



Minutes of the 1st Meeting

Committee of Adjustment

Meeting Date: Thursday January 21, 2021
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
N. Chornobay
J. Malfara, Secretary-Treasurer
J. Taylor, Senior Manager, Zoning & 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/02/21

D. G. Biddle and Associates Limited
280 Hopkins Street

An application has been received from D. G. Biddle and Associates Limited, for a variance from the provisions of the Town of Whitby Zoning By-law 2585.

The application is for permission to reduce the minimum required rear yard setback from 7.5m to 3.0m.

The requested variance is required to permit a proposed one storey self storage facility on the subject property.

In Support of Application

Michael Fry (Applicant)

Kwasi Kankam (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. Kankam introduced himself to the Committee and provided an overview of the requested variance. K. Kankam advised the Committee that the requested variance meets the 4 tests prescribed under the Planning Act.

K. Kankam noted that the self storage facility is a permitted use under the current zoning, and this use is also supported by the Town of Whitby Official Plan and the Durham Region Official Plan.

K. Kankam further noted that the requested variance to reduce the minimum required rear yard setback will not have any negative impacts on the abutting land use (park) and is minor in nature.

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

S. Haslam asked if the existing building on the property will be demolished.

K. Kankam replied that the existing building will remain.

The Chair noted that the existing building on the property was used for metal recycling. He asked the applicant if the metal recycling will continue in this building.

K. Kankam replied yes.

D. McCarroll asked the applicant what type of material the new self storage building will be constructed of.

M. Fry replied that the buildings will be constructed of cinder block primarily.

B. O'Carroll asked the applicant to reconfirm that the metal recycling will remain in the existing building on the property.

K. Kankam replied yes.

B. O'Carroll also asked if the existing landscaping in the abutting park will be sufficient to mitigate any visual impacts from the proposed self storage facility.

M. Fry noted that there is a row of trees located in the park adjacent to the property's west lot line (easterly portion of the park).

B. O'Carroll noted that metal piles were situated through the site in association with the existing recycling facility.

M. Fry advised the Committee that the recycling operations will be relocated to inside of the recycling building to make way for the new self storage facility.

J. Taylor noted that in the past Town staff observed recycling activities occurring outdoors which was not permitted.

J. Taylor also noted that the self storage proposal is proceeding through the Site Plan approval process. Through this process matters such as landscaping and site circulation will be reviewed.

The Chair asked the applicant to confirm that the structures abutting the open space to the west will be a maximum of one storey in height.

M. Fry 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 public 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 rear yard setback from 7.5m to 3.0m located at 280 Hopkins Street be **Granted** subject to the following conditions:

1. That the building abutting the rear lot line (west) shall not exceed 1 storey in height; and;
2. All Public Works requirements related to Site Plan application SP-07-20 are complied with.

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/03/21

D. G. Biddle and Associates Limited
847 Dundas Street West

An application has been received from D. G. Biddle and Associates Limited, for variances from the provisions of the Town of Whitby Zoning By-law 2585.

The application is for permission to:

1. reduce the minimum front yard setback from 15.0m to 1.5m;
2. reduce the setback of a kiosk to a lot line from 10.5m to 1.5m;
3. reduce the minimum interior side yard setback from 10.5m to 8.9m;
4. reduce the minimum width of a planting strip within a front yard from 3.0m to 1.5m and 0.0m within an interior side yard;
5. reduce the minimum number of parking spaces devoted to the car wash facility from 3 spaces per wash bay to 2 spaces per wash bay;
6. increase the maximum gross floor area of a kiosk from 75.0 sq.m to 154.5 sq.m; and
7. increase the maximum gross floor area devoted to the sale of convenience items within a kiosk from 18.5 sq.m to 104.5 sq.m.

The requested variances are required to permit the construction of a gas bar and kiosk, in addition to the existing self-serve carwash located on the subject property.

In Support of Application

Michael Fry (Applicant)

Kwasi Kankam (Applicant)

In Opposition of Application

None at this time.

Also in Attendance

Andrew Gurdon

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

K. Kankam introduced himself to the Committee and provided an overview of each of the requested variances as well as an overview of the site characteristics. K. Kankam noted that the existing zoning permits a gas bar and car wash on the property, and a new gas bar and kiosk are proposed. He further noted that the existing self serve car wash will remain.

K. Kankam concluded that each of the variances satisfy the 4 minor variance tests.

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

J. Cardwell asked J. Malfara where the underground fuel tanks will be located.

J. Malfara confirmed that the underground fuel tanks will be located along the east boundary of the property.

D. McCarroll asked if any proposed site lighting will have any spill over to the surrounding properties.

M. Fry noted that they are proceeding through the Site Plan approval process. As part of this process the site lighting will be reviewed. M. Fry confirmed that a photometric plan is under review by the Town to ensure that the proposed site lighting meets the Town standards and the lighting is contained within the site.

B. O'Carroll referenced the proposed Metrolinx transportation corridor along Dundas Street West, and asked if a centre median is proposed on Dundas Street West and if this will impact access to the site.

J. Malfara replied that at this time the Metrolinx plan is conceptual, and the Town's Transportation department is reviewing this matter as it pertains to site access.

B. O'Carroll asked if fuel tankers accessing the site will block Dundas Street West.

J. Taylor noted that through the Site Plan process the Public Works department will review site access. The Municipality will not approve the plan if any vehicles block any public right of way including Dundas Street or the public sidewalk located in front of the property.

B. O'Carroll also expressed potential concern with internal site movement when a fuel truck and cars are trying to navigate the site at the same time.

J. Taylor confirmed that this matter will be reviewed by the Public Works department as part of the applicant's Site Plan application.

B. O'Carroll noted that following the conveyance of the road widening for the property along Dundas Street, the proposed gas bar will be located 1.5m from the street line.

J. Taylor replied yes. He also noted that this area is an intensification area, and current urban design practices support bringing buildings closer to the streetline.

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 was received from the owner of the abutting property to the west (859 Dundas Street West). This letter was circulated to the Committee prior to the meeting.

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

J. Malfara asked A. Gurdon if he wished to speak to this application.

A. Gurdon noted that he had no comments.

Moved by: J. Cardwell

That the application to (1) reduce the minimum front yard setback from 15.0m to 1.5m; (2) reduce the setback of a kiosk to a lot line from 10.5m to 1.5m; (3) reduce the minimum interior side yard setback from 10.5m to 8.9m; (4) reduce the minimum width of a planting strip within a front yard from 3.0m to 1.5m and 0.0m within an interior side yard; (5) reduce the minimum number of parking spaces devoted to the car wash facility from 3 spaces per wash bay to 2 spaces per wash bay; (6) increase the maximum gross floor area of a kiosk from 75.0 sq.m to 154.5 sq.m; and (7) increase the maximum gross floor area devoted to the sale of convenience items within a kiosk from 18.5 sq.m to 104.5 sq.m located at 847 Dundas Street West be **Granted** subject to the following condition:

1. All Public Works requirements related to Site Plan application SP-01-20 are complied with, including any revisions required by the Transportation Section of this Department.

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/04/21

Maryann R-Torcia
28 Nightingale Crescent

An application has been received from Maryann R-Torcia, 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 33% to 40%.

The requested variance is required to permit a one storey covered patio located within the rear yard of the property.

In Support of Application Maryann Torcia

Bruno Torcia

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.

B. Torcia introduced himself and M. Torcia to the Committee as the owners of the subject property. He expressed that a covered patio is proposed within the rear yard, and a building permit has been applied for. To obtain the building permit a variance to increase the maximum lot coverage is required first.

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

J. Cardwell asked if there were any other structures including any sheds on the property.

B. Torcia replied yes.

J. Cardwell asked if this shed was taken into consideration with regards to the lot coverage calculation.

J. Malfara replied yes.

S. Haslam asked if a pool is proposed.

B. Torcia replied yes, and a permit has already been issued for the pool.

S. Haslam asked J. Malfara if the pool coverage will have any impact on the minimum landscaping requirement.

J. Taylor replied no. he stated that pools are considered to be landscaping.

D. McCarroll asked if the shed will be used for pool equipment, or if a new shed will be required.

B. Torcia replied that all pool equipment will be located in the existing shed.

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 public 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: D. McCarroll

That the application to increase the maximum permitted lot coverage from 33% to 40% located at 28 Nightingale Crescent be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Public Works department; and,
2. The proposal shall not negatively impact drainage on adjacent 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.

That the application to reduce the minimum required lot frontage from 21.5m to 11.5m located at 76 Queen Street (Part 1) be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Public Works department; and,
2. The proposal shall not negatively impact drainage on adjacent 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.

J. Malfara advised the Committee that no public 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 1) reduce the minimum required lot frontage from 21.5m to 18.5m, and 2) reduce the minimum required lot area from 925.0 sq.m to 664.0 sq.m located at 76 Queen Street (Part 2) be **Granted** subject to the following conditions:

1. An acceptable Grading Plan and Stormwater Management Brief for the severed and retained parcels is provided to the Public Works Department for approval.
2. All roof drainage from the proposed structures shall not be directed onto the adjacent properties.
3. The site grading and all services shall conform to the requirements of the Public Works Department.

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/08/21

Daniele Orsini, 5040 Baldwin Street South
5040 Baldwin Street South

An application has been received from Daniele Orsini for a variance from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to reduce the minimum interior side yard setback from 4.5m to 1.5m.

The requested variance is required to permit a detached garage located within the interior side yard of the subject property.

In Support of Application

Daniele Orsini (Applicant)

Matthew Abbatangelo (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.

D. Orsini introduced himself to the Committee. He advised the Committee that a new detached garage is proposed, and they are seeking a reduction to the interior side yard setback from 4.5m to 1.5m.

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

S. Haslam noted that the lot has a considerable amount of vegetation/scrub. He asked if there are any trees that will need to be removed to construct the proposed garage.

M. Abbatangelo replied that no trees will require removal.

B. O'Carroll asked if the proposed garage will replace an existing garage.

D. Orsini replied no. He noted that there was not an existing garage on the property.

B. O'Carroll stated that the grading at the front of the property is steep. She asked the applicant if the grading levels out towards the garage.

M. Abbatangelo replied that the grades level out as you approach the dwelling and the proposed garage location.

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 public 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 interior side yard setback from 4.5m to 1.5m located at 5040 Baldwin Street South be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Public Works department; and,
2. The proposal shall not negatively impact drainage on adjacent 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 3: Approval of Previous Minutes

Moved by: S. Haslam

That the minutes of the Committee of Adjustment held on Thursday December 3, 2020 be adopted.

Carried

Item 4: Other Business

S. Haslam asked J. Malfara if the Chairs speech can be circulated to all Committee members.

J. Malfara advised that this will be done.

S. Haslam asked if the Chair and Vice Chair can be assigned for the 2021 term prior to the end of this meeting.

J. Malfara replied yes.

Item 5: Appointment of the Committee Chair (2021 Term)

Moved by: D. McCarroll

D. McCarroll nominated and made a motion that N. Chornobay be the Committee Chair for the 2021 term.

N. Chornobay accepted the nomination.

Carried

Item 6: Appointment of the Committee Vice Chair (2021 Term)

Moved by: J. Cardwell

J. Cardwell nominated and made a motion that S. Haslam be the Vice Chair for the 20201 term.

S. Haslam accepted the nomination.

Carried

J. Malfara confirmed that the N. Chornobay will be the Chair and S. Haslam will be the Vice Chair for the 2021 Committee of Adjustment term.

Item 7: Adjournment

Moved by: J. Cardwell

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original approved]

Secretary Treasurer

[Original approved]

Chair