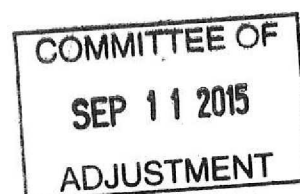


REPORT



TO: Committee of Adjustment

FROM: Linda L. Traviss, MCIP, RPP
Senior Planner – Development

DATE: September 8, 2015

RE: Application for Minor Variance **D13-A14-15**
Lots 2 & 3, Concession 3, designated as
Parts 1 to 8, Plan 65R-9244
285 Harry Walker Parkway
Made by: Mars Canada Inc.

1. RECOMMENDATION:

That Minor Variance Application D13-A14-15 be approved subject to the following conditions:

- a. that the variance pertains only to the request as submitted with the application;
- b. that development be substantially in accordance with the sketch submitted with the application; and
- c. that the Owner be advised that an Amending Site Plan Agreement will be required prior to the issuance of a building permit; and
- d. 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 any items identified by the Town's Consulting Arborist.

2. APPLICATION:

Application for Minor Variance has been submitted by the above-noted property owner to request relief from Section 6.5.2 Zone Standards of Zoning By-law Number 2010-40, as amended, to permit the existing building and a proposed new addition to have a maximum height of 12.5 metres, whereas the by-law permits a maximum height of 10.6 metres.

3. PLANNING CONSIDERATIONS:

The above-described property is designated Business Park – Mixed Employment in the Town's Official Plan which was approved by the Region of York on May 29, 2008. The Official Plan permits manufacturing, processing, assembling, storage, warehousing, fabricating and wholesaling (except to the general public) of goods and materials. The proposed application would not conflict with the purpose and intent of the Official Plan.

The property is zoned Heavy Employment (EH) on Map Number 7 of Schedule 'A' to Zoning By-law Number 2010-40, as amended. "Light manufacturing" is a permitted use in the EH Zone. The By-law defines "light manufacturing" as "the use of buildings or structures primarily for the purpose of manufacturing, processing, fabrication, assembly, treatment, packaging, or distribution and incidental indoor storage of goods and materials and may include accessory sales of such products but does not include basic industrial processing from raw materials".

The original building was constructed in 1986 and an addition was added to the rear of the building in 1989. Both the original building and previous addition were constructed having a height of 11.78 metres although the previous zoning by-law also permitted a maximum building height of 10.6 metres. It appears that the matter of the additional height was an oversight at the time of permit review when the original building and subsequent addition were constructed.

The zoning by-law defines building height as the vertical distance between the average finished grade and on a flat roof, the highest point of the roof surface or parapet. Height is determined by averaging the heights measured at every location where there is a change in grade.

At this time the owner is proposing to construct a new two storey addition to the front of the existing building that will exceed the allowable height provisions of the by-law. Relief is being sought from the height requirements of the by-law which provide that the maximum building height allowed is 10.6 metres. The requested relief amounts to a difference of 1.9 metres in height.

There should be no adverse impact on adjacent properties if the variance is approved as the existing building and addition have existed beyond the limits of the zoning by-law since 1986 and 1989. The relief can be considered minor and should have negligible impact on adjacent properties given the proposed use.

Based on the above considerations, the proposed application appears to conform to the general intent and purpose of the Zoning By-law.

4. OTHER CONSIDERATIONS:

Development of the site to accommodate the proposed addition will be through the site plan approval process. An application for Amendment to Site Plan Approval has been submitted to the Town and is currently under review. The owner will be required to enter into an amending site plan agreement with the Town prior to the issuance of any building permit.

5. OTHER COMMENTS:

The application is subject to the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy that was adopted by Council on October 12, 2004. The policy provides that all significant trees, as defined in the policy, and subject to a development application, may not be removed, injured, pruned or destroyed in any way without the approval of the Town. Significant trees that have been identified in a tree inventory which cannot be protected due to development constraints can be removed with the Town's approval, provided compensation is provided to the Town. Compensation may be in the form of aggregate inch replacement trees or financial payment.

The applicant has submitted with the application a report prepared by D. A. White Tree Care dated July 14, 2015 which identifies the trees that are to be protected and the trees that are proposed to be removed. The report has been forwarded to the Town's Consulting Arborist for review. If Committee were to approve the application, any conditions identified by the Town's Consulting Arborist would need to be addressed through the site plan approval process and prior to the issuance of a building permit for the proposed addition.

The Chief Building Official and the Senior Engineering Development Co-ordinator - ICI have offered no objections to the application.

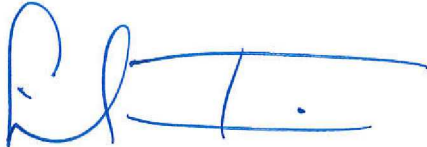
6. CONCLUSIONS:

The relief as requested:

- (1) appears to be minor in nature as the impact on adjacent properties will be minimal as the existing building has existed in its present form for a number of years;
- (2) conforms to the intent and purpose of the Official Plan and Zoning By-law as both documents contemplate manufacturing uses; and

- (3) does not adversely affect the character of the neighbourhood and is desirable for the appropriate development or use of the land, buildings or structures.

Respectfully submitted,



Linda L. Traviss, MCIP, RPP
Senior Planner – Development

copy: Rachel Prudhomme, M.Sc., P.Eng., Director, Engineering Services

Pelham, Kym

COMMITTEE OF
SEP - 9 2015
ADJUSTMENT

From: Kevin Jarus <K.Jarus@lsrca.on.ca>
Sent: September-09-15 1:27 PM
To: Pelham, Kym
Subject: RE: D10-B03-15 - 292 & 296 Hamilton Street and D13-A14-15 - 285 Harry Walker Parkway

Good afternoon Kym,

In the interest of expediency, please accept this email as our formal comments in relation to the subject applications:

D10-B03-15: We note that this property is not subject to Ontario Regulation 179/06 under the *Conservation Authorities Act*. As such, a permit will not be required prior to development occurring on the property. As such, and given our review of the proposal in light of the relevant provincial policies/plans, please note we have no further requirements or concerns with this proposal.

D13-A14-15: Again, we note that this property is not subject to Ontario Regulation 179/06 under the *Conservation Authorities Act*. Given our review of the proposal in light of the relevant provincial policies/plans, please note we have no further requirements or concerns with this proposal.

Should you have any questions please let me know.

Regards,



Kevin Jarus, M.P.I.
Development Planner
LSRCA 120 Bayview Parkway, Newmarket, Ontario L3Y 3W3
905.895.1281 x 151 | 1.800.465.0437
K.JARUS@LSRCA.on.ca | <http://www.LSRCA.on.ca>

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From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Wednesday, September 09, 2015 9:53 AM
To: Kevin Jarus
Subject: D10-B03-15 - 292 & 296 Hamilton Street and D13-A14-15 - 285 Harry Walker Parkway

Hi Kevin,

This is just a reminder that I will require LSRCA comments by noon tomorrow with regards to the above noted consent and minor variance applications.

Thanks
Kym



Kym Pelham, ACST

Committee Secretary

Planning and Building Services

905-953-5300, press 2, ext. 2456

905-953-5140 (fax)

kpelham@newmarket.ca

www.newmarket.ca

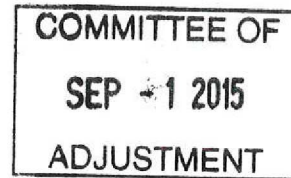
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Pelham, Kym

From: Ewart, Brandon
Sent: September-01-15 10:33 AM
To: Pelham, Kym
Cc: Bingham, Rick
Subject: RE: 285 Harry Walker Parkway



Hi Kym,

Engineering Services has no objection to the proposed minor variance to permit a max. height of 12.5m.

Thank you,

Brandon.

From: Ewart, Brandon
Sent: August-11-15 2:15 PM
To: Pelham, Kym
Cc: Bingham, Rick (rbingham@newmarket.ca)
Subject: 285 Harry Walker Parkway

Hi Kym,

Engineering Services has no objection to the proposed minor variance to permit the existing and new addition to have a max. height of 12m, whereas the bylaw permits a max. height of 10.6m.

Thanks,



Brandon Ewart B.A.Sc.
Senior Engineering Development Coordinator - ICI
Engineering Services Department
905-953-5300, press 2, ext. 2514
905-953-5138 (fax)
bewart@newmarket.ca
www.newmarket.ca
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Planning & Building Services
Office of the Building Inspector
TOWN OF NEWMARKET

395 Mulock Drive

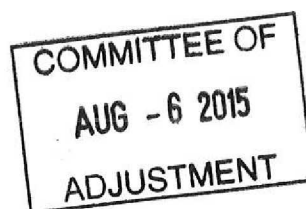
P.O. Box 328

Newmarket, ON L3Y 4X7

www.newmarket.ca

buildings@newmarket.ca

905.953-5300 ext. 2400



MEMORANDUM

TO: Committee of Adjustment


FROM: David Potter, CBCO, B. Tech., MAATO
Chief Building Official

DATE: August 6, 2015

RE: Application for Minor Variance

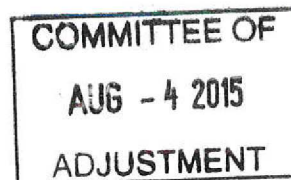
File no: D13-A14-15

I have reviewed the above and have no objection to this application.


for David

Pelham, Kym

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: August-04-15 4:11 PM
To: Pelham, Kym
Subject: RE: D13-A14-15 - 285 Harry Walker Parkway



Good Afternoon,

The Region of York has completed its review of the above Minor Variance Application and has no objection. Please contact me if you require additional information.

Regards,

Gabrielle Hurst, MCIP. RPP. C.Tech | Programs and Process Improvement
1-877-464-9675 ext. 71538 | gabrielle.hurst@york.ca

From: Bilkhu, Vick
Sent: Saturday, August 01, 2015 11:56 AM
To: Hurst, Gabrielle
Subject: FW: D13-A14-15 - 285 Harry Walker Parkway

From: Pelham, Kym [<mailto:kpelham@newmarket.ca>]
Sent: Thursday, July 30, 2015 8:05 AM
To: Bilkhu, Vick
Subject: D13-A14-15 - 285 Harry Walker Parkway

Hi Vick,

Please find attached the Notice of Application with regards to file D13-A14-15, together with a copy of the Application for your review and comments.

Could I please get your comments for Thursday, August 13, 2015.

Thanks
Kym



Kym Pelham, ACST
Committee Secretary
Planning and Building Services
905-953-5300, press 2, ext. 2456
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kpelham@newmarket.ca
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