



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, January 20, 2021
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

Staff Present: Patricia Cho, Secretary-Treasurer
Meghan White, Senior Planner
Adrian Cammaert, Manager, Planning Services
Devon Morton, Planner

The Chair called the meeting to order at 9:30 AM.

1. Notice

The Chair gave 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

None declared.

3. Appeals

None.

4. Items

4.1 Minor Variance Application - D13-A18-20

Syban Industries Limited

Part Lot 93, Concession 1, Part 1, Plan 65R14981

17080 Bathurst Street

Patricia Cho, Secretary-Treasurer, indicated the applicant, Syban Industries Limited, has submitted a request for withdrawal of their application.

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

1. Email from Stephanie Soave, Keller Williams Realty Centres, January 6th 2021.

Moved by: Ken Smith

Seconded by: Elizabeth Lew

That the request to withdraw the application be approved

Carried

4.2 Minor Variance Application - D13-A24-20

Montasseri, Korosh

Lot 134 PLAN M68

258 Plymouth Trail

Authorized Agent, Kyle Khadra, indicated he will be representing Minor Variance application D13-A24-20 and offered a presentation identifying the relief requested to the Committee. Mr. Khadra addressed the two letters of objection and letter of support that had been received. Furthermore, Mr. Khadra indicated permits had been issued for the Accessory Dwelling Unit.

Mr. Vescio sought clarification on the status and types of permits issued for the Accessory Dwelling Unit.

Mr. Khadra explained the existing Accessory Dwelling Unit had been permitted previously and that the relief requested is due to an alteration in the method of entry into the Accessory Dwelling Unit.

Clerical error identified by Mr. Vescio, report and agenda should reflect application D13-A24-20.

The Committee had no further question or comment.

The Public had no further question or comment.

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

1. Email from David Potter, Chief Building Official, Town of Newmarket, January 12th, 2021.
2. Memorandum from Sepideh Mejd, Manager, Development Engineering, Town of Newmarket, January 11th, 2021.
3. Letter of Opposition from Garry and Debbie Kaszper, 260 Plymouth Trail, Newmarket, January 13th, 2021.
4. Letter of Opposition Jason Nugent, unknown Plymouth Trail, Newmarket, January 17th, 2021.
5. Letter of Opposition from Eddie and Natasha Adzic, 265 Plymouth Trail, Newmarket, January 15th, 2021.
6. Letter of Support Amir Fathieh, 257 Plymouth Trail, Newmarket, January 19th, 2021.

Moved by: Peter Mertens

Seconded by: Ken Smith

That Minor Variance Application D13-A24-20 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 and drawing submitted with the application; and**
- 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.**

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-A25-20

Davis Drive 404 Retail GP Inc.

Part Lot 35, Concession 3, Parts 1-3, Plan 65R38559

1240 Twinney Drive

Authorized Agent, Jenny Stark, indicated she will be representing Minor Variance application D13-A25-20 and offered background and contextual information related to the application. Ms. Stark further explained the nature of relief requested and why the proposal can not conform to the Zoning By-law.

Ms. Lew expressed concern in regards to the total floor area of the building and tree removal on the subject lands.

Authorized Agent, Jenny Stark, indicated the total floor area requested is approximate and could be altered due to a change in the floorplate and that tree removal concerns for the entire site are addressed in the Arborist's report.

Mr. Mertens expressed concern over whether the issues raised by participants would be addressed.

Senior Planner, Meghan White, indicated the review process would address residents concerns. Ms. White experienced technical difficulties and was disconnected from the meeting.

Ms. Stark indicated some concerns have been addressed and that additional traffic modifications are on-going and planned for the future.

Mr. Vescio requested that the concerns identified be forwarded to the Planner responsible for Site Plan review.

The Committee had no further question or comment.

Susan Eaton, owner and operator of 1225 Twinney Drive, expressed concern that Twinney Drive is not a major thoroughway and questioned the validity of traffic studies.

Ms. Stark indicated a traffic study was completed and additional measures will be implemented throughout the area including turning lanes and signalized intersections.

Adrian Cammaert, Manager of Planning, indicated the principle of land use had already been established and that the minor variance is in regards to site development.

Ms. Eaton expressed concern that the application and relief requested does not fit the definition of a Minor Variance.

Mr. Vescio indicated staff had determined this was an appropriate avenue to seek planning approvals for the relief requested.

Ms. Eaton expressed concern that this proposal will have significant impacts on her and wants to be involved with Site Plan approvals in the future.

Mr. Vescio assured Ms. Eaton she would have an opportunity to comment on the application further during the Site Plan approval process.

Jeff Allan, of 1172 Davis Drive, expressed concerns that the application and relief requested does not fit the definition of a Minor Variance.

The Public had no further question or comment.

The Committee had no further question or comment.

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

1. Email from David Potter, Chief Building Official, Town of Newmarket, January 12th, 2021.
2. Memorandum from Sepideh Mejd, Manager, Development Engineering, Town of Newmarket, January 11th, 2021.
3. Email from Anson Wong, Associate Planner, York Region, January 21st, 2021.
4. Letter of Opposition from Glenn Sutton, 1175 Twinney Drive, Newmarket, January 19th, 2021.
5. Letter of Opposition from Susan Eaton, 1225 Twinney Drive, Newmarket, January 19th, 2021.
6. Letter of Concern from Mark Dean, 1225 Twinney Drive, Newmarket, January 19th, 2021.

Moved by: Elizabeth Lew

Seconded by: Peter Mertens

That Minor Variance Application D13-A25-2020 be approved, subject to the following conditions:

- 1. That the variance pertains only to the request as submitted with the application, specifically that the accessory use of a motor vehicle service station is limited to one (1) gas bar; 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

4.4 Minor Variance Application D13-A26-20

Asgari, Pouya, and Charkhinejad, Tina

Lot 47 PLAN 65M2734

334 Savage Road

Mr. Pouya Asgari, indicated he will be representing Minor Variance application D13-A26-20.

The Committee had no further question or comment.

Richard Wilson, of 314 Savage Road, expressed traffic and parking related concerns related to the application. He further expressed concern over the number of bedrooms in the residence and whether the proposal satisfied the requirements of the Ontario Building Code.

Mr. Vescio explained that the Province of Ontario has mandated Accessory Dwelling Units as permitted uses and the reason for application is to reduce parking requirements. Mr. Vescio explained a Building Permit would be required for the proposal.

Mr. Wilson expressed concern that the Zoning By-law was not being followed.

Janany Nagulan, Planner, explained the Provincial regulations and provisions of the Zoning By-law that regulate Accessory Dwelling Units and the associated parking provisions.

Mr. Vescio explained the purpose and function of a Committee of Adjustment.

Mr. Wilson stated his opposition to the application.

The Public had no further question or comment.

Mr. Alavi explained that many municipalities have reduced or eliminated parking requirements in their Zoning By-laws.

The Committee had no further question or comment.

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

1. Email from David Potter, Chief Building Official, Town of Newmarket, January 12th, 2021.
2. Memorandum from Sepideh Mejd, Manager, Development Engineering, Town of Newmarket, January 11th, 2021.
3. Letter of Opposition from David Moss, 395 Mulock Drive, Newmarket, January 14th, 2021.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

That Minor Variance Application D13-A26-2020 be approved, 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; and**
3. **That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.**

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

5.1 December 9, 2020

The Committee accepted the Minutes of the December 9th, 2020 meeting.

Moved by: Elizabeth Lew

Seconded by: Ken Smith

That the Minutes of the December 9th, 2020 meeting be approved.

Carried

6. Committee Appointments

6.1 Secretary-Treasurer

The Committee appointed Devon Morton as Secretary-Treasurer.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

That the Committee appoint Devon Morton as Secretary-Treasurer

Carried

6.2 Alternate Secretary-Treasurer

The Committee appointed Patricia Cho as Alternate Secretary-Treasurer

Moved by: Elizabeth Lew

Seconded by: Ken Smith

That the Committee appoint Patricia Cho as Alternate Secretary-Treasurer

Carried

7. Adjournment

The meeting was adjourned at 10:26 AM.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

That the meeting be adjourned

Carried

Chair

Secretary-Treasurer

Date