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## AGENDA

### COMMITTEE OF ADJUSTMENT

Town Hall  
65 Harwood Avenue South  
Ajax, Ontario  
**River Plate Room**

**Wednesday, April 24, 2013**

Pre-meeting to commence at 6:30 p.m.  
Public Meeting to commence at 7:00 p.m.

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**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.



1. **Call to Order**
2. **Disclosure of Interest**
3. **Adoption of March 27 , 2013 Committee of Adjustment Meeting Minutes ..... Page 2**
4. **Outline of the General Mandate of the Committee of Adjustment**
5. **Applications:**
  - **A6/13 – V. & N. Mistry – 4 Dolby Crescent..... Page 8**  
To permit a minimum setback of 7.1 metres from the rear lot line to a proposed sunroom addition and to permit a maximum lot coverage of 46%.
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 March 27, 2013 @ 7:00 P.M.**

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**Present:** Matthew Milligan, Chair  
Carolyn Molinari, Vice-Chair  
Eldon Dixon, Member  
Lisa-Marie Williams, Member  
Michael Briand, Member  
Geoff Romanowski, Technical Advisor/Secretary-Treasurer  
Alejandro Cifuentes, Development Planner

**Absent:** None

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**1. Call to Order – March 27, 2013, Town of Ajax, Committee of Adjustment Meeting**

Meeting called to order at 7:02 p.m. on March 27, 2013.

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**2. Disclosure of Interest**

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

There were none.

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**3. Adoption of February 27, 2013, Town of Ajax, Committee of Adjustment Meeting Minutes**

Chair Milligan put a request forward to the Committee to adopt the February 27, 2013 Committee of Adjustment Meeting Minutes.

Proposed by: Eldon Dixon  
Seconded by: Michael Briand

**All in favour**

**Carried**

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**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.

5. Applications

**Minor Variance Application A3/13  
Catherine Louise Ferry  
2 Hiley Avenue  
LOT 66, Plan 590**

**To permit the lot line and yard along Hiley Avenue to be the front lot line and front yard and re-designate the other yards accordingly and to recognize all setbacks affected by this re-designation of lot lines and yards.**

Technical Advisor/ Secretary-Treasurer Romanowski confirmed written notice of the hearing was sent according to the Rules of Procedures laid out by the *Planning Act* and one response was received from the resident at 4 Hiley Avenue in support of the application.

**The recommendation, from the Town of Ajax, Planning & Development Services, was that the application be approved.**

Ms. Catherine Ferry represented the application and indicated that the staff report addressed her request.

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

Member Briand asked why this request was put forward.

Ms. C. Ferry wants to remove the white picket fence and replace it with a proper fence in the future.

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 there were any further questions, comments or discussion on the application.

There were none.

Chair Milligan asked for a motion from the Committee.

**Decision: To approve the application.**

Proposed by: Michael Braind – meets the four tests of the *Planning Act* and is reasonable

Seconded by: Carolyn Molinari

**All in favour**

**Carried**

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**Minor Variance Application A4/13  
Adrian and Abbie Gebodh  
35 Noble Drive  
LOT 67, 40M1455**

**To permit a minimum setback for access of 0.6 metres to an existing door from the interior (east) side lot line.**

Technical Advisor/ Secretary-Treasurer Romanowski 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.

**The recommendation, from the Town of Ajax, Planning & Development Services, was that the application be approved, subject to the following condition:**

- 1. That the Owner obtain a building permit for the door, and that the door not be a required exit from the dwelling, or this decision shall become null and void.**

Mr. Adrian Gebodh represented the application and provided the Committee with brief overview of the requests.

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

Member Dixon asked if a permit would be required for a door to be replaced.

Technical Advisor/ Secretary-Treasurer Romanowski indicated that a permit typically wouldn't be required, however due to the complaint from the neighbour, Building Services conducted an inspection and because of the reduced setback for access, a permit was required.

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 there were any further questions, comments or discussion on the application.

There were none.

Chair Milligan asked for a motion from the Committee.

**Decision: To approve the application subject to the following condition:**

- 1. That the Owner obtain a building permit for the door, and that the door not be a required exit from the dwelling, or this decision shall become null and void.**

Proposed by: Carolyn Molinari – meets the four tests of the *Planning Act*  
and is reasonable

Seconded by: Eldon Dixon

**All in favour**

**Carried**

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**Minor Variance Application A5/13**

**Roberto Barros de Camargo**

**2972 Ebony Street**

**East Part of Lot 95 and Lot 96, Plan 285 (40R-2327, Part 2)**

**To permit a minimum setback of 0.6 metres from the interior (east) side lot line.**

Technical Advisor/ Secretary-Treasurer Romanowski 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.

**The recommendation, from the Town of Ajax, Planning & Development Services, was that the application approved, subject to the following conditions:**

- 1. That the Owner obtain approval of Site Plan Application SP5/13, or this decision shall become null and void, and;**
- 2. That the Owner obtain a building permit for the construction of the proposed dwelling, or this decision shall become null and void.**

Mr. R. Camargo represented the application and provided the Committee with brief overview of the request.

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

Vice-Chair Molinari asked if Mr. Camargo had spoken to the owner to the east.

Mr. R. Camargo informed the committee that he has tried to but has been unsuccessful as the owner does not live there (the people that live there are renters).

Vice-Chair Molinari asked if the owner to the east was circulated.

Technical Advisor/ Secretary-Treasurer Romanowski confirmed that the owner was circulated the notice of meeting.

Member Dixon asked if there was any issue with drainage on the east side of the property.

Technical Advisor/ Secretary-Treasurer Romanowski indicated that there were not drainage concerns from either the Town or TRCA.

Member Williams asked what would the Town do if they could not get a letter of authorization from the neighbour to the east to remove the tree.

Technical Advisor/ Secretary-Treasurer Romanowski indicated that the Town would use best efforts to get the authorization, if not, and the tree has to be removed due to construction, the applicant may have to provide compensation (trees or money).

Member Briand asked if the letter of authorization was necessary.

Technical Advisor/Secretary-Treasurer Romanowski indicated that if it was it would have been a condition of approval, but this will be handled through the site plan approval application (SP5/13).

Chair Milligan asked if the construction on the east elevation would be consistent with Building Services comments.

Technical Advisor/ Secretary-Treasurer Romanowski indicated that it would.

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 there were any further questions, comments or discussion on the application.

There were none.

Chair Milligan asked for a motion from the Committee.

**Decision: To approve the application subject to the following conditions:**

- 3. That the Owner obtain approval of Site Plan Application SP5/13, or this decision shall become null and void, and;**
- 4. That the Owner obtain a building permit for the construction of the proposed dwelling, or this decision shall become null and void.**

Proposed by: Eldon Dixon - meets the four tests of the *Planning Act* and is reasonable

Seconded by: Carolyn Molinari

**All in favour**

**Carried**

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**6. Other Business/New Business**

None

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**7. Adjournment**

Chair Milligan put the request forward to the Committee to adjourn the March 27, 2013 Committee of Adjustment Meeting.

Proposed by: Michael Briand

Seconded by: Eldon Dixon

**All in favour**

**Carried**

Meeting adjourned at 7:35 p.m.

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Matthew Milligan  
Chair

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Geoff Romanowski, MCIP, RPP, CPT  
Secretary-Treasurer

# **TOWN OF AJAX REPORT**



**Report To:** Committee of Adjustment

**Prepared By:** Alejandro Cifuentes  
Development Planner

**Submitted By:** Geoff Romanowski, MCIP, RPP, CPT  
Development Approvals Coordinator

**Subject:** **Minor Variance Application A6/13  
Vibha and Naresh Mistry  
4 Dolby Crescent  
LOT53, 40M2347**

**Ward:** 2

**Date of Meeting:** April 24, 2013

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## **Recommendation:**

**That the Committee of Adjustment approve Minor Variance Application A6/13 submitted by Four Seasons Sunrooms on behalf of Vibha and Naresh Mistry, to permit a minimum setback of 7.1 metres from the rear lot line to a proposed sunroom addition and to permit a maximum lot coverage of 46%, subject to the following condition:**

- 1. That the Owner obtain a building permit for the proposed sunroom addition, or this decision shall become null and void.**

## **Background and Proposal**

The proposed variances are to permit a minimum setback of 7.1 metres from the rear lot line to a proposed sunroom addition; whereas; the Zoning By-law requires a minimum setback of 7.5 metres from a rear lot line and to permit a maximum lot coverage of 46%; whereas, the Zoning By-law permits a maximum lot coverage of 45%.

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

The subject property is located on the west side of Dolby Crescent, one property south of the westerly intersection of Dolby Crescent and Bissland Drive. The surrounding lands consist of low density residential uses of single detached dwellings. (See Figure 1 – Subject Lands).

**Town of Ajax Official Plan:**

The subject property is designated “Low Density Residential” within the Town of Ajax Official Plan, which provides for such uses as, single detached dwellings, semi-detached dwellings, and linked dwellings up to a maximum density of 30 units per net hectare. The proposed variance maintains the general intent and purpose of the Official Plan.

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

The subject property is zoned Residential One – ‘D’ (R1-D) Zone (Exception 80), which permits single detached dwellings. The owner has requested relief from the requirements of the Zoning By-law to reduce the minimum setback from the rear lot line from 7.5 metres to 7.1 metres and to increase the maximum lot coverage requirement from 45% to 46%, in order to accommodate a single-storey sunroom addition.

**Requested Minor Variances:*****Minimum Setback from the Rear Lot Line Variance***

The intent of the minimum rear lot line setback is to maintain an appropriate rear yard outdoor amenity area and provide a buffer between the dwelling on the lot and abutting properties. It is staff’s opinion that the proposed rear lot line setback reduction of 0.4 metres is appropriate. This proposed reduction would not impact the function of the rear yard as there will be adequate room to still maintain a suitable outdoor amenity area within the rear yard for the existing dwelling. Further, there would be no adverse impacts on the adjacent properties to the west, north, or south, as the sunroom is proposed to be one storey in height and will not extend beyond the width of the existing dwelling. Therefore, staff are of the opinion that the requested variance is minor in nature and is desirable and appropriate development.

***Maximum Lot Coverage Variance***

The intent of the maximum lot coverage requirement is to maintain an appropriate amount of amenity/landscaped area uncovered by buildings on a lot and to regulate the maximum size and mass of buildings on a lot. The proposed sunroom addition will add an additional footprint of 22 m<sup>2</sup> of envelop space to the existing dwelling. It is staff’s opinion that the 1% increase in lot coverage would not represent an unreasonable imposition on the outdoor amenity area, as the proposed sunroom addition is to maintain an adequate amenity area in the rear yard. Further, the proposed sunroom addition will not be of a size or massing that will be out of character with surrounding neighbourhood.

**Other Comments:**

**Transportation Services -** no comments;

**Design Services –** no comments;

**Building Services –** a building permit will be required for the proposed sunroom addition;

**Operations –** no comments;

**Fire Services –** no comments;

**Engineering Services -** no comments

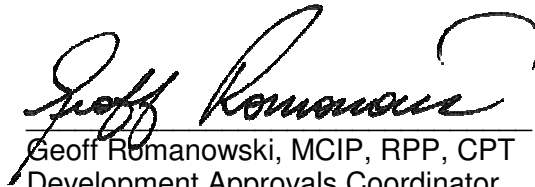
**Conclusion:**

Based on the discussion above, staff are of the opinion that **Minor Variance Application A6/13** submitted by Four Seasons Sunrooms on behalf of Vibha and Naresh Mistry, to permit a minimum setback of 7.1 metres from the rear lot line, and to permit a maximum lot coverage of 46% to accommodate a proposed sunroom addition, are:

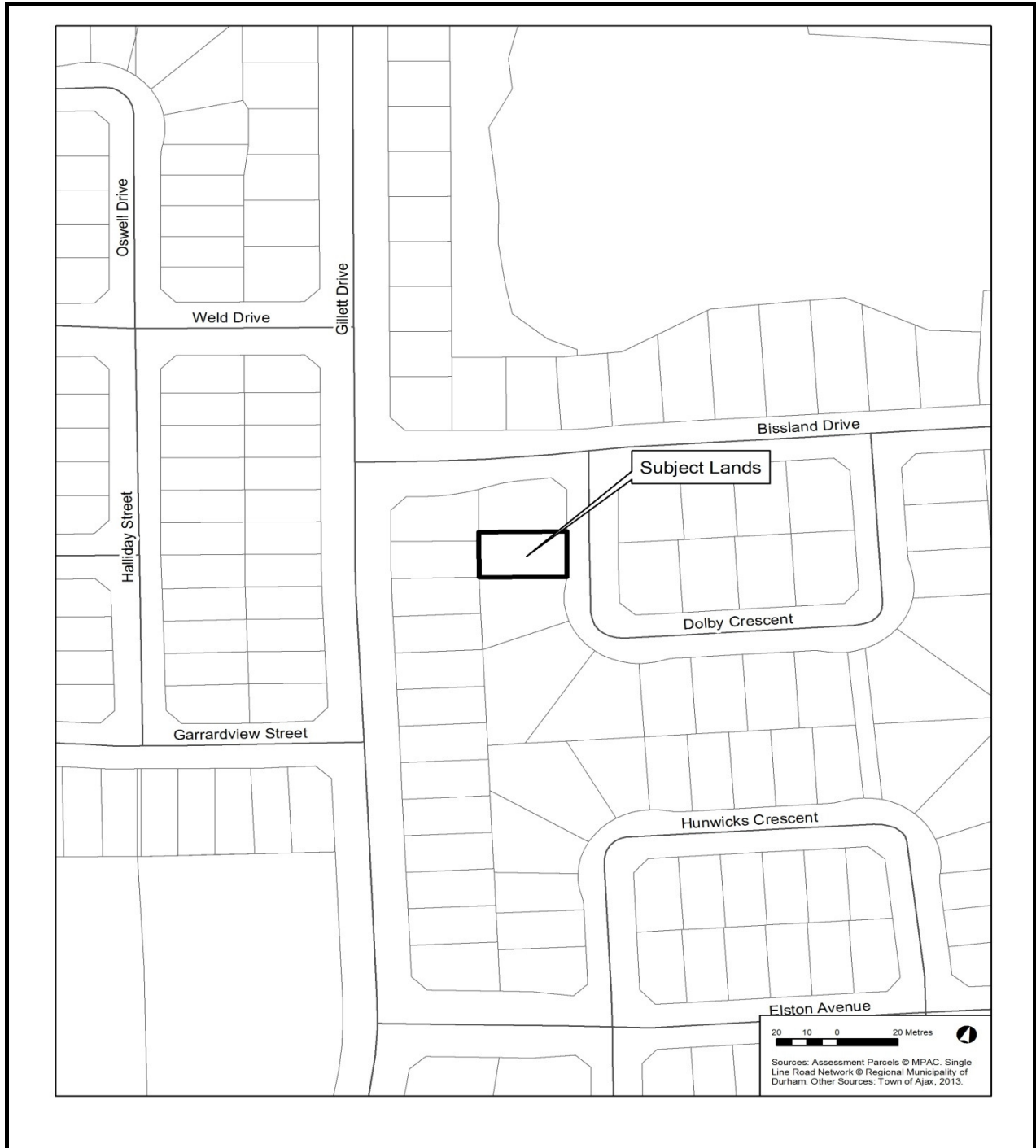
1. minor in nature;
2. desirable and an appropriate use of the lands; and
3. in keeping with the general intent and purpose of the Official Plan and Zoning By-law.




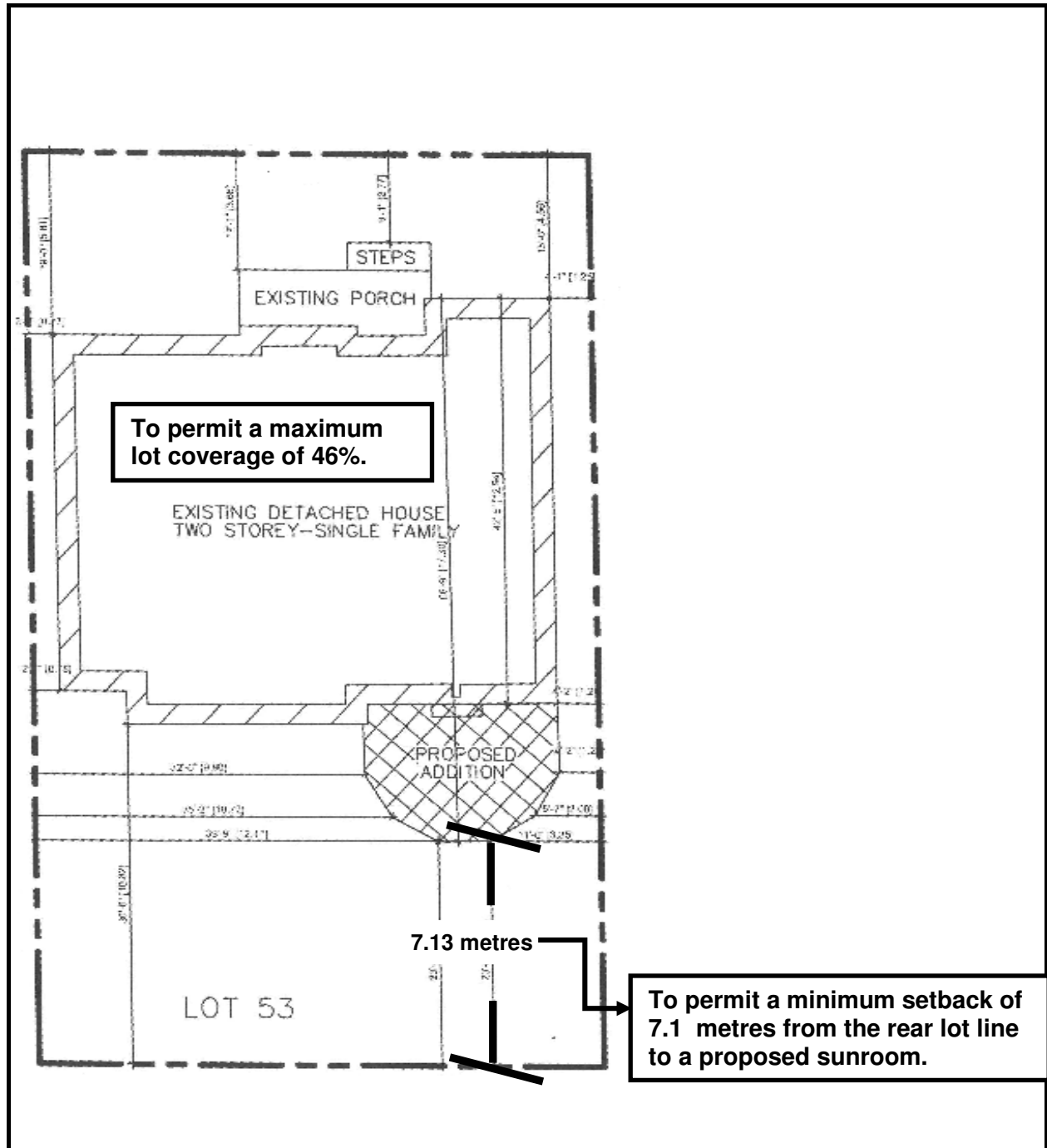
Alejandro Cifuentes  
Development Planner




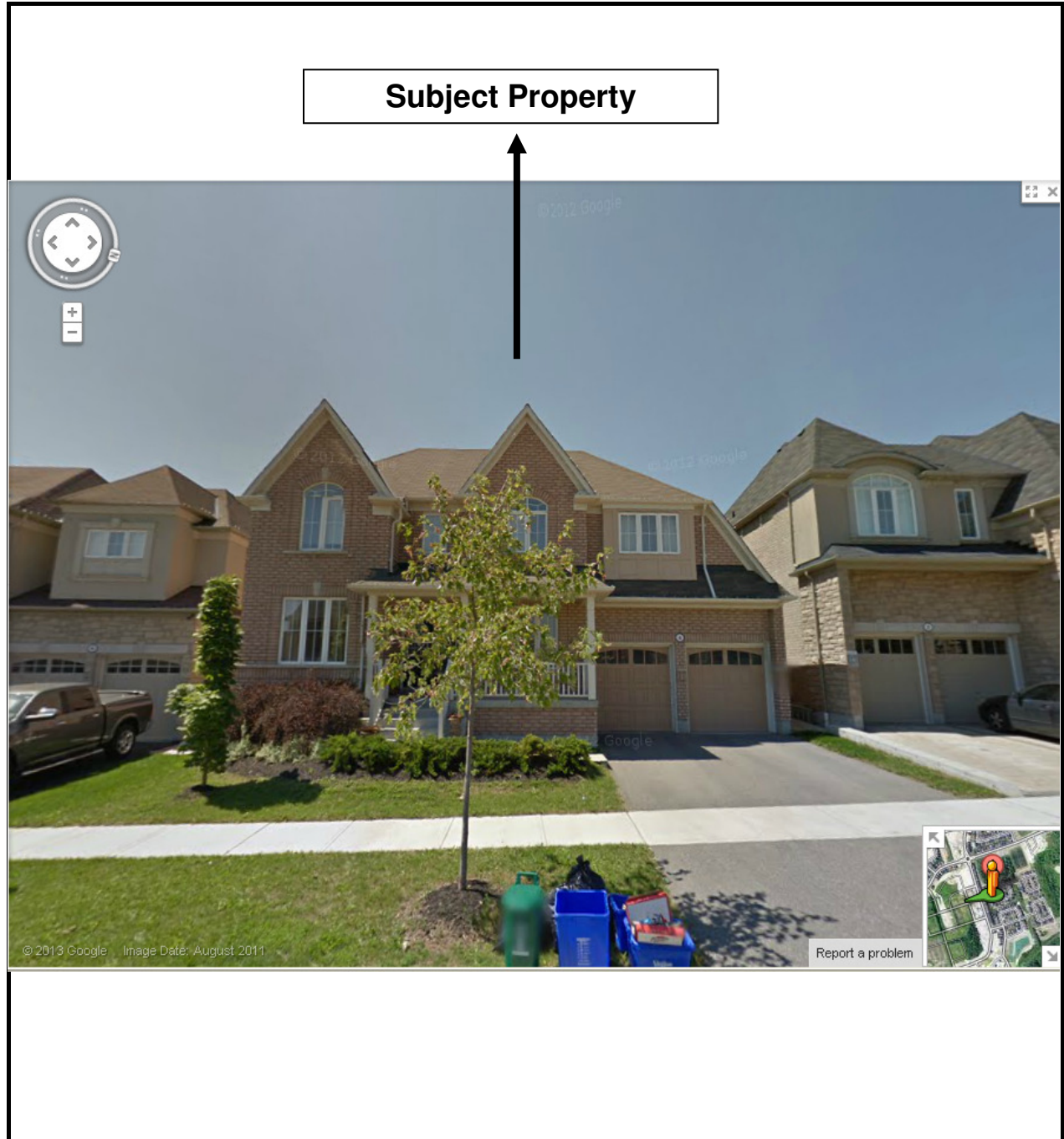
Geoff Romanowski, MCIP, RPP, CPT  
Development Approvals Coordinator




<p><b>Application File No. A6/13</b></p> <p><b>Applicant:</b> V. &amp; N. Mistry</p> <p><b>Date:</b> April 24, 2013</p>	<p><b>Figure 1</b></p> <p><b>Subject Lands</b> <b>4 Dolby Crescent</b></p>	 <p><b>Town of Ajax</b> <b>Planning &amp; Development</b> <b>Services</b></p>
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<p>Application File No. A6/13</p> <p>Applicant: V. &amp; N. Mistry</p> <p>Date: April 24, 2013</p>	<p>Figure 2</p> <p>Submitted Plan 4 Dolby Crescent</p>	 <p>Town of Ajax Planning &amp; Development Services</p>
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<p><b>Application File No. A6/13</b></p> <p><b>Applicant:</b> <b>V. &amp; N. Mistry</b></p> <p><b>Date: April 24, 2013</b></p>	<p><b>Figure 2</b></p> <p><b>Streetview</b> <b>4 Dolby Crescent</b></p>	 <p><b>Town of Ajax</b> <b>Planning &amp; Development</b> <b>Services</b></p>
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