

# Minutes of the 1st Meeting

## Committee of Adjustment

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**Meeting Date:** Thursday January 16, 2025

**Meeting Time:** 7:00 p.m.

**Meeting Location:** Virtual Meeting

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### **Present:**

J. Cardwell

N. Chornobay

K. Docherty

S. Haslam

J. Rinella

R. Chow, Secretary-Treasurer

J. Malfara, Principal Planner, Zoning & Regulation

## **Item 1: Election of Committee of Adjustment Chair and Vice-Chair**

R. Chow opened the meeting and advised the Committee that a Chair and Vice-Chair would have to be elected for the 2025 term.

J. Cardwell nominated N. Chornobay for Chair.

N. Chornobay declined the nomination and nominated J. Cardwell.

J. Cardwell declined the nomination.

N. Chornobay nominated S. Haslam.

S. Haslam accepted the nomination for Chair. The Committee was all in favour of the nomination.

N. Chornobay nominated J. Rinella as Vice-Chair.

J. Rinella accepted the nomination for Vice-Chair. The Committee was all in favour of the nomination.

**Carried**

## **Item 2: Land Acknowledgement**

The chair made the land acknowledgement statement.

## **Item 3: Disclosure of Interest:**

There was no disclosure of interest by the members of the Committee of Adjustment.

**Carried**

## **Item 4: Public Hearings**

**A/01/25**

**Paul Mason**

**89 Garden St**

An application has been received from Paul Mason for variances from the provisions of Town of Whitby Zoning By-law 2585.

The application is for permission to (1) reduce the minimum required setback of driveway within a front yard to a side lot line from 0.6 m to 0 m, and (2) increase the maximum permitted width of a driveway serving a two-car garage from 7.35 m to 8.5 m.

The subject property is located at 89 Garden St and is zoned Residential (R2A) within the Town of Whitby Zoning By-law 2585.

The requested variances are required to permit a driveway widening extending into the adjacent Town-owned property to serve the existing single-detached dwelling at 89 Garden St. This application is related to Minor Variance Application A/02/25.

In Support of Application: Paul Mason (Owner/Applicant)

Angela Mason (Owner/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.

Paul Mason introduced himself as the owner and provided a brief overview of the proposal to widen their driveway into the abutting Town-owned land. P. Mason stated that due to the Town's proposed extension of Dunlop St and the widening of Garden St, there would be reduced street parking in proximity to the subject property. The road projects would also result in a shortened driveway boulevard for 89 Garden St leading to reduced safety and visibility when exiting the driveway onto the busy road. P. Mason stated that Town Council was in support of a proposal for their driveway to be extended into the adjacent Town-owned lot to provide additional parking for their property.

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

N. Chornobay asked how the driveway widening would be implemented in relation to the slope on the Town-owned land and if any grading work would be required. N. Chornobay further asked who would fund the driveway widening and what agreements would be required between the applicant and the Town.

P. Mason responded that the proposed driveway widening was supported by Town Staff and Town Council, subject to permission from the Committee of Adjustment. All costs of the driveway widening would be covered by the owners of 89 Garden St and not by the

Town. The paving would be entirely located on the flat portion of land north of the existing driveway, and the widening would not encroach into the sloped part of the land.

The Chair asked if any other houses would be impacted by the reduced boulevards and reduced street parking.

P. Mason stated that the removal of street parking affects the whole street, however, 89 Garden St is the closest to a new street light and will be the most impacted by driveway boulevard reductions.

The Chair asked if the guy-wire in the boulevard would be moved.

P. Mason stated that this has already been adjusted.

There were no further questions from the Committee.

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

R. Chow 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 of driveway to a side lot line from 0.6 m to 0 m, and (2) increase the maximum permitted width of a driveway from 7.35 m to 8.5 m located at 89 Garden St be **Granted** subject to the following condition:

1. That the site grading shall conform to the requirements of the Engineering Services Division.

**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 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.

**A/02/25**  
**Paul Mason**  
**69 Garden St**

An application has been received from Paul Mason on behalf of the Town of Whitby for variances from the provisions of Town of Whitby Zoning By-law 2585.

The application is for permission to (1) permit a driveway measuring 8.0 m in length and 2.0 m in width to serve 89 Garden St, and (2) reduce the minimum required setback of a driveway within a front yard to a side lot line from 0.6 m to 0 m.

The subject property is located at 69 Garden St and is zoned Development - Residential [D(R)] within the Town of Whitby Zoning By-law 2585.

This application is related to Minor Variance application A/01/25. The requested variances are required to permit and enlargement/extension of the driveway situated at 89 Garden Street onto the abutting Town-owned lands located at 69 Garden Street.

In Support of Application:                Paul Mason (Owner/Applicant)  
   Angela Mason (Owner/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.

Paul Mason introduced himself as the applicant and owner and stated that this application was related to the previous minor variance application heard by the Committee, A/01/25.

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

N. Chornobay asked if there will be a survey made to identify the appropriate location for the driveway on Town-owned land.

The Chair stated that an encroachment agreement may be required.

N. Chornobay stated that an agreement and a survey should be required to restrict the location where the driveway can be implemented. N. Chornobay asked how an official agreement between the Town and the owner of 89 Garden St will be executed.

P. Mason responded that he had been informed by the Town that an encroachment agreement would be required following the approval of the minor variances. P. Mason stated that he was aware that the approval of the minor variances is not a final approval for the driveway extension to be built and that there will be further steps.

R. Chow stated that the owners of 89 Garden St have been in discussion with Town Staff and were notified that an encroachment agreement would be required. The variances have been rounded up to provide some flexibility with the driveway extension located on Town property while still giving a limit to the maximum size of the driveway. The next steps will confirm the exact location and dimensions for the driveway.

There were no further questions from the Committee.

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

R. Chow 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. Rinella.**

That the application to (1) permit a driveway measuring 8.0 m in length and 2.0 m in width to serve 89 Garden St, and (2) reduce the minimum required setback of a driveway within a front yard to a side lot line from 0.6 m to 0 m located at 69 Garden St be **Granted** subject to the following condition:

1. That the site grading shall conform to the requirements of the Engineering Services Division.

**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 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.

**A/03/25**  
**Geoff Lloyd**  
**1 Way St**

An application has been received from Geoff Lloyd (on behalf of 2356867 Ontario Inc.) for a variance from the provisions of Town of Whitby By-law 1784.

The application is for permission to add an office use within the existing commercial building located on the subject property.

The subject property is located at 1 Way St and is zoned Greenbelt Exception 7 (G-7) within Town of Whitby Zoning By-law 1784.

In Support of Application:            Geoff Lloyd (Applicant)  
   Megan Notice (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.

Geoff Lloyd introduced himself as the applicant and provided a brief overview of the requested variance to permit an office use at 1 Way St for his fundraising business of approximately 15 staff members.

The Chair asked the applicant if anyone is currently living at 1 Way St.

G. Lloyd responded that the property is currently vacant and they do not have the intention of using it for residential uses in accordance with CLOCA's conditions to remove residential uses on the property.

N. Chornobay asked for clarification on if the residential use should be removed completely based off CLOCA's request, or if the requested condition is to restrict residential uses in the scenario where a commercial use exists on the site.

R. Chow responded that the existing structure is non-conforming and was initially a residential dwelling, however, a previous site-specific Zoning By-law Amendment was passed to permit an eating establishment use on the subject property. The Town had a meeting with the applicant and CLOCA and CLOCA stated that due to the environmental state of the site, they would prefer a less intensive commercial use over a residential use. If the Zoning were to continue to allow a residential use on the site, there should be restrictions to limit the subject property to one use at a time so that the property would not be able to accommodate both a residential and a commercial use simultaneously. The site-specific Zoning By-law to permit a dining establishment and the former residential use would not be overridden and would continue to be permitted on the subject property in addition to the proposed office use, if approved, just not all at the same time.

J. Malfara stated that the zoning for this site will be re-evaluated through the Town's ongoing Comprehensive Zoning By-law review, with possible options to repeal former site-specific zoning by-laws so that the site is brought into conformity with the Official Plan and CLOCA policies. J. Malfara stated that the condition proposed by CLOCA to restrict residential uses when a commercial use exists on the site is appropriate.

G. Lloyd asked for further details on the Comprehensive Zoning By-law review and if this would remove the office use variance in the future.

J. Malfara stated that the Town-wide project is looking at updating the Zoning By-law for the entire Town, but that a minor variance is permanently tied to a property and will supersede any zoning provisions. If the variance to permit an office use is approved, the Zoning Review will look at updating the Zoning to permit an office use in the Zoning By-law on a site-specific basis for this property.

There were no further questions from the Committee.

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

R. Chow 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: K. Docherty.**

That the application to add an office use within the existing commercial building at 1 Way St be **Granted** subject to the following condition:

1. At any time that an office use and/or eating establishment is located on the subject property, any residential uses shall be prohibited.

**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 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.



**A/04/25**

**Imran Khan**

**16 Walter Clifford Nesbitt Dr**

An application has been received from Imran Khan (on behalf of Rizwan Mirza and Khairunnisa Rizwan) for variances from the provisions of Town of Whitby By-law 1784.

The application is for permission to (1) reduce the minimum required width of a driveway parking space for 2 parking spaces from 2.75 m to 2.4 m, and (2) reduce the minimum required length of a driveway parking space for 2 parking spaces from 5.8 m to 5.0 m.

The subject property is located at 16 Walter Clifford Nesbitt Dr and is zoned Low Density Residential (LD) within Town of Whitby Zoning By-law 1784.

The requested variance is required to permit 2 undersized driveway parking spaces on a widened driveway (proposed) to serve an additional dwelling unit located within the principal dwelling.

In Support of Application: Imran Khan (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.

Imran Khan introduced himself as the applicant and provided a brief overview of the proposal and of the requested variances.

The Chair asked for clarification on if the steps leading to the front porch will be reduced in size and if the dotted lines on the submitted site plans indicate this.

I. Khan responded that this is indicated on the submitted site plans and the stairs will be reduced in width by approximately 9 inches.

The Chair asked if the steps would still be compliant to the Ontario Building Code.

I. Khan stated that the stairs will be reduced from 5 feet in width to 4 feet and 3 inches, which will not violate the Ontario Building Code.

N. Chornobay stated that a large portion of the front yard is already paved and if the arrows on the site plan indicate all the required driveway widening in order to allow the additional parking space.

I. Khan responded yes.

N. Chornobay asked if the widened driveway can already accommodate 2 reduced-size parking spaces and if the variance is just to recognize and legalize to permit the basement apartment.

I. Khan responded yes.

The Chair asked if the new parking spaces will be able to accommodate larger vehicles legally.

R. Chow responded that one parking space will be 5.85 m in length, which is longer than the minimum parking space length requirements and can accommodate a larger vehicle such as a pickup truck. The second parking space will be reduced in length and both spaces will be reduced in width. The requested variances are for 2 spaces measuring 5.0 m in length and 2.4 m in width, as those are the minimum dimensions that the Town has supported as “compact spaces”, but in reality, the space available on the proposed driveway will be larger than this with at least 1 full length space retained.

J. Cardwell asked if the garage is usable.

I. Khan responded yes, that the garage meets the size requirements of the Zoning By-law and is also free of storage and available to be used as parking.

There were no further questions from the Committee.

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

R. Chow advised the Committee that one email was received with general comments on the accessory dwelling unit provisions of the Zoning By-law and parking. R. Chow advised that this email was forwarded to the Committee for their consideration prior to the meeting.

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. Rinella.**

That the application to (1) reduce the minimum required width of a driveway parking space for 2 parking spaces from 2.75 m to 2.4 m, and (2) reduce the minimum required length of a driveway parking space for 2 parking spaces from 5.8 m to 5.0 m located at 16 Walter Clifford Nesbitt Dr be **Granted** subject to the following condition:

1. That the site grading shall conform to the requirements of the Engineering Services Division.

**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 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.

**A/05/25**

**Kwame Afrani (GH Building Designers)  
46 Shenandoah Dr**

An application has been received from Kwame Afrani of GH Building Designers, on behalf of Herma Alridge, for a variance from the provisions of Town of Whitby Zoning By-law 1784.

The application is for permission to reduce the minimum required rear yard setback of a deck projecting from the main floor of the dwelling from 6.5 m to 5.3 m.

The requested variance is required to recognize the existing deck in the rear yard of the subject property.

The subject property is located at 46 Shenandoah Dr and is zoned Residential (R3B\*) in Zoning By-law 1784.

In Support of Application: Kwame Afrani (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.

Kwame Afrani introduced himself as the applicant and provided a brief overview of the requested variance to legalize an existing deck.

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

J. Cardwell asked if the applicant has applied for a Building Permit.

K. Afrani responded that when the deck was constructed, the owners did not apply for any permits. The owner retained GH Building Designers to inspect what was built and assist them with obtaining the necessary permits to ensure that the deck is legally permitted.

The Chair asked for the age of the existing dwelling.

R. Chow responded that the dwelling has existed since approximately 2003.

There were no further questions from the Committee.

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

R. Chow advised the Committee that one email was received in opposition of any changes to the Zoning By-law. This email was forwarded to the Committee prior to the meeting for the Committee's consideration.

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

There was no one.

J. Cardwell recommended to the Committee that a condition be added that the variance is subject to the applicant obtaining a valid building permit.

**Moved by: N. Chornobay.**

That the application to reduce the minimum required rear yard setback of a deck from 6.5 m to 5.3 m located at 46 Shenandoah Dr be **Granted** subject to the following condition:

1. That a Building Permit is obtained.

**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 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.

**B/01/25 and B/03/25**  
**Wellings of Whitby Inc.**  
**368 Taunton Rd E**

Pursuant to S. 53 of the Planning Act, R.S.O. 1990, c.p.13, as amended, the Town of Whitby has received 2 applications from Wellings of Whitby Inc. for consent (easements) at 368 Taunton Rd E.

The applications B/01/25 and B/03/25 are to establish 9 easements for the purpose of mutual access and maintenance, as identified on the applicants draft reference plan. This application is related to severance applications B/02/25 and B/04/25.

In Support of Application:                   Angela Mariani (Applicant)  
  Miles Weekes (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.

Angela Mariani introduced herself as the applicant representing Wellings of Whitby Inc. and provided a brief overview of the requested easements and the related consent applications.

The Chair asked for clarification if the subject property was in the plaza across from the Home Depot store on Garden St.

A. Mariani responded yes. A. Mariani clarified that all units on the property will be rental units. Wellings of Whitby will own the building and Trio vest and Canada Post will own all commercial units in the plaza and within the Wellings building.

N. Chornobay asked if the severances are similar to a condominium where the units will be separated in title and conveyed to separate entities, and if the easements are to give owners rights to go over other parts of the property.

A. Mariani responded yes. A. Mariani explained that the joint use reciprocal easements will facilitate maintenance and access. The severances and easements would be similar to a condominium however, as only 2 units will be severed, a severance application was more appropriate for this development. A. Mariani explained that a stratified severance is similar to a severance, but it also defines the vertical limits of a severance.

J. Cardwell asked for details on the mechanical and electrical systems in the building.

A. Mariani responded that the easements will allow for mechanical and electrical components to pass through each unit, as well as for HVAC units to sit on top of the commercial units.

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

There were no further questions from the Committee.

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

R. Chow 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: K. Docherty**

That the applications B/01/25 and B/03/25 to establish 9 easements for the purpose of mutual access and maintenance, as identified on the applicants draft reference plan, located at 368 Taunton Rd E be **Granted** subject to the conditions listed in the Planning Commissioner's report issued on January 10, 2025.

The last date for fulfilling conditions and the expiry date of applications **B/01/25** and **B/03/25** is Tuesday, February 16, 2027.

**Carried**

Reason:

Having considered the contents of all submissions, the staff report and oral submissions had an effect on the Committee's decision.

**B/02/25 and B/04/25**  
**Wellings of Whitby**  
**368 Taunton Rd E**

Pursuant to S. 53 of the Planning Act, R.S.O. 1990, c.p.13, as amended, the Town of Whitby has received an application for consent from Wellings of Whitby located at 368 Taunton Rd E.

The application is to permit stratified severances of 2 existing commercial units from the mixed-use building on the subject site at 368 Taunton Rd E. This application is related to consent applications B/01/25, B/03/25, and B/04/25.

In Support of Application:           Angela Mariani (Applicant)  
   Miles Weekes (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.

Angela Mariani introduced herself as the applicant representing Wellings of Whitby Inc. and provided a brief overview of the requested severances. A. Mariani stated that the severance applications are related to the 2 previous easement applications heard by the Committee.

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

There were no questions from the Committee.

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

R. Chow 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: N. Chornobay.**

That the applications B/02/25 and B/04/25 to permit stratified severances of 2 existing commercial units from the mixed-use building on the subject site at 368 Taunton Rd E be **Granted** subject to the conditions listed in the Planning Commissioner's report issued on January 10, 2025.



The last date for fulfilling conditions and the expiry date of applications **B/02/25** and **B/04/25** is Tuesday, February 16, 2027.

**Carried**

Reason:

Having considered the contents of all submissions, the staff report and oral submissions had an effect on the Committee's decision.

**Item 5: Approval of Previous Minutes**

**Moved by:** J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday December 19, 2024 be adopted.

**Carried**

**Item 6: Other Business**

There were no items raised under other business.

**Item 7: Adjournment**

**Moved by:** N. Chornobay

That this meeting of the Committee of Adjustment be adjourned.

**Carried**

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Secretary Treasurer

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Chair