



**Planning & Development Services**

Tel. 905-683-4550  
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**TOWN OF AJAX**

65 Harwood Avenue South  
Ajax ON L1S 2H9  
www.townofajax.com

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## **AGENDA**

### **COMMITTEE OF ADJUSTMENT**

Town Hall  
65 Harwood Avenue South, Ajax  
Council Chambers

**Wednesday, January 27, 2016**

**Meeting: 7:00 p.m.**

#### **Open Meeting**

1. Call to Order
2. Disclosure of Interest
3. Adoption of [December 9, 2015 Committee of Adjustment meeting minutes](#)
4. Outline of the General Mandate of the Committee of Adjustment.
5. Applications:

**a. [A1/16 – 2700 Audley Road North – JFC Developments Ltd.](#)**

**To permit a minimum lot frontage of 0.0 metres (until Draft Plan of Subdivision S-A-2007-01 is registered).**

**b. [A2/16 – 60 Salem Road South – Andy and Nino Scanga](#)**

**To permit a minimum north interior side yard setback of 3.0 metres.**

**c. [A3/16 – 9 Buggy Lane – Richard Karikari](#)**

**To permit a maximum gross floor area for all accessory buildings and structures of 107.7 m<sup>2</sup> (total area revised since application submission, notice indicates 135.6 m<sup>2</sup>)**

6. Other Business/New Business
7. Adjournment

**MINUTES OF A HEARING OF THE COMMITTEE OF ADJUSTMENT FOR THE  
TOWN OF AJAX HELD IN THE COUNCIL CHAMBERS, TOWN HALL,  
65 HARWOOD AVENUE SOUTH, AJAX  
Wednesday December 9, 2015 @ 7:00 P.M.**

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**Present:** Matthew Milligan, Chair  
Carolyn Molinari, Vice-Chair  
Wasif Ahmed, Member  
Michael Briand, Member  
Lori Roberts, Member  
Sean McCullough, Technical Advisor/Secretary-Treasurer  
Bruno Scopacasa, Senior Development Planner  
Geoff Romanowski, Development Approvals Coordinator  
Hubert Ng, Senior Transportation Planner

**Absent:** None

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**1. Call to Order – December 9, 2015, Town of Ajax, Committee of Adjustment Meeting**

Meeting called to order at 7:00 p.m. on December 9, 2015.

Member Ahmed was not in attendance at the start of the meeting.

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**2. Disclosure of Interest**

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

There were none.

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**3. Adoption of October 28, 2015 and Town of Ajax Committee of Adjustment Meeting Minutes**

Chair Milligan asked for a motion to adopt the minutes from the October 28, 2015 Committee of Adjustment meeting.

Proposed by: Member Briand  
Seconded by: Member Roberts

**Vote: All in Favour**

**Carried**

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**Adoption of November 18, 2015 and Town of Ajax Committee of Adjustment Meeting Minutes**

Chair Milligan asked for a motion to adopt the minutes from the November 18, 2015 Committee of Adjustment meeting.

Proposed by: Member Roberts  
Seconded by: Member Molinari

**Vote: All in Favour**

**Carried**

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

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**1. 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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**2. Applications**

**Minor Variance Application A34/15  
Medallion Developments (Bayly Square) Ltd.  
65 Bayly Street West**

**To permit a minimum parking rate of 0.85 spaces per unit (484 spaces) for exclusive use of occupants and a minimum of 180 parking spaces for residential visitor, office, shopping centre, and place of assembly uses.**

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 from Mr Gary Fine, Baywood Centre Inc. was received, copies of the letter have been provided to the Committee members.

**The staff recommendation was that the Committee of Adjustment approve Minor Variance Application A34/15, submitted by Medallion Developments (Bayly Square) Ltd., to permit a minimum parking rate of 0.85 spaces per unit (484 spaces) for exclusive use of occupants and a minimum of 180 parking spaces for residential visitor, office, shopping centre, and place of assembly uses, subject to the following condition:**

- 1. That the applicant obtain a building permit for the proposed Building 'B' by June 30, 2016, or this decision shall become null and void.**

Mrs. Jamie Shedletsky, from Medallion Developments Ltd. was in attendance to represent the application. Mrs. Shedletsky provided an overview of the proposed development. Mrs. Shedletsky identified that an earlier variance was requested and

approved by the committee for a reduction in parking, and this request was to further reduce the parking. Mrs. Shedletsy identified that Medallion has built and operates a variety of rental buildings and in their experience the proposed parking rate is appropriate given their experience in other areas of the Greater Toronto Area. Mrs. Shedletsy identified that Medallion had contacted the objector, Mr. Fine, and provided an overview of how the site would operate and the parking would be managed.

Mr. Ken Chan, LEA Consulting Ltd, provided an overview of the findings of the parking utilization study. He provided an overview of the peak demand profiles and how the shared parking would interact with one another.

The Committee had questions about how the parking utilization study was completed and how the parking would be managed. The Committee had questions about how the shared parking would be utilized.

The applicant and staff provided information and clarification on the Committees questions. Committee members were concerned that there would be conflict in the non-residential shared parking between 5:00 p.m. and 9:00 p.m., as there was an overlap in the peak demand for visitor parking and office parking during this time.

Mr. Romanowski gave an overview of the Town's vision for the downtown. Mr. Romanowski identified that there would be an opportunity to revisit the parking should it become an issue during Phases 2 and 3.

Chair Milligan asked if there was anyone else in attendance either for or against the application.

There was no one else in attendance who wished to speak either for or against the application.

The committee had discussion on the possibility of a condition to require parking demand to be reviewed through Phase 2.

Mr. Romanowski identified that a Traffic Impact Study would be required as part of the site plan application for phase 2 and would also look at parking demand, it was identified that a condition of this nature would be redundant.

Member Molinari made a motion to approve the applications subject to the revised condition in the staff report on the basis that the application was reasonable, met the four tests of the *Planning Act*, and given that there would be an opportunity to revisit the parking supply during Phase 2 if necessary.

Motion seconded by Member Roberts

**Vote 3-2**

**Carried**

**Decision: That the Committee of Adjustment approve Minor Variance Application A34/15, submitted by Medallion Developments (Bayly Square) Ltd., to permit a minimum parking rate of 0.85 spaces per unit (484 spaces) for**

exclusive use of occupants and a minimum of 180 parking spaces for residential visitor, office, shopping centre, and place of assembly uses, subject to the following condition:

1. That the applicant obtain a building permit for the proposed Building 'B' by June 30, 2016, or this decision shall become null and void.

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**Minor Variance Application A33/15  
Gord Snellings  
3014 Ebony Street**

**To permit a minimum setback of 6.42 metres from the front lot line and a maximum lot coverage of 38.4% or 179.2 m<sup>2</sup> in order to accommodate a proposed single detached 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 one response from Mrs Solonage and Mr Roberto Camargo was received, and copies have been provided to the Committee members.

**That the Committee of Adjustment approve Minor Variance Application A33/15 submitted by Gord Snellings, to permit a minimum setback of 6.42 metres from the front lot line and a maximum lot coverage of 38.4% or 179.2 m<sup>2</sup> in order to accommodate a proposed single detached dwelling, subject to the following conditions:**

1. That the Owner/Applicant obtain approval of Pickering Beach Site Plan Application SP15/15, or this decision shall become null and void; and
2. That the Owner/Applicant obtain a building permit for the proposed single detached dwelling, or this decision shall become null and void.

Mr. Peter Barton, Avtech Designs was in attendance to represent the application. Mr. Barton gave an overview of the application.

The members had questions for the applicant and staff.

Chair Milligan asked if there was anyone in attendance who wished to speak in favour or against the application.

Mr. Caio Camargo and Mrs. Solonage Camargo appeared in opposition to the application. Mr. Camargo's outlined that he felt that a larger rear yard is not a reason for a variance, and does not demonstrate need. Mr. Camargo indicated that he was not opposed to the construction of the new dwelling, however he felt that the same footage could be achieved without the reduced setback. Mr. and Mrs. Camargo felt that the setback should be preserved throughout the neighbourhood, as established.

Committee members identified that the proposed setback was the same as the existing setback, and that the house would not be located any closer to the street than the

existing house. It was also identified that there are other houses in the immediate neighbourhood with similar and/or smaller setbacks to the front lot line.

Member Molinari identified that the Committees mandate was to consider applications based on the 4 tests outlined in the *Planning Act*, and that the requirement to demonstrate 'need' was not one of the four tests.

Chair Milligan asked if there was anyone else in attendance who wished to speak in favour or against the application.

There were none.

Member Briand made a motion to approve the applications subject to the conditions in the staff report on the basis that the application was reasonable and met the four tests of the *Planning Act*.

Motion seconded by Member Ahmed.

**All in favour**

**Carried**

**Decision:** That the Committee of Adjustment approve Minor Variance Application A33/15 submitted by Gord Snellings, to permit a minimum setback of 6.42 metres from the front lot line and a maximum lot coverage of 38.4% or 179.2 m<sup>2</sup> in order to accommodate a proposed single detached dwelling, subject to the following conditions:

1. That the Owner/Applicant obtain approval of Pickering Beach Site Plan Application SP15/15, or this decision shall become null and void; and
2. That the Owner/Applicant obtain a building permit for the proposed single detached dwelling, or this decision shall become null and void.

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**Minor Variance Application A35/15  
Cambridge International Academy  
126-142 Commercial Avenue**

**To permit a non-commercial school (private).**

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 from Jeffery Wilson was received and provided to the Committee members. Secretary-Treasurer/Technical Advisor McCullough identified that a follow-up email was sent to Councillor Jordan following an explanation of the application and current zoning for the subject property, Mr. Wilson indicated in the new email that staff's recommendation seemed reasonable and no longer disagreed with the recommendation.

**That the Committee of Adjustment approve Minor Variance Application A35/15 submitted by the Cambridge International Academy, to permit a non-commercial school (private), subject to the following conditions:**

- 1. That the non-commercial school only be permitted to operate from 126-130 Commercial Avenue; and**
- 2. That the Owner obtains a building permit for the proposed interior alterations, or this decision shall become null and void.**

Mr. Dietmar Arff, agent for the Cambridge International Academy, was in attendance to represent the application. Mr. Arff provided a brief history and overview of the School.

The committee members had some general questions for the applicant and staff.

There was no one else in attendance who wished to speak either for or against the application.

Member Ahmed made a motion to approve the application subject to the conditions outlined in the staff report on the basis that the application was reasonable and met the four tests of the *Planning Act*.

Motion seconded by Member Briand

**All in favour**

**Carried**

**Decision: That the Committee of Adjustment approve Minor Variance Application A35/15 submitted by the Cambridge International Academy, to permit a non-commercial school (private), subject to the following conditions:**

- 1. That the non-commercial school only be permitted to operate from 126-130 Commercial Avenue; and**
- 2. That the Owner obtains a building permit for the proposed interior alterations, or this decision shall become null and void.**

#### **4.0 Other Business/New Business Continued**

Member Molinari asked staff to request funding for one committee member to become a member of the Ontario Association of Committees of Adjustment (OACA). The annual membership fee is \$120. Member Molinari identified that this would benefit to the committee, and that one member could report back to the Committee with educational materials.

The Committee strongly endorsed Member Molinari's recommendation.

Secretary-treasurer/ Technical Advisor McCullough thanked the Committee members for their time and hard work this year.

**5.0 Adjournment**

Proposed by: Member Ahmed  
Seconded by: Member Roberts

**All in favour**

**Carried**

Meeting adjourned at 8:40 p.m.

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Matthew Milligan  
Chair

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Sean McCullough, MCIP, RPP  
Secretary-Treasurer

## **TOWN OF AJAX REPORT**



**Report To:** Committee of Adjustment

**Prepared & Submitted By:** Sean McCullough, MCIP, RPP  
Secretary-Treasurer Committee of Adjustment/  
Development Planner

**Subject:** **Minor Variance Application A1/16**  
**JFC Developments Ltd.**  
**2700 Audley Road North**  
**Deer Creek East**

**Ward:** 2

**Date of Meeting:** January 27, 2016

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### **Recommendation:**

**That the Committee of Adjustment approve Minor Variance Application A1/16 submitted by JFC Developments Ltd., to permit a minimum lot frontage of 0.0 metres, subject to the following conditions:**

- 1. That the requested minor variance only apply to the severed lands identified in Land Division Application LD126/2015, and identified on Figure 2 of this report;**
- 2. That the minor variance shall only be applicable until the plan that has been approved through Draft Plan of Subdivision Application S-A-2007-01 (RL2/14) has been registered at the Land Registry Office, upon which time this application shall become null and void; and**
- 3. That in no instance shall the minor variance apply to any residential lot within the approved draft plan of subdivision.**

### **Background & Proposal:**

In 1989, Cougs Investments Limited submitted Official Plan Amendment Application OPA89-111/D, Draft Plan of Subdivision Application 18T-90024 and Zoning By-law Amendment Application Z25/89 to permit 27 estate residential lots. These applications proposed to develop the lands for 27 estate residential lots on municipally piped water and private septic services. In 1995, the proposed amendment to the Durham Regional Official Plan, to permit the 27 estate residential lots was approved by the Ministry of Municipal Affairs. In 2002, full municipal services were approved and installed to facilitate an expansion to the Golf Course Clubhouse and 27 residential estate lots.

Draft Plan of Subdivision Application S-A-2007-01 and Zoning By-law Amendment Application Z2/07 to permit 27 estate residential lots and the construction of 5<sup>th</sup> Concession (from Audley Road North to the proposed development - Dexshire Street) were approved on September 22, 2008. Minor amendments to the approved draft plan of subdivision were completed in 2014 through Redline Revision Application RL2/14.

In order for the applicant (JFC Developments Ltd.) to purchase the lands from Cougs Investments Ltd., prior to the execution of a subdivision agreement, land division applications LD126-127/2015

were forwarded to the Durham Region Land Division Committee on October 19, 2015. The applications were approved with the conditions that the applicant enter into a development agreement for the construction of 5<sup>th</sup> Concession Road (from Audley Road N. to Dexshire Street) and obtain approval from the Committee of Adjustment for the reduced frontage.

As a result, a minor variance application has been submitted by JFC Developments Ltd. requesting to permit a minimum lot frontage of 0.0 metres; whereas Zoning By-law 95-2003, as amended requires a minimum lot frontage of 38.0 metres.

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

The requested minor variance would only apply to the severed lands identified in Land Division Application LD126/2015, and would encompass approximately 12.1 hectares (~29.9 acres) (See Figure 1 – Subject Lands and Figure 2 – Lands Subject to Land Division).

Abutting the subject lands to the north is the unopened road allowance of 5<sup>th</sup> Concession Road. Further north are agricultural lands located within the City of Pickering. Abutting the lands to the east, is Deer Creek Golf Course and an existing legal non-conforming private school (2944 Audley Road North). Abutting the lands to the south and west is Deer Creek Golf Course. Further west are residential estate lots along Buggey Lane.

### **GREENBELT PLAN:**

Section 5.2.1(Decisions on applications related to previous site specific approvals) states that where an official plan was amended prior to December 16, 2004, to specifically designate land uses(s), this approval may continue to be recognized through the conformity exercise addressed in Section 5.3 and any further applications required under the *Planning Act* or Condominium Act, 1998, to implement the official plan approval are not required to conform with this plan.

In October 2002, Regional Council approved the expansion of the clubhouse to accommodate a large banquet facility and the development of a maximum of 27 estate residential lots on full municipal services. These amendments came into full force and effect on January 28, 2003 and are therefore recognized by the Provincial Greenbelt Plan.

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

The subject lands are located within the Rural Area designation, and are within the Greenbelt Natural Heritage Systems Area Boundary, and subject to Area Specific Policy Section 6.6 of the Town of Ajax Official Plan.

Section 2.2.4.2 h) of the Town of Ajax Official Plan prohibits the creation of new lots within the Rural Area designation, with the exception of facilitating conveyance to public bodies for natural heritage conservation and preservation purposes, provided that the severed parcel is zoned to permit only natural heritage conservation uses; and, acquiring land for infrastructure purposes.

Area Specific Policy 6.6 permits the development of golf courses, a golf course club house with restaurant and banquet facilities, a golf instruction academy, a golf driving range, and 27 residential estate lots connected to municipal sanitary sewer. The minimum lot size for the 27 residential estate lots shall be 0.4 hectares (~1.0 acres). The proposed variance maintains the general intent and purpose of the Official Plan.

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

The subject lands are zoned Country Residential (CR) Zone and Private Open Space (POS) Zone in Zoning By-law 95-2003, as amended, and is subject to Exception 108. Exception 108 permits a maximum of 27 residential estate lots, and requires a minimum lot frontage of 38.0 metres.

The requested variance is to permit a minimum lot frontage of 0.0 metres until Draft Plan of Subdivision S-A-2007-01 (RL2/14) has been registered with the Land Registry Office; whereas, Zoning By-law 95-2003, as amended, requires a minimum lot frontage of 38.0 metres.

Section 4.9 (Frontage on a Public Road) states that no person shall erect any building or structure in any zone unless the lot upon which the building or structure is to be erected has frontage on a public road. Therefore, no dwellings would be permitted to be constructed on the subject lands until such time that the draft plan has been registered with the Land Registry Office and a municipal road has been constructed (5<sup>th</sup> Concession Road).

The proposed variance maintains the general intent and purpose of the Zoning By-law.

**Requested Minor Variance:*****Minimum Lot Frontage Variance***

The intent of the lot frontage provision is to create a consistent streetscape, and informs the by-law as to appropriate types of housing and setbacks for a neighbourhood. A minimum lot frontage of 0.0 metres is required as the subject lands would not have frontage onto a municipal road until the construction of 5<sup>th</sup> Concession Road has been completed. Upon completion of the construction of 5<sup>th</sup> Concession Road, the subject lands would have 27.3 metres of frontage on a municipal road.

The requested variance is technical in nature, and would only be applicable until the approved draft plan of subdivision (S-A-2007-01(RL2/14)) has been registered with the Land Registry Office. Once the draft plan of subdivision has been registered, the residential lots will comply with the provisions of the CR Zone and Exception 108.

Given the technical and temporary nature of the requested variance, staff consider the requested variance appropriate for the desirable development of the lands. The requested variance maintains the general intent and purpose of the Town of Ajax Official Plan and Zoning By-law, and is 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;

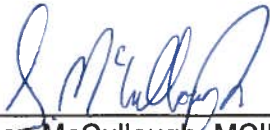
### Communications:

In accordance with the *Planning Act* this application has been circulated to property/business owners within 60 metres of the subject property. Notice of Application for Minor Variance was posted in a visible location along or near the property lines of the subject property.

### Conclusion:

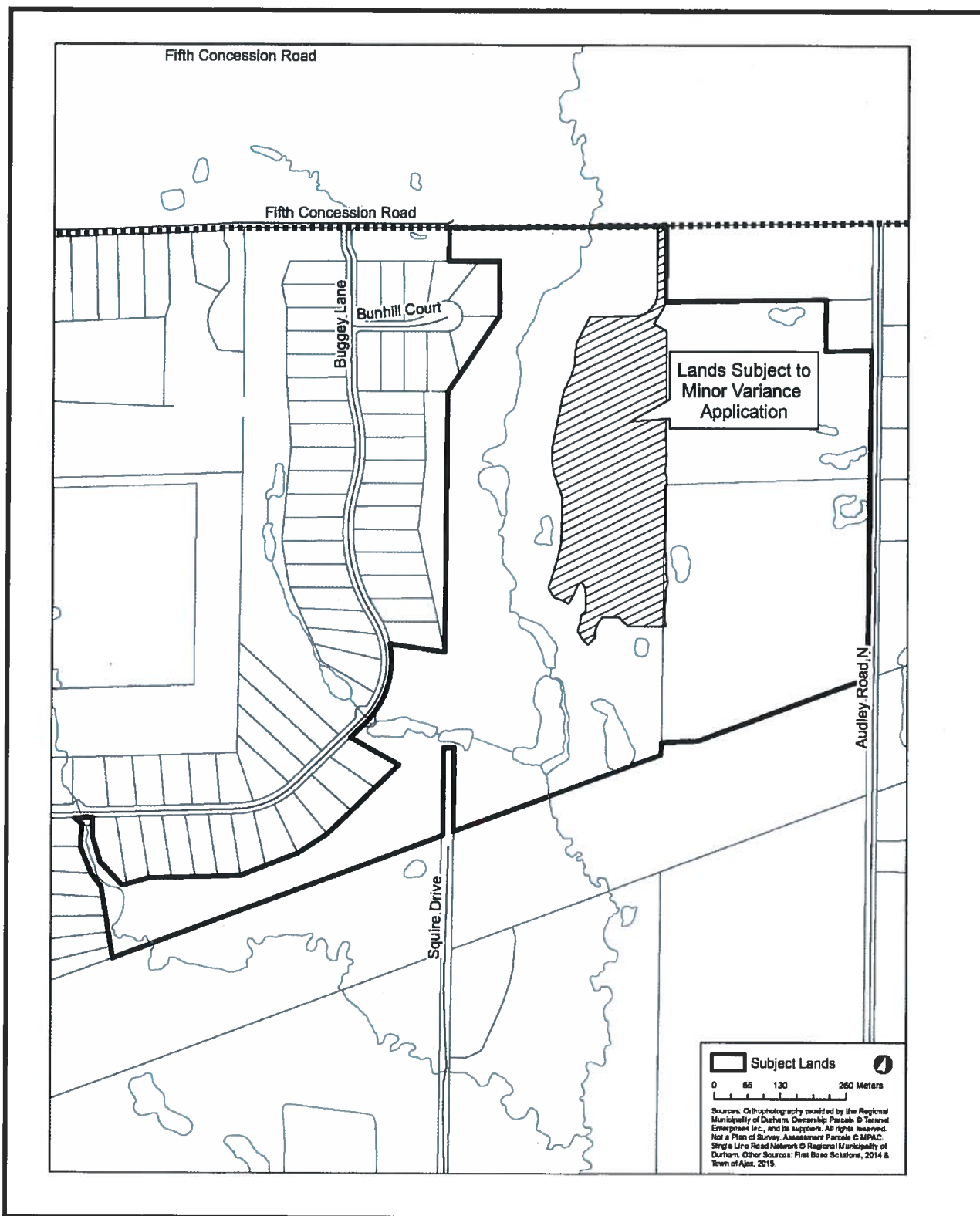
Based on the discussion above, staff are of the opinion that **Minor Variance Application A1/16**, submitted by the JFC Developments, to permit a minimum lot frontage of 0.0 metres, is:

- 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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Sean McCullough, MCIP, RPP  
Development Planner  
Secretary-Treasurer, Committee of Adjustment  
Town of Ajax, Planning & Development Services  
T: 905.619.2529 x3234 F: 905.686.0360  
E: [Sean.mccullough@ajax.ca](mailto:Sean.mccullough@ajax.ca)



**Application File No. A1/16**

**Applicant: JFC Developments Ltd.**

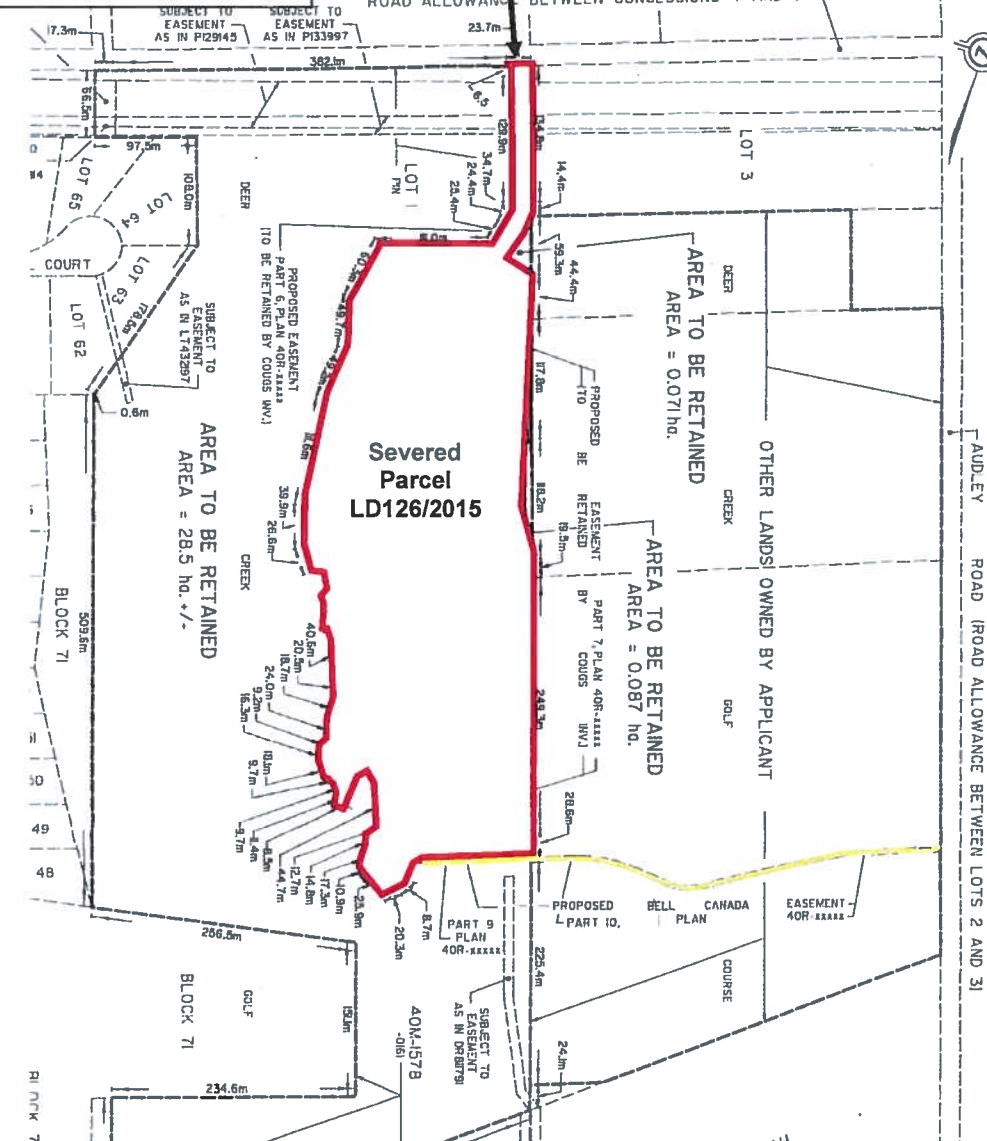
**Date: January 27, 2016**

**Figure 1**

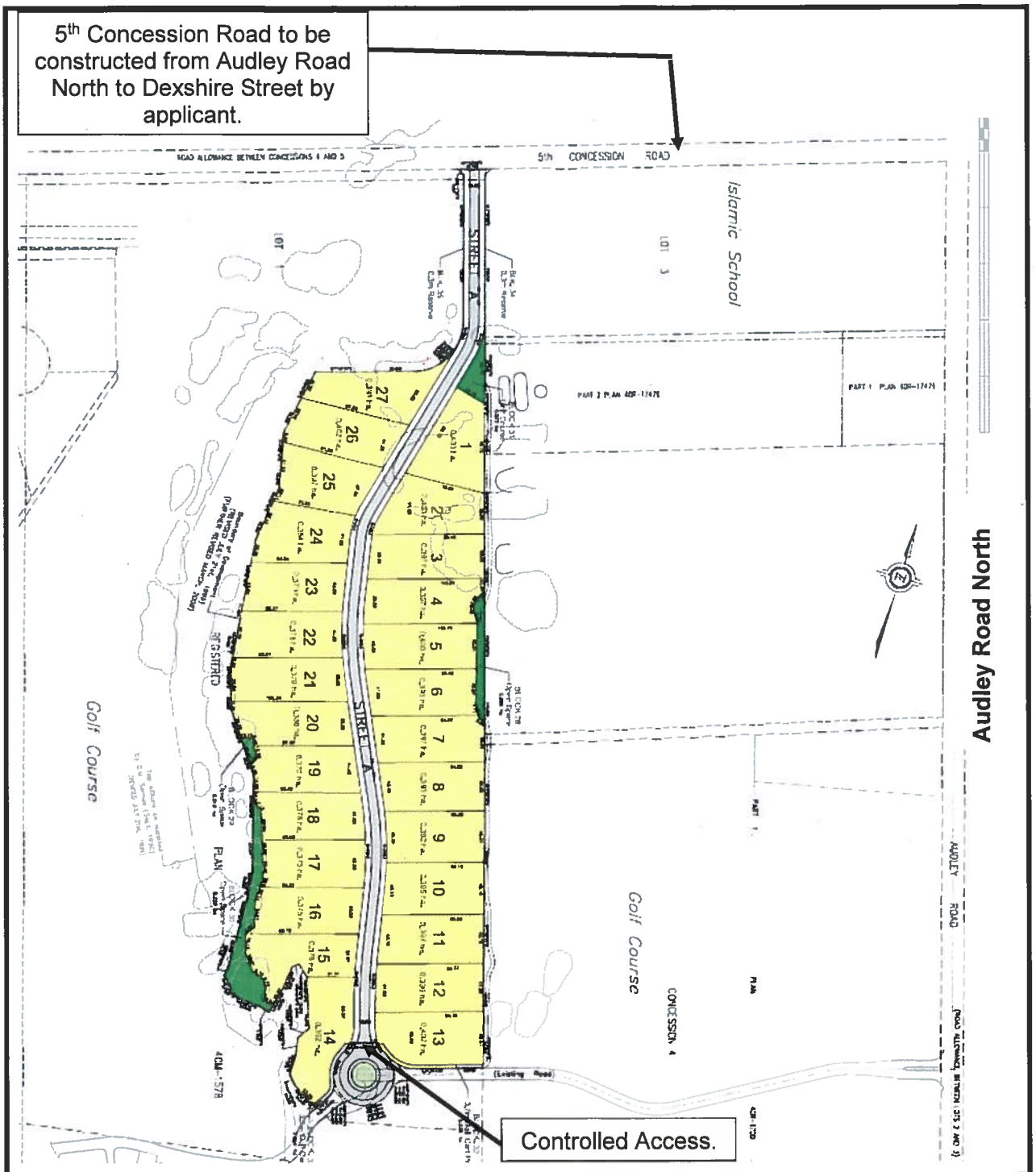
**Subject Lands  
2700 Audley Road North**



**Town of Ajax  
Planning & Development Services**



**Town of Ajax  
Planning & Development Services**



Application File No. A1/16

Applicant: JFC Developments Ltd.

Date: January 27, 2016

Figure 3

Approved Draft Plan of Subdivision S-A-2007-01  
2700 Audley Road North



Town of Ajax  
Planning & Development Services

# **TOWN OF AJAX REPORT**



**Report To:** Committee of Adjustment

**Submitted and Prepared By:** Sean McCullough, MCIP RPP  
Development Planner/ Secretary-Treasurer Committee of Adjustment

**Subject:** Minor Variance Application A2/16  
Andy and Nino Scanga  
60 Salem Road South

**Ward:** 4

**Date of Meeting:** January 27, 2015

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## **Recommendation:**

**That the Committee of Adjustment approve Minor Variance Application A2/16, submitted by D.G. Biddle and Associates Ltd. on behalf of Andy and Nino Scanga, to permit a minimum north interior side yard setback of 3.0 metres, subject to the following condition:**

- 1. That the Owner submit a plan showing the revised layout of Building 'B' to update Site Plan File SP12/12, or this decision shall become null and void.**

## **Background & Proposal:**

In 2006, Andy and Nino Scanga submitted applications to amend the Town's Official Plan (OPA06-A5), Zoning By-law (Z11/06), and submitted Site Plan Application SP35/06. The applications proposed to re-designate 60 Salem Road South from High Density Residential to Uptown Commercial, in order to develop 2 commercial buildings with a total approximate floor area of 800 m<sup>2</sup>. The applications were approved by the Ontario Municipal Board in May 2008 with site specific zoning standards. In 2013, the applicant constructed Building 'A' on the southern portion of the site and all required parking facilities; leaving a location for Building 'B' to be constructed on the northern portion of the site.

During the OMB proceedings, the adjacent property to the north (36 Salem Road S. – "Hildebrandt Property") accommodated a single detached dwelling. The OMB identified that the normal interior side yard setback of 7.5 metres within the Uptown Commercial (UC) Zone should apply until the future use of 36 Salem Road South was determined. In June 2012, applications to re-designate and rezone 36 Salem Road South to Uptown Commercial were submitted and approved. A commercial building was constructed in 2013 on 36 Salem Road South.

As a result, the applicant has submitted a minor variance application to permit a minimum north interior side yard setback of 3.0 metres; whereas Zoning By-law 95-2003, as amended, requires a minimum setback of 7.5 metres.

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

The subject property is located on the west side of Salem Road South, directly north of Twilley Lane, and is municipally known as 60 Salem Road South. Abutting the subject property to the north is a commercial plaza located at 36 Salem Road South, to the east across Salem Road South are semi-detached and townhouse dwellings, to the south across Twilley Lane are detached

dwellings within a condominium development, and abutting the lands to the west are detached garages associated with a stacked townhouse condominium development (See Figure 1 – Subject Lands).

**Town of Ajax Official Plan:**

The subject property is designated “Uptown Regional Centre” in the Official Plan. The Uptown is the largest retail commercial focus in the Town and is a regional commercial focus but is intended to accommodate large scale, mixed use development as a primary intensification area for the Town.

The Uptown Regional Centre permits uses such as high density residential, offices, retail stores, personal service establishments, retail warehouse stores, existing automobile dealerships, financial institutions, restaurants, and entertainment uses. The proposed minor variance maintains the general intent of the Official Plan.

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

The subject property is zoned Uptown Commercial (UC) Zone, in Zoning By-law 95-2003, as amended and is subject to Exception 151. The UC zone permits a variety of uses, including but not limited to art gallery, banquet facility, commercial fitness centres, commercial school, financial institutions, medical clinics, personal service shops, restaurants, retail stores, and retail warehouses.

Exception 151 establishes site specific zoning standards, including setbacks to all lot lines, minimum landscape buffers and a minimum total gross floor area. The requested variance is to permit a minimum setback of 3.0 metres to the north interior side lot line; whereas the Zoning By-law 95-2003, as amended, requires a minimum setback of 7.5 metres to the northern interior side lot line abutting 36 Salem Road South.

**Requested Minor Variance:****Interior Side Yard Setback Variance**

The intent of the interior side yard setback requirement is to maintain a buffer between buildings and adjacent lot lines, and to provide adequate access and fire separation. The 3.0 metre setback to the north interior side lot line would be more than adequate to provide access to the rear of the property and maintain sufficient separation between buildings. The principal access to the site is by way of a two-way drive aisle and pedestrian walkways centered along the Salem Road frontage.

The proposed 3.0 metre setback from the north interior side lot line would maintain an appropriate buffer between the proposed building and the existing commercial building on the adjacent lot to the north; which has a setback of 1.2 metres to the communal interior side lot line. As a result, the requested variance is considered to be minor in nature and desirable for the appropriate development of the land.

**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.

**Communications:**

In accordance with the *Planning Act* this application has been circulated to property/business owners within 60 metres of the subject property. Notice of Application for Minor Variance was posted in a visible location along or near the property lines of the subject property.

**Conclusion:**

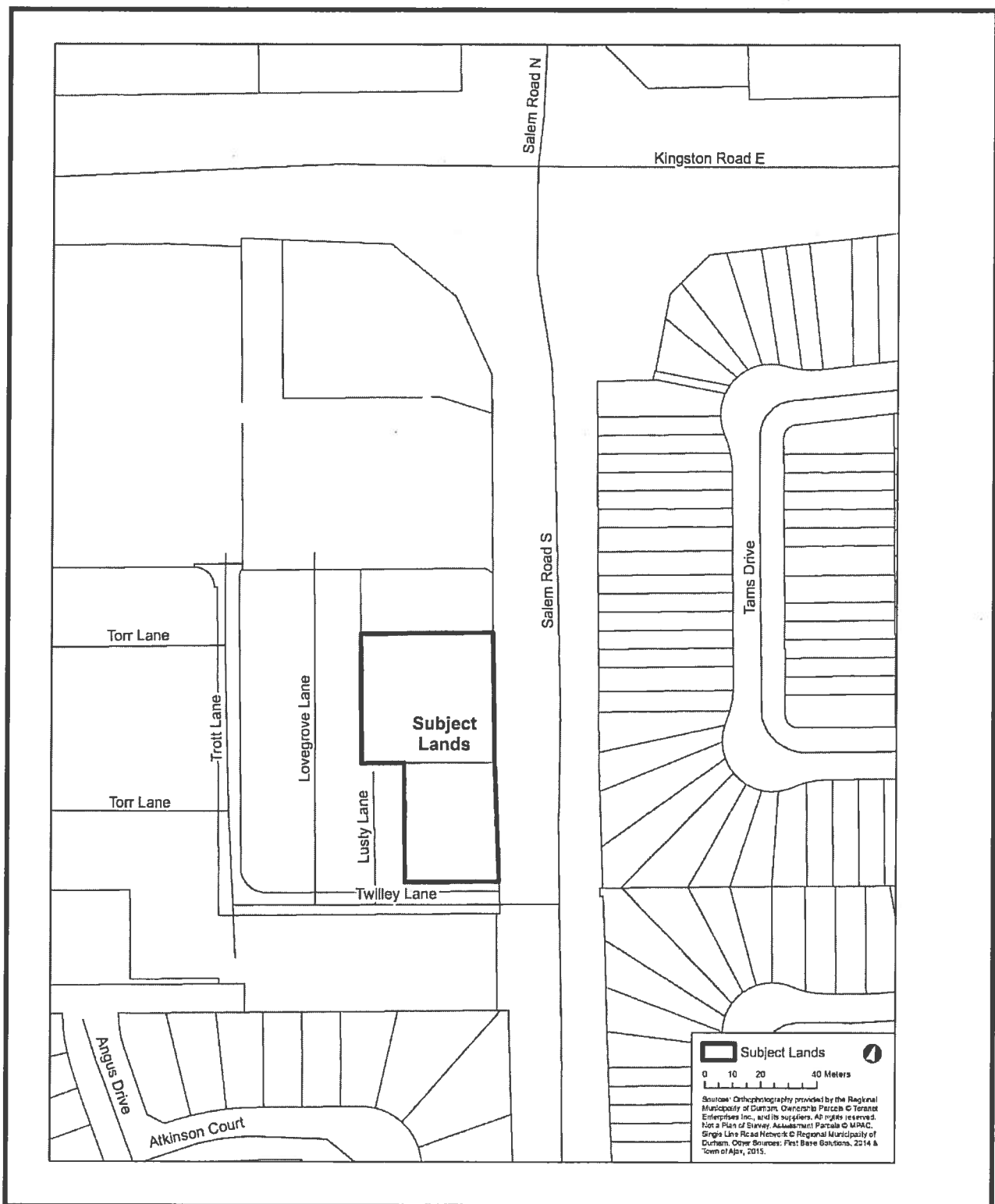
Based on the discussion above, staff are of the opinion that **Minor Variance Application A2/16**, submitted by D.G. Biddle and Associates Ltd. on behalf of Andy and Nino Scanga, to permit a minimum north interior side yard setback of 3.0 metres, is:

- 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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Sean McCullough, MCIP, RPP  
Development Planner  
Secretary-Treasurer Committee of Adjustment



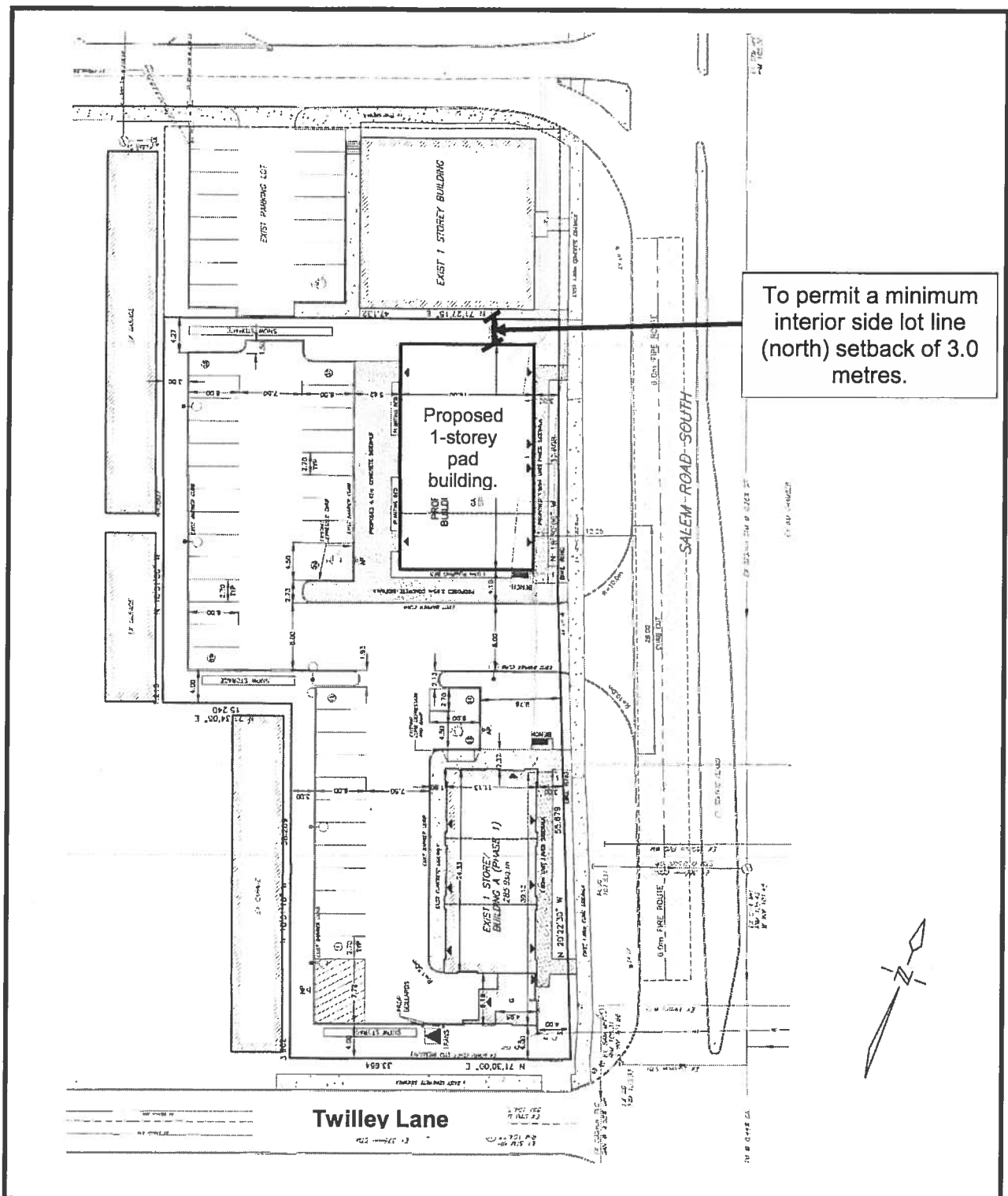
Application File No. A2/16

Applicant: D.G. Biddle &  
Associates Ltd.

Date: January 27, 2016

Figure 1

Subject Lands  
60 Salem Road SouthTown of Ajax  
Planning & Development Services



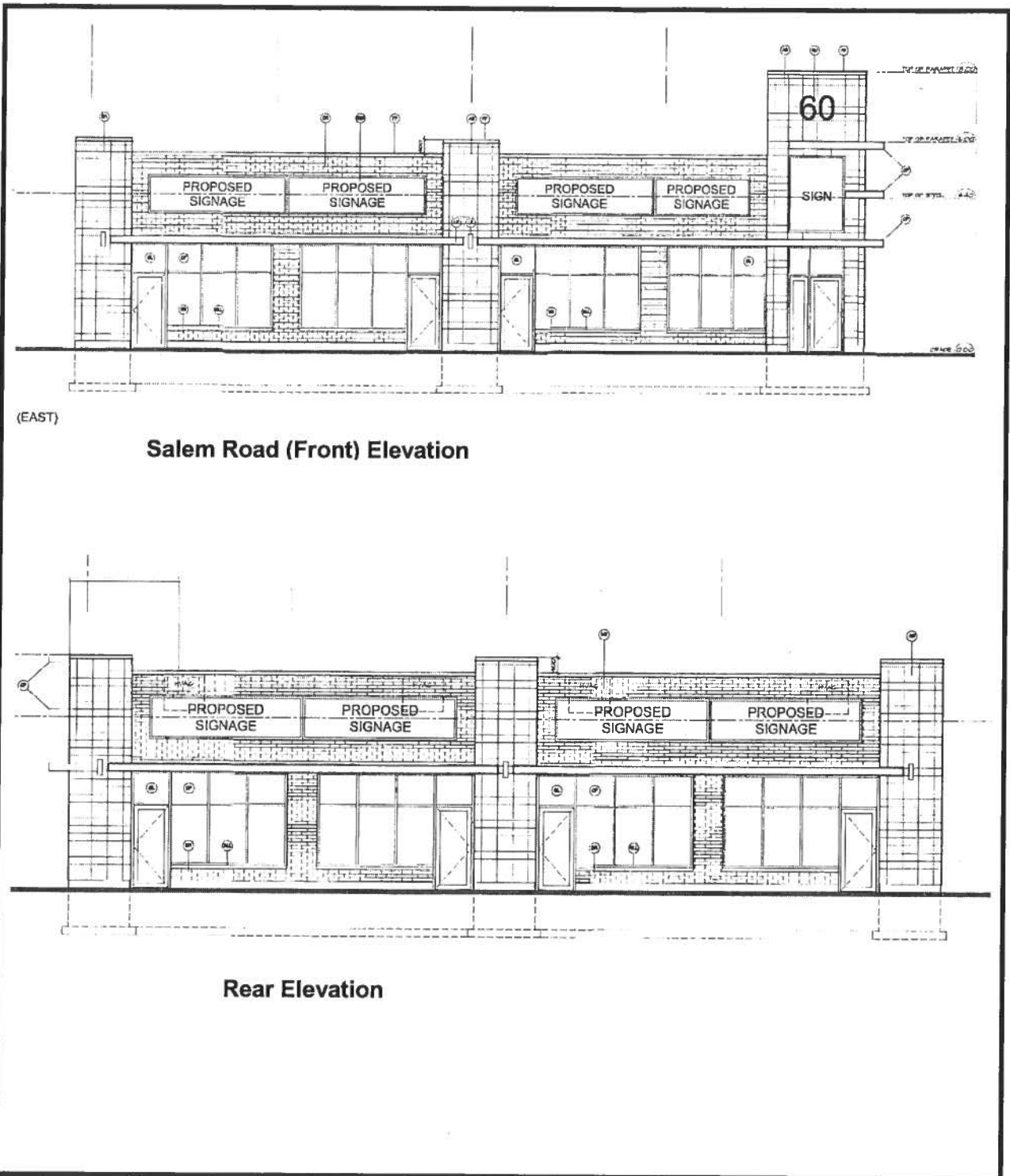
Application File No. A2/16

Applicant: D.G. Biddle &amp; Associates Ltd.

Date: January 27, 2016

Figure 2

Proposed Variance  
60 Salem Road SouthTown of Ajax  
Planning & Development Services



Application File No. A2/16

Applicant: D.G. Biddle &  
Associates Ltd.

Date: January 27, 2016

Figure 3

Proposed Elevations  
60 Salem Road SouthTown of Ajax  
Planning & Development Services

## **TOWN OF AJAX REPORT**



**Report To:** Committee of Adjustment

**Submitted By:** Sean McCullough, BES, MCIP, RPP  
Development Planner, Secretary Treasurer of Committee of Adjustment

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

**Subject:** **Minor Variance Application A3/16**  
**Richard Karikari**  
**9 Bugey Lane**  
**Lot 39, 40M1577**

**Ward:** 2

**Date of Meeting:** January 27<sup>th</sup>, 2016

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### **Recommendation:**

**That the Committee of Adjustment approve Minor Variance Application A3/16 submitted by Richard Karikari, to permit a total maximum gross floor area of 107.7m<sup>2</sup> for all accessory buildings; subject to the following conditions:**

- 1. That the Owner obtain a building permit for the proposed accessory building, or this decision shall become null and void;**
- 2. That the proposed accessory building is not to be used for human habitation or occupation for gain as per Section 4.1.1 ii) of Zoning By-law 95-2003 as amended; and**
- 3. That the Owner shall submit a landscape plan showing the proposed trees to be planted on the west side of the proposed accessory building and implement the proposed plan to the satisfaction of the Town of Ajax.**

### **Background & Proposal:**

The applicant is proposing to construct a 1-storey, 92.9 m<sup>2</sup> accessory building (pool house) to accompany an existing pool. There is an existing 1-storey, 14.8 m<sup>2</sup> accessory building (pool pump house) which will remain. Notice of the application was mailed out on January 13<sup>th</sup>, 2016 to permit a maximum gross floor area of 135.6 m<sup>2</sup> for all accessory buildings and structures as originally requested within the application. Since then, the applicant has revised the submitted drawings by reducing the footprint of the accessory building from 120.8 m<sup>2</sup> to 92.9 m<sup>2</sup>, therefore reducing the total maximum gross floor area to 107.7m<sup>2</sup> for all accessory buildings. The accessory building will consist of change rooms, a fitness room, a media area and mechanical room. The applicant has advised that the fitness room will store a squat cage, bench and leg press along with other pieces of fitness equipment and the media centre will include a pool table and pool change rooms (See Figure 4- Floor Plan). The combined gross floor area for all accessory buildings on the lot equals 107.7 m<sup>2</sup>.

The minor variance application is requesting to permit a maximum gross floor area of 107.7 m<sup>2</sup> for

all accessory buildings; whereas, the Zoning By-law permits a maximum gross floor area of 60.0 m<sup>2</sup>.

**Subject Property & Surrounding Land Uses:**

The subject property is located on the south side of Buggy Lane. The property has a lot area of 0.5 hectares (1.3 acres) and is surrounded by large lots containing single detached dwellings to the north, east, and west. Abutting the property to the south is Deer Creek Golf Course. (See Figure 1- Subject Lands).

**Town of Ajax Official Plan:**

The subject property is designated "Rural Area" and is within the Greenbelt. This designation permits one single detached dwelling on each existing lot of record, provided development of the single detached dwelling is consistent with the goals and policies of Section 2.2.3, and provided the lot has sufficient area to accommodate private water and sewer systems. The subject property is serviced by municipal water.

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

The subject property is zoned Country Residential – 'CR' Zone by Zoning By-law 95-2003, as amended. Accessory buildings, structures and uses are permitted in all zones, subject to meeting the provisions of Section 4.1.1 (General Provisions – Accessory Buildings, Structures and Uses) of the Zoning By-law. Section 4.1.1.1 v) states that the total lot coverage of all accessory buildings and structures on a lot shall not exceed 10% of the lot area to a maximum gross floor area of 60.0m<sup>2</sup>. The applicant has requested a variance to permit a maximum gross floor area for all accessory buildings of 107.7 m<sup>2</sup>. Further Section 4.1.1 ii) states that no detached accessory building or structure may be used for human habitation or an occupation for gain, unless specifically permitted by this By-law; condition 2 of this recommendation reinstates that human habitation or an occupation for gain be restricted from the proposed accessory building.

**Restrictive Covenants:**

There is a Restrictive Covenant on the subject property (applicable to Lots 1 – 68 (inclusive) and Blocks 69 – 71 (inclusive). Clause 2, 8 and 9 of the Restrictive Covenant reads as follows:

*"2. No trees, unless diseased or dead, shall be removed from any of the said lands without the written approval of Cougs, except as may be necessary for the purpose of constructing the public works and erecting the buildings contemplated by the said plan of subdivision.*

*8. No buildings, fence, pool or erection of any kind shall be erected on the said lands unless the plans, dimensions, grade and grade floor elevations, specifications, exterior materials and colours, and the location thereof as indicated by a siting plan, shall have been first submitted to and approved in writing by Cougs and no building, fence, pool, or other erection shall be constructed or placed on the said lands otherwise than in conformity with such plans, specifications and siting plans. No fences shall be erected on the said lands except for the purposes of enclosing a pool.*

*9. No external alterations or changes to the structure or appearance (including colours) of or in respect to any dwelling, garage or other structure erected by the purchaser may be made, done or permitted except with the written approval of Cougs."*

The enforcement of the Covenant is strictly a civil matter between property owners and Cougs

Development Ltd. However, staff advised the applicant to consult with Cougs Investment Ltd. (Cougs). Staff was advised that the applicant provided copies of the proposed site plan and elevations to Cougs for their review and is working with Cougs to ensure that the materials used and design is satisfactory. Cougs was also circulated the notice of the submitted application and meeting. The applicant has also advised that no trees will be removed as part of this proposed development.

#### **Requested Minor Variance:**

##### ***Minimum Accessory Building Gross Floor Area Variance***

The intent of the maximum lot coverage and maximum gross floor area for an accessory buildings is to maintain an appropriate amount of amenity area and to regulate the maximum size and mass of accessory buildings on a lot.

An accessory building by definition is a detached building or structure that is subordinate to and customarily incidental to the principle building, structure or use on the same lot. The applicant's proposed accessory building (pool house) is clearly subordinate to the principle use on the lot, which is the dwelling. The zoning by-law requires that the total lot coverage of all accessory buildings and structures on a lot shall not exceed 10% of the lot area to a maximum gross floor area of 60 m<sup>2</sup>. The proposed accessory building would occupy 1.7% of the lot area with a floor area of 92.9m<sup>2</sup>, and 1.9% cumulative lot area for all accessory buildings (pool house and pump house) with a total gross floor area of 107.7 m<sup>2</sup> for all accessory buildings (47.7 m<sup>2</sup> in excess of the maximum permitted).

Although the requested increase in the maximum gross floor area represents a significant increase, the subject property is large enough (5396.5 m<sup>2</sup>) to accommodate the proposed accessory building without compromising the size of the rear yard amenity area. The proposed accessory building will be setback 8.5 m from the rear property line and 26 m from the east property line (interior side yard) maintaining a large rear yard amenity area. Further, there is existing vegetation abutting the rear property line that would screen the accessory building from the abutting golf course (See Figure 3 – Views of the Rear Yard). The applicant has advised that additional trees would be planted along the west interior side lot line (interior side yard) for additional privacy and screening of the accessory building from the neighbours to the immediate west at 7 Buggy Lane. The accessory building would have a setback of 4.0 m from the west interior side lot line, whereas the Zoning By-law requires 0.6 m from any interior side lot line for accessory buildings. The gross floor area increase would be considered an appropriate use of the land and is considered minor in nature.

#### **Other Comments:**

##### **Design Services -**

Design Services encourages the applicant to offset the proposed accessory building at least 1m away from the mature existing trees located on the southwest portion of the site. Provide tree protection fence or hoarding during building construction. Ensure new tree are within the owner's property and does not infringe on the property line.

**Transportation Services -** No comments;

##### **Building Services -**

A building permit is required for the proposed building and will require approval from Durham Region Public Health.

##### **Operations -**

No comments;

**Fire Services -** No comments;

**Engineering Services –** Stormwater Drainage notes are to be added on submitted drawings.

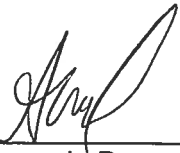
**Communications:**

In accordance with the *Planning Act* this application has been circulated to property/business owners within 60 metres of the subject property. Notice of Application for Minor Variance was posted in a visible location along or near the property lines of the subject property.

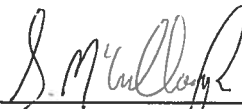
**Conclusion:**

Based on the discussion above, staff support Minor Variance Application A3/16 submitted by Richard Karikari to permit a total maximum gross floor area of 107.7m<sup>2</sup> for all accessory buildings, as this request is:

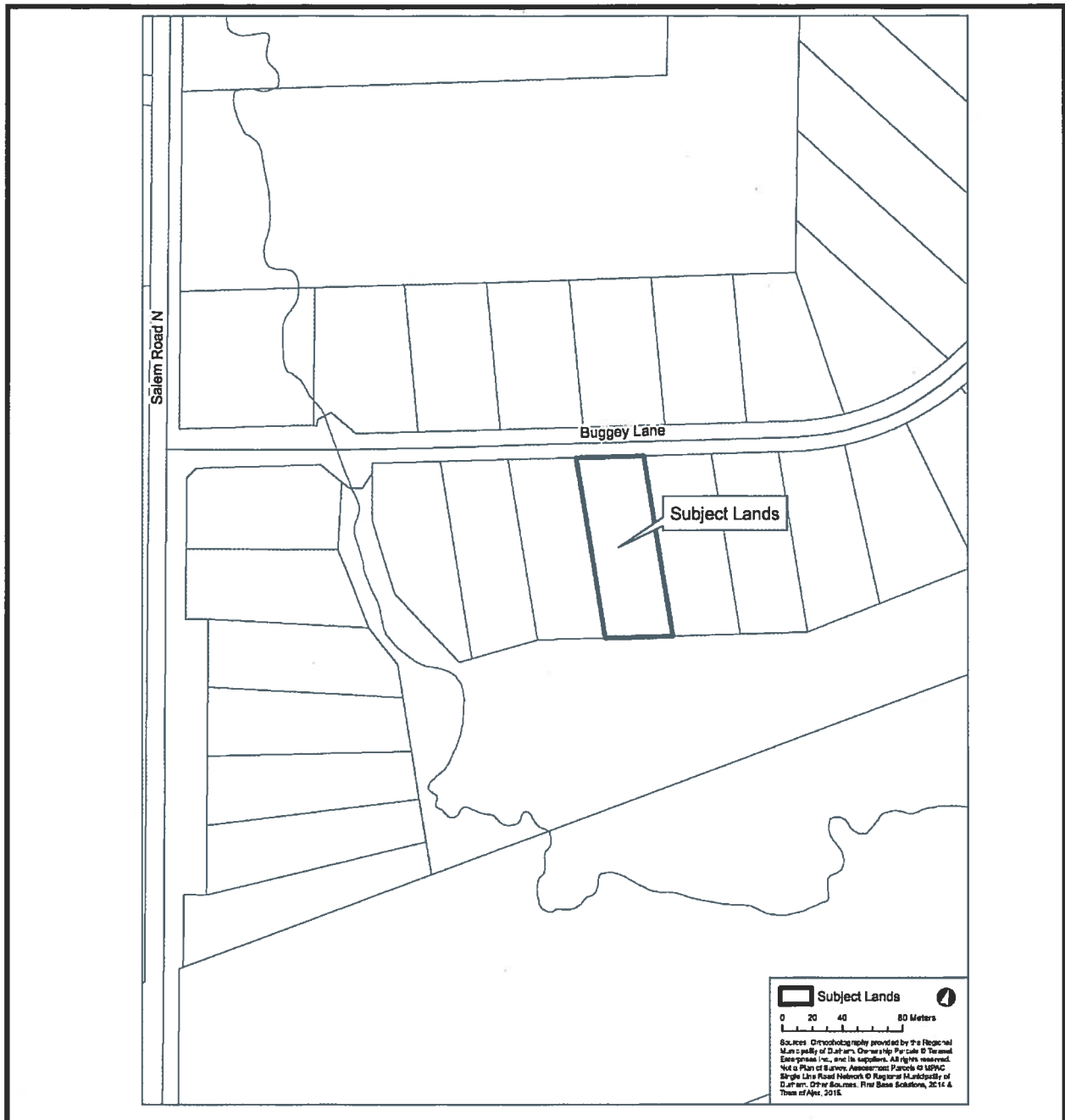
- 1) minor in nature;
- 2) an appropriate use of the land; and
- 3) in keeping with the general intent and purpose of the Official Plan and Zoning By-law.



Amanda Dunn, MES, MCIP, RPP  
Development Planner



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



Application File No. A3/16

Applicant: Richard Karikari

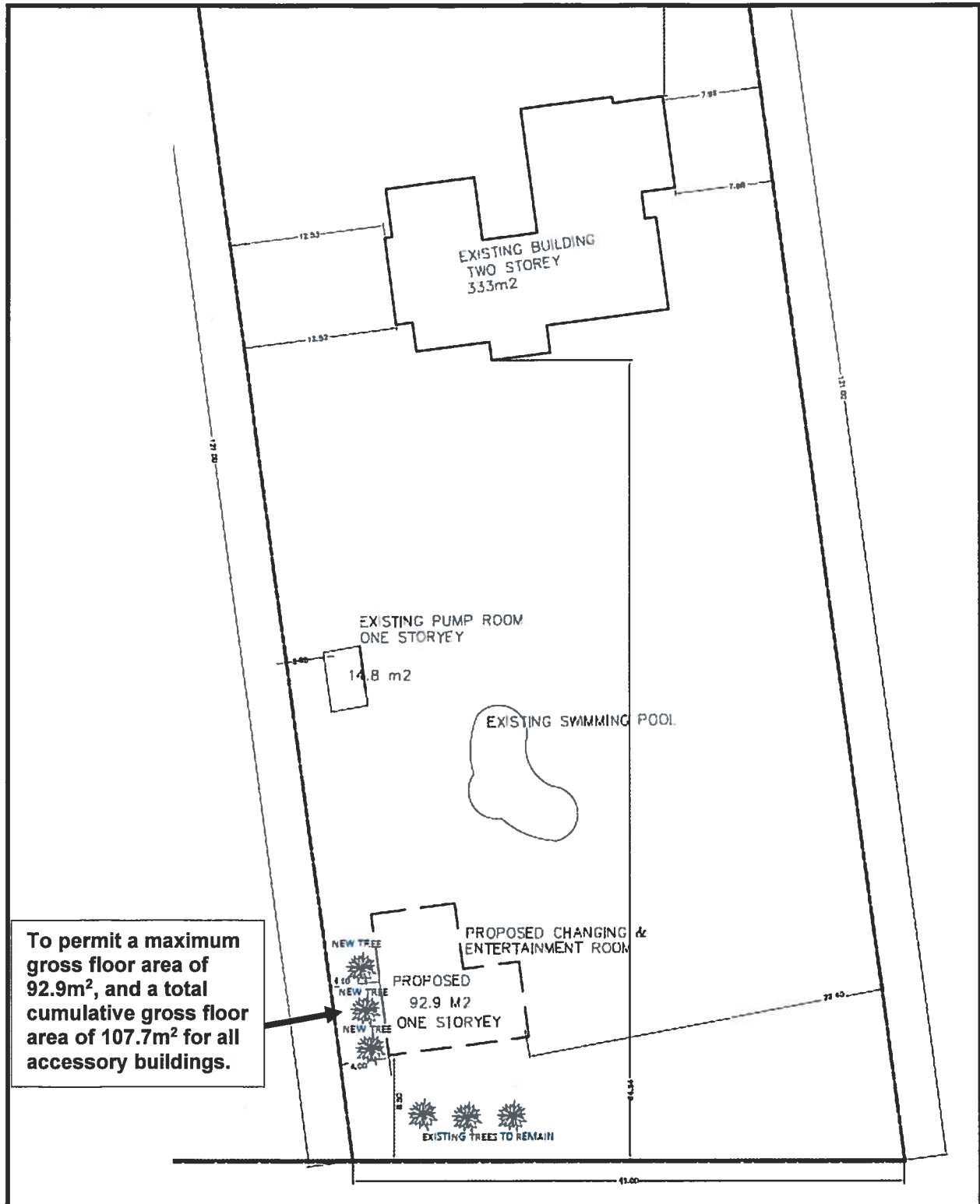
Date: January 27<sup>th</sup>, 2016

Figure 1

Subject Lands  
9 Bugey Lane



Town of Ajax  
Planning & Development Services



Application File No. A3/16

Applicant: Richard Karikari

Date: January 27<sup>th</sup>, 2016

Figure 2

Proposed Site Plan  
9 Buggy LaneTown of Ajax  
Planning & Development  
Services



View from the north of the pool looking to the south of the property.



Views from the southwest property line (general location of where the new proposed trees would be located).

**Application File No. A3/16**

**Applicant: Richard Karikari**

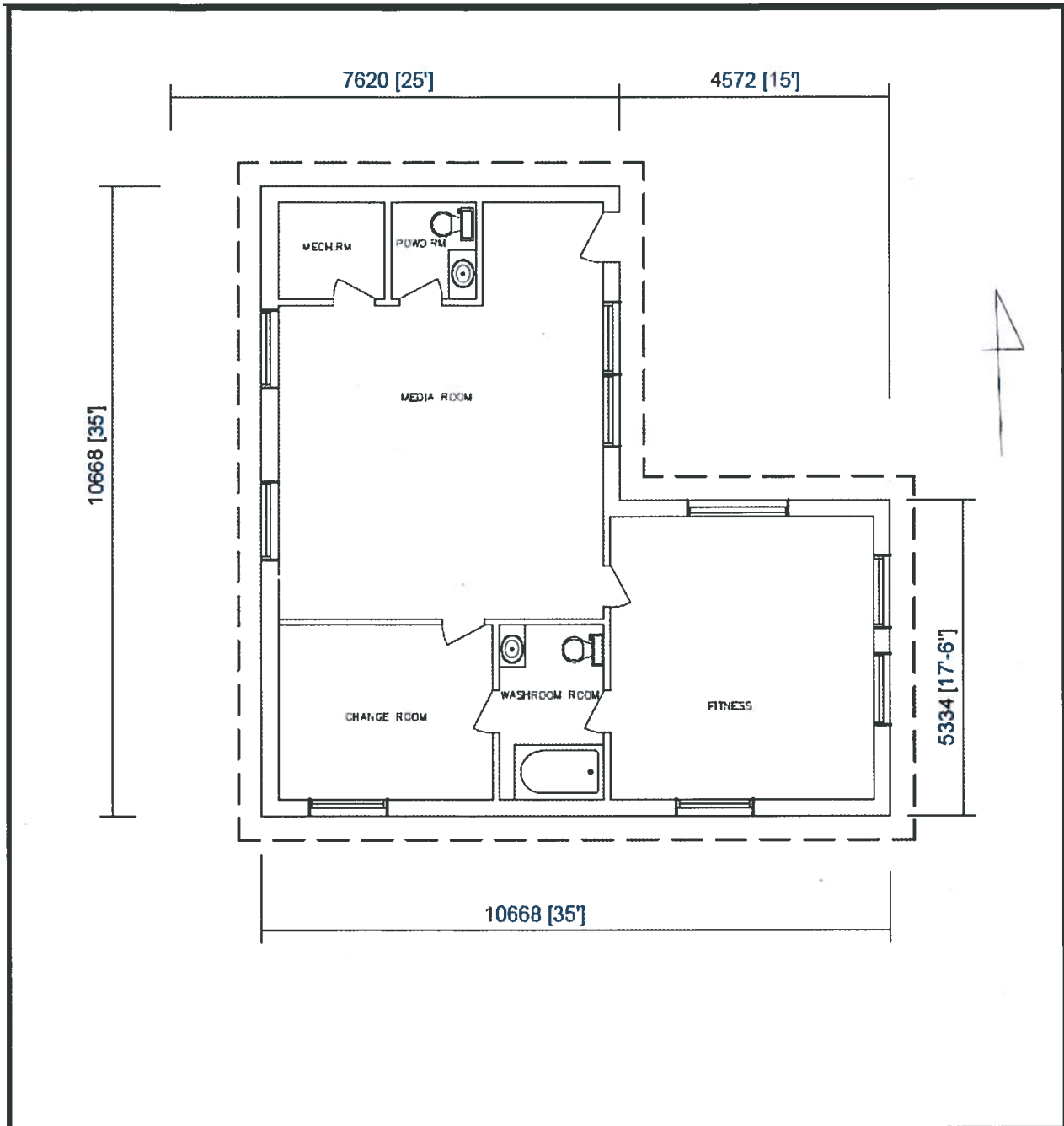
**Date: January 27<sup>th</sup>, 2016**

**Figure 3**

**Rear Yard Property Views  
9 Buggy Lane**



**Town of Ajax  
Planning & Development Services**



Application File No. A3/16

Applicant: Richard Karikari

Date: January 27<sup>th</sup>, 2016

Figure 4

Proposed Floor Plans  
9 Buggy LaneTown of Ajax  
Planning & Development Services

## Sean McCullough

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**From:** Ruth Djorsev <[REDACTED]>  
**Sent:** Friday, January 22, 2016 1:54 PM  
**To:** Sean McCullough  
**Subject:** 9 BUGGEY LANE....LOT 39

Sean McCullough..

Committee of Adjustment,

Residents of 7 Buggey Lane object the proposed minor variance plan for 9 Buggey Lane.

We believe the four tests that must be met in order for a minor variance to be granted have not been met.

1. Does this meet the intent of the Official Plan? No.
2. Does this meet the intent of the Zoning By-law? No.
3. Is the application desirable for the appropriate development of the lands in question? No.
4. Is the application minor? No.

Our concerns are as follows.:

Grading and water drainage.

Plumbing. Is a new septic tank being installed?

Location and size of proposed building.

The proposed building infringes on the natural landscape of the properties..

We have many more concerns but have not seen a detailed plan.

We are currently out of the country but want our voices heard.

We may or may not have someone at the meeting to represent 7 BUGGEY LANE LOT 38.

As the owner of 7 Buggey Lane, I object to the proposed minor variance plane for lot 39, 9 BUGGEY lane

Thank you for your consideration,  
RUTH & GEORGE DJORSEV  
OWNERS OF 7 BUGGEY LANE AJAX ON L1Z 1X4  
[REDACTED]

01/22/2016