



**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, October 26, 2016**

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

#### **Open Meeting**

1. Call to Order
2. Disclosure of Interest
3. Adoption of [September 28<sup>th</sup>, 2016 Committee of Adjustment meeting minutes](#)
4. Outline of the General Mandate of the Committee of Adjustment.
5. Applications:

**~~a) A42/16 – 62 Batt Crescent – Geronimo Lundie (Item Deleted)~~**

This application has been removed from the agenda as a result of failure to post the required notification in accordance with Section 45(5) of the *Planning Act*, and Ontario Regulation 200/96.

**b) A43/16 – 100 Kingston Road – 151516 Canada Inc. (RioCan)**

To permit a boarding kennel as a permitted use.

**c) A44/16 – 24 Hibbard Drive – Chris and Grace Sinda**

To permit a maximum lot coverage of 45.4% and a minimum setback of 6.3 metres from the rear lot line.

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 September 28, 2016 @ 7:00 P.M.**

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**Present:** Matthew Milligan, Chair  
Carolyn Molinari, Vice-Chair  
Wasif Ahmed, Member  
Lori Roberts, Member  
Greg Whitfield, Member  
Sean McCullough, Technical Advisor/Secretary-Treasurer

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**1. Call to Order – September 28, 2016, Town of Ajax, Committee of Adjustment Meeting**

Meeting called to order at 7:00 p.m. on September 28, 2016.

**Introduction of new Committee member – Greg Whitfield**

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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 was none.**

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**3. Adoption of August 28, 2016 and Town of Ajax Committee of Adjustment Meeting Minutes**

Chair Milligan asked for a motion to adopt the minutes from the August 28, 2016 Committee of Adjustment meeting.

Proposed by: Member Roberts  
Seconded by: Member Ahmed

**Vote: 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.

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**5. Applications**

**Minor Variance Application A39/16  
Jason Malcolm  
167 Tulloch Drive**

**To permit a maximum driveway width of 5.4 metres.**

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

**The recommendation of the staff report was that the Committee of Adjustment approve Minor Variance Application A39/16 submitted by Alfred Agyepong on behalf of Jason Malcolm, to permit a maximum driveway width of 5.4 metres, subject to the following conditions:**

- 1. That the Owner/Applicant obtain a building permit for the proposed accessory apartment, or this decision shall become null and void; and**
- 2. That the proposed driveway widening only be permitted on the subject property and shall not include any portion of the municipal boulevard, or this decision shall become null and void.**

Mr. Alfred Agyepong was in attendance to represent the application and gave a brief overview.

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

There was no further discussion.

Member Roberts made a motion to approve the application subject to the conditions outlined in the planning report, as the application was considered reasonable and met the four tests outlined in the *Planning Act*.

Motion seconded by Member Ahmed.

**All in favour**

**Carried**

**Decision: That the Committee of Adjustment approve Minor Variance Application A39/16 submitted by Alfred Agyepong on behalf of Jason Malcolm, to permit a maximum driveway width of 5.4 metres, subject to the following conditions:**

- 1. That the Owner/Applicant obtain a building permit for the proposed accessory apartment, or this decision shall become null and void; and**

- 2. That the proposed driveway widening only be permitted on the subject property and shall not include any portion of the municipal boulevard, or this decision shall become null and void.**

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**Minor Variance Application A40/16  
Abdul Sabur & Samira Khair Muhammad  
11 Welsh Street  
Lot 22, Plan 40M-1808**

**To permit uncovered steps to encroach 0.18 metres into the required interior side yard.**

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 6 responses were received from the following individuals:

- Janice and Brian Clarke, 14 Welsh Street;
- Roy and Christine Cousins, 13 Welsh Street;
- Tony Loureiro, 17 Welsh Street;
- Hallam Holder, 20 Welsh Street;
- Kandice and Wade Brackenbury, 5 Welsh Street;
- James and Cynthia Lozano, 6 Welsh Street.

**The recommendation of the staff report was that the Committee of Adjustment approve Minor Variance Application A40/16, submitted by Abdul Sabur and Samira Khair Muhammad, to permit uncovered steps to encroach 0.18 metres into the required west interior side yard, subject to the following conditions:**

- 1. That the Owner/applicant obtain a building permit for the below grade entrance, or this decision shall become null and void;**
- 2. That the Owner/applicant obtain a building permit for the proposed accessory apartment, if required, or this decision shall become null and void; and**
- 3. That the variance only apply to the uncovered steps generally illustrated in Figure 2 (Site Plan) of this report, or this decision shall become null and void.**

Mrs. Samira Khair Muhammad, was in attendance to represent the application. Mrs. Khair Muhammad identified that this was her first house in Canada and she did not know the rules for obtaining a building permit, and that the apartment would be for her brother.

Member Molinari asked staff if an accessory apartment was a permitted use and if stairs were permitted in the interior side yard if they did not encroach in to the required setback.

Technical Adviser/ Secretary-Treasurer McCullough identified that it is a permitted use and that stairs would be permitted if they did not encroach into the required setback.

Brian Lowes, 12 Welsh Street, spoke against the application. He identified that the home owner did not obtain a permit, and that work was taking place at night and on weekends. He identified that the required drain would probably not be connected and was probably structurally unsound. The accessory apartment would most likely not comply with the Ontario Fire Code and other required provincial documents. He asked that the Committee not approve the application as it would set a dangerous precedent.

Technical Adviser/ Secretary-Treasurer McCullough identified that a building permit would be required, and the applications fees were increased as a result of the work already having been completed. He also identified that an Engineer would be required to review and sign off on the permit.

Member Roberts identified that there was a section in the staff report that provided comments from other departments including Fire, Building and Engineering. There were no comments from Fire Services.

Brenda Diebrick, 382 Delaney Drive, was in attendance and identified that she had concerns regarding drainage and that this application would impact the drainage on the property. She identified that the zoning should not be changed because it was unknown how the stairs would impact drainage on her property.

Technical Adviser/ Secretary-Treasurer McCullough gave an overview provided by Engineering Services of the on-site drainage and the historic drainage in this area that has historically flowed to the south. Ms. Diebrick was shown a copy of a map of the area.

Member Molinari identified that the objections provided were related to the use of the property and the applicant not obtaining a building permit. As one accessory apartment is a permitted use and since a building permit is required, Member Molinari made a motion to approve the application subject to the conditions in the staff report, as the application was considered reasonable and met the four tests outlined in the *Planning Act*.

Motion seconded by Member Whitfield.

**All in favour**

**Carried**

**Decision:** That the Committee of Adjustment approve Minor Variance Application A40/16, submitted by Abdul Sabur and Samira Khair Muhammad, to permit uncovered steps to encroach 0.18 metres into the required west interior side yard, subject to the following conditions:

1. That the Owner/applicant obtain a building permit for the below grade entrance, or this decision shall become null and void;
2. That the Owner/applicant obtain a building permit for the proposed

accessory apartment, if required, or this decision shall become null and void; and

3. That the variance only apply to the uncovered steps generally illustrated in Figure 2 (Site Plan) of this report, or this decision shall become null and void.

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## **7.0 Other Business/New Business Continued**

Member Molinari recommended that staff include additional information in the notice to identify that an accessory apartment is a permitted use.

Member Molinari discussed that requirement outlined in the Planning Act to describe what effect public input had on the decision. The Committee discussed further.

Member Molinari requested that they continue to receive minutes digitally for review.

## **8.0 Adjournment**

Proposed by: Member Ahmed  
Seconded by: Member Roberts

**All in favour**

**Carried**

Meeting adjourned at 7:38 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

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

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

**Subject:** Minor Variance Application A43/16  
151516 Canada Inc. (RioCan)  
100 Kingston Road East, Unit L20

**Ward:** 2

**Date of Meeting:** October 26, 2016

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### **Recommendation:**

**That the Committee of Adjustment approve Minor Variance Application A43/16 submitted by 151516 Canada Inc. (RioCan), to permit a boarding kennel, subject to the following conditions:**

- 1. That the boarding kennel only be permitted to operate as an ancillary use to the primary retail store located at 100 Kingston Road, Unit L20;**
- 2. That the breeding of animals not be permitted or this decision shall become null and void; and**
- 3. That the Owner obtain a building permit for any proposed interior alterations, or this decision shall become null and void.**

### **Background & Proposal:**

In September 2016, Site Plan Amendment Application SPA2/16 was approved to demise the former Target Store located in the Durham Centre. As part of the approved site plan, four units have been constructed within the former Target Store. Petsmart is one of the new tenants. Petsmart is primarily a retail store which sells pet products such as food, toys, pet apparel, cages, and other pet accessories for pets.

One component of the retail store being proposed is a 'pet hotel', which the Town defines as a 'boarding kennel' within Zoning By-law 95-2003. The boarding kennel would be ancillary to the primary use being the retail component of the operation. The boarding kennel would consist of various sized kennels and suites for pets, including a bathing station, preparation room for grooming, and free range play area.

The applicant's proposal is to permit the ancillary use of a boarding kennel in the Uptown Mixed Use (UC) Zone; whereas, the Uptown Mixed Use (UC) Zone does not permit a boarding kennel.

**Subject Property & Surrounding Land Uses:**

The subject property is located on the north side of Kingston Road East, between Harwood Avenue North and Salem Road North and is municipally known as 100 Kingston Road East. The subject property is within the Durham Centre, a multi-unit retail-commercial plaza which currently consists of the following anchor tenants; Costco, Chapters, Winners, Marshalls and Homesense. Abutting to the east and west of the proposed use are new tenants that are to replace the former Target, including Michaels, DSW, and Structube. To the south is Chapters Bookstore and other small retailers. To the north is Ringer Road and further north across Ringer Road are vacant employment lands. (See Figure 1 – Subject Lands).

**Town of Ajax Official Plan:**

The subject property is within the Uptown Regional Centre and is designated "Commercial Mixed Use II" within the Town of Ajax Official Plan. The Commercial Mixed Use II is a mixed use designation intended to redevelop as a major activity centre. Development within this designation is to include a broad range of uses including retail, commercial, office, cultural, entertainment, community facilities, and high density residential uses. Permitted uses within this designation shall serve both the daily needs of local residents and employees as well as the broader, regional market. A boarding kennel is not defined within the Official Plan, however retail uses are permitted. The proposal is to permit an ancillary use of the boarding kennel to the primary use of the retail store. The primary and ancillary use proposed would serve local residents as well as a larger market. 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 Uptown Mixed Use (UC) in Zoning By-law 95-2003, as amended. Uses permitted in the Uptown Mixed Use Zone include, but are not limited to, an Art Gallery, Banquet Facility, Commercial Fitness Centre, Commercial School, Convenience Store, Day Care Facility, Drive-Thru Facility, Dry Cleaning Depot, Financial Institution, Funeral Home, Garden Centre, Hotel, Self-Serve Laundromat, Library, Licensed Accessory Outdoor Patio, Medical Clinic, Motel, Museum, Nightclub, Office, Personal Service Shop, Place of Entertainment, Place of Restaurant, Restaurant Drive-Thru, Retail Store, Retail Warehouse, Service or Repair Shop, Taxi Depot, Unlicensed Accessory Outdoor Patio, and a Veterinary Clinic.

The requested variance is to permit a boarding kennel; whereas, the Uptown Mixed Use Zone does not permit a boarding kennel.

**Requested Minor Variance:*****Boarding Kennel Use Variance***

A "boarding kennel" is defined as a commercial establishment for the keeping, breeding, boarding or training of domestic animals but shall not include the keeping of animals in a veterinary clinic for the purpose of observation, and/or recovery necessary to veterinary treatment. The 384m<sup>2</sup> (4,131ft<sup>2</sup>) proposed boarding kennel would be ancillary to the 1,452m<sup>2</sup> (15,629 ft<sup>2</sup>) retail store (which is a permitted use). The proposed boarding kennel would be similar to a veterinary clinic in that animals will be groomed and shelter facilities will be provided for short-term overnight stay, however not for medical treatment. The definition for 'veterinary clinic' is a building or part of where animals or pets are given medical or surgical treatment or grooming, within which there may be shelter facilities provided for short-term overnight medical treatment but shall not include a boarding kennel. A veterinary clinic is a permitted use within the Uptown Mixed Use Zone within Zoning By-law 95-2003.



The addition of a boarding kennel as an ancillary use to a retail store would contribute to the Town's desire to have a mix of uses within the Uptown Mixed Used Zone as it would permit Petsmart to provide a full range of pet services for the immediate and surrounding neighbourhoods.

Further, the ancillary use would not have any impact on surrounding land uses as it will be fully contained within the retail unit. All of the facilities associated with the boarding kennel such as play areas, training areas, and sleeping accommodations are to be located in the rear of the retail unit and therefore will not affect surrounding retail units.

Therefore, staff consider the request to permit a boarding kennel as an ancillary use appropriate and 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;

**By-law Services -** no comments.


**Communications:**

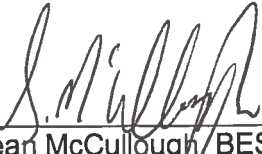
In accordance with the *Planning Act* this application has been circulated to property/business owners within 60 metres of the subject property. Notice of Application for Minor Variance was posted in a visible location along or near the property lines of the subject property.

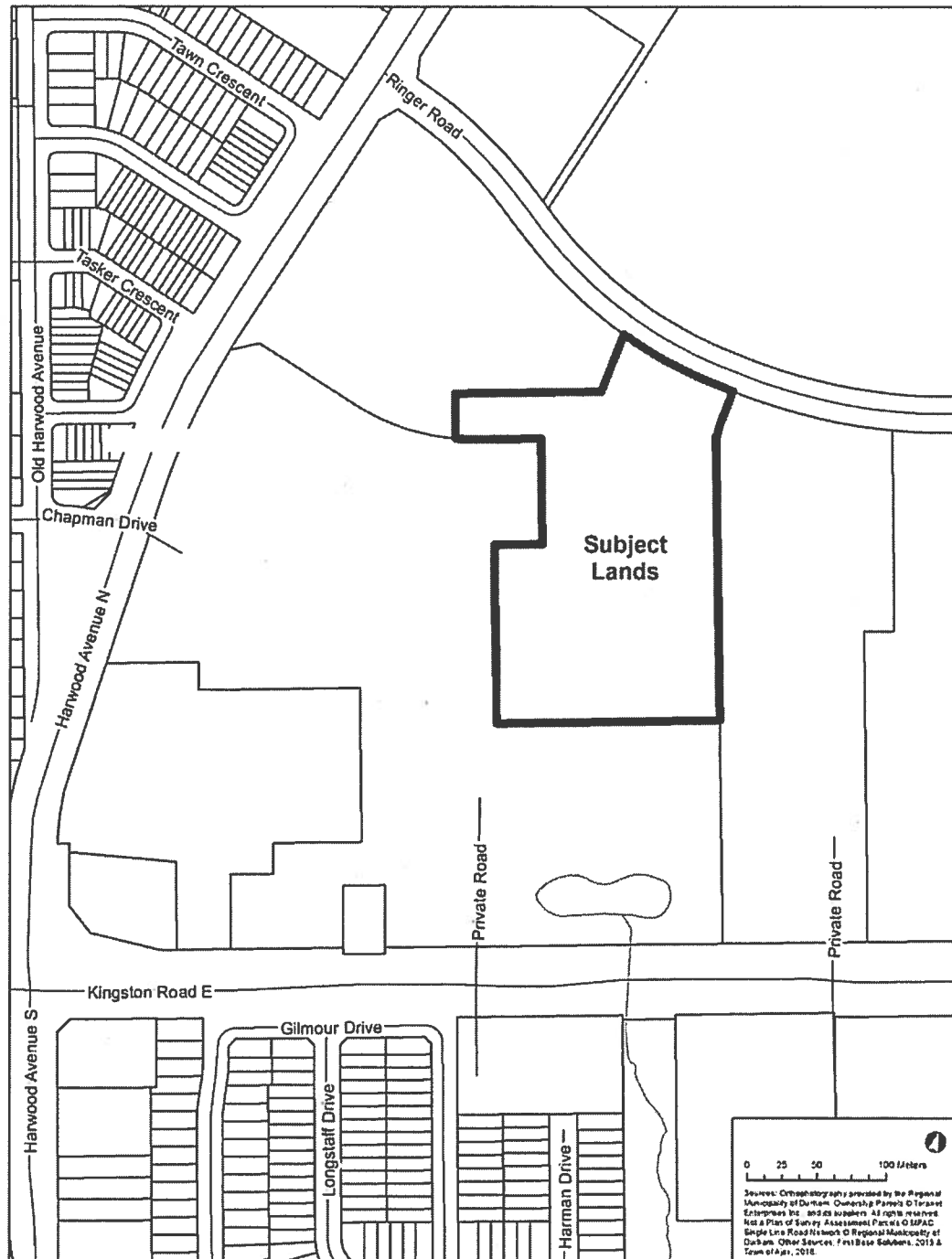
**Conclusion:**

Based on the discussion above, staff are of the opinion that **Minor Variance Application A43/16**, submitted by 151516 Canada Inc. (RioCan), to permit a boarding kennel, 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.

  
Amanda Dunn, MES, MCIP, RPP  
Development Planner

  
Sean McCullough, BES, MCIP, RPP  
Development Planner/ Secretary Treasurer



Application File No. A43/16

Applicant: 151516 Canada Inc.

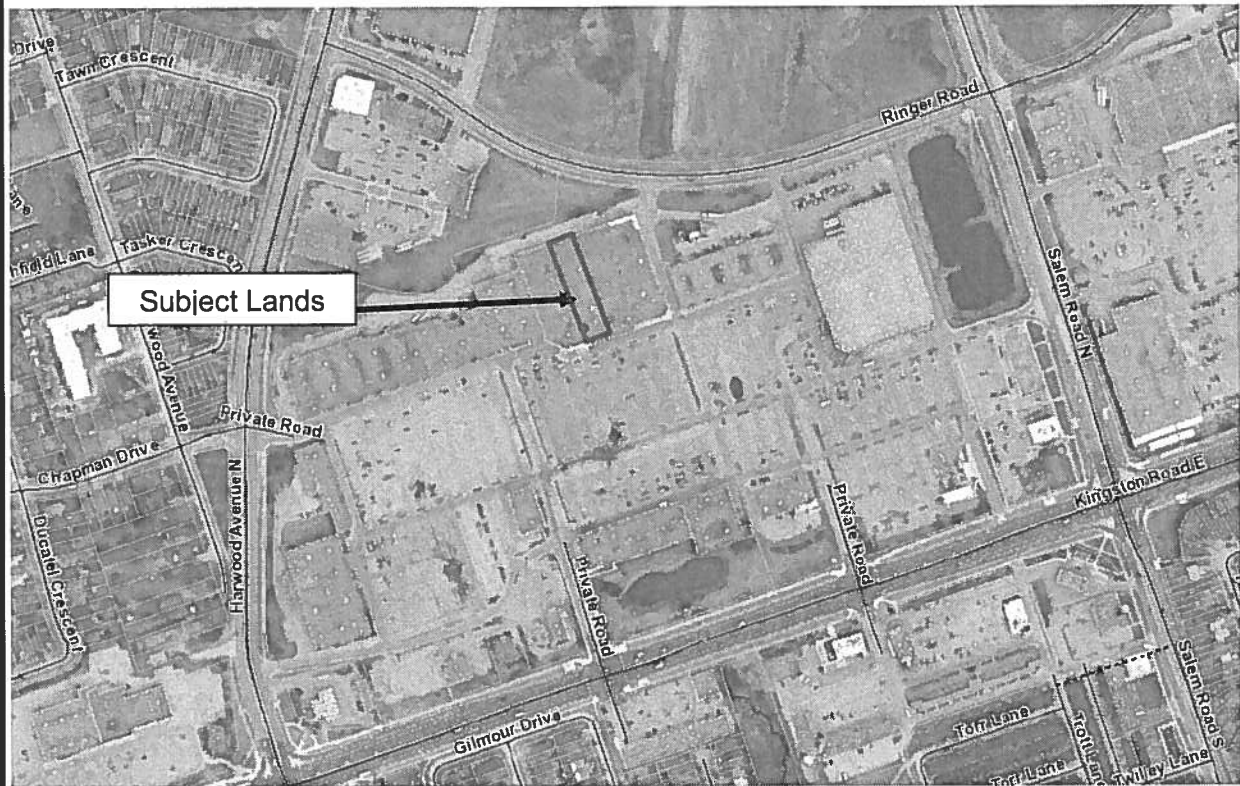
Date: October 26, 2016

Figure 1

Subject Lands  
100 Kingston Road East



Town of Ajax  
Planning & Development Services



Application File No. A43/16

Applicant: 151516 Canada Inc.  
(RioCan)

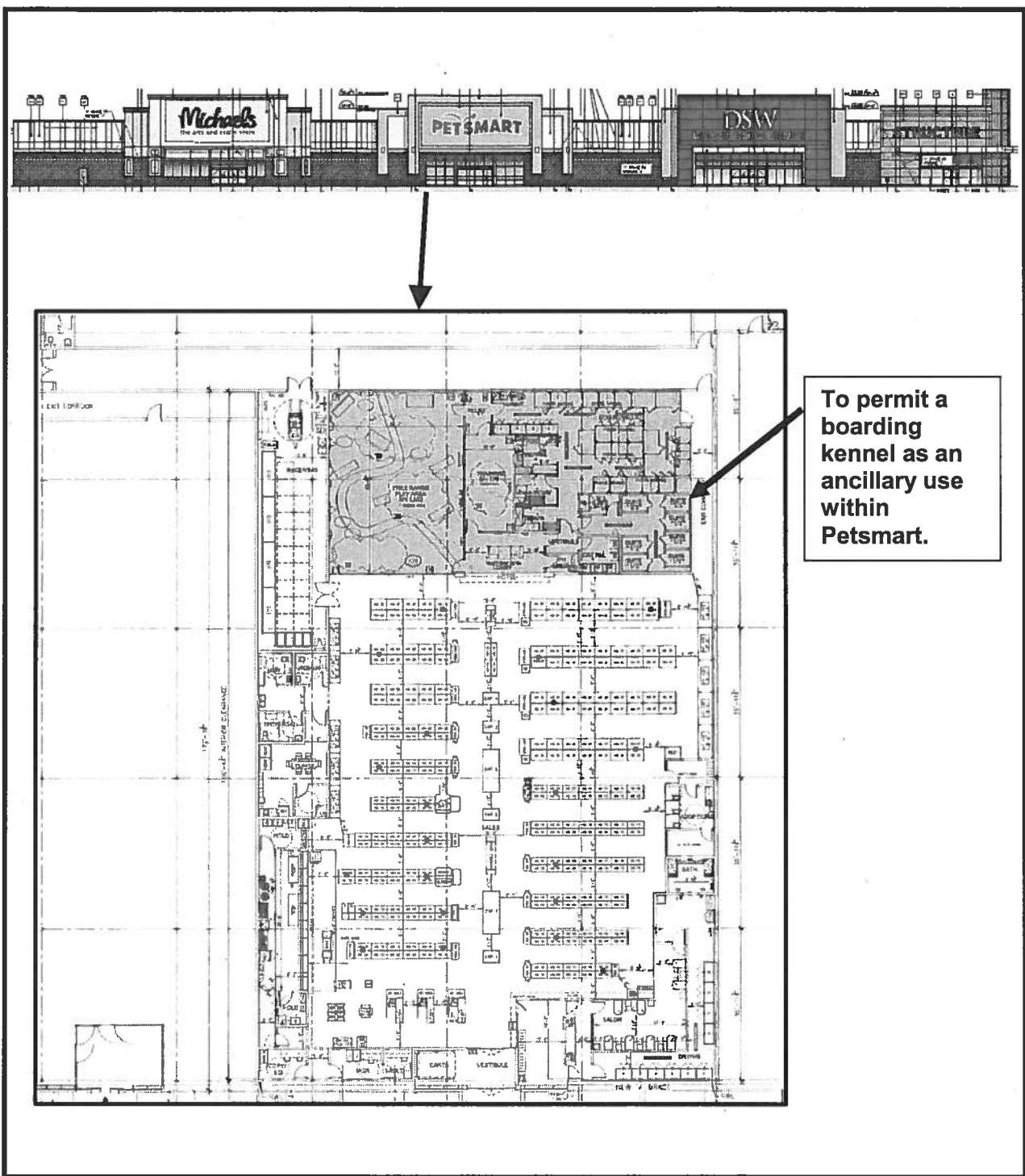
Date: October 26, 2016

Figure 2

Aerial Image  
100 Kingston Road East



Town of Ajax  
Planning & Development Services



Application File No. A43/16

Applicant: 151516 Canada Inc.  
(RioCan)

Date: October 26, 2016

Figure 3

Unit Location  
100 Kingston Road East



Town of Ajax  
Planning & Development Services

## **TOWN OF AJAX REPORT**



**Report To:** Committee of Adjustment

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

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

**Subject:** **Minor Variance Application A44/16**  
**Chris & Grace Sinda**  
**24 Hibbard Drive**

**Ward:** 2

**Date of Meeting:** October 26, 2016

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### **Recommendation:**

That the Committee of Adjustment approve Minor Variance Application A44/16 submitted by Lifestyle Sunrooms, on behalf of Chris & Grace Sinda, to permit a maximum lot coverage of 45.4% and a minimum setback from a rear lot line of 6.3 metres to accommodate a sunroom addition, subject to the following condition:

1. That the owner/applicant obtain a building permit for the construction of the sunroom, or this decision shall become null and void.

### **Background & Proposal:**

The following variance has been requested to accommodate a sunroom addition in the rear yard on the subject property.

The requested minor variance is to permit a maximum lot coverage of 45.4% and a rear yard setback of 6.3 metres; whereas, Zoning By-law 95-2003, as amended permits a maximum lot coverage of 45% and a minimum rear yard setback of 7.5 metres.

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

The subject property is located on the south side of Hibbard Drive, twelve lots west of Harwood Avenue North, and is surrounded by single detached dwellings in all directions (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

dwelling 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 Two-'A' (R2-A) Zone within Zoning By-law 95-2003; as amended. The R2-A zone permits single detached dwellings. The R2-A Zone requires a minimum rear yard setback of 7.5 metres; whereas, the applicant is requesting to permit a minimum rear yard setback of 6.3 metres. Further, a maximum lot coverage of 45% is permitted in the R2-A Zone; whereas, the applicant is requesting to permit a maximum lot coverage of 45.4%.

**Requested Minor Variances:*****Maximum Lot Coverage Variance***

The intent of the maximum lot coverage provision is to maintain an appropriate amount of amenity area on a lot and to regulate the maximum size and mass of buildings on a lot. This zoning provision applies to all buildings and structures on the lot. An increase in lot coverage of 0.4% would not represent an unreasonable imposition on the outdoor amenity area. The proposed sunroom addition will be of a size and massing that is in keeping with the character of the existing neighborhood. The proposed addition would be located in the rear yard and would not be visible from the street. The increase in lot coverage would not have a negative impact on abutting properties. The variance request is considered minor in nature and appropriate and desirable for the development of the lands.

***Minimum Rear Yard Setback Variance***

The intent of the rear yard setback is to maintain an appropriate rear yard amenity area and provide a buffer between the dwelling on the lot and abutting properties. The proposed sunroom addition would maintain an appropriate rear yard amenity area. Further, there would be sufficient buffer between the dwelling on the lot including the proposed sunroom addition and the abutting properties as the proposed sunroom addition will not be wider nor higher than the existing dwelling and would maintain the minimum interior side yard setbacks and height provisions, and would therefore not negatively impact the adjacent properties. The variance request is considered minor in nature and appropriate and desirable for the development of the lands.

**Other Comments:**

**Design Services -** no comments

**Transportation Services -** no comments

**Building Services -** a building permit will be required for the sunroom addition.

**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 support **Minor Variance Application A44/16** submitted by Lifestyle Sunrooms on behalf of Chris & Grace Sinda to permit a maximum lot coverage of 45.4% and a minimum setback from a rear lot line of 6.3 metres, as the requests are:

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

  
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Amanda Dunn, MES, MCIP, RPP  
Development Planner  
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Sean McCullough, BES, MCIP, RPP  
Development Planner/ Secretary- Treasurer



**Application File No. A44/16**

**Applicant: Chris & Grace Sinda**

**Date: October 26, 2016**

**Figure 1**

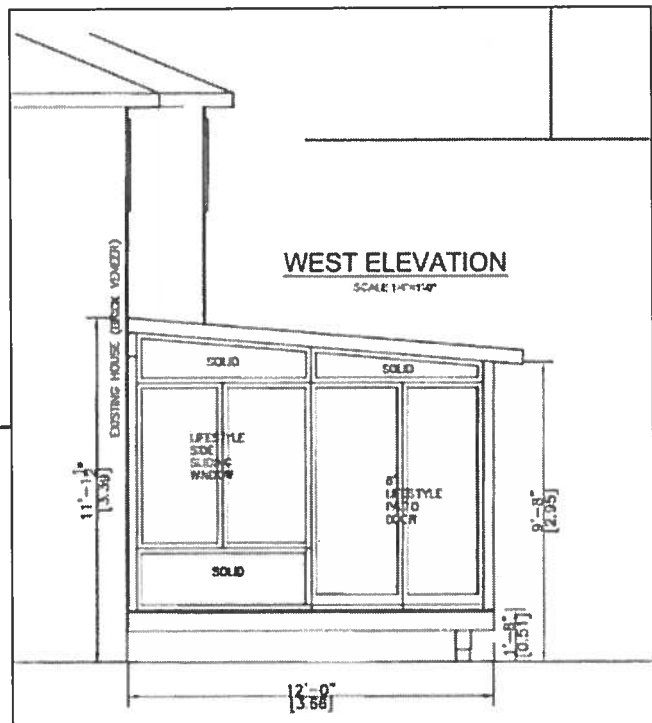
**Subject Lands  
24 Hibbard Drive**



**Town of Ajax  
Planning & Development Services**



**PROPERTY LINE**



**Town of Ajax  
Planning & Development Services**

