Minutes of the 13th Meeting of the Committee of Adjustment

Meeting Date: Thursday September 27, 2018
Meeting Time: 7:00 p.m.
Meeting Location: Whitby Municipal Building
                   575 Rossland Road East, Committee Room 1

Present:

   S. Haslam, acting Chair
   B. O’Carroll
   D. McCarroll
   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/58/18
Hickory Dickory Decks on behalf of Naraini and Sookra Sunichura
26 Holman Court

An application has been received from Hickory Dickory Decks on behalf of Naraini and Sookra Sunichura for variances from the provisions of the Town of Whitby Zoning By-Law 1784.

The application is for permission to:

1. increase the maximum permitted encroachment of an unenclosed deck into a rear yard from 3.2m to 3.4m; and,
2. reduce the minimum required rear yard setback to an unenclosed deck from 6.0m to 4.2m.

The subject property is located at 26 Holman Court and is zoned Residential (R2C*) within the Town of Whitby Zoning By-law 1784.

In Support of Application Adam Bloetjes (applicant)

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

A. Bloetjes introduced himself to the Committee as the designer retained by the owners of the subject property. He stated that a small scale deck is proposed on the property, which will extend from the first storey of the dwelling.

A. Bloetjes circulated site photos to the Committee for review, and iterated that the proposed deck was limited in width because of the location of a walkout basement window directly below. As such, the deck was increased in depth to increase its usable space.

A. Bloetjes concluded that in his opinion the proposed variance is reasonable.

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

B. O’Carroll asked the applicant if the proposed deck will cover the walkout basement door below.

A. Bloetjes replied no.

D. McCarroll asked the applicant if the proposed deck will be incorporated into the existing deck structure.

A. Bloetjes replied no. The existing deck will be removed.
The Chair asked if there were any further questions of the Committee. There were none.

The Chair asked the applicant if the space located below the proposed deck will remain open or enclosed.

A. Bloetjes replied that the space located below the proposed deck will remain unenclosed.

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: D. McCarroll

That the application to (1) increase the maximum permitted encroachment of an unenclosed deck into a rear yard from 3.2m to 3.4m; and (2) reduce the minimum required rear yard setback to an unenclosed deck from 6.0m to 4.2m located at 26 Holman Court 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 drainage from the proposed structure shall not be directed onto the adjacent property.

Carried

Reason: The members of the Committee were of the opinion that the variance is minor in nature; that the general intent and purpose of the By-law and the Official Plan is being maintained, and further that the granting of the application is desirable and would result in the appropriate development of the property.

Having considered the contents of all submissions, the staff report and oral submissions had an effect on the Committee’s decision.
Item 2: Public Hearings

A/59/18

Dennis and Susi Kelly
19 Dodge Drive

An application has been received from Dennis and Susi Kelly 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 40% to 43%.

The subject property is located at 19 Dodge Drive and is zoned Residential (R2A*) within the Town of Whitby Zoning By-law 1784.

In Support of Application
Denis Kelly (owner)
Susi Kelly (owner)

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

D. Kelly introduced himself and his wife (Susi Kelly) to the Committee as the owners’ of the subject property. He stated that he is proposing a covered accessory structure in his rear yard. The structure was designed to be proportionate and balanced, and was also designed to reduce any visual impacts on the neighbouring property (north).

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

D. McCarroll asked the applicant if the structure will have any walls.

D. Kelly replied that the structure will not have any walls.

The Chair asked the applicant if the structure will have any screened-in areas.

D. Kelly replied no.

The Chair asked if there were any further questions of 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: B. O’Carroll

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That the application to increase the maximum permitted lot coverage from 40% to 43% located at 19 Dodge Drive 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 drainage from the proposed structure shall not be directed onto the adjacent property.

**Carried**

Reason: The members of the Committee were of the opinion that the variance is minor in nature; that the general intent and purpose of the By-law and the Official Plan is being maintained, and further that the granting of the application is desirable and would result in the appropriate development of the property.

Having considered the contents of all submissions, the staff report and oral submissions had an effect on the Committee’s decision.
Item 2: Public Hearings

A/60/18

Peter & Elaine Leigh
9365 Dagmar Road

An application has been received from Peter & Elaine Leigh for variances from the provisions of the Town of Whitby Zoning By-Law 5581-05.

The application is for permission to:

1. permit the enlargement of an existing legal non-conforming accessory structure; and,
2. increase the maximum permitted accessory structure building height from 4.5m to 5.0m.

The subject property is located at 9365 Dagmar Road and is zoned Oak Ridges Moraine Environmental Protection (ORM-EP) and Oak Ridges Moraine Natural Linkage Area, (ORM-NLA) within the Town of Whitby Zoning By-law 5581-05.

In Support of Application
Peter Leigh (owner)
Elaine Leigh (owner)

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

E. Leigh introduced herself and her husband (Peter Leigh) to the Committee as the owners' of the subject property. She expressed that there are currently three accessory structures on the property. Two of the structures will be removed, while the third will be replaced with a larger structure (barn).

E. Leigh advised the Committee that the Central Lake Ontario Conservation Authority Staff have visited the property and did not have any objection to the proposed works.

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

B. O’Carroll asked the applicant if the three accessory structures to be removed includes the structure to be replaced by the proposed barn.

P. Leigh replied yes. All three existing accessory structures are to be removed, whereas one of the structures will be replaced by a new structure (barn).

J. Malfara clarified to the Committee that the applicants’ proposed barn will be constructed directly atop one of the existing accessory structures pad.

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

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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:** D. McCarroll

That the application to (1) permit the enlargement of an existing legal non-conforming accessory structure; and (2) increase the maximum permitted accessory structure building height from 4.5m to 5.0m located at 9365 Dagmar 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; and
2. Roof drainage from the proposed structure shall not be directed onto the adjacent property.

**Carried**

**Reason:** The members of the Committee were of the opinion that the variance is minor in nature; that the general intent and purpose of the By-law and the Official Plan is being maintained, and further that the granting of the application is desirable and would result in the appropriate development of the property.

Having considered the contents of all submissions, the staff report and oral submissions had an effect on the Committee’s decision.
Item 3: Approval of Previous Minutes

Moved by: B. O'Carroll

That the minutes of the Committee of Adjustment held on Thursday September 06, 2018 be adopted.

Carried

Item 4: Other Business

There were no items raised under other business

Item 5: Adjournment

Moved by: D. McCarroll

That this meeting of the Committee of Adjustment be adjourned.

Carried

[Original approved and signed]

____________________________________________________________
Secretary Treasurer

[Original approved and signed]

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Chair