

Town of Whitby Public Meeting Report

whitby.ca/CouncilCalendar



Report Title: DEV-03-25: Zoning By-law Amendment Application, Paul Demczak c/o 2490987 Ontario Inc., 1399 Dundas Street East, File No. Z-02-25

Date of meeting: February 10, 2025

Report Number: PDP 10-25

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:

J. Taylor, Director of Planning, 905-444-
2908

M. Wianecki, Planner II, 905-444-3932

Planning Report PDP 10-25 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. 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](#).

If a specified 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 specified 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 specified person or public body as a party.

1. Highlights:

- A temporary use Zoning By-law Amendment Application has been submitted by Paul Demczak c/o 2490987 Ontario Inc. for 1399 Dundas Street East.
- The temporary use Zoning By-law Amendment proposes to permit a temporary automotive sales office and associated parking lot on the subject property for a maximum of three years.

2. Purpose:

The Planning and Development Department is in receipt of an application for a temporary use 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 south side of Dundas Street East, east of Hopkins Street (refer to Attachment #1). The subject land is municipally known as 1399 Dundas Street East. The subject land is approximately 0.78 hectares (1.93 acres) in size.

The subject land is currently vacant. The land uses to the north, east, and west include retail and commercial uses, while land uses to the south include residential uses (refer to Attachment #2). The subject property was used as an automobile sales establishment until 2021. In 2007, the by-law on the subject property and adjacent properties was amended to recognize existing automotive dealerships, however, once the automotive use ceased to exist, the permissions for automobile sales were lost on the property as of right.

3.2. Application and Proposed Development

A temporary use Zoning By-law Amendment Application has been submitted by Paul Demczak c/o 2490987 Ontario Inc., to permit a temporary automotive sales office and associated parking lot on the subject land (refer to Attachment #3).

The temporary use Zoning By-law Amendment Application proposes to permit the proposed temporary use of an automobile sales establishment on the property for a period of three years.

3.3. Documents Submitted in Support

The following documents were submitted in support of the application:

- An Architectural Plans Package, prepared by Micacchi, dated January 2025 (refer to Attachment #3 for proposed site plan); and,
- A Planning Rationale Report, prepared by Batory Planning & Management, dated January 2025.

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

4. Discussion:

4.1. Whitby Official Plan

The subject property is designated Mixed Use on Schedule A – Land Use of the Town of Whitby’s Official Plan (refer to Attachment #4).

Areas designated as Mixed Use are encouraged to intensify and consolidate over time into mixed-use nodes in accordance with the comprehensive block plan and urban design policies of Section 6.2 (4.6.3.8). An automobile sales establishment is not permitted.

However, as outlined within Section 10.1.9.1, Council may pass a by-law to permit the temporary use of land(s), building(s), or structure(s), for any purpose which is otherwise prohibited by the Zoning By-law, without an amendment to this Plan for a period of up to three years. Upon the expiry of the time period(s) authorized by the Temporary Use By-law, the use of land, buildings, or structures that were permitted under such By-law shall cease to exist and cannot be considered as non-conforming uses.

4.2. Zoning By-law

The subject land is currently zoned Commercial Mixed Use – Exception 10 (CMU*-10) within Zoning By-law No. 1784 (refer to Attachment #5). The Commercial Mixed Use – Exception 10 (CMU*-10) does not permit the proposed use. Therefore, a temporary Zoning By-law Amendment is required to permit the proposed use.

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 Dundas Street East frontage 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 application 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 Site Plan

Attachment #4: Excerpt from the Town of Whitby Official Plan – Schedule A

Attachment #5: Excerpt from Zoning By-law No. 1784