



# Minutes of the 9th Meeting

## Committee of Adjustment

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**Meeting Date:** Thursday July 6, 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  
R. Chow, Secretary-Treasurer  
J. Malfara, Planner II, Policy Planning  
J. Taylor, Senior Manager, Zoning & Regulation

### **Item 1: Disclosure of Interest:**

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

**Carried**

## **Item 2: Appointment of New Secretary-Treasurer:**

**Moved by: N. Chornobay**

That R. Chow be appointed as the new Secretary-Treasurer.

**Carried**

## **Item 3: Public Hearings:**

**A/29/23**

**Vizion Media Inc. (Raymond McCarthy)  
602 Perry St**

An application has been received from Vizion Media Inc. (R. McCarthy) for variances from the provisions of By-Law 2585.

The application is for permission to (1) increase the maximum permitted driveway width from 4.4 m to 6.5 m; (2) to reduce the minimum required side yard setback from 2.0 m to 1.2 m; and (3) to reduce the minimum internal width of the garage from 3.0 m to 2.7 m.

The requested variances are required to permit a garage and a 2nd storey addition to the existing single detached dwelling.

In Support of Application                    R. McCarthy (Applicant)

In Opposition of Application None        None at this time.

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

R. McCarthy introduced himself to the Committee and explained the proposed modifications to the subject property.

The Chair asked the applicant for clarification if the third variance had been withdrawn to reduce the minimum internal width of the garage from 3.0 m to 2.7 m.

R. McCarthy confirmed yes and explained that revisions to the garage design no longer required the need for that variance. R. McCarthy then provided an overview of the other variances.

The Chair asked the applicant to confirm that the first variance was to increase the maximum permitted driveway width from 4.4 m to 6.5 m.

R. McCarthy confirmed yes.

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

There were none.

S. Haslam asked the applicant if they were okay with providing a grading plan and a construction management report.

R. McCarthy said he was planning on providing a grading plan and that the contractor would provide a construction management report. R. McCarthy stated that a contractor was not yet involved, and he would need to further research the requirements of a construction management report, but that acquiring the construction management report would not be of any issue for him.

There were no further questions from the Committee.

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

R. Chow 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 driveway width from 4.4 m to 6.5 m and (2) to reduce the minimum required side yard setback from 2.0 m to 1.2 m at 602 Perry St be **Granted** subject to the following condition:

1. That the site grading and services shall conform to the requirements of the Engineering Services Department; and,
2. Roof leaders from the proposed structure shall not spill onto the neighbouring 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.

A/30/23

**GSP Group Inc. (Eric Saulesleja)**  
**4150 Garden St**

An application has been received from GSP Group Inc. (E. Saulesleja) for a variance from the provisions of By-Law 1784.

The application is for permission to reduce the parking rate from 1 space per 19 m<sup>2</sup> of gross floor area to 1 space per 23 m<sup>2</sup> of gross leasable area.

The requested variance is required to allow for greater future commercial leasing flexibility on the subject site.

In Support of Application      E. Saulesleja (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.

E. Saulesleja introduced himself to the Committee and explained the purpose of the minor variance application. E. Saulesleja provided his rationale for why the variance should be approved and stated that he and his client are in favour of recommendations included in the staff report.

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

J. Cardwell asked if there was any likelihood of finding tenants that would be restaurants with more seating.

E. Saulesleja advised that he was not sure of the likelihood and noted that the commercial units would be for people travelling to the area who may want to do multi-use trips. He advised that the proposal was strictly for flexibility in leasing.

The Chair asked if the need for a variance was related to the new By-Law being passed.

E. Saulesleja advised that the proposal was for future flexibility in leasing and changeover in tenants.

The Chair asked for further clarification of the variance.

J. Taylor explained why the variance to change the required parking rate is needed in order to increase flexibility in leasing without having to add additional parking stalls. J. Taylor noted that parking capacity at the property is not a concern, and that Public Works was also in support of the application under the condition that the applicant update a previously submitted parking justification report.

There were no further questions from the Committee.

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

R. Chow 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 reduce the parking rate from 1 space per 19 m<sup>2</sup> of gross floor area to 1 space per 23 m<sup>2</sup> of gross leasable area at 4150 Garden St be **Granted** subject to the following conditions:

1. That the proponent provides an updated parking justification for the reduction in parking spaces; and,
2. That all other Engineering Services site plan requirements for SP-04-18 are complied with.

**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/31/23

**Raj Guduri**  
**37 Hahn St**

An application has been received from R. Guduri for variances from the provisions of By-Law 1784.

The application is for permission to (1) reduce the required width of a driveway/surface parking space from 2.75 m to 2.4 m, (2) widen the driveway from 4.4 m to 4.8 m, (3) reduce the length of 1 driveway parking space from 5.8 m to 5.29 m, and (4) reduce the interior side yard setback to a below grade access stairway from 0.6 m to 0.3 m.

The requested variances are required to permit an accessory apartment within the existing detached dwelling.

In Support of Application                    R. Guduri (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.

R. Guduri introduced himself to the Committee and provided an overview of the proposal. R. Guduri noted that he began planning for his proposed accessory apartment prior to changes to the provincial planning legislation and was caught between different provincial requirements for parking spaces for accessory apartments. R. Guduri expressed his need for the variances to permit an additional parking spot in order to permit an accessory apartment.

The Chair asked if the new requirement is for 3 parking spaces not 2 parking spaces.

R. Guduri said yes.

J. Taylor explained the parking requirements for accessory apartments in Whitby, and how the requirements had changed after R. Guduri had prepared a building permit application for his accessory apartment therefore requiring him to alter his original plans.

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

J. Cardwell asked if R. Guduri had already applied for a building permit.

R. Guduri answered not yet.

J. Cardwell asked for clarification on if the basement door was on the right-hand side of the house.

R. Guduri answered yes.

J. Cardwell asked if the door would be above-grade or below-grade.

R. Guduri answered the door would be 1 step below-grade.

J. Cardwell asked if the garage is fully usable to park a car.

R. Guduri answered yes.

J. Cardwell asked if there would be any issue parking in the smaller proposed driveway parking space.

R. Guduri answered no.

There were no further questions from the Committee.

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

R. Chow 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) reduce the required width of a driveway/surface parking space from 2.75 m to 2.4 m, (2) widen the driveway from 4.4 m to 4.8 m, (3) reduce the length of 1 driveway parking space from 5.8 m to 5.29 m, and (4) reduce the interior side yard setback to a below grade access stairway from 0.6 m to 0.3 m located at 37 Hahn St be **Granted** subject to the following condition:

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

**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/32/23**

**S. Gonsalves & S. Gonsalves  
21 Duke St**

An application has been received from S. Gonsalves and S. Gonsalves for variances from the provisions of By-Law 1784.

The application is for permission to (1) increase the permitted maximum lot coverage from 20% to 24%, and (2) to reduce the minimum front yard setback from 9 m to 6.1 m.

The requested variances are required to permit a 2-storey addition to the existing single-detached dwelling.

In Support of Application                    C. Knaggs (Representative to applicants)

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.

C. Knaggs introduced herself to the Committee as a representative of the applicants and of the builder, Northbrook. C. Knaggs provided an overview of the proposal and of the requested variances.

The requested variances are required to permit a 2-storey addition to the existing single-detached dwelling.

S. Haslam asked if C. Knaggs was aware of the conditions to submit a grading plan, a construction management report, and a tree survey.

C. Knaggs said a grading plan and construction management report will be done but that she was not aware of a tree survey.

S. Haslam provided clarification that the tree survey was requested in the landscaping comments section of the staff report.

C. Knaggs advised that she is willing to look into completing a tree survey.

There were no further questions from the Committee.

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

R. Chow 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: K. Docherty.**

That the application to (1) increase the permitted maximum lot coverage from 20% to 24%, and (2) to reduce the minimum front yard setback from 9 m to 6.1 m. located at 21 Duke St be **Granted** subject to the following condition:

1. That the site grading and services shall conform to the requirements of the Engineering Services Department; and
2. Roof leaders from the proposed structure shall not spill onto the neighbouring 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.

**A/33/23**

**Sunspace Sunrooms (Colin Reaume)  
102 Candlebrook Dr**

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

The application is for permission to reduce the minimum rear yard setback from 11.5 m to 9.8 m.

The requested variance is required to permit the addition of a 3-season sunroom to the rear of the existing street townhouse dwelling.

In Support of Application                   C. Romic

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.

C. Romic introduced herself to the Committee and provided an overview of the proposal.

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

J. Cardwell asked what the structure would be made out of.

C. Romic advised that the windows of the sunroom would be made of a special non-glass material used by the contractor, Sunspace. She noted that 3 sides of the sunroom would be windows and screen, while the 4<sup>th</sup> side would be made of aluminum.

S. Haslam asked if the sunroom would be situated on a raised deck.

C. Romic advised that the deck was raised and that she obtained a permit from the Town for the deck last year.

S. Haslam asked if C. Romic planned to close the bottom of the deck.

C. Romic responded not at this time.

There were no further questions from the Committee.

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

R. Chow 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 rear yard setback from 11.5 m to 9.8 m. located at 102 Candlebrook Dr be **Granted** subject to the following condition:

1. That the site grading and services shall conform to the requirements of the Engineering Services Department; and,
2. Roof leaders from the proposed structure shall not spill onto the neighbouring properties.

**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: Approval of Previous Minutes**

**Moved by:** J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday June 15, 2023 be adopted.

**Carried**

#### **Item 5: Other Business**

There were no items raised under other business.

#### **Item 6: 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