
AGENDA

COMMITTEE OF ADJUSTMENT

Town Hall
65 Harwood Avenue South
Ajax, Ontario
Council Chambers

Wednesday, October 29, 2014

Meeting: 6:45 p.m.

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

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.



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sarah.moore@ajax.ca or 905-619-2529 ext. 3347

Committee Items

1. Call to Order
2. Disclosure of Interest
3. [September 24, 2014 Minutes](#)Page 2
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:
 - [A23/14 – 750 Rossland Road East – O’Connor Land and Cattle Co.](#)Page 10

To permit a Minimum Distance Separation (MDS II) setback of 88 metres to a Type A land use (762 Rossland Road E).
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 September 24, 2014 @ 6:45 P.M.**

Present: Matthew Milligan, Chair
Carolyn Molinari, Vice-Chair
Eldon Dixon, Member
Chris Daffern, Member
Sean McCullough, Technical Advisor/Secretary-Treasurer
Alejandro Cifuentes, Planner

Absent: Michael Briand, Member

1. Call to Order – September 24, 2014, Town of Ajax, Committee of Adjustment Meeting

Meeting called to order at 6:48 p.m. on September 24, 2014.

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.

3. Adoption of August 27, 2014, Town of Ajax, Committee of Adjustment Meeting Minutes

Chair Milligan asked for a motion to adopt the minutes from the August 27, 2014 Committee of Adjustment meetings.

Proposed by: Member Daffern
Seconded by: Member Dixon

Vote: All in Favour

Carried

4. Committee Discussion and Application Clarification.

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

Chair Milligan asked if any members had any questions regarding application A17/14.

Member Daffern had a question for staff if the door was required to open away from the building as a means of egress.

Mr. Cifuentes identified that the door could open inwards provided some internal alterations were made to the dwelling which had been recommended as a condition.

Member Dixon asked how staff would enforce the primary access for an accessory apartment.

Mr. Cifuentes identified that a building permit would be required for an accessory apartment, and access to an accessory apartment would have to be accommodated elsewhere on the subject property such as in the rear yard.

Member Daffern asked if there was a timeline for the removal of the deck.

Mr. Cifuentes identified that a timeline had not been included.

Chair Milligan asked if any members had any questions regarding application A21/14.

Member Dixon asked why an application for a minor variance to 5.4M is required when it is the provisions of the building permit that make that a requirement for approval

Technical Advisor/Secretary-Treasurer advised that a building permit could not be issued until all requirements, including parking were brought into compliance and two fees were required as they are two separate processes.

Chair Milligan asked if any members had any questions regarding application A21/14.

There were none.

5. 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.

6. Applications

**Minor Variance Application A17/14
Neil Mohan
10 Hulley Crescent**

To permit a minimum setback for access of 0.75 metres to an existing door from the east interior side 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 one response was received from the resident of 12 Hulley Crescent prior to the August Committee meeting and comments have been summarized within the staff report.

That the Committee of Adjustment approve Minor Variance Application A17/14, submitted by Brad Levere on behalf of Neil Mohan, to permit a minimum setback for access of 0.75 metres to an existing door from the interior (east) side lot line, subject to the following conditions:

- 1. That the Owner/Applicant obtain a building permit for the side door, including other necessary permits to make internal modifications to stairs and landings, or this decision shall become null and void;**
- 2. That the Owner/Applicant reduce the size of the rear yard platform (deck) to bring it into compliance with Zoning By-law 95-2003, as amended, or this decision shall become null and void, and;**
- 3. That the side door not be used as a principal access to the dwelling, or for an accessory apartment, or this decision shall become null and void.**

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

Mr. Brad Levere was in attendance and identified that he had no comments concerning the application.

Chair Milligan asked if any members had any questions for the applicant.

Member Molinari asked if the applicant was aware of the conditions and the work required to satisfy the conditions outlined in the staff report.

Mr. Cifuentes identified that staff from Planning and Building met with the applicant on site and discussed the requirements.

Member Molinari asked how the requirements for the building permit would be enforced.

Mr. Cifuentes identified that a building permit is required for the door and a condition of the building permit would be included to ensure the deck was in compliance.

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

Mrs. Ashley Yates, 12 Hulley Crescent, was in attendance and asked how the side entrance would be enforced not to be used for an accessory apartment.

Mr. Cifuentes identified that a building permit had not been issued for an accessory apartment, and as a result of the recommended condition alternative access would be required if a building permit was submitted.

Member Dixon asked how Mrs. Yates would like to see the issue addressed.

Mrs. Yates identified ideally she would like to see the door removed.

Chair Milligan asked what the distance was between Mrs. Yates house and property line.

Mrs. Yates identified she was unsure.

Member Daffern provided clarification that Mrs. Yates property was approximately 1.31 metres from the property line as identified in the staff report.

Member Molinari asked how many access points the dwelling at 10 Hulley Crescent had.

Mr. Cifuentes identified that there was an access at the front of the dwelling and the interior side yard. He further clarified that there was one additional access located at the rear of the dwelling.

Member Dixon asked why the deck was connected to this application.

Member Daffern identified that the application was previously deferred to allow staff time to review other non-compliances on the subject property, and this recommendation provided a resolution to deal with other non-compliances that existed on the subject property.

Chair Milligan asked if the east interior side yard was the primary access to the rear yard of 10 Hulley Crescent.

Mr. Cifuentes identified that the primary access was on the other side of the dwelling.

Chair Milligan asked if staff considered that this access was an appropriate distance that would not encroach on the adjacent subject property.

Mr. Cifuentes identified that staff considered this to be minor and appropriate access would be maintained for a secondary access.

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

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 as it was considered reasonable and met the four tests outlined in the Planning Act.

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

Member Dixon identified that he was unhappy with the condition to bring the deck into compliance.

Member Molinari identified that the condition would bring any zoning non-compliances on the subject property into compliance.

Chair Milligan asked if there were any further discussions.

There were none.

Decision: That the Committee of Adjustment approve Minor Variance Application A17/14 submitted by Brad Levere on behalf of Neil Mohan, to permit a minimum setback for access of 0.75 metres to an existing door from the interior (east) side lot line, subject to the following conditions:

- 1. That the Owner/Applicant obtain a building permit for the side door, including other necessary permits to make internal modifications to stairs and landings, or this decision shall become null and void;**
- 2. That the Owner/Applicant reduce the size of the rear yard platform (deck) to bring it into compliance with Zoning By-law 95-2003, as amended, or this decision shall become null and void, and;**
- 3. That the side door not be used as a principal access to the dwelling, or for an accessory apartment, or this decision shall become null and void.**

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

Seconded by: Member Dixon

Vote:

3-1

Carried

Minor Variance Application A21/14
Savitri Sankar
145 Dooley Crescent

To permit a a maximum driveway width of 5.4 metres.

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

The Planning report recommended that the Committee of Adjustment approve Minor Variance Application A21/14 submitted by Savitri Sankar, to permit a maximum driveway width of 5.4 metres, subject to the following conditions:

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

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

The applicant Mrs. Sankar was in attendance and had nothing further to add to the minor variance application.

Chair Milligan asked if any members had any questions for the applicant.

There were none.

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 the motion to approve the application subject to the conditions outlined in the staff report as the variance was considered minor and met the 4 tests outlined in the *Planning Act*.

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

There were none.

Decision: that the Committee of Adjustment approve Minor Variance Application A21/14 submitted by Savitri Sankar, to permit a maximum driveway width of 5.4 metres, subject to the following conditions:

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

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

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

All in favour

Carried

**Minor Variance Application A22/14
Greg and Ronda Evans
19 Pearce Drive**

To permit a platform that is greater than 1.2 metres above finished ground level to have a maximum area of 36 m².

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.

The Planning report recommended That the Committee of Adjustment approve Minor Variance Application A22/14, submitted by Greg and Ronda Evans, to permit a platform that is more than 1.2 metres above ground level, to have a maximum area of 36 m², subject to the following condition:

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

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

The applicant Mrs. Ronda Evans was in attendance and had no further information to add to the application.

Chair Milligan asked if any members had any questions for the applicant.

There were none.

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 the motion to approve the application subject to the condition outlined in the staff report as the variance was considered reasonable and met the 4 tests outlined in the *Planning Act*.

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

There were none.

Decision: That the Committee of Adjustment approve Minor Variance Application A22/14, submitted by Greg and Ronda Evans, to permit a platform that is more than 1.2 metres above ground level, to have a maximum area of 36 m², subject to the following condition:

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

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

Seconded by: Member Daffern

All in favour

Carried

7. Other Business/New Business Continued

The Committee discussed appropriate discussion procedures relating to applications.

Member Molinari proposed that residents be further notified that appeals must be accompanied by an appropriate planning justification.

Technical Advisor/Secretary-Treasurer advised he would look into it.

8. Adjournment

Proposed by: Member Daffern

Seconded by: Member Dixon

All in favour

Carried

Meeting adjourned at 7:35 p.m.

Matthew Milligan
Chair

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: Sean McCullough
Development Planner

SUBJECT: **Minor Variance Application A23/14**
O'Connor Land & Cattle Co.
750 Rossland Road East
Part Lot 1, Concession 3

WARD: 2

DATE OF MEETING: October 29, 2014

RECOMMENDATION:

That the Committee of Adjustment approve Minor Variance Application A23/14 submitted by Sean O'Connor on behalf of O'Connor Land & Cattle Co., to permit a Minimum Distance Separation (MDS II) setback of 88 metres to a Type A land use (762 Rossland Road East), subject to the following condition:

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

Minimum Distance Separation Formulae:

Minimum Distance Separation Formulae is a guideline established by the Province of Ontario. It creates a sliding scale with the intent to address odour conflict between agricultural uses and non-agricultural land uses. There are two types of MDS formulas: MDS I is intended to provide protection to existing livestock facilities from encroaching land uses (e.g. new residential). While MDS II determines minimum distance separation from proposed new, enlarged or remodeled livestock facilities or permanent manure storage to existing non-agricultural land uses.

Type A land uses are characterized by uses with lower density of human habitation or activity. Type A land uses include dwellings on lands zoned agricultural and rural residential.

Background:

O'Connor Land and Cattle Co. operates a dairy farm from the subject property. In 2011, a fire destroyed a dairy barn on the subject property, leaving behind a concrete foundation and a liquid manure storage facility. In 2012, the applicant obtained building permits to construct a new 4,140 m² dairy barn and associated manure storage facility north of the existing agricultural buildings on the subject property (See Figure 2 – Proposed Site Plan).

The applicant now wants to construct two new calf barns on the existing concrete foundation of the barn that burnt. These will be cleaned out directly into the existing liquid manure storage facility.

Proposal:

MDS Implementation Guidelines 45 & 46 permits minor variance requests to consider reducing MDS setbacks based on site specific considerations. The applicant is requesting to permit a Minimum Distance Separation Two (MDS II) setback of 88 metres to a Type A land use (762 Rossland Road East); whereas, the MDS formulae requires a setback of 104 metres to a Type A land use.

Subject Property & Surrounding Land Uses:

The subject property is approximately 40 hectares (99.8 acres) and located at the northwest corner of the Rossland Road East and Lake Ridge Road North intersection. Abutting the lands to the north is the Canadian Pacific rail line, and further north across the train tracks is Durham Topsoil and agricultural lands. To the east, southeast, and west are agricultural lands, and to the south across Rossland Road East, are six detached dwellings located on large rural residential lots (See Figure 1 – Subject Lands).

Town of Ajax Official Plan:

The subject property is designated Rural Area and Environmental Protection in the Town of Ajax Official Plan. Permitted uses in the Rural Area designation include agricultural uses, normal farm practices, and a full range of agricultural, agricultural-related and secondary uses, recreational uses, tourism bed and breakfast establishments, and detached dwellings on existing lots of record. Section 2.2.4.2 d) requires new or expanding livestock facilities to conform to Minimum Distance Separation Formulae. 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 Permanent Countryside (PC) Zone and Environmental Protection (EP) Zone within Zoning By-law 95-2003, as amended. An agricultural operation is a permitted use in the PC zone.

Section 4.21.4 states: "notwithstanding any other yard or setback provision in this By-law, no livestock facility shall be erected or enlarged unless it complies with Minimum Distance Separation Formulae (MDS II)". The proposal does not comply with the setback established by MDS II Formulae to the dwelling located at 762 Rossland Road East.

Minimum Distance Separation Implementation Guidelines:

The Minimum Distance Separation Implementation Guidelines provide information when applying MDS formulae to different situations. The following implementation guidelines are applicable to the proposal:

- *Implementation Guideline 16: MDS is applied regardless of ownership of adjacent or adjoining legally separate lots.*

In 1986, the original farm house was severed from the subject property and is municipally known as 762 Rossland Road East. Although 750 and 762 Rossland Road East are under the same ownership, Guideline 16 would apply. As a result, the proposed livestock facilities do not comply with the required MDS II setback from the original farm house located at 762 Rossland Road East.

- *Implementation Guideline 11: Municipalities have the option to apply MDS II after a catastrophe destroys all or part of a livestock facility provided it is built no closer to*

surrounding development. However, if the proposed redevelopment results in higher MDS factors (e.g. livestock capacity), MDS II shall be applied.

Although a fire destroyed the livestock facility in 2011, MDS II must be applied as the new livestock facility constructed in 2012 increased the livestock capacity following the fire.

Requested Minor Variance:

Minimum Distance Separation (MDS) II Setback Variance

The intent of the MDS Formulae is to address odour conflict between expanding livestock facilities and existing non-agricultural uses. The two proposed livestock facilities will be constructed on the existing concrete foundation of an old livestock facility, and will utilize the existing manure storage facilities located adjacent to the existing foundation. The odour would not further impact the neighbouring property (762 Rossland Road East) as the manure storage is existing and livestock is currently kept in open pens in the location of the proposed facilities. Also, the proposed facilities would not be located any closer than the previous livestock facility. Using the existing foundation will not necessitate the removal of cultivated land and will be located further from lands zoned Environmental Protection which are north and west of the proposed facility. A reduction in the setback from 104 metres to 88 metres 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 - no comments;

Operations - no comments;

Fire Services - no comments;

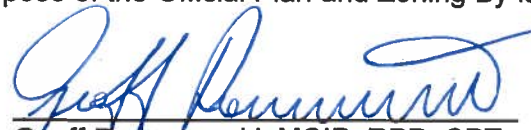
Engineering Services - no comments;

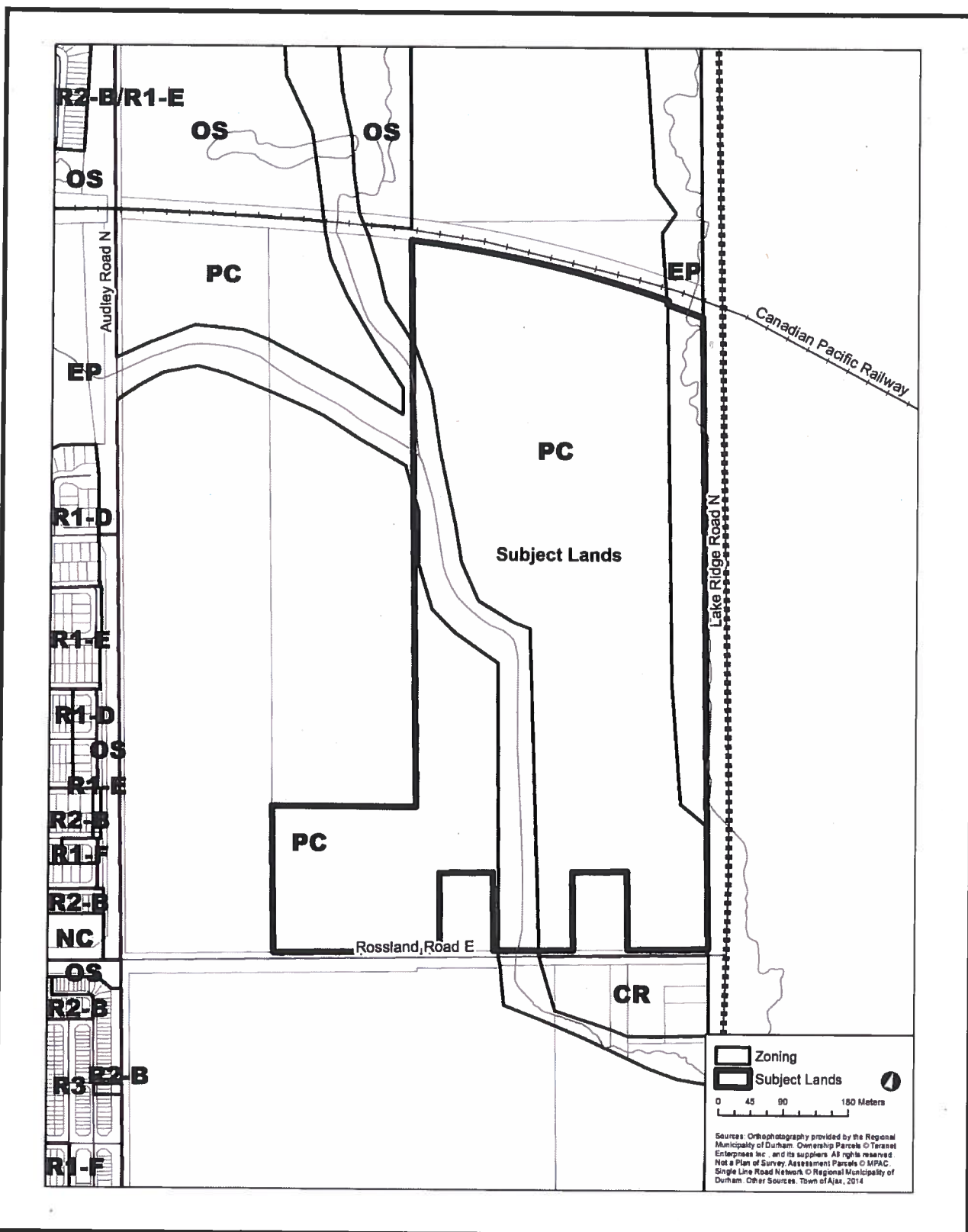
Conclusion:

Based on the discussion above, staff are of the opinion that **Minor Variance Application A23/14**, submitted by Sean O'Connor on behalf of O'Connor Land and Cattle Co, to permit a Minimum Distance Separation (MDS) II setback of 88 metres to a Type A land use (762 Rossland Road East), 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, BES
Development Planner


Geoff Romanowski, MCIP, RPP, CPT
Development Approvals Coordinator



Application File No. A23/14

Applicant: Sean O'Connor

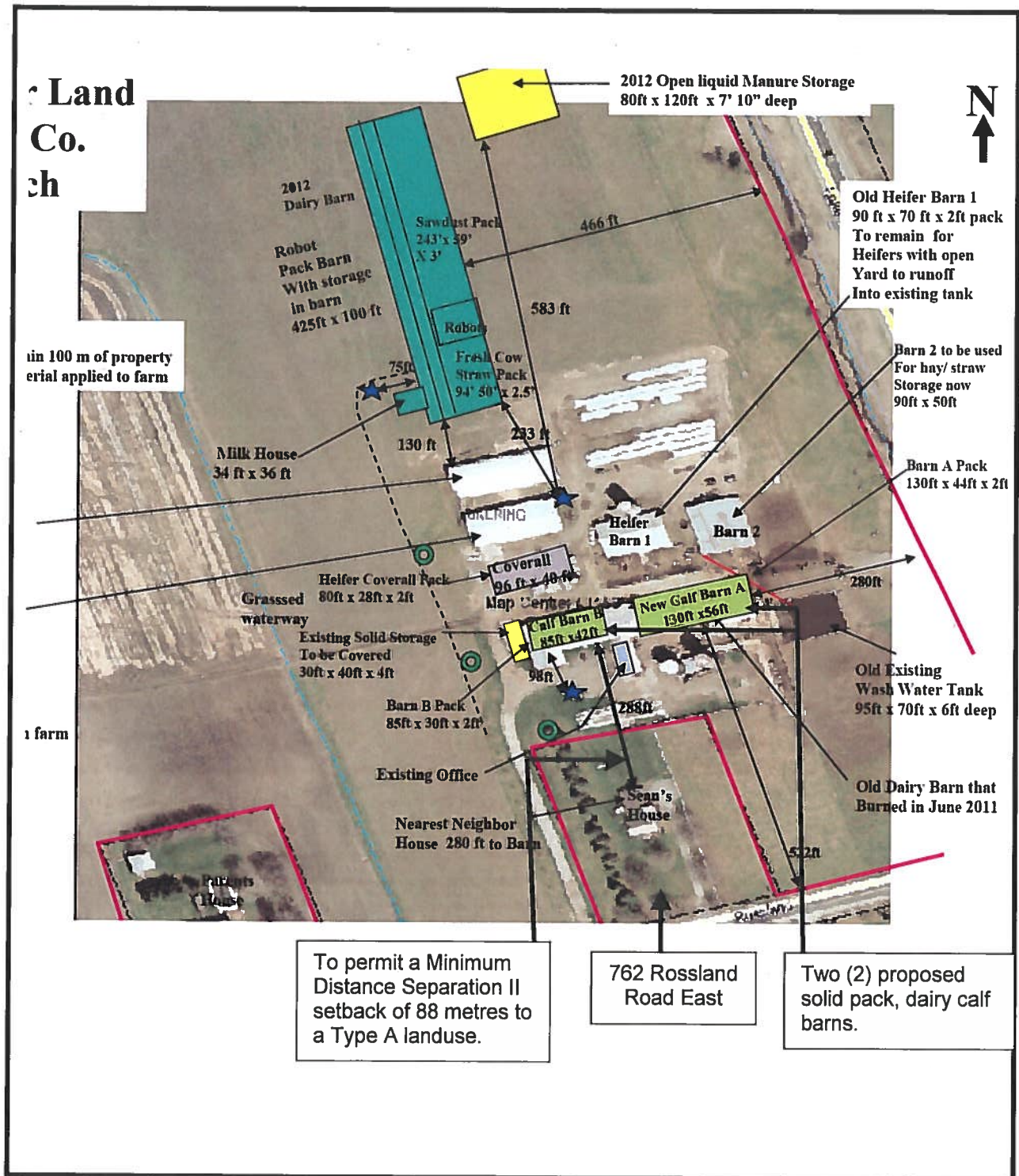
Date: October 29, 2014

Figure 1

Subject Lands
750 Rossland Road East



Town of Ajax
Planning & Development
Services



Application File No. A23/14

Applicant: Sean O'Connor

Date: October 29, 2014

Figure 2

Proposed Site Plan
750 Rossland Road EastTown of Ajax
Planning & Development
Services