



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, May 25, 2022
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, Member
Michelle Starnes, Member

Staff Present: Janany Nagulan, Planner
Umar Mahmood, Secretary Treasurer
Meghan White, Senior Planner
Phoebe Chow, Senior Policy Planner

1. Public Notice

The Chair gave notice.

2. Conflict of Interest Declarations

No conflicts declared by the Committee.

3. Appeals

No appeals were received.

4. Approval of Minutes

4.1 Minutes of the regular hearing held on April 27, 2022.

Moved by: Peter Mertens, Member

Seconded by: Syedmohsen Alavi, Member

Carried

5. Deferred Applications

5.1 Consent Application CON-2022-003

Stephen Douglas Whitfield & Elizabeth Ellen Whitfield the applicants are proposing to sever 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.

Angela Scriberras, Mcauley Shiomi Howson Ltd. appeared before the Committee.

Ms. Scriberras gave a brief overview of the property, Spoke about the flood plain and the regulation of LRSCA. Ms. Scriberras stated the property is 415 Davis Drive is a designated heritage building. A creek separates the two buildings on site. The proposal is to sever the property to sell the two properties separately.

Any proposed further modification required approval from conservation authority and the Town.

The Committee had no further questions or comment.

The public had no further questions or comment.

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

1. The Planning Report from Meghan White, Senior Planner, Town of Newmarket, dated May 25, 2022.
2. The Planning Report from Meghan White, Senior Planner, Town of Newmarket, dated April 27, 2022.
3. Memorandum from Brahms Bennet, C.E.T., Senior Development Coordinator – ICI, Town of Newmarket, April 19, 2022.
4. Written Comments from Laura Tafreshi, Planner I, Lake Simcoe Region Conservation Authority (LSRCA) April 22, 2022.
5. Peer Review, Urban Forest Innovations, dated April 22, 2022.
6. Written comments from Gabrielle Hurst, Associate Planner, York Region, dated April 20, 2022.

Motion: Syedmohsen Alavi, Member

Seconded by: Peter Mertens, Member

6. Items

6.1 Consent Application CON-2022-007-009

Ormsby Realty Ltd. the applicant is proposing to sever the subject land indicated on the attached map into 4 parcels. The subject lands have merged on title due to common ownership. No new construction is being proposed as a part of this application. Consent application CON-2022-008 is subject to Minor Variance application MV-2022-014. Consent application CON-2022-009 is subject to Minor Variance application MV-2022-015.

Barbara Leibel, appeared on behalf of Ormsby Realty. Ms. Leibel gave a brief history on how the properties had merged. They were individual lots within a plan of subdivision.

Ms. Chow, Senior Policy Planner appeared before the Committee.

The Committee had no further questions or comment.

The public had no further questions or comment.

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

1. The Planning Report from Phoebe Chow, Senior Policy Planner, Town of Newmarket, dated May 20, 2022.
2. Written Comments from Carrie Gordon, Right of Way Associate, Bell Canada, May 20, 2022.
3. Peer Review, Urban Forest Innovations, dated May 10, 2022.
4. Written comments from Gabrielle Hurst, Associate Planner, York Region, dated May 12, 2022.

That Consent Application CON-2022-007 be granted, subject to the following conditions:

1. **That the Minor Variance Applications MV-2022-014 and MV-2022-015 are approved and that the decisions of the Committee of Adjustment become final and binding;**
2. **That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:**
 - a. **Proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands, and**
 - b. **Three white prints of a deposited reference plan showing the subject lands, which conform substantially to the application as submitted; and**
3. **That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.**

Motion By: Peter Mertens, Member

Seconded By: Michelle Starnes, Member

Carried

That Consent Application CON-2022-008 be granted, subject to the following conditions:

- 1. That Consent application CON-2022-007 is approved and the Certificate issued under subsection 53(42) of the Planning Act is registered at the Land Registry Office;**
- 2. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:**
 - a. Proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands, and**
 - b. Three white prints of a deposited reference plan showing the subject land, which conform substantially to the application as submitted; and**
- 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.**

Motion by: Peter Mertens, Member

Seconded by: Syedmohsen Alavi, Member

Carried

That Consent Application CON-2022-009 be granted, subject to the following conditions:

- 1. That Consent application CON-2022-007 is approved and the Certificate issued under subsection 53(42) of the Planning Act is registered at the Land Registry Office;**
- 2. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:**
 - a. Proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands, and**
 - b. Three white prints of a deposited reference plan showing the subject land, which conform substantially to the application as submitted; and**
- 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.**

Motion by: Peter Mertens, Member

Seconded by: Syedmohsen Alavi, Member

Carried

6.2 Minor Variance Application MV-2022-014-015

MV-2022-014 (79 & 81 Rye Crescent)

The applicant requests the Committee to approve a minor variance to allow a lot severance proposing a lot area of 629.80sq.m whereas By-law 2010-40 requires a minimum lot area of 715.00sq.m in this instance.

MV-2022-015 (75 & 77 Walter Avenue)

The applicant requests the Committee to approve a minor variance to allow a lot severance proposing:

1. A lot area of 660.00sq.m whereas By-law 2010-40 requires a minimum lot area of 715.00sq.m in this instance; and
2. A lot frontage of 20.21m whereas By-law 2010-40 requires a minimum lot frontage of 21.30m in this instance.

Barbara Leibel, appeared on behalf of Ormsby Realty. Ms. Leibel gave a brief history on how the properties had merged. They were individual lots within a plan of subdivision.

Ms. Chow, Senior Policy Planner appeared before the Committee.

The Committee had no further questions or comment.

The public had no further questions or comment.

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

1. The Planning Report from Phoebe Chow, Senior Policy Planner, Town of Newmarket, dated May 20, 2022.
2. Written Comments from Carrie Gordon, Right of Way Associate, Bell Canada, May 20, 2022.
3. Peer Review, Urban Forest Innovations, dated May 10, 2022.
4. Written comments from Gabrielle Hurst, Associate Planner, York Region, dated May 12, 2022.

The Committee had no further questions or comment.

The public had no further questions or comment.

That Minor Variance Application MV-2022-014 to vary the minimum lot area be granted in order to facilitate Consent Application CON-2022-007.

Motion by: Peter Mertens, Member

Seconded By: Syedmohsen Alavi, Member

Carried

That Minor Variance Application MV-2022-015 to vary the minimum lot area and minimum lot frontage be granted in order to facilitate Consent Application CON-2022-007.

Motion by: Peter Mertens, Member

Seconded By: Syedmohsen Alavi, Member

Carried

6.3 Consent Application CON-2022-010-011

Ormsby Realty Ltd. the applicant is proposing to sever the subject land indicated on the attached map into 3 parcels. The subject lands have merged on title due to common ownership. No new construction is being proposed as a part of this application. Consent application CON-2022-010 is subject to Minor Variance application MV-2022-016.

Barbara Leibel, appeared on behalf of Ormsby Realty. Ms. Leibel gave a brief history on how the properties had merged. They were individual lots within a plan of subdivision.

Ms. Chow, Senior Policy Planner appeared before the Committee.

The Committee had no further questions or comment.

The public had no further questions or comment.

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

1. The Planning Report from Phoebe Chow, Senior Policy Planner, Town of Newmarket, dated May 20, 2022.
2. Written Comments from Carrie Gordon, Right of Way Associate, Bell Canada, May 20, 2022.
3. Peer Review, Urban Forest Innovations, dated May 10, 2022.
4. Written comments from Gabrielle Hurst, Associate Planner, York Region, dated May 12, 2022.

That Consent Application CON-2022-010 be granted, subject to the following conditions:

1. **That the Minor Variance Application MV-2022-016 is approved and that the decision of the Committee of Adjustment becomes final and binding;**

2. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
 - a. Proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands, and
 - b. Three white prints of a deposited reference plan showing the subject lands, which conform substantially to the application as submitted; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Motion by: Elizabeth Lew, Member

Seconded by: Mohsen Alavi, Member

Carried

That Consent Application CON-2022-011 be granted, subject to the following conditions:

1. That Consent application CON-2022-010 is approved and the Certificate issued under subsection 53(42) of the Planning Act is registered at the Land Registry Office;
2. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
 - a. Proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands, and
 - b. Three white prints of a deposited reference plan showing the subject land, which conform substantially to the application as submitted; and
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Motion by: Michelle Starnes, Member

Seconded by: Peter Mertens, Member

Carried

6.4 Minor Variance Application MV-2022-016

The applicant requests the Committee to approve a minor variance to allow a lot severance proposing:

1. A lot area of 625.30sq.m whereas By-law 2010-40 requires a minimum lot area of 715.00sq.m in this instance; and
2. A lot frontage of 19.27m whereas By-law 2010-40 requires a minimum lot frontage of 21.30m in this instance.

Barbara Leibel, appeared on behalf of Ormsby Realty. Ms. Leibel gave a brief history on how the properties had merged. They were individual lots within a plan of subdivision.

Ms. Chow, Senior Policy Planner appeared before the Committee.

The Committee had no further questions or comment.

The public had no further questions or comment.

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

1. The Planning Report from Phoebe Chow, Senior Policy Planner, Town of Newmarket, dated May 20, 2022.
2. Written Comments from Carrie Gordon, Right of Way Associate, Bell Canada, May 20, 2022.
3. Peer Review, Urban Forest Innovations, dated May 10, 2022.
4. Written comments from Gabrielle Hurst, Associate Planner, York Region, dated May 12, 2022.

That Minor Variance Application MV-2022-016 to vary the minimum lot area and minimum lot frontage be granted in order to facilitate Consent Application CON-2022-010.

Motion by: Elizabeth Lew, Member

Seconded by: Michelle Starnes, Member

Carried

7. Adjournment

The hearing was adjourned.

Motion by: Peter Mertens, Member

Seconded by: Syedmohsen Alavi, Member

Carried

Chair

Date