



Town of Newmarket How to attend an Electronic Advisory Committee or Board Meeting

As all Town facilities remain closed to the public, members of the public can attend an electronic Advisory Committee or Board Meeting by joining through ZOOM.

These instructions are for the public and not Committee or Board Members. **The public will join in “listen only” mode (as an “Attendee”).**

Meeting: Committee of Adjustment
Date: Wednesday, June 17, 2020 at 9:30 AM
Location: Electronic VIA ZOOM Meeting

How to Join the Meeting by laptop, tablet, iPad, phone or computer:

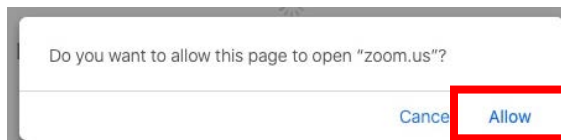
1

Click the link to the ZOOM Meeting below:

<https://townofnewmarket.zoom.us/j/95012824384?pwd=amhxck4rNzI0VUdtK0pSazRJZWpmUT09>

2

The link will open in your browser and the following pop-up will appear, click “Allow”



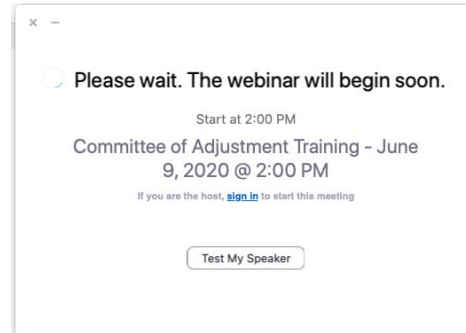
3

Type your First and Last name into the “Your Name” field and type your email into the “Your Email” field. Then click “Join Webinar”.

A screenshot of the Zoom registration form. It has a title "Finish registration to join the webinar." and two input fields: "Your Name:" with the text "Jaclyn Grossi" and "Your Email:" with the text "jgrossi@newmarket.ca". Both input fields are highlighted with a red rectangle. At the bottom are "Cancel" and "Join Webinar" buttons.

4

The following pop-up window will appear, and you will join the meeting when it begins.



Reminder – you will only be able to listen and view the meeting, your camera and audio will not be on.

5

When the meeting begins you will be able to see the Committee or Board Members and Staff who are attending the meeting.

How to Join the Meeting by telephone:

1

Dial one of the numbers below:

647-374-4685 or
647-558-0588

2

Follow the telephone prompts and input the following information:

Meeting ID: 950 1282 4384 followed by #

There is no Participant ID, just press #

Password: 388134 followed by #

You will be placed in a “waiting room” until the meeting begins

3

Once the meeting begins, the telephone operator will advise that you have joined as an attendee and that you will be muted throughout the meeting.

Technical Tips

- ✓ **You will be attending the meeting in “listen only mode” (i.e., without your video or audio on)**
- ✓ If you cannot connect, check your internet connection by going to another website (such as www.newmarket.ca) - If the internet is not working on other sites, you may need to reboot your device or modem



If your screen freezes, try to refresh or you may need to disconnect from the meeting and then reconnect using the link above

- ✓ If you get disconnected, rejoin the meeting using the link above



Town of Newmarket

Agenda

Committee of Adjustment

Date: Wednesday, June 17, 2020
Time: 9:30 AM
Location: Electronic VIA ZOOM
See How to Join Meeting Details

Pages

1. Notice

At this time, the Municipal Offices remain closed to the public. This meeting will be available VIA ZOOM Meeting at newmarket.ca/meetings.

2. Conflict of Interest Declarations

3. Items

3.1 Minor Variance Application - D13-A01-20

1

REHMAN, Naeem, REHMAN, Mati-Ur & REHMAN, Aroosa

Part Lot 36 Plan 65M4436

698 Yarfield Crescent

3.2 Consent Application - D10-B01-20

5

DEERFIELD 2 GP INC.

Part Lot 5 and 6, Plan 32

175 Deerfield Road

4. Approval of Minutes

9

Minutes of the regular Meeting of the Committee held on Wednesday, February 26, 2020.

5. Adjournment



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

Planning Report

To: Committee of Adjustment

From: Alannah Slattery
Planner

Date: March 18, 2020

Re: Application for Minor Variance D13-A01-2020
698 Yarfield Crescent
Town of Newmarket
Made by: REHMAN, Naeem, REHMAN, Mati-Ur & REHMAN, Arosa

1. Recommendations:

That Minor Variance Application D13-A01-2020 be approved, subject to the following conditions:

- a. That the variance pertains only to the request as submitted with the application;
- b. That one space in the garage be reserved for the purpose of required parking and for no other use; and
- c. That the development be substantially in accordance with the information submitted with the application.

2. Application:

An application for minor variance has been submitted by the above-noted owners to request relief from Zoning By-law Number 2010-40 as amended, to vary the parking requirements for a semi-detached residential dwelling with an accessory dwelling unit. The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	5.3.1	To provide four parking spaces exterior to a garage for a semi-detached dwelling unit and accessory dwelling unit	To provide two parking spaces exterior to a garage and one parking space inside of a garage for a semi-detached dwelling unit and accessory dwelling unit

The zoning by-law requires four exterior parking spaces. However, Ontario Regulation 299/19, enacted by the Provincial Government in September of 2019, supersedes this requirement and states that municipalities can only require one parking space for an accessory dwelling unit. The effect of this is that three exterior parking spaces are required.

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, southeast of the intersection of Davis Drive and Bathurst Street. There is an existing semi-detached residence on the lot and it is abutted by similar single and semi-detached homes.

3. Planning considerations:

The applicant is requesting relief from the By-law in order to permit a reduction in the required parking to facilitate the creation of a legal Accessory Dwelling Unit (ADU) in the existing building. The Zoning By-law, as modified by provincial regulation, requires that three outdoor parking spaces be provided when a dwelling unit has an ADU. In this case, the driveway is not large enough to accommodate three spaces due to the driveway being shared between the neighbouring semi-detached dwellings.

In order to authorize a variance, Committee must be satisfied that the requested variance passes the four tests required by the Planning Act. In this regard, staff offer the following comments:

Conformity with the general intent of the Official Plan

The subject lands are designated “Low Density Residential – Oak Ridges Moraine” in the Town’s Official Plan. The objectives of the designation are to sustain and enhance the character and identity of existing residential communities and encourage the preservation and maintenance of the Town’s existing housing stock, and to ensure that development is managed in a way that protects the valuable Oak Ridges Moraine aquifer. This designation permits semi-detached dwellings of a range of sizes and built forms. The application is found to conform to the Official Plan. Furthermore, the Planning Act requires the Town’s Official Plan to contain policies that authorize ADUs, and to create standards that support the creation of ADUs. This test is met.

Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Semi-Detached Dwelling 13.6 Metre (R2-H) Zone by By-law Number 2010-40, as amended. Semi-detached dwellings and accessory dwelling units are permitted uses in this zone. Save for the number of parking spaces, this property meets all zoning requirements for an ADU.

Section 5.3.1 of the Zoning By-law sets out the parking standards for residential uses. This Section states that a semi-detached dwelling must have two spaces. An ADU must also have one space, as modified by provincial regulation. There is a note which states that when there is a dwelling unit and an ADU, the required parking spaces shall be provided exterior of any garage or structure. Therefore the parking requirement is three (3) outdoor parking spaces. The length of the driveway is measured from the garage face to the sidewalk or curb of the road, whichever is closest. In this case, the applicant’s driveway from the garage face to the curb is not long enough to accommodate the three spaces. In addition, the driveway width is shared with the neighbouring semi-detached dwelling. The applicants have two outdoor parking spaces and an attached garage, but the zoning by-law typically precludes any space in the garage from being counted toward the parking requirement.

The general intent of the By-law is to provide sufficient parking for the two dwelling units. Accessory dwelling units arguably have a generally lower parking demand. In addition to being smaller than the principal dwelling unit, they are by nature rental units. These factors are commonly associated with lower parking demand. Providing two parking spaces outdoors and one space inside the garage, as would be required by the proposed condition, meets the general intent of the zoning by-law. This test is met.

Desirable for the appropriate development of the land

The variance is considered desirable for the development and the use of the land. An ADU contributes to the mix of housing types in Newmarket and supports the Town’s goals of providing for affordable housing and an increased supply of rental housing. Furthermore, ADUs allow an increase in the density of dwelling units and allow homeowners a source of income for their property. While the standard

parking requirement of three spaces exterior and additional to any spaces provided in a garage may provide ample parking, not all ADUs will generate such a parking demand. A minor variance is the appropriate tool for relief from zoning requirements that would prevent an otherwise desirable development, and a minor parking variance should not overshadow the desirability of an ADU as a development as encouraged by Town, Region, and Provincial policy.

Minor nature of the variance

The impact of the proposed variance appears to be minimal as the potentially increased number of vehicles generated by the accessory unit can be accommodated on site, either by the existing two spaces or by the parking spaces in the garage as would be required by the proposed condition.

In consideration of the above, the proposed variance meets the four tests under the Planning Act.

4. Other comments:

Heritage

No structure on the lot is listed under the Ontario Heritage Act.

Commenting agencies and departments

Building Services stated no objection to the proposed application.

No comment was available from Engineering Services at the time of writing this application.

The Regional Municipality of York has no comment on the application.

Interim Control By-law

On January 21st, 2019 Council adopted an Interim Control By-law under Section 38 of the Planning Act. The Interim Control By-law limits the ability to increase the floor area or height of residential dwellings throughout its study area, which includes the lands subject to this minor variance application. This property is not proposed to add floor area or increase the building height. As such, the Interim Control By-law it has no effect on this application.

Effect of Public Input

No public input was received as of the date of writing this report.

5. Conclusions:

The relief as requested:

is minor in nature;

conforms to the general intent and purpose of the Official Plan and Zoning By-law; and

is considered desirable for the appropriate development of the lot.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alannah Slattery', with a stylized, sweeping flourish at the end.

Alannah Slattery, BES, MCC
Planner



PLANNING AND BUILDING SERVICES

Town of Newmarket www.newmarket.ca
 395 Mulock Drive planning@newmarket.ca
 P.O. Box 328, STN Main
 Newmarket, ON L3Y 4X7

T: 905.953.5321
 F: 905.953.5140

Planning Report

TO: Committee of Adjustment

FROM: Alannah Slattery
Planner

DATE: March 18, 2020

RE: Application for Consent **D10-B01-20**
 165, 185, 200 Deerfield Road
 Made by: Deerfield 2 GP Inc.

1. Recommendations:

That Applications for Consent D10-B01-20, be granted, 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 lands;
 - ii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted; and
 - iii. the required transfer to effect the severance and conveyance applied for under Consent Application D10-B01-20, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act.

2. Background

This report follows an application for zoning by-law amendment to permit the multi-unit residential redevelopment of the property indicated above (the 'subject lands'), which is to be comprised of two buildings, one of 12 and one of 15 storeys. In addition, there is a third building of 15 storeys under construction on the lands that were severed through consent application D10-B04-19.

The zoning by-law amendment for this development was approved by Council under file D14-NP17-20. The development is currently proceeding through site plan approval under file D11-NP18-17. The conditions for the severance of Phase 1 were completed on February 14, 2020.

The surrounding context is as follows,:

- North: 200 Davis Drive, Two-storey commercial condominium including a range of retail and service uses on the ground floor with upper-floor offices
- East: 212 Davis Drive, fifteen-storey multi-unit residential rental building.
- South: Single detached residential dwellings fronting onto Queen Street
- South and west: Low-rise buildings including motor vehicle repair facilities, professional offices, and a day care
- West: Parkside Drive and the Newmarket Plaza commercial centre

The subject lands are located on Deerfield Road, with a small frontage on the south side of Parkside Drive. The lands are approximately 1.84 hectares in size, with approximately 63 metres of frontage onto Deerfield Road and 4 metres of frontage onto Parkside Drive.

3. Application

The purpose of the consent application is to allow the applicant to sever the subject lands into two (2) separate parcels. The proposed development on the subject lands contemplates three residential buildings with a mix of condominium and rental tenure. The intent of the severance would allow the applicant to operate the Phase 2 building (the severed lot, indicated as "A" on the attached sketch) under a separate ownership from the Phase 3 building (the retained lot, indicated as "B" on the attached sketch), which will be managed under a condominium corporation.

Severing the lands will not lead a physical change in the development, as this is managed through the site plan approval process. The consent will allow for different ownership, mortgaging, financing, and legal agreements on title to each property.

The subject lands are currently largely vacant, save for the existing single detached dwelling and garage, which will be demolished as was the large industrial building on the lands, as part of the overall redevelopment.

4. Planning considerations

5.1 Conformity with Provincial Policy and Regional Plans

Provincial plans are to inform Committee's decision regarding consents. Relevant plans include the Places to Grow Act, the Growth Plan for the Greater Golden Horseshoe, and the Provincial Policy Statement 2014. These acts and plans speak to allowing consents where appropriate, to directing development to areas within urban boundaries, and to intensify existing built-up areas.

The Provincial Policy Statement and provincial policy documents are to be read in their entirety and the relevant policies applied to each situation. In situations where more than one policy is relevant, a decision maker such as the Committee of Adjustment should consider all of the relevant policies to understand how they work together. These documents are available online and through Planning Services and staff from Planning Services are available to assist members of Committee to access and consider them. Given the number and breadth of policy documents they will not all be discussed in this report, but relevant excerpts are provided and brief comments on their relevancy offered.

The Provincial Policy Statement directs that municipalities manage and direct land use to achieve efficient land use patterns. This aim and the creation of healthy, liveable, and safe communities is supported by:

- Promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term; and
- Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs, among other efforts.

Section 2 of the Planning Act sets out Matters of Provincial Interest that are to be considered by the Committee as part of applications for consent.

In addition, criteria under Section 51 (24) of the Planning Act must also be considered when the considering the creation of new lots through consent. Many of these criteria are addressed by staff and agency comments, but these clauses should be considered in their entirety by Committee.

The Growth Plan for the Greater Golden Horseshoe 2019 (the 'Growth Plan') provides more specific policy direction. Every planning decision is required to conform with or not conflict with this Plan. The Growth Plan supports the intensification of development along rapid transit corridors such as this project along the Davis Drive VIVA rapidway.

The York Regional Official Plan (the 'YROP') also supports the intensification of development along the regional Davis Drive corridor.

5.2 Conformity with the Official Plan

As discussed above, the subject lands are within the Urban Centres Secondary Plan (UCSP) area, and designated with a range of applicable policy categories of the UCSP. This development conforms with the policies of the Secondary Plan, as has been achieved through amending Zoning by-law 2018-49, and will be secured through the appropriate site plan agreements.

The proposed application is consistent with the purpose and intent of the Urban Centres Secondary Plan.

5.3 Conformity with the Zoning By-law

The subject lands are zoned Holding Regional Urban Centre Exception 144 ((H)UC-R-144) Zone by Zoning By-law 2010-40, as amended by by-law 2018-49.

The amending zoning by-law provides that "No provision of this by-law shall be deemed to be contravened by reason of any land division or the conveyance of a parcel(s) upon which a building(s) is erected provided that all of the standards of this by-law are met for the lands as a whole." The proposed consent has been contemplated since the initial application, and is in keeping with the requirements of the zoning by-law.

5. Other comments

6.1 Tree protection

The subject lands are subject to a site plan approval, and are part of an ongoing application.

6.2 Heritage

No structure on the lot is listed under the *Ontario Heritage Act*.

6.3 Effect of public input

Planning Services received no submissions from the public related to this application.

6.4 Commenting agencies and departments

The Regional Municipality of York has reviewed the application and has no comment.

Building Services has reviewed the application and noted that they have no objection to the application.

Comments from Engineering Services were not available as of the date of this report.

6.5 Interim Control By-law

On January 21st, 2019 Council adopted an Interim Control By-law under Section 38 of the *Planning Act*. The Interim Control By-law limits the ability to increase the floor area or height of residential

dwellings throughout its study area, which includes the lands subject to these applications. The subject lands are not subject to the interim control by-law.

6. Conclusions

The consent is an appropriate division of land that meets the relevant requirements of the Zoning By-law, Official Plan, and matters of Provincial interest, and should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alannah Slattery', with a stylized flourish at the end.

Alannah Slattery, BES, MCC
Planner

The meeting of the Committee of Adjustment was held on Wednesday, February 26th, 2020 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Chair
Elizabeth Lew, Member
Mohsen Alavi, Member
Ken Smith, Member
Michelle Starnes, Member

Staff Present: Ted Horton, Planner
Alannah Slattery, Planner
Patricia Cho, 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

D10-B08-19 VAN'S ELECTRONICS LIMITED and RONDENE INC.
Part Lot 35, Concession 3, Parts 1, 2, 3 & 4, Plan 65R10585
1205 and 1215 Twinney Drive
Town of Newmarket

D10-B09-19 VAN'S ELECTRONICS LIMITED
Part Lot 35, Concession 3, Parts 1, 2, 3 & 4, Plan 65R10585
1205 Twinney Drive
Town of Newmarket

D10-B10-19 RONDENE INC.
Part Lot 35, Concession 3, Parts 1, 2, 3 & 4, Plan 65R10585
1215 Twinney Drive
Town of Newmarket

Howard Freeman, HBR Planning Centre, 30 Waymount Avenue, Richmond Hill, L4S 2G5, addressed the Committee as the agent working on behalf of the owners of 1205 and 1215 Twinney Drive.

Mr. Vescio informed the Committee that the applications are complementary and will be heard together.

Mr. Freeman explained that Van's Electronics Limited and Rondene Inc., owners of 1205 and 1215 Twinney Drive, collectively own all units on the subject property which consist of the Plan of Condominium that formed in 1988. Owners, Ed Van Vliet and Ron Chicora were present. The subject lands contain two buildings with 14 units each and 28 units jointly. The units on each property are currently rented out and there are only the two owners for the properties. De-registration of the plan of condominium will be considered legally. There are 5 applications in total being considered by the Committee today - 1 application to sever, 2 applications for easements to provide each owners reciprocal easements for services, parking and driveway access, and 2 applications for minor variances for the reduced frontages. There are properties in the surrounding area with the same proposed frontages, and the properties will operate just as it has since 1988. There will be no effective change to the site or any development if the Committee of Adjustment grants approval. Mr. Freeman agrees with the staff report prepared by Mr. Horton, which goes through assessment of the applications and that it is for the public interest. Mr. Freeman agrees that there will be no physical change to the site as proposed in the applications, the proposed frontages will be a representative form of surrounding sites and the employment lands, the Town's requirement for servicing are met, and overall, it is minor in nature and desirable for the lot. Mr. Freeman states that there were no comments received that were of concern from agencies or the public and have no objection to the conditions of approval.

Mr. Vescio asked if committee members had any questions. There were none.

Mr. Vescio stated that there were no more speakers.

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

1. Report from Ted Horton, dated February 19th, 2020;
2. Email from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated February 13th, 2020;
3. Letter from Lily Apa, Planning Coordinator, Rogers Communications Canada Inc., dated February 20th, 2020; and,
4. Email from Kevin Balkaran, Real Estate Development, Hydro One, dated February 18th, 2020.

Moved by Michelle Starnes
Seconded by Ken Smith

THAT Consent Application D10-B08-19, D10-B09-19 and D10-B10-19 be APPROVED, subject to the following conditions:

- a. That the applicant obtain relief from the zoning by-law for reduced lot frontages as set forth in Minor Variance Applications D13-A27-19 and D13-A28-19;
- b. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following prior to the issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act:
 - i. a copy of the notice of termination of York Region Condominium Corporation 610 pursuant to section 122(2) of the *Condominium Act* to the satisfaction of the Director of Planning and Building Services;
 - ii. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;
 - iii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted; and
 - iv. the required transfer to effect the severance and conveyance(s).

CARRIED

D13-A27-19 VAN'S ELECTRONICS LIMITED

Part Lot 35, Concession 3, Parts 1, 2, 3 & 4, Plan 65R10585
1205 Twinney Drive
Town of Newmarket

D13-A28-19 RONDENE INC.

Part Lot 35, Concession 3, Parts 1, 2, 3 & 4, Plan 65R10585
1215 Twinney Drive
Town of Newmarket

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

1. Report from Ted Horton, dated February 19th, 2020; and,
2. Email from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated February 14th, 2020.

***Moved by Elizabeth Lew
Seconded by Ken Smith***

THAT Minor Variance Application D13-A27-19 and D13-A28-19 be GRANTED.

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

The Minutes of the meeting held on Wednesday, January 22nd, 2020 were placed before the Committee for consideration.

Moved by Ken Smith

Seconded by Michelle Starnes

THAT the Minutes of the Wednesday, January 22nd, 2020 meeting be approved.

CARRIED

THAT the Meeting adjourn.

Moved by Elizabeth Lew

Seconded by Mohsen Alavi

CARRIED

The meeting adjourned at 9:47 a.m.

Dated

Chair