



Minutes of the 6th Meeting of the Committee of Adjustment

Meeting Date: Thursday May 02, 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
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

The Chair asked if there were any other 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.

Brent Short introduced himself to the Committee as the owner of 35 Geddy Street. He noted that he had not had the opportunity to view the proposed plans prior to this meeting.

Brent Short advised the Committee that he was concerned with the hardy board finish on the second storey portion of the proposed building addition. He was also in objection to the proposed 9.0m rear yard setback, given that the dwelling is currently setback approximately 12.0m from the rear property line.

J. Horn replied that the By-law currently permits a minimum rear yard setback of 10.0m. He also confirmed that the cladding on the second floor addition will be a light colored hardy board material.

Brent Short stated that the applicant's home will be the only home in the neighbourhood with no brick on the second floor.

J. Horn stated that the first floor will be constructed of brick and that the second floor addition was designed to be lower than the existing second storey roof line and he can not see the proposal being detrimental to the character of the neighbourhood.

B. O'Carroll asked if there is existing vegetation at the rear of the applicants property.

Brent Short replied that there is an existing tree and a fence.

Brent Short further stated that with respect to look of the building, it should be in harmony with the community character.

N. Chornobay stated that as of right the Zoning By-law permits a minimum rear yard setback of 10.0m. The applicants proposed building addition would only extend 1.0m into the permitted 10.m rear yard setback.

N. Chornobay further advised Brent Short that he too would be able to extend his dwelling up to the 10.0m rear yard setback if he wanted to.

Brent Short also asked the Committee if the applicant will be able to include more solar panels on the roof of the new structure.

N. Chornobay noted that the inclusion of solar panels is not part of this application and can not be considered by the Committee.

J. Horn advised the Committee that his Client has no intention to install additional solar panels on the roof.

Moved by: J. Cardwell

That the application to (1) increase the maximum permitted lot coverage from 40% to 42%; and (2) reduce the minimum required rear yard setback to a portion of a dwelling unit having a height greater than one storey from 10.0m to 9.0m located at 38 Windbreak Crescent be **Granted** subject to the following conditions:

1. The site grading and all services shall conform to the requirements of the Public Works Department; and
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 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.

S. Pomeroy replied that this area will be sodded and along Price Street new shrubs and soft landscaping will be planted.

B. O'Carroll asked what the plantings will consist of.

S. Pomeroy replied low lying shrubs.

D. McCarroll asked if the trees located along the north property line on the neighbours property will be preserved.

S. Pomeroy 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.

The Chair asked if there was anyone from the public who wished to speak to the subject application. There was no one.

Moved by: N. Chornobay

That the application to reduce the minimum required rear yard setback from 6.0m to 4.0m located at 2 Price Street be **Granted** subject to the following condition:

1. All Public Works requirements related to Site Plan application SP-05-19 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.

J. Taylor noted that the applicant will be required to proceed through the Site Plan Approval process. At this time other matters such as a potential road widening of Dundas Street East and Garden Street is being evaluated.

J. Cardwell asked the applicant if they have spoken to the Conservation Authority about their proposal.

J. Weaver replied that his architect has, and that they anticipate a more fulsome discussion at an upcoming meeting that will be held with the Town Planning Department as part of the pre-consultation meeting for the proposed Site Plan Application.

B. O'Carroll asked the applicant if they will continue to use the site as a used car dealership.

J. Weaver replied that the new use will include a used car dealership and repair centre.

B. O'Carroll noted that if the requested variances are approved and road widenings are taken from Dundas Street East and Garden Street, additional variances may be further required to accommodate the proposed building.

J. Taylor replied yes, and that typically when a planning application is submitted to the Town, the Region and Town may request road widenings. In this case, based on preliminary discussions, the Region may request up to 7.0m for the future widening of Dundas Street East.

J. Taylor clarified that the main reason that the applicant is before the Committee is with respect to obtaining permission to include the temporary sales trailer on the subject property, as the Site Plan Approval process for the permanent automobile sales establishment may take 4-5 months to process.

S. Haslam asked if the requested variances that apply to the permanent automobile sales establishment will be conditional upon the applicant receiving Site Plan Approval.

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 replied that a letter from the owner of 601 Dundas Street East was received and was circulated prior to the Committee prior to this meeting. No other 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 a temporary automobile sales office; (2) reduce the minimum required front yard setback from 7.5m to 3.0m; (3) reduce the minimum required side yard setback from 7.5m to 3.0m; and (4) reduce the minimum width of a two-way driveway from 7.0m to 6.0m located at 701 Dundas Street East be **Granted** subject to the following conditions:

1. That the proposed temporary automotive sales office shall be permitted on the subject property for no more than three (3) years beginning on May 2, 2019;
2. That the minimum front yard and exterior yard setbacks shall be taken from the future property line as determined through the Site Plan Approval process; and
3. That the applicant shall satisfy the requirements of the Central Lake Ontario Conservation Authority with regards to the proposed temporary automobile sales establishment trailer.

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.

N. Chornobay asked the applicant if the Region was consulted with respect to any potential road widenings.

J. Taylor replied that the application is for a single detached dwelling and is not subject to a road widening request.

J. Cardwell asked the applicant what the front yard setback is to the garage.

N. Mamiza did not have the exact setback figure.

J. Malfara replied that the distance between the property line and the garage was sufficient to accommodate two tandem parking spaces.

The Chair asked the Committee if there were any further questions. 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 there was no correspondence 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 permit all required parking located on a private driveway located in a front yard, whereas the By-law requires that one of the required parking spaces shall be located in either a side yard, rear yard, or in a private garage located at 323 Cochrane 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/40/19

Brandon Compton on behalf of Alexander & Chiara Sgroi
45 Tempo Way

An application has been received from Brandon Compton on behalf of Alexander & Chiara Sgroi, for variances from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to (1) reduce the minimum required rear yard setback from a deck to a rear lot line from 6.0m to 4.0m; (2) reduce the minimum required setback from a deck to an interior lot line for a end townhouse unit from 2.0m to 1.2m; and (3) increase the maximum permitted encroachment of a deck into a required rear yard from 3.2m to 3.4m.

The subject property is located at 45 Tempo Way and is zoned Residential (R4A*) within the Town of Whitby Zoning By-law 1784.

The requested variances are required to permit a proposed deck located within the rear yard of the subject property.

In Support of Application James Timlek (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. Timlek introduced himself to the Committee as the contractor retained by the applicant to construct the proposed deck. He advised the Committee that the variances are requested to permit a larger deck within the rear yard of the property and that is flush with the exterior wall (south) of the building.

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 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: N. Chornobay

That the application to (1) reduce the minimum required rear yard setback from a deck to a rear lot line from 6.0m to 4.0m; (2) reduce the minimum required setback from a deck to an interior lot line for an end townhouse unit from 2.0m to 1.2m; and (3) increase the maximum permitted encroachment of a deck into a required rear yard from 3.2m to 3.4m located at 45 Tempo Way be **Granted** subject to the following conditions:

1. The site grading and all services shall conform to the requirements of the Public Works Department; and
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 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.

D. Paterson replied 5 units at the moment.

N. Chornobay expressed that the staff report does not provide any condition which limits the number of units. If the variance is approved, the applicant would be able to expand the number of stay and play accommodation suites with no maximum limit.

N. Chornobay noted that there is no other use similar to what the applicant is proposing in Whitby.

J. Taylor advised the Committee that they have the authority to propose a condition which would limit the number of accommodation suites if they wish.

N. Chornobay noted that the applicants submitted Site Plan illustrates a total of 17 units. He asked if this proposed use would have any impacts on the existing golf course, parking, or traffic.

J. Taylor advised the Committee that the Development Planning Department has reviewed the applicants Site Plan and were satisfied with the proposal. The Site Plan drawings were approved by the Commissioner of Planning who has delegated authority.

N. Chornobay asked the applicant how long people will be staying in the accommodation suites.

D. Paterson replied that the units will be seasonal and they are only anticipated to be used during the golf season.

J. Taylor noted that with respect to the applicants Site Plan, the Planning Department asked the applicant to illustrate their ultimate plan, which would prevent them from having to seek approval from the Town if they wanted to add additional units beyond the five units they intend to initially construct.

S. Haslam asked the applicant if the existing septic system can accommodate 5 units or 17 units as shown on the Site Plan.

D. Paterson replied that the septic system has capacity to accommodate all of the units illustrated on the Site Plan.

N. Chornobay expressed that in his opinion the requested variance is not minor in nature and that a more wholesome review should be undertaken.

J. Taylor advised the Committee that a similar use for accommodation suites accessory to the main use of a golf course was approved at Wooden Stick Golf Club in Uxbridge by the Committee of Adjustment.

N. Chornobay noted that in his opinion the proposal should be subject to a Zoning By-law Amendment Application, not a Minor Variance Application.

J. Cardwell asked the applicant if they intend to construct 17 units.

D. Paterson advised the Committee that he is in the golf business, not the hotel business. His intention is to enhance his guest's experiences and noted that the 2, 4 unit suite blocks may never be built based on their proposed location in relation to the septic system.

B. O'Carroll asked about parking.

D. Paterson replied that parking for the accommodation suites will be in the main parking lot. Guests will be able to walk to the units or take a golf cart.

B. O'Carroll asked if there will be vehicle parking at the accommodation suites.

D. Paterson replied no, and reiterated that access to the units will be by foot or by golf cart only.

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

J. Malfara replied that no correspondence was received.

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

G. Donnison introduced himself as the owner of the property located at 990 Myrtle Road West. He noted that his property is located directly across the street from the applicant's property and that he opposes the proposed variance.

G. Donnison advised the Committee that 25 years ago the golf course drilled a well that was not capped properly which he believes had a negative impact on his dug well. He also noted that the proposed accommodation suites will be a fire hazard due to the lack of fire hydrants and that there will be increased noise and traffic caused by this use.

G. Donnison also stated that traffic on Myrtle Road has increased steadily over the years and that this proposal will add additional traffic. Other concerns raised included people leaving the golf course and spinning their tires and occasionally fire works are set off at the golf course that causes a noise disturbance.

The Chair asked if there was anyone else from the public who wished to speak to the subject application. There was no one.

J. Cardwell noted that he was ready to make a motion to approve the variance subject to a revision to the variance verbiage and the inclusion of an additional condition.

Moved by: J. Cardwell

That the application to permit a maximum of 9 accommodation suites accessory to the existing golf course facility, and to exclude the 2, 4-unit accommodation suite blocks, (as shown on SP-1) located at 995 Myrtle Road West be **Granted** subject to the following conditions:

1. That the applicant obtains approval from the Ministry of Environment, Conservation, and Parks with regards to the additional capacity requirements for the existing septic system; and
2. That the applicant shall comply with the Commissioner of Planning's approved Site Plan drawings.

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 April 11, 2019 be adopted.

Carried

Moved by: B. O'Carroll

That the minutes of the Committee of Adjustment held on Tuesday April 9, 2019 be adopted.

Carried

Item 4: Other Business

There were no items raised under other business

Item 5: Adjournment

Moved by: B. O'Carroll

That this meeting of the Committee of Adjustment be adjourned.

Carried

Secretary Treasurer

Chair