

The meeting of the Committee of Adjustment was held on Wednesday, June 17th, 2015 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Member
Ken Smith, Member
Fred Stoneman, Member
Peter Mertens, Member
Elizabeth Lew, Member

Staff Present: Kym Pelham, Secretary-Treasurer
Linda Traviss, Senior Planner - Development
Meghan White, Planner

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 at that time; however, members were invited to declare a conflict of interest at any time during the meeting.

MINOR VARIANCE APPLICATIONS

D13-A10-15 GREEN & ROSE DEVELOPMENTS INC.
Part Lot 4, Plan 32, designated as Parts 1 to 4, Plan 65R-34936
212 Davis Drive
Town of Newmarket

Daniel Berholz of Green & Rose Developments Inc., 155 Duncan Mill Road, Unit 12, TORONTO, ON M3B 3N2, addressed the Committee and provided the following comments:

- representing the corporation
- seeking to permit relief for a walkway in the 3 metre landscape buffer on east side
- the landscape buffer is only for vegetative use
- details for the parking structure were not available at the time
- stairway had to be moved
- exit had to be moved further down, which put the walkway in the buffer area
- have worked with landscape consultant and engineering department
- emergency exit through the buffer

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

1. Report from Linda Traviss, Senior Planner - Development dated June 11, 2015;
2. Letter from B. Ewart, Senior Engineering Development Coordinator - ICI dated June 10, 2015;
3. Letter from Lisa-Beth Bulford, Development Planner, Lake Simcoe Region Conservation Authority dated June 10, 2015;
4. Letter from David Potter, Chief Building Official dated June 4, 2015; and
5. E-mail from Gabrielle Hurst, Programs and Process Improvement, The Regional Municipality of York dated June 4, 2015.

There were no comments from the public on this application.

*Moved by Fred Stoneman
Seconded by Ken Smith*

THAT Minor Variance Application D13-A10-15 be approved, subject to the following conditions:

- a) that the variance pertains only to the request as submitted with the application;
- b) that development be substantially in accordance with the sketch submitted with the application.

as the Minor Variance Application:

- (1) appears to be minor in nature as the requested variance does not result in a substantial decrease in the functioning of the required landscape buffer and is in keeping with the development approved by Council;
- (2) conforms to the intent and purpose of the Official Plan and Zoning By-law as both documents contemplate residential uses; and
- (3) does not adversely affect the character of the neighbourhood and is desirable for the appropriate development or use of the land, buildings or structures.

CARRIED

**D13-A08-15 MOSAIK GLENWAY HOMES INC.
Lot 148, Plan 65M-4436
689 McGregor Farm Trail
Town of Newmarket**

**D13-A09-15 MOSAIK GLENWAY HOMES INC.
Lot 90, Plan 65M-4436
500 McGregor Farm Trail
Town of Newmarket**

Goffredo Vitullo of Mosaik Glenway Homes Inc., 8800 Jane Street, VAUGHAN, ON L4K 2M8, addressed the Committee and provided the following comments:

- have sold the house and one is over on the percentage
- it was a mistake
- the building on 689 McGregor Farm Trail is a larger home

Ken Smith inquired as to whether the change in the size of the home was requested by the owners and were they advised that the model was not available for the lot and Mr. Vitullo advised that it was a request by the owners.

Shaun London of 420 Mathews Court, NEWMARKET, ON L3X 1C7, addressed the Committee and provided the following comments:

- have concerns with the variance for 689 McGregor Farm Trail
- do not believe that the builder should be allowed to apply for a variance
- sets a precedence in the subdivision
- application does not address how the increase will affect the neighbours
- have fought the whole process of this subdivision
- building should stay within the 45% and respect the bylaws

Fred Stoneman inquired as to where Mr. London's home was in relation to this property and Mr. London mentioned that his lot was to the left of the property.

Peter Mertens mentioned that Mr. London had concerns with the depth of the lot and that the home may be closer to his property line if the proposed house was moved back in the rear yard and Mr. Mertens advised that front and rear setbacks are not being adjusted.

Mr. Stoneman inquired as to whether this was a different model home and Mr. Vitullo mentioned that the home may be 1% wider than the other models.

Mike Stoltz of 416 Mathews Court, NEWMARKET, ON L3X 1C7, addressed the Committee and provided the following comments:

- advised that he will be 1 property over from 689 McGregor Farm Trail
- builders have a responsibility to make sure they abide by the bylaws
- the variance is to go beyond the maximum of 45%
- the bylaws are in place to protect the neighbours
- the variance would be precedent setting
- the width of the home does have an impact
- already putting up with dirt, dust and noise
- all to increase the builders profit margins

Mr. Smith inquired as to whether this house was already being built or the foundation poured and he was advised that it has not started.

The following correspondence was received and considered by the Committee regarding minor variance application D13-A08-15:

1. Report from Meghan White, Planner dated June 11, 2015;
2. Letter from V. Klyuev, Senior Engineering Development Coordinator - Residential dated June 9, 2015;
3. Letter from Lisa-Beth Bulford, Development Planner, Lake Simcoe Region Conservation Authority dated June 10, 2015;
4. Letter from David Potter, Chief Building Official dated June 4, 2015; and
5. E-mail from Gabrielle Hurst, Programs and Process Improvement, The Regional Municipality of York dated June 4, 2015.

The following correspondence was received and considered by the Committee regarding minor variance application D13-A09-15:

1. Report from Meghan White, Planner dated June 11, 2015;
2. Letters from V. Klyuev, Senior Engineering Development Coordinator - Residential dated June 9, 2015;
3. Letters from Lisa-Beth Bulford, Development Planner, Lake Simcoe Region Conservation Authority dated June 10, 2015;
4. Letter from David Potter, Chief Building Official dated June 4, 2015; and
5. E-mail from Gabrielle Hurst, Programs and Process Improvement, The Regional Municipality of York dated June 4, 2015.

There were no further comments from the public on this application.

Moved by Fred Stoneman
Seconded by Peter Mertens
Opposed by Ken Smith

THAT Minor Variance Application D13-A08-15 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application;
and
2. That the development be substantially in accordance with the plans submitted with the application.

as the Minor Variance Applications:

- (1) is minor in nature as the impact on adjacent properties appears to be minimal;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit a residential dwelling on the property; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

CARRIED

Moved by Peter Mertens
Seconded by Elizabeth Lew
Opposed by Ken Smith

THAT Minor Variance Application D13-A09-15 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application;
and
2. That the development be substantially in accordance with the plans submitted with the application.

as the Minor Variance Applications:

- (1) is minor in nature as the impact on adjacent properties appears to be minimal;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit a residential dwelling on the property; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

CARRIED

**D13-A11-15 WARNER, Bruce
WARNER, Lisa
Lot 59, Plan 65M-2224
570 Haines Road
Town of Newmarket**

Lisa Warner of 570 Haines Road, NEWMARKET, ON L3Y 6V3, addressed the Committee and provided the following comments:

- applying for relief from bylaw
- currently have a double car garage and have parked in it for 20 years
- want to put in an ADU so that she can stay in the house
- want to make everything legal
- 1 person is living downstairs

Mr. Stoneman inquired as to who came up with the solution for the variance and Ms. Warner mentioned that she has always parked 2 cars in the garage.

Mr. Stoneman asked if we have other variances that are similar to this request and Ms. Travis mentioned that we have had similar requests and there may be less than 5.

The Chair inquired as to whether there was a registry in place for the ADU's and Ms. Travis mentioned that Legislative Services keep a registry.

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

1. Report from Meghan White, Planner dated June 11, 2015;
2. E-mail from Brandon Ewart, Senior Engineering Development Coordinator - ICI dated June 3, 2015;
3. Letter from Lisa-Beth Bulford, Development Planner, Lake Simcoe Region Conservation Authority dated June 10, 2015;
4. Letter from David Potter, Chief Building Official dated June 4, 2015;
5. E-mail from Gabrielle Hurst, Programs and Process Improvement, The Regional Municipality of York dated June 4, 2015; and
6. E-mail from a resident dated June 16, 2015.

There were no further comments from the public on this application.

***Moved by Peter Mertens
Secoded by Ken Smith***

THAT Minor Variance Application D13-A11-15 be approved, subject to the following conditions:

1. That the applicants enter into an agreement with the Town stating that as long as there is an Accessory Dwelling Unit in the dwelling unit that the garage remain available to park two (2) cars;
2. That the agreement is registered on title of the property;
3. That the variance pertains only to the requests as submitted with the application; and
4. That the development be substantially in accordance with the information submitted with the application.

as the Minor Variance Application:

- (1) is minor in nature as the impact on adjacent properties appears to be minimal;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit accessory dwelling units on the property; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

CARRIED

The Minutes of the meeting held on Wednesday, May 20th, 2015 were placed before the Committee for consideration.

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

THAT the Minutes of the Wednesday, May 20th, 2015 meeting be approved as circulated.

CARRIED

***Moved by Peter Mertens
Seconded by Elizabeth Lew***

THAT the Meeting adjourn.

CARRIED

The meeting adjourned at 10:12 a.m.

Dated

Chair