

# Minutes of the 2nd Meeting

## Committee of Adjustment

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**Meeting Date:** Thursday February 9, 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

K. Docherty

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/05/23**

**Abby Steele**

**45 Station Road**

An application has been received from Abby Steele, for variances from the provisions of By-law 5581-05.

The application is for permission to 1) increase the maximum projection of an unenclosed porch into an existing legal non-complying front yard setback (6.1m) from 1.5m to 2.5m; and 2) permit the issuance of a building permit on a lot which does not front upon an improved public street.

The requested variances are required to permit the construction of a covered porch and additions for a sunroom and attached garage on the subject property.

The subject property is located at 45 Station Road and is zoned Oak Ridges Moraine Residential 3 (ORM-R3) within the Town of Whitby Zoning By-law 5581-05.

In Support of Application Abby Steele (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.

A. Steele introduced herself to the Committee and provided a brief overview of the requested variances. She clarified that the variances are required to permit a covered porch within the front yard of the property.

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

S. Haslam asked staff if there is any plan to convert the private road to a public road.

J. Malfara replied not to his knowledge.

K. Docherty asked if the road is ploughed by the Town.

A. Steele replied the Town.

The Chair asked who owns the road.

J. Williams replied CP Rail.

The Chair asked if she has an access easement over the road to gain access to her property.

J. Williams was unaware of an access easement.

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 projection of an unenclosed porch into an existing legal non-complying front yard setback (6.1m) from 1.5m to 2.5m; and 2) permit the issuance of a building permit on a lot which does not front upon an improved public street located at 45 Station Rd 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. Stormwater shall not be directed onto abutting lands; and
3. The Owner shall obtain a permit from CLOCA prior to any site alteration or development.

**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.

**A/06/23**  
**NF HOPKINS LTD**  
**901 Hopkins St**

An application has been received from NF Hopkins LTD, for variances from the provisions of By-law 2585.

The application is for permission to 1) increase the maximum permitted building height from 12.5m to 14.0m; 2) decrease the required parking space ratio from 1 space per 100 sq.m GFA to 1 space per 200 sq.m GFA for a warehouse distribution centre; and 3) permit non-visitor parking within an exterior side yard.

The requested variances are required to permit the construction of a 27,244.0 sq.m industrial/office building on the subject lands.

The subject property is located at 901 Hopkins Street and is zoned Holding - Restricted Industrial Exception 1 (H-M2-1) and Flood Zone (F) within the Town of Whitby Zoning By-law 2585.

In Support of Application	Steve Edwards (Applicant) Peter Henley (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.

S. Edwards introduced himself to the Committee representing the owner of the property. S. Edwards provided an overview of the proposed industrial development and an overview of each of the requested variances.

S. Edwards noted 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. There were no questions.

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. Rinella**

That the application to 1) increase the maximum permitted building height from 12.5m to 14.0m; 2) decrease the required parking space ratio from 1 space per 100 sq.m GFA to 1 space per 200 sq.m GFA for a warehouse distribution centre; and 3) permit non-visitor parking within an exterior side yard located at 901 Hopkins St 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. Stormwater shall not be directed onto abutting lands;
3. The Owner shall obtain a permit from CLOCA prior to any site alteration or development; and
4. That the parking ratio for warehouse distribution uses be 1 space per 200 sq.m of G.F.A.

### **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 3: Approval of Previous Minutes**

**Moved by:** J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday January 19, 2023 be adopted.

**Carried**

### **Item 4: Other Business**

S. Haslam asked staff if a PDF of the 2023 Committee of Adjustment schedule can be circulated to the members.

J. Malfara replied yes.

K. Docherty asked if there was any additional information the Town requires from the new Committee members.

J. Malfara noted that all administrative matters have been completed and no further information is required at this time.

### **Item 5: Adjournment**

**Moved by:** K. Docherty

That this meeting of the Committee of Adjustment be adjourned.

**Carried**

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Secretary Treasurer

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Chair