



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