

The meeting of the Committee of Adjustment was held on Wednesday, July 26th, 2017 at 9:30 a.m. in William Cane Meeting Rooms A and B 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

The Meeting was called to order at 9:30 a.m. in William Cane Meeting Rooms A and B to consider items on the agenda.

Gino Vescio in the Chair.

The Chair called for conflicts of interest. No conflicts of interest were declared. Members were invited to declare a conflict of interest at any time during the meeting.

MINOR VARIANCE APPLICATIONS

D13-A16-17 ARMES, Ashraf & HURMIZI-ARMES, Tammy
Lot 266, Plan 564
717 Sunnypoint Drive
Town of Newmarket

Tammy Hurmizi-Armes of 21 Reflection Road, MARKHAM, ON L6C 0A1, addressed the Committee as the owner of the property and provided the following comments:

- Would like to do an Accessory Dwelling Unit (ADU) legal apartment in the basement but do not have enough parking
- Would like to consider garage parking as 1 parking space in addition to the 2 exterior parking spaces, whereas the By-law requires 4 exterior parking spaces

Gino Vescio inquired as to how parking would function on the lot with 2 separate families, should someone need to leave and there be a car blocking that person from leaving. Tammy Hurmizi-Armes replied that she would have to work out an arrangement.

Fred Stoneman asked whether the applicant was currently living in Markham, and who would be living in the ADU. Tammy Hurmizi-Armes replied that she currently resides in Markham, and that she needs to first fix the basement, and then would be renting it out, possibly to a relative. Gino Vescio stated that he had reviewed the "parking space" definition within the

Zoning By-law, and that this matter is one driveway with the intention of 3 spaces accessed by one roadway, and asked Ted Horton for a comment. Ted Horton replied that the definition for a parking space in the Zoning By-law is intended for ICI development and parking lots with aisles, whereas for residential purposes, parking spaces exist on driveways and in this case the driveway can be up to 5.2 metres in width.

Gino Vescio replied that this property is not a single detached dwelling and that the By-law does not mention that residential is exempt from the definition. Ted Horton replied that there is nothing in the Zoning By-law that precludes parking in tandem, and that it is up to Committee's discretion to determine whether it functions.

Gino Vescio mentioned that most previous applications regarding ADU's have had double driveways. Tammy Hurmizi-Arnes mentioned that she is considering widening the driveway.

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

1. Report from Ted Horton, Planner dated July 18, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated July 10, 2017;
3. Memorandum from David Potter, Chief Building Official dated July 11, 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 July 12, 2017.

There were no comments from the public on this application.

Moved by Peter Mertens

Seconded by Fred Stoneman

Opposed by Gino Vescio and Elizabeth Lew

THAT Minor Variance Application D13-A16-17 be APPROVED, subject to the following conditions:

1. That the variance pertains only to the requests as submitted with the application; and
2. That the development be substantially in accordance with the information submitted with the application.

as the Minor Variance Application:

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

CARRIED

D13-A17-17 POLAKOW, Adam
Lot 29, Plan 65M3165
153 Austinpaul Drive
Town of Newmarket

Adam Polakow and his wife of 153 Austinpaul Drive, NEWMARKET, ON L3X 2K6 addressed the Committee and provided the following comments:

- Looking to establish an ADU to help with the affordability of the property
- Our driveway prohibits 4 exterior spaces. We are requesting 2 exterior parking spots and the remaining 2 parking spots to be allocated within the double car garage
- Have read the Planning Report and are happy with the recommendations
- Recent Provincial legislation - the 16 Point Program - amendment to the Planning Act to encourage ADU's
- 2 neighbour inputs have outlined the concern that the garage cannot house 2 cars
- The intent of the By-law is not to disrupt street parking
- There are 4 parking spaces available without a doubt
- We have a double car driveway
- The Zoning By-law does not regulate spaces within the garage
- The space in question within the garage is impeded by 1%
- A drawing to scale of the garage was presented to Committee, showing the exterior parking space, required dimensions in the garage along with a standard car space
- Do not believe there will ever be 4 large cars on the property at one time, nor will there be full size F150 trucks
- The neighbour's sketch provided may be of the neighbour's own garage. The neighbour's entrance is outside of the garage, while our door is inside the house and this allowed for a cut-back further back than what the neighbour has
- As outlined in the Planning Report, there is intent for Provincial policy to require less parking spaces to support ADU's
- Have obtained signatures from neighbours in support of my application. These were submitted to Committee for record
- Standard car parking dimensions are overlaid on the garage sketch submitted to Committee earlier
- To address the security issue arising from the neighbours concern:
 - A security light can be installed
 - Privacy is not impeded on
 - Snow removal was a one-time occurrence
- There are 26 ADU's in the neighbourhood with garages of same characteristics
- There will be no need for on street parking
- No other objections have been raised

Elizabeth Lew asked whether there are currently 2 cars in the garage. Adam Polakow answered no, however we have put our cars in the garage in the past with no issue.

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

1. Report from Ted Horton, Planner dated July 18, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated July 10, 2017;
3. Memorandum from David Potter, Chief Building Official dated July 11, 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 July 12, 2017;
5. E-mail from Sheldon Azulay dated July 20, 2017;
6. Letter from Steve Jenah of 157 Austinpaul Drive, NEWMARKET, ON L3X 2K6, received July 24, 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 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

CONSENT APPLICATIONS

D10-B03-17 400 PARK AVENUE INC.
Lots 18-22, Part Lots 3-5, Plan 31
212 Davis Drive
Town of Newmarket

D10-B04-17 400 PARK AVENUE INC.
Lots 18-22, Part Lots 3-5, Plan 31
212 Davis Drive
Town of Newmarket

D10-B05-17 400 PARK AVENUE INC.
Lots 18-22, Part Lots 3-5, Plan 31
212 Davis Drive
Town of Newmarket

Brad Rogers of Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Unit 109, RICHMOND HILL, ON L4B 3K1, and Dan Berholz of 400 Park Avenue Inc. at 156 Duncan Mills Road, Unit 12, TORONTO, ON M3B 3N2, addressed Committee.

Brad Rogers provided the following comments:

- Here before the Committee regarding 3 Consent applications as part of the process for redevelopment of the King George School property
- Planning Applications have been approved by Council, and we are currently going through the Site Plan Approval process
- Applications before Committee are to separate the School Block into a Plan of Condominium, and have Freehold Townhomes fronting onto Church Street and Botsford Street
- Sketches before Committee have been approved by Council as a Zoning By-law Amendment and Official Plan Amendment
- Have reviewed the Planning Report and agree with the conclusions.

Gino Vescio asked whether a drawing of the development can be provided. Brad Rogers provided a Conceptual Site Plan Drawing, (Drawing No. A104, dated 05/04/2017, Revision No. 9, dated April 6, 2017) to Committee for the record.

Gino Vescio inquired as to why the lane is not intended to act as a fire route. Brad Rogers replied that as per the Fire Department comments at the Pre-consultation Application Meeting, it was not required as the proposal has frontage onto 4 streets.

Gino Vescio asked what is proposed for the existing school building. Brad Rogers replied that it is proposed to be a condo with 11 units, further, it is a heritage building and we respect the heritage and will fix the brickwork and windows that have deteriorated over time.

Fred Stoneman raised that Committee had received a letter from 178 Victoria Street, and asked whether the Applicant/Agent could address this letter. Brad Rogers replied that this is an unfortunate letter as they had gone through an extreme public consultation process; that the plan is approved by Council; that these residents do not seem to be aware and he is unsure why; and that the letter is incorrect.

Brad Rogers further stated that the Site Plan Applications and materials are before Town Staff, and supporting documents include a landscape plan. There was never a proposed access onto Church Street. Dan Berholz stated that this suggested access may have been part of a previous application from a previous owner.

Patrick Monks of 246 Park Avenue, NEWMARKET, ON L3Y 1V2, addressed the Committee and provided that he put forth a letter concerning the adjustment distance of the Church Street Townhouses to the Campbell House. Brad Rogers replied that this does not relate to the severance applications before Committee, and that he would speak to Patrick after the meeting to provide an update.

The following correspondence was received and considered by the Committee regarding the above noted applications:

1. Report from Ted Horton, Planner dated July 18, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated July 12, 2017, RE: File No. D10-B03-17;
3. Memorandum from Rick Bingham, Manager, Development Engineering dated July 12, 2017, RE: File No. D10-B04-17;
4. Memorandum from Rick Bingham, Manager, Development Engineering dated July 12, 2017, RE: File No. D10-B05-17;

5. Memorandum from David Potter, Chief Building Official dated July 11, 2017, RE: File No. D10-B03/B04/B05-17;
6. Letter from Peter M. Green, Director, Capital Development, Southlake Regional Health Centre, dated July 13, 2017, RE: File No. D10-B03-17;
7. Letter from Peter M. Green, Director, Capital Development, Southlake Regional Health Centre, dated July 13, 2017, RE: File No. D10-B04-17;
8. Letter from Peter M. Green, Director, Capital Development, Southlake Regional Health Centre, dated July 13, 2017, RE: File No. D10-B05-17;
9. Letter from Lily Apa, Planning Coordinator, Rogers dated July 14, 2017, RE: File No. D10-B03-17, B10-B04-17, D10-B05-17;
10. E-mail from Jacqueline Moyle, External Liaison, Bell Canada Right of Way, dated July 17, 2017;
11. E-mail from Michelle Tien, Real Estate Co-op, Real Estate Department, Hydro One Networks Inc. dated July 14, 2017, RE: 400 Park Ave - D10-B04-17;
12. E-mail from Sylvia and Bob Alexander of 178 Victoria Street, NEWMARKET, ON L3Y 4E1, dated July 25, 2017;
13. Letter from Patrick Monks of 246 Park Avenue, NEWMARKET, ON L3Y 1V2, dated July 25, 2017; and

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

*Moved by Peter Mertens
Seconded by Ken Smith*

THAT Consent Application D10-B03-17 be APPROVED, subject to the following conditions:

1. That the Secretary-Treasurer be given written evidence that all outstanding municipal taxes and local improvement charges have been paid.
2. Submission to the Secretary-Treasurer of three white prints of a deposited reference plan of survey to conform substantially with the application as submitted.
3. Submission to the Secretary-Treasurer of a fully executed deed, conveying the subject land.
4. That the applicant be required to provide to the satisfaction of the Town proof that they have registered on title easements for Bell Canada infrastructure under the property.
5. That prior to the signing of the certificate given by the Secretary-Treasurer that the Consent has been given, all of the conditions be fulfilled by July 26, 2018, or this Consent shall be deemed to be refused.

As on the basis of the evidence before it, the Committee concludes that the Consent Application is an appropriate division of land that meets the relevant requirements of the Official Plan, the Zoning By-law, and matters of Provincial interest.

THAT Consent Application D10-B04-17 be APPROVED, subject to the following conditions:

1. That the Secretary-Treasurer be given written evidence that all outstanding municipal taxes and local improvement charges have been paid.

2. Submission to the Secretary-Treasurer of three white prints of a deposited reference plan of survey to conform substantially with the application as submitted.
3. Submission to the Secretary-Treasurer of a fully executed deed, conveying the subject land.
4. That prior to the signing of the certificate given by the Secretary-Treasurer that the Consent has been given, all of the conditions be fulfilled by July 26, 2018, or this Consent shall be deemed to be refused.

As on the basis of the evidence before it, the Committee concludes that the Consent Application is an appropriate division of land that meets the relevant requirements of the Official Plan, the Zoning By-law, and matters of Provincial interest.

THAT Consent Application D10-B05-17 be APPROVED, subject to the following conditions:

1. That the Secretary-Treasurer be given written evidence that all outstanding municipal taxes and local improvement charges have been paid.
2. Submission to the Secretary-Treasurer of three white prints of a deposited reference plan of survey to conform substantially with the application as submitted.
3. Submission to the Secretary-Treasurer of a fully executed transfer in the form of an Easement, in duplicate, conveying the subject land.
4. That prior to the signing of the certificate given by the Secretary-Treasurer that the Consent has been given, all of the conditions be fulfilled by July 26, 2018, or this Consent shall be deemed to be refused.

As on the basis of the evidence before it, the Committee concludes the creation of an easement meets the requirements of the Official Plan, the Zoning By-law, and matters of Provincial interest.

CARRIED

CONSENT AND MINOR VARIANCE APPLICATIONS

D10-B06-17 YARAGHI, Nasifeh
Lot 1 Plan 276
217 Park Avenue
Town of Newmarket

D13-A18-17 YARAGHI, Nasifeh
Lot 1 Plan 276
217 Park Avenue
Town of Newmarket

D13-A19-17 YARAGHI, Nasifeh
Lot 1 Plan 276
217 Park Avenue
Town of Newmarket

T.J. Cieciora of Design Plan Services, at 900 The East Mall, Suite 300, ETOBICOKE, ON M9B 6K2, addressed the Committee as Agent, and provided the following comments:

- Proposal is for two 12.7 metre lots - 42 feet wide. The proposed lots meet the required lot area
- This proposal is in conformity with the Growth Plan and Provincial Policy, as there are policies within the Town that do not prohibit intensification within the built-up area
- There will be increases in density within the Town. This proposal is modest intensification, and is part of the evolution of the neighbourhood
- Development means change, and change must be sensitive. This proposal will improve the character of the area and allow an extra family to move into an already desirable neighbourhood
- 231, 235 and 237 Park Avenue have all been redeveloped, and 239 Park Avenue is under construction
- The sizes of the lots can allow for a much larger dwelling as of right
- Concerning the Arborist Report and the peer review comments, a third arborist report was produced yesterday and it outlines that only 1 tree will need to be removed.
- Relating to the proposed side yard setbacks, the 0.78 metres side yard is only to a chimney breast - it is 1.2 metres to the main wall
- Have reviewed Staff Report
- The proposal increases variety of housing for another family in a desirable area of Newmarket

Fred Stoneman asked whether the client was present. T.J. Cieciora answered that he was not. Fred Stoneman asked where the applicant lives currently. T.J. Cieciora answered Markham, and that he believes the proposed dwellings are for family members to move in.

Peter Mertens asked what the proposed sizes of the homes were on both parcels. T.J. Cieciora answered 328 square metres for Part 1 and 326.5 square metres for Part 2 - approximately 3500 square foot homes.

Gino Vescio asked whether this proposal would be creating the 2 smallest lots in the area. T.J. Cieciora answered yes. Gino Vescio asked Ted Horton whether there was an illustration showing lot frontages in the area. Ted Horton retrieved the map and presented it to Committee for the record.

T.J. Cieciora stated that there are a variety of lot sizes in the area, and that it would be difficult to notice a lot with 7 feet less of frontage from the street.

Gino Vescio said to look at what is a neighbourhood. Initial impact is within the first 200 feet, and therefore Notice is circulated for comments within the 200 feet. What are the lot sizes within the 200 feet that are considered? T.J. Cieciora answered that they looked at what is permitted in the By-law, and the By-law permits single family dwellings. They feel that new single family dwellings are compatible with existing single family dwellings.

T.J. Cieciora stated that 231, 235 and 237 Park Avenue lots are smaller than many of the lots in the area, and that these are being redeveloped. Gino Vescio stated that they are still 50 foot lots. T.J. Cieciora stated what's being proposed is 42.5 foot lots.

Gino Vescio mentioned that this proposal would reduce the bar with each Consent application should it be approved. T.J. Cieciora stated that while this is a fair concern, we cannot predict future applications.

Chris Howie of 191 Park Avenue, NEWMARKET, ON L3Y 1T9, addressed the Committee and provided the following comments:

- Have lived on Park Avenue for 40 years
- Do not agree with the statement that this proposal fits in with the character of the area
- Application on Millard in the past resulted in 75 foot and 50 foot frontages, and it was largely requested that the By-laws be changed at that time
- Millard Avenue and Forest Glen Road were protected; however Beechwood Crescent and Park Avenue were left out.
- Would welcome 1 house on the property
- The property is on a bend in the road, there are not the best sight lines - it can be dangerous
- Owners of 211 and 225 Park Avenue have written letters in opposition to the applications
- There is a heritage Walnut tree in the rear of the property
- Approving this application will bring Millard Avenue and other streets into question

Roy Wilson of 211 Park Avenue, NEWMARKET, ON L3Y 1V3, addressed the Committee and provided the following comments:

- Neighbour to the west of the subject property
- Do not like the proposal
- Concern about the trees
- Can see a clear cut of the lot occurring
- Have trees on the boundary line, and are concerned for them
- Concern about drainage
- The property sits higher, and a 2-storey home with a walkout basement would lead to a lot of drainage
- Wants Committee to visualize what the development would look like

Gino Vescio stated that Committee members have been to the property; that the Town promotes tree protection and preservation; and that the Town ensures the drainage is unaffected.

Patrick Monks of 246 Park Avenue, NEWMARKET, ON L3Y 1V2, addressed the Committee and stated that he had submitted a letter with signatures objecting the proposed applications. Gino Vescio confirmed that it has been received for the record.

Steven Sugar of 161 Beechwood Crescent, NEWMARKET, ON L3Y 1W2, addressed the Committee and provided the following comments:

- Proposal is out of character with the neighbourhood, and violates Zoning By-law
- Reduced setbacks are a concern
- Several neighbours did not realize it was a severance application
- Houses on the street for lease could be impacted

Brent Peppiatt of 242 PARK AVENUE, NEWMARKET, ON L3Y 1V2, addressed Committee and mentioned that the Notice referred to diagrams on the posting, but no diagrams were visible.

Chris Howie stated that Millard Avenue and Forest Glen Drive were protected, and Park Avenue and Beechwood should be as well. Gino Vescio advised that any comments concerning the current By-law should be directed to their Ward Councillor.

T.J. Cieciura responded to concerns raised from the public, and stated that compatibility of character was referenced, however there is a lot with a 43 foot frontage. Gino Vescio replied that 242 Park Avenue (the lot referenced) widens towards the back and is closer to a 50 foot lot. T.J. Cieciura stated that a third of the lots are at or below the required frontage and that the addition of one lot would not compromise the character of the neighbourhood.

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

1. Report from Ted Horton, Planner dated July 21, 2017;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated July 12, 2017, RE: File No. D10-B06-17
3. Memorandum from Rick Bingham, Manager, Development Engineering dated July 12, 2017, RE: File No. D13-A18-17
4. Memorandum from Rick Bingham, Manager, Development Engineering dated July 12, 2017, RE: File No. D13-A19-17
5. Memorandum from David Potter, Chief Building Official dated July 11, 2017, RE: File No. D10-B06-17
6. Memorandum from David Potter, Chief Building Official dated July 11, 2017, RE: File No. D13-A18/A19-17
7. E-mail from Gabrielle Hurst, Programs and Process Improvement Section of the Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York, RE: Consent Application - 217 Park Avenue - D10-B06-017, dated July 12, 2017
8. E-mail from Gabrielle Hurst, Programs and Process Improvement Section of the Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York, RE: Minor Variance Application - 217 Park Avenue - D13-A18-17, dated July 13, 2017
9. E-mail from Gabrielle Hurst, Programs and Process Improvement Section of the Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York, RE: Minor Variance Application - 217 Park Avenue - D13-A18-17, dated July 13, 2017
10. Letter from Peter M. Green, Director, Capital Development, Southlake Regional Health Centre, dated July 13, 2017, RE: File No. D10-B06-17;
11. Letter from Lily Apa, Planning Coordinator, Rogers dated July 14, 2017, RE: File No. D10-B06-17;
12. Report from Urban Forestry Innovations Inc. dated July 25, 2017;
13. E-mail from Jacqueline Moyle, External Liaison, Bell Canada Right of Way, RE: File No. D10-B06-17, dated July 17, 2017;
14. E-mail from Ashley Arkeveld of 179 Park Avenue, NEWMARKET, ON L3Y 1T9 dated July 18, 2017;
15. Letter from Roy & Barbara Wilson of 211 Park Avenue, NEWMARKET, ON L3Y 1V3 dated July 18, 2017;
16. Letter from Anke & Ron Owston of 175 Beechwood Crescent, NEWMARKET, ON L3Y 1W2 dated July 13, 2017;
17. E-mail from Chris Howie of 191 Park Avenue, NEWMARKET, ON L3Y 1T9 dated July 14, 2017;
18. Letter with signatures in opposition from Patrick and Ann Monks of 246 Park Avenue, NEWMARKET, ON L3Y 1V2 received July 24, 2017; and

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

*Moved by Fred Stoneman
Seconded by Elizabeth Lew*

THAT Consent Application D10-B06-17 and Minor Variance Applications D13-A18-17 and D13-A19-17 be DENIED, as the proposed application for Consent does not conform to the requirements of the Zoning By-law and the Official Plan; and that the proposed Minor Variances do not meet the four tests as prescribed by the Planning Act.

CARRIED

The Minutes of the meeting held on Wednesday, June 21st, 2017 were placed before the Committee for consideration.

*Moved by Elizabeth Lew
Seconded by Ken Smith*

THAT the Minutes of the Wednesday, June 21st, 2017 meeting be approved.

CARRIED

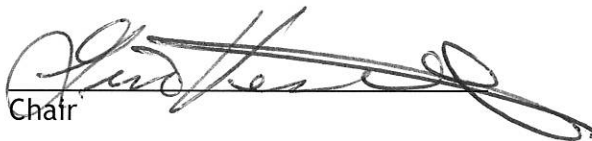
THAT the Meeting adjourn.

*Moved by Fred Stoneman
Seconded by Peter Mertens*

CARRIED

The meeting adjourned at 10:45 a.m.

Aug 16, 2017
Dated


Chair