



# Minutes of the 13th Meeting of the Committee of Adjustment

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**Meeting Date:** Thursday September 26, 2019  
**Meeting Time:** 7:00 p.m.  
**Meeting Location:** Whitby Municipal Building  
575 Rossland Road East, Committee Room 1

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## **Present:**

N. Chornobay, Chair  
S. Haslam  
J. Cardwell  
B. O'Carroll  
D. McCarroll  
N. Chornobay  
Justin Malfara, Secretary-Treasurer

## **Item 1: Disclosure of Interest:**

There was no disclosure of interest by the members of the Committee of Adjustment

**Carried**

## **Item 2: Public Hearings**

**A/68/19**

**Kevin and Belinda Cosgrove  
125 Colston Avenue**

An application has been received from Kevin and Belinda Cosgrove for a variance from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to increase the maximum permitted lot coverage from 20% to 25%.

The requested variance is required to permit the relocation of an existing accessory structure in conjunction with a building addition (garage) to the existing residential dwelling on the subject property.

The subject property is located at 125 Colston Avenue and is zoned Brooklin Secondary Plan Residential 1 (R1-BP) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Kevin Cosgrove (Applicant)  
Belinda Cosgrove (Applicant)  
Brian Steele  
Debbie Deroo  
Daniel Riberdy  
Larry Windover

In Opposition of Application

No one in attendance

The Chair introduced the application and asked if anyone would like to speak to the subject application.

K. Cosgrove introduced himself and his wife to the Committee as the owners of the subject property. He advised the Committee that they are seeking a variance to permit the relocation of their existing accessory structure (detached garage) to the rear of the property in conjunction with a building addition (garage) to the existing dwelling on the property. A variance to increase the maximum permitted lot coverage from 20% to 25% is proposed.

K. Cosgrove stated that there are 10 similar sized detached rear yard garages similar to what he is proposing, located within the neighbourhood.

The Chair asked if the detached garage will be a permanent or temporary structure.

K. Cosgrove replied permanent.

The Chair asked if there were any questions from the Committee.

B. O'Carroll asked what type of storage the detached rear yard garage will be used for.

K. Cosgrove replied that this structure will be used to store his boat and snowmobiles.

B. O'Carroll asked how the structure will be accessed and if there will be a paved driveway leading to it.

K. Cosgrove replied that there will not be a paved driveway in the rear yard, and access will be over the lawn.

B. O'Carroll asked if the new garage will be a single or double car garage.

K. Cosgrove replied double.

The Chair asked if there were any further questions from the Committee. There were none.

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application.

J. Malfara advised the Committee that a letter was received from the owner of 29 North Street. The letter outlined concerns from the resident, however a follow up letter was received by the resident advising staff that he was able to speak directly with the applicant and all of his initial concerns were addressed.

The Chair asked if there was anyone from the public who wished to speak to the subject application.

B. Steele introduced himself to the Committee as the owner of 36 Centre Street. He expressed that he has no objection to the requested variance.

D. Deroo introduced herself to the Committee as the owner of 45 North Street. She expressed that she has no objection to the requested variance.

D. Riberdy introduced himself to the Committee as the owner of 20 North Street. He expressed that he has no objection to the requested variance.

L. Windover introduced himself to the Committee as the owner of 124 Colston Avenue. He expressed that he has no objection to the requested variance. He also stated that he is a retired consulting engineer that has worked extensively in the Town of Whitby. He noted that the comments provided by the Public Works Department are not warranted. In his opinion the requested variance would not result in any stormwater issues.

The Chair asked if there was anyone else from the public that wished to speak to the subject application. There was no one.

The Chair asked the applicant if he read the Planning Staff Report.

K. Cosgrove replied yes, but, he was concerned with the condition provided by the Public Works Department.

J. Malfara advised the applicant that this is a common condition for similar variances applied for within old Brooklin. J. Malfara noted that the applicant can contact the Public Works Department to seek clarity as to the terms of reference for the requested stormwater management study.

**Moved by:** D. McCarroll

That the application to increase the maximum permitted lot coverage from 20% to 25% located at 125 Colston Avenue be **Granted** subject to the following condition:

1. That the applicant provide an acceptable Grading Plan and Stormwater Management Brief to the Public Works Department for their review and approval, demonstrating the feasibility of the proposal. The Brief shall calculate the additional flows from the increased lot coverage, and show how the additional flows will be accommodated.

### **Carried**

Reason: The members of the Committee were of the opinion that the variance is minor in nature; that the general intent and purpose of the By-law and the Official Plan is being maintained, and further that the granting of the application is desirable and would result in the appropriate development of the property.

Having considered the contents of all submissions, the staff report and oral submissions had an effect on the Committee's decision.

## **Item 2: Public Hearings**

**A/69/19**

**Amardeep Joshi**  
**32 Montgomery Avenue**

An application has been received from Amardeep Joshi for variances from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to:

1. reduce the minimum required lot area from 835.0 sq.m to 766.0 sq.m;
2. increase the maximum permitted lot coverage from 20% to 31%; and
3. reduce the minimum required front yard setback from 9.0m to 6.0m.

The requested variances are required to permit the development of a new two storey detached dwelling on the subject property. The existing dwelling will be demolished.

The subject property is located at 32 Montgomery Avenue and is zoned Brooklin Secondary Plan Residential 3 (R3-BP) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Amardeep Joshi (owner)  
Dan Hutchinson (representative)

Also in Attendance

Chase James

The Chair introduced the application and asked if anyone would like to speak to the subject application.

D. Hutchinson introduced himself to the Committee as the designer retained by the owner of the subject property. He provided an overview of the requested variances and the proposal which includes the demolition of the existing dwelling, and reconstruction of a new dwelling on the property.

The Chair asked if there were any questions from the Committee.

B. O'Carroll noted that there were two different front building elevations submitted with the Minor Variance application.

D. Hutchinson confirmed that there was a typo on the submitted drawings. He also provided the Committee with a 3D sketch of the front façade.

D. McCarroll asked the applicant if the requested coverage includes the proposed covered porches at the front and rear of the proposed dwelling.

D. Hutchinson replied yes.

B. O'Carroll asked staff what the front yard setbacks are for the neighbouring dwellings to the north and south of the applicant's property.

J. Malfara replied that based on the Towns aerial mapping the front yard setbacks seem to be roughly 7.0m.

D. Hutchinson stated that if the requested front yard setback variance needs to be amended he is open to this.

The Chair noted that most new homes have a front yard setback of approximately 7.0m.

D. Hutchinson advised the Committee that he would entertain amending the front yard setback variance from the requested 6.0m to 6.6m.

J. Malfara noted that this is at the discretion of the Committee. J. Malfara also confirmed that if the dwelling is pushed back towards the rear yard by 0.6m, the dwelling will still comply with the minimum required rear yard setback.

The Chair asked the applicant if he read the Planning Staff Report.

D. Hutchinson replied yes.

The Chair asked if there were any further questions from the Committee. There were none.

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application.

J. Malfara advised the Committee that no correspondence was received.

The Chair asked if there was anyone from the public who wished to speak to the subject application.

C. James introduced himself to the Committee as the owner of the neighbouring property to the north. He was here to seek clarity on the front yard setback. This was addressed by the applicant.

The Chair asked if there was anyone else from the public that wished to speak to the subject application. There was no one.

B. O'Carroll stated that she was ready to make a motion to amend variance No.3 to increase the minimum required front yard setback from 6.0m as requested by the applicant to 6.6m as previously discussed, and approve the remaining variances as requested.

**Moved by:** B. O'Carroll

**Carried**

That the application to (1) reduce the minimum required lot area from 835.0 sq.m to 766.0 sq.m; (2) increase the maximum permitted lot coverage from 20% to 31%; and (3) reduce the minimum required front yard setback from 9.0m to 6.6m (as amended) located at 32 Montgomery Avenue be **Granted** subject to the following conditions:

1. That the site grading and all other services conform to the requirements of the Public Works Department; and
2. Roof drainage from the proposed structure shall not be directed onto the adjacent property.

**Carried**

Reason: The members of the Committee were of the opinion that the variances are minor in nature; that the general intent and purpose of the By-law and the Official Plan is being maintained, and further that the granting of the application is desirable and would result in the appropriate development of the property.

Having considered the contents of all submissions, the staff report and oral submissions had an effect on the Committee's decision.

## **Item 2: Public Hearings**

**A/70/19**

**Harold Niepel  
6192 Country Lane**

An application has been received from Harold Niepel, for variances from the provisions of the Town of Whitby By-law 1784.

The application is for permission to:

1. permit an accessory structure (detached garage) within a front yard; and
2. increase the maximum permitted combined lot coverage of all accessory structures for a residential use on an agricultural lot from 150.0 sq.m ground floor area to 359.0 sq.m ground floor area.

The requested variances are required to permit the construction of a 186.0 sq.m detached garage located within the front yard of the subject property.

The subject property is located at 6192 Country Lane and is zoned Agricultural (A) within the Town of Whitby Zoning By-law 1784.

In Support of Application                      Harold Niepel (Applicant)

In Opposition of Application                      No one in attendance

The Chair introduced the application and asked if anyone would like to speak to the subject application.

H. Niepel introduced himself to the Committee as the owner of the subject property. He advised the Committee that he has lived at this residence since 1978, and is proposing to construct a detached garage beside the existing dwelling, which will be used to store his antique vehicles and equipment. He further noted that the location of the proposed garage is appropriate as the building will be shielded by mature trees, and the existing topography of the property does not permit the structure to be located anywhere else.

The Chair asked if there were any questions from the Committee.

B. O'Carroll stated that she was initially concerned that the detached garage would be used for the storage of commercial vehicles.

H. Niepel clarified that he has a commercial work van, but he does not use it for work anymore. The garage will be used for his personal vehicles.

The Chair asked if there were any further questions from the Committee. There were none.



The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application.

J. Malfara advised the Committee that no correspondence was received.

The Chair asked if there was anyone from the public who wished to speak to the subject application. There was no one.

**Moved by:** D. McCarroll

That the application to (1) permit an accessory structure (detached garage) within a front yard; and (2) increase the maximum permitted combined lot coverage of all accessory structures for a residential use on an agricultural lot from 150.0 sq.m ground floor area to 359.0 sq.m ground floor area located at 6192 Country Lane be **Granted** subject to the following condition:

1. That the maximum size of the proposed detached garage shall be limited to 205.8sq.m.

**Carried**

Reason: The members of the Committee were of the opinion that the variances are minor in nature; that the general intent and purpose of the By-law and the Official Plan is being maintained, and further that the granting of the application is desirable and would result in the appropriate development of the property.

Having considered the contents of all submissions, the staff report and oral submissions had an effect on the Committee's decision.

## **Item 2: Public Hearings**

**A/71/19**

**Sunny Fan  
48 Garrard Road**

An application has been received from Sunny Fan, for variances from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to:

1. reduce the minimum required lot frontage for a circular driveway from 25.0m to 22.8m; and,
2. increase the maximum permitted width of a circular driveway from 4.0m to 4.3m.

The requested variance is required to permit a circular driveway on the subject property.

The subject property is located at 48 Garrard Road and is zoned Third Density Residential (R3) within the Town of Whitby Zoning By-law 1784.

In Support of Application	Sunny Fan (Applicant) Tiana Fan Domenic Amoroso John Amoroso
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In Opposition of Application	No one in attendance
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

T. Fan introduced herself to the Committee as the daughter of Sunny Fan (Applicant). She advised the Committee that she will be speaking on behalf of S. Fan. She noted that English is not her mothers first language and she misinterpreted the road occupancy permit provided by the Town as a permit to create a circular driveway.

The Chair advised T. Fan that the building permit that was issued for the recently constructed dwelling stated that only one driveway was permitted.

T. Fan stated that her mother applied for a circular driveway after the building permit was issued.

B. O'Carroll asked when S. Fan applied for the circular driveway.

T. Fan replied in May 2019.

B. O'Carroll asked if the house was already constructed before they applied for the circular driveway?

T. Fan replied yes.

The Chair confirmed that a condition of the building permit was that the second driveway access to Garrard Road be closed off.

J. Malfara noted that the applicant have two options. First, they could remove the second driveway access as per the condition of the building permit, or they can seek relief from the Zoning By-law to permit a circular driveway on the property.

T. Fan advised the Committee that the circular driveway was constructed as a result of a communication error due to her mothers language barrier.

B. O'Carroll noted that the applicant should have applied for the circular driveway when the building permit was submitted, before a condition stating that only one driveway shall be permitted on the property was attached to the building permit approval.

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application.

J. Malfara advised the Committee that no correspondence was received.

The Chair asked if there was anyone from the public who wished to speak to the subject application.

J. Amoroso introduced himself to the Committee as the son/representative speaking on behalf of John Amoroso who is the owner of the neighbouring property located at 46 Garrard Road. He noted that his father has no concerns with the requested variances.

The Chair asked if there was anyone else from the public that wished to speak to the application. There was no one.

B. O'Carroll suggested to the applicant that they have someone assist them with translating for future applications.

**Moved by:** D. McCarroll

That the application to (1) reduce the minimum required lot frontage for a circular driveway from 25.0m to 22.8m, and (2) increase the maximum permitted width of a circular driveway from 4.0m to 4.3 located at 48 Garrard Road be **Granted**.

**Carried**

Reason: The members of the Committee were of the opinion that the variance is minor in nature; that the general intent and purpose of the By-law and the Official Plan is being maintained, and further that the granting of the application is desirable and would result in the appropriate development of the property.

Having considered the contents of all submissions, the staff report and oral submissions had an effect on the Committee's decision.

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## **Item 2: Public Hearings**

**A/72/19**

**Town of Whitby (Wojtek Kowalewski)  
4680 Thickson Road North**

An application has been received from Town of Whitby (Wojtek Kowalewski), for a variance from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to reduce the minimum required interior side yard setback (south) from 15.0m to 6.8m.

The requested variance is required to permit a 74.0 sq.m building addition to the existing Town of Whitby Animal Services building located on the subject property.

The subject property is located at 4680 Thickson Road North and is zoned Agricultural (A) within the Town of Whitby Zoning By-law 1784.

In Support of Application	Wojtek Kowalewski (Applicant)
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In Opposition of Application	None at this time.
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

W. Kowalewski introduced himself to the Committee as the applicant and Supervisor of Capital Projects with the Town of Whitby. He noted that the Town conducted an accessibility audit on Town facilities and through this audit it was determined that there was an accessibility issue at the animal shelter building. The new addition that is being proposed will provide additional space and required accessibility features to the existing building.

The Chair asked if there were any questions from the Committee.

B. O'Carroll asked the applicant how customers enter the building currently.

W. Kowalewski replied through the front doors. However, access to the current adoption room is not accessible and the proposed building addition will permit accessible access to this area of the building.

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application.

J. Malfara advised the Committee that no correspondence was received.

The Chair asked if there was anyone from the public who wished to speak to the subject application. There was no one.

**Moved by:** B. O'Carroll

That the application to reduce the minimum required interior side yard setback (south) from 15.0m to 6.8m located at 4680 Thickson Road North be **Granted**.

**Carried**

Reason:       The members of the Committee were of the opinion that the variance is minor in nature; that the general intent and purpose of the By-law and the Official Plan is being maintained, and further that the granting of the application is desirable and would result in the appropriate development of the property.

Having considered the contents of all submissions, the staff report and oral submissions had an effect on the Committee's decision.

**Item 3: Approval of Previous Minutes**

**Moved by:** J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday September 05, 2019 be adopted.

**Carried**

**Item 4: Other Business**

There were no items raised under other business

**Item 5: Adjournment**

**Moved by:** B. O'Carroll

That this meeting of the Committee of Adjustment be adjourned.

**Carried**

[Original approved and signed]

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Secretary Treasurer

[Original approved and signed]

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Chair