

**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 March 25, 2015 @ 6:45 P.M.**

Present: Matthew Milligan, Chair
Carolyn Molinari, Vice-Chair
Wasif Ahmed, Member
Lori Roberts, Member
Michael Briand, Member
Sean McCullough, Technical Advisor/Secretary-Treasurer
Amanda Dunn, Development Planner

1. Call to Order – March 25, 2015, Town of Ajax, Committee of Adjustment Meeting

Meeting called to order at 6:46 p.m. on March 25, 2015.

2. Chair and Vice Chair Election

Technical Advisor/Secretary-Treasurer McCullough called for nominations for the Chair position for a two year term.

Member Briand put forward a motion to have Member Milligan continue as the Chair and have Member Molinari continue as Vice Chair.

Member Ahmed seconded the motion.

Technical Advisor/Secretary-Treasurer McCullough asked if Member Milligan and Member Molinari if they would accept the positions.

Member Milligan accepted the position as Chair.

Member Molinari accepted the position as Vice Chair.

Vote: All in Favour

Carried

3. 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.

4. Adoption of February 25, 2015 and Town of Ajax Committee of Adjustment Meeting Minutes

Chair Milligan asked for a motion to adopt the minutes from the February 25, 2015 Committee of Adjustment meeting.

Proposed by: Member Briand
Seconded by: Member Molinari

Vote: All in Favour

Carried

5. Adoption March 11, 2015 (Special Meeting), Town of Ajax Committee of Adjustment Meeting Minutes

Chair Milligan asked for a motion to adopt the minutes from the March 11 (Special Meeting), 2015 Committee of Adjustment meeting.

Proposed by: Member Ahmed
Seconded by: Member Roberts

Vote: All in Favour

Carried

Chair Milligan declared a recess at 6:54 p.m. until 7:00 p.m.

Chair Milligan called the meeting to order at 7:00 p.m.

6. 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.

7. Applications

**Minor Variance Application A8/15
Shaun Gallagher
2974 Ebony Street**

To permit an addition to a dwelling that is setback a minimum of 6.0 metres from the front lot line and to permit a 5.4 metre setback from the front and exterior side lot lines to a platform 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 two responses were received. One response was from Mr. Jim McLellan, owner of 2941 Ebony Street and one from Mr. and Mrs. Camargo, owners of 2972 Ebony Street. Copies of the letters of objection have been attached as part of the staff report to the Committee members.

The recommendation from staff is that the Committee of Adjustment defer Minor Variance Application A8/15, submitted by Shaun Gallagher, to permit an addition to a dwelling that is setback a minimum of 6.0 metres from the front lot line and to permit a 5.4 metre setback from the front and exterior side lot lines to a platform greater than 1.2 metres above finished ground level, to the April 29th, 2015 Committee of Adjustment meeting to allow staff to receive comments from the Toronto and Region Conservation Authority (TRCA), as the subject property falls within the TRCA's regulated area; and prepare a staff recommendation report which accurately addresses all components of this application.

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

Mr. Peter Barton, of Avtech Designs was in attendance to represent the application. Mr. Barton identified that he would be unable to attend a meeting on April 29, 2015. Mr. Barton identified that an email was received from TRCA today identifying that the subject property was not in the hydraulic flood line. Mr. Barton identified that the applicant was seeking to redevelop the home on the existing foundation, and that the 6.0 metre setback complies with the standard R1-B zone, however did not comply with the Exception 18. Mr Barton identified that the platform was to be setback 5.4 metres due to a rounded corner of the property and would only apply to the second storey platform and that the lower platform complied. Mr. Barton identified that he was involved in another application requesting a 6.0 metre setback from the front lot line, a 4.25 metre setback to a proposed second storey platform and a request to increase the lot coverage to 38% at 2990 Ebony Street. He identified that that application was approved without objection.

Member Briand asked if the applicant was unable to attend the following meeting if he would be passing the information onto the applicant.

Mr. Barton identified that he would not be in attendance. He identified he had information regarding the letters of objection. He provided a sketch of the legal survey of the adjacent property showing sightlines of the proposed drawing. He identified that the images were most likely within the bedroom. He identified that the existing precedent within the neighbourhood with a setback of 6.0 metres had been

established. Mr. Barton identified that Mr. McLellan provided similar comments to the Camargo's. He identified that Mr. McLellan would not have been served notice, and has not objected to similar applications within the neighbourhood in the past.

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

Member Ahmed asked if 2990 Ebony Street was a corner lot.

Mr. Barton indicated that 2990 Ebony Street was not a corner lot.

Member Molinari asked if staff could provide an overview for the reasoning for exception 18.

Technical Advisor/Secretary-Treasurer McCullough identified that exception 18 had been established through an OMB decision in the 1990's. He identified that the 7.62 metre setback converted was approximately 25 feet in imperial.

Chair Milligan asked if there were any members of the public who wished to speak in favour or against the application.

Mr. Camargo, owner of 2972 Ebony Street was in attendance and indicated he was not in objection to the construction of the dwelling. He identified that he objected to the reduced setback and that it would remove sunlight to his bedroom. He identified that the setback was there to ensure that there were safe sightlines at the intersection for individuals walking. He identified that as a result of the reduced setback he would lose some of his view.

Member Molinari identified that she recognizes that it is a nice view, however asked Mr. Camargo if he was aware that he was not entitled to own a view.

Mr. Camargo identified that he accepted that, however that he felt he had a right to the sunlight.

Chair Milligan asked if there were any members of the public who wished to speak in favour or against the application.

Mrs. Camargo, owner of 2972 Ebony Street identified that sunlight was very important to her. She moved from Calgary and sunlight was important to her. She identified that she felt she should be entitled to the amount of sunlight that she received each day.

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

Member Briand identified that although he did not have questions today that he may have questions in the future in the event that the application is deferred.

Chair Milligan asked if there were any members of the public who wished to speak in favour or against the application.

Mr. Gordon Snellings, 3014 Ebony Street identified that he reviewed the plans and identified that the impact of the proposed development was minimal. Mr. Snellings identified that the objector received a variance on his property to locate his own

dwelling closer to the property line of the subject property. He identified that given the restrictions in the neighbourhood he had no objections. He identified that after reviewing the site plans prepared by Mr. Barton, he did not feel it was a significant loss of sunlight that would negatively impact the neighbor.

Chair Milligan asked if any members had any questions for Mr. Snellings.

Member Briand put forward a motion to defer the application until a future meeting.

Member Ahmed seconded the motion.

Committee members discussed the motion asking if the motion would be to defer the application until the April 29, 2015 meeting or that the wording be to a future meeting, allowing time to receive comments from the TRCA.

Chair Milligan asked staff about the date of deferral and if comments could be received from the TRCA.

Ms. Dunn identified that she did not feel that it was an issue.

Member Briand clarified that the motion would be to defer the application until a future meeting of the Committee of Adjustment, and that a date would be established by staff.

Decision: That the Committee of Adjustment defer Minor Variance Application A8/15, submitted by Shaun Gallagher, to permit an addition to a dwelling that is setback a minimum of 6.0 metres from the front lot line and to permit a 5.4 metre setback from the front and exterior side lot lines to a platform greater than 1.2 metres above finished ground level, to a future meeting of the Committee of Adjustment meeting to allow staff to receive comments from the Toronto and Region Conservation Authority (TRCA), as the subject property falls within the TRCA's regulated area; and prepare a staff recommendation report which accurately addresses all components of this application.

Proposed by: Member Briand
Seconded by: Member Ahmed

All in favour

Carried

8. Other Business/New Business Continued

The committee had a discussion regarding the process for applying dates to decisions to defer.

Technical Advisor/Secretary-Treasurer McCullough provided copies of the January 5, 2015 Consolidated Town of Ajax Official Plan to the members.

The Committee had a discussion on the appropriate process for rebuttal of applicants during the committee's proceedings. It was agreed that the Committee would determine what would be appropriate on a case by case basis during the proceeding.

Technical Advisor/Secretary-Treasurer McCullough asked the committee members if they were okay with the start time remaining at 6:45 p.m.

Member Briand identified that he found the discussion beginning at 6:45 p.m. to be useful and suggested it should be continued. There was consensus on the Committee to continue with the 6:45 p.m. start.

Chair Milligan asked if the Secretary-Treasurer could ask Nicole Wellsbury, Manager of Legislative Services/ Deputy Clerk to return for a training session.

9. Adjournment

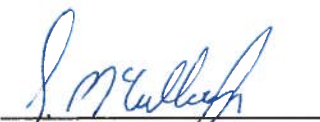
Proposed by: Member Briand
Seconded by: Member Ahmed

All in favour

Carried

Meeting adjourned at 7:52 p.m.


Matthew Milligan
Chair


Sean McCullough, BES
Secretary-Treasurer