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The meeting of the Committee of Adjustment was held on Wednesday, November 18<sup>th</sup>, 2015 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: Linda Traviss, Senior Planner - Development  
Ted Horton, Planner  
Kym Pelham, Committee Secretary

The Meeting was called to order at 9:32 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 at that time; however, members were invited to declare a conflict of interest at any time during the meeting.

#### **MINOR VARIANCE APPLICATIONS**

**D13-A20-15 TOOMBS, Darcy  
GILBERT, Michelle  
Part Lot 19, Plan 222  
406 Tecumseth Street  
Town of Newmarket**

Darcy Toombs of 406 Tecumseth Street, NEWMARKET, ON L3Y 2B1, addressed the Committee and provided the following comments:

- have lived in the house for 4 ½ years
- wish to build a home to suit their expanding family
- require some minor variances to fit the house on the property

Fred Stoneman inquired as to what the 3<sup>rd</sup> storey would be used for and could it be finished off in the future. Mr. Toombs mentioned that it would be used for storage and attic space and that it was not his intention to finish the 3<sup>rd</sup> storey.

Mr. Stoneman also inquired as to where the height of the house is calculated from and what the height is to the peak and Mr. Toombs mentioned that it is taken to the median roof line

and that he was not sure of the measurement to the peak, however, he believed it was 10.75 metres.

Mr. Stoneman asked staff if they agreed with the way the height is calculated and was this for the entire area and Linda Traviss mentioned that this was a provision of the zoning bylaw which applied to the Town of Newmarket and that it is common practice through Ontario to calculate building height this way.

Peter Mertens inquired as to whether the Heritage Committee is circulated with regards to demolition of the house and Ms. Traviss mentioned that the property is not designated, nor is it on the list of properties of interest to the Heritage Committee and therefore, there is no need to consult them.

Ken Smith inquired as to what is so unique about the plan and why the applicants could not build within the guidelines. Mr. Toombs mentioned that there were challenges pushing the house back on the lot, as the property is only approximately 90' in depth and that the current home is only 13 cm further back than the proposed house.

Mr. Stoneman inquired as to whether there was a full basement and Mr. Toombs advised that there was.

The Chair inquired as to the area above the garage and what the future plans are for this space and Mr. Toombs advised that it would be a living room or family room. The square footage not including the garage space is 2,726 sq. ft. and including the garage area would be 3,234 sq. ft.

Elizabeth Girard of 412 Tecumseth Street, NEWMARKET, ON L3Y 2B1, addressed the Committee and made a presentation (copy of presentation is attached and marked as Schedule A).

Mr. Stoneman asked what the height of their home was and Ms. Girard mentioned that it was a 1 ½ storey home.

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

1. Report from Linda Traviss, Senior Planner - Development dated November 12, 2015;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated November 6, 2015;
3. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated November 5, 2015;
4. Comments from David Potter, Chief Building Official dated November 11, 2015; and
5. E-mail from Vick Bilkhu, Development Review Coordinator, Community Planning, Transportation and Community Planning Department, The Regional Municipality of York dated November 3, 2015.

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

***Moved by Gino Vescio***

***Seconded by Peter Mertens***

***THAT Minor Variance Application D13-A20-15 be approved, subject to the following conditions:***

1. that the variances pertain only to the construction of a 2 storey dwelling;
2. that development be substantially in accordance with the Site Plan submitted with the application;
3. that the applicants 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 the items identified by the Town's Consulting Arborist in a report dated October 3, 2015; and
4. that the applicants be advised that prior to the issuance of any building permit, the owners will be required to enter into a site plan agreement with the Town for the development of the subject lands.

as the Minor Variance Application:

- (1) as submitted is not minor in nature, however, a 2 storey dwelling appears to be minor in nature as the impact on adjacent properties will be negligible;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning Bylaw as both documents permit detached dwellings; and
- (3) does not adversely affect the character of the neighbourhood as the use is permitted and is desirable for the appropriate development or use of the land, buildings or structures.

CARRIED

D13-A22-15    HOWIE, Chris  
                     Lot 3, Plan 34  
                     299 Second Street  
                     Town of Newmarket

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

- have lived in Newmarket since 1977
- purchased the property last May
- wish to build a second storey on the home within the existing footprint
- hoping this would promote others in the area to upgrade their homes

John Gallaway of 295 Second Street, NEWMARKET, ON L3Y 3W5, addressed the Committee and advised that he had spoken to Mr. Howie and had no issues with the proposal.

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

1. Report from Ted Horton, Planner dated November 11, 2015;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated November 4, 2015;
3. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated November 5, 2015;
4. Comments from David Potter, Chief Building Official dated November 11, 2015;

5. 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 November 4, 2015;
6. Letter from Peter Lozier of 307 Second Street, NEWMARKET, ON L3Y 3W5 dated November 7, 2015; and
7. Letter from Brad Boland of 300 Prospect Street, NEWMARKET, ON L3Y 3V2 dated November 7, 2015.

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

*Moved by Peter Mertens  
Seconded by Elizabeth Lew*

***THAT Minor Variance Application D13-A22-15 be approved, subject to the following conditions:***

1. That the variance pertains only to the requests as submitted with the application;
2. 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 with the items identified by the Town's Consulting Arborist in a report dated November 10, 2015; 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 as the impact on adjacent properties appears to be minimal;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law as both documents permit residential uses on the property; and
- (3) does not adversely affect the character of the neighbourhood and is considered a desirable development of the lot.

**CARRIED**

**D13-A23-15 FULIGNI, Dan  
FULIGNI, Shirley  
Lot 4, Plan 435  
187 Queen Street  
Town of Newmarket**

Dan Fuligni of 187 Queen Street, NEWMARKET, ON L3Y 2G1, addressed the Committee and provided the following comments:

- building a garage 24' x 24'
- variance was approved in 2000, however, the bylaw changed and the variance was not incorporated
- previous variance was for a larger garage

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

1. Report from Linda Traviss, Senior Planner - Development dated November 11, 2015;
2. Memorandum from Rick Bingham, Manager, Engineering Services dated November 6, 2015;
3. E-mail from Kevin Jarus, Development Planner, Lake Simcoe Region Conservation Authority dated November 5, 2015;
4. Comments from David Potter, Chief Building Official dated November 11, 2015;
5. E-mail from Vick Bilkhu, Development Review Coordinator, Community Planning, Transportation and Community Planning Department, The Regional Municipality of York dated November 3, 2015; and
6. 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 November 4, 2015.

There were no comments from the public on this application.

*Moved by Fred Stoneman  
Seconded by Ken Smith*

***THAT Minor Variance Application D13-A23-15 be approved, subject to the following conditions:***

1. that the variances pertain only to the request as submitted with the application; and
2. that development be substantially in accordance with the sketch submitted with the application.

as the Minor Variance Application:

- (1) appears to be minor in nature as the impact on adjacent properties will be negligible;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning Bylaw as both documents permit accessory structures; and
- (3) does not adversely affect the character of the neighbourhood as the use is permitted and normally contemplated as an accessory use to a detached dwelling and is desirable for the appropriate development or use of the land, buildings or structures.

**CARRIED**

The Minutes of the meeting held on Wednesday, October 21<sup>st</sup>, 2015 were placed before the Committee for consideration.

*Moved by Peter Mertens  
Seconded by Ken Smith*

**THAT the Minutes of the Wednesday, October 21<sup>st</sup>, 2015 meeting be approved as circulated.**

**CARRIED**

*Moved by Fred Stoneman  
Seconded by Elizabeth Lew*

THAT the meeting dates for hearings for the year 2016 be scheduled as follows:

Wednesday, January 20, 2016  
Wednesday, February 17, 2016  
Wednesday, March 16, 2016  
Wednesday, April 20, 2016  
Wednesday, May 18, 2016  
Wednesday, June 15, 2016  
Wednesday, July 20, 2016  
Wednesday, August 17, 2016  
Wednesday, September 21, 2016  
Wednesday, October 19, 2016  
Wednesday, November 16, 2016  
Wednesday, December 21, 2016

**CARRIED**

*Moved by Fred Stoneman  
Seconded by Ken Smith*

THAT the Meeting adjourn.

**CARRIED**

The meeting adjourned at 10:35 a.m.

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Dated

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Chair

My husband, Peter Markle, and myself, Elizabeth Girard, have lived next door to 406 Tecumseth St. for fifteen years. What attracted us to this street was the beauty and abundance of its mature trees, the century homes, and the indefinable charm of an older neighbourhood. This part of Newmarket is a wonderful place to live, its quiet neighbourhoods always written up as "much sought after" in the real estate ads. A great deal of our own enjoyment has come from the hours spent in our garden and on our patio, projects lovingly completed over the years we have lived here. However, the legitimate pleasure we take in our own property is threatened by Mr. Toomb's application, in the following ways.

Tecumseth is a short street with the existing houses in proportion to its size, therefore the building of a very large three storey house will have a considerable and negative impact on the character of the street. It's a tricky question, balancing a property owner's right to make changes, with the rights of neighbours to maintain the character of the street they chose to live on many years earlier. Older neighbourhoods are unique in this regard and we believe that the town has a responsibility to preserve them as much as possible. We are not opposed to change, it is the only constant in life, but we are opposed to the size of the proposed dwelling, including its proximity to our western property line and to the sidewalk. This proposed house is, in our opinion, too big for the lot and too big for the street.

Three storeys will effectively block out much of the sunshine we now enjoy and will also have a negative impact on the garden. I planted it with a view to available sunlight and now will have considerable expense and work to make it more suitable to shade. We are also concerned about a possible negative impact on the resale value of our home. Should others on the street decide to tear down their smaller houses and build much larger ones, we would likely get only the land value, and not the house and land value for our property when we come to sell it. Even



## Concerns re Application for Variances - 406 Tecumseth St.

if Mr. Toombs' proposed dwelling is the only one of its kind on Tecumseth, it would significantly alter the perspective and possibly the value of our own much smaller house.

Another objection we have concerns the removal of a venerable spruce tree right at Mr. Toombs' western property line. This beautiful tree spreads its branches over our patio, providing us with privacy and, in summer, the cooling effects of wind passing through its branches. That tree is also a pleasure in winter, when it is snow-covered and sheltering chickadees and other winter birds. Its fresh greenery is what we see when looking out our kitchen windows, and I am in the kitchen a lot. One visitor to our home said it felt like being at the cottage. The beauty and delight this tree offers to all who live on this street is priceless, but it is slated to be chopped down because it will interfere with the proposed size of the new house. We would ask Mr. Toombs to consider making the house smaller in order to spare this tree. As you are no doubt aware, cutting down mature trees will significantly alter the character of the street.

Should Mr. Toombs' application for relief from the bylaws governing zoning standards and yard setbacks be successful, what we will see from our kitchen windows is a brick wall, softened only a little by two existing cedar trees and one short Burning Bush. This new house will also be moved much closer to our mutual property line than the present dwelling. Had we wanted to look at brick walls and live in closer proximity to our neighbours we would have chosen a different sort of neighbourhood. We didn't; we chose and paid for what is there now.

We respectfully ask our neighbour to consider the impact on us of his proposed new house, and to make it shorter and smaller so that some of our legitimate concerns can be addressed and alleviated. We have enjoyed cordial, even affectionate, relations with Mr. Toombs and Ms. Gilbert and want to continue to do so.