



**Town of Aurora  
Committee of Adjustment  
Meeting Agenda**

**Date:** November 11, 2021  
**Time:** 7:00 p.m.  
**Location:** Video Conference

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**Pages**

**1. Procedural Notes**

This meeting will be held electronically as per Section 19. i) of the Town's Procedure By-law No. 6228-19, as amended, due to the COVID-19 situation, and will be live streamed at <https://www.youtube.com/c/Townofaurora/videos>.

**2. Approval of the Agenda**

That the Agenda as circulated by the Secretary-Treasurer be approved.

**3. Declarations of Pecuniary Interest and General Nature Thereof**

**4. Receipt of the Minutes**

**4.1. Committee of Adjustment Meeting Minutes of October 14, 2021, Meeting Number 21-10**

That the Committee of Adjustment Minutes from the Meeting Number 21-10 be adopted as printed and circulated.

**5. Presentation of Applications**

**5.1. MV-2021-30 - Sewhdat - 130 Edward Street (\*Application deferred at the request of the applicant)**

**5.2. C-2021-10 - 2419059 Ontario Inc. - 497 Wellington Street West**

1

**5.3. MV-2021-31 - Smith - 53 Metcalfe Street**

15

**5.4. MV-2021-20 - Dumitriu - 5 Child Drive**

32

**6. New Business**

**7. Adjournment**



100 John West Way  
Aurora, Ontario  
L4G 6J1  
(905) 727-3123  
aurora.ca

Town of Aurora  
**Committee of Adjustment Report**  
No. C-2021-10

**Subject:** **Consent Application**  
2419059 Ontario Inc.  
497 Wellington Street West  
PLAN 102 PT LOT 1 AND PT PART OF FORTY ACRE RESERVE RP  
65R37398 PART 1  
File: C-2021-10  
Related Files: ZBA-2014-07 and SP-2015-01

**Prepared by:** Stephen Corr, Senior Development Planner

**Department:** Planning and Development Services

**Date:** November 11, 2021

## Application

The purpose of the proposed consent application is to sever the subject lands, municipally known as 497 Wellington Street West, to facilitate the creation of eleven (11) lots and a private condominium road. The applicant is requesting provisional consent to sever and create the following parcels, as shown on the Submitted Draft Reference Plan (Appendix A, Severance Plan):

Part No.	Proposed Land Use	Lot Frontage	Lot Area
1	Single Detached Dwelling	12.84 m (42.1 ft)	392.8 m <sup>2</sup> (4,228.1 ft <sup>2</sup> )
2	Single Detached Dwelling	10.9 m (35.8 ft)	338.5 m <sup>2</sup> (3,643.6 ft <sup>2</sup> )
3	Single Detached Dwelling	10.9 m (35.8 ft)	338.7 m <sup>2</sup> (3,645.7 ft <sup>2</sup> )
4	Single Detached Dwelling	11.33 m (37.2 ft)	342.7 m <sup>2</sup> (3,688.8 ft <sup>2</sup> )
5	Single Detached Dwelling	12.95 m (42.5 ft)	958.0 m <sup>2</sup> (3,643.6 ft <sup>2</sup> )
6	Single Detached Dwelling	12.65 m (41.5 ft)	935.3 m <sup>2</sup> (10,311.8 ft <sup>2</sup> )
7	Single Detached Dwelling	10.9 m (35.8 ft)	805.5 m <sup>2</sup> (8,670.3 ft <sup>2</sup> )
8	Single Detached Dwelling	10.9 m (35.8 ft)	805.2 m <sup>2</sup> (8,667.1 ft <sup>2</sup> )
9	Single Detached Dwelling	12.72 m (41.7 ft)	940.6 m <sup>2</sup> (10,124.5 ft <sup>2</sup> )
10	Single Detached Dwelling	21.17 (69.5 ft)	482.6 m <sup>2</sup> (5,194.7 ft <sup>2</sup> )
11	Single Detached Dwelling	21.45 m (70.4 ft)	472.6 m <sup>2</sup> (5,087.0 ft <sup>2</sup> )
12	Private Condominium Road	N/A	862.5 m (9,283.9 ft <sup>2</sup> )

## Background

### Subject Property and Area Context

The 0.79 ha (1.95 ac) vacant subject property municipally known as 497 Wellington Street West is located on the south side of Wellington Street West, east of Bathurst Street and west of Timpson Drive. The site has an approximate frontage of 60.4 m (198.2 ft) along Wellington Street West, and an approximate depth of 132.7 m (435.4 ft).

The site was previously developed with a detached dwelling, which according to aerial photographs, was demolished between 2007 and 2009. There is a significant amount of vegetation located on the property, particularly at the rear which slopes to the Tannery Creek which abuts the site to the south.

Surrounding land uses are predominantly residential, comprised of detached dwellings to north (across Wellington Street West), to the west and east (along Wellington Street West) and to the east on Dinsmore Terrace and to the south and southwest along Timpson Drive (which are separated by the Tannery Creek watercourse).

### Proposal

The Applicant (2419059 Ontario Inc.) is requesting provisional consent approval to sever and create eleven (11) detached residential lots and a private condominium road on the subject lands, as shown on the Severance Plan on Appendix 'A', and described in the 'Application' section of this report. Staff note that the Severance Plan also shows 'Part 13', which is a 205.7 m<sup>2</sup> (2,214.1 ft<sup>2</sup>) parcel of land to widen the Wellington Street West right-of-way. This parcel has already been conveyed to the Region of York.

The purpose of this proposal is to facilitate the development of eleven (11) freehold lots with detached dwellings which will front and access a private condominium road, as shown on the proposed Site Plan on Appendix B. The private condominium road will have direct access to Wellington Street West.

The proposed lots will be 'Parcels of Tied Land' (POTLs) within a common element condominium development, meaning that they will be freehold units and lots that are 'tied' to the condominium for the shared maintenance of the private road and any shared utilities or services within the development site.

## **Related Planning Applications**

### **Zoning By-law Amendment and Site Plan Control Applications**

A Zoning By-law Amendment application was submitted to the Town in October 2014 (File ZBA-2014-07), followed by the site plan application submission in February 2015 (File SP-2015-01). The original submissions contemplated a similar private condominium road configuration with 22 townhouse units.

In response to concerns raised at a February 25, 2015, Public Planning Meeting, the applications were revised in August 2015 to propose 15 detached dwellings, also fronting, and accessing a private condominium road. Town Council refused the applications and subsequently, the applicant appealed Town Council's refusal of the applications to the Ontario Municipal Board (OMB) which was the Local Planning Appeal Tribunal (LPAT) and is now the Ontario Land Tribunal (OLT).

The appeal was based on the original 22 townhouse unit proposal, however, was revised to the current proposal of 11 detached dwellings on the private condominium road. The OMB issued an order on August 10, 2016, to allow the appeal and proposal for 11 detached dwellings on a private condominium road. On August 24, 2019, LPAT (continuing from the OMB) issued a subsequent order to for the Town to finalize the Zoning By-law Amendment and approve the Site Plan Application in accordance with the terms of the settlement.

The Zoning By-law Amendment to permit this development was enacted to implement the OMB and LPAT orders in July 2021 and is in full force and effect. The proposed development has been reviewed as part of the Site Plan Application submitted to the Town and an agreement has been drafted, however has not been finalized yet. Staff recommend as a condition of approval, should the Committee approve the consent application, that the owner execute a site plan agreement with the Town.

### **Draft Plan Condominium Application**

The Draft Plan of Condominium Application to establish a condominium for the private road was submitted in September of 2017 under File CDM-2017-03, which has been circulated and reviewed by Town Departments and external agencies. Should this consent application be approved, a Recommendation Report will be brought forward to General Committee for issuance of Draft Condominium approval.

### **2017 Consent Application**

The Applicant filed a consent application in 2017, which was approved by the Committee of Adjustment on September 14, 2017, to permit the same proposal as this current application. The Approval decision included several conditions to be satisfied prior to registration of the consent. The applicant failed to satisfy the conditions within the one-year period required by Section 53(41) of the Planning Act R.S.O. 1990, c.P.13,

and the consent approval lapsed. Consequently, the applicant has resubmitted this same consent application to implement the decision/orders issued by the OMB and LPAT.

### **Official Plan**

The subject lands are designated as “Stable Neighbourhoods” by the Town of Aurora Official Plan. The Stable Neighbourhoods designation contains a number of older, distinct residential neighbourhoods. The Official Plan recognizes the importance of protecting and enhancing stable neighbourhood lands. New development within this designation shall be compatible with its surrounding context. The Stable Neighbourhood designation permits ground-related residential uses including detached, semi-detached and townhouse residential dwelling units.

The southwest corner of the property is designated “Environmental Protection” by the Official Plan. This designation is designed to identify, protect and enhance the environmental features and functions that will form a permanent Greenlands system.

### **Zoning**

As noted, the implementing zoning by-law was enacted in accordance with the OMB and LPAT orders to permit the proposed development. This zoned the subject lands Detached Dwelling Fourth Density Residential – Exception 508 (R4(508)) and Environmental Protection – Exception 509 (EP(509)).

The R4(508) zone permits a maximum of 11 detached units subject to site specific provisions such as building setbacks, a maximum lot coverage of 40% per lot, and maximum building heights of 10.0 m (32.8 ft). The minimum required lot area is 325 m<sup>2</sup> (3,498.3 ft<sup>2</sup>) and the minimum required lot frontage is 10.9 m (35.7 ft). Each of the proposed lots comply with the zoning by-law requirements.

The EP(509) Zone is applicable to the south portion of the subject lands, and includes portions of the rear yards for Lots 5 through 9. The zone boundary is reflective of the ‘Top of Bank’ established in consultation with the Lake Simcoe Region Conservation Authority, as it slopes southward to the Tannery creek and is in place to protect existing natural features within this portion of the subject lands. This zone permits athletic fields, agricultural uses, conservation uses, golf courses, public parks, private parks, stormwater management ponds and woodlands. It prohibits buildings and structures, except those intended for flood or erosion control and approved by a Public Authority. Exception 509 permits a maximum encroachment of 3.7 m (12.1 ft) for balconies, decks and patios into this zone, which was agreed to as part of the LPAT settlement.

## **Preliminary Zoning Review**

A Preliminary Zoning Review (PZR) was undertaken by the Building Services Division prior to submission of the subject application. The PZR confirmed that the proposed application will not result in any non-compliance with the Zoning By-law for each of the 11 proposed detached lots. In addition to the proposed lot configuration, the PZR reviewed the proposed site and elevation plans, which also confirmed that the proposed building siting and elevations comply with the applicable zoning requirements.

## **Planning Comments**

When considering an application for consent to sever lands, regard shall be had to the criteria of Section 51 (24) of the Planning Act. This includes, amongst other things:

- Matters of Provincial Interest
- Conformity with the Official Plan and adjacent plans of subdivision
- Suitability of the land for the purpose in which it is to be subdivided
- The dimension and shape of the proposed lots
- Adequacy of utilities and municipal services
- Number and adequacy of highways

The proposed development will result in modest intensification for the subject lands which makes efficient use of land resources and existing services. Staff are of the opinion that the proposed consent application conforms to the Provincial Policy framework, including the Provincial Policy Statement and Places to Grow Act.

The proposed development conforms to the Region of York and Town of Aurora Official Plan, and is permitted by Zoning By-law 6000-17, as amended, including compliance with the minimum lot area and frontages contemplated by this consent application. The Zoning By-law Amendment and related Site Plan Application were approved by LPAT through a settlement reached between the Town and Applicant. Approval of this consent application will implement approval of the proposed development by LPAT settlement including the lot configuration. This proposed consent application is consistent with the 2017 Committee of Adjustment approval to permit the same lot pattern.

As a condition of approval, Staff are recommending the Site Plan Agreement be executed to ensure that technical studies and plans been fully accepted by the Town and external agencies, as well as ensuring any securities or financial obligations are satisfied. Staff are also recommending that this consent approval be subject to the

conditions recommend by the Engineering Division, Region of York and Lake Simcoe Conservation Authority, as outlined in the Additional Comments section of this report below.

With respect to land use compatibility, the resultant development form will consist of 11 detached dwellings within a common element condominium, accessed off a private condominium road from Wellington Street West. The proposed detached dwellings are compatible with the surrounding context, which is also predominantly developed with detached dwellings. Existing homes to the south and southwest are separated from the subject lands by Tannery Creek and staff are the opinion that they will not be adversely impacted from the proposed development. Where the subject lands do abut existing properties, the proposed lot pattern is sited to mitigate potential overlook and privacy concerns by providing 7.5 m minimum rear yard for Lots 10 and 11 (abutting 207 Wellington West to the east); a minimum 1.5 m side yard for Lot 5 (abutting 511 Wellington Street West to the west); and a 3.0 m side yard for Lot 9 (abutting 14 and 18 Dinsmore Terrace), as required in the enacted zoning by-law.

Matters related to site grading, servicing, storm water management as well as preservation of any existing trees, replacement planting or compensation for any tree removals will be in accordance with Town requirements and secured through execution of a site plan agreement and the issuance of site plan approval. The Applicant will also be required to provide cash-in-lieu of parkland dedication the Town for the proposed development, which will be addressed through a future Memorandum of Understanding (MOU) during the site plan process and prior to the issuance of any building permits. Servicing allocation for the 11 dwelling units is assigned.

Based on the above, staff have reviewed the proposed consent application in accordance with the criteria of Section 51(24) of the Planning Act are recommending approval of this consent application, subject to the Conditions in Appendix C.

## Additional Comments

The consent application was circulated to Town Departments/Divisions and to external agencies for review and comment. The following comments were provided:

Department or Agency	Comments
Building Division	Preliminary Zoning Review was completed on August 19, 2021, stating that: 1. The

Department or Agency	Comments
	<p>proposed 11 detached dwelling units as indicated on the drawings comply with the requirements of Zoning By-law #6000-17.</p> <p>2- The subject property is located within the generic regulations of the Lake Simcoe Region Conservation Authority (LSRCA), therefore, an approval from LSRCA is required prior to the issuance of the Building Permit.</p> <p>3- Any tree removal shall be in accordance with the Town of Aurora Tree By-law # 5850-16. For more information, please contact the Parks Department at (905) 727-3123 extension 3223.</p>
Engineering Division	<p>Comments provided, dated October 18, 2021, stating:</p> <p>We have reviewed the above noted application and have no objection in principle to it subject to the following condition:</p> <p>1. The Owner shall enter into a site plan agreement with the Town which shall:</p> <p>a. provide all required engineering detailed design plans and reports to the Director of Planning &amp; Development Services satisfaction.</p> <p>b. provide any documentation requested by the Director of Planning and Development Services to the Director's satisfaction, demonstrating that all required approvals applicable to the proposed site plan's engineering design required by the Town or any other government agency have been obtained.</p> <p>c. Include any other obligation to the Town financial or otherwise including but not limited to Engineering Fees and Securities, that is to the satisfaction of the Director of Planning &amp; Development Services.</p>



Department or Agency	Comments
Transportation	No comments on this application (Dated October 21, 2021).
Operational Services (Parks)	<p>Comments provided, dated September 30, 2021, stating:</p> <p>"We have reviewed the documentation for the property associated with the above noted application and have no formal comments as these are being addressed with through Site Plan Application 2015-01."</p>
Operations (Public Works)	No comments received at the time of writing this report.
Accessibility	No comments on this application (Dated September 30, 2021).
Central York Fire Services	<p>Comments provided, dated November 4, 2021, stating:</p> <p>"No comments or concerns with access to subject property".</p>
York Region	<p>Comments provided, dated October 21, 2021, stating:</p> <p>"The Regional Municipality of York has completed its review of the above application and Site Servicing Plan located in associated file SP.16.A.0011, prepared by MGM Consulting, dated September 29th, 2016. The purpose of this application is to permit the creation of 11 new lots to facilitate a residential development.</p> <p>This file replaces CONS.17.A.0020 which has lapsed. Land for the Regional ROW has already been conveyed through the lapsed file.</p> <p><b>Water and Wastewater Servicing</b></p>

Department or Agency	Comments
	<p>The site servicing plan indicates that water and wastewater services are to be provided by local municipal infrastructure on Wellington Street.</p> <p><b>Proximity to Regional Infrastructure</b></p> <p>The Site Servicing Plan indicates that the servicing connections to the local infrastructure will cross the 900mm Regional Watermain on Wellington Street. Integrity of the above Regional infrastructure shall be protected and maintained at all times during construction and grading of the proposed development. Please be advised that any construction works in close proximity of the watermain, including tie-back and shoring systems require Region's approval prior to construction.</p> <ul style="list-style-type: none"> <li>• The Owner shall submit engineering designs showing the plan and profile views of the associated construction works related to the crossing works to the Region for review, comments and approval by the Infrastructure Asset Management (IAM) branch of Environmental Services;</li> <li>• All construction drawings showing works in close proximity of the Region's infrastructure shall include the following notes for the Contractor:</li> </ul> <p>"Integrity of the Regional 900mm watermain on Wellington Street, which are in close proximity north of the development, shall be protected at all times."</p> <p>The Region's construction inspection staff, (<a href="mailto:ENVassetapprovals@york.ca">ENVassetapprovals@york.ca</a>) shall be invited to pre-construction meetings to identify site inspection requirements during works performed in close proximity of the Region's infrastructure. A minimum two weeks' notice is required.</p>

Department or Agency	Comments
	<p><b>Condition</b></p> <ul style="list-style-type: none"> <li>• a copy of an email confirmation by Town of Aurora staff stating that the allocation to the subject development remains valid at the time of the request for regional clearance of this condition.”</li> </ul> <p>(As noted in this staff report, servicing allocation for the 11 units is assigned).</p>
LSRCA	<p>Comments provided, dated October 29, 2021, stating:</p> <p>Recommendation</p> <p>Based upon our review of the submitted information in support of the application, it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial and Regional plans. As such, we recommend that any approval of this application for consent be subject to the following condition:</p> <ol style="list-style-type: none"> <li>a. That the Owner shall pay all development fees to the LSRCA in accordance with the approved Fees Schedule under the Conservation Authorities Act. Note: Under the 2021 LSRCA Fee Schedule, the amount of \$525.00 is required for each lot proposed.</li> </ol>
Alectra Utilities	No comments on this application (Dated September 20, 2021).

## Public Correspondence

Two Written submissions were received at the time of writing of this report. One was provided by an area resident at 108 Timpson Drive, citing no objection.

The other was from an area resident at 207 Wellington Street West citing concerns about the proximity of the proposed homes to Wellington Street West, and the proposed building heights and orientation, particularly for the proposed dwellings on Lots 10 and 11 (See Appendix A and B). In response, these concerns relate more to site plan and zoning matters, whereas the purpose of this consent application is to establish 11 lots and private road. As noted, the zoning and site plan applications were approved via a LPAT settlement, and the zoning is now in full force and effect to permit the proposed building heights and setbacks.

Should any other written submissions be received after the writing of this report, the Secretary Treasurer will provide the submission(s) to Committee members at the meeting.

## **Conclusion**

Staff have reviewed the application with respect to the Section 51(24) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the Provincial Policy Statement, Provincial Plans and the Town's Official Plan and are satisfied with the proposed consent application.

Based on the aforementioned, Staff have no objection to the approval of Consent application File C-2021-10, subject to the conditions attached (Appendix 'C')

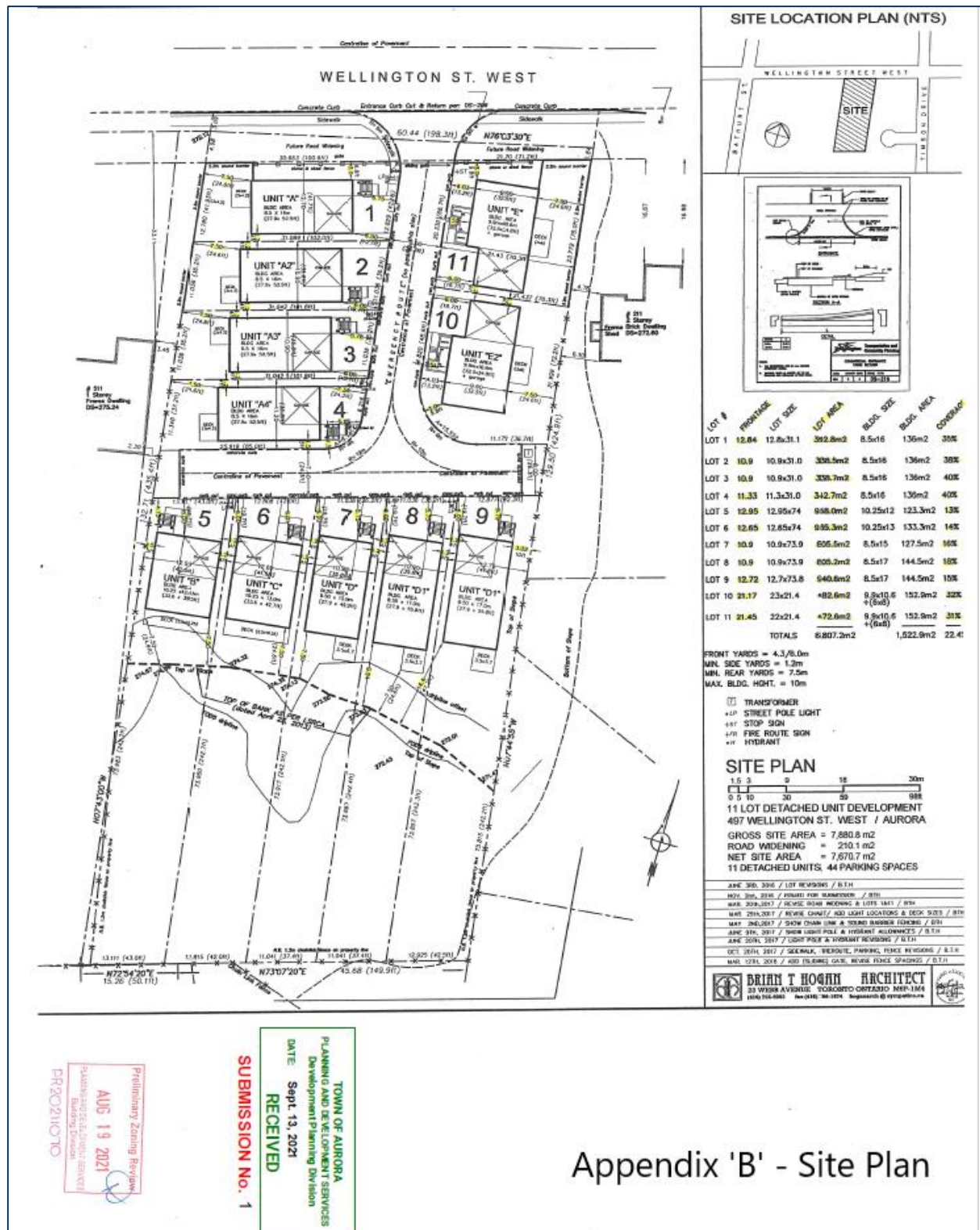
## **Attachments**

Appendix 'A' – Proposed Severance Plan

Appendix 'B' – Proposed Site Plan

Appendix 'C' – Conditions of Approval





Appendix 'B' - Site Plan

**APPENDIX 'C' – Conditions of Approval**

1. Payment of any outstanding property taxes owing to date for the subject property and that the Secretary Treasurer receive written confirmation that this condition has been fulfilled.
2. Submission to the Secretary-Treasurer of four (4) white prints of a deposited Reference Plan, for review showing the subject lands, which conforms substantially to the application form and sketch as submitted with this application (Appendix A). One copy of the deposited reference plan must be submitted to the Town prior to the issuance of the Certificate of Official. Please note, if the transaction in respect of which the consent was given is not carried out within the two-year period following issuance of the Certificate of Official, the consent effectively will lapse [Planning Act, R.S.O. 1990, c.P.13, as amended, s. 53 (43)]
3. Submission to the Secretary-Treasurer of the required draft transfers to effect the severance applied for under Files C-2021-10 in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act. Subsection 50 (3 or 5) of the Planning Act, R.S.O 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
4. That the Owner execute a Site Plan Agreement with the Town related to Site Plan Application, File SP-2015-01, to address matters including but not limited to engineering, parks, operations, and planning comments (including comments as outlined in the 'Additional Comments' section of the staff report dated Nov 11, 2021) and to ensure that any financial obligations, including CIL of parkland, fees and securities have been paid, to the satisfaction of the Director of Planning and Development Services.
5. That the Secretary Treasurer receive written clearance from the Region of York that Region of York condition to receive confirmation of servicing allocation from the Town has been satisfied.
6. The Applicant remit the outstanding Consent Application review to the Lake Simcoe Region Conservation Authority (LSRCA) as requested in their letter dated October 29, 2021 in the amount of \$525.00 per lot (2021 LSRCA Review Fee Schedule), and that the Secretary Treasurer receive written clearance from the LSRCA that this condition has been satisfied.



100 John West Way  
Aurora, Ontario  
L4G 6J1  
(905) 727-3123  
aurora.ca

Town of Aurora

## Committee of Adjustment Report

No. MV-2021-31

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**Subject:** Minor Variance Application  
Smith  
53 Metcalfe Street  
PLAN 68 PT LOT 7  
File: MV-2021-31

**Prepared by:** Brashanthe Manoharan, Planner

**Department:** Planning and Development Services

**Date:** November 11, 2021

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### Application

The owner/applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to facilitate the removal and replacement of the existing attached garage and front verandah. The following relief is being requested:

- a) Section 4.20 of the Zoning By-law states an open porch requires a minimum setback of 4.5 metres. The applicant is proposing a front verandah, which is 3.3 metres to the front property line;
- b) Section 4.20 of the Zoning By-law states steps require a minimum setback of 4.5 metres. The applicant is proposing front steps, which is 2.6 metres to the front property line;
- c) Section 7.2 of the Zoning By-law requires a minimum front yard setback of 6.0 metres. The applicant is proposing an attached garage, which is 3.5 metres to the front property line;
- d) Section 24.497.3.2 of the Zoning By-law requires a minimum interior side yard of 1.5 metres. The applicant is proposing an attached garage, which is 1.0 metres to the interior side property line;



- e) Section 24.497.5 of the Zoning By-law states an integral garage shall be flush with or setback from the main front wall of the detached dwelling. The applicant is proposing an attached garage which projects in front of the main front wall of the detached dwelling; and
- f) Section 5.4 of the Zoning By-law requires a minimum of 2.0 parking spaces for a detached dwelling. The applicant is proposing 1.0 parking space.

## Background

### Subject Property and Area Context

The subject property, municipally known as 53 Metcalfe Street, is located within the Town Park Stable Neighbourhood Area, on the south side of Metcalfe Street, east of Yonge Street and south of Wellington Street East. 53 Metcalfe Street is a non-designated property listed on the Town's Heritage Register. The proposed work does not require a heritage permit under the *Ontario Heritage Act*.

The subject property has a lot area of approximately 967.96m<sup>2</sup> (10,419.03ft<sup>2</sup>) and a lot frontage of approximately 18.05m (59.22ft).

The subject property currently contains a two-storey detached dwelling with an attached garage that has an approximate gross floor area of 304.54m<sup>2</sup> (3,278.04ft<sup>2</sup>). There is also vegetation on the property, which includes a raised planting bed and a mature tree in the front yard, three (3) trees along the west property line, and mature vegetation along the rear property line.

The surrounding area is an established residential neighbourhood that is generally characterized by one to two and a half storey detached dwellings.

### Proposal

The applicant is proposing to remove and replace the existing verandah and attached garage to perform the required repairs and waterproofing of the original foundation. The existing 9.73 m<sup>2</sup> (104.73 ft<sup>2</sup>) verandah will be replaced with a new verandah footprint of approximately 19 m<sup>2</sup> (204.51 ft<sup>2</sup>) and the existing 25.19m<sup>2</sup> (271.14 ft<sup>2</sup>) attached garage will be replaced with a new garage footprint of approximately 39.31 m<sup>2</sup> (423.12 ft<sup>2</sup>).

A summary of the requested variances and applicable by-law requirements are as follows:

Zoning By-law Standard	Zoning By-law Requirement	Requested Variance	Difference
Front yard setback	4.5m (14.7ft) (open porch encroachment)	3.3m (10.8ft)	1.2m (3.9ft)
Front yard setback	4.5m (14.7ft) (step encroachment)	2.6m (8.5 ft)	1.9m (6.2 ft)
Front yard setback	6.0m (19.6ft)	3.5m (11.5ft)	2.5m (8.2ft)
Interior side yard setback	1.5m (4.9ft)	1.0m (3.3ft)	0.5m (1.6ft)
Garage location	An integral garage or an accessory detached garage shall be flush with, or set back from, the main front wall of the detached dwelling.	Attached garage projects in front of the main front wall of the detached dwelling.	N/A
Parking Spaces	2.0 spaces	1.0 space	1.0 space

## Official Plan

The subject property is designated “Stable Neighbourhoods” by the Town of Aurora’s Official Plan, which seeks to ensure that residential neighbourhoods are protected from incompatible forms of development, while allowing the neighbourhoods to be enhanced over time. Further, the Stable Neighbourhoods designation provides for single detached dwellings as a permitted use.

## Zoning

The subject property is zoned R3-SN(497) (Detached Third Density Residential – Stable Neighbourhood Exception Zone # 497) by Zoning By-law 6000-17, as amended, which permits single detached dwellings.

As per the Town’s Site Plan Control By-law 6106-18, as amended, the proposal is not subject to Site Plan Approval as the proposal is less than 50 m<sup>2</sup>.

## Heritage Review

53 Metcalfe Street is a non-designated property listed on the Town’s Heritage Register. The proposed work does not require a heritage permit under the *Ontario Heritage Act*. On November 1, 2021, Staff presented the proposal to the Heritage Advisory Committee meeting and the Committee expressed no questions or comments for the proposal.

## **Preliminary Zoning Review**

A Preliminary Zoning Review (PZR) has been completed by the Town of Aurora's Building Division. The PZR identified the required variances.

### **Applicant's stated reason(s) for not complying with the Zoning By-law**

As stated in the cover letter:

"It has recently been determined that the foundation system of the original house is failing due to water infiltration. Structural repairs to remediate damage to the foundation will be required along the length of the three original exposed foundation walls on the west, north and east sides of the home, necessitating the removal of the existing attached single car garage, raised planting area, and verandah.

At present, the owners find the size of the interior of garage to be inadequate; the existing space does not allow for a vehicle passengers' side doors to be opened inside the garage. The existing garage is too small and the owners wish to have one that is more functional. There are however physical constraints that will prevent the enlarged garage from being pushed back to be in line with the existing main front wall. These consist of two windows that are located immediately behind the existing rear wall of the garage. They are required openings under the Ontario Building Code. This means that the proposed garage can only go forward to the street and sideways toward the east property line.

The existing front verandah is separated from the garage by a raised planting area. The owners would like to eliminate the planting area while enlarging the width of the verandah to the east. The depth of verandah will remain the same. Once the remedial work has been completed, the owners will replace the existing raised planting bed with the extension of the verandah. "

## **Planning Comments**

Planning Staff have evaluated Minor Variance Application MV-2021-31 pursuant to the prescribed tests as set out in Section 45(1) of the Planning Act, as follows:

### **The proposed variances meet the general intent of the Official Plan**

The existing dwelling on the subject property is one of many dwellings on Metcalfe Street that is listed in the Town's Heritage Register. Section 13.2 c) of the Official Plan indicates that the Town's by-laws shall be sensitive to the Town's heritage resources

and may permit non-standard solutions, including but not limited to setback reductions, parking requirements, etc. to support the conservation of the Town's heritage resources. The requested variances A, B, and F relate to pre-existing conditions of the dwelling, which is part of the unique character of the historic grouping of Metcalfe Street.

Variances C, D, and E relate to the proposed attached garage. For Variance E, the existing garage is not flush with or set back from the dwelling's main wall, it currently projects 1.47m (4.8ft) from the main wall and is setback 4.6m (15.0 ft) from the front property line. The proposed new garage will project an additional 1.0m (3.2 ft) from the existing garage and is proposed to be set back 3.5m (11.5ft) from the street. Although the garage projects an additional 1.0m from the existing garage, it maintains a generally consistent street wall.

Staff are satisfied that the scale, location, and materials of the proposal verandah and attached garage will further strengthen the sense of identity for the stable neighbourhood area which has a strong heritage character. As such, staff consider the requested variances to meet the general intent of the Official Plan.

### **The proposed variances meet the general intent of the Zoning By-law**

The front yards on Metcalfe Street are varied with most of the dwellings having modest front yards with a combination of grassed areas and low landscape elements along entry features. The requested variances A, B, and F relate to pre-existing conditions of the dwelling and are considered appropriate within the context of the historical development pattern and character in the neighbourhood. The proposed verandah will maintain the pre-existing setback, keeping the front wall of the dwelling in line with the other dwellings on the street.

The existing attached garage has a front yard setback of 4.5m (14.7ft) and an east side yard setback of 2.4m (7.8 ft). The proposed attached garage will have a front yard setback of 3.5m (11.4ft) and an east side yard setback of 1.0m (3.2ft). The existing garage is currently non-complying as it projects beyond the existing main wall of the house. The existing driveway on the property is not large enough to accommodate a parking space as per the requirements of the zoning by-law; only one parking space exists on the property in the garage. Further, the proposed attached garage will maintain an approximate spatial separation of 8.04m (26.37ft) from the abutting dwelling on the east. The requested variances are not anticipated to create any significant impacts on the streetscape, character of the area, or to abutting properties. It is the opinion of staff that the requested variances meet the general intent of the Zoning By-law.

**The proposed variances are considered desirable for the appropriate development of the property**

The applicant is proposing to remove and replace the existing verandah and attached garage to perform the required repairs and waterproofing of the original foundation. The requested variances are considered appropriate within the context of the historical development pattern in the neighbourhood. Staff do not anticipate that the requested variances will generate any adverse impacts on the abutting properties. Further, Engineering Staff have no concerns with the requested variances provided that a grading plan be provided to demonstrate that the existing drainage pattern will be maintained, any changes in the grading due the proposed site works shall not cause any adverse impacts on the adjacent neighbouring properties, and that roof drain downspout(s) be located away from the property line to avoid direct outlet of water onto the abutting property.

Although the proposal is not subject to Site Plan Approval, the Urban Design Guidelines for the Town Park neighbourhood were reviewed. Staff are of the opinion that the proposal is consistent with the verandah styles and projected front walls that currently exist within the Town Park Neighbourhood. Further, on November 1, 2021, Staff presented the proposal to the Heritage Advisory Committee meeting and the Committee expressed no questions or comments on the proposal.

Staff are satisfied that the proposed verandah and attached garage are consistent and compatible with styles that exist within the Town Park Neighbourhood and will maintain a generally consistent street wall with neighbouring properties on Metcalfe Street. As such, staff consider the variances desirable for the appropriate development of the property.

**The proposed variances are considered minor in nature**

The pre-existing front yard setbacks for the proposed verandah will be maintained to ensure the protection of the historic development pattern in the neighbourhood. There will be minimal impact on the streetscape character as the front building wall will be in general alignment with the other homes on Metcalfe Street. Further, no impacts are anticipated for neighbouring properties. As such, staff are of the opinion that the requested variances are minor in nature.

## Additional Comments

The minor variance application was circulated to Town Department/Divisions and to external agencies for review and comment. The following comments were provided:

Department or Agency	Comments
Building Division	Preliminary Zoning Review was completed on July 22, 2021.
Engineering Division	<p>No objection to the variance application provided that a site grading plan prepared by a professional engineer, to the satisfaction of the Director of Planning and Development Services, is submitted demonstrating that;</p> <ol style="list-style-type: none"> <li>1. The existing drainage pattern shall be maintained and any changes in the grading due the proposed site works shall not cause any adverse impacts on the adjacent neighbouring properties;</li> <li>2. Roof drain downspout(s) shall be located away from the property line to avoid direct outlet of water onto the adjacent property.</li> </ol> <p>(e-mail dated October 28, 2021).</p>
Operational Services (Parks)	<p>There are trees situated on the subject property and/or property line that may be impacted by excavation or disturbance due to construction. This may result in irreparable damage to the root systems and/or canopy to one or more of these trees.</p> <p>Confirmation of the impacts to existing trees is required.</p> <p>Please refer to Recommended Condition of Approval #3.</p> <p>(Letter dated October 28, 2021).</p>

Department or Agency	Comments
Central York Fire Services	No comments received at the time of writing this report.
York Region	York Region has no comments on the application (e-mail dated October 21, 2021).
LSRCA	No comments on application as it is located outside the area governed by O. Reg. 179/06 under the <i>Conservation Authorities Act</i> . (e-mail dated October 18, 2021).
Alectra	No objections to its approval (Letter dated October 18, 2021).

## Public Correspondence

Written submissions were not received at the time of writing of this report. Should written submissions be received after the writing of this report, the Secretary Treasurer will provide the submission(s) to Committee members at the meeting.

## Conclusion

Planning staff have reviewed the application with respect to the Section 45(1) of the Planning Act, R.S.O, 1990, c.P.13, as amended, and are of the opinion that the requested variance does meet the four tests of the Planning Act for granting of minor variances. Staff recommend approval of the requested variances subject to the conditions outlined in Appendix 'A'.

## Attachments

Appendix 'A' - Recommended Conditions of Approval

Appendix 'B' – Site Plan and Elevation Drawings

### **Appendix 'A' – Conditions of Approval**

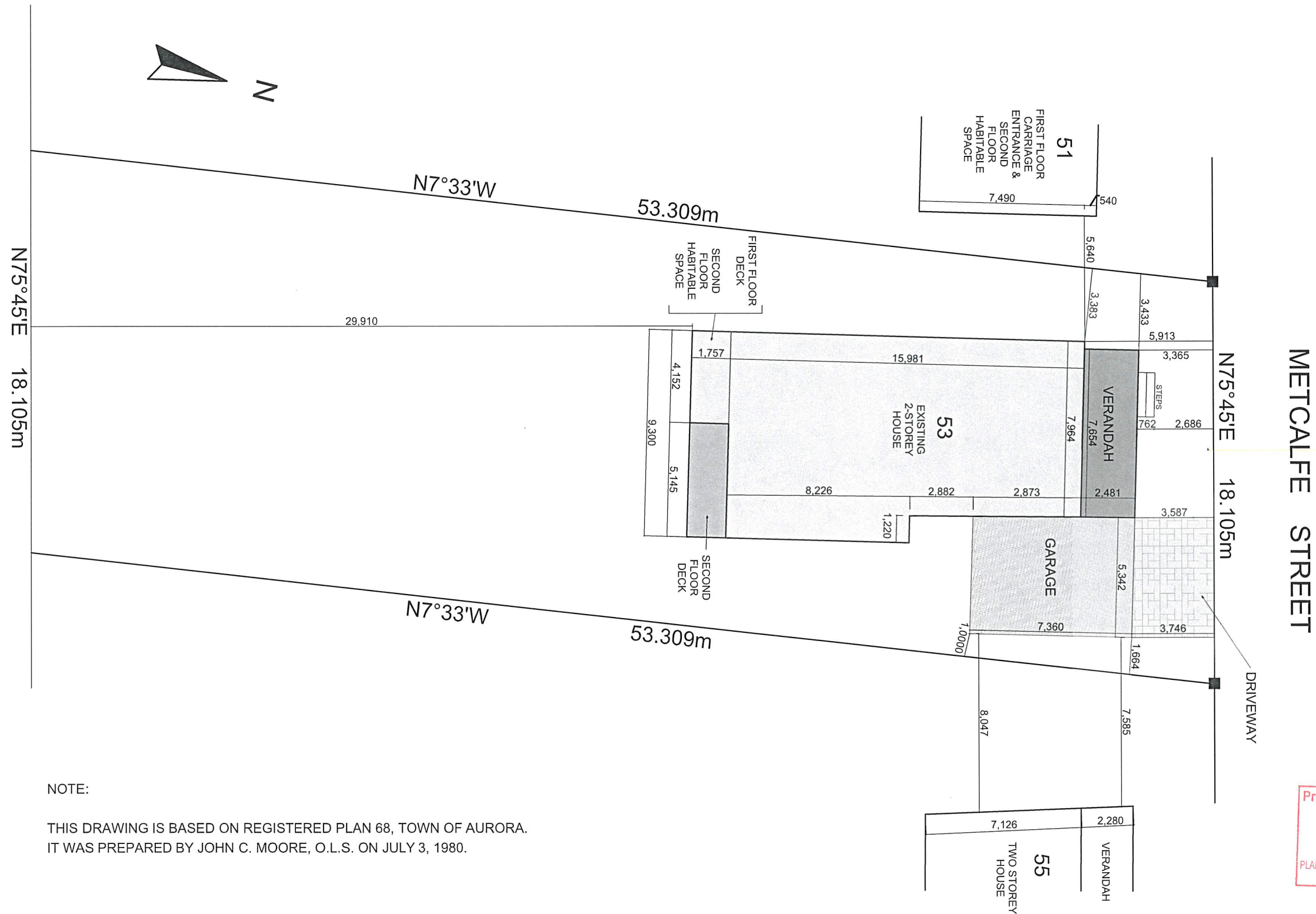
The following conditions are required to be satisfied should application MV-2021-31 be approved by the Committee of Adjustment:

1. That the variance only applies to the subject property, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and dated July 22, 2021, to the satisfaction of the Director of Planning and Development Services.
2. That a site grading plan prepared by a professional engineer, is submitted demonstrating the following, to the satisfaction of the Director of Planning and Development Services:
  - a. The existing drainage pattern shall be maintained and any changes in the grading due the proposed site works shall not cause any adverse impacts on the adjacent neighbouring properties;
  - b. Roof drain downspout(s) shall be located away from the property line to avoid direct outlet of water onto the adjacent property.
3. Submission to the Secretary-Treasurer of written confirmation from the Town's Director of Operations or designate; that the Applicant has satisfied all concerns below as noted in the October 28, 2021 memo by Sara Tienkamp, Manager of Parks and Fleet:
  - That the owner may be required to provide an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester outlining all aspects of the impacts that this proposal will have on existing and current remaining vegetation, The report shall include recommendations and an action plan on the mitigation of negative effects to vegetation , during and post construction periods as well as measures aimed at tree health care and protection for trees effected by the project and any remaining trees in the vicinity of the project that require applicable maintenance.
  - In addition, the report shall include a schedule of monitoring the ongoing site work through a series of scheduled site visits by the Arborist / Forester during and post construction to ensure the vegetation preservation measures remain in compliance throughout the project, each site visit to be documented and any resulting action items required by the Arborist /Forester shall be implemented and confirmed on site forthwith by the Arborist /Forester following each visit.
  - The owner may be required to provide vegetation compensation and a replanting plan in accordance with the Town of Aurora TREE



REMOVAL/PRUNING AND COMPENSATION POLICY to the satisfaction of the Director of Operational Services as compensation for trees removed to facilitate construction. Compensation planting shall be completed prior to release of the financial securities.

- The owner shall agree to comply with the Aurora Tree Permit By-law # 5850 - 16 prior to the removal of any trees on the property.
- The owner shall agree to provide financial securities based on the total value of the Tree Compensation evaluation and all Arboriculture works as defined by the Town and the Owners Arborist/ Forester. To the satisfaction of the Director of Parks and Recreation.
- All of the above shall be included as terms and conditions in a Letter of Undertaking with the Town of Aurora to guarantee compliance with the Conditions of Approval and all related site works.



NOTE:

THIS DRAWING IS BASED ON REGISTERED PLAN 68, TOWN OF AURORA.  
IT WAS PREPARED BY JOHN C. MOORE, O.L.S. ON JULY 3, 1980.

Preliminary Zoning Review  
MB  
JUL 22 2021  
PLANNING AND DEVELOPMENT SERVICES  
Building Division

SCALE: 1:200



Michael Swann  
104 Seaton Drive,  
Aurora, Ontario  
L4G 3X1  
(905) 751-7792  
homes2bdesigncorp@gmail.com

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Qualification Information: Required unless the design is exempt under 3.2.4.1.(1) of the Ontario Building Code.

MICHAEL SWANN  
NAME SIGNATURE  
20300  
BCIN

Registration Information: Required unless the design is exempt under 3.2.4.2.(1) of the Ontario Building Code.  
HOMES 2B DESIGN CORPORATION  
FIRM NAME  
113270  
BCIN

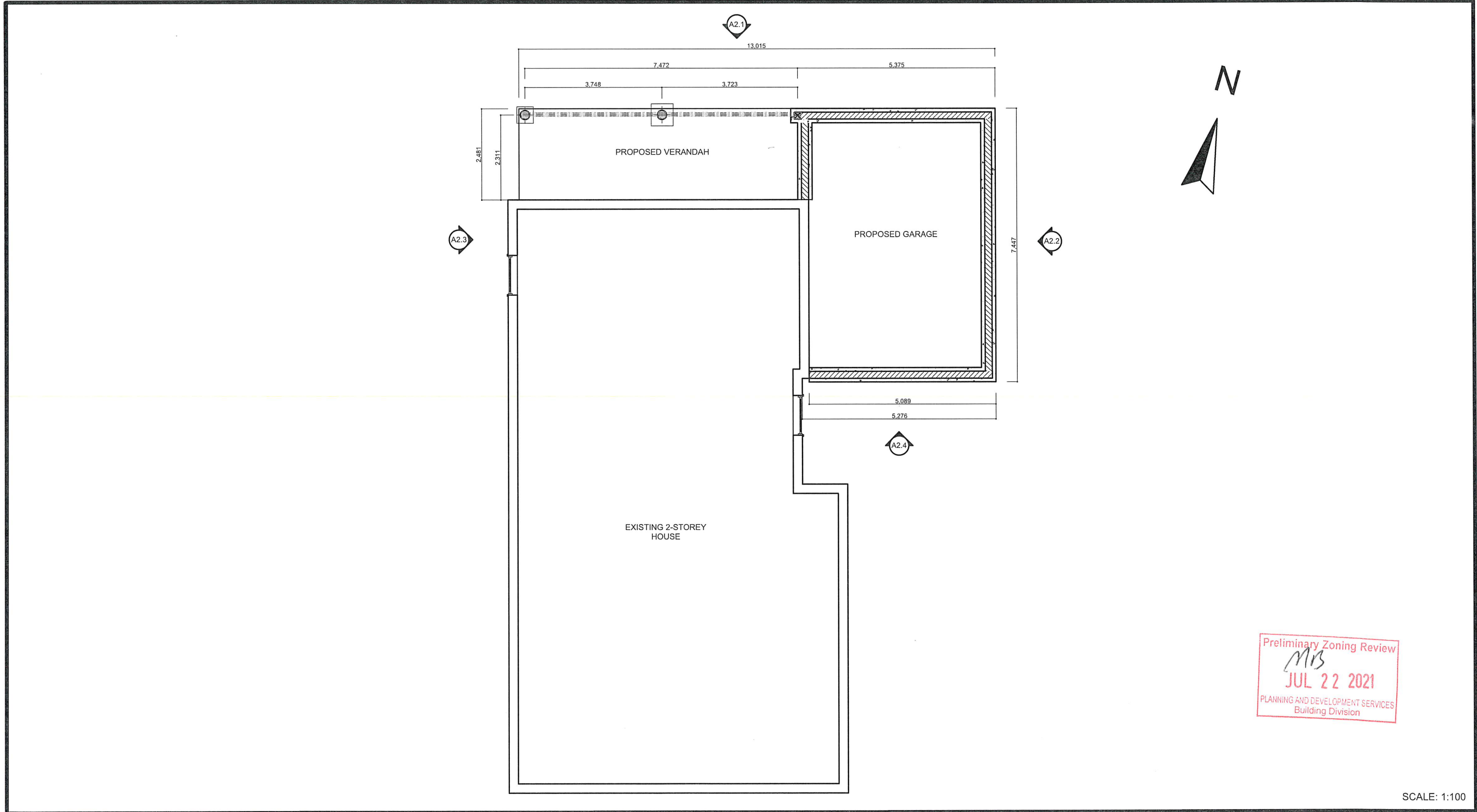
SP1.1A DIMENSIONED SET-BACK OF STEPS FROM PROPERTY LINE 2021-07-21

NO. ISSUE DATE


REVISION

### Proposed Site Modifications

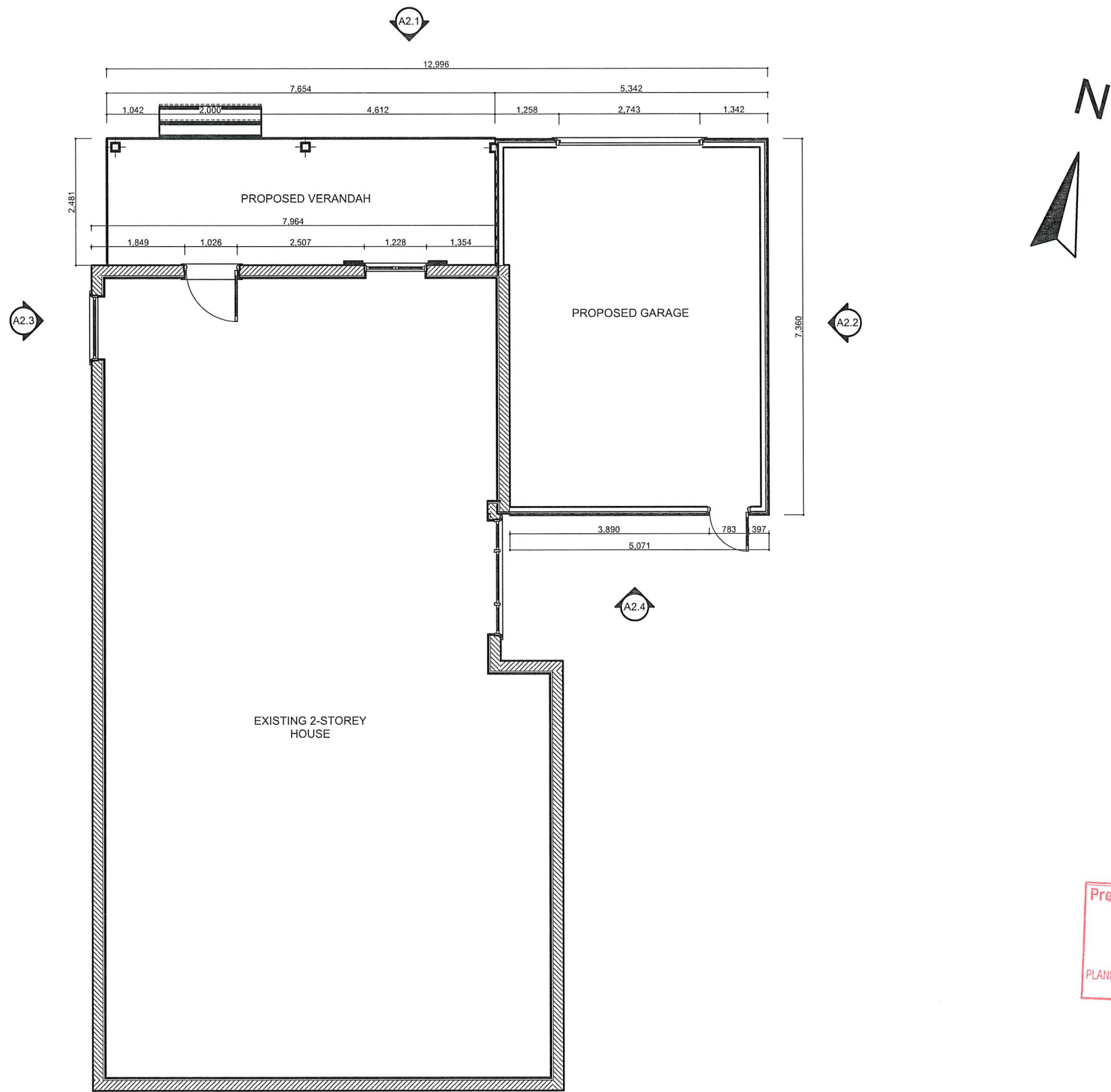
M.S.	53 Metcalfe Street Aurora ON L4G 1E5	2021-07-10
CHECKED BY:		DATE:
E.M.S.		SP1.1A
DRAWN BY:		DRAWING NO.:



SCALE: 1:100


	<p>Michael Swann 104 Seaton Drive, Aurora, Ontario L4G 3X1 (905) 751-7792 homes2bdesigncorp@gmail.com</p>	<p><small>All work shall be carried out in accordance with all by-laws and codes applicable to the location. All dimensions and information shall be verified on site and any variances reported to the designer prior to the start of the work. This drawing and the design herein are copyright of the designer and may not be reproduced, altered or reused without written consent. This drawing must not be scaled.</small></p> <p><small>Small Building Design Activities:</small> The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.</p> <p><small>Qualification Information:</small> Required unless the design is exempt under 3.2.4.1.(1) of the Ontario Building Code.</p> <p>MICHAEL SWANN NAME: _____ SIGNATURE: _____ 20300 BCIN</p> <p><small>Registration Information:</small> Required unless the design is exempt under 3.2.4.2.(1) of the Ontario Building Code.</p> <p>HOMES 2B DESIGN CORPORATION FIRM NAME: _____ 113270 BCIN</p>	<p>Sub-Storey</p> <p>53 Metcalfe Street Aurora ON L4G 1E5</p>		<p>2021-06-26</p> <p>DATE:</p>
			<p>M.S.</p> <p>CHECKED BY:</p>	<p>2021-06-26</p> <p>DATE:</p>	
			<p>E.M.S.</p> <p>DRAWN BY:</p>		<p>F1.1</p> <p>DRAWING NO.:</p>

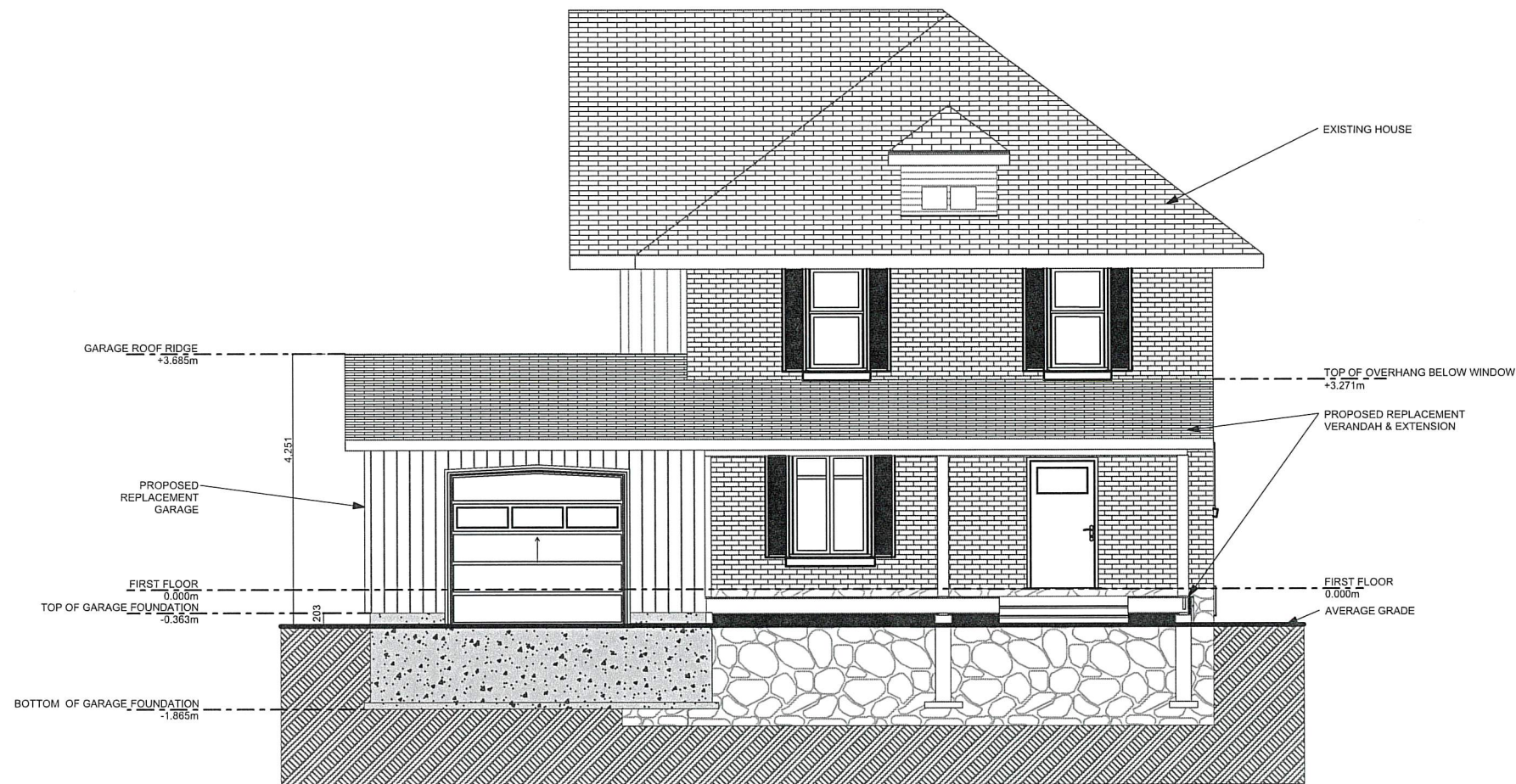




Preliminary Zoning Review  
M. Swann  
JUL 22 2021  
PLANNING AND DEVELOPMENT SERVICES  
Building Division

SCALE: 1:100

 <p><b>HOMES 2B</b> DESIGN CORPORATION</p>	<p>Michael Swann 104 Seaton Drive, Aurora, Ontario L4G 3X1 (905) 751-7792 homes2bdesigncorp@gmail.com</p>	<p>All work shall be carried out in accordance with all by-laws and codes applicable to the location. All dimensions and information shall be verified on site and any variances reported to the designer prior to the start of the work. This drawing and the design herein are copyright of the designer and may not be reproduced, altered or reused without written consent. This drawing must not be scaled.</p> <p>Small Building Design Activities: The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer. Qualification Information: Required unless the design is exempt under 3.2.4.1.(1) of the Ontario Building Code.</p> <p>MICHAEL SWANN NAME SIGNATURE 20300 BCIN</p> <p>Registration Information: Required unless the design is exempt under 3.2.4.1.(1) of the Ontario Building Code. HOMES 2B DESIGN CORPORATION FIRM NAME 113270 BCIN</p>				<p>SHEET PRESENT IN ISSUE NO. ISSUE DATE REVISION</p>	<p><b>First Floor</b> 53 Metcalfe Street Aurora ON L4G 1E5</p>		<p>2021-06-26 DATE:</p>
		<p>M.S. CHECKED BY:</p>	<p>DRAWN BY:</p>	<p>A1.1 DRAWING NO.:</p>					
		<p>E.M.S.</p>							



Preliminary Zoning Review  
*MB*  
JUL 22 2021  
PLANNING AND DEVELOPMENT SERVICES  
Building Division

SCALE: 1:100



Michael Swann  
104 Seaton Drive,  
Aurora, Ontario  
L4G 3X1  
(905) 751-7792  
homes2bdesigncorp@gmail.com

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MICHAEL SWANN  
NAME SIGNATURE  
20390  
BCIN


Registration Information: Required unless the design is exempt under 3.2.4.2.(1) of the Ontario Building Code.  
HOMES 2B DESIGN CORPORATION  
FIRM NAME  
113270  
BCIN

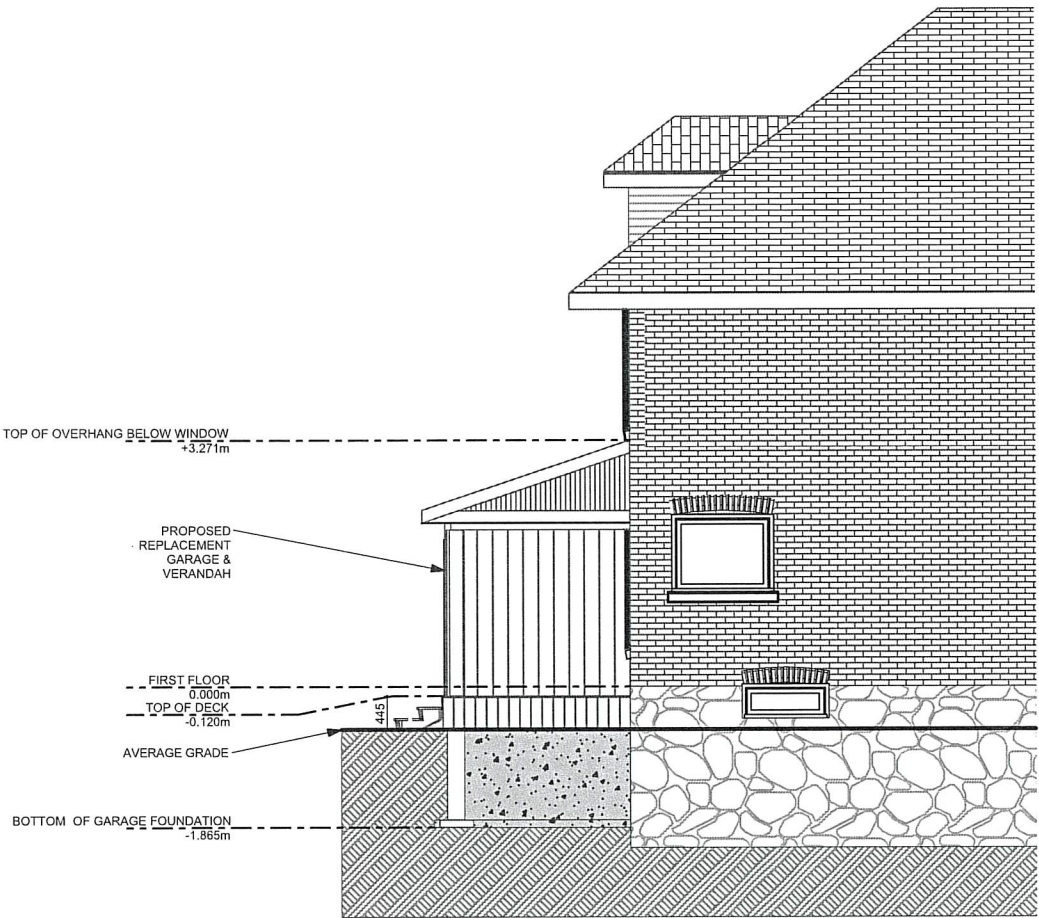
SHEET PRESENT IN ISSUE		DATE
NO.	ISSUE	
REVISION		

# North Elevation

M.S.	53 Metcalfe Street Aurora ON L4G 1E5	2021-06-26
CHECKED BY:		DATE:
E.M.S.		A2.1
DRAWN BY:		DRAWING NO.:



	<b>Michael Swann</b> 104 Seaton Drive, Aurora, Ontario L4G 3X1 (905) 751-7792 homes2bdesigncorp@gmail.com	<small>All work shall be carried out in accordance with all by-laws and codes applicable to the location. All dimensions and information shall be verified on site and any variances reported to the designer prior to the start of the work. This drawing and the design herein are copyright of the designer and may not be reproduced, altered or reused without written consent. This drawing must not be scaled.</small>  <small>Small Building Design Activities:          The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.          Qualification Information: Required unless the design is exempt under 3.2.4.1.(1) of the Ontario Building Code.</small> <div style="display: flex; justify-content: space-between;"> <span><b>MICHAEL SWANN</b></span> <span>20300</span> </div> <div style="display: flex; justify-content: space-between;"> <span>NAME</span> <span>SIGNATURE</span> </div> <div style="display: flex; justify-content: space-between;"> <span>BCIN</span> <span></span> </div> <small>Registration Information: Required unless the design is exempt under 3.2.4.2.(1) of the Ontario Building Code.</small> <div style="display: flex; justify-content: space-between;"> <span><b>HOMES 2B DESIGN CORPORATION</b></span> <span>113270</span> </div> <div style="display: flex; justify-content: space-between;"> <span>FIRM NAME</span> <span>BCIN</span> </div>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <div style="display: flex; justify-content: space-between;"> <input checked="" type="checkbox"/> SHEET PRESENT IN ISSUE NO. _____ DATE _____              REVISION _____           </div>	<h2 style="text-align: center;">East Elevation</h2>			
				M.S.	<div style="text-align: center;">           53 Metcalfe Street            Aurora            ON L4G 1E5         </div>		2021-06-26
				CHECKED BY:  E.M.S.	DRAWN BY:		DATE:  A2.2



Preliminary Zoning Review  
*MB*  
JUL 22 2021  
PLANNING AND DEVELOPMENT SERVICES  
Building Division

SCALE: 1:100



Michael Swann  
104 Seaton Drive,  
Aurora, Ontario  
L4G 3X1  
(905) 751-7792  
homes2bdesigncorp@gmail.com

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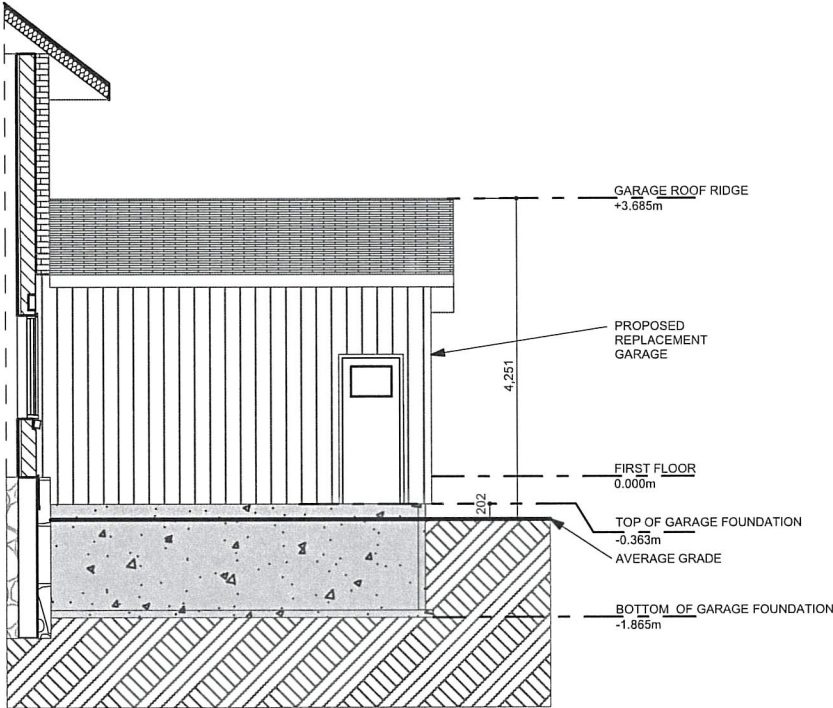
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Qualification Information: Required unless the design is exempt under 3.2.4.1.(1) of the Ontario Building Code.

MICHAEL SWANN	20300
NAME	SIGNATURE
BCIN	
Registration Information: Required unless the design is exempt under 3.2.4.2.(1) of the Ontario Building Code.	
HOMES 2B DESIGN CORPORATION	113270
FIRM NAME	BCIN

SHEET PRESENT IN ISSUE		DATE
NO.	ISSUE	
REVISION		

West Elevation		
M.S.	53 Metcalfe Street Aurora ON L4G 1E5	2021-06-26
CHECKED BY:		DATE:
E.M.S.		A2.3
DRAWN BY:		DRAWING NO.:





Preliminary Zoning Review  
*MS*  
JUL 22 2021  
PLANNING AND DEVELOPMENT SERVICES  
Building Division

SCALE: 1:100



Michael Swann  
104 Seaton Drive,  
Aurora, Ontario  
L4G 3X1  
(905) 751-7792  
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MICHAEL SWANN	20300
NAME	BCIN
SIGNATURE	
Registration Information: Required unless the design is exempt under 3.2.4.2.(1) of the Ontario Building Code.	
HOMES 2B DESIGN CORPORATION	113270
FIRM NAME	BCIN

NO.	ISSUE	DATE
SHEET PRESENT IN ISSUE		
REVISION		

### South Elevation

M.S.	53 Metcalfe Street Aurora ON L4G 1E5	2021-06-26
CHECKED BY:		DATE:
E.M.S.		A2.4
DRAWN BY:		DRAWING NO.:





100 John West Way  
Aurora, Ontario  
L4G 6J1  
(905) 727-3123  
aurora.ca

Town of Aurora

## Committee of Adjustment Report

No. MV-2021-20

---

**Subject:**                    **Minor Variance Application**  
Dumitriu  
5 Child Drive  
PLAN 514 LOT 296  
File: MV-2021-20  
Related Planning Application: SPR-2021-04

**Prepared by:**            Rosanna Punit, Planner  
**Department:**           Planning and Development Services  
**Date:**                    November 11, 2021

---

### Application

The owner/applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to facilitate a ground floor and 2<sup>nd</sup> storey addition to the existing dwelling. The following relief is being requested:

- a) Section 24.497.3.2 of the Zoning By-law requires a minimum interior side yard of 1.5m. The applicant is proposing a first and second storey addition, which is 0.9m to the interior side property line;
- b) Section 24.497.3.2 of the Zoning By-law requires a minimum interior side yard of 3.0m beyond the main rear wall of the adjacent dwelling. The applicant is proposing a first and second storey addition, which is 0.9 metres to the interior side property line.
- c) Section 24.497.3.2 of the Zoning By-law requires a minimum interior side yard of 3.0m (9.8 ft) beyond the main rear wall of the adjacent dwelling. The applicant is proposing an interior side yard setback of 2.4m (7.9 ft).

## Background

### Subject Property and Area Context

The subject property, municipally known as 5 Child Drive, is generally located north of Henderson Drive, west of Yonge Street, east of Bathurst Street and south of Kennedy Street West. The subject property is located within the Regency Acres Stable Neighbourhood Area. The subject property has a lot area of approximately 650 m<sup>2</sup> (6,997 ft<sup>2</sup>) and a lot frontage of approximately 17 m (56 ft). The surrounding area is an established residential neighbourhood that is generally characterized by one and two storey dwellings.

The subject property currently contains a one-storey detached dwelling with an attached two-car garage having an approximate gross floor area of 105.9m<sup>2</sup> (1140 ft<sup>2</sup>). Two mature trees are located at the front of the property. Additional vegetation exists on the property including a hedge, along the rear yard fence and a hedge along a portion of the north side yard fence, which straddles the property line.

### Proposal

The applicant is proposing to construct a first floor (including attached garage) and second storey addition to the existing home. The first floor addition has an approximate area of 149 m<sup>2</sup> (1607 sq ft). The second floor addition has an approximate area of 180.6 m<sup>2</sup> (1944.75 sq ft). The total gross floor area of the proposed first (including garage) and second storey additions are approximately: 329.6m<sup>2</sup> (3,551.75 ft<sup>2</sup>).

A summary of the requested variances and applicable By-law requirements are as follows:

Zoning By-law Standard	Zoning By-law requirement	Existing setbacks	Requested variance	Difference (Zoning By-law & MV request)
Interior Side Yard (South Side)	1.5m (5 ft)	0.87m (2.9 ft)	0.9m (3 ft)	0.6m (2 ft)
Interior side yard setback (beyond the main rear wall of adjacent dwelling) (South Side)	3.0m (9.8 ft)	0.87m (2.9 ft)	0.9m (3 ft)	2.1m (6.9 ft)
Interior side yard setback (beyond the main rear wall of adjacent dwelling) (North Side)	3.0m (9.8 ft)	2.4m (7.9 ft)	2.4m (7.9 ft)	0.6m (2 ft)

## Official Plan

The subject property is designated “Stable Neighbourhoods” by the Town of Aurora’s Official Plan, which seeks to ensure that residential neighbourhoods are protected from incompatible forms of development, while allowing the neighbourhoods to be enhanced over time. Further, the Stable Neighbourhoods designation provides for single detached dwellings as a permitted use.

## Zoning

The subject property is zoned “R3-SN (497)” (Detached Third Density Residential Exception 497 Zone) by Zoning By-law 6000-17, as amended, which permits single detached dwellings.

The proposed development is subject to Site Plan Approval as per By-law 6106-18, as amended. A Site Plan Application has been submitted to the Town and is currently under review

## Preliminary Zoning Review

A Preliminary Zoning Review (PZR) has been completed by the Town of Aurora’s Building Division. The PZR identified the required variances and no other non-compliance was identified.

## Applicant’s stated reason(s) for not complying with the Zoning By-law

As stated on the application form, “We need double car garage and increased second floor for the growing family and extended family i.e. in-laws coming from outside Canada to live with us. We are keeping the existing house and first floor plate and adding to it. Also increasing the existing rear yard setback”

## Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2021-20 pursuant to the prescribed tests as set out in Section 45(1) of the Planning Act, as follows:

### a) The proposed variances meet the general intent of the Official Plan

The Regency Acres Neighbourhood is generally characterized by one to two storey dwellings. The Official Plan states that new development abutting existing residential development shall be sympathetic to the form and character of existing development with regards to building scale and urban design. A Site Plan Application is currently under review by Planning staff where matters relating to site and building design, etc. will be addressed. Staff are of the opinion that the requested variances will facilitate the

development of a second storey and first storey additions that are compatible with and generally in keeping with the low-density residential form and character of the neighbourhood.

It is the opinion of staff that the requested variances meet the general intent of the Official Plan.

**b) The proposed variance meets the general intent of the Zoning By-law**

The applicant is proposing a first and second storey addition, which is 0.9 metres to the interior side property line, whereas 1.5 is required (south side yard setback). The intent of the interior side yard provision is to ensure that appropriate and adequate spacing between buildings is provided for privacy, landscaping, access, and drainage. The current setback of the one storey garage is 0.87m. Planning Staff are of the opinion that the proposed 0.9m setback is similar to the existing condition of the site and do not anticipate any impacts to the abutting property to the south. The proposed addition according to the plans submitted consists of mainly a garage and a small amount of living space on the ground floor. Further, there is a tree located on the neighbouring property that provides for screening. Engineering staff have no concerns with the 0.9m setback proposed.

Planning staff recommend a condition of approval that no door openings be permitted within the 0.9m setback, to maintain privacy of the neighbouring property to the south. The Building Department has confirmed that there is no conflict with the Ontario Building Code should this condition be imposed. Planning staff are satisfied that the 0.9m setback proposed maintains the intent of the Zoning by-law.

The Zoning By-law requires a minimum interior side yard setback of 3.0 metres beyond the main rear wall of the adjacent dwelling whereas 0.9m is proposed (south side yard setback). The applicant is proposing a first and second storey addition, which is 0.9 metres to the interior side property line. The current attached garage has a 0.87m side yard setback. The current one storey garage extends approximately 15m (49 ft) beyond the main rear wall of the adjacent home. The proposed ground floor and 2nd storey addition extends approximately 6m (21 feet) beyond the main rear wall of the adjacent dwelling. The rear portion of the proposed addition improves the existing condition on the property and provides for more privacy and less impacts for the abutting property to the south.

The Zoning By-law requires a minimum interior side yard setback of 3.0 metres beyond the main rear wall of the adjacent dwelling, whereas 2.4m is proposed (north side yard setback). The applicant is using the existing wall (north side) of the dwelling for the 2nd storey addition which is currently setback 2.4m from the property line. The dwelling to the north (3 Child Drive) is a two storey dwelling and staff do not anticipate any negative

impacts. There is an existing hedge straddling both properties which provides for privacy. Overall, staff are of the opinion that the requested variances meet the intent of the zoning by-law.

**c) The proposed variance is considered desirable for the appropriate development of the land**

Staff are of the opinion that the requested interior side yard variances for proposed first floor and second storey additions will have minimal impacts to the existing neighbourhood and abutting properties. The requested variance for 0.9m setback on the south side yard generally maintains existing setbacks that are present for the existing dwelling and is anticipated to have no negative impacts on the streetscape. Further, the interior side yard setback of 0.9m (beyond the main rear wall of adjacent dwelling) extends less than what currently exists on the property. Planning staff are of the opinion that there are no negative impacts on the adjacent property and Town Engineering staff have confirmed they have no concerns. The existing 2.4m north side yard setback maintains the setback the exists on the property.

To ensure the mature vegetation on the property is protected, conditions of approval have been recommended by staff. Staff are of the opinion that the proposed variances will facilitate the development of additions to the existing dwelling that is compatible in scale with other dwellings in the neighbourhood. Staff note that the property is subject to Site Plan Approval and staff have included this as a condition of approval, to ensure the final design is compatible and sympathetic with the existing character of the neighbourhood.

Staff consider the variances desirable for the appropriate development of the property.

**d) The proposed variance is considered minor in nature**

The proposed second and first storey additions are considered moderate in scale and are not anticipated to result in any negative impacts to surrounding properties or the neighbourhood. As such, Staff are of the opinion that the requested variances are minor in nature.

## Additional Comments

The minor variance application was circulated to Town Department/Divisions and to external agencies for review and comment. The following comments were provided:

Department or Agency	Comments
Building Division	Preliminary Zoning Review was completed on October 8, 2021.
Engineering Division	Comments provided stating no comments/concerns with proposed application (dated: October 19, 2021)
Operational Services (Parks)	<p>Comments provided stating (dated July 29, 2021)</p> <ul style="list-style-type: none"> <li>• <i>That the owner may be required to provide an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester outlining all aspects of the impacts that this proposal will have on existing and current remaining vegetation, The report shall include recommendations and an action plan on the mitigation of negative effects to vegetation , during and post construction periods as well as measures aimed at tree health care and protection for trees effected by the project and any remaining trees in the vicinity of the project that require applicable maintenance.</i></li> <li>• <i>In addition the report shall include a schedule of monitoring the ongoing site work through a series of scheduled site visits by the Arborist / Forester during and post construction to ensure the vegetation preservation measures remain in compliance throughout the project, each site visit to be documented and any resulting action items required by the Arborist /Forester shall be implemented and confirmed on site forthwith by the Arborist /Forester following each visit.</i></li> <li>• <i>The owner may be required to provide vegetation compensation and a replanting plan in accordance with the Town of Aurora TREE REMOVAL/PRUNING AND COMPENSATION POLICY to the satisfaction of the Director of Operational Services as compensation for trees removed</i></li> </ul>

Department or Agency	Comments
	<p><i>to facilitate construction. Compensation planting shall be completed prior to release of the financial securities.</i></p> <ul style="list-style-type: none"> <li><i>• The owner shall agree to comply with the Aurora Tree Permit By-law # 5850 -16 prior to the removal of any trees on the property.</i></li> <li><i>• The owner shall agree to provide financial securities based on the total value of the Tree Compensation evaluation and all Arboriculture works as defined by the Town and the Owners Arborist/ Forester. To the satisfaction of the Director of Parks and Recreation.</i></li> <li><i>• All of the above shall be included as terms and conditions in a Letter of Undertaking with the Town of Aurora to guarantee compliance with the Conditions of Approval and all related site works</i></li> </ul>
Operational Services (Public Works)	No comments received at the time of writing this report.
Central York Fire Services	No comments received at the time of writing this report.
York Region	Comments provided stating no comments/concerns with proposed application (dated October 20, 2021)
LSRCA	Not commenting on application as it is located outside the area governed by O. Reg. 179/06 under the Conservation Authorities Act (dated October 19, 2021).
Alectra	<p>Comments provided stating that, all proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.</p> <p>In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe.</p>

Department or Agency	Comments
	All construction work will be required to stop until the safe limits of approach can be established. In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work. (Email dated: July 22, 2021)

## Public Correspondence

A total of 14 letters of support were received at the time of writing of this report. Should additional written submissions be received after the writing of this report, the Secretary Treasurer will provide the submission(s) to Committee members at the meeting.

## Conclusion

Planning staff have reviewed the application with respect to the Section 45(1) of the Planning Act, R.S.O, 1990, c.P.13, as amended, and are of the opinion that the requested variances do meet the four tests of the Planning Act for granting of minor variances. Staff recommend approval of the requested variances subject to the conditions outlined in Appendix 'B'.

## Attachments

Appendix 'A' – Site Plan and Elevations

Appendix 'B' - Recommended Conditions of Approval

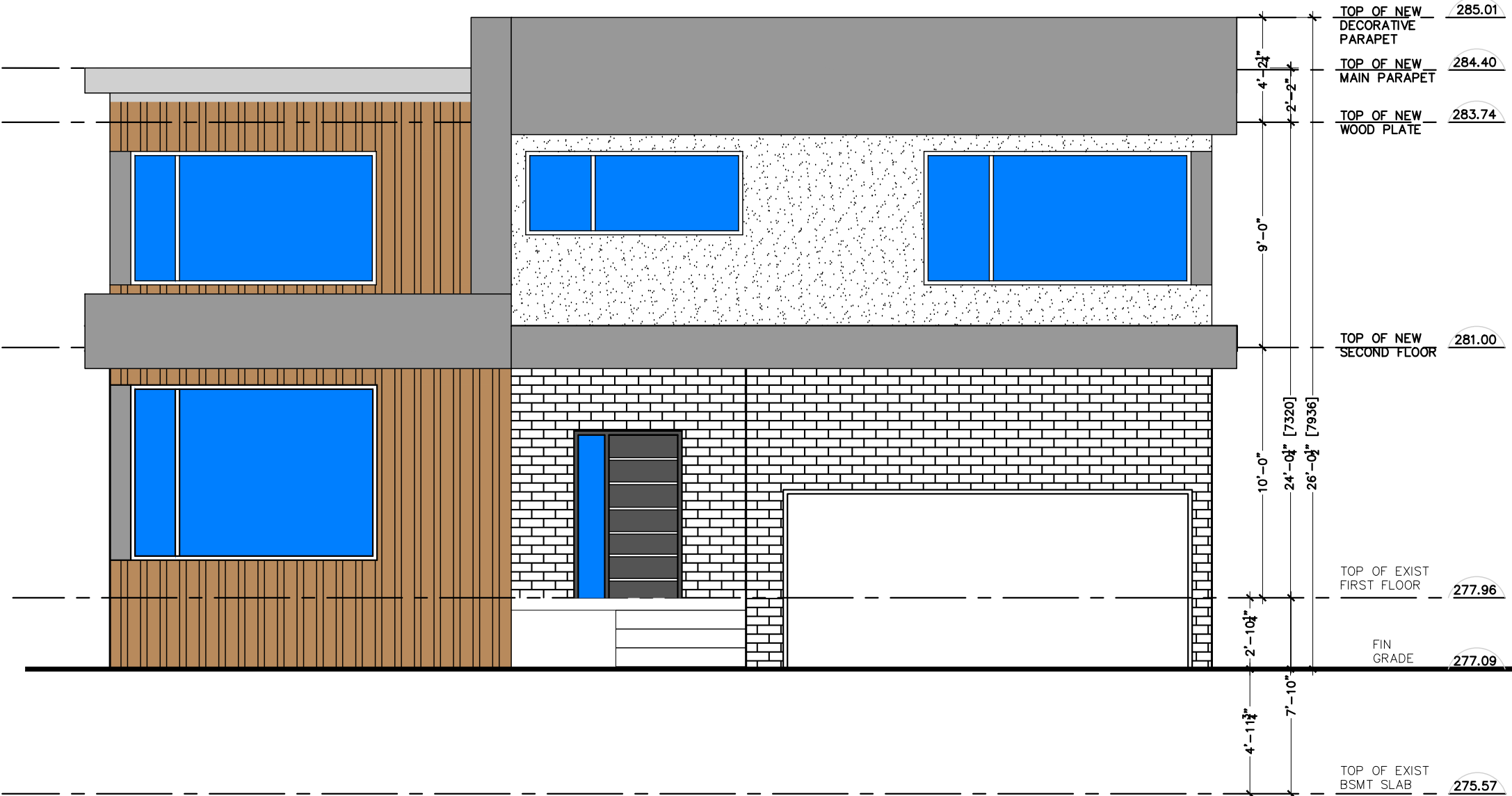


**TOWN OF AURORA**  
**PLANNING & DEVELOPMENT SERVICES**  
**BUILDING DIVISION**

**PERMIT NO.: PR20211431**      **DATE: Oct. 5, 2021**

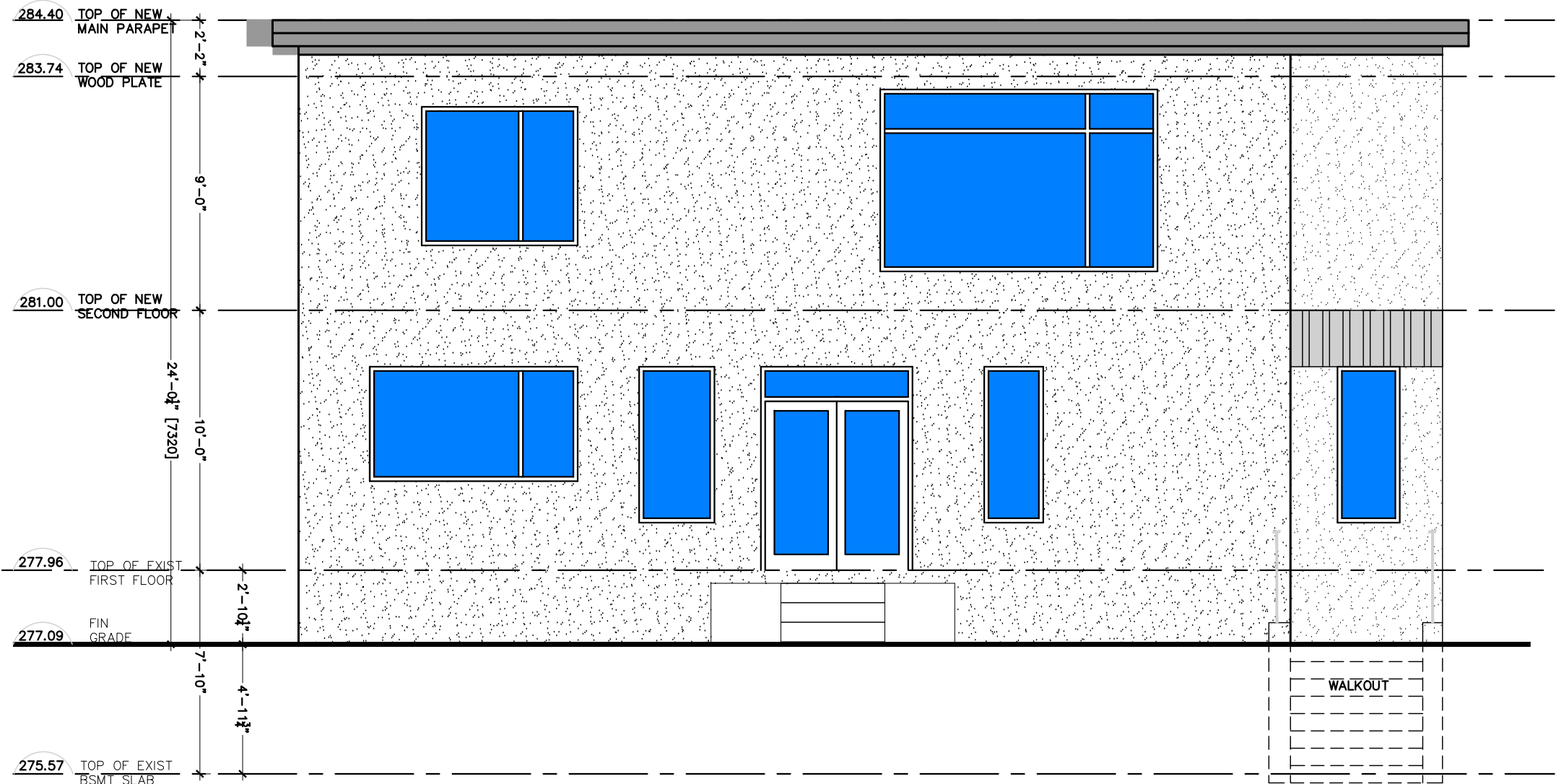
**APPROVED BY:** *Melissa Bozanin*

**PRELIMINARY ZONING REVIEW**

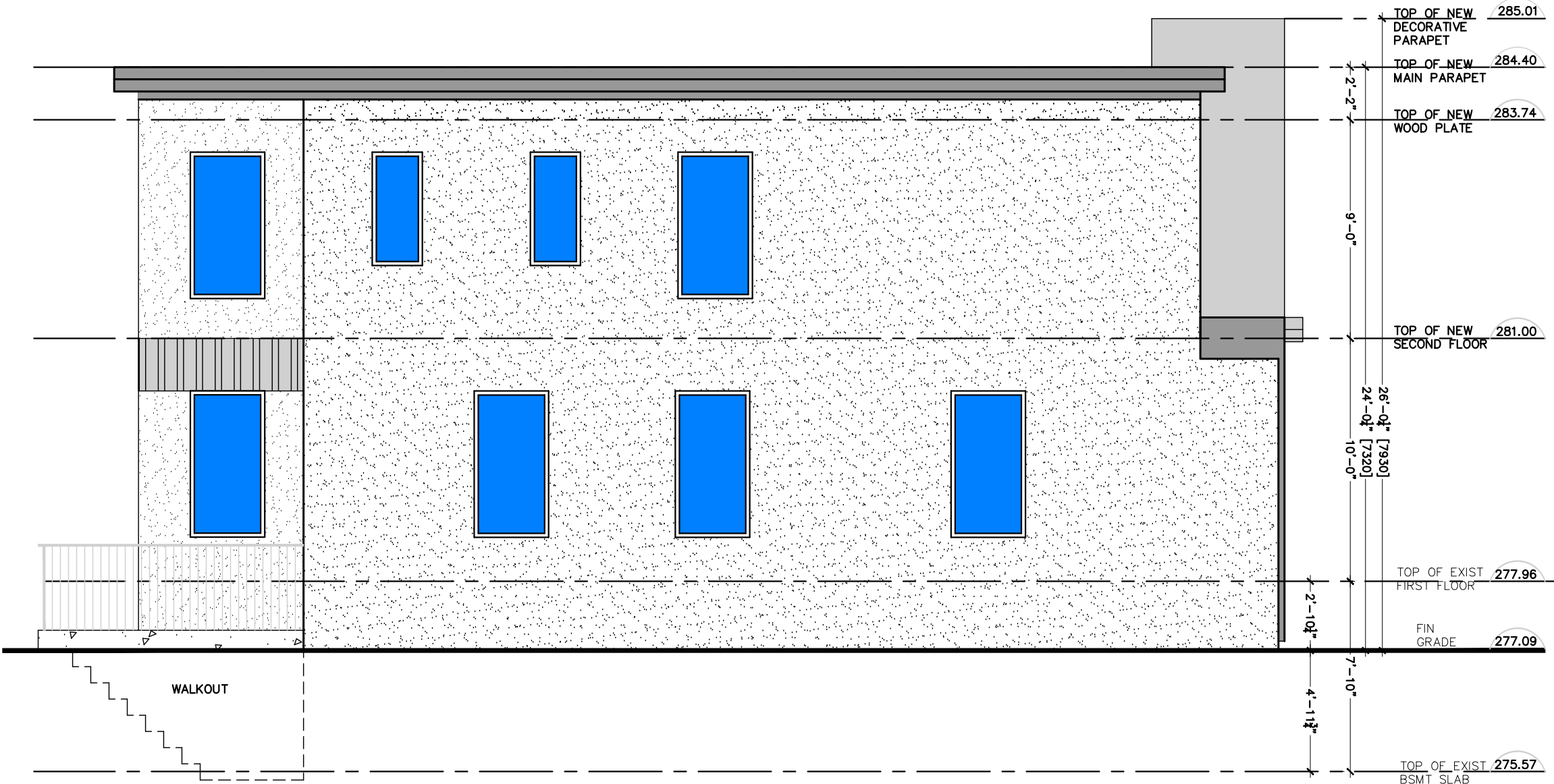


TOWN OF AURORA  
PLANNING & DEVELOPMENT SERVICES  
BUILDING DIVISION  
PERMIT NO.: PR20211431      DATE: Oct 5, 2021  
APPROVED BY: *Melissa Brynnin*  
PRELIMINARY ZONING REVIEW

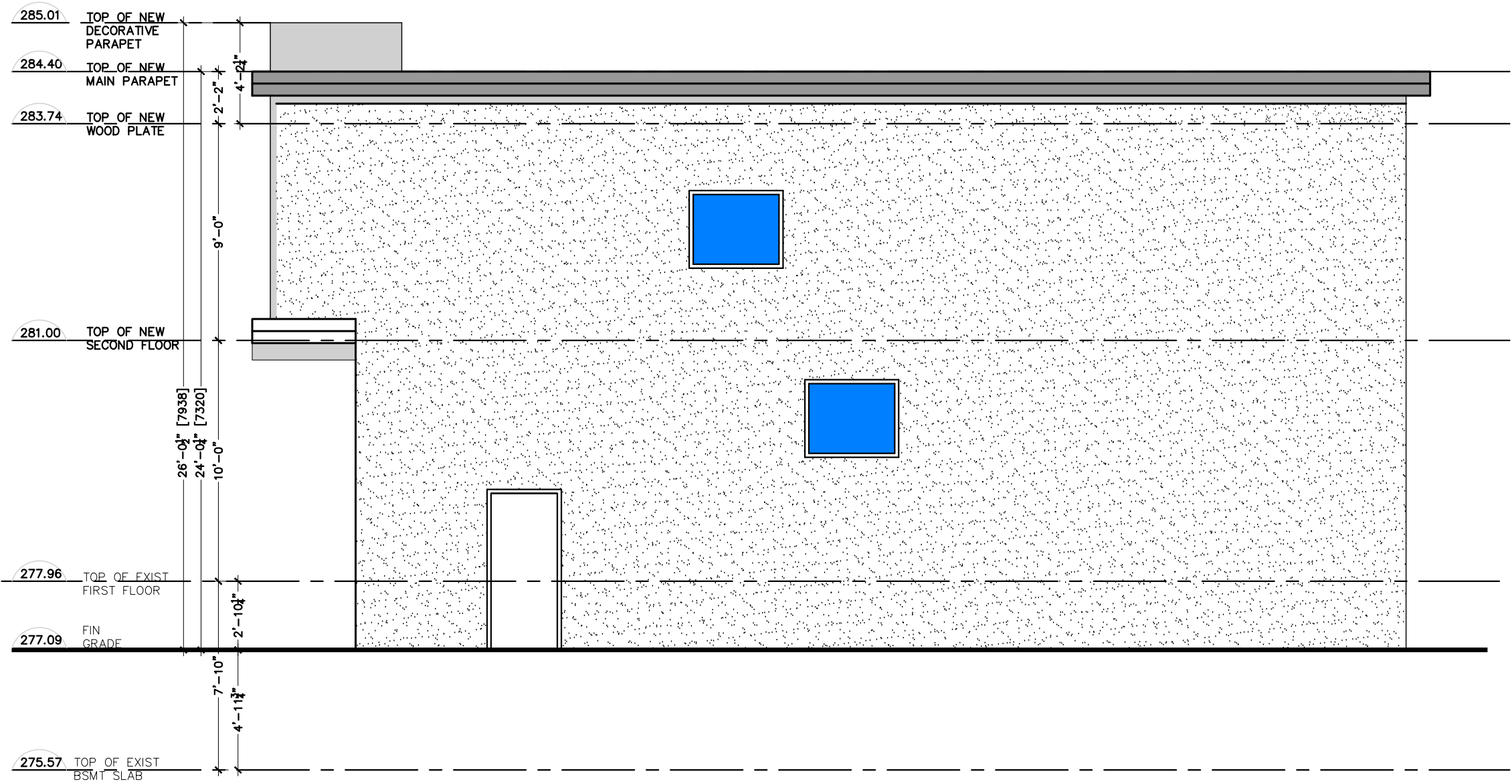
LOCATION		PROJECT	5 CHILD DR. AURORA, ONTARIO	DATE	APRIL 2021	SCALE	3/16"=1'-0"
		DRAWING TITLE	FRONT ELEVATION	DRAWN BY		DRAWING NO:	A6
All Contractors and sub-contractors shall check and verify all dimensions of the job site and report any discrepancies to the OWNER before commencing work. All drawings not to be Scaled. All steel members, windows, millwork to be site measured Contractor/sub contractor to adhere to all requirements of the Ontario Building Code, latest edition, and to all By-Laws of the Municipality					APPROVED BY		



LOCATION	PROJECT	5 CHILD DR. AURORA, ONTARIO		DATE	SCALE 3/16"=1'-0"
	DRAWING TITLE	REAR ELEVATION		DRAWN BY	
			APPROVED BY	DRAWING NO:  A7	
All Contractors and sub-contractors shall check and verify all dimensions of the job site and report any discrepancies to the OWNER before commencing work. All drawings not to be Scaled. All steel members, windows, millwork to be site measured Contractor/sub contractor to adhere to all requirements of the Ontario Building Code, latest edition, and to all By-Laws of the Municipality					



LOCATION	PROJECT	5 CHILD DR. AURORA, ONTARIO	DATE	APRIL 2021	SCALE	3/16"=1'-0"
	DRAWING TITLE	SIDE ELEVATION	DRAWN BY		DRAWING NO:	A8
	All Contractors and sub-contractors shall check and verify all dimensions of the job site and report any discrepancies to the OWNER before commencing work. All drawings not to be Scaled. All steel members, windows, millwork to be site measured Contractor/sub contractor to adhere to all requirements of the Ontario Building Code, latest edition, and to all By-Laws of the Municipality		APPROVED BY			



TOWN OF AURORA  
PLANNING & DEVELOPMENT SERVICES  
BUILDING DIVISION  
PERMIT NO.: PR20211431    DATE: Oct 5, 2021  
APPROVED BY: *William Bergman*  
PRELIMINARY ZONING REVIEW

LOCATION		PROJECT		DATE		SCALE	
		5 CHILD DR. AURORA, ONTARIO		APRIL 2021		3/16"=1'-0"	
		DRAWING TITLE    SIDE ELEVATION		DRAWN BY		DRAWING NO:	
		All Contractors and sub-contractors shall check and verify all dimensions of the job site and report any discrepancies to the OWNER before commencing work. All drawings not to be Scaled. All steel members, windows, mllwork to be site measured Contractor/sub contractor to adhere to all requirements of the Ontario Building Code, latest edition, and to all By-Laws of the Municipality		APPROVED BY		A9	



## Appendix 'B' - Recommended Conditions of Approval

1. That the owner obtains Stable Neighborhood Site Plan approval as per By-law 6106-18, as amended, to the satisfaction of the Director of Planning and Development Services or designate;
2. That no doors be permitted with the 0.9m setback on the south side elevation of the proposed dwelling.
3. Submission to the Secretary-Treasurer of written confirmation from the Town's Director or designate of the Parks Division; that the Applicant has satisfied all concerns below:
  - *That the owner may be required to provide an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester outlining all aspects of the impacts that this proposal will have on existing and current remaining vegetation, The report shall include recommendations and an action plan on the mitigation of negative effects to vegetation , during and post construction periods as well as measures aimed at tree health care and protection for trees effected by the project and any remaining trees in the vicinity of the project that require applicable maintenance.*
  - *In addition the report shall include a schedule of monitoring the ongoing site work through a series of scheduled site visits by the Arborist / Forester during and post construction to ensure the vegetation preservation measures remain in compliance throughout the project, each site visit to be documented and any resulting action items required by the Arborist /Forester shall be implemented and confirmed on site forthwith by the Arborist /Forester following each visit.*
  - *The owner may be required to provide vegetation compensation and a replanting plan in accordance with the Town of Aurora TREE REMOVAL/PRUNING AND COMPENSATION POLICY to the satisfaction of the Director of Operational Services as compensation for trees removed to facilitate construction. Compensation planting shall be completed prior to release of the financial securities.*
  - *The owner shall agree to comply with the Aurora Tree Permit By-law # 5850 -16 prior to the removal of any trees on the property.*
  - *The owner shall agree to provide financial securities based on the total value of the Tree Compensation evaluation and all Arboriculture works as defined by the*

*Town and the Owners Arborist/ Forester. To the satisfaction of the Director of Parks and Recreation.*

- *All of the above shall be included as terms and conditions in a Letter of Undertaking with the Town of Aurora to guarantee compliance with the Conditions of Approval and all related site works*