



Town of Newmarket

Agenda

Committee of Adjustment

Date: Wednesday, October 21, 2020
Time: 9:30 AM
Location: Electronic VIA ZOOM
See How to Login Guide

Pages

1. Notice

At this time, the Municipal Offices remain closed to the public. This meeting will be available VIA ZOOM Meeting at newmarket.ca/meetings.

2. Conflict of Interest Declarations

3. Items

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| 3.1. | Minor Variance Application - D13-A16-20 | 1 |
| | BUCKLEY RENOVATIONS INC. | |
| | LOT 15, PLAN M1032 | |
| | 0 Queen Street | |
| 3.2. | Minor Variance Application - D13-A17-20 | 6 |
| | KHORASANI, Nazanen | |
| | Lot 340 Plan M76 | |
| | 524 Bristol Road | |
| 3.3. | Minor Variance Application - D13-A18-20 | 9 |
| | SYBAN INDUSTRIES LIMITED | |
| | Part Lot 93, Concession 1, Part 1, Plan 65R14981 | |
| | 17080 Bathurst Street | |

4. Approval of Minutes	13
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Minutes of the regular Meeting of Committee held on Wednesday,

September 23, 2020.

5. Adjournment


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Town of Newmarket

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Planning Report

TO: Committee of Adjustment
 FROM: Alannah Slattery
 Planner
 DATE: October 21, 2020
 RE: Application for Minor Variance **D13-A16-2020**
 0 Queen Street (Lot 15, Plan M1032)
 Town of Newmarket
 Made by: BUCKLEY, Kyle

1. Recommendations:

That Minor Variance Application D13-A16-2020 be approved, subject to the following conditions:

1. That the variance pertains only to the request 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,
3. That the development be substantially in accordance with the information submitted with the application.

2. Application:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, to facilitate the construction of a single-detached dwelling on a vacant lot. The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	Section 6.2.2	A maximum lot coverage of 25% for a 2-storey dwelling	A maximum lot coverage of 32% for a 2-storey dwelling

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, north of Queen Street and west of Lorne Avenue. The lot is currently vacant and contains trees and shrubbery.

3. Planning considerations:

In order to authorize a variance, Committee must be satisfied that the requested variance passes the four tests required by the *Planning Act*. In this regard, staff offer the following comments:

3.1 Conformity with the general intent of the Official Plan

The subject lands are designated “Stable Residential” in the Town’s Official Plan. This designation permits a range of residential accommodation built form types. Regarding this designation, the Town’s Official Plan states:

“It is the objective of the Stable Residential Area policies to:

- a. sustain and enhance the character and identity of existing residential communities; and,
- b. encourage the preservation and maintenance of the Town’s existing housing stock, supplemented by various forms of residential intensification such as infilling and the creation of accessory dwelling units.”

This designation permits, among other uses, single detached dwellings of a range of sizes and built forms. The application is found to conform to the Official Plan.

3.2 Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Detached Dwelling 18.0 metre (R1-C-119) Zone by By-law Number 2010-40, as amended. Single-detached dwellings are permitted uses in this zone.

The general intent of maximum lot coverage provisions is to limit the built form of structures in order to maintain compatibility and similarity of structures, and to ensure adequate space for drainage and amenities. By limiting lot coverage (and height), building size is restrained and ensures that houses are similar in size. While a 2-storey structure is permitted as-of-right on the subject property, the by-law limits such a structure to a reduced lot coverage of 25%, compared to the 35% that is permitted for single-storey structures.

It is important for Committee to weigh any requested relief against the intent of compatibility, ensuring a diversity of housing types, and associated limits on lot coverage. In this case, the proposed dwelling will meet all yard setbacks required by Zoning By-law 2010-40, and the proposed dwelling will be entirely located within the existing building envelope. The setbacks will provide a reasonable level of separation that is commensurate with other homes.

The proposed dwelling will be setback approximately 12 metres from the front property line, maintaining existing sight lines. The dwelling to the west of the subject lands has an approximate front yard setback of 8.5 metres, and the dwelling to the east has an approximate front yard setback of 14 metres, and also includes a detached garage with an approximate front yard setback of 5 metres.

The majority of dwellings within this neighbourhood were constructed in the 1970’s. As such, there are multiple instances within the neighbourhood of legal non-conforming dwellings exceeding the maximum lot coverage requirements of Zoning By-law 2010-40, as shown in the table below:



Address	Dwelling Type	Maximum Permitted Lot Coverage	Approximate Lot Coverage
293 Queen Street	2-storey	25%	37%
305 Queen Street	Single-storey	35%	47%
325 Lorne Avenue	Single-storey	35%	39%
98 Arden Avenue	2-storey	25%	40%

The proposed 2-storey dwelling will result in a lot coverage of 32%, which is not out of character for the surrounding neighbourhood.

As the proposed dwelling will be built entirely within the existing building envelope and will not encroach into any yard setbacks, it is staff's opinion that the general intent of the Zoning By-law is met.

3.3 Desirable for the appropriate development of the land

It is generally desirable to allow a property owner to invest in their property and arrange it in a manner that suits their needs, subject to the limits of the zoning by-law and impacts on neighbouring properties. This deference is balanced against the desirability of development in the public interest when permission beyond that of the zoning by-law is sought by way of a minor variance.

As the requested relief would allow the property owner to invest in their property and arrange the property to suit their needs without significant impact to neighbours or the community, and as the lands are zoned to permit residential development, the variance is desirable for the appropriate development of the lot. This test is met.

3.4 Minor nature of the variance

When considering if the variance is minor, it is not simply the numerical value; the Committee is requested to consider the overall impact of the variance. The overall impact of the proposed variance appears to be minimal as despite the increased coverage, the proposed dwelling would result in a dwelling which is compatible with the existing housing stock within the neighbourhood. In addition, significant impacts to surrounding properties are not anticipated. This test is met.

In consideration of the above, the proposed variance meets the four tests under the *Planning Act*.

4. Other comments:

4.1 Interim Control By-law

Interim Control By-law 2019-04 currently restricts residential development on the subject lands. As such, the applicant will not be able to receive a building permit for the proposed development until Interim Control By-law 2019-04 has been lifted by Council. Staff advise that the proposed development will be required to meet all other zone standards.

4.2 Heritage

The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated properties.

4.2 Commenting agencies and departments

No comments were received from Building Services at the time of writing this report.

Engineering Services has advised of no objection to this application.

The Regional Municipality of York has advised of no comment on this application.

4.3 Effect of Public Input

No public input was received as of the date of writing this report.

4.4 Tree Protection

The Town's Tree Preservation, Protection, Replacement and Enhancement Policy requires properties that are subject to a development application to submit an arborist report, protect trees during construction, and compensate for any removed trees by replanting or paying an amount to the Town commensurate with the removed trees. Standard conditions related to adherence with the Policy are recommended with this report.

5. Conclusions:

The relief as requested:

- (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.

Respectfully submitted,



Alannah Slattery, BES, MCC
Planner





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Planning Report

TO: Committee of Adjustment

FROM: Alannah Slattery
Planner

DATE: October 21, 2020

RE: Application for Minor Variance **D13-A17-2020**
524 Bristol Road
Town of Newmarket
Made by: KHORASANI, Nazanen

1. Recommendations:

That Minor Variance Application D13-A18-2020 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application; and,
2. That the development be substantially in accordance with the information submitted with the application.

2. Application:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, to facilitate the construction of a foyer addition to an existing single detached dwelling. The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	Section 6.2.2	A maximum lot coverage of 35%	A maximum lot coverage of 36.5%

The above-described property (herein referred to as the “subject lands”) is located in a residential neighbourhood along Bristol Road, west of Main Street North. There is an existing single detached dwelling on the lot.

3. Planning considerations:

In order to authorize a variance, Committee must be satisfied that the requested variance passes the four tests required by the *Planning Act*. In this regard, staff offer the following comments:

3.1 Conformity with the general intent of the Official Plan

The subject lands are designated “Stable Residential” in the Town’s Official Plan. This designation permits a range of residential accommodation built form types. Regarding this designation, the Town’s Official Plan states:

It is the objective of the Stable Residential Area policies to:

- a. sustain and enhance the character and identity of existing residential communities; and,
- b. encourage the preservation and maintenance of the Town's existing housing stock, supplemented by various forms of residential intensification such as infilling and the creation of accessory dwelling units.

This designation permits, among other uses, single detached dwellings of a range of sizes and built forms. The Official Plan encourages compatible design and the gradual change and improvement of homes. The application is found to conform to the Official Plan.

3.2 Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Detached Dwelling 15.0 Metre (R1-D) Zone by By-law Number 2010-40, as amended. Single-detached dwellings are permitted uses in this zone.

The general intent of maximum lot coverage provisions is to limit the built form of structures in order to maintain compatibility and similarity of structures, and to ensure adequate space for drainage and amenities. By limiting lot coverage (and height), building size is restrained and ensures that houses are similar in size. The maximum lot coverage for the R1-D Zone is 35% and the applicant is requesting a maximum lot coverage of 36.5%, to facilitate the construction of the front foyer. The front foyer would meet the front yard setback requirements of Zoning By-law 2010-40.

It is staff's opinion that the proposed foyer addition represents a small increase in coverage that will result in a dwelling that is in keeping with the surrounding area, and will not significantly impact drainage or amenity space on the lot. This test is met.

3.3 Desirable for the appropriate development of the land

It is generally desirable to allow a property owner to invest in their property and arrange it in a manner that suits their needs, subject to the limits of the zoning by-law and impacts on neighbouring properties. This deference is balanced against the desirability of development in the public interest when permission beyond that of the zoning by-law is sought by way of a minor variance.

As the requested relief would allow the property owner to invest in their property and arrange the property to suit their needs without significant impact to neighbours or the community, the variance is desirable for the appropriate development of the lot. This test is met.

3.4 Minor nature of the variance

When considering if the variance is minor, it is not simply the numerical value; the Committee is requested to consider the overall impact of the variance. The overall impact of the proposed variance appears to be minimal as despite the increased coverage, the proposed addition would result in a dwelling which is compatible with the overall diversity of dwelling types within the neighbourhood. In addition, significant impacts to surrounding properties are not anticipated. This test is met.

In consideration of the above, the proposed variance meets the four tests under the *Planning Act*.

4. Other comments:

4.1 Heritage

The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated properties.

4.2 Commenting agencies and departments

No comments were available from Building Services at the time of writing this report.

Engineering Services has stated no objection to this application.

The Regional Municipality of York has stated no comment on this application.

4.3 Effect of Public Input

Staff have received one letter of support in favour of this application.

5. Conclusions:

The relief as requested:

- (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.

Respectfully submitted,



Alannah Slattery, BES, MCC
Planner


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Planning Report

TO: Committee of Adjustment
 FROM: Adrian Cammaert, MCIP, RPP
 DATE: October 21, 2020
 RE: Application for Minor Variance **D13-A18-2020**
 17080 Bathurst Street
 Town of Newmarket
 Made by: SYBAN INDUSTRIES LIMITED

1. Recommendations:

That Minor Variance Application D13-A18-2020 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application.

2. Application:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 1979-50, as amended by By-law 1988-93, By-law 1989-68, By-law 1993-145 and By-law 1999-38, to permit a Medical Office as a Professional Office, where this use is not permitted within the current zoning.

The above-described property (herein referred to as the “subject lands”) is a commercial lot located west of Bathurst Street. The subject lands contain a commercial plaza building, which includes existing commercial uses such as restaurant, personal service shop and retail uses.

3. Planning considerations:

The applicant is requesting relief from the By-law in order to permit a medical office as a Professional Office, where this use is not permitted. This current application would add the requested use as a permission by right on this property.

The requested relief is presented below:

Relief	By-law	Section	Requirement	Proposed
1	1979-50	21.1	A Medical Office is not permitted as a Professional Office.	To permit a Medical Office as a Professional Office.

The subject lands are zoned Convenience Commercial (C1) Zone under Zoning By-law 1979-50, as amended by By-law 1988-93, By-law 1989-68, By-law 1993-145 and By-law 1999-38. Zoning By-law 1979-50 has been largely replaced by Zoning By-law 2010-40, however there are some areas of Town which are still regulated by Zoning By-law 1979-50, such as this property. The C1 Zone permits a range of commercial uses such as grocery stores, drug stores, barbers and beauty shops. However, a “Professional Office” (including medical office) was not a permitted use.

In 1989, the Zoning By-law was amended by By-law 1989-68, to add “Professional Office” (including medical office) as a permitted use. “Professional Offices” is defined as:

“Section 3.125 Professional Office:

*means the use of a building or part of a building by professionally qualified people and without limiting the generality of the foregoing **shall include a doctor’s office, a lawyer’s office, a dentist’s office, an architect’s office, a stock broker’s office, an accountant’s office.**”*

Subsequently, in 1999, the Zoning By-law was further amended by By-law 1999-38 to allow for additional permitted uses including:

- pet supplies store
- florist/flower shop
- dry-cleaning depot
- dry goods retailer
- photo-finishing store
- video rental store
- tanning salon
- a maximum of one fast-food outlet

However, this By-law also contained the following clause:

*“Providing that notwithstanding Bylaw Number 1989-68, no **medical practitioner office(s)** shall be permitted for lands zoned C1 on Schedule 'X' attached hereto.”*

Staff researched the rationale for the 1999 decision to remove “*medical practitioner office(s)*” as a permitted use, however no such information could be found.

In summary, the original 1979 zoning applicable to the property did not permit professional offices (including medical offices), then it was amended in 1989 to permit professional offices (including medical offices), then in 1999 it was amended once again not to permit medical practitioner offices.

Planning Act Process

Unlike most minor variance applications, this application is being considered under Section 45 (2) (b) of the Planning Act, as opposed to Section 45 (1) which requires assessing proposed variance applications under the 4 tests. Section 45 (2) (b) grants the Committee of Adjustment the power to, where a use is defined in general terms, to permit the use of land for a purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.

The proposed use, being a Medical Office, is defined to be a *Professional Office* by Zoning By-law 1979-50. Therefore, the use is defined as per the requirement of the Planning Act.

Secondly, the Committee must be satisfied that the proposal conforms with the uses permitted in the by-law. In determining whether a use conforms with the uses permitted in the by-law, previous OMB decisions have concluded that there is no authority to authorize a variance that would add a use that is expressly “prohibited” by the by-law. The use of the word “prohibited” is important, as it carries a greater significance than, and is distinct from, uses that are “not permitted”. Prohibited uses are typically those that are known to cause nuisance or human health implications or have otherwise

been identified by a Council. Conversely, uses that are “not permitted” are routinely added and removed in certain zones through established planning processes. It is a much larger process to contemplate the same for “prohibited” uses due to compatibility and human health concerns, among others.

Like most zoning by-laws, the applicable zoning by-law in this case (1979-50) contains a list of explicit Prohibited Uses (Section 6.40); of importance, the proposed “*Professional Office*” is not included in the section.

Because the proposed use is a) defined by the zoning by-law, and b) is not a ‘prohibited use’ as per the zoning by-law, it can be considered through the variance process under Section 45 (2) (b) of the Planning Act.

Compatibility

When considering a new use (even one that was previously permitted, as is the current situation), general compatibility with the local area must be assessed. The proposed medical office use, as included in the “*Professional Office*” definition, is compatible with other commercial uses in the plaza. The existing plaza contains restaurant, personal service shops and retail stores, as shown in the photos below:



Figure 1 - Plaza looking north



Figure 2 - Plaza looking south

Immediately to the north of the subject site are residential uses in the form of a row of townhouses. These townhouses are currently mitigated from the existing commercial plaza by a landscaped buffer with vegetation and a privacy fence. The introduction of a medical office on the plaza is not anticipated to require any additional mitigation measures.

An examination of the zoning of other commercial plazas was undertaken to determine if they allow medical offices. It was found that this is not an uncommon situation as Zoning By-law 2010-40 contains multiple Commercial Zones including the Convenience Commercial (CC) and Service Commercial (CS) Zones which both permit Medical Offices and Sole Medical Practitioners by-right.

It is staff's opinion that the proposed medical office use will not vary greatly from the uses which are currently permitted in Commercial Zones within Zoning By-law 2010-40. A medical office does not vary greatly from a different type of Professional Office which is currently permitted on the subject lands (such as a lawyer's office), and defined by the By-law.

Recognizing that the proposed use exists as a permission within the C1 Zone and within the Commercial Zones of Zoning By-law 2010-40, and that the use as proposed is similar in nature to ones that are permitted by the zoning by-law, the proposal is determined by staff to be desirable for the appropriate development of the subject lands and its impact upon surrounding uses is not unacceptably adverse. Finally, it is staff's opinion that a medical office is generally compatible with the surrounding area and contributes to the formation of a complete, walkable community.

4. Other comments:

4.1 Heritage

The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated properties.

4.2 Commenting agencies and departments

Comments from Building Services were not available at the time of writing this report.

Engineering Services has no objection to this application.

The Regional Municipality of York had advised of no comment on this application.

4.3 Effect of Public Input

No public input was received as of report deadline.

5. Conclusions:

The proposed use is defined by the zoning by-law, is not a "prohibited use" as per the applicable zoning by-law, forms part of a complete and walkable community, and represents good planning.

Respectfully submitted,



Adrian Cammaert, MCIP, RPP
Manager (Acting), Planning Services



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, September 23, 2020
 Time: 9:30 AM
 Location: Electronic VIA ZOOM
 See How to Login Guide

Members Present: Gino Vescio, Chair
 Seyedmohsen Alavi
 Peter Mertens
 Michelle Starnes

Members Absent: Elizabeth Lew
 Ken Smith

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

1. Notice

At this time, the Municipal Offices remain closed to the public. This meeting was available VIA ZOOM Meeting at 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

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

Mr. Sovig said that Shining Hill has recently purchased the lots on the north of their current development from Great Gulf Development. The purpose is to align the zoning for the newly acquired part lots to the Zoning Bylaw Amendment that was approved in 2018 and has undergone the planning process. Mr. Sovig has reviewed the public comments received. The minor variance application is only in relation to the newly acquired part lots and the Shining Hill development and no changes for the rest of the community. Mr. Sovig has no issue with the conditions on the Planning staff report.

Mr. Vescio asked a question in regard to lot coverage – relief is being requested to exceed the maximum lot coverage of 45% to have no maximum coverage on the property. Why is this necessary.

Mr. Sovig stated that smaller lots are dictated by setbacks – front yard, side yard, etc - which control the building envelope. Setbacks are in place to control the built form and massing.

Mr. Vescio asked if this meant that they were not able to build in the future.

Mr. Sovig re-stated that the setback controls the building envelope.

Ms. Starnes wanted to seek confirmation that the items on the agenda are to conform with what was previously approved.

Mr. Sovig stated that since the draft plan is not registered, they have to apply for the minor variances for the entirety of the lands.

Mr. Alavi would like clarification on the minimum building separation variance.

Mr. Sovig stated that the Ontario Building Code requirement of 3.0 metres is for two townhouse blocks which are facing each other. Single and semi-detached dwellings do not need 3.0 metres for their proposed built form.

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

Mr. Vescio asked if any members of the public wishes to speak.

Christine Bimbalas, 100 Kalinda Road, NEWMARKET, L3X 2Y9, ON, addressed the Committee as a concerned resident.

Ms. Bimbalas stated her concern that in the Notice of Application package received, one of the notices were missing (D13-A05-20 – 16250 Yonge Street Inc.).

Mr. Vescio asked if staff could comment on that.

Ms. Cho stated that notices were sent out and signs were posted on the property in accordance to the requirements of the Planning Act.

Ms. Bimbalas said that similar to the last Committee meeting, she would like the matter taken seriously about her concerns of receiving the notice package late and missing contents of the notices.

Mr. Vescio stated that her concerns were definitely taken seriously and that staff had provided their comment on it as well.

Ms. Bimbalas stated concerns with the proposed block next door, as the curb will be broken, vibrations, physical and other possible damages, and is currently having on-going conversations with staff at the Town about these concerns.

Mr. Vescio mentioned that any damage will be dealt by the developer.

Ms. Bimbalas stated that OZA has been on site to take photos. She has requested copies of these photos numerous times but was unsuccessful on receiving any.

Mr. Vescio said to inquire about the process with planning staff and that any damages to the property will be dealt with by applicants.

Mr. Vescio asked if there were any other members of the public wishing to speak. 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 September 23rd, 2020;
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated September 15th, 2020;
3. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated August 19th and 20th;

4. Email Correspondence from David Potter, Chief Building Official, dated August 19th, 2020;
5. Letter of Objection from Christine Bimbaldas, 100 Kalinda Road, dated August 26th, 2020;
6. Letter of Objection from Steve Di Mauro, 959 Oaktree Crescent, dated August 26th, 2020;
7. Letter of Objection from Dmitriy Kirillov, 957 Oaktree Crescent, dated August 26th, 2020; and,
8. Letter of Objection from Xiaoli Wang and Xiangcai Ren, 969 Oaktree Crescent, dated August 26th, 2020.

Moved by: Peter Mertens

Seconded by: Michelle Starnes

THAT Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, and D13-A09-20 be GRANTED, subject to the following conditions:

1. **That the variance pertains only to the request as submitted with the application; and that,**
2. **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

3.2 Minor Variance Application - D13-A06-20

Moved by: Peter Mertens

Seconded by: Michelle Starnes

THAT Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, and D13-A09-20 be GRANTED, subject to the following conditions:

- 1. That the variance pertains only to the request as submitted with the application; and that,**
- 2. 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

3.3 Minor Variance Application - D13-A07-20

Moved by: Peter Mertens

Seconded by: Michelle Starnes

THAT Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, and D13-A09-20 be GRANTED, subject to the following conditions:

- 1. That the variance pertains only to the request as submitted with the application; and that,**
- 2. 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

3.4 Minor Variance Application - D13-A08-20

Moved by: Peter Mertens

Seconded by: Michelle Starnes

THAT Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, and D13-A09-20 be GRANTED, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application; and that,
2. 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

3.5 Minor Variance Application - D13-A09-20

Moved by: Peter Mertens

Seconded by: Michelle Starnes

THAT Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, and D13-A09-20 be GRANTED, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application; and that,

2. **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

3.6 Minor Variance Application - D13-A13-20

Alexandra Aodesh, Four Seasons Sunrooms, 240 Viceroy Road, Unit 6, VAUGHAN, L4K 3N9, ON, addressed the Committee as the agent working on behalf of the owner.

Ms. Aodesh said that the proposal is to add a sunroom addition at the rear of the home. They require two variances – minimum rear yard setback of 5.81 metres instead of 7.5 metres and maximum lot coverage of 46.69% instead of 45%. It is a pretty straightforward application.

Mr. Vescio asked if they have had any discussions with neighbours regarding the application.

Ms. Aodesh said that they have mentioned the proposal to neighbours and have not received any concerns.

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

Mr. Vescio asked if any members of the public wishes to speak. 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 September 23rd, 2020;
2. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated September 16th, 2020;
3. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated September 15th, 2020; and,
4. Email Correspondence from David Potter, Chief Building Official, dated September 9th, 2020.

Moved by: Michelle Starnes

Seconded by: Seyedmohsen Alavi

THAT Minor Variance Application D13-A13-20 be GRANTED, subject to the following conditions:

1. **That the variance pertains only to the request as submitted with the application; and,**
2. **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-A14-20

Amirahmad Fathieh, 257 Plymouth Trail, NEWMARKET, L3Y 6G6, ON, addressed the Committee as the owner of the subject property.

Mr. Fathieh would like to request for a second unit in the basement. For that, they need to consider one of the parking spaces to be within the garage.

Mr. Vescio asked what is currently in the garage.

Mr. Fathieth said that there is nothing in the garage other than the two cars.

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

Mr. Vescio asked if any members of the public wishes to speak. 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 September 23rd, 2020;
2. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated September 16th;
3. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated September 15th, 2020; and,
4. Email Correspondence from David Potter, Chief Building Official, dated September 9th, 2020.

Moved by: Seyedmohsen Alavi

Seconded by: Peter Mertens

THAT Minor Variance Application D13-A14-20 be GRANTED, subject to the following conditions:

1. **That the variance pertains only to the request as submitted with the application; and,**
2. **That one space in the garage be reserved for the purpose of required parking and for no other use.**

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-A15-20

Hasan Adel, YEJ Studio and Consulting, 250 Shields Court, Unit 7, MARKHAM, L3R 9W7, ON, addressed the Committee as the agent working on behalf of the owner. Subhash Bhatia, 92 Memorial Gardens Way, NEWMARKET, L3X 3A7, ON, property owner, was also present.

Mr. Bhatia said that the application is to allow for a second basement unit.

Mr. Mertens asked how long the applicant has owned the house.

Mr. Bhatia said that he is the first owner since 2006 and currently resides in Adu Dhabi.

Mr. Mertens asked who will reside in the house if they get approval.

Mr. Bhatia said that the intent is for his son to live in the basement unit.

Mr. Mertens asked the applicant if his son was going to be responsible for what happens on the property. The Committee has received a letter of opposition that mentioned that there is currently no one present on the property to maintain it. He would like to know that the issues raised in the past will be dealt with.

Mr. Bhatia said that the house has always been occupied by a tenant - other than in certain instances. By having a second unit, there will always be someone there to take care of the property.

Mr. Vescio stated that for property maintenance, if property is not maintained, the municipality will go on-site and send in the necessary trucks and equipment for maintenance and do the necessary work and the bill will be added onto the property tax which can get quite expensive, but the Town has the authority to do so.

Mr. Bhatia stated that that will not be required but comment has been noted.

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

Mr. Vescio asked if any members of the public wishes to speak. 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 September 23rd, 2020;
2. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated September 16th;
3. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated September 15th, 2020;
4. Email Correspondence from David Potter, Chief Building Official, dated September 9th, 2020; and,
5. Letter of Opposition from David & Arlene Boulton, 90 Memorial Gardens Way, dated September 22nd, 2020

Moved by: Michelle Starnes

Seconded by: Seyedmohsen Alavi

THAT Minor Variance Application D13-A15-20 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.**

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.**

4. Approval of Minutes

THAT the Minutes of the Wednesday, August 26th, 2020 meeting be approved

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

Carried

5. Adjournment

The meeting adjourned at 10:10 a.m.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

Carried

Chair

Date