



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, May 19, 2021
Time: 9:30 AM
Location: Electronic VIA ZOOM
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Members Present: Gino Vescio, Chair
Seyedmohsen Alavi, Member
Elizabeth Lew, Member
Peter Mertens, Member
Ken Smith, Member

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

1. Public Notice

The Chair gave notice.

2. Conflict of Interest Declarations

No conflicts declared by the Committee.

3. Appeals

None.

4. Approval of Minutes

4.1 Minutes of the regular hearing held on Wednesday, April 21st, 2021

The Committee accepted the Minutes of the April 21st, 2021 hearing.

5. Deferred Applications

5.1 Minor Variance Application D13-A13-21

The applicant is proposing a sunroom addition to the existing residential dwelling. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Exception 123, Development Standards (c), to permit a maximum lot coverage of 41.6% whereas the By-law requires a maximum lot coverage of 37%.
2. 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 for structures up to 5.7 m in Building Height.

Mr. Shih indicated he will be representing Minor Variance application D13-A13-21.

Mr. Shih questioned the reason for continued deferral of the application.

The Planner, Patricia Cho, explained lot grading had not yet been confirmed.

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

1. Planning Report from Patricia Cho, Planner, dated April 16th, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated April 14th, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated April 8th, 2021.
4. Email correspondence from Gabrielle Hurst, Community Planning and Development Services, Region of York, dated April 11th, 2021.
5. Peer Review, Urban Forest Innovations, dated April 13th, 2021.

Moved by: Seyedmohsen Alavi, Member

Seconded by: Peter Mertens, Member

That Minor Variance Application D13-A13-2021 be deferred until Engineering Services has received certification of lot grading.

Carried

6. Items

6.1 Minor Variance Application D13-A14-21

The applicant is proposing construction of new, semi-detached dwellings. 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 4.0 m front yard whereas the By-law requires a 4.5 m front yard.

Mr. Sovig indicated he will be representing Minor Variance application D13-A14-21 as the Authorized Agent.

Mr. Sovig explained the extent of the relief requested.

Mr. Vescio questioned why the matter was before the Committee again.

Mr. Sovig indicated there was an oversight during the initial review process.

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. Planning Report from Patricia Cho, Planner, dated May 14th, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated May 12th, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated May 13th, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated May 6th, 2021.

Moved by: Peter Mertens, Member

Seconded by: Elizabeth Lew, Member

That Minor Variance Application D13-A14-2021 be approved, subject to the following conditions:

- i. **That the variance pertains only to the request as submitted with the application;**
- ii. **That the development be substantially in accordance with the information submitted with the application; and,**

- iii. **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

6.2 Minor Variance Application D13-A15-21

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. Qureshi indicated he will be representing Minor Variance application D13-A15-21.

Mr. Qureshi explained the extent of the relief requested.

Mr. Mertens questioned if the existing dwelling is owner occupied.

Mr. Qureshi indicated the existing dwelling is owner occupied.

Ms. Lew questioned if the neighbors had expressed any opposition.

Mr. Qureshi indicated no opposition 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. Planning Report from Janany Nagulan, Planner, dated May 14th, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated May 12th, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated May 13th, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated May 6th, 2021.

Moved by: Ken Smith, Member

Seconded by: Seyedmohsen Alavi, Member

That Minor Variance Application D13-A15-21 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;**
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

6.3 Minor Variance Application D13-A16-21

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. Hassani indicated he will be representing Minor Variance application D13-A16-21.

Mr. Hassani explained the extent of the relief requested.

Ms. Lew questioned what the garage was currently being used for.

Mr. Hassani indicated the garage was currently being used for parking.

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. Planning Report from Patricia Cho, Planner, dated May 14th, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated May 12th, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated May 13th, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated May 6th, 2021.

Moved by: Seyedmohsen Alavi, Member

Seconded by: Peter Mertens, Member

That Minor Variance Application D13-A16-2021 be approved, subject to the following conditions:

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

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

6.4 Minor Variance Application D13-A17-21

The applicant is proposing construction of a new, detached, 2-car garage. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 4.1.2 Accessory Buildings and Structures to permit a maximum total lot coverage for accessory structures of 89.11% of the ground floor whereas the By-law requires a maximum total lot coverage for accessory structures of 75% of the ground floor.

Ms. Rogano indicated she will be representing Minor Variance application D13-A17-21 as the Authorized Agent.

Ms. Rogano explained the extent of the relief requested.

Mr. Vescio questioned the use of the garage.

Ms. Rogano indicated the garage would be used for storage of recreational vehicles.

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. Planning Report from Patricia Cho, Planner, dated May 14th, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated May 12th, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated May 13th, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated May 6th, 2021.

5. Letter of Support, Helen Alicandri, 243 Pine Street, Newmarket, ON, dated May 17th, 2021.

Moved by: Elizabeth Lew, Member

Seconded by: Ken Smith, Member

That Minor Variance Application D13-A17-21 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 submitted with the application; and,**
3. **That the applicant submits a sealed grading plan designed and stamped by a P.Eng of Ontario to the Town, complying with the Town standards for grading and drainage requirements; 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; 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

7. Adjournment

The meeting was adjourned.

Moved by: Peter Mertens, Member

Seconded by: Elizabeth Lew, Member

That the meeting be adjourned.

Carried

Chair

Secretary-Treasurer

Date