



Minutes of the 12th Meeting of the Committee of Adjustment

Meeting Date: Thursday September 05, 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

Item 2: Public Hearings

A/64/19

**Baif Developments Ltd.
43 Jamieson Crescent**

An application has been received from Baif Developments Ltd., for variances from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to reduce the minimum required northerly interior side yard setback from 1.75 metres to 1.5 metres and increase the maximum permitted building height from 8 metres to 8.5 metres.

The subject property is located at 43 Jamieson Crescent and is zoned Residential (R2A) within Town of Whitby Zoning By-law 1784.

The requested variances are required to permit the development of a proposed single detached dwelling.

In Support of Application	Lynn Barkey (Applicant)
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In Opposition of Application	Ken Pasricha Deena Thompson Nicole Steele Cecile Thompson Charles Anstey
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

L. Barkey introduced himself to the Committee as the applicant. He noted that Baif Developments Limited were the original developers of the surrounding subdivisions and have owned the subject property since the 1980's. He advised the Committee that the vacant lot remained undeveloped for the purpose of providing emergency access to the subdivision to the east.

L. Barkey noted that the emergency access through the property is no longer required and therefore they are now proposing to construct a new detached dwelling. He also stated that the existing Zoning does not reflect current development standards and two variances are required to construct the dwelling they are proposing.

L. Barkey stated that the proposed dwelling will be compatible with the surrounding dwellings and will add value to the neighbourhood.

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

B. O'Carroll asked the applicant if his company was the original owner/developer of the subdivision which the vacant lot is located in.

L. Barkey replied yes.

B. O'Carroll stated that on the Site Plan, there is a notation that references a board fence to be relocated.

L. Barkey advised the Committee that the shared fence located along the south property line may be encroaching onto their property, and if this is the case, it will have to be relocated back onto the property line.

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.

K. Pasricha introduced himself to the Committee as the owner of 3 Jamieson Cres. He asked if Baif Developments Limited was the original builder of the subdivision.

L. Barkey replied that Baif Developments Limited was the land developer, and their partner company Acorn Developments was the builder.

K. Pasricha asked if he would be able to view the proposed house designs.

L. Barkey replied that he did not have a copy of the plans with him.

N. Chornobay provided a copy of the plans to K. Pasricha.

K. Pasricha asked if the garage will project past the front of the dwelling.

L. Barkey replied that the garage will be generally flush with the front of the dwelling.

K. Pasricha asked what the size of dwelling will be.

L. Barkey replied 3,000 to 3,500 sq.ft.

K. Pasricha noted that the proposed dwelling is similar in size to his house.

K. Pasricha asked who will be building the proposed dwelling.

L. Barkey replied Acorn Developments.

K. Pasricha asked if the proposed dwelling will be for sale or if it will be a rental unit.

L. Barkey replied that it will be sold.

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

D. Thompson introduced herself to the Committee as the owner of 46 Jamieson Crescent. She asked the applicant if the dwelling as illustrated within the plans submitted with the application will be the dwelling constructed.

L. Barkey replied yes.

D. Thompson asked what color of brick will be used.

L. Barkey was unsure.

D. Thompson noted that on the plans there is a note that references that the existing catch basin located in front of the property will be removed.

L. Barkey noted that this catch basin is no longer required and will be eliminated.

D. Thompson also noted that she has concerns with the construction activities associated with the construction of the proposed dwelling, as it may impact the road operation in front of the applicant's property.

L. Barkey replied that they will try and coordinate all road works and on-site construction activity to occur at the same time to limit impacts. He also provided D. Thompson with his contact information.

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

N. Steele introduced herself to the Committee as the owner of 1 Hartford Court. She is concerned about the impacts that will arise from the proposed construction activities.

The Chair advised N. Steele that the Committee will only consider comments as they relate to the requested variances.

J. Taylor advised N. Steele that she is free to speak with the applicant about concerns unrelated to the variances after the meeting if she would like.

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

C. Thompson introduced herself as the resident of 46 Jamieson Crescent. She asked the applicant why can't they construct a dwelling that is similar to the neighbouring dwellings and would also comply with the Zoning By-law.

L. Barkey replied that the variances are required to construct a more modern and marketable dwelling. The variances are also required to construct a dwelling that reflects current day urban design standards.

C. Thompson asked the applicant to confirm that they do not have a house plan that would allow them to comply fully with the Zoning By-law.

L. Barkey replied yes.

C. Thompson noted that the applicant did not consider building a dwelling that mimics the existing homes on the street and instead is proposing to build a larger home that is out of character with the neighbourhood.

L. Barkey replied that they typically do not build one off custom homes. The model that they are proposing to construct is based off an existing plan that they have used, and is also a model that encompasses modern architectural standards.

C. Thompson asked if the new dwelling will be closer to the neighbouring properties.

L. Barkey replied yes. One of the requested variances is to reduce the minimum required interior side yard setback.

C. Thompson asked how this reduced setback will impact the neighbours.

N. Chornobay asked C. Thompson how the variances will impact her.

C. Thompson noted that it will change the character of the neighbourhood and that the new dwelling will look out of place.

N. Chornobay expressed that even without the requested variances, the applicant is permitted to construct a dwelling on the property.

C. Thompson concluded that she hoped that the proposed dwelling would have been more compatible with the neighbourhood.

Moved by: J. Cardwell

That the application to reduce the minimum required northerly interior side yard setback from 1.75 metres to 1.5 metres and increase the maximum permitted building height from 8.0 metres to 8.5 metres to permit the construction of a two storey single detached dwelling located at 43 Jamieson Cres be Granted subject to the following conditions:

1. That no Building Permit be issued until such time as the Deverell Street extension to the east is available for emergency access to the satisfaction of Fire and Emergency Services; and
2. That a cash-in-lieu payment to the Town's Tree Reserve, in the amount of the appraised value of the tree, as determined by the Town's Certified Tree Appraisal staff, is required should the northerly boulevard tree along the subject property's frontage require removal.

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/65/19

**Baif Developments Ltd.
72 Deverell Street**

An application has been received from Baif Developments Ltd., for variances from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to reduce the minimum required northerly interior side yard setback from 1.75 metres to 1.3 metres and increase the maximum permitted lot coverage from 33% to 35%.

The subject property is located at 72 Deverell Street and is zoned Residential (R2A) within Town of Whitby Zoning By-law 1784.

The requested variances are required to permit the development of a proposed single detached dwelling.

In Support of Application Lynn Barkey (Applicant)

In Opposition of Application Josee Beauchamp-Welde
 Rose Anstey
 Charles Anstey

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

L. Barkey introduced himself again to the Committee as the applicant. He advised the Committee that his company is proposing to construct a new detached dwelling on the subject property.

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

D. McCarroll asked if the proposed dwelling will be the same design as the dwelling proposed for 43 Jamieson Crescent.

L. Barkey replied yes.

B. O'Carroll asked if the lot was the same size as 43 Jamieson Crescent.

L. Barkey replied that the lots are similar in size.

B. O'Carroll stated that on the Site Plan, there is a notation that references a board fence to be relocated.

L. Barkey advised the Committee that the shared fence located along the side lots lines may be encroaching onto their property, and if this is the case, it will have to be relocated back onto the property line.

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.

J. Beauchamp-Welde introduced herself to the Committee as the owner of 36 Foster Crescent. She asked the applicant to confirm that the reason the property was not developed in the 1980's was because an emergency access route was required to the lands to the east.

L. Barkey replied yes. He stated because the lands to the east are being developed additional access roads have been created and therefore his property is no longer required as an emergency access route.

J. Beauchamp-Welde asked for confirmation that the proposed dwelling will not be constructed until the construction of the roads to the east are complete.

The Chair confirmed. He noted that there is a condition in the Planning Staff Report that states no Building Permit be issued until such time as the Deverell Street extension to the east is available for emergency access to the satisfaction of Fire and Emergency Services.

J. Beauchamp-Welde noted that she understands that buyers want homes that have modern architectural features. In her opinion the proposed dwelling will not comply with the character of the existing neighbourhood. She made reference to the nearby Minto development, and advised the Committee that their homes are currently under construction and the visual divide between the old and new is evident.

L. Barkey noted that his company needs to construct a dwelling that is marketable, and that constructing a dwelling based on standards from the 1980's is not appropriate.

J. Beauchamp-Welde asked if there will be additional meeting to discuss the applicant's proposal.

The Chair replied no.

J. Beauchamp-Welde also noted that there is a school bus stop in front of the applicant's property. She asked how the development will impact the bus stop and children.

B. O'Carroll stated that this matter is unrelated to the requested variances. She recommended that the resident contact the school board directly.

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

R. Anstey and C. Anstey introduced themselves to the Committee as the owner of 74 Deverell Street.

C. Anstey asked the applicant if he had an elevation of the proposed dwelling that he can view.

L. Barkey replied that he did not have a copy with him.

C. Anstey expressed that the proposed dwelling will be large and overbearing.

L. Barkey replied that the proposed dwelling meets the needs of todays housing market.

C. Anstey asked who will be responsible for relocating their fence and the removal of any vegetation.

B. O'Carroll noted that the fence relocation is unrelated to the requested variances.

C. Anstey asked the Committee who will be responsible for assuring the health of their vegetation when the fence is moved.

The Chair reiterated that the matters pertaining to the fence relocation is unrelated to the requested variances.

C. Anstey asked how residents will access the greenspace (hydro corridor) once the new dwelling is constructed.

The Chair noted that this is unrelated to the requested variances.

B. O'Carroll recognized that residents may have used the vacant parcel as a cut-through to the open space located to the east, however, she noted that the applicant owns this property and are entitled to developing it.

Moved by: B. O'Carroll

That the application to reduce the minimum required northerly interior side yard setback from 1.75 metres to 1.3 metres and increase the maximum permitted lot coverage from 33% to 35% to permit the construction of a two storey single detached dwelling located at 72 Deverell St be Granted subject to the following condition:

1. That no Building Permit be issued until such time as the Deverell Street extension to the east is available for emergency access to the satisfaction of Fire and Emergency Services.

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/66/19

**Shand Sartz
913 Henry Street**

An application has been received from Shand Sartz, 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 front yard setback from 6 metres to 5.5 metres.

The subject property is located at 913 Henry Street and is zoned Residential (R2) within Town of Whitby Zoning By-law 2585.

The requested variance is required to permit the construction of a proposed front entrance addition.

In Support of Application	Shand Sartz (Owner) Rick Trulhan (Applicant)
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In Opposition of Application	No one in attendance
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

R. Trulhan introduced himself as the applicant (contractor). He noted that the property currently includes a small bungalow dwelling and they are proposing to enclose and enlarge the existing front porch. The porch is currently too small, and enclosing it will allow for additional privacy for the home owner.

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

B. O'Carroll asked if the porch enclosure will be glass or a solid material.

R. Trulhan replied it will be a solid material.

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. There was no one.

Moved by: N. Chornobay

That the application to reduce the minimum required front yard setback from 6 metres to 5.5 metres to permit the construction of a front entrance addition located at 913 Henry St 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/67/19

**Kiya Investment Corporation
513 Dundas Street East**

An application has been received from Kiya Investment Corporation, for variances from the provisions of the Town of Whitby Zoning By-law 2585.

The application is for permission to:

- 1) increase the maximum permitted floor space index from 1.75 to 2.2;
- 2) reduce the minimum required landscaped open space from 30% to 27%;
- 3) reduce the minimum required private amenity space for each dwelling unit from 9 sq. m/unit to 5 sq. m/unit;
- 4) reduce the minimum required lot area from 59 sq. m/unit to 51 sq. m/unit;
- 5) reduce the minimum required front yard setback from 4.5 m to 1.65 m;
- 6) reduce the minimum required number of parking spaces for residents from 1.25 spaces per dwelling unit to 1 space per dwelling unit; and,
- 7) reduce the minimum required setback from a street line to a surface parking area associated with a residential use containing 3 or more units from 2.5 m to 1.65 m.

The subject property is located at 513 Dundas Street East and is zoned Residential Type 6 – Downtown (R6-DT) within Town of Whitby Zoning By-law 2585.

The requested variances are to permit the development of a proposed 6 storey, 73 unit apartment building on the subject property in accordance with Site Plan Application SP-07-18.

In Support of Application

Lucky Dutt (Applicant)

Also in Attendance

Sheila Harrison
Ann Brooks
Boyd Brooks

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

L. Dutt advised the Committee that the property has been vacant for some time. He noted that the proposal to redevelop the property for an apartment building was approved through a Site Plan Application. During the Site Plan process a number of variances were identified. He noted that many of the variance are required as a result of a road widening along Dundas Street W. In his opinion the requested variances are appropriate and meet the 4 tests.

The Chair asked the applicant how many parking spaces are proposed.

L. Dutt replied that there will be 18 surface parking spaces for visitors and 96 parking spaces underground for residents.

The Chair asked if all underground spaces will be for residents.

L. Dutt replied yes.

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

B. O'Carroll asked if there is any proposed landscaping.

L. Dutt noted that there will be extensive landscaping proposed along the Dundas Street West frontage. He also provided color elevations to the Committee for viewing.

The Chair asked where the waste room will be located.

L. Dutt replied at the rear of the building.

N. Chornobay asked which variances were triggered by the Dundas Street widening.

L. Dutt replied variances 2,4,5 and 7.

J. Taylor provided clarification for the residents that although a road widening is being secured, it is unknown when the widening will take place. He further clarified that the municipal or regional securement of road widenings is common during development applications, as it allows public bodies to secure such lands at no cost.

J. Cardwell asked the applicant what the anticipated demographic will be for the proposed building.

L. Dutt replied seniors. He noted that based on past and similar buildings that they have constructed in the region, their product is very attractive to the senior demographic.

B. O'Carroll asked if the building will only include one bedroom suites.

L. Dutt replied yes.

D. McCarroll asked if all units will be rental.

L. Dutt 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.

A. Brooks introduced herself to the Committee as the owner of 203 Reynolds Street. She noted that there is an increasing trend of variances across the Town, and stated that developers should be more accountable for complying with the approved Zoning provisions.

She also expressed concern with the reduction to the private amenity space, the reduction to the minimum front yard setback, and the reduction to the minimum number of parking spaces.

N. Chornobay asked staff what is included within the private amenity space.

J. Taylor replied that this space was intended to apply to private amenity areas such as balconies when the Zoning By-law was enacted. However, this provision is now dated and does not necessarily represent newer developments where balconies are becoming smaller and/or phased out.

L. Dutt noted that the proposed 5.0 sq/m of amenity space per unit will be located on private balconies part of each unit.

L. Dutt also stated that with respect to the comment about parking, based on similar projects completed in the region, one parking space per unit is sufficient. In this case each apartment unit will have 1 dedicated parking space. There will also be an additional 20 parking spaces for residents having more than one vehicle.

The Chair asked if the Site Plan Application has been approved.

J. Taylor replied yes.

N. Chornobay asked the applicant to confirm that there will be more than one parking space provided per apartment dwelling unit.

L. Dutt replied yes.

B. O'Carroll noted that with regards to parking, when the Zoning By-law was originally enacted the reliance on private vehicles were greater. Now, with the ageing population as well as public transportation, a reduction the number of required parking spaces in senior's oriented buildings can be warranted.

Moved by: D. McCarroll

That the application to: (1) increase the maximum permitted floor space index from 1.75 to 2.2; (2) reduce the minimum required landscaped open space from 30% to 27%; (3) reduce the minimum required private amenity space for each dwelling unit from 9 sq. m/unit to 5 sq. m/unit; (4) reduce the minimum required lot area from 59 sq. m/unit to 51 sq. m/unit; (5) reduce the minimum required front yard setback from 4.5 m to 1.65 m; (6) reduce the minimum required number of parking spaces for residents from 1.25 spaces per dwelling unit to 1 space per dwelling unit; and, (7) reduce the minimum required setback from a street line to a surface parking area associated with a residential use containing 3 or more units from 2.5 m to 1.65 m, located at 513 Dundas St E be Granted subject to the following condition:

1. That the applicant shall meet the Public Works Department conditions and requirements stated in file SP-07-18.

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 August 15, 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

[Original approved and signed]

Secretary Treasurer

[Original approved and signed]

Chair