



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, September 23, 2020
Time: 9:30 AM
Location: Electronic VIA ZOOM
See How to Login Guide

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

Members Absent: Elizabeth Lew
Ken Smith

Staff Present: Patricia Cho, Secretary-Treasurer
Alannah Slattery, Planner

1. Notice

At this time, the Municipal Offices remain closed to the public. This meeting was available VIA ZOOM Meeting at newmarket.ca/meetings.

2. Conflict of Interest Declarations

The Chair called for conflicts of interest. No conflicts were declared. Members were invited to declare any other conflicts of interest at any time during the meeting.

3. Items

3.1 Minor Variance Application - D13-A05-20

Rohan Sovig, Malone Given Parsons, 140 Renfrew Drive, Suite 201, MARKHAM, L3R 6B3, ON, addressed the Committee as the agent working on behalf of the owner.

Mr. Sovig said that Shining Hill has recently purchased the lots on the north of their current development from Great Gulf Development. The purpose is to align the zoning for the newly acquired part lots to the Zoning Bylaw Amendment that was approved in 2018 and has undergone the planning process. Mr. Sovig has reviewed the public comments received. The minor variance application is only in relation to the newly acquired part lots and the Shining Hill development and no changes for the rest of the community. Mr. Sovig has no issue with the conditions on the Planning staff report.

Mr. Vescio asked a question in regard to lot coverage – relief is being requested to exceed the maximum lot coverage of 45% to have no maximum coverage on the property. Why is this necessary.

Mr. Sovig stated that smaller lots are dictated by setbacks – front yard, side yard, etc - which control the building envelope. Setbacks are in place to control the built form and massing.

Mr. Vescio asked if this meant that they were not able to build in the future.

Mr. Sovig re-stated that the setback controls the building envelope.

Ms. Starnes wanted to seek confirmation that the items on the agenda are to conform with what was previously approved.

Mr. Sovig stated that since the draft plan is not registered, they have to apply for the minor variances for the entirety of the lands.

Mr. Alavi would like clarification on the minimum building separation variance.

Mr. Sovig stated that the Ontario Building Code requirement of 3.0 metres is for two townhouse blocks which are facing each other. Single and semi-detached dwellings do not need 3.0 metres for their proposed built form.

Mr. Vescio asked if committee members had any questions. There were none.

Mr. Vescio asked if any members of the public wishes to speak.

Christine Bimbalas, 100 Kalinda Road, NEWMARKET, L3X 2Y9, ON, addressed the Committee as a concerned resident.

Ms. Bimbalas stated her concern that in the Notice of Application package received, one of the notices were missing (D13-A05-20 – 16250 Yonge Street Inc.).

Mr. Vescio asked if staff could comment on that.

Ms. Cho stated that notices were sent out and signs were posted on the property in accordance to the requirements of the Planning Act.

Ms. Bimbalas said that similar to the last Committee meeting, she would like the matter taken seriously about her concerns of receiving the notice package late and missing contents of the notices.

Mr. Vescio stated that her concerns were definitely taken seriously and that staff had provided their comment on it as well.

Ms. Bimbalas stated concerns with the proposed block next door, as the curb will be broken, vibrations, physical and other possible damages, and is currently having on-going conversations with staff at the Town about these concerns.

Mr. Vescio mentioned that any damage will be dealt by the developer.

Ms. Bimbalas stated that OZA has been on site to take photos. She has requested copies of these photos numerous times but was unsuccessful on receiving any.

Mr. Vescio said to inquire about the process with planning staff and that any damages to the property will be dealt with by applicants.

Mr. Vescio asked if there were any other members of the public wishing to speak. There were no more speakers.

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

1. Report from Alannah Slattery, Planner, dated September 23rd, 2020;
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated September 15th, 2020;
3. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated August 19th and 20th;

4. Email Correspondence from David Potter, Chief Building Official, dated August 19th, 2020;
5. Letter of Objection from Christine Bimbaldas, 100 Kalinda Road, dated August 26th, 2020;
6. Letter of Objection from Steve Di Mauro, 959 Oaktree Crescent, dated August 26th, 2020;
7. Letter of Objection from Dmitriy Kirillov, 957 Oaktree Crescent, dated August 26th, 2020; and,
8. Letter of Objection from Xiaoli Wang and Xiangcai Ren, 969 Oaktree Crescent, dated August 26th, 2020.

Moved by: Peter Mertens

Seconded by: Michelle Starnes

THAT Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, and D13-A09-20 be GRANTED, subject to the following conditions:

1. **That the variance pertains only to the request as submitted with the application; and that,**
2. **That the development be substantially in accordance with the information submitted with the application.**

As the Minor Variance Application:

- **is minor in nature;**
- **conforms to the general intent and purpose of the Official Plan and Zoning By-law; and**
- **is considered a desirable development of the lot.**

Carried

3.2 Minor Variance Application - D13-A06-20

Moved by: Peter Mertens

Seconded by: Michelle Starnes

THAT Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, and D13-A09-20 be GRANTED, subject to the following conditions:

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

As the Minor Variance Application:

- is minor in nature;**
- conforms to the general intent and purpose of the Official Plan and Zoning By-law; and**
- is considered a desirable development of the lot.**

Carried

3.3 Minor Variance Application - D13-A07-20

Moved by: Peter Mertens

Seconded by: Michelle Starnes

THAT Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, and D13-A09-20 be GRANTED, subject to the following conditions:

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

As the Minor Variance Application:

- is minor in nature;**
- conforms to the general intent and purpose of the Official Plan and Zoning By-law; and**

- is considered a desirable development of the lot.

Carried

3.4 Minor Variance Application - D13-A08-20

Moved by: Peter Mertens

Seconded by: Michelle Starnes

THAT Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, and D13-A09-20 be GRANTED, subject to the following conditions:

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

As the Minor Variance Application:

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

Carried

3.5 Minor Variance Application - D13-A09-20

Moved by: Peter Mertens

Seconded by: Michelle Starnes

THAT Minor Variance Applications D13-A05-20, D13-A06-20, D13-A07-20, D13-A08-20, and D13-A09-20 be GRANTED, subject to the following conditions:

1. That the variance pertains only to the request as submitted with the application; and that,

2. **That the development be substantially in accordance with the information submitted with the application.**

As the Minor Variance Application:

- **is minor in nature;**
- **conforms to the general intent and purpose of the Official Plan and Zoning By-law; and**
- **is considered a desirable development of the lot.**

Carried

3.6 Minor Variance Application - D13-A13-20

Alexandra Aodesh, Four Seasons Sunrooms, 240 Viceroy Road, Unit 6, VAUGHAN, L4K 3N9, ON, addressed the Committee as the agent working on behalf of the owner.

Ms. Aodesh said that the proposal is to add a sunroom addition at the rear of the home. They require two variances – minimum rear yard setback of 5.81 metres instead of 7.5 metres and maximum lot coverage of 46.69% instead of 45%. It is a pretty straightforward application.

Mr. Vescio asked if they have had any discussions with neighbours regarding the application.

Ms. Aodesh said that they have mentioned the proposal to neighbours and have not received any concerns.

Mr. Vescio asked if committee members had any questions. There were none.

Mr. Vescio asked if any members of the public wishes to speak. There were none.

Mr. Vescio stated that there were no more speakers.

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

1. Report from Alannah Slattery, Planner, dated September 23rd, 2020;
2. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated September 16th, 2020;
3. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated September 15th, 2020; and,
4. Email Correspondence from David Potter, Chief Building Official, dated September 9th, 2020.

Moved by: Michelle Starnes

Seconded by: Seyedmohsen Alavi

THAT Minor Variance Application D13-A13-20 be GRANTED, 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.**

As the Minor Variance Application:

- **is minor in nature;**
- **conforms to the general intent and purpose of the Official Plan and Zoning By-law; and**
- **is considered a desirable development of the lot.**

Carried

3.7 Minor Variance Application - D13-A14-20

Amirahmad Fathieh, 257 Plymouth Trail, NEWMARKET, L3Y 6G6, ON, addressed the Committee as the owner of the subject property.

Mr. Fathieh would like to request for a second unit in the basement. For that, they need to consider one of the parking spaces to be within the garage.

Mr. Vescio asked what is currently in the garage.

Mr. Fathieth said that there is nothing in the garage other than the two cars.

Mr. Vescio asked if committee members had any questions. There were none.

Mr. Vescio asked if any members of the public wishes to speak. There were none.

Mr. Vescio stated that there were no more speakers.

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

1. Report from Alannah Slattery, Planner, dated September 23rd, 2020;
2. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated September 16th;
3. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated September 15th, 2020; and,
4. Email Correspondence from David Potter, Chief Building Official, dated September 9th, 2020.

Moved by: Seyedmohsen Alavi

Seconded by: Peter Mertens

THAT Minor Variance Application D13-A14-20 be GRANTED, subject to the following conditions:

1. **That the variance pertains only to the request as submitted with the application; and,**
2. **That one space in the garage be reserved for the purpose of required parking and for no other use.**

As the Minor Variance Application:

- **is minor in nature;**
- **conforms to the general intent and purpose of the Official Plan and Zoning By-law; and**
- **is considered a desirable development of the lot.**

3.8 Minor Variance Application - D13-A15-20

Hasan Adel, YEJ Studio and Consulting, 250 Shields Court, Unit 7, MARKHAM, L3R 9W7, ON, addressed the Committee as the agent working on behalf of the owner. Subhash Bhatia, 92 Memorial Gardens Way, NEWMARKET, L3X 3A7, ON, property owner, was also present.

Mr. Bhatia said that the application is to allow for a second basement unit.

Mr. Mertens asked how long the applicant has owned the house.

Mr. Bhatia said that he is the first owner since 2006 and currently resides in Adu Dhabi.

Mr. Mertens asked who will reside in the house if they get approval.

Mr. Bhatia said that the intent is for his son to live in the basement unit.

Mr. Mertens asked the applicant if his son was going to be responsible for what happens on the property. The Committee has received a letter of opposition that mentioned that there is currently no one present on the property to maintain it. He would like to know that the issues raised in the past will be dealt with.

Mr. Bhatia said that the house has always been occupied by a tenant - other than in certain instances. By having a second unit, there will always be someone there to take care of the property.

Mr. Vescio stated that for property maintenance, if property is not maintained, the municipality will go on-site and send in the necessary trucks and equipment for maintenance and do the necessary work and the bill will be added onto the property tax which can get quite expensive, but the Town has the authority to do so.

Mr. Bhatia stated that that will not be required but comment has been noted.

Mr. Vescio asked if committee members had any further questions. There were none.

Mr. Vescio asked if any members of the public wishes to speak. There were none.

Mr. Vescio stated that there were no more speakers.

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

1. Report from Alannah Slattery, Planner, dated September 23rd, 2020;
2. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated September 16th;
3. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated September 15th, 2020;
4. Email Correspondence from David Potter, Chief Building Official, dated September 9th, 2020; and,
5. Letter of Opposition from David & Arlene Boulton, 90 Memorial Gardens Way, dated September 22nd, 2020

Moved by: Michelle Starnes

Seconded by: Seyedmohsen Alavi

THAT Minor Variance Application D13-A15-20 be GRANTED, subject to the following conditions:

1. **That the variance pertains only to the request as submitted with the application.**
2. **That one space in the garage be reserved for the purpose of required parking and for no other use.**

As the Minor Variance Application:

- **is minor in nature;**
- **conforms to the general intent and purpose of the Official Plan and Zoning By-law; and**
- **is considered a desirable development of the lot.**

4. Approval of Minutes

THAT the Minutes of the Wednesday, August 26th, 2020 meeting be approved

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

Carried

5. Adjournment

The meeting adjourned at 10:10 a.m.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

Carried

Chair

Date