



Town of Newmarket

Agenda

Committee of Adjustment

Date: Wednesday, January 20, 2021
Time: 9:30 AM
Location: Electronic VIA ZOOM
See How to Login Guide

Pages

1. Notice

1

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. Appeals

Nil

4. Items

4.1. Minor Variance Application - D13-A18-20

4

Syban Industries Limited

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

17080 Bathurst Street

Purpose: The applicant has requested a withdrawal of their application

4.2. Minor Variance Application - D13-A24-20

5

Montasseri, Korosh

Lot 134 PLAN M68

258 Plymouth Trail

Recommendation: That Minor Variance Application D13-A26-20 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 and drawing submitted with the application; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

4.3. Minor Variance Application - D13-A25-20

15

Davis Drive 404 Retail GP Inc.

Part Lot 35, Concession 3, Parts 1-3, PLAN 65R38559

1240 Twinney Drive

Recommendation: That Minor Variance Application D13-A25-2020 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application, specifically that the accessory use of a motor vehicle service station is limited to one (1) gas bar; and
2. That the development be substantially in accordance with the information and sketch submitted with the application.

4.4. Minor Variance Application D13-A26-20

25

Asgari, Pouya, and Charkhinejad, Tina

Lot 47 PLAN 65M2734

334 Savage Road

Recommendation: That Minor Variance Application D13-A26-2020 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application; and
2. That one space in the garage be reserved for the purpose of required parking and for no other use; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

5. Approval of Minutes

5.1. December 9, 2020

32

Recommendation: That the Minutes of the December 9th, 2020 meeting be approved.

6. Committee Appointments

6.1. Secretary-Treasurer

Recommendation: That the Committee appoint Devon Morton as Secretary-Treasurer

6.2. Alternate Secretary-Treasurer

Recommendation: That the Committee appoint Patricia Cho as Alternate Secretary-Treasurer

7. Adjournment

Town of Newmarket

How to attend an Electronic Advisory Committee or Board Meeting

As all Town facilities remain closed to the public, members of the public can attend an electronic Advisory Committee or Board Meeting by joining through ZOOM.

These instructions are for the public and not Committee or Board Members. **The public will join in “listen only” mode (as an “Attendee”).**

Meeting: Committee of Adjustment
Date: Wednesday, January 20, 2021 at 9:30 AM
Location: Electronic VIA ZOOM Meeting

How to Join the Meeting by laptop, tablet, iPad, phone or computer:

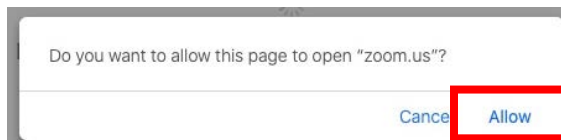
1

Click the link to the ZOOM Meeting below:

<https://townofnewmarket.zoom.us/j/93005774368?pwd=bzB5aW9xbFE3ZzlZQVIBRXVnRWVxUT09>

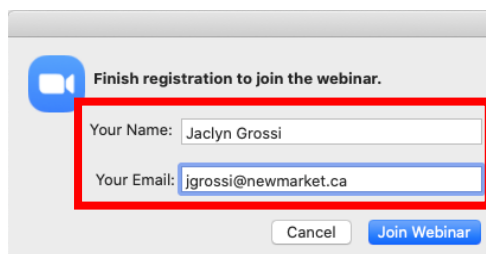
2

The link will open in your browser and the following pop-up will appear, click “Allow”



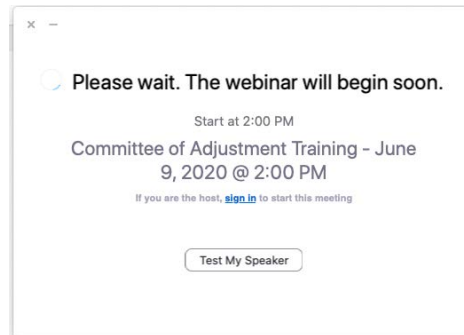
3

Type your First and Last name into the “Your Name” field and type your email into the “Your Email” field. Then click “Join Webinar”.



4

The following pop-up window will appear, and you will join the meeting when it begins.



Reminder – you will only be able to listen and view the meeting, your camera and audio will not be on.

5

When the meeting begins you will be able to see the Committee or Board Members and Staff who are attending the meeting.

How to Join the Meeting by telephone:

1

Dial one of the numbers below:

647-374-4685 or
647-558-0588

2

Follow the telephone prompts and input the following information:

Meeting ID: 930 0577 4368 followed by #

There is no Participant ID, just press #

Password: 101347 followed by #

You will be placed in a “waiting room” until the meeting begins

3

Once the meeting begins, the telephone operator will advise that you have joined as an attendee and that you will be muted throughout the meeting.

Technical Tips

- ✓ You will be attending the meeting in “listen only mode” (i.e., without your video or audio on)
- ✓ If you cannot connect, check your internet connection by going to another website (such as www.newmarket.ca) - If the internet is not working on other sites, you may need to reboot your device or modem



If your screen freezes, try to refresh or you may need to disconnect from the meeting and then reconnect using the link above

- ✓ If you get disconnected, rejoin the meeting using the link above

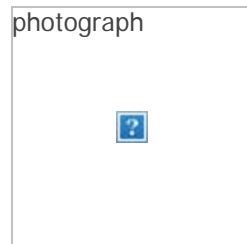
From: [Stephanie Soave](#)
To: [Cho, Patricia](#)
Subject: Re: Committee of Adjustment - 17080 Bathurst Street - Minor Variance
Date: January 6, 2021 1:04:27 PM

Hi Patricia,

Applicant is looking to withdraw the application. We were advised by the town to submit a minor variance, and since planning is not approving it there is no point to continue.

We would appreciate a refund.

Thanks,



Stephanie Soave
Real Estate Sales Representative



M 289-380-0433
P 905-895-5972
E stephanie.soave@gmail.com
Keller Williams Realty Centres
16945 Leslie Street
Newmarket ON L3Y 9A2
StephanieSoave.com




PLANNING AND BUILDING SERVICES
Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

Planning Report

To: Committee of Adjustment
 From: Janany Nagulan,
 Planner
 Date: January 20, 2020
 Re: Application for Minor Variance D13-A26-20
 258 Plymouth Trail
 Town of Newmarket
 Made by: MONTASSERI, Korosh

1. Recommendations:

That Minor Variance Application D13-A26-20 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 drawing submitted with the application
- iii. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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 a private entrance to an accessory dwelling unit to be from the garage, whereas the By-law defines a dwelling unit as having a private entrance from outside the building or from a common hallway or inside stairway.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	3 Definition of Dwelling Unit	A dwelling unit is defined as: a room or group of rooms to be used by one family that functions as a single independent housekeeping unit in which cooking facilities, living quarters and sanitary facilities are provided for the exclusive use of those residing within the unit only, and with a private entrance from outside the building or from a common hallway or stairway inside.	To allow the definition of dwelling unit to include: or a private entrance from the garage.

The above-described property (herein referred to as the “subject property”) is located in a residential neighbourhood, north of London Road and east of Yonge Street. There is an existing single-detached residence on the lot, 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 private entrance to an accessory dwelling unit from the garage, to facilitate the creation of a legal Accessory Dwelling Unit (ADU) in the existing building. The Zoning By-law defines a dwelling unit to have a private entrance from outside the building or from a common hallway or inside stairway. In this case, the owner has proposed a private entrance to the ADU from the garage. The existing garage has side door entry on the west side, this would allow for entry to the proposed ADU from the 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 property is 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. Further, the Official Plan permits Accessory Dwelling Units in single-detached dwellings, subject to the provisions of the zoning by-law.

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 property is zoned Residential Detached Dwelling 15.0 Metre (R1-D) by By-law 2010-40, as amended. Single-detached dwellings and accessory dwelling units 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 dwelling unit as stated in the chart above. Definitions are provided in the Zoning By-law to ensure consistent interpretation. In order to use the Zoning By-law and apply the standards and rules contained therein, a dwelling unit must fit a defined term in order to distinguish if it is permitted and which standards are to be applied. In this case, the proposed ADU is consistent with all aspects of the By-law's definition of dwelling unit, aside from its requirement to have a private entrance from outside the building or from a common hallway or inside stairway.

The request for variance is to permit a private entrance to the dwelling unit to be from the garage because the current layout of the home does not allow for a private entrance from outside the building or a common hallway or inside stairway.

The general intent of the definition of dwelling unit in the Zoning By-law is to ensure that dwelling units are comprised of the necessary facilities and are accessible for those residing in them. The proposed entrance from the garage reflects the building's layout and provides sufficient access to the ADU. Therefore, the variance requested maintains the general intent of the zoning by-law. 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. An ADU contributes to the mix of housing types in Newmarket and supports the Town's goals of providing for more affordable housing and an increased supply of rental housing. Furthermore, ADUs allow an increase in the density of dwelling units and allow homeowners a source of income for their property. Though typically, entrances to a dwelling unit are not from the garage, the building's layout does not allow for a direct outside entrance. A minor variance is the appropriate tool for relief from zoning requirements that would prevent an otherwise desirable development.

Minor nature of the variance

The impact of the proposed variance appears to be minimal as access to the proposed ADU will have a private entrance from the garage and will not affect the existing use of use of the garage.

In consideration of the above, the proposed variance is deemed to meet the four tests 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 stated such an access must be suitably gas-proofed to ensure safe access and egress for the occupants at all times, and a building permit will be required for any material alterations to support the ADU.

Engineering Services has no objection to this application.

Effect of Public Input

Staff have received comments with regards to the zoning of the subject property. Staff would like to advise that ADU's are a permitted use within a single detached dwelling units and within the subject property's zone. Also, comments were received with regards to safety regulations which have been addressed under commenting agencies and departments.

5. Conclusions:

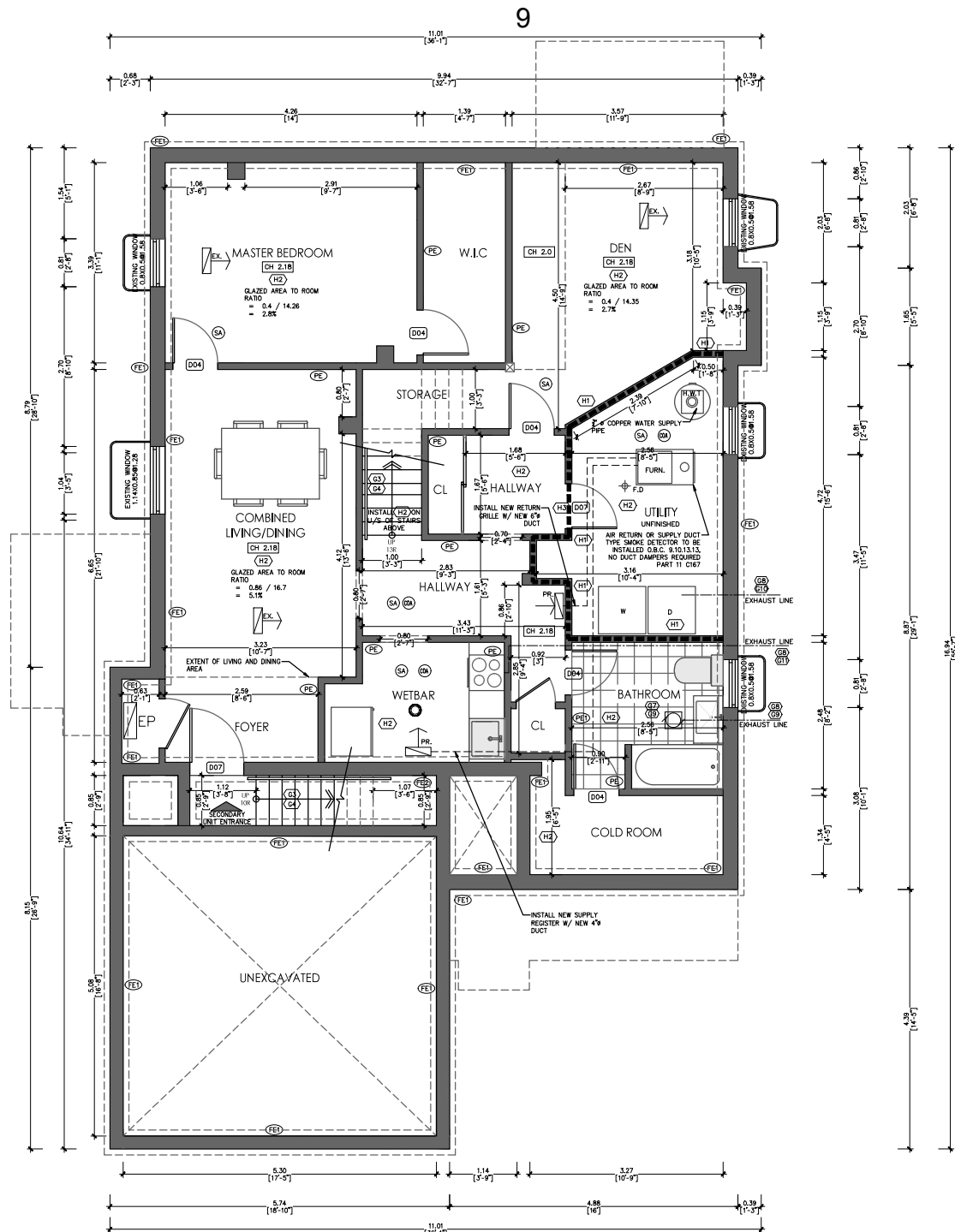
The relief as requested:

- 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,



Janany Nagulan
Planner



DESIGNER'S STAMP



GENERAL NOTES

ALL DRAWINGS ARE THE PROPERTY OF K&K ARCHITECTS AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM K&K ARCHITECTS INC.

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ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE

NO. 1 ISSUED FOR DATE
1 COFA SUBMISSION 2020/11/06



ARCHITECTS + ENGINEERS

K&K ARCHITECTS INC.

1: 800-203-7010

INFO@K&KARCHITECTS.CA

PROJECT ADDRESS

258 PLYMOUTH TRAIL, NEWMARKET

DRAWING

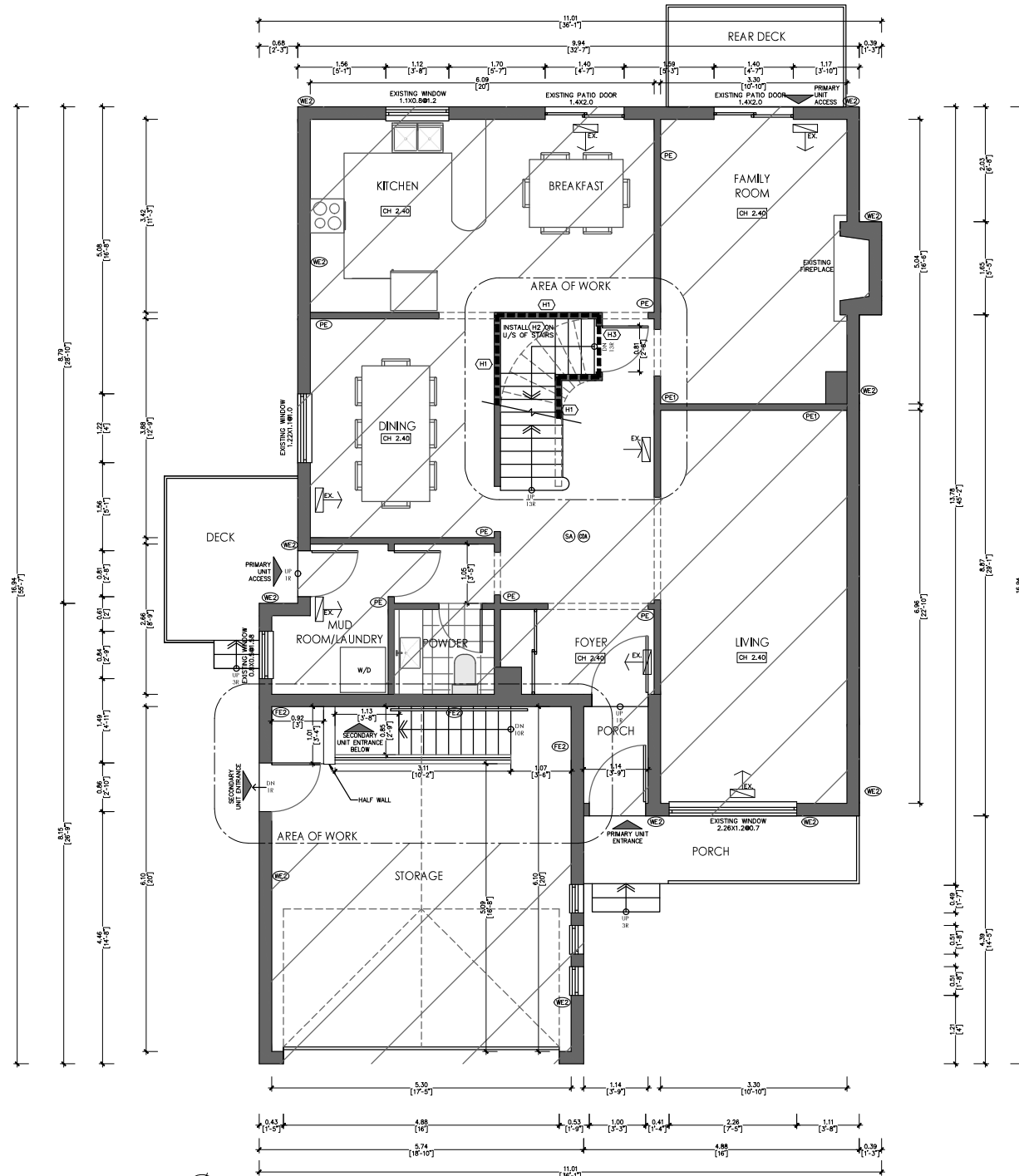
PROPOSED BASEMENT

DRAWN: MURIL AL PROJECT NO. M20-01

PLOTTED DATE: NOV 06, 2020 DRAWING NO.

SCALE: 1/8"=1'-0" A2.1

CHECKED: KYLE KHADRA



DESIGNER'S STAMP



GENERAL NOTES

ALL DRAWINGS ARE THE PROPERTY OF KBK ARCHITECTS AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM KBK ARCHITECTS INC.

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ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

NO. 1 ISSUED FOR DATE
1 COFA SUBMISSION 2020/11/06



ARCHITECTS + ENGINEERS

KBK ARCHITECTS INC.

T: 800-233-7010
INFO@KBKARCHITECTS.CA

PROJECT ADDRESS

258 PLYMOUTH TRAIL, NEWMARKET

DRAWING

PROPOSED ELEVATION

DRAWN: MVR, AL PROJECT NO.: MD-01
PLOTTED DATE: NOV 06, 2020
SCALE: 1/8"=1'-0" DRAWING NO.: A2.2
CHECKED: KYLE KHADRA

From: [Potter, David](#)
To: [Cho, Patricia](#)
Cc: [Larmer, Jennifer](#); [Greenham, Curtis](#); [Olsen, Michelle](#); [Antsyferov, Katrina](#); [Corrigan, Wendy](#); [Nagulan, Janany](#); [Bickers, Craig](#); [Ghiami, Lida](#); [Marra, Franco](#)
Subject: RE: Committee of Adjustment - Notice of Application Circulation (January 20, 2021) - Comments
Date: January 12, 2021 11:59:15 AM

Hi Patricia:

Please see comments below (in red).

Cheers,
Dave

From: Cho, Patricia <pcho@newmarket.ca>
Sent: January 6, 2021 3:11 PM
To: Taylor, John <jtaylor@newmarket.ca>; Woodhouse, Victor <vwoodhouse@newmarket.ca>; Kwapis, Bob <bkwapis@newmarket.ca>; Bisanz, Christina <cbisanz@newmarket.ca>; Simon, Grace <gsimon@newmarket.ca>; Broome, Kelly <kbroome@newmarket.ca>; Twinney, Jane <jtwinney@newmarket.ca>; Morrison, Trevor <tmorrison@newmarket.ca>; Sharma, Jag <jsharma@newmarket.ca>; Noehammer, Peter <pnoehammer@newmarket.ca>; Unger, Jason <junger@newmarket.ca>; Potter, David <dpotter@newmarket.ca>; Prudhomme, Rachel <rprudhomme@newmarket.ca>; Majdi, Sepideh <smajdi@newmarket.ca>; Schell, Ryan <rschell@cyfs.ca>; Villanueva, Lawrence <lvillanueva@newmarket.ca>; Lyons, Lisa <llyons@newmarket.ca>; Saini, Kiran <ksaini@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Morton, Devon <dmorton@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (January 20, 2021)

Good Afternoon,

The next virtual Committee of Adjustment hearing will be held on Wednesday, January 20th, 2021. The Committee of Adjustment will consider the following applications:

- D13-A24-20 – 258 Plymouth Trail (WARD 4)
The applicant is proposing to add an accessory dwelling unit. Application is to seek relief to amend the definition of dwelling unit to permit a private entrance to an accessory dwelling unit to be from the garage. If access through the garage is proposed to be the principal entrance to the ADU, it would have to be suitably gas-proofed to ensure safe access and egress for the occupants at all times. Building Permit required for any material alterations to support an ADU.
- D13-A25-20 – 1240 Twinney Drive (WARD 2)
The applicant is proposing to add a Motor Vehicle Service Station and Large Format Retail Store. Application is to seek relief to permit a Large Format Retail Store to have a gross floor area of 15,329 square metres and to permit a Motor Vehicle Service Station as an accessory

use to the Large Format Retail Store. **No Comments.**

- D13-A26-20 – 334 Savage Road (WARD 6)
*The applicant is proposing to add an accessory dwelling unit. Application is to seek relief to permit one parking space for an accessory dwelling unit to be within a garage. **Building Permit required for any material alterations to support an ADU.***

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, a week before the Hearing of the application (**Wednesday, January 13, 2021**). For your convenience, you may download the submitted documents in digital format and Notice of Hearing on the Town's file share site with the link below:

<https://tonfileshare.newmarket.ca/share.cgi?ssid=0MBFw6J>

Please let me know if you have any questions.

Thank you,
 Patricia

Please note that I am working remotely due to the COVID-19 pandemic and can be reached by email.



Patricia Cho, BA., MSc. (Planning)

Planner

Planning and Building Services

[Newmarket.ca/zoning for zoning Information](https://www.newmarket.ca/zoning-for-zoning-information)

[@townofnewmarket](https://twitter.com/townofnewmarket)

Newmarket: A Community *Well* Beyond the Ordinary


DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES
Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953.5138

M E M O R A N D U M

TO: Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services
FROM: Sepideh Majdi, P.Eng., Manager, Development Engineering
DATE: January 11, 2021
RE: Application for Minor Variance
 Made by: MONTASSERI, Korosh
 File No.: D13-A24-20
 Lot 134 PLAN M68
 258 Plymouth Trail
 Town of Newmarket Ward 4
Engineering Services File No.: R. Plymouth Trail

We herein acknowledge receipt of the Application for Minor Variance wherein the applicant is proposing to add an accessory dwelling unit. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 3 Definitions to permit a private entrance to an accessory dwelling unit to be from the garage, whereas the By-law defines a dwelling unit as having a private entrance from outside the building or from a common hallway or stairway inside.

We have reviewed the application and supporting documentation and have no objection to the application.

Should you have any questions please contact the undersigned.

Sincerely,

ENGINEERING SERVICES

Sepideh Majdi, P.Eng.
 Manager, Development Engineering

From: [Deb Kaszper](#)
To: [Cho, Patricia](#); [Taylor, John](#)
Subject: Hearing re File Number D13-A24-20
Date: January 13, 2021 9:51:21 AM

Attention: Secretary- Treasurer

General comments first,

We have lived in our home for forty years, and originally bought because it was a single family home on a quiet residential street. At that time this area was zoned for single family residences. When we checked today the area still has a zoning designation of R1-D, single family residence.

Over the last five years original homeowners have sold and in several cases investors have purchased the properties and split them into apartments. Of the seven that exist on our street, only two are registered as “legal” apartments.

Notwithstanding, We do not see how an are can be zoned as single family residences and then have apartments allowed in these same residences. If, through the Committee of Adjustments, it is the Town’s intent to circumvent the existing zoning to allow these apartments, we would suggest that another alternative needs to be examined.

Zoning bylaws were put in place for a reason. If there is to be a change in the type of housing that is allowed then the bylaws need to be revisited with full public consultation and input.

Specifically to this hearing:

We oppose this application as it allows for the creation of a accessory dwelling unit which is not consistent with the zoning for this area. In addition, there are fire and safety regulations behind entrances and exits in houses, probably the reason behind having an outside entrance, and this should be adhered to.

Thank you

Garry and Debbie Kaszper
260 Plymouth Trail
Newmarket
905-895-7054

Sent from my iPad



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

Planning Report

To: Committee of Adjustment

From: Meghan White
Senior Planner

Date: January 14, 2021

Re: Application for Minor Variance D13-A25-2020
1240 Twinney Drive
Town of Newmarket
Made by: Davis Drive 404 Retail GP Inc.

1. Recommendations:

That Minor Variance Application D13-A25-2020 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application, specifically that the accessory use of a motor vehicle service station is limited to one (1) gas bar; 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 a Large Format Retail Store to have an accessory motor vehicle service station, specifically a gas bar.

Relief is also requested to permit the same Large Format Retail Store to have a gross floor area of 15,329 square meters whereas the site specific zone limits a Large Format Retail Store to a maximum of 12,541 square meters. Each relief requested is presented below:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.5.1 Permitted Uses in the Employment Zones	A motor vehicle service station is not listed as an accessory use to a Large Format Retail Store.	To allow one (1) motor vehicle service station (gas bar) as an accessory use to a Large Format Retail Store
2	2010-40	V(a) of EM-109	A Large Format Retail Store shall not have a Gross Floor Area greater than 12,541m ² and be limited to one Large Format Retail Store on the lands subject to this by-law.	To allow a Large Format Retail Store to have a gross floor area of 15,329m ² .

The above-described property (herein referred to as the “subject lands”) is located in one of the employment areas of Newmarket. The area is primarily employment uses with ancillary commercial uses. The property is currently vacant. It is the second phase of the overall development of the vacant lands along Harry Walker Parkway, Davis Drive and Highway 404. The first phase has received site plan approval and is under construction.

3. Planning considerations:

The applicant is requesting relief from the By-law in order to construct a Large Format Retail Store that is larger than permitted by the site-specific zoning, and allowing it to have one accessory motor vehicle service station, specifically a gas bar.

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 “Mixed Employment” in the Town’s Official Plan. This designation permits a range of employment/industrial uses and some commercial uses. Regarding this designation, the Town’s Official Plan states:

“The Mixed Employment designation includes business and professional offices and industrial activities where the storage of goods and operating facilities occurs within wholly enclosed buildings. A high standard of building and site design, landscaping and signage is required in the Zoning By-law and through site plan approval.”

This designation permits, among other uses, Service Commercial uses, including motor vehicle uses.

In 2012, the subject lands were part of an Official Plan Amendment application and rezoning to allow, among other uses, a Large Format Retail Store. A Large Format Retail Store was found to be an ancillary use in the Mixed Employment designation based on the Region of York’s Official Plan definition. It was determined that ancillary retail and service uses are appropriate and may be permitted subject to necessary limitations on cumulative floor areas as well as individual size of any one ancillary retail use. The Town has been consistently applying this approach since that time.

In 2012, after the OPA was approved, there was approximately 20,140m² of additional ancillary retail floor area permitted in the Leslie Street South Employment Area. In 2013, Council approved a rezoning at 400 Harry Walker Parkway S. The rezoning authorized 2,245m² of retail floor space leaving 17,895 m² available. This application is seeking to take another 2,788 m² of that ancillary retail space. There would still be 15,107 m² available for future applications, and the employment area is generally built out. Therefore, this approach is appropriate.

Permitting the redevelopment of the lands with a Large Format Retail Store meets the intent of the Official Plan and therefore this test is met.

Conformity with the general intent of the Zoning By-law

The subject lands are zoned Mixed Employment Exception 109 (EM-109) by By-law 2010-40, as amended. Large Format Retail Stores are permitted in this site-specific zone.

Section 6.5.1 of the Zoning By-law lists the uses permitted in the Employment Zone. The general intent of listing permitted uses is to control which uses are established in which parts of town. The By-law also sets out which uses can be accessory uses. The definition of an accessory use is “a use customarily incidental or subordinate to and exclusively devoted to the principal use and which operates together with the principal use on the same lot”. Typically, a gas bar would not be considered “normally incidental” to a Large Format Retail store. In this case, however, it is the EM-109 zone which permits a Motor Vehicle Service Shop (i.e. a mechanics), which is not significantly different than a Motor Vehicle Service Station (gas bar).

Section V(a) of EM-109 sets the maximum size for a Large Format Retail Store. As discussed above, the Town and the Region determined that a certain amount of retail uses could be permitted in the Leslie Street Employment Area as ancillary to and in support of employment uses. The maximum amount was set to ensure an appropriate mix of uses on this site and in the employment area overall. Since the rezoning in 2012, a different tenant has been confirmed for the Large Format Retail Store, and as is often the case, they have a very specific floor plate, which is slightly larger than the maximum established in the By-law. As the site development is much more advanced (then it was in 2012), the over all mix of uses has been established in accordance with the zoning by-law. Allowing additional ground floor area for the Large Format Retail Store will not prohibit an appropriate mix of other uses. Nor will it preclude other retail uses in the rest of the employment area (as discussed above).

The general intent of site specific Zoning By-law is to ensure an appropriate mix of land uses and that retail uses do not predominate the employment uses in the Employment Area. In this case, the mix of uses has been adhered to and a slightly larger Large Format Retail store will not negatively impact other the establishment of future employment uses.

Therefore the two points of variance 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 the establishment of new commercial uses and having new businesses locate in Newmarket, 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.

A new Large Format Retail Store is a desirable development of the lot. Specific impacts of the development can be addressed through the site plan approval process. The applicant will be submitting their site plan application shortly. 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. The proposed variances seek to allow the construction of a Large Format Retail Store with an accessory use in an area that is designed for and suitable for this type of use. Furthermore, no negative impacts are expected to neighbouring businesses or properties. 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 the conditions noted above.

4. Other comments:

Commenting agencies and departments

The Chief Building Official has no comments on this application.

Engineering Services has no objection to this application.

As of the writing of this report the Regional Municipality of York and Lake Simcoe Region Conservation Authority have not provided comments on this application.

Effect of Public Input

One letter was received as of the date of writing this report. It was from a neighbouring business and they have no objection to the 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,


Meghan White, MCIP RPP
Senior Planner, Development

From: [Laura Tafreshi](#)
To: [Cho, Patricia](#)
Subject: RE: Committee of Adjustment - Notice of Application Circulation (January 20, 2021)
Date: January 14, 2021 4:45:45 PM
Attachments: [Newmarket Circ.pdf](#)

Good afternoon Patricia,

The property is not within an area that is regulated by the LSRCA under Ontario Regulation 179/06. Generally, we would not comment on committee of adjustment for applications outside the LSRCA regulated area per our MOU with the Town (attached).

We have no comments or concerns with respect to this proposal. Any submitted review fees will be refunded to the Owner.

Should you have any questions at this time, please let me know.
 Kind regards,

Laura Tafreshi

Planner I

Lake Simcoe Region Conservation Authority

120 Bayview Parkway,

Newmarket, Ontario L3Y 3W3

Office: 905-895-1281, ext. 299 | Cell: 416-294-6973 (*preferred*)

L.Tafreshi@LSRCA.on.ca | www.LSRCA.on.ca

Twitter: @LSRCA

Facebook: LakeSimcoeConservation

Please note: the LSRCA Board of Directors approved a change to our Fee Policy. The new fees will take effect on January 1, 2021. Please click [here](#) for the new fee schedule.

The information in this message (including attachments) is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the Municipal Freedom of Information and Protection of Privacy Act and by the Personal Information Protection Electronic Documents Act. If you have received this message in error, please notify the sender immediately and delete the message without making a copy. Thank you.

From: Cho, Patricia <pcho@newmarket.ca>

Sent: January 7, 2021 12:36 PM

To: Laura Tafreshi <L.Tafreshi@lsrca.on.ca>

Cc: Kelly Nesbitt <K.Nesbitt@lsrca.on.ca>; Info Mail <infomail@lsrca.on.ca>

Subject: Committee of Adjustment - Notice of Application Circulation (January 20, 2021)

CAUTION: This email originated outside of LSRCA. DO NOT click links or open attachments unless you recognize the sender and trusted content. If in doubt, contact the IT Helpdesk at ITHelpdesk@lsrca.on.ca

Hi Laura,

Happy New Year ☺ Hope you had a wonderful holiday.

The next virtual Committee of Adjustment hearing will be held on Wednesday, January 20th, 2021. The Committee of Adjustment invites your advice and comments on the following application:

- **D13-A25-20 – 1240 Twinney Drive (WARD 2)**

The applicant is proposing to add a Motor Vehicle Service Station and Large Format Retail Store. Application is to seek relief to permit a Large Format Retail Store to have a gross floor area of 15,329 square metres and to permit a Motor Vehicle Service Station as an accessory use to the Large Format Retail Store.

For your convenience, you may download the submitted documents in digital format and Notice of Hearing on the Town's file share site with the link below:

<https://tonfileshare.newmarket.ca/share.cgi?ssid=0MBFw6J>

Could we please kindly ask that this review be completed by Wednesday, January 13, 2021. From my understanding, LSRCa has completed a review of their Phase 1 plans. Please feel free to send me the last comments from that. Apologies if they had been previously sent to the Planner on the file, but with the recent staffing changes, we were not able to locate them. Also, the application fee has been placed in an envelope in the drop off bin at the address Kelly previously provided.

Please let me know if you have any questions.

Thank you,
Patricia

Please note that I am working remotely due to the COVID-19 pandemic and can be reached by email.



Patricia Cho, BA., MSc. (Planning)

Planner

Planning and Building Services

[Newmarket.ca/zoning for zoning Information](https://www.newmarket.ca/zoning-for-zoning-information)

[@townofnewmarket](https://twitter.com/townofnewmarket)

Newmarket: A Community *Well* Beyond the Ordinary

From: [Potter, David](#)
To: [Cho, Patricia](#)
Cc: [Larmer, Jennifer](#); [Greenham, Curtis](#); [Olsen, Michelle](#); [Antsyferov, Katrina](#); [Corrigan, Wendy](#); [Nagulan, Janany](#); [Bickers, Craig](#); [Ghiami, Lida](#); [Marra, Franco](#)
Subject: RE: Committee of Adjustment - Notice of Application Circulation (January 20, 2021) - Comments
Date: January 12, 2021 11:59:15 AM

Hi Patricia:

Please see comments below (in red).

Cheers,
Dave

From: Cho, Patricia <pcho@newmarket.ca>
Sent: January 6, 2021 3:11 PM
To: Taylor, John <jtaylor@newmarket.ca>; Woodhouse, Victor <vwoodhouse@newmarket.ca>; Kwapis, Bob <bkwapis@newmarket.ca>; Bisanz, Christina <cbisanz@newmarket.ca>; Simon, Grace <gsimon@newmarket.ca>; Broome, Kelly <kbroome@newmarket.ca>; Twinney, Jane <jtwinney@newmarket.ca>; Morrison, Trevor <tmorrison@newmarket.ca>; Sharma, Jag <jsharma@newmarket.ca>; Noehammer, Peter <pnoehammer@newmarket.ca>; Unger, Jason <junger@newmarket.ca>; Potter, David <dpotter@newmarket.ca>; Prudhomme, Rachel <rprudhomme@newmarket.ca>; Majdi, Sepideh <smajdi@newmarket.ca>; Schell, Ryan <rschell@cyfs.ca>; Villanueva, Lawrence <lvillanueva@newmarket.ca>; Lyons, Lisa <llyons@newmarket.ca>; Saini, Kiran <ksaini@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Morton, Devon <dmorton@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (January 20, 2021)

Good Afternoon,

The next virtual Committee of Adjustment hearing will be held on Wednesday, January 20th, 2021. The Committee of Adjustment will consider the following applications:

- D13-A24-20 – 258 Plymouth Trail (WARD 4)
The applicant is proposing to add an accessory dwelling unit. Application is to seek relief to amend the definition of dwelling unit to permit a private entrance to an accessory dwelling unit to be from the garage. If access through the garage is proposed to be the principal entrance to the ADU, it would have to be suitably gas-proofed to ensure safe access and egress for the occupants at all times. Building Permit required for any material alterations to support an ADU.
- D13-A25-20 – 1240 Twinney Drive (WARD 2)
The applicant is proposing to add a Motor Vehicle Service Station and Large Format Retail Store. Application is to seek relief to permit a Large Format Retail Store to have a gross floor area of 15,329 square metres and to permit a Motor Vehicle Service Station as an accessory

use to the Large Format Retail Store. **No Comments.**

- D13-A26-20 – 334 Savage Road (WARD 6)
*The applicant is proposing to add an accessory dwelling unit. Application is to seek relief to permit one parking space for an accessory dwelling unit to be within a garage. **Building Permit required for any material alterations to support an ADU.***

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, a week before the Hearing of the application (**Wednesday, January 13, 2021**). For your convenience, you may download the submitted documents in digital format and Notice of Hearing on the Town's file share site with the link below:

<https://tonfileshare.newmarket.ca/share.cgi?ssid=0MBFw6J>

Please let me know if you have any questions.

Thank you,
 Patricia

Please note that I am working remotely due to the COVID-19 pandemic and can be reached by email.



Patricia Cho, BA., MSc. (Planning)

Planner

Planning and Building Services

[Newmarket.ca/zoning for zoning Information](https://www.newmarket.ca/zoning-for-zoning-information)

[@townofnewmarket](https://twitter.com/townofnewmarket)

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DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES
Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953.5138

M E M O R A N D U M

TO: Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services

FROM: Sepideh Majdi, P.Eng., Manager, Development Engineering

DATE: January 11, 2021

RE: Application for Minor Variance
 Made by: DAVIS DRIVE 404 RETAIL GP INC.
 File No.: D13-A25-20
 Part Lot 35, Concession 3, Parts 1-3, PLAN 65R38559
 1240 Twinney Drive
 Town of Newmarket Ward 2
Engineering Services File No.: R. Twinney Dr

The applicant is proposing to add a Motor Vehicle Service Station and Large Format Retail Store. The following relief is requested from Zoning By-law 2010-40, amended by By-law 2012-20, to permit the following:

1. Relief from Section V(a) Provisions to EM-109 to permit a Large Format Retail Store to have a gross floor area of 15,329 square metres, whereas the By-law permits a maximum gross floor area of 12,541 square metres for a Large Format Retail Store.
2. Relief from Section 6.5.1 Permitted Uses to permit a Motor Vehicle Service Station as an accessory use to the Large Format Retail Store, whereas the By-law does not list a Motor Vehicle Service Station as a permitted accessory use for a Large Format Retail Store.

We have reviewed the application and supporting documentation and have no objection to the application.

Should you have any questions please contact the undersigned.

Sincerely,

ENGINEERING SERVICES

Sepideh Majdi, P.Eng.
 Manager, Development Engineering


PLANNING AND BUILDING SERVICES
Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

Planning Report

To: Committee of Adjustment
 From: Janany Nagulan
 Planner
 Date: January, 20th, 2021
 Re: Application for Minor Variance D13-A26-20
 334 Savage Road
 Town of Newmarket
 Made by: ASGARI, Pouya and CHARKHINEJAD, Tina

1. Recommendations:

That Minor Variance Application D13-A26-2020 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application; and,
- ii. That one space in the garage be reserved for the purpose of required parking and for no other use;
- iii. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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 minimum number of off- street parking spaces required for a single detached residential dwelling to permit a new Accessory Dwelling-Unit (ADU). The description of the proposed variance is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	5.3.1	To provide four parking spaces exterior to a garage for a dwelling unit and accessory dwelling unit.	To provide two parking spaces exterior to a garage and one parking space inside of a garage for a dwelling unit and accessory dwelling unit.

The Zoning By-law requires four exterior parking spaces. Ontario Regulation 299/19, enacted by the Provincial Government in September of 2019, supersedes this requirement and states that municipalities can only require one parking space for an accessory dwelling unit. The effect of this is that three exterior parking spaces are required.

The above-described property (herein referred to as the “subject property”) is located in a residential neighbourhood, east of Yonge Street and north of St. John’s Side Road. There is an existing single-detached residence on the property, and it is abutted by similar single –detached homes.

3. Planning considerations:

The request for variance is to permit a reduction in the minimum number of off-street parking spaces required to create a legal ADU in the existing single detached dwelling located at 334 Savage Road. However, provincial legislation requires a total of three exterior parking spaces for a single detached dwelling with an ADU. The application was submitted as the current driveway length does not accommodate the number of minimum exterior parking spaces required, therefore a variance is required to recognize one parking space in 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 property is designated "Stable Residential" in the 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.

The Official Plan permits Accessory Dwelling Units in single-detached dwellings, subject to the provisions of the zoning by-law. Subject to the recommended conditions of approval, the requested variance is considered to conform to the Official Plan and therefore, this test is met.

Conformity with the general intent of the Zoning By-law

The subject property is zoned Residential Detached Dwelling 15.0 Metre (R1-D) according to By-law 2010-40, as amended. Single-detached dwellings and accessory dwelling units are permitted uses in this zone.

Section 5.3.1 of the Zoning By-law sets out the parking standards for residential uses. This Section states that both a single-detached dwelling and an ADU must have two exterior parking spaces each, for a total of four exterior parking spaces. This zoning regulation is superseded by provincial regulation, which states that municipalities can only require one parking space for an accessory dwelling unit. Therefore only three exterior parking spaces are required. Within the Zoning By-law, a dwelling unit with an ADU is required to provide parking spaces exterior of any garage or structure. Therefore the parking requirement is three (3) outdoor parking spaces.

The general intent of the By-law is to provide a sufficient number of parking spaces for those residing in the two dwelling units on the property. Currently, the applicant's driveway from the garage face to the property line is not long enough to accommodate the three spaces. The applicant has two exterior parking spaces and an attached garage however the Zoning By-law prevents parking spaces in the garage from being counted towards the parking requirement. Therefore, the proposed variance would allow for a sufficient number of parking spaces for the two dwelling units on the property.

The variance requested maintains the general intent of the zoning by-law. 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. An ADU contributes to the mix of housing types in Newmarket and supports the Town's goals of providing for more affordable housing and an increased supply of rental housing. Furthermore, ADUs allow an increase in the density of dwelling units and allow homeowners a source of income for their property. While the standard parking requirement of three exterior spaces, in addition to any spaces provided in a garage, may provide ample parking, not all ADUs will generate such a parking demand. A minor variance is the appropriate tool for relief from zoning requirements that would prevent an otherwise desirable development, and a minor parking variance should not overshadow the desirability of an ADU as a development as encouraged by Town, Region, and Provincial policy.

Minor nature of the variance

The impact of the proposed variance appears to be minimal as the potentially increased number of vehicles generated by the accessory unit can be accommodated on site, either by the existing two spaces or by the parking spaces in the garage as would be required by the proposed condition.

In consideration of the above, the proposed variance is deemed to meet the four tests 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 Building Code.

Engineering Services 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,

A handwritten signature in black ink, appearing to read 'Janany'.

Janany Nagulan
Planner

From: [Potter, David](#)
To: [Cho, Patricia](#)
Cc: [Larmer, Jennifer](#); [Greenham, Curtis](#); [Olsen, Michelle](#); [Antsyferov, Katrina](#); [Corrigan, Wendy](#); [Nagulan, Janany](#); [Bickers, Craig](#); [Ghiami, Lida](#); [Marra, Franco](#)
Subject: RE: Committee of Adjustment - Notice of Application Circulation (January 20, 2021) - Comments
Date: January 12, 2021 11:59:15 AM

Hi Patricia:

Please see comments below (in red).

Cheers,
Dave

From: Cho, Patricia <pcho@newmarket.ca>
Sent: January 6, 2021 3:11 PM
To: Taylor, John <jtaylor@newmarket.ca>; Woodhouse, Victor <vwoodhouse@newmarket.ca>; Kwapis, Bob <bkwapis@newmarket.ca>; Bisanz, Christina <cbisanz@newmarket.ca>; Simon, Grace <gsimon@newmarket.ca>; Broome, Kelly <kbroome@newmarket.ca>; Twinney, Jane <jtwinney@newmarket.ca>; Morrison, Trevor <tmorrison@newmarket.ca>; Sharma, Jag <jsharma@newmarket.ca>; Noehammer, Peter <pnoehammer@newmarket.ca>; Unger, Jason <junger@newmarket.ca>; Potter, David <dpotter@newmarket.ca>; Prudhomme, Rachel <rprudhomme@newmarket.ca>; Majdi, Sepideh <smajdi@newmarket.ca>; Schell, Ryan <rschell@cyfs.ca>; Villanueva, Lawrence <lvillanueva@newmarket.ca>; Lyons, Lisa <llyons@newmarket.ca>; Saini, Kiran <ksaini@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Morton, Devon <dmorton@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (January 20, 2021)

Good Afternoon,

The next virtual Committee of Adjustment hearing will be held on Wednesday, January 20th, 2021. The Committee of Adjustment will consider the following applications:

- D13-A24-20 – 258 Plymouth Trail (WARD 4)
The applicant is proposing to add an accessory dwelling unit. Application is to seek relief to amend the definition of dwelling unit to permit a private entrance to an accessory dwelling unit to be from the garage. If access through the garage is proposed to be the principal entrance to the ADU, it would have to be suitably gas-proofed to ensure safe access and egress for the occupants at all times. Building Permit required for any material alterations to support an ADU.
- D13-A25-20 – 1240 Twinney Drive (WARD 2)
The applicant is proposing to add a Motor Vehicle Service Station and Large Format Retail Store. Application is to seek relief to permit a Large Format Retail Store to have a gross floor area of 15,329 square metres and to permit a Motor Vehicle Service Station as an accessory

use to the Large Format Retail Store. **No Comments.**

- D13-A26-20 – 334 Savage Road (WARD 6)
*The applicant is proposing to add an accessory dwelling unit. Application is to seek relief to permit one parking space for an accessory dwelling unit to be within a garage. **Building Permit required for any material alterations to support an ADU.***

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, a week before the Hearing of the application (**Wednesday, January 13, 2021**). For your convenience, you may download the submitted documents in digital format and Notice of Hearing on the Town's file share site with the link below:

<https://tonfileshare.newmarket.ca/share.cgi?ssid=0MBFw6J>

Please let me know if you have any questions.

Thank you,
 Patricia

Please note that I am working remotely due to the COVID-19 pandemic and can be reached by email.



Patricia Cho, BA., MSc. (Planning)

Planner

Planning and Building Services

[Newmarket.ca/zoning for zoning Information](https://www.newmarket.ca/zoning-for-zoning-information)

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Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953.5138

M E M O R A N D U M

TO: Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services
FROM: Sepideh Majdi, P.Eng., Manager, Development Engineering
DATE: January 11, 2021
RE: Application for Minor Variance
 Made by: ASGARI, Pouya, and CHARKHINEJAD, Tina
 File No.: D13-A26-20
 Lot 47 PLAN 65M2734
 334 Savage Road
 Town of Newmarket Ward 6
Engineering Services File No.: R. Savage Rd

We herein acknowledge receipt of the Application for Minor Variance wherein the applicant is proposing to add an accessory dwelling unit. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.1 Minimum Off-Street Parking Requirements to permit one parking space for an accessory dwelling unit within a garage, whereas the By-law requires parking spaces be provided exterior of any garage.

We have concerns with this application, as allowing this request may result in additional cars parking on the road. We have been advised that parking requirements are typically commented on by the Planning Department and Planning have been supporting requests of this nature. For the sake of consistency, it is our opinion that Engineering should defer comments to the Planning Department and not object to this request at this time.

Should you have any questions please contact the undersigned.

Sincerely,

ENGINEERING SERVICES

Sepideh Majdi, P.Eng.
 Manager, Development Engineering



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, December 9, 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
 Meghan White, Senior Planner
 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.

2. Conflict of Interest Declarations

3. Appeals

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

4. Items

4.1 Deferred Applications

4.1.1 Minor Variance Application - D13-A18-20

Syban Industries Limited
Part Lot 93, Concession 1, Part 1, Plan 65R14981
17080 Bathurst Street

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

Ms. Soave would like to request a deferral of this item to be considered at the next Committee meeting, which will be held on January 20, 2021, to allow more time to discuss and prepare with their lawyer.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

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

Carried

4.2 Minor Variance Application - D13-A21-20

Bornbaum, Maureen
Lot 37 Plan 314
733 Arthur Street

Kyle Khadra, KBK Architects Inc., 1180 Stellar Drive, NEWMARKET, L3Y 7B9, ON, addressed the Committee as the agent working on behalf of the owner.

Mr. Khadra says the proposal is to demolish the existing garage and build a new garage. The existing garage sits on the rear property line and the current rear yard setback is 0 metres. They are seeking relief to allow for the new garage to have the same building setbacks but the structure will be slightly larger to accommodate their vehicles. The satellite images currently show that sheds and garages located on the property line is common in the area. They recognize that their neighbour has voiced

concerns but would like to clarify that they are simply replacing the existing garage.

Mr. Vescio asked if committee members had any questions.

Ms. Lew asked if there has been any comments from the neighbour directly behind.

Mr. Khadra said no correspondence had been received from the neighbour directly behind. The letter of opposition received was from the neighbour diagonally behind.

Mr. Alavi asked if the structure was going to be demolished completely and the reconstruction of a completely new structure.

Mr. Khadra said the condition of the shed is deteriorating and that would be the intent.

Mr. Vescio asked what the garage was going to be used for.

Mr. Khadra said vehicle parking and storage.

Mr. Vescio asked if the survey shows a rear yard setback at all.

Mr. Khadra said that is the only copy of the survey obtained.

Mr. Vescio said that it was mentioned that there are properties in the neighbourhood with 0 metre setback. He asked if the garage was being reconstructed completed, would a total 0 metre setback be necessary.

Mr. Khadra said there would be no concern with revising the plans but as shown on the current site plan, there is a 2.46 metre separation distance between the dwelling to garage.

Mr. Vescio asked how much building separation would be necessary for the applicant.

Mr. Khadra said 2.35 metres would have no impact.

Ms. Blakely said if there were any revisions, staff would need to review the new proposal circulate to building staff to review for fire separation.

Mr. Vescio asked if there is a fence at the rear property line presently and any debris built up behind the garage.

Mr. Khadra said that there is.

Mr. Vescio said the main concern is property maintenance to the side and back of the garage if the setback was 0 metre, as there is no way of getting in there and cleaning it up.

Mr. Khadra said that he understands the Chair's concern and would be happy to revise and adjourn if the Committee feels that is necessary.

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.

In Committee, Mr. Alavi said that it is acceptable for legal non-confirming structures to maintain the existing building envelope. However, with demolition of entire structure and expanding it, the legal non-confirming status would be removed.

Ms. Blakely said the structure predates the Town's Zoning By-law. As the structure is to be demolished and slightly expanded, a minor variance is required.

Mr. Vescio said to clarify, once the structure is removed and expanded, the legal con-conforming status is lost and a minor variance would be required.

Ms. Blakely said that if the applicant reconstructed on the same footprint, the 0 metre setback would be continued. As the garage is proposed to be reconstructed with extension of the 0 metre setback along the lot line, a minor variance is required.

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

1. Report from Casey Blakely, Senior Planner, dated December 2nd, 2020;
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated December 2nd, 2020;
3. Email Correspondence from Tiffany Wong, Planning and Economic Development Services, Region of York, dated December 1st, 2020;
4. Email Correspondence from David Potter, Chief Building Official, Building Services dated November 26th, 2020, and;
5. Letter of Opposition from Cynthia St-Pierre and Yves St-Pierre, 738 Lowell Avenue, NEWMARKET, L3Y 1T5, ON., dated December 3rd, 2020.

Moved by: Elizabeth Lew

Seconded by: Peter Mertens

THAT Minor Variance Application D13-A21-20 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 reduction in rear yard setback from 7.5 metres to 0 metres applies only to the area of the proposed new garage; and,**
3. **That the applicant apply for and receive a Site Alteration Permit from Engineering Services.**

As the Minor Variance Application:

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 a desirable development of the lot.**

Carried

4.3 Minor Variance Application - D13-A22-20

**Ship, Catherine and Ship, Montgomery
Part Block A Plan 127
788 Allan Avenue**

Catherine Ship and Montgomery Ship, 788 Allan Avenue, NEWMARKET, L3Y 1H9, ON., addressed the Committee as the owners of the subject property.

Ms. Ship said their family would like to install a swimming pool but they have an irregularly shaped lot. They would like to install a swimming pool in their forever home and make it an oasis.

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

Ms. Lew asked if the applicant was aware about the deficiencies identified by the Town's Consultant Arborist with the Arborist Report that needs to be revised.

Ms. Ship asked if the application was to be approved, would there be a condition to have this completed.

Ms. White said that due to receiving the Consulting Arborist's comments late, she would request that the Committee amend the report to include a condition for the application to include compliance with the Town's Tree Policy. Planning will work with the applicant to sort through it.

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 Meghan White, Senior Planner, dated December 3rd, 2020;
2. Report from Urban Forest Innovations Inc., dated December 8th, 2020;
3. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated December 2nd, 2020;
4. Report from Laura Tafreshi, Lake Simcoe Region Conservation Authority (LSRCA), dated December 2nd, 2020;
5. Email Correspondence from Tiffany Wong, Planning and Economic Development Services, Region of York, dated December 1st, 2020; and,
6. Email Correspondence from David Potter, Chief Building Official, Building Services dated November 26th, 2020.

Moved by: Peter Mertens

Seconded by: Ken Smith

THAT Minor Variance Application D13-A22-20 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 and sketch submitted with the application; and,**
- 3. 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 Preservation, Protection, Replacement and Enhancement Policy.

As the Minor Variance Application:

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 a desirable development of the lot.**

Carried

4.4 Minor Variance Application - D13-A23-20

**Jimsgate Inc.
Part Lot 28 PLAN 81
209 Main Street South**

Mr. Irons said that they had applied for a minor variance last year for a third-storey addition to the existing building but came across structural issues and decided not to proceed. Mr. Irons would like to proceed with a rear addition to allow for the restaurant to have outdoor space in the summer time. The rear is currently under-utilized and by creating a rear deck for the restaurant and residential unit, it would allow them to enjoy outdoor space. The proposal would help upgrade and gentrify Cedar Street.

Mr. Pretotto said that they are proposing two decks, one on the first-storey and one on the second-storey. Both proposed decks will have privacy screening and control aesthetics. There are currently no provision in the Town's Zoning By-law that permits these technical aspects in its definitions. Some neighbouring properties have similar decks and the overall goal is to enhance the building and feel of Cedar Street.

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.

Councillor Kwapis, Ward 5, Town of Newmarket, said that the downtown is currently being rejuvenated and enhanced. For instance, Riverwalk Common and Main Street have been extremely successful. Cedar Street lies in the middle and has been more of a barrier. Councillor Kwapis is thrilled that the property owner is investing huge amount of money to rejuvenate the rear and in turn, would bring foot traffic that would entice other property owners to do the same. Councillor Kwapis would advise that the Committee approve the application.

Mr. Vescio asked if any other 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 Meghan White, Senior Planner, dated December 4th, 2020;
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated December 2nd, 2020;
3. Email Correspondence from Tiffany Wong, Planning and Economic Development Services, Region of York, dated December 1st, 2020; and,
4. Email Correspondence from David Potter, Chief Building Official, Building Services dated November 26th, 2020.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

THAT Minor Variance Application D13-A23-20 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 and sketch submitted with the application.**

As the Minor Variance Application:

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 a desirable development of the lot.**

Carried

5. Approval of Minutes

Moved by: Ken Smith

Seconded by: Elizabeth Lew

THAT the Minutes of the Wednesday, November 18th, 2020 meeting be approved.

Carried

6. Adjournment

The meeting adjourned at 10:06 a.m.

Moved by: Peter Mertens

Seconded by: Elizabeth Lew

THAT the Meeting adjourn.

Carried

Chair

Date