

The meeting of the Committee of Adjustment was held on Wednesday, January 17th, 2018 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

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.

MINOR VARIANCE APPLICATIONS

D13-A01-18 MCINTOSH, Brian
Plan M-2025, Lot 25
789 Hill Gate
Town of Newmarket

Brian McIntosh of 789 Hill Gate, NEWMARKET, ON L3Y 6M1 addressed the Committee as the owner of the property and provided the following comments:

- Looking to add a bedroom to the house
- The existing structure is 1.24 metres from the property line
- The existing house is a split level, and the addition would not increase overall height
- Makes sense to build to the existing wall rather than set the second floor wall back 60 centimetres
- Spoke to the neighbours and they have no objection

Gino Vescio asked whether Mr. McIntosh had read and agrees with the Planning Report. Mr. McIntosh replied yes.

There were no further questions from Committee.

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

1. Report from Ted Horton, Planner dated January 10, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated January 2, 2018;
3. Memorandum from David Potter, Chief Building Official dated January 3, 2018;
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, 2018;
5. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation dated January 3, 2018; and
6. Memorandum from Urban Forest Innovations Inc. dated January 11, 2018.

There were no comments from the public on this application.

***Moved by Fred Stoneman
Seconded by Ken Smith***

THAT Minor Variance Application D13-A01-18 be APPROVED, subject to the following conditions:

1. That the variance pertains only to the requests as submitted with the application;
2. That the development be substantially in accordance with the information submitted with the application; 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 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-A02-18 CHAUDRY, Kaleem & Aisha
Plan 65M-4436, Part Lot 30, Plan 65R-35861, Part 10
750 Yarfield Crescent
Town of Newmarket**

Zaeem Chaudry of 77 Bulmer Crescent, NEWMARKET, ON L3X 3K1, and Jonathan Reece of 905 Magnetic Drive, TORONTO, ON M3J 2C4, addressed the Committee on behalf of the applicant.

Mr. Reece provided that the minor variance application sought parking relief for an accessory dwelling unit (ADU), with 2 exterior parking spaces and 1 space allocated to the garage.

Gino Vescio asked to confirm whether the property has a single-car driveway, and whether the ADU would be rented out. Mr. Reece provided:

- A single-car driveway is allocated to the property
- It will be rented out, potentially to family members
- The applicant is in agreement with the Planning Report
- There is transit in the area

Gino Vescio stated that he has concerns with the single-car driveway should an emergency arise, as parking for the ADU will be in tandem. Further that on-street parking is the ultimate result, and there is no parking on the road. Mr. Reece provided that it may be an issue, however, this is a private matter and should be considered when the landlord and tenant are entering into a lease agreement.

Fred Stoneman asked whether the applicant had had a chance to speak with the neighbours at 754 Yarfield Crescent, in light of the concerns outlined in the letter to Committee. Mr. Reece provided that they have not had a chance to speak with the neighbour as the letter was received a day prior to the hearing, but they were planning to speak with the neighbour later that evening.

Zaeem Chaudry provided the following comments in response to Mr. Stoneman:

- Concern from the neighbour is legitimate
- A good relationship exists between the neighbours
- I have had tenants for my own properties in the past that have had no cars. Parking has been worked out in advance
- We want a functional neighbourhood

Ken Smith asked whether the rental is intended for residential or commercial. Zaeem Chaudry provided that it is for residential purposes.

There were no further questions from Committee.

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

1. Report from Ted Horton, Planner dated January 10, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated January 2, 2018;
3. Memorandum from David Potter, Chief Building Official dated January 3, 2018;

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, 2018;
5. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation dated January 3, 2018; and
6. E-mail from Lucius Maitre of 754 Yarfield Crescent, dated January 16, 2018.

There were no comments from the public on this application.

Moved by Ken Smith

Seconded by Elizabeth Lew

THAT Minor Variance Application D13-A02-18 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 information 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

CONSENT APPLICATION (In conjunction with Minor Variance Applications)

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

**D13-A25-17 MAIO, Andrew & WALTON, Terri-Lynn
Plan 85, Part Lot 10
357 (0) Andrew Street (proposed severed)
Town of Newmarket**

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

Andrew Maio of 357 Andrew Street, NEWMARKET, ON L3Y 1H5, addressed the Committee and provided the following comments:

- Have read the Planning Report and have no specific problems
- My wife and I are owners of 357 Andrew Street. We moved to this property 3.5 years ago because of its proximity to Main Street, Fairy Lake
- Plan is to build a new family home, as our family is growing
- Intent is to be the end users and live in the proposed house, we are not looking to flip the property
- Variances meet the 4 tests
- 15 metre frontage is required.
 - The neighbourhood is mixed, lot frontages are not consistent. Most surrounding properties have 12 metre frontages; 376 Andrew Street is the smallest, while 408 and 412 Andrew Street have 9.2 metre frontages.
 - There is precedent on the street. MPAC was used to survey the various lot frontages on the street
- Relief for side yard setbacks is applied for
 - Feel that 1.2 metre setbacks are within the character of the neighbourhood
 - Adjacent property's garage is built up to the lot line without a setback
 - 1.2 metres is reasonable
- Relief from 25% lot coverage to permit 35% lot coverage is requested
 - 35% lot coverage used to be the standard applied to the neighbourhood before the new By-law came into effect (By-law Number 2013-30)
 - If you look at the total lot coverage with both structures (existing and proposed) on the existing lot, lot coverage would be 25%.
 - Prevents someone from building a house with 25% lot coverage on the existing lot

Fred Stoneman asked the applicant what they were intending to build, and whether they had any plans or elevations. Mr. Maio advised that they did not want to go ahead with designing the new house until approval was granted. Mr. Maio further advised that he intends to work with the Town to ensure the new structure will fit in with the existing character of the neighbourhood.

Fred Stoneman asked what the size of the proposed lot is in square feet. Mr. Maio provided that the proposed lot would be approximately 5147 square feet, and 35% lot coverage would equate to roughly 1800 square feet on the ground floor.

Fred Stoneman asked Ted Horton why 30% lot coverage was recommended in the Planning Report. Mr. Horton provided that in 2013 Council passed an amending By-law reducing height, coverage and setbacks – the general intent was to maintain the character of the neighbourhood, and the recommendation should keep the development within this character.

David O'Sullivan of 361 Andrew Street, NEWMARKET, ON L3Y 1H5 addressed the Committee and provided the following comments:

- We are fine with the proposal
- Concern for trees overhanging the property

- Okay with tree being removed, just do not understand the process
- On the east setback, we have a number of windows, and have some concern with the height

Gino Vescio confirmed with Planning Staff that there was no request for relief from the Zoning By-law for a greater height. Mr. Horton advised that the maximum permitted height is 10 metres from average front grade to the top of the roof, and that the applicant has the right to build 10 metres in height. Mr. Maio further provided that the roof will be a pitched roof.

Bill Wolske of 368 Andrew Street, NEWMARKET, ON L3Y 1H4 addressed the Committee and provided the following comments:

- Lived on Andrew Street for 35 years, before this area was deemed “cottage style”
- Concern is over the character of the proposed building, the intent should be to keep the character
- Although setbacks are not largely out of character of the adjacent buildings, it is different on the opposite side of the street
- It is the space on the streetscape that makes it a “cottage area”
- 2-storey developments on the other side of the street tend to be full lots
- Garage is not in character with the street
- Should look at the tools Ottawa uses to maintain street character

Gino Vescio advised Mr. Wolske to refer to item 1(g) of the Planning Report as it appears to address all of his concerns, and advised that there are avenues for him to get involved.

Margaret Walsom of 364 Andrew Street, NEWMARKET, ON L3Y 1H5 addressed the Committee and provided the following comments:

- Submitted a letter with concerns
- The application would create 2 non-conforming lots, and the 25% lot coverage across the 2 lots is not applicable
- Not in keeping with the character of the neighbourhood. Concern with scale and proportion

There were no further questions from Committee.

The following correspondence was received and considered by the Committee regarding application D10-B07-17:

1. Report from Ted Horton, Planner dated January 10, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated January 2, 2018;
3. Memorandum from David Potter, Chief Building Official dated January 3, 2018;
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 December 5, 2017;
5. Memorandum from Urban Forest Innovations Inc. dated November 22, 2017;
6. Memorandum from Rogers dated January 4, 2018;

7. Memorandum from Peter Green, Director, Capital Development, Southlake Regional Health Centre dated December 4, 2017;
8. E-mail from Dan Della Mora, Corridor Management Planner, Ministry of Transportation, dated January 3, 2018;
9. E-mail from Michelle Tien, Hydro One dated December 8, 2017;
10. Email from Connie Leigh, Bell Canada, Right of Way, dated November 30, 2017; and
11. Letter from John and Margaret Walsom of 364 Andrew Street, NEWMARKET, ON L3Y 1H4 dated January 15, 2018.

The following correspondence was received and considered by the Committee regarding application D13-A25-17:

1. Report from Ted Horton, Planner dated January 10, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated January 2, 2018;
3. Memorandum from David Potter, Chief Building Official dated January 3, 2018;
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, 2018;
5. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation dated January 3, 2018
6. Memorandum from Urban Forest Innovations Inc. dated November 22, 2017; and
7. Letter from John and Margaret Walsom of 364 Andrew Street, NEWMARKET, ON L3Y 1H4 dated January 15, 2018.

The following correspondence was received and considered by the Committee regarding application D13-A26-17:

1. Report from Ted Horton, Planner dated January 10, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated January 2, 2018;
3. Memorandum from David Potter, Chief Building Official dated January 3, 2018;
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 December 5, 2017;
5. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation dated January 3, 2018
6. Memorandum from Urban Forest Innovations Inc. dated November 22, 2017; and
7. Letter from John and Margaret Walsom of 364 Andrew Street, NEWMARKET, ON L3Y 1H4 dated January 15, 2018.

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

***Moved by Elizabeth Lew
Seconded by Ken Smith***

THAT Consent Application D10-B07-17 be APPROVED, subject to the following conditions:

- 1. That the Owner obtain relief from the provisions of the zoning by-law for reduced frontage as set forth in Minor Variance Applications D13-A25-17 and D13-A26-17;**
- 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 1.5 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-B07-17, 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;**
- 6. 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;**
- 7. That the owner be required to enter into a site plan agreement with the Town addressing matters such as but not limited to 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 proposed application for consent conforms with the Official Plan, the Zoning By-law, and applicable Regional and Provincial legislation, regulations and planning policies.

CARRIED

*Moved by Elizabeth Lew
Seconded by Ken Smith*

THAT Minor Variance Applications D13-A25-17 and D13-A26-17 be APPROVED, subject to the following conditions:

- 1. That the variances pertain only to the requests as submitted with the applications;**
- 2. That the relief for lot coverage be limited to 30% instead of the requested 35%;**
- 3. That the developments be substantially in accordance with the Site Plans submitted with the applications save for modifications required to give effect to the conditions imposed by Committee; and**
- 4. 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:

- (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, December 13th, 2017 were placed before the Committee for consideration.

*Moved by Fred Stoneman
Seconded by Ken Smith*

THAT the Minutes of the Wednesday, December 13th, 2017 meeting be approved.

CARRIED

THAT the Meeting adjourn.

*Moved by Elizabeth Lew
Seconded by Ken Smith*

CARRIED

The meeting adjourned at 10:32 a.m.

Feb-14/18
Dated


Chair