



Minutes of the 4th Meeting

Committee of Adjustment

Meeting Date: Thursday March 25, 2021

Meeting Time: 7:00 p.m.

Meeting Location: Virtual Meeting

Present:

N. Chornobay, Chair

S. Haslam

J. Cardwell

B. O'Carroll

D. McCarroll

J. Taylor, Senior Manager, Zoning & Regulation

K. Kram, Principle Planner, Zoning & Regulation

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/21/21

**Jessica Ross
41 Torian Avenue**

An application has been received from Jessica Ross, for variances from the provisions of By-law 1784.

The application is for permission to:

1. reduce the minimum front yard setback from 9.0m to the established front yard setback of the existing dwelling (6.0m);
2. reduce the minimum front yard setback to a second storey building projection (window) from 6.0m to 5.3m;
3. increase the maximum permitted projection of a porch and stairs within a front yard from 1.5m to 2.3m; and
4. increase the maximum permitted lot coverage from 20% to 27%.

The subject property is located at 41 Torian Avenue and is zoned Brooklin Secondary Plan Residential (R3-BP) within Zoning By-law 1784.

The requested variances are required to permit an extensive renovation to the existing dwelling including a covered front porch located within the front yard of the subject property. The subject application was previously Tabled from the March 4, 2021 Committee of Adjustment meeting.

In Support of Application

Jessica Ross
Derick Ross
Kevin Cosgrove

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.

K. Cosgrove introduced himself to the Committee as the father of Jessica Ross. He provided an overview of the proposed works, including the proposed construction of a new covered front porch and second storey building addition. He noted that the existing dwelling is approximately 1,000 square feet in size, and the proposed addition would increase the total area of the dwelling by an additional 1,000 square feet.

K. Cosgrove concluded that the requested variances are required to permit the proposed 2nd storey building addition and front porch enlargement.

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

J. Cardwell asked if there were any concerns raised by the Town of Whitby Public Works Department.

J. Malfara advised the Committee that the Public Works Department has included two conditions of approval, related to grading and drainage. These matters will have to be addressed prior to the issuance of a building permit.

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 public 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 front yard setback from 9.0m to the established front yard setback of the existing dwelling (6.0m); (2) reduce the minimum front yard setback to a second storey building projection (window) from 6.0m to 5.3m; (3) increase the maximum permitted projection of a porch and stairs within a front yard from 1.5m to 2.3m; and (4) increase the maximum permitted lot coverage from 20% to 27%, located at 41 Torian Avenue be **Granted** subject to the following conditions:

1. Applicable to Variance #4 – That the applicant provide to the Public Works Department for their review and approval an acceptable Grading Plan and Stormwater Management Brief; and
2. That variance #2 be applicable only to the proposed window bump-out as illustrated on the applicant's submitted drawings.

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/23/21

**Jacek Sochacki on behalf of Yakub Vaid
160 Way Street**

An application has been received from Jacek Sochacki on behalf of Yakub Vaid, for variances from the provisions of By-law 1784.

The application is for permission to:

1. increase the maximum permitted lot coverage from 20% to 29%; and
2. increase the maximum permitted driveway width serving a three car garage from 9.0m to 11.0m

The subject property is located at 160 Way Street and is zoned Brooklin Secondary Plan Residential (R2-BP) within Zoning By-law 1784.

The requested variances are required to permit the construction of a new one storey dwelling on the subject property.

In Support of Application

Jacek Sochacki (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. Sochacki introduced himself to the Committee. He advised the Committee that a new one storey dwelling is proposed on the subject property, and provided an overview of the two requested variances.

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

S. Haslam asked if the trees in the rear yard will be retained.

J. Sochacki replied that their intentions are to preserve the trees if possible.

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 for the owner of the property located at 269 Montgomery Avenue. This property directly abuts the west rear lot line of the subject property. This letter was circulated to the Committee prior to the meeting and the letter outlined concerns with drainage and tree preservation along the rear lot line.

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 increase the maximum permitted lot coverage from 20% to 29%; and increase the maximum permitted driveway width serving a three car garage from 9.0m to 11.0m located at 160 Way 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. Drainage from the proposed development shall not be directed onto adjacent properties.

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/24/21

**Tina Killough
112 Crystal Beach Boulevard**

An application has been received from Tina Killough, for variances from the provisions of By-law 1784.

The application is for permission to:

1. increase the maximum permitted lot coverage from 15% to 30%;
2. reduce the minimum required rear yard setback to a detached garage from 15.0m to 0.6m;
3. reduce the minimum required interior side yard setback to a detached garage from 4.5m to 0.6m;
4. reduce the minimum required interior side yard setback to a covered deck/porch from 4.5m to 4.0m (east) and 1.3m (west);
5. reduce the minimum required front yard setback from 5.48m to 1.8m;
6. permit the issuance of a building permit for a proposed accessory structure and building addition on a lot which does not front upon an improved public street.

The subject property is located at 112 Crystal Beach Boulevard and is zoned Agricultural (A) within the Town of Whitby Zoning By-law 1784.

The requested variances are required to permit a proposed covered porch within the front/side yard of the subject property, as well as a proposed future detached garage located within the rear yard of the property.

In Support of Application	Tina Killough (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.

T. Killough introduced herself to the Committee as the owner of the subject property. She provided an overview of the existing agricultural zoning of the property and noted that the requested variances are required to permit the proposed covered front porch as well as a future detached garage.

T. Killough noted that the existing deck was found to have rot in it and needed to be replaced. The proposed deck, is similar in nature but slightly larger. She also noted that the property does not have a garage, and her intention is to construct one in the future.

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

J. Cardwell asked J. Malfara if comments were provided from the Central Lake Ontario Conservation Authority (CLOCA).

J. Malfara advised the Committee that comments were received from CLOCA in support of the application, in addition to 4 conditions of approval. He further noted that the CLOCA comments and conditions were circulated to the Committee prior to this meeting.

The Chair asked the applicant if they reviewed the CLOCA comments.

T. Killough replied yes.

B. O'Carroll asked the applicant to confirm that the proposed porch will not be enclosed.

T. Killough confirmed that the porch will not be enclosed.

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 of support and a letter of objection was received and was circulated to the Committee prior to this meeting.

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

V. Aubrey introduced herself to the Committee as a Development Planner from CLOCA. She provided an overview of the comments as well as an overview of the environmental constraints within the vicinity of the subject property.

V. Aubrey noted that CLOCA has provided support for the requested variances, but noted that enclosing the proposed porch and/or increasing the gross floor area of the dwelling is not favorable.

D. McCarroll expressed that he was ready to make a motion to approve the requested variances, with the inclusion of the conditions requested by CLOCA.

Moved by: D. McCarroll

That the application to (1) increase the maximum permitted lot coverage from 15% to 30%; (2) reduce the minimum required rear yard setback to a detached garage from 15.0m to 0.6m; (3) reduce the minimum required interior side yard setback to a detached garage from 4.5m to 0.6m; (4) reduce the minimum required interior side yard setback to a covered deck/porch from 4.5m to 4.0m (east) and 1.3m (west); (5) reduce the minimum required front yard setback from 5.48m to 1.8m; and (6) permit the issuance of a building permit for a proposed accessory structure and building addition on a lot which does not front upon an improved public street, located at 112 Crystal Beach Boulevard 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 development shall not be directed onto adjacent properties;
3. Any proposed roof leaders on the detached garage shall not be directed towards the east lot line;
4. The detached garage shall be setback a minimum of 4.5m from the existing dwelling;
5. That the proposed ground floor decks to the front and side of the dwelling and second storey deck may be covered but must remain open with conditions to prohibit any seasonal or permanent enclosure of the structures;
6. That the proposed second storey deck extend no further than the ground floor deck below;
7. That the proposed detached garage be subject to conditions to prohibit conversion into habitable space and/or additional dwelling units in the future; and
8. That the proposed variances apply to the existing residential dwelling and proposed accessory structure and would not apply to any future reconstruction or redevelopment of the subject 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/25/21

1606-1614 Charles Street East GP Inc.

1606 Charles Street

An application has been received from 1606-1614 Charles Street East GP Inc., for variances from the provisions of By-law 2585.

The application is for permission to:

1. reduce the minimum required front yard setback and east setback on Appendix A from 4.5m to 4.0m;
2. reduce the minimum required additional front yard setback for any building elevation greater than 4 storeys in height from 3.0m to 2.0m;
3. permit balconies, porches, patios and steps to project a maximum of 3.7m beyond the minimum building setback lines on Appendix A and allow them to project a maximum of 3.7m into the minimum required front and rear yard setbacks;
4. permit covered entrances and other similar ornamental structures to project a maximum of 2.95m beyond the minimum building setback lines on Appendix A and allow them to project a maximum of 2.95m into the minimum required front and rear yard setbacks;
5. permit balconies, patios, porches, canopies/covered entrances, and other similar ornamental structures to project a maximum of 2.8m into the minimum required distance between apartment buildings;
6. increase the maximum permitted rear yard setback to a portion of Building F from 6m to 8.7m;
7. vary the definition of “storey” to increase the maximum permitted height of a storey from 3.5m to 4.95m for the first two storeys of Building A;
8. reduce the minimum required number of parking spaces for residents from 1.25 spaces per unit to 1.20 spaces per unit;
9. reduce the minimum required number of visitors parking spaces from 0.25 spaces per unit to 0.18 spaces per unit;
10. reduce the minimum required interior side yard setback (north) for a parking structure projecting less than 1.2m above finished grade from 1.0m to 0.5m;
11. increase the maximum permitted width of a two-way driveway from 9.0m to 10.0m;
12. reduce the minimum required width of a two-way driveway serving a loading area from 7.0m to 5.0m (Building A) and 6.0m (Buildings C, D and E); and
13. reduce the minimum required number of loading spaces from 6 to 5; and

14. permit any parking space contained within a vertical parking stacker as a dedicated resident parking space, whereas the By-law does not currently recognize vertical parking systems.

The requested variances are required to permit a proposed 348 unit high density residential development on the subject lands, in accordance with Site Plan Application SP-13-18.

A previous application for minor variance was denied at the February 11, 2021 meeting. As per comments provided by the Committee, the applicant has made revisions to include additional parking spaces and is re-applying as a result.

The subject lands are located at 1606 -1614 Charles Street and are zoned Residential Type 5A Zone Exception 11 (R5A-11) within the Town of Whitby Zoning By-law 2585.

In Support of Application

Diana Mercier (Applicant)
Will Maria

In Opposition of Application

Dan Coombes
Ram Mohan
Richard McKean
Trudi Wright
Noemi Jenei
Wenda Abel
Pino Memma
Cheryl Borg

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

D. Mercier introduced herself as the representative of the developer. She provided an overview of the proposed development, and clarified that the property has already been zoned to permit high density residential development. The zoning to permit the high density residential development was approved by the Ontario Municipal Board in 2010.

D. Mercier confirmed that the requested variances are required to facilitate the proposed development in accordance with an existing Site Plan Application that was submitted to the Town.

D. Mercier noted that the proposal before Committee has been revised since the last Committee of Adjustment meeting on February 11th. Revisions have been made to address concerns raised at the past meeting, specifically related to setbacks along Charles Street as well as an increase to the resident and visitor parking spaces.

D. Mercier noted that the number of parking spaces have been increased through the introduction of parking stackers. She noted that with her this evening is Will Maria a Transportation Engineer from GHD to provide a brief presentation with regards to parking and traffic related matters.

W. Maria introduced himself to the Committee. He provided a presentation to the Committee and the members of the public in attendance. His presentation provided clarity on how traffic movement will occur within the site as well as a detailed overview of the below and above grade parking areas, and the proposed parking stackers.

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

S. Haslam asked if snow will be stored on-site or removed from the property.

D. Mercier advised the Committee that this matter is being sorted out, and she can reply back to the Planning Department once a definitive answer is known.

S. Haslam asked if with regards to variance #3 a condition can be included to recognize the step encroachment into the front yard while limiting the encroachments of patios, balconies and porches.

D. Mercier replied yes.

B. O'Carroll asked how resident ownership would work with the parking stackers.

W. Maria replied that each stacker would be sold to and paired with an individual unit.

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 approximately 10 letters of objection were received. All correspondence received was forwarded to the Committee for consideration prior to this meeting.

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

D. Coombes introduced himself to the Committee as the President of the Board of Directors for the Rowe Condominium at 1600 Charles Street. D. Coombes provided input to the application, and expressed his concerns with the proposed development.

D. Coombes stated that the footprint of the proposed development is near double to size of the Rowe condominium. He expressed concerns with the density of the proposal and the increase in potential vehicles.

D. Coombes also expressed concerns on how this proposed development may be precedent setting for additional high density developments within proximity to the subject lands and the Lake Ontario waterfront area.

D. Coombes concluded that the proposed buildings on the north side of the property are very close to the Rowe condominium and will result in undesirable views for the residents within his building and will impact their property values.

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

R. Mohan introduced himself to the Committee as a resident of 1600 Charles Street. He advised the Committee that his concerns were noted by D. Coombes.

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

R. McKean introduced himself to the Committee as a resident of 1600 Charles Street. He advised the Committee that his concerns were noted by D. Coombes, and further expressed his objection to the residential density generated by the proposed development.

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

T. Wright introduced herself as a resident of 360 Watson Street. Her concerns have been addressed by the previous speakers.

N. Jenei introduced herself as a resident of 1600 Charles Street. She expressed concerns with the proximity of the proposed buildings to the Rowe condominium, as it relates to privacy impacts. She stated that her other concerns were noted by D. Coombes.

J. Cardwell asked if the applicant can provide input on the setback of the proposed buildings to the abutting Rowe condominium.

D. Mercier advised the Committee that the proposed buildings meet the minimum required setbacks to the north property line. However, a variance is required to address a minor setback reduction to the north property line from a section of the parking garage.

The Chair asked the applicant to confirm that Building A complies with the current zoning setback requirement.

D. Mercier confirmed this.

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

W. Abel introduced herself as a resident at 360 Watson Street. She expressed concerns with the residential density, and noted that the increase in vehicles generated by the proposed development will have an impact on the waterfront environment.

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

P. Memma introduced himself as a resident at 1600 Charles Street. He stated that intensification is needed, but it should be done properly. He noted that the proposal will impact the property values of the surrounding residential land uses.

P. Memma expressed concern with the single driveway entrance serving the site, and asked if there will be redundancy measures in place for the proposed parking stackers in the event of a power outage.

J. Cardwell asked W. Maria if the proposed parking stackers will be connected to a back-up power source.

W. Maria replied yes.

B. O'Carroll asked if a road widening along Charles is proposed.

W. Maria noted that no additional lanes are proposed along Charles Street, however, a sidewalk is proposed in front of the subject lands.

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

C. Borg introduced herself to the Committee as a resident of 1600 Charles Street. She noted that her primary concerns have been expressed by previous speakers. She also expressed concerns with the impact the proposed development will have on the local infrastructure including the roads, power, and servicing.

The Chair provided clarity to all in attendance that the Committee is here to review the variances as requested. He noted that it is not within the Committee's power to make a decision on the development principle, which includes density and building height, as the Zoning currently supports both of these items.

S. Haslam expressed to the Committee that he is ready to make a motion to approve the requested variances subject to a second condition related to variance #3. The condition is as follows: only steps are permitted to encroach beyond 2.9m into any required setback.

Moved by: S. Haslam

That the application to (1) reduce the minimum required front yard setback and east setback on Appendix A from 4.5m to 4.0m; (2) reduce the minimum required additional front yard setback for any building elevation greater than 4 storeys in height from 3.0m to 2.0m; (3) permit balconies, porches, patios and steps to project a maximum of 3.7m beyond the minimum building setback lines on Appendix A and allow them to project a maximum of 3.7m into the minimum required front and rear yard setbacks; (4) permit covered entrances and other similar ornamental structures to project a maximum of 2.95m beyond the minimum building setback lines on Appendix A and allow them to project a maximum of 2.95m into the minimum required front and rear yard setbacks; (5) permit balconies, patios, porches, canopies/covered entrances, and other similar ornamental structures to project a maximum of 2.8m into the minimum required distance between apartment buildings; (6) increase the maximum permitted rear yard setback to a portion of Building F from 6m to 8.7m; (7) vary the definition of "storey" to increase the maximum permitted height of a storey from 3.5m to 4.95m for the first two storeys of Building A; (8) reduce the minimum required number of parking spaces for residents

from 1.25 spaces per unit to 1.20 spaces per unit; (9) reduce the minimum required number of visitors parking spaces from 0.25 spaces per unit to 0.18 spaces per unit; (10) reduce the minimum required interior side yard setback (north) for a parking structure projecting less than 1.2m above finished grade from 1.0m to 0.5m; (11) increase the maximum permitted width of a two-way driveway from 9.0m to 10.0m; (12) reduce the minimum required width of a two-way driveway serving a loading area from 7.0m to 5.0m (Building A) and 6.0m (Buildings C, D and E); (13) reduce the minimum required number of loading spaces from 6 to 5; and (14) permit any parking space contained within a vertical parking stacker as a dedicated resident parking space, whereas the By-law does not currently recognize vertical parking systems, located at 1606-1614 Charles Street be **Granted** subject to the following conditions:

1. A permit from CLOCA shall be obtained prior to any site alteration and/or development; and
2. Only steps are permitted to encroach beyond 2.9m into any required setback.

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/27/21

Sean Loucks on behalf of Dennis Cortes
26 Tiverton Lane

An application has been received from Sean Loucks on behalf of Dennis Cortes, for a variance from the provisions of By-law 1784.

The application is for permission to reduce the minimum required rear yard setback to a deck/stairs from 6.0m to 4.4m.

The subject property is located at 26 Tiverton Lane and is zoned Residential (R2B*) within the Town of Whitby Zoning By-law 1784.

The requested variance is required to permit the construction of a deck located within the rear yard of the subject property.

In Support of Application	Sean Loucks (Applicant)
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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.

S. Loucks introduced himself to the Committee. He provided an overview of the requested variances and noted that it is required to permit the construction of a deck located within the rear yard of the subject property.

The Chair asked if there were any 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 public 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 reduce the minimum required rear yard setback to a deck/stairs from 6.0m to 4.4m located at 26 Tiverton Lane be Granted subject to the following condition:

1. The variance shall apply only to the proposed stairs and landing as illustrated on the applicants submitted 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/28/21

**Brian Moss on behalf of Walid Dorani
49 North Street (Part 1)**

An application has been received from Brian Moss on behalf of Walid Dorani, for variances from the provisions of By-law 1784.

1. The application is for permission to reduce the minimum required lot frontage from 27.5m to 26.5m;
2. increase the maximum permitted lot coverage from 20% to 29%; and
3. increase the maximum permitted building height from 8.5m to 9.0m.

The subject property is located at 49 North Street (Part 1) and is zoned Brooklin Secondary Plan Residential (R1-BP) within Zoning By-law 1784.

The requested variances are required to facilitate the severance of the subject property and to permit the construction of a new two storey detached dwelling.

In Support of Application

Brian Moss (Applicant)

In Attendance

Tim Knowles
Jennifer Knowles
Jamie Neault

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

B. Moss introduced himself to the Committee as the applicant. He noted that the requested variances are required to facilitate a proposed land severance of the subject lands. B. Moss provided an overview of each of the requested variances, and also provided an overview of the surrounding land uses.

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

J. Cardwell asked if there have been similar variances in the area for building height.

J. Taylor advised the Committee that similar variances have been approved on North Street in the past.

There were no other questions from the Committee.

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 two letters from residents were received, and these items were circulated to the Committee prior to this meeting.

The Chair noted that the main concerns within the letters related to building height, coverage, and drainage.

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

J. Knowles introduced herself as a nearby resident. She noted that the property currently has one driveway, and severing the lands would result in two driveways. She asked how the second driveway would affect the existing ditch and also asked if any of the trees on the property will be preserved.

B. Moss stated that an Arborist has been retained to identify which trees on the property can be preserved. They are confident that some of the trees in the rear yard can be preserved, however some of the maple trees along the west lot line will be impacted. B. Moss also noted that there are three existing municipal trees along the west lot line, which will be preserved.

B. Moss noted that the second driveway would be constructed and will function similar to the existing driveway. He noted that the existing ditch will be preserved.

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

J. Neault introduced himself as the owner of 42 North Street, and expressed concerns with vehicle traffic that will be generated by the proposed development.

B. Moss noted that the Town of Whitby Public Works Department has reviewed the application and did not have any concerns with traffic impacts.

J. Neault clarified that he is concerned with construction related traffic.

B. Moss noted that the trades working on site should be cognisant of their activities.

B. Moss noted that he will pass the construction traffic related concerns onto the owner of the property.

Moved by: J. Cardwell

That the application to 1) reduce the minimum required lot frontage from 27.5m to 26.5m; 2) increase the maximum permitted lot coverage from 20% to 29%; and 3) increase the maximum permitted building height from 8.5m to 9.0m located at 49 North 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; and
2. Drainage from the proposed development shall not be directed onto adjacent properties.

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/29/21

**Brian Moss on behalf of Walid Dorani
49 North Street (Part 2)**

An application has been received from Brian Moss on behalf of Walid Dorani, for a variance from the provisions of By-law 1784.

The application is for permission to:

1. reduce the minimum required lot frontage from 24.5m to 24.0m;
2. increase the maximum permitted lot coverage from 20% to 29%; and
3. increase the maximum permitted building height from 8.5m to 9.0m.

The subject property is located at 49 North Street (Part 2) and is zoned Brooklin Secondary Plan Residential (R1-BP) within Zoning By-law 1784.

The requested variances are required to facilitate the severance of the subject property and to permit the construction of a new two storey detached dwelling.

In Support of Application

Brian Moss (Applicant)

In Attendance

Tim Knowles
Jennifer Knowles
Jamie Neault

The Chair introduced the application and asked the applicant if an application to sever the property was brought to the Durham Region Land Division Committee already.

B. Moss advised the Committee that an application to sever the lands was approved by the Durham Region Land Division Committee, with conditions, on March 15, 2021.

B. Moss noted that this application applies to the retained parcel of land (Part 2), and the only difference from application A/28/21 is variance #1 with regards to the lot frontage variance.

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 two letters from residents were received, and these items were circulated to the Committee prior to this 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: D. McCarroll

That the application to 1) reduce the minimum required lot frontage from 24.5m to 24.0m; 2) increase the maximum permitted lot coverage from 20% to 29%; and 3) increase the maximum permitted building height from 8.5m to 9.0m located at 49 North 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; and
2. Drainage from the proposed development shall not be directed onto adjacent properties.

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/30/21

**Manorgate Homes (Whitby) Inc.
1010 Dundas Street West**

An application has been received from Robert Lavecchia on behalf of Manorgate Homes, for a variance from the provisions of By-law 1784.

The application is for permission to reduce the minimum required exterior side yard setback to a water meter room from 3.0m to 0.6m.

The subject property is located at 1010 Dundas Street West and is zoned Medium Density (MD) within Zoning By-law 1784.

The requested variances are required to facilitate the construction of a proposed water meter room on the subject property.

In Support of Application	Robert Lavecchia (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.

R. Lavecchia introduced himself to the Committee as the applicant. He advised the Committee that the requested variance is required to permit a water meter room associated with a proposed townhouse development. The water meter room has been reviewed by the Planning Department and the Public Works Department, and there were no concerns raised. R. Lavecchia also noted that the water meter room is small in size and will not be intrusive on abutting land uses.

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

S. Haslam asked if the meter room was always anticipated to be attached to the end wall of a townhouse dwelling.

R. Lavecchia 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 reduce the minimum required exterior side yard setback to a water meter room from 3.0m to 0.6m located at 1010 Dundas Street 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. All drainage from the water meter room roof leaders will be connected to the private storm sewer system. No drainage shall spill onto the private walkway or public sidewalk adjacent to the structure.
3. The requested variance shall apply only to the proposed water meter/utility room.

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: B. O'Carroll

That the minutes of the Committee of Adjustment held on Thursday March 4, 2021 be adopted.

Carried

Item 4: Other Business

K. Kram advised the Committee that the Town has initiated the Comprehensive Zoning By-law Review process. She asked the Committee if at the end of the April 15th meeting if she can conduct a short presentation on the Comprehensive Zoning By-law Review process.

The Committee had no concerns with this request.

Item 5: Adjournment

Moved by: J. Cardwell

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original approved]

Secretary Treasurer

[Original approved]

Chair