

Meeting Date: Thursday April 12, 2018

Meeting Time: 7:00 p.m.

Meeting Location: Whitby Municipal Building

575 Rossland Road East, Committee Room 1

# **Present:**

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

# Item 1: Disclosure of Interest:

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

Carried

### A/18/18

# Donald and Patricia Beach 18 Heber Down Crescent

An application has been received from Donald and Patricia Beach for a variance from the provisions of By-Law 1784.

The application is for permission to increase the maximum permitted lot coverage from 20% to 24.0%.

The subject property is located at 18 Heber Down Crescent and is zoned Residential 3 Zone Brooklin Plan (R3-BP) within the Town of Whitby Zoning By-law 1784.

In Support of Application Lisa Van Andel (Applicant)

Shawn Van Andel (Applicant)

In Opposition of Application None at this time

Also in Attendance James Hunter

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

- S. Van Andel introduced himself to the Committee and provided an overview of the requested variances.
- S. Van Andel advised the Committee that the variances are required to construct a new dwelling on the subject property as the existing dwelling was damaged by a past fire.

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

- B. O'Carroll asked the applicant if the proposed 24% lot coverage accounted for any existing or future accessory structures.
- L. Van Andel replied that the proposed dwelling will occupy approximately 22% of the lot, whereas the other 2% lot coverage will be used to facilitate future accessory structure(s).

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

- J. Hunter introduced himself to the Committee as a resident residing at 23 Montgomery Avenue.
- J. Hunter asked the applicant if the current 20% lot coverage is a maximum limit.

S. Van Andel replied that the 20% lot coverage is the maximum permitted lot coverage which was established through the Zoning By-law.

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.

## Moved by: B. O'Carroll

That the application to increase the maximum permitted lot coverage from 20% to 24% located at 18 Heber Down 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 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.

## A/19/18

# Robert Collins 103 Garrard Road

An application has been received from Robert Collins for a variance from the provisions of By-Law 1784.

The application is for permission to increase the maximum permitted lot coverage from 20% to 23%.

The subject property is located at 103 Garrard Road and is zoned Third Density Residential (R3) within the Town of Whitby Zoning By-law 1784.

In Support of Application Lisa Van Andel (Applicant)

Shawn Van Andel (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.

- S. Van Andel introduced himself to the Committee and provided an overview of the requested variances.
- S. Van Andel advised the Committee that their proposal entails the demolition of the existing detached dwelling and the construction of a new dwelling on the subject property.
- S. Van Andel noted that the proposed dwelling will be for two families.
- S. Van Andel advised the Committee that he read the Planning Commissioners Report and agreed with the recommendation and conditions of approval.

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

- S. Haslam asked the applicant if they intend to retain the existing detached garage and shed currently located on the property.
- S. Van Andel replied yes.
- J. Cardwell asked the applicant if the trailer currently parked in the driveway will remain.
- S. Van Andel replied that the trailer is temporarily parked in the driveway and will be moved.

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

J. Malfara advised the Committee that no correspondence was received.

## Moved by: D. McCarroll

That the application to increase the maximum permitted lot coverage from 20% to 23% located at 103 Garrard Road 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. The applicant shall apply to the Engineering Section, Public Works Department, for a Site Service and Access Permit for use of the public right of way to access the site for demolition and construction of the residential development. This permit is intended for any site construction and shall be obtained prior to commencement of any work in order to have the site investigated for any and all existing damages. Once construction has been contained to on site only with no deliveries of materials or equipment required, the monthly permit will be considered concluded as verified by this 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.

### A/20/18

# Mattamy (Monarch) Limited 1370 Dundas Street West

An application has been received from Mattamy (Monarch) Limited for variances from the provisions of By-Law 1784.

The application is for permission to:

- 1. reduce the rear yard setback from 7.5m to 6.0m; and
- permit vehicular access to the garage from the front yard, whereas the by-law requires that the vehicular access on a lot abutting a roundabout be taken from the exterior side lot line.

The subject property is located at 1370 Dundas Street West and is zoned Low Density Residential (LD) within the Town of Whitby Zoning By-law 1784.

In Support of Application Andrew Scott (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. Scott introduced himself to the Committee and advised that the subject property is located in a new (under construction) subdivision, and that the requested variances are required due to the unique shape of the property.

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

The Chair advised the Committee that the subject property is currently under construction and there is no public access provided to the subject property.

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

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.

Moved by: J. Cardwell

That the application to: (1) reduce the rear yard setback from 7.5m to 6.0m; and (2) permit vehicular access to the garage from the front yard, whereas the by-law requires that the vehicular access on a lot abutting a roundabout be taken from the exterior side lot line located at 1370 Dundas Street West 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 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.

## A/21/18

Mark Chipman 2661 Thickson Road South

An application has been received from Mark Chipman for variances from the provisions of By-Law 1784.

The application is for permission to:

- 1. increase the maximum permitted lot coverage from 10% to 15%; and
- 2. reduce the minimum required rear yard setback from 15.0m to 12.0m.

The subject property is located at 2661 Thickson Road South and is zoned Agricultural (A) within Zoning By-law 1784.

In Support of Application Mark Chipman (Applicant)

Leslie Burton Chipman (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.

- M. Chipman introduced himself to the Committee and noted that the variances are required to permit a new sun room located at the rear of their existing dwelling.
- M. Chipman noted that the proposed variance is similar in nature to a past variance (A24/07) which was approved by the Committee for his property, to permit the reduced rear yard setback for a building addition adjacent to the east property line.
- M. Chipman advised the Committee that he read the Planning Commissioners Report and agreed with the recommendation and conditions of approval.

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

- J. Cardwell asked the applicant if his existing shed was factored into the proposed coverage.
- M. Chipman replied yes.
- S. Haslam asked the applicant for clarity on the past variances granted for the subject property.
- J. Taylor replied that a past variance was approved, which permitted a reduced rear yard setback for a building addition adjacent to the east property line. The past variance only applied to that building addition and not the proposed sun room addition.

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

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 correspondence received.

# Moved by: S. Haslam

That the application to (1) increase the maximum permitted lot coverage from 10% to 15%; and (2) reduce the minimum required rear yard setback from 15m to 12m located at 2661 Thickson Road South 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 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.

### A/22/18

## Georgina Lucas-O'Neill 20 Heber Down Crescent

An application has been received from Georgina Lucas-O'Neill for variances from the provisions of By-Law 1784.

The application is for permission to:

- 1. reduce the minimum required rear yard setback to the existing garage from 6.0m to 4.0m:
- 2. reduce the minimum required lot area from 835 sq.m to 676 sq.m; and
- 3. increase the maximum permitted lot coverage from 20% to 30%

The subject property is located at 20 Heber Down Crescent and is zoned Third Density Residential Brooklin Plan (R3-BP) within Zoning By-law 1784.

In Support of Application Nigel O'Neill (Applicant)

In Opposition of Application None at this time

Also in Attendance James Hunter (Resident)
Eleanor Holman (Resident)

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

- N. O'Neill introduced himself to the Committee and noted that the minor variances applied for are required to satisfy a condition of approval as it pertains to Land Division Application (LD/141/2017), which would see the subject property severed into two lots.
- N. O'Neill noted that the proposed variances shall apply only to the lands fronting onto Heber Down Cres.
- N. O'Neill also expressed to the Committee that he has read the Planning Commissioners Report and agreed with the recommendation and conditions of approval.

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

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

- J. Hunter introduced himself to the Committee as the owner of a neighbouring property located at 23 Montgomery Avenue.
- J. Hunter expressed to the Committee that he was seeking a better understanding of the rear yard setback variance to the existing garage.

- J. Taylor replied that the applicant applied for a land severance to create two lots from the current property. One of the variances recognizes the setback from the newly established rear lot line to the existing garage.
- J. Taylor noted that there is no proposal to move the existing garage and that any future building on the subject property will have to comply with a 6.0m rear yard setback.
- J. Hunter asked the applicant if the home illustrated on the Site Plan is the one the applicant intends to construct.
- N. O'Neill replied that the home illustrated on the Site Plan is the concept he would like to proceed with building.

J. Malfara advised the Committee that no correspondence was received.

## Moved by: J. Cardwell

That the application to (1) reduce the minimum required rear yard setback to the existing garage from 6.0m to 4.0m; (2) reduce the minimum required lot area from 835 sq.m to 676 sq.m; and (3) increase the maximum permitted lot coverage from 20% to 30% located at 20 Heber Down 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.
- 3. Submission of an acceptable stormwater management brief and grading plan showing how additional flows are accommodated without impacting the neighbouring properties; and
- 4. That Variance No.1 shall only apply to the dwelling existing on the subject property as of April 12, 2018.

#### 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.

### A/23/18

## Georgina Lucas-O'Neill 20 Heber Down Crescent

An application has been received from Georgina Lucas-O'Neill for variances 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 8.2m;
- 2. reduce the minimum required lot area from 835 sq.m to 550 sq.m; and
- 3. increase the maximum permitted lot coverage from 20% to 35%.

The subject property is located at 20 Heber Down Crescent and is zoned Third Density Residential Brooklin Plan (R3-BP) within Zoning By-law 1784.

In Support of Application Nigel O'Neill (Applicant)

In Opposition of Application None at this time

Also in Attendance James Hunter (Resident)

Eleanor Holman (Resident)

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

- N. O'Neill introduced himself to the Committee and noted that the minor variances applied for are required to satisfy a condition of approval as it pertains to a Land Division Application (LD/141/2017), which would see the subject property severed into two lots.
- N. O'Neill expressed to the Committee that the proposed lot fronting onto Montgomery Avenue is fully serviced and the variances are required due to the wide/shallow configuration of the lot.
- N. O'Neill further noted that he agreed with the Planning Commissioners Report and has submitted a Stormwater Management Brief to the Public Works Department for review.

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

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

- J. Hunter asked the applicant if the proposed dwelling will have a front yard setback less than the neighbouring lots.
- J. Taylor replied that the neighbouring property (north) will be located closer to Montgomery Avenue than the applicants proposed dwelling.

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- J. Hunter asked the Committee to confirm the reason for variance No.3.
- J. Taylor replied that the variance seeks to increase the minimum required lot coverage.

J. Malfara confirmed that no correspondence was received.

# **Moved by:** D. McCarroll

That the application to (1) reduce the minimum required front yard setback from 9.0m to 8.2m; (2) reduce the minimum required lot area from 835 sq.m to 550 sq.m; and (3) increase the maximum permitted lot coverage from 20% to 35% located at 20 Heber Down 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.
- 3. Submission of an acceptable stormwater management brief and grading plan showing how additional flows are accommodated without impacting the neighbouring properties; and

#### 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.

### A/24/18

## Paul Arsenault 4700 Baldwin Street South

An application has been received from Paul Arsenault for variances from the provisions of By-Law 1784.

The application is for permission to:

- 1. increase the maximum permitted lot coverage from 10% to 15%; and
- 2. reduce the minimum required interior side yard setback to an accessory structure (detached garage) from 4.5m to 0.8m.

The subject property is located at 4700 Baldwin Street South and is zoned Agricultural (A) within Zoning By-law 1784.

In Support of Application Paul Arsenault (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.

- P. Arsenault introduced himself to the Committee, and advised that he is proposing a detached garage in the rear yard of his property. The detached garage is required to store his work vehicles.
- P. Arsenault expressed that he has contacted the Durham Region Health Department and the Central Lake Ontario Conservation Authority, and they have advised him that there were no concerns with his proposal.

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

- J. Cardwell asked the applicant if the existing shed located on the property will be removed.
- P. Arsenault replied that the current shed will be removed.
- D. McCarroll asked the applicant if he had considered shifting the shed further away from the interior lot line.
- P. Arsenault expressed that he had considered shifting the shed further from the interior lot line, but, the proposed location allows the proposed detached garage to be in-line with the existing driveway.

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

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J. Malfara advised the Committee that no correspondence was received.

## Moved by: S. Haslam

That the application to (1) increase the maximum permitted lot coverage from 10% to 15%; and (2) reduce the minimum required interior side yard setback to an accessory structure (detached garage) from 4.5m to 0.8m located at 4700 Baldwin Street South 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 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.

### A/25/18

Paul Demczak 304 Reynolds Street

An application has been received from Paul Demczak for a variance from the provisions of By-Law 2585.

The application is for permission to increase the maximum permitted FSI from 45% to 54.1%.

The subject property is located at 304 Reynolds Street and is zoned Residential Type 1 – Downtown Zone (R1-DT) within Zoning By-law 2585.

In Support of Application Paul Demczak (Applicant)

In Opposition of Application Kenneth Boyle (Resident)

Kim Jackson (Resident)
Dave Jackson (Resident)
Chris Lansing (Resident)

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

- P. Demczak introduced himself to the Committee as the Planner acting on behalf of the property owner and provided an overview of the requested variances.
- P. Demczak noted that the existing building will be removed except for the foundation. A new 2.5 storey detached dwelling is proposed to be located on top of the existing foundation and all zoning requirements will be met except for the FSI.
- P. Demczak advised the Committee that he has read the Planning Commissioners Report and agrees with the recommendation and conditions of approval.

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

- S. Haslam asked the applicant if the proposed 2.5 storey building would require a height variance.
- P. Demczak replied that the proposed dwelling will not exceed the maximum permitted building height.
- D. McCarroll asked the applicant if the development would entail a full demolition of the existing dwelling.
- P. Demczak replied that the all of the existing dwelling will be removed, except for the foundation. The new building will be constructed atop of the retained foundation.

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

K. Boyle introduced himself as a resident of 302 Reynolds Street, and requested clarification as to why the Zoning By-law was amended in 2017.

The Chair responded that the Zoning By-law is a document that is continually being updated and amended, which includes site specific amendments as well as Zoning By-law consolidations.

K. Boyle expressed to the Committee that he has invested a considerable amount of money into his home and his landscaping over the past 16 years, and does not want a neighbouring home which can devalue his property.

The Chair replied that the applicants proposed dwelling will be constructed on the foundation of the existing dwelling, and that the only notable change will be the height of the structure, which complies with the Zoning By-law.

- K. Jackson introduced herself to the Committee as the owner of 306 Reynolds Street, and noted that she was not supportive of the proposed tear down and proposed height.
- J. Taylor replied that the Zoning permits a maximum building height of three storeys on the subject property.
- K. Jackson asked the applicant if the area above the second floor will be a loft or a full floor.
- P. Demczak replied that the small area located above the second storey will be a loft.
- K. Jackson asked when the owner intends to begin construction.
- P. Demczak replied that the owner would like to begin construction as soon as possible.
- C. Lansiny introduced himself to the Committee as the owner of 502 Dunlop Street E.
- C. Lansiny noted that he was in attendance at an Ontario Municipal Board hearing and that the proposed new single detached dwellings located north of Trafalgar Castle will be a maximum of two storeys in height and therefore he would like the applicant to limit the proposed building to two storeys as well.
- S. Haslam replied that the Committee can not impose this restriction as the Zoning Bylaw permits a maximum three storey building height.
- P. Demczak noted that proposed loft projecting slightly above the second storey will be located at the centre of the building to reduce impacts on adjacent land uses.

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

J. Malfara replied that no correspondence was received.

## Moved by: S. Haslam

That the application to increase the maximum permitted FSI from 45% to 54.1% located at 304 Reynolds 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. 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 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.

### A/26/18

Stephen Collins 309 Beech Street West

An application has been received from Stephen Collins for variances from the provisions of By-Law 2585.

The application is for permission to:

- 1. interpret the permitted use of a Nursery School as a Children's Learning Centre and Studio: and
- 2. reduce the minimum rear yard setback from 0.8m to 0.3m.

The subject property is located at 309 Beech Street West and is zoned Residential Type 3 (R3) within Zoning By-law 2585.

In Support of Application Kaitlin Crewe (Agent)

Anna Maria Theofilopoulos (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.

- K. Crewe introduced herself to the Committee as the applicants real estate agent, and expressed that the applicant has signed a conditional offer to acquire the subject property upon the approval of the proposed variances.
- K. Crewe noted that a variance is required to permit the applicants proposed children's learning centre use, and the second variance is required to recognize an existing rear yard setback that does not comply with the Zoning By-law.

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

- B. O'Carroll asked the applicant how many classes will be offered per day at the facility.
- A. Theofilopoulos replied that approximately three to four classes will be offered per day.
- B. O'Carroll asked the applicant if classes will be offered during school hours or after school.
- A. Theofilopoulos expressed that the classes are intended to be offered as after school programs.
- D. McCarroll advised the applicant that a former pool exists on the property.

K. Crewe replied that the pool is decommissioned and is currently filled in with soil. All filters and infrastructure were previously removed.

The Chair asked the applicant to clarify the proposed use.

A. Theofilopoulos noted that the proposed use will cater towards creative arts, which includes dance, yoga and singing.

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

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.

Moved by: B. O'Carroll

That the application to (1) interpret the permitted use of a Nursery School as a Children's Learning Centre and Studio; and (2) reduce the minimum rear yard setback from 0.8m to 0.3m located at 309 Beech Street West 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.

### A/27/18

# D.A. Drafting & Design (Derek Allen) 41 Pearl Street

An application has been received from D.A. Drafting & Design (Derek Allen) for variances from the provisions of By-Law 1784.

The application is for permission to:

- 1. reduce the minimum required front yard setback from 11.57m to 9.5m; and,
- 2. increase the maximum permitted driveway width on a lot containing a two car garage from 7.5m to 8.7m.

The subject property is located at 41 Pearl Street and is zoned Residential Type 2 – Village of Brooklin Zone: Exception 1 and Greenbelt (R2-VB-1,G) within the Town of Whitby Zoning By-law 1784.

In Support of Application Kieran Bliss (Owner)

Derek Allen (Agent)

In Opposition of Application None at this time

Also in Attendance Margaret Parkes

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

K. Bliss introduced himself to the Committee as the owner of the subject property.

K. Bliss advised that two variances are required to permit proposed building additions to the existing detached dwelling on the property.

D. Allen introduced himself to the Committee as the designer retained by the Owner, and provided a summary of the requested variances.

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

The Chair asked the applicant where the existing garage is located on the property in comparison to the proposed building reconfiguration.

D. Allen replied that the existing garage will be converted to living space and the new garage will be shifted into the interior side yard (north). The proposed garage addition will comply with the minimum interior side yard setbacks.

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

J. Malfara advised the Committee that additional comments were provided by the Central Lake Ontario Conservation Authority (CLOCA), which recommended that the applicant obtain the required permits from CLOCA prior to any building construction.

## Moved by: D. McCarroll

That the application to (1) reduce the minimum required front yard setback from 11.57m to 9.5m; and, (2) increase the maximum permitted driveway width on a lot containing a two car garage from 7.5m to 8.7m located at 41 Pearl 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;
- 2. That roof drainage from the proposed structure shall not be directed onto the adjacent property; and
- 3. That the owner obtains the required permits from CLOCA pursuant to O.Reg 42/06.

#### 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.

#### A/28/18

Bousfields Inc. 300 Water Street

An application has been received from Bousfields Inc. for a variance from the provisions of By-Law 2585.

The application is for permission to include a Private School as a permitted use which shall include post-secondary educational facilities on the subject property

The subject property is located at 300 Water Street and is zoned Select Industrial and Preferred Industrial (M1A & M1) within the Town of Whitby Zoning By-law 2585.

In Support of Application Emma West (Applicant)

Charles McVety (School Representative) Ryan McVety (School Representative)

In Opposition of Application None at this time

Also in Attendance Fanny Simoulidis

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

E. West introduced herself to the Committee as the Planner retained by the owners of the proposed development.

E. West expressed that the applicants are seeking a variance to permit a private post secondary educational facility within the existing building located on the subject property.

E. West noted that the variance meets the four tests, and that she agrees with the recommendation of the Planning Commissioners Report.

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

- S. Haslam asked the applicant if any renovations are required.
- C. McVety replied that minor renovations may be required to address building code and fire code matters.
- E. West advised the Committee that any required building permits will be applied for prior to any construction or building alteration activities.
- D. McCarroll asked the applicant if a government licence will be required for the proposed school.
- C. McVety replied that the school has existed for 30 years and is accredited as a degree granting school. The school is a theological school and the average age of its students is approximately 30 year old.

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The Chair asked if the building located on the property is occupied or tenanted.

J. Taylor replied that the building is currently occupied.

The Chair asked the applicant if they intend to lease out any portion of the building that they will not be occupying.

C. McVety replied that in the short term, the school will occupy only a portion of the building and will include approximately 200 students. Any portion of the building not occupied by the school will continue to be leased.

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

- F. Simoulidis introduced herself to the Committee as the agent for the owners of 240 South Blair Street.
- F. Simoulidis asked the applicant if they will be installing a fence between their two properties, to ensure children (students) do not trespass onto her client lands.
- C. McVety replied that it is unknown at this time if an existing fence is located between the two properties, and there is no proposal to install a new fence.
- C. McVety clarified that the proposed post secondary education use will be for adults, whom will be less inclined to trespass onto neighboring lands.

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.

## Moved by: B. O'Carroll

That the application to include a Private School as a permitted use which shall include post-secondary educational facilities on the subject property located at 300 Water Street be **Granted** subject to the following condition:

1. No other Private School use other than a post-secondary educational facility shall be permitted on the subject 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.

Item 3:	Approval of Previous Minutes
	Moved by: J. Cardwell
	That the minutes of the Committee of Adjustment held on Thursday March 22, 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 app	proved and signed]
Chair	