



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, July 21, 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
Janany Nagulan, Planner
Staff Present: Patricia Cho, 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, June 23, 2021

The Committee accepted the Minutes of the June 23, 2021 hearing.

Moved by: Elizabeth Lew

Seconded by: Seyedmohsen Alavi

That the Minutes of the regular hearing held on June 23, 2021 be accepted.

Carried

5. Items

5.1 Minor Variance Application D13-A20-21

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 4.2 Encroachments into Required Yards to permit a covered porch to further encroach into the front yard with a setback of 1.37 metres from the lot line whereas the By-law requires a setback of 1.5 metres from the lot line.
2. 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.
3. Relief from Section 6.2.2 Zone Standards to permit a minimum front yard setback of 3.05 metres whereas the By-law requires a setback of 4.8 metres.
4. Relief from Section 6.2.2 Zone Standards to permit a minimum exterior side yard setback of 4.69 metres whereas the By-law requires a setback of 6.0 metres.
5. Relief from Section 6.2.2 Zone Standards to permit lot coverage of 37.25% whereas the By-law permits maximum lot coverage of 35%.
6. Relief from Section 6.2.2 Zone Standards to permit a maximum building height of 9.81 metres whereas the By-law permits a maximum building height of 8.5 metres.
7. Relief from Section 6.2.2 Zone Standards to permit a maximum finished first floor height of 2.7 metres whereas the By-law permits a maximum finished first floor height of 1.2 metres.

Ms. Alexander indicated she will be representing Minor Variance application D13-A20-21 as the Authorized Agent.

Ms. Alexander indicated she is in agreement with the Planner's recommendation for deferral.

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

1. Planning Report from Janany Nagulan, Planner, dated July 16, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated July 12, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated July 2, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated July 8, 2021.
5. Email correspondence from Mark Kryzanowski, Manager, Transportation Services, Town of Newmarket, dated July 14, 2021.
6. Peer Review, Urban Forest Innovations, dated July 15, 2021.
7. Email correspondence, Aida Batten, 590 Pearson Street, dated July 21, 2021.
8. Email correspondence, Ian Rowe and Anjali Joshi, 285 Court Street, dated July 20, 2021.

Moved by: Seyedmohsen Alavi

Seconded by: Elizabeth Lew

That Minor Variance Application D13-A20-2021 be deferred until the applicant has the opportunity to review comments provided by the Transportation Division and revise their proposal accordingly.

Carried

5.2 Minor Variance Application D13-A21-21

The applicant is proposing the construction of a new covered porch. 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 rear yard setback of 6.18 metres whereas the By-law requires a setback of 7.0 metres.

Mr. Kimla indicated he will be representing Minor Variance application D13-A21-21.

Mr. Kimla 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 July 21, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated July 12, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated July 2, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated July 8, 2021.
5. Peer Review, Urban Forest Innovations, dated July 15, 2021.
6. Email correspondence, Hersch and Jaqueline Freedman, 236 Frederick Curran Lane, dated July 6, 2021.

Moved by: Seyedmohsen Alavi

Seconded by: Peter Mertens

That Minor Variance Application D13-A21-21 be approved, subject to the following conditions:

- 1. That the variance pertains only to the request as submitted with the application;**
- 2. 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;**
- 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.**

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-A22-21

The applicant is proposing the addition 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.

██████████ indicated she will be representing Minor Variance application D13-A22-21.

██████████ explained the extent of the relief requested.

Ms. Lew questioned if the applicant is aware of condition #2.

██████████ indicated she is aware of the condition.

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 July 21, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated July 12, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated July 2, 2021.

4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated July 8, 2021.
5. Email correspondence, John Petras, 483 Dover Crescent, dated July 8, 2021.

Moved by: Peter Mertens

Seconded by: Elizabeth Lew

That Minor Variance Application D13-A22-21 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.**

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

5.4 Minor Variance D13-A23-21

The applicant is proposing the addition 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.

2. Relief from Section 6.2.3 Additional Requirements for Residential Zones to permit a driveway located 0.0 metres from the side lot line whereas the By-law requires a 0.6 meter setback.
3. Relief from Section 5.2.2 Parking Space Design to permit two parking spaces with widths of 2.3 metres whereas the By-law requires widths of 2.6 meters.

Ms. Arfa indicated she will be representing Minor Variance application D13-A23-21.

Ms. Arfa explained the extent of the relief requested.

Ms. Lew questioned the number of parking spaces that currently exist on the subject property.

Ms. Arfa indicated there are 3 existing parking spaces however they encroach onto the neighboring lot.

Mr. Vescio questioned the viability of the proposed parking configuration and whether persons could enter and exit their vehicle without trespassing onto the neighboring lot.

Ms. Nagulan, the Planner, explained that the previous parking configuration also required persons to trespass onto the neighboring lot due to the age of the dwelling, lot configuration and the existing curb cut.

Ms. Nagulan further explained the proposed parking configuration would allow for persons to enter and exit their vehicle without trespassing onto the neighboring lot.

Don Sardella indicated he has no objection to the addition of an 'Accessory Dwelling Unit' but expressed concerns related to snow storage and trespass onto his neighboring lot.

Mr. Vescio echoed the same concerns in regards to trespassing on the neighboring lot.

Ms. Arfa further indicated a survey has been submitted as part of the application requirements and that the proposed parking configuration would not result in trespassing.

Furthermore, Ms. Arfa indicated snow storage could be located on the east side of the dwelling.

Mr. Vescio expressed concern in approving the application as the size of vehicles parking in the proposed spaces would not be regulated and could lead to trespassing on the neighboring lot.

Ms. Laughlan, 188 Prospect Street, indicated the existing parking spaces encroach into her lot and indicated this was permitted via an agreement with the previous owner.

Furthermore, Ms. Laughlan indicated a new agreement had been struck with the new owners of 184 Prospect Street and expressed concern that the future use of the subject property should remain residential.

Mr. Mertens further echoed the same concerns expressed by Mr. Vescio and Mr. Sardella.

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 July 16, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated July 12, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated July 2, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated July 8, 2021.
5. Email correspondence from Laura Tafreshi, Planner I, Lake Simcoe Region Conservation Authority, dated July 15, 2021.
6. Email correspondence, Don Sardella, 180 Prospect Street, dated July 15, 2021.

Moved by: Peter Mertens

Seconded by: Ken Smith

That Minor Variance Application D13-A23-21 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 and drawings submitted with the application; and,*
3. *That one space on the driveway be reserved for the purpose of required parking for an Accessory Dwelling Unit; and,*
4. *That the Owner pay development fees to the LSRCA in accordance with the approved Fees Policy under the Conservation Authorities Act; and,*
5. *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.*

Defeated

5.5 Minor Variance Application D13-A24-21

The applicant is proposing the addition 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. Tran, Suite Additions Inc., indicated he will be representing Minor Variance application D13-A24-21 as the Authorized Agent.

Mr. Tran explained the extent of the relief requested.

Ms. Lew questioned if there is an existing 'Accessory Dwelling Unit'.

Mr. Tran indicated there is an existing 'Accessory Dwelling Unit' and that this application is meant to achieve compliance.

Ms. Lew drew attention to condition #2.

Mr. Tran indicated he understood the requirements of condition #2.

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 July 21, 2021.
2. Memorandum from Sepideh Majdi, Manager, Development Engineering, Town of Newmarket, dated July 12, 2021.
3. Email correspondence from David Potter, Chief Building Official, Town of Newmarket, dated July 2, 2021.
4. Email correspondence from Gabrielle Hurst, Planning and Economic Development Services, Region of York, dated July 8, 2021.

Moved by: Seyedmohsen Alavi, Member

Seconded by: Elizabeth Lew

That Minor Variance Application D13-A24-21 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.**

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. Adjournment

The meeting was adjourned.

Moved by: Peter Mertens

Seconded by: Seyedmohsen Alavi, Member

That the meeting be adjourned

Carried

DocuSigned by:

Gino Vescio

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Chair

DocuSigned by:

Devon Morton

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Secretary-Treasurer

8/26/2021

Date