



Minutes of the 4th Meeting

Committee of Adjustment

Meeting Date: Thursday March 24, 2022

Meeting Time: 7:00 p.m.

Meeting Location: Virtual Meeting (Zoom)

Present:

S. Haslam, Chair

N. Chornobay

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

Item 2: Public Hearings

A/12/22

Antoinette Curley
86 Mildenhall Place

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

The application is for permission to reduce the minimum required front yard landscaped open space from 40% to 24.5%.

The subject property is located at 86 Mildenhall Place and is zoned Residential Three Exception 1 (R3B*-1) within By-law 1784.

The requested variance is required to permit one addition parking space within the front yard of the property which is required to permit an accessory apartment within the existing dwelling.

In Support of Application Antoinette Curley

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.

A. Curley introduced herself to the Committee as the owner of the subject property. She provided an overview of the requested variance and advised the Committee that the variance is required to permit an accessory apartment within her dwelling.

A. Curley also noted that her intention is to live in the basement accessory apartment, and rent out the remainder of the dwelling.

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

N. Chornobay asked how access will be provided from the driveway to the basement entrance in the rear/side yard.

A. Curley noted that access will be provided from the front porch as well as a landscaped pathway to be installed within the south side yard.

N. Chornobay asked if a permit has been issued for the existing basement entrance.

J. Malfara replied yes. He also noted that a separate permit will be required for the accessory apartment.

N. Chornobay asked J. Malfara to confirm that the approval of the requested variance would be required for a permit to be issued for the accessory apartment.

J. Malfara replied yes.

J. Cardwell noted that parking a second car on the driveway would be tight, especially during the winter months as it relates to snow storage.

A. Curley replied that there is sufficient area within the north and south portions of the front yard to deposit snow during the winter months.

D. McCarroll expressed concerns with the size of the proposed driveway and potential vehicle movement conflicts.

A. Curley confirmed that there would not be any issue with parking or pedestrian access to the side yard basement entrance.

B. O'Carroll expressed concerns with the 13 risers required to walk down into the basement from the side yard and potential safety issues associated with snow accumulating within the stairwell.

D. McCarroll agreed with B. O'Carroll's comment.

A. Curley noted that the staircase would be cleared during the winter and would not pose any safety issues.

S. Haslam noted that the basement entrance under construction within the side yard is not part of the subject minor variance application.

N. Chornobay asked if the variance was denied, would the applicant be permitted an accessory apartment.

J. Malfara replied no.

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application. There was none.

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

Moved by: N. Chornobay

That the application to reduce the minimum required front yard landscaped open space from 40% to 24.5% located at 86 Mildenhall Place be **Granted** subject to the following condition:

1. That the site grading and all other services conform to the requirements of the Engineering Services 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 and oral submissions had an effect on the Committee's decision.

Item 2: Public Hearings

A/15/22

**Dr. Justin Garbedian of Lakeridge Oral Surgery
214 Colborne Street West**

An application has been received from Dr. Justin Garbedian of Lakeridge Oral Surgery, for variances from the provisions of By-law 2585.

The application is for permission to 1) permit a building expansion within a Holding (H) zone provision; and, 2) reduce the minimum required width of a two-way driveway from 7.0m to 3.45m to recognize the existing driveway.

The subject property is located at 214 Colborne Street West and is zoned Central Commercial 3 – Downtown Zone (Holding) (H-C3-DT) within By-law 2585.

The requested variances are required to permit the expansion of the existing Dental Office located on the subject property.

In Support of Application	P. Amiri (Agent)
In Opposition of Application	None at this time.
Also in Attendance	M. McIntyre M. Sehmi

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

P. Amiri introduced herself as the architect retained by the owner of the subject property. P. Amiri noted that the variances are required to permit the enlargement of the existing dental office located on the subject property. She further noted that the proposal has been reviewed by the Heritage Committee as well as the Planning and Development Department at the Town of Whitby.

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

B. O'Carroll asked if there will be sufficient on-site parking based on the dental office use.

P. Amiri replied yes. She noted that the proposal complies with the requirements of the Zoning By-law.

N. Chornobay noted that within proximity to the subject property is an abundance of on-street parking and municipal parking lots.

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

J. Malfara noted that no formal written correspondence was received. However, there are two individuals registered to speak to the application.

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

M. McIntyre introduced herself to the Committee as the owner of the neighbouring property to the west of the applicant's property. She expressed concerns with parking overflow that may result from the enlarged dentistry office.

M. McIntyre also noted that at times they have encountered users of the dentistry office parking in their parking lot.

The Chair confirmed that the proposed number of parking spaces on the subject property complies with the requirement of the Zoning By-law.

The Chair asked if there was anyone else in attendance that would like to speak to the application.

M. Sehmi introduced himself as the owner of the neighbouring property to the north. He expressed concerns with grading of the applicant's property and water run-off that currently drains onto their property.

P. Amiri advised the Committee that a grading plan was prepared and approved for the property as part of the recent site plan application process. The revised grading plan directs stormwater and drainage towards the street. P. Amiri also noted that any new roof leaders will not be directed towards abutting properties.

M. Sehmi asked if the existing roof leaders will be directed away from his property.

P. Amiri noted that the existing roof leaders will be retained, and will be redirected if there are any noted water run-off issues.

B. O'Carroll noted that if the variances are approved, a condition will be included that restricts roof leaders from directing water onto abutting lands.

M. Sehmi asked how privacy issues will be mitigated.

P. Amiri noted that there are no proposed windows facing his property.

M. Sehmi asked if the black walnut tree located on the property will be preserved.

P. Amiri replied yes.

Moved by: B. O'Carroll

That the application to 1) permit a building expansion within a Holding (H) zone provision; and, 2) reduce the minimum required width of a two-way driveway from 7.0m to 3.45m to recognize the existing driveway located at 214 Colborne Street West be **Granted** subject to the following conditions:

1. All Engineering and Transportation Services requirements related to the Letter of Undertaking for this property are complied with;
2. The site grading shall conform to the requirements of the Engineering Services Division; and
3. Roof leaders from the proposed structure shall not spill onto neighbouring properties.

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/16/22

Evangeline Elston-Pearce of DP Realty Advisors
18 Hillcourt Ave

An application has been received from Evangeline Elston-Pearce Of DP Realty Advisors, for a variance from the provisions of By-law 1784.

The application is for permission to increase the maximum permitted lot coverage from 20% to 28%.

The subject property is located at 18 Hillcourt Avenue and is zoned Residential Type 2 (R2) within the Town of Whitby Zoning By-law 1784.

The requested variance is required to permit the construction of a new two storey detached dwelling on the subject property.

In Support of Application David Pearce

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.

D. Pearce introduced himself to the Committee as the applicant. He advised the Committee that a variance is required to increase the maximum permitted lot coverage. D. Pearce also noted that in his opinion the requested variance meets the 4 tests as set out by the Planning Act.

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

D. McCarroll noted that he has no objection to the variance.

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 and was previously circulated to the Committee. No additional 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 increase the maximum permitted lot coverage from 20% to 28% located at 18 Hillcourt Ave be Granted subject to the following conditions:

1. The site grading shall conform to the requirements of the Engineering Services Division; and
2. Roof leaders from the proposed structure shall not spill onto neighbouring properties.

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/17/22

**Brian Moss and Associates
7632 Cochrane Street**

An application has been received from Brian Moss and Associates, for variances from the provisions of By-law 1784.

The application is for permission to 1) permit two home based business uses within a dwelling, whereas one home based business use is permitted; and 2) increase the maximum size of a home based business use within a dwelling from 50 sq.m to 76.0 sq.m.

The subject property is located at 7632 Cochrane Street and is zoned Agricultural (A) within the Town of Whitby Zoning By-law 1784.

The requested variances are required to permit two home based business uses within a new dwelling to be constructed on the subject property.

In Support of Application

W. Cassidy
J. Lopes

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.

W. Cassidy introduced himself to the Committee as the designer of the subject dwelling. He provided an overview of the requested variances and noted that two home based business uses, including a massage therapy and home consulting business are proposed within the dwelling.

The Chair noted that correspondence from the Central Lake Ontario Conservation Authority (CLOCA) was received and made reference to an outstanding issue on the property.

J. Malfara advised that it is his understanding that this matter has been addressed. He noted that a permit for the proposal from CLOCA is still required and Planning Staff recommend a condition of approval be included if the application is approved by the Committee, noting that the applicant shall satisfy all requirements of the Central Lake Ontario Conservation Authority.

W. Cassidy expressed no concern with the proposed condition.

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

N. Chornobay asked staff if this area is located within the white belt.

J. Malfara replied yes.

D. McCarroll asked what style of dwelling will be constructed and asked for the applicant to provide clarity on the location of the accessory structure.

W. Cassidy replied that a bungalow with a walkout basement is proposed, and an accessory structure will be proposed within the south side yard.

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application. There was none.

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 two home based business uses within a dwelling, whereas one home based business use is permitted; and 2) increase the maximum size of a home based business use within a dwelling from 50 sq.m to 76.0 sq.m located at 7632 Cochrane Street be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Engineering Services Division; and
2. Roof leaders from the proposed structure shall not spill onto neighbouring properties.

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: N. Chornobay

S. Haslam noted that minutes from the previous meeting did not reference the motion to move application A/12/22 to the end of the meeting.

J. Malfara noted that the minutes will be revised to reference the motion.

That the minutes of the Committee of Adjustment held on Thursday March 3, 2022 be adopted as amended.

Carried

Item 4: Other Business

S. Haslam asked staff if there is any indication on returning to in-person meetings.

S. Haslam and B. O'Carroll requested that if in-person meetings will be held again, they would like to host the meetings in Council Chambers.

Item 5: Adjournment

Moved by: B. O'Carroll

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original approved]

Secretary Treasurer

[Original approved]

Chair