



Minutes of the 1st Meeting of the Committee of Adjustment

Meeting Date: Thursday January 18, 2018
Meeting Time: 7:00 p.m.
Meeting Location: Whitby Municipal Building
575 Rossland Road East, Committee Room 1

Present:

N. Chornobay, Chair
S. Haslam
J. Cardwell
B. O'Carroll
D. McCarroll
J. Malfara, Secretary-Treasurer
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: Elections, Committee of Adjustment Chair and Vice-Chair 2018:

Chair

J. Taylor opened the floor to nominations for the position of Chair of the Whitby Committee of Adjustment for 2018.

D. McCarroll nominated N. Chornobay for the position.

N. Chornobay accepted the nomination.

J. Taylor opened the floor to further nominations. No other nominations were received.

Moved by: J. Cardwell

That N. Chornobay be acclaimed as the Chair of the Whitby Committee of Adjustment for 2018.

Carried

Vice-Chair

J. Taylor opened the floor to nominations for the position of Vice-Chair of the Whitby Committee of Adjustment for 2018.

B. O'Carroll nominated D. McCarroll for the position.

D. McCarroll accepted the nomination.

J. Taylor opened the floor to further nominations. No other nominations were received.

Moved by: S. Haslam

That D. McCarroll be acclaimed as the Vice-Chair of the Whitby Committee of Adjustment for 2018.

Carried

Item 3: Alteration to Agenda Order:

Moved by: D. McCarroll

That application A/01/18 be considered as the last Public Hearing item.

Carried

Item 4: Public Hearings

A/02/18

**RioKim Holdings (Ontario) Inc.
1629 Victoria St E**

An application has been received from RioKim Holdings (Ontario) Inc. for a variance from the provisions of By-Law 1784.

The application is for permission to reduce the minimum single user unit size for any Retail Warehouse Facility use from 1,860 square metres to 929 square metres.

The subject property is located at 1629 Victoria St E and is zoned (AS-CW,C2-S-RW-5).

In Support of Application	Oz Kemal (Planning Consultant - MHBC) Stefan Wisniowski (Owner/Representative)
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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.

O. Kemal introduced himself to the Committee as the Planning Consultant acting on behalf of the applicant who is also in attendance (S. Wisniowski). O. Kemal expressed his support for the application. O. Kemal provided a summary of the requested variance and advised the Committee that similar variances have been approved in the surrounding area.

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

D. McCarroll asked the applicant why the existing building was to be reconfigured.

O. Kemal responded, stating that the market demand for large single user retail warehouse buildings are shrinking, and that the internal unit configuration within the existing building is reflective of current market demands.

S. Haslam asked the applicant if the on-site parking will remain the same.

O. Kemal responded, stating that the existing on-site parking will remain un-altered.

B. O'Carroll asked the applicant which uses other than the proposed fitness center may be included within the building.

S. Wisniowski advised the Committee that they are currently in discussions with other brand box stores and electronic stores.

The Chair noted to the applicant that Unit 15 does not appear to comply with the minimum area requirements for a retail warehouse.

The applicant advised the Committee that it is their intent to lease the space for a use permitted in the M1A* Zone, which has no size limitations.

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application. There was none.

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 reduce the minimum single user unit size for any Retail Warehouse Facility use from 1,860 square metres to 929 square metres located at 1629 Victoria St E 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 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 4: Public Hearings

A/03/18

**Nancy & Peter Callaghan
4 Burgundy Court**

An application has been received from Nancy & Peter Callaghan for a variance from the provisions of By-Law 1784.

The application is for permission to reduce the minimum required rear yard setback to an unenclosed deck and staircase projecting from the first storey of a dwelling from 6.0 metres to 4.60 metres

The subject property is located at 4 Burgundy Court and is zoned (R2C*).

In Support of Application Josh Fletcher (Agent)

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. Fletcher introduced himself to the Committee as the Agent representing the owners of the subject property. J. Fletcher provided the Committee with a summary of the requested variance advising that the existing setback requirement to the proposed porch was too restrictive and would limit the usable amenity space on the proposed deck.

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

J. Cardwell asked the applicant if he read the staff report.

J. Fletcher replied that he read the staff report.

J. Cardwell asked the applicant if he is aware that no construction shall occur on or above the swale located in the west side yard of the property.

J. Fletcher replied, stating that he is aware of this condition and that the proposed deck will not encroach into the swale.

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application. There was none.

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

The Chair asked if there are any further questions of the Committee. There was none.

Moved by: J. Cardwell

That the application to reduce the minimum required rear yard setback to an unenclosed deck and staircase projecting from the first storey of a dwelling from 6.0 metres to 4.60 metres located at 4 Burgundy Court 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 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 4: Public Hearings

A/01/18

John Blasko
3700 Anderson St

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

The application is for permission to increase the maximum permitted width of a circular driveway at the street line from 4.0m to 5.0m for the southerly driveway entrance.

The subject property is located at 3700 Anderson St and is zoned (A).

In Support of Application

None at the time

(The applicant was absent from the meeting as a result of a family emergency)

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. There was no one.

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application. There was none.

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

The Chair asked if there were any questions of the Committee. There was none.

Moved by: B. O'Carroll

That the application to increase the maximum permitted width of a circular driveway at the street line from 4.0m to 5.0m to the "as-built" driveway width constructed as of January 18, 2017 for the southerly driveway entrance located at 3700 Anderson St, 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 variance is minor in nature; that the general intent and purpose of the By-law and the Official Plan is being maintained, and further that the granting of the application is desirable and would result in the appropriate development of the property.

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

Minutes of the 1st Meeting of Committee of Adjustment

Item 5: Approval of Previous Minutes

Moved by: S. Haslam

That the minutes of the Committee of Adjustment held on Thursday December 28, 2017 be adopted.

Carried

Item 6: Other Business

J. Taylor advised the Committee of a decision by the Town of Whitby Planning and Development Committee on January 15, 2018 to wave a two year moratorium with respect to the provisions of Bill 73.

J. Taylor concluded that the provision of Bill 73, which prevents applicants from applying for a minor variance application within 2 years of the passing of a private initiated site specific zoning amendment will no longer apply if approved by Council on January 29, 2018.

There were no comments provided by the Committee.

Item 7: Adjournment

Moved by: J. Cardwell

That this meeting of the Committee of Adjustment be adjourned.

Carried

Secretary Treasurer

Chair