



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, October 26, 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: _____ Umar Mahmood, Secretary-Treasurer
_____ Janany Nagulan, Development Planner
_____ Kaitlin Friesen, Development Planner
_____ Aida Hosseinzadeh, Development Planner
_____ Joyce Tsui, Development Planner

1. Public Notice

The Chair gave notice.

2. Conflict of Interest Declarations

No Committee members declared conflicts.

3. Appeals

No appeals were received.

4. Approval of Minutes

Minutes of the regular hearing held on September 28, 2022.

Moved by: Peter Mertens, Member

Seconded by: Michelle Starnes, Member

5. Items

5.1 MV-2022-027

The applicant is proposing exterior alterations to the existing 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 lot coverage of 26.78% whereas By-law permits a maximum lot coverage of 25.00%; and
2. Relief from Section 6.2.2 Zone Standards to permit an interior side yard (southerly) of 1.49m whereas By-law requires a minimum interior side yard of 1.80m.

David De Jong, the home owner, spoke before the Committee. Mr. De Jong stated the two variances they are seeking.

The Chair asked questions regarding the foundation walls.

Mr. De Jong, stated the existing footprint is not being changed.

The Chair asked how the variance came about and if the existing condition legally non-conforming.

Mr. De Jong stated there will also be an addition in the rear and that will comply with the By-law provisions of today.

The Committee had no further question or comments.

The public had no further question or comment.

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

1. The Planning Report from Joyce Tsui, Development Planner, Town of Newmarket, dated October 21, 2022.
2. Memorandum from Moustafa Popal, B.Eng., Engineering Development Coordinator, Town of Newmarket, October 17, 2022.
3. Written comments from Christine Meehan, Associate Planner, The Regional Municipality of York, dated October 11, 2022.
4. Written comments from Laura Tafreshi, Planner I, Lake Simcoe Region Conservation Authority (LSRCA), dated October 18, 2022.

5. Written comments from an area resident, dated October 25, 2022.

Background

On September 28, 2022, the Committee deferred the application to the October 26, 2022 meeting. The Committee was provided the following evidence:

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

1. The Planning Report from Joyce Tsui, Development Planner, Town of Newmarket, dated September 22, 2022.
2. Memorandum from Moustafa Popal, B.Eng., Engineering Development Coordinator, Town of Newmarket, September 26, 2022.
3. Written comments from Christine Meehan, Associate Planner, The Regional Municipality of York, dated September 14, 2022.
4. Written comments from Urban Forest Innovations Inc. dated September 23, 2022.
5. Written comments from Laura Tafreshi, Planner I, Lake Simcoe Region Conservation Authority (LSRCA), dated October 18, 2022.

That Minor Variance Application MV-2022-027 be granted, subject to the following:

Clearing conditions:

- 1. The Secretary-Treasurer shall receive a letter from the Town of Newmarket, Development and Infrastructure Services – Engineering Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 17, 2022; and**
- 2. The Owner shall pay all development fees to the Lake Simcoe Region Conservation Authority (LSRCA) in accordance with the approved Fees Policy under the Conservation Authorities Act. (Note: payment is currently outstanding for the LSRCA review of the minor variance application of \$525.00 per the LSRCA 2022 Fee Schedule).**

Advisory comments:

- 1. The variance pertains only to the request as submitted with the application;**
- 2. The development be substantially in accordance with the information submitted with the application;**

- 3. Prior to any demolition or construction activity on the subject lands, the Town must be notified in order to conduct an inspection of the installed tree protection fencing and other tree protection measures;**
- 4. 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;**
- 5. Ontario Regulation 179/06 does apply to the subject site. In future, a permit from the Lake Simcoe Region Conservation Authority will be required prior to any development or site alteration taking place within the LSRCA regulated portion of the property; and**
- 6. Failure to comply with and maintain the conditions and comments of the Committee shall render the approval null and void.**

Moved by: Peter Mertens, Member

Seconded by: Mohsen Alavi, Member

Carried

5.2 MV-2022-028

The applicant is proposing the construction of a rear 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 lot coverage of 38% whereas By-law permits a maximum lot coverage of 30%.

Kieran Randall agent appeared before the Committee on behalf of the owner.

The Secretary-Treasurer noted a typo on the staff report. The height of the deck is actually 2.591m and not 2.951m.

Mr. Randall, explained the application and some background information on the addition. The windows and fenestration point toward the rear yard to maintain privacy. The addition is to the rear of the property to mitigate the casting of shadows on to neighbouring properties.

The Committee had no further questions or comment.

The public had no further question or comment.

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

1. The Planning Report from Aida Hosseinzadeh, Development Planner, Town of Newmarket, dated October 21, 2022.

2. Memorandum from Moustafa Popal, B.Eng., Engineering Development Coordinator, Town of Newmarket, October 17, 2022.
3. Written comments from Christine Meehan, Associate Planner, The Regional Municipality of York, dated October 12, 2022.
4. Written comments from Laura Tafreshi, Planner I, Lake Simcoe Region Conservation Authority (LSRCA), dated October 18, 2022.
5. Written comments Urban Forest Innovations Inc., dated October 24, 2022.

That Minor Variance Application MV-2022-028 be granted as amended, subject to the following:

Clearing Conditions:

1. **The Secretary-Treasurer shall receive a letter from the Town of Newmarket, Development and Infrastructure Services – Engineering Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 17, 2022;**

Advisory Comments:

1. **The variance pertains only to the request as submitted with the application;**
2. **The development be substantially in accordance with the information submitted with the application;**
3. **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;**
4. **If the applicant wishes to enclose the lounge area, a building permit should be issued prior to any construction; and**
5. **Failure to comply with and maintain the conditions and comments of the Committee shall render the approval null and void.**

Moved by: Michelle Starnes, Member

Seconded by: Elizabeth Lew, Member

Carried

5.3 MV-2022-029

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.

No representative appeared before the Committee.

The Chair asked the Secretary-Treasurer if they can proceed with the matter.

The Secretary-Treasurer confirmed that the Committee can proceed, however that there is no representation from the applicant in case the Committee had any questions for them.

The Chair stated that the application was a typical application that they have seen before in previous hearings and would be comfortable to proceed with a decision. The Chair asked the Committee if they are comfortable moving forward with the application and the issues they need to consider.

An area resident, spoke before the Committee. The resident stated they have no concerns with the garage being used as parking, but did find an issue with broader issues on the street. The resident acknowledged that her comments may not necessarily apply to the application before the Committee.

The Chair acknowledged the concerns from the resident and explained the concern with respect to the application before the Committee.

The Committee had no further questions or comment.

The public had no further question or comment.

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

1. The Planning Report from Joyce Tsui, Development Planner, Town of Newmarket, dated October 19, 2022.
2. Memorandum from Moustafa Popal, B.Eng., Engineering Development Coordinator, Town of Newmarket, October 17, 2022.
3. Written comments from Christine Meehan, Associate Planner, The Regional Municipality of York, dated September 12, 2022.

That Minor Variance Application MV-2022-029 be granted, subject to the following Terms:

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

2. The development be substantially in accordance with the information submitted with the application;
3. A maximum of one space in the garage be reserved for the purpose of required parking and for no other use;
4. The municipal boulevard is not recognized as a legal parking space pursuant to Zoning By-law 2010-40; and
5. Failure to comply with and maintain the conditions and comments of the Committee shall render the approval null and void.

Moved by: Mohsen Alavi, Member

Seconded by: Elizabeth Lew, Member

6. **Adjournment**

The hearing was adjourned.

Moved by: Peter Mertens, Member

Seconded by: Mohsen Alavi, Member

Carried

Chair

Date