

Minutes of the 6th Meeting

Committee of Adjustment



Meeting Date: Thursday May 4, 2023

Meeting Time: 7:00 p.m.

Meeting Location: Virtual Meeting

Present:

N. Chornobay, Chair

S. Haslam

J. Rinella

K. Docherty

J. 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/18/23
Ken Varatha
808 Vernon Street

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

The application is for permission to reduce the minimum interior side yard setback from 3.0m to 1.2m.

The requested variance is required to permit a building addition within the west side yard of the subject property.

In Support of Application K. Varatha (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.

K. Varatha introduced himself to the Committee as the applicant and provided an overview of the requested variance. He advised the Committee that the existing building operates as a duplex dwelling and the owner is proposing to demolish the existing carport and replace it with an attached garage with living space above.

K. Varatha concluded that he agreed with the recommendations of the Staff Report.

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

K. Docherty asked for clarification on the setback reduction.

K. Varatha noted that the existing carport has an interior side yard setback of 0.6m and the proposed addition will have a 1.2m setback.

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 reduce the minimum interior side yard setback from 3.0m to 1.2m located at 808 Vernon St be **Granted** subject to the following condition:

1. Prior to the issuance of a Building Permit, the applicant shall satisfy the Town of Whitby Engineering Services Division.

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.

A/19/23
Tony Tumminieri
40 Heber Down Crescent

An application has been received from Tony Tumminieri, for a variance from the provisions of By-law 1784.

The application is for permission to increase the maximum permitted lot coverage from 30% to 33%.

The requested variance is required to permit the construction of proposed two storey detached dwelling on the subject lands.

In Support of Application T. Tumminieri (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.

T. Tumminieri introduced himself to the Committee as the owner of the subject property. He noted that 3% additional lot coverage is required to permit their proposed dwelling. T. Tumminieri noted that he read the Staff Report and agreed with the recommendations.

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

K. Docherty asked if there were any comments received from neighbours. She noted that many of the older dwellings in the area are being torn down and rebuilt with larger dwelling.

S. Haslam asked staff about the landscape comments in the Staff Report.

J. Malfara noted that the applicant will be required to protect any Town trees located in the boulevard. If any Town trees are proposed for removal, the applicant shall consult with the Town's Landscape Division.

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 increase the maximum permitted lot coverage from 30% to 33% located at 40 Heber Down Cres 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.

A/20/23
Doug Brown
2 Cahill Court

An application has been received from Doug Brown and Mary Brown, for a variance from the provisions of By-law 1784.

The application is for permission to reduce the minimum exterior side yard setback from 4.5m to 1.2m.

The requested variance is required to permit the construction of a one storey building addition extending from the east face of the existing two storey dwelling on the subject lands.

In Support of Application D. Brown (Applicant)

 M. Brown (Applicant)

In Opposition of Application None at this time

Also in Attendance D. Gaine

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

D. Brown introduced himself to the Committee as the applicant and owner of the subject property. He advised the Committee that the proposed building addition will be used as a one storey living unit for his son who has a disability. He further noted that the existing cedar hedge located on the north exterior lot line will be preserved and a 1.2m setback will be accommodated between the addition and abutting exterior lot line.

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

S. Haslam referenced the comments provided in the Staff Report by the Landscape Division.

K. Docherty asked if there is a fence along the north lot line.

D. Brown noted that there is an existing fence and cedar hedge.

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. Gaine introduced herself to the Committee as the owner of 18 O'Malley Cres. She asked if the existing generator affixed the north side of the dwelling will be relocated.

D. Brown noted that the generator will be hidden by the proposed building addition.

D. Gaine had no further comments or concerns.

Moved by: K. Docherty

That the application to reduce the minimum exterior side yard setback from 4.5m to 1.2m located at 2 Cahill Ct be **Granted** subject to the following condition:

1. Prior to the issuance of a Building Permit, the applicant shall satisfy the Town of Whitby Engineering Services Division.

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. Rinella

That the minutes of the Committee of Adjustment held on Thursday April 13, 2023 be adopted.

Carried

Item 4: Other Business

There were no items raised under other business.

Item 5: Adjournment

Moved by: K. Docherty

That this meeting of the Committee of Adjustment be adjourned.

Carried

Secretary Treasurer

Chair