



Minutes of the 8th Meeting of the Committee of Adjustment

Meeting Date: Thursday June 13, 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
B. O'Carroll
D. McCarroll
N. Chornobay
J. Malfara, Secretary-Treasurer
E. Ackroyd, 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/49/19

**Dwight and Arleen MacArthur
12 Westwood Road**

An application has been received from Dwight and Arleen MacArthur 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 building height of an accessory structure (detached garage) from 4.5m to 4.9m; and (2) increase the total combined lot coverage of all accessory structures on any residential lot from 60 sq.m to 109.0 sq.m.

The requested variances are required to permit a proposed detached garage located within the rear yard of the subject property.

The subject property is located at 12 Westwood Road and is zoned Second Density Residential Zone (R2) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Arleen MacArthur (Owner)
Dwight MacArthur (Owner)

In Opposition of Application

No one in attendance

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

D. MacArthur introduced himself to the Committee as the owner of the subject property. He expressed that he has been a Whitby resident for 35 years and is proposing to construct a detached garage at the rear of his property to provide additional secured space to store his classic cars.

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

B. O'Carroll asked the applicant how he will get the cars to the proposed detached garage, since there is no proposal to include a driveway leading to the rear yard.

D. MacArthur replied that he will drive the cars over the grass into the rear yard. He clarified that the cars he will be storing in the garage are collector cars and are rarely driven.

N. Chornobay asked if there will be any paved surfaces leading to the garage.

D. MacArthur replied no.

B. O'Carroll noted that her main concern was that the applicant was going to construct a second driveway leading to the rear yard.

D. MacArthur confirmed that there will not be a second driveway.

S. Haslam asked the applicant if there will be a mechanical car lift in the garage.

D. MacArthur replied yes. The lift will be used to store vehicles one on top of another. He clarified that the mechanical lift is not intended to be used as a maintenance lift, as he already owns an automotive shop elsewhere in Whitby.

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: B. O'Carroll

That the application to (1) increase the maximum permitted building height of an accessory structure (detached garage) from 4.5m to 4.9m; and (2) increase the total combined lot coverage of all accessory structures on any residential lot from 60 sq.m to 109.0 sq.m located at 12 Westwood 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; 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 2: Public Hearings

A/50/19

**Larkin +Land Use Planning Inc. on behalf of Arbor Memorial Inc.
21 Garrard Road**

An application has been received from Larkin +Land Use Planning Inc. on behalf of Arbor Memorial Inc. 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 gross floor area of a funeral establishment use from 2,375 sq.m to 3,080 sq.m; and (2) increase the maximum permitted number of parking spaces from 129 spaces to 182 spaces.

The requested variances are required to permit the expansion to the existing cemetery use on the subject property in accordance with the approved Site Plan Application SP-46-18.

The subject property is located at 21 Garrard Road and is zoned Open Space Exception 3 (OS-3) within the Town of Whitby Zoning By-law 1784.

In Support of Application	Aaron Gillard (Applicant) Marnie Saunders (Applicant)
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Also in Attendance	John McEachen
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

A. Gillard introduced himself to the Committee as the Planner representing the owner of the subject property. He advised the Committee that the requested variances will apply to the existing cemetery located on the subject property and are required to permit the expansion of the cemetery and parking lot in accordance with the approved Site Plan Application (SP-46-18).

The Chair asked if the new proposed parking spaces will be frequently used.

M. Saunders replied that the additional parking spaces that are proposed will be used as overflow parking during large receptions.

A. Gillard noted that larger receptions typically occur for children, first responders, and high profile individuals.

The Chair stated that the additional parking is therefore likely not to be used daily.

A. Gillard replied yes.

B. O'Carroll asked the applicant if it is common for 2 services to occur at the same time.

A. Gillard replied no. At this establishment only one service occurs at a given time.

N. Chornobay asked if there will be any required alterations to the site entry from Garrard Road.

A. Gillard replied no.

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.

J. McEachen introduced himself to the Committee and advised them that he is representing his parents who reside at 83 Ardwick Drive. He asked the applicant if there will be any vegetation removals proposed along the north portion of the site.

A. Gillard replied no. He noted that privacy for the abutting homes to the north was considered as part of the site design and new plantings are proposed to help buffer the proposed building addition.

Moved by: N. Chornobay

That the application to (1) increase the maximum permitted gross floor area of a funeral establishment use from 2,375 sq.m to 3,080 sq.m; and (2) increase the maximum permitted number of parking spaces from 129 space to 182 spaces located at 21 Garrard Road be **Granted** subject to the following condition:

1. The applicant shall adhere to the Public Works conditions and requirements of Site Plan application SP-46-18.

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/51/19

**Sylvain Michaud
75 Myrtle Road West**

An application has been received from Sylvain Michaud for variances from the provisions of the Town of Whitby Zoning By-Law 5581-05.

The application is for permission to: (1) increase the maximum permitted lot coverage from 10% to 22%; (2) reduce the minimum required rear yard setback to a detached garage from 15.0m to 6.0m; and (3) reduce the minimum required interior side yard setback to a detached garage from 4.5m to 2.0m.

The requested variances are required to permit a proposed detached garage located within the rear yard of the subject property as well as an addition to the front and rear of the existing detached dwelling.

The subject property is located at 75 Myrtle Road West and is zoned Oak Ridges Moraine Agricultural Zone (ORM-A) within the Town of Whitby Zoning By-law 5581-05.

In Support of Application Sylvain Michaud (Owner)

In Opposition of Application No one in attendance

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

S. Michaud introduced himself to the Committee as the owner of the subject property. He expressed that he lived at the property for 15 years and provided an overview of the three requested variances as they related to the proposed detached garage and building addition.

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

N. Chornobay asked the applicant if he will be phasing the proposed construction activities, which may include constructing the garage first and then the additions to the dwelling.

S. Michaud replied yes. He noted that his priority is to construct the garage first. After the garage is constructed he will proceed with the proposed addition to his dwelling.

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) increase the maximum permitted lot coverage from 10% to 22%; (2) reduce the minimum required rear yard setback to a detached garage from 15.0m to 6.0m; and (3) reduce the minimum required interior side yard setback to a detached garage from 4.5m to 2.0m located at 75 Myrtle Rd W 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. A permit must be obtained from CLOCA through Ontario Regulation 42/06 of the Conservation Authorities Act prior to any site alteration and/or development of 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.

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 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.

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/53/19

**Jay Smith on behalf of Anthony Frijio
21 Churchill Ave**

An application has been received from Jay Smith on behalf of Anthony Frijio for a variance from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to increase the maximum total combined lot coverage of all accessory structures on the subject property from 53.2 sq.m to 91.0 sq.m.

The requested variance is required to permit a proposed detached garage located within the rear yard of the subject property.

The subject property is located at 21 Churchill Avenue and is zoned Second Density Residential Zone (R2) within the Town of Whitby Zoning By-law 1784.

In Support of Application Jay Smith (Agent)

In Opposition of Application No one in attendance

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

J. Smith introduced himself to the Committee as the agent representing the owner of the subject property. He noted that the variance is required to permit the construction of a detached garage within the rear yard of the property. The garage will be used to store the property owner's truck and other equipment. J. Smith further expressed that the proposed detached garage complies with all other provisions of the Zoning By-law.

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

B. O'Carroll asked if the large garage size was required specifically to accommodate the owner's truck and equipment.

J. Smith replied yes.

N. Chornobay asked if there is a septic system on the property.

J. Smith replied yes and that the proposed detached garage will maintain an appropriate setback from the septic system.

B. O'Carroll asked if the existing vegetation on the west side of the property will be retained.

J. Smith 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: B. O'Carroll

That the application to increase the maximum total combined lot coverage of all accessory structures on the subject property from 53.2 sq.m to 91.0 sq.m located at 21 Churchill Avenue 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 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/54/19

Newtco Contracting on behalf of Mohamed Sharif 22 Watersdown Crescent

An application has been received from Newtco Contracting on behalf of Mohamed Sharif 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 33% to 46%.

The requested variance is required to permit a proposed covered porch addition, projecting into the rear yard from the rear wall of the existing detached dwelling on the subject property.

The subject property is located at 22 Watersdown Crescent and is zoned Single Family Detached Dwelling House (R2A) within the Town of Whitby Zoning By-law 1784.

In Support of Application

No one in attendance

In Opposition of Application

No one in attendance

The Chair introduced the application and asked if anyone would like to speak to the subject application. The applicant was not in attendance.

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 33% to 46% located at 22 Watersdown Crescent 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/55/19

**Manjinder Binning
606 Garden Street**

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

The application is for permission to permit the development of a single detached residential dwelling and accessory structure within a Holding (H) Zone.

The application is for permission to permit the development of a single detached residential dwelling and accessory structure within a Holding (H) Zone.

The subject property is located at 606 Garden Street and is zoned Holding Single Detached Dwelling House/Holding Semi-Detached Dwelling House Holding Professional and Business Office (H-R2B/R3B-1) and Holding Single Detached Dwelling House/Holding Semi-Detached Dwelling House (H-R2B/R3B) within the Town of Whitby Zoning By-law 1784.

In Support of Application	Manjinder Binning (Owner)
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In Opposition of Application	No one in attendance
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Also in Attendance	Peter Lapoussis
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

M. Binning introduced himself to the Committee as the owner of the subject property. He noted that the proposed residential development has been in the planning stages for a couple years. As part of the planning process he was required to extend sanitary sewer services to the property from the east side of Garden Street. He advised the Committee that this work is scheduled for completion by the end of June 2019.

The Chair asked the applicant if he had prepared a stormwater management plan.

M. Binning replied yes.

N. Chornobay asked the applicant if he has applied for a building permit.

M. Binning replied that a permit can not be applied for until the minor variance is approved.

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. Lapoussis introduced himself to the Committee as the owner of 600 Garden Street. He asked the Committee if there were any plans to extend Goldfinch Street towards the north, through his property and the applicant's property.

J. Malfara replied that this is possible, but it would be up to the owners of the properties affected by the potential road extension to agree to redevelop their lands and extend the road.

B. O'Carroll asked the applicant if he will be running a business out of the proposed dwelling.

M. Binning replied no.

Moved by: N. Chornobay

That the application to permit the development of a single detached residential dwelling and accessory structure within a Holding (H) Zone located at 606 Garden Street be **Granted** subject to the following conditions:

1. That prior to the issuance of a building permit the applicant shall provide an acceptable grading plan and stormwater management proposal to the Public Works Department for their review and approval, demonstrating the feasibility of the proposal, and any associated security deposits if applicable.
2. That prior to the issuance of a building permit, the applicant shall receive confirmation that any required regional servicing requirements have been completed to the satisfaction of the Region of Durham 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 3: Approval of Previous Minutes

Moved by: J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday May 23, 2019 be adopted.

Carried

Item 4: Other Business

J. Malfara advised the Committee that appeal to the Local Planning Appeal Tribunal with regards to the denial of Minor Variance Application A/72/18 is scheduled for June 14, 2019.

J. Malfara noted that once a decision is rendered by the LPAT an update will be provided to the Committee.

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