



Minutes of the 1st Meeting

Committee of Adjustment

Meeting Date: Thursday January 19, 2023

Meeting Time: 7:00 p.m.

Meeting Location: Virtual Meeting

Present:

S. Haslam

N. Chornobay

J. Cardwell

K. Docherty

J. Rinella

J. Malfara, Secretary-Treasurer

J. Taylor, Senior Manager, Zoning & Administration

Item 1: Appointment of Chair and Vice-Chair:

J. Malfara opened the meeting and advised the Committee that a Chair and Vice-Chair will have to be appointed.

J. Cardwell nominated and made a motion to appoint N. Chornobay as Chair for the 2023 term.

N. Chornobay accepted the nomination.

Carried

Item 2: Appointment of Vice-Chair:

The Chair asked for a nomination of Vice-Chair.

S. Haslam nominated J. Cardwell as the Vice-Chair.

J. Cardwell accepted the nomination.

Carried

Item 3: Disclosure of Interest:

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

Carried

Item 4: Public Hearings

A/01/23

BRIAN MOSS C/O BURNS ADAM
7632 Cochrane St

An application has been received from Brian Moss C/O Burns Adam, for variances from the provisions of By-law 1784.

The application is for permission to 1) permit an accessory structure within a front yard; and 2) reduce the minimum front yard setback to an accessory structure from 15.0m to 9.9m.

The requested variances are required to permit the construction of an accessory structure within the front yard of the subject property.

In Support of Application

B. Moss (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.

B. Moss introduced himself to the Committee as the applicant. B. Moss provided a brief overview of the requested variances. He advised the Committee that the variances are required to permit an accessory structure in the front yard while meeting setback requirements imposed by the Conservation Authority.

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

J. Cardwell asked if the existing storage structures and trailers located in the front yard will be removed.

B. Moss replied yes.

S. Haslam noted that a condition should be included to reflect the comments provided by the Town of Whitby Landscape Department comments.

In response to the Landscape Department's comments, B. Moss confirmed that the existing tress in the front yard are located on the applicant's private property.

The Chair asked staff if a condition can be imposed by the Committee to address the comments provided by the Landscape Department.

J. Taylor 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 and no one registered to speak to the application.

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 1) permit an accessory structure within a front yard; and 2) reduce the minimum front yard setback to an accessory structure from 15.0m to 9.9m located at 7632 Cochrane 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 Division; and
2. That prior to the issuance of a Building Permit, the applicant shall confirm through a survey, that the existing trees located along the front lot line are situated on private 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 4: Public Hearings

A/02/23

DAVIDSON LILY

44 Garrard Rd

An application has been received from Lily Davidson, for a variance from the provisions of By-law 1784.

The application is for permission to reduce the minimum required frontage for a property containing a circular driveway from 25.0m to 20.0m.

The requested variance is required to permit a circular driveway on the subject property.

In Support of Application

J. Sochacki (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. Sochacki introduced himself as the agent representing the owners of the subject property. J. Sochacki advised the Committee that the requested variance is required to permit a circular driveway on the subject property. He noted that Garrard Road is very busy and a circular driveway would assist with accessing the property. He also provided examples of other circular driveways along Garrard Road in proximity to the subject lands.

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

K. Docherty asked J. Sochacki to confirm that there are similar circular driveways located in proximity to the subject lands.

J. Sochacki replied yes.

J. Taylor provided a brief overview of the Zoning By-law as it related to when circular driveway provisions were introduced in 2014. He noted that similar variances for circular driveways were approved in the past by the Committee.

J. Rinella asked if the requested variance is similar to what has been approved by the Committee in the past.

J. Taylor replied yes.

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

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J. Malfara advised the Committee that no correspondence was received and no one registered to speak to the application.

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 required frontage for a property containing a circular driveway from 25.0m to 20.0m located at 44 Garrard Rd be Granted subject to the following condition:

1. That the site grading and all other services conform to the requirements of the Engineering Services 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/03/23

CALDER REBECCA FIONA CALDER MELVIN PATRICK
20 Cassels Rd E

An application has been received from Rebecca Calder, for a variance from the provisions of By-law 1784.

The application is to permit retail uses in conjunction with 1 or more of the permitted uses in Section 13.5.1.4 of the MUR-VB zone.

The requested variance is required to permit a retail and office use on the subject property.

In Support of Application

R. Calder (Owner)

C. Francki

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. Calder introduced herself to the Committee as the owner of the subject property. She advised the Committee that the minor variance is required to permit a retail use on the subject property. She concluded that no alterations are proposed to the exterior of the building.

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

S. Haslam asked if the applicant was aware of the comments provided by the Engineering Services Division.

R. Calder replied yes. She advised the Committee that the property is currently used as a private school, and to date there have not been any observed stormwater issues.

S. Haslam asked that the engineering condition be simplified to address all comments provided by the Engineering Services Division, not just grading comments.

C. Francki introduced himself as the future tenant of the property. He advised the Committee that grading and servicing matters will be addressed at a time when they move forward with any site alteration activities including a proposed parking lot reconfiguration.

K. Docherty asked if consideration has been given to floor load capacity within the existing building.

R. Calder noted that their engineer has concluded that the proposed use would not have any adverse implications.

K. Docherty noted that the findings of the applicant's engineer would be relevant to share with the Town.

J. Taylor noted that in situations like this, alterations to the interior of the unit is often required, and this may include alterations to plumbing, electrical, etc. These types of alterations would trigger a building permit and therefore review from Building Staff.

J. Taylor also noted that commercial uses are permitted on this site, but the zoning is silent with regards to retail uses.

R. Calder expressed that the Brooklin Secondary Plan will be revised to designate the lands as commercial.

J. Taylor clarified that the Secondary Plan designates the lands as mixed-use, and there is no proposal to amend the land use designation.

The Chair asked if the building is designated under the Heritage Act.

J. Taylor replied that the property falls within the Heritage District, and any alterations to the property or exterior of the building will require approval from the Town's Heritage Division.

J. Cardwell asked the applicant to confirm where chlorine will be stored.

C. Francki replied that the chlorine will be stored in a drum within the rear yard of the property.

J. Cardwell asked if Town staff were aware of this.

J. Taylor replied yes, and there were no concerns.

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 and no one registered to speak to the application.

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 permit retail uses in conjunction with 1 or more of the permitted uses in the MUR-VB zone (S.13.5.1.4) located at 20 Cassels Rd E be Granted subject to the following condition:

1. That the proposal shall conform to the requirements of Engineering Services Division.

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/04/23

KOUKIDIS JOHN

700 Green St

An application has been received from John Koukidis, for variances from the provisions of By-law 2585.

The application is for permission to 1) increase the maximum permitted lot coverage from 40% to 47%; 2) reduce the minimum exterior side yard setback from 3.0m to 2.0m; 3) increase the maximum permitted FSI from 0.4 to 0.75; 4) increase the maximum permitted driveway width from 7.5m to 9.0m; and reduce the minimum required driveway setback to an abutting intersection from 6.0m to 4.0m.

The requested variances are required to permit the construction of a two storey detached dwelling with an accessory apartment on the subject property.

In Support of Application

J. Koukidis (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. Koukidis introduced himself to the Committee as the owner of the subject property. He advised the Committee that the requested variances are required to permit a proposed detached dwelling on the subject property. J. Koukidis also noted that he spoke with the Town's Engineering Division and they had no concerns with the proposed driveway setback to the abutting intersection to the north.

J. Koukidis concluded that the variances are minor in nature.

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

S. Haslam identified that the Town is requesting that the driveway width not exceed 8.25m instead of the 9.0m requested.

S. Haslam made note of the comments provided by the Landscape Division and asked if any conditions need to be imposed to reflect the comments.

J. Malfara replied no.

J. Koukidis advised the Committee that a tagged Town tree is located on his property, and he would like to remove it.

A conversation ensued on the ownership of the tagged tree.

J. Malfara advised J. Koukidis that this matter will have to be addressed by the Towns Forestry Staff and Landscape Division.

The Chair noted that it would be helpful to see a front elevation drawing, and had no further 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 and no one registered to speak to the application.

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 lot coverage from 40% to 47%; 2) reduce the minimum exterior side yard setback from 3.0m to 2.0m; 3) increase the maximum permitted FSI from 0.4 to 0.75; 4) increase the maximum permitted driveway width from 7.5m to 8.25m; and (5) reduce the minimum required driveway setback to an abutting intersection from 6.0m to 4.0m located at 700 Green St be Granted subject to the following conditions:

1. The site grading shall conform to the requirements of the Engineering Services Division;
2. Roof leaders from the proposed structure shall not spill onto the neighbouring properties; and
3. The driveway shall not exceed 8.25m in width.

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 5: Approval of Previous Minutes

Moved by: J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday December 1, 2022 be adopted.

Carried

Item 6: Other Business

S. Haslam asked if the full 2023 Committee meeting schedule will be circulated to the Committee members.

J. Malfara replied yes.

N. Chornobay noted that staff should clarify which landscape comments should be imposed as conditions versus what is typically addressed by default as part of a permit submission.

Item 7: Adjournment

Moved by: J. Rinella

That this meeting of the Committee of Adjustment be adjourned.

Carried

Chair