



# Minutes of the 5th Meeting

## Committee of Adjustment

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**Meeting Date:** Thursday April 15, 2021

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

**Meeting Location:** Virtual Meeting

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### **Present:**

N. Chornobay, Chair

S. Haslam

J. Cardwell

B. O'Carroll

D. McCarroll

J. Malfara, Secretary-Treasurer

J. Taylor, Senior Manager, Zoning & Regulation

K. Kram, Supervisor, Zoning & Regulation

### **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/31/21**

**Carole and Kurt Harfst  
162 Fallingbrook Street**

An application has been received from Carole and Kurt Harfst, for a variance from the provisions of By-law 1784.

The application is for permission to increase the maximum permitted lot coverage from 33% to 38%.

The subject property is located at 162 Fallingbrook Street and is zoned Residential (R2A) within the Town of Whitby Zoning By-law 1784.

The requested variance is required to permit the construction of an accessory structure (gazebo) within the rear yard of the subject property.

|                           |                              |
|---------------------------|------------------------------|
| In Support of Application | Kurt Harfst<br>Carole Harfst |
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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.

K. Harfst and C. Harfst introduced themselves to the Committee as the owners of the subject property.

K. Harfst advised the Committee of their proposal to construct a gazebo in the rear yard. He noted that the maximum permitted lot coverage is 33%, but additional lot coverage is required as the existing dwelling already occupies 33% of the lot coverage.

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

J. Cardwell referenced a roof overhang that covers the pool pump in the applicant's side yard. He asked if this small structure was also factored into the lot coverage calculation.

C. Harfst was unaware if it was included within the coverage calculation.

J. Malfara was unable to confirm if this overhang was included in the lot coverage calculation.

The Chair noted that the required lot coverage is approximately 37%, whereas 38% was requested by the applicant.

J. Malfara agreed, and noted that there is a small buffer in the lot coverage.

B. O'Carroll asked if there are any sheds located in the rear yard.

K. Harfst replied yes. He noted that the shed will be removed, as this is the location of the proposed gazebo.

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, and there was no one registered to speak to the application.

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 increase the maximum permitted lot coverage from 33% to 38% located at 162 Fallingbrook Street be **Granted** subject to the following conditions:

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

**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.



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 minimum lot frontage from 21.5m to 16.9m; and (2) increase the maximum building height from 8.5m to 9.0m located at 18 Hillcourt Avenue be **Granted** subject to the following conditions:

1. Site grading shall conform to the requirements of the Public Works Department; and
2. Stormwater shall not be directed onto adjacent properties.

**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/33/21**

**DP Realty Advisors c/o David Pearce**  
**18 Hillcourt Avenue (Part 2)**

An application has been received from DP Realty Advisors c/o David Pearce, for variances from the provisions of By-law 1784.

The application is for permission to:

1. reduce the minimum lot frontage from 21.5m to 16.9m; and
2. increase the maximum building height from 8.5m to 9.0m.

The subject property is located at 18 Hillcourt Avenue and is zoned Second Density Residential (R2) within the Town of Whitby Zoning By-law 1784.

The requested variances are required to permit the severance of the subject property, as well as the construction of a new two storey dwelling on the subject land.

In Support of Application David Pearce

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.

D. Pearce noted that his comments from the previous application A/32/21 also apply to this application.

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 public correspondence was received, and there was no one registered to speak to the application.

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 (1) reduce the minimum lot frontage from 21.5m to 16.9m; and (2) increase the maximum building height from 8.5m to 9.0m located at 18 Hillcourt Avenue be **Granted** subject to the following conditions:

1. Site grading shall conform to the requirements of the Public Works Department; and
2. Stormwater shall not be directed onto adjacent properties.

**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/34/21**

**Cade McMannis on behalf of Girish Chandra  
613 Henry Street**

An application has been received from Cade McMannis on behalf of Girish Chandra, for a variance from the provisions of By-law 2585.

The application is for permission to increase the total combined lot coverage of all accessory structures on any residential lot from 50% of the lot coverage of the main building on the lot to 99.6% (58.35 sq.m) of the lot coverage of the main building on the lot.

The subject property is located at 613 Henry Street and is zoned Residential Type 2 – Downtown Zone (R2-DT) within the Town of Whitby Zoning By-law 2585.

The requested variance is required to permit the construction of an accessory structure (detached garage) located within the rear yard of the subject property.

|                              |   |
|------------------------------|---|
| In Support of Application    | Cade McMannis   |
| In Opposition of Application | Cameron Craib<br>Cheryl Wallace<br>William Percy<br>Judy Rynbeek<br>Gary Smith<br>Peter Karagiannis |

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

C. McMannis introduced himself to the Committee as the representative of the property owner. He noted that a two car detached garage is proposed within the rear yard of the subject property. He also stated that the lot area is large, but the existing dwelling is quite small.

The property does not have a garage currently, and the proposed structure will be used to store the owner's personal vehicles.

C. McMannis also noted that the property is located within the Werden's Plan Heritage Conservation District. A heritage permit has been approved for the proposed garage.

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

S. Haslam asked if the existing shed in the rear yard will be removed.

C. McMannis was unaware if the existing shed will remain in place or be removed.



S. Haslam asked if the proposed garage will be used for personal use only.

C. McMannis replied yes. He confirmed that the garage will be used to park a truck and recreational vehicles.

B. O'Carroll asked if the elevations and appearance of the garage has been approved by the Heritage Committee.

C. McMannis 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 letters of objection were received. He noted that these letters were circulated to the Committee for their viewing prior to the meeting.

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

C. Craib introduced himself as the owner of the neighboring property south east of the subject property. He expressed concerns with an oversized fence that the applicant erected around the perimeter of the property. He also noted that he often observes large vehicles and trailers parked on the property, and wanted to ensure that a business is not being operated out of the property.

The Chair asked if there were any questions from the Committee. There were none.

The Chair asked if there was anyone else wishing to speak to the application.

C. Wallace introduced herself to the Committee as the neighbor to the south of the applicant's property. She expressed concerns with the recent fence the applicant erected around the perimeter of the property. C. Wallace also noted that there is often a large influx of vehicles parked at the property, and is concerned that this property will be operated as a commercial property.

C. Wallace noted that she has no major concern with a smaller size garage if it's located in line with the exiting dwelling.

The Chair asked if there were any questions from the Committee. There were none.

The Chair asked if there was anyone else wishing to speak to the application.

J. Rynbeek introduced herself as the owner of 617 Henry Street. She expressed concerns with the size of the garage. She does not have an objection to having a garage, but would like to see the proposal reduced in scale.

The Chair asked about the size of the garage.

C. McMannis replied that the garage is approximately 21 feet by 24 feet.

J. Malfara noted that the garage is suitable for two internal parking spaces, plus some additional area for storage.

The Chair asked if there was anyone else wishing to speak to the application.

W. Percy introduced himself as the owner of 604 King Street, and expressed concerns with the construction of the fence on the property, similar to what was previously expressed by other members of the public. He is concerned that the By-law was not respected during the fence construction, and this may be a similar situation when the garage is constructed.

W. Percy also expressed concerns with the potential for a car repair business being operated at the property and within the proposed garage.

The Chair asked if there were any questions from the Committee. There were none.

The Chair asked if there was anyone else wishing to speak to the application.

P. Karagiannis introduced himself as the owner of 610 King Street, which backs onto the applicant's property. He noted that he also shares the same concerns raised by the previous speakers.

P. Karagiannis provided three photos with the Committee of the applicant's fence. The photos were taken from the rear yard of 610 King Street facing the applicant's property.

P. Karagiannis stated that the grading has been altered on the applicant's property and noted additional concerns with the potential for a drive through garage, and the applicant potentially parking vehicles and trailers in the rear yard.

P. Karagiannis concluded that the requested variance is not minor in nature and does not meet the four tests as prescribed by the Planning Act.

The Chair asked if there were any questions from the Committee. There were none.

The Chair asked if there was anyone else wishing to speak to the application.

C. Wallace referred to a photo of the fence provided to the Committee illustrating the grading change within the applicant's property. She noted that the applicant raised the grade of their site, in turn covering the trunk bulb of a boundary tree located between their properties.

The Chair asked if there were any questions from the Committee. There were none.

The Chair asked if there was anyone else wishing to speak to the application.

C. Craib recommended to the Committee that the fence should be removed prior to any approvals being granted for the proposed garage.

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

S. Haslam asked if C. McMannis can provide input to the comments provided by the members of the public.

C. McMannis advised the Committee that he was unaware of the fencing concerns. He noted that the property owner is not conducting an automotive business on the property. C. McMannis clarified that the trailers that were parked on the property included a snowmobile trailer and a work trailer.

C. McMannis also noted that respect to the grading concerns raised, one of the conditions of approval includes not directing roof leaders to adjacent properties and that the grading is approved by the Town prior to construction.

C. McMannis noted that a drive through garage is proposed.

The Chair noted that the fencing issues and grading are unrelated to the proposed garage and associated variance.

J. Taylor advised the Committee that there is a height restriction for fencing. He noted that the Town of Whitby By-law Division is aware of the fencing concerns and is investigating the matter.

J. Taylor also confirmed that on-site inspections will be required by Town Staff to ensure compliance with the Ontario Building Code and that the garage conforms to the approved plans.

J. Taylor concluded that if a homeowner alters their grading and it has impacts on abutting properties, they may be held liable for damages, but this would be a civil matter between the affected homeowners.

The Chair asked if the Committee can include a condition that would prevent the drive through garage.

J. Taylor noted that these types of restrictions are not implemented, and it is important that any imposed conditions would not impact what the Heritage Committee has already approved.

The Chair asked who makes up the Heritage Committee.

J. Taylor stated that the Heritage Committee is a committee made up of appointed members of the public, and also includes a Town of Whitby staff liaison.

The Chair asked if there was anyone else wishing to speak to the application.

G. Smith introduced himself to the Committee as the neighboring property owner to the north of the subject property (415 St. John Street West). He stated that construction vehicles have been continuously parked on the lawn of the property in the rear yard.

The Chair asked if there was anyone else wishing to speak to the application.

P. Karagiannis had a question for C. McMannis. He asked why he did not originally disclose that the garage will have a drive through bay.

The Chair interjected and noted that the purpose of this public meeting is not to interrogate the applicant and/or their representatives.

The Chair asked if any members of the Committee were in a position to make a motion on this application.

S. Haslam expressed that he would like to review the Heritage Committee approved drawings before making a decision on this matter. He put forward a motion that the application be tabled pending the review of the Heritage Committee approved drawings.

J. Malfara advised the Committee that he had the approved drawings available, and can share them on the screen with the Committee and attendees. The drawings were displayed for comments.

J. Malfara noted that the proposed building height is 3.91m, whereas the By-law permits a maximum building height of 4.5m.

D. McCarroll asked what the size of the garage doors will be.

The Chair replied that they appear to be 7 feet tall by 8 feet wide.

Following the review of the drawings, S. Haslam withdrew his motion to table the application.

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

That the application to increase the total combined lot coverage of all accessory structures on any residential lot from 50% of the lot coverage of the main building on the lot to 99.6% (58.35 sq.m) of the lot coverage of the main building on the lot located at 613 Henry Street be **Granted** subject to the following conditions:

1. Site grading shall conform to the requirements of the Public Works Department; and
2. Roof leaders from the proposed structure shall not spill onto the neighbouring properties.

**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.



B. O'Carroll asked where the entrance to the basement apartment will be located.

P. Slat noted that a new entrance to the basement will be constructed at the south face of the dwelling.

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, and there was no one registered to speak to the application.

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 minimum required 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 open space from 40% to 39% located at 96 Mildenhall Place be **Granted** subject to the following condition:

1. The parking of all vehicles shall be completely within private 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.

## Item 2: Public Hearings

**A/36/21**

**Abinay Kirani**  
**30 Goldring Drive**

An application has been received from Abinay Kirani, for a variance from the provisions of By-law 1784.

The application is for permission to reduce the minimum required front yard landscaped open space from 40% to 36%.

The subject property is located at 30 Goldring Drive and is zoned Residential (R3B) within the Town of Whitby Zoning By-law 1784.

The requested variance is required to permit an accessory apartment dwelling unit within an existing semi-detached dwelling.

In Support of Application Abinay Kirani

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.

A. Kirani introduced himself as the owner of the subject property. He expressed that the main floor of the dwelling is currently rented, and they are proposing an accessory apartment within the basement. He noted that in order to satisfy the Zoning By-law, the driveway will have to be widened marginally, which in turn will result in a reduced front yard landscaped open space area.

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

J. Cardwell asked if a Building Permit has been applied for.

A. Kirani replied yes.

J. Cardwell asked if the tree located within the boulevard in front of the house will be impacted.

A. Kirani replied no.

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

D. McCarroll noted that he was of the opinion that the street tree in front of the house would be impacted by the driveway widening.

The Chair asked staff if possible impacts on this tree will be reviewed at the permit stage.

J. Malfara replied yes.

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

B. O'Carroll asked how access to the apartment will be provided.

A. Kirani noted that the existing door located to the left of garage will provide direct access to the apartment unit. This is a stand alone entryway to the apartment that is not shared with the rest of the dwelling.

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 two letters of objection were received. He noted that these letters were circulated to the Committee for their viewing 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 front yard landscaped open space from 40% to 36% located at 30 Goldring Drive be **Granted** subject to the following condition:

1. The parking of all vehicles shall be completely within private property.

**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:** D. McCarroll

That the minutes of the Committee of Adjustment held on Thursday March 25, 2021 be adopted.

**Carried**

### **Item 4: Other Business**

K. Kram was in attendance to provide a presentation to the Committee with regards to the Town of Whitby Comprehensive Zoning By-law Review.

K. Kram's presentation included an overview of the Comprehensive Zoning By-law Review project timeline and an update for what has been completed to date.

K. Kram outlined some of the main topics being considered as part of the review process and asked the Committee if they have any comments or input with regards to current zone standards that should be included within the review process.

A discussion ensued, and the Committee provided input to K. Kram for consideration. Matters discussed included driveway widenings, lot coverage provisions, low density residential building height allowances, and accessory apartments within other types of ground related dwelling types.

K. Kram advised the Committee that if they have additional concerns or comments, they can be forwarded to her.

**Item 5: Adjournment**

**Moved by:** J. Cardwell

That this meeting of the Committee of Adjustment be adjourned.

**Carried**

[Original approved]

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Secretary Treasurer

[Original approved]

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Chair