



Minutes of the 9th Meeting of the Committee of Adjustment

Meeting Date: Thursday July 05, 2018
Meeting Time: 7:00 p.m.
Meeting Location: Whitby Municipal Building
575 Rossland Road East, Committee Room 1

Present:

N. Chornobay, Chair
S. Haslam
J. Cardwell
B. O'Carroll
D. McCarroll
J. Malfara, Secretary-Treasurer
D. Kurylovich, Planning Summer Student

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/41/18

**Terrance Mohammed
13 Wimbledon Court**

An application has been received from Terrance Mohammed for variances from the provisions of Zoning By-Law 1784.

The application is for permission to:

1. increase the maximum permitted deck projection from the first storey of a dwelling into the rear yard from 3.2m to 3.4m; and
2. reduce the minimum required rear yard setback to a deck from 6.0m to 4.1m.

The requested variances are required to permit a proposed deck projecting from the first storey of a single detached residential dwelling into the rear yard.

The subject property is located at 13 Wimbledon Court and is zoned Residential Wide Shallow (R3A* -WS) within Zoning By-law 1784.

In Support of Application

Terrance Mohammed (Owner)

Interested Parties

None at this time.

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

T. Mohammed introduced himself to the Committee as the owner of the subject property. T. Mohammed expressed that the requested variances are required to permit the enlargement of his existing rear yard deck.

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

B. O'Carroll asked the applicant if the deck flooring will be permeable.

T. Mohammed replied yes.

B. O'Carroll asked if there will be another deck at grade, below the proposed elevated deck.

T. Mohammed replied no.

S. Haslam expressed that the Zoning By-law permits a 3.2m deck encroachment into the minimum required rear yard setback, and asked the applicant why he required a 3.4m deck encroachment.

T. Mohammed replied that the existing deck is too small and would like the ability to increase his amenity space within the rear yard.

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: B. O'Carroll

That the application to (1) increase the maximum permitted deck projection from the first storey of a dwelling into the rear yard from 3.2m to 3.4m; and (2) reduce the minimum required rear yard setback to a deck from 6.0m to 4.1m, located at 13 Wimbledon Court 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. 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 had an effect on the Committee's decision.

Item 2: Public Hearings

A/42/18

Lifestyle Sunrooms Inc. on behalf of Mohammed and Shaukat Hasan
63 Furrow Drive

An application has been received from Lifestyle Sunrooms Inc. on behalf of Mohammed and Shaukat Hasan for variances from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to:

1. increase the maximum lot coverage from 33% to 36.5%; and
2. reduce the minimum required rear yard setback to a one storey sunroom from 10.0m to 7.3m.

The requested variances are required to permit a proposed sunroom addition within the rear yard of the subject property.

The subject property is located at 63 Furrow Drive and is zoned Residential (R2A) within the Town of Whitby Zoning By-law 1784.

In Support of Application Ivars Kulitis (Applicant – Lifestyle Sunrooms)

Interested Parties	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.

I. Kulitis introduced himself to the Committee as a representative of Lifestyle Sunrooms Inc, and advised that the variances are required to increase the maximum permitted lot coverage and to reduce the minimum required rear yard setback.

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

J. Cardwell asked the applicant what materials will be used on the proposed sunroom building addition.

I. Kulitis replied that the sunroom will comprise of metal and wood materials, and will be supported on piles anchored into the ground.

B. O'Carroll how access will be provided to the sunroom.

I. Kulitis replied that access will be provided directly from the existing dwelling, and will include an additional entry/exit door to the rear yard. I. Kulitis also expressed that the sunroom will have floor to ceiling windows on all sides.

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: S. Haslam

That the application to (1) increase the maximum lot coverage from 33% to 36.5%; and (2) reduce the minimum required rear yard setback to a one storey sun room from 10.0m to 7.3m, located at 63 Furrow Drive 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. Drainage from the proposed structure shall not be directed onto the adjacent property; and
3. The variances shall only apply to the proposed one storey sunroom building addition.

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/43/18

Francois Gagnon
45 Stargell Drive

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

The application is for permission to:

1. reduce the minimum required setback from a street line to an accessory structure from 4.5m to 1.7m (accessory structure 1);
2. reduce the minimum required setback from a street line to an accessory structure from 4.5m to 2.3m (accessory structure 2); and
3. reduce the minimum required setback from a street line to an accessory structure from 4.5m to 2.5m (accessory structure 3).

The requested variances are required to recognize the setback of two existing accessory structures (pool cabana and play structure), and a proposed accessory structure from a street line (Manning Road).

The subject property is located at 45 Stargell Drive and is zoned Single Family Detached Dwelling House (R2A) within Zoning By-law 1784.

In Support of Application

Francois Gagnon (Owner)

Interested Parties

None at this time.

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

F. Gagnon introduced himself to the Committee as the owner of the subject property. He noted that accessory structures No.1 and No.2 were located on the property prior to his ownership of the lands.

F. Gagnon expressed that accessory structure No. 3 is a proposed shed that will be used for storage.

F. Gagnon also noted that existing play structure (accessory structure No.2) will be removed from the property at the end of July.

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

S. Haslam asked the applicant if he would consider withdrawing variance No.2 as it applies to the existing play structure since it will be eventually removed from the property.

F. Gagnon replied that he would like to proceed with the requested variances.

J. Malfara noted that should variance No.2 be approved, it will only apply to the structure as indicated on the applicants Site Plan. If the structure is removed, the variance will not apply to any new structure constructed in its place.

B. O'Carroll asked the applicant if accessory structure No.1 is existing.

F. Gagnon 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: J. Cardwell

That the application to (1) reduce the minimum required setback from a street line to an accessory structure from 4.5m to 1.7m (accessory structure 1); (2) reduce the minimum required setback from a street line to an accessory structure from 4.5m to 2.3m (accessory structure 2); and (3) reduce the minimum required setback from a street line to an accessory structure from 4.5m to 2.5m (accessory structure 3) located at 45 Stargell Drive 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. Drainage from the proposed structure shall not be directed onto the adjacent property; and
3. That the variances shall apply to the existing accessory structures (structure 1 and 2) and proposed accessory structure (structure 3) as illustrated on the applicants Site Plan.

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/44/18

**1138319 Ontario Inc., o/a Delta Rae Homes
12 Centre Street East**

An application has been received from 1138319 Ontario Inc., o/a Delta Rae Homes 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 20% to 27%;
2. reduce the minimum required front yard setback from 9.0m to 8.0m;
3. reduce the minimum required lot area for a corner lot from 1,045.0 sq.m to 815.0 sq.m; and
4. reduce the minimum required rear yard setback to a deck projecting from the first storey of a dwelling from 6.0m to 4.5m.

The requested variances are required to permit the construction of a new two storey single detached residential dwelling on the subject property.

The subject property is located at 12 Centre Street East and is zoned Brooklin Secondary Plan Residential (R3-BP) within Zoning By-law 1784.

In Support of Application

Carmen Calabrese

Interested Parties

Frances & Earnest Beale
S. Leersnyder

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

C. Calabrese introduced himself to the Committee as the applicant and representative of Delta Rae Homes. C. Calabrese noted that the existing dwelling will be removed and replaced with a new two storey detached residential dwelling with a three car garage.

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

S. Haslam asked if variance No. 3 was required to recognize the existing lot area.

C. Calabrese replied yes.

B. O'Carroll asked the applicant to describe the proposed grading in the rear yard as illustrated on the Site Plan.

C. Calabrese replied that the grading will fall away from the rear of the dwelling. A proposed drainage swale will be constructed along the rear of the property and out towards Centre Street.

B. O'Carroll asked the applicant if the proposed driveway will be located off of Queen Street.

C. Calabrese replied yes.

D. McCarroll noted that the original plans illustrated a two car garage, and asked the applicant to confirm that the dwelling will now include a three car garage.

C. Calabrese advised the Committee that the revised plans proposed a three car garage.

The Chair asked the applicant if the addition of the third car garage bay will affect the variance.

J. Malfara advised to the Committee that the proposed three car garage will comply with the Zoning By-law and will have no impact on the requested variances.

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

J. Malfara replied that two phone calls were received; however no formal written correspondence was received.

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

E. Beale introduced himself to the Committee as the son of Frances Beale; the owner of the abutting property located at 8 Centre Street E.

E. Beale expressed that he and his mother have concerns with the size of the proposed dwelling, decreased privacy, and drainage. He noted that when the neighbouring property (north) located at 110 Queen Street was developed, increased stormwater runoff was directed toward his property.

The Chair asked E. Beale if he viewed the applicants proposed Site Plan.

E. Beale replied yes.

S. Haslam noted that the proposed deck will be shielded by the trees at the rear of Mr. Beales property and will also have a setback of approximately 10.0m to Mr. Beales dwelling.

J. Cardwell asked the applicant how many square feet the proposed dwelling will be.

C. Calabrese replied approximately 2,800 square feet.

J. Cardwell expressed that there are 3 or 4 similar types of minor variance applications within the general area which have been approved by the Committee.

D. McCarroll asked Mr. Beale if the stormwater/flooding issues experienced on his property had been addressed.

E. Beale replied yes. The Town of Whitby assessed the situation and redirected a French drain located at 110 Queen Street from the rear yard to the front yard.

B. O'Carroll expressed that if this application were approved, the Public Works Department must still be satisfied with the proposed development prior to the construction of the proposed dwelling.

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

S. Leersnyder introduced herself to the Committee as the owner of 110 Queen Street. She expressed no concerns with the requested variances and was supportive of the design of the dwelling.

S. Leersnyder noted that the outlet for her dwellings sump pump is located within her southerly interior side yard, which is adjacent to the applicants proposed driveway. She is concerned that during the times in which water is expelled from the sump pump, it will flow over the applicant's driveway.

S. Leersnyder also advised that she has corresponded with the applicant to discuss the viability of running her sump pump outlet pipe underneath the proposed driveway.

B. O'Carroll advised S. Leersnyder to also express her comments with the Town of Whitby Public Works Department.

Moved by: D. McCarroll

That the application to (1) increase the maximum permitted lot coverage from 20% to 27%; (2) reduce the minimum required front yard setback from 9.0m to 8.0m; (3) reduce the minimum required lot area for a corner lot from 1,045.0 sq.m to 815.0 sq.m; and (4) reduce the minimum required rear yard setback to a deck projecting from the first storey of a dwelling from 6.0m to 4.5m located at 12 Centre Street East be **Granted** subject to the following amended condition:

1. That the site grading and all other services, specifically with regards to drainage as it pertains to the adjoining properties to the north and west 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

S. Haslam advised the Committee of a discrepancy within the minutes of the Committee of Adjustment meeting held on Thursday June 14, 2018.

J. Malfara replied to the Committee that he was made aware of the matter beforehand and the minutes have been revised.

Moved by: J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday June 14, 2018 be adopted.

Carried

Item 4: Other Business

J. Malfara distributed honorariums to the Committee members.

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