



# **Town of Newmarket**

## **Minutes**

### **Committee of Adjustment**

Date: Wednesday, November 18, 2020  
Time: 9:00 AM  
Location: Electronic VIA ZOOM  
See How to Login Guide

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

Members Absent: Ken Smith  
Michelle Starnes

Staff Present: Patricia Cho, Secretary-Treasurer  
Casey Blakely, Senior 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](https://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. Appeals**

There were no appeals received for the applications considered by the Committee at the previous meeting.

#### **4. Items**

#### **4.1 Minor Variance Application - D13-A19-20**

Nicole Rogano, Soscia Professional Engineers Inc., 10376 Yonge Street, Suite 307, RICHMOND HILL, L4C 3B8, ON, addressed the Committee as the agent working on behalf of the owner.

Ms. Rogano would like to discuss a few items of concern from the planning staff report. First was in regard to traffic. It was mentioned that garages were typically not to be located in the rear yard. However, the proposal allows enough clearance space between the existing home and proposed garage for maintenance and there is no traffic along the lot line directly. The adjacent neighbour to the south is in support of application and has no concerns, but if concerns do arise, the owners are in contact with one another and could work to resolve it. Second was the concern about drainage. Through the building permit process, all water is to be contained within the property line and boundaries, and the eavestrough and downspout water collection will be used for their own vegetation. Thirdly, the large garage size is proposed to accommodate vehicles or trailers the owner has to maintain security of the vehicles and for snow storage. Lastly, the arborist report recommends compensation for the removal of the black walnut tree as it is in poor condition and they would be happy to comply.

Mr. Vescio asked if committee members had any questions.

Mr. Alavi asked the applicant for the reasoning for their request to reduce the side yard setback from 1.2m to 0.61m.

Ms. Rogano said the setback is required for the proposed specific door location of the garage to allow for better access to the garage itself to where the existing driveway is.

Mr. Mertens asked if the owners had any discussions with neighbours.

Ms. Rogano said the neighbours are fully aware of the application and has not stated any concerns but would be happy to work with them if there were any appeals.

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. Mertens asked if staff would like to provide any additional information based on the presentation from the applicant today.

Ms. Blakely said that the Committee should consider the staff report and recommendation and take into consideration the precedent that this could possibly set for the future.

Mr. Vescio stated that there were no more speakers.

While in Committee, Mr. Alavi said that he had concerns with the application as it would set a precedent for future proposals.

Mr. Vescio mentioned his concerns with the application was that the reduced setback would limit the ability for maintenance. The proposed total depth of the garage is uncommon and the size is close to or exceeding the size of the dwelling itself.

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

1. Report from Alannah Slattery, Planner, dated November 18<sup>th</sup>, 2020;
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated November 6<sup>th</sup>, 2020;
3. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated November 6<sup>th</sup>, 2020;
4. Email Correspondence from David Potter, Chief Building Official, Building Services dated November 4<sup>th</sup>, 2020, and;
5. Arborist Peer Review from Urban Forest Innovations Inc., dated October 30<sup>th</sup>, 2020.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

**THAT Minor Variance Application D13-A19-20 be DENIED,**

**As based on the evidence before it, the Committee concludes that the Minor Variance does not conform to the four tests as required by the Planning Act.**

#### **4.2 Minor Variance Application - D13-A20-20**

Mehri Darban, Sabat Architect Inc., 520 Steeles Avenue West, Unit 103, VAUGHAN, L4J 0H2, ON., addressed the Committee as the agent working on behalf of the owner and Jalal Seifihessar, 45 Ashton Road, NEWMARKET, L3Y 5R6, ON., addressed the Committee as the owner of the subject property.

Ms. Darban said that the owner applied for an accessory dwelling unit at 45 Ashton Road. As per the Zoning By-law, they need to provide three exterior parking spots but currently cannot. The owners are able to provide two exterior parking spaces and two interior parking spaces in the garage. This morning, they received two letters of opposition and the applicant would like to address some of their concerns. There was a concern that the neighbourhood would be crowded with cars. However, the proposal is for parking to be in the garage. Ms. Darban also mentioned that an accessory dwelling unit is a permitted use within the R1-D zoning.

Mr. Vescio asked if committee members had any other questions.

Ms. Lew asked if the owner is aware that they are to keep the garage empty for parking only.

Ms. Darban said the owner is aware and the garage is currently empty.

Mr. Seifihessar said he would like to address the other concerns in the letters of opposition. There was concern about the decrease in property values in the neighbourhood with a rental being added. However, it would be the opposite, as there would be more value when adding a rental property. Also, neighbours are concerned that there would be more people in the neighbourhood and more traffic. However, the accessory dwelling unit would not take any on-street parking spots.

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

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

Brian Brussell, 49 Ashton Road, NEWMARKET, L3Y 5R6, ON., addressed the Committee as a concerned neighbour.

Mr. Brussell said he lives directly adjacent to the house being discussed. Mr. Brussell has concerns with the home turning into a dual family

dwelling as it runs the risk of the current owner moving out and having a whole rental property beside them. Mr. Brussell also questioned who will maintain the property if it becomes a fully rental property. Another concern was that property value would go down if it turns into a completely rental property. He also mentioned about the fact that more single dwelling homes in the neighbourhood are becoming rentals. Also, they live on a quiet street and it is a no parking zone prior to 45 Ashton Road and begins at the edge of their property, so the concern is that more people would lead to more vehicles which turns into more demand for on-street parking. Mr. Brussell has spoken with other neighbours and they are in agreement with his concerns. Also, when looking at the proposed drawing, the stairwell to accessory dwelling unit will be along the side to his dwelling.

Mr. Vescio asked if there were any other members of the public wishing to speak. There were none.

Mr. Vescio stated that there were no more speakers.

While in Committee, Mr. Alavi explained that according to the Planning Act, through the Official Plan and Zoning By-law, these documents were supportive of affordable and rental units and accessory dwelling units are a permitted use. There is no concern with approval when considering the legislative frameworks.

Mr. Vescio said that the use itself is permitted and discussion is for the parking variance and whether variances are being in keeping with the four tests.

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

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2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated November 6<sup>th</sup>, 2020;
3. Email Correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated November 6<sup>th</sup>, 2020;
4. Email Correspondence from David Potter, Chief Building Official, Building Services dated November 4<sup>th</sup>, 2020;
5. Letter of Opposition from Eric Aapro and Ulrike Koehler, 41 Ashton Road, NEWMARKET, L3Y 5R6, ON, dated November 17<sup>th</sup>, 2020; and,

6. Letter of Opposition from Brian Russell, 49 Ashton Road,  
NEWMARKET, L3Y 5R6, ON, dated November 17<sup>th</sup>, 2020.

Moved by: Seyedmohsen Alavi

Seconded by: Elizabeth Lew

**THAT Minor Variance Application D13-A20-20 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.

**Carried**

**5. Approval of 2021 Schedule**

The 2021 Hearing Schedule was placed before the Committee for consideration.

Moved by: Elizabeth Lew

Seconded by: Peter Mertens

**THAT the 2021 Hearing Schedule be approved.**

**Carried**

**6. Approval of Minutes**

The Minutes of the meeting held on Wednesday, October 21<sup>st</sup>, 2020 were placed before the Committee for consideration.

Moved by: Elizabeth Lew

Seconded by: Seyedmohsen Alavi

**THAT the Minutes of the Wednesday, October 21<sup>st</sup>, 2020 meeting be approved.**

**Carried**

**7. Adjournment**

Moved by: Peter Mertens

Seconded by: Elizabeth Lew

**THAT the Meeting adjourned at 10:09 a.m.**

**Carried**

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Chair

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Date