

## **Declarations of Pecuniary Interest**

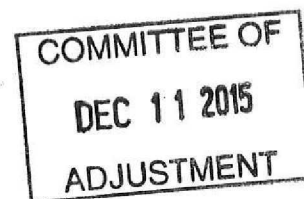
### **Minor Variance Applications**

1.    **D13-A17-15**    GERRITS, Adam  
                             GERRITS, Randall  
                             Lot 8, Plan 376  
                             299 Avenue Road  
                             Town of Newmarket  
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2.    **D13-A21-15**    MCKAY, Grant  
                             VAN DEN ELZEN, Nell  
                             Part Lot 16, Plan 85  
                             296 Ellen Street  
                             Town of Newmarket  
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3.    **D13-A26-15**    HOPKINSON, Sydney John  
                             Part Lot 2, Concession 3  
                             being Parts 5 & 6, Plan 65R-12998  
                             210 Pony Drive  
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4.    **D13-A27-15**    NADTOTCHII, Iana  
                             NADTOTCHII, Yurii  
                             Units 5 & 6, Level 1  
                             York Region Standard Condominium Plan No. 992  
                             1150 Kerrisdale Boulevard, Units 5 & 6  
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### **New Business**

5.    Minutes of the regular Meeting of the Committee held on Wednesday, November 18, 2015. p. 32

### **Adjournment**



**REPORT**

TO: Committee of Adjustment

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

DATE: December 11, 2015

RE: Application for Minor Variance **D13-A17-15**  
Lot 8, Plan 376  
299 Avenue Road  
Made by: Adam Gerrits and Randall Gerrits

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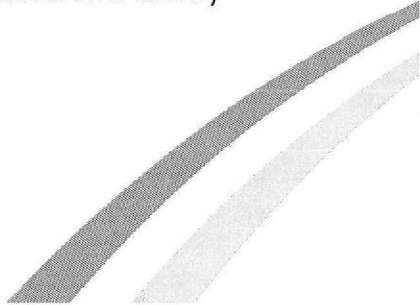
**1. RECOMMENDATION:**

**That Minor Variance Application D13-A17-15 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 plans submitted with the application;**
- 3. that the owner 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 December 7, 2015.**

**2. APPLICATION:**

Application for Minor Variance has been submitted by the above-noted property owners to request relief from Section 6.2.2 Zone Standards of Zoning Bylaw Number 2010-40, as amended by By-law Number 2013-30 to permit an easterly side yard setback of 0.488 metres and a westerly side yard setback of 1.03 metres for a proposed two storey dwelling, notwithstanding the by-law requirement of 1.8 metres.



### 3. **PLANNING CONSIDERATIONS:**

The above-described property 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 subject lands back onto an area designated as Natural Heritage System. Schedule B identifies it as a Woodlot.

Section 9 of the Official Plan states that "protection and enhancement of the Natural Heritage System is one of the Plan's core goals". Section 9.3.2 speaks to protecting Woodlots as they provide habitat for forest-dependent plants and animals, help regulate temperature, reduce air pollutants, reduce soil erosion, contribute to the aesthetic value of the Town and offer passive recreational opportunities. Section 9.3.2.2 of the Plan states that development adjacent to any Woodlot shall be carried out in a manner that encourages the protection and management of the Woodlot. A buffer with a 3m wide strip is to be maintained in a naturally vegetative state. The Plan further requires a 7m setback from the Woodlot to a building or structure.

The proposed addition is approximately 30 metres from the rear lot line and should not impact the area of the woodlot or the required minimum buffer area. Tree protection fencing will be required to be installed to protect the existing trees. As the use is permitted and the Woodlot can be protected by the buffer strip the proposal is found to conform to the Official Plan.

The property is zoned Residential Detached Dwelling 15m Exception (R1-D-119) on Map Number 10 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 the zone.

The applicant is requesting relief from the by-law in order to construct a second storey addition that will be closer to the east and west property lines than the by-law permits. The by-law requires a minimum side yard setback of 1.8 metres for a two storey dwelling whereas the applicant is proposing a setback of 0.488 on the east side and a setback of 1.03 on the west side. The addition, if constructed, would be 1.312 metres closer to the east side lot line and 0.77 metres closer to the west lot line than the by-law permits.

The existing one storey house is closer to the side lot lines than the by-law permits for a one storey dwelling, however, the house has existed in this location since the early 1950's. Further the homes on either side are also closer to the lot line than the current zoning by-law permits and were also constructed in the 1950's. The home to the west of the subject lands is a two storey dwelling and the home to the east is a one storey dwelling.

The requested variance for the reduced easterly and westerly side yard setbacks should have a negligible impact on the neighbouring properties as the proposed addition will have limited new openings (windows) along the east and west elevations. The

reductions in the side yards will not further impede the normal functioning and maintenance of the subject property from the manner in which it has continued for a number of decades.

In consideration of the above, the proposed minor variance is generally in keeping with the intent of the Zoning By-law

## **5. 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 this application an arborist report prepared by Sanders Consulting dated September 17, 2015 which identifies the tree that is proposed to be removed and trees that are to be protected. The report has been reviewed by the Town's Consulting Arborist and the comments dated December 7, 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 addition.

The Senior Engineering Development Coordinator – Residential has offered no objection to the proposed minor variance provided the existing drainage patterns are not altered, any increase in stormwater runoff is maintained on site and construction does not occur within any easement(s), where applicable.

The Chief Building Official has offered no objection to the variance subject to compliance with the exposing building face and unprotected opening requirements of the Building Code.

As of the time of writing this report comments had not been received from the Lake Simcoe Region Conservation Authority. If there are comments they will be provided under separate cover.

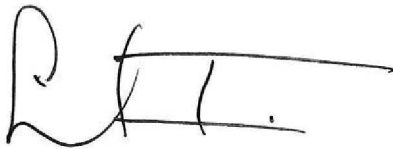


**6. CONCLUSIONS:**

The relief as requested:

- (1) appears to be minor in nature as the impact on adjacent properties will be minimal;
- (2) conforms to the 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,

A handwritten signature in black ink, appearing to read 'L. Traviss', with a long horizontal stroke extending to the right.

Linda L. Traviss, MCIP, RPP  
Planner

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



**COMMITTEE OF**  
**DEC - 8 2015**  
**ADJUSTMENT**

**M E M O R A N D U M**

**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:** December 5, 2015

**RE:** Notice of Application for Minor Variance  
File No. D13-A17-15  
299 Avenue Road  
Made by: Gerrits, Adam and Gerrits, Randall

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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:

Relief is requested from Zoning Bylaw Number 2010-40, as amended by Bylaw Number 2013-30, Section 6.2.2 Zone Standards Regulatory Ste D, to permit an easterly side yard setback of 0.488 metres and a westerly side yard setback of 1.03 metres, whereas the bylaw requires 1.8 metres for a two storey dwelling.

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.

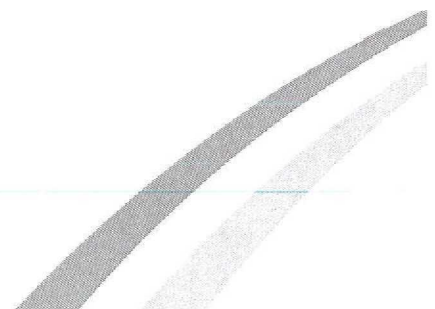
Sincerely,

**ENGINEERING SERVICES**

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

File No.: VK044

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:** December-03-15 1:28 PM  
**To:** Pelham, Kym  
**Subject:** FW: D13-A17-15 (299 Avenue Road)  
**Attachments:** 2015 - D13-A17 (Gerrits) Application.pdf; 2015 - D13-A17 (Gerrits) Notice.pdf

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

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**From:** Bilkhu, Vick  
**Sent:** Tuesday, December 01, 2015 8:54 AM  
**To:** Hurst, Gabrielle  
**Subject:** FW: D13-A17-15 (299 Avenue Road)

**From:** Pelham, Kym [<mailto:kpelham@newmarket.ca>]  
**Sent:** Tuesday, December 01, 2015 8:41 AM  
**To:** Bilkhu, Vick  
**Subject:** D13-A17-15 (299 Avenue Road)

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A17-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, December 10, 2015.

Thanks  
 Kym



**Kym Pelham, ACST**

Committee Secretary  
 Planning and Building Services  
 905-953-5300, press 2, ext. 2456  
 905-953-5140 (fax)  
[kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)  
[www.newmarket.ca](http://www.newmarket.ca)  
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Office of the Building Inspector  
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905.953-5300 ext. 2400



## MEMORANDUM

**TO:** Committee of Adjustment

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

**DATE:** December 2, 2015

**RE:** Application for Minor Variance

**File no:** D13-A17-15

I have reviewed the above and have no objection subject to compliance with exposing building face and unprotected opening requirements of the Building Code.

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



# PLANNING AND BUILDING SERVICES

Town of Newmarket

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planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

## REPORT



TO: Committee of Adjustment

FROM: Ted Horton  
Planner

DATE: December 3, 2015

RE: Application for Minor Variance **D13-A21/2015**  
Part Lot 16, Plan 85  
296 Ellen Street  
Made by: Grant McKay and Neil Van Den Elzen

### 1. RECOMMENDATIONS:

That Minor Variance Application D13-A21/2015 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 existing driveway on the east side of the property be removed and returned to a planted condition akin to the rest of the lawn of the subject land; 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 permit the construction of a driveway in the rear yard.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, specifically on the west side of Fairy Lake and south of Eagle Street. There is an existing single detached residence on the lot and it is surrounded by similar single detached homes. The subject lands are a corner lot that abut Ellen Street to the east and Andrew Street to the south.

### 3. PLANNING CONSIDERATIONS:

The applicant is requesting relief from the By-law in order to permit the construction of a driveway in the rear yard. The specific request is to increase the maximum area of the rear yard that can be devoted to a driveway from 25% to 33%, and reduce the applicable setback for the driveway from 7.5m to 1.0m.

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. Single detached dwellings are required to have a driveway. Therefore the application is found to conform to the Official Plan.

The subject lands are zoned Residential Detached Dwelling 15 m (R1-D) Zone by By-law Number 2010-40, as amended. A single detached dwelling, with a driveway, 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 case for a rear yard setback is complicated in cases of corner lots, as the distinction between the interior side yard and the rear yard exists solely as a construct based on which yard is opposite the front lot line, rather than in interior lots where this definition is an affirmation of the more evident rear yard. In corner lot cases, whether a driveway exists fronting onto one street of the corner lot or the other is a matter of preference as long as the general intent of preventing structures that are unduly close to the property line is maintained.

It is desirable to have developed the lot with a single detached dwelling. This is in keeping with both the Official Plan and the Zoning By-law. It is desirable to permit a land owner to have orient and lay out their property as they wish within the bounds of approved plans, and to take into account the unique context of each lot in evaluating its configuration.

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 substantial amount of rear yard maintained, and a condition requiring the removal of the existing driveway will ensure this is a minor change of property layout.

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

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

Engineering Services has reviewed the application and advised that they have no objections to the proposed minor variance, provided that stormwater runoff is appropriately managed and any works within the municipal road allowance receive required Town approval.

Building Services has reviewed the application and advised that they have no objections. Comments from Building Services are attached to this application.

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

The relief as requested:

- (1) appears to be minor in nature as the impact on adjacent properties appears to be minimal due to the orientation of the existing properties' driveways; and
- (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 with driveways; 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 "Ted Horton", written in a cursive style.

Ted Horton  
Planner

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


**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**
**Town of Newmarket**

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F: 905.953.5138

**COMMITTEE OF**
**DEC - 8 2015**
**ADJUSTMENT**
**M E M O R A N D U M**

**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:** December 7, 2015  
**RE:** Notice of Application for Minor Variance  
 File No.: D13-A21-15  
 Part Lot 16, Plan 85  
 296 Ellen Street  
 Town of Newmarket  
 Ward No.: 5  
 Made by: MCKAY, Grant and VAN DEN ELZEN, Nell

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:

Relief is requested from Zoning Bylaw Number 2010-40, as amended by Bylaw Number 2013-30, Section 5.5V) Entrances, Exits and Driveways to permit a driveway within the rear yard 1.0 metres from the rear lot line, whereas the bylaw states that no person shall, in any residential zone, use their minimum rear yard setback for parking.

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.

If minor variance will be granted, please advise applicant that works within municipal road alliance will require Town approval.

Should you have any questions please contact the undersigned.

Sincerely,

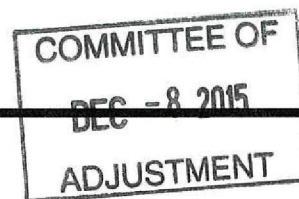
**ENGINEERING SERVICES**

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

File No.: VK045M

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:** December-03-15 1:41 PM  
**To:** Pelham, Kym  
**Subject:** FW: D13-A21-15 (296 Ellen Street)  
**Attachments:** 2015 - D13-A21 (McKay & Van den Elzen) Application.pdf; 2015 - D13-A21 (McKay & Van den Elzen) Notice.pdf

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

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**From:** Bilkhu, Vick  
**Sent:** Tuesday, December 01, 2015 10:26 AM  
**To:** Hurst, Gabrielle  
**Subject:** FW: D13-A21-15 (296 Ellen Street)

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**From:** Pelham, Kym [<mailto:kpelham@newmarket.ca>]  
**Sent:** Monday, November 30, 2015 9:30 AM  
**To:** Bilkhu, Vick  
**Subject:** D13-A21-15 (296 Ellen Street)

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A21-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, December 10, 2015.

Thanks  
 Kym

**Kym Pelham, ACST**

Committee Secretary

Planning and Building Services

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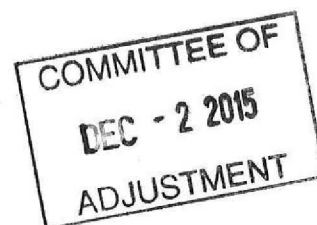
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## MEMORANDUM

**TO:** Committee of Adjustment

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

**DATE:** December 2, 2015

**RE:** Application for Minor Variance

**File no:** D13-A21-15

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



Nov. 17/2015

TO WHOM IT MAY CONCERN,

AS THERE IS ONLY A SINGLE PARKING SPOT AT 296 ELLEN ST. AND WIDENING THE PRESENT SPOT WOULD PUT THE DRIVEWAY MUCH TOO CLOSE TO THE INTERSECTION WITH ANDREW ST. I WOULD ENDORSE AMENDING THE PRESENT BYLAW TO ALLOW A NEW DRIVEWAY ACCESSED FROM ANDREW ST.

RESPECTFULLY  
R. Waddell



RICHARD WADDELL  
TAXPAYER  
292 ELLEN ST.  
NEWMARKET ONT.  
L3Y 4C6.



# PLANNING AND BUILDING SERVICES

Town of Newmarket

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## REPORT

TO: Committee of Adjustment

FROM: Ted Horton  
Planner

DATE: December 4, 2015

RE: Application for Minor Variance **D13-A26/2015**  
Part Lot 2, Concession 3  
Being Parts 5 & 6, Plan 65R-12998  
Unit 2  
210 Pony Drive  
Town of Newmarket  
Made by: HOPKINSON, Sydney John



### 1. RECOMMENDATIONS:

That Minor Variance Application D13-A26/2015 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; and
3. That no additional commercial athletic centre or additional gross floor area devoted to a commercial athletic centre beyond that of the current applicant is permitted on the subject lands.

### 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 a parking provision that is less than the required number of spaces. This variance is required by the applicant in order to be in compliance with the zoning by-law to receive a building permit and open a crossfit box (the term used to describe a crossfit facility).

The above-described property (herein referred to as the "subject lands") is located in the Town's employment lands, specifically on the west side of Pony Drive east of Leslie Street. There is one multi-unit single storey building on the site surrounded by a parking lot, and it is surrounded by similar buildings.

### 3. BACKGROUND:

The applicant is requesting relief from the By-law in order to reduce the number of required parking spaces. The specific request is to reduce the number of spaces from 48 to 20 spaces. The Town's

Comprehensive Zoning By-Law 2010-40 classifies a crossfit box as a Commercial Athletic Centre, and assigns it a minimum number of off-street parking spaces at the same rate as a Community Centre, Outdoor Recreation Facility, or Sports Arena, at 1 space per 14 square metres of gross floor area.

The 210 Pony Drive complex was built similar in design to many industrial properties in Newmarket's employment lands. It was designed to an industrial standard, with high ceilings and a number of parking spaces in conformity with the originally-intended industrial use. With the departure of many manufacturing jobs from Ontario, there have been rising vacancy rates in industrial properties, with Newmarket having an industrial vacancy rate of 12.5% in 2014. This has led to new types of tenants expressing interest in locating in sites such as 210 Pony Drive due to amenable physical configurations and comparably low rents. In cases such as this, a new potential tenant may have a land use which is permitted on the site, but a parking demand higher than the initial industrial use's design.

The 210 Pony Drive complex contains five units which contain primarily industrial uses, including a dairy quality assurance firm and a custom painting company. The site has 64 parking spaces, including one barrier-free parking space. The parking requirement for the established tenants has a lower rate than the applicant, and their land use parking demand tends to reach its peak during weekday work hours.

The applicant intends to open a crossfit box in one of the five units on the subject lands. Information has been submitted by the applicant that their parking demand will be substantially lower than the rate required by the Town's zoning by-law. They have explained that crossfit's programming is based on small classes in the early morning and late evening, which is not reflective of the parking needs identified in the zoning by-law. The applicant has advised that the parking demand will not exceed 20 spaces, substantially fewer than the 48 spaces the zoning by-law requires.

#### **4. PLANNING CONSIDERATIONS:**

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

The subject lands are designated "Mixed Employment" in the Town's Official Plan. This designation permits commercial athletics centres, as set out in section 6.3.2 of the Official Plan. Properties are expected to provide sufficient parking, as set out in section 6.2. Therefore the application is found to conform to the Official Plan.

The subject lands are zoned Mixed Employment (EM) Zone by By-law Number 2010-40, as amended. A commercial athletic centre is permitted in this zone.

The general intent of off-street parking requirements is to ensure that each property is able to provide space for the vehicles of its visitors without needing to spill over and park on adjacent properties and nearby streets. The intent is met by this application by providing sufficient parking by recognizing that the parking demand of this use is less than the established zoning requirement, and that it occurs at a different time of day than the other uses on the site.

It is desirable to permit this use and to have a mix of uses on the subject lands. This is in keeping with both the Official Plan and the Zoning By-law. The principle of parking spaces that are shared between different land uses is recognized elsewhere in the zoning by-law for mixed office and residential uses,

and allows for a more efficient use of parking by having complementary land uses share the same space and reduce the amount of time that parking spaces stand empty.

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 sufficient parking for the established tenants and the applicant, and the peak parking demand for the applicant will occur outside of the peak demand time for the established tenants.

In addition, Town staff have prepared included conditions to the variance to ensure that parking demand is managed appropriately on-site. These include that the subject lands not be permitted to have any additional units or area devoted to a commercial athletic facility. Such conditions have been previously implemented in similar cases.

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

**4. OTHER COMMENTS:**

Engineering Services has reviewed the application and advised that they can support the requested variance. If Committee approves the variance, Engineering Services recommends restrictions on the approval to limit the proposed use to prohibit further expansion. Comments from Engineering Services are attached to this application.

Building Services has reviewed the application and advised that they have no objections. Comments from Building Services are attached to this application.

**5. CONCLUSIONS:**

The relief as requested:

- (1) appears to be minor in nature as the impact on adjacent properties appears to be minimal due to ability to manage the parking demand on-site; and
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit commercial athletic centre uses on the property; and
- (3) does not adversely affect the neighbourhood and is considered a desirable development of the lot.

Respectfully submitted,



Ted Horton  
Planner

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





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

COMMITTEE OF

DEC - 9 2015

ADJUSTMENT

## M E M O R A N D U M

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

FROM: M. Kryzanowski., Senior Transportation Coordinator

DATE: December 9, 2015

RE: Committee of Adjustment  
 Application for Minor Variance, File No. D13-A26-15  
 210 Pony Drive  
 Town of Newmarket, Ward 3  
 ES File No.: D21 D.22.26.75

Further to the December 7, 2015 memorandum, Engineering Services has received a parking justification report prepared by NexTrans Engineering, dated December 7, 2015 in support of the requested variance.

To reiterate, the application is to request relief from Zoning By-Law 2010-40, as amended by By-Law Number 2014-54, Section 5.3.2 Minimum Off-Street Parking Requirements to permit 20 parking spaces for a commercial athletic centre, notwithstanding the bylaw requirement of the 49 parking spaces.

The parking justification report outlines the operations of the use, undertakes site surveys on two separate days, examines the parking demand on first principles assessment, and compares the use to an existing proxy site at 125 Harry Walker Drive.

Based on the information provided, Engineering Services can support the requested variance.

However, it is still suggested that the Committee should limit the proposed use to a specific number of units requested to prohibit further expansion and potentially creating parking issues for the site.

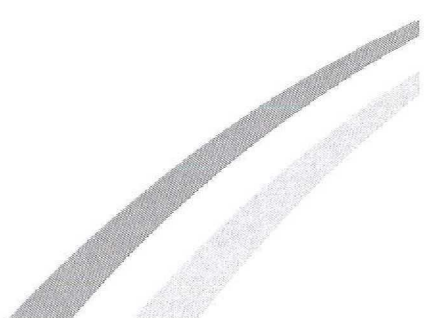
Sincerely,

**ENGINEERING SERVICES**

  
 M. Kryzanowski, BES, MCIP, RPP  
 Senior Transportation Coordinator

MK016M

COPY: R. Bingham, C.E.T., Manager of Engineering and Technical Services  
 K. Pelham, Committee Secretary





DEVELOPMENT AND INFRASTRUCTURE SERVICES – ENGINEERING SERVICES  
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 Newmarket, ON L3Y 4X7 F: 905 953 5138

## MEMORANDUM

TO: R. Nethery, B.E.S., MCIP, RPP, Director of Planning and Building Services  
 FROM: M. Kryzanowski, Senior Transportation Coordinator  
 DATE: December 7, 2015  
 RE: Committee of Adjustment  
 Application for Minor Variance, File No. D13-A26-15  
 210 Pony Drive  
 Town of Newmarket, Ward 3  
 ES File No.: D21 D.22.26.75



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

To request relief from Zoning By-Law 2010-40, as amended by By-Law Number 2014-54, Section 5.3.2 Minimum Off-Street Parking Requirements to permit 20 parking spaces for a commercial athletic centre, notwithstanding the bylaw requirement of the 49 parking spaces.

The application has submitted no supporting document on the justification of a parking variance at the time of the report.

Based on the information provided, Engineering Services cannot support the requested variance. Engineering Services is concerned that the level of parking variance may be excessive with no available on-street parking or municipal parking lots in the area.

However, if the Committee does approve the variance, then there should be restrictions on the approval to limit the proposed use to a specific number of units requested for prohibit further expansion.

Sincerely,

### ENGINEERING SERVICES

  
 M. Kryzanowski, BES, MCIP, RPP  
 Senior Transportation Coordinator

MK015M

COPY: R. Bingham, C.E.T., Manager of Engineering and Technical Services  
 K. Pelham, Committee Secretary



**Pelham, Kym**



**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** December-08-15 10:37 AM  
**To:** Pelham, Kym  
**Subject:** FW: D13-A26-15 - 210 Pony Drive  
**Attachments:** 2015 - D13-A26 (Hopkinson) Application.pdf; 2015 - D13-A26 (Hopkinson) Notice.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

O 1-877-464-9675 ext. 71538 | [gabrielle.hurst@york.ca](mailto:gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)

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**From:** Bilkhu, Vick  
**Sent:** Wednesday, December 02, 2015 8:46 AM  
**To:** Hurst, Gabrielle  
**Subject:** FW: D13-A26-15 - 210 Pony Drive

**From:** Pelham, Kym [<mailto:kpelham@newmarket.ca>]  
**Sent:** Wednesday, December 02, 2015 8:40 AM  
**To:** Bilkhu, Vick  
**Subject:** D13-A26-15 - 210 Pony Drive

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A26-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, December 10, 2015.

Thanks  
 Kym



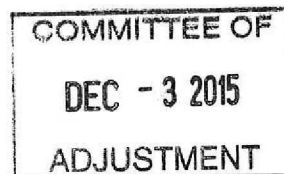
**Kym Pelham, ACST**  
 Committee Secretary  
 Planning and Building Services  
 905-953-5300, press 2, ext. 2456  
 905-953-5140 (fax)  
[kpelham@newmarket.ca](mailto:kpelham@newmarket.ca)  
[www.newmarket.ca](http://www.newmarket.ca)

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Planning & Building Services  
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395 Mulock Drive  
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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:** December 3, 2015

**RE:** Application for Minor Variance

**File no:** D13-A26-15

I have reviewed the above and have no objection based on declared occupancy of 20 persons.

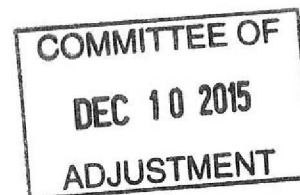
A handwritten signature in cursive script, appearing to read "D. Potter".  
for David



# PLANNING AND BUILDING SERVICES

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

www.newmarket.ca  
planning@newmarket.ca  
T: 905.953.5321  
F: 905.953.5140



## REPORT

TO: Committee of Adjustment

FROM: Ted Horton  
Planner

DATE: December 4, 2015

RE: Application for Minor Variance **D13-A27/2015**  
Units 5 & 6, Level 1, York Region Standard Condominium Plan No. 992  
Town of Newmarket  
Made by: Nadtochii, Iana and Yuri

### 1. RECOMMENDATIONS:

That Minor Variance Application D13-A27/2015 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; and
3. That no additional commercial athletic centre or additional gross floor area devoted to a commercial athletic centre beyond that of the current applicant is permitted on the subject lands.

### 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 a parking provision that is less than the required number of spaces. This variance is required by the applicant in order to be in compliance with the zoning by-law.

The above-described property (herein referred to as the "subject lands") is located in the Town's employment lands, specifically on the south side of Kerrisdale Boulevard east of Leslie Street. There are two multi-unit single storey buildings on the site surrounded by a parking lot, and are surrounded by similar buildings.

### 3. BACKGROUND:

The applicant is requesting relief from the By-law in order to reduce the number of required parking spaces. The specific request is to reduce the number of spaces from 31 to 14 spaces. The Town's Comprehensive Zoning By-Law 2010-40 classifies a circus school as a Commercial Athletic Centre, and assigns it a minimum number of off-street parking spaces at the same rate as a Community



Centre, Outdoor Recreation Facility, or Sports Arena, at 1 space per 14 square metres of gross floor area.

The 1150-1160 Kerrisdale Boulevard complex was built in 2002 and is similar in design to many industrial properties in Newmarket's employment lands. It was designed to an industrial standard, with high ceilings and a number of parking spaces in conformity with the originally-intended industrial use. With the departure of many manufacturing jobs from Ontario, there have been rising vacancy rates in industrial properties, with Newmarket having an industrial vacancy rate of 12.5% in 2014. This has led to new types of uses expressing interest in locating in sites such as 1150 Kerrisdale Boulevard due to amenable physical configurations and comparably low rents. In cases such as this, a new potential use may have a land use which is permitted on the site, but a parking demand higher than the initial industrial use's design.

The applicant intends to open a circus school in two of the twelve units on the subject lands. The applicant's business has operated in Newmarket for the past two decades on Kerrisdale Boulevard. Information has been submitted that the business' historical parking demand has been substantially lower than the rate required by the Town's zoning by-law, and rarely exceeds 10 vehicles. The applicant has also visited the Kerrisdale Boulevard site and provided photos and vehicle counts to demonstrate that existing parking demand on the site is lower than the rate required by the Town's zoning by-law.

The 1150-1160 Kerrisdale Boulevard complex contains 12 units which contain a range of uses, including a library wholesaler, label machine manufacturing, an office, and fastener manufacturing. The site has 84 parking spaces, including two barrier-free parking spaces. The parking requirement for the established tenants varies depending on their type of use. In addition, the peak parking demand as described by the applicant as explained will occur later in the day than much of the parking demand for the existing tenants, avoiding potential parking conflict.

#### **4. PLANNING CONSIDERATIONS:**

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

The subject lands are designated "Mixed Employment" in the Town's Official Plan. This designation permits commercial athletics centres, as set out in section 6.3.2 of the Official Plan. Therefore the application is found to conform to the Official Plan.

The subject lands are zoned Mixed Employment (EM) Zone by By-law Number 2010-40, as amended. A commercial athletic centre is permitted in this zone. The general intent of off-street parking requirements is to ensure that each property is able to provide space for the vehicles of its visitors without needing to spill over and park on adjacent properties and nearby streets. The intent is met by this application by providing sufficient parking by recognizing that the parking demand of this use is less than the established zoning requirement, and that it occurs at a different time of day than the other uses on the site.

It is desirable to permit this use and to have a mix of uses on the subject lands. This is in keeping with both the Official Plan and the Zoning By-law. The principle of parking spaces that are shared between different land uses is recognized elsewhere in the zoning by-law for mixed office and residential uses, and allows for a more efficient use of parking by having complementary land uses share the same space and reduce the amount of time that parking spaces stand empty.

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 sufficient parking for the established tenants and the applicant, and the peak parking demand for the applicant will occur outside of the peak demand time for the established tenants.

In addition, Town staff have prepared included conditions to the variance to ensure that parking demand is managed appropriately on-site. These include that the subject lands not be permitted to have any additional units or area devoted to a commercial athletic facility. Such conditions have been previously implemented in similar cases.

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

**4. OTHER COMMENTS:**

Engineering Services has reviewed the application and advised that they cannot support the requested variance. If Committee approves the variance, Engineering Services recommends restrictions on the approval to limit the proposed use to prohibit further expansion. Comments from Engineering Services are attached to this application.

Building Services has reviewed the application and advised that they have no objections. Comments from Building Services are attached to this application.

**5. CONCLUSIONS:**

The relief as requested:

- (1) appears to be minor in nature as the impact on adjacent properties appears to be minimal due to ability to manage the parking demand on-site; and
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit commercial athletic centre uses on the property; and
- (3) does not adversely affect the neighbourhood and is considered a desirable development of the lot.

Respectfully submitted,



Ted Horton  
Planner

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



**Pelham, Kym**



**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** December-08-15 10:52 AM  
**To:** Pelham, Kym  
**Subject:** FW: D13-A27-15 - 1150 Kerrisdale Boulevard, Units 5 & 6  
**Attachments:** 2015 - D13-A27 (Nadtotchii) Application.pdf; 2015 - D13-A27 (Nadtotchii) Notice.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

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**From:** Bilkhu, Vick  
**Sent:** Wednesday, December 02, 2015 8:50 AM  
**To:** Hurst, Gabrielle  
**Subject:** FW: D13-A27-15 - 1150 Kerrisdale Boulevard, Units 5 & 6

**From:** Pelham, Kym [<mailto:kpelham@newmarket.ca>]  
**Sent:** Wednesday, December 02, 2015 8:41 AM  
**To:** Bilkhu, Vick  
**Subject:** D13-A27-15 - 1150 Kerrisdale Boulevard, Units 5 & 6

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A27-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, December 10, 2015.

Thanks  
 Kym



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

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 Newmarket, ON L3Y 4X7 F: 905 953 5138

COMMITTEE OF  
 DEC - 8 2015  
 ADJUSTMENT

## MEMORANDUM

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

FROM: M. Kryzanowski., Senior Transportation Coordinator

DATE: December 7, 2015

RE: Committee of Adjustment  
 Application for Minor Variance, File No. D13-A27-15  
 1150 Kerrisdale Boulevard  
 Town of Newmarket, Ward 3  
 ES File No.: D21 D.22.39.48

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

To request relief from Zoning By-Law 2010-40, as amended by By-Law Number 2014-54, Section 5.3.2 Minimum Off-Street Parking Requirements to permit 14 parking spaces for a commercial athletic centre, notwithstanding the bylaw requirement of the 31 parking spaces.

The application has a short supporting document which includes an outline of the operations, an operating brochure, a one-day parking count, and pictures. The supporting document was not prepared by a professional consultant.

Based on the information provided, Engineering Services cannot support the requested variance. Engineering Services is concerned that the level of parking variance may be excessive with no available on-street parking or municipal parking lots in the area.

However, if the Committee does approve the variance, then there should be restrictions on the approval to limit the proposed use to a specific number of units requested for prohibit further expansion.

Sincerely,

### ENGINEERING SERVICES

M. Kryzanowski, BES, MCIP, RPP  
 Senior Transportation Coordinator

MK014M

COPY: R. Bingham, C.E.T., Manager of Engineering and Technical Services  
 K. Pelham, Committee Secretary



Planning & Building Services  
Office of the Building Inspector  
TOWN OF NEWMARKET  
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COMMITTEE OF  
DEC - 3 2015  
ADJUSTMENT

## MEMORANDUM

**TO:** Committee of Adjustment

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

**DATE:** December 3, 2015

**RE:** Application for Minor Variance

**File no:** D13-A27-15

I have reviewed the above and have no objection based on declared occupant load of 35 on OBC Data Matrix.

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

for David

The meeting of the Committee of Adjustment was held on Wednesday, November 18<sup>th</sup>, 2015 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

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

Staff Present: Linda Traviss, Senior Planner - Development  
Ted Horton, Planner  
Kym Pelham, Committee Secretary

The Meeting was called to order at 9:32 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-A20-15 TOOMBS, Darcy  
GILBERT, Michelle  
Part Lot 19, Plan 222  
406 Tecumseth Street  
Town of Newmarket**

Darcy Toombs of 406 Tecumseth Street, NEWMARKET, ON L3Y 2B1, addressed the Committee and provided the following comments:

- have lived in the house for 4 ½ years
- wish to build a home to suit their expanding family
- require some minor variances to fit the house on the property

Fred Stoneman inquired as to what the 3<sup>rd</sup> storey would be used for and could it be finished off in the future. Mr. Toombs mentioned that it would be used for storage and attic space and that it was not his intention to finish the 3<sup>rd</sup> storey.

Mr. Stoneman also inquired as to where the height of the house is calculated from and what the height is to the peak and Mr. Toombs mentioned that it is taken to the median roof line



and that he was not sure of the measurement to the peak, however, he believed it was 10.75 metres.

Mr. Stoneman asked staff if they agreed with the way the height is calculated and was this for the entire area and Linda Traviss mentioned that this was a provision of the zoning bylaw which applied to the Town of Newmarket and that it is common practice through Ontario to calculate building height this way.

Peter Mertens inquired as to whether the Heritage Committee is circulated with regards to demolition of the house and Ms. Traviss mentioned that the property is not designated, nor is it on the list of properties of interest to the Heritage Committee and therefore, there is no need to consult them.

Ken Smith inquired as to what is so unique about the plan and why the applicants could not build within the guidelines. Mr. Toombs mentioned that there were challenges pushing the house back on the lot, as the property is only approximately 90' in depth and that the current home is only 13 cm further back than the proposed house.

Mr. Stoneman inquired as to whether there was a full basement and Mr. Toombs advised that there was.

The Chair inquired as to the area above the garage and what the future plans are for this space and Mr. Toombs advised that it would be a living room or family room. The square footage not including the garage space is 2,726 sq. ft. and including the garage area would be 3,234 sq. ft.

Elizabeth Girard of 412 Tecumseth Street, NEWMARKET, ON L3Y 2B1, addressed the Committee and made a presentation (copy of presentation is attached and marked as Schedule A).

Mr. Stoneman asked what the height of their home was and Ms. Girard mentioned that it was a 1 ½ storey home.

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

1. Report from Linda Traviss, Senior Planner - Development dated November 12, 2015;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated November 6, 2015;
3. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated November 5, 2015;
4. Comments from David Potter, Chief Building Official dated November 11, 2015; and
5. E-mail from Vick Bilkhu, Development Review Coordinator, Community Planning, Transportation and Community Planning Department, The Regional Municipality of York dated November 3, 2015.

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

*Moved by Gino Vescio*

*Seconded by Peter Mertens*

***THAT Minor Variance Application D13-A20-15 be approved, subject to the following conditions:***

1. that the variances pertain only to the construction of a 2 storey dwelling;
2. that development be substantially in accordance with the Site Plan 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.

as the Minor Variance Application:

- (1) as submitted is not minor in nature, however, a 2 storey dwelling 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.

CARRIED

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

Chris Howie of 191 Park Avenue, NEWMARKET, ON L3Y 1T9, addressed the Committee and provided the following comments:

- have lived in Newmarket since 1977
- purchased the property last May
- wish to build a second storey on the home within the existing footprint
- hoping this would promote others in the area to upgrade their homes

John Gallaway of 295 Second Street, NEWMARKET, ON L3Y 3W5, addressed the Committee and advised that he had spoken to Mr. Howie and had no issues with the proposal.

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

1. Report from Ted Horton, Planner dated November 11, 2015;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated November 4, 2015;
3. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated November 5, 2015;
4. Comments from David Potter, Chief Building Official dated November 11, 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 November 4, 2015;
6. Letter from Peter Lozier of 307 Second Street, NEWMARKET, ON L3Y 3W5 dated November 7, 2015; and
7. Letter from Brad Boland of 300 Prospect Street, NEWMARKET, ON L3Y 3V2 dated November 7, 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-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.

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-A23-15 FULIGNI, Dan  
FULIGNI, Shirley  
Lot 4, Plan 435  
187 Queen Street  
Town of Newmarket**

Dan Fuligni of 187 Queen Street, NEWMARKET, ON L3Y 2G1, addressed the Committee and provided the following comments:

- building a garage 24' x 24'
- variance was approved in 2000, however, the bylaw changed and the variance was not incorporated
- previous variance was for a larger garage

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

1. Report from Linda Traviss, Senior Planner - Development dated November 11, 2015;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated November 6, 2015;
3. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated November 5, 2015;
4. Comments from David Potter, Chief Building Official dated November 11, 2015;
5. E-mail from Vick Bilkhu, Development Review Coordinator, Community Planning, Transportation and Community Planning Department, The Regional Municipality of York dated November 3, 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 November 4, 2015.

There were no comments from the public on this application.

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

**THAT Minor Variance Application D13-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.

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 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.

**CARRIED**

The Minutes of the meeting held on Wednesday, October 21<sup>st</sup>, 2015 were placed before the Committee for consideration.

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

**THAT the Minutes of the Wednesday, October 21<sup>st</sup>, 2015 meeting be approved as circulated.**

**CARRIED**

*Moved by Fred Stoneman*  
*Seconded by Elizabeth Lew*

THAT the meeting dates for hearings for the year 2016 be scheduled as follows:

Wednesday, January 20, 2016  
 Wednesday, February 17, 2016  
 Wednesday, March 16, 2016  
 Wednesday, April 20, 2016  
 Wednesday, May 18, 2016  
 Wednesday, June 15, 2016  
 Wednesday, July 20, 2016  
 Wednesday, August 17, 2016  
 Wednesday, September 21, 2016  
 Wednesday, October 19, 2016  
 Wednesday, November 16, 2016  
 Wednesday, December 21, 2016

**CARRIED**

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

THAT the Meeting adjourn.

**CARRIED**

The meeting adjourned at 10:35 a.m.

\_\_\_\_\_  
 Dated

\_\_\_\_\_  
 Chair



My husband, Peter Markle, and myself, Elizabeth Girard, have lived next door to 406 Tecumseth St. for fifteen years. What attracted us to this street was the beauty and abundance of its mature trees, the century homes, and the indefinable charm of an older neighbourhood. This part of Newmarket is a wonderful place to live, its quiet neighbourhoods always written up as "much sought after" in the real estate ads. A great deal of our own enjoyment has come from the hours spent in our garden and on our patio, projects lovingly completed over the years we have lived here. However, the legitimate pleasure we take in our own property is threatened by Mr. Toomb's application, in the following ways.

Tecumseth is a short street with the existing houses in proportion to its size, therefore the building of a very large three storey house will have a considerable and negative impact on the character of the street. It's a tricky question, balancing a property owner's right to make changes, with the rights of neighbours to maintain the character of the street they chose to live on many years earlier. Older neighbourhoods are unique in this regard and we believe that the town has a responsibility to preserve them as much as possible. We are not opposed to change, it is the only constant in life, but we are opposed to the size of the proposed dwelling, including its proximity to our western property line and to the sidewalk. This proposed house is, in our opinion, too big for the lot and too big for the street.

Three storeys will effectively block out much of the sunshine we now enjoy and will also have a negative impact on the garden. I planted it with a view to available sunlight and now will have considerable expense and work to make it more suitable to shade. We are also concerned about a possible negative impact on the resale value of our home. Should others on the street decide to tear down their smaller houses and build much larger ones, we would likely get only the land value, and not the house and land value for our property when we come to sell it. Even

## Concerns re Application for Variances - 406 Tecumseth St.

if Mr. Toombs' proposed dwelling is the only one of its kind on Tecumseth, it would significantly alter the perspective and possibly the value of our own much smaller house.

Another objection we have concerns the removal of a venerable spruce tree right at Mr. Toombs' western property line. This beautiful tree spreads its branches over our patio, providing us with privacy and, in summer, the cooling effects of wind passing through its branches. That tree is also a pleasure in winter, when it is snow-covered and sheltering chickadees and other winter birds. Its fresh greenery is what we see when looking out our kitchen windows, and I am in the kitchen a lot. One visitor to our home said it felt like being at the cottage. The beauty and delight this tree offers to all who live on this street is priceless, but it is slated to be chopped down because it will interfere with the proposed size of the new house. We would ask Mr. Toombs to consider making the house smaller in order to spare this tree. As you are no doubt aware, cutting down mature trees will significantly alter the character of the street.

Should Mr. Toombs' application for relief from the bylaws governing zoning standards and yard setbacks be successful, what we will see from our kitchen windows is a brick wall, softened only a little by two existing cedar trees and one short Burning Bush. This new house will also be moved much closer to our mutual property line than the present dwelling. Had we wanted to look at brick walls and live in closer proximity to our neighbours we would have chosen a different sort of neighbourhood. We didn't; we chose and paid for what is there now.

We respectfully ask our neighbour to consider the impact on us of his proposed new house, and to make it shorter and smaller so that some of our legitimate concerns can be addressed and alleviated. We have enjoyed cordial, even affectionate, relations with Mr. Toombs and Ms. Gilbert and want to continue to do so.