

The meeting of the Committee of Adjustment was held on Wednesday, December 13th, 2017 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Chair
Elizabeth Lew, Member
Peter Mertens, Member
Ken Smith, Member
Fred Stoneman, Member

Staff Present: Ted Horton, Planner
Matthew Peverini, 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 of interest were declared. Members were invited to declare a conflict of interest at any time during the meeting.

CONSENT AND MINOR VARIANCE APPLICATIONS

D10-B07-17 MAIO, Andrew & WALTON, Terri-Lynn
Part Lot 10, Plan 85
357 Andrew Street
Town of Newmarket

D13-A25-17 MAIO, Andrew & WALTON, Terri-Lynn
Part Lot 10, Plan 85
357 Andrew Street
Town of Newmarket

D13-A26-17 MAIO, Andrew & WALTON, Terri-Lynn
Part Lot 10, Plan 85
357 Andrew Street
Town of Newmarket

Andrew Maio of 357 Andrew Street, NEWMARKET, ON L3Y 1H5, addressed the Committee and asked for a deferral of the applications to the January 17, 2018 hearing as there was a discrepancy in the application. Mr. Maio provided that the discrepancy has since been addressed.

There were no questions arising from members of the Committee or the public on this application.

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

1. Report from Ted Horton, Planner dated December 7, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering, Engineering Services dated December 4, 2017 30, 2017 (RE: File No. D10-B07-17);
3. Memorandum from Rick Bingham, Manager, Development Engineering, Engineering Services dated December 4, 2017 30, 2017 (RE: File No. D13-A25-17);
4. Memorandum from Rick Bingham, Manager, Development Engineering, Engineering Services dated December 4, 2017 30, 2017 (RE: File No. D13-A26-17);
5. E-mail from Curtis Greenham, Plans Examiner, Planning and Building Services dated December 4, 2017 (RE: File No. D10-B07-17);
6. E-mail from Curtis Greenham, Plans Examiner, Planning and Building Services dated December 4, 2017 (RE: File No. D13-A25-17);
7. E-mail from Curtis Greenham, Plans Examiner, Planning and Building Services dated December 4, 2017 (RE: File No. D13-A26-17);
8. 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 December 5, 2017 (RE: File No. D10-B07-17);
9. 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 December 5, 2017 (RE: File No. D13-A25-17);
10. 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 December 5, 2017 (RE: File No. D13-A26-17);
11. Letter from Peter Green, Director, Capital Development , Southlake Regional Health Centre dated December 4, 2017 (RE: File No. D10-B07-17);
12. Report from Philip van Wassenauer and Peter Wynnyczuk of Urban Forest Innovations Inc. dated November 22, 2017;
13. E-mail from Connie Leigh, Bell Canada, Right of Way Associate, dated November 30, 2017 (RE: File No. D10-B07-17);
14. E-mail from Michelle Tien, Hydro One Networks Inc., dated December 8, 2017 (RE: File No. D10-B07-17);

Moved by Ken Smith

Seconded by Peter Mertens

THAT Consent Application D10-B07-17 and Minor Variance Applications D13-A25-17 and D13-A26-17 be DEFERRED to the January 17, 2018 Committee of Adjustment Meeting.

CARRIED

D10-B08-17 TEOFILO, Dario
Part Lot 23 & 24A, Plan 31, Parts 3, 4 & 5, Plan RS65R11839
172-174 Victoria Street
Town of Newmarket

D13-A27-17 TEOFILO, Dario
Part Lot 23 & 24A, Plan 31, Parts 3, 4 & 5, Plan RS65R11839
172 Victoria Street
Town of Newmarket

D13-A28-17 TEOFILO, Dario
Part Lot 23 & 24A, Plan 31, Parts 3, 4 & 5, Plan RS65R11839
174 Victoria Street
Town of Newmarket

Stefano Teofilo of 390 Botsford Street, NEWMARKET, ON L4J 1E7, addressed the Committee as Agent and provided the following comments:

- Understand that we are asking for a lot, but it is due to the existing lot fabric;
- The proposed 3-storey height may be of concern to the Committee, however the final height is to be 10.25 metres, which is well below the maximum allowable building height of 11 metres;
- The proposed height is respectable for the area. It closely represents the King George development across the street;
- Both units are currently being rented and parking is a huge issue on the property as there is only 1 space available between both units. The construction on Victoria Street will increase traffic tenfold. Parking was designed for efficiency; and
- We are born and raised in Newmarket and understand the area. The proposal is designed to celebrate local heritage and blend into the existing neighbourhood as opposed to stand out.

Malcolm Watts, member of Heritage Newmarket, addressed the Committee and provided the following comments:

- The present house is unusual and charming due to the dormers, and the exterior appears to be in good condition;
- The present house fits within and contributes to the heritage area and appearance; and
- If approved and the structure is to be removed, the Heritage Committee asks to review detailed elevations of the proposal to see if they reflect the heritage area.

In response to Mr. Watts, Mr. Teofilo provided that the units are in much needed repair, and that there would be no objection to the Heritage Committee reviewing the plans.

The following correspondence was received and considered by the Committee regarding the above noted applications:

1. Report from Ted Horton, Planner dated December 7, 2017;

2. Memorandum from Rick Bingham, Manager, Development Engineering, Engineering Services dated December 4, 2017 30, 2017 (RE: File No. D10-B08-17);
3. Memorandum from Rick Bingham, Manager, Development Engineering, Engineering Services dated December 4, 2017 30, 2017 (RE: File No. D13-A27-17);
4. Memorandum from Rick Bingham, Manager, Development Engineering, Engineering Services dated December 4, 2017 30, 2017 (RE: File No. D13-A28-17);
5. E-mail from Curtis Greenham, Plans Examiner, Planning and Building Services dated December 4, 2017 (RE: File No. D10-B08-17);
6. E-mail from Curtis Greenham, Plans Examiner, Planning and Building Services dated December 4, 2017 (RE: File No. D13-A27-17);
7. E-mail from Curtis Greenham, Plans Examiner, Planning and Building Services dated December 4, 2017 (RE: File No. D13-A28-17);
8. Email from Dave Ruggle, Senior Planner, Community Planning dated December 6, 2017, RE: Heritage Newmarket Motion for 172-174 Victoria Street;
9. 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 December 5, 2017 (RE: File No. D10-B08-17);
10. 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 December 5, 2017 (RE: File No. D13-A27-17);
11. 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 December 5, 2017 (RE: File No. D13-A28-17);
12. Letter from Rogers, dated December 8, 2017;
13. Letter from Peter Green, Director, Capital Development , Southlake Regional Health Centre dated December 4, 2017 (RE: File No. D10-B08-17);
14. Report from Philip van Wassenauer and Peter Wynnyczuk of Urban Forest Innovations Inc. dated November 22, 2017;
15. E-mail from Michelle Tien, Hydro One Networks Inc., dated December 8, 2017 (RE: File No. D10-B08-17);
16. Letters from Michelle van Nie of [REDACTED] NEWMARKET, ON L3Y 1V5, dated December 3, 2017; and
17. Email from Sylvia and Bob Alexander of 178 Victoria Street, NEWMARKET, ON L3Y 4E1;

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

Moved by Peter Mertens

Seconded by Elizabeth Lew

Opposed by Fred Stoneman and Ken Smith

THAT Consent Application D10-B08-17 be APPROVED subject to the following conditions:

1. That the Owner obtain relief from the provisions of the zoning by-law for reduced lot frontage and reduced lot area as set forth in Minor Variance Applications D13-A27-17 and D13-A28-17;
2. That the applicant be advised that prior to the issuance of any demolition permit or building permit compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy;
3. That the applicant be advised that they will be required to obtain municipal servicing for both lots independently prior to any building permit at their own cost;
4. That the Owner grant to the Town at no cost a 1.7 metre road widening across the frontage of the subject and remaining lands;
5. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
 - a. Proof of payment of all outstanding taxes and local improvement charges owing to date against the subject, and retained parcels;
 - b. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
 - c. required transfers to effect the severance and conveyance applied for under Consent Application D10-B08-17, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act;
 - d. submission of an appraisal report prepared by a member of the Appraisal Institute of Canada respecting the new lot and payment of cash-in-lieu of parkland as required by the Town's Parkland Dedication By-law; and
6. That the owner be required to enter into a site plan agreement with the Town for both the subject and remaining lands addressing matters such as but not limited to parkland contributions; lot grading; storm drainage; municipal servicing; compliance with the Tree Preservation, Protection, Replacement and Enhancement Policy; easements; compatibility including building massing, height, primary façade, architectural elements and materials, landscaping, and driveways; and other matters for the development of the subject and remaining lands.

As the Consent Application conforms with the Official Plan, the Zoning By-law, and applicable Regional and Provincial legislation, regulations and planning policies.

AND THAT Minor Variance Applications D13-A27-17 and D13-A28-17 be APPROVED subject to the following conditions:

1. That only variances 1 and 2 as listed on the Notices of Application (provided below) be approved;
 - a. Relief from Section 6.2.2 Zone Standards Regulatory Set K, to permit a lot area of 157.96 square metres, whereas the By-law requires a minimum of 715 square metres;
 - b. Relief from Section 6.2.2 Zone Standards Regulatory Set K, to permit a lot frontage of 7.62 metres, whereas the By-law requires a minimum of 21.3 metres;

2. That all other variances be denied; and
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.

As the Minor Variance Applications subject to the recommended conditions:

- (1) Are minor in nature
- (2) Conform to the general 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 15, 2017 were placed before the Committee for consideration.

Moved by Elizabeth Lew
Seconded by Fred Stoneman

CARRIED

THAT the Meeting adjourn.

Moved by Peter Mertens
Seconded by Ken Smith

CARRIED

The meeting adjourned at 9:53 a.m.

Jan. 17, 2018
Dated

Chair
Chair