
AGENDA

COMMITTEE OF ADJUSTMENT

Town Hall
65 Harwood Avenue South
Ajax, Ontario
Council Chambers

Wednesday, March 26, 2014

In-Camera Meeting: 6:00 p.m.

Open Meeting: 7:30 p.m.

(Applications to be heard at 7:30 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

Open Meeting

1. **Call to Order**

In-Camera

2. **Authority to hold a Closed Meeting:**

A matter pertaining to the education or training of members [Sec. 239 (3.1) Municipal Act, 2001, as amended]

- **Committee of Adjustment Procedural Training Seminar**

Open Meeting

3. **Disclosure of Interest**
4. **[Adoption of February 26, 2014 Minutes](#).....Page 3**
5. **Outline of the General Mandate of the Committee of Adjustment**
6. **Applications:**

- **A1/14, A3/14 & A4/14 – Zakia Yousfi – 541 Old Harwood Avenue..Page 10**

(Please note: Application A1/14 has been divided into three applications being A1/14, A3/14, and A4/14 for administrative purposes)

To permit:

- a minimum lot depth of 30 metres (A1/14, A3/14 & A4/14);
- a maximum lot coverage of 45% (A1/14, A3/14 & A4/14); and
- a minimum setback from the exterior side lot line of 2.0 metres (A1/14).

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 February 26, 2014 @ 7:00 P.M.**

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

Absent: None

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

Meeting called to order at 7:03 p.m. on February 26, 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 January 29, 2014, Town of Ajax, Committee of Adjustment Meeting Minutes

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

Proposed by: Member Molinari
Seconded by: Member Daffern

Vote: All in Favour

Carried

4. 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.

Minor Variance Application A6/14

Joanne Fletcher

37 Trawley Crescent

To permit a maximum driveway width of 5.4 metres.

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

That the Committee of Adjustment approve Minor Variance Application A6/14 submitted by Joanne Fletcher, to permit a maximum driveway width of 5.4 metres, subject to the following conditions:

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

Joanne Fletcher represented the application and indicated that the request was adequately outlined in the staff report.

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

There were none.

Chair Milligan asked if there were any members of the public that wished to speak to this matter.

There were none

Chair Milligan asked if members of the committee had any further questions/discussions.

There were none.

Chair Milligan asked for a motion from the Committee.

Member Molinari put forward a motion to approve Minor Variance Application A6/14 submitted by Joanne Fletcher, to permit a maximum driveway width of 5.4 metres, subject to the conditions outlined in the staff report as the request was reasonable and met the 4 tests outlined in the *Planning Act*.

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

There was none.

Decision:

That the Committee of Adjustment approve Minor Variance Application A6/14 submitted by Joanne Fletcher, to permit a maximum driveway width of 5.4 metres, subject to the following conditions:

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

Proposed by: Member Molinari – the application is reasonable and meets the 4 tests outlined in the *Planning Act*.

Seconded by: Member Dixon

All in favour

Carried

5. Applications

**Minor Variance Application A5/14
Matthew Weenen
2568 Salem Road North**

To permit a maximum accessory structure height of 6.2 metres and a maximum combined gross floor area of 1,800 m² for all accessory buildings and structures (barn, outbuildings, fabric covered structure and shed) currently on the property.

Technical Advisor/ Secretary-Treasurer McCullough confirmed written notice of the hearing was sent according to the Rules of Procedures laid out by the *Planning Act* and two responses were received and copies of the responses have been provided to the applicant and to the members of the Committee.

That the Committee of Adjustment defer Minor Variance Application A5/14, to permit a maximum accessory structure height of 6.2 metres and a maximum combined gross floor area of 1,800 m² for all accessory buildings and structures (barn, outbuildings, fabric covered structure and shed) currently on the property, to the March 26, 2014 Committee of Adjustment meeting to allow staff to re-circulate proper notification as deemed by the Planning Act; and prepare a staff recommendation report which accurately and professionally addresses all components of this application.

Mr. Weenen and Ms. Daniels represented the application and indicated that it was their understanding that the staff recommendation was to defer and that it may be more appropriate to address the request during the March 22, 2014 meeting.

Member Dixon clarified for the applicant that the next meeting was on March 26, 2014.

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

There were none.

Chair Milligan asked if there were any members of the public that wished to speak to this matter.

Mr. Sid Ballik resident of 2466 Salem Road asked to give an overview of the property. Mr. Ballik indicated that the property was not being used for agricultural purposes and has only been ploughed once. Mr. Ballik indicated that the applicant was spaying cars at night and on weekends; and was spraying cars prior to attending the meeting.

Chair Milligan identified that the Committees mandate is only to consider the application before the Committee which was to request a maximum accessory structure height of 6.2 metres and a maximum gross floor area of 1,800 m² for all accessory buildings and structures. Chair Milligan identified that any use operating from the property that is not permitted in the by-law would be required to be enforced by By-law Services.

Mr. Ballik indicated that if the building was to be enhanced, the larger building would allow the use of an auto body shop to continue and increase in size.

Technical advisory/Secretary-Treasurer McCullough stated that an auto body shop is not a permitted use on the subject property and any concerns relating to the improper use would need to be enforced by Town of Ajax By-law Services.

Mr. Ballik identified that By-law Services has not done anything about the auto-body shop.

Chair Milligan identified that the Committee can only make a decision on the request before the Committee based on the four tests outlined in the *Planning Act*.

Chair Milligan asked if there were any other members of the public who wish to speak on this application.

Mr. Graziano Biadi, resident of 2548 Salem Road – identified that he did not agree with the request because the building was build in 1999 with no permit and was built too close to his property line. He also indicated that there is an ongoing law suit, in which he is the defendant and that the application should not be heard until the law suit is completed. Mr. Biadi identified that the trial was to conclude on May 14, 2014. Mr. Grazinao asked that the application not be considered until the trial has concluded.

Member Molinari asked if the trial was concluding on March 14, 2014 as identified in the letter.

Mr. Biadi indicated that the next trial date was May 14, 2014 in Oshawa.

Mr. Charlie Tobias represented Mr. Biadi, and indicated that the legal case is due to a civil case that Mr. Biadi was defending himself against. Mr. Biadi has a driveway that runs along the applicant's southern property line. Mr. Tobias identified that Mr. Weenen has identified in court that the building foundation is weak. Mr. Tobias identified that Mr. Biadi has concerns that if the building foundation is weak then it should not be enhanced. Mr. Tobias also identified that it was Mr. Biadi's concern that the application should not be considered until the civil case has concluded.

Technical Advisor/Secretary-Treasurer McCullough indicated that the Town has sought legal counsel regarding this matter and as long as the Committee's decision is based on the planning merits and the four tests outlined in the *Planning Act*, the Committee could consider the application.

Mr. Tobias identified that he understood and that the explanation made sense to him.

Chair Milligan asked the Committee if there were any further discussion.

Member Molinari asked if the Committee could consider the application if the buildings were not being used for agricultural purposes.

Technical Advisor/Secretary-Treasurer McCullough identified that the first staff report was compiled on the understanding that the dwelling was the principle use on the subject property and any other associated building was accessory. However, upon further investigation in consultation with the Town's solicitor, it was determined that the zoning by-law does not prohibit a property from having more than one principle use, with the exception of a single detached dwelling. Therefore, both the dwelling and agricultural operation are considered principle uses on the property. The barn and temporary fabric building are associated with the agricultural operation and therefore would be subject to the maximum lot coverage provision in the Permanent Countryside zone. The expansion of any of the other buildings would require a variance.

Member Daffern asked clarification from staff, if a use was operating from the property that is not permitted in the by-law, that Town of Ajax By-law Services would be required to be notified and would be responsible for enforcing the By-law.

Technical Advisor/Secretary-Treasurer McCullough indicated that that was correct; an auto-body business is not a permitted use on the property and would need to be dealt with through By-law Services.

Member Daffern asked staff that if the uses proposed by the applicant were permitted on the property that the Committee could consider the application.

Technical Advisor/Secretary-Treasurer McCullough identified that that was correct.

Chair Milligan identified that the applicant may have more to add.

Mr. Weenen identified that the hostilities expressed this evening were related to the ongoing law suit. He indicated that he attempted to plant trees to establish a tree

nursery. Mr. Weenan identified that over 80 complaints were obtained from the Town of Ajax through a Freedom of Information request. Mr. Weenan identified that the subject property has been investigated by By-law Services, Fire Services, Toronto and Region Conservation Authority and other agencies and that he has never been charged, written up or proven to be operating a business not permitted in the by-law. Mr. Weenan identified that he would like to replace the existing barn and possibly construct a greenhouse in the future to attempt to establish a small tree nursery on the property.

Chair Milligan asked if there were any further discussions.

There were none.

Chair Milligan asked for a motion from the Committee.

Member Molinari put forward the motion to defer Minor Variance Application A5/14, to permit a maximum accessory structure height of 6.2 metres and a maximum combined gross floor area of 1,800 m² for all accessory buildings and structures (barn, outbuildings, fabric covered structure and shed) currently on the property, to the March 26, 2014 Committee of Adjustment meeting.

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

Member Dixon was concerned that the future meeting would focus on uses that may be operating on the property, and asked that the members of the public focus on the merits and concerns directly related to the requested variance and not the alleged improper use of the subject property.

Decision:

That the Committee of Adjustment defer Minor Variance Application A5/14, to permit a maximum accessory structure height of 6.2 metres and a maximum combined gross floor area of 1,800 m² for all accessory buildings and structures (barn, outbuildings, fabric covered structure and shed) currently on the property, to the March 26, 2014 Committee of Adjustment.

Proposed by: Member Molinari

Seconded by: Member Daffern

All in favour

Carried

6. Other Business/New Business

Member Molinari identified that the Committee does not fall into the definition of 'Committee' as outlined in the Procedural Guidelines document provided by staff.

Technical Advisory/Secretary-Treasurer McCullough identified that Town staff were

reviewing the document and will notify the Committee of any changes.

Member Molinari asked what other examples of Committee of Adjustment Procedural Guidelines were out there and recalled receiving an example from Oakville.

Technical Advisory/Secretary-Treasurer McCullough indicated he would look into it.

7. Adjournment

Chair Milligan put the request forward to the Committee to adjourn the February 26, 2014, Committee of Adjustment Meeting.

Proposed by: Member Daffern
Seconded by: Member Dixon

All in favour

Carried

Meeting adjourned at 7:39 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 Applications A1/14, A3/14, & A4/14**
Zakia Yousfi
541 Old Harwood Avenue
Lot 14, Plan 507

Related Applications: LD003/2014 & LD004/2014

Ward: 2

Date of Meeting: March 26, 2014

Recommendations:

That the Committee of Adjustment approve Minor Variance Applications A1/14, A3/14, and A4/14, to permit a minimum lot depth of 30 metres and a maximum lot coverage of 45% for all three lots (A1/14, A3/14 and A4/14), and a minimum setback from an exterior side lot line of 2.0 metres for the lot associated with A1/14, subject to the following conditions:

- 1. That the Owner/Applicant obtain a certificate of consent for Land Division Applications LD003/2014 and LD004/2014, or this decision shall become null and void; and**
- 2. That the Owner/Applicant obtain building permits for each of the three (3) proposed dwellings as indicated in Figure 2 – Proposed Site Plan, forming part of this report, or this decision shall become null and void.**

Background & Proposal

The applicant has filed two associated Land Division applications (LD003/2014 and LD004/2014) to the Region of Durham Land Division Committee. The applications propose to create three (3) equally sized lots (2 severed and 1 retained), all with a minimum lot frontage of 15.22 metres (50 feet) and a minimum lot area of 462.4 m² fronting onto Grayson Road. The applications were forwarded to the Land Division Committee on January 13, 2014 and were both approved.

To facilitate the severances, the applicant has filed three minor variance applications to permit a minimum lot depth of 30 metres for both severed parcels and the retained parcel; whereas, Zoning By-law 95-2003, as amended requires a minimum lot depth of 33.5 metres. Additionally, to facilitate the construction of three new detached dwellings, the applicant has requested to permit a maximum lot coverage of 45% for all three lots and a minimum setback from an exterior side lot line of 2.0 metres for the new lot situated at the northeast corner of Old Harwood Avenue and Grayson Road. Minor Variance Applications A1/14, A3/14 and A4/14 were forwarded to the Committee of Adjustment for consideration on January 29, 2014, where staff recommended

deferral of the application as additional supporting documentation was required to complete a thorough review of the applications. The decision of the Committee was to defer the applications.

Subject Property & Surrounding Land Uses:

The subject property is located on the northeast corner of Old Harwood Avenue and Grayson Road (See Figure 1 – Subject Property). The subject property is occupied by an existing single detached dwelling and a small shed in the northeast corner of the property, which must be removed prior to stamping of the deeds. Immediately surrounding the subject property are single detached dwellings. At the end of Grayson Road is Terry Fox Elementary School and Terry Fox Park.

Town of Ajax Official Plan and Zoning By-law 95-2003:

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 subject property is zoned Residential One – ‘B’ (R1-B) Zone within Zoning By-law 95-2003, as amended, which permits detached dwellings. The overall proposal (all 3 lots) does not comply with the minimum lot depth and maximum lot coverage provisions of the zoning by-law. Additionally, the proposed corner lot does not comply with the minimum setback provision from an exterior side lot line.

Requested Minor Variances:

Minimum Lot Depth Variance (A1/14, A3/14, & A4/14)

The intent of the minimum lot depth requirement within a residential zone category is to provide for an appropriate sized lot to accommodate a dwelling while maintaining amenity areas in the front and rear yards. The requested variances are to permit a minimum lot depth of 30.3 metres (a reduction of 3.2 metres) for all of the proposed lots. The proposed depths will maintain appropriate sized lots that will accommodate the future development of detached dwellings, which is in keeping with the existing housing types within the surrounding neighbourhood. The streetscape along Grayson Road will not be compromised by reducing the depths of the lots, as the proposed lots would maintain the minimum required lot frontage of 15.0 metres. Furthermore, the reduced lot depths will preserve appropriate front and rear yard amenity areas by maintaining the required front and rear yard setbacks set out in the zoning by-law. Therefore, the proposed lot depth reductions are considered to be minor in nature, desirable for the appropriate development or use of the lands, and would meet the general intent and purpose of the Official Plan and Zoning By-law.

Maximum Lot Coverage Variance (A1/14, A3/14, & A4/14)

The intent of the maximum lot coverage requirement is to maintain an appropriate amount of outdoor amenity space on a lot and to regulate the mass of buildings on a lot. The increase in lot coverage would not impact the outdoor amenity space, as the proposed dwellings will have sizeable front and rear yards in keeping with the minimum R1-B zone standards. Additionally, the proposed dwellings would not be of a size or height that is out of character with the existing neighbourhood.

The requested increase in lot coverage would not represent an unreasonable imposition as the dwellings would conform to all applicable setbacks outlined in Zoning By-law 95-2003, as amended, with the exception of the setback to an exterior side lot line. Therefore, the requested increase in lot coverage from 33% to 45% is considered appropriate, as a maximum lot coverage of 45% has been established for lots of similar size in the surrounding neighbourhood. Therefore,

the request to permit a maximum lot coverage of 45% is considered desirable for the appropriate development of the lands, and would maintain the general intent and purpose of the Zoning By-law and Official Plan.

Minimum Exterior Side Lot Line Variance (A1/14)

The intent of the minimum setback from an exterior side lot line is to provide an appropriate buffer between a building on a lot from the street line, preserve a desirable streetscape, and to maintain sightlines for vehicular traffic on adjacent roads.

The proposed dwelling would maintain a similar setback from the exterior side lot line that has been established throughout the surrounding neighbourhood and would provide a sufficient buffer from Old Harwood Avenue. The existing enlarged traffic calming boulevard located within the Old Harwood Avenue road allowance preserves vehicular traffic sightlines at the intersection of Old Harwood Avenue and Grayson Road. Additionally, a condition of consent outlined in both LD003/2014 and LD004/2014, required that a 4.5 metre daylighting triangle be conveyed to the Town prior to stamping of the deed for this lot. Therefore, the proposal will enhance traffic sightlines at the intersection of Old Harwood Avenue and Grayson Road. As a result, the request to permit a minimum setback of 2.0 metres from the exterior side lot line is considered to be minor in nature, and desirable for the appropriate development of the subject lands.

Other Comments:

Transportation Services - no comments;

Design Services – no comments;

Building Services – no comments;

Operations – no comments;

Fire Services – no comments;

Engineering Services - no comments;

Conclusion:

Based on the discussion above, staff are of the opinion that **Minor Variance Applications A1/14, A3/14, and A4/14, submitted by Zakia Yousfi**, to permit a minimum lot depth of 30 metres (A1/14, A3/14 & A4/14), a maximum lot coverage of 45% (A1/14, A3/14 & A4/14), and a minimum setback from an exterior side lot line of 2.0 metres (A1/14), are:

- 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. A1/14,
A3/14 & A4/14.

Applicant: Zakia Yousfi

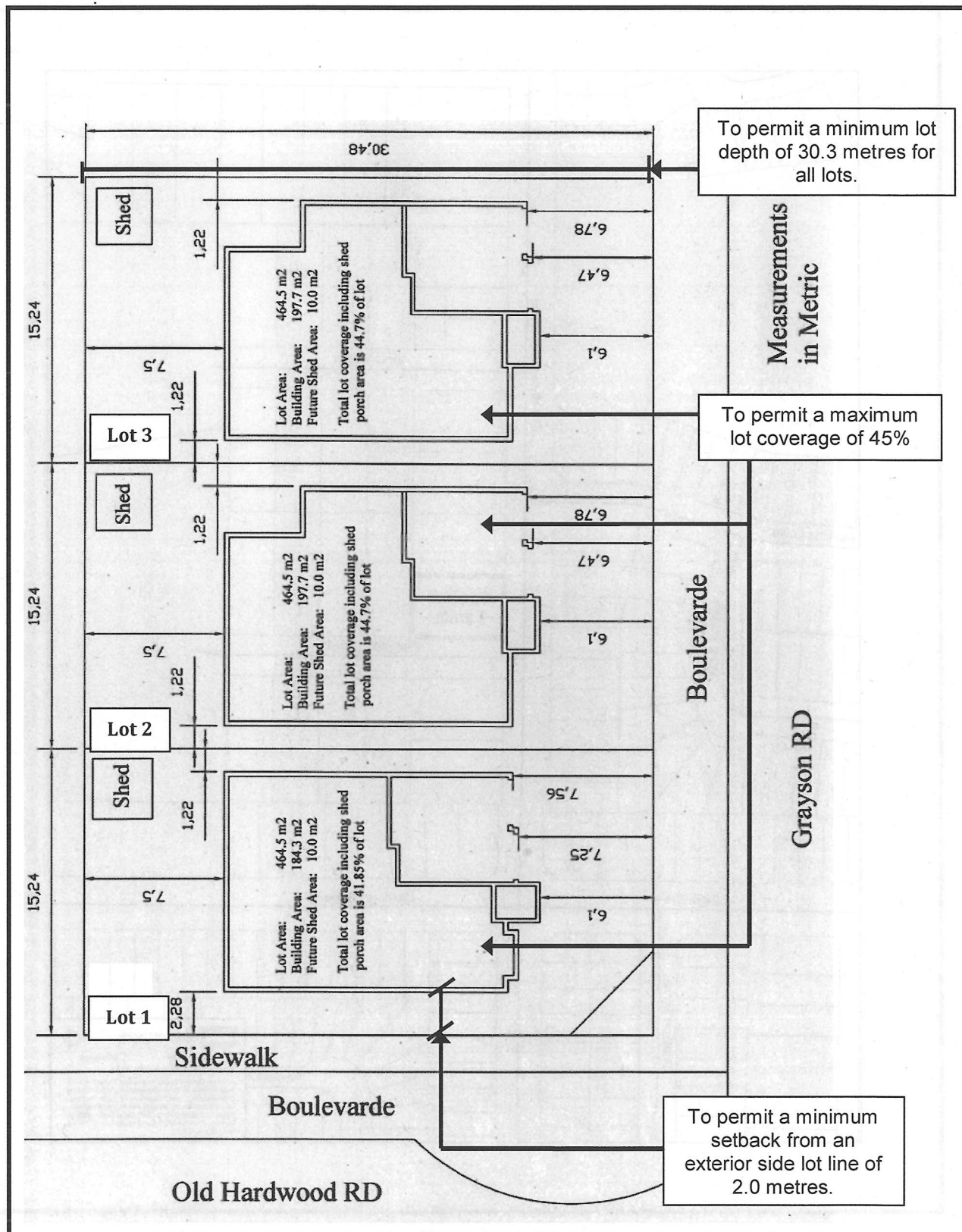
Date: March 26, 2014

Figure 1

Subject Lands
541 Old Harwood Avenue



Town of Ajax
Planning & Development
Services



Application File No. A1/14,
A3/14 & A4/14.

Applicant: Zakia Yousfi

Date: March 26, 2014

Figure 2

Submitted Plan
541 Old Harwood Avenue



Town of Ajax
Planning & Development
Services