

Minutes of the 10th Meeting

Committee of Adjustment



Meeting Date: Thursday July 28, 2022

Meeting Time: 7:00 p.m.

Meeting Location: Virtual Meeting (Zoom)

Present:

S. Haslam, Chair

N. Chornobay

J. Cardwell

B. O'Carroll

D. McCarroll

J. Malfara, Secretary-Treasurer

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/36/22

**Peter Papadopoulos
67 Telegraph Drive**

An application has been received from Peter Papadopoulos, for variances from the provisions of By-law 1784.

The application is for permission to (1) reduce the minimum interior side yard setback for an accessory structure (pergola) from 0.6m to 0.3m; (2) reduce the minimum interior side yard setback for an accessory structure (shed) from 0.6m to 0.2m; (3) reduce the minimum interior side yard setback for an accessory structure (gazebo) from 0.6m to 0.0m; (4) increase the maximum size of all accessory structures from 22.4 sq.m to 27.0 sq.m; (5) increase the maximum permitted driveway width from 4.4m to 5.5m; and reduce the minimum front yard landscaping from 40% to 31%.

The requested variances are required to recognize the existing shed, gazebo, and pergola located within the rear yard of the subject property, and to permit the widening of the existing driveway located within the front yard.

In Support of Application	P. Papadopoulos (Applicant) L. Burghard
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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.

P. Papadopoulos introduced himself to the Committee as the owner of the subject property. He provided an overview of the requested variances and noted that the variances are required to recognize the existing shed, gazebo, pergola, and widened driveway. P. Papadopoulos also stated that the gazebo and the pergola provide a shaded area for the enjoyment of the rear yard.

The Chair asked the applicant if he read the staff report and was aware that Planning staff recommend that variance number 3 be denied and that the gazebo shall be pulled back to meet the minimum 0.6m interior side yard setback.

P. Papadopoulos noted that he would prefer that the gazebo remain in place, and that it serves a privacy buffer to the abutting property.

The Chair noted that the gazebo in this location may result in stormwater impacts on the abutting property.

P. Papadopoulos stated that he had previously relocated a roof leader from the main dwelling to direct stormwater away from the abutting property to the east. In his opinion

that gazebo would not result in excess stormwater run-off to the abutting property. P. Papadopoulos confirmed that there is no gutter attached to the gazebo.

The Chair asked the applicant how they will ensure no stormwater is directed from the roof of the gazebo to the neighbouring.

The applicants spouse (Melissa) noted that the gazebo is setback slightly from the interior lot line and is separated by a privacy screen.

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

D. McCarroll noted that during a storm event, rain run-off from the roof of the gazebo will flow over the privacy screen/fence and into the neighbouring property unless a gutter is installed.

B. O'Carroll asked what the existing setback of the gazebo to the property line is.

P. Papadopoulos replied 4"-5".

J. Cardwell noted that the gazebo should be shifted to comply with the by-law setback requirements.

N. Chornobay asked the applicant to confirm how the gazebo is affixed to the deck.

P. Papadopoulos stated that the structure is anchored by bolts to the decking.

N. Chornobay expressed his concerns with water run-off, and stated that the gazebo should be moved.

P. Papadopoulos expressed that stormwater mitigation has occurred as he previously relocated the downspout to drain into the yard and away from the lot line.

J. Cardwell stated that notwithstanding the relocation of the downspout, driving rain that lands on the gazebo roof will flow over the fence and onto the abutting property.

P. Papadopoulos respectfully disagreed with the Committees opinion regarding stormwater impacts related to the gazebo, but will respect the Committees decision if the gazebo has to be moved.

B. O'Carroll asked how many vehicles the applicant has and why the driveway widening is required.

P. Papadopoulos replied that they have two vehicles, but the driveway widening will provide free and unobstructed access to both vehicles at any time.

B. O'Carroll asked the applicant if the existing driveway will have to be reduced in size to comply with the 5.5m maximum driveway width as supported by Planning staff.

P. Papadopoulos replied yes.

D. McCarroll asked if a rain gutted could be attached to the gazebo.

P. Papadopoulos replied yes.

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

J. Malfara replied yes, and that all correspondence was circulated to the Committee.

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

L. Burghard introduced herself as the neighbouring owner to the rear of the property. She expressed her support of the application and noted that driveway widening's should be permitted as this would reduce on-street parking and also reduce impacts during the winter snow removal months.

B. O'Carroll noted that she is not in objection to driveway widening's, but was expressing comments regarding the driveway width in this case.

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

J. Cardwell stated that he was prepared to make a motion to approve the variances, save an except for variance number 3, which should be refused.

Moved by: J. Cardwell

That the application to (1) reduce the minimum interior side yard setback for an accessory structure (pergola) from 0.6m to 0.3m; (2) reduce the minimum interior side yard setback for an accessory structure (shed) from 0.6m to 0.2m; (3) increase the maximum size of all accessory structures from 22.4 sq.m to 27.0 sq.m; and (4) increase the maximum permitted driveway width from 4.4m to 5.5m; and (5) reduce the minimum front yard landscaping from 40% to 31% located at 67 Telegraph Drive be **Granted** subject to the following condition:

1. Roof leaders from the existing structures shall not spill onto the neighbouring 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/37/22

Sunspace Sunrooms (Colin Reaume) 582 Reynolds Street

An application has been received from Sunspace Sunrooms (Colin Reaume), for a variance from the provisions of By-law 2585.

The application is for permission to reduce the minimum rear yard setback from 20.0m to 16.0m.

The requested variance is required to permit the construction of a 4 season sunroom addition within the rear yard of the subject property.

In Support of Application	K. Chapman (Applicant) L. Chapman (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.

L. Chapman introduced herself as the owner of the property. She provided an overview of the proposed structure/sun room, and noted that the sun-room will provide a sheltered area in the rear yard for their enjoyment.

K. Chapman noted that the structure will have a peaked roof and will include rain gutter.

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

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

J. Malfara noted that one letter of support was received and the letter was circulated to the Committee in advance of the meeting.

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 reduce the minimum rear yard setback from 20.0m to 16.0m located at 582 Reynolds Street be **Granted** subject to the following condition:

1. Roof leaders from the proposed structure shall not spill onto the neighbouring 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/38/22

**Shayne and Sarah MacDonald
2 Rampart Crescent**

An application has been received from Shayne and Sarah MacDonald, for a variance from the provisions of By-law 1784.

The application is for permission to reduce the minimum exterior side yard width from a covered patio within the rear yard from 4.5m to 3.2m.

The requested variance is required to permit the construction of a covered patio within the rear yard of the subject property.

In Support of Application	S. MacDonald "Shayne" (Applicant) S. MacDonald "Sarah" (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.

S. MacDonald (Shayne) introduced himself to the Committee. He provided an overview of the requested variance and stated that the variance would allow them to construct a covered patio in the rear yard and a portion of the exterior side yard.

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: N. Chornobay

That the application to reduce the minimum exterior side yard width from a covered patio within the rear yard from 4.5m to 3.2m located at 2 Rampart Crescent be **Granted** subject to the following condition:

1. Roof leaders from the proposed structure shall not spill onto the neighbouring 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/39/22

SL Decks Ltd. (Sean Loucks)
4 Rosseau Crescent

An application has been received from SL Decks Ltd. (Sean Loucks), for a variance from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to increase the permitted encroachment of a covered deck into a rear yard from 3.2m to 5.8m

The requested variance is required to permit the construction of a covered deck within the rear yard of the subject property.

In Support of Application S. Loucks (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. Loucks introduced himself to the Committee. He noted that the variance is required to permit a roof structure to be constructed above the existing deck located in the rear yard.

S. Loucks confirmed that the existing deck will be removed and replaced in the same location.

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

N. Chornobay asked how roof drainage will be addressed.

S. Loucks noted that gutters will be installed on the structure.

J. Cardwell asked about the deck height.

S. Loucks noted that the deck is approximately 2 feet above grade and will be supported on helical piles.

B. O'Carroll asked staff to confirm that the variance is required to specifically permit a covered deck.

J. Malfara 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: D. McCarroll

That the application to increase the permitted encroachment of a deck into a rear yard from 3.2m to 5.8m located at 4 Rosseau Crescent be **Granted** subject to the following condition:

1. Roof leaders from the proposed structure shall not spill onto the neighbouring 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 3: Approval of Previous Minutes

Moved by: B. O'Carroll

That the minutes of the Committee of Adjustment held on Thursday July 7, 2022 be adopted.

Carried

Item 4: Other Business

There were no items raised under other business

Item 5: Adjournment

Moved by: N. Chornobay

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original Approved]

Secretary Treasurer

[Original Approved]

Chair