



# Minutes of the 7th Meeting of the Committee of Adjustment

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**Meeting Date:** Thursday May 24, 2018  
**Meeting Time:** 7:00 p.m.  
**Meeting Location:** Whitby Municipal Building  
575 Rossland Road East, Committee Room 1

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## **Present:**

N. Chornobay, Chair  
S. Haslam  
J. Cardwell  
B. O'Carroll  
D. McCarroll  
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**



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) increase the maximum permitted lot coverage from 20% to 35%; and (2) increase the maximum permitted building height from 8.5m to 9.0m located at Queen St (Part 1 – 40R-8914) be **Granted** subject to the following condition:

1. That the applicants Stormwater Management Brief, 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 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/35/18**

**The Biglieri Group Ltd.  
416 Dundas Street East**

An application has been received from The Biglieri Group Ltd. for variances from the provisions of the Town of Whitby Zoning By-Law 2585.

The application is for permission to:

1. add an Apartment Building as a permitted use, whereas only an Apartment Building, Seniors use is permitted;
2. reduce the minimum required lot area from 39.0 sq.m per apartment dwelling unit to 27.0 sq.m per apartment dwelling unit; and
3. reduce the minimum setback from a loading space to a Residential Zone boundary from 7.5m to 1.4m.

The variances are required to implement a Council approved Site Plan for an apartment building located at the north west corner of Dundas Street E. and Pine Street.

The subject property is located at 416 Dundas Street E. and is zoned Commercial-Residential Downtown Zone Exception 4 (CR-DT-4) within the Town of Whitby Zoning By-law 2585.

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| In Support of Application | Mike Pettigrew (Applicant) |
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| In Opposition of Application | Maureen Wiles-Frost<br>Janice Shingler<br>Audrey Glen<br>Alan Glen<br>Eva Mueller<br>Nigel Davey<br>Ellen Correll<br>Janet Hendrikse<br>Marc Lafontaine |
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| Also in attendance | Mike Tucker |
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| Not in attendance | Karren Anne Hill |
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

M. Pettigrew introduced himself to the Committee as the Planner representing the owner of the proposed development. He provided the Committee members with a presentation pamphlet containing information about the proposed development.

M. Pettigrew provided an overview of the proposed development and the requested variances. M. Pettigrew further expressed that in his opinion the variances meet the four tests as prescribed under the Planning Act and agrees with the recommendations of the Staff Report.

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

B. O'Carroll asked the applicant what the small structure located at the north east part of the site is for.

M. Pettigrew replied that this structure is an exhaust vent for the below grade parking garage.

B. O'Carroll asked if the exhaust vent will expel odour?

M. Pettigrew replied not to his knowledge.

B. O'Carroll asked if there was enough planting located along the north west property line for privacy screening.

M. Pettigrew replied yes. The landscape plan was recently approved by the Town of Whitby.

J. Cardwell asked about the unit sizes proposed within the apartment building.

M. Pettigrew replied that there will be a mix of unit sizes. Most units will be one bedroom suites, whereas approximately 25% of the total units provided will be made up of two bedroom suites.

S. Haslam asked if there will be a passenger drop-off zone on the site.

M. Pettigrew replied that there will not be a dedicated layby or passenger drop-off zone, but there will be sufficient room within the driveway to drop off or pick up individuals.

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.

M. Wiles-Frost introduced herself to the Committee as the owner of 130 Pine Street. She expressed that she was involved in the public consultation process for the original site specific Zoning By-law Amendment in 2004.

M. Wiles-Frost noted that her primary concerns pertain to the location of the proposed exhaust vent, traffic on Pine Street, and ground vibrations which will arise during the building construction process.

J. Taylor provided input to the ground vibration concern, and noted that developers typically conduct a pre and post damage assessment for abutting properties.

The Chair invited the next member of the public to speak before the Committee.

J. Shingler introduced herself to the Committee as the owner of 125 Pine Street, and her primary concerns relate to the Pine Street widening and ground vibrations.

J. Taylor replied that the road widening is a request from the Town and is common for new developments. Although the Town will secure road widenings, it is unsure at this time if a physical road widening will occur.

J. Shingler also expressed concern with the building height and was not supportive of the proposed four storey structure across the street from her dwelling.

The Chair noted that the building height of seven and four storeys is permitted within the Zoning By-law.

The Chair invited the next member of the public to speak before the Committee.

A. Glen introduced herself to the Committee as the owner of 117 Pine Street. She expressed that the proposed development will take away from the community character, and shares similar concerns as expressed by the previous speakers.

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The Chair invited the next member of the public to speak before the Committee.

E. Mueller introduced herself to the Committee as a concerned resident. She noted that she does not reside close to the proposed development but would like clarification as to how the proposed built form will tie into the surrounding neighbourhood.

M. Pettigrew provided a colored rendering of the development to E. Mueller and advised her that the proposed building will include a contemporary style.

The Chair asked E. Mueller if she had a direct interest in the development.

E. Mueller replied no, but has concerns on behalf of the local residents.

The Chair noted that the proposed development received Site Plan Approval from Council and the variances requested are not related to the buildings form.

B. O'Carroll noted that the apartment building use is currently permitted for seniors over the age of 60. The applicant is now seeking relief from the Zoning By-law to remove the age restriction for residents.

The Chair invited the next member of the public to speak before the Committee.

N. Davey introduced himself to the Committee as the owner of 127 Pine Street. He expressed that his primary concerns relay to increased traffic along Pine Street as well as the contemporary architectural style of the proposed building.

The Chair clarified that the Committee does not have the power to regulate the architectural style of buildings.

M. Pettigrew noted that a traffic impact study was prepared in 2017. The report confirmed that the proposed development would not cause any adverse traffic impacts along Pine Street.

The Chair invited the next member of the public to speak before the Committee.

E. Correll introduced herself to the Committee as the owner of 117 Hickory Street, and has been a resident of the community for over 50 years. She also noted that she was involved in the public consultation process for the original site specific Zoning By-law Amendment in 2004.

E. Correll advised that her primary concerns relate to flooding within the proposed underground parking structure due to the high water table and the size of the proposed units (Variance #2).

J. Taylor replied that the Variance #2 is not related to unit sizes, but is a representation of the lot size. Due to the road widenings required by the Town and Region, the minimum required lot size based on the permitted 120 units can not be met.

E. Correll asked the applicant where access to the underground parking garage will be provided from.

M. Pettigrew replied that the access to the underground parking garage will be provided by a ramp connected to the main driveway.

The Chair invited the next member of the public to speak before the Committee.

J. Hendrikse introduced herself to the Committee as the owner of the property located at 154 Pine Street. She expressed concern that the conversion from the seniors apartment building to a standard apartment building will create additional traffic flows.

The Chair invited the next member of the public to speak before the Committee.

M. Lafontaine introduced himself to the Committee as a resident of 125 Pine Street. He expressed concerns with the proposed 1.4m loading space setback to a residential zone and also asked the Committee if the Pine Street widening will be taken from his property.

J. Taylor replied that it is unknown when and if Pine Street will be widened. If a widening was required, the Town has the authority to expropriate land.

M. Lafontaine further noted that in its current state, Pine Street is too narrow and would prefer that construction vehicles not park on the street. When larger vehicles park on Pine Street, there is usually not enough room to maneuver around them.

**Moved by:** B. O'Carroll

That the application to (1) add an Apartment Building as a permitted use, whereas only an Apartment Building, Seniors use is permitted; (2) reduce the minimum required lot area from 39.0 sq.m per apartment dwelling unit to 27.0 sq.m per apartment dwelling unit; and (3) reduce the minimum setback from a loading space to a Residential Zone boundary from 7.5m to 1.4m located at 416 Dundas St E be **Granted** subject to the following condition:

1. That the variances shall only apply to the approved Site Plan Application (SP-22-17) plans.

**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/36/18**

**Elizabeth Mitchell**  
**20 Albert Street**

An application has been received from Elizabeth Mitchell for a variance from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to increase the maximum permitted combined lot coverage of all accessory structures from 83.0 sq.m to 95.0 sq.m.

The requested variance is required to permit a proposed gazebo within the rear yard of the subject property.

The subject property is located at 20 Albert Street and is zoned Third Density Residential – Brooklin Plan (R3-BP) within the Town of Whitby Zoning By-law 1784.

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| In Support of Application | Elizabeth Mitchell (Owner) |
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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.

E. Mitchell introduced herself to the Committee as the owner of the subject property. She expressed that the variance is required to permit a proposed accessory structure within the rear yard.

E. Mitchell noted that she read the Staff Report and was satisfied with the recommendation.

The Chair asked if there were any 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 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 increase the maximum permitted combined lot coverage of all accessory structures from 83.0 sq.m to 95.0 sq.m located at 20 Albert St 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. That 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 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:** J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday May 03, 2018 be adopted.

**Carried**

### **Item 4: Other Business**

There were no items raised under other business

### **Item 5: Adjournment**

**Moved by:** B. O'Carroll

That this meeting of the Committee of Adjustment be adjourned.

**Carried**

[Original approved and signed]

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Secretary Treasurer

[Original approved and signed]

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Chair