 8688 Woodbine Ave, Suite 100, MARKHAM, L3R 8B9 addressed the Committee as the agent for the application. Mr. Woods stated that the lands are zoned C4 under the old Zoning By-law, not the current Zoning By-law. The block to the south is governed by the new Zoning By-law, 2010-40, which has Commercial Athletic Centre as a permitted use, whereas the older By-law does not include Commercial Athletic Centre as a permitted use.

Mr. Woods stated that they are requesting to add Commercial Athletic Centre as a permitted use on the subject lands.

Mr. Vescio asked if there were any members of the public who wished to speak to the application. He further asked if there were any questions from the Committee.

There were no comments from the public or from Committee Members on the application.

The following correspondence was received and considered by the Committee regarding the application:

1. Report from Ted Horton, dated July 10, 2019;
2. Memorandum from David Potter, Chief Building Official, dated July 19 2019;
3. Memorandum from Brandon Ewart, Senior Engineering Development Coordinator, dated July 11, 2019; and
4. Email from Diana Guida, Planning Assistant, Planning and Economic Development Branch, The Regional Municipality of York, dated July 15, 2019

Moved by Mohsen Alavi
Seconded by Peter Mertens

THAT Minor Variance Application D13-A11-19 be APPROVED, subject to the following condition:

- 1. That the variance pertains only to the request as submitted with the application.**

As the Minor Variance Application:

- 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 a desirable development of the lot.**

CARRIED

**D13-A13-19 DUTCHER, Kevin & DUTCHER, Lynn
Lot 6, Plan M24
131 Stickwood Court
Town of Newmarket**

Kevin Dutcher, 131 Stickwood Court, NEWMARKET, L3Y 5V2, addressed the Committee as the property owner and applicant.

Mr. Dutcher explained they are proposing an addition to their dwelling and it impedes on the required front yard setback.

Mr. Vescio asked what the addition was for. Mr. Dutcher replied it was for additional living space for family.

Mr. Vescio asked if there were any comments or questions from Committee members.

Ms. Lew asked the applicant if their neighbours had any comments or concerns.

Mr. Dutcher replied he had spoken to them and there were no issues.

Mr. Alavi asked planning staff if this application would be impacted by Interim Control By-law 2019-04.

Mr. Horton responded it would be impacted by Interim Control By-law 2019-04 if the addition was greater than 25% of the gross floor area of the dwelling.

Mr. Alavi stated that the proposed addition would be roughly five metres closer than abutting neighbours.

Mr. Vescio stated that it appears the proposed addition does jet out into at least half of the front yard that presently exists. Mr. Vescio stated that in his view, it does not meet the average of the two adjacent properties.

Mr. Horton responded that is correct. The neighbouring properties have front yard setbacks of approximately 8 metres. This addition would bring the dwelling roughly 4 metres closer to the front lot line. Mr. Horton mentioned that in the report it is discussed that the dwelling can be no closer than the closer of the two adjacent dwellings, and no further than the further of the two adjacent dwellings. Mr. Horton further explained this provision works well for straight streets, however can be challenging for a curved street.

Mr. Alavi stated that the issue with approving the application is that if everyone wanted to do something similar, they could.

Mr. Vescio stated that the rule is that the dwelling must be built within the setbacks of the two abutting buildings. This application is looking to approve a setback of four metres.

Mr. Vescio stated that if he was the neighbour to the north he would be concerned. He further noted the abutting neighbours may be occupied by tenants, and the property owners may not be aware of the application.

Mr. Horton explained that the notices are sent out to the property owners and that the owner would have received the notice.

Mr. Vescio asked if there were any members of the public who wished to speak to the application. He further asked if there were any questions from the Committee.

There were no further comments from the public or from Committee Members on the application.

The following correspondence was received and considered by the Committee regarding the application:

1. Report from Ted Horton, dated July 18, 2019;
2. Memorandum from David Potter, Chief Building Official, dated July 19 2019; and
3. Memorandum from Eric Engman, Engineering Development Coordinator, dated July 10, 2019.

Moved by Peter Mertens

THAT Minor Variance Application D13-A13-19 be APPROVED, subject to the following conditions:

1. **That the variance pertains only to the requests as submitted with the application.**

NOT CARRIED

Moved by Mohsen Alavi
Seconded by Ken Smith

THAT Minor Variance Application D13-A13-19 be DENIED,

As the Minor Variance application does not conform to the four tests as required by the Planning Act.

CARRIED

D13-A14-19 LIU, Heping & ZHOU, Ting
Part Lot 4, Plan 65M3722
139 Trailhead Avenue
Town of Newmarket

Heping Liu, 139 Trailhead Avenue, NEWMARKET, L3X 2Z6, addressed the Committee as the property owner and applicant. Mr. Liu explained that there is not enough driveway space to have an exterior parking space. The variance is requesting three spaces outside of the garage and one space within the garage.

Mr. Vescio asked if there were any questions from the Committee.

Ms. Lew asked the applicant what was currently being stored in the garage. Ms. Lew further noted that the garage would need to be kept empty.

Mr. Liu stated it currently contained regular garage stuff, and that he was aware the space would need to stay empty.

Mr. Vescio asked if there were any members of the public who wished to speak to the application. He further asked if there were any questions from the Committee. There were no further comments from the public or from Committee Members on the application.

The following correspondence was received and considered by the Committee regarding the application:

1. Report from Ted Horton, dated July 18, 2019;
2. Memorandum from David Potter, Chief Building Official, dated July 19 2019;
3. Memorandum from Victoria Klyuev, Senior Engineering Development Coordinator, dated July 11, 2019; and
4. Email from Tiffany Wong, Associate Planner, Planning and Economic Development Branch, The Regional Municipality of York, dated July 17, 2019

***Moved by Elizabeth Lew
Seconded by Mohsen Alavi***

THAT Minor Variance Application D13-A14-19 be APPROVED, subject to the following conditions:

- 1. That the variance pertains only to the request as submitted with the application;**
- 2. That one space in the garage be reserved for the purpose of required parking and for no other use; and**
- 3. That the development be substantially in accordance with the information submitted with the application.**

As the Minor Variance Application:

- 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 a desirable development of the lot.**

CARRIED

D13-A12-19 MANGONI, Roberto

**Lot 10, Plan 90
81 Joseph Street
Town of Newmarket**

Mitch Sauder, of Stamp and Hammer Inc., 17-1100 Gorham Street, NEWMARKET, L3Y 8Y8, addressed the Committee as the agent for the application.

Mr. Sauder stated that this application has been before the Committee earlier this year, and that they have been working with the planning department. He stated that they now have a positive recommendation for approval of the application. They have since reduced their request for lot coverage. In addition, a major change is that they are now building a new structure, whereas beforehand they were trying to maintain the existing foundation.

Mr. Vescio asked if there were any members of the public who wished to speak to the application.

Bill Keogh, 76 Joseph Street, NEWMARKET, L3Y 4G9, addressed the Committee. Mr. Keogh stated he wished to know more about the application. Mr. Keogh mentioned that he was aware of monster homes being built in Newmarket and wanted to know if this proposal would result in such a house.

Mr. Vescio asked Mr. Keogh if he had seen the report. Mr. Keogh responded that he had not, and requested if the proposed dwelling is of normal size.

Mr. Horton responded that the dwelling is permitted a height up to 10 metres and the proposed building will meet that requirement. There is no relief from height being requested.

Mr. Keogh asked if the new dwelling would have the same height as the existing dwelling.

Mr. Vescio stated that they were not requesting relief for height.

Mr. Keogh asked the applicant if the new dwelling would have a greater height than the existing dwelling.

Mr. Sauder responded that the new dwelling will be slightly taller.

Mr. Vescio suggested the resident and applicant speak after the hearing. Mr. Vescio asked if there were any further questions from the public.

Arthur Weis, 86 Niagara Street, NEWMARKET, L3Y 4E6, addressed the Committee as the owner of a neighbouring dwelling. Mr. Weis stated he came to speak in favour of the application. He stated that the current dwelling had been neglected for a number of years, and that the building does not have any heritage importance. Renewal of the dwelling would be welcome.

Mr. Vescio asked if there were any further questions from the public. He further asked if there were any questions from the Committee.

Mr. Alavi asked staff if this application was applied for after the enactment of Interim Control By-law 2019-04.

Mr. Horton responded that Interim Control By-law 2019-04 does not halt applications that were in place before Interim Control By-law 2019-04 was passed. The Committee was in the process of considering this property before Interim Control By-law 2019-04.

Mr. Vescio asked if there were any further questions from the public. He further asked if there were any questions from the Committee.

There were no further comments from the public or from Committee Members on the application.

The following correspondence was received and considered by the Committee regarding the application:

1. Report from Ted Horton, dated July 18, 2019;
2. Memorandum from David Potter, Chief Building Official, dated July 19 2019;
3. Memorandum from Eric Engman, Engineering Development Coordinator, dated July 10, 2019;
4. Email from Tiffany Wong, Associate Planner, Planning and Economic Development Branch, The Regional Municipality of York, dated July 17, 2019; and
5. Letter from Philip van Wassenaer, ISA Certified Arborist, Urban Forest Innovations Inc, dated July 15, 2019.

***Moved by Elizabeth Lew
Seconded by Ken Smith***

THAT Minor Variance Application D13-A12-19 be APPROVED, subject to the following conditions:

- 1. That the variance pertains only to the request as submitted with the application;**
- 2. That prior to the issuance of any demolition permit or building permit the owner be required to comply with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy and Public Tree Protection By-law, including tree protection, securities, and compensation; and**
- 3. That the development be substantially in accordance with the information submitted with the application.**

As the Minor Variance Application:

- 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 a desirable development of the lot.

CARRIED

The Minutes of the meeting held on Wednesday, June 19th, 2019 were placed before the Committee for consideration.

*Moved by Peter Mertens
Seconded by Ken Smith*

THAT the Minutes of the Wednesday, June 19th, 2019 meeting be approved.

CARRIED

THAT the Meeting adjourn.

*Moved by Peter Mertens
Seconded by Mohsen Alavi*

CARRIED

The meeting adjourned at 10:18 a.m.

Dated

Chair