



Minutes of the 16th Meeting of the Committee of Adjustment

Meeting Date: Thursday November 28, 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

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/84/19

**Richard Johnston
105 Holliday Drive**

An application has been received from Richard Johnston 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 height of a recreational vehicle from 2.0m to 2.7m inclusive of a roof top apparatus.

The requested variance is required to permit the applicants recreational vehicle, which is to be parked on the driveway within the front yard of the property.

The subject property is located at 105 Holliday Drive and is zoned Single Family Detached House (R-2-A) within the Town of Whitby Zoning By-law 1784.

In Support of Application Rick Johnston (Applicant)

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.

R. Johnston introduced himself to the Committee. He stated that he owns a sprinter van that he parks on the driveway within the front yard of his property. The van is used for recreation as well as for his commercial business. He noted that the van exceeds the maximum permitted height of a recreation vehicle, but, complies with the maximum permitted height of a commercial vehicle.

R. Johnston concluded that there is sufficient space within the driveway to park two addition vehicles in addition to the two parking spaces within the garage. He further noted that the owner of the neighboring property (north) closest to the sprinter van, has forwarded a letter of support to the Committee.

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

J. Cardwell asked the applicant if he stores material associated with his commercial business on the roof of the sprinter van.

R. Johnston replied no.

D. McCarroll asked the applicant if he ever affixes ladders to the side of the sprinter van.

R. Johnston replied no.

B. O'Carroll stated that she has no issues with the variance. She noted that because the van is parked close to the house, and there is no sidewalk on the applicants side of the street there would not be any sight line issues.

R. Johnston agreed.

The Chair asked if there were any further 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 a letter of support was received from the neighbour at 103 Holiday Drive. A copy of this letter was circulated to the Committee prior to 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: N. Chornobay

That the application to increase the maximum permitted height of a recreational vehicle from 2.0m 2.7m inclusive of a roof top apparatus located at 105 Holliday Drive 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 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 written submissions, the staff report and oral submissions had an effect on the Committee's decision.

K. Washington replied that the home office will be for personal use.

J. Cardwell stated that this area has seen many minor variance applications.

D. McCarroll asked the applicant to confirm that they will be fully demolishing the existing dwelling including the removal of the foundation.

K. Washington 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 public correspondence was received.

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

T. Johnston introduced himself to the Committee as the owner of 29 Cassels Road West. His property is situated directly north of the applicant's property. T. Johnston expressed his concern that the privacy hedge that is situated between his property and the applicant's property may be damaged when the new dwelling is constructed.

N. Chornobay noted that this feature is boundary tree/hedge if it is located on the common property line.

The Chair noted that the proposed dwelling will be sited further away from the hedge than the existing building today. Therefore, there should be no impact.

T. Johnston agreed and had no further comments.

Moved by: D. McCarroll

That the application to 1) increase the maximum permitted lot coverage from 20% to 34%, and 2) reduce the minimum required front yard setback from 9.0m to 7.0m located at 31 Montgomery Avenue be **Granted** subject to the following condition:

1. That the applicant provide a grading plan and stormwater management brief to the Public Works Department for review and approval prior to the issuance of a building permit.

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/86/19

Mattamy Homes 915 Rossland Road West

An application has been received from Mattamy Homes, for a variance from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to reduce the minimum required rear yard setback from 7.5m to 7.0m.

The requested variance will apply to 118 residential lots within the applicants proposed subdivision, and is required to permit the development of single detached residential dwellings on such lots.

The subject property is located at 915 Rossland Road W and is zoned Low Density (LD) within the Town of Whitby Zoning By-law 1784.

In Support of Application	Charlie Frise (Applicant)
	Liana Dimaranan (Applicant)

In Opposition of Application	No one in attendance
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

C. Frise and L. Dimaranan introduced themselves to the Committee as the applicants.

C. Frise advised the Committee that they are requesting a variance to reduce the minimum required rear yard setback from 7.50m to 7.0m which will allow them to accommodate their pre-designed dwelling models on the subject lots. He expressed that the variance will apply to three quarters of their dwelling models and the 7.0m rear yard setback request also takes into account building tolerances.

L. Dimaranan noted that there were concerns identified by the Town of Whitby Public Works Department at the time the Planning Staff Report was published. She noted that at this time the Public Works Department has reviewed the variances in greater detail and are in support of the application.

The Chair asked the applicants if they purchased the subject lots off of a developer.

L. Dimaranan replied yes.

The Chair expressed that when the lots were purchased the dimensions of the lots would have been known to the applicant. He asked the applicant if they attempted to reduce the depth of the dwelling to meet the required rear yard setback.

C. Frise noted that the subdivision lotting has been finalized and increasing the depth of the lots on the subdivision plan at this time is not feasible.

N. Chornobay advised the applicant that the Chair was referring to alterations to the dwellings.

L. Dimaranan noted that this was not feasible since Mattamy Homes uses predesigned dwelling models.

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

N. Chornobay noted that the Public Works Department initially did not support the variances. He asked the applicant if they are now in support of the reduced 7.0m rear yard setbacks.

L. Dimaranan replied yes.

N. Chornobay noted that Planning Staff were requesting that the variance be amended from 7.0m to 7.25m.

J. Malfara advised the Committee that Planning Staff would support an amended variance of 7.25m which reflected the rear yard setback as illustrated on the applicants submitted plans.

L. Dimaranan noted that they would like to proceed with a minimum 7.0m rear yard setback variance, as this is what they had previously discussed with the Development Planning Department.

The Chair asked if the reduced rear yard setback would prevent future homeowner from constructing rear yard decks.

J. Malfara advised the Committee that in the West Whitby Zoning By-law, decks greater than 0.6m above grade would be permitted to encroach 3.5m into the rear yard, and decks less than or equal to 0.6m above grade can encroach into the rear yard within 0.6m of the rear lot line.

D. McCarroll asked the applicant to confirm that they would like to proceed with the minimum 7.0m required rear yard setback variance to accommodate their existing dwelling designs.

L. Dimaranan 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 public 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.

J. Malfara advised the Committee that should they wish to approve the application they may include a condition of approval limiting the variances to the lots as specifically identified within the applicant's Minor Variance Application.

Moved by: N. Chornobay

That the application to reduce the minimum required rear yard setback from 7.5m to 7.0m located at 915 Rossland Road West be **Granted** subject to the following condition:

1. That the variances shall apply only to the 118 residential lots as identified within the applicants Minor Variance Application.

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 November 07, 2019 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

[Original approved and signed]

Secretary Treasurer

[Original approved and signed]

Chair