



Minutes of the 11th Meeting of the Committee of Adjustment

Meeting Date: Thursday August 15, 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
K. Kram, Acting Secretary-Treasurer
J. Taylor, Manager of Planning Administration

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/63/19

**Pernell Roberts
1910 Dundas Street East**

An application has been received from Pernell Roberts for a variance from the provisions of By-Law 1784.

The application is to permit a “you brew” wine establishment (wine processing) within a 'C1' Local Commercial zone.

The subject property is located at 1910 Dundas Street East and is zoned Local Commercial (C1) within the Town of Whitby Zoning By-law 1784.

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|---------------------------|---|
| In Support of Application | Pernell Roberts (Applicant) Sharon Roberts (Applicant) |
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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.

P. and S. Roberts introduced themselves to the Committee as the applicants. They explained that they want to open a “you brew” wine store. They purchased the store from a different location and found a unit to lease at 1910 Dundas Street East. They were not aware that a minor variance would be necessary because there had previously been a “you brew” wine store in the adjacent plaza.

J. Taylor, Manager of Planning Administration explained to the Committee that this commercial plaza appears to be one property under one ownership but it is in fact two separate properties. A “you brew” wine store was permitted on the adjacent property to the east through a previous minor variance application. This use is not permitted on the subject property (1910 Dundas Street East) therefore a variance is required.

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

K. Kram 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

That the application to permit a “you brew” wine establishment (wine processing) within a 'C1' Local Commercial zone 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/62/19

**Amtullah Homes
224 Hickory Street North**

An application has been received from Amtullah Homes for a variance from the provisions of By-Law 2585.

The application is for permission to:

1. add seniors apartment building as a permitted use;
2. reduce the minimum required lot area from 59 sq.m/unit to 51 sq.m/unit;
3. reduce the minimum required lot frontage from 30.0m to 20.0m;
4. increase the maximum lot coverage from 40% to 41%;
5. reduce the minimum required rear yard setback from 10.0m to 9.0m;
6. amend the definition Private Amenity Space to mean the total space within a building or outside of a building which provides an active and/or passive recreation area for the exclusive use of the occupants of the building; and
7. increase the maximum projection of an ornamental structure (canopy) into a front yard from 0.5m to 1.5m

The subject property is located at 224 Hickory Street North and is zoned Holding – Residential Type 6 – Downtown – Exception 1 (H-R6-DT-1) within the Town of Whitby Zoning By-law 2585.

In Support of Application

Abbas Fsufali (Owner)

David Mills (Agent)

Also in Attendance

Joanne Nichols

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

D. Mills introduced himself to the Committee as the agent representing the owner of the subject property. He explained that because this site is restricted in terms of size, the proposed apartment building will be constructed using new technologies including precast concrete. The proposed seniors apartment building will serve a need in the community.

D. Mills explained that the rear yard setback variance is necessary because the site is not rectangular. He noted that on the short side of the property the rear yard setback is 9 metres however the other side of the building will comply with the minimum required

10 metre rear yard setback. He noted that the rear yard of the subject property faces the parking lot for the apartment building to the south.

D. Mills noted that due to the unique site design they were able to fit the proposed senior's apartment building on the subject property which has a frontage of 20 metres whereas the Zoning By-law requires a minimum lot frontage of 30 metres. He noted that most of the units will have balconies. If the at-grade landscaped area is added to the calculation of private amenity space, the project will comply with the minimum required amount of amenity space.

N. Chornobay asked the applicant to see the west and north elevations as the Committee had an illustration showing the east and south elevations.

D. Mills noted that the north elevation is different as the corridor is along this side of the building. There are no units directly on the north side of the building. D. Mills showed some elevation sketches to the Committee and to the resident in attendance. He noted that there will be a fence and landscaping along the north lot line.

B. O'Carroll asked about garbage storage.

D. Mills noted that all garbage storage will be contained within the building.

B. O'Carroll asked about parking.

D. Mills noted that the zoning by-law parking requirement for a seniors apartment is 0.5 parking spaces per unit. The zoning by-law requires 10 parking spaces for the proposed seniors apartment building and they are providing 11 parking spaces.

There was a short discussion about the outdoor private amenity space.

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

K. Kram 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.

J. Nichols introduced herself to the Committee and advised that she is the resident directly to the north. She stated that she is at the Committee on behalf of herself and her other neighbours to ask questions.

J. Nichols asked for confirmation that garbage storage would be inside the building.

D. Mills replied that garbage storage will be inside the building.

J. Nichols asked about the existing chain link fence.

J. Taylor advised that through the Site Plan approval process, a 1.83 m wood screen fence is required to be constructed along the north lot line. Removal of the chain link fence will depend on its location as the applicant can not remove a fence that is not on his property.

J. Nichols asked for confirmation that the outdoor private amenity space will be at the rear of the property.

D. Mills replied that the outdoor private amenity space will be located at the rear of the property.

There was a short discussion about parking and about timing of construction.

N. Chornobay asked J. Nichols if she has any additional concerns or if she received the answers she was looking for.

J. Nichols replied that she is not opposed to the application and she received the answers she was looking for.

Moved by: J. Cardwell

That the application to (1) add seniors apartment building as a permitted use; (2) reduce the minimum required lot area from 59 sq.m/unit to 51 sq.m/unit; (3) reduce the minimum required lot frontage from 30.0m to 20.0m; (4) increase the maximum lot coverage from 40% to 41%; (5) reduce the minimum required rear yard setback from 10.0m to 9.0m; (6) amend the definition of Private Amenity Space to mean the total space within a building or outside of a building which provides an active and/or passive recreation area for the exclusive use of the occupants of the building; and (7) to increase the maximum projection of an ornamental structure (canopy) into a front yard from 0.5m to 1.5m be **Granted** subject to the following condition:

1. That the applicant shall adhere to the Public Works conditions and requirements of Site Plan application SP-12-18.

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: N. Chornobay

That the minutes of the Committee of Adjustment held on Thursday July 25, 2019 be adopted.

Carried

Item 4: Other Business

J. Taylor advised the Committee that the Land Division application connected to files A/60/19 and A/61/19 was appealed to LPAT (File LD 088/2017). The Planning and Development Department will now review when to report back on files A/60/19 and A/61/19 which were tabled at the July 25, 2019 Committee of Adjustment 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