

Town of Aurora Committee of Adjustment Meeting Agenda

Date: Thursday, July 14, 2022

Time: 7:00 p.m.

Location: Video Conference

Aurora Council and Committee meetings are live streamed on the <u>Town's YouTube Channel</u>. For information on how to participate in this meeting please visit <u>aurora.ca/participation</u>.

Pages

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- 1. Call to Order
- 2. Land Acknowledgement
- 3. Appointment of Secretary-Treasurer

That Peter Fan be confirmed as the Secretary-Treasurer

4. Approval of the Agenda

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

5. Declarations of Pecuniary Interest and General Nature Thereof

MV-2022-10 - Royd - 3 Hawthorne Lane

MV-2022-21 - Chin- 1622 Vandorf Sideroad

- 6. Receipt of the Minutes
 - 6.1. Committee of Adjustment Meeting Minutes of June 9, 2022, Meeting Number 22-06

That the Committee of Adjustment Minutes from Meeting Number 22-06 be adopted as circulated.

7. Presentation of Applications

7 1

7.4.

7.1.	WW-2022-19 - boyd - 5 Hawthorne Lane	•
7.2.	MV-2022-22 - Norouzpour - 81 Child Drive	17
7.3.	MV-2022-20 - Stangl - 141 Kennedy Street West	30

- 8. New Business
- 9. Adjournment



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

Town of Aurora Committee of Adjustment Report

No. MV-2022-19

Subject: Minor Variance Application

David Small Designs 3 Hawthorne Lane

MV-2022-19

Prepared by: Sean Lapenna, Planner

Department: Planning and Development Services

Date: July 14, 2022

Application

The applicant is requesting relief from the Town's Comprehensive Zoning By-law 6000-17, as amended, to facilitate the development of a new addition (one and two storey) to an existing Single-Detached Dwelling. The following relief from the requirements of the Town's Zoning By-law 6000-17, as amended, is requested:

- a) Section 7.2 of the Zoning By-law requires a minimum interior side yard setback of 3.0 metres. The applicant is proposing a two-storey addition, which is 1.5 metres to the interior side property line.
- b) Section 7.2 of the Zoning By-law requires a minimum exterior side yard setback of 9.0 metres. The applicant is proposing a one-storey addition, which is 5.1 metres to the exterior side property line.

Background

Subject Property and Area Context

The subject lands are municipally known as 3 Hawthorne Lane and are located on the south side of Hawthorne Lane, west of Yonge Street and south of Wellington Street West. The subject lands have an approximate lot area of $1,310 \, \text{m}^2$ ($14,101 \, \text{ft}^2$) and a lot frontage of $30.48 \, \text{m}$ ($100.0 \, \text{ft}$).

Proposal

The applicant has requested a total of two variances for reduced side yard setbacks (interior and exterior) in order to accommodate a new one and two storey addition (with a Gross Floor Area of approximately 148.67 m² (1,600.0 ft²)) to an existing two-storey single-detached dwelling, which is located at 3 Hawthorne Lane. The new total Gross Floor Area for the dwelling in it's entirety would be 464.80 m² (5,000.3 ft²).

Official Plan

The subject property is designated 'Stable Neighbourhood' by the Town of Aurora Official Plan. Stable Neighbourhoods are to be protected from incompatible forms of development, but are permitted to evolve over time. All new development shall be compatible with its surrounding context. Single detached dwellings are permitted in the Stable Neighbourhoods designation.

Zoning

The subject property is zoned 'R2 (2) (Detached Second Density Residential Exception Zone)' under Zoning By-law 6000-17, as amended, which permits single detached dwellings.

Preliminary Zoning Review

A Preliminary Zoning Review (PZR) has been completed by the Building Division. The PZR identified the required variances.

Applicant's stated reasons(s) for not complying with the Zoning By-law

Please see attached Cover Letter (Appendix C).

Planning Comments

Planning staff have reviewed the requested variance as per the four tests in section 45(1) of the Planning Act.

a) The proposed variance meets the general intent of the Official Plan

The variance requested is not anticipated to have any negative impact on the existing character of the neighbourhood. The proposed variances are minimal and will not negatively impact the character of the neighbourhood.

The proposed dwelling is also in keeping with the surrounding context and character of the existing neighbourhood, especially when considering the predominant built form

along Hawthorne Lane as well as surrounding area (two-storey single-detached dwellings).

The Official Plan requires new development and site alterations to be sympathetic to the form and character of abutting existing residential development and to be compatible with regard to building scale and urban design.

Section 8.1.2 of the Town's Official Plan lists 'Ground-Related Residential Uses' as permitted within Stable Neighbourhood areas. Staff are of the opinion that the proposed minor variances to permit a use allowed for through this designation (two storey Single Detached Dwelling) meets the applicable policies and maintains the general intent and purpose of the Official Plan

It is the opinion of Planning staff that the proposed variances maintains the general intent of the Official Plan.

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

The purpose of setback requirements in the Zoning By-law is to ensure that adequate separation is provided between buildings on abutting properties. In this case, the subject property is a corner lot (south-east corner of Hawthorne Lane and George Street) meaning that the exterior side yard property line is not abutting another residential lot but instead, George Street. In addition to this, staff are also mindful of any potential negative impacts to neighbouring properties from a privacy standpoint in regards to abutting side yard amenity space.

The interior side yard property line to the west is shared with the property at 5 Hawthorne Lane. The adjacent property at 5 Hawthorne Lane currently accommodates a two-storey single-detached dwelling that is setback approximately 2.40 m (7.87 ft) away from the mutual side yard property line. This results in a combined separation distance of approximately 3.90 m (13.0 ft) that will exist between the two properties.

Although the dwelling would be constructed closer to the exterior and interior side yard property lines than what the by-law allows, staff are of the opinion that the requested variances of 5.1 m (exterior side yard) and 1.5 m (interior side yard) will not result in any conflicts as it relates to building separation, nor will it impact the enjoyment of the side yard amenity areas with any surrounding property.

As such, staff are of the opinion that the requested variance meets the general intent of the zoning by-law.

c) The variance is considered desirable for the appropriate development or use of the land

Regarding the proposed 1.5 m (5.0 ft) interior side yard setback to the west, staff note that the subject property's dwelling is setback closer to the front yard property line compared to that of their neighbour to the west.

The subject property has an existing front yard setback of 13.72 m (45.0 ft) while the neighbouring property to the west has a front yard setback of 16.63 m (55.0 ft). With the dwelling for the subject property being located closer to the front yard property line, this results in a building configuration whereby the area of the dwelling at the subject property for which the reduced interior side yard setback will exist, will not be located directly adjacent to the neighbouring dwelling at 5 Hawthorne Lane. As a result, staff anticipate no negative impacts from a privacy standpoint.

Regarding the proposed exterior side yard setback adjacent to George Street to the east, as previously outlined in this report, there is no neighbouring residential dwelling or lot located here. With a side yard setback proposed of 5.1 m (17.0 ft) sufficient side yard amenity space will still exist. As a result, staff do not anticipate any negative impacts to result.

Both reduced side yard setbacks to the east and west will not impede existing access along either side yard, access to the rear yard or future maintenance along both side yards. This includes future maintenance of eaves along each side yard, which staff notes will not encroach over either side yard property line.

As such, staff are of the opinion that the requested variances are considered desirable for the appropriate development or use of the land.

d) The variance is considered minor in nature

The reduced side yard setbacks to the east and west are considered to generally be in keeping with the by-law requirements. For the reduced interior side yard setback to the west, the proposed side yard setback of 1.50 m (5.0 ft) is consistent with what currently exists present day where the owner will be reducing the existing number of garages from three to two and adding a second storey addition over top of the new garage. With the setback remaining consistent with the present-day setback, staff consider this to be a minor change.

Similarly, the same can be said for the proposed exterior side yard setback of 5.1 m (17.0 ft) to the east, which is very consistent with the present day existing exterior side yard setback of 5.86 m (19.0 ft).

Staff also note the existence of a mature hedgerow along the side yard property line to the east adjacent to George Street, as well as another mature hedgerow along the side yard property line to the west. This existing landscaping will remain in place and as such, will provide sufficient screening and buffering between adjacent properties.

Finally, staff note that all other applicable by-law requirements such as lot coverage, building height, front and rear yard setbacks are still being met.

Based on the above, staff are of the opinion that permitting the subject variances is minor in nature.

Additional Comments

The minor variance application was circulated internally and to external agencies for review and comment. The following comments were provided:

Donostro ant / Amonos	Ormana anta Duarida d
Department / Agency	Comments Provided
Engineering Services	We have reviewed the above-noted minor variance application and have no objections.
Building Division	Preliminary Zoning Review conducted. No comments
	provided specifically on the application at the time of writing
	of this report.
Accessibility Advisor	No comments provided at the time of writing of this report.
Traffic Analyst	No comments provided at the time of writing of this report.
Operational Services - Parks	We have reviewed the documentation for the property associated with the above noted application.
	There are trees situated on the subject property that may require removal and may be impacted by excavation or disturbance due to construction.
	In view of the above staff recommend that the Committee impose the following conditions if this application is approved.
	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

Conservation Authority

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 Central York Fire Services No comments provided at the time of writing of this report. The Regional Municipality of The Regional Municipality of York has completed its review of the above minor variance and has no comment. York The LSRCA will not be providing comments or collecting an Lake Simcoe Region

LSRCA review fee as the subject property is not regulated by

	the LSRCA and there are no natural heritage features which warrant our technical review.
Alectra Utilities	We have reviewed the proposed Variance application and have no objections to its approval, subject to the following comments:
	Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan. 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.
	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. 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

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 recommend approval subject to conditions of approval. Please refer to Appendix 'A' for the recommended conditions of approval for the requested variance.

Attachments

Appendix 'A' - Recommended Condition of Approval

Appendix 'B' - Site Plan & Architectural Package

Appendix 'C' - Submitted Cover Letter

Appendix 'A' - Recommended Condition of Approval

The following condition are required to be satisfied should application MV-2022-19 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 March 2022, to the satisfaction of the Director of Planning and Development Services.
- 2. 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.
- 3. 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.
- 4. 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.
- 5. 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.

7. 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

Abbreviations

Air Conditioner Area Drain Adjacent **Above Finished Floor** Average Grade Aluminum Audio/Visual **Bottom Bars Each Way Basement Floor** BLW BRK **BSMT Both Sides** CANT Cantilever **Continuous Insulation** CL Center Line CLG CLR CMU **Concrete Masonry Unit** CO **Carbon Monoxide Detector** COL CONC Concrete CONT Continuous COV'D DRN DWG **Direct Vent Gas Fireplace Established Grade** Equal Existing EXIST EXT **Exterior** Floor Drain Foundation Finished Floor **Fixed Glass Finish** FTG Footing **Girder Truss**

GT Girder Truss
GYP Gypsum

HGT Height
HL Heel
HORZ Horizontal

INSUL Insulation
INT Interior

LAU Laundry

MAX Maximum
MECH Mechanical
MIN Minimum

N.T.S. Not To Scale

OC On Center
O.H. Overhang

PA Post Above
PTD Painted

RO Rough Opening

S.A. Smoke Alarm
SCHED Schedule
SS Stainless Steel
STL Steel
STOR Storage
SUSP Suspended
SW Swale

TFW Top of Foundation Wall

Reinforcing/Reinforced

REFER

TW Top of Wall
TYP Typical

UF Underside of Footing

UNO Unless Noted Otherwise U/S Under Side

VB Vapor Barrier

WC Water Closet
WD Wood
WIC Walk In Closet
WP Wall Plate

(1) Riser

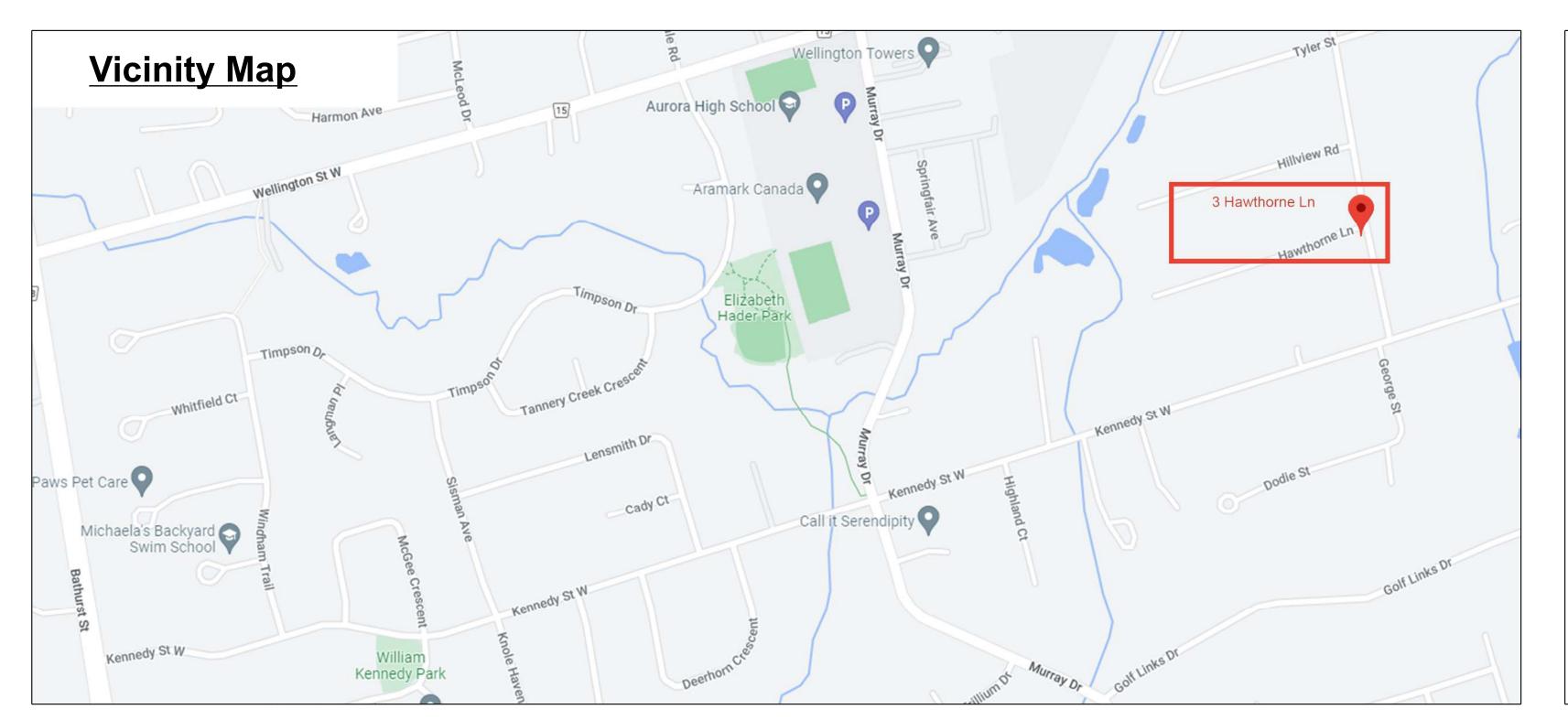
TOWN OF AURORA
PLANNING AND DEVELOPMENT SERVICES
Development Planning Division

DATE: Jun. 3, 2022

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The Boyd Home



Drawing Index

SP - Site Plan

AB1 - As-Built Plans

AB2 - As Built Elevations

A1 - Basement Floor Plan

A2 - Ground Floor Plan

A3 - Second Floor Plan

A4 - Roof Plan

A5 - Front & Right-Side Elevations

A6 - Rear & Left-Side Elevations

A7 - General Notes & Section A-A

D1 - Details

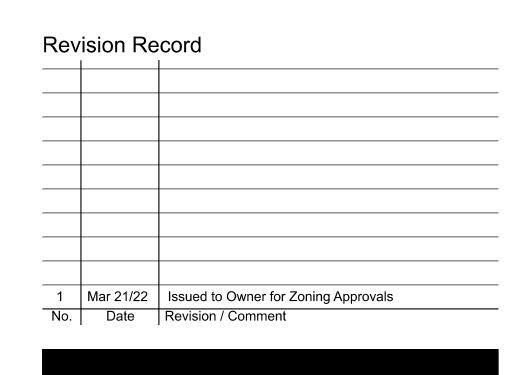
S1 - Structural Notes & Details

TOWN OF AURORA
PLANNING & DEVELOPMENT SERVICES
BUILDING DIVISION
PERMIT NO.: PR20220456 DATE: Apr. 6, 2022

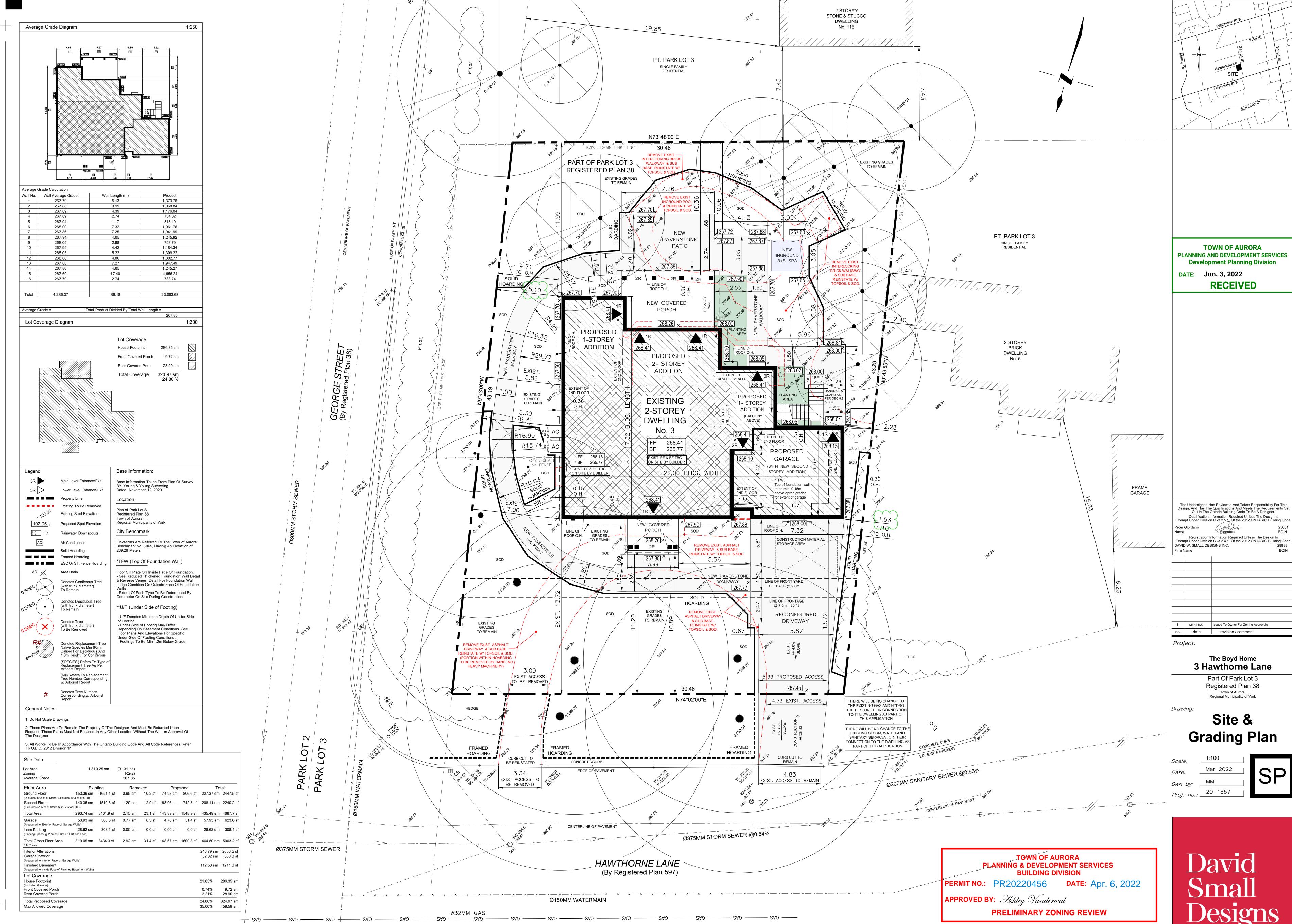
APPROVED BY: Ishley Vanderwal
PRELIMINARY ZONING REVIEW

3 Hawthorne Lane Aurora, Ontario

Project No. 1857







DAVIDSMALLDESIGNS.COM

Page 12 of 56

Key Plan nts

TOWN OF AURORA PLANNING AND DEVELOPMENT SERVICES

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 Division C -3.2.5.1. Of the 2012 ONTARIO Building Cod

1 Mar 21/22 Issued To Owner For Zoning Approvals

The Boyd Home 3 Hawthorne Lane

> Registered Plan 38 Regional Municipality of York

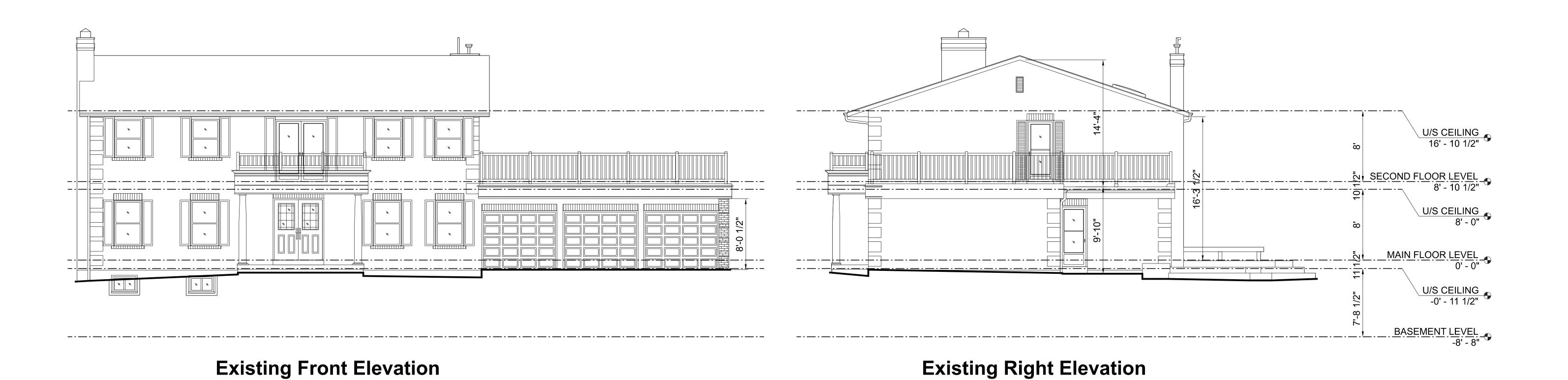
Grading Plan

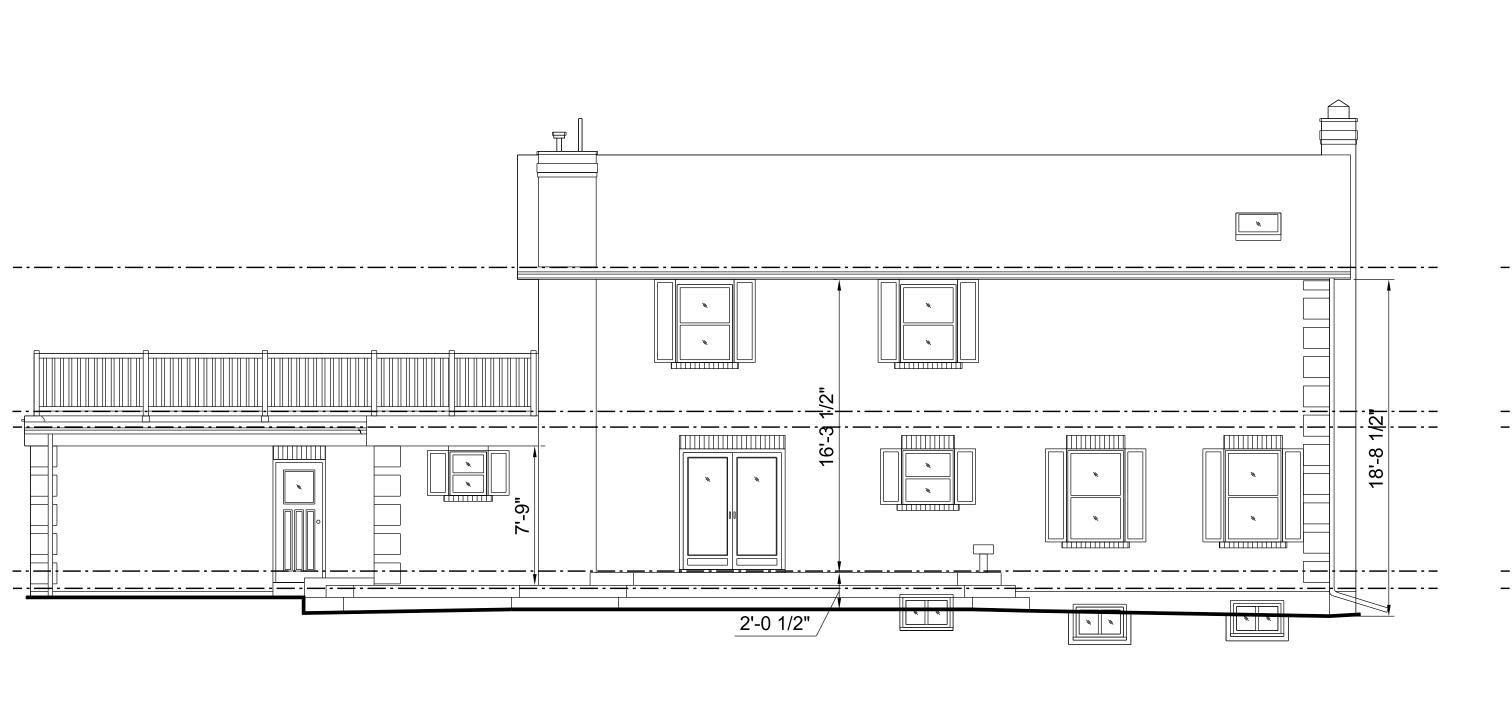
David Small Designs

TOWN OF AURORA
PLANNING & DEVELOPMENT SERVICES
BUILDING DIVISION
PERMIT NO.: PR20220456 DATE: Apr. 6, 2022

APPROVED BY: Ishley Vanderwal

PRELIMINARY ZONING REVIEW





TOWN OF AURORA
PLANNING AND DEVELOPMENT SERVICES
Development Planning Division

DATE: Jun. 3, 2022

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U/S CEILING
18' - 10 1/2'

50 SECOND FLOOR LEVEL
8' - 10 1/2'

U/S CEILING
8' - 0' - 11 1/2'

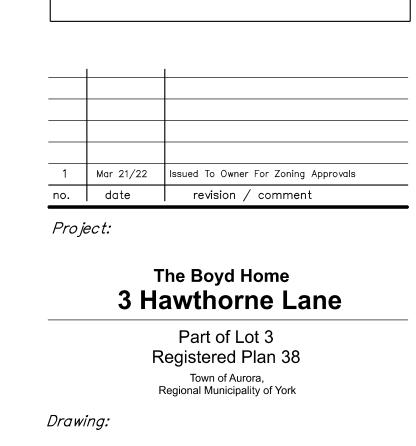
MAIN FLOOR LEVEL
0' - 11 1/2'

BASEMENT LEVEL
8' - 8' - 8'

Existing Rear Elevation

Existing Left Elevation

NOTE:
BASE INFORMATION
PROVIDED BY PLANIT.
DIMENSIONS SUBJECT
TO SITE VERIFICATION
BY BUILDER PRIOR TO
CONSTRUCTION



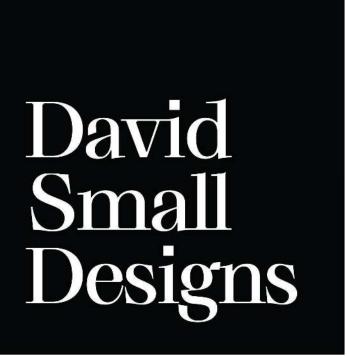


 Scale:
 1/4"=1'-0"

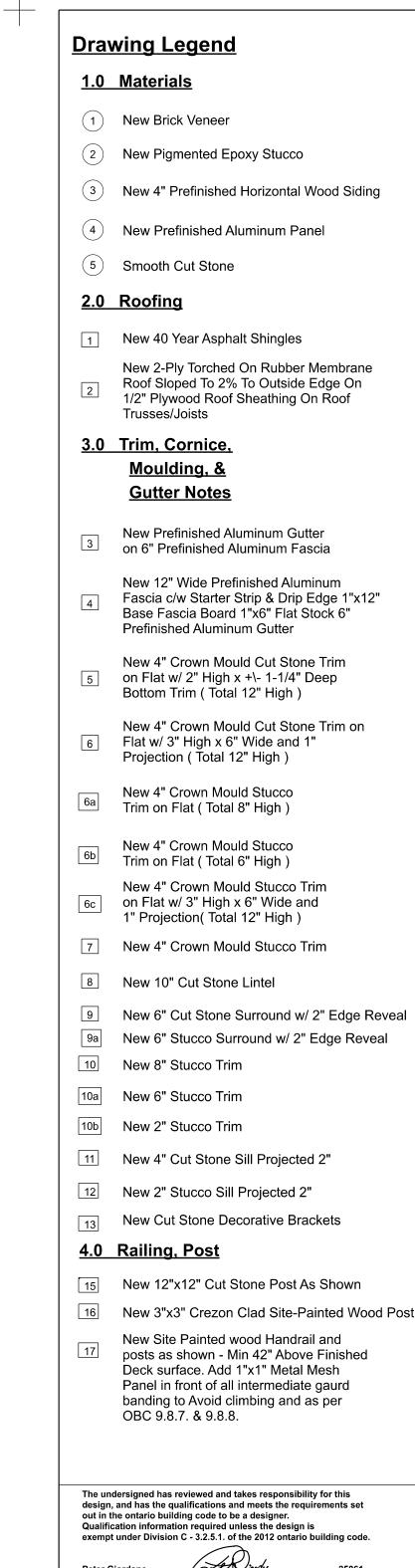
 Date:
 Mar 2022

 Dwn by:
 20-1857

 Proj. no.:
 20-1857







1 Mar 21/22 Issued To Owner For Zoning Approvals no. date revision / comment

Registration information required unless the design is exempt under Division C - 3.2.4.1. of the 2012 Ontario Building Code.

The Boyd Home 3 Hawthorne Lane Part of Lot 3 Registered Plan 38

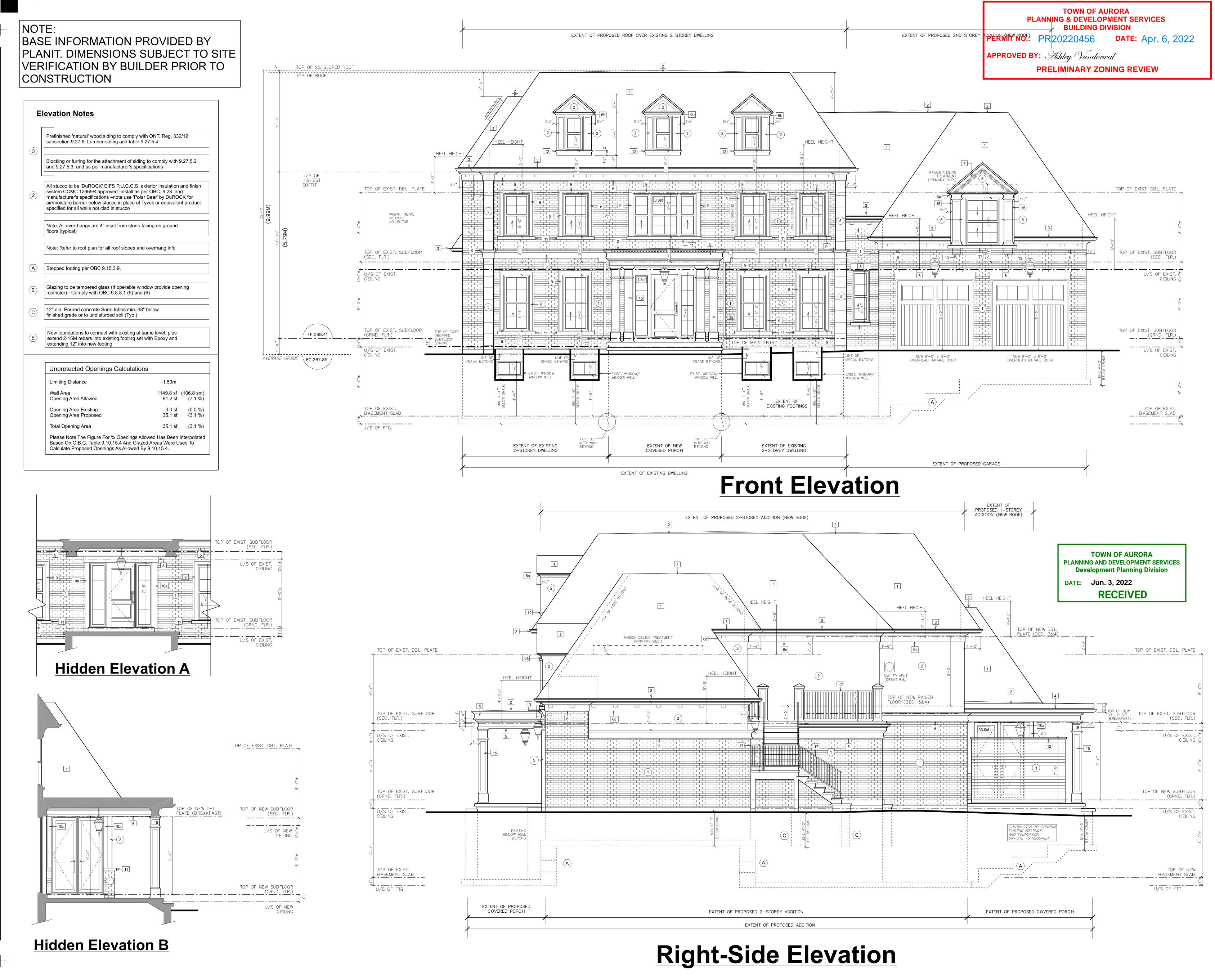
Town of Aurora, Regional Municipality of York Drawing:

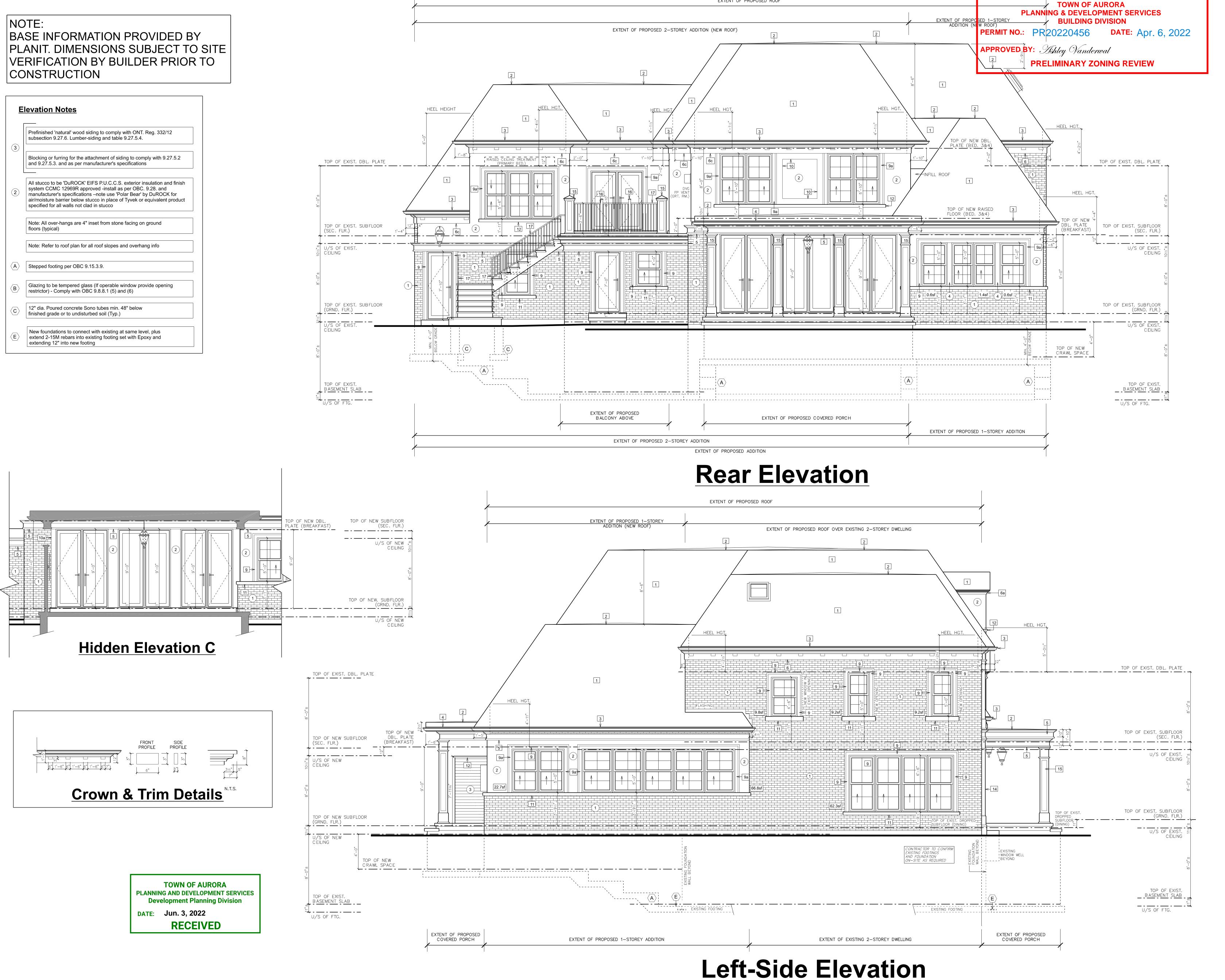
Project:

Front & Rightside **Elevations**

Proj. no.:

David Small Designs





EXTENT OF PROPOSED ROOF

Drawing Legend

1.0 Materials

New Brick Veneer

(2) New Pigmented Epoxy Stucco

New 4" Prefinished Horizontal Wood Siding

4 New Prefinished Aluminum Panel

5 Smooth Cut Stone

2.0 Roofing

- Nooming

3.0 Trim, Cornice,

New 40 Year Asphalt ShinglesNew 2-Ply Torched On Rubber Membrane

Roof Sloped To 2% To Outside Edge On 1/2" Plywood Roof Sheathing On Roof Trusses/Joists

Moulding, & Gutter Notes

New Prefinished Aluminum Gutter

on 6" Prefinished Aluminum Fascia

New 12" Wide Prefinished Aluminum Fascia c/w Starter Strip & Drip Edge 1"x12" Base Fascia Board 1"x6" Flat Stock 6"

New 4" Crown Mould Cut Stone Trim on Flat w/ 2" High x +\- 1-1/4" Deep Bottom Trim (Total 12" High)

Prefinished Aluminum Gutter

New 4" Crown Mould Cut Stone Trim on

6 Flat w/ 3" High x 6" Wide and 1" Projection (Total 12" High)

New 4" Crown Mould Stucco Trim on Flat (Total 8" High)

New 4" Crown Mould Stucco
Trim on Flat (Total 6" High)

New 4" Crown Mould Stucco Trim

on Flat w/ 3" High x 6" Wide and 1" Projection(Total 12" High)

7 New 4" Crown Mould Stucco Trim

New 10" Cut Stone LintelNew 6" Cut Stone Surround w/ 2" Edge Reveal

9a New 6" Stucco Surround w/ 2" Edge Reveal10 New 8" Stucco Trim

New 6" Stucco Trim

10b New 2" Stucco Trim

New 4" Cut Stone Sill Projected 2"

New 2" Stucco Sill Projected 2"

New Cut Stone Decorative Brackets

4.0 Railing, Post

New 12"x12" Cut Stone Post As Shown

New 3"x3" Crezon Clad Site-Painted Wood Post

New Site Painted wood Handrail and posts as shown - Min 42" Above Finished Deck surface. Add 1"x1" Metal Mesh Panel in front of all intermediate gaurd banding to Avoid climbing and as per

OBC 9.8.7. & 9.8.8.

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 Division C - 3.2.5.1. of the 2012 ontario building code.

eter Giordano 25061 ame Signature BCIN

Registration information required unless the design is exempt under Division C - 3.2.4.1. of the 2012 Ontario Building Code.

David W. Small Designs Inc. 29999

Firm Name BCIN

1 Mar 21/22 Issued To Owner For Zoning Approvals
no. date revision / comment

Project:

The Boyd Home

3 Hawthorne Lane

Part of Lot 3
Registered Plan 38
Town of Aurora,
Regional Municipality of York

vina:

Rear & Left-Side Elevations

 Scale:
 1/4"=1'-0"

 Date:
 Mar 2022

 Dwn by:
 C J





TOWN OF AURORA
PLANNING AND DEVELOPMENT SERVICES
Development Planning Division

DATE: Jun. 3, 2022

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6. Why is it not possible to comply?

The subject property is a slanting trapezoidal shape, with the existing home positioned parallel to Hawthorne Lane. As the property line slants back on an angle towards the rear of the property, it's relationship to George St. to the East and the side yard property line to the West, tapers & reduces. One the East exterior side yard facing the George Street, the existing 2-storey home is existing nonconforming. Our proposed 1-storey addition on the left or East side follows the existing wall of the house creating a reduced exterior side yard setback. On the right or West side we are proposing a new Garage with a 2nd storey addition above, maintaining exactly the same width as the current footprint of the house along the front, and about 2' longer towards the rear. Once again the interior side wall is effectively existing non-conforming except for the last 2' projection at the rear of the garage which follows the same line of the wall but extends further by 2'. The second floor addition above the Garage is set-in about 5' in from the proposed Garage wall and built within the sloping hip roof over the Garage, limiting the impact of massing on the right side of the house. We believe these two variance items to be appropriate and understandably minor."



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

Town of Aurora

Committee of Adjustment Report

No. MV-2022-22

Subject: Minor Variance Application

Norouzpour 81 Child Drive Lot 385, Plan 514 MV-2022-22

Related Planning Applications: SPR-2022-06

Prepared by: Rosanna Punit, Planner

Department: Planning and Development Services

Date: July 14, 2022

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 construction of a new 2 storey dwelling. The following relief is being requested:

a) Section 24.497.3.2 of the Zoning By-law requires a minimum interior side yard setback of 3.0 metres (10 ft) beyond the main rear wall of the adjacent dwelling. The applicant is proposing a two-storey detached dwelling, which is 1.8 (6 ft) metres to the interior side property line.

Background

Subject Property and Area Context

The subject property is located north of Henderson Drive, west of Yonge Street and east of Bathurst Street. The current dwelling is a one storey dwelling with attached car port. The subject property has a lot area is approximately 697m² (7500 sq. ft.) and a lot frontage of approximately 15m (50 ft). There are trees located in the rear of the property. A hedge is located on the west side of the property abutting 83 Child Drive.

Proposal

The applicant is demolishing the existing dwelling, and proposing a new two storey dwelling on the subject lands with an approximate gross floor area of 367m² (3900 sq. ft.), The surrounding neighbourhood is in transition with one and two storey dwellings.

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, "Oversized setbacks makes the house too narrow".

Planning Comments

Planning Staff have evaluated Minor Variance Application MV- 2022-22 pursuant to the prescribed tests as set out in Section 45(1) of the Planning Act, as follows:

a) The proposed variance meets 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 variance will facilitate the development of a new dwelling that is 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 variance meets the general intent of the Official Plan.

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

The intent of the interior side yard setback provision is to ensure that appropriate and adequate spacing between buildings is provided for privacy, landscaping, access, and drainage.

The proposed interior side yard setback of 1.8m relates specifically to the extension of the proposed dwelling beyond the adjacent dwelling at 79 Child Drive. The current unenclosed carport has an approximate side setback of 0.6m (2 ft). The proposed new at dwelling at 81 Child Drive, would allow for a 1.8m side setback which, staff are of the opinion that provides increased privacy than what is currently on the property.

The new dwelling at 81 Child Drive extends approximately 3m (9.8 ft) from the adjacent dwelling (79 Child Drive), there are no windows or side entrances in this area, adding to privacy of the abutting property.

Staff are of the opinion that the requested variance meets the general intent of the Zoning By-law and has minimal impacts on the streetscape and privacy of the abutting neighbour.

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

Staff are of the opinion that the extension adequately provides for privacy of the abutting dwelling and still provides for a rear amenity area for the proposed dwelling. The neighbourhood is currently under transition with one and two storey dwellings. Staff consider the variance desirable for the appropriate development of the land.

d) The proposed variance is considered minor in nature

The proposed dwelling is 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 variance is 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 June 7, 2022.
Engineering Division	Comments provided stating no comments (dated: June 30, 2022)
Operational Services (Parks)	 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

Department or Agency	Comments
	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 (Dated: June 29, 2022)
Operational Services	No comments received at the time of writing this
(Public Works)	report.
Central York Fire Services	Comments provided stating no comments (Dated: June 29, 2022)
York Region	Comments provided stating no comments (Dated: June 17, 2022)
Lake Simcoe Region Conservation Authority (LSRCA)	No comments, not regulated by the LSRCA under O.R. 179/06.
Alectra	Comments provided stating, no objections to its approval, subject to the following comments: • Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance

Department or Agency	Comments
	 Application. This review, however, does not imply any approval of the project or plan. 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. 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. 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.
	(Dated: June 21, 2022)

Public Correspondence

A written submission was received stating their opposition to the requested variance. 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 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'.

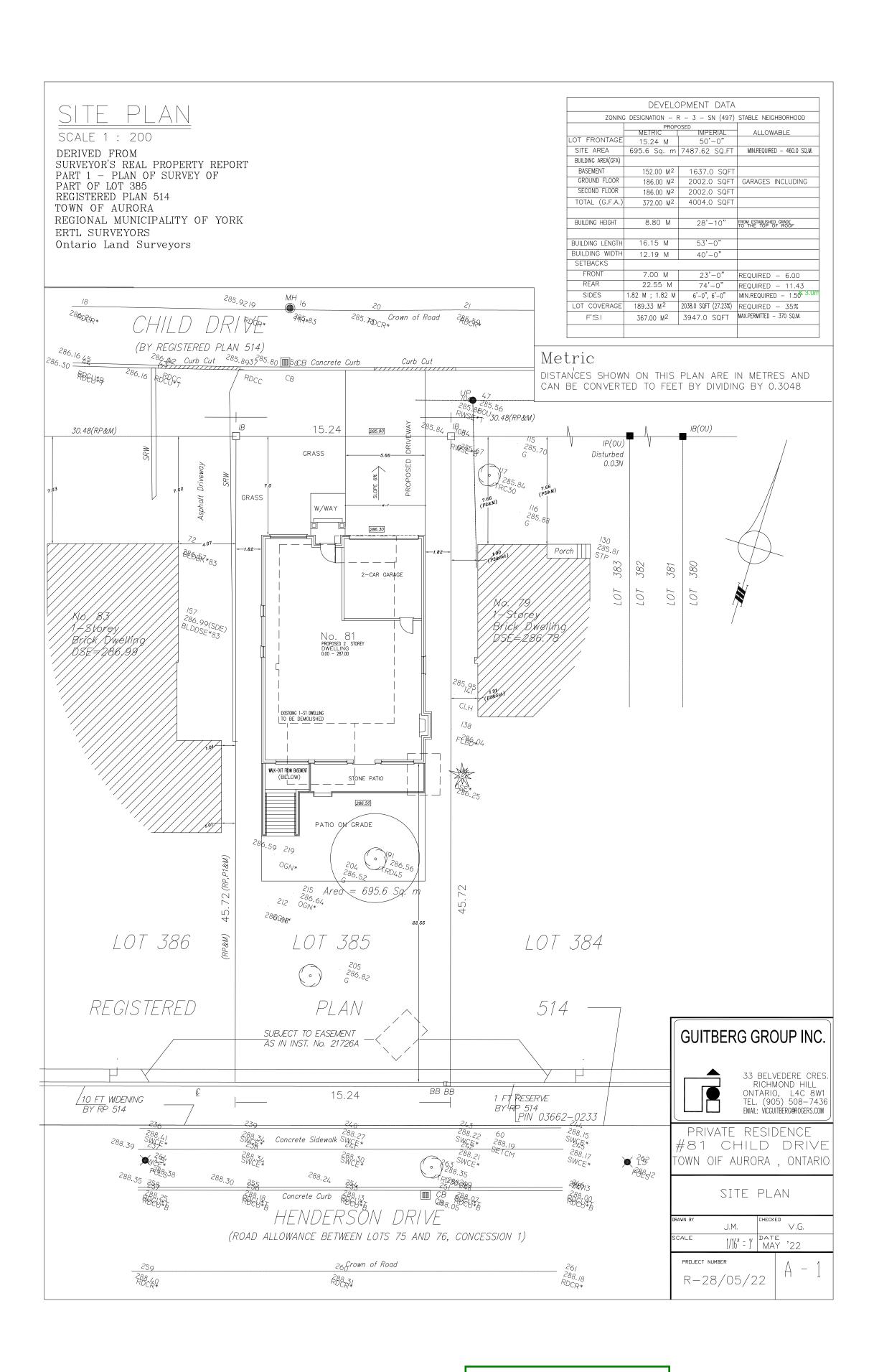
Attachments

Appendix 'A' - Recommended Conditions of Approval

Appendix 'B' - Site Plan and Elevations

Appendix 'A' - Recommended Conditions of Approval

- 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.
- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) 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



TOWN OF AURORA
PLANNING & DEVELOPMENT SERVICES
BUILDING DIVISION

PERMIT NO.: PR20220696 DATE: Jun. 7, 2022

PRELIMINARY ZONING REVIEW

APPROVED BY: Melissa Bozanin

sa Bozanin

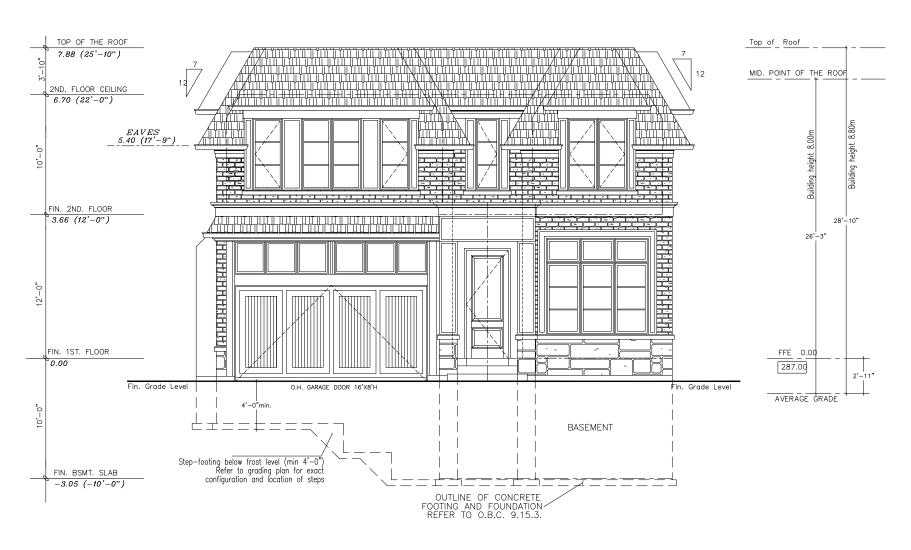
TOWN OF AURORA
PLANNING AND DEVELOPMENT SERVICES
Development Planning Division

DATE: Jun. 14, 2022

RECEIVED

NORTH ELEVATION

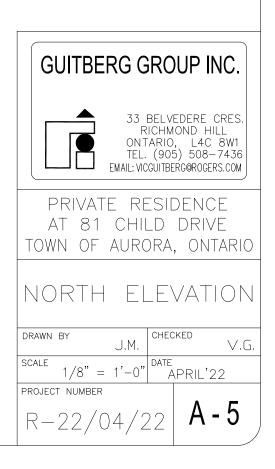
SCALE 1/8" = 1' - 0"



TOWN OF AURORA
PLANNING AND DEVELOPMENT SERVICES
Development Planning Division

DATE: Jun. 14, 2022

RECEIVED



TOWN OF AURORA
PLANNING & DEVELOPMENT SERVICES
BUILDING DIVISION

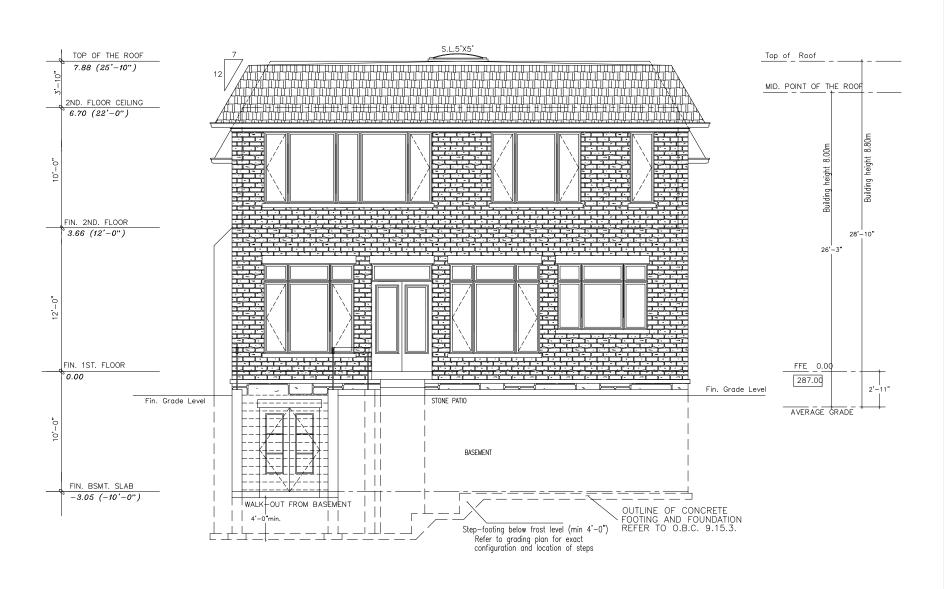
PERMIT NO.: PR20220696 DATE: Jun. 7, 2022

APPROVED BY: Melissa Bozanin

PRELIMINARY ZONING REVIEW

SOUTH ELEVATION

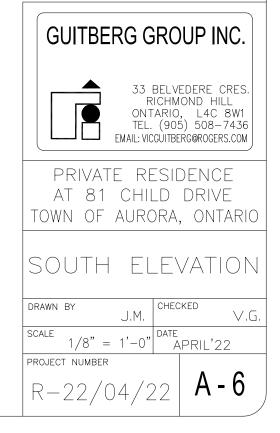
SCALE 1/8" = 1' - 0"



TOWN OF AURORA
PLANNING AND DEVELOPMENT SERVICES
Development Planning Division

DATE: Jun. 14, 2022

RECEIVED



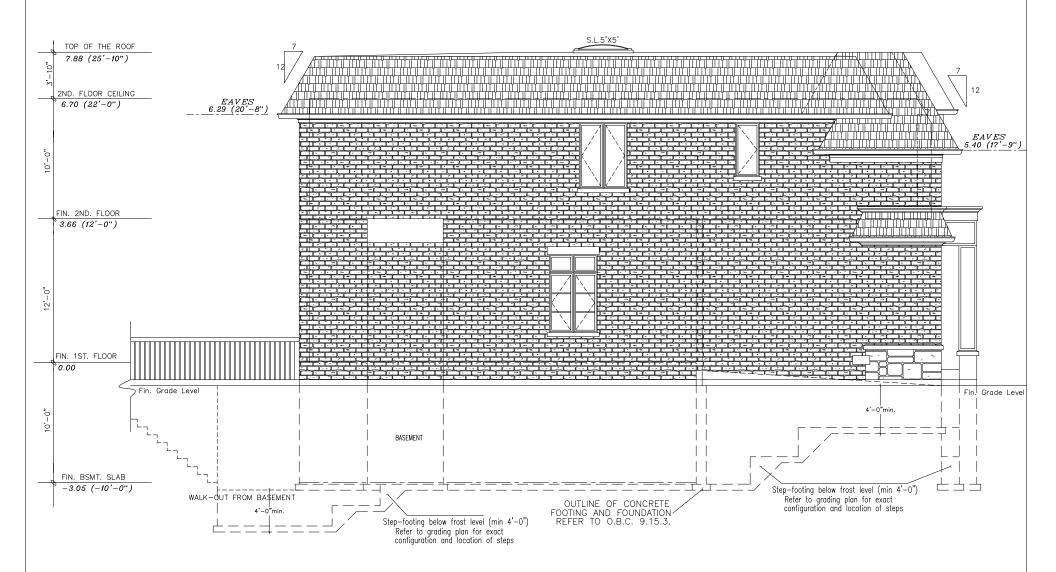
TOWN OF AURORA
PLANNING & DEVELOPMENT SERVICES
BUILDING DIVISION

PERMIT NO.: PR20220696 **DATE:** Jun. 7, 2022

APPROVED BY: Melissa Bozanin

PRELIMINARY ZONING REVIEW

EAST ELEVATION SCALE 1/8" = 1' - 0"



TOWN OF AURORA PLANNING AND DEVELOPMENT SERVICES **Development Planning Division**

Jun. 14, 2022 **RECEIVED**

TOWN OF AURORA PLANNING & DEVELOPMENT SERVICES BUILDING DIVISION

PERMIT NO.: PR20220696 **DATE:** Jun. 7, 2022

APPROVED BY: Melissa Bozanin

PRELIMINARY ZONING REVIEW





RICHMOND HILL ONTARIO, L4C 8W1 TEL. (905) 508-7436 EMAIL: VICGÙITBERG@ROGERS.COM

PRIVATE RESIDENCE AT 81 CHILD DRIVE TOWN OF AURORA, ONTARIO

EAST ELEVATION

DRAWN BY CHECKED J.M. V.G. DATE 1/8" = 1'-0"APRIL'22

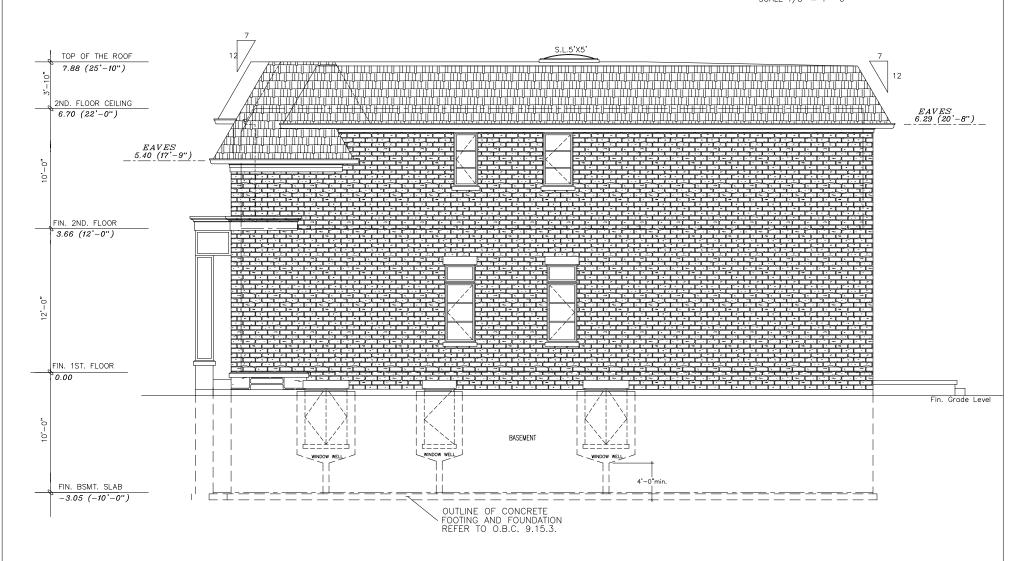
PROJECT NUMBER

R-22/04/22

A - 7

WEST ELEVATION

SCALE 1/8" = 1'- 0"



TOWN OF AURORA
PLANNING AND DEVELOPMENT SERVICES
Development Planning Division

DATE: Jun. 14, 2022

RECEIVED

GUITBERG GROUP INC. 33 BELVEDERE CRES RICHMOND HILL ONTARIO, L4C 8W1 TEL. (905) 508-7436 EMAIL: VICGUITBERG@ROGERS.COM PRIVATE RESIDENCE AT 81 CHILD DRIVE TOWN OF AURORA, ONTARIO WEST ELEVATION CHECKED DRAWN BY J.M. V.G. DATE APRIL'22 SCALE 1/8" = 1'-0" PROJECT NUMBER R-22/04/22

TOWN OF AURORA
PLANNING & DEVELOPMENT SERVICES
BUILDING DIVISION

PERMIT NO.: PR20220696 **DATE:** Jun. 7, 2022

APPROVED BY: Melissa Bozanin

PRELIMINARY ZONING REVIEW



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

Town of Aurora

Committee of Adjustment Report

No. MV-2022-20

Subject: Minor Variance Application

Stangl

141 Kennedy Road

Part of Lot 33, Registered Plan 246

MV-2022-20

Related Planning Applications: n/a

Prepared by: Rosanna Punit, Planner

Department: Planning and Development Services

Date: July 14, 2022

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 garage addition and driveway width increase. The following relief is being requested:

- Section 7.2 of the Zoning By-law requires a minimum interior side yard of 4.5 metres. The applicant is proposing a garage addition, which is 1.9 metres to the interior side property line; and
- b) Section 5.6.1(a)(iii) of the Zoning By-law allows a maximum driveway width of 10.0 metres if the lot frontage is 18.0 metres or greater, with the exception that the maximum driveway at the street line shall not exceed 6.0 metres. The applicant is proposing a driveway width of 18.0 metres.

Background

Subject Property and Area Context

The subject lands are located west of Yonge Street and east of Bathurst Street. The subject property is located on the south side of Kennedy Street West. The subject property has a shared laneway access from Kennedy Street West with the abutting property (145 Kennedy Street West). There are a number of mature trees and

vegetation on the subject lands. The subject property is setback from Kennedy Street West and not visible from the street.

Proposal

The requested variances relate to the driveway widening and a garage addition to the existing dwelling. The driveway extension is specifically located within the property, no changes are being made to the driveway width at the street line (Refer to Appendix B – Site Plan).

Official Plan

The subject property is designated "Suburban Residential" by the Town of Aurora's Official Plan, which seeks to ensure that estate residential areas shall be limited to detached dwellings, an accessory dwelling and compatible home occupations. The designation intent is to ensure low density residential uses.

Zoning

The subject property is zoned "R1" (Detached First Density Residential Zone) by Zoning By-law 6000-17, as amended, which permits single detached dwellings.

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,

"Setback: The adoption of Zoning By-law #6000-17 created a non-conforming situation of the east side setback (the existing building does not meet the 4.5M required setback). Additionally, the east wall of the house was not originally built parallel to the east property line enhancing this.

Width of Driveway: A review of the survey reveals the drive is in fact only 12.99' wide for the first 277'. With restricted parking on Kennedy West the owners require parking for guests as well as space to maneuver vehicles. The visual impact of the space in question is negligible from all surrounding properties and is impossible to see from anywhere on Kennedy West".

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2022-20 pursuant to the prescribed tests as set out in Section 45(1) of the Planning Act, as follows:

a) The proposed variances meets the general intent of the Official Plan

The intent of the Official Plan is to have maintain low density development. Given that no additional density is being added to the site, staff are of the opinion that the requested variances meet the intent of the Official Plan.

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

The intent of the interior side yard setback provision is to ensure that appropriate and adequate spacing between buildings is provided for privacy, landscaping, access, and drainage. The proposed garage addition requires an interior (east) side yard setback of approximately 1.9m (6.2 ft) at the closest point. The current setback within the interior side yard setback at the closest point is approximately 3.6m (11.8 ft) on the east side. There is heavy vegetation along the east side of the property, which provides for screening to the neighbouring property on Dodie Street. Engineering staff have requested conditions relating to drainage, and have been included as conditions, should the application be approved. Staff are of the opinion that the requested variance meets the intent of the Zoning By-law given the buffer of vegetation from the abutting property and with engineering imposed conditions relating to drainage.

The proposed driveway extension is to facilitate accessibility in and out of the subject property. There are three mature trees within the location of the proposed driveway extension. The Parks Department have provided conditions relating to trees on the property, should the application be approved. Staff have reviewed the driveway extension and are of the opinion that the current driveway are narrow with an approximate width of 3.6m (12 ft), making it difficult to exit the property in a vehicle. The expanded driveway area would allow for maneuverability of vehicles. Vehicles would be able to exit the property using the expanded driveway width, instead of reversing out of the property onto Kennedy Steet West. Staff are of the opinion that the requested variance meets the intent of the Zoning By-law.

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

The subject interior side yard setback and driveway width increase do not adversely affect the overall streetscape of the neighbourhood. The side yard setback variance and driveway extension are located within the interior of the property, and are screened

with mature vegetation. Staff are of the opinion that the requested variances are desirable and appropriate development of the land.

d) The proposed variance is considered minor in nature

Staff are of the opinion that the requested variances are minor in nature and provide for easier maneuverability of vehicles in and out of the property.

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 May 19, 2022.
Engineering Division	Comments provided stating, no objections to it, provided that the applicant shall provide a site grading and drainage plan prepared by a Professional Engineer or Qualified Engineering Professional demonstrating that the drainage pattern at site has been maintained and the structure and any associated grading work completed at site shall not cause any adverse impacts on the drainage to the adjacent properties. The said grading and drainage plan shall be submitted for review and approval during the building permit application process (Letter dated June 17, 2022)
Operational Services (Parks)	• 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.

Department or Agency	Comments
	 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 (Letter dated June 29, 2022)
Operational Services	No comments received at the time of writing this
(Public Works)	report.
Central York Fire Services	Comments provided stating no comments/concerns with proposed application (Dated: June 29, 2022)

2022)

6 of 9

July 14, 2022 7 of 9 Report No. MV-2022-20

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

Appendix 'A' - Recommended Conditions of Approval

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, to the satisfaction of the Director of Planning and Development Services or designate;

2)

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) 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
- 3) That the applicant shall provide a site grading and drainage plan prepared by a Professional Engineer or Qualified Engineering Professional demonstrating that the drainage pattern at site has been maintained and the structure and any associated grading work completed at site shall not cause any adverse impacts on the drainage to the adjacent properties. The said grading and drainage plan

shall be submitted for review and approval during the building permit application process

Property Boundaries:

Registered Plan 246

(a copy of the survey accompanies this site plan)

Part of Lot 33

The Designer has reviewed and takes responsibility for the design and has the qualifications and meets the requirements as set out in the Ontario Building Code to be a designer. QUALIFICATION INFORMATION

Mark Weston - BCIN # 42389

Koa Tree- design - FIRM BCIN # 42772

Stangl Residence

5855

505

905.

TOWN OF AURORA PLANNING AND DEVELOPMENT SERVICES **Development Planning Division**

mw@koatr sign - | 3 | 5 | -

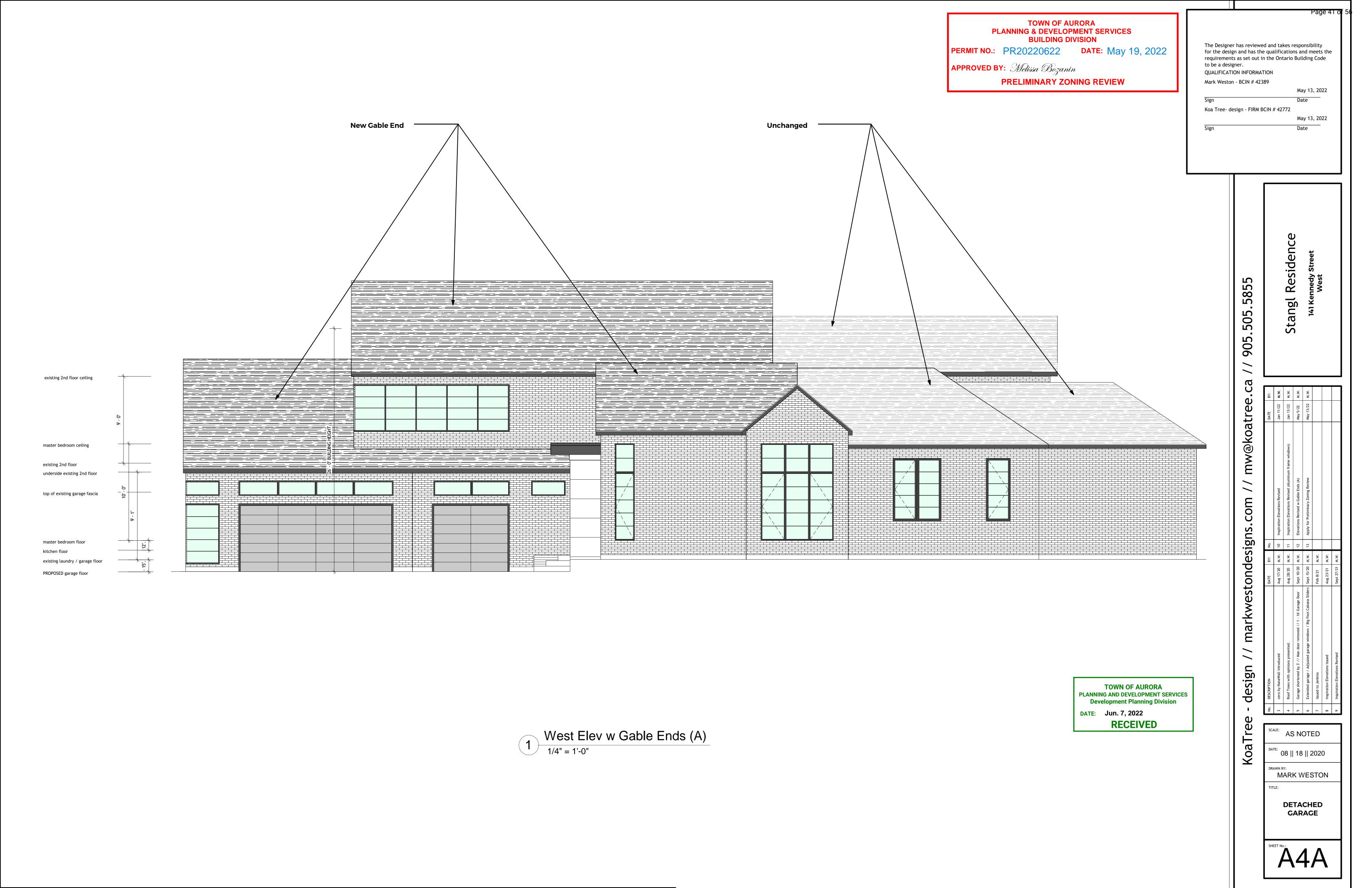
AS NOTED June 21, 2021

KoaTre

MARK WESTON

Various additions to the existing residence.







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

Town of Aurora **Committee of Adjustment Report**No. MV-2022-21

Subject: Minor Variance Application

Chin

1622 Vandorf Sideroad Concession 3 Part of Lot 16

File: MV-2022-21

Prepared by: Kenny Ng, Planner

Department: Planning and Development Services

Date: July 14, 2022

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 construction of a three (3) storey single-detached dwelling.

The following relief is being requested:

- a) Section 17.1.1 of the Zoning By-law permits a maximum height of 10.0 metres. The applicant is proposing to construct a three-storey single-detached dwelling with a height of 12.5 metres; and
- b) Section 17.1.3 of the Zoning By-law states new single residential dwellings on existing lots will only be permitted through a minor variance. The applicant is proposing to construct a new three-storey single-detached dwelling on an existing lot.

Background

Subject Property and Area Context

The subject lands are municipally known as 1622 Vandorf Sideroad and are located on the north side of Vandorf Sideroad, east of Leslie Street. The subject lands have an approximate lot area of 4.03 hectares (9.97 acres), and an approximate lot frontage of 100.96 metres. The subject currently contain a one and a half storey single-detached

dwelling with an approximate gross area of 264.9 m2 (2851 ft2), a pool, and a driveway. The existing single detached dwelling will be demolished to facilitate the proposed development. A watercourse and vegetation also exist on the subject lands.

Surrounding Land Uses

The surrounding land uses are as follows:

North: Open space;

South: Westview Golf Club; East: Rural Residential; and

West: Golf course.

Proposal

The applicant is proposing to demolish the existing detached dwelling and to construct a three-storey single detached dwelling with a gross floor area of 914.17 m2 (9,840 ft2) and building area of 495.08 m2 (5,329 ft2) (see Appendix B). The proposal also includes the installation of a new septic system within Lake Simcoe Region Conservation Authority (LSRCA) regulatory area, whereas the proposed new dwelling will be outside of the regulated lands. Town parks staff noted potential trees removal as a result of the proposed development.

Official Plan

The property is designated as "Oak Ridges Moraine Natural Linkage Area" and "Oak Ridges Moraine Countryside Area" by Amendment No. 48 to the Town of Aurora Official Plan. OPA 48 implements the policies of the Oak Ridges Moraine Conservation Plan (ORMCP).

The intent of the "Oak Ridges Moraine Natural Linkage Area" designation is to identify areas that form natural and open space linkages between Natural Core Areas, and along river valleys and streams. These areas provide as part of a central corridor system that supports or has the potential to support the movement of plants and animals among the Natural Core Areas, Natural Linkage Areas, river valleys and stream corridors. The intent of the "Oak Ridges Moraine Countryside Area" designation is to encourage agricultural and other rural uses.

OPA 48 further identifies the subject lands as within a "Category 1 (Complex Landform)" Landform Class, and provides that Key Natural Heritage Features (KNHFs) and Hydrologically Sensitive Features (KHFs) including "Woodland", "Woodland Minimum Vegetation Protection Zone", "Watercourse" and "Watercourse Minimum Vegetation Protection Zone" are located on the property.

Section 3.13.3.g of OPA 48 allows for the use, erection or location of a single dwelling and related accessory uses, provided that:

- i. the use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001;
- ii. prior to issuance of a building permit, the applicant demonstrates, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Oak Ridges Moraine, by means of a natural heritage or hydrological evaluation or other required study in accordance with the policies of the Oak Ridges Moraine Conservation Plan; and
- iii. notwithstanding Subsection 3.13.3.g.ii above, where said lands are located within the Oak Ridges Moraine Settlement Area, the policies of Subsections 3.13.4.f.iv and 3.13.4.f.v shall also apply.

Similarly, the ORMCP does not prevent the use, erection or location of a single-detached dwelling if it was permitted by the applicable zoning by-law on November 15, 2001, and the applicant demonstrates, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Plan Area (Section 7 of ORMCP).

Zoning

The subject property is dually zoned "C-ORM – Oak Ridges Moraine Countryside Area" and "NL-ORM – Oak Ridges Moraine Natural Linkage Area" by Zoning By-law 6000-17, as amended. The existing dwelling (and proposed new dwelling subject to this minor variance application) is located entirely within the NL-ORM Zone. The existing dwelling is a permitted use within this zone, as it legally existed prior to November 15, 2001, in accordance with ORMCP policies, and the Town's Zoning By-law. However, new single residential dwellings and related accessory uses on existing lots will only be permitted through a minor variance or rezoning to be completed to ensure compliance with Section 3.13.3 g of OPA 48, which is outlined in the above section.

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, "The architectural design features huge green roof and roof top solar panel, which is enjoyable and also needs a lot of maintenance. It is

both functional as well as aesthetic to add a small area of cover space on top of roof. This adds extra 2.5 metres to overall building height."

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2022-21 pursuant to the prescribed tests as set out in Section 45 (1) of the Planning Act, as follows:

a) The proposed variance meets the general intent of the Official Plan

The proposed development is located wholly within the "Oak Ridges Moraine Natural Linkage Area" designation. As stated in Section 3.13.3 (g), there are three policy tests that must be satisfied to permit the use, erection or location of a single dwelling and related accessory uses. Subsection 3.13.3 (g)(i) requires that the use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001. The existing single-detached dwelling use existed prior to the adoption of the currently in-effect Comprehensive Zoning By-law 6000-17, as amended. The Previous Zoning By-law No. 2213-78, was in effect prior to the Oak Ridges Moraine Conservation Plan coming into effect, and zoned the subject property as Rural (RU). One single family dwelling was permitted in the RU zone. Given that the RU zone permitted a detached dwelling on the subject property prior to November 15, 2001, Staff are of the opinion that Subsection 3.13.3(g)(i) of OPA 48 is met.

Subsection 3.13.3(g)(ii) requires that prior to issuance of a building permit, the applicant must demonstrate, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Oak Ridges Moraine, by means of a natural heritage or hydrological evaluation or other required study in accordance with the policies of the Oak Ridges Moraine Conservation Plan. The application has been reviewed by the Lake Simcoe Region Conservation Authority (LSRCA), who has determined that a detailed planting plan for the required minimum vegetation protection zone to the Natural Heritage Features in lieu of a Scoped Natural Heritage Evaluation/Environmental Impact Study is acceptable. The landowner is to hire a qualified professional (e.g. landscape architect, natural heritage ecologist) to prepare a planting plan to mitigate any potential negative impacts from the proposed development and achieve a net ecological gain to the ecological features at this site. Given LSRCA's requirement, and that the area of proposed development is disturbed due to prior development, as well as the minimum vegetated protection zone of approximately 15 metres or more to the features is maintained, Staff are of the opinion that Subsection 3.13.3(g)(ii) of OPA 48 is met.

Subsection 3.13.3(g)(iii) is not applicable as the subject property is located outside of the Oak Ridges Moraine Settlement Area.

The proposed development represents a modest increase in the maximum permitted height for the dwelling, given the context of the surrounding area, no visual impact or privacy issues is anticipated as a result of the proposed development. The proposed development will have a larger footprint than the existing dwelling and based on the submitted drawing, is not anticipated to further impede the movement among KNHFs or KHFs on the property, and is located away from the existing features.

Additionally, while the lands are located within a "Category 1 (Complex Landform)" Landform Class, the proposed development does not trigger any disturbance thresholds on the subject lands, as outlined in Section 3.13.6 of OPA 48.

Staff are of the opinion that the requested variance meets the general intent of the Official Plan.

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

The proposed development is located wholly within the NL-ORM Zone. The Zoning By-law defines "Building Height" of a flat roof as the vertical distance between the average finished grade and the highest point of the structure, roof surface or the parapet, whichever is the greater. The intent of the development standards of the Town's Zoning By-law as provided for in Section 17.1.1, is to ensure that development or site alteration occurs in accordance with the policies of the ORMCP, and to ensure there is no adverse impact on nearby KNHFs or KHFs. The intent of the Zoning By-law maximum height restriction is to ensure adequate privacy for residents and to assist in achieving a uniform, aesthetically pleasing streetscape. To achieve this, visual impact of the proposed building shall be adequately designed to avoid overbuilding and incompatibility.

The requested variance seeks to permit development that is located away from any KNHFs or KHFs present on the subject lands and is proposed to be located within an area that is already disturbed on the property. Staff in consultation with the LSRCA have confirmed that the proposed development will not result in any adverse impacts to the ORM or any features on the subject lands. The requested height increase is also not expected to result in any visual impacts or incompatibility issues.

Staff are of the opinion that the requested variance meets the general intent of the zoning by-law.

c) The variance is considered desirable for the appropriate development of the property

The proposed variance would allow for additional leisure space and storage space within the dwelling for the current homeowner to maintain the proposed rooftop garden and solar panels. The proposed area which requires additional height is modest in nature, will

not adversely affect any neighbouring properties, and is well screened from Vandorf Sideroad (due to the topography of the lands, location of the dwelling and the existing onsite vegetation). Adjacent dwellings are also separated by quite a significant distance with existing vegetation which provides for screening purpose. As mentioned, in consultation with the LSRCA, it has been determined that there will be no adverse affects on the KNHFs or KHFs located on the subject lands. Additionally, Departments and Agencies circulated have not raised concerns for this application.

Staff are of the opinion that the proposed variance is desirable for the appropriate development of the property.

d) The Variance is considered minor in nature

There is minimal impact as a result of the proposed variance. The proposed height is not considered to be an egregious increase from the zoning standard and the additional height will occur for a small area of the proposed building. No adverse impacts on streetscape, surrounding character of the community or KNHFs/KHFs are anticipated. Staff are of the opinion that the requested variance is 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 June 24, 2022 to confirm the variance required for the proposed development.
Engineering Division	Comments provided stating no comments/concerns with proposed application (dated June 29, 2022)
Operational Services (Parks)	Comments provided stating there are trees situated on the subject property that may require removal and may be impacted by excavation or disturbance due to demolition/construction of the residence. Parks staff recommend that the Committee impose the following conditions if this application is approved. (dated June 29, 2022)

Department or Agency Com	That the owner may be required to provide an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester
	Evaluation Report prepared by a Certified
	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.

Department or Agency	Comments	
	 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 	
Operational Services (Public Works)	No comments received at the time of writing this report.	
Central York Fire Services	Comments provided stating no comments/concerns with proposed application (dated June 29, 2022)	
York Region	York Region has completed its review of the application and will defer to the LSRCA for any comments/requirements related to natural heritage, including natural hazards (i.e. flood hazard) (dated June 17, 2022)	
LSRCA	Comments provided stating the proposal is consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, LSRCA recommend that any approval of this application be subject to the following condition: (dated July 6, 2022) a) That the Owner shall pay the LSRCA Plan	
	Review Fee in accordance with the approved Fees Policy (Note: payment is currently outstanding for the LSRCA review of the minor variance application of \$525.00 per the LSRCA 2022 Fee Schedule).	

Department or Agency	Comments
	 b) That the Owner shall obtain a permit under Ontario Regulation 179/06 prior to the proposed development and site alteration taking place. c) That the Owner shall provide a detailed planting plan for the required minimum vegetation protection zone to the Natural Heritage Features. d) That the Owner shall provide a detailed grading plan and erosion control plan.
	Note: The plantings should be targeted to areas directly adjacent to existing natural areas and the proposed development (i.e. stream, significant woodland). An updated Site Grading Plan is also required showing Erosion and Sediment Control details in accordance with Section 2.6 of the "LSRCA Technical Guidelines for Stormwater Management (SWM) Submissions". The applicant is to demonstrate on this plan that there will be no significant changes to significant site grading within the stream and woodland setback, including activities such as backfilling and excavation.
	For general guidelines for preparing the planting plan, LSRCA suggests using "CH Guidelines for Landscaping and Rehabilitation Plans, June 2021" which can be found on Conservation Halton website and the link below:
	https://www.conservationhalton.ca/policies-and- guidelines
	Please note that per Section 2.1.7 of the Provincial Policy Statement: Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal

Department or Agency	Comments
	requirements. Please note that a Species at Risk (SAR) Assessment based on existing or potential habitat, with a focus on SAR Bats, Butternut, and potential Barn Swallow and Chimney Swift Habitat in the existing dwelling and/or trees proposed for removal may be required as determined by Ministry of Environment Conservation and Parks (MECP). Please contact the MECP York Durham District Office for additional information.
Alectra	No concerns with the proposed minor variance (dated June 29, 2022)

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 meets the four tests the Planning Act for granting of minor variances. Please refer to Appendix 'A' for recommended conditions of approval for the requested variance.

Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' - Drawings

Appendix 'A' - Recommended Conditions of Approval

The following conditions are required to be satisfied should application MV-2022-21 be approved by the Committee of Adjustment:

- 1. That the variance only applies to the subject property, in substantial conformity with the plans attached as 'Appendix B' to this Staff Report, to the satisfaction of the Director of Planning and Development Services or designate; and,
- 2. That the Owner shall agree that any single detached dwelling permitted to be constructed shall not exceed a total ground floor area of 500m²; and,
- That the Owner shall enter into a Letter of Undertaking with the Town of Aurora, to ensure that the development and site alteration occurs in accordance with the conditions of minor variance approval, and to guarantee compliance with all related site work, to the satisfaction of Town of Aurora Director of Planning and Development; and,
- That the Owner shall pay the LSRCA Plan Review Fee in accordance with the approved Fees Policy (Note: payment is currently outstanding for the LSRCA review of the minor variance application of \$525.00 per the LSRCA 2022 Fee Schedule); and,
- 5. That the Owner shall obtain a permit under Ontario Regulation 179/06 prior to the proposed development and site alteration taking place; and,
- 6. That the Owner shall provide a detailed planting plan for the required minimum vegetation protection zone to the Natural Heritage Features; and,
- 7. That the Owner shall provide a detailed grading plan and erosion control plan; and,
- 8. That the owner shall 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. 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; and,

- 9. That the Owner shall 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; and,
- 10. 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.

Appendix B

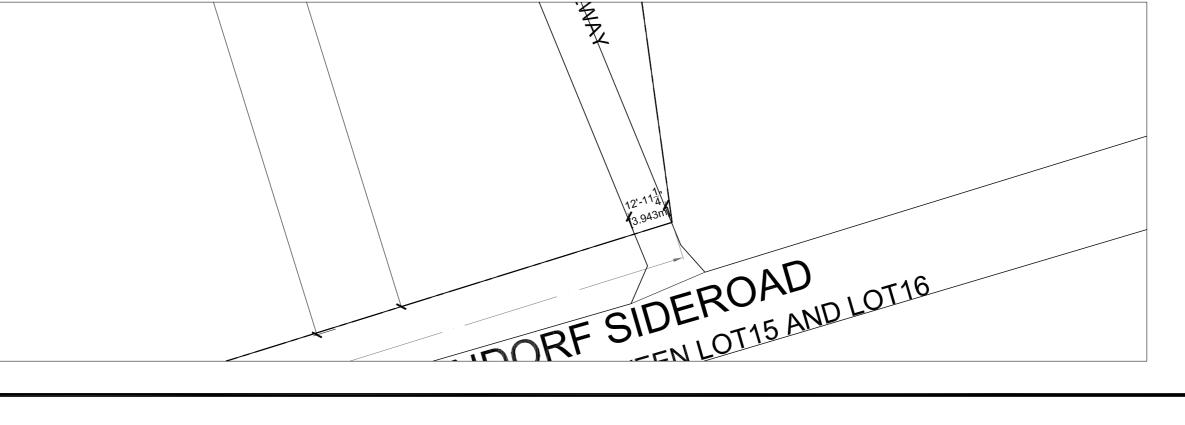
	NL-ORM ZONE		
ZONING	C-ORM ZONE (By-law No. 4468-03.D)	LOT NO.	
PLAN NO.		LOT AREA	434,137.9 SQF (40,332.7 SQM)
LOT FRONTAGE	331.23' (100.96 M)	LOT DEPTH	1309.27' (399.07 M)
DESCRIPTION	EXISTING	PROPOSED	REQUIRED
MIN.LOT FRONTAGE	331.23' (100.96 M)	331.23' (100.96 M)	15M
MIN. LOT AREA	1,309.27' (399.07 M)	1,309.27' (399.07 M)	450 SM
MAX.BUILDING HEIGHT	_	× 40' - 6 5/8" × (12.41 M)	10 M
NO. OF STORIES	1.5	3	NA
DRIVEWAY WIDTH	4M	4M	4M
BUILDING AREA		5,329 SQF (495.08 SQM)	NA
GROSS FLOOR AREA		9,639 SQF (895.49 SQM)	NA
MAX LOT COVERAGE		5,329 SQF (495.08 SQM)	NA
AVERAGE GRADING		291.62M	NA
FIRST FLOOR ELEVATION	_	293.50M	NA
SETBACK	EXISTING	PROPOSED	REQUIRED
FRONT (SOUTH)	1041'-8 1/2" (317.51m)	1042'-2" (317.7m)	15.0m
SIDE (WEST)	32'-6" (9.9m)	32'-11" (10.03 m)	9.0m
SIDE (EAST)	231'-5 1/2" (70.5m)	217'-5 3/4" (66.29m)	4 <u>.</u> 5m
REAR (NORTH)	150'-4" (45.8m)	123'-2 3/8" (37.6m)	22.0m

* VARIANCE

STATISTICS	AREA	%	COMMENTS
TOTAL LOT AREA	434,137.9 SQF (40,332.7 SQM)	100	
	IMPE	ERVIOUS AREA	s
House Footprint	4,396 SQF (408.4 SQM)	1.01	
Garage Footprint	933 SQF (86.68 SQM)	0.21	
Driveway Area	17,158 SQF (1594 SQM)	3.95	
Walkway and Interlocking Patios	1,114 SQF (103.49 SQM)	0.26	Wood Decks are exempt
Sheds and Gazebos	NA	NA	
Pool and Pool Deck	NA	NA	
Other	NA	NA	
Total Impervious	23,661 SQF (2,198.18 SQM)	5.43	Category 1 - 15% Permitted
	DIST	URBED AREAS	6
Impervious Areas	23,661 SQF (2,198.18 SQM)	5.43	
Septic Bed	9752 SQF (906.0 SQM)	2.25	
Re-graded Area	1875 SQF (174.19 SQM)	0.43	Only where grades are altered
Filled Area	710 SQF (65.96 SQM)	0.16	Not including sod and other landscaping
Other Disturbed	NA	NA	
Total Disturbed	37,253 SQF (3,460.92 SQM)	8.58	Category 1 - 25% Permitted

TOWN OF AURORA
PLANNING & DEVELOPMENT SERVICES
BUILDING DIVISION **PERMIT NO.:** PR20220778 **DATE:** Jun. 24, 2022 APPROVED BY: *Hishley Vanderwal* PRELIMINARY ZONING REVIEW AMENDED





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١.	Revision	Date	Ву
	SITE PLAN	2021/12/02	
	FOR MINOR VARIANCE	2022/05/03	

QUALIFICATION INFORMATION Required unless design is exempt under 2.17.5.1. of the building code

QUALIFICATION INFORMATION Required unless design is exempt under 2.17.4.1. of the building code

FIRM NAME: 9676538 CANADA INC.

REGISTRATION 117699





ZEN HOUSE

1622 VANDORF SIDEROAD

Project number: 2021-06

Scale 1/32"=1'-0"

SITE PLAN

Drawing No. A001



