

Declarations of Pecuniary Interest

Minor Variance Applications

- | | | | |
|----|------------|--|-------|
| 1. | D13-A15-15 | SHERMAN, John
SHERMAN, Janet
Part Lot 42, Plan 314
752 Arthur Street
Town of Newmarket | p. 1 |
| 2. | D13-A18-15 | TULLOCH, Alson
TULLOCH, Sheika
Lot 18, Plan 65M-3722
376 Woodspring Avenue
Town of Newmarket | p. 13 |
| 3. | D13-A19-15 | STORK, Trina J.
Lot 1, Plan 438
216 Avenue Road
Town of Newmarket | p. 21 |

New Business

4. Minutes of the regular Meeting of the Committee held on Wednesday, September 16, 2015. p. 30

Adjournment



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

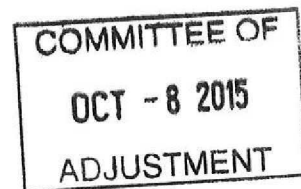
www.newmarket.ca

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: October 7, 2015

RE: Application for Minor Variance **D13-A15/15**
Part Lot 42, Plan 314
752 Arthur Street
Made by: John Sherman and Janet Sherman

1. RECOMMENDATIONS:

That Minor Variance Application D13-A15/15 be approved subject to the following conditions:

- 1. that the variances pertain only to the request as submitted with the application;**
- 2. that development be substantially in accordance with the sketch submitted with the application; and**
- 3. that the applicant be advised that prior to the issuance of any building permit compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy and the items identified by the Town's Consulting Arborist in a report dated September 14, 2015.**

2. APPLICATION:

Application for minor variance has been submitted by the above-noted owner to request relief from Section 6.2.2 Zone Standards, Regulatory Set D, of Zoning By-law Number 2010-40, as amended by By-law Number 2013-30 to permit a front yard setback of 5.80 metres for a proposed addition notwithstanding the by-law requirement that the proposed addition be no closer to the road than the abutting dwellings. Also, relief is sought to permit an interior side yard setback of 0.6 metres for the proposed addition notwithstanding the by-law requirement of 1.2 metres.

3. PLANNING CONSIDERATIONS:

The above-described property (herein referred to as the "subject land") is designated Stable Residential in the Town's Official Plan which was approved by the Region of York on May 29, 2008. The Plan permits single-detached and semi-detached dwellings. The proposed application would not conflict with the purpose and intent of the Official Plan.

The subject land is zoned Residential Detached Dwelling 15m Exception (R1-D-119) Zone on Map Number 13 of Schedule 'A' to Zoning By-law Number 2010-40, as amended by By-law Number 2013-30. A detached dwelling is a permitted use within this zone.

The applicant is proposing to construct an enclosed porch addition to the existing one-storey dwelling as shown on the proposed Site Plan. Relief is requested from the by-law to permit the addition to be constructed at the front of the existing dwelling. The proposed addition will be closer to the front lot line and the side lot line than the by-law permits.

The by-law requires that structures built between existing buildings shall be built with a setback which is within the range of the existing front yard setbacks for abutting buildings. The existing dwellings on either side of the subject lands have front yard setbacks of 9.04 metres and 8.59 metres whereas the applicant is proposing a setback of 5.80 metres. Further, the by-law requires a minimum interior side yard setback of 1.2 metres whereas the applicant is proposing an interior side yard setback of 0.6 metres. The plans submitted with the application indicate the proposed addition is to be setback a distance of 1.05 metres from the side lot line; however the applicant is requesting relief to permit an interior side yard setback of 0.6 metres. The addition, if constructed, would be 2.79 metres closer to the front property line and up to 0.6 metres closer to the side lot line than the by-law permits.

The impact of the reduced front yard setback should be minimal on the adjacent properties as the proposed addition will be constructed in approximately the same footprint as an existing open, covered porch. There are mature trees on the subject lands that provide partial screening of the proposed addition.

The reduction requested for the interior yard setback should have a negligible impact on the neighbouring property as the proposed addition is in closest proximity to the driveway on the adjacent lands. A suitable yard will be provided for maintenance purposes. The requested relief would not be considered out of character with the residential neighbourhood.

In consideration of the above, the proposed minor variance is deemed appropriate and in keeping with the general intent of the Official Plan and Zoning By-law.

4. OTHER COMMENTS:

The application is subject to the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy that was adopted by Council on October 12, 2004. The policy provides that all significant trees, as defined in the policy, and subject to a development application, may not be removed, injured, pruned or destroyed in any way without the approval of the Town. Significant trees that have been identified in a tree inventory which cannot be protected due to development constraints can be removed with the Town's approval, provided compensation is provided to the Town. Compensation may be in the form of aggregate inch replacement trees or financial payment.

The applicant has submitted with the application a report prepared by Brent Potter which identifies the trees that are to be protected during construction. The report has been reviewed by the Town's Consulting Arborist and the comments have been provided to the applicant and Committee under separate cover. If Committee were to approve the application, additional information as identified in the report of the Town's Consulting Arborist is required prior to the issuance of a building permit for the proposed addition.

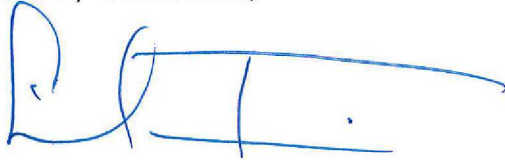
As of the time of writing this report comments have not been received from the Chief Building Official or the Senior Engineering Development Coordinator – Residential. If there are comments they will be provided under separate cover.

5. CONCLUSIONS:

The relief as requested:

- (1) appears to be minor in nature as the impact on adjacent properties will be negligible;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning Bylaw as both documents permit detached dwellings; and
- (3) does not adversely affect the character of the neighbourhood as the use is permitted and normally contemplated as part of a detached dwelling 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



COMMITTEE OF ADJUSTMENT

Town of Newmarket
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
kpelham@newmarket.ca
T: 905.953.5300 Ext. 2456
F: 905.953.5140

-5-

**Notice of Application
for Minor Variance**

OCT. 16/15
NO OBJECTION SUBJECT
TO COMPLIANCE WITH
BUILDING CODE.

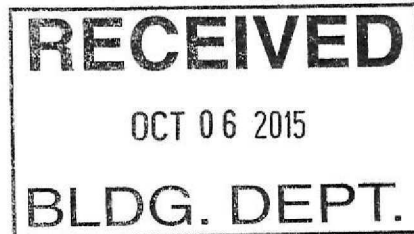
IN THE MATTER OF Subsection 1 or 2 of Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

IN THE MATTER OF an application for Minor Variance or for Permission for relief from Bylaw Number 2010-40, as amended by Bylaw Number 2013-30.

MADE BY: SHERMAN, John
SHERMAN, Janet

FILE NUMBER: D13-A15-15

SUBJECT LAND: Part Lot 42, Plan 314
752 Arthur Street
Town of Newmarket
Ward No.: 2



The purpose of the application is as follows:

The applicant is proposing a one storey addition to the front of the existing dwelling. Relief is requested from Zoning Bylaw Number 2010-40, as amended by Bylaw Number 2013-30, Section 6.2.2 Zone Standards Regulatory Set D, to permit the new addition to have an easterly side yard setback of 0.6 metres and a front yard setback of 5.8 metres, whereas the by-law requires the addition to be no closer to the road than the abutting dwellings and provide a side yard setback of 1.2 metres.

THE COMMITTEE OF ADJUSTMENT WILL HEAR THE APPLICATION ON WEDNESDAY, OCTOBER 21ST, 2015 AT 9:30 A.M., IN THE COUNCIL CHAMBERS, IN THE MUNICIPAL OFFICES AT 395 MULOCK DRIVE, NEWMARKET, ONTARIO.

You are entitled to attend this Public Hearing in person to express your views about this application or you may be represented by Counsel or by someone appointed by you for that purpose.

If unable to attend the Hearing you may submit written comments in support of or in opposition to this application and they must be delivered to the Secretary-Treasurer, Committee of Adjustment, Town of Newmarket, 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7 not later than the time set for the Hearing.

If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Secretary-Treasurer, Committee of Adjustment, Town of Newmarket, 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.

IMPORTANT NOTICE: If you do not attend at the Hearing it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this Hearing.

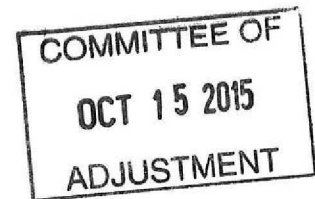
DATED at the Town of Newmarket this 6th day of October, 2015.


Secretary-Treasurer
Committee of Adjustment

PLEASE REFER TO THE ATTACHED SKETCH(ES) FOR THE LOCATION OF THE LAND AND GENERAL DETAILS OF THE APPLICATION. IF MORE INFORMATION IS REQUIRED, CONTACT THE SECRETARY-TREASURER AT (905)-953-5300, EXT. 2456, FOR ASSISTANCE OR FAX NUMBER (905)-953-5140.



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: October 8, 2015

RE: Notice of Application for Minor Variance
File No. D13-A15-15
752 Arthur Street
Made by: Sherman, John and Sherman, Janet

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 2013-30, as follows:

Section A .2.2 Zone Standards Regulatory Set D, to permit the new addition to have an easterly side yard setback of 0.6 metres and a front yard setback of 5.8 metres, whereas the by-law requires the addition to be no closer to the road than the abutting dwellings and provide a side yard setback of 1.2 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, appearing to be 'V. Klyuev'.

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

File No.: VK031

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: October-13-15 11:33 AM
To: Pelham, Kym
Subject: Re: D13-A15-15 - 752 Arthur Street
Attachments: 2015 - D13-A15 (Sherman) Application.pdf; 2015 - D13-A15 (Sherman) Notice.pdf

Good Morning Kym,

The Region of York Has completed its review of the above Minor Variance Application and has no objection. Please contact me if you require any 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*

Sent: Tuesday, October 06, 2015 7:44 AM

To: Bilkhu, Vick

Subject: D13-A15-15 - 752 Arthur Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A15-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, October 15, 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

www.newmarket.ca

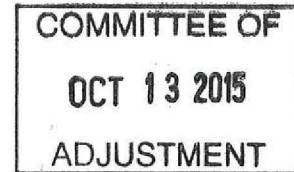
Follow us on [Twitter](#) @townofnewmarket

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: Kevin Jarus <K.Jarus@lsrca.on.ca>
Sent: October-13-15 9:24 AM
To: Pelham, Kym
Cc: Pat Harnett
Subject: D13-A15-15 LSRCA Comments 752 Arthur



Good morning Kym,

Please be advised that we have no comments or concerns with the subject application for minor variance. Should you have any questions, please feel free to contact me.

Regards,

Please Note: I will be out of the office on vacation from Thursday, Oct 15th until November 4th, 2015.

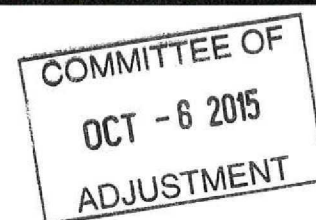
Kevin Jarus, M.Pl.
Development Planner
Lake Simcoe Region Conservation Authority
120 Bayview Parkway, Newmarket, Ontario L3Y 3W3
905-895-1281, ext. 151 | 1-800-465-0437
k.jarus@LSRCA.on.ca | www.LSRCA.on.ca

Twitter: @LSRCA

The information in this message (including attachments) 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 and by the Personal Information Protection Electronic Documents Act. If you have received this message in error, please notify the sender immediately and delete the message without making a copy. Thank you.

Pelham, Kym

From: Bilkhu, Vick <Vick.Bilkhu@york.ca>
Sent: October-06-15 9:54 AM
To: Pelham, Kym
Subject: RE: D13-A15-15 - 752 Arthur Street



Thanks for the circulation but we have no comments on this application.

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Tuesday, October 06, 2015 7:44 AM
To: Bilkhu, Vick
Subject: D13-A15-15 - 752 Arthur Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A15-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, October 15, 2015.

Thanks
Kym



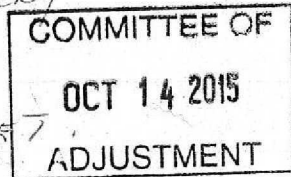
Kym Pelham, ACST

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

MARGARET ANN STORY

748 ARTHUR STREET



I have resided at this address since 1955. I feel the property at 752 Arthur St. definitely needs to have the addition on the front of their house.

It is very dangerous when walking in their front door as there are stairs just inside the door. You would need to be extremely careful not to fall down said stairs.

Margaret Ann Story

HENRY JOHN SOARES

-11-

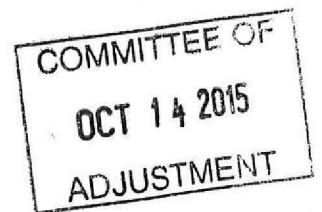
JEAN SOARES

754 ARTHUR ST.

NEWMARKET

CB11 153

OCT. 19/16



To whom it may concern,

We have no objections
to this proposed variance (porch) at 752 ARTHUR ST.
Town of Newmarket, Ward 2.

H. J. Soares.

Soares.

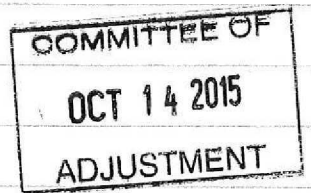
October 14/2015

To Thom & Mary Concern

This is to advise that we at 766 Arthur Street in the town of Newmarket have no objections whatsoever towards the addition of a new front porch on the home located at 752 Arthur Street.

Trusting this to be satisfactory with you.

C. White
C. Burdley



L.S.

We are well aware this is to be a enclosed addition.



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

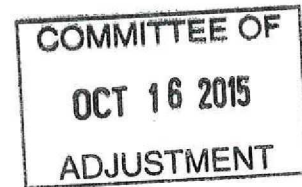
Newmarket, ON L3Y 4X7

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: October 15, 2015

RE: Application for Minor Variance **D13-A18/2015**
Lot 18 Plan 65M-3722
376 Woodspring Ave
Made by: Alson and Sheika Tulloch

1. RECOMMENDATIONS:

That Minor Variance Application D13-A18/2015 be approved, subject to the following conditions:

- 1. That the variance pertains only to the requests as submitted with the application; and**
- 2. That the development be substantially in accordance with the sketch 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 permit the construction of a sunroom in the rear yard.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, specifically on the east side of Woodspring Ave, north of Trailhead Ave. There is an existing single detached residence on the lot and it is surrounded by similar single detached homes. The subject lands abuts Bonshaw Avenue Park to the north.

3. PLANNING CONSIDERATIONS:

The applicant is requesting relief from the By-law in order to permit the construction of a sunroom in the rear yard. The specific request is to decrease the required rear yard setback from 7.5m to 5.17m.

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. Therefore the application is found to conform to the Official Plan.

The subject lands are zoned Residential Detached Dwelling 12 m (R1-E) Zone on Map Number 1 of Schedule 'A' to By-law Number 2010-40, as amended. A single detached dwelling, with a sunroom is permitted in this zone.

The general intent of rear yard setbacks is to ensure adequate amenity space for the dwelling and to ensure privacy for neighbours. The addition will not be located close to the abutting property to the south and to the north is a park and school, which should not be affected by the addition. It appears that there will be sufficient amenity space around the addition.

It is desirable to have developed the lot with a single detached dwelling as the Official Plan designation and the Zoning By-law both permit this use. It is considered desirable to permit a land owner to have a sunroom addition on a residential lot.

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 proposed variance appears to be minimal as there will still be a reasonable amount of amenity space around the sunroom and the sunroom itself acts as amenity space.

In consideration of the above, the proposed variances meet the four tests under the *Planning Act*.

4. **OTHER COMMENTS:**

The Chief Building Official and the Lake Simcoe Region Conservation Authority had no concerns with the proposal.

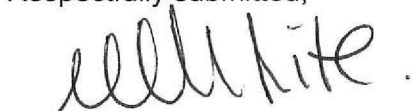
Comments from Engineering Services were not received at the time of writing of this report.

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 residential uses 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

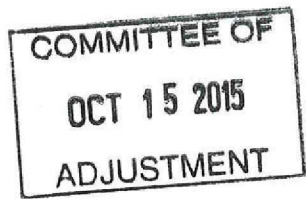


DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES

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: October 8, 2015

RE: Notice of Application for Minor Variance
File No. D13-A18-15
376 Woodspring Avenue
Made by: TULLOCK, Alson and TULLOCH, Sheika

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, Section 6.2.2 Zone Standards Regulatory Set E to permit a rear yard setback of 5.17 meters for a proposed one storey sunroom addition, notwithstanding the bylaw requirements of 7.5 metres.

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

1. 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.: VK033

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

Pelham, Kym

From: Kevin Jarus <K.Jarus@lsrca.on.ca>
Sent: October-13-15 11:05 AM
To: Pelham, Kym
Subject: 376 Woodspring D13-A18-15



Good morning Kym,

Please note that the LSRCA has no comments or concerns with the subject application. Please let me know if you have any questions.

Regards,

Please Note: I will be out of the office on vacation from Thursday, Oct 15th until November 4th, 2015.

Kevin Jarus, M.Pl.

Development Planner

Lake Simcoe Region Conservation Authority

120 Bayview Parkway, Newmarket, Ontario L3Y 3W3

905-895-1281, ext. 151 | 1-800-465-0437

k.jarus@LSRCA.on.ca | www.LSRCA.on.ca

Twitter: @LSRCA

The information in this message (including attachments) 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 and by the Personal Information Protection Electronic Documents Act. If you have received this message in error, please notify the sender immediately 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

COMMITTEE OF
OCT - 6 2015
ADJUSTMENT

TO: Committee of Adjustment

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

DATE: October 6, 2015

RE: Application for Minor Variance

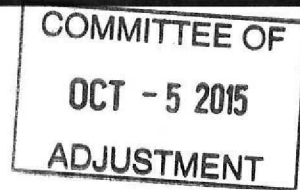
File no: D13-/A18 & A19-15

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


for David

Pelham, Kym

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: October-05-15 2:46 PM
To: Pelham, Kym
Subject: RE: D13-A18-15 - 376 Woodspring Avenue



Good Afternoon Kym,
The Region of York has completed its review of the above Minor Variance application and has no objection.
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

-----Original Message-----

From: Bilkhu, Vick
Sent: Friday, October 02, 2015 9:40 AM
To: Hurst, Gabrielle
Subject: FW: D13-A18-15 - 376 Woodspring Avenue

I already said no comment

-----Original Message-----

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Thursday, October 01, 2015 12:42 PM
To: Bilkhu, Vick
Subject: D13-A18-15 - 376 Woodspring Avenue

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A18-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, October 15, 2015.

Thanks
Kym

[[cid:image003.jpg@01CD5EA0.796BAB10](#)]

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<<http://www.twitter.com/>> @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: Bilkhu, Vick <Vick.Bilkhu@york.ca>
Sent: October-02-15 9:40 AM
To: Pelham, Kym
Subject: RE: D13-A18-15 - 376 Woodspring Avenue

No comment, thanks

-----Original Message-----

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Thursday, October 01, 2015 12:42 PM
To: Bilkhu, Vick
Subject: D13-A18-15 - 376 Woodspring Avenue

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A18-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, October 15, 2015.

Thanks
Kym

[[cid:image003.jpg@01CD5EA0.796BAB10](#)]

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<<http://www.twitter.com/>> @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 AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

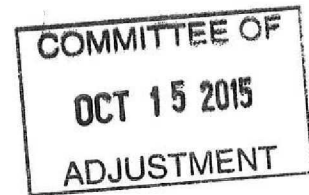
www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

REPORT



TO: Committee of Adjustment

FROM: Meghan White, MCIP, RPP
Planner

DATE: October 15, 2015

RE: Application for Minor Variance **D13-A19/2015**
Lot 1, Plan 438
216 Avenue Road
Made by: Trina Stork

1. RECOMMENDATIONS:

That Minor Variance Application D13-A19/2015 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 advised that prior to the issuance of any building permit compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy and with the items identified by the Town's Consulting Arborist in a report dated September 14, 2015; and
3. That the development be substantially in accordance with the sketch 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 detached garage.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, specifically at the south-west corner of Avenue Road and Kathryn Crescent. 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 construct a detached garage. The specific request for the proposed detached garage is to decrease the required rear yard setback from 7.5m to 4.2m.

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. The objectives of the designation are to sustain and enhance the character and identity of existing residential communities and encourage the preservation and maintenance of the Town's existing housing stock. This designation permits single detached dwellings with a detached garage. Therefore the application is found to conform to the Official Plan.

The subject lands are zoned Residential Detached Dwelling 15.0 m Exception 119 (R1-D-119) Zone on Map Number 10 of Schedule 'A' to By-law Number 2010-40, as amended. A detached garage is a permitted use in this zone. The detached garage is subject to the same setback requirements as the main dwelling.

The general intent of a rear yard setback for a detached garage is to ensure adequate access around the building, adequate amenity space for the dwelling and privacy between neighbours. In this case, there are large mature trees between the abutting property to the west and a cedar hedge between the abutting property to the south. Also, there appears to be proper access proposed for around the detached garage for maintenance. This is a corner lot, with frontages on Avenue Road and Kathryn Crescent. The amenity space is found at the sides of the dwelling instead of behind it. The detached garage will be covering the amenity space on the west of the property, however, there will still be amenity space on the east side of the property.

It is desirable to have developed the lot with a detached garage as the Official Plan designation and the Zoning By-law both permit this use. It is considered desirable to permit a land owner to have a detached garage on a residential lot.

When considering if the variances are minor, it is not simply the numerical value; the Committee is requested to consider the impact of the variances. The impact of the proposed variances appears to be minimal as there is vegetation to screen the structure from neighbouring properties and amenity space on the east side of the property.

In consideration of the above, the proposed variances meet the four tests under the *Planning Act*.

4. OTHER COMMENTS:

At the time of writing, comments from Engineering Services had not yet been received.

The Lake Simcoe Region Conservation Authority and the Chief Building Official have no concerns with the proposal.

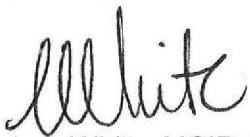
The applicant submitted an Arborist Report by Noica Consulting Inc., dated August 30, 2015. The Town's Consulting Arborist reviewed the plan and provided comments on September 15, 2015. The comments generally speak to protecting trees on the property. Further information regarding the care and preservation of the trees is required. As per the recommended conditions for this variance, the Town's Consulting Arborist's comments will have to be addressed prior to the issuance of any permits for the proposed garage.

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 residential uses 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,

A handwritten signature in black ink, appearing to read 'Meghan White', with a stylized, cursive script.

Meghan White, MCIP, RPP
Planner

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



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

M E M O R A N D U M

**COMMITTEE OF
OCT 15 2015
ADJUSTMENT**

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: October 8, 2015

RE: Notice of Application for Minor Variance
File No. D13-A19-15
216 Avenue Road
Made by: STORK, Trina J.

The applicant is proposing a one storey garage. 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 2013-30, as follows:

Section 6.2.2 Zone Standards Regulatory Set D to permit the new garage to have a rear yard setback of 14 feet, whereas the bylaw requires 25 feet.

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, appearing to be 'V. Klyuev'.

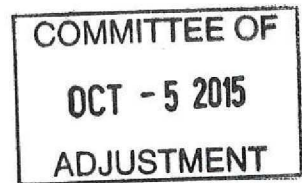
V. Klyuev, B.A., C.E.T.
Senior Engineering Development Coordinator – Residential

File No.: VK032

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

Pelham, Kym

From: Kevin Jarus <K.Jarus@lsrca.on.ca>
Sent: October-05-15 2:10 PM
To: Pelham, Kym
Cc: Pat Harnett
Subject: 216 Avenue Road MV



Good afternoon Kym,

In relation to the minor variance application for the subject property (file #D13-A19-15), please note we have no comments or concerns in relation to this application.

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>

The information in this message (including attachments) 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 and by the Personal Information Protection Electronic Documents Act. If you have received this message in error, please notify the sender immediately 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

COMMITTEE OF
OCT - 6 2015
ADJUSTMENT

TO: Committee of Adjustment

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

DATE: October 6, 2015

RE: Application for Minor Variance

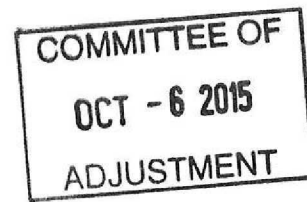
File no: D13-/A18 & A19-15

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


David

Pelham, Kym

From: RColhoun@hewitt.ca
Sent: October-05-15 6:44 PM
To: Pelham, Kym
Subject: Minor variance file#d13-A19-15



Both owners of 193 Avenue Road

Sonia and Robert Colhoun

Have no problem with variance requested in the building of garage at 216 Avenue Rd

Regards,

Robert and Sonia Colhoun

Sent from my iPhone

CONFIDENTIALIT?: Ce message et toutes pi?ces jointes peuvent contenir des informations confidentielles, privil?gi?es et/ou dispens?es de divulgation aux termes des lois applicables. Si vous n'?tes pas le r?cipiendaire vis?, ou un repr?sentant autoris? ? le recevoir en son nom, nous vous avisons par la pr?sente que toute utilisation, copie, divulgation, distribution ou action d?coulant ou associ?e ? ce message est strictement interdite. Si vous recevez cette information par erreur, s'il vous pla?t en aviser l'exp?diteur imm?diatement en r?pondant par courriel, et d?truisez imm?diatement toute copie de ce message. Merci de votre coop?ration.

CONFIDENTIALITY: This message and any attachments may contain information that is confidential, privileged and/or exempt from disclosure under applicable law. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, distribute or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message and any copy. Thank you for your cooperation.

Pelham, Kym

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: October-05-15 2:53 PM
To: Pelham, Kym
Subject: RE: D13-A19-15 - 216 Avenue Road



Good Afternoon Kym,
The Region of York has completed its review of the above Minor Variance Application and has no objection.
Please contact me if you require any 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

-----Original Message-----

From: Bilkhu, Vick
Sent: Friday, October 02, 2015 9:40 AM
To: Hurst, Gabrielle
Subject: FW: D13-A19-15 - 216 Avenue Road

-----Original Message-----

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Thursday, October 01, 2015 12:41 PM
To: Bilkhu, Vick
Subject: D13-A19-15 - 216 Avenue Road

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A19-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, October 15, 2015.

Thanks
Kym

[[cid:image003.jpg@01CD5EA0.796BAB10](#)]

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<<http://www.twitter.com/>> @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."

The meeting of the Committee of Adjustment was held on Wednesday, September 16th, 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: Linda Traviss, Senior Planner - Development
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 APPLICATIONS

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

Burt Totz of 285 Harry Walker Parkway, NEWMARKET, ON L3Y 7B3, addressed the Committee and provided the following comments:

- representing Mars Canada
- Mars is proposing a 5,000 m² addition
- to be utilized for candy manufacturing
- will carry on the same roof line as existing building
- property slopes and this will keep the floor level without using ramps
- increasing the thickness of the walls for insulation

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

1. Report from Linda Traviss, Senior Planner - Development dated September 8, 2015;

2. E-mail from B. Ewart, Senior Engineering Development Coordinator - ICI dated September 1, 2015;
3. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated September 9, 2015;
4. Comments from David Potter, Chief Building Official dated August 6, 2015;
5. E-mail from Gabrielle Hurst, Programs and Process Improvement Section of the Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated August 4, 2015; and
6. Letter from Corra Muia of 1825726 Ontario Ltd., 10537 McCowan Road, MARKHAM, ON L3P 3J3 dated September 15, 2015.

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

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

THAT Minor Variance Application D13-A14-15 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;
- c. that the Owner be advised that an Amending Site Plan Agreement will be required prior to the issuance of a building permit; and
- d. that the applicant be advised that prior to the issuance of any building permit compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy and any items identified by the Town's Consulting Arborist.

as the Minor Variance Application:

- (1) appears to be minor in nature as the impact on adjacent properties will be minimal as the existing building has existed in its present form for a number of years;
- (2) conforms to the intent and purpose of the Official Plan and Zoning By-law as both documents contemplate manufacturing 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

CONSENT APPLICATION

**D10-B03-15 WRIGHT, Andrew
 WRIGHT, Eloise
 MORRIS, Lenore
 Lot 25 and Part Lot 24, Plan 25
 292 & 296 Hamilton Street
 Town of Newmarket**

Stacey Williams of HBR Planning Centre, 66 Prospect Street, Unit A, NEWMARKET, ON L3Y 3S9, addressed the Committee and provided the following comments:

- represent applicants
- Mrs. Wright is in attendance
- currently 2 existing dwelling units
- would conform to Official Plan and Zoning Bylaw
- no adverse effect on the neighbourhood
- basically drawing a line on the map

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

1. Report from Linda Traviss, Senior Planner - Development dated September 9, 2015;
2. E-mail from V. Klyuev, Senior Engineering Development Coordinator - Residential dated September 9, 2015;
3. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated September 9, 2015;
4. Letter from Lily Apa, Planning Coordinator, Rogers dated September 8, 2015;
5. E-mail from Dennis De Rango, Specialized Services Team Lead, Hydro One dated September 9, 2015;
6. Comments from David Potter, Chief Building Official dated September 9, 2015;
7. E-mail from Gabrielle Hurst, Programs and Process Improvement Section of the Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated September 9, 2015;
8. E-mail from Dan Della Mora, Corridor Management Planner, Corridor Management Section, Central Region, Ministry of Transportation dated September 9, 2015; and
9. Letter from Eloise Wright of 5 Danielle Crescent, BARRIE, ON L4N 0Y6 received September 16, 2015.

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

***Moved by Fred Stoneman
Seconded by Ken Smith***

That Consent Application D10-B03-15 be approved, subject to the following condition:

1. That the owner provides three white prints of a deposited reference plan of survey to conform substantially with the application as submitted.

as the Consent Application:

1. 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 Minutes of the meeting held on Wednesday, August 19th, 2015 were placed before the Committee for consideration.

*Moved by Elizabeth Lew
Seconded by Ken Smith*

THAT the Minutes of the Wednesday, August 19th, 2015 meeting be approved as circulated.

CARRIED

*Moved by Peter Mertens
Seconded by Elizabeth Lew*

THAT the Meeting adjourn.

CARRIED

The meeting adjourned at 9:43 a.m.

Dated

Chair