



# Town of Newmarket

## Agenda

### Committee of Adjustment

Date: Wednesday, June 26, 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](mailto: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 May 29, 2024.

#### 5. Items

5.1 CON-2024-004, MV-2024-020 & MV-2024-021

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165 CARLSON DRIVE (WARD 2)

LEON KUSHNIR

5.2 MV-2024-027

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908 BOSWORTH COURT (WARD 6)

ANN & DENIS GRATTON

5.3 MV-2024-028

59

753 SRIGLEY STREET (WARD 2)

SCOTT & KRISTY CABELL

5.4 MV-2024-029 79

139 BETHPAGE CRESCENT (WARD 7)

SUMAN KUMAR & RASHMI KUMARI

5.5 MV-2024-013 88

766 BEMAN DRIVE (WARD 3)

MOHAMMAD FALHASIRI

## 6. Adjournment



# Town of Newmarket

## Minutes

### Committee of Adjustment

Date: Wednesday, May 29, 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  
\_\_\_\_\_ 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 April hearing decisions are now final and binding.

#### 4. Approval of Minutes

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

Moved by: Andrea Lewis, Member

Seconded by: Michelle Starnes, Member

**Carried**



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**5. Items**

**5.1 CON-2024-003, MV-2024-014, MV-2024-015, & MV-2024-016 - 137 WESLEY STREET (WARD 2)**

The Chair called item CON-2024-003, MV-2024-014, MV-2024-015, & MV-2024-016 to order.

**CON-2024-003**

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.

**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.

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.



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Gord Mahoney, Representative for NGG Homes Inc., and Nabil Gouda, Principle NGG Homes Inc., provided a presentation. There are currently two parcels of land within this residential property and also falls within the Historic Core area. The four tests required by the Planning Act will be met.

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.

Jim Georgeff, Member, asked about the height of the proposed homes.

Gord Mahoney, Representative, did not know actual height, but the height will be met in accordance with the zoning regulations. Gord mentioned that the street has many bungalows, and the current house is a 1 ½ storey home.

Jim Georgeff, Member, questioned the staff report regarding in regard to the lot area and if the request is minor in nature.

Joyce Tsui, Intermediate Planner, spoke in regards to the intent of the by-law. She reiterated that the request is minor in nature and is compatible to the neighbourhood. Other zoning provisions are met and comply with similar lot area and lot fabric of the neighbourhood.

Jim Georgeff, Member, stated that the request is not minor and that the variance quantifiably is a large disparity. Mr. Georgeff also stated that the new build is a different style and is not in keeping with the character of the existing neighbourhood.

Joyce Tsui, Intermediate Planner, stated the intent of the Official Plan in relation to this project is to create residential units, and this meets the intent. The proposed lot are similar to the others on the street.

Mosen Alavi, Chair, asked if the mean and median of frontage could be provided in order to assist with determining lot use.

Joyce Tsui, Intermediate Planner, shared her screen of a GIS map, identified house across the street and other properties in the area that have smaller frontages to what is being proposed.

The Chair stated that GIS measurements are not accurate and it does not show the precise measurements. The Chair requested for future reports have the mean, median and standard deviation of the area.

Umar, secretary, use of the GIS tool is .3m accurate is what Planners use to determine measurements.



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Nabil Gouda, Principle, provided that 128 Wesley frontage using Geo Warehouse lot frontage measurements and depth are less than what is proposed.

Gord Mahoney, Agent, mentioned the area and frontage are a reduction of percentage. Is it minor in nature and not a mathematical equation. Planners looking at the impact as minor. Impact of reduced frontage/lot area are a minor because you can not tell what the measurements are. Lots on the street have similar lot frontages.

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 no one pre-registered, however, members of the public are in attendance to speak at today's meeting.

Kevin Shorter, Resident, lives on 135 Pleasant View Avenue, mentioned that the streets are narrow, there is a school at one end of the street and a hospice at the other end of the street. This proposal will increase vehicle traffic on the street and parking can become an issue.

Andrea Lewis, Member, noted that the Town arborist had not reported on it. One significant tree is to be removed. She asked if the applicant confirm there will be compensation.

Gord Mahoney, Agent, confirmed there will be tree compensation provided.

The Secretary-Treasurer noted that there are no members of the public with raised hands.

The Secretary-Treasurer confirmed there is no peer review for this file, and is a condition if committee sees merit in the application. Applicant knows they will require a UFI peer review of the arborist report.

The Chair asked if the Committee Members had any other comments.

Jim Georgeff, Member, reiterated that the basic concept of this Consent and Minor Variances are not minor in this case, and is a visual shock to the neighbourhood. He walks the area often and the lot frontage of the neighbourhood is not as small as what has been depicted. Mr. Georgeff stated concern with the application as a whole.

Chair asked if all voices have been heard by public.

The Secretary-Treasurer, noted there are no other members of the public who wish to speak.



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The Chair indicated that a letter for this Consent was received by neighbours to the rear of the subject property, disapproving this proposal.

Gord Mahoney, Agent, final comment, noted the existing heights in the neighbourhood, being in a R1-D zone, can add a second storey to the height of their existing dwellings similar to what they are proposing.

The Chair stated that we are not evaluating height. We are looking only looking at the severance and variance application which do not involve the height.

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 Joyce Tsui, Intermediate Planner, Town of Newmarket, dated May 24, 2024.
2. Memorandum from Moustafa Popal, Engineering Development Coordinator, Town of Newmarket, May 27, 2024.
3. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated May 16, 2024.
4. Written correspondence was received from 1 area residents.

Michelle Starnes, Member, motion for application **CON-2024-003, MV-2024-014, MV-2024-015, & MV-2024-016** be approved **subject to the following:**

**Clearing Conditions:**

1. To the satisfaction of the Secretary-Treasurer:
  1. An electronic copy of the deposited reference plan showing the subject lands, which conforms substantially to the application as submitted;
  2. Proof of payment of all outstanding taxes and local improvement charges owing to date; and,
  3. Any required transfers to affect the severance and conveyance of the land.
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 Town of Newmarket, Development and Infrastructure Services – Planning Services Division, indicating that the conveyed land and retained lands comply with the provisions of the Zoning



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By- law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.

4. The Secretary-Treasurer shall receive a letter from the Town of Newmarket, Development and Infrastructure Services – Engineering Services Division, indicating that the applicant has provided a signed and stamped plan and report and satisfactory arrangements have been made with respect to stormwater management.

Moved by: Michelle Starnes, Member

Seconded by: Josh Sholten, Member

**Carried**

## **5.2 MV-2024-022 876 MAGNOLIA AVENUE (WARD 3)**

The Chair called item MV-2024-022 to order.

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.

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.

Cindy McPhee, authorized agent, stated that the structure was existing when the owner purchased the home. The sunroom and decks already existed for over 4 years since they lived in the home. The owner wants to extend one car garage to a two car garage with living space. Image submitted of artist rendering of what the home could look like and that it meets the four tests of the planning act.

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 committee members had comments.

The Secretary-Treasurer noted that there was one pre-registration to speak, but is not in attendance. No other member of public have raised their hands to speak.



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The Chair, noted that one email from an area resident expressed concerns with the subject application.

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 May 24, 2024.
2. Memorandum from Temi Fashina, Senior Engineering Development Coordinator, Town of Newmarket, May 17, 2024.
3. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated May 6, 2024.
4. Written comments from Urban Forest Innocations Ltd., dated May 28, 2024.
5. Written correspondence was received from 1 area residents.

**That Minor Variance Application MV-2024-022 be Approved.**

Moved by:                 Andrea Lewis, Member

Seconded by:            Michelle Starnes, Member

**Carried**

**5.3    MV-2024-023 – 292 Rushbrook Drive (Ward 6)**

The Chair called item MV-2024-023 to order.

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.

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.

Paula Martinez, Owner, called into the meeting, and Gerard O'Rourke, agent spoke on behalf of the homeowners. The owner wants to create an Accessory Dwelling Unit (ADU) in basement of the residential home. In order to do this they need to reduce side yard setback to put a walkway to lead to a new door on side wall for primary entry to the ADU. Will maintain drainage and grading as requested by Engineering comments. Also



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seeking relief for width of driveway for 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.

Michelle Starnes, Member, had concerns on what is being built in front of the landing on either side of the door.

Gerard O'Rourke, Agent, said the owner has two options, a concrete step or wood steps on deck piers and the Building Permit application will determine that. Deck will be 15 inches above the grade.

Michelle Starnes, states that the neighbour has two feet on that side and if the applicants have talked to their neighbours next door with regards to the side yard setback.

Gerard O'Rourke, agent, said they have not because there are no windows and doors at that elevation.

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.

Michelle Starnes, noted that urban forest report for tree protection plan, when making motion need to make sure tree preservation is being met.

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 May 24, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, May 17, 2024.
3. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated May 6, 2024.
4. Written comments from Urban Forest Innocations Ltd., dated May 28, 2024.



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**That Minor Variance Application MV-2024-023 be approved subject to the following:**

**Clearing Conditions:**

1. The applicant needs to submit to the Town a sealed grading plan designed and stamped by a P.Eng of Ontario. The Grading Plan shall comply with the Town’s standards for grading and drainage requirements. The applicant shall demonstrate that there will be no negative impacts to the grading and drainage of this property or neighbouring properties because of the proposed changes. See letter TF054M dated May 17, 2024; and
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.

Moved by: Michelle Starnes, Member

Seconded by: Jim Georgeff, Member

**Carried**

**6. Adjournment**

The hearing was adjourned.

Moved by: Andrea Lewis, Member

Seconded by: Josh Scholten, 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 **LEON KUSHNIR** owners of that parcel of land being and situated in the Town of Newmarket, known as 165 Carlson Drive, Town of Newmarket, Ontario.

**File Number:** CON-2024-004  
**Made By:** LEON KUSHNIR  
**Subject Land:** 165 CARLSON DRIVE, NEWMARKET, ON  
**Legal Description:** LT 19 PL 443 WHITCHURCH; S/T A1638A; TOWN OF NEWMARKET  
**Related Files:** MV-2024-020 & MV-2024-021  
**Ward:** 2

**The purpose and effect of the application is as follows:**

**Leon Kushnir** requests the approval of the Committee to sever a parcel of land for the creation of a new lot on the subject property. The parcel of land has a frontage of 27.19m and an approximate area of 662.89sq.m. The severed parcel is indicated as part 2 and 3 on the attached sketch and the retained parcel is indicated as part 1 on the attached sketch.

**Hearing Date and Time:** Wednesday, June 26, 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.

For more information, please contact the Secretary-Treasurer anytime at [umahmood@newmarket.ca](mailto: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](mailto: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](mailto: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](mailto: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 5<sup>th</sup> day of June, 2024.

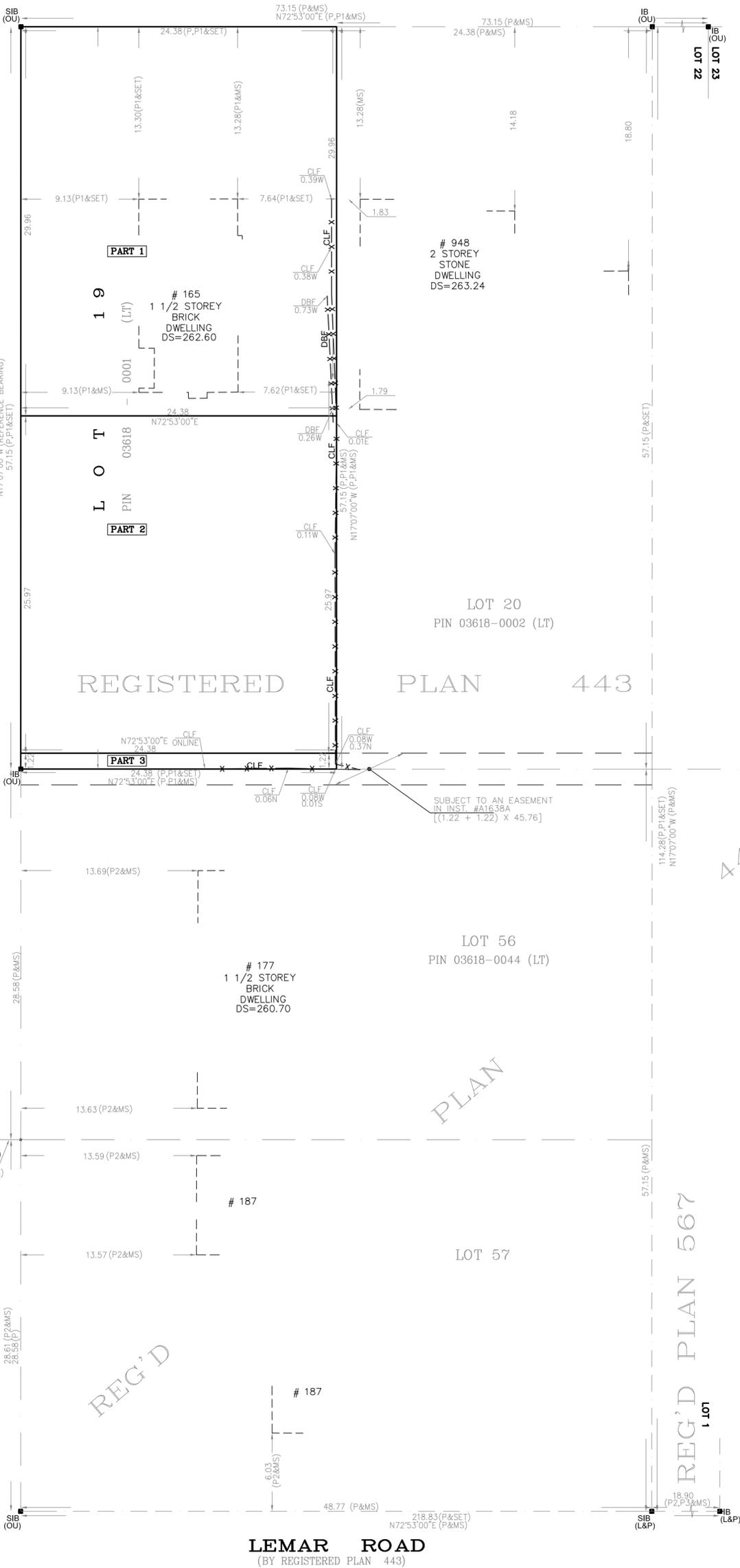


Secretary-Treasurer  
Committee of Adjustment

**SRIGLEY STREET**

(BY REGISTERED PLAN 443)  
PIN 03617-0002 (LT)

**CARLSON DRIVE**  
(BY REGISTERED PLAN 443)  
PIN 03618-0133 (LT)



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT,

**PLAN 65R-**

DATE : JANUARY 30, 2024

RECEIVED AND DEPOSITED :

DATE : \_\_\_\_\_, 2024

AZIZ ABDEL SHAHID  
ONTARIO LAND SURVEYOR

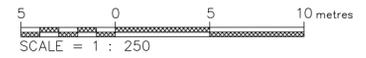
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF TORONTO REGISTRY OFFICE (No. 66)

**SCHEDULE**

PART	PART OF LOT	REGISTERED PLAN	ALL OF PIN	AREA
1	19			730.424 m <sup>2</sup>
2	19	443	PIN 03618-0001 (LT)	633.148 m <sup>2</sup>
3	19			29.748 m <sup>2</sup>

\*PARTS 1, 2, AND 3 COMPRISED ALL OF PIN 03618-0001 (LT).  
\*PART 3 SUBJECT TO AN EASEMENT AS IN INST #A1638A.

**PLAN OF SURVEY OF  
PART OF LOT 19  
REGISTERED PLAN 443  
TOWN OF NEWMARKET  
(REGIONAL MUNICIPALITY OF YORK)**



**A. AZIZ SURVEYORS INC., O.L.S.**

METRIC: DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARING SHOWN HEREON ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS (ORP'S) A & B, BY REAL TIME NETWORK OBSERVATIONS, MTM ZONE 10, NAD 83 (CSRS V6) (EPOCH 2010.00)

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP'S) DERIVED FROM GPS OBSERVATIONS USING THE SOKKIA (RTK) NETWORK SERVICE AND ARE REFERRED TO MTM ZONE 10, NAD 83 (CSRS V6) (EPOCH 2010.00) COORDINATE VALUES ARE TO URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OF O. REG. 216.10 AND CANNOT IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

POINT ID	NORTHING	EASTING
A	4841634.25	324588.52
B	4841607.40	324581.11

DISTANCE SHOWN ON THE PLAN ARE ADJUSTED GROUND DISTANCE AND CAN BE USED TO COMPUTE GRID DISTANCE BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.9999011

**LEGEND:**

- DENOTES SURVEY MONUMENT FOUND
- SIB " SURVEY MONUMENT SET
- IB " STANDARD IRON BAR
- IB " IRON BAR
- N.E.S.W " NORTH, EAST, SOUTH, WEST
- OU " ORIGIN UNKNOWN
- MS " MEASURED
- BF " BOARD FENCE
- CLF " CHAIN LINK FENCE
- P " REGISTERED PLAN 443
- P1 " SURVEY BY LLOYD & PURCELL O.L.S., DATED OCTOBER 12, 1967
- P2 " SURVEY BY ERTL SURVEYORS O.L.S., DATED SEPTEMBER 16, 2015
- P3 " REGISTERED PLAN 567
- L&P " PLAN BY LLOYD & PURCELL O.L.S.
- NTS " NOT TO SCALE
- CALC. " CALCULATED
- OU " ORIGIN UNKNOWN
- MS " MEASURED

**SURVEYOR'S CERTIFICATE**

1. I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 7th DAY OF SEPTEMBER, 2023.

DATE: FEBRUARY 20, 2024

A. ABDEL SHAHID  
ONTARIO LAND SURVEYOR

**A. AZIZ SURVEYORS INC**  
ONTARIO LAND SURVEYORS  
120 NEWKIRK ROAD- #31, RICHMOND HILL, ONT. L4C-9S7  
Tel. (905) 237-8224 Fax: (416) 477-5465  
Website : M-Azizsurveyors.ca  
E-Mail : aziz@m-azizsurveyors.ca

PROJECT NUMBER	PROJECT
23-7546	165 CARLSON DRIVE (SR-PR)
DRAWN BY	E.M
CHECKED BY	A.A



**Committee of Adjustment 13**

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

[www.newmarket.ca](http://www.newmarket.ca)

[umahmood@newmarket.ca](mailto: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-2024-020 & MV-2024-021  
**Made By:** LEON KUSHNIR  
**Subject Land:** 165 CARLSON DRIVE, NEWMARKET, ON  
**Related Files:** CON-2024-004  
**Ward:** 2

**The purpose and effect of the application is as follows:**

### **MV-2024-020**

The applicant requests a minor variance for the retained lands known as part 1 of Consent application of CON-2024-004. 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 730.42sq.m whereas By-law requires a minimum lot area of 743.00sq.m; and
2. Relief from Section 6.2.2 Zone Standards to permit a rear yard of 1.80m whereas By-law required a minimum rear yard setback of 7.50m.

### **MV-2024-021**

The applicant requests a minor variance for the severed lands known as part 2 and 3 of Consent application CON-2024-004. 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 662.89sq.m whereas By-law requires a minimum lot area of 743.00sq.m.

**Hearing Date and Time:** Wednesday, June 26, 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](mailto: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](mailto:umahmood@newmarket.ca).



**Committee of Adjustment14  
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

For more information about this matter, contact the Secretary-Treasurer at [umahmood@newmarket.ca](mailto: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.

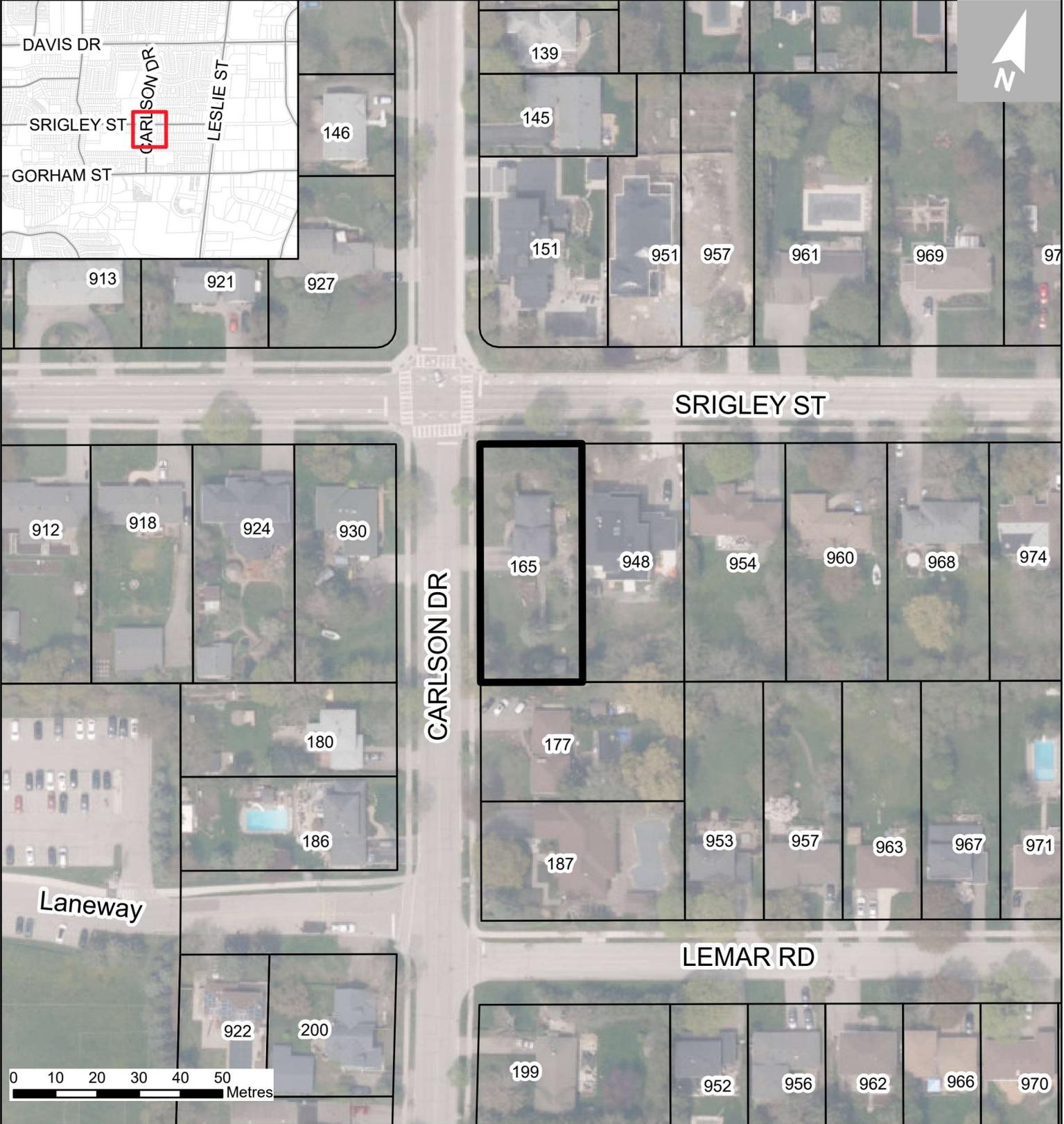
**Dated** at the Town of Newmarket this 5<sup>th</sup> day of June, 2024.

A handwritten signature in black ink that reads "U. Mahmood".

---

Secretary-Treasurer  
Committee of Adjustment

# 165 Carlson Drive



Automatically Generated  
by Staff Online GIS  
Printed: 2024-06-03.

Roads, Railway, Municipal Boundary - Data, Analytics and Visualization Services Branch, Corporate Services, The Regional Municipality of York, 2024. All other data - © Town of Newmarket, 2024. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2024. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. It is not a substitute for a legal survey.



**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

**Planning Report**

TO: Committee of Adjustment

FROM: Kaitlin McKay  
Senior Planner, Development

DATE: June 21, 2024

RE: Application for Consent **CON-2024-004** and  
Minor Variance **MV-2024-020** and **MV-2024-021**  
165 Carlson Drive  
Made by: Cadaxx Design Ltd.

---

**1. Recommendations:**

***Consent Application***

That Consent Application **CON-2024-004** be approved, subject to the following:

Clearing conditions:

1. To the satisfaction of the Secretary-Treasurer:
  - i. An electronic copy of the deposited reference plan showing the subject lands, which conforms substantially to the application as submitted;
  - ii. Proof of payment of all outstanding taxes and local improvement charges owing to date; and,
  - iii. Any required transfers to affect the severance and conveyance of the land.
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 matters addressed in UFI Peer Review comments dated June 14, 2024, and 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 Town of Newmarket, Development and Infrastructure Services – Planning Services Division, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.

Advisory comments:

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

2. The development be substantially in accordance with the information submitted with the application;
3. The applicant and/or future owners will be required to obtain municipal servicing for all lots independently, at their own cost, prior to any building permit being issued;
4. 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; and,
5. Failure to comply with and maintain the conditions and comments of the Committee shall render the approval null and void.

### ***Minor Variance Application***

That Minor Variance Application **MV-2024-020 and MV-2024-021** be approved, subject to the following:

Clearing conditions:

1. The Secretary-Treasurer shall receive a letter from the Town of Newmarket, Development and Infrastructure Services – Planning Services Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in UFI Peer Review comments dated June 14, 2024, and the Town’s Tree Preservation, Protection, Replacement and Enhancement Policy prior to the issuance of any building permit.

Advisory comments:

1. The variance pertains only to the request as submitted with the application;
2. The development be substantially in accordance with the information submitted with the application;
3. Any future development shall meet the zone standards for each individual lot;
4. 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; and,
5. Failure to comply with and maintain the conditions and comments of the Committee shall render the approval null and void.

## **2. Subject Lands**

The application pertains to the property municipally known as 165 Carlson Drive and legally described as “LT 19 PL 443 WHITCHURCH ; S/T A1638A; TOWN OF NEWMARKET”. The subject land is located on the southeast corner of Carlson Drive and Srigley Street. The property

is currently occupied by a single detached dwelling and is surrounded by similar single detached dwellings.

### 3. Application(s):

An application for consent has been submitted to create a new lot "Lot 2" by severing a portion of land from "Lot 1" (refer to Attachment 1). The existing dwelling would remain on the retained land and a single detached dwelling would be constructed on the severed lands. The consent, if granted, would result in one additional lot.

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

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.2.2	Minimum lot area of 743 square metres	Minimum lot area for Lot 1 (retained parcel) of 730.42 square metres  Minimum lot area for Lot 2 (severed parcel) of 662.89 square metres
2	2010-40	6.2.2	Minimum rear yard setback of 7.5 metres	Minimum rear yard setback of 1.8 metres (south lot line on retained parcel)

The proposed lots and associated frontage and lot area are presented below:

	Frontage (m)	Area (m <sup>2</sup> )
<b>Zoning Requirement (R1-C)</b>	18	743
<b>Lot 1 (retained parcel)</b>	24.38 (complies)	730.42
<b>Lot 2 (severed parcel)</b>	27.19 (complies)	662.89

## 4.1 Planning Considerations – Consent

### I. Conformity with the Official Plan

Section 16.1.5.2 of the Official Plan sets out the circumstances in which an application for consent will be granted. The section outlines that consents shall only be granted where:

- A. The severance is for the purpose of infilling within the existing development;
- B. A plan of subdivision is not necessary;
- C. The number of lots created is three or less;

- D. The lot can be adequately serviced by sanitary sewage disposal, water supply, and storm drainage facilities;
- E. No extension, improvement or assumption of municipal services is required;
- F. The lot will have frontage on an improved public road, and access will not result in traffic hazards;
- G. The lot will not restrict the ultimate development of adjacent lands;
- H. The size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and compatible with adjacent lots; and,
- I. The consent complies with all relevant provisions of the Official Plan.

The proposed consent meets clauses (a) to (g) and (i), as the subject lands are within an existing neighborhood with existing services. Clause (h) requires the Committee to determine whether the proposed consent will create a lot that is compatible with adjacent lots.

The proposed severance to create one additional lot would provide limited intensification and a more efficient use of land, while still maintaining the characteristics of the low-density residential neighborhood. The proposed application meets the intent of the Official Plan.

## II. Conformity with the Zoning By-law

The subject lands are zoned Residential Detached Dwelling 18m Zone (R1-C) by By-law 2010-40, as amended. This zone contains requirements for minimum lot area, lot frontage, yard setbacks, and maximum lot coverage. Both resulting properties would comply with these zoning standards except for the minimum lot area for both lots and the minimum rear yard setback for the north (retained) lot. The future dwelling on the severed lot would be required to comply with all other zoning standards, including setbacks, height, and lot coverage.

The chart below provides the mean, median, and standard deviation of the lot areas for properties within 120 metres of the subject property that front on the same street (Carlson Drive).

	Current	After Proposed Severance
<b>Mean (sq. m.)</b>	1071.86	974.39
<b>Median (sq. m.)</b>	1393.55	748.80
<b>Standard Deviation</b>	438.53	425.05

The existing lot areas on Carlson Drive vary from 505 sq. m. to 1455 sq. m. Both resulting lots would have smaller lot areas which would not meet the minimum lot area that is required by the By-law (743 sq. m.). The resulting lots would be 730.42 sq. metres (retained lot) and 662.89 square metres (severed lot). Although the resulting lots are smaller than what is required by the By-law, the widths of the frontages do meet the by-law requirements and the proposed lot areas would fit into the existing variety of lot shapes and sizes in the neighbourhood and do not raise compatibility concerns. Additionally, the proposed lots comply with and exceed the minimum lot

frontage. The retained and proposed lot areas are of a sufficient size for both the retained and proposed dwelling.

## 4.2 Planning Considerations – Minor Variances

The applications for consent and variances must be addressed in tandem. If Committee decides not to grant the consent, the applications for minor variances are unnecessary. Conversely, if Committee decides to deny the minor variances, the consent cannot be approved as the minor variances are required for the existing and proposed lot to conform with the requirements of the Zoning By-law.

The minor variance applications must be addressed as a condition of the approval of the consent. If not, the retained lot would not comply with the minimum rear yard setback and both resulting lots will not comply with the minimum lot area required by the Zoning By-law. The application would then be inconsistent with the Town's Official Plan, specifically Section 16.1.5(h): "the size and shape of the lot conforms with the requirements of the Zoning By-law".

In order to authorize a minor variance, 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:

### I. Conformity with the General Intent of the Official Plan

The subject lands are designated "Residential Areas" in the Town's Official Plan, which permits a range of residential built form types. The objectives of the Residential Areas policies are to:

- a) Provide for a range of residential accommodation 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; and,
- 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.

Section 3.8 of the Official Plan states that, "Throughout Residential Areas, intensification is permitted through the introduction of the following:

- The consent of lands resulting in the introduction of additional residential dwellings, where appropriate and subject to other policies of this Plan.”

The policy also states that, “Limited intensification through consents will be permitted subject to the zoning by-law and compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill or intensification, availability of services and road access requirements.”

The subject lands are within the area characterized as a "Historic Core Character Area". This area is generally characterized by traditional street patterns with short blocks, landscape boulevards with canopy of established mature trees, building heights of 1 to 2 storeys, and a range of architectural expressions and styles.

Section 12.4 of the Official Plan outlines the criteria that developments must be reviewed against to determine if the design will fit into the existing character of the surrounding area. The proposed application meets the general characteristics of the Residential Area designation and Historic Core Character Area, as the physical features, such as street pattern and block size of the neighborhood will remain unchanged. Similarly, there is an existing sidewalk and landscaped boulevard that will be retained and no changes to the public realm are required or proposed. The proposed lots will result in regular shaped lots that fit into the existing fabric of the Historic Core Character Neighborhood.

The applicant has submitted a justification letter and site plan to demonstrate that the severed lot is able to accommodate a future single detached dwelling that would be similar in scale to the existing and adjacent low density residential dwellings. The applicant has also submitted an Arborist Report as part of the application. The applicant would be required implement tree protection measures prior to construction and maintain the existing canopy of mature trees in the neighbourhood. The proposed use of single detached dwellings on both resulting lots is consistent with the Residential Area policies. As the proposed use is of a low density built form that is similar to what is existing and adjacent, there are no shadow, sun reflection, and overlook impacts anticipated.

It is Staff’s opinion that the compatibility criteria in Section 12.4 of the Official Plan have been met. The proposed minor variances would allow for gentle intensification, while still maintaining the characteristics of a low-density residential neighborhood. The submitted site plan and justification letter demonstrate that the severed lot could accommodate a new dwelling that would comply with the requirements of the Zoning By-law. The proposed application meets the intent of the Official Plan.

## **II. Conformity with the general intent of the Zoning By-law**

The subject lands are zoned Residential Detached Dwelling 18m Zone (R1-C) by Zoning By-law 2010-40, as amended. The general intent of the By-law is to ensure the orderly development of properties and to prevent new development that would be incompatible with the surrounding context. The applicant has provided a concept plan and elevations (refer to

Attachment 2 and 3) which demonstrate that the reduction in lot area would still allow for one new single detached dwelling that would comply with other zone standards such as lot coverage and building height and would be compatible with the surrounding neighborhood.

The application proposes to vary the required rear yard setback from 7.5 metres to 1.8 metres for the retained lot and existing dwelling. The general intent of rear yard setbacks is to ensure adequate amenity space is provided for residential dwellings. The retained lot is a corner lot and as such, the front lot line/yard of the dwelling is the lot line that abuts Srigley Street. The rear lot line/yard is the opposite lot line (abutting the proposed severed lot). Although this setback by definition is considered a rear yard setback, the orientation of the dwelling fronting onto Carlson Drive creates an interior side yard condition in this location. The minimum interior side yard setback for a dwelling of this height would be 1.8 metres. Regardless of the lot line, the proposed arrangement of the retained property is similar to what currently exists on the lot.

The private amenity space for the retained dwelling would continue to be located behind the existing dwelling, along the east property line. The existing setback from the east lot line to the dwelling is consistent with the minimum setback that is required for rear yards (7.5 metres). It is staff's opinion that adequate amenity space is provided within this setback for the retained dwelling.

The retained lot and existing dwelling would comply with all other required zone provisions. Any future structure built on the severed lot would be required to comply with all other zoning standards, including building height, lot coverage, etc. The general intent of the By-law is maintained, and therefore, this test is met.

### **III. Desirable for the appropriate development of the land**

It is generally desirable to allow the owner to invest in, redevelop, and improve their property subject to the limits of the By-law and impacts on neighbouring properties. In cases of consents, it is desirable to allow property owners to sever a new lot in a manner that suits their needs, subject to compliance with the Zoning By-law and ensuring the orderly development of the lots. The applicant has provided a concept plan to illustrate how a new single detached dwelling could be constructed on the severed lot that would be similar in size and scale to the existing homes in the surrounding area. Additionally, the applicant has demonstrated how the retained lot size can continue to accommodate the existing dwelling and private amenity area.

As the requested relief would allow the property owner to arrange the property to suit their needs without significant impact to neighbours or the community, the variance is considered desirable and appropriate development of the lot. This test is met.

#### **IV. Minor nature of the variance**

When considering if the variance is minor, it is not just the numerical value that should be considered. Committee is requested to consider the overall impact of the variance, and more specifically, whether an application creates unacceptable adverse impacts. The proposed variances would allow for the resulting lots to be created that would not significantly alter the character of the neighborhood and are not anticipated to create unacceptable adverse impacts.

In consideration of the above, the proposed variances meet the four tests under the *Planning Act*.

#### **5. Other comments:**

##### **Tree Preservation**

An Arborist Report was submitted as part of the application. This report indicates that there are a total of 21 trees on and within 4.5 metres of the property. Based on the concept plan, the applicant is proposing to remove two trees and potentially injure one tree. Tree protection barriers and securities must be provided for the retained trees and compensation for replacement shall be provided for removals, in accordance with the Town's Tree Policy.

##### **Heritage**

The subject lands are not designated under the Ontario Heritage Act or on the municipal list of non-designated properties.

##### **Commenting agencies and departments**

Engineering Services has reviewed the application and has no objections.

The subject lands are not within the LSRCA-regulated area.

The Region of York has advised that the Town of Newmarket shall confirm that adequate water supply and sewage capacity have been allocated for the proposed new lot.

Urban Forest Innovations Inc. (UFI), the Town's consulting arborist, has requested a revised Tree Protection Plan from the applicant to accurately reflect the species, size, and condition of all significant trees located on or within 4.5 metres of the subject lands as several deficiencies were noted in the tree inventory. Additionally, one tree appears to be a boundary tree between the subject land and adjacent property. The removal of a boundary tree requires the consent of the owner(s) of the adjacent lands. UFI has also requested that 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.

### **Effect of Public Input**

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

## **6. Conclusion:**

### **I. Consent Application**

It is staff's opinion that the consent meets the intent of the Zoning By-law, the Official Plan, and is recommended to be granted, subject to the clearing conditions and advisory comments.

### **II. Minor Variance Applications**

The requested variances be granted as the relief:

- (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;
- (4) is considered desirable for the appropriate development of the lot.

Respectfully submitted,



Kaitlin McKay  
Senior Planner – Development

Attachment(s):

- Attachment 1 - Severed/Retained Sketch
- Attachment 2 - Concept Plan
- Attachment 3 - Concept Elevation

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

**PLAN 65R-**

RECEIVED AND DEPOSITED :

DATE : JANUARY 30, 2024 DATE : \_\_\_\_\_, 2024

AZIZ, ABDELSHAHID  
ONTARIO LAND SURVEYOR

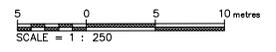
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF TORONTO REGISTRY OFFICE (No. 66)

SCHEDULE

PART	PART OF LOT	REGISTERED PLAN	ALL OF PIN	AREA
1	19	443	PIN 03618-0001 (LT)	730.424 m <sup>2</sup>
2	19			633.148 m <sup>2</sup>
3	19			29.748 m <sup>2</sup>

\*PARTS 1, 2, AND 3 COMPRISED ALL OF PIN 03618-0001 (LT).  
\*PART 3 SUBJECT TO AN EASEMENT AS IN INST #A1638A.

**PLAN OF SURVEY OF  
PART OF LOT 19  
REGISTERED PLAN 443  
TOWN OF NEWMARKET  
(REGIONAL MUNICIPALITY OF YORK)**



A. AZIZ SURVEYORS INC., O.L.S.  
METRIC: DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARING SHOWN HEREON ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS (ORP'S) A & B, BY REAL TIME NETWORK OBSERVATIONS, NAD 83 (CSRS V6) (EPOCH 2010.00).

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP'S) DERIVED FROM GPS OBSERVATIONS USING THE SOKKIA GPS (RTK) NETWORK SERVICE AND ARE REFERRED TO NAD 83 (CSRS V6) (EPOCH 2010.00). COORDINATE VALUES ARE TO URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OF O. REG. 216/10 AND CANNOT IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

POINT ID	NORTHING	EASTING
A	4841634.25	324588.52
B	4841607.40	324581.11

DISTANCE SHOWN ON THE PLAN ARE ADJUSTED GROUND DISTANCE AND CAN BE USED TO COMPUTE GRID DISTANCE BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999911

- LEGEND:**
- CD DENOTES SURVEY MONUMENT FOUND
  - SI SURVEY MONUMENT SET
  - SB STANDARD IRON BAR
  - IB IRON BAR
  - N.E.S.W NORTH, EAST, SOUTH, WEST
  - OU ORIGIN UNKNOWN
  - MS MEASURED
  - BF BOARD FENCE
  - CLF CHAIN LINK FENCE
  - P REGISTERED PLAN 443
  - P1 SURVEY BY LLOYD & PURCELL O.L.S., DATED OCTOBER 12, 1967
  - P2 SURVEY BY EITL SURVEYORS O.L.S., DATED SEPTEMBER 16, 2015
  - P3 REGISTERED PLAN 567
  - L&P PLAN BY LLOYD & PURCELL O.L.S.
  - NIS NOT TO SCALE
  - CALC. CALCULATED
  - OU ORIGIN UNKNOWN
  - MS MEASURED

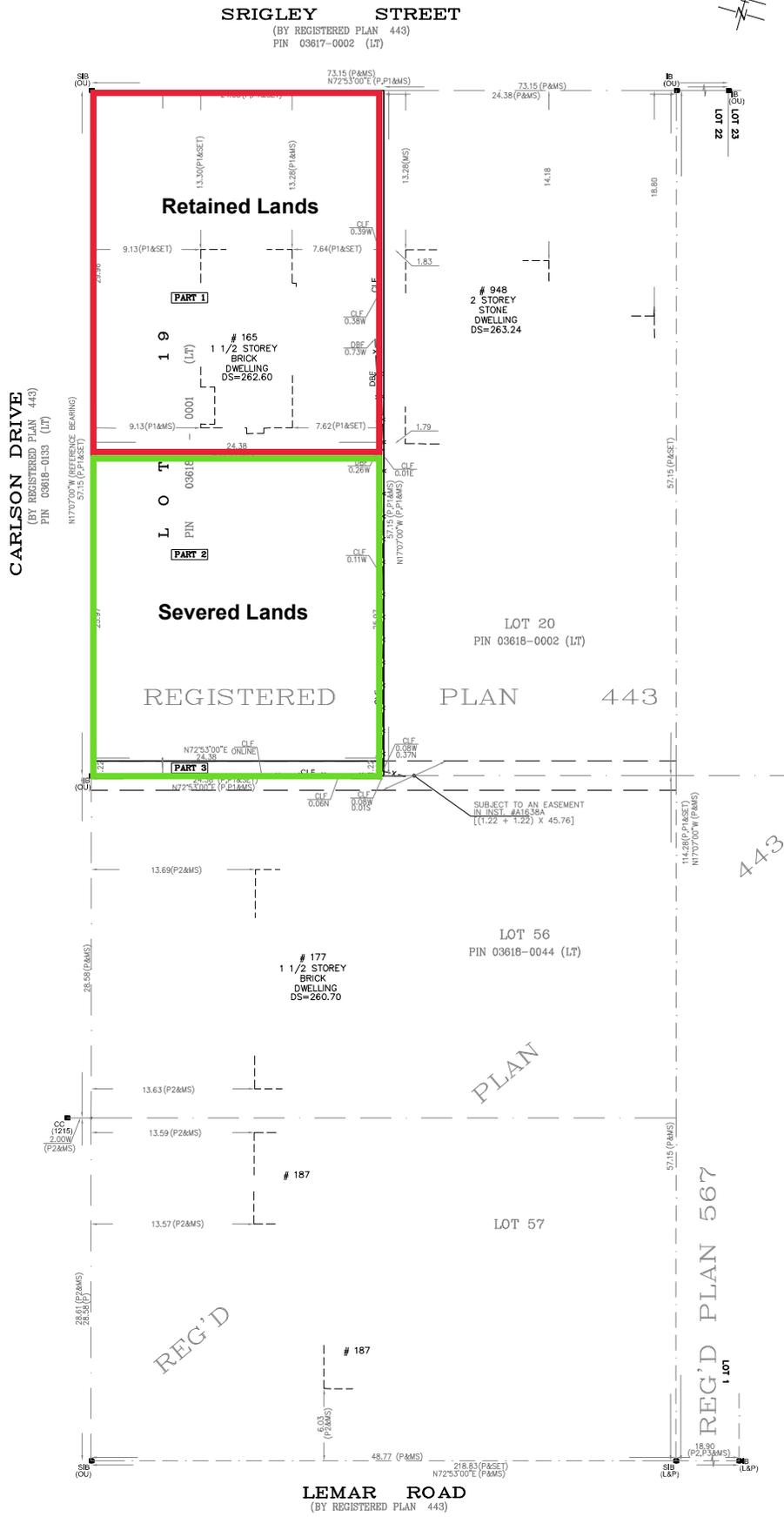
**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 7th DAY OF SEPTEMBER, 2023.

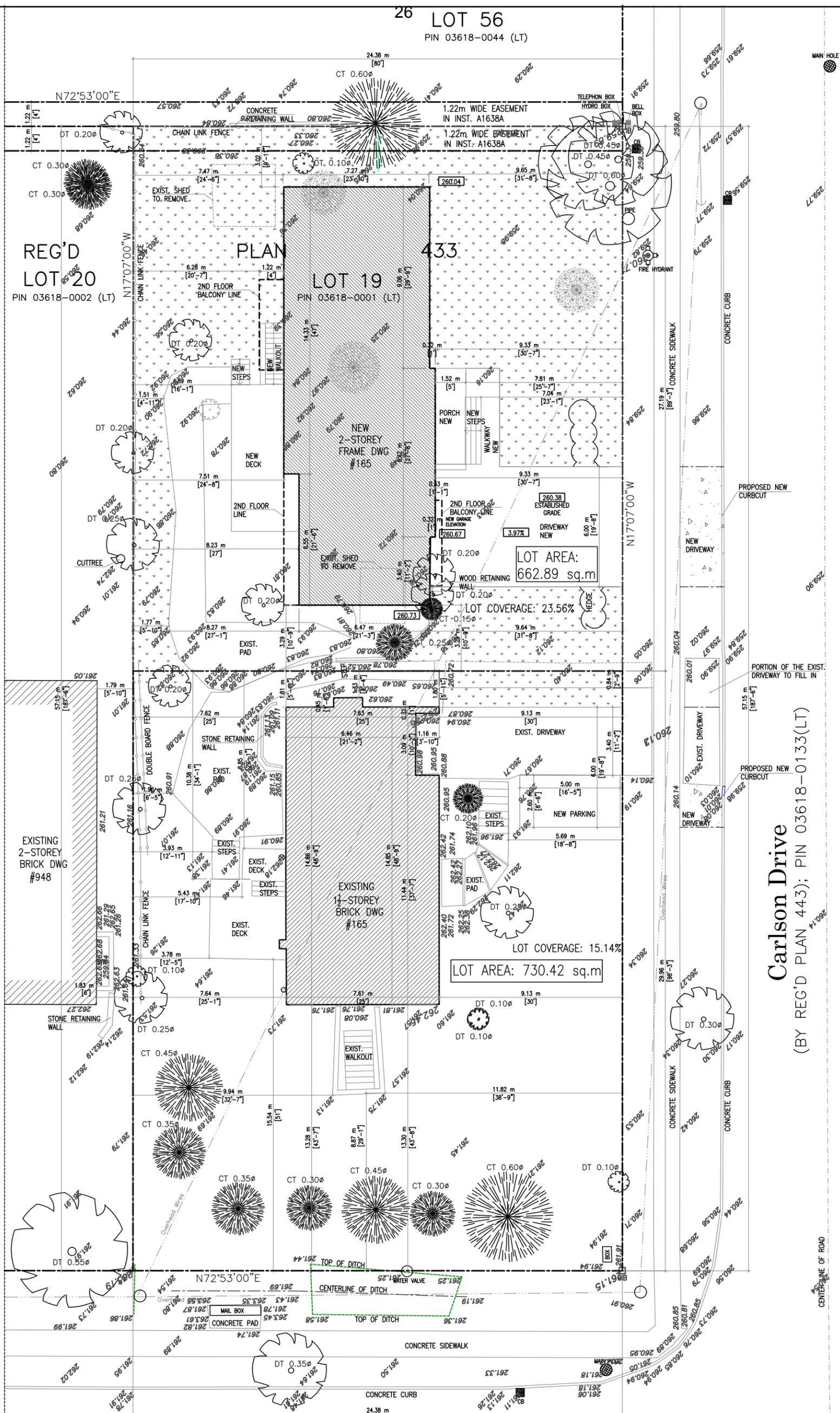
DATE: FEBRUARY 20, 2024

  
A. ABDELSHAHID  
ONTARIO LAND SURVEYOR

**A. AZIZ SURVEYORS INC**  
ONTARIO LAND SURVEYORS  
120 NEWKIRK ROAD-#31, RICHMOND HILL, ONT. L4C-9S7  
Tel. (905) 237-8224 Fax: (416) 477-5465  
Website: A-Azizsurveyors.ca  
E-Mail: aziz@m-azizsurveyors.ca

PROJECT NUMBER	PROJECT
23-7546	165 CARLSON DRIVE (SR-PR)
DRAWN BY	CHECKED BY
E.M	A.A





26 LOT 56  
PIN 03618-0044 (LT)

REG'D  
LOT 20  
PIN 03618-0002 (LT)

PLAN 433

LOT 19  
PIN 03618-0001 (LT)

LOT AREA:  
662.89 sq.m

LOT COVERAGE: 23.56%

LOT AREA: 730.42 sq.m

LOT COVERAGE: 15.14%

Sringley Street

(BY REG'D PLAN 443); PIN 03617-0002(LT)

Carlson Drive  
(BY REG'D PLAN 443); PIN 03618-0133(LT)

DO NOT START CONSTRUCTION UNTIL A PERMIT IS ISSUED.

USE ONLY OFFICIAL CITY STAMPED PERMIT DRAWINGS FOR CONSTRUCTION.

NOTE: THE CONTRACTOR SHALL CHECK AND VERIFY DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE COMMENCING ANY WORK. WORK SHOULD BE DONE BY LICENSED AND INSURED CONTRACTOR.



5000 Yonge Street, Suite 1901,  
Toronto, Ontario M2N 7E9  
office 416.639.0904  
www.cadaxx.com info@cadaxx.com

PROJECT:  
**RENOVATION**  
  
165 Carlson Drive,  
Newmarket

REVISION / ISSUE  
09-26-2023 SITE PLAN

DRAWING TITLE:  
**SITE PLAN**

DATE:  
05-29-2024

SCALE:  
1/16"=1'

DRAWN:  
A.A.

CHECKED:

PROJECT NO:  
**18-15**

DWG. NO:

**A100**



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.  
 QUALIFICATION INFORMATION  
 Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code (or 2.17.5.1. of the 1997 Ontario Building Code)  
**A. AKSELROD** *[Signature]* 37139  
 NAME SIGNATURE BCIN  
 REGISTRATION INFORMATION  
 Required unless design is exempt under Division C - 3.2.4.1. of the 2006 Ontario Building Code (or 2.17.4.1. of the 1997 Ontario Building Code)  
**CADAXX DESIGN** 100624  
 FIRM NAME BCIN



DO NOT START CONSTRUCTION UNTIL A PERMIT IS ISSUED.

USE ONLY OFFICIAL CITY STAMPED PERMIT DRAWINGS FOR CONSTRUCTION.

PROJECT:  
**NEW BUILDING**  
 165 Carlson Dr Newmarket,  
 ON

REVISION / ISSUE	DATE: 13.03.2024	PROJECT NO: 18-15
	SCALE: 1:100	DWG. NO: <b>A307</b>
DRAWING TITLE: <b>WEST ELEVATION - PROPOSED</b>	DRAWN: A.A.	CHECKED:

NOTE: THE CONTRACTOR SHALL CHECK AND VERIFY DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE COMMENCING ANY WORK


**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**

**Town of Newmarket**                      www.newmarket.ca  
 395 Mulock Drive                      engineering@newmarket.ca  
 P.O. Box 328, STN Main              T: 905 895.5193  
 Newmarket, ON L3Y 4X7              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:** June 13, 2024  
**RE:** Application for Consent and Virtual Public Hearing  
 Made by: LEON KUSHNIR  
 File No.: CON-2024-004  
 165 CARLSON DRIVE, NEWMARKET, ON  
 Town of Newmarket Ward 2  
**Engineering Services File No.: R. Carlson Dr.**

---

We herein acknowledge receipt of the Application for Consent wherein the property owner **Leon Kushnir** requests the approval of the Committee to sever a parcel of land for the creation of a new lot on the subject property. The parcel of land has a frontage of 27.19m and an approximate area of 662.89sq.m.

We have reviewed the application and supporting documentation and have no objection to this application. Please note that further engineering comments can be expected during the building permit application review.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES**

Temi Fashina  
 Sr. Engineering Development Coordinator – Residential

File No.: TF056M



**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**

**Town of Newmarket**                      www.newmarket.ca  
 395 Mulock Drive                      engineering@newmarket.ca  
 P.O. Box 328, STN Main              T: 905 895.5193  
 Newmarket, ON L3Y 4X7              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: June 13, 2024

RE: Application for Minor Variance and Virtual Public Hearing  
 Made by: LEON KUSHNIR  
 File No.: MV-2024-020 & MV-2024-021  
 165 CARLSON DRIVE, NEWMARKET, ON  
 Town of Newmarket Ward 2  
**Engineering Services File No.: R. Carlson 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:

**MV-2024-020**

The applicant requests a minor variance for the retained lands known as part 1 of Consent application of CON-2024-004. 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 730.42sq.m whereas By-law requires a minimum lot area of 743.00sq.m; and
2. Relief from Section 6.2.2 Zone Standards to permit a rear yard of 1.80m whereas By-law required a minimum rear yard setback of 7.50m.

**MV-2024-021**

The applicant requests a minor variance for the severed lands known as part 2 and 3 of Consent application CON-2024-004. 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 662.89sq.m whereas By-law requires a minimum lot area of 743.00sq.m.

We have reviewed the application and supporting documentation and have no objection to this application. Please note that further engineering comments can be expected during the building permit application review.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES**

A handwritten signature in black ink, consisting of a large, stylized initial 'T' followed by a series of loops and a long horizontal stroke ending in a small dot.

Temí Fashina  
Sr. Engineering Development Coordinator – Residential

File No.: TF057M

**From:** [Meehan, Christine](#)  
**To:** [Umar Mahmood](#)  
**Subject:** RE: Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (June 26, 2024) - CON-2024-004, MV-2024-020, MV-2024-021  
**Date:** June 18, 2024 3:03:15 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image004.png](#)

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Hi Umar,

The Region has completed its review of consent application CON-2024-004 and related minor variance applications MV-2024-020 & MV-2024-021 and has no comment. We would normally add the following condition:

- Prior to the approval of the Consent application, the Town of Newmarket shall confirm that adequate water supply and sewage capacity have been allocated for the proposed new lot.

We understand that capacity allocation will instead be allocated/managed by staff through the Town's servicing allocation program. Please confirm.

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](mailto:christine.meehan@york.ca) | [www.york.ca](http://www.york.ca)

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**From:** Umar Mahmood <umahmood@newmarket.ca>

**Sent:** Monday, June 3, 2024 11:56 AM

**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 <L.Villanueva@newmarket.ca>; Lisa Lyons <llyons@newmarket.ca>; rowcentre@bell.ca; Development Services <developmentservices@york.ca>; Moustafa Popal <mpopal@newmarket.ca>; John Comeau <jcomeau@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 <JTsu@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>; Temi Fashina <tfashina@newmarket.ca>

**Cc:** michs@rogers.com; alavim@yorku.ca; rwgreen@rogers.com; 4bblewis@gmail.com; Josh Scholten <j\_scholten@hotmail.com>

**Subject:** Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (June 26, 2024)

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Hello,

Please be advised the next virtual Committee of Adjustment hearing will be held on **Wednesday June 26, 2024 at 9:30 AM.**

The Committee will consider the following applications:

**CON-2024-004, MV-2024-020, MV-2024-021 (165 Carlson Drive) Ward 2:  
CON-2024-004**

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot on the subject property. The parcel of land has a frontage of 27.19m and an approximate area of 662.89sq.m.

**MV-2024-020**

The applicant requests a minor variance for the retained lands known as part 1 of Consent application of CON-2024-004. 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 730.42sq.m whereas By-law requires a minimum lot area of 743.00sq.m; and
2. Relief from Section 6.2.2 Zone Standards to permit a rear yard of 1.80m whereas By-law required a minimum rear yard setback of 7.50m.

**MV-2024-021**

The applicant requests a minor variance for the severed lands known as part 2 and 3 of Consent application CON-2024-004. 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 662.89sq.m whereas By-law requires a minimum lot area of 743.00sq.m.

**MV-2024-027 (908 Bosworth Court) Ward 6**

The applicant is proposing the construction of an attached garage. 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 driveway width of 10.30m whereas By-law permits a maximum driveway width of 6.00m.

**MV-2024-028 (753 Srigley Street) Ward 2**

The applicant is proposing the construction of an addition on the existing foundation. 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 1.37m whereas By-law requires a minimum side yard of 1.80m; and
2. Relief from Section 4.2 Encroachments into Required Yards to permit an encroachment of a covered porch and stairs of 2.77m whereas By-law permits a maximum encroachment of a porch and stairs of 2.40m.

**MV-2024-029 (139 Bethpage Cres) Ward 7**

The applicant is proposing the construction of a below grade entrance. 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 0.54m whereas By-law requires a minimum interior side yard of 1.8m.

**MV-2024-013 (766 Beman Drive) Ward 3**

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 5.2.2 Parking Space Design to permit dimensions of parking spaces to be 2.6m by 4.75m whereas By-law requires minimum parking space dimensions of 2.6 by 5.0m; and
2. Relief from Section 6.2.2 Zone Standards to permit a driveway width of 5.29m whereas By-law permits a maximum driveway width of 5.20m.

Comments are requested by **June 14, 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=b8dc6fc9b1d44392b40018027919efa7>

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](mailto:umahmood@newmarket.ca)

[| heynewmarket.ca](http://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.

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.

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



June 14, 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: 165 Carlson Drive – Consent Application and Minor Variance Application (CON-2024-004, MV-2024-020, MV-2024-021) - Arborist Peer Review

---

Mr. Mahmood,

As you have requested, Urban Forest Innovations, Inc. (UFI) has reviewed the related application information submitted in support of a proposed Application for Consent to sever a parcel of land for the creation of a new lot on the subject property and an Application for Minor Variance - Relief from Zoning By-law 2010-40 for the severed lands at 165 Carlson 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 Protection Plan (TPP-1), prepared by GreenPrint Consulting Arborists, dated January 24, 2024, revised February 22, 2024
- Site Plan (A100), prepared by Cadaxx Design, dated May 29, 2024
- Survey, prepared by Barich Grenkie Surveying Ltd., dated September 8, 2023

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 8, 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:

#### *Tree inventory*

1. Incorrect species identification in the tree inventory was noted during site observation, e.g., tree #13 is listed as a Siberian elm (*Ulmus pumila*), whereas site observations show it to be a white willow (*Salix alba*). The tree inventory presented in the arborist report must be corrected to accurately reflect the species, size, and condition of all significant trees located on or within 4.5 metres of the subject lands.
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. The following significant trees found during site observations are not included in the arborist report and inventory:
  - a multi-stemmed (15,13 cm diameters) white willow (*Salix alba*), located southwest of tree #10 (Figure 1)
  - a 60cm diameter (DBH estimated) poplar (*Populus* sp.), located north of tree #B1 (Figures 2a & 2b)

#### *Neighbouring properties*

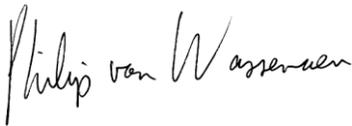
3. Tree #N3 appears to be growing on the boundary between the subject site and the adjacent properties. Any proposed removal or injury of trees located on the property boundary of the subject lands must have the consent of the owner(s) of the adjoining land(s). This will likely ensure compliance with the requirements of the provincial *Forestry Act, R.S.O. 1990*, which regulates the injury and destruction of shared trees.

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 Wassenaer, B.Sc., MFC**  
ISA Certified Arborist ON-0361A  
Member – ASCA, SMA, SAG Baumstatik  
E: pwassenaer1022@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  
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[www.urbanforestinnovations.com](http://www.urbanforestinnovations.com)

**Selected Figures**

**Figure 1:** Location of white willow (*Salix alba*).



**Figures 2a & 2b:** Location of poplar (*Populus* sp.).

### ***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 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

## **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-2024-027  
**Made By:** ANN AND DENNIS GRATTON  
**Subject Land:** 908 BOSWORTH COURT, NEWMARKET, ON  
**Ward:** 6

### **The purpose and effect of the application is as follows:**

The applicant is proposing the construction of an attached garage. 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 driveway width of 10.30m whereas By-law permits a maximum driveway width of 6.00m.

**Hearing Date and Time:** Wednesday, June 26, 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](mailto: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](mailto:umahmood@newmarket.ca).

For more information about this matter, contact the Secretary-Treasurer at [umahmood@newmarket.ca](mailto: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 Adjustment42  
Town of Newmarket**

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

[www.newmarket.ca](http://www.newmarket.ca)  
[umahmood@newmarket.ca](mailto:umahmood@newmarket.ca)  
T: 905.895.5193 Ext. 2458

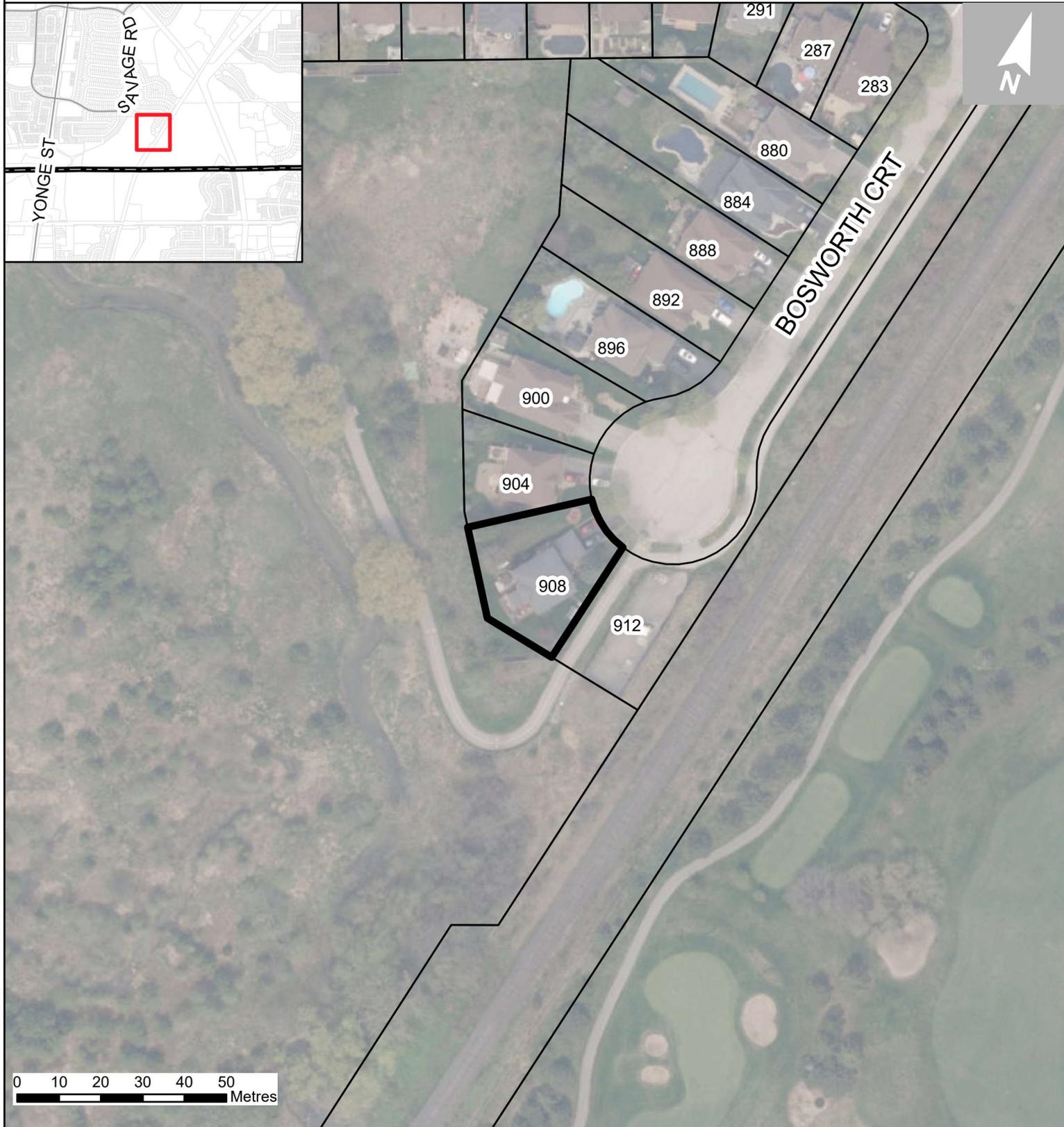
**Dated** at the Town of Newmarket this 5<sup>th</sup> day of June, 2024.

*UMahmood*

---

Secretary-Treasurer  
Committee of Adjustment

# 908 Bosworth Court



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**PLANNING AND BUILDING SERVICES**

**Town of Newmarket**

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

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**Planning Report**

TO: Committee of Adjustment

FROM: David Sanza  
Junior Planner, Development

DATE: June 21, 2024

RE: Application for Minor Variance **MV-2024-027**  
908 Bosworth Court  
Made by Ann and Denis Gratton

---

**1. Recommendations:**

1. That Minor Variance Application MV-2024-027 be approved.

**2. Clearing Conditions**

2. Any development related to this variance shall be in general accordance with the site plan approved by the Committee.

**3. Advisory Comments:**

1. That the variance pertains only to the requests as submitted with the application; and,
2. That the development be 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 the construction of an additional attached garage and to expand a portion of the existing driveway to provide access to this third garage.

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

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.2.2		To permit the construction of a new attached garage to be set

			To provide an interior side yard setback of 1.8 m from the lot line.	back 1.6 metres from the interior lot line.
2	2010-40	6.2.2	The maximum driveway width is 6 m	To permit the expansion of a portion of the existing driveway to a width of 10.30 m.

The above-described property (herein referred to as the “subject land”) is located in a residential neighbourhood, south of Jelley Ave and west of St. Andrews Valley Golf Club. The subject land is occupied by an existing single-detached dwelling and is surrounded by similar single-detached dwellings.

## 5. Planning considerations:

As noted, the requested variances pertain to minimum interior side yard setback and maximum driveway width, the standards of which are contained in Section 6.2.2 of the zoning by-law.

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 property owners to arrange their property and modify their dwelling to suit the needs of the owner, provided they are in compliance with the Town’s Zoning By-law. Subject to the advisory comments, the requested variances are considered to conform to the Official Plan and therefore and this test is met.

### **Conformity with the general intent of the Zoning By-law**

The subject land is zoned Residential Detached Dwelling 15m Zone (R1-D) by Zoning By-law 2010-40. Single-detached dwellings and multiple car garages are permitted within this zone.

The general intent of an interior side yard setback is to allow for access to the rear yard, general maintenance of the property and the dwelling, and allow for proper drainage. In this instance, the applicant is looking to add an additional attached garage to the dwelling, for a total of three garage spaces. Section 6.2.2 of the Zoning By-law requires that a dwelling be setback a minimum of 1.8 metres from the interior side lot line. The proposed garage would be setback 1.6 metres from the lot line. The reduced setback still allows for access to the rear yard, drainage, and the general maintenance of the property as the closest point of the garage will be 1.6 metres from the lot line. As the proposed addition is a garage, there are no overlook or privacy concerns anticipated and the requested relief would not negatively affect the neighbouring properties. The proposal complies with all other provisions of the By-law including building height and lot coverage.

The general intent of maximum driveway widths is to regulate the amount of hard surface area in a front yard to maintain the character of residential areas, ensure front yards are not dominated by parking, and to ensure appropriate soft surface is provided for drainage and stormwater management purposes.

In order to provide access to the proposed garage, the existing driveway must also be widened. The applicant is seeking relief to allow a portion of the driveway in front of the garage to be widened to 10.3 metres to provide access to the third garage space. The remaining portion of the driveway would taper down where the driveway meets the property line and curb. The portion of the driveway within the right of way would maintain the existing width of 6.14m. The size of the lot and the proposed design of the driveway allows for a significant portion of the front yard to remain as soft landscaping, which is in keeping with the character of the area. Additionally, the application proposes to use permeable pavers to allow water drainage for the portion of the driveway that is subject to the minor variance, which will mitigate the potential negative visual impact of the widened driveway.

The requested variances maintain the general intent of the Zoning By-law and therefore, this test is met.

### **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 suits their needs, subject to the limits of the Zoning By-law and impacts on neighbouring properties. The proposed garage addition would be consistent with the character of the neighbourhood being comprised of single detached dwellings on large lots with 2 to 3 car garages. The proposed additional garage has been designed to maintain the same building style and use similar materials as the existing dwelling. The garage would add additional storage space to meet the requirements of the residents. Although this application seeks to reduce the required interior side yard setback, the proposed setback maintains adequate separation from the lot line to not interfere with the neighbours' property usage and provides sufficient space for drainage and access to the rear yard from the side yard.

The proposed driveway widening would be limited to a small portion of the driveway that would connect the proposed garage to the existing driveway. The driveway would not be extended at the street line and the driveway expansion would only be wide enough to allow for access to the additional garage.

As the requested relief would allow the property owner to invest in their property and arrange it to suit their needs without significant impact on neighbouring properties or the community, it is considered desirable for the appropriate development of the lot. This 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 proposed driveway widening and reduced setback for the proposed garage would be minimal.

Due to the large size and unique shape of the lot, as well as the tapering of the driveway and use of a different material from the rest of the driveway, the proposed garage and driveway expansion would not have significant visual impacts. The proposed variances would allow for the needs of the residents to be met while remaining consistent with the neighbourhood context.

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.

## **6. Other comments:**

### **Tree Preservation**

- Trees 1 through 3 identified in the arborist report are to be protected from potential construction hazards.

### **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**

One abutting neighbour has written a letter of support for the Minor Variance Request.

## **7. Conclusions:**

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*

David Sanza  
Junior Planner – Development

**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**

**Town of Newmarket**      www.newmarket.ca  
 395 Mulock Drive      engineering@newmarket.ca  
 P.O. Box 328, STN Main      T: 905 895.5193  
 Newmarket, ON L3Y 4X7      F: 905 953.5138

**MEMORANDUM**

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

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

**DATE:** June 13, 2024

**RE:** Application for Minor Variance and Virtual Public Hearing  
 Made by: ANN AND DENNIS GRATTON  
 File No.: MV-2024-027  
 908 BOSWORTH COURT, NEWMARKET, ON  
 Town of Newmarket Ward 6  
**Engineering Services File No.: R. Bosworth Crt.**

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 6.2.2 Zone Standards to permit a driveway width of 10.30m whereas By-law permits a maximum driveway width of 6.00m.

We have reviewed the application and supporting documentation and have no objection to this application. Please note that existing drainage patterns and swales would be required to remain and there should be no negative impacts to the grading and drainage of this property or neighboring properties as a result of the proposed changes. Please be advised that this application will require a review by the Building Department.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES**

Temi Fashina  
 Sr. Engineering Development Coordinator – Residential

**From:** [Meehan, Christine](#)  
**To:** [Umar Mahmood](#)  
**Subject:** RE: Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (June 26, 2024) - MV-2024-027  
**Date:** June 7, 2024 3:53:10 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-2024-027 located at 908 Bosworth Court and has no comment.

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

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](mailto:christine.meehan@york.ca) | [www.york.ca](http://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 <[um Mahmood@newmarket.ca](mailto:um Mahmood@newmarket.ca)>

**Sent:** Monday, June 3, 2024 11:56 AM

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

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



June 14, 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: 908 Bosworth Court – Committee of Adjustment Application for Minor Variance –  
Arborist 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 the proposed construction of an attached garage at 908 Bosworth Court, 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, prepared by Sequoia TreeScape, dated April 19, 2024
- Site plan (A-1.0), prepared by Altimap Land Surveyors Inc. and First Step Design Ltd., dated January 5, 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 June 8, 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 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.
2. The Town's standard detail for tree protection fencing must be referenced in the revised arborist report.
3. Where minimum required tree protection zones cannot be fully protected, the revised arborist report must describe appropriate tree injury mitigation measures for trees designated for injury that are located on or within 4.5 metres of the subject lands. Refer to the *Policy* for appropriate mitigation measures.
4. The revised arborist report must be signed by its author.

#### *Tree inventory*

5. Tree #2 is listed as "a row of 11 *Picea abies* trees with DBH ranging from 9cm to 32cm" but exact measurements of individual significant trees are not provided. Site observations show that there are 6 Norway spruces (*Picea abies*) with DBH equal to or above 20cm. The tree inventory presented in the revised arborist report must provide the diameter at breast height of each significant tree located on or within 4.5 metres of the subject lands. Pursuant to the Town's Private Tree By-law, diameter at breast height (DBH) is defined as the measurement of the diameter of the trunk of a tree at 1.4 metre above ground level or where there are multiple stems, the total of the diameters of the stems at 1.4 metres.

### *Tree protection plan & other tree-related plans*

6. A tree protection plan must be provided to show the correct location of all significant trees located on or within 4.5 metres of the subject lands. The 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, and the location of tree protection fencing. The Town's standard detail for tree protection fencing must be included on the tree protection plan.

### *Tree appraisal*

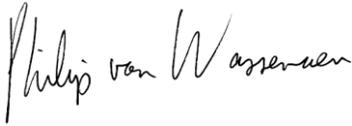
7. The revised arborist report must provide a monetary value for 1) all Town-owned trees, and 2) all trees that are equal to or greater than 20cm diameter at breast height (DBH) to be preserved on or adjacent to the subject lands. These values must be calculated using methods in accordance with the Council 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/cm<sup>2</sup>. 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.**  
1331 Northaven Drive  
Mississauga ON L5G 4E8  
T: (905) 274-1022 F: (905) 274-2170  
[www.urbanforestinnovations.com](http://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.



Sent via e-mail: [umahmood@newmarket.ca](mailto:umahmood@newmarket.ca)

June 11, 2024

**Municipal File No.: MV-2024-027**  
**LSRCA File No.: VA-161806-060424**

**Umar Mahmood**  
**Secretary-Treasurer, Committee of Adjustment**  
**395 Mulock Drive**  
**Newmarket, ON L3Y 4X7**

Dear Mr. Mahmood,

**Re: Application for Minor Variance**  
**908 Bosworth Court**  
**Town of Newmarket**  
**Owner: Ann and Denis Gratton**  
**Applicant: First Step Design Limited (c/o Cindy McPhee)**

Thank you for circulating the above-captioned application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. It is our understanding that the Applicant/Owner is proposing to construct a one-storey garage addition to the existing dwelling and widen the existing driveway. The Applicant/Owner is seeking relief from the following section of the Town of Newmarket Zoning By-law 2010-40, as amended:

- Section 6.2.2 Zone Standards which permits a maximum driveway width of 6.00 metres, whereas the proposal is requesting a driveway width of 10.30 metres.

**Documents Received and Reviewed by Staff**

Staff have received and reviewed the following documents submitted with this application:

- Notice of Hearing (dated June 5, 2024)
- Cover letter prepared by First Step Design Limited (dated June 3, 2024)
- Site Plan and Architectural Drawings prepared by First Step Design Limited (dated June 3, 2024)

Staff have reviewed this application as per our delegated responsibility from the Province of Ontario to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24 of the *Conservation Authorities Act*. LSRCA has also provided comments as per our Memorandum of Understanding (MOU) with the Town of Newmarket. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory

comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

### **Recommendation**

Based on our review of the submitted information in support of the application, the proposal is consistent and in conformity with the natural hazard policies of the applicable plans. On this basis, we have no objection to the approval of this application for Minor Variance. It is recommended that any approval of this application be subject to the following conditions:

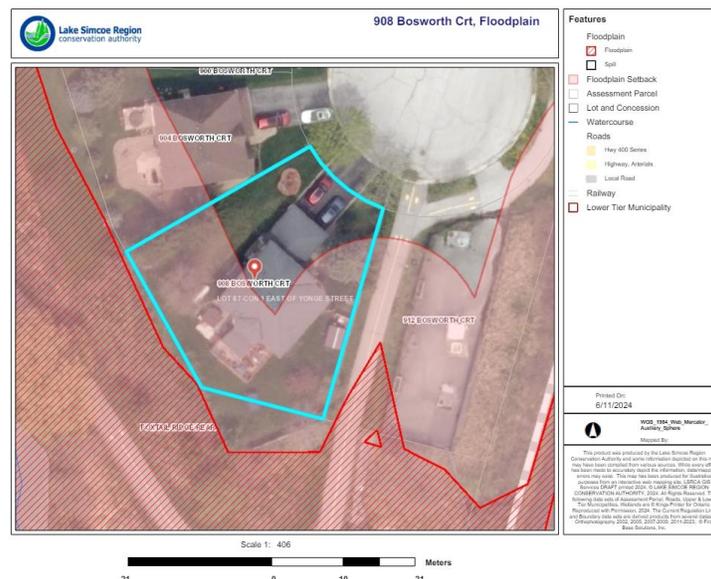
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536.

### **Site Characteristics**

The subject land is approximately 0.09 hectares (0.21 acres) in area and is located southwest of Bosworth Court within the Town of Newmarket. The subject land is within the 'Residential Area' designation per the Town of Newmarket Official Plan and is currently zoned 'Residential Detached Dwelling 15M Zone (R1-D)' per the Town of Newmarket Zoning By-law 2010-40, as amended.

Existing environmental mapping indicates the following:

- The subject property is partially regulated by the LSRCA under Ontario Regulation 41/24 for regulatory floodplain setback. Please see a detailed regulatory map below.
- The subject property is within an Ecologically Significant Groundwater Recharge Area (ESGRA).
- The subject property is within the identified recharge management area (WHPA Q2) per the South Georgian Bay Lake Simcoe Source Protection Plan (SGBLSPP).



outside of the flood hazard and within the setback therefore the proposal is consistent with 3.1 of the PPS.

2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 41/24. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Ontario Regulation 41/24 applies to a portion of the subject property. LSRCA staff note that the Applicant/Owner has obtained written clearance from the LSRCA regarding the proposed garage addition and driveway widening in an email dated March 14, 2024 from Matthew Figuerres, Environmental Regulations Customer Service Analyst (LSRCA file no. NS.2024.004).

#### **Advisory Comments**

1. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Newmarket in that we provide through a MOU as well as through our role as a public body, pursuant to the *Planning Act*.

#### **Summary**

Based on our review of the submitted information in support of this application, we have no objection to the approval of this application for Minor Variance.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 41/24 applies to the subject site. Written clearance from the LSRCA has been obtained;
3. That the Owner/Applicant shall pay the required fee for Minor Variance (Minor – planning review only) of \$536 as per the LSRCA Fee Schedule.

Please inform this office of any decision made by the municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned ([j.lim@lsrca.on.ca](mailto:j.lim@lsrca.on.ca)).

Sincerely,



Jessica Lim  
Planner I  
Lake Simcoe Region Conservation Authority (LSRCA)



**Committee of Adjustment**59

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

[www.newmarket.ca](http://www.newmarket.ca)

[umahmood@newmarket.ca](mailto:umahmood@newmarket.ca)

T: 905.895.5193 Ext. 2458

## **Revised 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-2024-028  
**Made By:** SCOTT AND KRISTY CAMBELL  
**Subject Land:** 753 SRIGLEY ST, NEWMARKET, ON  
**Ward:** 2

### **The purpose and effect of the application is as follows:**

The applicant is proposing the construction of an addition on the existing foundation. 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 1.37m whereas By-law requires a minimum side yard of 1.80m;
2. Relief from Section 4.2 Encroachments into Required Yards to permit an encroachment of a covered porch and stairs of 2.77m whereas By-law permits a maximum encroachment of a porch and stairs of 2.40m; and
3. Relief from Section 6.2.2 Zone Standards to permit a front yard (existing) of 4.82m whereas By-law requires a minimum front yard of 5.84m.

**Hearing Date and Time:** Wednesday, June 26, 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](mailto: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](mailto:umahmood@newmarket.ca).

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



**Committee of Adjustment60  
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

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 12<sup>th</sup> day of June, 2024.

A handwritten signature in cursive script that reads "U. Mahmood".

---

Secretary-Treasurer  
Committee of Adjustment





**PLANNING AND BUILDING SERVICES**

**Town of Newmarket**

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

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**Planning Report**

TO: Committee of Adjustment

FROM: Joyce Tsui  
Intermediate Planner, Development

DATE: June 21, 2024

RE: Application for Minor Variance **MV-2024-028**  
753 Srigley Street  
Made by Scott Campbell and Kristy Campbell

---

**1. Recommendations:**

That Minor Variance Application MV-2024-028 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 the Town's Tree Preservation, Protection, Replacement and Enhancement Policy prior to the issuance of any building permit.

**4. Advisory comments:**

1. The variance pertains only to the request as submitted with the application;
2. The existing drainage patterns and swales would be required to remain and there should be no negative impacts to the grading and drainage of this property or neighboring properties as a result of the proposed changes;
3. Prior to any demolition or construction activity on the subject lands, the Town must be notified to conduct an inspection of the installed tree protection fencing and other tree protection measures;
4. The development be substantially in accordance with the information submitted with the application; and,
5. Failure to comply with and maintain the conditions and comments of the Committee shall render the approval null and void.

**5. Application:**

An application for Minor Variance has been submitted by the above-noted owner. The applicant is proposing to demolish the existing one-storey single detached dwelling and construct a two-storey single detached dwelling on the existing foundation.

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

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.2.2	Minimum interior side yard setback of 1.8m	Interior side yard (west) setback of 1.37m
2	2010-40	6.2.2	Minimum front yard setback of 5.84 m	Front yard setback of 4.82 m
3	2010-40	4.2	A maximum porch encroachment of 2.4 metres into the required yard (inclusive of steps), but no closer than 1.5 metres to the lot line	A maximum porch encroachment (inclusive of steps) of 2.77 metres into the required yard

The above-described property (herein referred to as the “subject land”) is located in a residential neighbourhood, on the north side of Srigley Street and west of Alexander Road. The property is currently occupied by a one-storey single detached dwelling. The existing detached dwelling would be demolished and a new two-storey dwelling is proposed to be constructed on the subject land.

## 6. Planning considerations:

The applicant is seeking a minor variance application to reduce the minimum required front and interior side yard setbacks and to permit additional encroachment for a front porch and steps to facilitate the construction of a new single detached dwelling on the subject land.

In order 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:

### i. Conformity with the general intent of the Official Plan

The subject land is designated “Residential” in the Town’s Official Plan. The objectives of the Residential Area policies are to:

- a. Provide for a range of residential accommodation by housing type, tenure, size, and location to help satisfy the Town of Newmarket’s housing needs in a contextually sensitive manner.
- b. Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighborhood.
- 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.

Within the “Residential Areas” designation are various Character Areas; the subject property is located within the “Historic Core Character Area”. This area is generally characterized by the following:

- Traditional street grid patterns;
- Short blocks with many intersections;
- Landscaped boulevards and an extensive canopy of established mature trees;
- Continuous sidewalks on one or both sides of the street;
- Building heights of 1 to 2 storeys;
- A range of architectural expressions and styles, with a significant focus on Victorian-era Architecture; and,
- A significant concentration of Listed and Designated heritage properties.

The “Residential Areas” designation within the Official Plan permits a range of housing types, including a two-storey detached dwelling. The Official Plan allows for gradual change, improvement, and reconstruction of homes through Planning Act applications. New development within this area must respect these physical neighbourhood characteristics, while responding to the unique site and contextual conditions.

The requested relief has been assessed and it is not anticipated to adversely impact the neighbourhood. It is considered appropriate for the following reasons:

- The requested variances would not change the existing character of the neighbourhood;
- The interior side yard setback (west) and front yard setback are based on existing foundation and building footprint and would maintain the existing functional space around the house;
- The porch and a portion of the steps are within the permitted encroachment and the additional encroachment for the remaining steps would be at a size that maintains the character of the neighborhood; and,
- The proposed porch and steps are setback from adjacent lot lines and would not result in any overlook or compatibility concerns for neighbouring residences.

As the proposed construction of a new single detached dwelling would be compatible with the existing physical character of the surrounding neighbourhood, the requested variances are considered to conform to the Official Plan and therefore, this test is met.

## **ii. Conformity with the general intent of the Zoning By-law**

The subject land is zoned Residential Detached Dwelling 15 metre Zone (R1-D) by Zoning By-law 2010-40. Single detached dwellings are permitted within the zone.

### Interior side yard setback (west property line)

The general intent of setbacks is to ensure that the use of a property does not infringe on the rights of neighbours, and to allow sufficient space for sunlight, airflow, privacy, landscaping, stormwater run-off, movement around the home and consistency within the neighbourhood. Due to the increase in building height from one storey to two storeys, a minimum of 1.8m interior side yard setback is required. In this case, the new dwelling would be constructed on top of the existing foundation and would maintain the existing side yard setback of 1.37 m on the west property line. The proposed setback is the continuation of an existing condition that would create no change in functional space around the building and the current distance from the lot line would be maintained. Sufficient space

is provided for the above noted purposes, yard maintenance, and to access the rear of the property. This test is met.

#### Front yard setback

The general intent of front yard setbacks is to ensure there is appropriate space at the front of the property for landscaping, drainage, and access.

In the case of the subject land, the new dwelling would be constructed on the existing foundation, keeping the existing front yard setback and maintaining the established building line. The proposed reduction to the front yard setback would have minimal visual impact to the existing streetscape, no change in functional space in front of the dwelling, and would maintain the same distance from the existing main wall to the lot line. The remaining yard would be sufficient for stormwater runoff and yard maintenance. It is staff's opinion that the proposed new dwelling is a reasonable evolution of the residential structure and would not result in undue impacts on adjacent properties or the neighbourhood.

#### Steps encroachment

The minor variances for front yard setback and encroachment of the steps must be addressed in tandem. The extent of the encroachment of the steps is tied to the required front yard setback. If Committee decides not to grant approval for the reduced front yard setback, the application for steps encroachment cannot be approved as it would not be complying with the minimum standards required by the Zoning By-law.

The general intent of limiting encroachments is to ensure features such as porches and steps do not infringe on the rights of neighbours and allow sufficient space for sunlight, airflow, privacy, landscaping, stormwater run-off, movement around the home.

Section 4.2 of the Zoning By-law permits porches and associated steps to encroach a maximum of 2.4 metres into the required exterior side yard but no closer than 1.5 metres to the lot line. The proposed porch and a portion of steps would comply with the 2.4 metre permitted encroachment and do not require relief from the Zoning By-law. However, the remaining steps would project an additional 0.37 metres beyond the permitted encroachment and would require relief from the by-law. The porch would be setback 2.15 metres from the front lot line.

The proposed encroachment into the required front yard does not infringe on neighboring properties. The porch and steps would remain at a size that respects and maintains the character of the neighborhood and still allows for functional space at the front of the dwelling for landscaping, access, and maintenance. The requested variances maintain the general intent of the zoning by-law. Therefore, this test is met.

#### **iii. 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 suits their needs, subject to the limits of the zoning by-law and impacts on neighbouring properties.

As the requested relief would allow the property owner to invest in their property and arrange the property to suit their needs without significant impact to neighbours or the community, the variances are considered desirable for the appropriate development of the lot. This test is met.

#### **iv. Minor nature of the variance**

The test of whether a variance is minor in nature is not only an evaluation of the numerical value. The Committee is requested to consider the overall impact of the variance.

The overall impact of the proposed variances would be minimal as the proposed dwelling maintains a similar built form that would not significantly change the streetscape or character of the existing neighbourhood. The proposed variances for a reduced interior side yard and front yard setback are based on the existing foundation and building footprint. The proposed minor encroachment for the front porch steps is not anticipated to adversely impact the surrounding properties. The proposal represents redevelopment of a property that maintains the characteristics of the low-density residential neighborhood. 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 the clearing conditions above.

#### **7. Other comments:**

##### **Tree Protection**

An Arborist Report was submitted in support of the application. The report indicates that there are 17 trees over 20cm diameter at breast height (DBH) on, or within 6m of the subject property.

No tree removal will be required to facilitate construction of the proposed development.

The Town requires tree protection fencing and securities to be posted for all retained trees in accordance with the Tree Preservation, Protection, Replacement and Enhancement Policy.

##### **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 and has advised that existing drainage patterns and swales would be required to remain and there should be no negative impacts to the grading and drainage of this property or neighboring properties as a result of the proposed changes. This has been reflected in the advisory comments.

Lake Simcoe Region Conservation Authority has no objection to the application and indicated that a permit from the LSRCA will be required.

York Region has no comments with regards to this application.

##### **Effect of Public Input**

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

**8. Conclusions:**

The requested variances be granted as they:

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

Respectfully submitted,



Joyce Tsui  
Intermediate Planner – Development

**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**

**Town of Newmarket**      www.newmarket.ca  
 395 Mulock Drive      engineering@newmarket.ca  
 P.O. Box 328, STN Main      T: 905 895.5193  
 Newmarket, ON L3Y 4X7      F: 905 953.5138

**MEMORANDUM**

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

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

**DATE:** June 13, 2024

**RE:** Application for Minor Variance and Virtual Public Hearing  
 Made by: SCOTT AND KRISTY CAMBELL  
 File No.: MV-2024-028  
 753 SRIGLEY ST, NEWMARKET, ON  
 Town of Newmarket Ward 2  
**Engineering Services File No.: R. Srigley St.**

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 6.2.2 Zone Standards to permit an interior side yard of 1.37m whereas By-law requires a minimum side yard of 1.80m; and
2. Relief from Section 4.2 Encroachments into Required Yards to permit an encroachment of a covered porch and stairs of 2.77m whereas By-law permits a maximum encroachment of a porch and stairs of 2.40m.

We have reviewed the application and supporting documentation and have no objection to this application. Please note that existing drainage patterns and swales would be required to remain and there should be no negative impacts to the grading and drainage of this property or neighboring properties as a result of the proposed changes. Please be advised that further engineering comments can be expected during the building permit application review.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES**

Temi Fashina  
 Sr. Engineering Development Coordinator – Residential

**From:** [Meehan, Christine](#)  
**To:** [Umar Mahmood](#)  
**Subject:** RE: Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (June 26, 2024) - MV-2024-028  
**Date:** June 7, 2024 3:46:52 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-2024-028 located at 753 Srigley Street and has no comment.

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

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](mailto:christine.meehan@york.ca) | [www.york.ca](http://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 <[um Mahmood@newmarket.ca](mailto:um Mahmood@newmarket.ca)>

**Sent:** Monday, June 3, 2024 11:56 AM

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



Sent via e-mail: [umahmood@newmarket.ca](mailto:umahmood@newmarket.ca)

June 11, 2024

**Municipal File No.: MV-2024-028**  
**LSRCA File No.: VA-174760-060424**

**Umar Mahmood**  
**Secretary-Treasurer, Committee of Adjustment**  
**395 Mulock Drive**  
**Newmarket, ON L3Y 4X7**

Dear Mr. Mahmood,

**Re: Application for Minor Variance**  
**753 Srigley Street**  
**Town of Newmarket**  
**Owner: Scott & Kristy Cambell**  
**Applicant: Michael Smith Planning Consultants; Development Coordinators Ltd. (c/o Gord Mahoney)**

Thank you for circulating the above-captioned application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. It is our understanding that the Applicant/Owner is proposing to demolish the existing dwelling and reconstruct a new two-storey dwelling on the existing foundation and new front porch. The Applicant/Owner is seeking relief from the following sections of the Town of Newmarket Zoning By-law 2010-40, as amended:

- Section 6.2.2 Zone Standards which requires a minimum side yard setback of 1.80 metres, whereas the proposal is requesting a setback of 1.37 metres;
- Section 4.2 Encroachments into Required Yards which permits a maximum encroachment of a porch and stairs of 2.40 metres, whereas the proposal is requesting an encroachment of 2.77 metres.

**Documents Received and Reviewed by Staff**

Staff have received and reviewed the following documents submitted with this application:

- Notice of Hearing (dated June 5, 2024)
- Site Plan and Architectural Drawings prepared by Christina Marinos Designs Inc. (dated March 2024)
- Topographic Survey prepared by Lloyd & Purcell (dated January 14, 2021)

Staff have reviewed this application as per our delegated responsibility from the Province of Ontario to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy

Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24 of the *Conservation Authorities Act*. LSRCA has also provided comments as per our Memorandum of Understanding (MOU) with the Town of Newmarket. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

### **Recommendation**

Based on our review of the submitted information in support of the application, the proposal is generally consistent and in conformity with the natural hazard policies of the applicable plans. On this basis, we have no objection to the approval of this application for Minor Variance. It is recommended that any approval of this application be subject to the following conditions:

- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;
- That the Applicant/Owner successfully obtain a permit from the LSRCA.

### **Site Characteristics**

The subject land is approximately 0.09 hectares (0.21 acres) in area and is located north of Srigley Street. The subject land is within the 'Residential Area' designation per the Town of Newmarket Official Plan and is currently zoned 'Residential Detached Dwelling 15M Zone (R1-D)' per the Town of Newmarket Zoning By-law 2010-40, as amended.

Existing environmental mapping indicates the following:

- The subject property is regulated by the LSRCA under Ontario Regulation 41/24 for the presence of a watercourse (East Holland) and its associated flood and meanderbelt (erosion) hazards. Please see a detailed regulatory map below.
- The subject property contains identified woodland areas.
- The subject property is within the identified recharge management area (WHPA Q2) per the South Georgian Bay Lake Simcoe Source Protection Plan (SGBLSSPP).



Based on our review of the submitted information in support of this application, we have no objection to the approval of this application for Minor Variance.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 41/24 applies to the subject site. A permit from the LSRCA will be required prior to any development or site alteration taking place;
3. That the Owner/Applicant shall pay the required fee for Minor Variance (Minor – planning review only) of \$536 as per the LSRCA Fee Schedule.

Please inform this office of any decision made by the municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned ([j.lim@lsrca.on.ca](mailto:j.lim@lsrca.on.ca)).

Sincerely,

A handwritten signature in blue ink that reads "J. Lim." with a period at the end.

Jessica Lim  
Planner I  
Lake Simcoe Region Conservation Authority (LSRCA)

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



May 19, 2021

**The Town of Newmarket**

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

Re: 753 Srigley Street – Committee of Adjustment – Arborist Peer Review 2

---

Mr. Morton,

As you have requested, Urban Forest Innovations, Inc. (UFI) has reviewed the arborist report and related application information submitted in support of a proposed construction of a new detached garage at 753 Srigley Street, 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, prepared by Cinerea Urban Forestry Services, revised May 4, 2021
- Tree Preservation Plan, prepared by Cinerea Urban Forestry Services, undated

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 9, 2021, to assess the site and verify the tree inventory details.

### **Updated Comments**

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

#### *Arborist report & tree compensation*

1. The current arborist report has listed tree #18 as being in fair health and poor structural condition (i.e., poor “Overall Condition”), whereas our site visit showed the tree to be in good health and fair structural condition (Fig. 1). The revised arborist report must update/upgrade the tree #18 condition factor used as input to the tree replacement calculations provided in section ‘Tree Replacement Information’ (page 7).

**May 2021 Update:** This has been addressed, no further comment.

#### *Tree appraisal*

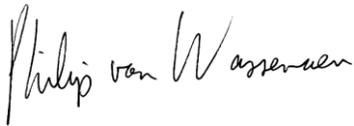
2. The revised arborist report must provide a monetary value for 1) all Town-owned trees, and 2) *all trees that are equal to or greater than 20cm diameter at breast height (DBH)* that are to be preserved on or adjacent to the subject lands. The current arborist report provides only the values for Town-owned trees #17 and 18. These values must be calculated using methods in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide to Plant Appraisal, 9<sup>th</sup> 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/cm<sup>2</sup>. 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).

**May 2021 Update:** This has been addressed, no further comment.

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.

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.**  
1331 Northaven Drive  
Mississauga ON L5G 4E8  
T: (905) 274-1022 F: (905) 274-2170  
[www.urbanforestinnovations.com](http://www.urbanforestinnovations.com)

**Selected Figures**

**Figure 1:** Tree #18 was found to be in good health and fair structural condition. Although assessed during the leaf-off season, the number and distribution of live buds indicate a vigorously healthy tree.

### ***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 79**

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

[www.newmarket.ca](http://www.newmarket.ca)

[umahmood@newmarket.ca](mailto: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-2024-029  
**Made By:** SUMAN KUMAR & RASHMI KUMARI  
**Subject Land:** 139 BETHPAGE CRESCENT, NEWMARKET, ON  
**Ward:** 7

### **The purpose and effect of the application is as follows:**

The applicant is proposing the construction of a below grade entrance. 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 0.54m whereas By-law requires a minimum interior side yard of 1.8m.

**Hearing Date and Time:** Wednesday, June 26, 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](mailto: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](mailto:umahmood@newmarket.ca).

For more information about this matter, contact the Secretary-Treasurer at [umahmood@newmarket.ca](mailto: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 Adjustment80  
Town of Newmarket**

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

[www.newmarket.ca](http://www.newmarket.ca)  
[umahmood@newmarket.ca](mailto:umahmood@newmarket.ca)  
T: 905.895.5193 Ext. 2458

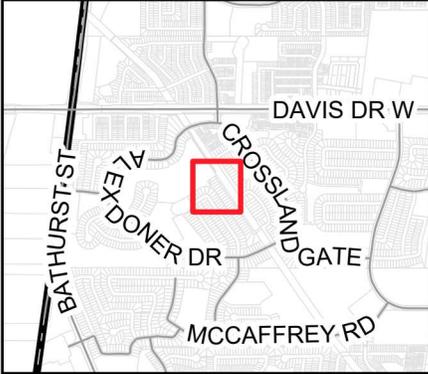
**Dated** at the Town of Newmarket this 5<sup>th</sup> day of June, 2024.

*UMahmood*

---

Secretary-Treasurer  
Committee of Adjustment

# 139 Bethpage Crescent



Automatically Generated  
by Staff Online GIS  
Printed: 2024-06-03.

Roads, Railway, Municipal Boundary - Data, Analytics and Visualization Services Branch, Corporate Services, The Regional Municipality of York, 2024. All other data - © Town of Newmarket, 2024. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2024. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. It is not a substitute for a legal survey.


**PLANNING AND BUILDING SERVICES**
**Town of Newmarket**

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planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

**Planning Report**

TO: Committee of Adjustment

FROM: David Sanza  
Junior Planner, Development

DATE: June 21, 2024

RE: Application for Minor Variance **MV-2024-029**  
139 Bethpage Crescent  
Made by Suman Kumar and Rashmi Kumari

---

**1. Recommendations:**

1. That Minor Variance Application MV-2024-029 be approved.

**2. Clearing Conditions:**

1. The applicant needs to submit a sealed grading plan designed and stamped by a P.Eng of Ontario to the Town, complying with the Town's standards for grading and drainage requirements. The applicant shall demonstrate that there will be no negative impacts to the grading and drainage for this property or neighbouring properties because of the proposed changes. See Letter TF061M dated June 13, 2024.

**3. Advisory Comments:**

2. That the variance pertains only to the requests as submitted with the application; and,
3. That the development be substantially in accordance with the information submitted with the application; and,
4. 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 the addition of below grade steps within the interior side yard.

The following variance has been requested from Zoning By-law 2010-40, as amended:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.2.2	To provide an interior side yard setback of 1.2 metres from the lot line.	To permit an interior side yard setback of 0.54 metres for below grade steps.

The above-described property (herein referred to as the “subject land”) is within a residential neighbourhood, north of Alex Doner Drive and east of Reg Harrison Trail. The subject land is currently occupied by a single detached dwelling and is surrounded by similar single detached dwellings within the same neighbourhood.

## 5. Planning considerations:

The request for the variance is to permit the addition of below grade steps into the interior side yard setback on the north side of the dwelling. The below grade steps would need a variance as the setback provided for the steps is 0.54 metres at the closest point to the lot line. The property is zoned R1-D which requires a 1.2 metre setback for interior side yards. Permitting this encroachment would allow for additional access into the basement of the dwelling.

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 residents to modify their property to suit their needs. Adding below grade steps to this property will improve the resident’s lifestyle. 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 15m (R1-D) by Zoning By-law 2010-40. Single-detached dwellings and below grade entrances are permitted.

Section 6.2.2 of the Zoning By-law sets forth the building setbacks for dwellings. The interior side yard setback is determined based on the height of the building. In the case of this property, the permitted interior side yard setback is 1.2 metres, based on the existing structure. The proposed setback for the below grade entrance is 0.54 metres at the closest distance from the lot line, thus the proposed stairs reduce the required side yard setback by 0.66 metres.

The general intent of the interior side yard setbacks in the By-law is to provide proper distance that allows for access to the rear yard through the side yard, to provide adequate drainage, maintaining proper amount of soft landscaping around the building, and access to the side of the dwelling for general maintenance. The smaller interior setback for this property still maintains the general intent of the by-law. It still allows for access to the rear yard, it provides access from the side of the building, and it does not adversely affect the drainage and soft landscaping portion of the property. Given the noted details the variance requested 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 dwelling as it adds functionality to the lot without interfering with neighbouring properties. Permitting the below grade steps to have smaller setback from the building wall to the property line will add versatility to the lot by enabling it to have multiple entrances and exits. 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 decrease in the side yard setback does not impact drainage, access to the year yard and still provides the interior side yard with enough space for basic house maintenance.

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

## **6. 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**

Please see clearing condition for engineering comments TF061M dated June 13, 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:**

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,

*David Sanza*  
David Sanza  
Junior Planner – Development

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

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

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 engineering@newmarket.ca  
 T: 905 895.5193  
 F: 905 953.5138

**MEMORANDUM**

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

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

**DATE:** June 13, 2024

**RE:** Application for Minor Variance and Virtual Public Hearing  
 Made by: SUMAN KUMAR & RASHMI KUMARI  
 File No.: MV-2024-029  
 139 BETHPAGE CRESCENT, NEWMARKET, ON  
 Town of Newmarket Ward 7  
**Engineering Services File No.: R. Bethpage Cres.**

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 6.2.2 Zone Standards to permit an interior side yard measured to a below grade entrance of 0.54m whereas By-law requires a minimum interior side yard of 1.8m.

We have no objection to this proposal given that the applicant submits a sealed grading plan designed and stamped by a P.Eng of Ontario to the Town showing existing drainage patterns and swales in relation to the proposed side entrance and pathway. There should 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

**From:** [Meehan, Christine](#)  
**To:** [Umar Mahmood](#)  
**Subject:** RE: Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (June 26, 2024) - MV-2024-029  
**Date:** June 7, 2024 3:36:22 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-2024-029 located at 139 Bethpage Crescent and has no comment.

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

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](mailto:christine.meehan@york.ca) | [www.york.ca](http://www.york.ca)

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**From:** Umar Mahmood <umahmood@newmarket.ca>

**Sent:** Monday, June 3, 2024 11:56 AM

**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>; John Comeau <jcomeau@newmarket.ca>; cameron.blaney@ontario.ca; William.Francolini@ontario.ca; gcreta@envinetwork.com; Laura Tafreshi <L.Tafreshi@lsrca.on.ca>;



**Committee of Adjustment88**

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

[www.newmarket.ca](http://www.newmarket.ca)

[umahmood@newmarket.ca](mailto: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-2024-013  
**Made By:** MOHAMMAD FALHASIRI  
**Subject Land:** 766 BEMAN DRIVE, NEWMARKET, ON  
**Ward:** 3

### **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 5.2.2 Parking Space Design to permit dimensions of parking spaces to be 2.6m by 4.75m whereas By-law requires minimum parking space dimensions of 2.6 by 5.0m; and
2. Relief from Section 6.2.2 Zone Standards to permit a driveway width of 5.29m whereas By-law permits a maximum driveway width of 5.20m.

**Hearing Date and Time:** Wednesday, June 26, 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](mailto: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](mailto:umahmood@newmarket.ca).

For more information about this matter, contact the Secretary-Treasurer at [umahmood@newmarket.ca](mailto: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 Adjustment89**

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

[www.newmarket.ca](http://www.newmarket.ca)

[umahmood@newmarket.ca](mailto: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.

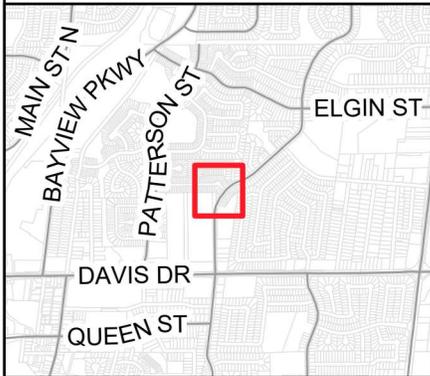
**Dated** at the Town of Newmarket this 5<sup>th</sup> day of June, 2024.

*UMahmood*

---

Secretary-Treasurer  
Committee of Adjustment

# 766 Beman Drive



Automatically Generated  
by Staff Online GIS  
Printed: 2024-02-27.

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**PLANNING AND BUILDING SERVICES**
**Town of Newmarket**

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 planning@newmarket.ca  
 T: 905.953.5321  
 F: 905.953.5140

**Planning Report**

TO: Committee of Adjustment

FROM: David Sanza  
Junior Planner, Development

DATE: June 21, 2024

RE: Application for Minor Variance **MV-2024-013**  
766 Beman Drive  
Made by Mohammad Falhasiri

---

**1. Recommendations:**

1. That Minor Variance Application MV-2024-013 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. The municipal boulevard is not recognized as a legal parking space pursuant to Zoning By-law 2010-40;

**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 one Accessory Dwelling Unit in the basement.

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

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.2.2	Maximum permissible driveway width is 5.2 metres.	To allow for the maximum permitted driveway width of 5.29 metres.

2	2010-40	5.2.2	Minimum parking space dimension of 2.6 metres by 5.0 metres.	To permit the reduction of the parking space size to 2.6 metres by 4.75 metres.
---	---------	-------	--	---

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

### 3. Planning considerations:

In order to accommodate an additional residential unit (ARU) in the basement of the house, the property owner is seeking two variances. Specifically, relief is required from Section 6.2.2 of the Zoning By-law 2010-40 to permit the widening of the driveway from 5.2 metres to the proposed maximum width of 5.29 metres. This variance represents an overall reduction in driveway as the current driveway is 8.7 metres wide. This reduction is seeking to meet the parking requirements required for ARU’s while having a driveway that fits the requirements set out in Section 6.2.2 of the Zoning by-law.

The applicant is also seeking relief from Section 5.2.2 to allow for a reduction in parking space length requirements. As per Section 5.2.2 of Zoning By-law 2010-40, the minimum required size for parking space is 2.6 metres by 5.0 metres. The applicant is seeking to permit a reduction in the parking space length from 5.0 metres to 4.75 metres. This will allow for the driveway to accommodate two cars in tandem due to the pie-shape of the property’s frontage.

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 accessory dwelling units in all dwelling types, 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 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 Semi-Detached Dwelling 21.3m Zone (R2-K) by Zoning By-law 2010-40. Semi-detached dwellings and accessory dwelling units are permitted within this zone. The two proposed variances are analysed separately.

#### **a. To allow for the maximum driveway width to be increased to 5.29 metres:**

Section 6.2.2 of the Zoning By-law sets the standards for the driveway width. Under this standard, the maximum permitted driveway width allowed for this property is 5.2 metres. The variance is seeking relief from this Section of the Zoning By-law to allow for a driveway width of 5.29 metres.

The intent of restricting the maximum driveway width is to limit negative impacts such as a reduction of drainage, not conforming with the surrounding neighbourhood features, and minimizing the amount of soft landscaping on the property. The reason for having such restrictions is to promote a uniform look within the surrounding context of the community as well as ensuring proper drainage, and to reduce the urban heat island effect, and increasing soft landscaping. Extending the driveway slightly (0.09 metres) will not be considered a noticeable widening of the driveway.

#### **b. To allow for the minimum parking size be reduced to 2.6 metres by 4.75 metres:**

Section 5.2.2 in the Zoning By-law sets the standards for the minimum parking space requirements. The minimum By-law requirements for parking spaces on driveways is 2.6 metres (width) by 5.0 metres (length). The applicant is looking to seek relief from this Section to permit the reduction in the parking space length to 4.75 metres for one of the parking spaces on the driveway.

The reduction of the parking space length will allow for the driveway to accommodate the required parking spaces needed to permit the addition of an ARU. The other two parking spaces on the subject land will remain within the required size of the By-law. Furthermore, the front portion of the subject land is pie shaped. The reduction has been requested for the northwest parking spot on the driveway. The length of the parking space meets the minimum requirement (5 metres) on one side and on the other side is 4.75 metres.

Permitting the reduction in parking space length allows for the residents to claim the full utility of the driveway. This in turn allows the owner of the property to add more housing to the neighbourhood in the form of an ARU. The angled front property line does not permit a rectangular parking space to be provided on the driveway in a traditional way. However, allowing this modification of the parking space to exist will allow for a good mixture of housing forms, promote the needs of the housing, and allow for

the parking standards to be met. The intent of the Zoning By-law is met, therefore, the test for this variance is met.

#### **4. Desirable development of the lot**

The proposed variances are required to support the parking provisions for an ARU. An ARU contributes to the mix of housing types within Newmarket and supports the Town's goals of providing more affordable forms of housing.

The above-mentioned variances allow for the parking requirements to meet the Town's Zoning By-law requirements with minor modifications to the length (from 5 metres to 4.75 metres) of a parking space, and to allow a driveway width to be extended by 0.09 metres (from 5.2 metres to 5.29 metres). The requested variances allow for accommodating an ARU within this property. This will provide diversity in housing types and is a desirable development for the property. Therefore, the test is met.

#### **5. 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 and will not adversely affect the property and neighbourhood.

Variance 1 is to permit a maximum driveway width of 5.29 metres. Permitting such a miniscule increase to the driveway width does not visually impact the driveway from a pedestrian's perspective. The small increase does not adversely affect the drainage of the site or soft landscaping on the property. The approval of the 5.29 metre driveway width would be a reduction of the existing driveway reducing the overall impact of the driveway and an improvement to the function of the property.

Variance 2 is to permit the reduction of the required parking space length. The requirement for this reduction is the result of the curvature of the front property line not permitting a rectangular parking space. Reducing the parking space length, will allow the required number of parking spaces to be accommodate on the property. A minor reduction in the parking space length does not adversely affect the parking spaces as the reduction in size is to accommodate a small portion of the parking space.

In consideration of the above, the proposed variances 1 and 2 are deemed to meet the four tests under the *Planning Act* and is recommended to be approved, subject to clearing conditions.

#### **6. Other comments:**

##### **Tree Preservation**

No trees will be affected by the changes made to the property.

##### **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 refer to the Engineering letter TF059M dated June 13, 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**

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

- An excessive number of cars are parked on the driveway (total of 6 cars can be seen on the driveway consistently).
- Concerns of cars parking on the street from this dwelling.
- Neighbours do not approve of the Application in general.

In response, if the neighbours find that problems persist with excessive cars parking on the property, By-law Enforcement can get involved to ensure that cars are only parked on the driveway in accordance with the Zoning By-law. Planning staff have reviewed the application in light of the legislated requirements and found that the four tests have been met.

## **6. Conclusions:**

The variances 1 and 2 be approved as requested:

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

Respectfully submitted,

*David Sanza*

David Sanza  
Junior Planner – Development

**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES**

**Town of Newmarket**                      www.newmarket.ca  
 395 Mulock Drive                      engineering@newmarket.ca  
 P.O. Box 328, STN Main              T: 905 895.5193  
 Newmarket, ON L3Y 4X7              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:** June 13, 2024

**RE:** Application for Minor Variance and Virtual Public Hearing  
 Made by: MOHAMMAD FALHASIRI  
 File No.: MV-2024-013  
 766 BEMAN DRIVE, NEWMARKET, ON  
 Town of Newmarket Ward 3  
**Engineering Services File No.: R. Beman 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 5.2.2 Parking Space Design to permit dimensions of parking spaces to be 2.6m by 4.75m whereas By-law requires minimum parking space dimensions of 2.6 by 5.0m; and
2. Relief from Section 6.2.2 Zone Standards to permit a driveway width of 5.29m whereas By-law permits a maximum driveway width of 5.20m.

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. Engineering has no objections to Relief from Section 6.2.2 with regards to the proposed driveway width.

Should you have any questions please contact the undersigned.

Sincerely,

**ENGINEERING SERVICES**

Temi Fashina  
 Sr. Engineering Development Coordinator – Residential

**From:** [Ahmed, Maryam](#)  
**To:** [Umar Mahmood](#)  
**Subject:** RE: Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (June 26, 2024)  
**Date:** June 11, 2024 11:07:41 AM  
**Attachments:** [image001.png](#)  
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[image004.png](#)

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Hello,

Hello,

The Regional Municipality of York has completed its review of 2<sup>nd</sup> submission for minor variance application MV-2024-013 (766 Beman Dr) and has no comments. Please provide a copy of the Notice of Decision.

Thank you

**Maryam Ahmed, B.U.R.PL.** | Planner, Development Services, Planning and Economic Development, Corporate Services

-----  
 The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
 1-877-464-9675 x74528 | [maryam.ahmed@york.ca](mailto:maryam.ahmed@york.ca) | [www.york.ca](http://www.york.ca)

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**From:** Umar Mahmood <umahmood@newmarket.ca>

**Sent:** Monday, June 3, 2024 11:56 AM

**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>; John Comeau <jcomeau@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 <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>; Temi Fashina <tfashina@newmarket.ca>

**Cc:** michs@rogers.com; alavim@yorku.ca; rwgreen@rogers.com; 4bblewis@gmail.com; Josh Scholten <j\_scholten@hotmail.com>

**Subject:** Committee of Adjustment - Notice of Complete Application and Public Hearing Circulation (June 26, 2024)

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Hello,

Please be advised the next virtual Committee of Adjustment hearing will be held on **Wednesday June 26, 2024 at 9:30 AM.**

The Committee will consider the following applications:

**CON-2024-004, MV-2024-020, MV-2024-021 (165 Carlson Drive) Ward 2:  
CON-2024-004**

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot on the subject property. The parcel of land has a frontage of 27.19m and an approximate area of 662.89sq.m.

**MV-2024-020**

The applicant requests a minor variance for the retained lands known as part 1 of Consent application of CON-2024-004. 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 730.42sq.m whereas By-law requires a minimum lot area of 743.00sq.m; and
2. Relief from Section 6.2.2 Zone Standards to permit a rear yard of 1.80m whereas By-law required a minimum rear yard setback of 7.50m.

**MV-2024-021**

The applicant requests a minor variance for the severed lands known as part 2 and 3 of Consent application CON-2024-004. 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 662.89sq.m whereas By-law requires a minimum lot area of 743.00sq.m.

**MV-2024-027 (908 Bosworth Court) Ward 6**

The applicant is proposing the construction of an attached garage. 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 driveway width of 10.30m whereas By-law permits a maximum driveway width of 6.00m.

**MV-2024-028 (753 Srigley Street) Ward 2**

The applicant is proposing the construction of an addition on the existing foundation. 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 1.37m whereas By-law requires a minimum side yard of 1.80m; and
2. Relief from Section 4.2 Encroachments into Required Yards to permit an encroachment of a covered porch and stairs of 2.77m whereas By-law permits a maximum encroachment of a porch and stairs of 2.40m.

**MV-2024-029 (139 Bethpage Cres) Ward 7**

The applicant is proposing the construction of a below grade entrance. 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 0.54m whereas By-law requires a minimum interior side yard of 1.8m.

**MV-2024-013 (766 Beman Drive) Ward 3**

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 5.2.2 Parking Space Design to permit dimensions of parking spaces to be 2.6m by 4.75m whereas By-law requires minimum parking space dimensions of 2.6 by 5.0m; and
2. Relief from Section 6.2.2 Zone Standards to permit a driveway width of 5.29m whereas By-law permits a maximum driveway width of 5.20m.

Comments are requested by **June 14, 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=b8dc6fc9b1d44392b40018027919efa7>

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](mailto:umahmood@newmarket.ca)

[| heynewmarket.ca](http://heynewmarket.ca)

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