



Minutes of the 8th Meeting

Committee of Adjustment

Meeting Date: Thursday June 15, 2023

Meeting Time: 7:00 p.m.

Meeting Location: Virtual Meeting

Present:

N. Chornobay, Chair

J. Cardwell

J. Rinella

K. Docherty

J. Malfara, Secretary-Treasurer

R. Chow, Planner, Zoning & Administration Department

K. Kram, Principle Planner, Zoning & Administration Department

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/25/23

**J.G. Horn
120 Maple St E**

An application has been received from Jasper Horn, for variances from the provisions of By-law 2585. This application was deferred by the applicant from the May 25, 2023 Committee of Adjustment meeting.

The application is for permission to 1) increase the maximum permitted height of an accessory structure from 4.5m to 5.3m; and 2) increase the maximum permitted size of an accessory structure from 32.5 sq.m to 70.3.0 sq.m (revised).

The subject property is located at 120 Maple St E. and is zoned Residential Type 3 (R3) within Zoning By-law 2585.

The requested variances are required to permit the construction of a detached garage with storage space on the second storey.

In Support of Application J. Horn (Applicant)

In Opposition of Application None at this time.

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

J. Horn introduced himself to the Committee. He provided an overview of the variances and referenced a proxy site in Whitby that has a similar detached garage with storage space located on the second storey.

The Chair asked if there were any 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: J. Cardwell

That the application to 1) increase the maximum permitted height of an accessory structure from 4.5m to 5.3m; and 2) increase the maximum permitted size of an accessory structure from 32.5 sq.m to 70.3 sq.m located at 120 Maple St E be **Granted** subject to the following conditions:

1. The site grading and services shall conform to the requirements of the Engineering Services department; and
2. Drainage shall not negatively impact adjacent properties.

In Favour: J. Rinella, K. Docherty

Opposed: None

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.

A/27/23

**Troy Campbell
1 Calais St**

An application has been received from Troy Campbell, for a variance from the provisions of By-law 2585.

The application is for 1) permission to reduce the minimum interior side yard setback to a second storey from 2.0m to 1.2m; and 2) reduce the width of a parking space in a garage from 3.0m to 2.9m.

The requested variances are required to permit a two storey building addition within the east interior side yard of the subject property.

The subject property is located at 1 Calais Street and is zoned Residential Type 2 (R2) within the Town of Whitby Zoning By-law 2585.

In Support of Application	D. Campbell (Owner Representative) T. Campbell (Owner)
---------------------------	---

In Opposition of Application	None at this time.
------------------------------	--------------------

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

D. Campbell introduced himself to the Committee as a representative of the property owner. He provided a brief overview of the requested variances and noted that he agrees with the recommendations included in the staff report.

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

J. Cardwell asked if an accessory apartment is proposed within the dwelling.

The Chair advised the applicant that based on the drawings it appeared that a basement apartment was proposed.

D. Campbell confirmed that an accessory apartment is not proposed.

There were no further questions from the Committee.

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: J. Cardwell

That the application to 1) reduce the minimum interior side yard setback to a second storey from 2.0m to 1.2m; and 2) reduce the width of a parking space in a garage from 3.0m to 2.9m 1 Calais St be **Granted** subject to the following conditions:

1. That the site grading and all other services conform to the requirements of the Engineering Services Department; and
2. Roof leaders from the proposed structure shall not spill onto the neighbouring property.

In Favour: J. Rinella, K. Docherty

Opposed: None

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.

A/28/23

**3425 Coronation Developments Limited
3425 Coronation Rd**

An application has been received from 3425 Coronation Developments Limited, for variances from the provisions of By-law 1784.

The application is for permission to 1) reduce the minimum exterior side yard setback of a live/work dwelling from 3.0m to 2.0m; 2) reduce the minimum lot depth of a back to back townhouse dwelling from 13.5m to 13.2m; 3) reduce the minimum parking for a retail store located within a mixed use/live-work building to a minimum of 2 spaces and permit non-residential and residential visitor parking to be shared; and 4) interpret Building 8 (Units 38-46) as a back-to-back townhouse block.

The requested variances are required to permit a proposed mixed use development in accordance with Site Plan Application SP-12-22.

The subject property is located at 3425 Coronation Road (Block 75) and is zoned Mixed Use 2 (MX2) within the Town of Whitby Zoning By-law 1784.

In Support of Application S. Chow (Applicant)

In Opposition of Application None at this time.

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

S. Chow introduced herself to the Committee and provided an overview of the proposed back to back and mixed use/live work townhouse development. S. Chow also provided an overview of the 4 requested variances.

S. Chow noted that the reduced parking rate was discussed with Town Planning and Engineering staff prior to the Minor Variance Application.

S. Chow concluded that in her opinion the requested variances meet the 4 tests as set out in the Planning Act and would be available to answer any questions that the Committee may have.

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

K. Docherty expressed concerns with the reduction in commercial related parking.

S. Chow noted that 18 spaces are available, with 2 dedicated spaces for commercial uses. There is also additional parking located on the driveways of the live work/mixed use units; however these spaces are not counted in the total tally.

The Chair asked the applicant if the proposed internal streets will be private or public.

S. Chow replied private.

The Chair noted that parking enforcement would fall on the condo corporation.

J. Cardwell asked about potential commercial tenants.

S. Chow replied uses such as a small bakery, convincing, and other types of small community commercial uses.

The Chair asked if the Zoning By-law permits residential conversions of the proposed commercial ground floor units.

S. Chow replied no.

There were no further questions from the Committee.

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: J. Rinella

That the application to 1) reduce the minimum exterior side yard setback of a live/work dwelling from 3.0m to 2.0m; 2) reduce the minimum lot depth of a back to back townhouse dwelling from 13.5m to 13.2m; 3) reduce the minimum parking for a retail store located within a mixed use/live-work building to a minimum of 2 spaces and permit non-residential and residential visitor parking to be shared; and 4) interpret Building 8 (Units 38-46) as a back-to-back townhouse block located at 3425 Coronation Rd be **Granted** subject to the following condition:

1. All Engineering Services requirements related to the Site Plan Application SP-12-22 are complied with.

In Favour: J. Cardwell, K. Docherty

Opposed: None

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 3: Approval of Previous Minutes

Moved by: K. Docherty

That the minutes of the Committee of Adjustment held on Thursday May 25, 2023 be adopted.

Carried

Item 4: Other Business

K. Docherty asked staff if the Committee has a summer recess similar to Council.

J. Malfara replied no, and advised the Committee that if anyone will be away during the summer or unable to attend to a meeting, they should provide advance notice.

Item 5: Adjournment

Moved by: J. Rinella

That this meeting of the Committee of Adjustment be adjourned.

Carried

Secretary Treasurer

Chair