

DECISION UNDER THE PLANNING ACT

Committee of Adjustment Application for 150 Adelaide Avenue East

An application has been submitted by **Ashley and Dustin Kozak** for variances from the City's Zoning By-law 60-94.

The application relates to **150 Adelaide Avenue East** (PL 161, PT LT 1), Oshawa, Ontario.

The purpose and effect of the application is to permit a new parking space in the rear yard of an existing single detached dwelling with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for a parking space associated with a single detached dwelling in a R2 (Residential) Zone.

Zoning Item	Column 1	Column 2
Maximum height of a building, structure or man-made feature in a driveway sight triangle (south side of driveway)	Height permitted in the R2 Zone	0.9m
Maximum height of a building, structure or man-made feature in a driveway sight triangle (north side of driveway)	1.2m	0.9m

A meeting of the Oshawa Committee of Adjustment was held on May 25, 2022 at 6:00 p.m. in the "C" Wing Committee Meeting Room, City Hall, Oshawa, Ontario. Electronic participation was also available.

Present: A. Johnson, R. Adams, F. Eismont, P. Uprety
E. Kohek, T. Ryan, D. Sappleton, C. Chase

Also Present: A. and D. Kozak, 150 Adelaide Avenue East

A report received from the Development Services Department stated no objection to the approval of this application subject to a condition.

D Kozak provided an overview of the application. The driveway is proposed to be extended north on Jarvis Street. The height of the existing garage wall impedes the driveway sight triangle necessitating the variance.

Moved by A. Johnson, seconded by P. Uprety,

"THAT the application by **Ashley and Dustin Kozak** for **150 Adelaide Avenue East**, Oshawa, Ontario, be approved subject to the following condition:

1. The westerly 1.8 metres of the existing fence along the northerly property line, measured from the Jarvis Street curb line, be removed prior to the issuance of a Curb Cut Permit for the widened driveway."

Affirmative – A. Johnson, R. Adams, F. Eismont, P. Uprety

Negative – None

CARRIED.

The Chair declared that the application BE APPROVED.

The APPROVAL of the application granted herein is based upon the following reasons:

1. The Committee is of the opinion that the variances granted are minor in nature.
2. The Committee is of the opinion that the variances granted are desirable for the appropriate development of the subject property.

3. The Committee is of the opinion that the granting of the variances maintains the general intent and purpose of the Official Plan and Zoning By-law.



Erika Kohek, Assistant Secretary-Treasurer

MINUTES UNDER THE PLANNING ACT

Committee of Adjustment Application for 145 Banting Avenue

An application has been submitted by **Mohammad Mofizur Rahman on behalf of Foyzun Nahar Rahman** for variances from the City's Zoning By-law 60-94.

The application relates to **145 Banting Avenue** (PL 145, LT 429), Oshawa, Ontario.

The purpose and effect of the application is to permit a single detached dwelling with the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for a single detached dwelling in a R2 (Residential) Zone.

Zoning Item	Column 1	Column 2
Minimum Lot Area	202 sq. m.	270 sq. m.
Maximum Lot Coverage	47%	40%
Minimum Rear Yard Depth	5.5m	7.5m
Maximum Building Height	11m	9.0m
Minimum Length of Driveway to Private Garage	4.1m	6.0m
Minimum Length of Parking Space	4.1m	5.75m
Maximum Encroachment of Unenclosed Steps into Required Rear Yard	3.4m	2.4m

A meeting of the Oshawa Committee of Adjustment was held on May 25, 2022 at 6:00 p.m. in the "C" Wing Committee Meeting Room, City Hall, Oshawa, Ontario. Electronic participation was also available.

Present: A. Johnson, R. Adams, F. Eismont, P. Uprety
E. Kohek, T. Ryan, D. Sappleton, C. Chase

Also Present: M. Rahman, 94 Romulus Drive, Scarborough

A report received from the Development Services Department recommended that the application be approved, in part, and denied, in part.

M. Rahman provided an overview of the application. The property is not large and the applicant needs to build a house on the site for his family.

In response to a question from A. Johnson, M. Rahman replied that reducing the footprint of the building is not possible as there are 6 people in the family and they need the bedrooms.

In a response to a question from A. Johnson, E. Kohek explained the approval in part for the minimum lot area and maximum lot coverage would allow the applicant the ability to move forward with a single detached dwelling on the property if the building is redesigned, potentially avoiding the need to come back to the Committee variances. The other five requested variances in conjunction with each other could not be supported by staff for the proposed development.

Moved by R. Adams, seconded by A. Johnson,

"THAT the application by **Mohammad Mofizur Rahman on behalf of Foyzun Nahar Rahman for 145 Banting Avenue**, Oshawa, Ontario, be reserved."

Affirmative – A. Johnson, R. Adams, F. Eismont, P. Uprety

Negative – None

CARRIED.

The Chair declared that the application BE RESERVED.

A handwritten signature in black ink, appearing to read "Erika Kohek", written in a cursive style.

Erika Kohek, Assistant Secretary-Treasurer

MINUTES UNDER THE PLANNING ACT

Committee of Adjustment Application for 1806 Fosterbrook Street

An application has been submitted by **Arc Design Group on behalf of Greycrest Homes (Oshawa) Inc.** for a variance from the City's Zoning By-law 60-94.

The application relates to **1806 Fosterbrook Street** (Lot 25, Plan 40M-2721), Oshawa, Ontario.

The purpose and effect of the application is to permit a single detached dwelling with a minimum exterior side yard depth of 1.9 metres, whereas Zoning By-law 60-94 requires a minimum exterior side yard depth of 2.4 metres for a single detached dwelling in a R2.Y4.5 (Residential) Zone.

A meeting of the Oshawa Committee of Adjustment was held on May 25, 2022 at 6:00 p.m. in the "C" Wing Committee Meeting Room, City Hall, Oshawa, Ontario. Electronic participation was also available.

Present: A. Johnson, R. Adams, F. Eismont, P. Uprety
E. Kohek, T. Ryan, D. Sappleton, C. Chase

Also Present: P. Jaruczik, 60 Thistledown Crescent, Whitby

A report received from the Development Services Department stated no objection to the approval of this application.

P. Jaruczik provided an overview of the application. The proposal is for a bump out in a corner unit in a subdivision.

In response to a question from F. Eismont, P. Jaruczik stated that other homes within the subdivision are similar in design. This home has a slightly smaller lot width.

Moved by A. Johnson, seconded by F. Eismont,

"THAT the application by **Arc Design Group on behalf of Greycrest Homes (Oshawa) Inc.** for **1806 Fosterbrook Street**, Oshawa, Ontario, be approved."

Affirmative – A. Johnson, R. Adams, F. Eismont, P. Uprety

Negative – None

CARRIED.

The Chair declared that the application BE APPROVED.

The APPROVAL of the application granted herein is based upon the following reasons:

1. The Committee is of the opinion that the variance granted is minor in nature.
2. The Committee is of the opinion that the variance granted is desirable for the appropriate development of the subject property.
3. The Committee is of the opinion that the granting of the variance maintains the general intent and purpose of the Official Plan and Zoning By-law.



Erika Kohek, Assistant Secretary-Treasurer

MINUTES UNDER THE PLANNING ACT

Committee of Adjustment Application for 263 Haig Street

An application has been submitted by **Kelvin Lo on behalf of Vladimir and Alla Ladygin** for a variance from the City's Zoning By-law 60-94.

The application relates to **263 Haig Street** (PL 206, LT 5), Oshawa, Ontario.

The purpose and effect of the application is to permit a single detached dwelling with an accessory apartment with a minimum lot frontage of 10 metres, whereas Zoning By-law 60-94 requires a minimum lot frontage of 11 metres for a single detached dwelling with an accessory apartment in a R1-E (Residential) Zone.

A meeting of the Oshawa Committee of Adjustment was held on May 25, 2022 at 6:00 p.m. in the "C" Wing Committee Meeting Room, City Hall, Oshawa, Ontario. Electronic participation was also available.

Present: A. Johnson, R. Adams, F. Eismont, P. Uprety
E. Kohek, T. Ryan, D. Sappleton, C. Chase

Also Present: K. Lo, 3575 14th Avenue, Markham

A report received from the Development Services Department stated no objection to the approval of this application subject to a condition.

K. Lo provided an overview of the application and opined that the requested minor variance to allow reduced lot frontage satisfies the four tests for minor variances contained in the Planning Act.

In response to a question from A. Johnson, E. Kohek stated that Engineering commented regarding run off and that maintaining a minimum 0.6m setback from the property line for the proposed parking area would help mitigate potential runoff from the proposed parking area in the rear yard. The existing condition of the site is to remain.

Moved by R. Adams, seconded by A. Johnson,

"THAT the application by **Kelvin Lo on behalf of Vladimir and Alla Ladygin for 263 Haig Street**, Oshawa, Ontario, be approved subject to the following condition:

1. All new paving for the proposed parking spaces in the rear yard shall be a minimum of 0.6 metres from the northern and eastern property lines."

Affirmative – A. Johnson, R. Adams, F. Eismont, P. Uprety

Negative – None

CARRIED.

The Chair declared that the application BE APPROVED.

The APPROVAL of the application granted herein is based upon the following reasons:

1. The Committee is of the opinion that the variance granted is minor in nature.
2. The Committee is of the opinion that the variance granted is desirable for the appropriate development of the subject property.

3. The Committee is of the opinion that the granting of the variance maintains the general intent and purpose of the Official Plan and Zoning By-law.



Erika Kohek, Assistant Secretary-Treasurer

Committee of Adjustment

File: **A-2022-47**

MINUTES UNDER THE PLANNING ACT

Committee of Adjustment Application for 4694 Old Simcoe Street North

An application has been submitted by **Mark Holliday** for a variance from the City's Zoning By-law 60-94.

The application relates to **4694 Old Simcoe Street North** (PL H-50018 LT 8, PT LT 9 AND CON 9 PT LT 13), Oshawa, Ontario.

The purpose and effect of the application is to permit an existing automobile repair garage without a fuel bar, whereas Zoning By-law 60-94 only permits an automobile repair garage as part of an automobile service station, which includes one or more fuel bars, in an HMC/SSC-B (Hamlet Commercial/Automobile Service Station) Zone.

A meeting of the Oshawa Committee of Adjustment was held on May 25, 2022 at 6:00 p.m. in the "C" Wing Committee Meeting Room, City Hall, Oshawa, Ontario. Electronic participation was also available.

Present: A. Johnson, R. Adams, F. Eismont, P. Uprety
E. Kohek, T. Ryan, D. Sappleton, C. Chase

Also Present: M. Holliday, 4694 Old Simcoe Street North, Oshawa

M. Holliday provided an overview of the application. M. Holliday stated that the garage has been on the subject site for a long time.

In response to a question from M. Holliday, T. Ryan replied that usually both uses are removed when fuel bars are decommissioned.

Moved by A. Johnson, seconded by R. Adams,

"THAT the application by **Mark Holliday** for **4694 Old Simcoe Street North**, Oshawa, Ontario, be approved subject to the following condition:

1. An automobile repair garage is only permitted in its current location within the building existing as of May 25, 2022."

Affirmative – A. Johnson, R. Adams, F. Eismont, P. Uprety

Negative – None

CARRIED.

The Chair declared that the application BE APPROVED.

The APPROVAL of the application granted herein is based upon the following reasons:

1. The Committee is of the opinion that the variance granted is minor in nature.
2. The Committee is of the opinion that the variance granted is desirable for the appropriate development of the subject property.
3. The Committee is of the opinion that the granting of the variance maintains the general intent and purpose of the Official Plan and Zoning By-law.



Erika Kohek, Assistant Secretary-Treasurer

MINUTES UNDER THE PLANNING ACT

Committee of Adjustment Application for 865 Groveland Avenue

An application has been submitted by **Syeda Kiran Ali** for a variance from the City's Zoning By-law 60-94.

The application relates to **865 Groveland Avenue** (PL 40M-2521, LT 115), Oshawa, Ontario.

The purpose and effect of the application is to permit a single detached dwelling with an accessory apartment with a minimum parking space length of 4.5 metres (accessory apartment parking space only), whereas Zoning By-law 60-94 as previously varied by the Committee of Adjustment, requires a minimum parking space length of 5.4 metres for a parking space for an accessory apartment in a single detached dwelling in a R1-E.Y4.5 (Residential) Zone.

A meeting of the Oshawa Committee of Adjustment was held on May 25, 2022 at 6:00 p.m. in the "C" Wing Committee Meeting Room, City Hall, Oshawa, Ontario.

Present: A. Johnson, R. Adams, F. Eismont, P. Uprety
E. Kohek, T. Ryan, D. Sappleton, C. Chase

Also Present: A. Rajgor, MEM Engineering Inc.

A report received from the Development Services Department recommended denial of the application.

A. Rajgor provided an overview of the application. He stated the variance is required for the parking space in the front yard to allow the accessory apartment in the basement of the house. The distance from the porch to the front lot line is 4.5m however there is additional space within the boulevard.

In response to a question from A. Johnson, E. Kohek stated that the City did consider the boulevard during the review of the application. The City does not support parking in the City boulevard.

In response to a question from F. Eismont, A. Rajgor stated that there is a cold cellar underneath the porch, therefore the steps cannot be removed without significant renovation. He stated that the foundation would need to be modified along the entire front elevation up to the roof.

A. Johnson stated that he does not see the possible vehicle overhang in the proposed parking space as an issue.

Moved by A. Johnson, seconded by R. Adams,

"THAT the application by **Syeda Kiran Ali** for **865 Groveland Avenue**, Oshawa, Ontario, be approved."

Affirmative – A. Johnson, R. Adams, F. Eismont, P. Uprety

Negative – None

CARRIED.

The Chair declared that the application BE APPROVED.

The APPROVAL of the application granted herein is based upon the following reasons:

1. The Committee is of the opinion that the variance granted is minor in nature.
2. The Committee is of the opinion that the variance granted is desirable for the appropriate development of the subject property.

3. The Committee is of the opinion that the granting of the variance maintains the general intent and purpose of the Official Plan and Zoning By-law.



Erika Kohek, Assistant Secretary-Treasurer