



Suite 1600
1 First Canadian Place
100 King Street West
Toronto, Ontario
Canada M5X 1G5
Telephone (416) 862-7525
Facsimile (416) 369-7250
www.gowlings.com

David C.K. Tang
Direct (416) 862-3547
Direct Fax (416) 863-3547
Assistant (416) 862-5421
david.tang@gowlings.com
File No. T959978

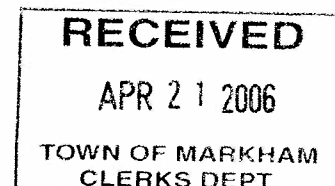
April 20, 2006

VIA FACSIMILE AND COURIER

Mayor Cousens and Members of Town Council
Town of Markham, Anthony Roman Centre
101 Town Centre Boulevard,
Markham, Ontario
L3R 9W3

Attention: Sheila Birrell – Town Clerk

Dear Mayor Cousens and Members of Town Council:



Re: Front Yard and Exterior Yard Parking in Residential Areas
File No.: ZA 04 025944
Zoning By-law – Council Meeting of April 25, 2006

We are the solicitors for Julius and Sharon Fortis, the owners of 3 Bronte Road, Thornhill. We understand that the report concerning proposed restrictions on front yard and exterior yard parking is scheduled to be considered by Town Council on Tuesday, April 25, 2006 and it is anticipated that a zoning by-law to amend Zoning By-law No. 28-97 will be passed that evening to carry out the intent of this report. On behalf of our clients, we will urge Council to not pass that by-law for the following and other reasons:

1. The proposed by-law will render all driveways wider than it proposes non-conforming, regardless of whether they were legally constructed and how long they have been in existence. There are many thousands of existing driveways which would become non-conforming in the Town. On our clients' street alone there are 27.
2. Not all driveways wider than the maximum widths proposed are necessarily inappropriate to the homes and lots upon which they are situated. This is particularly so where the lots are large and where houses were designed specifically to accommodate those driveways. Many homes house non-traditional mixed families, requiring more parking than in the past. Legal but non-conforming driveways should not be forced into conformity over time.
3. The by-law would permit homes which have many garage doors to maintain wider driveways than those homes which only have one or two garages, even though the lots and/or the front yards are the same size.
4. The by-law does not address properly those homes with access from one street and a garage which faces another street. It does not permit a driveway taking access off the

road on the side lot line because that would extend over an external side yard. That would not permit this driveway to access a garage which faces the front lot line and renders all such arrangements legally non-conforming.

5. The maximum driveway width of 6.1 metres (where there are not multiple garage doors) is arbitrary and does not take into account the size of the front yard both in terms of the setback from the road or the overall width.
6. There are more appropriate mechanisms to control the matters Planning Staff has identified as being problematic, including formulas based upon front yard area, amount of landscaped open space, the width of the front line and setbacks from the building.
7. The reduction of off-street parking areas on homeowners' own property will, as your staff have already identified, cause an increase in demand for on-street parking. People will park on the streets even in those areas where an on-street parking permit system is deemed inappropriate. That increase will have negative impacts on the many residential streets in Markham which were not designed to accommodate on-street parking.
8. Our clients have no objection to enforcement by the Town against illegally widened driveways or homeowners who carried out curb cuts without permission. Currently illegal driveways should be brought into conformity through enforcement activities, but legally constructed driveways wider than 6.1 metres should be acknowledged.
9. Without "grandfathering" of existing driveways, the legality of the thousands of driveways will become both an administrative problem for the Town in the future and a difficulty for both the purchaser and current owner every time one of these homes is sold. In addition, the non-conformity of these driveways to the zoning by-law will always be identified as a needed variance whenever these homes require unrelated minor variances in the future. Over time, a morass of different approvals and *ad hoc* decisions will come into being and significant confusion will arise if legally constructed driveways are not "grandfathered".

CONCLUSION

The "grandfathering" of existing driveways which are wider than the new provisions would permit is of utmost importance to my clients. We would urge you to insert of the following section if you choose to pass this by-law (which we would encourage you not to do):

6.2.4.7 The provisions of this section 6.2.4. do not apply to *driveways* or *parking pads* which were in existence and constructed legally prior to April 25, 2006.

Please provide us with notice of the passage of any zoning by-law related to this matter.

Thank you for your consideration.

Yours very truly,

GOWLING LAFLEUR HENDERSON LLP

A handwritten signature in black ink, appearing to read 'DCT' followed by a stylized flourish.

David C.K. Tang

DCT:gvd

cc: Sharon Fortis (via e-mail)

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