

The meeting of the Committee of Adjustment was held on Wednesday, January 18th, 2017 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 Secretary Treasurer

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-A20-16 AZZARELLI, Pasqualino
Lot 28, Plan M-1547
290 Banksia Court
Town of Newmarket

Pasqualino Azzarelli of 290 Banksia Court, NEWMARKET, ON L3Y 5H9, addressed the Committee and provided the following comments:

- here because of complaint
- submitted to Committee letters of support from neighbours and photographs of his property
- advised fence is not on the property line as neighbour did not pay for fence so he moved it in 12" to 16" on his lot
- wasn't aware of by-laws when installed pool; went by what neighbours had done

Gino Vescio asked Mr. Azzarelli had inquired with the Town and he advised no. Also mentioned he hadn't altered land.

Ken Smith inquired if he had removed any trees and Mr. Azzarelli advised he had removed one tree near his solarium and that he didn't get an arborist report. He further advised tree was cut in half and that he had tried tying it up but that didn't work. He also mentioned that he hadn't dug down near the trees.

Mr. Smith asked how long he had owned the property and Mr. Azarelli advised he bought the property in 2011.

Fred Stoneman brought to Mr. Azarelli's attention that the shed had to be moved as noted in the planning report.

Gino Vescio inquired if there was a survey on file. It was noted the survey on file did not show the location of the sheds or pool and therefore there was no proof where the shed was located in relation to the property line.

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

1. Report from Ted Horton, Planner dated January 4, 2017;
2. Memorandum from V. Klyuev, Senior Engineering Development Coordinator - Residential, Engineering Services dated January 12, 2017;
3. Memorandum from David Potter, Chief Building Official dated January 12, 2017;
4. 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, 2017;
5. Letter from Gerald and Lucy Markhoff, 296 Banksia Court, NEWMARKET ON L3Y 5H9 dated January 9, 2017; and
6. Letter from Hans Lubke and family, 294 Banksia Court, NEWMARKET ON L3Y 5H9 dated January 16, 2017.

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

Moved by Peter Mertens

Seconded by Fred Stoneman

THAT Minor Variance Application D13-A20-16 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 required to comply with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy including providing an arborist report addressing any damage to trees on adjacent properties and the removal of any significant trees;
3. That the applicant be required to address the remediation, replanting, or compensation for any damage to trees on adjacent properties and the removal of any significant trees to the satisfaction of the Town; and
4. That the development be substantially in accordance with the sketch submitted with the application.

as the Minor Variance Application:

- (1) is minor in nature;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) is considered desirable for the appropriate development of the lot.

CARRIED

D13-A21-16 PERSICO, Amanda & OKOROFISKY, Brandon
Part Lot 272, Plan 564
179 Patterson Street
Town of Newmarket

Amanda Persico of 179 Patterson Street, NEWMARKET, ON L3Y 3L5, addressed the Committee and provided the following comments:

- veranda had crumbled and went around neighbourhood to see what was there
- didn't realize setback was 7.5m
- advised if they had built veranda as is would still have needed minor variance
- provided photos of her property and neighbours property to Committee members
- advised she had received numerous compliments from neighbours

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

1. Report from Ted Horton, Planner dated January 4, 2017;
2. Memorandum from V. Klyuev, Senior Engineering Development Coordinator - Residential, Engineering Services dated January 12, 2017;
3. Memorandum from David Potter, Chief Building Official dated January 12, 2017; and
4. 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, 2017.

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

Moved by Elizabeth Lew
Seconded by Peter Mertens

THAT Minor Variance Application D13-A21-16 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 required to comply 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;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) is considered desirable for the appropriate development of the lot.

CARRIED

D13-A22-16 PATERSON, Dave & PATERSON, Jen
Lot 49, Plan 65M-4000
725 Peter Hall Drive
Town of Newmarket

Cassidy Franks of Pool Craft, 561 Edward Avenue, Unit 16, RICHMOND HILL ON L4C 9W6, was present to address the Committee.

Fred Stoneman asked Mr. Franks if he had read the Town's recommendations and he advised he had.

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

1. Report from Ted Horton, Planner dated January 6, 2017;
2. Memorandum from V. Klyuev, Senior Engineering Development Coordinator - Residential, Engineering Services dated January 12, 2017;
3. Memorandum from David Potter, Chief Building Official dated January 12, 2017; and
4. 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, 2017.

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

Moved by Fred Stoneman
Seconded by Elizabeth Lew

THAT Minor Variance Application D13-A22-16 be approved, subject to the following conditions:

1. That the rear yard setback for the cabana be no less than 1.6m;
2. That the other variances pertain only to the requests as submitted with the application;
3. That the variance apply only to the residential accessory structure as proposed with its height and setbacks and not to any other structure or encroachment;

4. That the applicant be required to comply with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy; and
5. That the development be substantially in accordance with the sketch submitted with the application.

as the Minor Variance Application:

- (1) is minor in nature;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) is considered desirable for the appropriate development of the lot.

CARRIED

- D10-B01-13 BIANCHI, David
Lot 23 and Part Lot 22, Plan 78
353 Ontario Street
Town of Newmarket
- D13-A01-13 BIANCHI, David
Part Lot 23, Plan 78
353 Ontario Street
Town of Newmarket
- D13-A02-13 BIANCHI, David
Part Lots 22 & 23, Plan 78
0 Ontario Street (lot east of 353 Ontario Street)
Town of Newmarket

David Bianchi of 9 Verclaire Gate, UNIONVILLE, ON L3R 9P6, addressed the Committee and provided the following comments:

- has two existing lots of 66 feet and 29 feet
- previously applied for permit and was declined so decided to make two equal lots of almost 50 feet each
- minimum lot size was 40 feet now changed to 50 feet; approximately 1.5m short of minimum
- creek a few lots down; lot of waterways have been improved
- also seeking west side and east side relief of 1.5m

Mr. Smith inquired as to whether Mr. Bianchi had seen the staff report and the series of recommendations and he said he had and would be able to comply.

The following correspondence was received regarding D10-B01-13 and considered by the Committee regarding the application:

1. Report from Ted Horton, Planner dated January 12, 2017;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated January 6, 2017;
3. Memorandum from David Potter, Chief Building Official dated January 12, 2017;
4. Letter from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority dated June 16, 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, 2017;
6. Letter from Jacqueline Moyle, Right of Way Associate, Bell Canada dated January 11, 2017;
7. E-mail from Brandon Gaffoor, Land Use Student Planner, Hydro One dated November 16, 2016;
8. Letter from Lily Apa, Planning Coordinator, Rogers Communications dated January 11, 2017;
9. Letter from Allison Sadler, Municipal Planning Advisor, Distribution Planning & Records, Enbridge Gas Distribution dated November 10, 2016;
10. Letter from Peter Green, Director, Capital Development, Southlake Regional Health Centre dated November 10, 2016;
11. Email from Dan Della Mora, Corridor Management Planner, Highway Corridor Management Section, Central Region, Ministry of Transportation dated November 24, 2016; and
12. Letter from Philip van Wassenauer and Peter Wynnyczuk of Urban Forest Innovations, Inc. dated November 17, 2016.

The following correspondence was received regarding D13-A01-13 and considered by the Committee regarding the application:

1. Report from Ted Horton, Planner dated January 12, 2017;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated January 6, 2017;
3. Memorandum from David Potter, Chief Building Official dated January 12, 2017;
4. Letter from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority dated June 16, 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, 2017;
6. Email from Dan Della Mora, Corridor Management Planner, Highway Corridor Management Section, Central Region, Ministry of Transportation dated November 24, 2016; and
7. Letter from Philip van Wassenauer and Peter Wynnyczuk of Urban Forest Innovations, Inc. dated November 17, 2016.

The following correspondence was received regarding D13-A02-13 and considered by the Committee regarding the application:

1. Report from Ted Horton, Planner dated January 12, 2017;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated January 6, 2017;
3. Memorandum from David Potter, Chief Building Official dated January 12, 2017;

4. Letter from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority dated June 16, 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, 2017;
6. Email from Dan Della Mora, Corridor Management Planner, Highway Corridor Management Section, Central Region, Ministry of Transportation dated November 24, 2016; and
7. Letter from Philip van Wassenauer and Peter Wynnyczuk of Urban Forest Innovations, Inc. dated November 17, 2016.

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

Moved by Peter Mertens

Seconded by Ken Smith

THAT Consent Application D10-B01-13 be approved, subject to the following conditions:

1. That the application be subject to Section 50(5) of the *Planning Act* RSO 1990, c.P.13, which shall apply to any subsequent transaction or conveyance involving the parcels of land that are the subject of this consent;
2. That the applicant be required to register on title an easement for Town-owned infrastructure under the property to the satisfaction of the Town;
3. That the applicant be required to provide to the satisfaction of the Town proof that they have registered on title easements for privately-owned sanitary connections infrastructure under the property;
4. That the applicant be required to provide to the satisfaction of the Town proof that they have registered on title easements for Bell Canada infrastructure under the property;
5. That the applicant be required to provide to the satisfaction of the Lake Simcoe Region Conservation Authority a flood analysis prepared by a qualified professional which demonstrates that the flood velocities of the proposed building sites do not exceed 1m per second, that there is no significant increase to upstream or downstream flooding, that the proposed development will not cause an obstruction to flow, and that flood storage capacity will not be removed;
6. That the owner be required to obtain a permit from the Lake Simcoe Region Conservation Authority prior to any site alteration or development within the area on the site regulated by Ontario Regulation 179/06 under the *Conservation Authorities Act*;
7. 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;
8. That the Owner be required to provide to the satisfaction of the Alternate Secretary-Treasurer of the Committee of Adjustment the following:
 - i. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject, recipient, and retained parcels;

- ii. three (3) white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
 - iii. required transfers to effect the severance and conveyance applied for under Consent Application D10-B01-13, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the *Planning Act*;
 - iv. submission of an appraisal report prepared by a member of the Appraisal Institute of Canada respecting the resulting recipient lands and payment of cash-in-lieu of parkland as required by the Town's Parkland Dedication By-law 2016-42;
9. That the owner be required to enter into a leading site plan agreement with the Town addressing matters including lot grading, storm drainage, municipal servicing, tree protection and compensation, easements, disposal of refuse from the removed structure and other matters for the development of the subject and remaining lands; and
10. That the Owner obtain relief from the provisions of the zoning by-law for reduced frontage and setbacks as set forth in Minor Variance Applications D13-A01-13 and D13-A02-13.

CARRIED

*Moved by Elizabeth Lew
Seconded by Peter Mertens*

THAT Minor Variance Applications D13-A01-13 and D13-A02-13 be approved, subject to the following conditions:

- a. that the variances pertain only to the requests as submitted with the applications;
- b. that the developments be substantially in accordance with the Site Plans submitted with the applications;
- c. 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;
- d. that the applicant be required to provide to the satisfaction of the Lake Simcoe Region Conservation Authority a flood analysis prepared by a qualified professional which demonstrates that the flood velocities of the proposed building sites do not exceed 1m per second, that there is no significant increase to upstream or downstream flooding, that the proposed development will not cause an obstruction to flow, and that flood storage capacity will not be removed; and
- e. that the owner be advised that prior to any site alteration or development within the area on the site regulated by Ontario Regulation 179/06 under the

Conservation Authorities Act, permits will be required from the Lake Simcoe Region Conservation Authority.

as the Minor Variance Applications:

- (1) appear to be minor in nature;
- (2) conform to the intent and purpose of the Official Plan and Zoning By-law; and
- (3) are considered desirable for the appropriate development of the lot.

CARRIED

The Minutes of the meeting held on Wednesday, November 30th, 2016 were placed before the Committee for consideration.

Moved by Ken Smith
Seconded by Elizabeth Lew

THAT the Minutes of the Wednesday, November 30th, 2016 meeting be approved as circulated.

CARRIED

Moved by Peter Mertens
Seconded by Ken Smith

THAT the Meeting adjourn.

CARRIED

The meeting adjourned at 10:06 a.m.

Dated

Feb. 15/17

Chair

