

The meeting of the Committee of Adjustment was held on Wednesday, February 15th, 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
Elizabeth Lew, Member
Betty Dykstra, Alternate 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-A01-17 MACAUSLAND, Sarah & MACAUSLAND, Kyle
Part Block A, Plan 85
246 Pine Street
Town of Newmarket

Sarah MacAusland of 246 Pine Street, NEWMARKET ON L3Y 3R3, addressed the Committee and provided the following comments:

- house is one and a half storey built in 1947
- want to raise roof over living room for a third bedroom and make a dormer
- too close to neighbour as 0.49m away
- next door neighbour and two other neighbours are okay with addition

Fred Stoneman asked if the neighbours had signed something and could the Committee see the document. Ms. MacAusland gave the letters from the neighbours to Committee.

Gino Vescio inquired if Ms. MacAusland had spoken to the owner of 244 Pine Street and was advised she had.

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

1. Report from Ted Horton, Planner dated February 6, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated February 3, 2017;
3. Memorandum from David Potter, Chief Building Official dated February 9, 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 February 2, 2017; and
5. Letter from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority dated February 7, 2017.

There were no comments from the public on this application.

*Moved by Fred Stoneman
Seconded by Elizabeth Lew*

THAT Minor Variance Application D13-A01-17 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 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-A02-17 MICHAELS, Andrew & DHAUALE, Rachana
Part Block 2, Plan 65M-4023
286 Fred Hagan Court
Town of Newmarket

Mr. Ariel Mertiri of 1100 Central Parkway West, Floor 2, Unit 15, MISSISSAUGA ON L5C 4E5, addressed the Committee and provided the following comments:

- advised previous owner applied for permit in May 2014

- current owners purchased property in March 2015
- request for inspection requested by Town
- current owners did not build deck; deck is built higher than on original permit
- deck built at 3.4m high and doesn't have 6.0m required setback

Fred Stoneman inquired if the Town had inspected after Mr. Mertiri's clients took over the property and Mr. Mertiri advised there was a request for inspection from the Town as the Town had found the open permit and issued a request for inspection.

Mr. Mertiri provided photographs of the deck to Committee.

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

1. Report from Ted Horton, Planner dated February 6, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated February 3, 2017;
3. Memorandum from David Potter, Chief Building Official dated February 9, 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 February 3, 2017.

There were no comments from the public on this application.

Moved by Elizabeth Lew

Seconded by Ken Smith

THAT Minor Variance Application D13-A02-17 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 Site Plan 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-A03-17 MACDONALD, Caleb & MACDONALD, Chloe
Part Lot 5 & 6, Plan 276
243 Park Avenue
Town of Newmarket

Caleb MacDonald of 243 Park Avenue, NEWMARKET ON L3Y 1V3, addressed Committee and provided the following comments:

- has three kids in 1,200 sq. ft. house and wants to do second storey addition
- keep with look and feel of neighbourhood
- been resident for seven years

Fred Stoneman asked Mr. MacDonald if he had read the report from Urban Forest Innovations and Mr. MacDonald responded “not entirely”.

Mr. Stoneman asked Mr. MacDonald if he had any problems or concerns with the report and Mr. MacDonald said he had no problems with the report.

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

1. Report from Ted Horton, Planner dated February 7, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated February 3, 2017;
3. Memorandum from David Potter, Chief Building Official dated February 9, 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 February 6, 2017; and
5. Report from Philip van Wassenaeer and Peter Wynnyczuk of Urban Forest Innovations Inc. dated January 27, 2017.

There were no comments from the public on this application.

Moved by Ken Smith

Seconded by Fred Stoneman

THAT Minor Variance Application D13-A03-17 be approved, subject to the following conditions:

1. That the height of the building be no greater than 10.0m for a 2.5 storey building;
2. That the applicant be required to comply with the provisions of the Town’s Tree Preservation, Protection, Replacement and Enhancement Policy prior to the issuance of any building permit; and
3. That the development be substantially in accordance with the plan 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-A04-17 NEWMARKET PROPERTY CORPORATION
Part Lot 3, Concession 3
RS65R8600, Pts 5 & 6
RS65R8888, Pts 3 & 4
1220 Stellar Drive
Town of Newmarket

Mickey Franc of 16775 Yonge Street, Unit 217, NEWMARKET ON L3Y 8J4, addressed the Committee and provided the following comments:

- parking rate for entertainment use is one space per 9 square metres
- reason for requesting variance is there are uses in building now such as bingo hall, pool hall, banquet hall, and escape room and can't get permit due to parking issue
- asking for parking relief

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

1. Report from Ted Horton, Planner dated February 8, 2017;
2. Memorandum from M. Kryzanowski, Manager, Transportation Services dated February 9, 2017;
3. Memorandum from David Potter, Chief Building Official dated February 9, 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 February 6, 2017.

There were no comments from the public on this application.

Moved by Elizabeth Lew
Seconded by Betty Dykstra

THAT Minor Variance Application D13-A04-17 be approved, subject to the following conditions:

- a. that the variance pertains only to the requests as submitted with the application;
- b. that the reduced parking requirement only applies if no single Place of Entertainment business or occupant occupies more than half of the gross floor area of the structure; and
- c. 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 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-A05-17 TAYLOR, Elizabeth-Anne
Lot 142, Plan 65M-2710
936 Portminster Court
Town of Newmarket

Elizabeth Taylor of 936 Portminster Court, NEWMARKET ON L3X 1L8, addressed the Committee and provided the following comments:

- wants to take down deck and put up one storey sunroom
- sunroom will be longer than deck but not as wide
- should not affect any trees on property

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

1. Report from Ted Horton, Planner dated February 6, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated February 3, 2017;
3. Memorandum from David Potter, Chief Building Official dated February 9, 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 February 6, 2017; and
5. Report from Philip van Wasseaer and Peter Wynnyczuk of Urban Forest Innovations Inc. dated January 27, 2017.

There were no comments from the public on this application.

*Moved by Fred Stoneman
Seconded by Betty Dykstra*

THAT Minor Variance Application D13-A05-17 be approved, subject to the following conditions:

- a. that the variance pertains only to the sunroom as submitted with the application and not to any other structure;
- b. 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
- c. that the development be substantially in accordance with the Site Plan submitted with the application.

as the Minor Variance Application:

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

CARRIED

The Minutes of the meeting held on Wednesday, January 18th, 2016 were placed before the Committee for consideration.

Moved by Ken Smith
Seconded by Fred Stoneman

THAT the Minutes of the Wednesday, January 18th, 2016 meeting be approved as circulated.

CARRIED

Moved by Elizabeth Lew
Seconded by Fred Stoneman

THAT the Meeting adjourn.

CARRIED

The meeting adjourned at 10:08 a.m.

March 15, 2017
Dated


Chair