

Minutes of the 14th Meeting

Committee of Adjustment



Meeting Date: Thursday October 22, 2020

Meeting Time: 7:00 p.m.

Meeting Location: Virtual Meeting

Present:

N. Chornobay, Chair

S. Haslam

J. Cardwell

B. O'Carroll

D. McCarroll

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/40/20

**Joe Gannon, 201B Gilbert Street East
401 Green Street**

An application has been received from Joe Gannon, for variances from the provisions of the Town of Whitby Zoning By-law 2585.

The application is for permission to (1) increase the maximum permitted length of a commercial vehicle parked on a residential property from 7.0m to 9.0m; (2) increase the maximum permitted height of a commercial vehicle parked on a residential property from 2.6m to 3.0m; and (3) permit a commercial vehicle to be parked within an interior side yard of a residential property.

The subject property is located at 401 Green Street and is zoned Residential Type 4 – Downtown Zone (R4-DT) within the Town of Whitby Zoning By-law 2585.

The requested variances are required to permit a commercial vehicle to be parked within the interior side yard of the subject property.

In Support of Application

J. Gannon (Applicant)
R. Toms
M. Gray

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. Gannon introduced himself as the applicant and advised the Committee that he is proposing to park his work vehicle on the subject property.

The Chair noted, Planning staff recommended the removal of variance number 3. The Chair asked J. Malfara to provide further clarity on this matter.

J. Malfara advised the Committee that variance number 3 as applied for was not required. J. Malfara noted that the applicant can request that variance number 3 be withdrawn or the Committee can exclude this variance as part of their decision.

J. Gannon advised the Committee that he would like to withdraw variance number 3.

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

S. Haslam asked if the applicant's vehicle will overhang the Town's boulevard.

J. Gannon replied no. He noted that the vehicle will be parked well back from the street line.

J. Malfara confirmed to the Committee that based on his site visit there will be ample room between the vehicle and the Town's boulevard.

D. McCarroll agreed with J. Malfara's previous statement. Based on his own site visit, he confirmed that the location of the applicant's vehicle is appropriate and unobtrusive.

B. O'Carroll asked if the third variance was requested by staff to be eliminated because it was only applicable to a commercial vehicle and not all vehicle types.

J. Malfara replied that variance number 3 was not required as it was not tied to any specific provision within the Zoning By-law.

B. O'Carroll asked if the variance were approved, would the approval be tied to the property or to the applicant.

J. Malfara replied that variance approvals are tied to the property in most cases, but it is within the Committees authority to impose conditions of approval which may establish variance expiry dates or tie a variance to an applicant as long as they reside at the property.

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

J. Malfara advised the Committee that M. Gray was in attendance, but was having technical issues with M. Gray's audio. M. Gray provided a written response to J. Malfara advising that they have no concerns with the requested variances.

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 a letter of support was received from R. Toms of 404 Athol Street. J. Malfara provided a verbal summary of R. Toms letter of support.

Moved by: D. McCarroll

That the application to (1) increase the maximum permitted length of a commercial vehicle parked on a residential property from 7.0m to 9.0m; and (2) increase the maximum permitted height of a commercial vehicle parked on a residential property from 2.6m to 3.0m located at 401 Green Street be **Granted** subject to the following conditions:

1. The parking of all vehicles (commercial or otherwise) associated with the property be completely within private property and not encroach into the road right of way; and
2. That the commercial vehicle shall only be parked within the interior side yard (east) on a paved driveway, while maintaining a minimum 1.0m setback to the abutting easterly lot line.

B. O'Carroll asked if the reference to a commercial vehicle in condition number 1 is required.

J. Malfara replied that this condition seeks to ensure that the parking of any vehicle, commercial or otherwise shall not be parked on any public right-of-way.

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 3: Approval of Previous Minutes

Moved by: J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday October 1, 2020 be adopted.

Carried

Item 4: Other Business

There were no items raised under other business.

Item 5: Adjournment

Moved by: B. O'Carroll

That this meeting of the Committee of Adjustment be adjourned.

Carried

Secretary Treasurer

Chair