



# Minutes of the 10th Meeting of the Committee of Adjustment

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**Meeting Date:** Thursday July 25, 2019  
**Meeting Time:** 7:00 p.m.  
**Meeting Location:** Whitby Municipal Building  
575 Rossland Road East, Committee Room 1

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## **Present:**

S. Haslam, Chair  
J. Cardwell  
B. O'Carroll  
D. McCarroll  
N. Chornobay  
J. Malfara, Secretary-Treasurer  
J. Taylor, Manager of Planning Administration  
N. VanVugt, Planning Student

## **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/59/19**

**Victoria Pirtam**

**1 Timber Mill Avenue**

An application has been received from Victoria Pirtam 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 lot frontage for a semi-detached residential dwelling containing an accessory apartment from 10.0m to 8.3m; and
2. increase the maximum permitted driveway width from 5.5m to 6.5m.

The subject property is located at 1 Timber Mill Avenue and is zoned Residential Zone Exception 1 (R3C\*-1) within the Town of Whitby Zoning By-law 1784.

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

In Support of Application

Victoria Pirtam (Owner)

In Opposition of Application

No one in attendance

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

V. Pirtam introduced herself to the Committee as the owner of the subject property. She provided an overview of the two requested variances. V. Pirtam advised the Committee that she read the Planning Staff Report and agreed with the recommendation to approve the variances.

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

N. Chornobay asked if the applicants has submitted a building permit application to the Town of Whitby Building Department for the proposed works.

V. Pirtam replied yes.

N. Chornobay asked the applicant if she is proposing a separate exterior access from the rear yard to the proposed basement apartment.

V. Pirtam replied yes.

N. Chornobay asked the applicant if the two variances are required for the proposed accessory apartment.

V. Pirtam replied yes.

N. Chornobay asked the applicant if the two parking spaces located on the driveway will be located entirely within the applicant's property.

V. Pirtam replied yes.

N. Chornobay asked the applicant if the existing garage is shared with the neighbouring property.

V. Pirtam replied yes, and that the garage is a semi-detached structure.

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 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:** N. Chornobay

That the application to (1) reduce the minimum required lot frontage for a semi-detached residential dwelling containing an accessory apartment from 10.0m to 8.3m; and (2) increase the maximum permitted driveway width from 5.5m to 6.5m located at 1 Timber Mill Avenue be **Granted**.

### **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/60/19**

**Nadeem Irfan on behalf of Barakaa Developer Inc.  
160 Hillcrest Drive (Part 1)**

An application has been received from Nadeem Irfan on behalf of Barakaa Developer Inc., 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 lot frontage for a single detached dwelling from 15.0m to 11.8m.

The subject property is located at 160 Hillcrest Drive and is zoned Residential Type 2 Zone in the Town of Whitby Zoning By-law 2585.

The requested variance is required to facilitate the severance of the subject property into two parcels and development of a single detached residential dwelling. This application applies to the proposed lot to be severed.

In Support of Application

Nadeem Irfan  
Deepak Bhatt

In Opposition of Application

Wes Peel  
Paul Richardson  
Linda Richardson  
Jennifer Jimmo  
Stephen Jimmo  
Allen Armstrong  
Bernadette Riordan  
Mike Engel

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

N. Irfan introduced himself to the Committee as the architect representing the owner of the subject property. He noted that the requested variance is required to reduce the minimum required lot frontage to facilitate the severance of the subject property into two parcels.

N. Irfan noted that an application was submitted to the Durham Region Land Division Committee, and was approved with conditions. He also expressed that he had reviewed the Planning Staff report and agreed with the recommendation to table the application until the appeal period for the related Land Division application has ended.

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

N. Chornobay asked the applicant to confirm that they were satisfied with the recommendation from the Town of Whitby Planning staff to table this minor variance application.

N. Irfan agreed.

N. Chornobay noted that if the Land Division application is appealed to the Local Planning Appeal Tribunal and the appeal is dismissed, the applicant will still be required to come back to the Committee of Adjustment to address the minimum required lot frontage variance. He further noted that if an appeal is received for the Land Division application, the applicant may wish to inquire with the LPAT to see if this Minor Variance application can be heard concurrently.

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 written correspondence was received, which had been circulated to the Committee for review prior to the meeting.

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

B. Riordan introduced herself as the owner of 165 Hillcrest Drive. She expressed that she is opposed to the requested minor variance and had also appeared at the Land Division Committee meeting to also express her objection.

B. Riordan noted that the applicant must satisfy the 4 minor variances tests in order for the variance to be approved. She noted that the requested variance does not satisfy the four tests.

B. Riordan stated that the existing neighbourhood is comprised of large lots and mature trees. She does not feel that the applicant's proposal is in keeping with neighbourhood character. She also noted that if the variance is approved there will be traffic and flooding issues.

B. Riordan stated that the variance is not minor in nature and believes that if the variance is approved it will be precedent setting. She advised the Committee that the applicant can build one new home that conforms to existing character of neighbourhood.

B. Riordan concluded that that Committee should consider the current residents and community and that this neighbourhood is located within a low density area and was never intended to have smaller lots as proposed by the applicant.

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

P. Richardson introduced himself as the owner of 161 Hillcrest Drive. He advised the Committee that Hillcrest Drive is a narrow road with no sidewalks. In his opinion adding an additional residential dwelling on the street will result in parking and traffic impacts.

P. Richardson also had a historic survey of the neighbourhood that illustrated the original lotting pattern. The survey illustrated that the majority of the lots within the neighbourhood had minimum lot frontages of approximately 50 feet. He concluded that the applicant's proposal to reduce the minimum lot frontage from 15.0m to 11.8m is not minor.

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

M. Engel introduced himself to the Committee as the owner of 167 Hillcrest Drive. He stated that the proposed redevelopment of the subject property to include two new dwellings will result in traffic and parking issues and will also change the character of the neighbourhood. He clarified to the Committee that he did not have an opportunity to speak at the Durham Region Land Division Committee meeting with regards to the proposed severance application, but wanted to clarify to this Committee that he is opposed to the requested variances.

M. Engle also stated that if the variances are approved for the severed and retained lots, this will be precedent setting. He also expressed that there will be undesirable impacts caused by the construction activities when the applicants choose to build the new dwellings.

N. Chornobay asked M. Engel if he had any concerns when the abutting residential dwelling to the north of the applicant's property was undergoing major renovations.

M. Engel replied no. He was however concerned with construction vehicle parking on the street. He also noted that if the applicant were to only construct one dwelling, there would be a lesser impact opposed to the applicant constructing two dwellings.

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

J. Jimmo introduced herself to the Committee as the owner of 162 Hillcrest Drive and expressed that she opposes the requested variances for the applicants property. She expressed that if the variances are granted and the property is severed it will look out of character from the rest of the neighbourhood. J. Jimmo also stated that there are flooding issues that currently exist, which in her opinion may be the result of a natural spring located on the applicant's property.

B. O'Carroll asked J. Jimmo if the Town of Whitby Public Works Department provided comments to the Durham Region Land Division Committee with respect to storm water management.

J. Malfara advised the Committee that comments were provided from the Town of Whitby Public Works Department to the Durham Region Land Division Committee with respect to storm water management. He noted that the Public Works department requested a Stormwater Management Brief, Grading Plan, and a Soils Report that demonstrates the feasibility of the proposed development/severance prior to the issuance of a building permit.

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

L. Richardson introduced herself to the Committee as the owner of 161 Hillcrest Drive and that she is opposed to the requested variances. She stated that if the property is severed, the two proposed dwellings will look out of character based on the current neighbourhood streetscape.

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

N. Irfan advised the Committee that his client's Planner was in attendance and would like to provide his comments.

D. Bhatt introduced himself to the Committee as the Planner retained by the owner of the subject property. He also noted that he is a Registered Professional Planner (RPP) and he was the author of the planning justification report submitted in support of the requested minor variance applications.

D. Bhatt advised the Committee that neighbourhoods are not static. Development shall be compatible and not prohibited. In his opinion this infill development will revitalize the neighbourhood. He further noted that the severed and retained lots will meet the minimum lot area as well as all other zone provisions except for the minimum required lot frontage. If the property were not severed, his client would be permitted to construct one very large house, which in his opinion would be out of character with the neighbourhood.

D. Bhatt also confirmed to the Committee that his clients will adhere to the conditions provided by the Town of Whitby Public Works Department included as part of the Land Division Application.

D. Bhatt concluded by stating that the proposed two dwellings will not create any traffic impacts and that the requested variances are appropriate and should be approved.

N. Chornobay asked if the recently approved Land Division application was appealed.

J. Taylor advised the Committee that the notice of decision was circulated on July 25<sup>th</sup> and the last day to appeal the Land Division Committee's approval is August 13<sup>th</sup>.

N. Chornobay noted that he was prepared to make a motion to table the application as per the recommendation in the Planning Staff Report. The application shall be tabled until the final decision is rendered with respect to the Land Division Application LD 088/2017.

B. O'Carroll asked if a new public notice will be circulated to inform the public when the application comes back to the Committee.

The Chair replied yes.

J. Taylor expressed that prior to the application coming back to the Committee, Planning staff would like to undertake a detailed review of character of neighbourhood in greater detail.

**Moved by:** N. Chornobay

That the application to reduce the minimum required lot frontage for a single detached dwelling from 15.0m to 11.8m located at 160 Hillcrest Drive (Part 1) be **tabled** until the final decision is rendered with respect to the Land Division Application LD 088/2017.

**Carried**

Having considered the contents of all submissions, the staff report, written, and oral submissions had an effect on the Committee's decision.



## **Item 2: Public Hearings**

**A/61/19**

**Nadeem Irfan on behalf of Barakaa Developer Inc.  
160 Hillcrest Drive (Part 2)**

An application has been received from Nadeem Irfan on behalf of Barakaa Developer Inc., 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 lot frontage for a single detached dwelling from 15.0m to 11.8m.

The subject property is located at 160 Hillcrest Drive and is zoned Residential Type 2 Zone in the Town of Whitby Zoning By-law 2585.

The requested variance is required to facilitate the severance of the subject property into two parcels and development of a single detached residential dwelling. This application applies to the proposed lot to be retained.

In Support of Application

Nadeem Irfan  
Deepak Bhatt

In Opposition of Application

Wes Peel  
Paul Richardson  
Linda Richardson  
Jennifer Jimmo  
Stephen Jimmo  
Allen Armstrong  
Bernadette Riordan  
Mike Engel

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

J. Taylor advised the Committee that this application is the same application as A/60/19; but, for the retained parcel.

There was no input from the applicant.

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 written correspondence was received, which had been circulated to the Committee for review prior to the meeting.

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 lot frontage for a single detached dwelling from 15.0m to 11.8m located at 160 Hillcrest Drive (Part 2) be **tabled** until the final decision is rendered with respect to the Land Division Application LD 088/2017.

**Carried**

Having considered the contents of all submissions, the staff report, written, 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 04, 2019 be adopted.

**Carried**

**Item 4: Other Business**

J. Malfara provided the Committee members with their honorariums.

**Item 5: Adjournment**

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

That this meeting of the Committee of Adjustment be adjourned.

**Carried**

[Original approved and signed]

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Secretary Treasurer

[Original approved and signed]

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Chair