



Planning & Development Services

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TOWN OF AJAX

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AGENDA

COMMITTEE OF ADJUSTMENT

Town Hall
65 Harwood Avenue South, Ajax
Council Chambers

Wednesday, June 24, 2015
Meeting: 7:00 p.m.

Open Meeting

1. Call to Order
2. Disclosure of Interest
3. Adoption of [May 27, 2015 Committee of Adjustment meeting minutes](#).
4. General committee discussion of applications and questions for staff.
5. Outline of the General Mandate of the Committee of Adjustment.
6. Applications:
 - a. [A17/15 – A19/15 \(Inclusive\) - S-A-2008-01 Blocks 138, 139, 140 – Cougs \(Ajax\) Ltd.](#)

To permit a maximum lot coverage of 65% for exterior (corner) lots, a maximum lot coverage of 80% for interior lots, and a minimum setback of 0.5 metres from an attached garage to a public laneway.
6. Other Business/New Business
 - Zoning By-law Review Presentation – Bruno Scopacasa, Senior Development Planner
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 May 27, 2015 @ 5:30 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
Bruno Scopacasa, Senior Development Planner
Philip Yeung, Development Landscape Architect
Nicole Wellsbury, Deputy Clerk/Manager Legislative Services
Ron Hawkshaw, Town Solicitor

1. Call to Order – May 27, 2015, Town of Ajax, Committee of Adjustment Meeting

Meeting called to order at 5:30 p.m. on May 27, 2015.

Motion to hold an in-camera meeting.

Proposed: Member Briand
Seconded: Member Roberts

Vote: All in favour

Carried

2. In Camera Meeting

Chair Milligan declared an in camera meeting and 5:31 p.m.

Authority to hold a Closed Meeting:

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

Chair Milligan declared the open meeting at 7:00 p.m.

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 April 29, 2015 and Town of Ajax Committee of Adjustment Meeting Minutes

Chair Milligan asked for a motion to adopt the minutes from the April 29, 2015 Committee of Adjustment meeting.

Proposed by: Member Briand
Seconded by: Member Roberts

Vote: All in Favour

Carried

5. 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.

6. Applications

**Minor Variance Application A13/15
Dalleh Ghada
1 Deverill Crescent**

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.

Staff recommendation is that the Committee of Adjustment approve the minor variance application, submitted by Dalleh Ghada, 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 apply only to the subject property, and shall not encroach into the Town's boulevard.**

Mr. Max Merchasin, Acadia Drafting was in attendance to represent the application and provided an overview of the application.

Committee members had general discussion, and asked questions of staff and the applicant.

Member Molinari moved 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 the minor variance application, submitted by Dalleh Ghada, 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 apply only to the subject property, and shall not encroach into the Town's boulevard.**

Member Briand made a motion to hear applications A14/15 and A15/15 together.

Motion seconded by Member Roberts

All in favour

Carried

Minor Variance Application A14/15
John Boddy Homes
59 Sharplin Drive

To permit a maximum garage width of 5.4 metres and 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 this circulation.

The recommendation from staff is that the Committee of Adjustment approve Minor Variance Application A14/15, submitted by John Boddy Developments Ltd., to permit a maximum garage width of 5.4 metres and 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 detached dwelling, or this decision shall become null and void; and**
- 2. That the proposed driveway widening apply only to the subject property, and shall not encroach into the municipal boulevard.**

Minor Variance Application A15/15

John Boddy Homes

71 Sharplin Drive

To permit a maximum garage width of 5.4 metres and 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 this circulation.

The recommendation from staff is that the Committee of Adjustment approve Minor Variance Application A15/15, submitted by John Boddy Developments Ltd., to permit a maximum garage width of 5.4 metres and 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 detached dwelling, or this decision shall become null and void; and**
- 2. That the proposed driveway widening apply only to the subject property, and shall not encroach into the municipal boulevard.**

Secretary-Treasurer/Technical Advisor McCullough identified that staff would like to make an amendment to the staff recommendation for both A14/15 and A15/15; that condition #2 which states "that the proposed driveway widening apply only to the subject property, and shall not encroach into the municipal boulevard", be removed.

Mr. Ed Boddy was in attendance to represent the application and provided a brief overview of the applications.

Committee members had general discussion, and asked questions of staff and the applicant.

Decision: To approve Minor Variance Application A14/15, submitted by John Boddy Developments Ltd., to permit a maximum garage width of 5.4 metres and a maximum driveway width of 5.4 metres, subject to the following condition:

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

Proposed by: Member Briand- that the application was reasonable and met the four tests outlined in the *Planning Act*.

Seconded by: Member Ahmed

All in favour

Carried

Decision: To approve Minor Variance Application A15/15, submitted by John

Boddy Developments Ltd., to permit a maximum garage width of 5.4 metres and a maximum driveway width of 5.4 metres, subject to the following condition:

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

Proposed by: Member Briand- that the application was reasonable and met the four tests outlined in the *Planning Act*.

Seconded by: Member Roberts

All in favour

Carried

**Minor Variance Application A16/15
2326096 Ontario Inc.
260-280 Achilles Drive**

To permit:

- The area used for outdoor display and sale provides a side yard of 2.0 metres;
- To permit a minimum off-street parking requirement of 1 parking space per 91 m² of gross floor area;
- To permit 1 loading space;
- To permit a minimum setback from the west interior side lot line of 1.65 metres;
- The required Minimum Built Frontage shall be located between 3 metres (minimum) and 27 metres (maximum) of the front lot line;
- To permit a Minimum Second Floor Area (GFA) of 685.0 m²;
- To permit a driveway aisle and a single row of visitor parking between an adjacent street and any part of the building facade within the build-within zone
- To permit a Minimum Gross Floor Area of 3,720.0 m²
- To permit a Minimum Building Height of 2 storeys and 9.5 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 in the staff report was that the Committee of Adjustment approve Minor Variance Application A16/15 submitted by 2326096 Ontario Inc subject to the following conditions:

- 1. That the applicant obtain approval of Site Plan Application SP8/14 and enter into a site plan agreement with the Town, to the satisfaction of the Town, or this decision shall become null and void;**

2. That the applicant obtain a building permit from the Town or this decision shall become null and void; and
3. That the applicant obtain a building and land use permit and a sign permit from the Ministry of Transportation prior to the issuance of a building permit at the Town.

Mr. Bryce Jordan, GHD Inc. was in attendance to represent the application. He provided an overview of the overall master plan, and the requested variances.

Committee members had general discussion, and asked questions of staff and the applicant.

Decision: That the Committee of Adjustment approve Minor Variance Application A16/15 submitted by 2326096 Ontario Inc subject to the following conditions:

1. That the applicant obtain approval of Site Plan Application SP8/14 and enter into a site plan agreement with the Town, to the satisfaction of the Town, or this decision shall become null and void;
2. That the applicant obtain a building permit from the Town or this decision shall become null and void; and
3. That the applicant obtain a building and land use permit and a sign permit from the Ministry of Transportation prior to the issuance of a building permit at the Town.

Proposed by: Member Molinari– that the application was reasonable and met the four tests outlined in the *Planning Act*.

Seconded by: Member Briand

All in favour

Carried

7. Other Business/New Business Continued

There was none.

8. Adjournment

Proposed by: Member Briand
Seconded by: Member Roberts

All in favour

Carried

Meeting adjourned at 7:33 p.m.

Matthew Milligan
Chair

Sean McCullough, BES
Secretary-Treasurer

TOWN OF AJAX REPORT



Report To: Committee of Adjustment

Prepared and Submitted By: Sean McCullough, BES
Development Planner

Subject: **Minor Variance Application A17/15 – A19/15 (Inclusive)**
Cougs (Ajax) Ltd.
Draft Plan of Subdivision S-A-2008-01 (Phase 2)
Blocks 138, 139, & 140

Ward: 1

Date of Meeting: June 24, 2015

Recommendation:

That the Committee of Adjustment approve Minor Variance Applications A17/15 – A19/15 (inclusive), submitted by Cougs (Ajax) Ltd., to permit a maximum lot coverage of 80% for interior lots, a maximum lot coverage of 65% for exterior (corner) lots, and a minimum setback of 0.5 metres from an attached garage to a public laneway, subject to the following conditions:

- 1. That the Owner/Applicant obtain building permits for the proposed dwelling units, or this decision shall become null and void.**

Background & Proposal:

Draft Plan of Subdivision S-A-2008-01 (Phase 2) was approved by the Ontario Municipal Board permitting 133 detached dwelling units, 9 blocks for 47 townhouses, a commercial block, and several blocks for stormwater management and environmental protection. Blocks 138, 139, and 140 will consist of 17 rear-lane townhouses. Coughlan Homes (Cougs) has submitted minor variance applications to permit a maximum lot coverage of 80% for interior lots, a maximum lot coverage of 65% for exterior (corner) lots, and a minimum setback of 0.5 metres from an attached private garage to a public laneway; which were unintentionally omitted through the review of the draft plan of subdivision and zoning by-law amendment application.

Subject Lands & Surrounding Land Uses:

The subject lands are located on the west side of Church Street North, north of Rossland Road West within the Duffins Village community. Blocks 139 and 140 front onto Church Street North and are accessed by a public laneway, which also serves Block 138. Block 138 fronts onto an interior street. The subject lands are surrounded to the north and south by existing rural residential properties, which are designated low density residential and medium density residential, respectively. To the east, across Church Street North is the proposed Workman's Circle condominium townhouse development, proposing similar style townhouses. To the west, is a tributary of the east Duffins Creek, and further west are existing single detached dwellings as part of the development (See Figure 1 – Subject Lands).

Town of Ajax Official Plan:

The subject lands are designated “Medium Density Residential”, which provides for such uses as, duplex dwellings, block townhouses, street townhouses, stacked townhouses, walk-up apartments and other moderately scaled housing within a density range of 30 to 75 units per net hectare. The proposed variances maintain the general intent and purpose of the Official Plan.

Town of Ajax Zoning By-law 95-2003:

The subject property is zoned Residential Two – ‘B’ (R2-B) Zone within Zoning By-law 95-2003, as amended, and is subject to Exception 168. This zone category permits street townhouse dwellings. Exception 168 establishes various site specific zoning standards. Through the review of the subdivision application and the zoning by-law amendment several performance standards were unintentionally omitted from the amending by-law which was approved by the OMB. Staff have received legal advice that these omissions can be dealt with by way of a minor variance application.

Requested Minor Variances:

Maximum Lot Coverage Variance

The intent of the maximum lot coverage requirement is to maintain an appropriate amount of amenity space and to regulate the mass of buildings on a lot. The requested variances are to permit a maximum lot coverage of 80% for interior lots and 65% for exterior (corner) lots; whereas the zoning by-law permits a maximum lot coverage of 50%.

The proposed dwelling units will appear to be a standard street townhouses when viewed from Church Street North and the interior street. The garages will appear to be a typical rear-lane garages, however the garages and dwelling units will be connected by a breezeway. Similar style townhouse units have been approved on the east side of Church Street. As a result, the proposed dwelling units will not be of a size that is out of character with the proposed and surrounding neighbourhood.

The requested 15% (for exterior (corner) lots) and 30% (for interior lots) increase in lot coverage would not represent an unreasonable imposition on the outdoor amenity space, as the proposed dwelling units will have a sizeable amenity space between the dwelling and garage, in the form of a courtyard. Therefore, the request is considered to be minor in nature and desirable for the appropriate development of the land.

Minimum Setback to an Attached Garage

The intent of a minimum setback to an attached garage is to ensure that a garage does not dominate the streetscape and to provide appropriate space to accommodate required off-street parking spaces. The requested variance is to permit a minimum setback of 0.5 metres from an attached garage to a public laneway; whereas, the zoning by-law requires a minimum setback of 3.0 metres.

Street townhouses require a minimum of 2 parking spaces per unit. The development proposes a mix of parking/garage configurations; some units will have one space located within the garage and one outside adjacent to the garage, other garages will consist of two required spaces. Therefore, the proposed development will maintain the minimum amount of required parking for each unit. The purpose of public laneways are to locate garages away from the street, and create consistent streetscapes that promote pedestrian circulation, which is not dominated by the automobile. A setback of 0.5 metres from a private garage and a rear lane is consistent with other

rear-lane townhouses located within the Town. The requested variance is considered minor and appropriate for the desirable development of the lands.

Other Comments:

Design Services - no comments, detailed design review completed through the review of the subdivision application;

Transportation Services - no comments;

Building Services - design of the elevations facing the rear lane should consider the requirements of Section 9.10.15. (Glazed Openings of an Exposed Building Face) - Division B of the Ontario Building Code.;

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 metre 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.

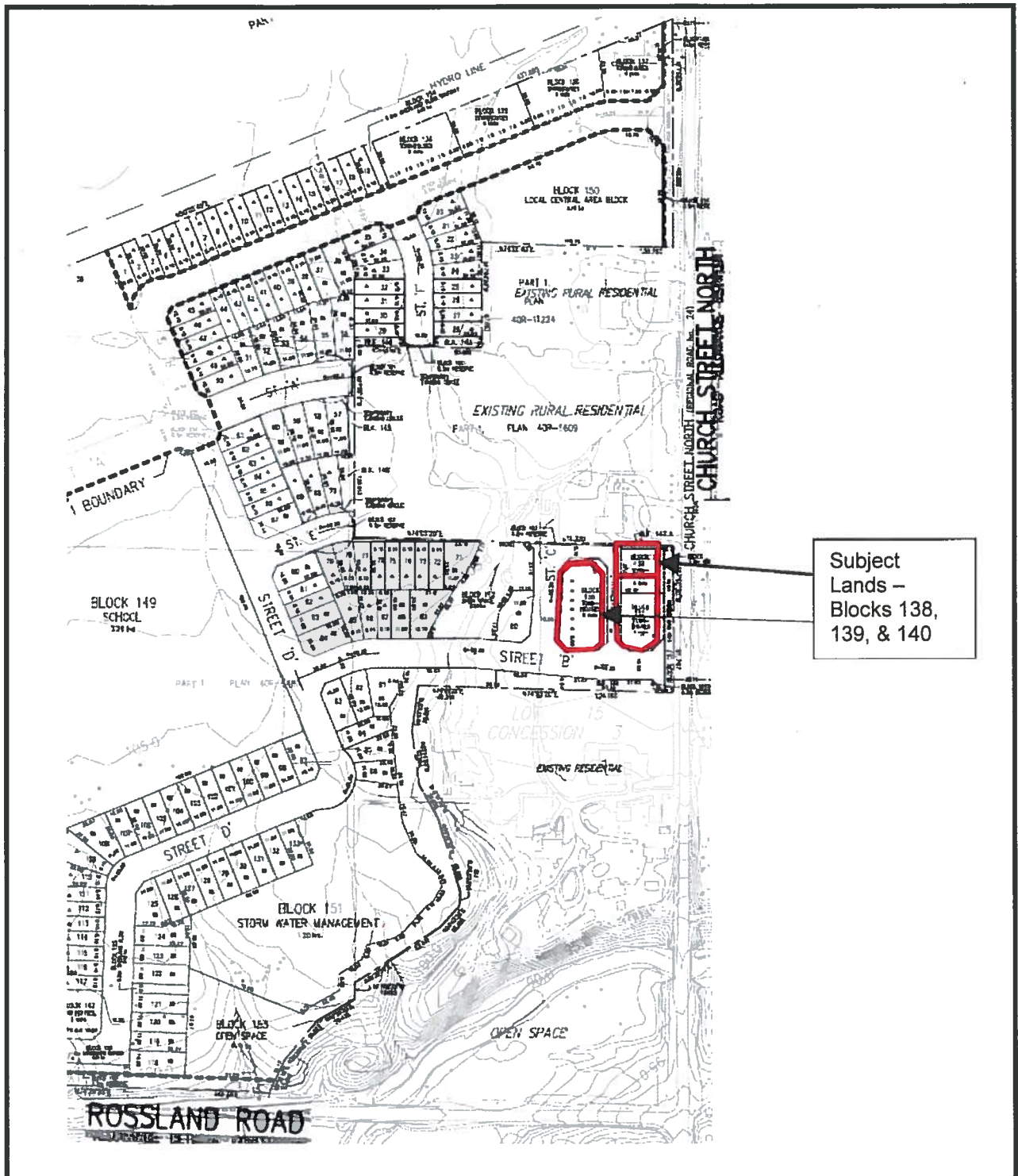
Conclusion:

Based on the discussion above, staff are of the opinion that **Minor Variance Applications A17/15 to A19/15 (Inclusive)**, submitted by Cougs (Ajax) Ltd., to permit a maximum a maximum lot coverage of 80% for interior lots, 65% for exterior (corner lots), and a minimum setback of 0.5 metres from a private garage to a public lane 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



Application File No. A17/15 –
A19/15 (inclusive)

Applicant: Cougs (Ajax) Ltd.

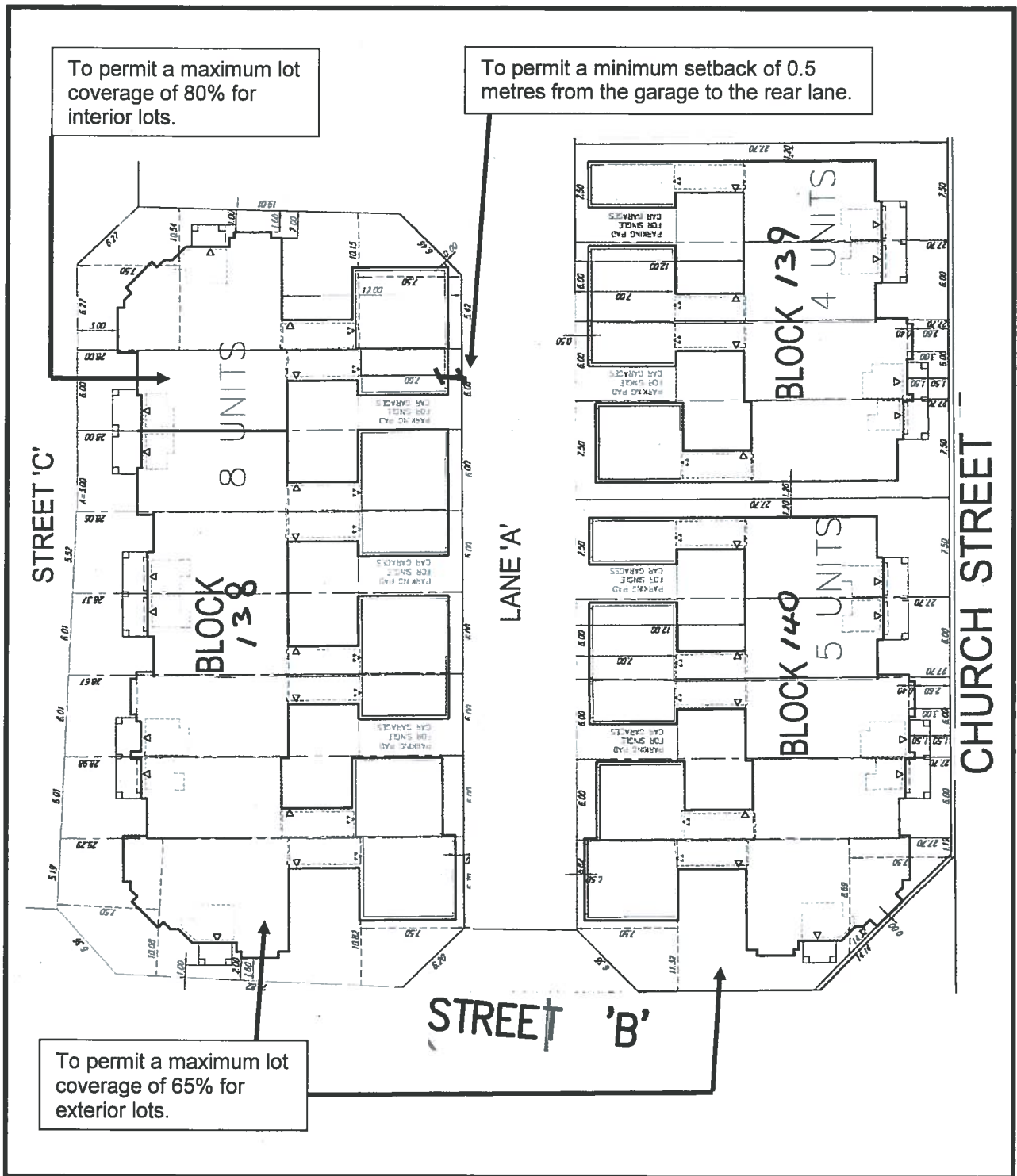
Date: June 24, 2015

Figure 1

Subject Lands
Subdivision Application S-A-
2008-01
Blocks 138, 139, & 140



Town of Ajax
Planning & Development Services



Application File No. A17/15 –
A19/15 (inclusive)

Applicant: Cougs (Ajax) Ltd.

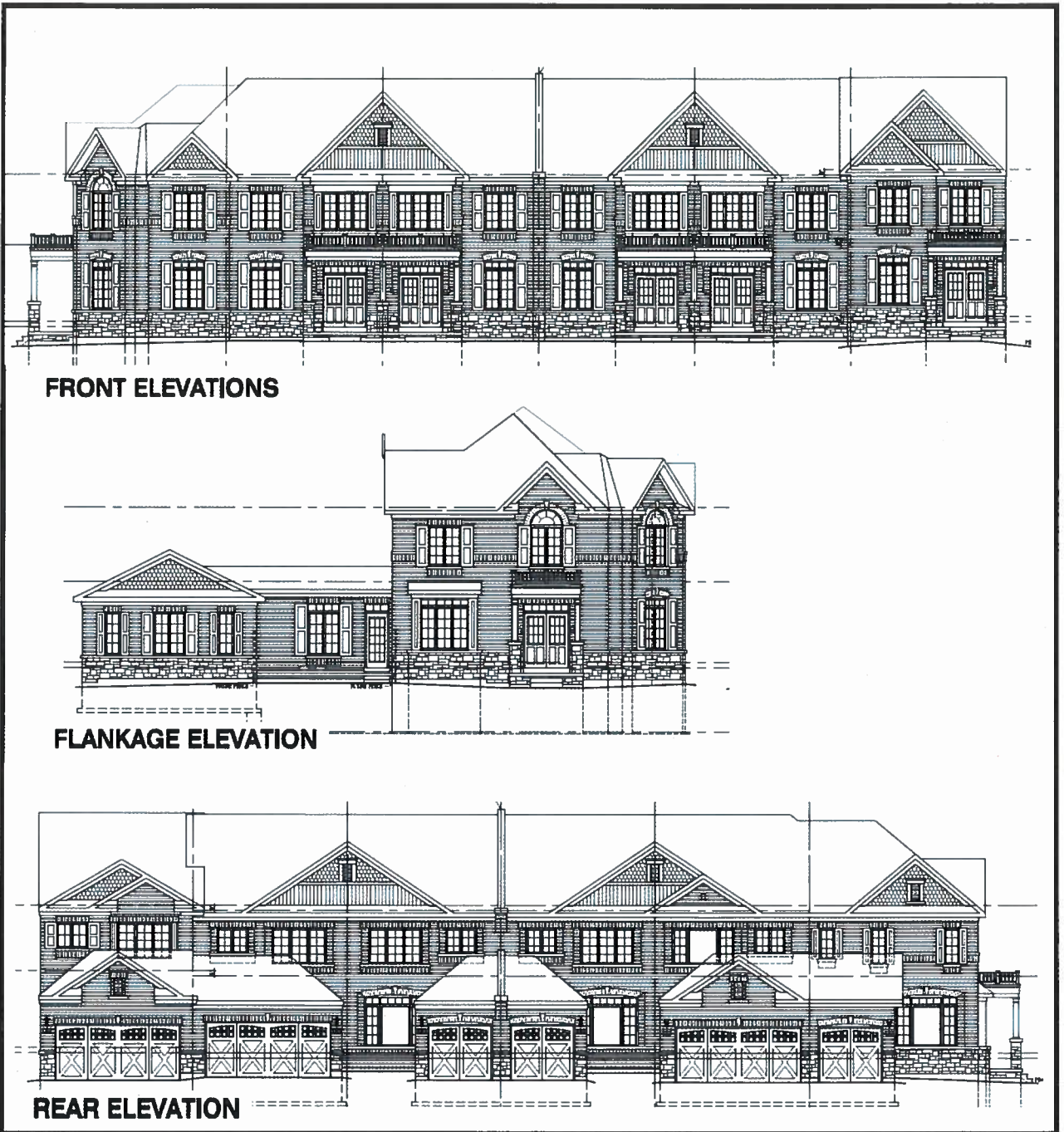
Date: June 24, 2015

Figure 2

Proposed Site Plan
S-A-2008-01
Blocks 138, 139 & 140



Town of Ajax
Planning & Development Services



Application File No. A17/15 –
A19/15 (inclusive)

Applicant: Cougs (Ajax) Ltd.

Date: June 24, 2015

Figure 3
Elevations



Town of Ajax
Planning & Development Services