

Minutes of the 11th Meeting

Committee of Adjustment



Meeting Date: Thursday August 20, 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/35/20

Richard Vink of VA3 Design Inc.
47 Swordfish Drive

An application has been received from Richard Vink of VA3 Design Inc., 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 5.25m.

The subject property is located at 47 Swordfish Drive and is zoned Low Density (LD) within the Town of Whitby Zoning By-law 1784.

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

In Support of Application R. Vink (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. Vink introduced himself to the Committee and provided an overview of the property location and requested variance to reduce the minimum required rear yard setback. He advised the Committee that the property is irregular in shape and in order to accommodate an appropriate dwelling size on the property a variance is required for a portion of the rear yard setback. He also expressed that the resulting rear yard amenity space would be larger than most of surrounding rear yards and the proposed dwelling is modest in size.

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

J. Cardwell asked the applicant if this is the only lot that requires a variance.

R. Vink replied yes. He noted that this is the only lot with an irregular lot line which resulted in the requirement of a rear yard setback variance.

J. Cardwell asked if this variance would also permit a rear yard deck.

R. Vink replied that the dwelling will be at grade and if a future deck were to be constructed, a variance would not be required.

B. O'Carroll asked if the irregular rear lot line is a result of the abutting CLOCA regulated area.

R. Vink 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 correspondence was received and there was no one from the public in attendance wishing to speak to the application.

B. O'Carroll noted that CLOCA has provided comments as noted in the Staff Report and asked if these should included as conditions of approval.

J. Malfara replied that these comments related to the payment of a review fee as well as grading review. The grading review is typically conducted at the building permit stage, but should the Committee agree to include these comments as formal conditions, they may do so.

J. Malfara advised the applicant that he should consult directly with CLOCA as it relates to the payment of their application review fee.

Moved by: B. O'Carroll

That the application to reduce the minimum required rear yard setback from 7.5m to 5.25m located at 47 Swordfish 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 submissions, the staff report and oral submissions had an effect on the Committee's decision.

Item 2: Public Hearings

A/36/20

S Thompson Development Services 16 & 18 Durham Street

An application has been received from S Thompson Development Services, for a variance from the provisions of the Town of Whitby Zoning By-law 1784.

The application is to permit dwelling units situated on any floor in a building with frontage on Durham Street.

The subject property is located at 16 & 18 Durham Street and is zoned Commercial Type 1 Village of Brooklin Zone Exception 6 (C1-VB-6), within the Town of Whitby Zoning By-law 1784.

The requested variance is required to permit residential dwelling units on the main floor of the existing building, whereas residential dwelling units are currently permitted on the second storey only.

In Support of Application

S. Thompson (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.

S. Thompson introduced himself to the Committee as the applicant and provided an overview of the requested variance. He noted that Site Plan approval as well as a Building Permit was issued for the structures/site works that have taken place on the site to date. The Zoning permits commercial uses on the ground floor and residential uses on the second storey. Due to market demands, commercial was not a desirable use on the ground floor and they are proposing residential uses as an alternative.

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

S. Haslam noted concerns with potential on-street parking along Durham Street which is currently narrow.

S. Thompson noted that the Town of Whitby will be taking a road widening block from the subject property along Durham Street. He also noted that the subject property will have a total of eight parking spaces for the residents.

J. Malfara confirmed that a road widening will be conveyed to the Town. He also noted that the proposed residential units would require a total of 6 parking spaces, whereas the applicant is providing 8 parking spaces.

S. Haslam asked if there was an anticipated date for the Durham Street widening.

J. Taylor advised the Committee that the road widening works are not planned imminently.

B. O'Carroll asked how many bedrooms there will be in each of the 4 proposed residential units.

S. Thompson did not have the exact answer, but noted that the units will be approximately 900 square feet in area.

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, and there was no one from the public in attendance wishing to speak to the application.

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 dwelling units situated on any floor in a building with frontage on Durham Street located at 16 Durham Street be **Granted** subject to the following condition:

1. That the maximum number of dwelling units located on the subject lands (16&18 Durham Street) shall not exceed 4.

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: D. McCarroll

That the minutes of the Committee of Adjustment held on Thursday July 30, 2020 be adopted.

Carried

Item 4: Other Business

N. Chornobay asked if in the future comments regarding outstanding review fees from agencies such as CLOCA should be included as conditions of approval.

J. Malfara replied that they can, however, applicants typically pay these fees prior to the meeting or shortly after. Staff is able to make a note on the application file to ensure any outstanding fees are paid prior to the issuance of any permits or binding approvals.

N. Chornobay asked if there was any possibility to address audio delays from D. McCarroll's feed.

J. Malfara confirmed that he will work with D. McCarroll to address this matter.

Item 5: Adjournment

Moved by: J. Cardwell

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original approved]

Secretary Treasurer

[Original approved]

Chair