



Minutes of the 15th Meeting of the Committee of Adjustment

Meeting Date: Thursday November 07, 2019
Meeting Time: 7:00 p.m.
Meeting Location: Whitby Municipal Building
575 Rossland Road East, Committee Room 1

Present:

S. Haslam, Chair
J. Cardwell
B. O'Carroll
D. McCarroll
N. Chornobay
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/80/19

**Gavin Crabb for 1713506 Ontario Ltd.
121 Brock Street North**

An application has been received from Gavin Crabb for 1713506 Ontario Ltd. For variances from the provisions of the Town of Whitby Zoning By-Law 2585.

The application is for permission to:

1. permit an apartment dwelling unit to be located on the first storey of the building;
2. exempt the apartment dwelling unit situated on the first storey of the building from the requirement to provide private amenity space;
3. exempt the apartment dwelling unit located of the first storey of the building from providing a parking space; and
4. reduce the minimum required lot area from 59.0 sq.m per apartment dwelling unit to 54.0 sq.m per apartment dwelling unit.

The requested variances are required to recognize an existing apartment dwelling unit located on the first storey at the rear of the building.

The subject property is located at 121 Brock Street North and is zoned Central Commercial Downtown Zone Exception 1 (C3-DT-1) within the Town of Whitby Zoning By-law 2585.

In Support of Application

Deren Crabb (Owner)

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.

D. Crabb introduced himself to the Committee as one of the owners of the subject property. He noted that the variances are required to legalize an existing apartment dwelling located on the ground floor of the building, at the rear. He also stated that reduction to the minimum parking requirement is not a problem since the majority of his tenants do not have a vehicle.

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

B. O'Carroll asked the applicant if there was more than one emergency exit from the apartment unit.

D. Crabb replied that there is only on exit.

B. O'Carroll asked if it was a requirement to have two emergency exits.

D. Crabb was unaware, but, stated that the Town of Whitby Fire Department visited the property and they did not have any concerns resulting from their inspection.

N. Chornobay asked the applicant how he was made aware that the ground floor apartment at the rear of the building was not permitted.

D. Crabb replied that it is his understanding that a former tenant may have contacted the Town and submitted a complaint. He further noted that he did not know that the unit was not permitted.

N. Chornobay asked the applicant if the subject apartment unit complied with the Ontario Building Code.

D. Crabb replied that he is unaware, but, noted that the Town of Whitby Fire Department did not advise him of any issues.

The Chair asked the applicant to confirm that the apartment unit is not new.

D. Crabb replied that the apartment unit has existed for many years.

D. McCarroll asked the applicant if he will be renovating the apartment unit.

D. Crabb replied no.

J. Cardwell asked the applicant if he spoke with the Town's Building Department.

D. Crabb replied yes. He stated that the Building Department did not have any 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 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 (1) permit an apartment dwelling unit to be located on the first storey of the building; (2) exempt the apartment dwelling unit situated on the first storey of the building from the requirement to provide private amenity space; (3) exempt the apartment dwelling unit located of the first storey of the building from providing a parking space; and (4) reduce the minimum required lot area from 59.0 sq.m per apartment dwelling unit to 54.0 sq.m per apartment dwelling unit, located at 121 Brock Street North be **Granted** subject to the following condition:

1. That the first floor apartment dwelling unit is located to the rear of the commercial unit and is not permitted to front/face onto Brock Street.

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.

J. Taylor replied that there will be a 36 parking space deficit.

The Chair asked if the Shoppers Drug Mart located to the west of the Canadian Tire is located on a separate parcel of land.

J. Taylor replied yes.

The Chair asked if there were any further 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 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: D. McCarroll

That the application to decrease the parking requirement ratio for a vehicle service and household merchandise retail store use from 1 parking space per 23.0 sq.m of GFA to 1 parking space per 35.0 sq.m of GFA located at 4100 Garden Street be **Granted**.

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/83/19

**Daniel and Gloria Ryan
891 Walton Court**

An application has been received from Daniel and Gloria Ryan 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 rear yard setback to a deck from 6.0m to 4.4m.

The requested variance is required to permit the reconstruction of an existing deck within the rear yard of the property.

The subject property is located at 891 Walton Court and is zoned (R2A).

In Support of Application	Daniel Ryan (Applicant)
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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.

D. Ryan introduced himself to the Committee as the owner of the subject property. He advised the Committee that he has an existing deck in the rear yard that is approximately 20 years old and in need of replacement. He is proposing to remove the existing deck and reconstruct a new one in the same configuration. At the time the deck was constructed 20 years ago, he was unaware that the deck did not comply with the minimum rear yard setback.

The Chair asked the applicant to confirm that the new deck will be the same size and configuration as the former deck.

D. Ryan replied yes.

J. Cardwell asked if the underside of the deck will be enclosed since the dwelling is a walk-out.

D. Ryan replied that it will remain unenclosed.

B. O'Carroll asked if there will be stairs leading from the deck to grade below.

D. Ryan replied yes.

J. Cardwell asked if there is an existing floor drain below the deck.

D. Ryan replied yes.

The Chair asked if there were any further 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 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 required rear yard setback to a deck from 6.0m to 4.4m located at 891 Walton Court 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 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 3: Approval of Previous Minutes

Moved by: N. Chornobay

That the minutes of the Committee of Adjustment held on Thursday October 17, 2019 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 and signed]

Secretary Treasurer

[Original approved and signed]

Chair