



# Town of Newmarket

## Agenda

### Committee of Adjustment

Date: Wednesday, April 21, 2021  
Time: 9:30 AM  
Location: Electronic VIA ZOOM  
See How to Login Guide

	Pages
<b>1. Notice</b>	<b>1</b>
At this time, the Municipal Offices remain closed to the public. This meeting will be available VIA ZOOM Meeting at <a href="http://newmarket.ca/meetings">newmarket.ca/meetings</a>	
<b>2. Conflict of Interest Declarations</b>	
2.1. Elizabeth Lew - Minor Variance Application D13-A10-21	
<b>3. Appeals</b>	
Nil	
<b>4. Items</b>	
4.1. Consent Application D10-B02-21	4
Birock Investments Inc.	
1200 Stackhouse Road, Town of Newmarket	
BLOCK 6, PLAN 65M3871	
4.2. 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	
Elizabeth Lew declared a conflict on this item.	
4.3. 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

## 5. Approval of Minutes

- 5.1. Minutes of the regular meeting held on Wednesday, March 24th,  
2021 80

## 6. Adjournment



# Town of Newmarket

## How to attend an Electronic Advisory Committee or Board Meeting

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

These instructions are for the public and not Committee or Board Members.

**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:**

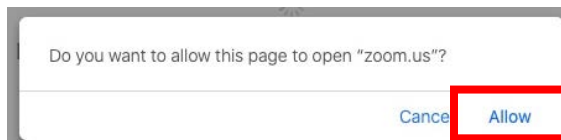
1

**Click the link to the ZOOM Meeting below:**

<https://townofnewmarket.zoom.us/j/92943609206?pwd=a05GL0dDYnpkeGFDN083Q1h3ekc1dz09>

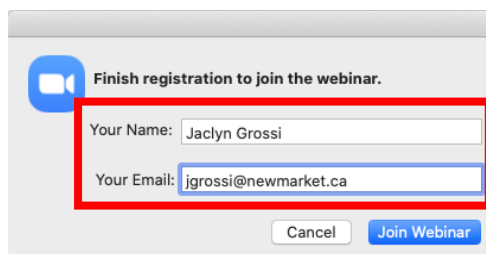
2

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



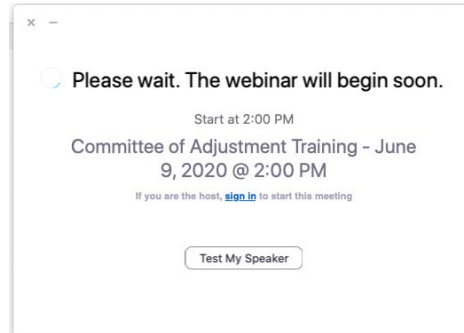
3

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



4

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



5

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

### How to Join the Meeting by telephone:

1

Dial one of the numbers below:

647-374-4685 or  
647-558-0588

2

Follow the telephone prompts and input the following information:

Meeting ID: 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 [www.newmarket.ca](http://www.newmarket.ca)) - If the internet is not working on other sites, you may need to reboot your device or modem



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

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



## PLANNING AND BUILDING SERVICES

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:
  - i. 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).

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 separate 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

#### **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.

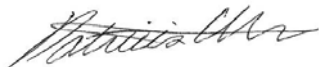
York Region has no comments with regards to this application.

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. (PIn)  
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 :705-726-4600

---

**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 <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 (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 Wassenauer <pwassenauer1022@rogers.com>; Puccini, Lisa <lpuccini@cyfs.ca>  
**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.PI**

Planner, Committee of Adjustment & Cultural Heritage

Secretary-Treasurer to the Committee of Adjustment

Planning and Building Services

[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)

[www.newmarket.ca](http://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, 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 <bkwapis@newmarket.ca>; Bisanz, Christina <cbisanz@newmarket.ca>; Simon, Grace <gsimon@newmarket.ca>; Broome, Kelly <kbroome@newmarket.ca>; Twinney, Jane <jtwinney@newmarket.ca>; Morrison, Trevor <tmorrison@newmarket.ca>; Sharma, Jag <jsharma@newmarket.ca>; Noehammer, Peter <pnoehammer@newmarket.ca>; Unger, Jason <junger@newmarket.ca>; Potter, David <dpotter@newmarket.ca>; Prudhomme, Rachel <rprudhomme@newmarket.ca>; Majdi, Sepideh <smajdi@newmarket.ca>; Schell, Ryan <rschell@cyfs.ca>; Villanueva, Lawrence <lvillanueva@newmarket.ca>; Lyons, Lisa <llyons@newmarket.ca>; Saini, Kiran <ksaini@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>; Laura Tafreshi <L.Tafreshi@lsrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Shane Jobber <shane@urbanforestinnovations.com>; Philip van Wassenauer <pwassenauer1022@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.

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.P.I**

Planner, Committee of Adjustment & Cultural Heritage

Secretary-Treasurer to the Committee of Adjustment

Planning and Building Services

[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)

[www.newmarket.ca](http://www.newmarket.ca)

Newmarket: A Community *Well* Beyond the Ordinary

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


**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**
**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953.5138

**M E M O R A N D U M**

**TO:** Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services  
**FROM:** Sepideh Majdi, P.Eng., Manager, Development Engineering  
**DATE:** 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

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*

1. 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/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).

#### *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 Wassenauer, B.Sc., MFC**  
ISA Certified Arborist ON-0361A  
Member – ASCA, SMA, SAG Baumstatik  
E: pwassenauer1022@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](http://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](mailto:gabrielle.hurst@york.ca) | [www.york.ca](http://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 <bkwapis@newmarket.ca>; Bisanz, Christina <cbisanz@newmarket.ca>; Simon, Grace <gsimon@newmarket.ca>; Broome, Kelly <kbroome@newmarket.ca>; Twinney, Jane <jtwinney@newmarket.ca>; Morrison, Trevor <tmorrison@newmarket.ca>; Sharma, Jag <jsharma@newmarket.ca>; Noehammer, Peter <pnoehammer@newmarket.ca>; Unger, Jason <junger@newmarket.ca>; Potter, David <dpotter@newmarket.ca>; Prudhomme, Rachel <rprudhomme@newmarket.ca>; Majdi, Sepideh <smajdi@newmarket.ca>; Schell, Ryan <rschell@cyfs.ca>; Villanueva, Lawrence <lvillanueva@newmarket.ca>; Lyons, Lisa <llyons@newmarket.ca>; Saini, Kiran <ksaini@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>; Laura Tafreshi <L.Tafreshi@lsrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Shane Jobber <shane@urbanforestinnovations.com>; Philip van Wassenauer <pwassenauer1022@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)

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

Good evening 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

[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)

[www.newmarket.ca](http://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

F: 905.953.5140

## 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 Zoning Standards For Residential Zones	A minimum side yard setback of 1.8m for buildings beyond 5.7m in height.	A minimum side yard setback of 1.2m for buildings beyond 5.7m in height.

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

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

The “Residential Areas” permits single detached dwellings in a range of sizes and built forms. The Official Plan allows for compatible design and the gradual change and improvement of homes through *Planning Act* applications. Subject to the recommended conditions of approval, the requested variances is considered to conform to the Official Plan and therefore, this test is met.

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

The subject property is zoned Residential Detached Dwelling 15.0 Metre (R1-D) according to By-law 2010-40, as amended by By-law Number 2020-63. Single detached dwellings are permitted within the zone.

Section 6.2.2 of the Zoning By-law sets out the zone standards applicable to residential zones. 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*.

**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



## 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 <bkwapis@newmarket.ca>; Bisanz, Christina <cbisanz@newmarket.ca>; Simon, Grace <gsimon@newmarket.ca>; Broome, Kelly <kbroome@newmarket.ca>; Twinney, Jane <jtwinney@newmarket.ca>; Morrison, Trevor <tmorrison@newmarket.ca>; Sharma, Jag <jsharma@newmarket.ca>; Noehammer, Peter <pnoehammer@newmarket.ca>; Unger, Jason <junger@newmarket.ca>; Potter, David <dpotter@newmarket.ca>; Prudhomme, Rachel <rprudhomme@newmarket.ca>; Majdi, Sepideh <smajdi@newmarket.ca>; Schell, Ryan <rschell@cyfs.ca>; Villanueva, Lawrence <lvillanueva@newmarket.ca>; Lyons, Lisa <llyons@newmarket.ca>; Saini, Kiran <ksaini@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>; Laura Tafreshi <L.Tafreshi@lsrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Shane Jobber <shane@urbanforestinnovations.com>; Philip van Wassenauer <pwassenauer1022@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.

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.P.I**

Planner, Committee of Adjustment & Cultural Heritage

Secretary-Treasurer to the Committee of Adjustment

Planning and Building Services

[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)

[www.newmarket.ca](http://www.newmarket.ca)

Newmarket: A Community *Well* Beyond the Ordinary

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


**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**
**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953.5138

**M E M O R A N D U M**

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

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

DATE: 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.  
 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).
2. 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 Wassenauer, 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](http://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](mailto:gabrielle.hurst@york.ca) | [www.york.ca](http://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 <bkwapis@newmarket.ca>; Bisanz, Christina <cbisanz@newmarket.ca>; Simon, Grace <gsimon@newmarket.ca>; Broome, Kelly <kbroome@newmarket.ca>; Twinney, Jane <jtwinney@newmarket.ca>; Morrison, Trevor <tmorrison@newmarket.ca>; Sharma, Jag <jsharma@newmarket.ca>; Noehammer, Peter <pnoehammer@newmarket.ca>; Unger, Jason <junger@newmarket.ca>; Potter, David <dpotter@newmarket.ca>; Prudhomme, Rachel <rprudhomme@newmarket.ca>; Majdi, Sepideh <smajdi@newmarket.ca>; Schell, Ryan <rschell@cyfs.ca>; Villanueva, Lawrence <lvillanueva@newmarket.ca>; Lyons, Lisa <llyons@newmarket.ca>; Saini, Kiran <ksaini@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>; Laura Tafreshi <L.Tafreshi@lsrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Shane Jobber <shane@urbanforestinnovations.com>; Philip van Wassenauer <pwassenauer1022@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)

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

Good evening 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

[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)

[www.newmarket.ca](http://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

F: 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
1	2010-40	Section 4.4 Requirements for Swimming Pools for Residential Uses	i) Swimming Pools shall only be located in the rear yard.	To permit a swimming pool in the side yard.
2	2010-40	Section 4.2 Encroachments into Required Yards	Residential Accessory Structures are to be located in the rear and side yard.	To permit a residential accessory structure in the front yard.



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

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:

- Provide for a range of residential accommodation by housing type, tenure, size and location to help satisfy the Town of Newmarket’s housing needs in a context sensitive manner.
- 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” 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

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 arranged 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 create 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.

**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:

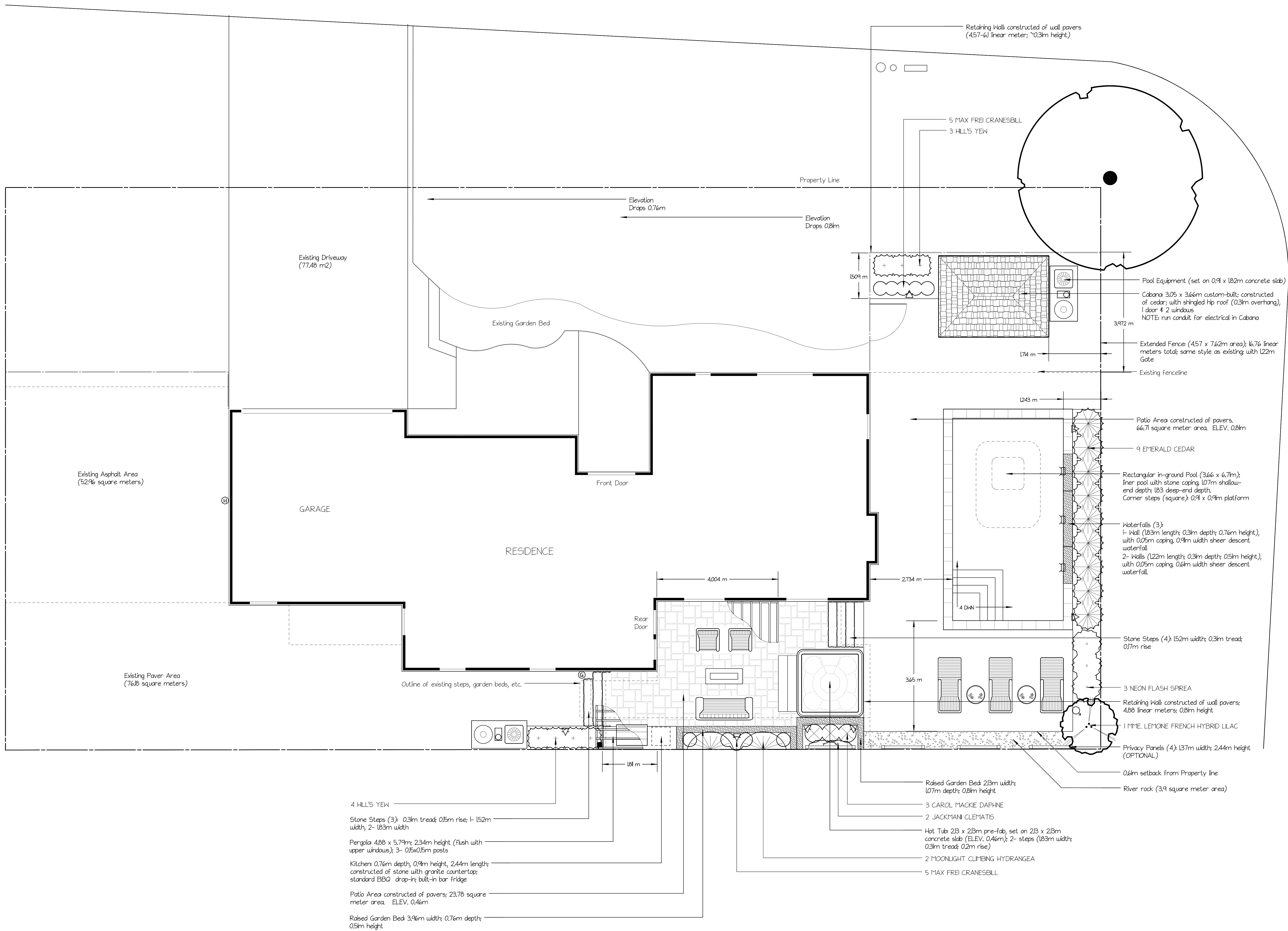
- 1) Minor in nature;
- 2) Conform to the general intent and purpose of the Official Plan and Zoning By-law; and

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



Qty.	Botanical Name	Common Name
Shrubs		
3	Daphne burkwoodii 'Carol Mackie'	CAROL MACKIE DAPHNE
3	Spiraea japonica 'Neon Flash'	NEON FLASH SPIREA
1	Syringa vulgaris 'Mme. Lemoine'	MME. LEMOINE FRENCH HYBRID LILAC
7	Taxus media 'Hill'	HILL'S YEW
4	Thuja occidentalis 'Smaragd'	EMERALD CEDAR
Perennials and Annuals		
10	Geranium 'Max Frei'	MAX FREI CRANESBILL
Vines		
2	Clematis 'Jackmanii'	JACKMANI CLEMATIS
2	Schizophragma hydrangeoides 'Moonlight'	MOONLIGHT CLIMBING HYDRANGEA

NOTES

- Wall Light - waterfall (3 in total)
- Garden/Path Light (7 in total)
- Spot Light (1 in total)

The contractor shall check and verify all dimensions and conditions on the project and immediately report any discrepancies to the Designer before proceeding with the work.

The contractor is to be aware of all existing and proposed services and utilities. The contractor shall check all underground services and utility lines staked by each appropriate agency having jurisdiction prior to commencing with the work.

All planting to meet horticultural standards of the Canadian Nursery Trades Association Guide Specification for nursery stock. All plant material is to be Nal Grade and to the approval of the Designer.

All garden beds and tree pits are to be amended with min. 6" - 8" triple mix soil.

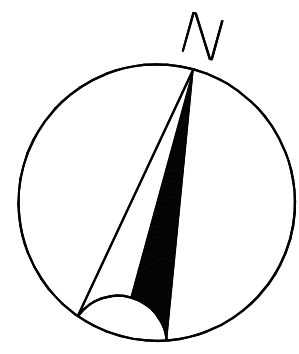
All garden beds and tree pits are to be mulched with a cedar shredded bark mulch to a min. of 3".

All proposed structures such as walkways, decking, changes in elevation are to be approved by the regulatory bodies prior to construction.

It is the responsibility of the building owner and/or their hired contractor(s) to follow specifications standards and building codes, and to obtain all approvals and permits prior to construction.

Rev.3	Jan.8	Convert drawing to metric
Rev.2	Nov.17	Move pool equipment; shift pool
Rev.1	Nov.5	Pool size change; move north fenceline

No.	Date	Description
REVISIONS		



STRIEGLER Residence

824 Grace Street  
Newmarket, Ontario

SCALE	1 : 0.50M
DRAWN BY	Aislyn Boutin
CHECKED BY	
DATE	Sept. 21, 2020
DATE OF PRINT	

PROJECT NO.	
SHEET NO.	



## 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 <bkwapis@newmarket.ca>; Bisanz, Christina <cbisanz@newmarket.ca>; Simon, Grace <gsimon@newmarket.ca>; Broome, Kelly <kbroome@newmarket.ca>; Twinney, Jane <jtwinney@newmarket.ca>; Morrison, Trevor <tmorrison@newmarket.ca>; Sharma, Jag <jsharma@newmarket.ca>; Noehammer, Peter <pnoehammer@newmarket.ca>; Unger, Jason <junger@newmarket.ca>; Potter, David <dpotter@newmarket.ca>; Prudhomme, Rachel <rprudhomme@newmarket.ca>; Majdi, Sepideh <smajdi@newmarket.ca>; Schell, Ryan <rschell@cyfs.ca>; Villanueva, Lawrence <lvillanueva@newmarket.ca>; Lyons, Lisa <llyons@newmarket.ca>; Saini, Kiran <ksaini@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>; Laura Tafreshi <L.Tafreshi@lsrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Shane Jobber <shane@urbanforestinnovations.com>; Philip van Wassenauer <pwassenauer1022@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.

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.P.I**

Planner, Committee of Adjustment & Cultural Heritage

Secretary-Treasurer to the Committee of Adjustment

Planning and Building Services

[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)

[www.newmarket.ca](http://www.newmarket.ca)

Newmarket: A Community *Well* Beyond the Ordinary

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


**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**
**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953.5138

**M E M O R A N D U M**

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

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

DATE: 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:

1. 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

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/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 Wassenauer, 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](http://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](mailto:gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)

---

**From:** Morton, Devon <[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)>  
**Sent:** Thursday, April 1, 2021 7:23 PM  
**To:** jtaylor <[jtaylor@newmarket.ca](mailto:jtaylor@newmarket.ca)>; Woodhouse, Victor <[vwoodhouse@newmarket.ca](mailto:vwoodhouse@newmarket.ca)>; Kwapis, Bob <[bkwapis@newmarket.ca](mailto:bkwapis@newmarket.ca)>; Bisanz, Christina <[cbisanz@newmarket.ca](mailto:cbisanz@newmarket.ca)>; Simon, Grace <[gsimon@newmarket.ca](mailto:gsimon@newmarket.ca)>; Broome, Kelly <[kbroome@newmarket.ca](mailto:kbroome@newmarket.ca)>; Twinney, Jane <[jtwinney@newmarket.ca](mailto:jtwinney@newmarket.ca)>; Morrison, Trevor <[tmorrison@newmarket.ca](mailto:tmorrison@newmarket.ca)>; Sharma, Jag <[jsharma@newmarket.ca](mailto:jsharma@newmarket.ca)>; Noehammer, Peter <[pnoehammer@newmarket.ca](mailto:pnoehammer@newmarket.ca)>; Unger, Jason <[junger@newmarket.ca](mailto:junger@newmarket.ca)>; Potter, David <[dpotter@newmarket.ca](mailto:dpotter@newmarket.ca)>; Prudhomme, Rachel <[rprudhomme@newmarket.ca](mailto:rprudhomme@newmarket.ca)>; Majdi, Sepideh <[smajdi@newmarket.ca](mailto:smajdi@newmarket.ca)>; Schell, Ryan <[rschell@cyfs.ca](mailto:rschell@cyfs.ca)>; Villanueva, Lawrence <[lvillanueva@newmarket.ca](mailto:lvillanueva@newmarket.ca)>; Lyons, Lisa <[llyons@newmarket.ca](mailto:llyons@newmarket.ca)>; Saini, Kiran <[ksaini@newmarket.ca](mailto:ksaini@newmarket.ca)>; rowcentre@bell.ca; Development Services <[developmentservices@york.ca](mailto:developmentservices@york.ca)>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew ([elew@sympatico.ca](mailto:elew@sympatico.ca)) <[elew@sympatico.ca](mailto:elew@sympatico.ca)>; Gino Vescio ([gvescio1951@yahoo.ca](mailto:gvescio1951@yahoo.ca)) <[gvescio1951@yahoo.ca](mailto:gvescio1951@yahoo.ca)>; Ken Smith ([khsmithis@rogers.com](mailto:khsmithis@rogers.com)) <[khsmithis@rogers.com](mailto:khsmithis@rogers.com)>; Michelle Starnes ([michs@rogers.com](mailto:michs@rogers.com)) <[michs@rogers.com](mailto:michs@rogers.com)>; Mohsen Alavi ([alavim@yorku.ca](mailto:alavim@yorku.ca)) <[alavim@yorku.ca](mailto:alavim@yorku.ca)>; Peter Mertens ([pmertens@bell.net](mailto:pmertens@bell.net)) <[pmertens@bell.net](mailto:pmertens@bell.net)>; Laura Tafreshi <[L.Tafreshi@lsrca.on.ca](mailto:L.Tafreshi@lsrca.on.ca)>; Mike Thibeault <[mikeufi@rogers.com](mailto:mikeufi@rogers.com)>; Shane Jobber <[shane@urbanforestinnovations.com](mailto:shane@urbanforestinnovations.com)>; Philip van Wassenauer <[pwassenauer1022@rogers.com](mailto:pwassenauer1022@rogers.com)>; Puccini, Lisa <[lpuccini@cyfs.ca](mailto:lpuccini@cyfs.ca)>  
**Cc:** Cammaert, Adrian <[acammaert@newmarket.ca](mailto:acammaert@newmarket.ca)>; Cho, Patricia <[pcho@newmarket.ca](mailto:pcho@newmarket.ca)>; Nagulan, Janany <[jnagulan@newmarket.ca](mailto: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 [isitsafe@york.ca](mailto:isitsafe@york.ca) then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

Good evening 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

[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)

[www.newmarket.ca](http://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.

Walter and Leslie McGhee



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.

1. 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 by-laws 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**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

**Planning Report**

TO: Committee of Adjustment  
 FROM: Janany Nagulan  
 Planner  
 DATE: 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 Zoning Standards For Residential Zones	A minimum side yard setback of 1.8m for structures beyond 5.7m in height.	A minimum side yard setback of 1.5m for structures beyond 5.7m in height.
2	2010-40	Section 6.2.2 Zoning Standards for Residential Zones	A minimum rear yard setback of 7.5m.	A minimum rear yard setback of 1.2m.

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

The “Residential Areas” permits single detached dwellings 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.

### **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.

### **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

BOGART AVENUE (Not Open) BOGART AVENUE (By Registered Plan 117)

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

PN 03011 - 0000

# SKETCH TO ILLUSTRATE PRELIMINARY

SCALE 1:200

5 4 3 2 1 0 5 10 Metres

LLOYD & PURCELL A DIVISION OF SCHAEFER DZALDOV BENNETT LTD.

## GEOGRAPHIC NOTE

LOT 10  
REGISTERED PLAN 373  
TOWN OF NEWMARKET  
REGIONAL MUNICIPALITY OF YORK

## BENCH MARK

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE TOWN OF NEWMARKET BENCHMARK N° 8 HAVING A PUBLISHED ELEVATION OF 262.500 (CVD 28.78) METRES.

## METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

## NOTES

1. ALL FOOTING FORMWORK ELEVATION ARE TO BE CONFIRMED BY A REGISTERED PROFESSIONAL ENGINEER OR A REGISTERED ONTARIO LAND SURVEYOR PRIOR TO THE PLACING OF ANY CONCRETE.
2. PRIOR TO THE SUPERSTRUCTURE WORKS PROCEEDING AND THE RELEASE OF THE COMPLETION STAGE PERMIT, THE OWNERS CONSULTANT MUST CERTIFY THAT THE TOP OF FOUNDATIONS IS IN CONFORMITY WITH THE GRADING PLAN REVIEWED BY THE TOWN.
3. ALL RAINWATER LEADERS & SCUPPER DRAINS TO DISCHARGE ONTO SPLASH PADS AT GROUND LEVEL.
4. THE INTENT OF THE EXISTING DRAINAGE PATTERN IN THE AREA OF THE SITE SHOULD BE MAINTAINED.
5. A 0.60M WIDE UNDISTURBED STRIP IS TO BE PROVIDED ALONG ALL BOUNDARIES WITH ADJACENT PROPERTIES.
6. ALL FRONT AND REAR YARDS SHALL BE GRADED AT A 1.5% GRADE WITHIN 6.0M OF THE DWELLING UNIT.
7. MAXIMUM DRIVEWAY SLOPE SHALL BE 6% UNLESS OTHERWISE SHOWN.
8. ALL YARD AREAS SHALL RECEIVE A MINIMUM 100mm OF TOP SOIL PLUS SOD.
9. THE MAXIMUM ALLOWABLE SLOPE IS 3:1 (HORIZONTAL TO VERTICAL) WITH A MAXIMUM ELEVATION DIFFERENCE OF 400MM.
10. SILTATION CONTROL METHODS SHALL BE USED AROUND LOT PERIMETER TO PREVENT EROSION OR SILTATION.
11. MINIMUM DEPTH OF SHALES AROUND PROPERTY TO BE 100MM.
12. THE OWNER SHALL CONTACT THE OPERATIONS SECTION OF THE ENGINEERING & PUBLIC WORKS DEPARTMENT AND MAKE ARRANGEMENTS NECESSARY FOR DRIVEWAY ACCESS AND SITE SERVICE CONNECTIONS.
13. THE OWNER SHALL CONTACT THE TOWN BUILDING SERVICES DIVISION A MINIMUM 48 HOURS IN ADVANCE OF CONSTRUCTION OF ANY RETAINING WALL DEEMED TO BE A "DESIGNATED STRUCTURE" IN ORDER TO ARRANGE FOR ANY NECESSARY INSPECTIONS.
14. NO TREES TO BE REMOVED WITHOUT PRIOR CONSENT FROM THE TOWN'S ARBORIST.
15. GRADING IS TO BE KEPT AS CLOSE TO THE PERIMETER OF THE DWELLING AS POSSIBLE.
16. ANY RETAINING WALLS GREATER THAN 1.0M WALL REQUIRE PROFESSIONAL ENGINEER DESIGN AND SIGN OFF.
17. THE OWNER IS RESPONSIBLE TO ENSURE ALL CONSTRUCTION ACTIVITY AND FINAL PRODUCT CONFORMS TO ALL TOWN BY-LAWS.
18. THIS DRAWING IS FOR GRADING PURPOSE ONLY, READ IN CONJUNCTION WITH APPROVED ARCHITECTURAL & STRUCTURAL DRAWINGS.
19. ANY DAMAGES TO MUNICIPAL SERVICES AND/OR ADJACENT PROPERTIES MUST BE RESTORED BY THIS HOMEOWNER AND/OR CONTRACTOR.
20. THE AVERAGE GRADE IS 245.04.

## CAUTION

THIS IS NOT A PLAN OF SURVEY. INFORMATION HAS BEEN DERIVED FROM A SURVEYOR'S REAL PROPERTY REPORT WITH TOPOGRAPHY BY LLOYD & PURCELL A DIVISION OF SCHAEFER DZALDOV BENNETT LTD DATED JANUARY 14, 2021 (FILE NO. N1-373-10) AND HAS NOT BEEN CONFIRMED IN THE FIELD.

THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR ANY REAL ESTATE TRANSACTIONS.

## SURVEYOR'S CERTIFICATE

I HAVE REVIEWED THIS SITE PLAN FOR THE DETACHED GARAGE AT NO. 753 SINGLEY STREET  
IT IS MY BELIEF THAT THE GRADES AS SHOWN WILL PRODUCE ADEQUATE SURFACE DRAINAGE WITHOUT DETRIMENTAL EFFECT ON ADJACENT PROPERTIES.

JANUARY 18, 2021

T.M. PURCELL  
ONTARIO LAND SURVEYOR

## LOT GRADING PLAN (PREPARED FOR JEFF ALLAN)

© COPYRIGHT 2021 LLOYD & PURCELL. THE REPRODUCTION, ALTERATION, OR USE OF THIS PLAN, IN WHOLE OR IN PART, WITHOUT THE EXPRESS PERMISSION OF LLOYD & PURCELL, A DIVISION OF SCHAEFER DZALDOV BENNETT LTD, IS STRICTLY PROHIBITED.

LLOYD & PURCELL  
A DIVISION OF SCHAEFER DZALDOV BENNETT LTD.  
ONTARIO LAND SURVEYORS

2226 CORDHAM STREET, UNIT 30, NEWMARKET, ONTARIO, L3Y 6E1  
(905) 899-6476 Fax (905) 899-8557 EMAIL: lp@lloydandpurcell.com  
TOLL FREE 1 888 775-6560  
WWW.LLOYDANDPURCELL.COM



STANDARD SILTATION  
CONTROL FENCE



NMS - 502.00

CAD: DL  
CALC: RMK  
PG: LM  
CHK'D: TMP  
JOB: 21-036  
FILE: N1-373-10-1



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.Sc.,  
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 <bkwapis@newmarket.ca>; Bisanz, Christina <cbisanz@newmarket.ca>; Simon, Grace <gsimon@newmarket.ca>; Broome, Kelly <kbroome@newmarket.ca>; Twinney, Jane <jtwinney@newmarket.ca>; Morrison, Trevor <tmorrison@newmarket.ca>; Sharma, Jag <jsharma@newmarket.ca>; Noehammer, Peter <pnoehammer@newmarket.ca>; Unger, Jason <junger@newmarket.ca>; Potter, David <dpotter@newmarket.ca>; Prudhomme, Rachel <rprudhomme@newmarket.ca>; Majdi, Sepideh <smajdi@newmarket.ca>; Schell, Ryan <rschell@cyfs.ca>; Villanueva, Lawrence <lvillanueva@newmarket.ca>; Lyons, Lisa <llyons@newmarket.ca>; Saini, Kiran <ksaini@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>; Laura Tafreshi <L.Tafreshi@lsrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Shane Jobber <shane@urbanforestinnovations.com>; Philip van Wassenauer <pwassenauer1022@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.

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.P.I**

Planner, Committee of Adjustment & Cultural Heritage

Secretary-Treasurer to the Committee of Adjustment

Planning and Building Services

[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)

[www.newmarket.ca](http://www.newmarket.ca)

Newmarket: A Community *Well* Beyond the Ordinary

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


**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**
**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953.5138

**M E M O R A N D U M**

**TO:** Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services  
**FROM:** Sepideh Majdi, P.Eng., Manager, Development Engineering  
**DATE:** 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

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, 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).

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 Wassenauer, B.Sc., MFC**  
ISA Certified Arborist ON-0361A  
Member – ASCA, SMA, SAG Baumstatik  
E: pwassenauer1022@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](http://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](mailto:gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)

---

**From:** Morton, Devon <[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)>  
**Sent:** Thursday, April 1, 2021 7:23 PM  
**To:** jtaylor <[jtaylor@newmarket.ca](mailto:jtaylor@newmarket.ca)>; Woodhouse, Victor <[vwoodhouse@newmarket.ca](mailto:vwoodhouse@newmarket.ca)>; Kwapis, Bob <[bkwapis@newmarket.ca](mailto:bkwapis@newmarket.ca)>; Bisanz, Christina <[cbisanz@newmarket.ca](mailto:cbisanz@newmarket.ca)>; Simon, Grace <[gsimon@newmarket.ca](mailto:gsimon@newmarket.ca)>; Broome, Kelly <[kbroome@newmarket.ca](mailto:kbroome@newmarket.ca)>; Twinney, Jane <[jtwinney@newmarket.ca](mailto:jtwinney@newmarket.ca)>; Morrison, Trevor <[tmorrison@newmarket.ca](mailto:tmorrison@newmarket.ca)>; Sharma, Jag <[jsharma@newmarket.ca](mailto:jsharma@newmarket.ca)>; Noehammer, Peter <[pnoehammer@newmarket.ca](mailto:pnoehammer@newmarket.ca)>; Unger, Jason <[junger@newmarket.ca](mailto:junger@newmarket.ca)>; Potter, David <[dpotter@newmarket.ca](mailto:dpotter@newmarket.ca)>; Prudhomme, Rachel <[rprudhomme@newmarket.ca](mailto:rprudhomme@newmarket.ca)>; Majdi, Sepideh <[smajdi@newmarket.ca](mailto:smajdi@newmarket.ca)>; Schell, Ryan <[rschell@cyfs.ca](mailto:rschell@cyfs.ca)>; Villanueva, Lawrence <[lvillanueva@newmarket.ca](mailto:lvillanueva@newmarket.ca)>; Lyons, Lisa <[llyons@newmarket.ca](mailto:llyons@newmarket.ca)>; Saini, Kiran <[ksaini@newmarket.ca](mailto:ksaini@newmarket.ca)>; rowcentre@bell.ca; Development Services <[developmentservices@york.ca](mailto:developmentservices@york.ca)>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew ([elew@sympatico.ca](mailto:elew@sympatico.ca)) <[elew@sympatico.ca](mailto:elew@sympatico.ca)>; Gino Vescio ([gvescio1951@yahoo.ca](mailto:gvescio1951@yahoo.ca)) <[gvescio1951@yahoo.ca](mailto:gvescio1951@yahoo.ca)>; Ken Smith ([khsmithis@rogers.com](mailto:khsmithis@rogers.com)) <[khsmithis@rogers.com](mailto:khsmithis@rogers.com)>; Michelle Starnes ([michs@rogers.com](mailto:michs@rogers.com)) <[michs@rogers.com](mailto:michs@rogers.com)>; Mohsen Alavi ([alavim@yorku.ca](mailto:alavim@yorku.ca)) <[alavim@yorku.ca](mailto:alavim@yorku.ca)>; Peter Mertens ([pmertens@bell.net](mailto:pmertens@bell.net)) <[pmertens@bell.net](mailto:pmertens@bell.net)>; Laura Tafreshi <[L.Tafreshi@lsrca.on.ca](mailto:L.Tafreshi@lsrca.on.ca)>; Mike Thibeault <[mikeufi@rogers.com](mailto:mikeufi@rogers.com)>; Shane Jobber <[shane@urbanforestinnovations.com](mailto:shane@urbanforestinnovations.com)>; Philip van Wassenauer <[pwassenauer1022@rogers.com](mailto:pwassenauer1022@rogers.com)>; Puccini, Lisa <[lpuccini@cyfs.ca](mailto:lpuccini@cyfs.ca)>  
**Cc:** Cammaert, Adrian <[acammaert@newmarket.ca](mailto:acammaert@newmarket.ca)>; Cho, Patricia <[pcho@newmarket.ca](mailto:pcho@newmarket.ca)>; Nagulan, Janany <[jnagulan@newmarket.ca](mailto: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 [isitsafe@york.ca](mailto:isitsafe@york.ca) then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

Good evening 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

[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)

[www.newmarket.ca](http://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)  
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 <bkwapis@newmarket.ca>; Bisanz, Christina <cbisanz@newmarket.ca>; Simon, Grace <gsimon@newmarket.ca>; Broome, Kelly <kbroome@newmarket.ca>; Twinney, Jane <jtwinney@newmarket.ca>; Morrison, Trevor <tmorrison@newmarket.ca>; Sharma, Jag <jsharma@newmarket.ca>; Noehammer, Peter <pnoehammer@newmarket.ca>; Unger, Jason <junger@newmarket.ca>; Potter, David <dpotter@newmarket.ca>; Prudhomme, Rachel <rprudhomme@newmarket.ca>; Majdi, Sepideh <smajdi@newmarket.ca>; Schell, Ryan <rschell@cyfs.ca>; Villanueva, Lawrence <lvillanueva@newmarket.ca>; Lyons, Lisa <llyons@newmarket.ca>; Saini, Kiran <ksaini@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; christian.singh@ontario.ca; gcreta@envinetwork.com; Elizabeth Lew (elew@sympatico.ca) <elew@sympatico.ca>; Gino Vescio (gvescio1951@yahoo.ca) <gvescio1951@yahoo.ca>; Ken Smith (khsmithis@rogers.com) <khsmithis@rogers.com>; Michelle Starnes (michs@rogers.com) <michs@rogers.com>; Mohsen Alavi (alavim@yorku.ca) <alavim@yorku.ca>; Peter Mertens (pmertens@bell.net) <pmertens@bell.net>; Laura Tafreshi <L.Tafreshi@lsrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Shane Jobber <shane@urbanforestinnovations.com>; Philip van Wassenauer <pwassenauer1022@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.

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.P.I**

Planner, Committee of Adjustment & Cultural Heritage

Secretary-Treasurer to the Committee of Adjustment

Planning and Building Services

[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)

[www.newmarket.ca](http://www.newmarket.ca)

Newmarket: A Community *Well* Beyond the Ordinary

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


**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**
**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953.5138

**M E M O R A N D U M**

**TO:** Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services  
**FROM:** Sepideh Majdi, P.Eng., Manager, Development Engineering  
**DATE:** 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 PI**

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.  
 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, 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).

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 Wassenauer, B.Sc., MFC**  
ISA Certified Arborist ON-0361A  
Member – ASCA, SMA, SAG Baumstatik  
E: pwassenauer1022@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](http://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](mailto:gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)

---

**From:** Morton, Devon <[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)>  
**Sent:** Thursday, April 1, 2021 7:23 PM  
**To:** jtaylor <[jtaylor@newmarket.ca](mailto:jtaylor@newmarket.ca)>; Woodhouse, Victor <[vwoodhouse@newmarket.ca](mailto:vwoodhouse@newmarket.ca)>; Kwapis, Bob <[bkwapis@newmarket.ca](mailto:bkwapis@newmarket.ca)>; Bisanz, Christina <[cbisanz@newmarket.ca](mailto:cbisanz@newmarket.ca)>; Simon, Grace <[gsimon@newmarket.ca](mailto:gsimon@newmarket.ca)>; Broome, Kelly <[kbroome@newmarket.ca](mailto:kbroome@newmarket.ca)>; Twinney, Jane <[jtwinney@newmarket.ca](mailto:jtwinney@newmarket.ca)>; Morrison, Trevor <[tmorrison@newmarket.ca](mailto:tmorrison@newmarket.ca)>; Sharma, Jag <[jsharma@newmarket.ca](mailto:jsharma@newmarket.ca)>; Noehammer, Peter <[pnoehammer@newmarket.ca](mailto:pnoehammer@newmarket.ca)>; Unger, Jason <[junger@newmarket.ca](mailto:junger@newmarket.ca)>; Potter, David <[dpotter@newmarket.ca](mailto:dpotter@newmarket.ca)>; Prudhomme, Rachel <[rprudhomme@newmarket.ca](mailto:rprudhomme@newmarket.ca)>; Majdi, Sepideh <[smajdi@newmarket.ca](mailto:smajdi@newmarket.ca)>; Schell, Ryan <[rschell@cyfs.ca](mailto:rschell@cyfs.ca)>; Villanueva, Lawrence <[lvillanueva@newmarket.ca](mailto:lvillanueva@newmarket.ca)>; Lyons, Lisa <[llyons@newmarket.ca](mailto:llyons@newmarket.ca)>; Saini, Kiran <[ksaini@newmarket.ca](mailto:ksaini@newmarket.ca)>; [rowcentre@bell.ca](mailto:rowcentre@bell.ca); Development Services <[developmentservices@york.ca](mailto:developmentservices@york.ca)>; [christian.singh@ontario.ca](mailto:christian.singh@ontario.ca); [gcreta@envinetwork.com](mailto:gcreta@envinetwork.com); Elizabeth Lew ([elew@sympatico.ca](mailto:elew@sympatico.ca)) <[elew@sympatico.ca](mailto:elew@sympatico.ca)>; Gino Vescio ([gvescio1951@yahoo.ca](mailto:gvescio1951@yahoo.ca)) <[gvescio1951@yahoo.ca](mailto:gvescio1951@yahoo.ca)>; Ken Smith ([khsmithis@rogers.com](mailto:khsmithis@rogers.com)) <[khsmithis@rogers.com](mailto:khsmithis@rogers.com)>; Michelle Starnes ([michs@rogers.com](mailto:michs@rogers.com)) <[michs@rogers.com](mailto:michs@rogers.com)>; Mohsen Alavi ([alavim@yorku.ca](mailto:alavim@yorku.ca)) <[alavim@yorku.ca](mailto:alavim@yorku.ca)>; Peter Mertens ([pmertens@bell.net](mailto:pmertens@bell.net)) <[pmertens@bell.net](mailto:pmertens@bell.net)>; Laura Tafreshi <[L.Tafreshi@lsrca.on.ca](mailto:L.Tafreshi@lsrca.on.ca)>; Mike Thibeault <[mikeufi@rogers.com](mailto:mikeufi@rogers.com)>; Shane Jobber <[shane@urbanforestinnovations.com](mailto:shane@urbanforestinnovations.com)>; Philip van Wassenauer <[pwassenauer1022@rogers.com](mailto:pwassenauer1022@rogers.com)>; Puccini, Lisa <[lpuccini@cyfs.ca](mailto:lpuccini@cyfs.ca)>  
**Cc:** Cammaert, Adrian <[acammaert@newmarket.ca](mailto:acammaert@newmarket.ca)>; Cho, Patricia <[pcho@newmarket.ca](mailto:pcho@newmarket.ca)>; Nagulan, Janany <[jnagulan@newmarket.ca](mailto: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 [isitsafe@york.ca](mailto:isitsafe@york.ca) then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

Good evening 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

[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)

[www.newmarket.ca](http://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 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, 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;**
2. **conforms to the general intent and purpose of the Official Plan and Zoning By-law; and**
3. **is considered a desirable development of the lot.**

**Carried**

#### **4.2 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 By-law 2010-40, as amended:

1. Relief from Section 6.2.2 Zone Standards to permit a 1.2 m interior side yard whereas the By-law requires a 1.8 m interior side yard.
2. Relief from Section 6.2.2 Zone Standards to permit a 4.5 m front yard whereas the By-law requires that the minimum front yard be one metre



less than the average of the front yard of adjacent dwellings located within 60 metres, of the subject property on the same road, but shall not be closer to the street line than 3m.

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 By-law 2010-40, as amended:

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

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;**

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**

#### **4.4 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 By-law 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:

1. Relief from Section 4.14.1 Landscape Buffers for Parking Lots to permit a landscape buffer area to be occupied by a retaining wall whereas the By-law requires that such buffer areas shall not be used for any other purpose other than vegetative landscaping.



2. Relief from Section 4.14.1 Landscape Buffers for Parking Lots to permit a minimum 6.0 metre wide landscape buffer in the front yard whereas the By-law requires a minimum 12.0 metre wide landscape buffer in the front yard.
3. Relief from Section 4.14.1 Landscape Buffers for Parking Lots to permit a minimum 1.5 metre wide landscape buffer contained in the retaining wall of the side and rear yard whereas the By-law requires a minimum 3 metre wide landscape buffer in the side and rear yard.
4. Relief from Section 6.5.2 Zone Standards to permit a minimum front yard of 6.0 metres whereas the By-law requires a minimum front yard of 12.0 metres.

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 18<sup>th</sup>, 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.

Moved by: Peter Mertens  
Seconded by: Seyedmohsen Alavi  
That the meeting be adjourned.

**Carried**

---

Chair

---

Date