



Town of Newmarket

Minutes

Committee of Adjustment

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

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

Members Absent: Michelle Starnes

Staff Present: Patricia Cho, Secretary-Treasurer
Meghan White, Senior Planner
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.

2. Conflict of Interest Declarations

3. Appeals

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

4. Items

4.1 Deferred Applications

4.1.1 Minor Variance Application - D13-A18-20

Syban Industries Limited
Part Lot 93, Concession 1, Part 1, Plan 65R14981
17080 Bathurst Street

Stephanie Soave, 56 Ochalski Road, AURORA, L4G 7J3, ON., addressed the Committee as the agent working on behalf of the owner.

Ms. Soave would like to request a deferral of this item to be considered at the next Committee meeting, which will be held on January 20, 2021, to allow more time to discuss and prepare with their lawyer.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

THAT Minor Variance Application D13-A18-20 be DEFERRED.

Carried

4.2 Minor Variance Application - D13-A21-20

Bornbaum, Maureen
Lot 37 Plan 314
733 Arthur Street

Kyle Khadra, KBK Architects Inc., 1180 Stellar Drive, NEWMARKET, L3Y 7B9, ON, addressed the Committee as the agent working on behalf of the owner.

Mr. Khadra says the proposal is to demolish the existing garage and build a new garage. The existing garage sits on the rear property line and the current rear yard setback is 0 metres. They are seeking relief to allow for the new garage to have the same building setbacks but the structure will be slightly larger to accommodate their vehicles. The satellite images currently show that sheds and garages located on the property line is common in the area. They recognize that their neighbour has voiced

concerns but would like to clarify that they are simply replacing the existing garage.

Mr. Vescio asked if committee members had any questions.

Ms. Lew asked if there has been any comments from the neighbour directly behind.

Mr. Khadra said no correspondence had been received from the neighbour directly behind. The letter of opposition received was from the neighbour diagonally behind.

Mr. Alavi asked if the structure was going to be demolished completely and the reconstruction of a completely new structure.

Mr. Khadra said the condition of the shed is deteriorating and that would be the intent.

Mr. Vescio asked what the garage was going to be used for.

Mr. Khadra said vehicle parking and storage.

Mr. Vescio asked if the survey shows a rear yard setback at all.

Mr. Khadra said that is the only copy of the survey obtained.

Mr. Vescio said that it was mentioned that there are properties in the neighbourhood with 0 metre setback. He asked if the garage was being reconstructed completed, would a total 0 metre setback be necessary.

Mr. Khadra said there would be no concern with revising the plans but as shown on the current site plan, there is a 2.46 metre separation distance between the dwelling to garage.

Mr. Vescio asked how much building separation would be necessary for the applicant.

Mr. Khadra said 2.35 metres would have no impact.

Ms. Blakely said if there were any revisions, staff would need to review the new proposal circulate to building staff to review for fire separation.

Mr. Vescio asked if there is a fence at the rear property line presently and any debris built up behind the garage.

Mr. Khadra said that there is.

Mr. Vescio said the main concern is property maintenance to the side and back of the garage if the setback was 0 metre, as there is no way of getting in there and cleaning it up.

Mr. Khadra said that he understands the Chair's concern and would be happy to revise and adjourn if the Committee feels that is necessary.

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.

In Committee, Mr. Alavi said that it is acceptable for legal non-confirming structures to maintain the existing building envelope. However, with demolition of entire structure and expanding it, the legal non-confirming status would be removed.

Ms. Blakely said the structure predates the Town's Zoning By-law. As the structure is to be demolished and slightly expanded, a minor variance is required.

Mr. Vescio said to clarify, once the structure is removed and expanded, the legal con-conforming status is lost and a minor variance would be required.

Ms. Blakely said that if the applicant reconstructed on the same footprint, the 0 metre setback would be continued. As the garage is proposed to be reconstructed with extension of the 0 metre setback along the lot line, a minor variance is required.

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

1. Report from Casey Blakely, Senior Planner, dated December 2nd, 2020;
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated December 2nd, 2020;
3. Email Correspondence from Tiffany Wong, Planning and Economic Development Services, Region of York, dated December 1st, 2020;
4. Email Correspondence from David Potter, Chief Building Official, Building Services dated November 26th, 2020, and;
5. Letter of Opposition from Cynthia St-Pierre and Yves St-Pierre, 738 Lowell Avenue, NEWMARKET, L3Y 1T5, ON., dated December 3rd, 2020.

Moved by: Elizabeth Lew

Seconded by: Peter Mertens

THAT Minor Variance Application D13-A21-20 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 reduction in rear yard setback from 7.5 metres to 0 metres applies only to the area of the proposed new garage; and,**
3. **That the applicant apply for and receive a Site Alteration Permit from Engineering Services.**

As the Minor Variance Application:

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

Carried

4.3 Minor Variance Application - D13-A22-20

**Ship, Catherine and Ship, Montgomery
Part Block A Plan 127
788 Allan Avenue**

Catherine Ship and Montgomery Ship, 788 Allan Avenue, NEWMARKET, L3Y 1H9, ON., addressed the Committee as the owners of the subject property.

Ms. Ship said their family would like to install a swimming pool but they have an irregularly shaped lot. They would like to install a swimming pool in their forever home and make it an oasis.

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

Ms. Lew asked if the applicant was aware about the deficiencies identified by the Town's Consultant Arborist with the Arborist Report that needs to be revised.

Ms. Ship asked if the application was to be approved, would there be a condition to have this completed.

Ms. White said that due to receiving the Consulting Arborist's comments late, she would request that the Committee amend the report to include a condition for the application to include compliance with the Town's Tree Policy. Planning will work with the applicant to sort through it.

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 Meghan White, Senior Planner, dated December 3rd, 2020;
2. Report from Urban Forest Innovations Inc., dated December 8th, 2020;
3. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated December 2nd, 2020;
4. Report from Laura Tafreshi, Lake Simcoe Region Conservation Authority (LSRCA), dated December 2nd, 2020;
5. Email Correspondence from Tiffany Wong, Planning and Economic Development Services, Region of York, dated December 1st, 2020; and,
6. Email Correspondence from David Potter, Chief Building Official, Building Services dated November 26th, 2020.

Moved by: Peter Mertens

Seconded by: Ken Smith

THAT Minor Variance Application D13-A22-20 be GRANTED, subject to the following conditions:

- 1. That the variance pertains only to the request as submitted with the application;**
- 2. That the development be substantially in accordance with the information and sketch submitted with the application; and,**
- 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 Preservation, Protection, Replacement and Enhancement Policy.

As the Minor Variance Application:

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

Carried

4.4 Minor Variance Application - D13-A23-20

**Jimsgate Inc.
Part Lot 28 PLAN 81
209 Main Street South**

Mr. Irons said that they had applied for a minor variance last year for a third-storey addition to the existing building but came across structural issues and decided not to proceed. Mr. Irons would like to proceed with a rear addition to allow for the restaurant to have outdoor space in the summer time. The rear is currently under-utilized and by creating a rear deck for the restaurant and residential unit, it would allow them to enjoy outdoor space. The proposal would help upgrade and gentrify Cedar Street.

Mr. Pretotto said that they are proposing two decks, one on the first-storey and one on the second-storey. Both proposed decks will have privacy screening and control aesthetics. There are currently no provision in the Town's Zoning By-law that permits these technical aspects in its definitions. Some neighbouring properties have similar decks and the overall goal is to enhance the building and feel of Cedar Street.

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.

Councillor Kwapis, Ward 5, Town of Newmarket, said that the downtown is currently being rejuvenated and enhanced. For instance, Riverwalk Common and Main Street have been extremely successful. Cedar Street lies in the middle and has been more of a barrier. Councillor Kwapis is thrilled that the property owner is investing huge amount of money to rejuvenate the rear and in turn, would bring foot traffic that would entice other property owners to do the same. Councillor Kwapis would advise that the Committee approve the application.

Mr. Vescio asked if any other 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 Meghan White, Senior Planner, dated December 4th, 2020;
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated December 2nd, 2020;
3. Email Correspondence from Tiffany Wong, Planning and Economic Development Services, Region of York, dated December 1st, 2020; and,
4. Email Correspondence from David Potter, Chief Building Official, Building Services dated November 26th, 2020.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

THAT Minor Variance Application D13-A23-20 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 and sketch submitted with the application.

As the Minor Variance Application:

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

Carried

5. Approval of Minutes

Moved by: Ken Smith

Seconded by: Elizabeth Lew

THAT the Minutes of the Wednesday, November 18th, 2020 meeting be approved.

Carried

6. Adjournment

The meeting adjourned at 10:06 a.m.

Moved by: Peter Mertens

Seconded by: Elizabeth Lew

THAT the Meeting adjourn.

Carried

Chair

Date