

# Minutes of the 4th Meeting

## Committee of Adjustment

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**Meeting Date:** Thursday March 23, 2023

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

**Meeting Location:** Virtual Meeting (Zoom)

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### **Present:**

J. Cardwell, Chair

S. Haslam

J. Rinella

K. Docherty

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: Public Hearings**

**A/11/23**

**Eugenie Anderson**

**11 Juneau Crescent**

An application has been received from Janeta and Hubert Anderson, for variances from the provisions of By-law 1784.

The application is for permission to 1) increase the maximum permitted lot coverage from 45% to 46%; and 2) reduce the minimum required rear yard setback to a covered deck from 6.0m to 4.8m.

The subject property is located at 11 Juneau Crescent and is zoned Residential (R2C\*) within the Town of Whitby Zoning By-law 1784.

The requested variances are required to permit the construction of a covered porch within the rear yard of the subject property.

In Support of Application: Mark Carlo Santana (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. Santana introduced himself to the Committee as the representative of the property owner. He advised the Committee that the applicant is proposing a covered porch within the rear yard of the subject property, and two variances are required. He provided a brief overview of each of the requested variances.

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

K. Docherty asked if there were any objections from abutting property owners.

J. Malfara replied no.

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: K. Docherty**

That the application to 1) increase the maximum permitted lot coverage from 45% to 46%; and 2) reduce the minimum required rear yard setback to a covered deck from 6.0m to 4.8m located at 11 Juneau Cres 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.

**A/12/23**

**Miller Planning Services (Rodger Miller)  
601 Dundas Street East**

An application has been received from Whitby Garden South Ltd, for variances from the provisions of By-law 2585.

The application is for permission to 1) reduce the minimum required parking rate from 1.25 spaces per dwelling unit plus 0.25 spaces per dwelling unit dedicated for visitors parking to 1.0 spaces/dwelling unit inclusive of visitor parking, and 2) reduce the minimum parking stall depth from 5.8m to 5.2m.

The subject property is located at 601 Dundas St E. and is zoned Residential Type 6 – Downtown Zone (R6-DT) within the Town of Whitby Zoning By-law 2585.

The requested variances are required to permit the addition of 18 apartment dwelling units within the existing apartment building located on the subject lands.

In Support of Application: R. Miller (Applicant)

In Opposition of Application: None in attendance

Also in Attendance D. McNab

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

R. Miller introduced himself to the Committee as the Planner retained by the owner of the property. R. Miller provided an overview of the property, existing building, and a summary of the ongoing Site Plan application to permit 18 additional units within the existing apartment building. R. Miller also provided a brief overview of the requested variances and concluded that he is in support of the Planning Staff report and comments accepting the reduced parking rate from the Town's Engineering Department.

R. Miller also noted that his client has previously discussed the proposed development with existing residents of the building and that their concerns have been addressed.

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 a letter was received by a resident of 601 Dundas Street East and this was circulated to the Committee in advance of this meeting.

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

D. McNab introduced herself to the Committee as a resident of the building. She also noted that her father lives in the building and she is providing comments on his behalf as well. D. McNab asked if the renovations to the front of the building will include that proposed 18 new units. D. McNab also noted that there are other people in the building that have concerns with the proposal, but will not come forward and speak.

R. Miller stated that 10 new residential units will be created at the front of the building and 8 units will be created on the 1<sup>st</sup> and 2<sup>nd</sup> floor, by converting existing 2 storey suites.

R. Miller acknowledged the concerns from D. McNab and is of the understanding that an agreement to relocate to another unit in the building has been entered into between her and the property owner.

D. McNab noted that her father also lives in the building, and his unit is at the rear, ground floor facing the parking lot.

R. Miller noted that there are no proposed unit alterations at the rear of the building.

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

S. Haslam asked if the parking lot is typically at capacity.

R. Miller noted that a parking study was completed and it was found that the parking lot is not at capacity and even with the reduced parking rate, a surplus of spaces will be provided. He concluded that the parking study was accepted by the Town's Engineering Department.

**Moved by: S. Haslam**

That the application to 1) reduce the minimum required parking rate from 1.25 spaces per dwelling unit plus 0.25 spaces per dwelling unit dedicated for visitors parking to 1.0 spaces/dwelling unit inclusive of visitor parking, and 2) reduce the minimum parking stall depth from 5.8m to 5.2m located at 601 Dundas St E be **Granted** subject to the following conditions:

1. That the site grading and all other services conform to the requirements of the Engineering Services Department;
2. Drainage shall not be directed onto abutting lands; and
3. Variance #2 shall only apply to 4 parking spaces (visitor spaces 5-8 as identified on the Site Plan) and these spaces shall include "compact car parking" signage.

**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.

**A/13/23**

**The Inverlynn Estate Ltd  
1 Inverlynn Way (P)**

An application has been received from The Inverlynn Estate Ltd, for a variance from the provisions of By-law 2585.

The application is for permission to reduce the minimum rear yard setback from 7.5m to 6.5m.

The subject property is located at 1 Inverlyn Way, and is zoned Residential Type 1 – Exception 1 (R1-1) within the Town of Whitby Zoning By-law 2585.

The requested variance is required to permit a reduced rear yard setback for 3 lots located within the Inverlyn Way subdivision.

In Support of Application: D. DeNoble (Applicant)

S. DeNoble (Applicant)

R. Grander

M. Fourcaudot

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.

R. Grander introduced himself as the applicant's surveyor. He advised the Committee that after a building permit was issued and after excavation had begun for the subject lots, it was found that a utility trench in the front yard was too close to the foundation of the dwellings, and therefore the houses would have to be push back into the rear yard by approximately 1m.

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 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: J. Rinella**

That the application to reduce the minimum rear yard setback from 7.5m to 6.5m located at 1 Inverlynn Way (P) be **Granted** subject to the following condition:

1. That the requested variance shall only apply to Lot 11, 12, and 13.

**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.



**A/14/23**

**Perkins & Will (Michael Blois)**

**Part 1&3 Plan 40R-31686 (Whitby Sports Complex)**

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

The application is for permission to 1) increase the maximum permitted building height from 13.5m to 15.5m, and 2) reduce the minimum required parking rate from 1 space/4 persons of permitted capacity (675 spaces) to 1 space/5.5 persons of permitted capacity (498 spaces).

The subject property is located west of Baldwin Street North, east of Ashburn Road, and north of the future Mid-Block Arterial Road. The lands do not have a municipal address and are described as Part 1 & 3 on registered plan 40R-31686.

The lands are zoned Agricultural (A) and Open Space (OS) within the Town of Whitby Zoning By-law 1784.

The requested variances are required to facilitate the proposed North Whitby Sports Complex.

In Support of Application: S. Walo (Applicant)

M. Blois

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.

M. Blois introduced himself to the Committee as a representative of the architecture firm engaged to design the proposed sports complex. M. Blois provided an overview of the proposal and the two requested variances. With regards to variance 1, he noted that this variance was required to accommodate a slightly taller front building façade and the height increase would not apply to the whole building. As for variance 2, a reducing to the minimum number of parking spaces is proposed. M. Blois noted that a parking study was completed and proxy site were assessed, and the study was deemed acceptable by the Town's Engineering Department.

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 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: K. Docherty**

That the application to 1) increase the maximum permitted building height from 13.5m to 15.5m, and 2) reduce the minimum required parking rate from 1 space/4 persons of permitted capacity (675 spaces) to 1 space/5.5 persons of permitted capacity (498 spaces) located on Part 1&3 Plan 40R-31686 be **Granted** subject to the following conditions:

1. That the site grading and all other services conform to the requirements of the Engineering Services Department;
2. Drainage shall not be directed onto abutting lands; and
3. All Site Plan requirements for SP-15-22 are to be addressed.

**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.

**A/15/23**

**247 Golf Brooklin (John Kanellis)**

**200 Carnwith Drive East**

An application has been received from 247 Golf Brooklin, for a variance from the provisions of By-law 1784.

The application is for permission to permit a place of entertainment and studio use and to interpret the definition of place of entertainment to include recreational golf simulators and golf instruction services.

The subject property is located at 200 Carnwith Dr E. and is zoned Commercial 1 (C1) – Exception 16D within the Town of Whitby Zoning By-law 1784.

The requested variance is required to permit a retail golf store with the inclusion of recreational golf simulators and golf instruction services.

In Support of Application: J. Kanellis (Applicant)

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. Kanellis introduced himself to the Committee and provided a brief overview of the requested variance and the proposed golf simulator, retail, and instruction uses.

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

S. Haslam asked if there is sufficient parking available.

J. Kanellis replied yes. He noted that the typical occupancy would be a maximum of 6 people.

K. Docherty expressed that there is ample parking at the subject property.

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: K. Docherty**

That the application to permit a place of entertainment and studio use and to interpret the definition of place of entertainment to include recreational golf simulators and golf instruction services located at 200 Carnwith Dr E 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 3: Approval of Previous Minutes**

**Moved by:** J. Rinella

That the minutes of the Committee of Adjustment held on Thursday March 2, 2023 be adopted.

**Carried**

**Item 4: Other Business**

There were no items raised under other business.

**Item 5: Adjournment**

**Moved by:** S. Haslam

That this meeting of the Committee of Adjustment be adjourned.

**Carried**

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Secretary Treasurer

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Chair