



Minutes of the 9th Meeting

Committee of Adjustment

Meeting Date: Thursday, September 19, 2024

Meeting Time: 7:00 p.m.

Meeting Location: Virtual Meeting

Present:

S. Haslam, Chair

J. Cardwell

N. Chornobay

K. Docherty

J. Rinella

R. Chow, Secretary-Treasurer

J. Malfara, (Acting) Supervisor, Zoning & Regulation

Item 1: Land Acknowledgement

The chair opened the meeting and made the land acknowledgement statement.

Item 2: Disclosure of Interest:

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

Carried

Item 3: Public Hearings

A/37/24

**TH (Brooklin) Developments
6760 Baldwin St N**

An application has been received from TH (Brooklin) Developments for a variance from the provisions of Town of Whitby Zoning By-law 1784.

The application is for permission to reduce the minimum required exterior side yard setback from 3.0 m to 1.4 m for 3 structures identified on the submitted site plan.

The requested variance is required to permit a proposed development for 208 back-to-back townhouse dwellings as previously recommended through Site Plan SP-03-23.

The subject property is zoned Medium Density Residential (MD) within the Town of Whitby Zoning By-law 1784.

In Support of Application: Matthew Cory (Applicant/Owner Representative)

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. Cory introduced himself as a Planner at Malone Given Parsons (MGP), representing the applicant and owner. M. Cory provided an overview of the requested variance and stated that the application to permit a reduced exterior side yard setback for back-to-back townhouses on a portion of the subject lands is part of larger development approval for the former Brooklin Concrete site.

M. Cory explained that the Region requires a common water meter room for townhouses located on common element roadways. In accordance with the proposed site configuration, this meter would encroach into an exterior side yard for one of the proposed townhouse blocks. The meter room would not occupy the full width of the exterior side wall, so sightlines would not be negatively impacted.

M. Cory further stated that the repositioning of the townhouse blocks to add walkways to the site also resulted in a reduced exterior side yard setback for two townhouse blocks. A sightline analysis was conducted to demonstrate that there would be no significant impacts to visibility from these reduced setbacks.

M. Cory addressed correspondence received from a resident on Camber Ct regarding concerns of increased density in the area due to the redevelopment of the Brooklin Concrete site. M. Cory stated that the townhouses would be internal to the site and that lower-density single-detached dwellings would be built adjacent to Camber Ct to provide for a buffer and transition of density between the new developments and established low-density neighbourhoods. M. Cory also noted that the proposed single-detached dwellings will not have any vehicular access to Camber Ct.

M. Cory concluded by stating that the requested minor variance meets the 4 tests as set out by the Planning Act.

The Chair asked the Secretary-Treasurer if Planning Staff had any concerns regarding an amendment to original variance (1.4 m exterior side yard setback) to 0.7 m.

The Secretary-Treasurer stated that Planning Staff reviewed the amendment to the application and had no objection. The reduced setback would be internal to the site and would not be expected to cause significant visibility issues.

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

N. Chornobay asked for confirmation on if the subject property was part of a registered plan of subdivision and if it was subject to an approved site-specific Zoning By-law.

M. Cory stated that the subject lands are not yet part of a registered plan of subdivision. A site-specific Zoning has been approved and the plan would be proceeding to registration shortly.

N. Chornobay asked what the process would be for the sale of the townhouse units to commence.

M. Cory stated that since draft plan approval has been granted, the sale of lots is currently permitted.

N. Chornobay stated that there were concerns raised by existing residents to the west of the development who may be interested in the current status of the development.

M. Cory explained that he has been the Planner working on this development since the original development application was proposed and submitted to the Town. In response to feedback from the residents living along Camber Ct, no lots are proposed to front Camber Ct. M. Cory stated that this minor variance application will not affect these lots.

K. Docherty asked for the depth and width of the lots backing on Camber Ct.

M. Cory stated that the lots will generally be approximately 11.6 m wide and approximately 30 m deep.

There were no further questions from the Committee.

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

The Secretary-Treasurer advised the Committee that 1 letter of objection was received and that it had been circulated to the Committee for their review.

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

There was no one.

N. Chornobay asked if the amendment to the variance for a 0.7 m exterior side yard setback would apply to the entire site or only to the specific area with a meter room.

The Secretary-Treasurer responded that the variance is tied to the structures indicated in the submitted site plant therefore if approved, a 0.7 m exterior side yard setback would be the minimum requirement only for the 3 structures identified. A 0.7 m exterior side yard setback is only proposed for 1 townhouse block with the meter room. The other 2 townhouse blocks seeking relief will have an exterior side yard setback ranging between 1.7 m and 2.2 m.

Moved by: J. Cardwell

That the application be amended, as requested by the applicant, to permit an exterior side yard setback of 0.7 m for the structures identified in the submitted site plan.

Carried

Moved by: J. Rinella.

That the application to reduce the minimum required exterior side yard from 3.0 m to 0.7 m for the structures identified in the submitted site plan located at 6760 Baldwin St N 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 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.

A/40/24

**Jonathan Benczkowski
303 Green St**

An application has been received from Jonathan Benczkowski (on behalf of Swarn & Harmesh Dhonsi) for variances from the provisions of Town of Whitby Zoning By-law 2585.

The application is for permission to (1) reduce the minimum required lot area for an apartment dwelling from 135 m²/unit to 128 m²/unit, and (2) reduce the minimum required private amenity space from 9 m²/unit to 0 m²/unit for 1 unit.

The requested variances are required to permit the addition of one residential apartment dwelling unit within the existing 15-unit apartment building.

The subject property is zoned Residential Type 5 Downtown (R5-DT) within Town of Whitby Zoning By-law 2585.

In Support of Application: Jonathan Benczkowski (Applicant/Owner Representative)

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.

J. Benczkowski introduced himself as a Planner at Sol-Arch representing the owner. J. Benczkowski provided a brief overview of the proposal and of the requested variances. J. Benczkowski stated that since the new apartment unit would be entirely located within the basement of the existing apartment building, there would be no alterations to the exterior of the building, the parking area, or the landscaping of the site.

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

J. Cardwell asked if permits would be required for heating and ventilation changes.

J. Benczkowski responded that a Building Permit would be required for the plumbing and mechanical systems.

J. Cardwell asked how the proposed unit would be accessed.

J. Benczkowski stated that the unit would only be accessed internally through the basement, and that no new exterior entrances would be constructed.

There were no further questions from the Committee.

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

The Secretary-Treasurer 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: K. Docherty

That the application to (1) reduce the minimum required lot area for an apartment dwelling from 135 m²/unit to 128 m²/unit, and (2) to reduce the minimum required private amenity space from 9 m²/unit to 0 m²/unit for 1 unit located at 303 Green St be **Granted** subject to the following condition:

1. Following a discussion with the Engineering Services Division, the applicant shall complete any required alterations to the parking area to the Town's satisfaction.

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 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.

A/41/24
Stylux Whitby Ventures
500 Dundas St E

An application has been received from Stylux Whitby Ventures Inc. (on behalf of Marc Lafontaine) for a variance from the provisions of Town of Whitby Zoning By-law 2585.

The requested variance is required to permit a temporary residential sales office to exist within the existing structure on the subject property at 500 Dundas St E to serve a future residential development at 201 Hopkins St.

The subject property is zoned Residential Type 6 Downtown Exception 20 (R6-DT-20) within the Town of Whitby Zoning By-law 2585.

In Support of Application: Walid Alhathloul (Applicant/Owner Representative)

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.

W. Alhathloul introduced himself as the applicant and the development manager at Stylux Homes. W. Alhathloul provided an overview of the subject property and of the requested variance to permit a residential sales office.

The Chair asked Town staff if an expiry date can be implemented on a variance when allowing a temporary use such as a residential sales office.

J. Malfara responded that if found appropriate by the Committee, a time limit may be added to a variance.

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

There were no further questions from the Committee.

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

The Secretary-Treasurer 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 permit an off-site temporary residential sales office located at 500 Dundas St E to serve a residential development at 201 Hopkins St 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 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 4: Approval of Previous Minutes

Moved by: K. Docherty

That the minutes of the Committee of Adjustment held on Thursday August 15, 2024 be adopted.

Carried

Item 5: Other Business

There were no items raised under other business.

Item 6: Adjournment

Moved by: N. Chornobay

That this meeting of the Committee of Adjustment be adjourned.

Carried

Secretary Treasurer

Chair