

The meeting of the Committee of Adjustment was held on Wednesday, August 17th, 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: Ted Horton, Planner
Linda Traviss, Alternate Committee Secretary

The Meeting was called to order at 9:34 a.m. in the Council Chambers to consider items on the agenda.

Gino Vescio in the Chair.

The Chair called for conflicts of interest. A conflict of interest was declared by the Chair in respect to Minor Variance Application No. D13-A08-16. Members were invited to declare a conflict of interest at any time during the meeting.

MINOR VARIANCE APPLICATIONS

D13-A07-16 LI, De & LI, Zhihui
Lot 167, Plan 65M-2734
138 Keffer Circle
Town of Newmarket

Mr. De Li of 138 Keffer Circle, NEWMARKET, ON L3X 1R8, addressed the Committee and provided the following comments:

- New to community and bought house with unfinished basement
- Wants to build accessory dwelling unit and needs four exterior parking spaces
- Accessory dwelling unit will provide extra income to cover cost of house and create an affordable housing unit
- Agrees with comments and conditions provided in planning report

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

1. Report from Ted Horton, Planner dated August 9, 2016;

2. Memorandum from Mark Kryzanowski, Manager, Transportation Services dated August 3, 2016;
3. Memorandum from David Potter, Chief Building Official dated August 10, 2016;
4. Letter from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority dated August 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 August 5, 2016.

There were no comments from the public on this application.

*Moved by Fred Stoneman
Seconded by Elizabeth Lew*

THAT Minor Variance Application D13-A07-16 be approved, subject to the following conditions:

1. That the applicants enter into an agreement with the Town stating that as long as there is an Accessory Dwelling Unit in the dwelling unit that the garage remain available to park two (2) cars;
2. That the agreement is registered on title of the property;
3. That the variance pertains only to the requests as submitted with the application; and
4. That the development be substantially in accordance with the information 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; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

CARRIED

**D13-A09-16 GONZALES, Nelo & SANTIAGO, Nereyda
Lot 35, Plan M-67
33 London Road
Town of Newmarket**

Margie Gonzales of 33 London Road, NEWMARKET, ON L3Y 6A1, addressed the Committee and provided the following comments:

- Proposing second storey on top of existing garage instead of doing rear addition

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

1. Report from Ted Horton, Planner dated August 3, 2016;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated August 4, 2016;
3. Memorandum from David Potter, Chief Building Official dated August 10, 2016;
4. Letter from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority dated August 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 August 5, 2016;

There were no comments from the public on this application.

*Moved by Peter Mertens
Seconded by Ken Smith*

THAT Minor Variance Application D13-A04-16 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 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 information 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; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

CARRIED

**D13-A10-16 WITHERSPOON, Scott
WOOD, William & WOOD, John
Lot 15, Plan 376
236 Stanley Street
Town of Newmarket**

Scott Witherspoon of 313 Avenue Road, NEWMARKET, ON L3Y 1N8, addressed the Committee and provided the following comments:

- Wants to make existing bungalow two storey dwelling

Fred Stoneman asked if there had been any conversation with the neighbours and Mr. Witherspoon advised he had not spoken to anyone.

Ken Smith inquired if Mr. Witherspoon had seen the Town report and had any comments. Mr. Witherspoon advised he had on further comments.

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

1. Report from Ted Horton, Planner dated August 10, 2016;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated August 4, 2016;
3. Memorandum from David Potter, Chief Building Official dated August 10, 2016;
4. Letter from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority dated August 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 August 5, 2016

There were no comments from the public on this application.

*Moved by Peter Mertens
Seconded by Elizabeth Lew*

THAT Minor Variance Application D13-A10-16 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 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 information 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; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

CARRIED

CONSENT APPLICATION

D10-B02-16 RAZAVI, Amir & GHAHREMANI, Shirin
Lot 11, Plan 344
66 Roxborough Road
Town of Newmarket

Shawn Aryan of Homelife Bayview Realty Inc., 505 Highway 7 East, Unit 201, THORNHILL ON L3T 7T1, addressed the Committee and provided the following comments:

- Acting on behalf of owners
- Proposing severance to create two lots; one with 15m frontage and one with 19.5m frontage
- Has seen Planning Report and agrees with recommendations in report

Gino Vescio inquired as to what type of homes were proposed. Mr. Aryan advised that the homes would be two storey with walkout basements. He further advised the property is subject to some flooding at the back and he has contacted the Conservation Authority and will be keeping the homes away from the floodzone area.

Fred Stoneman asked when the owners purchased the property. Mr. Aryan advised the property closed in June 2016 and the owner waited until after the closing date to submit the application.

Gino Vescio inquired if there was a map indicating the sizes of the other lots in the area. Mr. Horton provided a map showing the frontages of the lots in the area for Committee to view.

Mr. Aryan provided Committee with a copy of the elevations for the proposed new dwellings.

Gino Vescio noted that the lot frontages in the area were varied with some being 15m, some 18m and some in excess of 20m.

Ms. Veronique Grandioux of 79 Roxborough Road, NEWMARKET ON L3Y 3L2 addressed Committee and advised that she had lived on the street for a number of years and was pleased to see improvement to these lots. She further stated that the proposed development was in keeping with the neighbourhood.

The following correspondence was received by the Committee regarding the applications:

1. Report form Ted Horton, Planner dated August 10, 2016;
2. Memorandum from Arborvalley Urban Forestry Co. Inc. dated August 2, 2016;
3. Memorandum from David Potter, Chief Building Official dated August 10, 2016;
4. Memorandum from Victoria Klyuev, Manager, Engineering Services dated August 9, 2016;
5. Letter from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority dated August 5, 2016;
6. Letter from Allison Sadler, Municipal Planning Advisor, Enbridge dated August 9, 2016;
7. Email from Connie Leigh, Bell Canada, Right of Way dated August 4, 2016;
8. Email from Dennis De Rango, Specialized Services Team Lead, Hydro One dated August 4, 2016;
9. Letter from Lily Apa, Planning Coordinator, Rogers dated August 3, 2016;
10. Email from Dan Della Mora, Corridor Management Planner, Highway Corridor Management Section Ministry of Transportation dated August 15, 2016; and

11. Email from Jennifer Tedford, 80 Roxborough Road, Newmarket ON L3Y 3L2 dated August 17, 2016

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

*Moved by Fred Stoneman
Seconded by Peter Mertens*

THAT Consent Application D10-B02-16 be approved, subject to the following conditions:

1. *That prior to the issuance of the Certificate of Official, that the owner be required to obtain a demolition permit and remove the existing structures on the lot;*
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 applicant be required to submit a geotechnical report to the satisfaction of the LSRCA which assesses the identified apparent valleylands on the property and identifies a stable top of bank and appropriate building envelope on the proposed lot; and*
4. *That the owner submit a site plan with topographic information to the satisfaction of the LSRCA confirming that the proposed building envelope is outside of the identified floodplain area on the proposed lot; and*
5. *That the owner be advised that a permit from the LSRCA will be required prior to any site alteration or development within the area on the site regulated by Ontario Regulation 179/06 under the Conservation Authorities Act; and*
6. *That the owner be required to convey to the Town an area of property not less than 5 metres by 5 metres at the intersection of Queen Street and Roxborough Road for the purposes of a daylighting triangle, and that such a daylighting triangle shall be included on the proposed plan for registration (M Plan) and on all engineering drawings; and*
7. *That the applicant be advised that they will be required to obtain municipal servicing for both lots independently prior to any building permit; and*
8. *That the owner be required to enter into a site plan agreement addressing matters including lot grading, storm drainage, municipal servicing, and other matters with the Town for the development of the subject and remaining lands.*

as the Consent Application:

is an appropriate division of land that meets the relevant requirements of the Zoning By-law, Official Plan, and matters of Provincial interest.

CARRIED

Gino Vescio left the Chair. Fred Stoneman took the chair to hear the following application:

**D13-A08-16 SCREEN, Ernest & SCREEN, Kimberley
Part Block 215, Plan 65M-3009
Parts 54, 55 and 56, Plan 65R-19141
253 Denise Circle
Town of Newmarket**

Ernest Screen of 253 Denise Circle, NEWMARKET, ON L3X 2K1, addressed the Committee and provided the following comments:

- Moved in one year ago; has 4 adults with cars living at the home
- Hired AMPAC to widen driveway; not aware of by-laws
- Advised other driveways in area that are similar
- There have been no drainage issues for past year
- Need vehicles for work
- Went around to neighbours and they signed document that they have no objection to widened driveway

Ken Smith asked to see the list the neighbours had signed and Mr. Screen presented it to Committee.

Peter Mertens asked if the application was to legalize what was there and Mr. Screen replied yes.

Fred Stoneman advised he had visited the property and saw four vehicles parked on the property and questioned if there was room to park more. Mr. Screen advised there was only room for four vehicles.

Elizabeth Lew inquired if they parked any vehicles in the garage. Mr. Screen advised no but that he was in the process of cleaning out the garage.

Ken Smith inquired if the residents of the home were all family and Mr. Screen advised they were.

Fred Stoneman inquired if a business was being run out of the home and Mr. Screen advised they did not have a business.

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

1. Report from Ted Horton, Planner dated August 9, 2016;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated August 3, 2016;
3. Memorandum from David Potter, Chief Building Official dated August 10, 2016;
4. Letter from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority dated August 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 August 5, 2016;
6. Email from Kin Chan dated August 16, 2016;
7. Letter from Raymond Okura, 258 Denise Circle, NEWMARKET ON L3X 2J9 received August 16, 2016;
8. Letter from Irene Gilmour, 148 Denise Circle, NEWMARKET ON dated August 13, 2016; and
9. Email dated August 16, 2016 (anonymous)

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

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

THAT Minor Variance Application D13-A08-16 be approved as the Minor Variance Application meets the general intent of the zoning by-law and is a desirable development.

***Peter Mertens and Ken Smith voted in favour of motion.
Fred Stoneman and Elizabeth Lew voted against motion.***

Committee recessed at 10:14 a.m. to seek legal advice with respect to the tie vote.
Committee reconvened at 10:27 a.m. with Fred Stoneman in the Chair.

Mr. Stoneman advised that the motion to approve the application was lost on the basis that a majority of the members did not concur with the motion and therefore the application is not approved.

Gino Vescio resumed the Chair at 10:28 a.m.

The Minutes of the meeting held on Wednesday, June 15th, 2016 were placed before the Committee for consideration.

***Moved by Fred Stoneman
Seconded by Peter Mertens***

THAT the Minutes of the Wednesday, June 15th, 2016 meeting be approved as circulated.

CARRIED

Committee discussed the upcoming meeting schedule specifically relating to the meeting in December.

***Moved by Gino Vescio
Seconded by Peter Mertes***

THAT the meeting of Wednesday, December 21, 2016 be cancelled.

CARRIED.

***Moved by Peter Mertens
Seconded by Fred Stoneman***

THAT the Meeting adjourn.

CARRIED

The meeting adjourned at 10:45 a.m.

Dated

Chair