



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

AGENDA

COMMITTEE OF ADJUSTMENT

Town Hall

65 Harwood Avenue South, Ajax
Council Chambers

Wednesday, September 28, 2016

Meeting: 7:00 p.m.

Open Meeting

1. Call to Order
2. Disclosure of Interest
3. Adoption of [August 28th, 2016 Committee of Adjustment meeting minutes](#)
4. Outline of the General Mandate of the Committee of Adjustment.
5. Applications:
 - a) **A39/16 – 167 Tulloch Drive – Jason Malcolm**

To permit a maximum driveway width of 5.4 metres.
 - b) **A40/16 – 11 Welsh Street – Abdul Sabur and Samira Khair Muhammad**

To permit uncovered steps to encroach 0.18 metres into the required 0.3 metres west interior side yard setback.
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 August 31, 2016 @ 7:00 P.M.**

Present: Matthew Milligan, Chair
Carolyn Molinari, Vice-Chair
Wasif Ahmed, Member
Lori Roberts, Member
Sean McCullough, Technical Advisor/Secretary-Treasurer

1. Call to Order – August 31, 2016, Town of Ajax, Committee of Adjustment Meeting

Meeting called to order at 7:00 p.m. on August 31, 2016.

Member Ahmed was absent during the beginning of the meeting.

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 was none.

3. Adoption of July 27, 2016 and Town of Ajax Committee of Adjustment Meeting Minutes

Chair Milligan asked for a motion to adopt the minutes from the July 27, 2016 Committee of Adjustment meeting.

Proposed by: Member Roberts
Seconded by: Member Molinari

Vote: All in Favour

Carried

4. 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.

5. Applications

**Minor Variance Application A32/16
William Ibberson
39 Angier Crescent**

To permit a minimum east interior side yard setback of 1.5 metres (existing), a minimum west interior side yard setback of 2.4 metres, a minimum rear yard of 10.8 metres and a maximum lot coverage of 22.5%.

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 was that the Committee of Adjustment approve Minor Variance Application A32/16 submitted by William Ibberson, to permit a maximum driveway width of 5.46 metres, subject to the following conditions:

- 1. That the proposed driveway widening apply only to the subject property, and shall not encroach into the Town's boulevard.**

Mr. William Ibberson was in attendance to represent the application

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

There was no further discussion.

Member Molinari made a motion to approve the application subject to the condition outlined in the planning report with the addition of 'or this shall become null and void' added to the end, 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 A32/16 submitted by William Ibberson, to permit a maximum driveway width of 5.46 metres, subject to the following conditions:

- 1. That the proposed driveway widening apply only to the subject property, and shall not encroach into the Town's boulevard, or this decision shall become null and void.**
-

**Minor Variance Application A34/16
Cougs (Workmans) Ltd.
Draft Plan of Subdivision S-A-2014-01
1117 Church Street North (Units 1 – 48, inclusive)**

To permit two required parking spaces to have a minimum interior garage width of 5.48 metres and a minimum length of 5.99 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 was that Committee of Adjustment approve Minor Variance Application A34/16, submitted by Cougs (Workmans) Ltd., to permit two required parking spaces to have a minimum interior garage width of 5.48 metres and a minimum length of 5.99 metres, subject to the following conditions:

- 1. That the Owner/Applicant obtain building permits for the proposed dwelling units, or this decision shall become null and void.**

Mr. TJ Cieciora, Design Plan Services, was in attendance to represent the application. He identified that he had nothing further to add and that this was an oversight that should have been included in the by-law submitted to the OMB.

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, as the application was considered reasonable and met the four tests outlined in the *Planning Act*.

Motion seconded by Member Molinari.

All in favour

Carried

Decision: That the Committee of Adjustment approve Minor Variance Application A34/16, submitted by Cougs (Workmans) Ltd., to permit two required parking spaces to have a minimum interior garage width of 5.48 metres and a minimum length of 5.99 metres, subject to the following conditions:

- 1. That the Owner/Applicant obtain building permits for the proposed dwelling units, or this decision shall become null and void.**

Member Ahmed joined the meeting at 7:09 p.m.

**Minor Variance Application A35/16
Paula Budhlall**

51 Angier Crescent

To permit a maximum driveway width of 5.9 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 A35/16 submitted by Paula Budhlall, 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;**
- 2. That the proposed driveway widening shall apply to the subject property, and shall not encroach into the Town's boulevard, or this decision shall become null and void.**

Mrs. Paula Budhlall was in attendance to represent the application and had nothing further to add.

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

Member Ahmed made a motion to approve the application subject to the conditions in the staff 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 A35/16 submitted by Paula Budhlall, 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;**
 - 2. That the proposed driveway widening shall apply to the subject property, and shall not encroach into the Town's boulevard, or this decision shall become null and void.**
-

**Minor Variance Application A36/16
Katherine Rossen
46 Church Street North
Lot 5, Plan 476**

To permit the lot line and yard along Church Street North to be the front lot line and front yard and re-assign the other yards accordingly and to recognize all setbacks affected by this re-assignment of the lot lines and yards, and to permit a minimum setback of 4.3 metres from the proposed rear 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.

The recommendation of the staff report is that the Committee of Adjustment approve Minor Variance Application A36/16, submitted by Katherine Rossen, to permit the lot line and yard along Church Street North to be the front lot line and front yard and re-assign the other yards accordingly and to recognize all setbacks affected by this re-assignment of the lot lines and yards, and to permit a minimum setback of 4.3 metres from the proposed rear lot line, subject to the following conditions:

- 1. That the Owner/Applicant obtain a building permit for the proposed building addition, or this decision shall become null and void;**
- 2. That the proposed Home Based Business comply with Section 4.11, Home Based Business, of Zoning By-law 95-2003, as amended; and**
- 3. That the existing driveway be brought into compliance with the provisions of the Residential One 'A' (R1-A) Zone, as outlined in Zoning By-law 95-2003, as amended, or this decision shall become null and void.**

Mrs. Katherine Rossen was in attendance to represent the application, and gave a brief overview of the way the lot is situated and how it functions.

Member Molinari asked if the applicant was aware of what had to be completed to bring the driveway into compliance.

Mrs. Rossen indicated that she was aware.

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 three conditions in the staff 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 A36/16, submitted by Katherine Rossen, to permit the lot line and yard along Church Street North to be the front lot line and front yard and re-assign the other yards accordingly and to recognize all setbacks affected by this re-assignment of the lot lines and yards, and to permit a minimum setback of 4.3 metres from the proposed rear lot line, subject to the following conditions:

- 1. That the Owner/Applicant obtain a building permit for the proposed building addition, or this decision shall become null and void;**
 - 2. That the proposed Home Based Business comply with Section 4.11, Home Based Business, of Zoning By-law 95-2003, as amended; and**
 - 3. That the existing driveway be brought into compliance with the provisions of the Residential One 'A' (R1-A) Zone, as outlined in Zoning By-law 95-2003, as amended, or this decision shall become null and void.**
-

**Minor Variance Application A37/16
Ajay Chhabra & Jennifer Burley
47 Selby Drive
Lot 85, 40M-2345**

To permit a maximum driveway width of 5.9 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 A37/16 submitted by Ajay Chhabra and Jennifer Burley, to permit a maximum driveway width of 5.9 metres.

Mrs. Jennifer Burley was in attendance to represent the application. Mrs. Burley gave a brief overview of the application and identified

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

Member Molinari identified that she believed there should be a condition that the widening not take place on the boulevard to be consistent.

There was no further discussion

Member Molinari made a motion to approve the application, with the addition of a condition that reads "That the proposed driveway widening apply only to the subject property, and shall not encroach into the Town's boulevard, or this decision shall

become null and void”; 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 A37/16 submitted by Ajay Chhabra and Jennifer Burley, to permit a maximum driveway width of 5.9 metres.

1. That the proposed driveway widening apply only to the subject property, and shall not encroach into the Town’s boulevard;

Other Business/New Business Continued

- Mr. McCullough gave a brief update regarding the member recruitment process.

7.0 Adjournment

Proposed by: Member Ahmed
Seconded by: Member Roberts

All in favour

Carried

Meeting adjourned at 7:52 p.m.

Matthew Milligan
Chair

Sean McCullough, MCIP, RPP
Secretary-Treasurer

TOWN OF AJAX REPORT



Report To: Committee of Adjustment

Prepared And Submitted By: Sean McCullough, BES, MCIP, RPP
Development Planner/Secretary Treasurer of Committee of Adjustment

Subject: Minor Variance Application A39/16
Jason Malcolm
167 Tulloch Drive

Ward: 3

Date of Meeting: September 28, 2016

Recommendation:

That the Committee of Adjustment approve Minor Variance Application A39/16 submitted by Alfred Agyepong on behalf of Jason Malcolm, 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 only be permitted on the subject property and shall not include any portion of the municipal boulevard, or this decision shall become null and void.

Background & Proposal:

The applicant is proposing to construct an accessory apartment within the dwelling. In order to establish an accessory apartment within the dwelling, a minimum driveway width of 5.4 metres is required in order to provide a minimum of three legal sized off-street parking spaces, as required by Zoning By-law 95-2003, as amended.

The owner of the property has submitted a minor variance application requesting relief from the requirements of the Town's Zoning By-law to permit a maximum driveway width of 5.4 metres; whereas, the zoning by-law permits a maximum driveway width of 5.0 metres. A minimum width of 5.4 metres is required to accommodate two legal sized parking spaces (minimum 2.7 metres) side-by-side. A third parking space would be provided in tandem within the western interior side yard.

Subject Property & Surrounding Land Uses:

The subject property is located on the south side of Tulloch Drive, and is municipally known as 167 Tulloch Drive. The subject property is surrounded by single detached dwellings in all directions (See Figure 1 – Subjects Lands).

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 minor variance maintains the general intent and purpose of the Official Plan.

Town of Ajax Zoning By-law 95-2003:

The subject property is zoned Residential Two – A (R2-A) Zone within the Town of Ajax Zoning By-law 95-2003, as amended. This zone category permits detached dwellings, and one accessory apartment (provided the minimum required parking can be achieved). The R2-A Zone permits a maximum driveway width of 5.0 metres; whereas, the applicant is requesting to permit a maximum driveway width of 5.4 metres (an increase of 0.4 metres).

Requested Minor Variance:***Maximum Driveway Width Variance***

The intent of the maximum driveway width requirement in the zoning by-law is to regulate the width of a driveway across the frontage of the property to ensure that a driveway is not the dominant feature of the streetscape and to provide an appropriately sized off-street parking space for the parking of a motor vehicle.

The property owner is requesting to permit a maximum driveway width of 5.4 metres, 0.4 metres wider than what is permitted within the R2-A Zone. The 0.4 metre increase has been requested in order to provide an additional legal off-street parking space to accommodate a future accessory apartment within the basement of the existing single detached dwelling.

The 0.4 metre increase in driveway width would not dominate the streetscape and would not negatively impact the surrounding neighborhood character, as similar widening's and double driveways do exist within this immediate neighborhood. Further, several properties to the west are zoned R1-B, and this zone permits a maximum driveway width of 6.1 metres. The requested driveway width increase would maintain the general intent of the Official Plan and Zoning By-Law. The requested variance is considered desirable for the appropriate development or use of the land, and is considered to be a request that is minor in nature.

Other Comments:

Design Services - No comments.

Transportation Services - No comments.

Building Services - No comments.

Operations - No comments.

Fire Services - No comments.

Engineering Services - No comments.

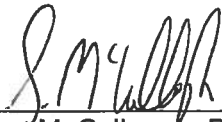
Communications:

In accordance with the *Planning Act* this application has been circulated to property/business owners within 60 metres of the subject property. Notice of Application for Minor Variance was posted in a visible location along or near the property lines of the subject property.

Conclusion:

Based on the discussion above, staff are of the opinion that **Minor Variance Application A39/16**, submitted by Alfred Agyepong on behalf of Jason Malcolm, to permit a maximum driveway width of 5.4 metres, 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.



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



Application File No. A39/16

Applicant: Jason Malcolm

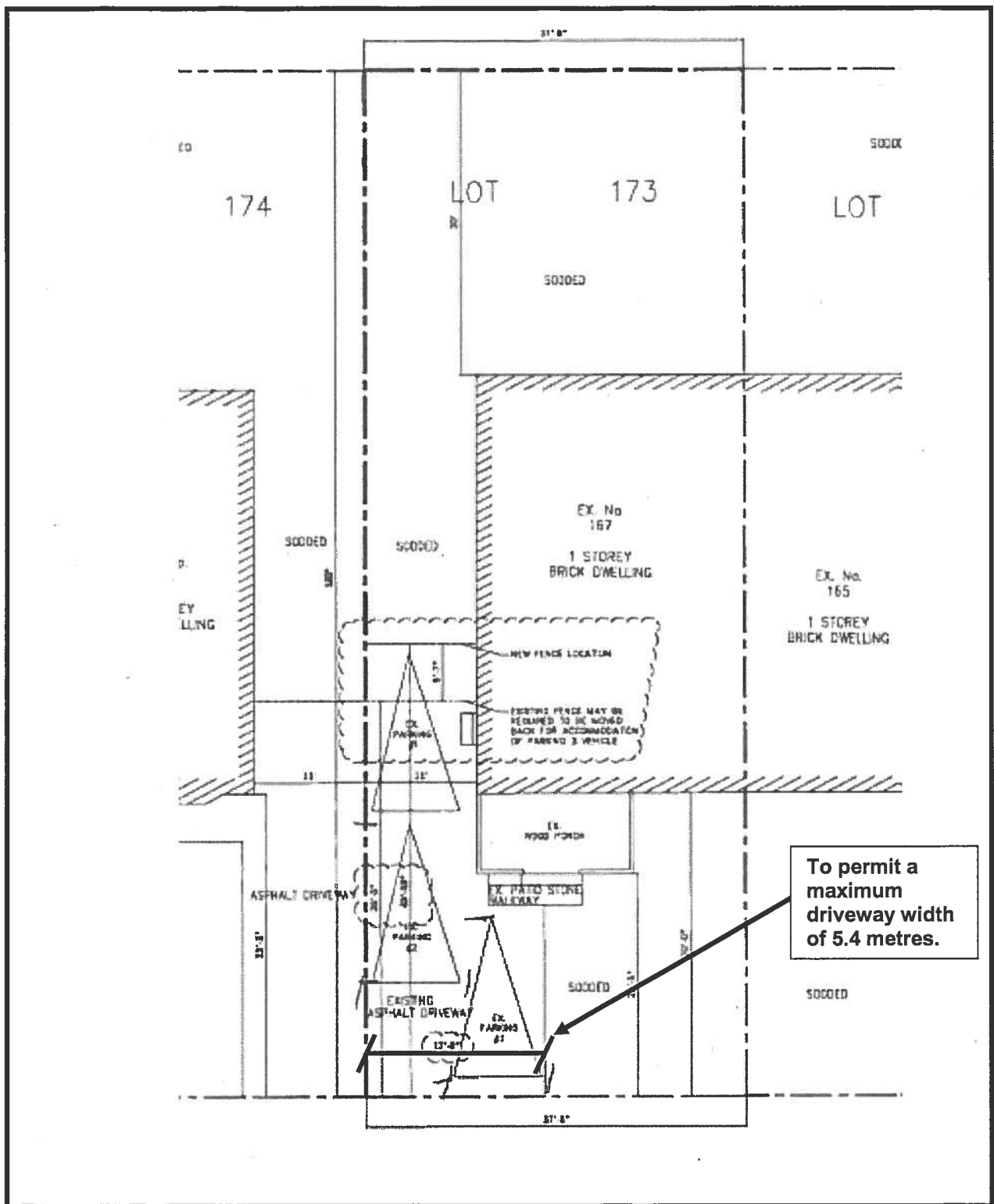
Date: September 28th , 2016

Figure 1

**Subject Lands
167 Tulloch Drive**



**Town of Ajax
Planning & Development Services**



Application File No. A39/16

Applicant: Jason Malcolm

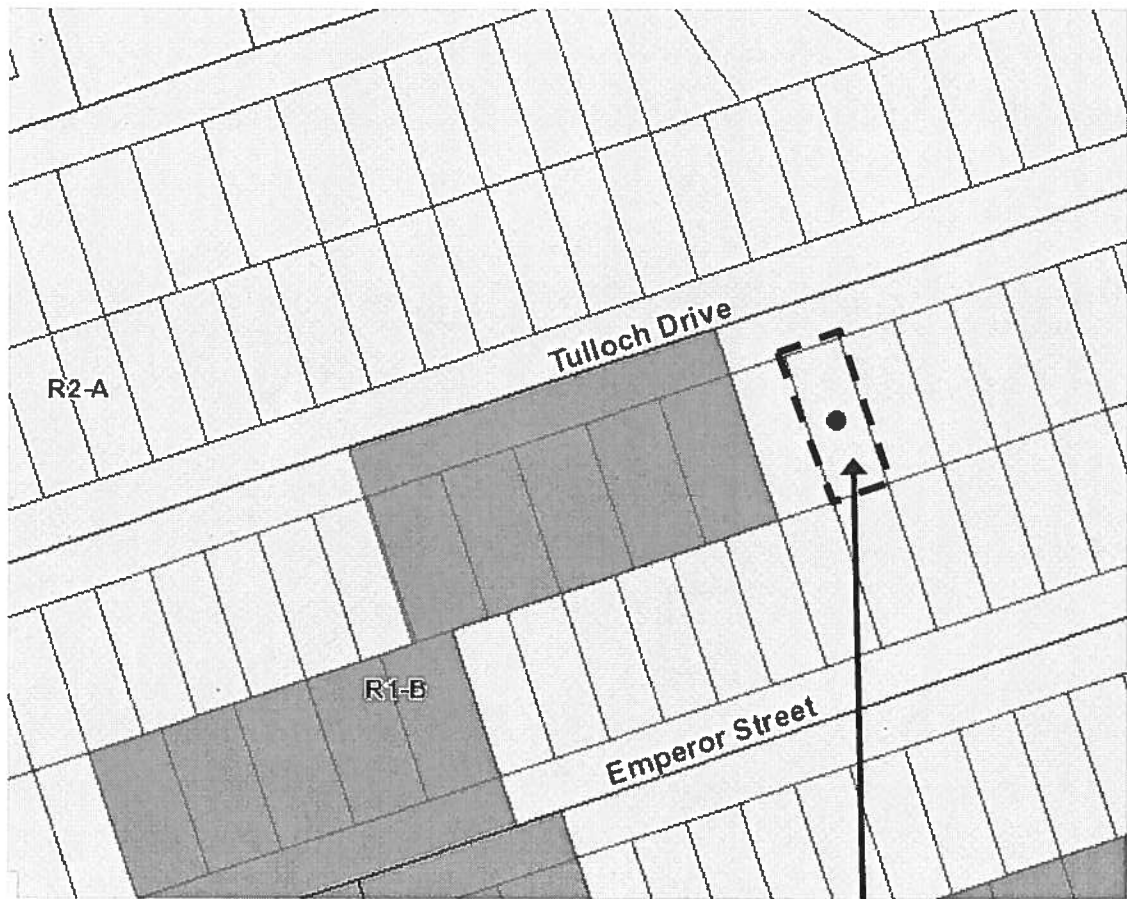
Date: September 28th, 2016

Figure 2

Proposed Site Plan
167 Tulloch Drive



Town of Ajax
Planning & Development Services



Subject Lands

Application File No. A39/16

Applicant: Jason Malcolm

Date: September 28th, 2016

Figure 3

Zoning Information
167 Tulloch Drive



Town of Ajax
Planning & Development Services

TOWN OF AJAX REPORT



Report To: Committee of Adjustment

Prepared & Submitted By: Sean McCullough, BES, MCIP, RPP
Development Planner/ Secretary-Treasurer Committee of Adjustment

Subject: **Minor Variance Application A40/16**
Abdul Sabur & Samira Khair Muhammad
11 Welsh Street
Lot 22, Plan 40M-1808

Ward: 1

Date of Meeting: September 28, 2016

Recommendation:

That the Committee of Adjustment approve Minor Variance Application A40/16, submitted by Abdul Sabur and Samira Khair Muhammad, to permit uncovered steps to encroach 0.18 metres into the required west interior side yard, subject to the following conditions:

- 1. That the owner/applicant obtain a building permit for the below grade entrance, or this decision shall become null and void;**
- 2. That the owner/applicant obtain a building permit for the proposed accessory apartment, if required, or this decision shall become null and void; and**
- 3. That the variance only apply to the uncovered steps generally illustrated in Figure 2 (Site Plan) of this report, or this decision shall become null and void.**

Notification Update:

Notification sent on Wednesday September 14, 2016 indicated that the minor variance request was to permit uncovered steps to encroach 0.16 metres into the required west interior side yard. Upon further review, the uncovered steps encroach 0.18 metres into the required west interior side yard. As such, the staff recommendation reflects the correct minor variance request.

Background & Proposal:

The owner of the property constructed a below grade entrance in 2016 without a building permit. Following an inspection by Building Services, the applicant prepared building permit drawings and it was determined that the below grade entrance did not comply with Zoning By-law 95-2003, as amended. The applicant has also expressed a desire to convert the existing finished basement to a legal accessory apartment sometime in the future. The applicant is required to submit a building permit application for the existing below grade entrance. The applicant would also be required to submit a building permit to convert the basement to an accessory apartment should they choose to proceed with the construction of the accessory apartment.

The owner of the property has submitted a minor variance application requesting relief from the requirements of the Town's Zoning By-law, to permit the uncovered steps to encroach 0.18 metres into the required 0.3 metre interior side yard setback; whereas, the zoning by-law does not permit steps to encroach into the required interior side yard.

Subject Property & Surrounding Land Uses:

The subject property is located on the south side of Welsh Street, and is municipally known as 11 Welsh Street. The property is surrounded by single detached dwellings in all directions (See Figure 1 – Subject Lands).

Town of Ajax Official Plan:

The subject property is designated "Low Density Residential", 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 Official Plan.

Town of Ajax Zoning By-law 95-2003:

The subject property is zoned Residential One – 'D' Zone (R1-D) in Town of Ajax Zoning By-law 95-2003, as amended and is subject to Exception 25. This zone category permits single detached dwellings. The R1-D Zone requires a minimum interior side yard setback of 1.2 metres on one side of the dwelling and 0.3 metres on the opposite side of the dwelling (provided an aggregate setback of 1.2 metres is maintained between dwellings). Uncovered steps are not permitted to encroach into the required interior side yard; whereas, the applicant is requesting to permit uncovered steps to encroach 0.18 metres into the required 0.3 metre west interior side yard (See Figure 2 – Site Plan).

Requested Minor Variance:***Minimum Setback from an Interior Side Yard Variance***

The intent of not permitting steps to encroach into a required interior side yard is to ensure that the limited amount of yard space is preserved in order to provide emergency access to the rear of the dwelling and maintain a buffer between adjacent dwellings. The requested minor variance is to permit uncovered steps to encroach 0.18 metres into the required 0.3 metre west interior side yard.

The existing uncovered steps are located in the west interior side yard and have a setback of 0.12 metres from the edge of the retaining wall. The uncovered steps are screened by a wood privacy fence along the interior side lot line (See Figure 3 – Site Photo). Emergency access to the rear yard would be maintained through the eastern interior side yard as the dwelling unit maintains a setback of 1.28 metres from the eastern side lot line. Therefore, the request to permit uncovered steps to encroach 0.18 metres into the required interior side yard is considered to be minor in nature, is desirable for the appropriate development of the lands, and maintains the general intent of the Official Plan and Zoning By-law.

Other Comments:

Design Services - no comments;

Transportation Services - no comments;

- Building Services -** a building permit will be required for the construction;
- Operations -** no comments;
- Fire Services -** no comments;
- Engineering Services -** Conducted site visit, lot is a split draning lot with existing swale located on 13 Welsh Street. Engineering staff have no concerns;

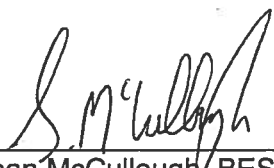
Communications:

In accordance with the *Planning Act* this application has been circulated to property/business owners within 60 metres of the subject property. Notice of Application for Minor Variance was posted in a visible location along or near the property lines of the subject property.

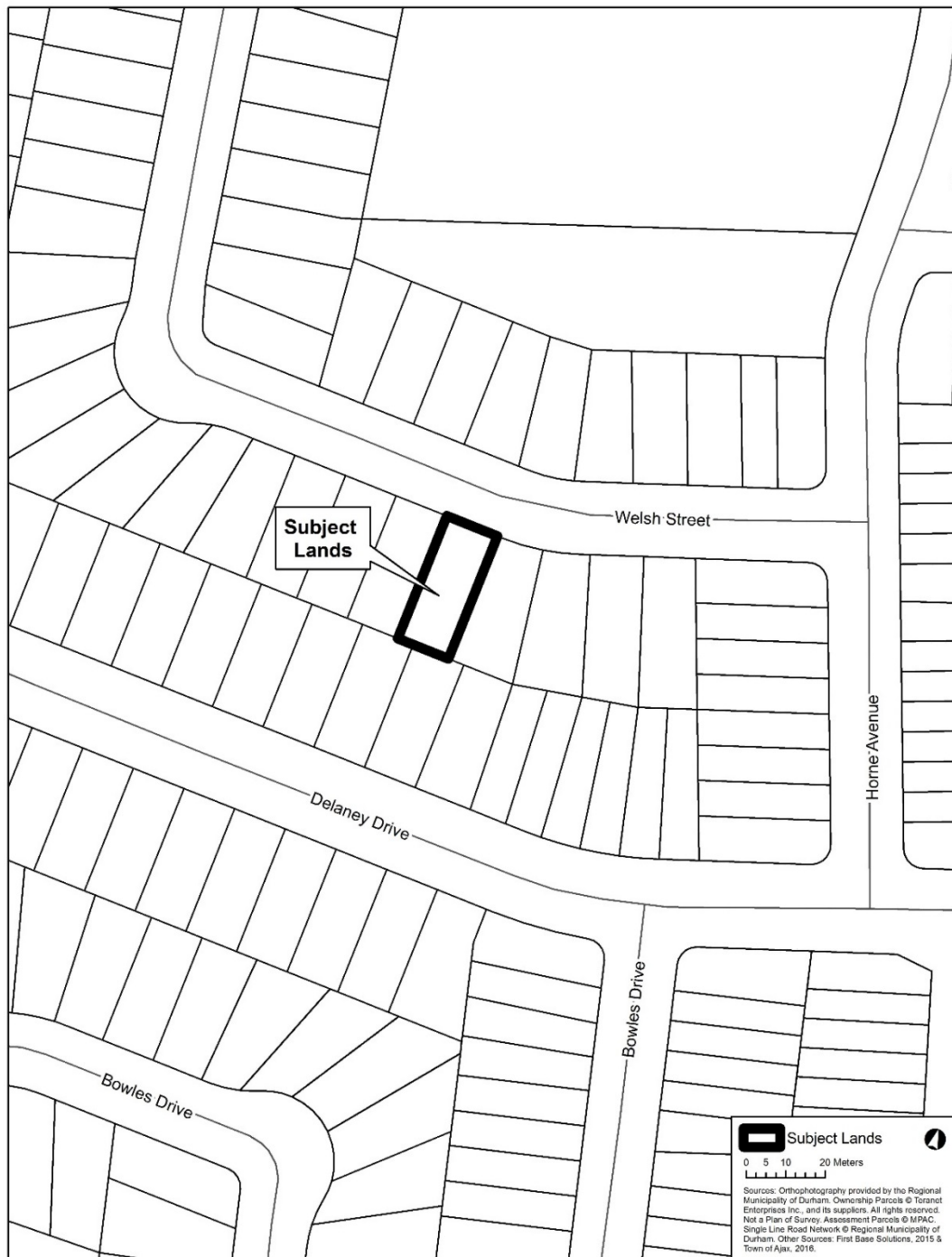
Conclusion:

Based on the discussion above, staff are of the opinion that **Minor Variance Application A40/15**, submitted by Abdul Sabur and Samira Khair Muhammad, to permit uncovered steps to encroach 0.18 metres into the required west interior side yard, 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.



Sean McCullough, BES, MCIP, RPP
Development Planner
Secretary-Treasurer, Committee of Adjustment
Town of Ajax, Planning & Development Services
T: 905.619.2529 x3234 F: 905.686.0360
E: Sean.mccullough@ajax.ca



Application File No. A40/16

**Applicant: Samira and Abdul
Sabur Khair Muhammad**

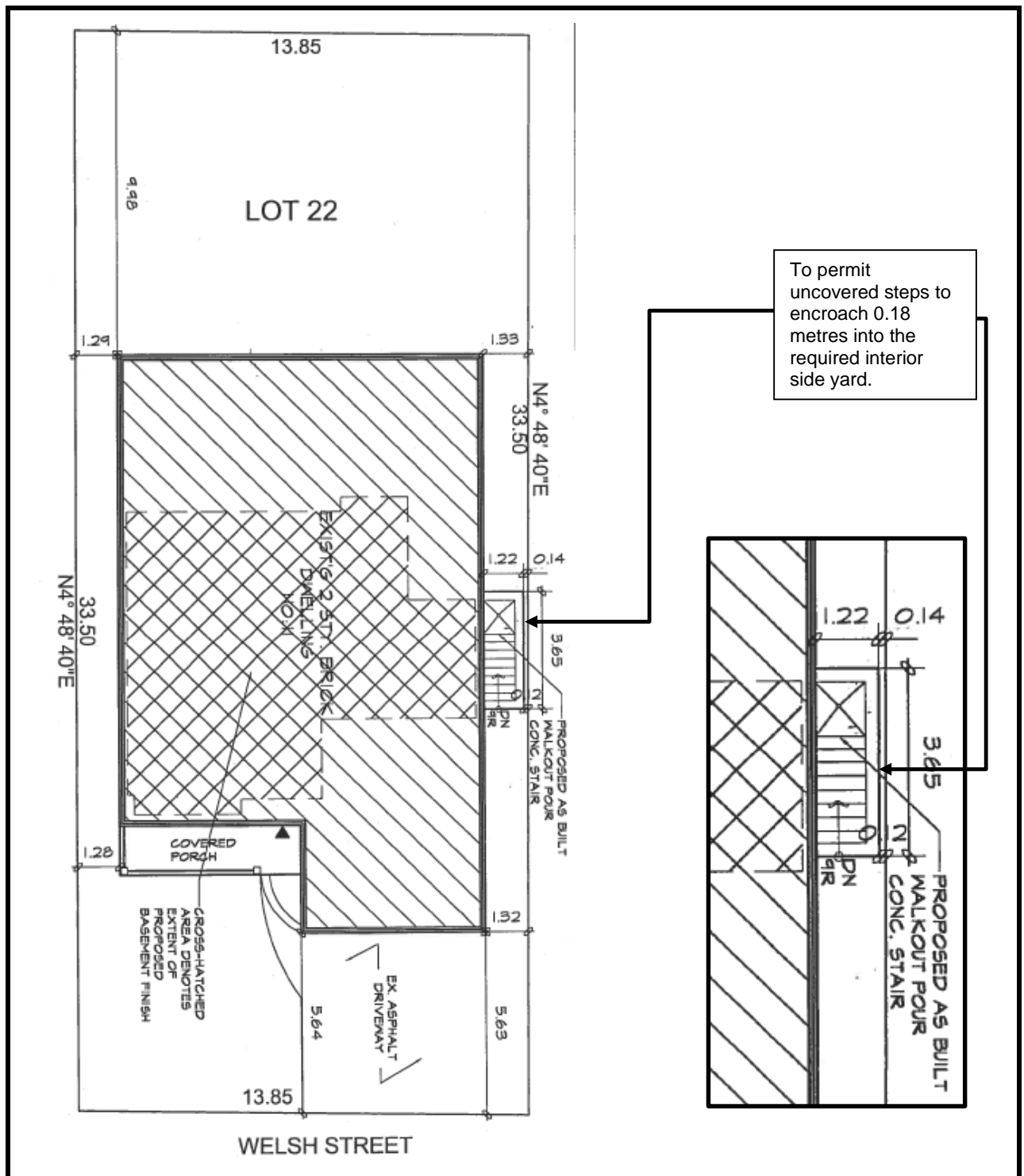
Date: September 28th, 2016

Figure 1

**Subject Lands
11 Welsh Street**



**Town of Ajax
Planning & Development Services**



Application File No. A40/16

Applicant: Samira and Abdul
Sabur Khair Muhammad

Date: September 28th, 2016

Figure 2

Site Plan
11 Welsh Street



Town of Ajax
Planning & Development Services



Application File No. A40/16

**Applicant: Samira and Abdul
Sabur Khair Muhammad**

Date: September 28th, 2016

Figure 3

**Site Photo
11 Welsh Street**



**Town of Ajax
Planning & Development Services**