



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, January 31, 2024
Time: 9:30 AM
Location: Electronic VIA ZOOM
See How to Login Guide

Members Present: _____ Seyedmohsen Alavi, Chair
_____ Andrea Lewis, Member
_____ Jim Georgeff, Member
_____ Michelle Starnes, Member
_____ Josh Scholten, Member

Staff Present: _____ Umar Mahmood, Secretary-Treasurer
_____ Aida Hosseinzadeh, Intermediate Planner
_____ Joyce Tsui, Intermediate Planner
_____ David Sanza, Junior Planner
_____ Peterson Rissis, Junior Planner
_____ Robin Nadorozny, Admin Assistant

1. Public Notice

The Chair gave notice.

2. Conflict of Interest Declarations

Andrea Lewis, Member, declared a conflict on item 6.5 of the agenda. No other conflicts of interest were declared by the Committee.

3. Appointment of Alternate Secretary-Treasurer

The Committee appointed Robin Nadorozny as Alternate Secretary-Treasurer. The Secretary-Treasurer noted that Robin will perform the role of the Secretary-Treasurer in their absence.

Moved by: Andrea Lewis, Member

Seconded by: Josh Scholten, Member

Carried

4. Appeals

The Secretary-Treasurer confirmed that no appeals had been received and that any decisions from the previous Committee of Adjustment hearing on November 30, 2023 were now final and binding.

5. Approval of Minutes

Minutes of the regular hearing held on November 30, 2023.

Moved by: Jim Georgeff, Member

Seconded by: Andrea Lewis, Member

Carried

6. Items

6.1 CON-2023-002 & MV-2023-016

The Chair called item CON-2023-002 & MV-2023-016 MV-2023-017 to order.

345 DAVIS INC. owners of 351 Davis Drive requests the approval of the Committee for the creation of a shared access easement for the benefit of the property immediately to the west at 345 Davis Drive and the property immediately to the east at 355 Davis Drive. The easement has an approximate width of 6.0m. The easement is indicated on the attached sketch for illustrative purposes.

The applicant is proposing the construction of a six-storey retirement home. The following relief is requested from Zoning By-law 2019-06, as amended:

1. Relief from Section 5.3.4 - Bicycle Parking Spaces - to permit 0 long-term bicycle parking spaces whereas the By-law requires a minimum of 63 long-term bicycle spaces; and
2. Relief from Section 5.6.1 Required Number of Loading Spaces - to permit 1 loading space whereas By-law requires a minimum of 3 loading spaces.

The Chair called for the applicant or their representatives for the file to speak before the Committee, and to state their name, address, and preferred pronoun.

Hanieh Alyassin, authorized agent, spoke before the Committee. Ms. Alyassin provided a brief overview of the subject application. She stated the requested variances were as a result of a site plan application. Ms. Alyassin stated the sufficiency of one loading space and the reduction of bike parking. Ms. Alyassin stated that there was a memorandum of understanding between the owners for shared access.

The Chair, asked if any Committee members had any questions of points of clarification for the applicant.

Andrea Lewis, Member, asked if there is the ability for two vehicles to enter and exit through the exit at the same time.

Ms. Alyassin, stated that there is the ability for two vehicle to enter and exit through the shared access.

Josh Scholten, Member, asked the age of the residents that are anticipated to live in the building and the location of the bike parking.

Ms. Alyassin, stated, the requirement is a minimum of 60 years of age to live in the building. She asked the Secretary-Treasurer to display for the Committee the underground level parking drawing. The Committee was shown the underground parking level drawing.

Martin Quarcoopome, agent, spoke before the Committee, and confirmed that the residents of the building require higher level of care and was the reason why the bicycle parking provided on site was sufficient.

Jim Georgeff, Member, expressed concern for the reduction to one loading space from a traffic and demand perspective.

Ms. Alyassin, stated that there are other similarly buildings in Newmarket that are operating with one loading space and that they function well.

Mr. Quarcoopome, stated that the building has full control of scheduling. Any loading for food waste, move ins, etc. are more controlled than a typical residential building.

The Chair asked if the Committee had any other questions for the applicant and asked the Secretary-Treasurer if there are any members of the public who wish to address the Committee.

The Secretary-Treasurer, introduced Paul Jolie, and area resident to the Committee.

Mr. Jolie, stated concerns for the reduction of bike parking spaces for the future residents. Mr. Jolie stated that he has seen seniors ride three wheel e-bikes and that seniors need a space to park their bikes. Mr. Jolie stated the need for active transportation in Newmarket.

The Chair asked the Planner on file to make statements regarding the application.

Aida Hosseinzadeh, Intermediate Planner, stated that there are short term bicycle parking spaces and that long term bicycle parking spaces could be created in the future should the need arise in the future.

Jim Georgeff, member, expressed the concern for the reduction of the long terms spaces.

Mr. Jolie, asked if the short term parking is protected from the elements.

Ms. Hosseinzadeh, stated the short term parking spaces were covered from the elements.

Josh Scholten, members, stated to his understanding that with the assisted living aspect of the living supports the reduction in long term parking, and if further information can be provided regarding the retirement use should a need for long term spaces exist.

Committee had no further comments and questions for the applicant.

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

1. The Planning Report from Aida Hosseinzadeh, Intermediate Planner, Town of Newmarket, dated January 26, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, January 23, 2024.
3. Written comments from Asif Abbas, Planner, The Regional Municipality of York, dated January 25, 2024.
4. One written comment was received from members of the public expressing no objection to the application.

That Consent Application CON-MV-002 be approved, subject to the following:

Clearing Conditions:

1. The Secretary-Treasurer shall receive a letter from the York Region, indicating that satisfactory arrangements have been made with respect to York Region's

comments provided on November 17, 2023 prior to the issuance of any building permit;

2. The Secretary-Treasurer shall receive a letter from the Lake Simcoe Region Conservation Authority, indicating that satisfactory arrangements have been made with respect to LSRCA's comments provided on November 17, 2023 prior to the issuance of any building permit;

3. The Secretary-Treasurer shall receive a letter from the Town of Newmarket, Development and Infrastructure Services – Planning Services Department, indicating that satisfactory arrangements have been made with respect to the Town's Tree Preservation, Protection, Replacement and Enhancement Policy prior to the issuance of any building permit.

Moved by: Michelle Starnes, Member

Seconded by: Andrea Lewis, Member

Carried

That Minor Variance Application MV-2023-016 be approved, subject to the following:

Clearing Conditions:

1. The Secretary-Treasurer shall receive a letter from the York Region, indicating that satisfactory arrangements have been made with respect to York Region's comments provided on November 17, 2023 prior to the issuance of any building permit;

2. The Secretary-Treasurer shall receive a letter from the Lake Simcoe Region Conservation Authority, indicating that satisfactory arrangements have been made with respect to LSRCA's comments provided on November 17, 2023 prior to the issuance of any building permit;

3. The Secretary-Treasurer shall receive a letter from the Town of Newmarket, Development and Infrastructure Services – Planning Services Department, indicating that satisfactory arrangements have been made with respect to the Town's Tree Preservation, Protection, Replacement and Enhancement Policy prior to the issuance of any building permit.

Moved by: Michelle Starnes, Member

Seconded by: Jim Georgeff, Member

Carried

6.2 MV-2023-012

The Chair called item MV-2023-012 to order.

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 in this instance; and

2. Relief from Section 6.2.2 Zone Standards to permit an interior side yard measured to a below grade entrance of 1.0m whereas By-law requires a minimum interior side yard measured to a below grade entrance of 1.2m.

The Chair called for the applicant or their representatives for the file to speak before the Committee, and to state their name, address, and preferred pronoun.

Mr. Stefan Martirosian appeared before the Committee. Mr. Martirosian confirmed that he had nothing to add to the application.

The Committee expressed did not express any concerns or question for the subject application.

The Secretary-Treasurer confirmed that no members of the public have pre-registered to speak at today's meeting.

Committee had no further comments and questions for the applicant.

1. The Planning Report from Peterson Rissis, Junior Planner, Town of Newmarket, dated January 26, 2024.

2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, January 23, 2024.

3. Written comments from Christine Meehan, Planner, The Regional Municipality of York, dated January 16, 2024.

4. One written comment was received from members of the public expressing no objection to the application.

That Minor Variance Application MV-2023-012 be approved.

Moved by: Michelle Starnes, Member

Seconded by: Andrea Lewis, Member

Carried

6.3 MV-2023-013

The Chair called item MV-2023-017 to order.

The applicant is proposing the construction of a cabana. 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 28.3% whereas By-law permits a maximum lot coverage of 25.00%.

The Chair called for the applicant or their representatives for the file to speak before the Committee, and to state their name, address, and preferred pronoun.

Caleb MacDonald, owner, spoke before the Committee regarding the request for a rear yard cabana.

The Chair asked the owner if they had the opportunity to review the Planning Report.

The Owner confirmed they did have the opportunity to review the Planning Report.

The Chair stated that there were two letter of objection that were received for the application.

The Secretary-Treasurer, noted that no members of the public have pre-registered to speak at today's meeting.

Michelle Starnes, members, expressed concerns regarding the condition requested by staff, and that there was no clarity in regards to which adjoining property owner the condition was in reference to.

Mr. MacDonald, stated there would be using a different excavation system that would prevent damage to the Tree roots.

Josh Scholten, member, asked what would occur if consent from the property owner immediately to the east does not give consent.

The Secretary-Treasurer, stated that if the clearing condition is not satisfied, then the variance would not stand.

Michelle Starnes, member, stated that she does not have any concerns with the size of the structure.

The Chair requested the Committee to move a motion on the subject application.

Mr. MacDonald, owner, clarified, that they would be sensitive to the property owner to the east when digging.

Committee had no further comments and questions for the applicant.

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

1. The Planning Report from Aida Hosseinzadeh, Intermediate Planner, Town of Newmarket, dated January 26, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, January 24, 2024.
3. Written comments from Christine Meehan, Planner, The Regional Municipality of York, dated January 16, 2024.
4. Two written comment was received from members of the public expressing objection to the application.

That Minor Variance Application MV-2023-013 be approved, subject to the following clearing conditions:

1. The Secretary-Treasurer shall receive a letter of consent from the owner of the adjoining land immediately to the east.
2. The Secretary-Treasurer shall receive a letter from the Town of Newmarket, Development and Infrastructure Services – Planning Services Department, indicating that satisfactory arrangements, compensation and posting of securities have been made with respect to the Town’s Tree Preservation, Protection, Replacement and Enhancement Policy prior to the issuance of any building permit and prior to any construction or site alteration.

Moved by: Michelle Starnes, Member

Seconded by: Josh Scholten, Member

Carried

6.4 MV-2023-017

The Chair called item MV-2023-017 to order.

The applicant is proposing the construction of a new 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 26.33% whereas By-law permits a maximum lot coverage of 25.00%;
2. Relief from Section 6.2.2 Zone Standards to permit a building height of 9.45m whereas By-law permits a maximum building height of 8.5m;
3. Relief from Section 6.2.2 Zone Standards to permit a finished first floor height of 1.8m whereas By-law permits a maximum finished first floor height of 1.2m; and
4. Relief from Section 6.2.2 Zone Standards to permit an interior side yard measured to a walkway of 1.24m whereas By-law requires a minimum interior side yard of 1.8m.

The Chair called for the applicant or their representatives for the file to speak before the Committee, and to state their name, address, and preferred pronoun.

Joe Domb, authorized agent, spoke before the Committee and stated his name and address.

Mr. Domb stated the owner would like to build a new dwelling and rear garden suite. Mr. Domb stated that they do know that Planning Staff are supporting variance 1, 3, and 4 pertaining to lot coverage, first floor height, and interior side yard measured to a walkway on the west side. Mr. Domb stated he would like to speak to the variance for building height of 9.45m which staff were not in support of. The variance is mainly due to allow for a study space over the garage shown on drawing Z1.3, which necessitates the main floor height of 3.68m. Mr. Domb stated that the impact of the proposed height is mitigated by the fact that there is a significant 0.51m discrepancy between the average grade and the grade at the front, and therefore the height of the mid point of the roof of the proposed height of the dwelling at the front wall is 8.94m. This discrepancy also has an impact on the proposed first floor height variance. From the streetscape the first floor height appearance would be equivalent to 1.29m and the entrance and foyer are also closer to grade. The front yard setback does meet the requirement of the by-law. The proposal accommodates a desirable rear yard garden suite with a good separation distance with the rear main wall of the dwelling. The staff report notes that the addition of a walkway and garden suite offers enhancements to the property with the potential for additional housing stock. Mr. Domb stated the depth of the dwelling and the rear tapping of the dwelling to offer a sensitive design to neighbouring property owners. Within the immediate context on either side of the subject property, 319 and 303 Penn Ave does exist two large newer builds with greater massing, tall groves, lot coverage, and depth. Mr. Domb stated the lot coverage occupied by the main dwelling is 16.9% and is less than the average of the neighbouring dwellings. The interior side yard request is minor and only a small portion of the walkway is visible from the street. The massing of the property is compatible to the massing of adjacent dwellings. The variances are desirable and minor in nature and that he would be happy to answer any questions the Committee may have.

The Chair asked if the Committee members have any questions or point of clarification for Mr. Domb.

None of the members of the Committee had any question or expressed any need for further clarification.

The Chair asked the Secretary-Treasurer if there are any members of the public who would like to share their views in regard to the application.

The Secretary-Treasurer confirmed that no members of the have pre-registered to speak at today's meeting and that there are no raised hands at this time.

The Chair opened the floor to members of the Committee, and if any of the members had any questions, comments, or concerns regarding the application.

Michelle Starnes, member, expressed concern for the staff report recommending in the clearing condition consent from an adjoining property owner. Ms. Starnes asked the Planner on file which property the condition was in reference to.

David Sanza, Junior Planner, stated the condition was in regards to the property to the west and that there was potential for damage of a tree.

The Chair, asked Committee members if there are any other concerns.

Michelle Starnes, member, thanked the Planner for their input, and that in the Urban Forestry Report there was potential for damage of the Tree #10. Ms. Starnes stated the need to revise the condition to include the wording that would indicate that the consent of the owner to the west.

The Chair thanked Ms. Starnes and the clarification. The chair asked if there were any other concerns from members of the Committee.

The Committee did not express any other concerns.

The Chair asked the Committee if there are any members of the Committee that would like to move a motion.

Committee had no further comments and questions for the applicant.

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

1. The Planning Report from David Sanza, Junior Planner, Town of Newmarket, dated January 26, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, January 24, 2024.
3. Written comments from Christine Meehan, Planner, The Regional Municipality of York, dated January 16, 2024.

Ms. Starnes, member, concluded that variance 2, 3, and 4 are minor in nature, conform to the general intent and purpose of the Official Plan and Zoning By-law and are considered desirable for the appropriate development of the lot and that variance 1 does not meet the 4 tests of the Planning Act and that it should be denied.

That Minor Variance Application MV-2023-017 be approved in part (variances 2, 3, and 4), subject to the following clearing conditions:

1. The Secretary-Treasurer shall receive a letter from the Town of Newmarket, Development, and Infrastructure Services – Planning Services Department, indicating that satisfactory arrangements and posting of securities have been made with respect to the Town’s Tree Preservation, Protection, Replacement and Enhancement Policy prior to the issuance of any building permit; and
2. the Secretary-Treasurer shall receive a letter of consent from the owner of the adjoint property immediately to the west.

Moved by: Michelle Starnes, Member

Seconded by: Josh Scholten, Member

Carried

6.5 MV-2024-001

Andrea Lewis, Member, had a conflict on this item and did not participate in the proceedings.

The Chair called item MV-2024-001 to order.

The applicant is proposing the construction of a deck (existing). 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 rear yard measured to a deck of 11.3m whereas By-law requires a minimum rear yard measured to a deck of 13m.

Annette Martinez, agent, spoke before the Committee. Ms. Martinez provided a brief overview over the subjection application.

The Committee expressed did not express any concerns or question for the subject application.

The Secretary-Treasurer confirmed that no members of the public have pre-registered to speak at today’s meeting.

Committee had no further comments and questions for the applicant.

1. The Planning Report from Peterson Rissis, Junior Planner, Town of Newmarket, dated January 26, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, January 25, 2024.
3. Written comments from Christine Meehan, Planner, The Regional Municipality of York, dated January 16, 2024.

4. Two written comments were received from members of the public expressing objection to the application.

That Minor Variance Application MV-2024-001 be approved.

Moved by: Jim Georgeff, Member

Seconded by: Michelle Starnes, Member

Carried

7. Adjournment

The hearing was adjourned.

Moved by: Michelle Starnes, Member

Seconded by: Josh Scholten, Member

Carried

Chair

Date