

Minutes of the 16th Meeting



Committee of Adjustment

Meeting Date: Thursday December 3, 2020

Meeting Time: 7:00 p.m.

Meeting Location: Virtual Meeting

Present:

N. Chornobay, Chair

S. Haslam

J. Cardwell

B. O'Carroll

D. McCarroll

J. Taylor, Senior Manager, Zoning & Regulation

J. Malfara, Secretary-Treasurer (Staff Liaison)

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/42/20

Shawn Binda
6 William Davidson Street

An application has been received from Shawn Binda, 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 39%.

The requested variance is required to permit the construction of a proposed covered deck located within the rear yard of the subject property.

In Support of Application Shawn Binda (Owner)

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.

S. Binda introduced himself to the Committee as the owner of the subject property. He advised the Committee that a covered deck within the rear yard of the property is proposed. The covered deck will extend from the rear face of the dwelling and will be elevated approximately 5 feet above grade.

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

S. Haslam asked the applicant if the deck will be supported on piles and if the lower portion of the deck will be enclosed.

S. Binda replied that the deck will be constructed on piles and the lower portion will not be enclosed.

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 39% located at 6 William Davidson Street be **Granted** subject to the following conditions:

1. That the Applicant apply for a permit from CLOCA through Ontario Regulation 42/06 of the Conservation Authorities Act prior to any site alteration or development related to this proposal; and
2. Provide to the Public Works Department for their review and approval an acceptable Grading Plan and Storm Water Management Brief, demonstrating the feasibility of the proposal.

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/43/20

**Ian Robertson
32 Montgomery Avenue**

An application has been received from Ian Robertson, for variances from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to:

1. increase the maximum permitted lot coverage from 31% to 33%;
2. reduce the minimum lot frontage for a circular driveway from 25.0m to 22.8m;
and
3. reduce the minimum required front yard setback for a circular driveway from 10.5m to 7.7m.

The requested variances are required to permit the construction of a new two storey detached dwelling with a circular driveway on the subject property.

In Support of Application	Ian Robertson (Applicant)
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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.

I. Robertson introduced himself to the Committee as the applicant and owner of the subject property. He provided an overview of the development proposal and summary of the requested variances.

I. Robertson advised the Committee that the proposed circular driveway would be aesthetically pleasing and also expressed that due to the lack of a sidewalk on his side of the street, the house and proposed circular driveway would appear to have a greater setback from the street.

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

J. Cardwell asked the applicant if he had discussed his proposal with the Town of Whitby Public Works Department.

I. Robertson replied that the Public Works Department did not have any objection to the requested variances.

S. Haslam asked the applicant why a circular driveway is needed as opposed to a conventional straight driveway.

I. Robertson replied that the circular driveway would be more aesthetically pleasing and would allow for more desirable landscaping within the front yard.

S. Haslam noted that the Town has strict zoning provisions for circular driveways, and asked staff to provide additional clarification.

J. Malfara noted that there are certain conditions that must be met in order for a circular driveway to be permitted on a residential property. The applicant's proposal meets some of the requirements, save and except for two, which are subject to this minor variance application.

D. McCarroll stated that he agreed with S. Haslam's comments.

I. Robertson replied that there is a substantial amount of greenspace on the property and the setback from the proposed circular driveway to the abutting properties is appropriate. I. Robertson also noted that the setback to the front of the dwelling is nearly 10.0m, whereas the setback to the garage is around 7.7m.

B. O'Carroll expressed concerns with the circular driveway.

The Chair asked staff to confirm that there is a minimum lot frontage requirements to permit a circular driveway on residential properties.

J. Taylor replied yes. He expressed that the Committee has approved a number of minor reductions similar to what the applicant is proposing.

S. Haslam asked the applicant if he intends to park cars on the portion of the circular driveway located within the boulevard.

I. Robertson replied no.

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: J. Cardwell

That the application to (1) increase the maximum permitted lot coverage from 31% to 33%; (2) reduce the minimum lot frontage for a circular driveway from 25.0m to 22.8m; and, (3) reduce the minimum required front yard setback for a circular driveway from 10.5m to 7.7m located at 32 Montgomery Avenue be **Granted** subject to the following conditions:

1. The site grading and all services shall conform to Public Works Department requirements;

2. Roof drainage from the proposed structure shall not be directed onto the adjacent property;
3. The applicant shall be responsible for restoration of the boulevard for the narrowing of the existing driveway; and
4. The applicant submit an application for a Road Occupancy permit for the installation of circular driveway.

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/44/20

Doug Macey
21 Thorndyke Crescent

An application has been received from Doug Macey, 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 the construction of a covered deck and accessory structure located within the rear yard of the subject property.

In Support of Application	Doug Macey (Applicant) John Green Lorrie Malbeuf Matthew Thom Tanya LeBel Raymond Kho
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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. Macey introduced himself to the Committee. He provided an overview of the requested variance and noted that the increased coverage is required to permit a proposed covered deck and shed located within the rear yard.

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

S. Haslam asked the applicant if the deck is raised above grade.

D. Macey replied that the deck is approximately 6 feet above grade.

S. Haslam asked if there are any plans to enclose the lower portion of the deck.

D. Macey replied that a portion will be enclosed but not fully since they have a walkout basement.

B. O'Carroll asked J. Malfara if the applicant encloses the lower portion of the deck, will this require additional variances.

J. Malfara replied yes. He noted that based on the plans provided as part of the minor variance application the requested lot coverage reflects the plans.

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

J. Malfara replied yes. He noted that multiple letters of support were received and were forwarded 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. There was no one.

Moved by: B. O'Carroll

That the application to increase the maximum permitted lot coverage from 33% to 40% located at 21 Thorndyke Crescent be **Granted** subject to the following conditions:

1. The site grading shall conform to Public Works Department requirements; and
2. Roof leaders from the proposed structures shall not impact any 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.

That the application to (1) increase the maximum permitted lot coverage from 33% to 41%; and (2) increase the maximum permitted encroachment of a covered porch/patio into a rear yard from 3.2m to 4.0m located at 75 Ingleborough Drive be **Granted** subject to the following condition:

1. Provide to the Public Works Department for their review and approval an acceptable Grading Plan and Storm Water Management Brief, demonstrating the feasibility of the proposal.

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/46/20

**Cameron and Karen Schilling
442 Crystal Beach Blvd**

An application has been received from Cameron and Karen Schilling, for variances from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to:

1. permit the issuance of a building permit for a detached dwelling and accessory structure(s) on a lot which does not front upon an improved public street;
2. reduce the minimum required front yard setback from 15.0m to 13.8m;
3. reduce the minimum required rear yard setback from 15.0m to 7.5m;
4. reduce the minimum required exterior side yard setback from 15.0m to 4.8m;
5. increase the maximum permitted lot coverage from 10% to 14%;
6. reduce the minimum required rear yard setback to an accessory structure from 15.0m to 1.7m; and
7. reduce the minimum required interior side yard setback to an accessory structure from 4.5m to 1.7m.

The requested variances are required to permit a proposed one storey detached dwelling and accessory structure on the subject property. The existing dwelling and accessory structure on the property will be removed.

In Support of Application

Cameron Schilling
Karen Schilling
Ana Duff
Paul Duff
Margaret Carney
Warren Braisford
Cathy Braisford
Doug Erskine
Charmaine Lee
Tony Gilbert
Tina Killough

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.

C. Schilling introduced himself to the Committee. He stated that the existing dwelling and shed are proposed to be demolished and a new dwelling and shed are proposed. To date, he has had a pre-consultation meeting with the Town of Whitby Planning Department and has worked closely with CLOCA to determine the most suitable location for the new dwelling. To permit the proposed dwelling, the requested variances are required.

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

D. McCarroll asked if all existing building on the property will be removed.

C. Schilling replied yes.

B. O'Carroll asked the applicant if the future front porch as illustrated on their site plan has been considered as part of the requested variances.

C. Schilling replied yes. He also noted that the porch will not be enclosed.

The Chair asked staff to confirm that any proposed building or construction that requires a permit in this neighbourhood would require a variance to permit such development since none of these lots front upon a public street.

J. Malfara replied yes. He noted that this area in the Town is unique and currently the Zoning By-law states that no person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon an improved public street.

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

J. Malfara replied that in addition to the letters of support submitted as part of the application submission, no further correspondence has been 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:

1. permit the issuance of a building permit for a detached dwelling and accessory structure(s) on a lot which does not front upon an improved public street;
2. reduce the minimum required front yard setback from 15.0m to 13.8m;
3. reduce the minimum required rear yard setback from 15.0m to 7.5m;
4. reduce the minimum required exterior side yard setback from 15.0m to 4.8m;
5. increase the maximum permitted lot coverage from 10% to 14%;
6. reduce the minimum required rear yard setback to an accessory structure from 15.0m to 1.7m; and

7. reduce the minimum required interior side yard setback to an accessory structure from 4.5m to 1.7m.

located at 442 Crystal Beach Blvd be **Granted** subject to the following conditions:

1. That the landowner obtain a CLOCA permit prior to undertaking any construction activities.
2. The site grading shall conform to Public Works Department requirements;
3. Roof leaders from the proposed structures shall not impact any adjacent property; and,
4. That the variances shall apply to the proposed development as per the applicant's submitted Site Plan.

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/47/20

**Stephanie & Rosina Toscano & Paul Campbell
42 Heber Down Crescent**

An application has been received from Stephanie & Rosina Toscano & Paul Campbell, for variances from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to:

1. increase the maximum permitted lot coverage from 20% to 35.6%;
2. reduce the minimum required front yard setback from 9.0m to 7.5m; and
3. increase the maximum projection of a covered porch projecting from the main storey of a dwelling into a front yard from 1.5m to 1.9m.

The requested variances are required to permit a proposed one storey detached dwelling and accessory structures on the subject property. The existing dwelling on the property will be demolished.

In Support of Application

Stephanie Toscano (Applicant)
Paul Campbell (Applicant)
Katerina Pezzoli
Stephen Manning
JoAnn Tumminieri
Mike DiPalo
Emidio DiPalo

In Opposition of Application

None at this time.

Other interested Parties

Paul Diotte

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

S. Toscano introduced herself to the Committee and noted that their intention is to construct a one storey detached dwelling and accessory structures on the subject property. She noted that a variance for lot coverage and a reduction to the minimum front yard setback is required. The third variance that was originally applied for is no longer required. S. Toscana also noted that their home builders M. DiPalo and E. DiPalo are in attendance.

E. DiPalo confirmed to the Committee that the requested lot coverage accounts for the proposed dwelling as well as the future pool shed.

The Chair asked J. Malfara to confirm that the applicant's have withdrawn variance number 3.

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J. Malfara replied that the variance was withdrawn at the request of the applicant.

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

J. Cardwell asked if there were any concerns from the Public Works Department.

J. Malfara replied that there were no concerns raised by the Public Works Department.

The Chair asked the applicant's builder how the comments provided by the Public Works Department will be addressed.

The applicant's builder replied that this will be addressed through the preparation of a grading and drainage plan.

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 aside from the two letters of support that were previously circulated to the Committee, no further 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.

S. Haslam stated that he was prepared to make a motion to approve variances 1 and 2, as the applicant has chosen to withdraw variance 3.

Moved by: S. Haslam

That the application to (1) increase the maximum permitted lot coverage from 20% to 35.6%; and (2) reduce the minimum required front yard setback from 9.0m to 7.5m; located at 42 Heber Down Crescent be **Granted** subject to the following conditions:

1. The site grading shall conform to Public Works Department requirements; and
2. Roof leaders from the proposed structures shall not impact any adjacent 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 2: Public Hearings

A/48/20

**Cambak Properties Inc.
67 Elizabeth Crescent S**

An application has been received from Cambak Properties Inc., 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 23%.

The requested variance is required to permit a proposed one storey detached dwelling and a garden shed to replace the existing dwelling and detached garage located on the subject property.

In Support of Application

Craig Nofle
Cindy Sgroi

In Opposition of Application

David Noonan

Other Interested Parties

Jeanne and Robert Samsone

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

C. Nofle introduced himself and C. Sgroi as the applicants and provided an overview of the proposed application. He noted that a new one storey dwelling measuring approximately 2,500 square feet is proposed on the property. The existing one storey dwelling and detached garage will be removed.

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

J. Cardwell asked J. Malfara if there have been similar lot coverage increases within the general area.

J. Malfara replied that a fulsome review of similar variances was not undertaken, but as noted in the planning recommendation report it is our opinion that the requested variance to increase the maximum permitted lot coverage by 3% is appropriate.

C. Nofle advised the Committee that they have chosen to limit the building height to one storey to limit potential impacts on the neighbourhood.

B. O'Carroll commended the applicant for not proposing a development that would represent an overdevelopment of the property.

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

A letter of objection from David Noonan was circulated prior to the meeting for the Committee's review. No other correspondence was received.

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

J. Samsone introduced herself to the Committee as a local resident and was speaking on behalf of the neighbouring owner to the south of the applicant's property. She asked if the proposed dwelling will be closer to the street than what currently exists.

C. Nofle noted that the new dwelling will be closer to the street than the existing dwelling, but the new dwelling will meet the minimum required front yard setback.

J. Malfara noted that the minimum front yard setback proposed is 9.0m. He further noted that all other required yard setbacks will also be maintained.

J. Samsone asked if the three car garage will be three cars wide or three cars deep.

C. Nofle replied three cars wide.

J. Samson asked what the interior side yard setback will be to the south property line.

J. Malfara replied 1.52m.

C. Nofle noted that they tried their best not to disrupt the look of the street. A two storey building was originally proposed, but they elected to limit the height to one storey.

J. Samsone asked the applicant if they will be living at the property once the new dwelling is constructed.

C. Nofle replied that they will be selling the property.

J. Samsone asked if the driveway will remain the same width.

C. Nofle replied that the driveway will be wider, but the widening will take place from the north side of the existing driveway.

J. Samsone expressed concerns with building heights.

J. Malfara noted that the maximum permitted building height is 8.5m, and the applicant's proposed dwelling will have a maximum height of 7.0m.

J. Samsone asked what the timing is for construction and what will be done to limit construction impacts on neighbours.

C. Nofle replied that they anticipate to begin construction around May 2021 and completed construction around November 2021.

C. Sgroi also stated that with respect to construction activity and material drop-off, everything will be dropped off and stored on the property.

C. Nofle stated that they will do their best to limit noise and disturbances arising from the construction process.

Moved by: J. Cardwell

That the application to increase the maximum permitted lot coverage from 20% to 23% located at 67 Elizabeth Crescent S be **Granted** subject to the following conditions:

1. Roof drainage from the proposed structure shall not impact any adjacent property; and
2. Provide to the Public Works Department for their review and approval an acceptable Grading Plan and Storm Water Management Brief, demonstrating the feasibility of the proposal.

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/49/20

Sam Milanovski
90 Queen Street

An application has been received from Sam Milanovski, for variances from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to:

1. increase the maximum permitted lot coverage from 20% to 25%;
2. increase the maximum permitted coverage of an accessory structure from 50% of the main dwelling coverage to 67.6%;
3. reduce the minimum required setback of an accessory structure to a street line from 4.5m to 4.2m; and
4. reduce the minimum setback from a street line to the door of a carport/private garage accessed by a private driveway from a public street from 5.8m to 4.2m.

The requested variances are required to permit a proposed accessory structure to be used as a car port/detached garage located on the subject property.

In Support of Application Sam Milanovski

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.

S. Milanovski introduced himself as the applicant and provided an overview of the requested variances.

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

B. O'Carroll asked why the applicant is not proposing a garage door on the structure.

S. Milanovski noted that at this time the owner is not interested in having a garage door on the structure, but she may have one installed at a future date.

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 (1) increase the maximum permitted lot coverage from 20% to 25%; (2) increase the maximum permitted coverage of an accessory structure from 50% of the main dwelling coverage to 67.6%; (3) reduce the minimum required setback of an accessory structure to a street line from 4.5m to 4.2m; and (4) reduce the minimum setback from a street line to the door of a carport/private garage accessed by a private driveway from a public street from 5.8m to 4.2m located at 90 Queen Street be **Granted** subject to the following conditions:

1. The plans as submitted be revised to illustrate a minimum internal dimension of 6.2 m in length and 3.0 m in width measured from foundation wall to foundation wall for the proposed covered parking structure;
2. The site grading shall conform to Public Works Department requirements; and
3. Roof drainage from the proposed structures shall not be directed towards the adjacent 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: Approval of Previous Minutes

Moved by: S. Haslam

That the minutes of the Committee of Adjustment held on Thursday November 12, 2020 be adopted.

Carried

Item 4: Other Business

J. Malfara advised the Committee that the 2021 Committee of Adjustment meeting schedule will be circulated the week of December 7th.

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