



Town of Newmarket

Agenda

Committee of Adjustment

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

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At this time, the Municipal Offices remain closed to the public. This meeting will be available VIA ZOOM Meeting at newmarket.ca/meetings	
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2514980 Ontario Ltd

693 Gorham Street, Town of Newmarket

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2021 83

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, March 24, 2021 at 9:30 AM
Location: Electronic VIA ZOOM Meeting

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

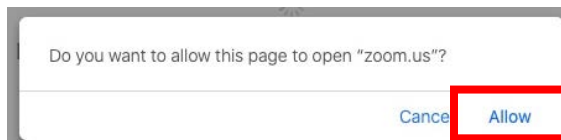
1

Click the link to the ZOOM Meeting below:

<https://townofnewmarket.zoom.us/j/99989289412?pwd=Zzd4TDh3M3hKSVC2d3J2MFMvV2V2UT09>

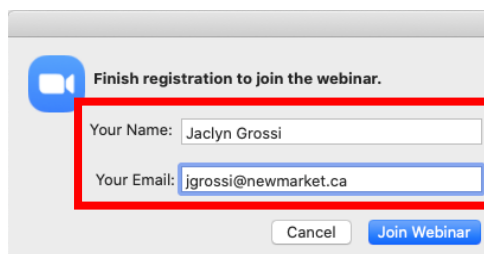
2

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



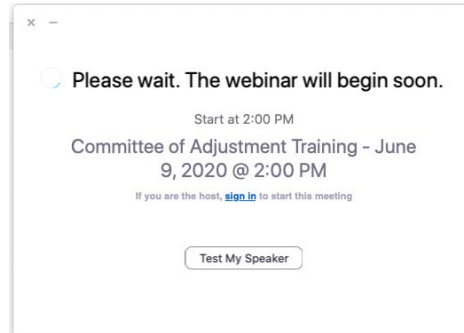
3

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: 999 8928 9412 followed by #

There is no Participant ID, just press #

Password: 904828 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.


PLANNING AND BUILDING SERVICES
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Planning Report

To: Committee of Adjustment
 From: Janany Nagulan
 Planner
 Date: March 18, 2021
 Re: Application for Minor Variance D13-A05-21
 315 Kirby Crescent
 Town of Newmarket
 Made by: PRICE, Catherine Ann

1. Recommendations:

That Minor Variance Application D13-A05-21 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application; and,
- ii. That 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, west of Yonge Street and south of Davis Drive. 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 315 Kirby Crescent. 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 cannot accommodate the required number of minimum exterior parking spaces, 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 “Residential Areas” 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. Provide for a range of residential accommodation by housing type, tenure, size and location to help satisfy the Town of Newmarket’s housing needs in a context sensitive manner.
- b. Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood.
- c. Recognize the desirability of gradual ongoing change by allowing for contextually-sensitive development through *Planning Act* applications, to permit development which contributes to a desirable urban structure, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.
- d. Encourage a range of innovative and affordable housing types, zoning standards and subdivision designs where it can be demonstrated that the existing physical character of the Residential Area will be maintained.

The Official Plan permits Accessory Dwelling Units in single-detached dwellings in subject to the provisions of the zoning by-law. It also encourages a range residential accommodations and affordable housing types. 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 sidewalk 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 forms of housing and an increased supply of rental housing. Furthermore, ADUs allow a modest 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 still be accommodated on site, either by the existing two exterior spaces or by the reserved parking space in the garage that is 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 has deferred their comments to Planning and have no objects at this time.

York Region has no comments with regards to this application.

Effect of Public Input

Neighbouring property owners at 313 and 317 Kirby Street have provided their support for this application.

5. Conclusions:

The relief as requested:

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

Respectfully submitted,

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

Janany Nagulan
Planner

Morton, Devon

From: Potter, David
Sent: March 9, 2021 10:55 AM
To: Morton, Devon
Cc: Larmer, Jennifer; Corrigan, Wendy
Subject: RE: Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

Hi Devon:

I have no objection to any of these applications subject to meeting the requirements of the Building Code.

Cheers,
 Dave

From: Morton, Devon <dmorton@newmarket.ca>
Sent: March 5, 2021 3:12 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>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

Good Afternoon,

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

- D13-A05-21 – 315 Kirby Crescent (WARD 7)
The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling.
- D13-A06-21 – 1036 Wildwood Drive (WARD 2)
The applicant is proposing construction of an addition to the existing Single Family Dwelling.
- D13-A07-21 – 189 Beechwood Crescent (WARD 5)
The applicant is proposing construction of an addition to the existing Single Family Dwelling.
- D13-A08-21 – 86 Stiver Drive (WARD 4)
The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling

- D13-A09-21 – 693 Gorham Street (WARD 2)
The applicant is proposing construction of an exterior stairwell and an addition to the existing Single Family Dwelling.

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, by **Wednesday, March 17, 2021** for inclusion in the Staff Report.

For your convenience, you may download the Submission Documents in digital format and the Notice of Hearing using the link below:

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

Please let me know if you have any questions.

Thank you,



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
Newmarket: A Community Well Beyond
the Ordinary

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


DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES
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Newmarket, ON L3Y 4X7

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engineering@newmarket.ca

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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: March 17, 2021
RE: Application for Minor Variance
 Made by: Price, Catherine Ann
 File No.: D13-A05-21
 315 Kirby Crescent
 PCL 112-1 SEC 65M2261; LT 112 PL 65M2261; T/W PT LT 94 CON 1 PT 1
 65R5721 AS IN LT109148 ; LT474734 NEWMARKET
 Town of Newmarket Ward 7
Engineering Services File No.: R. Kirby Cres

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: March 8, 2021 2:32 PM
To: Morton, Devon
Subject: RE: D13-A05-21 Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

Good afternoon Devon

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

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: Friday, March 5, 2021 3:12 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>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

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- D13-A07-21 – 189 Beechwood Crescent (WARD 5)
The applicant is proposing construction of an addition to the existing Single Family Dwelling.
- D13-A08-21 – 86 Stiver Drive (WARD 4)
The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling
- D13-A09-21 – 693 Gorham Street (WARD 2)
The applicant is proposing construction of an exterior stairwell and an addition to the existing Single Family Dwelling.

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, by **Wednesday, March 17, 2021** for inclusion in the Staff Report.

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Please let me know if you have any questions.

Thank you,



Devon Morton, B.U.R.PI
 Planner, Committee of Adjustment &
 Cultural Heritage
 Secretary-Treasurer to the Committee of
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 Newmarket: A Community *We'll* Beyond
 the Ordinary

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

Morton, Devon

From: Andre Sadono <asadono@gmail.com>
Sent: March 11, 2021 7:00 PM
To: Morton, Devon
Subject: 315 Kirby Crescent

Dear Ms. Morton,

We received your letter dated March 5, 2021 re: Notice of Application for Minor Variance 315 Kirby Crescent.

We, Fabiola and Andre Sadono of 313 Kirby Crescent, wish to express our support for the undertaking.

If you need any further information, please do not hesitate to contact us.

Sincerely,

Fabiola and Andre Sadono
313 Kirby Crescent
Tel. 905-235-4487

Morton, Devon

From: Ann Murphy <gribbinmurphy@hotmail.com>
Sent: March 9, 2021 10:53 PM
To: Morton, Devon
Cc: nick57price@gmail.com
Subject: Minor Variance for 315 Kirby Cr

We reside at 317 Kirby Cr, Newmarket.

We wish to offer our support for the application for Minor Variance submitted by Catherine Price of 315 Kirby Cr.

We are in full agreement with a decision to proceed with approval.

Thank you. Ann and Terry Murphy, 317 Kirby Cr.

Sent from my iPad


PLANNING AND BUILDING SERVICES
Town of Newmarket

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T: 905.953.5321

F: 905.953.5140

Planning Report

To: Committee of Adjustment

From: Janany Nagulan
Planner

Date: March 18, 2021

Re: Application for Minor Variance D13-A06-21
1036 Wildwood Drive
Town of Newmarket
Made by: KERR, Jeffrey Stephan and KERR, Marcia Jean

1. Recommendations:

That Minor Variance Application D13-A06-21 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 plans submitted with the application; and
- iii. That the applicant provide site specific grading plans prepared and sealed by the design Engineer (P.Eng), to be approved by Engineering Services; and
- iv. That the applicant provide a sealed letter prepared by the design Engineer (P.Eng) demonstrating that the proposed addition will not change the existing grading and drainage patterns and will not have an impact on the adjacent properties to the satisfaction of Engineering Services; and
- v. 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, in order build a two-story addition at the front of the existing single detached residential dwelling. The description of the proposed variances are below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.2.2 Zoning Standards Residential Zones	The required minimum setback from interior side lot line is 1.8m.	To reduced the required minimum from interior side lot line for buildings beyond 5.7m in height from 1.8m to 1.2m.
2	2010-40	6.2.2 Zoning Standards Residential Zones	The required front yard is to be one metre less than the average of the front yard of adjacent dwellings located within 60 metres, of the subject property on the same road but shall not be	To reduce the minimum required front yard length from 6.5m to 3.7m.

			<p>closer to the street line than 3m.</p> <p>The average front yard depth is 7.5 metres therefore the required minimum front yard is 6.5m.</p>	
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The proposed building plan and elevation is attached to this report.

The above-described property (herein referred to as the “subject property”) is located in a residential neighbourhood, west of Leslie Street and south of Davis Drive. 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 variances are to permit a reduction to the required minimum setback from the interior lot line from 1.8m to 1.2m and to permit the reduction to the minimum depth of the front yard, in support of a two story addition to the front of the existing building.

Based on the Zoning By-law 2010-40, as amended, the required front yard is to be one metre less than the average front yards of the adjacent dwelling located within 60 metres of the subject property on the same road. The average front yard length of dwellings located 60 metres of 1036 Wildwood Drive is 7.5m therefore the minimum required front yard is 6.5m.

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 “Residential Areas” in the Official Plan. This designation permits a range of residential built form types. Regarding this designation, the Town’s Official Plan states:

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

- a. Provide for a range of residential accommodation by housing type, tenure, size and location to help satisfy the Town of Newmarket’s housing needs in a context sensitive manner.
- b. Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood.
- c. Recognize the desirability of gradual ongoing change by allowing for contextually-sensitive development through *Planning Act* applications, to permit development which contributes to a desirable urban structure, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.
- d. Encourage a range of innovative and affordable housing types, zoning standards and subdivision designs where it can be demonstrated that the existing physical character of the Residential Area will be maintained.

The “Residential Areas” permits single detached dwellings in a range of sizes and built forms. The Official Plan allows for compatible design and the gradual change and improvement of homes through Planning Act applications. 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 by By-law Number 2020-63. Single detached dwellings are permitted within the zone.

Section 6.2.2 of the Zoning By-law sets out the zone standards applicable to residential zones. Building setbacks in residential zones are required to be setback within the same range as abutting buildings. The intent of the zone standards is to ensure compatibility and consistency of built form and control the extent of change in neighbourhood. There is a range of forms of single detached dwellings located on Wildwood Drive including one-story bungalows and two-story dwellings with projecting garages. The proposed addition would require a reduction to the interior yard set back, however the request is maintains the existing interior yard setback of the existing dwelling on the property. The addition will be located at the front of the building but only on the eastern portion. There will be no addition added to the western portion where the existing garage is located. The addition will not impact the amount existing parking spaces.

The addition would have less of a front yard setback than other dwellings on Wildwood Drive but would not appear to have a negative impact on the neighbourhood as the design of the proposed addition appears to be similar to the existing building and is compatible with existing neighbourhood. The variance requested maintains the general intent of the zoning by-law. This test is met.

Desirable for the appropriate development of the land

It is generally desirable to allow a property owner to invest in their property and arrange it in a manner that suits their needs, subject to the limits of the zoning by-law and impacts on the existing neighbourhood. The requested relief would allow the property owner to arrange the property to suit their needs without significant impact to neighbours or the community. The variance is desirable for the appropriate development of the lot. This test is met.

Minor nature of the variance

When considering if the variance is minor, potential impacts of the variance are considered rather than the measurable scale of the requested change. The overall impact of the proposed variances appears to be minimal as the design of the proposed addition appears to be consistent and compatible with the existing neighbourhood. The reduced setbacks for the two-story addition to the front of the existing dwelling appears to fit the overall diversity of dwelling types on the street. This test is met.

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 has stated concerns as the reduction of green (landscaped) spaces will have an impact on the current storm water system. Engineering Services has requested for site specific grading plans and letter stating there will be no changes to the existing grading/drainage pattern and there will be no impacts on the adjacent properties. This has been reflected in the conditions.

York Region has no comments with regards to this application.

Effect of Public Input

Two letters of support for the proposed variances have been submitted by neighbouring property owners.

5. Conclusions:

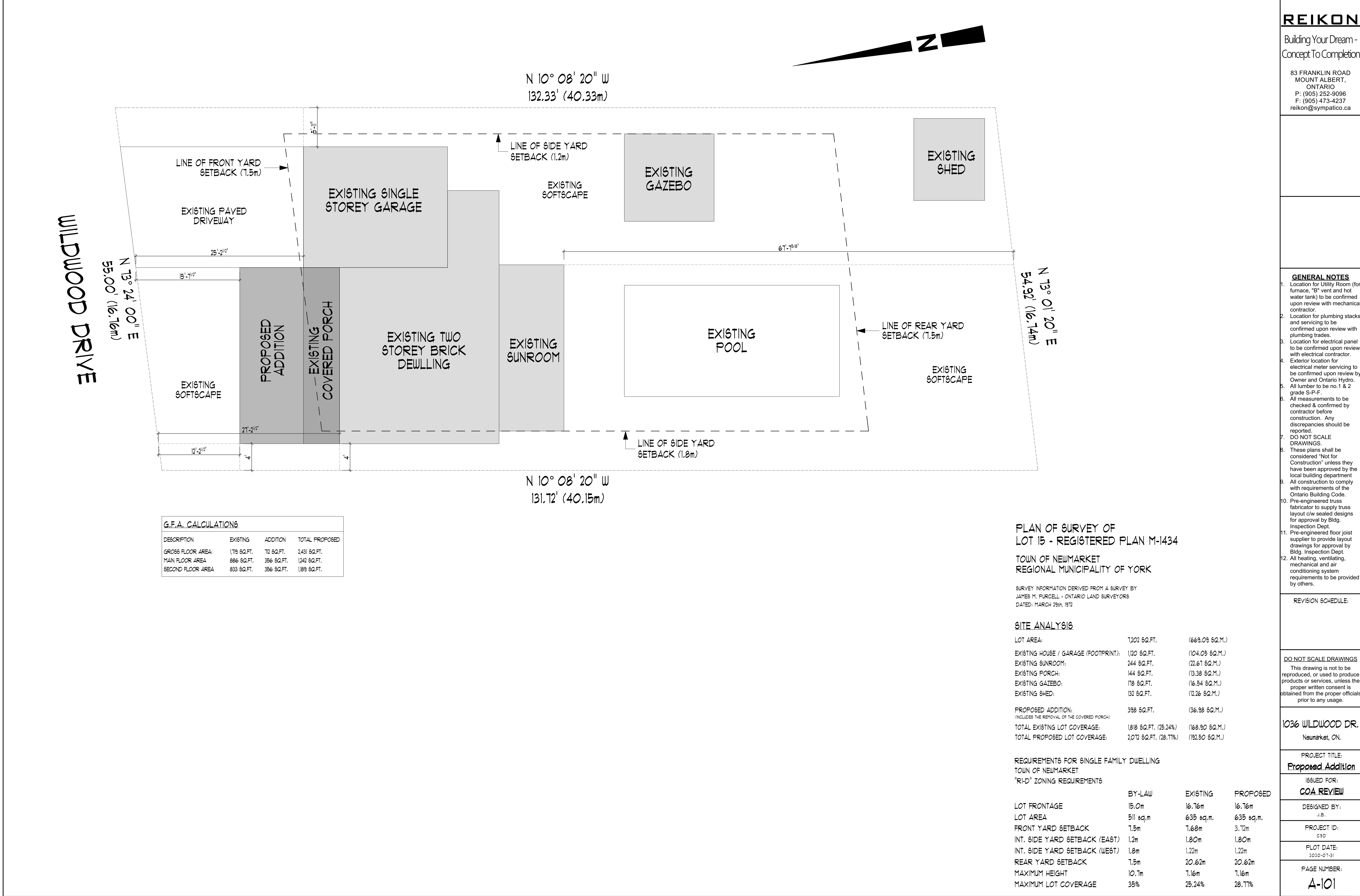
The relief as requested:

- 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





EXISTING FRONT ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED FRONT ELEVATION

SCALE: 1/4" = 1'-0"

NOTES:

- ROOF TO BE VENTED AS PER SECT. 9.19 OF O.B.C.
- CALK OVER & AROUND ALL EXTERIOR OPENINGS
- DRIP CAPS & FLASHINGS TO BE INSTALLED OVER ALL EXTERIOR OPENINGS AS REQUIRED
- ALL EXTERIOR DOORS TO BE INSULATED & WEATHERSTRIPPED
- ALL GLASS IN DOORS TO BE TEMPERED GLASS UNLESS NOTED OTHERWISE

NOTE:

LOT TO BE GRADED SO THAT WATER WILL NOT ACCUMULATE AT OR NEAR BUILDING AND WILL NOT AFFECT ADJACENT PROPERTIES (AS PER 9.14.6.1 OBC 2012)

NOTE:

ALL DOWNSPOUTS NOT CONNECTED TO SEWER SHALL BE EXTENDED TO CARRY RAIN WATER AWAY FROM THE BUILDING IN A MANNER THAT WILL PREVENT SOIL EROSION (AS PER 9.26.18.2 OBC 2012)

REIKONBuilding Your Dream -
Concept To Completion

83 FRANKLIN ROAD
MOUNT ALBERT,
ONTARIO
P: (905) 252-9096
F: (905) 473-4237
reikon@sympatico.ca

GENERAL NOTES

1. Location for Utility Room (for furnace, "B" vent and hot water tank) to be confirmed upon review with mechanical contractor.
2. Location for plumbing stacks and servicing to be confirmed upon review with plumbing trades.
3. Location for electrical panel to be confirmed upon review with electrical contractor.
4. Exterior location for electrical meter servicing to be confirmed upon review by Owner and Ontario Hydro.
5. All lumber to be no. 1 & 2 grade S-P-F.
6. All measurements to be checked & confirmed by contractor before construction. Any discrepancies should be reported.
7. DO NOT SCALE DRAWINGS.
8. These plans shall be considered "Not for Construction" unless they have been approved by the local building department.
9. All construction to comply with requirements of the Ontario Building Code.
10. Pre-engineered truss fabricator to supply truss layout c/w sealed designs for approval by Bldg. Inspection Dept.
11. Pre-engineered floor joist supplier to provide layout drawings for approval by Bldg. Inspection Dept.
12. All heating, ventilating, mechanical and air conditioning system requirements to be provided by others.

REVISION SCHEDULE:**DO NOT SCALE DRAWINGS**

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1036 WILDWOOD DR.
Neumark, ON

PROJECT TITLE:
Proposed Addition

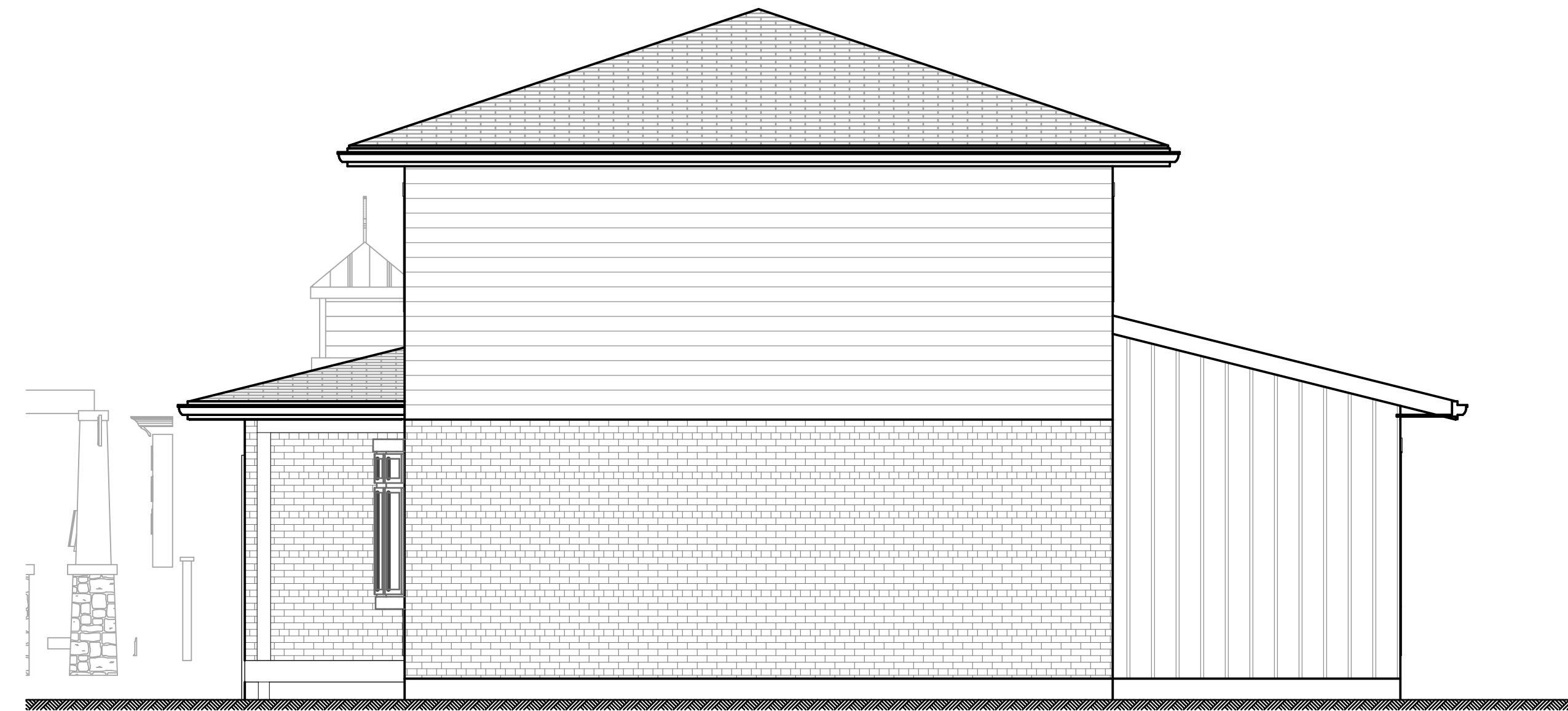
ISSUED FOR:
COA REVIEW

DESIGNED BY:
J.B.

PROJECT ID:
C5D

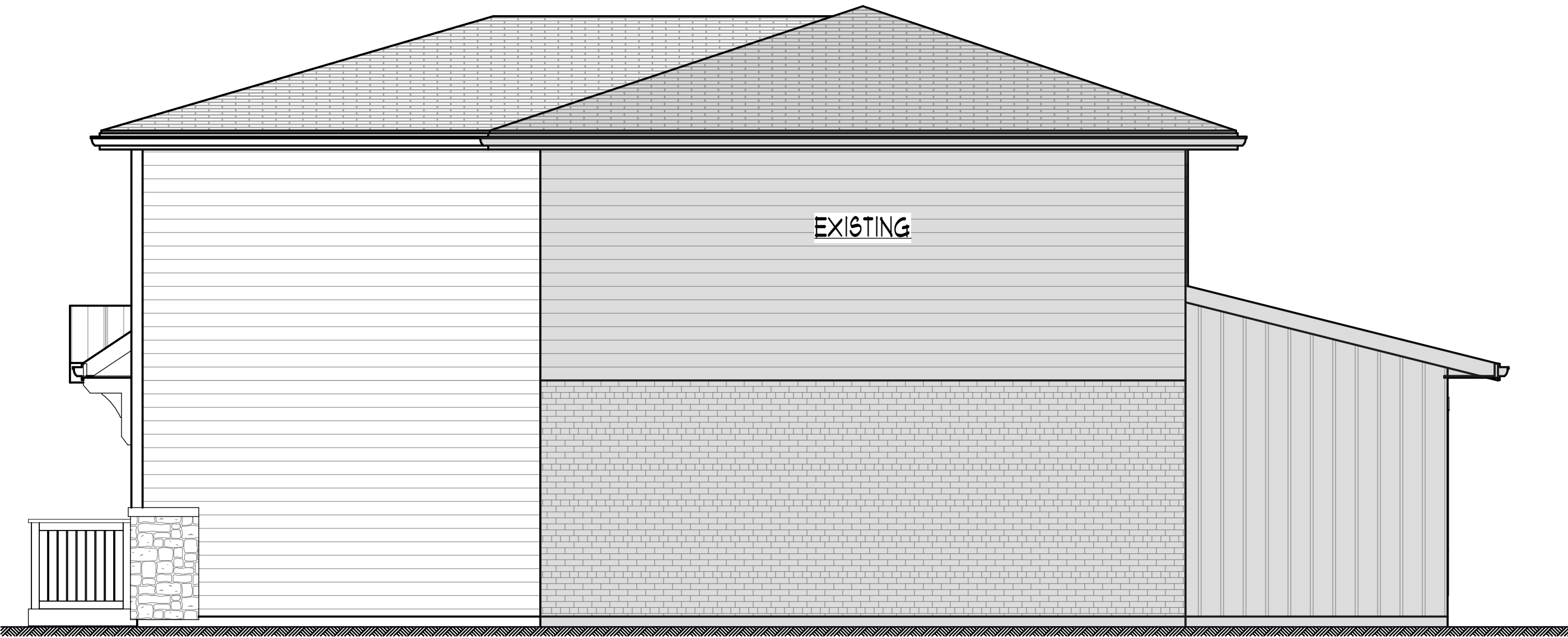
PLOT DATE:
2010-01-31

PAGE NUMBER:
A-102



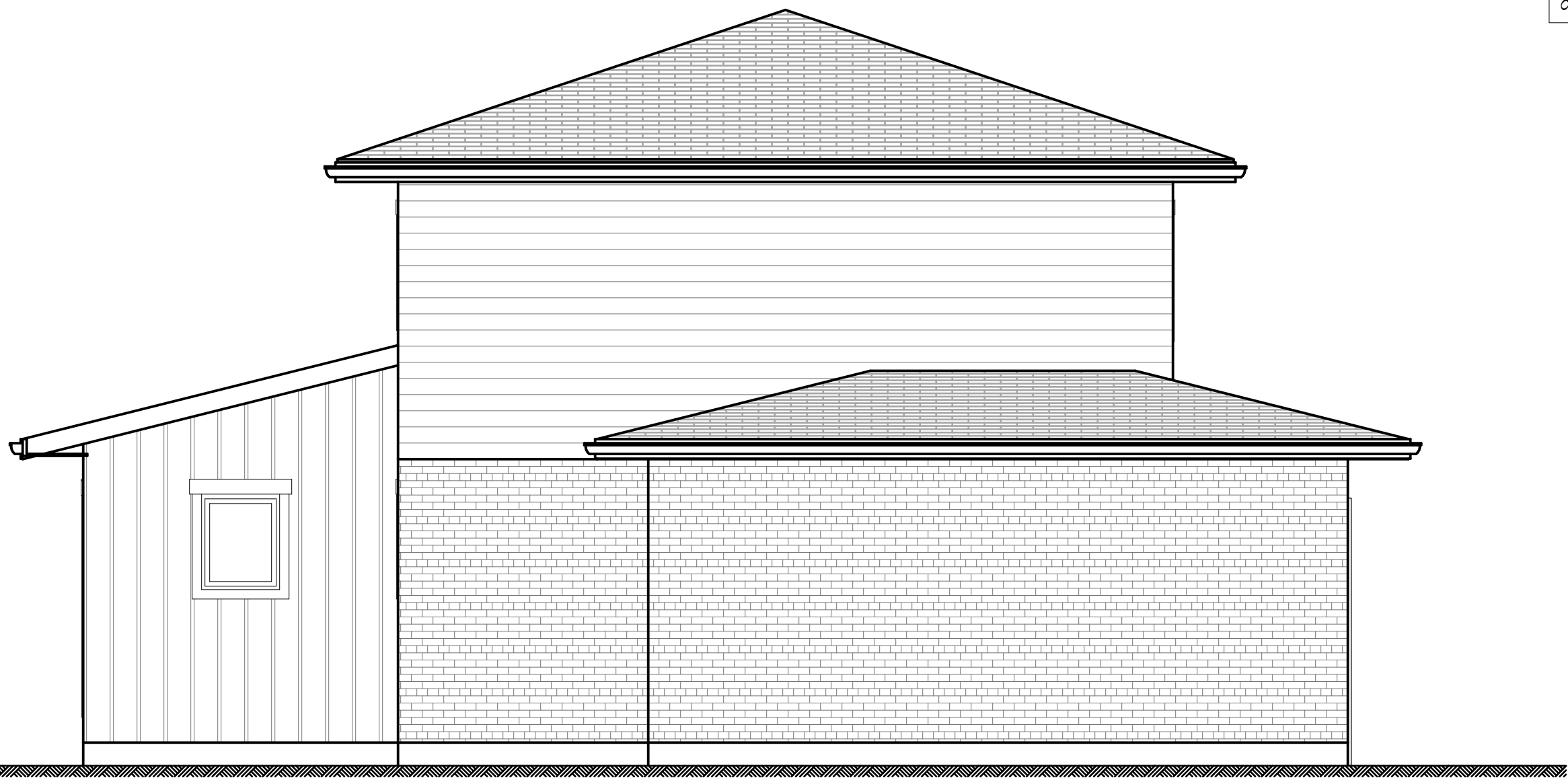
EXISTING RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



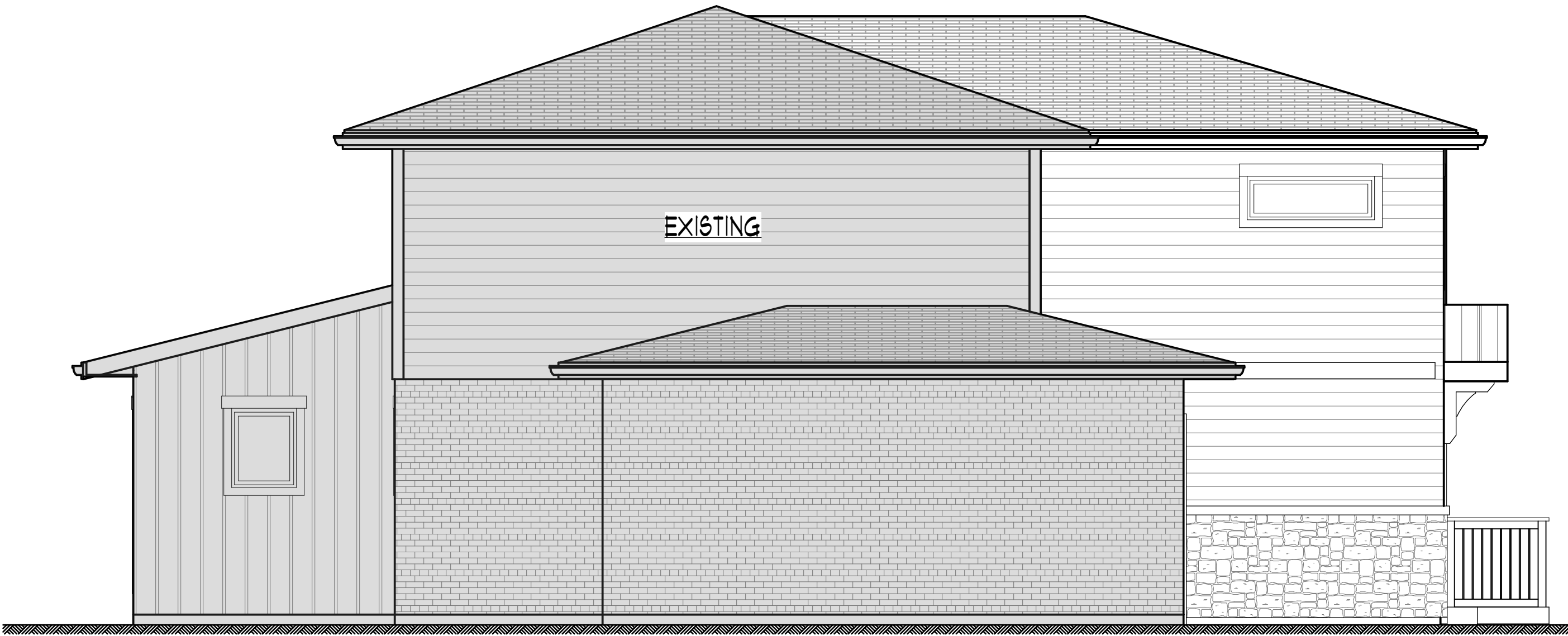
PROPOSED RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



EXISTING LEFT ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED LEFT ELEVATION

SCALE: 1/4" = 1'-0"

NOTES:

- ROOF TO BE VENTED AS PER SECT. 9.19 OF O.B.C.
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REVISION SCHEDULE:

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1036 WILDWOOD DR.
Newmarket, ON

PROJECT TITLE:
Proposed Addition

ISSUED FOR:
COA REVIEW

DESIGNED BY:
J.B.

PROJECT ID:
CSD

PLOT DATE:
2010-01-31

PAGE NUMBER:
A-103

REIKON

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Neumark, ON

PROJECT TITLE:

Proposed Addition

ISSUED FOR:

COA REVIEW

DESIGNED BY:

J.B.

PROJECT ID:

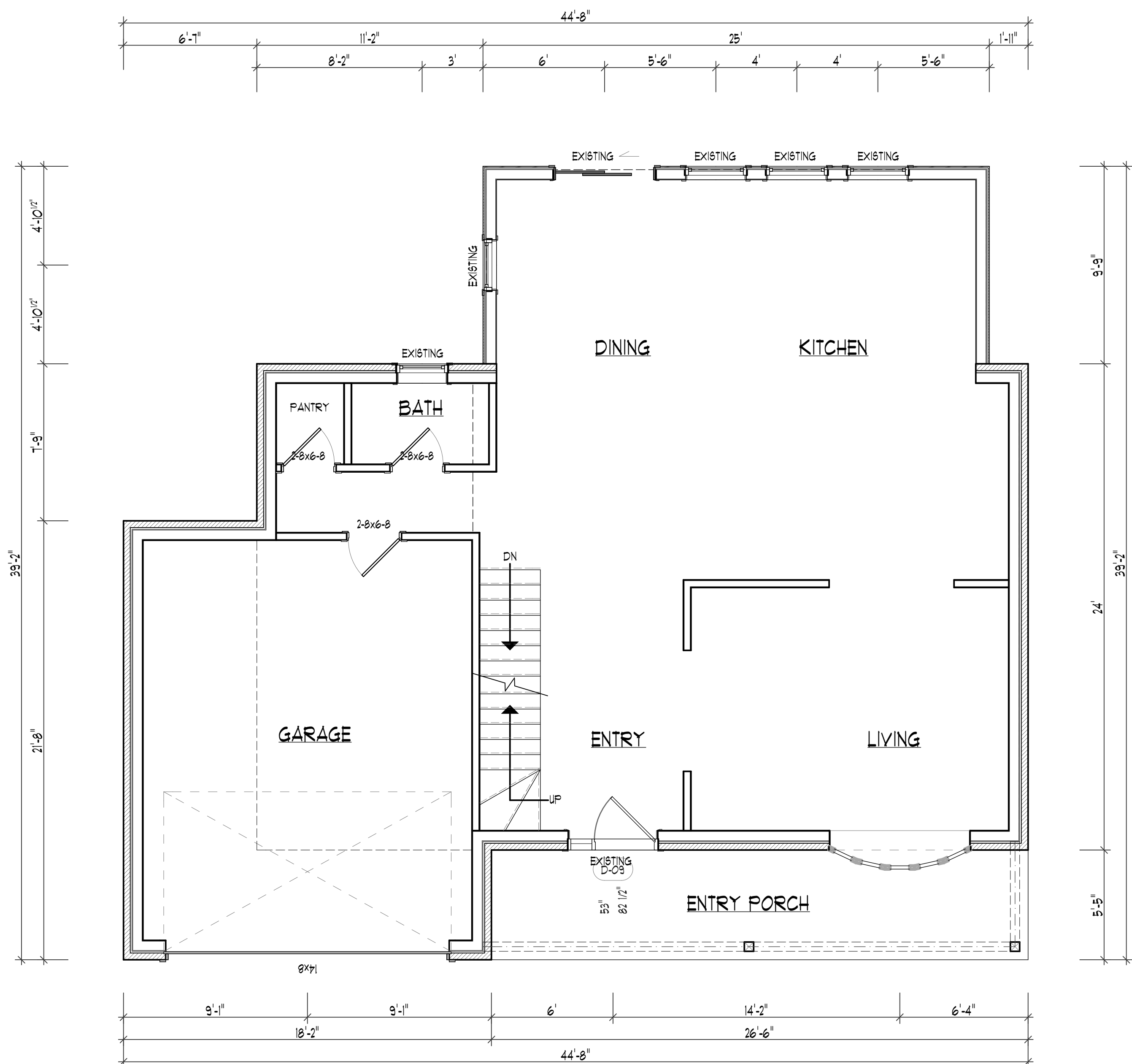
CSD

PLOT DATE:

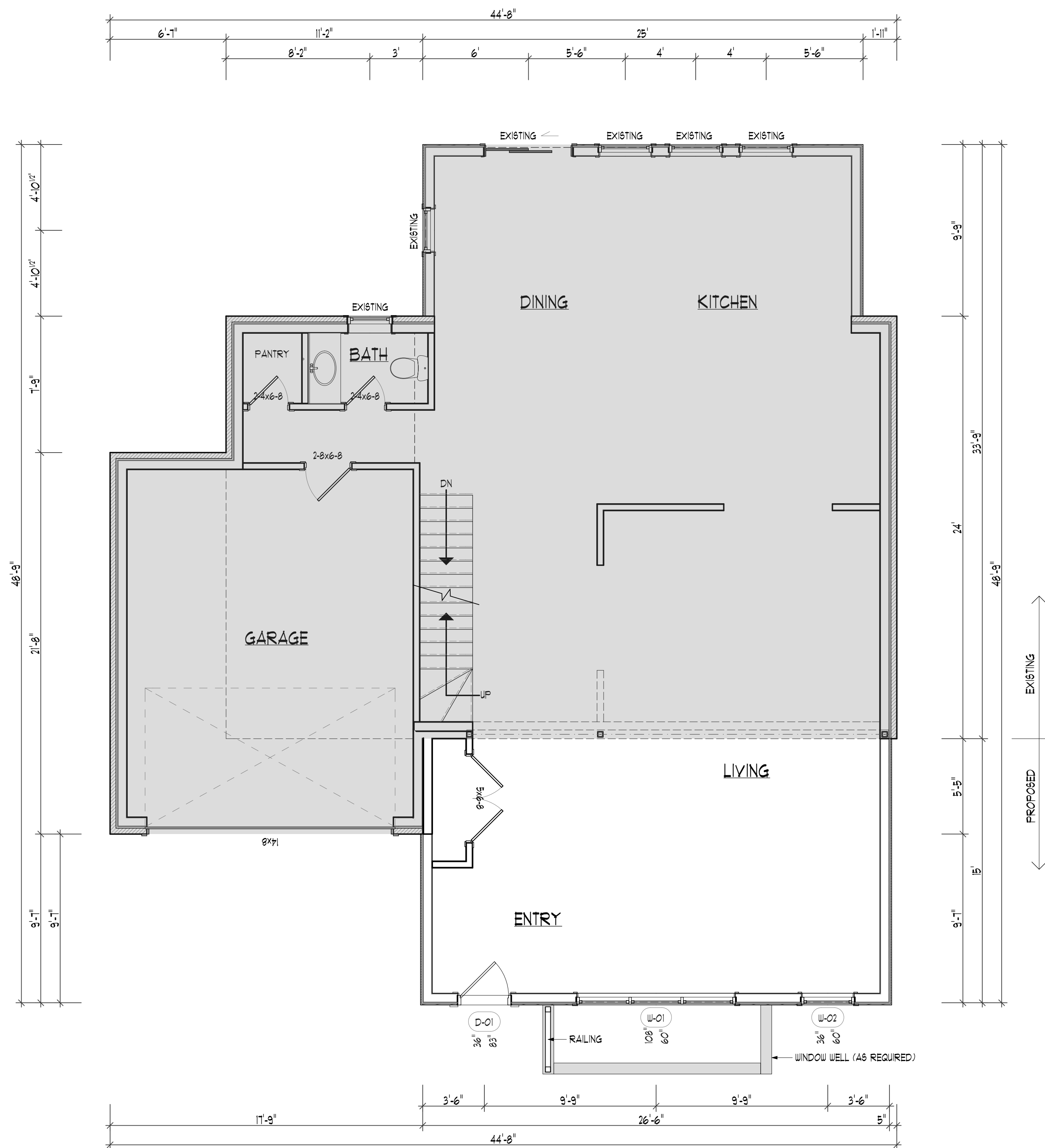
2010-01-31

PAGE NUMBER:

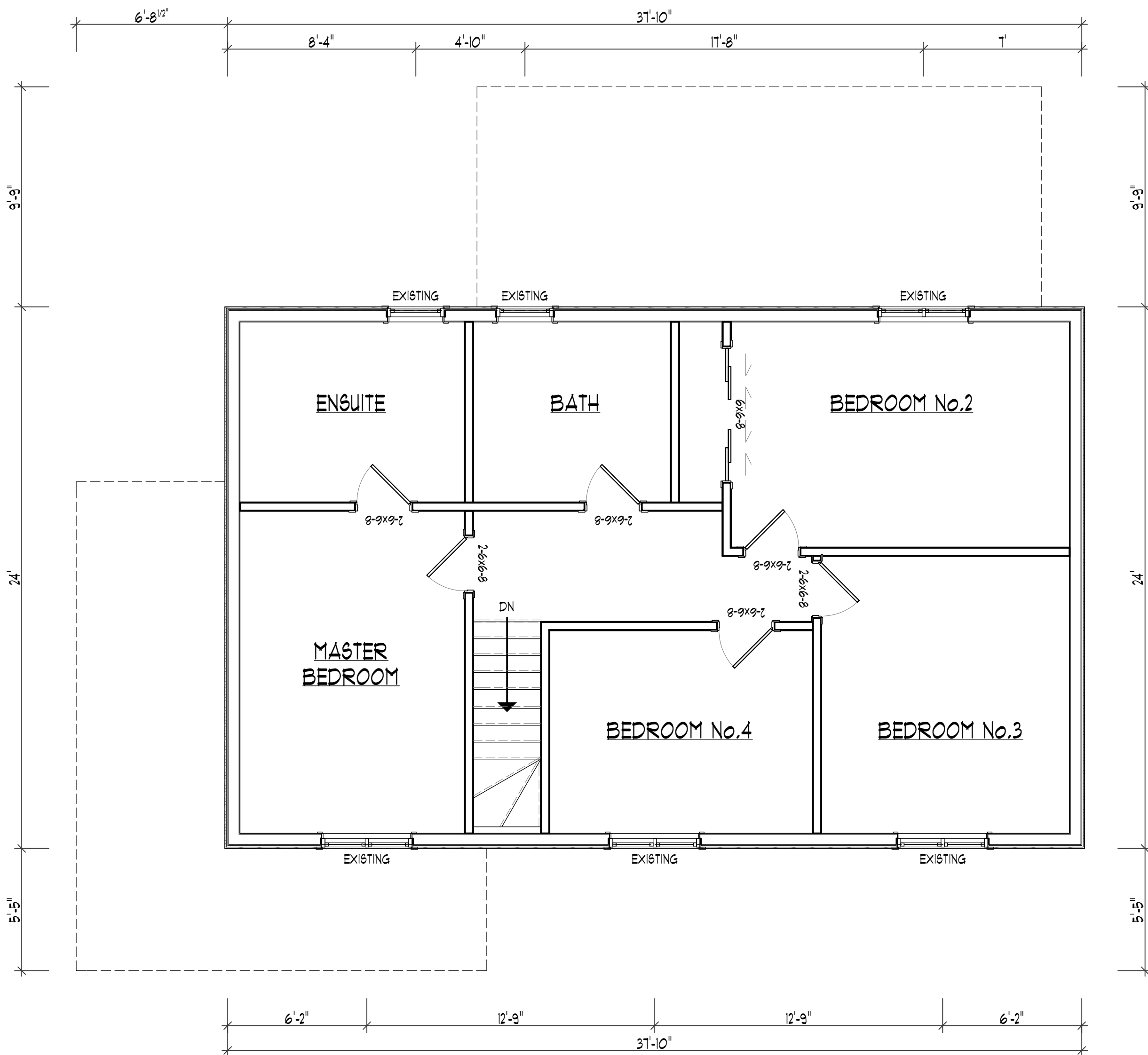
A-104

**EXISTING FIRST FLOOR PLAN**

SCALE: 1/4" = 1'-0"

**PROPOSED FIRST FLOOR PLAN**

SCALE: 1/4" = 1'-0"



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Neumark, ON

PROJECT TITLE:
Proposed Addition

ISSUED FOR:
COA REVIEW

DESIGNED BY:
J.B.

PROJECT ID:
CSD

PLOT DATE:
2010-01-31

PAGE NUMBER:
A-105

Morton, Devon

From: Potter, David
Sent: March 9, 2021 10:55 AM
To: Morton, Devon
Cc: Larmer, Jennifer; Corrigan, Wendy
Subject: RE: Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

Hi Devon:

I have no objection to any of these applications subject to meeting the requirements of the Building Code.

Cheers,
 Dave

From: Morton, Devon <dmorton@newmarket.ca>
Sent: March 5, 2021 3:12 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>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

Good Afternoon,

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

- D13-A05-21 – 315 Kirby Crescent (WARD 7)
The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling.
- D13-A06-21 – 1036 Wildwood Drive (WARD 2)
The applicant is proposing construction of an addition to the existing Single Family Dwelling.
- D13-A07-21 – 189 Beechwood Crescent (WARD 5)
The applicant is proposing construction of an addition to the existing Single Family Dwelling.
- D13-A08-21 – 86 Stiver Drive (WARD 4)
The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling

- D13-A09-21 – 693 Gorham Street (WARD 2)
The applicant is proposing construction of an exterior stairwell and an addition to the existing Single Family Dwelling.

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, by **Wednesday, March 17, 2021** for inclusion in the Staff Report.

For your convenience, you may download the Submission Documents in digital format and the Notice of Hearing using the link below:

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

Please let me know if you have any questions.

Thank you,



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
Newmarket: A Community Well Beyond
the Ordinary

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


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: March 17, 2021

RE: Application for Minor Variance
 Made by: Kerr, Jeffrey Stephen and Kerr, Marcia Jean
 File No.: D13-A06-21
 1036 Wildwood Drive,
 PCL 15-1 SEC M1434; LT 15 PL M1434; NEWMARKET
 Town of Newmarket Ward 2
Engineering Services File No.: R. Wildwood Dr

The applicant is proposing construction of an addition to the existing Single Family Dwelling. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 6.2.2 Zone Standards to permit a 1.2 m interior side yard whereas the By-law requires a 1.8 m interior side yard.
2. Relief from Section 6.2.2 Zone Standards to permit a 4.5 m front yard whereas the By-law requires that the minimum front yard be one metre less than the average of the front yard of adjacent dwellings located within 60 metres, of the subject property on the same road, but shall not be closer to the street line than 3m.

We have concerns with this application, as reducing the green (landscaped) space will have impact to the current stormwater management system. Please provide site specific grading plans prepared and sealed by the design Engineer (P.Eng) as well as a sealed letter from the design Engineer stating there will be no changes to the existing grading/drainage patterns based on the proposed addition and there will be no impacts to the adjacent properties.

Should you have any questions please contact the undersigned.

Sincerely,

ENGINEERING SERVICES

Sepideh Majdi, P.Eng.

Manager, Development Engineering

SM: BB, File No.: SM0024

Morton, Devon

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: March 8, 2021 2:54 PM
To: Morton, Devon
Subject: RE: D13-A06-21 – 1036 Wildwood Drive Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

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

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: Friday, March 5, 2021 3:12 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>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (March 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.

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The applicant is proposing construction of an addition to the existing Single Family Dwelling.
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<https://tonfileshare.newmarket.ca/share.cgi?ssid=0chNWYV>

Please let me know if you have any questions.

Thank you,



Devon Morton, B.U.R.PI
 Planner, Committee of Adjustment &
 Cultural Heritage
 Secretary-Treasurer to the Committee of
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 Planning and Building Services
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 Newmarket: A Community *Well* Beyond
 the Ordinary

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

Morton, Devon

From: Dan Jones <7dsjones@gmail.com>
Sent: March 14, 2021 2:03 PM
To: Morton, Devon
Subject: File number D13-A06-21

Mr. Morton:

This message is regarding Minor Variance file number D13-A0621, identifying proposed changes for Jeff Kerr at 1036 Wildwood Drive.

Last week, we sent in a concern about this change by mail (not email). After the concern was sent, Jeff explained the proposed changes in more detail.

We now fully support the changes they request.

Because of the COVID-19 situation, you may not have even received the mailed concern.

Please let us know how to withdraw our concerns, and to voice our support for these changes.

Thank you in advance,

Dan Jones & Saskia Loomans-Jones
1025 Wildwood Drive, Newmarket
289-264-9012

Morton, Devon

From: Dan Jones <7dsjones@gmail.com>
Sent: March 16, 2021 2:45 PM
To: Morton, Devon
Cc: loomansjones@hotmail.com
Subject: Follow-up to file D13-A06-21

Mr. Morton:

Thank you for your time yesterday and for the further explanation of how Minor Variances work. My wife and I hope that the changes for 1036 Wildwood go through.

Also further to our conversation, we are requesting that you shred the letter that by now should have been delivered to your work address. I used the regular mail to list our initial concerns, however, by understanding the changes, with Jeff marking the size and location of the addition on the ground, in the days after the letter was sent, we are very comfortable with this improvement. You will notice that I used one of my wife's return stickers for the return address. To confirm that both of us are requesting to shred the letter, for your records, I am including her email address and phone number. If you wish, please contact Saskia for any confirmation you would need.

Thank you in advance,

Dan Jones (289-264-9012)
Saskia Loomans-Jones (905-952-7676)
1025 Wildwood Drive, Newmarket

Morton, Devon

From: Morton, Devon
Sent: March 15, 2021 9:36 AM
To: 'HEATHER CROMIE'
Subject: RE: Zoom Committee of Adjustment Meeting

Hi Heather,

Thank you, I will note this in the file.

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

Newmarket: A Community *Well* Beyond the Ordinary

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

From: HEATHER CROMIE <heather.cromie@rogers.com>
Sent: March 15, 2021 9:29 AM
To: Morton, Devon <dmorton@newmarket.ca>
Subject: RE: Zoom Committee of Adjustment Meeting

Good morning!

My husband and I got our measuring tape, and also talked to Jeff about the proposed variance (1036 Wildwood Drive) and the addition he wishes to make to the front of his house. We have come to the conclusion that it's not an obtrusive addition, as we initially speculated, and as such we will not object to the request for a minor variance.

I will, therefore, not be participating in the Zoom CoA meeting on March 24.

Thank you.

Sent from my Pixel

On Wed., 10 Mar. 2021 at 1:17 p.m., Morton, Devon
 <dmorton@newmarket.ca> wrote:

Great, thank you Heather.

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.caNewmarket: A Community *Well* Beyond the Ordinary

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From: HEATHER CROMIE <heather.cromie@rogers.com>

Sent: March 10, 2021 11:58 AM

To: Morton, Devon <dmorton@newmarket.ca>

Subject: Re: Zoom Committee of Adjustment Meeting

Thank you for your quick response. I will be using this email address. My husband Tom may join me.

I have yet to talk to my neighbour about his addition, which I will certainly do, but if we decide we are objecting, I will submit our reasons to you prior to the meeting.

[Sent from Rogers Yahoo Mail for iPad](#)

On Wednesday, March 10, 2021, 11:49 AM, Morton, Devon <dmorton@newmarket.ca> wrote:

Hi Heather,

Thank you for your email.

You're correct, every person who wishes to speak and offer comments is encouraged to and provided an opportunity during the hearing.

Can you please confirm which email address you will be using to access the hearing?
Will anyone else from your home be joining you?

Please find the ZOOM link below:

<https://townofnewmarket.zoom.us/j/99989289412?pwd=Zzd4TDh3M3hKSVC2d3J2MFMvV2V2UT09>

If you would like, you may also submit written comments prior to the hearing, I can assist you with that as well.

Let me know if you have any further questions.

Thank you,



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
Newmarket: A Community Well Beyond the Ordinary

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

From: HEATHER CROMIE <heather.cromie@rogers.com>

Sent: March 10, 2021 11:21 AM

To: Morton, Devon <dmorton@newmarket.ca>

Subject: Zoom Committee of Adjustment Meeting

Good morning.

I wish to participate in the above meeting scheduled for March 24 at 9:30 and I have a question or two. The "How to Attend" document indicates in "slide" 4 that "you will only be able to listen and view the meeting, your camera and audio will not be on." The sheet entitled "Guidelines for Appearing" states at para 4 that a person will have time opportunity to speak. I presume if I advise in advance that I wish to speak, I will be able to have video and audio. I am the immediate neighbour (1032 Wildwood Drive) of the person requesting the variance (1036 Wildwood Drive).

Would you also be so kind as to forward the zoom link so I can just click to join.

Thank you.

Sent from my Pixel



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: Patricia Cho
Planner

Date: March 17, 2021

Re: Application for Minor Variance D13-A07-21
189 Beechwood Crescent
Town of Newmarket
Made by: Howie, Christopher and Bacchus, Fera

1. Recommendations:

That Minor Variance Application D13-A07-2021 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application;
- ii. That the development be substantially in accordance with the information and site plan submitted with the application;
- iii. That the applicant submit a letter and site specific grading plans prepared and sealed by a design Engineer (P.Eng); and,
- iv. That the applicant be advised that prior to the issuance of any building permit, compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.

2. Application:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, in order to enlarge the existing attached garage of the single-detached dwelling and construct an addition above the enlarged garage. The description of the proposed variance is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40, as amended	5.3.1	Minimum interior side yard setback of 1.8m for a building beyond 5.7m building height	Minimum interior westerly side yard setback of 1.1m for a building beyond 5.7m building height

The above-described property (herein referred to as the "subject lands") is located in a residential neighbourhood, east of Yonge Street and south of the 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 Zoning By-law to enlarge the existing attached garage of the single-detached dwelling and construct an addition above the enlarged garage. The existing structure was constructed with an interior side yard setback that is less than would be required for a one-storey structure under the current zoning standards. The existing structure has an interior side yard setback on the west side of 1.1m and the proposed enlarged garage would maintain this setback.

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 "Residential Areas" 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 Residential Areas policies to:

- a. provide for a range of residential accommodation by housing type, tenure, size and location to help satisfy the Town of Newmarket's housing needs in a context sensitive manner;
- b. maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood;
- c. recognize the desirability of gradual ongoing change by allowing for contextually-sensitive development through Planning Act applications, to permit development which contributes to a desirable urban structure, diversified housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood; and,
- d. encourage a range of innovative and affordable housing types, zoning standards and subdivision designs where it can be demonstrated that the existing physical character of the Residential Area will be maintained.

The designation permits single detached dwellings and supports efforts to invest in the existing housing stock. 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 18.0 Metre (R1-C) Zone by By-law 2010-40, as amended by By-law Number 2020-63.

The general intent of a greater setback for a dwelling greater in height is to ensure that buildings do not tower over adjacent properties. In the case of the proposed variance for the built form of the structure, the requested relief is a reduction in the side-yard setback for the structure from 1.8m to 1.1m. It is noted that the existing side yard setback to the attached garage is currently 1.1m. As the existing dwelling has existed with the proposed 1.1m setback without concern and there is still sufficient distance from the property line to facilitate rear-yard access, the proposed setback continues to provide a reasonable level of separation even with the addition proposed above the garage. There is a relationship between height and setback (increase in height results in larger setback), but the increase in height is relatively minimal (to match the existing dwelling) and the existing setback is supportable.

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

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

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

Minor nature of the variance

The proposed relief would allow an existing single detached dwelling with side-yard setbacks that are less than what are required by the by-law but does not vary significantly from established permissions. The setback is intended to prevent the over-development of the lot, but those concerns are mitigated in this proposal because of the large lot size and the configuration of the existing residence (garage is lower than the house).

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:

Tree Protection

The subject lands are located in an area encompassed by the Woodlot Preservation By-law (By-law 2007-71) and is subject to the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.

An arborist report / tree inventory was submitted with this application that indicates significant trees are located on the subject lands. The four (4) significant trees identified are proposed to be protected. If Committee grants the variance, compliance with the Tree Preservation, Protection, Replacement and Enhancement Policy will be required including the installation of tree protection fencing and the provision of financial securities to the Town.

Heritage

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

Commenting agencies and departments

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

Engineering Services has requested that a site specific grading plan prepared and sealed by the design Engineer (P.Eng) as well as a sealed letter from the design Engineer be submitted, stating there will be no changes to the existing grading/drainage patterns based on the proposed addition and there will be no impacts to the adjacent properties.

The Region of York has reviewed the minor variance application and has advised they have no objection to the proposal.

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,



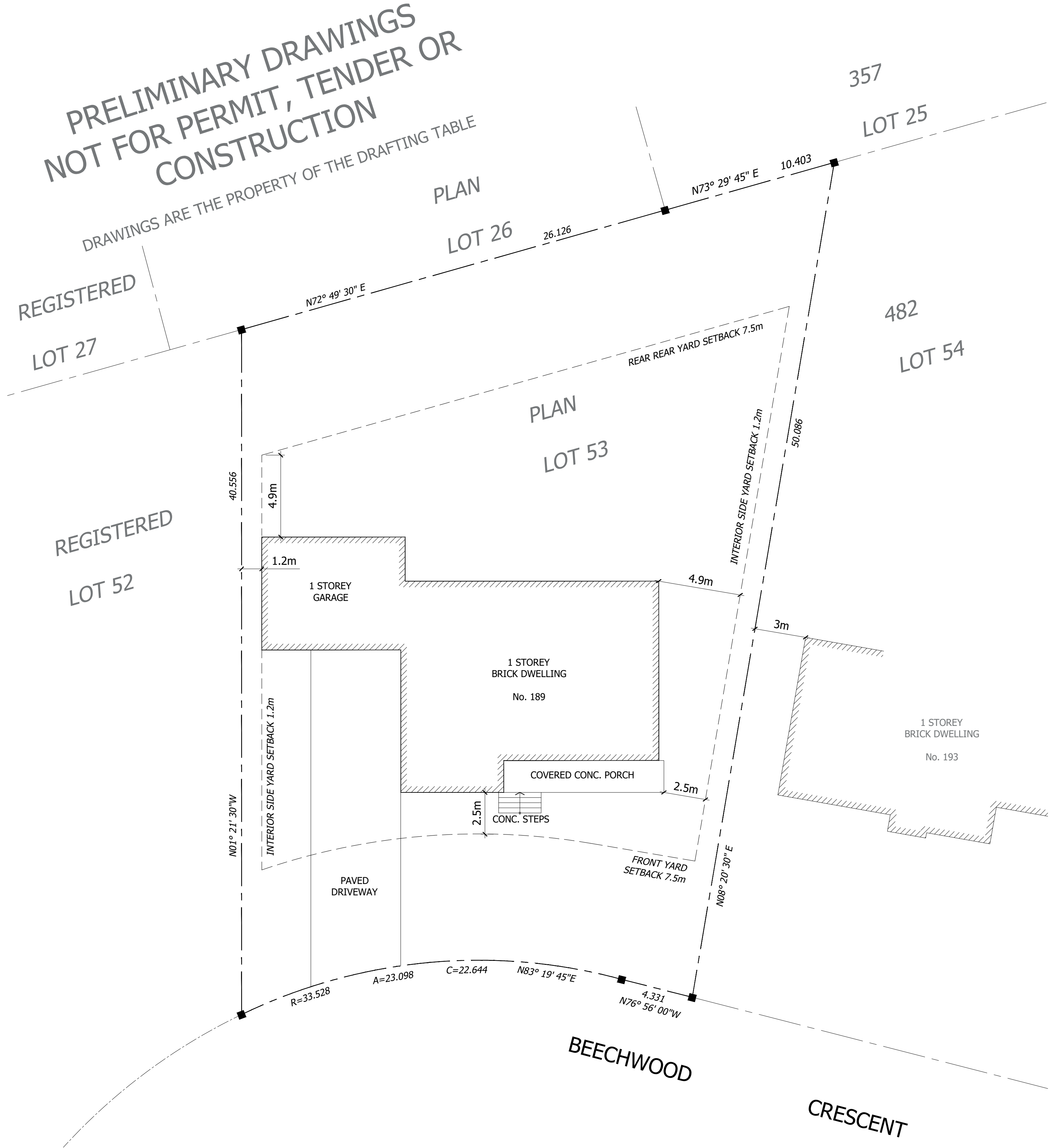
Patricia Cho, HBA, MSc. (Pln)
Planner

SITE PLAN LEGEND:

- PROPERTY LINE
- YARD SETBACKS
- EXISTING DWELLING
- PROPOSED ADDITION

SITE PLAN NOTES:

1. PROPERTY LINES, THE LOCATION OF EXISTING BUILDINGS, AND THE LOCATIONS OF OTHER EXISTING SITE ELEMENTS ARE AN APPROXIMATE AND SHOULD BE VERIFIED BY A CERTIFIED LAND SURVEYOR AT A LATER TIME.
2. ALL WORK TO BE PERFORMED IN ACCORDANCE WITH LOCAL MUNICIPAL STANDARDS AND SPECIFICATIONS.
3. LANDSCAPING MUST ENSURE POSITIVE DRAINAGE OF STORM WATER FROM THE PERIMETER OF THE BUILDING. A MINIMUM SLOPE OF 1/2" : 1' AWAY FROM THE DWELLING US REQUIRED FOR THE FIRST SIX (6) FEET. ALL OTHER CONSTRUCTION GRADES ARE TO BE A MINIMUM 2% AND MAXIMUM 3:1.



1 SITE PLAN | EXISTING
1:200

ZONING:

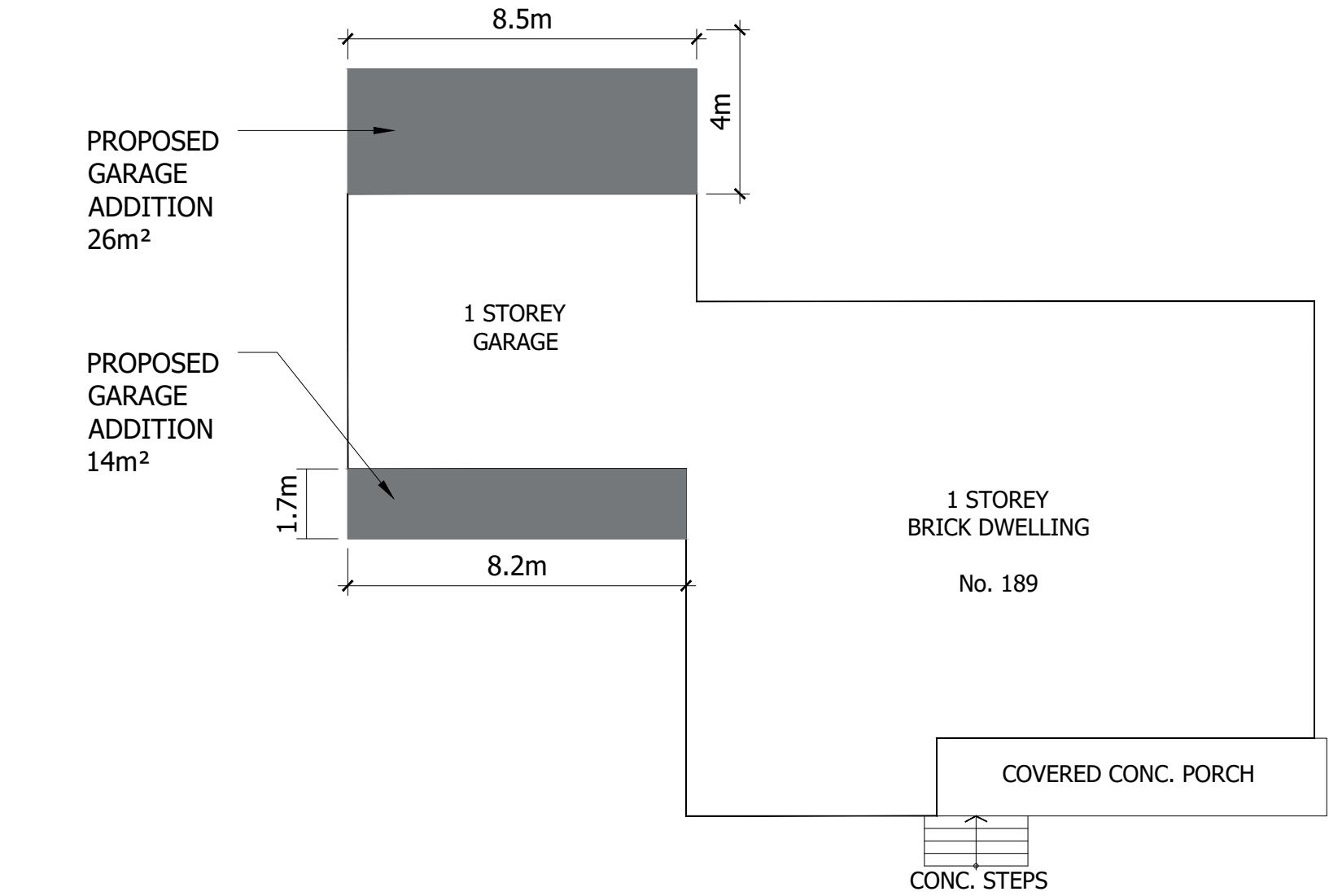
1. THE PROPERTY IS ZONED	(R1-C) RESIDENTIAL DETACHED DWELLING 18m ZONE	
2. ZONE STANDARDS	REQUIRED	EXISTING
2.1. MIN LOT AREA	743 m²	1,326 m²
2.2. LOT FRONTAGE	18.0 m	
2.3. FRONT YARD	7.5 m	
2.4. REAR YARD	7.5 m	
2.5. EXTERIOR SIDE	6.0 m	
2.6. INTERIOR SIDE		
2.6.1. EACH SIDE 1 STOREY	1.2 m	
2.6.2. EACH SIDE 1.5 STOREY	1.5 m	
2.6.3. EACH SIDE 2 STOREY	1.8 m	
2.7. MAX. LOT COVERAGE		
2.7.1. IF ONE STOREY 35%	464 m²	
2.7.2. IF TWO STOREY 25%	331 m²	
2.8. MAX. HEIGHT	10.0 m	
2.9. MAX. DRIVEWAY WIDTH	6.0 m	5.3 m

LOT COVERAGE:

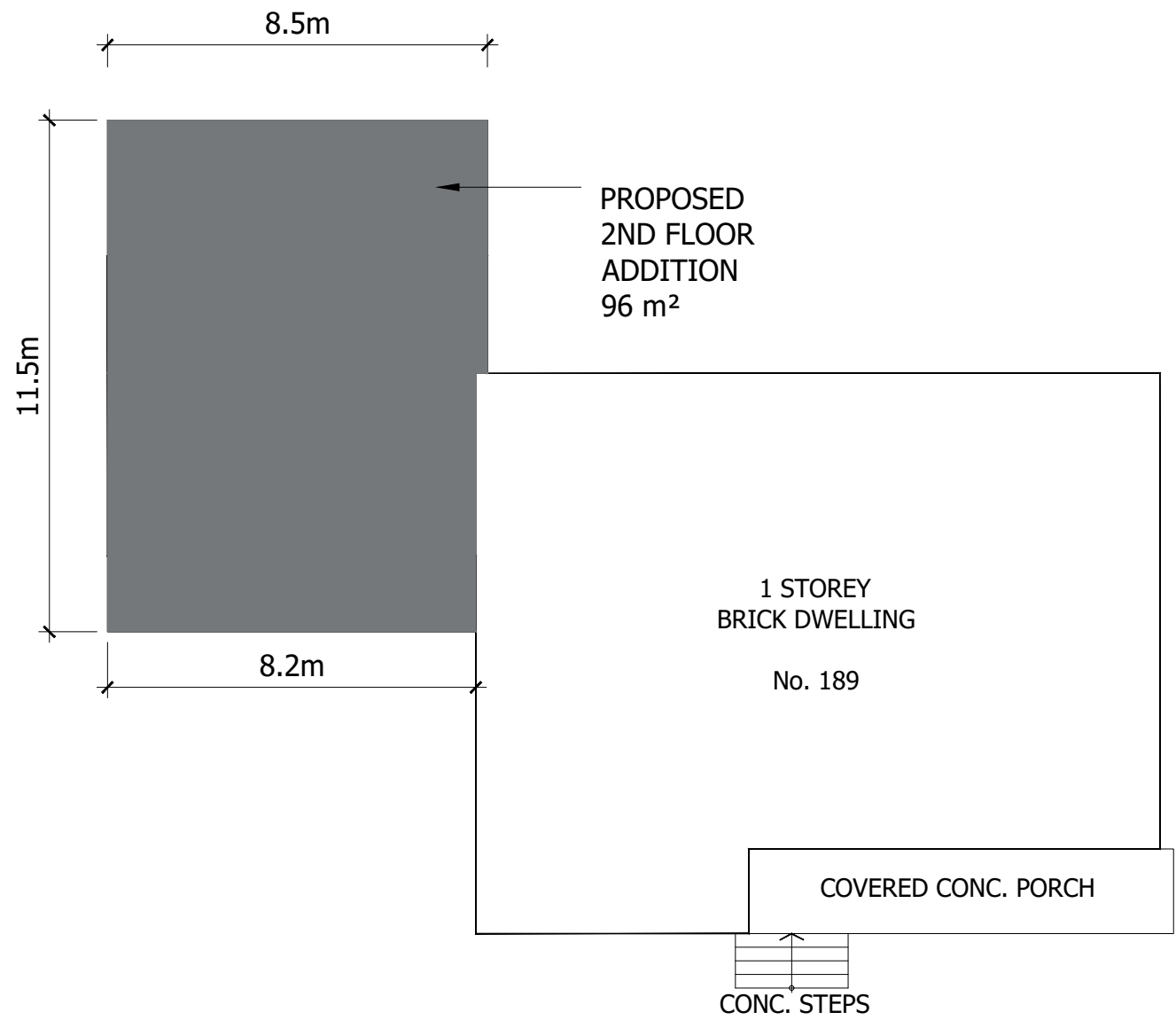
EXISTING 1 STOREY BRICK DWELLING *INCL. COVERED FRONT PORCH	193 m²
EXISTING 1 STOREY BRICK GARAGE	56 m²
PROPOSED GARAGE ADDITION	40 m²
TOTAL LOT COVERAGE	289 m² > 464 m²

GROSS FLOOR AREA:

EXISTING 1 STOREY BRICK DWELLING ICBL EXPANDING GFA BY 25% OR MORE	311 m² 78 m²
PROPOSED SECOND STOREY ADDITION	96 m²



2 FIRST FLOOR | GARAGE ADDITION
1:200



3 SECOND FLOOR | DWELLING ADDITION
1:200



The Drafting Table

DRAWINGS SHOULD NOT BE SCALED

THE CONTRACTOR MUST VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR THE SAME. REPORT ANY DISCREPANCIES TO THE DESIGNER PRIOR TO COMMENCEMENT OF THE WORK. ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND ARE INSTRUMENTS OF SERVICE. THEY ARE FOR USE ONLY ON THE PROJECT FOR WHICH THEY ARE PREPARED, AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF OF DRAWINGS IN PART OR IN WHOLE IS FORBIDDEN WITHOUT THE DESIGNER'S PERMISSION.

THE CONTRACTOR IS TO BE FAMILIAR WITH THE ONTARIO BUILDING CODE AND ITS LATEST REVISIONS.

GENERAL NOTES:

1. THE DRAFTING TABLE HAS BEEN RETAINED FOR DRAFTING PURPOSES ONLY AND IN NO WAY EXPRESSES OR ASSUMES ANY RESPONSIBILITY FOR THE DESIGN, ACCURACY OR COMPLIANCE OF THESE PLANS.
2. ALL WORK IS AT A MINIMUM, TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING CODE OF CANADA, LATEST EDITION, AND IN ACCORDANCE WITH ALL OTHER FEDERAL, PROVINCIAL AND LOCAL ORDINANCES, ETC. SHALL BE CONSIDERED AS PART OF THE SPECIFICATIONS FOR THIS BUILDING AND SHALL TAKE PRECEDENCE OVER ANYTHING SHOWN, DESCRIBED, OR IMPLIED, IF AND WHEN VARIANCES OCCUR.
3. THE BUILDER IS TO CHECK AND VERIFY ALL DRAWINGS FOR COMPLIANCE WITH LOCAL BUILDING AND ZONING REQUIREMENTS AND REPORT ANY DISCREPANCIES PRIOR TO COMMENCING CONSTRUCTION.
4. STRUCTURAL LUMBER IS TO BE NO. 1 / No. 2 SPF OR BETTER, OR THE EQUIVALENT MANUFACTURED LUMBER PRODUCT.
5. DESIGN AND ENGINEERING OR MANUFACTURED WOOD STRUCTURAL MEMBERS, INCLUDING FLOOR JOISTS, ROOF TRUSSES, BEAMS, COLLUMS, HANGERS AND LINTELS, TO BE BY ENGINEER OR SUPPLIER.
6. THIS DRAWING DOES NOT TAKE INTO ACCOUNT UNKNOWN SITE CONDITIONS SUCH AS SOIL BEARING CAPACITY, WATER TABLES, DEPTH OF BEDROCK, BURIED STRUCTURES.
7. ALL DIMENSIONS ARE APPROXIMATE AND REQUIRE CONFIRMATION FROM A CERTIFIED SURVEYOR.

LEGAL ADDRESS:

LOT 53
REGISTERED PLAN 482
PIN 03600-0151

MUNICIPAL ADDRESS:

189 BEECHWOOD CRESCENT
NEWMARKET, ONTARIO
L3Y 1W2

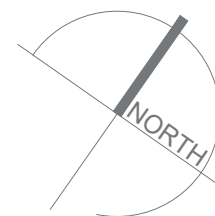
REV	DATE	ISSUED
001.	12.03.20	CONCEPT

SCALE:
AS NOTED

DATE:
11.25.20

CLIENT:
HOWIE

DRAFTED BY:
ZACHARY STOKES



SITE PLAN

A1.1

Morton, Devon

From: Potter, David
Sent: March 9, 2021 10:55 AM
To: Morton, Devon
Cc: Larmer, Jennifer; Corrigan, Wendy
Subject: RE: Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

Hi Devon:

I have no objection to any of these applications subject to meeting the requirements of the Building Code.

Cheers,
 Dave

From: Morton, Devon <dmorton@newmarket.ca>
Sent: March 5, 2021 3:12 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>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

Good Afternoon,

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

- D13-A05-21 – 315 Kirby Crescent (WARD 7)
The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling.
- D13-A06-21 – 1036 Wildwood Drive (WARD 2)
The applicant is proposing construction of an addition to the existing Single Family Dwelling.
- D13-A07-21 – 189 Beechwood Crescent (WARD 5)
The applicant is proposing construction of an addition to the existing Single Family Dwelling.
- D13-A08-21 – 86 Stiver Drive (WARD 4)
The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling

- D13-A09-21 – 693 Gorham Street (WARD 2)
The applicant is proposing construction of an exterior stairwell and an addition to the existing Single Family Dwelling.

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, by **Wednesday, March 17, 2021** for inclusion in the Staff Report.

For your convenience, you may download the Submission Documents in digital format and the Notice of Hearing using the link below:

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

Please let me know if you have any questions.

Thank you,



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
Newmarket: A Community Well Beyond
the Ordinary

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


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: March 17, 2021

RE: Application for Minor Variance
 Made by: Howie, Christopher and Bacchus, Feria
 File No.: D13-A07-21
 189 Beechwood Crescent
 LT 53 PL 482 NEWMARKET; NEWMARKET
 Town of Newmarket Ward 5
Engineering Services File No.: R. Beechwood Cres

The applicant is proposing construction of an addition to the existing Single Family Dwelling. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 6.2.2 Zone Standards to permit a 1.148 m interior side yard whereas the By-law requires a 1.8 m interior side yard.

We have concerns with this application, as reducing the green (landscaped) space will have impact to the current stormwater management system. Please provide site specific grading plans prepared and sealed by the design Engineer (P.Eng) as well as a sealed letter from the design Engineer stating there will be no changes to the existing grading/drainage patterns based on the proposed addition and there will be no impacts to the adjacent properties.

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: March 8, 2021 3:19 PM
To: Morton, Devon
Subject: RE: D13-A08-21 Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

Sorry Devon, this response is for D13-A07-21

From: Development Services
Sent: Monday, March 8, 2021 3:18 PM
To: Morton, Devon <dmorton@newmarket.ca>
Subject: RE: D13-A08-21 Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

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

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: Friday, March 5, 2021 3:12 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>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (March 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 jsitsafe@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.

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The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling.
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The applicant is proposing construction of an addition to the existing Single Family Dwelling.
- D13-A08-21 – 86 Stiver Drive (WARD 4)
The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling
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The applicant is proposing construction of an exterior stairwell and an addition to the existing Single Family Dwelling.

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

Please let me know if you have any questions.

Thank you,



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 Planner, Committee of Adjustment &
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Town of Newmarket

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Newmarket, ON L3Y 4X7

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planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

Planning Report

To: Committee of Adjustment

From: Patricia Cho
Planner

Date: March 17, 2021

Re: Application for Minor Variance D13-A08-21
86 Stiver Drive
Town of Newmarket
Made by: Ramezani, Zohreh and Mohammad Ali Zadeh, Amir

1. Recommendations:

That Minor Variance Application D13-A08-2021 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 Yonge Street and south of Bristol Road. 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 residence. 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 "Residential Area" 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 Residential Areas policies to:

- a. provide for a range of residential accommodation by housing type, tenure, size and location to help satisfy the Town of Newmarket's housing needs in a context sensitive manner;
- b. maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood;
- c. recognize the desirability of gradual ongoing change by allowing for contextually-sensitive development through Planning Act applications, to permit development which contributes to a desirable urban structure, diversified housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood; and,
- d. encourage a range of innovative and affordable housing types, zoning standards and subdivision designs where it can be demonstrated that the existing physical character of the Residential Area will be maintained.

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 forms of housing and an increased supply of rental housing. Furthermore, ADU's allow a modest 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 still be accommodated on site, either by the existing two exterior spaces or by the reserved parking space in the garage that is 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 meeting the requirements of the Ontario Building Code.

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

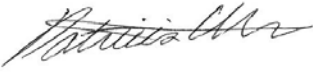
No public input was received as of the date of writing this report.

5. Conclusions:

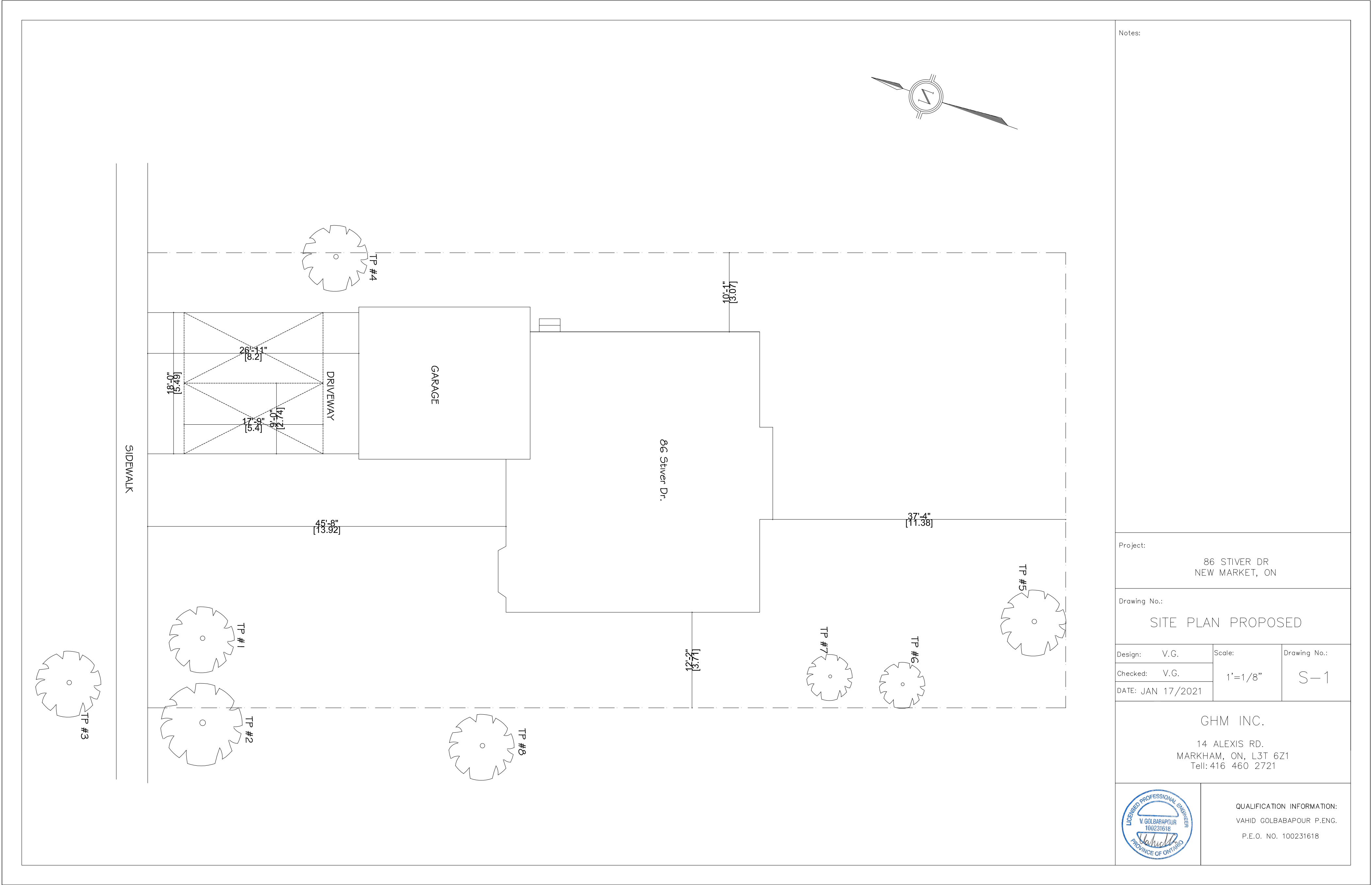
The relief as requested:

- 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,



Patricia Cho, HBA, MSc. (Pln)
Planner



Notes:

Project:
86 STIVER DR
NEW MARKET, ON

Drawing No.:
SITE PLAN PROPOSED

Design: V.G.	Scale: 1' = 1/8"	Drawing No.: S-1
Checked: V.G.		
DATE: JAN 17/2021		

GHM INC.
14 ALEXIS RD.
MARKHAM, ON, L3T 6Z1
Tel: 416 460 2721



QUALIFICATION INFORMATION:
VAHID GOLBABAPOUR P.ENG.
P.E.O. NO. 100231618

Morton, Devon

From: Potter, David
Sent: March 9, 2021 10:55 AM
To: Morton, Devon
Cc: Larmer, Jennifer; Corrigan, Wendy
Subject: RE: Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

Hi Devon:

I have no objection to any of these applications subject to meeting the requirements of the Building Code.

Cheers,
 Dave

From: Morton, Devon <dmorton@newmarket.ca>
Sent: March 5, 2021 3:12 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>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

Good Afternoon,

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

- D13-A05-21 – 315 Kirby Crescent (WARD 7)
The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling.
- D13-A06-21 – 1036 Wildwood Drive (WARD 2)
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The applicant is proposing construction of an addition to the existing Single Family Dwelling.
- D13-A08-21 – 86 Stiver Drive (WARD 4)
The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling

- D13-A09-21 – 693 Gorham Street (WARD 2)
The applicant is proposing construction of an exterior stairwell and an addition to the existing Single Family Dwelling.

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, by **Wednesday, March 17, 2021** for inclusion in the Staff Report.

For your convenience, you may download the Submission Documents in digital format and the Notice of Hearing using the link below:

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

Please let me know if you have any questions.

Thank you,



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
Newmarket: A Community Well Beyond
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Please note that I am working remotely due to the COVID-19 pandemic and can be reached by email.


DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES
Town of Newmarket

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Newmarket, ON L3Y 4X7

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engineering@newmarket.ca

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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: March 17, 2021
RE: Application for Minor Variance
 Made by: Ramezani, Zohreh and Mohammad Ali Zadeh, Amir
 File No.: D13-A08-21
 86 Stiver Drive
 PCL 46-1 SEC 65M2484; LT 46 PL 65M2484; S/T LT208304
 NEWMARKET
 Town of Newmarket Ward 4
Engineering Services File No.: R. Stiver Dr

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: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: March 8, 2021 3:36 PM
To: Morton, Devon
Subject: RE: D13-A08-21 Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

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

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: Friday, March 5, 2021 3:12 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>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>
Cc: Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>
Subject: Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

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planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

Planning Report

To: Committee of Adjustment

From: Patricia Cho
Planner

Date: March 17, 2021

Re: Application for Minor Variance D13-A09-21
693 Gorham Street
Town of Newmarket
Made by: 2514980 Ontario Ltd.

1. Recommendations:

That Minor Variance Application D13-A09-2021 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application; and,
- ii. That the development be substantially in accordance with the information and site plan submitted with the application.

2. Application:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, in order to construct an enclosed stairway on the west side of the existing single-detached dwelling, leading down to the basement addition. The basement addition is intended to be used for a future home occupation. The description of the proposed variance is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40, as amended	5.3.1	Minimum interior side yard setback of 1.8m for a building beyond 5.7m building height	Minimum interior westerly side yard setback of 1.2m for a building beyond 5.7m building height

The above-described property (herein referred to as the “subject lands”) is located in a residential neighbourhood, east of Prospect Street and north of Gorham Street. There is an existing single-detached residence on the lot and surrounded by lots with similar structures.

3. Planning considerations:

The applicant is requesting relief from the Zoning By-law to construct an enclosed stairway on the west side of the existing single-detached dwelling, leading down to the basement addition. The proposed basement addition is intended to be used for a future home occupation.

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 "Residential Areas" 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 Residential Areas policies to:

- a. provide for a range of residential accommodation by housing type, tenure, size and location to help satisfy the Town of Newmarket's housing needs in a context sensitive manner;
- b. maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood;
- c. recognize the desirability of gradual ongoing change by allowing for contextually-sensitive development through Planning Act applications, to permit development which contributes to a desirable urban structure, diversified housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood; and,
- d. encourage a range of innovative and affordable housing types, zoning standards and subdivision designs where it can be demonstrated that the existing physical character of the Residential Area will be maintained.

The designation permits single detached dwellings and supports efforts to invest in the existing housing stock. 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.

The general intent of the Zoning By-law's built form permissions is to limit the size of structures in order to maintain compatibility and similarity of structures. By limiting lot coverage and building height, and by requiring setbacks, building size is restrained and the By-law seeks to ensure that houses are similar in size and the over-development of the lot is prevented. In the case of the proposed variance, the requested relief is a reduction in the interior side-yard setback for the two-storey structure from 1.8m to 1.2m. The requested setback is intended for the proposed exterior stairway while the setback to the single-detached dwelling will remain the same. The impact of the proposed setback is limited.

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

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

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

Minor nature of the variance

The proposed relief would allow a single detached dwelling with a side-yard setback that are less than what would typically be required by the by-law but does not vary significantly from established

permissions or the surrounding area. The request is to allow a side-yard setback of 1.2m for a structure that is beyond 5.7m building height, while 1.8m is typically required. The requested setback is intended for the proposed enclosed stairway, thus the impact is limited.

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 listed on the municipal list of non-designated properties. The proposal does not appear to impact the significant features listed on the municipal list. A comprehensive additional review will be conducted by Planning Services' cultural heritage staff during the building permit stage.

Commenting agencies and departments

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

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

The Region of York has reviewed the minor variance application and has advised they have no objection to the proposal.

Effect of Public Input

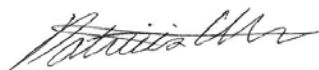
No public input was received as of the date of writing this report.

5. Conclusions:

The relief as requested:

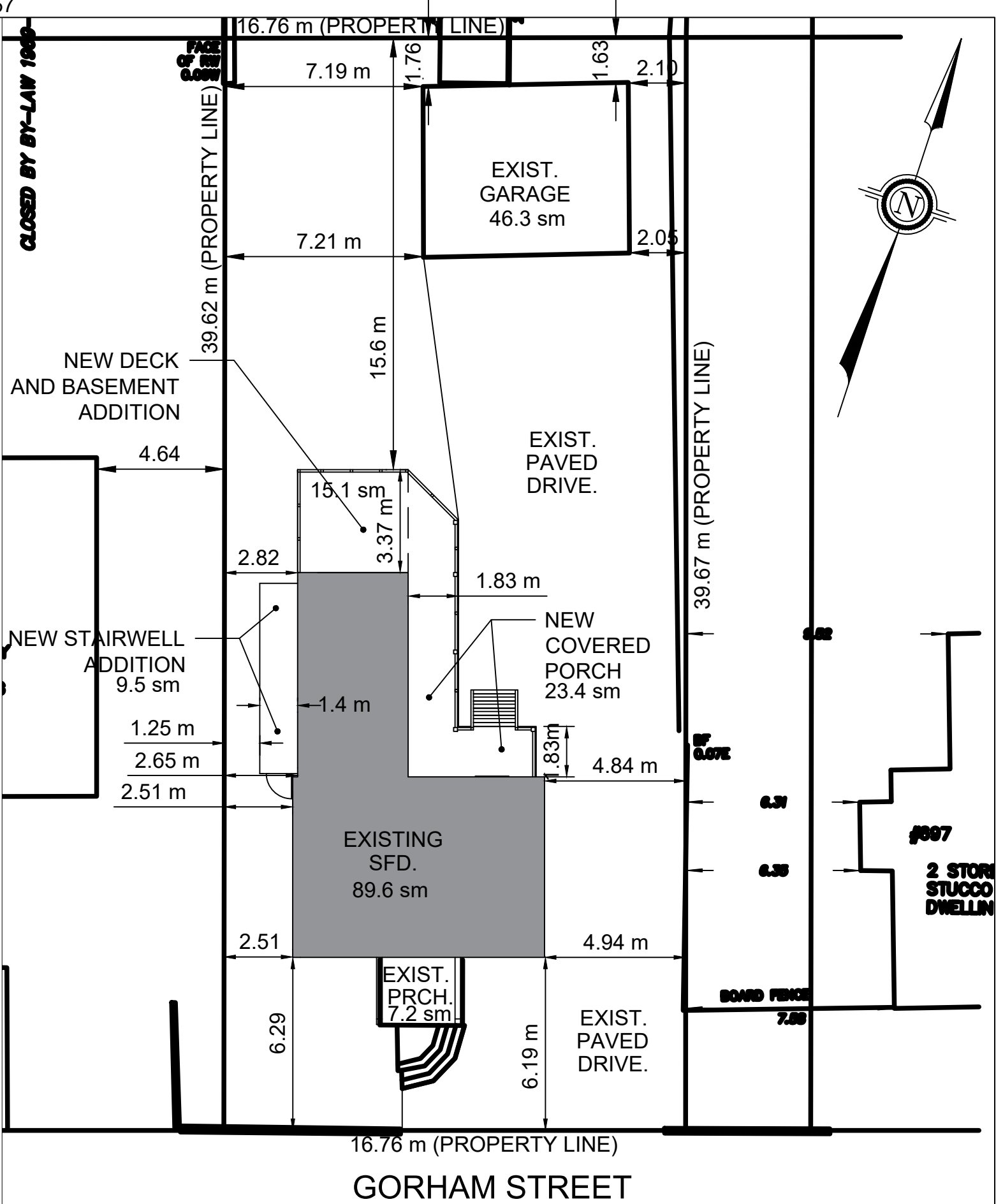
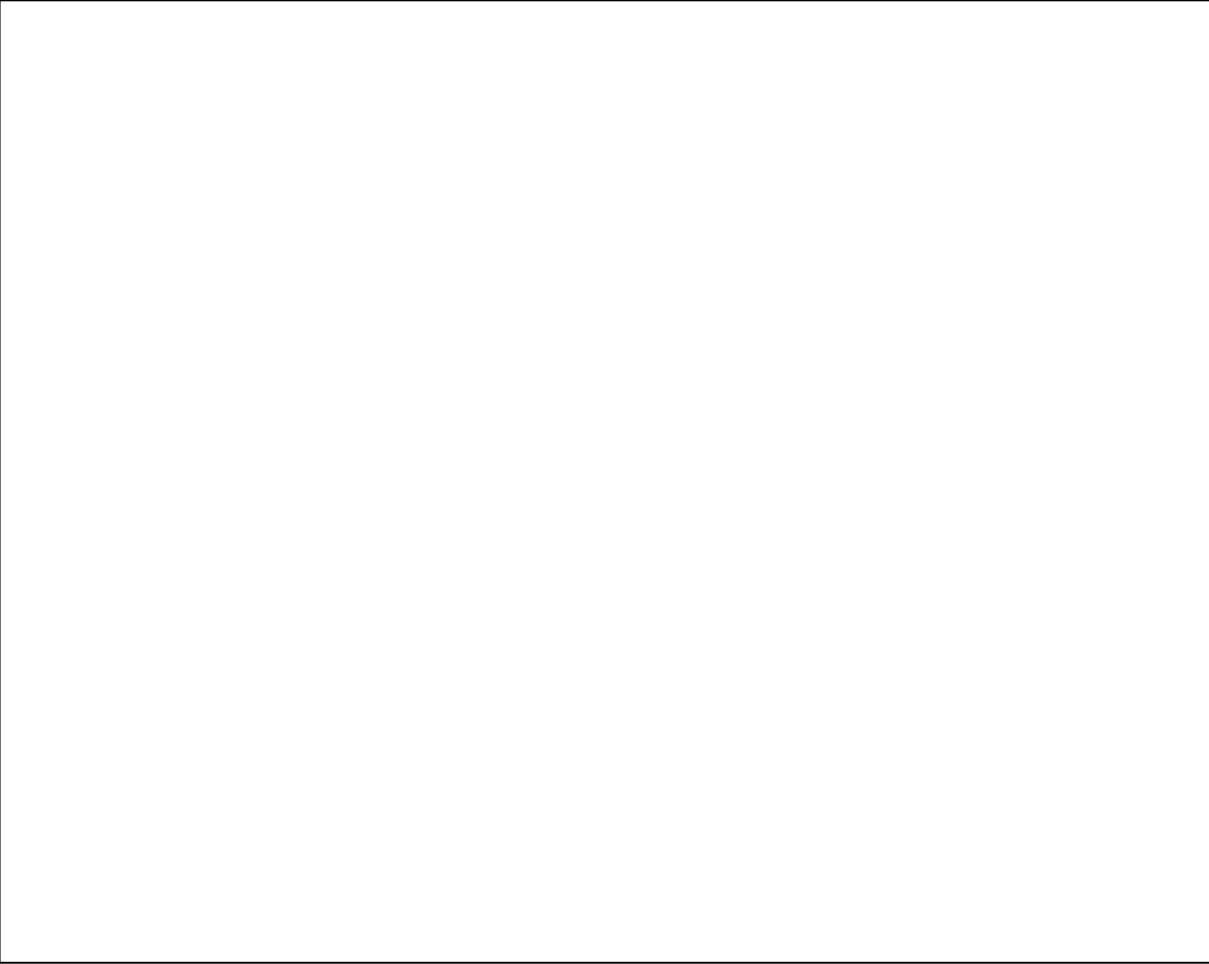
- 1) is minor in nature;
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- 3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,



Patricia Cho, HBA, MSc. (Pln)
Planner

693 GORHAM ST, NEWMARKET ON. - ROLL# 19 48 010 030 25800 0000		
LOT ZONING IS R1-D-119 AND ICBC		
ZONING REQUIREMENTS	REQUD	PROVD
MINIMUM LOT AREA	511 sm	664sm
MINIMUM INTERIOR SIDE YARD (1.5 STRY)	1.5 m	1.2 m*
MINIMUM FRONT YARD	7.5 m	EXIST'G
MINIMUM REAR YARD	7.5 m	15.6 m
MAXIMUM HEIGHT (1.5 STOREYS)	8.5 m	EXIST'G
MAXIMUM LOT COVERAGE (MAIN BLDG)	25%**	22 %
TOTAL EXPOSING BUILDING FACE (ADD'N)	--	16.3 sm
LIMITING DISTANCE	--	1.2m
*REFERENCE MINOR VARIANCE APPLICATION FOR REDUCED S/B		
**LOT SIZE IS 664.6 sm. THE AREA OF THE EXISTING DWELLING PLUS PROPOSED NEW ADDITIONS WILL BE 144.8 sm. (664.6 /144.8 =22%)		



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Sent: March 9, 2021 10:55 AM
To: Morton, Devon
Cc: Larmer, Jennifer; Corrigan, Wendy
Subject: RE: Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

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Thank you,



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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: March 17, 2021
RE: Application for Minor Variance
 Made by: 2514980 Ontario Ltd.
 File No.: D13-A09-21
 693 Gorham Street
 PT LT 17 N/S GORHAM ST PL 85 NEWMARKET CONFIRMED BY 65BA237 AS IN
 R667444 ; NEWMARKET
 Town of Newmarket Ward 2
Engineering Services File No.: R. Gorham St

The applicant is proposing construction of an exterior stairwell and an addition to the existing Single Family Dwelling. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 6.2.2 Zone Standards to permit a 1.2 m interior side yard whereas the By-law requires a 1.8 m interior side yard.

We have concerns with this application, as reducing the green (landscaped) space will have impact to the current stormwater management system. Please provide site specific grading plans prepared and sealed by the design Engineer (P.Eng) as well as a sealed letter from the design Engineer stating there will be no changes to the existing grading/drainage patterns based on the proposed addition and there will be no impacts to the adjacent properties.

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: March 9, 2021 10:04 AM
To: Morton, Devon
Subject: RE: D13-A09-21 Committee of Adjustment - Notice of Application Circulation (March 24, 2021)

Good morning Devon,
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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

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The applicant is proposing construction of an addition to the existing Single Family Dwelling.

- D13-A08-21 – 86 Stiver Drive (WARD 4)

The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling

- D13-A09-21 – 693 Gorham Street (WARD 2)

The applicant is proposing construction of an exterior stairwell and an addition to the existing Single Family Dwelling.

The Committee invites your advice and comments on these matters. The Committee would like to receive comments, if possible, by **Wednesday, March 17, 2021** for inclusion in the Staff Report.

For your convenience, you may download the Submission Documents in digital format and the Notice of Hearing using the link below:

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

Please let me know if you have any questions.

Thank you,



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
 Newmarket: A Community Well Beyond
 the Ordinary

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

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Planning Report

TO: Committee of Adjustment
 FROM: Janany Nagulan
 Planner
 DATE: March 18, 2021
 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 approved, subject to the following conditions:

- i. That the variances pertains only to the request as submitted with the application; and
- ii. That the development be substantially in accordance with the information and sketch submitted with the application.
- 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 requesting relief from Zoning By-law 2010-40 as amended, in order to develop two multi-unit buildings on the property. The property is subject to site plan control and a site plan application is currently under review. To implement the proposed site plan, the following proposed variances are being sought:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	4.14.1ii) Landscape Buffers for Parking Lots	Such a buffer area shall not be used for any other purpose other than vegetative landscaping but shall not prevent the provision of entrances and exits across the buffer area.	Such a buffer area shall not be used for any other purposes other than vegetative landscaping and a retaining walls but shall not prevent the provision of entrances and exits across the buffer area.

2	2010-40	4.14.2 Landscape Buffers in Employment Zones	A minimum 12.0 Metre Front Yard Landscape buffer.	To allow a minimum 6.0 metre Front Yard Landscape buffer.
3	2010-40	4.14.2 Landscape Buffers in Employment Zones	A minimum 3.0 Metre side and rear Landscape buffer	To allow a minimum 1.5 metre side and rear yard Landscape buffer.
4	2010-40	6.5.2 Zoning Standards (Employment Zones)	A minimum front yard setback of 12.0 Metres.	To allow a minimum front yard setback of 6.0 metres.

The above-described property (herein referred to as the “subject property”) is located on Harry Walker Parkway South, south east of where Maple Hill Crescent (an east/ west street) and Harry Walker Parkway South (a north/south street) intersect. The subject property is currently vacant and abutting lands are vacant as well.

3. Planning considerations:

The applicant is requesting relief from the By-law in order to permit the development of two multi-unit buildings on the property. The applicant has advised that these buildings are intended to be used for office, retail and light manufacturing purposes.

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 “Business Park – Mixed Employment” in the Town’s Official Plan. The designation permits a variety of uses including business, professional offices manufacturing and service commercial. The Official Plan encourages a high standard of building and site design, landscaping, and signage in this area. The applicant has stated that the intended uses are office, retail and light manufacturing. These uses are permitted and the proposal conforms to the general intent of the Official Plan and therefore this test is met.

Conformity with the general intent of the Zoning By-law

The subject property is zoned Mixed Employment Zone (EM-107) by Zoning By-law 2010-40, as amended. The applicant has confirmed that intended uses of the site are office, retail, and light manufacturing, which are permitted in the zone.

Section 4.14.1 of the Zoning By-law sets out parking lot design for lots that accommodate 5 or more parking spaces for multiple zones including Employment Zones. The first variance requires a relief from Section 4.14.1 ii) which specifically looks at the use of the landscape buffer area. Vegetative landscaping is usually only permitted within the landscape buffer, however in this case, retaining walls will be required within the landscape buffers for grading purposes in order to support the construction of the two proposed multi-unit commercial buildings.

Section 4.14.2 of the Zoning By-law sets out minimum widths for landscape buffers specifically for employment zones. The second and third variances seek relief from the landscape buffer requirement for the front, side and rear yard setbacks. The general intent of the landscape buffers for parking areas is to ensure the site provides sufficient setbacks on the site as well as opportunity provide aesthetically pleasing areas with vegetation to compliment an area that would be generally paved. Its intent is also to ensure that parking and landscaping design is consistent and compatible with nearby properties. In this case, the reduction to the landscape buffers is requested to provide additional parking for the intended uses of retail, offices and light manufacturing on the subject property. Though there is a requested reduction to the widths of the landscape buffers, there has been landscaping incorporated in other areas of the site.

Section 6.5.2 of the Zoning By-law sets out the Zoning Standards for employment zones. The fourth variance seeks relief from the zoning standards for the front yard setback. The general intent of the setbacks in the employment zones is to ensure sufficient space has been provided for landscaping and adequate space is provided between the street and the building. In this case, the front yard setback reduction is requested to accommodate additional parking and a portion of Building A as shown on the site plan attached to the application. The requested setback is generally consistent with other proximate properties along Harry Walker Parkway.

Desirable development of the lot

It is generally desirable to allow a property owner to invest in their property and arrange it in a manner that suits their needs, subject to the limits of the zoning by-law and impacts on neighbouring properties. The intended uses are desirable use of the lot. Further, it is desirable to develop the lot in conformity/general compliance with the Official Plan designation and the Zoning By-law. Therefore, this test is met.

Minor nature of the variance

The impact of the proposed variance appears to be minimal. The proposed variance allows for the two multi-unit buildings to be arranged in a way that is contextually appropriate, addresses the street and is unlikely to have negative impacts on abutting future uses. This test is met.

4. Other comments:

Cultural Heritage

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

Effect of public input

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

Commenting agencies and departments

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

Engineering has deferred comments to Planning Services and does not object to the application.

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

Site Plan Control

The property is subject to Site Plan Control. If Committee deems to grant the variances, the property owner will be required to enter into a Site Plan Agreement with the Town prior to an alteration of the property. Impacts of the development will be managed by staff through the site plan approval process, including storm water management, adequate landscaping and planting.

5. Conclusions:

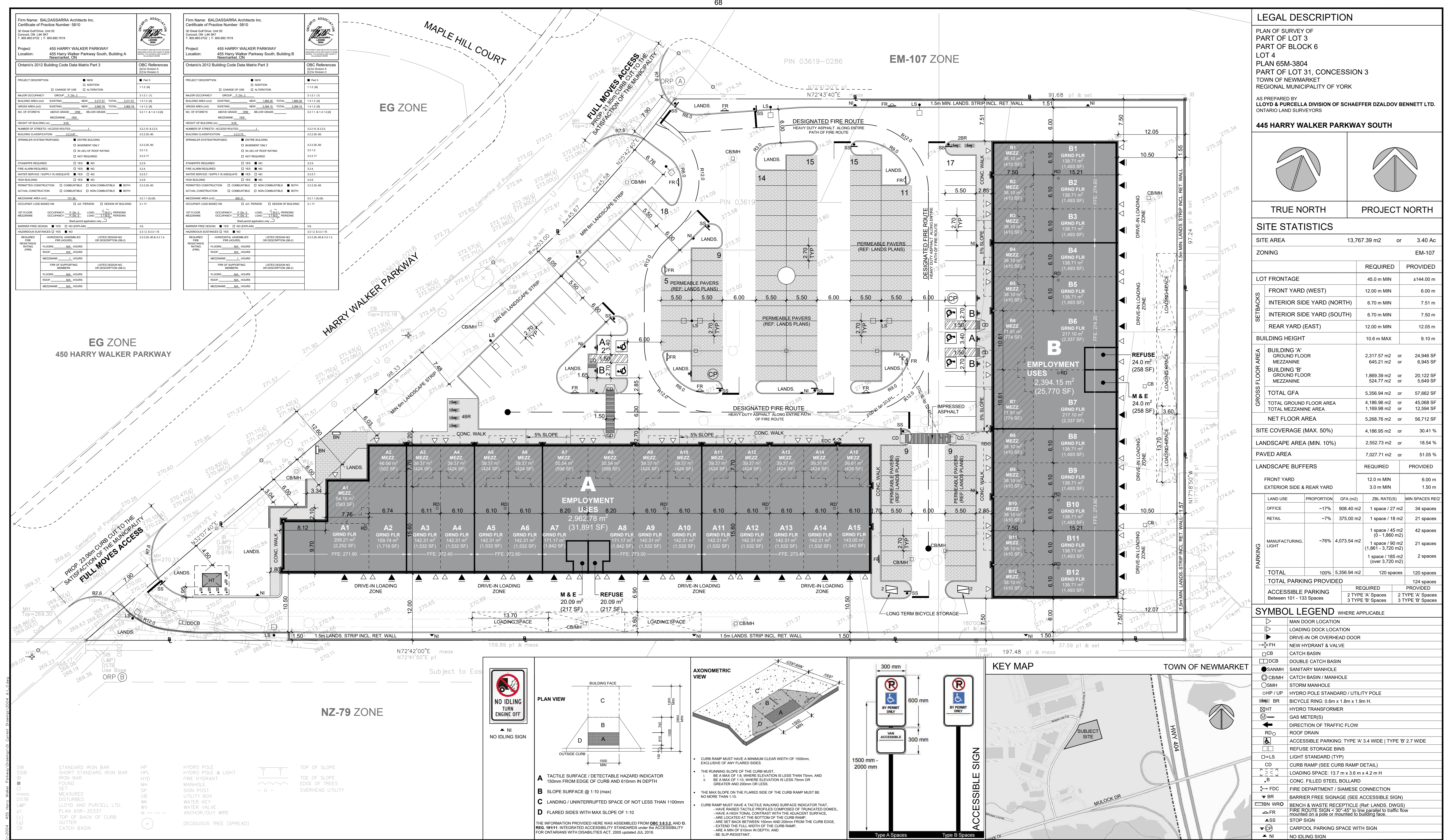
The relief as requested:

- 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', with a stylized flourish at the end.

Janany Nagulan
Planner



No.	ISSUED	DATE
1	ISSUED FOR PRE-CONSULTATION	AUG. 12, 2019
2	ISSUED TO CONSULTANTS	FEB. 05, 2020
3	ISSUED FOR SPA	MAR. 15, 2020
4	RE-ISSUED FOR SPA	DEC. 23, 2020
5	CoFA REVIEW	MAR. 10, 2021

No.	REVISION	DATE
1	REVISED PER MUNICIPAL EDICTS	SEPT. 08, 2020
2	REVISED PER UPDATED CIVIL	DEC. 10, 2020
3	MEZZ. AREAS UPDATED PER CLIENT'S REQUEST	FEB. 08, 2021
4	REVISED TO SUIT MUNICIPAL COMMENTS	MAR. 08, 2021

BALDASSARRA
Architects Inc.

30 Great Gulf Drive, Unit 20 | Concord ON | L4K 0K7
T: 905.660.0722 | www.baldassarra.ca

OWNERS INFORMATION:

ELM HARRY WALKER PARKWAY (2019) INC.
1931 HWY 7, CONCORD ONT L4K 1V5



455 HARRY WALKER PWKY

SITE PLAN

D11-NP-20-06

DATE:	DRAWN BY:	CHECKED:	SCALE:
AUG. 2019	SJ/DW		1:300
PROJECT No.	DRAWING No.		

20-04

A-1.0



March 10, 2021

20M-01182-00

Janany Nagulan
Planner, Development
Planning and Building Services
Town of Newmarket
395 Mulock Drive
Newmarket, ON L3Y 4Y9

Dear Ms. Nagulan:

**Subject: 455 Harry Walker Parkway South, Newmarket
Minor Variance Application to Committee of Adjustment
Parking Justification Study**

WSP Canada Inc. (WSP) has been retained by ELM Harry Walker Parkway (2019) Inc. to carry out a parking justification study in support of a Minor Variance application to the Town of Newmarket Committee of Adjustment (CoA) for the site located at 455 Harry Walker Parkway South (the site). This application is to attain approval for reduced landscape buffer widths surrounding the site. The objective of this study is to justify the proposed on-site parking supply of 124 spaces, which is requiring the reduced landscape buffer widths.

Site Zoning

The site is currently zoned under EM-107 within Zoning By-law 2010-40 which is classified as Mixed Employment Zone with an exception (107). The exception for the site states that “...*stand-alone retail uses are also permitted and shall not exceed 20% of the permitted ground floor area of all buildings on the lands subject to this by-law*”. For ease of reference, the permitted land uses for a Mixed Employment Zone are attached as **Appendix A**.

Development Proposal

The development proposal involves the construction of 57,662 square feet (ft²) of commercial / light industrial land uses across two buildings. The proposed parking supply is 124 spaces including five barrier-free spaces. This equates to a supply rate of 2.15 spaces per 1,000ft².

100 Commerce Valley Drive West
Thornhill, ON, Canada L3T 0A1

Tel.: +1 905 882-1100

T: +1 905 882-0055

F: +1 905 882-0055

wsp.com

Municipal Zoning By-Law Requirements

The prevailing Zoning By-law for the site is the Town of Newmarket Zoning By-law No. 2010-40. The likely land uses on the site and their proportions were selected when calculating the minimum parking requirements as set out in **Table 1**.

LAND USE	PROPORTION	GFA (M ²)	ZBL RATE(S)	MIN SPACES
Office	~17%	908.4	1 space / 27m ²	34
Retail	~7%	375	1 space / 18m ²	21
Manufacturing, Light	~76%	4,073.5	1 space / 45m ² (0 - 1,860m ²)	42
			1 space / 90m ² (1,861 - 3,720m ²)	21
			1 space / 185m ² (over 3,720m ²)	2
Total	100%	5,356.9	-	120

Table 1: Zoning By-law 569-2013 Minimum Parking Standards and Supply

Application of By-law 2010-40 rates would require a total minimum site parking supply of **120** spaces. The proposed supply of 124 spaces exceeds the minimum calculated requirement by four spaces.

Proposed Parking Supply Justification

The proposed site parking supply of 124 spaces is above the minimum requirements set out in **Table 1** above based on the land uses permitted on site. To further support this supply and rate of 2.15 spaces per 1,000ft², a parking study was carried out at 17817 Leslie Street in Newmarket on Wednesday March 3 and Thursday March 4, 2021 between the hours of 10:00am and 4:00pm. This proxy site was selected as it is also within a Mixed Employment Zone, has a similar GFA to the subject site and has a reasonable mix of retail, commercial and light industrial land uses that would best reflect the likely uses of the subject site.

The results of the parking surveys are set out in **Table 2**. The raw parking survey data is attached as **Appendix B**.



OBSERVATION TIME	WED MARCH 3 OCCUPANCY	PERCENTAGE	THU MARCH 4 OCCUPANCY	PERCENTAGE
10:00	60	36%	59	35%
10:30	68	40%	76	45%
11:00	73	43%	75	44%
11:30	71	42%	85	50%
12:00	75	44%	83	49%
12:30	76	45%	87	51%
13:00	81	48%	87	51%
13:30	79	47%	83	49%
14:00	71	42%	85	50%
14:30	73	43%	84	50%
15:00	73	43%	73	43%
15:30	71	42%	77	46%
16:00	70	41%	77	46%
Site Supply	169 spaces			
Site GFA	44,993 ft ²			
Peak Demand Rate	1.8 spaces / 1,000ft ²		1.9 spaces / 1,000ft ²	

Table 2: Proxy Site Parking Survey Results Summary

The results of the parking survey indicate that the peak demand rate of 1.9 spaces per 1,000ft² was observed on the Thursday March 4 at 12:30 and again at 13:00. The average of the peak demand observed on both survey days is also 1.9 spaces per 1,000ft². This observed proxy site demand rate represents 12% less than the proposed supply rate of 2.15 spaces per 1,000ft² for the subject site.

It should be noted that the surveys took place during the COVID-19 pandemic. Since the beginning of the pandemic in March 2020, travel in general has plummeted due to government stay-at-home orders and lockdowns. At the time of the surveys, York Region had been in the Red-Control zone for a period of 10 days. Within this zone, businesses are permitted to open but are subject to occupancy limits. With the rise of online shopping during the pandemic, some businesses choosing to operate under reduced opening days/hours, or staying closed altogether and operating curb-side pick-up only, and in the absence of a wide-scale vaccine program, the observed vehicle demands at the proxy site do not reflect typical weekday vehicle demands for a plaza of this nature. It is highly likely that the vehicle demand rate observed at the proxy site would be higher under normal, pre-pandemic conditions. The 12% 'shortfall' between the observed proxy site demand rate and subject site supply rate can be very much attributed to the ongoing pandemic. Therefore, the proposed supply of 124 spaces, or 2.15 spaces per 1,000ft², would be appropriate under normal conditions since the site is being proposed for future vehicle demand.

Summary and Conclusion

The following is a summary of the points set out above:

- This parking study is in support of a Minor Variance application to attain approval for reduced landscape buffer widths surrounding the site known as 455 Harry Walker Parkway South.
- The site is zoned under EM-107 within Zoning By-law 2010-40 which is classified as Mixed Employment Zone with an exception.
- The development proposal is for 57,662 ft² of commercial / light industrial land uses across two buildings and 124 vehicle parking spaces including five barrier-free spaces.
- This proposed site supply rate is 2.15 spaces per 1,000ft².
- Application of By-law 2010-40 rates using relevant land uses would require a total minimum site parking supply of 120 spaces.
- A proxy site parking study was carried out at 17817 Leslie Street on Wednesday March 3 and Thursday March 4, 2021 between the hours of 10:00am and 4:00pm.
- The average peak demand observed on both survey days was 1.9 spaces per 1,000ft². This represents 12% less than the proposed supply rate of 2.15 spaces per 1,000ft².
- The surveys were undertaken during the ongoing COVID-19 pandemic which should be taken under consideration when reviewing the results of the parking survey.

It is our opinion that the proposed parking supply of 124 spaces is not an over supply of parking but an appropriate supply for the site given its location, the minimum zoning by-law requirements, the likely future land uses/tenants and the parking demands observed at the proxy site given the current circumstances.

We trust that the above analysis satisfies the requirements for approval to the Committee of Adjustment for the minor variance application. Should you have any questions or wish to discuss any aspect of this study in more detail, please do not hesitate to contact me directly at your convenience.

Yours sincerely,



Irfan Akram, B.Sc. (Hons), DIS
Senior Transportation Planner
Transportation Planning & Science

APPENDIX A

Zoning By-law 2010-40 excerpt
Mixed Employment Zone -
Permitted Land Uses



6.5 Employment Zones

No person shall use any land or erect, alter or use any *building* or *structure* in any Employment Zone except in accordance with Sections 6.5.1 and 6.5.2 of this By-Law.

6.5.1 Permitted Uses

The following table establishes the *uses* permitted in the Employment Zones:

Permitted Uses	Mixed Employment Zone (EM)	General Employment Zone (EG)	Heavy Employment Zone (EH)
<i>Accessory Outdoor Storage</i> (*1)			•
<i>Accessory Retail Sales Outlet</i>	• (*2)	• (*3)	
<i>Adult entertainment parlour</i> (*6)		•	•
<i>Banquet facility</i>	•		
<i>Body rub parlour</i>		•	•
<i>Building Supply Outlet</i> (*4)		• (*5)	•
<i>Bulk fuel depot</i>			•
<i>Commercial Recreation Centre</i>	•		
<i>Commercial School</i>	•		
<i>Contractors Yard</i>			•
<i>Domestic Animal Care Facility</i>	•	•	
<i>Drive-Thru Facility</i>	•		
<i>Emergency Service Facility</i>	•	•	•
<i>Financial Institution</i>	•		
<i>Heavy Equipment Sales and Service</i>		•	•
<i>Hotel</i>	•		
<i>Laundromat</i>	•		
<i>Light Equipment Sales and Rental</i>		•	•
<i>Manufacturing</i>		• (*5)	•
<i>Manufacturing , Light</i>	•	•	•
<i>Medical Office</i>	•		
<i>Micro-Industrial Use</i>	•	•	•
<i>Motor Vehicle Service Shop</i>	•	•	•
<i>Motor Vehicle Body Shop</i>			•
<i>Motor Vehicle Rental Establishment</i>	•	•	•
<i>Motor Vehicle Sales Establishment</i>	•		
<i>Motor Vehicle Washing Establishment, Automated</i>			•
<i>Motor Vehicle Washing Establishment, Manual</i>			•
<i>Night Club</i> (*7)		•	•
<i>Office</i> (*8)	•	•	
<i>Personal Service Shop</i>	•		

Permitted Uses	Mixed Employment Zone (EM)	General Employment Zone (EG)	Heavy Employment Zone (EH)
<i>Private Club</i>	•		
<i>Public Storage Facility</i>		•	•
<i>Restaurant</i>	•	•	•
<i>Service or Repair Shop</i>	•	•	•
<i>Sports Arena</i>	•	•	•
<i>Studio</i>	•		
<i>Transportation Depot</i>		•	•
<i>Veterinary Clinic</i>	•		
<i>Veterinary Hospital</i>	•	•	
<i>Warehouse</i>	•	•	•
<i>Wholesale Operations</i>	•	•	

- (*1) Subject to 4.19.4 Accessory Outdoor Storage
- (*2) May not exceed 40% of the GFA of the *building* in which it is located.
- (*3) May not exceed 20% of the GFA of the *building* in which it is located.
- (*4) Limited to a maximum GFA of 7,000 m².
- (*5) Permitted only within wholly enclosed *buildings*.
- (*6) Deleted. By-law 2018-50
- (*7) A night club shall only be permitted in the General Employment (EG) and Heavy Employment (EH) Zones that are located east of Leslie Street.
- (*8) Permitted as a principal use in the EM and EG zones. Within the EH zone, is permitted only as an accessory use and shall not exceed 25% of the GFA of the premises.

APPENDIX B

Parking Survey Data



Client: WSP Canada Inc.
 Survey Date: Wednesday March 3, 2021
 Site: 17817 Leslie Street, Newmarket
 Surveyor: Horizon Data Services Ltd.
 GFA: 44,993 sq.ft.

TIME			Section A		Section B	Section C	Section D		Section E	Site Total Demand	%
			Reg	HC	Reg	Reg	Reg	HC	Reg		
10:00	-	10:30	2	0	9	9	49	0	0	60	36%
10:30	-	11:00	4	0	10	9	55	0	0	68	40%
11:00	-	11:30	2	0	10	10	60	1	0	73	43%
11:30	-	12:00	3	0	10	11	56	1	0	71	42%
12:00	-	12:30	1	0	10	12	61	1	0	75	44%
12:30	-	13:00	1	0	10	12	62	1	0	76	45%
13:00	-	13:30	3	0	7	12	65	1	0	81	48%
13:30	-	14:00	3	1	9	13	60	1	0	78	46%
14:00	-	14:30	3	0	9	13	54	1	0	71	42%
14:30	-	15:00	2	0	10	13	58	0	0	73	43%
15:00	-	15:30	3	0	9	13	57	0	0	73	43%
15:30	-	16:00	3	0	8	12	56	0	0	71	42%
16:00	-	16:30	6	0	9	11	53	0	0	70	41%
SUPPLY-CAPACITY			22	2	unmarked	25	119	1	Tesler stn	169	

1.8

Client: WSP Canada Inc.
Survey Date: Thursday, March 4, 2021
Site: 17817 Leslie Street, Newmarket
Surveyor: Horizon Data Services Ltd.
GFA: 44,993 sq.ft.

TIME			Section A		Section B	Section C	Section D		Section E	Site Total Demand	%
			Reg	HC	Reg	Reg	Reg	HC	Reg		
10:00	-	10:30	4	0	13	8	45	0	1	59	35%
10:30	-	11:00	4	0	12	10	59	1	1	76	45%
11:00	-	11:30	6	0	11	10	56	1	1	75	44%
11:30	-	12:00	6	0	12	12	64	1	1	85	50%
12:00	-	12:30	6	0	11	14	60	1	1	83	49%
12:30	-	13:00	5	0	12	14	65	1	1	87	51%
13:00	-	13:30	3	0	9	15	67	0	1	87	51%
13:30	-	14:00	6	1	8	15	58	1	1	83	49%
14:00	-	14:30	5	0	9	16	62	0	1	85	50%
14:30	-	15:00	5	0	9	16	61	0	1	84	50%
15:00	-	15:30	5	0	8	13	53	0	1	73	43%
15:30	-	16:00	5	0	10	13	56	1	1	77	46%
16:00	-	16:30	5	0	9	12	58	0	1	77	46%
SUPPLY-CAPACITY			22	2	unmarked	25	119	1	Tesler stn	169	

1.9

1.9


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)

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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, February 24, 2021

Time: 9:30 AM

Location: Electronic VIA ZOOM
See How to Login Guide

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

Staff Present: Patricia Cho, Planner
Janany Nagulan, Planner
Devon Morton, Secretary-Treasurer

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

1. Notice

The Chair gave notice.

2. Conflict of Interest Declarations

No conflicts declared by the Committee.

3. Appeals

None.

4. Items

4.1 Minor Variance Application D13-A01-21

Elm Harry Walker Parkway (2019) Inc.

**LT 4 PL 65M3804 PTS 3 & 4 65R35337; T/W OVER PTS 2,4,7 & 11
65R27423 AS IN YR548158**

455 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.

Joe Morano, indicated Dwayne Warren from Baldassarra Architects Inc. will be representing Minor Variance application D13-A01-21 as the Authorized Agent. Mr. Warren indicated that he accepts the planner's recommendation to defer the decision until further studies are provided.

The Committee had no further question or comment.

The Public had no further question or comment.

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

1. Report from Janany Nagulan, Planner, dated February 19th, 2021
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated February 16th 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated February 11th, 2021.

Moved by: Seyedmohsen Alavi
Seconded by: Peter Mertens

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

Carried

4.2 Minor Variance Application D13-A02-21

Dewar, Caroline & Chalmers, Nelia Melo

PT LT 8 E/S PROSPECT ST PL 22 NEWMARKET; PT LT 9 E/S PROSPECT ST PL 22 NEWMARKET AS IN R724642

125 Prospect Street

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.

David Johnston indicated he will be representing Minor Variance application D13-A02-21 as the Authorized Agent.

Mr. Vescio confirmed with Mr. Johnston the relief requested is in regards to the definition of a Balcony.

The Committee had no further question or comment.

The Public had no further question or comment.

Ken Smith joined the meeting.

The planner, Janany Nagulan, indicated that the L.S.R.C.A. recommended, as a condition of approval, that payment be made by the applicant to the L.S.R.C.A. for their review of the application.

Mr. Johnston, accepted the recommendation and condition.

The Public had no further question or comment.

The Committee had no further question or comment.

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

1. Report from Janany Nagulan, Planner, dated February 18th, 2021
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated February 16th 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated February 11th, 2021.
4. Email correspondence from Laura Tafreshi, Planner I, LSRCA, dated February 23rd, 2021.

Moved by: Ken Smith

Seconded by: Michelle Starnes

That Minor Variance Application D13-A02-21 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; and**
- 4. That the Owner shall pay all development fees to the LSRCA in accordance with the approved Fees Policy under the Conservation Authorities Act. (Note: payment is currently outstanding for the LSRCA review of the minor variance application of \$525.00 per the LSRCA 2021 Fee Schedule).**

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-A03-21

Mohammadnazari, Sharareh & Hassany, Abbas

PCL 244-1, SEC M75 ; LT 244, PL M75, S/T RIGHT LT189699

438 Bristol Road

The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling. 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 (1) parking space for an Accessory Dwelling Unit to be provided within the existing garage whereas the By-law requires parking spaces be provided exterior to any garage.

Sharareh Mohammadnazari, indicated she will be representing Minor Variance application D13-A03-21.

Ms. Starnes expressed concerns had been raised by members of the public and inquired if this application was seeking to permit a third residential unit.

Ms. Mohammadnazari explained that this application is not to permit a third residential unit, rather, it is to achieve compliance after a letter was received indicating the existing A.D.U. must be registered. Ms. Mohammadnazari further explained this application is to address parking requirements and that no addition is proposed.

The Committee had no further question or comment.

The Public had no further question or comment.

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

1. Report from Patricia Cho, Planner, dated February 17th, 2021
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated February 10th 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated February 12th, 2021.
4. Email correspondence from Ann and John Nairn dated February 22nd, 2021.
5. Email correspondence from Brenda Malloy dated February 22nd, 2021.
6. Email correspondence from Inge Ruddies and Julio Santos dated February 19th, 2021.
7. Email correspondence from Leanne Tucker, dated February 23rd, 2021.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

That Minor Variance Application D13-A03-2021 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.**

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-A04-21

Roosta, Bahman & Attar, Anoosheh

LOT 132, PLAN 65M4436 SUBJECT TO AN EASEMENT FOR ENTRY AS IN YR2432902

625 McGregor Farm Trail

The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling. 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 (1) parking space for an Accessory Dwelling Unit to be provided within the existing garage whereas the By-law requires parking spaces be provided exterior to any garage.**

Bahman Roosta, indicated he will be representing Minor Variance application D13-A04-21 and offered a presentation identifying the relief requested to the Committee. Mr. Roosta further explained why the proposal cannot conform to the Zoning By-law.

The Committee had no further question or comment.

The Public had no further question or comment.

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

1. Report from Patricia Cho, Planner, dated February 17th, 2021
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated February 10th 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated February 12th, 2021.
4. Email correspondence from Dominic Murphy dated February 23rd, 2021.
5. Email correspondence from Georgette Marcuzzi dated February 19th, 2021.
6. Email correspondence from Michelle McAllister dated February 23rd, 2021.
7. Email correspondence from Yaqiang Li, dated February 15th, 2021.

Moved by: Michelle Starnes

Seconded by: Peter Mertens

That Minor Variance Application D13-A04-2021 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.

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

4.5 Consent Application D10-B01-21

College Manor Shops Inc.

**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**

855 Mulock Drive

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.

Raphael Romeral, indicated he will be representing Consent application D10-B01-21 as the Authorized Agent.

The Committee had no further question or comment.

The Public had no further question or comment.

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

1. Report from Janany Nagulan, Planner, dated February 18th, 2021
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated February 10th 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated February 11th, 2021.

Moved by: Michelle Starnes

Seconded by: Seyedmohsen Alavi

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

That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:

- 1. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands; and**
- 2. a copy of the fully executed lease regarding the subject lands; and**
- 3. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted; and**
- 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.**

Carried

5. Approval of Minutes

5.1 January 20, 2021

The Committee accepted the Minutes of the January 20th, 2021 meeting.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

That the minutes of the January 20th, 2021 meeting be APPROVED.

Carried

6. New Business

6.1 Procedural Bylaw

Mr. Morton initiated a general discussion in regards to the distribution of the agenda, comments and other supporting documentation as well as the establishment of a Procedural By-law.

The consensus from the conversation is that:

1. When in-person meetings resume, hard copies of the agenda, comments and other supporting documentation should be provided at the meeting for each member.
2. All digital information should be stored in one centralized location, accessed via a link provided by the Secretary-Treasurer.
3. The agenda, comments and other supporting documentation should all be provided on the Friday prior to the meeting to each member.
4. Members want the ability to print documents individually and as one combined document from the centralized location.
5. There is merit in exploring a Procedural By-law.
6. Five (5) new applications being heard per meeting is preferred.
7. Some members would like access to the Town of Newmarket's G.I.S.

7. Adjournment

The meeting was adjourned.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

That the meeting be adjourned.

Carried

Chair

Secretary-Treasurer

Date