

# Minutes of the 3rd Meeting

## Committee of Adjustment

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**Meeting Date:** Thursday March 2, 2023

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

**Meeting Location:** Virtual Meeting

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### **Present:**

N. Chornobay, Chair

J. Cardwell

S. Haslam

J. Rinella

J. Malfara, Secretary-Treasurer

### **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/07/23**

**Clinton Dochuk**

**110 Crawforth Street**

An application has been received from Ping Wong Li, for variances from the provisions of By-law 2585.

The application is for permission to 1) increase the maximum lot coverage of an accessory structure from 50% to 62% of the lot coverage of the main building; 2) reduce the minimum rear yard setback of an accessory structure with windows or doors facing the rear lot line from 7.5m to 1.5m; and 3) permit an accessory structure with a single-slope roof measuring 4.7m from the average finished grade (west elevation) to the ridge of the roof.

The requested variances are required to permit an accessory apartment dwelling unit within an accessory structure in the rear yard of the subject property.

In Support of Application

Clinton Dochuk (Applicant)  
(Cecilia) Ping Wong Li (Owner)

In Opposition of Application

Terry Nieuwstraten  
Regina Portincasa

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

C. Dochuk introduced himself to the Committee as the applicant. He provided a brief overview of the proposed detached accessory structure/accessory apartment proposal. C. Dochuk noted that three variances are required to permit the increased size of the structure and location within the rear yard. He also confirmed that with regards to the reduced rear yard setback, the limiting distance requirements set out by the Building Code are satisfied.

C. Dochuk acknowledged comments received from neighboring land owners. With respect to the comments received he noted that additional parking will be provided on the property and this will limit on-street parking impacts. C. Dochuk also noted that the property will continue to have an appropriate amount of landscaped open space in the rear yard, and any potential stormwater impacts would be mitigated within the private property.

C. Dochuk concluded that the requested variances meet the 4 tests as set out by the Planning Act.

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

J. Cardwell asked if the proposed structure will be occupied by one family and if the lower level will include an escape window.

C. Dochuk replied yes to both.

S. Haslam asked if the lower level escape window is located along the north wall.

C. Dochuk advised the Committee that the escape window will be located on the west elevation facing the driveway.

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 three letters of objection were received and were previously circulated to the Committee.

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

T. Nieuwstraten introduced himself to the Committee and asked how many cars could be parked on the widened driveway.

C. Dochuk noted that the existing driveway is proposed to be widened and increased in length further into the rear yard. The revised driveway would be able to accommodate approximately 12 vehicles. C. Dochuk also noted that only three spaces are required by the By-law.

T. Nieuwstraten asked if the existing carport will be removed and where the new accessory structure/apartment will be located.

C. Dochuk noted that the carport will be removed and will not be reconstructed. C. Dochuk also shared a copy of the site plan which illustrated the proposed location of the accessory structure in the rear yard of the property.

T. Nieuwstraten asked what setback will be provided between the widened driveway and west lot line.

C. Dochuk replied 1.1m.

T. Nieuwstraten asked if the swale will be reconstructed between the subject property and his property to the west.

C. Dochuk replied that this matter will be reviewed as part of the engineering design stage upon submission of a building permit.

T. Nieuwstraten advised the Committee that he had no further questions.

The Chair asked if there was anyone else in attendance who wished to speak to the application.

R. Portincasa introduced herself to the Committee as the owner of 112 Crawforth Street. She expressed concerns with potential drainage impacts and how potential impacts will be mitigated.

C. Dochuk noted that a stormwater brief will be prepared and will have to be submitted to the Town's Engineering Department for approval in advance of any permits being issued.

R. Portincasa expressed concerns with the current maintenance of the property.

T. Nieuwstraten echoed the same concern as R. Portincasa.

The Chair asked if the Town has a mechanism to address property standard issues.

J. Malfara advised the Committee that any complaints regarding property standards can be directed to the Town's By-law Services Division.

C. Wong Li advised the Committee that she has retained a property management company and she will be forwarding the noted concerns to them to be addressed.

There were no further comments or questions from members of the public.

**Moved by: J. Cardwell**

That the application to 1) increase the maximum lot coverage of an accessory structure from 50% to 62% of the lot coverage of the main building; 2) reduce the minimum rear yard setback of an accessory structure with windows or doors facing the rear lot line from 7.5m to 1.5m; and 3) permit an accessory structure with a single-slope roof measuring 4.7m from the average finished grade (west elevation) to the ridge of the roof located at 110 Crawforth Street be **Granted** subject to the following conditions:

1. That the site grading and all other services conform to the requirements of the Engineering Services Department; and
2. Stormwater shall not be directed onto abutting lands.

**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.

**ANDREA ELIZABETH FERGUSON**  
156 Garrard Road

The application is for permission to 1) increase the maximum permitted projection of a covered porch into a front yard from 1.5m to 1.9m; and 2) reduce the minimum required front yard setback from 10.5m to 8.3m.

In Support of Application Andrea Ferguson (Owner)

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

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

J. Malfara noted that the property and dwelling would support an accessory apartment; however, a permit would be required from the Building Department.

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

The Chair asked if there was anyone from the public who wished to speak to the subject application. There was no one.

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That the application to 1) increase the maximum permitted projection of a covered porch into a front yard from 1.5m to 1.9m; and 2) reduce the minimum required front yard setback from 10.5m to 8.3m located at 156 Garrard Road be **Granted** subject to the following condition:

1. That the variances shall apply only to the proposed garage and front porch additions as illustrated on the applicant's 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.

**A/09/23**

**James Nicholson**

**40 Meadow Crescent**

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

The application is for permission to 1) increase the total combined lot coverage of all accessory structures from 60 sq.m to 87 sq.m; 2) increase the maximum permitted building height of an accessory structure from 4.5m to 4.85m; and 3) permit an accessory structure within a front yard.

The requested variances are required to permit the construction of a proposed detached garage on the subject property.

In Support of Application: James Nicholson (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.

J. Nicholson introduced himself as the owner and applicant. J. Nicholson provided a brief overview of the requested variances and advised the Committee that the variances are required to permit the construction of a detached garage on the property. He also advised the Committee that he agrees with the recommendations of the staff report including the removal of variance #2 and variance #3.

The Chair asked if there were any comments 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: S. Haslam**

That the application to 1) increase the total combined lot coverage of all accessory structures from 60 sq.m to 87 sq.m located at 40 Meadow Cres be **Granted** subject to the following conditions:

1. That the site grading and all other services conform to the requirements of the Engineering Services Department;
2. Drainage shall not be directed onto neighbouring lands; and
3. The applicant shall satisfy CLOCA prior to the issuance of a building permit.

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## **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.



**Steve Edwards on behalf of Tony Pelosi**  
**928 Brock Street North**

The application is for permission to (1) increase the maximum permitted commercial/retail gross floor area from 30 sq.m to 172 sq.m; and (2) permit a take-out eating establishment located on the subject lands.

In Support of Application	Steve Edwards (Applicant)
In Opposition of Application	None at this time.

S. Edwards introduced himself to the Committee as the Planner representing the owner of the subject property. S. Edwards provided a history of the property and noted that there is a former automotive garage located at the south west corner of the property and also a gas bar with a take out eating establishment located within. The former automotive garage is proposed to be converted to a take out eating establishment (coffee shop) and the existing take out use will be removed from the gas bar.

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

S. Haslam asked the applicant to confirm that the existing drive through/take out easting establishment located in the gas bar will be removed.

S. Edwards replied yes.

J. Rinella asked if the site will have sufficient parking.

S. Edwards replied that the proposed use meets the minimum parking requirements set out by the Zoning By-law.

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) increase the maximum permitted commercial/retail gross floor area from 30 sq.m to 172 sq.m; and (2) permit a take-out eating establishment located on the subject lands located at 928 Brock St N be **Granted**.

**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 February 9, 2023 be adopted.

**Carried**

**Item 4: Other Business**

N. Chornobay advised the Committee that he will be absent from the March 23<sup>rd</sup> meeting.

**Item 5: Adjournment**

**Moved by:** J. Rinella

That this meeting of the Committee of Adjustment be adjourned.

**Carried**

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Secretary Treasurer

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Chair