

The meeting of the Committee of Adjustment was held on Wednesday, February 14th, 2018 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
Betty Dykstra, Alternate Member

Staff Present: Ted Horton, Planner
Matthew Peverini, 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. Betty Dykstra declared a conflict of interest for application numbers D13-A05-18 (364 McCaffrey Road) and D13-A08-18 (427 Gilpin Drive). Members were invited to declare any other conflicts of interest at any time during the meeting.

CONSENT APPLICATION (VALIDATION CERTIFICATE)

**D10-B01-18 HANLON, Benjamin Ross & HANLON, William Patrick
Plan 492, Part Lot 92
138 Maurice Court
Town of Newmarket**

Ernest Gutstein of Goldman Sloan Nash and Haber LLP Barristers and Solicitors, 480 University Avenue, Suite 1600, TORONTO, ON M5G 1V2, addressed the Committee as Agent to the application and provided the following comments:

- The application is put forward because of an error that occurred in 2004 which wrongly merged two properties situated back-to-back (138 Maurice Court and 139 Sheldon Avenue).
- A mother (Caroline McNeil) and son (Jonathan McNeil) were in separate ownership of 139 Sheldon Avenue and 138 Maurice Court.
- In 2004, Jonathan conveyed 138 Maurice Court to Caroline. This resulted in a merging of the parcels as Caroline now owned both.

- In 2016, Caroline conveyed 138 Maurice Court back to Jonathan McNeil. This conveyance was in contravention of the Planning Act.
- In 2017, Jonathan went to transfer 138 Maurice Court to Benjamin and Patrick Hanlon. This is where the merge of parcels was discovered.
- William and Patrick are unable to get title as there is a contravention of the Planning Act, therefore this application is to seek Validation of Title which would allow this contravention to be rectified and enable the Hanlon's to acquire title to the subject lands.

There were no questions from Committee.

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

1. Memorandum from Matthew Peverini, Secretary-Treasurer, dated February 8, 2018; and
2. Letter from Ernest Gutstein of Goldman Sloan Nash & Haber LLP Barristers and Solicitors, dated February 13, 2018.

There were no comments from the public on this application. Validation Certificates are not subject to comments from the public.

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

THAT Consent Application D10-B01-18 for Validation of Title be APPROVED, and the Secretary-Treasurer of the Committee of Adjustment provide the applicant with a Validation Certificate.

CARRIED

MINOR VARIANCE APPLICATIONS

**D13-A04-18 711371 ONTARIO CORP.
Plan 371, Lot 13, 14, 15, 16, 17, 18 & 19
260 Eagle Street
Town of Newmarket**

Kerigan Kelly of Groundswell Urban Planners Inc., 91 Mural Street, Suite 402, RICHMOND HILL, ON L4B 3G2, addressed the Committee as Agent on the application and provided the following comments:

- Representing Oxford Homes (known as 711371 Ontario Inc.).
- Issue today pertains to development at 260 Eagle Street.
- The development application received Official Plan Amendment and Zoning By-law Amendment approvals in 2017 and the application is currently going through the site plan approval process.

- A portion of the site is lower at the intersection of Eagle Street and Cawthra Boulevard, and due to this grading we are seeking a variance to permit a maximum building height of 12 metres (an increase in height of 1 metre).
- Plans were approved by Council.

Fred Stoneman asked whether the requested height variance only applies to Buildings “A” and “C” which are located at the intersection. Ms. Kelly responded that the request was to be applied across the entire site, but it would be applied predominantly to Buildings “A” and “C”.

Mr. Stoneman asked whether all heights would be the same once graded. Ms. Kelly replied that this was correct.

Bob Kwapis, Town of Newmarket Councillor for Ward 5 addressed the Committee and provided the following comments:

- This project is located in Ward 5.
- This project is great for the area.
- Application request is very minor and I fully support this as it relates to the development.

Dave Kerwin, Town of Newmarket Councillor for Ward 2 addressed the Committee and provided the following comments:

- At this moment the lands are very unsightly.
- The townhouses provide for a range of accommodation and variation of housing within the Town.
- It is rare that an application to this part of Town receives servicing allocation, and they have received it.
- The proposed development is a good use on the lot.

Mr. Stoneman inquired as to whether there was a public meeting for the application. Ms. Kelly responded that there was a public meeting in advance of the Official Plan Amendment and Zoning By-law Amendment applications which have since been approved, but there was nothing in advance of this Committee of Adjustment meeting.

Gino Vescio asked Ted Horton whether approval of the application would be applied across the entire site, or if it would be limited to Buildings “A” and “C”. Mr. Horton provided that it would be applied to the site as a whole as per the application submitted by the applicant, however the Committee has the ability to limit the permission.

There were no further questions from Committee or the Public.

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

1. Report from Ted Horton, Planner dated February 7, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated February 2, 2018;

3. Memorandum from David Potter, Chief Building Official dated February 1, 2018;
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 February 5, 2018;
5. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation, dated February 7, 2018; and
6. Cover Letter from Groundswell Urban Planners Inc. dated December 11, 2017.

***Moved by Fred Stoneman
Seconded by Betty Dykstra***

THAT Minor Variance Application D13-A04-18 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-A05-18 PIKAR, Erez & PIKAR, Annette
Plan 65M2746, Lot 98, Plan 65M3008, Block 142
364 McCaffrey Road
Town of Newmarket**

Betty Dykstra left the panel for the duration of the hearing of this matter.

Erez Pikar of 364 McCaffrey Road, NEWMARKET, ON L3X 1T5 addressed the Committee as Owner of the property and provided the following comments:

- I understand there is concern from neighbours on the application, the main concern being that it is a trailer and not a structure.
- The pictures provided from my neighbours were taken while the trailer was being situated in the backyard. We have done landscaping to mitigate the trailer since it has been situated in the backyard.
- It can only be seen from the second floor.

- I am proposing to keep the trailer there for a period of 2 years for my daughter's medical purposes. I will remove it after the 2 year period.
- In response to the letter submitted by our neighbours from their Real Estate Agent, our Real Estate Agent has said that the trailer does not cause an adverse impact to the value of homes.

Gino Vescio asked the applicant whether they had space for storage of the trailer. Mr. Pikar stated that it was purchased for purposes of use as a temporary playhouse.

Elizabeth Lew asked whether it was winterized. Mr. Pikar advised it was not, but should he obtain approval, it would be.

Mr. Vescio inquired as to whether the applicant considered building a structure in the rear instead of having the trailer. Mr. Pikar advised that the trailer was a quicker option, and with its size, windows and canopies, it is nicer than many of the sheds on neighbouring properties.

Debbie Cecutti of 361 Meegan Court, NEWMARKET, ON L3X 2B7, addressed the Committee and provided the following comments:

- Our house is situated behind 364 McCaffrey Road. We have lived in this house for 12 years.
- I have pictures from our master bedroom, from which we can see the trailer. When we sit in the backyard we see the trailer.
- The trailer is unsightly and not in keeping with the neighbourhood.
- My son has a similar condition to Mr. Pikar's daughter, and he has a place within the house.
- I am not objected to the applicant building a structure in place of the trailer.

Bruce Gillham addressed the Committee on behalf of his mother Kathleen Gillham who lives in behind the subject lands at 365 Meegan Court, NEWMARKET, ON L3X 2B7, and provided the following comments:

- My mother is a retired senior who spends a good portion of the day looking out the window of her home.
- Once the leaves drop, the trailer is visible. It is irritating, unsightly, and unpleasant.
- If this trailer is permitted, what precedent is set for the area and what happens to the value of homes.
- We have a cottage and store boats in the garage out of sight.

There were no further questions from Committee or the Public regarding this application.

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

1. Report from Ted Horton, Planner dated February 7, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated February 2, 2018;
3. Memorandum from David Potter, Chief Building Official dated February 1, 2018;

4. E-mail from Ryan Kochuta, Assistant Planner, Programs and Process Improvement Section of the Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated February 6, 2018;
5. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation, dated February 7, 2018;
6. Package from Sheila L. Bruce and J. Sandy Tse of 368 McCaffrey Road, NEWMARKET, ON L3X 1T5, containing the following:
 - a. Letter with pictures attached, dated February 12, 2018;
 - b. Letter from Lenard H. Lind from REMAX Hallmark Lind Group Realty Ltd. dated February 11, 2018;
 - c. Letter from Roy and Angela Collins of 107 Peevers Crescent, NEWMARKET, ON L3Y 7T2, dated February 11, 2018; and
 - d. Letter from John and Vivian Houweling of 299 Alex Doner Drive, NEWMARKET, ON L3X 1G5, dated February 11, 2018;
7. Letter from Rick and Shelley Prunker of 372 McCaffrey Road, NEWMARKET, ON L3X 1T5, dated February 14, 2018.

Moved by Elizabeth Lew

Seconded by Fred Stoneman

THAT Minor Variance Application D13-B04-18 be DENIED, as the relief requested does not conform to the four tests as required by the Planning Act.

CARRIED

**D13-A06-18 SLABODNIK, David & SLABODNIK, Mihal
Plan 65M2211, Lot 2
119 Glenway Circle
Town of Newmarket**

Deep Sahota of Acadia Drafting at 364 Supertest Road, TORONTO, ON M3J 2M2, addressed the Committee as Agent on the application and provided the following comments:

- The applicant is proposing an accessory dwelling unit.
- We are seeking relief as there is not enough parking in the driveway. We are willing to allocate 2 required parking spaces to the garage.

Elizabeth Lew asked whether the garage is currently used for parking. Mr. Sahota answered that subject to approval it will be cleared to allow for future parking.

There were no further questions from Committee or the Public regarding this application.

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

1. Report from Ted Horton, Planner dated February 7, 2018;

2. Memorandum from Rick Bingham, Manager, Development Engineering dated February 1, 2018;
3. Memorandum from David Potter, Chief Building Official dated February 1, 2018;
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 February 5, 2018; and
5. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation, dated February 7, 2018.

Moved by Fred Stoneman
Seconded by Elizabeth Lew

THAT Minor Variance Application D13-A06-18 be APPROVED, subject to the following conditions:

1. That the variance pertains only to the requests as submitted with the application;
2. That one space in the garage be reserved for the purpose of required parking and for no other use; 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-A07-18 VARSHOUCI, Bahareh & JAROODI, Saeed
Plan 65M2212, Lot 19
292 Crossland Gate
Town of Newmarket

Hossein Hosseini of CivilCan Engineering Inc. at 20 Bloorview Place, Unit 714, TORONTO, ON L3X 1B2 addressed the Committee as Agent on the application and provided the following comments:

- Requesting relief from Zoning By-law 2014-40 as amended, Section 5.3.1 for exterior parking space requirements.
- Applicant wants to create a basement apartment.
- Have read the Planning Report and the owners agreeable with allocating one

spot in the garage to purposes of parking for the accessory dwelling unit.

Elizabeth Lew asked whether the owners currently live there. Mr. Hosseini replied that the owners purchased it last year and they intend to move in next spring, and that the owners do not initially intend to rent out the basement.

David Souvran of 323 Crossland Gate, NEWMARKET, ON L3X 1B3 addressed the Committee and provided the following comments:

- There is a lack of clarity, is there any physical change to the driveway?
- The Official Plan does not actually approve densification within Stable Residential areas of Town.
- Proposal is suggesting an increase to number of vehicles, which in my opinion does not meet the intent of the Official Plan.
- Does the addition of an accessory dwelling unit create a safety issue, as we may not know who is living in the house if it is sole renters.

Gino Vescio replied that there is no request to widen the driveway. Further, accessory dwelling units are permitted within the Zone with the caveat that additional parking is required. Ted Horton added that the Planning Act does not regulate whether a house is occupied by an owner or renter.

Daniel Tranter of 288 Crossland Gate, NEWMARKET, ON L3X 1B1, addressed the Committee and inquired to how the parking in the garage would be regulated subject to the approval of this request. Mr. Vescio replied that it is not any different than another provision of the Zoning By-law – should the applicant not comply, By-law Enforcement will deal with the issue.

There were no further questions from Committee or the Public regarding this application.

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

1. Report from Ted Horton, Planner dated February 7, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated February 1, 2018;
3. Memorandum from David Potter, Chief Building Official dated February 1, 2018;
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 February 5, 2018; and
5. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation, dated February 7, 2018.

Moved by Betty Dykstra
Seconded by Ken Smith

THAT Minor Variance Application D13-A07-18 be APPROVED, subject to the following conditions:

1. That the variance pertains only to the requests as submitted with the application;
2. That one space in the garage be reserved for the purpose of required parking and for no other use; 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-A08-18 HARDY, Raquel & HARDY, Russell
Plan 65M4120, Lot 158
427 Gilpin Drive
Town of Newmarket**

Betty Dykstra left the panel for the duration of the hearing of this matter.

Raquel Hardy of 427 Gilpin Drive, NEWMARKET, ON L3X 3K4, addressed the Committee as Owner and Agent to the application and provided the following comments:

- Applying for relief from the 4 exterior parking space requirement. The sidewalk through our driveway prevents us from having 4 exterior spaces.
- My husband is going to retire soon, and we are planning to downgrade to one car.
- Regarding the email about the boat, it is stored in the garage in the winter, and is in the marina in the summer. We are willing to move the boat if that is what is required.
- This is not an application to upset neighbours. We have experienced troublesome neighbours in the past and it is not the intent to have troublesome renters.
- Have read the Planning Report and have no objection.

Natasha Medeiros of 426 Gilpin Drive, NEWMARKET, ON L3X 3K4, addressed the Committee and voiced concern about on-street parking and whether the applicant would be also getting permission to park on the street. Mr. Vescio answered that the matter deals strictly with on-site parking and that on-street parking is subject to By-laws in effect by the Town.

There were no further questions from Committee or the Public regarding this application.

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

1. Report from Ted Horton, Planner dated February 7, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated February 1, 2018;
3. Memorandum from David Potter, Chief Building Official dated February 1, 2018;
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 February 7, 2018;
5. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation, dated February 7, 2018; and
6. Fax from Warren G. Skinner of 438 Gilpin Drive, dated February 7, 2018.

Moved by Elizabeth Lew
Seconded by Fred Stoneman

THAT Minor Variance Application D13-A08-18 be APPROVED, subject to the following conditions:

1. That the variance pertains only to the requests as submitted with the application;
2. That one space in the garage be reserved for the purpose of required parking and for no other use; 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-A09-18 SUNDIAL HOMES (DAVIS) LIMITED
Plan 65M-4565, Block 97
61 Vantage Loop
Town of Newmarket

There were no representatives present on behalf of this application.

Moved by Gino Vescio
Seconded by Elizabeth Lew

THAT Minor Variance Application D13-A09-18 be DEFERRED to the Wednesday, March 21, 2018 Committee of Adjustment meeting with request that the applicant or a representative of the applicant appear before Committee.

CARRIED

The Minutes of the meeting held on Wednesday, January 17th, 2018 were placed before the Committee for consideration.

Moved by Ken Smith
Seconded by

THAT the Minutes of the Wednesday, January 17th, 2018 meeting be approved.

CARRIED

THAT the Meeting adjourn.

Moved by Fred Stoneman
Seconded by Ken Smith

CARRIED

The meeting adjourned at 10:33 a.m.

March 21, 2018
Dated


Chair