

# Minutes of the 9th Meeting

## Committee of Adjustment

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**Meeting Date:** Thursday July 7, 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 Hearings**

**A/30/22**

**John and Anna Cranston  
10 Heber Down Crescent**

An application has been received from John and Anna Cranston for a variance from the provisions of By-Law 1784.

The application is for permission to 1) reduce the minimum required front yard setback from 9.0m to 6.0m; 2) reduce the minimum required rear yard setback to a deck from 6.0m to 5.0m; and 3) increase the maximum permitted lot coverage from 20% to 31.5%.

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

In Support of Application

J. Cranston

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.

J. Cranston introduced himself to the Committee as the applicant. He provided an overview of the requested variance and advised the Committee that the request is appropriate.

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

B. O'Carroll asked if the proposed front yard setback will be aligned with the house to the north and south.

J. Cranston noted that the proposed dwelling will be setback approximately 8.0m and the porch will be setback approximately 6.0m from the front lot line.

B. O'Carroll asked the applicant if he was aware of the comments from the Engineering Department.

J. Cranston replied yes.

The Chair asked if there were any further questions from the Committee. There were none.

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 there was no written correspondence.

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 front yard setback from 9.0m to 6.0m; 2) reduce the minimum required rear yard setback to a deck from 6.0m to 5.0m; and 3) increase the maximum permitted lot coverage from 20% to 31.5% located at 10 Heber Down Crescent be **Granted** subject to the following conditions:

1. The site grading and services shall conform to the requirements of the Engineering Services Department; and
2. Roof leaders from the proposed structure shall not be directed onto adjacent 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/31/22**

**Subhadip Ghosh  
5 Vintage Drive**

An application has been received from Subhadip Ghosh for a variance from the provisions of By-law 1784.

The application is for permission to reduce the minimum required lot frontage of a semi-detached dwelling containing an accessory apartment from 10.0 m to 9.15 m.

The requested variance is required to permit an accessory apartment within the existing dwelling.

In Support of Application

S. Ghosh

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. Ghosh introduced himself to the Committee as the owner of the subject property. He advised the Committee that he is undertaking a basement renovation. As part of the renovation, he would like to permit an apartment dwelling within the basement. A variance is required as the property does not have adequate frontage.

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

D. McCarroll asked if the entrance will be in the rear yard and if the proposed windows will meet fire and building code.

The applicant noted that the entrance to the basement will be located in the rear yard and the proposed apartment will meet all required building codes.

B. O'Carroll noted that snow removal from the basement entrance will have to be considered as it is uncovered, and can become snow covered during the winter months.

The applicant acknowledged the comment.

J. Cardwell asked if the applicant's garage is usable for parking.

The applicant replied yes, and it is not used for storage.

The Chair asked if there were any further questions from the Committee. There were none.

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 there was no written correspondence.

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 frontage for a semi-detached dwelling containing an accessory apartment from 10.0m to 9.15m located at 5 Vintage Drive 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 2: Public Hearings**

**A/32/22**

**Kyle Northover on behalf of Sean Hill  
9060 Ashburn Road**

An application has been received from Kyle Northover on behalf of Sean Hill, for a variance from the provisions of By-law 5581-05.

The application is for permission to reduce the existing front yard setback (legal non-complying) from 7.8m to 7.3m.

The requested variance is required to permit a building addition to the existing dwelling located on the subject property.

In Support of Application                      K. Northover

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. Northover introduced himself to the Committee as the applicant. He provided an overview of the requested variance, noting that it is required to permit the expansion of the existing dwelling. He confirmed that the proposed addition will be to the north east face of the dwelling.

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

N. Chornobay asked if the existing garage will remain in place.

K. Northover noted that the existing garage will be demolished and reconstructed back in place, and additional living space will be included to the east of the garage.

The Chair asked if there were any further questions from the Committee. There were none.

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 there was no written correspondence.

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 reduce the existing front yard setback (legal non-complying) from 7.8m to 7.3m located at 9060 Ashburn Road be **Granted** subject to the following conditions:

1. The site grading and services shall conform to the requirements of the Engineering Services Department; and
2. Roof leaders from the proposed structure shall not be directed onto 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 2: Public Hearings

**A/33/22**

**Candice and Giuseppe Giuliano**  
**18 Napier Court**

An application has been received from Candice and Giuseppe Giuliano, for a variance from the provisions of By-law 1784.

The application is for permission to reduce the minimum lot frontage for a detached dwelling containing an accessory apartment from 10.5m to 9.0m.

The requested variance is required to permit an accessory apartment within the basement of the existing dwelling located on the subject property.

### In Support of Application

G. Giuliano

## 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.

G. Giuliano introduced himself to the Committee as the owner of the property. He advised the Committee of his intentions to create a basement apartment within the dwelling, as well as an exterior entryway from the north side yard.

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

G. Cardwell asked if the garage is usable for parking.

G. Giuliano replied yes.

G. Cardwell asked where the basement entrance will be located.

G. Giuliano replied that the entrance will be located in the north side yard and that the Building Department was ready to issue the permit for the stairway.

B. O'Carroll asked J. Malfara if the variance related to front yard landscaped open space which was included on the application form is still required.

J. Malfara noted that the variance related to landscaped open space is no longer required, as the applicant was able to confirm that over 40% of landscaping within the front yard was maintained.

The Chair asked if there were any further questions from the Committee. There were none.



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 there was no written correspondence.

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 lot frontage for a detached dwelling containing an accessory apartment from 10.5m to 9.0m located at 18 Napier Court 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 2: Public Hearings**

**A/34/22**

**Richard Vink on behalf of TFP Whitby Developments Inc.  
72 Armilia Place**

An application has been received from TFP Whitby Developments Inc., for a variance from the provisions of By-law 1784.

The application is for permission to reduce the minimum exterior side yard setback to a below grade staircase from 3.0m to 2.3m.

The requested variance is required to permit a below grade entrance into the basement of the dwelling within the exterior side yard of the property.

In Support of Application                      R. Vink

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. Vink introduced himself to the Committee as the applicant. R. Vink provided an overview of the property description and variance to permit a below grade entrance into the dwelling, located within the exterior side yard. R. Vink further noted that the requested variances meets the 4 tests set out by the Planning Act.

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

D. McCarroll asked why the stairs cannot be located within the rear yard.

R. Vink noted that the home owner would prefer to have the rear yard open and unobstructed by the stairway.

B. O'Carroll noted that snow removal from the basement entrance will have to be considered as it is uncovered, and can become snow covered during the winter months.

R. Vink acknowledged the comment and noted that there is ample space to deposit snow from the stairway into the exterior side yard.

The Chair asked if there were any further questions from the Committee. There were none.

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 there was no written correspondence.

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 reduce the minimum exterior side yard setback to a below grade staircase from 3.0m to 2.3m located at 72 Armilia Place be **Granted** subject to the following condition:

1. All Engineering Services requirements relating to the Site Plan Application SP-16-21 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/35/22***

**9044671 Canada Inc. (Ryan Rohrbach)**  
**1113 Burns Street East**

An application has been received from 9044671 Canada Inc. (Ryan Rohrbach), for a variance from the provisions of By-law 2585.

The application is for permission to permit a tow truck/impound yard on the subject property.

The requested variance is required to permit a tow truck/ OPP vehicle impound lot located on the subject property.

### In Support of Application

R. Rohrbach

## 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. Rohrbach introduced himself as the owner of Elite Roadside Inc. He advised the Committee that the towing impound yard that he currently operates out of (subject property) was never zoned to permit the use. He advised the Committee that in order for his company to continue towing and conducting business with the Ontario Provincial Police, confirmation of zoning compliance is required.

R. Rohrbach noted that the variance is required to formally permit the towing impound yard use.

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

N. Chornobay asked why a three year time limit condition is proposed.

R. Rohrbach again noted that the zoning permits outdoor storage of boats and trailers, but not vehicles, and therefore the variance is required to permit this use. R. Rohrbach expressed that he would prefer that the three year condition not be applicable if the application is approved by the Committee.

B. O'Carroll asked staff if after three years the applicant would have to seek approval of another variance to permit the tow yard use.

J. Malfara replied yes. He also noted that the timing condition was proposed for the reason that in the event the subject property was consolidated with abutting lands, industrial uses in line with the Official Plan would be encouraged.

J. Malfara advised the Committee that the Committee has the ability to remove or amend the timing related condition at their discretion.

D. McCarroll asked if the applicant owns or leases the property.

R. Rohrbach stated that he leases the property on a month to month basis. He noted that if the variance to formally permit the use is approved, he will commit to a longer lease term with the owner.

R. Rohrbach stated that he has been working within Durham Region for ten years and is a reputable company. His intention is to continue to grow his company within Whitby.

J. Cardwell asked R. Rohrbach if he spoke with the property owner of the proposed three year condition as per the staff report.

R. Rohrbach replied yes.

The Chair asked if there were any further questions from the Committee. There were none.

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.

N. Chornobay brought forward a motion to approve the requested variance with no conditions.

**Moved by:** N. Chornobay

That the application to permit a tow truck/impound yard on the subject property located at 1113 Burns Street East 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 3: Approval of Previous Minutes**

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

That the minutes of the Committee of Adjustment held on Thursday June 16, 2022 be adopted.

**Carried**

**Item 4: Other Business**

There were no items raised under other business

**Item 5: Adjournment**

**Moved by:** J. Cardwell

That this meeting of the Committee of Adjustment be adjourned.

**Carried**

[Original Approved]

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Secretary Treasurer

[Original Approved]

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Chair