



# Town of Newmarket

## Agenda

### Committee of Adjustment

Date: Wednesday, December 9, 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](http://newmarket.ca/meetings).

#### 2. Conflict of Interest Declarations

#### 3. Appeals

#### 4. Items

##### 4.1. Deferred Applications

##### 4.1.1. Minor Variance Application - D13-A18-20

1

SYBAN INDUSTRIES LIMITED

Part Lot 93, Concession 1, Part 1, Plan 65R14981

17080 Bathurst Street

Purpose: To deter the application an additional time.

##### 4.2. Minor Variance Application - D13-A21-20

2

BORNBAUM, Maureen

Lot 37 Plan 314

733 Arthur Street

##### 4.3. Minor Variance Application - D13-A22-20

5

SHIP, Catherine and SHIP, Montgomery

Part Block A Plan 127

788 Allan Avenue

4.4. Minor Variance Application - D13-A23-20

9

JIMSGATE INC.

Part Lot 28 PLAN 81

209 Main Street South

5. **Approval of Minutes**

14

Minutes of the regular Meeting of Committee held on Wednesday,  
November 18, 2020.

6. **Adjournment**

Date: November 23 2020

Request for Deferral of Committee of Adjustment Meeting  
Re: 17080 Bathurst St – Syban Industries Ltd.

Hello,

Please accept this formal request on behalf of Syban Industries Ltd at 17080 Bathurst Street.

This request is to ask for the Minor Variance Application for the above noted property be deferred from the November 2020 Committee of Adjustment Meeting be moved to the January 2021 Committee of Adjustment Meeting.

We will require more time with our legal team to prepare for the meeting.

Kindly confirm receipt of this request.

Best Regards,

Stephanie Soave and Sean Payne  
Real Estate Representatives  
Representing Applicant: Syban Industries Ltd.



## PLANNING AND BUILDING SERVICES

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### Planning Report

To: Committee of Adjustment

From: Casey Blakely  
Senior Planner

Date: December 2, 2020

Re: Application for Minor Variance D13-A21-2020  
733 Arthur Street  
Lot 37, Plan 314  
Town of Newmarket  
Made by: BORNBAUM, Maureen

#### 1. Recommendations:

That Minor Variance Application D13-A21-2020 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application; and,
- ii. That the reduction in rear yard setback from 7.5 metres to 0 metres applies only to the area of the proposed new garage; and,
- iii. That the applicant apply for and receive a Site Alteration Permit from Engineering Services.

#### 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 vary the rear yard setback to permit the construction of a new enlarged detached garage. The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	4.2	To provide a 7.5 metre rear yard setback	To provide a 0 metre rear yard setback for a proposed reconstructed and larger garage

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, south of Srigley Street and east of Muriel Street. There is an existing single-detached residence and detached garage on the subject lands and it is abutted by similar single-detached homes.

#### 3. Planning considerations:

The applicant is requesting relief from the By-law in order to permit a reduction in the rear yard setback to from 7.5 metres to 0 metres in order to facilitate the demolition of the existing garage and construction of a new larger garage. The existing garage has been there prior to the Bylaw being in affect and currently has a 0 metre rear yard. As such a variance is required to recognize a further 0 metre setback and to

allow the new garage to be maintain the same placement in relation to the rear lot line as the existing garage

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:

#### **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:

One of the objectives of the Stable Residential Area policies is to:

- a. sustain and enhance the character and identity of existing residential communities

This designation permits, among other uses, single-detached dwellings and accessory buildings, subject to the provisions of the Zoning Bylaw.

The application is found to conform to the Official Plan and therefore this test is met.

#### **Conformity with the general intent of the Zoning By-law**

The subject lands are zoned Residential Detached Dwelling Exception 119 (R1-D-119) by By-law 2010-40, as amended. Single-detached dwellings and accessory buildings are permitted uses in this zone.

Section 4.2 of the Zoning By-law sets out the standards for accessory buildings and structures. This Section states that an accessory structure requires a 7.5 metre rear yard setback.

The general intent of the By-law is to permit a single detached dwelling and an accessory building in accordance with the provisions of the bylaw. In this case, the applicant's existing detached garage currently has a 0 metre setback. The reconstruction of a slightly larger garage meets the general intent of the zoning by-law and it is staff's opinion that this test is met.

#### **Desirable for the appropriate development of the land**

The variance is considered desirable for the development and the use of the land. The 0m rear yard setback is an existing situation, and there are a number of accessory buildings in the neighbourhood that appear to have a reduced or nil rear yard setback. As such, this variance is in keeping with the surrounding area.

#### **Minor nature of the variance**

The impact of the proposed variance appears to be minimal as the existing garage currently has a 0m rear yard setback. The new garage will be slightly larger and proposes to continue the 0m setback further along the rear yard. A review of Arial photography of the area shows several other garages in the neighbourhood at or close to the rear property line.

In consideration of the above, the proposed variance is deemed to meet the four tests of a Minor Variance under the Planning Act and is recommended to be approved subject to conditions.

#### **4. Other comments:**

## **Heritage**

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

## **Commenting agencies and departments**

The Chief Building Official has no objection to this application subject to compliance with the Building Code for protection of the exposed building face and other external building elements. No part of the structure including foundations or roof are to encroach on abutting property. Roof drainage plan, shoring details and construction plan indicating how the work will be performed so it does not adversely affect the adjacent property, will be required at time of Building Permit application.

Engineering Services has no objection to the application, subject to the work not in any way affecting land drainage or slope stability of abutting sites. It is noted that the work outlined in the application would require a Site Alteration Permit from Engineering Services. The applicant should ensure all required documentation outlined in Site Alteration Bylaw 2016-58 is submitted with their application.

The Regional Municipality of York has no objection to this application.

## **Effect of Public Input**

No public input was received as of the date of writing 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,

Casey Blakely, MCIP, RPP  
Senior Planner, Development


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**Planning Report**

TO: Committee of Adjustment

FROM: Meghan White  
Senior Planner

DATE: December 3, 2020

RE: Application for Minor Variance **D13-A22-20**  
788 Allan Ave  
Made by: SHIP, Catherine and SHIP, Montgomery

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**1. Recommendations:**

That Minor Variance Application D13-A22-20 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application; and
- ii. That the development be substantially in accordance with the information and sketch 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, in order to permit a swimming pool to be located in a side yard while the by-law normally requires pools to be located in the rear yard.

The owner is also requesting relief from Zoning By-law Number 2010-40 as amended, in order to permit a deck to have a setback of 2.74 metres from the rear lot line, whereas the By-law requires a 3.9 metre setback from a rear lot line.

The above-described property (herein referred to as the “subject lands”) is located in a residential neighbourhood along Allan Avenue (an east/west street) where it intersects with Maple Street (a north/south street). This context results in a fairly unique lot configuration involving an east side yard that has no street frontage. The subject lands contain a single detached dwelling and are surrounded by similar single detached dwellings.

**3. Planning considerations:**

The applicant is requesting relief from the By-law in order to allow a pool to be located in the side yard. Due to the layout of the lot, the largest open space is located to the side of the structure, which is by definition a side yard in Zoning By-law 2010-40. Zoning By-law 2010-40, as amended, only permits pools in rear yards.

The applicant is also requesting relief from the By-law to permit the deck which surrounds the pool to have a setback of 2.74 metres from the rear lot line, whereas the By-law requires a 3.9 metre setback for a deck. Each relief requested is presented below:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	4.4	Pools may only be located in the rear yard	To permit a pool in the side yard
2	2010-40	4.2	A deck over 0.6m above grade, may encroach 3.6m into the required rear yard. In this case the rear yard setback is 7.5m with a maximum encroachment of 3.6m thus 3.9m would be the rear yard setback.	To allow the deck to have a rear yard setback of 2.74m

In order to authorize a variance, Committee must be satisfied that the requested variances individually and cumulatively pass 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. The objectives of the designation are to provide for a range of residential accommodation by housing type, tenure, size, location and price ranges to help satisfy the Town’s housing needs; and to encourage the provision for a range of innovative and affordable housing types, zoning standards and subdivision designs.

This designation permits single detached dwellings, and allows for accessory structures and buildings normally associated with residential uses. This test is met.

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

The subject lands are zoned Residential Detached Dwelling 15m Zone (R1-D) by Zoning By-law 2010-40, as amended. A single detached dwelling is a permitted use in this zone, as are pools and decks, subject to certain policies.

The general intent of requiring pools to be located in the rear yard rather than side yards is to set them back from the public street and from abutting dwellings to an area that may be considered more private or less likely to generate noise. In this case, the proposed pool location is the principal open space of the subject lands and is well set back from the street, largely due to the lot’s unique context. The proposed location also maintains a side yard setback to the pool that meets the requirement of Zoning By-law 2010-40. This test is met.



The general intent of setbacks are to ensure that the use of a property does not infringe on the rights of neighbours, and to allow sufficient space for light, sunshine, stormwater run-off, and movement around the home. In the case of the subject lands, the deck will be 1.16 metres closer to the rear lot line than a structure normally would be. However, the proposed reduced setback appears to maintain a functional space and distance from the lot line that is sufficient for stormwater runoff and yard maintenance. In addition, the portion of the rear yard abuts a Town owned green space; as such impacts to neighbours are not anticipated. This test is met.

### **3.3 Desirable development of the lot**

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 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**

The test of whether a variance is minor in nature is not simply an evaluation of the numerical value, nor is impact the sole determining factor. As the proposed variance recognizes a unique context and lot configuration, and allows for it to be arranged in a manner that suits the owner without likely negative impact to others, this test is met.

In consideration of the above, the proposed variances are deemed to meet the four tests under the *Planning Act* and are recommended to be approved, subject to conditions.

## **4. Other comments:**

### **4.1 Tree Protection**

The applicant has submitted a tree report, at the time of writing the Town's Consulting Arborist had not responded.

### **4.2 Cultural Heritage**

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

### **4.3 Effect of public input**

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

#### **4.4 Interim Control By-law**

On January 21<sup>st</sup>, 2019 Council adopted an Interim Control By-law under Section 38 of the *Planning Act*. The Interim Control By-law limits the ability to increase the floor area or height of residential dwellings throughout its study area, which includes the lands subject to this minor variance application. The Interim Control By-law does not prohibit residential accessory uses and structures and as such has no bearing on this application.

#### **4.5 Commenting agencies and departments**

Building Services has no comments on the application.

Engineering Services has no objection to the application.

The Regional Municipality of York has no comment on the application.

The Lake Simcoe Region Conservation Authority recommends approval of the application. The applicant has obtained the necessary permit from LSRCA.

#### **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,



Meghan White, MCIP RPP  
Senior Planner, Development



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### Planning Report

To: Committee of Adjustment

From: Meghan White  
Senior Planner

Date: December 4, 2020

Re: Application for Minor Variance D13-A23-2020  
209 Main Street South  
Town of Newmarket  
Made by: Jimsgate Inc.

#### 1. Recommendations:

That Minor Variance Application D13-A23-2020 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application; and
- ii. That the development be substantially in accordance with the information and sketch 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 2010-40 as amended, to permit the rear first-storey deck to have a solid roof and privacy screening up to 3.2 metres in height, whereas the By-law defines a deck as a platform with no solid roof or walls and privacy screening up to 2.0 metres in height.

Relief is also being requested to permit the rear deck on the second-storey with privacy screening up to 3.2 metres in height, whereas the By-law defines a deck as a platform which is constructed on piers or a foundation above finished grade adjacent to a ground floor or walkout basement wall and privacy screening up to 2.0 metres in height. Each relief requested is presented below:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	3 Definition of a Deck	A deck is defined as: a platform, with no solid roof or walls, which is constructed on piers or a foundation above finished grade adjacent to a ground floor or walkout basement wall, is used as an outdoor living area, and shall include stairs and privacy screening up to 2.0 metres in height measured from the deck floor to the	To allow a deck to mean: a rear first-storey deck with a solid roof and privacy screening up to 3.2 metres in height.

Relief	By-law	Section	Requirement	Proposed
			highest part of the privacy screen including any ornamental features.	
2	2010-403	Definition of a Deck	A deck is defined as: a platform, with no solid roof or walls, which is constructed on piers or a foundation above finished grade adjacent to a ground floor or walkout basement wall, is used as an outdoor living area, and shall include stairs and privacy screening up to 2.0 metres in height measured from the deck floor to the highest part of the privacy screen including any ornamental features.	To allow a deck to mean: a rear deck on the second-storey with privacy screening up to 3.2m in height.

Attached as Schedule A is a sketch illustrating the proposal and required variances.

The above-described property (herein referred to as the “subject lands”) is located in the commercial district of downtown Newmarket, which is also a Heritage Conservation District. The area is primarily commercial with ancillary residential uses. The existing building contains a commercial use (restaurant) and an apartment on the second floor.

### 3. Planning considerations:

The applicant is requesting relief from the By-law in order to construct two decks on the rear of the building. The Zoning By-law describes decks in a very particular manner that fits best with low density residential types of structures. In this case, the owner wishes to construct two decks on the rear of a mixed use (commercial/residential) building, one to be used as outdoor dining space for the restaurant and one for the residential apartment on the top floor, as such a variance is required to redefine what is considered a deck.

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:

#### **Conformity with the general intent of the Official Plan**

The subject lands are designated “Historic Downtown Centre” in the Town’s Official Plan. This designation permits a range of commercial uses and some residential uses. Regarding this designation, the Town’s Official Plan states:

It is the intent of the Official Plan that the Historic Downtown Centre should be the heart of historic Newmarket and the cultural and community focus of the Town. One of the Plan’s primary goals is to revitalize the Historic Downtown. Appropriate developments in the Historic Downtown Centre will help facilitate the achievement of all of the Plan’s strategic directions. The rich history of the area will be protected and enhanced.

This designation permits, among other uses, a variety of commercial uses including restaurants and residential uses.

Permitting the continued enhancement of the building on the subject lands and expanding the commercial and residential uses on the property meets the intent of the Official Plan.

The application is found to conform to the Official Plan and therefore this test is met.

### **Conformity with the general intent of the Zoning By-law**

The subject lands are zoned Historic Downtown Urban Centre Zone (UC-D1) by By-law 2010-40, as amended. Restaurants and residential apartments are permitted uses in this zone.

Section 3 of the Zoning By-law defines the terms and uses of the Zoning By-law. This Section sets out a definition of a deck as outlined in the chart above. Definitions are provided in the Zoning By-law to set consistent interpretations. In order to use the Zoning By-law and apply the standards and rules contained therein, a structure must fit a defined term in order to know if it is permitted and which standards to apply. Occasionally a structure does not fit within the strict limits of a defined term and in such instances a variance is required to permit the structure. In this case, the By-law generally considers decks as structures that are close to the ground in a purely residential setting, however it is also possible that a commercial structure requires an accessory outdoor space that would generally be considered a deck in the common term. The proposed stacked decks (one being covered deck and the other adjacent to a second level) do not meet the By-law's definition of a deck.

The general intent of the definitions of the Zoning By-law is to understand how to interpret the By-law and know which standards to apply. In this case, the structures meet the standards of the UC-D1 zone, therefore altering the definition slightly on a site-specific basis in this instance will not cause confusion regarding which standards to apply.

The general intent of the Zoning By-law is to permit decks as accessory to permitted uses such that property owners (and tenants) can have outdoor amenity spaces without negatively impacting neighbours. The proposed structures are outdoor amenity spaces for a restaurant and an apartment on a second storey. They are located within a commercial area of town and comply with the setbacks of the UC-D1 Zone. Therefore they meet the general intent of the Zoning By-law. This test is met.

### **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 owner to arrange the property to suit their needs, enjoy outdoor amenity space without significant impact to neighbours or the community, and contributes to the further revitalization of the Historic Downtown, the variance is desirable for the appropriate development of the lot. This test is met.

### **Minor nature of the variance**

The test of whether a variance is minor in nature is not simply an evaluation of the numerical value, nor is impact the sole determining factor. As the proposed variances seek to establish a recognized and accepted structure (deck, albeit with varied elements), in an area where similar uses exist (patios), negative impacts to others are not anticipated. This test is met.

In consideration of the above, the proposed variances are deemed to meet the four tests under the Planning Act and are recommended to be approved subject to conditions.

#### **4. Other comments:**

##### **Cultural Heritage**

The property is located within the Lower Main Street Heritage Conservation District. The applicants submitted a Heritage Memorandum prepared by Mr. Wayne Morgan, Heritage Planner. Mr. Morgan advises that the proposed structures do not adversely affect either the heritage features of the adjacent heritage buildings or the Cedar Street character of the District. Planning Staff concur there is no adverse heritage impact to this building or the overall character of the District.

##### **Commenting agencies and departments**

The Chief Building Official has no objection to this application subject to compliance with Building Code.

Lower Main Street South Heritage Conservation District Advisory Group has issued a heritage permit for the proposed changes.

Engineering Services has no objection to this application.

Regional Municipality of York has no comments on this application.

##### **Effect of Public Input**

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

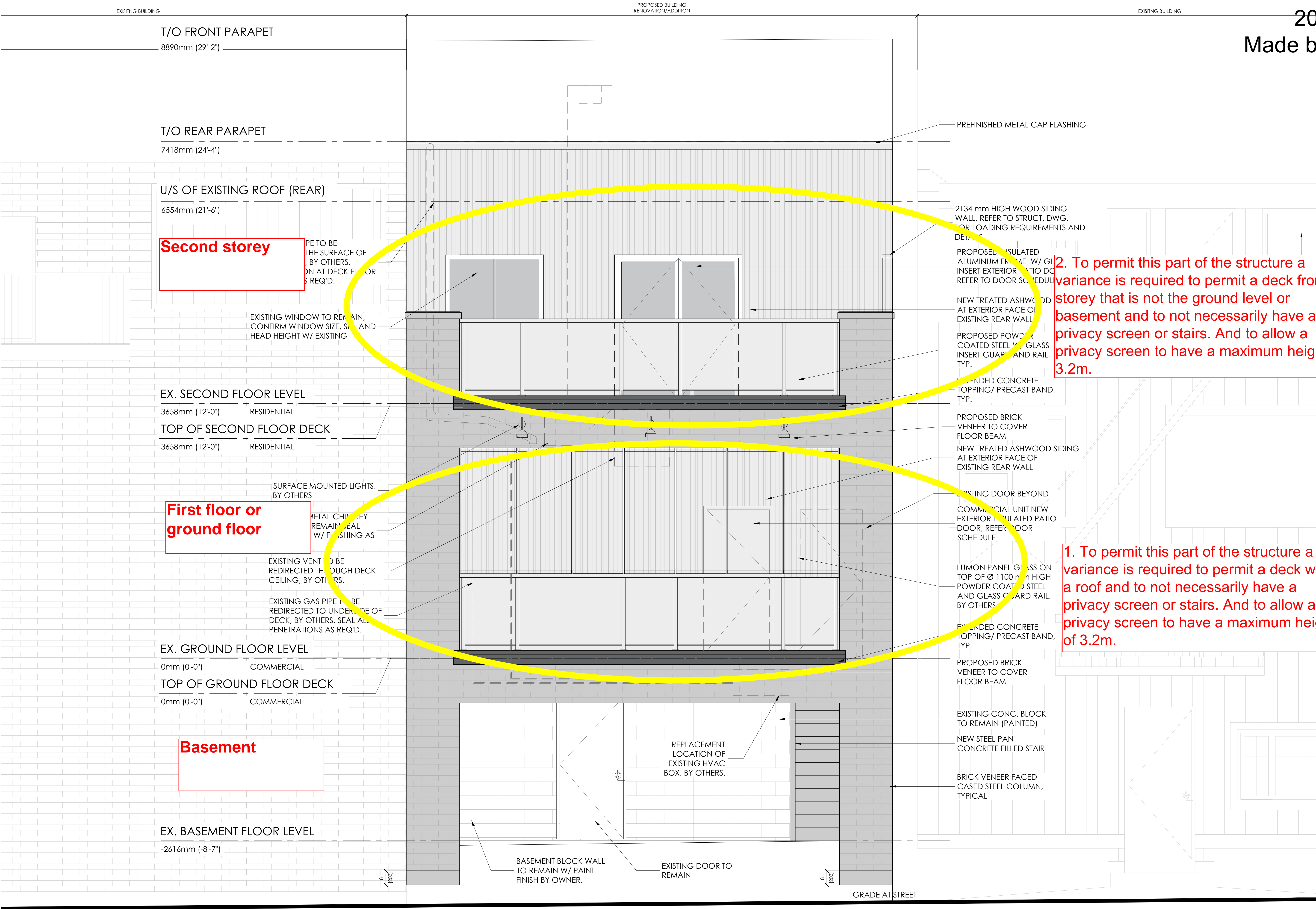
Respectfully submitted,

  
Meghan White, MCIP RPP  
Senior Planner, Development



Schedule A

Staff Report for Application Minor  
Variance D13-A23-20  
209 Main Street S  
Made by: Jimsgate Inc.



2. To permit this part of the structure a variance is required to permit a deck from a storey that is not the ground level or basement and to not necessarily have a privacy screen or stairs. And to allow a privacy screen to have a maximum height of 3.2m.

1. To permit this part of the structure a variance is required to permit a deck with a roof and to not necessarily have a privacy screen or stairs. And to allow a privacy screen to have a maximum height of 3.2m.

7.	20.09.23	FOR PERMIT
6.	20.09.08	FOR REVIEW
5.	20.07.27	FOR HERITAGE PERMIT
4.	20.07.07	FOR COORDINATION
3.	20.06.29	FOR REVIEW
2.	20.06.24	SCHEMATIC DWG.
1.	20.06.23	SCHEMATIC DWG.
NO.	DATE	REVISION

IT IS THE RESPONSIBILITY OF THE APPROPRIATE CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE AND REPORT ALL ERRORS AND OR OMISSIONS TO THE ARCHITECT.

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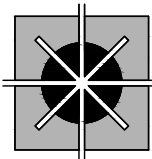
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CLIENT  
**JIMSGATE INC.**

**CSPACE**  
ARCHITECTURE



5B-8841 GEORGE BOLTON PKWY  
BOLTON, ONT. L7E 2X8  
647.588.1784  
info@cspace.ca

PROJECT  
PROPOSED RENOVATION AND REAR YARD DECK ADDITION

209 MAIN STREET SOUTH,  
NEWMARKET, ON

DRAWING TITLE  
**EAST ELEVATION**

SCALE  
AS NOTED

PROJECT NO.  
20.162

DRAWN BY  
MAH

APPROVED  
CCP

DATE  
20.06.04

DRAWING NO.  
**A302**



# Town of Newmarket

## Minutes

### Committee of Adjustment

Date: Wednesday, November 18, 2020  
 Time: 9:00 AM  
 Location: Electronic VIA ZOOM  
 See How to Login Guide

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

Members Absent: Ken Smith  
 Michelle Starnes

Staff Present: Patricia Cho, Secretary-Treasurer  
 Casey Blakely, Senior 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](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. Appeals

There were no appeals received for the applications considered by the Committee at the previous meeting.

#### 4. Items



#### **4.1 Minor Variance Application - D13-A19-20**

Nicole Rogano, Soscia Professional Engineers Inc., 10376 Yonge Street, Suite 307, RICHMOND HILL, L4C 3B8, ON, addressed the Committee as the agent working on behalf of the owner.

Ms. Rogano would like to discuss a few items of concern from the planning staff report. First was in regard to traffic. It was mentioned that garages were typically not to be located in the rear yard. However, the proposal allows enough clearance space between the existing home and proposed garage for maintenance and there is no traffic along the lot line directly. The adjacent neighbour to the south is in support of application and has no concerns, but if concerns do arise, the owners are in contact with one another and could work to resolve it. Second was the concern about drainage. Through the building permit process, all water is to be contained within the property line and boundaries, and the eavestrough and downspout water collection will be used for their own vegetation. Thirdly, the large garage size is proposed to accommodate vehicles or trailers the owner has to maintain security of the vehicles and for snow storage. Lastly, the arborist report recommends compensation for the removal of the black walnut tree as it is in poor condition and they would be happy to comply.

Mr. Vescio asked if committee members had any questions.

Mr. Alavi asked the applicant for the reasoning for their request to reduce the side yard setback from 1.2m to 0.61m.

Ms. Rogano said the setback is required for the proposed specific door location of the garage to allow for better access to the garage itself to where the existing driveway is.

Mr. Mertens asked if the owners had any discussions with neighbours.

Ms. Rogano said the neighbours are fully aware of the application and has not stated any concerns but would be happy to work with them if there were any appeals.

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. Mertens asked if staff would like to provide any additional information based on the presentation from the applicant today.

Ms. Blakely said that the Committee should consider the staff report and recommendation and take into consideration the precedent that this could possibly set for the future.

Mr. Vescio stated that there were no more speakers.

While in Committee, Mr. Alavi said that he had concerns with the application as it would set a precedent for future proposals.

Mr. Vescio mentioned his concerns with the application was that the reduced setback would limit the ability for maintenance. The proposed total depth of the garage is uncommon and the size is close to or exceeding the size of the dwelling itself.

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

1. Report from Alannah Slattery, Planner, dated November 18<sup>th</sup>, 2020;
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated November 6<sup>th</sup>, 2020;
3. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated November 6<sup>th</sup>, 2020;
4. Email Correspondence from David Potter, Chief Building Official, Building Services dated November 4<sup>th</sup>, 2020, and;
5. Arborist Peer Review from Urban Forest Innovations Inc., dated October 30<sup>th</sup>, 2020.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

**THAT Minor Variance Application D13-A19-20 be DENIED,**

**As based on the evidence before it, the Committee concludes that the Minor Variance does not conform to the four tests as required by the Planning Act.**

Carried

#### 4.2 Minor Variance Application - D13-A20-20

Mehri Darban, Sabat Architect Inc., 520 Steeles Avenue West, Unit 103, VAUGHAN, L4J 0H2, ON., addressed the Committee as the agent working on behalf of the owner and Jalal Seifihessar, 45 Ashton Road, NEWMARKET, L3Y 5R6, ON., addressed the Committee as the owner of the subject property.

Ms. Darban said that the owner applied for an accessory dwelling unit at 45 Ashton Road. As per the Zoning By-law, they need to provide three exterior parking spots but currently cannot. The owners are able to provide two exterior parking spaces and two interior parking spaces in the garage. This morning, they received two letters of opposition and the applicant would like to address some of their concerns. There was a concern that the neighbourhood would be crowded with cars. However, the proposal is for parking to be in the garage. Ms. Darban also mentioned that an accessory dwelling unit is a permitted use within the R1-D zoning.

Mr. Vescio asked if committee members had any other questions.

Ms. Lew asked if the owner is aware that they are to keep the garage empty for parking only.

Ms. Darban said the owner is aware and the garage is currently empty.

Mr. Seifihessar said he would like to address the other concerns in the letters of opposition. There was concern about the decrease in property values in the neighbourhood with a rental being added. However, it would be the opposite, as there would be more value when adding a rental property. Also, neighbours are concerned that there would be more people in the neighbourhood and more traffic. However, the accessory dwelling unit would not take any on-street parking spots.

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.

Brian Brussell, 49 Ashton Road, NEWMARKET, L3Y 5R6, ON., addressed the Committee as a concerned neighbour.

Mr. Brussell said he lives directly adjacent to the house being discussed. Mr. Brussell has concerns with the home turning into a dual family

dwelling as it runs the risk of the current owner moving out and having a whole rental property beside them. Mr. Brussell also questioned who will maintain the property if it becomes a fully rental property. Another concern was that property value would go down if it turns into a completely rental property. He also mentioned about the fact that more single dwelling homes in the neighbourhood are becoming rentals. Also, they live on a quiet street and it is a no parking zone prior to 45 Ashton Road and begins at the edge of their property, so the concern is that more people would lead to more vehicles which turns into more demand for on-street parking. Mr. Brussell has spoken with other neighbours and they are in agreement with his concerns. Also, when looking at the proposed drawing, the stairwell to accessory dwelling unit will be along the side to his dwelling.

Mr. Vescio asked if there were any other members of the public wishing to speak. There were none.

Mr. Vescio stated that there were no more speakers.

While in Committee, Mr. Alavi explained that according to the Planning Act, through the Official Plan and Zoning By-law, these documents were supportive of affordable and rental units and accessory dwelling units are a permitted use. There is no concern with approval when considering the legislative frameworks.

Mr. Vescio said that the use itself is permitted and discussion is for the parking variance and whether variances are being in keeping with the four tests.

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

1. Report from Alannah Slattery, Planner, dated November 18<sup>th</sup>, 2020;
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated November 6<sup>th</sup>, 2020;
3. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated November 6<sup>th</sup>, 2020;
4. Email Correspondence from David Potter, Chief Building Official, Building Services dated November 4<sup>th</sup>, 2020;
5. Letter of Opposition from Eric Aapro and Ulrike Koehler, 41 Ashton Road, NEWMARKET, L3Y 5R6, ON, dated November 17<sup>th</sup>, 2020; and,

6. Letter of Opposition from Brian Russell, 49 Ashton Road,  
NEWMARKET, L3Y 5R6, ON, dated November 17<sup>th</sup>, 2020.

Moved by: Seyedmohsen Alavi

Seconded by: Elizabeth Lew

**THAT Minor Variance Application D13-A20-20 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**

## **5. Approval of 2021 Schedule**

The 2021 Hearing Schedule was placed before the Committee for consideration.

Moved by: Elizabeth Lew

Seconded by: Peter Mertens

**THAT the 2021 Hearing Schedule be approved.**

**Carried**

## **6. Approval of Minutes**

The Minutes of the meeting held on Wednesday, October 21<sup>st</sup>, 2020 were placed before the Committee for consideration.

Moved by: Elizabeth Lew

Seconded by: Seyedmohsen Alavi

**THAT the Minutes of the Wednesday, October 21<sup>st</sup>, 2020 meeting be approved.**

**Carried**

**7. Adjournment**

Moved by: Peter Mertens

Seconded by: Elizabeth Lew

**THAT the Meeting adjourned at 10:09 a.m.**

**Carried**

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Chair

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Date