



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, September 22, 2021
Time: 9:30 AM
Location: Electronic VIA ZOOM
See How to Login Guide

Members Present: Gino Vescio, Chair
Peter Mertens, Vice Chair
Elizabeth Lew, Member
Ken Smith, Member
Michelle Starnes, Member

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

The Committee accepted the Minutes of the August 25, 2021 hearing.

Moved by: Ken Smith

Seconded by: Michelle Starnes

That the Minutes of the regular hearing held on August 25, 2021 be accepted.

Carried

5. Items

5.1 Minor Variance Application D13-A28-21

The applicant is proposing the creation 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 parking space for an 'Accessory Dwelling Unit' be provided within the garage whereas the By-law requires parking spaces be provided exterior to any garage.

Mr. Aghaei indicated he would be representing Minor Variance application D13-A28-21.

Mr. Aghaei 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 Patricia Cho, Planner, dated September 22, 2021.
2. Memorandum from Charmi Shah, M. Eng., Engineering Development Coordinator, Town of Newmarket, September 15, 2021.
3. Email correspondence from Craig Bickers, Senior Building Inspector, Town of Newmarket, dated September 3, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated September 7, 2021.
5. Written comments from Jeff Lai, 952 Goring Circle, Newmarket, Ontario.
6. Written comments from Jenny & Tony Lam, 958 Goring Circle, Newmarket, Ontario.

7. Written comments from Pengshun & Sarah Niu, 960 Goring Circle, Newmarket, Ontario.

Moved by: Ken Smith

Seconded by: Elizabeth Lew

That Minor Variance Application D13-A28-21 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;**
- 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

5.2 Consent Application D10-B06-21

Whitfield, Steven Douglas is proposing to convey the subject land indicated as "A" on the attached sketch to the property owners of 186 Lorne Avenue for residential purposes and to retain the land marked as "B" on the attached sketch for residential purposes.

Authorized Agent, Angela Sciberras, indicated she would be representing Consent application D10-B06-21.

Angela Sciberras explained the nature of the application and gave a presentation.

The Committee had no further question or comment.

Joshua Scholten, 194 Lorne Avenue, offered comments in support of the application.

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 September 22, 2021.
2. Memorandum from Charmi Shah, M. Eng., Engineering Development Coordinator, Town of Newmarket, September 15, 2021.
3. Email correspondence from Craig Bickers, Senior Building Inspector, Town of Newmarket, dated September 3, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated September 14, 2021.
5. Email correspondence from Bell Canada, dated September 8, 2021.
6. Peer Review, Urban Forest Innovations, dated September 15, 2021.

Moved by: Peter Mertens

Seconded by: Ken Smith

That Consent Application D10-B06-21 be granted, subject to the following conditions:

- 1) That the Owner obtain approval for the severances as set forth in Consent Applications D10-B07-21 and D10-B08-21;**
- 2) That the consent pertains only to the request as submitted with the application;**
- 3) That the consent be substantially in accordance with the information and sketch submitted with the application;**
- 4) 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; and,**
- 5) 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

5.3 Consent Application D10-B07-21

Whitfield, Steven Douglas is proposing to convey the subject land indicated as “A” on the attached sketch for residential purposes and to retain the land marked as “B” on the attached sketch for residential purposes.

Authorized Agent, Angela Sciberras, indicated she would be representing Consent application D10-B07-21.

Angela Sciberras explained the nature of the application and gave a presentation.

The Committee had no further question or comment.

Joshua Scholten, 194 Lorne Avenue, offered comments in support of the application.

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 September 22, 2021.
2. Memorandum from Charmi Shah, M. Eng., Engineering Development Coordinator, Town of Newmarket, September 15, 2021.
3. Email correspondence from Craig Bickers, Senior Building Inspector, Town of Newmarket, dated September 3, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated September 14, 2021.
5. Email correspondence from Bell Canada, dated September 8, 2021.
6. Peer Review, Urban Forest Innovations, dated September 15, 2021.

Moved by: Peter Mertens

Seconded by: Michelle Starnes

That Consent Application D10-B07-21 be granted, subject to the following conditions:

- 1) That the Owner obtain approval for the lot line adjustment and severance as set forth in Consent Applications D10-B06-21 and D10-**

B08-21;

2) That the consent pertains only to the request as submitted with the application;

3) That the consent be substantially in accordance with the information and sketch submitted with the application;

4) 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; and,

5) 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

5.4 Consent Application D10-B08-21

Whitfield, Steven Douglas and Whitfield, Elizabeth Ellen are proposing to convey the subject land indicated as "A" on the attached sketch for residential purposes and to retain the land marked as "B" on the attached sketch for residential purposes.

Authorized Agent, Angela Sciberras, indicated she would be representing Consent application D10-B08-21.

Angela Sciberras explained the nature of the application and gave a presentation.

The Committee had no further question or comment.

Joshua Scholten, 194 Lorne Avenue, offered oral comments in support of the application.

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 September 22, 2021.

2. Memorandum from Charmi Shah, M. Eng., Engineering Development Coordinator, Town of Newmarket, September 15, 2021.
3. Email correspondence from Craig Bickers, Senior Building Inspector, Town of Newmarket, dated September 3, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated September 14, 2021.
5. Email correspondence from Bell Canada, dated September 8, 2021.
6. Peer Review, Urban Forest Innovations, dated September 15, 2021.

Moved by: Peter Mertens

Seconded by: Elizabeth Lew

That Consent Application D10-B08-21 be granted, subject to the following conditions:

- 1) That the Owner obtain approval for the lot line adjustment and severance, as set forth in Consent Applications D10-B06-21 and D10-B07-21;**
- 2) That the consent pertains only to the request as submitted with the application;**
- 3) That the consent be substantially in accordance with the information and sketch submitted with the application;**
- 4) That prior to the issuance of the Certificate of Official, that the owner be required to obtain a demolition permit and remove the existing detached garage on the lot;**
- 5) That prior to the issuance of the Certificate of Official, that the owner submit a lawyer's undertaking demonstrating the two severed parcels will be merged on title to create one developable residential lot;**
- 6) 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;**
- 7) That the applicant be advised that they will be required to obtain municipal servicing for the newly created lot, at their own cost, prior to any building permit being issued;**
- 8) That prior to the issuance of any building permit, the owner be required to enter into a 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;

9) 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 deposited reference plans showing the subject lands, which conforms substantially to the applications as submitted;

iii. required transfers to effect the severance and conveyance applied for under Consent Application D10-B06-21, D10-B07-21, and D10-B08-21 and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act; and,

10) 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

6. Adjournment

The Hearing was adjourned.

Moved by: Peter Mertens

Seconded by: Ken Smith

That the Hearing be adjourned.

Carried

Chair

Secretary-Treasurer

Date