

Minor Variance Applications

1. D13-A13-15 MOORE, Robin p. 1
TAMBURRO, Michael
Part of Block 1, Plan 65M-4356,
designated as Part 11, Plan 65R-34958
226 Appleton Court
Town of Newmarket
2. D13-A14-15 MARS CANADA INC.
Lots 2 & 3, Concession 3, designated as Part 1 to 8, Plan 65R-
9244,
further designated as part of part 1, Plan 65R-13678
285 Harry Walker Parkway North
Town of Newmarket
(THIS APPLICATION HAS BEEN DEFERRED)

New Business

3. Minutes of the regular Meeting of the Committee held on Wednesday, July 15, 2015. p. 11

Adjournment



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

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planning@newmarket.ca

T: 905.953.5321

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REPORT

TO: Committee of Adjustment

FROM: Meghan White, MCIP, RPP
Planner

DATE: August 13, 2015

RE: Application for Minor Variance **D13-A13/2015**
Part 11, Plan 65R-34958, Part of Block 1, Plan 65M-4356
226 Appleton Court
Made by: Robin Moore and Michael Tamburro

1. RECOMMENDATIONS:

That Minor Variance Application D13-A13/2015 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application;
2. That the final grading certificate from the Developer Consultant be forwarded to the Town's Engineering Services Department for review and satisfaction;
3. That approved drainage patterns are not altered, any increase in stormwater runoff is maintained onsite and construction does not occur within any easement(s), where applicable; and
4. That the development be substantially in accordance with the Site Plan submitted with the application.

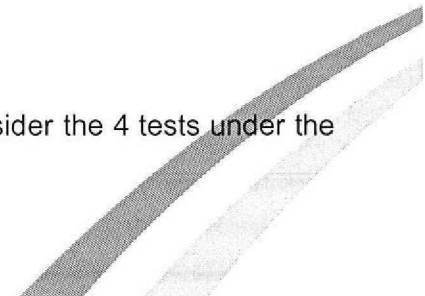
2. APPLICATION:

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 permit the construction of a deck in the rear yard. The above-described property (herein referred to as the "subject lands") is located off of Eagle Street, on the west side of Appleton Court. The subject lands are surrounded by residential properties. Although the property to the west, abutting the rear lot line appears to be used for commercial purposes.

The applicant is specifically requesting relief to decrease the setback for the deck from 6.2m to 5.7m. This would allow for a deck that is 0.6m larger than what is permitted by the current Zoning By-law standards.

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 townhouse dwellings. The application is found to conform to the Official Plan.

The subject lands are zoned Residential Townhouse Dwelling 3 Exception 83a (R4-R-83a) on Map Number 10 of Schedule 'A' to By-law Number 2010-40, as amended. A townhouse dwelling is a permitted use in this zone.

The general intent of rear yard setbacks is to ensure appropriate outdoor amenity area for the dwelling and to ensure privacy for neighbours. If the proposed deck is built there will be less outdoor amenity area; however there will be the amenity space provided for by the deck. The rear lot line of this property abuts a property that appears to be used for commercial purposes, not another dwelling. Therefore it appears the impact on a neighbour's privacy will be minimal.

Based on the analysis above, it is staff's opinion that the general intent of the By-law has been maintained.

It is desirable to develop the lot with a deck as the Official Plan designation and the Zoning By-law both permit this use. It is considered desirable to permit a home owner to construct a deck.

The impact of the proposed variance appears to be minimal as there will still be sufficient amenity area for the dwelling and it does not appear to negatively impact the neighbour's expected privacy.

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

4. OTHER COMMENTS:

Lake Simcoe Region Conservation Authority has not provided comments as of the time of writing this report.

The Chief Building Official has no concerns with the proposed development.

Engineering Services has no objection to the proposed variance provided that two conditions are fulfilled, they have been included in the recommendations of this report.

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,

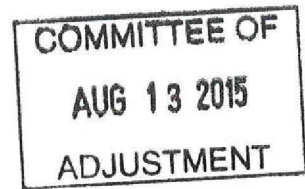


Meghan White, MCIP, RPP
Planner

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



DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES
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MEMORANDUM

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

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

DATE: August 12, 2015

RE: Notice of Application for Minor Variance
File No. D13-A13-15
226 Appleton Court
Made by: MOORE, Robin and TAMBURRO, Michael

We herein acknowledge receipt of the Notice of Application for Minor Variance from the Town of Newmarket Zoning By-law 2010-40 as amended, as follows:

To request relief from Zoning By-law Number 2010-40, as amended, Exception 83 Development Standards to permit a rear yard setback of 5.7 meters for a proposed deck, notwithstanding the bylaw requirements of 6.2

We have reviewed the application and supporting documentation and, we recommend the minor variance subject to the following:

1. That the final grading certificate from the Developer Consultant be forwarded to the Town's Engineering Services Department for review and satisfaction.
2. That approved 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.: VK024

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

Pelham, Kym

From: Kevin Jarus <K.Jarus@lsrca.on.ca>
Sent: August-13-15 11:27 AM
To: Pelham, Kym
Subject: RE: Minor Variance Applications



Good morning Kym,

In the interest of expediency, I will provide comments on these applications via this email.

Please note that in relation to applications D13-A13-15 and D13-A14-15, the LSRCA has no comments or concerns with these minor variance applications. We further note that both of the developments proposed do not fall within an area subject to Ontario Regulation 179/06. As such, a permit would not be required from our office. At the time of Site Plan approval, we would require a Stormwater Management Plan be submitted as part of a complete application to facilitate the expansion proposed in relation to application A13-A14-15.

Should you have any questions please let me know.

Regards,



Kevin Jarus, M.P.I.
Development Planner
LSRCA 120 Bayview Parkway, Newmarket, Ontario L3Y 3W3
905.895.1281 x 151 | 1.800.465.0437
K.JARUS@LSRCA.on.ca | <http://www.LSRCA.on.ca>

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From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Thursday, August 13, 2015 8:16 AM
To: Kevin Jarus
Subject: Minor Variance Applications

Hi Kevin,

Just wanted to followup from my previous e-mails, are you still able to provide me with comments regarding D13-A13-15 and D13-A14-15 this morning before noon, as I have to provide the comments to my Committee members this afternoon.

Thanks
Kym

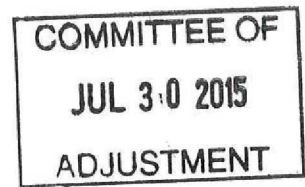


Kym Pelham, ACST
Committee Secretary
Planning and Building Services
905-953-5300, press 2, ext. 2456
905-953-5140 (fax)
kpelham@newmarket.ca
www.newmarket.ca
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Pelham, Kym

From: Potter, David
Sent: July-30-15 11:12 AM
To: Pelham, Kym
Subject: RE: C of A - 226 Appleton - your file D13-A13-15



Hi Kym:

I don't have any comments on the appropriateness of the application. The Building Permit was issued and subsequently revoked based on mistaken information.

Regards,

Dave Potter
Chief Building Official

Pelham, Kym

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: August-05-15 2:22 PM
To: Pelham, Kym
Subject: FW: D13-A13-15 - 226 Appleton Court
Attachments: 2015 - D13-A13 (Moore & Tamburro) Application.pdf; 2015 - D13-A13 (Moore & Tamburro) Notice.pdf

Good Afternoon Kym,

The Region of York has completed its review of the above Minor Variance application and has no objections. Please contact me if you require additional information.

Regards,

Gabrielle

Gabrielle Hurst, MCIP. RPP. C.Tech | Programs and Process Improvement Section of the Planning and Economic Development Branch | Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O 1-877-464-9675 ext. 71538 | gabrielle.hurst@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence



Please consider the environment before printing this email.

From: Bilkhu, Vick
Sent: Saturday, August 01, 2015 11:56 AM
To: Hurst, Gabrielle
Subject: FW: D13-A13-15 - 226 Appleton Court

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Wednesday, July 29, 2015 8:05 AM
To: Bilkhu, Vick
Subject: D13-A13-15 - 226 Appleton Court

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A13-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, August 13, 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

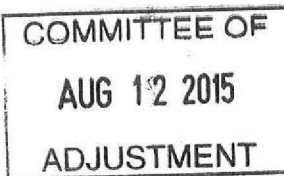
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Secretary-Treasurer, Committee of Adjustment
Town of Newmarket
395 Mulock Drive
Stn Main, Box 328
Newmarket, ON L3Y 4X7



Regarding: Notice of Application for Minor Variance File: D13-A13-15
August 12, 2015

I am unable to attend the Committee off Adjust on August 19th, 2015 regarding the above file and wish to register my opposition to the application.

One reason we bought a townhouse in Eagle Heights was the attractive exterior design and unique architectural structure. The town homes are upscale, priced accordingly and represent a new and thoughtful approach to housing in Newmarket, on which the town is complimented.

It seems that preserving the intended exterior with a standard design would be important to maintaining the integrity of the project. Rather than allow a variety of deck sizes, uniformity is what was prescribed by the town and expected at the time of purchase and should be upheld.

In the planning of Eagle Heights, it is my understanding that the neighbours were consulted and assured that there would be uniformity in the exterior design and that the outside deck space would be limited, given the proximity to the property lines.

As well, I am in a row of townhouses where several decks are not yet finished and would not appreciate any neighbour who over sizes and thus overwhelms my existing deck built according to code. It would diminish my enjoyment and disrupt my view of the rear yard.

In addition, should owners be allowed to build decks that are not in keeping with the bylaw a variety of deck sizes would be less attractive and result in decreased property value. Townhouse developments that we have seen over many years have always had consistent deck size.

The builder is presently making every effort to ensure that the exterior landscape design complements the townhouse community, as prescribed by the town, and it would be unfortunate to allow exterior built structures outside the expectations of uniformity as prescribed by Zoning Bylaw 2010-40.

Sincerely yours,

John and Heather Vincent
220 Appleton Ct
Newmarket ON
L3Y 0B8

A handwritten signature in black ink, appearing to read "H. Vincent", with a long horizontal flourish extending to the right.

The meeting of the Committee of Adjustment was held on Wednesday, July 15th, 2015 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

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

Staff Present: Meghan White, Planner
Kym Pelham, Committee Secretary

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 APPLICATION

**D13-A12-15 SIDDIQI, Kamran
KAMRAN, Erum
Lot 1, Plan 65M-2736
711 Shanahan Blvd.
Town of Newmarket**

Serge Pahotski of C-18 Wellington Street East, AURORA, ON L4G 1H5, addressed the Committee and provided the following comments:

- acting as agent for the owners who are currently in India, due to an emergency
- owners are building an ADU on the premises
- requirements are for 4 parking spaces
- requesting garage for 2 additional parking spaces
- the owners will keep the garage clean
- are willing to sign an agreement and have it registered on title
- there are currently other ADU's in the neighbourhood

Fred Stoneman inquired whether the owners live in the house and Mr. Pahotski advised that they do.

Richard Huskisson of 92 Nelson Circle, NEWMARKET, ON L3X 1R2, addressed the Committee and provided the following comments:

- ADU's are allowed in Newmarket and Aurora
- will this be a permanent ADU?
- has concerns that the building would be turned into apartments or condos

Meghan White advised that ADU's are a permitted use and the zoning bylaw permits ADU's in singles and semis, as long as it is an accessory use to the main building. The ADU's are registered with the Town.

Dorian Hill of 703 Caradonna Crescent, NEWMARKET, ON L3X 1W5, addressed the Committee and provided the following comments:

- has no objections to the change, however, is looking for some clarity
- concerned that they will be operating a business out of this location
- property maintenance and garbage is an issue
- concerned there may be perishable goods kept in the garage

The Chair mentioned that the garage would have to be kept clean in order to park the cars in it.

Deborah Huskisson of 92 Nelson Circle, NEWMARKET, ON L3X 1R2, addressed the Committee and provided the following comments:

- concerned that the driveway will be widened
- 112 Savage Road originally had 2 parking spaces on the driveway and they widened it twice to make a 3rd and 4th parking space.
- It is not very pleasing to the eye

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

1. Report from Meghan White, Planner dated July 9, 2015;
2. Letter from V. Klyuev, Senior Engineering Development Coordinator - Residential dated July 9, 2015;
3. Letter from Lisa-Beth Bulford, Development Planner, Lake Simcoe Region Conservation Authority dated July 2, 2015;
4. Comment by David Potter, Chief Building Official dated July 2, 2015; and
5. E-mail from Vick Bilkhu, Development Review Coordinator, Community Planning, Transportation and Community Planning Department, The Regional Municipality of York dated June 30, 2015.

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

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

THAT Minor Variance Application D13-A12-15 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, June 17th, 2015 were placed before the Committee for consideration.

Moved by Fred Stoneman
Seconded by Ken Smith

THAT the Minutes of the Wednesday, June 17th, 2015 meeting be approved as circulated.

CARRIED

Moved by Ken Smith
Seconded by Fred Stoneman

THAT the Meeting adjourn.

CARRIED

The meeting adjourned at 10:02 a.m.

Dated

Chair