



# **Town of Newmarket**

## **Minutes**

### **Committee of Adjustment**

Date: Wednesday, August 26, 2020  
Time: 9:30 AM  
Location: Electronic VIA ZOOM  
See How to Login Guide

Members Present: Gino Vescio, Chair  
Seyedmohsen Alavi  
Elizabeth Lew  
Peter Mertens  
Ken Smith

Members Absent: Michelle Starnes

Staff Present: Patricia Cho, Secretary-Treasurer  
Alannah Slattery, Secretary-Treasurer

#### **1. Notice**

At this time, the Municipal Offices remain closed to the public. This meeting was available VIA ZOOM Meeting at [newmarket.ca/meetings](https://newmarket.ca/meetings).

#### **2. Conflict of Interest Declarations**

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.

#### **3. Items**

##### **3.1 Minor Variance Application - D13-A05-20**

**D13-A05-20**

**16250 YONGE ST. INC.**

**Part Lot 87, Concession 1  
16250 Yonge Street  
Town of Newmarket**

**D13-A06-20**

**SHINING HILL ESTATES COLLECTION INC.  
Block 33, PLAN 65M3724  
Town of Newmarket**

**D13-A07-20**

**SHINING HILL ESTATES COLLECTION INC.  
Block 34, PLAN 65M3724  
Town of Newmarket**

**D13-A08-20**

**SHINING HILL ESTATES COLLECTION INC.  
Block 35, PLAN 65M3724  
Town of Newmarket**

**D13-A09-20**

**SHINING HILL ESTATES COLLECTION INC.  
Lot 13, PLAN 65M3724  
Town of Newmarket**

Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, and D13-A09-20 to be heard concurrently.

Rohan Sovig, 140 Renfrew Drive, Suite 201, MARKHAM, L3R 6B3, ON, addressed the Committee as the agent working on behalf of the owner.

Mr. Vescio requested that the Secretary-Treasurer go over the new information received pertaining to the applications.

Ms. Cho suggested that the Committee defer the applications pertaining to Shining Hill as there have been e-mail correspondence received from neighbours requesting deferral due to the lack of public notice period provided and concerns with variances.

Mr. Vescio asked Ms. Cho to identify their concerns, considering the merit of notification and concerns with variances.

Ms. Cho read the letters including the following content, "I would like it noted as a concern that the notices were not sent out in a timely manner to residents." and "And if the postmarked date is the mail out date, then I ask that the meeting be rescheduled following the correct amount of notice, to be fair to residents who live near this build site".

Mr. Vescio asked Ms. Slattery if she can provide any comments to this.

Ms. Slattery recommends that the items be deferred due to the postal delay of getting the notices out.

Mr. Sovig stated the minor variance applications were submitted back in May and supports the deferral.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

**THAT Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20 and D13-A09-20 be DEFERRED.**

**Carried**

**3.2 Minor Variance Application - D13-A06-20**

**3.3 Minor Variance Application - D13-A07-20**

**3.4 Minor Variance Application - D13-A08-20**

**3.5 Minor Variance Application - D13-A09-20**

**3.6 Minor Variance Application - D13-A10-20**

**D13-A10-20**

**AHMED, Zaeem and AHMED, Nadia**

**Part Lot 30 Plan 65M4436**

**746 Yarfield Crescent**

**Town of Newmarket**

Zaeem Ahmed, 746 Yarfield Crescent, NEWMARKET, L3X 0H4, ON,  
addressed the Committee as the applicant.

Mr. Ahmed would like to request relief from the zoning by-law that one parking spot be located inside the garage as the by-law requires three exterior parking spots.

Mr. Vescio asked if committee members had any questions. There were none.

Mr. Vescio stated that there were no more speakers.

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

1. Report from Alannah Slattery, Planner, dated August 26<sup>th</sup>, 2020;

2. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated August 19<sup>th</sup>; and,
3. Memorandum from David Potter, Chief Building Official, dated August 19<sup>th</sup>, 2020.

Moved by: Elizabeth Lew

Seconded by: Ken Smith

**THAT Minor Variance Application D13-A10-20 be GRANTED, subject to the following conditions:**

1. **That the variance pertains only to the request 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:**

- **is minor in nature;**
- **conforms to the general intent and purpose of the Official Plan and Zoning By-law; and**
- **is considered a desirable development of the lot.**

**Carried**

### **3.7 Minor Variance Application - D13-A11-20**

**D13-A11-20**

**BASSIDJ, Jahanshah and KHAMOOSHI, Homa**

**Lot 16 Plan M78**

**92 Cardinal Crescent**

**Town of Newmarket**

Jahanshan (John) Bassidj, 92 Cardinal Crescent, NEWMARKET, L3Y 5X6, ON, addressed the Committee as the owner of the subject property.

Mr. Bassidj stated that they are asking for relief from the zoning by-law to add an accessory dwelling unit. As the zoning by-law requires three exterior parking spots, he is seeking relief to have one parking spot inside the garage.

Mr. Vescio asked if committee members had any questions.

Ms. Lew said that she went on a site visit to the subject property and it seemed that there were enough space for four exterior parking spots. Ms. Lew asked why they needed to apply for a minor variance to have one parking spot inside the garage.

Mr. Bassidj said that he thought it was enough as well but found out that seventeen (17) feet is property of the Town and does not have enough space to meet the minimum requirements of the parking space measurements.

Ms. Slattery confirmed this and stated that the measurement is off of the property line and not the boulevard.

Mr. Vescio asked if committee members had any further questions. There were none.

Mr. Vescio stated that there were no more speakers.

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

1. Report from Alannah Slattery, Planner, dated August 26<sup>th</sup>, 2020;
2. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated August 19<sup>th</sup>; and,

3. Memorandum from David Potter, Chief Building Official, dated August 19<sup>th</sup>, 2020.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

**THAT Minor Variance Application D13-A11-20 be GRANTED, subject to the following conditions:**

1. That the variance pertains only to the request 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:**

- is minor in nature;
- conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- is considered a desirable development of the lot.

**Carried**

### **3.8 Minor Variance Application - D13-A12-20**

**D13-A12-20**

**281 MAIN STREET NORTH INC.**

**Part Lot 98, Concession 1, Part 2, PLAN 65R3687**

**281 Main Street North**

**Town of Newmarket**

Monika Oviedo and Michael Testaguzza, The Biglieri Group LTD., 20 Leslie Street, Suite 121, TORONTO, M4M 3L4, ON, addressed the Committee as the agents working on behalf of the owner.

Ms. Oviedo stated that they were the planning consultants for the owner. They are requesting three variances. They have reviewed the staff report and conditions and are in agreement to the conclusion of the report that recommends approval. Ms. Oviedo stated that she would be happy to go through the variances if the Committee wishes and answer any questions.

Mr. Vescio asked if committee members had any questions.

Ms. Lew asked if any correspondence has been received for this application.

Ms. Cho stated that there were no correspondences received.

Mr. Alavi asked if the variances impact lot width.

Ms. Oviedo stated that they are requesting for the minor reduction of lot frontage (reduction of 0.9 metres which is approximately 3 feet) on private road.

Mr. Testaguzza added that the lot frontage impacts the unit width. Therefore, the building width equals to lot frontage and by reducing lot frontage, it impacts the building width.

Ms. Slattery stated that the variance being requested is lot frontage which is building width. There is no specific zoning standard required for lot width, only lot frontage. For townhouse dwellings, there are different zones that permit townhouses. For townhouses in the Residential (R) Zone, minimum lot frontage is 6 metres. The approved Zoning By-law



amendment in 2016 for the subject lot allowed 5.9 metres. The applicant is looking for reduction of 0.9 metres.

Mr. Alavi asked if there were any examples of the building width standard of 5 metres within the Town.

Ms. Slattery said that it would require more research on previous zoning by-law amendments to determine if there are precedents around Town that allowed the building width of 5 metres.

Mr. Testaguzza said that generally speaking, a 6 metres standard for a front-loaded townhouse (garage and front yard) is average, with the streetscape dominated by garage. However, with rear lane townhouse, like their proposal, there are no garages.

Mr. Vescio asked if committee members had any further questions. There were none.

Mr. Vescio stated that there were no more speakers.

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

1. Report from Alannah Slattery, Planner, dated August 26<sup>th</sup>, 2020;
2. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated August 20<sup>th</sup>; and,
3. Memorandum from David Potter, Chief Building Official, dated August 19<sup>th</sup>, 2020.

It is noted for the record that Mr. Alavi dissented the application.

Moved by: Peter Mertens

Seconded by: Elizabeth Lew

**THAT Minor Variance Application D13-A12-20 be GRANTED, subject to the following conditions:**

- 1. That the variance pertains only to the request as submitted with the application.**
- 2. That the development be substantially in accordance with the information submitted with the application.**
- 3. That the applicant be advised that Site Plan Approval will be required prior to development of the lands.**
- 4. That servicing allocation be granted prior to the development of the lands.**
- 5. That the applicant be advised that the integrity of the Region's 850 mm diameter West Holland River trunk sanitary sewer, that is located in between Bayview Parkway and the railway, shall be protected and maintained at all times during construction and grading of the proposed development. All construction drawings showing works in close proximity of the Region's infrastructure shall include the following notes for the Contractor:**

**"Integrity of the Regional 850mm diameter West Holland River trunk sanitary sewer main located in between Bayview Parkway and the railway is to be protected at all times."**

- 6. That the applicant shall invite the Region's Construction Administrator, to the pre-construction meetings as well as to inspect all works proposed in close proximity of regional infrastructure.**

**As the Minor Variance Application:**

- is minor in nature;**
- conforms to the general intent and purpose of the Official Plan and Zoning By-law; and**
- is considered a desirable development of the lot.**

**Carried**

### **3.9 Amendment to the Conditions of Provisional Consent regarding 175 Deerfield Road**

**D10-B01-20**

**DEERFIELD 2 GP INC.**

**Part Lot 5 and 6, Plan 32**

**175 Deerfield Road**

**Town of Newmarket**

**Amendment to the Provisional Condition of Consent**

David McKay, MHBC Planning Urban Design & Landscape Architecture, 230-7050 Weston Road, WOODBRIDGE, L4L 8G7, ON, addressed the Committee as the agent working on behalf of the owner. Natalie Reisman Breger, Rose Corporation, 156 Duncan Mill Road, Suite 12, TORONTO, M3B 3N2, ON, was also present on behalf of the owner.

Mr. McKay stated that the consent was granted by Committee previously in June 2020. The issue is that because of the legal description and ownership on title, their lawyer brought to their attention that effectively, the parcel to be severed and retained were reserved. There posed legal complexities on the transfer. The most straightforward way to resolve the matter was to go back to Committee to revise the condition. It could have been resolved through the transfer of ownership within their company but it would be more timely and complicated. The severance remains exactly the same and the change would be in the condition of the transfer.

Ms. Slattery provided insight that the severance is the same and the change would be in the ownership to be reversed for transfer purposes. As Mr. McKay mentioned, going back to Committee would be the most straightforward way to fix this.

Mr. Vescio asked if committee members had any questions. There were none.

Mr. Vescio stated that there were no more speakers.

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

1. Cover Letter from David McKay, MHBC Planning, dated August 21<sup>st</sup>, 2020; and,
2. Memorandum from Jason Unger, Acting Director of Planning and Building Services, dated August 21<sup>st</sup>, 2020.

Moved by: Peter Mertens

Seconded by: Ken Smith

**THAT the amendment to the conditions on Consent Application D10-B01-20 be GRANTED, as indicated on page 2 of the Memorandum that was submitted to Committee members, specifically a(iii):**

- a) That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
  - i. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;
  - ii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted; and
  - iii. the transfer **of lands indicated as 'B'**, applied for **as the lands to be retained** under Consent Application D10-B01-20, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act.

**Carried**

#### **4. Approval of Minutes**

Mr. Vescio appointed Mr. Mertens as Chair of the meeting for Item #4 – Approval of Minutes.

Moved by: Ken Smith

Seconded by: Elizabeth Lew

**THAT the Minutes of the Wednesday, July 22<sup>nd</sup>, 2020 meeting be approved.**

**Carried**

**5. Adjournment**

Mr. Vescio reassume role as Chair of the meeting.

Moved by: Peter Mertens

Seconded by: Elizabeth Lew

**THAT the Meeting adjourned at 10:25 a.m.**

**Carried**

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Chair

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Date