

# Minutes of the 11th Meeting

## Committee of Adjustment

---



**Meeting Date:** Thursday August 19, 2021

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

**Meeting Location:** Virtual Meeting

---

### **Present:**

N. Chornobay, Chair

S. Haslam

J. Cardwell

B. O'Carroll

D. McCarroll

J. Malfara, Secretary-Treasurer

J. Taylor, Senior Manager, Zoning & Regulation Department

### **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/64/21**

**Steve DeNoble on behalf of Tammy Shannon  
56 Meadow Crescent (Severed Lands)**

An application has been received from Steve DeNoble on behalf of Tammy Shannon, for variances from the provisions of the Town of Whitby Zoning By-law 1784.

On July 9, 2021 the original application was considered by the Town of Whitby Committee of Adjustment. The Committee granted the following variances in principle: (1) to reduce the minimum required lot frontage from 21.5m to 19.0m; (2) to reduce the minimum required front yard setback from 10.5m to 7.5m; (3) to increase the maximum permitted building height from 8.5m to 9.0m; and (4) to reduce the minimum required lot area from 925 sq. m to 725 sq. m.

A requested variance to increase the maximum permitted lot coverage from 20% to 35% was tabled to this meeting pending the Committee's review of a siting plan for the proposed dwelling.

The requested variances are required to permit the severance of the subject property into two parcels, and to also permit the construction of a detached dwelling on the subject property.

In Support of Application

Dustin DeNoble  
Carmen Calabrese

In Opposition of Application

Barry French  
Sheila Raitt  
Kevin Kelly  
Martha Kelly  
Karen Pratt  
Brian Pratt  
Carol Cooper  
Suzanne Cooper  
Doug Wright  
Heather Wright  
Robert Ward  
Michael Sigsworth  
Brian Sigsworth  
Sharron Field  
Michael Mohammed  
Dieter Germann  
Les Brindley  
Richard Matthews  
Kimberly Van Winden  
Chuck Van Winden

Bernard Lewis  
Lesley Lewis  
Amy Dickinson  
Susan Dickinson  
Joanne Stycuk  
Arthur Armstrong  
Steve Johns  
JoAnne Johns  
Andrea Russell  
Sandy Nicholson  
Arleen MacArthur  
Dwight MacArthur  
David Powell  
Elizabeth Powell  
Leslie McFarlane  
Chris Rooney  
Humberto Gaspar  
Kelley Gaspar  
Brett Burke  
Roberta Hall  
Sarah Crozier

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

D. DeNoble introduced himself to the Committee as the applicant. He advised the Committee that the proposed building plans for the severed and retained lots had been revised as a result of public input received at the July 8<sup>th</sup> Committee of Adjustment meeting. As a result of the public input received at the previous meeting, the applicant has revised their concept plan from a bungalow (with additional floor space on the second floor) to a bungalow with all living space situated on the main floor. A photo of the proposed dwellings was made available for viewing.

D. DeNoble also noted that the height of the homes have been reduced to comply with the By-law, and therefore the requested height variances can be withdrawn.

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

S. Haslam asked if the requested lot coverage accounts for just the dwelling, and if so will any additional structures be proposed in the future (i.e. sheds).

D. DeNoble replied that the 35% applies to the dwelling and no additional structures are proposed.

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 public correspondence was received, and the letters received 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.

K. Kelly introduced himself to the Committee and noted that he was in attendance at the July 8<sup>th</sup> meeting. He expressed his continued objection to the applicant's proposal.

B. Burke introduced himself to the Committee. He expressed concerns with the proposed garage projections into the front yard and reduction of greenspace.

D. Wright introduced himself to the Committee and noted that he was also speaking on behalf of Carroll Susanne Cooper (53 Meadow Cres) as well. He advised the Committee that he owns the neighbouring property to the north of the applicant's property. He stated that the requested lot coverage would result in a dwelling that is much larger than the existing homes in the neighbourhood.

D. Wright also stated that the proposal would result in the applicant's garage projecting into the front yard and would result in visual impacts observed from his property.

D. Wright asked D. DeNoble if the stairs shown on the site plan both lead to the basement.

D. DeNoble replied yes.

D. Wright concluded that his objection to the proposal remains unaltered from the last meeting.

M. Sigsworth introduced himself to the Committee as the owner of 63 Meadow Crescent. He asked the Chair about the Committees mandate/criteria on how decisions are rendered.

The Chair expressed that the Committee is bound by the policies as outline by the Ontario Planning Act and referred to the 4 tests as outlined within the Act.

M. Sigsworth asked if the application was reviewed with regards to being minor.

The Chair advised M. Sigsworth that the Committee is here to hear the comments of the public.

M. Sigsworth concluded that his objection to the application remains unaltered and does not believe the variance is minor.

A. Armstrong introduced himself as the owner of 52 Meadow Crescent. He expressed concerns regarding stormwater run-off on the property.

D. DeNoble noted that stormwater would be directed to the side yards.

J. Malfara noted that as part of the Building Permit process the Public Works Department would be responsible for reviewing the grading of the property and stormwater management within the site.

K. Kelly noted that in the past, stormwater run-off from the site has impacted his property.

J. Cardwell asked staff what the as of right zone provisions would allow for on this property.

J. Malfara noted that the zoning currently permits 20% lot coverage and a maximum building height of 8.5m which would permit a 2 storey dwelling to be erected.

J. Malfara noted that an approximate 3000.0 sq.ft dwelling could be constructed on the property while complying with the By-law.

D. Wright asked if the garage is part of the lot coverage.

J. Malfara replied yes.

D. Wright noted that there are no other homes other than one home with a projecting garage in the general area. He would prefer that the garage be integrated into the dwelling.

D. DeNoble expressed that amendments to the plans have been made to reduce the height of the dwelling to address the concerns raised at the previous meeting.

The Chair asked D. DeNoble is he was aware that they are agreeing to a maximum one storey building height.

D. DeNoble replied yes.

J. Taylor noted that the applicant has agreed to a one storey building whereas a two storey is permitted as of right. The increase converge is required to account for the additional floor area that would have otherwise been captured in a second storey. He asked the applicant if the garages could be mirrored from their proposed configuration to reduce the visual impact to the neighbour to the north.

C. Calabrese was not in support of this configuration.

The Chair noted that the Committee will have to bring forward a motion on this application.

S. Haslam asked the applicant if they would be open to reducing the lot coverage from 35% to 30%.

D. DeNoble and C. Calabrese were not in support of this amendment.

D. Wright stated that even at 30% lot coverage, a dwelling that exceeds that average size of the existing neighbourhood homes could still be constructed.

**Moved by:** D. McCarroll

A motion was brought forward to approve the variances to (1) reduce the minimum required lot frontage from 21.5m to 19.0m; (2) reduce the minimum required front yard setback from 10.5m to 7.5m; (3) to reduce the minimum required lot area from 925 sq. m to 725 sq. m; and (4) increase the maximum permitted lot coverage from 20% to 30% subject to the following conditions:

1. All Public Works requirements related to Land Division application LD 072/2021 are complied with;
2. The proposed covered front porch be limited to one storey in height and that the main portion of the dwelling maintain a minimum 9.0m front yard setback;
3. The approved variances shall apply to the proposed dwelling typology as illustrated on the applicants submitted site plan/elevation drawings (as presented at this meeting);
4. That the building design be subject to Town of Whitby in-house architectural control approval; and
5. The applicant receive final and binding approval from the Durham Region Land Division Committee.

**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/65/21**

**Steve DeNoble on behalf of Tammy Shannon  
56 Meadow Crescent (Retained Lands)**

An application has been received from Steve DeNoble on behalf of Tammy Shannon, for variances from the provisions of the Town of Whitby Zoning By-law 1784.

On July 9, 2021 the original application was considered by the Town of Whitby Committee of Adjustment. The Committee granted the following variances in principle: (1) to reduce the minimum required lot frontage from 21.5m to 19.0m; (2) to reduce the minimum required front yard setback from 10.5m to 7.5m; (3) to increase the maximum permitted building height from 8.5m to 9.0m; and (4) to reduce the minimum required lot area from 925 sq. m to 725 sq. m.

A requested variance to increase the maximum permitted lot coverage from 20% to 35% was tabled to this meeting pending the Committee's review of a siting plan for the proposed dwelling.

The requested variances are required to permit the severance of the subject property into two parcels, and to also permit the construction of a detached dwelling on the subject property.

In Support of Application

Dustin DeNoble  
Carmen Calabrese

In Opposition of Application

Barry French  
Sheila Raitt  
Kevin Kelly  
Martha Kelly  
Karen Pratt  
Brian Pratt  
Carol Cooper  
Suzanne Cooper  
Doug Wright  
Heather Wright  
Robert Ward  
Michael Sigsworth  
Brian Sigsworth  
Sharron Field  
Michael Mohammed  
Dieter Germann  
Les Brindley  
Richard Matthews  
Kimberly Van Winden  
Chuck Van Winden

Bernard Lewis  
Lesley Lewis  
Amy Dickinson  
Susan Dickinson  
Joanne Stycuk  
Arthur Armstrong  
Steve Johns  
JoAnne Johns  
Andrea Russell  
Sandy Nicholson  
Arleen MacArthur  
Dwight MacArthur  
David Powell  
Elizabeth Powell  
Leslie McFarlane  
Chris Rooney  
Humberto Gaspar  
Kelley Gaspar  
Brett Burke  
Roberta Hall  
Sarah Crozier

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

D. DeNoble advised the Committee that his comments presented for the previous application (A/64/21) are also applicable to this application.

C. Calabrese noted that if a motion is proposed by the Committee to approve a 30% lot coverage for this application, he would like the 9.0m height variance not to be withdrawn.

J. Taylor advised the Committee that the height variance was approved in principle at the last meeting, but it would be up to the Committee to accept, deny, or revise the variance based on the information presented.

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

B. O'Carroll asked the applicant if there are any windows proposed in the outward facing walls (north) of the garage.

C. Calabrese replied that there are no windows proposed on this face of the garage facing the neighbouring properties. C. Calabrese noted that he could add windows if that would assist.

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 public correspondence letters were received, and these letters were forwarded to the Committee prior to this meeting.

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

K. Kelly asked the Committee if the approval would limit the height to a one storey dwelling.

The Chair replied that this is up to the Committee members if a motion is brought forward to adopt this condition.

D. Wright advised the Committee that over 30 residents have concerns with this proposal and in his opinion 30% lot coverage is still too high.

M. Sigsworth asked if an 8.5m building height would permit 8 foot ceilings.

J. Malfara replied yes, but new modern homes with higher floor to ceiling heights typically require increased overall building height permissions.

M. Sigsworth concluded that the overall building design should be respectful of the neighbourhood.

S. Haslam asked if the applicant can go back and amend the previous application.

J. Taylor noted that once a decision has been made by the Committee they can not go back and amend the decisions. He also noted that both the applicant and residents have appeal rights to the Ontario Land Tribunal should they disagree with the Committee decision.

The Chair noted that should the applicant wish to amend their proposal, they can also apply for a new Minor Variance Application.

**Moved by:** J. Cardwell

A motion was brought forward to approve the variances to (1) reduce the minimum required lot frontage from 21.5m to 19.0m; (2) reduce the minimum required front yard setback from 10.5m to 7.5m; (3) to reduce the minimum required lot area from 925 sq. m to 725 sq. m; and (4) increase the maximum permitted lot coverage from 20% to 30% subject to the following conditions:

1. All Public Works requirements related to Land Division application LD 072/2021 are complied with;
2. The proposed covered front porch be limited to one storey in height and that the main portion of the dwelling maintain a minimum 9.0m front yard setback;
3. The approved variances shall apply to the proposed dwelling typology as illustrated on the applicants submitted site plan/elevation drawings (as presented at this meeting);

4. That the building design be subject to Town of Whitby in-house architectural control approval; and
5. The applicant receive final and binding approval from the Durham Region Land Division Committee.

**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.



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) reduce the interior side yard setback (south) from 1.2m to 0.65m; (2) reduce the minimum required front yard setback from 9.0m to 7.3m; (3) increase the maximum permitted lot coverage from 20% to 33% located at 45 Montgomery Avenue be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Public Works Department; and
2. Drainage and roof leaders from the proposed structure shall not spill onto the neighbouring 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.



reduce the minimum required distance between two driveways (circular driveway) from 9.0m to 7.9m located at 221 Powell Road be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Public Works Department;
2. Drainage shall not spill onto the neighbouring property;
3. That variance #1 shall only apply to the proposed two car garage as illustrated on the applicant's site plan drawing; and
4. The width of the circular driveway shall be limited in width to 5.91m (north) and 3.05m (south).

### **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/75/21**

**Lawrence Malek on behalf of Joseph Connolly  
30 Petaluma Court**

An application has been received from Lawrence Malek on behalf of Joseph Connolly, for a variance from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to increase the maximum permitted accessory structure size from 60.0sq.m to 79.0sq.m.

The requested variance is required to permit a detached garage (accessory structure) on the subject property.

In Support of Application

Lawrence Malek

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.

L. Malek introduced himself to the Committee as the applicant. He advised the Committee that the requested variance is required to permit the construction of a detached garage on the property, for which his client intends to store vehicles in.

L. Malek advised the Committee that the requested variances meets the 4 tests as set out by the Planning Act.

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

J. Cardwell asked the applicant what the second floor of the garage will be used for.

L. Malek replied that the second storey will be used as storage.

D. McCarroll asked if a new curb cut will be required.

L. Malek replied no. He noted that the garage will not require a driveway widening and will front onto the existing driveway.

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 written 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

Minutes of the 11th Meeting of Committee of Adjustment

That the application to increase the maximum permitted accessory structure size from 60.0sq.m to 79.0sq.m located at 30 Petaluma Court be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Public Works Department;
2. Drainage and roof leaders from the proposed structure shall not spill onto the neighbouring property; and
3. That a permit from CLOCA be obtained prior to any construction or site alteration within the area of this property regulated by CLOCA.

**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.





That the application to (1) increase the maximum permitted encroachment of a deck within a rear yard from 3.2m to 3.4m; and (2) reduce the minimum required rear yard setback of a deck extending from the first storey of a dwelling from 6.0m to 4.1m located at 9 Highgrove Court be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Public Works Department;
2. Drainage shall not spill onto the neighbouring property; and
3. That a permit from CLOCA be obtained prior to any construction or site alteration within the area of this property regulated by CLOCA.

### **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:** J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday July 29, 2021 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**

[Original approved]

---

Secretary Treasurer

[Original approved]

---

Chair