



Minutes of the 14th Meeting of the Committee of Adjustment

Meeting Date: Thursday October 17, 2019
Meeting Time: 7:00 p.m.
Meeting Location: Whitby Municipal Building
575 Rossland Road East, Committee Room 1

Present:

S. Haslam, Chair
J. Cardwell
B. O'Carroll
D. McCarroll
N. Chornobay
J. Malfara, Secretary-Treasurer
J. Taylor, Manager of Planning Administration

Item 1: Disclosure of Interest:

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

Carried

Item 2: Public Hearings

A/73/19

**Silva Nercessian
49 Cassels Road East**

An application has been received from Silva Nercessian 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 exterior side yard setback to a garage from 9.0m to 3.0m;
2. reduce the minimum required setback from a street line to the door of a private garage from 5.8m to 3.0m;
3. increase the maximum permitted lot coverage from 20% to 29%; and
4. reduce the minimum length (internal dimension) of a private garage serving a single vehicle from 6.2m to 5.8m.

The requested variances are required to permit the conversion of an existing carport to an enclosed private garage on the subject property.

The subject property is located at 49 Cassels Road East and is zoned Brooklin Secondary Plan Residential 3 Zone (R3-BP) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Silva Nercessian (Owner)

In Opposition of Application

No one in attendance

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

S. Nercessian introduced herself to the Committee as the owner of the subject property. She advised the Committee that she and her partner moved into the home in November 2018, and since that time they have undertaken renovations and upgrades to the dwelling.

S. Nercessian noted that she and her partner are both pediatric nurses and are tasked with having to go to the hospital at any given time during the day/night. She noted that the main reason for enclosing the carport was to provide a sheltered area for their vehicles especially during the winter months. She also noted that two of the requested variances (No 1&3) were approved by the Committee, however, the 2009 Committee of Adjustment decision only applied to a carport and not a garage(as proposed).

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

B. O'Carroll asked the applicant if work to convert the carport to a garage was started before a building permit was issued.

S. Nercessian replied yes. She explained that she hired a contractor and they told her that a permit was not required. When she found out that a permit was actually required, they stopped working and submitted a building permit application.

B. O'Carroll asked the applicant if she was aware of the comments within the Planning Staff Report provided by the Heritage Department.

S. Nercessian replied yes. She noted that the Heritage Department has signed off on the exterior cladding work that was done to the dwelling, and if the variance application is approved, they will again be required to seek approval from the Heritage Committee on the garage design.

N. Chornobay asked the applicant if she was aware that if they decide to park on the driveway, in front of the proposed garage, their vehicle will overhang the paved boulevard.

S. Nercessian replied no.

N. Chornobay noted that this may impact their parking situation for additional vehicles if the Town ever decides to place a sidewalk on their side of the street.

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 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) reduce the minimum required exterior side yard setback to a garage from 9.0m to 3.0m; (2) reduce the minimum required setback from a street line to the door of a private garage from 5.8m to 3.0m; (3) increase the maximum permitted lot coverage from 20% to 29%; and (4) to reduce the minimum length (internal dimension) of a private garage serving a single vehicle from 6.2m to 5.8m, located at 49 Cassels Road East 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. Roof drainage from the proposed structure shall not drain on to the adjacent 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/74/19

**Brea & Vincent Blight
31 Kilberry Drive**

An application has been received from Brea & Vincent Blight for variances from the provisions of By-Law 2585.

The application is for permission to:

1. exempt the dwelling from the zone provision requiring that one of the two required parking spaces shall be located in either the side yard, rear yard or in a private garage or carport;
2. reduce the minimum required interior side yard setback to a second storey from 1.75m to 1.0m; and
3. reduce the minimum required interior side yard setback where no garage or carport facilities are provided from 4.5m to 1.0m.

The requested variances are required to permit a second storey building addition and to recognize living space within the existing garage.

The subject property is located at 31 Kilberry Drive and is zoned Single Family Detached Dwelling House R-2-A within the Town of Whitby Zoning By-law 2585.

In Support of Application

Carlos Leca (Designer)
Brea Blight
Vincent Blight

In Opposition of Application

No one in attendance

Also in Attendance

Yvonne Thompson

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

C. Leca introduced himself to the Committee as the designer retained by the owners of the subject property. The owners are proposing a second storey building addition above the existing one storey garage. The second storey addition will maintain the same interior side yard setback (1.0m) as the garage.

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

N. Chornobay asked the applicant if the addition will be adjacent to the west interior side yard, and for the applicant to confirm that the addition will include 2 bedrooms and one bathroom.

C. Leca replied yes to both questions.

J. Taylor noted that the one car garage was converted to living space approximately 25 years ago.

B. O'Carroll noted that on one of the plans a home office was shown. She asked the applicant if there will be a home based business at the property.

V. Blight replied no.

N. Chornobay asked the applicant if they advised their neighbour to the west about the proposed 2nd storey addition.

J. Malfara replied that a letter was received and circulated to the Committee from the neighbour at 29 Kilberry Drive indicating their support of the variances.

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 the only correspondence received was from the neighbour of 29 Kilberry Drive.

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

Y. Thompson introduced herself to the Committee as the owner 5 Pheasant Street. She was curious about the parking requirement for the property.

J. Taylor expressed that the minimum number of parking spaces required for the dwelling is 2 spaces, which the applicant has.

V. Blight further responded that the driveway can accommodate 3 parking spaces.

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

Moved by: D. McCarroll

That the application to (1) exempt the dwelling from the zone provision requiring that one of the two required parking spaces shall be located in either the side yard, rear yard or in a private garage or carport; (2) reduce the minimum required interior side yard setback to a second storey from 1.75m to 1.0m; and (3) to reduce the minimum required interior side yard setback where no garage or carport facilities are provided from 4.5m to 1.0m located at 31 Kilberry Drive be **Granted**.

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/75/19

**Kiya Investment Corp.
58 Vipond Road**

An application has been received from Kiya Investment Corp. for a variance from the provisions of By-Law 1784.

The application is for permission to reduce the minimum required lot frontage for a detached dwelling containing an accessory apartment from 10.5m to 10.0m.

The requested variance is required to permit an accessory apartment within a proposed two storey residential dwelling on the subject property.

The subject property is located at 58 Vipond Road and is zoned Residential Wide Shallow Zone (R2A*-WS/R2B*-WS/R2C*WS) within the Town of Whitby Zoning By-law 1784.

In Support of Application Lucky Dutt (Applicant)

In Opposition of Application No one in attendance

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

L. Dutt introduced himself to the Committee as the applicant. He advised the Committee that he is requesting a variance to reduce the minimum required lot frontage for a dwelling containing an accessory apartment by 0.5m, and that the variance is required to reflect the existing lot frontage. He noted that the intent of the Zoning By-law will be maintained and that the variance is minor in nature.

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

N. Chornobay asked the applicant if the accessory apartment was illustrated on the original permit drawings.

L. Dutt replied no. He noted that the original permit drawings (approved) were for a single family dwelling, and the accessory apartment was sought after the fact. It was at this time that he realized that a variance was required.

N. Chornobay asked the applicant if all other Zoning provisions are met.

L. Dutt replied yes.

B. O'Carroll asked the applicant if the house was being custom built for a purchaser.

L. Dutt replied no, and that the house will be owned and rented out by his company.

J. Cardwell asked the applicant if a building permit for the dwelling was approved.

L. Dutt replied yes. A revision to the permit will be required to permit the accessory apartment if the variance is approved.

D. McCarroll expressed concerns with the parking.

L. Dutt noted that the Zoning By-law required a minimum of three parking spaces, which is provided.

B. O'Carroll asked how many bedrooms the accessory apartment will have.

L. Dutt replied two.

B. O'Carroll asked how many bedrooms will be in the main dwelling.

L. Dutt replied three.

J. Cardwell asked for confirmation on the parking requirement.

J. Taylor replied that one parking space will be required for the accessory apartment and two spaces will be required for the main dwelling. He further noted that the Province has released affordable housing legislation that recommends that accessory apartment units within singles, semis, and townhouse dwellings.

N. Chornobay asked the applicant to confirm that the main dwelling unit as well as the accessory apartment dwelling will be rental.

L. Dutt replied yes.

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 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 application to reduce the minimum required lot frontage for a detached dwelling containing an accessory apartment from 10.5m to 10.0m located at 58 Vipond Road 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 2: Public Hearings

A/76/19

**Robert, Dawn, Taylor Sutherland and Mitchell Hunter
84 Guthrie Crescent**

An application has been received from Robert, Dawn, Taylor Sutherland and Mitchell Hunter 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 lot frontage for an accessory apartment located within a semi-detached dwelling unit from 10.0m to 9.3m; and
2. reduce the minimum required front yard landscaped open space from 40% to 33%.

The requested variances are required to permit an accessory apartment within an existing semi-detached dwelling located on the subject property.

The subject property is located at 84 Guthrie Crescent and is zoned Single Family Semi-Detached Dwelling House (R-3-B) within the Town of Whitby Zoning By-law 1784.

In Support of Application

Bill Sutherland (Applicant)

In Opposition of Application

Pat Sawdon
Madeleine Riley

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

B. Sutherland introduced himself and family to the Committee. He advised the Committee that he is proposing an accessory apartment within the basement of the dwelling for a family member. He provided an outline of the requested variances and also noted that the property will be able to accommodate 3 parking spaces.

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

D. McCarroll asked the applicant if a curb cut will be required.

B. Sutherland replied no.

N. Chornobay asked the applicant if he applied for an accessory apartment permit already.

B. Sutherland replied no.

N. Chornobay asked if the pedestrian door located on the side of the dwelling provides access to the garage or to the basement.

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B. Sutherland replied that the access was directly to the basement.

The Chair asked if variance number one was to recognize the existing lot frontage.

B. Sutherland replied yes.

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 no correspondence was received.

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

P. Sawdon introduced herself to the Committee as the owner of 86 Guthrie Crescent. She advised the Committee that she was not in support of the variance or the proposed accessory apartment. She stated that these dwellings were constructed as semis and singles and were not meant to have accessory apartment units. She referenced an existing accessory apartment located within the dwelling at 88 Guthrie Crescent and expressed her disapproval.

The Chair advised P. Sawdon that accessory apartments are permitted by the Zoning By-law subject to meeting the zoning provisions.

P. Sawdon asked the Committee what is stopping her from constructing an accessory apartment within her dwelling.

The Chair replied by advising her that she would be permitted to do this if the accessory apartment complied with the Zoning By-law provisions.

The Chair further noted that the Province had released a mandate advising municipalities to increase alternative and affordable housing options in ground related dwellings.

P. Sawdon noted that there are other issues on the street and the Town has not resolved them, even after reporting the problems.

B. O'Carroll advised P. Sawdon that the identified problems are out of the reach of the Committee.

P. Sawdon stated that the dwelling will only have one fire escape from the main floor once the basement is converted to an apartment.

B. Sutherland replied that residents within the main floor can exit through the basement door in the event of a fire.

P. Sawdon responded by advising the applicant that the dwelling was originally constructed as a single family dwelling.

B. Sutherland agreed, but the house had many safety issues. He is now proposing to remedy the existing safety issues as well as create an accessory apartment for one of their family members that complies with the building code.

P. Sawdon advised the Committee that if the variances are approved and an accessory apartment is constructed within the applicants dwelling, this will decrease the value of her home.

B. Sutherland disagreed with this statement.

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

M. Riley introduced herself as the owner of 94 Guthrie Crescent She stated that her concerns are similar to P. Sawdon's.

Moved by: J. Cardwell

That the application to (1) reduce the minimum required lot frontage for an accessory apartment located within a semi-detached dwelling unit from 10.0m to 9.3m; and (2) reduce the minimum required front yard landscaped open space from 40% to 33% located at 84 Guthrie Crescent be **Granted** subject to the following condition:

1. That the site grading and all other services conform to the requirements of the Public Works Department.

Carried

Reason: The members of the Committee were of the opinion that the variances are minor in nature; that the general intent and purpose of the By-law and the Official Plan is being maintained, and further that the granting of the application is desirable and would result in the appropriate development of the property.

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

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 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: D. McCarroll

That the application to increase the maximum permitted building height from 8.5m to 8.7m located at 24 Barnabas Street 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 2: Public Hearings

A/78/19

**Cindy and Lui Sgroi
11 Queen Street**

An application has been received from Cindy and Lui Sgroi 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 30%;
2. reduce the minimum required front yard setback (existing) from 9.0m to 5.3m;
and
3. increase the maximum permitted projection of a covered porch within a front yard from 1.5m to 2.1m.

The requested variances are required to permit the enlargement of the existing single detached residential dwelling located on the subject property.

The subject property is located at 11 Queen Street and is zoned Brooklin Secondary Plan Residential 3 Zone (R3-BP) within Zoning By-law 1784.

In Support of Application	Cindy Sgroi (Applicant) Lui Sgroi (Applicant)
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In Opposition of Application	No one in attendance
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

C. Sgroi introduced herself to the Committee as the owner of the subject property. She advised the Committee that they recently purchased the property and are proposing a building addition. The building addition will also include a two car integral garage and the enlargement of the existing covered porch within the front yard.

The Chair asked the applicant if she was aware of the comments from the Public Works Department.

C. Sgroi replied yes. She spoke with her architect and they are coordinating a consultant to address the Public Works comments.

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: N. Chornobay

That the application to (1) increase the maximum permitted lot coverage from 20% to 30%; (2) reduce the minimum required front yard setback from 9.0m to 5.3m; and (3) increase the maximum permitted projection of a covered porch within a front yard from 1.5m to 2.1m located at 11 Queen Street be **Granted** subject to the following condition:

1. Provide to the Public Works Department for their review and approval an acceptable Grading Plan and Stormwater Management Brief, demonstrating the feasibility of the proposal. The Brief shall calculate the additional flows from the increased lot coverage, and show how the additional flows will be accommodated.

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.

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 September 26, 2019 be adopted.

Carried

Item 4: Other Business

There were no items raised under other business

Item 5: Adjournment

Moved by: N. Chornobay

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original approved and signed]

Secretary Treasurer

[Original approved and signed]

Chair