

The meeting of the Committee of Adjustment was held on Wednesday, March 21st, 2018 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Chair
Fred Stoneman, Member
Peter Mertens, Member
Elizabeth Lew, Member
Ken Smith, 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. Fred Stoneman declared a conflict of interest for application number D13-A11-18 (168 Beechwood Crescent). Members were invited to declare any other conflicts of interest at any time during the meeting.

MINOR VARIANCE APPLICATIONS

D13-A03-18 NEWMARKET HOSPITALITY LTD.
Part Blocks 2, 3 & 4, Plan 65M-2515, Parts 19 & 20, Plan 65R10653
1201 & 1225 Journey's End Circle
Town of Newmarket

David Barnard of API Consultants, 1282 Cornwall Road, OAKVILLE, ON L6J 2W4, addressed the Committee as Agent on the application and provided the following comments:

- Read and agree with the planning report, aside from the condition that the development be substantially in accordance with the sketch submitted.
- The owner has asked to speak to the Town's Engineering Services Department to discuss an option for an entrance to be located on the Harry Walker Parkway frontage.
- The location of this entrance will not alter any variance requests.
- Looking to commence construction this year, and intends to submit application for Site Plan Approval today.
- Have available a revised plan for Committee's consideration.

Ted Horton provided that the driveway location is not tied to Committee, save for the condition that stipulates that the development be substantially in accordance with the sketch submitted. Committee has the ability to modify the condition to include the Town's review of the driveway prior to approval.

Gino Vescio asked David Barnard to sign and date the revised site plan put forward for consideration.

David Barnard provided further comments:

- We have also submitted a parking study to accompany the application. Hotels typically have a 0.61 occupancy rate and there are 95 rooms in the proposed hotel – so in effect this would yield the need for only 56 parking spaces.
- This zone permits a height of 18.0 meters for an office building. We are proposing a 6-floor building totalling 21.0 metres – with parapets and signage.

Gino Vescio stated that most of the buildings in the area are 2-storey. David Barnard replied that they are mostly industrial buildings, save for a motel across the street.

David Barnard added that the applicant is agreement with all other recommendations as outlined in the planning report; and that the tree removal was an error by the contractor.

There were no further questions from Committee, and no comments from the Public.

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

1. Report from Rick Nethery, Director, Planning Services dated March 16, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated March 13, 2018;
3. Memorandum from David Potter, Chief Building Official dated March 9, 2018;
4. Memorandum from Urban Forest Innovations Inc. dated January 10, 2018.
5. E-mail from Joseph McMackin, Associate Planner, Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated March 20, 2018;
6. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation, dated March 12, 2018; and
7. Revised Site Plan (Drawing No. ASP-100) dated March 20, 2018.

Moved by Fred Stoneman
Seconded by Peter Mertens

THAT Minor Variance Application D13-A03-18 be APPROVED, subject to the following conditions:

1. **That the variances pertain only to the requests as submitted with the application;**

2. That the applicant be required to comply with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy including:
 - a. Providing cash-in-lieu payment to the Town at twice the value of the Town-owned trees that were removed without permission;
 - b. Replanting trees in the boulevard of commensurate species and size to the satisfaction of the Town;
3. That the applicant provide additional landscape plantings in the municipal boulevard, particularly on the southwest daylighting triangle, to the satisfaction of the Town;
4. That the applicant be required to construct a sidewalk across the southerly and westerly boulevard to the satisfaction of the Town; and
5. That the development be substantially in accordance with the sketch submitted to the Committee of Adjustment dated March 20th 2018, subject to the approval of the Town.

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

This matter was deferred by Committee from the February 14, 2018 meeting. Matthew Steinberg of Sundial Homes (Davis) Limited, 4576 Yonge Street, TORONTO, ON M2N 6N4, addressed the Committee as Agent to the application and provided the following comments:

- The architect designed the back-to-back town homes and did not consider the portico, with a room area on top.
- Upon applying for a building permit, this portion of the building was flagged for non-conformity with the by-law.
- A setback of 1.15 metres is requested for this portion of the building as opposed to the 2.4 metre required setback

There were no questions from Committee and no comments from 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 1, 2018;
3. Memorandum from David Potter, Chief Building Official dated February 1, 2018;
4. E-mail from Gabrielle Hurst, Programs and Process Improvement, 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 Elizabeth Lew

Seconded by Peter Mertens

THAT Minor Variance Application D13-A09-18 be APPROVED, subject to the following conditions:

1. That the variances pertain only to the requests as submitted with the application;
2. That the reduced exterior side yard setback apply to the encroachment as detailed on the submitted site plan for Unit 1 on Block 97 and not to any other structure; and
3. That the site 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

D13-A10-18 SUNDIAL HOMES (DAVIS) LIMITED
Plan 65M-4565, Block 86
154 Tango Crescent
Town of Newmarket

Matthew Steinberg of Sundial Homes (Davis) Limited, 4576 Yonge Street, TORONTO, ON M2N 6N4, addressed the Committee as Agent to the application and provided the following comments:

- Minimum building separation is required to be 3 metres, but placement of the block on the lot is measured to be 2.7 metres.
- Block 86 has a side yard of 1.5 metres, and it is located next to a single lot which has a side yard setback of 1.2 metres. Therefore we are 30 centimetres short.

There were no questions from Committee and no comments from the Public.

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

1. Report from Ted Horton, Planner dated March 13, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated March 9, 2018;
3. Memorandum from David Potter, Chief Building Official dated March 9, 2018;
4. E-mail from Tiffany Wong, Associate Planner, Programs and Process Improvement, Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated March 13, 2018; and
5. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation, dated March 12, 2018.

Moved by Peter Mertens
Seconded by Fred Stoneman

THAT Minor Variance Application D13-A10-18 be APPROVED, subject to the following conditions:

1. That the variances pertain only to the requests as submitted with the application;
2. That the reduced building separation apply only to the separation between Block 86 and Lot 58 as detailed on the submitted site plan and not to any other structure or lot; and
3. That the site 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

**D13-A11-18 NOWLAN, Elsa
Plan 482, Lot 37
168 Beechwood Crescent
Town of Newmarket**

Fred Stoneman left the panel for the duration of the hearing of this matter.

Austin Emino of Sensus Design Build, 1315 Lawrence Avenue East, TORONTO, ON M3A 3R3, addressed the Committee as Agent on the application and provided the following comments:

- Took into consideration the comments from neighbours and the Planning Report, and are willing to compromise on the proposal.
- Have a revised sketch to present to Committee (sketch was submitted to Committee for review).
- Proposing to shift the proposed house east to save 2 trees. Tree #7 as indicated on the sketch will be protected, but trees 2 and 6 will be injured due to the existing driveway. Tree #8 is still proposed for removal, but will plant a sugar maple as per planning comments.
- Willing to reduce lot coverage to 30%.

Austin Emino provided the revised sketch to Committee.

Gino Vescio asked Ted Horton whether he had seen the revised proposal. Ted Horton provided that he had not, however Committee has the ability to grant the requested relief as it is less than what was initially applied for. Further, Ted Horton provided that he was unable to comment on the trees without a revised Arborist Report and corresponding comments from the Town's Consulting Arborist.

Gino Vescio inquired as to whether further variances would be required as a result of the revision. Ted Horton provided that changes to the proposal are required to comply with the Zoning By-law, and tree protection policies (Woodlot By-law). Austin Emino provided that no further variances would be posed.

Bob Kwapis addressed the Committee as Councillor for Ward 5 and provided the following comments:

- With the changes that have been passed around, and the significant interest this application has garnered, I would suggest that there be a chance for neighbours to review the changes to lot coverage and trees affected.
- I request for the documents to be passed around for review

Gino Vescio advised Councillor Kwapis that Committee was contemplating deferral of the matter with community consultation.

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

- Own properties on Park Avenue and Beechwood Crescent.
- Agree to a deferral of the matter.
- Worked with Council and Staff to set 25% coverage and asked for all lots to be protected.
- I take issue with the removal of trees. These are heritage trees which I calculate to be over 125 years old.
- It is possible for a 25% footprint to be included on the lot without harming any of the trees.

Ronald Owston of 175 Beechwood Crescent, NEWMARKET, ON L3Y 1W2, addressed the Committee and provided the following comments:

- Live diagonally from the subject property. In agreeance with deferral of the matter.
- It is important for Committee to assess tree removal in whole.
- 181 Beechwood had trees removed; 168 Beechwood had 3 trees taken down; other houses on the street have had trees removed.
- The Planner's recommendation for replanting 1 tree for 3 removed is not sufficient. There should be more compensation provided.
- Idea of a community meeting is great. Perhaps the Ward Councillor can organize it.
- Total impact on the street needs to be considered as older houses are being replaced.
- Aware of at least one more property on the street will be redeveloping and asking for tree removals.

Steven Sugar of 160 Beechwood Crescent, NEWMARKET, ON L3Y 1W3, addressed the Committee and provided the following comments:

- Thanked the Owner and Agent for taking into consideration comments from neighbours and revising drawings.
- Don't understand the need for increased lot coverage.
- I live in a house where an addition was put on. The addition was cantilevered so that foundation was set back from a tree. Clever design can solve the tree issues.

There were no further questions or comments from Committee and the Public on this application.

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

1. Report from Ted Horton, Planner dated March 12, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated March 9, 2018;

3. Memorandum from David Potter, Chief Building Official dated March 9, 2018;
4. Memorandum from Urban Forest Innovations dated March 15, 2018;
5. E-mail from Tiffany Wong, Associate Planner, Programs and Process Improvement, Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated March 1, 2018;
6. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation, dated March 12, 2018;
7. Letter from Laura and Andrew Cummings of 168 Beechwood Crescent, NEWMARKET, ON L3Y 1W2, dated March 17, 2018;
8. E-mail from Kevin Mills of 187 Park Avenue, NEWMARKET, ON L3Y 1T9, dated March 20, 2018;
9. E-mail from Elaine Adam of 183 Park Avenue, NEWMARKET, ON L3Y 1T9, dated March 20, 2018;
10. Letter from William and Sandra Hopkins of 165 Park Avenue, NEWMARKET, ON L3Y 1T9, dated March 20, 2018; and
11. Revised Site Plan presented to Committee on March 21, 2018.

Moved by Peter Mertens

Seconded by Elizabeth Lew

THAT Minor Variance Application D13-A11-18 be DEFERRED to the May 16, 2018 meeting, to permit the applicant to resubmit the changes for Staff and neighbours to review.

CARRIED

CONSENT APPLICATIONS

**D10-B02-18 TEOFILO, Dario
Plan 81, Part Lot 82
258 Park Avenue
Town of Newmarket**

Fred Stoneman returned to the panel at 10:10 AM.

Dario Teofilo of 258 Park Avenue, NEWMARKET, ON L3Y 1V2, addressed the Committee as Owner of the property and provided the following comments:

- Purchased the property for its trees. Most of the trees are set along the sides and front of the lot.
- 15 Colorado 15-18 foot tall trees are to be installed on site.
- Asking for severance of the property, as it is large for one house.
- Looking to build something historical, not something of steel. This is my home that I am investing in.
- Have seen the comments from the Town's Consulting Arborist. I have contacted my Arborist and am already working to fix the issues.

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

- Reality is that the Town is not learning from the past. We fought the severance of 237 Park Avenue, and asked Council to address lot fabrics in 2013.
- There is a lack of action by Town Staff. Wide lots are not protected, and we are losing historical homes.
- This house was the guest house for the Davis Mansion.
- In 2013, lost OMB Stapley case. Nothing was done in response.

Brad Bulmer of 247 Park Avenue, NEWMARKET, ON L3Y 1V3, addressed the Committee and provided the following comments:

- Live across the street, 2 doors down from the subject property.
- Application does not show the location of the existing or proposed homes, or the trees at risk.
- Not sure how the Committee can arrive at a conclusion with the information presented. Information provided is not sufficient.
- Application does not comply with Section 3.2 of the Official Plan.

Gino Vescio asked Brad Bulmer whether he felt that the proposed 19.65 metre lot frontages were not compatible with the neighbourhood. Brad Bulmer replied that his issue was not with lot sizes, but rather with the protection of trees.

There were no further questions or comments from Committee and the Public on this application.

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

1. Report from Ted Horton, Planner dated March 12, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated March 8, 2018;
3. Memorandum from David Potter, Chief Building Official dated March 9, 2018;
4. Memorandum from Urban Forest Innovations dated March 20, 2018;
5. E-mail from Joseph McMackin, Associate Planner, Programs and Process Improvement, Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated March 13, 2018;
6. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation, dated March 12, 2018;
7. E-mail from Charleyne Hall, External Liaison, Bell Canada Right of Way, dated March 6, 2018;
8. Memorandum from Rogers dated March 13, 2018;
9. E-mail from Paul Shllaku, Hydro One, dated March 5, 2018; and
10. Letter from Peter Green, Director, Capital Development, Southlake Regional Health Centre dated March 5, 2018.

Moved by Peter Mertens
Seconded by Elizabeth Lew

THAT Consent Application D10-B02-18 be APPROVED, subject to the following conditions:

- 1. That prior to the issuance of the Certificate of Official, that the owner be required to obtain a demolition permit and remove the existing structures on the lot;**
- 2. That the applicant be advised that prior to the issuance of any demolition permit or building permit compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy including tree protection and securities;**
- 3. That the applicant be advised that trees located on the municipally-owned boulevard are the property of the Corporation of the Town of Newmarket and that any injury or destruction of these trees without the Town's consent is prohibited by Public Tree Protection By-law 2017-59;**
- 4. That the applicant be advised that they will be required to obtain municipal servicing for both lots independently prior to any building permit at their own cost;**
- 5. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:**
 - a. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;**
 - b. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;**
 - c. required transfers to effect the severance and conveyance applied for under Consent Application D10-B02-18, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act;**
 - d. proof that they have registered on title easements for Bell Canada infrastructure under the property;**
 - e. submission of an appraisal report prepared by a member of the Appraisal Institute of Canada respecting the new lot and payment of cash-in-lieu of parkland as required by the Town's Parkland Dedication By-law; and**
- 6. That prior to any demolition that the owner be required to enter into a leading site plan agreement with the Town addressing matters such as but not limited to lot grading, storm drainage, municipal servicing, tree protection**

and compensation, built form compatibility, easements, and other matters for the development of the subject and remaining lands.

as the Consent Application is an appropriate division of land that meets the relevant requirements of the Zoning By-law, Official Plan, and matters of Provincial interest.

CARRIED

D10-B03-18 BIANCHI, David
Plan 78, Lot 23 and Part Lot 22
353 Ontario Street
Town of Newmarket

Mohammad Mashouf of N and N Engineering, 414 Palmer Avenue, RICHMOND HILL, ON L4C 1P8 addressed the Committee as Agent on the application and provided the following comments:

- Applying for consent and minor variance to convey part of 353 Ontario Street to the vacant property to the east.
- Would result in 2 properties with 10.76 metre frontages.
- Each lot is proposed to have a single detached dwelling.

Fred Stoneman asked about the previous approval of this application for Consent. Mohammad Mashouf replied that there was previous approval, however the applicant was unable to fulfill conditions of consent within the one year time frame.

Brandon Hill of 357 Ontario Street, NEWMARKET, ON L3Y 2K2 addressed the Committee and provided the following comments:

- My house is adjacent the subject lands, and I have a concern with the lot frontages.
- I have a 0 metre setback from the lot line, and there is a significant slope.
- With the reduced setback requirement the houses will be very close.
- The soil currently there is required to uphold a portion of my house.
- Spoke with David years ago about splitting the lot, however David has since sold.

Peter Mertens asked Ted Horton if the severance is approved and houses are built, whether the Site Plan process would take into consideration of the impact on the neighbouring house. Ted Horton responded that the typical process would be for the applicant to enter into a leading site plan agreement, and subsequent amending site plan agreements for each lot. Submissions would require grading plans, servicing plans, tree plans etc. Engineering would have to approve grading plans prior to issuance of a permit.

Ted Horton mentioned to Brandon Hill that the minor variance applications had already been considered and granted at the January 18, 2017 meeting, and that the variances do not lapse. Further, while Mr. Hill may be notified, it is also a civil matter between neighbours.

There were no further questions or comments from Committee and the Public on this application.

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

1. Report from Ted Horton, Planner dated March 12, 2018;
2. Memorandum from Rick Bingham, Manager, Development Engineering dated March 8, 2018;
3. Memorandum from David Potter, Chief Building Official dated March 9, 2018;
4. Memorandum from Urban Forest Innovations dated December 15, 2017;
5. E-mail from Grace Marsh, Financial Analyst dated March 12, 2018;
6. E-mail from Joseph McMackin, Associate Planner, Programs and Process Improvement, Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated March 13, 2018;
7. E-mail from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority, dated February 28, 2018;
8. E-mail from Paul Nunes, Corridor Management Officer, Ministry of Transportation, dated March 12, 2018;
9. E-mail from Charleyne Hall, External Liaison, Bell Canada Right of Way, dated March 6, 2018;
10. Memorandum from Rogers dated March 15, 2018;
11. E-mail from Paul Shllaku, Hydro One, dated March 5, 2018; and
12. Letter from Peter Green, Director, Capital Development, Southlake Regional Health Centre dated March 5, 2018.

Moved by Peter Mertens

Seconded by Ken Smith

THAT Consent Application D10-B03-18 be APPROVED, subject to the following conditions:

1. That the application be subject to Section 50(5) of the *Planning Act* RSO 1990, c.P.13, which shall apply to any subsequent transaction or conveyance involving the parcels of land that are the subject of this consent;
2. That the applicant be required to register on title an easement for Town-owned infrastructure under the property to the satisfaction of the Town;
3. That the applicant be required to provide to the satisfaction of the Town proof that they have registered on title easements for sanitary infrastructure under the property;
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 the applicant be required to provide to the satisfaction of the LSRCA a flood analysis prepared by a qualified professional which demonstrates that the flood velocities of the proposed building sites do not exceed 1m per second, that there is no significant increase to upstream or downstream flooding, that the proposed development will not cause an obstruction to flow, and that flood storage capacity will not be removed;
6. That the owner be required to obtain a permit from the LSRCA prior to any site alteration or development within the area on the site regulated by Ontario Regulation 179/06;
7. That prior to the issuance of the Certificate of Official, that the owner be required to obtain a demolition permit and remove the existing structures on the lot;
8. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
 - a. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject, recipient, and retained parcels;
 - b. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
 - c. required transfers to effect the severance and conveyance applied for under Consent Application D10-B01-13, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the *Planning Act*; and
9. That the owner be required to enter into a leading site plan agreement with the Town addressing matters including lot grading, storm drainage, municipal servicing, tree protection and compensation, easements, disposal of refuse from the removed structure and other matters for the development of the subject and remaining lands.

as the Consent Application conforms with the Official Plan, the Zoning By-law, and applicable Regional and Provincial legislation, regulations and planning policies.

CARRIED

The Minutes of the meeting held on Wednesday, February 14th, 2018 were placed before the Committee for consideration.

Moved by Fred Stoneman
Seconded by Elizabeth Lew

THAT the Minutes of the Wednesday, February 14th, 2018 meeting be approved.

CARRIED

THAT the Meeting adjourn.

Moved by Peter Mertens

Seconded by Ken Smith

CARRIED

The meeting adjourned at 10:49 a.m.

May 16, 2018
Dated

Ken Smith
Chair