

Town of Whitby Public Meeting Report

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Report Title: **DEV-08-24: Zoning By-law Amendment Application,
The Baird Team Royal Lepage Baird Real Estate, 55
Garrard Road and Block 33 on Plan 40M-1315, File No.
Z-04-24**

Date of meeting: April 22, 2024

Report Number: **PDP 18-24**

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

**Acknowledged by M. Gaskell, Chief
Administrative Officer**

For additional information, contact:

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Planning Report PDP 18-24 is presented for information purposes only, in accordance with the statutory public meeting requirements of the Planning Act R.S.O. 1990, c.P.13

Anyone who attends the public meeting may present an oral submission, and/or provide a written submission to the Planning and Development Department on the proposed application(s). Also, any person may make written submissions at any time before Council makes a decision.

Additional information regarding statutory public meetings under the Planning Act can be found on the [Town's website](http://whitby.ca).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Whitby before the by-law is passed, the person or public body is not entitled to appeal the decision of Whitby Council to the Ontario Land Tribunal (OLT) and may not be added as a party to the hearing of an appeal before the OLT unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

1. Highlights:

- A Zoning By-law Amendment application has been submitted by Baird Team Royal LePage Baird Real Estate for the land municipally known as 55 Garrard Road and Block 33 on Plan 40M-1315. The two parcels have been consolidated into one property.
- The proposal is to rezone a portion of the subject land from Third Density Residential (R3) to Residential (R2A) Zone to permit the creation of three (3) single detached lots.

2. Purpose:

The Planning and Development Department is in receipt of an application for Zoning By-law Amendment for the subject land. The purpose of this report is to present information related to the application at a statutory public meeting, as required by the Ontario Planning Act.

3. Background:

3.1. Site and Area Description

The subject land is located on the southeast corner of Garrard Road and Burnage Lane (refer to Attachment #1). The subject property currently has one (1) single detached dwelling which will be removed as part of the development.

The surrounding land uses include low density residential dwellings to the east, west, north, and south (refer to Attachment #2).

3.2. Application and Proposed Development

A Zoning By-law Amendment Application has been submitted by Baird Team Royal LePage Baird Real Estate to rezone a portion of the subject land from Third Density Residential (R3) to Residential (R2A) Zone to permit the creation of three (3) single detached lots.

The three lots will be created through the Whitby Land Division process.

3.3. Documents Submitted in Support

The following documents were submitted in support of the application:

- Planning Rationale Brief, prepared by GHD, dated November 29, 2023, which concludes that the proposed development conforms to Provincial, Regional and Whitby Planning policies.
- Concept Site Plan, prepared by ERTL-HUNT Surveyors, dated March 8, 2023 (refer to Attachment #3).
- Site Servicing Plan, prepared by GHD, dated February 22, 2024.
- Site Grading Plan, prepared by GHD, dated February 22, 2024.

- Erosion Control & Construction Management Plan, prepared by GHD, dated February 22, 2024.
- Stormwater Management Brief, prepared by GHD, dated February 20, 2024, which concludes that no stormwater management measures are required for water quality treatment to accommodate the proposed development.
- Construction Management Report, prepared by GHD, dated February 2024, which has been prepared in accordance with the requirements of the Town of Whitby Construction Management Report Guidelines for Developers, Consultants, and General Contactor for non-subdivision applications.
- Tree Preservation Plan, prepared by Henry Kortekaas + Associates Inc., dated February 16, 2024.
- Landscape Plan prepared by Henry Kortekaas + Associates Inc., dated February 16, 2024 (refer to Attachment #4).
- Noise Impact Study, prepared by GHD, dated February 28, 2024, which recommends mandatory air conditioning and noise warning clauses for the three single detached dwellings fronting onto Garrard Road.
- Sustainability Brief, prepared by GHD, dated February 28, 2024, which outlines how the proposed development will meet the Tier 1 Whitby Green Standards requirements.

The above documents have been distributed to relevant internal departments and external agencies for review and comment.

4. Discussion:

4.1. Region of Durham Official Plan

The subject land is designated Living Areas on Schedule 'A' Map 'A4' of the Regional Official Plan (ROP). Living Areas are intended to be used predominantly for residential purposes.

4.2. Whitby Official Plan

The subject land is designated Residential on Schedule 'A' of the Official Plan (refer to Attachment #5).

According to the Official Plan Low Density Residential areas are generally located in the interior of residential neighbourhoods on local or collector roads (Policy 4.4.3.4.1).

Single detached, semi-detached, and duplex dwellings and other similar ground related built forms are permitted with a density of up to 30 dwelling units per net hectare (Policy 4.4.3.4.1).

As outlined in Policy 4.4.3.4.3, applications for redevelopment of existing lots in Low Density Residential areas that require a Zoning By-law amendment or minor variance shall be considered in accordance with the following criteria:

- a. The interior side yard setback is generally consistent with the existing dwelling(s) on the same side of the street; and
- b. The front yard setback for the new dwelling unit(s) is generally consistent with the front yards that exist on the same side of the street.

4.3. Zoning By-law

The land municipally known as 55 Garrard Road is zoned Third Density Residential (R3) under By-law #1784. Block 33 fronting Burnage Lane is zoned Residential (R2A) zone under By-law #1784 (refer to Attachment #6).

A Zoning By-law Amendment Application is required to change the zoning of 55 Garrard Road to R2A* to match the zoning of Block 33 fronting Burnage Lane to permit three single detached lots.

5. Communication and Public Engagement:

Notice of the statutory public meeting was mailed to all property owners within 120 metres of the subject land at least 20 days prior to the meeting date. Furthermore, a public notice sign has been erected on the Garrard Road and Burnage Lane frontages of the subject land in accordance with the Town's notification procedures.

6. Consultation with other Departments/Sources:

The applicable agencies and departments have been circulated the applications and copies of the associated supporting materials for their review and comment.

7. Conclusion:

All comments received at this statutory public meeting, as well as any subsequent written submissions, will be considered by the Planning and Development Department as part of its review and analysis of the development application. A recommendation report will be brought forward to the Committee of the Whole at such time as input from the commenting agencies, departments and the public have been received and assessed.

All persons who make oral submissions, or have requested notification in writing, will be given written notice of the future meeting of the Committee of the Whole at which the application will be considered.

8. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Concept Plan

Attachment #4: Proponent's Proposed Landscape Plan

Attachment #5: Excerpt from Official Plan Schedule A

Attachment #6: Excerpt from Zoning By-law 1784