



Town of Newmarket

Agenda

Committee of Adjustment

Date: Wednesday, April 24, 2024
Time: 9:30 AM
Location: Electronic VIA ZOOM
See How to Login Guide

Pages

1. Public Notice

To participate in the meeting please email umahmood@newmarket.ca or call (905)895-5193 ext.2458 the Friday prior to the meeting.

[ZOOM Link](#)

[How to Login guide](#)

2. Conflict of Interest Declarations

3. Appeals

4. Approval of Minutes

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Minutes of the regular hearing held on March 27, 2024.

5. Items

5.1 MV-2024-011

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455-465 HARRY WALKER PARKWAY SOUTH (WARD 2)

ELM HARRY WALKER PARKWAY (2019) INC.

5.2 MV-2024-017

23

693 SUNNYPPOINT DRIVE (WARD 3)

NIKITA KARAMANOV & EKATERINA UGROVATOVA

5.3 MV-2023-018

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393 WOODSPRING AVENUE (WARD 7)

MAHMOOD KHAN & BADARUL QAMAR KHAN

5.4 MV-2024-019

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281 MAIN STREET NORTH (WARD 4)

281 MSN INC.

6. Adjournment



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, March 27, 2024
Time: 9:30 AM
Location: Electronic VIA ZOOM

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

Staff Present: _____ Umar Mahmood, Secretary-Treasurer
_____ David Sanza, Junior Planner
_____ Peterson Rissis, Junior Planner

1. Public Notice

The Chair gave notice.

2. Conflict of Interest Declarations

No conflicts of interest were declared by members of the Committee.

3. Appeals

The Secretary-Treasurer confirmed that no appeals had been received to date, those decisions are now final and binding.

4. Approval of Minutes

Minutes of the regular hearing held on February 28, 2024.

Moved by: Michelle Starnes, Member

Seconded by: Andrea Lewis, Member

Carried

5. Items

The Secretary-Treasurer stated that the Owner for 766 Beman Drive has requested to be moved to the beginning of the items to be heard at today's hearing.

5.1 MV-2024-013 – 766 Beman Drive

The applicant is proposing the construction of an Accessory Dwelling Unit. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 6.2.2 Zone Standards to permit an interior side yard measured to a below grade entrance of 0.6m whereas By-law requires a minimum interior side yard measured to a below grade entrance of 1.2m;
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 a garage; and
3. Relief from Section 6.2.2 to permit a driveway width of 8.85m whereas By-law permits a maximum driveway width of 5.2m; and
4. Relief from Section 6.2.2 to permit a walkway in an interior side yard with a 0.00m setback whereas the By-law requires a minimum interior side yard setback measured to a walkway 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.

Mohammad Falhasiri, homeowner, provided a presentation and spoke before the Committee.

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.

Michelle Starnes, member, noted that Maintenance Easement between the properties is not mentioned in the report and is to be kept clear of obstructions and no construction on it. Not safe and infringes on neighbour's property. Driveway is existing at the width exceeding what by-law permits. Path direction not clear in report, east vs west. Michelle stated she has an issue with parking in the garage reduce available storage space.

Josh Scholten, member, requested clarification for variance 1. below grade stairs and side yard setback. Question the relief from building code and Planning's jurisdiction to do that? Parking zoning by-law.

James Georgeff, member, identified parking on west side of existing driveway that showed grass in area with no access. Multiple neighbourhood complaints and not an appropriate application.



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The Chair asked the applicant to respond to concerns.

Mr. Falhasiri clarified parking allows for two cars in tandem and grass area is not his property. Not sure of neighbours complaints. Request to proceed with application to focus on parking relief.

Secretary-Treasurer addressed the addition of a new variance would require a new circulation.

The Chair asked the Planner to respond to Committee members questions.

David Sanza, Planner, explained that the easement is between the owners and not with the Town. Spacing between building is a Building Code issue with the landing and drainage. Side door entrance does not meet standards. Driveway by-law standard is 5.2 meters and not 8.71 meters does not meet planning rational. Single car garage used for storage brought up with Council.

The Chair asked members if further questions.

Michelle Starnes, Member, maintenance easement is within the Plan of Subdivision and not as planner states that is between owners. Driveway is already extended, what is the option. Garage space is not in by-law or policy but a Council request.

Planner clarified that it is By-law page 67 (79). 5.3.2. number 2. Can not count garage as parking space.

Josh Scholten, Member, follow-up. Tandem parking requires recirculation.

Secretary-Treasurer states that recirculation is required because the public has not been notified of this new minor variance request.

The Chair asked if any members of public had any concerns.

Mr. Falhasiri, parking has to be exterior and he is asking for relief. If he gets approval for #3, then he can go ahead with ADU, door on other side.

The Chair clarified that the members still have to discuss and approve.

The Secretary-Treasurer asked if the applicant wants to add a new variance, the applicant would have to ask for a deferral and no further evidence should be heard. If he wishes to proceed with application, then we can continue.

Mr. Falhasiri, does the easement prohibit any construction?

David Sanza, planner, asked to address. Confirm with lawyer about easement.



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James, just because driveway is already done, it does not mean it is correct.

The Chair asked if any members of public had any concerns. 5 letters from neighbours objecting to variance.

Secretary-Treasurer asked applicant if he would like to defer or proceed. Applicant asked if he defers, would he have 5 variance or amended. Will he get a decision today. If he defers he would be back May 29, 2024. If he defers he will not hear neighbours comments.

Applicant decides to defer to add new variance. Chair recommends better communication with planning staff and connection with the neighbours.

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 March 22, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, March 18, 2024.
3. Written comments from Maryam Ahmed, Associate Planner, The Regional Municipality of York, dated March 6, 2024.
4. Written correspondence was received from 6 area residents

Moved by: James Georgeff, Member

Seconded by: Josh Scholten, Member

Carried

5.2 MV-2024-007 – 209 Yorkshire Drive

The Chair called item MV-2024-007 to order.

The applicant is proposing the construction of an accessory dwelling unit and shed (existing). 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 a garage; and
2. Relief from Section 4.2 Encroachments into Required Yards to permit a shed (existing) with a setback of 0.98m to the side lot line (westerly) whereas By-law requires a minimum setback of a shed to a side lot line of 1.00m.



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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.

Sara Attarian, designer for project, spoke before the Committee and gave a brief introduction to the application.

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.

No questions by the Committee.

The Secretary-Treasurer noted that members of the public are in attendance to speak at today's meeting.

Gloria Qk, neighbour, no objection to variance, noise after 11:00 p.m. Parking on Yorkshire Dr. concern.

Nancy Persecott, neighbour, not issues with the shed location.

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 March 22, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, March 18, 2024.
3. Written comments from Maryam Ahmed, Associate Planner, The Regional Municipality of York, dated March 6, 2024.
4. Written correspondence was received from 4 area residents.

That Minor Variance Application MV-2024-007 be approved.

Moved by: Andrea Lewis, Member

Seconded by: James Georgeff, Member

Carried

5.3 MV-2024-008 – 361 Queen Street

The Chair called item MV-2024-008 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 45.3% whereas By-law permits a maximum lot coverage of 30.0%;
2. Relief from Section 6.2.2 Zone Standards to permit an interior side yard of 1.25m whereas By-law requires a minimum interior side yard of 1.80m;
3. Relief from Section 4.2 Encroachments into Required Yards to permit a porch inclusive of steps setback 1.16m from the front lot line (Joseph Street) whereas By-law requires a minimum setback measured to a porch inclusive of steps of 1.50m to the front lot line;
4. Relief from Section 6.2.2 Zone Standards to permit an exterior side yard of 3.09m whereas By-law requires a minimum exterior side yard of 6.00m;
5. Relief from Section 4.2 Encroachments into Required Yards to permit a porch inclusive of steps encroaching 3.70m into the required exterior side yard (Queen Street) whereas By-law permits a maximum encroachment of a porch inclusive of steps of 2.40m into the required exterior side yard;
6. Relief from Section 6.2.2 Zone Standards to permit a rear yard of 5.11m whereas By-law requires a minimum rear yard of 7.5m; and
7. Relief from Section 6.2.2 Zone Standards to permit a building height of 8.58m whereas By-law permits a maximum building height of 8.00m.

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.

Joseph Caricari, applicant representative, spoke before the Committee and gave an introduction and presentation to the application. Over development of the site is not accurate as stated in the Planner's Report. Joseph Caricari stated the development will continue with for the fabric of the neighbourhood.

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.

James Georgeff, Member, states that the entire application has large amounts of overages as the by-law dictates. Pushing limits and does not make community sense. Not a good package as a whole on the variance perspective.

Josh Scholten, Member, asked the applicant current lot coverage. Asked planning staff, if denied the whole application because not minor in nature or that the relief proposed is not in line with by-law. What would be the steps moving forward.

Applicant responded that the lot coverage is 37% currently.

Peterson Rissis, planner, Established Neighbourhood study area introduced Historic



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Core Character area. Lot coverage determined at 30%. Does not meet the 4 tests. Next steps pre-consultation with the applicant.

The Secretary-Treasurer noted that there are members of the public are in attendance to speak at today's meeting.

Debbie Keyhole, neighbour, requested confirmation of the two garage will be facing Joseph St. Two residence will now be using Joseph street for entrance to premise. Cul-de-sac that has snow removal issues and visitor parking on street.

Applicant states they have one parking space on Queen Street as well as two car garage facing Joseph Street.

The Chair redirected applicant and caller that we are looking at the Minor Variances today and not parking. Requested to contact planning department regarding parking concern.

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 Peterson Rissis, Junior Planner, Town of Newmarket, dated March 22, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, March 18, 2024.
3. Written comments from Maryam Ahmed, Associate Planner, The Regional Municipality of York, dated March 7, 2024.
4. Arborist Peer Review, Philip van Wassenae, ISA Certified Arborist and Shane Jobber, ISA Certified Arborist, Urban Forest Innovations, Inc. March 19, 2024
5. Written correspondence was received from 1 area residents.

That Minor Variance Application MV-2024-008 be denied.

Moved by: Michelle Starnes, Member

Seconded by: James Georgeff, Member

Carried

5.4 MV-2024-009 321 - Towercrest Drive

The Chair called item MV-2024-009 to order.

The applicant is proposing the construction of a garden suite. The following relief is requested from Zoning By-law 2010-40, as amended:



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1. Relief from Section 4.1.2 Accessory Buildings and Structures to permit an accessory structure with a lot area of 79.8% of the main building first floor area whereas By-law permit a maximum accessory structure lot area of 75.0% of the ground floor area of the main building;
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 in this instance; and
3. Relief from Section 4.2 Encroachments into Required Yards to permit a patio encroachment into a required interior side yard of 1.22m whereas By-law does not permit a patio encroachment into a required interior side yard (2.4m).

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.

Daniel Hall, Principal Architect on the project, spoke before the Committee and gave an introduction to the application. Concerned about the Planning Reports statement of Intent for parking is not met due to storage within the garage.

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.

Michelle Starnes, Member, car in the garage not an issue. To approve garden suite and not the parking does not make sense. Motion for 1, 2 & 3 be approved.

Josh Scholten, Member, difficulty denying parking but approving garden suite. Supporting variance 1, 2 & 3.

The Secretary-Treasurer noted that there is a member of the public are in attendance to speak at today's meeting.

Mike Kaczer, neighbour, concern with height of proposed house for privacy for their rear yard.

Applicant states rear elevation of building not an issue and windows open up to the forward facing yard and would not be a privacy issue.

Committee had no further comments and questions for the applicant.

Michelle Starnes put motion to approve all variances on this application.
Josh Scholten Seconded.

That Minor Variance Application MV-2024-009 be approved.

The following correspondence was received and considered by the Committee



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regarding the application:

1. The Planning Report from Peterson Rissis, Junior Planner, Town of Newmarket, dated March 22, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, March 18, 2024.
3. Written comments from Maryam Ahmed, Associate Planner, The Regional Municipality of York, dated March 7, 2024.
4. Arborist Peer Review, Philip van Wassenaeer, ISA Certified Arborist and Shane Jobber, ISA Certified Arborist, Urban Forest Innovations, Inc. March 19, 2024
5. Written correspondence was received from 2 area residents.

Moved by: Michelle Starnes, Member

Seconded by: Josh Scholten, Member

Carried

5.5 MV-2024-010 – 16625 Leslie Street

The Chair called item MV-2024-010 to order.

The applicant is proposing the construction of a pool house (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 lot coverage of 22.82% whereas By-law permits a maximum lot coverage of 20%.

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.

The Secretary-Treasurer stated the applicant is not present and are aware of the staff recommendation for deferral of this application.

That Minor Variance Application MV-2024-010 be deferred.

Moved: Andrea Lewis, Member

Seconded: James Georgeff, Member

Carried

6. Adjournment

The hearing was adjourned.

Moved by: Michelle Starnes, Member

Seconded by: Andrea Lewis, Member



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Carried

Chair

Date

**Committee of Adjustment 11****Town of Newmarket**

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

www.newmarket.caumahmood@newmarket.ca

T: 905.895.5193 Ext. 2458

Notice of Complete Application for Minor Variance and Virtual Public Hearing

In the Matter of Subsection 1 or 2 of Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended, and

In the Matter of an application for Minor Variance or for Permission for relief from By-law Number 2010-40, as amended.

File Number: MV-2024-011
Made By: ELM HARRY WALKER PARKWAY (2019) INC.
Subject Land: 455-465 HARRY WALKER PARKWAY SOUTH, NEWMARKET, ON
Ward: 2

The purpose and effect of the application is as follows:

The applicant is proposing a reduction in required bicycle parking. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.8 Bicycle Parking to permit 0 long term bicycle parking spaces (8 additional short terms spaces to be provided) whereas By-law requires a minimum of 10 long-term bicycle parking spaces.

Hearing Date and Time: Wednesday, April 24, 2024 at 9:30 AM

Hearing Location: Virtual via ZOOM (contact the Secretary-Treasurer for more information)

The Town will be hosting a virtual Public Hearing via ZOOM. Members of the public may access the virtual Public Hearing online or by phone and are encouraged to make oral submissions in support of or in opposition to this application. Additional participation information is also available on the Town's website:

<https://www.newmarket.ca/committeeofadjustment>

You may also submit written comments in support of or in opposition to this application to the Secretary-Treasurer at umahmood@newmarket.ca. Please provide comments by the Friday prior to the hearing.

If you wish to be notified of the decision of the Committee of Adjustment in respect to the proposed minor variance, you must make a written request to the Committee of Adjustment at 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7 or via e-mail at umahmood@newmarket.ca.

For more information about this matter, contact the Secretary-Treasurer at umahmood@newmarket.ca or at 905 895 5193 extension 2458.



Committee of Adjustment¹²

Town of Newmarket

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

www.newmarket.ca

umahmood@newmarket.ca

T: 905.895.5193 Ext. 2458

If you are the owner of any land that contains seven or more residential units you are hereby requested to post this notice in a location that is visible to all of the residents.

Applicants Please Note: If you do not attend or are not represented at this meeting, the Committee may adjourn the file or proceed in your absence and make a decision, or may consider the application to have been abandoned or withdrawn, and close the file.

Dated at the Town of Newmarket this 8th day of April, 2024.

Secretary-Treasurer
Committee of Adjustment

455 Harry Walker Parkway S





PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

Planning Report

TO: Committee of Adjustment

FROM: Peterson Rissis
Junior Planner, Development

DATE: April 19, 2024

RE: Application for Minor Variance **MV-2024-011**
455-465 Harry Walker Parkway South
Town of Newmarket
Made by: Elm Harry Walker Parkway (2019) Inc.

1. Recommendations:

1. That Minor Variance Application MV-2024-011 be deferred until the applicant submits additional supporting documentation and to allow Staff additional time to review the revised site plan.

2. Application:

An application for Minor Variance has been submitted by the owner of the above-noted property. The applicant is requesting relief from the By-law to permit a reduction to the required number of long-term bicycle parking spaces on the subject land. The following variance has been requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.8 Bicycle Parking to permit 0 long-term bicycle parking spaces (8 additional short-term spaces to be provided), whereas the By-law requires a minimum of 10 long-term bicycle parking spaces.

3. Staff considerations

The Minor Variance application is under review by Planning Services staff and commenting partners. Planning staff have requested additional supporting documentation from the applicant to justify the reduction of long-term bicycle parking on the subject land and additional time to review the revised site plan.

Staff recommend that this matter be deferred to allow the applicant additional time to provide the requested information.

Respectfully submitted,

Peterson Rissis
Junior Planner, Development


DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES
Town of Newmarket

395 Mulock Drive

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Newmarket, ON L3Y 4X7

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T: 905 895.5193

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M E M O R A N D U M

TO: Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services
FROM: Temi Fashina, Sr. Engineering Development Coordinator – Residential
DATE: April 08, 2024
RE: Application for Minor Variance
 Made by: ELM HARRY WALKER PARKWAY (2019) INC.
 File No.: MV-2024-011
 455-465 HARRY WALKER PARKWAY SOUTH, NEWMARKET, ON
 Town of Newmarket Ward 2
Engineering Services File No.: R. HWP South.

We herein acknowledge receipt of the Application for Minor Variance wherein the following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.8 Bicycle Parking to permit 0 long term bicycle parking spaces (8 additional short terms spaces to be provided) whereas By-law requires a minimum of 10 long-term bicycle parking spaces.

We have been advised that parking requirements are typically commented on by the Planning Department and Planning have been supporting requests of this nature. For the sake of consistency, it is our opinion that Engineering should defer comments to the Planning Department and not object to this request at this time.

Should you have any questions please contact the undersigned.

Sincerely,

ENGINEERING SERVICES

Temi Fashina
 Sr. Engineering Development Coordinator – Residential
 File No.: TF043M

From: [Meehan, Christine](#)
To: [Umar Mahmood](#)
Subject: RE: Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (April 24, 2024)
Date: April 9, 2024 4:21:48 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

CAUTION: This email originated outside of the Town of Newmarket. **DO NOT** click links or open attachments unless you recognize the sender and trusted content.

Hi Umar,

The Region has completed its review of minor variance application MV-2024-011 and has no comment.

Please provide a copy of the notice of decision for our records.

Many thanks,

Christine Meehan, B.U.R.Pl., B. B. A | Planner (Intake Lead), Development Services, Planning & Economic Development Branch, Corporate Services Department

 The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
 1-877-464-9675 | christine.meehan@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence



Our Mission: Working together to serve our thriving communities – today and tomorrow

Please consider the environment before printing this email.

From: Umar Mahmood <umahmood@newmarket.ca>

Sent: Thursday, April 4, 2024 5:31 PM

To: Ian McDougall <imcdougall@newmarket.ca>; John Taylor <jtaylor@newmarket.ca>; Victor Woodhouse <vwoodhouse@newmarket.ca>; Bob Kwapis <bkwapis@newmarket.ca>; Christina Bisanz <cbisanz@newmarket.ca>; Grace Simon <gsimon@newmarket.ca>; Kelly Broome <kbroome@newmarket.ca>; Jane Twinney <jtwinney@newmarket.ca>; Trevor Morrison <tmorrison@newmarket.ca>; Peter Noehammer <pnoehammer@newmarket.ca>; Jason Unger <junger@newmarket.ca>; Rachel Prudhomme <rprudhomme@newmarket.ca>; Lawrence Villanueva <lvillanueva@newmarket.ca>; Lisa Lyons <llyons@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; Moustafa Popal <mpopal@newmarket.ca>; cameron.blaney@ontario.ca; William.Francolini@ontario.ca; gcreta@envinetwork.com; Laura Tafreshi <L.Tafreshi@lsrca.on.ca>; 'Dave Ruggle' <D.Ruggle@lsrca.on.ca>; Mike Thibeault

<mikeufi@rogers.com>; Phoebe Chow <pchow@newmarket.ca>; Shane Jobber <shane@urbanforestinnovations.com>; PHILIP WASSENAER <pwassenaer1022@rogers.com>; Craig Bickers <cbickers@newmarket.ca>; Andrew Jurrius <ajurrius@newmarket.ca>; Jess McKee <jmckee@newmarket.ca>; CYFS - Prevention <Prevention@cyfs.ca>; Adrian Cammaert <acammaert@newmarket.ca>; Meghan White <mwhite@newmarket.ca>; Kaitlin McKay <kmckay@newmarket.ca>; Jennifer Larmer <jlarmer@newmarket.ca>; Joyce Tsui <JTsui@newmarket.ca>; Aida Hosseinzadeh <AHosseinzadeh@newmarket.ca>; Moustafa Popal <mpopal@newmarket.ca>; Robin Nadorozny <RNadorozny@newmarket.ca>; David Sanza <DSanza@newmarket.ca>; Peterson Rissis <PRissis@newmarket.ca>; J.Lim@lsrca.on.ca; A.knapp@lsrca.on.ca; Kelly Nesbitt <K.Nesbitt@lsrca.on.ca>; Andria Sallese <asallese@newmarket.ca>

Cc: michs@rogers.com; alavim@yorku.ca; j_scholten@hotmail.com; rwgreen@rogers.com; j.georgeff j.georgeff <j.georgeff@sympatico.ca>; 4bblewis@gmail.com

Subject: Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (April 24, 2024)

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, forward it to jsitsafe@york.ca then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

Hello,

Please be advised the next virtual Committee of Adjustment hearing will be held on **Wednesday April 24, 2024 at 9:30 AM.**

The Committee will consider the following applications:

MV-2024-011 (455-465 Harry Walker Pkwy S) Ward 2

The applicant is proposing a reduction in required bicycle parking. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.8 Bicycle Parking to permit 0 long term bicycle parking spaces (8 additional short terms spaces to be provided) whereas By-law requires a minimum of 10 long-term bicycle parking spaces.

MV-2024-017 (693 Sunnypoint Dr) Ward 3

The applicant is proposing to legalize existing shed. 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 an accessory structure (existing shed) setback 0.11m to the side property line whereas By-law requires a minimum setback of 2.40m.

MV-2024-018 (393 Woodspring Ave) Ward 7

The applicant is proposing the construction of an accessory dwelling unit. 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 a garage.

MV-2024-019 (281 Main St N) Ward 4

The applicant is proposing the construction of townhouses. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 8.1.1 List of Exceptions (exception 132) to permit 19 townhouse units whereas By-law permit a maximum of 16 townhouse units; and
2. Relief from Section 8.1.1 List of Exceptions (exception 132) to permit a lot frontage of 4.3m per unit whereas By-law requires a minimum lot frontage of 5.0m per unit.

Comments are requested by **April 16, 2024** or earlier if possible for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the Notice of Complete Application and all associated submission material using the link below:

<https://tonfileshare.newmarket.ca/share.cgi?ssid=92d91074d78e41d58d5de2e8d1f82ce4>

Please let me know if you have any questions or difficulties accessing the material.

Thank you,
Umar

**Umar Mahmood**

Planner COA & Cultural Heritage | Planning & Building Services

905-953-5300 x2458 | umahmood@newmarket.ca

heynewmarket.ca

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Urban Forest Innovations Inc.
1331 Northaven Drive
Mississauga ON L5G 4E8



June 11, 2020

The Town of Newmarket

395 Mulock Drive, P.O. Box 328, STN Main
Newmarket ON L3Y 4X7
c/o Alannah Slattery –Planner

Re: 455 Harry Walker Parkway South – Site Plan Application - Peer Review

Ms. Slattery,

As you have requested, Urban Forest Innovations, Inc. (UFI) has reviewed the arborist report and related application information submitted in support of a proposed Site Plan Application for a one-storey multi-unit development at 455 Harry Walker Parkway South, Newmarket, ON.

This letter report outlines our review methodology and presents our comments.

Methodology

Document review

The following document, provided by the Town of Newmarket, was reviewed:

- Arborist Report & Tree Protection Plan, prepared by Canopy Consulting, dated February 10, 2020

Additional documents provided in the submission package were reviewed briefly for context, but did not form a substantive part of this peer review.

With the exception of documents submitted prior to April, 2018, all reviewed documents are evaluated against the latest revised version of the Town of Newmarket *Tree Preservation, Protection, Replacement and Enhancement Policy* (April 2018 or latest version), hereinafter referred to as the *Policy*.

Site visit

A site visit was undertaken on June 9, 2020, to assess the site and verify the tree inventory details.

Comments

Based upon our review of the above-referenced document, we offer the following comments:

Tree appraisal

1. The appraisal methodology used to calculate monetary values for Town-owned trees must not utilize a generic Unit Tree Cost (or basic tree cost) of \$6.51/cm². Although the use of a generic Unit Tree Cost was considered acceptable in the past, its use is no longer supported. Current guidelines instruct that actual Unit Tree Costs must be determined for every species considered in an appraisal based upon market prices for nursery stock (or reasonable substitutes) and tree installation. The Unit Tree Cost shall be derived by dividing Installed Cost (cost of tree stock plus installation cost) by the Cross Sectional Area of the Replacement Tree (largest commonly available stock, typically 90 mm for many common species).

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.

Additional comments on trees affected by this application will be provided when the requested additional information is available for further review.

We trust that this letter will suffice for your current needs. Should you have any questions or require further assistance, please do not hesitate to contact us.

Respectfully submitted by,



Philip van Wassenauer, B.Sc., MFC

ISA Certified Arborist ON-0361A

Member – ASCA, SMA, SAG Baumstatik

E: pwassenauer1022@rogers.com



Shane Jobber, B.Sc.F.

ISA Certified Arborist ON-1746AM

E: shane@urbanforestinnovations.com

Urban Forest Innovations, Inc.

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Limitations of Assessment

It is our policy to attach the following clause regarding limitations. We do this to ensure that the client is aware of what is technically and professionally realistic in assessing and retaining trees.

The assessment(s) of the tree(s) presented in this report has been made using accepted arboricultural techniques. These may include, among other factors, a visual examination of: the above-ground parts of the tree(s) for visible structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of pests or pathogens, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted, the tree(s) was not cored, probed, climbed or assessed using any advanced methods, and there was no detailed inspection of the root crown(s) involving excavation.

Notwithstanding the recommendations and conclusions made in this report, it must be recognized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site or weather conditions, or general seasonal variations. Weather events such as wind or ice storms may result in the partial or complete failure of any tree, regardless of assessment results.

While reasonable efforts have been made to accurately assess the overall condition of the subject tree(s), no guarantee or warranty is offered, expressed or implied, that the tree(s) or any of its parts will remain standing or in stable condition. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or its component parts, regardless of the assessment methodology implemented. Inevitably, a standing tree will always pose some level of risk. Most trees have the potential for failure under adverse weather conditions, and the risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be re-assessed periodically. The assessment presented in this report is only valid at the time of inspection.



**Committee of Adjustment23
Town of Newmarket**

395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

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umahmood@newmarket.ca
T: 905.895.5193 Ext. 2458

Notice of Complete Application for Minor Variance and Virtual Public Hearing

In the Matter of Subsection 1 or 2 of Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended, and

In the Matter of an application for Minor Variance or for Permission for relief from By-law Number 2010-40, as amended.

File Number: MV-2024-017
Made By: NIKITA KARAMANOV & EKATERINA UGROVATOVA
Subject Land: 693 SUNNYPOINT DRIVE, NEWMARKET, ON
Ward: 3

The purpose and effect of the application is as follows:

The applicant is proposing to legalize existing shed. 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 an accessory structure (existing shed) setback 0.11m to the side property line whereas By-law requires a minimum setback of 2.40m.

Hearing Date and Time: Wednesday, April 24, 2024 at 9:30 AM
Hearing Location: Virtual via ZOOM (contact the Secretary-Treasurer for more information)

The Town will be hosting a virtual Public Hearing via ZOOM. Members of the public may access the virtual Public Hearing online or by phone and are encouraged to make oral submissions in support of or in opposition to this application. Additional participation information is also available on the Town's website: <https://www.newmarket.ca/committeeofadjustment>

You may also submit written comments in support of or in opposition to this application to the Secretary-Treasurer at umahmood@newmarket.ca. Please provide comments by the Friday prior to the hearing.

If you wish to be notified of the decision of the Committee of Adjustment in respect to the proposed minor variance, you must make a written request to the Committee of Adjustment at 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7 or via e-mail at umahmood@newmarket.ca.

For more information about this matter, contact the Secretary-Treasurer at umahmood@newmarket.ca or at 905 895 5193 extension 2458.

If you are the owner of any land that contains seven or more residential units you are hereby requested to post this notice in a location that is visible to all of the residents.



Committee of Adjustment24

Town of Newmarket

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

www.newmarket.ca

umahmood@newmarket.ca

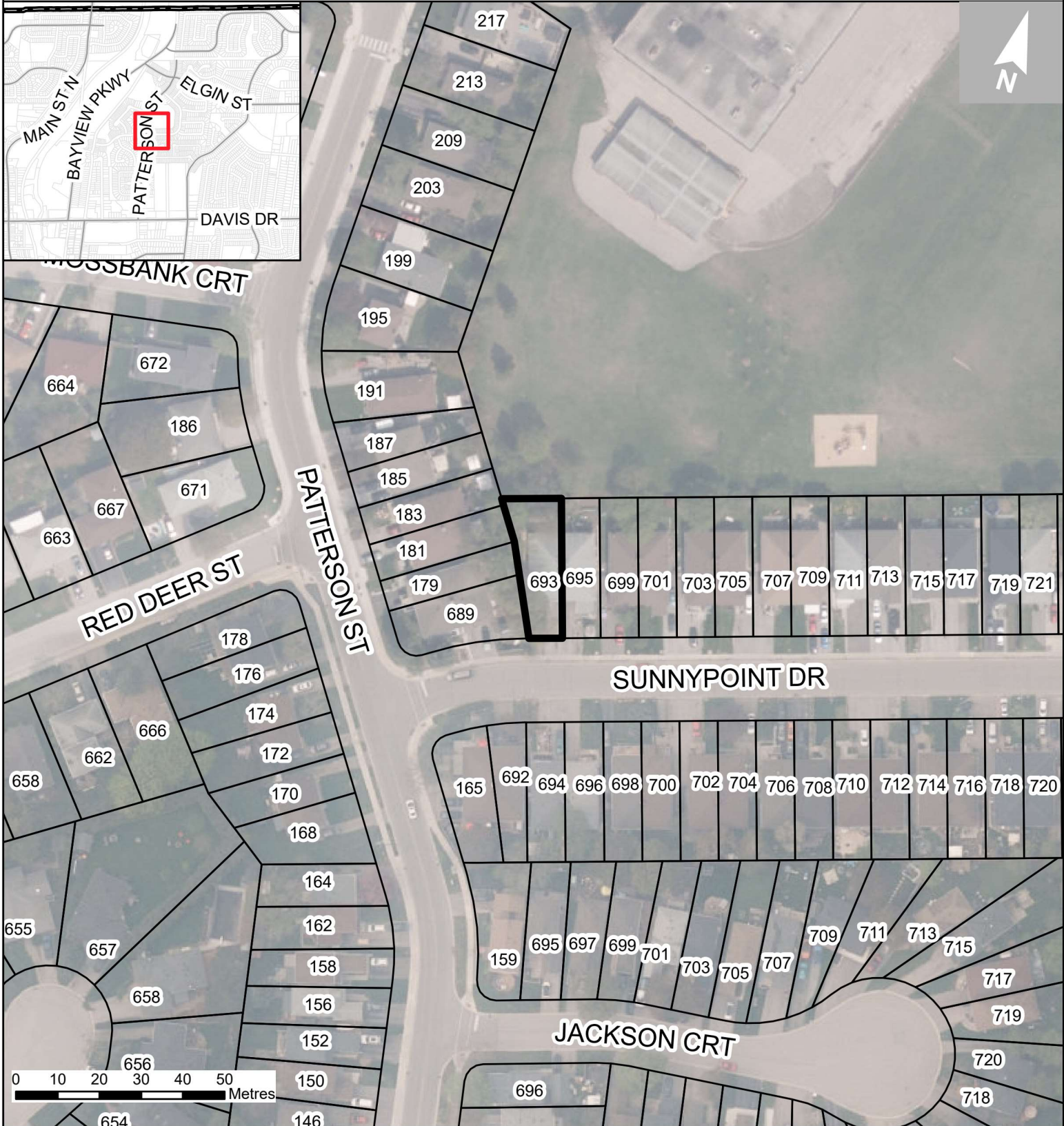
T: 905.895.5193 Ext. 2458

Applicants Please Note: If you do not attend or are not represented at this meeting, the Committee may adjourn the file or proceed in your absence and make a decision, or may consider the application to have been abandoned or withdrawn, and close the file.

Dated at the Town of Newmarket this 8th day of April, 2024.

Secretary-Treasurer
Committee of Adjustment

693 Sunnypoint Drive





PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

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Newmarket, ON L3Y 4X7

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T: 905.953.5321

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Planning Report

TO: Committee of Adjustment

FROM: David Sanza
Junior Planner, Development

DATE: April 19, 2024

RE: Application for Minor Variance **MV-2024-017**
693 Sunnypoint Dr
Made by Nikita Karmanov

1. Recommendations:

1. That Minor Variance Application MV-2024-017 be denied.

2. Clearing Conditions:

1. The applicant will need to submit a sealed grading plan designed and stamped by a P. Eng of Ontario to the Town, complying with Town standards for grading and drainage requirements. See letter TF044M dated April 8, 2024.
2. The applicant will need to submit a sealed letter signed and stamped by a P. Eng of Ontario confirming that there will be no negative impacts to the grading and drainage of this property or neighbouring properties as a result of the proposed changes. See letter TF044M dated April 8, 2024.
3. The applicant will need to submit a revised arborist report to satisfactory of the Towns Peer Review consultant. See Peer Reviewed consultant comments dated April 16, 2024.

3. Advisory Comments:

1. That the variance pertains only to the requests as submitted with the application; and,
2. That the development be substantially in accordance with the information submitted with the application; and,
3. Failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

4. Application:

An application for Minor Variance has been submitted by the owner of the above-noted property to request relief from Zoning By-law 2010-40, as amended, to permit a setback of 0.117 metres to the interior lot line for an existing shed (Residential Accessory Structure).

The following variances have been requested from Zoning By-law 2010-40, as amended:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	4.2	2.4 metres setback from the property line.	To allow for the current shed to have a setback from the interior side lot line of 0.117 metres.

The above-described property (herein referred to as the “subject land”) is located in a residential neighbourhood, north of Davis Drive and east of Patterson Street. The subject land is occupied by an existing semi-detached dwelling and is surrounded by similar semi-detached dwellings.

5. Planning considerations:

The request for variance is to seek relief from section 4.2 to allow for a currently existing shed to be located 0.117 metres from the interior lot line. The requirements within section 4.2 states that a residential accessory structure of a height between 2.8 metres and 4.6 metres must not be closer than 2.4 metres from the side lot line. The height of the shed is 3.46 metres, thus requiring a setback of 2.4 metres from the lot line.

To authorize a variance, Committee must be satisfied that the requested variance passes the four tests required by the *Planning Act*. In this regard, staff offer the following comments:

Conformity with the general intent of the Official Plan

The subject property is designated “Residential” in the Official Plan. This designation permits a range of residential built form types. Regarding this designation, the Town’s Official Plan states:

It is the objective of the Residential Area policies to:

- a. Provide a range of residential accommodations by housing type, tenure, size, and location to help satisfy the Town of Newmarket’s housing needs in a context-sensitive manner.
- b. Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood.
- c. Recognize the desirability of gradual ongoing change by allowing for contextually sensitive development through Planning Act applications, to permit development which contributes to a desirable urban structure, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.
- d. Encourage a range of innovative and affordable housing types, zoning standards and subdivision designs where it can be demonstrated that the existing physical character of the Residential Area will be maintained.

The “Residential Area” designation permits semi-detached dwellings with various residential accessory structures. The Official Plan allows for compatible design and the gradual change and improvement of homes through Planning Act applications. Subject to the four tests and committee’s approval the requested variance is considered to conform to the Official Plan and therefore, this test is met.

Conformity with the general intent of the Zoning By-law

The subject land is zoned Residential Semi-Detached Dwelling 21.3m Zone (R2-K) by Zoning By-law 2010-40. Semi-detached dwellings and residential accessory structures are permitted in this zone.

Section 4.2 of the Zoning By-law requires Residential Accessory Structures with a maximum height between 2.8 metres and 4.6 metres to be located no closer than 2.4 metres from the rear and side lot lines. The intent of a setback is to ensure that the use of the property does not infringe on the rights of neighbours, there is sufficient space maintained for drainage, lawn maintenance, sunlight airflow, stormwater, run-off, and movement around the interior side yard. The current structure (a shed) is situated on an angle from the property line. The shed is setback from the interior lot line 0.117 meters at the front of the shed and 0.635 meters to the rear of the shed. As described above, there is minimal space between the lot line and the shed. The existing setback does not maintain the general intent of the Zoning By-law; therefore, this test is not met for this variance.

Desirable development of the lot

It is generally desirable to allow a property owner to invest in their property and arrange it in a manner that suites their needs, subject to the limits of the zoning by-law and impacts on neighbouring properties. The requested variance is specific to the interior side setback and the location of the residential accessory structure does not maintain a sufficient distance from the property line. The requested relief would not allow for sufficient access to structure for general maintenance and it has the potential to negatively impact the neighbours. Therefore, this test is not met.

Minor nature of the variance

The test of whether a variance is minor in nature is not simply an evaluation of the numerical value; the Committee is requested to consider the overall impact of the variance. The variance is requesting to allow for a minimal setback to be applied to an existing shed, however the shed has the potential to negatively affect the neighbours by impacting stormwater management and restricting the ability of the area between the structure and fence to be adequately maintained. Some of the routine maintenance that would be adversely affected by the shed being so close to the lot line would be vegetation growth due to inaccessibility, water runoff directly on to the neighbouring properties and a potential for built up debris such as leaves that have the potential to build up. Thus, this variance is not minor in nature variance.

In consideration of the above, the proposed variance is deemed to not meet the four tests under the *Planning Act* and is recommended to be denied.

6. Other comments:

Tree Preservation

The Arborist report has been received and reviewed by Urban Forest Innovation (UFI) and based on their comments an updated arborist will be required to revise the tree inventory, tree protection, and tree values.

Heritage

The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated Properties.

Commenting Agencies and Departments

- Please see clearing conditions for engineering comments TF044M dated April 8, 2024.
- The Regional Municipality of York has no comment on the application.
- The subject land is not within the LSRCA-regulated area.
- Central York Fire Services has not commented on the application.

Effect of Public Input

No public input has been received as of the date of writing this report.

7. Conclusions:

That the application be denied as the relief as requested:

- (1) is not minor in nature;
- (2) does not conform to the general intent and purpose of the Zoning By-law; and
- (3) is not considered desirable for the appropriate development of the lot.

Respectfully submitted,



David Sanza
Junior Planner – Development


DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES
Town of Newmarket

395 Mulock Drive

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engineering@newmarket.ca

T: 905 895.5193

F: 905 953.5138

M E M O R A N D U M

TO: Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services
FROM: Temi Fashina, Sr. Engineering Development Coordinator – Residential
DATE: April 08, 2024
RE: Application for Minor Variance
 Made by: NIKITA KARAMANOV & EKATERINA UGROVATOVA
 File No.: MV-2024-017
 693 SUNNYPPOINT DRIVE, NEWMARKET, ON
 Town of Newmarket Ward 3
Engineering Services File No.: R. Sunnypoint Dr.

We herein acknowledge receipt of the Application for Minor Variance wherein 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 an accessory structure (existing shed) setback 0.11m to the side property line whereas By-law requires a minimum setback of 2.40m.

We have reviewed the application and supporting documentation and we have concerns regarding the required drainage along the side of the property where the proposed accessory structure is located.

The applicant needs to submit a sealed grading plan designed and stamped by a P. Eng of Ontario to the Town, complying with Town standards for grading and drainage requirements. The applicant is to also submit a sealed letter signed and stamped by a P. Eng of Ontario confirming that there will be no negative impacts to the grading and drainage of this property or neighbouring properties as a result of the proposed changes.

Should you have any questions please contact the undersigned.

Sincerely,

ENGINEERING SERVICES

Temi Fashina
 Sr. Engineering Development Coordinator – Residential
 File No.: TF044M

From: [Meehan, Christine](#)
To: [Umar Mahmood](#)
Subject: RE: Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (April 24, 2024) - MV-2024-017
Date: April 9, 2024 4:32:17 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

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Hi Umar,

The Region has completed its review of minor variance application MV-2024-017 and has no comment.

Please provide a copy of the notice of decision for our records.

Many thanks,

Christine Meehan, B.U.R.Pl., B. B. A | Planner (Intake Lead), Development Services, Planning & Economic Development Branch, Corporate Services Department

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
 1-877-464-9675 | christine.meehan@york.ca | www.york.ca

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Please consider the environment before printing this email.

From: Umar Mahmood <umahmood@newmarket.ca>

Sent: Thursday, April 4, 2024 5:31 PM

To: Ian McDougall <imcdougall@newmarket.ca>; John Taylor <jtaylor@newmarket.ca>; Victor Woodhouse <vwoodhouse@newmarket.ca>; Bob Kwapis <bkwapis@newmarket.ca>; Christina Bisanz <cbisanz@newmarket.ca>; Grace Simon <gsimon@newmarket.ca>; Kelly Broome <kbroome@newmarket.ca>; Jane Twinney <jtwinney@newmarket.ca>; Trevor Morrison <tmorrison@newmarket.ca>; Peter Noehammer <pnoehammer@newmarket.ca>; Jason Unger <junger@newmarket.ca>; Rachel Prudhomme <rprudhomme@newmarket.ca>; Lawrence Villanueva <lvillanueva@newmarket.ca>; Lisa Lyons <ll Lyons@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; Moustafa Popal <mpopal@newmarket.ca>; cameron.blaney@ontario.ca; William.Francolini@ontario.ca; gcreta@envinetwork.com; Laura Tafreshi <L.Tafreshi@lsrca.on.ca>; 'Dave Ruggle' <D.Ruggle@lsrca.on.ca>; Mike Thibeault

<mikeufi@rogers.com>; Phoebe Chow <pchow@newmarket.ca>; Shane Jobber <shane@urbanforestinnovations.com>; PHILIP WASSENAER <pwassenaer1022@rogers.com>; Craig Bickers <cbickers@newmarket.ca>; Andrew Jurrius <ajurrius@newmarket.ca>; Jess McKee <jmckee@newmarket.ca>; CYFS - Prevention <Prevention@cyfs.ca>; Adrian Cammaert <acammaert@newmarket.ca>; Meghan White <mwhite@newmarket.ca>; Kaitlin McKay <kmckay@newmarket.ca>; Jennifer Larmer <jlarmar@newmarket.ca>; Joyce Tsui <JTtsui@newmarket.ca>; Aida Hosseinzadeh <AHosseinzadeh@newmarket.ca>; Moustafa Popal <mpopal@newmarket.ca>; Robin Nadorozny <RNadorozny@newmarket.ca>; David Sanza <DSanza@newmarket.ca>; Peterson Rissis <PRissis@newmarket.ca>; J.Lim@lsrca.on.ca; A.knapp@lsrca.on.ca; Kelly Nesbitt <K.Nesbitt@lsrca.on.ca>; Andria Sallese <asallese@newmarket.ca>

Cc: michs@rogers.com; alavim@yorku.ca; j_scholten@hotmail.com; rwgreen@rogers.com; j.georgeff j.georgeff <j.georgeff@sympatico.ca>; 4bblewis@gmail.com

Subject: Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (April 24, 2024)

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, forward it to jsitsafe@york.ca then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

Hello,

Please be advised the next virtual Committee of Adjustment hearing will be held on **Wednesday April 24, 2024 at 9:30 AM.**

The Committee will consider the following applications:

MV-2024-011 (455-465 Harry Walker Pkwy S) Ward 2

The applicant is proposing a reduction in required bicycle parking. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.8 Bicycle Parking to permit 0 long term bicycle parking spaces (8 additional short terms spaces to be provided) whereas By-law requires a minimum of 10 long-term bicycle parking spaces.

MV-2024-017 (693 Sunnypoint Dr) Ward 3

The applicant is proposing to legalize existing shed. 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 an accessory structure (existing shed) setback 0.11m to the side property line whereas By-law requires a minimum setback of 2.40m.

MV-2024-018 (393 Woodspring Ave) Ward 7

The applicant is proposing the construction of an accessory dwelling unit. 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 a garage.

MV-2024-019 (281 Main St N) Ward 4

The applicant is proposing the construction of townhouses. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 8.1.1 List of Exceptions (exception 132) to permit 19 townhouse units whereas By-law permit a maximum of 16 townhouse units; and
2. Relief from Section 8.1.1 List of Exceptions (exception 132) to permit a lot frontage of 4.3m per unit whereas By-law requires a minimum lot frontage of 5.0m per unit.

Comments are requested by **April 16, 2024** or earlier if possible for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the Notice of Complete Application and all associated submission material using the link below:

<https://tonfileshare.newmarket.ca/share.cgi?ssid=92d91074d78e41d58d5de2e8d1f82ce4>

Please let me know if you have any questions or difficulties accessing the material.

Thank you,
Umar

**Umar Mahmood**

Planner COA & Cultural Heritage | Planning & Building Services

905-953-5300 x2458 | umahmood@newmarket.ca

heynewmarket.ca

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Note: Our working hours may be different. Please do not feel obligated to reply outside of your scheduled working hours.

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Urban Forest Innovations Inc.
1331 Northaven Drive
Mississauga ON L5G 4E8



April 16, 2024

The Town of Newmarket

395 Mulock Drive, P.O. Box 328, STN Main
Newmarket ON L3Y 4X7

c/o Umar Mahmood – Planner, Secretary-Treasurer of the Committee of Adjustment, and
Cultural Heritage Planner

Re: 693 Sunnypoint Drive – Committee of Adjustment Application for Consent - Peer Review

Mr. Mahmood,

As you have requested, Urban Forest Innovations, Inc. (UFI) has reviewed the arborist report and related application information submitted in support of an Application for Minor Variance - Relief from Zoning By-law 2010-40 for legalizing a new accessory structure (shed recently built in the backyard) at 693 Sunnypoint Drive, Newmarket, ON.

This letter report outlines our review methodology and presents our comments.

Methodology

Document review

The following documents, provided by the Town of Newmarket, were reviewed:

- Arborist Report and Tree Plan, prepared by Harmony Tree Service, dated November 12, 2023
- Site Plan (A1.01), prepared by PLEKS Design Build, dated April 2024

Additional documents provided in the submission package were reviewed briefly for context, but did not form a substantive part of this peer review.

With the exception of documents submitted prior to April, 2018, all reviewed documents are evaluated against the latest revised version of the Town of Newmarket *Tree Preservation*,

Protection, Replacement and Enhancement Policy (April 2018 or latest version), hereinafter referred to as the *Policy*.

Site visit

A site visit was undertaken on April 15, 2024, to assess the site and verify the tree inventory details.

Comments

Based upon our review of the above-referenced documents, we offer the following comments:

Arborist report

1. The root zone of by-law regulated tree #6 has been impacted by excavation to enable the installation of sonotubes for the new shed (Figure 1). Neither tree protection fencing nor root protection measures appear to have been undertaken during the shed construction (as documented on page 7-8 of the Arborist Report). The revised arborist report must identify appropriate tree injury amelioration measures to be undertaken post-construction and which will ensure the health and survival of tree #6. Refer to the *Policy* for appropriate measures.
2. The revised arborist report must clearly describe tree protection fencing for all trees designated for retention on or within 4.5 metres of the subject lands.
3. The Town's standard detail for tree protection fencing must be referenced in the revised arborist report.
4. The scientific (botanical) name of tree #7 is wrongly given as *Picea pungens* 'glauca' and does not match the common name (silver maple). The tree inventory presented in the revised arborist report must accurately reflect the species of all significant trees located on or within 4.5 metres of the subject lands.

Tree protection plan & other tree-related plans

5. The tree plan shows that tree #6 is located at the backyard of 181 Patterson Street, whereas site observation shows that it is located at the backyard (northeast) of 179 Patterson St (Figure 2). The revised tree protection plan must show the correct location of all significant trees located on or within 4.5 metres of the subject lands.
6. The revised tree protection plan must depict the minimum tree protection zone for each significant tree located on or within 4.5 metres of the subject lands.
7. The revised tree protection plan must depict the location of tree protection fencing.

Tree appraisal

8. The revised arborist report must provide a monetary value for 1) all Town-owned trees, and 2) all trees that are equal to or greater than 20cm diameter at breast height (DBH) to be preserved on or adjacent to the subject lands. These values must be calculated using methods in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide to Plant Appraisal, 9th edition, and the International Society of Arboriculture, Ontario Chapter, (ISAO) Regional Plant Appraisal Committee (RPAC) guidance for application of the Trunk Formula Method. Importantly, the applied appraisal methodology must not utilize a generic Unit Tree Cost (or basic tree cost) of \$6.51/cm². Although the use of a generic Unit Tree Cost was considered acceptable in the past, its use is no longer supported. Current guidelines instruct that actual Unit Tree Costs must be determined for every species considered in an appraisal based upon market prices for nursery stock (or reasonable substitutes) and tree installation. The Unit Tree Cost shall be derived by dividing Installed Cost (cost of tree stock plus installation cost) by the Cross Sectional Area of the Replacement Tree (largest commonly available stock, typically 90 mm for many common species).

Additional comments on trees affected by this application will be provided when the requested additional information is available for further review.

Prior to any further 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.

We trust that this letter will suffice for your current needs. Should you have any questions or require further assistance, please do not hesitate to contact us.

Selected Figures

Figure 1: The new shed is located within the critical root zone of regulated tree #6.

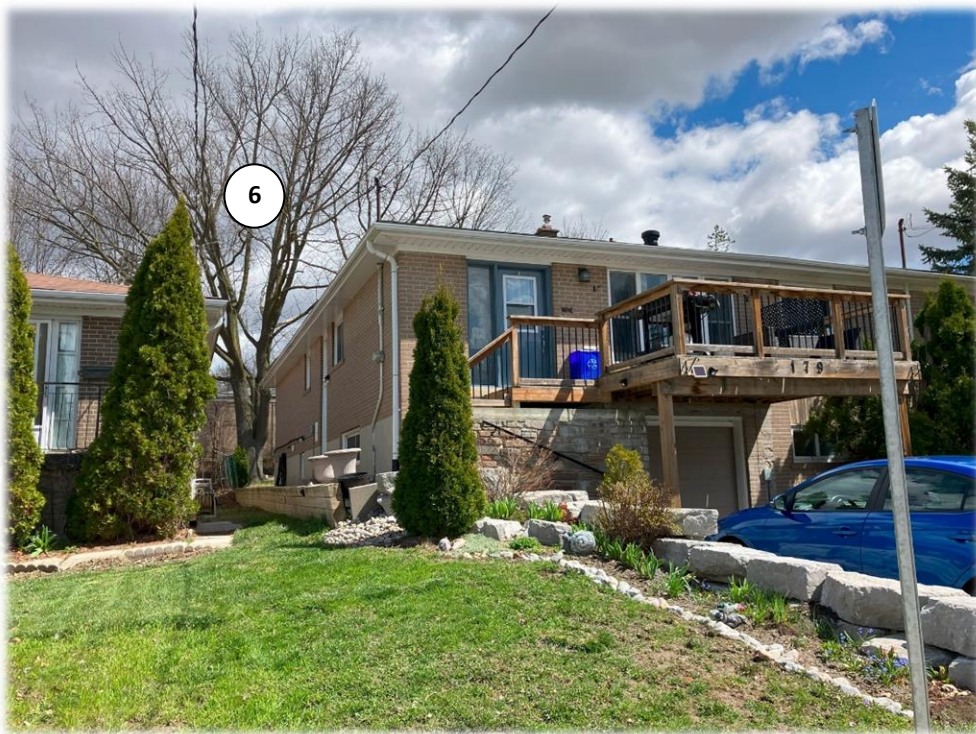


Figure 2: Regulated tree #6 is located at the backyard of 179 Patterson St.

Respectfully submitted by,



Philip van Wassenauer, B.Sc., MFC

ISA Certified Arborist ON-0361A

Member – ASCA, SMA, SAG Baumstatik

E: pwassenauer1022@rogers.com



Shane Jobber, B.Sc.F.

ISA Certified Arborist ON-1746AM

E: shane@urbanforestinnovations.com

Urban Forest Innovations, Inc.

1331 Northaven Drive

Mississauga ON L5G 4E8

T: (905) 274-1022 F: (905) 274-2170

www.urbanforestinnovations.com

Limitations of Assessment

It is our policy to attach the following clause regarding limitations. We do this to ensure that the client is aware of what is technically and professionally realistic in assessing and retaining trees.

The assessment(s) of the tree(s) presented in this report has been made using accepted arboricultural techniques. These may include, among other factors, a visual examination of: the above-ground parts of the tree(s) for visible structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of pests or pathogens, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted, the tree(s) was not cored, probed, climbed or assessed using any advanced methods, and there was no detailed inspection of the root crown(s) involving excavation.

Notwithstanding the recommendations and conclusions made in this report, it must be recognized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site or weather conditions, or general seasonal variations. Weather events such as wind or ice storms may result in the partial or complete failure of any tree, regardless of assessment results.

While reasonable efforts have been made to accurately assess the overall condition of the subject tree(s), no guarantee or warranty is offered, expressed or implied, that the tree(s) or any of its parts will remain standing or in stable condition. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or its component parts, regardless of the assessment methodology implemented. Inevitably, a standing tree will always pose some level of risk. Most trees have the potential for failure under adverse weather conditions, and the risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be re-assessed periodically. The assessment presented in this report is only valid at the time of inspection.



Committee of Adjustment
Town of Newmarket

395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
umahmood@newmarket.ca
T: 905.895.5193 Ext. 2458

Notice of Complete Application for Minor Variance and Virtual Public Hearing

In the Matter of Subsection 1 or 2 of Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended, and

In the Matter of an application for Minor Variance or for Permission for relief from By-law Number 2010-40, as amended.

File Number: MV-2023-018
Made By: MAHMOOD KHAN & BADARUL QAMAR KHAN
Subject Land: 393 WOODSPRING AVENUE, NEWMARKET, ON
Ward: 7

The purpose and effect of the application is as follows:

The applicant is proposing the construction of an accessory dwelling unit. 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 a garage.

Hearing Date and Time: Wednesday, April 24, 2024 at 9:30 AM
Hearing Location: Virtual via ZOOM (contact the Secretary-Treasurer for more information)

The Town will be hosting a virtual Public Hearing via ZOOM. Members of the public may access the virtual Public Hearing online or by phone and are encouraged to make oral submissions in support of or in opposition to this application. Additional participation information is also available on the Town's website: <https://www.newmarket.ca/committeeofadjustment>

You may also submit written comments in support of or in opposition to this application to the Secretary-Treasurer at umahmood@newmarket.ca. Please provide comments by the Friday prior to the hearing.

If you wish to be notified of the decision of the Committee of Adjustment in respect to the proposed minor variance, you must make a written request to the Committee of Adjustment at 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7 or via e-mail at umahmood@newmarket.ca.

For more information about this matter, contact the Secretary-Treasurer at umahmood@newmarket.ca or at 905 895 5193 extension 2458.

If you are the owner of any land that contains seven or more residential units you are hereby requested to post this notice in a location that is visible to all of the residents.

Applicants Please Note: If you do not attend or are not represented at this meeting, the Committee may adjourn the file or proceed in your absence and make a decision, or may consider the application to have been abandoned or withdrawn, and close the file.



Committee of Adjustment41

Town of Newmarket

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

www.newmarket.ca

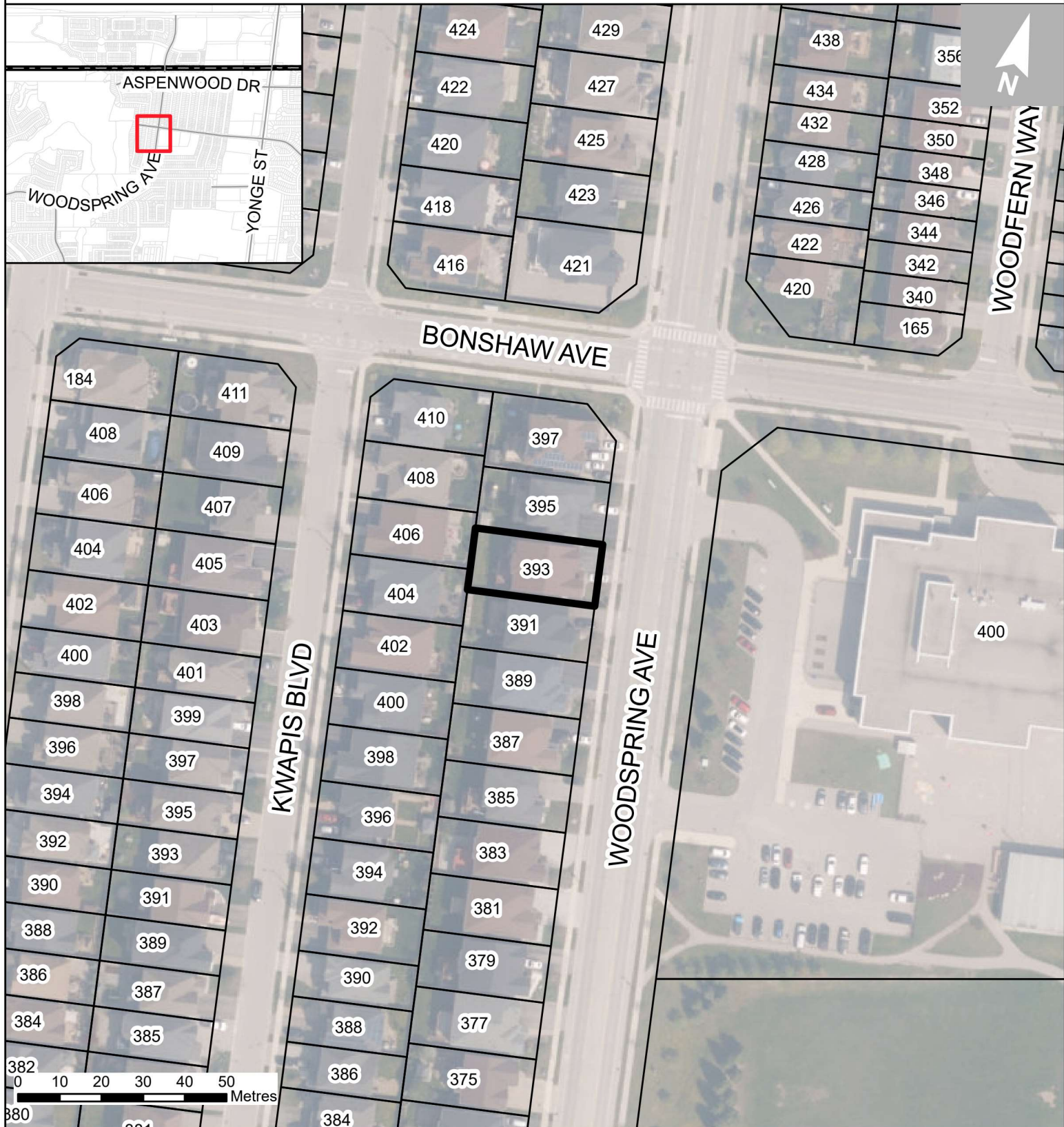
umahmood@newmarket.ca

T: 905.895.5193 Ext. 2458

Dated at the Town of Newmarket this 8th day of April, 2024.

Umar Mahmood
Secretary-Treasurer
Committee of Adjustment

393 Woodspring Avenue




PLANNING AND BUILDING SERVICES
Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

Planning Report

TO: Committee of Adjustment
 FROM: David Sanza
 Junior Planner, Development
 DATE: April 19, 2024
 RE: Application for Minor Variance **MV-2024-018**
 393 Woodspring Ave
 Made by Badar Khan

1. Recommendations:

1. That Minor Variance Application MV-2024-018 be approved.

2. Advisory Comments:

1. That the variance pertains only to the requests as submitted with the application;
2. That the development be substantially in accordance with the information submitted with the application;
3. That 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 of the Committee shall render the approval null and void.

2. Application:

An application for Minor Variance has been submitted by the owner of the above-noted property to request relief from Zoning By-law 2010-40, as amended, to permit the construction of an Additional Residential Unit (ARU) in the basement of the existing dwelling, with an entrance to the ARU at the rear of the building.

The following variances have been requested from Zoning By-law 2010-40, as amended:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	5.3.1	To provide three parking spaces exterior to a garage for the primary dwelling unit and accessory dwelling unit.	To provide two parking spaces exterior to a garage and one parking space inside of a garage for the primary dwelling

				unit and an accessory dwelling unit
--	--	--	--	-------------------------------------

Section 5.3.1 of the Zoning By-law requires four exterior parking spaces for a single-detached dwelling with an accessory dwelling unit. The property hosts a double-car garage and a double-car driveway. The two parking spaces on the driveway count towards parking and the application is seeking to recognize one parking space within the double-car garage to support the creation of the ARU.

The above-described property (herein referred to as the “subject land”) is located in a residential neighbourhood, south of Bonshaw Ave and east of Gilpin Dr. The subject land is occupied by an existing single-detached dwelling and is surrounded by similar single-detached dwellings.

3. Planning considerations:

The request for variance is to permit the garage to be counted towards the required minimum number of off-street parking spaces to facilitate the creation of a legal ARU in the existing single-detached dwelling. The Zoning By-law requires two exterior parking spaces to be provided for the principal dwelling and one exterior parking space for the ARU, for a total of three exterior parking spaces. The application was submitted as the current driveway size (being a double car, side-by-side driveway) cannot accommodate the required three exterior parking spaces. Therefore, a variance is required to recognize the use of a singular parking space in the existing double car garage.

To authorize a variance, Committee must be satisfied that the requested variance passes the four tests required by the *Planning Act*. In this regard, staff offer the following comments:

Conformity with the general intent of the Official Plan

The subject property is designated “Residential” in the Official Plan. This designation permits a range of residential built form types. Regarding this designation, the Town’s Official Plan states:

It is the objective of the Residential Area policies to:

- a. Provide a range of residential accommodations by housing type, tenure, size and location to help satisfy the Town of Newmarket’s housing needs in a context-sensitive manner.
- b. Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood.
- c. Recognize the desirability of gradual ongoing change by allowing for contextually sensitive development through Planning Act applications, to permit development which contributes to a desirable urban structure, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.
- d. Encourage a range of innovative and affordable housing types, zoning standards and subdivision designs where it can be demonstrated that the existing physical character of the Residential Area will be maintained.

The Official Plan permits additional residential units in single-detached dwellings, subject to certain criteria including compliance with the Town's Zoning By-law. The Official Plan also encourages a range of residential accommodations and affordable housing types. Subject to the advisory comments, the requested variance is considered to conform to the Official Plan and therefore this test is met.

Conformity with the general intent of the Zoning By-law

The subject land is zoned Residential Detached Dwelling 12m Zone (R1-E) by Zoning By-law 2010-40. Single-detached dwellings and accessory dwelling units are permitted within the zone.

Section 5.3.1 of the Zoning By-law sets out the parking standards for residential uses. Two exterior parking spaces for the primary dwelling and one parking space for the proposed ARU are required, for a total three parking spaces. This section of the By-law requires that the parking spaces are all provided exterior to a garage.

The general intent of this section of the By-law is to ensure that a sufficient number of parking spaces for individuals residing in the two dwelling units. Currently, two vehicles can be accommodated on the driveway, parked side-by-side. There is also an attached double car garage, however, the Zoning By-law requires parking spaces to be provided exterior to the garage to meet the minimum parking requirement. Therefore, the proposed variance would allow for a sufficient number of parking spaces for the two dwelling units on the property by allowing one of the spaces in the garage to count as a required parking space.

The one space proposed within the garage complies with the minimum parking space dimension of 2.6 metres by 5 metres. If desired, the remaining garage area could be used as a storage by the owner. If approved, the variance would be subject to the Advisory Comments set out above. The Advisory Comments require that a maximum of one parking space be always available in the garage. As three parking spaces will be available, the requested variance maintains the general intent of the Zoning By-law, and therefore, this test is met.

Desirable development of the lot

The proposed variance is considered desirable for the development and use of the land. An ARU contributes to the mix of housing types within Newmarket and supports the Town's goals of providing for more affordable forms of housing and provides for modest increases in density. Therefore, the test is met.

Minor nature of the variance

The test of whether a variance is minor in nature is not simply an evaluation of the numerical value; the Committee is requested to consider the overall impact of the variance. The overall impact of the requested variance appears to be minimal as the potential increase in the number of vehicles generated by the accessory dwelling unit can still be accommodated on the property by the two existing exterior parking spaces and one parking space that is to be reserved in the garage. The garage has enough space to accommodate a parking space while maintaining an appropriate amount of storage space.

In consideration of the above, the proposed variance is deemed to meet the four tests under the *Planning Act* and is recommended to be approved.

5. Other comments:

Tree Preservation

No trees are being impacted by the approval of this variance.

Heritage

The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated Properties.

Commenting Agencies and Departments

Engineering Services has no objection to the application.

The Regional Municipality of York has no comment on the application.

The subject land is not within the LSRCA-regulated area.

Central York Fire Services has not commented on the application.

Effect of Public Input


No public input has been received as of the date of writing this report.

6. Conclusions:

That the application be approved as 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.

Respectfully submitted,



David Sanza
Junior Planner – Development

**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES****Town of Newmarket**

www.newmarket.ca

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engineering@newmarket.ca

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F: 905 953.5138

M E M O R A N D U M

TO: Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services

FROM: Temi Fashina, Sr. Engineering Development Coordinator – Residential

DATE: April 11, 2024

RE: Application for Minor Variance
 Made by: MAHMOOD KHAN & BADARUL QAMAR KHAN
 File No.: MV-2024-018
 393 WOODSPRING AVENUE, NEWMARKET, ON
 Town of Newmarket Ward 7
Engineering Services File No.: R. Woodspring Ave.

We herein acknowledge receipt of the Application for Minor Variance wherein 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 a garage.

We have been advised that parking requirements are typically commented on by the Planning Department and Planning have been supporting requests of this nature. For the sake of consistency, it is our opinion that Engineering should defer comments to the Planning Department and not object to this request at this time.

Should you have any questions please contact the undersigned.

Sincerely,

ENGINEERING SERVICES

Temi Fashina
 Sr. Engineering Development Coordinator – Residential
 File No.: TF045M

From: [Meehan, Christine](#)
To: [Umar Mahmood](#)
Subject: RE: Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (April 24, 2024) - MV-2024-018
Date: April 9, 2024 4:25:49 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

CAUTION: This email originated outside of the Town of Newmarket. **DO NOT** click links or open attachments unless you recognize the sender and trusted content.

Hi Umar,

The Region has completed its review of minor variance application MV-2024-018 and has no comment.

Please provide a copy of the notice of decision for our records.

Many thanks,

Christine Meehan, B.U.R.Pl., B. B. A | Planner (Intake Lead), Development Services, Planning & Economic Development Branch, Corporate Services Department

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
 1-877-464-9675 | christine.meehan@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence



Our Mission: Working together to serve our thriving communities – today and tomorrow

Please consider the environment before printing this email.

From: Umar Mahmood <umahmood@newmarket.ca>

Sent: Thursday, April 4, 2024 5:31 PM

To: Ian McDougall <imcdougall@newmarket.ca>; John Taylor <jtaylor@newmarket.ca>; Victor Woodhouse <vwoodhouse@newmarket.ca>; Bob Kwapis <bkwapis@newmarket.ca>; Christina Bisanz <cbisanz@newmarket.ca>; Grace Simon <gsimon@newmarket.ca>; Kelly Broome <kbroome@newmarket.ca>; Jane Twinney <jtwinney@newmarket.ca>; Trevor Morrison <tmorrison@newmarket.ca>; Peter Noehammer <pnoehammer@newmarket.ca>; Jason Unger <junger@newmarket.ca>; Rachel Prudhomme <rprudhomme@newmarket.ca>; Lawrence Villanueva <lvillanueva@newmarket.ca>; Lisa Lyons <ll Lyons@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; Moustafa Popal <mpopal@newmarket.ca>; cameron.blaney@ontario.ca; William.Francolini@ontario.ca; gcreta@envinetwork.com; Laura Tafreshi <L.Tafreshi@lsrca.on.ca>; 'Dave Ruggle' <D.Ruggle@lsrca.on.ca>; Mike Thibeault

<mikeufi@rogers.com>; Phoebe Chow <pchow@newmarket.ca>; Shane Jobber <shane@urbanforestinnovations.com>; PHILIP WASSENAER <pwassenaer1022@rogers.com>; Craig Bickers <cbickers@newmarket.ca>; Andrew Jurrius <ajurrius@newmarket.ca>; Jess McKee <jmckee@newmarket.ca>; CYFS - Prevention <Prevention@cyfs.ca>; Adrian Cammaert <acammaert@newmarket.ca>; Meghan White <mwhite@newmarket.ca>; Kaitlin McKay <kmckay@newmarket.ca>; Jennifer Larmer <jlarmar@newmarket.ca>; Joyce Tsui <JTtsui@newmarket.ca>; Aida Hosseinzadeh <AHosseinzadeh@newmarket.ca>; Moustafa Popal <mpopal@newmarket.ca>; Robin Nadorozny <RNadorozny@newmarket.ca>; David Sanza <DSanza@newmarket.ca>; Peterson Rissis <PRissis@newmarket.ca>; J.Lim@lsrca.on.ca; A.knapp@lsrca.on.ca; Kelly Nesbitt <K.Nesbitt@lsrca.on.ca>; Andria Sallese <asallese@newmarket.ca>

Cc: michs@rogers.com; alavim@yorku.ca; j_scholten@hotmail.com; rwgreen@rogers.com; j.georgeff j.georgeff <j.georgeff@sympatico.ca>; 4bblewis@gmail.com

Subject: Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (April 24, 2024)

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, forward it to jsitsafe@york.ca then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

Hello,

Please be advised the next virtual Committee of Adjustment hearing will be held on **Wednesday April 24, 2024 at 9:30 AM.**

The Committee will consider the following applications:

MV-2024-011 (455-465 Harry Walker Pkwy S) Ward 2

The applicant is proposing a reduction in required bicycle parking. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.8 Bicycle Parking to permit 0 long term bicycle parking spaces (8 additional short terms spaces to be provided) whereas By-law requires a minimum of 10 long-term bicycle parking spaces.

MV-2024-017 (693 Sunnypoint Dr) Ward 3

The applicant is proposing to legalize existing shed. 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 an accessory structure (existing shed) setback 0.11m to the side property line whereas By-law requires a minimum setback of 2.40m.

MV-2024-018 (393 Woodspring Ave) Ward 7

The applicant is proposing the construction of an accessory dwelling unit. 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 a garage.

MV-2024-019 (281 Main St N) Ward 4

The applicant is proposing the construction of townhouses. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 8.1.1 List of Exceptions (exception 132) to permit 19 townhouse units whereas By-law permit a maximum of 16 townhouse units; and
2. Relief from Section 8.1.1 List of Exceptions (exception 132) to permit a lot frontage of 4.3m per unit whereas By-law requires a minimum lot frontage of 5.0m per unit.

Comments are requested by **April 16, 2024** or earlier if possible for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the Notice of Complete Application and all associated submission material using the link below:

<https://tonfileshare.newmarket.ca/share.cgi?ssid=92d91074d78e41d58d5de2e8d1f82ce4>

Please let me know if you have any questions or difficulties accessing the material.

Thank you,
Umar

**Umar Mahmood**

Planner COA & Cultural Heritage | Planning & Building Services

905-953-5300 x2458 | umahmood@newmarket.ca

heynewmarket.ca

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Newmarket: A Community *Well* Beyond the Ordinary

Note: Our working hours may be different. Please do not feel obligated to reply outside of your scheduled working hours.

The information contained in this message is directed in confidence solely to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged, confidential and exempt from disclosure under the *Municipal Freedom of Information and Protection of Privacy Act*. If you have received this message in error, please notify the sender immediately advising of the error and delete the message without making a copy. Thank you.



**Committee of Adjustment51
Town of Newmarket**

395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
umahmood@newmarket.ca
T: 905.895.5193 Ext. 2458

Notice of Complete Application for Minor Variance and Virtual Public Hearing

In the Matter of Subsection 1 or 2 of Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended, and

In the Matter of an application for Minor Variance or for Permission for relief from By-law Number 2010-40, as amended.

File Number: MV-2024-019
Made By: 281 MSN INC.
Subject Land: 281 MAIN STREET NORTH, NEWMARKET, ON
Ward: 4

The purpose and effect of the application is as follows:

The applicant is proposing the construction of townhouses. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 8.1.1 List of Exceptions (exception 132) to permit 19 townhouse units whereas By-law permit a maximum of 16 townhouse units; and
2. Relief from Section 8.1.1 List of Exceptions (exception 132) to permit a lot frontage of 4.3m per unit whereas By-law requires a minimum lot frontage of 5.0m per unit.

Hearing Date and Time: Wednesday, April 24, 2024 at 9:30 AM

Hearing Location: Virtual via ZOOM (contact the Secretary-Treasurer for more information)

The Town will be hosting a virtual Public Hearing via ZOOM. Members of the public may access the virtual Public Hearing online or by phone and are encouraged to make oral submissions in support of or in opposition to this application. Additional participation information is also available on the Town's website: <https://www.newmarket.ca/committeeofadjustment>

You may also submit written comments in support of or in opposition to this application to the Secretary-Treasurer at umahmood@newmarket.ca. Please provide comments by the Friday prior to the hearing.

If you wish to be notified of the decision of the Committee of Adjustment in respect to the proposed minor variance, you must make a written request to the Committee of Adjustment at 395 Mulock Drive, STN MAIN, Box 328, Newmarket, Ontario L3Y 4X7 or via e-mail at umahmood@newmarket.ca.

For more information about this matter, contact the Secretary-Treasurer at umahmood@newmarket.ca or at 905 895 5193 extension 2458.

If you are the owner of any land that contains seven or more residential units you are hereby requested to post this notice in a location that is visible to all of the residents.



**Committee of Adjustment52
Town of Newmarket**

395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

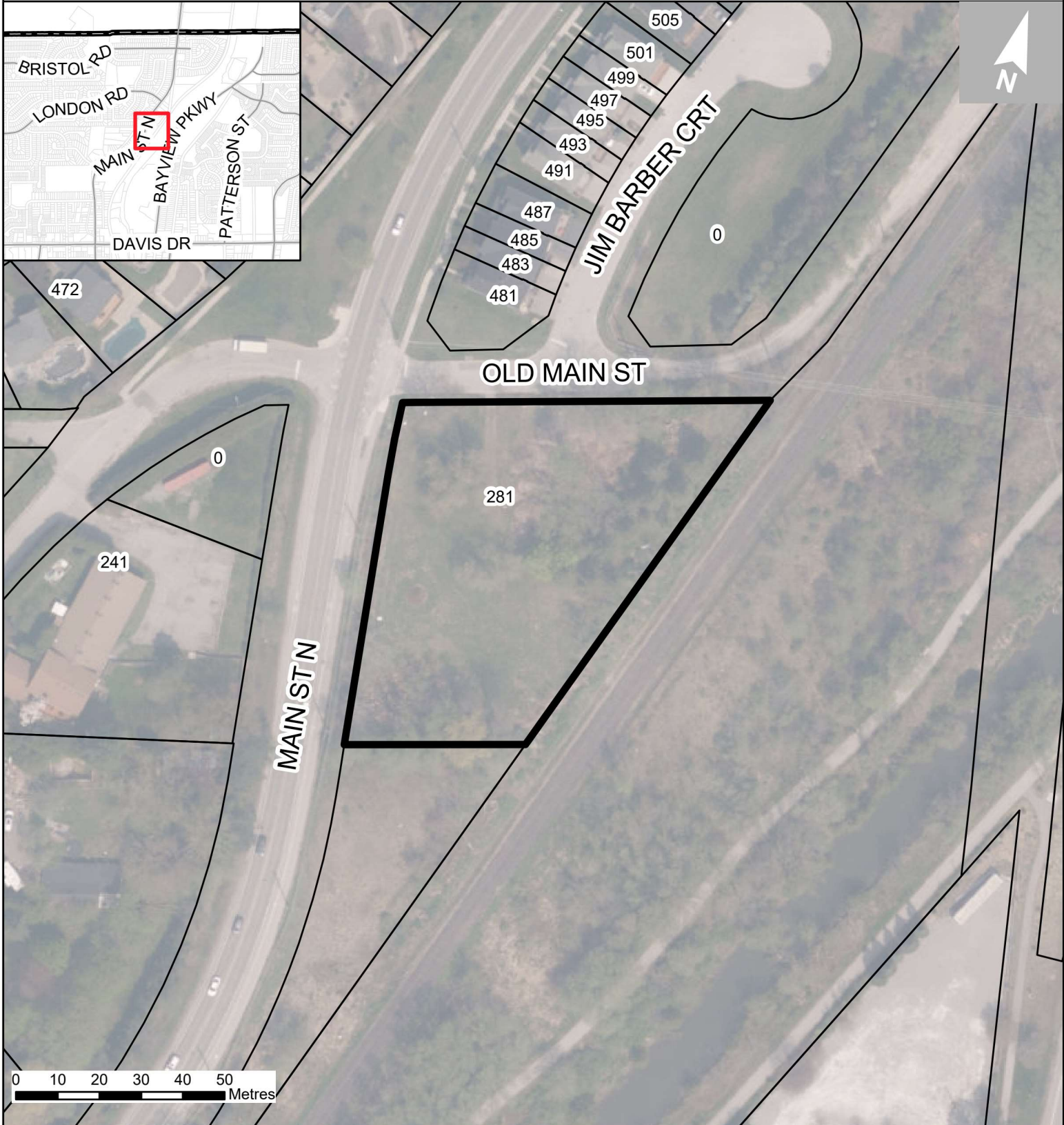
www.newmarket.ca
umahmood@newmarket.ca
T: 905.895.5193 Ext. 2458

Applicants Please Note: If you do not attend or are not represented at this meeting, the Committee may adjourn the file or proceed in your absence and make a decision, or may consider the application to have been abandoned or withdrawn, and close the file.

Dated at the Town of Newmarket this 8th day of April, 2024.

Secretary-Treasurer
Committee of Adjustment

281 Main Street N





PLANNING AND BUILDING SERVICES

Town of Newmarket

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Newmarket, ON L3Y 4X7

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Planning Report

TO: Committee of Adjustment

FROM: Aida Hosseinzadeh
Intermediate Planner, Development

DATE: April 19, 2024

RE: Application for Minor Variance **MV-2024-019**
281 Main Street North
Made by Mark Fogliato

1. Recommendations:

1. That Variances of Minor Variance Application MV-2024-013 be approved.

2. Clearing Conditions:

1. The Secretary-Treasurer shall receive a letter from the Town of Newmarket, Development and Infrastructure Services – Planning Services division, indicating that satisfactory arrangements have been made with respect to Site Plan application prior to the issuance of any building permit;
2. The Secretary-Treasurer shall receive a letter from the Town of Newmarket, Development and Infrastructure Services – Planning Services division, 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; and,
3. 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 dated April 18, 2024, prior to the issuance of any building permit.

3. Advisory Comments:

1. That the variance pertains only to the requests as submitted with the application;
2. That the development be substantially in accordance with the information submitted with the application; and,
3. Failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

4. Application:

An application for Minor Variance has been submitted by the owner of the above-noted property to request relief from Zoning By-law 2010-40, to permit the construction of 19 townhouses with 4.3 metres lot frontage per unit.

The following variances have been requested from Zoning By-law 2010-40, Site Specific 132:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	8.1.1, Exception 132, ii) a.	Maximum number of townhouse units: 16	To add three additional units for a total of 19 units
2	2010-40	8.1.1, Exception 132, ii) e.	Minimum Lot Frontage on a private road: 5.0 metres per unit	To allow for minimum 4.3 metres lot frontage on a private road per unit

The above-described property (herein referred to as the “subject land”) is located east of Main Street North, west of the Tom Taylor Trail. The subject land has an area of approximately 5,421 square metres, with a lot frontage of 65 metres on Main Street North and 79 metres on Old Main Street. The subject land is currently vacant and is surrounded by townhouses to the north, and open space and the rail line to the south.

This property has been subjected to multiple applications previously:

- 2016:

The subject land was subjected to a Zoning Bylaw Amendment and Draft Plan of Subdivision, which were approved by Council in 2016 (By-law 2016-63). The Purpose of this amendment was to rezone a portion of the subject land from Residential Detached Dwelling 30 metres (R1-B) Zone to the Residential Townhouse Dwelling Exception (R4-R-132) Zone.

The purpose of the Zoning By-law Amendment was to permit the development of nine townhouse units on a proposed road and to semi-detached units, for a total of 11 units.

- 2020:

The subject land was subject to a Minor Variance application, which was approved by Committee of Adjustment in 2020 (D13-A12-20). The purpose of this Minor Variance application was to permit 11 townhouse units, whereas the By-law permits nine townhouses and two semi-detached dwelling units.

- 2021:

The subject land was subjected to a Zoning Bylaw Amendment, which was approved by Council in 2021 (By-law 2021-71). The purpose of this amendment was to permit the development of 16 townhouses on the subject land.

A site plan application (PLN-SPA-2022-013) has been submitted for the proposed development and is currently under review.

5. Planning considerations:

The property was subjected to a Zoning By-law Amendment and Draft Plan of Subdivision, which were approved by Council in 2021 (By-law 2021-71). The purpose of this amendment was to permit the development of 16 townhouses on the subject land.

This application for a Minor Variance has been submitted to address modifications to the previously approved zone standards and proposed site plan. The applicant is proposing to modify the number of permitted townhouses and the minimum permitted width of the townhouses to allow an increase of three units (from 16 to 19 townhouses) on the property.

In order to authorize the variances, Committee must be satisfied that the requested variances pass the four tests required by the Planning Act. In this regard, staff offer the following comments:

Conformity with the general intent of the Official Plan

The subject property is designated “Residential” in the Official Plan. This designation permits a range of residential built form types. Regarding this designation, the Town’s Official Plan states:

It is the objective of the Residential Area policies to:

- a. Provide a range of residential accommodations by housing type, tenure, size, and location to help satisfy the Town of Newmarket’s housing needs in a context-sensitive manner.
- b. Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood.
- c. Recognize the desirability of gradual ongoing change by allowing for contextually sensitive development through Planning Act applications, to permit development which contributes to a desirable urban structure, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.
- d. Encourage a range of innovative and affordable housing types, zoning standards and subdivision designs where it can be demonstrated that the existing physical character of the Residential Area will be maintained.

The Official Plan permits townhouses subject to certain criteria including compliance with the Town’s Zoning By-law. The Official Plan also encourages a range of residential accommodations and housing types. The requested variances are considered to conform to the Official Plan and therefore this test is met.

Conformity with the general intent of the Zoning By-law

The subject land is zoned Residential Townhouse Dwelling 3, exception 132 (R4-R-132) by Zoning By-law 2010-40. The two proposed variances are analysed separately.

1. To allow 19 townhouses on the subject land:

Subsection ii) a of Exception 132 permits maximum of 16 townhouses. The intent of restricting the number of units on the property is to prevent a congested, and poorly designed urban environment. Adding 3 units to the development still maintains these purposes since appropriate built form, adequate servicing, fire access, waste storage, soft landscaping, appropriate driveways, vehicular parking spaces and private amenity spaces are all provided while the units are still functional.

Variance 1 is requesting to add 3 units to the development. Despite adding three additional units, the proposal still complies with the lot coverage and the height provisions; The lot coverage of the previous site plan of the property (16 townhouses) was 17%, however, with smaller units being proposed, the new design is proposing 13% of lot coverage, resulting in smaller building envelope. Also, the height of the units remained unchanged. Therefore, the built form of the proposed development is not changing dramatically.

The other factor that can limit the number of units which can be appropriately accommodated on a property is parking spaces. The Site Specific exception for this property requires one parking space per unit plus 3 visitor parking spaces. The development is proposing one parking space for each unit and 9 visitor parking spaces on the site, a total of 28 parking spaces, which exceeds the number of required parking spaces (22 parking spaces).

In 2023, Council adopted the housing target of 6400 new housing units in the community by 2031. Adding three units as a result of this minor variance application would be an appropriate way to contribute to the housing target to achieve the housing pledge. This variance will allow for an appropriate level of density, accommodating a range of housing options without comprising the liveability of the site, being compatible with the neighbourhood, and ensuring compliance with the zoning provisions.

2. To allow for 4.3 metres lot frontage per unit:

The intent of the lot frontage is to maintain compatibility, adequate spacing and width of the built form, and to ensure enough soft landscaping is being provided in front of the dwellings.

Section ii) e. of Exception 132 requires a minimum of 5 metres of lot frontage on a private road for each unit. There are two blocks of townhouses on the subject land. One on the west side (13 units), and the other one on the east side (6 units) of the property.

West Block:

The west block previously proposed 11 townhouse units, and the new proposal is adding 2 units to this row of townhouses. Having smaller lot frontages for this block will not affect the amount of soft landscaping, since all the driveways are at the rear of the buildings.

East Block:

This block of townhouse units previously had 5 units. The new site plan is proposing 6 townhouse units with lot frontages varying from 4.3 metres to 5.3 metres. Adding a unit to this block, resulted in reducing the lot frontage, however, the block still complies with other zoning provisions.

The footprint of the buildings remained unchanged for both blocks and comply with the required setbacks.

The lot frontage of 4.3 metres maintains the general intent of the zoning by-law of ensuring compatibility. This development is compatible with the existing townhouses on north side of the property. It will be considered as a continuation of already existing townhouses and in line with other similar current planning applications in the neighbourhood. Also, the property has 65 metres of frontage on Main Street North, the smaller individual lot frontages for each townhouse will not affect the building envelope or streetscape, as the footprint remains unchanged. Moreover, sufficient landscaped space for each dwelling is possible on each lot, and rear amenity space remains available for each lot.

The requested variances are consistent with the general intent and purpose of the Zoning By-law; therefore, this test is met.

Desirable development of the lot

The proposed variances are required to add 3 townhouse units to the development. The additional units contribute to the mix of housing types within Newmarket and supports the Town's goals of providing more diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with the surrounding neighbourhood by proposing transitional-styled buildings referencing the materials and architectural characteristics commonly found in "Historic Core Character" area.

Also, the applicant advises that the revised site plan provides for an improved interior floor plan with bedroom layouts and usability of the individual units, while it is compatible with the architectural style of the neighbourhood by using red and yellow brick facades, tall windows and doors and roofs with short overhangs which reflects the surrounding built form of the neighbourhood.

The requested variances are desirable for the development of the lot and the neighbourhood, therefore, the test is met.

Minor nature of the variance

The test of whether a variance is minor in nature is not simply an evaluation of the numerical value; the Committee is requested to consider the overall impact of the variance. Staff are of the opinion that the overall impact of the variances being discussed are minor in nature since the list of permitted uses is not being changed and the built form is compatible with the neighbourhood, as demonstrated above. The impact of the variance is minor and therefore this test is met.

In consideration of the above, the proposed variances are deemed to meet the four tests under the *Planning Act* and are recommended to be approved, subject to clearing conditions.

6. Other comments:

Tree Preservation

There are a total of 86 trees being affected by this development: 68 trees on the subject land, 14 shared trees, 3 trees on neighbouring properties, and 1 town-owned tree. The Arborist Report speaks to the removal of 68 trees and preservation of 18 trees.

The Town's Arborist Peer Review Consultant has commented on the Arborist Report. Appropriate compensation and securities will be provided through the Site Plan Approval process.

Heritage

The property is not designated under the Ontario Heritage Act or on the municipal list of non-designated Properties.

Commenting Agencies and Departments

- LSRCA has confirmed that they have signed off on the Site Plan application, therefore, they will not be commenting on the construction of 19 townhouses. LSRCA has no concerns with the reduced lot frontage.
- York Region has no concerns with the Minor Variance application, however, requires a letter prepared by the professional Engineer to be submitted to the York Region stating that bulk fuel or bulk chemicals will not be occurring in the subject land. This will be condition of Site Plan Agreement. Please refer to York Region comments dated April 18, 2024.
- Engineering Services has reviewed this application and has no objection to the Minor Variance application. Further engineering comments will be provided during resubmission of the Site Plan application. Please see letter TF046M dated April 11, 2024.
- Metrolinx has reviewed the application. Please see comments dated April 19, 2024.

Effect of Public Input

Written correspondence was received from a resident in the neighbourhood. A summary of the concerns received from the public include:

- The increase of traffic accessing Main Street.
- Access to the townhouses
- Possible traffic light on Main Street and Jim Barber intersection

7. Conclusions:

That the application be approved as the relief as requested:

- (1) is minor in nature;
- (2) conforms to the general intent and purpose of the Official Plan;
- (3) conforms to the general intent and purpose of the Zoning By-law; and
- (4) is considered desirable for the appropriate development of the lot.

Respectfully submitted,

A. Hosseinzadeh

Aida Hosseinzadeh
Intermediate Planner – Development


DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES
Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

engineering@newmarket.ca

T: 905 895.5193

F: 905 953.5138

M E M O R A N D U M

TO: Jason Unger, B.E.S., M.PL., MCIP, RPP, Director, Planning and Building Services
FROM: Temi Fashina, Sr. Engineering Development Coordinator – Residential
DATE: April 11, 2024
RE: Application for Minor Variance
 Made by: M281 MSN INC.
 File No.: MV-2024-019
 281 MAIN STREET NORTH, NEWMARKET, ON
 Town of Newmarket Ward 4
Engineering Services File No.: R. Main Street N.

We herein acknowledge receipt of the Application for Minor Variance wherein the following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 8.1.1 List of Exceptions (exception 132) to permit 19 townhouse units whereas By-law permit a maximum of 16 townhouse units; and
2. Relief from Section 8.1.1 List of Exceptions (exception 132) to permit a lot frontage of 4.3m per unit whereas By-law requires a minimum lot frontage of 5.0m per unit.

We have reviewed the application and supporting documentation and have no objection to this application. Please note, further additional engineering comments will come on the property during site plan application or building permit review.

Should you have any questions please contact the undersigned.

Sincerely,

ENGINEERING SERVICES

Temi Fashina

Sr. Engineering Development Coordinator – Residential

File No.: TF046M

From: [Meehan, Christine](#)
To: [Umar Mahmood](#)
Subject: RE: Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (April 24, 2024) - MV-2024-019
Date: April 18, 2024 2:54:47 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)

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Hi Umar,

The Region has completed its review of Minor Variance application MV-2024-019 and has the following comment:

Comments:

Please note that Source Water Protection Team have reviewed and while there are no concerns with the proposed minor variance, please note that while unlikely that there will be bulk fuel or chemicals associated with the development, the Highly Vulnerable policy applies.

Recharge Management Area (WHPA-Q)

The approving body for compliance with the policy will be the local municipality.

Best Management Practices - Salt Management

As the site is within a vulnerable area, Water Resources recommends the use of a contractor who is certified by Smart About Salt, and use of best management practices identified in the TAC Synthesis of Best Management Practices for Salt and Snow are followed: <https://www.tac-atc.ca/sites/tac-atc.ca/files/site/doc/resources/roadsalt-1.pdf>. Please note that in vulnerable areas snow melt piles are to be located on paved surfaces and in proximity to storm drains.

Conditions:

Highly Vulnerable Area (HVA)

Should the proposed development include bulk fuel (= 2500L) or bulk chemicals (= 500L) within the HVA, a [Contaminant Management Plan](#) (CMP) will be required prior to application approval, for Water Resources review and approval.

If a CMP is not required, a letter prepared by a qualified professional (P.Eng or P. Geo) shall be submitted to the Region stating that bulk fuel or bulk chemicals will not be occurring on the subject lands.

Many thanks,

Christine Meehan, B.U.R.Pl., B. B. A | Planner (Intake Lead), Development Services, Planning & Economic Development Branch, Corporate Services Department

Our Values: Integrity, Commitment, Accountability, Respect, Excellence



Our Mission: Working together to serve our thriving communities – today and tomorrow

Please consider the environment before printing this email.

From: Umar Mahmood <umahmood@newmarket.ca>

Sent: Thursday, April 4, 2024 5:31 PM

To: Ian McDougall <imcdougall@newmarket.ca>; John Taylor <jtaylor@newmarket.ca>; Victor Woodhouse <vwoodhouse@newmarket.ca>; Bob Kwapis <bkwapis@newmarket.ca>; Christina Bisanz <cbisanz@newmarket.ca>; Grace Simon <gsimon@newmarket.ca>; Kelly Broome <kbroome@newmarket.ca>; Jane Twinney <jtwinney@newmarket.ca>; Trevor Morrison <tmorrison@newmarket.ca>; Peter Noehammer <pnoehammer@newmarket.ca>; Jason Unger <junger@newmarket.ca>; Rachel Prudhomme <rprudhomme@newmarket.ca>; Lawrence Villanueva <lvillanueva@newmarket.ca>; Lisa Lyons <llyons@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; Moustafa Popal <mpopal@newmarket.ca>; cameron.blaney@ontario.ca; William.Francolini@ontario.ca; gcreta@envinetwork.com; Laura Tafreshi <L.Tafreshi@lsrca.on.ca>; 'Dave Ruggle' <D.Ruggle@lsrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Phoebe Chow <pchow@newmarket.ca>; Shane Jobber <shane@urbanforestinnovations.com>; PHILIP WASSENAER <pwassenaer1022@rogers.com>; Craig Bickers <cbickers@newmarket.ca>; Andrew Jurrius <ajurrius@newmarket.ca>; Jess McKee <jmckee@newmarket.ca>; CYFS - Prevention <Prevention@cyfs.ca>; Adrian Cammaert <acammaert@newmarket.ca>; Meghan White <mwhite@newmarket.ca>; Kaitlin McKay <kmckay@newmarket.ca>; Jennifer Larmer <jlarmer@newmarket.ca>; Joyce Tsui <JTsui@newmarket.ca>; Aida Hosseinzadeh <AHosseinzadeh@newmarket.ca>; Moustafa Popal <mpopal@newmarket.ca>; Robin Nadorozny <RNadorozny@newmarket.ca>; David Sanza <DSanza@newmarket.ca>; Peterson Rissis <PRissis@newmarket.ca>; J.Lim@lsrca.on.ca; A.knapp@lsrca.on.ca; Kelly Nesbitt <K.Nesbitt@lsrca.on.ca>; Andria Sallese <asallese@newmarket.ca>

Cc: michs@rogers.com; alavim@yorku.ca; j_scholten@hotmail.com; rwgreen@rogers.com; j.georgeff j.georgeff <j.georgeff@sympatico.ca>; 4bblewis@gmail.com

Subject: Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (April 24, 2024)

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, forward it to isitsafe@york.ca then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

Hello,

Please be advised the next virtual Committee of Adjustment hearing will be held on **Wednesday April 24, 2024 at 9:30 AM.**

The Committee will consider the following applications:

MV-2024-011 (455-465 Harry Walker Pkwy S) Ward 2

The applicant is proposing a reduction in required bicycle parking. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.8 Bicycle Parking to permit 0 long term bicycle parking spaces (8 additional short terms spaces to be provided) whereas By-law requires a minimum of 10 long-term bicycle parking spaces.

MV-2024-017 (693 Sunnypoint Dr) Ward 3

The applicant is proposing to legalize existing shed. 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 an accessory structure (existing shed) setback 0.11m to the side property line whereas By-law requires a minimum setback of 2.40m.

MV-2024-018 (393 Woodspring Ave) Ward 7

The applicant is proposing the construction of an accessory dwelling unit. 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 a garage.

MV-2024-019 (281 Main St N) Ward 4

The applicant is proposing the construction of townhouses. The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 8.1.1 List of Exceptions (exception 132) to permit 19 townhouse units whereas By-law permit a maximum of 16 townhouse units; and
2. Relief from Section 8.1.1 List of Exceptions (exception 132) to permit a lot frontage of 4.3m per unit whereas By-law requires a minimum lot frontage of 5.0m per unit.

Comments are requested by **April 16, 2024** or earlier if possible for inclusion in the Staff Report and for the benefit of everyone in attendance at the hearing.

For your convenience, you may access the Notice of Complete Application and all associated submission material using the link below:

<https://tonfileshare.newmarket.ca/share.cgi?ssid=92d91074d78e41d58d5de2e8d1f82ce4>

Please let me know if you have any questions or difficulties accessing the material.

Thank you,
Umar

Umar Mahmood

Planner COA & Cultural Heritage | Planning & Building Services
905-953-5300 x2458 | umahmood@newmarket.ca
[| heynewmarket.ca](https://tonfileshare.newmarket.ca)



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Note: Our working hours may be different. Please do not feel obligated to reply outside of your scheduled working hours.

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From: [Jessica Lim](#)
To: [Umar Mahmood](#)
Subject: RE: LSRCAs Comment - Committee of Adjustment (April 24, 2024)
Date: April 16, 2024 9:56:52 AM
Attachments: [image001.png](#)

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Hi Umar,

455-465 Harry Walker Pkwy, 393 Woodspring Ave and 693 Sunnypoint Dr are not within an area regulated under Ontario Regulation 41/24, therefore we will not be commenting on these applications.

After further review of 281 Main St N, it appears that we have provided our sign off on the Site Plan application to permit the construction of the 19 townhomes therefore we will not be commenting on this application for Minor Variance either. We also have no concerns with the reduced lot frontage.

Let me know if you have any questions.

Have a great rest of your day!

Jessica Lim

Planner I

Lake Simcoe Region Conservation Authority

120 Bayview Parkway

Newmarket, Ontario L3Y 3W3

905.895.1281 x 212 | 1.800.465.0437 | Mobile 905.955.1736

j.lim@lsrca.on.ca | www.LSRCA.on.ca

From: Umar Mahmood <umahmood@newmarket.ca>

Sent: Friday, April 12, 2024 4:22 PM

To: Ian McDougall <imcdougall@newmarket.ca>; John Taylor <jtaylor@newmarket.ca>; Victor Woodhouse <vwoodhouse@newmarket.ca>; Bob Kwapis <bkwapis@newmarket.ca>; Christina Bisanz <cbisanz@newmarket.ca>; Grace Simon <gsimon@newmarket.ca>; Kelly Broome <kbroome@newmarket.ca>; Jane Twinney <jtwinney@newmarket.ca>; Trevor Morrison <tmorrison@newmarket.ca>; Peter Noehammer <pnoehammer@newmarket.ca>; Jason Unger <junger@newmarket.ca>; Rachel Prudhomme <rprudhomme@newmarket.ca>; Lawrence Villanueva <lvillanueva@newmarket.ca>; Lisa Lyons <llyons@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; Moustafa Popal <mpopal@newmarket.ca>; cameron.blaney@ontario.ca; William.Francolini@ontario.ca; gcreta@envinetwork.com; Laura Tafreshi <L.Tafreshi@lsrca.on.ca>; Dave Ruggle <D.Ruggle@lsrca.on.ca>; Mike Thibeault <mikeufi@rogers.com>; Phoebe Chow <pchow@newmarket.ca>; Shane Jobber <shane@urbanforestinnovations.com>; PHILIP WASSENAER <pwassenaer1022@rogers.com>; Craig



To: Newmarket Committee of Adjustment - April 24, 2024, Hearing

From: *Adjacent Developments GO Expansion & LRT - Third Party Projects Review - Metrolinx*
Adjacent Developments Subways - Third Party Projects Review - Metrolinx

Date: April 19th, 2024

Re: MV-2024-019 - 281 Main Street North, Newmarket

Metrolinx is in receipt of the Minor Variance application for 281 Main St N, Newmarket, to facilitate the construction of a townhouse development, in particular to permit a maximum of 19 townhouse units whereas the By-Law permit a max of 16 units. As well, to facilitate lot frontages of 4.3 m per unit whereas the By-law requires a minimum lot frontage of 5m per unit. Metrolinx's comments on the subject application are noted below:

- The subject property is located immediately adjacent to the Metrolinx Newmarket Subdivision which carries Metrolinx's Barrie GO Train service.

Advisory Comments:

- Metrolinx is a stakeholder that is currently engaged in, and has provided comments on, the comprehensive application of the development including the Site Plan application (most recent being comments dated December 11, 2023).
- Any previous comments/requirements previously provided by Metrolinx and/or our Technical Advisor are still applicable.

Advisory Comments (Conditions to be Fulfilled Prior to Site Plan Approval):

- The following are items to address the current minor variance application. The applicant is advised that all other conditions/requirements/agreements related to the comprehensive application must also be fulfilled prior to approval of the Site Plan. Additionally, the Owner shall be responsible for all costs for the preparation and registration of agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx.
- The proponent shall satisfy all Metrolinx rail safety requirements and the Owner shall enter into an "Adjacent Development Agreement" (ADA) with Metrolinx stipulating how applicable concerns will be addressed. The agreement will include an environmental easement for operational emissions, to be registered on title against all residential dwellings within 300 metres of the rail corridor and in favour of Metrolinx.
 - As part of the ADA, the Owner shall grant Metrolinx an environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. Included is a copy of the form of easement that is contained in the ADA for the Proponent's information. Registration of the easement will be required prior to clearance of Site Plan Approval. (It should be noted that the registration process can take up to 6 weeks).
 - Any approved changes of the design, based on this variance application, shall be appropriately reflected in the ongoing Adjacent Development Agreement.



- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,
 Farah Faroque
 Project Analyst, Third Party Projects Review
 Metrolinx
 10 Bay Street | Toronto | Ontario | M5J 2N8



Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the **"Easement Lands"**).

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night (provided that doing so is not contrary to law applicable to Metrolinx) with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations.

THIS Easement and all rights and obligations arising from the above easement shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of a party hereto, if such party comprises more than one person, shall be joint and several.

Easement in gross.

Urban Forest Innovations Inc.
1331 Northaven Drive
Mississauga ON L5G 4E8

January 2, 2024



The Town of Newmarket

395 Mulock Drive, P.O. Box 328, STN Main
Newmarket ON L3Y 4X7
c/o Aida Hosseinzadeh – Intermediate Planner, Development

Re: 281 Main Street North – Site Plan Application (6th Submission) – Arborist Peer Review

Ms. Hosseinzadeh,

As you have requested, Urban Forest Innovations (UFI) has reviewed the arborist report and related application information submitted in support of a proposed Site Plan Application for development of 19 three-storey townhouse units at 281 Main Street North, Newmarket, Ontario.

Document Review

The following documents, provided by the Town of Newmarket, were reviewed:

- Arborist Report and Tree Preservation Plan, prepared by Maple Hill Tree Services Ltd., dated October 11, 2018, revised October 30, 2023
- Site Plan A001, prepared by Micacchi Architecture Inc., dated November 7, 2023
- Site Grading Plan and Site Servicing Plan, prepared by Aplin & Martin Consultants Ltd., dated May 2018, revised November 10, 2023

Additional documents not listed above but also provided in the submission package were briefly reviewed for context, but did not form a substantive part of this peer review. It should be noted that our review focused on the tree and shrub (i.e., arboriculture/urban forestry)-related aspects of the submission.

Background

A site visit was undertaken on July 19, 2022, to assess the site and verify the tree inventory details.

Updated Comments – July 2022

- 1) There are several dead/dying trees on site at this time. The arborist report is dated September 19, 2013 and does not reflect the site conditions. The next submission of the

arborist report must be updated to reflect the current site conditions and be reflective of the updated grading/servicing/site plans in its content and recommendations.

December 2018 Update: This has been addressed. No further comments.

- 2) The revised arborist report must consider any berms or barriers proposed along the rail line.

December 2018 Update: This has been addressed. No further comments.

- 3) The construction management plan is showing temporary parking in the area of the tree protection, east of building A. The next revision of the construction management plan must not have parking within the minimum tree protection distances as set out in the arborist report.

September 2019 Update: This has been addressed. No further comments.

- 4) The tree valuation methodology used to calculate final tree valuation results must be outlined in the revised arborist report.

September 2019 Update: The tree valuations provided in the recently revised arborist report have been derived using incorrect methodology and are undervaluing the appraised value of trees identified for preservation. The revised arborist report must amend the calculated values in accordance with the Trunk Formula Method, as set forth in the Council of Tree and Landscape Appraisers (CTLA) Guide to Plant Appraisal, 9th edition, where the appraised value is calculated using the following equation:

$$\text{Appraised Value} = [\text{Installed Tree Cost} + (\text{Unit Tree Cost} \times \text{Appraised Tree Trunk Increase})] \times \text{Species Rating} \times \text{Condition Rating} \times \text{Location Rating}$$

December 2020 Update: Comment remains unaddressed. Note that no updated arborist report was provided as part of the most recent (4th) submission package.

April 2021 Update: Comment remains unaddressed. Valuation methodology and results remain unchanged.

July 2022 Update: This has been addressed. No further comments.

- 5) The landscape plan must account for the appropriate number of replacement plantings required as set out in the arborist report. If any required replacement trees cannot be planted on-site, cash in lieu must be provided to the Town for unplanted trees at \$400.00 per tree.

September 2019 Update: No further comments.

- 6) The tree protection barriers presented in the arborist report are difficult to interpret due to the use of similar colours and linetypes. The revised arborist report must present tree protection barriers in clear and unambiguous lines to allow for improved legibility.

September 2019 Update: No further comments.

- 7) Any proposed removal or injury of trees located on the property boundary of the subject lands (e.g. shared trees #TR87, TR92, TR93) must have the consent of the owner(s) of the adjoining land(s). This will likely ensure compliance with the requirements of the provincial *Forestry Act, R.S.O. 1990*, which regulates the injury and destruction of shared trees. Several additional inventoried trees appear to be growing on adjacent property boundaries but are not listed as shared in the arborist report, e.g. trees #TR57, TR58, TR62, TR65, TR67, TR69, TR70, TR72, TR74, TR75, etc. These and any other trees located on property boundaries must have the removal consent of adjacent property owners.

September 2019 Update: This has been addressed. No further comments.

New Comments – January 2024

- 8) Trees #4, 32, 33, 56, 106, 108 are equal to or greater than 20cm diameter at breast height (DBH) and are recommended for removal. However, there is no compensation provided in the 'Replacements aggregate cm' column of the recently revised arborist report (page 13-14). A compensation amount calculated using the Depreciated Aggregate cm Method (DAM) (as outlined in the Policy) must be provided for all trees proposed for removal that are equal to or greater than 20cm diameter at breast height (DBH) and are located on or within 4.5 metres of the subject lands. Compensation calculations must be submitted for trees #4, 32, 33, 56, 106 and 108 in the revised arborist report.

We trust that this letter will suffice for your current needs. Should you have any questions or require further assistance, please do not hesitate to contact us.

Respectfully submitted by,



Shane Jobber, B.Sc.F.

ISA Certified Arborist ON-1746AM
shane@urbanforestinnovations.com

Urban Forest Innovations Inc.

1331 Northaven Drive
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Philip van Wassenauer, B.Sc., MFC

ISA Certified Arborist ON-0361A
ASCA RCA #678
pwassenauer1022@rogers.com

Limitations of Assessment

It is our policy to attach the following clause regarding limitations. We do this to ensure that the client is aware of what is technically and professionally realistic in assessing and retaining trees.

The assessment(s) of the tree(s) presented in this report has been made using accepted arboricultural techniques. These may include, among other factors, a visual examination of: the above-ground parts of the tree(s) for visible structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of pests or pathogens, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted, the tree(s) was not cored, probed, climbed or assessed using any advanced methods, and there was no detailed inspection of the root crown(s) involving excavation.

Notwithstanding the recommendations and conclusions made in this report, it must be recognized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site or weather conditions, or general seasonal variations. Weather events such as wind or ice storms may result in the partial or complete failure of any tree, regardless of assessment results.

While reasonable efforts have been made to accurately assess the overall condition of the subject tree(s), no guarantee or warranty is offered, expressed or implied, that the tree(s) or any of its parts will remain standing or in stable condition. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or its component parts, regardless of the assessment methodology implemented. Inevitably, a standing tree will always pose some level of risk. Most trees have the potential for failure under adverse weather conditions, and the risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be re-assessed periodically. The assessment presented in this report is only valid at the time of inspection.