

# Minutes of the 10th Meeting

## Committee of Adjustment

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**Meeting Date:** Thursday July 30, 2020

**Meeting Time:** 7:00 p.m.

**Meeting Location:** Virtual Meeting

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### **Present:**

N. Chornobay, Chair

S. Haslam

J. Cardwell

B. O'Carroll

D. McCarroll

J. Malfara, Secretary-Treasurer

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: Public Hearings

***A/27/20***

**Tom VanQuickenborne and Sharon Collins**  
711 Henry Street

An application has been received from Tom VanQuickenborne and Sharon Collins, for variances from the provisions of the Town of Whitby Zoning By-law 2585. This application was previously tabled from the July 9, 2020 Committee of Adjustment meeting.

The application is for permission to (1) interpret the lot line along Henry Street to be the front lot line; and (2) increase the maximum permitted area of an accessory structure from 60.0 sq.m to 75.0 sq.m.

The subject property is located at 711 Henry Street and is zoned Residential Type 2 – Downtown Zone (R2-DT) within the Town of Whitby Zoning By-law 2585.

The requested variances are required to permit the construction of a proposed detached garage located within the south east portion of the subject property.

In Support of Application Tom VanQuickenborne (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.

T. VanQuickenborne introduced himself to the Committee as the owner of the subject property. He provided an overview of the requested variances. He noted that the proposed detached garage is required to permit the storage of his collector cars. He noted that the garage will fit in with the surrounding neighbourhood and will match the architectural character of the primary dwelling.

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

J. Cardwell asked the applicant what type of cladding materials will be used for the proposed garage.

T. VanQuickenborne replied that he will be speaking with the Town of Whitby Heritage Committee to find a material that is appropriate given the neighbourhood heritage characteristics.

B. O'Carroll asked if there were any comments from the public.

J. Malfara advised the Committee that no public correspondence was received and there was no one in attendance who registered to speak to the subject application.

**Moved by:** J. Cardwell

That the application to (1) interpret the lot line along Henry Street to be the front lot line; and (2) increase the maximum permitted area of an accessory structure from 60.0 sq.m to 75.0 sq.m located at 711 Henry Street be **Granted** subject to the following conditions:

1. That the applicant obtain Heritage Permit approval for the proposed garage;
2. The site grading shall conform to the requirements of the Public Works Department;
3. No adjacent properties shall be negatively impacted by the proposal;
4. The driveway shall meet by-law dimension requirement measured from the property line (not sidewalk) of Pitt Street; and
5. Application for Culvert for the Town to install the required culvert on Pitt Street shall be submitted for the new driveway by the Applicant/Owner.

**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 2: Public Hearings**

**A/32/20**

**Nishant Patel  
104 Bach Ave**

An application has been received from Nishant Patel, for variances from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to (1) permit an accessory apartment within a linked dwelling unit with a minimum 9.0m lot frontage; and (2) reduce the minimum required front yard landscaped open space from 40% to 38%.

The subject property is located at 104 Bach Avenue and is zoned Residential (R3A\*) within the Town of Whitby Zoning By-law 1784.

The requested variances are required to permit an accessory apartment within the basement of the existing linked dwelling unit located on the subject property.

In Support of Application	Nishant Patel (Applicant)
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In Opposition of Application	Brett Steele Marion Clark (Email Correspondence) Nesar Sadeque (Email Correspondence) Fermen Andrew (Email Correspondence) Dru Hardowar (Email Correspondence) Jeremy Jones
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

N. Patel introduced himself to the Committee and provided an overview of the requested variances.

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

B. O'Carroll asked the applicant to confirm if an entrance from the garage to the basement is proposed.

N. Patel replied that this was part of the original proposal, but he is now proposing access to the basement apartment from the rear yard.

B. O'Carroll noted that the space within the interior side yard is very narrow, and access to the rear yard may be difficult.

N. Patel replied that access to the rear yard will be from the 1.2m wide interior side yard.

B. O'Carroll asked the applicant how many vehicles he owns.

N. Patel replied 2.

B' O'Carroll stated that when she conducted a site visit, a vehicle was parked on the boulevard, and this can not count towards a legal parking space.

N. Patel agreed. He noted that the driveway will be widened to accommodate an additional legal parking space on the driveway, in addition to the space within the garage.

The Chair asked if there were any further questions from the Committee. There were none.

The Chair asked staff if the application was approved, is there certainty that the basement apartment would become certainty.

J. Taylor replied that if the Committee approved the variances, the applicant would still be required to apply for a building permit and building code compliance is required.

J. Taylor noted that the applicant would have to work with their designer and the Town of Whitby Building Department to ensure the proposal meets the building code.

The Chair asked staff if this subdivision were to be constructed today, would more recent site specific zoning permit accessory apartments in this style of built form.

J. Taylor replied that if this was a new subdivision with a new site specific Zoning By-law, the Town would be required to respect recent Provincial policy directives regarding the accommodation of accessory apartment within all ground related dwelling units. This is a matter that the Town will be reviewing through the Comprehensive Zoning By-law review.

The Chair confirmed that this application is enforcing provincial policy directives, which have yet to be incorporated into the Town of Whitby Zoning By-law.

J. Taylor replied yes.

The Chair noted that should the variance be approved, the applicant is still required to obtain a successful building permit.

S. Haslam asked the applicant how many people reside in the dwelling.

The applicant replied just himself and his wife.

S. Haslam asked the applicant if his only intention is to rent out the basement.

The applicant replied yes. He noted that he may rent out the primary dwelling in the future if required.

S. Haslam asked the applicant if he can meet the minimum required number of parking spaces.

The applicant replied yes. He noted that there will be a maximum of 3 vehicles at any given time.

D. McCarroll asked how the parking will be configured.

The applicant stated that one car will be in the garage, and 2 addition spaces will be located on the driveway, side by side.

J. Taylor noted that this configuration would comply with the minimum parking requirements.

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

J. Jones introduced himself as a resident. He noted that the previous owner of the applicant's property was operating an Airbnb. There were issues in the past with the Airbnb and he was hoping that there would not be issues again in the future.

The applicant replied that he can not speak to the previous owner's activities. He stated that he purchased the property to live in, but if he had to relocate he would consider renting out the primary dwelling in addition to the basement apartment.

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 3 letters (email) were received, and had been circulated to the Committee prior to the meeting. The main issues noted within the correspondence related to past activities and parties which were associated with the former Airbnb use.

B. O'Carroll asked the applicant if he is already renting out space within the dwelling.

The applicant replied no. He stated that he has family members temporarily living with him.

**Moved by:** B. O'Carroll

That the application to (1) permit an accessory apartment within a linked dwelling unit with a minimum 9.0m lot frontage; and (2) reduce the minimum required front yard landscaped open space from 40% to 38% located at 104 Bach Ave be **Granted** subject to the following conditions:

1. Stormwater shall not be directed onto abutting properties.
2. Site grading shall conform to the requirements of Public Works Department.
3. Ensure that all three (3) required parking spaces for the primary dwelling and accessory apartment are contained within 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 2: Public Hearings**

**A/33/20**

**Cade and Stephanie Davies  
507 Kent Street**

An application has been received from Cade and Stephanie Davies, for a variance from the provisions of the Town of Whitby Zoning By-law 2585.

The application is for permission to reduce the minimum required interior side yard setback where no garage or carport is provided on the lot from 4.3m to 3.0m.

The subject property is located at 507 Kent Street and is zoned Residential Type 3 Zone (R3) within the Town of Whitby Zoning By-law 2585.

The requested variance is required to permit a proposed building addition within the rear yard of the subject property.

In Support of Application

Cade Davies (Applicant)  
Stephanie Davies (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.

C. Davies introduced himself to the Committee as the owner of the subject property. He noted that they are proposing a building addition to the rear of the dwelling. The existing interior side yard setback of the dwelling is approximately 3.0m, however, the minimum requirement is 4.5m. The proposed building addition will be an extension of the rear wall of the existing dwelling and a continuation of the current 3.0m interior side yard setback is proposed.

The Chair asked if there were any questions from the Committee. There were 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 public 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: B. O'Carroll**

That the application to reduce the minimum required interior side yard setback where no garage or carport is provided on the lot from 4.3m to 3.0m located at 507 Kent Street 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 leaders from the proposed building extension shall not negatively impact 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 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 2: Public Hearings**

**A/34/20**

**Lionel and Joyce Williams  
4595 Country Lane**

An application has been received from Lionel and Joyce Williams, for variances from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to (1) increase the total combined lot coverage of all accessory structures from 150.0 sq.m to 284.0 sq.m and (2) increase the maximum permitted height of an accessory structure from 5.5m to 6.4m.

The subject property is located at 4595 Country Lane and is zoned Agriculture (A) within the Town of Whitby Zoning By-law 1784.

The requested variances are required to permit the construction of two detached garages on the subject property.

In Support of Application	Lionel Williams (Applicant) Joyce Williams (Applicant) Matthew Richard (Resident)
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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.

L. Williams introduced himself to the Committee. He stated that the increased height of the proposed detached garages will enhance the character of the proposed detached dwelling and increased area of the garages is required for the family's 7 vehicles, and summer lawn maintenance and winter maintenance machinery.

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

B. O'Carroll asked the applicant if there will be any connections from the garages to the dwelling.

L. Williams replied no.

B. O'Carroll noted that with our climate most people prefer a covered connection from their garage to the dwelling.

J. Taylor advised the Committee that the Town of Whitby Planning staff have met on multiple occasions with the applicant's designer, and it was found that there would be grading issues and design issues if the applicant connected the two detached garages to the dwelling. J. Taylor concluded that if the garages were attached to the dwelling they would comply with the maximum building height and the requirement for both variances would not be required. The applicant decided to pursue the variances to enhance the architectural element of the accessory structures and to respect the grading on the site.

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 the staff report was recommending deferral of the application pending comments from the Central Lake Ontario Conservation Authority (CLOCA). These comments were received prior to the meeting and CLOCA has no objection to the variances subject to two conditions, which were circulated to the Committee prior to the meeting.

J. Malfara confirmed that Planning staff are now recommending approval of the requested variance.

The Chair asked if there were any further conditions from the Town.

J. Malfara replied no, and that standard grading and servicing review will be conducted at the building permit stage.

J. Malfara advised the Committee that no public correspondence was received.

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

M. Richard introduced himself to the Committee as the owner of 4760 Country Lane. He noted that he is in support of the requested variances.

**Moved by:** S. Haslam

That the application to (1) increase the maximum permitted area of accessory structures from 150.0 sq.m to 284.0 sq.m and (2) increase the maximum permitted height of an accessory structure from 5.5m to 6.4m located at 4595 Country Lane be **Granted** subject to the following conditions:

1. Prior to development of the new single-family dwelling, the existing buildings on this property serving the same purpose be removed and demolition materials be appropriately removed from the site.
2. The area of disturbance associated with the proposed development remain a minimum distance of 10 metres from the dripline of any adjacent woodland.

**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:** B. O'Carroll

That the minutes of the Committee of Adjustment held on Thursday July 09, 2020 be adopted.

**Carried**

**Item 4: Other Business**

There were no items raised under other business.

**Item 5: Adjournment**

**Moved by:** J. Cardwell

That this meeting of the Committee of Adjustment be adjourned.

**Carried**

[Original approved]

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Secretary Treasurer

[Original approve]

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Chair