



Committee of Adjustment Meeting Report
Wednesday, March 11, 2020
1:00 p.m.
Council Chamber, Town Hall

Chair: J. Wallace
Vice-Chair: M. Morrison
D. Crandall
J. Metcalfe
K. Mifsud
A. Pearce
W. Snell

Community Planner: C. Di Benedetto
Manager, Development (West): R. Hughes
Secretary-Treasurer: B. Kashin
Recording Secretary: T. Kobikrishna
Senior Planner, Development (West): L. Lee-Yates
Community Planner: E. Leung
Senior Development Planner: S. McVittie
Community Planner: A. Pereira
Secretary-Treasurer: C. Pillsworth
Intermediate Planner: A. Wendland

CALL TO ORDER

Chair J. Wallace called the meeting to order at 1:09 p.m.

DECLARATION OF PECUNIARY INTEREST

None.

APPOINTMENT OF SECRETARY-TREASURER

Moved by: M. Morrison - Seconded by: D. Crandall

That B. Kashin be appointed as Secretary-Treasurer for the remainder of the 2018-2022 Term of Council.

Carried.

RECEIPT OF MINUTES

Moved by: W. Snell - Seconded by: J. Metcalfe

That the Committee of Adjustment minutes dated February 12, 2020, be received.

Carried.

REGULAR BUSINESS

A 005-20 Property Location: 0 Highway 9 (Ward 4)

Purpose: To defer the application and request that the deferral fee be waived.

The Chair inquired if the Applicant or Agent had any new information to provide. The Applicant was not in attendance.

The Chair inquired if there was anyone in attendance either in support or in opposition of the application. No one in attendance came forward.

The Chair inquired if staff had any new information to provide. Staff stated they had no additional comments.

The Chair inquired if Committee members had any questions. A Member of Committee asked a question and received a response from staff.

The Committee having considered the comments and recommendations of the commenting agencies, reached the following decision:

Moved by: D. Crandall - Seconded by: J. Metcalfe

That Application A 005-20 be deferred for six months or sooner without costs.

Carried.

A 009-20 Property Location: 44 Sackville Street (Ward 5)
Purpose: To defer the application.

The Chair inquired if the Applicant or Agent had any new information to provide. The Applicant, Eileen Albert, provided additional background information regarding the application.

The Chair inquired if there was anyone in attendance either in support or in opposition of the application. No one in attendance came forward.

The Chair inquired if staff had any new information to provide. Staff stated they had no additional comments.

The Chair inquired if Committee members had any questions. Members of Committee did not have any questions.

The Secretary-Treasurer stated to the Committee that several letters objecting to this application were submitted and provided to the Committee for consideration.

The Committee having considered the comments and recommendations of the commenting agencies, reached the following decision:

Moved by: W. Snell – Seconded by: A. Pearce

That Application A 009-20 be deferred for six months or sooner without costs.

Carried.

A 063-19 Property Location: 20429 Willoughby Road (Ward 1)
Purpose: To temporarily permit two dwellings on a lot; whereas the by-law permits one dwelling per lot.

The Chair inquired if the Applicant or Agent had any new information to provide. The Applicant, Anna and Rob Ulias, provided no new information.

The Chair inquired if staff had any new information to provide. Staff stated they had no additional comments.

The Chair inquired if Committee members had any questions. Members of Committee did not have any questions.

The Chair inquired if there was anyone in attendance either in support or in opposition of the application. No one in attendance came forward.

The Committee having considered the comments and recommendations of the commenting agencies, reached the following decision:

Moved by: A. Pearce - Seconded by: J. Metcalfe

That Application A 063-19 to temporarily permit two dwellings on a lot; whereas the by-law permits one dwelling per lot, be approved with conditions.

Carried.

A 006-20 Property Location: 40 Munro Street (Ward 4)
Purpose: To permit existing driveway at road way 9 metres (as per Public Works Permit 2019-102254); whereas the by-law permits an entrance width (maximum) 12.5 metres; permit a driveway width of 13 metres; whereas the by-law permits a driveway width (maximum) of 8.5 metres; to permit a commercial vehicle (Tow Truck) of 5900 kilograms; whereas the by-law permits the parking or storage of a commercial motor vehicle a registered gross vehicle weight of 3,000 kilograms or less.

The Chair inquired if the Applicant or Agent had any new information to provide. The Applicant, Brian Elchuk, provided additional background information regarding the application.

The Chair inquired if staff had any new information to provide. Staff stated they had no additional comments.

The Chair inquired if Committee members had any questions. Members of Committee asked questions and received a response from staff and the Applicant.

The Chair inquired if there was anyone in attendance either in support or in opposition of the application. Adam Okonowski, a resident on Munro Street, expressed concern regarding the parking of commercial vehicles in the driveway.

Members of Committee asked a question of Mr. Okonowski and received a response.

Kent Chmilar, a resident on Pineridge, request confirmation of receipt of the letter provided to the Committee for their consideration that expressed concern regarding the commercial activity on the property as well as the parking of commercial vehicles in the driveway.

The Committee having considered the comments and recommendations of the commenting agencies, reached the following decision:

Moved by: D. Crandall - Seconded by: A. Pearce

That Application A 006-20 to permit a driveway width of 13 metres; whereas the by-law permits a driveway width (maximum of 8.5 metres), be approved;

That Application A006-20 to permit a commercial vehicle (Tow Truck) of 5,900 kilograms; whereas the by-law permits the parking or storage of a commercial motor vehicle a registered gross vehicle weight of 3,000 kilograms or less, be refused.

Amendment #1

Moved by: D. Crandall – Seconded by: K. Mifsud

That the following be added to paragraph 1:

“As per attached Schedule A.”

Carried.

Upon the question of the main motion moved by D. Crandall, seconded by A. Pearce, as amended with Amendment #1, the motion carried.

A 007-20 Property Location: 12872 Kennedy Road (Ward 2)
Purpose: To permit a Building Area of (maximum) of 20%; whereas the by-law permits a Building Area (maximum) of 5% or 0.8 hectares.

The Chair inquired if the Applicant or Agent had any new information to provide. The Applicant, Jonathan Knight, provided no new information.

The Chair inquired if staff had any new information to provide. Staff stated they had no additional comments.

The Chair inquired if Committee members had any questions. Members of Committee asked questions and received a response from Staff and the Applicant.

The Chair inquired if there was anyone in attendance either in support or in opposition of the application. Harjinder Dhaliwal, a resident on Newhouse Boulevard, expressed concern regarding the number of existing parking spaces for the allotted space.

A member of Committee asked a question and received a response from Mr. Dhaliwal.

Hong Gao, a resident on Newhouse Boulevard, expressed concern regarding the number of existing parking spaces and the existing proposal of erecting twelve portables on the property should the variance be approved.

Ms. Gao received a response from Staff with respect to her concerns.

The Committee having considered the comments and recommendations of the commenting agencies, reached the following decision:

Moved by: J. Metcalfe – Seconded by: A. Pearce

That Application A 007-20 to permit a Building Area of (maximum) of 20%; whereas the by-law permits a Building Area (maximum) of 5% or 0.8 hectares, be approved with conditions.

Carried.

A 008-20 Property Location: 12 Hilltop Drive (Ward 3)
Purpose: To permit a Building Area (maximum) of 37%; whereas the by-law permits a Building Area (maximum) of 25%.

The Chair inquired if the Applicant or Agent had any new information to provide. The Applicant, Kayla Brown, provided additional information to the application including letter of support from a neighbouring property.

The Chair inquired if staff had any new information to provide. Staff stated they had no additional comments.

The Chair inquired if Committee members had any questions. A Member of Committee asked questions and received a response from Staff.

The Chair inquired if there was anyone in attendance either in support or in opposition of the application. No one in attendance came forward.

The Committee having considered the comments and recommendations of the commenting agencies, reached the following decision:

Moved by: K. Mifsud – Seconded by: A. Pearce

That Application A 008-20 to permit a Building Area (maximum) of 37%; whereas the by-law permits a Building Area (maximum) of 25%, be approved.

Carried.

The Committee recessed from 2:49 p.m. to 3:02 p.m.

A 002-20 Property Location: 0 Kennedy Road (multiple properties) (Ward 2)
Purpose: 1) To provide a parking rate of 1.25 parking spaces for a dwelling unit in a mixed-use building; whereas the Zoning By-law does not have a specific parking standard for a dwelling unit, as defined in the By-law; 2) To permit Back-to-Back Townhouse Dwellings on the subject property; whereas the By-law does not identify Back-to-Back Townhouse Dwellings in any zoning category of the By-law; 3) To amend the definition of Back-to-Back Townhouse Dwelling to mean "a building divided vertically and horizontally both above and below grade into 3 or more residential dwelling units. Each such unit must share at least one side wall and one rear wall and may share a demising floor/ceiling with adjacent dwelling units"; whereas the By-law currently defines a Back-to-Back Townhouse Dwelling as "a building divided vertically both above and below grade into 3 or more residential dwelling units. Each such unit must share at least one side wall and one rear wall with adjacent dwelling units"; 4) To permit garages, entrances, garbage rooms, lobbies and mechanical rooms for residential uses on the first storey in a mixed-use building; whereas Section 7.2 (Footnote 12 iii) only permits entrances and lobbies used to service dwelling units, business offices and hotel uses on the first storey; 5) That Section 4.8 (Dwellings Per Lot) of the Village Core Commercial (CCV) Zone shall not apply to the subject property; 6) That required parking spaces may be located in tandem for commercial uses; whereas Section 5.2.7 (Exclusive Use of Parking, Loading or Delivery Space) of the By-law requires parking to be unobstructed; 7) To permit a minimum driveway setback of 0.0 metres; whereas Table 7.2 of the By-law requires a minimum 1.5 metres; 8) To permit air conditioners and/or heat pumps in a front yard and/or exterior side yard; whereas

Section 7.2 (Footnote 12 vii) of the By-law does not permit air conditioners or heat pumps in the front yard or exterior side yard; 9) To permit a maximum exterior side yard setback to Kennedy Road of 8.5 metres; whereas Table 7.2 of the By-law permits a maximum of 2.0 metres; 10) To permit a maximum exterior side yard setback to Waterville Way of 4.5 metres; whereas Table 7.2 of the By-law permits a maximum of 2.0 metres. 11) To permit a maximum Driveway Width of 5.63 metres for a townhouse dwelling; whereas Section 5.2.15 of the By-law only permits a maximum width of 5.2 metres; 12) To permit a maximum encroachment of porches and steps of 2.5 metres into the required exterior side yard along Waterville Way: whereas Table 4.2 of the By-law permits a maximum encroachment of 2 metres; 13) To permit all residential uses permitted within the Village Core Commercial (CCV) zone within all floors of Blocks D and E abutting Kennedy Road, as shown on the accompanying sketch (prepared by Glen Schnarr & Associates Inc. dated January 24, 2020); whereas Table 7.1 (Footnote 12) only permits dwelling units, business offices and hotel uses on the storeys above the first storey for buildings abutting Kennedy Road; 14) To permit a minimum of 39 shared visitor and commercial parking spaces; whereas the By-law requires a minimum of 41 spaces in this instance; To permit Mixed Use Buildings on the subject property; whereas the By-law does not identify Mixed Use Buildings in any zoning category of the By-law. 15) To permit Mixed Use Buildings on the subject property; whereas the By-law does not identify Mixed Use Buildings in any zoning category of the By-law. 16) To delete previously approved Variance under A 055-17 that permitted a planting strip width (minimum) of 1.0 metres along an interior side lot line.

The Chair inquired if the Applicant or Agent had any new information to provide. The Agent, Evan Perlman, provided additional information to the application.

The Chair inquired if staff had any new information to provide. Staff provided additional comments with respect to the minor variances and conditions.

The Chair inquired if Committee members had any questions. Members of Committee asked questions and received a response from Staff.

The Chair inquired if there was anyone in attendance either in support or in opposition of the application. No one in attendance came forward.

The Committee having considered the comments and recommendations of the commenting agencies, reached the following decision:

Moved by: D. Crandall – Seconded by: W. Snell

That variances 2, 13, 15, and 16 of Application A 002-20, be approved, and that variances 2, 3 and 5 of Application A 002-20, be amended, and that variances 1, 4, 8, 9, 10, 11, and 12 of Application A 002-20, be approved, with conditions, and that variances 6 and 14 of Application A 002-20, be deferred for six month or sooner without costs, and that variance 7 of Application A 002-20, be withdrawn.

Carried.

B 003-20 Property Location: 15 Marion street (Ward 3)
Purpose: To sever approximately 780.91 metres squared with a lot frontage of approximately 19.81 metres with easements for grading and drainage for a residential lot.

The Chair inquired if the Applicant or Agent had any new information to provide. The Applicant Cosimo Mazzaferro, provided no new information.

The Chair inquired if staff had any new information to provide. Staff stated they had provided changes to the conditions to the Committee.

The Chair inquired if Committee members had any questions. Members of Committee asked questions and received a response from the Applicant and Staff.

The Chair inquired if there was anyone in attendance either in support or in opposition of the application. No one in attendance came forward.

The Committee having considered the comments and recommendations of the commenting agencies, reached the following decision:

Moved by: A. Pearce – Seconded by: J. Metcalfe

That Application B 003-20 for consent to sever approximately 780.91 metres squared with a lot frontage of approximately 19.81 metres with easements for grading and drainage for a residential lot, be approved with conditions.

Carried.

With the consensus of the Committee, File No. B 001-20 and File No. B 002-20 were discussed together and voted on independently as they reflect the same property address.

B 001-20 Property Location: 17180 Highway 50 (Ward 4)
Purpose: To sever approximately 778 metres squared with a lot frontage of approximately 17.04 metres with an easement for grading and drainage in favour of the severed lot.

The Chair inquired if the Applicant or Agent had any new information to provide. The Agent, Ron Kanter, provided additional information to the application.

The Chair inquired if staff had any new information to provide. Staff stated they had no additional comments.

The Chair inquired if Committee members had any questions. Members of Committee asked questions and received a response from Staff and the Agent.

The Chair inquired if there was anyone in attendance either in support or in opposition of the application.

Jack Gibson, a resident on Wallace Avenue, expressed concern for both consent applications.

John Milligan, a resident on Highway 50, expressed concern for both consent applications.

Jim Wilson, a resident on Highway 50, expressed concern for both consent applications.

Manjinder Singh, a resident on Amos Drive, expressed support for both consent applications.

Brian Robertson, a resident on Church Street, expressed concern for both consent applications.

George Palmieri, a resident on Highway 50, expressed support for both consent applications.

Moved by: D. Crandall – Seconded by: K. Mifsud

That Section 10.1 of the Committee of Adjustment Procedural By-law be waived to permit the meeting to be extended past 4:30 p.m. by an additional 15 minutes.

Carried.

Suhanna Mutti, a resident on Amos Drive, expressed support for both consent applications.

The Secretary-Treasurer advised the Committee that a total of 18 applications were submitted in support for consent applications B 001-20 and B 002-20, and 1 application was submitted not in support for consent applications B 001-20 and B002-20. All letters were provided to the Committee for consideration.

The Committee having considered the comments and recommendations of the commenting agencies, reached the following decision:

Moved by: A. Pearce – Seconded by: J. Metcalfe

That Application B 001-20 for consent to sever approximately 778 metres squared with a lot frontage of approximately 17.04 metres with an easement for grading and drainage in favour of the severed lot, be approved with conditions.

Carried.

B 002-20 Property Location: 17180 Highway 50 (Ward 4)
Purpose: To sever approximately 759 metres squared with a lot frontage of approximately 16.02 metres with an easement for grading and drainage in favour of the retained lot for a residential lot.

The Committee having considered the comments and recommendations of the commenting agencies, reached the following decision:

Moved by: A. Pearce – Seconded by: J. Metcalfe

That Application B 002-20 for consent to sever approximately 759 metres squared with a lot frontage of approximately 16.02 metres with an easement for grading and drainage in favour of the retained lot for a residential lot, be approved with conditions.

Carried.

ADJOURNMENT

Chair J. Wallace adjourned the hearing at 4:41 p.m.

J. Wallace
Chair

C. Pillsworth
Secretary-Treasurer