



Minutes of the 15th Meeting

Committee of Adjustment

Meeting Date: Thursday November 11, 2021
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
B. O'Carroll
D. McCarroll
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/88/21

**Ravi Gajula
49 Glenmore Drive**

An application has been received from Ravi Gajula for variances from the provisions of By-Law 2585.

The application is for permission to: (1) reduce the minimum lot frontage for a semi-detached dwelling containing an accessory apartment from 10.0m to 9.1m; and (2) reduce the minimum required front yard landscaped coverage from 40% to 38%.

The subject property is located at 49 Glenmore Drive and is zoned Single Family Semi-Detached Dwelling House (R3B) within the Town of Whitby Zoning By-law 2585.

Support of Application	Ravi Gajula (Applicant)
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In Opposition of Application	Ann Lindsay Phil Bingham Vidal Guerreiro
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

R. Gajula introduced himself to the Committee as the new owner of the subject property. He advised the Committee that he would like to construct an accessory apartment within the basement of the dwelling.

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

J. Cardwell asked if the applicant is proposing widening on the south side of the driveway.

J. Malfara replied yes.

J. Cardwell asked if the existing driveway width is wide enough for two cars and also asked if the garage is useable for parking.

R. Gajula replied yes.

S. Haslam asked if the driveway will be wide enough for two side by side parking spaces after accounting for the removal of asphalt abutting the south lot line.

J. Malfara replied yes.

B. O'Carroll asked if the area to be removed along the south portion of the driveway will be added to the north side of the driveway.

J. Malfara replied yes. He noted that this is required in order for the driveway to be 5.5m in width.

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 letters of objection were received and were forwarded to the Committee in advance of the meeting.

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

A. Lindsay introduced herself to the Committee as the original owner of the applicants dwelling. She noted that prior to her ownership of the property, the driveway was illegally widened to sit flush with the south lot line. She asked why the Town is asking the applicant to create a 0.6m setback/landscape buffer to the south lot line.

The Chair advised A. Lindsay that the current By-law requires that a driveway shall be setback a minimum of 0.6m from an interior lot line within a front yard.

A. Lindsay noted that this property has the smallest frontage in the neighbourhood and that this home was constructed as single family dwelling, and permitting rental units will change the character of the neighbourhood.

The Chair noted that the accessory apartment is permitted and Provincial legislation supports accessory apartments within ground oriented dwellings.

A. Lindsay asked why the driveway can not stay the same without creating the landscape strip along the south side of the property.

J. Malfara stated that a driveway shall be setback a minimum of 0.6m from an interior lot line within a front yard, and in this scenario the driveway will require a minimum width of 5.5m to accommodate two legal parking spaces side by side.

The Chair noted that notwithstanding the variances, the applicant will also be required to obtain a successful building permit for the proposed apartment dwelling.

B. O'Carroll asked how many bedrooms will be located in the apartment unit.

R. Gajula replied one bedroom.

The Chair asked if the basement is currently operating as an accessory apartment.

R. Gajula replied no.

J. Cardwell asked the applicant if they have spoken with the Building Department about the permitting process.

R. Gajula replied yes, and a permit will be filed following the minor variance process.

The Chair asked if there were any other members of the public wishing to speak to the application.

P. Bingham introduced himself to the Committee as the owner of 39 Glenmore Drive. He asked if the applicant will be residing in the dwelling.

R. Gajula replied that he will be living in the dwelling.

P. Bingham asked why an apartment is permitted in a single family dwelling.

J. Malfara clarified that this property is zoned for a detached dwelling and the single family verbiage does not necessarily mean only one family can be living within the dwelling. J. Malfara noted that the Province has provided directives that encourage accessory apartment dwelling units within all ground oriented dwellings and the Towns By-law reflects this by allowing accessory apartments currently within single detached dwellings and semi-detached dwellings.

P. Bingham questions if these types of properties are the most suitable for accessory apartments versus properties with dwellings containing two car garages and larger driveway.

The Chair asked if there were any other members of the public wishing to speak to the application.

V. Guerreiro introduced himself to the Committee as the owner of the neighbouring property to the south. He advised the Committee that he understands the Provincial policy directives.

V. Guerreiro noted that R. Gajula is welcomed addition to the neighbourhood, but has some concerns with the proposed accessory apartment use.

V. Guerreiro noted that the proposed driveway reconfiguration to create a 0.6m setback to the south lot line is appropriate, but expressed concern with regards to the preservation of the existing street tree located on the north side of the driveway within the Town's boulevard.

V. Guerreiro further expressed concerns with regards to waste collection, the potential for additional on-street parking, as well as noise and light impacts that may result from future tenants entering the accessory apartment through a proposed side yard entry.

Related to the proposed access door into the accessory apartment, V. Guerre noted that the distance separating his dwelling and the applicant's dwelling is minimal.

J. Malfara noted that the Zoning By-law does not include lighting provisions, but noted that it is good practice to only install down-lit lighting fixtures, and with regards to the proposed side yard entry, this is permitted as of right by the Zoning By-law based on the existing side yard setbacks of the applicant's dwelling.

The Chair asked if there were any other members of the public wishing to speak to the application. There was no one.

Moved by: J. Cardwell

That the application to (1) reduce the minimum lot frontage for a semi-detached dwelling containing an accessory apartment from 10.0m to 9.1m; and (2) reduce the minimum required front yard landscaped coverage from 40% to 38% located at 49 Glenmore Drive be **Granted** subject to the following condition:

1. That a 0.6m setback be provided between the driveway and south lot line.

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/89/21

**YEJ Studio and Consulting
68 Summerside Ave**

An application has been received from YEJ Studio and Consulting for variances from the provisions of By-Law 1784.

The application is for permission to: (1) reduce the minimum number of parking spaces dedicated to an accessory apartment dwelling unit from 1 to 0; and (2) permit an accessory apartment within a link dwelling having a minimum lot frontage of 9.0m.

The subject property is located at 68 Summerside Avenue and is zoned Residential (R3A*) within the Town of Whitby Zoning By-law 1784.

In Support of Application	Hassan Robah (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.

H. Robah introduced himself to the Committee and provided an overview of the requested variance. He advised the Committee that he reviewed the Staff Report and agreed with the recommendation to table the application to a future meeting, which would allow them to address the comments provided by the Engineering Services Department.

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

S. Haslam noted that the Committee historically has not supported private parking on the Town's boulevards.

J. Malfara noted that this has been the case, and this typically stemmed from comments provided by the Engineering Services Department as this is the department that regulates uses and activities that occur within the Town's boulevards. In this instance, the Engineering Services Department has expressed to the applicant that they would like to review a brief to justify the lack of parking space and how it will be addressed before supporting or objecting to the applicant's request.

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application. There was none.

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) reduce the minimum number of parking spaces dedicated to an accessory apartment dwelling unit from 1 to 0; and (2) permit an accessory apartment within a link dwelling having a minimum lot frontage of 9.0m located at 68 Summerside Ave be **Tabled** to the next available Committee of Adjustment meeting pending input from the Engineering Services Department.

Carried

Item 3: Approval of Previous Minutes

Moved by: B. O'Carroll

That the minutes of the Committee of Adjustment held on Thursday October 21, 2021 be adopted.

Carried

Item 4: Other Business

There were no items raised under other business

Item 5: Adjournment

Moved by: D. McCarroll

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original copy approved]

Secretary Treasurer

[Original copy approved]

Chair