



Town of Newmarket
MINUTES

COMMITTEE OF ADJUSTMENT

Council Chambers
395 Mulock Drive
Wednesday, April 17, 2019 at 9:30 a.m.

The meeting of the Committee of Adjustment was held on Wednesday, April 17th, 2019 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Chair
Peter Mertens, Vice Chair
Ken Smith, Member
Elizabeth Lew, Member
Mohsen Alavi, Member

Staff Present: Ted Horton, Planner
Linda Traviss, Alternate Secretary-Treasurer
Alannah Slattery, Secretary-Treasurer

The Meeting was called to order at 9:30 a.m. in the Council Chambers to consider items on the agenda.

The Alternate Secretary-Treasurer called for declarations of pecuniary interest. No conflicts were declared.

The Alternate Secretary Treasurer called for motion to vote on the selection of Chair.

Peter Mertens nominated Gino Vescio for Chair.

Moved by Peter Mertens
Seconded by Ken Smith

THAT Gino Vescio be selected as Chair.

CARRIED

The Alternate Secretary Treasurer called for motion to vote on the selection of the Vice Chair.

Gino Vescio nominated Peter Mertens for Vice Chair.

Moved by Ken Smith
Seconded by Mohsen Alavi

THAT Peter Mertens be selected as Vice Chair.

CARRIED

Gino Vescio in the Chair.

The chair called for conflicts of interest. No conflicts of interest were declared. Members were invited to declare any other conflicts of interest at any time during the meeting.

CONSENT APPLICATION (in conjunction with Minor Variance Applications)

**D10-B04-18 ESHOO, Givargis
Part Lot 3, Plan 113
951 Srigley Street
Town of Newmarket**

**D13-A23-18 ESHOO, Givargis
Part Lot 3, Plan 113
0 Srigley Street (Proposed Lot)
Town of Newmarket**

**D13-A24-18 ESHOO, Givargis
Part Lot 3, Plan 113
951 Srigley Street (Retained Lot)
Town of Newmarket**

Lucila Sandoval of Groundswell Urban Planners Inc., 95 Mural Street, RICHMOND HILL, ON, L4B 3G2 addressed the Committee as the agent on behalf of the property owner and provided the following comments:

- Present dwelling on the subject lands has been modified
- The driveway has two access points
- Application is for severance and minor reduction in lot frontages.
- The proposal maintains orderly development, and will result in acceptable dwelling units, that will meet coverage requirements
- Consent will not affect required lot area minimum
- An appropriate development can be achieved on each lot
- There are varying lot frontages on the street
- Applicant will agree to protect and save mature trees
- The application meets the four tests, the applicants concur with the staff report

Ms. Lew asked the applicant what size of house is being proposed on the subject lands and Ms. Sandoval advised they had not yet looked at the size of houses, but that the dwellings would meet the zoning requirements.

Mr. Vescio commented that based on the provided map, the frontage for 951 Srigley Street is just over 35 metres in frontage, and the frontage of the properties on either side, and on the west of Carlson Drive, are generally in excess of 30 metres. Mr. Vescio inquired as to how this consent application would maintain character and identity of the surrounding residential community.

Ms. Sandoval advised that there are varying lot frontages further along Srigley Street. She also advised that they are requesting a frontage of 17.5 metres, whereas the zoning requirement for the subject property is 18 metres.

Mr. Vescio noted that the majority of lot frontages in the area range from 25 to 30 metres, with very few properties less than that. Ms. Sandoval responded that there are also some properties with lower frontages along Carlson Drive. Mr. Vescio noted that this was in a different subdivision.

Mr. Vescio noted that the vast majority of lots on Srigley Street are in excess of 25 metres and closer to 30 metres. Mr. Vescio asked if the members had any further questions and then invited any members of the public to speak to the application.

Councillor Victor Woodhouse, 186 Carlson Drive, NEWMARKET, ON, L3Y 3H3, addressed the Committee as a local representative and Councillor for the area. Councillor Woodhouse stated he has lived in the neighbourhood for 35 years and has spoken to residents regarding the subject application. His concern as the local representative is similar to comments made by the Chair. Councillor Woodhouse noted that the vast majority are wider lots, and the concern is that the lot division and addition of the new dwellings will change the character of the neighbourhood, and set a precedence for future similar applications, with the possible future development of duplexes or triplexes. Councillor Woodhouse noted that there should be an order to what the neighbourhood looks like.

Greg Gillespie, 961 Srigley Street, NEWMARKET, ON, L3Y 1Y4, stated he objects to the application. He noted the size of the lots on the street are a lot larger than the By-law indicates.

Bessie Koutroulakis, 151 Carlson Drive, NEWMARKET, ON, L3Y 3H1, stated she wrote a letter which was submitted to Committee members. Ms. Koutroulakis stated her concerns are the same as previously mentioned, and that subdividing the property would change the neighbourhood. Ms. Koutroulakis stated she had lived there for 25 years and that the neighbourhood includes mature lots with trees and habitats, which are unique to the neighbourhood. She noted that the aesthetic will change, and may continue to change should lots be further subdivided. She noted that currently the homes are all unique with large lots and that is why they moved there.

Ian West, 948 Srigley Street, NEWMARKET, ON, L3Y 1Y3, stated he had the same issues. The application would not be an issue if it was resulting in a common frontage with the surrounding properties, however, this redrawing of property lines would result in frontages much less than surrounding properties. The application will create two properties, each with 20 feet less in frontage than the neighbouring properties, and will result in a major difference when two large dwellings are erected. He also mentioned that if this application is approved, it will be setting a precedent for future applications. A previous committee denied an application to subdivide a property in the past, within the same neighbourhood.

Hugh McKechnie, 139 Carlson Drive, NEWMARKET, ON, L3Y 3H1, stated that this neighbourhood was created with unique characteristics, and was created this way for a reason. The lot division will create two lots and is different than a few feet of frontage. Mr. McKechnie stated it is a treasure and a beautiful street that residents appreciate.

Karin Cool, 145 Carlson Drive, NEWMARKET, ON, L3Y 3H1, stated she moved to the neighbourhood eight years ago and chose her house based on the openness and aesthetics of the area. Ms. Cool stated that her property joins the subject property at the back, where the lot is narrower, and that they could essentially build a house on top of her. She also stated she anticipates increased traffic, and increased flooding at the back of her property.

Jeremiah Proctor, 1017 Srigley Street, NEWMARKET, ON, L3Y 1Y4, stated he bought his house based on the out-of-town feel within the neighbourhood. The application will result in two houses crammed together on one property, which will stand out like a sore thumb.

Ms. Lew inquired of staff that should the consent be approved, would the application require site plan agreements, including lot grading, tree protection plan, and other plans. Ms. Lew also asked of staff that should the consent not be approved, and the owner decides to build a single family dwelling with no planning application, would they need to provide these documents?

Mr. Horton advised that should the consent be denied, there would be no requirements for the owners to maintain the trees on the property and would be entitled to remove all trees on the lot without consultation. In addition, they could demolish the existing dwelling and replace it at any size that meets the Zoning by-law.

Ms. Lew asked whether the present owners could build a large two-storey house without public input. Mr. Horton responded that is correct; the existing house could be demolished, and the property owner could build a dwelling much larger than the two dwellings, should the lot be divided.

Ms. Lew inquired of staff whether they must comply with the Town's Tree Protection Plan should they divide the lot. Mr. Horton responded that is correct, conditions on the application require conformity with the Tree Protection Policy.

Mr. Vescio inquired of staff whether this was the case for any lot within the Town. Mr. Horton confirmed that as long as a proposal meets the Zoning By-law, a demolition or re-build of a dwelling does not require public input.

Mr. Vescio asked if members had any further questions of staff. Mr. Vescio asked for a motion.

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

1. Report from Ted Horton, Planner, dated April 12, 2019
2. Report from Ted Horton, Planner, dated December 6, 2018
3. Report from Ted Horton, Planner, dated October 19, 2018
4. Report from Dave Ruggle, Senior Planner Community Planning, dated February 25, 2019
5. Memorandum from Urban Forest Innovations Inc, dated October 18, 2018

6. Memorandum from Rick Bingham, Manager of Development Engineering, dated October 10, 2018
7. Memorandum from David Potter, Chief Building Official, dated October 10, 2018
8. Email from Grace Marsh, Supervisor Property Tax & Assessment, dated October 4, 2018
9. Email from Dan Della Mora, Corridor Management Planner, Ministry of Transportation, dated October 16, 2018
10. Email from Peter Green, Director of Capital Development, Southlake Regional Health Centre, dated October 18, 2018
11. Email from Bishmita Parajuli, Hydro One, dated October 9, 2018
12. Email from Char Hall, External Liaison, Bell Canada Right of Way, dated October 11, 2018
13. Email from Gabrielle Hurst, Planning and Economic Development Branch, The Regional Municipality of York, dated October 11, 2018
14. Email from Rogers Communications, date October 16, 2018
15. Email from Ian West of 948 Srigley Street, NEWMARKET, ON, L3Y 1Y3, dated October 18, 2018
16. Email from Karin Cool of 145 Carlson Drive, NEWMARKET, ON, L3Y 3H1, dated October 17, 2018
17. Email from Vasiliki and Peter Koutroulakis of 151 Carlson Drive, NEWMARKET, ON L3Y 3H1, dated October 15, 2018
18. Email from Alan Alsop of 954 Srigley Street, NEWMARKET, ON, L3Y 1Y3, dated October 15, 2018
19. Email from Hugh and Annalee Mckechnie of 139 Carlson Drive, NEWMARKET, ON, L3Y 3H1, received October 15, 2018
20. Email from Judie and Peter Howes of 146 Carlson Drive, NEWMARKET, ON, L3Y 1Y2, dated October 15, 2018
21. Email from Greg and Paula Gillespie of 961 Srigley Street, NEWMARKET, ON, L3Y 1Y4, dated October 23, 2018
22. Email from Carol Taylor of 1030 Srigley Street, NEWMARKET, ON, L3Y 1Y3, dated November 5, 2018
23. Email from Carol Taylor of 1030 Srigley Street, NEWMARKET, ON, L3Y 1Y3, dated April 13, 2019
24. Email from Catherine and Michael Lindsay of 950 Wildwood Drive, NEWMARKET, ON, L3Y 2B5, dated October 21, 2018
25. Email from Stan Mallory of 199 Carlson Drive, NEWMARKET, ON, L3Y 3H4, dated January 23, 2019
26. Letter from Cindy Little of 886 Srigley Street, NEWMARKET, ON, L3Y 1X7, dated November 25, 2018
27. Letter from Tat Ming Tang of 898 Srigley Street, NEWMARKET, ON, L3Y 1X7, dated November 25, 2018
28. Letter from Drew Murray of 974 Wildwood Drive, NEWMARKET, ON, L3Y 2B5, dated November 25, 2018
29. Letter from Lisa Jackson of 982 Wildwood Drive, NEWMARKET, ON, L3Y 2B5, dated November 25, 2018
30. Letter from Bahram Izadi of 177 Carlson Drive, NEWMARKET, ON, L3Y 3H2, received April 15, 2019
31. Letter from M. Lawson, Resident, dated November 17, 2018
32. Letter from Parto Razi and Shahrzad Eshaqi, Residents, dated November 17, 2018

Moved by Peter Mertens
Seconded by Elizabeth Lew

THAT Consent Application D10-B04-18 be APPROVED, subject to the following conditions:

- a) That the Owner obtain relief from the provisions of the zoning by-law for reduced frontage as set forth in Minor Variance Applications D13-A23-18 and D13-A24-18;**
- b) That prior to the issuance of the Certificate of Official, that the owner be required to obtain a demolition permit and remove the existing structures on the lot;**
- c) That prior to the issuance of any demolition permit or building permit compliance that the applicant provide to the Secretary-Treasurer confirmation from Planning Services that the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy have been fulfilled including tree protection and securities;**
- d) That the applicant be required to enter into a site plan agreement to:**
 - i. maintain for a period of not less than five years the tree numbered 4 and hedgerows numbered 10+ and 11+ indicated on the submitted arborist report prepared by D.A. White Tree Care dated August 29, 2018 to the satisfaction of the Town;**
 - ii. pay to the Town an amount of not less than 200% of the appraised value of the trees located on the municipally-owned boulevard to be removed as required by Public Tree Protection By-law 2017-59;**
 - iii. address demolition, tree protection and compensation for the existing lot; and**
 - iv. require an amending agreement for the development of the subject and remaining lands to address lot grading, storm drainage, municipal servicing, tree protection and compensation, built form compatibility including a brief on how the proposed design represents elements of the surrounding neighbourhood, easements, and other matters.**
- e) That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:**
 - i. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;**

- ii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
- iii. required transfers to effect the severance and conveyance applied for under Consent Application D10-B04-18, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act; and
- iv. 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; and;

THAT Minor Variance Applications D13-A23-18 and D13-A24-18 be GRANTED 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.

In favour – Peter Mertens, Ken Smith, Elizabeth Lew, Mohsen Alavi
Opposed – Gino Vescio

CARRIED

Mr. Vescio asked for a motion to appoint Alannah Slattery as Secretary-Treasurer.

Moved by Elizabeth Lew
Seconded by Peter Mertens

THAT Alannah Slattery be appointed as Secretary-Treasurer.

CARRIED

Mr. Vescio asked for a motion to appoint Linda Traviss as Alternate Secretary-Treasurer.

Moved by Peter Mertens
Seconded by Mohsen Alavi

THAT Linda Traviss be appointed as Alternate Secretary-Treasurer.

CARRIED

The Minutes of the meeting held on Wednesday, February 20th, 2019, were placed before the Committee for consideration.

Moved by Elizabeth Lew
Seconded by Ken Smith

THAT the Minutes of the Wednesday, February 20th, 2019 meeting be APPROVED.

CARRIED

THAT the Meeting adjourn.

***Moved by Peter Mertens
Seconded by Mohsen Alavi***

CARRIED

The meeting adjourned at 10:43 a.m.

Dated

Chair