



Minutes of the 2nd Meeting of the Committee of Adjustment

Meeting Date: Thursday February 08, 2018
Meeting Time: 7:00 p.m.
Meeting Location: Whitby Municipal Building
575 Rossland Road East, Committee Room 1

Present:

D. McCarroll, Acting Chair
S. Haslam
J. Cardwell
B. O'Carroll
J. Taylor, Manger of Planning Administration
J. Malfara, Secretary-Treasurer

Absent: N. Chornobay, Chair

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/04/18

**STETO Camp Holdings Ltd.
840 Dundas St E**

An application has been received from STETO Camp Holdings Ltd. for a variance from the provisions of By-Law 2585.

The application is for permission to:

1. reduce the minimum dwelling unit area from 56 square metres to 48 square metres;
2. exempt the subject property from part of provision 25(107)(c) which requires that one (1) temporary parking space shall be located at or near the southerly entrance of the buildings; and
3. reduce the minimum side yard setback to a parking area from 1.9 metres to 1.0 metre.

The subject property is located at 840 Dundas St E and is zoned R5 (Residential Type 5 Zone), subject to a site specific zoning exception (provision 25(107)(c)) in Zoning By-law 2585.

In Support of Application

Paul Owie (Applicants Architect)
Jules Paolozza (Agent)

In Opposition of Application

Marilyn Horwood (Resident)

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

P. Owie introduced himself to the Committee as the applicants Architect and provided an overview of the requested variances.

J. Paolozza introduced himself to the Committee as the applicant, and representative of STETO Camp Holdings Ltd.

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

S. Haslam asked the applicant if they read the Staff Report and comments provided by the Central Lake Ontario Conservation Authority (CLOCA).

P. Owie replied that the Staff Report was not read, but he was aware of the comments provided by the Conservation Authority to remove the proposed parking spaces from the north west corner of the subject property.

J. Paolozza asked the Committee why parking cannot be located at the north west corner of the site as is being proposed.

J. Malfara replied that as per the comments received by the Conservation Authority, the proposed parking encroaches into the existing floodplain limit.

Minutes of the 2nd Meeting of Committee of Adjustment

B. O'Carroll asked what currently exists at in the north west portion of the site.

P. Owie replied that the area is vacant land.

B. O'Carroll inquired about the dwelling unit make-up within the existing apartment buildings.

P. Owie advised the Committee that the majority of units within the existing apartment buildings are comprised of two bedroom apartment dwellings.

B. O'Carroll asked if the parking that currently exists on the site is sufficient for the number of units.

J. Paolozza replied that the existing parking is sufficient. J. Paolozza also advised that there is a surplus of parking spaces, as many of the residents are elderly and take public transit which is located on Dundas Street East.

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.

M. Horwood introduced herself to the Committee as a 25 year resident of the existing apartment complex. M. Horwood advised the Committee that there are 2 locker rooms in the lower level of each apartment building and that the former owners attempted to evict residents from their locker spaces. It was expressed by M. Horwood that the tenants appealed the former owners decision to the Landlord and Tenant Board where the eviction proposed by the landlord was repealed.

M. Horwood acknowledged that the 2 proposed apartment units will be located within the existing locker rooms.

M. Horwood advised that she would like the applicant to implement a temporary parking space at the front of the buildings before the entry arches nearest to Dundas Street East.

M. Horwood also advised the Committee of garbage accumulating at the rear of the property and if a fenced garbage enclosure or any other measures can be implemented to rectify the matter.

J. Paolozza replied to the Committee in response to the comments provided by M. Horwood that a temporary parking space located at the front of the property is unfeasible and would pose a safety hazard if required. Due to the sloping grade towards Dundas Street East, the angle of a temporary parking space in conjunction with the proximity to the street may increase the chance of a collision with vehicles turning into the site from Dundas Street East.

J. Taylor noted that if the applicant cannot satisfy CLOCA with respect to the location of the proposed parking, the applicant will have to add an additional variance with respect

to the minimum amount of parking on site. If a further variance is required, the revised minor variance application will have to be recirculated.

Moved by: B. O'Carroll

That the application to 1) to reduce the minimum dwelling unit area from 56 square meters to 48 square metres, 2) to exempt the subject property from part of provision 25(107)(c) which requires that one (1) temporary parking space shall be located at or near the southerly entrance of the buildings, and 3) to reduce the minimum side yard setback to a parking area from 1.9 metres to 1.0 metre. located at 840 Dundas St E be **TABLED** until the March 1, 2018 meeting or until such time that CLOCA is satisfied with the proposed parking configuration.

Carried

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/05/18

Tim Small
908 Donovan Cres

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

The application is for permission to increase the maximum permitted lot coverage of an accessory structure (detached garage) from 50% of the main dwelling (47.38 square metres) to 95% of the main dwelling (90 square metres).

The subject property is located at 908 Donovan Cres and is zoned R2 (Residential Type 2).

In Support of Application	Tim Small (Owner) Bill Little
---------------------------	----------------------------------

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.

T. Small introduced himself to the Committee as the applicant and advised that his intention is to construct a detached garage within the rear yard of his property. The detached garage will be used to park his automobiles, boat, and other recreational vehicles. T. Small advised the Committee that his home does not currently contain an enclosed garage to park any of his vehicles.

B. Little introduced himself to the Committee as the owners father-in-law and advised that he read the Staff Report. B. Little expressed that the applicant has worked with Staff and reduced the size of the detached garage from what was originally proposed.

B. Little noted that he is aware of the comments provided by the Town of Whitby Public Works Department not supporting the application until a storm water management brief is submitted and approved by the Works Department. He noted that the proposed asphalt driveway will be replaced with a permeable paver surface to allow drainage.

B. Little advised the Committee that a storm water management brief has been prepared by a professional Engineer confirming that the proposal will not have any adverse storm water impacts on the surrounding properties. B. Little provided the Committee with a copy of the storm water management brief.

B. Little requested that the Committee approve the variances subject to the approval of the storm water management brief by the Town of Whitby Public Works Department prior to the issuance of any building permit for the proposed detached garage.

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

S. Haslam asked B. Little if the storm water management brief was submitted to the Public Works Department.

B. Little replied that the report was recently finalized and a copy will be forwarded to the Public Works Department shortly.

J. Cardwell asked B. Little if a building permit has been applied for.

B. Little replied that a building permit application has yet to be applied for.

B. O'Carroll asked if the proposed driveway will maintain the minimum setback from the south property line.

J. Taylor replied that based on the submitted Site Plan, the driveway maintains a 0.60m setback to the lot line which complies with the requirements of the Zoning By-law.

J. Cardwell asked the applicant if the building will contain a second storey loft.

T. Small replied that a loft is proposed within the second storey of the detached garage, but this area will only be used for storage.

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: J. Cardwell

That the application to increase the maximum permitted lot coverage of an accessory structure (detached garage) from 50% of the main dwelling (47.38 square metres) to 95% of the main dwelling (90 square metres) located at 908 Donovan Cres be **GRANTED** subject to the following condition:

1. A building permit shall not be issued until such time the storm water management brief is approved by the Town of Whitby Public Works Department.

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/06/18

**Maurice King
Queen Street (Part 1, Plan 40R-8914)**

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

The application is for permission to:

1. increase the maximum permitted lot coverage from 20% to 35%; and
2. increase to maximum permitted building height from 8.5m to 9.0m.

The subject property is located on Queen Street (Part 1, Plan 40R-8914) and is zoned R3-BP (Residential Type 3 – Brooklin Plan).

In Support of Application Maurice King (Agent)

In Opposition of Application Doug Derry
 Bruno Santos
 Yvone Fernandes

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

M. King introduced himself to the Committee as the Agent representing the owner of the property. M. King advised the Committee that he is aware of concerns regarding the proposed building coverage by local residents in attendance at this meeting. M. King clarified that the proposed coverage of 35% is not only the proposed dwelling, but also includes the floor area of a proposed shed/pool cabana and three car garage.

J. Taylor provided clarification that in this situation the lot coverage includes the coverage of the proposed dwelling and any accessory structures.

M. King advised that the proposed dwelling was perceived by Planning Staff as being 1.5 storeys in height, but the home is only 1 storey and there will be no living space above the main floor.

M. King expressed that the proposed height variance is required to accommodate the proposed roof pitch in accordance with the architectural guidelines of the subdivision to the east. The increase in the building height also permits greater floor to ceiling heights which is representative of modern design trends.

M. King confirmed that he has read the Staff Report and is aware of the comments provided by the Public Works Department as they pertain to storm water management.

M. King advised the Committee that Biddle and Associates (Engineering Consultant) has been retained to review the storm water management on the property. Permeable pavers are being considered for the driveway surface as well as an infiltration trench.

M. King requested that the Committee approve the variance conditional upon the satisfaction of the Town of Whitby Public Works Department.

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 were any questions of the Committee.

B. O'Carroll asked the applicant if the minimum required 40% front yard landscaped area will be achieved with the proposed driveway configuration.

M. King confirmed that a minimum of 40% front yard landscaped area will be achieved.

J. Taylor expressed to the Committee and the applicant that a maximum driveway width of 9.0m is permitted for a dwelling containing a three car garage. Should the applicant wish to expand the driveway beyond 9.0m, a further variance will be required.

B. O'Carroll asked the applicant if any trees are to be removed.

M. King replied that the proposed configuration of the house and driveway will necessitate the removal of some existing trees along the frontage of the property.

S. Haslam asked the applicant if a draft storm water management report has been prepared.

M. King replied that a report has not yet been prepared, however an engineering consultant has been retained.

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

D. Derry introduced himself to the Committee and advised that he is not in support of the proposed development, or variances. D. Derry noted that he is the owner of the neighbouring property to the north and the siting of the proposed dwelling will obstruct the views from his south facing bay window.

D. Derry advised the Committee that the proposed building height is excessively tall and will deter from the community character.

J. Cardwell asked Staff if 9.0m building heights have been granted elsewhere in the community.

J. Taylor responded that 9.0m building heights have been granted by the Committee within the neighbourhood.

The Chair asked the applicant if the house were to be mirrored would there be any benefit to D. Derry.

M. King replied that mirroring the house and shifting the driveway to the south side of the property will have no benefit to the neighbouring property to the north. In fact, this option may be less desirable.

B. O'Carroll advised D. Derry that the minimum side yard setback will be achieved and the distance between his bay window and the proposed dwelling is permitted as of right.

Y. Fernandes introduced herself to the Committee as a local resident residing at 25 Corvinelli Drive. Y. Fernandes asked the applicant if the proposed garage can be shifted southward.

M. King advised that shifting the garage further south will have no benefit to the neighbours.

B. Santos introduced himself to the Committee as a local resident residing at 25 Corvinelli Drive. B. Santos asked the applicant if the proposed dwelling will project past the minimum rear yard setback.

J. Taylor replied that the proposed dwelling can be built up to the minimum rear yard setback subject to meeting other provisions of the By-law. Based on the applicants current plans, no variance is required to the rear yard setback.

The Chair asked if there were any further questions. There was none.

Moved by: S. Haslam

That the application to 1) to increase the maximum permitted lot coverage from 20% to 35%; and 2) to increase to maximum permitted building height from 8.5m to 9.0m. located at Queen Street (Part 1, Plan 40R-8914) be **TABLED** until the March 1, 2018 meeting or until such time that the applicant can satisfy the Public Works Department that any additional storm water can be managed within the subject property.

Carried

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/07/18

E. Herbert Weston
850 Cochrane St

An application has been received from E. Herbert Weston for a variance from the provisions of By-Law 1784.

The application is for permission to reduce the minimum required front yard setback from 12.00 metres to 10.25 metres.

The subject property is located at 850 Cochrane St and is zoned R1 (First Density Residential Zone).

In Support of Application Herb Weston (Owner)

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.

H. Weston introduced himself to the Committee as the owner of the subject property and advised that he is proposing to construct a new garage extension to his home as well as a covered front porch. H. Weston expressed to the Committee that the Region of Durham expropriated a portion of his lot frontage for the purpose of a road widening a number of years ago. As a result of the expropriation, the minimum front yard setback to the proposed porch is not achieved.

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

The Chair asked the applicant to clarify where the garage expansion is to occur.

H. Weston advised the Committee that the existing two car garage will be converted to living space and a new two car garage will be constructed adjacent to the north side of the existing dwelling.

S. Haslam asked the applicant if he read the Staff Report.

H. Weston replied that he did not.

H. Weston asked the Committee if he is subject to the 20 day statutory appeal period.

J. Taylor advised the applicant that should the Committee approve the proposed variance the variance will be final and binding following the 20 day appeal period, subject to no appeals being received.

The Chair asked if there were any further questions. There was 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: J. Cardwell

That the application to reduce the minimum required front yard setback from 12.00 metres to 10.25 metres located at 850 Cochrane St be **GRANTED** subject to the following condition:

1. That the site grading and all other services conform to the requirements of the Public Works Department.

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: B. O'Carroll

That the minutes of the Committee of Adjustment held on Thursday January 18, 2018 be adopted.

Carried

Item 4: Other Business

J. Malfara distributed the December 2017 consolidation of Zoning By-law 1784 to the Committee.

Item 5: Adjournment

Moved by: J. Cardwell

That this meeting of the Committee of Adjustment be adjourned.

Carried

Secretary Treasurer

Chair