

The meeting of the Committee of Adjustment was held on Wednesday, November 20th, 2019 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Chair
Peter Mertens, Vice Chair
Elizabeth Lew, Member
Mohsen Alavi, Member
Ken Smith, 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-A21-19 DUNNETT, William and PICKLE, Jody
Part Lot 48, Plan 437
134 Avenue Road
Town of Newmarket

William Dunnett, 134 Avenue Road, NEWMARKET, L3Y 1N3, addressed the Committee as the owner of the subject property. Mr. Dunnett explained he is looking to build a new garage at the back of his property, for vehicle storage.

Mr. Vescio asked if Mr. Dunnett had read the planning report.

Mr. Dunnett responded that he is dyslexic.

Mr. Vescio asked if Mrs. Pickle has read the report and explained it.

Mr. Dunnett responded that she has.

Mr. Vescio asked Mr. Dunnett to explain why the application should be approved.

Mr. Dunnett explained that it won't affect anyone, and that it won't be used for a business use. The garage would not be used all the time, and would be to store kayaks and trailers.

Mr. Vescio asked Mr. Dunnett if he had any comments in respect to the size of the garage.

Mr. Dunnett responded he has one too many vehicles and would like to store them inside.

Mr. Vescio asked if there was anything further he would like to say. Mr. Vescio asked the committee members if anyone had any comments.

Mr. Mertens asked the applicant where he is currently storing his vehicles.

Mr. Dunnett responded he has a boat and trailer in the backyard, and another vehicle is being stored at a friend's house. He explained that he purchased this property because of its large rear yard.

Mr. Mertens asked how they will access the rear yard garage.

Mr. Dunnett responded that they will drive through the existing garage.

Ms. Lew asked if they will be building a driveway.

Mr. Dunnett responded they will drive across the lawn.

Ms. Lew asked if they will add gravel to drive over.

Mr. Dunnett responded they will just bring it in through the front garage.

Mr. Vescio stated that if there was no driveway or gravel there would be tire marks on the grass. Driving over the lot would damage the landscaping.

Mr. Dunnett responded he could add stones or gravel if the Committee requested it.

Mr. Smith asked if he has spoken to neighbours regarding the proposal.

Mr. Dunnett responded the neighbours haven't said much, and that one neighbour told him good luck.

Mr. Vescio asked if there were any further questions, or people who would like to comment.

Glen Avar, 254 Carol Avenue, NEWMARKET, L3Y 4T3, addressed the Committee as a neighbour to the subject property. Mr. Avar stated he is in opposition to the proposed size of the garage. He stated that the proposed garage is a metre from his back fence, and he is worried about the runoff into his backyard. He stated that he is the lowest property in the area and already experiences flooding every spring. Mr. Avar stated that he is worried that with the garage it will flood more. In addition, he noted that from a visual standpoint, he will now be staring at a garage wall when he looks into his backyard. He stated he is not in opposition to a garage, but does oppose the size of a garage that is bigger than his house.

Mr. Vescio asked if there was anything else anyone wished to say.

Mr. Mohsen stated he has the same concerns as the neighbour.

Mr. Vescio stated that his concern is the size and volume of the structure. The size is comparable to a modest one-storey home. Mr. Vescio stated that he understand the desire to house the applicant's boats, trailers and vehicles, however he is not aware of any structure built this large within a residential zone.

Mr. Vescio asked for any further comments. There were none.

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

1. Report from Ted Horton, dated November 8th, 2019;
2. Memorandum from Rick Bingham, Manager Development Engineering, dated November 6th;
3. Comments from Shane Jobber, Urban Forest Solutions, dated November 12th, 2019;
4. Memorandum from David Potter, Chief Building Official, dated November 15th, 2019; and
5. Email from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated November 5th, 2019.

Moved by Ken Smith

Seconded by Mohsen Alavi

THAT Minor Variance Application D13-A21-19 be DENIED,

As based on the evidence before it, the Committee concludes that the Minor Variance does not conform to the four tests as required by the Planning Act.

CARRIED

**D13-A22-19 1029358 ONTARIO LIMITED
Part Lot 90, Concession 1, Part 2, Plan 65R-1039
300 Mulock Drive
Town of Newmarket**

Angela Sciberras, 202-520 Industrial Parkway South, AURORA, L4G 6W8, addressed the Committee as the agent working on behalf of the owner. Ms. Sciberras stated that she has reviewed the comments and agrees with the staff report. She stated that she can go over the application in detail if the Committee wishes.

Mr. Vescio asked if anyone had any questions.

Mr. Mertens stated that the area is south of Mulock and is a fairly low laying area. He asked if they had had any difficulty with the LSRCA.

Mr. Sciberras responded that the property is quite large and that there is a distinct top bank. When the existing structure was approved, the LSRCA created a buildable area and the building expansion will still be within this buildable area. The LSRCA has determined that the south-east area of the property cannot accommodate overnight parking of vehicles. Aside from that, all the requirements of the conservation authority can be met.

Mr. Vescio asked if there were any further questions. There were no further comments.

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

1. Report from Ted Horton, dated November 8th, 2019;
2. Memorandum from Brandon Ewart, Senior Engineering Development Coordinator, dated November 4th, 2019;
3. Comments from Shawn Filson, Development Planner, LSRCA, November 11th, 2019;
4. Memorandum from David Potter, Chief Building Official, dated November 15th, 2019; and,
5. Email from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated November 5th, 2019.

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

THAT Minor Variance Application D13-A22-19 be GRANTED, subject to the following conditions:

1. **That the variance pertains only to the request as submitted with the application;**
2. **That the applicant be required to enter into a site plan agreement with the Town for the development of the lands;**
3. **That the development be substantially in accordance with the sketch submitted with the application;**
4. **That the Owner shall obtain a permit from the LSRCA for works with the area Ontario Regulation 179/06 under the Conservation Authorities Act;**
6. **That the Owner shall, prior to the issuance of site plan approval, submit to the Town and LSRCA a topographic survey, and demonstrate to the satisfaction of the LSRCA that the depth of flooding on the site does not exceed 0.8m.**

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-A23-19 JIMSGATE INC. Part Lot 28, Plan 81 209 Main Street South Town of Newmarket

Chris Pretotto, 73 Gilbank Drive, AURORA, L4G 5E4, addressed the Committee as the agent acting on behalf of the property owner. Mr. Pretotto stated that they have reviewed the staff report and are in agreement. He asked if the Committee had any questions to help further explain the proposal.

Mr. Vescio asked if he could give a rundown on the proposal and how it relates to the requested variance.

Mr. Pretotto explained that the proposal is for 209 Main Street South, which is currently an existing two-storey structure that houses Little Brew Hops. The proposed storey will be set back significantly from the street level. They are also building an addition to the rear. They are looking to expand for more commercial and residential space. The current height is 8.9 metres and is two storeys. They are looking to expand to 11.5 metres and three storeys. They are asking for the variance to add value to the existing building and to enhance both the front and rear street values. They will be restoring the original façade of the building, and have tested to see if the brick is restorable. They will be taking steps in-line with the Heritage Impact Assessment. Mr. Pretotto explained that nearly every neighbouring building exceeds the required FSI quite significantly, and some are three storey buildings. Mr. Pretotto asked if the Committee would like to see a copy of the slideshow that they had prepared.

Mr. Vescio told him he could show the Committee his presentation.

Mr. Pretotto explained that the first few pages show the elevations and streetscapes. He explained that you can see a few three storey buildings that are in close proximity. On the sixth page it shows the rear of the building, backing on to Cedar Street. The façade needs some work. The site plan shows that the third storey is setback from the first two storeys. They will be restoring the front façade and will try to complement the style which is currently there. The top floor is currently residential, and they are looking to turn it into commercial and have the third floor as residential.

Mr. Vescio asked if the members had any questions. Mr. Vescio asked staff what is the permitted height in the downtown area.

Mr. Horton responded that the permitted height is nine metres and three storeys under the Zoning By-law.

Mr. Vescio asked if anyone had any further questions.

Mr. Mohsen asked staff whether the Committee needs access to the Heritage Committee decision.

Mr. Horton responded that any changes to the building will go through the heritage permit process. Heritage information will be regulated by the heritage process.

Mr. Vescio asked the applicant about the structural stability of the building.

Mr. Pretotto responded that they have had a structural engineer look at it and a formal assessment hasn't yet been prepared.

Anne Martin, 355 Millard Avenue, L3Y 1Z6, addressed the Committee as a Main Street business owner. She stated that she owns the building at 221 Main Street, and has owned it for forty years. Ms. Martin stated she is in support of more residential units, which will attract professional individuals. The back of the building has been rough the past few years and the changes will help attract good tenants. She stated it is nice when people take an interest in buildings on the street and invest in them. She stated she would welcome this project.

Chris Kallio, Economic Development Officer, Town of Newmarket, addressed the Committee. Mr. Kallio stated there is a responsibility to encourage the atmosphere and vibrancy of the street. He stated that Mr. Irons came to the Town in the spring with the proposal, which was highly supported. This proposal would send the right signals, and includes the improvement of the façade on the front of the building and also improves the rear of the building. He stated he is a member of the Lower Main Street Improvement Committee and will be supporting the application.

Mr. Vescio asked if there were any further questions or comments. There were none.

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

1. Report from Ted Horton, dated November 12th, 2019;
2. Memorandum from Rick Bingham, Manager Development Engineering, dated November 5th;
3. Comments from Shawn Filson, Development Planner, LSRCA, November 11th, 2019;
4. Memorandum from David Potter, Chief Building Official, dated November 15th, 2019; and
5. Email from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated November 5th, 2019.

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

THAT Minor Variance Application D13-A23-19 be APPROVED, subject to the following conditions:

- 1. That the variance pertains only to the requests as submitted with the application;**
- 2. That the applicant be required to enter into a site plan agreement with the Town before any demolition or development takes place; 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 2020 Hearing Schedule was placed before the Committee for consideration.

Moved by Mohsen Alavi
Seconded by Peter Mertens

THAT the 2020 Hearing Schedule be approved.

CARRIED

The Minutes of the meeting held on Wednesday, September 25th, 2019 were placed before the Committee for consideration.

Moved by Elizabeth Lew
Seconded by Mohsen Alavi

THAT the Minutes of the Wednesday, September 25th, 2019 meeting be approved.

CARRIED

THAT the Meeting adjourn.

Moved by Peter Mertens
Seconded by Elizabeth Lew

CARRIED

The meeting adjourned at 10:10 a.m.

Dated

Chair