

Minutes of the 2nd Meeting

Committee of Adjustment



Meeting Date: Thursday February 13, 2020
Meeting Time: 7:00 p.m.
Meeting Location: Whitby Municipal Building
575 Rossland Road East, Committee Room 1

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/05/20

Mattamy (Monarch) Limited
915 Rossland Road West

An application has been received from Mattamy (Monarch) Limited, for a variance from the provisions of the Town of Whitby By-law 1784.

The application is for permission to permit vehicular access to the garage from the front yard, whereas the by-law requires that the vehicular access on a lot abutting a roundabout be taken from the exterior side lot line.

The subject property is located at 915 Rossland Road West (Lot 69) and is zoned Low Density (LD) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Liana Dimaranan
Naqiya Jamaly

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.

L. Dimaranan introduced herself to the Committee as the applicant. She provided an overview of the variance and noted that the driveway is proposed within the front yard as opposed the exterior side yard since road abutting the exterior side yard has a greater amount of traffic and it is more desirable and safe to have driveway access from the front yard which abuts a less busy roadway.

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 permit vehicular access to the garage from the front yard, whereas the by-law requires that the vehicular access on a lot abutting a roundabout be taken from the exterior side lot line located at 915 Rossland Road West be **Granted** subject to the following condition:

1. The driveway is revised so that there is no encroachment into the pedestrian crossing at the frontage of the lot.

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/06/20

Mattamy (Monarch) Limited
915 Rossland Road West

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

The application is for permission to permit vehicular access to the garage from the front yard, whereas the by-law requires that the vehicular access on a lot abutting a roundabout be taken from the exterior side lot line.

The subject property is located at 915 Rossland Road West (Lot 172) and is zoned Low Density (LD) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Liana Dimaranan
Naqiya Jamaly

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.

L. Dimaranan introduced herself to the Committee, and expressed that her comments from the previous application (A/05/20) are also applicable to this application.

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 permit vehicular access to the garage from the front yard, whereas the by-law requires that the vehicular access on a lot abutting a roundabout be taken from the exterior side lot line located at 915 Rossland Road West be **Granted** subject to the following condition:

1. The lot siting is revised to correctly show the pedestrian crossing location as per the approved Engineering Drawings; and,
2. The driveway is revised so that there is no encroachment into the pedestrian crossing at the frontage of the lot.

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/07/20

**Mattamy (Monarch) Limited
915 Rossland Road West**

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

The application is for permission to permit an architectural projection to be interpreted in the same manner as a bay, box or bow window, with or without foundation, having a maximum width of 4.0 metres to project 0.6 metres or half the distance of the required yard, whichever is less.

The subject property is located at 915 Rossland Road West (Lot 86) and is zoned Low Density (LD) within the Town of Whitby Zoning By-law 1784.

In Support of Application	Liana Dimaranan Naqiya Jamaly
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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.

L. Dimaranan introduced herself to the Committee as the applicant. She noted that the projection of the architectural feature is appropriate and will have minimal impact on the abutting right of way as there is no proposed abutting sidewalk.

J. Taylor advised the Committee that Planning Staff had met with the applicant prior to the minor variance process and provided comments which have since been addressed.

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: B. O'Carroll

The application is for permission to permit an architectural projection to be interpreted in the same manner as a bay, box or bow window, with or without foundation, having a maximum width of 4.0 metres to project 0.6 metres or half the distance of the required yard, whichever is less located at 915 Rossland Road West be **Granted** subject to the following condition:

1. That the variance shall apply only to the architectural projection extending from the first and second storey of the dwelling, as illustrated in Attachment 1.

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 had an effect on the Committee's decision.

Item 2: Public Hearings

A/08/20

Mattamy (Monarch) Limited
915 Rossland Road West

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

The application is for permission to permit an architectural projection to be interpreted in the same manner as a bay, box or bow window, with or without foundation, having a maximum width of 4.0 metres to project 0.6 metres or half the distance of the required yard, whichever is less.

The subject property is located at 915 Rossland Road West (Lot 90) and is zoned Low Density (LD) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Liana Dimaranan
Naqiya Jamaly

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.

L. Dimaranan introduced herself to the Committee, and expressed that her comments from the previous application (A/07/20) are also applicable to this application.

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 permit an architectural projection to be interpreted in the same manner as a bay, box or bow window, with or without foundation, having a maximum width of 4.0 metres to project 0.6 metres or half the distance of the required yard, whichever is less located at 915 Rossland Road West be **Granted** subject to the following condition:

1. That the variance shall apply only to the architectural projection extending from the first and second storey of the dwelling, as illustrated in Attachment 1.

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/09/20

Mattamy (Monarch) Limited
915 Rossland Road West

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

The application is for permission to permit an architectural projection to be interpreted in the same manner as a bay, box or bow window, with or without foundation, having a maximum width of 4.0 metres to project 0.6 metres or half the distance of the required yard, whichever is less.

The subject property is located at 915 Rossland Road West (Lot 98) and is zoned Low Density (LD) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Liana Dimaranan
Naqiya Jamaly

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.

L. Dimaranan introduced herself to the Committee, and expressed that her comments from the previous application (A/07/20) are also applicable to this application.

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 permit an architectural projection to be interpreted in the same manner as a bay, box or bow window, with or without foundation, having a maximum width of 4.0 metres to project 0.6 metres or half the distance of the required yard, whichever is less located at 915 Rossland Road West be **Granted** subject to the following condition:

1. That the variance shall apply only to the architectural projection extending from the first and second storey of the dwelling, as illustrated in Attachment 1.

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/10/20

**Mattamy (Monarch) Limited
915 Rossland Road West**

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

The application is for permission to permit an architectural projection to be interpreted in the same manner as a bay, box or bow window, with or without foundation, having a maximum width of 4.0 metres to project 0.6 metres or half the distance of the required yard, whichever is less.

The subject property is located at 915 Rossland Road West (Lot 103) and is zoned Low Density (LD) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Liana Dimaranan
Naqiya Jamaly

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.

L. Dimaranan introduced herself to the Committee, and expressed that her comments from the previous application (A/07/20) are also applicable to this application. She also noted that this property abuts a sidewalk adjacent to the exterior side yard. L. Dimaranan stated that the proposed variance was still appropriate and would not result in any impact on the public right of way.

J. Taylor expressed to the Committee that for this lot the encroachment of the proposed architectural projection is very minimal and can be seen on the applicants submitted Site Plan.

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: S. Haslam

That the application to permit an architectural projection to be interpreted in the same manner as a bay, box or bow window, with or without foundation, having a maximum width of 4.0 metres to project 0.6 metres or half the distance of the required yard, whichever is less located at 915 Rossland Road West be **Granted** subject to the following condition:

1. That the variance shall apply only to the architectural projection extending from the first and second storey of the dwelling, as illustrated in Attachment 1.

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 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 January 23, 2020 be adopted.

Carried

Item 4: Other Business

J. Taylor advised the Committee that a discussion was had with the Town's Solicitor to seek input with respect to the Committee's ability to remove previous approved variances on a property by way of a condition. The Town Solicitor confirmed that this action is not within the scope of the Committee's power.

J. Malfara advised the Committee that new identification cards will be prepared and distributed at a future meeting.

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