

### Minor Variance Applications

- |    |                   |  |       |
|----|-------------------|--|-------|
| 1. | <b>D13-A08-15</b> | <b>MOSAİK GLENWAY HOMES INC.</b><br>Lot 148, Plan 65M-4436<br>689 McGregor Farm Trail<br>Town of Newmarket   | p. 1  |
| 2. | <b>D13-A09-15</b> | <b>MOSAİK GLENWAY HOMES INC.</b><br>Lot 90, Plan 65M-4436<br>500 McGregor Farm Trail<br>Town of Newmarket  | p. 7  |
| 3. | <b>D13-A10-15</b> | <b>GREEN &amp; ROSE DEVELOPMENTS INC.</b><br>Part Lot 4, Plan 32, designated as Parts 1 to 4, Plan 65R-34936<br>212 Davis Drive<br>Town of Newmarket | p. 13 |
| 4. | <b>D13-A11-15</b> | <b>WARNER, Bruce</b><br><b>WARNER, Lisa</b><br>Lot 59, Plan 65M-2224<br>570 Haines Road<br>Town of Newmarket   | p. 20 |

### New Business

- |    |  |       |
|----|--|-------|
| 5. | Minutes of the regular Meeting of the Committee held on Wednesday, May 20, 2015. | p. 27 |
|----|--|-------|



**PLANNING AND BUILDING SERVICES**

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

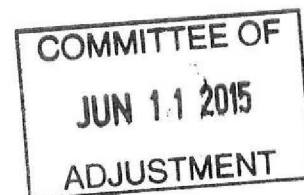
www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

**REPORT**



TO: Committee of Adjustment

FROM: Meghan White, MCIP, RPP  
Planner

DATE: June 11, 2015

RE: Application for Minor Variance **D13-A08/2015**  
Lot 148, Plan 65M-4436  
689 McGregor Farm Trail  
Made by: Mosaik Glenway Homes

**1. RECOMMENDATIONS:**

**That Minor Variance Application D13-A08/2015 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.**

**2. APPLICATION:**

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 1979-50 as amended, in order to construct a single detached dwelling.

The above-described property (herein referred to as the "subject lands") is located in a new subdivision located at the south-east corner of Bathurst Street and Davis Drive. The lot is currently vacant, with single detached homes being constructed around it.

The applicant is requesting relief from the By-law in order to construct a single detached dwelling. The specific request is to increase the maximum permitted lot coverage from 45% to 46.89%.

**3. PLANNING CONSIDERATIONS:**

In making a recommendation to the Committee, staff are required to consider the 4 tests under the *Planning Act*; staff offer the following comments:

The subject lands are designated Low Density Residential (Oak Ridges Moraine) in Amendment No. 28 to the Town's Official Plan. This designation permits single detached dwellings. The schedules of OPA 28 detail a potential hydrologically sensitive area. This was dealt with in detail through the rezoning and subdivision processes. The development of a single detached dwelling has been found to conform to the Official Plan.

The subject lands are zoned Residential Detached Dwelling 15.0 m Exception 118 (R1-D-118) on Map Number 8 of Schedule 'A' to By-law Number 2010-40, as amended by By-law 2013-05. A single detached dwelling is permitted in this zone.

The intention of the maximum permitted lot coverage is to prevent overbuilding on a lot and the preservation of outdoor amenity areas. There will still be sufficient amenity area as the minimum rear yard setback is maintained.

It is desirable to construct a single detached dwelling on the lot as both the Official Plan designation and the Zoning By-law both permit this use.

When considering if the variance is minor, it is not simply the numerical value; the Committee is requested to consider the impact of the variance. As outdoor amenity space will be maintained the impact of the variance appears to be minor.

In consideration of the above, the proposed variance does meet all of the four tests under the *Planning Act*.

#### 4. **OTHER COMMENTS:**

The Chief Building Official has no objection to the proposal.

Engineering Services has no objection to the proposal provided that the existing drainage patterns are not altered, any increase in stormwater runoff is maintained onsite and construction does not occur within any easement(s), where applicable.

Lake Simcoe Region Conservation Authority may provide comments under separate cover.

#### 5. **CONCLUSIONS:**

The recommendation of approval for the variance is based on the rationale described above and specifically that the relief as requested:

- (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.

Respectfully submitted,

  
Meghan White, MCIP, RPP  
Planner

copy: R. Prudhomme, P. Eng. – Director Engineering Services



**Lake Simcoe Region**  
conservation authority

*A Watershed for Life*

Sent by Email: [kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)

June 10, 2015

Ms. Kym Pelham, Secretary-Treasurer  
Corporation of the Town of Newmarket  
395 Mulock Avenue, Box 328, STN Main  
Newmarket, ON L3Y 4X7



File No: D13-A08-15  
IMS File No.: PVOC1484C3

Dear Ms. Pelham:

**Re: Proposed Application for Minor Variance**  
**Mosaik Glenway Homes**  
**689 McGregor Farm Trail**  
**Town of Newmarket, Regional Municipality of York**

Thank you for circulating the Lake Simcoe Region Conservation Authority (LSRCA) regarding the above noted application for Minor Variance. It is our understanding that the purpose of this application is to request relief from the Zoning By-law to permit a maximum lot coverage of 46.89%, notwithstanding the bylaw requirement of a maximum lot coverage of 45%.

Based on existing resource mapping, the subject property is located outside:

- Any natural hazard lands such as floodplain
- Any natural heritage feature such as wetlands
- Any area currently governed by Ontario Regulation 179/06 under the *Conservation Authorities Act*

On this basis, we are satisfied from a watershed management perspective that this application is consistent with the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement (PPS), conforms with the requirements of the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 made under the *Conservation Authorities Act*. As a result, the LSRCA has no further requirements as they relate to this proposed Minor Variance application.

If you have any questions regarding these comments, please do not hesitate to contact the undersigned. Please refer to the above file numbers in future correspondence.

Regards,

A handwritten signature in blue ink, appearing to read "Lisa-Beth Bulford".

Lisa-Beth Bulford  
Development Planner

LBB/ph

S:\Planning and Development Services\Planning Act\Planning Act Applications\Newmarket\202088 Mosaik Glenway Homes\06-10-2015 Bulford  
Newmarket D13-A08-15 PVOC1484 689 McGregor Farm Trail.docx

120 Bayview Parkway, Box 282  
Newmarket, Ontario L3Y 4X1

Tel: 905.895.1281 1.800.465.0437  
Fax: 905.853.5881

Web: [www.LSRCA.on.ca](http://www.LSRCA.on.ca)  
E-Mail: [Info@LSRCA.on.ca](mailto:Info@LSRCA.on.ca)

Proud winner of the International Thiess Riverprize | Member of Conservation Ontario





DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

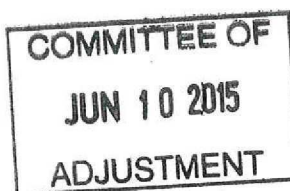
Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953 5138



MEMORANDUM

TO: R. Nethery, B.E.S., MCIP, RPP, Director of Planning

FROM: V. Klyuev, B.A., C.E.T., Senior Engineering Development Coordinator – Residential

DATE: June 9, 2015

RE: Notice of Application for Minor Variance  
File No. D13-A08-15  
689 McGregor Farm Trail  
Made by: Mosaik Glenway Homes

We herein acknowledge receipt of the Notice of Application for Minor Variance from the Town of Newmarket Zoning By-law 1979-50 as amended by Bylaw Number 2013-05, Exception 118 iii) (h) Development Standards:

**To permit a maximum lot coverage of 46.89%, notwithstanding the bylaw requirement of a maximum lot coverage of 45%.**

We have reviewed the application and supporting documentation and have no objection to the proposed minor variance provided that existing drainage patterns are not altered, any increase in stormwater runoff is maintained onsite and construction does not occur within any easement(s), where applicable.

Should you have any questions please contact the undersigned.

Sincerely,

ENGINEERING SERVICES

A handwritten signature in blue ink, appearing to be 'V. Klyuev'.

V. Klyuev, B.A., C.E.T.  
Senior Engineering Development Coordinator – Residential

File No.: VK0019

COPY: R. Bingham, C.E.T., Manager of Engineering and Technical Services  
File digital and hardcopy

**Pelham, Kym**

---

**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** June-04-15 11:44 AM  
**To:** Pelham, Kym  
**Subject:** RE: D13-A08-15 and D13-A09-15



Good Morning Kym,

The Region of York has reviewed the above minor variance application and has no objection.  
Please contact me if you require further information.

Gabrielle

**Gabrielle Hurst, MCIP. RPP. C.Tech** | Programs and Process Improvement  
905-830-4444 ext. 71538 | [gabrielle.hurst@york.ca](mailto:gabrielle.hurst@york.ca)

---

**From:** Hurst, Gabrielle  
**Sent:** Tuesday, June 02, 2015 3:52 PM  
**To:** Hurst, Gabrielle  
**Subject:** FW: D13-A08-15 and D13-A09-15

Arif I have prepared a response if you don't have any comments I will send to the Town - Gabrielle

---

Good Afternoon Kym

York Region Planning and Economic Development Branch has reviewed the above noted Variance application and has no objections.

Please contact me if you have any additional questions.

**Gabrielle Hurst, MCIP. RPP. C.Tech** | Programs and Process Improvement  
905-830-4444 ext. 71538 | [gabrielle.hurst@york.ca](mailto:gabrielle.hurst@york.ca)



**Kym Pelham, ACST**

Committee Secretary  
Planning and Building Services  
905-953-5300, press 2, ext. 2456  
905-953-5140 (fax)  
[kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)  
[www.newmarket.ca](http://www.newmarket.ca)

Follow us on [Twitter](#) @townofnewmarket  
Newmarket: A Community Well Beyond the Ordinary

"The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of



Planning & Building Services  
Office of the Building Inspector  
TOWN OF NEWMARKET

395 Mulock Drive

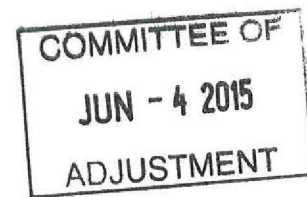
P.O. Box 328

Newmarket, ON L3Y 4X7

www.newmarket.ca

buildings@newmarket.ca

905.953-5300 ext. 2400



## MEMORANDUM

**TO:** Committee of Adjustment

**FROM:** David Potter, CBCO, B. Tech., MAATO  
Chief Building Official

**DATE:** June 4, 2015

**RE:** Application for Minor Variance

**File no:** D13-A08/A09/A10/A11-15

I have reviewed the above and have no objection to these applications.

A handwritten signature in blue ink, appearing to read "D. Potter".

for David



**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

**REPORT**



TO: Committee of Adjustment

FROM: Meghan White, MCIP, RPP  
Planner

DATE: June 11, 2015

RE: Application for Minor Variance **D13-A09/2015**  
Lot 90, Plan 65M-4436  
500 McGregor Farm Trail  
Made by: Mosaik Glenway Homes

**1. RECOMMENDATIONS:**

That Minor Variance Application D13-A09/2015 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.

**2. APPLICATION:**

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, in order to construct a single detached dwelling.

The above-described property (herein referred to as the "subject lands") is located in a new subdivision located at the south-east corner of Bathurst Street and Davis Drive. The lot is currently vacant, with single detached homes being constructed around it.

The applicant is requesting relief from the By-law in order to construct a single detached dwelling. The specific request is to decrease the minimum required exterior side yard from 3m to 2.25m.

**3. PLANNING CONSIDERATIONS:**

In making a recommendation to the Committee, staff are required to consider the 4 tests under the *Planning Act*; staff offer the following comments:

The subject lands are designated Emerging Residential in the Town's Official Plan. This designation permits single detached dwellings.

The subject lands are zoned Residential Detached Dwelling 9.7m (R1-F) on Map Number 8 of Schedule 'A' to By-law Number 2010-40. A single detached dwelling is permitted in this zone.



The intention of the a minimum exterior side yard is to ensure adequate separation between dwelling and the street. In this instance there is a large daylighting triangle and 2.5m high acoustic fence separating the dwelling from the travelled portion of the road. Therefore the dwelling will not impede sight lines or access to the road.

It is desirable to construct a single detached dwelling on the lot as both the Official Plan designation and the Zoning By-law permit this use.

When considering if the variance is minor, it is not simply the numerical value; the Committee is requested to consider the impact of the variance. The impact of the variance appears to be minimal due to the large daylighting triangle.

In consideration of the above, the proposed variance meets all of the four tests under the *Planning Act*.

**4. OTHER COMMENTS:**

The Chief Building Official has no objection to the proposal.

Engineering Services has no objection to the proposal provided that the existing drainage patterns are not altered, any increase in stormwater runoff is maintained onsite and construction does not occur within any easement(s), where applicable.

Lake Simcoe Region Conservation Authority may provide comments under separate cover.

**5. CONCLUSIONS:**

The recommendation of approval for the variance is based on the rationale described above and specifically that the relief as requested:

- (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.

Respectfully submitted,

  
Meghan White, MCIP, RPP  
Planner

copy: R. Prudhomme, P. Eng. – Director Engineering Services

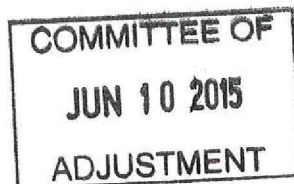


**Lake Simcoe Region**  
conservation authority

*A Watershed for Life*

**Sent by Email:** [kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)

June 10, 2015



File No: D13-A09-15  
IMS File No.: PVOC1485C3

Ms. Kym Pelham, Secretary-Treasurer  
Corporation of the Town of Newmarket  
395 Mulock Avenue, Box 328, STN Main  
Newmarket, ON L3Y 4X7

Dear Ms. Pelham:

**Re: Proposed Application for Minor Variance  
Mosaik Glenway Homes  
500 McGregor Farm Trail  
Town of Newmarket, Regional Municipality of York**

Thank you for circulating the Lake Simcoe Region Conservation Authority (LSRCA) regarding the above noted application for Minor Variance. It is our understanding that the purpose of this application is to request relief from the Zoning By-law to permit an exterior sideyard setback of 2.25 metres, notwithstanding the bylaw requirement of 3.0 metres.

Based on existing resource mapping, the subject property is located outside:

- Any natural hazard lands such as floodplain
- Any natural heritage feature such as wetlands
- Any area currently governed by Ontario Regulation 179/06 under the *Conservation Authorities Act*

On this basis, we are satisfied from a watershed management perspective that this application is consistent with the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement (PPS), conforms with the requirements of the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 made under the *Conservation Authorities Act*. As a result, the LSRCA has no further requirements as they relate to this proposed minor variance application.

If you have any questions regarding these comments, please do not hesitate to contact the undersigned. Please refer to the above file numbers in future correspondence.

Regards,

A handwritten signature in blue ink, appearing to read "Lisa-Beth Bulford".

Lisa-Beth Bulford  
Development Planner

LBB/ph

S:\Planning and Development Services\Planning Act\Planning Act Applications\Newmarket\202088 Mosaik Glenway Homes\06-10-2015 Bulford  
Newmarket D13-A09-15 PVOC1485 500 McGregor Farm Trail.docx

120 Bayview Parkway, Box 282  
Newmarket, Ontario L3Y 4X1

Tel: 905.895.1281 1.800.465.0437  
Fax: 905.853.5881

Web: [www.LSRCA.on.ca](http://www.LSRCA.on.ca)  
E-Mail: [Info@LSRCA.on.ca](mailto:Info@LSRCA.on.ca)

Proud winner of the International Thiess Riverprize

Member of Conservation Ontario



DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

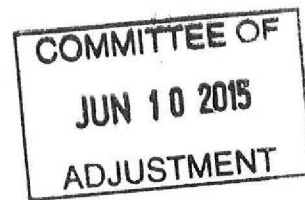
Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953 5138



MEMORANDUM

TO: R. Nethery, B.E.S., MCIP, RPP, Director of Planning

FROM: V. Klyuev, B.A., C.E.T., Senior Engineering Development Coordinator – Residential

DATE: June 9, 2015

RE: Notice of Application for Minor Variance  
File No. D13-A09-15  
500 McGregor Farm Trail  
Made by: Mosaik Glenway Homes

We herein acknowledge receipt of the Notice of Application for Minor Variance from the Town of Newmarket Zoning By-law 2010-40 as amended by Bylaw Number 2013-05, Exception 118 iii) (f) Development Standards:

**To permit an exterior side yard setback of 2.25 metres, notwithstanding the bylaw requirement of 3.0 metres.**

We have reviewed the application and supporting documentation and have no objection to the proposed minor variance provided that existing drainage patterns are not altered, any increase in stormwater runoff is maintained onsite and construction does not occur within any easement(s), where applicable.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES**

A handwritten signature in black ink.

V. Klyuev, B.A., C.E.T.  
Senior Engineering Development Coordinator – Residential

File No.: VK0020

COPY: R. Bingham, C.E.T., Manager of Engineering and Technical Services  
File digital and hardcopy



**Pelham, Kym**

---

**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** June-04-15 11:44 AM  
**To:** Pelham, Kym  
**Subject:** RE: D13-A08-15 and D13-A09-15



Good Morning Kym,

The Region of York has reviewed the above minor variance application and has no objection.  
Please contact me if you require further information.

Gabrielle

**Gabrielle Hurst, MCIP. RPP. C.Tech** | Programs and Process Improvement  
905-830-4444 ext. 71538 | [gabrielle.hurst@york.ca](mailto:gabrielle.hurst@york.ca)

---

**From:** Hurst, Gabrielle  
**Sent:** Tuesday, June 02, 2015 3:52 PM  
**To:** Hurst, Gabrielle  
**Subject:** FW: D13-A08-15 and D13-A09-15

Arif I have prepared a response if you don't have any comments I will send to the Town - Gabrielle

---

Good Afternoon Kym

York Region Planning and Economic Development Branch has reviewed the above noted Variance application and has no objections.

Please contact me if you have any additional questions.

**Gabrielle Hurst, MCIP. RPP. C.Tech** | Programs and Process Improvement  
905-830-4444 ext. 71538 | [gabrielle.hurst@york.ca](mailto:gabrielle.hurst@york.ca)



**Kym Pelham, ACST**  
Committee Secretary  
Planning and Building Services  
905-953-5300, press 2, ext. 2456  
905-953-5140 (fax)  
[kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)  
[www.newmarket.ca](http://www.newmarket.ca)  
Follow us on [Twitter](#) @townofnewmarket  
Newmarket: A Community Well Beyond the Ordinary

"The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of





Planning & Building Services  
Office of the Building Inspector  
TOWN OF NEWMARKET

395 Mulock Drive

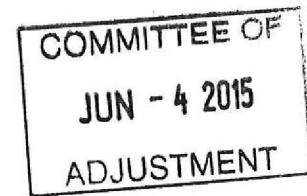
P.O. Box 328

Newmarket, ON L3Y 4X7

[www.newmarket.ca](http://www.newmarket.ca)

[buildings@newmarket.ca](mailto:buildings@newmarket.ca)

905.953-5300 ext. 2400



## MEMORANDUM

**TO:** Committee of Adjustment

**FROM:** David Potter, CBCO, B. Tech., MAATO  
Chief Building Official

**DATE:** June 4, 2015

**RE:** Application for Minor Variance

**File no:** D13-A08/A09/A10/A11-15

I have reviewed the above and have no objection to these applications.

*D. Carrigan*

*for* David



**PLANNING AND BUILDING SERVICES**

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

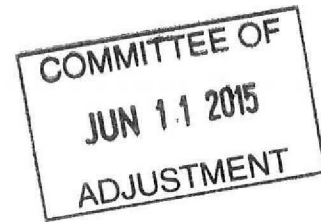
Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140



**REPORT**

TO: Committee of Adjustment

FROM: Linda L. Traviss, MCIP, RPP  
Senior Planner – Development

DATE: June 11, 2015

RE: Application for Minor Variance **D13-A10-15**  
Part Lot 4, Plan 32  
212 Davis Drive  
Made by: Green & Rose Developments Inc.

---

**1. RECOMMENDATION:**

**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.**

**2. APPLICATION:**

Application for Minor Variance has been submitted by the above-noted property owner to request relief from Zoning By-law Number 2010-40, as amended by By-law Number 2014-54, Section 4.14.1 ii) to permit a walkway within the 3 metre landscape buffer, notwithstanding the by-law requirement that a buffer area shall not be used for any other purpose other than vegetative landscaping and entrances and exits across the buffer area.

**3. PLANNING CONSIDERATIONS:**

The above-described property is designated Urban Centre – Yonge Street Regional Centre in the Town's Official Plan which was approved by the Region of York on May 29,

2008. Within the Secondary Plan that was adopted by Council on June 23, 2014 and approved by the Region of York on April 9, 2015, the property is designated Mixed Use within the Davis Drive (Huron Way) Character Area. Both Plans permit retail and service commercial uses, institutional uses, business and professional offices, and entertainment, educational and accommodation facilities. Residential uses, including apartments, are also permitted. The proposed application would not conflict with the purpose and intent of the Official Plan.

The property is zoned Regional Urban Centre Exception 124 with a Holding Provision (H)(UC-R-124) on Map Number 10 of Schedule 'A' to Zoning By-law Number 2010-40, as amended by By-law Number 2014-54 and is partially within the regulated area of the Lake Simcoe Region Conservation Authority. An apartment building is a permitted use in the (H)UC-R-124 Zone.

The applicant is seeking relief to permit a walkway within the 3 metre landscape buffer strip along a portion of the easterly side of the proposed parking structure. The by-law provides that buffer strips may only be used for vegetative landscaping and entrances and exits that cross the buffer area.

At the time the amending zoning by-law was adopted the details relating to the parking structure were not completed. As the plans were refined and further reviewed against the requirements of the Ontario Building Code it was determined that the stairwell had to be moved from its originally intended location to satisfy fire exiting travel distances. The relocated stairwell requires a walkway to move pedestrians safely away from the building in the event of an emergency situation. The proposed walkway falls within the landscape buffer strip.

There remains an opportunity to provide landscaping within the buffer strip consisting of trees, shrubs and vines situated along the face of the parking structure. The applicant advises that deciduous trees that are in a columnar form along with tall and narrow shrubs have been selected for this space.

The general intent of the zoning by-law is to regulate the built form, external design, character, and use of buildings and land within the Town. The proposed walkway within the landscape buffer will still provide an opportunity for landscaping in keeping with the intent of the by-law. The relief can be considered minor as the requested variance does not result in a substantial decrease in the functioning of the buffer strip. The permitted use is in keeping with the development approved by Council through the adoption of the amending zoning by-law.

Based on the above considerations, the proposed application appears to conform to the general intent and purpose of the Zoning By-law.

**4. OTHER CONSIDERATIONS:**

The property is presently vacant. Development of the site will be through the site plan approval process. An application for Site Plan Approval to permit a 15-storey, 225 unit rental apartment building with an accessory parking structure was granted an approval in principle by Council on September 29, 2014. The application is currently going through the technical review process. The owner will be required to enter into a site plan agreement with the Town prior to the issuance of any building permit.

**5. OTHER COMMENTS:**

The Chief Building Official and the Senior Engineering Development Coordinator – ICI have offered no objections to the proposed minor variance.

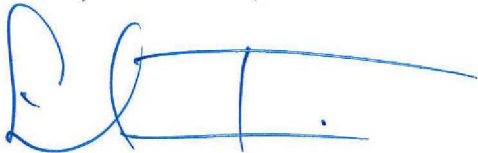
The Lake Simcoe Region Conservation Authority (LSRCA) has no objection to the minor variance application subject.

**6. CONCLUSIONS:**

The relief as requested:

- (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.

Respectfully submitted,



Linda L. Traviss, MCIP, RPP  
Senior Planner – Development

copy: Rachel Prudhomme, M.Sc., P.Eng., Director, Engineering Services





**Lake Simcoe Region**  
conservation authority

*A Watershed for Life*

Sent by Email: [kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)

June 10, 2015

File No: D13-A10-15  
IMS File No.: PVOC1486C3

Ms. Kym Pelham, Secretary-Treasurer  
Corporation of the Town of Newmarket  
395 Mulock Avenue, Box 328, STN Main  
Newmarket, ON L3Y 4X7

Dear Ms. Pelham:

Re: **Proposed Application for Minor Variance**  
**Green and Rose Developments Inc.**  
**212 Davis Drive**  
**Town of Newmarket, Regional Municipality of York**

Thank you for circulating the Lake Simcoe Region Conservation Authority (LSRCA) regarding the above noted application for Minor Variance. It is our understanding that the purpose of this application is to request relief from the Zoning By-law to permit a walkway within the 3 metre landscape buffer, notwithstanding the bylaw requirement that a buffer area shall not be used for any other purpose other than vegetative landscaping and entrances and exits across the buffer area.

Based on current environmental mapping, the subject property is partially located within an area currently governed by Ontario Regulation 179/06 under the *Conservation Authorities Act*. Please note a permit will be required from this office prior to any development and/or site alteration within the regulated area on these lands.

Based on our review of the submitted materials we are satisfied from a watershed management perspective that this application is consistent with the Provincial Policy Statement (PPS), conforms with the requirements of the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 made under the *Conservation Authorities Act*. As a result, the LSRCA has no further requirements as they relate to this proposed Minor Variance application.

We note that this site is the subject of an ongoing application for Site Plan Approval (Town File: D11-NP1404). Please note that all technical comments with respect to this proposed development will be provided as part of the Site Plan Approval process. If you have any questions regarding these comments, please do not hesitate to contact the undersigned. Please refer to the above file numbers in future correspondence.

Regards,

A handwritten signature in blue ink, appearing to read 'Lisa-Beth Bulford'.

Lisa-Beth Bulford  
Development Planner

LBB/ph

S:\Planning and Development Services\Planning Act\Planning Act Applications\Newmarket\401493 and 401501\_212 and 230 Davis Drive\MV\06-10-2015 Bulford Newmarket D13-A10-15 PVOC1486 212 Davis Drive.docx

120 Bayview Parkway, Box 282  
Newmarket, Ontario L3Y 4X1

Tel: 905.895.1281 1.800.465.0437  
Fax: 905.853.5881

Web: [www.LSRCA.on.ca](http://www.LSRCA.on.ca)  
E-Mail: [Info@LSRCA.on.ca](mailto:Info@LSRCA.on.ca)

Proud winner of the International Thiess Riverprize | Member of Conservation Ontario



DEVELOPMENT AND INFRASTRUCTURE SERVICES – ENGINEERING SERVICES  
Town of Newmarket  
395 Mulock Drive  
P.O. Box 328, STN Main  
Newmarket, ON L3Y 4X7  
www.newmarket.ca  
engineering@newmarket.ca  
T: 905 895.5193  
F: 905 953 5138

COMMITTEE OF

JUN 10 2015

ADJUSTMENT

MEMORANDUM

TO: R. Nethery, B.E.S., MCIP, RPP, Director of Planning and Building Services  
FROM: B. Ewart, B.A.Sc., Senior Engineering Development Coordinator - ICI  
DATE: June 10, 2015  
RE: Committee of Adjustment  
Application for Minor Variance, File No. D13-A10-15  
212 Davis Drive  
Town of Newmarket, Ward 5  
ES File No.: D11 - D21.60.1

We herein acknowledge receipt of the minor variance application as follows:

To request relief from Zoning By-Law 2010-40, as amended by By-Law Number 2014-54, Section 4.14.1 ii) Landscape Buffers for Parking Lots to permit a walkway within the 3 metre landscape buffer, notwithstanding the bylaw requirement that a buffer area shall not be used for any other purpose other than vegetative landscaping and entrances and exits across the buffer area.

Engineering Services has reviewed the supporting documentation and has no objection to the requested variance.

Sincerely,

ENGINEERING SERVICES

A handwritten signature in cursive script that reads 'Brandon Ewart'.

B. Ewart, B.A.Sc.  
Senior Engineering Development Coordinator - ICI

BTE046M

COPY: R. Bingham, C.E.T., Manager of Engineering and Technical Services  
K. Pelham, Committee Secretary  
File D.11 – D.21.60.1

RECEIVED

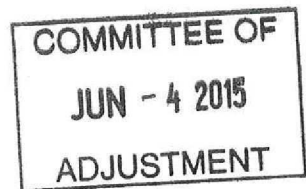
JUN 10 2015

BLDG. DEPT.

## Pelham, Kym

---

**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** June-04-15 11:39 AM  
**To:** Pelham, Kym  
**Subject:** RE: D13-A10-15 - 212 Davis Drive



Good Morning Kym,

The Region of York has reviewed the above application and has no objection.  
Please contact me if you have any further questions.

Gabrielle

**Gabrielle Hurst, MCIP. RPP. C.Tech** | Programs and Process Improvement  
905-830-4444 ext. 71538 | [gabrielle.hurst@york.ca](mailto:gabrielle.hurst@york.ca)

---

**From:** Pelham, Kym [<mailto:kpelham@newmarket.ca>]  
**Sent:** Tuesday, June 02, 2015 8:18 AM  
**To:** Bilkhu, Vick  
**Subject:** D13-A10-15 - 212 Davis Drive

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A10-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, June 11, 2015.

Thanks  
Kym



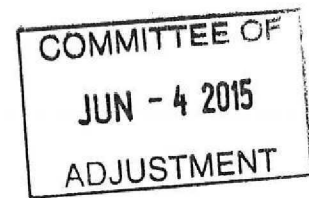
**Kym Pelham, ACST**

Committee Secretary  
Planning and Building Services  
905-953-5300, press 2, ext. 2456  
905-953-5140 (fax)  
[kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)  
[www.newmarket.ca](http://www.newmarket.ca)  
Follow us on Twitter @townofnewmarket  
Newmarket: A Community Well Beyond the Ordinary

"The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection of Privacy Act. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you."



Planning & Building Services  
Office of the Building Inspector  
TOWN OF NEWMARKET  
395 Mulock Drive  
P.O. Box 328  
Newmarket, ON L3Y 4X7  
www.newmarket.ca  
buildings@newmarket.ca  
905.953-5300 ext. 2400



## MEMORANDUM

**TO:** Committee of Adjustment

**FROM:** David Potter, CBCO, B. Tech., MAATO  
Chief Building Official

**DATE:** June 4, 2015

**RE:** Application for Minor Variance

**File no:** D13-A08/A09/A10/A11-15

I have reviewed the above and have no objection to these applications.

*D. Carrigan*

*for* David





**PLANNING AND BUILDING SERVICES**

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

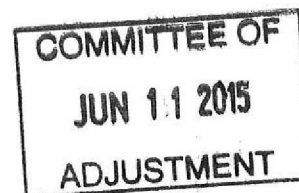
www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

**REPORT**



TO: Committee of Adjustment

FROM: Meghan White, MCIP, RPP  
Planner

DATE: June 11, 2015

RE: Application for Minor Variance **D13-A11/2015**  
Lot 59, Plan 65M-2224  
570 Haines Road  
Made by: Bruce and Lisa Warner

---

1. **RECOMMENDATIONS:**

That Minor Variance Application D13-A11/2015 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.

2. **APPLICATION:**

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, to reduce the number of exterior parking spaces from two to four for an accessory dwelling unit.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, east of Main Street North, on the south side of Haines Road. There is an existing single detached residence on the lot and it is surrounded by similar single detached homes.

3. **PLANNING CONSIDERATIONS:**

The applicant is requesting relief from the By-law in order to permit the creation of an Accessory Dwelling Unit (ADU) in the existing building. The Zoning By-law requires that four outdoor parking spaces be provided when a dwelling unit has a secondary apartment. In this case, the driveway is not large enough to accommodate four spaces.

In making a recommendation to the Committee, staff are required to consider the 4 tests under the *Planning Act*; staff offer the following comments:

The subject lands are designated "Stable Residential" in the Town's Official Plan. This designation permits single detached dwellings and accessory dwelling units. The application is found to conform to the Official Plan.

The subject lands are zoned Residential Detached Dwelling 15m (R1-D) on Map Number 5 of Schedule 'A' to By-law Number 2010-40, as amended. Single detached dwellings and accessory apartments are permitted uses in this zone.

Section 5.3.1 of the Zoning By-law sets out the parking standards for residential uses. This Section states that a single detached dwelling must have two spaces. An ADU must also have two spaces. There is a note which states that when there is a dwelling unit and an ADU, the required parking spaces shall be provided exterior of any garage or structure. Therefore the parking requirement is for four (4) outdoor parking spaces. The length of the driveway is measured from the garage face to the sidewalk or curb of the road, whichever is closest. In this case, the applicant's driveway from the garage face to the sidewalk is not long enough to accommodate the four spaces. They have a two-car garage; therefore the width is there, but they do not have the length.

The general intent of the By-law in requiring four outdoor parking spaces is to acknowledge that many people no longer park in their garages but use it for storage. One of the largest impacts of ADUs in a neighbourhood is an increase in the number of cars. Requiring that a driveway be large enough to accommodate four cars seeks to mitigate the potential impact of the additional cars in a neighbourhood.

To ensure that the intent of the By-law is met, staff are recommending that the land owners enter into an agreement with the Town that as long as there is an ADU in the house, that the garage remains available for parking. The applicants have advised that they currently use their garage for parking and will continue to do so. They have agreed to enter into this agreement.

It is desirable to develop the lot with an accessory dwelling unit as the Official Plan designation and the Zoning By-law both permit this use.

The impact of the proposed variance appears to be minimal as the potentially increased number of vehicles generated by the accessory unit can be accommodated on site, with the two parking spaces in the garage.

In consideration of the above, the proposed variance meets the four tests under the *Planning Act*.

#### **4. OTHER COMMENTS:**

The Chief Building Official and Engineering Services have reviewed the minor variance application and has advised they have no objection to the proposal.

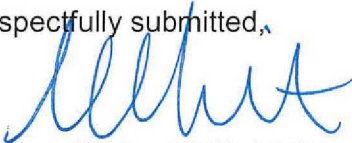
Lake Simcoe Region Conservation Authority may provide comments under separate cover.

**5. CONCLUSIONS:**

The recommendation of approval for the variance is based on the rationale described above and specifically that the relief as requested:

- (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.

Respectfully submitted,



Meghan White, MCIP, RPP  
Planner

copy: R. Prudhomme, P. Eng. – Director Engineering Services



**Lake Simcoe Region**  
conservation authority

*A Watershed for Life*

Sent by Email: [kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)

June 10, 2015



File No: D13-A11-15  
IMS File No.: PVOC1488C2

Ms. Kym Pelham, Secretary-Treasurer  
Corporation of the Town of Newmarket  
395 Mulock Avenue, Box 328, STN Main  
Newmarket, ON L3Y 4X7

Dear Ms. Pelham:

**Re: Proposed Application for Minor Variance**  
**Bruce and Lisa Warner**  
**570 Haines Road**  
**Town of Newmarket, Regional Municipality of York**

Thank you for circulating the Lake Simcoe Region Conservation Authority (LSRCA) regarding the above noted application for Minor Variance. It is our understanding that the purpose of this application is to request relief from the Zoning By-law to permit two exterior parking spaces for a detached dwelling and accessory dwelling unit, notwithstanding the bylaw requirement of four exterior parking spaces.

Based on existing resource mapping, the subject property is located outside:

- Any natural hazard lands such as floodplain
- Any natural heritage feature such as wetlands
- Any area currently governed by Ontario Regulation 179/06 under the *Conservation Authorities Act*

On this basis, we are satisfied from a watershed management perspective that this application is consistent with the Provincial Policy Statement (PPS), conforms with the requirements of the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 made under the *Conservation Authorities Act*. As a result, the LSRCA has no further requirements as they relate to this proposed minor variance application.

If you have any questions regarding these comments, please do not hesitate to contact the undersigned. Please refer to the above file numbers in future correspondence.

Regards,

A blue ink signature of Lisa-Beth Bulford, written in a cursive style.

Lisa-Beth Bulford  
Development Planner

LBB/ph

S:\Planning and Development Services\Planning Act\Planning Act Applications\Newmarket\166031 570 Haines Road\06-10-2015 Bulford Newmarket  
D13-A11-15 PVOC1488 570 Haines Road.docx

120 Bayview Parkway, Box 282  
Newmarket, Ontario L3Y 4X1

Tel: 905.895.1281 1.800.465.0437  
Fax: 905.853.5881

Web: [www.LSRCA.on.ca](http://www.LSRCA.on.ca)  
E-Mail: [Info@LSRCA.on.ca](mailto:Info@LSRCA.on.ca)

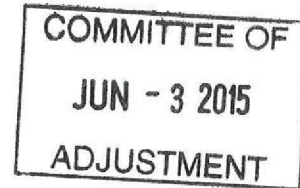
Proud winner of the International Thiess Riverprize | Member of Conservation Ontario



**Pelham, Kym**

---

**From:** Ewart, Brandon  
**Sent:** June-03-15 11:06 AM  
**To:** Pelham, Kym  
**Subject:** 570 Haines Road - D13-A11-15



Hi Kym,

Engineering Services has no objection to the proposed minor variance.

Regards,



**Brandon Ewart B.A.Sc.**

Senior Engineering Development Coordinator - ICI  
Engineering Services Department  
905-953-5300, press 2, ext. 2514  
905-953-5138 (fax)  
[bewart@newmarket.ca](mailto:bewart@newmarket.ca)  
[www.newmarket.ca](http://www.newmarket.ca)  
Follow us on [Twitter](#) @townofnewmarket  
Newmarket: A Community Well Beyond the Ordinary

"The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection of Privacy Act. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you."

**Pelham, Kym**

**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** June-04-15 1:05 PM  
**To:** Pelham, Kym  
**Subject:** FW: D13-A11-15 - 570 Haines Road  
**Attachments:** 2015 - D13-A11 (Warner) Application.pdf; 2015 - D13-A11 (Warner) Notice.pdf



Good Afternoon Kym,  
York Region has reviewed the above Minor Variance Application and has no objection.  
Regards,  
Gabrielle

**Gabrielle Hurst, MCIP. RPP. C.Tech** | Programs and Process Improvement  
905-830-4444 ext. 71538 | [gabrielle.hurst@york.ca](mailto:gabrielle.hurst@york.ca)

---

**From:** Pelham, Kym [<mailto:kpelham@newmarket.ca>]  
**Sent:** Wednesday, June 03, 2015 9:37 AM  
**To:** Bilkhu, Vick  
**Subject:** D13-A11-15 - 570 Haines Road

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A11-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, June 11, 2015.

Thanks  
Kym



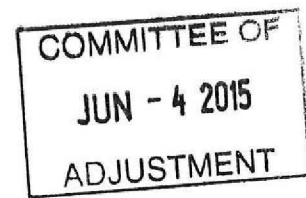
**Kym Pelham, ACST**

Committee Secretary  
Planning and Building Services  
905-953-5300, press 2, ext. 2456  
905-953-5140 (fax)  
[kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)  
[www.newmarket.ca](http://www.newmarket.ca)  
Follow us on [Twitter](#) @townofnewmarket  
Newmarket: A Community Well Beyond the Ordinary

"The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection of Privacy Act. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you."



Planning & Building Services  
Office of the Building Inspector  
TOWN OF NEWMARKET  
395 Mulock Drive  
P.O. Box 328  
Newmarket, ON L3Y 4X7  
www.newmarket.ca  
buildings@newmarket.ca  
905.953-5300 ext. 2400



## MEMORANDUM

**TO:** Committee of Adjustment

**FROM:** David Potter, CBCO, B. Tech., MAATO  
Chief Building Official

**DATE:** June 4, 2015

**RE:** Application for Minor Variance

**File no:** D13-A08/A09/A10/A11-15

I have reviewed the above and have no objection to these applications.

*D. Carrigan*  
*for* David

---

The meeting of the Committee of Adjustment was held on Wednesday, May 20<sup>th</sup>, 2015 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Member  
Ken Smith, Member  
Peter Mertens, Member  
Elizabeth Lew, Member  
Betty Dykstra, Alternate Member

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

An In Camera Meeting was called for the purpose of electing a Chair and Vice-Chair at 9:10 a.m. in the Council Chambers.

*Moved by Ken Smith*  
*Seconded by Betty Dykstra*

**THAT Gino Vescio be appointed Chair of the Committee of Adjustment.**

**CARRIED**

*Moved by Gino Vescio*  
*Seconded by Ken Smith*

**THAT Fred Stoneman be appointed as Vice-Chair of the Committee of Adjustment.**

**CARRIED**

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

**D10-B02-15 NEWMARKET PROPERTY CORPORATION**  
Part Lot 2, Concession 3  
200 & 210 Pony Drive  
Town of Newmarket

Lucila Sandoval of Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Unit 109, RICHMOND HILL, ON L4B 3K1, addressed the Committee and provided the following comments:

- Represents the owner
- Two separate parcels which have merged on title due to same ownership
- Meet all the zoning standards
- There will be no change to the properties

Ken Smith inquired as to who Newmarket Property Corporation were and Ms. Sandoval mentioned that they had no relation to the Town and that it was just the name of the corporation.

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

1. Report from Linda Traviss, Senior Planner - Development dated May 14, 2015;
2. Memorandum from B. Ewart, Senior Engineering Development Coordinator - ICI dated May 8, 2015;
3. Letter from Lisa-Beth Bulford, Development Planner, Lake Simcoe Region Conservation Authority dated May 13, 2015;
4. E-mail from Paul Evans, Plans Examiner, Planning & Building Services dated May 7, 2015;
5. Letter from Lily Apa, Planning Coordinator, Rogers Communications dated May 6, 2015;
6. E-mail from Dennis De Rango, Specialized Services Team Lead, Hydro One dated May 8, 2015; and
7. Letter from Nikki DeGroot, Municipal Planning Advisor, Distribution Planning & Records, Enbridge Gas Distribution dated May 14, 2015.

There were no comments from the public on this application.

***Moved by Ken Smith***

***Seconded by Peter Mertens***

***THAT Consent Application D10-B02-15 be approved, subject to the following condition:***

1. ***That the Owner provides three white prints of a deposited reference plan of survey that substantially conforms to the application as submitted.***

as the proposed consent application would appropriately facilitate separate ownership of each of the parcels. Compatibility with the surrounding neighbourhood is maintained as there are presently no alterations proposed to the subject and remaining lands. The proposed application for consent would conform to the purpose and intent of the Official

Plan and the Zoning By-law. The consent would not adversely affect the character of the neighbourhood and is desirable for the appropriate development and land use.

CARRIED

The Committee discussed the need to appoint a Secretary-Treasurer.

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

THAT Kym Pelham be appointed Secretary-Treasurer.

CARRIED

The Committee further discussed the requirement to have a back-up person to assist the Secretary-Treasurer.

*Moved by Peter Mertens*  
*Seconded by Betty Dykstra*

THAT Linda Traviss be appointed to act as Alternate Secretary-Treasurer in the absence of Kym Pelham.

CARRIED

The Minutes of the meeting held on Wednesday, April 15<sup>th</sup>, 2015 were placed before the Committee for consideration.

*Moved by Gino Vescio*  
*Seconded by Ken Smith*

THAT the Minutes of the Wednesday, April 15<sup>th</sup>, 2015 meeting be approved as circulated.

CARRIED

*Moved by Betty Dykstra*  
*Seconded by Ken Smith*

THAT the Meeting adjourn.

CARRIED

The meeting adjourned at 9:38 a.m.

---

Dated

---

Chair