



Town of Newmarket

Agenda

Committee of Adjustment

Date: Wednesday, August 26, 2020
Time: 9:30 AM
Location: Electronic VIA ZOOM
See How to Login Guide

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-A05-20

1

16250 YONGE ST. INC. (SHINING HILL)

Part Lot 87, Concession 1

16250 Yonge Street

3.2 Minor Variance Application - D13-A06-20

SHINING HILL ESTATES COLLECTION INC.

Block 33, PLAN 65M3724

3.3 Minor Variance Application - D13-A07-20

SHINING HILL ESTATES COLLECTION INC.

Block 34, PLAN 65M3724

3.4 Minor Variance Application - D13-A08-20

SHINING HILL ESTATES COLLECTION INC.

Block 35, PLAN 65M3724

3.5 Minor Variance Application - D13-A09-20

SHINING HILL ESTATES COLLECTION INC.

Lot 13, PLAN 65M3724

- | | | |
|-----|--|----|
| 3.6 | Minor Variance Application - D13-A10-20

AHMED, Zaeem and AHMED, Nadia

Part Lot 30 PLAN 65M4436

746 Yarfield Crescent | 6 |
| 3.7 | Minor Variance Application - D13-A11-20

BASSIDJ, Jahanshah and KHAMOOSHI, Homa

Lot 16 PLAN M78

92 Cardinal Crescent | 9 |
| 3.8 | Minor Variance Application - D13-A12-20

281 MAIN STREET NORTH INC.

Part Lot 98, Concession 1, Part 2, PLAN 65R3687

281 Main Street North | 13 |
| 3.9 | Amendment to the Conditions of Provisional Consent regarding 175
Deerfield Road

D10-B01-20
DEERFIELD 2 GP INC.
Part Lot 5 and 6, Plan 32
175 DEERFIELD ROAD

The original application has been attached for informational
purposes only. | 21 |

4. Approval of Minutes

Minutes of the regular Meeting of the Committee held on Wednesday, July 22, 2020.

5. Adjournment



PLANNING AND BUILDING SERVICES

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Planning Report

To: Committee of Adjustment

From: Alannah Slattery
Planner

Date: August 26, 2020

Re: Applications for Minor Variance D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, D13-A09-20
Part Lot 87, Concession 1 16250 Yonge Street
Block 33, 34, 35 PLAN 65M3724
Lot 13, PLAN 65M3724
Town of Newmarket
Made by: SHINING HILL ESTATES COLLECTION INC.

1. Recommendations:

That Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, D13-A09-20 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application; and that,
- ii. That the development be substantially in accordance with the information submitted with the application.

2. Background

The above-described property (herein referred to as the “subject lands”) is located west of Yonge Street between Isaac Phillips Way and Kalinda Road. The subject lands are located between registered plan 65M3742 (also known as the former Great Gulf Development) and the Draft Approved Shining Hill Phase 1 lands (19T-2018-001). The subject lands are subject to approved Official Plan and Zoning Bylaw Amendments (OPA 21 and ZBA 2018-17), in addition to a draft approved Plan of Subdivision (19T-2018-001), for the development of townhouses and semi-detached dwellings. The completion of the draft plan conditions are currently in progress.

The lands subject to the variance applications are highlighted in blue on the context map provided by the applicant. These lands are located within the former Great Gulf Development and were recently purchased by the current owners of the lands to the south, Shining Hill Estates Collection Inc. The lands highlighted in red are currently owned by the applicant.



As the northern lands were recently purchased by the applicant, these part lots were not subject to the 2018 approved zoning bylaw amendment, which laid out site-specific development standards for the

lands. The applicant has acquired these lands to include them in their development proposal. They are looking to apply the same zone standards that were approved for the lands to the south in 2018 (highlighted in red), to the newly acquired lands to the north (highlighted in blue).

The variances apply to the following part lots (highlighted in blue on the map above):

Number	Legal Description	Area
1	Lot 13; PLAN 65M3724	0.04
2	Block 33; PLAN 65M3724	0.03
3	Block 34; PLAN 65M3724	0.01
4	Block 35; PLAN 65M3724	0.04
5	Portion of Pt Lot 87, Con 1 King Pt 2, 65R15065; Newmarket	0.40

3. Application:

These applications for minor variance have been submitted to apply the same zone standards from the originally approved development of the southern lands, to the newly acquired part lots to the north.

The application is seeking the following relief from Zoning By-law 2010-40 to facilitate the proposed changes to the site:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.2.2 Zone Standards for Residential Zones	A minimum rear yard setback of 7.5 metres	A minimum rear yard setback of 6.0 metres
2	2010-40	6.2.2 Zone Standards for Residential Zones	A maximum height of 11.0 metres or 2-storeys	A maximum height of 11.0 metres
3	2010-40	6.2.2 Zone Standards for Residential Zones	A maximum lot coverage of 45%	No maximum lot coverage
4	2010-40	8.1.1 List of Exceptions	A minimum building separation of 3.0 metres	A minimum building separation of 2.7 metres

Consistent with previous approvals, the new owner of the lands, Shining Hill Estates Collection Inc., intends to develop these lots for residential purposes in the form of townhouses and semi-detached dwellings.

4. Planning considerations:

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 “Emerging Residential” in the Town’s Official Plan, through Official Plan Amendment 21, approved by Council in 2018. This designation permits a range of residential accommodation built forms. Regarding this designation, the Town’s Official Plan states:

It is the objective of the Emerging Residential Area policies to:

- a. provide for a range of residential accommodation by housing type, tenure, size, location and price ranges to help satisfy the Town’s housing needs; and,
- b. encourage the provision for a range of innovative and affordable housing types, zoning standards and subdivision designs.

This designation permits, among other uses, single- and semi-detached dwellings, as well as rowhouses and townhouses, subject to a review of the proposed densities as a part of the application process.

The subject lands were subject to an Official Plan and Zoning By-law Amendment in 2018, which included the submission of various studies and reports, including a planning justification report which looked at compatibility of the proposed development.

In Staff Report 2018-16 staff found that the proposed townhouses and semi-detached dwelling development was generally compatible with the surrounding uses being single and semi-detached dwellings to the immediate north. Council approved the Official Plan and Zoning By-law Amendment in 2018.

The proposed variances seek to apply the approved zone standards to the newly acquired part lots to the north of the development lands. The application is found to conform to the Official Plan as semi-detached dwellings and townhouses are permitted within the “Emerging Residential” designation. This test is met.

Conformity with the general intent of the Zoning By-law

The northern section of the subject lands are currently zoned Residential Semi-Detached Dwelling (R2-H) Zone, by By-law 2010-40, as amended.

The southern section of the subject lands are currently zoned Residential Back to Back Townhouse Exception (R4-R-143) Zone, as per Zoning By-law 2010-40, as amended by By-law 2018-17.

The requested variance is looking to apply similar standards that are currently established for the lands to the south (R4-R-143 Zone), to the northern (R2-H Zone) lands.

Currently the northern zone (R2-H) permits semi-detached dwellings. The requested variance is proposing to change the existing zone standards, to better align with the development standards of the southern portion. Each proposed point of variance is described below:

1. The R2-H Zone requires a rear setback of 7.5 metres, and the R4-R-143 Zone requires a rear yard setback of 6.0 metres. This rear yard setback of 6.0 metres was approved through By-law 2018-17. The proposed variance looks to apply a rear yard setback of 6.0 metres for the lands zoned R4-H. The general intent of rear yard setbacks is to provide adequate amenity space, privacy and separation between dwellings. In staff's opinion, the requested rear yard setback of 6.0 metres will allow for sufficient rear amenity space and separation between units. It will also allow for a consistent development design with the lands to the south.
2. The R2-H Zone requires a maximum building height of 11.0 metres or 2 storeys, and the R4-R-143 Zone requires a maximum height of 11.0 metres. The proposed variance looks to remove the 2-storey provision from this standard, resulting in a maximum height of 11.0 metres for dwelling units. The general intent of a maximum height standard is to ensure development that is compatible with surrounding land uses. The proposed variance will not change the height standard in metres, and will result in development consistent and compatible with surrounding land uses.
3. The R2-H Zone requires a maximum lot coverage of 45%, and the R4-R-143 Zone requires no maximum lot coverage. The proposed variance looks to remove the maximum lot coverage requirement, to be in-keeping with the development standards of the southern lands, approved in 2018. The general intent of lot coverage provisions is to ensure adequate amenity space and drainage on a lot. In the case of the subject lands, it is staff's opinion that adequate amenity space can be controlled through rear and side yard setbacks. The proposed variance will also allow the northern lands to be developed in a style consistent to the southern lands.
4. The R4-R-143 Zone requires a minimum building separation of 3.0 metres. The proposed variance is seeking a minimum building separation of 2.7 metres. This building separation applies to semi-detached dwellings adjacent to townhouse dwellings. The general intent of a minimum building separation distance is to allow for adequate access to rear yards and separation for maintenance and landscaping purposes. Typically the minimum building separation between semi-detached dwellings is 1.8 metres in other zones. As such, a proposed separation of 2.7 metres between semi-detached dwellings and townhouses dwellings will provide adequate separation.

In staff's opinion the proposed variances will allow for a consistent development which conforms to 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 in that it is desirable to develop the lands in a consistent way with the approved development to the south, and to allow property owners to invest in, redevelop, and improve their properties in accordance with the Official Plan and the Zoning By-law.

As the requested relief related to rear setbacks, minimum building separation, height and coverage would allow the property owner to arrange the property to be consistent with the development to the south, and allow the applicant to suit their needs without significant impact to neighbours or the community, the variance is desirable for the appropriate development of the lot. This test is met.

Minor nature of the variance

The variances are minor in nature as they would allow the creation of lots which do not significantly vary from the requirements of the current zoning.

The proposed variances will result in development that is consistent with the previously approved development to the south. In addition, the variances are not proposing any changes to interior yard setbacks, and as such the proposed dwellings directly abutting the existing dwellings to the north will meet the existing setback requirements and present as a consistent development from the street. Due to this, significant potential impacts to surrounding neighbours are not anticipated.

In consideration of the above, the proposed variance is deemed to meet the four tests under the Planning Act and is recommended to be approved subject to conditions.

5. Other comments:

Heritage

These properties are not designated under the Ontario Heritage Act and are not on the municipal list of non-designated properties.

Commenting agencies and departments

No comment was available from Building Services at the time of writing this report.

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

No comment was available from the Regional Municipality of York at the time of writing this report.

Effect of Public Input

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

6. Conclusions:

The relief as requested:

- 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 desirable for the appropriate development of the lot.

Respectfully submitted,



Alannah Slattery, BES, MCC
Planner



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Planning Report

To: Committee of Adjustment

From: Alannah Slattery
Planner

Date: August 26, 2020

Re: Application for Minor Variance D13-A10-2020
746 Yarfield Crescent
Town of Newmarket
Made by: AHMED, Zaeem and Nadia

1. Recommendations:

That Minor Variance Application D13-A10-2020 be approved, subject to the following conditions:

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

2. Application:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, to vary the parking requirements for an existing semi-detached residential dwelling to permit a new 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 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 dwelling unit and accessory dwelling unit

The zoning by-law requires four exterior parking spaces. 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, south of Davis Drive and east of Bathurst Street. There is an existing semi-detached residence on the lot and it is abutted by similar semi-detached dwellings.

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 requires four exterior parking spaces for a semi-detached dwelling with an ADU. This has been modified by provincial regulation, which now requires three outdoor parking spaces for a semi-detached dwelling with an ADU. In this case, the driveway is not large enough to accommodate three exterior spaces which meet the size requirements of the Zoning By-law, as such a variance is required to recognize one parking space in the existing garage.

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 general intent of this designation is to permit low-density residential development and a mix of housing types, subject to the specific criteria of the Zoning By-law. Further, the Official Plan permits Accessory Dwelling Units in semi-detached dwellings (as well as single-detached dwellings) subject to the provisions of the zoning by-law.

The application is found to conform to the Official Plan and therefore this test is met.

Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Semi Detached Dwelling 13.6m (R2-H) by By-law Number 2010-40, as amended. Semi-detached dwellings and ADUs 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 both a semi-detached dwelling and an ADU must have two exterior spaces each, for a total of four exterior parking spaces. However, in 2019 this regulation was superseded by provincial regulation which stated that municipalities can only require one parking space for an ADU. The effect of this is that three exterior parking spaces are required. There is a provision 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. The applicants have two outdoor parking spaces and an attached garage, but the zoning by-law 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 are generally found to have a lower parking demand due to their smaller size. 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 more 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 is deemed to meet the four tests under the Planning Act and is recommended to be approved subject to conditions..

4. Other comments:

Heritage

The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated properties.

Commenting agencies and departments

No comment was available from Building Services at the time of writing this report.

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

No comment was available from the Regional Municipality of York at the time of writing this report.

Effect of Public Input

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

5. Conclusions:

The relief as requested:

- 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 desirable for the appropriate development of the lot.

Respectfully submitted,



Alannah Slattery, BES, MCC
Planner



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Planning Report

To: Committee of Adjustment

From: Alannah Slattery
Planner

Date: August 26, 2020

Re: Application for Minor Variance D13-A11-2020
92 Cardinal Crescent
Town of Newmarket
Made by: BASSIDJ, Jahanshah and KHAMOOSHI, Homa

1. Recommendations:

That Minor Variance Application D13-A11-2020 be approved, subject to the following conditions:

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

2. Application:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, to vary the parking requirements for an existing single-detached residential dwelling to permit a new 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 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 dwelling unit and accessory dwelling unit

The zoning by-law requires four exterior parking spaces. 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, north of Davis Drive and east of Yonge Street. There is an existing single-detached residence on the lot and it is abutted by similar single-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 requires four exterior parking spaces for a single detached dwelling with an ADU. This has been modified by provincial regulation, which now requires three outdoor parking spaces for a single detached dwelling with an ADU. In this case, the driveway is not large enough to accommodate three exterior spaces which meet the size requirements of the Zoning By-law, as such a variance is required to recognize one parking space in the existing garage.

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 "Stable Residential" in the Town's Official Plan. This designation permits a range of residential accommodation built form types. Regarding this designation, the Town's Official Plan states:

It is the objective of the Stable Residential Area policies to:

- a. sustain and enhance the character and identity of existing residential communities; and,
- b. encourage the preservation and maintenance of the Town's existing housing stock, supplemented by various forms of residential intensification such as infilling and the creation of accessory dwelling units.

This designation permits, among other uses, single-detached dwellings of a range of sizes and built forms. Further, the Official Plan permits Accessory Dwelling Units in single-detached dwellings, subject to the provisions of the zoning by-law.

The application is found to conform to the Official Plan and therefore this test is met.

Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Detached Dwelling 15.0 Metre (R1-D) Zone by By-law Number 2010-40, as amended. Single-detached dwellings and ADUS 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 both a single-detached dwelling and an ADU must have two exterior spaces each, for a total of four exterior parking spaces. However, in 2019 this regulation was superseded by provincial regulation which stated that municipalities can only require one parking space for an ADU. The effect of this is that three exterior parking spaces are required. The zoning by-law specifies 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. The applicants have two outdoor parking spaces and an attached garage, but the zoning by-law 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 are generally found to have a lower parking demand due to their smaller size. 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 more 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 exterior spaces or by the parking spaces in the garage.

In consideration of the above, the proposed variance is deemed to meet the four tests under the Planning Act and is recommended to be approved subject to conditions..

4. Other comments:

Heritage

The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated properties.

Commenting agencies and departments

No comment was available from Building Services at the time of writing this report.

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

No comment was available from the Regional Municipality of York at the time of writing this report.

Effect of Public Input

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

5. Conclusions:

The relief as requested:

- 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 desirable for the appropriate development of the lot.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alannah Slattery', with a stylized, flowing script.

Alannah Slattery, BES, MCC
Planner


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Planning Report

To: Committee of Adjustment

From: Alannah Slattery
Planner

Date: August 26, 2020

Re: Application for Minor Variance D13-A12-2020
281 Main Street
Town of Newmarket
Made by: TESTAGUZZA, Michael

1. Recommendations:

That Minor Variance Application D13-A12-2020 be approved, subject to the following conditions:

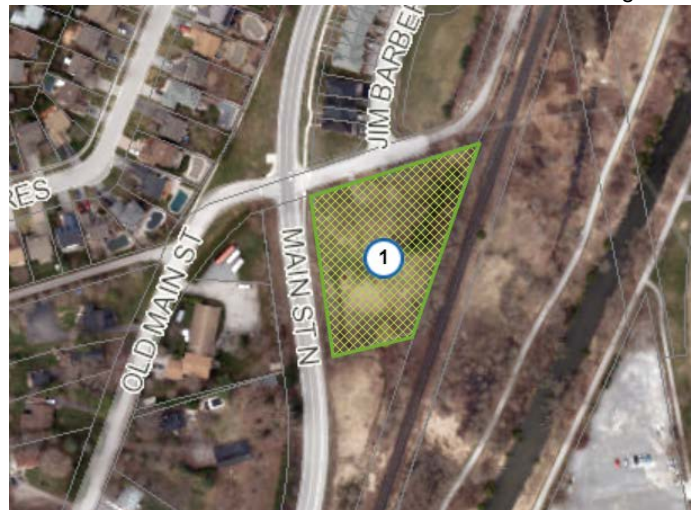
- i. That the variance pertains only to the request as submitted with the application.
- ii. That the development be substantially in accordance with the information submitted with the application.
- iii. That the applicant be advised that Site Plan Approval will be required prior to development of the lands.
- iv. That servicing allocation be granted prior to the development of the lands.
- v. That the applicant be advised that the integrity of the Region's 850 mm diameter West Holland River trunk sanitary sewer, that is located in between Bayview Parkway and the railway, shall be protected and maintained at all times during construction and grading of the proposed development. All construction drawings showing works in close proximity of the Region's infrastructure shall include the following notes for the Contractor:

"Integrity of the Regional 850mm diameter West Holland River trunk sanitary sewer main located in between Bayview Parkway and the railway is to be protected at all times."
- vi. That the applicant shall invite the Region's Construction Administrator, to the pre-construction meetings as well as to inspect all works proposed in close proximity of regional infrastructure.

2. Background

The above-described property (herein referred to as the "subject lands") is located east of Main Street North and west of the Tom Taylor Trail. The subject lands have an approximate area of 5421 square metres, a lot frontage of approximately 65 metres on Main Street North and 85 metres on Old Main Street. The lands are currently vacant.

The lands were subject to a Draft Plan of Subdivision and Zoning By-law Amendment, which were approved by Council in 2016 (By-law 2016-63). The purpose of this amendment was to re-zone a portion of the subject lands from the Residential Detached Dwelling 30m (R1-B) Zone to the Residential Townhouse Dwelling Exception (R4-R-132) Zone. The amendment also re-zoned a portion of the subject lands from the Open Space (OS-2) Zone to the Open Space Environmental Protection (OP-EP) Zone.



The purpose of the Zoning By-law Amendment was to permit the development of nine (9) townhouse units on a proposed private road and two (2) semi-detached units fronting onto Old Main Street, for a total of 11 units.

3. Application:

This application for minor variance has been submitted to address modifications to the previously approved zone standards and proposed site plan. The original development proposal contained provisions for nine townhouse units and two semi-detached units.

The applicant is proposing to modify the permitted built forms, to allow for eleven townhouse units, and remove the provisions for the two semi-detached units. The original and proposed development proposals can be found attached to this report.

The application is seeking the following relief from Zoning By-law 2010-40 to facilitate the proposed changes to the site:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	8.1.1 List of Exceptions	Number of Townhouse units (maximum): 9 Number of semi-detached dwelling units (maximum): 2	Number of Townhouse units (maximum): 11 Number of semi-detached dwelling units (maximum): 0
2	2010-40	8.1.1 List of Exceptions	Lot Frontage on a private road (minimum): 5.9m per unit	Lot Frontage on a private road (minimum): 5.0m per unit
3	2010-40	8.1.1 List of Exceptions	Setback from South line of the OS-EP zone (minimum): 2.9m	Setback from South line of the OS-EP zone (minimum): 2.8m

4. Planning considerations:

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 “Emerging Residential” in the Town’s Official Plan. This designation permits a range of residential accommodation built forms. Regarding this designation, the Town’s Official Plan states:

It is the objective of the Emerging Residential Area policies to:

- a. provide for a range of residential accommodation by housing type, tenure, size, location and price ranges to help satisfy the Town’s housing needs; and,
- b. encourage the provision for a range of innovative and affordable housing types, zoning standards and subdivision designs.

This designation permits, among other uses, single- and semi-detached dwellings, as well as rowhouses and townhouses, subject to a review of the proposed densities as a part of the application process.

Section 3.9 of the Official Plan regarding intensification in emerging residential areas indicates that townhouses are an appropriate form of development subject to submission of a planning justification report.

The subject lands were subject to a Zoning By-law Amendment in 2016, which included the submission of various studies and reports, including a planning justification report which considered the compatibility of the proposed development.

Staff concurred with the findings of the planning justification report that the development of townhouses in this area was an appropriate form of development, and that intensification in a serviced area would be an efficient use of existing infrastructure and services. Council approved the Zoning By-law Amendment in 2016.

The proposed variance seeks to change the number of residential units on the subject lands from nine townhouses and two semi-detached dwellings, to eleven townhouses in total.

The application is found to conform to the Official Plan as townhouses are permitted within the “Emerging Residential” designation, and were reviewed for compatibility as part of the 2006 Zoning By-law Amendment. This test is met.

Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Townhouse Dwelling Exception (R4-R-132) Zone, by By-law 2010-40, as amended by By-law 2016-63. Currently, this zone permits two semi-detached dwellings and nine townhouses dwellings, for a total of eleven units. The requested variance is proposing to change the permitted built form to eleven townhouses and 0 semi-detached units. This variance will not change the number of permitted units; it is only seeking to change the type of built form on the subject lands. As the density of the subject lands was previously approved by Council, it is staff’s opinion that the proposed variance will not result in significant impacts to the neighbouring community.

The general intent of minimum lot frontages is to limit the number of lots on a street to ensure consistency and compatibility with the surrounding neighbourhood. The requirement for a 5.9m lot frontage was established for this site in 2016, when Council adopted the Zoning By-law Amendment for these lands. In the case of the current application, the proposed variance would reduce the minimum

required lot frontage on a private road from 5.9m to 5.0m, resulting in a difference of 0.9m.

A lot frontage of 5.0m maintains the general intent of the zoning by-law of ensuring compatibility. Sufficient space for each dwelling is possible on each lot, and rear amenity space remains available for each lot. Any structure built on any lot would be required to comply with the built form requirements of the zoning by-law.

The current zoning for the subject lands requires a 2.9m setback from the Open Space Environmental Protection (OS-EP) Zone to the south of the subject lands. The general intent of this setback is to ensure adequate separation from the Open Space Zone to the south, and to prevent residential uses encroaching and negatively impacting natural features. In the case of the current application, the proposed variance would reduce the required setback from 2.9m to 2.8m, resulting in a difference of 0.1m. It is staff's opinion that a setback reduced to 2.8 metres will not have significant impacts on the open space lands to the south.

In staff's opinion the proposed variances will conform with 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. It is desirable to develop the lands with townhouse dwellings, as permitted through By-law 2016-63, and to allow property owners to invest in, redevelop, and improve their properties in accordance with the Official Plan and the Zoning By-law.

The proposed development will require Site Plan Approval, which will provide planning staff with the ability to review the proposed development and ensure that the built form complies with the Zoning By-law.

As the requested relief related to lot frontage, setbacks and built form would allow the property owner to arrange the property to suit their needs without significant impact to neighbours or the community, the variance is considered desirable and appropriate development of the lot. In staff's opinion, this test is met.

Minor nature of the variance

The variances for lot frontage and setbacks are minor in nature as they would allow the creation of lots which do not significantly vary from the required lot frontage and setback requirements of the current zoning.

In addition, the proposed changes to built form will not increase the number of units that are currently permitted on the subject lands; the density will remain the same. As such, significant potential impacts from the changes in built form are not anticipated.

The proposed development will be subject to site plan approval, which will provide Planning staff with the ability to review the proposed development in further detail and ensure the built form complies with the zoning by-law.

In consideration of the above, the proposed variance is deemed to meet the four tests under the Planning Act and is recommended to be approved subject to conditions.

5. Other comments:

Heritage

The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated properties.

Commenting agencies and departments

No comment was available from Building Services at the time of writing this report.

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

The Regional Municipality of York has provided conditions for the proposed development, as outlined in the recommendations of this report.

Effect of Public Input

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

6. Conclusions:

The relief as requested:

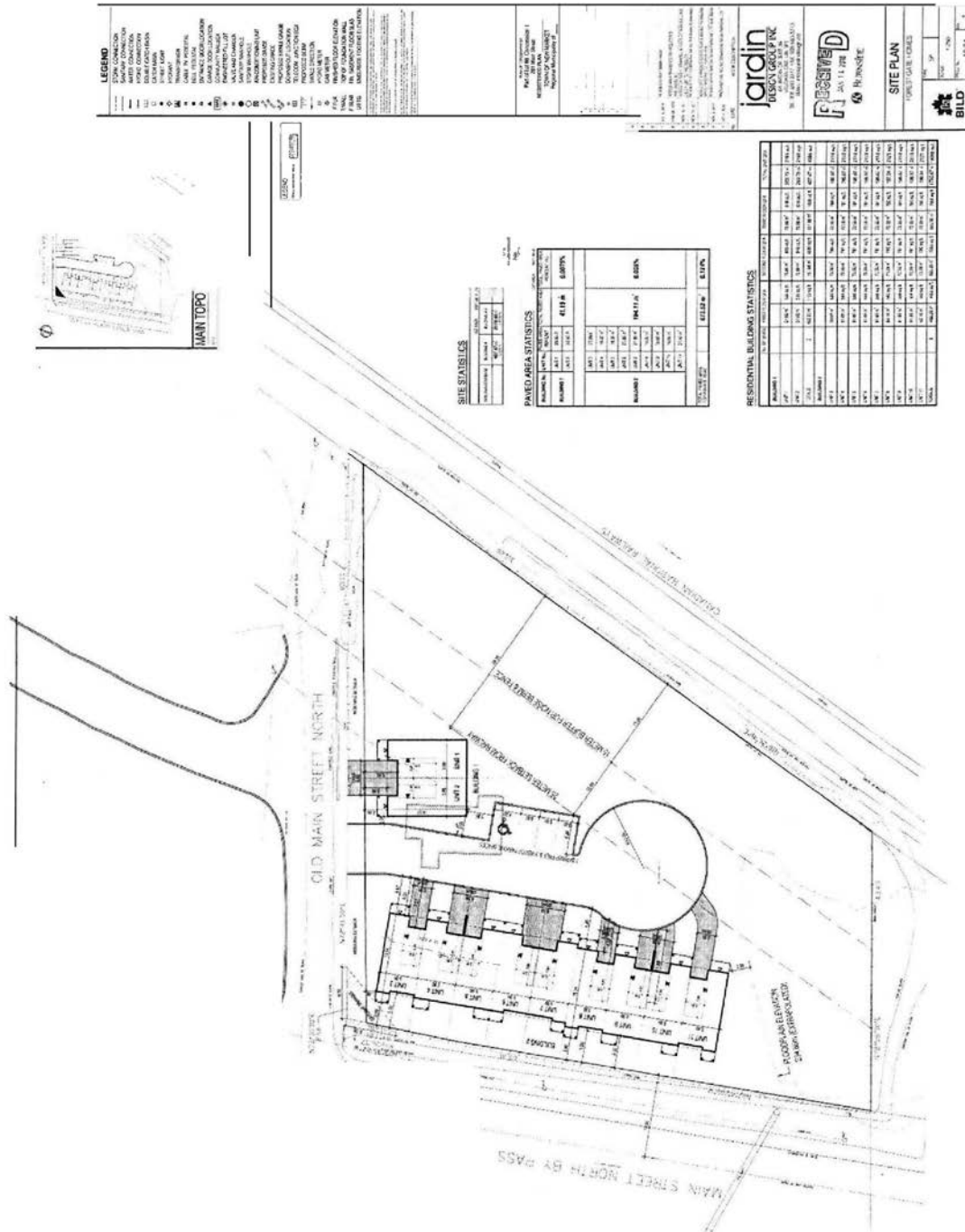
- 1) is minor in nature;
- 2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- 3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,



Alannah Slattery, BES, MCC
Planner

Existing Site Plan



Proposed Site Plan

281 MAIN STREET NORTH, NEWMARKET, ON, L3Y9A9

PART OF LOT 98, CONCESSION 1
REGISTERED PLAN M-74

TOWN OF NEWMARKET
REGION OF NEWMARKET

THE INFORMATION FOR THIS SITE PLAN HAS BEEN OBTAINED FROM A COPY OF A SURVEY PLAN PREPARED BY BARON GREENE DATED JANUARY 12, 2018. THE INFORMATION SHOWN HEREON, INCLUDING GRADES SHALL NOT BE USED FOR ANY LEGAL PURPOSES WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE ACCREDITED SURVEYOR.

KEY PLAN



LOT AREA
LOT AREA (AFTER DEDICATION) 5418.86 m²
5157.56 m²

SITE ANALYSIS

STATISTICS

ZONING (H) R4-R432, EX. 132, MAP 5

PER BY-LAW 2016-63

PROPOSED

MIN LOT FRONTAGE	5.9m UNIT	5.0m UNIT
MIN LOT FRONTAGE	8.2m	8.2m
FRONT YARD SETBACK (WEST)	5.00m	5.00m
REAR YARD SETBACK (EAST)	25m	32.50m
SIDE YARD SETBACK (SOUTH)	1.4m	2.0m
SETBACK FROM DAVILIGHT TRIANGLE	0.3m	0.3m
SETBACK GARAGE TO A PRIVATE ROAD	5.5m	5.5m
SETBACK FROM OS-EP ZONE	2.9m	2.4m
BUILDING HEIGHT	11 m (3 STOREY)	11 m (3 STOREY)
SEMI-DETACHED UNITS	2	0
MINIMUM DRIVEWAY LENGTH	5.1m	5.5m
MINIMUM DRIVEWAY WIDTH	3.5m	2.95m
MINIMUM DRIVEWAY WIDTH	2.7m	2.7m
MIN OUTDOOR OFF-STREET PARKING SPACES	10 UNIT	10 UNIT (11 UNIT)
MIN BARBER FREE PARKING SPACES	1	1
LOT COVERAGE	50%	50%
TOTAL GFA	-	11.3% (613.96 m ²)
ISI	-	152.91 m ²
		0.28

**COMMITTEE OF ADJUSTMENT****Town of Newmarket**

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

www.newmarket.ca

pcho@newmarket.ca

T: 905.953.5300 Ext. 2462

F: 905.953.5140

**TOWN OF NEWMARKET COMMITTEE OF ADJUSTMENT
NOTICE OF APPLICATION FOR CONSENT - REVISED**

FILE NUMBER: D10-B01-20**IN THE MATTER OF** Section 53 of The Planning Act, (R.S.O. 1990, c.1), as amended, and**IN THE MATTER OF** an application by Deerfield 2 GP Inc., owner of that parcel of land being and situated in the Town of Newmarket, known as Part Lot 5 and 6, Plan 32 (175 Deerfield Road).

The owner of the above noted property is proposing to convey the subject land indicated as "A" on the attached sketch for proposed residential purposes and to retain the land marked as "B" on the attached sketch for proposed residential purposes.

THE COMMITTEE OF ADJUSTMENT WILL CONSIDER THE APPLICATION ON WEDNESDAY, JUNE 17TH, 2020 AT 9:30 A.M., THROUGH A VIRTUAL ELECTRONIC MEETING.

As the Municipal Offices (395 Mulock Drive) are now closed to the public, the Town will be hosting a virtual electronic public meeting which will be live streamed. Any person may access the meeting and make oral submissions, or may submit a signed written submission together with reasons for support or opposition. Written submissions must be received by the Secretary-Treasurer prior to the hearing.

If you wish to be notified of the decision of the Town of Newmarket Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer, Committee of Adjustment, Town of Newmarket, 395 Mulock Drive, Box 328, STN Main, Newmarket, Ontario L3Y 4X7 or through e-mail at pcho@newmarket.ca.

If a person or public body that files an appeal of the decision of Town of Newmarket Committee of Adjustment in respect of the proposed consent does not make written submission to the Town of Newmarket Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

If you are the owner or manager of any land that contains seven or more residential units, you are requested to post this notice in a location that is visible to all of the residents.

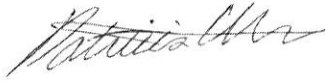
If you wish to be notified of the decision of the Committee of Adjustment in respect of this application, you must submit a written request to the Secretary-Treasurer, Committee of Adjustment, Town of Newmarket, 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7 or through e-mail at pcho@newmarket.ca. This will also entitle you to be advised of a possible Local Planning Appeals Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeals Tribunal by the applicant or another member of the public.

Additional information regarding the application and how to participate in the virtual electronic public meeting, is available by contacting the Secretary-Treasurer at pcho@newmarket.ca. Detailed participation information will be available on the Town's website several days prior to the hearing, at: <https://www.newmarket.ca/TownGovernment/Pages/Committees%20and%20Boards/Committee-of-Adjustment.aspx>

IMPORTANT NOTICE TO OWNER AND/OR AGENT: If you do not attend or are not represented at this meeting, the Committee may adjourn the file or proceed in your absence and make a decision, or may consider the application to have been abandoned or withdrawn, and close the file.

The application together with all comments received to date will be available for examination by contacting the Secretary-Treasurer, **EXCEPT ON THE DAY OF THE MEETING.**

DATED at the Town of Newmarket this 2nd day of June, 2020.

A handwritten signature in black ink, appearing to read 'Patricia Cho', written in a cursive style.

Patricia Cho
Secretary-Treasurer, Committee of Adjustment

PLEASE REFER TO THE ATTACHED SKETCHES FOR THE LOCATION OF THE LAND AND GENERAL DETAILS OF THE APPLICATION. IF MORE INFORMATION IS REQUIRED, CONTACT THE SECRETARY-TREASURER AT PCHO@NEWMARKET.CA FOR ASSISTANCE.

GENERAL GUIDELINES FOR PERSONS APPEARING AT CONSENT HEARING

1. Applications will not be considered prior to the time noted on the Notice of Application.
2. The Owner/Applicant will be given an opportunity, if desired, to briefly explain to the Committee and other persons who may be attending in connection with the application, the basis of their application and to answer any questions that may arise out of the meeting.
3. Persons speaking to an application must state their full name and mailing address, for the record.

Those appearing on behalf of the Owner, an individual or individuals, a company, law or consulting firm, should so advise the Committee.

If a property owner in the area, please give the location or other satisfactory identification of the property owned.

4. All persons attending the Hearing who wish to support or oppose the application will have an opportunity to speak to the Committee following the presentation by the Owner/Agent/Solicitor.

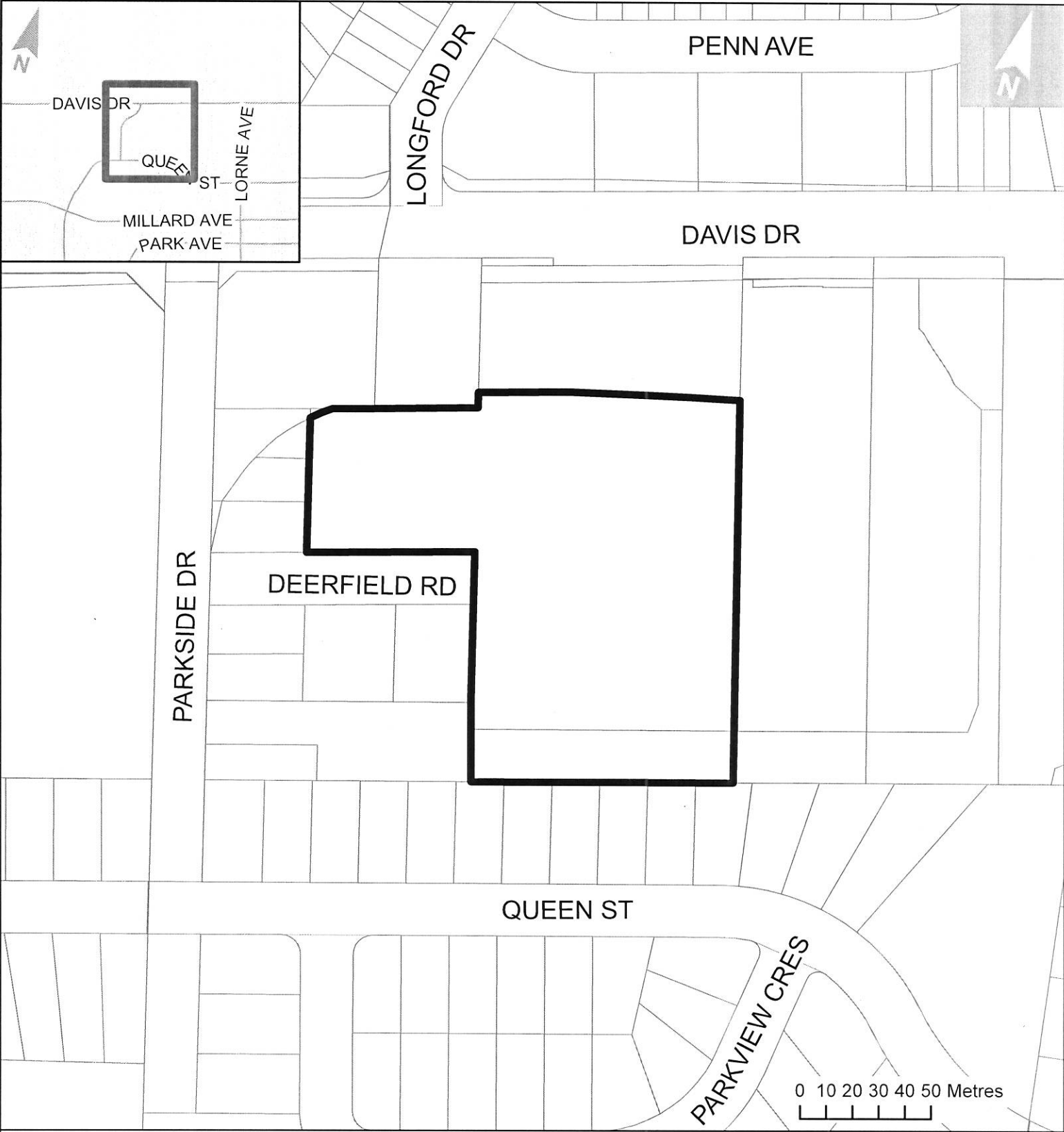
Ratepayer's groups wishing to appear should appoint a spokesperson to act on their behalf. The Committee of Adjustment may require a submission of satisfactory documentation indicating that the person appearing on behalf of a ratepayer's group is so authorized.



5. **ALL REMARKS ARE TO BE DIRECTED TO THE CHAIR.**
6. A summary of statements by each person speaking on an application is made for the records. The Committee may require that such statements be made under oath, or be subsequently confirmed under oath as set out in The Evidence Act, R.S.O. 1980, c.145.
7. **Decisions of the Committee are in writing. Notice of Decision will be mailed out not later than fifteen (15) days from the date of the decision.**

PLEASE NOTE:

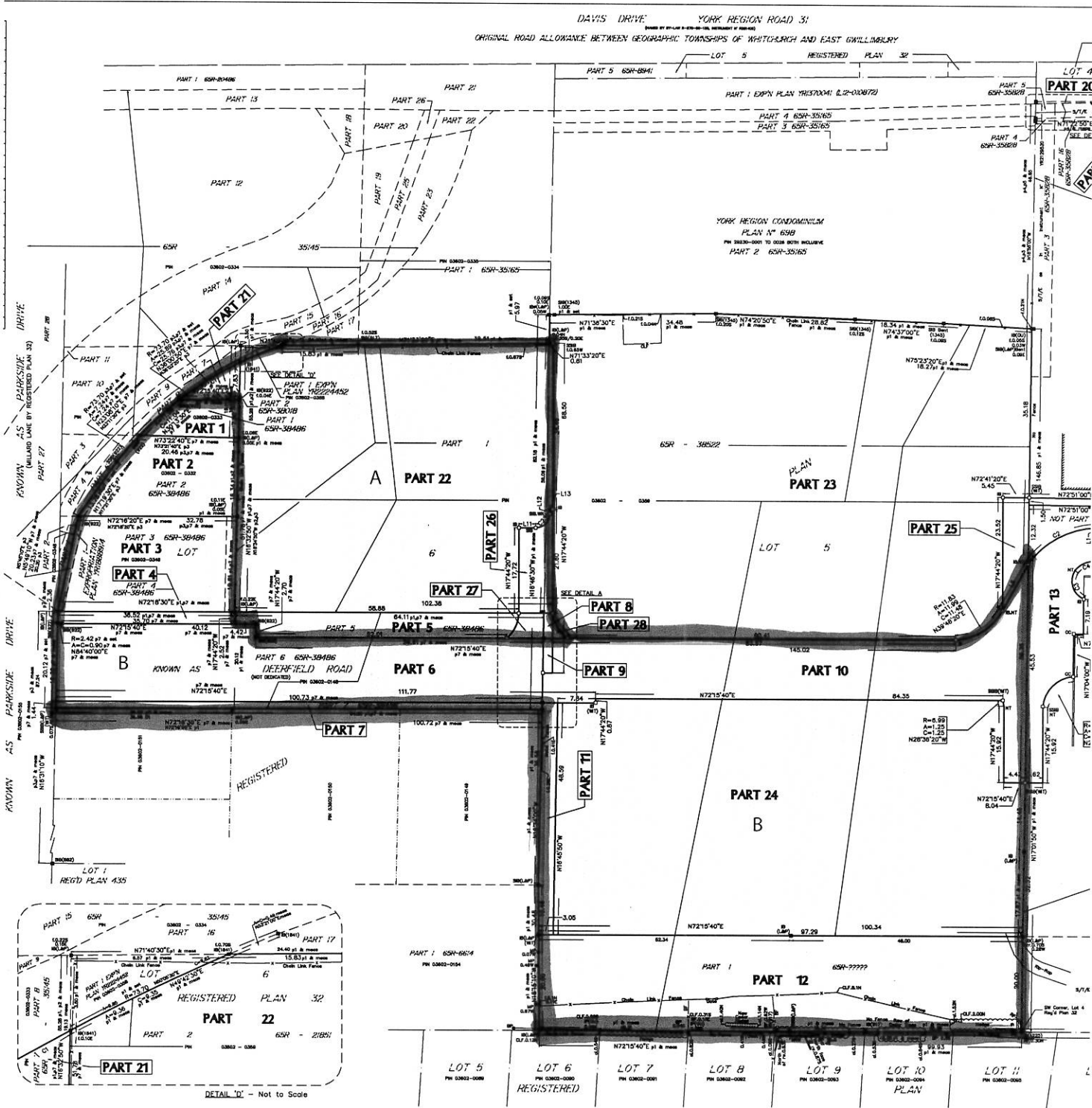
Copies of the Decision will be mailed out to the Owner/Agent/Solicitor and to each person who appeared in person or was represented by Counsel at the Hearing and who has filed with the Secretary-Treasurer a written request for Notice of the Decision.

Location Map 175 Deerfield Road



-  Subject Lands
-  Property Line





Proposed Severance Sketch

- LEGEND**
- Subject Lands
 - A Lands to be Severed (Parts 21,22,26,27,28,5)
 - B Lands to be Retained (Parts 11,12,24,1,2,3,4, 6,7,9,10)

175 Deerfield Road,
Newmarket, Ontario

DATE: February 18, 2020 SCALE: NTS



MHBC PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE
230-7050 WESTON ROAD WOODBRIDGE, ON. L4L 8G7
P: 905 761 5588 F: 905 761 5589 | WWW.MHBCPLAN.COM



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, flowing script.

Alannah Slattery, BES, MCC
Planner



COMMITTEE OF ADJUSTMENT

Town of Newmarket
 395 Mulock Drive
 P.O. Box 328
 Newmarket, ON L3Y 4X7

www.newmarket.ca
 pcho@newmarket.ca
 T: 905.953.5300 Ext. 2462
 F: 905.953.5140

File Number: D10-B01-20

Name of Applicant: DEERFIELD 2 GP INC.

Subject Property: Part Lot 5 and 6, Plan 32
 175 Deerfield Road
 Town of Newmarket

Enclosed is a certified copy of the "**Notice of Decision**" by the Committee of Adjustment concerning the above noted application.

The last date for appealing the decision or any condition imposed is indicated on the attached Notice of Decision.

If you wish to appeal, please note that the *Planning Act*, R.S.O. 1990, c. P.13, as amended, requires the NOTICE OF APPEAL to be filed with the Secretary-Treasurer not later than **twenty days** after the giving of notice. The notice of appeal must set out the reasons for the appeal and be accompanied by a certified cheque or money order in the amount of **\$300.00**, made payable to the **Minister of Finance** and a cheque in the amount of **\$173.00** made payable to the **Town of Newmarket**.

You will be entitled to receive notice of any changes to the conditions of the provisions consent if you have either made a written request to be notified of the decision to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Local Appeal Planning Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

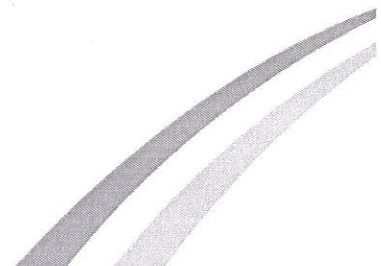
If you have any questions concerning the above, please contact the Secretary-Treasurer at pcho@newmarket.ca.

Yours truly,

Secretary-Treasurer
 Committee of Adjustment

encl.

DATED at the Town of Newmarket this 24th day of June, 2020.



NOTICE OF DECISION

DATE OF DECISION: June 17, 2020
FILE NUMBER: D10-B01-20
APPLICANT: DEERFIELD 2 GP INC.
SUBJECT PROPERTY: Part Lot 5 and 6, Plan 32
 175 Deerfield Road
 Town of Newmarket

Application for Consent to convey the subject land as follows:

The owner of the above noted property is proposing to convey the subject land indicated as "A" on the sketch attached to the Notice of Application for proposed residential purposes and to retain the land marked as "B" on the sketch attached to the Notice of Application for proposed residential purposes.

The above noted application was heard by the Committee of Adjustment on June 17, 2020.

On the basis of the evidence before it, the Committee concludes that the Consent Application conforms with the Official Plan, the Zoning By-law, and applicable Regional and Provincial legislation, regulations and planning policies.

It is the Decision of the Committee that a Provisional Consent 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.

LAST DATE FOR APPEALING THIS DECISION IS: TUESDAY, JULY 14TH, 2020.


Majority of members concurring in this Decision:


 Gino Vescio, Chair


 Peter Mertens, Vice Chair

Mohsen Alavi
Digitally signed by Mohsen Alavi
 Date: 2020.06.25 13:08:07 -04'00'
 Mohsen Alavi Member


 Ken Smith, Member


 Elizabeth Lew, Member

I hereby certify this to be a true copy of the Decision of the Committee of Adjustment and this Decision was concurred in by a majority of the members who heard the application.



Secretary-Treasurer
Patricia Cho

Pursuant to Section 53(41) of the *Planning Act*, the applicant shall have a period of one (1) year from the date of the Committee of Adjustment giving Notice of the herein Decision to the Applicant to fulfill and comply with all of the (above-noted) conditions of Provisional Consent. Failing to comply with this requirement will result in the application to be deemed to be refused.

ALL CONDITIONS MUST BE FULFILLED



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

August 21, 2020

Patricia Cho, BA., MSc. (Planning)
Planner/Secretary-Treasurer (Committee of Adjustment)
Planning and Building Services
395 Mulock Drive
Newmarket, ON
L3Y 4X7

**RE: CONSENT CONDITION MODIFICATION
175 DEERFIELD ROAD
NEWMARKET, ON
OUR FILE 1677E**

Further to your discussions with our client's in-house solicitor, Natalie Reisman Breger, we are writing to request a modification to the conditions for Committee of Adjustment Decision D10-B01-20 which was granted on June 17, 2020.

As discussed with Ms. Reisman Breger, the intent of the severance application was to separate the Phase 2 (Parcel A) and Phase 3 (Parcel B) lands. While the intent of the application was achieved, a technical matter has arisen in terms of the ultimate transactional arrangements in that the Certificate of Official would require the Phase 2 lands to be the "severed" parcel whereas from a transactional perspective the Phase 3 lands need to be the "severed" parcel. Unfortunately this was only brought to our attention after the decision was issued and as our clients transactional lawyers perfected the consent documents.

We would therefore respectfully request that Committee modify the conditions such that Parcel B can be conveyed. The intent of the application does not change, it is simply a matter of which parcel is ultimately conveyed.

Should you require any further information, please do not hesitate to call.

Thank you,

MHBC

A handwritten signature in black ink, appearing to read 'David McKay', written over a circular stamp or seal.

David A. McKay, MSc, MLAI, MCIP, RPP
Vice President & Partner

cc: clients



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Memorandum

Amendment to the Conditions of Provisional Consent

TO: Committee of Adjustment

FROM: Jason Unger, MCIP, RPP
Acting Director of Planning and Building Services

DATE: August 21, 2020

RE: D10-B01-20 – 175 Deerfield Road
Amendment to the Conditions in Provisional Consent

PURPOSE

- Committee of Adjustment to approve the revision of the conditions granted; and,
- The amended notice of provision consent containing appeal information will be re-circulated to applicable departments, agencies and the public to provide notification regarding the change in the conditions.

BACKGROUND

The Committee of Adjustment considered Consent Application – D10-B01-20 on Wednesday, June 17th, 2020 at 9:30 A.M. through a virtual electronic meeting. Planning Report, dated March 18, 2020, dealt with this application and is available [here](#).

The purpose of the consent application was 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 was to allow the applicant to operate the Phase 2 building under a separate ownership from the Phase 3 building, which will be managed under a condominium corporation.

It was the Decision of the Committee that a Provisional Consent 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.

ANALYSIS

The intent of the previous application to sever the subject lands into two (2) separate parcels remains the same. A technical matter has arisen in terms of the ultimate transactional arrangements. The revision in the provision consent condition is to reflect which parcel the applicant intends to transfer to a separate ownership vs. which parcel the applicant intends to retain under their current corporation. The applicant has provided further clarification that they intend to transfer the retained lands and to keep the severed lands under the existing ownership.

Therefore, it is suggested that the decision be amended as follows:

It was the Decision of the Committee that a Provisional Consent 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 transfer of lands indicated as 'B', applied for as the lands to be **retained** under Consent Application D10-B01-20, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act.

AUTHORITY & NOTICE

Section 53(23) of the Planning Act states that the Committee of Adjustment may change the conditions of a provisional consent at any time before a consent is given. The amended notice of provision consent containing appeal information will be re-circulated to applicable Town departments, agencies and the public.

RECOMMENDATION

As the intent of the application remains the same as the initial application, potential impact to the public remains low, and the revised decision continues to be in the public interest. Planning staff are in support of this revision.

CONTACT



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