

Declarations of Pecuniary Interest

Approval of Minutes

1. Minutes of the regular Meeting of the Committee held on Wednesday, January 20, 2016. p. 1

Minor Variance Applications

2. D13-A01-16 PRIEUR, Ronald p. 7
 PRIEUR, Claire
 Part Lot 10, Plan 13
 448 Botsford Street
 Town of Newmarket

New Business

Adjournment

The meeting of the Committee of Adjustment was held on Wednesday, January 20th, 2016 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 9:30 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-A28-15 GOODMAN, David
Lot 3, Plan 48
340 Timothy Street
Town of Newmarket

David Goodman of 340 Timothy Street, NEWMARKET, ON L3Y 1P5, addressed the Committee and provided the following comments:

- wish to build front porch on house
- property line is 6' from house
- porch does conform with the character of the neighbourhood

Fred Stoneman inquired as to how far the porch would be from the sidewalk and Mr. Goodman mentioned that the property line would be approximately 4' from the sidewalk and the porch should be 1' from the property line.

Ken Smith inquired as to whether there would be steps down from the porch and if they would be closer to the lot line and Mr. Goodman mentioned that the steps would not be any closer to the lot line.

Dave Ingram of 191 Brammar Street, NEWMARKET, ON L3Y 7T4, addressed the Committee and inquired as to whether a new drawing should be submitted for the steps to ensure compliance and the Chair advised that during the building permit process, the steps would be reviewed for compliance at that time.

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

1. Report from Ted Horton, Planner dated January 6, 2016;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated January 11, 2016;
3. Memorandum from David Potter, Chief Building Official dated December 22, 2015;
4. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated December 21, 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 January 5, 2016.

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

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

THAT Minor Variance Application D13-A28-15 be approved, subject to the following conditions:

1. That the variance pertains only to the request 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
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 appears to be minimal;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

CARRIED

- D10-B04-15 RORA, Maksim**
Lot 8 and Part of Lot 7, Plan 24
648 Srigley Street
Town of Newmarket
- D13-A24-15 RORA, Maksim**
Part Lot 7 and Part Lot 8, Plan 24
Srigley Street (new lot on west side of 648 Srigley Street)
Town of Newmarket
- D13-A25-15 RORA, Maksim**
Part Lot 8, Plan 24
648 Srigley Street
Town of Newmarket

Angela Sciberras of Macaulay Shiomi Howson Ltd., 471 Timothy Street, NEWMARKET, ON L3Y 1P9, addressed the Committee and provided the following comments:

- acting on behalf of Mr. Rora
- filed application to sever existing lot to permit 2 single family dwellings
- site has an existing dwelling with 2 rental units
- frontage will be less than zoning bylaw requires
- the area is unusual
- variances are only for frontage and the building will meet all other requirements of the zoning bylaw
- building footprint will be reduced on one lot due to LSRCA restrictions
- owner intends on residing on one of the lots and will sell the westerly property
- willing to work on design with the Town

Mr. Smith inquired as to whether they had submitted a footprint of the proposed building and Ms. Sciberras mentioned that a footprint had been submitted and there will be no more requests for variances on the lots.

Peter Mertens asked if the footprint shows the setbacks and Ms. Sciberras mentioned that the setbacks are 3 metres on either side.

Mr. Stoneman asked how long Mr. Rora has owned the property and Mr. Rora mentioned that he has had ownership of the property for 2 ½ years.

Mr. Mertens inquired as to whether reducing the frontage from 15 metres to 12 metres was indeed minor in nature and Linda Traviss mentioned that the staff report had deemed it appropriate.

There was a discussion regarding the sizes of the lots in the area and the numerous lots that had been considered by Ms. Traviss for her planning report.

Ms. Sciberras mentioned that the properties at 658, 654 and 644 Srigley were all rental units. 654 has 8 units and if demolished the use would no longer be permitted. This consent application is creating a legal status for two units.

Lori Rose of 189 Mary Street, NEWMARKET, ON L3Y 3P9, addressed the Committee and

inquired as to whether the new home would be on the existing footprint and had concerns regarding drainage and the Chair advised that the homes would not be built on the existing footprint, as there would be two new homes and the existing house would be demolished. The Chair also mentioned that the new buildings would have to comply with the zoning bylaw and drainage would be addressed during the site plan agreement stage.

Dave Ingram of 191 Brammar Street, NEWMARKET, ON L3Y 7T4, addressed the Committee and provided the following comments:

- concerns regarding use and size of lots
- approval of applications would be opening a Pandora's box

The following correspondence was received regarding D10-B04-15 and considered by the Committee regarding the application:

1. Report from Linda Traviss, Senior Planner - Development dated January 14, 2016;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated January 11, 2016;
3. Memorandum from David Potter, Chief Building Official dated December 22, 2015;
4. Letter from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated January 5, 2016;
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 January 5, 2016;
6. Letter from Peter M. Green, Director, Capital Development, Southlake Regional Health Centre dated January 11, 2016;
7. E-mail from Dennis De Rango, Specialized Services Team Lead, Hydro One dated December 30, 2015;
8. Letter from Lily Apa, Planning Coordinator, Rogers Communications dated December 30, 2015; and
9. Letter from Nikki DeGroot, Municipal Planning Advisor, Distribution Planning & Records, Enbridge Gas Distribution dated January 9, 2016.

The following correspondence was received regarding D13-A24-15 and considered by the Committee regarding the application:

1. Report from Linda Traviss, Senior Planner - Development dated January 14, 2016;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated January 11, 2016;
3. Memorandum from David Potter, Chief Building Official dated December 22, 2015;
4. Letter from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated January 5, 2016; 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 January 5, 2016.

The following correspondence was received regarding D13-A25-15 and considered by the Committee regarding the application:

1. Report from Linda Traviss, Senior Planner - Development dated January 14, 2016;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated January 11, 2016;
3. Memorandum from David Potter, Chief Building Official dated December 22, 2015;

4. Letter from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated January 5, 2016; 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 January 5, 2016.

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

Moved by Fred Stoneman
Seconded by Peter Mertens
Opposed by Gino Vescio

THAT Consent Application D10-B04-15 be approved, subject to the following conditions:

- a. the Owner enter into a leading site plan agreement for the future development of the subject and retained lands dealing with all matters, financial, servicing, grading and storm drainage design and otherwise including the payment of a parkland contribution in accordance with the provisions of the *Planning Act, R.S.O. 1990*, to the satisfaction of the Town;
- b. the Owner grant to the Town at no cost a 2.0 metre road widening across the frontage of the subject and retained lands;
- c. the Owner provide three white prints of a deposited reference plan of survey that substantially conforms to the application as approved by Committee; and
- d. the Owner obtain relief from the provisions of the Zoning By-law for reduced lot frontage as set forth in Minor Variance Applications D13-A24-15 and D13-A25-15.

as the proposed consent application:

provided relief is obtained for reduced lot frontage, would conform with the purpose and intent of the Official Plan and the Zoning By-law, as amended. The owner will be required to enter into a site plan agreement with the Town and to obtain the necessary relief from the Zoning By-law for reduced lot frontage for the subject and remaining lands. The consent would not adversely affect the character of the neighbourhood and is desirable for the appropriate development and land use.

CARRIED

Moved by Fred Stoneman
Seconded by Peter Mertens
Opposed by Gino Vescio

THAT Minor Variance Applications D13-A24-15 and D13-A25-15 be approved, subject to the following conditions:

- a. that the variances pertain only to the requests as submitted with the applications;
- b. that development be substantially in accordance with the “Proposed Building Footprint” submitted with the applications;

- c. that the owner be advised that prior to the issuance of any building permits 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; and
- d. that the owner be advised that prior to any development or site alteration occurring on the severed or retained lands a permit will be required from the Lake Simcoe Region Conservation Authority.

as the Minor Variance Applications:

- (1) appear to be minor in nature as the impact on adjacent properties will be minimal;
- (2) conform to the intent and purpose of the Official Plan and Zoning By-law as the new lots will be of sufficient size; and
- (3) do not adversely affect the character of the neighbourhood and is desirable for the appropriate development or use of the land, buildings or structures.

CARRIED

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

Moved by Peter Mertens
Seconded by Elizabeth Lew

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

CARRIED

Moved by Fred Stoneman
Seconded by Elizabeth Lew

THAT the Meeting adjourn.

CARRIED

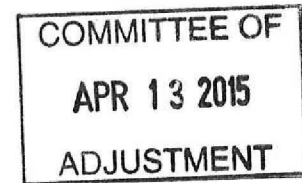
The meeting adjourned at 10:25 a.m.

Dated

Chair



REPORT



TO: Committee of Adjustment

FROM: Ted Horton
Planner

DATE: April 13, 2016

RE: Application for Minor Variance **D13-A01-16**
448 Botsford Street
Made by: Ronald Prieur and Clair Prieur

1. RECOMMENDATIONS:

That Minor Variance Application D13-A01-16 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 development of this property is subject to the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy;
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 rear addition of 56 square feet or 5.2 square metres.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood west of Main Street South.

3. PLANNING CONSIDERATIONS:

The applicant is requesting relief from the By-law in order to construct a rear addition as a small mudroom. The specific request for the proposed addition is to increase the permitted lot coverage to 46%. The existing structure already exceeds the permitted lot coverage of 35%.

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

The subject lands are designated "Urban Centre" in the Town's Official Plan, and within that designation as part of the Historic Downtown Centre. This designation permits single detached dwellings. Therefore the application is found to conform to the Official Plan.

The subject lands are zoned Residential Semi-Detached Dwelling (R2-K) Zone by By-law Number 2010-40, as amended. The subject lands are subject to the decision of the Committee of Adjustment decision A35/2005 in which a single family dwelling was permitted in the then-current Two Family Residential Third Density R3 Zone.

The general intent of a limit on lot coverage is to ensure that buildings do not fill the property from edge to edge, and to maintain a certain amount of space between buildings. The existing structure already exceeds the permitted lot coverage of 35%, and the proposed addition will further increase the lot coverage. Being located in the historic downtown area, the lot size is smaller than R2-K lots are required to be. The intent of the Zoning By-Law's maximum lot coverage provisions is to prevent overdevelopment of the property. Based on the limited lot size and limited impact of the further increased lot coverage, the general intent of the zoning by-law is met.

It is desirable to develop the lot to permit this use. It is considered desirable to permit a land owner to improve their property and renew and improve 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 limited change in footprint, and such change as is proposed takes place within the existing setbacks.

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 is 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 Chief Building Official and the Region of York have reviewed the application and have no concerns at this time.

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. No trees are expected to be impacted by this proposal.

5. **CONCLUSIONS:**

The recommendation of approval for the variance is based on the rationale described above and specifically that the relief as requested:

- (1) is minor in nature as the impact on adjacent properties appears to be minimal;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit residential uses on the property; and

- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ted Horton".

Ted Horton
Planner

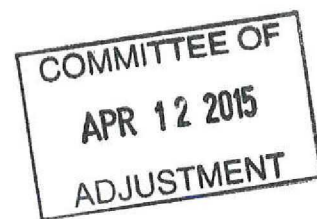
copy: R. Prudhomme, M. Sc, P. Eng. – Director, Engineering Services



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: April 12, 2016

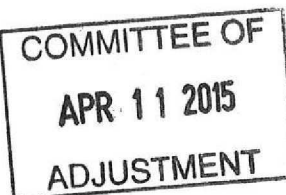
RE: Application for Minor Variance

File no: D10-A01-16

I have reviewed the above and have no concerns or comments at this time.

A handwritten signature in blue ink that reads 'D. Corrigan'.

A handwritten signature in blue ink that reads 'for David'.



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: April 6, 2016

RE: Notice of Application for Minor Variance
File No. D13-A01-16
448 Botsford Street
Made by: Prieur, Ronald and Claire

We herein acknowledge receipt of the Notice for Application for Minor Variance in that the applicant is proposing to build a single storey mudroom. Relief is requested from Zoning Bylaw Number 2010-40, as amended, Section 6.2.2 Zone Standards Regulatory Set K, to permit a maximum lot coverage of 46% notwithstanding the bylaw requirement of 35%; and

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,

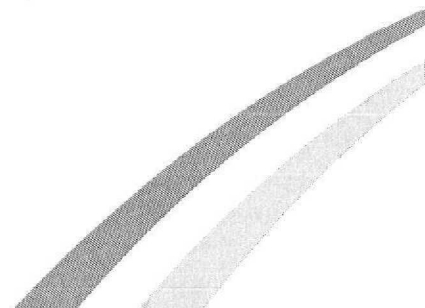
ENGINEERING SERVICES



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

File No.: VK009

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





COMMITTEE OF ADJUSTMENT
 Town of Newmarket
 395 Mulock Drive
 P.O. Box 328
 Newmarket, ON L3Y 4X7
 www.newmarket.ca
 kpelham@newmarket.ca
 T: 905.953.5300 Ext. 2456
 F: 905.953.5140

Notice of Application for Minor Variance

COMMITTEE OF
APR - 6 2015
ADJUSTMENT

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

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

MADE BY: PRIEUR, Ronald
 PRIEUR, Claire
 FILE NUMBER: D13-A01-16
 SUBJECT LAND: Part Lot 10, Plan 13
 448 Botsford Street
 Town of Newmarket
 Ward No.: 5

THE LAKE SIMCOE REGIONAL
 CONSERVATION AUTHORITY HAS
 REVIEWED THIS APPLICATION AND
 DETERMINED THAT WE HAVE
 NO OBJECTION TO ITS APPROVAL

The purpose of the application is as follows:

SIGNATURE  DATE APRIL 6/16

The applicant is proposing to build a single storey mudroom. Relief is requested from Zoning Bylaw Number 2010-40, as amended, Section 6.2.2 Zone Standards Regulatory Set K, to permit a maximum lot coverage of 46%, notwithstanding the bylaw requirement of 35%; and

In accordance with Section 45(2)(a) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, the Applicant is requesting relief, to permit the enlargement of a legal non-conforming use for a proposed mudroom.

THE COMMITTEE OF ADJUSTMENT WILL HEAR THE APPLICATION ON WEDNESDAY, APRIL 20TH, 2016 AT 9:30 A.M., IN THE COUNCIL CHAMBERS, IN THE MUNICIPAL OFFICES AT 395 MULOCK DRIVE, NEWMARKET, ONTARIO.

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

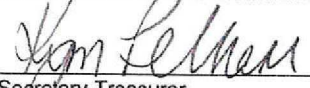
If unable to attend the Hearing you may submit written comments in support of or in opposition to this application and they must be delivered to the Secretary-Treasurer, Committee of Adjustment, Town of Newmarket, 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7 not later than the time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

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

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

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

DATED at the Town of Newmarket this 5th day of April, 2016.


 Secretary-Treasurer
 Committee of Adjustment

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

| | |
|-------------------------|----------------|
| Rec'd by LSRCA | |
| IMS # | PUC1650 |
| Date: | APR 05 2016 CI |
| CAO | |
| Chair | |
| GM | |
| Bylaw Number | |
| GM Corp. & In. Services | |
| GM Veterinary Mgmt. | |
| ED Foundation | |
| COB | |

Pelham, Kym

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: April-11-16 3:38 PM
To: Pelham, Kym
Subject: FW: D13-A01-16 - 448 Botsford Street - Minor Variance - Newmarket
Attachments: 2016 - D13-A01 (Prieur) Application.pdf; 2016 - D13-A01 (Prieur) Notice.pdf

Good Afternoon Kym,
 The Regional Municipality 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, April 05, 2016 8:30 AM
To: Hurst, Gabrielle
Subject: FW: D13-A01-16 - 448 Botsford Street

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Tuesday, April 05, 2016 8:20 AM
To: Bilkhu, Vick
Subject: D13-A01-16 - 448 Botsford Street

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A01-16, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, April 14, 2016.

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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