



# **Town of Newmarket**

## **Minutes**

### **Committee of Adjustment**

Date: Wednesday, October 21, 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, Planner  
Adrian Cammaert, Acting Manager of Planning Services

#### **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-A16-20**

Kyle Buckley, 599 Pearson Street, NEWMARKET, L3Y 1G4, ON, addressed the Committee as the owner of the subject property.

Mr. Buckley said that they were applying for a minor variance for lot coverage. Currently, the lot coverage is 25% for a 2-storey dwelling and they would like an additional 7% lot coverage to build a house that they think is suitable for the neighbourhood and fits the neighbourhood well.

Mr. Vescio asked if committee members had any questions.

Ms. Lew asked if the applicant was the owner of the property and if he had received any comments from neighbours.

Mr. Buckley said that he had received comments from neighbours regarding lot coverage and what it would do to the neighbourhood. Currently, neighbours look into their backyard and see a forested vacant lot so it is understandable that the proposed dwelling will change their view. However, he believes that dwelling will add value to their properties and the surrounding ones.

Mr. Smith asked if there were any houses in the neighbourhood with similar lot coverage.

Mr. Buckley said that the dwelling directly to the east (next door) has a lot coverage of 37%, and the dwelling at Queen Street and Lorne Avenue has a lot coverage of 47%.

Mr. Mertens asked if the applicant has gotten a chance to look at the peer review from the Town's Consulting Arborist, Urban Forest Innovations Inc.

Mr. Buckley said that he had an Arborist come out and conduct a report which identified trees that were dead and to be removed. His goal is to build something that suites the neighbourhood and leave as many mature trees as possible.

Mr. Mertens asked if the applicant was prepared to follow the ten (10) recommendations within the peer report.

Mr. Buckley said that would not be a problem. He can have his Arborist review and respond.

Mr. Mertens said that in the report, one of the conditions of the peer review mentions how to deal with trees in the forested area. He asked Town staff whether the applicant will be required to follow this.

Ms. Slattery said to ensure compliance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy, when UFI reviews the submitted Arborist Report, they require the applicant to address any comments before any building permits are issued.

Mr. Mertens asked when the Interim Control By-law (ICBL) is expected to be lifted.

Ms. Slattery said the ICBL is expected to be lifted by January 2021. The applicant would not be able to apply for any building permits prior to the ICBL being lifted.

Mr. Alavi identified three concerns that he had: 1) Property is subject to ICBL, 2) Tree preservation, and 3) domino effect. As such, the application should not be approved based on these three factors.

Ms. Slattery responded saying that there is a limitation on getting a building permit and anyone is allowed to apply for a planning application. The application was reviewed based on the current Zoning By-law in effect. This would be the case until the new Zoning By-law policies come into place as a result of the Established Neighbourhood Study.

Mr. Vescio stated that a lot of properties have a maximum lot coverage of 35%. He asked why the lot coverage is 35% in some areas while lot coverage is 25% in others.

Ms. Slattery said that it depends on the zone standard and for areas zoned R1-D, exception 119, it breaks it down by storeys to control the massing of the dwelling on the property.

Mr. Vescio asked whether the Established Neighbourhood Study was proposing an increase of lot coverage from 25% to 35%.

Ms. Slattery said that there may be some instances in Town, but for this lot, the intent is for the lot coverage to remain the same at 25%.

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

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

Glen Letman, 71 Forest Glen Road, NEWMARKET, L3Y 4N2, ON, addressed the Committee as a concerned neighbour.

Mr. Letman said that his property is located northwest of the subject property. His primary concern is the lot coverage as it will increase mass

and scaling at the rear. He did not have major issues with the lot development, but said that the existing criteria should be followed. He would like to see development that is proposed to be compatible with the lots in the area. He also had concerns with vegetation on the lot. The Arborist report provided an inventory but did not identify the impact of the lot coverage. There were no recommendations on what the increase of the approximately 500 sq. feet would have on the mature vegetation of the property. There was also no mention of the impact from grading on the existing vegetation.

Mr. Vescio asked if anyone had any questions for Mr. Letman. There were none.

Mr. Vescio asked if there were any other members of the public wishing to speak. There were no more speakers.

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 October 21<sup>st</sup>, 2020;
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated October 7<sup>th</sup>, 2020;
3. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated October 9<sup>th</sup>;
4. Report from Urban Forest Innovations Inc., dated October 16, 2020;
5. Letter of Opposition from Thora Hunter, 294 Woodland Court, NEWMARKET, L3Y 2J7, ON, dated October 19<sup>th</sup>, 2020;
6. Letter of Opposition from Gary Bondi, 325 Queen Street, NEWMARKET, L3Y 2G5, ON, dated October 20<sup>th</sup>, 2020; and,
7. Letter of Objection from Glen Letman, 71 Forest Glen Road, NEWMARKET, L3Y 4N2, ON, dated October 19<sup>th</sup> and October 29<sup>th</sup>, 2020.

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

Mr. Vescio said that with respect to the application, there are certain properties in the community that are two-storey dwellings that exceed the 25% lot coverage, and even single-storey dwellings that have a lot

coverage of 35% as permitted. For example, 305 Queen Street is a single-storey dwelling that exceeds the lot coverage to 47%. He does not find that the request is unreasonable as excess lot coverage is not unheard of in his experience. Also, this is a fairly large lot that has excess front lot and rear yard setback.

Moved by: Ken Smith

Seconded by: Peter Mertens

**THAT Minor Variance Application D13-A16-20 be GRANTED, subject to the following conditions:**

- 1. That the variance pertains only to the request as submitted with the application;**
- 2. That the applicant be advised that prior to 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.**

**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-A17-20**

Stepan Sukiasyan, 200 Town Centre Boulevard, MARKHAM, L3R 8G5, ON, addressed the Committee as the agent working on behalf of the owner.

Mr. Sukiasyan said that the existing house is pretty close to the maximum lot coverage of 35%. They are proposing a covered heated porch which increases the lot coverage to 36.4%. This is a minor increase and straightforward application.

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 October 21<sup>st</sup>, 2020;
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated October 7<sup>th</sup>, 2020;
3. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated October 9<sup>th</sup>; and,
4. Letter of Support from Lisa Gao, 516 Bristol Road, NEWMARKET, L3Y 6P8, ON dated October 11<sup>th</sup>, 2020.

Moved by: Seyedmohsen Alavi

Seconded by: Peter Mertens

**THAT Minor Variance Application D13-A17-20 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**

### **3.3 Minor Variance Application - D13-A18-20**

Sean Payne and Stephanie Soave, 56 Ochalski Road, AURORA, L4G 7J3, ON, addressed the Committee as the agents working on behalf of the owner.

Mr. Payne said that they were requesting a deferral of the application. They found out last night that there were some legal verbiage that the Town's lawyer had concerns about. The request may or may not be allowed to proceed through a minor variance. This will need to be reviewed further by the applicant's lawyer.

Mr. Vescio asked the applicants for a deferral timeline.

Mr. Payne suggested that the item be deferred to the Committee of Adjustment meeting scheduled for December 9.

While in discussion for the next item, Michelle Teti, 555 Priddle Road, NEWMARKET, L3X 1X8, ON, addressed the Committee as a concerned neighbour.

Ms. Teti would like to know what kind of medical use(s) will be proposed and had some parking concerns.

Mr. Vescio notified Ms. Teti that the item had been deferred and can reach out to Town staff to discuss.

Moved by: Ken Smith

Seconded by: Peter Mertens

**THAT Minor Variance Application D13-A18-20 be DEFERRED.**

**Carried**

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

Moved by: Seyedmohsen Alavi

Seconded by: Peter Mertens

**THAT the Minutes of the Wednesday, September 23<sup>rd</sup>, 2020 meeting be approved.**

**Carried**

**5. Adjournment**

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

**THAT the Meeting adjourn at 10:11 a.m.**

**Carried**

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Chair

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Date