
**MINUTES OF A HEARING OF THE COMMITTEE OF ADJUSTMENT FOR THE
TOWN OF AJAX HELD IN COUNCIL CHAMBERS AND ELECTRONICALLY
WEDNESDAY, AUGUST 30, 2023 @ 7:00 P.M.**

Present: Wasif Ahmed, Chair
Tomas Baca, Member*
Ken Elliott, Member
Brian Hayes, Member
Bernadette Santiago, Member*
Eric Simpson, Senior Planner/Secretary-Treasurer
Josh Estrella, Planner
[Electronic remote participation]*

1. Call to Order: August 30, 2023, Town of Ajax, Committee of Adjustment Meeting

Chair Ahmed began with a Land Acknowledgement.

Meeting called to order at 7:03 p.m. on August 30, 2023.

2. Disclosure of Interest

Chair Ahmed asked if any of the members of the Committee had a conflict of interest with the variance applications on the Committee agenda.

None declared.

3. Adoption of July 26, 2023, Town of Ajax Committee of Adjustment Meeting Minutes

Chair Ahmed asked for a motion to adopt the minutes from the July 26, 2023, Committee of Adjustment Meeting.

Proposed by: Member Santiago

Seconded by: Member Hayes

Vote: All in Favour

Decision: Carried

4. Outline of the General Mandate of the Committee of Adjustment

Chair Ahmed provided an overview of the Committee of Adjustment mandate.

5. Applications

**Minor Variance Application A22/23
MEM Engineering Inc.
Vijay & Veena Joshi
33 Lincoln Street
Lot 45, Plan 215**

The recommendation of staff was that the Committee of Adjustment approve Minor Variance Application A22/23, submitted by MEM Engineering Inc., on behalf of Vijay and Veena Joshi, and as amended by staff, to permit:

- **a maximum gross floor area of 112.0 m² for all accessory buildings and structures; and**
- **a maximum accessory building height of 5.5 metres.**

Subject to the following conditions:

- 1. That the subject variances apply only to the property municipally known as 33 Lincoln Street, substantially in accordance with the drawings submitted with this application (as generally illustrated in the figures of the staff report), or this decision shall become null and void;**
- 2. That the Owner/Applicant maintain the existing trees/vegetation located along the rear lot line of the subject property and the abutting interior side lot line of 67 Church Street South, or this decision shall become null and void;**
- 3. That the proposed accessory building be limited to a maximum ground floor area of 60.0 m², or this decision shall become null and void;**
- 4. That the Owner/Applicant maintain the existing drainage on the property, or this decision shall become null and void; and**
- 5. That the Owner/Applicant obtain all necessary building permits from the Town's Building Services Section, or this decision shall become null and void.**

Secretary-Treasurer Simpson confirmed that written notice of the hearing was sent in accordance with the regulations of the *Planning Act* and that one item of correspondence in response to the application was received.

The applicant, Abhishek Rajgor of MEM Engineering Inc., and the owners, Vijay Joshi and Veena Joshi, were present for the meeting and noted that they received and reviewed a copy of the report and did not have any questions or comments regarding the conditions. The owners and applicant provided a brief overview of the application.

Chair Ahmed asked if the Committee had any questions or comments for the applicant or staff. Bring none, Chair Ahmed asked if any members of the public were in attendance to speak to the application.

Anne Lavrih, of 42 Lincoln Street, was in attendance and presented questions regarding the application. Ms. Lavrih asked staff to clarify how parking will be accommodated if the proposed accessory dwelling unit will be used for rental purposes, and if the proposed accessory dwelling unit will occupy the same footprint of the existing detached garage.

Planner Estrella provided a response to Ms. Lavrih outlining the proposed variances in further detail. Planner Estrella advised that the proposed accessory dwelling unit would replace the existing detached garage and that the subject property can accommodate the required parking spaces for an additional dwelling unit.

Ms. Lavrih asked staff to clarify the area (square footage) of the proposed structure. Planner Estrella advised that, as per the proposed variances, the proposed accessory dwelling unit will have a gross floor area of 112.0 m².

Secretary-Treasurer Simpson advised that a staff report was provided to the Committee of Adjustment with a detailed description of the proposal and details on staff's review. Secretary-Treasurer Simpson advised that the report is publicly available upon request.

Chair Ahmed asked if any other members of the public were in attendance to speak to the application. Being none, Chair Ahmed asked if the Committee had any questions or comments for the applicant or staff. Being none, Chair Ahmed asked for a motion from the Committee.

Member Baca made a motion to approve the application, subject to the conditions recommended by staff, as it was considered minor in nature, appropriate and desirable, and met the four tests outlined in the *Planning Act*.

Member Elliott seconded the motion.

Vote: All in favour

Decision: Carried (Approved)

That the Committee of Adjustment approve Minor Variance Application A22/23, submitted by MEM Engineering Inc., on behalf of Vijay and Veena Joshi, and as amended by staff, to permit:

- a maximum gross floor area of 112.0 m² for all accessory buildings and structures; and
- a maximum accessory building height of 5.5 metres.

Subject to the following conditions:

1. **That the subject variances apply only to the property municipally known as 33 Lincoln Street, substantially in accordance with the drawings submitted with this application (as generally illustrated in the figures of the staff report), or this decision shall become null and void;**

2. That the Owner/Applicant maintain the existing trees/vegetation located along the rear lot line of the subject property and the abutting interior side lot line of 67 Church Street South, or this decision shall become null and void;
 3. That the proposed accessory building be limited to a maximum ground floor area of 60.0 m², or this decision shall become null and void;
 4. That the Owner/Applicant maintain the existing drainage on the property, or this decision shall become null and void; and
 5. That the Owner/Applicant obtain all necessary building permits from the Town's Building Services Section, or this decision shall become null and void.
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**Minor Variance Application A23/23
MEM Engineering Inc.
Tamkeen Irtiza & Syed Irtiza Hussain
32 Cater Avenue
Lot 95, Plan 40M-2386**

The recommendation of staff was that the Committee of Adjustment approve Minor Variance Application A23/23, submitted by MEM Engineering Inc., on behalf of Tamkeen Irtiza and Syed Irtiza Hussain, and as amended by staff, to permit uncovered steps leading to a below grade entrance within the south interior side yard, with a minimum setback of 0.1 metres from the interior side lot line, subject to the following conditions:

1. That the subject variance apply only to the property municipally known as 32 Cater Avenue and as illustrated in the figures contained in the staff report, or this decision shall become null and void;
2. That an unobstructed pedestrian path of travel to/from the uncovered steps be maintained at all times on the subject property, or this decision shall become null and void;
3. That an unobstructed pedestrian path of travel to/from the rear yard be maintained at all times on the subject property, or this decision shall become null and void;
4. That any existing utilities be relocated, as necessary, in consultation with the applicable utility agencies and the Town's Building Services Section to a location that does not impede access to/from the uncovered steps, or this decision shall become null and void;
5. That the Owner/Applicant maintain the existing drainage on the property, or this decision shall become null and void; and

- 6. That the Owner/Applicant obtain all necessary building permits from the Town's Building Services Section, or this decision shall become null and void.**

Secretary-Treasurer Simpson confirmed that written notice of the hearing was sent in accordance with the regulations of the *Planning Act* and that no correspondence in support or opposition to the application was received.

The applicant, Abhishek Rajgor of MEM Engineering Inc., was present for the meeting and noted that he received and reviewed a copy of the report and did not have any questions or comments regarding the conditions. The applicant provided a brief overview of the application.

Chair Ahmed asked if the Committee had any questions or comments for the applicant or staff.

Member Elliott asked the applicant to advise of the depth of the below grade entrance. The applicant advised that the below grade entrance will include two risers to a depth of 24 inches.

Member Hayes provided comment to the applicant that the below grade entrance should be lit with no light trespass to the neighbouring property and to ensure that cleared snow is stored on the subject property.

Member Hayes asked the applicant to clarify if there will be railing around the below grade entrance. The applicant advised that, due to the depth of the below grade entrance, a railing is not required as per the Ontario Building Code and therefore, will not be implemented.

Member Elliott asked the applicant to clarify if there is an intention to install a fence between the two properties, adjacent to the proposed below grade entrance. The applicant advised that there is no current intention to install a fence in this location. The applicant further advised that if a fence was installed, there would sufficient clearance to install the fence without obstructing the proposed below grade entrance.

Chair Ahmed asked if the Committee had any further questions or comments for the applicant or staff. Bring none, Chair Ahmed asked if any members of the public were in attendance to speak to the application. Being none, Chair Ahmed asked for a motion from the Committee.

Member Elliott made a motion to approve the application, subject to the conditions recommended by staff, as it was considered minor in nature, appropriate and desirable, and met the four tests outlined in the *Planning Act*.

Member Santiago seconded the motion.

Vote: All in favour

Decision: Carried (Approved)

That the Committee of Adjustment approve Minor Variance Application A23/23, submitted by MEM Engineering Inc., on behalf of Tamkeen Irtiza and Syed Irtiza Hussain, and as amended by staff, to permit uncovered steps leading to a below grade entrance within the south interior side yard, with a minimum setback of 0.1 metres from the interior side lot line, subject to the following conditions:

- 1. That the subject variance apply only to the property municipally known as 32 Cater Avenue and as illustrated in figures contained in the staff report, or this decision shall become null and void;**
- 2. That an unobstructed pedestrian path of travel to/from the uncovered steps be maintained at all times on the subject property, or this decision shall become null and void;**
- 3. That an unobstructed pedestrian path of travel to/from the rear yard be maintained at all times on the subject property, or this decision shall become null and void;**
- 4. That any existing utilities be relocated, as necessary, in consultation with the applicable utility agencies and the Town's Building Services Section to a location that does not impede access to/from the uncovered steps, or this decision shall become null and void;**
- 5. That the Owner/Applicant maintain the existing drainage on the property, or this decision shall become null and void; and**
- 6. That the Owner/Applicant obtain all necessary building permits from the Town's Building Services**

**Minor Variance Application A24/23
Andrew Oudit & Sima Ali-Oudit
18 Magill Drive
Part of Lot 9, Concession 2, Part 1, Plan 40R-26702**

The recommendation of staff was that the Committee of Adjustment approve Minor Variance Application A24/23, submitted by Andrew Oudit and Sima Ali-Oudit, to permit:

- a minimum setback from the rear lot line of 4.5 metres; and**
- a maximum lot coverage of 49%.**

Subject to the following conditions:

- 1. That subject variances apply only to the property municipally known as 18 Magill Road, and as illustrated on the drawings submitted with this application, or this decision shall become null and void;**
- 2. That the Owner/Applicant maintain the existing drainage on the property, or this decision shall become null and void; and**

- 3. That the Owner/Applicant obtain all necessary building permits from the Town's Building Services Section, or this decision shall become null and void.**

Secretary-Treasurer Simpson confirmed that written notice of the hearing was sent in accordance with the regulations of the *Planning Act* and that no correspondence in support or opposition to the application was received.

The owners, Andrew Oudit and Sima Ali-Oudit, were present for the meeting and noted that they received and reviewed a copy of the report and did not have any questions or comments regarding the conditions. Mr. Oudit provided a brief overview of the application.

Chair Ahmed asked if the Committee had any questions or comments for the applicant or staff.

Chair Ahmed asked the owners to clarify if the proposed sunroom has the same footprint as the existing platform (deck). Mr. Oudit confirmed such, indicating that the proposed sunroom is a pre-fabricated structure which will be placed upon the existing deck.

Chair Ahmed asked the owners to clarify the height of the proposed sunroom. Mr. Oudit advised that the proposed sunroom will have a height of approximately 2 metres.

Chair Ahmed asked if the Committee had any questions or comments for the applicant or staff. Bring none, Chair Ahmed asked if any members of the public were in attendance to speak to the application. Being none, Chair Ahmed asked for a motion from the Committee.

Member Santiago made a motion to approve the application, subject to the conditions recommended by staff, as it was considered minor in nature, appropriate and desirable, and met the four tests outlined in the *Planning Act*.

Member Baca seconded the motion.

Vote: All in favour

Decision: Carried (Approved)

That the Committee of Adjustment approve Minor Variance Application A24/23, submitted by Andrew Oudit and Sima Ali-Oudit, to permit:

- a minimum setback from the rear lot line of 4.5 metres; and
- a maximum lot coverage of 49%.

Subject to the following conditions:

- 1. That subject variances apply only to the property municipally known as 18 Magill Road, and as illustrated on the drawings submitted with this application, or this decision shall become null and void;**

2. That the Owner/Applicant maintain the existing drainage on the property, or this decision shall become null and void; and
 3. That the Owner/Applicant obtain all necessary building permits from the Town's Building Services Section, or this decision shall become null and void.
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6. Other Business/New Business

Chair Ahmed asked if there was any new/other business.

None indicated.

7. Adjournment

Proposed by: Member Santiago

Seconded by: Member Hayes

Vote: All in favour

Decision: Carried

Meeting adjourned at 07:39 p.m.

Wasif Ahmed
Chair

Eric Simpson
Secretary-Treasurer