



Minutes of the 5th Meeting of the Committee of Adjustment

Meeting Date: Thursday April 11, 2019
Meeting Time: 7:00 p.m.
Meeting Location: Whitby Municipal Building
575 Rossland Road East, Committee Room 1

Present:

S. Haslam, Chair
B. O'Carroll
D. McCarroll
N. Chornobay
J. Malfara, 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/31/19

Gordon Crowhurst on behalf of Michael Harris
13 Calais Street

An application has been received from Gordon Crowhurst on behalf of Michael Harris for a variance from the provisions of the Town of Whitby Zoning By-Law 2585.

The application is for permission to reduce the minimum required interior side yard setback to the first storey of the dwelling from 1.2m to 0.8m.

The requested variance is required to permit a one storey building addition within the westerly interior side yard.

The subject property is located at 13 Calais Street and is zoned Residential Type 2 (R2) within Zoning By-law 2585.

In Support of Application	Gordon Crowhurst (Applicant)
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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.

G. Growhurst introduced himself to the Committee as the applicant and representative of the home owner. He noted that his client is proposing to construct a small building addition at the west side of the dwelling. The addition will be used as a storage area for the homeowner.

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

N. Chornobay asked if the building addition will be integrated with the dwelling.

G. Crowhurst replied yes. A door will be provided from the existing dwelling into the new building addition.

B. O'Carroll asked the applicant who owns the fence located along the west property line.

G. Crowhurst replied that the fence is located on his clients property.

B. O'Carroll asked the applicant what material will be used to clad the exterior wall of the proposed building addition.

G. Crowhurst replied that the material will likely be vinyl siding.

B. O'Carroll noted that she had concerns with the proposed 0.8m interior side yard setback, specifically as it related to access in the event that the abutting fence required maintenance.

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N. Chornobay asked the applicant if the neighbour to the west was made aware of the proposed building addition.

G. Crowhurst replied yes.

The Chair asked the applicant if the existing shed on the property will remain.

G. Crowhurst replied yes.

B. O'Carroll asked the applicant if he was aware of the comment from Planning staff that the existing vegetation located in the east side yard should be removed to provide unobstructed access to the rear yard.

G. Crowhurst advised the Committee that he did not have a copy of the Staff Report; however, noted the access can also be provided to the rear yard through a man door in the proposed building addition.

The Chair asked if there were any further comments 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 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 reduce the minimum required interior side yard setback to the first storey of the dwelling from 1.2m to 0.8m located at 13 Calais Street be **Granted** subject to the following conditions:

1. That the site grading and all other services conform to the requirements of the Public Works Department; and
2. Roof drainage from the proposed addition shall not be directed onto the adjacent property.

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/32/19

**Nicola Mitchinson on behalf of Suncor Energy Inc.
700 Victoria Street West**

An application has been received from Nicola Mitchinson on behalf of Suncor Energy Inc. for variances from the provisions of By-Law 2585.

The application is for permission to (1) permit the accessory use of a take-out eating establishment situated within a gas bar kiosk; and (2) amend the definition of a kiosk to increase the maximum gross floor area of a kiosk including ancillary retail store area and a take-out eating establishment from 75.0 sq.m to 260.0 sq.m.

The requested variances are required to recognise the existing gas bar and take-out eating establishment located on the property. The uses on the property have existed since 2014.

The subject property is located at 700 Victoria Street West and is zoned Gasoline Bar – Car Wash Zone (GB-CW) within Zoning By-law 2585.

In Support of Application	Nicola Mitchinson (Applicant) Blaine Culley (Owner)
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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.

N. Mitchinson introduced herself to the Committee as the Planner retained by Suncor Energy Inc. She noted that the variances are technical in nature and are required to permit a structure that has existed on the property since 2004.

N. Mitchinson explained that the Tim Hortons eating establishment existed on the property since 2014, and it was identified by Town staff this year that there was a zoning conformity issue.

N. Mitchinson advised the Committee that the requested variances meet the four tests of the Planning Act and also requested that condition No. 1 be removed as there was no proposed development on the subject property and the condition therefore was not applicable.

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

D. McCarroll advised the applicant if any construction was proposed condition No. 1, provided by the Public Works Department would be required.

N. Mitchinson agreed, but confirmed that no development was proposed.

N. Chornobay asked the applicant if the kiosk was the main building.

N. Mitchinson replied yes.

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 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.

N. Chornobay was prepared to make a motion to approve the variances, subject to the removal of condition No.1.

Moved by: N. Chornobay

That the application to (1) permit the accessory use of a take-out eating establishment situated within a gas bar kiosk; and (2) amend the definition of a kiosk to increase the maximum gross floor area of a kiosk including ancillary retail store area and a take-out eating establishment from 75.0 sq.m to 260.0 sq.m located at 700 Victoria Street West be **Granted**.

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 2: Public Hearings

A/34/19

**Jeff and Lindsay Greenland
7 Charles Street**

An application has been received from Jeff and Lindsay Greenland 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 32%; (2) reduce the minimum required front yard setback from 9.0m to 6.0m; and (3) increase the maximum permitted building height from 8.5m to 9.0m.

The requested variances are required to permit the development of a new two storey detached residential dwelling on the property. The existing dwelling is proposed to be removed.

The subject property is located at 7 Charles Street and is zoned Third Density Residential (R3-BP) within Zoning By-law 1784.

In Support of Application	Lindsay Greenland (Applicant) Jeff Greenland (Applicant) John Cranston (Area resident)
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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. Greenland introduced herself and J. Greenland to the Committee as the owners of the subject property. She advised the Committee that they intend to demolish the existing dwelling and construct a new two storey detach dwelling.

L. Greenland noted that the new dwelling will have a lot coverage of 32%. The lot coverage also factors in coverage for a future shed. The proposed dwelling will also have a front yard setback of approximately 6.0m which is respectful of the existing dwellings to the east and west. Lastly, she further noted that the proposed dwelling will have a maximum building height of 9.0m, which will allow for increased ceiling heights.

The Chair asked the applicants if they were aware of the comments from the Public Works Department.

J. Taylor noted that a stormwater management brief will be required to confirm to the Public Works Department that the proposed dwelling and lot coverage will not have any adverse effects on the stormwater system.

N. Chornobay asked if the condition No. 3 was requested by the Public Works Department.

J. Taylor replied yes.

N. Chornobay advised the applicant that if this application is approved with the attached conditions, they will be responsible for satisfying the requirements of the Public Works Department.

L. Greenland agreed with the conditions.

The Chair asked if there were any other 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 no correspondence was received.

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

J. Cranston introduced himself to the Committee as the neighbour located to the east of the applicants property. He noted that he was aware of the proposed dwelling and was in support of the variances.

The Chair asked if there was anyone else from the public who wished to speak to the subject application. There was no one.

Moved by: B. O'Carroll

That the application to (1) increase the maximum permitted lot coverage from 20% to 32%; (2) reduce the minimum required front yard setback from 9.0m to 6.0m; and (3) increase the maximum permitted building height from 8.5m to 9.0m located at 7 Charles Street be **Granted** subject to the following conditions:

1. That the site grading and all other services conform to the requirements of the Public Works Department;
2. Roof drainage from the proposed addition shall not be directed onto the adjacent property; and
3. That the applicant provide to the Public Works Department for their review and approval an acceptable Grading Plan and Stormwater Management Brief, demonstrating the feasibility of the proposal.

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 2: Public Hearings

A/35/19

**Raymond Murakami on behalf of Marc Label
25 Way Street**

An application has been received from Raymond Murakami on behalf of Marc Label for a variance from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to increase the total combined lot coverage of all accessory structures on a residential lot from 60.0 sq.m to 201.0 sq.m.

The requested variance is required to recognize existing accessory structures located on the subject property, and to permit the construction of a proposed detached garage in accordance with Site Plan Application (SP-36-18).

The subject property is located at 25 Way Street and is zoned Brooklin Secondary Plan Development Zone (D(R)) and Greenbelt Zone (G) within Zoning By-law 1784.

In Support of Application	Raymond Murakami (Applicant) Stephanie Wilson Marc Lebel (Owner)
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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.

R. Murakami introduced himself to the Committee as the Architect retained by the owner of the subject property. He noted that the proposed development has been in the works for two years, and the proposal has now received acceptance (Site Plan Approval) by the Town of Whitby Planning Department and the Central Lake Ontario Conservation Authority.

R. Murakami provided an overview of the proposed development and advised the Committee that the variance was required to accommodate a new proposed detached garage. He stated that if the garage was attached to the main dwelling, the variance would not be required.

R. Murakami also provided site photos of the property and existing accessory structures, and also circulated a letter of support from the neighbouring property at 82 North Street.

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

D. McCarroll asked the applicant if there is an existing garage.

R. Murakami replied that there is an existing integral garage that is part of the dwelling.

B. O'Carroll asked the applicant if the proposed loft space above the detached garage will be for habitation.

R. Murakami replied no.

N. Chornobay asked the applicant if the property is currently vacant.

R. Murakami replied yes.

R. Murakami expressed that the combined lot coverage of all accessory structures and the dwelling will be approximately 2.4% of the total land holdings.

The Chair asked if there were any further questions of 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 no additional 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 increase the total combined lot coverage of all accessory structures on a residential lot from 60.0 sq.m to 201.0 sq.m located at 25 Way Street be **Granted** subject to the following condition:

1. All Public Works requirements related to Site Plan application SP-36-18 are complied with; and
2. A permit from CLOCA be granted prior to any site alteration or development on this site.

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, oral submissions, and written submissions had an effect on the Committee's decision.

Item 3: Approval of Previous Minutes

Moved by: B. O'Carroll

That the minutes of the Committee of Adjustment held on Thursday March 21, 2019 be adopted.

Carried

Item 4: Other Business

There were no items raised under other business

Item 5: Adjournment

Moved by: N. Chornobay

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original approved and signed]

Secretary Treasurer

[Original approved and signed]

Chair