



Minutes of the 3rd Meeting of the Committee of Adjustment

Meeting Date: Thursday February 28, 2019
Meeting Time: 7:00 p.m.
Meeting Location: Whitby Municipal Building
575 Rossland Road East, Committee Room 1

Present:

S. Haslam, Chair
J. Cardwell
D. McCarroll
N. Chornobay
J. Malfara, Secretary-Treasurer
J. Taylor, Manager of Planning Administration

Item 1: Disclosure of Interest:

There was no disclosure of interest by the members of the Committee of Adjustment

Carried

Item 2: Amendment to Public Hearing Order:

Moved by: N. Chornobay

That application A/15/19 be moved to the end of the public meeting order.

Carried

Item 3: Public Hearings

A/12/19

Toni Stojanovic
21 Dymond Drive

An application has been received from Toni Stojanovic for a variance from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to reduce the minimum setback from a driveway to a side lot line from 0.6m to 0.2m.

The requested variance is required to permit the widening of an existing driveway located on the subject property.

The subject property is located at 21 Dymond Drive and is zoned Second Density Residential (R2) in Zoning By-law 1784.

In Support of Application Toni Stojanovic (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.

T. Stojanovic introduced himself to the Committee as the owner of the subject property. He advised the Committee that the dwelling located on the property was recently constructed, and is nearing completion. The variance requested is to permit the widening of the existing driveway. The applicant noted that the increase to the driveway width is not required for parking, but, for better aesthetics.

T. Stojanovic noted that he read the Planning Staff Report. He also provided the Committee with a letter written by Tony Gattellaro, the owner of the neighbouring property to the east (17 Dymond Drive). T. Gattellaro expressed in his letter that he would be satisfied with a 0.3m driveway setback instead of the 0.2m setback as requested by T. Stojanovic .

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

D. McCarroll asked the applicant why the home was not sited further to the west when it was recently constructed. This would have allowed him to comply with the required driveway setback to the interior lot line, and have a wider driveway as desired.

T. Stojanovic replied that there is existing vegetation on the west side of the property that he wanted to preserve.

N. Chornobay asked the applicant if the driveway is constructed now as illustrated on the site plan.

T. Stojanovic replied no. The driveway is currently gravel.

N. Chornobay asked what the current width of the driveway is.

T. Stojanovic replied that the driveway is approximately 5.9m in width.

N. Chornobay noted that the variance as requested would allow the driveway to be widened by approximately 14 inches.

T. Stojanovic replied yes.

N. Chornobay advised the applicant that he noticed large snow piles on the sides of the driveway. He asked how the requested setback reduction will affect snow storage.

T. Stojanovic replied that there will be no impact on snow storage.

N. Chornobay asked how the variance if approved would allow for better aesthetics.

T. Stojanovic replied that the driveway currently has a jog towards the east property line as it approaches the dwelling. The variance would permit the driveway to be parallel to the abutting lot line, spanning from the rear yard detached garage to the street line.

N. Chornobay asked the applicant what prompted him to apply for a minor variance.

T. Stojanovic replied that he understands the Zoning By-law and wanted to seek the necessary approvals before he constructed the driveway.

The Chair asked the applicant if he was aware that the Staff Report was not in support of his requested variance. He further noted that there is no hardship demonstrated.

T. Stojanovic replied that he read the Staff Report, and was unaware that a hardship had to be demonstrated.

The Chair asked the applicant why he can't comply with the Zoning By-law requirements.

T. Stojanovic replied that the driveway would look too narrow if he complied with the required setback provisions.

J. Cardwell asked the applicant if the variance was amended to permit a minimum setback of 0.3m from a driveway to a side lot line, what the driveway width would be.

J. Taylor advised the Committee that the width of the driveway would be approximately 6.5m.

The Chair asked the Committee if there were any further questions. There was 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 other than the letter that was handed out by the applicant tonight from his neighbour.

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 that the application be approved as modified to reduce the minimum setback from a driveway to a side lot line from 0.6m to 0.3m.

Moved by: N. Chornobay

That the application as amended to reduce the minimum setback from a driveway to a side lot line from 0.6m to 0.3m located at 21 Dymond 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, oral submissions, and written submission had an effect on the Committee's decision.

Item 3: Public Hearings

A/13/19

**1652 Tricont GP Inc. (Christina Basan)
1652 Tricont Avenue**

An application has been received from 1652 Tricont GP Inc. (Christina Basan) 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 50% to 51%.

The requested variance is required to permit the development of two industrial buildings located on the subject property in accordance with Site Plan Application (SP-15-18).

The subject property is located at 1652 Tricont Avenue and is zoned Restricted Industrial (M1) within Zoning By-law 1784.

In Support of Application

Lorelei Jones (Consultant)

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.

L. Jones introduced herself to the Committee as the Planner retained by the owners of the subject property. She indicated that this property was subject to a minor variance application in September 2018. She noted that the requested variance is required to permit increased lot coverage, which was a result of minor amendments to the site design in order to accommodate an internal garbage room within the buildings.

The Chair asked if there were any 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.

Moved by: J. Cardwell

That the application to increase the maximum permitted lot coverage from 50% to 51% located at 1652 Tricont Avenue be **Granted** subject to the following condition:

1. That all Public Works requirements related to Site Plan Application (SP-15-18) 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 3: Public Hearings

A/14/19

Baif Developments Ltd. (Paul Minz)
114 Deverell Street

An application has been received from Baif Developments Ltd. (Paul Minz) for variances from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to: (1) reduce the minimum required front yard setback from 6.0m to 3.5m, (2) reduce the minimum interior side yard setback to a second storey from 1.75m to 1.4m, (3) increase the maximum permitted lot coverage from 33% to 36.5%, and (4) increase the maximum permitted building height from 8.0m to 8.5m.

The requested variances are required to permit a single detached, two storey dwelling on the subject property.

The subject property is located at 114 Deverell Street and is zoned Single Family Detached Dwelling House (R2A) within Zoning By-law 1784.

In Support of Application Lynn Barkey (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.

L. Barkey introduced himself to the Committee. He noted that he read the Planning Staff Report and was pleased with the conclusions. He expressed that his company developed the lands to the west of the property in the mid 1980's. The subject property at this time fronts upon a temporary turning circle. Once the Minto development to the east is completed and Deverell Street is extended eastward, the temporary turning circle will be removed, and land will be dedicated back to the flanking properties to the north and south.

L. Barkey noted that because of the temporary turning circle, the proposed dwelling can not comply with the minimum required front yard setback. Once the turning circle is removed and land is conveyed back to the abutting property, the front yard setback will exceed the minimum requirement.

L. Barkey also noted that a variance is required to increase the maximum permitted building height. He stated that the requested height is appropriate and provides a desirable transition from the existing dwellings to the west and the proposed contemporary dwellings to the east.

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

D. McCarroll asked the applicant if he had any concept elevation drawings of the proposed dwelling.

L. Barkey replied that he did not have any drawings available.

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 (1) reduce the minimum required front yard setback from 6.0m to 3.5m, (2) reduce the minimum interior side yard setback to a second storey from 1.75m to 1.4m, (3) increase the maximum permitted lot coverage from 33% to 36.5%, and (4) increase the maximum permitted building height from 8.0m to 8.5m located at 114 Deverell Street 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. Roof drainage from the proposed structure shall not impact the 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.

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 (1) permit a building addition within a (H) Holding Zone, and (2) increase the maximum permitted lot coverage from 20% to 22% located at 10 Price Street 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. 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 3: Public Hearings

A/17/19

Tom Koukidis

405 Cochrane Street (Part 1)

An application has been received from Tom Koukidis for variances from the provisions of the Town of Whitby Zoning By-Law 2585.

The application is for permission to: (1) increase the maximum permitted building height from 8.5m to 9.5m, (2) reduce the minimum required interior side yard setback to the second storey of the dwelling from 2.0m to 1.2m, and (3) increase the maximum permitted lot coverage from 35% to 39%.

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

The subject property is located at 405 Cochrane Street and is zoned Residential Type 2 (R2) within Zoning By-law 2585.

In Support of Application

John Koukidis (Agent)
Tom Koukidis (Owner)

In Opposition of Application

Peter McCormack
Glenys Davies
Ryan Liebrechts

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

J. Koukidis introduced himself to the Committee. He read the Planning Staff Report and agreed with the recommendation to reduce the maximum permitted building height from the requested 9.5m to 9.0m.

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

D. McCarroll asked what the lot size is.

J. Koukidis replied that the property will be severed into two parcels, each parcel measuring 50 feet by 150 feet.

N. Chornobay asked the applicant if the severance is final and binding.

J. Koukidis replied that the severance was approved by the Region of Durham, however they were unable to clear the approval conditions within the 1 year timeline. As a result, the severance approval lapsed and they are now proceeding through the severance process again.

The Chair noted that the Committee may seek to include a condition that associates the variance application to a successful land division application at the Region of Durham if the Committee of Adjustment application is recommended for approval.

D. McCarroll noted that the south elevation of the proposed dwelling only has one window on the second storey.

J. Koukidis confirmed this.

D. McCarroll expressed concern that the abutting homes (fronting onto Beech Street) backing onto the interior side yard of the applicant's property will be impacted by a blank façade.

J. Taylor noted that enforcing the location of windows on the façade of a dwelling is difficult from a planning perspective and is regulated by the Ontario Building Code.

N. Chornobay asked if there is a requirement for a fence to be installed along the interior side lot line.

J. Taylor replied no.

J. Cardwell asked if the proposed glazing on the south façade of the dwelling complies with the requirements of the Ontario Building Code.

J. Koukidis replied yes.

J. Taylor replied that a building permit can not be issued without compliance with the Ontario Building Code.

The Chair asked if there were any other comments 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.

P. McCormack introduced himself to the Committee as a representative of the owners of 808 Beech Street West. He advised the Committee that the applicants proposed dwellings will have a negative impact on the abutting Beech Street W properties, specifically the owner's privacy and enjoyment of their rear yards.

P. McCormack also noted that the height of the proposed dwellings is too high, there will be an increase in traffic, and that applicant should plant trees along the south property line to limit privacy impacts on the abutting properties. He also talked about the location of lighting on the proposed dwelling as well.

N. Chornobay asked P. McCormack to confirm that he is speaking to the Committee on behalf of the owners of 808 Beech Street W.

P. McCormack replied yes.

N. Chornobay asked P. McCormack if he objects to the proposed building height and interior side yard setback.

P. McCormack replied yes.

N. Chornobay noted that the Planning Staff Report recommends that the requested maximum permitted building height is reduced from 9.5m to 9.0m.

The Chair expressed that the By-law already permits a 1.2m interior side yard setback to the first storey of the dwelling.

N. Chornobay noted that the applicants requested variance to the interior side yard setback to the second storey would allow them to construct the second storey flush with the first storey.

J. Cardwell asked if a two storey dwelling is permitted on the property.

J. Taylor replied yes.

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

G. Davies introduced herself to the Committee as the owner of 808 Beech Street W. She expressed to the Committee that windows should not be permitted on the south facing exterior wall of the dwelling and that the height of the dwelling will have privacy impacts on her property.

J. Cardwell noted that a two storey dwelling can be constructed within 2.0m of the south property line, while complying with the provisions of the Zoning By-law.

J. Taylor further noted that the existing dwellings on Beech Street W are permitted to be 2 storeys in height.

G. Davies stated that no exterior lighting should be affixed to the south façade of the proposed dwelling, as light would shine onto their property. Although the applicant's property is currently vacant, the property to the north (409 Cochrane Street) has exterior lights on the house, and she is impacted by them as well.

J. Taylor asked the G. Davies if she was referencing soffit lights?

G. Davies replied yes.

J. Taylor noted that it is difficult to regulate exterior lighting and it is beyond the powers of the Committee of Adjustment to do so. With respect to fences, the applicant can not

remove an existing shared fence without permission from the neighbouring owners. If the applicant would like to construct a new fence, they can do so on their own property.

G. Davies stated that she and her neighbours do not want to see any windows on the south facing wall of the applicants proposed dwelling.

J. Taylor noted that the location of windows is difficult to regulate from a planning perspective.

J. Cardwell noted that the applicant must maintain a certain percentage of glazing on the exterior of the building to comply with the Building Code.

G. Davies also stated that she does not want the proposed dwelling to be a rental unit.

J. Cardwell stated that the Committee can not restrict this from occurring.

D. McCarroll noted that the applicant can rent out the dwelling or have an accessory apartment if they comply with the requirements of the Planning and Building Departments.

The Chair asked if there were any other members of the public that wished to speak to the application.

R. Liebregts introduced himself to the Committee as the owner of the neighbouring property located at 409 Cochrane Street. He stated that the minimum required interior side yard setback would allow for decreased privacy and light in the interior side yard. He also sought confirmation on what the proposed height of the dwelling will be.

J. Taylor replied that Planning staff are recommending that the variance with respect to height be reduced from 9.5m to 9.0m. The maximum permitted building height as of right is 8.5m.

R. Liebregts asked if the 9.5m is still proposed.

J. Taylor replied that the Committee would be required to make a motion to amend the variance to reduce the building height to 9.0m.

G. Davies asked when construction is set to occur.

J. Taylor replied that this is up to the applicant; however, the applicant must proceed through the severance process with the Region of Durham.

The Chair asked if there were any other members of the public who wished to speak to the application. There was no one.

N. Chornobay proposed that Variance #1 regarding the maximum permitted building height be reduced from 9.5m to 9.0, and to include a condition that the applicant receives a successful land division (severance) from the Region of Durham.

Moved by: N. Chornobay

That the application to (1) increase the maximum permitted building height from 8.5m to 9.0m (as amended), (2) reduce the minimum required interior side yard setback to the second storey of the dwelling from 2.0m to 1.2m, and (3) increase the maximum permitted lot coverage from 35% to 39% located at 405 Cochrane Street (Part 1) 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. Roof drainage from the proposed structure shall not be directed onto the adjacent property; and
3. The applicant receives a successful land division (severance) from the Region of Durham that is final and binding.

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: Public Hearings

A/18/19

Tom Koukidis

405 Cochrane Street (Part 2)

An application has been received from Tom Koukidis for variances from the provisions of the Town of Whitby Zoning By-Law 2585.

The application is for permission to: (1) increase the maximum permitted building height from 8.5m to 9.5m, (2) reduce the minimum required interior side yard setback to the second storey of the dwelling from 2.0m to 1.2m, and (3) increase the maximum permitted lot coverage from 35% to 39%

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

The subject property is located at 405 Cochrane Street and is zoned Residential Type 2 (R2) within Zoning By-law 2585.

In Support of Application

John Koukidis (Agent)
Tom Koukidis (Owner)

In Opposition of Application

Ryan Liebrechts

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

J. Koukidis advised the Committee that his comments are the same as noted in application A/17/19.

The Chair asked if there were any comments 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.

R. Liebrechts advised the Committee that he was concerned with the requested 9.5m maximum permitted building height. He noted that this will cause privacy impacts on neighbouring uses and will be out of character with the neighbourhood which is primarily made up of single storey homes.

J. Taylor noted that most homes built in the 1970's were able to comply with the maximum permitted 8.5m building height in order to accommodate 8' ceilings. However,

newer homes and modern architecture typically require larger floor to ceiling heights and therefore taller building provisions.

R. Liebregts asked why the Zoning By-law has not been updated to reflect the newer building standards.

J. Taylor replied that the Town will be addressing this as part of a Comprehensive Zoning By-law in the future.

D. McCarroll asked if the Land Division Committee will have any input on the building configuration when the applicant resubmits their application to sever the lands.

J. Taylor replied no. The building shall comply with the Zoning By-law and any approved variances.

The Chair asked if there was anyone else from the public who wished to speak to the application. There was no one.

J. Cardwell proposed that Variance #1 regarding the maximum permitted building height be reduced from 9.5m to 9.0, and to include a condition that the applicant receives a successful land division (severance) from the Region of Durham.

Moved by: J. Cardwell

That the application to (1) increase the maximum permitted building height from 8.5m to 9.0m (as amended), (2) reduce the minimum required interior side yard setback to the second storey of the dwelling from 2.0m to 1.2m, and (3) increase the maximum permitted lot coverage from 35% to 39% located at 405 Cochrane Street (Part 2) 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. Roof drainage from the proposed structure shall not be directed onto the adjacent property; and
3. The applicant receives a successful land division (severance) from the Region of Durham that is final and binding.

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: Public Hearings

A/19/19

**John Koukidis on Behalf of Wholesome Investments Ltd.
1101 Brock Street South**

An application has been received from John Koukidis on behalf of Wholesome Investments Ltd. for variances from the provisions of the Town of Whitby Zoning By-Law 2585.

The application is for permission to (1) reduce the minimum required rear yard setback to a refrigeration unit from 7.5m to 4.3m, (2) permit a loading space to encroach into the exterior side yard between the nearest part of any wall of the main building and the exterior side lot line, and (3) reduce the minimum required setback to a loading space from a Residential Zone from 7.5m to 4.3m.

The requested variances are required to permit a proposed refrigeration unit to be attached to the rear face of the building, extending into the rear yard (south).

The subject property is located at 1101 Brock Street South and is zoned Special Purpose Commercial (C2-S) within Zoning By-law 2585. In Support of Application

In Support of Application	John Koukidis (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.

J. Koukidis introduced himself to the Committee. He stated that an exterior refrigeration unit is proposed to be located/attached to the south face of the building, within a former brick garbage enclosure. The existing garbage bin will be shifted westerly towards Brock Street South and a new enclosure will be constructed around it.

D. McCarroll asked if they have to create a new doorway in the building leading into the refrigeration unit.

J. Koukidis replied yes. They are going to submit a building permit application for this work.

N. Chornobay asked what will happen with the existing garbage bin. He also noted that the entrance as shown on the approved Site Plan was constructed differently.

J. Koukidis replied that the existing garbage bin will be moved further west. The bin is currently visible to the public. A new enclosure/gate is proposed which will shield the view of the garbage bin from the parking lot and customers.

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.

Moved by: D. McCarroll

That the application to (1) reduce the minimum required rear yard setback to a refrigeration unit from 7.5m to 4.3m, (2) permit a loading space to encroach into the exterior side yard between the nearest part of any wall of the main building and the exterior side lot line, and (3) reduce the minimum required setback to a loading space from a Residential Zone from 7.5m to 4.3m located at 1101 Brock Street South be **Granted** subject to the following conditions:

1. That Variance #1 shall only apply to the location of the proposed refrigeration unit as illustrated on the applicants submitted drawings;
2. That the site grading and all other services conform to the requirements of the Public Works Department; and
3. That the loading space shall not encroach past the existing parking stalls located within the exterior side yard.

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: Public Hearings

A/15/19

**1138319 Ontario Inc. c/o Delta Rae Homes
Thickson Rd N**

An application has been received from 1138319 Ontario Inc. c/o Delta Rae Homes for a variance from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to permit an off-site temporary residential sales office located on the subject property.

The requested variance is required to permit an off-site temporary sales office on the subject property.

The subject property is located at the south/east corner of Thickson Rd North and Taunton Road East and is zoned Commercial Mixed Use – Exception 4 (CMU*-4) in Zoning By-law 1784.

In Support of Application

Carmen Calabrese (Applicant)

Also in Attendance

Ed Lei

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

C. Calabrese introduced himself to the Committee as a representative of Delta Rae Homes. He noted that they will be offering for sale new homes in a development in West Whitby. The site that they own can not accommodate a sales office and they would like to use the existing sales office located on the subject lands as an alternative.

The Chair asked if there is a condition to limit the amount of time the applicant can operate out of the sale office located on the property.

J. Taylor responded that in past instances the Town has limited the amount of time an applicant can operate out of an off-site sale office, when a temporary use by-law is required. In the case of a minor variance there is no statutory time limit unless approved by the Committee.

C. Calabrese noted that he would prefer that the three year limit be removed from the conditions given the current state of the housing market.

J. Cardwell asked the applicant how long they intend on occupying the sales office.

C. Calabrese was unaware as the occupancy is dependant on how long it will take them to sell their homes.

N. Chornobay asked the applicant if they are leasing the existing sales office from the owner of the property (Luvian Homes).

C. Calabrese replied yes.

J. Taylor confirmed that the applicant will be utilizing the existing sales office on the property which was formerly operated by Luvian Homes. To his knowledge there is no active development application proposed for the subject property.

N. Chornobay asked the applicant if they have access permits from the Region.

J. Taylor replied that the applicant will use an existing driveway leading to the sales office parking lot.

The Chair asked if there were any other 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.

E. Lei introduced himself to the Committee as a resident who lives in the townhouses to the east of the site. He wanted to know if the applicant planned to expand the existing parking lot.

C. Calabrese replied no.

N. Chornobay stated that he was prepared to make a motion to approve the variance, with the removal of condition #1 as it relates to the amount of time the applicant can occupy the sales office on the property, as stated in the Planning Staff Report.

Moved by: N. Chornobay

That the application to permit an off-site temporary residential sales office located on the subject property located at Thickson Rd N be **Granted** subject to the following condition (as amended):

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 4: Approval of Previous Minutes

Moved by: J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday February 07, 2019 be adopted.

Carried

Item 5: Other Business

J. Malfara advised the Committee that new identification cards will be prepared and provided at the next meeting.

J. Taylor advised the Committee that a special Committee of Adjustment meeting may be scheduled in the coming months with regards to the Durham Hospice proposal.

Item 6: Adjournment

Moved by: N. Chornobay

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original approved and signed]

Secretary Treasurer

[Original approved and signed]

Chair