

Town of Whitby

Staff 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

Report to: Committee of the Whole

Date of meeting: June 3, 2024

Report Number: PDP 34-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

Roger Saunders, Commissioner of
Planning and Development

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

K. Afante, Planner I, x.2836

1. Recommendation:

1. That Council approve an amendment to Zoning By-law #1784 (Z-04-24) as outlined in Planning Report PDP 34-24; and,
2. That a by-law to amend Zoning By-law #1784 be brought forward for consideration by Council.

2. 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 the subject land from Third Density Residential (R3) and Residential (R2A) to an appropriate zone category to permit the creation of three (3) single detached lots.

- All the commenting departments and external agencies have indicated support for the proposed development, subject to their comments being addressed.

3. Background:

3.1. Site Area and 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 the subject land from Third Density Residential (R3) and Residential (R2A) to an appropriate zone category 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 Contractor 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.
- 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 were distributed to relevant internal departments and external agencies for review and comment.

4. Discussion:

4.1. Current 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. New Region of Durham Official Plan

On May 17, 2023, Regional Council adopted the new Regional Official Plan. The new ROP is currently with the Ministry of Municipal Affairs and Housing for approval.

The subject land is designated as Community Areas on Map 1 – Regional Structure in the new ROP. Plan Community Areas are intended for a variety of housing types, sizes, and tenures.

4.3. Whitby Official Plan

The subject land is designated Residential on Schedule 'A' of the Official Plan (refer to Attachment #4).

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.

The interior side yard and front yard setbacks are generally consistent with the existing dwellings on the same side of the street.

4.4. 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 #5).

A Zoning By-law Amendment Application is required to change the zoning of 55 Garrard Road and Block 33 fronting Burnage Lane to an appropriate zone category to permit three single detached lots.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

A Public Meeting was held on April 22, 2024, in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the Zoning By-law Amendment Application. The meeting minutes are included in Attachment #6. There were no delegations from Members of the public.

All individuals who registered as an interested party at the statutory public meeting and any individual who provided written correspondence to the Town have been provided notice of the June 2, 2024, Committee of the Whole Meeting.

7. Input from Departments/Sources:

7.1. Internal Departments:

The following internal departments have reviewed the application and have no objection to the proposed Zoning By-law Amendment:

- Whitby Fire and Emergency Services;
- Whitby Planning Services - Landscape;
- Whitby Building Division;
- Whitby Engineering Services and,
- Whitby Development Finance.

7.2. External Agencies:

The following external agencies have reviewed the application and have no objection to the proposed Zoning By-law Amendment:

- Durham Region Planning Department, and
- The Oshawa Executive Airport.

Refer to Attachment #7 for additional detailed comments.

8. Strategic Priorities:

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

The development of three single detached dwellings contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by providing a variety of housing options.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Concept Plan

Attachment #4: Excerpt from Official Plan Schedule A

Attachment #5: Excerpt from Zoning By-law 1784

Attachment #6: Public Meeting Minutes

Attachment #7: Agency & Stakeholder Detailed Comments