

Declarations of Pecuniary Interest

Minor Variance Applications

1. D13-A20-15 TOOMBS, Darcy p. 1
GILBERT, Michelle
Part Lot 19, Plan 222
406 Tecumseth Street
Town of Newmarket

2. D13-A21-15 MCKAY, Grant
VAN DEN ELZEN, Nell
Part Lot 16, Plan 85
296 Ellen Street
Town of Newmarket

(THIS APPLICATION HAS BEEN DEFERRED)

3. D13-A22-15 HOWIE, Chris p. 9
Lot 3, Plan 34
299 Second Street
Town of Newmarket

4. D13-A23-15 FULIGNI, Dan p. 17
FULIGNI, Shirley
Lot 4, Plan 435
187 Queen Street
Town of Newmarket

New Business

5. Minutes of the regular Meeting of the Committee held on Wednesday, October 21, 2015. p. 26

Adjournment



PLANNING AND BUILDING SERVICES

Town of Newmarket

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REPORT

COMMITTEE OF

NOV 13 2015

ADJUSTMENT

TO: Committee of Adjustment

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

DATE: November 12, 2015

RE: Application for Minor Variance **D13-A20/15**
Part Lot 16, Plan 222
406 Tecumseth Street
Made by: Darcy Toombs and Michelle Gilbert

1. RECOMMENDATIONS:

That Minor Variance Application D13-A20/15 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 Site Plan, Building Elevation Plans and Floor Plans submitted with the application;**
- 3. that the applicants 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 October 3, 2015; and**
- 4. that the applicants be advised that prior to the issuance of any building permit, the owners will be required to enter into a site plan agreement with the Town for the development of the subject lands.**

2. APPLICATION:

Application for minor variance has been submitted by the above-noted owners to request relief from Section 6.2.2 Zone Standards, Regulatory Set D, of Zoning By-law Number 2010-40, as amended to permit a front yard setback of 3.47 metres for a proposed new detached dwelling notwithstanding the by-law requirement of 7.5 metres. Relief is requested to permit a three storey dwelling with a westerly side yard setback of 1.8

metres and an easterly side yard setback of 1.58 metres whereas the by-law permits a two storey dwelling with minimum side yard setbacks of 1.8 metres.

Further, relief is sought from Section 4.2 Encroachments Into Required Yards to permit a porch having a height of 4.12 metres to be setback a distance of 1.56 metres from the front lot line whereas the by-law permits a porch with a maximum height of 2.75 metres to encroach a distance of 2.4 metres into the required front yard.

3. PLANNING CONSIDERATIONS:

The above-described property (herein referred to as the "subject land") is designated Historic Downtown Centre in the Town's Official Plan which was approved by the Region of York on May 29, 2008. The Plan permits residential uses up to 80 units per net hectare. The proposed application would not conflict with the purpose and intent of the Official Plan.

The subject land is zoned Residential Detached Dwelling 15m (R1-D) Zone on Map Number 10 of Schedule 'A' to Zoning By-law Number 2010-40, as amended. A detached dwelling is a permitted use within this zone.

The applicants are proposing to demolish the existing two storey frame detached dwelling and construct a new three storey detached dwelling with an attached garage as shown on the proposed Site Plan, Building Elevation Plans and Floor Plans submitted with the application. The existing dwelling and porch are closer to the front lot line than the by-law permits. The dwelling has a front yard setback of 4.32 metres and Committee approved in 2012 a reduced setback of 1.7 metres for the existing porch. The existing dwelling has not been identified as a property of interest by the Heritage Newmarket Advisory Committee.

The applicants are requesting relief from the by-law to permit the new detached dwelling with attached garage to be constructed closer to the front property line than the by-law permits. Further, relief is requested to permit a three storey dwelling whereas the by-law only permits a two storey dwelling. The owners are also requesting relief to construct the proposed porch closer to the street and greater in height than the by-law permits.

The by-law requires a minimum front yard setback of 7.5 metres whereas the applicants are proposing a setback of 3.47 metres. The dwelling if constructed would be 4.03 metres closer to the front lot line than the by-law permits.

The by-law permits a two storey dwelling and requires minimum side yard setbacks of 1.8 metres whereas the applicants are proposing a three storey dwelling with side yard setbacks of 1.8 metres on the west side and 1.58 metres on the east side. If constructed

the dwelling would be one storey higher than the by-law permits and 0.22 metres closer to the east property line than the by-law permits.

The by-law permits a porch having a height of no more than 2.75 metres to encroach a distance of 2.4 metres into the required front yard. The porch if constructed would be 1.37 metres higher and 3.54 metres closer to the front lot line than the by-law permits.

The impact of the reduced front yard setback for the proposed dwelling and porch and the greater height requested for the porch should have a minimal impact on the adjacent and neighbouring properties as the existing setbacks in the area have already been established prior to the passing of the by-law and some properties, including the two dwellings on either side of the subject lands, have setbacks that are less than what is required by the current zoning by-law.

The existing homes in the immediate neighbourhood consist of detached dwellings that range between 1 ½ storeys and 2 ½ storeys. The proposed third storey will allow partial occupancy within the attic space and the overall height of the proposed dwelling is less than the by-law permits. The by-law permits a two storey dwelling to have a maximum height of 10.7 metres whereas the proposed dwelling will have a height of 8.65 metres. The impact of the additional storey should have a minimal impact on the neighbouring properties as the overall height is below the maximum allowable height of the by-law.

The impact of the reduced interior side yard should be minimal on the adjacent property as the requested reduction is only for an area at the northeast corner of the proposed dwelling. The 1.8 metre sideyard setbacks for the proposed three storey dwelling will provide sufficient space for the normal functioning of the subject land.

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 and would not be considered out of character with the existing residential neighbourhood.

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 Shady Lane Expert Tree Care Inc. dated August 26, 2015 which identifies the trees that are to be protected and the trees that are proposed to be removed. The report has been reviewed by the Town's Consulting Arborist and the comments dated October 3, 2015 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 new dwelling and attached garage.

The Chief Building Official has no comment/objection to the proposed variance.

The Lake Simcoe Region Conservation Authority has offered no comments or concerns with the proposed variance.

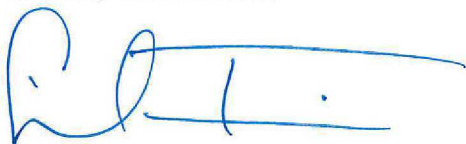
The Manager, Engineering Services has offered no objection to the proposed variance provided that existing drainage patterns are not altered, any increase in stormwater runoff is maintained onsite and construction does not occur within any easement(s), where applicable.

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 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



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MEMORANDUM

TO: Committee of Adjustment

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

DATE: November 11, 2015

RE: Application for Minor Variance

File no: D13-A20/A21/A23-15

I have reviewed the above and have no comment/objection at this time.

A handwritten signature in cursive script, appearing to read "D. Potter".

David



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MEMORANDUM



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

FROM: Rick Bingham, C.E.T., Manager, Engineering Services

DATE: November 6, 2015

RE: Notice of Application for Minor Variance
File No. D13-A20-15
Part Lot 19, Plan 222
406 Tecumseth Street
Made by: Toobs, Darcy and Gilbert, Michelle

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:

1. Section 6.2.2 Zone Standards Regulatory Set D. to permit a new detached dwelling to have a front yard setback of 3.47 metres, whereas the bylaw requires 7.5 metres and to allow for a three storey detached dwelling with a westerly side yard setback of 1.8 metres and a easterly side yard setback of 1.58 metres, whereas the bylaw only permits two storeys with 1.8 metre side yard setbacks; and
2. Section 4.2 Encroachments into Required Yards to permit a porch having a height of 4.12 metres to be setback a distance of 1.56 metres from the bottom step to the front lot line, whereas the bylaw permits a porch, having a height of 2.75 metres or less to encroach a distance of 2.4 metres into the required front yard.

We have reviewed the application and supporting documentation and, advise that we have no objection to the 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

Rick Bingham, C.E.T.
Manager, Engineering Services

File No.: VK035

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: November-05-15 1:25 PM
To: Pelham, Kym
Subject: 406 Tecumseth D13-A20-15



Good afternoon Kym,

Please note the LSRCA has no comments or concerns with the subject application for minor variance. Thanks for forwarding on.

Regards,

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

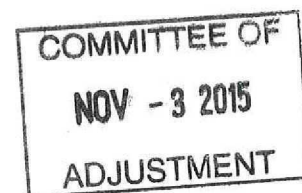
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Pelham, Kym

From: Bilkhu, Vick <Vick.Bilkhu@york.ca>
Sent: November-03-15 10:23 AM
To: Pelham, Kym
Subject: RE: D13-A20-15 - 406 Tecumseth Street



Thanks again and we have no comments since this application is not on a regional road.

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Tuesday, November 03, 2015 9:42 AM
To: Bilkhu, Vick
Subject: D13-A20-15 - 406 Tecumseth Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A20-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, November 12, 2015.

Thanks
Kym



Kym Pelham, ACST

Committee Secretary
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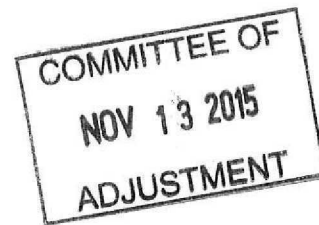
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REPORT



TO: Committee of Adjustment

FROM: Ted Horton
Planner

DATE: November 13, 2015

RE: Application for Minor Variance **D13-A22-15**
Lot 3, Plan 34
299 Second Street
Made by: Chris Howie

1. **RECOMMENDATIONS:**

That Minor Variance Application D13-A22-15 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 November 10, 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 second storey addition and enclosed porch on an existing single-storey dwelling.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, specifically at the junction of Cotter Street and Second Street east of Fairy Lake. There is an existing single detached residence on the lot and it is surrounded by similar single detached homes. The Barrie GO rail line runs on the west side of Cotter Street.

3. **PLANNING CONSIDERATIONS:**

The applicant is requesting relief from the By-law in order to construct a second storey addition and enclosed porch. The specific request for the proposed addition is to decrease the required side yard setback from 1.8 metres to 0.9 metres.

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

The subject lands are zoned Residential Detached Dwelling 15.0 m (R1-D) Zone on Map Number 11 of Schedule 'A' to By-law Number 2010-40, as amended. A two-storey dwelling is a permitted use in this zone. A two-storey dwelling is subject to a greater setback requirement than a one-storey dwelling.

The general intent of a greater setback for a dwelling with additional storeys is to ensure that buildings do not fill the property from edge to edge, do not tower over adjacent properties, and that privacy is maintained for adjacent neighbours. The proposed addition will not increase the lot coverage, as it will be built on the existing structure. The grade of the properties and location of existing buildings are such that the existing one-storey dwelling is very close to the property line and currently overlooks the adjacent yard. The adjacent structure to the north is not close to the shared property line, with nearly 8 metres between the structures. The intent of the Zoning By-Law is to permit residential development that keeps the character of the surrounding neighbourhood while minimizing impacts on surrounding properties. This intent is met.

It is desirable to develop the lot with a residential second storey as the Official Plan designation and the Zoning By-law both permit this use. It is considered desirable to permit a land owner to improve their property and renew the housing stock of the town.

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 is no change in the existing footprint, and little change in the existing overlook of the adjacent property.

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

4. OTHER COMMENTS:

The Senior Engineering Development Coordinator – Residential has offered no objection to the minor variance provided that it be approved subject to the understanding that the 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.

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

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 submitted a report by Chris Howie. The Town's Consulting Arborist reviewed the plan and provided comments on November 10, 2015. The Town's Consulting Arborist noted that the report consists only of a tree inventory and is not a full Arborist Report. 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 addition and porch.

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,



Ted Horton
Planner

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



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MEMORANDUM

TO: Committee of Adjustment

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

DATE: November 11, 2015

RE: Application for Minor Variance

File no: D13-A22-15

I have reviewed the above and have no comment/objection at this time.

A. Longan
for David



DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES

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M E M O R A N D U M



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

FROM: Rick Bingham, C.E.T., Manager, Engineering Services

DATE: November 4, 2015

RE: Notice of Application for Minor Variance
File No. D13-A22-15
Lot 3, Plan 34
299 Second Street
Made by: Howie, Chris

The applicant is proposing a second storey addition to the existing home. Relief is requested from Zoning Bylaw Number 2010-40, as amended, Section 6.2.2 Zone Standards Regulatory Set D, to permit a northerly side yard setback of 0.9 metres, whereas the bylaw requires 1.8 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 blue ink, appearing to read 'R. Bingham'.

Rick Bingham, C.E.T.,
Manager, Engineering Services

File No.: VK037

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: November-05-15 11:34 AM
To: Pelham, Kym
Subject: 299 Second Street D13-A22-15



Good morning Kym,

Please note that the LSRCA has no comments or concerns with the subject application for minor variance. As always, please let me know if you have any questions.

Regards,

Kevin Jarus, M.Pl.

Development Planner

Lake Simcoe Region Conservation Authority

120 Bayview Parkway, Newmarket, Ontario L3Y 3W3

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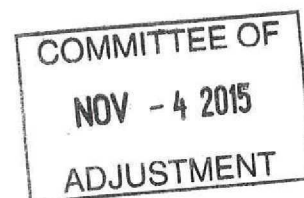
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Pelham, Kym

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: November-04-15 10:27 AM
To: Pelham, Kym
Subject: FW: D13-A22-15 - 299 Second Street
Attachments: 2015 - D13-A22 (Howie) Application.pdf



Good Morning 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

☎ 1-877-464-9675 ext. 71538 | gabrielle.hurst@york.ca | www.york.ca

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

From: Bilkhu, Vick
Sent: Monday, November 02, 2015 10:02 AM
To: Hurst, Gabrielle
Subject: FW: D13-A22-15 - 299 Second Street

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Monday, November 02, 2015 8:05 AM
To: Bilkhu, Vick
Subject: D13-A22-15 - 299 Second Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A22-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, November 12, 2015.

Thanks
Kym



Kym Pelham, ACST

Committee Secretary

Planning and Building Services

905-953-5300, press 2, ext. 2456

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kpelham@newmarket.ca

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REPORT

COMMITTEE OF

NOV 12 2015

ADJUSTMENT

TO: Committee of Adjustment

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

DATE: November 11, 2015

RE: Application for Minor Variance **D13-A23/15**
Lot 4, Plan 435
187 Queen Street
Made by: Dan Fuligni and Shirley Fuligni

1. RECOMMENDATIONS:

That Minor Variance Application D13-A23/15 be approved subject to the following conditions:

- 1. that the variances pertain only to the request as submitted with the application; and**
- 2. 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 owners 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 proposed new garage to have a rear yard setback of 15 feet and a westerly side yard setback of 2 feet notwithstanding the by-law requirements of 25 feet and 4 feet respectively.

3. BACKGROUND:

In 2000 the Committee of Adjustment approved a Minor Variance application for this property for the same requested relief (i.e. a rear yard setback of 15 feet and a westerly side yard setback of 2 feet), however, when the Town passed its new comprehensive Zoning By-law in 2010 the approved variance was inadvertently not included as an exception in the new by-law. Comprehensive Zoning By-law Number 2010-40 includes a number of exceptions including site specific re-zonings as well as approved minor

variances for structures that were not built at the time By-law Number 2010-40 was approved. As noted above the approved variance for this property should have been included as an exception to the by-law.

The owners are therefore looking to establish the same setbacks that were previously granted and should have been recognized in the new zoning by-law.

4. 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. Single detached dwellings are a permitted residential built form of the Plan and a detached garage would be considered a permitted accessory use. Therefore, 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 119 (R1-D-119) Zone on Map Number 10 of Schedule 'A' to Zoning By-law Number 2010-40, as amended by By-law Number 2013-30. A detached garage is permitted as an accessory use within this zone.

The applicants are proposing to construct a detached garage approximately 24 feet by 24 feet in size as shown on the proposed Site Plan. Relief is requested from the by-law to permit the proposed garage to be constructed closer to the rear and side lot lines than the by-law permits. The by-law requires a minimum rear yard setback of 25 feet and a side yard setback of 4 feet whereas the applicants are proposing a rear yard setback of 15 feet and a westerly side yard setback of 2 feet. The garage, if constructed, would be 10 feet closer to the rear lot line and 2 feet closer to the westerly side lot line than the by-law permits.

The subject land abuts commercial lands at the rear of the property and the impact of the proposed garage on this property would be negligible. The proposed garage will be in closest proximity to the adjacent property to the west. The subject land and the adjacent property have adjoining driveways and the impact of the proposed garage is expected to be minimal in its proposed location. In this regard, the proposed detached garage would have minimal impact on neighbouring properties. The reductions requested for the rear and side yard setbacks will still provide sufficient yards for the normal functioning of the subject land.

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.

5. OTHER COMMENTS:

The Chief Building Official has no comment/objection to the proposed variance.

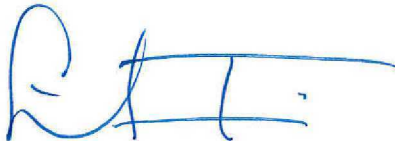
The Manager, Engineering Services has offered no objections to the proposed variance provided that existing drainage patterns are not altered, any increase in stormwater runoff is maintained onsite and construction does not occur within any easement(s), where applicable.

6. 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 accessory structures; and
- (3) does not adversely affect the character of the neighbourhood as the use is permitted and normally contemplated as an accessory use to 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



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: November 11, 2015

RE: Application for Minor Variance

File no: D13-A20/A21/A23-15

I have reviewed the above and have no comment/objection at this time.

A handwritten signature in cursive script, appearing to read "D. Potter".
for David



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



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

FROM: Rick Bingham, C.E.T., Manager, Engineering Services

DATE: November 6, 2015

RE: Notice of Application for Minor Variance
File No. D13-A23-15
Lot 4, Plan 435
187 Queen Street
Made by: Fuligni, Dan and Fuligni, Shirley

We herein acknowledge receipt of the Notice of Application for Minor Variance.

The applicant is proposing a one storey garage. Relief from Zoning By-law Number 2010-40, as amended, Section 6.2.2 Zone Standards Regulatory Set D to permit the new garage to have a rear yard setback of 15 feet and a westerly side yard setback of 2 feet, whereas the bylaw requires 25 feet and 4 feet respectively.

We have reviewed the application and supporting documentation and, advise that we have no objection to the 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 read 'R. Bingham'.

Rick Bingham, C.E.T.
Manager, Engineering Services

File No.: VK034

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: November-05-15 1:35 PM
To: Pelham, Kym
Subject: 187 Queen Street D13-A23-15



Hello again Kym,

In relation to the subject application for minor variance, please note the LSRCA has no comments or concerns. Thanks again!

Regards,

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.

NOV - 4 2015

ADJUSTMENT

Pelham, Kym

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: November-04-15 1:30 PM
To: Pelham, Kym
Subject: FW: D13-A23-15 - 187 Queen Street
Attachments: 2015 - D13-A23 (Fuligni) Application.pdf; 2015 - D13-A23 (Fuligni) Notice.pdf

Good Afternoon Kym,

The Region of York has reviewed 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*

From: Bilkhu, Vick
Sent: Tuesday, November 03, 2015 10:22 AM
To: Hurst, Gabrielle
Subject: FW: D13-A23-15 - 187 Queen Street

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Tuesday, November 03, 2015 9:42 AM
To: Bilkhu, Vick
Subject: D13-A23-15 - 187 Queen Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A23-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, November 12, 2015.

Thanks
Kym



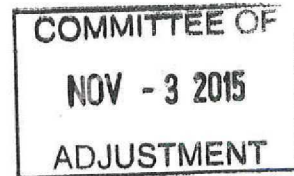
Kym Pelham, ACST
Committee Secretary
Planning and Building Services
905-953-5300, press 2, ext. 2456
905-953-5140 (fax)
kpelham@newmarket.ca
www.newmarket.ca

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Pelham, Kym

From: Bilkhu, Vick <Vick.Bilkhu@york.ca>
Sent: November-03-15 10:22 AM
To: Pelham, Kym
Subject: RE: D13-A23-15 - 187 Queen Street



Thanks Kym for the circulation and we have no comments.

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Tuesday, November 03, 2015 9:42 AM
To: Bilkhu, Vick
Subject: D13-A23-15 - 187 Queen Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A23-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, November 12, 2015.

Thanks
Kym



Kym Pelham, ACST
Committee Secretary
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The meeting of the Committee of Adjustment was held on Wednesday, October 21st, 2015 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

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

Staff Present: Linda Traviss, Senior Planner - Development
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 APPLICATIONS

**D13-A15-15 SHERMAN, John
SHERMAN, Janet
Part Lot 42, Plan 314
752 Arthur Street
Town of Newmarket**

John and Janet Sherman of 406 Roywood Crescent, NEWMARKET, ON L3Y 1A5, addressed the Committee and provided the following comments:

- have reviewed the staff report and agree with the recommendations and conclusions
- there will be minimal impact
- asking for approval from the Committee

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

1. Report from Linda Traviss, Senior Planner - Development dated October 7, 2015;
2. Memorandum from V. Klyuev, Senior Engineering Development Coordinator - Residential dated October 8, 2015;

3. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated October 13, 2015;
4. Comments from David Potter, Chief Building Official dated October 16, 2015;
5. E-mail from Vick Bilkhu, Development Review Coordinator, Community Planning, Transportation and Community Planning Department, The Regional Municipality of York dated October 6, 2015;
6. 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 October 13, 2015;
7. Letter from Margaret Ann Storry of 748 Arthur Street, NEWMARKET, ON L3Y 1S3 received October 14, 2015;
8. Letter from Henry John & Jean Soares of 754 Arthur Street, NEWMARKET, ON L3Y 1S3 dated October 9, 2015; and
9. Letter from C. White & C. Burkley of 766 Arthur Street, NEWMARKET, ON L3Y 1S3 dated October 14, 2015.

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

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

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.

as the Minor Variance Application:

- (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.

CARRIED

**D13-A18-15 TULLOCH, Alson
TULLOCH, Sheika
Lot 18, Plan 65M-3722
376 Woodspring Avenue
Town of Newmarket**

James Faber of 2716 Bovaird Drive West, BRAMPTON, ON L7A 0H2, addressed the Committee and provided the following comments:

- Ken Faber is the agent on the application, however, he was not able to attend the meeting, therefore, his son is acting on his behalf
- applicants would like to build a small sunroom 10' by 12'.

Ken Smith inquired if anyone had spoken to the neighbour behind the property and Mr. Faber advised that he was not sure if his father had spoken to them.

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

1. Report from Meghan White, Planner dated October 15, 2015;
2. Memorandum from V. Klyuev, Senior Engineering Development Coordinator - Residential dated October 8, 2015;
3. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated October 13, 2015;
4. Comments from David Potter, Chief Building Official dated October 6, 2015;
5. E-mail from Vick Bilkhu, Development Review Coordinator, Community Planning, Transportation and Community Planning Department, The Regional Municipality of York dated October 2, 2015; and
6. 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 October 5, 2015.

There were no comments from the public on this application.

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

THAT Minor Variance Application D13-A18-15 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.

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 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.

CARRIED

**D13-A19-15 STORK, Trina J.
Lot 1, Plan 438
216 Avenue Road
Town of Newmarket**

Trina Stork of 216 Avenue Road, NEWMARKET, ON L3Y 1N7, addressed the Committee and provided the following comments:

- single storey bungalow on a corner lot
- wish to build a detached garage on west side of the property
- need relief from zoning bylaw to build the garage
- have spoken to the neighbour that would be impacted and they have no issues

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

1. Report from Meghan White, Planner dated October 15, 2015;
2. Memorandum from V. Klyuev, Senior Engineering Development Coordinator - Residential dated October 8, 2015;
3. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated October 5, 2015;
4. Comments from David Potter, Chief Building Official dated October 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 October 5, 2015; and
6. E-mail from Sonia and Robert Colhoun of 193 Avenue Road, NEWMARKET, ON L3Y 1N5 dated October 5, 2015.

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

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

THAT Minor Variance Application D13-A19-15 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.

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 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.

CARRIED

The Minutes of the meeting held on Wednesday, September 16th, 2015 were placed before the Committee for consideration.

Moved by Peter Mertens
Seconded by Ken Smith

THAT the Minutes of the Wednesday, September 16th, 2015 meeting be approved as circulated.

CARRIED

Moved by Betty Dykstra
Seconded by Peter Mertens

THAT the Meeting adjourn.

CARRIED

The meeting adjourned at 9:45 a.m.

Dated

Chair