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The meeting of the Committee of Adjustment was held on Wednesday, June 21<sup>st</sup>, 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  
Peter Mertens, Member  
Elizabeth Lew, Member

Staff Present: Ted Horton, Planner  
Matthew Peverini, Secretary Treasurer  
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. A conflict of interest was declared by Elizabeth Lew with respect to Minor Variance Application No. D13-A15-17. Members were invited to declare a conflict of interest at any time during the meeting.

**MINOR VARIANCE APPLICATIONS**

**D13-A13-17 LORNE PARK GARDENS INC.**  
Part Lot 31, Concession 2  
Plan 65R-22685 Part 1 / Plan 65R-22280 Part 1  
955 & 995 Mulock Drive  
Town of Newmarket

Ryan Guetter of Weston Consulting at 201 Millway Avenue, Suite 1, VAUGHAN, ON L4K 5K8, addressed the Committee on behalf of the property owner and provided the following comments:

- Two variance requests have emerged
- The first is a result of a technical error concerning the lot area that transpired through the site plan process
- The second emerged through detailed design work to one townhouse block at the northeast portion of the property. This block was designed to minimize the use of retaining walls, so given the property's grading, the elevation is calculated to be 2.24 metres higher than what is permitted. From the road, it does not appear higher than what is permitted.
- Have spoken to the homeowners on Bogarts Circle, and they are fully aware of the application and appreciate the nature of the design

- Believes it meets the 4 tests as outlined by the Planning Act, and is in support of the Planning Report's recommendation and conditions

Fred Stoneman asked to see the subject townhouse block location in relation to Bogarts Circle. Ryan Guetter provided a visual to the Committee.

Fred Stoneman inquired whether the residents of Bogarts Circle received notice of the application. Matthew Peverini advised that all residents within a 60 metre radius as prescribed by the Planning Act received notice of the application.

Ward 2 Councillor Dave Kerwin addressed the Committee and provided the following comments:

- Have had meetings with the condominium residents over the last 3 years
- The applicants have been very transparent through the process
- No objection to the proposed variance

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

1. Report from Ted Horton, Planner dated June 5, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated June 7, 2017;
3. Memorandum from David Potter, Chief Building Official dated June 7, 2017; and
4. E-mail from Gabrielle Hurst, Programs and Process Improvement Section of the Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated June 9, 2017

There were no comments from the public on this application.

*Moved by Peter Mertens  
Seconded by Ken Smith*

***THAT Minor Variance Application D13-A13-17 be approved, subject to the following conditions:***

1. That the variance pertains only to the requests as submitted with the application;
2. That the increased building height be limited to Block D as described in the application and to no other structure; and;
3. That the development be substantially in accordance with the information submitted with the application.

as the Minor Variance Application:

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

CARRIED

D13-A14-17 SWEET, Carol & SWEET, Earl  
Lot 39, Plan 222  
415 Queen Street  
Town of Newmarket

Carol and Earl Sweet of 415 Queen Street, NEWMARKET, ON L3Y 2G9 addressed the Committee and provided the following comments:

- Purchased the house on Queen Street to provide a lifetime residence for their son
- Purchased the property with the understanding that they could reside in the accessory building at the rear of the property
- Have read the Planning Report

Wendy Nott of WND Associates Ltd. at 90 Eglinton Avenue East, Suite 970, TORONTO, ON M4P 2Y3, addressed the Committee as agent to the applicant and provided the following comments:

- Can address any of Committee's questions pertaining to Planning on the property
- Have read the Staff Report and agree with the recommendations outlined

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

1. Report from Ted Horton, Planner dated June 6, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated June 8, 2017;
3. Memorandum from David Potter, Chief Building Official dated June 7, 2017; and
4. E-mail from Gabrielle Hurst, Programs and Process Improvement Section of the Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated June 9, 2017

There were no comments from the public on this application.

*Moved by Fred Stoneman*  
*Seconded by Elizabeth Lew*

***THAT Minor Variance Application D13-A14-17 be approved, subject to the following conditions:***

1. That the variance pertains only to the requests as submitted with the application;
2. That an accessory dwelling unit be permitted in only the accessory structure as proposed and not in any other structure;
3. That the maximum lot coverage for all accessory structures be limited to 11%;
4. That the variances for the accessory structure apply only to the structure as proposed in this application and to no other additions or changes; and

5. That the development be substantially in accordance with the information submitted with the application.

as the Minor Variance Application:

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

**CARRIED**

**D13-A15-17 ROSE, Lori Anne & GALBRAITH, Robert**  
Part Lot 11, Plan 24, Part Lot 1, Plan 113  
Part Block A, Plan 78, Parts 2 and 5 and Part 1 of 1, Plan 65R-3179  
189 Mary Street  
Town of Newmarket

Lori Anne Rose of 189 Mary Street, NEWMARKET, ON L3Y 3P9, addressed the Committee and provided the following comments:

- Have resided in Newmarket for 26 years, and owned this property for 14 years
- In the process of making the property a stay-cation, with a pool and hot tub
- The property has no backyard
- Seeking relief from Sections 4.4 and Section 4.12 of the Zoning By-law to permit the pool and hot tub
- There have been no objections to date on the application
- Have read the Planning Report

Peter Mertens asked the applicant whether the fence on the property is pool compliant. Lori Anne Rose replied that she has a 6 foot fence, and that she will speak with building concerning the pool permit.

Ward 2 Councillor Dave Kerwin addressed the Committee and provided that he was well aware of the application before Committee, and thanked the Planning Staff for their involvement.

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

1. Report from Ted Horton, Planner dated June 5, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated June 7, 2017;
3. Memorandum from David Potter, Chief Building Official dated June 7, 2017; and
4. E-mail from Gabrielle Hurst, Programs and Process Improvement Section of the Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated June 9, 2017
5. Letter from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority dated June 14, 2017
6. Report from Urban Forestry Innovations Inc. dated June 1, 2017

There were no comments from the public on this application.

*Moved by Peter Mertens  
Seconded by Ken Smith*

**THAT Minor Variance Application D13-A15-17 be approved, subject to the following conditions:**

1. That the variance pertains only to the requests as submitted with the application;
2. That the owner be advised that a permit from the LSRCa will be required prior to any site alteration or development within the area on the site regulated by Ontario Regulation 179/06 under the Conservation Authorities Act; 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 APPLICATION

**D10-B02-17 GREEN AND ROSE DEVELOPMENTS INC.**  
Part of Lot 4, Plan 32, Parts 1-4, Plan 65R-34936  
212 Davis Drive  
Town of Newmarket

Debra Kakaria of MHBC Planning at 7050 Weston Road, Suite 230, WOODBRIDGE, ON L4L 8G7, addressed the Committee on behalf of the applicant and provided the following comments:

- Represents Green and Rose Developments Inc. who also owns 175 Deerfield Road
- Green and Rose Developments Inc. is currently constructing a 15-storey rental building
- The Rose Corporation intends to develop 175 Deerfield Road
- Part of the pre-consultation meeting advised that the applicant would need to address Schedule 5 of the Town of Newmarket Urban Centres Secondary Plan
- It was discussed with staff that 2 options were deemed acceptable
- Require an easement through 200 Davis or 212 Davis
- July 17<sup>th</sup> is the occupancy stage for the 15-storey rental building at 212 Davis Drive, so this application is to get ahead of the tenants moving in
- There is an existing easement in place in favour of 212 Davis Drive from 230 Davis Drive
- Read the Staff Report and was unclear about the “public easement” recommendation
- The Town does not have an example of the public easement

- Don't understand the public easement, but willing to consider it in the future. Would like private easements in the meantime
- The purpose of this easement is to compliment connectivity on the property
- Feel it meets the hierarchy of the roads outlined in the Secondary Plan
- It is an interim step, a foot in the door, for the soon to be occupants of 212 Davis Drive
- If ownership changes, the opportunity for connectivity may not be there in the future, whereas now the property owners have similar interests

Gino Vescio asked Ted Horton to speak to a public easement. Ted Horton advised that it is an easement in gross named to the Town, and the Town accords the right to all residents. Gino Vescio further inquired as to whether it is the Town indicating a public right-of-passage over a privately owned property. Ted Horton confirmed this. Gino Vescio asked whether a public easement would meet the intent of the Official Plan. Ted Horton replied it would.

Debra Kakaria further provided the following comments:

- The Secondary Plan, as outlined on page 3 of the Planning Report, provides that “private streets, laneways and pedestrian linkages may be required to support development and facilitate traffic...”.
- So the Secondary Plan states ‘may’ not ‘shall’
- We believe the proposed easement is in conformity with the Official Plan
- Have asked for an example, but there has not been one done to date
- There is liability, design standards, and if it is a public easement what does this mean
- In East Gwillimbury there are Costco and Loblaws lands that have private mutual easements that are accessible to the public

Gino Vescio advised that when the easement is private, the owner controls who uses it. Gino Vescio asked Ted Horton whether the Town has considered expropriation of the lands or otherwise acquiring them. Ted Horton advised that the Town has not. Ted Horton further provided that Schedule 5 of the Secondary Plan sets out new public roads and referenced the planned Calgain Road.

Ken Smith asked whether there were comments on access and access points from the Region, as Davis Drive is a Regional Road. Ted Horton advised that the Region was circulated on the application as they are the approval authority for the Official Plan.

Ken Smith asked if the application was not approved, where the access would occur come the July 10 occupancy date. Debra Kakaria advised that the residents would still be able to leave the property and that this application is to improve the connectivity on site.

Debra Kakaria advised that they were only aware of a public easement through the Planning Staff Report. Gino Vescio asked whether it would be beneficial to go back to Staff for discussion.

Debra Kakaria advised that it would be a good idea, and requested a deferral of the matter to the scheduled September 20<sup>th</sup>, 2017 Committee of Adjustment meeting or earlier.

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

1. Report from Ted Horton, Planner dated June 12, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated June 8, 2017;
3. Memorandum from David Potter, Chief Building Official dated June 7, 2017;

4. E-mail from Gabrielle Hurst, Programs and Process Improvement Section of the Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated June 6, 2017;
7. Letter from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority dated June 14, 2017
5. Email from Dan Della Mora, Corridor Management Planner, Ministry of Transportation, dated June 6, 2017
6. Letter from Lily Apa, Planning Coordinator, Rogers dated June 12, 2017;
7. Email from Jacqueline Moyle, External Liaison, Bell Canada Right of Way, dated June 12, 2017;
8. Letter from Peter M. Green, Director, Capital Development, Southlake Regional Health Centre, dated June 13, 2017; and
9. E-mail from Michelle Tien, Real Estate Co-op, Real Estate Department, Hydro One Networks Inc. dated June 5, 2017;

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

*Moved by Peter Mertens  
Seconded by Ken Smith*

***THAT Consent Application D10-B02-17 be deferred to the September 20, 2017 Committee of Adjustment meeting or earlier, for the purposes of further discussion with Staff.***

**CARRIED**

The Minutes of the meeting held on Wednesday, May 17<sup>th</sup>, 2017 were placed before the Committee for consideration.

*Moved by Ken Smith  
Seconded by Fred Stoneman*

**THAT the Minutes of the Wednesday, May 17<sup>th</sup>, 2017 meeting be approved as amended.**

**CARRIED**

**THAT the Meeting adjourn.**

*Moved by Peter Mertens  
Seconded by Elizabeth Lew*

**CARRIED**

The meeting adjourned at 10:30 a.m.

Dated

July 26/17

Chair

[Signature]