

# Minutes of the 12th Meeting

## Committee of Adjustment

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**Meeting Date:** Thursday September 10, 2020

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

**Meeting Location:** Virtual Meeting

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### **Present:**

N. Chornobay, Chair

S. Haslam

J. Cardwell

B. O'Carroll

D. McCarroll

J. Malfara, Secretary-Treasurer / Planning Staff Liaison

### **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/37/20**

**Blanchard Steven and Carrie  
36 Preservation Place**

An application has been received from Blanchard Steven and Carrie, 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 40% to 46%.

The requested variance is required to permit a one story building addition located within the rear yard of the subject property.

The subject property is located at 36 Preservation Place and is zoned Residential (R1A\*) within the Town of Whitby Zoning By-law 1784.

In Support of Application	Dan Berry (Agent)
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In Opposition of Application	Allen Arbour Ian Nuttall
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

D. Berry introduced himself as the agent representing the owner of the subject property. He provided an overview of the requested variance as well as the proposed use of the building addition. He further noted that the proposal would meet all required yard setbacks, and the variance is only required for the increase to the maximum permitted lot coverage from 40% to 46%.

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

J. Cardwell directed a question to Planning staff. He asked if there are any other variances in the neighbourhood that have similar variances.

J. Malfara replied that a study of previously approved lot coverage variances within the general area was not conducted.

J. Malfara also noted that comments were received from the Public Works Department noting that they did not have any concerns with the proposed lot coverage.

S. Haslam asked if the building addition will have a foundation or basement.

D. Berry replied that the proposed addition will be constructed on piles and there will be no foundation required.

B. O'Carroll asked what building materials will be used on the proposed addition.

D. Berry replied that three sides will be exposed and the materials will match the color of the existing brick, and that the south side of the building will be comprised primarily of glass windows.

There were no further questions from the Committee.

The Chair opened the floor to comments from the public.

A. Arbour introduced himself to the Committee as the property owner of 66 Preservation Place. He expressed concerns with the proposed removal of the trees on the applicant's property as well as the location of the proposed building addition. He noted that the applicant's proposal would result in a loss of privacy in his backyard.

A. Arbour also requested to view the proposed drawings to confirm what the building addition height and setbacks will be.

J. Malfara shared a copy of the proposed plan/elevations on the screen.

D. Berry provided an overview of the setbacks, and confirmed that the minimum setback requirements will be complied with. He also noted that the building height will not be insensitive and the slope of the proposed roof will have a low pitch. D. Berry concluded that in his opinion the proposal would not be intrusive.

J. Malfara advised the Committee that the Town of Whitby does not have a private tree removal By-law. He also noted that the proposed building addition complies with the minimum zone setbacks, and the variance before the Committee pertains to lot coverage.

A. Arbour asked what the height of the proposed addition will be.

J. Malfara replied that the height to the proposed addition will be 5.0m to the peak of the roof, although the building height is calculated to the midpoint of the roof. The addition will comply with the maximum permitted building height.

A. Arbour noted that the height is not appropriate and will over power his rear yard and his privacy will be impacted.

J. Malfara noted that the By-law permits an 8.5m maximum building height.

A. Arbour asked how far away the addition will be from the rear yard fence.

The Chair confirmed that the rear yard setback will be 7.79m.

I. Nuttall interjected and began speaking to the application and building height. He asked for clarity on how the building addition height was calculated.

J. Malfara noted that only one person at a time is permitted to speak. He also asked I. Nuttall what address he resides at.

I. Nuttall replied 63 Preservation Place.

J. Malfara asked D. Berry (agent) to provide clarity of the building additions height.

D. Berry noted that the height from the ground to the soffit is 11' 4", and the overall height from the ground to the peak of the roof is 16' 7".

J. Cardwell asked how tall the existing house is.

D. Berry replied 24' 8" from the ground to the peak of the roof, around 8' taller than the proposed building addition.

The Chair asked what building materials will be used on the west face of the proposed building addition.

D. Berry advised the Committee that this building face will be a curtain wall of glass and siding.

The Chair noted that there will be glass on the north, south and west face of the addition.

D. Berry confirmed this.

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

J. Malfara advised Ian Nuttall that he was permitted to speak.

I. Nuttall expressed that he would be upset if he was abutting the subject property. He noted past experiences that he had with one of his neighbours and he was never advised of that proposal. He further noted that at one point he tried to construct a structure but was told by the Town of Whitby that it was not permitted. He asked why the applicant can not propose a structure that blends in.

The Chair noted that there were additional comments from A. Arbour.

A. Arbour noted that his backyard is his oasis. He does not want to see his neighbour (applicant) to remove the trees in their rear yard or construct the proposed addition.

The Chair asked if there were any further comments from the public. 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 replied yes. He noted that two letters of concern were received and were circulated to the Committee for review. The first letter was received from Mary Parks (67 Preservation Place) and expressed concerns related to additional traffic generated by the proposed addition, and the second letter was received from Diane Miller (68 Preservation Place) with respect to questions about the location, size, and use of the proposed structure, drainage and dust control, as well as construction timing.

**Moved by:** B. O'Carroll

That the application to increase the maximum permitted lot coverage from 40% to 46% located at 36 Preservation Place be **Granted** subject to the following conditions:

1. A Grading Plan and Stormwater Management Brief shall be provide to the Public Works Department for review and approval.
2. If the accepted storm water management proposal includes an infiltration trench option, a security deposit of \$300/m<sup>2</sup> will be required prior to the issuance of a building permit.
3. That the proposed change in drainage pattern/volumes shall not result in a negative impact (flooding) to the neighbouring properties.

**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.

Following the approval of the requested variance by the Committee, A. Arbour interjected and voiced his opinion as well as expletives regarding the matter. Contrary to the Chairs speech which included how attendees shall conduct themselves at the meeting, A. Arbour alleged that the Committee's decision was made as a result of a "pay-off" and proceeded to advise the Committee's Chair that he has his "number" and "face."

The Chair advised A. Arbour that he has the right to appeal the decision.

A. Arbour was subsequently expelled from the meeting by the Secretary Treasurer for his conduct and verbal actions towards the Committee's Chair.

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

**Moved by:** S. Haslam

That the minutes of the Committee of Adjustment held on Thursday August 20, 2020 be adopted.

**Carried**

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

J. Malfara advised the Committee that the conduct of A. Arbour was not appropriate and can not be tolerated in any public meeting.

J. Malfara advised the Committee that due to the nature of these comments towards the Chair, he will be brining this matter to the attention of the Senior Manager of Zoning & Regulation to discuss what course of action will be required.

The Chair noted that the comments were inappropriate and disturbing.

### **Item 5: Adjournment**

**Moved by:** J. Cardwell

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