



Town of Newmarket

Agenda

Committee of Adjustment

Date: Wednesday, February 24, 2021
Time: 9:30 AM
Location: Electronic VIA ZOOM
See How to Login Guide

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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	
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College Manor Shops Inc.

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- 6.1. Procedural Bylaw

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 Wednesday,
Date: February 24, 2021 at 9:30 AM Electronic
Location: VIA ZOOM Meeting

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

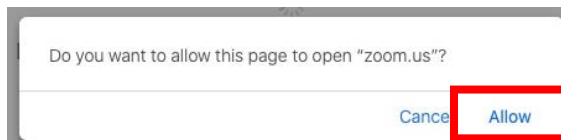
1

Click the link to the ZOOM Meeting below:

<https://townofnewmarket.zoom.us/j/92050286748?pwd=SFRSUDFVWVWtSWIJrMDh0aXQ5MGh6UT09>

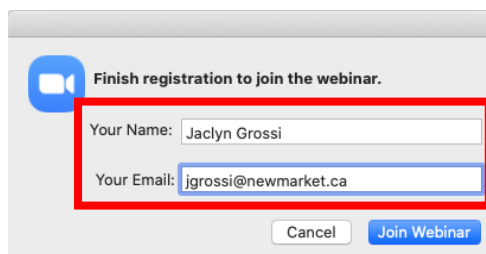
2

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



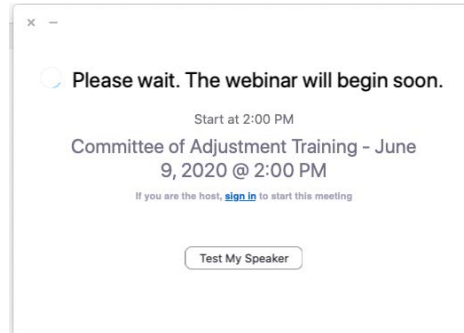
3

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: 920 5028 6748 followed by #

There is no Participant ID, just press #

Password: 884584 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



PLANNING AND BUILDING SERVICES

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T: 905.953.5321

F: 905.953.5140

Planning Report

TO: Committee of Adjustment

FROM: Janany Nagulan
Planner

DATE: February 19, 2020

RE: Application for Minor Variance **D13-A01-21**
455 Harry Walker Parkway
Made by: Elm Harry Walker Parkway (2019) Inc.

1. Recommendations:

That Minor Variance Application D13-A01-21 be deferred until the Secretary-Treasurer advises that that additional information is provided by the applicant.

2. Application:

An application for Minor Variance has been submitted by the owner of the above noted lands. Relief has been requested for the development of two multi-unit buildings and associated surface parking on the property.

1. Planning considerations

Upon review of the application, Planning staff has determined that the applicant has failed to provide sufficient information regarding the need for the variances requested. Specifically, they have failed to state the intended uses and the need for additional parking on the site over and above the required parking as per the zoning by-law, which would necessitate the reduction of the front yard setback landscape buffers.

In addition, information is required regarding the ultimate uses of the proposed multi-unit buildings in order for staff to determine the proposal is in conformity with the Official Plan and in compliance with the permitted uses of the zoning by-law.

Once the additional information is received, Committee can consider granting relief from the Zoning by-law based on sufficient information provided by the applicant that the relief is: a) necessary; and b) that the intended uses conform to the Official Plan and comply with the zoning by-law.

Staff recommend this matter be deferred until such time as the applicant can provide the requested information.

Respectfully submitted,

Janany Nagulan
Planner


DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES
Town of Newmarket

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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: February 16, 2021
RE: Application for Minor Variance
 Made by: Elm Harry Walker Parkway (2019) Inc.
 File No.: D13-A01-21
 455 Harry Walker Parkway South
 LT 4 PL 65M3804 PTS 3 & 4 65R35337; T/W OVER PTS 2,4,7 & 11 65R27423 AS
 IN YR548158
 Town of Newmarket Ward 2
Engineering Services File No.: R. Harry Walker Parkway South

The applicant is proposing construction of two medium hazard industrial buildings for employment uses. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 4.14.1 Landscape Buffers for Parking Lots to permit a landscape buffer area to be occupied by a retaining wall whereas the By-law requires that such buffer areas shall not be used for any other purpose other than vegetative landscaping.
2. Relief from Section 4.14.1 Landscape Buffers for Parking Lots to permit a minimum 6.0 metre wide landscape buffer in the front yard whereas the By-law requires a minimum 12.0 metre wide landscape buffer in the front yard.
3. Relief from Section 4.14.1 Landscape Buffers for Parking Lots to permit a minimum 1.5 metre wide landscape buffer contained in the retaining wall of the side and rear yard whereas the By-law requires a minimum 3 metre wide landscape buffer in the side and rear yard.
4. Relief from Section 6.5.2 Zone Standards to permit a minimum front yard of 6.0 metres whereas the By-law requires a minimum front yard of 12.0 metres.

We have concerns with this application, as allowing this request may result in additional uncontrolled storm water to flow to the Town's Right of Way or adjacent sites. We have been advised that Landscape buffer 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

A handwritten signature in blue ink, appearing to read 'S. Majdi'.

Sepideh Majdi, P.Eng.
Manager, Development Engineering

SM: BB, File No.: SM0009

Morton, Devon

From: Development Services <developmentservices@york.ca>
Sent: February 11, 2021 2:37 PM
To: Morton, Devon
Subject: RE: D13-A01-21 Committee of Adjustment - Notice of Application Circulation (February 24, 2021)

Nice to meet you also Devon

The Regional Municipality of York has completed its review of the above minor variance and has no comment, Regards.

Gabrielle

Gabrielle Hurst MCIP RPP | Community Planning and Development Services | The Regional Municipality of York | 1-877-464 9675 ext 71538 | Gabrielle.hurst@york.ca | www.york.ca

From: Morton, Devon <dmorton@newmarket.ca>
Sent: Tuesday, February 2, 2021 5:02 PM
To: jtaylor <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>; mikeufi@rogers.com; pwassenaer1022@rogers.com; shane@urbanforestinnovations.com; L.Tafreshi@lsrca.on.ca; christian.singh@ontario.ca
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (February 24, 2021)

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, forward it to isitsafe@york.ca then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

Good Evening,

The next virtual Committee of Adjustment hearing will be held on Wednesday, February 24th, 2021 at 9:30 a.m. The Committee of Adjustment will consider the following applications:

- D13-A01-21 – 455 Harry Walker Parkway (Ward 2)
The applicant is proposing construction of two medium hazard industrial buildings for employment uses. Application is to seek relief to the landscape buffer use and width, and the minimum front yard.
- D13-A02-21 – 125 Prospect Street (Ward 2)

The applicant is proposing reconstruction of a second-storey balcony. Application is to seek relief to the definition of 'balcony'.

- D13-A03-21 – 438 Bristol Road (Ward 4)

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.

- D13-A04-21 – 625 McGregor Farm Trail (Ward 7)

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.

- D10-B01-21 – 855 Mulock Drive (Ward 5)

College Manor Shops Inc. (The Landlord) is proposing to permit the lease agreement registered on title between the Landlord and TDL Group Inc. (the Tenant) to be extended for a period of 21 years or greater.

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, by **Tuesday, February 16th, 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=0vx2CgH>

Please let me know if you have any questions.

Regards,



Devon Morton, B.U.R.P.I

Planner, Committee of Adjustment & Cultural Heritage
Secretary-Treasurer to the Committee of Adjustment
Planning and Building Services

dmorton@newmarket.ca

www.newmarket.ca

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



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Planning Report

To: Committee of Adjustment

From: Janany Nagulan,
Planner

Date: February 18, 2021

Re: Application for Minor Variance D13-A02-21
125 Prospect Street
Town of Newmarket
Made by: DEWAR, Caroline & CHALMERS, Nelia Melo

1. Recommendations:

That Minor Variance Application D13-A02-21 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 reconstruction of a second- story balcony supported by vertical uprights other than from the exterior wall. By contract, the By-law defines a balcony as a raised platform or structure in excess of 3 meters above grade which is not supported by vertical uprights other than from the exterior wall of the building which it projects and is only accessible from within the building.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	3 Definition of Balcony	A balcony is defined as: a raised platform or structure in excess of 3 metres above grade which is not supported by vertical uprights other than from the exterior wall of the building from which it projects and is only accessible from within the building.	To allow balcony to be defined as: a raised platform or structure in excess of 3 metres above grade which can be supported by vertical uprights other than from the exterior wall and is only accessible from within the building.

The above-described property (herein referred to as the “subject property”) is located in a residential neighbourhood, on Prospect Street, south of Queen Street. There is a Triplex on the subject property, and it is abutted by single detached dwellings to the north and south, and backs on to open space to the east.

3. Planning considerations:

The applicant is requesting relief from the By-law in order to permit the reconstruction of an existing rear second-storey balcony supported by the enclosed porch located on the rear of the existing single detached dwelling. The Zoning By-law defines a balcony as a platform or structure in excess of 3 meters above grade which is not supported by vertical uprights other than from the exterior wall of the building from which it projects. In this case, the existing balcony is supported by the existing porch therefore the reconstruction of the balcony will require that uprights through the enclosed porch underneath to maintain the character of the existing home.

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 including Triplex, which is the main use of the subject property. The use is pre-existing and the Town's Official Plan permits multi-unit buildings in the "Stable Residential" area where they are pre-existing.

The proposed application does not seek to change this pre-existing use of the lot and therefore 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 Multiple Unit Dwelling 1(R3-L) by By-law 2010-40, as amended. There currently is a legal non-conforming Triplex on the property. The use will continue without any interruption as the balcony and porch are proposed to be reconstructed.

Section 3 of the Zoning By-law defines the terms and uses of the Zoning By-law. The section sets out a definition of balcony 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 balcony must fit a defined term in order to define the structure, in order to distinguish if it is permitted and which standards are to be applied. In this case, the request for variance is to permit a balcony to be supported by the enclosed porch beneath rather than by the exterior wall of the building from which it projects. This is to maintain the existing construction where the existing balcony is supported by the existing porch beneath.

The general intent of the definition of balcony in the Zoning By-law is to ensure the balcony structure would be supported by the exterior wall of a building and provide access to the balcony within the building. The proposed reconstruction of the balcony will be supported by the enclosed porch underneath which will maintain the existing construction of the balcony and existing dwelling. 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. The balcony and dwelling are an existing situation therefore it is considered desirable to permit the land owner to improve their property and renew the existing dwelling.

Minor nature of the variance

The impact of the proposed variance appears to be minimal as a balcony has existed in this location previously with no noted impacts.

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

Comments from the Chief Building Official were not available as of the date of this report.

Engineering Services has no comment on the application.

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

Effect of Public Input

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

5. Conclusions:

The relief as requested:

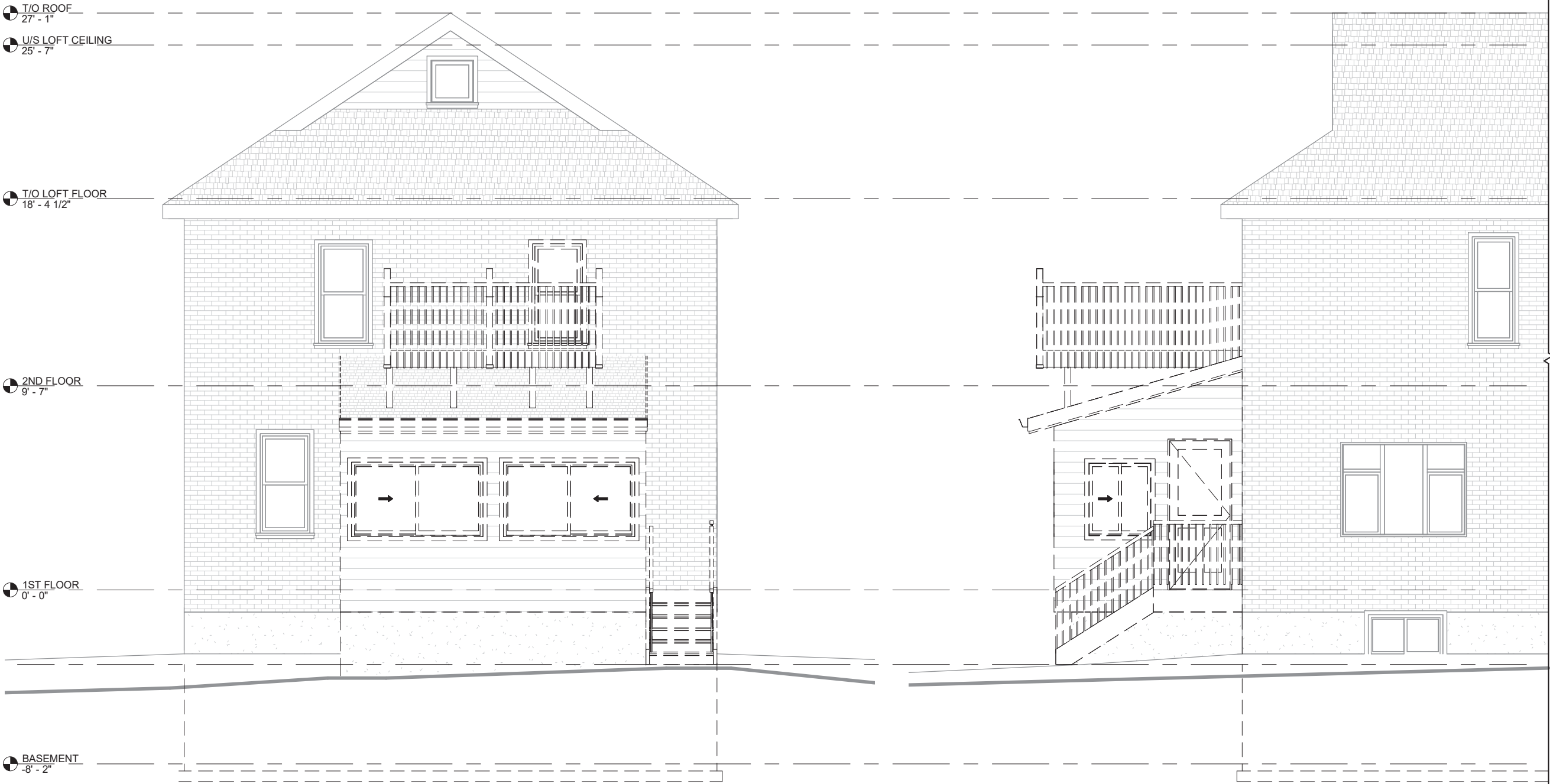
- 1) is minor in nature;
- 2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- 3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,

Janany Nagulan
Planner

SUBJECT OF MINOR VARIANCE APPLICATION

THIS APPLICATION ASKS FOR THE PROPOSED 2ND-STOREY WALK-OUT TO BE STRUCTURALLY SUPPORTED BY THE SCREENED PORCH BENEATH.



1 EAST ELEVATION - EXISTING
3/16" = 1'-0"

2 NORTH ELEVATION - EXISTING
3/16" = 1'-0"

EXISTING ELEVATIONS
NOV 10, 2020
1:40 PM

U:\20server\20014 - Alterations - 125 Prospect Street, Newmarket\00 Revit & AutoCAD\20014 - 125 Prospect St, Newmarket - 2020-11-10 - MINOR VARIANCE.rvt

No	Description	Date	By

PROPOSED RESTORATION
125 PROSPECT STREET
125 Prospect St, Newmarket, ON

CAROLINE DEWAR & NELIA CHALMERS

DAVID JOHNSTON ARCHITECT
No. 8 Maple Lane
Unionville, Ontario L3R 1R2
Phone: (905) 479-9992
Fax: (905) 479-9995

ONTARIO ASSOCIATION OF ARCHITECTS
DAVID JOHNSTON
LICENCE 2292

MINOR VARIANCE APPLICATION

Drawn by: YS
Date: 2020-11-10
Scale: 3/16" = 1'-0"
Project Number: 20014
DRAWING NAME: EX. ELEVATIONS
SHEET NUMBER: A-2.1

SUBJECT OF MINOR VARIANCE APPLICATION

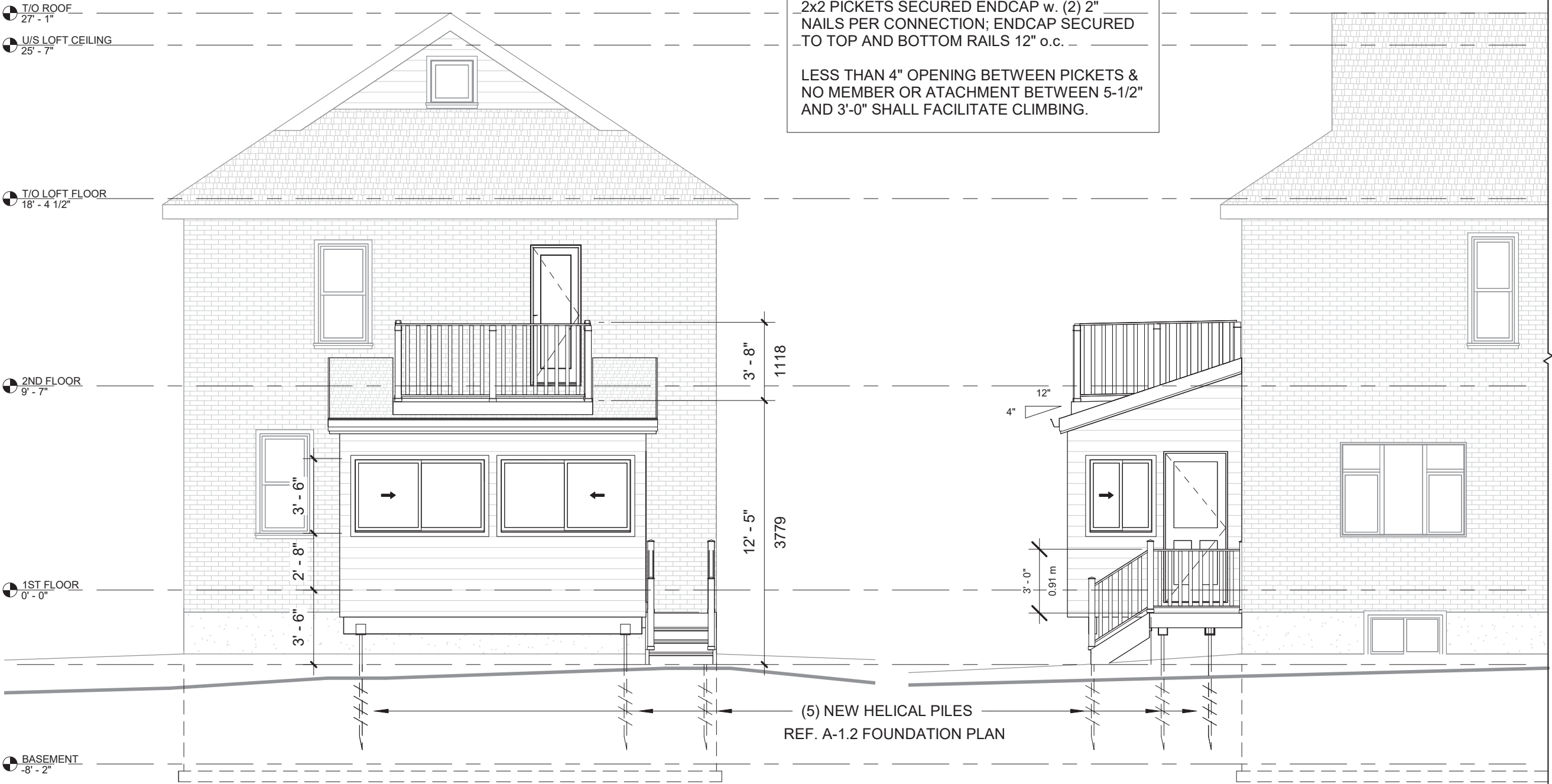
THIS APPLICATION ASKS FOR THE PROPOSED 2ND-STOREY WALK-OUT TO BE STRUCTURALLY SUPPORTED BY THE SCREENED PORCH BENEATH.

GUARDRAIL NOTE:

CONTINUOUS 2x4 TOP AND BOTTOM RAIL
SECURED w.(2) 3" NAILS PER CONNECTION;
SKEW NAILED

2x2 PICKETS SECURED ENDCAP w. (2) 2"
NAILS PER CONNECTION; ENDCAP SECURED
TO TOP AND BOTTOM RAILS 12" o.c.

LESS THAN 4" OPENING BETWEEN PICKETS &
NO MEMBER OR ATTACHMENT BETWEEN 5-1/2"
AND 3'-0" SHALL FACILITATE CLIMBING.



1 EAST ELEVATION - PROPOSED
3/16" = 1'-0"

2 NORTH ELEVATION - PROPOSED
3/16" = 1'-0"

* NO PROPOSED
CHANGES TO GRADING -
TO REMAIN AS EXISTING

NOTE: GUARDS TO BE INSTALLED IN COMPLIANCE WITH O.B.C. 9.8.8.

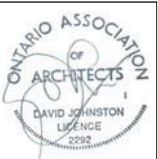
PROPOSED ELEVATIONS
NOV 10, 2020
1:40 PM

No	Description	Date	By

PROPOSED RESTORATION
125 PROSPECT STREET
125 Prospect St, Newmarket, ON

CAROLINE
DEWAR
&
NELIA
CHALMERS

DAVID
JOHNSTON
ARCHITECT
No. 8 Maple Lane
Unionville, Ontario L3R 1R2
Phone: (905) 479-9992
Fax: (905) 479-9995



MINOR VARIANCE
APPLICATION

Drawn by	YS
Date	2020-11-10
Scale	3/16" = 1'-0"
Project Number	20014
DRAWING NAME	PROPOSED ELEVATIONS
SHEET NUMBER	A-2.2


DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES
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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: February 16, 2021
RE: Application for Minor Variance
 Made by: Dewar, Caroline & Chalmers, Nelia Melo
 File No.: D13-A02-21
 125 Prospect Street
 PT LT 8 E/S PROSPECT ST PL 22 NEWMARKET; PT LT 9 E/S PROSPECT ST PL
 22 NEWMARKET AS IN R724642
 Town of Newmarket Ward 2
Engineering Services File No.: R. Prospect St

The applicant is proposing reconstruction of a second-storey balcony. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 3 Definitions to permit reconstruction of a second-storey balcony supported by vertical uprights whereas the By-law defines a balcony as a raised platform or structure in excess of 3 metres above grade which is not supported by vertical uprights other than from the exterior wall of the building from which it projects and is only accessible from within the building.

We have reviewed the application and supporting documentation and have no comments on this application. Please be advised that this application would be required to be reviewed by the Building Department.

Should you have any questions please contact the undersigned.

Sincerely,

ENGINEERING SERVICES

Sepideh Majdi, P.Eng.
 Manager, Development Engineering

Morton, Devon

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: February 11, 2021 3:09 PM
To: Morton, Devon
Subject: RE: D13-A02-21 Committee of Adjustment - Notice of Application Circulation (February 24, 2021)

Good afternoon Devon

The Regional Municipality of York has completed its review of the above minor variance and has no comments.

Gabrielle

Gabrielle Hurst MCIP RPP | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | Gabrielle.hurst@york.ca | www.york.ca

From: Morton, Devon <dmorton@newmarket.ca>
Sent: Tuesday, February 2, 2021 5:02 PM
To: jtaylor <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 <LlVillanueva@newmarket.ca>; Lyons, Lisa <ll Lyons@newmarket.ca>; Saini, Kiran <ksaini@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; mikeufi@rogers.com; pwassenaer1022@rogers.com; shane@urbanforestinnovations.com; L.Tafreshi@lsrca.on.ca; christian.singh@ontario.ca
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (February 24, 2021)

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- D13-A02-21 – 125 Prospect Street (Ward 2)
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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.
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- D10-B01-21 – 855 Mulock Drive (Ward 5)
College Manor Shops Inc. (The Landlord) is proposing to permit the lease agreement registered on title between the Landlord and TDL Group Inc. (the Tenant) to be extended for a period of 21 years or greater.

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, by **Tuesday, February 16th, 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=0vx2CgH>

Please let me know if you have any questions.

Regards,



Devon Morton, B.U.R.P.I

Planner, Committee of Adjustment & Cultural Heritage
Secretary-Treasurer to the Committee of Adjustment
Planning and Building Services
dmorton@newmarket.ca
www.newmarket.ca

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



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

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Newmarket, ON L3Y 4X7

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planning@newmarket.ca

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Planning Report

To: Committee of Adjustment

From: Patricia Cho
Planner

Date: February 17, 2021

Re: Application for Minor Variance D13-A03-2021
438 Bristol Road
Town of Newmarket
Made by: Mohammadnazari, Sharareh & Hassany, Abbas

1. Recommendations:

That Minor Variance Application D13-A03-2021 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.

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 space required for an existing 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 for a single detached dwelling with an ADU. 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 lands") is located in a residential neighbourhood, west of Main Street North and south of the Town boundary. 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 reduction in the required minimum number of off-street parking spaces to facilitate the creation of a legal ADU in the existing building. The Zoning By-law requires four exterior parking spaces for a single detached dwelling with an ADU. However, provincial legislation requires a total of three exterior parking spaces for a single detached dwelling with an ADU. In this case, the driveway is not large enough to accommodate three exterior spaces which meet the size requirements of the Zoning By-law, as such 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 lands are designated "Stable Residential" in the Town's Official Plan. This designation permits a range of residential accommodation built form types. Regarding this designation, the Town's Official Plan states:

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

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

The Official Plan permits ADU's 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 lands are zoned Residential Detached Dwelling 15.0 Metre (R1-D) Zone by 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 spaces, 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 ADU. 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) exterior parking spaces.

The general intent of the Zoning By-law is to provide a sufficient number of parking spaces for those residing in the two dwelling units on the property. Currently, the distance of the driveway measured from the garage face to the sidewalk is not long enough to accommodate two parking spaces, so only two vehicles can be accommodated on the driveway, parked side by side. A two car attached garage also exists, 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 and therefore this test is met.

Desirable for the appropriate development 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, ADU's 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 overall desirability of an ADU as encouraged by Town, Region, and Provincial policy.

The variance is considered desirable for the development and the use of the land and therefore this test is met.

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 ADU can be accommodated on site, either by the existing two exterior spaces or by the parking spaces in 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

No comment was available from Building Services at the time of writing this report.

No comment was available from Engineering Services at the time of writing this report.

The Region of York has no objection to this application.

Effect of Public Input

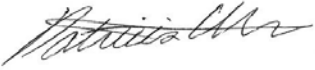
No public input was received as of the date of writing this report.

5. Conclusions:

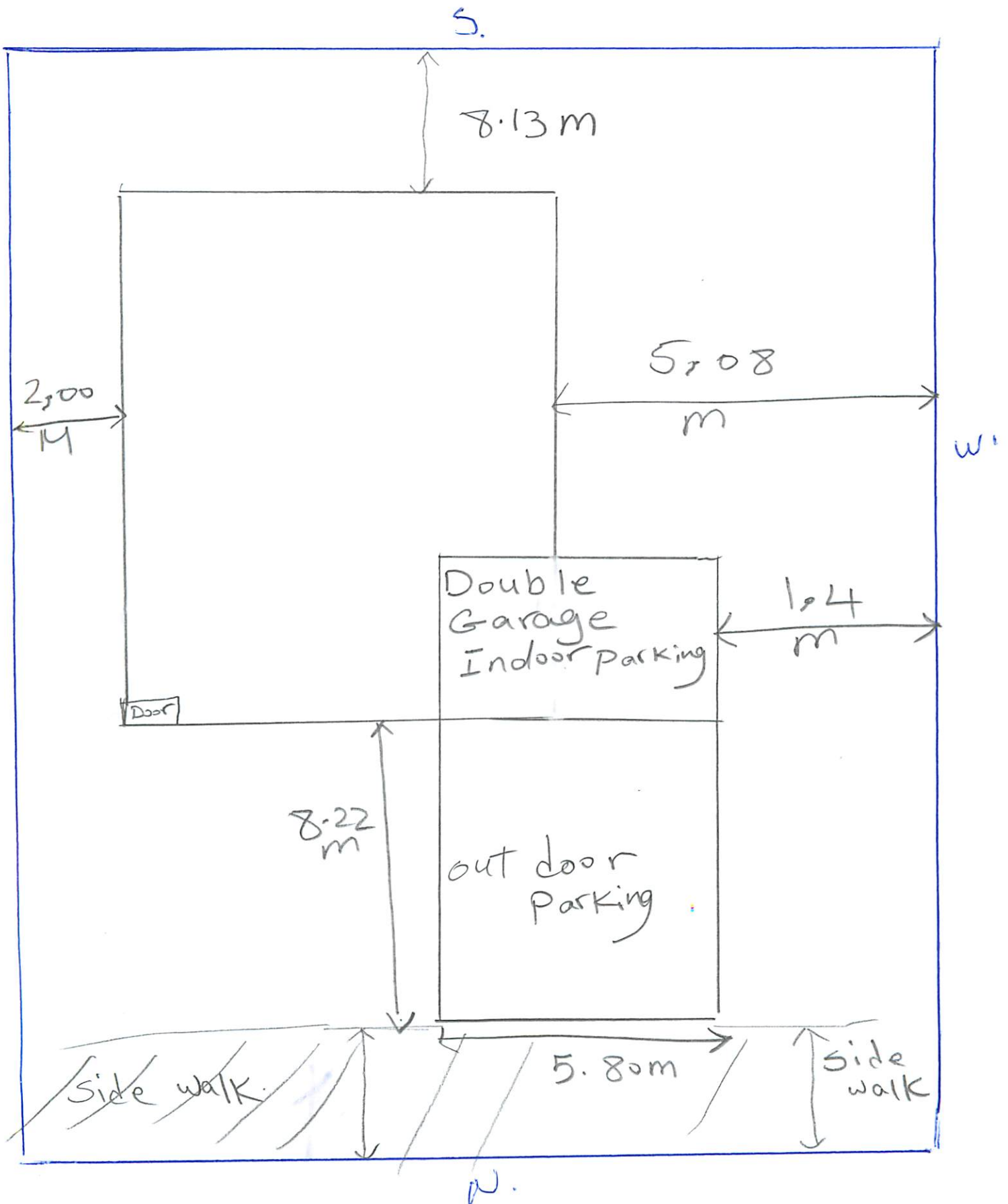
The relief as requested:

- 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,

A handwritten signature in black ink, appearing to read 'Patricia Cho', with a stylized flourish at the end.

Patricia Cho, HBA, MSc. (Pln)
Planner



438 Bristol
Rd.


DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES
Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

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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: February 10, 2021
RE: Application for Minor Variance
 Made by: Mohammadnazari, Sharareh & Hassany, Abbas
 File No.: D13-A03-21
 438 Bristol Road
 PCL 244-1, SEC M75 ; LT 244, PL M75 , S/T RIGHT LT189699
 Town of Newmarket Ward 4
Engineering Services File No.: R. Bristol 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

Morton, Devon

From: Development Services <developmentservices@york.ca>
Sent: February 12, 2021 2:50 PM
To: Morton, Devon
Subject: FW: D13-A03-21 Committee of Adjustment - Notice of Application Circulation (February 24, 2021)

Good afternoon Devon,
 The Regional Municipality of York has completed its review of the above minor variance and has no comment.
 Regards,

Gabrielle

Gabrielle Hurst MCIP RPP | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | Gabrielle.hurst@york.ca | www.york.ca

From: Morton, Devon <dmorton@newmarket.ca>
Sent: Tuesday, February 2, 2021 5:02 PM
To: jtaylor <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>; mikeufi@rogers.com; pwassenaer1022@rogers.com; shane@urbanforestinnovations.com; L.Tafreshi@lsrca.on.ca; christian.singh@ontario.ca
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (February 24, 2021)

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, forward it to isitsafe@york.ca then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

Good Evening,

The next virtual Committee of Adjustment hearing will be held on Wednesday, February 24th, 2021 at 9:30 a.m. The Committee of Adjustment will consider the following applications:

- D13-A01-21 – 455 Harry Walker Parkway (Ward 2)
The applicant is proposing construction of two medium hazard industrial buildings for employment uses. Application is to seek relief to the landscape buffer use and width, and the minimum front yard.

- D13-A02-21 – 125 Prospect Street (Ward 2)
The applicant is proposing reconstruction of a second-storey balcony. Application is to seek relief to the definition of ‘balcony’.
- D13-A03-21 – 438 Bristol Road (Ward 4)
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.
- D13-A04-21 – 625 McGregor Farm Trail (Ward 7)
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.
- D10-B01-21 – 855 Mulock Drive (Ward 5)
College Manor Shops Inc. (The Landlord) is proposing to permit the lease agreement registered on title between the Landlord and TDL Group Inc. (the Tenant) to be extended for a period of 21 years or greater.

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, by **Tuesday, February 16th, 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=0vx2CgH>

Please let me know if you have any questions.

Regards,



Devon Morton, B.U.R.PI

Planner, Committee of Adjustment & Cultural Heritage

Secretary-Treasurer to the Committee of Adjustment

Planning and Building Services

dmorton@newmarket.ca

www.newmarket.ca

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

Morton, Devon

From: Brenda Malloy <brendaomalloy@hotmail.com>
Sent: February 19, 2021 3:39 PM
To: Morton, Devon
Subject: File Number D13-A03-21 - 438 Bristol Road Newmarket

Hello Mr. Morton,

My husband Jim and I strongly object to the owner at 438 Bristol Road Newmarket's proposal for the addition of an Accessory Dwelling Unit within the existing residential dwelling. We don't understand the wording "proposal". The owner is currently renting the upper portion of the house to one family and he has built an apartment in the basement and has a tenant living there. Is he also proposing to split this supposedly single family dwelling into yet another apartment? Or does this mean that he has illegally rented out the basement? One of the neighbours called the town months ago asking about the legality of an apartment being allowed with the small basement windows but hasn't heard back from the town.

We strongly object to the application for relief from Section 5.3.1 Minimum Off-Street Parking Requirements to permit one (1) parking space for an Accessory Dwelling Unit to be provided withing the existing garage.

Thank you for asking for our input. We don't know how a group home is allowed at 483 Bristol Road. There are numerous cars parked at the house, in front of the house and across the street. There was reportedly someone running around outside with no clothes on. There are care workers in PPE coming and going and we have seen police cars. A few months ago the police came to pick up someone who was loitering half dressed in front of a house a few doors down. This house is 2 blocks from Denne Public School. The neighbours were not notified by the town of this group home. If we lived beside this group home we would have been forced to sell our home.

The Real Estate agent told the previous owners that the new owners of 438 Bristol own other rental properties. As soon as they took possession in August 2020 they started renovating the house. A neighbour called the town and asked if they had a building permit and suddenly a building permit appeared on the front window. The previous owner said that the small windows in the basement are a death trap in case of a fire. There would be a kitchen down there as well as the furnace, hot water tank and water softener. The new owners asked what year the basement rec room was completed and the Real Estate agent said they would not be happy because the small basement windows do not fit the criteria to pass the fire regulations as an apartment dwelling.

Bristol Road is a main thoroughfare and a school and town bus route and is busy with foot traffic, children walking to school and people walking. It is dangerous to have numerous cars either from tenants or visitors parking on the street. We have had cars speeding and actually had a tree knocked down across the street twice and someone lost control and drove up a neighbour's front yard. A pedestrian was hit a few years ago, we are in a community safety zone but it doesn't stop people from speeding and driving erratically around vehicles parked on the street. Also people are parking their cars on the street to collect mail from the community box.

Currently there is a quiet family living upstairs at 438 Bristol Road but who knows how many people will move in when they move out. We are concerned that the house may be turned into a group home, halfway house, frat house or Airbnb perhaps resulting in noisy parties and backyard pollution with smoking weed, etc. I have environmental allergies and wouldn't be able to go outside if this was the case. I know personally of people renting a house who have brought other people in and are using sleeping bags in the living room.

A few doors down a house was being rented to numerous unrelated people. The front of the house was littered with junk and the neighbours said the tenants were throwing garbage into the backyard. They have since moved out.

We believe that the new owner has no interest in the well being of the families in our community, his only interest is the business of making as much money as he can possibly squeeze out of his business of property rentals. The house is not meant to have unrelated people living there. The walls are thin and noise travels through the vents. How safe is a kitchen situated in the basement with windows too small and too high to crawl out of in case of a fire? We are afraid that there will be a high turnover as tenants realize this. How many families with young children would want to have someone they don't know living below them and sharing the back yard? How many unrelated people could move in next and will they take care of the property and not disturb the neighbours? Not only could this affect our quality of life but it could also result in a decrease in our property value should we decide to sell. Our driveways only fit 2 cars due to the sidewalk. We object to the application to allow one extra parking space in the garage which will only encourage the landlord to rent the house to more people. We always thought we lived in an area of single family dwellings.

Thanks for listening to our concerns.

Jim and Brenda Malloy

434 Bristol Road

Newmarket, ON

Morton, Devon

From: Inge-Julio <jc.ik@bell.net>
Sent: February 19, 2021 11:58 AM
To: Morton, Devon
Subject: D13-A03-21 APPLICATION FOR MINOR VARIANCE @ 438 BRISTOL RD, NEWMARKET, WARD 4

Importance: High

NEWMARKET DOES NOT NEED **ABSENTEE LANDLORDS** IN A FIRMLY ESTABLISHED RESIDENTIAL NEIGHBORHOOD

Our answer to this belated request is NO.

Our neighborhood consists of **fully detached, single family homes** and, it is one of the most desired location of our Town for that main reason, **single family**, which it is not the case here since 2 non-related tenants (with mor coming) are currently living on this property already.

At the time of this request, brought up as an **after thought**, the inhabitants of this dwelling are renters while the owners live elsewhere and are *de facto* “absentee landlords”.

This type of accommodations has a negative impact on street level parking, the more “tenants” the worse for the neighbourhood as currently found in other areas of Newmarket.

Allowing basements to be used as living quarters has a serious drawback from a Health & Safety point of view, since these basements lack an independent means of egress, i.e., fire escape route with direct and, unencumbered access to the outdoors. These basements also lack sufficient means of ventilation, specially when tasks as cooking, natural gas furnace, water treatment, laundry, etc.

Along with the above we wish to be notified of the decisions of the Committee of Adjustment as it pertains to this application.

Thank you for your time,

Inge K. Ruddies, Owner
Julio C. Santos, Owner



PLANNING AND BUILDING SERVICES

Town of Newmarket

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Planning Report

To: Committee of Adjustment

From: Patricia Cho
Planner

Date: February 17, 2021

Re: Application for Minor Variance D13-A04-2021
625 McGregor Farm Trail
Town of Newmarket
Made by: Roosta, Bahman & Attar, Anoosheh

1. Recommendations:

That Minor Variance Application D13-A04-2021 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.

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 space required for an existing 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 for a single detached dwelling with an ADU. 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 lands") is located in a residential neighbourhood, east of Bathurst Street and south of Davis Drive. 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 reduction in the required minimum number of off-street parking spaces to facilitate the creation of a legal ADU in the existing building. The Zoning By-law requires four exterior parking spaces for a single detached dwelling with an ADU. However, provincial legislation requires a total of three exterior parking spaces for a single detached dwelling with an ADU. In this case, the driveway is not large enough to accommodate three exterior spaces which meet the size requirements of the Zoning By-law, as such 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 lands are designated Low Density Residential within the Urban Area in the Oak Ridges Official Plan Amendment 28. Within the Urban Area – Oak Ridges Moraine, single detached dwellings are permitted in this designation. The Official Plan permits ADU's 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 lands are zoned Residential Detached Dwelling 15.0 Metre (R1-D) Zone by 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 spaces, 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 ADU. 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) exterior parking spaces.

The general intent of the Zoning By-law is to provide a sufficient number of parking spaces for those residing in the two dwelling units on the property. Currently, the distance of the driveway from the garage face to the sidewalk is not long enough to accommodate two parking spaces, so only two vehicles can be accommodated on the driveway, parked side by side. A two car attached garage also exists, 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 and therefore this test is met.

Desirable for the appropriate development 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, ADU's 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 overall desirability of an ADU as encouraged by Town, Region, and Provincial policy.

The variance is considered desirable for the development and the use of the land and therefore this test is met.

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 ADU can be accommodated on site, either by the existing two exterior spaces or by the parking spaces in 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

No comment was available from Building Services at the time of writing this report.

No comment was available from Engineering Services at the time of writing this report.

The Region of York has no objection to this application.

Effect of Public Input

Written correspondence was received from the adjacent neighbour (626 McGregor Farm Trail) with concerns that the proposed changes would convert the single residential dwelling from residential use to commercial purposes.

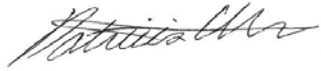
The subject property is zoned as R1-D and in this zone the permitted use include single detached dwellings and ADUs. Commercial uses are not permitted within the R1-D zone.

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 'Patricia Cho', written in a cursive style.

Patricia Cho, HBA, MSc. (Pln)
Planner



Tara Farhid
T: 416 993 3860
Email: emergedb@outlook

McGREGOR FARM TRAIL
(BY PLAN 65M-4436)
P.I.N. 03582-0693

SCOPE OF WORK
FOR "COA"

STREET LINE

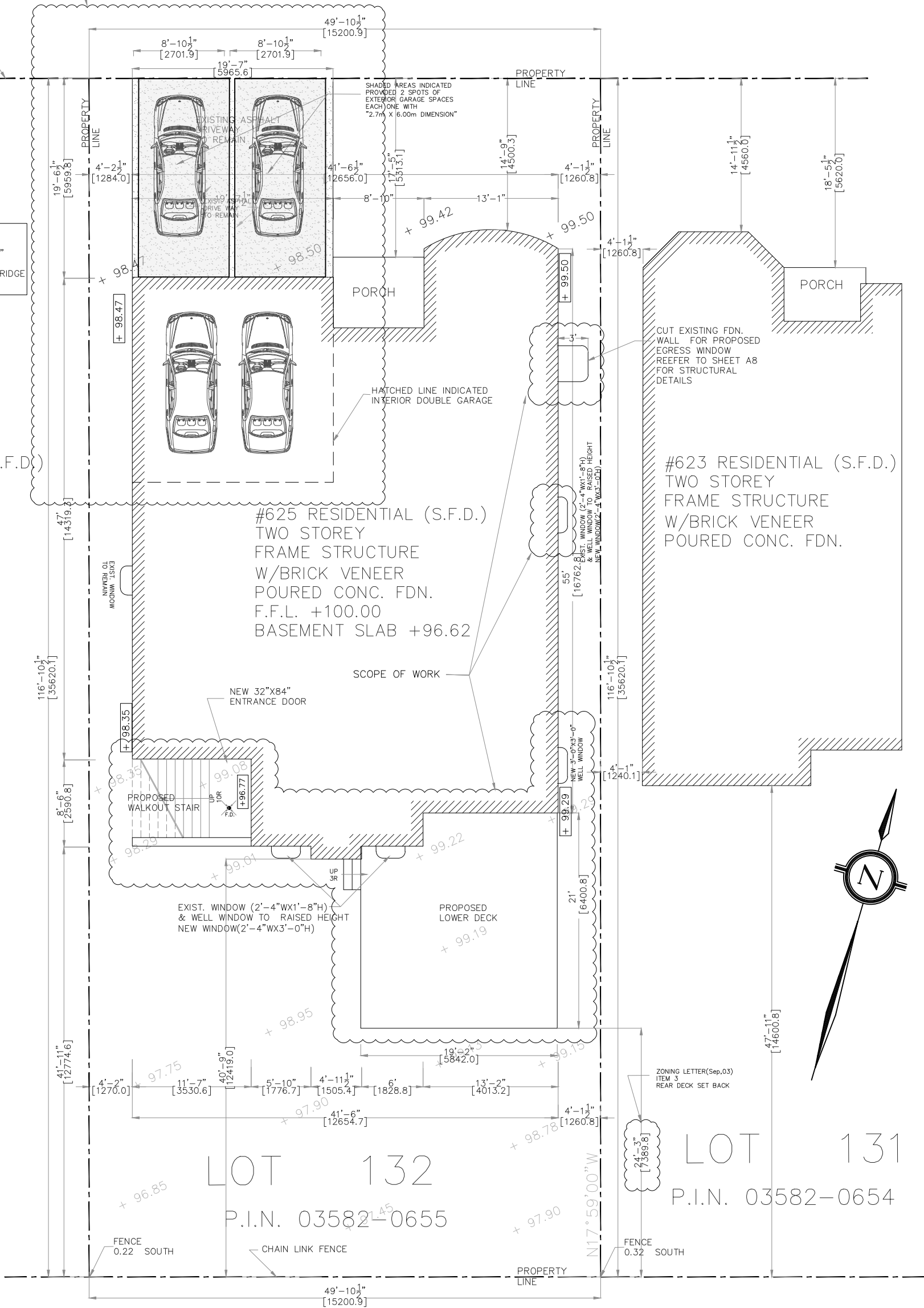
PLAN SHOWING
LOT 132 AND PART OF LOT 131,
BY PLAN 65M-4436
TOWN OF NEWMARKET

ALL INFORMATION TAKEN FROM
SURVEY DRAWING PREPARED BY
"RADY-PENTEK & EDWARD SURVEYING"
ONTARIO LAND SURVEYORS
643 CHRISLEA ROAD, SUITE 7, WOODBRIDGE
ONTARIO, TEL. (416)635-5000

#627 RESIDENTIAL (S.F.D.)
TWO STOREY
FRAME STRUCTURE
W/BRICK VENEER
POURED CONC. FDN.

#625 RESIDENTIAL (S.F.D.)
TWO STOREY
FRAME STRUCTURE
W/BRICK VENEER
POURED CONC. FDN.
F.F.L. +100.00
BASEMENT SLAB +96.62

#623 RESIDENTIAL (S.F.D.)
TWO STOREY
FRAME STRUCTURE
W/BRICK VENEER
POURED CONC. FDN.



OPTIONS
DESIGN & BUILD

Planning Design Management

7711 Yonge St., Suite-202
Markham, Ontario, L3T 2C4
T 647.984.9592
T 416.879.7976

Project No:

20-1625

Issued For:

1 C.O.A.	SEP.14.2020

Drawing Title:

**Proposed
Site Plan**

Project Name:

**New Entrance & 2nd unit
Bahman
625 McGregor Farm TRail
Newmarket, ON.
L3X 1C9**

Scale:

3/32"=1'-0"

Drawing No:

- 1- ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
- 2- VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- 3- DO NOT SCALE DRAWINGS.
- 4- ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO DESIGNER BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.
- 5- USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION"
- 6- ALL STRUCTURAL DESIGN MUST BE REVIED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.

A1b



PLANNING AND BUILDING SERVICES

Town of Newmarket www.newmarket.ca
 395 Mulock Drive planning@newmarket.ca
 P.O. Box 328, STN Main
 Newmarket, ON L3Y 4X7

T: 905.953.5321
 F: 905.953.5140

Planning Report

To: Committee of Adjustment

From: Janany Nagulan
Planner

Date: February 18, 2021

Re: Application for Consent - **D10-B01-21**
 855 Mulock Drive
 Made by: College Manor Shops Inc. (Mark Johnson)

1. Recommendations

That Consent Application D10-B01-21 be granted, subject to the following conditions:

- a. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
 - i. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;
 - ii. a copy of the fully executed lease regarding the subject lands; and
 - iii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
- iv. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

2. Subject Lands

This application pertains to the property described by the legal description below:

PCL 37-3, SEC 65M2836 ; PT BLK 37, PL 65M2836,
 PTS 1, 2 & 3 65R18363 EXCEPT PT 1 D744 ; S/T LT793962, LT841410 NEWMARKET
 S/T EASE OVER PT 1, 65R26057 IN FAVOUR OF BELL CANADA AS IN YR387973.

3. Application

The lands are located on the north side of Mulock Drive, east of College Manor Drive. The proposed consent seeks the approval of Committee of a lease with a period of 21 years or greater, as the Planning Act requires a consent for the creation of any interest in land with a period of 21 years or greater. If granted, the proposed consent would allow the extension of the existing lease for a period of 21 years or greater.

The lands to be leased are known as 855 Mulock Drive (outlined in red on the sketch attached to the application) and is approximately 130 m² in area. These lands are occupied by the building at the northwest corner of the lot currently occupied by a Tim Hortons restaurant. The lands to be retained constitute the balance of the property and are addressed: 869 and 883 Mulock Drive, where there are currently two permitted multi-unit commercial buildings. The lands retained are approximately 420 m² in area.

4. Planning considerations – Consent

Conformity with the Official Plan

The subject lands are designated “Commercial” in the Town’s Official Plan. This designation permits a range of retail and service commercial uses, including restaurants. No division of land or physical change to the site is proposed through this application. The proposed application for consent would not conflict with the purpose and intent of the Official Plan.

Conformity with the Zoning By-law

The subject lands are zoned Retail Commercial 2 Zone (CR-2) by By-law Number 2010-40. This zone permits restaurants and drive through facilities such that currently existing on the proposed lands to be leased. The lands to be retained include two multi-unit commercial buildings that contain other commercial uses.

5. Other comments

Tree protection

The subject lands are subject to an existing site plan agreement. No physical changes are proposed for the subject lands.

Heritage

The subject lands are not listed or designated under the *Ontario Heritage Act*.

Commenting agencies and departments

Comments from Chief Building Official were not available as of the date of this report.

Engineering Services has no objections to this application.

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

Effect of public input

Planning Services received no submissions from the public related to this application.

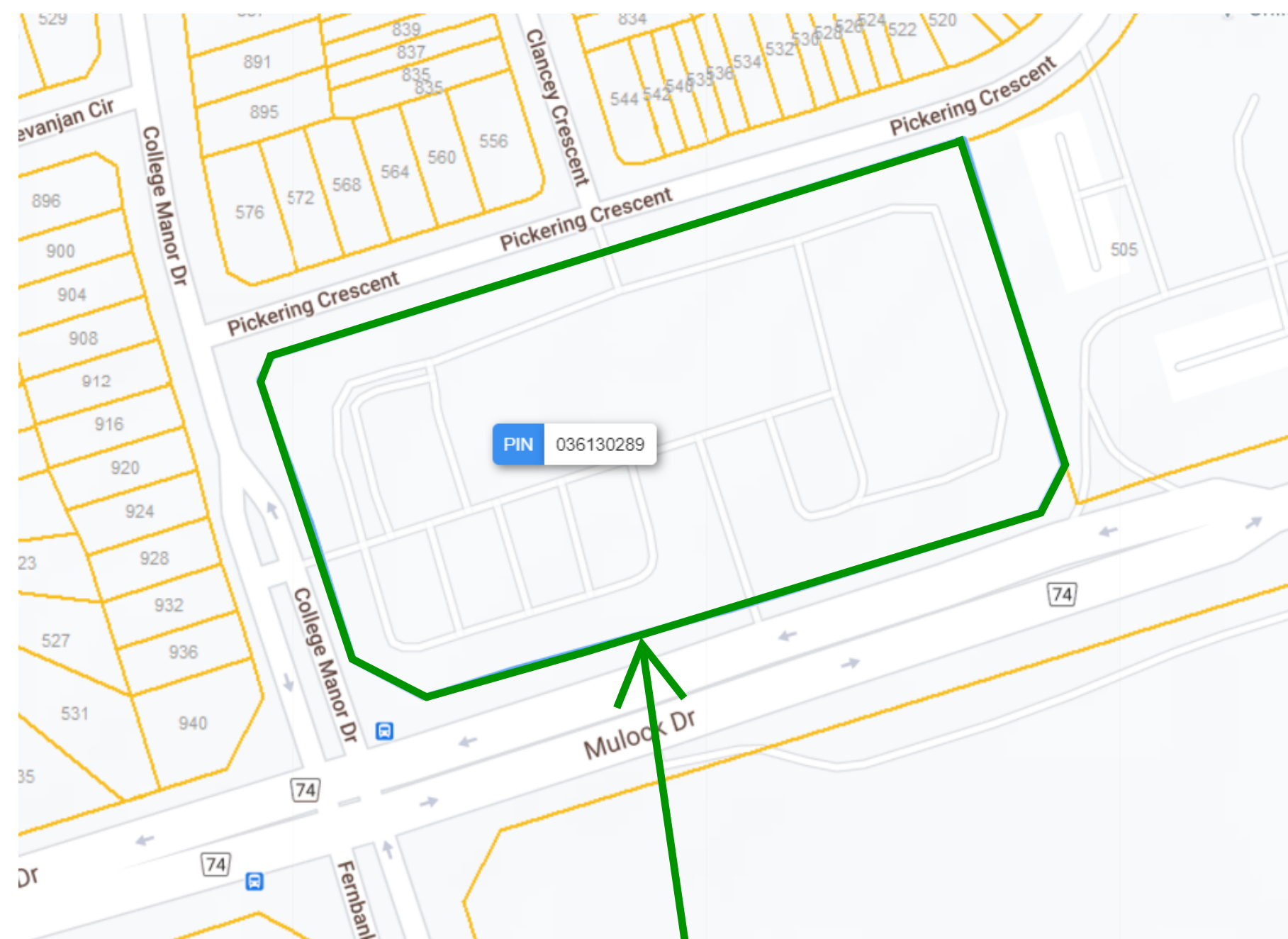
6. Conclusions

The consent meets the relevant requirements of the Zoning By-law, Official Plan and is recommended to be granted subject to conditions.

Respectfully,



Janany Nagulan
Planner

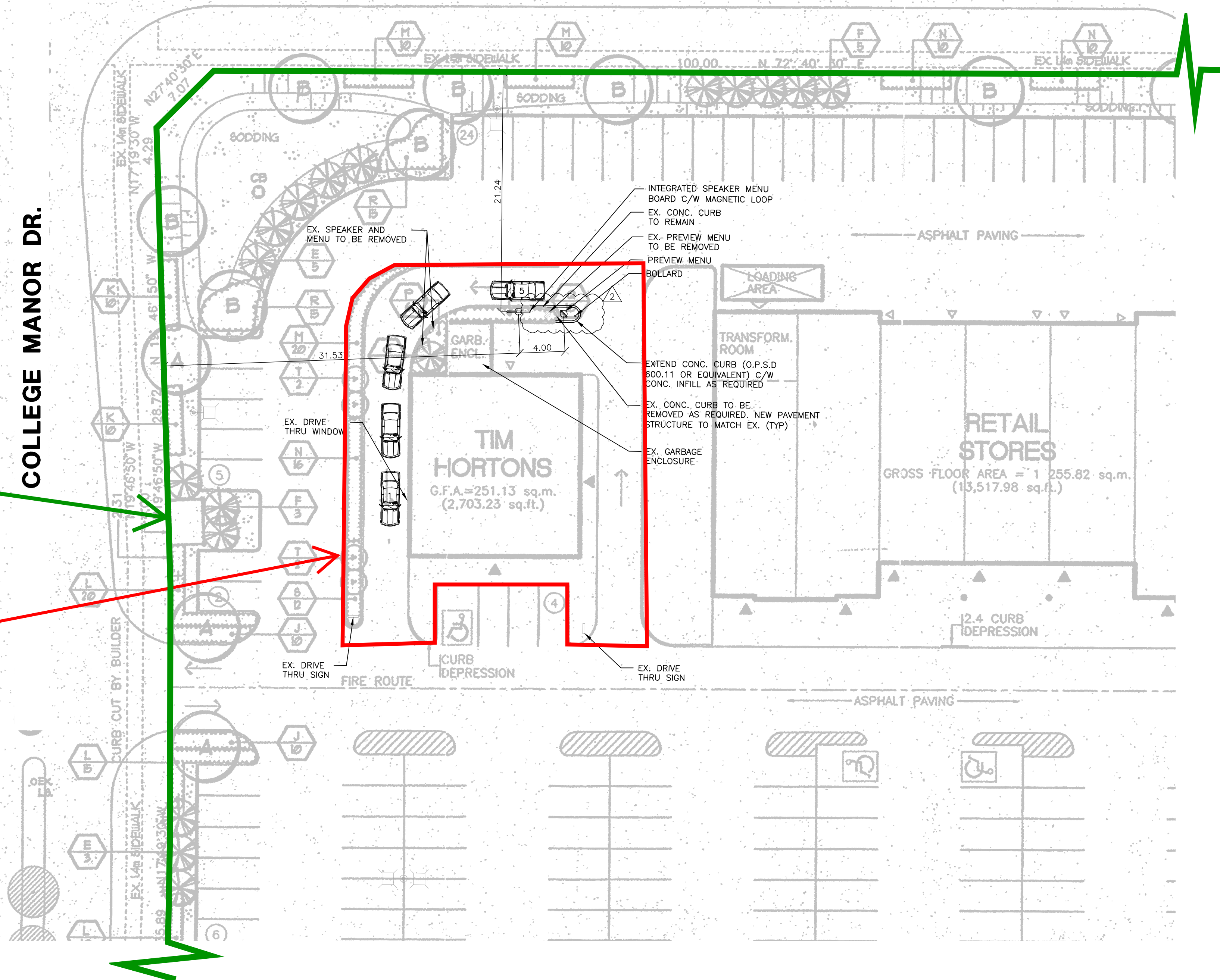


Property Boundary

Leased
Premise

COLLEGE MANOR DR.

PICKERING CRESCENT



HEAD OFFICE 478 SINCLAIR ROAD OKVILVE, ON L6K 2Y1 Ph (905) 845-6511 Fax (905) 845-5551	WESTERN OFFICE 5151 STREET SE CALGARY, AB T2C 4B4 Ph (403) 203-7400 Fax (403) 203-7430	QUEBEC OFFICE 10590 CHEMIN COTE DE LIESSE LACHINE, QC H8T 1A4 Ph (514) 636-2233 Fax (514) 636-5313	ATLANTIC OFFICE 476 MARLIN ROAD, BOX280 DEBERT, NS B0M 1J0 Ph (902) 662-2521 Fax (902) 662-2552	US OFFICE 476 MARLIN ROAD DUBLIN, OH 43017 Ph (614) 791-4200 Fax (614) 791-4234
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NOT FOR CONSTRUCTION. NO SITE WORKS PROPOSED.
FOR ILLUSTRATION PURPOSES ONLY REGARDING AN APPLICATION
FOR CONSENT

1	5TH CAR MENU BOARD	SEP 14/12	8		
2	CURB EXTENSION	DEC 17/12	9		
3			10		
4			11		
5			12		
6			13		
			14		

PROJECT	NEWMARKET, ON
	855 MULOCK DRIVE
	RESTAURANT No 1629

DRAWING TITLE:	
SITE PLAN	
DRAWN BY:	K.B./D.K.D
SCALE:	1:250

AWING NO.

SP


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: February 10, 2021
RE: Application for Consent
 Made by: College Manor Shops Inc.
 File No.: D10-B01-21
 855 Mulock Drive PCL 37-3, SEC 65M2836 ; PT BLK 37, PL 65M2836 , PTS 1, 2 &
 3 65R18363 EXCEPT PT 1 D744 ; S/T LT793962, LT841410 NEWMARKET S/T
 EASE OVER PT 1, 65R26057 IN FAVOUR OF BELL CANADA AS IN YR387973
 Town of Newmarket Ward 2
Engineering Services File No.: R. Mulock Dr

We herein acknowledge receipt of the Notice of Application for Consent wherein the owners of the above noted properties are proposing to permit the lease agreement registered on title between the Landlord and TDL Group Inc. (the Tenant) to be extended for a period of 21 years or greater.

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

Morton, Devon

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: February 11, 2021 2:07 PM
To: Morton, Devon
Subject: RE: D10-B01-21 Committee of Adjustment - Notice of Application Circulation (February 24, 2021)

Good afternoon Devon

The Regional Municipality of York has completed its review of the above consent application and has no comment.
 Regards,

Gabrielle

Gabrielle Hurst MCIP RPP | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | Gabrielle.hurst@york.ca | www.york.ca

From: Morton, Devon <dmorton@newmarket.ca>
Sent: Tuesday, February 2, 2021 5:02 PM
To: jtaylor <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>; mikeufi@rogers.com; pwassenaer1022@rogers.com; shane@urbanforestinnovations.com; L.Tafreshi@lsrca.on.ca; christian.singh@ontario.ca
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (February 24, 2021)

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, forward it to isitsafe@york.ca then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

Good Evening,

The next virtual Committee of Adjustment hearing will be held on Wednesday, February 24th, 2021 at 9:30 a.m. The Committee of Adjustment will consider the following applications:

- D13-A01-21 – 455 Harry Walker Parkway (Ward 2)
The applicant is proposing construction of two medium hazard industrial buildings for employment uses. Application is to seek relief to the landscape buffer use and width, and the minimum front yard.
- D13-A02-21 – 125 Prospect Street (Ward 2)

The applicant is proposing reconstruction of a second-storey balcony. Application is to seek relief to the definition of 'balcony'.

- D13-A03-21 – 438 Bristol Road (Ward 4)

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.

- D13-A04-21 – 625 McGregor Farm Trail (Ward 7)

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.

- D10-B01-21 – 855 Mulock Drive (Ward 5)

College Manor Shops Inc. (The Landlord) is proposing to permit the lease agreement registered on title between the Landlord and TDL Group Inc. (the Tenant) to be extended for a period of 21 years or greater.

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, by **Tuesday, February 16th, 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=0vx2CgH>

Please let me know if you have any questions.

Regards,



Devon Morton, B.U.R.P.I

Planner, Committee of Adjustment & Cultural Heritage
Secretary-Treasurer to the Committee of Adjustment
Planning and Building Services

dmorton@newmarket.ca

www.newmarket.ca

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



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, January 20, 2021

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

Staff Present: Patricia Cho, Secretary-Treasurer
Meghan White, Senior Planner
Adrian Cammaert, Manager, Planning Services
Devon Morton, Planner

The Chair called the meeting to order at 9:30 AM.

1. **Notice**

The Chair gave 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**

None declared.

3. **Appeals**

None.

4. **Items**

4.1 Minor Variance Application - D13-A18-20

Syban Industries Limited

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

17080 Bathurst Street

Patricia Cho, Secretary-Treasurer, indicated the applicant, Syban Industries Limited, has submitted a request for withdrawal of their application.

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

1. Email from Stephanie Soave, Keller Williams Realty Centres, January 6th 2021.

Moved by: Ken Smith

Seconded by: Elizabeth Lew

That the request to withdraw the application be approved

Carried

4.2 Minor Variance Application - D13-A24-20

Montasseri, Korosh

Lot 134 PLAN M68

258 Plymouth Trail

Authorized Agent, Kyle Khadra, indicated he will be representing Minor Variance application D13-A24-20 and offered a presentation identifying the relief requested to the Committee. Mr. Khadra addressed the two letters of objection and letter of support that had been received. Furthermore, Mr. Khadra indicated permits had been issued for the Accessory Dwelling Unit.

Mr. Vescio sought clarification on the status and types of permits issued for the Accessory Dwelling Unit.

Mr. Khadra explained the existing Accessory Dwelling Unit had been permitted previously and that the relief requested is due to an alteration in the method of entry into the Accessory Dwelling Unit.

Clerical error identified by Mr. Vescio, report and agenda should reflect application D13-A24-20.

The Committee had no further question or comment.

The Public had no further question or comment.

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

1. Email from David Potter, Chief Building Official, Town of Newmarket, January 12th, 2021.
2. Memorandum from Sepideh Mejd, Manager, Development Engineering, Town of Newmarket, January 11th, 2021.
3. Letter of Opposition from Garry and Debbie Kaszper, 260 Plymouth Trail, Newmarket, January 13th, 2021.
4. Letter of Opposition Jason Nugent, unknown Plymouth Trail, Newmarket, January 17th, 2021.
5. Letter of Opposition from Eddie and Natasha Adzic, 265 Plymouth Trail, Newmarket, January 15th, 2021.
6. Letter of Support Amir Fathieh, 257 Plymouth Trail, Newmarket, January 19th, 2021.

Moved by: Peter Mertens

Seconded by: Ken Smith

That Minor Variance Application D13-A24-20 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.**

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-A25-20

Davis Drive 404 Retail GP Inc.

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

1240 Twinney Drive

Authorized Agent, Jenny Stark, indicated she will be representing Minor Variance application D13-A25-20 and offered background and contextual information related to the application. Ms. Stark further explained the nature of relief requested and why the proposal can not conform to the Zoning By-law.

Ms. Lew expressed concern in regards to the total floor area of the building and tree removal on the subject lands.

Authorized Agent, Jenny Stark, indicated the total floor area requested is approximate and could be altered due to a change in the floorplate and that tree removal concerns for the entire site are addressed in the Arborist's report.

Mr. Mertens expressed concern over whether the issues raised by participants would be addressed.

Senior Planner, Meghan White, indicated the review process would address residents concerns. Ms. White experienced technical difficulties and was disconnected from the meeting.

Ms. Stark indicated some concerns have been addressed and that additional traffic modifications are on-going and planned for the future.

Mr. Vescio requested that the concerns identified be forwarded to the Planner responsible for Site Plan review.

The Committee had no further question or comment.

Susan Eaton, owner and operator of 1225 Twinney Drive, expressed concern that Twinney Drive is not a major thoroughway and questioned the validity of traffic studies.

Ms. Stark indicated a traffic study was completed and additional measures will be implemented throughout the area including turning lanes and signalized intersections.

Adrian Cammaert, Manager of Planning, indicated the principle of land use had already been established and that the minor variance is in regards to site development.

Ms. Eaton expressed concern that the application and relief requested does not fit the definition of a Minor Variance.

Mr. Vescio indicated staff had determined this was an appropriate avenue to seek planning approvals for the relief requested.

Ms. Eaton expressed concern that this proposal will have significant impacts on her and wants to be involved with Site Plan approvals in the future.

Mr. Vescio assured Ms. Eaton she would have an opportunity to comment on the application further during the Site Plan approval process.

Jeff Allan, of 1172 Davis Drive, expressed concerns that the application and relief requested does not fit the definition of a Minor Variance.

The Public had no further question or comment.

The Committee had no further question or comment.

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

1. Email from David Potter, Chief Building Official, Town of Newmarket, January 12th, 2021.
2. Memorandum from Sepideh Mejd, Manager, Development Engineering, Town of Newmarket, January 11th, 2021.
3. Email from Anson Wong, Associate Planner, York Region, January 21st, 2021.
4. Letter of Opposition from Glenn Sutton, 1175 Twinney Drive, Newmarket, January 19th, 2021.
5. Letter of Opposition from Susan Eaton, 1225 Twinney Drive, Newmarket, January 19th, 2021.
6. Letter of Concern from Mark Dean, 1225 Twinney Drive, Newmarket, January 19th, 2021.

Moved by: Elizabeth Lew

Seconded by: Peter Mertens

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.**

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-A26-20

Asgari, Pouya, and Charkhinejad, Tina

Lot 47 PLAN 65M2734

334 Savage Road

Mr. Pouya Asgari, indicated he will be representing Minor Variance application D13-A26-20.

The Committee had no further question or comment.

Richard Wilson, of 314 Savage Road, expressed traffic and parking related concerns related to the application. He further expressed concern over the number of bedrooms in the residence and whether the proposal satisfied the requirements of the Ontario Building Code.

Mr. Vescio explained that the Province of Ontario has mandated Accessory Dwelling Units as permitted uses and the reason for application is to reduce parking requirements. Mr. Vescio explained a Building Permit would be required for the proposal.

Mr. Wilson expressed concern that the Zoning By-law was not being followed.

Janany Nagulan, Planner, explained the Provincial regulations and provisions of the Zoning By-law that regulate Accessory Dwelling Units and the associated parking provisions.

Mr. Vescio explained the purpose and function of a Committee of Adjustment.

Mr. Wilson stated his opposition to the application.

The Public had no further question or comment.

Mr. Alavi explained that many municipalities have reduced or eliminated parking requirements in their Zoning By-laws.

The Committee had no further question or comment.

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

1. Email from David Potter, Chief Building Official, Town of Newmarket, January 12th, 2021.
2. Memorandum from Sepideh Mejdi, Manager, Development Engineering, Town of Newmarket, January 11th, 2021.
3. Letter of Opposition from David Moss, 395 Mulock Drive, Newmarket, January 14th, 2021.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

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.**

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

5.1 December 9, 2020

The Committee accepted the Minutes of the December 9th, 2020 meeting.

Moved by: Elizabeth Lew

Seconded by: Ken Smith

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

Carried

6. Committee Appointments

6.1 Secretary-Treasurer

The Committee appointed Devon Morton as Secretary-Treasurer.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

That the Committee appoint Devon Morton as Secretary-Treasurer

Carried

6.2 Alternate Secretary-Treasurer

The Committee appointed Patricia Cho as Alternate Secretary-Treasurer

Moved by: Elizabeth Lew

Seconded by: Ken Smith

That the Committee appoint Patricia Cho as Alternate Secretary-Treasurer

Carried

7. Adjournment

The meeting was adjourned at 10:26 AM.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

That the meeting be adjourned

Carried

Chair

Secretary-Treasurer

Date