



# Minutes of the 3rd Meeting

## Committee of Adjustment

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**Meeting Date:** Thursday March 3, 2022

**Meeting Time:** 7:00 p.m.

**Meeting Location:** Virtual Meeting

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### **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 Hearing Application Deferral:**

The applicant for application A/12/22 was not in attendance when their application was called for discussion.

The Chair made a motion to defer this application to the end of the meeting.

**Carried**

### Item 3: Public Hearings

**A/08/22**

**Ravi Doiphode**  
**706 Cochrane Street**

An application has been received from Ravi Doiphode, for variances from the provisions of By-law 1784.

The application is for permission to (1) increase the maximum permitted lot coverage from 20% to 34.8%, and (2) increase the maximum permitted building height from 8.5m to 9.0m.

The subject property is located at 706 Cochrane Street and is zoned Type Two Residential (R2) within By-law 1784.

The requested variances are required to permit the construction of a proposed two storey detached dwelling on the subject property.

In Support of Application	Ravi Doiphode (Applicant)
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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.

R. Doiphode introduced himself to the Committee as the Architect retained by the owners of the subject property. R. Doiphode provided an overview of the proposed 2 storey dwelling and noted that variances to increase the lot coverage and building height are required to permit what he is proposing.

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

J. Cardwell asked if R. Doiphode's client will be occupying the dwelling.

R. Doiphode replied yes.

D. McCarroll asked if the dwelling will be connected to the municipal servicing.

R. Doiphode replied yes.

N. Chornobay noted that the property slopes to the west, and drainage will have to be considered. He also asked staff if the requested coverage is in line with current standards.

J. Malfara replied yes. He noted, it has become more common to see maximum lot coverages ranging from 30% to 40% within new subdivisions.

B. O'Carroll asked if the increase in lot coverage accounts for accessory structures.

R. Doiphode replied no. He stated that his client has no intention of construction any accessory structures.

B. O'Carroll asked if the proposed dwelling will be generally in-line with the front yard setback of the neighbouring properties.

R. Doiphode replied yes.

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:** N. Chornobay

That the application to (1) increase the maximum permitted lot coverage from 20% to 34.8%, and (2) increase the maximum permitted building height from 8.5m to 9.0m located at 706 Cochrane Street be **Granted** subject to the following conditions:

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

**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: 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

No one in attendance

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.

J. Malfara advised the Committee that the applicant was not in attendance, however, the Committee can still consider the application.

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.

The Chair asked if the parking will be located entirely on the applicant's property.

J. Malfara replied yes. He also expressed no concerns with the requested variance.

J. Cardwell expressed concerns with snow loading if the landscaped area is reduce.

J. Malfara noted that a landscape strip will still be accommodated on the west and east side of the property, which can be used for snow storage.

J. Cardwell stated that access to the basement apartment will be located in the east side yard, at the rear of the dwelling. He noted that accesses to this portion of the yard will be difficult in the winter.

N. Chornobay asked when parking configuration will be review by the Town.

J. Malfara advised the Committee that the Building Department will review the parking configuration at the permit stage.

B. O'Carroll asked what the distance is between the proposed rear yard accessory apartment stairwell and the abutting east property line.

J. Malfara replied approximately 2.5m.

J. Cardwell asked if this will have any affect on the side yard easement.

J. Malfara replied no.

N. Chornobay asked if the applicant can pave over the side yard leading to the rear yard entryway.

J. Malfara noted that hardscaping can be provided, as long as it is not suitable for, or can facilitate vehicle parking.

N. Chornobay asked if the Committee can render a decision on this application without the applicant in attendance.

D. McCarroll requested that the applicant be in attendance before the Committee decides on this application.

**Moved by:** D. McCarroll

That the application to reduce the minimum required front yard landscaped open space from 40% to 24.5% located at 86 Mildenhall Place be **Tabled** to the March 24, 2022 Committee of Adjustment meeting.

**Carried**

### Item 3: Public Hearings

**A/13/22**

**Nikhil & Eva Gupta**  
**55 Montgomery Avenue**

An application has been received from Rakesh Gupta on behalf of Nikhil Gupta and Eva Gupta, for variances from the provisions of By-law 1784.

The application is for permission to (1) increase the maximum permitted lot coverage from 20% to 27%, and (2) increase the maximum permitted building height from 8.5m to 8.9.

The subject property is located at 55 Montgomery Avenue and is zoned Brooklin Secondary Plan Residential (R3-BP) within By-law 1784.

The requested variances are required to permit the construction of a proposed two storey dwelling on the subject property.

## In Support of Application

Rakesh Gupta

## 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.

R. Gupta introduced himself to the Committee as the representative of the property owner. He noted that two variances are required to permit the enlargement of the existing one storey dwelling located on the subject property.

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

D. McCarroll asked if the existing dwelling will be replaced by a new two storey dwelling.

R. Gupta replied yes.

J. Cardwell asked if the pool shown on the submitted site plan is existing or proposed. He also asked if any sheds or gazebos are proposed.

R. Gupta noted that the pool is not existing and no sheds are proposed.

N. Chornobay asked if the trees located along the north property line will be preserved.

R. Gupta replied that his intention is to preserve these trees.

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 lot coverage from 20% to 27%; and 2) increase the maximum permitted building height from 8.5m to 8.9m located at 55 Montgomery Avenue be **Granted** subject to the following conditions:

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

**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: Public Hearings

**A/14/22**

**DeNoble Homes (Dustin DeNoble)**  
**125 Hickory Street North**

An application has been received from DeNoble Homes (Dustin DeNoble), for a variance from the provisions of By-law 2585.

The application is for permission to reduce the minimum required lot frontage for an interior townhouse dwelling unit from 6.0m to 5.7m.

The subject property is located at 125 Hickory Street North and is zoned Holding - Residential Type 5 – Downtown Zone (H-R5-DT) within By-law 2585.

The requested variance is required to permit the construction of a townhouse block consisting of three street townhouses, situated on the subect property.

## In Support of Application

Dustin DeNoble (Applicant)

## 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.

D. DeNoble introduced himself to the Committee as the applicant. He advised the Committee of the proposal to construct a three lot townhouse block on the subject property. He also advised the Committee of the existing Site Plan application being reviewed by the Town of Whitby Planning Department and the approval of the Durham Region Land Division Committee regarding the severance of the property into three lots.

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

N. Chornobay asked if the existing tree located within the front yard will be removed.

D. DeNoble replied yes. He advised the Committee that an application to remove this tree was submitted to the Planning Department and is under review.

N. Chornobay asked how access to the rear yard of the interior lot will be achieved, as it relates to yard maintenance.

D. DeNoble noted that this will have to be considered as part of the design.

J. Cardwell asked if the Engineering Department had any concerns about additional load on the sewer system.

J. Malfara noted that the Engineering Department did not have any objection to the proposal.



D. McCarroll echoed the same comment provided by N. Chornobay regarding access to the rear yard for the interior unit.

J. Malfara noted that this can be assessed as part of the Site Plan process; however, it is not uncommon to have no direct access other than through the dwelling for interior townhouse units.

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:** B. O'Carroll

That the application to reduce the minimum required lot frontage for an interior townhouse dwelling unit from 6.0m to 5.7m located at 125 Hickory Street North 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 4: Approval of Previous Minutes**

**Moved by:** B. O'Carroll

That the minutes of the Committee of Adjustment held on Thursday February 10, 2022 be adopted.

**Carried**

**Item 5: Other Business**

There were no items raised under other business

**Item 6: Adjournment**

**Moved by:** B. O'Carroll

That this meeting of the Committee of Adjustment be adjourned.

**Carried**

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Secretary Treasurer

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Chair