



**Planning & Development Services**

Tel. 905-683-4550  
Fax. 905-686-0360

**TOWN OF AJAX**

65 Harwood Avenue South  
Ajax ON L1S 2H9  
www.townofajax.com

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## **AGENDA**

### **COMMITTEE OF ADJUSTMENT**

Town Hall  
65 Harwood Avenue South, Ajax  
Council Chambers  
**Wednesday, April 27, 2016**  
**Meeting: 7:00 p.m.**

#### **Open Meeting**

1. Call to Order
2. Disclosure of Interest
3. Adoption of [March 30<sup>th</sup>, 2016 Committee of Adjustment meeting minutes](#)
4. Outline of the General Mandate of the Committee of Adjustment.
5. Applications:

**a) A8/16 – 81 Annie Cres – Terrance Lesyk**

To permit a maximum gross floor area of 42.8 m<sup>2</sup> for a platform greater than 1.2 m above finished grade.

**~~b) A9/16 – 16 Edward Street – Hilary Buyting (Item Deleted)~~**

This application has been removed from the agenda as a result of failure to post the required notification in accordance with Section 45(5) of the *Planning Act*, and Ontario Regulation 200/96.

**c) A10/16 – 27 Beverton Cres – Jonelle and Tony Vlogiannitis**

To permit a platform less than 1.2 metres in height above finished ground level to be setback a minimum of 1.4 metres from the rear lot line.

6. Other Business/New Business
7. Adjournment

**MINUTES OF A HEARING OF THE COMMITTEE OF ADJUSTMENT FOR THE  
TOWN OF AJAX HELD IN THE COUNCIL CHAMBERS, TOWN HALL,  
65 HARWOOD AVENUE SOUTH, AJAX  
Wednesday March 30, 2016 @ 7:00 P.M.**

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**Present:** Matthew Milligan, Chair  
Carolyn Molinari, Vice-Chair  
Wasif Ahmed, Member  
Michael Briand, Member  
Lori Roberts, Member  
Sean McCullough, Technical Advisor/Secretary-Treasurer  
Amanda Dunn, Development Planner

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**1. Call to Order – March 30, 2016, Town of Ajax, Committee of Adjustment Meeting**

Meeting called to order at 7:00 p.m. on March 30, 2016.

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**2. Disclosure of Interest**

Chair asked if any of the members of the Committee had a conflict of interest with any of the variance applications on the committee agenda.

There were none.

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**3. Adoption of February 24, 2016 and Town of Ajax Committee of Adjustment Meeting Minutes**

Chair Milligan asked for a motion to adopt the minutes from the February 24, 2016 Committee of Adjustment meeting.

Proposed by: Member Briand  
Seconded by: Member Roberts

**Vote: All in Favour**

**Carried**

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**1. Outline of the General Mandate of the Committee of Adjustment**

Chair Milligan provided an overview of the Committee of Adjustment mandate for all that were present at the meeting.

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**2. Applications**

**Minor Variance Application A4/16**

**Fadil Malik**

**56 Ontoro Blvd**

**To permit a minimum front yard setback of 4.8 metres, a minimum rear yard setback of 1.8 metres to the rear of the Country Residential Zone, a minimum interior side yard setback of 1.2 metres; and a maximum lot coverage of 33.0%.**

Secretary-Treasurer/Technical Advisor McCullough confirmed written notice of the hearing was sent according to the Rules of Procedures laid out by the *Planning Act* and no responses were received.

**The recommendation of the staff report is that the Committee of Adjustment defer Minor Variance Application A4/16 submitted by Avtech Designs on behalf of Fadil Malik to a future Committee of Adjustment meeting in order for staff to obtain comments from the Central Lake Ontario Conservation Authority (CLOCA) and the Toronto and Region Conservation Authority (TRCA), prior to staff preparing a recommendations report.**

No one was in attendance to represent the application.

There was no one else in attendance who wished to speak either for or against the application.

The Committee had general discussion on the application.

Member Briand made a motion to defer the application to a future Committee of Adjustment meeting in order for staff to obtain comments from the Central Lake Ontario Conservation Authority (CLOCA) and the Toronto and Region Conservation Authority (TRCA), prior to staff preparing a recommendations report.

Motion seconded by Member Ahmed.

**All in favour**

**Carried**

**Decision: That the Committee of Adjustment defer Minor Variance Application A4/16 submitted by Avtech Designs on behalf of Fadil Malik to a future Committee of Adjustment meeting in order for staff to obtain comments from the Central Lake Ontario Conservation Authority (CLOCA) and the Toronto and Region Conservation Authority (TRCA), prior to staff preparing a recommendations report.**

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**Minor Variance Application A5/16**

**Kent Hayden  
187 Delaney Drive**

**To permit a maximum driveway width of 5.4 metres.**

Secretary-Treasurer/Technical Advisor McCullough confirmed written notice of the hearing was sent according to the Rules of Procedures laid out by the *Planning Act* and no responses were received.

**The recommendation of the staff report is that the Committee of Adjustment approve Minor Variance Application A5/16 submitted by Kent Hayden, to permit a maximum driveway width of 5.4 metres, subject to the following conditions:**

- 1. That the Owner/Applicant obtain a building permit for the proposed accessory apartment, or this decision shall become null and void; and**
- 2. That the proposed driveway widening apply only to the subject property, and shall not encroach into the Town's boulevard.**

Mr. Kent Hayden, applicant was in attendance to represent the application, and provided a brief overview of the application.

There was no one else in attendance who wished to speak either for or against the application.

Member Molinari made a motion to approve the application subject to the conditions outlined in the planning report, as the application was considered reasonable and met the four tests outlined in the *Planning Act*.

Motion seconded by Member Roberts.

**All in favour**

**Carried**

**Decision: That the Committee of Adjustment approve Minor Variance Application A5/16 submitted by Kent Hayden, to permit a maximum driveway width of 5.4 metres, subject to the following conditions:**

- 1. That the Owner/Applicant obtain a building permit for the proposed accessory apartment, or this decision shall become null and void; and**
  - 2. That the proposed driveway widening apply only to the subject property, and shall not encroach into the Town's boulevard.**
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**Minor Variance Application A6/16  
Chartwell Mastercare LP  
240 Old Harwood Avenue**

**To permit a minimum parking rate of 0.53 spaces per unit (total of 70 parking spaces).**

Secretary-Treasurer/Technical Advisor McCullough confirmed written notice of the hearing was sent according to the Rules of Procedures laid out by the *Planning Act* and no responses were received.

**The recommendation from staff was that the Committee of Adjustment approve Minor Variance Application A06/16, submitted by Martin Rendl Associates on behalf of Chartwell Mastercare LP , to permit a minimum parking rate of 0.53 parking spaces per unit (70 parking spaces), subject to the following conditions:**

- 1. That the applicant obtain a building permit for the proposed renovations or this decision shall become null and void.**

Mr. Martin Rendl, Martin Rendl and Associates, was in attendance to represent the application, and identified that the staff report accurately represented the request.

There was no one else in attendance who wished to speak either for or against the application.

Member Roberts made a motion to approve the application subject to the condition in the staff report, on the basis that the application was reasonable and met the four tests of the *Planning Act*.

Motion seconded by Member Ahmed.

**All in favour**

**Carried**

**Decision: That the Committee of Adjustment approve Minor Variance Application A06/16, submitted by Martin Rendl Associates on behalf of Chartwell Mastercare LP, to permit a minimum parking rate of 0.53 parking spaces per unit (70 parking spaces), subject to the following conditions:**

- 1. That the applicant obtain a building permit for the proposed renovations or this decision shall become null and void.**

#### **4.0 Other Business/New Business Continued**

**5.0 Adjournment**

Proposed by: Member Briand  
Seconded by: Member Roberts

**All in favour**

**Carried**

Meeting adjourned at 7:22 p.m.

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Matthew Milligan  
Chair

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Sean McCullough, MCIP, RPP  
Secretary-Treasurer

# **TOWN OF AJAX REPORT**



**Report To:** Committee of Adjustment

**Submitted and Prepared By:** Sean McCullough, MCIP, RPP  
Development Planner

**Subject:** Minor Variance Application A8/16  
Terrance Lesyk  
81 Annie Crescent  
Lot 31, Plan 40M-1805

**Ward:** 1

**Date of Meeting:** April 27<sup>th</sup>, 2016

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## **Recommendation:**

That the Committee of Adjustment approve Minor Variance Application A8/16, submitted by Terrance Lesyk, to permit a platform that is more than 1.2 metres above ground level, to have a maximum area of 42.8 m<sup>2</sup>, subject to the following condition:

1. That the Owner/Applicant obtain a building permit for the proposed platform, or this decision shall become null and void.

## **Background & Proposal:**

The applicant is proposing to replace an existing platform (deck) constructed in the 2000 that is located in the rear yard, and has an area of approximately 35 m<sup>2</sup>. The existing deck surrounds and existing hot tub spa.

The proposed platform would be slightly larger, as the applicant is proposing to install a new swim spa. The new platform would have a maximum area of 42.8 m<sup>2</sup>, and would surround the proposed swim spa. The applicant has identified a desire to construct the deck surrounding the swim spa for safety. The platform would be approximately 5.8 m above the finished ground level. As a result, the applicant is requesting a platform greater than 1.2 metres above the finished ground level to have a maximum area of 42.8 m<sup>2</sup>.

## **Subject Property & Surrounding Land Uses:**

The subject property is municipally known as 81 Annie Crescent and is located on the west side of Annie Crescent. The subject property is surrounded to the north, east (across Annie Crescent), and south by low density residential lots consisting of single detached dwellings. The subject property backs onto lands owned and regulated by the Toronto and Region Conservation Authority to the west (See Figure 1 – Subject Property).

## **Town of Ajax Official Plan**

The subject property is designated "Low Density Residential" within the Town of Ajax Official Plan, which provides for such uses as, single detached dwellings, semi-detached dwellings, and linked dwellings up to a maximum density of 30 units per net hectare. The proposed variance maintains the general intent and purpose of the Town of Ajax Official Plan.

**Zoning By-law 95-2003, as amended:**

The subject property is zoned Residential One – 'D' (R1-D) Zone within Zoning By-law 95-2003, as amended and is subject to Exception 22. The R1-D Zone permits single detached dwellings. Platforms that are greater than 1.2 metres in height above finished ground level must meet the setbacks of the respective zone, not exceed 50% of the yard in which the platform is located, and not exceed a maximum area of 30 m<sup>2</sup>. The proposal complies with all applicable zone standards; except the maximum platform area of 30 m<sup>2</sup> for platforms greater than 1.2 metres in height above finished ground level.

**Requested Minor Variance:*****Maximum Platform Area Variance:***

The intent of limiting a platform to a maximum area or percentage of a yard is to ensure that the platform does not become the dominant feature of the yard in which it is located, and to ensure that a platform over a certain height does not infringe on the privacy of abutting properties.

The proposed platform will replace an existing platform constructed in 2000 that has an area of approximately 35 m<sup>2</sup> (See Figure 2 – Existing Platform Images). The existing platform currently surrounds a hot tub spa, whereas the proposed platform would be slightly larger in order to accommodate a proposed swim spa. The proposed platform would not be the dominant feature of the yard as it would occupy less than 50% of the rear yard, and would maintain the required setbacks from all lot lines. The dwelling to the south projects further into the rear yard, thereby providing additional privacy. Further, the applicant is proposing a wing walls along the north and south sides of the platform which would provide privacy to the abutting properties. The proposed platform would not impact the privacy of the property to the west, as the lands are owned by the Toronto and Region Conservation Authority.

As a result, staff consider the requested variance, to permit a platform (greater than 1.2 metres in height above the finished ground level) with a maximum area of 42.8 m<sup>2</sup>, to be minor in nature and appropriate for the desirable development of the lands.

**Other Comments:**

**Transportation Services -** no comments;

**Design Services –** no comments;

**Building Services –** that the Owner/Applicant obtain a building permit;

**Operations –** no comments;

**Fire Services –** no comments;

**Engineering Services -** no comments;


**Toronto and Region Conservation Authority –** no comments;



**Conclusion:**

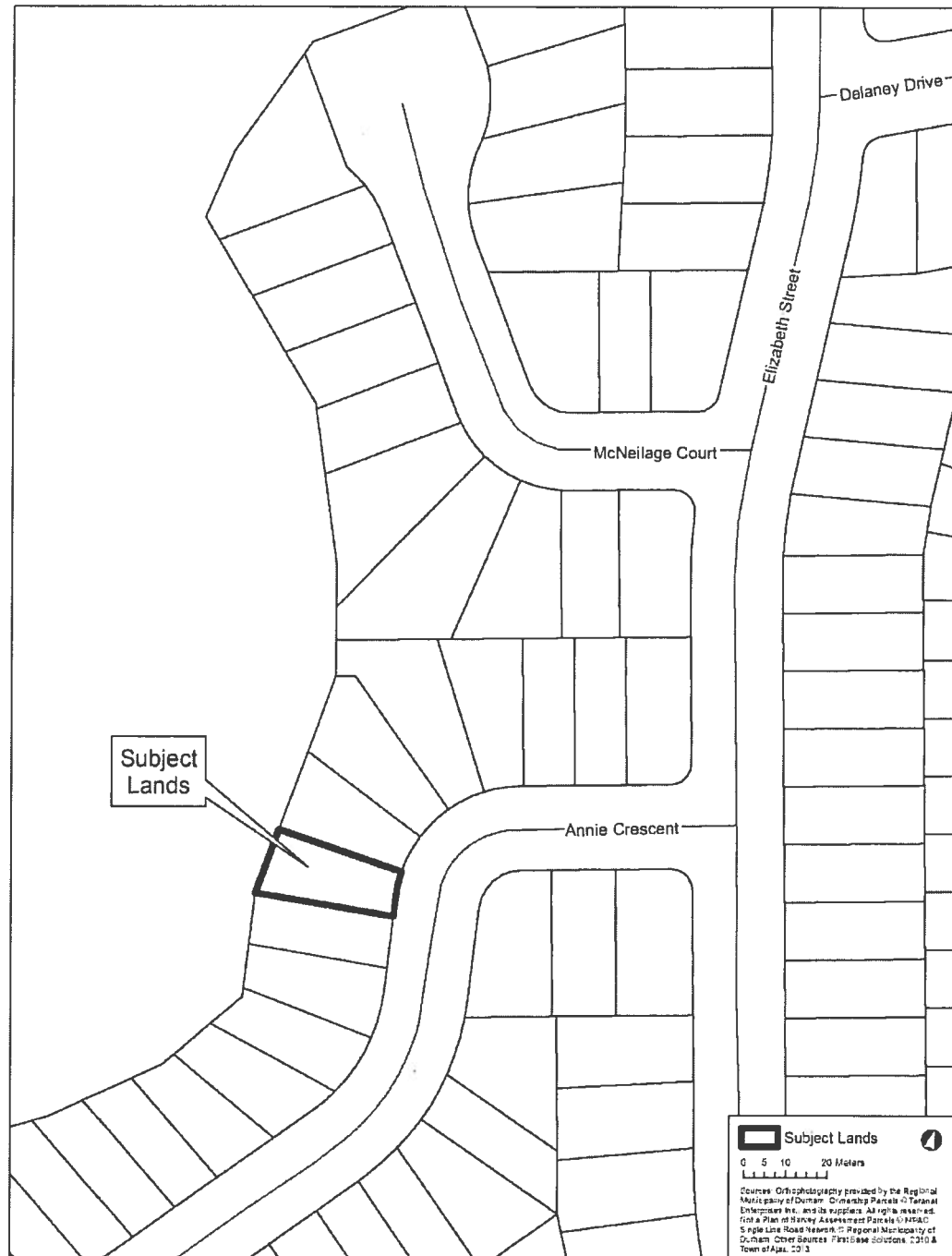
Based on the discussion above, staff are of the opinion that **Minor Variance Application A8/16**, submitted by Terrance Lesyk, to permit a platform that is more than 1.2 metres above the finished ground level, with a maximum area of 42.8 m<sup>2</sup>, is:

- 1) minor in nature;
- 2) desirable for the appropriate development and use of the lands; and
- 3) in keeping with the general intent and purpose of the Official Plan and Zoning By-law.



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Sean McCullough, MCIP, RPP  
Development Planner  
Secretary-Treasurer Committee of Adjustment



Application File No. A8/16

Applicant: Terrance Lesyk

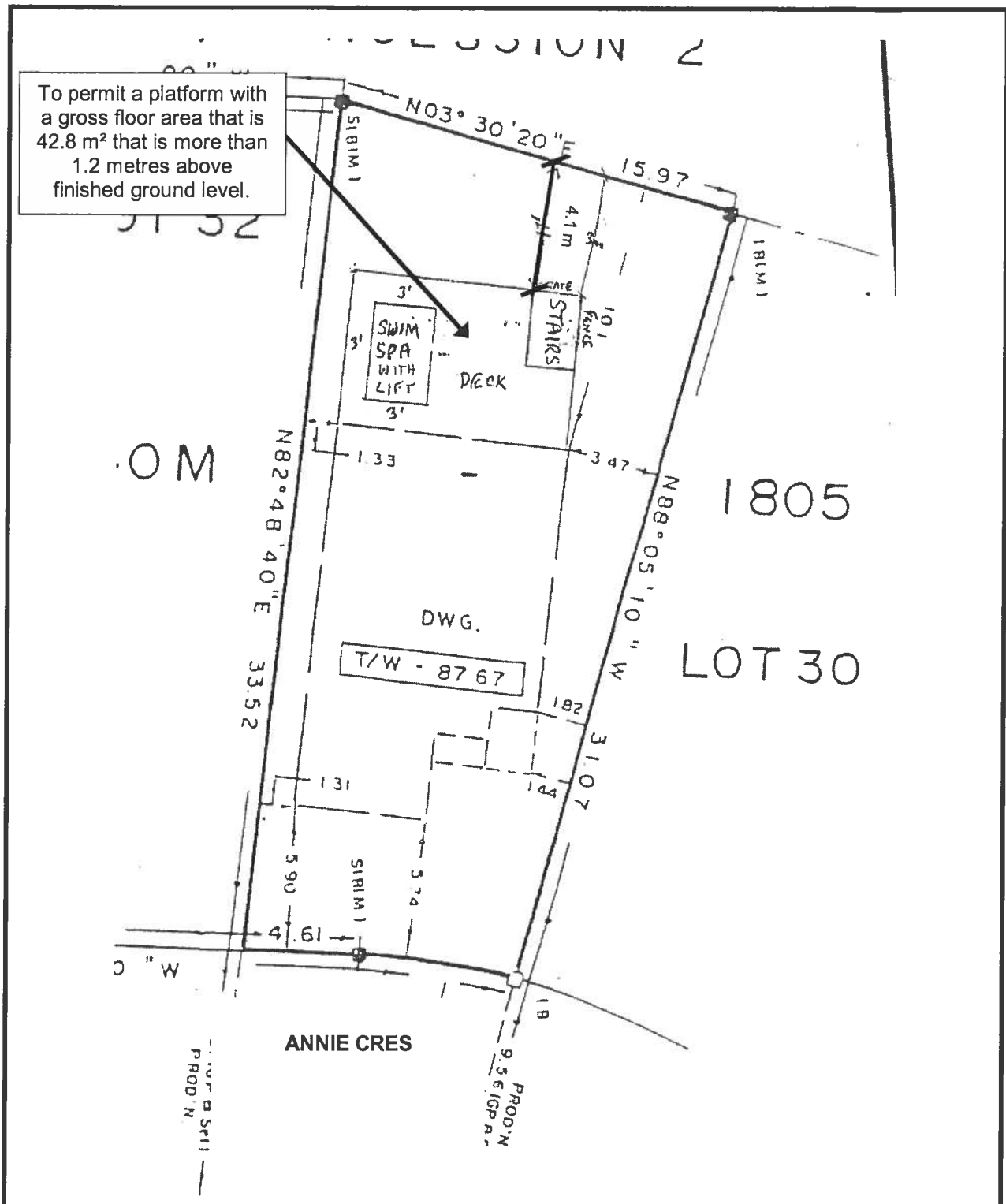
Date: April 27, 2016

Figure 1

Subject Lands  
81 Annie Crescent



Town of Ajax  
Planning & Development  
Services



**Application File No. A8/16**

**Applicant: Terrance Lesyk**

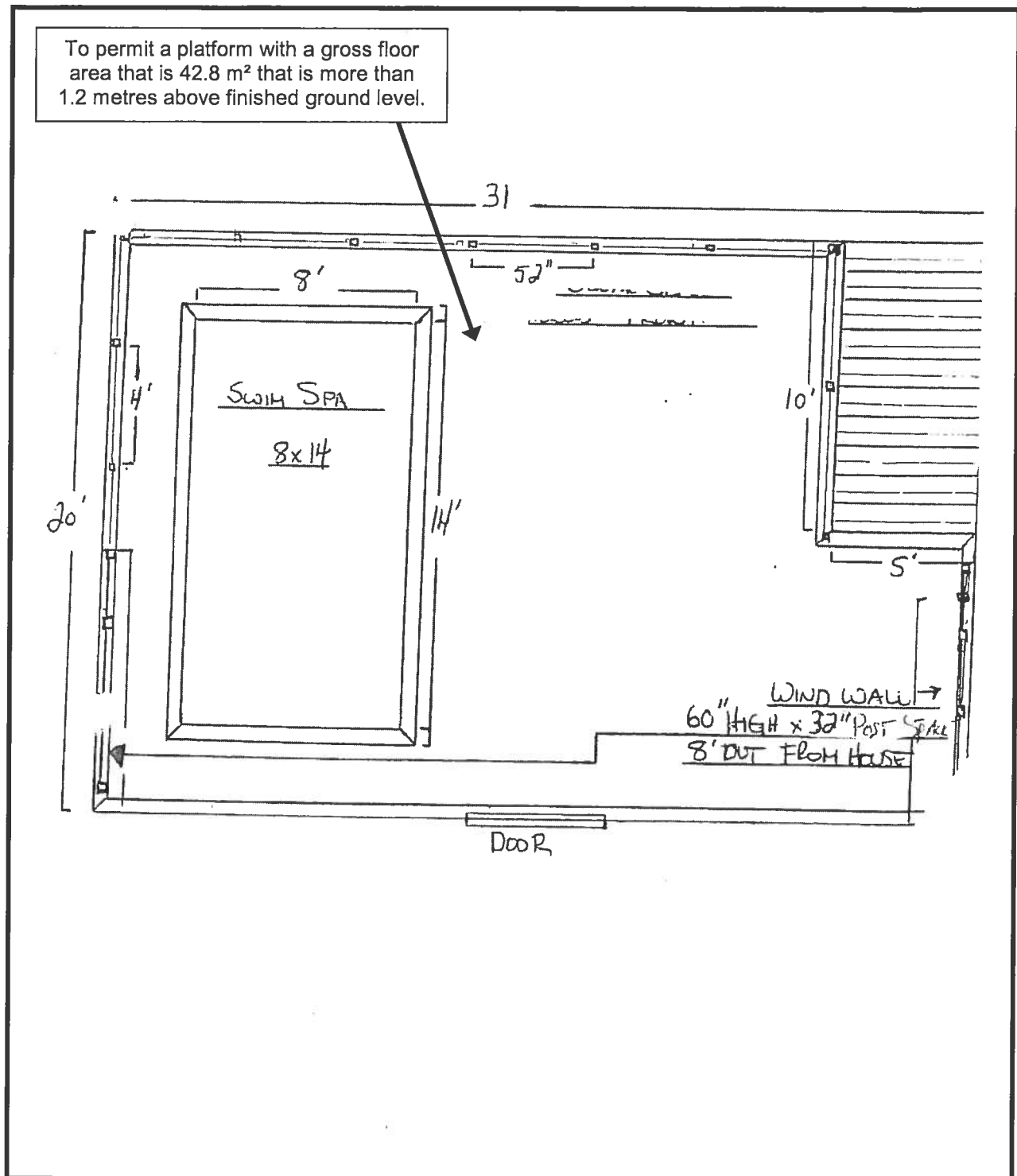
**Date: April 27, 2016**

### Figure 2

## Proposed Site Plan 81 Annie Crescent



**Town of Ajax  
Planning & Development Services**



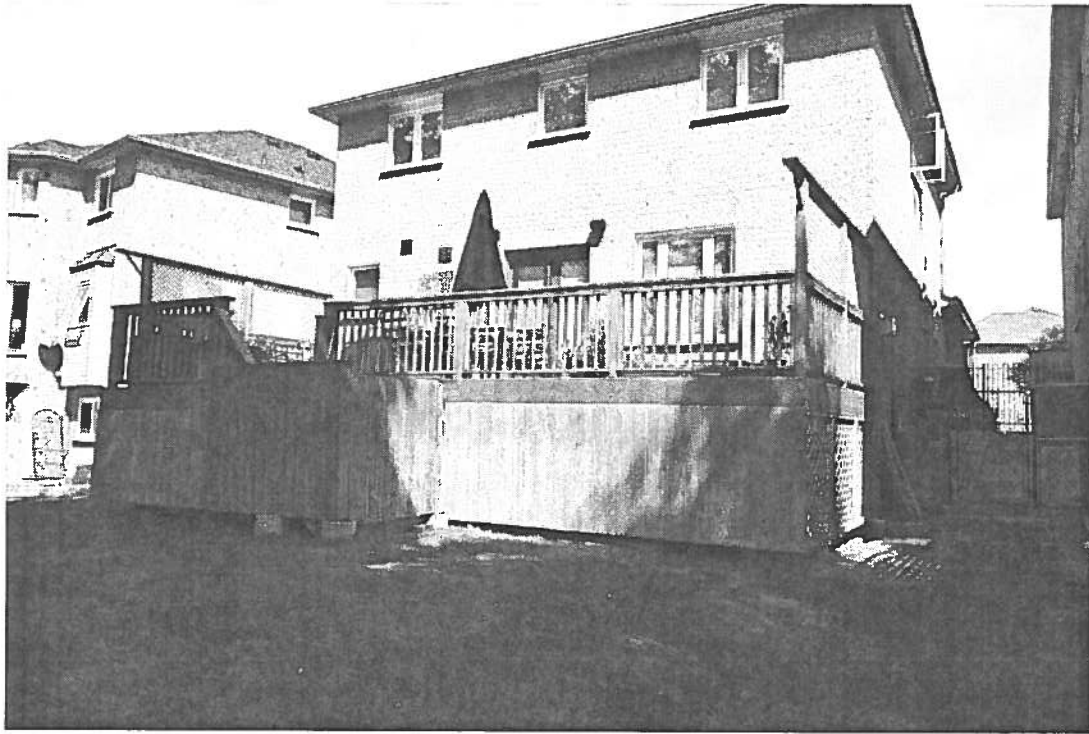
Application File No. A8/16

Applicant: Terrance Lesyk

Date: April 27, 2016

Figure 3

Enlarged Plan  
81 Annie CrescentTown of Ajax  
Planning & Development Services



Existing platform in rear yard

Application File No. A8/16

Applicant: Terrance Lesyk

Date: April 27, 2016

Figure 4

Existing Platform Images  
81 Annie Crescent



Town of Ajax  
Planning & Development Services

# **TOWN OF AJAX REPORT**



**Report To:** Committee of Adjustment

**Submitted and Prepared By:** Sean McCullough, MCIP, RPP  
Development Planner

**Subject:** **Minor Variance Application A10/16**  
**Jonelle and Tony Vlogiannitis**  
**27 Beverton Crescent**  
**Lot 26, Plan 40M-2436**

**Ward:** 1

**Date of Meeting:** April 27<sup>th</sup>, 2016

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## **Recommendation:**

That the Committee of Adjustment approve Minor Variance Application A10/16, submitted by Paul Lefrance Design on behalf of Jonelle and Tony Vlogiannitis, to permit a minimum setback of 1.4 metres from the rear lot line to a platform that is less than 1.2 metres above ground level, subject to the following condition:

1. That the Owner/Applicant obtain a building permit for the proposed platform, if necessary, or this decision shall become null and void.

## **Background & Proposal:**

The applicant is proposing to construct a new platform (deck) in the rear yard. The applicant is requesting to permit a minimum setback of 1.4 metres from the rear lot line to a platform that is less than 1.2 metres above finished ground level; whereas, the zoning by-law requires a minimum setback of 1.8 metres to a rear lot line.

## **Subject Property & Surrounding Land Uses:**

The subject property is municipally known as 27 Beverton Crescent and is located on the west side of Beverton Crescent. The subject property is surrounded to the north, east (across Beverton Crescent), and south by low density residential lots consisting of single detached dwellings. The subject property backs onto lands designated Environmental Protection and contain Duffins Creek (See Figure 1 – Subject Property).

## **Town of Ajax Official Plan**

The subject property is designated "Low Density Residential" within the Town of Ajax Official Plan, which provides for such uses as, single detached dwellings, semi-detached dwellings, and linked dwellings up to a maximum density of 30 units per net hectare. The proposed variance maintains the general intent and purpose of the Town of Ajax Official Plan.

**Zoning By-law 95-2003, as amended:**

The subject property is zoned Residential One – 'E' (R1-E) Zone within Zoning By-law 95-2003, as amended and is subject to Exception 160. The R1-E Zone permits single detached dwellings. Platforms that are less than 1.2 metres in height above finished ground level must meet the interior side yard setbacks of the respective zone, not exceed 50% of the yard in which the platform is located, and maintain a setback of 1.8 metres from the rear lot line. The proposal complies with all applicable zone standards; except the setback from the rear lot line.

**Requested Minor Variance:*****Maximum Platform Area Variance:***

The intent of the minimum setback from a rear lot line requirement for platforms is to provide adequate area for maintenance and drainage, and to provide appropriate separation between the platform and the adjacent properties for the purposes of maintaining privacy and reducing opportunities for overlook.

The proposed platform would be setback 1.4 metres from the rear lot line; whereas, the zoning by-law requires a minimum setback of 1.8 metres from a rear lot line. The proposed platform would be approximately 0.6 metres above finished ground level. Drainage from the subject property would flow through the interior side yard to the rear and would not be impacted as the proposed platform would maintain the required interior side yard setback. The subject property abuts lands designated Environmental Protection, and would therefore not interfere with the privacy of the abutting property to the rear (west). A combination of privacy fencing along the north and south lots lines, and a proposed privacy wall on the south side of the platform would maintain privacy of the abutting properties to the north and south.

As a result, staff consider the requested variance, to permit a platform (less than 1.2 metres in height above the finished ground level) to have a minimum setback of 1.4 metres from the rear lot line, to be minor in nature and appropriate for the desirable development of the lands.

**Other Comments:**

**Transportation Services -** no comments;

**Design Services –** no comments;

**Building Services –** a building permit will be required if the proposed platform is attached to the dwelling;

**Operations –** no comments;

**Fire Services –** no comments;

**Engineering Services -** no comments;

**Conclusion:**

Based on the discussion above, staff are of the opinion that **Minor Variance Application A10/16**, submitted by Paul Lafrance Designs on behalf of Jonelle and Tony Vlogiannitis, to permit a platform that is less than 1.2 metres above the finished ground level to be setback 1.4 metres from the rear lot line, is:

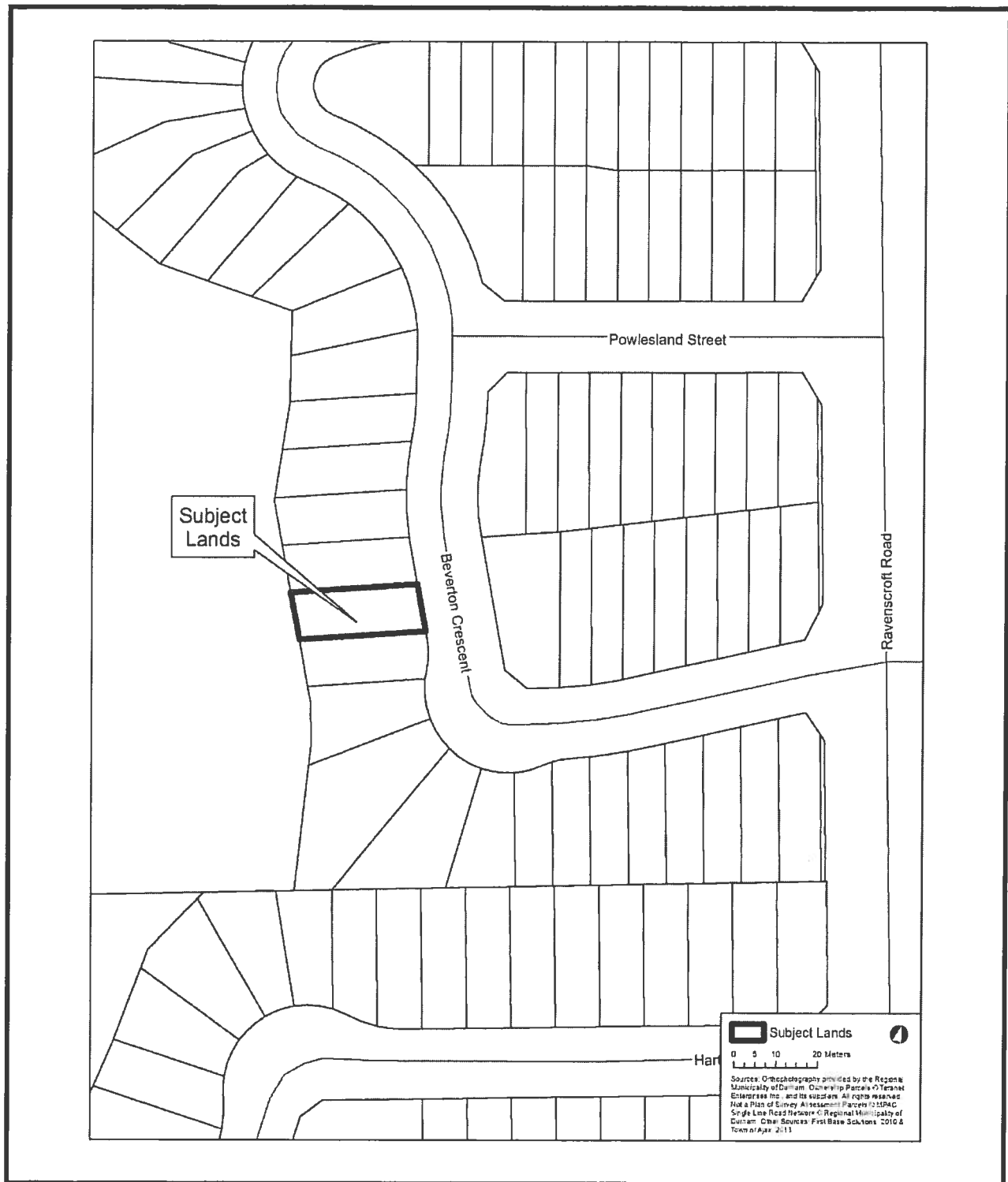
- 1) minor in nature;
- 2) desirable for the appropriate development and use of the lands; and
- 3) in keeping with the general intent and purpose of the Official Plan and Zoning By-law.



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Sean McCullough, MCIP, RPP  
Development Planner  
Secretary-Treasurer Committee of Adjustment





Application File No. A10/16

Applicant: Jonelle and Tony  
Vlogiannitis

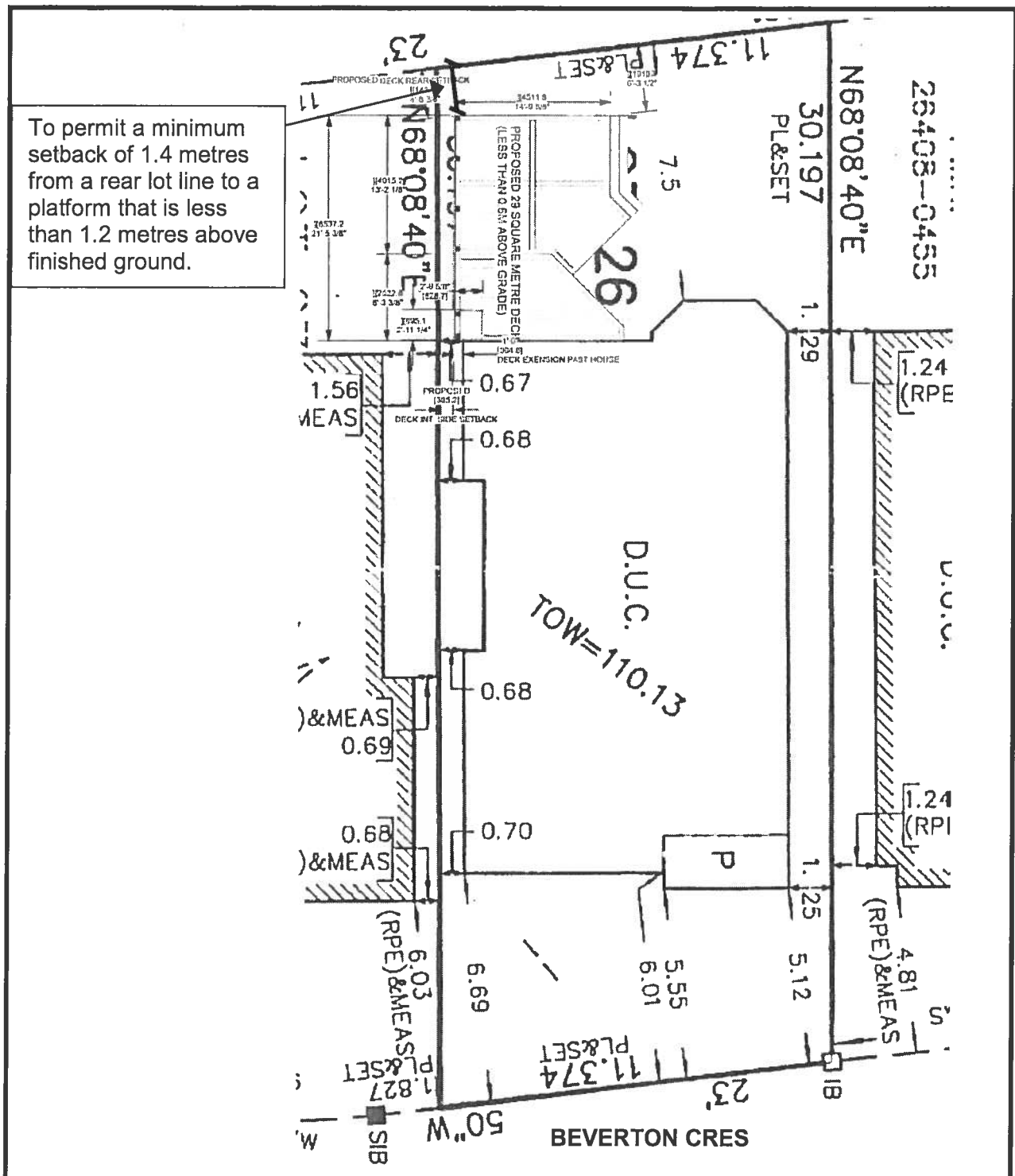
Date: April 27, 2016

Figure 1

Subject Lands  
27 Beverton Crescent



Town of Ajax  
Planning & Development  
Services



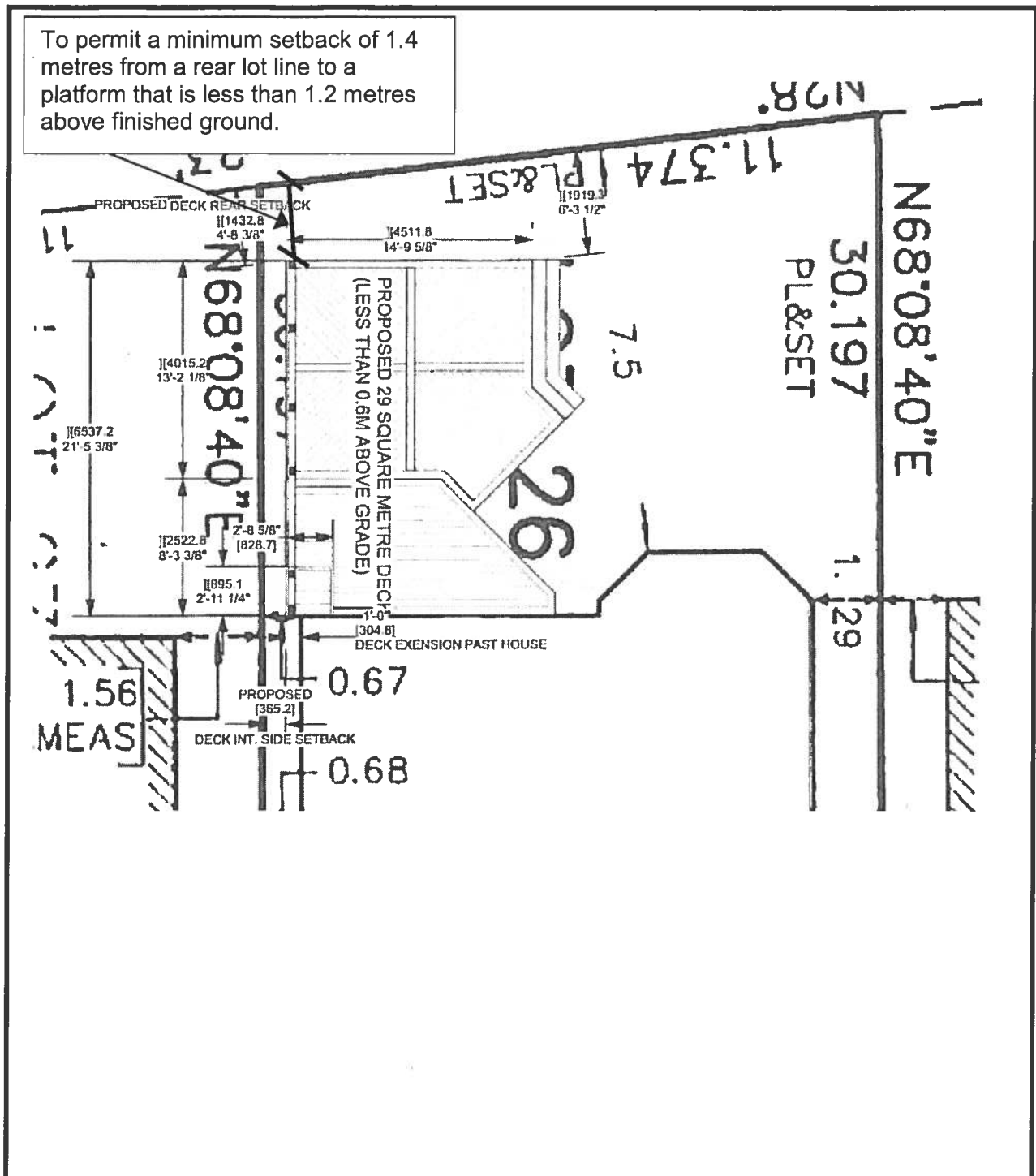
Application File No. A10/16

Figure 2

Applicant: Jonelle and Tony  
VlogiannitisProposed Site Plan  
27 Beverton Crescent

Date: April 27, 2016

Town of Ajax  
Planning & Development  
Services



**Application File No. A10/16**

**Applicant: Jonelle and Tony Vlogiannitis**

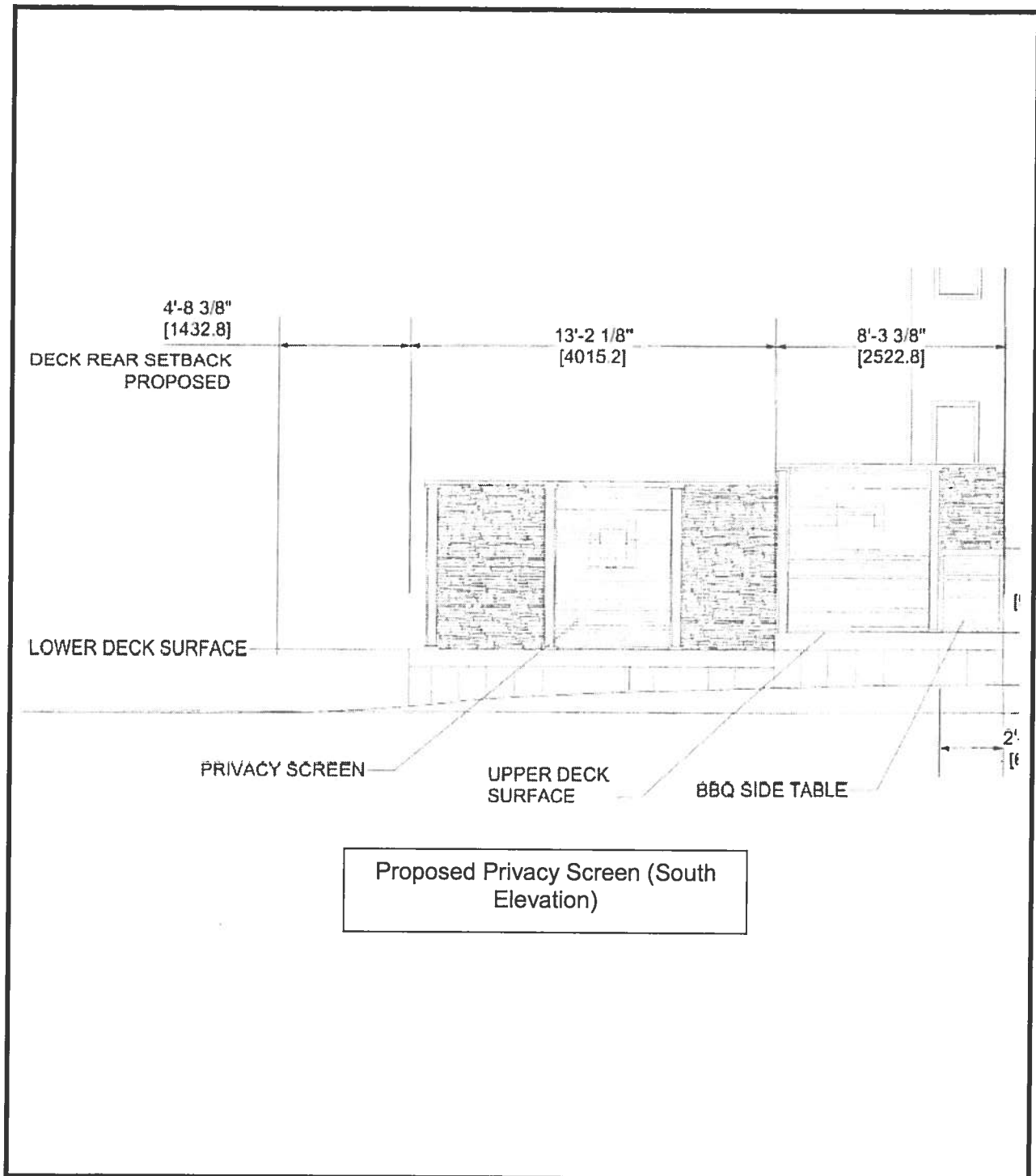
**Date: April 27, 2016**

### Figure 3

**Enlarged Site Plan  
27 Beverton Crescent**



**Town of Ajax  
Planning & Development  
Services**



Application File No. A10/16

Applicant: Jonelle and Tony  
Vlogiannitis

Date: April 27, 2016

Figure 4

Proposed Privacy Screen  
27 Beverton Crescent



Town of Ajax  
Planning & Development  
Services