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## AGENDA

### COMMITTEE OF ADJUSTMENT

Town Hall  
65 Harwood Avenue South, Ajax  
Council Chambers  
**Wednesday, August 26, 2015**  
**Meeting: 7:00 p.m.**

#### Open Meeting

1. Call to Order
2. Disclosure of Interest
3. Adoption of [July 29, 2015 Committee of Adjustment meeting minutes](#) and [August 5, 2104 \(Special Meeting\) Committee of Adjustment minutes](#).
4. Outline of the General Mandate of the Committee of Adjustment.
5. Applications:
  - a. [A12/15 – 180 Station Street – Green Storage](#)

To permit a minimum of 40 required parking spaces, a minimum setback of 3.0 metres from the west interior side lot line, and to permit a minimum setback from the CN Rail right-of-way of 16.6 metres.
  - b. [A22/15 – 14 Holroyd Street – Muhammad Yahya](#)

To permit uncovered steps to encroach 0.6 metres into the required 1.2 metres east interior side yard setback.
  - c. [A23/15 – 50 Marjoram Drive – Tina Fang \(Item Deleted\)](#)

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.
  - d. [A24/14 – 69 Admiral Road - Andrew and Margit Mascella](#)

To permit a maximum accessory building (garage) height of 5.8 metres above the established grade, a maximum lot coverage of 12.5% and a maximum total gross floor area of 72.5 m<sup>2</sup> for an accessory building (garage).
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 July 29, 2015 @ 7:00 P.M.**

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

**Absent:** Lori Roberts, Member

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**1. Call to Order – July 29, 2015, Town of Ajax, Committee of Adjustment Meeting**

Meeting called to order at 7:00 p.m. on July 29, 2015.

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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 June 24, 2015 and Town of Ajax Committee of Adjustment Meeting Minutes**

Chair Milligan asked for a motion to adopt the minutes from the June 24, 2015 Committee of Adjustment meeting.

Proposed by: Member Briand  
Seconded by: Member Ahmed

**Vote: All in Favour**

**Carried**

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**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.

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**5. Applications**

**Minor Variance Application A20/15  
Sundial Homes  
12 Headon Avenue  
Lot 175, Draft Plan of Subdivision S-A-2007-03**

**To permit a minimum lot frontage of 10.7 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.

**That the Committee of Adjustment approve Minor Variance Application A20/15, submitted by Sundial Homes (Ajax) Limited, to permit a minimum lot frontage of 10.7 metres.**

Mr. Lyall Ralph, from Sundial Homes, was in attendance to represent the application.

Member Molinari moved a motion to approve the applications 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 Briand

**All in favour**

**Carried**

**Decision: That the Committee of Adjustment approve Minor Variance Application A20/15, submitted by Sundial Homes (Ajax) Limited, to permit a minimum lot frontage of 10.7 metres.**

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**6. Other Business/New Business Continued**

**7. Adjournment**

Proposed by: Member Briand  
Seconded by: Member Ahmed

**All in favour**

**Carried**

Meeting adjourned at 7:21 p.m.

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Matthew Milligan  
Chair

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Sean McCullough, BES  
Secretary-Treasurer

DRAFT

**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 5, 2015 @ 7:00 P.M.**

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

**Absent** Wasif Ahmed, Member

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**1. Call to Order – August 5, 2015, Town of Ajax, Committee of Adjustment Meeting**

Meeting called to order at 7:01 p.m. on August 5, 2015.

Member Ahmed was absent for the beginning of the meeting.

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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. 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.

Member Ahmed joined the meeting at 7:03 p.m.

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**4. Applications**

**Minor Variance Application A21/15  
2450620 Ontario Ltd.  
180 Achilles Road**

**To permit:**

- **A minimum off-street parking requirement of 1 parking space per 128.7 m<sup>2</sup> of total gross floor area;**
- **One (1) loading space;**
- **A minimum setback from the interior (west) side lot line of 0.5 metres;**

- **A minimum setback from the interior (east) side lot line of 5.9 metres;**
- **A minimum built frontage located between 3 metres (minimum) and 26 metres; (maximum) of the front lot line; and**
- **A driveway aisle and a single row of visitor parking between an adjacent street and any part of the building facade within the build-within zone.**

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.

**That Minor Variance Application A21/15 submitted by 2450620 Ontario Ltd. to permit:**

- **A minimum off-street parking requirement of 1 parking space per 128.7 m<sup>2</sup> of total gross floor area;**
- **One (1) loading space;**
- **A minimum setback from the interior (west) side lot line of 0.5 metres;**
- **A minimum setback from the interior (east) side lot line of 5.9 metres;**
- **A minimum built frontage located between 3 metres (minimum) and 26 metres; (maximum) of the front lot line; and**
- **A driveway aisle and a single row of visitor parking between an adjacent street and any part of the building facade within the build-within zone.**

**be approved subject to the following conditions:**

- 1. That the applicant obtain approval of Site Plan Application SP7/15 and enter into a site plan agreement with the Town, to the satisfaction of the Town, or this decision shall become null and void;**
- 2. That the applicant obtain a building permit from the Town or this decision shall become null and void; and**
- 3. That the applicant obtain a building and land use permit, and a sign permit from the Ministry of Transportation prior to the issuance of a building permit at the Town.**

Mr. Scott Waterhouse, from GHD, and Mr. Tim Varcoe were in attendance to represent the application and gave a brief overview of the application.

No other interested parties were in attendance to speak regarding this application.

Member Molinari moved a motion to approve the applications subject to the conditions in the staff report with the minor amendment to condition 3 adding the phrase “if required” following the wording permit 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 Minor Variance Application A21/15 submitted by 2450620 Ontario Ltd. to permit:

- A minimum off-street parking requirement of 1 parking space per 128.7 m<sup>2</sup> of total gross floor area;
- One (1) loading space;
- A minimum setback from the interior (west) side lot line of 0.5 metres;
- A minimum setback from the interior (east) side lot line of 5.9 metres;
- A minimum built frontage located between 3 metres (minimum) and 26 metres; (maximum) of the front lot line; and
- A driveway aisle and a single row of visitor parking between an adjacent street and any part of the building facade within the build-within zone.

be approved subject to the following conditions:

1. That the applicant obtain approval of Site Plan Application SP7/15 and enter into a site plan agreement with the Town, to the satisfaction of the Town, or this decision shall become null and void;
2. That the applicant obtain a building permit from the Town or this decision shall become null and void; and
3. That the applicant obtain a building and land use permit, and a sign permit if required from the Ministry of Transportation prior to the issuance of a building permit at the Town.

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**5. Other Business/New Business Continued**

**6. Adjournment**

Proposed by: Member Ahmed  
Seconded by: Member Briand

**All in favour**

**Carried**

Meeting adjourned at 7: 32 p.m.

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Matthew Milligan  
Chair

Sean McCullough, BES  
Secretary-Treasurer

**TOWN OF AJAX  
REPORT**



**REPORT TO:** Committee of Adjustment

**SUBMITTED BY:** Sean McCullough, BES  
Development Planner

**PREPARED BY:** Philip Yeung, BLA, OALA, CLSA, MCIP, RPP  
Development Landscape Architect

**SUBJECT:** **Minor Variance Application A12/15  
Green Storage Ajax Inc.  
180 Station Street**

**WARD:** 3

**DATE OF MEETING:** August 26, 2015

**REFERENCE:** Site Plan Amendment SPA8/13

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**RECOMMENDATION:**

**That the Committee of Adjustment approve Minor Variance Application A12/15, submitted by Green Storage Ajax Inc., to permit a minimum of 40 parking spaces, a minimum setback of 3.0 metres to the west interior side lot line, and a setback from the CN rail line of 16.6 metres from the edge of the railway right-of-way, subject to the following conditions:**

- 1. That the applicant obtain approval of Site Plan Amendment Application SPA8/13 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:**

The applicant submitted Site Plan Amendment Application SPA8/13 on November 6, 2013 to add new office space and storage units along the south side of the existing building (Building A) located at 180 Station Street. A conditional building permit for Building A was issued on May 8, 2014.

On January 9, 2015, the applicant requested to expand the scope of the application. The revised application proposed to develop 5 additional buildings. In total, the site would consist of 6 buildings with a total gross floor area of 8,810 m<sup>2</sup> (94,836 ft<sup>2</sup>). Given that the scope of work changed and in order not to delay the completion of Building A's exterior and interior alternations, a full building permit for Building A was issued on January 13, 2015, and it is now substantially completed.

The application was forwarded to the April 29, 2015 Committee of Adjustment meeting, and was deferred by the committee as the application was deemed pre-mature by staff. A thorough review



of the site plan application has been completed by staff, and it has been determined that no additional variance requests are required.

The following minor variances have been requested:

- A minimum of 40 parking spaces; whereas, the zoning by-law requires 315 required spaces.
- A minimum setback of 3.0 metre to the west interior side lot line; whereas, the zoning by-law required 4.5 metres.
- A minimum 16.6 metre setback from the CN railway right-of way; whereas, the zoning by-law requires 30 metres.

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

The subject property (180 Station Street) is located on the north side of Old Station Street and Station Street (See Figure 1 – Subject Lands). Abutting the lands to the north is the CN rail line. To the south, across Old Station Street are vacant employment lands owned by the Town, to the west are active employment businesses and to the east is an existing woodlot.

### **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.

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 (Highway 401) and does not permit outside storage. The Built Environment policies of the Official Plan require an improved visual appearance of the Town along Highway 401. 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 within 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, public storage facility, recreation facility, restaurant, veterinary clinic and warehouse/distribution centre. The proposed use is permitted within Zoning By-law 95-2003, as amended.

### **Requested Minor Variances:**

#### ***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 proposed development. The Town's zoning by-law currently provides parking rates based on the use and the proposed gross floor area of a building. Parking rates for public storage facilities have not been identified in Section 5.10.2, Parking Requirements for Non-Residential Uses. Therefore, a parking rate of one (1) space per twenty-eight (28) square metres of gross floor area (GFA) applies to all other uses not listed in the By-law. With a total GFA of 8,810 m<sup>2</sup>, the total required parking spaces would be 315.

A Parking Utilization Study was prepared and submitted by Crozier & Associates on April 7, 2015, in support of the request to permit a minimum of 40 parking spaces. The study examined parking usage at the existing facility located at 180 Station Street over a week. The parking surveys were

completed daily between 9:00 a.m. to 11:00 a.m. and 3:00 p.m. to 5:00 p.m. from Wednesday March 11, 2015 to Thursday March 19, 2015 excluding Sunday, March 15, 2015. The timing of the surveys were undertaken in order to determine the parking demands at the site during the peak parking times at the self-storage facility. The study concluded that the forecasted weekday and Saturday peak parking demands can be accommodated by the proposed 40 parking space supply proposed for the site. Additional barrier-free parking spaces are not required as current conditions meet the zoning by-law requirements of a minimum of two (2) barrier-free parking spaces required where 20 to 200 parking spaces are provided.

Town of Ajax Planning and Transportation staff have reviewed the Parking Utilization Letter and are satisfied that the proposed 40 parking spaces are 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 Setback from an Interior Side Lot Line Variance***

The intent of the minimum setback from an interior side lot line is to provide an appropriate buffer and privacy between neighbouring properties. The applicant has requested relief from the By-law to permit a 3.0 metres setback from an interior side lot line; whereas, Zoning By-law 95-2003, as amended, requires a minimum setback of 4.5 metres from an interior side lot line.

The applicant has requested the variance to create indoor motor vehicle storage, as outdoor storage is not permitted on the subject lands. The proposed unit size for the car storage is 3.05 m wide by 6.0 m long. As illustrated on the auto turn analysis (*See Figure 2 – Proposed Site Plan*), it would be beneficial to create as much space as possible to have vehicles enter the unit safely.

The proposal would maintain a 3.0 metre setback. The applicant has proposed to provide a row of trees within the minimum 3.0 metres interior side yard west side of Building B that would buffer the proposed building. The requested variance is considered to be minor in nature and desirable for the appropriate development of the land.

### ***Minimum Setback from a CN Rail Line Variance***

The purpose of the 30.0 metres minimum setback from a railway line is to ensure that buildings are a safe distance away from and are not negatively impacted by the functions of a railway line. The Town has included the 30.0 metres minimum setback within its Zoning By-law under Section 4.21.2, as it is the minimum distance that Canadian National Railway (CNR) would allow development to locate in relation to their right-of-way.

The applicant is requesting relief from the By-law requirement to permit a minimum setback of 16.6 metres from the edge of the railway right-of-way (*See Figure 2 – Proposed Site Plan*). The proposed setback is in keeping with the existing alignment of Building A. The applicant also notes that most of the adjacent neighbouring properties have existing buildings with a setback less than 10 metres. Furthermore, the Committee of Adjustment has approved a similar variance to permit a minimum setback of 14.6m for a new residential building located at 50 Station Street.

Prior to submission of the variance application, staff requested comments from CN Rail regarding the setback requirement in relation to the Site Plan Application. The email concluded that “CN would not object to a variance for a reduced setback to 16.6 m”. 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;

CN Transportation Services: CN would not object to a variance for a reduced setback to 16.6 metres.

**Conclusion:**


Based on the above discussion, Staff are of the opinion that **Minor Variance Application A12/15**, submitted by Green Storage Ajax Inc, to permit a minimum of 40 parking spaces, a minimum setback of 3.0 metres to the west interior side lot line, and a setback from the CN rail line of 16.6 metres from the edge of the railway right-of-way, is:

- 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.



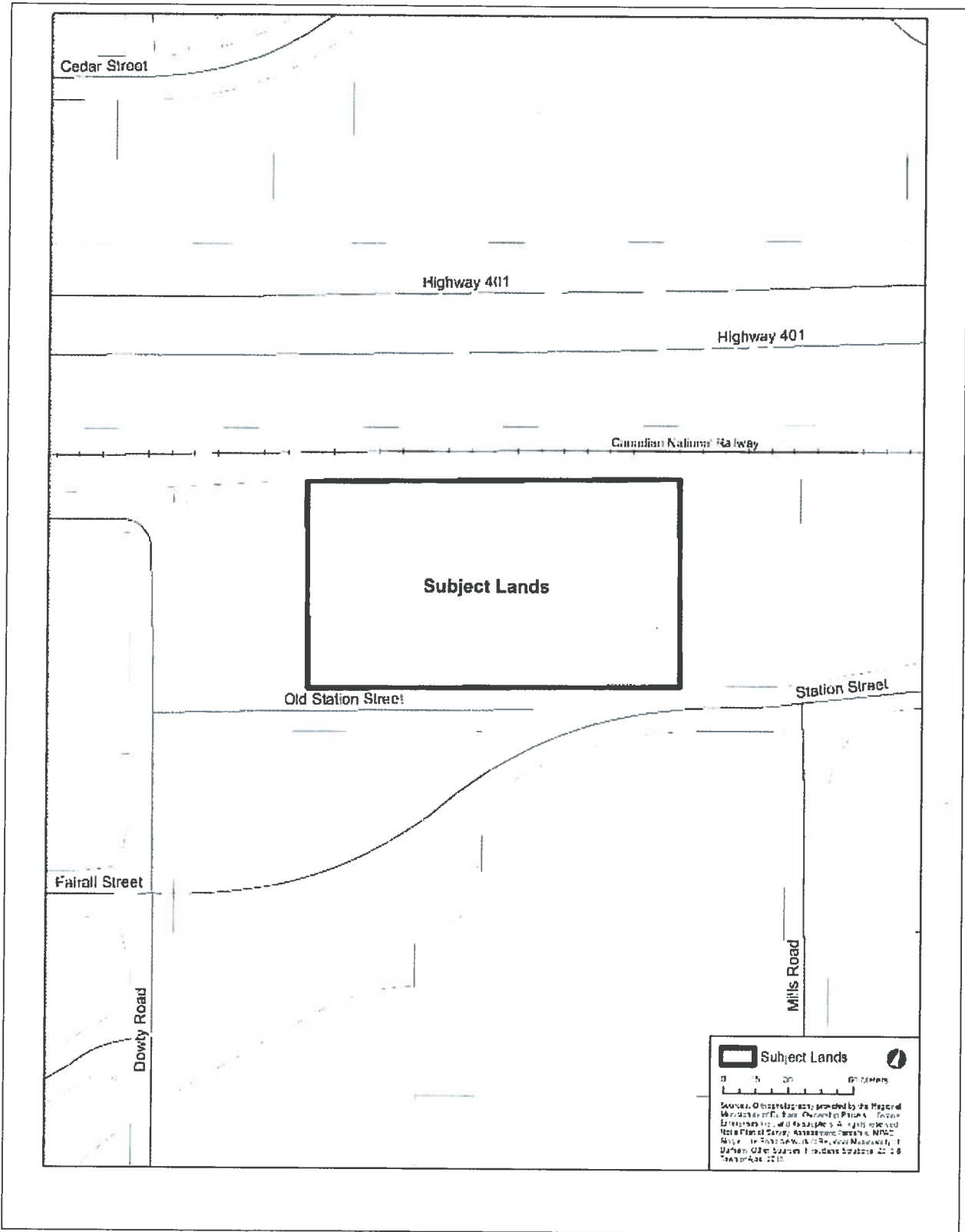
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Philip Yeung,  
BLA, OALA, CLSA, MCIP, RPP  
Development Landscape Architect



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



Application File No. A12/15

Applicant:  
Green Storage Ajax Inc

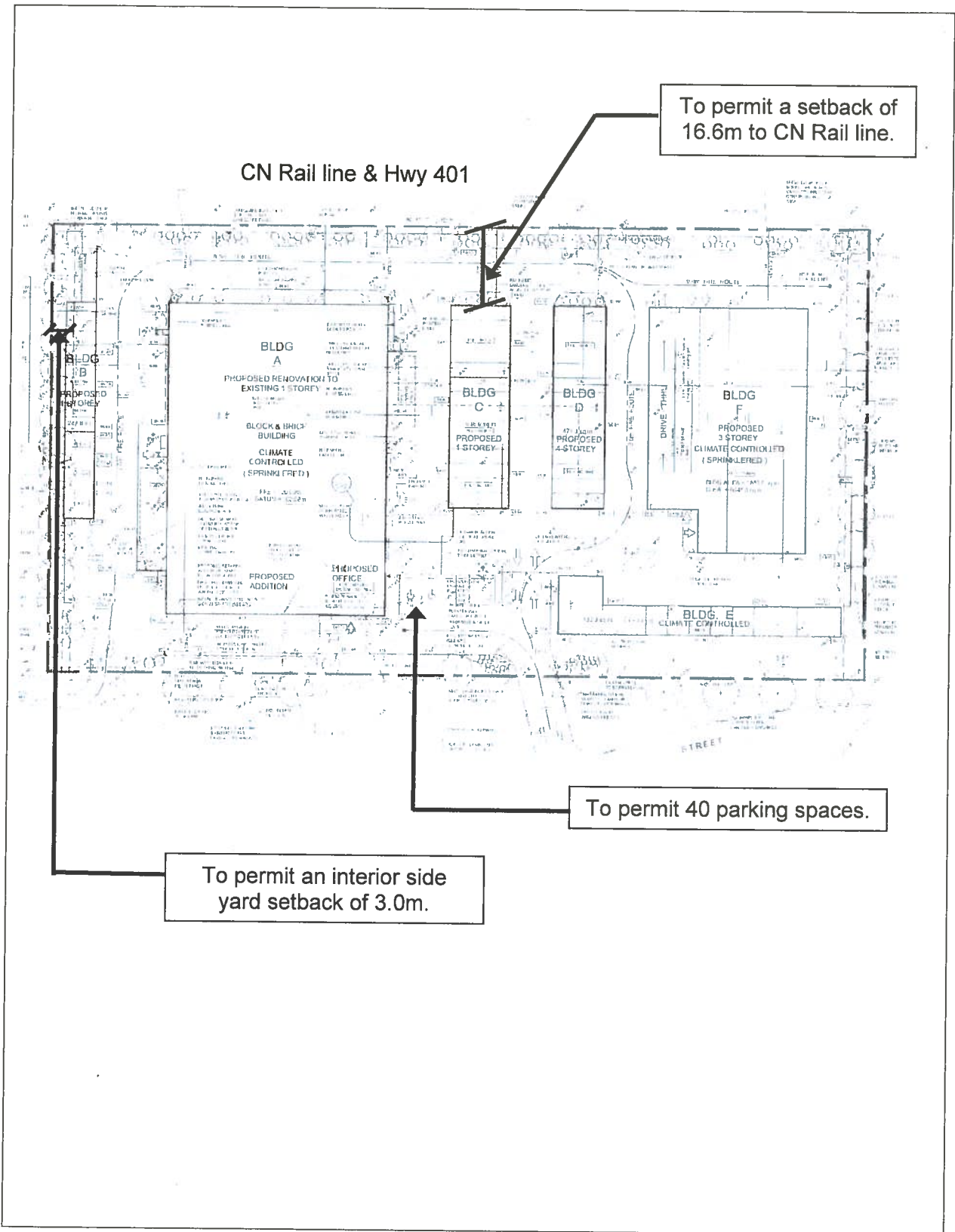
Date: August 26, 2015

Figure 1

Subject Lands  
180 Station Street



Town of Ajax Planning and  
Development Services



To permit a setback of 16.6m to CN Rail line.

CN Rail line & Hwy 401

To permit 40 parking spaces.

To permit an interior side yard setback of 3.0m.

Application File No. A12/15

Applicant:  
Green Storage Ajax Inc

Date: August 26, 2015

Figure 2

Proposed Site Plan  
180 Station Street



Town of Ajax Planning and  
Development Services





# TOWN OF AJAX REPORT



**Report To:** Committee of Adjustment

**Submitted and Prepared By:** Sean McCullough, BES  
Development Planner

**Subject:** **Minor Variance Application A22/15**  
**Muhammad Yahya**  
**14 Holroyd Street**  
**Lot 101, Plan 40M-2504**

**Ward:** 2

**Date of Meeting:** August 26, 2015

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## **Recommendation:**

**That the Committee of Adjustment approve Minor Variance Application A22/15, submitted by Muhammad Yahya, to permit uncovered steps to encroach 0.6 metres into the required 1.2 metre east interior side yard setback, subject to the following condition:**

- 1. That the Owner obtain a building permit for the side entrance, as identified on Figure 2, or this decision shall become null and void.**

## **Background & Proposal:**

The applicant installed a side entrance into the dwelling without a building permit prior to final grading of the subject property. Following grading of the subject property it was determined that the door was installed below the final grade identified on the grading plans. In order to accommodate the door one step below grade is required to access the door. The applicant has submitted a building permit for a finished basement and the side entrance.

Uncovered steps are not permitted to encroach into the required interior side yard. As a result, the owner has submitted a minor variance application, to permit uncovered steps to encroach 0.6 metres into the required 1.2 metre east interior side yard.

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

The subject property is located on the north side of Holroyd Street and is municipally known as 14 Holroyd Street. The subject 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 uses such 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 – 'F' (R1-F) Zone within Zoning By-law 95-2003, as amended, and is subject to Exception 149. Detached dwellings are permitted within the R1-F zone. The subject property complies with all applicable zone provisions, except the encroachment requirements permitted within Section 4.2 of the Zoning By-law.

**Requested Minor Variance:*****Interior Side Yard Encroachment 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 that is typically provided in these locations is preserved. It is also to ensure that there is sufficient space in an interior side yard to access the rear yard in the event of an emergency. The requested variance is to permit existing uncovered steps which provide access to a side entrance of the dwelling, to encroach a maximum of 0.6 metres into the required 1.2 metre east interior side yard setback.

The existing uncovered steps are located in the east interior side yard and would maintain a setback of 0.46 metres from the interior side lot line. The steps maintain access to the rear yard by providing one step down, and a return step to grade. A setback of 1.47 metres will be maintained from the interior side lot line to the door, providing uninterrupted access to the door. Therefore, the requested variance to permit uncovered steps to encroach 0.6 metres into the required east interior side yard setback is considered to be minor in nature and desirable for the appropriate development of the lands.

**Other Comments:**

**Design Services -** no comments;

**Transportation Services -** no comments;

**Building Services -** a building permit is required for the entrance into the dwelling;

**Operations -** no comments;

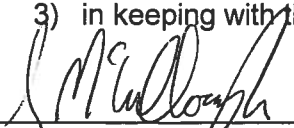
**Fire Services -** no comments;

**Engineering Services -** Existing sideyard swale to be maintained. Proposed work to not adversely affect the drainage of adjacent lots.

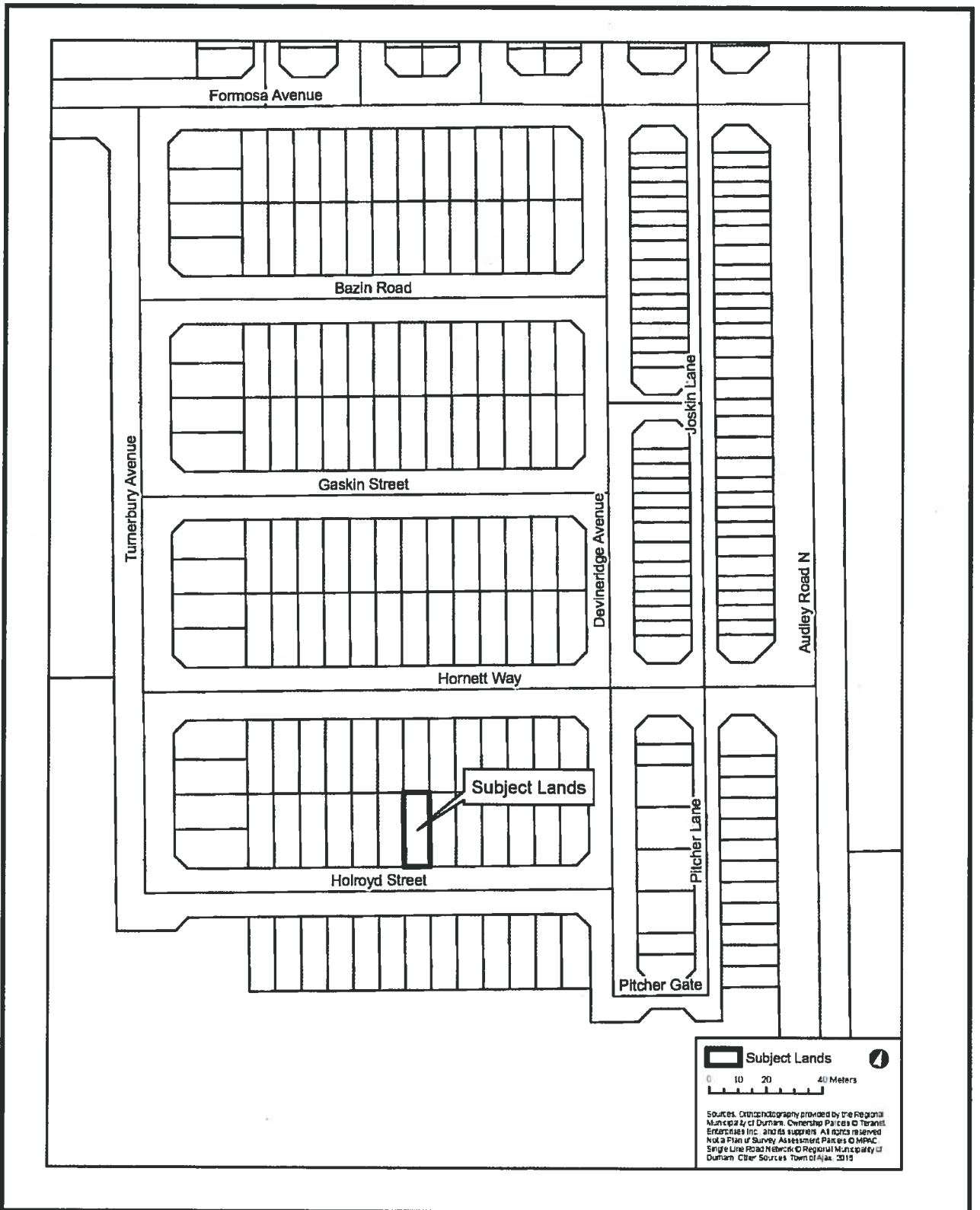
**Conclusion:**


Based on the discussion above, staff are of the opinion that **Minor Variance Application A22/15**, submitted by Muhammad Yahya, to permit uncovered steps to encroach 0.6 metres into the required 1.2 metre east interior side yard setback, is:

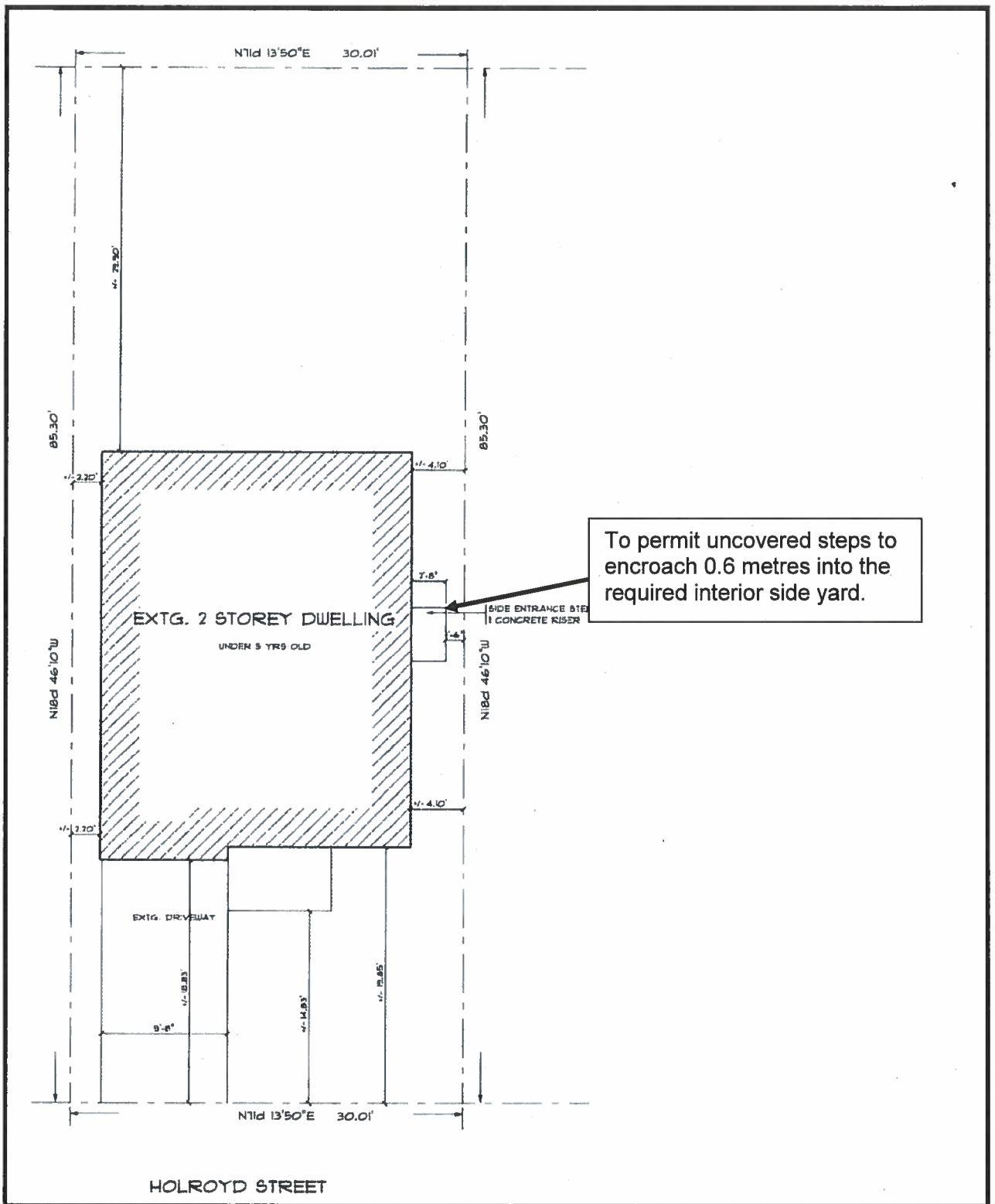
- 1) minor in nature;
- 2) desirable for the appropriate development and use of the lands; and
- 3) in keeping with the general intent and purpose of the Official Plan and Zoning By-law.


  
Sean McCullough, BES  
Development Planner





<p>Application File No. A22/15</p> <p>Applicant: MUHAMMAD YAHYA</p> <p>Date: August 26, 2015</p>	<p>Figure 1</p> <p>Subject Lands 14 Holroyd Street</p>	 <p>Town of Ajax Planning &amp; Development Services</p>
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<p>Application File No. A22/15</p> <p>Applicant: MUHAMMAD YAHYA</p> <p>Date: August 26, 2015</p>	<p>Figure 2</p> <p>Proposed Site Plan 14 Holroyd Street</p>	 <p>Town of Ajax Planning &amp; Development Services</p>
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Application File No. A22/15

Applicant: MUHAMMAD  
YAHYA

Date: August 26, 2015

Figure 3

Photo  
14 Holroyd Street



Town of Ajax  
Planning & Development Services

## TOWN OF AJAX REPORT



Report To: Committee of Adjustment

Submitted By: Sean McCullough, BES  
Development Planner

Prepared By: Amanda Dunn, MES  
Development Planner

Subject: **Minor Variance Application A24/15**  
**Andrew & Margit Mascella**  
**69 Admiral Road**  
**Lot 120, Plan 468**

Ward: 4

Date of Meeting: August 26, 2015

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### **Recommendation:**

That the Committee of Adjustment approve Minor Variance Application A24/15 submitted by Andrew & Margit Mascella, to permit a maximum accessory building height of 5.8 metres above the established grade and a maximum gross floor area of 72.5 m<sup>2</sup> and maximum lot coverage of 12.5% for an accessory building (detached garage), subject to the following conditions:

1. That the proposed accessory building is not to be used for human habitation or occupation for gain as per Section 4.1.1 ii); and
2. That the Owner obtain a building permit for the proposed accessory building, or this decision shall become null and void.

### **Background & Proposal:**

The applicant is proposing to construct a two storey, 72.5 m<sup>2</sup> accessory building (detached garage) for the parking of personal vehicles and personal storage. The applicant has indicated that there is currently a lack of storage for their personal belongings and vehicles and would like to construct an accessory building to address this need. The second storey (loft area) of the accessory building is to accommodate storage of personal belongings and will not have a bathroom or a kitchen.

A minor variance is being requested to permit a maximum accessory building height of 5.8 metres above the established grade, a maximum gross floor area of 72.5 m<sup>2</sup>, and a lot coverage of 12.5%; whereas, the Zoning By-law requires a maximum accessory building height of 4.5 metres, a maximum gross floor area of 60.0 m<sup>2</sup>, and maximum lot coverage of 10%.

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

The subject property is located on the east side of Admiral Road, located within the Memorial Village Neighbourhood. The property has a lot area of 0.14 acres (580.5 square metres). Abutting the property to the north, south and to the west, across Admiral Road, are single detached dwellings. Abutting the property to the east is the Achilles Road Greenebelt and open space area (See Figure 1- Subject Lands).

**Town of Ajax Official Plan:**

The subject property is designated 'Low Density Residential' within the Town's Official Plan, which permits such uses as, single detached dwellings, semi-detached dwellings, duplex dwellings and linked dwellings up to a maximum density of 30 units per net hectare. The requested variance conforms to the policies of the Town of Ajax Official Plan.

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

The subject property is zoned Residential One – 'B' (R1-B) Zone by Zoning By-law 95-2003, as amended. This zone category permits single detached dwellings. Accessory buildings, structures and uses are permitted in all zones, subject to meeting the provisions of Section 4.1.1 General Provisions – Accessory Buildings, Structures and Uses of the Zoning By-law. Section 4.1.1.1 v) which states that the total lot coverage of all accessory buildings and structures on a lot shall not exceed 10% of the lot area to a maximum gross floor area of 60.0 m<sup>2</sup>, nor may any part of any accessory building or structure be located more than 4.5 metres above the established grade.

The proposed accessory building complies with all other applicable zone standards, except the maximum accessory building height, lot coverage and maximum gross floor area of the General Provisions.

**Requested Minor Variances:*****Maximum Accessory Building Floor Area and Lot Coverage Variances:***

The intent of the maximum lot coverage and maximum gross floor area for accessory buildings is to maintain an appropriate amount of amenity area and to regulate the maximum size and mass of accessory buildings on a lot. The proposed detached garage is considered an accessory building by Zoning By-law 95-2003, as amended. An accessory building is defined as a detached building or structure that is subordinate to and customarily incidental to the principle building, structure or use on the same lot. The proposed accessory building is clearly subordinate to the principle use on the lot, being a residential dwelling.

Zoning By-law 95-2003 permits a maximum lot coverage of 10% for all accessory buildings and structures on a lot to a maximum gross floor area of 60 m<sup>2</sup>. The proposed accessory building would occupy 12.5% of the lot area with a total gross floor area of 72.5 m<sup>2</sup> (2.5% and 12.5 m<sup>2</sup> in excess of the maximum permitted). The subject property is large enough (580.5 m<sup>2</sup>) to accommodate the proposed accessory building without compromising the size of the rear yard amenity area. Further, the proposed gross floor area of the building would not be out of character with the neighborhood, as surrounding properties have similar approved accessory buildings and structures. Thus, the request to permit a gross floor area increase would be considered minor in nature and an appropriate use of the land.

***Maximum Accessory Building Height Variance:***

The intent of the maximum height requirement for an accessory building and structure is to ensure that these buildings or structures do not adversely impact abutting properties with respect to visual impact, overshadow and overlook. The abutting property to the south would be most affected by the proposed accessory building. However, there is existing vegetation and the addition of privacy fencing that would provide screening and minimize the visual impact of the accessory building to the property to the south (See Figure 4 – Rear Yard). The zoning by-law requires that an accessory building be setback a minimum of 0.6 metres from any rear or interior side lot line. The proposed

accessory building will be sited beyond the required accessory building setbacks and have a setback of 0.76 metres from the interior south lot line and the rear lot line (See Figure 2- Proposed Site Plan).

Additionally, the view from Admiral Street would be diminished by virtue of the grade change on the property. The front portion of the property, where the existing house is situated, is higher than the rear portion of the property where the proposed accessory building would be located. This difference in grade would convey the perception that the proposed accessory building is lower in height than the proposed height of 5.8 metres and would not visually overpower the principle use of the subject property; being the existing dwelling (See figure 4 – Aerial Images).

Given the existing vegetation, privacy fence, the proposed setback from the property lines, as well as the grade change, staff are of the opinion that the proposed variances maintains the general intent and purpose of the Official Plan and Zoning By-law, and is considered to be minor in nature.

#### **Other Comments:**

**Design Services –** If any trees are to be removed, Design Services advises the home owner to contact and to notify adjacent neighbours regarding the proposed tree removal, and ensure the neighbouring tree(s) are not being impacted. Tree removal should be done by a certified arborist.

**Transportation Services –** no comment.

**Building Services –** The use of the building that the variance is being requested was reviewed for storage purposes only. If a use other than storage is proposed, different construction may be required. A building permit will be required for the building.

**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 A24/15**, submitted by Andrew and Margit Mascella, to permit a maximum accessory building (detached garage) height of 5.8 metres above the established grade, and a maximum gross floor area of 72.5 m<sup>2</sup>, and a maximum lot coverage of 12.5% for an accessory building 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.



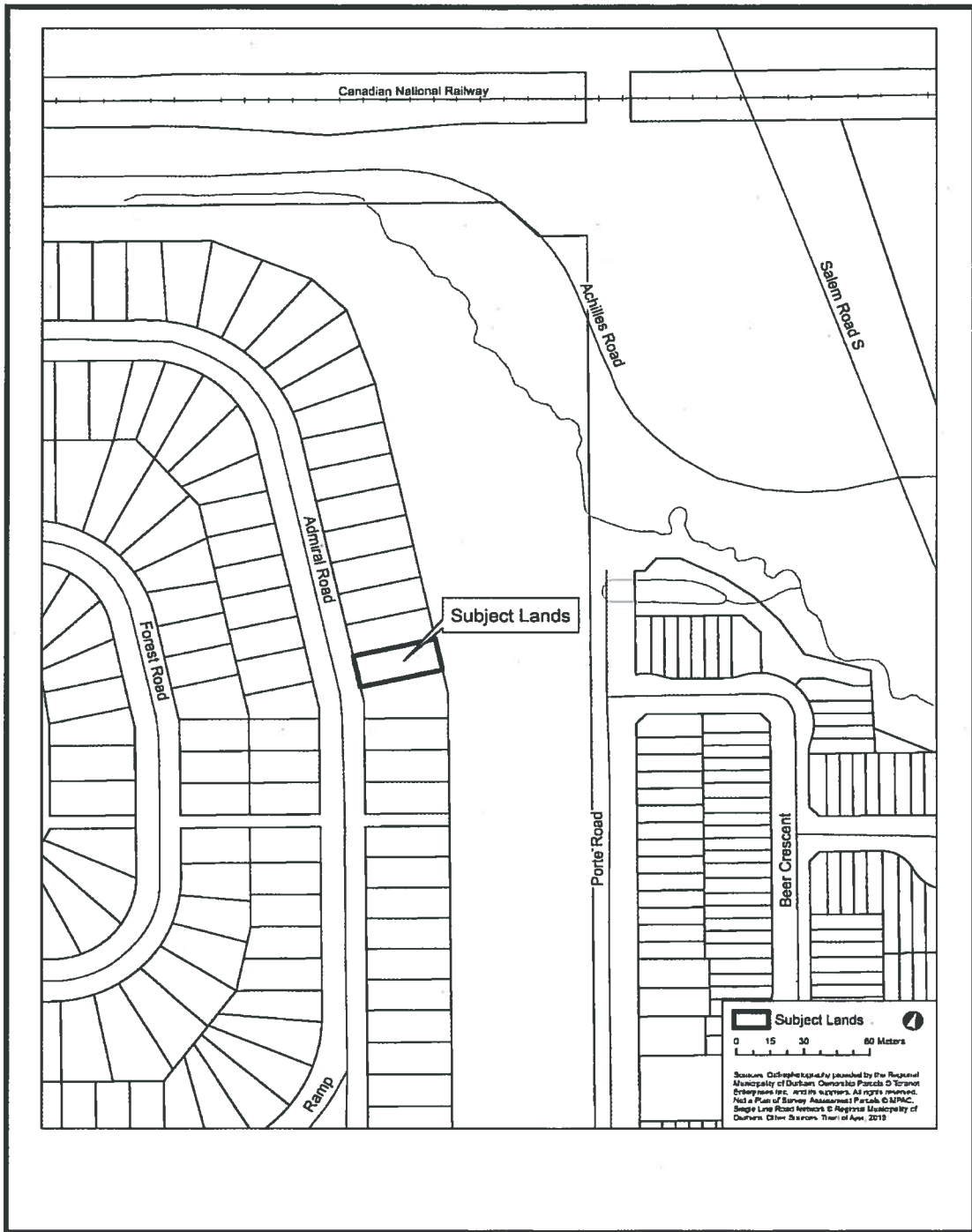
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Amanda Dunn, MES  
Development Planner



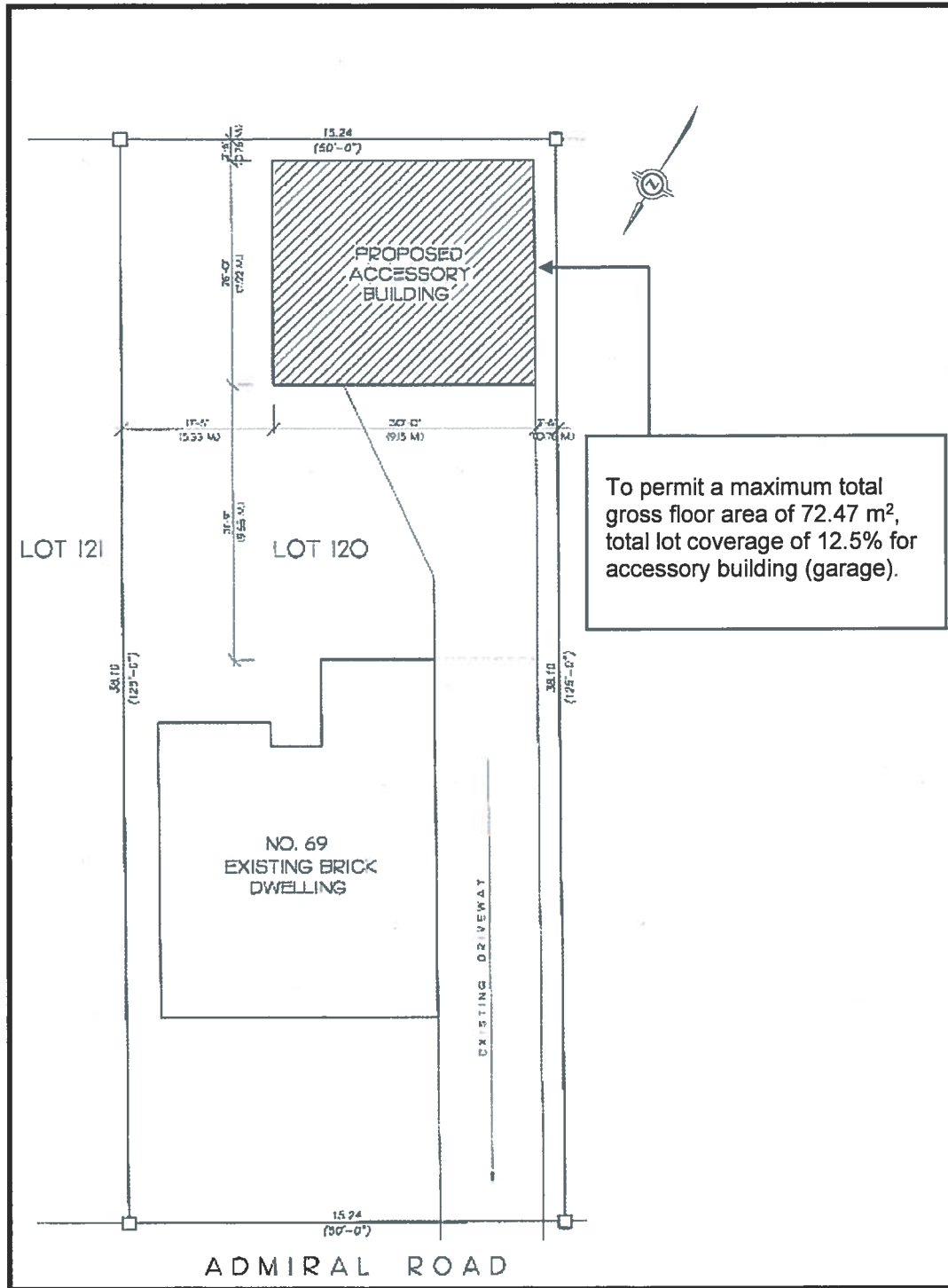
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Sean McCullough, BES  
Development Planner

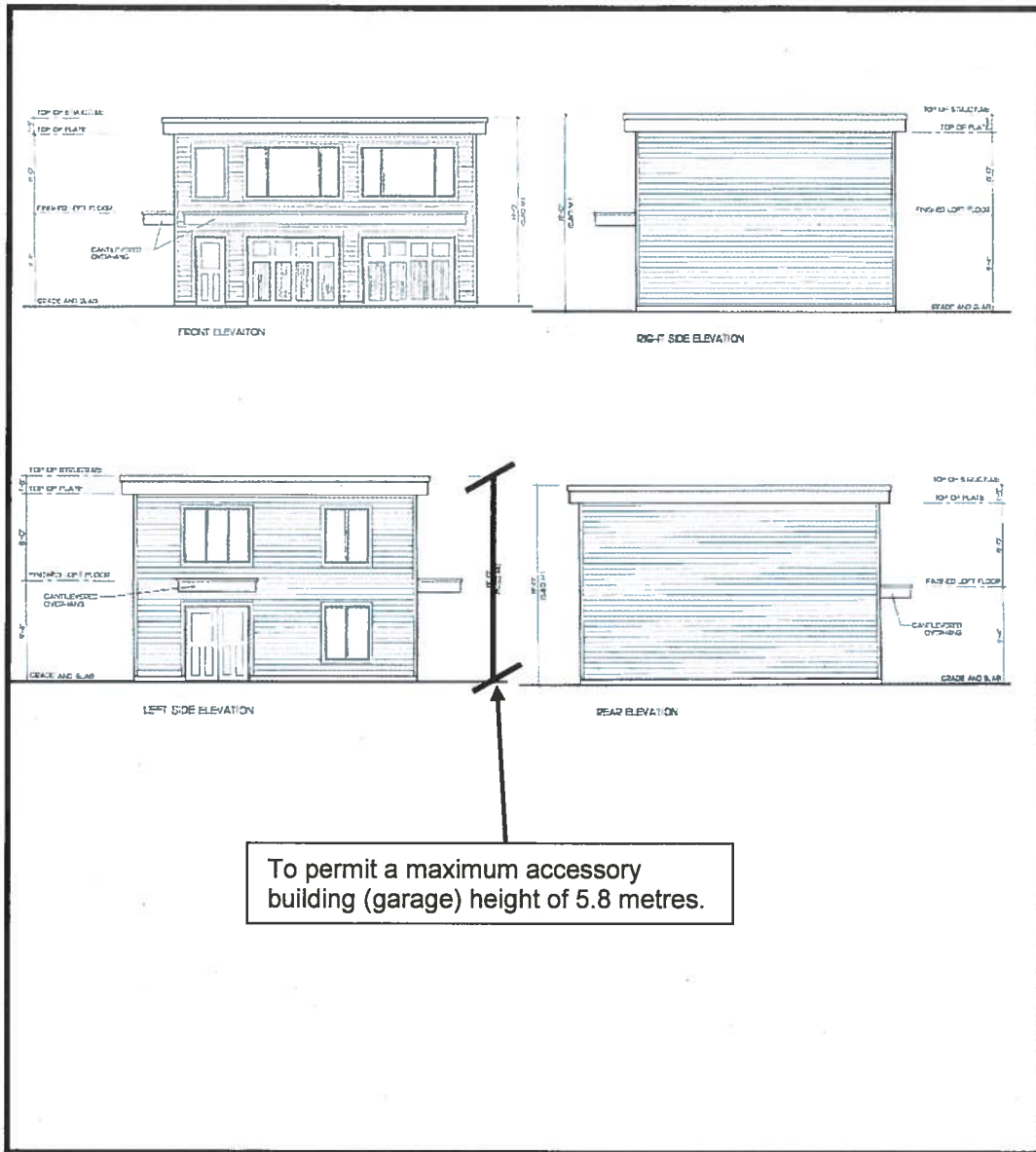



<p><b>Application File No.</b> A24/15</p> <p><b>Applicant: Andrew and Margit Mascella</b></p> <p><b>Date: August 26, 2015</b></p>	<p><b>Figure 1</b></p> <p><b>Subject Lands</b> <b>69 Admiral Road</b></p>	 <p><b>Town of Ajax</b> <b>Planning &amp; Development Services</b></p>
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<p><b>Application File No. A24/15</b></p> <p><b>Applicant: Andrew and Margit Mascella</b></p> <p><b>Date: August 26, 2015</b></p>	<p><b>Figure 2</b></p> <p><b>Proposed Site Plan</b></p> <p><b>69 Admiral Road</b></p>	 <p><b>Town of Ajax</b> <b>Planning &amp; Development Services</b></p>
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<p><b>Application File No. A24/15</b></p> <p><b>Applicant: Andrew and Margit Mascella</b></p> <p><b>Date: August 26, 2015</b></p>	<p><b>Figure 3</b></p> <p><b>Proposed Elevations</b></p> <p><b>69 Admiral Road</b></p>	 <p><b>Town of Ajax</b> <b>Planning &amp;</b> <b>Development Services</b></p>
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**View of south property line from rear yard.**



**View of open space – immediately east of rear yard.**



**View of grade change- rear yard to existing dwelling**

<p><b>Application File No. A24/15</b></p>	<p><b>Figure 4</b></p>	
<p><b>Applicant: Andrew and Margit Mascella</b></p>	<p><b>Aerial Images 69 Admiral Road</b></p>	<p><b>Town of Ajax Planning &amp; Development Services</b></p>
<p><b>Date: August 26, 2015</b></p>		