

The meeting of the Committee of Adjustment was held on Wednesday, July 25<sup>th</sup>, 2018 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Chair  
Fred Stoneman, Member  
Peter Mertens, Member  
Elizabeth Lew, Member  
Ken Smith, 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 were declared. Members were invited to declare any other conflicts of interest at any time during the meeting.

### **MINOR VARIANCE APPLICATIONS**

#### **D13-A15-18 DARSONS INVESTMENTS LTD.**

**Plan 31, Part Lots 23 & 24A, RS65R11839, Parts 1 & 2  
170 Victoria Street  
Town of Newmarket**

Mitch Sauder of Stamp and Hammer, 17-1100 Gorham Street, NEWMARKET, ON L3Y 8Y8, addressed the Committee as Agent on the application and provided the following comments:

- Not in full agreement with the recommendations provided in the Planning Report;
- We have 3 requests for relief – (1) lot coverage, (2) interior side yard setback, and (3) exterior side yard setback;
- Requests (2) and (3) are existing setbacks and have been so for over 60 years with no infringement or issues. These setbacks will be maintained;
- Regarding request (1) for lot coverage, we are looking to add a second storey to the existing foundation;
- The existing lot is 43% smaller than the By-law requires. If we were to comply with 25% lot coverage for a 2 storey house it would total 1094 square feet – which is not practical once you add a staircase, walls etc.;

- No plans to take away from the diversity of the neighbourhood;
- It is a corner lot and has minimal impact on adjacent properties;
- No objections from any residents;
- Feel it meets the 4 tests as prescribed by the Planning Act for Minor Variance;
- Perfect size, fit and style for the corner. Will be high quality development.

Mr. Sauder provided floor plans and a building concept to Committee for consideration.

Mr. Vescio asked what the layout of the current dwelling is. Mr. Sauder explained it is currently a 2-bedroom bungalow with a small galley kitchen, family room and bathroom.

Mr. Stoneman asked whether Darsons Investments Ltd. owns the neighbouring property at 172-174 Victoria Street, and what the height of the proposed dwelling is relative to the building proposed at 172-174 Victoria Street. Mr. Sauder replied that Darsons Investments Ltd. is the owner of the property and that the proposed height of the building is 9.33m – below the maximum height of 10m for the zone. Mr. Sauder added that 172-174 Victoria Street has different zoning permissions to allow for a greater height.

Mr. Mertens asked Mr. Horton whether there is a legal non-conforming use on the property. Mr. Horton advised that there are legal-non complying setbacks, however the use is permitted.

Ms. Lew asked whether a garage is proposed. Mr. Sauder advised that a garage is not proposed, there is parking existing on the lot.

Mr. Vescio asked Mr. Horton to clarify the lot coverage permissions on the lot. Mr. Horton provided that By-law 2013-30 requires a reduction in footprint to permit a second storey addition.

There were no further questions from Committee, and no comments from the Public on this application.

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

1. Report from Ted Horton, Planner dated July 18, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering, dated June 26, 2018;
3. Memorandum from David Potter, Chief Building Official, dated July 12, 2018;
4. E-mail from Tiffany Wong, Associate Planner, Programs and Process Improvement, Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated June 29, 2018; and
5. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation, dated June 29, 2018.

***Moved by Peter Mertens***  
***Seconded by Ken Smith***

**THAT Minor Variance Application D13-A15-18 be APPROVED, subject to the following conditions:**

- 1. That the variances pertain 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**

**D13-A16-18 KOWALTSCHUK, Adam  
Plan 90, Part Lot 19  
100 Joseph Street  
Town of Newmarket**

Adam Kowaltschuk of 100 Joseph Street, NEWMARKET, ON L3Y 4H2, addressed the Committee as Owner of the property and provided the following comments:

- Concur with recommendations of the Planning Report;
- Proposing a single storey garage attached to the existing house, approximately 2.9 metres by 5.49 metres;
- Addition of garage puts lot coverage to 32%;
- Currently a temporary structure on the property which does not look great. Intend on constructing something smaller and more attractive, while also re-siding the house;
- Original plan for garage was 10 or 11 feet wide, however in speaking with my neighbour I have adjusted the setback to be approximately 4 feet from my property line which is in line with what the Zoning By-law permits;
- There is about 6 feet existing between the houses, and it is in keeping with garages in the neighbourhood; and
- Have worked with neighbour to modify plans accordingly.

Mr. Kowaltschuk provided before and after concepts to Committee for consideration.

Pauline De Champlain of 96 Joseph Street, NEWMARKET, ON L3Y 4H2, addressed the Committee and provided the following comments:

- Was not aware of changes made to the original plans;
- I am afraid that this addition will eliminate the light into the dining room of my house and every time I look out the window I will see a wall;

- As a nurse light is very important to me;
- Afraid my house will not sell with a brick wall in the window;
- This street consists of century homes, beautiful homes; and
- Not against him improving his house but I do not want the garage.

Mr. Kowaltschuk provided additional comments to Committee:

- Original concept was a flat roof, and changed it to a sloped roof once I spoke with my neighbour;
- With the slope of the roof and widening of lot towards the back of the property, my neighbour should get sufficient light; and
- Will not be greatly affected as neighbour is portraying.

There were no questions from Committee, and no further comments from the Public.

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

1. Report from Ted Horton, Planner dated July 18, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering, dated June 26, 2018;
3. Memorandum from David Potter, Chief Building Official, dated July 12, 2018;
4. E-mail from Tiffany Wong, Associate Planner, Programs and Process Improvement, Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated June 29, 2018;
5. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation, dated June 29, 2018;
6. Letter from Urban Forest Innovations Inc. dated July 11, 2018; and
7. Letter from Michael and Judy Rusu of 113 Joseph Street, NEWMARKET, ON L3Y 4H3, dated July 15, 2018.

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

**THAT Minor Variance Application D13-A16-18 be APPROVED, subject to the following conditions:**

1. That the variance pertains only to the requests as submitted with the application;
2. That prior to the issuance of any building permit the applicant be required to comply with the provisions of the Tree Preservation, Protection, Replacement and Enhancement Policy;
3. That the increased lot coverage apply only to the one-storey garage as detailed on the submitted site plan and not to any other structure; and
4. 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**

The Minutes of the meeting held on Wednesday, May 16<sup>th</sup>, 2018 were placed before the Committee for consideration.

*Moved by Elizabeth Lew*  
*Seconded by Peter Mertens*

**THAT the Minutes of the Wednesday, May 16<sup>th</sup>, 2018 meeting be approved.**

**CARRIED**

The October 17, 2018 Committee meeting date was recommended by Staff to be moved to October 24, 2018.

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

**THAT the 2018 Committee of Adjustment Scheduled Meeting Dates be revised to reflect that the October 17<sup>th</sup>, 2018 date be moved to October 24<sup>th</sup>, 2018.**

**CARRIED**

**THAT the Meeting adjourn.**

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

**CARRIED**

The meeting adjourned at 10:10 a.m.

Sept. 19, 2018  
Dated

[Signature]  
Chair