



Planning & Development Services

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TOWN OF AJAX

65 Harwood Avenue South

Ajax, ON L1S 2H9

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**AGENDA**

**COMMITTEE OF ADJUSTMENT**

Town Hall  
65 Harwood Avenue South  
Ajax, Ontario  
Council Chambers

**Wednesday, June 25, 2014**

**Meeting: 6:30 p.m.**

(Applications to be heard at 7:00 p.m.)

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**Online Agenda:** Anything in **blue** denotes an attachment/link. By clicking the links on the agenda page, you can jump directly to that section of the agenda. To maneuver back to the agenda page use the **Ctrl + Home** keys simultaneously **OR** use the “Bookmark” icon on the navigation panel to the left of your screen.



***Alternative formats available upon request by contacting:***

***[sarah.moore@ajax.ca](mailto:sarah.moore@ajax.ca) or 905-619-2529 ext. 3347***

**Committee Items**

1. **Call to Order**
2. **Disclosure of Interest**
3. **[April 30, 2014 Minutes](#) .....Page 3**
4. **Committee Discussion and Application Clarification**

**Public Meeting - 7:00 p.m.**

5. **Outline of the General Mandate of the Committee of Adjustment**
6. **Applications:**
  - **[A11/13 – 2017509 ONTARIO LTD – 290 Harwood Avenue](#) .....Page FG**

To permit a minimum yard of 17.3 metres from the north lot line, a minimum yard of 0.6 metres from the east lot line, a minimum yard of 1.5 metres from the south lot line, a minimum yard of 5.3 metres from the west lot line, and a maximum lot coverage of 39%.

- **A10/14 – Sherri & Rib Norris – 105 Rossland Road West** .....Page GG

To permit a maximum accessory structure height of 7.7 metres.

- **A11/14 – 2293297 ONTARIO INC – 60 Blowers Crescent** .....Page H€

To permit a parking rate of one space per 28 square metres, a minimum setback of 3.0 metres from the front lot line (Blowers Crescent), and to permit no loading spaces.

## **7. Other Business/New Business**

## **8. 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 April 30, 2014 @ 6:30 P.M.**

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**Present:** Matthew Milligan, Chair  
Carolyn Molinari, Vice-Chair  
Eldon Dixon, Member  
Chris Daffern, Member  
Michael Briand, Member  
Sean McCullough, Technical Advisor/Secretary-Treasurer

**Absent:** None

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**1. Call to Order – April 30, 2014, Town of Ajax, Committee of Adjustment Meeting**

Meeting called to order at 6:42 p.m. on April 30, 2014.

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**2. Disclosure of Interest**

Chair Milligan 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 March 26, 2014, Town of Ajax, Committee of Adjustment Meeting Minutes**

Chair Milligan asked for a motion to adopted the minutes from the March 26, 2014 Committee of Adjustment meetings.

Proposed by: Member Briand  
Seconded by: Member Daffern

**Vote: All in Favour**

**Carried**

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**4. Committee Discussion and Application Clarification.**

The committee members had some general discussion about the applications and had questions for staff.

**5. Other Business/New Business**

The Committee had a discussion about the appropriate start time of future meeting. The Committee decided to begin future meetings at 6:45 pm and that it be left up to staff if more time would be required to discuss any applications.

Motion proposed to start the next meeting beginning at 6:45 on a trial basis and that it be left up to staff if more time would be required to discuss any applications.

Chair Milligan declared a recess at 6:52 pm for a short period of time until the public portion of the meeting beginning at 7:00 pm.

Chair Milligan called the meeting to order at 7:00 pm.

**6. 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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**7. Applications**

**Minor Variance Application A7/14  
Derrick and Rachel Hickey  
61 Lincoln Street**

**To permit a maximum accessory building (detached garage) height of 5.5 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 one response was received regarding the subject application from Mr. Lance Humphries, owner of 65 Lincoln Street (abutting property to east) who identified he had no issues or concerns.

**That the Committee of Adjustment approve Minor Variance Application A7/14 submitted by Derrick and Rachel Hickey, to permit a maximum accessory building (detached garage) height of 5.5 metres, subject to the following condition:**

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

Chair Milligan asked if the applicant was present to represent the application.

Mrs. Rachel Hickey was present and identified that their dwelling had no storage and that they required a two storey garage to have some storage space and head space to walk above the garage.

Chair Milligan asked if the Committee had any questions for the



applicant/representative/staff.

Member Briand asked if their home was a two storey dwelling.

Mr. Derrick Hickey identified that the home was two storeys and was approximately 30 feet in height and the garage would be well below the height of the dwelling.

Member Daffern asked if the accessory structure would be strictly for storage and no human habitation would be within the accessory building.

Mrs. Hickey identified that there would be no kitchen or washroom facilities and that no habitation within the accessory building.

Chair Milligan asked if any members of the public who wished to speak either in favour or against the application.

There were none.

Chair Milligan asked if there were any further discussions.

There were none.

Chair Milligan asked for a motion from the Committee.

Member Molinari proposed a motion to approve the application subject to the conditions outlined in the staff report.

Chair Milligan asked if there was a discussion on the motion.

There was none.

**Decision: That the Committee of Adjustment approve Minor Variance Application A7/14 submitted by Derrick and Rachel Hickey, to permit a maximum accessory building (detached garage) height of 5.5 metres, subject to the following condition:**

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

Proposed by: Member Molinari– that the application was reasonable and met the four tests outlined in the *Planning Act*.

Seconded by: Member Briand

**All in favour**

**Carried**

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**Minor Variance Application A8/14**

**Patrick Panacci**

**2990 Ebony Street**

**To permit a platform (front balcony), that is greater than 1.2 metres above ground level, to be setback a minimum 4.25 metres from the front lot line.**

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 regarding the subject application.

**That the Committee of Adjustment approve Minor Variance Application A8/14, submitted by Patrick Panacci, to permit a platform (front balcony), that is more than 1.2 metres above ground level, to be setback a minimum 4.25 metres from the front lot line, subject to the following conditions:**

- 1. That the Owner/Applicant receive Site Plan Approval from the Town of Ajax; or this decision shall become null and void; and**
- 2. That the Owner/Applicant obtain a building permit for the proposed single detached dwelling, or this decision shall become null and void.**

Chair Milligan asked if the applicant was present to represent the application.

Mr. Panacci identified that staff adequately addressed the request. Mr Panacci identified that it was merely an oversight and it was caught at the time of building permit review. He identified that the balcony was attractive and provided amenity space for his family. Mr. Panacci also identified that there were a number of balconies within the neighbourhood.

Chair Milligan asked if the Committee had any questions for the applicant/representative/staff.

Member Daffern asked if it was a walk out balcony.

Mr. Panacci identified that it was a walkout balcony, and identified that if it was simply a roof overhang that it would be permitted.

Member Briand identified that the staff report indicated that there was a large municipal boulevard and asked how far the balcony was from the road.

Mr. Panacci identified that the balcony was approximately 11.0 metres from the road.

Member Molinari asked about the OMB decision for the neighbourhood.

Secretary-Treasurer/Technical Advisor McCullough identified that the OMB made a decision in the 90's on a proposed dwelling that established zoning standards for the entire neighbourhood.

Member Molinari asked why 7.62 metres and if it was a conversion.

Secretary-Treasurer/Technical Advisor McCullough identified that it was specific to the development that was subject to the OMB appeal.

Chair Milligan asked if any members of the public who wished to speak either in favour or against the application.

There were none.

Chair Milligan asked if there were any further discussions.

There were none.

Chair Milligan asked for a motion from the Committee.

Member Daffern proposed a motion to approve the application subject to the conditions outlined in the staff report.

Chair Milligan asked if there was a discussion on the motion.

There was none.

**Decision: That the Committee of Adjustment approve Minor Variance Application A8/14, submitted by Patrick Panacci, to permit a platform (front balcony), that is more than 1.2 metres above ground level, to be setback a minimum 4.25 metres from the front lot line, subject to the following conditions:**

- 1. That the Owner/Applicant receive Site Plan Approval from the Town of Ajax; or this decision shall become null and void; and**
- 2. That the Owner/Applicant obtain a building permit for the proposed single detached dwelling, or this decision shall become null and void.**

Proposed by: Member Daffern – that the application was minor in nature and met the four tests outlined in the *Planning Act*.

Seconded by: Member Dixon

**All in favour**

**Carried**

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**Minor Variance Application A9/14  
Loblaw Properties Inc. (No Frills)  
105 Bayly Street West**

**To permit outdoor display and sales area (garden centre) to be located in the area required for parking.**

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 regarding the subject application.

**That the Committee of Adjustment approve Minor Variance Application A9/14, submitted by Zelinka Priamo Ltd. on behalf of Loblaw Properties Inc., to permit an outdoor display and sales area (garden centre) to be located within an area required for parking, subject to the following conditions:**

- 1. That the outdoor display and sales area (garden centre) only be permitted to operate annually between the months of April and August of any calendar year, or this decision shall become null and void;**
- 2. That the Owner/Applicant obtain a building permit annually for the temporary sales structure as required from the Town of Ajax Building Services, or this decision shall become null and void;**
- 3. That all temporary structures, fencing, and materials be removed from the parking area between the months of September and March of any calendar year; and**
- 4. That the outdoor display and sales area be located as shown on Figure 3 forming part of this report, or this decision shall become null and void.**

Chair Milligan asked if the applicant was present to represent the application.

Ms. Heather Garrett was present and identified that she was an agent for Loblaw Properties Inc.. Mr. Garrett provided a history of the site identifying that the garden centre had operated for a number of years. Previously, two locations were used for the garden centre and the owner made upgrades this year by combining the facilities within a two peak tent. Through the building permit application it was identified that the tent did not comply to the zoning by-law.

Chair Milligan asked if the Committee had any questions for the applicant/representative/staff.

Member Dixon asked if a previous variance had been approved.

Ms. Garrett identified that a variance had not been previously approved and through the building permit process it was identified that the site was not in conformance with the by-law. Ms. Garrett then identified that they quickly had a parking study completed to ensure that no required parking spaces would be taken up by the proposed garden centre.

Member Briand asked if the structure had been previously operated between April and July and asked why the request was from April to August.

Secretary-Treasurer/Technical Advisor McCullough identified that staff included these timelines to ensure that enough time was provided to remove the materials, structures and fencing from the site.

Member Daffern asked to clarify that the minor variance would allow the use to operate each year and that the applicant would not have to acquire a new minor variance each year. However that a building permit would be required each year.

Ms. Garrett identified that that was correct and that they hoped that the Town would review the outdoor display and sales area provisions through the next by-law review.

Member Molinari asked if there was a way to avoid having the applicant return each year to obtain a new building permit.

Secretary-Treasurer/Technical Advisor McCullough identified that it was a temporary building permit for structures of this nature and that it was required each year.

Chair Milligan identified that a new building permit would be required each year to inspect the structure once it was built.

Member Daffern identified that it would be unreasonable to expect a customer to walk from Kitney Drive to the retail store and that the Committee needed to consider the side as a whole. Further, he recognized that it would also be up to the individual retailer to ensure that the site functioned properly.

Secretary-Treasurer/Technical Advisor McCullough identified that the Town can only enforce the minimum requirements in the by-law and that Member Daffern was correct that beyond what is in the by-law it was up to the individual retailer to ensure that the site operated properly.

Chair Milligan asked if any members of the public who wished to speak either in favour or against the application.

There were none.

Chair Milligan asked if there were any further discussions.

There were none.

Chair Milligan asked for a motion from the Committee.

Member Dixon proposed a motion to approve the application subject to the conditions outlined in the staff report.

Chair Milligan asked if there was a discussion on the motion.

There was none.

**Decision: That the Committee of Adjustment approve Minor Variance Application A9/14, submitted by Zelinka Priamo Ltd. on behalf of Loblaw Properties Inc., to permit an outdoor display and sales area (garden centre) to be located within an area required for parking, subject to the following conditions:**

1. That the outdoor display and sales area (garden centre) only be permitted to operate annually between the months of April and August of any calendar year, or this decision shall become null and void;
2. That the Owner/Applicant obtain a building permit annually for the temporary sales structure as required from the Town of Ajax Building Services, or this decision shall become null and void;
3. That all temporary structures, fencing, and materials be removed from the parking area between the months of September and March of any calendar year; and
4. That the outdoor display and sales area be located as shown on Figure 3 forming part of this report, or this decision shall become null and void.

Proposed by: Member Dixon— that the application was minor in nature and met the four tests outlined in the *Planning Act*.

Seconded by: Member Molinari

**All in favour**

**Carried**

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#### **8. Other Business/New Business Continued**

The Committee further discussed the proposed start time of future meetings. The earlier motion was agreed upon.

Member Briand asked if it was staff's intention to deliver the staff reports on Fridays.

Secretary-Treasurer/Technical Advisor McCullough advised that it was still staff's intention to deliver the reports on Fridays, however staff had been very busy lately.

Member Daffern asked if the Committee meeting would be rescheduled if the Provincial election was held on the same evening.

Secretary-Treasurer/Technical Advisor McCullough identified that he would follow up with Nicole Wellsbury, Manager of Legislative Services.



**9. Adjournment**

Chair Milligan put the request forward to the Committee to adjourn the April 30, 2014 Committee of Adjustment Meeting.

Proposed by: Member Briand  
Seconded by: Member Dixon

**All in favour**

**Carried**

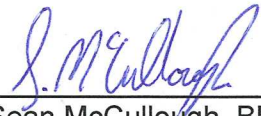
Meeting adjourned at 7:35 p.m.

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Matthew Milligan  
Chair



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Sean McCullough, BES  
Secretary-Treasurer

## **TOWN OF AJAX REPORT**



**REPORT TO:** Committee of Adjustment

**SUBMITTED BY:** Geoff Romanowski, MCIP, RPP, CPT  
Development Approvals Coordinator

**PREPARED BY:** Bruno Scopacasa, MES, MCIP, RPP  
Senior Development Planner

**SUBJECT:** **Minor Variance Application A11/13**  
**2017509 Ontario Limited (Greenville Homes)**  
**290 Old Harwood Avenue**

**WARD:** 2

**DATE OF MEETING:** June 25, 2014

**REFERENCE:** Site Plan Amendment SPA4/13

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### **RECOMMENDATION:**

That the Committee of Adjustment approve Minor Variance Application A11/13, submitted by 2017509 Ontario Limited, to permit a minimum yard of 17.3 metres from the north lot line, a minimum yard of 1.5 metres from the south lot line, a minimum yard of 0.6 metres from the east lot line, a minimum yard of 5.3 metres from the west lot line, and a maximum lot coverage of 39%, subject to the following conditions:

1. That the applicant obtain approval of Site Plan Application SPA4/13 and enter into a site plan agreement with the Town, or this decision shall become null and void;
2. That the applicant obtain a building permit for the proposed development, or this decision shall become null and void; and
3. That the applicant enter into a limiting distance agreement with the adjacent property owner to the south and the Town, or this decision shall become null and void.

### **Background & Proposal:**

The purpose of this report is to provide a staff recommendation for the above-noted application, which is required to facilitate a residential development at 290 Old Harwood Avenue. The proposed development is Phase II of the Henderson Place adult lifestyle community (see Figure 1: Subject Lands).

In 2001, Council approved By-law 33-2001, which permitted a 48-unit seniors' development with a related seniors' building on the subject lands and adjacent lands. The implementing zoning by-law was tailored to a conceptual site plan that provided a seniors' building at the centre of the development site surrounded by 48 bungalow townhouses (see Figure 2: Conceptual Site Plan).



This included establishing the required minimum yard of 20 metres from all lot lines for the seniors' building. The implementing zoning by-law was approved by Council with numerous conditions, including the requirement to submit a site plan application in accordance with the Town's Site Plan Approvals Manual. Subsequent to the passage of the by-law, the lands were acquired by Greenvilla Homes.

In 2003, Greenvilla submitted site plan application SP14/03, to develop 48 bungalow condominium townhouses, a private park and the preservation and restoration of the existing Henderson house as a common element (Phase I). The seniors' building was not part of this application. On June 21, 2004, the Community Affairs and Planning Committee directed staff to approve the 48 unit condominium townhouse development and to set aside the subject lands a seniors' building to a future phase (Phase II). Phase I is completed and is fully occupied. The subject lands, which were set aside for the future development of a seniors' building, was naturally severed when the draft plan of condominium for Phase I was registered.

On May 1, 2013, 2017509 Ontario Limited, submitted a site plan amendment application SPA4/13 to facilitate the development of a residential seniors' building consisting of 20 back-to-back 3-storey townhouse units at 290 Old Harwood Avenue (Phase II). The development proposal also includes 20 below grade parking spaces and 13 surface parking spaces (see Figure 3: Proposed Site Plan, Figure 4: Proposed Elevations & Figure 5: Proposed Perspectives).

On June 5, 2013, 2017509 Ontario Limited, submitted an application for Minor Variance A11/13 to facilitate the development proposal under site plan amendment application SPA4/13. The minor variance application was deemed premature by staff because a thorough review of all design and technical aspects of the development proposal had not been completed. The application was deferred by the Committee of Adjustment until such time the development proposal was fully reviewed and that all zoning non-compliances had been captured.

Staff have now completed a thorough review of the development proposal and are in a position to forward the proposed minor variances to the Committee of Adjustment.

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

The subject property is currently vacant and located at the northwest corner of Old Harwood Avenue and Bantham Lane. To the north is an established low density residential development primarily consisting of single detached dwellings located along Sheldon Drive and fronting onto Old Harwood Avenue. Immediately to the south is a private park. Further south and to the west are 48 bungalow townhouses. To the east is an established low density residential development consisting of single detached and townhouse dwellings located along Tawn Crescent.

### **Town of Ajax Official Plan:**

The subject property is currently designated as Low Density Residential within the Town of Ajax Official Plan, which provides for single detached, semi-detached, duplex and linked dwelling uses within a maximum density of 30 units per net hectare. Section 2.3.8 of the Official Plan identifies senior housing as Special Needs Housing. Special needs housing may be provided within all designations where residential uses are permitted and shall conform to the form and density provisions of the applicable residential designation. All special needs housing must be appropriately integrated with surrounding development.

Both Phase I and Phase II of the development will contain a total of 68 units over a site area of 2.94 hectares for a density of 23.1 units per net hectare, which falls within the Low Density

Residential designation of a maximum 30 units per net hectare. The site layout and building design of the proposed 20 back-to-back 3-storey townhouse units has been appropriately integrated with the surrounding neighbourhood. The development will be marketed to seniors and each unit will be equipped with senior friendly features, such as, a main entrance at grade, an elevator, a wheelchair accessible bathroom with a wheelchair accessible shower pan, flat entries at internal doorways, easy to open doors (lever handles) and windows (crank casement) and open concept floor plan void of corridors.

The submitted application conforms to the provisions of the Town of Ajax Official Plan.

### **Town of Ajax Zoning By-law:**

The subject property is within the Residential Multiple Five (RM5) Zone and is subject to Exception 59, which permits a “Seniors Residence” subject to setback, height, parking space and lot coverage requirements. The proposed development requires relief from Zoning By-law provisions for the minimum yard from all lot lines and maximum lot coverage. The subject property complies with all other applicable zone standards.

### **Requested Minor Variances:**

#### ***Minimum Yard from all Lot Lines Variance***

The intent of the minimum yard is to provide an appropriate buffer between buildings on properties and the street line so that a desirable streetscape is maintained. The proposed minimum yards for the north, south and east property lines recognize the below grade parking structure and an associated utility room, which are located closer to the property line than the visible above grade building façade. The zoning by-law requires that a yard be measured between the lot line and the nearest wall of any main building, including below grade walls. The proposed below grade and above grade yards as summarized below:

<b>Lot Line</b>	<b>Minimum Required Yard</b>	<b>Yard Below Grade (Requested Relief)</b>	<b>Yard Above Grade (To building façade)</b>
East	20.0 metres	0.6 metres	2.4 metres
South	20.0 metres	1.5 metres	2.6 metres
North	20.0 metres	17.3 metres	18.5 metres
West	20.0 metres	5.3 metres	5.3 metres

The proposed minimum yard of 0.6 metres to the east lot line is designed to accommodate a below grade water metre room that will be accessed from the underground parking garage. This metre room will have no visual impact above grade and the east façade of the proposed building will be setback a minimum of 2.4 metres from the east lot line. The proposed minimum yard of 1.5 metres to the south lot line is designed to accommodate air shafts associated with the underground parking garage. The air shaft grates will be visible at grade. Proposed landscaping will assist in concealing the air shaft grates. The south façade of the proposed building will be setback a minimum of 2.6 metres from the south lot line. The buildings close proximity to Old Harwood Ave and Bantham Lane will establish a strong building presence at the intersection, a more desirable streetscape and enhanced pedestrian experience which are all fundamental design elements that are traditionally encouraged by staff.

Although the proposed 5.3 metre yard to the west lot line is technically the rear yard, it is more reflective of an interior side yard, which for a townhouse block, would only require a 1.2 metre interior side yard under the Zoning By-law. The proposed 18.5 metre yard to the north lot line is much greater than any setback generally required under the Zoning By-law for a townhouse block of this nature. The proposed building has been sited close to the south and east property lines in order to maximize the setbacks to the north and west property lines, which greatly reduce any impact the building would have on existing dwellings located to the north and west of the subject lands.

The applicant will be required to adhere to the proposed minimum above grade yards as illustrated on the site plan. This will be secured through the required site plan agreement and reviewed through the submission of a building permit. Staff are satisfied that the proposed setbacks and consider them to be minor in nature and desirable for the appropriate development of the land.

### ***Maximum Lot Coverage Variance***

The intent of the maximum lot coverage requirement is to maintain an appropriate amount of amenity space on a lot and to regulate the mass of buildings on a lot. The 19% increase in lot coverage would not represent an unreasonable imposition on outdoor amenity space, as each unit will provide for a sizeable roof top terrace. In addition, property owners will have full access to the private park located on the south side of Bantham Lane. The proposed building will not be of a size that is out of character with the existing neighbourhood. The proposed setbacks to the west and north property lines minimize the impact the building may have on neighbouring properties, while the proposed south and east setbacks will establish a strong building presence and enhanced pedestrian experience along Old Harwood Avenue and Bantham Lane. Therefore, the request is considered to be minor in nature and desirable for the appropriate development of the land.

### **Other Comments:**

Comments have been received from:

Building Services:	A limiting distance agreement will be required for the distance of the exposing south building face to the south lot line.
Design Services:	no comments;
Engineering Services:	no comments;
Transportation Services:	no comments;
Operations Services:	no comments;
Fire Services:	no comments;

### **Conclusion:**

Based on the discussion above, staff are of the opinion that **Minor Variance Application A11/13**, submitted by 2017509 Ontario Limited, to permit a minimum yard of 17.3 metres from the north lot line, a minimum yard of 1.5 metres from the south lot line, a minimum yard of 0.6 metres from the east lot line, a minimum yard of 5.3 metres from the west lot line, and a maximum lot coverage of 39%, are:

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



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Bruno Scopacasa, MES, MCIP, RPP  
Senior Development Planner



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Geoff Romanowski, MCIP, RPP, CPT  
Development Approvals Coordinator  
Secretary Treasurer, Committee of Adjustment



Application File No.: A11/13

Applicant:  
2017509 Ontario Limited

Date: June 25, 2014

Figure 1  
Subject Lands



Town of Ajax Planning and  
Development Services





Application File No.: A11/13

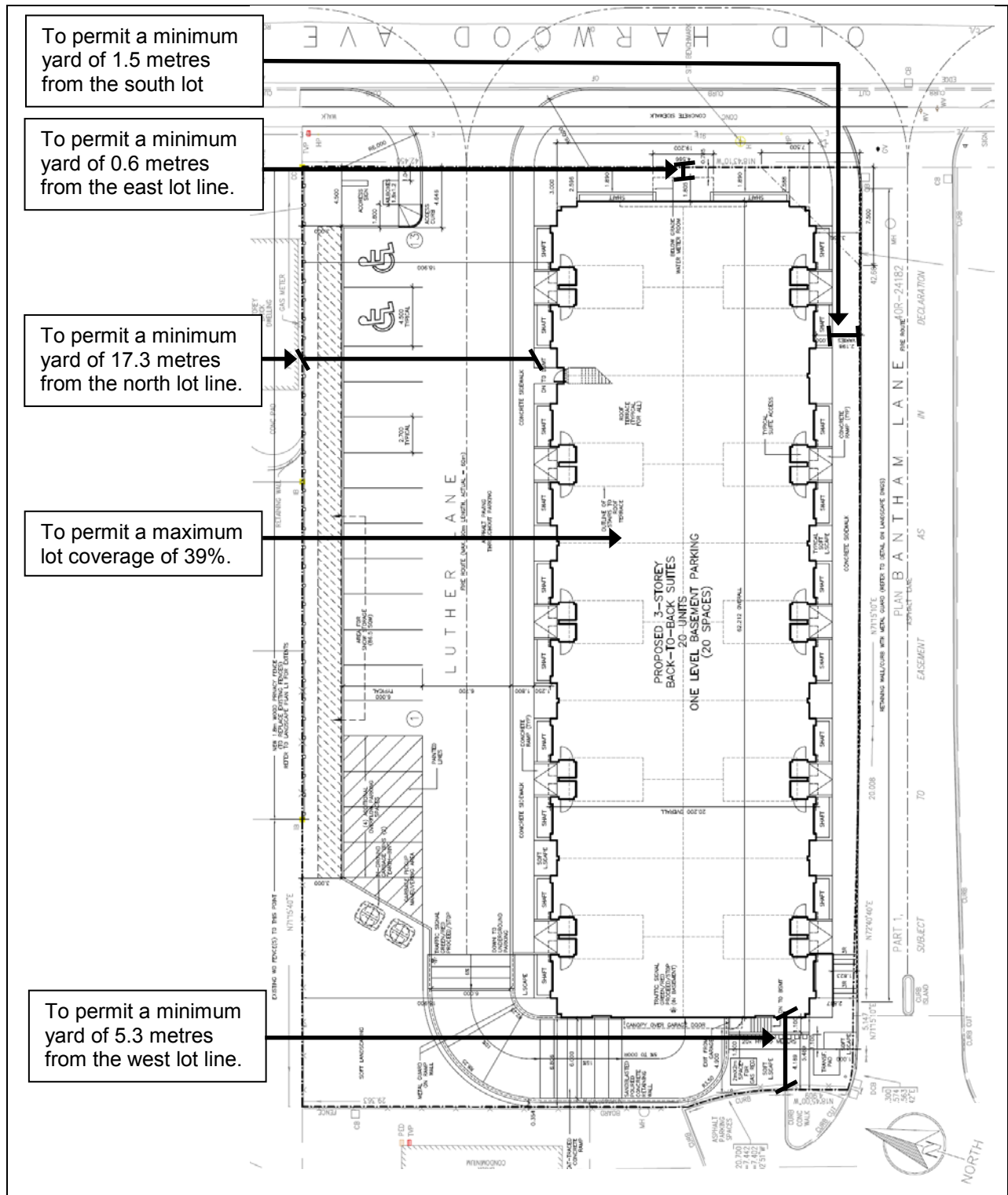
Applicant:  
2017509 Ontario Limited

Date: June 25, 2014

Figure 2  
Conceptual Site Plan



Town of Ajax Planning and  
Development Services



Application File No.: A11/13

Applicant:  
2017509 Ontario Limited

Date: June 25, 2014

Figure 3  
Proposed Site Plan



Town of Ajax Planning and  
Development Services



**South Elevation**



**West Elevation**



**East Elevation**



**North Elevation**

**Application File No.: A11/13**

**Applicant:**  
**2017509 Ontario Limited**

**Date: June 25, 2014**

**Figure 4**  
**Proposed Elevations**



**Town of Ajax Planning and  
Development Services**





**View from Old Harwood Ave. Looking Northwest**



**View from Old Harwood Ave. Looking Southwest**



**View from Bantham Lane Looking Northeast**

**Application File No.: A11/13**

**Applicant:**  
2017509 Ontario Limited

**Date:** June 25, 2014

**Figure 5**  
**Proposed Perspectives**



**Town of Ajax Planning and  
Development Services**

## **TOWN OF AJAX REPORT**



**REPORT TO:** Committee of Adjustment

**SUBMITTED BY:** Geoff Romanowski, MCIP, RPP, CPT  
Development Approvals Coordinator

**PREPARED BY:** Sean McCullough  
Development Planner

**SUBJECT:** **Minor Variance Application A10/14**  
**Rob and Sherri Norris**  
**105 Rossland Road West**  
**Part Lot 8, Concession 2, Part 2 Plan 40R-21617**

**WARD:** 2

**DATE OF MEETING:** June 25, 2014

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### **RECOMMENDATION:**

**That the Committee of Adjustment approve Minor Variance Application A10/14 submitted by Rob and Sherri Norris, to permit a maximum accessory building (detached garage) height of 7.7 metres, subject to the following condition:**

- 1. That the Owner obtain a building permit for the proposed accessory building renovation, or this decision shall become null and void.**

### **Background & Proposal:**

The applicant is proposing to renovate an existing legal non-complying accessory building (detached garage) to replicate the architectural style of a proposed addition and renovation to the existing dwelling. The applicant is proposing to replace the flat roof of the existing accessory building with a new mansard roof. The existing garage is approximately 149 m<sup>2</sup> in area, and has an existing height of 4.8 metres. There are no alterations to the existing setbacks or existing gross floor area. The applicant has identified that the accessory building would be used for storage of personal and household items.

The existing exterior walls are formed by steel beams which the applicants designer has identified would be costly to lower and may impact the structural integrity of the existing accessory building. Therefore, a minor variance is being requested to permit a maximum accessory building height of 7.7 metres; whereas, the Zoning By-law permits a maximum accessory building height of 4.5 metres.

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

The subject property is located on the south side of Rossland Road West, fronting onto a remnant portion of the Old Harwood Avenue Road Allowance (western edge of property). The property has a lot area of 0.37 hectares (0.9 acres). To the north, across Rossland Road West is a storm water management pond that is bordered to the north and east by single detached



dwelling previously known as the Steele Valley Subdivision. To the east of the subject property are street townhouses fronting onto Smales Drive, to the south are single detached dwellings formerly known as the Boston Subdivision, and to the west is Millers Creek (See Figure 1 – Subject Lands). The subject property is an underdeveloped parcel surrounded by an existing subdivision, and it is anticipated that the subject property may be developed in the future which would complete the neighbourhood.

**Town of Ajax Official Plan:**

The subject property is designated “Medium Density Residential” in the Town of Ajax Official Plan, which provides for such uses as, duplex dwellings, block townhouses, street townhouses, stacked townhouses, attached housing, walk-up apartments, and other forms of moderately scaled housing within a density range of 30 to 75 units per net hectare. Single detached and semi-detached dwellings are specifically not permitted. The proposed variance maintains the general intent and purpose of the Official Plan.

**Town of Ajax Zoning By-law 95-2003, as amended:**

The subject property is zoned Agricultural (A) Zone within Zoning By-law 95-2003, as amended. This zone category permits detached dwellings provided they have been in existence since December 26, 1962. The existing dwelling was constructed in 1954 and the existing accessory building (detached garage) is deemed to be legal non-complying. The subject property will comply with all provisions of the zoning by-law, except for the maximum accessory building height, which is the result of the proposed renovations to this building.

**Requested Minor Variance:*****Maximum Accessory Building Height Variance:***

Where a building has been erected prior to the day of passing of this By-law on a lot having less than the minimum frontage and/or depth and/or area, or having less than the minimum setback, and/or side yard, and/or rear yard, and/or minimum useable open space or other performance standards required by the by-law; this building shall be deemed to be legal non-complying. The existing accessory building (detached garage) has an existing height of 4.8 metres (15 feet 10 inches), and is deemed to be a legal non-complying accessory building. A minor variance is not required to renovate the existing accessory building; however a minor variance is required to further increase the height beyond the maximum permitted in the zoning by-law (See Figure 2 – Proposed Elevations and Figure 3 - Streetview).

The intent of the maximum height requirement for accessory buildings and structures is to ensure that these structures do not adversely impact abutting properties with respect to visual impact, overshadow, and privacy. The existing accessory building is setback in excess of 35 metres from the nearest residential property to the south and maintains all required setbacks from all lot lines. The zoning ensures that there would not be any overshadow onto adjacent properties. The new roof will not create a functional second storey; therefore privacy of adjacent properties would be maintained. Further, the proposed mansard roof will enhance the visual appearance of the existing accessory building.

The applicant has proposed landscaping, including coniferous trees, to assist in the screening of the existing accessory building (See Figure 4 – Proposed Site Plan).

Although, the requested variance is to permit a maximum accessory structure height of 7.7 metres (an increase of 3.2 metres), the new accessory building height would only increase by 2.9 metres as the existing accessory building has a height of 4.8 metres. It is staff's opinion that the

requested variance to increase the maximum height of the existing accessory building to 7.7 metres is minor in nature and will not negatively impact abutting properties. Furthermore, the requested variance meets the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and an appropriate development of the lands.

**Other Comments:**

**Design Services –** no comments;

**Transportation Services -** no comments;

**Building Services -** a building permit is required for the proposed building alterations;

**Operations -** no comments;

**Fire Services -** no comments;

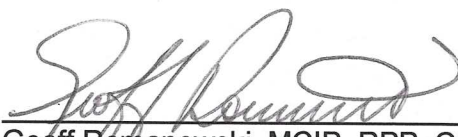
**Engineering Services -** no comments;

**Conclusion:**

Based on the discussion above, staff are of the opinion that **Minor Variance Application A10/14**, submitted by Rob and Sherri Norris, to permit a maximum accessory building (detached garage) height of 7.7 metres, is:

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

  
Sean McCullough  
Development Planner

  
Geoff Romanowski, MCIP, RPP, CPT  
Development Approvals Coordinator





Application File No. A10/14

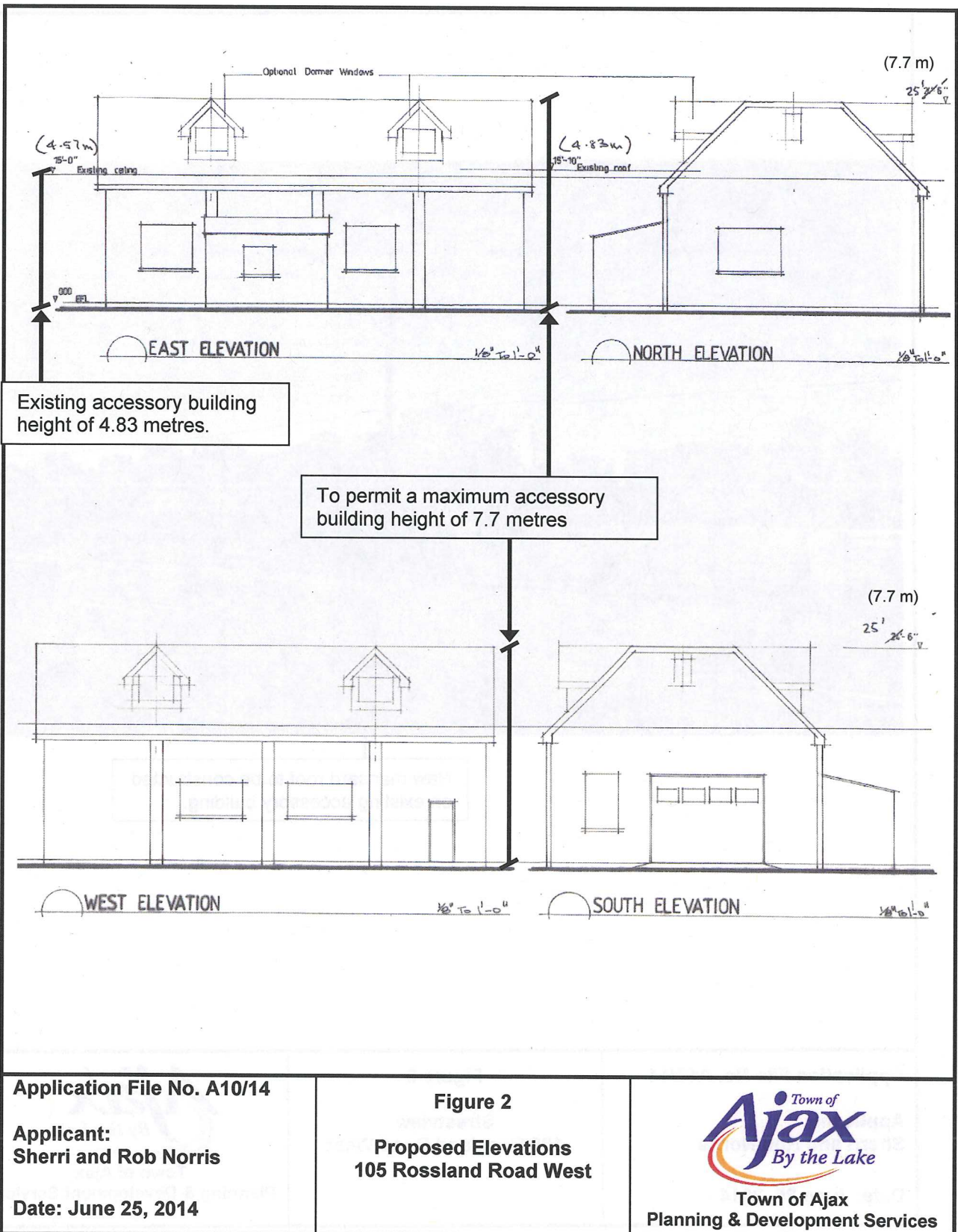
Applicant:  
Sherri and Rob Norris

Date: June 25, 2014

Figure 1

Subject Lands  
105 Rossland Road West

Town of Ajax  
By the Lake  
Town of Ajax  
Planning & Development Services







New mansard roof to be constructed  
on existing accessory building.

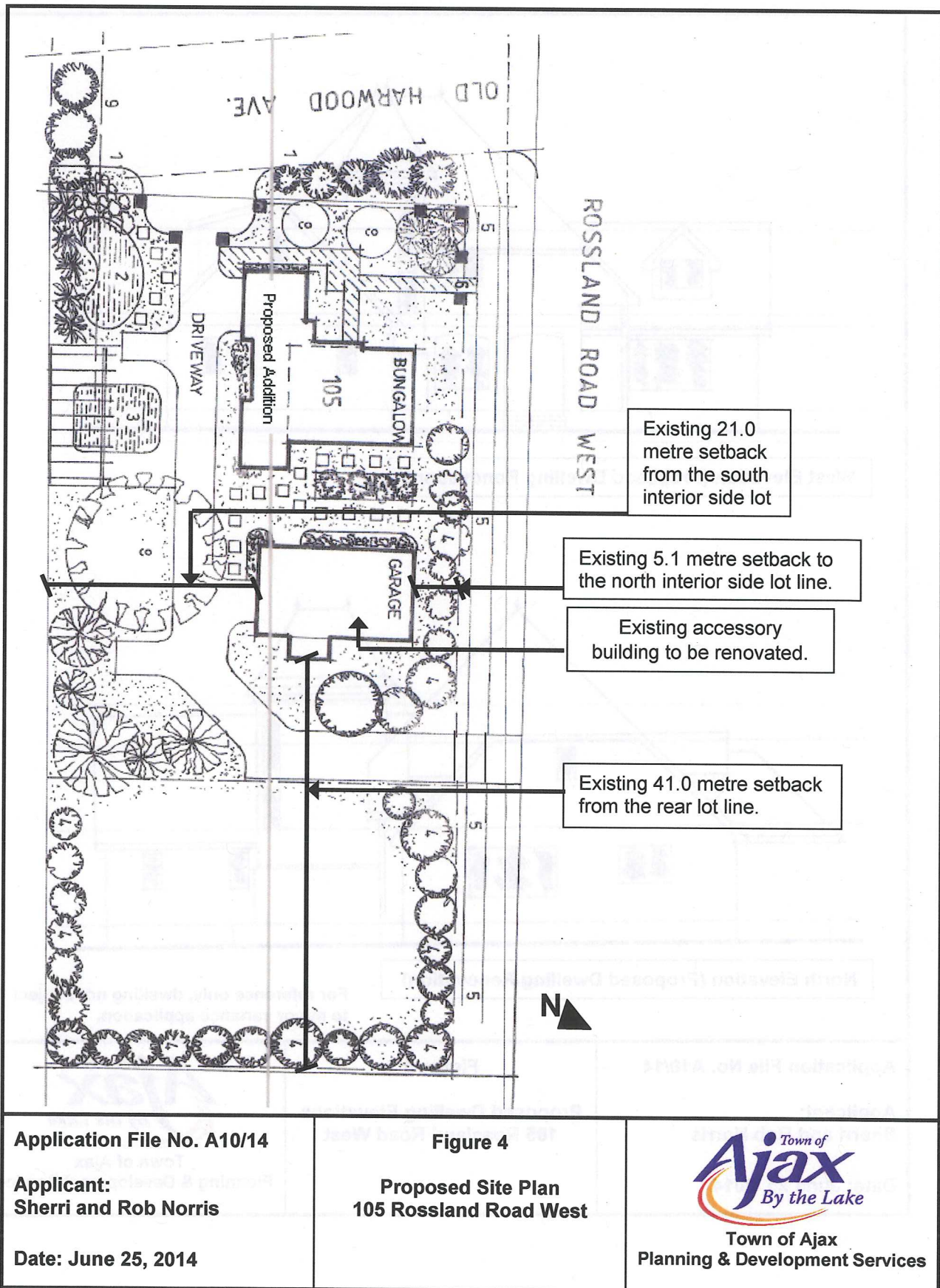
Application File No. A10/14

Applicant:  
Sherri and Rob Norris

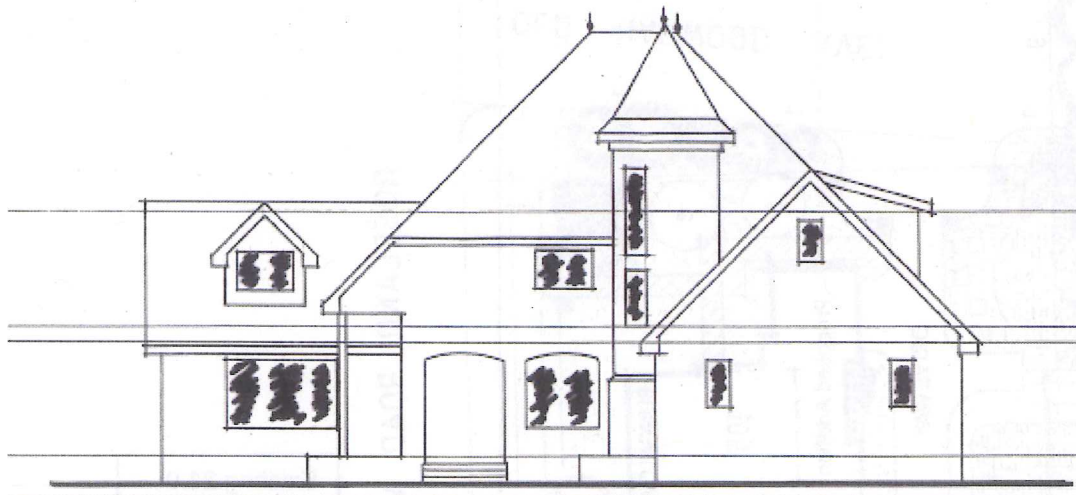
Date: June 25, 2014

Figure 3  
Streetview  
105 Rossland Road West

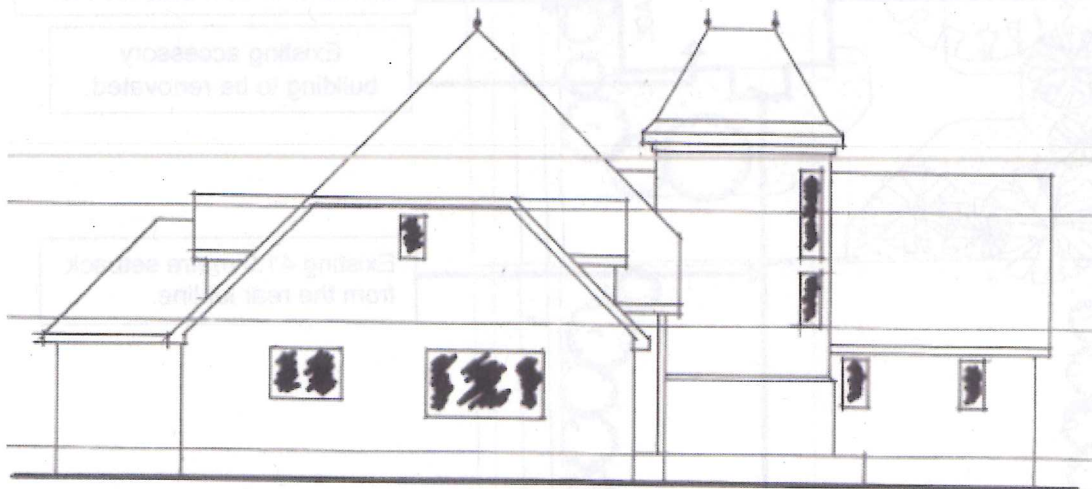
  
Town of Ajax  
Planning & Development Services







West Elevation (Proposed Dwelling Renovation)



North Elevation (Proposed Dwelling Renovation)

For reference only, dwelling not subject to minor variance application.

Application File No. A10/14

Applicant:  
Sherri and Rob Norris

Date: June 25, 2014

Figure 4

Proposed Dwelling Elevations  
105 Rossland Road West



Town of Ajax  
Planning & Development Services

## **TOWN OF AJAX REPORT**



**REPORT TO:** Committee of Adjustment

**SUBMITTED BY:** Geoff Romanowski, MCIP, RPP, CPT  
Development Approvals Coordinator

**PREPARED BY:** Bruno Scopacasa, MES, MCIP, RPP  
Senior Development Planner

**SUBJECT:** **Minor Variance Application A11/14**  
**2293297 Ontario Inc.**  
**60 Blowers Crescent**

**WARD:** 2

**DATE OF MEETING:** June 25, 2014

**REFERENCE:** Site Plan SP15/13

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### **RECOMMENDATION:**

That the Committee of Adjustment approve Minor Variance Application A11/14, submitted by 2293297 Ontario Inc., to permit a minimum setback of 3.0 metres from a front lot line (Blowers Crescent), a minimum parking rate of 1 parking space per 28 m<sup>2</sup> of gross floor area, and no loading spaces, subject to the following conditions:

1. That the applicant obtain approval of Site Plan Application SP15/13 and enter into a site plan agreement with the Town or this decision shall become null and void; and
2. That the applicant obtain a building permit for the proposed development or this decision shall become null and void.

### **Background & Proposal:**

2293297 Ontario Inc. has filed an application for minor variance in order to facilitate the development of two, one-storey multi-unit buildings with a total gross floor area of 2,800 m<sup>2</sup> (30,031 ft<sup>2</sup>) under Site Plan SP15/13 at the southwest corner of Blowers Crescent and Salem Road North. Building 'A' will consist of 14 units and have a total gross floor area of 1,906 m<sup>2</sup> (20,516 ft<sup>2</sup>), while Building 'B' will consist of 6 units and have a total gross floor area of 894 m<sup>2</sup> (9,623 ft<sup>2</sup>). Units will range from 77.23 m<sup>2</sup> (831 ft<sup>2</sup>) to 206.72 m<sup>2</sup> (2,225 ft<sup>2</sup>).

Vehicle access is proposed from Blowers Crescent with a main internal drive aisle that loops around Building 'A'. A total of 107 surface parking spaces are proposed, the majority of which will be situated along the perimeter of Building 'A' and along the west property line. A field of parking is also proposed immediately west of Building 'B'.

The subject lands are a registered block within the Guthrie Employment Subdivision, located within the Salem Business Park (see Figure 1: Location Map, Figure 2: Proposed Site Plan & Figure 3: Proposed Elevations).

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

The subject lands are located at the southwest corner of Salem Road North and Blowers Crescent and are currently vacant. To the north are two stormwater management ponds and a tributary of the Carruthers Creek. Further north, south and to the west are vacant lands associated with the Salem Business Park which are designated Prestige Employment. Immediately to the east is Salem Road North. Further east are vacant lands designated Prestige Employment.

### **Town of Ajax Official Plan**

The subject lands are designated “Prestige Employment” within the Town of Ajax Official Plan. It is intended that development within this designation exhibit a high standard of building design and landscaping.

Permitted within the Prestige Employment designation are such uses as business and professional offices, research and development facilities, manufacturing in wholly enclosed buildings, warehousing, distribution centres, financial institutions, restaurants, personal service establishments, athletic clubs, private recreational facilities, banquet facilities and other similar uses.

All new development or redevelopment within the Prestige Employment designation shall be consistent with the Town of Ajax Employment Areas Urban Design Guidelines adopted by Council. The Prestige Employment designation is located along major transportation corridors and does not permit outside storage. A superior level of building design and landscaping is required.

The proposed development is consistent with the policies of the Town of Ajax Official Plan.

### **Town of Ajax Zoning By-law 95-2003**

The subject lands are within the Prestige Employment (PE) Zone and are subject to Exception 66 within the Town of Ajax Zoning By-law 95-2003, as amended. The PE zone category permits uses such as, but not limited to, day care facility, financial institution, light manufacturing, medical clinic, offices, personal service shop, recreation facility, restaurant, veterinary clinic and warehouse/distribution centre. Exception 66 provides for additional uses including, convention centre, research and development and stormwater management facilities. Exception 66 also sets various development standards for minimum lot area, minimum interior side yard setbacks and the location of outdoor storage.

The proposed development will comply with all provisions of the Zoning By-law except for the minimum required parking, loading, and setback from the front lot line (Blowers Crescent) provisions.

### **Requested Minor Variances:**

#### ***Minimum Setback from Front Lot Line (Blowers Crescent) Variance***

The intent of the minimum setback from a front lot line is to provide an appropriate buffer between buildings on a property and the street line and to ensure a desirable streetscape is

maintained. The siting of Building 'B', in close proximity to the Salem Road North and Blowers Crescent intersection, was encouraged by staff. This will establish a strong building presence at the intersection, a more desirable streetscape and enhanced pedestrian experience. This will be accomplished by reducing the required minimum front yard setback from 9.0 metres to 3.0 metres. A 3.0 metre landscape strip and a 4.5 metre treed boulevard will be maintained between Building 'B' and Blowers Crescent. The requested variance is considered to be minor in nature and desirable for the appropriate development of the land.

### ***Minimum Required Parking Variance***

The intent of the requirement to provide a minimum number of parking spaces is to ensure that there is an adequate amount of parking provided on-site to serve the various uses of the subject property. The Town's zoning by-law currently provides parking rates based on use and the gross floor area of a building. It does not provide a blended parking rate that addresses all permitted uses within a multiple unit building such as a shopping centre.

In order to approve a site plan with an appropriate supply of parking in advance of confirmed uses, a blended parking rate needs to be established. A parking rate of 1 parking space per 28 m<sup>2</sup> of gross floor area has been proposed through a parking study prepared by WSP Canada Inc. Based on the proposed gross floor area this rate would required a minimum of 100 parking spaces. The development proposal provides 107 parking spaces or 1 parking space per 26 m<sup>2</sup>.

Staff are satisfied that the proposed parking rate of 1 parking space per 28 m<sup>2</sup> of the total gross floor area is sufficient to accommodate the parking demands of the proposed development. The requested variance is considered to be minor in nature and desirable for the appropriate development of the land.

### ***Minimum Number of Required Loading Spaces Variance***

The intent of providing loading spaces is to ensure that there is an appropriate area on a property to accommodate the loading and unloading of goods. The zoning by-law requires that the development provide one loading space (3.6 metres in width and 15 metres in length). A space of this nature would accommodate a transport trailer. However, the development proposes no loading spaces. This request has been addressed through a loading study prepared by WSP Canada Inc.

The study indicates that the relatively small unit sizes are geared towards uses such as professional offices, day care facilities, financial institutions, personal services and restaurants that do not require large industrial scale loading spaces to serve their delivery requirements. For such land uses, daily deliveries would typically be performed by courier vehicles, commonly referred to as a Light Single Unit vehicle (LSU). A typical LSU vehicle is approximately 2.6 metres in width and 6.4 metres in length. This vehicle size can perform deliveries comfortably from a parking space located outside the rear or front door of each unit. It is anticipated that most deliveries will occur before 9:00 a.m. or after 5:00 p.m. (during off-peak business hours). Deliveries for restaurants, with evening peak business hours, would occur before 9:00 a.m. (during off-peak business hours). The designated area for garbage pick-up, located on the west side of Building 'A', can also be used as a secondary informal delivery area if all parking spaces are occupied. This will ensure that there is no conflict between employees, patrons and delivery vehicles.

Staff have reviewed the study and are satisfied with the proposal. The requested variance is considered to be minor in nature and desirable for the appropriate development of the land.

### Other Comments:

Comments have been received from:

Building Services: no comments;

Design Services: no comments;

Engineering Services: no comments;

Transportation Services: no comments;

Operations Services: no comments;

Fire Services: no comments;

### Conclusion:

Based on the above discussion, staff are of the opinion that **Minor Variance Application A11/14**, submitted by 2293297 Ontario Inc., to permit a minimum setback of 3.0 metres from a front lot line (Blowers Crescent), a minimum parking rate of 1 parking space per 28 m<sup>2</sup> of gross floor area, and no loading spaces, are:

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



Bruno Scopacasa, MES, MCIP, RPP  
Senior Development Planner



Geoff Romanowski, MCIP, RPP, CPT  
Development Approvals Coordinator  
Secretary Treasurer, Committee of Adjustment



**Application File No. A11/14**

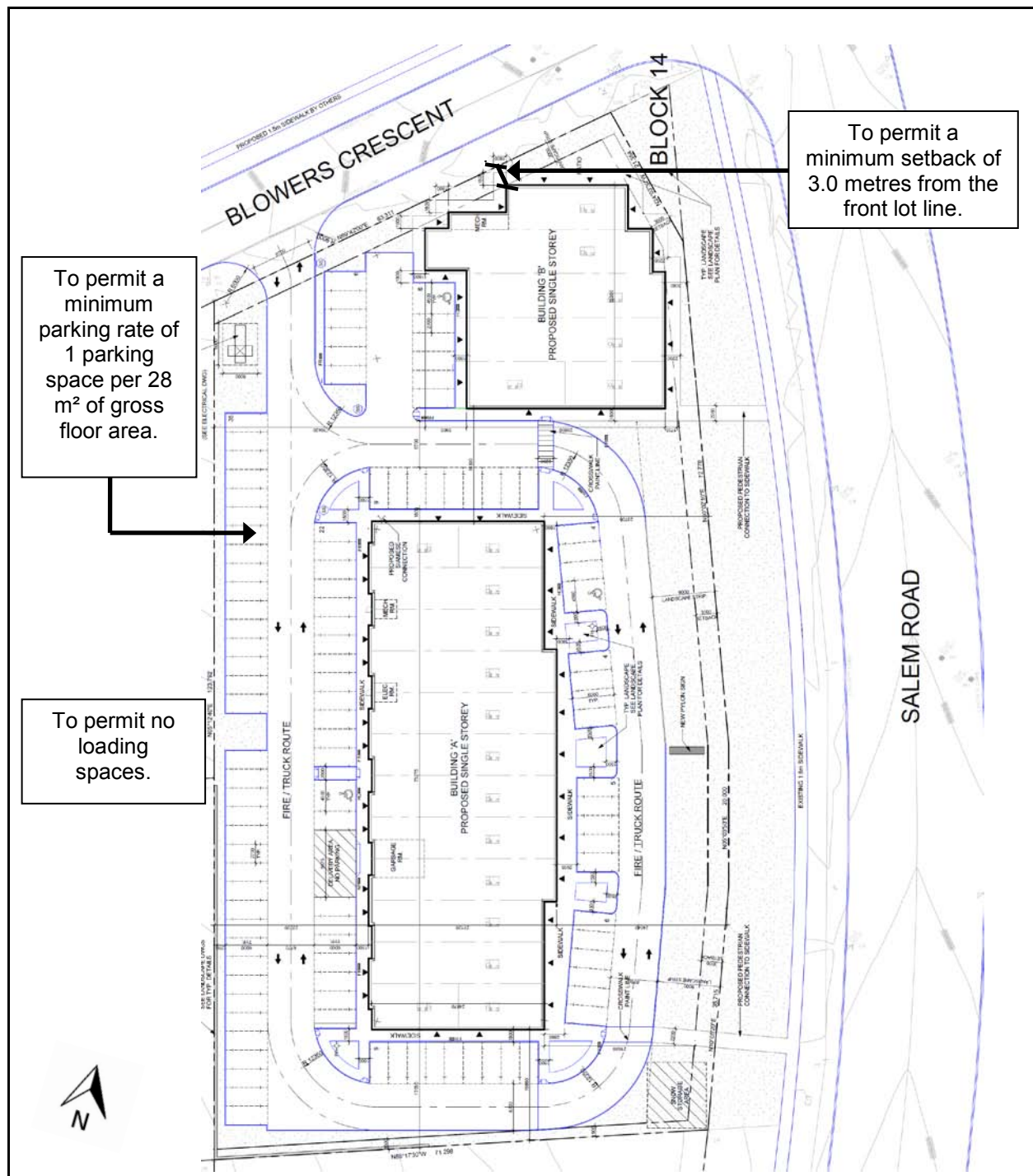
**Applicant:**  
**2293297 Ontario Inc.**

**Date: June 25, 2014**

**Figure 1**  
**Subject Lands**

**Town of Ajax**  
**Planning and**  
**Development**  
**Services**





Application File No. A11/14

Applicant:  
2293297 Ontario Inc.

Date: June 25, 2014

Figure 2  
Proposed Site plan

Town of Ajax  
Planning and  
Development  
Services







**Building 'A' – East Elevation  
(Salem Road North)**



**Building 'B' – East Elevation  
(Salem Road North)**



**Building 'B' – North Elevation  
(Blowers Crescent)**



**View Southeast**



**View Southwest**

**Application File No. A11/14**

**Applicant:**  
2293297 Ontario Inc.

**Date:** June 25, 2014

**Figure 3  
Proposed Elevations**

**Town of Ajax  
Planning and  
Development  
Services**

