



Minutes of the 12th Meeting of the Committee of Adjustment

Meeting Date: Thursday September 06, 2018
Meeting Time: 7:00 p.m.
Meeting Location: Whitby Municipal Building
575 Rossland Road East, Committee Room 1

Present:

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

Item 1: Disclosure of Interest:

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

Carried

M. Snape replied that the basement apartment was constructed by the builder 1 year after purchasing the home.

J. Cardwell asked if the Town of Whitby Fire Department visited the property recently.

M. Snape replied yes.

J. Cardwell asked if the Fire Department identified any issues.

M. Snape replied no. She advised that during their visit the Fire Department requested paperwork confirming that the basement apartment was registered with the Town of Whitby.

The Chair asked the applicant if she intends to legalize the basement apartment.

M. Snape replied yes. She noted that prior to the submission of a building permit for the basement apartment, a variance to reduce the minimum required lot frontage for a semi-detached dwelling containing an accessory apartment from 10.0m to 9.4m is required.

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 public 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 reduce the minimum required lot frontage for a semi-detached dwelling containing an accessory apartment from 10.0m to 9.4m located at 9 Arlston Court 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 2: Public Hearings

A/57/18

**Antonio Visca Architect on behalf of Jamie Gies (Owner)
106 Hialeah Crescent**

An application has been received from Antonio Visca Architect on behalf of Jamie Gies (Owner) for a variance from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to reduce the minimum interior side yard width from 1.8m to 1.3m for a two storey detached residential dwelling.

The requested variance is required to permit the construction of a second storey residential building addition above the existing one storey garage.

The subject property is located at 106 Hialeah Cres and is zoned Single Family Detached Dwelling (R2A) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Antonio Visca (Applicant)

Others in Attendance

Richard Fauteux

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

A. Visca introduced himself to the Committee and expressed that the variance is required to permit the construction of a second storey building addition above the existing one storey garage.

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

B. O'Carroll asked the applicant what exterior materials will be used on the second storey building addition.

A. Visca replied that the exterior cladding will likely be wood or composite siding. He would have preferred a brick cladding, but, the brick that was used on the existing dwelling is no longer produced.

The Chair asked the applicant if the garage structure and foundation can accommodate the second storey building addition.

A. Visca replied yes.

The Chair asked if there were any further questions of the Committee. There was 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 public correspondence was received.

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

R. Fauteux introduced himself to the Committee, and expressed that he is in attendance at the meeting representing his mother who is the owner of the neighbouring property located at 104 Hialeah Cres.

R. Fauteux sought confirmation from the applicant that the proposed building addition will be subject to the area above the existing garage.

A. Visca replied yes.

R. Fauteux asked the Committee why there are two types of side yard setbacks.

A. Visca replied that one setback applies to the first storey of the dwelling, and the second setback applies to the second storey of the dwelling.

R. Fauteux asked if there would be any issue if his mother wanted to add a second storey addition above her garage.

B. O'Carroll replied that this would be permitted, as long as the provisions of the Zoning By-law are adhered to.

D. McCarroll noted that if the provisions of the Zoning By-law can not be maintained, a minor variance would be required.

B. O'Carroll noted that in consideration of the applicant's application, each Minor Variance application is reviewed on its own merit.

The Chair advised R. Fauteux that he will be notified of the decision of the application, and asked he had any further questions.

R. Fauteux replied that he had no further questions.

The Chair asked if there were any other members of the public who wished to speak to the subject application. There were none.

Moved by: J. Cardwell

That the application to reduce the minimum interior side yard width from 1.8m to 1.3m for a two storey single detached dwelling located at 106 Hialeah Crescent 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. That 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 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: B. O'Carroll

That the minutes of the Committee of Adjustment held on Thursday August 16, 2018 be adopted as amended.

Carried

Item 4: Other Business

J. Malfara provided the Committee with a "Procedural Guidelines" document for review. The document provides an overview on how Committee of Adjustment meetings are to be conducted. J. Malfara advised the Committee that any comments regarding the document will be discussed at the October 18, 2018 meeting.

J. Malfara provided an update to the Committee regarding two past Minor Variance applications A/31/15 and A/32/15. Both applications were appealed to the Ontario Municipal Board (OMB) in which the Board Member ruled to deny both applications. In light of the OMB ruling, the applicant filed a leave to appeal to the Divisional Court. On July 4, 2018 the Supreme Court of Justice found that the leave to appeal request did not involve a question of law, and therefore, did not merit the attention of the Divisional Court.

Item 5: Adjournment

Moved by: J. Cardwell

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original approved and signed]

Secretary Treasurer

[Original approved and signed]

Chair