



Minutes of the 1st Meeting

Committee of Adjustment

Meeting Date: Thursday January 20, 2022

Meeting Time: 7:00 p.m.

Meeting Location: Virtual Meeting

Present:

S. Haslam, Chair

N. Chornobay

J. Cardwell

B. O'Carroll

D. McCarroll

J. Malfara, Secretary-Treasurer

Item 1: Appointment of Chair

J. Malfara advised the Committee that a Chair and Vice-Chair will have to be appointed for the 2022 Committee of Adjustment term.

B. O'Carroll nominated S. Haslam to be Chair.

S. Haslam accepted the nomination.

Carried

Item 2: Appointment of Vice-Chair

S. Haslam asked the Committee for a nomination for Vice-Chair.

N. Chornobay nominated J. Cardwell for Vice-Chair.

J. Cardwell accepted the nomination.

Carried

Item 3: Disclosure of Interest:

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

Carried

Item 4: Public Hearings

A/01/22

**Maaz Abowath
66 Garrard Road**

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

The application is for permission to (1) reduce the minimum lot width for a property containing a circular driveway from 25.0m to 22.8m, and (2) increase the maximum driveway width of a circular driveway measured at the street line from 4.0m to 5.7m.

The subject property is located at 66 Garrard Road and is zoned Second Density Residential (R2) within Zoning By-law 1784.

The requested variances are required to permit the reconfiguration of the existing single access driveway into a circular driveway.

In Support of Application

Maaz Abowath

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. Abowath introduced himself to the Committee as the applicant. He provided an overview of the requested variances to permit a circular driveway on the property.

The Chair asked if the applicant was aware of the Town's recommendation to limit the maximum driveway width at the streetline to 5.0m. The Chair asked the applicant if he was okay with amending the variance related to the driveway width from 5.7m to 5.0m.

M. Abowath replied yes.

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

J. Cardwell noted that upon his site inspection he observed 7-8 cars parked on the driveway. He asked if this was typical.

M. Abowath replied that his family has several cars, however, they are undertaking a renovation and many of the vehicles observed belonged to the contractors.

N. Chornobay referenced a letter from the neighbour to the south regarding a stormwater swale located between the two properties. He also asked staff if this will be reviewed.

J. Malfara noted that grading and services will be reviewed by the Town's Engineering Services Division prior to construction.

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

J. Malfara advised that one letter of correspondence was received and circulated to the Committee.

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 (1) reduce the minimum lot width for a property containing a circular driveway from 25.0m to 22.8m, and (2) increase the maximum driveway width of a circular driveway measured at the street line from 4.0m to 5.0m (as ammended) located at 66 Garrard Road be **Granted** subject to the following condition:

1. That the site grading and all other services conform to the requirements of the Engineering Services Division.

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 4: Public Hearings

A/03/22

**Jeffery Homes
9743 Mud Lake Road**

An application has been received from Jeffery Homes, for a variance from the provisions of By-law 5581-05.

The application is for permission to increase the maximum permitted building height from 8.0m to 9.5m.

The subject property is located at 9743 Mud Lake Road and is zoned Oak Ridges Moraine Residential Type 3 Exception 1 (ORM-R3-1) within By-law 5581-05.

The requested variance is required to permit a new two storey dwelling on the subject property.

In Support of Application	Scott Jeffery A. Sorenson G. Prentice
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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. Jeffery introduced himself to the Committee and advised them that he is proposing to construct a custom home on the property. To permit the proposed design of the home, a height variance is required.

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. There was none.

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

A. Sorensen and G. Prentice introduced themselves as the owners of 9560 Mud Lake Road and advised that they have no objection to the variance.

Moved by: J. Cardwell

That the application to increase the maximum permitted building height from 8.0m to 9.5m located at 9743 Mud Lake Road be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Engineering Services Division; and
2. Roof leaders from the proposed structure shall not spill onto 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.

Item 4: Public Hearings

A/04/22

Mark Carlo Santana
44 Catkins Crescent

An application has been received from Sumit Kumar, for a variance from the provisions of By-law 1784.

The application is for permission to reduce the minimum required exterior side yard setback from 4.5m to 3.0m.

The subject property is located at 44 Catkins Crescent and is zoned Residential (R3C*) within By-law 1784.

The requested variance is required to enclose a portion of the covered porch located within the front/exterior side yard of the subject property.

In Support of Application Mark Carlo Santana

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. Santana introduced himself to the Committee as the applicant. He advised the Committee that the requested variance will permit a small sunroom enclosure within the perimeter of the existing front porch located within the front and exterior side yard of the property.

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. There was none.

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 required exterior side yard setback from 4.5m to 3.0m located at 44 Catkins Crescent 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 submissions, the staff report and oral submissions had an effect on the Committee's decision.

Item 4: Public Hearings

A/05/22

**Danilo Marquez Marasigan
173 Elizabeth Crescent North**

An application has been received from Danilo Marquez Marasigan, for variances from the provisions of By-law 1784.

The application is for permission to (1) increase the maximum permitted lot coverage from 20% to 22%, and (2) increase the maximum permitted driveway width from 9.0m to 15.7m.

The subject property is located at 173 Elizabeth Cres N. and is zoned Third Density Residential (R3) within Zoning By-law 1784.

The requested variances are required to permit a new two storey detached dwelling with a circular driveway internal to the property.

In Support of Application

Danilo Marquez Marasigan

In Opposition of Application

Mike Tymec
Barbara Fostey-Tymec
Christian Tymec
Aaron Tymec
Hans Gieben
Millar Drummond

The Chair introduced the application and asked if anyone would like to speak to the subject application.

D. Marasigan introduced himself to the Committee as the applicant and provided a brief overview of the requested variances related to the lot coverage and driveway widening. He advised the Committee that he read the Planning Staff report and agreed with the recommendation to approve the variances.

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 3 letters of objection were received and have been circulated to the Committee prior to the meeting for review.

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

C. Tymec introduced himself to the Committee and expressed his objection to the requested variances. He advised the Committee that the proposal may result in a loss of character to the neighbourhood and also asked the applicant if he will be living in the dwelling and noted that there was a disciplinary action against the applicant regarding the use of an engineering stamp on previous project. C. Tymec also asked if the applicant will design the proposed dwelling to match the design of the existing dwellings in the neighbourhood.

D. Marasigan replied that the proposed building in his opinion would result in an improved streetscape. He noted that more recent two storey dwellings have been constructed in proximity to the subject property, and also noted that the proposed building will comply with the maximum height provision of the Zoning By-law. D. Marasigan also confirmed that the proposed dwelling will be lived in by his client and the home will be approximately 5,000 sq.ft in size.

N. Chornobay asked staff architectural control would be applicable to this application.

J. Malfara replied no. He noted that architectural control is generally reviewed with development applications such as site plans and subdivision applications.

M. Drummond introduced himself to the Committee and expressed his objection to the variances. He noted that Elizabeth Crescent is an old street with ranch and bungalow dwellings. M. Drummond noted that the proposed dwelling does not fit in with the neighbourhood, and there is no need for a two storey dwelling on the street.

B. O'Carroll asked staff if two storey dwellings are permitted on this street.

J. Malfara replied yes. He confirmed that the maximum permitted building height is 8.5m.

B. O'Carroll noted that the variances applied for are unrelated to building height.

The Chair asked if there was anyone else in attendance that would like to provide comments.

C. Tymec stated that the grand elements proposed for the dwelling on this property would not fit in with the character of the neighbourhood.

N. Chornobay noted that the committee can only address the requested variances and that the design is not under the committees jurisdiction.

Moved by: N. Chornobay

That the application to (1) increase the maximum permitted lot coverage from 2% to 22%, and (2) increase the maximum permitted driveway width from 9.0m to 15.7m located at 173 Elizabeth Crescent North be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Engineering Services Division; and
2. Roof leaders from the proposed structure shall not spill onto the neighbouring properties.

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 4: Public Hearings

A/06/22

Shanmugapriya Sundaresan
19 Burwell Street

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

The application is for permission to (1) reduce the minimum required rear yard setback from 7.5m to 5.9m, and (2) reduce the minimum interior side yard setback from 1.0m to 0.78m.

The subject property is located at 19 Burwell Street and is zoned Residential (R4B*-8) within By-law 1784.

The requested variances are required to permit a one storey sunroom building addition within the rear yard of the subject property.

In Support of Application Mark Carlo Santana

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. Santana introduced himself to the Committee as the applicant. He provided an overview of the requested variances, which are required to permit a one storey sunroom building addition extending from the rear wall of the dwelling.

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

J. Cardwell asked if the sunroom will be situated on top of the existing deck, and if the setback from the interior lot line to the wall of the sunroom will meet fire separation requirements.

M. Santana noted that there will be no opening in this face of the structure and it will be designed to meet the Ontario Building Code requirements.

D. McCarroll asked how the structure will be built.

M. Santana noted that the structure will be pre-fabricated at their facility and brought to the property for installation.

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: J. Cardwell

That the application to (1) reduce the minimum required rear yard setback from 7.5m to 5.9m, and (2) reduce the minimum interior side yard setback from 1.0m to 0.78m located at 19 Burwell Street be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Engineering Services Division; and
2. Roof leaders from the proposed structure shall not spill onto the neighbouring properties.

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 4: Public Hearings

A/93/21

Bobbi Ann Brooks
40 Jeanne Court

An application has been received from Bobbi Ann Brooks on Behalf of Jaret Bilich, for variances from the provisions of By-law 1784.

The application is for permission to (1) increase the maximum permitted lot coverage from 20% to 25%, (2) increase the maximum permitted building height from 8.5m to 9.0m, (3) reduce the minimum required exterior side yard setback from 10.0m to 3.0m, and (4) increase the maximum permitted driveway width from 9.0m to 12.7m.

The subject property is located at 40 Jeanne Court and is zoned Second Density Residential (R2) within Zoning By-law 1784.

The requested variances are required to permit the construction of a new two storey detached residential dwelling on the subject property.

In Support of Application Bobbi Ann Brooks

In Opposition of Application None at this time.

The Chair asked the applicant if they were in agreeance with the suggested amendment to variance number 3, to increase the requested setback from 3.0m (as requested by the applicant) to 4.8m.

B. Brooks noted that they would like to keep the original exterior side yard setback variance of 3.0m as requested. She further noted that the 3.0m setback would be to a one storey garage and there would not be any adverse impacts resulting from the setback reduction.

B. Brooks provided examples of other developments within the general area where exterior side yard setbacks have been reduced including a property at the south west corner of Garrard Rd and Manning Blvd.

J. Malfara confirmed that the property at Garrard Rd and Manning Blvd is unique and should not be used as a comparable as the original structure was incorporated into the building addition and maintained the previous exterior side yard setback.

N. Chornobay asked if the proposed dwelling could be shifted to the east in order to increase the west exterior side yard setback.

B. Brooks replied no.

B. Brooks noted that if the garage were to be detached from the dwelling, a 4.5m west exterior side yard setback would be permitted as of right.

N. Chornobay asked if the vegetation along the west lot line will be preserved.

B. Brooks replied yes, and the existing shrubs would also provide a visual buffer to the proposed garage.

J. Cardwell asked if the setback were to be reduced to 3.0m, would the setback have any impact on the inclusion of windows along the west garage elevation.

B. Brooks replied no.

J. Cardwell asked if the proposed 12.7m driveway width is proposed at the streetline.

B. Brooks replied no. She noted that the 12.7m wide driveway is internal to the property.

J. Malfara shared a copy of the Site Plan on the screen for viewing.

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.

J. Malfara asked B. Brooks to confirm that the proposed garage located within the exterior side yard will be limited to one storey in height and there will be no living space above it.

B. Brooks replied yes.

J. Malfara noted that Staff would be able to support the applicant's requested variance to reduce the exterior side yard setback to 3.0m for the proposed one storey garage and that the exterior side yard be reduced to 4.8m as proposed by Planning Staff.

Moved by: J. Cardwell

That the application to (1) increase the maximum permitted lot coverage from 20% to 25%, (2) increase the maximum permitted building height from 8.5m to 9.0m, (3) reduce the minimum required exterior side yard setback from 10.0m to 4.8m with the exception that a one storey garage is permitted to have a minimum 3.0m setback to the exterior lot line, and (4) increase the maximum permitted driveway width from 9.0m to 12.7m located at 40 Jeanne Court be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Engineering Services Division;
2. Roof leaders from the proposed structure shall not spill onto the neighbouring properties;

3. That the proposed one car garage directly abutting the west lot line be limited in height to one storey in accordance with the submitted Site Plan.

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 5: Approval of Previous Minutes

Moved by: B. O'Carroll

That the minutes of the Committee of Adjustment held on Thursday December 30, 2021 be adopted.

Carried

Item 6: Other Business

There were no items raised under other business.

Item 7: Adjournment

Moved by: J. Cardwell

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original Approved]

Secretary Treasurer

[Original Approved]

Chair