

The meeting of the Committee of Adjustment was held on Wednesday, January 23<sup>rd</sup>, 2019 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  
Linda Traviss, Alternate 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.

### **CONSENT APPLICATION**

**D10-B05-18 CPPIB UPPER CANADA MALL INC. and  
OXFORD PROPERTIES RETAIL HOLDINGS II INC.  
Part Lot 96, Concession 1, Part 1, Plan 65R38065  
14600 Yonge Street  
Town of Newmarket**

Chris Matson of Matson McConnell Ltd., 2430 Bloor Street West, TORONTO ON M6S 1P9 addressed Committee as agent for the owner of the property and on behalf of Sundial Homes provided the following comments:

- Advised application was for private easement for construction and maintenance of retaining wall
- Wall is requirement of subdivision through the design process
- Will improve drainage
- Has reviewed staff report and is okay with conditions

There were no questions from Committee and no comments from the public.

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

1. Report from Ted Horton, Planner dated January 17, 2019;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated January 10, 2019;
3. Memorandum from David Potter, Chief Building Official dated January 10, 2019;
4. Letter from Peter M. Green, Southlake Regional Health Centre dated January 16, 2019;
5. E-mail from Joseph McMackin, Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated January 15, 2019;
6. Email from Carrie Gordon, Bell Right of Way Control Centre dated January 15, 2019;
7. Email from Dan Della Mora, Ministry of Transportation dated January 14, 2019;
8. Email from Alice Coleman, Enbridge Gas Distribution dated January 7, 2019; and
9. Email from Bishmita Parajuli, Hydro One dated January 18, 2019.

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

**THAT Consent Application D10-B05-18 be GRANTED, subject to the following conditions:**

- 1. Submission to the Alternate Secretary-Treasurer of fully executed transfer(s) in the form of Easements, conveying the subject lands; and**
- 2. Submission to the Alternate Secretary-Treasurer of three white prints of a draft reference plan of survey to the satisfaction of the Town.**

**as the Consent Application conforms to the purpose and intent of the policies of the Town's Official Plan, and Committee has had regard for the applicable matters under the *Planning Act*.**

**CARRIED**

**MINOR VARIANCE APPLICATION (deferred from November 14, 2018 hearing)**

**D13-A25-18 1956322 ONTARIO INC.  
Block K, Plan M47  
48 Eastman Crescent  
Town of Newmarket**

Kyle Khadra of KBK Studios., 2-1180 Stellar Drive, NEWMARKET ON L3Y 7B9, addressed the Committee as agent for the owner and provided the following comments:

- Was before Committee in November for five variances; asked for deferral as there were complaints from the neighbours and the planning report didn't provide support
- Have eliminated 3 variances and amended one; now asking for 2 variances
- Read planning report and agree with and agree to comply with the conditions

Mr. Stoneman asked when the applicant purchased the property. Mr. Khadra advised he thought it was two years ago but he wasn't sure. Mr. Stoneman asked how much the owner had paid for the land and Mr. Khadra advised he didn't know.

Wayne Grimble owner of 10 Ashton Drive, Unit 102, NEWMARKET ON L3Y 5V5 addressed Committee and advised he was on the Board of Directors for the condo property and that he thought the application was for a monster home on a sliver of land that was pushing the limits. He further advised the proposal should be within the by-law and the applicant should not be asking for any variance. Mr. Grimble advised that Item 3 on the notice was incorrect.

Mr. Stoneman asked Mr. Grimble what he thought was the error. Mr. Grimble advised it was the setback of 0.9 metres. Mr. Vescio advised the original proposal was for 0.9 metres and the new proposal is for 1.2 metres.

Sue Thompson of 10 Ashton Road, Unit 207, NEWMARKET ON L3Y 5V5 advised she looks out onto this property. She further advised the neighbours on the other side of the condo are more impacted than she is. Ms. Thompson advised the proposed house is much too large for the size of the property and not in keeping with the neighbourhood. There are beautiful trees on the property that have helped with keeping the noise level down. Ms. Thompson advised there should not be a house there as it is much too large for the pie-shaped, small lot.

Mr. Stoneman inquired if the home would affect Ms. Thompson's sunlight. She advised that yes it would.

Barb Bartlett of 37 Eastman Crescent, NEWMARKET ON L3Y 5T9 addressed Committee and advised the house was too large for the lot. Ms. Bartlett further advised she had lived there since 1979 and was aware of the style of homes in the area. She advised the design of the road could be hazardous. She further advised for the parcel of land the house was too tight and not suitable.

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

1. Report from Ted Horton, Planner dated January 17, 2019;
2. Memorandum from V. Klyuev, Senior Engineering Development Coordinator - Residential dated January 10, 2018 [sic];
3. Memorandum from David Potter, Chief Building Official dated January 10, 2019; and

4. Letter from Urban Forest Innovations Inc. dated January 16, 2019;

*Moved by Peter Mertens  
Seconded by Ken Smith*

**THAT Minor Variance Application D13-A25-18 be granted, subject to the following conditions:**

- a. 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 and Public Tree Protection By-law, including tree protection, securities, and compensation;
- b. That the applicant be advised that the injury or removal of any tree located wholly or in part on a neighbouring property must be authorized by the owner of said tree;
- c. That the applicant be advised that they will be required to obtain municipal servicing for the lot prior to any building permit at their own cost;
- d. That prior to any construction, tree removal, or site alteration that the owner be required to enter into a site plan agreement with the Town, and to provide to the satisfaction of the Town the following:
  - i. Site plan;
  - ii. Grading plan;
  - iii. Servicing plan;
  - iv. Where a tree owned by a neighbour is to be injured or removed, authorization from that party;
  - v. An updated arborist report that reflects the other plans; and
  - vi. Compensation for all trees to be removed as required by the Tree Preservation, Protection, Replacement and Enhancement Policy;
- e. That the applicant be advised of the existing telecommunications infrastructure located in the municipal boulevard and of their responsibility to obtain approvals for its relocation, and of the existing parking lot on the abutting southerly property and of potential impact from vehicular proximity and headlights on the proposed southerly windows; and
- f. That the applicant be advised they will be required to pay applicable fees and charges including but not limited to development charges, building permit fees, and fees for the preparation and registration of the site plan agreement as laid out in the Town's Fees and Charges By-laws.

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 a desirable development of the lot.

In favour – Peter Mertens, Ken Smith and Elizabeth Lew

Opposed – Fred Stoneman and Gino Vescio

**CARRIED**

The Minutes of the meeting held on Wednesday, December 12<sup>th</sup>, 2018 were placed before the Committee for consideration.

*Moved by Elizabeth Lew*

*Seconded by Fred Stoneman*

**THAT the Minutes of the Wednesday, December 12<sup>th</sup>, 2018 meeting be approved.**

**CARRIED**

**THAT the Meeting adjourn.**

*Moved by Peter Mertens*

*Seconded by Fred Stoneman*

**CARRIED**

The meeting adjourned at 10:01 a.m.

FEB 20, 2019  
Dated

  
Chair