



Minutes of the 4th Meeting of the Committee of Adjustment

Meeting Date: Thursday March 21, 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
Justin 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

Moved by: B. O'Carroll

That the application to (1) increase the maximum permitted lot coverage from 33% to 35%; and (2) reduce the minimum required rear yard setback from 10.0m to 7.3m located at 11 Springsyde 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 structure shall not be directed onto the adjacent property; and
3. That the variances shall apply only to the proposed sunroom addition as illustrated on the applicants Site Plan.

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/21/19

David and Anna-Marie Dubyk
120 Garrard Road

An application has been received from David and Anna-Marie Dubyk for a variance from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to:

1. permit a circular driveway on a property with 22.8m of lot frontage, whereas 25.0m of lot frontage is required;
2. reduce the minimum building setback for a property containing a circular driveway from 10.5m to 8.3m;
3. increase the maximum permitted porch projection into a front yard from 1.5m to 1.7m; and
4. increase the maximum permitted projection of eaves into a side yard from 0.3m to 0.6m.

The subject property is located at 120 Garrard Road and is zoned Second Density Residential 2 (R2) and Residential (R1A) within the Town of Whitby Zoning By-law.

In Support of Application

David Dubyk (Applicant)

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.

D. Dubyk introduced himself to the Committee as the owner of the property. He noted that a 1 storey building addition is proposed at the rear of the existing dwelling. He also noted that the existing front porch is to be enlarged and that the circular driveway located within the front yard will be paved.

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

J. Cardwell asked the applicant if he read the Staff Report.

D. Dubyk replied yes.

B. O'Carroll asked the applicant if the building material used on the proposed building addition will be the same as the materials used on the existing dwelling.

D. Dubyk replied that the exterior cladding material to be used on the building addition will be board and batten.

J. Cardwell asked the applicant if he was aware that staff is recommending the he remove the existing parking pad located on the south side of the driveway.

D. Dubyk 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.

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: (1) permit a circular driveway on a property with 22.8m of lot frontage, whereas 25.0m of lot frontage is required; (2) reduce the minimum building setback for a property containing a circular driveway from 10.5m to 8.3m; (3) increase the maximum permitted porch projection into a front yard from 1.5m to 1.7m; and (4) increase the maximum permitted projection of eaves into a side yard from 0.3m to 0.6m located at 120 Garrard Road 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. That roof drainage from the proposed structure shall not be directed onto the adjacent property;
3. That the applicant remove the parking pad located nearest to the southerly side lot line; and
4. That the applicant reduce the width of the circular driveway (north) to 4.0m at the street line in accordance with the maximum permitted width of a circular driveway.

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/22/19

**Lee Nolet
1040 Brawley Road West**

An application has been received from Lee Nolet for variances from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to:

1. permit an existing accessory structure (gazebo) to be located in the front yard;
2. permit an existing accessory structure (detached garage) to be located in the front yard;
3. reduce the minimum required interior side yard setback to an accessory structure (gazebo) within the front yard from 15.0m to 9.0m.
4. reduce the minimum required interior side yard setback to the east lot line from an accessory structure (detached garage) located within a front yard from 15.0m to 4.2m;
5. increase the maximum combined lot coverage of all accessory structures from 150.0 sq.m to 532 sq.m; and
6. increase the maximum permitted building height of an accessory structure (structure # 4 on the Site Plan) from 5.5m to 5.7m.

The subject property is located at 1040 Brawley Road West and is Agricultural (A) within the Town of Whitby Zoning By-law 1784.

In Support of Application	Lee Nolet (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.

L. Nolet introduced himself to the Committee as the owner of the property. He stated that he took possession of the property in January 2019, and that there were a number of accessory structures that were located on the property.

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

B. O'Carroll asked the applicant how he was made aware of the required variances.

L. Nolet replied that a Town of Whitby Building Inspector advised him that some of the structures on the property did not have building permits and variances would also be required.

B. O'Carroll asked if building permits were issued in the past for any of the structures.

J. Taylor replied no, but, the applicant has now applied for building permits for the recently constructed accessory structures.

D. McCarroll noted that there is an existing cedar hedge along the front property line that blocks the views of the property from the street line.

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 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: (1) permit an existing accessory structure (gazebo) to be located in the front yard; (2) permit an existing accessory structure (detached garage) to be located in the front yard; (3) reduce the minimum required interior side yard setback to an accessory structure (gazebo) within the front yard from 15.0m to 9.0m; (4) reduce the minimum required interior side yard setback to the east lot line from an accessory structure (detached garage) located within a front yard from 15.0m to 4.2m; (5) increase the maximum combined lot coverage of all accessory structures from 150.0 sq.m to 532 sq.m; and (6) increase the maximum permitted building height of an accessory structure (structure # 4 on the Site Plan) from 5.5m to 5.7m located at 1040 Brawley Road West 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. That roof drainage from the proposed structure shall not be directed onto the adjacent property; and
3. That variances shall apply to the accessory structures as illustrated on the applicants Site Plan.

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/23/19, A/27/19, A/28/19, A/29/19, A/30/19

**Miller Planning Services on behalf of 1608316 Ontario Inc.
780 Garden Street**

An application has been received from Miller Planning Services on behalf of 1608316 Ontario Inc. for variances from the provisions of the Town of Whitby Zoning By-Law 2585.

The application is for permission to: (1) increase the maximum permitted lot coverage from 33% to 45%; (2) reduce the minimum exterior side yard setback from 4.5m to 3.0m; and (3) increase the maximum permitted building height from 8.0m to 9.5m.

The subject property is located at 780 Garden Street and is zoned Single Detached Dwelling House (R2A) within the Town of Whitby Zoning By-law 2585.

In Support of Application	Rodger Miller (Planner) Kevin Lauzon (Owner)
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In Opposition of Application	R. Zawislak N. Schroeder
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

R. Miller introduced himself to the Committee as the planning consultant retained by the owner of the subject property. He noted that he was satisfied and agreed with the conclusions of the planning staff report.

R. Miller noted that variance No. 2 only applies to lot 1 as illustrated on the Site Plan. He stated that the requested reduction to the exterior side yard setback is appropriate and will maintain a suitable buffer to Garden Street.

R. Miller noted that variance No. 1 is required to increase the maximum permitted lot coverage. He stated that the increased lot coverage is required due to the proposed dwelling type (bungalow). This building typology requires a larger ground floor footprint since the loft (second storey) does not have much living space. He further noted that the proposed dwelling will occupy approximately 43% of the lot area and an additional 2% of lot coverage is being requested to permit a future accessory structure (shed) on the property.

R. Miller expressed that variance No. 3 is required to permit an increased building height. He stated that the building height provision permitted by the Zoning by-law is an outdated standard and does not reflect new building styles. The building height will be approximately 9.0m, whereas an additional 0.5m is requested as a buffer to accommodate any grading constraints when the dwellings are constructed.

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

J. Cardwell asked the applicant what the floor to ceiling heights will be.

R. Miller replied that the first floor will have 10 foot ceiling heights, and the second floor will have 9 foot ceiling heights.

The Chair asked the applicant if the Land Division application to create the five lots was approved.

R. Miller replied yes.

B. O'Carroll asked the applicant if the loft component of the dwelling will be facing the rear yard or the front yard.

R. Miller replied that the loft will be facing the front yard.

K. Lauzon noted that the homes will be constructed as "net zero" dwellings. The roof configuration has been designed to accommodate approximately 48 solar panels that will be used to help power the home.

D. McCarroll asked what the proposed dwellings will look like from the north side of Waywell Street.

K. Lauzon replied that three of the five proposed dwellings will face the exterior yard of a dwelling flanking Waywell Street (49 Limestone Cres). He also noted that the dwellings on the north side of Waywell Street are situated at a higher elevation. The proposed dwellings on the south side will only have a 2% increasing slope from Waywell Street and will therefore appear at a lower height than the existing dwellings on the north side of Waywell Street.

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.

R. Zawislak introduced himself to the Committee as the resident of 62 Waywell Street. He and his wife were concerned about the loss of views resulting from the applicants proposed dwellings. He asked if the proposed roof design will be similar to other dwellings in the neighbourhood.

J. Taylor advised that the proposed roof will be a different style.

R. Zawislak noted that his main concern is with the requested building height. He asked why the applicant can't reduce the proposed ceiling heights to 8 feet.

The Chair noted that 8 foot ceiling heights are an old standard.

K. Lauzon expressed that the front doors of the proposed dwellings will be level with the street elevation. He produced a 3D rendering of one of the proposed dwellings and circulated it to the Committee and R. Zawislak for viewing.

J. Cardwell asked if the roof will be flat.

K. Lauzon replied that the roof will have a shallow slope.

The Chair asked if the loft will be the tallest part of the structure.

R. Miller replied yes, and also expressed that the loft portion of the dwelling will be setback (south) from the front face of the first storey.

R. Zawislak asked if he can obtain more information about the elevations for the proposed dwelling.

J. Taylor replied that he can possibly meet with the applicant to view any other materials that they may have available.

R. Miller provided R. Zawislak his business card and noted that they will meet to review the elevations and building height in greater detail.

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

N. Schroeder introduced herself to the Committee as the owner of 44 Waywell Street. She was concerned about the setbacks between the proposed dwellings, as well as the requested increased lot coverage as it relates to ground water infiltration.

N. Schroeder also asked why the applicant required 9 and 10 foot ceiling heights.

The Chair replied that the proposed ceiling heights are reflective of new home standards.

N. Schroeder stated that the setback between the dwellings may pose a fire issue and she does not believe that the proposed dwellings will compliment the surrounding community.

K. Lauzon replied that an efficiency study was completed for the proposed dwellings. The homes as proposed will be approximately 60% to 70% more efficient than a similar size standard built home.

Moved by: D. McCarroll

That the application to (1) increase the maximum permitted lot coverage from 33% to 45%; (2) reduce the minimum exterior side yard setback from 4.5m to 3.0m; and (3) increase the maximum permitted building height from 8.0m to 9.5m located at 780 Garden 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. That roof drainage from the proposed structure shall not be directed onto the adjacent property; and
3. That the properties adhere to the conditions of LD 034-037/2018 land division approvals.

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/25/19

**Quincy Tran
220 Crystal Beach Blvd**

An application has been received from Quincy Tran for variances from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to: (1) increase the maximum permitted lot coverage from 22% to 24%; (2) reduce the minimum required rear yard setback to an accessory structure from 15.0m to 9.0m; (3) reduce the minimum exterior side yard setback to an accessory structure from 15.0m to 2.4m; (4) reduce the minimum interior side yard setback to an accessory structure from 4.5m to 3.6m; (5) permit the issuance of a building permit for a proposed accessory structure on a lot which does not front upon an improved public street; and (6) permit a proposed accessory structure containing an inverted gable roof design.

The subject property is located at 220 Crystal Beach Blvd and is zoned Agricultural (A) within the Town of Whitby Zoning By-law 1784.

In Support of Application	Martin Topolie (Agent) Quincy Tran (Owner)
In Opposition of Application	None at this time
Others in Attendance	Otto Peter Local Resident

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

M. Topolie introduced himself to the Committee. He advised the Committee that he read the planning staff report. He stated that there is an existing carport, located within the Corbett Ave boulevard, as well as a small gazebo located on the property. The proposal would see the carport located in the boulevard removed as well as the existing gazebo located on the property.

M. Topolie expressed that the proposed detached garage will compliment other structures located in the neighbourhood.

The Chair asked if the carport located within the boulevard will be removed.

M. Topolie replied yes.

B. O'Carroll noted that the Durham Region Health Department advised against any walkways overtop of the septic system.

Q. Tran replied that he is aware of this comment and the walkway from the detached garage to the dwelling will be positioned around the septic system.

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 a letter was received from Otto Peter, which was circulated to the Committee prior to the meeting.

The Chair confirmed receipt of the letter from O. Peter and concluded that items 2 and 3 in the letter can not be dealt with by the Committee.

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

O. Peter introduced himself to the Committee as the President of the Thickson Woods Land Trust.

The Chair asked O. Peter if he also attended the Committee of Adjustment meeting for the subject property in 2011.

O. Peter replied no.

O. Peter advised the Committee that he has no major concerns with the requested variances. He confirmed that Corbett Avenue is owned by the land trust and not collectively between the residents.

J. Taylor advised that the applicant would be required to remove the existing carport to comply with the maximum permitted lot coverage for the subject property.

The Chair asked if there were any other members of the public that wished to speak to this application.

A local resident introduced himself to the Committee. He asked that his name be excluded from the public record. He advised the Committee that he has no concerns with the requested variances.

The Chair asked if there were any other members of the public that wished to speak to this application. There was no one.

Moved by: J. Cardwell

That the application to (1) increase the maximum permitted lot coverage from 22% to 24%; (2) reduce the minimum required rear yard setback to an accessory structure from 15.0m to 9.0m; (3) reduce the minimum exterior side yard setback to an accessory structure from 15.0m to 2.4m; (4) reduce the minimum interior side yard setback to an accessory structure from 4.5m to 3.6m; (5) permit the issuance of a building permit for a

proposed accessory structure on a lot which does not front upon an improved public street; and (6) permit a proposed accessory structure containing an inverted gable roof design located at 220 Crystal Beach Blvd 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 structure shall not be directed onto the adjacent property.

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/26/19

**Matt and Julia Parfitt
17 Church Street**

An application has been received from Matt and Julia Parfitt for variances from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to: (1) increase the maximum permitted building height from 8.5m to 9.0m; and (2) reduce the minimum depth (internal dimension) of a private garage serving a single vehicle from 6.2m to 5.4m.

The subject property is located at 17 Church Street and is zoned Brooklin Secondary Plan Residential 3 (R3-BP) within the Town of Whitby Zoning By-law 1784.

In Support of Application Matt Parfitt

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.

M. Parfitt introduced himself to the Committee as the owner of the subject property. He expressed that he is proposing to construct a new detached dwelling on the property that will compliment the heritage character of the surrounding community.

M. Parfitt also noted that the building may not exceed 8.5m in height, but the variance to permit a maximum building height of 9.0m is being requested as the building height may change since the grading plan has not yet been finalized.

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

D. McCarroll asked if the proposed single car garage meets the minimum dimensions required by the Zoning By-law.

J. Taylor replied that the internal garage dimension (length) does not meet the requirement of the Zoning By-law, however, the internal dimension of the garage is sufficient in size to accommodate a parking space as identified in the by-law.

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 replied 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 (1) increase the maximum permitted building height from 8.5m to 9.0m; and (2) reduce the minimum depth (internal dimension) of a private garage serving a single vehicle from 6.2m to 5.4m located at 17 Church Street 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 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 February 28, 2019 be adopted.

Carried

Item 4: Other Business

J. Malfara advised the Committee that on April 9, 2019 a special Committee of Adjustment meeting will be held in Council Chambers.

Item 5: Adjournment

Moved by: D. McCarroll

That this meeting of the Committee of Adjustment be adjourned.

Carried

Secretary Treasurer

Chair