

# Committee of Adjustment Application for Minor Variance

Town of Newmarket  
395 Mulock Drive  
P.O. Box 328, Station Main  
Newmarket, ON L3Y 4X7



Effective January 1, 2019, the fee for processing an application to the Committee of Adjustment is:

<b>Minor Variance Fee</b>	<b>\$1,703.92 (including HST)</b>
<b>Lake Simcoe Region Conservation Authority Review Fee (if applicable)</b>	<b>\$500.00</b>

The application fee is payable at the time an application is submitted. Fees may be paid by cheque, cash, debit or credit card. Cheques are to be made payable to “**THE TREASURER, TOWN OF NEWMARKET**” and “**LAKE SIMCOE REGION CONSERVATION AUTHORITY**” respectively. Fees are non-refundable.

## **NOTICE TO ALL APPLICANTS OF MINOR VARIANCE APPLICATIONS TO THE TOWN OF NEWMARKET COMMITTEE OF ADJUSTMENT**

1. Before you prepare and submit your application to be processed by the Committee of Adjustment, it is strongly recommended that you engage with a Planner and/or consult with the Planning and Building Department at the Town of Newmarket to ensure that your proposal is feasible and also to confirm the zoning and the section of the By-law that requires relief.
2. Public notice signs, provided, are required to be posted in a prominent location on the subject property for a minimum of ten (10) days before the scheduled Hearing of the Minor Variance application. **Failure to comply will result in the deferral of the hearing of your application.**
3. **Lake Simcoe Region Conservation Authority (LSRCA)** may require an application review fee to be paid if the property is situated within a mapped area that is subject to O. Reg. 179/06.
4. Pursuant to Subsection 45 of the *Planning Act*, and Ontario Regulation 200/96, the applicant shall provide the Committee of Adjustment with such information or material as the Committee of Adjustment may require. The Committee of Adjustment may refuse to accept or further consider the application until the prescribed information, material and the required fee are received.
5. Personal information on this form is collected under the legal authority of the *Planning Act*, R.S.O. 1990, c.P.13, as amended. This information will be used to process an application for a minor variance or permission for the Committee of Adjustment. Questions about this collection should be directed to the Secretary Treasurer, Town of Newmarket Committee of Adjustment, at the above noted address.
6. Information on this application and any documentation submitted in support of or in opposition constitutes public information and will become part of the public record.

## Minor Variance Application Checklist

- Completed Application Form, including:
  - Affidavit or sworn declaration
  - Permission to enter
  - Appointment and authorization
- Application Fees (see cover page of application form and below):
  - Recirculation Fee due to applicant's revisions or deferral request - **\$1,130.00 (includes HST)**
  - Peer Review Costs – **actual costs plus Planning Administrative Fee of 15%** of consultant's fee
  - Town of Newmarket Fee for matters appealed to Local Planning Appeal Tribunal - **\$163.00**
- Parcel Abstract(s)
- Two (2) legible white print copies of a Plan of Survey (8 ½" x 11" or 8 ½" x 14") sketch **drawn to scale, in metric** showing the following:
  - The boundaries and dimensions of the subject land.
  - All existing and proposed structures, including their size, setbacks to property lines and lot coverage.
  - The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
  - The current uses on the land that is adjacent to the subject land.
  - The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way.
  - The location and nature of any easements affecting the subject land.
- Tree Report Form
- One (1) hard copy and one (1) digital copy of an Arborist Report in accordance with the requirements set forth in the Town's Tree Preservation, Protection, Replacement and Enhancement Policy (if applicable).

**Note:** The Town shall retain the services of a qualified tree professional to undertake a peer review of any Arborist Report submitted, as required and the Town shall be reimbursed by the applicant at the actual cost for the services rendered by the Town's consultant plus 15% of the consultant's fee.

\* **Digital copies of drawings, plans and the arborist report must be provided on a CD or USB key.**

# Committee of Adjustment Application for Minor Variance

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395 Mulock Drive  
P.O. Box 328, Station Main  
Newmarket, ON L3Y 4X7



T: 905-953-5300 Ext. 2456  
F: 905-953-5140

The undersigned hereby applies to the Committee of Adjustment for the Town of Newmarket under Section 45 of the Planning Act, R.S.O., 1990, c.P.13, as amended.

<b>FILE NUMBER (for office use only)</b>	
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<b>1.0 Applicant Information</b>	<input type="checkbox"/> Primary Contact for Application
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Property Owner(s): Gregory Irons			
Address: 145 Hillsvie road, Aurora, Ontario, Canada	City: Aurora	Postal Code: L4G2M6	Province: Ontario
Phone: 647 295 0529		Alt. Phone:	
Email: greg@canprop.ca		Fax:	

<b>2.0 Agent Information</b>	<input checked="" type="checkbox"/> Primary Contact for Application
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Name of Authorized Agent: Chris Pretotto			
Address: 73 Gilbank Drive	City: Aurora	Postal Code: L4G 5E4	Province: Ontario
Phone: 647.588.1784		Alt. Phone:	
Email: chrisp@cspace.ca		Fax:	

<b>3.0 Legal Description of the Subject Lands</b>	(Refer to the current "Parcel Abstract(s)" regarding the subject property)
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Concession/Registered Plan No.: Registered Plan 81	Lot Number(s): Part of Lot 28
Reference Plan No.: Inst. 20901-B	Part Number(s):
Municipal Address: 209 Main Street South, Newmarket, Ontario	
Roll Number:	
Are there any easements or restrictive covenants affecting the subject lands? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If "yes", please describe: _____	

<b>4.0 Land Use, Official Plan and Zoning By-law Designation</b>
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Official Plan Designation: Located in the Historic Downtown Centre
Zoning By-law Designation: Historic Downtown Zone (UC-D1)
Existing Use of the Subject Land: Retail (Ground Floor) with Residential (Second Floor)
Proposed use of the Subject Land: Same, with addition of partial third floor and extension into rear yard. One floor to be Office Use.

**5.0 Relief Requested from the Zoning By-law  
(Please identify the relief you are requesting from the relevant Zoning By-law Sections and Zone Standards)**

- 1) The UC-D1 zone permits a maximum FSI of 1.0.  
Existing building FSI is 1.49 (not including "walk-out basement" area) or 2.25 (including "walk-out basement" area).  
Proposed building FSI after addition is 2.45 (not including "walk-out basement" area) or 3.20 (including "walk-out basement" area).
- 2) The UC-D1 zone permits a maximum building height of 9.0m and 3-storeys.  
Existing building height is 8.9m and 2-storeys.  
Proposed building height is 11.5m and 3-storeys.
- 3) Two existing parking spaces to remain. We understand cash in-lieu to compensate for parking deficiencies may be required and not a minor variance. Confirmation from the town on this matter would be appreciated.

**6.0 Why is it not possible to comply with the provisions of the Zoning By-law?**

The building owner seeks to add value to the existing building, enhance architectural, commercial and residential features of Main Street South and enhance Cedar Street with a proposed restoration, addition and renovation of 209 Main Street South.

- 1) Nearly every neighboring building in close proximity (Main Street South) exceeds an FSI of 1.0, as all are at least 2-storey of height with most on relatively small-area lots. This is especially true on the east side (where 209 is located), as every building on this stretch has a "walk-out basement" that could add to the FSI by Zoning Bylaw definition. 5 buildings between Water St and Park St. on the east side are 3-storeys on top of a "walk-out" basement condition.
- 2) 10 buildings between Water St and Park St. on Main Street South have 3-storeys and exceed 9.0m in height facing Main Street. Several 2-storey buildings along this stretch appear to exceed 9.0m in height.  
Proposed third storey is significantly set back from the existing frontage facing Main Street - refer to Heritage Impact Assessment for details.  
Existing building frontage facing Main Street is proposed to be restored to original facade conditions - refer to Heritage Impact Assessment.

**7.0 Dimensions of the Entire Subject Property**

Lot Frontage (metres): 7.42 m

Lot Depth (metres): 35.63 m

Lot Area (m2): 264.7 m2

**8.0 Access to the subject lands (check appropriate box)**

- Municipal  Regional  Provincial
- Private Road  Right-of-Way  Other \_\_\_\_\_

Roads abutting the subject lands: Main Street South, Cedar Street

Width of roads abutting the subject lands: Main Street South - 2 lanes; Cedar Street - 1 lane.

9.0 Particulars of all <u>EXISTING</u> building(s) and structure(s) on the subject land. Please specify:				
	Existing Structure 1		Existing Structure 2	
a) Type of building(s) or structure(s)	2-Storey Mixed Use, Plaster Facade			
b) Gross floor area or dimensions of the building(s) or structure(s)	394 m2 (not including walk-out basement) 591 m2 (includes walk-out basement)			
c) The front, rear and side yard setbacks	Front:	Rear:	Front:	Rear:
	0.9 m	8.0 m		
c) The front, rear and side yard setbacks	Side:	(Ext.) Side:	Side	(Ext.) Side:
	0 m	0 m		
d) Height of the building or structure	8.9 m, 2 storeys			
e) Location of parking	Rear, basement level (Cedar Street)			

10.0 Particulars of all <u>PROPOSED</u> building(s) and structure(s) on the subject land. Please specify:				
	Proposed Structure 1		Proposed Structure 2	
a) Type of building(s) or structure(s)	3-storey Mixed Use, Masonry Facade (restored)			
b) Gross floor area or dimensions of the building(s) or structure(s)	639 m2 (not including walk-out basement) 836 m2 (includes walk-out basement)			
c) The front, rear and side yard setbacks	Front:	Rear:	Front:	Rear:
	No Change	2.95 m		
c) The front, rear and side yard setbacks	Side:	(Ext.) Side:	Side	(Ext.) Side:
	No Change	No Change		
d) Height of the building or structure	11.5 m, 3 storeys			
e) Location of parking	No change			

11.0 Property Information	
The date the subject land was acquired by the current owner:	30/04/2019.
The date the existing buildings and structures were constructed on the subject land:	Refer to Heritage Impact Assessment. Partially re-built in 1994.
The length of time the existing uses of the subject land have continued:	Refer to Heritage Impact Assessment.

**12.0 Municipal Services provided to the subject lands: (check the appropriate boxes)**

<input checked="" type="checkbox"/> Water	If not available, by what means is it provided:
<input checked="" type="checkbox"/> Sanitary Sewers	If not available, by what means is it provided:
<input checked="" type="checkbox"/> Storm Sewers	If not available, by what means is it provided:

**13.0 Other Planning Applications**

**If known, is or was the property subject of any of the following development type applications:**

Official Plan Amendment	Yes <input type="checkbox"/>	No <input type="checkbox"/>	File No.
Zoning By-law Amendment	Yes <input type="checkbox"/>	No <input type="checkbox"/>	File No.
Plan of Subdivision	Yes <input type="checkbox"/>	No <input type="checkbox"/>	File No.
Site Plan Approval	Yes <input type="checkbox"/>	No <input type="checkbox"/>	File No.
Certificate of Occupancy	Yes <input type="checkbox"/>	No <input type="checkbox"/>	File No.
Building Permit	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	File No.
Consent (Committee of Adjustment)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	File No.
Minor Variance (Committee of Adjustment)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	File No.

**14.0 Heritage Designation**

Refer to Heritage Impact Assessment

Is the property on the Municipal Register of Properties Designated under the Heritage Act?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the property on the Municipal Register of Non-Designated Heritage Properties?	Yes <input type="checkbox"/>	No <input type="checkbox"/>



Signature of Applicant or Authorized Agent

DATED at the \_\_\_\_\_ Township \_\_\_\_\_ of \_\_\_\_\_ Newmarket \_\_\_\_\_ this

\_\_\_\_\_ 16th \_\_\_\_\_ day of \_\_\_\_\_ October \_\_\_\_\_ 20<sup>19</sup> \_\_\_\_\_.

# AFFIDAVIT OR SWORN DECLARATION

I, \_\_\_\_\_ of the \_\_\_\_\_  
(Print Name of Owner or Authorized Agent) (e.g. Town of Newmarket)

\_\_\_\_\_ in the \_\_\_\_\_  
(e.g. Regional Municipality of York)

Solemnly declare that all above statements and the statements contained in all of the exhibits transmitted herewith are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as it made under oath and by virtue of the CANADA EVIDENCE ACT.

For the purposes of the FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the PLANNING ACT for the purposes of processing this application and correspondence purposes. Questions about this collection should be directed to the Committee of Adjustment Secretary-Treasurer, Town of Newmarket, 395 Mulock Drive, Newmarket, Ontario L3Y 4X7, telephone 905-953-5300 ext. 2453.

**NOTE: The Signature of applicant or authorized agent must be witnessed by a Commissioner, etc. A Commissioner is available in the Committee of Adjustment office, if needed.**

DECLARED before me

at the \_\_\_\_\_

of \_\_\_\_\_

in the \_\_\_\_\_

of \_\_\_\_\_

this \_\_\_\_\_

day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
A Commissioner, etc.

\_\_\_\_\_  
Signature of applicant or authorized agent

I have authority to bind the Corporation

# PERMISSION TO ENTER

Date: October 16, 2019.

Secretary-Treasurer  
Committee of Adjustment  
Town of Newmarket  
395 Mulock Drive  
Newmarket ON L3Y 4X7

Dear Secretary-Treasurer:

RE: Application to Committee of Adjustment

Location of Property: 209 Main Street South, Newmarket  
(Municipal address)

I hereby authorize the Committee of Adjustment members and Town of Newmarket staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.



\_\_\_\_\_  
Signature of owner or authorized agent

\_\_\_\_\_  
Please print name

# APPOINTMENT AND AUTHORIZATION

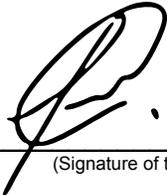
I / We, Gregory Irons / Jimsgate Inc,  
(Name of Owner(s))

the undersigned, being the registered property owner(s) of 209 Main Street South, Newmarket  
Ontario, hereby authorize  
(Legal description or municipal address)

Chris Pretotto / CSpace Architecture as my/our agent for the  
(Authorized agent's name)

purpose of submitting an application(s) to the Committee of Adjustment and acting on my/our behalf in relation to the application.

Dated this 29th day of September 2019.

 _____ (Signature of the owner or signing officer)	<u>Gregory Irons / Company Director</u> (Please print the full name and position of the person signing)
<input type="checkbox"/> I have authority to bind the Corporation	<u>Jimsgate Inc</u> (Name of the Corporation, if applicable)
_____ (Signature of the owner or signing officer)	_____ (Please print the full name and position of the person signing)
<input type="checkbox"/> I have authority to bind the Corporation	_____ (Name of the Corporation, if applicable)