



Minutes of the 13th Meeting

Committee of Adjustment

Meeting Date: Thursday September 30, 2021
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
J. Malfara, Secretary-Treasurer
J. Taylor, Senior Manager, Zoning & Administration

Item 1: Disclosure of Interest:

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

Carried

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That the application to reduce the minimum required interior side yard setback from 1.2m to 0.6m located at 1723 Brock Street South be **Granted** subject to the following conditions:

1. That the site grading and all other services 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.

Item 2: Public Hearings

A/79/21

**Vince Palermo of Acorn Taunton Whitby Inc.
665 Taunton Road East**

An application has been received from Vince Palermo of Acorn Taunton Whitby Inc., for a variance from the provisions of By-law 1784.

The application is for permission to increase the maximum permitted lot coverage from 35% to 45.0%.

The requested variance is required to permit the construction of 24 townhouse dwelling units on the subject property.

In Support of Application

Vince Palermo

In Opposition of Application

S. Karalamoorthy

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

V. Palermo introduced himself to the Committee and provided a history of the proposed development and an overview of the requested variance to increase the maximum permitted lot coverage. He advised the Committee that in his opinion the requested variance meets the four tests set out by the Planning Act.

J. Cardwell asked if there was a site plan that can be shared on the screen.

V. Palermo proceeded to share a copy of the site plan on the screen.

J. Cardwell asked if there will be visitor parking proposed.

V. Palermo replied yes. He also noted that the Public Works Department has approved the plan.

B. O'Carroll asked if the 5% coverage increase would permit all future homeowners to have their own small sheds.

V. Palermo replied yes, but this would have to be reviewed on a per lot basis.

The Chair asked if there will be a landscape buffer along the west lot line.

V. Palermo 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 a letter was received from S. Karalamoorthy, and this was forwarded to the Committee in advance of the meeting.

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

S. Karalamoorthy introduced herself as the owner of 3 Chatterson St and has questions about the proposed retaining wall. She also noted that since site works had started, she noticed that her fence has begun to tilt.

V. Palermo confirmed that her lot will back onto the proposed private laneway and retaining wall. V. Palermo noted that a new wood privacy fence will be constructed in addition to the retaining wall.

S. Karalamoorthy asked what the setback will be between the retaining wall and her lot line.

V. Palermo replied that the retaining wall will be located on their lands.

S. Karalamoorthy noted that the lands surrounding the applicant's lands are made up primarily of detached dwelling and at one point the property was intended for commercial uses. She noted that there is a concern related to impacts on surrounding property values.

V. Palermo replied that the proposal is in compliance with the permitted land use in the Zoning By-law, and meets the minimum residential density for the site as set out by the Town.

V. Palermo also noted that he would be happy to meet with S. Karalamoorthy to discuss the leaning fence on her property.

The Chair asked if there was anyone else wishing to speak to the application. There was no one.

Moved by: J. Cardwell

That the application to increase the maximum permitted lot coverage from 35% to 45% located at 665 Taunton Road East be **Granted** subject to the following condition:

1. That all Public Works requirements related to Site Plan Application SP-21-18 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.

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Item 2: Public Hearings

A/80/21

Alessandra Bilotto and Leon McGregor
58 Lady May Drive

An application has been received from Alessandra Bilotto and Leon McGregor, for a variance from the provisions of By-law 1784.

The application is for permission to increase the maximum permitted driveway width from 4.74m to 5.2m.

The requested variance is required to permit the expansion of the existing driveway located within the front yard of the subject property.

In Support of Application	Alessandra Bilotto Leon McGregor
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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.

A. Bilotto introduced herself to the Committee as the owner of the subject property. She advised the Committee that they are seeking permission to widen their driveway slightly to permit additional space to park their vehicles.

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

S. Haslam asked the applicant if they are proposing to widen the boulevard and obtain a curb cut as well.

A. Bilotto replied yes.

D. McCarroll asked the applicant if they are also proposing an accessory apartment.

A. Bilotto 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: B. O'Carroll

That the application to increase the maximum permitted driveway width from 4.74m to 5.2m located at 58 Lady May Drive 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/81/21

**Muhammad Masfiquir Rahman
192 Melissa Crescent**

An application has been received from Muhammad Masfiquir Rahman, for variances from the provisions of By-law 1784.

The application is for permission to 1) reduce the minimum required lot frontage for a semi-detached dwelling with an accessory apartment unit from 10.0m to 8.8m; and 2) reduce the minimum required front yard landscaped open space area requirement from 40% to 38%.

The requested variances are required to legalize an accessory apartment dwelling unit within the basement of the existing dwelling located on the subject property.

In Support of Application	Muhammad Masfiquir Rahman
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In Opposition of Application	Kevin Clark Tom England Emilia England
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Also in Attendance	Steve Yamada
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The Chair introduced the application and asked if anyone would like to speak to the subject application.

M. Rahman introduced himself to the Committee as the owner of the subject property. He advised the Committee that two variances are required to legalize the basement apartment located within the dwelling. He reviewed the Planning Report and agrees with Staff's recommendation.

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

J. Cardwell asked if the existing garage can accommodate 2 parking spaces within.

M. Rahman replied that the garage has one internal parking space and three additional parking spaces are located on the driveway.

J. Cardwell advised the applicant that parking a vehicle on the apron/road allowance does not count towards a legal parking space.

S. Haslam noted that there have been multiple objections from neighbours. He asked if these comments can be addressed now.

J. Malfara advised the Committee that these comments can be addressed after the Committee has finished asking questions of the applicant.

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D. McCarroll expressed concerns with the parking and the vehicles parked on the Town's boulevard. He asked the applicant if he understands that the lot line is setback from the street/curb.

M. Rahman 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 two letters of objection were received and were forwarded to the Committees attention prior to the meeting.

The Chair asked J. Malfara what will have to be done to legalize the existing apartment.

J. Malfara noted that a building Permit will be required, but the requested variances (as applied for) would be required prior to the issuance of any permits.

The Chair noted that neighbours have expressed concerns with the appearance and upkeep of the applicant's property. He asked staff to confirm who at the Town would be responsible for hearing these concerns.

J. Malfara advised the Committee that these concerns (i.e property standards) would fall under the purview of the Town's By-law Services Division.

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

Councillor Steve Yamada introduced himself to the Committee and advised that he would like to express comments regarding this application.

Councillor Yamada asked the Committee to confirm that the requested variances are required in order for the applicant to obtain a building permit.

J. Taylor replied that the requested variance are required in order for the Building Department to begin the permit review process for the accessory apartment.

Councillor Yamada asked how long the apartment has been in existence.

J. Taylor and J. Malfara noted that they were unaware.

M. Rahman noted that he recently purchased the property in April 2021 and the accessory apartment was in existence at the time of purchase.

Councillor Yamada noted that it is his understanding that a permit was applied for by the applicant and deficiencies by the Building Department were noted.

M. Rahman replied that he was unaware of the prior building permit that was submitted by the former owner when he purchased the property.

The Chair asked if there was anyone else in attendance that would like to speak to the application. There was no one.

Moved by: B. O'Carroll

That the application to 1) Reduce the minimum required lot frontage for a semi-detached dwelling with an accessory apartment unit from 10.0m to 8.8m; and 2) reduce the minimum required front yard landscaped open space area requirement from 40% to 38% located at 192 Melissa Crescent be **Granted** subject to the following condition:

1. That the applicant obtain an accessory apartment permit from the Town of Whitby Building 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 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.

That the application to increase the maximum permitted lot coverage from 35% to 38% located at 68 Elder Crescent be **Granted** subject to the following conditions:

1. 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.

Item 3: Approval of Previous Minutes

Moved by: J. Cardwell

That the minutes of the Committee of Adjustment held on Thursday September 9, 2021 be adopted.

Carried

Item 4: Other Business

There were no items raised under other business

Item 5: Adjournment

Moved by: J. Cardwell

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original approved]

Secretary Treasurer

[Original approved]

Chair