

The meeting of the Committee of Adjustment was held on Wednesday, August 16th, 2017 at 9:30 a.m. in William Cane Meeting Rooms A and B 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
Matthew Peverini, Secretary Treasurer

The Meeting was called to order at 9:30 a.m. in William Cane Meeting Rooms A and B to consider items on the agenda.

Gino Vescio in the Chair.

The Chair called for conflicts of interest. No conflicts of interest were declared. Members were invited to declare a conflict of interest at any time during the meeting.

MINOR VARIANCE APPLICATIONS

D13-A20-17 JOSHI, Neil & JOSHI, Terri
Lot 245, Plan M-1446
414 Handley Crescent
Town of Newmarket

Neil and Terri Joshi of 414 Handley Crescent, NEWMARKET, ON L3Y 4T4, addressed the Committee as the owners of the property. Neil Joshi provided the following comments:

- Have a growing family, so would like to increase the size of the house
- Looking to do a 2-storey addition to make the house more liveable
- To comply with the Zoning By-law would require the second floor to be set back, and this is both unsightly and impractical as it would narrow the rooms

Fred Stoneman asked whether the applicants have had any conversation with the neighbours. Mr. Joshi answered that they had spoken to both neighbours in passing.

Gino Vescio inquired whether the applicant had any rough floor plans. Mr. Joshi stated that he had submitted them with the application, but did not have them on him currently. Matthew Peverini provided the drawings submitted along with the application to Committee.

Gino Vescio asked what part of the existing building would have the second floor addition. Mr. Joshi answered the garage.

Elizabeth Lew asked whether the applicants were adding bedrooms in the addition. Mr. Joshi answered yes, that a master bedroom was planned at the rear of the second storey addition. Terri Joshi mentioned that the current master bedroom is small, so this addition would allow for a fourth bedroom.

Lawrence Cheng of 418 Sandford Street, NEWMARKET, ON L3Y 4S6, addressed the Committee and provided the following comments:

- Not here to object to the project
- Proposed extension is beyond our living room, and my wife would not be happy to see a 2-storey wall every day
- Moved to this house in 2013, and enjoy the view of the backyard and the sunlight
- Seeing a 2-storey wall is the main concern
- When will they start construction?

Gino Vescio stated that the Committee has no control over timing of construction. Gino Vescio asked Mr. Cheng what part of his house was one storey. Mr. Cheng answered the living room; the house is a split level bungalow.

Gino Vescio asked Mr. Cheng how much property is in his side yard. Mr. Cheng replied he did not know. Mr. Joshi provided a Survey of the property to the Committee, which revealed there is 7 feet on Mr. Cheng's property plus the 5 feet proposed by Mr. Joshi for a total of 12 feet between the walls of the 2 buildings.

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

1. Report from Ted Horton, Planner dated August 9, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated August 2, 2017;
3. Memorandum from David Potter, Chief Building Official dated August 2, 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 August 1, 2017;
5. Memorandum from Urban Forest Innovations Inc. dated August 11, 2017; and
6. E-mail from Giovanni Yanes, Transportation Technician, Ministry of Transportation, dated August 15, 2017.

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

***Moved by Elizabeth Lew
Seconded by Fred Stoneman***

THAT Minor Variance Application D13-A20-17 be APPROVED, subject to the following conditions:

1. That the variance pertains only to the plans 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 plans 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-A21-17 MINTZ, David & BATTY-MINTZ, Christina
Lot 1, Plan 65M-3129
763 Madeline Heights
Town of Newmarket

Kevin Cadenhead of Pool Craft, 561 Edward Avenue, RICHMOND HILL, ON L4C 9W6, addressed the Committee as Agent and provided the following comments:

- There is no room in the backyard for a pool, but there is a spacious side yard
- No neighbour to the south, only to the north
- Letter from the neighbouring golf course saying they have no objection to the proposed variance

Gino Vescio mentioned that when he had visited the property, there was a shed on the property that is not shown on the Site Plan provided. Mr. Cadenhead provided that the shed will be removed, and the Cabana will be going in that area.

Mr. Cadenhead inquired as to whether LSRCA approval is required when obtaining a building permit. Gino Vescio answered that the Town would not issue a building permit without LSRCA approval

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

1. Report from Ted Horton, Planner dated August 10, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated August 10, 2017;
3. Memorandum from David Potter, Chief Building Official dated August 1, 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 August 1, 2017;
5. Email from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority, dated August 8, 2017;
6. Memorandum from Urban Forest Innovations Inc. dated August 11, 2017;

7. E-mail from Giovanni Yanes, Transportation Technician, Ministry of Transportation, dated August 15, 2017; and
8. Letter from David Nisbet, Managing Partner at St. Andrew's Valley Golf Club, dated July 20, 2017.

There were no comments from the public on this application.

Moved by Peter Mertens

Seconded by Ken Smith

THAT Minor Variance Application D13-A21-17 be APPROVED, subject to the following conditions:

1. That the variance pertains only to the requests for the pool and residential accessory structure as submitted with the application and no other development;
2. 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;
3. 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
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-A22-17 BIROCK INVESTMENTS INC.
Block 1, Parts 1 & 2, Plan 65M-3871
17285-17345 Leslie Street
Town of Newmarket

Marco Winter, Director of Development at Tricap Properties, 8688 Woodbine Avenue, MARKHAM, ON L3R 8B9, addressed the Committee as Agent on the application and provided the following comments:

- Agree with comments made by Staff as outlined in the Planning Report
- Proposal is in conformity with a commercial plaza
- Uses are compatible with sister site located to the south
- Uses conform with the new By-law in effect, however the lands are under the old By-law

Gino Vescio stated that Staff have submitted revised recommendations and asked if Mr. Winter had seen them. Mr. Winter advised he had discussions with Ted Horton regarding these revisions.

Mr. Winter stated that he is aware of the intent to limit the size of the Commercial Athletic Centre, and that he is fine with that. Mr. Winter further mentioned that he wants to be able to put the Commercial Athletic Centre use in units 3 and 4 of the building instead of units 1 and 2 as shown on the Site Plan submitted with the application. Further, Mr. Winter stated that the proposed Day Nursery size indicated on the Site Plan was based on Ministry Regulations, however the applicant would like no size restriction on the Day Nursery as the Day Nursery may expand in the future if it is successful.

Gino Vescio provided Mr. Winter with a copy of the revised recommendations to read. Mr. Winter was satisfied with the recommendations.

Elizabeth Lew inquired about whether the parking requirements were going to be dealt with through a Minor Variance application or through Site Plan. Ted Horton advised that Zoning on the site was decided by the OMB, and the result was a blended parking rate that would conform to the Zoning By-law.

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

1. Report from Ted Horton, Planner dated August 10, 2017
2. Memorandum from Rick Bingham, Manager, Development Engineering dated August 2, 2017;
3. Memorandum from David Potter, Chief Building Official dated August 2, 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 August 1, 2017; and
5. E-mail from Giovanni Yanes, Transportation Technician, Ministry of Transportation, dated August 15, 2017.

There were no comments from the public on this application.

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

THAT Minor Variance Application D13-A22-17 be APPROVED, subject to the following conditions:

1. That the variance pertains only to the requests submitted with the application;
2. That a Commercial Athletic Centre having a Gross Floor Area of 323 square metres be permitted only in Building H shown on the submitted plan, and not in any other structure;
3. That a Day Nursery be permitted only in Building J and on the outdoor playground adjacent to Building J shown on the submitted plan, and not in any other structure; and
4. That the development be substantially in accordance with the sketch submitted with the application.

As the proposed uses are defined in general terms, and in the opinion of the Committee the Minor Variance Application:

- (1) Conforms with the uses permitted in the By-law

CARRIED

The Minutes of the meeting held on Wednesday, July 26th, 2017 were placed before the Committee for consideration.

Moved by Fred Stoneman
Seconded by Elizabeth Lew

THAT the Minutes of the Wednesday, July 26th, 2017 meeting be approved.

CARRIED

THAT the Meeting adjourn.

Moved by Peter Mertens
Seconded by Fred Stoneman

CARRIED

The meeting adjourned at 10:05 a.m.

Dated

Sept 20, 2017

Chair

[Signature]