



# Minutes of the 9th Meeting

## Committee of Adjustment

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**Meeting Date:** Thursday July 09, 2020

**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

### **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/17/20**

**Lonny Gibson of Hull Drafting & Development  
32 Goldring Drive**

An application has been received from Lonny Gibson of Hull Drafting and Development, for a variance from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to:

1. Permit an accessory apartment in a semi-detached dwelling unit with a frontage of 9.1m, whereas 10.0m is required; and
2. Reduce the minimum required front yard landscaped open space for a lot containing an accessory apartment from 40% to 39%.

The requested variance is required to permit an accessory apartment dwelling unit within the existing semi-detached dwelling located on the subject property.

In Support of Application

S. Mohammed (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.

S. Mohammed introduced himself to the Committee as the owner of the subject property. He advised the Committee that the property includes a semi-detached residential dwelling and he is proposing an accessory apartment within the basement of the dwelling in order to meet the minimum parking requirement, they are required to widen the driveway.

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

J. Cardwell asked the applicant if the existing garage will remain as a garage and will remain useable for the parking of vehicles.

S. Mohammed replied yes.

S. Haslam asked the applicant what is the status on the accessory apartment approval process?

S. Mohammed replied that a permit has not yet been submitted. This will occur after the variance process is complete.

B. O'Carroll asked the applicant how many vehicles he owns.

S. Mohammed advised the Committee that he has one family vehicle.

The Chair asked the Secretary Treasurer if there is anyone from the public who registered to speak to this application or if any public correspondence was received.

J. Malfara advised the Committee that no one had registered to speak to this application and no public correspondence was received.

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

That the application to (1) reduce the minimum required lot frontage to permit an accessory apartment dwelling unit within a semi-detached dwelling from 10.0m to 9.1m; and (2) reduce the minimum required front yard landscaped open space for a lot containing an accessory apartment from 40% to 39% located at 32 Goldring Drive be **Granted** subject to the following conditions:

1. That the site grading and all other services shall conform to the requirements of the Public Works Department; and
2. The driveway shall be constructed in accordance with the submitted Site Plan.

**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/18/20**

**Vladimir Rudenko of Strogan Inc.  
1010 Dundas Street East**

An application has been received from Vladimir Rudenko of Strogan Inc., for a variance from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to reduce the minimum required setback of a deck, porch, patio, or balcony projecting from the main wall of a dwelling unit to a street line or aisle and/or driveway from 2.0m to 0.9m.

The requested variance is required to facilitate the development of a proposed 5 storey residential apartment building in accordance with Site Plan Application SP-25-18.

In Support of Application

V. Rudenko (Applicant)

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. Rudenko introduced himself to the Committee and provided an overview of the requested variance. He advised the Committee that the requested variance is required to permit the encroachment of patios associated with the proposed apartment building on the subject property. He further stated that he agrees with the Planning Staff Report as well as the conditions of approval.

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

B. O'Carroll asked the applicant if they are proposing porches or patios.

V. Rudenko replied patios.

B. O'Carroll asked the applicant if there will be fencing along the property line.

V. Rudenko replied that there will be a decorative perimeter fence and landscaping.

The Chair asked the Secretary Treasurer if there is anyone from the public who registered to speak to this application or if any public correspondence was received.

J. Malfara advised the Committee that no one had registered to speak to this application and no public correspondence was received.

**Moved by:** J. Cardwell

That the application to reduce the minimum required setback of a deck, porch, patio, or balcony projecting from the main wall of a dwelling unit to a street line or aisle and/or driveway from 2.0m to 0.9m located at 1010 Dundas Street East be **Granted** subject to the following condition:

1. The Applicant shall meet the Public Works conditions and requirements stated in file SP-25-18.

**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/19/20**

**Doug Norton on behalf of Ryan Lowe**

**8960 Ashburn Rd**

The applicant is requesting a variance from the provisions of the Town of Whitby Zoning By-law 5581-05 to increase the maximum permitted height of an accessory structure (detached garage) from 4.5m to 4.85m.

In Support of Application

D. Norton (Applicant)

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.

D. Norton introduced himself to the Committee and provided an overview of the requested variance. D. Norton advised the Committee that the owner of the property would like to construct a detached garage on the property which is proposed to include a loft space, as such, a variance to the maximum permitted accessory structure building height is required.

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

S. Haslam asked the applicant if the loft space will be for personal use.

D. Norton replied yes.

B. O'Carroll noted that she was originally concerned that there would be a home based business use in the detached garage. She understands that this is not the case and is now satisfied.

The Chair asked the Secretary Treasurer if there is anyone from the public who registered to speak to this application or if any public correspondence was received.

J. Malfara advised the Committee that no one had registered to speak to this application and no public correspondence was received.

**Moved by:** S. Haslam

That the application to increase the maximum permitted height of an accessory structure (detached garage) from 4.5m to 4.85m located at 8960 Ashburn Road 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/20/20**

**Russ Gregory on behalf of Sean Shea  
38 Robmar Street**

An application has been received from Russ Gregory on behalf of Sean Shea, 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 lot coverage from 20% to 26%.

The requested variance is required to permit an addition (attached garage) to the west face of the existing dwelling, a second storey addition to the existing single storey dwelling, and to retain the existing accessory structure located in the rear yard.

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|---------------------------|-----------------|
| In Support of Application | S. Shea (Owner) |
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| In Opposition of Application | None at this time |
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| Also in Attendance | Dan Bloomer |
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

S. Shea introduced himself as the owner of the subject property. He advised the Committee that he has renovated the existing detached 1 storey dwelling and added a second storey and attached garage to the existing structure. They wish to keep the existing detached garage on the property to be used as a garage and workshop. If the variance is approved, the existing 1 storey detached garage will be renovated and new cladding will be installed.

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

S. Haslam asked the applicant if the design of the dwelling is different than the original Building Permit.

S. Shea replied no. The Zoning issue relates to the existing detached garage. If the detached garage is kept, the maximum permitted lot coverage for the property will be exceeded.

B. O'Carroll asked the applicant if a home based business will be located in the detached garage.

S. Shea replied no. The garage will partially be used for storage of tools.

The Chair asked the Secretary Treasurer if there is anyone from the public who registered to speak to this application or if any public correspondence was received.



J. Malfara replied that D. Bloomer would like to speak to the application.

D. Bloomer expressed his concern with the fact that a building permit was issued for the dwelling when it was known that the maximum permitted lot coverage was going to be exceeded.

The applicant advised the Committee that the coverage issue was not known until after the permit for the building as well as the septic system was submitted.

J. Cardwell asked the applicant if the detached garage was shown on the building permit drawings.

The applicant replied yes. It was only identified after the permit was submitted that there was a lot coverage issue. If needed he is willing to reduce the size of the garage.

J. Malfara advised the Committee that in cases like this, permits may be issued conditional upon the accessory structure being removed. However, the applicant is permitted to apply for a minor variance to increase the maximum lot coverage.

J. Cardwell asked if it was originally agreed upon through the building permit process that the detached garage would be removed.

S. Shea replied yes.

B. O'Carroll asked the applicant, when the permit application was submitted was the attached garage part of the submission.

S. Shea replied yes.

The Chair provided clarification that the applicant received a building permit for the second storey addition and building expansion to the existing dwelling. As part of the permit process it was agreed upon that the detached garage would be removed.

The applicant provided further clarification on the proposed design of the detached garage if the variance is approved.

J. Malfara shared a rendering of the proposed dwelling to the Committee.

The Chair asked the Secretary Treasurer what options the Committee has in rendering a decision.

J. Malfara replied that the Committee can approve, deny, approve with conditions, or table the application if they so wish.

J. Taylor advised the Committee that he had just had a conversation with the D. Bloomer over the phone. He provided D. Bloomer with a clarified overview of the application and applicant's proposal. D. Bloomer noted to J. Taylor that he has no objection to the variance.

The Chair asked the Secretary Treasurer if there is anyone else from the public who registered to speak to this application or if any public correspondence was received.

J. Malfara replied no.

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

That the application to increase the maximum permitted lot coverage from 20% to 26% located at 38 Robmar Street be **Granted** subject to the following condition:

1. That the site grading and all other services conform to the requirements of the Public Works Department.

**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.



**Moved by:** J. Cardwell

That the application to increase the maximum permitted Gross Floor Area of personal service uses from 153.0 sq.m to 431.0 sq.m. located at 605 Brock Street North 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/22/20**

**Pirapagaran Pathmashorubiny**

**27 Adanac Drive**

An application has been received from Pirapagaran Pathmashorubiny, for a variance from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to reduce the minimum required rear yard setback of a deck projecting from the first storey of a dwelling into a rear yard from 6.0m to 5.1m.

The requested variance is required to permit an existing deck that projects from the first storey of the dwelling into the rear yard.

In Support of Application

P. Pathmashorubiny (Applicant)

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.

P. Pathmashorubiny introduced himself to the Committee and provided an overview of the requested variance. He advised the Committee that his contractor constructed the deck without the appropriate approvals and he is now requesting a variance to permit the proposed deck.

J. Cardwell asked the applicant if the contractor constructed the deck without a permit.

P. Pathmashorubiny replied yes.

J. Cardwell asked the applicant if the area under the deck will remain unenclosed.

P. Pathmashorubiny replied yes.

The Chair asked the applicant to confirm that the previous deck was constructed without a permit, it was then removed, and a new deck is now proposed subject to this variance.

P. Pathmashorubiny replied yes.

The Chair asked the Secretary Treasurer if there is anyone from the public who registered to speak to this application or if any public correspondence was received.

J. Malfara advised the Committee that no one had registered to speak to this application and no public correspondence was received.

**Moved by:** S. Haslam

That the application to reduce the minimum required rear yard setback of a deck projecting from the first storey of a dwelling into a rear yard from 6.0m to 5.1m located at 27 Adanac Drive 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/23/20**

**Heathwood Homes (Country Lane) Ltd.  
4145 Country Lane**

An application has been received from Heathwood Homes (Country Lane) Ltd., for a variance from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to reduce the minimum distance between an intersection of street lines and the nearest driveway from 6.0m to 3.0m.

The requested variance is required to permit the development of a townhouse dwelling unit with driveway access to a private lane in accordance with Site Plan Application SP-19-19.

In Support of Application

B. Moss (Applicant)

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.

B. Moss introduced himself to the Committee and provided an overview of the requested variance. He advised the Committee that his client is proposing 28 townhouses on the subject property and one of the driveways is approximately 3.0m from the abutting intersection. As a result a variance is required.

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

The Chair asked the Secretary Treasurer if there is anyone from the public who registered to speak to this application or if any public correspondence was received.

J. Malfara advised the Committee that no one had registered to speak to this application and no public correspondence was received.

**Moved by:** J. Cardwell

That the application to reduce the minimum distance between an intersection of street lines and the nearest driveway from 6.0m to 3.0m located at 4145 Country Lane be **Granted** subject to the following condition:

1. All Public Works requirements related to Site Plan application SP-19-19 are complied with.

**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/24/20**

**Minto (Rossland) Inc.  
Thickson Road North**

An application has been received from Minto (Rossland) Inc., 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 setback from a parking space to a street line from 2.5m to 1.0m, and (2) permit an accessory structure within a front yard.

The requested variances are required to permit a proposed 17 unit townhouse development fronting onto a private road in accordance with Site Plan Application SP-15-19.

In Support of Application

A. Marques

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.

A. Marques introduced himself to the Committee and provided an overview of the requested variances. He also noted that application is in relation to a site plan application that is nearing final approval.

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

The Chair asked the Secretary Treasurer if there is anyone from the public who registered to speak to this application or if any public correspondence was received.

J. Malfara advised the Committee that no one had registered to speak to this application and no public correspondence was received.

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

That the application to (1) reduce the minimum required setback from a parking space to a street line from 2.5m to 1.0m, and (2) permit an accessory structure within a front yard be **Granted** subject to the following conditions:

1. All Public Works requirements related to Site Plan application SP-15-19 are complied with.
2. That Variance 1 shall only apply to the accessible parking space as illustrated on the applicant's Site Plan; and
3. That Variance 2 shall only apply the water metre room as illustrated on the applicant's Site Plan.

## **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/25/20**

**Minto (Rossland) Inc.  
65 Morningstar Avenue**

An application has been received from Minto (Rossland) Inc., for a variance from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to interpret the R2C\*-9 zone boundary to extend from the westerly boundary of Block 153 on Plan 40M-2636 to include Block 112 on Plan 40M-2362.

The requested variance is required to permit the development of a two storey detached residential dwelling on the subject property.

In Support of Application                      A. Marques (Applicant)

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.

A. Marques introduced himself to the Committee and provided an overview of the requested variances. He noted that the variance will apply to a remnant parcel of land that was acquired and combined with an abutting part lot. The combining of these lots would form a suitable building lot.

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

D. McCarroll asked the applicant if the proposed dwelling be compatible with the abutting properties.

A. Marques replied yes, and also noted that the proposed dwelling will be subject to architectural control.

The Chair asked the Secretary Treasurer if there is anyone from the public who registered to speak to this application or if any public correspondence was received.

J. Malfara advised the Committee that no one had registered to speak to this application and no public correspondence was received.

**Moved by:** D. McCarroll

That the application to interpret the R2C\*-9 zone boundary to extend from the westerly boundary of Block 153 on Plan 40M-2636 to include Block 112 on Plan 40M-2362 located at 65 Morningstar Avenue be **Granted** subject to the following conditions:

1. All Public Works requirements related to subdivision application SW-2016-02 Minto - Ivy Ridge are complied with; and
2. That no Building Permit be issued until such time as the Morningstar Avenue 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 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/26/20**

**Marc Boissonneault**

**2 Philips Road**

An application has been received from Marc Boissonneault, 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 area of all accessory structures from 60.0 sq.m to 94.0 sq.m.

The requested variance is required to permit the construction of a proposed detached garage located within the rear yard of the subject property.

In Support of Application

M. Boissonneault (Applicant)

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.

M. Boissonneault introduced himself to the Committee as the owner of the property and provided an overview of the requested variance. He advised the Committee that the variance if approved would allow him to construct a larger garage for his vehicles and car lift within the rear yard of the property.

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

J. Cardwell asked the applicant why he needs such a tall structure.

M. Boissonneault replied that the structure will comply with the maximum height or 4.5m as permitted within the Zoning By-law. The 4.5m garage height will allow him to install a car lift without any clearance issues.

J. Cardwell asked the applicant if he will be using the garage for a home based business.

M. Boissonneault replied no.

S. Haslam asked the applicant to provide further clarification about the use of the car lift.

M. Boissonneault replied that it would be used to service his vehicles.

The Chair asked the Secretary Treasurer if there is anyone from the public who registered to speak to this application or if any public correspondence was received.

J. Malfara replied no. A question from a neighbour was received by Planning Staff but no formal written correspondence to the Committee was received.

**Moved by:** J. Cardwell

That the application to increase the maximum permitted area of all accessory structures from 60.0 sq.m to 94 sq.m located at 2 Philips Road be **Granted** subject to the following condition:

1. That the site grading and all other services conform to the requirements of the Public Works Department.

**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/27/20**

**Tom VanQuickenborne and Sharon Collins**  
**711 Henry Street**

An application has been received from Tom VanQuickenborne and Sharon Collins, for variances from the provisions of the Town of Whitby Zoning By-law 2585.

The application is for permission to (1) interpret the lot line along Henry Street to be the front lot line; and (2) increase the maximum permitted area of an accessory structure from 60.0 sq.m to 62.0 sq.m.

The requested variances are required to permit the construction of a proposed detached garage located within the south east portion of the subject property.

In Support of Application

No one in attendance

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.

J. Malfara advised the Committee that the applicant has requested that the application is tabled until the July 30, 2020 Committee of Adjustment meeting.

**Moved by:** D. McCarroll

That the application to (1) interpret the lot line along Henry Street to be the front lot line; and (2) increase the maximum permitted area of an accessory structure from 60.0 sq.m to 62.0 sq.m located at 711 Henry Street be **Tabled** to the July 30, 2020 Committee of Adjustment meeting.

**Carried**





R. Farmer advised the Committee that he owns the neighbouring property to the north. He did not have any major issues with the proposal, but did want to know if the proposed detached garage will be located closer to the north property line.

R. Mulcahy advised that the new garage will be approximately 6 feet closer towards the street, and it will maintain a minimum interior side yard setback of 0.6m.

R. Farmer asked if the height of the new detached garage will be increased.

R. Mulcahy replied that the garage will be one storey and will not be substantially different.

R. Farmer asked how much greater the height of the new garage will be in comparison to the existing garage.

R. Mulcahy noted that she was unaware of the new building height or existing structure height, but stated that they will comply with the maximum height provisions (4.5m) within the Town of Whitby Zoning By-law.

J. Malfara confirmed that the maximum building height for an accessory structure is 4.5m.

R. Farmer asked if there will be running water or living accommodations in the proposed detached garage.

R. Mulcahy replied no.

J. Malfara noted that living accommodations within an accessory structure is not permitted.

R. Farmer noted that he has no further concerns.

The Chair asked the Secretary Treasurer if any public correspondence was received.

J. Malfara advised the Committee that no additional correspondence was received.

**Moved by:** J. Cardwell

That the application to increase the maximum permitted area of a detached garage from 38.0 sq.m to 81 sq.m located at 35 Dopp Crescent be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Public Works Department; and
2. No adjacent properties shall be negatively impacted from a drainage and grading perspective.

**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/29/20**

**KS 1400 Victoria Street Inc.**

**1400 Victoria Street East**

An application has been received from KS 1400 Victoria Street Inc., for variances from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to (1) permit parking other than visitor parking to be located within a front yard and/or exterior side yard; and (2) increase the maximum permitted width of a two-way driveway serving a non-residential use from 10.0m to 15.5m.

The requested variance is required to permit the development of two additional retail warehouse buildings on the subject property.

In Support of Application

S. Edwards (Applicant)

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.

S. Edwards introduced himself to the Committee and provided a historical overview of the subject property. A site plan application has been submitted to the Town of Whitby to permit two new retail warehouse buildings on the property. Two variances have been identified to permit the proposed development; however variance number 1 regarding the visitor parking variance is not required. The second variance is required to permit safe turning movements for large vehicles within the site.

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

B. O'Carroll asked the applicant if the proposed buildings will be constructed prior to the Victoria Street realignment.

S. Edwards advised the Committee that there is existing access to Victoria Street at this time but is unaware on timing on the road realignment.

J. Taylor advised the Committee that the Victoria Street realignment will likely be in place by time the applicant has received site plan approval an agreement is entered into, and construction is completed.

S. Edwards advised the Committee that there are two existing access points to the site, one to the north and one to the east.

The Chair asked the Secretary Treasurer if there is anyone from the public who registered to speak to this application or if any public correspondence was received.

J. Malfara advised the Committee that no one had registered to speak to this application and no public correspondence was received.

J. Malfara asked the applicant if they agree with the recommendation of the staff report to withdraw variance number 1.

S. Edwards confirmed that variance number 1 can be withdrawn.

**Moved by:** S. Haslam

That the application to increase the maximum permitted width of a two-way driveway serving a non-residential use from 10.0m to 15.5m located at 1400 Victoria Street East be **Granted** subject to the following conditions:

1. All Public Works requirements related to Site Plan application SP-22-19 are complied with; and
2. The driveway width and locations shall be supported by a Traffic Impact Study submitted to the satisfaction of the Public Works Department.

**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/30/20**

**Antonio Zucaro**

**1467 Byron Street South**

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

The application is for permission to:

1. exempt the subject property from the minimum 120.0m setback requirement of a boarding and lodging house to any other boarding and lodging house or any group home of six or more residents;
2. reduce the minimum required boarding and lodging house guest room size from 28.0 sq.m to 7.8 sq.m;
3. increase the maximum permitted driveway width from 7.5m to 9.14m;
4. reduce the minimum width of a two-way driveway serving a multiple unit residential use from 6.0m to 3.71m, and
5. reduce the minimum required setback from a driveway to an interior lot line from 0.6m to 0.3m.

In Support of Application

A. Zucaro (Applicant)

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. He also noted that Planning Staff have made a recommendation with the Planning Staff Report to amend variances 3 and 4.

A. Zucaro introduced himself to the Committee as the owner of the subject property. He noted that the requested variances are required to permit the enlargement of the existing boarding and lodging house located on the property as well as to permit a future driveway to the rear yard.

A. Zucaro acknowledged the recommended revisions to variances 3 and 4 and is in support with the staff recommendations.

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

B. O'Carroll asked the applicant if the units are used for short term rentals.

A. Zucaro replied no. The majority of core renters are graduates or students. They only offer three move in and move out dates each year. The typical lease is around 4 months. He noted that his property and the use within is helping to improve the character of the area. He and his family also live within the building.

B. O'Carroll had a question about condition number 2 and asked staff how this condition can be enforced.

J. Malfara noted that this condition was from the Public Works Department. The intent of this condition was to ensure that storm water should not impact the adjacent properties. J. Malfara advised the Committee that should they wish, they are permitted to alter the wording of this condition.

The Chair asked the Secretary Treasurer if there is anyone from the public who registered to speak to this application or if any public correspondence was received.

J. Malfara replied no.

B. O'Carroll expressed that she was ready to make a motion to approve the application with the following amendments:

1. That condition number 2 is amendment to be read as: "That storm water shall not be directed onto any adjacent properties;"
2. Variance number 3 is amended as per the recommendation in the Planning Staff Report; and
3. Variance number 4 is amended as per the recommendation in the Planning Staff Report

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

That the application to:

1. exempt the subject property from the minimum 120.0m setback requirement of a boarding and lodging house to any other boarding and lodging house or any group home of six or more residents;
2. reduce the minimum required boarding and lodging house guest room size from 28.0 sq.m to 7.8 sq.m;
3. increase the maximum permitted driveway width from 7.5m to 8.85m;
4. reduce the minimum width of a two-way driveway serving a multiple unit residential use from 6.0m to 3.41m, and
5. reduce the minimum required setback from a driveway to an interior lot line from 0.6m to 0.3m.

located at 1467 Byron Street South be **Granted** subject to the following conditions:

1. The site grading shall conform to the requirements of the Public Works Department;
2. Storm water shall not be directed onto any adjacent properties;
3. Changes to the driveway width are subject to Application for Culvert for the Town to install the required culvert for the development's driveway on Byron Street South;

4. The two-way driveway shall ensure that there is safe passage for pedestrians using the doors and stairs along that side of the house, and that visibility for vehicles and pedestrians are maintained at all times;
5. No snow storage is permitted within the road right of way. Snow shall be stored on private property or removed by private contractor; and
6. If a rear yard parking area is created, the parking area located within the front yard shall be removed and restored back to landscaped open space.

**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/31/20**

**Atlantic Packaging Products  
1900 Thickson Road South**

An application has been received from Atlantic Packaging Products, for a variance from the provisions of the Town of Whitby Zoning By-law 1784.

The application is for permission to reduce the minimum number of required parking spaces from 576 spaces to 159 spaces (1 parking space per 100 sq.m of GFA to 0.275 parking spaces per 100 sq.m of GFA).

The requested variance is required to permit an expansion to the existing manufacturing use located on the property.

In Support of Application

P. Johnston (Applicant)

T. Kostal

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.

P. Johnston introduced himself to the Committee. He provided an overview of the application as well as the paper recycling and processing operations currently located on the property. He noted that the expansion to the industrial use would also create 100 new jobs. The proposed industrial expansion is subject to Site Plan Approval which was initiated last year.

P. Johnston noted that a parking consultant was engaged to review the parking supply and demand for the property. He concluded that the proposed parking will be sufficient.

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

J. Cardwell asked the applicant if there would be any chance in the future that there will be a parking shortage.

P. Johnston replied that the staff increase resulting from the expansion will be less than the parking to be provided.

S. Haslam asked the applicant if there will there be any truck or trailer parking issue?

P. Johnston replied no. The owner has acquired additional lands to the south, which will allow for additional truck movement.



S. Haslam asked the applicant if they will lose any parking in the winter from snow storage.

P. Johnston replied no. He stated that there is lots of space to accommodate snow storage without impacting parking spaces.

The Chair asked the Secretary Treasurer if there is anyone from the public who registered to speak to this application or if any public correspondence was received.

J. Malfara advised the Committee that no one had registered to speak to this application and no public correspondence was received.

**Moved by:** J. Cardwell

That the application to reduce the minimum number of required parking spaces from 576 spaces to 159 spaces (1 parking space per 100 sq.m of GFA to 0.275 parking spaces per 100 sq.m of GFA) located at 1900 Thickson Road South be **Granted** subject to the following condition:

1. All Public Works requirements related to Site Plan application SP-02-20 are complied with.

**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 5, 2020 be adopted.

**Carried**

**Item 4: Other Business**

A discussion was held regarding the logistics of the first virtual meeting and log-in protocol to assist with reducing audio feedback.

**Item 5: Adjournment**

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

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