

## AGENDA

### COMMITTEE OF ADJUSTMENT

Town Hall  
65 Harwood Avenue South  
Ajax, Ontario  
Council Chambers

**Wednesday, January 28, 2015**

**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.

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

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

#### Committee Items

1. Call to Order
2. Disclosure of Interest
3. **November 26, 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:
  - **A1/15 – 62 Daniels Crescent – Gordon Crawford** ..... Page 8  
To permit a maximum driveway width of 5.4 metres.
  - **A2/15 – 520 Westney Rad South – Simon Barg**..... Page 13  
To permit a Commercial Fitness Centre (Crossfit Gym).

- **A3/15 – 13 Dowers Drive – Adam Burke and Desserrai Buunk** ..... Page 20  
To permit a maximum driveway width of 5.4 metres.
- **A4/15 – 484 Rossland Road West – 2371200 Ontario Inc..** ..... Page 25  
To permit a temporary sales trailer in an Open Space (OS) Zone and a minimum setback from an exterior side lot line of 7.5 metres.
- **A5/15 – 491 Mackenzie Avenue – Messier Dowty Inc.** ..... Page 31  
To permit an accessory structure in a front yard, a maximum accessory structure height of 7.6 metres and a maximum gross floor area of an accessory structure of 446 square 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 November 26, 2014 @ 6:45 P.M.**

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

**Absent:** Eldon Dixon, Member

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**1. Call to Order – November 26, 2014, Town of Ajax, Committee of Adjustment Meeting**

Meeting called to order at 6:49 p.m. on October 29, 2014.

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**2. Disclosure of Interest**

Chair Milligan asked if any of the members of the Committee had a conflict of interest with any of the variance applications on the committee agenda.

There were none.

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**3. Adoption of October 29, 2014, Town of Ajax, Committee of Adjustment Meeting Minutes**

Chair Milligan asked for a motion to adopt the minutes from the October 29, 2014 Committee of Adjustment meetings.

Proposed by: Member Briand  
Seconded by: Vice-Chair Molinari

**Vote: All in Favour**

**Carried**

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

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

Chair Milligan declared a recess at 6:52 p.m. until 7:00 p.m.

Chair Milligan called the meeting to order at 7:01 p.m.

## **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.

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## **6. Applications**

**Minor Variance Application A25/14  
Cheryl Boddy  
128 Sharplin Drive**

**To permit a maximum platform area of 44.0 m<sup>2</sup> for two platforms that are greater than 1.2 metres above finished ground level.**

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 A25/14, submitted by Kendra Coates (John Boddy Developments Ltd.) on behalf of Cheryl Boddy, to permit a platform that is more than 1.2 metres above finished ground level, to have a maximum area of 44 m<sup>2</sup>, 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.

Mrs. Kendra Coates was in attendance to represent the application. Mrs. Coates gave a brief overview of the application and identified that she had nothing further to add to the staff report.

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

Member Daffern asked if there was two platforms and if they were both in the rear yard.

Mrs. Coates identified that there were two platforms, one above the other.

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 from the Committee.



There were none.

Chair Milligan asked for a motion from the Committee.

Vice-Chair Molinari proposed a motion to approve the application subject to the condition outlined in the staff report as the application was reasonable and met the four tests of 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 A25/14, submitted by Kendra Coates (John Boddy Developments Ltd.) on behalf of Cheryl Boddy, to permit a platform that is more than 1.2 metres above finished ground level, to have a maximum area of 44 m<sup>2</sup>, 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: Vice-Chair Molinari– that the application was reasonable and met the four tests outlined in the *Planning Act*.

Seconded by: Member Daffern

**All in favour**

**Carried**

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**Minor Variance Application A26/14  
Cynthia Washbrook  
126 Sharplin Drive**

**To permit a maximum platform area of 38.5 m<sup>2</sup> for one platform that is greater than 1.2 metres above finished ground level.**

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 A25/14, submitted by Kendra Coates (John Boddy Developments Ltd.) on behalf of Cynthia Washbrook, to permit a platform that is more than 1.2 metres above finished ground level, to have a maximum area of 38.5 m<sup>2</sup>, subject to the following condition:**

- 1. That the Owner/Applicant obtain a building permit for the proposed platform and that the building permit application be revised to maintain a minimum 1.2 metre setback from the eastern interior side lot line, or this decision shall become null and void.**

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

Mrs. Kendra Coates was in attendance to represent the application. Mrs. Coates identified that the landing was slightly to large and that the working drawings have been revised to maintain a minimum 1.2 metre setback and would be sent to Kelly Savage, Plans Examiner for review.

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 from the Committee.

There were none.

Chair Milligan asked for a motion from the Committee.

Vice-Chair Molinari proposed a motion to approve the application subject to the condition outlined in the staff report as the application was reasonable and met the four tests of 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 A25/14, submitted by Kendra Coates (John Boddy Developments Ltd.) on behalf of Cheryl Boddy, to permit a platform that is more than 1.2 metres above finished ground level, to have a maximum area of 44 m<sup>2</sup>, subject to the following condition:**

- 1. That the Owner/Applicant obtain a building permit for the proposed platform and that the building permit application be revised to maintain a minimum 1.2 metre setback from the eastern interior side lot line, or this decision shall become null and void.**

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

Seconded by: Member Briand

**All in favour**

**Carried**

**7. Other Business/New Business Continued**

There was none.

**8. Adjournment**

Proposed by: Member Briand  
Seconded by: Member Daffern

**All in favour**

**Carried**

Meeting adjourned at 7:19 p.m.

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Matthew Milligan  
Chair

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Sean McCullough, BES  
Secretary-Treasurer

## **TOWN OF AJAX REPORT**



**Report To:** Committee of Adjustment

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

**Prepared By:** Amanda Dunn, MES  
Development Planner

**Subject:** **Minor Variance Application A3/15**  
**Adam Burke & Deserrai Buunk**  
**13 Dowers Drive**  
**Lot 158, Plan 40M-1516**

**Ward:** 2

**Date of Meeting:** January 28, 2015

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### **Recommendation:**

**That the Committee of Adjustment approve Minor Variance Application A3/15 submitted by Adam Burke & Deserrai Buunk, to permit a maximum driveway width of 5.4 metres, subject to the following conditions:**

- 1. That the Owner obtain a building permit for the proposed accessory apartment, or this decision shall become null and void; and**
- 2. That the proposed driveway widening only occur on the subject property, and no widening shall be permitted within any portion of the Town's municipal boulevard.**

### **Background & Proposal:**

The applicant plans to construct an accessory apartment within the existing single detached dwelling. In order to establish an accessory apartment, a minimum of three (3) parking spaces are required (2 for the principal dwelling and 1 for the accessory apartment).

The maximum driveway width permitted under Zoning By-law 95-2003, as amended, is 5.0 metres, which is not wide enough to accommodate two (2) legal sized parking spaces (5.4 metres is required). Therefore, the owner has submitted a minor variance application requesting relief from the requirements of Zoning By-law 95-2003, as amended, to permit a maximum driveway width of 5.4 metres.

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

The subject property is located on the east side of Dowers Drive, and 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" 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 within the Town of Ajax Zoning By-law 95-2003, as amended. This zone category permits single and semi-detached dwellings and one accessory apartment, provided the minimum required parking can be achieved. The proposal maintains the general intent and purpose of the Zoning By-Law.

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

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

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

The 0.4 metre increase in driveway width would not dominate the streetscape and would not negatively impact the surrounding neighborhood character. Furthermore, the requested driveway width increase would still maintain the general intent of the zoning by-law, would be considered desirable for the appropriate development or use of the land, and would be considered to be a request that is minor in nature.

**Other Comments:**

<b>Design Services –</b>	Existing private Birch Tree will be impacted by the proposal. Design services suggestion is to remove the tree and replant the tree closer to the boulevard where the driveway cannot be widened (near the public boulevard).
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<b>Transportation Services -</b>	no comments;
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<b>Building Services –</b>	no comments;
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<b>Operations -</b>	no comments;
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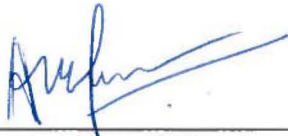
<b>Fire Services –</b>	no comments;
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**Engineering Services** – no comments.

**Conclusion:**

Based on the discussion above, staff are of the opinion that Minor Variance Application A3/15 submitted by Adam Burke & Deserrai Buunk, to permit a maximum driveway width of 5.4 metres, is:

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



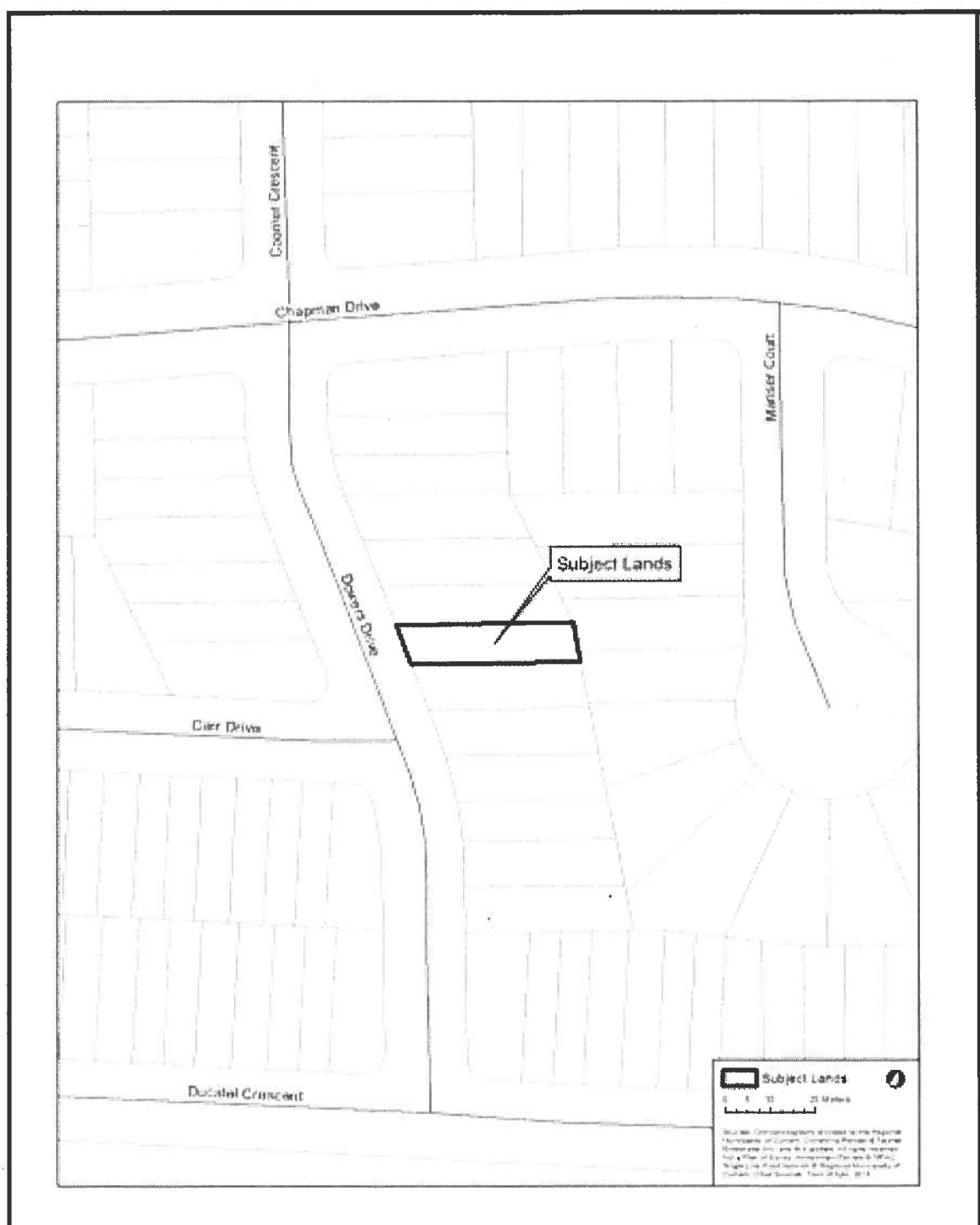
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Amanda Dunn, MES  
Development Planner



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Sean McCullough, BES  
Development Planner



Application File No. A3/15

**Applicant: Adam Burke  
& Deserrai Buunk**

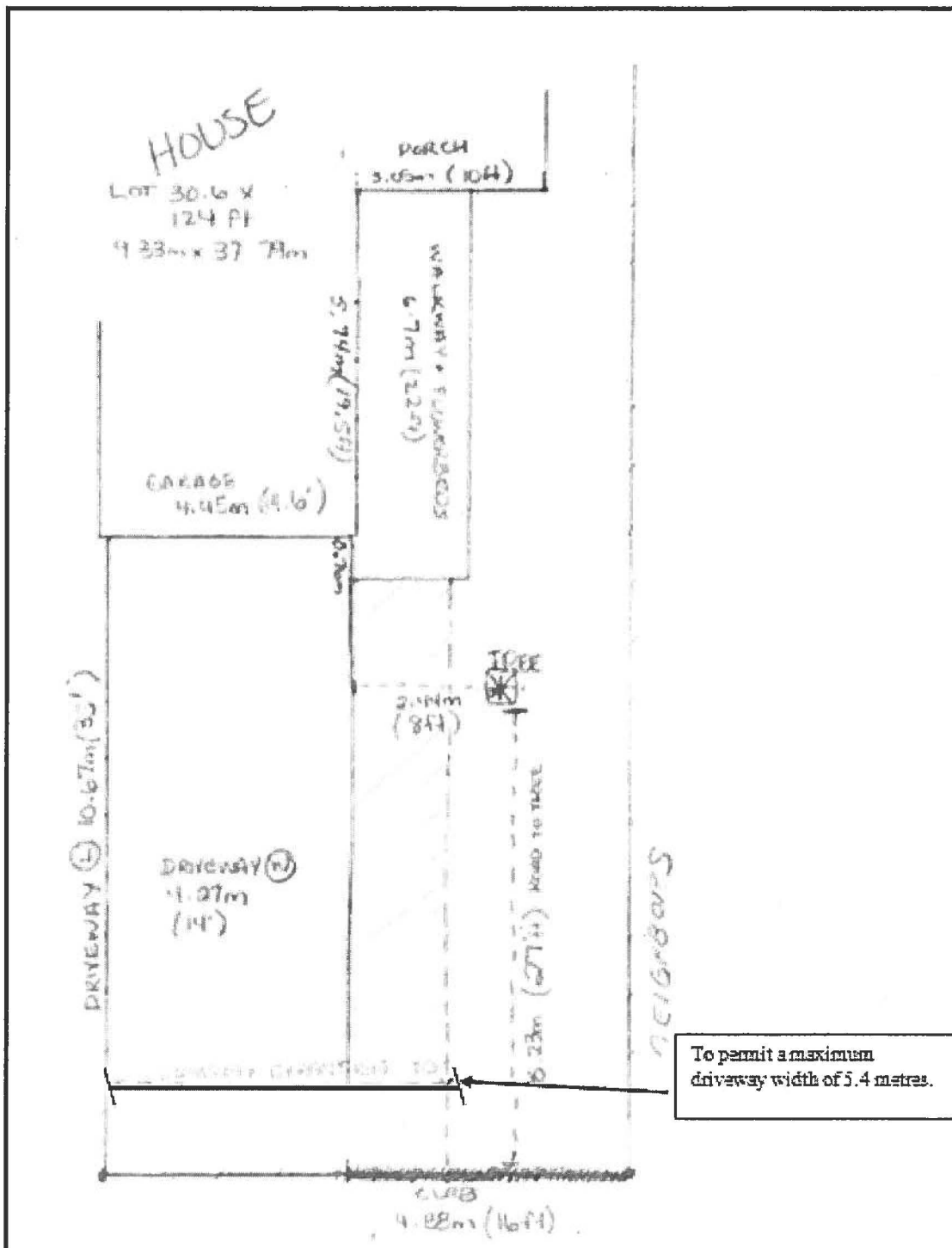
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Figure 1

**Subject Lands**  
**13 Dowers Drive**



Town of Ajax  
Planning & Development  
Services



Application File No. A3/15

Applicant: Adam Burke &  
Deserrai Buunk

Date: Jan 28, 2015

Figure 2

Proposed Site Plan  
13 Dowers Drive

*Town of*  
**Ajax**  
*By the Lake*

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 A5/15**  
**Messier- Dowty**  
**491 MacKenzie Avenue**  
**Block J, Part Block L, Plan M26**  
**(Part 1 to 3, RP-WR303)**

**Ward:** 3

**Date of Meeting:** January 28, 2015

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### **Recommendation:**

**That the Committee of Adjustment approve Minor Variance Application A5/15, submitted by Lardale Construction on behalf of Messier-Dowty, to permit an accessory building in the front yard, a maximum accessory building height of 7.6 metres, and an accessory building with a maximum gross floor area of 446 m<sup>2</sup>.**

### **Background & Proposal:**

On December 15, 2014, Lardale Construction submitted Site Plan Amendment Application SPA 15/14 on behalf of Messier-Dowty, to facilitate the development of a fabric covered accessory building with a gross floor area of 446 m<sup>2</sup> (4800 ft<sup>2</sup>). The accessory building will house materials used, assembled and produced at the neighboring property to the south at 545 MacKenzie Avenue. Both 446 MacKenzie Avenue and 545 MacKenzie Avenue are owned by Messier-Dowty. Messier-Dowty's daily operations occur over both properties and function as one property.

Messier-Dowty has become known locally as a cornerstone to the Town's portfolio of employers and is the manufacturer of aeronautical landing gear. Messier-Dowty supplies components for civilian and military aircraft manufactures including Boeing, Airbus, Dassault, and Bombardier. Messier-Dowty has supplied components for various projects including the Avro Arrow, the CL-41 Tutor, the DeHaviliand Dash-8, Airbus A-340 and others.

In order to facilitate the proposal the applicant has submitted minor variances to permit an accessory building in the front yard with a maximum gross floor area of 446 m<sup>2</sup> and maximum height of 7.6 metres to facilitate the proposed fabric covered accessory building under Site Plan SPA15/14.

**Subject Property & Surrounding Land Uses:**

The subject property is located on the west side of Monarch Avenue. The property is surrounded by industrial/employment land uses to the north, south, and west. To the east is the Clements Woodlot and Ajax Community Centre.

**Town of Ajax Official Plan:**

The subject property is dual-designated "Prestige Employment" and "General Employment" in the Town of Ajax Official Plan. Policies 2.5.3 and 2.5.4 allow for uses such as, offices, manufacturing, warehousing, and distribution facilities. The subject property conforms with the policies of the Official Plan. The location of the proposed fabric building is within the "General Employment" designation.

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

The subject property is dual-zoned Prestige Employment (PE) Zone and General Employment (GE) Zone by Zoning By-law 95-2003, as amended. These zone categories permit offices, manufacturing, warehousing and distribution centres.

The existing one storey brick building located along MacKenzie Avenue on the subject property is established as the principle use. The proposed fabric covered building is considered to be an accessory building. The applicant is requesting to permit an accessory building in the front yard with a maximum height of 7.6 metres, and a gross floor area of 446 m<sup>2</sup>; whereas the zoning by-law does not permit accessory buildings/structures in a front yard, permits a maximum accessory structure of 4.5 metres above the established grade and a maximum gross floor area of 10% of the lot area to a maximum of 60.0 m<sup>2</sup>.

**Requested Minor Variances:*****Accessory Building within a Front Yard Variance:***

Prohibiting an accessory building in a front yard is to ensure that an accessory building does not dominate the streetscape. The proposed property is a through lot, thereby fronting onto two public roads and having two front lot lines, one along MacKenzie Avenue and the other along Monarch Avenue. The accessory building would be located +/-157 metres (+/-515 feet) from the front property line along Monarch Avenue, significantly reducing its visual impact from the street.

Additionally, the properties of 491 MacKenzie Avenue and 545 MacKenzie Avenue (property to the immediate south of 491 MacKenzie Avenue) are under the same owner, Messier-Dowty, and function as one property. If the properties were to be merged, the accessory structure would no longer be located within a front yard. However, at this time the owner has advised that they do not wish to merge the two properties. The area in which the proposed accessory building is to be located functions as a side yard, and not a front yard. The existing principal building has high exposure to the street and public views, thereby tempering the proposed accessory buildings impact. The proposed location of the accessory building would be considered an appropriate area and would not be out of character.

**Maximum Accessory Building Floor Area Variance:**

An accessory building is, by definition, a detached building or structure that is subordinate to and customarily incidental to the principal building, structure or use on the same lot. The proposed fabric building is subordinate to the principal one storey brick building on the lot. The proposed accessory building would occupy 2% of the lot area with a floor area of 446 m<sup>2</sup>. Although the requested increase in the maximum area of an accessory building is 398 m<sup>2</sup> in excess of the maximum permitted gross floor area, the property is large enough (20,272.9 m<sup>2</sup>) to accommodate the proposed accessory building without impeding the size of the front yard. The primary function of the proposed accessory building is to store constructed landing gear parts, which is the main operation on both properties. Further, the proposed floor area of the building would not be out of character with the area, as many surrounding properties have similar buildings. Thus, the gross floor area increase would be considered desirable and an appropriate use of the land and would not negatively impact surrounding properties.

**Maximum Accessory Building Height Variance:**

The intent of the maximum height requirement for accessory buildings and structures is to ensure that these structures do not adversely impact abutting properties with respect to visual impact, overshadow, and overlook. The proposed accessory building will be sited beyond the accessory building setback requirements and because it is situated in a central location to the operations on both properties the structure will not impact adjacent properties. It is staff's opinion that the requested variance to increase the maximum height of the proposed accessory building to 7.6 metres is minor in nature and will not negatively impact abutting properties. The requested variance meets the general intent and purpose of the Official Plan and Zoning by-law, and is desirable and an appropriate use of the lands.

**Other Comments:**

<b>Design Services –</b>	no comments;
<b>Transportation Services -</b>	no comments;
<b>Building Services –</b>	Building Permit and limiting distance agreement is required for the structure;
<b>Operations -</b>	no comments;
<b>Fire Services –</b>	no comments;
<b>Engineering Services –</b>	no comments.

**Conclusion:**

Based on the discussion above, staff are of the opinion that Minor Variance Application A5/15 submitted by Lardale Construction on behalf of Messier-Dowty, to permit an accessory building within front yard, maximum accessory building height of 7.6 metres, and a maximum gross floor area of 446 m<sup>2</sup> for an accessory building, 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.



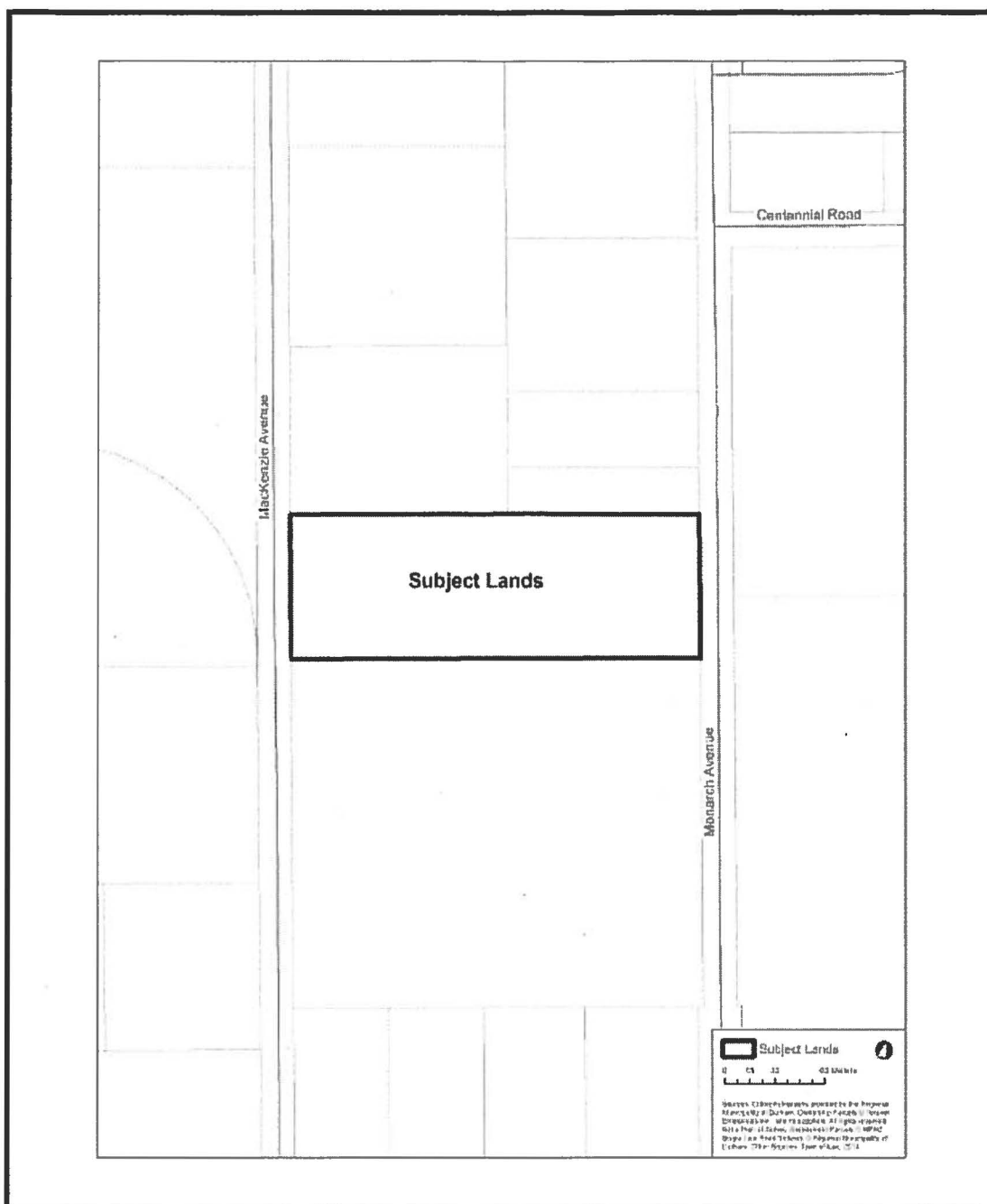
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Amanda Dunn, MES  
Development Planner



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Sean McCullough, BES  
Development Planner



Application File No. A5/15

Applicant: MESSIER-  
DOWTY INC.

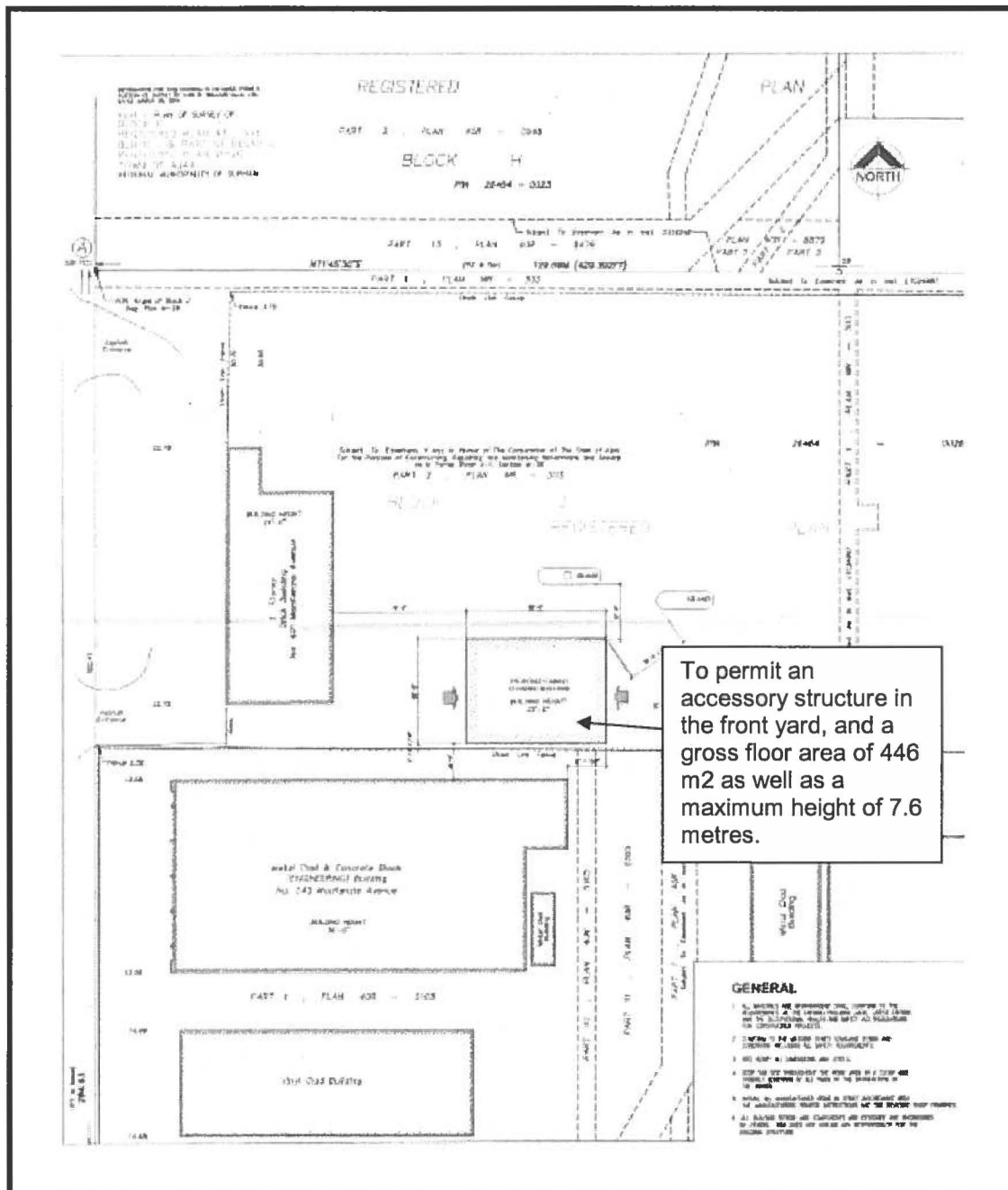
Date: January 28, 2015

Figure 1

Subject Lands  
491 MacKenzie Avenue



Town of Ajax  
Planning & Development  
Services



**Application File No. A5/15**

**Applicant: MESSIER-DOWTY INC.**

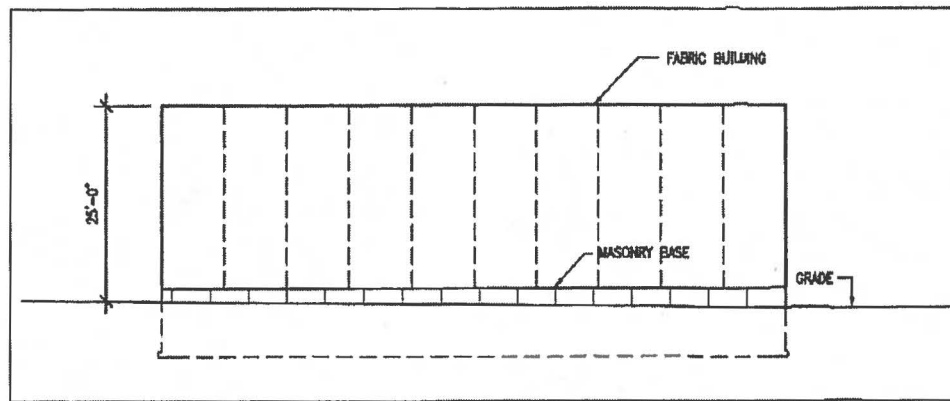
**Date: January 28, 2015**

### Figure 2

## Proposed Site Plan 491 MacKenzie Avenue

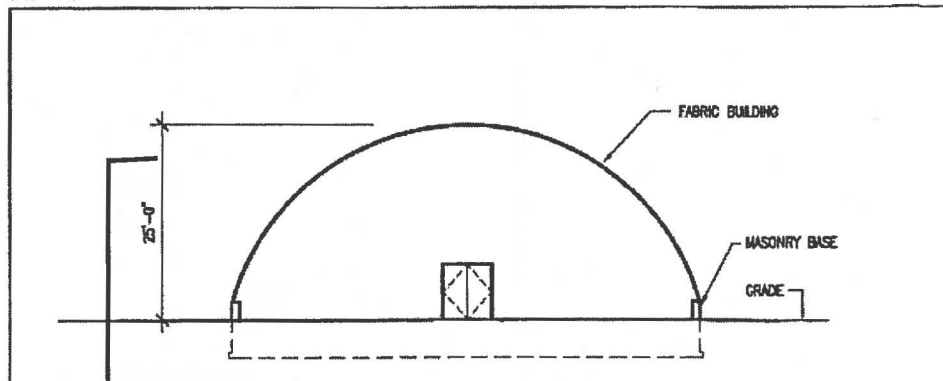


**Town of Ajax  
Planning & Development  
Services**



NORTH ELEVATION (SOUTH SIDE SIMILAR)

1/16"=1'-0"



WEST ELEVATION (EAST SIDE SIMILAR)

1/16"=1'-0"

To permit a maximum accessory  
structure height of 7.6 metres.

Application File No. A5/15

Applicant: MESSIER-  
DOWTY INC.

Date: January 28, 2015

Figure 3

Proposed Elevations  
491 MacKenzie AvenueTown of Ajax  
Planning & Development  
Services

# **TOWN OF AJAX REPORT**



**Report To:** Committee of Adjustment

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

**Subject:** **Minor Variance Application A1/15**  
**Gordon Crawford**  
**62 Daniels Crescent**  
**Lot 28 Plan 40M-1370**

**Ward:** 1

**Date of Meeting:** January 28, 2015

**Report To:** Committee of Adjustment

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## **Recommendation:**

**That the Committee of Adjustment approve Minor Variance Application A01/15 submitted by Gordon Crawford, 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.**

## **Background & Proposal:**

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

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

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

The subject property is located on the west side of Daniels Crescent, and is municipally known as 62 Daniels Crescent. 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” 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, as amended:**

The subject property is zoned Residential Two - A (R2-A) Zone within the Town of Ajax Zoning By-law 95-2003, as amended. This zone category permits single and semi-detached dwellings and one accessory apartment (provided the minimum required parking can be achieved).

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

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

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

The 0.4 metre increase in driveway width would not dominate the streetscape and would not negatively impact the surrounding neighbourhood character, as similar widenings have taken place within the immediate neighbourhood. Furthermore, the requested driveway width increase would still maintain the general intent of the zoning by-law, would be considered desirable for the appropriate development or use of the land, and would be considered to be a request that is minor in nature.

**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 Application A01/15**, submitted by Gordon Crawford, to permit a maximum driveway width of 5.4 metres, is:

- 1) minor in nature;


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

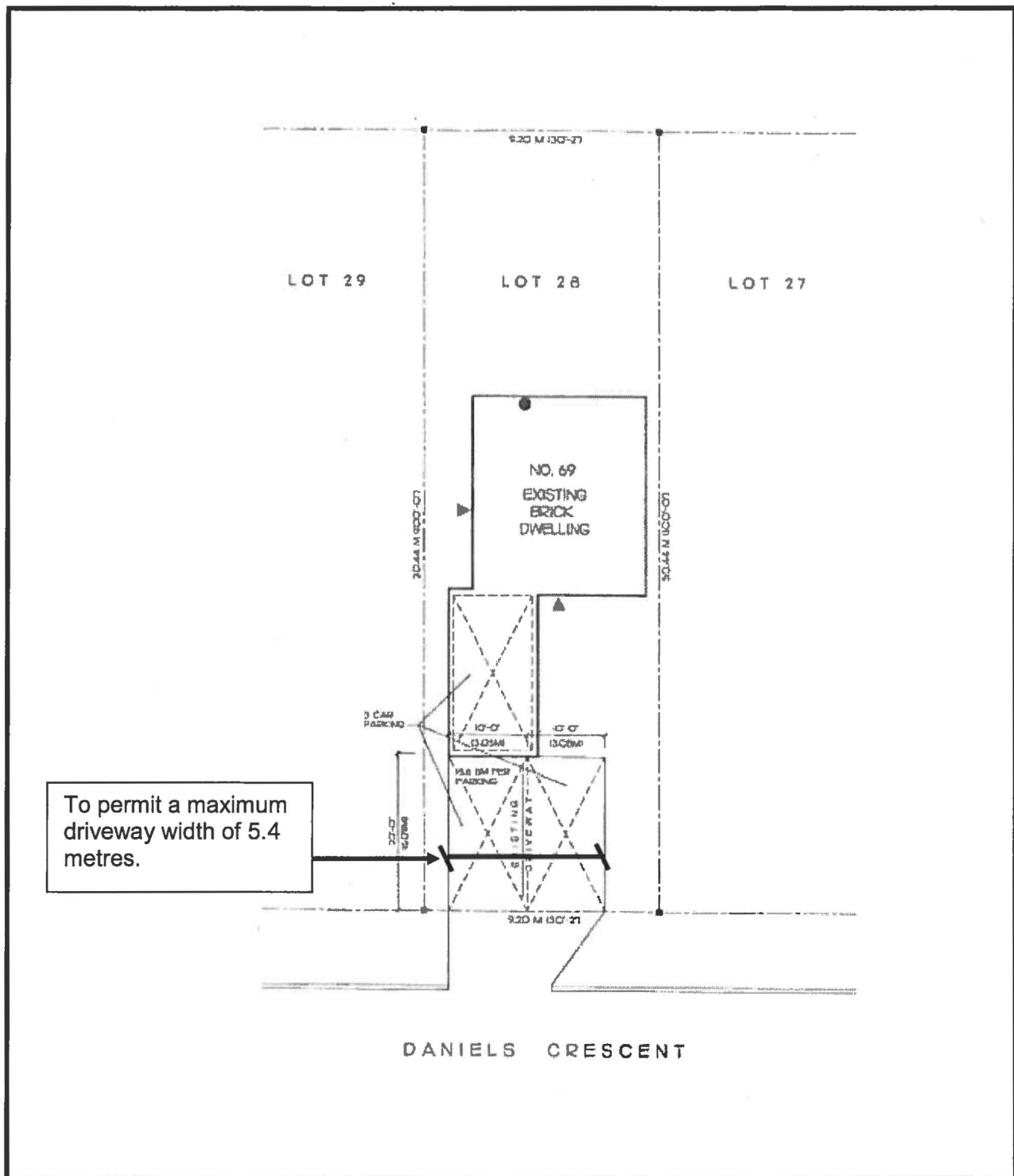


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Séan McCullough, BES  
Development Planner



<p><b>Application File No. A1/15</b></p> <p><b>Applicant: Gordon Crawford</b></p> <p><b>Date: January 28, 2015</b></p>	<p><b>Figure 1</b></p> <p><b>Subject Lands</b></p> <p><b>62 Daniels Crescent</b></p>	<p> <b>Town of Ajax</b> <b>Planning &amp; Development</b> <b>Services</b></p>
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Application File No. A1/15

Applicant: Gordon Crawford

Date: January 28, 2015

Figure 2

Proposed Site Plan  
62 Daniels CrescentTown of Ajax  
Planning & Development  
Services

# **TOWN OF AJAX REPORT**



**REPORT TO:** Committee of Adjustment

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

**SUBJECT:** **Minor Variance Application A2/15  
1825398 Ontario Inc.  
520 Westney Road South, Unit 11**

**WARD:** 3

**DATE OF MEETING:** January 28, 2015

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## **RECOMMENDATION:**

**That the Committee of Adjustment approve Minor Variance Application A05/15 submitted by Simon Barg on behalf of 1825398 Ontario Inc., to permit a commercial fitness centre (Crossfit Gym), subject to the following condition:**

- 1. That the proposed Commercial Fitness Centre only be permitted to operate from Unit 11 (520 Westney Road S.).**

## **Background:**

In September 1986, the Town approved Site Plan Application IC21/86 proposing to construct two 'L' shaped buildings with a total gross floor area of 9,213 m<sup>2</sup>. In 2005, Official Plan Amendment Application OPA05-A8 and Zoning By-law Amendment Application Z19/05 were submitted and approved to change the Official Plan designation and related zone category from "General Employment" to "Prestige Employment".

The implementing by-law (By-law 119-2006) permitted only uses operating on the subject property at the time of passing of the by-law, which included, Accessory Retail Sales Outlet, Commercial School, Light Manufacturing, Offices, Place of Worship, Personal Service Shop and Warehouse/Distribution Centre uses. Place of Worship was subsequently removed as a permitted use in all Employment zones through By-law 50-2013 on May 13, 2013. Permitted uses were based on established parking spaces and parking rates associated with individual uses.

## **Proposal:**

The applicant is proposing a commercial fitness facility, more specifically a Crossfit Gym, which operates group classes consisting of a maximum of 10 clients plus 1 instructor per class. The proposed classes would operate Monday to Friday at 6:00 a.m., 9:30 a.m., 5:00 p.m. and 7:00 p.m., and on Saturdays at 8:00 a.m. and 10:00 a.m. There would be no classes scheduled on Sundays.

Site specific zoning exception 132 identified a list of permitted uses, which include, Accessory Retail Sales Outlet, Commercial School, Light Manufacturing, Offices, Personal Service Shop,

and Warehouse/ Distribution Centre. The applicant is requesting to permit a *Commercial Fitness Centre* (Crossfit Gym) from Unit 11.

**Subject Property & Surrounding Land Uses:**

The subject property is approximately 2.5 hectares (6.18 acres) and located at the southwest corner of the Westney Road South and Clements Road. The subject property has two buildings consisting of multiple tenants, including light manufacturing, warehouse/distribution centres, and offices. To the north is Lion's Park, to the east across Westney Road are offices (Remax) and several Restaurants, abutting the lands to the south is the Discovery Bay Plaza, and abutting the lands to the west is a manufacturing and distribution business (ATX Telecom Inc.) (See Figure 1 – Subject Lands).

**Town of Ajax Official Plan:**

The subject property is designated "Prestige Employment" within the Town of Ajax Official Plan, and permits uses such as, but not limited to business and professional offices, research and development facilities, financial institutions, restaurants, automobile dealerships, athletic clubs and other similar uses. The proposal maintains the general intent of the Official Plan.

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

The subject property is zoned Prestige Employment (PE) Zone within Zoning By-law 95-2003, as amended and is subject to Exception 132. Exception 132 states:

"Notwithstanding the uses permitted within the Prestige Employment (PE) Zone, only the following uses shall be permitted: Accessory Retail Sales Outlet, Commercial School, Light Manufacturing, Offices, Personal Service Shop, and Warehouse Distribution Centre."

Zoning By-law 95-2003, as amended defines a *Commercial Fitness Centre* as the following "shall mean a private club in which facilities are provided for recreational fitness activities and shall include associated facilities such as a sauna, office space, retail shop and related lounge." The applicants proposed business, a CrossFit Gym, falls within the definition of a Commercial Fitness Centre and is therefore not permitted. As a result, the applicant is requesting to permit a Commercial Fitness Centre within Unit 11 only.

**Requested Minor Variance:**

***Commercial Fitness Centre Variance***

Although a Commercial Fitness Centre is typically a permitted use in the Prestige Employment (PE) Zone, the purpose of not permitting the use on the subject property was to ensure sufficient parking had been established on the subject property.

A Commercial School is a permitted use on the subject property and is defined as "a premises as a school conducted for gain, including a studio of a dancing teacher or music teacher, an art teacher, a golf school or business school and any other similar specialized school." Although the proposed crossfit gym is considered a Commercial Fitness Centre, it operates similar to a Commercial School providing specialized classes.

**Parking Requirements and Evaluation:**

The subject property currently has approximately 185 parking spaces for Building 'A'. The planning report completed for Zoning By-law Amendment Application Z19/05 identified that based on the tenants in 2005, the existing parking supply could accommodate land uses with parking standards equivalent to 1 space per 33.0 m<sup>2</sup> of gross floor area. Therefore, existing uses on the subject property and uses typically permitted in the Prestige Employment Zone with comparable parking standards were permitted through Zoning By-law Amendment Z19/05.

A Commercial Fitness Centre requires a minimum of 1 parking space per 20 m<sup>2</sup> of gross floor area. The proposed facility would occupy approximately 242 square metres and would therefore require 13 parking spaces. The applicant has identified that classes would consist of a maximum 10 participants and 1 instructor, with no classes overlapping.

A parking utilization study was completed by GHD Inc on January 12, 2015. The parking study surveyed the parking usage on Thursday January 8, 2015 and Saturday January 10, 2015 at 30 minute intervals. The survey observed the following peak parking demand:

<b>Peak Demand</b>	<b>Thursday January 8</b>	<b>Saturday January 10</b>
<b>Occupied Spaces</b>	111	71
<b>Time Period</b>	2:30 p.m. – 3:00 p.m.	11:30 p.m. to 12:00 p.m.
<b>% Utilization</b>	60%	38.4%

The parking utilization study determined at the peak demand, there were approximately 75 surplus parking spaces available. In contrast, the proposed Crossfit Gym would operate outside peak working hours to enable clients to attend classes before and after work. The following parking utilization was observed when the proposed classes were scheduled to occur:

<b>Off Peak Demand</b>		<b>Observed Parking Utilization</b>	<b>Surplus Parking Spaces</b>
Thursday January 8	7:30 a.m. to 11:00 a.m.	47 to 107	78 to 138
	5:00 p.m. to 6:30 p.m.	47 to 67	118 to 138
Saturday January 10	11:00 a.m. to 2:00 p.m. (Peak Hours Only Surveyed)	55 to 71	114 to 130

As a result, it has been determined that sufficient parking exists on site to accommodate the proposed use. Town of Ajax Transportation staff reviewed the parking utilization study and were satisfied with the results. In addition, the results are comparable to a parking utilization study completed by Sernas Transtech (now GHD Inc) in June 2007 and a follow-up study completed in March 2009 on the subject property for Minor Variance Application A16/07, proposing to enlarge a Place of Worship in Units 12, 13, and 14.

Therefore, based on the observations of the parking utilization study, size and type of Commercial Fitness Centre, staff consider the request to permit a Commercial Fitness Centre (Crossfit Gym) appropriate and minor in nature.

**Other Comments:**

**Design Services –** no comments;

**Transportation Services -** no comments;

**Building Services -** no comments;

**Operations -** no comments;

**Fire Services -** no comments;

**Engineering Services -** no comments;

**Conclusion:**

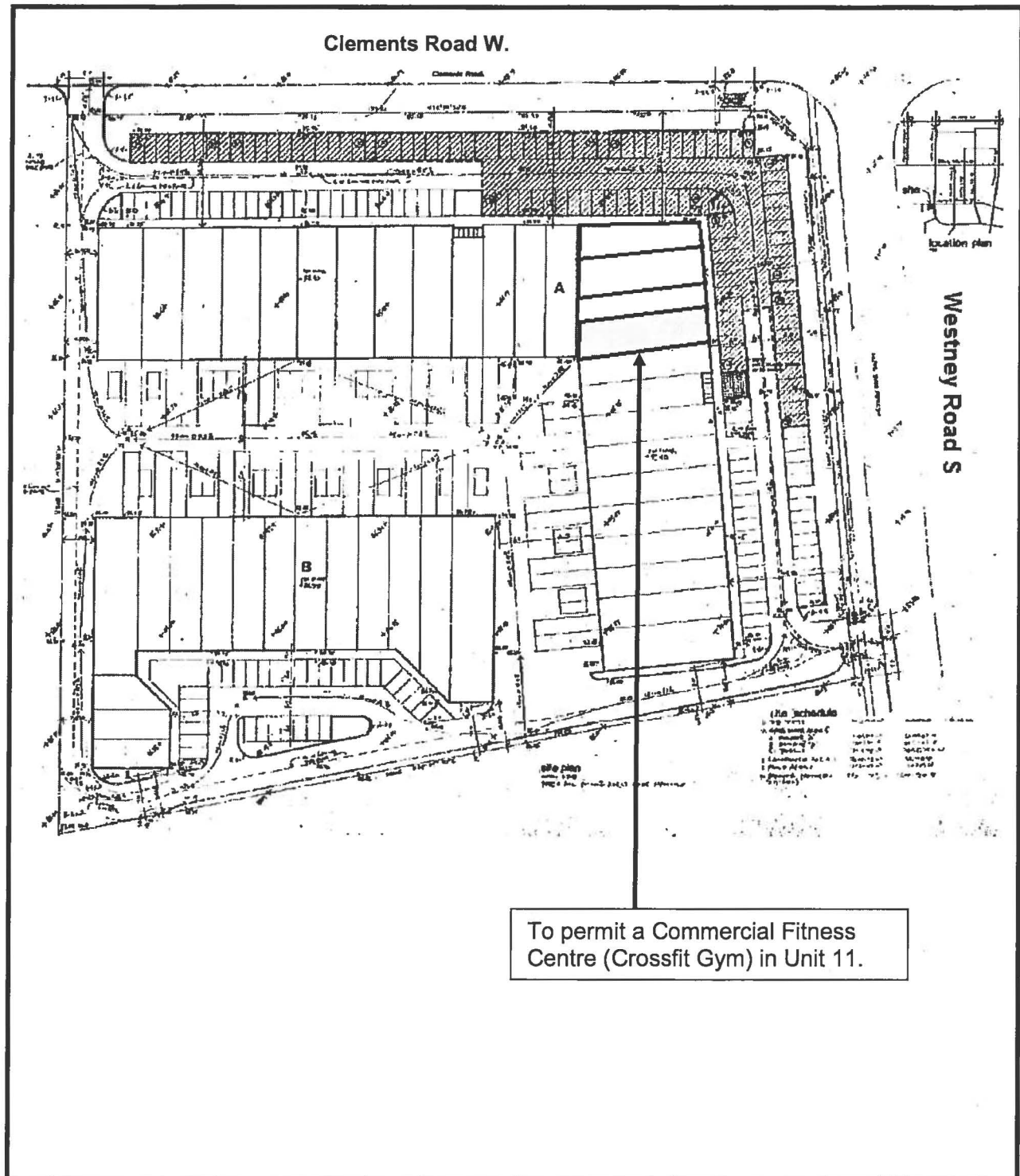
Based on the discussion above, staff are of the opinion that **Minor Variance Application A2/15**, submitted by Simon Barg on behalf of 1825398 Ontario Inc. to permit a Commercial Fitness Centre, is:

- 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.

  
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Sean McCullough, BES  
Development Planner







Application File No. A2/15

Applicant: 1825398 Ontario Inc.

Date: January 28, 2015

Figure 2

Site Plan  
520 Westney Road S.  
Unit 11



Town of Ajax  
Planning & Development  
Services

## **TOWN OF AJAX REPORT**



**REPORT TO:** Committee of Adjustment

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

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

**SUBJECT:** **Minor Variance Application A4/15**  
**2371200 Ontario Inc.**  
**PLAN 40M1677 PT BLK 244 NOW RP 40R13932 PART 1**  
**484 Rossland Road West**

**WARD:** 1

**DATE OF MEETING:** January 28, 2015

**REFERENCE:** **Site Plan Application SP2/15**

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### **RECOMMENDATION:**

That the Committee of Adjustment approve Minor Variance Application A4/15, submitted by 2371200 Ontario Inc., to permit a temporary sales structure in an Open Space (OS) Zone and a minimum setback of 7.5 metres from an exterior side lot line (Rossland Road West) to a temporary sales structure, subject to the following conditions:

1. That the applicant obtain approval of Site Plan Application SP2/15 and enter into a temporary sales structure agreement with the Town or this decision shall become null and void; and
2. That the applicant obtain approval of Zoning By-law Amendment Application Z1/15 or this decision shall become null and void.

### **Background & Proposal:**

On December 22, 2014, 2371200 Ontario Inc. filed draft plan of subdivision, rezoning and site plan applications to facilitate the development of 41, 3-storey condominium townhouses on three parcels of land located northeast of the intersection of Rossland Road West and Harkins Drive. These lands include 484 Rossland Road, a vacant parcel that fronts onto the traveled portion of Rossland Road West and a road allowance of the former Third Concession Road. The vacant parcel and 484 Rossland Road West are owned by the applicant, while the road allowance of the former Third Concession Road is owned by the Town. This road allowance serves the purpose of providing access to 484 Rossland Road West (see Figure 1: Location Map – Subject lands, Figure 2: Proposed Site Plan - Future Development).

The subject lands have been under considerable development pressure. The Town has empathized the need for the consolidation and comprehensive development of all three parcels

in a manner most appropriate for the location and in accordance with the Town's Official Plan. In order to assist with the future development of the lands, the Town deemed the former Third Concession allowance as surplus lands. The Town would consider the sale of the road allowance provided that the development proposal for these lands are satisfactory to the Town.

In order to market and assist with the future sale of dwelling units the applicant has filed for site plan approval under Site Plan SP2/15 to permit a 134 m<sup>2</sup> (1,440 ft<sup>2</sup>) temporary sales structure and parking area located on the vacant parcel that fronts onto the travel portion of Rossland Road West (see Figure 3: Proposed Site Plan - Temporary Sales Structure).

Minor variances to permit a temporary sales structure in an Open Space (OS) Zone and a minimum setback of 7.5 metres from an exterior side lot line are required to facilitate the proposed temporary sales structure.

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

The subject lands are located northeast of the intersection of Rossland Road West and Harkins Drive. Immediately north and west of the subject lands is Duffins Creek. Immediately to the east are 2-storey condominium townhouses located on Marsh Lane. Immediately south is Rossland Road West. Further south are single detached homes on Shale Drive.

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

The subject lands are designated "Medium Density Residential" within the Town of Ajax Official Plan. Permitted uses within the Medium Density Residential designation include duplex dwellings, block townhouses, street townhouses, stacked townhouses, attached housing, walk-up apartments and other forms of moderately scaled housing.

The Town's Official Plan is silent on the specific use of temporary sale structures, however Section 7.2.5 c) states where lists or examples of permitted uses are provided, they are intended to indicate the possible range and type of uses that are to be considered. Specific uses not listed, but considered by the Town to be similar to the listed uses and to conform to the general intent of the applicable land use designation may be recognized as a permitted use and recognized in the implementing Zoning By-law.

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

Temporary sales structures are recognized and regulated by Section 4.22 of the Town's Zoning by-law 95-2003, as amended, and permits the use in any Mixed Use, Residential, Commercial and Employment or Agriculture Zones provided that the structure is located in accordance with the zone provisions for the zone in which it is located and an agreement is entered into with the Town of Ajax.

The northern portion of the subject lands are zoned Agricultural (A) Zone and the southern portion Open Space (OS) Zone. The current zoning does not implement the permitted uses of the Official Plan. The temporary sale structure is proposed to be located on lands zoned Open Space (OS). The OS zone does not permit the use of a temporary sale structure.

The applicant has submitted an application to rezone the subject lands to an appropriate Residential zone category that will implement the proposed condominium townhouse development and correspondingly permit the proposed temporary sales structure. The proposed temporary sales structure would comply with all provisions of the zoning by-law once the proposed zoning by-law amendment has been passed.

## **Requested Minor Variances:**

### ***Temporary Sales Structure in an Open Space (OS) Zone Variance***

A temporary sales structure is only permitted in a Mixed Use, Residential, Commercial, Employment or Agricultural Zone. The parcel of land that is proposed to be occupied by the temporary sales structure is currently zoned Open Space (OS) Zone and is not permitted.

These lands were recently redesignated through Official Plan Amendment No. 41 (Residential Intensification/Growth Plan Conformity) from Open Space to Medium Density Residential. The applicant has committed to implementing the Official Plan through the submission of draft plan of subdivision, rezoning and site plan applications. The zoning by-law amendment application will rezone the subject lands from Open Space (OS) Zone to Residential Multiple Six (RM6) Zone, simultaneously permitting a temporary sales structure.

The Town is appreciative of the consolidated and comprehensive development approach presented through the submission of the development applications. The intent of the Official Plan will be secured through Condition 2 listed above. The marketing of residential units is vital to the success of any residential development. The temporary sales structure would be removed from the lands upon commencement of construction of the proposed townhouses.

Based on the foregoing, staff are satisfied that through the processing of the submitted rezoning application the intent of the Official Plan will be met. The requested variance to permit a temporary sales structure is considered to be minor in nature and desirable for the appropriate 'temporary' development of the land.

### ***Minimum Setback from an Exterior Side Lot Line Variance***

The intent of the minimum setback from an exterior side lot line is to provide an appropriate buffer between a building on a property and street line, and to ensure a desirable streetscape is maintained. A 15 metre exterior side lot line setback is required under the OS Zone. The proposed 7.5 metre setback would still maintain an appropriate exterior side yard buffer between the proposed temporary sales structure and the property line. This yard is proposed to be predominately occupied by soft landscaping. It will be further augmented by a 14.5 metre grassed and treed municipal boulevard. This provides for a generous buffer between the temporary sales structure and the street line, and presents a desirable streetscape in view of the proposed use.

In staff's view, the reduction to the required minimum setback from the exterior side lot line is minor given the generous buffer from the street line. The requested variance is considered to be minor in nature and desirable for the appropriate 'temporary' development of the land.

## **Other Comments:**

Comments have been received from:

Building Services:	A building permit is required for the proposed temporary sales structure;
Design Services:	no comments;
Engineering Services:	The management of stormwater will be reviewed through site plan application SP2/15;

Transportation Services: no comments;

Operations Services: no comments;

Fire Services: no comments;

**Conclusion:**

Based on the above discussion, staff are of the opinion that **Minor Variance Application A4/15**, submitted by 2371200 Ontario Inc., to permit a temporary sales structure in an Open Space (OS) Zone and a minimum setback of 7.5 metres from an exterior side lot line to a temporary sales structure, are:

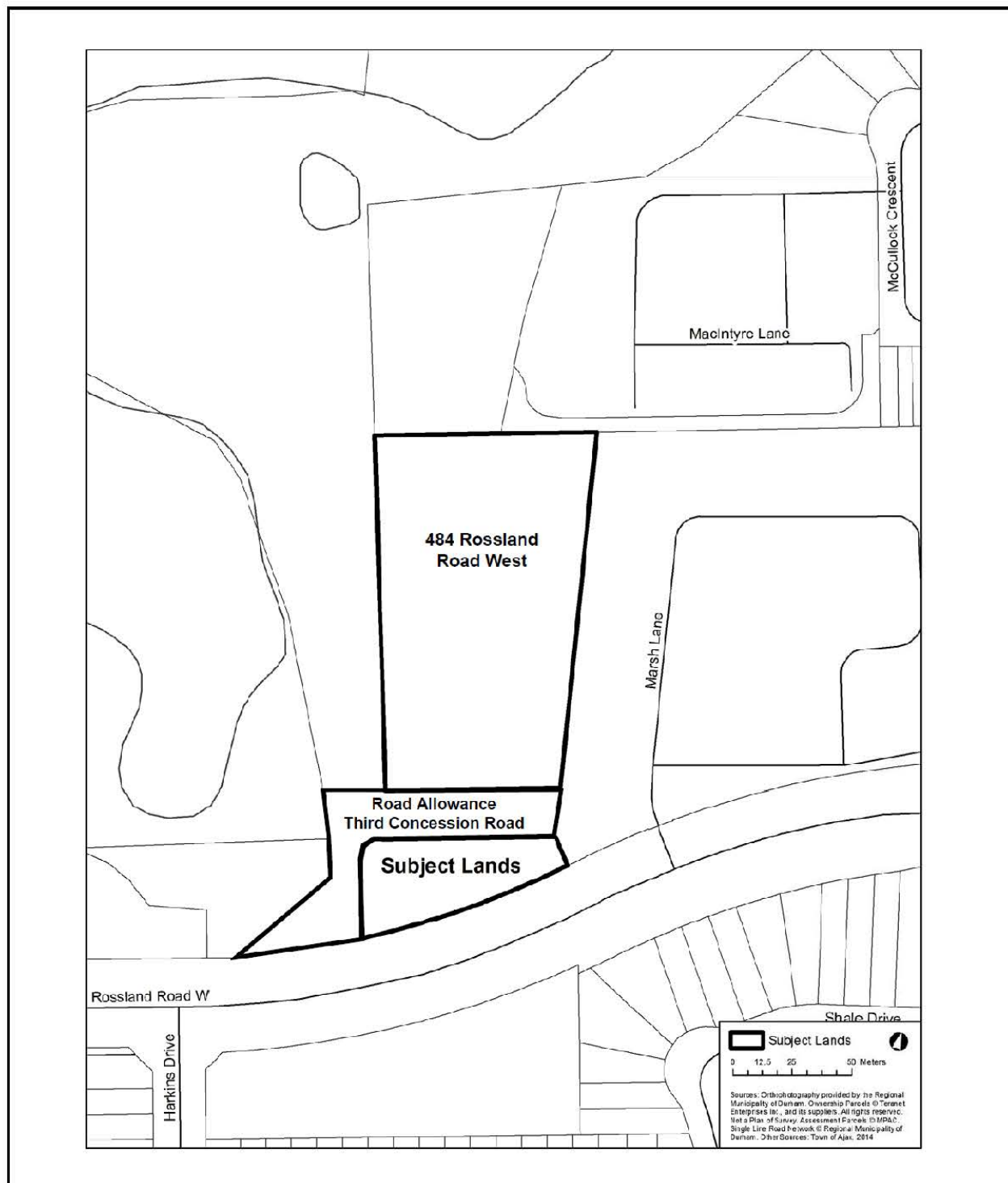
- 1) minor in nature;
- 2) desirable and an appropriate use of the land; and
- 3) in keeping with the general intent and purpose of the Official Plan and Zoning By-law.



Bruno Scopacasa, MES, MCIP, RPP  
Senior Development Planner



Sean McCullough, BES  
Development Planner



Application File No. A4/15

Applicant:  
2371200 Ontario Inc.

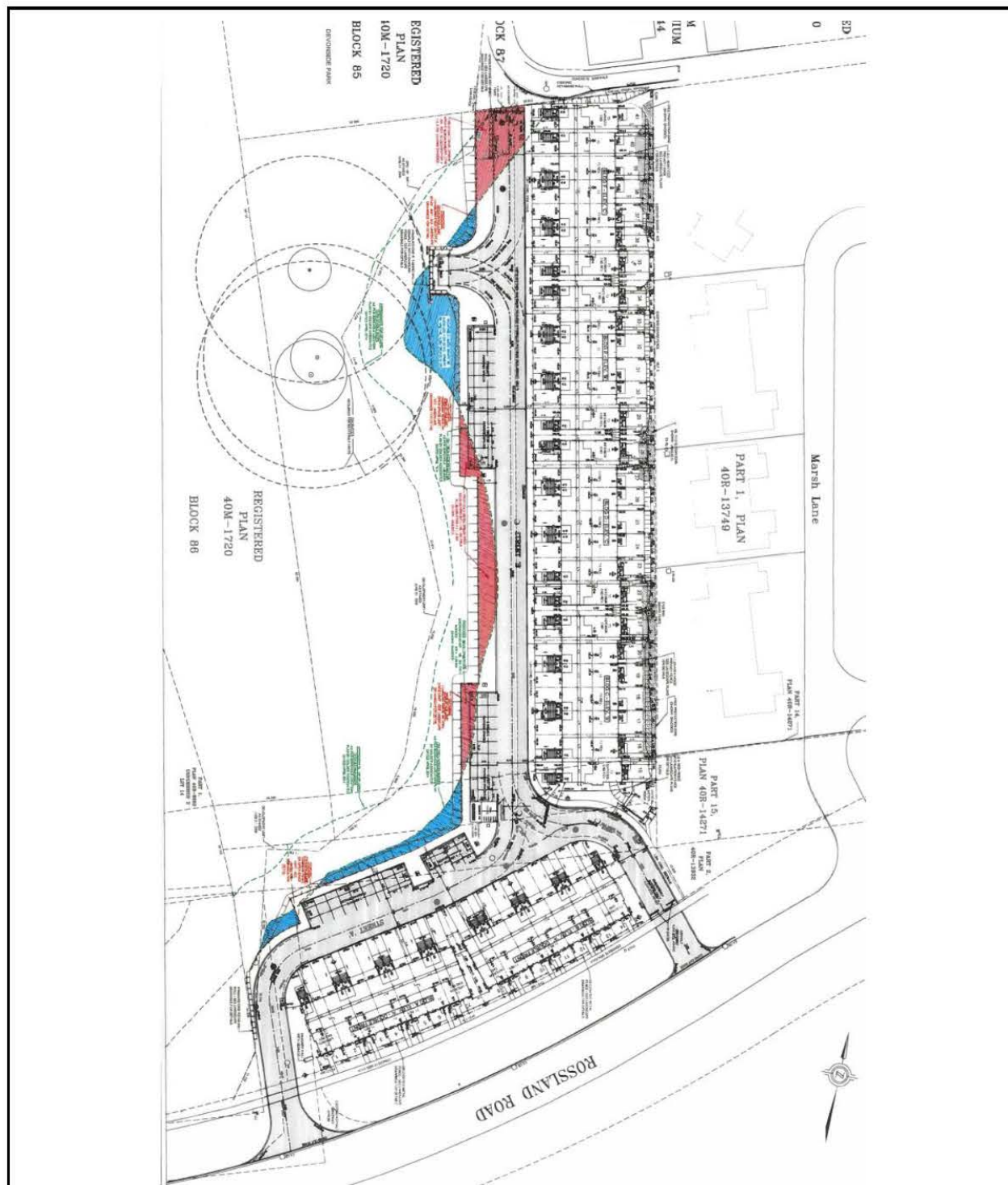
Date: January 28, 2015

Figure 1  
Location Map  
Subject Lands

Town of Ajax  
Planning and  
Development  
Services







Application File No. A4/15

Applicant:  
2371200 Ontario Inc.

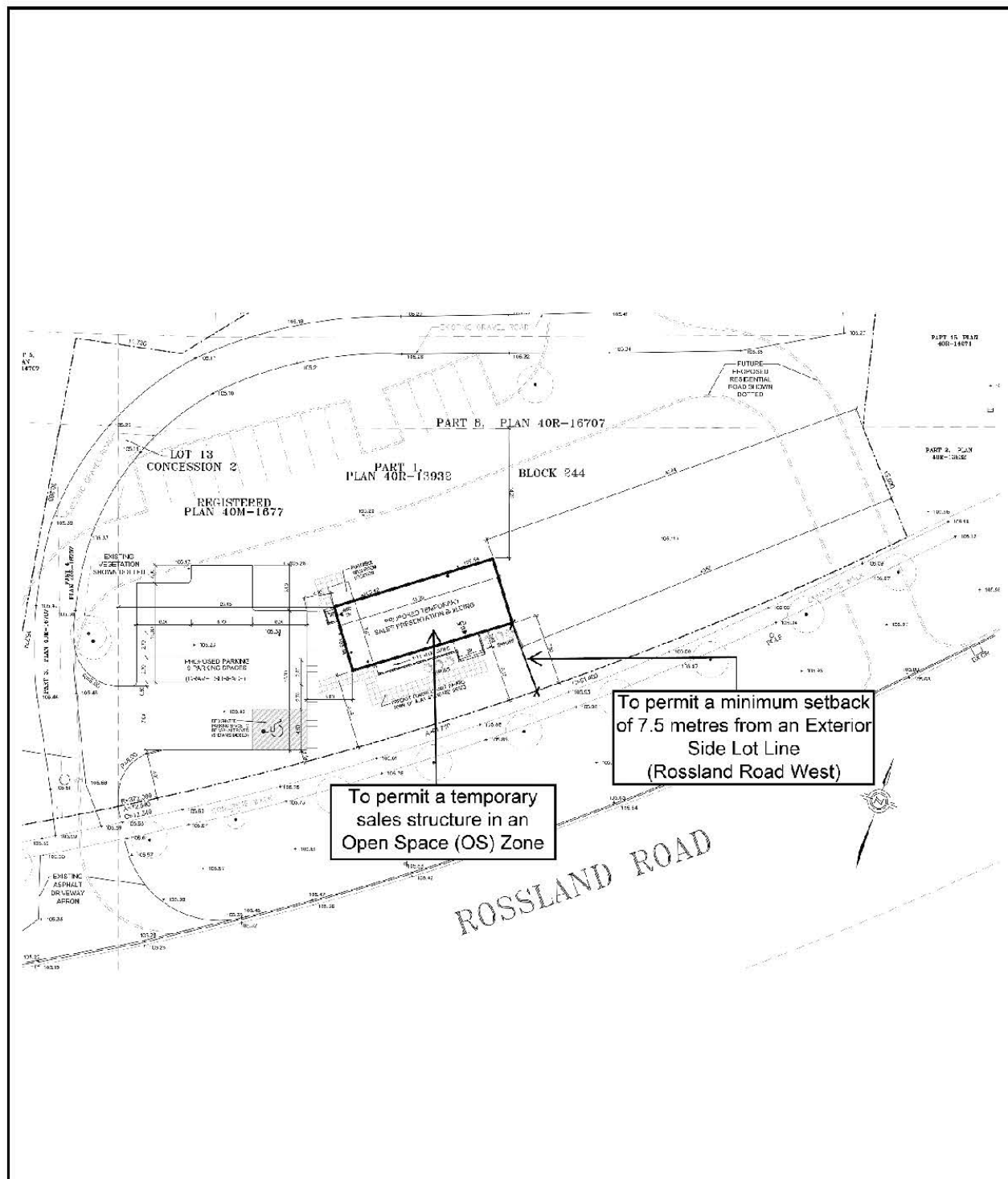
Date: January 28, 2015

Figure 2  
Proposed Site Plan  
Future Development

Town of Ajax  
Planning and  
Development  
Services







Application File No. A4/15

Applicant:  
2371200 Ontario Inc.

Date: January 28, 2015

Figure 3

Proposed Site Plan  
Temporary Sales Structure

Town of Ajax  
Planning and  
Development  
Services

