



Minutes of the 4th Meeting of the Committee of Adjustment

Meeting Date: Thursday March 22, 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
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: Public Hearings

A/11/18

**1650 McEwen Drive Inc.
McEwen Drive**

An application has been received from 1650 McEwen Drive Inc. for variances from the provisions of Zoning By-Law 1784.

The application is for permission to:

1. reduce the minimum required interior side yard setback (east) from 7.5m to 3.4m; and
2. reduce the minimum required rear yard setback from 13.5m to 8.0m.

The subject property is located at 1650 McEwen Drive and is zoned Restricted Industrial (M1) within the Town of Whitby Zoning By-law 1784.

In Support of Application Michael Mazzota (Owners Representative)

In Opposition of Application None

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

M. Mazzota introduced himself to the Committee and provided an overview of the requested variances. M. Mazzota advised that the proposed industrial building will be located beside their existing building on the neighbouring lands to the west.

M. Mazzota advised the Committee that he has spoken to the owners of 1650 and 1700 McEwen Drive and there were no issues raised with the proposed variances.

The Chair asked if there were any questions from the Committee. There was 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 there was no correspondence received in relation to the subject 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: D. McCarroll

That the application to (1) reduce the minimum required interior side yard setback (east) from 7.5m to 3.4m; and (2) reduce the minimum required rear yard setback from 13.5m to 8.0m located at 1650 McEwen Drive 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 that the granting of the application is desirable and would result in the appropriate development of the property.

The contents of the staff report and oral submissions were considered and had an effect on the Committee's decision.

Item 2: Public Hearings

A/12/18

**Hroch Milan & Gabriela
187 Meadow Road**

An application has been received from Hroch Milan & Gabriela for variances from the provisions of Zoning By-Law 1784.

The application is for permission to:

1. increase the maximum permitted lot coverage from 20% to 25%; and
2. increase the maximum permitted driveway width from 7.5m to 8.5m

The subject property is located at 187 Meadow Rd and is zoned Second Density Residential (R2) within Zoning By-law 1784.

In Support of Application

Gabriela Hroch
Milan Hroch

In Opposition of Application

None

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

G. Hroch introduced herself to the Committee as the owner of the property. G. Hroch advised the Committee that the variances are required to permit the construction of a new dwelling on the property.

The Chair asked if there were any questions from the Committee. There was 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 a letter (email) was received from the owner of the property located at 177 Meadow Road. The owner, Omeed Neekon, expressed concerns regarding best practices to occur during the demolition process if a hazardous material such as asbestos is found within the existing dwelling.

The Chair asked if a demolition permit will be required to remove the existing dwelling on the property.

J. Taylor replied that a demolition permit will be required. With respect to best practices for asbestos abatement, if found in the existing dwelling, it is the responsibility of the applicant and their contractor to ensure that Provincial Regulation 278/05 is followed (construction projects and repair operations).

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 20% to 25%, and (2) increase the maximum permitted driveway width from 7.5m to 8.5m located at 187 Meadow Road 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.
2. Roof drainage from the proposed structure shall not be directed onto 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 that the granting of the application is desirable and would result in the appropriate development of the property.

The contents of the staff report and oral submissions were considered and had an effect on the Committee's decision.

Item 2: Public Hearings

A/13/18

Steve Edwards
1010 McCullough Drive

An application has been received from Steve Edwards for a variance from the provisions of Zoning By-Law 2585.

The application is for permission to increase the maximum permitted area of an accessory structure (detached garage) from 8% of the lot area (37.75 sq.m) to 10.4% of the lot area (48.80 sq.m).

The subject property is located at 1010 McCullough Dr and is zoned residential Type 2 (R2) within Zoning By-law 2585.

In Support of Application

Steve Edwards (Owner)
Lorraine Edwards (Owner)

In Opposition of Application

None

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

S. Edwards introduced himself to the Committee and provided an overview of the requested variance. S. Edwards advised that the variance is required to expand the footprint of an existing detached garage within the rear yard of his property.

S. Edwards noted that any proposed roof leaders will be consistent with the drainage associated with the existing garage.

S. Edwards expressed to the Committee that in his opinion, the proposed variance meets the four tests and agrees with the recommendation of the Planning Commissioners Report.

The Chair asked if there were any questions from the Committee. There was 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 had been received in relation to the subject 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 increase the maximum permitted area of an accessory structure (detached garage) from 8% of the lot area (37.75 sq.m) to 10.4% of the lot area (48.80 sq.m) located at 1010 McCullough Drive 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.
2. Roof drainage from the proposed structure shall not be directed onto the adjacent property.

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 that the granting of the application is desirable and would result in the appropriate development of the property.

The contents of the staff report and oral submissions were considered and had an effect on the Committee's decision.

Item 2: Public Hearings

A/14/18

The Whitby Yacht Club (Keenan Watters)

701 Gordon Street

An application has been received from The Whitby Yacht Club c/o Keenan Watters for variances from the provisions of Zoning By-Law 2585.

The application is for permission to:

1. exempt the proposed accessory structure (picnic shelter) from the provisions of Section 23 (2)(b)(vii), which requires that no part of any Flood Zone shall be used to calculate any of the Zone Provisions as may be required for uses in adjacent zones;
2. permit an accessory structure (picnic shelter) on a property that does not front upon a public street; and
3. permit an accessory structure (picnic shelter) with a 0.00m setback to any lot line.

The subject property is located at 701 Gordon St and is zoned Open Space (OS) and Flood (F) within Zoning By-law 2585.

In Support of Application

Keenan Watters (Town of Whitby)
Doug Norcon

In Opposition of Application

None

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

K. Watters introduced himself to the Committee as the representative of the Whitby Yacht Club, as well as the Marina Supervisor of the Port Whitby Marina. K. Watters provided an overview of the variances, and advised the Committee that the proposed picnic shelter will be located on an existing 20' by 20' concrete pad formerly occupied by a children's play structure. K. Watters noted that the location of the proposed shelter is appropriate.

The Chair asked if there were any questions from the Committee. There was 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 had been received in relation to the subject 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: D. McCarroll

That the application to (1) exempt the proposed accessory structure (picnic shelter) from the provisions of Section 23 (2)(b)(vii), which requires that no part of any Flood Zone shall be used to calculate any of the Zone Provisions as may be required for uses in adjacent zones, (2) permit an accessory structure (picnic shelter) on a property that does not front upon a public street, and (3) permit an accessory structure (picnic shelter) with a 0.00m setback to any lot line located at 701 Gordon Street be GRANTED subject to the following conditions:

1. That the variances shall only apply to the proposed picnic shelter as indicated on the applicants Site Plan.
2. 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 that the granting of the application is desirable and would result in the appropriate development of the property.

The contents of the staff report and oral submissions were considered and had an effect on the Committee's decision.

Moved by: J. Cardwell

That the application to permit the accessory use of a take-out eating establishment situated within a gas bar kiosk located at 1006 Brock Street S. be GRANTED subject to the following condition:

1. That the take-out eating establishment shall not exceed 28 sq.m in gross floor area within the gas bar kiosk.

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 that the granting of the application is desirable and would result in the appropriate development of the property.

The contents of the staff report and oral submissions were considered and had an effect on the Committee's decision.

2. Drainage from the proposed structure shall not be directed onto the adjacent property.

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 that the granting of the application is desirable and would result in the appropriate development of the property.

The contents of the staff report and oral submissions were considered and had an effect on the Committee's decision.

Item 2: Public Hearings

A/17/18

**Stuart Paterson
119 Corbett Avenue**

An application has been received from Stuart Paterson for variances from the provisions of Zoning By-Law 1784.

The application is for permission to:

1. permit the issuance of a building permit for a proposed building addition on a lot which does not front upon an improved public street;
2. reduce the minimum required lot frontage from 45.5m to 30.0m;
3. increase the maximum permitted lot coverage from 10% to 15%;
4. reduce the minimum required front yard setback from 15.0m to 6.5m;
5. reduce the minimum required interior side yard setback from 4.5m to 4.0m;
6. reduce the minimum required rear yard setback to an accessory structure from 15.0m to 1.0m; and
7. reduce the minimum required lot area from 2,785 sq.m to 900 sq.m.

The subject property is located at 119 Corbett Ave and is zoned Agricultural (A) within Zoning By-law 1784.

In Support of Application	Sarah Paterson (Owner) Stuart Paterson (Owner)
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In Opposition of Application	None
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

S. Paterson introduced herself to the Committee and advised that the variances are required to recognize existing zoning provisions (non-compliances) and to permit a second storey addition to the existing one storey dwelling on the subject property.

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

J. Cardwell asked the applicant if the second storey addition will encroach past the existing building footprint.

S. Patterson confirmed that the second storey addition will not extend past the current building footprint, and will only project vertically.

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 had been received in relation to the subject application.

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

D. McCarten introduced herself to the Committee as the owner of the neighbouring property located at 115 Corbett Avenue. D. McCarten stated that she and her husband own the lands to the south and east of 119 Corbett Avenue.

D. McCarten expressed that she understands that the variances are required to recognize existing conditions for the current dwelling; however, she would like confirmation that there will be no tree cutting, and that the existing footprint of the one storey home will not be expanded.

S. Paterson stated that the footprint of their existing home will not be expanded, and the increase to the maximum permitted coverage from 10% to 15% is to accommodate a future shed/accessory structure on the property if desired. S. Paterson also confirmed that no tree removals are proposed.

D. McCarten asked what size of shed will be permitted on the property.

J. Taylor replied that the applicants cannot construct a shed greater than 10 square metres without a building permit and successful minor variance application.

D. McCarten inquired about the type and size of windows being proposed for the addition.

S. Paterson replied to D. McCarten that she will be happy to share their proposed drawings, and confirmed that the construction of the second storey addition will require approximately 10 weeks to complete.

The Chair asked if anyone else would like to speak to the subject application. There was no one.

Moved by: D. McCarroll

That the application to permit the issuance of a building permit for a proposed building addition on a lot which does not front upon an improved public street, (2) reduce the minimum required lot frontage from 45.5m to 30.0m, (3) increase the maximum permitted lot coverage from 10% to 15%, (4) reduce the minimum required front yard setback from 15.0m to 6.5m, (5) reduce the minimum required interior side yard setback from 4.5m to 4.0m, (6) reduce the minimum required rear yard setback to an accessory structure from 15.0m to 1.0m; and (7) reduce the minimum required lot area from 2,785 sq.m to 900 sq.m located at 119 Corbett Avenue 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.
2. Drainage from the proposed structure shall not be directed onto 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 that the granting of the application is desirable and would result in the appropriate development of the property.

The contents of the staff report and oral submissions were considered and 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 March 01, 2018 be adopted.

Carried

Item 4: Other Business

S. Haslam requested that any correspondence received prior to the Committee meeting be forwarded to the Committee members prior to the meeting for review.

Item 5: Adjournment

Moved by: S. Haslam

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original approved and signed]

Secretary Treasurer

[Original approved and signed]

Chair