



# Town of Newmarket

## Agenda

### Committee of Adjustment

Date: May 19, 2021  
Time: 9:30 AM  
Location: Electronic VIA ZOOM  
See How to Login Guide

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<b>1. Public Notice</b>	1
At this time, the Municipal Offices remain closed to the public. This meeting will be streamed live at <a href="http://newmarket.ca/meetings">newmarket.ca/meetings</a> .	
<b>2. Conflict of Interest Declarations</b>	
<b>3. Appeals</b>	
Nil	
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Shining Hill Estates Collection Inc.

LOT 13, PLAN 65M3724, NEWMARKET

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Qureshi, Hashim Zia & Qureshi, Fatima

1127 Grainger Trail, Newmarket, ON

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ENTRY AS IN YR2757325 TOWN OF NEWMARKET

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Hassani, Iman

367 Silken Laumann Drive, Newmarket, ON

PCL 36-1 SEC 65M3124; LT 36 PL 65M3124; T/W PT LT 88 CON 1  
PTS 8, 9, 10 65R14976 AS IN B1599B; T/W PT LT 88 CON 1 PTS  
11, 12, 13 65R14976 AS IN B19821B ; NEWMARKET. S/T RT  
PRIOR TO THE EARLIER OF 10 YRS FROM 99/03/22 OR THE  
DATE OF COMPLETE ACCEPTANCE BY

- 6.4. Minor Variance Application D13-A17-21 52

Leach, Steven

239 Pine Street, Newmarket, ON

PT LT 6 S/S LYDIA ST PL 85 NEWMARKET; PT LT 7 S/S LYDIA  
ST PL 85 NEWMARKET; PT LT 8 S/S LYDIA ST PL 85  
NEWMARKET AS IN R592066 ; NEWMARKET

## 7. Adjournment

1

# 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 via ZOOM.

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

**Meeting:** Committee of Adjustment  
**Date:** Wednesday, May 19th, 2021 at 9:30 AM  
**Location:** Electronic VIA ZOOM Meeting

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

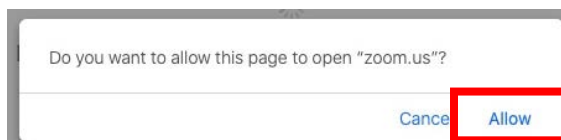
1

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

<https://townofnewmarket.zoom.us/j/94659480564?pwd=OTNJTnlCdmhJaTM3Vzdrbk4wVXRCQT09>

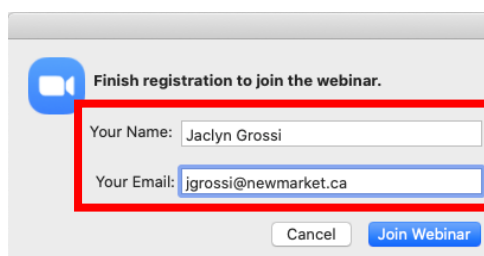
2

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



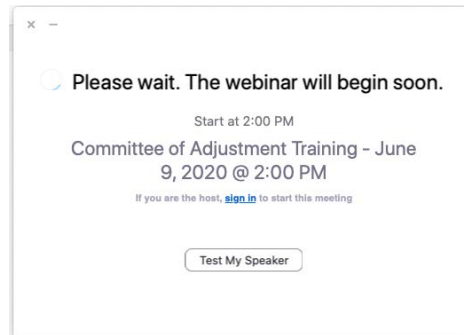
3

**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:

Webinar ID: 946 5948 0564 followed by #

There is no Participant ID, just press #

Passcode: 305105 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, until you are invited to speak/offer comment)**
- ✓ 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



# Town of Newmarket

## Minutes

### Committee of Adjustment

Date: Wednesday, April 21, 2021

Time: 9:30 AM

Location: Electronic VIA ZOOM  
See How to Login Guide

Members Present: Gino Vescio, Chair  
Seyedmohsen Alavi, Member  
Elizabeth Lew, Member  
Peter Mertens, Member  
Ken Smith, Member

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

#### 1. Notice

The Chair gave notice.

#### 2. Conflict of Interest Declarations

Elizabeth Lew declared a conflict of interest related to Minor Variance Application D13-A10-21

#### 3. Appeals

None.

#### 4. Items

##### 4.1 Consent Application D10-B02-21

Birock Investments Inc. 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.

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.

Ms. Knight, Planner, MHBC, indicated she will be representing Consent application D10-B02-21 as the Authorized Agent.

Ms. Knight explained the purpose and effect of the application.

Ms. Lew questioned if further relief through Minor Variances would be required to accommodate the proposal.

Ms. Knight indicated no further relief through Minor Variances would be required.

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. Planning Report from Patricia Cho, Planner, dated April 15<sup>th</sup>, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated April 14<sup>th</sup>, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated April 8<sup>th</sup>, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated April 8<sup>th</sup>, 2021.
5. Email correspondence from Bell Canada, dated April 7<sup>th</sup>, 2021.
6. Peer Review, Urban Forest Innovations, dated April 13<sup>th</sup>, 2021.

Moved by: Ken Smith, Member

Seconded by: Seyedmohsen Alavi, Member

**That Consent Application D10-B02-21 be granted, subject to the following conditions:**

1. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
  - a. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;
  - b. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted; and,
  - c. the required transfer to effect the severance and conveyance(s).
2. 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,
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

**Carried**

#### **4.2 Minor Variance Application D13-A10-21**

Elizabeth Lew declared a conflict on this item.

The applicant is proposing 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%.

Mr. Fairbrother indicated he will be representing Minor Variance application D13-A10-21.

Mr. Fairbrother 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. Planning Report from Janany Nagulan, Planner, dated April 15<sup>th</sup>, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated April 14<sup>th</sup>, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated April 8<sup>th</sup>, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated April 11<sup>th</sup>, 2021.
5. Peer Review, Urban Forest Innovations, dated April 13<sup>th</sup>, 2021.

Moved by: Seyedmohsen Alavi, Member

Seconded by: Ken Smith, Member

**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.**

**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-A11-21**

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.

The applicant was not present to represent Minor Variance application D13-A11-21.

Mr. Coates, 823 Grace Street, expressed safety concerns related to the height of the existing fence and sightlines as the subject property is a corner lot.

Mr. Coates further expressed concerns related to the noise associated with the installation and use of the pool.

Mr. Mertens questioned the extent of the relief requested through the application.

Ms. Nagulan, the Planner, explained the extent of the relief requested through the application.

Ms. Ross, 828 Grace Street, supported Mr. Coates concerns and expressed concerns related to the height of the existing fence.

Ms. Ross expressed concerns related to the location of the proposed hot tub.

Ms. Nagulan, the Planner, indicated that the hot tub is not a matter before the Committee.

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. Planning Report from Janany Nagulan, Planner, dated April 15<sup>th</sup>, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated April 14<sup>th</sup>, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated April 8<sup>th</sup>, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated April 11<sup>th</sup>, 2021.
5. Peer Review, Urban Forest Innovations, dated April 13<sup>th</sup>, 2021.
6. Letter of Opposition, Barry Coates and David Coates, 823 Grace Street, dated April 16<sup>th</sup>, 2021.
7. Letter of Opposition, Christopher Pitre and Corrine Liu, 821 Grace Street, dated April 16<sup>th</sup>, 2021.

8. Letter of Opposition, Everett Kent and Diane Kent, 825 Grace Street, dated April 12<sup>th</sup>, 2021
9. Letter of Opposition, Walter McGhee and Leslie McGhee, 827 Grace Street, dated April 14<sup>th</sup>, 2021

Moved by: Peter Mertens, Member

Seconded by: Ken Smith, Member

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

1. **That the variance pertains only to the request as submitted with the application; and**
2. **That Variances 2, 3, and 4 be refused; and**
3. **That the extent of Variance 1 be developed substantially in accordance with the plans submitted with the application; 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; 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**

#### **4.4 Minor Variance Application D13-A12-21**

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.

Mr. Campbell indicated he will be representing Minor Variance application D13-A12-21.

Mr. Campbell explained the extent of the relief requested.

Ms. Lew questioned the use of the proposed garage.

Mr. Campbell indicated the garage would be used for storage.

Aaron Gillard, Larkin+ land use planners inc., indicated he is representing Bateman, Graham and Fitzpatrick, Chartered Professional Accountants, at 757 Bogart Avenue.

Mr. Gillard requested the proposed garage have regard to community and safety design standards.

Mr. Gillard requested the addition of a condition that would eliminate access to the proposed garage from Bogart Avenue.

Ms. Nagulan, Planner, indicated Bogart Avenue is a public road and expressed no concern in providing access to the proposed garage from Bogart Avenue.

Mr. Gillard gave a presentation that highlighted safety concerns related to the location of the proposed garage, sightlines and driveway/traffic conflicts.

Mr. Alavi questioned if Mr. Gillard's client would require similar relief related to their proposal in the future.

Mr. Gillard indicated similar relief may be requested.

Mr. Campbell indicated there is adequate room to accommodate safety concerns, sufficient sightlines exist and access from Bogart has been provided since the home was constructed.

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. Planning Report from Janany Nagulan, Planner, dated April 16<sup>th</sup>, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated April 14<sup>th</sup>, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated April 8<sup>th</sup>, 2021.
4. Email correspondence from Gabrielle Hurst, Community Planning and Development Services, Region of York, dated April 11<sup>th</sup>, 2021.
5. Email correspondence from Laura Tafreshi, Planner I, Lake Simcoe Region Conservation Authority, dated April 20<sup>th</sup>, 2021.
6. Peer Review, Urban Forest Innovations, dated April 13<sup>th</sup>, 2021.
7. Letter of Support, Betty Sanderson, 743 Srigley Street, dated April 10<sup>th</sup>, 2021.
8. Letter of Support, Bonnie Baber, 747 Srigley Street, dated April 17<sup>th</sup>, 2021.
9. Letter of Support, Rachel Swain, 138 Roxborough Street, dated April 11<sup>th</sup>, 2021.
10. Letter of Opposition, Aaron Gillard, LARKIN+ land use planners inc., dated April 19<sup>th</sup>, 2021.
11. Traffic Opinion Letter, Casey Ge, CGE Transportation Consulting, dated April 16<sup>th</sup>, 2021.

Moved by: Seyedmohsen Alavi, Member

Seconded by: Peter Mertens, Member

**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.**

**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**

#### **4.5 Minor Variance Application D13-A13-21**

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.

Mr. Shih indicated he will be representing Minor Variance application D13-A13-21.

Mr. Shih explained that he concurs with deferral.

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

1. Planning Report from Patricia Cho, Planner, dated April 16<sup>th</sup>, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated April 14<sup>th</sup>, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated April 8<sup>th</sup>, 2021.

4. Email correspondence from Gabrielle Hurst, Community Planning and Development Services, Region of York, dated April 11<sup>th</sup>, 2021.
5. Peer Review, Urban Forest Innovations, dated April 13<sup>th</sup>, 2021.

Moved by: Elizabeth Lew, Member

Seconded by: Ken Smith, Member

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

**Carried**

## **5. Approval of Minutes**

### **5.1 Minutes of the regular meeting held on Wednesday, March 24th, 2021**

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

Moved by: Elizabeth Lew, Member

Seconded by: Seyedmohsen Alavi, Member

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

**Carried**

## **6. Adjournment**

The meeting was adjourned.

Moved by: Peter Mertens, Member

Seconded by: Ken Smith, Member

**That the meeting be adjourned.**

**Carried**

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Chair



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Secretary-Treasurer

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Date


**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: May 14, 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

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**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. Engineering Services has also noted that there is a deficiency with the rear decks steps that is to be repaired by the builder which is delaying the lot grading certification. 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


**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**
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**M E M O R A N D U M**

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

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

DATE: May 12, 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 and any changes to the certified lot grading shall be coordinated with the Builder prior to assumption of the subdivision.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES**

Sepideh Majdi, P.Eng.

## Manager, Development Engineering

SM: BB, File No.: SM0030

## Morton, Devon

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**From:** Potter, David  
**Sent:** May 13, 2021 2:19 PM  
**To:** Morton, Devon  
**Cc:** Corrigan, Wendy; Larmer, Jennifer  
**Subject:** RE: Committee of Adjustment - Notice of Application Circulation (May 19th, 2021)

Hi Devon:

Please see comment below (in blue).

Cheers  
 Dave

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**From:** Morton, Devon <[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)>  
**Sent:** April 29, 2021 6:37 PM  
**To:** Taylor, John <[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@envinetnetwork.com](mailto:gcreta@envinetnetwork.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)>  
**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 Circulation (May 19th, 2021)

Good evening,

The next virtual Committee of Adjustment hearing will be held on Wednesday, May 19<sup>th</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

- D13-A13-21 – 40 Birkdale Place (WARD 7) \*\*\***Deferred from April's hearing**\*\*\*  
*The applicant is proposing a sunroom addition to the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code.***
- D13-A14-21 – Lot 13, Shining Hill (WARD 6)  
*The applicant is proposing construction of new, semi-detached dwellings. **No Comment***
- D13-A15-21 – 1127 Grainger Trail (WARD 1)  
*The applicant is proposing the addition of an 'Accessory Dwelling Unit' within the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code***
- D13-A16-21 – 367 Silken Laumann Drive (WARD 1)  
*The applicant is proposing the addition of an 'Accessory Dwelling Unit' within the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code***

- D13-A17-21 – 239 Pine Street (WARD 2)

*The applicant is proposing construction of a new, detached, 2-car garage. **No Objections subject to compliance with the Ontario Building Code***

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Thursday, May 13<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:443/share.cgi?ssid=01TzJRZ>

Please let me know if you have any questions.

Thank you,



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

Planner, Committee of Adjustment & Cultural Heritage  
Secretary-Treasurer to the Committee of Adjustment  
Planning and Building Services  
[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)  
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***Please note that I am working remotely due to the COVID-19 pandemic and can be reached by email.***



## PLANNING AND BUILDING SERVICES

**Town of Newmarket**

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### Planning Report

To: Committee of Adjustment

From: Patricia Cho  
Planner

Date: May 14, 2021

Re: Application for Minor Variance D13-A14-2021  
LOT 13, PLAN 65M3724  
Town of Newmarket  
Made by: Shining Hill Estates Collection Inc.

#### 1. Recommendations:

That Minor Variance Application D13-A14-2021 be approved, subject to the following conditions:

- i. That the variance pertains only to the request as submitted with the application;
- ii. That the development be substantially in accordance with the information submitted with the application; and,
- iii. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

#### 2. Background:

The above-described property (herein referred to as the “subject lands”) is located west of Yonge Street between Isaac Philipps Way and Kalinda Road. The subject lands are located between registered plan 65M3742 (also known as the former Great Gulf Development) and the Draft Approved Shining Hill Phase 1 lands (19T-2018-001). The lands are subject to approved Official Plan and Zoning By-law Amendments (OPA 21 and ZBA 2018-17), in addition to a draft approved Plan of Subdivision (19T-2018-001), for the development of townhouses and semi-detached dwellings.

The lands subject to the variance application are highlighted in red on the context map provided below. These lands are located within the former Great Gulf Development and were purchased in 2020 by the current owner of the lands to the south, Shining Hill Estates Collection Inc. As the northern lands were purchased by the applicant in 2020, the part lots were not subject to the 2018 approved Zoning By-law Amendment. As such, the applicant applied for minor variances to the Committee of Adjustment (our file nos. D13-A05-20 to D13-A09-20) and were granted the same zone standards that were approved for the lands to the south in 2018. During the review stage for the applicant's building permit application, it was identified that there was a deficiency in the front yard setback.



### 3. 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 permit the proposed semi-detached dwelling. The description of the proposed variance is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.2.2 Zone Standard s for Residenti al Zones	A minimum front yard setback of 4.5 metres.	A minimum front yard setback of 4.0 metres.

### 4. Planning considerations:

In order to authorize a variance, Committee must be satisfied that the requested variance passes the four tests required by the Planning Act. In this regard, staff offer the following comments:

#### Conformity with the general intent of the Official Plan

The subject lands are designated "Emerging Residential" in the Town's Official Plan, through Official Plan Amendment 21, approved by Council in 2018. This designation permits a range of residential accommodation built forms. Regarding this designation, the Town's Official Plan states:



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

- a) provide for a range of residential accommodation by housing type, tenure, size, location and price ranges to help satisfy the Town's housing needs; and,
- b) encourage the provision for a range of innovative and affordable housing types, zoning standards and subdivision designs.

This designation permits, among other uses, single- and semi-detached dwellings, as well as rowhouses and townhouses, subject to a review of the proposed densities as a part of the application process.

The subject lands were subject to an Official Plan and Zoning By-law Amendment in 2018, which included the submission of various studies and reports, including a planning justification report which looked at compatibility of the proposed development.

In Staff Report 2018-16 staff found that the proposed townhouses and semi-detached dwelling development was compatible with the surrounding uses being single and semi-detached dwellings to the immediate north. Council approved the Official Plan and Zoning By-law Amendment in 2018.

The application is found to conform to the Official Plan as semi-detached dwellings and townhouses are permitted within the "Emerging Residential" designation. This test is met.

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

The subject lands are zoned Residential Semi-Detached Dwelling (R2-H) Zone by By-law 2010-40, as amended. Semi-detached dwellings are permitted uses in this zone.

The requested variance is looking to apply similar zone standards that are currently established for the lands to the south (R4-R-143) Zone, to the northern (R2-H Zone) lands. Currently in the By-law, the R2-H Zone requires a minimum front yard setback of 4.5 metres. The R4-R-143 Zone requires a minimum front yard setback of 4.0 metres and this setback was approved through By-law 2018-17. The general intent of front yard setbacks is to ensure that a consistent character is maintained along streetscapes and that sufficient front yard space is incorporated into the design of neighbourhoods. Front yard setbacks also ensure that adequate separation is achieved between buildings and roadways.

In staff opinion, the requested front yard setback of 4.0 metres will allow a consistent development design with the lands to the south and conforms to the general intent of the Zoning By-law. This test is met.

#### **Desirable for the appropriate development of the land**

The variances are considered desirable for the development and the use of the land in that it is desirable to develop the lands in a consistent way with the approved development to the south, in accordance with the Official Plan and the Zoning By-law. This will allow the applicant to suit their needs without impact to neighbours or the community.

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

#### **Minor nature of the variance**

The proposed variance is considered minor in nature as it would allow the development of the lot which does not significantly vary from the requirements of the current zoning. The proposed variance will result in development that is consistent with the previously approved development to the south.

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

**5. 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 regard to this application.

Engineering Services defers comments to the Planning Department and does not object to this application.

The Region of York has no comment with regard to this application.

**Effect of Public Input**

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

**6. Conclusions:**

The relief as requested:

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

Respectfully submitted,



Patricia Cho, HBA, MSc. (Pln)  
Planner

## Morton, Devon

---

**From:** Potter, David  
**Sent:** May 13, 2021 2:19 PM  
**To:** Morton, Devon  
**Cc:** Corrigan, Wendy; Larmer, Jennifer  
**Subject:** RE: Committee of Adjustment - Notice of Application Circulation (May 19th, 2021)

Hi Devon:

Please see comment below (in blue).

Cheers

Dave

---

**From:** Morton, Devon <[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)>  
**Sent:** April 29, 2021 6:37 PM  
**To:** Taylor, John <[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)>  
**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 Circulation (May 19th, 2021)

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*The applicant is proposing construction of new, semi-detached dwellings. **No Comment***
- D13-A15-21 – 1127 Grainger Trail (WARD 1)  
*The applicant is proposing the addition of an 'Accessory Dwelling Unit' within the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code***
- D13-A16-21 – 367 Silken Laumann Drive (WARD 1)  
*The applicant is proposing the addition of an 'Accessory Dwelling Unit' within the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code***

- D13-A17-21 – 239 Pine Street (WARD 2)

*The applicant is proposing construction of a new, detached, 2-car garage. **No Objections subject to compliance with the Ontario Building Code***

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Thursday, May 13<sup>th</sup>, 2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

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<https://tonfileshare.newmarket.ca:443/share.cgi?ssid=01TzJRZ>

Please let me know if you have any questions.

Thank you,



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

Planner, Committee of Adjustment & Cultural Heritage  
 Secretary-Treasurer to the Committee of Adjustment  
 Planning and Building Services  
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**M E M O R A N D U M**

**TO:** Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services  
**FROM:** Sepideh Majdi, P.Eng., Manager, Development Engineering  
**DATE:** May 12, 2021  
**RE:** Application for Minor Variance  
 Made by: Shining Hill Estates Collection Inc.  
 File No.: D13-A14-21  
 LOT 13, PLAN 65M3724, NEWMARKET  
 Town of Newmarket Ward 6  
**Engineering Services File No.: R. Shining Hills**

We herein acknowledge receipt of the Application for Minor Variance wherein 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 4.0 m front yard whereas the By-law requires a 4.5 m front yard.

We have no objection to the proposed relief, however, it is our opinion that Engineering should defer comments to the Planning Department on minimum front yard and driveway length requirements.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES**

Sepideh Majdi, P.Eng.  
 Manager, Development Engineering

SM: BB, File No.: SM0032

## Morton, Devon

---

**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** May 6, 2021 9:02 AM  
**To:** Morton, Devon  
**Subject:** RE: D13-A14-21 Committee of Adjustment - Notice of Application Circulation (May 19th, 2021)

Good morning 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)

- **D13-A14-21 – Lot 13, Shining Hill (WARD 6)**  
*The applicant is proposing construction of new, semi-detached dwellings.*
- **D13-A15-21 – 1127 Grainger Trail (WARD 1)**  
*The applicant is proposing the addition of an ‘Accessory Dwelling Unit’ within the existing residential dwelling.*
- **D13-A16-21 – 367 Silken Laumann Drive (WARD 1)**  
*The applicant is proposing the addition of an ‘Accessory Dwelling Unit’ within the existing residential dwelling.*
- **D13-A17-21 – 239 Pine Street (WARD 2)**  
*The applicant is proposing construction of a new, detached, 2-car garage.*

The Committee requests your advice and comments on these matters.

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Please let me know if you have any questions.

Thank you,

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

Planner, Committee of Adjustment & Cultural Heritage  
Secretary-Treasurer to the Committee of Adjustment  
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**Planning Report**

To: Committee of Adjustment

From: Janany Nagulan  
Planner

Date: May 14, 2021

Re: Application for Minor Variance D13-A15-21  
1127 Grainger Trail  
Town of Newmarket  
Made by: QURESHI, Hashim Zia & QURESHI, Fatima

**1. Recommendations:**

That Minor Variance Application D13-A15-21 be approved, subject to the following conditions:

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

**2. Application:**

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, to vary the minimum number of off- street parking spaces required for a single detached residential dwelling to permit a new Accessory Dwelling-Unit (ADU). The description of the proposed variance is below.

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

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

The above-described property (herein referred to as the “subject property”) is located in a residential neighbourhood, west of Highway 404 and south of Mulock Drive. There is an existing single-detached residence on the property, and it is abutted by similar single –detached homes.



### 3. Planning considerations:

The request for variance is to permit a reduction in the minimum number of off-street parking spaces required to create a legal ADU in the existing single detached dwelling located at 1127 Grainger Trail. However, provincial legislation requires a total of three exterior parking spaces for a single detached dwelling with an ADU. The application was submitted as the current driveway length cannot accommodate the required number of minimum exterior parking spaces, therefore a variance is required to recognize one parking space in the existing garage.

In order to authorize a variance, Committee must be satisfied that the requested variance passes the four tests required by the Planning Act. In this regard, staff offer the following comments:

#### **Conformity with the general intent of the Official Plan**

The subject property is designated "Residential Areas" in the Official Plan. This designation permits a range of residential accommodation built form types. Regarding this designation, the Town's Official Plan states:

It is the objective of the Residential Area policies to:

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

The Official Plan permits Accessory Dwelling Units in single-detached dwellings as per the provisions of the Zoning By-law. It also encourages a range residential accommodations and affordable housing types. Subject to the recommended conditions of approval, the requested variance is considered to conform to the Official Plan and therefore, this test is met.

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

The subject property is zoned Residential Detached Dwelling 13.7m Zone (R1-E1) according to By-law 2010-40, as amended. Single-detached dwellings and accessory dwelling units are permitted uses in this zone.

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

required to provide parking spaces exterior of any garage or structure. Therefore the parking requirement is three (3) outdoor parking spaces.

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

The variance requested maintains the general intent of the zoning by-law. This test is met.

#### **Desirable for the appropriate development of the land**

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

#### **Minor nature of the variance**

The impact of the proposed variance appears to be minimal as the potentially increased number of vehicles generated by the accessory unit can still be accommodated on site, either by the existing two exterior spaces and by the reserved parking space in the garage that is required by the proposed condition.

In consideration of the above, the proposed variance is deemed to meet the four tests under the Planning Act and is recommended to be approved subject to conditions.

#### **4. Other comments:**

##### **Heritage**

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

##### **Commenting agencies and departments**

Comments have not been provided by Building Services.

Engineering has deferred their comments to Planning.

York Region has no comments with regards to this application.

Lake Simcoe Region Conservation Authority has not comments with regards to this application.

## 5. Conclusions:

The relief as requested:

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

Respectfully submitted,



Janany Nagulan  
Planner


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

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

**TO:** Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services  
**FROM:** Sepideh Majdi, P.Eng., Manager, Development Engineering  
**DATE:** May 12, 2021  
**RE:** Application for Minor Variance  
 Made by: Qureshi, Hashim Zia & Qureshi, Fatima  
 File No.: D13-A15-21  
 1127 Grainger Trail, Newmarket, ON  
 LOT 44, PLAN 65M4379 SUBJECT TO AN EASEMENT FOR ENTRY AS IN  
 YR2757325 TOWN OF NEWMARKET  
 Town of Newmarket Ward 1  
**Engineering Services File No.: R. Grainger Trail**

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

1. Relief from Section 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.

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

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES**

Sepideh Majdi, P.Eng.  
 Manager, Development Engineering

## Morton, Devon

---

**From:** Potter, David  
**Sent:** May 13, 2021 2:19 PM  
**To:** Morton, Devon  
**Cc:** Corrigan, Wendy; Larmer, Jennifer  
**Subject:** RE: Committee of Adjustment - Notice of Application Circulation (May 19th, 2021)

Hi Devon:

Please see comment below (in blue).

Cheers

Dave

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**From:** Morton, Devon <[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)>  
**Sent:** April 29, 2021 6:37 PM  
**To:** Taylor, John <[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)>  
**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 Circulation (May 19th, 2021)

Good evening,

The next virtual Committee of Adjustment hearing will be held on Wednesday, May 19<sup>th</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

- D13-A13-21 – 40 Birkdale Place (WARD 7) \*\*\***Deferred from April's hearing**\*\*\*  
*The applicant is proposing a sunroom addition to the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code.***
- D13-A14-21 – Lot 13, Shining Hill (WARD 6)  
*The applicant is proposing construction of new, semi-detached dwellings. **No Comment***
- D13-A15-21 – 1127 Grainger Trail (WARD 1)  
*The applicant is proposing the addition of an 'Accessory Dwelling Unit' within the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code***
- D13-A16-21 – 367 Silken Laumann Drive (WARD 1)  
*The applicant is proposing the addition of an 'Accessory Dwelling Unit' within the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code***

- D13-A17-21 – 239 Pine Street (WARD 2)

*The applicant is proposing construction of a new, detached, 2-car garage. **No Objections subject to compliance with the Ontario Building Code***

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Thursday, May 13<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:443/share.cgi?ssid=01TzJRZ>

Please let me know if you have any questions.

Thank you,



**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 *We//* Beyond the Ordinary

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

## Morton, Devon

---

**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** May 6, 2021 9:19 AM  
**To:** Morton, Devon  
**Subject:** D13-A15-21 Committee of Adjustment - Notice of Application Circulation (May 19th, 2021)

Good morning 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)

- **D13-A14-21 – Lot 13, Shining Hill (WARD 6)**  
*The applicant is proposing construction of new, semi-detached dwellings.*
- D13-A15-21 – 1127 Grainger Trail (WARD 1)  
*The applicant is proposing the addition of an ‘Accessory Dwelling Unit’ within the existing residential dwelling.*
- D13-A16-21 – 367 Silken Laumann Drive (WARD 1)  
*The applicant is proposing the addition of an ‘Accessory Dwelling Unit’ within the existing residential dwelling.*
- D13-A17-21 – 239 Pine Street (WARD 2)  
*The applicant is proposing construction of a new, detached, 2-car garage.*

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Thursday, May 13<sup>th</sup>, 2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

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<https://tonfileshare.newmarket.ca:443/share.cgi?ssid=01TzJRZ>

Please let me know if you have any questions.

Thank you,

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

Planner, Committee of Adjustment & Cultural Heritage  
Secretary-Treasurer to the Committee of Adjustment  
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## PLANNING AND BUILDING SERVICES

**Town of Newmarket**

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planning@newmarket.ca

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F: 905.953.5140

### Planning Report

To: Committee of Adjustment

From: Patricia Cho  
Planner

Date: May 14, 2021

Re: Application for Minor Variance D13-A16-2021  
367 Silken Laumann Drive  
Town of Newmarket  
Made by: Hassani, Iman

#### 1. Recommendations:

That Minor Variance Application D13-A16-2021 be approved, subject to the following conditions:

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

#### 2. Application:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, to vary the minimum number of off-street parking spaces required for an existing single-detached residential dwelling to permit a new Accessory Dwelling Unit (ADU). The description of the proposed variance is below.

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

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

The above-described property (herein referred to as the “subject lands”) is located in a residential neighbourhood, west of Bayview Avenue and south of Mulock Drive. There is an existing single-detached residence on the lot and it is abutted by similar single- and semi-detached homes.

### 3. Planning considerations:

The applicant is requesting relief from the By-law in order to permit a reduction in the required minimum number of off-street parking spaces to facilitate the creation of a legal ADU in the existing building. The Zoning By-law requires four exterior parking spaces for a single detached dwelling with an ADU. However, provincial legislation requires a total of three exterior parking spaces for a single detached dwelling with an ADU. In this case, the driveway is not large enough to accommodate three exterior spaces which meet the size requirements of the Zoning By-law, as such a variance is required to recognize one parking space in the existing garage.

In order to authorize a variance, Committee must be satisfied that the requested variance passes the four tests required by the Planning Act. In this regard, staff offer the following comments:

#### **Conformity with the general intent of the Official Plan**

The subject lands are designated "Residential Areas" in the Town's Official Plan. This designation permits a range of residential accommodation built form types. Regarding this designation, the Town's Official Plan states:

It is the objective of the Residential Areas policies to:

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

The Official Plan permits ADU's in single-detached dwellings, subject to the provisions of the zoning by-law.

The application is found to conform to the Official Plan and therefore this test is met.

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

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

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

The general intent of the Zoning By-law is to provide a sufficient number of parking spaces for those residing in the two dwelling units on the property. Currently, the distance of the driveway measured from the garage face to the sidewalk is not long enough to accommodate two parking spaces in tandem, so only two vehicles can be accommodated on the driveway, parked side by side. A two car attached garage also exists, however the Zoning By-law prevents parking spaces in the garage from being counted towards the parking requirement. Therefore, the proposed variance would recognize one of the parking spaces inside the garage and thereby allow for a sufficient number of parking spaces for the two dwelling units on the property.

The variance requested maintains the general intent of the Zoning By-law and therefore this test is met.

### **Desirable for the appropriate development of the land**

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

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

### **Minor nature of the variance**

The impact of the proposed variance appears to be minimal as the potentially increased number of vehicles generated by the ADU can be accommodated on site, either by the existing two exterior spaces or by one of the parking spaces in the garage.

In consideration of the above, the proposed variance is deemed to meet the four tests under the Planning Act and is recommended to be approved subject to conditions.

## **4. Other comments:**

### **Heritage**

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

### **Commenting agencies and departments**

The Chief Building Official has no objection to this application, subject to meeting the requirements of the Ontario Building Code.

Engineering Services defers comments to the Planning Department and does not object to this application.

York Region has no comment with regards to this application.

### **Effect of Public Input**

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

## 5. Conclusions:

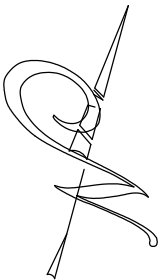
The relief as requested:

- 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,



Patricia Cho, HBA, MSc. (Pln)  
Planner



PROJECT NAME

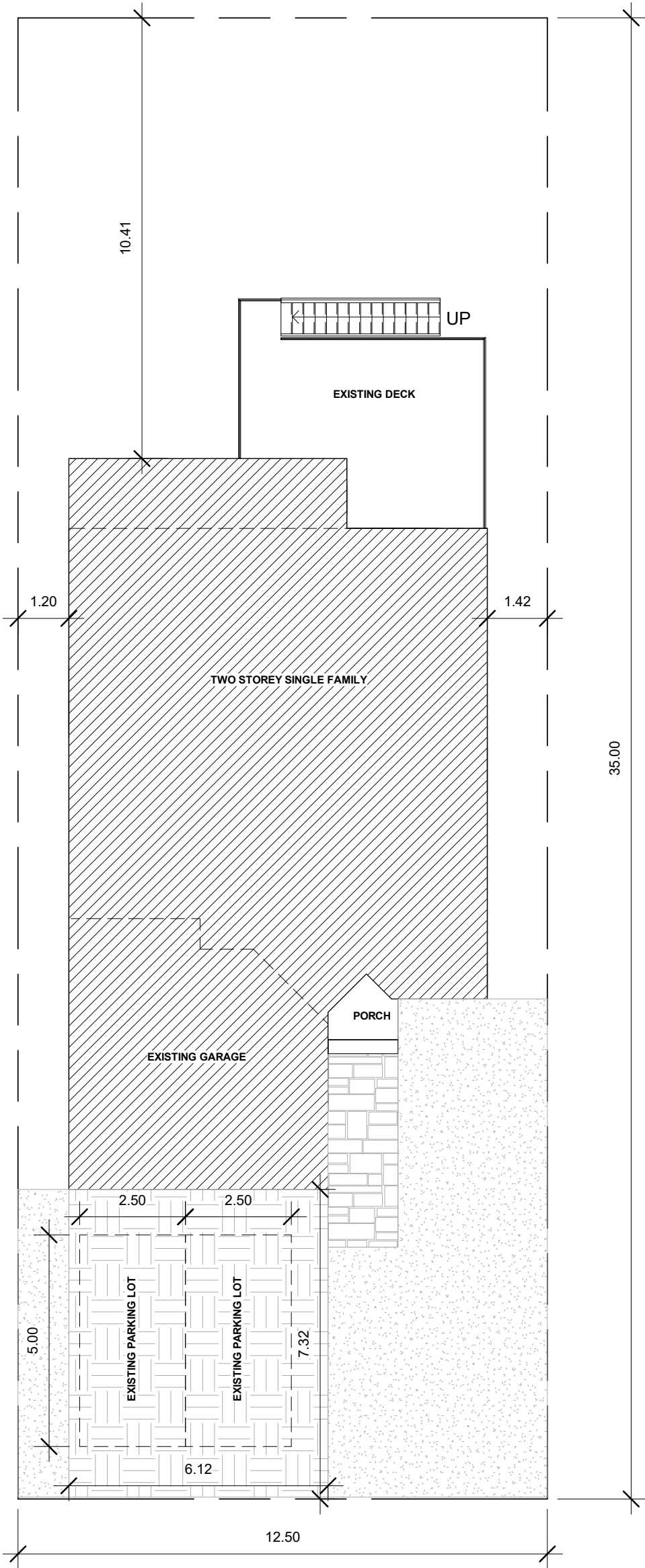
367 SILKEN  
LAUNMANN DR

DRAWING NAME

SITE PLAN

A02

SCALE 1" = 10'-0"



SILKEN LAUNMANN DR

## Morton, Devon

---

**From:** Potter, David  
**Sent:** May 13, 2021 2:19 PM  
**To:** Morton, Devon  
**Cc:** Corrigan, Wendy; Larmer, Jennifer  
**Subject:** RE: Committee of Adjustment - Notice of Application Circulation (May 19th, 2021)

Hi Devon:

Please see comment below (in blue).

Cheers  
 Dave

---

**From:** Morton, Devon <[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)>  
**Sent:** April 29, 2021 6:37 PM  
**To:** Taylor, John <[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)>  
**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 Circulation (May 19th, 2021)

Good evening,

The next virtual Committee of Adjustment hearing will be held on Wednesday, May 19<sup>th</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

- D13-A13-21 – 40 Birkdale Place (WARD 7) \*\*\***Deferred from April's hearing**\*\*\*  
*The applicant is proposing a sunroom addition to the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code.***
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*The applicant is proposing the addition of an 'Accessory Dwelling Unit' within the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code***
- D13-A16-21 – 367 Silken Laumann Drive (WARD 1)  
*The applicant is proposing the addition of an 'Accessory Dwelling Unit' within the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code***

- D13-A17-21 – 239 Pine Street (WARD 2)

*The applicant is proposing construction of a new, detached, 2-car garage. **No Objections subject to compliance with the Ontario Building Code***

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Thursday, May 13<sup>th</sup>, 2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

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Please let me know if you have any questions.

Thank you,



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

Planner, Committee of Adjustment & Cultural Heritage  
Secretary-Treasurer to the Committee of Adjustment  
Planning and Building Services  
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**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**
**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

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engineering@newmarket.ca

T: 905 895.5193

F: 905 953.5138

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

**TO:** Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services  
**FROM:** Sepideh Majdi, P.Eng., Manager, Development Engineering  
**DATE:** May 12, 2021  
**RE:** Application for Minor Variance  
 Made by: Hassani, Iman  
 File No.: D13-A15-21  
 367 Silken Laumann Drive, Newmarket, ON  
 PCL 36-1 SEC 65M3124; LT 36 PL 65M3124; T/W PT LT 88 CON 1 PTS 8, 9, 10  
 65R14976 AS IN B1599B; T/W PT LT 88 CON 1 PTS 11, 12, 13 65R14976 AS IN  
 B19821B ; NEWMARKET.  
 Town of Newmarket Ward 1  
**Engineering Services File No.: R. Silken Laumann Dr**

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

1. Relief from Section 5.3.1 Minimum Off-Street Parking Requirements to permit one (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.

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

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES**

Sepideh Majdi, P.Eng.  
 Manager, Development Engineering





## Morton, Devon

---

**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** May 6, 2021 10:01 AM  
**To:** Morton, Devon  
**Subject:** Re D13-A16-21 Committee of Adjustment - Notice of Application Circulation (May 19th, 2021)

Good morning 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)

- **D13-A14-21 – Lot 13, Shining Hill (WARD 6)**  
*The applicant is proposing construction of new, semi-detached dwellings.*
- **D13-A15-21 – 1127 Grainger Trail (WARD 1)**  
*The applicant is proposing the addition of an ‘Accessory Dwelling Unit’ within the existing residential dwelling.*
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*The applicant is proposing the addition of an ‘Accessory Dwelling Unit’ within the existing residential dwelling.*
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*The applicant is proposing construction of a new, detached, 2-car garage.*

The Committee requests your advice and comments on these matters.

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Please let me know if you have any questions.

Thank you,

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

Planner, Committee of Adjustment & Cultural Heritage  
Secretary-Treasurer to the Committee of Adjustment  
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***Please note that I am working remotely due to the COVID-19 pandemic and can be reached by email.***

**Morton, Devon**

---

**From:** Latoya T. Reid <latoyatreid@gmail.com>  
**Sent:** May 10, 2021 10:15 PM  
**To:** Morton, Devon  
**Cc:** Alric Reid  
**Subject:** Re: Notice of Application for Minor Variance (file D13-A16-21)

We write in reference to the application for minor variance for relief from Zoning By-law 2010-40 at property 367 Silken Laumann Dr, Newmarket, ON L3X 2J1, where we are currently tenants. While we have no objections to the basement suite being rented as a legal suite by the proprietors, a review of the notice of application highlights a contravention to our current lease agreement which gives us full access to the garage. It is therefore surprising that without a discussion with us or to request an amendment to our current lease agreement, the landlord Iman Hassani is purporting that this space be made available to the potential occupants of the basement suite. Not only does this infringe on our rights as tenants but is also a breach of our rental agreement.

In light of this, we would like to know what implications an approval of this variance to the current zoning bylaw will have on our current lease agreement and what redress is available to us.

Based on this technicality and the proprietor's blatant disregard for our binding legal agreement, we are in disagreement with the application for this variance until after our lease expires and new negotiations can be had.

We welcome any communication surrounding this issue and will be happy to provide a copy of our lease agreement, if needed, and contact details for our realtor who can attest to this agreement and subsequent discussions.

Yours Truly  
Alric and Latoya Reid

We wish to offer our comment to the Committee of Adjustment that the variance to the Zoning Bylaw of allowing extra parking in the garage for the basement suite is not plausible and realistic since we occupy the space and will not be granting access for usage at this time. Could this comment be registered and forwarded to the relevant committee?

We wish to also register our intent to attend the hearing on May 19th, 2021. Thanks in advance.  
Latoya Reid


**PLANNING AND BUILDING SERVICES**
**Town of Newmarket**

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planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

**Planning Report**

TO: Committee of Adjustment  
 FROM: Janany Nagulan  
 Planner  
 DATE: May 14, 2021  
 RE: Application for Minor Variance D13-A17-21  
 239 Pine Street  
 Made by: LEACH, Steven

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**1. Recommendations:**

That Minor Variance Application D13-A17-21 be approved, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application; and,
2. That the development be substantially in accordance with the information submitted with the application; and,
3. That the applicant submits a sealed grading plan designed and stamped by a P.Eng of Ontario to the Town, complying with the Town standards for grading and drainage requirements.
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.

**2. Application:**

An application for minor variances has been submitted by the above-noted owners to request relief from Zoning By-law Number 2010-40 as amended in order to construct a detached garage in their rear yard. The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	4.1.2 vi	Maximum lot coverage for an accessory building of the lesser of 10% of the lot area or 75% of the ground floor area of the main building	Lot coverage for an accessory building of 89.11% of the ground floor area of the main building.

The above-described property (herein referred to as the "subject property") is located in a residential neighbourhood, north of Gorham Street and east of Prospect Street. There is an existing single-detached residence on the property. It is abutting a similar single detached home to the south and abutting Fairgrounds Park to the north.

### 3. Planning considerations:

The request for variance is to facilitate the construction of a new detached garage in the rear yard of the subject property. The proposed garage will be replacing a smaller existing garage.

A minor variance application was submitted in 2020, for a similar proposal. The requested variance were a reduction to the side yard setback to 0.61m and to permit the lot coverage for an accessory building to be 117.19% of the ground floor area of the main building. The request for these variances were denied.

The current proposed location of the detached garage meets the required setback of 1.2m. The requested lot coverage for the detached garaged has been reduced from the owner's original request of 117.19% to 89.11% of the ground floor area of the main building.

In making a recommendation to the Committee, staff are required to consider the 4 tests under the *Planning Act*; staff offer the following comments:

#### **Conformity with the general intent of the Official Plan**

The subject property is designated "Residential Areas" in the Official Plan. This designation permits a range of residential accommodation built form types. Regarding this designation, the Town's Official Plan states:

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

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

The "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 lands are zoned Residential Single Detached Dwelling 15m Zone (R1-D-119) by By-law Number 2010-40, as amended.

Section 4.1.2 of the Zoning By-law sets out provisions for accessory buildings and structures for all zones. The general intent of lot coverage is to limit the built form in order to maintain compatibility and similarity of structures. The maximum lot coverage for all accessory buildings on a lot represents the relationship to the size of the lot and to the primary dwelling.

The By-law allows a maximum coverage for all accessory buildings on a lot to be the lesser of 10% of the lot area or 75% of the ground floor area of the main building. In this instance, the lesser lot coverage is 75% of the ground floor area of the main building. The applicant is requesting an increase to the lot coverage from 75% to 89.11%. The ground floor area of the main building is 79.27 square metres, and the proposed garage is 70.64 square metres.

The proposed garage will be compatible with the surrounding lot arrangements and will meet the required setbacks. Therefore, the impact is expected to be minimal. This test is met.

#### **Desirable development of the lot**

It is generally desirable to allow a property owner to invest in their property and arrange it in a manner that suits their needs, subject to the limits of the zoning by-law and impacts on neighbouring properties. 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 variances**

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 increased lot coverage, the proposed structure would still be compatible with 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 subject to compliance with Building Code.

Engineering services has requested that the applicant submit a sealed grading plan designed and stamped by a P.Eng of Ontario complying with the Town standards for grading and drainage requirements. This has been reflected in the conditions.

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



Lake Simcoe Region Conservation Authority 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:**

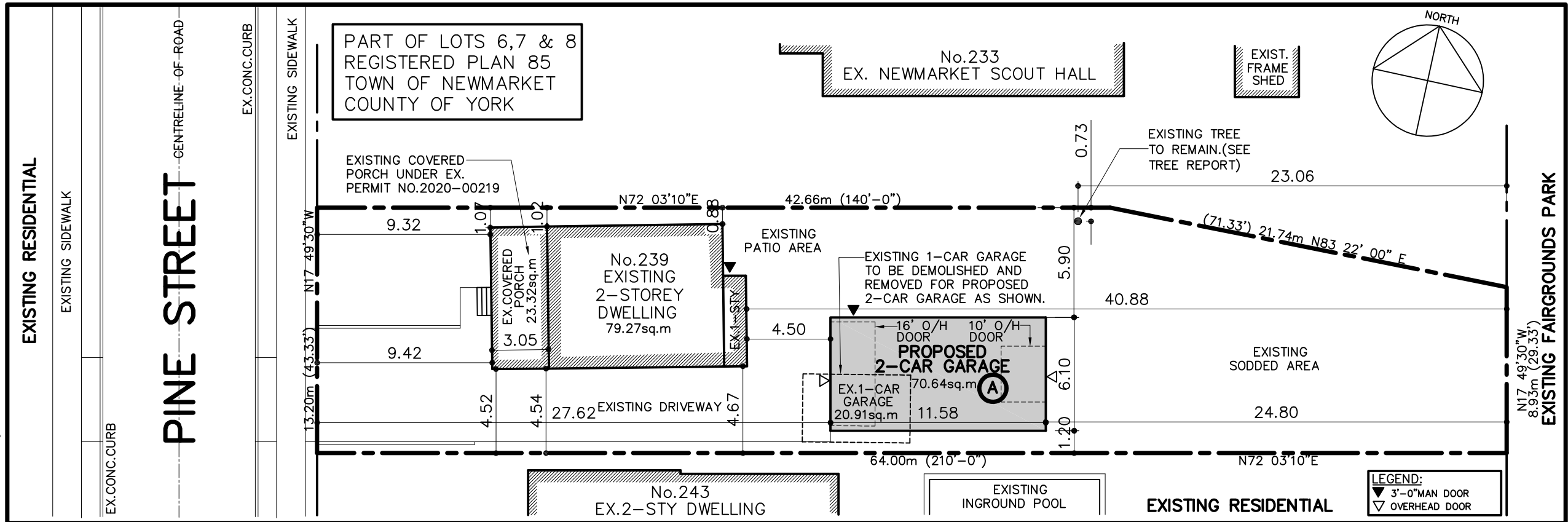
The relief as requested:

- (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



## SITE INFORMATION:

LOT AREA: 800 sq.m.

BUILDING AREA:

EXISTING HOUSE BUILDING AREA: 79.27sq.m.

EXISTING COVERED PORCH: 23.32sq.m.

GARAGE LOT COVERAGE:

PROPOSED LOT COVERAGE: 8.83%

GARAGE AREA:

PERMITTED 75% OF GROUND FLOOR

AREA:

ALLOWABLE AREA: 59.44 sq.m.

PROPOSED AREA: 70.64 sq.m.

PROPOSED %:

89.11%

### PROPOSED GARAGE SETBACKS:

FRONT YARD SETBACK: 27.62m

REAR YARD SETBACK: 24.80m

SIDEYARD SETBACK: 1.20m

SIDEYARD SETBACK: 5.90m

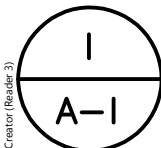
HEIGHT:

EXISTING DWELLING: 6.55m

PROPOSED 2 CAR GARAGE: 3.84m

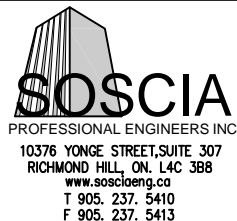
### VARIANCES:

**A** VARIANCE FOR GARAGE AREA EXCEEDING 75% OF GROUND FLOOR AREA.



## SITE PLAN

SCALE: 1:250



Title:

**PROPOSED  
2-CAR  
GARAGE**

239 PINE STREET  
NEWMARKET, ON.

			Drawn:	N.R.	JOB NO:
					20-126
			Checked:	S.S.	D'wg. no.
					AI
			Date:	SEPT 2020	
No:	Revision:	Date:			
3.	SETBACKS INFORMATION ADJUSTED.	APR28-21			
2.	ISSUED FOR C.O.A. MINOR VARIANCE OF ALLOWABLE AREA	FEB24-21			
1.	ISSUED FOR C.O.A. MINOR VARIANCE	OCT7-20			


**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:** May 12, 2021  
**RE:** Application for Minor Variance  
 Made by: Leach, Steven  
 File No.: D13-A17-21  
 239 Pine Street, Newmarket, ON  
 PT LT 6 S/S LYDIA ST PL 85 NEWMARKET; PT LT 7 S/S LYDIA ST PL 85  
 NEWMARKET; PT LT 8 S/S LYDIA ST PL 85 NEWMARKET AS IN R592066 ;  
 NEWMARKET  
 Town of Newmarket Ward 2  
**Engineering Services File No.: R. Pine St**

The applicant is proposing construction of a new, detached, 2-car garage. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 4.1.2 Accessory Buildings and Structures to permit a maximum total lot coverage for accessory structures of 89.11% of the ground floor whereas the By-law requires a maximum total lot coverage for accessory structures of 75% of the ground floor.

We have no objection to this proposal given that the applicant submits a sealed grading plan designed and stamped by a P. Eng of Ontario to the Town, complying with Town standards for grading and drainage requirements. There should be no negative impacts to the grading and drainage of this property or neighbouring properties as a result of the proposed changes.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES**

Sepideh Majdi, P.Eng.  
 Manager, Development Engineering



## Morton, Devon

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**From:** Potter, David  
**Sent:** May 13, 2021 2:19 PM  
**To:** Morton, Devon  
**Cc:** Corrigan, Wendy; Larmer, Jennifer  
**Subject:** RE: Committee of Adjustment - Notice of Application Circulation (May 19th, 2021)

Hi Devon:

Please see comment below (in blue).

Cheers  
 Dave

---

**From:** Morton, Devon <[dmorton@newmarket.ca](mailto:dmorton@newmarket.ca)>  
**Sent:** April 29, 2021 6:37 PM  
**To:** Taylor, John <[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)>  
**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 Circulation (May 19th, 2021)

Good evening,

The next virtual Committee of Adjustment hearing will be held on Wednesday, May 19<sup>th</sup>, 2021 at 9:30 AM. The Committee of Adjustment will consider the following applications:

- D13-A13-21 – 40 Birkdale Place (WARD 7) \*\*\***Deferred from April's hearing**\*\*\*  
*The applicant is proposing a sunroom addition to the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code.***
- D13-A14-21 – Lot 13, Shining Hill (WARD 6)  
*The applicant is proposing construction of new, semi-detached dwellings. **No Comment***
- D13-A15-21 – 1127 Grainger Trail (WARD 1)  
*The applicant is proposing the addition of an 'Accessory Dwelling Unit' within the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code***
- D13-A16-21 – 367 Silken Laumann Drive (WARD 1)  
*The applicant is proposing the addition of an 'Accessory Dwelling Unit' within the existing residential dwelling. **No Objections subject to compliance with the Ontario Building Code***

- D13-A17-21 – 239 Pine Street (WARD 2)

*The applicant is proposing construction of a new, detached, 2-car garage. **No Objections subject to compliance with the Ontario Building Code***

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Thursday, May 13<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:443/share.cgi?ssid=01TzJRZ>

Please let me know if you have any questions.

Thank you,



**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 *We//* Beyond the Ordinary

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

## Morton, Devon

---

**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** May 6, 2021 10:16 AM  
**To:** Morton, Devon  
**Subject:** Re D13-A17-21 Committee of Adjustment - Notice of Application Circulation (May 19th, 2021)

Good morning 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)

- **D13-A14-21 – Lot 13, Shining Hill (WARD 6)**  
*The applicant is proposing construction of new, semi-detached dwellings.*
- D13-A15-21 – 1127 Grainger Trail (WARD 1)  
*The applicant is proposing the addition of an ‘Accessory Dwelling Unit’ within the existing residential dwelling.*
- D13-A16-21 – 367 Silken Laumann Drive (WARD 1)  
*The applicant is proposing the addition of an ‘Accessory Dwelling Unit’ within the existing residential dwelling.*
- D13-A17-21 – 239 Pine Street (WARD 2)  
*The applicant is proposing construction of a new, detached, 2-car garage.*

The Committee requests your advice and comments on these matters.

The Committee would like to receive comments by **Thursday, May 13<sup>th</sup>, 2021** for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

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Please let me know if you have any questions.

Thank you,

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

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