



Minutes of the 14th Meeting of the Committee of Adjustment

Meeting Date: Thursday October 18, 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
J. Taylor, Manager of Planning Administration

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/63/18

**Althea Moncrieffe
123 Baldwin Street**

An application has been received from Althea Moncrieffe 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 28%.

The requested variance is required to permit the construction of a two storey single detached dwelling on the subject property, whereas the existing dwelling on the property is to be removed.

The subject property is located at 123 Baldwin Street and is zoned Residential (R3-BP) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Raj Siva (Agent)

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

R. Siva introduced himself to the Committee as the applicant's agent assisting with the proposed development. He expressed that the only variance required to permit the dwelling is in respect to lot coverage.

R. Siva advised the Committee that the variance is required to permit the construction of a larger dwelling which will accommodate a family of 6. As part of the design process, he considered massing effects on abutting land uses and ensured that the dwelling complied with all other zoning provisions.

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

B. O'Carroll asked if the existing vegetation on the property will be retained.

R. Siva replied that no significant trees will be affected, and he will work with Town of Whitby Staff with respect to tree preservation if required.

B. O'Carroll asked if the proposed front yard setback is in keeping with the neighbouring properties.

R. Siva replied yes.

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

J. Malfara replied 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 increase the maximum permitted lot coverage from 20% to 28% located at 123 Baldwin Street be **Granted** subject to the following condition:

1. That the site grading and all other services conform to the requirements of the Public Works Department.

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 had an effect on the Committee's decision.

P. Chronis replied yes.

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

J. Malfara replied that no correspondence was received.

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

N. Glober introduced herself as the owner of the property located at 58 Baldwin Street North. She advised the Committee that her southerly property line abuts the rear lot line of the subject property.

D. Harrison advised the Committee that he is a volunteer at the Royal Canadian Legion located at 56 Baldwin Street North (neighbouring property east of subject lands).

He also noted that he will also be speaking on behalf of N. Glober.

D. Harrison expressed concerns with the proposed rear yard setback and the east interior yard setback, which abuts the Royal Canadian Legion patio.

P. Chronis advised the Committee that the minimum required rear yard setback for the property is zero metres. His client is proposing a 1.5m rear yard setback as well as a new wood privacy fence along the rear lot line, and a chain link fence along the east lot line. He advised the Committee that the proposed setbacks are appropriate and respectful of the abutting uses.

D. Harrison asked if the proposed chain link fence can be a wood fence instead.

P. Chronis replied that there is already a wood privacy fence on the Legion's property, and a chain link fence will be located on the other side of the wood fence on the applicant's property.

D. Harrison expressed concerns about lighting directed from the east elevation of the proposed building onto the Legion's property, as well as the location of the proposed garbage room located adjacent to the east side yard.

P. Chronis advised that any proposed lighting along the east building elevation will be downward facing. He also expressed that the garbage room can not be moved from its proposed location.

D. Harrison asked if there will be any residential units within the building.

P. Chronis noted that although the Zoning By-law permits residential uses on the property, none are proposed. The building will include commercial uses only.

The Chair asked if there was anyone further 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 required front yard setback from 3.0m to 2.6m; (2) reduce the minimum required interior side yard setback (east) from 2.0m to 1.2m; and (3) increase the maximum permitted building height from 10.5m to 11.2m located at 2 Campbell Street be **Granted** subject to the following condition:

1. That all Public Works requirements related to Site Plan application SP-03-18 are complied with; and
2. That Variance #2 shall only apply to the reduction of the easterly interior yard setback.

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/65/18

**Alexandra Aodesh on behalf of Barry and Val Foster
56 Citation Crescent**

An application has been received from Alexandra Aodesh on behalf of Barry and Val Foster 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 rear yard setback to a sunroom building addition from 10.5m to 10.2m.

The requested variance is required to permit a sunroom building addition extending from the first floor of the dwelling into the rear yard.

The subject property is located at 56 Citation Crescent and is zoned Single Family Detached Dwelling (R-2-A) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Alexandra Aodesh

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

A. Aodesh introduced herself to the Committee as a representative of Four Seasons Sunrooms, who was retained by the owner of the property to construct the proposed sunroom addition. She advised the Committee that the requested variance to reduce the minimum rear yard setback is required to permit the construction of a proposed 1 storey sunroom within the rear yard of the property.

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

J. Cardwell asked if the existing covered patio in the rear yard of the property has open sides.

A. Aodesh replied yes.

B. O'Carroll asked what kind of roofing the covered patio is comprised of.

A. Aodesh replied that it is a solid roof, constructed of aluminum paneling.

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: S. Haslam

That the application to reduce the minimum required rear yard setback to a sunroom building addition from 10.5m to 10.2m located at 56 Citation 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 2: Public Hearings

A/66/18

**Chris Dimopoulos
406 Brock Street South**

An application has been received from Chris Dimopoulos for variances from the provisions of the Town of Whitby Zoning By-Law 2585.

The application is for permission to: (1) exclude the Gross Floor Area of the basement from the minimum parking requirements; (2) increase the maximum permitted front yard setback from 3.0m to 8.1m; and (3) reduce the minimum width of a two way driveway from 7.0m to 3.9m.

The subject property is located at 406 Brock Street South and is zoned Central Commercial 3 – Downtown Zone (C3-DT-1) within the Town of Whitby Zoning By-law 2585.

In Support of Application

Chris Dimopoulos (Owner)

Also in attendance

Ron Kucharski

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

C. Dimopoulos introduced himself to the Committee as the owner of the subject property, and he currently operates his denture clinic/office out of the building located on the property.

C. Dimopoulos advised the Committee that variance #2 and #3 are required to recognise existing building/property conditions, and variance #1 is required to exclude the gross floor area of the basement from the minimum parking requirement calculations. He stated further that the basement within the structure does not meet the Ontario Building Code for habitable space and can only be used as an area for storage.

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

J. Cardwell asked the applicant if the parking lot can accommodate movement of vehicles without conflicts.

C. Dimopoulos replied yes.

S. Haslam asked the applicant is the existing verandah at the front of the building will be removed.

C. Dimopoulos replied that the verandah will be removed and relocated approximately 4 feet to the north of the front building façade.

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 of support was received from the neighbouring owner located at 408 Brock Street South.

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

R. Kucharski introduced himself to the Committee as the owner of 104 Ontario Street, which abuts the subject property at the rear lot line.

R. Kucharski expressed that he was curious as to what the applicants building will look like following the renovations.

C. Dimopoulos advised that the proposed renovations will include an extension to the existing building into the rear yard as well as changes to the front façade. The height of the building will also increase by approximately 3 to 4 feet.

R. Kucharski advised that his questions were answered and he has no issues with the applicant's proposal.

Moved by: B. O'Carroll

That the application to (1) exclude the Gross Floor Area of the basement from the minimum parking requirements; (2) increase the maximum permitted front yard setback from 3.0m to 8.1m; and (3) reduce the minimum width of a two way driveway from 7.0m to 3.9m located at 406 Brock Street South be **Granted** subject to the following conditions:

1. That all Public Works requirements related to Site Plan application SP-09-18 are satisfied; and
2. Variance #2 shall become null and void if the existing/proposed building on the subject property is removed in the future.

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/67/18

**Meghan MacPherson and Derek Morine
320 St. John Street West**

An application has been received from Meghan MacPherson and Derek Morine for variances from the provisions of the Town of Whitby Zoning By-Law 2585.

The application is for permission to: (1) permit a home based business within an accessory structure, whereas a home based business is only permitted within a dwelling unit; (2) increase the maximum permitted accessory structure height from 4.5m to 5.0m; and (3) increase the maximum accessory structure size from 60.0 sq.m to 73.0 sq.m.

The requested variances are required to permit the development of a two storey detached garage containing a home based business (second storey) within the rear yard of the subject property.

The subject property is located at 320 St. John Street West and is zoned Residential Type 2 – Downtown Zone (R2-DT) within the Town of Whitby Zoning By-law 2585.

In Support of Application

Meghan MacPherson (Owner)
Derek Morine (Owner)
Mike Fourcaudot

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

M. MacPherson introduced herself to the Committee and expressed that she and her husband are the new owners of the subject property. It is their intention to renovate the existing detached dwelling and construct a two storey detached garage.

M. MacPherson stated that she is a physiotherapist and she operated a small home based business out of her previous home in Toronto. It is her intention to operate a similar physiotherapy home based business out of the second storey of the proposed accessory structure on the property.

M. MacPherson advised the Committee that she shared their proposed plans with neighbours and worked extensively with the Town of Whitby Heritage Division.

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

B. O'Carroll stated that she has no concerns with the proposed detached garage, but, asked the applicant why the home based business can not be located within the dwelling.

M. MacPherson replied that she has three children under the age of 4 and it would be more ideal to separate the home based business from the dwelling.

B. O'Carroll expressed that the second storey of the accessory structure is quite large.

M. MacPherson replied that the floor area of the second storey is a by-product of the size of the garage located on the ground floor. She further stated that the area of the home based business will share a space occupied by a personal home gym, and only one client at a time will be seen during operating hours between 9am and 2pm.

B. O'Carroll asked if sufficient parking will be available.

M. MacPherson replied yes. She noted that two parking spaces will be located within the detached garage and additional parking will also be available on the driveway.

B. O'Carroll asked if customer parking on the driveway would impede access to the parking spaces located within the detached garage.

M. MacPherson replied no.

S. Haslam asked if there will be any overlap in clients attending the business.

M. MacPherson replied that this is possible, but would be infrequent.

J. Cardwell asked the applicant if there will be a washroom or change room in the accessory structure.

M. MacPherson replied that the storage room located on the second storey of the accessory structure will eventually be converted to a washroom.

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.

M. Fourcaudot introduced himself to the Committee as the owner of the property located at 300 Byron Street South, and he is in full support of the requested variances.

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

Moved by: S. Haslam

That the application to (1) permit a home based business within an accessory structure, whereas a home based business is only permitted within a dwelling unit; (2) increase the maximum permitted accessory structure height from 4.5m to 5.0m; and (3) increase the maximum accessory structure size from 60.0 sq.m to 73.0 sq.m located at 320 St. John Street West 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;
3. That the variances shall apply only to the accessory structure as illustrated on the Site Plan submitted as part of Minor Variance Application A/67/18; and
4. That the floor area devoted to the home based business shall not exceed an area of 31.0 sq.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/68/18

**Glen Schnarr and Associates Inc. on behalf of Amica (Taunton) Inc.
95 Taunton Road East**

An application has been received from Glen Schnarr and Associates Inc. on behalf of Amica (Taunton) Inc. 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 interior side yard setback (west) to the proposed stacked townhouse unit block from 7.5m to 3.4m; and (2) increase the maximum permitted number of stacked townhouse dwelling units from 10 to 12.

The requested variances are required to permit the development of a proposed two storey, 12 unit stacked townhouse block in general accordance with the approved Site Plan Application SP-13-17.

The subject property is located at 95 Taunton Road East and is zoned Residential – Exception No.9 (R5A*-9) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Maurice Luchich (Agent)

Also in attendance

Diana Fernandes
Virginia Fernandes

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

M. Luchich introduced himself to the Committee as the Planner retained by the owners of the proposed development. He noted that the subject lands have undergone a site specific Zoning By-law Amendment and Official Plan Amendment to permit the development of a retirement home and stacked townhouse dwelling units.

M. Luchich expressed that since the developments conceptual approval, the 10 unit stacked townhouse block was rotated 90 degrees due to grading considerations. Further, the number of townhouse dwelling units were increased from 10 to 12 units.

M. Luchich advised the Committee that the internal layouts of the townhouse units were recently reassessed. The units were redesigned to be more efficient for their target empty nester demographic, and this resulted in a surplus of area within the townhouse block to accommodate two additional units.

M. Luchich confirmed that although the number of townhouse units has increased, the footprint/massing of the townhouse block has not increased in size to what has already been included within the approved Zoning and Official Plan Amendment applications. M.

Luchich also provided an illustration of the proposed reconfiguration to the townhouse block and site layout, as well as conceptual renderings.

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

J. Cardwell asked if the townhouse units are freehold or part of a condominium.

M. Luchich replied that the townhouses are rental units and will be owned by Amica (Taunton) Inc.

The Chair asked if the development will be managed by one operator.

M. Luchich replied yes.

B. O'Carroll asked if the area between the neighboring lands to the west and the townhouse block will have a walkway leading into the site.

M. Luchich replied no.

B. O'Carroll asked if there will be windows on the west elevation of the townhouse block.

M. Luchich replied that there will be two windows located on the west elevation of the townhouse block, however, the previous configuration of the townhouse block would have included many more windows as in its previous configuration the rear yards of the townhouse units faced the interior (west) lot line.

B. O'Carroll asked if there will be any privacy fencing or vegetation proposed along the west property line.

M. Luchich replied yes.

B. O'Carroll asked if there will be any lighting along the west elevation of the townhouse block.

M. Luchich replied no.

B. O'Carroll asked how garbage will be collected for the townhouse block.

M. Luchich replied that there is a garbage room within the townhouse block. Any garbage generated will be transferred to the main garbage room located within the retirement home adjacent to Taunton Road East.

B. O'Carroll asked if there will be any privacy features implemented for the portion of the parking lot nearest to Hubbell Drive.

M. Luchich replied that screening and vegetation will be planted along the perimeter of the parking lot adjacent to Hubbell Drive.

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.

D. Fernandes and V. Fernandes introduced themselves as residents of 182 Stonemanor Avenue.

V. Fernandes asked if the owner of the proposed development was the same as the owner of the retirement residence currently under construction at 3800 Brock Street North.

M. Luchich replied no.

D. Fernandes asked what is happening with the vacant land behind the neighbouring church (east). She asked if the yellow sign located on the applicant's property had any relation to a possible development of the church lands.

M. Luchich replied that the proposed development does not apply to the vacant lands behind the neighbouring church, and the yellow notice sign located on the property only pertained to notice of the Minor Variance application.

J. Taylor advised that there is no proposed development on the church property at this time.

D. Fernandes asked if Hubbell Avenue will be extended into the subject property.

M. Luchich replied no, and advised that access to the proposed development will be from Taunton Road East.

Moved by: D. McCarroll

That the application to (1) reduce the minimum required interior side yard setback (west) to the proposed stacked townhouse unit block from 7.5m to 3.4m; and (2) increase the maximum permitted number of stacked townhouse dwelling units from 10 to 12 located at 95 Taunton Road East be **Granted** subject to the following condition:

1. That all Public Works requirements related to Site Plan application SP-13-17 are complied with.

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.

Minutes of the 14th Meeting of Committee of Adjustment

Item 3: Approval of Previous Minutes

Moved by: J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday September 27, 2018 be adopted.

Carried

Item 4: Other Business

A discussion was held with the Committee members with respect to the Committee of Adjustment Process Guidelines document circulated at the September 6, 2018 meeting.

Item 5: Adjournment

Moved by: B. O'Carroll

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original approved and signed]

Secretary Treasurer

[Original approved and signed]

Chair