

The meeting of the Committee of Adjustment was held on Wednesday, December 11th, 2019 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

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

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-A24-19 RODGER, Ian and Janet
Part Lot 37, Plan 437
199 Avenue Road
Town of Newmarket

Ian Rodger, 199 Avenue Road, NEWMARKET, L3Y 1N5, addressed the Committee as the owner of the subject property. Mr. Rodger explained he has an existing shed, and he is looking to take it down and build another shed that is larger than what currently exists.

Mr. Vescio asked if there was anything else he'd like to say. He asked the applicant if he had spoken with his neighbours.

Mr. Rodger responded he had spoken to his neighbours and that they had no concerns.

Mr. Smith asked the applicant if he had seen the arborist report.

Mr. Rodger responded that he had and was surprised with the trees that had not been listed, and that he will go back and take a look.

Mr. Vescio asked if there were any more speakers on the application. There were none.

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

1. Report from Ted Horton, dated December 6th, 2019;
2. Comments from Shane Jobber, Urban Forest Solutions, dated December 5th, 2019;
3. Email from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated December 5th, 2019; and,
4. Memorandum from Victoria Klyuev, Senior Engineering Development Coordinator, dated December 4th, 2019.

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

THAT Minor Variance Application D13-A24-19 be GRANTED, subject to the following conditions:

1. **That the variance pertains only to the request 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 a desirable development of the lot.**

CARRIED

**D13-A25-19 WONG, Phillip
Lot 23, Plan 65M3485
355 Marble Place
Town of Newmarket**

Rong Zhuang, 14 Donmac Drive, NORTH YORK, M3B 1N5, addressed the Committee as the agent working on behalf of the owner. Ms. Zhuang explained that they are applying for two units in the house, and that when they bought it there were already two units. They want to make it legal and safe.

Mr. Vescio asked if they had read the staff report.

Ms. Zhuang responded yes and that they have no concerns.

Ms. Lew asked the applicant what is currently in the garage.

Ms. Zhuang responded that it is currently being used for parking.

Ms. Lew asked if the owner lives there.

Ms. Zhuang responded no, tenants live there.

Ernesto Oddone, 360 Marble Place, NEWMARKET, L3X 2P1, addressed the committee as a neighbour. He stated he does not know what adding an accessory dwelling unit means. He stated that from what he gathers, they are proposing an addition off the garage.

Mr. Horton responded that the Zoning By-law sets out what you can do in the Town, the Zoning By-law allows accessory dwelling units, as of right, for almost every detached dwelling in Town. In this case, they don't have enough parking spaces. They are looking to provide some parking spaces within the garage. There are no exterior changes or extensions, they are just recognizing the parking spaces in the garage.

Mr. Oddone stated that the dwelling will be split into two units, and the driveway currently fits four cars. He asked how many families the house will hold.

Mr. Horton responded that the existing house has space in the garage for two cars and space in the driveway for two. There is a sidewalk that limits the exterior parking. Mr. Horton stated that the Town cannot regulate the number of people in a family, however the fire code speaks to maximum occupancies of a dwelling. There will be a basement dwelling unit and the main unit, with a maximum of four cars.

Mr. Oddone asked if there are any certainties that it won't be used for short term rentals.

Mr. Horton responded that the Town's Zoning By-law does not permit any entire dwelling to be used for a short term rental. The Town is currently going through a project to see if short term rentals should be permitted.

Mr. Vescio asked if there was anyone else who wished to speak.

Virginia Choy, 353 Marble Place, NEWMARKET, L3X 2R7, addressed the committee as a neighbour. Ms. Choy asked if they are trying to extend the garage.

Mr. Vescio stated that this application has nothing to do with an extension.

Ms. Choy asked if they are looking to build a closed place for parking.

Mr. Vescio responded that this variance is only looking at required parking spaces and that the applicant is looking to accommodate parking spaces.

Ms. Choy stated it will not be safe, if she is reversing her car she won't be able to see.

Mr. Horton explained that the driveway is existing and that there is no physical change to the site occurring. They are only looking to recognize spaces within the garage.

Ms. Choy asked if they were building anything.

Mr. Horton responded they are not looking to build.

Mr. Vescio asked if there were any more speakers on the application. There were none.

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

1. Report from Ted Horton, dated December 5th, 2019;
2. Memorandum from Victoria Klyuev, Senior Engineering Development Coordinator, dated December 5th, 2019;
3. Email from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated December 5th, 2019; and
4. Letter from owner of 353 Marble Place, NEWMARKET, L3X 2R7, dated December 4th, 2019.

Moved by Mohsen Alavi
Seconded by Elizabeth Lew

THAT Minor Variance Application D13-A25-19 be GRANTED, subject to the following conditions:

- 1. That the variance pertains only to the request as submitted with the application;**
- 2. That two spaces in the garage be reserved for the purpose of required parking and for no other use; and**
- 3. 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 a desirable development of the lot.**

CARRIED

**D10-B06-19 MARIANNEVILLE DEVELOPMENTS LIMITED
BLOCK 89, PLAN 65M-2263
Town of Newmarket**

Richard Zelinka, Zelinka Priamo Limited, addressed the committee as the agent acting on behalf of the owner. Mr. Zelinka explained that the application is for a minor lot adjustment. The owners own Block 120 on the registered plan, which lies between Kirby Crescent and the hydro corridor, and is approved for single-detached dwellings on a private road. When that was approved, there was a different configuration of the private road that was thought to occur, and now that the connection of the private road has been moved to the north, it changes the lot layout for Block 120. This does not change the number of units, but changes the configuration. The northwestern lots will have truncated rear lots. Somewhat smaller than the average rear yards in Block 120. Even at the early stages it was clear that it would be more appropriate to join a small triangle to make the rear yards consistent. This is not necessary to meet the by law, it is desirable to create consistent size rear lots for the amenity areas and landscaping. Thus, the application is to sever a small triangle of lands and attached those to Block 120. In the reference plan, the request is to sever the small triangle and conveyed to be used in accordance with the develop pattern. The triangle does not abut lands other than lands owned by Marianneville, and doesn't abut any residential properties that exist. This is intended to make sure that the development is efficient and desirable. The conveyance would not change the number of lots, it is just adding to the rear yards.

Mr. Vescio asked if anyone wished to speak.

Gord Bell, 455 Alex Doner Drive, NEWMARKET, L3X 1C3, addressed the committee. He explained that he thought this meeting was for development of the lands to the west.

Mr. Vescio explained that this application does not have to do with the entire development.

Mr. Horton explained that the reason all the land is circled is because it is the land that the triangle is being conveyed from. This application is only about the triangle and the rest of the lands are subject to different planning applications. Mr. Horton explained that the documents are on the website and he can talk to the resident afterwards.

Mr. Vescio asked if there were any more speakers on the application. There were none.

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

1. Report from Ted Horton, dated December 5th, 2019;
2. Memorandum from Rick Bingham, Manager Development Engineering, dated December 4th; and,
3. Email from Dennis De Rango, Specialized Services Team Lead, Real Estate, Hydro One Networks Inc., dated December 3rd, 2019.

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

THAT Consent Application D10-B06-19 be APPROVED, subject to the following conditions:

- a. 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, recipient, and retained parcels;**
 - ii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted; and**
 - iii. required transfers to effect the severance and conveyance, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act.**

**D10-B07-19 BIANCHI, DAVID
Part Lot 22, Lot 23, Plan 78
353 Ontario Street
Town of Newmarket**

David Bianchi, 353 Ontario Street, NEWMARKET, L3Y 2K2, addressed the committee as the owner. Mr. Bianchi explained that appears everything seems to be in check except for the LSRCA saying no severances are permitted. He stated that he was granted a demolition permit to complete their list of requirements to meet the consent conditions. He stated that this file dates back to 2010, and that they have met all the requirements and due to technical technicalities they has to re-apply. Now the LSRCA is stating that they cannot sever this property, which was okay to sever before. Mr. Bianchi stated that the final decision was to reapply, thinking everything was going to be approved.

Mr. Vescio asked if he had read the staff report from December 10th and if he had an opportunity to discuss matters with the LSRCA.

Mr. Bianchi stated he has an opportunity to speak to his lawyer and that something changes every time.

Mr. Vescio stated that something has changed with the LSRCA and they can no longer approve the development. He explained that there are two options, to hear the application based on what information is provided and make a decision today, or ask for a deferral so that the applicant can speak to their lawyer and the LSRCA.

Mr. Bianchi stated that if they do it today there will be a 20 day appeal period.

Mr. Vescio stated that it is expensive to appeal and requires professional representation. Mr. Vescio asked if the applicant wished to get his own legal advice on the matter.

Mr. Bianchi responded most of his correspondence with his lawyer has been through email. Mr. Bianchi said that he would like to request a deferral.

Mr. Vescio asked if there were any more speakers on the application. There were none.

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

1. Report from Ted Horton, dated December 10th, 2019;
2. Comments from Laura McGinnis, Development Planner, LSRCA, dated December 9th, 2019;
3. Email from Carrie Gordon, Right of Way Control Centre, Bell Canada, dated December 9th, 2019;
4. Memorandum from Victoria Klyuev, Senior Engineering Development Coordinator, dated December 5th, 2019; and,
5. Email from Dennis De Rango, Specialized Services Team Lead, Real Estate, Hydro One Networks Inc., dated December 2nd, 2019.

Moved by Peter Mertens
Seconded by Mohsen Alavi

THAT Consent Application D10-B07-19 be DEFERRED, sine die.

CARRIED

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

Moved by Ken Smith
Seconded by Elizabeth Lew

THAT the Minutes of the Wednesday, November 20th, 2019 meeting be approved.

CARRIED

THAT the Meeting adjourn.

Moved by Peter Mertens
Seconded by Elizabeth Lew

CARRIED

The meeting adjourned at 10:11 a.m.

Dated

Chair