



Minutes of the 7th Meeting

Committee of Adjustment

Meeting Date: Thursday May 27, 2021

Meeting Time: 7:00 p.m.

Meeting Location: Virtual meeting

Present:

N. Chornobay, Chair

S. Haslam

J. Cardwell

B. O'Carroll

D. McCarroll

J. Malfara, Secretary-Treasurer

J. Taylor, Senior Manager – Zoning & Regulation

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/55/21

**David Small Designs on behalf of Amy Beth
109 Ferguson Street**

An application has been received from David Small Designs on behalf of Amy Beth, for a variance from the provisions of By-law 2585.

The application is for permission to increase the maximum floor space index (FSI) from 0.45 to 0.49.

The requested variance is required to permit the construction of a new two storey detached dwelling on the subject property.

In Support of Application Peter Giordano

In Opposition of Application Linda Gasser

The Chair introduced the application and noted that the Planning and Development Department have additional information on the application that should be shared with the Committee and participants.

J. Malfara advised the Committee that Planning staff have received advice from Town Counsel that the Committee of Adjustment application for 109 Ferguson Street should be tabled as the proposal is captured within Interim Control By-law #7700-20. In accordance with the Interim Control By-law, in order to consider the Committee of Adjustment application, the property is required to be exempt from the Interim Control By-law by Council or the Interim Control By-law is lifted.

The Chair asked if a motion can be brought forward by the Committee to table the application.

J. Malfara 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 a letter of objection was received, and this letter was circulated to the Committee prior to the meeting.

The Chair canvassed the audience to determine if there were any interested parties in attendance that would like to be notified if this application comes back to the Committee. Linda Gasser noted that she has sent in correspondence and would like to be notified of any future Committee of Adjustment meetings on this property.

The Chair asked staff if a full circulation would be conducted if this application comes back to the Committee. J. Taylor noted that the interested parties would only be notified, unless there were changes to the application.

Moved by: D. McCarroll

That the application to increase the maximum FSI from 0.45 to 0.49 located at 109 Ferguson Street be **Tabled** until such time that the subject property receives an exemption from the Interim Control By-law or the Interim Control By-law is lifted.

Carried

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/56/21

**Paradise Homes Whitby Inc.
1 Thelma Drive**

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

The application is to permit vehicular access to a garage from the front lot line for a single detached dwelling situated on a corner lot abutting a roundabout.

The requested variance is required to permit the construction of a two storey detached dwelling on the subject property.

In Support of Application

Bryce Jordan

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. Jordan introduced himself to the Committee as the planning consultant representing the owners of the subject property. He provided an overview of the requested variances and noted that the variance would allow for the proposed driveway to be located on a local road, as opposed to a busier collector road.

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 written correspondence was received, and there was no one who registered to speak on behalf of the application.

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 permit vehicular access to permit vehicular access to a garage from the front lot line for a single detached dwelling situated on a corner lot abutting a roundabout located at 1 Thelma Drive be **Granted** subject to the following condition:

1. That the site grading and all other services conform to the requirements of the Public Works Department.

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/57/21

**GHD on behalf of Whitby Toyota
1025 Dundas Street West**

An application has been received from GHD on behalf of Whitby Toyota, for a variance from the provisions of By-law 1784.

The application is for permission to reduce the minimum required rear yard setback from 7.5m to 0.0m.

The requested variance is required to permit the expansion of the existing Whitby Toyota automobile dealership onto their adjacent parcel of land. Whitby Toyota currently leases the land that the dealership buildings are located on and owns the lands to the west and south of the buildings of the existing dealership.

In Support of Application

Steve Edwards
Ian Kingsley
Jeff Kingsley

Interested Parties

Mike McKay
Chuck Sansanwal

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

S. Edwards introduced himself to the Committee. He provided an overview of the proposal to expand the existing Whitby Toyota dealership, and noted that a Site Plan Application is being reviewed by the Town.

S. Edwards shared an air photo of the subject property which provided a visual overview of the site configuration and where the proposed building expansion will be located. S. Edwards noted that the existing fence and vegetation buffer along the east side of the existing and proposed addition will remain and that the proposed building expansion will have no windows facing east onto the residential properties.

S. Edwards concluded that he agreed with the recommendation in the Planning Staff Report and the variance meets the 4 tests as outlined within the Planning Act.

The Chair asked S. Edwards if he can share a copy of the enlarged Site Plan.

S. Edwards shared a copy of the Site Plan for viewing.

B. O'Carroll asked if the parking located to the south of the main parking lot has been constructed.

S. Edwards replied yes. He noted that this parking is required to make up for the parking spaces that will be lost due to the proposed building expansion.

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 2 letters of correspondence were received and were 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.

M. McKay advised the Committee that he is a resident of 15 Fothergill Court and would like to be notified when construction begins.

B. O'Carroll asked if the Town notifies residents when construction activities are to begin.

J. Taylor replied that this would be the responsibility of the applicant. The Town will issue the notice of decision which will include a final and binding date, however, once a permit is issued, the Town does not control the start date of construction. This would be a good will gesture from the applicant to the resident.

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

C. Sansanwal introduced himself as the owner of 21 Fothergill Court and asked if the fence located between his property and the dealership will be replaced as it is in disrepair.

I. Kingsley noted that new fence posts have been installed along portions of the east lot line, and his team will be cleaning the area up. I. Kingsley further noted that he has worked out an agreement with a property owner along the mutual property line in a different location with respect to fencing and noted he has already put fence posts up in that location. He advised C. Sansanwal that the matter regarding the fence will be reviewed and that he is committed to working with his neighbour. He noted that the neighbour can contact him directly at the dealership or ask for him over the existing fence and reach out at anytime.

Moved by: B. O'Carroll

That the application to reduce the minimum required rear yard setback from 7.5m to 0.0m located at 1025 Dundas Street West be **Granted** subject to the following condition:

1. All Public Works requirements related to Site Plan Application SP-04-21 are complied with.
2. That the applicant secure the necessary easements through the Region of Durham Land Division Committee to permit the expansion and continued operation to the existing dealership.

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/58/21

Landmark Advisory Services on Behalf of 1924191 Ontario Inc.
1501 Hopkins Street

An application has been received from Landmark Advisory Services on Behalf of 1924191 Ontario Inc., for a variance from the provisions of By-law 1784.

The application is to permit a public garage as a permitted use within the existing building on the subject lands.

The requested variance is required to permit an automobile windshield repair facility within the existing building located on the subject property.

In Support of Application Alexander Katsanis

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. Katsanis introduced himself to the Committee as the applicant and planning consultant retained by the tenants of the subject property. He provided an overview of the proposal and noted that previous automotive uses have been approved for the subject property through a site specific by-law and minor variance, and that the proposed auto glass repair facility is appropriate and compatible with the surrounding land uses.

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: S. Haslam

That the application to permit a Public Garage as a permitted use within the existing building on the subject lands located at 1501 Hopkins Street 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: J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday May 6, 2021 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]

Secretary Treasurer

[Original approved]

Chair