
AGENDA

COMMITTEE OF ADJUSTMENT

Town Hall
65 Harwood Avenue South
Ajax, Ontario
Council Chambers

Wednesday, November 26, 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.



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. [October 29, 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:
 - [A25/14 – 128 Sharplin Drive – Cheryl Boddy](#)Page 7
To permit a platform that is greater than 1.2 metres above finished ground level to have a maximum area of 44.0 m².
 - [A26/14 – 128 Sharplin Drive – Cynthia Washbrook](#).....Page 13
To permit a platform that is greater than 1.2 metres above finished ground level to have a maximum area of 38.5 m².

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 October 29, 2014 @ 6:45 P.M.**

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

1. Call to Order – October 29, 2014, Town of Ajax, Committee of Adjustment Meeting

Meeting called to order at 6:49 p.m. on October 29, 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 September 24, 2014, Town of Ajax, Committee of Adjustment Meeting Minutes

Chair Milligan asked for a motion to adopt the minutes from the September 24, 2014 Committee of Adjustment meetings.

Proposed by: Member Briand
Seconded by: Member Daffern

Vote: All in Favour

Carried

4. Committee Discussion and Application Clarification.

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

Member Daffern asked staff if there was a way to notify future purchasers of 762 Rossland Road East of the relief sought in application A23/14.

Technical Advisor/Secretary-Treasurer McCullough indicated that he had spoken to the Towns Legal Counsel who had identified that an agreement would need to be registered on title of the abutting lands. Typically this cannot be done, however given that both properties were under the same ownership that the committee could consider this as a condition. However, due to the nature of the request there was no guarantee that the land registry office would accept such an agreement.

Member Daffern asked if legal opinion on how the committee should proceed had been provided.

Technical Advisor/Secretary-Treasurer McCullough identified that advice on how the committee should proceed was not provided.

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 A23/14
O'Connor Land and Cattle Co.
750 Rossland Road East**

To permit a Minimum Distance Separation (MDS II) setback of 88 metres to a Type A landuse (dwelling).

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 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.**

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

Mr. Sean O'Connor was in attendance to represent the application. Mr. O'Connor provided an overview of the request and provided a history of the property. There was a fire in 2011 that destroyed the original barn. Following the fire a new barn was constructed on the subject property. The applicant is required to prepare a nutrient management plan and submit the information to the province prior to construction of any new livestock facilities.

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

Member Dixon asked if the reason for the location of the barn was to use the existing foundation.

Mr. O'Connor identified that that was correct and they did not want to use existing cultivated land.

Chair Milligan asked what the previous barn was used for.

Mr. O'Connor identified that milking cows were previously kept in the old barn.

Chair Milligan asked what the new barn would be used for.

Mr. O'Connor identified the barn would be used for calves which were currently kept in pens in this location.

Member Briand asked when the farm was established.

Mr. O'Connor identified the farm was established in 1845.

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.

Member Molinari moved to approve the application subject to the condition in the staff report as the application 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 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.**

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

Technical Advisor/Secretary-Treasurer McCullough asked members to avoid providing any opinions that could be perceived as legal advice.

Technical Advisor/Secretary-Treasurer McCullough provided an update on Planning Department staff.

8. Adjournment

Proposed by: Member Briand

Seconded by: Member Dixon

All in favour

Carried

Meeting adjourned at 7:19 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 A25/14**
Cheryl Boddy
128 Sharplin Drive
Lot 17, Plan 40M-2487

Ward: 4

Date of Meeting: November 26, 2014

Recommendation:

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 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.**

Background & Proposal:

The subject property is located within the John Boddy Eagle Woods Subdivision (18T-94026), which was draft approved on November 14, 2001 and is currently under construction. A building permit for a detached dwelling was issued in 2013 and requires final exterior and grading inspections.

The applicant has submitted a minor residential building permit to construct two decks. One deck will be located off the first storey and will have an area of approximately 38 m² and the other deck will be located off the second storey and have an area of approximately 6.0 m². As a result, the applicant is requesting to permit a combined maximum platform area of 44.0 m² for two platforms greater than 1.2 metres above the finished ground level.

Subject Property & Surrounding Land Uses:

The subject property is municipally known as 128 Sharplin Drive and is located on the south side of Sharplin Drive. The subject property is surrounded to the north, east, and west by low density residential lots consisting of single detached dwellings, some of which are currently under construction. The subject property is bounded to the south by a stormwater management pond (See Figure 1 – Subject Property).

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 Town of Ajax Official Plan.

Zoning By-law 95-2003, as amended:

The subject property is zoned Residential One – ‘D’ (R1-D) Zone within Zoning By-law 95-2003, as amended and is subject to Exception 110. The R1-D Zone permits single detached dwellings. Platforms that are greater than 1.2 metres in height above finished ground level must meet the setbacks of the respective zone, not exceed 50% of the yard in which the platform is located, and not exceed a maximum area of 30 m². The proposal complies with all applicable zone standards; except the maximum platform area of 30 m² for platforms greater than 1.2 metres in height above finished ground level.

Requested Minor Variance:***Maximum Platform Area Variance:***

The intent of limiting a platform to a maximum area or percentage of a yard is to ensure that the platform does not become the dominant feature of the yard in which it is located, and to ensure that a platform over a certain height does not infringe on the privacy of abutting properties.

The proposed platform would not be the dominant feature of the yard, as it would occupy less than 50% of the rear yard. The subject property backs onto a stormwater management pond and would not infringe on surrounding land owners privacy as there are no lots directly behind the lot or beyond the pond. The proposed platform would maintain all required setbacks, including a larger than required 13 metre setback to the rear lot line.

As a result, staff consider the requested variance, to permit a platform (greater than 1.2 metres in height above the finished ground level) with a maximum area of 44.0 m², to be minor in nature and appropriate for the desirable development of the lands.

Other Comments:

Transportation Services - no comments;

Design Services – no comments;

Building Services – that the Owner/Applicant obtain a building permit;

Operations – no comments;

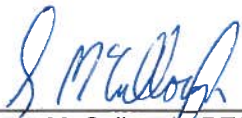
Fire Services – no comments;

Engineering Services - no comments;

Conclusion:

Based on the discussion above, staff are of the opinion that **Minor Variance Application 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 the finished ground level, with a maximum area of 44 m², is:

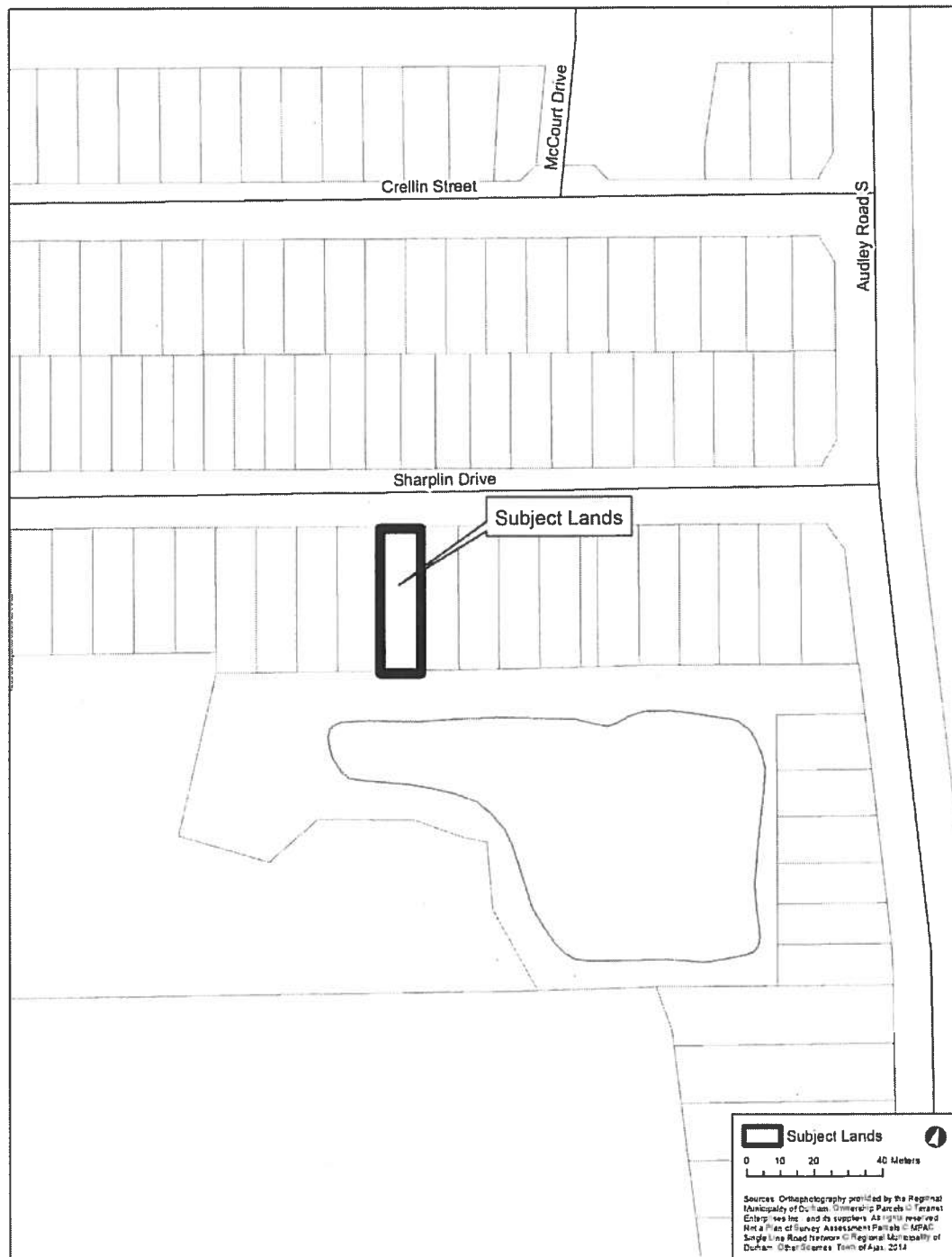
- 1) minor in nature;
- 2) desirable for the appropriate development and use of the lands; and
- 3) in keeping with the general intent and purpose of the Official Plan and Zoning By-law.



Sean McCullough, BES
Development Planner



Geoff Romanowski, MCIP, RPP, CPT
Development Approvals Coordinator



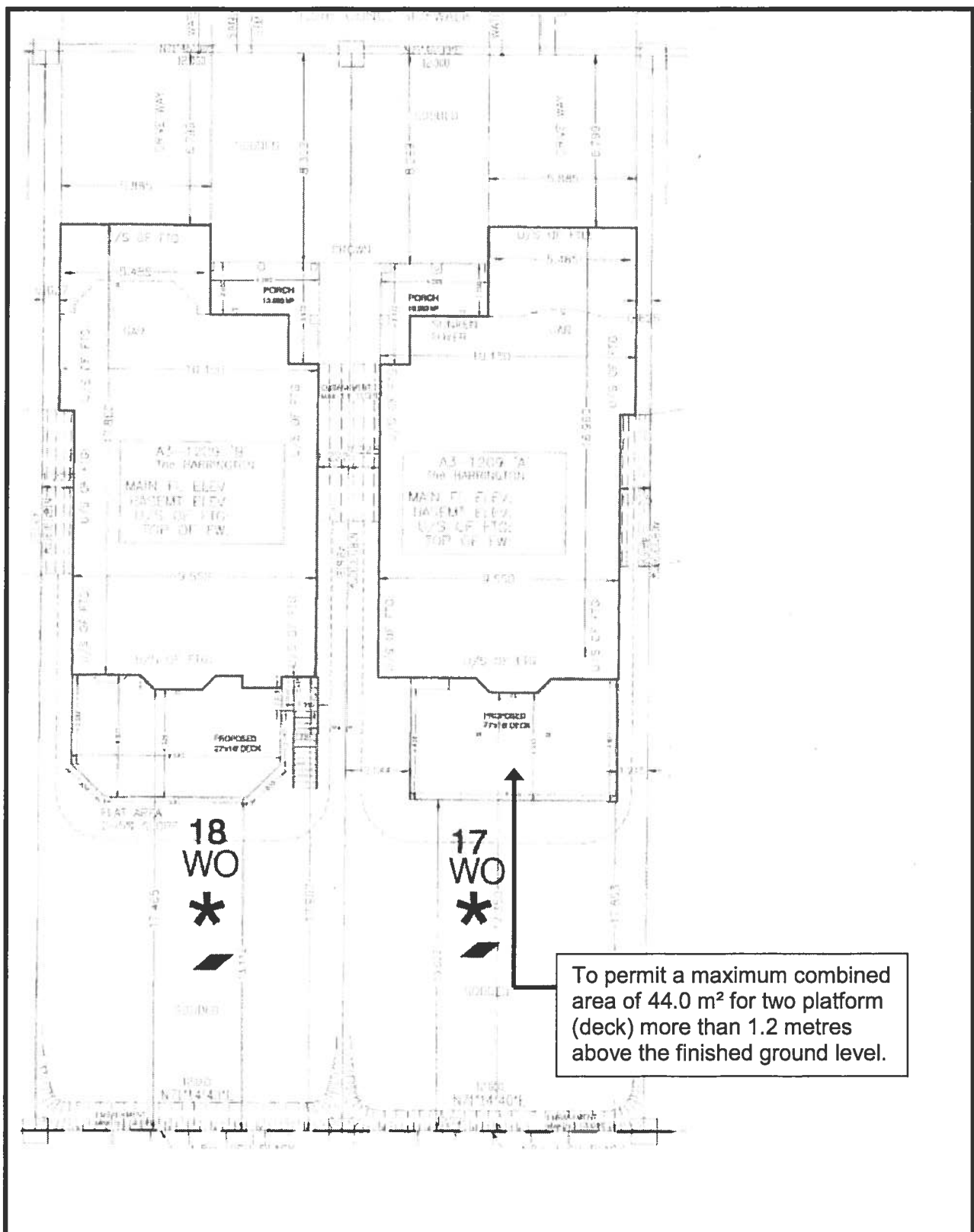
Application File No. A26/14

Applicant: Cheryl Boddy

Date: November 26, 2014

Figure 1

Subject Lands
128 Sharplin DriveTown of Ajax
Planning & Development
Services



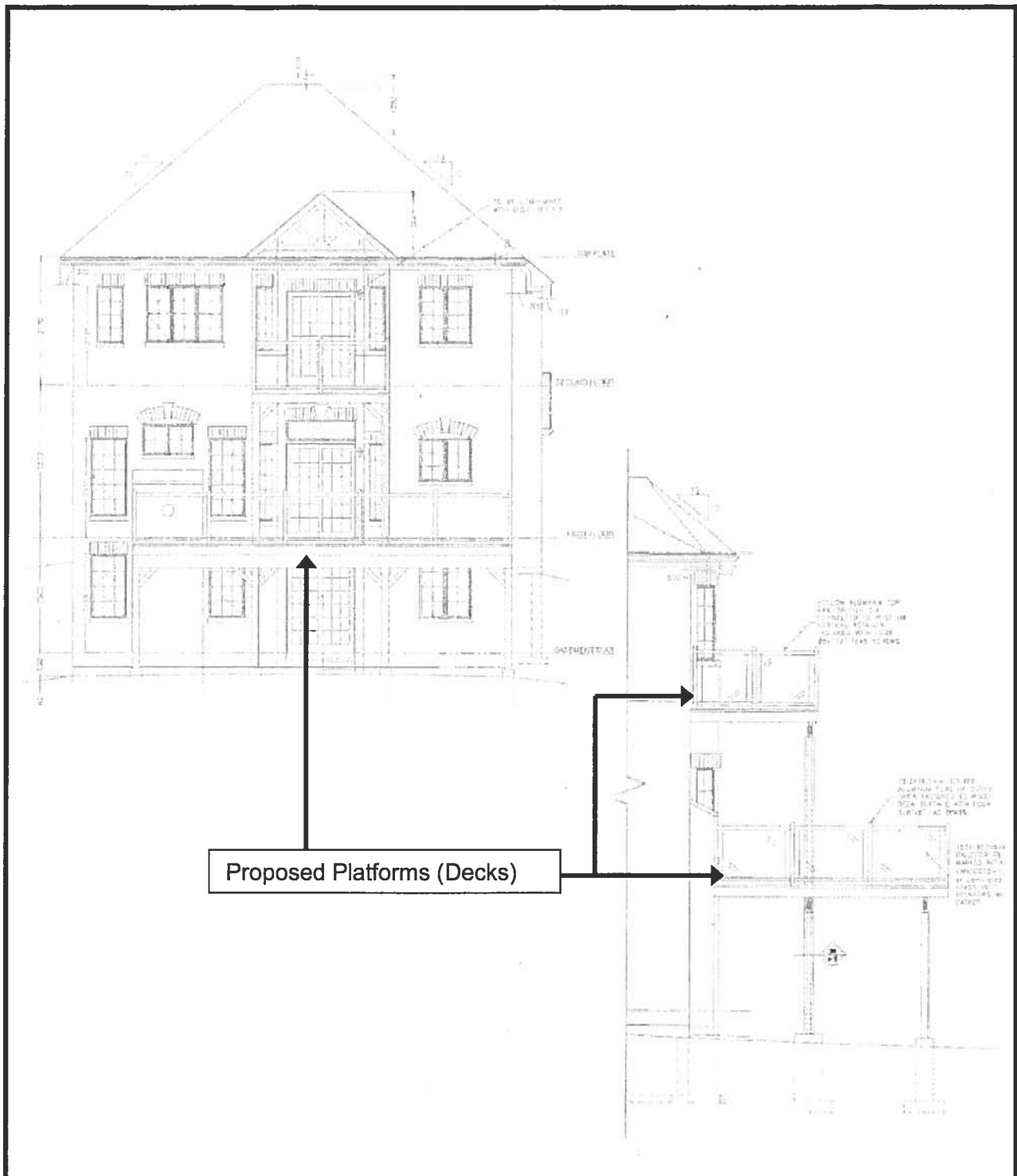
Application File No. A26/14

Applicant: Cheryl Boddy

Date: November 26, 2014

Figure 2

Proposed Site Plan
128 Sharplin DriveTown of Ajax
Planning & Development
Services



Application File No. A26/14

Applicant: Cheryl Boddy

Date: November 26, 2014

Figure 3

**Platform Rear and Side
Elevations
128 Sharplin Drive**



**Town 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 Application A26/14**
Cynthia Washbrook
126 Sharplin Drive
Lot 18, Plan 40M-2487

Ward: 4

Date of Meeting: November 26, 2014

Recommendation:

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 m², 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.**

Background & Proposal:

The subject property is located within the John Boddy Eagle Woods Subdivision (18T-94026), which was draft approved on November 14, 2001 and is currently under construction. A building permit for a detached dwelling was issued in 2013 and requires final exterior and grading inspections.

The applicant has submitted a minor residential building permit to construct one platform (deck) that will be located off the first storey and will have an area of approximately 38.5 m². As a result, the applicant is requesting to permit a maximum platform area of 38.5 m² for a platform greater than 1.2 metres above the finished ground level.

Subject Property & Surrounding Land Uses:

The subject property is municipally known as 126 Sharplin Drive and is located on the south side of Sharplin Drive. The subject property is surrounded to the north, east, and west by low density residential lots consisting of single detached dwellings, some of which are currently under construction. The subject property is bounded to the south by a stormwater management pond (See Figure 1 – Subject Property).

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 Town of Ajax Official Plan.

Zoning By-law 95-2003, as amended:

The subject property is zoned Residential One – ‘D’ (R1-D) Zone within Zoning By-law 95-2003, as amended and is subject to Exception 110. The R1-D Zone permits single detached dwellings. Platforms that are greater than 1.2 metres in height above finished ground level must meet the setbacks of the respective zone, not exceed 50% of the yard in which the platform is located, and not exceed a maximum area of 30 m².

The R1-D zone require a minimum setback of 0.3 metres on one side and 1.2 metres on the other side of the dwelling, with a minimum aggregate setback of 1.2 metres between dwellings. The stairs and landing leading to the platform have a setback from the eastern interior side lot line of approximately 1.1 metres and do not comply to the Zoning By-law. As a result, the stairs and platform must be reduced by approximately 0.1 metres to maintain a minimum setback of 1.2 metres from the eastern interior side lot line.

The proposal complies with all applicable zone standards; except the above noted non-compliance that will be rectified through the building permit and the maximum platform area of 30 m² for platforms greater than 1.2 metres in height above finished ground level which has been requested through this application.

Requested Minor Variance:***Maximum Platform Area Variance:***

The intent of limiting a platform to a maximum area or percentage of a yard is to ensure that the platform does not become the dominant feature of the yard in which it is located, and to ensure that a platform over a certain height does not infringe on the privacy of abutting properties.

The proposed platform would not be the dominant feature of the yard, as it would occupy less than 50% of the rear yard. The proposed platform would not infringe on the privacy of any residential lots beyond the rear lot line as the subject property backs onto a stormwater management pond and there are no residential lots located beyond the pond.

As outlined above, the owner/applicant will be required to bring the eastern interior side lot line into compliance with the zoning by-law prior to issuance of the building permit. Therefore, once constructed, the platform would maintain the required setbacks from all lot lines, this includes a larger than required 13 metre setback from the rear lot line.

As a result, staff consider the requested variance, to permit a platform (greater than 1.2 metres in height above the finished ground level) with a maximum area of 38.5 m², to be minor in nature and appropriate for the desirable development of the lands.

Other Comments:

Transportation Services - no comments;

Design Services – no comments;

Building Services – that the Owner/Applicant obtain a building permit;

Operations – no comments;

Fire Services – no comments;


Engineering Services - no comments;

Conclusion:

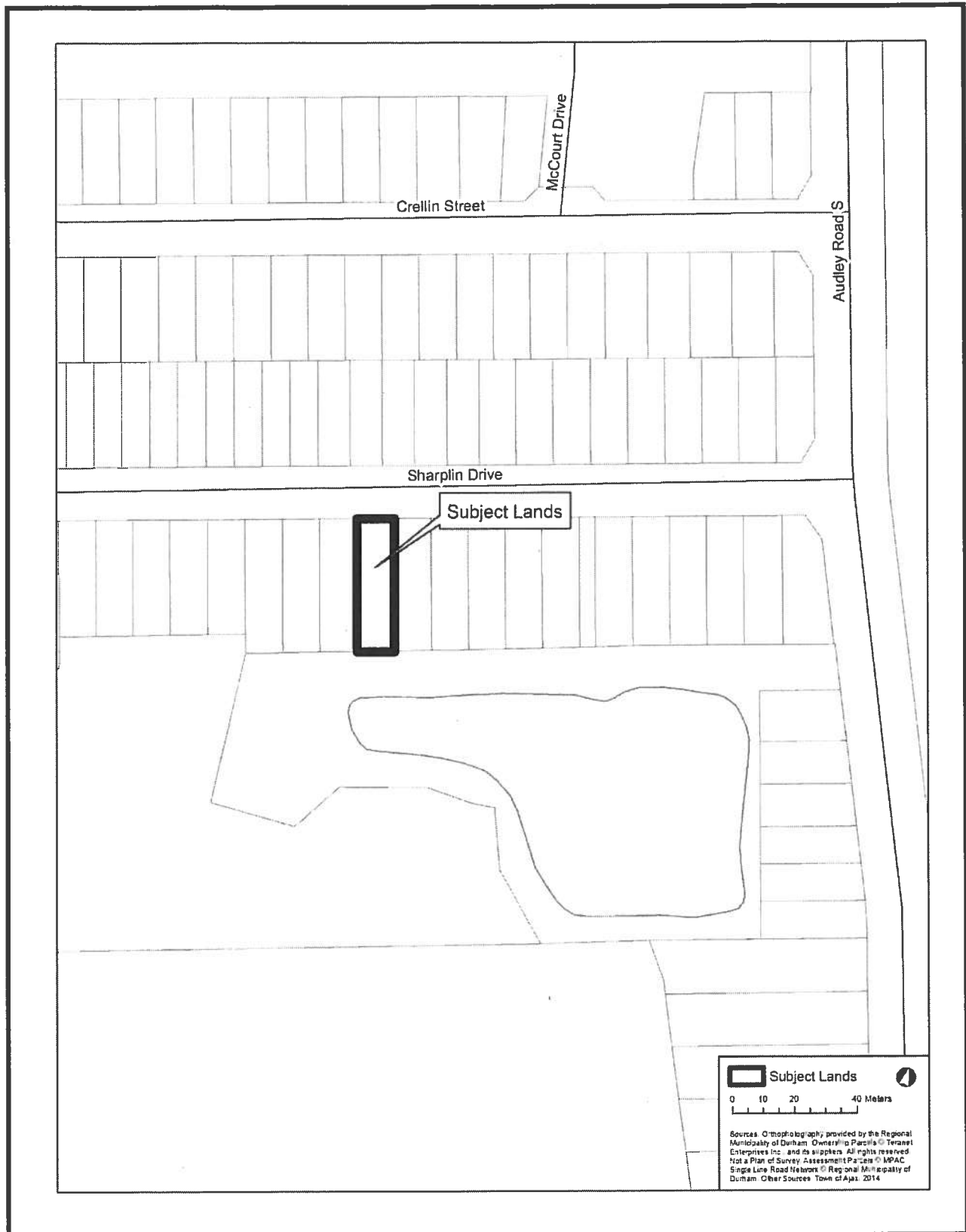
Based on the discussion above, staff are of the opinion that **Minor Variance Application A25/14**, submitted **by Kendra Coates (John Boddy Developments Ltd.) on behalf of Cheryl Boddy**, to permit a platform that is more than 1.2 metres above the finished ground level, with a maximum area of 38.5 m², is:

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



Sean McCullough, BES
Development Planner

Geoff Romanowski, MCIP, RPP, CPT
Development Approvals Coordinator



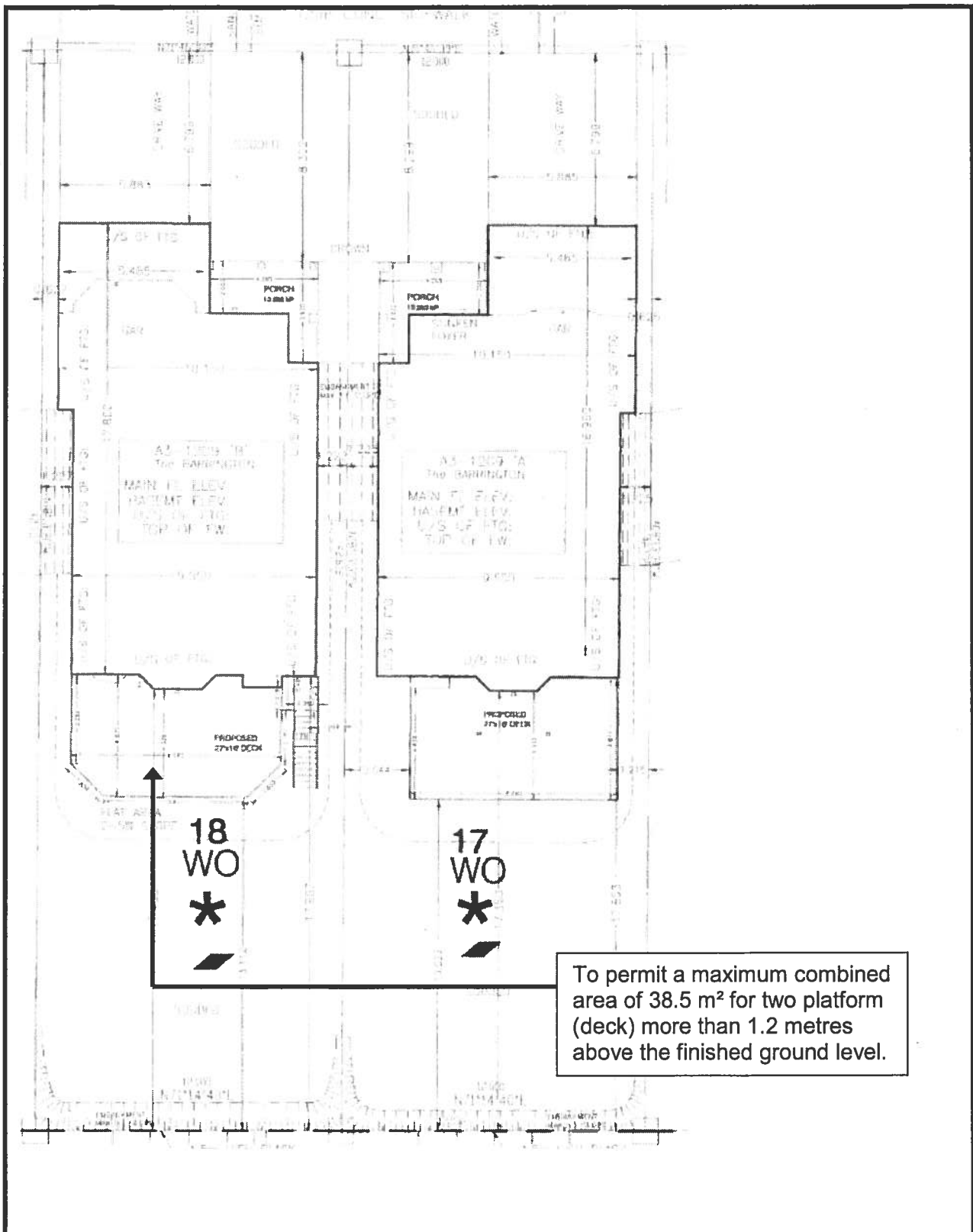
Application File No. A26/14

Applicant: Cynthia
Washbrook

Date: November 26, 2014

Figure 1

Subject Lands
126 Sharplin DriveTown of Ajax
Planning & Development
Services



Application File No. A26/14

Applicant: Cynthia Washbrook

Date: November 26, 2014

Figure 2

Proposed Site Plan
126 Sharplin DriveTown of Ajax
Planning & Development
Services



Application File No. A26/14

Applicant: Cynthia
Washbrook

Date: November 26, 2014

Figure 3

Platform Rear and Side
Elevations
126 Sharplin Drive

Town of
Ajax
By the Lake

Town of Ajax
Planning & Development Services