



Town of Newmarket

Agenda

Committee of Adjustment

Date: Wednesday, May 29, 2024
Time: 9:30 AM
Location: Electronic VIA ZOOM
See How to Login Guide

Pages

1. Public Notice

At this time, the Municipal Offices remain closed to the public. This meeting will be streamed live at newmarket.ca/meetings.

2. Conflict of Interest Declarations

3. Appeals

4. Approval of Minutes

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Minutes of the regular hearing held on April 24, 2024.

5. Items

5.1 CON-2024-003, MV-2024-014, MV-2024-015, & MV-2024-016

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137 WESLEY STREET (WARD 2)

NGG HOMES INC.

5.2 MV-2024-022

13

876 MAGNOLIA AVENUE (WARD 3)

CHRISTINE BATES

5.3 MV-2024-023

16

292 RUSHBROOK DRIVE (WARD 6)

RAMON DE JESUS MARTINEZ AND PAULA JANE MARINEZ

6. Adjournment



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, April 24, 2024
Time: 9:30 AM
Location: Electronic VIA ZOOM

Members Present: _____ Michelle Starnes, Chair
_____ Andrea Lewis, Member
_____ Rob Green, Alternate Member

Staff Present: _____ Umar Mahmood, Secretary-Treasurer
_____ David Sanza, Junior Planner
_____ Peterson Rissis, Junior Planner
_____ Aida Hosseinzadeh, Intermediate Planner
_____ Joyce Tsui, Intermediate 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 and the March hearing decisions are now final and binding.

4. Approval of Minutes

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

Moved by: Andrea Lewis, Member

Seconded by: Rob Green, Member

Carried



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5. Items

5.1 MV-2024-011 – 455-465 Harry Walker Parkway South (Ward 2)

The Chair called item MV-2024-011 to order.

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.

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 that MV-2024-011 has no representative present and is aware of the staff recommendation to defer the application.

That Minor Variance Application MV-2024-011 be deferred.

Moved by: Andrea Lewis, Member

Seconded by: Rob Green, Member

Carried

5.2 MV-2024-017 – 693 Sunnypoint Drive (Ward 3)

The Chair called item MV-2024-017 to order.

The applicant is proposing to legalize existing shed. The following relief is requested from Zoning Bylaw 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.

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.

Sergei Plehhanov, authorized agent, indicates the reason they need the Minor Variance is that almost all neighbours in the area have the same type of shed. The agent stated the owners need for additional storage.

The Chair asked if the Committee had any other questions for the applicant and asked



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the Secretary-Treasurer if there are any members of the public who wish to address the Committee.

Michelle Starnes, Chair, asked about the size of the shed, what is the use of the building and why it has a regular sized door.

Mr. Plehhanov included that the accessory structure is for storing gardening tool, snow blowers and exterior storage.

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

Amanda Persico, neighbour, inquired about the power supply and exhaust running to the shed. Mentioned that the shed is very close to the tree. Site drawings are incorrect and there are two trees on the property.

Mr. Plehhanov mentioned that his arborist report indicated no harm to tree or roots of tree.

Andrea Lewis, Member, asked if the applicant has reviewed the Peer Review of the arborist report from Urban Forest Innovations.

Mr. Plehhanov indicated this was the first time hearing about Peer Review report, and therefore has not reviewed it.

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 April 19, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, April 8, 2024.
3. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated April 9, 2024.
4. Arborist Peer Review, Philip van Wassenaer, ISA Certified Arborist and Shane Jobber, ISA Certified Arborist, Urban Forest Innovations, Inc. April 16, 2024
5. Written correspondence was received from 1 area residents.

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

Moved by: Andrea Lewis, Member

Seconded by: Rob Green, Member



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Carried

5.3 MV-2023-018 - 393 Woodspring Ave (Ward 7)

The Chair called item MV-2023-018 to order.

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.

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.

Valiuddin Mohammei, authorized agent on behalf of the home owners. Parking with the garage. 3 Spaces provide with one being in 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.

The Secretary-Treasurer noted that there are no members of the public in attendance to speak at today's meeting.

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 April 19, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, April 11, 2024.
3. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated April 9, 2024.

That Minor Variance Application MV-2023-018 be approved.

Moved by: Andrea Lewis, Member

Seconded by: Rob Green, Member

Carried



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5.4 MV-2024-019 – 281 Main Street North (Ward 4)

The Chair called item MV-2024-019 to order.

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.

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.

Paul Demczak, Batory Planning and Management, representative of home owner. Presentation for Minor Variance. Was previously approved for a previous design for 16 town homes. Footprint of the previous design remains the same. Interior design has been updated. Increase to visitor parking.

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

The Chair asked where the change from 16 to 19 units come from.

Mr. Demczak, stated they lowered the proposed grade to allow for more above grade livable space.

The Secretary-Treasurer noted that there is no members of the public in attendance to speak at today's meeting.

Committee had no further comments and questions for the applicant.

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

1. The Planning Report from Aida Hosseinzadeh, Intermediate Planner, Town of Newmarket, dated April 19, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, April 11, 2024.
3. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated April 18, 2024
4. Arborist Peer Review, Philip van Wassenaer, ISA Certified Arborist and Shane Jobber, ISA Certified Arborist, Urban Forest Innovations, Inc. January 2, 2024



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5. Written comments from Farah Faroque, Metrolinx, dated April 19, 2024.
6. Written comments from Jessica Lim, Lake Simcoe Region Conservation Authority, dated April 16, 2024.
7. Written correspondence was received from 1 area residents,
That Minor Variance Application MV-2024-019 be approved.

Moved by: Andrea Lewis, Member

Seconded by: Rob Green, Member

Carried

6. Adjournment

The hearing was adjourned.

Moved by: Rob Green, Member

Seconded by: Andrea Lewis, Member

Carried

Chair

Date



**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 Consent and Virtual Public Hearing

In the Matter of Section 53 of the Planning Act, R.S.O. 1990, c. P.13, as amended, and

In the Matter of an application by **NGG HOMES INC.** owners of that parcel of land being and situated in the Town of Newmarket, known as 137 Wesley Street, Town of Newmarket, Ontario.

File Number: CON-2024-003
Made By: NGG HOMES INC.
Subject Land: 137 WESLEY STREET, NEWMARKET, ON
Legal Description: LT 41 PL 117 NEWMARKET; LT 42 PL 117 NEWMARKET; NEWMARKET
Related Files: MV-2024-014, MV-2024-015, AND MV-2024-016
Ward: 2

The purpose and effect of the application is as follows:

NGG HOMES INC. requests the approval of the Committee to sever a parcel of land for the creation of two new lots and totaling three lots on the subject property. The first severed parcel is indicated on the attached sketch as Lot 1 and has a frontage of 10.13m and an area of 299sq.m. Lot 2 is the retained lot and has a remaining frontage of 10.13m and an area of 298sq.m. Lot 3 is a severed parcel with a frontage of 10.14m and an area of 298sq.m.

Hearing Date and Time: Wednesday, May 29, 2023 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.

For more information, please contact the Secretary-Treasurer anytime at umahmood@newmarket.ca or 905 953 5300 extension 2458. Additional participation information is also available on the Town's website at: <https://www.newmarket.ca/committeeofadjustment>

If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Tribunal may dismiss the appeal. Please provide comments by the Friday prior to the hearing.

For more information about this matter, including how to participate in a virtual electronic public hearing, contact the Secretary-Treasurer anytime at umahmood@newmarket.ca.

If you wish to be notified of the decision of the Committee of Adjustment in respect to the proposed consent, 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.

If you are the owner or manager of any land that contains seven (7) or more residential units, you are requested to post this notice in a location that is visible to all of the residents.



**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

Additional information and material regarding the application will be available to the public online for inspection by contacting the Secretary-Treasurer anytime at umahmood@newmarket.ca.

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 1st day of May, 2024.

Secretary-Treasurer
Committee of Adjustment



**Committee of Adjustment 9
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-2024-014, MV-2024-015 & MV-2024-016
Made By: NGG HOMES INC.
Subject Land: 137 WESLEY STREET, NEWMARKET, ON
Related Files: CON-2024-003
Ward: 2

The purpose and effect of the application is as follows:

MV-2024-014

The applicant requests a minor variance for the severed lands known as lot 1 of Consent application of CON-2024-003. 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 area of 299sq.m whereas By-law requires a minimum lot area of 511sq.m; and
2. Relief from Section 6.2.2 Zone Standards to permit a lot frontage of 10.13m whereas By-law requires a minimum lot frontage of 15.00m.

MV-2024-015

The applicant requests a minor variance for the retained lands known as lot 2 of Consent application CON-2024-003. 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 area of 298sq.m whereas By-law requires a minimum lot area of 511sq.m; and
2. Relief from Section 6.2.2 Zone Standards to permit a lot frontage of 10.13m whereas By-law requires a minimum lot frontage of 15.00m.

MV-2024-016

The applicant requests a minor variance for the severed lands known as lot 3 of Consent application CON-2024-003. 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 area of 298sq.m whereas By-law requires a minimum lot area of 511sq.m; and
2. Relief from Section 6.2.2 Zone Standards to permit a lot frontage of 10.14m whereas By-law requires a minimum lot frontage of 15.00m.

Hearing Date and Time: Wednesday, May 29, 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>



**Committee of Adjustment10
Town of Newmarket**

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umahmood@newmarket.ca
T: 905.895.5193 Ext. 2458

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.

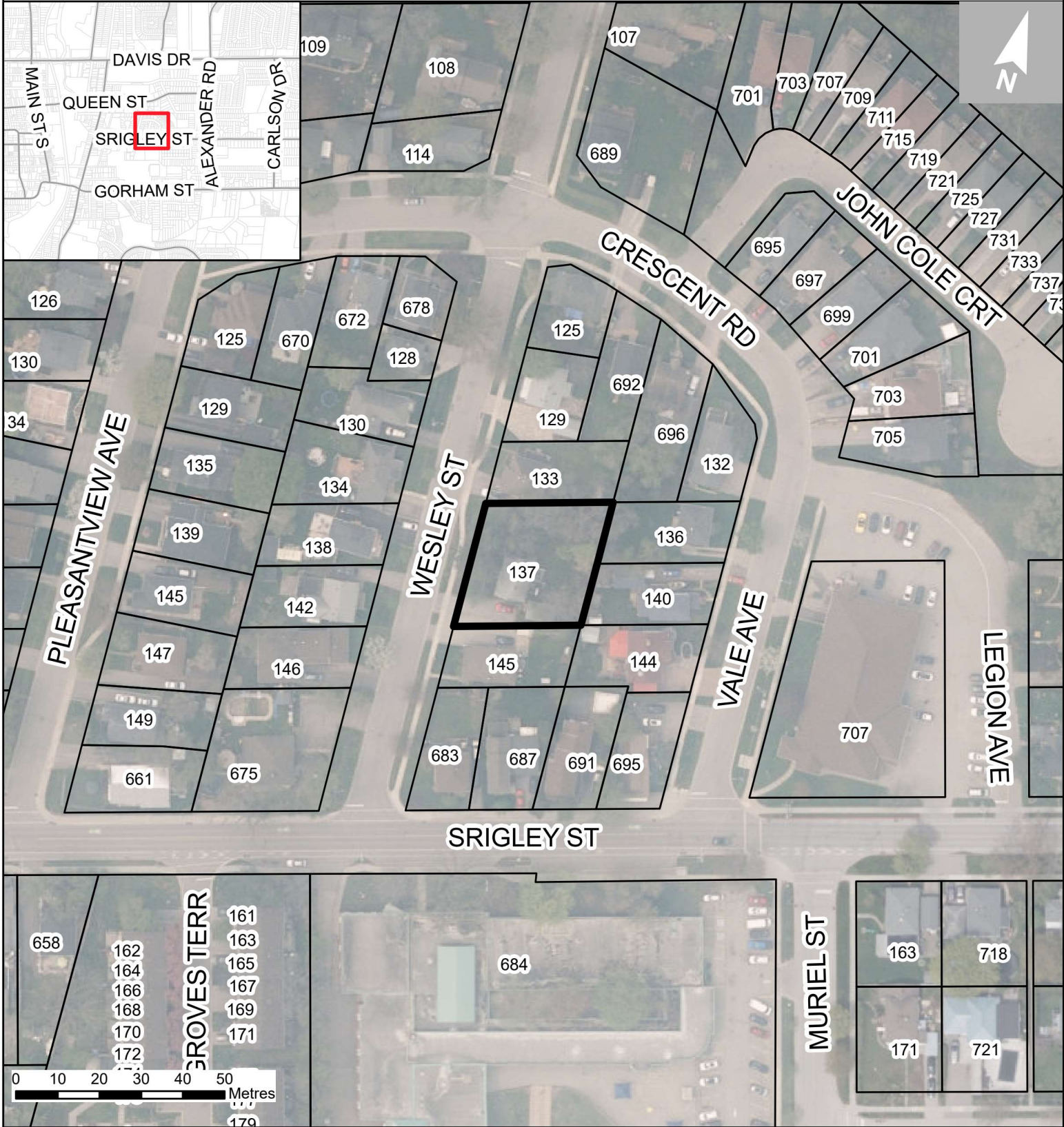
If you are the owner of any land that contains seven or more residential units you are hereby requested to post this notice in a location that is visible to all of the residents.

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.

Dated at the Town of Newmarket this 1st day of May, 2024.

Secretary-Treasurer
Committee of Adjustment

137 Wesley Street

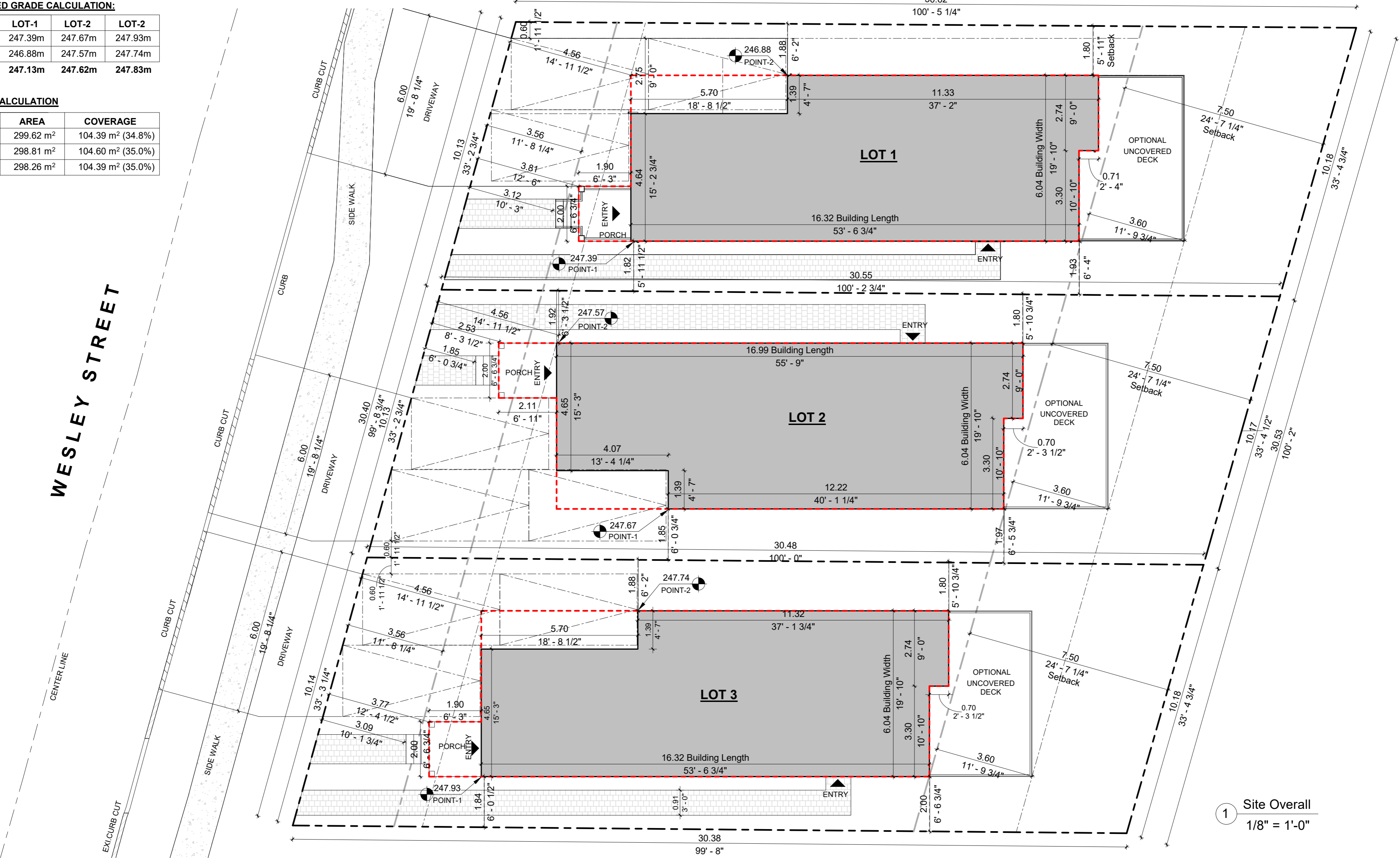


ESTABLISHED GRADE CALCULATION:

	LOT-1	LOT-2	LOT-2
POINT - 1	247.39m	247.67m	247.93m
POINT - 2	246.88m	247.57m	247.74m
AVERAGE	247.13m	247.62m	247.83m

LOT AREA CALCULATION

	AREA	COVERAGE
LOT-1	299.62 m ²	104.39 m ² (34.8%)
LOT-2	298.81 m ²	104.60 m ² (35.0%)
LOT-3	298.26 m ²	104.39 m ² (35.0%)



1 Site Overall
1/8" = 1'-0"



Bob Abrahams Architect Corp.
454 Kingston Road, Toronto, ON

No.	Description	Date

OWNER : NGG HOMES INC.

PROECT : LOT-1 WESLEY HOUSE (2 Storey)

ADDRESS : 137 WESLEY STREET, NEWMARKET ON.

Sheet Neme:
Overall Site Plan

Project number	0557	Sheet Number:	A002a
Date	04/09/2024		
Drawn by	VB		
Checked by	BOBA	Scale	1/8" = 1'-0"



**Committee of Adjustment13
Town of Newmarket**

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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-2024-022
Made By: CHRISTINE BATES
Subject Land: 876 MAGNOLIA AVENUE, NEWMARKET, ON
Ward: 3

The purpose and effect of the application is as follows:

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

1. Relief from Section 6.2.2 Zone Standards to permit an interior side yard of 0.17m whereas By-law requires a minimum interior side yard of 1.8m; and
2. Relief from Section 6.2.2 Zone Standards to permit an exterior side yard of 5.73m whereas By-law requires a minimum exterior side yard of 6.0m.

Hearing Date and Time: Wednesday, May 29, 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 Adjustment¹⁴
Town of Newmarket

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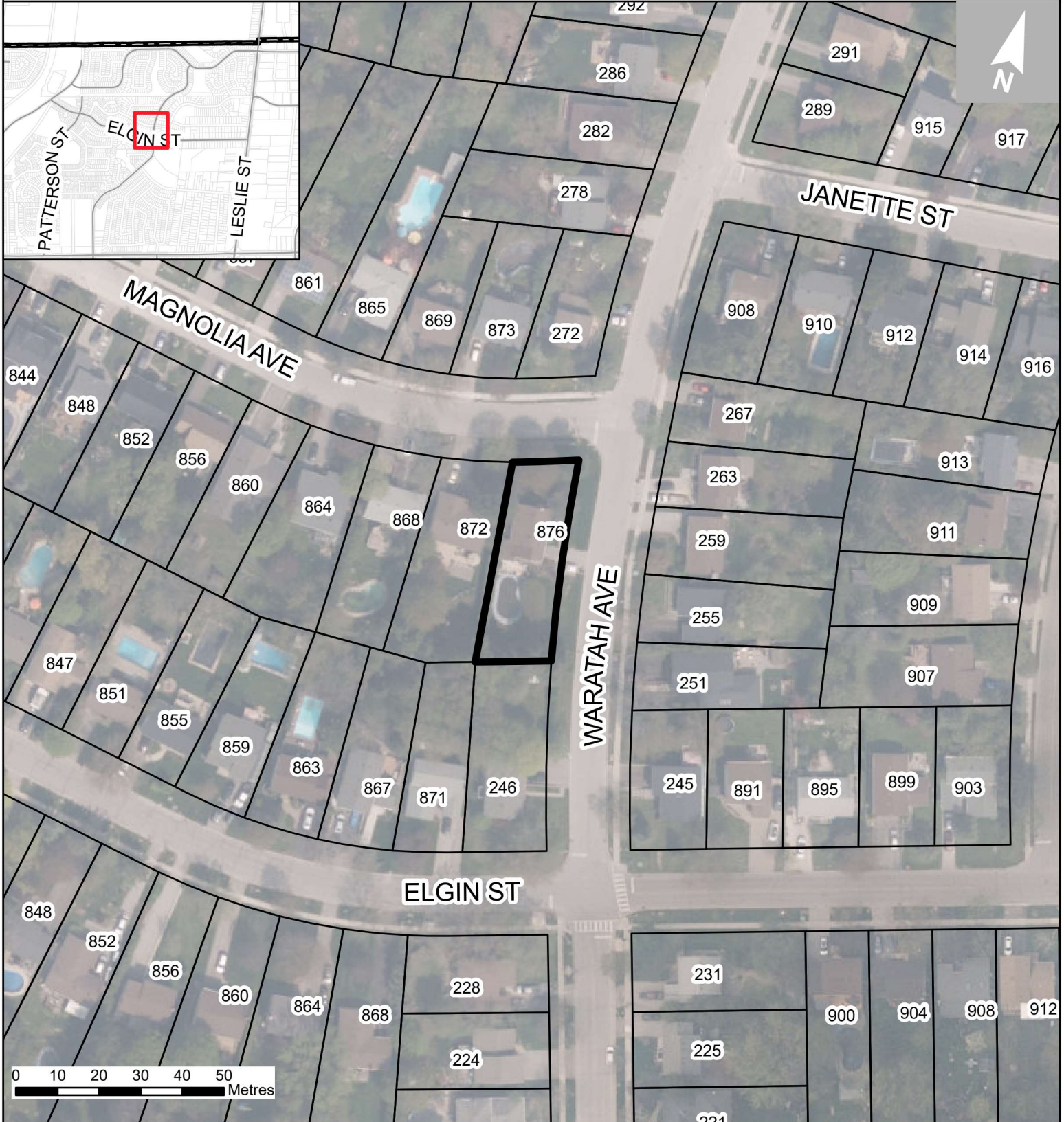
www.newmarket.ca
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Applicants Please Note: If you do not attend or are not represented at this meeting, the Committee may adjourn the file or proceed in your absence and make a decision, or may consider the application to have been abandoned or withdrawn,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

Dated at the Town of Newmarket this 1st day of May, 2024.

Secretary-Treasurer
Committee of Adjustment

876 Magnolia Avenue





**Committee of Adjustment 16
Town of Newmarket**

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

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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-2024-023
Made By: RAMON & PAULA MARTINEZ
Subject Land: 292 RUSHBROOK DRIVE, NEWMARKET, ON
Ward: 6

The purpose and effect of the application is as follows:

The applicant is proposing the construction of exterior alterations. 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 side yard (measured to a concrete walkway and steps) of 0.22m whereas By-law requires a minimum side yard of 1.2m; and
2. Relief from Section 6.2.2 Zone Standards to permit a driveway of 5.72m whereas By-law permits a maximum driveway width of 5.5m.

Hearing Date and Time: Wednesday, May 29, 2024 at 9:30 AM

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

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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 Adjustment17
Town of Newmarket**

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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 1st day of May, 2024.

Secretary-Treasurer
Committee of Adjustment

292 Rushbrook Drive

