



Minutes of the 8th Meeting of the Committee of Adjustment

Meeting Date: Thursday June 14, 2018
Meeting Time: 7:00 p.m.
Meeting Location: Whitby Municipal Building
575 Rossland Road East, Committee Room 1

Present:

N. Chornobay, Chair
J. Cardwell
B. O'Carroll
D. McCarroll
J. Malfara, Secretary-Treasurer
K. Ginter, Planning Summer Student

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/37/18

**Adam Bloetjes of Hickory Dickory Decks on behalf of Randy Dongen
108 Applewood Crescent**

An application has been received from Adam Bloetjes of Hickory Dickory Decks on behalf of Randy Dongen for variances from the provisions of Zoning By-Law 1784.

The application is for permission to:

1. increase the maximum projection of a covered porch and steps projecting from the first storey of a dwelling unit into a required front yard from 1.5m to 3.3m; and
2. increase the maximum permitted lot coverage from 20% to 23%.

The variances are required to permit an unenclosed front porch extending from the first storey of the existing residential dwelling in the front yard.

The subject property is located at 108 Applewood Crescent and is zoned Second Density Residential (R2) within Zoning By-law 1784.

In Support of Application Adam Bloetjes (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.

A. Bloetjes introduced himself to the Committee as the applicant and contractor retained by the owner of the subject property. A. Bloetjes advised that a new covered porch is proposed within the front yard of the property. The porch will be approximately 8 feet deep by 13 feet wide and will be slightly elevated off of the ground.

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

B. O'Carroll asked the applicant if the porch will include a permanent roof structure.

A. Bloetjes 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: J. Cardwell

That the application to increase the maximum projection of a covered porch and steps projecting from the first storey of a dwelling unit into a required front yard from 1.5m to 3.3m; and increase the maximum permitted lot coverage from 20% to 23% located at 108 Applewood Crescent be **Granted** subject to the following conditions:

1. That the site grading and all other services conform to the requirements of the Public Works Department; and
2. That roof drainage from the proposed structure shall not be directed onto 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 2: Public Hearings

A/38/18

**Bobbi Ann Brooks of Top Floor Design on behalf of Andrew Babcock
36 Dymond Drive**

An application has been received from Bobbi Ann Brooks of Top Floor Design on behalf of Andrew Babcock for variances from the provisions of 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 building height from 8.5m to 9.0m; and
3. increase the maximum width of a private driveway serving a three car garage from 9.0m to 13.2m.

The subject property is located at 36 Dymond Drive and is zoned Second Density Residential (R2) within Zoning By-law 1784.

The variances are required to permit the construction of a new two storey single detached residential dwelling on the subject property. The existing two storey detached residential dwelling is proposed to be demolished.

In Support of Application	Bobbi Anne Brooks (Applicant)
---------------------------	-------------------------------

In Opposition of Application	Darryl Caldwell Malcolm Fraser
------------------------------	-----------------------------------

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

B. Brooks introduced herself to the Committee as the applicant and designer retained by the owner of the subject property. She advised the Committee that the existing dwelling located on the property is to be demolished and a new two storey residential dwelling will be reconstructed in its place.

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

B. O'Carroll asked the applicant if the requested coverage is solely to accommodate the proposed dwelling.

B. Brooks replied that the additional coverage requested is to accommodate a future accessory structure on the property.

B. O'Carroll asked if the trees located along the west property line will be removed.

B. Brooks replied that the trees located along the west property line are to be retained.

B. O'Carroll asked if the proposed front yard setback is similar to the front yard setbacks of the neighbouring dwellings (east/west).

B. Brooks replied yes, and that the proposed front yard setback will be a minimum of 10.5m.

J. Cardwell asked the applicant if she read the Planning Staff Report.

B. Brooks replied that she read the report and agreed with the recommendations.

J. Cardwell asked the Secretary Treasurer if any similar height variances were approved in the immediate areas.

J. Malfara replied that to the best of his knowledge no height variances were approved recently within proximity to the subject property.

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.

D. Cardwell introduced himself to the Committee as the owner of the property located at 14 Dymond Drive, east of the subject property. D. Cardwell noted that the proposed variances in his opinion are minor.

D. Cardwell expressed concerns with prolonged construction timelines, and asked the applicant when they anticipate the new dwelling to be constructed by.

B. Brooks replied that they would like to begin construction as soon as possible.

D. Cardwell asked the applicant if the front yard setback of the existing dwelling will be maintained for the new dwelling.

J. Malfara replied that the applicants submitted plan indicates a 10.5m front yard setback, which complies with the minimum front yards setback as defined within the Zoning By-law.

D. Cardwell further provided that similar redevelopments located on Dymond Drive have become a nuisances due to unconventional work hours including ongoing construction activities on weekends and evening hours.

The Chair advised D. Cardwell that he should contact the Town of Whitby By-law Services Department.

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

M. Fraser introduced himself to the Committee as the owner of the property located at 40 Dymond Drive (west of subject property). M. Fraser expressed concerns with the possible setback of the proposed dwelling to his property line.

B. Brooks noted that the proposed dwelling will have an interior yard setback (west) of approximately 3.8m.

B. O'Carroll advised that the Public Works Department included a proposed condition which would see that the applicant direct and control all stormwater within the subject property.

Moved by: D. McCarroll

That the application to: (1) increase the maximum permitted lot coverage from 20% to 25%; (2) increase the maximum permitted building height from 8.5m to 9.0m; and (3) increase the maximum width of a private driveway serving a three car garage from 9.0m to 13.2m located at 36 Dymond Drive be **Granted** subject to the following conditions:

1. That the site grading and all other services conform to the requirements of the Public Works Department;
2. That roof drainage from the proposed structure shall not be directed onto the adjacent property; and
3. That the driveway may be 13.2m wide on private property, provided that the driveway width at the street line (Dymond Drive) conforms to the maximum permitted driveway width provisions of Zoning By-law 1784.

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/39/18

**Saccoccio Weppler Architects Inc. on behalf of the Durham Catholic School Board
1103 Giffard Street**

An application has been received from Saccoccio Weppler Architects Inc. on behalf of the Durham Catholic School Board for variances from the provisions of Zoning By-Law 2585.

The application is for permission to:

1. permit portable classrooms to be located within a Shopping Centre Commercial Zone (C1); and
2. permit 30 off-site parking spaces for the subject property, whereas the Zoning By-law requires that all parking areas be provided on the same lot as the principle use.

The subject property is located at 1103 Giffard Street and is zoned Shopping Centre Commercial Zone (C1) and Institutional (I).

The first variance is required to permit temporary portable classroom units to be located on part of the DCSB's current vacant land holdings situated to the south of the existing school.

The second variance is required to permit 30 parking spaces required by the proposed portable classroom units, located on the abutting lands (903 Giffard Street).

In Support of Application

Paul Weppler (Applicant/Architect)
Lewis Morgulis (Durham Catholic District
School Board)

In Opposition of Application

Rick Wheeler

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

P. Weppler introduced himself to the Committee as the Applicant and Architect retained by the Durham Catholic District School Board (owner). He provided an overview of the requested variances and advised the Committee that the variances are required to allow for the temporary of installment of portable classroom units on the subject lands. The portable classrooms are required to accommodate students from St. Marguerite d'Youville Catholic School, as this school is scheduled to be demolished and reconstructed.

L. Morgulis advised the Committee that a shared parking agreement between the subject lands and the abutting lands (903 Giffard Street) has been enacted.

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

B. O'Carroll asked if the parking at 903 Giffard will be for Staff only.

L. Morgulis replied yes. He further noted that the two schools will operate on different start and end schedules which will assist in limiting parent pick-up/drop-off and school bus traffic on Giffard Street.

J. Cardwell asked when the reconstruction of St. Marguerite d'Youville Catholic School will be complete.

L. Morgulis replied that the school is anticipated to be in operation for the 2020 school year.

B. O'Carroll asked if the southern boundary of the C1 Zone is fenced?

L. Morgulis replied yes.

The Chair asked what currently occupies the C1 Zoned lands within the subject site.

L. Morgulis replied that these lands are currently vacant and are used as part of the school yard.

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

J. Malfara replied that a letter of objection was received from Richard Wheeler, who expressed concerns with past and ongoing parking issues located along Lee Avenue.

R. Wheeler noted that select individuals picking-up or dropping-off students have exhibited unsafe parking and driving practices, and he hopes that the Town can implement measures to assist in mitigating such issues.

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) permit portable classrooms to be located within a Shopping Centre Commercial Zone (C1); and (2) permit 30 off-site parking spaces for the subject property, whereas the Zoning By-law requires that all parking areas be provided on the same lot as the principle use for the lands located at 1103 Giffard Street be **Granted** subject to the following conditions:

1. That the applicant enter into an agreement (Letter of Undertaking) with the abutting land owners to utilize 30 parking spaces located at 903 Giffard Street;
2. That the variance shall apply to the subject lands for no more that 4 years commencing on June 14, 2018.

3. That the site grading and all services shall conform to the requirements of the Public Works Department;
4. Roof drainage from all proposed structures shall not be directed onto the adjacent property; and
5. The applicant provides an infiltration trench to intercept, capture and control the 5 year flows from the temporary portables, within the 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/40/18

Samir Hinnawi of SH design on behalf of Daniel & Margaret Bond 97 Queen Street

An application has been received from Samir Hinnawi of SH design on behalf of Daniel & Margaret Bond for a variance from the provisions of By-Law 1784.

The application is for permission to increase the maximum permitted lot coverage from 25.5% to 29.1%.

The subject property is located at 97 Queen Street and is zoned Second Density Residential – Brooklin Secondary Plan (R2-BP) within the Town of Whitby Zoning By-law 1784.

The variance is required to permit a proposed shed within the rear yard, and an enlargement to the garage of the existing dwelling.

In Support of Application	Samir Hinnawi (Applicant)
---------------------------	---------------------------

In Opposition of Application	Brian Medeiros Domenic Carello Mary Carello
------------------------------	---

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

S. Hinnawi introduced himself to the Committee as the applicant and designer retained by the owner of the subject property. He noted that the variance was required to permit a garage addition to the existing dwelling and a shed within the rear yard. S. Hinnawi further expressed that the proposed structures comply with all zoning provisions, except for lot coverage.

S. Hinnawi advised the Committee that he read the Planning Staff Report and agrees with the recommendations.

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 two letters were received from abutting land owners to the east of the subject property (16 and 14 Dodge Drive).

J. Malfara expressed that the primary concerns brought forward by the abutting land owners pertained to concerns with the over development of the site (coverage), the size of the proposed shed, and the height of the dwelling addition.

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

B. O'Carroll expressed that she has no issue with the proposed building addition or size and location of the shed. She expressed that prior to the redevelopment of the subject

Minutes of the 8th Meeting of Committee of Adjustment

property, a shed similar in size existed at the rear of the property, similar in location to where the applicant is proposing the new shed.

D. McCarroll agreed with B. O'Carroll's comments and noted that in his opinion the proposed building addition and shed will not afford any visual impacts on abutting land uses.

The Chair asked the applicant to confirm if the proposed shed will be located within a section of the rear yard (north east) that prior to the redevelopment of the site included a similar sized shed.

S. Hinnawi replied yes.

D. McCarroll asked the applicant if he can construct the shed and building addition without the coverage variance.

S. Hinnawi replied no. The existing dwelling occupies all of the permitted lot coverage.

The Chair asked if the proposed addition to the dwelling will increase the existing height of the dwelling.

S. Hinnawi replied no. He noted that the building addition to the rear of the existing garage will blend into the existing roof line.

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 25.5% to 29.1% located at 97 Queen Street be **Granted** subject to the following conditions:

1. That the site grading plan, storm water management brief, and all other services conform to the requirements of the Public Works Department;
2. A security deposit of \$3,000.00 for each infiltration system constructed shall be collected prior to the issuance of the building permit; and
3. Roof drainage from the proposed structures shall not be directed onto the 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.

Item 3: Approval of Previous Minutes

Moved by: J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday May 24, 2018 be adopted.

Carried

Item 4: Other Business

There were no items raised under other business

Item 5: Adjournment

Moved by: B. O'Carroll

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original approved and signed]

Secretary Treasurer

[Original approved and signed]

Chair