

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	46%	40%
Minimum Rear Yard Depth	5.7m	7.5m
Minimum Interior Side Yard Depth	0.3m and 0.9m	1.2m on one side only, provided however that, in no case shall the distance between dwelling units be less than 1.2m
Minimum Front Yard Depth	3.6m	6.0m
Maximum Building Height	11m	9.0m
Permit Stairs and Porch within a Driveway Sight Triangle (>0.9m in height)	To permit	Not permitted

A meeting of the Oshawa Committee of Adjustment was held on September 28, 2022 at 6:00 p.m. in the "C" Wing Committee Meeting Room, City Hall, Oshawa, Ontario.

Present: A. Johnson, R. Adams, P. Uprety, J. Dowson
E. Kohek, D. Sappleton, C. Chase

F. Eismont declared a conflict of interest and left the room.

A report received from the Development Services Department stated no objection to the approval of the variances related to minimum lot area and yard depths and maximum lot coverage, and recommended the denial of the variances related to maximum height and permitting stairs and a porch within a driveway sight triangle.

In response to a question from R. Adams, E. Kohek provided the history of this application at previous Committee of Adjustment meetings.

In a response to R. Adams, E. Kohek provided an overview for which variances staff support and which staff are recommending denial.

Moved by A. Johnson, seconded by J. Dowson,

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

Affirmative – A. Johnson, R. Adams, P. Uprety, J. Dowson

Negative – None

CARRIED.

The Chair declared that the application BE APPROVED in part and BE DENIED in part.

The APPROVAL of the application, in part, 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.

The DENIAL of the application, in part, is based upon the following reasons:

1. The Committee is of the opinion that the variances are not minor in nature.
2. The Committee is of the opinion that the granting of the variances would not maintain the general intent and purpose of the Official Plan and Zoning By-law.
3. The Committee is of the opinion that the granting of the variances are not desirable for the appropriate development of the subject property.



Erika Kohek, Assistant Secretary-Treasurer

MINUTES UNDER THE PLANNING ACT

Committee of Adjustment Application for 346 Chaleur Avenue

An application has been submitted by **Hamzeh Bagheri on behalf of Michelle Norman** for variances from the City's Zoning By-law 60-94.

The application relates to **346 Chaleur Avenue** (PL M1072, PT LT 27, now RP 40R3343, PT 4), Oshawa, Ontario.

The purpose and effect of the application is to permit a semi-detached dwelling with an accessory apartment 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 semi-detached dwelling with an accessory apartment in a R2 (Residential) Zone.

Zoning Item	Column 1	Column 2
Minimum Lot Frontage	8.3m	11m
Minimum Parking Space Width	2.3m	2.75m
Minimum Landscaped Open Space in the Front Yard	35%	50%
Minimum Parking Space Length	4.5m	5.75
Parking Space in the Side Yard (partial overhang in the front yard)	0.7m of parking space length in front yard	Parking space wholly in side yard

A meeting of the Oshawa Committee of Adjustment was held on September 28, 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, J. Dowson
E. Kohek, D. Sappleton, C. Chase

Also Present: H. Bagheri, 7163 Yonge Street, Toronto

A report received from the Development Services Department recommended that the application be denied.

H. Bagheri provided an overview of the application, and stated they are seeking to legalize the existing basement unit.

In response to a question from R. Adams, H. Bagheri replied the plan was not modified as recommended by staff as the owner was concerned with the main unit losing privacy with all three parking spaces at the back of house. Parking in the rear yard also reduces the amount of amenity space and makes the side of house pathway narrower.

In response to a question from A. Johnson, H. Bagheri replied the basement apartment is not currently rented.

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

"THAT the application by Hamzeh Bagheri on behalf of Michelle Norman for 346 Chaleur Avenue, Oshawa, Ontario, be denied."

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

Negative – None

CARRIED.

The Chair declared that the application BE DENIED.

The DENIAL of the application herein is based upon the following reasons:

1. The Committee is of the opinion that the variances are not minor in nature.
2. The Committee is of the opinion that the variances are not desirable for the appropriate development of the subject property.
3. The Committee is of the opinion that the variances do not maintain 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 33 Richmond Street West

An application has been submitted by **D. D. 33 Richmond Ltd.** for variances from the City's Zoning By-law 60-94.

The application relates to **33 Richmond Street West** (PL H-50002 PT LT 4 PT LT 5 NOW RP 40R17243 PT 2), Oshawa, Ontario.

The purpose and effect of the application is to add 11 apartments to an existing apartment building resulting in the variances in Column 1 below, instead of the requirements in Column 2 below, as required by Zoning By-law 60-94 for an apartment building in a CBD-A.T25 (Central Business District) Zone.

Zoning Item	Column 1	Column 2
Minimum Number of Parking Spaces	0.68 per unit (55 spaces)	1 per unit
Location of Dwelling Units	Basement and ground level	Restricted to 2 nd storey, excluding basements, or higher, or on the first floor if located behind the non-residential uses located at the front on the building adjacent to the street line
Maximum Residential Density	567	550

A meeting of the Oshawa Committee of Adjustment was held on September 28, 2022 at 6:00 p.m. in the "C" Wing Committee Meeting Room, City Hall, Oshawa, Ontario.

Present: A. Johnson, R. Adams, P. Uprety, J. Dowson
E. Kohek, D. Sappleton, C. Chase

Also Present: A. Dales, 147 Liberty Street, Toronto

F. Eismont declared a conflict of interest and left the room.

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

A. Dales provided an overview of the application. The application is to add 11 apartment units without adding more parking spaces. The owner has met with tenants to see what improvements they want to see. The owner will be renovating underutilized space and create storage lockers, gym space, and/or a shared workspace for residents.

J. Dowson commented that the information provided was well researched.

Moved by R. Adams, seconded by J. Dowson,

"THAT the application by **D. D. 33 Richmond Ltd.** for **33 Richmond Street West**, Oshawa, Ontario, be approved."

Affirmative – A. Johnson, R. Adams, J. Dowson

Negative – P. Uprety

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 1425 Coldstream Drive

An application has been submitted by **MC Architects Inc. on behalf of Durham Catholic District School Board** for a variance from the City's Zoning By-law 60-94.

The application relates to **1425 Coldstream Drive** (PL 40M2019 BLK 159), Oshawa, Ontario.

The purpose and effect of the application is to permit an elementary school with 36 of the required parking spaces provided off-site at 1467 Coldstream Drive (Coldstream Park), whereas Zoning By-law 60-94 requires all required parking spaces to be provided on-site for an elementary school in a CIN/R1-D(4) (Community Institutional/ Residential) Zone.

A meeting of the Oshawa Committee of Adjustment was held on September 28, 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, J. Dowson
E. Kohek, D. Sappleton, C. Chase

Also Present: T. Le, 1881 Yonge Street, Toronto

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

T. Le provided an overview of the application. Three additional portables are proposed for the school, and there are only 56 existing parking spaces on the property. Thirty-six of the required parking spaces are to be provided on the adjacent City-owned property (Coldstream Park).

In response to questions from A. Johnson, T. Le stated he is not aware of the School Board's plans for another school in area.

Moved by A. Johnson, seconded by J. Dowson,

"THAT the application by **MC Architects Inc. on behalf of Durham Catholic District School Board** for **1425 Coldstream Drive**, Oshawa, Ontario, be approved subject to the following condition:

1. The variance shall be deemed null and void upon termination of the licence agreement with the City of Oshawa for the off-site parking spaces."

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

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