



Town of Newmarket

Minutes

Committee of Adjustment

Date: Wednesday, December 18, 2024

Time: 9:30 AM

Location: Electronic VIA ZOOM

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

Staff Present:

_____ Umar Mahmood, Secretary-Treasurer
_____ Robin Nadorozny, Alternate Secretary-Treasurer
_____ Joyce Tsui, Intermediate Planner
_____ David Sanza, Junior Planner
_____ Peterson Rissis, Junior 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 October hearing decisions are now final and binding.

4. Approval of Minutes

Minutes of the regular hearing held on October 30, 2024.

The November 27, 2024, meeting was not held.

Moved by: Rob Green, Member

Seconded by: James Georgeff, Member

Carried



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5. Items

5.1 CON-2024-006 & MV-2024-0048 – 589 & 593 WATSON AVENUE (WARD 3)

The Chair called item CON-2024-006 & MV-2024-048 to order.

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot (589 and 593 Watson Avenue have merged on title due to common ownership) on the subject property. The parcel of land has a frontage of 15.24m and an approximate area of 400.51sq.m. The severed parcel is indicated as part 1 and the retained parcel is indicated as part 2 on the attached sketch.

CON-2024-006

The applicant is proposing a lot severance (lots have merged on title due to common ownership). The following relief is requested for the retained lands of application CON-2024-006 from Zoning By-law 2010-40, as amended:

1. Relief from Section 6.2.2 Zone Standards to permit an interior side yard (westerly) of 1.13m whereas the By-law requires a minimum interior side yard of 1.20m.

MV-2024-0048

The applicant is proposing a lot severance (lots have merged on title due to common ownership). The following relief is requested for the retained lands of application CON-2024-006 from Zoning By-law 2010-40, as amended:

1. Relief from Section 6.2.2 Zone Standards to permit an interior side yard (westerly) of 1.13m whereas the By-law requires a minimum interior side yard of 1.20m.

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.

Jim Levac, Agent for Andrei Balakai, no new developments for the Consent, Minor Variance minor deficiency. Read staff report and agree with staff proposal. Meets the 4 test and Planning Act criteria.

The Chair told 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 to speak and that there were no members of public indicating that they wish to speak at today's meeting.

Committee had no further comments and questions for the applicant.



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

1. The Planning Report from Aida Hosseinzadeh, Intermediate Planner, Town of Newmarket, dated December 13, 2024.
2. Memorandum from Artem Gouchtine, Sr. Engineering Development Coordinator, Town of Newmarket, December 6, 2024.
3. Written comments from Urban Forest Innovations Ltd., dated December 5, 2024.
4. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated December 8, 2024.

That application MV-2024-048 be approved.

Moved by: James Georgeff, Member

Seconded by: Josh Scholten, Member

Carried

That application CON-2024-006 be approved.

Moved by: James Georgeff, Member

Seconded by: Rob Green, Member

Carried

5.2 CON-2024-007 – 329 PARK AVE., 155 & 157 LORNE AVE. (WARD 5)

The Chair called item CON-2024-007 to order.

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of 14.74m and an approximate area of 370.18sq.m. The severed parcel is indicated in red and the retained parcel is indicated in green on the attached sketch.

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.

Nick Fegan, Applicant for Lucas and Kayla O'Neill owners. Take existing dwelling, currently unique two unit connected by common wall. Rented as two units. One renter is looking to purchase one side. Intent is to split units into two purchasable units as a semi-detached dwelling. No other developments proposed for units at this time. Need to satisfy the Building Code with fire wall separation. Believe the common wall is



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brick already and will prove with Building Inspection. Conditions on application will be met. Daylight triangle at the intersection. Site plan will be updated to include this as well.

The Chair told 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.

James Georgeff, Member, concerned with coming to appropriate agreements with easements and convenience. Is there a timeline for this as well as the?

Nick Fegan, Applicant, agreements will meet all the requirements with tenants and new owner through legal representation within 3 to 6 months.

Committee members had no questions or comments.

The Secretary-Treasurer noted that one pre-registered to speak and that there is one raised hand members of public indicating that they wish to speak at today's meeting.

George, Neighbour at 337 Park Avenue, what is the day light triangle.

Peterson Rissis, Junior Planner, to restrict development on the site predominantly for traffic safety reasons.

George, Neighbour, asked who would be purchasing the severed lands.

Nick, Applicant, owner to sell with existing tenant but cannot confirm

George, Neighbour, asked if there are any other physical changes to the property or only have to comply internally with the building code. No concern with semi-detached next door.

Nick, Applicant, stated only internal to meet compliance with Building Code.

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 Peterson Rissis, Junior Planner, Town of Newmarket, dated December 13, 2024.
2. Memorandum from Artem Gouchtine, Sr. Engineering Development Coordinator, Town of Newmarket, December 6, 2024.
3. Written comments from Urban Forest Innovations Ltd., dated December 5, 2024.
4. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated December 10, 2024.



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That application CON-2024-007 be approved.

Moved by: Rob Green, Member

Seconded by: Josh Scholten, Member

Carried

5.3 MV-2024-0039 – 204 MCCAFFREY ROAD (WARD 7)

The Chair called item MV-2024-039 to order.

The applicant is proposing the construction of an Additional Residential Unit (basement apartment). The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.1 Minimum Off-Street Parking Requirements to permit one parking space for an Accessory Dwelling Unit be provided within the garage whereas the By-law requires parking spaces be provided exterior to a garage.

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

Ashkan Babak, Property Owner, has read the report from staff. To request relief for off street parking and use of garage as permitted space.

The Chair told 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 to speak and that there were no members of public indicating that they wish 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 December 13, 2024.
2. Memorandum from Artem Gouchtine, Sr. Engineering Development Coordinator, Town of Newmarket, December 6, 2024.
3. Written comments from Urban Forest Innovations Ltd., dated December 5, 2024.



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4. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated November 26, 2024.

That application MV-2024-0039 be approved.

Moved by: Josh Scholten, Member

Seconded by: Rob Green, Member

Carried

5.4 MV-2024-0041 – 724 ARTHUR STREET (WARD 2)

The Chair called item MV-2024-041 to order.

The applicant is proposing the construction of an accessory structure (to legalize an existing shed). The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 4.2 Encroachments into Required Yards to permit a shed (2.9m in height) setback to a side property line of 0.3m whereas the By-law requires sheds (2.9m in height) to be at minimum setback to a side property line of 2.4m; and
2. Relief from Section 4.2 Encroachments into Required Yards to permit an eave setback 0.00m from the side property line whereas the By-law requires eaves to be setback a minimum 0.3m from the side lot line.

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.

Brian Shickluna, Owner, has read the report from staff. Pool equipment shed too close to property line. Stormwater and run off accommodated on the property. Move shed away from property line and install eave trough to capture stormwater to divert from property line.

The Chair told 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 to speak and that there were no members of public indicating that they wish 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



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regarding the application:

1. The Planning Report from Peterson Rissis, Junior Planner, Town of Newmarket, dated December 13, 2024.
2. Memorandum from Artem Gouchtine, Sr. Engineering Development Coordinator, Town of Newmarket, December 6, 2024.
3. Written comments from Urban Forest Innovations Ltd., dated December 5, 2024.
4. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated November 26, 2024.

That application MV-2024-0041 be approved.

Moved by: Rob Green, Member

Seconded by: James Georgeff, Member

Carried

5.5 MV-2024-0042 – 80 SAVAGE ROAD (WARD 6)

The Chair called item MV-2024-042 to order.

The applicant is proposing the construction of an Additional Residential Unit (basement apartment). The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.1 Minimum Off-Street Parking Requirements to permit one parking space for an Accessory Dwelling Unit be provided within the garage whereas the By-law requires parking spaces be provided exterior to a garage; and
2. Relief from Section 6.2.2 Zone Standards to permit an interior side yard measured to a walkway of 0.67m whereas the By-law requires a minimum interior side yard measured to a walkway of 1.2m.

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.

Andrew Trotter, Agent Designer for owner. Has read the report from staff. Requesting parking in garage to accommodate parking and side walkway. Sidewalk to basement ARU is to install permeable pavers for the walkway.

The Chair told 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.

Chair, members received one complaint letter from a neighbour.



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The Secretary-Treasurer noted that one pre-registered to speak but not in attendees list and that there were no members of public indicating that they wish to speak at today's meeting.

The Chair, wanted to address concern of the neighbour. Asked Agent to address these concerns.

James Georgeff, asked if neighbour complaint can go to By-law though Secretary-Treasurer.

Andrew Trotter, Designer, did not know about the complaint letter. He has not witnessed any complaint items.

The Chair, complaint is mostly related to By-Law enforcement, garbage and lawn maintenance.

The Chair has asked Andrew Trotter to relay message to owner.

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 Peterson Rissis, Junior Planner, Town of Newmarket, dated December 13, 2024.
2. Memorandum from Artem Gouchtine, Sr. Engineering Development Coordinator, Town of Newmarket, December 6, 2024.
3. Written comments from Urban Forest Innovations Ltd., dated December 5, 2024.
4. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated November 27, 2024.
5. One objection letter, dated December 15, 2024.

That application MV-2024-0042 be approved.

Moved by: Josh Scholten, Member

Seconded by: James Georgeff, Member

Carried

5.6 MV-2024-0043 – 215 BILLINGS CRESCENT (WARD 4)

The Chair called item MV-2024-043 to order.

The applicant is proposing the construction of an Additional Residential Unit (basement



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apartment). The following relief is requested from Zoning By-law 2010-40, as amended:

1. Relief from Section 5.3.1 Minimum Off-Street Parking Requirements to permit one parking space for an Accessory Dwelling Unit be provided within the garage whereas the By-law requires parking spaces be provided exterior to a garage.

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

Sergei Plehhanov, Applicant for the owners. Has read the report from staff. Requesting relief from parking space in garage. Will provide necessary requirement at time of applying for Building Permit.

The Chair told 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 one pre-registered to speak and that there were two members of public indicating that they wish to speak at today's meeting.

Patricia Oakly, 217 Billings, immediate neighbour. Garage only fits one ½ cars not a two-car garage. Someone already parks at curb. A few illegal ARU's on the street with cars parking on the street. Concerned about another vehicle added to busy street. If granted, who enforces parking in the garage. Parking not enforced by By-Law enforcement.

The Chair, stated that an ARU is acceptable by the Town and Government. This application is to consider parking car inside garage. Regarding enforcement, it is done by By-law enforcement.

Patricia Oakly, neighbour, has called and By-law enforcement does not show up in a timely manner.

The Chair, enforcement is not something Committee of Adjustment addresses. Asked Secretary-Treasurer if Town can reply.

David Sanza, Junior Planner, if resident does not comply and parks on the street, that is for By-law enforcement. Committee of Adjustment is addressing the ability to use a parking space inside the garage.

Mia L, in attendance but does not choose to address committee. Never spoke at meeting. Provided phone number for Mia to call but she did not use.

David Laserson, Neighbour at 218 Billing Crescent, across street from applicant. Echo



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concerns from neighbour Patricia Oakly. Unsafe due to parking on the street makes crossing the street unsafe. Unsafe on sidewalk as well as obstructed view from cars parking on the street. Billings Crescent in on a slope and parking on street and even driveways which are sloped makes it unsafe when not maintained. Zoning for this area has increased density. The applicant is looking for one parking in garage and driveway does not comply with 4 parking spaces. Fire Hydrant close as well promotes dangerous conditions for parking. Not desirable for neighbourhood.

Patricia Oakly, Neighbour, repeated that it is a one ½ car garage.

David Sanza, Junior Planner, address David's concern for parking with Ontario Regulation Act parking is now two for main dwelling and ARU one parking space externally. To address Patricia's comment, the Town considers if they can fit two cars in tandem in front of the garage, it is considered a two-car garage.

No other members of the public wish to address the Committee.

James Georgeff, Member, is this parking spot for future or current dwelling unit.

David Sanza, Junior Planner, it is for a proposed ARU and asked Applicant to respond.

Sergei Plehhanov, Applicant, it is for proposed ARU.

The Chair mentioned that concerns over parking go to By-Law enforcement.

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 Peterson Rissis, Junior Planner, Town of Newmarket, dated December 13, 2024.
2. Memorandum from Artem Gouchtine, Sr. Engineering Development Coordinator, Town of Newmarket, December 6, 2024.
3. Written comments from Urban Forest Innovations Ltd., dated December 5, 2024.
4. Written comments from Christine Meehan, Planner (Intake Lead), The Regional Municipality of York, dated November 27, 2024.

That application MV-2024-0043 be approved.

Moved by: Rob Green, Member

Seconded by: Josh Scholten, Member

Carried



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6. Adjournment

The hearing was adjourned.

Moved by: James Georgeff, Member

Seconded by: Josh Scholten, Member

Carried

Chair

Date