



# **Town of Newmarket**

## **Minutes**

### **Committee of Adjustment**

Date: Wednesday, September 27, 2023  
Time: 9:30 AM  
Location: Electronic VIA ZOOM  
See How to Login Guide

Members Present: \_\_\_\_\_ Seyedmohsen Alavi, Chair  
\_\_\_\_\_ Michelle Starnes, Member  
\_\_\_\_\_ Josh Scholten, Member  
\_\_\_\_\_ Andrea Lewis, Member  
\_\_\_\_\_ Rob Green, Alternate Member

Staff Present: \_\_\_\_\_ Umar Mahmood, Secretary-Treasurer  
\_\_\_\_\_ Aida Hosseinzadeh, Development Planner  
\_\_\_\_\_ Joyce Tsui, Development Planner

#### **1. Public Notice**

The Chair gave notice.

#### **2. Conflict of Interest Declarations**

No conflicts of interest were declared by the Committee.

#### **3. Appeals**

The Secretary-Treasurer confirmed that no appeals had been received to date, however that end of day tomorrow is the last day to appeal decision from the August 30, 2023 hearing. If no appeals are received by the end of day tomorrow than the decision of the Committee from the August 30, 2023 hearing would be final and binding.

#### **4. Approval of Minutes**

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

Moved by: Andrea Lewis, Member

Seconded by: Josh Scholten, Member

**Carried**

#### **5. Items**

##### **5.1 MV-2023-011**

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 a front yard of 7.12m whereas By-law requires a minimum front yard of 7.38m; and
2. To permit the enlargement of a legal non-conforming use to allow for a front and rear addition in a required exterior side yard (not further encroaching into the existing 3.37m exterior side yard).

Brad O'Rourke, the property owner, attended the hearing.

The Secretary-Treasurer confirmed that no members of the public have registered to speak on the item and no members of the public are present to speak to the application.

Committee had no further comments and questions for Mr. O'Rourke.

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

1. The Planning Report from Joyce Tsui, Development Planner, Town of Newmarket, dated September 22, 2023.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, September 19, 2023.
3. Written comments from Christine Meehan, Planner, The Regional Municipality of York, dated September 18, 2023.
4. Written comments from Urban Forest Innovations Inc., dated August 17, 2023.

The following correspondence was received from the previous circulation of the application:

1. The Planning Report from Joyce Tsui, Development Planner, Town of Newmarket, dated August 25, 2023.
2. Memorandum from Moustafa Popal, B.Eng., Engineering Development Coordinator, Town of Newmarket, August 17, 2023.
3. Written comments from Maryam Ahmed, Associate Planner, The Regional Municipality of York, dated September 18, 2023.
4. Written comments from Urban Forest Innovations Inc., dated August 17, 2023.

**That Minor Variance Application MV-2023-011 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 a revised Arborist Report has been submitted and satisfactory arrangements, compensation and posting of securities have been made with respect to the Town's Tree Preservation, Protection, Replacement and Enhancement Policy prior to the issuance of any building permit.

Moved by: Michelle Starnes, Member

Seconded by: Jim Georgeff, Member

**Carried**

## **5.2 MV-2023-013**

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

1. Relief from Section 6.2.2 Zone Standards to permit a lot coverage of 28.3% whereas By-law permits a maximum lot coverage of 25.00%.

The applicant did not appear before the Committee.

The Secretary-Treasurer confirmed that the applicant has submitted a written request to defer the application to provide further information.

The Secretary-Treasurer confirmed that one members of the public has registered to speak on the item and asked the Committee Chair if they would like to hear from the resident in attendance.

Patrick Monk appeared before the Committee. Mr. Monk spoke about the McDonalds house being the largest on the street. Mr. Monk stated that him and his wife are planning on staying in the Community for the long term. He stated

that there is a new phenomenon of builders who are buying up land and redeveloping it to maximum the development potential. He stated that this variance request is the second minor variance request that the McDonalds have asked from the Committee. Mr. Monks supported the previous request. He is concerned that a lot coverage approval would set a dangerous precedent for the neighbourhood.

Aida Hosseinzadeh, Development Planner, provided a verbal address of the staff recommendation of deferral.

Another resident Brad Bulmer, spoke before the Committee. Mr. Bulmer stated there are large maple tree in close proximity to the cabana. He stated that there is a proposed bathroom to be constructed in the cabana and that this would impact on the tree roots. He clarified that affects on the trees are not immediate and that the root system would suffer in 5-10 years time. Mr. Bulmer stated that the impact on trees should be considered as apart of the Committee decision. He suggested that the Cabana be relocated elsewhere on the property.

Committee had no further comments and questions.

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

1. The Planning Report from Aida Hosseinzadeh, Development Planner, Town of Newmarket, dated September 22, 2023.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, September 19, 2023.
3. Written comments from Christine Meehan, Associate Planner, The Regional Municipality of York, dated September 18, 2023.
4. Written comments from Urban Forest Innovations Inc., dated September 19, 2023.
5. Two letters of objection were received from members of the public.

**That Minor Variance Application MV-2023-011 be deferred to allow the applicant to provided the information requested by Planning Staff.**

Moved by: Michelle Starnes, Member

Seconded by: Rob Green, Member

**Carried**

## **6. Adjournment**

The hearing was adjourned.

Moved by: Michelle Starnes, Member

Seconded by: Rob Green, Member

**Carried**

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Chair

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Date