



# Town of Newmarket

## Minutes

### Committee of Adjustment

Date: Wednesday, March 24, 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, Planner  
Janany Nagulan, Planner  
Devon Morton, Secretary-Treasurer

#### 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-A05-21

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.

Mr. Price indicated he will be representing Minor Variance application D13-A05-21 as the Authorized Agent.

Mr. Price explained the extent of the relief requested.

Mr. Vescio confirmed the number of vehicles used by the Price family and the number of external parking spaces provided.

Mr. Price explained there are currently 2 external parking spaces and 2 spaces provided within the existing garage.

Mr. Moreau inquired if the application being heard would result in the creation of a new apartment within the existing garage.

Mr. Vescio further explained the nature of the application and the extent of the relief requested.

Mr. Moreau indicated he had no further concern.

The Planner, Ms. Nagulan, clarified the parking requirements associated with the creation of an Additional Dwelling Unit.

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 March 18<sup>th</sup>, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated March 17<sup>th</sup>, 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated March 8<sup>th</sup>, 2021.
4. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated March 9<sup>th</sup>, 2021.

5. Letter of Support, Ann and Terry Murphy, 317 Kirby Crescent, Newmarket, dated March 9<sup>th</sup>, 2021.
6. Letter of Support, Fabiola and Andre Sadono, 313 Kirby Crescent, Newmarket, dated March 11<sup>th</sup>, 2021.
7. Letter of Support, Mike and Maureen O'Leary, 323 Kirby Crescent, Newmarket, dated March 19<sup>th</sup>, 2021.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

**That Minor Variance Application D13-A05-21 be approved, subject to the following conditions:**

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

#### **4.2 Minor Variance Application D13-A06-21**

The applicant is proposing construction of an addition to the existing Single Family Dwelling. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 6.2.2 Zone Standards to permit a 1.2 m interior side yard whereas the By-law requires a 1.8 m interior side yard.
2. Relief from Section 6.2.2 Zone Standards to permit a 4.5 m front yard whereas the By-law requires that the minimum front yard be one metre

less than the average of the front yard of adjacent dwellings located within 60 metres, of the subject property on the same road, but shall not be closer to the street line than 3m.

Mr. Kerr indicated he will be representing Minor Variance application D13-A06-21.

Mr. Kerr explained the extent of the relief requested.

Ms. Lew confirmed letters of support had been received and questioned whether any opposition to the application had been expressed.

Mr. Kerr indicated no opposition to the application had been expressed.

Mr. Alavi expressed concern that the relief requested was not gradual, the impacts could extend beyond neighboring properties and this would result in a reduction of the average front yard set back for the entire neighborhood.

The Planner, Ms. Nagulan, explained that the impacts of reducing one front yard setback would not significantly impact the average for the neighborhood.

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 March 18<sup>th</sup>, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated March 17<sup>th</sup>, 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated March 8<sup>th</sup>, 2021.
4. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated March 9<sup>th</sup>, 2021.
5. Letter of Support, Heather Cromie, 1032 Wildwood Drive, Newmarket, dated March 15<sup>th</sup>, 2021.
6. Letter of Support, Dan Jones and Saskia Loomans-Jones, 1025 Wildwood Drive, Newmarket, dated March 16<sup>th</sup>, 2021.

Moved by: Peter Mertens

Seconded by: Elizabeth Lew

**That Minor Variance Application D13-A06-21 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 plans submitted with the application; and**
3. **That the applicant provide site specific grading plans prepared and sealed by the design Engineer (P.Eng), to be approved by Engineering Services; and**
4. **That the applicant provide a sealed letter prepared by the design Engineer (P.Eng) demonstrating that the proposed addition will not change the existing grading and drainage patterns and will not have an impact on the adjacent properties to the satisfaction of Engineering Services; and**
5. **That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.**

**The relief as requested:**

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 desirable for the appropriate development of the lot.**

**Carried**

#### **4.3 Minor Variance Application D13-A07-21**

The applicant is proposing construction of an addition to the existing Single Family Dwelling. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 6.2.2 Zone Standards to permit a 1.148 m interior side yard whereas the By-law requires a 1.8 m interior side yard.

Mr. Howie indicated he will be representing Minor Variance application D13-A07-21.

Mr. Howie explained the extent of the relief requested.

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 March 17<sup>th</sup>, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated March 17<sup>th</sup>, 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated March 8<sup>th</sup>, 2021.
4. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated March 9<sup>th</sup>, 2021.

Moved by: Elizabeth Lew

Seconded by: Peter Mertens

**That Minor Variance Application D13-A07-2021 be approved, 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 site plan submitted with the application;**
3. **That the applicant submit a letter and site specific grading plans prepared and sealed by a design Engineer (P.Eng); and,**
4. **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 Tree Preservation, Protection, Replacement and Enhancement Policy.**
5. **That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.**

**The relief as requested:**

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 desirable for the appropriate development of the lot.**

**Carried**

#### **4.4 Minor Variance Application D13-A08-21**

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.

Mr. Golbabapour indicated he will be representing Minor Variance application D13-A08-21 as the Authorized Agent.

Mr. Golbabapour explained the extent of the relief requested.

Ms. Lew questioned whether the existing garage was currently being used.

Mr. Golbabapour explained he could not confirm if the garage was currently being used.

Mr. Lowes expressed safety concerns in regards to the existing parking arrangement and indicated the garage was not being used to park vehicles.

Mr. Lowes indicated several vehicles currently park illegally and are often encroaching into the sidewalk.

Ms. Ruffolo expressed safety concerns in regards to the existing parking arrangement and claimed leaking oil has made the driveway and sidewalk more hazardous to walk on.

Ms. Ruffolo expressed concerns with the number of people living in the home.

Mr. Singh, 93 Stiver Drive, sought clarification in regards to Engineering Services comment.

Ms. Cho explained that approval of the application would provide an interior parking space and would not result in additional vehicles parking on the street.

Mr. Benedek, 94 Stiver Drive, questioned the home's tenure, the existing number of occupants and the number of occupants occupying the home in the future.

Mr. Golbabapour indicated that in the future there would be a single family occupying the home.

Mr. Benedek questioned what could be done in the future should there be too many occupants with vehicles occupying the home.

Mr. Vescio recommended an amendment to the conditions that states failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Mr. Benedek further questioned what could be done in the future should there be too many occupants with vehicles occupying the home.

Mr. Vescio indicated compliance could be achieved through the town's By-law enforcement team.

Mr. Lowes indicated the current owners have rented this property to tenants many times in the past and there is no evidence of a renovation being completed.

Mr. Lowes raised property standards concerns.

Mr. Golbabapour explained he did not indicate a renovation was on-going and that the owners are living out of the country with plans to renovate in the future.

Mr. Moreau indicated safety concerns in regards to the existing parking arrangement and that several vehicles currently park illegally and are often encroaching into the sidewalk.

Mr. Mertens expressed he is typically supportive of Additional Dwelling Units however he has difficulties with the application.

Mr. Mertens indicated that until the home becomes owner occupied and the maintenance issues are addressed he cannot support the application.



Mr. Vescio indicated he did not believe the request for a Minor Variance satisfied the four tests.

Mr. Vescio indicated the development was not desirable for this lot and that a total lack of maintenance had been demonstrated.

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 March 17<sup>th</sup>, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated March 17<sup>th</sup>, 2021.
3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated March 8<sup>th</sup>, 2021.
4. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated March 9<sup>th</sup>, 2021.
5. Letter of Opposition, Claude Moreau, 295 Primrose Lane, Newmarket, dated March 24<sup>th</sup>, 2021.
6. Letter of Opposition, Dave Lowes, 90 Stiver Drive, Newmarket, dated March 21<sup>st</sup>, 2021.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

*That Minor Variance Application D13-A08-21 be approved, subject to the following conditions:*

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

*Defeated*

#### **4.5 Minor Variance Application D13-A09-21**

The applicant is proposing construction of an exterior stairwell and an addition to the existing Single Family Dwelling. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 6.2.2 Zone Standards to permit a 1.2 m interior side yard whereas the By-law requires a 1.8 m interior side yard.

Mr. Dales indicated he will be representing Minor Variance application D13-A09-21 as the Authorized Agent.

Mr. Dales explained the extent of the relief requested.

Mr. Suming, 686 Gorham Street, indicated he felt the stairwell would be too close to the neighboring property.

Mr. Vescio explained the function of the Committee of Adjustment and questioned why Mr. Suming felt the stairwell would be too close to the neighboring property.

Mr. Suming questioned why the stairwell is needed.

Mr. Dale indicated the stairwell is to allow access to the basement.

Mr. Alavi explained there is no impact to Mr. Suming's property as he does not abut 693 Gorham Street.

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 March 17<sup>th</sup>, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, dated March 17<sup>th</sup>, 2021.

3. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated March 8<sup>th</sup>, 2021.
4. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated March 9<sup>th</sup>, 2021.

Moved by: Seyedmohsen Alavi

Seconded by: Ken Smith

**That Minor Variance Application D13-A09-2021 be approved, 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 site plan 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.**

**The relief as requested:**

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 desirable for the appropriate development of the lot.**

**Carried**

## **5. Deferred Applications**

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

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.

Mr. D' Elia indicated he will be representing Minor Variance application D13-A01-21 as the Authorized Agent and that Joe Morano, Dwayne Warren and Irfan Akram are also in attendance.

Mr. D' Elia explained the extent of the relief requested.

Ms. Lew questioned what the variances would accommodate.

Mr. Akram indicated the relief was not to accommodate additional parking.

Ms. Lew questioned why the variances were necessary.

Mr. Warren indicated the relief is to maintain consistency with massing of the neighboring buildings, accommodate loading spaces and accommodate storm water management.

Mr. Alavi questioned whether other properties in the area had similar front yard setbacks.

The Planner, Ms. Nagulan, indicated there are properties in the area with similar reduced setbacks.

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

1. Report from Janany Nagulan, Planner, dated March 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.

Moved by: Peter Mertens

Seconded by: Elizabeth Lew

**That Minor Variance Application D13-A01-2021 be approved, 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 site plan 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.**

**The relief as requested:**

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 desirable for the appropriate development of the lot.**

**Carried**

## **6. Approval of Minutes**

### **6.1 Minutes of the regular meeting held on Wednesday, February 24, 2021**

The Committee accepted the Minutes of the February 24th, 2021 meeting.

Moved by: Ken Smith

Seconded by: Seyedmohsen Alavi

That the minutes of the February 24th, 2021 meeting be approved.

**Carried**

## **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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Date