



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, July 30, 2014

Meeting: 6:30 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.



Alternative formats available upon request by contacting:

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

Committee Items

1. Call to Order
2. Disclosure of Interest
3. [June 25, 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:
 - [A12/14 – 25 Harley Drive – Elaine and Glen Omori](#)Page 14

To permit a minimum setback from a rear lot line of 6.0 metres to a proposed sunroom addition.

- [A13/14 – 21 Keith-Wright Crescent – Luvian Homes \(Salem Road\)](#).....Page 19

To permit a minimum setback from a rear lot line of 6.9 metres.

- [A14/14 – 29 Keith-Wright Crescent – Luvian Homes \(Salem Road\)](#).....Page 19

To permit a minimum setback from a rear lot line of 6.3 metres.

- [A15/14 – 31 Keith-Wright Crescent – Luvian Homes \(Salem Road\)](#).....Page 19

To permit a minimum setback from a rear lot line of 6.8 metres.

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 June 25, 2014 @ 6:45 P.M.**

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

1. Call to Order – June 25, 2014, Town of Ajax, Committee of Adjustment Meeting

Meeting called to order at 6:46 p.m. on June 25, 2014.

Member Dixon was absent for the beginning of the meeting.

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 April 30, 2014, Town of Ajax, Committee of Adjustment Meeting Minutes

Chair Milligan asked for a motion to adopted the minutes from the April 30, 2014 Committee of Adjustment meetings.

Proposed by: Member Briand
Seconded by: Member Molinari

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.

The committee had questions for staff regarding the limiting distance separation agreement condition outlined in the recommendation report of application A11/13.

Mr. Scopacasa provided the committee with clarification on the purpose of the limiting distance agreement and an overview of why one may be required. Mr. Scopacasa identified that until a thorough review of the building permit, Building Services staff were unsure if one would be required. Therefore it was recommended that the condition be amended to include the words "if required".

Member Molinari had a question about the Old Harwood Road allowance in relation to application A10/14.

Technical Advisor/Secretary-Treasurer Mccullough identified that the road allowance provided access to the property, and that the subject lands did not have frontage or access to Rossland Road West.

Member Briand asked why the report was recommending a parking rate instead of a fixed number of parking spaces, and if the by-law identified a parking rate for the Prestige Employment Zone for application A11/14.

Mr. Scopacasa identified that a parking rate was established through the parking study, and was based on other similar sites in and around Ajax. Further, the by-law identified various parking rates for a number of uses that are permitted on the subject lands.

Member Molinari asked why a parking rate of 1 space per 26 square metres was not applied which has been provided on-site.

Mr. Scopacasa identified that the appropriate rate was identified through the parking study and the applicant was able to provide excess parking spaces.

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 A11/13
2017509 Ontario Limited (Greenville Homes)
290 Old Harwood Avenue**

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%.

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. Eddy Tabar, owner of 366 Old Harwood Avenue (abutting property to north) who submitted a letter outlining his concerns and objection to the proposal. A copy of the letter was provided to the Committee members.

The Planning Report recommended 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.**

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

Mr. Bryce Jordan, a planner with GHD Inc., was in attendance to represent the application. Mr. Jordan identified that the Site Plan application was submitted over a year ago, and that the Public open house was held four weeks ago and was well attended. All questions and concerns relating to the site design had been addressed during the Public Open House. Mr. Jordan then provided an overview of the site plan. Mr. Jordan identified that the letter that was received by the Committee from Mr. Tabar had concerns regarding the setback to his property to the north, and that the site plan provides an 18.7 metre setback to the north property line. Mr. Jordan identified that sightlines would not be an issue in his professional opinion as sufficient distance had been provided from Mr. Tabar's driveway. Mr. Jordan identified that a limiting distance agreement may not be required, based on the fact that the windows are 3 metres from the lot line, and that there is an agreement in place between the subject property and the condominium to the south. Mr. Jordan identified that he supported the insert of "if required" in the 3rd condition outlined in the staff report.

Member Briand asked if the setback was 18.7 metres or 18.5 metres.

Mr. Jordan identified that he did not want to argue with staff, and that it may be 18.5 metres. He identified that he believed that several setbacks were 18.7 metres while others were 18.5 metres.

Chair Milligan asked if the Committee had any questions for the

applicant/representative/staff.

Member Briand asked if the standard setback from a Townhouse to the lot line was 1.2 metres.

Mr. Scopacasa identified that that was correct.

Member Briand identified that a setback of 18.5 metres was being provided to the property to the north.

Member Daffern asked if this was phase 2, and if this phase was also a condominium.

Mr. Scopacasa identified that this was a condo development being marketed to seniors.

Member Daffern asked if the town had any interest in Bantam lane, and under what authority would the residents of the subject property be granted access to Bantam Lane and the private park.

Mr. Scopacasa identified that Bantam lane was not a public road, and that an agreement registered on title and the condo declaration granted access across Bantam Lane and the private park.

Chair Milligan asked if there were 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 to approve the application, subject to the 3 conditions outlined in the staff reports and that the 3rd condition be amended to include the words "if required" inserted after the word "Town".

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

There was none.

Decision: That the Committee of Adjustment approve Minor Variance Application A11/13 submitted by GHD Canada Inc. on behalf of 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, if required, 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

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

To permit a maximum accessory building (detached garage) height of 7.7 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 regarding the subject application.

The Planning report recommended 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 meters, subject to the following condition:

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

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

Mr. Robert Norris and Mr. Jasper Horn represented the application. Mr. Norris identified that he and his wife recently purchased the home with the intent to beautify the property. He identified that they would like to beautify the accessory building which is an eye sore by creating a nice roof on the accessory building. Mr. Horn identified that the building previously had graffiti and broken windows and was left neglected.

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

Member Briand asked if the garage would be completed before the home.

Mr. Norris identified that that was correct, that the home had been completed top to bottom since they had purchased it. He identified that it was their intention to construct an addition on the dwelling, and both the dwelling and garage would have similar architectural features.

Member Daffern asked if the property was used for residential purposes.

Mr. Norris identified that that was correct and the garage was used for storage of equipment.

Member Daffern asked if the garage would have any living space within the structure.

Mr. Norris identified that there would be no living space within the structure.

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.

Member Briand asked staff for clarification on legal non-complying buildings and structures and asked what would eliminate the legal non-complying status of such a building.

Technical Advisor/Secretary-Treasurer McCullough identified that if the building were to be removed, the setbacks were to be further reduced, the gross floor area enlarged or if the height were to be increased the legal non-complying status would no longer apply to the respective provision.

Member Briand asked what made this building legal non-complying.

Technical Advisor/Secretary-Treasurer McCullough identified that the existing height of 4.8 metres and gross floor area exceeded the maximum permitted height and gross floor area outlined in the by-law and were deemed to be legal non-complying. Technical Advisor/Secretary-Treasurer McCullough identified that this application would legalize the proposed height increase.

Member Molinari asked if the subject lands ever had legal access to Rossland Road.

Technical Advisor/Secretary-Treasurer McCullough identified that he was unsure if the property ever had legal access directly to Rossland Road and that there was a parcel of land owned by the Town located along Rossland Road that was not deemed to be a municipal road. Technical Advisor/Secretary-Treasurer McCullough identified that access to the subject lands was from the Old Harwood Avenue Road Allowance.

Member Molinari asked if it was the Town's intention to ever grant access to the subject property from Rossland Road.

Technical Advisor/Secretary-Treasurer McCullough identified that he was unsure if this was the Town's intention.

Member Dixon joined the meeting at 7:25 p.m.

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 were none.

Decision: 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 obtains a building permit for the proposed accessory building renovation, 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 Briand

All in favour

Carried

Minor Variance Application A11/14

2293297 Ontario Inc.

60 Blowers Crescent

To permit a minimum setback of 3.0 meters from a front lot line (Blowers Crescent), a minimum parking rate of 1 parking space per 28 m² of gross floor area, and no loading spaces.

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

The Planning report recommended 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 m² 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.**

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

Mrs. Sana Ahmed of Evans Planning was in attendance to give an overview of the proposal. Mrs. Ahmed identified that the proposal was to develop two commercial buildings. Mrs. Ahmed identified that it was both the Town and applicants intention to enhance the architectural design by moving the building closer to the street. Mrs. Ahmed identified that the parking rate was supported by a traffic study that was reviewed by Town staff based on other comparable sites. Mrs. Ahmed identified that no loading spaces were required as the site would be serviced by smaller utility vehicles. Mrs. Ahmed identified that they agreed with the staff report.

Member Dixon asked how the building would enhance the urban design of the area.

Mrs. Ahmed identified that the building would create a more pedestrian friendly environment and enhance the streetscape by locating the building closer to the street. Mrs. Ahmed identified that there was a proposed patio adjacent to the intersection to provide an inviting environment for pedestrians. Mrs. Ahmed identified that the architect, Mr. Harry Kohn was in attendance to answer any design related questions.

Mr Kohn identified that the applicant worked with staff to bring the building closer to the streetscape to create a more inviting and aesthetically pleasing environment.

Member Daffern asked how pedestrian access would be provided along blowers.

Mr Scopacasa identified that there were no municipal sidewalk on the south side of Blowers Crescent. Mr. Scopacasa identified that this report did not have the landscape plan and that a public square would be provided at the corner. Mr. Scopacasa also identified that there was pedestrian access along the north side of the building and throughout the site.

Member Daffern identified that his concern was that the parking rate was unable to be determined based on the uses of the property, as the uses had not been established.

Mr. Kohn identified that the property would be used for professional type offices and restaurants. Mr. Kohn identified that the parking study evaluated similar sites to establish the parking rate. He identified that this site would not require large loading spaces for large transport trucks as a grocery store or similar retail would not be permitted on site. He identified that there would be a space for smaller delivery vehicles.

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.

Member Dixon asked if the Prestige Employment zone has a specific parking rate outlined in the zoning by-law.

Mr. Scopacasa identified that the zoning by-law identified parking rates for individual uses as may be permitted in the Prestige Employment zone. Mr. Scopacasa identified that there were no stand alone parking rate for buildings with multiple uses.

Member Dixon asked for clarification when a parking rate has not been established, that the applicant is responsible for commissioning a parking study to determine a rate.

Mr. Scopacasa identified that that was correct, and staff from the Town's Transportation Section reviewed the study and deemed the rate to be appropriate.

Member Briand identified that a number of applications had come forward of this nature and that the Committee had been satisfied where the Town's Transportation staff had reviewed the study completed by the applicant.

Member Daffern asked if there was a mechanism through the site plan process or similar process to establish the types of uses that could occur on the property.

Mr. Scopacasa identified that the unit sizes would establish the types of uses on this property. He identified that the variance would establish a rate that could be applied to any future development of the site.

Chair Milligan asked if any members had any questions for the parking consultant.

Chair Milligan asked if the study was completed based on rates that were observed, and if the consultant could provide an overview of how the traffic study was completed.

Mr. Muhammad Delibasic is a traffic engineer, he identified that the study was completed based on other sites in Ajax and the region. He provided the committee with an overview of how the study was completed.

Member Dixon asked if the parking space size were the required size outlined in the by-law.

Mr. Scopacasa identified that that was correct.

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 were none.

Decision: 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 m² 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.

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

All in favour

Carried

7. Other Business/New Business Continued

Secretary-Treasurer/Technical Advisor McCullough provided the Committee members with copies of the Town's Consolidated Official Plan.

Chair Milligan identified that he would be unable to attend the July 30, 2014 meeting.

Member Molinari also identified she would be unable to attend the July 30, 2014 meeting.

Secretary-Treasurer/Technical Advisor McCullough identified he would send an email to confirm attendance for the next meeting.

Member Briand asked if the bylaw was being reviewed and that he felt it would be appropriate to review policies related to urban design on employment lands.

Mr. Scopacasa identified that staff had started to review the Comprehensive Zoning By-law, and an analysis of minor variance applications would be completed as part of this process.

8. Adjournment

Chair Milligan put the request forward to the Committee to adjourn the June 25, 2014 Committee of Adjustment Meeting.

Proposed by: Member Briand
Seconded by: Chair Milligan

All in favour

Carried

Meeting adjourned at 7:57 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, BES
Development Planner

Subject: **Minor Variance Application A12/14**
Elaine and Glen Omori
25 Harley Drive
Lot 110, Plan 40M-1276

Ward: 3

Date of Meeting: July 30, 2014

Report To: Committee of Adjustment

Recommendation:

That the Committee of Adjustment approve Minor Variance Application A12/14, submitted by Lifestyle Sunrooms on behalf of Elaine and Glen Omori, to permit a minimum setback of 6.0 metres from the rear lot line to a proposed sunroom addition, subject to the following condition:

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

Background and Proposal

Lifestyle Sunrooms has submitted an application for minor variance in order to facilitate the construction of a proposed three season sunroom addition onto the rear of the dwelling. The proposed variance is to permit a minimum setback of 6.0 metres from the rear lot line to the proposed sunroom addition; whereas, the Zoning By-law requires a minimum setback of 7.5 metres from a rear lot line.

Subject Property & Surrounding Land Uses:

The subject property is located on the east side of Harley Drive and is surrounded by low density residential uses consisting of single detached dwellings (See Figure 1 – Subject 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 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, which permits single detached dwellings. The owner has requested relief from the requirements of the Zoning By-law to reduce the minimum setback from the rear lot line from 7.5 metres to 6.0 metres in order to accommodate a single-storey sunroom addition (See Figure 2 – Submitted Plan). The proposed sunroom maintains all other zoning provisions outlined in Zoning By-law 95-2003, as amended.

Requested Minor Variance:***Minimum Setback from a Rear Lot Line Variance***

The intent of the minimum setback from a rear lot line is to maintain an appropriate rear yard outdoor amenity area and provide a buffer between the dwelling on the lot and abutting properties. It is staff's opinion that the proposed rear lot line setback reduction from 7.5 metres to 6.0 metres (a 1.5 metre reduction) is appropriate. This proposed reduction would not impact the function of the rear yard as there will be adequate room to accommodate a suitable rear yard outdoor amenity area. Further, there would be no adverse impacts on the adjacent properties to the east, north, or south, as the sunroom is proposed to be one storey in height and will not extend beyond the width of the existing dwelling. Therefore, staff are of the opinion that the requested variance is minor in nature and is desirable and appropriate development.

Other Comments:

Transportation Services - no comments;

Design Services – no comments;

Building Services – a building permit will be required for the proposed sunroom addition;

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 A12/14**, submitted by Lifestyle Sunrooms on behalf of Elaine and Glen Omori, to permit a minimum setback of 6.0 metres from the rear lot line to a proposed sunroom addition, is:

1. minor in nature;
2. desirable and an appropriate 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


Geoff Romanowski, MCIP, RPP, CPT
Development Approvals Coordinator



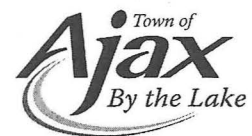
Application File No. A12/14

Applicant:
Glen and Elaine Omori

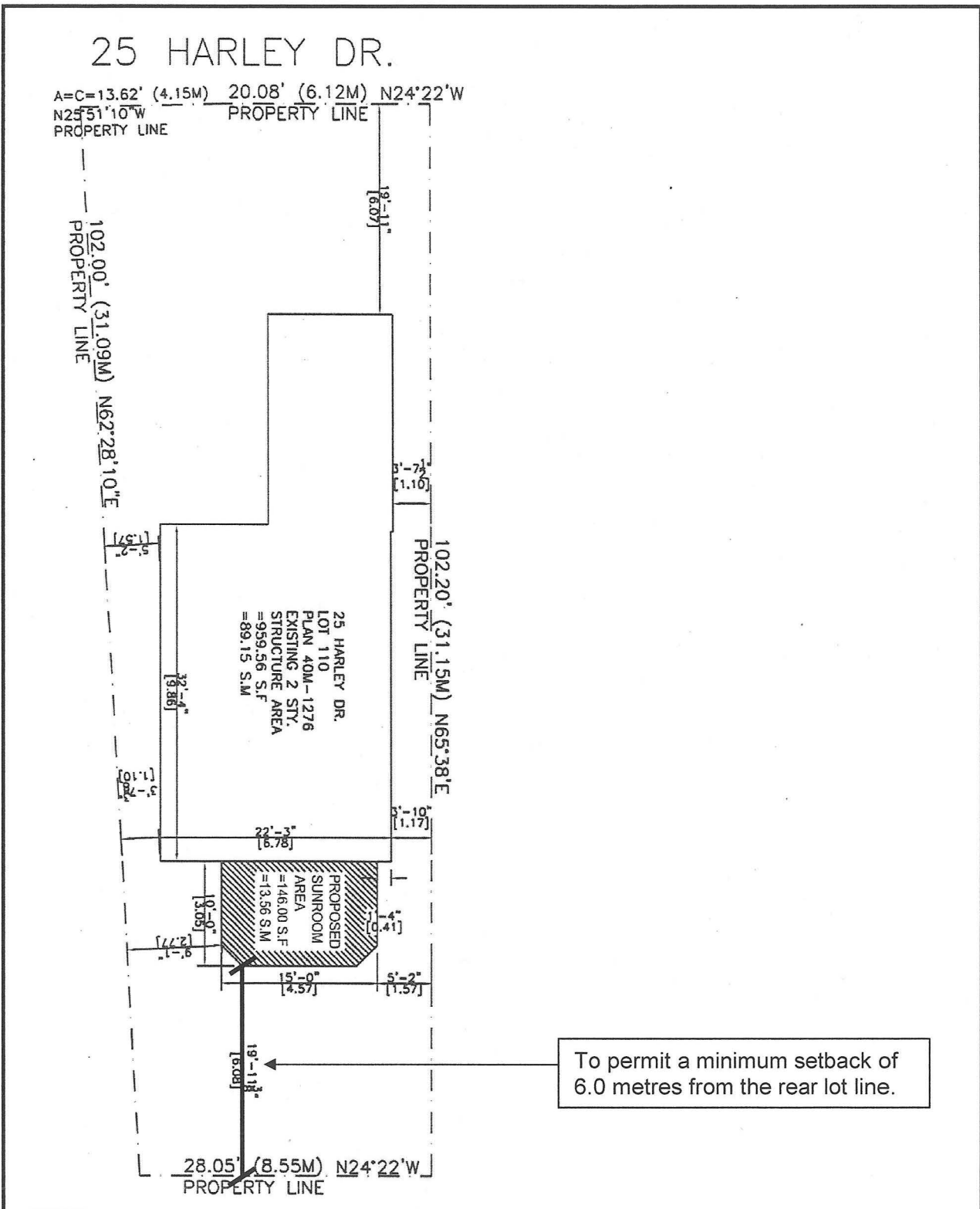
Date: July 30, 2014

Figure 1

Subject Lands
25 Harley Drive



Town of Ajax
Planning & Development
Services



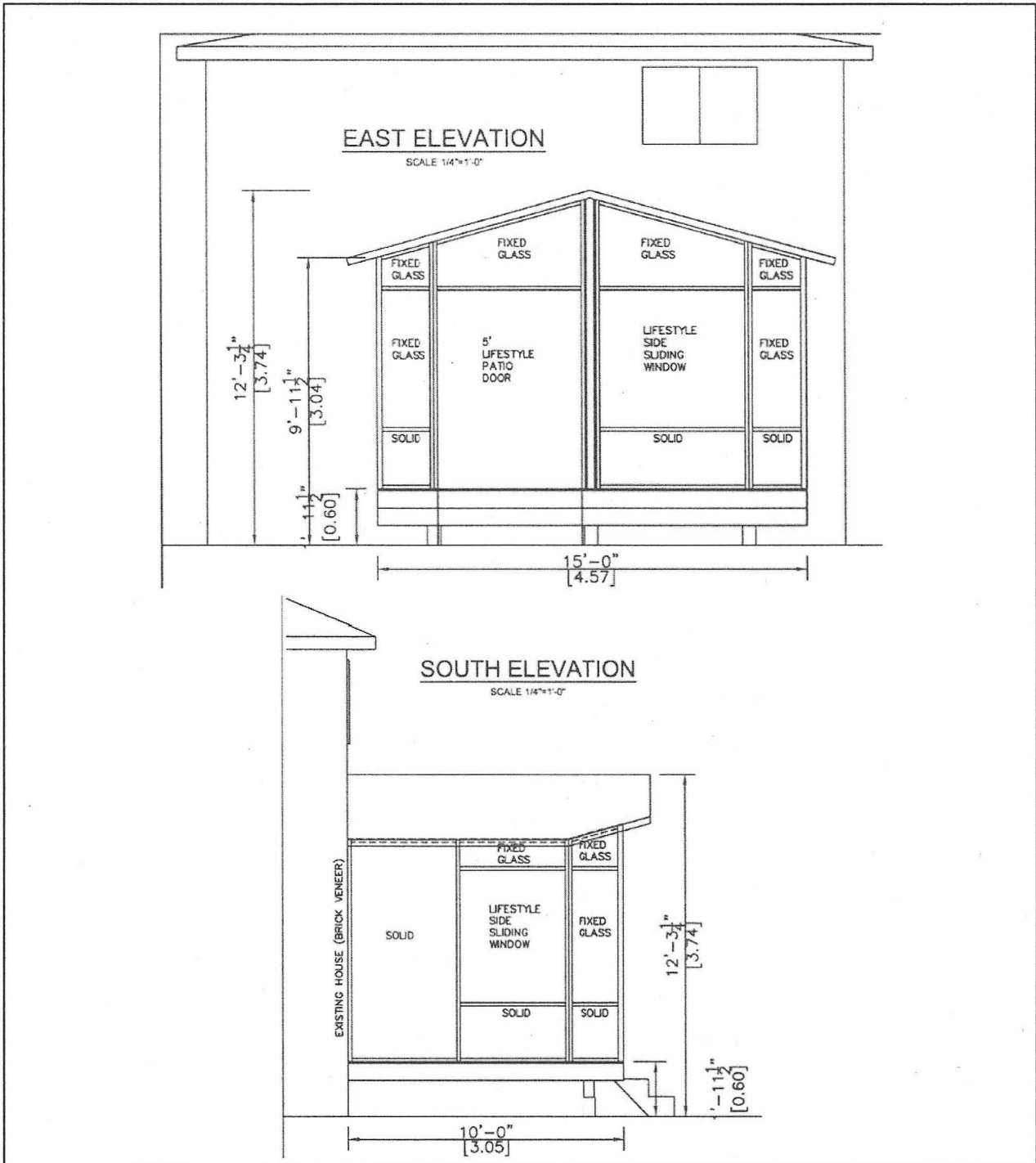
Application File No. A12/14

Applicant:
Glen and Elaine Omori

Date: July 30, 2014

Figure 2

Submitted Plan
25 Harley DriveTown of Ajax
Planning & Development
Services



Application File No. A12/14

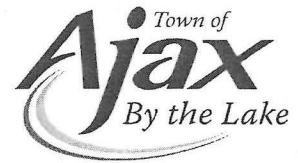
Applicant:
Glen and Elaine Omori

Date: July 30, 2014

Figure 3

Proposed Sunroom Addition
25 Harley DriveTown 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: Sean McCullough, BES
Development Planner

Subject: **Minor Variance Applications A13/14, A14/14, & A15/14**
Luvian Homes (Salem Road)
21, 29, & 31 Keith-Wright Crescent (respectively)
Lots 45, 49, & 50 (respectively); Plan 40M-2491

Ward: 2

Date of Meeting: July 30, 2014

Report To: Committee of Adjustment

RECOMMENDATIONS:

1. That the Committee of Adjustment approve Minor Variance Application A13/14, submitted by Luvian Homes (Salem Road) for 21 Keith-Wright Crescent (Lot 45, PLAN 40M-2491), to permit a minimum setback of 6.9 metres from a rear lot line, subject to the following condition:
 - That the Owner/Applicant obtain a building permit for the proposed dwelling, or this decision shall become null and void.
2. That the Committee of Adjustment approve Minor Variance Application A14/14, submitted by Luvian Homes (Salem Road) for 29 Keith-Wright Crescent (Lot 49, PLAN 40M-2491), to permit a minimum setback of 6.3 metres from a rear lot line, subject to the following condition:
 - That the Owner/Applicant obtain a building permit for the proposed dwelling, or this decision shall become null and void.
3. That the Committee of Adjustment approve Minor Variance Application A15/14, submitted by Luvian Homes (Salem Road) for 31 Keith-Wright Crescent (Lot 50, PLAN 40M-2491), to permit a minimum setback of 6.8 metres from a rear lot line, subject to the following condition:
 - That the Owner/Applicant obtain a building permit for the proposed dwelling, or this decision shall become null and void.

BACKGROUND AND PROPOSAL:

The subject properties, known municipally as 21, 29, and 31 Keith-Wright Crescent (Lots 45, 49, and 50 on Plan 40M-2491, respectively), were created through Subdivision Application S-A-2005-08 and received draft approval in 2009.

The depths of the lots that front onto the outside curve of Keith-Wright Crescent are slightly reduced in depth as a result of its design, which is to accommodate an appropriate turning radius for emergency and winter maintenance vehicles (See Figure 1 – Location Map). Therefore, the applicant is requesting the following variances in order to facilitate the construction of three (3) new dwellings:

Application	Address	Required setback to a rear lot line	Proposed setback to a rear lot line
A13/14	21 Keith-Wright Crescent	7.5 metres	6.9 metres
A14/14	29 Keith-Wright Crescent	7.5 metres	6.3 metres
A15/14	31 Keith-Wright Crescent	7.5 metres	6.8 metres

Subject Property & Surrounding Land Uses:

The subject properties are located on the east side (A13/14) and north side (A14/14 & A15/14) of Keith-Wright Crescent located within the Luvian Homes Heroes Pointe Subdivision. The subject properties are surrounded by low density detached dwellings (See Figure 1 – Location Map).

Town of Ajax Official Plan:

The subject properties are 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 variances maintain the general intent and purpose of the Official Plan.

Town of Ajax Zoning By-law 95-2003:

The subject properties are zoned Residential One – ‘F’ (R1-F) Zone and are subject to Exception 134 in Zoning By-law 95-2003, as amended. A detached dwelling is a permitted use in the R1-F zone. The R1-F zone requires a minimum setback of 7.5 metres from a rear lot line. The requested variances are to permit a minimum setback of 6.9 metres (A13/14), 6.3 metres (A14/14), and 6.8 metres (A15/14) from a rear lot line to a proposed dwelling on each lot. The proposed dwellings comply with all other applicable zone provisions, except the minimum setback from a rear lot line.

Requested Minor Variances:

Minimum Setback from a Rear Lot Line Variance

The intent of the minimum rear lot line setback is to maintain an appropriate rear yard outdoor amenity area and provide a buffer between the dwelling on the lot and abutting properties. The location of the three lots on the outside curve of Keith-Wright Crescent reduces the lot depth due to the required turning radius of the municipal road. In order for these three lots to maintain the minimum required setback from a front lot line and maintain the minimum required length for an off-street parking space, the proposed dwellings encroach into the minimum setback from a rear lot line in each instance.

A13/14 – 21 Keith-Wright Crescent

It is staff’s opinion that the proposed rear lot line setback reduction from 7.5 metres to 6.9 metres (a 0.6 metre reduction) is appropriate (See Figure 2 – Proposed Site Plan 21 Keith-Wright Cres.). This proposed reduction would not impact the function of the rear yard and would maintain a suitable rear yard outdoor amenity area. The proposed dwelling would maintain an appropriate

buffer from the adjacent dwellings (currently under construction). Therefore, staff is of the opinion that the requested variance is minor in nature and is desirable and appropriate development.

A14/14 – 29 Keith-Wright Crescent

It is staff's opinion that the proposed rear lot line setback reduction from 7.5 metres to 6.3 metres (a 1.2 metre reduction) is appropriate (See Figure 3 – Proposed Site Plan 29 Keith-Wright Cres.). This proposed reduction would not impact the function of the rear yard as it only applies to a small portion of the north-west corner of the dwelling, and would maintain a suitable rear yard outdoor amenity area. The proposed dwelling would maintain an appropriate buffer from the adjacent dwellings (currently under construction). Therefore, staff is of the opinion that the requested variance is minor in nature and is desirable and appropriate development.

A14/14 – 31 Keith-Wright Crescent

It is staff's opinion that the proposed rear lot line setback reduction from 7.5 metres to 6.8 metres (a 0.7 metre reduction) is appropriate (See Figure 4 – Proposed Site Plan 31 Keith-Wright Cres.). This proposed reduction would not impact the function of the rear yard and would maintain a suitable rear yard outdoor amenity area. The proposed dwelling would maintain an appropriate buffer from the adjacent dwellings (currently under construction). Therefore, staff is of the opinion that the requested variance is minor in nature and is desirable and appropriate development.

Other Comments:

Transportation Services - no comments;

Design Services – no comments;

Building Services – no comments;

Operations – no comments;

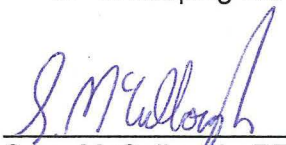
Fire Services – no comments;

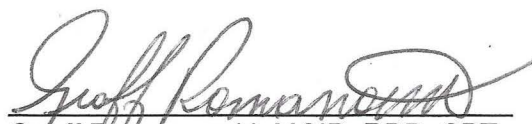
Engineering Services - no comments

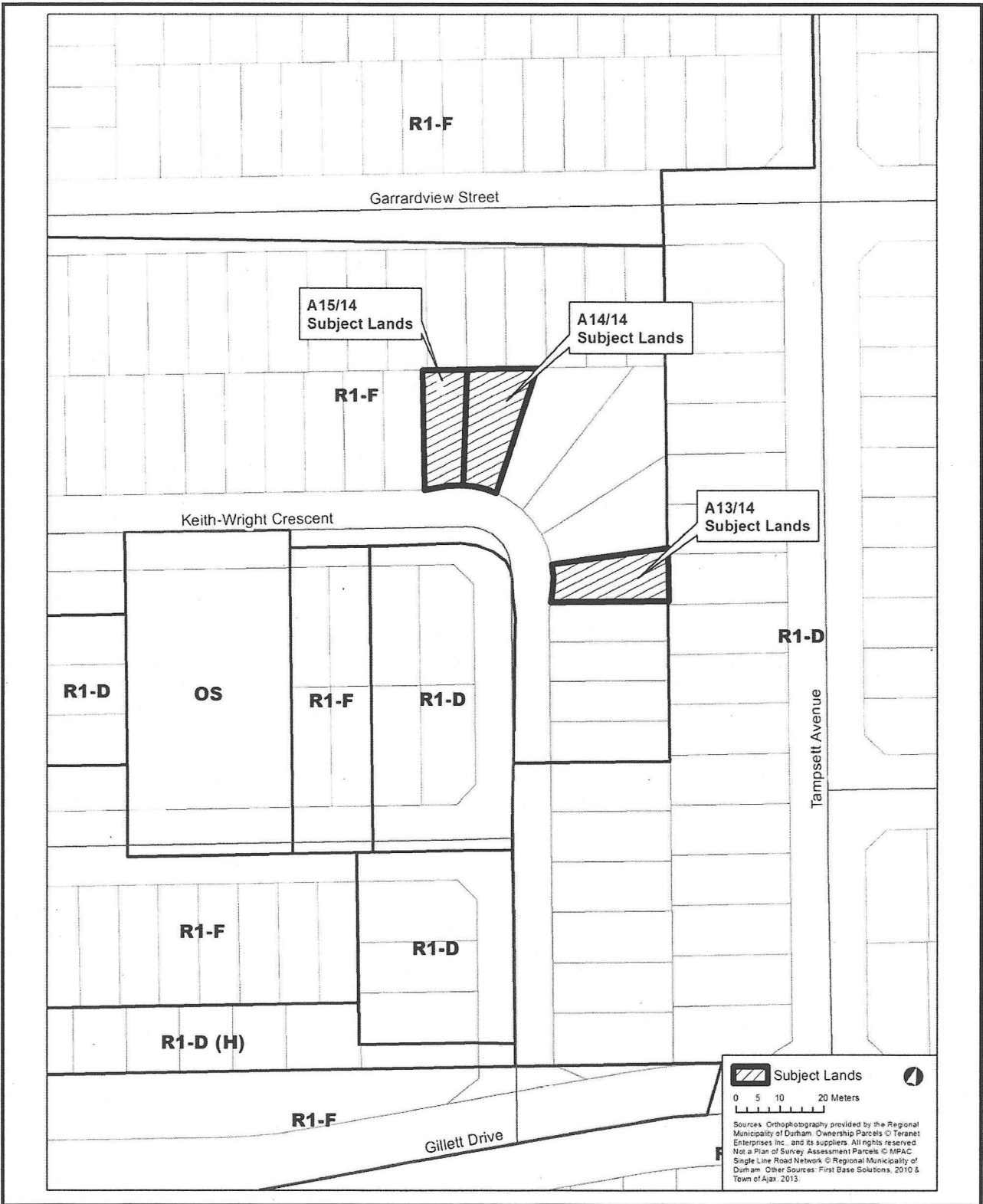
Conclusion:

Based on the discussion above, staff are of the opinion that **Minor Variance Applications A13/14, A14/14, and A15/14** submitted by Luvian Homes (Salem Road), to permit a minimum setback from a rear lot line of 6.9 metres, 6.3 metres, and 6.8 metres, respectively, to three new proposed dwellings, are:

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


Séan McCullough, BES
Development Planner


Geoff Romanowski, MCIP, RPP, CPT
Development Approvals Coordinator



Application File No. A13/14

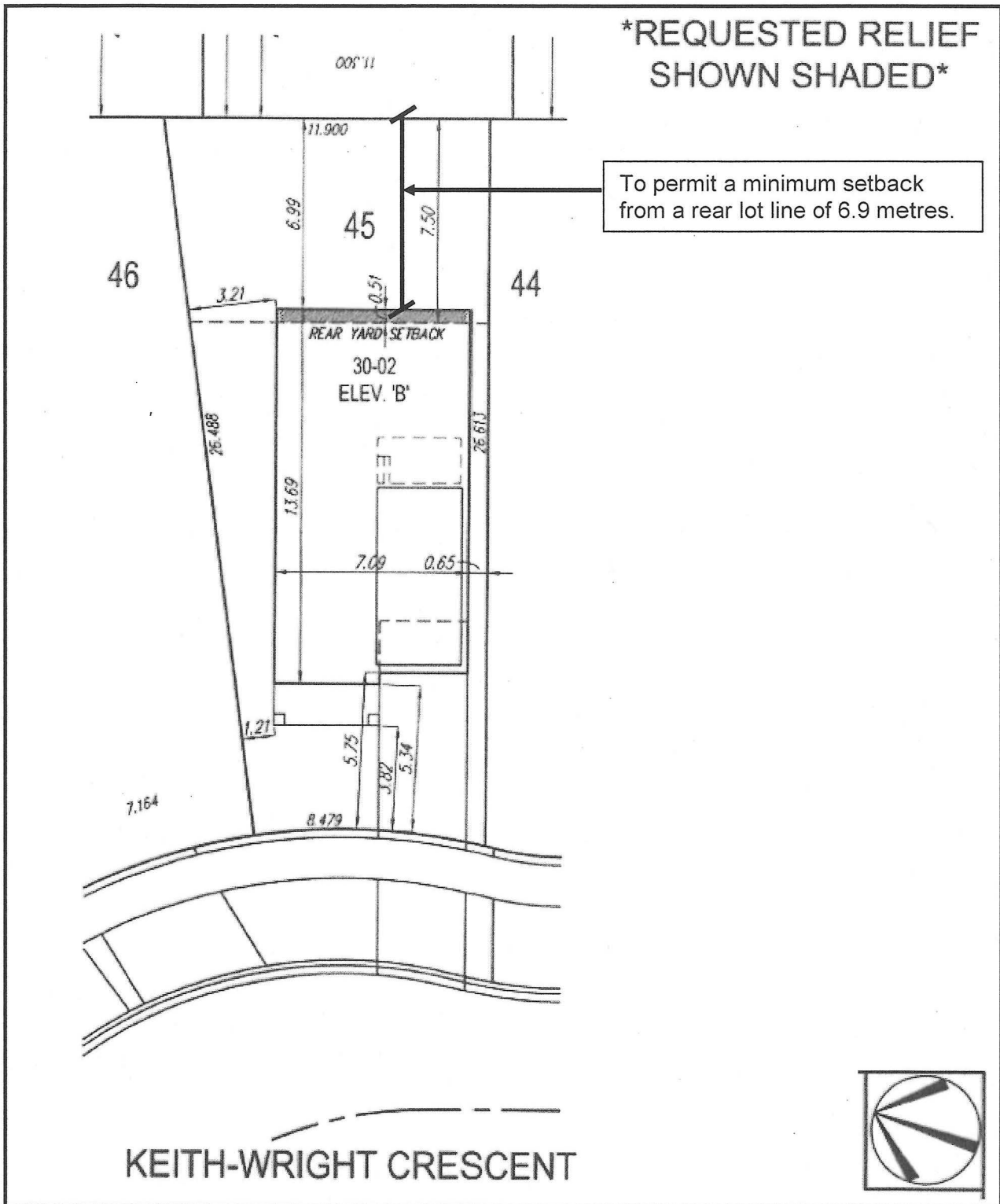
Applicant:
Luvian Homes (Salem Road)

Date: July 30, 2014

Figure 1
Subject Lands



Town of Ajax
Planning & Development
Services



Application File No. A13/14

Applicant:
Luvian Homes (Salem Road)

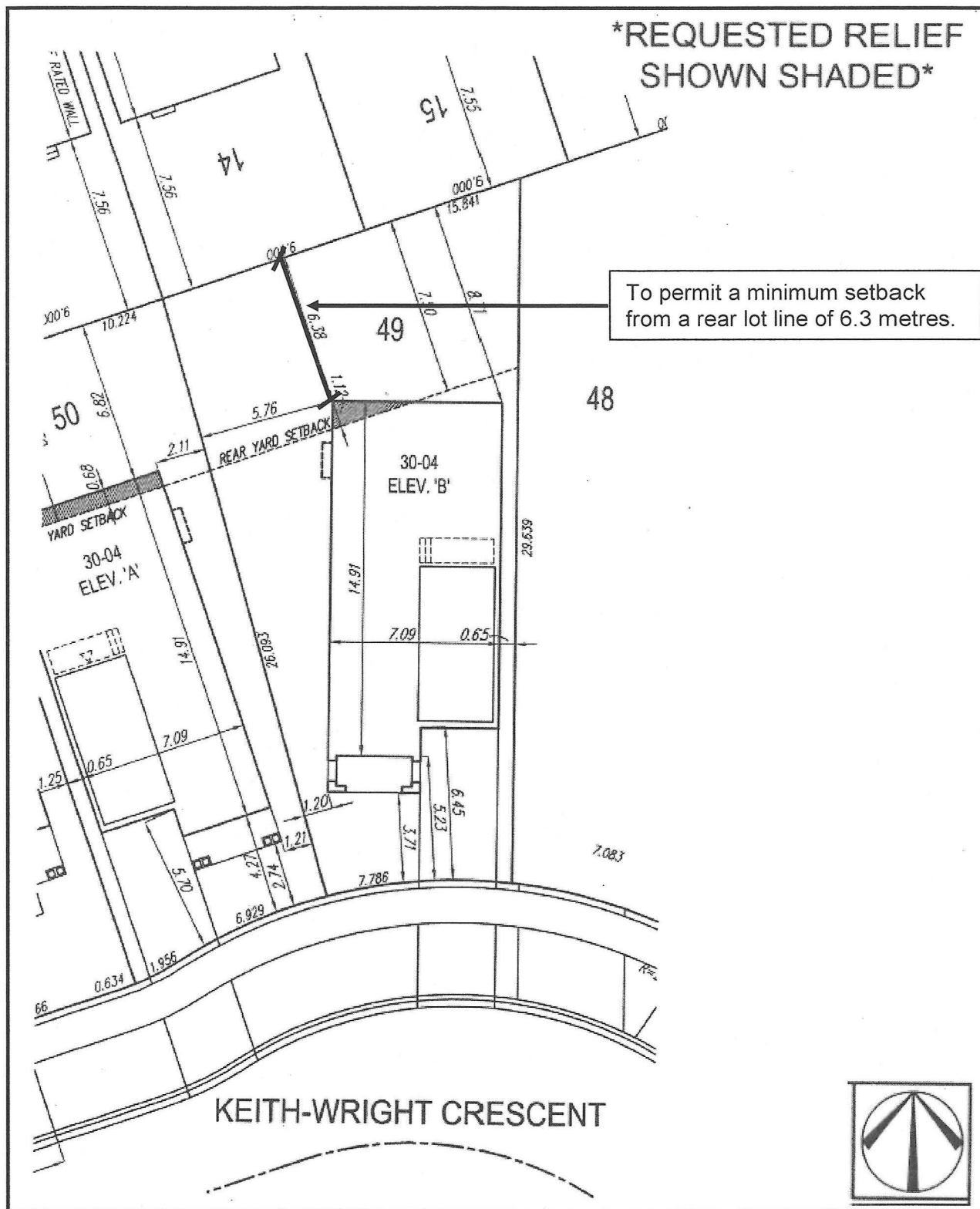
Date: July 30, 2014

Figure 2

Proposed Site Plan
21 Keith-Wright Cres
(Lot 45 Plan 40M-2491)



Town of Ajax
Planning & Development
Services



Application File No. A14/14

Applicant:
Luvian Homes (Salem Road)

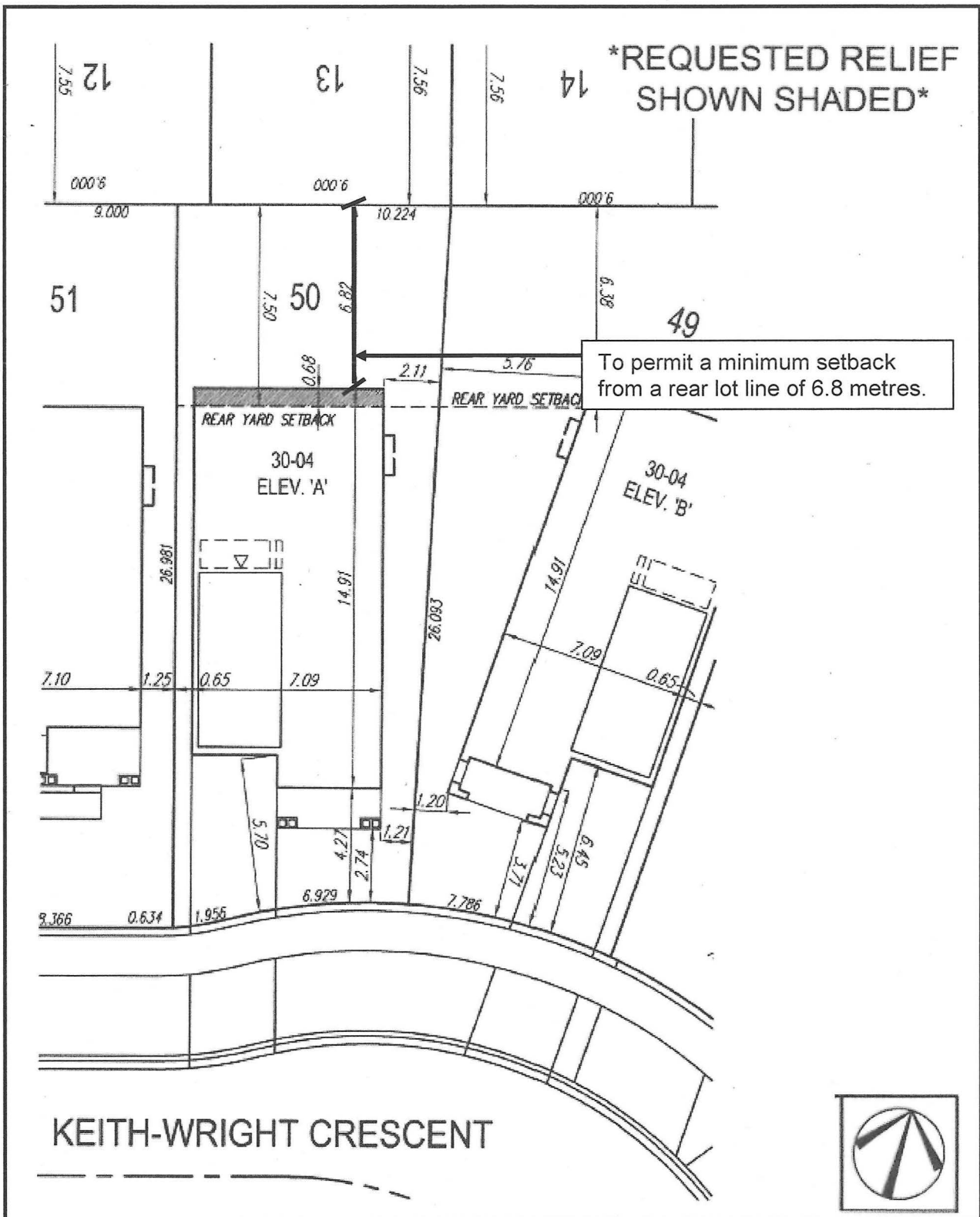
Date: July 30, 2014

Figure 3

Proposed Site Plan
29 Keith-Wright Cres
(Lot 49 Plan 40M-2491)



Town of Ajax
Planning & Development
Services



Application File No. A15/14

Applicant:
Luvian Homes (Salem Road)

Date: July 30, 2014

Figure 4

Proposed Site Plan
31 Keith-Wright Cres
(Lot 50 Plan 40M-2491)



Town of Ajax
Planning & Development
Services