



# **Town of Newmarket**

## **Minutes**

### **Committee of Adjustment**

Date: Wednesday, February 24, 2021

Time: 9:30 AM

Location: Electronic VIA ZOOM  
See How to Login Guide

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

Staff Present: Patricia Cho, Planner  
Janany Nagulan, Planner  
Devon Morton, Secretary-Treasurer

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

#### **1. Notice**

The Chair gave notice.

#### **2. Conflict of Interest Declarations**

No conflicts declared by the Committee.

#### **3. Appeals**

None.

#### **4. Items**

##### **4.1 Minor Variance Application D13-A01-21**

**Elm Harry Walker Parkway (2019) Inc.**

**LT 4 PL 65M3804 PTS 3 & 4 65R35337; T/W OVER PTS 2,4,7 & 11  
65R27423 AS IN YR548158**

**455 Harry Walker Parkway South**

The applicant is proposing construction of two medium hazard industrial buildings for employment uses. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 4.14.1 Landscape Buffers for Parking Lots to permit a landscape buffer area to be occupied by a retaining wall whereas the By-law requires that such buffer areas shall not be used for any other purpose other than vegetative landscaping.
2. Relief from Section 4.14.1 Landscape Buffers for Parking Lots to permit a minimum 6.0 metre wide landscape buffer in the front yard whereas the By-law requires a minimum 12.0 metre wide landscape buffer in the front yard.
3. Relief from Section 4.14.1 Landscape Buffers for Parking Lots to permit a minimum 1.5 metre wide landscape buffer contained in the retaining wall of the side and rear yard whereas the By-law requires a minimum 3 metre wide landscape buffer in the side and rear yard.
4. Relief from Section 6.5.2 Zone Standards to permit a minimum front yard of 6.0 metres whereas the By-law requires a minimum front yard of 12.0 metres.

Joe Morano, indicated Dwayne Warren from Baldassarra Architects Inc. will be representing Minor Variance application D13-A01-21 as the Authorized Agent. Mr. Warren indicated that he accepts the planner's recommendation to defer the decision until further studies are provided.

The Committee had no further question or comment.

The Public had no further question or comment.

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

1. Report from Janany Nagulan, Planner, dated February 19<sup>th</sup>, 2021
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated February 16<sup>th</sup> 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated February 11<sup>th</sup>, 2021.

Moved by: Seyedmohsen Alavi  
Seconded by: Peter Mertens

**That Minor Variance Application D13-A01-21 be DEFERRED until the Secretary-Treasurer advises that that additional information is provided by the applicant.**

**Carried**

#### **4.2 Minor Variance Application D13-A02-21**

**Dewar, Caroline & Chalmers, Nelia Melo**

**PT LT 8 E/S PROSPECT ST PL 22 NEWMARKET; PT LT 9 E/S PROSPECT ST PL 22 NEWMARKET AS IN R724642**

##### **125 Prospect Street**

The applicant is proposing reconstruction of a second-storey balcony. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 3 Definitions to permit reconstruction of a second-storey balcony supported by vertical uprights whereas the By-law defines a balcony as a raised platform or structure in excess of 3 metres above grade which is not supported by vertical uprights other than from the exterior wall of the building from which it projects and is only accessible from within the building.

David Johnston indicated he will be representing Minor Variance application D13-A02-21 as the Authorized Agent.

Mr. Vescio confirmed with Mr. Johnston the relief requested is in regards to the definition of a Balcony.

The Committee had no further question or comment.

The Public had no further question or comment.

Ken Smith joined the meeting.

The planner, Janany Nagulan, indicated that the L.S.R.C.A. recommended, as a condition of approval, that payment be made by the applicant to the L.S.R.C.A. for their review of the application.

Mr. Johnston, accepted the recommendation and condition.

The Public had no further question or comment.

The Committee had no further question or comment.

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

1. Report from Janany Nagulan, Planner, dated February 18<sup>th</sup>, 2021
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated February 16<sup>th</sup> 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated February 11<sup>th</sup>, 2021.
4. Email correspondence from Laura Tafreshi, Planner I, LSRCA, dated February 23<sup>rd</sup>, 2021.

Moved by: Ken Smith

Seconded by: Michelle Starnes

**That Minor Variance Application D13-A02-21 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; and**
- 4. That the Owner shall pay all development fees to the LSRCA in accordance with the approved Fees Policy under the Conservation Authorities Act. (Note: payment is currently outstanding for the LSRCA review of the minor variance application of \$525.00 per the LSRCA 2021 Fee Schedule).**

**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-A03-21**

**Mohammadnazari, Sharareh & Hassany, Abbas**

**PCL 244-1, SEC M75 ; LT 244, PL M75, S/T RIGHT LT189699**

**438 Bristol Road**

The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.1 Minimum Off-Street Parking Requirements to permit one (1) parking space for an Accessory Dwelling Unit to be provided within the existing garage whereas the By-law requires parking spaces be provided exterior to any garage.

Sharareh Mohammadnazari, indicated she will be representing Minor Variance application D13-A03-21.

Ms. Starnes expressed concerns had been raised by members of the public and inquired if this application was seeking to permit a third residential unit.

Ms. Mohammadnazari explained that this application is not to permit a third residential unit, rather, it is to achieve compliance after a letter was received indicating the existing A.D.U. must be registered. Ms. Mohammadnazari further explained this application is to address parking requirements and that no addition is proposed.

The Committee had no further question or comment.

The Public had no further question or comment.

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

1. Report from Patricia Cho, Planner, dated February 17<sup>th</sup>, 2021
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated February 10<sup>th</sup> 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated February 12<sup>th</sup>, 2021.
4. Email correspondence from Ann and John Nairn dated February 22<sup>nd</sup>, 2021.
5. Email correspondence from Brenda Malloy dated February 22<sup>nd</sup>, 2021.
6. Email correspondence from Inge Ruddies and Julio Santos dated February 19<sup>th</sup>, 2021.
7. Email correspondence from Leanne Tucker, dated February 23<sup>rd</sup>, 2021.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

**That Minor Variance Application D13-A03-2021 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.**

**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-A04-21**

**Roosta, Bahman & Attar, Anoosheh**

**LOT 132, PLAN 65M4436 SUBJECT TO AN EASEMENT FOR ENTRY AS IN YR2432902**

**625 McGregor Farm Trail**

The applicant is proposing the addition of an Accessory Dwelling Unit within the existing residential dwelling. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.1 Minimum Off-Street Parking Requirements to permit one (1) parking space for an Accessory Dwelling Unit to be provided within the existing garage whereas the By-law requires parking spaces be provided exterior to any garage.

Bahman Roosta, indicated he will be representing Minor Variance application D13-A04-21 and offered a presentation identifying the relief requested to the Committee. Mr. Roosta further explained why the proposal cannot conform to the Zoning By-law.

The Committee had no further question or comment.

The Public had no further question or comment.

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

1. Report from Patricia Cho, Planner, dated February 17<sup>th</sup>, 2021
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated February 10<sup>th</sup> 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated February 12<sup>th</sup>, 2021.
4. Email correspondence from Dominic Murphy dated February 23<sup>rd</sup>, 2021.
5. Email correspondence from Georgette Marcuzzi dated February 19<sup>th</sup>, 2021.
6. Email correspondence from Michelle McAllister dated February 23<sup>rd</sup>, 2021.
7. Email correspondence from Yaqiang Li, dated February 15<sup>th</sup>, 2021.

Moved by: Michelle Starnes

Seconded by: Peter Mertens

**That Minor Variance Application D13-A04-2021 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.**

**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**

#### **4.5 Consent Application D10-B01-21**

**College Manor Shops Inc.**

**PCL 37-3, SEC 65M2836 ; PT BLK 37, PL 65M2836 , PTS 1, 2 & 3  
65R18363 EXCEPT PT 1 D744 ; S/T LT793962, LT841410  
NEWMARKET S/T EASE OVER PT 1, 65R26057 IN FAVOUR OF BELL  
CANADA AS IN YR387973**

## **855 Mulock Drive**

College Manor Shops Inc. (The Landlord) is proposing to permit the lease agreement registered on title between the Landlord and TDL Group Inc. (the Tenant) to be extended for a period of 21 years or greater.

Raphael Romeral, indicated he will be representing Consent application D10-B01-21 as the Authorized Agent.

The Committee had no further question or comment.

The Public had no further question or comment.

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

1. Report from Janany Nagulan, Planner, dated February 18<sup>th</sup>, 2021
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated February 10<sup>th</sup> 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated February 11<sup>th</sup>, 2021.

Moved by: Michelle Starnes

Seconded by: Seyedmohsen Alavi

**That Consent Application D10-B01-21 be GRANTED, subject to the following conditions:**

**That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:**

- 1. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands; and**
- 2. a copy of the fully executed lease regarding the subject lands; and**
- 3. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted; and**
- 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.**

**Carried**

## **5. Approval of Minutes**



### **5.1 January 20, 2021**

The Committee accepted the Minutes of the January 20th, 2021 meeting.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

**That the minutes of the January 20th, 2021 meeting be APPROVED.**

**Carried**

## **6. New Business**

### **6.1 Procedural Bylaw**

Mr. Morton initiated a general discussion in regards to the distribution of the agenda, comments and other supporting documentation as well as the establishment of a Procedural By-law.

The consensus from the conversation is that:

1. When in-person meetings resume, hard copies of the agenda, comments and other supporting documentation should be provided at the meeting for each member.
2. All digital information should be stored in one centralized location, accessed via a link provided by the Secretary-Treasurer.
3. The agenda, comments and other supporting documentation should all be provided on the Friday prior to the meeting to each member.
4. Members want the ability to print documents individually and as one combined document from the centralized location.
5. There is merit in exploring a Procedural By-law.
6. Five (5) new applications being heard per meeting is preferred.
7. Some members would like access to the Town of Newmarket's G.I.S.

## **7. Adjournment**

The meeting was adjourned.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi

**That the meeting be adjourned.**

**Carried**

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Chair

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Secretary-Treasurer

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Date