

The meeting of the Committee of Adjustment was held on Wednesday, December 16th, 2015 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Chair
Fred Stoneman, Member
Peter Mertens, Member
Elizabeth Lew, Member
Betty Dykstra, Alternate Member

Staff Present: Linda Traviss, Senior Planner - Development
Ted Horton, 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-A17-15 GERRITS, Adam
GERRITS, Randall
Lot 8, Plan 376
299 Avenue Road
Town of Newmarket**

Adam and Randall Gerrits of 299 Avenue Road, NEWMARKET, ON L3Y 1N8, addressed the Committee and provided the following comments:

- would like to build on to existing home
- want to add second storey to current footprint

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

1. Report from Linda Traviss, Senior Planner - Development dated December 11, 2015;
2. Memorandum from V. Klyuev, Senior Engineering Development Coordinator - Residential dated December 5, 2015;
3. Memorandum from David Potter, Chief Building Official dated December 2, 2015;

4. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated December 14, 2015; and
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 December 3, 2015.

There were no comments from the public on this application.

*Moved by Peter Mertens
Seconded by Betty Dykstra*

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.

as the Minor Variance Application:

- (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.

CARRIED

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

Nell Van den Elzen of 296 Ellen Street, NEWMARKET, ON L3Y 4C6, addressed the Committee and provided the following comments:

- wish to have driveway off Andrew Street
- currently only have parking for 1 car in driveway
- requesting driveway off Andrew Street for their 2 vehicles

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

1. Report from Ted Horton, Planner dated December 3, 2015;
2. Memorandum from V. Klyuev, Senior Engineering Development Coordinator - Residential dated December 7, 2015;
3. Memorandum from David Potter, Chief Building Official dated December 2, 2015;
4. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated December 14, 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 December 3, 2015; and
6. Letter from Richard Waddell of 292 Ellen Street, NEWMARKET, ON L3Y 4C6 dated November 17, 2015.

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

*Moved by Fred Stoneman
Seconded by Elizabeth Lew*

THAT Minor Variance Application D13-A21-15 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 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.

as the Minor Variance Application:

- (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.

CARRIED

D13-A26-15 HOPKINSON, Sydney John
Part Lot 2, Concession 3
being Parts 5 & 6, Plan 65R-12998
210 Pony Drive
Town of Newmarket

Annik Forristal of McMillan LLP, 181 Bay Street, Suite 4400, TORONTO, ON M5J 2T3, addressed the Committee and provided the following comments:

- represent Tidal Fitness Ltd.
- authorized by the owner
- new tenant and use is for a cross fit training centre
- will be holding 7 one hour classes per day to a maximum of 17 participants and 3 employees
- peak hours will be different than those of the other units
- parking justification report advised that there are 54 spaces and based on the usage only 20 would be required
- maximum used currently are 21 parking spaces, which would leave 13 spaces available
- agree with the staff report
- will be no negative impact on other units
- have letters of support from three of the other units

David Rose of 215 Pony Drive, NEWMARKET, ON L3Y 7B5, addressed the Committee and provided the following comments:

- not in favour of the application
- already have parking issues at 215 Pony Drive
- overflows are parking on the street

Fred Stoneman inquired as to where the overflow parking was coming from and Mr. Rose mentioned that it was coming from 225 Pony Drive.

Mr. Stoneman also inquired as to whether Mr. Rose had noticed any parking issues at 210 Pony Drive and Mr. Rose mentioned that he had not noticed any issues.

Andrea Bourrie of MMM Group, 100 Commerce Valley Drive West, THORNHILL, ON L3T 0A1, addressed the Committee and provided the following comments:

- represent business in Unit #3
- the business owner is not opposed to the variance and feels it will be a great addition provided they comply with the business licencing provisions and the zoning bylaw
- the parking will have an impact on the other businesses
- concerns may be addressed if there are 10 designated spaces for the business at Unit #3
- will there be a crossover between classes
- her client operates from 5 pm to 8 pm
- want to know how the parking situation will be enforced
- not appropriate for her client to contact the bylaw enforcement office for every issue

Ted Horton mentioned that the signage for individual businesses could be dealt with by the management of the building as they have the ability to impose restrictions or the Committee could impose a condition to deal with the signage on site.

The Chair mentioned that with respect to designating parking spots for certain units, that this issue could be resolved between the parties.

Peter Mertens inquired as to what the other 3 uses were in the building and Ms. Forristal mentioned that they were warehousing, edge metal and technology uses, which all operate under regular business hours.

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

1. Revised report from Ted Horton, Planner dated December 15, 2015;
2. Memorandum from M. Kryzanowski, Senior Transportation Coordinator dated December 7, 2015;
3. Memorandum from M. Kryzanowski, Senior Transportation Coordinator dated December 9, 2015;
4. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated December 14, 2015;
5. Memorandum from David Potter, Chief Building Official dated December 3, 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 December 8, 2015;
7. Letter from Kim Delgado Sales Manager, Dixon Triconderoga Inc., 210 Pony Drive, Unit 1, NEWMARKET, ON L3Y 7B6 dated December 15, 2015;
8. E-mail from Carolyn Jackson, Manager, Sales Operations, Dairy Quality Inc., 210 Pony Drive, Unit 5, NEWMARKET, ON L3Y 7B6 dated November 26, 2015; and
9. Letter from Len Robinson, The Edge Custom Coatings, 210 Pony Drive, Unit 4, NEWMARKET, ON L3Y 7B6 dated December 15, 2015.

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

*Moved by Peter Mertens
Seconded by Fred Stoneman*

THAT Minor Variance Application D13-A26-15 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; 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.

as the Minor Variance Application:

- (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 character of the neighbourhood and is considered a desirable development of the lot.

CARRIED

**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
Town of Newmarket**

Iana Nadtochii of 46 Oak Avenue, RIVER DRIVE PARK, ON L9N 1A2, addressed the Committee and provided the following comments:

- operate Big Top School of Circus Arts
- have been in operation for 20 years
- were previously tenants in similar units, however the units sold and they had to move
- looking for properties with EM zoning and found 1150 Kerrisdale
- parking is not sufficient
- cater to children 3 to 14 years of age
- parents normally drop off the children
- run birthday parties on the weekends and summer camps
- do offer some adult classes
- require minimal parking
- hours of operation start at 5 pm Tuesday to Thursday, Saturday from 9 am and Sunday if there are any birthday parties booked they open at 11:00 am.

The Chair mentioned that he had concerns regarding the parking on Saturdays and Ms. Nadtochii mentioned that there were usually only 3 cars in the parking lot on Saturdays and most of the businesses do not operate on Saturday.

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

1. Revised report from Ted Horton, Planner dated December 15, 2015;
2. Memorandum from M. Kryzanowski, Senior Transportation Coordinator dated December 7, 2015;
3. Memorandum from David Potter, Chief Building Official dated December 3, 2015;
4. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated December 14, 2015; and
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 December 8, 2015.

There were no comments from the public on this application.

***Moved by Elizabeth Lew
Seconded by Betty Dykstra***

THAT Minor Variance Application D13-A27-15 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; 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.

as the Minor Variance Application:

- (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 character of the neighbourhood and is considered a desirable development of the lot.

CARRIED

The Minutes of the meeting held on Wednesday, November 18th, 2015 were placed before the Committee for consideration.

Moved by Peter Mertens
Seconded by Elizabeth Lew

THAT the Minutes of the Wednesday, November 18th, 2015 meeting be approved as circulated.

CARRIED

Moved by Fred Stoneman
Seconded by Peter Mertens

THAT the Meeting adjourn.

CARRIED

The meeting adjourned at 10:15 a.m.

Dated

Chair