



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, August 25, 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
Michelle Starnes

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

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, July 21, 2021.

The Committee accepted the Minutes of the July 21, 2021 hearing.

Moved by: Elizabeth Lew

Seconded by: Seyedmohsen Alavi, Member

That the Minutes of the regular hearing held on July 21, 2021 be accepted.

Carried

5. Deferred Applications

5.1 Consent Application D10-B05-21

Di Rezze, Giovanni is proposing to convey the subject land indicated as “A” on the attached sketch for proposed residential purposes and to retain the land marked as “B” on the attached sketch for residential purposes.

Mr. Di Rezze indicated he will be representing Consent application D10-B05-21 and Minor Variance applications D13-A18-21 & D13-A19-21.

Mr. Di Rezze explained the nature of the applications.

Mr. Vescio assured the audience that all comments from concerned residents had been received and considered.

Ms. Bridge, 93 Howard Road, expressed concerns related to the timeline of construction and previous property maintenance issues during construction on the neighboring lot.

Ms. Sidsworth, 83 Howard Road, expressed concerns related to the timeline of construction and issues concerning the potential gas hook-up.

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 August 25, 2021.
2. Memorandum from Sepideh Majdi, P. Eng., Manager, Development Engineering, Town of Newmarket, June 14, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated June 7, 2021.

4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated June 11, 2021.
5. Email correspondence from Bell Canada, dated June 10, 2021.
6. Peer Review, Urban Forest Innovations, dated June 16, 2021.
7. Written comments from Marjorie and Edward Sidsworth, 83 Howard Road, Newmarket, Ontario.
8. Written comments from Inge-Lise Gunasekera, 96 Howard Road, Newmarket, Ontario.
9. Written comments from Kimberly Bridge, 93 Howard Road, Newmarket, Ontario.
10. Written comments from Mark and Melloney Williamson, 89 Rutledge Avenue, Newmarket, Ontario.

Moved by: Elizabeth Lew

Seconded by: Michelle Starnes

That Consent Application D10-B05-21 be granted, subject to the following conditions:

- a. **That the Owner obtain relief from the provisions of the Zoning By-law for reduced frontage as set forth in Minor Variance Applications D13-A18-21 and D13-A19-21;**
- b. **That the applicant be advised that prior to the issuance of any demolition or building permit compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy including tree protection and securities;**
- c. **That the applicant be advised that they will be required to obtain municipal servicing for both lots independently, at their own cost, prior to any building permit being issued;**
- d. **That prior to any demolition, the owner be required to enter into a leading site plan agreement with the Town addressing matters such as, but not limited to: lot grading, storm drainage, municipal servicing, tree protection and compensation, parkland dedication, built form compatibility, easements, and other matters for the development of the severed lands and remaining lands;**

- e. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
 - i. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;
 - ii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
 - iii. required transfers to effect the severance and conveyance applied for under Consent Application D10-B05-21, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act;
 - iv. proof that they have registered on title easements for Bell Canada infrastructure under the property; and,
- f. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

The consent meets the relevant requirements of the Official Plan and Zoning By-law, and is recommended to be granted subject to conditions.

Carried

5.2 Minor Variance Application D13-A18-21

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 minimum lot frontage of 15.26 m whereas the By-law requires a minimum lot frontage of 18.0 m.

Mr. Di Rezze indicated he will be representing Consent application D10-B05-21 and Minor Variance applications D13-A18-21 & D13-A19-21.

Mr. Di Rezze explained the nature of the applications.

Mr. Vescio assured the audience that all comments from concerned residents had been received and considered.

Ms. Bridge, 93 Howard Road, expressed concerns related to the timeline of construction and previous property maintenance issues during construction on the neighboring lot.

Ms. Sidsworth, 83 Howard Road, expressed concerns related to the timeline of construction and issues concerning the potential gas hook-up.

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 August 25, 2021.
2. Memorandum from Sepideh Majdi, P. Eng., Manager, Development Engineering, Town of Newmarket, June 14, 2021.
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5. Email correspondence from Bell Canada, dated June 10, 2021.
6. Peer Review, Urban Forest Innovations, dated June 16, 2021.
7. Written comments from Marjorie and Edward Sidsworth, 83 Howard Road, Newmarket, Ontario.
8. Written comments from Inge-Lise Gunasekera, 96 Howard Road, Newmarket, Ontario.
9. Written comments from Kimberly Bridge, 93 Howard Road, Newmarket, Ontario.
10. Written comments from Mark and Melloney Williamson, 89 Rutledge Avenue, Newmarket, Ontario.

Moved by: Elizabeth Lew

Seconded by: Michelle Starnes

That Applications for Minor Variance D13-A18-21 and D13-A19-21 be granted, subject to the following conditions:

- a. **That the variance pertains only to the request as submitted with the application; and,**
- b. **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

5.3 Minor Variance Application D13-A19-21

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 minimum lot frontage of 15.26 m whereas the By-law requires a minimum lot frontage of 18.0 m.

Mr. Di Rezze indicated he will be representing Consent application D10-B05-21 and Minor Variance applications D13-A18-21 & D13-A19-21.

Mr. Di Rezze explained the nature of the applications.

Mr. Vescio assured the audience that all comments from concerned residents had been received and considered.

Ms. Bridge, 93 Howard Road, expressed concerns related to the timeline of construction and previous property maintenance issues during construction on the neighboring lot.

Ms. Sidsworth, 83 Howard Road, expressed concerns related to the timeline of construction and issues concerning the potential gas hook-up.

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 August 25, 2021.
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4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated June 11, 2021.
5. Email correspondence from Bell Canada, dated June 10, 2021.
6. Peer Review, Urban Forest Innovations, dated June 16, 2021.
7. Written comments from Marjorie and Edward Sidsworth, 83 Howard Road, Newmarket, Ontario.
8. Written comments from Inge-Lise Gunasekera, 96 Howard Road, Newmarket, Ontario.
9. Written comments from Kimberly Bridge, 93 Howard Road, Newmarket, Ontario.
10. Written comments from Mark and Melloney Williamson, 89 Rutledge Avenue, Newmarket, Ontario.

Moved by: Elizabeth Lew

Seconded by: Michelle Starnes

That Applications for Minor Variance D13-A18-21 and D13-A19-21 be granted, subject to the following conditions:

- a. **That the variance pertains only to the request as submitted with the application; and,**
- b. **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**

6. Items

6.1 Minor Variance Application D13-A25-21

The applicant is proposing the construction of a new deck and cabana. 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 side yard setback of 0.94m for the deck, whereas the By-law requires a 1.2m setback.
2. Relief from Section 6.2.2 Zone standards to permit a side yard setback of 0.75 m for the cabana, whereas the By-law requires a 1.2m setback.

Mr. Egunjobi indicated he will be representing Minor Variance application D13-A25-21 as the Authorized Agent.

Mr. Egunjobi explained the extent of the relief requested.

Mr. Vescio informed the Applicant and Authorized Agent of the conditions imposed as part of approval.

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 August 25, 2021.
2. Memorandum from Brahms Bennett, C. Tech, Senior Development Coordinator - ICI, Town of Newmarket, dated August 11, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated July 28, 2021.
4. Peer Review, Urban Forest Innovations, dated August 18, 2021.

Moved by: Seyedmohsen Alavi, Member

Seconded by: Ken Smith

That Minor Variance Application D13-A25-21 be approved, subject to the following conditions:

- i. **That the variance pertains only to the request as submitted with the application;**
- ii. **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;**
- iii. **That the development be substantially in accordance with the information and site plan submitted with the application; and,**
- iv. **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-A26-21

The applicant is proposing the construction of a new residential building. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Exception 144, Development Standards (c), to permit a maximum building height of 33.5 m, whereas the By-law requires a maximum building height of 32.0 m.

Mr. McKay, MHBC Planning, indicated he will be representing Minor Variance application D13-A26-21 as the Authorized Agent.

Mr. McKay 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. Planning Report from Janany Nagulan, Planner, dated August 20, 2021.
2. Memorandum from Brahms Bennett, C. Tech, Senior Development Coordinator - ICI, Town of Newmarket, dated August 11, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated July 28, 2021.

Moved by: Seyedmohsen Alavi, Member

Seconded by: Ken Smith

That Minor Variance Application D13-A26-2021 be approved, subject to the following conditions:

1. **That the variance pertains only to the request as submitted with the application; and,**
2. **That the development be substantially in accordance with the information submitted with the application.**
3. **That the owner is to enter into an agreement with the Town amending an agreement dated August 16, 2019 pursuant to Section of 37 of the Planning Act to permit a 10 storey building per the approval conditions of the development, if applicable.**
4. **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-A27-21

The applicant is proposing the construction of a new two-storey addition. 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 side yard setback of 0.79 m (north side) whereas the By-law requires a side yard setback of 1.8 m.
2. Relief from Section 6.2.2 Zone standards to permit a side yard setback of 1.46 m (south side) whereas the By-law requires a side yard setback of 1.8 m.

Mr. Smith indicated he will be representing Minor Variance application D13-A27-21.

Mr. Smith explained the extent of the relief requested.

Ms. Lew questioned if any concerns had been expressed by the neighbors.

Mr. Smith explained no concerns had been raised from the neighbors he spoke with.

Ms. Dupee expressed concerns related to the impacts to her home from the proposed construction including flooding in her basement.

Mr. Lye provided comments in support of the application.

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 August 19, 2021.
2. Memorandum from Brahms Bennett, C. Tech, Senior Development Coordinator - ICI, Town of Newmarket, dated August 11, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated July 28, 2021.
4. Peer Review, Urban Forest Innovations, dated August 18, 2021.
5. Written comments from Jason and Marnie Lye, 238 Lorne Avenue, Newmarket, Ontario.
6. Written comments from Marle-Rae Dupee and Santi Comitini, 260 Lorne Avenue, Newmarket, Ontario.

Moved by: Elizabeth Lew

Seconded by: Seyedmohsen Alavi, Member

That Minor Variance Application D13-A27-2021 be approved, subject to the following conditions:

1. **That the variance pertains only to the request as submitted with the application; and,**
2. **That the development be substantially in accordance with the information submitted with the application.**
3. **That the existing detached garage is demolished.**
4. **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.**
5. **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.**
6. **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 Hearing was adjourned.

Moved by: Seyedmohsen Alavi, Member

Seconded by: Ken Smith

That the Hearing be adjourned.

Carried

Chair

Secretary-Treasurer

Date