

The meeting of the Committee of Adjustment was held on Wednesday, March 15th, 2017 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Chair
Fred Stoneman, Member
Ken Smith, Member
Elizabeth Lew, Member
Peter Mertens, Member

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

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

Gino Vescio in the Chair.

The Chair called for conflicts of interest. No conflicts were declared at that time; however, members were invited to declare a conflict of interest at any time during the meeting.

MINOR VARIANCE APPLICATIONS

D13-A06-17 ZOU, Yan Fei & HE, Feng Juan
Lot 90, Plan M81
18 Manning Crescent
Town of Newmarket

Wei Mao of 152 Grandview Avenue, THORNHILL, ON L3T 1H8, addressed the Committee as agent to the applicants and provided the following comments:

- Applying for 2 more parking spaces for accessory dwelling unit use;
- Read comments provided by the Town and has no objection; and
- Owner has started renovation, and agrees to follow all of the Town's requirements, Zoning and Ontario Building Code.

Fred Stoneman asked when the owners had purchased the house. Mr. Mao stated the house was purchased in 2016.

Fred Stoneman asked if there was anyone living in the house currently. Mr. Mao stated there was not.

Peter Mertens asked how many parking spaces there are in total on the property. Mr. Mao stated that there are 2 spaces in the driveway and 2 in the garage, and that the owners are asking for 2 spaces in the garage to count towards the 4 required exterior parking spaces.

Gino Vescio inquired whether the property owners plan to move into the house. Mr. Mao stated they would not be.

Andrew Dow of 29 Manning Crescent, NEWMARKET, ON L3Y 6H3, addressed the Committee and provided the following comments:

- Speaking against the application for minor variance
- Have a petition signed by all lots on the west side of Manning Crescent indicating they are opposed to the application
- Wants adherence to the Zoning By-law
- Indoor parking spots should remain inside parking spots, and a garage should not be considered to be a laneway
- Seems major, and do not want this to become a trend on the street
- Does not want cars everywhere as this is a main concern
- Have a form signed by residents who want Notice of Decision

Janet Young of 51 Manning Crescent, NEWMARKET, ON L3Y 6H3, addressed the Committee and provided the following comments:

- Lived on Manning Crescent for 36 years and are original buyers of the property
- All houses are single detached family homes
- Recognize a change on the street with several renters
- 54 Manning Crescent extended their driveway without permission and didn't get any notice, and this extended portion of the driveway had a parked car with flat tires
- Concern is that the street is going to look like a parking lot

Norman Ratcliffe of 15 Manning Crescent, NEWMARKET, ON LY3 6H3, addressed the Committee and provided the following comments:

- His house is positioned directly across the street
- Knew the previous owner of 18 Manning Crescent, and had an understanding that once the previous owner had moved out it would be occupied as a single-detached dwelling
- Shortly after they moved out a contractor van was there, followed by a notice posted in the living room window of alterations made to the property without proper permits
- Shortly after, received notice of application for Minor Variance
- Concern that everyone was before Committee only because the new owners had been caught
- Concern that with multiple people living in the house, cars will be jockeyed around, parked in the street, and all over the driveway
- Concern that with influx of off-shore buyers who are not taking occupancy, the neighbourhood will become a dorm-room

Bonnie Holledge of 50 Manning Crescent, NEWMARKET, ON L3Y 6H4, addressed the Committee and provided the following comments:

- Supports residents who have spoken
- Takes pride in ownership of home

- Rental homes in the area have issues of cars on the sidewalks and hanging over the end of the driveway onto the road
- There is a lack of care by ownership for rental homes

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

1. Report from Ted Horton, Planner dated March 8, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated March 2, 2017;
3. Memorandum from David Potter, Chief Building Official dated March 3, 2017;
4. E-mail from Shahinaz Eshesh, Associate Planner, Programs and Process Improvement Section of the Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated March 1, 2017;
5. Letter from L. Dubois of 59 Manning Crescent, NEWMARKET, ON L3Y 6H3, dated March 8, 2017;
6. Letter from Clyde and Sue Dimmell of 60 Manning Crescent, NEWMARKET, ON L3Y 6H4, dated March 12, 2017; and
7. Email from Larry and Janet Young of 51 Manning Crescent, NEWMARKET, ON L3Y 6H3, dated March 14, 2017

There were no further comments from the public on this application.

Moved by Fred Stoneman

Seconded by Elizabeth Lew

Opposed by Gino Vescio and Peter Mertens

THAT Minor Variance Application D13-A06-17 be approved, subject to the following conditions:

1. That the applicants enter into an agreement with the Town stating that as long as there is an Accessory Dwelling Unit in the dwelling, that the garage remains available to park two (2) cars, and that this agreement be registered on title of the property;
2. That the variance pertains only to the requests as submitted with the application; and
3. That the development be substantially in accordance with the sketch submitted with the application.

as the Minor Variance Application:

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

CARRIED

CONSENT AND MINOR VARIANCE APPLICATIONS

D10-B03-16 LEE, Richard & LEE, Holly Wilkes
Part Block A, Plan 127
770 Gorham Street
Town of Newmarket

D13-A18-16 LEE, Richard & LEE, Holly Wilkes
Part Block A, Plan 127
0 Gorham Street
Town of Newmarket

D13-A19-16 LEE, Richard & LEE, Holly Wilkes
Part Block A, Plan 127
770 Gorham Street
Town of Newmarket

Mr. Sean Toussi of Memar Architects Inc. at 2323 Yonge Street, Unit 503, TORONTO, ON M4P 2C9, addressed the Committee and provided the following comment:

- The 1.04 metre setback indicated in Mr. Horton's Planning Report is incorrect, and it should be a 1.31 metre setback.

Ted Horton addressed that Lot A and B are reversed in the Report. Gino Vescio advised that Notices were sent with the correct dimensions, and this error will be corrected in the Report.

Sean Toussi resumed his presentation, and provided the following comments:

- The existing house is to stay, the new house would be built on the newly severed lot;
- The 3 applications should be heard together;
- He submitted a Plan to the Committee that indicated the subject property was the largest lot in a 500 foot radius, with a frontage of more than 100 feet whereas Zoning requires only a 50 foot lot frontage. If his client was to sever the property in half, it would comply;
- The lot as is, is appropriate for a severance;
- Other lots in the area used to be like this and have been severed;
- Provided a photo of the property;
- The house is not in the condition to be demolished, and it is part of the character that creates the neighbourhood - if we were to sever the property in half, the house would have to be demolished;
- Did the best with setbacks. You wouldn't be able to tell the significance of the setbacks when driving by;
- Lot sizes in the neighbourhood are inconsistent, there are 40 foot lots - different lot sizes are part of the character of the neighbourhood;
- Not out of the character of the neighbourhood;
- The application meets the four tests of the Planning Act
 - the general intent of the Official Plan
 - the general intent of the Zoning By-law - the frontage does not meet the exact Zoning By-law requirement of 15 metres but is close at 12.2 metres
 - Desirable development of the land, as by severing the property in half would require the demolishing of the house; and
- Is aware of conditions should the Committee approve the applications

Ken Smith inquired about the type of proposed dwelling. Mr. Toussi responded that the new building would be two storeys, without a requirement for a height variance.

Peter Mertens inquired about why the applicant did not apply for a rezoning. Mr. Toussi replied that it was the decision of Committee whether it was significant enough to apply for a rezoning. Also that typically he would go the rezoning route if it were a change of use, and in this case it is a matter of approximately 3 metres of frontage.

Mr. Toussi inquired whether he would have an opportunity to rebut once the public had the opportunity to speak. Gino Vescio replied that it was permitted.

Robert Robinson on behalf of Joyce Robinson of 764 Gorham Street, NEWMARKET, ON L3Y 1L6, addressed the Committee and provided the following comments:

- Handed out excerpt from the Town of Newmarket Municipal Register of Non-Designated Heritage Properties, and photos of the subject property;
- He had submitted a letter prior to the deferral of these applications;
- It is an assumption by Mr. Toussi that it is a perfect lot to be severed because it is large;
- In Mr. Toussi referencing the severance of a vacant lot into two 50 foot lots, this is irrelevant as that is not what the applicant is asking for - they are asking for a smaller, narrow lot with an atypical house which disturbs the character of the street;
- There has not been an effort to create a house that fits in with the street - the proposed house has a flat roof and is 10 metres tall;
- The map that Mr. Toussi passed around shows a large area, and the buildings on the lots are unlike what is being proposed;
- Proposal contravenes the Town of Newmarket Official Plan Sections 3.2.1 and 3.9.1;
- When looking at the listed Heritage properties on Gorham Street from Prospect Street to Alexander Street, there is a variety: peaked roofs, porches, variety of 1, 1.5 and 2-storey houses;
- Provided Google Streetview images of the subject property from different angles for the Committee, highlighting the tree and side yard where the proposed dwelling will be located;
- The new building will stick out from the front lot lines;
- Elevation is important as excavation into the hill for the front of the proposed house will be required;
- The subject property is 2 feet higher than that of 764 Gorham Street;
- The applicant did not contact any of the neighbours;
- If built to the full limits permitted by the Zoning By-law, the proposed house will be huge;
- If approved, this application will set precedent for the entire street;
- Although the property is not Designated Heritage, it has been noted as worthy of being on the Designated list;
- With regards to provided Elevations plans for the proposed dwelling:
 - Lot frontages proposed are not consistent with that on drawings
 - Front elevation is unlike that of any other homes on the street
 - The 7-foot high deck will look over neighbouring properties
 - Basement seems to be above grade, and it appears to be accommodating for an Accessory Dwelling Unit;
- Proposed dwelling is a subdivision-like house that does not fit into the character of the street;
- Minor Variances requested do not meet the 4 tests of the Planning Act; and
- Agrees with Mr. Horton's Planning Report to deny the applications.

Athol Hart, Chair of Heritage Newmarket spoke on behalf of Heritage Newmarket and provided the following comments:

- The Robert H. Meek House is worthy of Heritage Designation;
- Feels that the setbacks and proposed dwelling overshadow and distract from the Robert H. Meek House;
- The Robert H. Meek House is one of the most significant houses in the area; and
- Requesting to deny the applications before Committee.

Ashli Gerrard of 767 Allan Avenue, NEWMARKET, ON L3Y 1H7 addressed the Committee and provided the following comments:

- Live directly behind the subject property;
- Concerned with drainage; and
- Biggest concern is tree protection, as there is an established Cedar hedge and two Oak trees that may be affected by digging.

Gino Vescio informed Ashli Gerrard that the applicant would be required to comply with the Town of Newmarket Tree Preservation, Protection, Replacement and Enhancement Policy.

Dave Kerwin of 317 Maple Street, NEWMARKET, ON L3Y 3K3, addressed the Committee and provided the following comments:

- This area is known as “the Village”;
- Should be an attempt to preserve heritage, culture and way of life;
- Recognized that other areas of the Town have changed, and for the better;
- Unsure of how you can shoehorn a 10 metre house onto this property as it is incompatible;
- Referenced the property on Elgin Street that is built as-of-right but is significantly large;
- Not convinced it will not be a rental or a property with an Accessory Dwelling Unit - and there is no parking on Gorham Street so people park on neighbouring streets; and
- Requesting not to grant the severance.

Patricia Hildreth of 763 Gorham Street, NEWMARKET, ON L3Y 1L7, addressed the Committee and provided the following comments:

- Have been a resident on Gorham Street for 45 years;
- Last thing she wants to see is a large box when looking across the street;
- There have been enough changes to Gorham Street, there is no need for more; and
- Would appreciate denial of the applications before Committee.

Karen and Robert Donkers of 759 Allan Avenue, NEWMARKET, ON L3Y 1H7, addressed Committee and provided the following comments:

- Had previously submitted a 4 page letter providing comments on the application;
- Lives behind the subject property with no intention of moving;
- With a rear deck 7 feet in the air, how high will fence be?; and
- Have a number of mature trees in the backyard that will not cover the view from the deck.

Gino Vescio advised that any fence erected would be required to conform to the Fence By-law.

Joyce Robinson of 764 Gorham Street, NEWMARKET, ON L3Y 1L6, addressed the Committee and provided the following comments:

- Moved to Newmarket 48 years ago;
- The Lee's had owned the house for the last 25 years;
- The only lawn left on the property is located where the new house is proposed;
- There are 6 windows on the west side of 770 Gorham, which would face the new house with a 2 metre distance between the 2 dwellings; and
- Her house is 3 feet lower than the ground level of 770 Gorham Street, and the proposed dwelling will be 3 meters taller than her house.

Barb Sutton of 47 Connaught Avenue, AURORA, ON L4G 1C5, addressed the Committee and provided the following comments:

- Grew up at 764 Gorham Street;
- Currently lives in a Heritage home in Aurora;
- To put a porch on the house she is living in, she was required to present to Council and obtain a double variance;
- Is amazed that the proposed house is being considered; and
- Mr. Toussi's comment regarding changes to the area is inaccurate.

Malcolm Watts of 812 Hollander Road, NEWMARKET, ON L3Y 8H4, addressed the Committee and provided the following comments:

- The nature and character of "The Village" is important and beautiful;
- Gorham Street is the gateway to the heritage district of Town; and
- The overall appearance and character of the area needs to be preserved, as once gone it is gone.

Vicki Laforge of 763 Allan Avenue, NEWMARKET, ON L3Y 1H7, addressed the Committee and provided the following comments:

- Is a backyard neighbour to the subject property;
- Feels discomfort about the application;
- The variance is not minor, nor does it fit the historic area; and
- A 2-storey house would tower into the backyard;

Gino Vescio called for a recess of the meeting at 11:05 a.m. The Committee reconvened at 11:12 a.m.

Mr. Toussi was given a 2 minute rebuttal period to respond to the above noted comments on the applications being heard before Committee. The following comments were provided:

- Confirmed that it is not a designated heritage building;
- 75% of the comments provided are in relation to things that are permitted;
- Client is willing to speak with neighbours;
- Front setbacks can be pulled back, willing to accommodate some of the concerns;
- Reason for variances is to keep the house. Would like to keep the character, however we are unable to shift the house over. Intention is to save the house; and
- If denied, client will have no choice but to divide the lot in half as of right, resulting in 2 new houses.

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

1. Report from Ted Horton, Planner dated March 7, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated November 10, 2016, RE: Application for Consent;
3. Memorandum from Rick Bingham, Manager, Development Engineering dated November 8, 2016, RE: Notice of Application for Minor Variance File No. D13-A18-16;
4. Memorandum from Rick Bingham, Manager, Development Engineering dated November 8, 2016, RE: Notice of Application for Minor Variance File No. D13-A19-16;
5. Memorandum from David Potter, Chief Building Official dated November 8, 2016, RE: Application for Consent;
6. Memorandum from David Potter, Chief Building Official dated November 8, 2016, RE: Application for Minor Variance File No. D13-A18-16;
7. Memorandum from David Potter, Chief Building Official dated November 8, 2016, RE: Application for Minor Variance File No. D13-A19-16;
8. Report from Urban Forestry Innovations Inc. dated November 29, 2016;
9. E-mail from Helena Targosinski, Special Services Clerk of the Real Estate Department, Hydro One Networks Inc. dated March 3, 2017;
10. E-mail from Shahinaz Eshesh, Associate Planner of the Programs and Process Improvement Section of the Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated March 3, 2017;
11. Letter from Allison Sadler, Municipal Planning Advisor of the Distribution Planning & Records Department, Enbridge Gas Distribution, dated November 10, 2016;
12. Letter from Peter M. Green, Director of the Capital Development Department, Southlake Regional Health Centre, dated November 11, 2016;
13. E-mail from Dan Della Mora, Corridor Management Planner of the Highway Corridor Management Section, Central Region, Ministry of Transportation, dated November 24, 2016;
14. E-mail from Melinda Bessey, Development Planner, Lake Simcoe Region and Conservation Authority, dated November 14, 2016;
15. E-mail from P.J. Head of 760 Gorham Street, dated November 16, 2016
16. Letter from Rob Robinson, dated November 17, 2016;
17. Letter from Joyce Robinson of 764 Gorham Street, dated November 14, 2016;
18. Petition from Joyce Robinson of 764 Gorham Street, dated March 8, 2017;
19. Letter from Robert and Karen Donkers of 759 Allan Avenue, dated November 15, 2016; and
20. Letter from Guy and Vicki Laforge of 763 Allan Avenue, dated November 21, 2016

There were no further comments from the public on this application.

Moved by Gino Vescio
Seconded by Peter Mertens

THAT Consent Application D10-B03-16 be DENIED on the basis that it does not meet the intent of the Official Plan to sustain and enhance the character of the existing property, and that the severance would result in development that is not desirable or appropriate on the property.

CARRIED

Moved by Gino Vescio
Seconded by Peter Mertens

THAT Minor Variance Applications D13-A18-16 and D13-A19-16 be DENIED, as the applications do not comply with the Official Plan with respect to development of the property, they do not sustain and enhance the character of the neighbourhood, and they do not meet the four (4) tests of the *Planning Act*.

CARRIED

The Minutes of the meeting held on Wednesday, February 15th, 2017 were placed before the Committee for consideration.

Moved by Elizabeth Lew
Seconded by Ken Smith

THAT the Minutes of the Wednesday, February 15th, 2017 meeting be approved as circulated.

CARRIED

Moved by Peter Mertens
Seconded by Elizabeth Lew

THAT the Meeting adjourn.

CARRIED

The meeting adjourned at 11:45 a.m.

April 18, 2017
Dated


Chair