

The meeting of the Committee of Adjustment was held on Wednesday, January 20th, 2016 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
Peter Mertens, Member
Elizabeth Lew, Member

Staff Present: Linda Traviss, Senior Planner - Development
Ted Horton, Planner
Kym Pelham, Committee Secretary

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 at that time; however, members were invited to declare a conflict of interest at any time during the meeting.

MINOR VARIANCE APPLICATIONS

D13-A28-15 GOODMAN, David
Lot 3, Plan 48
340 Timothy Street
Town of Newmarket

David Goodman of 340 Timothy Street, NEWMARKET, ON L3Y 1P5, addressed the Committee and provided the following comments:

- wish to build front porch on house
- property line is 6' from house
- porch does conform with the character of the neighbourhood

Fred Stoneman inquired as to how far the porch would be from the sidewalk and Mr. Goodman mentioned that the property line would be approximately 4' from the sidewalk and the porch should be 1' from the property line.

Ken Smith inquired as to whether there would be steps down from the porch and if they would be closer to the lot line and Mr. Goodman mentioned that the steps would not be any closer to the lot line.

Dave Ingram of 191 Brammar Street, NEWMARKET, ON L3Y 7T4, addressed the Committee and inquired as to whether a new drawing should be submitted for the steps to ensure compliance and the Chair advised that during the building permit process, the steps would be reviewed for compliance at that time.

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

1. Report from Ted Horton, Planner dated January 6, 2016;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated January 11, 2016;
3. Memorandum from David Potter, Chief Building Official dated December 22, 2015;
4. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated December 21, 2015; and
5. 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, 2016.

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

*Moved by Peter Mertens
Seconded by Elizabeth Lew*

THAT Minor Variance Application D13-A28-15 be approved, subject to the following conditions:

1. That the variance pertains only to the request 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 sketch submitted with the application.

as the Minor Variance Application:

- (1) is minor in nature as the impact appears to be minimal;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

CARRIED

D10-B04-15 RORA, Maksim
Lot 8 and Part of Lot 7, Plan 24
648 Srigley Street
Town of Newmarket

D13-A24-15 RORA, Maksim
Part Lot 7 and Part Lot 8, Plan 24
Srigley Street (new lot on west side of 648 Srigley Street)
Town of Newmarket

D13-A25-15 RORA, Maksim
Part Lot 8, Plan 24
648 Srigley Street
Town of Newmarket

Angela Sciberras of Macaulay Shiomi Howson Ltd., 471 Timothy Street, NEWMARKET, ON L3Y 1P9, addressed the Committee and provided the following comments:

- acting on behalf of Mr. Rora
- filed application to sever existing lot to permit 2 single family dwellings
- site has an existing dwelling with 2 rental units
- frontage will be less than zoning bylaw requires
- the area is unusual
- variances are only for frontage and the building will meet all other requirements of the zoning bylaw
- building footprint will be reduced on one lot due to LSRCA restrictions
- owner intends on residing on one of the lots and will sell the westerly property
- willing to work on design with the Town

Mr. Smith inquired as to whether they had submitted a footprint of the proposed building and Ms. Sciberras mentioned that a footprint had been submitted and there will be no more requests for variances on the lots.

Peter Mertens asked if the footprint shows the setbacks and Ms. Sciberras mentioned that the setbacks are 3 metres on either side.

Mr. Stoneman asked how long Mr. Rora has owned the property and Mr. Rora mentioned that he has had ownership of the property for 2 ½ years.

Mr. Mertens inquired as to whether reducing the frontage from 15 metres to 12 metres was indeed minor in nature and Linda Traviss mentioned that the staff report had deemed it appropriate.

There was a discussion regarding the sizes of the lots in the area and the numerous lots that had been considered by Ms. Traviss for her planning report.

Ms. Sciberras mentioned that the properties at 658, 654 and 644 Srigley were all rental units. 654 has 8 units and if demolished the use would no longer be permitted. This consent application is creating a legal status for two units.

Lori Rose of 189 Mary Street, NEWMARKET, ON L3Y 3P9, addressed the Committee and

inquired as to whether the new home would be on the existing footprint and had concerns regarding drainage and the Chair advised that the homes would not be built on the existing footprint, as there would be two new homes and the existing house would be demolished. The Chair also mentioned that the new buildings would have to comply with the zoning bylaw and drainage would be addressed during the site plan agreement stage.

Dave Ingram of 191 Brammar Street, NEWMARKET, ON L3Y 7T4, addressed the Committee and provided the following comments:

- concerns regarding use and size of lots
- approval of applications would be opening a Pandora's box

The following correspondence was received regarding D10-B04-15 and considered by the Committee regarding the application:

1. Report from Linda Traviss, Senior Planner - Development dated January 14, 2016;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated January 11, 2016;
3. Memorandum from David Potter, Chief Building Official dated December 22, 2015;
4. Letter from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated January 5, 2016;
5. 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, 2016;
6. Letter from Peter M. Green, Director, Capital Development, Southlake Regional Health Centre dated January 11, 2016;
7. E-mail from Dennis De Rango, Specialized Services Team Lead, Hydro One dated December 30, 2015;
8. Letter from Lily Apa, Planning Coordinator, Rogers Communications dated December 30, 2015; and
9. Letter from Nikki DeGroot, Municipal Planning Advisor, Distribution Planning & Records, Enbridge Gas Distribution dated January 9, 2016.

The following correspondence was received regarding D13-A24-15 and considered by the Committee regarding the application:

1. Report from Linda Traviss, Senior Planner - Development dated January 14, 2016;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated January 11, 2016;
3. Memorandum from David Potter, Chief Building Official dated December 22, 2015;
4. Letter from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated January 5, 2016; and
5. 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, 2016.

The following correspondence was received regarding D13-A25-15 and considered by the Committee regarding the application:

1. Report from Linda Traviss, Senior Planner - Development dated January 14, 2016;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated January 11, 2016;
3. Memorandum from David Potter, Chief Building Official dated December 22, 2015;

4. Letter from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated January 5, 2016; and
5. 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, 2016.

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

Moved by Fred Stoneman
Seconded by Peter Mertens
Opposed by Gino Vescio

THAT Consent Application D10-B04-15 be approved, subject to the following conditions:

- a. the Owner enter into a leading site plan agreement for the future development of the subject and retained lands dealing with all matters, financial, servicing, grading and storm drainage design and otherwise including the payment of a parkland contribution in accordance with the provisions of the *Planning Act, R.S.O. 1990*, to the satisfaction of the Town;
- b. the Owner grant to the Town at no cost a 2.0 metre road widening across the frontage of the subject and retained lands;
- c. the Owner provide three white prints of a deposited reference plan of survey that substantially conforms to the application as approved by Committee; and
- d. the Owner obtain relief from the provisions of the Zoning By-law for reduced lot frontage as set forth in Minor Variance Applications D13-A24-15 and D13-A25-15.

as the proposed consent application:

provided relief is obtained for reduced lot frontage, would conform with the purpose and intent of the Official Plan and the Zoning By-law, as amended. The owner will be required to enter into a site plan agreement with the Town and to obtain the necessary relief from the Zoning By-law for reduced lot frontage for the subject and remaining lands. The consent would not adversely affect the character of the neighbourhood and is desirable for the appropriate development and land use.

CARRIED

Moved by Fred Stoneman
Seconded by Peter Mertens
Opposed by Gino Vescio

THAT Minor Variance Applications D13-A24-15 and D13-A25-15 be approved, subject to the following conditions:

- a. that the variances pertain only to the requests as submitted with the applications;
- b. that development be substantially in accordance with the “Proposed Building Footprint” submitted with the applications;

- c. that the owner be advised that prior to the issuance of any building permits compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy and the items identified by the Town's Consulting Arborist in a report dated December 7, 2015; and
- d. that the owner be advised that prior to any development or site alteration occurring on the severed or retained lands a permit will be required from the Lake Simcoe Region Conservation Authority.

as the Minor Variance Applications:

- (1) appear to be minor in nature as the impact on adjacent properties will be minimal;
- (2) conform to the intent and purpose of the Official Plan and Zoning By-law as the new lots will be of sufficient size; and
- (3) do not adversely affect the character of the neighbourhood and is desirable for the appropriate development or use of the land, buildings or structures.

CARRIED

The Minutes of the meeting held on Wednesday, December 16th, 2015 were placed before the Committee for consideration.

Moved by Peter Mertens
Seconded by Elizabeth Lew

THAT the Minutes of the Wednesday, December 16th, 2015 meeting be approved as circulated.

CARRIED

Moved by Fred Stoneman
Seconded by Elizabeth Lew

THAT the Meeting adjourn.

CARRIED

The meeting adjourned at 10:25 a.m.

Dated

Chair