



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, June 26, 2024
Time: 9:30 AM
Location: Electronic VIA ZOOM

Members Present: _____ Seyedmohsen Alavi, Chair
_____ Michelle Starnes, Member
_____ Josh Scholten, Member
_____ James Georgeff, Member
_____ Rob Green, Alternate Member

Staff Present: _____ Umar Mahmood, Secretary-Treasurer
_____ Kaitlin McKay, Senior Planner
_____ 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 May 29, 2024.

Moved by: James Georgeff, Member

Seconded by: Josh Scholten, Member

Carried



Town of Newmarket
Minutes
Committee of Adjustment
June 26, 2024

5. Items

5.1 CON-2024-004, MV-2024-020 & MV2024-021 165 CARLSON DRIVE (WARD 2)

The Chair called item CON-2024-004, MV-2024-020 & MV-2024-021 to order.

CON-2024-004

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.

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.

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.

Joe Domb, Agent, has no concerns with Planning Report. The severed lot would meet the Town's tests and design fits within the neighbourhood. Fully By-Law compliant. Adjacent east and south neighbour approve of this application.

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

Committee members had no questions or comments.

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



Town of Newmarket
Minutes
Committee of Adjustment
June 26, 2024

Stan Mallory, resident, provided no comments.

Tung Tsui, Resident 924 Srigley, comments on Minor Variance, setback change is not minor and lot size 2 is much lower than minimum not minor in nature. The resulting property will not be compatible with current neighbourhood. Traffic is already bad as it is currently in school zone. Tree on property, pine tree located in the middle of the lot, would have to be removed and bad for environment. Opposed to this application.

Mike Szatmari, Resident 180 Carleson Drive, not compatible with houses on the street. Huge traffic due to school zone. Not organized because they have a tenant.

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

Josh Scholten, Member, resident concern with the tree. Has this been addressed in the Arborist Report and mentioned it is shared with the Public.

James Georgeff, Member, the once was an in ground pool, does that affect the property line in any longer.

Kaitlin McKay, Senior Planner, pool is still present. Applicant asked to respond.

Joe Domb, Agent, will reflect the pool on the site plan and it will get addressed.

Kaitlin McKay, Senior Planner, remover 2 trees and possibly injure one tree, which will be covered on Tree Security. Two trees are in the foot print of the proposed building.

The Chair asked if they need consent from neighbours to remove tree.

The Chair thanked Planning for the report and information.

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 Kaitlin McKay, Senior Planner, Town of Newmarket, dated June 21, 2024.
2. Memorandum from Temi Fashina, Engineering Development Coordinator, Town of Newmarket, June 13, 2024.
3. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated June 18, 2024.
4. UFI Peer Review, Urban Forest Innovations, Inc., received June 14, 2024.
5. Written correspondence was received from 1 area residents.



**Town of Newmarket
Minutes
Committee of Adjustment
June 26, 2024**

That Consent application CON-2024-004 be approved subject to the 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.

That Minor Variance applications MV-2024-020 & MV2024-021 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.

Moved by: Michelle Starnes, Member

Seconded by: Josh Scholten, Member

Carried

5.2 MV-2024-027 908 BOSWORTH COURT (WARD 6)

The Chair called item MV-2024-027 to order.

The applicant is proposing the construction of an attached garage. The following relief is



Town of Newmarket
Minutes
Committee of Adjustment
June 26, 2024

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.

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, Agent, proposing extending existing garage and will need to widen existing driveway. Neighbour to North supports MV. LSRCA has no comments. Arborist report needs to be updated, but no trees are impacted by this construction proposal.

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 no pre-registration to speak. No other member of public have raised their hands to speak.

Committee had no further comments and questions for the applicant.

Michelle Starnes, Member, comments on report, UFI states they need a revised arborist report, but not noted in report, report says not LSRCA, but the report says it is partially regulated. Does this report need to add the tree policy and LSRCA.

David Sanza, Junior Planner, will amend report. UFI needs to be updated to ensure during construction no trees will be injured.

The Chair, LSRCA fees, should this be a clearing condition. David Sanza confirmed.

The Secretary-Treasurer stated that from process standpoint, when the Committee raises the motion for this application, the planning staff report does not need to be amended, we just need to raise a motion for additional conditions.

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 June 21, 2024.
2. Memorandum from Temi Fashina, Senior Engineering Development Coordinator, Town of Newmarket, June 13, 2024.
3. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated June 7, 2024.



**Town of Newmarket
Minutes
Committee of Adjustment
June 26, 2024**

4. Written comments from Urban Forest Innovations Ltd., dated June 14, 2024.
5. Written correspondence was received from 1 area residents.

That Minor Variance application MV-2024-027 be approved subject to the following:

1. Any development related to this MV be in accordance with the Site Plan approved by the Committee with the following additional conditions:
2. The Secretary-Treasurer shall receive a letter from the Town of Newmarket, Development and Infrastructure Services – Planning Services Department, 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. Proof of payment of LSRCA fee of \$536.00

Moved by: Michelle Starnes, Member

Seconded by: James Georgeff, Member

Carried

5.3 MV-2024-028 – 753 SRIGLEY STREET (WARD 2)

The Chair called item MV-2024-028 to order.

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.

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.

Gord Mahoney, Representative, demolition and rebuilding of home. Same footprint of the building and foundation will remain with a new build of a 2 storey dwelling. Four Planning tests are met. No other external partners have comments. Presentation to



**Town of Newmarket
Minutes
Committee of Adjustment
June 26, 2024**

Committee.

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

James Georgeff, Member, question about parking in the garage part of parking count.

Gord Mahoney, Representative, confirmed it is driveway space. Additional parking in garage.

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

Committee had no further comments and questions for the applicant.

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

1. The Planning Report from Joyce Tsui, Intermediate Planner, Town of Newmarket, dated June 21, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, June 13, 2024.
3. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated June 7, 2024.
4. LSRCA, June 11, 2024
5. Written comments from Urban Forest Innovations Ltd., dated May 19, 2024.

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

Moved by: James Georgeff, Member

Seconded by: Rob Green, Member

Carried



Town of Newmarket
Minutes
Committee of Adjustment
June 26, 2024

5.4 MV-2024-029 – 139 BETHPAGE CRESCENT (WARD 7)

The Chair called item MV-2024-029 to order.

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.

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.

A representative appeared before the Committee on behalf of the property owner (name inaudible).

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

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

Committee had no further comments and questions for the applicant.

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

1. The Planning Report from David Sanza, Junior Planner, Town of Newmarket, dated June 21, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, June 13, 2024.
3. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated June 7, 2024.
4. Written correspondence was received from 1 area resident

That Minor Variance application MV2024-029 be approved subject to the following 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.



Town of Newmarket
Minutes
Committee of Adjustment
June 26, 2024

Moved: Michelle Starnes, Member

Seconded: Josh Scholten, Member

Carried

5.5 MV-2024-013 – 766 BEMAN DRIVE (WARD 3)

The Chair called item MV-2024-013 to order.

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

1. Relief from Section 5.2.2 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.

The Chair called for the applicant or their representatives for the file to speak before the Committee, and to state their name, address, and preferred pronoun.

Mohammad Falhasiri, Owner, recommendations by Planning state all 4 tests have been met. Opposition by two neighbours on parking in driveway explains they are misinterpreting this and the driveway will actually be made shorter so will alleviate the concerns about parking in driveway. Owner spoke to tenants to let them know they have to reduce cars and if not By-Law will be involved.

The Chair states there are 7 letters of objection.

Mohammad Falhasiri, Owner, two neighbours do not object. Side door with retaining wall, would be done safely or in the rear. Driveway will be shorter by 2 meters. Fewer cars will be parked with changes being proposed.

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, sees reduction, but pictures show recent paved and edgings put on. Request for 5.29M is small. To public we are only approving the MV we do not approve the other 3M. To the Owner, What is he planning to do with the extra 3 meter.

Mohammad Falhasiri, Owner, states that the driveway was like this when purchase property and will be reduced to soft landscape resulting in fewer cars.

The Chair states there are no other questions.



**Town of Newmarket
Minutes
Committee of Adjustment
June 26, 2024**

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

Robert McKinnon, all comments provided in writing and photos.

Janet Lane, 114 Huron Heights, cables for internet and TV run underneath the foot of the driveway. If he is changing now, they have concerns. Owner is changing window, and their furnace returns would affect window. Cars on drive way were 5.

Secretary Treasure states no further public using raised hand feature.

Mohammad Falhasiri, Owner, response, did tell them driveway not further extended. Knows about the concern of neighbours with internet under the driveway and will make sure no damage occurs.

Committee had no further comments and questions for the applicant.

The Chair, outlined by-law enforcement with regard to parking. Photos included in report, can not do at this Committee of Adjustment. Complains will need to go to By-Law Enforcement. Committee is not deciding about parking on the driveway.

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 June 21, 2024.
2. Memorandum from Temi Fashina, Senior Development Coordinator, Town of Newmarket, June 13, 2024.
3. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated June 11, 2024.
4. Written correspondence was received from 7 area residents.

That Minor Variance application MV2024-013 be approved.

Moved: Michelle Starnes, Member

Seconded: Rob Green, Member

Carried



**Town of Newmarket
Minutes
Committee of Adjustment
June 26, 2024**

6. Adjournment

The hearing was adjourned.

Moved by: Michelle Starnes, Member

Seconded by: Rob Green, Member

Carried

Chair

Date