

The meeting of the Committee of Adjustment was held on Wednesday, September 19<sup>th</sup>, 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  
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. Members were invited to declare any other conflicts of interest at any time during the meeting.

### **MINOR VARIANCE APPLICATIONS**

**D13-A17-18 GHEFLATI-MANJILI, Simin**  
**Part Lot 17, Plan 65M3167, Part 1, Plan 65R20809**  
**Part Block 19, Plan 65M3167, Part 6, Plan 65R20809**  
**679 Allan Avenue**  
**Town of Newmarket**

Simin Gheflati-Manjili of 679 Allan Avenue NEWMARKET ON L3Y 8P9 addressed Committee as owner of the property and provided the following comments:

- Open entrance to basement to make an apartment for niece
- Entrance work was done last October by contractor; didn't know permit was needed
- Temporarily covered since 2016
- Want to finish basement; basement not useable now

Mr. Stoneman asked if she had read the letter regarding drainage from Mark and Heather Townson of 281 Sheridan Court, NEWMARKET ON L3Y 8P9. Ms. Gheflati-Manjili advised she didn't feel the concern was legitimate as the contractor will make sure the drainage works. She further advised we would increase residency for extended family and may rent out apartment.

Ms. Carol Fairley of 287 Sheridan Court, NEWMARKET ON L3Y 8P9 addressed the Committee and provided the following comments along with a written submission:

- Backs onto property
- Two years ago found hole and went over to see; she called the Building Department and they came and shut down the work
- Already entrance on east side plus entrance from garage; why a third entrance
- Will create more traffic; more people
- Entrance will be 7 feet from my property to the fence

Ms. Simin Gheflati-Manjili addressed Committee and advised drawing of border lines has been submitted and Committee can decide if it is within range. She further advised the other entrance is closed.

Ms. Mary Brown of 289 Sheridan Court, NEWMARKET ON L3Y 8P9 addressed the Committee and provided the following comments:

- Her east property line is the west property line of the subject property
- Drawing she received indicates entrance is to the ground floor but it is the basement
- Need six steps going down; there is no mention of a drain
- Will need trench; lot of excavating in 1m space
- Side yard measures 2m
- Concerned of more water flowing to her property; may reduce stability of her land
- Concerned about snow removal
- Already two entrances into basement; owner said one entrance is closed; don't see why third entrance is needed
- Asked Committee not to grant relief

Ms. Gheflati-Manjili addressed Committee and advised she did close other entrance.

Maureen Cleland of 283 Sheridan Court, NEWMARKET ON L3Y 8P9 addressed the Committee and provided the following comments:

- Concerns same as other speaker
- Total disregard for other people's property; might be multiple dwellings in basement
- Numerous issues in past

Mr. Mertens inquired of Ms. Gheflati-Manjili what the basement was used for. She advised it was for her niece. Mr. Mertens asked if there was one unit in basement. She advised another unit has access to furnace, hot water heater and is already structured.

Mr. Mertens inquired if there were dividers and if you can open the existing door. Ms. Gheflati-Manjili advised the door comes to the unit. Mr. Mertens inquired if it was a bachelor apartment. She advised it was being used for guests and furniture.

Mr. Mertens inquired if the unit could be rented out. Ms. Gheflati-Manjili advised no as it was not based on law or the Fire Code.

Mr. Vescio inquired if she had her own unit upstairs plus a bachelor unit. Ms. Gheflati-Manjili advised the unit has kitchenette and bathroom. Mr. Vescio inquired if the unit had a sleeping area. He also inquired if without this separate entrance she had two units. Ms. Gheflati-Manjili advised that she was using the unit as she found out she can't rent it.

Mr. Vescio asked if Ms. Gheflati-Manjili had her own unit, a bachelor unit, and was creating a third unit. She advised it would be for her own use. She also commented that she felt it was not necessary for the neighbour to bring up her behaviour at the hearing. Mr. Vescio advised that Committee was only concerned about the property.

Mary Brown of 289 Sheridan Court, NEWMARKET ON L3Y 8P9 advised Committee that she had been there since the house was built and that it has four bedrooms and five bathrooms and that each bedroom has a bathroom.

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

1. Report from Ted Horton, Planner dated September 14, 2018;
2. Memorandum from V. Kluyev, Senior Engineering Development Coordinator – Residential, dated September 12, 2018;
3. E-mail from Curtis Greenham, Plans Examiner, dated September 14, 2018;
4. Memorandum from Urban Forest Innovations Inc. dated September 5, 2018.
5. E-mail from Tiffany Wong, Programs and Process Improvement, Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated September 7, 2018; and
6. Letter from Mark and Heather Townson of 281 Sheridan Court, NEWMARKET ON L3Y 8P9

***Moved by Elizabeth Lew***

***Seconded by Ken Smith***

**THAT Minor Variance Application D13-A17-18 be APPROVED, subject to the following conditions:**

1. That the variances pertains only to the requests as submitted with the application;
2. That prior to the issuance of any building permit that the applicant be required to comply with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy; 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.

In favour – Elizabeth Lew and Ken Smith

Opposed – Peter Mertens, Fred Stoneman and Gino Vescio

#### **MOTION LOST**

*Moved by Peter Mertens*

*Seconded by Fred Stoneman*

**THAT Minor Variance Application D13-A17-18 be REFUSED as the application is not minor in nature, does not conform to the general intent of the Official Plan and Zoning By-law and is not considered desirable for the appropriate development of the lot.**

In favour – Peter Mertens, Fred Stoneman and Gino Vescio

Opposed – Elizabeth Lew and Ken Smith

#### **CARRIED**

**D13-A18-18 GRANT, Tracy  
Lot 22, Plan 65M2212  
280 Crossland Gate  
Town of Newmarket**

Evan Baard of Gib-San Pools Ltd. 21 Milvan Drive, TORONTO ON M9L 1Y8, addressed the Committee as agent for the owner and provided the following comments:

- Owner wants to build a 10' x 20' accessory structure
- It will have a small change room, dining and entertaining area

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 September 11, 2018;
2. Memorandum from V. Kluyev, Senior Engineering Development Coordinator – Residential, dated September 12, 2018;
3. E-mail from David Potter, Chief Building Official, dated September 4, 2018;
4. Memorandum from Urban Forest Innovations Inc. dated September 5, 2018; and
5. E-mail from Tiffany Wong, Programs and Process Improvement, Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated September 10, 2018;

*Moved by Fred Stoneman  
Seconded by Peter Mertens*

**THAT Minor Variance Application D13-A18-18 be APPROVED, subject to the following conditions:**

- 1. That the variances pertains only to the requests for the residential accessory structure as submitted with the application and no other development;**
- 2. That the applicant be advised that permission is required from the owner of Tree #3 as detailed on the submitted arborist report before any injury takes place;**
- 3. That the applicant be advised that prior to the issuance of any building permit compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy; and**
- 4. 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**

**D13-A19-18 POPPER, Paul & POPPER, Susan  
Lot 11, Plan 350  
262 Stanley Street  
Town of Newmarket**

Kyle Johnson of 43 Beatty Crescent, AURORA ON L4G 5V4 addressed the Committee as agent for the owner and provided the following comments:

- Asking for front yard setback for mudroom addition for son who has a disability; will allow access to house
- Went to all neighbours prior to applying and has eight letters of consent

Mr. Bob Kwapis addressed the Committee and provided the following comments:

- Advised he was the Ward Councillor
- 262 Stanley Street is in centre of Ward 5

- Popper family is well respected family in community
- Asking Committee to approve this application

There were no questions from Committee.

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

1. Report from Ted Horton, Planner dated September 11, 2018;
2. Memorandum from V. Kluyev, Senior Engineering Development Coordinator – Residential, dated September 12, 2018;
3. E-mail from David Potter, Chief Building Official, dated September 4, 2018; and
4. E-mail from Tiffany Wong, Programs and Process Improvement, Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated September 10, 2018.

***Moved by Elizabeth Lew***  
***Seconded by Peter Mertens***

**THAT Minor Variance Application D13-A19-18 be APPROVED, subject to the following conditions:**

1. That the variance pertains only to the requests for the front porch as submitted with the application and no other development; and
2. 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**

**D13-A20-18 MARIANNEVILLE DEVELOPMENTS LIMITED**  
 Block 121, Plan 65M4587  
 South of Mitchell Place  
 Town of Newmarket

**D13-A21-18 MARIANNEVILLE DEVELOPMENTS LIMITED**  
 Block 122, Plan 65M4587  
 South of Mitchell Place  
 Town of Newmarket



Richard Zelinka of Zelinka Priamo Ltd., 318 Wellington Road, LONDON ON N6C 4P4, addressed the Committee as agent for the owner and provided the following comments:

- Not asking for greater permissions; asking for clarification regarding a design element
- Zoning by-law for these two blocks has lower height than surrounding homes; intentional as these units intended to be bungalow lofts
- Design guidelines mention this design approach
- Preliminary designs found Town's interpretation of storey
- Area open to upper ceiling; within two storey dwellings common design feature to enhance models
- When by-law was selected for these lands it was intended to accommodate loft
- Definition over 3.6m deemed additional storey; loft can exceed 3.6m
- Will be no change to external dwelling as seen from street or by neighbours
- Height not to be changed; 1.5 storey not defined in by-law
- Half storey is upper level within roof structure
- Net result of variances is to allow loft feature within building
- In my report to staff pointed out attempt to provide good variety in community
- Dwellings will be facing onto parkland; eyes on park for safety and security

Mr. Stoneman asked the square footage of the loft. Mr. Zelinka advised it will vary depending on size of the vestibule and the design of each building and the loft doesn't change the size of the building.

Mr. Stoneman asked if you can't take an exterior measurement. Mr. Zelinka advised the loft is within the building.

Ms. Vanessa Graeme Woods of 303 Crossland Gate, NEWMARKET ON L3X 1B3 addressed Committee and read a letter from Francesca Ellerby of 307 Crossland Gate, NEWMARKET ON L3X 1B3. Ms. Graeme Woods provided the following comments:

- Concerned about view of new neighbours but not concerned about existing neighbours
- Lofts will tower over our houses

Mr. Stoneman asked if these houses will have walkout basements. Mr. Zelinka advised there are no walkout basements in the Crossland area and the homes near John Bowser will be below the new homes. The existing homes will look over the top of the new houses. He further advised there will be no great discrepancy as they are restricted in height to those on Crossland Gate and the rooflines of the new homes will be lower than the existing two storey homes. Mr. Zelinka further advised that the fencing in the area has been approved to comply with the Compatibility Plan which will maintain existing fencing to protect existing vegetation.

Mr. Vescio commented that he thought the concern was construction intruding and suggested the contractor do an inspection of the fencing. Mr. Zelinka advised there was

snow fencing in place. Mrs. Vanessa Graeme Woods commented she doesn't know what snow fencing would protect us from.

Ms. Jinous Barak Pour of 351 Fairway Gardens, NEWMARKET ON L3X 1B4 addressed the Committee and advised the land is high and was previously a golf course. Mr. Zelinka advised Committee the height of the single detached dwellings that Ms. Barak Pour was referring to have different height permissions than these blocks.

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

1. Report from Ted Horton, Planner dated September 13, 2018;
2. Memorandum from V. Kluyev, Senior Engineering Development Coordinator – Residential, dated September 12, 2018;
3. E-mail from David Potter, Chief Building Official, dated September 4, 2018; and
4. E-mail from Tiffany Wong, Programs and Process Improvement, Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated September 10, 2018.

***Moved by Peter Mertens***  
***Seconded by Ken Smith***

**THAT Minor Variance Applications D13-A20-18 and D13-A21-18 be APPROVED, subject to the following conditions:**

- 1. That the variances pertain only to the requests as submitted with the applications; and**
- 2. That the development be substantially in accordance with the information submitted with the applications.**

**as the Minor Variance Applications:**

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

**CARRIED**



The Minutes of the meeting held on Wednesday, July 25<sup>th</sup>, 2018 were placed before the Committee for consideration.

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

**THAT the Minutes of the Wednesday, July 25<sup>th</sup>, 2018 meeting be approved.**

**CARRIED**

**THAT the Meeting adjourn.**

***Moved by Peter Mertens***  
***Seconded by Fred Stoneman***

**CARRIED**

The meeting adjourned at 10:32 a.m.

Oct. 24 / 18  
Dated

  
Chair