



# **Town of Newmarket**

## **Minutes**

### **Committee of Adjustment**

Date: Wednesday, November 17, 2021  
Time: 9:30 AM  
Location: Electronic VIA ZOOM  
See How to Login Guide

Members Present: Gino Vescio, Chair  
Seyedmohsen Alavi, Member  
Elizabeth Lew, Member  
Peter Mertens, Vice Chair  
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 October 20, 2021 hearing.

Moved by: Peter Mertens, Vice Chair

Seconded by: Seyedmohsen Alavi, Member

**That the Minutes of the regular hearing held October 20, 2021 be accepted.**

**Carried**

**5. Items**

**5.1 Minor Variance Application D13-A29-21**

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. Asif indicated he would be representing Minor Variance application D13-A29-21.

Mr. Asif explained the extent of the relief requested.

Mr. Asif further indicated one space in the garage would be reserved for parking and no other use.

Paul Fillery, 79 Williamson Family Hollow, expressed concerns related to existing on-street parking and reduced sightlines.

Mr. Vescio asked if the current concerns were related to the subject property.

Mr. Fillery indicated the subject is currently vacant.

Mr. Alavi asked staff to expand on the comment received from Engineering.

Ms. Cho, the Planner, indicated Engineering typically defers to Planning on these matters (parking requirements for ADU) and a traffic impact study is not required for the submission of a Minor Variance 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 Patricia Cho, Planner, dated November 17, 2021.
2. Memorandum from Charmi Shah, M. Eng., Engineering Development Coordinator, Town of Newmarket, November 9, 2021.

Moved by: Seyedmohsen Alavi, Member

Seconded by: Elizabeth Lew, Member

**That Minor Variance Application D13-A29-21 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 the development be substantially in accordance with the information and site plan submitted with the application; and,**
- 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.**

**Carried**

## **5.2 Minor Variance Application D13-A30-21**

The applicant is proposing the construction of a new residential 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 maximum driveway width of 8.8 metres whereas the By-law permits a maximum driveway width of 6 metres; and
2. Relief from Section 3 Definitions to permit a two-storey (stacked) deck in the rear yard whereas the By-law defines a deck as a platform, with no solid roof or walls, which is constructed on piers or a foundation above finished grade adjacent to a ground floor or walkout basement wall, is used as an outdoor living area, and shall include stairs and privacy screening up to 2.0 metres in height measured from the deck floor to the highest part of the privacy screen including any ornamental features.

Ms. Alexander indicated she would be representing Minor Variance application D13-A30-21.

Ms. Alexander explained the extent of the relief requested and made a presentation.

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 November 17, 2021.
2. Memorandum from Charmi Shah, M. Eng., Engineering Development Coordinator, Town of Newmarket, November 9, 2021.
3. Written comments from Hassan Izadi, 177 Carlson Drive, Newmarket, Ontario.
4. Written comments from Parto Razi Shahrzed Eshaghi, 165 Carlson Drive, Newmarket, Ontario.
5. Written comments from Novo Colie, 954 Srigley Street, Newmarket, Ontario.

Moved by: Elizabeth Lew, Member

Seconded by: Michelle Starnes, Member

**That Minor Variance Application D13-A30-2021 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; and**
- 3. 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**
- 4. That the Owner be required to obtain a demolition permit and remove the existing dwelling on the lot; and**

**5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.**

**Carried**

### **5.3 Minor Variance Application D13-A31-21**

The applicant is proposing the construction of new residential steps in the interior side yard. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 4.2 Encroachment into Required Yards to permit steps to encroach into the interior side yard 1.05 metres whereas the By-law does not permit steps in the interior side yard.

Ms. Asgari was not in attendance to represent Minor Variance application D13-A31-21.

Michael Boucher, 337 Savage Road, expressed concerns related to privacy, drainage and parking.

Mr. Vescio indicated Engineering had concerns with the application and the decision would be deferred.

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 November 17, 2021.
2. Memorandum from Charmi Shah, M. Eng., Engineering Development Coordinator, Town of Newmarket, November 9, 2021.
3. Written comments from Michael Boucher, 330 Savage Road, Newmarket, Ontario.

Moved by: Peter Mertens, Member

Seconded by: Seyedmohsen Alavi, Member

**That Minor Variance Application D13-A31-21 be deferred until the applicant has the opportunity to address comments provided by**

**Engineering Services, specifically regarding the provision of additional information to the Town to ensure that the proposal will not impact adjacent properties.**

**Carried**

**6. Adjournment**

The Hearing was adjourned.

Moved by: Peter Mertens, Member

Seconded by: Seyedmohsen Alavi, Member

**That the hearing be adjourned.**

**Carried**

\_\_\_\_\_  
Chair

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Secretary-Treasurer

\_\_\_\_\_  
Date