

# Town of Newmarket Agenda

# **Committee of Adjustment**

Date Time Loca	<b>:</b> :	Wednesday, April 21, 2021 9:30 AM Electronic VIA ZOOM See How to Login Guide	Pages
1.	Notice		
	At this time, the Municipal Offices remain closed to the public. This meeting will be available VIA ZOOM Meeting at newmarket.ca/meetings		
2.	2. Conflict of Interest Declarations		
	2.1.	Elizabeth Lew - Minor Variance Application D13-A10-21	
3.	B. Appeals		
	Nil		
4. Items			
	4.1.	Consent Application D10-B02-21	4
		Birock Investments Inc.	
		1200 Stackhouse Road, Town of Newmarket	
4.2.		BLOCK 6, PLAN 65M3871	
		Minor Variance Application D13-A10-21	19
		Fairbrother, John and Yeates, Leslie	
		97 Roxborough Road, Town of Newmarket	
		PT LT 18 PL 344 NEWMARKET PT 2 65R2205; NEWMARKET	
	4.3.	Elizabeth Lew declared a conflict on this item.  Minor Variance Application D13-A11-21	34

Striegler, Kelley Shawn and Striegler, Andrew Ross

	824 Grace Street, Town of Newmarket	
	PCL 64-1 SEC M1252; LT 64 PL M1252 TOWN OF NEWMARKET	
4.4.	Minor Variance Application D13-A12-21	52
	Campbell, Scott Peter Douglas and Allan, Kristy Inga	
	753 Srigley Street, Town of Newmarket	
	LT 10 PL 373 NEWMARKET AMENDED 2000/01/20 AT 15:05 BY S. COLES, ADLR	
4.5.	Minor Variance Application D13-A13-21	69
	Cheung, Kenny Kin and Chen, Elaine Yau-Ling	
	40 Birkdale Place, Town of Newmarket	
	PART BLOCK 122, PLAN 65M4587; PART 26 ON 65R38656 TOGETHER WITH AN UNDIVIDED COMMON INTEREST IN YORK REGION COMMON ELEMENTS CONDOMINIUM CORPORATION NO. 1429 SUBJECT TO AN EASEMENT AS IN YR2993590 SUBJECT TO AN EASEMENT IN GROSS OVER PART 26 PLAN 65R38656	
Appro	val of Minutes	
5.1.	Minutes of the regular meeting held on Wednesday, March 24th, 2021	80
Adjou	rnment	

5.

6.



# 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.

**Meeting:** Committee of Adjustment

Date: Wednesday, April 21st, 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/92943609206? pwd=a05GL0dDYnpkeGFDN083Q1h3ekc1dz09

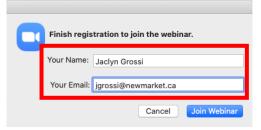
2

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



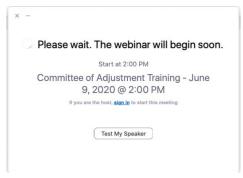
Type your First and Last name into the "Your Name" field and type your email into the "Your Email" field. Then click "Join Webinar".

3



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

4



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: 929 4360 9206 followed by #
There is no Participant ID, just press #

Password: 311431 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.

# **Technical Tips**

- ✓ You will be attending the meeting in "listen only mode" (i.e., without your video or audio on)
- ✓ If you cannot connect, check your internet connection by going to another website (such as <u>www.newmarket.ca</u>) - If the internet is not working on other sites, you may need to reboot your device or modem
- If your screen freezes, try to refresh or you may need to disconnect from the meeting and then reconnect using the link above
  - ✓ If you get disconnected, rejoin the meeting using the link above



### PLANNING AND BUILDING SERVICES

**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

# **Planning Report**

TO: Committee of Adjustment

FROM: Patricia Cho

Planner

DATE: April 15, 2021

RE: Application for Minor Variance - **D10-B02-2021** 

1200 Stackhouse Road

Made by: Birock Investments Inc.

# 1. Recommendations:

# That Consent Application D10-B02-2021 be granted, subject to the following conditions:

- a. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
  - proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;
  - ii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted; and,
  - iii. the required transfer to effect the severance and conveyance(s).
- b. 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; and,
- c. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

# 2. Application:

The lands are located on the south side of Stackhouse Road, east of Leslie Street. The purpose of the consent application is to allow the applicant to sever the subject lands into two (2) separate parcels. The intent of the severance would allow the applicant to operate the Phase 2 building (the severed lot, indicated as "A" on the attached sketch) under a separate ownership from the Phase 1 building (the retained lot, indicated as "B" on the attached sketch).

The development of an industrial building on the retained lands has been granted through site plan approval and is currently under construction (our fil no. D11-NP-19-06). The development of an industrial building on the severed lands is currently being reviewed through the site plan approval process (our file no. D11-NP-20-17).

Report to Committee of Adjustment Application for Consent D10-B02-2021 1200 Stackhouse Road Made by: Birock Investments Inc. Page 2 of 3

The application is also seeking to create easements for the sites, 1) to share the existing driveway access off of Stackhouse Road and 2) to accommodate the flow route provided for drainage from the severed lands over the retained lands.

Severing the lands will not lead to a physical change in the development, as this is managed through the site plan approval process. The consent will allow for seperate ownership, mortgaging, financing, and legal agreements on title to each property.

# 3. Planning considerations:

# Conformity with the Official Plan

The subject lands are designated "General Employment" in the Town's Official Plan. This designation permits a range of industrial activities such as manufacturing, assembling, processing, servicing and warehousing of goods and materials.

Section 16.1.5 of the Official Plan sets out the circumstances in which an application for consent will be granted. The section reads that consents shall only be granted where:

- a) the severance is for the purpose of infilling within existing development;
- b) a plan of subdivision is not necessary;
- c) the number of lots created is three or less;
- d) the lot can be adequately serviced by sanitary sewage disposal, water supply, and storm drainage facilities;
- e) no extension, improvement or assumption of municipal services is required;
- f) the lot will have frontage on an improved public road, and access will not result in traffic hazards;
- g) the lot will not restrict the ultimate development of adjacent lands;
- h) the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and compatible with adjacent lots; and,
- i) the consent complies with all relevant provisions of this Plan.

The proposed application for consent would not conflict with the purpose and intent of the Official Plan.

# Conformity with the Zoning By-law

The subject lands are zoned Heavy Employment Zone (EH) by By-law Number 2010-40. The general intent of the Heavy Employment zone is to ensure the lands continue to be viable for their intended use as providing employment within an extensive range of industrial activities. Both the severed parcel and the retained parcel as proposed meet the minimum lot area and frontage requirements for the EH Zone. The proposed application for consent would not conflict with the intent of the Zoning By-law

Report to Committee of Adjustment Application for Consent D10-B02-2021 1200 Stackhouse Road Made by: Birock Investments Inc. Page 3 of 3

# 4. Other Comments

# Tree protection

The proposed retained lands are subject to an existing site plan agreement. The proposed severed lands are subject to a site plan approval and are part of an ongoing application. There will be no physical change for the site by the consent application. Any development will be required to comply with the Town's Tree Policy.

# Heritage

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

# Commenting agencies and departments

Building Services has no comments with regards to this application.

Engineering Services has no objections with regards to this application.

York Region has no comments with regards to this application.

Bell Canada has no concerns or issues with regards to this application.

# 5. Conclusions

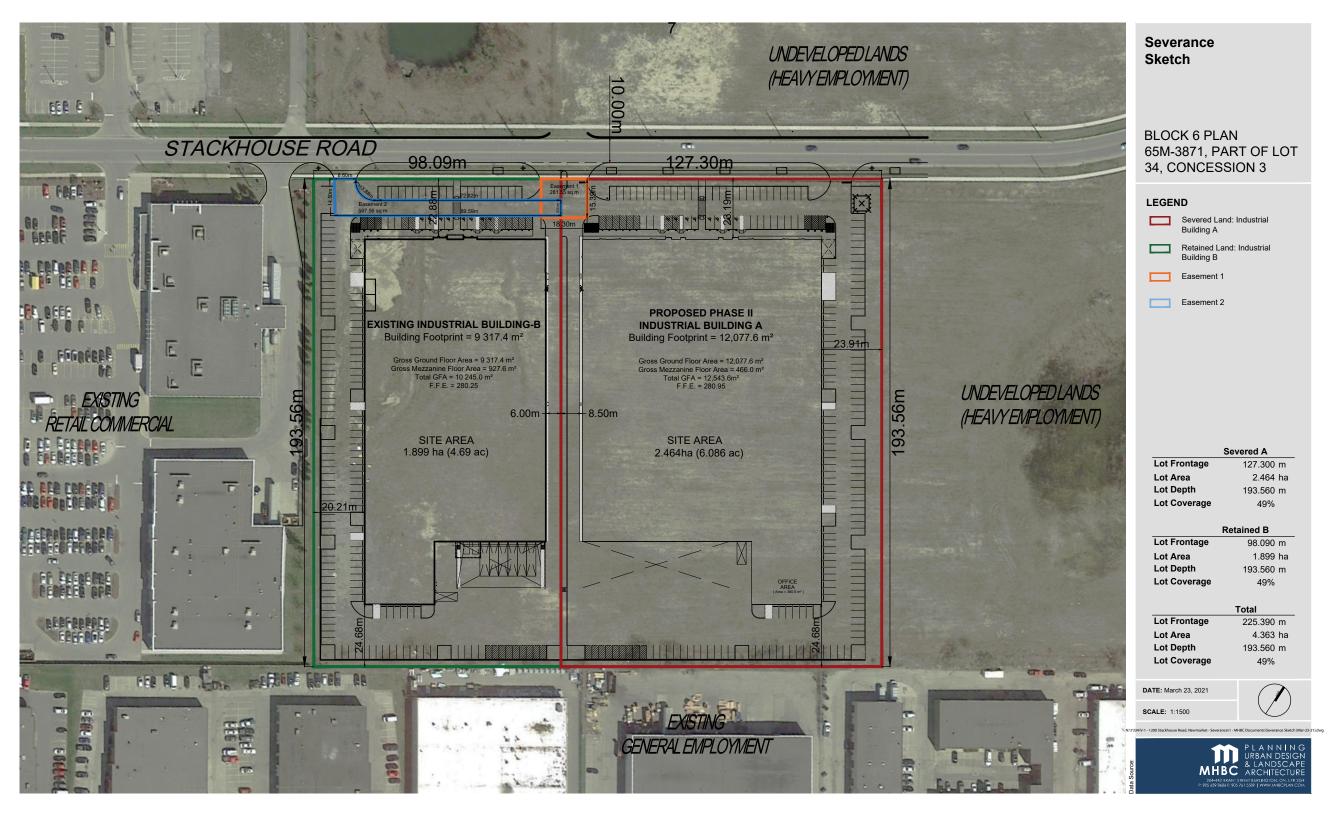
The consent meets the relevant requirements of the Zoning By-law, Official Plan and is recommended to be granted subject to the associated conditions.

Respectfully submitted,

Patricia Cho, HBC, MSc. (Pln)

Mitilia lella

Planner



# Morton, Devon

**From:** Gordon, Carrie <carrie.gordon@bell.ca>

**Sent:** April 7, 2021 2:49 PM **To:** Morton, Devon

**Subject:** RE: Committee of Adjustment - Notice of Application (April 21st, 2021) - 1200

Stackhouse Rd - 905-21-154

Dear Devon,

Re: D10-B02-24

Subsequent to review of the severance at 1200 Stackhouse Rd, Bell Canada's engineering department have determined that there are no concerns or issues with the application.

If you have any questions regarding this response, please do not hesitate to contact me.

Best regards,

# Carrie Gordon



Associate, External Liaison Right of Way Control Centre 140 Bayfield St, Fl 2 Barrie ON, L4M 3B1

T: 705-722-2244/844-857-7942

F:/05-/26-4600

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

Sent: Thursday, April 1, 2021 7:23 PM

**To:** Taylor, John <jtaylor@newmarket.ca>; Woodhouse, Victor <vwoodhouse@newmarket.ca>; Kwapis, Bob <br/>
<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>; ROWCC <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

(a lavim@yorku.ca) < a lavim@yorku.ca>; Peter Mertens (pmertens@bell.net) < pmertens@bell.net>; Laura Tafreshi

**Cc:** Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>

Subject: [EXT]Committee of Adjustment - Notice of Application (April 21st, 2021)

Good evening all,

The next virtual Committee of Adjustment hearing will be held on Wednesday, April 21<sup>st</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

- D10-B02-21 1200 Stackhouse Road (WARD 7)
   The applicant is proposing to convey the subject land indicated as "A" on the attached sketch for proposed industrial purposes and to retain the land marked as "B" on the attached sketch for industrial purposes.
- D13-A10-21 97 Roxborough Road (WARD 2)
   The applicant is proposing the construction of a new 1-storey residential dwelling.
- D13-A11-21 824 Grace Street (WARD 2)
   The applicant is proposing the construction of a new cabana and pool with outdoor mechanical equipment.
- D13-A12-21 753 Srigley Street (WARD 2)
   The applicant is proposing the construction of a new detached garage.
- D13-A13-21 40 Birkdale Place (WARD 7)
   The applicant is proposing a sunroom addition to the existing residential dwelling.

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Wednesday**, **April 14**<sup>th</sup>, **2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the submission documents in digital format and the Notice of Application using the link below:

https://tonfileshare.newmarket.ca/share.cgi?ssid=0LoaATd

Please let me know if you have any questions.

Thank you and have a great long weekend,

# Devon Morton, B.U.R.Pl

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.

External Email: Please use caution when opening links and attachments / Courriel externe: Soyez prudent avec les liens et documents joints

# Morton, Devon

From: Potter, David

**Sent:** April 8, 2021 11:42 AM

To:Morton, DevonCc:Corrigan, Wendy

**Subject:** RE: Committee of Adjustment - Notice of Application (April 21st, 2021)

## Hi Devon:

Please see comments below.

Cheers, Dave

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

Sent: April 1, 2021 7:23 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 < IVillanueva@newmarket.ca>; Lyons, Lisa < Ilyons@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>; Laura Tafreshi < L.Tafreshi@lsrca.on.ca>; Mike Thibeault < mikeufi@rogers.com>; Shane Jobber < shane@urbanforestinnovations.com>; Philip van Wassenaer < pwassenaer1022@rogers.com>; Puccini, Lisa < lpuccini@cyfs.ca>

**Cc:** Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>

Subject: Committee of Adjustment - Notice of Application (April 21st, 2021)

# Good evening all,

The next virtual Committee of Adjustment hearing will be held on Wednesday, April 21<sup>st</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

- D10-B02-21 1200 Stackhouse Road (WARD 7) No comment
   The applicant is proposing to convey the subject land indicated as "A" on the attached sketch
   for proposed industrial purposes and to retain the land marked as "B" on the attached sketch
   for industrial purposes.
- D13-A10-21 97 Roxborough Road (WARD 2) No objection subject to compliance with the Building Code

The applicant is proposing the construction of a new 1-storey residential dwelling.

D13-A11-21 – 824 Grace Street (WARD 2) No comment

The applicant is proposing the construction of a new cabana and pool with outdoor mechanical equipment.

- D13-A12-21 753 Srigley Street (WARD 2) No objection subject to compliance with the Building Code
  - The applicant is proposing the construction of a new detached garage.
- D13-A13-21 40 Birkdale Place (WARD 7) No objection subject to compliance with the Building Code

The applicant is proposing a sunroom addition to the existing residential dwelling.

The Committee requests your advice and comments on these matters.

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Please let me know if you have any questions.

Thank you and have a great long weekend,

# **Devon Morton, B.U.R.PI**



Planner, Committee of Adjustment & Cultural Heritage Secretary-Treasurer to the Committee of Adjustment Planning and Building Services <a href="mailto:dmorton@newmarket.ca">dmorton@newmarket.ca</a> 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 Newmarketwww.newmarket.ca395 Mulock Driveengineering@newmarket.caP.O. Box 328, STN MainT: 905 895.5193Newmarket, ONL3Y 4X7F: 905 953.5138

# MEMORANDUM

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

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

DATE: April 14, 2021

RE: Application for Consent

Made by: Birock Investments Inc.

File No.: D10-B02-21

1200 Stackhouse Road, Town of Newmarket, BLOCK 6, PLAN 65M3871

Town of Newmarket Ward 2

Engineering Services File No.: R. Stackhouse Rd

We herein acknowledge receipt of the Notice of Application for Consent wherein the owners of the above noted properties are proposing to convey the subject land indicated as "A" on the attached sketch for proposed industrial purposes and to retain the land marked as "B" on the attached sketch for industrial purposes.

An easement for access is proposed between the two lots and an additional easement is proposed to accommodate the overland flow route provided for drainage from 1200 Stackhouse Road over 1100 Stackhouse Road.

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

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES** 

Sepideh Majdi, P.Eng.

Manager, Development Engineering

SM: BB, File No.: SM0026

S-beigh

Urban Forest Innovations Inc. 1331 Northaven Drive Mississauga ON L5G 4E8



April 13, 2021

## The Town of Newmarket

395 Mulock Drive, P.O. Box 328, STN Main Newmarket ON L3Y 4X7 c/o Devon Morton – Planner

Re: 1200 Stackhouse Road – Committee of Adjustment – Arborist Peer Review

Mr. Morton,

As you have requested, Urban Forest Innovations, Inc. (UFI) has reviewed the arborist report and related application information submitted in support of a proposed Site Plan Application at 1200 Stackhouse Road, Newmarket, ON.

This letter report outlines our review methodology and presents our comments.

# Methodology

Document review

The following documents, provided by the Town of Newmarket, were reviewed:

- Arborist Report, prepared by D. Andrew White, dated September 10, 2020
- Tree Inventory and Preservation Plan, prepared by Insite Landscape Architects Inc., dated September 17, 2020

Additional documents provided in the submission package were reviewed briefly for context, but did not form a substantive part of this peer review.

With the exception of documents submitted prior to April, 2018, all reviewed documents are evaluated against the latest revised version of the Town of Newmarket *Tree Preservation, Protection, Replacement and Enhancement Policy* (April 2018 or latest version), hereinafter referred to as the *Policy*.

#### Site visit

A site visit was undertaken on March 3, 2021, to assess the site and verify the tree inventory details.

### **Comments**

Based upon our review of the above-referenced documents, we offer the following comments:

## Site conditions

 It was noted during the site visit that construction work is currently underway on site and tree #5 has been removed, as proposed in the current arborist report to facilitate the site works. No immediate action required; this comment is provided for informational purposes only.

# Tree appraisal

2. The revised arborist report must provide a monetary value for all Town-owned trees to be preserved on or adjacent to the subject lands, i.e., trees #1-4. These values must be calculated using methods in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide to Plant Appraisal, 9<sup>th</sup> edition, and the International Society of Arboriculture, Ontario Chapter, (ISAO) Regional Plant Appraisal Committee (RPAC) guidance for application of the Trunk Formula Method. Importantly, the applied appraisal methodology must not utilize a generic Unit Tree Cost (or basic tree cost) of \$6.51/cm². Although the use of a generic Unit Tree Cost was considered acceptable in the past, its use is no longer supported. Current guidelines instruct that actual Unit Tree Costs must be determined for every species considered in an appraisal based upon market prices for nursery stock (or reasonable substitutes) and tree installation. The Unit Tree Cost shall be derived by dividing Installed Cost (cost of tree stock plus installation cost) by the Cross Sectional Area of the Replacement Tree (largest commonly available stock, typically 90 mm for many common species).

# Tree compensation

3. A compensation amount calculated using the Depreciated Aggregate cm Method (DAM) (as outlined in the *Policy*) must be provided only for trees proposed for removal that are equal to or greater than 20cm diameter at breast height (DBH) and are located on or within 4.5 metres of the subject lands. Compensation calculations have been provided for trees #1-4, which are proposed for retention and do not require DAM compensation

amounts to be provided in the revised arborist report, although see comment #2 above for valuation requirements for retention trees.

Additional comments on trees affected by this application will be provided when the requested additional information is available for further review.

We trust that this letter will suffice for your current needs. Should you have any questions or require further assistance, please do not hesitate to contact us.

Respectfully submitted by,

Philip van Wassenaer, B.Sc., MFC

Whilip von Wassernen

ISA Certified Arborist ON-0361A Member – ASCA, SMA, SAG Baumstatik

E: pwassenaer1022@rogers.com

Shane Jobber, B.Sc.F.

ISA Certified Arborist ON-1746AM

E: shane@urbanforestinnovations.com

Urban Forest Innovations, Inc.

1331 Northaven Drive Mississauga ON L5G 4E8

T: (905) 274-1022 F: (905) 274-2170

www.urbanforestinnovations.com

# **Limitations of Assessment**

It is our policy to attach the following clause regarding limitations. We do this to ensure that the client is aware of what is technically and professionally realistic in assessing and retaining trees.

The assessment(s) of the tree(s) presented in this report has been made using accepted arboricultural techniques. These may include, among other factors, a visual examination of: the above-ground parts of the tree(s) for visible structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of pests or pathogens, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted, the tree(s) was not cored, probed, climbed or assessed using any advanced methods, and there was no detailed inspection of the root crown(s) involving excavation.

Notwithstanding the recommendations and conclusions made in this report, it must be recognized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site or weather conditions, or general seasonal variations. Weather events such as wind or ice storms may result in the partial or complete failure of any tree, regardless of assessment results.

While reasonable efforts have been made to accurately assess the overall condition of the subject tree(s), no guarantee or warranty is offered, expressed or implied, that the tree(s) or any of its parts will remain standing or in stable condition. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or its component parts, regardless of the assessment methodology implemented. Inevitably, a standing tree will always pose some level of risk. Most trees have the potential for failure under adverse weather conditions, and the risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be re-assessed periodically. The assessment presented in this report is only valid at the time of inspection.

# Morton, Devon

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

**Sent:** April 8, 2021 8:08 AM **To:** Morton, Devon

Subject: RE: D10-B0221 Committee of Adjustment - Notice of Application (April 21st, 2021)

Good morning Devon,

The Regional Municipality of York has reviewed the above consent application 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: Thursday, April 1, 2021 7:23 PM

**To:** jtaylor <jtaylor@newmarket.ca>; Woodhouse, Victor <vwoodhouse@newmarket.ca>; Kwapis, Bob

<br/><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>;

<rschell@cyfs.ca>; Villanueva, Lawrence <IVillanueva@newmarket.ca>; Lyons, Lisa <Ilyons@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>; Laura Tafreshi

<L.Tafreshi@lsrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Shane Jobber <shane@urbanforestinnovations.com>;

Philip van Wassenaer pwassenaer1022@rogers.com>;;Puccini, Lisa <|puccini@cyfs.ca>

**Cc:** Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany

<jnagulan@newmarket.ca>

**Subject:** Committee of Adjustment - Notice of Application (April 21st, 2021)

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# Good evening all,

The next virtual Committee of Adjustment hearing will be held on Wednesday, April 21<sup>st</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

D10-B02-21 – 1200 Stackhouse Road (WARD 7)

The applicant is proposing to convey the subject land indicated as "A" on the attached sketch for proposed industrial purposes and to retain the land marked as "B" on the attached sketch for industrial purposes.

- D13-A10-21 97 Roxborough Road (WARD 2)

  The applicant is proposing the construction of a new 1-storey residential dwelling.
- D13-A11-21 824 Grace Street (WARD 2)

  The applicant is proposing the construction of a new cabana and pool with outdoor mechanical equipment.
- D13-A12-21 753 Srigley Street (WARD 2)
   The applicant is proposing the construction of a new detached garage.
- D13-A13-21 40 Birkdale Place (WARD 7)

  The applicant is proposing a sunroom addition to the existing residential dwelling.

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Wednesday**, **April 14**<sup>th</sup>, **2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the submission documents in digital format and the Notice of Application using the link below:

https://tonfileshare.newmarket.ca/share.cgi?ssid=0LoaATd

Please let me know if you have any questions.

Thank you and have a great long weekend,

# **Devon Morton, B.U.R.PI**



Planner, Committee of Adjustment & Cultural Heritage Secretary-Treasurer to the Committee of Adjustment Planning and Building Services <a href="mailto:dmorton@newmarket.ca">dmorton@newmarket.ca</a> <a href="mailto:www.newmarket.ca">www.newmarket.ca</a>

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: April 15, 2021

RE: Application for Minor Variance **D13-A10-2021** 

97 Roxborough Road Town of Newmarket

Made by: FAIRBROTHER, John and YEATES, Leslie

## 1. Recommendations:

That Minor Variance Application D13-A10-2021 be approved, subject to the following conditions:

- 1. That the variance pertains only to the request as submitted with the application; and,
- 2. That the development be substantially in accordance with the information submitted with the application; and
- 3. That the applicant provide site specific grading plans prepared and sealed by the design Engineer (P.Eng), to be approved by Engineering Services; and
- 4. 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
- 5. 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; and
- 6. 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 facilitate the construction of a new one-story residential detached dwelling. The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	Section 6.2.2	A minimum side yard setback	A minimum side yard
		Zoning	of 1.8m for buildings beyond	setback of 1.2m for
		Standards	5.7m in height.	buildings beyond 5.7m in
		For Residential		height.
		Zones		-

Report to Committee of Adjustment Application for Minor Variance D13-A10-2021 97 Roxboorugh Road Town of Newmarket Made by: FAIRBROTHER, John and YEATES, Leslie Page 2 of 4

2	2010-40	Section 6.2.2	A maximum lot coverage of	A maximum lot coverage of
		Schedule D	25%.	27.5%.
		Maximum Lot		
		Coverage		

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 currently is a one–story residential detached dwelling on the property that is to be demolished.

# 3. Planning considerations:

The request for variances are to facilitate a new proposed one-story residential dwelling on the property.

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 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 contest 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 variances is considered to conform to the Official Plan and therefore, this test is met.

Report to Committee of Adjustment Application for Minor Variance D13-A10-2021 97 Roxboorugh Road Town of Newmarket Made by: FAIRBROTHER, John and YEATES, Leslie Page 3 of 4

# 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. The general intent of setbacks is to ensure that the use of a property does not infringe on the rights of neighbours, and to allow sufficient space for sunlight, airflow, privacy, landscaping, stormwater run-off, and movement around the home / accessory buildings. The intent is also to ensure compatibility and consistency within the existing neighbourhood. In the case of the subject property, the proposed dwelling will be located approximately 1.28m and 1.24m from the interior property lines, whereas the required interior side yard setback is 1.8m for buildings that are beyond 5.7m in height. The proposed reduction to the interior side yard setback appears to maintain a functional space and distance from the interior side yards and the impacts to neighboring properties appears to be minimal.

The general intent of maximum lot coverage provisions is to limit the built form of structures in order to maintain compatibility and similarity of structures, and to ensure adequate amenity space. By limiting lot coverage, building size is restrained and ensures that houses are similar in size. The maximum lot coverage for the subject property is 25% and the applicant is requesting a maximum lot coverage of 27.5%.

The requested variance represents a small increase in coverage that will result in a dwelling that is in keeping with the surrounding area, and will not significantly impact the functional space of the lot. 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. As the requested relief would allow the property owner to invest in their property and 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, it is not just the numerical value; the Committee is requested to consider the overall impact of the variance. The overall impact of the proposed variance appears to be minimal as despite the reduced setbacks and increased coverage, the proposed dwelling would still be compatible with the overall diversity of dwelling types within the neighbourhood. In addition, significant impacts to surrounding properties are not anticipated. This test is met.

In consideration of the above, the proposed variance meets the four tests under the *Planning Act*.

Report to Committee of Adjustment Application for Minor Variance D13-A10-2021 97 Roxboorugh Road Town of Newmarket Made by: FAIRBROTHER, John and YEATES, Leslie Page 4 of 4

## 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.

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**

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

## 5. Conclusions:

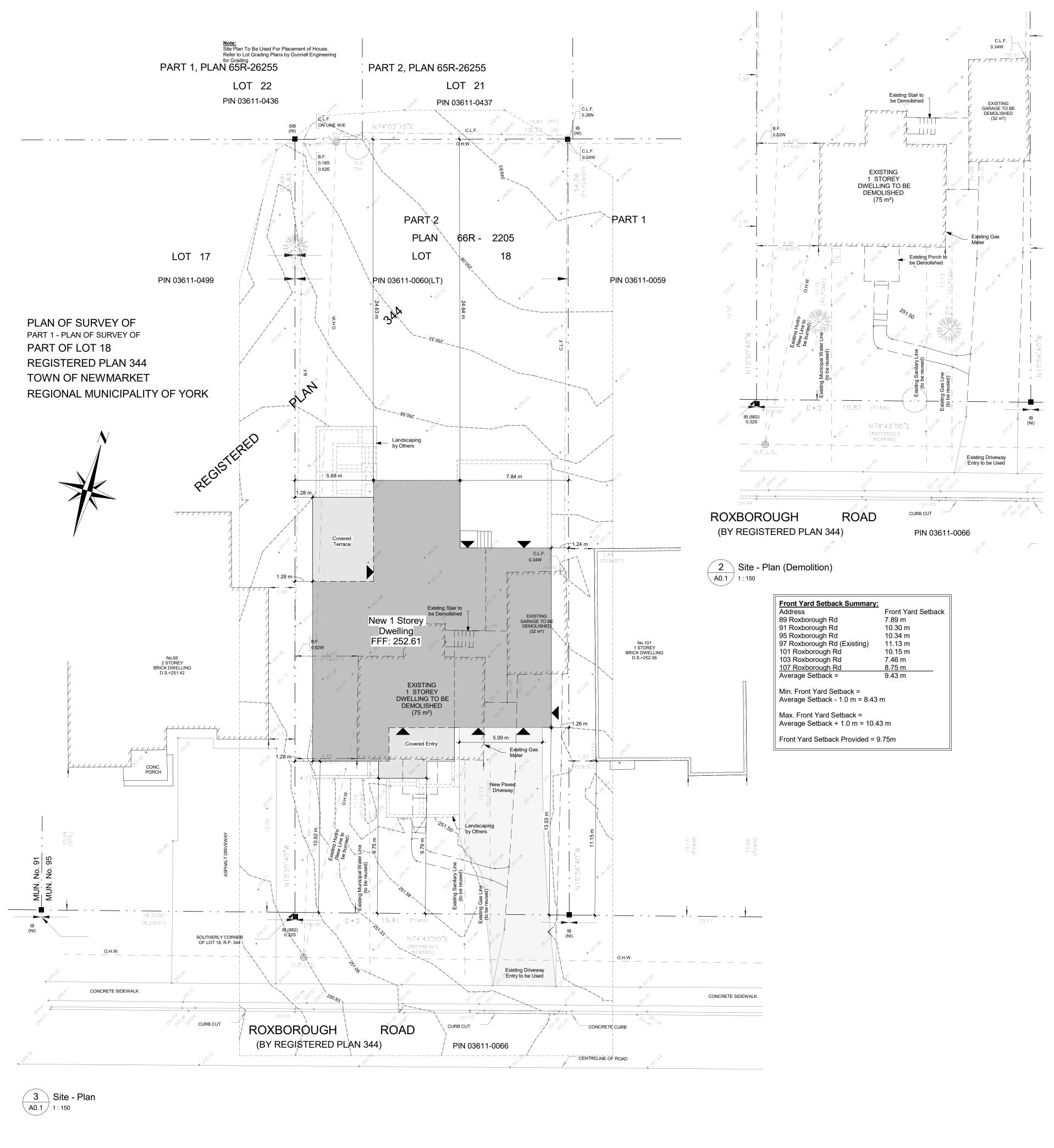
The relief as requested:

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

Respectfully submitted,

Janany Nagulan

Planner



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GENERAL SPECIFICATIONS—(All Construction practices to be in accordance with OBC 2012 and authorities having jurisdiction.)

Excavation and Backfill Excavation shall be undertaken in such a manner so as to prevent damage to existing structures, adjacent property and utilities. The topsoil and vegetable matter in unexcavated areas under a building shall be removed. The bottom of excavations for foundations shall be free of organic material.

If termites are known to exist, all stumps, roots and wood debris shall be removed to a minimum lepth of 11  $^{3}\!4$ " in excavated areas under a building, and the clearance between untreated structural wood elements and the ground shall be no less than 17 3/4". Backfill within 23 5/8" of the foundation walls shall be free of deleterious debris and boulders over 9

Dampproofing and Drainage n normal soil conditions, the exterior surfaces of foundation walls enclosing basements and crawl spaces shall be dampproofed. Where hydrostatic pressure occurs, a waterproofing system is

·Masonry foundation walls shall be parged with 1/4" of mortar coved over the footing prior to 4" foundation drains shall be laid on level, undisturbed ground adjacent to the footings at or below the top of the basement slab or crawl space floor, and shall be covered with 6" of crushed stone. Foundation drains shall drain to a storm sewer, drainage ditch, dry well or sump. Window wells shall be drained to footing. Downspouts not directly connected to a storm sewer shall have extensions to carry water away

from the building and provisions shall be made to prevent soil erosion Concrete slabs in attached garages shall be sloped to drain to exterior The building site shall be graded so that surface, sump and roof drainage will not accumulate at or near the building and will not adversely affect adjacent properties.

·Minimum 20"x6" continuous keyed 2200 psi poured concrete footing, unless noted otherwise. Minimum 4'-0" below finished grade in accordance with OBC Table 9.12.2.2. ·Footings shall be founded on natural undisturbed soil rock or compacted granular fill with minimum bearing capacity of 1570 psf. linimum Footing Size Floor Supported Supporting Ext. WallSupporting Int. Wall Column Area

9 7/8" width 7 7/8" width 13 ¾" width 13 ¾" width 17 3/4" width 19 ¾" width 10.9 ft2 Increase footing width by 2 5/8" for each storey of masonry veneer supported, and by 5 1/8" for each storey of masonry construction supported by the foundation wall. The projection of an unreinforced footing beyond the wall supported shall be greater or equal than

<u>Step Footings</u>
·Vertical Rise-23 5/8" max for firm soils and 15 ¾" max for sand or gravel

Horizontal Run-23 5/8" min.

to be poured concrete or unit masonry (refer to drawings for type and thickness) Dampproofing shall be a heavy coat of bituminous material. Foundation wall to extend minimum 5.7/8" above finished grade

·A drainage layer is required on the outside of a foundation wall where the interior insulation extends more than 2'-11" below exterior grade. A drainage layer shall consist of: ·Min. ¾" mineral fiber insulation with min. density of 3.6 lb/ft3 or ·Min. 4" of free drainage granular material or ·An approved system which provides equivalent performance.

·Foundation walls shall be braced or have the floor joists installed before backfilling. ·Sill plates shall be provided where floors/walls directly bear on the foundation walls. Sill plates shall be continuous 2x4" or 2x6" wood (refer to drawings) mounted on a continuous sill gasket c/w 1/2" diameter anchor bolts, 12" long, embedded a minimum of 4" into the concrete @ 7'-10" o/c and be designed to prevent tightening without withdrawing them from the foundation. ·Backfill height shall be site coordinated not to exceed limitations in accordance with OBC 9.15.4, for all laterally supported and unsupported foundation walls.

<u>Concrete Floor Slabs</u>
-Garage, carport, exterior slabs and steps shall be 32Mpa, 4650 psi concrete (after 28 days) with 5-8% air entrainment unless noted otherwise.

<u>Basement Slabs</u> to be 4" thick 20Mpa poured concrete with dampproofing (refer to sections) on 6" ourse clean granular material <u>or</u> 4" thick 25Mpa poured concrete on 6" course clean granular

Garage Slabs to be 6" thick 32Mpa with 5-8% air entrainment, sloped min. 1% to exterior to drain, on 6" course clean granular material. Reinforced Concrete Slabs (porches over cold rooms in basements) to be constructed in strict cordance with OBC section 9.39. The slab shall not span more than 8'-2" in the shortest direction, be not less than 4 7/8" thick, and be reinforced with 10M bars @ 7 7/8" on centre max in each direction with 1 1/4" clear concrete cover. The slab shall bear not less than 3" on the supporting foundation walls and be anchored to the walls with 24"x24" bent dowels spaced not more than 23 5/8" on centre. ·All fill other than coarse clean material placed beneath concrete slabs shall be compacted to provide uniform support.

Requirements for Soil Gas Control Where methane or radon gases are known to be a problem, a soil gas barrier shall be installed at walls, floors and roofs in contact with the ground according to Supplementary Standard SB-9.

Exterior Walls - General
Refer to drawings for Typical Assemblies. ·Exterior walls shall consist of:

with a minimum of 5 7/8" end bearing.

Cladding (refer to drawings) Exterior Sheathing cover suitable for the specific cladding system used, installed per manufacturer Sheathing type and thickness as recommended by the cladding systems manufacturer. ·2"x6" studs @ 16" o.c. 2"x6" bottom plate and double 2"x6" top plate ·2"x4" studs @ 16" o.c. can be utilized provided the combined R-value of the batt insulation and exterior rigid insulation achieves min as required by SB-12 O.B.C

- 6 Mil Poly Vapour Barrier or equal Interior Wall Finish to be 1/2" gypsum board sheathing unless noted otherwise

- Insulation (refer to Minimum Insulation and Weatherproofing Notes)

Masonry Walls
-Where constructed of 3 ½" brick, wall shall be bonded with header course every 6th course. Provide 2" solid masonry or continuous 1  $rac{1}{2}$ " plate under all root and floor framing members Provide 7 ½" solid masonry under beams and columns. Masonry wall to be tied to each tier of joists with 1 9/16"X3/16" corrosion resistant steel straps keyed minimum 4" into masonry. When joists are parallel to wall, ties are to extend across at least Inside back of wall to be parged and covered with No. 15 breather-type asphalt paper. For reduced foundation walls to allow a brick facing while maintainig lateral support, tie minimum 3 ½" brick to minimum 3 ½" back-up block with corrosion resistant ties at least 0.028 in2 in cross sectional area, spaced 7 7/8" vertically and 2'-11" horizontally, with mortar. Masonry over openings shall be supported on corrosion resistant or prime painted steel lintels

Exterior Walls - Masonry Veneer

·Minimum 2 3/4" thick of joints are raked and 3 1/2" thick if joints are not raked. ·Minimum 1" air space to exterior sheathing. Provide weep holes @ 31" o.c. max at bottom of the cavity and over doors and windows Direct drainage through weep holes with 20 mil poly flashing extending minimum 5 7/8" up behind the sheathing paper. Veneer ties minimum 0.030" thick x 7/8" wide corrosion resistant straps spaced 23 5/8" vertically

and 15 3/4" horizontally. Fasten ties with corrosion resistant 0.125" diameter screws or spiral nails which penetrate at least 1 13/16" into studs.

Exterior Garage Wall - Masonry Veneer As noted above, less glass fibre insulation, vapour barrier, and interior gypsum board finish at

Exterior Walls - EIFS

DuROCK - Exterior Insulation and Finish Systems as per CCMC Evaluation report 12969-R. See DuROCKS specifications for all application details. Manufacturer instructions and specification must be strictly adhered to. No substitutions allowed. Install only Durock's Exterior Insulation and Finish System with CCMC approval and Minister's

1/2" dens-glass, 2"x6" studs @ 16" o.c. R22 glass fibre insulation, 6 mil poly VB/AB continuously over inside of exterior wall studs, under sill plates, over top plates, over face or joist headers for full height of exterior walls, and across underside of roof tie joists. ½" gypsum wall board. All penetrations (such as doors, windows, services) to be foamed. Trim excess foam insulation, seal windows and doors with flexsheild self adhesive flashing to manufacturers specifiacations and

Exterior Garage Wall - EIFS
As noted above, less glass fibre insulation, vapour barrier, and interior gypsum board finish at exterior walls.

Interior Walls (Bearing & Non-Loadbearing)

<u>- interior loadbearing walls</u> snall consist of: - 2"x4" or 2"x6" studs @ 16" o.c. 2"x4" or 2"x6" bottom plate and double 2"x4" or 2"x6" top - 2"x4" mid-girts if not sheathed

½" gypsum board sheathing each side.

installed in accordance with O.B.C. 9.5.2.3.(1)

- 1/2" Gypsum Board (interior side) unless noted otherwise

Interior Partitions shall consist of:
- 2"x4" or 2"x6" wood studs @ 16" o/c (double top plate and base plate to match stud width) 1/2" Gypsum Board each side (provide water resistant gypsum board in wet areas) Stud Wall Reinforcment If wood wall studs or sheet steel wall studs enclose the main bathroom in a dwelling unit, reinforcement shall be

Interior Insulated Garage Wall Partitions shall consist of: 1/2" Gypsum Board air barrier system or equal in accordance with OBC 9.10.9.16, and 9.25.3. to provide an effective barrier to gas and exhaust fumes. 2"x6" wood studs @ 16" o/c (double top plate and base plate to match stud width) R22 glass fibre insulation (or equal) in walls adjacent to heated spaces.

·All plumbing and other penetrations through the walls and ceiling shall be caulked. Doors between the dwelling and attached garage may not open into a bedroom and shall be weather-stripped and have a self-closer.

Wood Frame Construction
-All lumber shall be spruce-pine-fir No. 2 or better and shall be identified by a grade stamp. Maximum moisture content 19% at time of installation. ·Wood framing members, which are supported on concrete in direct contact with soil, shall be separated from the concrete with 6-mil polyethylene.

Floor Construction refer to drawings for Typical Assemblies.

- 6 Mil Poly Vapour Barrier

See structural drawings for floor system design (where applicable).

·Joists to have minimum 1 ½" end bearing Joists shall bear on a sill plate fixed to foundation (refer to foundation wall notes) Header joists between 3'-11" and 10'-6" in length shall be doubled. Header joists exceeding 10'-6" shall be sized by calculations Frimmer joists shall be doubled when supported header is between 2'-7" and 6'-7". Trimmer ioists shall be sized by calculations when supported header exceeds 6'-7".

·2"x2" cross bridging required not more than 6'-11" from each support and from other rows of

bridging.

Provide solid blocking @ 4'-0" max. below walls running parallel to joists or as per engineered floor manufacturers specifications. ·Joists shall be supported on joist hangers at all flush beams, trimmers, and headers. Joists located under parallel non-loadbearing partitions shall be doubled Subfloor sheathing (refer to drawings) to be glued, nailed and screwed, with staggared joints.

loors over Garages/Unheated Spaces The following assembly shall be provided below the Typical Floor Assembly (refer to drawings) - 6 Mil Poly Vapour Barrier secured to the underside of floor structure above. Ceiling Joists (refer to drawings for size and spacing) - R31 glass fibre insulation or equal, unless noted otherwise. (refer to drawings) - 1/2" Gypsum Board air barrier system or equal in accordance with OBC 9.10.9.16. and

Notches in floor, roof and ceiling members to be located on top of member within ½ the actual

·Fasteners for roofing shall be corrosion resistant. Roofing nails shall penetrate through at least

Eave protection shall extend 2'-11" up the roof slope from the edge, and at least 11 3/4" from

the inside face of the exterior wall, and shall consist of type M or type S Roll Roofing laid with

minimum 4" head and end laps cemented together, or glass Fibre or Polyester Fibre coated

pase sheets, or self sealing composite membranes consisting of modified bituminous coated

material. Eave protection is not required for unheated buildings, for roofs exceeding a slope of

Sheet metal flashing shall consist of not less than 1/16" sheetlead, 0.013" galvanized steel,

<u>Valley Flashing</u>
Valleys shall be closed. Closed valleys shall consist of one layer of type "s" smooth surface rolll

oofing not less than 24" wide. Nails shall not penetrate the flashing within 3" of its edge or 5"

rovide counter flashing at intersection of shingle roof and exterior wall. Extend flashing min 6"

<u>Skylights</u>
Curb mounted double glazed skylight by "Velux" or approved equal install as per manufacturer

Minimum 3/12" end bearing for wood and steel beams, with 7 7/8" solid masonry beneath the

I columns to have minimum outside diameter of 2 7/8" and minimum wall thickness of

Wood columns for carports and garages shall be minimum 3 ½"X3 ½": in all other cases

either 5 ½"x5 ½" or 7 ½" round, unless calculations based on actual loads show lesser sizes

Provide solid blocking the full width of the supported member under all concentrated loads.

<u>Insulation & Weatherproofing</u>
·Insulation shall be protected with gypsum board or an equivalent interior finish, except for

·Caulking shall be provided for all exterior doors and access hatches to the exterior, except

Weather stripping shall be provided on all doors and access hatches to the exterior, except

<u>Natural Ventilation</u>
·Every roof space above an insulated ceiling shall be ventilated with unobstructed openings

Insulated roof spaces not incorporating an attic shall be ventilated with not less than 1/150 of

Every floor level containing a bedroom and not served by an exterior door shall contain at least 1 window having an unobstructed open area of 3.8 ft2 and no dimension less than 15", which

Exterior house doors and windows within 6'-7"from grade shall be constructed to resist forced

Windows and Door sizes noted on the drawings and schedules are to represent design intent only. The General Contractor shall confirm rough opening sizes from the supplier prior to

Access hatch minimum 19 3/2"x2'-4" to be provided to every crawl space. Heated crawl spaces

shall be fitted with a door or hatch except when the access opening into the crawl space is

Access to Attics
Access hatch minimum 21 5/8" x 2'-11" to be provided to every attic roof space which is 108

Alarms & Detectors
- Smoke Alarms and a carbon monoxide detector are required to be interconnected to all other

At least one ULC rated combination smoke/CO detector/alarm shall be installed on or near the

pasements. Additionally, a smoke alarm equiped with a strobe light is required in each sleeping

celling on each floor and basement level 2'-11" or more above an adjacent level.

Within dwelling units, at least one smoke alarm must be installed on each storey including

remainder of the storey, and if the sleeping rooms are served by a hallway, the smoke alarm

·A carbon monoxide detector shall be installed on or near the ceiling in every room containing

· Minimum headroom 6'-5"

Curved stairs shall have a min. run of 5 7/8" at any point and a minimum average run of 7 7/8"

Winders that converge to a point in stairs must turn through an angle of no more than 90°,

with no less than 30° or more than 45° per tread. Sets of winders must be separated by 3'-11

·A landing minimum 2'-11" in length is required at the top of any stair leading to the principal

Guards are required around every accessible surface, which is more than 23 5/8" above the

nterior and exterior guards min. 2'-11" high. Exterior guards shall be 3'-6" high where height

Guards shall have no openings greater than 4" and no member between 4" and 2'-11" that will

<u>Decorative Trim</u>
Trim as per the drawings and Owner's final selection. Dimension and mounting heights to be

Wood blocking shall be provided within wall framing at stair locations for handrails in

- Wood blocking shall be provided within wall framing at the main bathroom to permit the future

nstallation of a grab bar on a wall adjacent to a water closet, a shower, and a bathtub in

<u>Plumbing</u>
·Every dwelling requires a kitchen sink, lavatory, water closet, bathtub or shower stall and the

A floor drain shall be installed in the basement, and connected to the sanitary sewer where

gravity drainage is possible. In other cases, it shall be connected to a storm drainage system,

·A light controlled by a switch is required in every kitchen, bedroom, living room, utility room,

laundry room, dining room, bathroom, vestibule, hallway, garage and carport. A switched

receptacle may be provided instead of a light in bedrooms and living rooms, stairs shall be

·Stairs shall be lighted, and except where serving an unfinished basement shall be controlled

Basements require a light for each 323 ft2, controlled by a switch at the head of the stairs.

<u>Mechanical Ventilation</u>
A mechanical ventilation system is required with a total capacity of at least equal to the sum of:

 $\cdot \textbf{A} \text{ principal dwelling exhaust fan shall be installed and controlled by a centrally located switch}$ 

other exhausts, less the principal exhaust, is not less than the total required capacity.

Supply air intakes shall be located so as to avoid contamination from exhaust outlets.

specifications (direct vent in accordance with OBC and authorities having jurisdiction)

Zero-clearance gas fireplaces to be installed in strict accordance with the manufacturers

Combustion air supply to fireplaces shall be 4" diameter insulated non-combustible duct with

Supplemental exhaust shall be installed so that the total capacity of all kitchen, bathroom and

A heat recovery ventilator may be employed in lieu of exhaust to provide ventilation. An HRV is

lighted, and except where serving an unfinished basement shall be controlled by a 3 way

An exterior light controlled by an interior switch is required at every entrance.

coordinated with on-site dimensions and all work to be proportioned accordingly.

<u>Handrails & Guards</u>
-A handrail is required for interior stairs containing more than 2 risers and exterior stairs

room. Smoke Alarms are also required in a location between the sleeping rooms and the

7 7/8" · Minimum width

ft2 or more in area and more than 23 5/8" in height over that area.

·Roof vents shall be uniformly distributed and designed to prevent the entry of rain, snow or

·Unheated crawl spaces shall be provided with 1.1 ft2 of ventilation for each 538 ft2.

Minimum natural ventilation areas, where mechanical ventilation is not provided, are:

The principal entry door shall have a door viewer, transparent glazing or a sidelight.

Exterior walls, ceilings and floors shall be constructed so as to provide a continuous barrier to

are adequate. All columns shall not be less than the width of the supported member.

unfinished basements where 6 mil poly is sufficient for fiberglass type insulations. Ducts passing through unheated space shall be made airtight with tape and sealant.

the passage of water vapor from the interior and to the leakage of air from the exterior.

Masonry columns shall be a minimum of 11 3/8"x11 3/8" or 9 ½"x15"

0.018" copper, 0.018 zinc, or 0.019" aluminum in colors approved by the Designer prior to

·Wall studs may be notched or drilled provided that no less than 2/3 the depth of the stud

Roof truss members and engineered wood products shall not be notched, drilled or

Attic Access hatch
Insulated (R-60) 21 1/2'x23" access hatch C/W weather stripping.

depth from the edge of bearing and not greater than 1/3 joist depth.

Notching and Drilling of Trusses, Joists and Rafters

remains, if loadbearing, and 1 9/16" if non-loadbearing.

Every asphalt shingle shall be fastened with at least 4 nails.

1 in 1.5, or where a low slope asphalt shingle application is provided.

up wall and terminate exterior cladding minimum 2" above finished roof.

instructions. Skylights must conform to CAN/CGS 6.3.14-M

<u>Columns, Beams & Lintels</u>
Steel beams and columns shall be shop primed.

weakened unless accommodated in the design.

member and not less than 2" from edges.

½" into roof sheathing.

of the bottom of the valley centerline

doors from a garage to the exterior.

doors from a garage to the exterior.

Bathrooms

Other rooms

is openable without tools.

framing/forming openings.

from the adjacent heated space.

smoke alarms (9.10.19.5)

shall be located in the hallway.

Minimum run

Minimum tread

along the run of the stair.

containing more than 3 risers.

above adjacent surface exceeds 5'-11"

adjacent level.

facilitate climbing.

Wood Blocking

accordance with OBC 9.8.7.7.

accordance with OBC section 9.5.2.3.

installation or availability of laundry facilities.

switch at the head and foot of the stairs.

5 cfm for each other room

identified as such.

Gas Fireplaces

by a 3-way switch at the head and foot of the stairs.

10 cfm each for basement and master bedroom

All exhaust fans shall be directly vented to the outdoors.

required if any solid fuel burning appliances are installed.

a solid fuel burning fireplace or stove.

8 1/4"

entrance to a dwelling, and other entrances with more than 3 risers ·Exterior concrete stairs with more than 2 risers require foundations

equal to not less than 1/300 of insulated area

Unfinished basement 0.2% of floor area

entry. Doors shall have a deadbolt lock.

before proceeding with the work. 9.25.3. to provide an effective barrier to gas and exhaust fumes (Floor over Garage) or exterior The General Contractor shall check and verify all dimensions soffit material per Owner's Selection (Floor over Unheated Space) and report all errors and omissions to Custom CADD Inc.

Roof and Ceilings
Refer to Drawings and Engineered Roof Truss Shop Drawings for roof sheathing, roof rafter, Construction must conform to all applicable codes and roof joist and ceiling joist size and spacing requirements. Requirements of Authorities having jurisdiction. ·Hip and valley rafter shall be 2" deeper than common rafters. ·2"x4" collar ties @ rafter spacing with 1"x4" continuous brace at mid span if collar tie All drawings are not to be scaled. exceeds 7'-10" in length.

Holes in engineered floor, roof and ceiling members to be as per manufacturers specifications. Lot Coverage Summary Holes in dimensioned floor, roof and ceiling members to be maximum ¼" x actual depth of

> Lot Area = 1,105.5 m<sup>2</sup> Building Area of Proposed Residence = 299.6 m<sup>2</sup> Building Area of Accessory Buildings = N/A

Total Lot Coverage = 27.1%

Average Grade Summary

Average Grade is calculated by adding the grade elevations at each corner of the house and dividing by the number of Average Grade = 251.29m

Custom CADD Inc. is not responsible for the accuracy of survey, structural, mechanical, electrical or any engineering

proceeding with the work. Report any discrepancies between

architectural and engineering drawings to Custom CADD Inc.

Refer to the appropriate engineering drawings before

information shown on the drawing.

**Demolition Summary** 

Exsting Single Storey Dwelling to be Demolished: 75 m<sup>2</sup> Existing Detached Garage to be Demolished: 32 m<sup>2</sup>

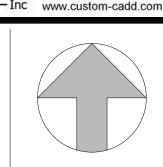
Issued for Pricing & Consultant Review 24.11.2020 26.01.2021 Revised for Permit Application 11.02.2020 **Revision Schedule** 

CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK. DO NOT SCALE DRAWINGS



Custom CADD Inc 99 Hooper Road Barrie, Ontario L4N 9S3

(705) 725-7724 (705) 725-1076



CONSTRUCTION

The undersigned has reviewed and takes responsibility for this design. and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION PHILIPPE LAMADELEINE

NAMESIGNATURE REGISTRATION INFORMATION CUSTOM CADE #30803

FIRM NAME BCII

PROJECT NAME

Fairbrother **New Residence** 97 Roxborough Road

Newmarket, ON

RAWING TITLE:

Site Plan and General Notes

PROJECT NUMBER: As indicated 21-11 TART DATE: February 20th, 2020 RAWN BY DRAWING NUMBER: A0.1 CHECKED BY:

Exterior Lights at Entrances
An exterior lighting outlet with fixture controlled by a wall switch located within the building shall be provided at every entrance to buildings of residential occupancy.

operable damper and insect screen, min. 2" clearance to combustibles.

- Ceiling finish to be 1/2" gypsum board, unless noted otherwise.

# Morton, Devon

From: Potter, David

**Sent:** April 8, 2021 11:42 AM

To:Morton, DevonCc:Corrigan, Wendy

Subject: RE: Committee of Adjustment - Notice of Application (April 21st, 2021)

### Hi Devon:

Please see comments below.

Cheers, Dave

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

Sent: April 1, 2021 7:23 PM

To: Taylor, John <jtaylor@newmarket.ca>; Woodhouse, Victor <vwoodhouse@newmarket.ca>; Kwapis, Bob <br/>
<br/

**Cc:** Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>

Subject: Committee of Adjustment - Notice of Application (April 21st, 2021)

# Good evening all,

The next virtual Committee of Adjustment hearing will be held on Wednesday, April 21<sup>st</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

- D10-B02-21 1200 Stackhouse Road (WARD 7) No comment
   The applicant is proposing to convey the subject land indicated as "A" on the attached sketch
   for proposed industrial purposes and to retain the land marked as "B" on the attached sketch
   for industrial purposes.
- D13-A10-21 97 Roxborough Road (WARD 2) No objection subject to compliance with the Building Code

The applicant is proposing the construction of a new 1-storey residential dwelling.

D13-A11-21 – 824 Grace Street (WARD 2) No comment

The applicant is proposing the construction of a new cabana and pool with outdoor mechanical equipment.

- D13-A12-21 753 Srigley Street (WARD 2) No objection subject to compliance with the Building Code
  - The applicant is proposing the construction of a new detached garage.
- D13-A13-21 40 Birkdale Place (WARD 7) No objection subject to compliance with the Building Code

The applicant is proposing a sunroom addition to the existing residential dwelling.

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Wednesday**, **April 14**<sup>th</sup>, **2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the submission documents in digital format and the Notice of Application using the link below:

https://tonfileshare.newmarket.ca/share.cgi?ssid=0LoaATd

Please let me know if you have any questions.

Thank you and have a great long weekend,

# **Devon Morton, B.U.R.PI**



Planner, Committee of Adjustment & Cultural Heritage Secretary-Treasurer to the Committee of Adjustment Planning and Building Services <a href="mailto:dmorton@newmarket.ca">dmorton@newmarket.ca</a> 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 Newmarketwww.newmarket.ca395 Mulock Driveengineering@newmarket.caP.O. Box 328, STN MainT: 905 895.5193

Newmarket, ON L3Y 4X7 F: 905 953.5138

## MEMORANDUM

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

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

DATE: April 14, 2021

RE: Application for Minor Variance

Made by: Fairbrother, John and Yeates, Leslie

File No.: D13-A10-21

97 Roxborough Road, Town of Newmarket

PT LT 18 PL 344 NEWMARKET PT 2 65R2205; NEWMARKET

Town of Newmarket Ward 2

Engineering Services File No.: R. Roxborough Rd

The applicant is the construction of a new 1-storey residential 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 Schedule "D" Maximum Lot Coverage to permit a maximum lot coverage of 27.5% whereas the By-law requires a maximum lot coverage of 25%.

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 confirming the proposed construction/grading of the site will not cause adverse impacts to adjacent lands or affect slope stability of abutting sites.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES** 

Sepideh Majdi, P.Eng.

S-beigh

Manager, Development Engineering

SM: BB, File No.: SM0027

Urban Forest Innovations Inc. 1331 Northaven Drive Mississauga ON L5G 4E8



April 13, 2021

# The Town of Newmarket

395 Mulock Drive, P.O. Box 328, STN Main Newmarket ON L3Y 4X7 c/o Devon Morton – Planner

Re: 97 Roxborough Road – Committee of Adjustment – Arborist Peer Review

Mr. Morton,

As you have requested, Urban Forest Innovations, Inc. (UFI) has reviewed the arborist report and related application information submitted in support of a proposed new 1-storey residential dwelling at 97 Roxborough Road, Newmarket, ON.

This letter report outlines our review methodology and presents our comments.

# Methodology

Document review

The following document, provided by the Town of Newmarket, was reviewed:

Arborist Report, prepared by Cinerea Urban Forestry Services, dated March 23, 2021

Additional documents provided in the submission package were reviewed briefly for context, but did not form a substantive part of this peer review.

With the exception of documents submitted prior to April, 2018, all reviewed documents are evaluated against the latest revised version of the Town of Newmarket *Tree Preservation, Protection, Replacement and Enhancement Policy* (April 2018 or latest version), hereinafter referred to as the *Policy*.

Site visit

A site visit was undertaken on April 9, 2021, to assess the site and verify the tree inventory details.

## **Comments**

Based upon our review of the above-referenced document, we offer the following comments:

# Tree appraisal

- 1. The revised arborist report must provide a monetary value for 1) all Town-owned trees, and 2) all trees that are equal to or greater than 20cm diameter at breast height (DBH) that are to be preserved on or adjacent to the subject lands. The current arborist report provides only the values for Town-owned trees #1 and 2. These values must be calculated using methods in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide to Plant Appraisal, 9<sup>th</sup> edition, and the International Society of Arboriculture, Ontario Chapter, (ISAO) Regional Plant Appraisal Committee (RPAC) guidance for application of the Trunk Formula Method. Importantly, the applied appraisal methodology must not utilize a generic Unit Tree Cost (or basic tree cost) of \$6.51/cm<sup>2</sup>. Although the use of a generic Unit Tree Cost was considered acceptable in the past, its use is no longer supported. Current guidelines instruct that actual Unit Tree Costs must be determined for every species considered in an appraisal based upon market prices for nursery stock (or reasonable substitutes) and tree installation. The Unit Tree Cost shall be derived by dividing Installed Cost (cost of tree stock plus installation cost) by the Cross Sectional Area of the Replacement Tree (largest commonly available stock, typically 90 mm for many common species).
- The revised arborist report must show sample calculations for tree appraisals. The final
  appraised values provided currently for Town-owned trees #1 and 2 appear to be
  undervalued, however no calculations have been presented with which to evaluate the
  appraised values.

Prior to any demolition or construction activity on the subject lands, the Town must be notified in order to conduct an inspection of the installed tree protection fencing and other tree protection measures.

Additional comments on trees affected by this application will be provided when the requested additional information is available for further review.

We trust that this letter will suffice for your current needs. Should you have any questions or require further assistance, please do not hesitate to contact us.

Respectfully submitted by,

Philip van Wassenaer, B.Sc., MFC

Whip von Wassernen

ISA Certified Arborist ON-0361A Member – ASCA, SMA, SAG Baumstatik

E: pwassenaer1022@rogers.com

Shane Jobber, B.Sc.F.

ISA Certified Arborist ON-1746AM

E: shane@urbanforestinnovations.com

**Urban Forest Innovations, Inc.** 

1331 Northaven Drive Mississauga ON L5G 4E8

T: (905) 274-1022 F: (905) 274-2170

www.urbanforestinnovations.com

# **Limitations of Assessment**

It is our policy to attach the following clause regarding limitations. We do this to ensure that the client is aware of what is technically and professionally realistic in assessing and retaining trees.

The assessment(s) of the tree(s) presented in this report has been made using accepted arboricultural techniques. These may include, among other factors, a visual examination of: the above-ground parts of the tree(s) for visible structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of pests or pathogens, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted, the tree(s) was not cored, probed, climbed or assessed using any advanced methods, and there was no detailed inspection of the root crown(s) involving excavation.

Notwithstanding the recommendations and conclusions made in this report, it must be recognized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site or weather conditions, or general seasonal variations. Weather events such as wind or ice storms may result in the partial or complete failure of any tree, regardless of assessment results.

While reasonable efforts have been made to accurately assess the overall condition of the subject tree(s), no guarantee or warranty is offered, expressed or implied, that the tree(s) or any of its parts will remain standing or in stable condition. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or its component parts, regardless of the assessment methodology implemented. Inevitably, a standing tree will always pose some level of risk. Most trees have the potential for failure under adverse weather conditions, and the risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be re-assessed periodically. The assessment presented in this report is only valid at the time of inspection.

# Morton, Devon

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

**Sent:** April 11, 2021 12:27 PM

**To:** Morton, Devon

Subject: RE: D13-A10-21 Committee of Adjustment - Notice of Application (April 21st, 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: Thursday, April 1, 2021 7:23 PM

To: jtaylor <jtaylor@newmarket.ca>; Woodhouse, Victor <vwoodhouse@newmarket.ca>; Kwapis, Bob

<br/><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 <IVillanueva@newmarket.ca>; Lyons, Lisa <Ilyons@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>; Laura Tafreshi

<L.Tafreshi@lsrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Shane Jobber <shane@urbanforestinnovations.com>;

Philip van Wassenaer pwassenaer1022@rogers.com>;;Puccini, Lisa <|puccini@cyfs.ca>

**Cc:** Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <inagulan@newmarket.ca>

Subject: Committee of Adjustment - Notice of Application (April 21st, 2021)

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# Good evening all,

The next virtual Committee of Adjustment hearing will be held on Wednesday, April 21<sup>st</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

D10-B02-21 – 1200 Stackhouse Road (WARD 7)
 The applicant is proposing to convey the subject land indicated as "A" on the attached sketch for proposed industrial purposes and to retain the land marked as "B" on the attached sketch for industrial purposes.

- D13-A10-21 97 Roxborough Road (WARD 2)
   The applicant is proposing the construction of a new 1-storey residential dwelling.
- D13-A11-21 824 Grace Street (WARD 2)
   The applicant is proposing the construction of a new cabana and pool with outdoor mechanical equipment.
- D13-A12-21 753 Srigley Street (WARD 2)
   The applicant is proposing the construction of a new detached garage.
- D13-A13-21 40 Birkdale Place (WARD 7)

  The applicant is proposing a sunroom addition to the existing residential dwelling.

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Wednesday**, **April 14**<sup>th</sup>, **2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the submission documents in digital format and the Notice of Application using the link below:

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Please let me know if you have any questions.

Thank you and have a great long weekend,

# **Devon Morton, B.U.R.PI**



Planner, Committee of Adjustment & Cultural Heritage Secretary-Treasurer to the Committee of Adjustment Planning and Building Services <a href="mailto:dmorton@newmarket.ca">dmorton@newmarket.ca</a> www.newmarket.ca

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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 Newmarketwww.newmarket.ca395 Mulock Driveplanning@newmarket.caP.O. Box 328, STN MainT: 905.953.5321Newmarket, ONL3Y 4X7F: 905.953.5140

# **Planning Report**

To: Committee of Adjustment

From: Janany Nagulan

Planner

Date: April 16, 2021

Re: Application for Minor Variance D13-A11-21

824 Grace Street Town of Newmarket

Made by: STRIEGLER, Kelley Shawn and STRIEGLER, Andrew Ross

# 1. Recommendations:

That Minor Variance Application D13-A11-21 be approved in part, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application; and
- ii. That Variances 2, 3, and 4 be refused; and
- iii. That the extent of Variance 1 be developed substantially in accordance with the plans submitted with the application; 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; 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, for the purposes of constructing a new cabana and swimming pool with outdoor mechanical equipment. The description of the proposed variances are below.

Relief	By- law	Section	Requirement	Proposed
	2010-40		i) Swimming Pools shall only be located in the rear yard.	To permit a swimming pool in the side yard.
2		Encroachment	Residential Accessory Structures are to be located in the rear and side yard.	To permit a residential accessory structure in the front yard.

Application for Minor Variance D13-A11-21 824 Grace Street Town of Newmarket Made by: STRIEGLER, Kelley Shawn and STRIEGLER, Andrew Ross Page 2 of 4

				3
3	2010-40	Section	The required front yard	To reduce the minimum required front
		6.2.2	setback is to be one metre less	yard setback from 6.5m to 4.0m.
		Zoning	than the average of the front	
		Standards for	yard of adjacent dwellings	
		Residential	located within 60 metres, of the	
		Zones	subject property on the same	
			road but shall not be closer to	
			the street line than 3.0m.	
			The average front yard depth	
			is 7.5 metres therefore the	
			required minimum front yard is	
			6.5m.	
4	2010-40	Section 4.3	The required maximum	To permit a 4.0 m encroachment into
		Accessory	encroachment of 1.5m into the	the front yard.
		Outdoor	required yard but no closer	
		Mechanical	than 3.0m to the street line and	
		Equipment for	is screened from the street by	
		Residential	fencing, landscaping, or an	
		Uses	enclosure.	

The proposed site plan 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 facilitate a swimming pool in the side yard and a residential accessory structure (cabana) and mechanical equipment for the pool in the front yard.

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 dwellings located within 60 metres of the subject property on the same road. The average front yard length of dwellings located 60 metres of 824 Grace Street is 7.5m therefore the minimum required front yard for the subject property 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 contest 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.

Application for Minor Variance D13-A11-21 824 Grace Street Town of Newmarket Made by: STRIEGLER, Kelley Shawn and STRIEGLER, Andrew Ross Page 3 of 4

- 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" designation permits single-detached dwellings and allows for accessory structures associated with the main residential use. The Official Plan allows for compatible design and the gradual change and additions through Planning Act applications.

Regarding variance 1, Subject to the recommended conditions of approval, the requested variance is considered to conform to the Official Plan and therefore, variance 1 meets this test.

Regarding variances 2, 3 and 4, staff are of the opinion that the proposed accessory residential structure and mechanical equipment in the front yard is not compatible or complementary to the existing neighbourhood. The requested variance does not conform to the Official Plan and therefore, variance 2, 3, and 4 do not meet this test.

### 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.

Variance 1 is requested to permit a Swimming Pool in the side yard. The By-law's intent of requiring swimming pools to be located in the rear yard is to set them back from the public streets and abutting dwellings. In this case, the subject property is a corner lot, with a smaller rear yard and a larger side yard than what is typically seen in the area. The proposed swimming pool would be located in the side yard and sufficiently set back from the street and abutting dwellings. The proposed location also maintains the side yard setback for swimming pools in residential areas as set out in Zoning By-law 2010-40. Variance 1 is considered to maintain the intent of the Zoning By-law.

Variance 2 is requested to permit a residential accessory structure (cabana) in the front yard. The By-law's intent of requiring residential accessory structures to be located in the rear and side yard is to set them back from the public street and ensure that they do not project in front of the house where they would be in a more prominent location. The subject property is located on a corner lot and the proposed residential accessory structure is to be located on the north-east corner of the property in a highly exposed location. Further, the proposed structure may create site- line issues for vehicles travelling on Grace Street. Variance 2 is not considered to maintain the intent of the Zoning By-law.

Variance 3 is requested to permit a reduction to the minimum required front yard setback from 6.5m to 4.0m. Section 6.2.2 of the Zoning By-law sets out the zone standards applicable to residential zones. Buildings in residential zones are required to be setback within a specific range based on the front yard setbacks of abutting buildings. The intent of the zone standards is to ensure compatibility and consistency of built form and control the extent of change in the neighbourhood. There is a range of forms of single-detached dwellings located on Grace Street however accessory dwelling structures in the front yard are not common. The request for front yard reduction for an accessory structure in the front yard would be

Application for Minor Variance D13-A11-21 824 Grace Street Town of Newmarket Made by: STRIEGLER, Kelley Shawn and STRIEGLER, Andrew Ross Page 4 of 4

inconsistent with the existing neighbourhood. Variance 3 is not considered to maintain the intent of the Zoning By-law.

Variance 4 is requested to permit a 4.0 m encroachment into the front yard to permit accessory outdoor mechanical equipment associated with the pool. The By law sets a maximum encroachment of 1.5 m into the required yard for Accessory Outdoor Mechanical Equipment as long as it is no closer than 3.0 metres to the street line. Finally, zoning requires that such equipment be screened from the street by fencing, landscaping, or an enclosure. The intent of this maximum encroachment standard is to ensure the mechanical equipment is in close proximity to the primary residence. In this case, the mechanical equipment would be located well into the front yard, distant from the residence, in the exterior side yard. Variance 4 is not considered to maintain the intent of the Zoning By-law.

# 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.

Variance 1, to permit a swimming pool in the side yard, would allow the property owner to arrange the property to suit their needs without significant impact to neighbours or the community. Variance 1 is desirable for the development of the lot. Variance 1 meets this test.

Variances 2, 3, and 4 are related to the placement of the proposed residential accessory structure (cabana) and mechanical equipment in the front yard. The placement of the structure and mechanical equipment are not desirable as it is inconsistent with the existing neighbourhood. The placement may also be a visual obstruction for cars driving along Grace Street. Variance 2, 3, and 4 do not meet this test.

#### 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 Variance 1 appears to be minimal as placement of the proposed swimming pool appears to have a minimal impact on the existing neighbourhood. The proposed variance recognizes a unique context and lot configuration involving a reduced rear yard and enlarged exterior side yard, and allows it to be arrange in a manner that suits the owner without likely impacting others. Variance 1 is considered minor in nature.

Variances 2, 3, and 4 are related to the placement of the proposed residential structure (cabana) and mechanical equipment. This placement is in a highly visible location that requires a fence to be constructed in the front yard. This arrangement is deemed to be inconsistent with the existing neighbourhood and could cerate potential hazards for vehicle driving along Grace Street. Variance 2, 3, and 4 are not considered minor in nature.

#### 4. Other comments:

# Heritage

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

Application for Minor Variance D13-A11-21 824 Grace Street Town of Newmarket Made by: STRIEGLER, Kelley Shawn and STRIEGLER, Andrew Ross Page 5 of 4

# **Commenting agencies and departments**

The Chief Building Official has no comment with regards to this application.

Engineering Services has concerns with this application as the request may result in reduced sight lines at the corner.

York Region has no comment with regards to this application.

# Effect of public input

The property owners at 825 Grace Street and 827 Grace Street are in opposition of the application.

### 5. Conclusions:

That Variance 1 be granted as it is:

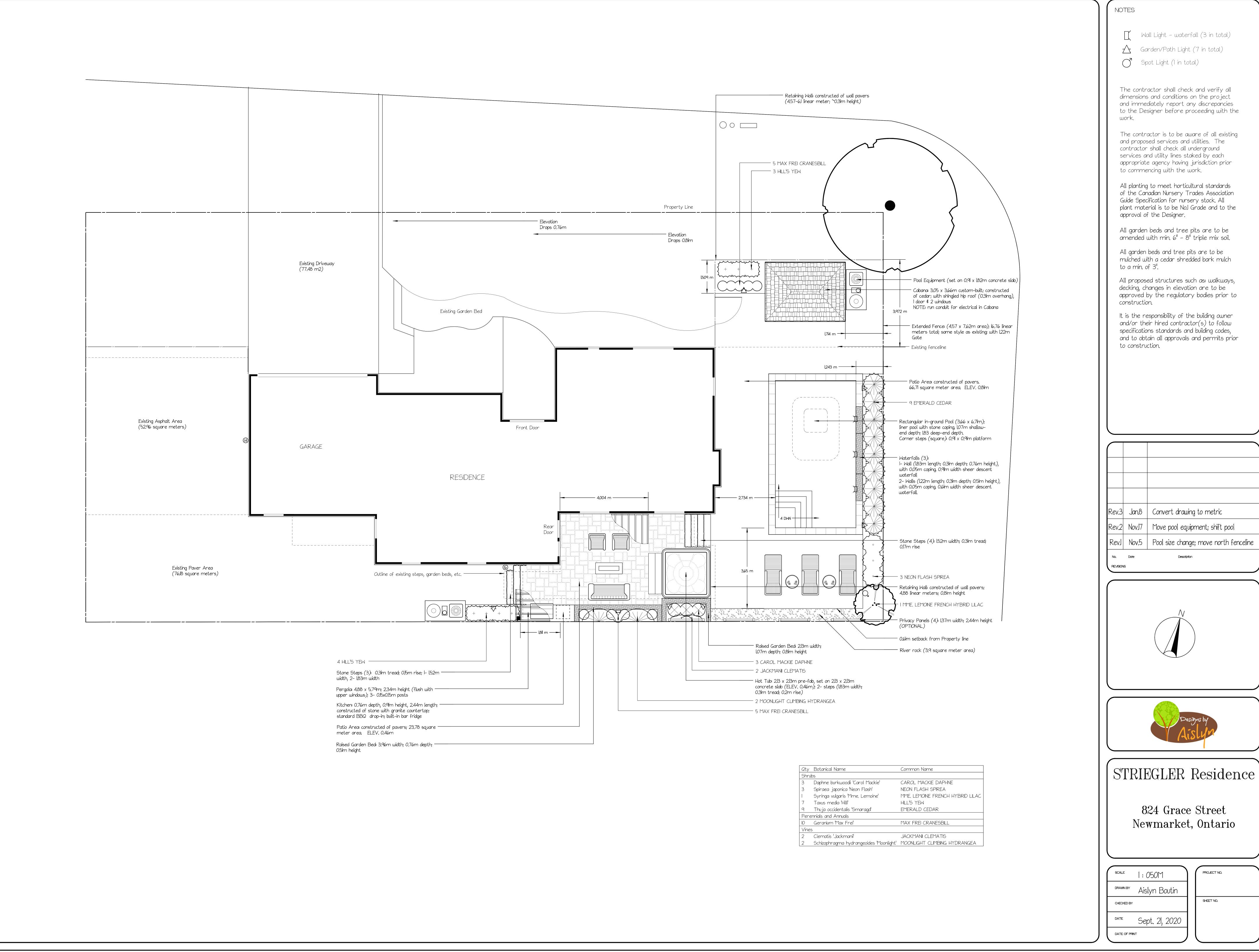
- 1) Minor in nature;
- 2) Conform to the general intent and purpose of the Official Plan and Zoning By-law; and

The Variances 2, 3, and 4 be refused as they do not conform to the four tests as required by the *Planning Act*.

Respectfully submitted,

Janany Nagulan

Planner



# Morton, Devon

From: Potter, David

**Sent:** April 8, 2021 11:42 AM

To:Morton, DevonCc:Corrigan, Wendy

Subject: RE: Committee of Adjustment - Notice of Application (April 21st, 2021)

#### Hi Devon:

Please see comments below.

Cheers, Dave

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

Sent: April 1, 2021 7:23 PM

To: Taylor, John <jtaylor@newmarket.ca>; Woodhouse, Victor <vwoodhouse@newmarket.ca>; Kwapis, Bob <br/>
<br/

**Cc:** Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>

Subject: Committee of Adjustment - Notice of Application (April 21st, 2021)

### Good evening all,

The next virtual Committee of Adjustment hearing will be held on Wednesday, April 21<sup>st</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

- D10-B02-21 1200 Stackhouse Road (WARD 7) No comment
   The applicant is proposing to convey the subject land indicated as "A" on the attached sketch
   for proposed industrial purposes and to retain the land marked as "B" on the attached sketch
   for industrial purposes.
- D13-A10-21 97 Roxborough Road (WARD 2) No objection subject to compliance with the Building Code

The applicant is proposing the construction of a new 1-storey residential dwelling.

D13-A11-21 – 824 Grace Street (WARD 2) No comment

The applicant is proposing the construction of a new cabana and pool with outdoor mechanical equipment.

- D13-A12-21 753 Srigley Street (WARD 2) No objection subject to compliance with the Building Code
  - The applicant is proposing the construction of a new detached garage.
- D13-A13-21 40 Birkdale Place (WARD 7) No objection subject to compliance with the Building Code

The applicant is proposing a sunroom addition to the existing residential dwelling.

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Wednesday**, **April 14**<sup>th</sup>, **2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the submission documents in digital format and the Notice of Application using the link below:

https://tonfileshare.newmarket.ca/share.cgi?ssid=0LoaATd

Please let me know if you have any questions.

Thank you and have a great long weekend,

# **Devon Morton, B.U.R.PI**



Planner, Committee of Adjustment & Cultural Heritage Secretary-Treasurer to the Committee of Adjustment Planning and Building Services <a href="mailto:dmcton@newmarket.ca">dmcton@newmarket.ca</a> 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 Newmarketwww.newmarket.ca395 Mulock Driveengineering@newmarket.caP.O. Box 328, STN MainT: 905 895.5193Newmarket, ON L3Y 4X7F: 905 953.5138

#### MEMORANDUM

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

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

DATE: April 14, 2021

RE: Application for Minor Variance

Made by: Striegler, Kelley Shawn and Striegler, Andrew Ross

File No.: D13-A11-21

824 Grace Street, Town of Newmarket

PCL 64-1 SEC M1252; LT 64 PL M1252 TOWN OF NEWMARKET

Town of Newmarket Ward 2

**Engineering Services File No.: R. Grace St** 

We herein acknowledge receipt of the Application for Minor Variance wherein the applicant is proposing the construction of a new cabana and pool with outdoor mechanical equipment. The following relief is requested from Zoning By-law 2010-40, as amended:

- Relief from Section 4.4 Requirements for Swimming Pools for Residential Uses to permit a swimming pool in the side yard whereas the By-law requires swimming pools be located in the rear yard.
- 2. Relief from Section 4.2 Encroachments into Required Yards to permit a Residential Accessory Structure in the front yard whereas the By-law requires a Residential Accessory Structure be located in the rear or side yard.
- 3. Relief to Section 6.2.2 Zone Standards to permit a front yard of 4.0 m whereas the By-law requires the minimum front yard be one meter less than the average of the front yard setback of adjacent dwellings located within 60 m on the same road, but shall not be closer to the street line than 3 m.
- 4. Relief to Section 4.3 Accessory Outdoor Mechanical Equipment for Residential Uses to permit a 4 m encroachment into the front yard whereas the By-law requires a maximum encroachment of 1.5 m into required yard but no closer than 3.0 m to the street line and is screened from the street by fencing, landscaping, or an enclosure.

We have concerns with this application, as allowing this request may result in reduced sight lines at the corner. We have been advised that site line requirements are typically commented on by the Planning Department and/or Transportation. It is our opinion that Engineering should defer comments on relief to Building, By-laws and Transportation at this time.

Should you have any questions please contact the undersigned.

Sincerely,

# **ENGINEERING SERVICES**

Sepideh Majdi, P.Eng. Manager, Development Engineering

SM: BB, File No.: SM0028

3-beigh

Urban Forest Innovations Inc. 1331 Northaven Drive Mississauga ON L5G 4E8



April 13, 2021

#### The Town of Newmarket

395 Mulock Drive, P.O. Box 328, STN Main Newmarket ON L3Y 4X7 c/o Devon Morton – Planner

Re: 824 Grace Street – Committee of Adjustment – Arborist Peer Review

Mr. Morton,

As you have requested, Urban Forest Innovations, Inc. (UFI) has reviewed the arborist report and related application information submitted in support of a proposed new cabana and pool with outdoor mechanical equipment at 824 Grace Street, Newmarket, ON.

This letter report outlines our review methodology and presents our comments.

### Methodology

Document review

The following documents, provided by the Town of Newmarket, were reviewed:

- Arborist Report, prepared by Shady Lane Expert Tree Care Inc., dated November 30, 2020
- Site Plan, prepared by Designs by Aislyn, dated January 8

Additional documents provided in the submission package were reviewed briefly for context, but did not form a substantive part of this peer review.

With the exception of documents submitted prior to April, 2018, all reviewed documents are evaluated against the latest revised version of the Town of Newmarket *Tree Preservation, Protection, Replacement and Enhancement Policy* (April 2018 or latest version), hereinafter referred to as the *Policy*.

#### Site visit

A site visit was undertaken on April 7, 2021, to assess the site and verify the tree inventory details.

#### **Comments**

Based upon our review of the above-referenced documents, we offer the following comment(s):

### Tree appraisal

1. The revised arborist report must provide a monetary value for all Town-owned trees to be preserved on or adjacent to the subject lands. These values must be calculated using methods in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide to Plant Appraisal, 9<sup>th</sup> edition, and the International Society of Arboriculture, Ontario Chapter, (ISAO) Regional Plant Appraisal Committee (RPAC) guidance for application of the Trunk Formula Method. Importantly, the applied appraisal methodology must not utilize a generic Unit Tree Cost (or basic tree cost) of \$6.51/cm². Although the use of a generic Unit Tree Cost was considered acceptable in the past, its use is no longer supported. Current guidelines instruct that actual Unit Tree Costs must be determined for every species considered in an appraisal based upon market prices for nursery stock (or reasonable substitutes) and tree installation. The Unit Tree Cost shall be derived by dividing Installed Cost (cost of tree stock plus installation cost) by the Cross Sectional Area of the Replacement Tree (largest commonly available stock, typically 90 mm for many common species).

Prior to any demolition or construction activity on the subject lands, the Town must be notified in order to conduct an inspection of the installed tree protection fencing and other tree protection measures.

Additional comments on trees affected by this application will be provided when the requested additional information is available for further review.

We trust that this letter will suffice for your current needs. Should you have any questions or require further assistance, please do not hesitate to contact us.

Respectfully submitted by,

Philip van Wassenaer, B.Sc., MFC

Whip von Wassernen

ISA Certified Arborist ON-0361A Member – ASCA, SMA, SAG Baumstatik

E: pwassenaer1022@rogers.com

Shane Jobber, B.Sc.F.

ISA Certified Arborist ON-1746AM

E: shane@urbanforestinnovations.com

**Urban Forest Innovations, Inc.** 

1331 Northaven Drive Mississauga ON L5G 4E8

T: (905) 274-1022 F: (905) 274-2170

www.urbanforestinnovations.com

# **Limitations of Assessment**

It is our policy to attach the following clause regarding limitations. We do this to ensure that the client is aware of what is technically and professionally realistic in assessing and retaining trees.

The assessment(s) of the tree(s) presented in this report has been made using accepted arboricultural techniques. These may include, among other factors, a visual examination of: the above-ground parts of the tree(s) for visible structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of pests or pathogens, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted, the tree(s) was not cored, probed, climbed or assessed using any advanced methods, and there was no detailed inspection of the root crown(s) involving excavation.

Notwithstanding the recommendations and conclusions made in this report, it must be recognized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site or weather conditions, or general seasonal variations. Weather events such as wind or ice storms may result in the partial or complete failure of any tree, regardless of assessment results.

While reasonable efforts have been made to accurately assess the overall condition of the subject tree(s), no guarantee or warranty is offered, expressed or implied, that the tree(s) or any of its parts will remain standing or in stable condition. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or its component parts, regardless of the assessment methodology implemented. Inevitably, a standing tree will always pose some level of risk. Most trees have the potential for failure under adverse weather conditions, and the risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be re-assessed periodically. The assessment presented in this report is only valid at the time of inspection.

# Morton, Devon

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

**Sent:** April 11, 2021 12:40 PM

**To:** Morton, Devon

Subject: RE: D13-A11-21 Committee of Adjustment - Notice of Application (April 21st, 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 <a href="mailto:dmorton@newmarket.ca">dmorton@newmarket.ca</a>

Sent: Thursday, April 1, 2021 7:23 PM

**To:** jtaylor <<u>jtaylor@newmarket.ca</u>>; Woodhouse, Victor <<u>vwoodhouse@newmarket.ca</u>>; Kwapis, Bob

<<u>bkwapis@newmarket.ca</u>>; Bisanz, Christina <<u>cbisanz@newmarket.ca</u>>; Simon, Grace <<u>gsimon@newmarket.ca</u>>;

Broome, Kelly <a href="mailto:kbroome@newmarket.ca">kbroome@newmarket.ca</a>; Twinney, Jane <a href="mailto:jtwinney@newmarket.ca">jtwinney@newmarket.ca</a>; 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>;

<rschell@cyfs.ca>; Villanueva, Lawrence <|Villanueva@newmarket.ca>; Lyons, Lisa <|lyons@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)

<<u>khsmithis@rogers.com</u>>; Michelle Starnes (<u>michs@rogers.com</u>) <<u>michs@rogers.com</u>>; Mohsen Alavi

(alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>; Laura Tafreshi

<L.Tafreshi@lsrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Shane Jobber <shane@urbanforestinnovations.com>;

Philip van Wassenaer pwassenaer1022@rogers.com; Puccini, Lisa <</pre>| Lisa | Lisa </pr

**Cc:** Cammaert, Adrian <a href="mailto:acammaert@newmarket.ca">acammaert@newmarket.ca</a>; Cho, Patricia <a href="mailto:pcho@newmarket.ca">pcho@newmarket.ca</a>; Nagulan, Janany <a href="mailto:analyeinagulan@newmarket.ca">inagulan@newmarket.ca</a>; Nagulan, Janany

Subject: Committee of Adjustment - Notice of Application (April 21st, 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 <u>isitsafe@york.ca</u> then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

# Good evening all,

The next virtual Committee of Adjustment hearing will be held on Wednesday, April 21<sup>st</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

• D10-B02-21 – 1200 Stackhouse Road (WARD 7)

The applicant is proposing to convey the subject land indicated as "A" on the attached sketch for proposed industrial purposes and to retain the land marked as "B" on the attached sketch for industrial purposes.

- D13-A10-21 97 Roxborough Road (WARD 2)
   The applicant is proposing the construction of a new 1-storey residential dwelling.
- D13-A11-21 824 Grace Street (WARD 2)
   The applicant is proposing the construction of a new cabana and pool with outdoor mechanical equipment.
- D13-A12-21 753 Srigley Street (WARD 2)
   The applicant is proposing the construction of a new detached garage.
- D13-A13-21 40 Birkdale Place (WARD 7)

  The applicant is proposing a sunroom addition to the existing residential dwelling.

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Wednesday**, **April 14**<sup>th</sup>, **2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the submission documents in digital format and the Notice of Application using the link below:

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Please let me know if you have any questions.

Thank you and have a great long weekend,

# **Devon Morton, B.U.R.PI**



Planner, Committee of Adjustment & Cultural Heritage Secretary-Treasurer to the Committee of Adjustment Planning and Building Services <a href="mailto:dmorton@newmarket.ca">dmorton@newmarket.ca</a> 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.

Walter & Leslie McGhee 827 Grace Street Newmarket, Ont L3Y2L6 905-895-7601

### Application for Minor Variances: File Number D13-A11-21

Below is a list of our objections to the above application.

- 1) Section 6.2.2 We believe allowing the variance (extending the fence perimeter) would be extremely dangerous for our neighbourhood. The property owner applying for this application owns the corner lot of a terribly busy and narrow street. The loss of visibility on such a tight corner could be hazardous to young children, dog walkers, waste collection men and school aged children entering/disembarking school buses regularly. Grace Street does not have sidewalks where pedestrians can safely walk and this factor forces people to walk on the road. The corner of Grace Street is already quite a tight bend in the road and granting this variance would "blind" the corner and heighten the risk for any person or motorist using Grace Street. We would like to keep our neighbourhood safe.
- 2) Section 4.3 We disagree with allowing the placement of Accessory Outdoor Mechanical Equipment in the front yard due to increased noise levels. The placement of "Accessory Outdoor Mechanical Equipment" would raise our housing areas dB (Decibels) which could impede the neighbouring residents sleep patterns as well as cause disturbances with outdoor recreational activities within our own properties. We also feel that the need for Accessory Outdoor Mechanical Equipment would require fencing, which mentioned above, would have severely threatening safety concerns for our neighbourhood.

Again, we would like to stress our objections to these minor variance requests. They will put our neighbours and neighbourhood at daily risk due to an obstructed view of an already challenging corner of our beautiful street. Please do not allow the applicants to risk our neighbourhoods' safety for their own personal pleasure.

Everett & Diane Kent 825 Grace St Newmarket Ont L3y2l6 905 898 4687

Application for Minor Variances File number D13-A11-21

Comments and objections to the above application.

- Section 4.4. A pool in a side yard violates the by-law completely. We object due to overall aesthetics (extension of the fencing being considered and accessory buildings in the front yard that will accompany the pool ), the possible noise factor from pool equipment and pool use.
- 2. Section 4.2. We object to allowing a residential accessory structure (cabana)to be built in the front yard where the by-law stipulates the rear or side yard only. We object to additional fencing (causing obstructed view for vehicles) and the overall look of the property having such a large structure in the front yard. This may cause a depreciation of our property having such a large structure and fencing in our direct view.
- 3. Section 6.2.2. Allowing this variance would be dangerous. We strongly object to permitting the additional fencing being extended an additional 4.0m towards/into the front yard. The current side yard fence was granted a variance for its height and is 7' (1' higher than by-law). This creates a visual obstruction when driving into our driveway. We must take extreme caution as we drive up Grace street from Alexander prior to pulling into our driveway. You cannot see vehicles coming from the opposite direction until they are very close to the bend in the street. Adding an additional 4.0m or 12' of fencing extended toward the front curb will greatly increase the potential danger on the street for vehicles. Grace street is used by numerous vehicles as a through street from Arnold to Alexander. We do not have sidewalks therefore pedestrians are forced to use the street for walking. The safety of pedestrians, children playing and dog walkers will be put in great danger if additional fencing blocks the view for vehicles. School buses pick up and drop off children at 828 Grace street and the additional fencing blocking the view will potentially cause a hazard when the bus is stopped.
- 4. Section 4.3 We object to the placement of Accessory Outdoor Mechanical equipment in the front yard due to the potential noise factor and the additional fencing that will be required. Again stressing the safety factor / blocking the view for vehicles around the bend and the aesthetics of the front yard.

In summary we object to all requests as we feel they are not minor variances to the current bylaws but instead the applicants are asking for total changes of the said by-laws to suit their plans.



#### PLANNING AND BUILDING SERVICES

Town of Newmarket www.newmarket.ca 395 Mulock Drive planning@newmarket.ca T: 905.953.5321 P.O. Box 328, STN Main F: 905.953.5140

# **Planning Report**

TO: Committee of Adjustment

FROM: Janany Nagulan

Planner

Newmarket, ON L3Y 4X7

DATE: April 16, 2021

RE: Application for Minor Variance D13-A12-2021

> 753 Srigley Street Town of Newmarket

Made by: CAMPBELL, Scott Peter Douglas, and ALLAN, Kristy Inga

#### 1. Recommendations:

That Minor Variance Application D13-A12-2021 be approved, subject to the following conditions:

- 1. That the variance pertains only to the request as submitted with the application; and,
- 2. That the development be substantially in accordance with the information submitted with the application.
- 3. That the applicant be advised that prior to the issuance of any building permit, compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.
- 4. 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 facilitate the construction of new detached garage in the rear yard due to insufficient space at the front of the property and an existing creek that is running through the property. The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	Section 6.2.2	A minimum side yard setback	A minimum side yard
		Zoning	of 1.8m for structures beyond	setback of 1.5m for
		Standards	5.7m in height.	structures beyond 5.7m in
		For Residential		height.
		Zones		
2	2010-40	Section 6.2.2	A minimum rear yard setback	A minimum rear yard
		Zoning	of 7.5m.	setback of 1.2m.
		Standards for		
		Residential		
		Zones		

Report to Committee of Adjustment Application for Minor Variance D13-A12-2021 753 Srigley Street Town of Newmarket Made by: CAMPBELL, Scott Peter Douglas and ALLAN, Kristy Inga Page 2 of 4

The above-described property (herein referred to as the "subject property") is located in a residential neighbourhood, east of Prospect 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 facilitate the construction of new detached garage in the rear yard due to insufficient space at the front of the property and an existing creek running through the property. Lake Simcoe Region Conservation Authority (LSRCA) has advised the applicant that a significant portion of rear yard is within a flood plain located on either side of the existing creek. This has resulted in the proposed detached garaged to be located into the rear yard. Access to the garage would be from the rear of the property, via Bogart Avenue.

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 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 contest 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 with detached garages. 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 variances is considered to conform to the Official Plan and therefore, this test is met.

Report to Committee of Adjustment Application for Minor Variance D13-A12-2021 753 Srigley Street Town of Newmarket Made by: CAMPBELL, Scott Peter Douglas and ALLAN, Kristy Inga Page 3 of 4

# 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. The general intent of setbacks is to ensure that the use of a property does not infringe on the rights of neighbours, and to allow sufficient space for sunlight, airflow, privacy, landscaping, stormwater run-off, and movement around the home / accessory buildings. The intent is also to ensure compatibility and consistency within the neighbourhood. In the case of the subject property, there is insufficient space for the proposed garage to be located at the front of the property. Also, there is an existing creek that is running through the property which has forced the proposed garage to be located in the rear yard. The garage will have to be accessed via Bogart Avenue due to the existing creek. The proposed reduction to the rear and interior side yard setback appears to maintain a functional space and the impacts to neighboring properties appears to be minimal.

The requested variances are necessary due to the lack of space at the front of the property and the existing creek running through the property and the proposal will not significantly impact the functional space of the lot. 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. As the requested relief would allow the property owner to invest in their property and 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, it is not simply just the numerical value; the Committee is requested to consider the overall impact of the variance. The overall impact of the proposed variance appears to be minimal as despite the reduced setbacks, the proposed garage would continue to be compatible with the surrounding neighbourhood. This test is met.

In consideration of the above, the proposed variance meets the four tests under the *Planning Act*.

### 4. Other comments:

#### **Heritage**

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

Report to Committee of Adjustment Application for Minor Variance D13-A12-2021 753 Srigley Street Town of Newmarket Made by: CAMPBELL, Scott Peter Douglas and ALLAN, Kristy Inga Page 4 of 4

# Commenting agencies and departments

The Chief Building Official has no objection to this application.

Engineering services has required that the applicant obtain the required approvals from LRCA which the applicant has done.

York Region has no comments with regards to this application.

# **Effect of Public Input**

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

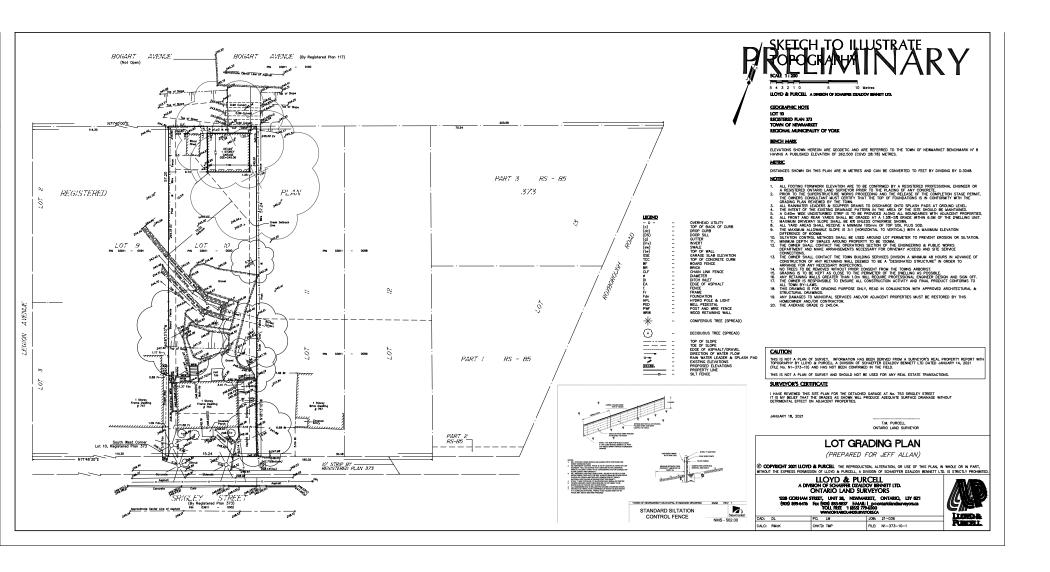
### 5. Conclusions:

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,

Janany Nagulan Planner





# a.m. candaras associates inc.

consulting engineers

March 9, 2021

E-Mail

Town of Newmarket 395 Mulock Drive PO Box 328 STN Main Newmarket, On L3Y 4X7

Attn: To Whom it May Concern

RE: 753 SRIGLEY STREET

PROPOSED REAR GARAGE

LSRCA FLOOD PLAIN CONCERN CIVIL ENGINEERING SUMMARY

This is to confirm that our firm was retained by Jeff Allan, on behalf of the owner of the subject property, to contact and assist in a response to the Lake Simcoe Region Conservation Authority's (LSRCA) concerns with a proposed garage to be constructed in the rear yard of 753 Srigley Street. The LSRCA concerns are expressed in their attached email of January 27 & January 22, 2021 sent by Chris Currie (Environmental Regulations Analyst).

Jeff Allan had originally provided to the LSRCA a site plan prepared by Llyod & Purcell OLS, showing the new garage in the rear yard, meeting the Town's off set requirements from the Bogart Street cul-de-sac. However, that places the new garage in the 15m wide regulated zone adjacent the existing creek that meander through the back yard. See the attached plan by Llyod & Purcell; Garage in 15m setback.

The LSRCA initially advised in their January 22, 2021 email, that a significant portion of this rear yard is within a flood plain located on either side of the existing creek that meanders through the rear yard. Further, that depending on the proposed location of the new garage it would have different impacts to this floodplain and require different assessments and reports depending on its location.

If the garage was within the 15m off set from the creek as originally proposed, then a hydrogeological assessment and hydraulic analysis would be required. Even if these reports were completed, it does not mean that the results would be favorable or that the LSRCA would approve the request to locate the garage within this 15m zone. If the garage is outside of the 15m off set, then only the hydraulic analysis would be required. Again, having the hydraulic analysis completed may not conclude a favorable result or consent from the LSRCA.

As a result of that correspondence, Jeff Allan had the second attached revised site plan created (Garage rev outside 15m setback), showing the garage outside of the 15m off set from the creek, closer to the Bogart Avenue cul-de-sac. This was sent to Chris Currie at the LSRCA, whom I then contacted to request a discussion about possible alternatives to accommodate the new garage that is possibly still within the flood plain.

In that discussion, Chris Currie acknowledged that due to the existing structure located beside the proposed garage, hydraulic impact would be minimal. Also, the new location of the garage is significantly at a higher elevation than the original location. As such, Chris Currie agreed to have this revised location reviewed by technical staff at the LSRCA.

As a result of the more detailed review by technical staff, the LSRCA confirmed that the garage elevation was above, and outside of the flood plain limits. Because of that, the hydraulic analysis is not even required. Please refer to the attached February 11, 2021 email from the LSRCA. A subsequent call with Chris Currie at the LSRCA confirmed that the LSRCA would have no objections to the garage's location and that Jeff Allan would get LSRCA support should a request for a minor variance be made to the Town to locate the garage closer to Bogart Avenue cul-de-sac.

Yours truly,

a.m. candaras associates inc.

Don Roughley, Hon. B.

Senior Associate-

cc:

Jeff Allan

encl:

LSRCA email of January 27 & 22, 2021

Lloyd Purcell OLS – Garage in 15m setback (new garage and topographic survey)

Lloyd Purcell OLS - Garage Rev outside 15m setback (new garage and topographic

survey)

LSRCA email of February 11, 2021

#### Morton, Devon

From: Potter, David

**Sent:** April 8, 2021 11:42 AM

**To:** Morton, Devon **Cc:** Corrigan, Wendy

Subject: RE: Committee of Adjustment - Notice of Application (April 21st, 2021)

#### Hi Devon:

Please see comments below.

Cheers, Dave

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

Sent: April 1, 2021 7:23 PM

To: Taylor, John <jtaylor@newmarket.ca>; Woodhouse, Victor <vwoodhouse@newmarket.ca>; Kwapis, Bob <br/>
<br/

**Cc:** Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>

Subject: Committee of Adjustment - Notice of Application (April 21st, 2021)

### Good evening all,

The next virtual Committee of Adjustment hearing will be held on Wednesday, April 21<sup>st</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

- D10-B02-21 1200 Stackhouse Road (WARD 7) No comment
   The applicant is proposing to convey the subject land indicated as "A" on the attached sketch
   for proposed industrial purposes and to retain the land marked as "B" on the attached sketch
   for industrial purposes.
- D13-A10-21 97 Roxborough Road (WARD 2) No objection subject to compliance with the Building Code

The applicant is proposing the construction of a new 1-storey residential dwelling.

D13-A11-21 – 824 Grace Street (WARD 2) No comment

The applicant is proposing the construction of a new cabana and pool with outdoor mechanical equipment.

- D13-A12-21 753 Srigley Street (WARD 2) No objection subject to compliance with the Building Code
  - The applicant is proposing the construction of a new detached garage.
- D13-A13-21 40 Birkdale Place (WARD 7) No objection subject to compliance with the Building Code

The applicant is proposing a sunroom addition to the existing residential dwelling.

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Wednesday**, **April 14**<sup>th</sup>, **2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the submission documents in digital format and the Notice of Application using the link below:

https://tonfileshare.newmarket.ca/share.cgi?ssid=0LoaATd

Please let me know if you have any questions.

Thank you and have a great long weekend,

# **Devon Morton, B.U.R.PI**



Planner, Committee of Adjustment & Cultural Heritage Secretary-Treasurer to the Committee of Adjustment Planning and Building Services <a href="mailto:dmorton@newmarket.ca">dmorton@newmarket.ca</a> 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 Newmarketwww.newmarket.ca395 Mulock Driveengineering@newmarket.caP.O. Box 328, STN MainT: 905 895.5193

Newmarket, ON L3Y 4X7 F: 905 895.5138

#### MEMORANDUM

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

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

DATE: April 14, 2021

RE: Application for Minor Variance

Made by: Campbell, Scott Peter Douglas and Allan, Kristy Inga

File No.: D13-A12-21

753 Srigley Street, Town of Newmarket

LT 10 PL 373 NEWMARKET AMENDED 2000/01/20 AT 15:05 BY S. COLES, ADLR

Town of Newmarket Ward 2

**Engineering Services File No.: R. Srigley St** 

The applicant is proposing the construction of a new detached garage. 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 1.5 m interior side yard for structures up to 5.7 m in Building Height.
- 2. Relief from Section 6.2.2 Zone Standards to permit a 1.2 m rear yard whereas the By-law requires a 7.5 m rear yard.

We have reviewed the application and supporting documentation and we indicate that the proposed structure is adjacent to LSRCA regulated area, as such, the applicant shall obtain required confirmation and approvals from LSRCA.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES** 

Sepideh Majdi, P.Eng.

Manager, Development Engineering

SM: BB, File No.: SM0029

S-beigh

Urban Forest Innovations Inc. 1331 Northaven Drive Mississauga ON L5G 4E8



April 13, 2021

#### The Town of Newmarket

395 Mulock Drive, P.O. Box 328, STN Main Newmarket ON L3Y 4X7 c/o Devon Morton – Planner

Re: 753 Srigley Street – Committee of Adjustment – Arborist Peer Review

Mr. Morton,

As you have requested, Urban Forest Innovations, Inc. (UFI) has reviewed the arborist report and related application information submitted in support of a proposed construction of a new detached garage at 753 Srigley Street, Newmarket, ON.

This letter report outlines our review methodology and presents our comments.

### Methodology

Document review

The following documents, provided by the Town of Newmarket, were reviewed:

- Arborist Report, prepared by Cinerea Urban Forestry Services, dated February 18, 2021
- Tree Preservation Plan, prepared by Cinerea Urban Forestry Services, dated February 18, 2021

Additional documents provided in the submission package were reviewed briefly for context, but did not form a substantive part of this peer review.

With the exception of documents submitted prior to April, 2018, all reviewed documents are evaluated against the latest revised version of the Town of Newmarket *Tree Preservation, Protection, Replacement and Enhancement Policy* (April 2018 or latest version), hereinafter referred to as the *Policy*.

#### Site visit

A site visit was undertaken on April 9, 2021, to assess the site and verify the tree inventory details.

#### **Comments**

Based upon our review of the above-referenced documents, we offer the following comments:

### Arborist report & tree compensation

1. The current arborist report has listed tree #18 as being in fair health and poor structural condition (i.e., poor "Overall Condition"), whereas our site visit showed the tree to be in good health and fair structural condition (Fig. 1). The revised arborist report must update/upgrade the tree #18 condition factor used as input to the tree replacement calculations provided in section 'Tree Replacement Information' (page 7).

# Tree appraisal

2. The revised arborist report must provide a monetary value for 1) all Town-owned trees, and 2) all trees that are equal to or greater than 20cm diameter at breast height (DBH) that are to be preserved on or adjacent to the subject lands. The current arborist report provides only the values for Town-owned trees #17 and 18. These values must be calculated using methods in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide to Plant Appraisal, 9th edition, and the International Society of Arboriculture, Ontario Chapter, (ISAO) Regional Plant Appraisal Committee (RPAC) guidance for application of the Trunk Formula Method. Importantly, the applied appraisal methodology must not utilize a generic Unit Tree Cost (or basic tree cost) of \$6.51/cm<sup>2</sup>. Although the use of a generic Unit Tree Cost was considered acceptable in the past, its use is no longer supported. Current guidelines instruct that actual Unit Tree Costs must be determined for every species considered in an appraisal based upon market prices for nursery stock (or reasonable substitutes) and tree installation. The Unit Tree Cost shall be derived by dividing Installed Cost (cost of tree stock plus installation cost) by the Cross Sectional Area of the Replacement Tree (largest commonly available stock, typically 90 mm for many common species).

Prior to any demolition or construction activity on the subject lands, the Town must be notified in order to conduct an inspection of the installed tree protection fencing and other tree protection measures.

Additional comments on trees affected by this application will be provided when the requested additional information is available for further review.

We trust that this letter will suffice for your current needs. Should you have any questions or require further assistance, please do not hesitate to contact us.

Respectfully submitted by,

Philip van Wassenaer, B.Sc., MFC

Whip von Wassernen

ISA Certified Arborist ON-0361A Member – ASCA, SMA, SAG Baumstatik

E: pwassenaer1022@rogers.com

Shane Jobber, B.Sc.F.

ISA Certified Arborist ON-1746AM E: shane@urbanforestinnovations.com

**Urban Forest Innovations, Inc.** 

1331 Northaven Drive Mississauga ON L5G 4E8

T: (905) 274-1022 F: (905) 274-2170 www.urbanforestinnovations.com

# Selected Figures



**Figure 1:** Tree #18 was found to be in good health and fair structural condition. Although assessed during the leaf-off season, the number and distribution of live buds indicate a vigorously healthy tree.

# **Limitations of Assessment**

It is our policy to attach the following clause regarding limitations. We do this to ensure that the client is aware of what is technically and professionally realistic in assessing and retaining trees.

The assessment(s) of the tree(s) presented in this report has been made using accepted arboricultural techniques. These may include, among other factors, a visual examination of: the above-ground parts of the tree(s) for visible structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of pests or pathogens, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted, the tree(s) was not cored, probed, climbed or assessed using any advanced methods, and there was no detailed inspection of the root crown(s) involving excavation.

Notwithstanding the recommendations and conclusions made in this report, it must be recognized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site or weather conditions, or general seasonal variations. Weather events such as wind or ice storms may result in the partial or complete failure of any tree, regardless of assessment results.

While reasonable efforts have been made to accurately assess the overall condition of the subject tree(s), no guarantee or warranty is offered, expressed or implied, that the tree(s) or any of its parts will remain standing or in stable condition. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or its component parts, regardless of the assessment methodology implemented. Inevitably, a standing tree will always pose some level of risk. Most trees have the potential for failure under adverse weather conditions, and the risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be re-assessed periodically. The assessment presented in this report is only valid at the time of inspection.

# Morton, Devon

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

**Sent:** April 11, 2021 12:52 PM

**To:** Morton, Devon

Subject: Re D13-A12-21 Committee of Adjustment - Notice of Application (April 21st, 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 <a href="mailto:dmorton@newmarket.ca">dmorton@newmarket.ca</a>

Sent: Thursday, April 1, 2021 7:23 PM

**To:** jtaylor <<u>jtaylor@newmarket.ca</u>>; Woodhouse, Victor <<u>vwoodhouse@newmarket.ca</u>>; Kwapis, Bob

<<u>bkwapis@newmarket.ca</u>>; Bisanz, Christina <<u>cbisanz@newmarket.ca</u>>; Simon, Grace <<u>gsimon@newmarket.ca</u>>;

Broome, Kelly <a href="mailto:kbroome@newmarket.ca">kbroome@newmarket.ca</a>; Twinney, Jane <a href="mailto:jtwinney@newmarket.ca">jtwinney@newmarket.ca</a>; 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>;

<rschell@cyfs.ca>; Villanueva, Lawrence <IVillanueva@newmarket.ca>; Lyons, Lisa <Ilyons@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>; Laura Tafreshi

<L.Tafreshi@lsrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Shane Jobber <shane@urbanforestinnovations.com>;

Philip van Wassenaer <pwassenaer1022@rogers.com>; Puccini, Lisa <|puccini@cyfs.ca>

**Cc:** Cammaert, Adrian <a href="mailto:acammaert@newmarket.ca">acammaert@newmarket.ca</a>; Cho, Patricia <a href="mailto:pcho@newmarket.ca">pcho@newmarket.ca</a>; Nagulan, Janany

<jnagulan@newmarket.ca>

Subject: Committee of Adjustment - Notice of Application (April 21st, 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 <u>isitsafe@york.ca</u> then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

# Good evening all,

The next virtual Committee of Adjustment hearing will be held on Wednesday, April 21<sup>st</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

• D10-B02-21 – 1200 Stackhouse Road (WARD 7)

The applicant is proposing to convey the subject land indicated as "A" on the attached sketch for proposed industrial purposes and to retain the land marked as "B" on the attached sketch for industrial purposes.

- D13-A10-21 97 Roxborough Road (WARD 2)
   The applicant is proposing the construction of a new 1-storey residential dwelling.
- D13-A11-21 824 Grace Street (WARD 2)
   The applicant is proposing the construction of a new cabana and pool with outdoor mechanical equipment.
- D13-A12-21 753 Srigley Street (WARD 2)
   The applicant is proposing the construction of a new detached garage.
- D13-A13-21 40 Birkdale Place (WARD 7)

  The applicant is proposing a sunroom addition to the existing residential dwelling.

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Wednesday**, **April 14**<sup>th</sup>, **2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the submission documents in digital format and the Notice of Application using the link below:

https://tonfileshare.newmarket.ca/share.cgi?ssid=0LoaATd

Please let me know if you have any questions.

Thank you and have a great long weekend,

# **Devon Morton, B.U.R.PI**



Planner, Committee of Adjustment & Cultural Heritage Secretary-Treasurer to the Committee of Adjustment Planning and Building Services <a href="mailto:dmorton@newmarket.ca">dmorton@newmarket.ca</a> 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** 395 Mulock Drive P.O. Box 328, STN Main Newmarket, ON L3Y 4X7 www.newmarket.ca planning@newmarket.ca T: 905.953.5321

# **Planning Report**

TO: Committee of Adjustment

FROM: Patricia Cho

Planner

DATE: April 16, 2021

RE: Application for Minor Variance **D13-A13-2021** 

40 Birkdale Place Town of Newmarket

Made by: Cheung, Kenny Kin and Chen, Elaine Yau-Ling

#### 1. Recommendations:

That Minor Variance Application D13-A13-2021 be deferred until Engineering Services has received certification of lot grading.

# 2. Application:

An application for Minor Variance has been submitted by the owners of the above noted lands. The applicant is proposing a sunroom addition to the existing residential dwelling. The following relief has been requested from Zoning By-law 2010-40, as amended:

- i. Relief from Exception 123, Development Standards (c), to permit a maximum lot coverage of 41.6% whereas the By-law requires a maximum lot coverage of 37%.
- ii. 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 for structures up to 5.7 m in Building Height.

# 3. Planning Considerations:

The subject property is located in a residential neighbourhood, east of Mitchell Place and south of Davis Drive. The subject property was created through a Plan of Subdivision (our file no.: 19TN 2012-001) and is newly constructed. The minor variance application was circulated to commenting partners for their review and comment. Engineering Services does not support the requested relief at this time, as the lot grading for this lot has not yet been certified. Lot grading is considered an important component of construction to ensure proper drainage is achieved.

Planning staff recommends this matter be deferred until such time that the certification of lot grading has been received and Engineering staff are satisfied with the completed work.

Respectfully submitted,

Patricia Cho, HBA, MSc. (Pln)

Mitricialla

Planner

# Morton, Devon

From: Potter, David

**Sent:** April 8, 2021 11:42 AM

**To:** Morton, Devon **Cc:** Corrigan, Wendy

**Subject:** RE: Committee of Adjustment - Notice of Application (April 21st, 2021)

#### Hi Devon:

Please see comments below.

Cheers, Dave

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

Sent: April 1, 2021 7:23 PM

To: Taylor, John <jtaylor@newmarket.ca>; Woodhouse, Victor <vwoodhouse@newmarket.ca>; Kwapis, Bob <br/>
<br/

**Cc:** Cammaert, Adrian <acammaert@newmarket.ca>; Cho, Patricia <pcho@newmarket.ca>; Nagulan, Janany <jnagulan@newmarket.ca>

Subject: Committee of Adjustment - Notice of Application (April 21st, 2021)

Philip van Wassenaer pwassenaer1022@rogers.com>;;Puccini, Lisa <|puccini@cyfs.ca>

### Good evening all,

The next virtual Committee of Adjustment hearing will be held on Wednesday, April 21<sup>st</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

- D10-B02-21 1200 Stackhouse Road (WARD 7) No comment
   The applicant is proposing to convey the subject land indicated as "A" on the attached sketch
   for proposed industrial purposes and to retain the land marked as "B" on the attached sketch
   for industrial purposes.
- D13-A10-21 97 Roxborough Road (WARD 2) No objection subject to compliance with the Building Code

The applicant is proposing the construction of a new 1-storey residential dwelling.

D13-A11-21 – 824 Grace Street (WARD 2) No comment

The applicant is proposing the construction of a new cabana and pool with outdoor mechanical equipment.

- D13-A12-21 753 Srigley Street (WARD 2) No objection subject to compliance with the Building Code
  - The applicant is proposing the construction of a new detached garage.
- D13-A13-21 40 Birkdale Place (WARD 7) No objection subject to compliance with the Building Code

The applicant is proposing a sunroom addition to the existing residential dwelling.

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Wednesday**, **April 14**<sup>th</sup>, **2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the submission documents in digital format and the Notice of Application using the link below:

https://tonfileshare.newmarket.ca/share.cgi?ssid=0LoaATd

Please let me know if you have any questions.

Thank you and have a great long weekend,

# **Devon Morton, B.U.R.PI**



Planner, Committee of Adjustment & Cultural Heritage Secretary-Treasurer to the Committee of Adjustment Planning and Building Services <a href="mailto:dmcton@newmarket.ca">dmcton@newmarket.ca</a> 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 www.newmarket.ca 395 Mulock Drive engineering@newmarket.ca P.O. Box 328, STN Main T: 905 895.5193 Newmarket, ON L3Y 4X7

F: 905 953.5138

#### MEMORANDUM

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

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

DATE: April 14, 2021

RE: Application for Minor Variance

Made by: Cheung, Kenny Kin and Chen, Elaine Yau-Ling

File No.: D13-A13-21

40 Birkdale Place, Town of Newmarket

PART BLOCK 122, PLAN 65M4587; PART 26 ON 65R38656 TOGETHER WITH AN UNDIVIDED COMMON INTEREST IN YORK REGION COMMON ELEMENTS CONDOMINIUM CORPORATION NO. 1429 SUBJECT TO AN EASEMENT AS IN YR2993590 SUBJECT TO AN EASEMENT IN GROSS OVER PART 26 PLAN

65R38656

Town of Newmarket Ward 7

Engineering Services File No.: R. Birkdale Pl

The applicant is proposing a sunroom addition to the existing residential dwelling. The following relief is requested from Zoning By-law 2010-40, as amended:

- 1. Relief from Exception 123, Development Standards (c), to permit a maximum lot coverage of 41.6% whereas the By-law requires a maximum lot coverage of 37%.
- 2. 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 for structures up to 5.7 m in Building Height.

We have reviewed the application and supporting documentation and do not support the requested relief at this time, as the lot grading for this lot has not yet been certified.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES** 

Sepideh Majdi, P.Eng.

S-beigh

Manager, Development Engineering

SM: BB, File No.: SM0030

Urban Forest Innovations Inc. 1331 Northaven Drive Mississauga ON L5G 4E8



April 13, 2021

#### The Town of Newmarket

395 Mulock Drive, P.O. Box 328, STN Main Newmarket ON L3Y 4X7 c/o Devon Morton – Planner

Re: 40 Birkdale Place – Committee of Adjustment – Arborist Peer Review

Mr. Morton,

As you have requested, Urban Forest Innovations, Inc. (UFI) has reviewed the arborist report and related application information submitted in support of a proposed sunroom addition to the existing residential dwelling at 40 Birkdale Place, Newmarket, ON.

This letter report outlines our review methodology and presents our comments.

#### Methodology

Document review

The following document, provided by the Town of Newmarket, was reviewed:

 Tree Preservation and Protection Plan (Arborist Report), prepared by Thomson Watson Consulting Arborists Inc., dated February 15, 2021

Additional documents provided in the submission package were reviewed briefly for context, but did not form a substantive part of this peer review.

With the exception of documents submitted prior to April, 2018, all reviewed documents are evaluated against the latest revised version of the Town of Newmarket *Tree Preservation, Protection, Replacement and Enhancement Policy* (April 2018 or latest version), hereinafter referred to as the *Policy*.

#### Site visit

A site visit was undertaken on April 9, 2021, to assess the site and verify the tree inventory details.

#### **Comments**

Based upon our review of the above-referenced document, we offer the following comments:

#### Tree appraisal

1. The revised arborist report must provide a monetary value for all trees that are equal to or greater than 20cm diameter at breast height (DBH) to be preserved on or adjacent to the subject lands, i.e., tree #4 must be provided an appraised value. These values must be calculated using methods in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide to Plant Appraisal, 9th edition, and the International Society of Arboriculture, Ontario Chapter, (ISAO) Regional Plant Appraisal Committee (RPAC) guidance for application of the Trunk Formula Method. Importantly, the applied appraisal methodology must not utilize a generic Unit Tree Cost (or basic tree cost) of \$6.51/cm². Although the use of a generic Unit Tree Cost was considered acceptable in the past, its use is no longer supported. Current guidelines instruct that actual Unit Tree Costs must be determined for every species considered in an appraisal based upon market prices for nursery stock (or reasonable substitutes) and tree installation. The Unit Tree Cost shall be derived by dividing Installed Cost (cost of tree stock plus installation cost) by the Cross Sectional Area of the Replacement Tree (largest commonly available stock, typically 90 mm for many common species).

Prior to any demolition or construction activity on the subject lands, the Town must be notified in order to conduct an inspection of the installed tree protection fencing and other tree protection measures.

Additional comments on trees affected by this application will be provided when the requested additional information is available for further review.

We trust that this letter will suffice for your current needs. Should you have any questions or require further assistance, please do not hesitate to contact us.

Respectfully submitted by,

Milip von Wasserven

Philip van Wassenaer, B.Sc., MFC

ISA Certified Arborist ON-0361A Member – ASCA, SMA, SAG Baumstatik

E: pwassenaer1022@rogers.com

Shane Jobber, B.Sc.F.

ISA Certified Arborist ON-1746AM

E: shane@urbanforestinnovations.com

**Urban Forest Innovations, Inc.** 

1331 Northaven Drive Mississauga ON L5G 4E8

T: (905) 274-1022 F: (905) 274-2170

www.urbanforestinnovations.com

## **Limitations of Assessment**

It is our policy to attach the following clause regarding limitations. We do this to ensure that the client is aware of what is technically and professionally realistic in assessing and retaining trees.

The assessment(s) of the tree(s) presented in this report has been made using accepted arboricultural techniques. These may include, among other factors, a visual examination of: the above-ground parts of the tree(s) for visible structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of pests or pathogens, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted, the tree(s) was not cored, probed, climbed or assessed using any advanced methods, and there was no detailed inspection of the root crown(s) involving excavation.

Notwithstanding the recommendations and conclusions made in this report, it must be recognized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site or weather conditions, or general seasonal variations. Weather events such as wind or ice storms may result in the partial or complete failure of any tree, regardless of assessment results.

While reasonable efforts have been made to accurately assess the overall condition of the subject tree(s), no guarantee or warranty is offered, expressed or implied, that the tree(s) or any of its parts will remain standing or in stable condition. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or its component parts, regardless of the assessment methodology implemented. Inevitably, a standing tree will always pose some level of risk. Most trees have the potential for failure under adverse weather conditions, and the risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be re-assessed periodically. The assessment presented in this report is only valid at the time of inspection.

#### Morton, Devon

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

**Sent:** April 11, 2021 1:01 PM

**To:** Morton, Devon

Subject: Re D13-A13-21 Committee of Adjustment - Notice of Application (April 21st, 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 <a href="mailto:dmorton@newmarket.ca">dmorton@newmarket.ca</a>

Sent: Thursday, April 1, 2021 7:23 PM

**To:** jtaylor < <u>itaylor@newmarket.ca</u>>; Woodhouse, Victor < <u>vwoodhouse@newmarket.ca</u>>; Kwapis, Bob

<<u>bkwapis@newmarket.ca</u>>; Bisanz, Christina <<u>cbisanz@newmarket.ca</u>>; Simon, Grace <<u>gsimon@newmarket.ca</u>>;

Broome, Kelly <a href="mailto:kbroome@newmarket.ca">kbroome@newmarket.ca</a>; Twinney, Jane <a href="mailto:jtwinney@newmarket.ca">jtwinney@newmarket.ca</a>; 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>;

<rschell@cyfs.ca>; Villanueva, Lawrence <|Villanueva@newmarket.ca>; Lyons, Lisa <|lyons@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)

<<u>khsmithis@rogers.com</u>>; Michelle Starnes (<u>michs@rogers.com</u>) <<u>michs@rogers.com</u>>; Mohsen Alavi

(alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>; Laura Tafreshi

<L.Tafreshi@Isrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Shane Jobber <shane@urbanforestinnovations.com>;

Philip van Wassenaer <pwassenaer1022@rogers.com>; Puccini, Lisa <|puccini@cyfs.ca>

**Cc:** Cammaert, Adrian <a href="mailto:acammaert@newmarket.ca">acammaert@newmarket.ca</a>; Cho, Patricia <a href="mailto:pcho@newmarket.ca">pcho@newmarket.ca</a>; Nagulan, Janany

<jnagulan@newmarket.ca>

Subject: Committee of Adjustment - Notice of Application (April 21st, 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 <u>isitsafe@york.ca</u> then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

#### Good evening all,

The next virtual Committee of Adjustment hearing will be held on Wednesday, April 21<sup>st</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

D10-B02-21 – 1200 Stackhouse Road (WARD 7)
 The applicant is proposing to convey the subject land indicated as "A" on the attached sketch for proposed industrial purposes and to retain the land marked as "B" on the attached sketch for industrial purposes.

- D13-A10-21 97 Roxborough Road (WARD 2)
   The applicant is proposing the construction of a new 1-storey residential dwelling.
- D13-A11-21 824 Grace Street (WARD 2)
   The applicant is proposing the construction of a new cabana and pool with outdoor mechanical equipment.
- D13-A12-21 753 Srigley Street (WARD 2)
   The applicant is proposing the construction of a new detached garage.
- D13-A13-21 40 Birkdale Place (WARD 7)

  The applicant is proposing a sunroom addition to the existing residential dwelling.

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Wednesday**, **April 14**<sup>th</sup>, **2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the submission documents in digital format and the Notice of Application using the link below:

https://tonfileshare.newmarket.ca/share.cgi?ssid=0LoaATd

Please let me know if you have any questions.

Thank you and have a great long weekend,

# **Devon Morton, B.U.R.PI**



Planner, Committee of Adjustment & Cultural Heritage Secretary-Treasurer to the Committee of Adjustment Planning and Building Services <a href="mailto:dmorton@newmarket.ca">dmorton@newmarket.ca</a> 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.



# Town of Newmarket Minutes

# **Committee of Adjustment**

Date: Wednesday, March 24, 2021

Time: 9:30 AM

Location: Electronic VIA ZOOM

See How to Login Guide

Members Present: Gino Vescio, Chair

Seyedmohsen Alavi

Elizabeth Lew Peter Mertens Ken Smith

Staff Present: Patricia Cho, Planner

Janany Nagulan, Planner

Devon Morton, Secretary-Treasurer

# 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-A05-21

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.

Mr. Price indicated he will be representing Minor Variance application D13-A05-21 as the Authorized Agent.

Mr. Price explained the extent of the relief requested.

Mr. Vescio confirmed the number of vehicles used by the Price family and the number of external parking spaces provided.

Mr. Price explained there are currently 2 external parking spaces and 2 spaces provided within the existing garage.

Mr. Moreau inquired if the application being heard would result in the creation of a new apartment within the existing garage.

Mr. Vescio further explained the nature of the application and the extent of the relief requested.

Mr. Moreau indicated he had no further concern.

The Planner, Ms. Nagulan, clarified the parking requirements associated with the creation of an Additional Dwelling Unit.

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 March 18th, 2021.
- 2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated March 17<sup>th</sup>, 2021.
- 3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated March 8<sup>th</sup>, 2021.
- 4. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated March 9<sup>th</sup>, 2021.

- 5. Letter of Support, Ann and Terry Murphy, 317 Kirby Crescent, Newmarket, dated March 9<sup>th</sup>, 2021.
- 6. Letter of Support, Fabiola and Andre Sadono, 313 Kirby Crescent, Newmarket, dated March 11<sup>th</sup>, 2021.
- 7. Letter of Support, Mike and Maureen O'Leary, 323 Kirby Crescent, Newmarket, dated March 19<sup>th</sup>, 2021.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

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

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

# As the Minor Variance Application:

- 1. is minor in nature;
- 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

#### 4.2 Minor Variance Application D13-A06-21

The applicant is proposing construction of an addition to the existing Single Family Dwelling. The following relief is requested from Zoning Bylaw 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.

Mr. Kerr indicated he will be representing Minor Variance application D13-A06-21.

Mr. Kerr explained the extent of the relief requested.

Ms. Lew confirmed letters of support had been received and questioned whether any opposition to the application had been expressed.

Mr. Kerr indicated no opposition to the application had been expressed.

Mr. Alavi expressed concern that the relief requested was not gradual, the impacts could extend beyond neighboring properties and this would result in a reduction of the average front yard set back for the entire neighborhood.

The Planner, Ms. Nagulan, explained that the impacts of reducing one front yard setback would not significantly impact the average for the neighborhood.

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 March 18<sup>th</sup>, 2021.
- 2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated March 17<sup>th</sup>, 2021.
- 3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated March 8<sup>th</sup>, 2021.
- 4. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated March 9<sup>th</sup>, 2021.
- 5. Letter of Support, Heather Cromie, 1032 Wildwood Drive, Newmarket, dated March 15<sup>th</sup>, 2021.
- 6. Letter of Support, Dan Jones and Saskia Loomans-Jones, 1025 Wildwood Drive, Newmarket, dated March 16<sup>th</sup>, 2021.

Moved by: Peter Mertens Seconded by: Elizabeth Lew

That Minor Variance Application D13-A06-21 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 plans submitted with the application; and
- 3. That the applicant provide site specific grading plans prepared and sealed by the design Engineer (P.Eng), to be approved by Engineering Services; and
- 4. 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
- 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

# 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.

Carried

# 4.3 Minor Variance Application D13-A07-21

The applicant is proposing construction of an addition to the existing Single Family Dwelling. The following relief is requested from Zoning Bylaw 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.

Mr. Howie indicated he will be representing Minor Variance application D13-A07-21.

Mr. Howie explained the extent of the relief requested.

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 March 17<sup>th</sup>, 2021.
- 2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated March 17<sup>th</sup>, 2021.
- 3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated March 8<sup>th</sup>, 2021.
- 4. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated March 9<sup>th</sup>, 2021.

Moved by: Elizabeth Lew Seconded by: Peter Mertens

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

- 1. That the variance pertains only to the request as submitted with the application;
- 2. That the development be substantially in accordance with the information and site plan submitted with the application;
- 3. That the applicant submit a letter and site specific grading plans prepared and sealed by a design Engineer (P.Eng); and,
- 4. 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.
- 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

#### The relief as requested:

1. is minor in nature;

- 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.

Carried

# 4.4 Minor Variance Application D13-A08-21

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.

Mr. Golbabapour indicated he will be representing Minor Variance application D13-A08-21 as the Authorized Agent.

Mr. Golbabapour explained the extent of the relief requested.

Ms. Lew questioned whether the existing garage was currently being used.

Mr. Golbabapour explained he could not confirm if the garage was currently being used.

Mr. Lowes expressed safety concerns in regards to the existing parking arrangement and indicated the garage was not being used to park vehicles.

Mr. Lowes indicated several vehicles currently park illegally and are often encroaching into the sidewalk.

Ms. Ruffolo expressed safety concerns in regards to the existing parking arrangement and claimed leaking oil has made the driveway and sidewalk more hazardous to walk on.

Ms. Ruffolo expressed concerns with the number of people living in the home.

Mr. Singh, 93 Stiver Drive, sought clarification in regards to Engineering Services comment.

Ms. Cho explained that approval of the application would provide an interior parking space and would not result in additional vehicles parking on the street.

Mr. Benedek, 94 Stiver Drive, questioned the home's tenure, the existing number of occupants and the number of occupants occupying the home in the future.

Mr. Golbabapour indicated that in the future there would be a single family occupying the home.

Mr. Benedek questioned what could be done in the future should there be too many occupants with vehicles occupying the home.

Mr. Vescio recommended an amendment to the conditions that states failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Mr. Benedek further questioned what could be done in the future should there be too many occupants with vehicles occupying the home.

Mr. Vescio indicated compliance could be achieved through the town's Bylaw enforcement team.

Mr. Lowes indicated the current owners have rented this property to tenants many times in the past and there is no evidence of a renovation being completed.

Mr. Lowes raised property standards concerns.

Mr. Golbabapour explained he did not indicate a renovation was on-going and that the owners are living out of the country with plans to renovate in the future.

Mr. Moreau indicated safety concerns in regards to the existing parking arrangement and that several vehicles currently park illegally and are often encroaching into the sidewalk.

Mr. Mertens expressed he is typically supportive of Additional Dwelling Units however he has difficulties with the application.

Mr. Mertens indicated that until the home becomes owner occupied and the maintenance issues are addressed he cannot support the application. Mr. Vescio indicated he did not believe the request for a Minor Variance satisfied the four tests.

Mr. Vescio indicated the development was not desirable for this lot and that a total lack of maintenance had been demonstrated.

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 March 17<sup>th</sup>, 2021.
- 2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated March 17<sup>th</sup>, 2021.
- 3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated March 8<sup>th</sup>, 2021.
- 4. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated March 9<sup>th</sup>, 2021.
- 5. Letter of Opposition, Claude Moreau, 295 Primrose Lane, Newmarket, dated March 24<sup>th</sup>, 2021.
- 6. Letter of Opposition, Dave Lowes, 90 Stiver Drive, Newmarket, dated March 21<sup>st</sup>, 2021.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

That Minor Variance Application D13-A08-21 be approved, subject to the following conditions:

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

As the Minor Variance Application:

1. is minor in nature;

- 2. conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- 3. is considered a desirable development of the lot.

Defeated

# 4.5 Minor Variance Application D13-A09-21

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.

Mr. Dales indicated he will be representing Minor Variance application D13-A09-21 as the Authorized Agent.

Mr. Dales explained the extent of the relief requested.

Mr. Suming, 686 Gorham Street, indicated he felt the stairwell would be too close to the neighboring property.

Mr. Vescio explained the function of the Committee of Adjustment and questioned why Mr. Suming felt the stairwell would be too close to the neighboring property.

Mr. Suming questioned why the stairwell is needed.

Mr. Dale indicated the stairwell is to allow access to the basement.

Mr. Alavi explained there is no impact to Mr. Suming's property as he does not abut 693 Gorham Street.

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 March 17<sup>th</sup>, 2021.
- 2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated March 17<sup>th</sup>, 2021.

- 3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated March 8<sup>th</sup>, 2021.
- 4. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated March 9<sup>th</sup>, 2021.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

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

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

# 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.

Carried

# 5. Deferred Applications

#### 5.1 Minor Variance Application D13-A01-21

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:

 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.

Mr. D' Elia indicated he will be representing Minor Variance application D13-A01-21 as the Authorized Agent and that Joe Morano, Dwayne Warren and Irfan Akram are also in attendance.

Mr. D' Elia explained the extent of the relief requested.

Ms. Lew questioned what the variances would accommodate.

Mr. Akram indicated the relief was not to accommodate additional parking.

Ms. Lew questioned why the variances were necessary.

Mr. Warren indicated the relief is to maintain consistency with massing of the neighboring buildings, accommodate loading spaces and accommodate storm water management.

Mr. Alavi questioned whether other properties in the area had similar front yard setbacks.

The Planner, Ms. Nagulan, indicated there are properties in the area with similar reduced setbacks.

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

- 1. Report from Janany Nagulan, Planner, dated March 18th, 2021.
- 2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated February 16<sup>th</sup>, 2021.
- 3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated February 11<sup>th</sup>, 2021.

Moved by: Peter Mertens Seconded by: Elizabeth Lew

That Minor Variance Application D13-A01-2021 be approved, subject to the following conditions:

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

# 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.

Carried

# 6. Approval of Minutes

6.1 Minutes of the regular meeting held on Wednesday, February 24, 2021

The Committee accepted the Minutes of the February 24th, 2021 meeting.

Moved by: Ken Smith

Seconded by: Seyedmohsen Alavi

That the minutes of the February 24th, 2021 meeting be approved.

Carried

# 7. Adjournment

The meeting was adjourned.

Peter Mertens

Moved by:

Seconded by:	Seyedmohsen Alavi	
That the meeting	be adjourned.	
		Carried

Chair

Date