



Minutes of the 3rd Meeting of the Committee of Adjustment

Meeting Date: Thursday March 01, 2018
Meeting Time: 7:00 p.m.
Meeting Location: Whitby Municipal Building
575 Rossland Road East, Committee Room 1

Present:

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

Item 1: Disclosure of Interest:

There was no disclosure of interest by the members of the Committee of Adjustment

Carried

Item 2: Alteration to Agenda Order:

Moved by: S. Haslam

That application A/10/18 shall be heard as the first Public Hearing item.

Carried

Item 3: Public Hearings

A/10/18

**Michelle Pepin
418 King Street**

An application has been received from Michelle Pepin for variances from the provisions of By-Law 2585.

The application is for permission to:

1. reduce the minimum length of one (1) required parking space from 5.80m to 4.30m;
2. permit 3 required parking spaces to be located in the front yard, whereas Section 6A 3.4(a) requires one of the two required parking spaces for the single detached dwelling to be located in either the side yard, rear yard or in a private garage or carport;
3. exempt the subject property from provision 6A 3.4(b) which states that a driveway shall provide direct access to a required parking space in either a side yard, rear yard or in a private garage or carport;
4. exempt the subject property from provision 6A 3.4(d) which states that no more than one required parking space shall be located on a driveway in a front yard or exterior side yard; and
5. increase the maximum permitted driveway width from 7.5m to 8.7m.

The subject property is located at 418 King St and is zoned (R2-DT).

In Support of Application

Michelle Pepin (Applicant)
Benjamin Simmons
Raymond Marz (Owner)
Carol Marz (Owner)
Patrick Brennan (Architect)

In Opposition of Application

Rick McDonnell (Resident)

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

M. Pepin introduced herself to the Committee and advised that her parents (owners of the home), partner, and architect are in attendance at the meeting.

M. Pepin advised the Committee that the home located on the subject property is owned by her ageing parents. Her intent is to construct an accessory apartment attached to the existing dwelling which her parents will occupy, and that the main dwelling will be occupied herself and her partner.

M. Pepin explained to the Committee that her intention is to live near her parents and to be able to provide them with assistance as they age in place.

M. Pepin further advised that she is available to answer any questions that the Committee may have.

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

B. O'Carroll asked the applicant if the vegetation in the interior side yard will be maintained.

M. Pepin replied that best efforts will be employed to maintain as much of the existing vegetation as possible. M. Pepin noted that there will be some vegetation loss due to the proposed building addition; but, there is no intention to remove any significant vegetation features.

D. McCarroll asked the applicant what was the purpose of the proposed building addition.

M. Pepin replied that the building addition will be incorporated into the existing building structure, and will become part of the proposed accessory apartment unit for her parents.

J. Cardwell asked the applicant if the proposed parking configuration will be adequate to support their needs.

M. Pepin replied that the proposed parking configuration will support parking for three of their vehicles.

J. Cardwell asked the applicant if there has been any correspondence with the Public Works Department regarding grading in the rear yard.

M. Pepin replied that they have not consulted with the Public Works Department.

J. Taylor advised the Committee that the applicant is required to consult with and satisfy any comments of the Public Works Department during the building permit stage.

S. Haslam asked the applicant if they were satisfied with the revisions to the proposed variances recommended by Planning Staff.

M. Pepin replied that she is satisfied and has no issues with the proposed revisions.

S. Haslam asked Staff to read out the proposed revisions to the requested variances.

J. Malfara read out the Staff recommended variance revisions.

J. Taylor advised the Committee that the staff recommended variance revisions compliments the comments provided by the Heritage Department. The applicants revised driveway configuration respects the existing on-site vegetation features and is in keeping with the vision of the Werden's Plan.

J. Cardwell asked the applicant what will occur on the asphalt area to be removed, situated between the proposed easterly boundary of the driveway and the existing coniferous tree flanking Ontario Street W.

J. Taylor replied that the applicant has conveyed to staff that permeable pavers will be installed within this area, providing a pathway from the Ontario Street W. sidewalk to the existing southerly building entrance.

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application.

J. Malfara replied that a written letter and verbal communication was received from Marguerite Vorvis (416 King Street) expressing interest in the application and providing opposition to any proposed driveway access from King Street.

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

R. McDonnell introduced himself to the Committee as a local resident who resides at 600 King Street.

R. McDonnell expressed that he was concerned that the proposal entailed a driveway leading from King Street; but, is at ease knowing that the parking area subject to this application will utilise the existing driveway on Ontario Street W.

R. McDonnell asked the Committee for confirmation that the King Street façade of the subject property will not be altered in the future.

The Chair replied that the subject application being heard before the Committee pertains to the requested variances as they apply to the existing driveway along Ontario Street W, and not the facade of the existing building along King Street.

Moved by: J. Cardwell

That the application to:

1. exempt the subject property from provision 6A (1) which requires that one parking space shall be provided in addition to the parking requirements of the principle dwelling;
2. permit 2 required parking spaces to be located in the front yard, whereas Section 6A 3.4(a) requires one of the two required parking spaces for the single detached dwelling to be located in either the side yard, rear yard or in a private garage or carport;
3. exempt the subject property from provision 6A 3.4(b) which states that a driveway shall provide direct access to a required parking space in either a side yard, rear yard or in a private garage or carport;

4. exempt the subject property from provision 6A 3.4(d) which states that no more than one required parking space shall be located on a driveway in a front yard or exterior side yard; and
5. reduce the minimum width of a parking space from 2.75m to 2.60m for the lands located at 418 King Street be GRANTED subject to the following condition:

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 variances are minor in nature, that the general intent and purpose of the By-law and the Official Plan is being maintained, and that the granting of the application is desirable and would result in the appropriate development of the property.

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

Item 3: Public Hearings

A/04/18

**STETO Camp Holdings Ltd.
840 Dundas Street East**

An application has been received from STETO Camp Holdings Ltd., for a variance from the provisions of By-law 2585.

This application was previously tabled at the February 8, 2018 meeting. This application has since been amended to include an additional variance (No. 4) as it relates to the minimum number of parking spaces to be provided on the subject property.

The application is for permission to:

1. reduce the minimum dwelling unit area from 56 square metres to 48 square metres;
2. exempt the subject property from part of provision 25(107)(c) which requires that one (1) temporary parking space shall be located at or near the southerly entrance of the buildings;
3. to reduce the minimum side yard setback to a parking area from 1.9 metres to 1.0 metre; and
4. reduce the minimum required parking spaces to 1.15 spaces per dwelling unit plus 0.20 spaces per dwelling unit dedicated for visitors parking.

The subject property is located at 840 Dundas St E. and is zoned R5 (Residential Type 5 Zone), subject to a site specific zoning exception (provision 25(107)(c)) in Zoning By-law 2585.

In Support of Application

Jules Paolozza (Agent)

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.

J. Paolozza introduced himself to the Committee as the applicant and advised the Committee that since the application was tabled at the February 8, 2018 meeting, the Site Plan has been revised to address comments provided by CLOCA. In addressing the CLOCA comments, the minimum number of parking spaces on the property can not be met, and thus a parking analysis was conducted to justify the proposed reduction in required parking spaces on the subject property.

The Chair asked the applicant how the parking analysis was conducted.

J. Paolozza replied that his staff attended the site during peak parking hours (6pm – 7pm) to count the number of parked cars (resident and visitor) as well as the total number of surplus parking spaces over the duration of the past 7 days.

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

S. Haslam asked the applicant if the recently conducted parking analysis was forwarded to the Towns Engineering Department for review.

J. Taylor replied that the parking analysis was not forwarded to staff prior to the meeting. However, staff have conducted their own site visit and can confirm that a large surplus of parking spaces was observed.

S. Haslam asked staff what is to occur on the lands identified as part of the flood plain by the Conservation Authority.

J. Taylor replied to the Committee that these lands located at the north west corner of the subject property will remain as a vacant asphalt surface with no parking located within.

J. Cardwell asked the applicant if they consulted with the Public Works Department regarding the parking analysis.

J. Taylor replied that this has not been done as the parking analysis was completed just prior to this meeting.

The Chair asked Staff if the parking analysis completed by the applicant was acceptable.

J. Taylor replied that Planning Staff are satisfied with the findings of the applicants parking analysis.

B. O'Carroll asked the applicant if the garbage bins as illustrated on the Site Plan will remain in the shown location.

J. Paolozza replied yes. The proposed location for the garbage bins at the rear of the property is required to facilitate safe and unobstructed access for collection vehicles.

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 had been 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: D. McCarroll

That the application to 1) reduce the minimum dwelling unit area from 56 square meters to 48 square metres, 2) exempt the subject property from part of provision 25(107)(c) which requires that one (1) temporary parking space shall be located at or near the southerly entrance of the buildings, 3) reduce the minimum side yard setback to a parking area from 1.9 metres to 1.0 metre, and 4) reduce the minimum number of required parking spaces to 1.15 spaces per dwelling unit plus 0.20 spaces per dwelling unit dedicated for visitors located at 840 Dundas St E be GRANTED subject to the following condition:

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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 variances are minor in nature, that the general intent and purpose of the By-law and the Official Plan is being maintained, and that the granting of the application is desirable and would result in the appropriate development of the property.

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

Item 3: Public Hearings

A/08/18

**Steve and Ann Hintermeister
9215 Dagmar Road**

An application has been received from Steve and Ann Hintermeister for a variance from the provisions of By-Law 5581-05.

The application is for permission to increase the maximum permitted accessory building or structure height from 4.5m to 6.2m.

The subject property is located at 9215 Dagmar Rd and is zoned (ORM-EP, ORM-NLA, ORM-A).

In Support of Application	Steve Hintermeister (Owner)
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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.

S. Hintermeister introduced himself to the Committee as the owner of the subject property. S. Hintermeister noted that the variance is required to increase the maximum permitted height of his proposed detached garage to accommodate the height of his recreation vehicle (RV).

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

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application.

J. Malfara replied that there was no correspondence received as it pertains to the subject 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: S. Haslam

That the application to increase the maximum permitted accessory building or structure height from 4.5m to 6.2m for the property located at 9215 Dagmar Rd 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 that the granting of the application is desirable and would result in the appropriate development of the property.

The contents of the staff report and oral submissions were considered and had an effect on the Committee's decision.

Item 3: Public Hearings

A/09/18

**Suncor Energy Inc. c/o Blaine Culley
Baldwin St S**

An application has been received from Suncor Energy Inc. c/o Blaine Culley for variances from the provisions of By-Law 1784.

The application is for permission to:

1. permit the accessory use of an eating establishment situated within a gas bar kiosk;
2. amend the definition of a Kiosk to increase the maximum gross floor area from 75.0 sq.m to 253.0 sq.m (total building GFA 285.2 sq.m); and
3. increase the maximum gross floor area dedicated to the sale of convenience items from 18.5 sq.m to 150.0 sq.m.

The subject property is located at Baldwin St S and is zoned (GB-CW).

In Support of Application

Blaine Culley (Agent)

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.

B. Culley introduced himself to the Committee as the agent representing the owners of the subject property (Suncor Energy Inc.). B. Culley advised the Committee that the subject property was purchased in 2003 and Site Plan approval was granted (November 20, 2017) for the development of a Petro Canada gas station.

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

The Chair asked J. Malfara, Secretary-Treasurer, if any correspondence had been received in relation to the subject application.

J. Malfara replied that there was no correspondence received as it pertains to the subject 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 1) permit the accessory use of an eating establishment situated within a gas bar kiosk, 2) amend the definition of a Kiosk to increase the maximum gross floor area from 75.0 sq.m to 253.0 sq.m (total building GFA 285.2 sq.m), and 3)

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increase the maximum gross floor area dedicated to the sale of convenience items from 18.5 sq.m to 150.0 sq.m. for the property located at the south east corner of Baldwin St S and Roybrook Ave 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 variances are minor in nature, that the general intent and purpose of the By-law and the Official Plan is being maintained, and that the granting of the application is desirable and would result in the appropriate development of the property.

The contents of the staff report were considered and had an effect on the Committee's decision.

Item 4: Approval of Previous Minutes

Moved by: J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday February 08, 2018 be adopted.

Carried

Item 5: Other Business

There were no items raised under other business

Item 6: Adjournment

Moved by: D. McCarroll

That this meeting of the Committee of Adjustment be adjourned.

Carried

Secretary Treasurer

Chair