

# Minutes of the 13th Meeting

## Committee of Adjustment

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**Meeting Date:** Thursday October 1, 2020

**Meeting Time:** 7:00 p.m.

**Meeting Location:** Virtual Meeting

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### **Present:**

N. Chornobay, Chair

J. Cardwell

B. O'Carroll

D. McCarroll

N. Chornobay

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/38/20**

**Brian Kennedy & Lagitha Sivakumaran  
8 Yvette Street**

An application has been received from Brian Kennedy and Lagitha Sivakumaran, for variances from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to: (1) Increase the maximum permitted encroachment of below grade stairs into a rear yard from 1.5m to 2.9m; and (2) reduce the minimum required rear yard setback from 6.9m to 6.3m.

The subject property is located at 8 Yvette Street and is zoned Low Density (LD) within the Town of Whitby Zoning By-law 1784.

The requested variances are required to permit a secondary access to the basement of the dwelling located on the subject property.

In Support of Application	Brian Kennedy Lagitha Sivakumaran
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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.

B. Kennedy introduced himself and his wife (L. Sivakumaran) to the Committee as the owners of the subject property. He noted that L. Sivakumaran's mother and grandmother are living in the dwelling. He noted that L. Sivakumaran's grandmother suffers from dementia and has had issues with leaving the dwelling in the evening and falling.

B. Kennedy expressed that he is a family physician and he is trying to create a basement apartment that is tailored to safer living. He also noted that he is working in a COVID-19 assessment centre within Durham Region and creating the basement apartment will help ensure additional separation between himself and his wife's mother and grandmother whom will be living in the proposed accessory apartment.

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

J. Cardwell asked the applicant if they spoke with the Building Department regarding this proposal.

B. Kennedy replied yes.

D. McCarroll asked if the locks on the doors in the basement will be accessible or easily opened in the event of a fire.

L. Sivakumaran replied that the locks that they are using will be located higher up on the door so that her grandmother who suffers from dementia will be unable to open the door in the evening/when unsupervised.

L. Sivakumaran confirmed that her mother is the primary caregiver for her grandmother, and they will both be living in the basement apartment unit.

B. Kennedy noted that in good conscious given the COVID-19 pandemic, it would not be appropriate to locate L. Sivakumaran's grandmother to a long term care facility.

B. O'Carroll asked how access to the basement apartment can be granted in the event that L. Sivakumaran's mother is locked out of the apartment unit.

L. Sivakumaran replied that a camera will be located in the basement for her to monitor. A secondary access to the basement will also be available from the internal stairway leading from the basement to the main floor of the dwelling. This door will not have a lock on it.

B. O'Carroll asked how potential flooding will be addressed with the recessed external stairway.

J. Malfara replied that the Town of Whitby Building Department and Public Works Department will review this matter at the building permit stage.

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

J. Malfara expressed to 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:** J. Cardwell

That the application to (1) Increase the maximum permitted encroachment of below grade stairs into a rear yard from 1.5m to 2.9m; and (2) reduce the minimum required rear yard setback from 6.9m to 6.3m located at 8 Yvette Street 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.

### **Item 3: Approval of Previous Minutes**

**Moved by:** J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday September 10, 2020 be adopted.

**Carried**

### **Item 4: Other Business**

N. Chornobay noted that he prefers that the circulation of Minor Variance applications be in hard copy form, as opposed to digital format.

J. Malfara confirmed that circulation documents will be made in hard copy format.

### **Item 5: Adjournment**

**Moved by:** D. McCarroll

That this meeting of the Committee of Adjustment be adjourned.

**Carried**

[Original approved]

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Secretary Treasurer

[Original approved]

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Chair